

OKALOOSA COUNTY DEPARTMENT OF CORRECTIONS INMATE RULES AND REGULATIONS

INTRODUCTION

As in any community, it is necessary that you respect the rights, privileges and responsibilities of everyone. This is needed to an even greater degree in an institution such as this.

We expect you to take advantage of the opportunities provided to assist you. In addition, your behavior must be within acceptable limits. The rules and regulations are for your benefit and welfare. You have certain rights and access to certain programs that are listed in this pamphlet. At the same time, there are responsibilities that you must meet. This pamphlet lists prohibited acts in the institution and types of disciplinary action that may be taken if you violate any of these acts. Read them carefully to fully understand what is expected of you and what you can expect in return. If you violate any of these rules, administrative and/or legal action can be taken against you.

This pamphlet contains information that could also make your stay here more beneficial.

IT IS IMPORTANT THAT YOU READ AND KNOW THE CONTENTS OF THIS PAMPHLET. THIS IS YOUR INFORMATION. IT IS YOUR RESPONSIBILITY TO SEEK CLARIFICATION ON ANYTHING IN THIS PAMPHLET THAT YOU DO NOT UNDERSTAND.

Larry W. Caskey
Director
Department of Corrections

ARREST

The jail serves several basic purposes. The main purpose is to detain persons awaiting trial. To a lesser degree, to hold persons convicted of a crime while they await sentencing or serving a sentence. Entrance into the criminal justice system begins at the time of the arrest. Arrests fall into two categories: 1) service of a capias or warrant or 2) police action. In a capias/warrant arrest, a judge reviews affidavits and other information and determines that there is a reason to believe that the defendant has committed a particular crime. A capias is usually issued by the Clerk of the Court based on an information filed by the Office of the State Attorney. Police action usually results in an arrest when an officer responds to a crime scene or views a crime taking place. These arrests are based on "Probable Cause" that a crime has been committed and the defendant committed a crime. You must remember that under the U.S. judicial system the defendant is presumed innocent unless and until he is proven guilty beyond a reasonable doubt by trial in a court of law.

BOOKING

The booking process usually follows an arrest. Booking involves an Admission, Classification and Release (A.C.R.) officer making an official record of certain information. The inmate himself provides much of this information. Other information is derived from the arrest paperwork and from the computerized criminal history. The taking of fingerprints and a photograph is also involved. After a photograph is taken, you will be issued an identification badge with your picture and name on it. You are expected to wear this identification any time you are out of your cell even in the dayroom. This will be required for identification whenever recreation is run, meals are served, medication is given or commissary is delivered. There will be a ten (\$10) dollar charge for replacement identification. The defendant is allowed to make telephone calls during the admission process. Each time you are booked into this facility you will incur a subsistence fee of thirty (\$30.00) dollars. In some cases (especially misdemeanors), bond may be posted immediately after booking. In a warrant arrest, the bond amount has often been pre-determined by the judge who issued the warrant; otherwise, the Shift Commander or A.C.R. Supervisor is authorized to determine the bond amount from a schedule published by the court. Your copy of your arrest report will indicate the date of your scheduled court appearance. Normally this is your "plea day."

Any inmate when booked and released on a charge sexual in nature as determined by FSS 775.21, 943.0435, 944.607, 985.481 will complete a FDLS Sexual Predator/Sexual Offender Registration Form.

Okaloosa County Department of Corrections collects social security numbers (SSN) for the following purposes:

- **Fingerprint reporting**
- **Search and/or identification of inmates and/or wanted persons**
- **Reporting to Social Security Administration**

FIRST APPEARANCE

If the defendant remains in custody, he will be taken before a judge within 24 hours. This may not apply on an arrest for violation of probation, parole or violation of a conditional release from prison. At this first appearance, a judge will review the arrest information, advise you of your rights and appoint legal counsel (attorney) if you desire one and qualify. The judge may set a bond that is different from a previous bond determination. In reviewing the arrest information or arrest report, the judge checks to see if sufficient probable cause exists as he would prior to signing a warrant; however, this action is not required prior to 72 hours.

PLEA DAY

The next scheduled court appearance following your First Appearance Hearing will normally be your plea day. This date is indicated on your arrest report. On plea day, the defendant may plead "guilty" or "not guilty." The court may order a pre-sentence investigation (PSI) or set a trial date. The judge will usually not consider bond reductions or other matters at that time.

BONDS/PRETRIAL SUPERVISION

Bail bonds are one of the most misunderstood aspects of the criminal justice system. Bonds exist primarily to assure that you meet your scheduled court appearances. The judge may consider any number of factors in setting a bond. The most important considerations involve the seriousness of the alleged offense and the

perceived threat you may pose to the public. The judge has wide discretion in determining the amount and type of bond and may impose virtually any reasonable conditions. The judge is required to set a bond on each charge and a bond is required for each charge. Often a condition of bond involves some degree of pretrial supervision with enrollment in Batterers' Intervention Class, Anger Management, etc.

RELEASE ON RECOGNIZANCE BOND (ROR) is your promise to appear in court. There is no money collected or collateral involved. ROR is seldom available to defendants charged with crimes of violence or the more serious felonies. It is almost never used with transients or people with a history of failing to appear in court.

SIGNATURE BOND is similar to an ROR bond; however, another person co-signs with the defendant and becomes responsible to see that the court appearances are met.

PROPERTY BONDS involve the use of real estate located in the State of Florida as security. Property bonds are handled by the Sheriff's Department and must be completed by them. The following conditions apply:

- a. Property cannot be a homestead.
- b. All owners must sign the bond.
- c. The net worth on a forced sale must equal the bond amount.

Property located in other Florida counties can often be used. It is necessary that the Sheriff of that county verify sufficiency and ownership.

CASH BOND is when a deposit of cash is used to guarantee court appearance. Cash deposited as bond is normally returned to depositor when the case is concluded minus any fines or court costs.

PROFESSIONAL BONDS are posted by persons licensed by the State of Florida and registered with the Clerk of Circuit Court and Sheriff of Okaloosa County. Bondsmen by law charge 10% of the bond amount to affect the release of the inmate. This 10% charge is a fee and is not returnable. As a bondsman often requires collateral or a co-signer, it is usually easier to have a family member or a friend meet the bondsman rather than the inmate. The bondsman is a businessman and will make every reasonable effort to do business.

Your attorney may file a request for a bond reduction with the court. Bonds set at first appearance are seldom lowered unless your charges are reduced or other significant changes occur in your legal status.

NOTE: Persons charged with D.U.I. must remain in custody until they are no longer under the influence of alcoholic beverages or chemical substances set forth in FS 316.193(9) or any substance controlled by Chapter 893 and affected to the extent that their normal faculties are impaired, their blood alcohol or breath alcohol level is below .05%, or until 8 hours has elapsed since the time the person was arrested. Persons arrested for Domestic Violence must remain in custody until after they have attended their first appearance hearing.

CLASSIFICATION

You will be housed in new commitment general population for approximately three to five days when you are first booked into the jail. Your attitude, conduct and adjustment will be monitored and documented on a continuous basis during this time until you are classified. You will be examined by medical staff and interviewed by a classification officer for the purpose of classifying you to a housing category. This is done to assure proper security and protection. There are established criteria to classify all inmates into a specific security classification and to identify special category inmates. Arrest charges, bond, escape history, etc. are the main consideration for classification. Example: A person charged with a capital felony is usually a maximum-security inmate whereas someone unable to post bond on a misdemeanor would probably be assigned minimum-security housing. Inmates identified as having mental or medical problems would be considered for special housing category. With borderline cases, an inmate with a positive attitude, good adjustment and respect for authority may be assigned a lower security classification. As a general rule, minimum-security inmates receive more freedom and privileges than maximum or medium security inmates.

Inmates determined to be a risk to commit sexual assault will be classified at a higher security level and those determined to be at risk for sexual assault will be classified at a level to serve as protection.

CLOTHING/LINEN/LAUNDRY

Linen will be laundered twice per week on a day designated for your housing area. Clothing items will be laundered twice per week on designated days for each housing area. The officer assigned to your area can advise you which day.

Upon booking, you will receive the following items:

Uniforms (3)	Mattress	Toothpaste
Pillow (if not attached)	Sheets	Toothbrush
Towels (2)	Pillowcase (as needed)	Toilet Paper
Soap	Blanket	Shower slides (as needed)

Inmates housed in the work pod will be issued 4 uniforms and more durable shoes.

HOUSEKEEPING

While you are incarcerated, your cell is expected to be kept clean and orderly. Each morning, immediately after breakfast, cleaning supplies will be issued as necessary and each inmate will be required to clean their cell and common area. An inmate will be assigned daily to clean the common areas. Cleaning will consist of the following:

1. Return food tray to cart immediately after use.
2. Elimination of any clutter.
3. Floors in cells and halls are to be kept swept and mopped.
4. Walls and beds cleaned and kept free from any object, pictures, graffiti, etc.
5. Garbage and trash receptacles emptied and cleaned.
6. Urinals, showers and lavatories cleaned.
7. Bars cleaned and kept free from clutter, towels, books, uniforms etc.
8. Inmate's property will remain orderly with excess property placed in storage.
9. Perishable food or other items that may cause unsanitary conditions will not be stored in the housing areas.
10. Obstructions that impair an officer's ability to view housing area are not permitted. Towels and uniforms may not be hung from the bars or the vents.

PERSONAL HYGIENE

You are responsible for your own personal hygiene. Certain personal care items such as soap, toilet paper, toothpaste, etc. are issued once per week. For female inmates, feminine hygiene items are available daily. Shampoo, deodorant, etc. are available through the jail commissary. Inmates are encouraged to shower daily; you are required to bathe twice per week. Inmates may purchase a professional haircut via request form. There is a \$10.00 charge for haircuts and \$4.00 charge for beard trims.

MEDICAL SERVICES

All inmates are entitled to adequate medical attention. A medical screening will be done during the initial booking process and a physical examination by the medical staff will occur within fourteen days after admission. All medical problems including dental, psychiatric, etc. are to be directed to the medical staff. Routine sick call is available seven days a week and can be accessed through sick call requests handed to the nurse each morning at med pass. If you are seen by a nurse, doctor or dentist, you will be charged a co-payment of \$7.50 for sick call, prescriptions and nurse visits and \$15.00 for dentist and doctor visits. All personal medicines and medical supplies will be destroyed thirty days after inmate release unless picked up by the inmate. All inmates released while receiving medication will receive a minimum of three days worth of prescription for continuity of care. You may also be charged for other medically related services. Co-payments will be deducted from your inmate account. Co-payments may be waived if the appointment is initiated by the medical staff. If you don't have any money, you will still be seen but a debit will be placed against your account to collect if a deposit is made at a later time. Health care costs for inmates housed in this facility under contract for another agency will be handled as provided by the contract. Any records requested to be released requires a release of information be signed. Over the counter medications are available through the inmate commissary to aid you in treating your own minor ailments.

It is important to understand that even if you have no money in your account, you will not be refused necessary medical treatment. If you feel you need to be seen by the medical personnel, make a written request to do so using a sick call form distributed and collected each morning by medical staff.

INMATE PERSONAL PROPERTY

During the admission process, personal property and money brought in with you is inventoried. Inmates are given a copy of this inventory and a receipt for any items or money retained. Property retained is placed into storage. Money retained is deposited into an account under your name. **Inmates may have money deposited into their inmate account by money order only. The money orders must be made out to the Department of Corrections.** Only government checks or payroll checks will be accepted made out to the inmate, all other checks made out to the inmate will be returned to sender. If no return address is available, the check will be held giving the inmate the opportunity to provide an address to return it. Inmates are allowed to keep property as allowed on the approved list (attached and posted in inmate housing); any unauthorized property found in your possession including money is considered contraband and will be confiscated. Possession of contraband may also be considered a felony offense. The Department of Corrections is not responsible for lost or stolen property. Property may be released to a family member or friend as requested by the inmate through a request form. Any property released will be released as a total package. Any property left unclaimed will be disposed of fifteen (15) days after your release.

Items that have been authorized for inmates to have in their possession have been identified and listed through Written Directive. For the benefit of visitors, the Directive will be posted in the Jail Lobby, Administration Office, and the General and Legal Visitation areas. All necessary items may be purchased through commissary.

CONTRABAND

No person shall introduce or cause to be introduced into or upon the property of a detention facility, or give to any inmate, any article of contraband; or give to any inmate anything which is not specifically authorized by written detention facility directive, or which has not been specifically authorized by the Officer-in-Charge or designee. The Officer-in-Charge or designee will establish and provide a list of articles or items which inmates may have in their possession. All other items in the possession of an inmate shall be considered contraband. Any item altered from its original state is considered contraband even those items purchased from commissary.

Confiscated monies shall revert immediately to the inmate welfare fund, unless it is needed as evidence in a trial or disciplinary hearing. If the inmate is to be charged under the contraband statute, Section 951.22, Florida Statutes, any contraband shall be disposed of in accordance with Section 932.704, Florida Statutes.

DISCIPLINE

Any charges stemming from violations of facility rules may result in a disciplinary action.

The charge will be addressed in accordance with the Florida Models Jail Standards. A hearing will normally be held within seven (7) working days after the incident, excluding weekends and holidays. The date of the hearing must also provide that the inmate has had at least 24 hours prior notice of the hearing to prepare a defense. A Disciplinary Hearing will be held by a committee or a Disciplinary Hearing Officer pursuant to Florida Model Jail Standards to maintaining the following guidelines:

- A. The DHO will maintain proper decorum during the hearing.
- B. The DHO will ensure that the inmate understands the charges and possible consequences.
- C. The DHO will offer a staff member to assist the inmate if the inmate is apparently illiterate, has a language barrier, or the complexities of the issue make it unlikely that the inmate could properly represent himself.
- D. The DHO, at his discretion, may approve an inmate's request for assistance, witnesses or other evidence. Denial of any request must be documented.
- E. The results of the hearing shall be announced to the inmate.
If found not guilty, the D.R. and all references to it will be documented as such.
If found guilty, the recommendation for punishment will be forwarded to the Director. The inmate will be given a copy of the decision. The reason for the decision and the evidence relied upon will be noted.
- F. Subsequent violation of jail rules could result in criminal prosecution (ref: FS 951.23).

The hearing may be continued for up to ten (10) days for extenuating circumstances.

DISCIPLINARY ACTION:

For any offense, the Disciplinary Committee or the Disciplinary Hearing Officer may:

- A. Recommend disciplinary confinement for not more than 30 days per violation.
- B. Recommend criminal prosecution.
- C. Recommend monetary restitution for material or services.
- D. Issue a reprimand.
- E. Recommend that a given sentence be suspended, pending the completion of a period of probation.
- F. Recommend a loss of privileges for a specified length of time.
- G. Recommend the loss of good time (earned or statutory).
- H. Recommend a classification change.
- I. Recommend management loaf.

The Director will review the recommendation of the committee or the Hearing Officer. The Director may, at his discretion, agree with or reduce (not increase) the recommended penalty and impose the appropriate sanctions.

INMATE RIGHTS

Inmates have rights in disciplinary actions. A disciplinary hearing is an administrative action, not criminal court. However, certain due process procedures do apply. An inmate is entitled to:

- A. A prompt hearing (normally within seven days excluding holidays and weekends).
- B. At least 24 hours to prepare a defense.
- C. A copy of the charges.
- D. To remain silent (the DHO may consider silence in a manner adverse to the inmate).
- E. To be present except when compelling reasons exist for the inmate's removal. These reasons must be documented.
- F. Call witnesses and present evidence.
- G. A fair and impartial hearing.
- H. A copy of the written decision.
- I. Appeal the decision to the Director within 72 hours.

NOTE: An inmate does not have the right to confront his accusers or cross-examine witnesses. As this is an administrative hearing, the concept of double jeopardy does not normally apply, as disciplinary sanctions do not preclude criminal prosecution for the same offense.

PROHIBITED CONDUCT

The following is a list of prohibited acts or conduct for inmates in custody of the Okaloosa County Department of Corrections, by category of seriousness:

- A. **MINOR OFFENSES:** In addition to other authorized sanctions, the presumptive sentence is normally in disciplinary confinement for up to 10 days. After a guilty finding under this category, subsequent (similar) offenses in this category may be upgraded to twenty days disciplinary confinement.
 1. Assault on any person, officer or other staff member or threat coupled with the ability to carry out the threat. An act that created a well founded fear that violence was imminent.
 2. Tattooing or other self-mutilation.
 3. Being unsanitary or untidy, failing to keep one's person or one's quarters in accordance with standards (e.g. placing pictures on the walls).
 4. Making intoxicants or being intoxicated. Possession of intoxicants.
 5. Stealing (theft). Possession of property of another inmate.
 6. Making sexual proposals or threats to another. Indecent proposals or threats to another. Indecent exposure of genitals or buttocks. Includes lewd and obscene conduct.
 7. Insolence toward a staff member or verbal challenge to officer's authority or obscene gestures.
 8. Lying or providing false statement to a staff member.
 9. Using abusive or obscene language, language the average person would find patently offensive.
 10. Criminal mischief or damage to the property of another person.
 11. Possession of contraband (anything not authorized). Possession of tobacco or smoking paraphernalia.
 12. Misuse of authorized medication.
 13. Malingering or faking an illness (includes deliberately exaggerating the seriousness of an illness).
 14. A sentenced inmate refusing to work, encouraging others to refuse work or participating a work stoppage.

15. An inmate failing to follow the instructions of a supervisor.
16. Using any equipment or machinery contrary to instructions or posted safety standards.
17. Being in an unauthorized area.
18. Adulteration of any food or drink.
19. Loaning of property or anything of value for profit or increased return.
20. Giving or offering any official or staff member a bribe or anything of value.
21. Mutilating or altering issued clothing, armband, bedding, linen or mattresses. Vandalism, defacing wall, or any county property.
22. Unauthorized use of mail or telephone.
23. Unauthorized contacts with the public.
24. Correspondence or conduct with a visitor in violation of posted regulations. Giving money or anything of value or accepting money or anything of value from another inmate, member of their family or their friend.
25. Affray or fighting with another person by mutual combat.
26. Participating in an unauthorized meeting or gathering. Gambling, conducting a gambling pool or possession of gambling paraphernalia.
27. Refusal to obey the lawful order of a staff member.
28. Disruptive conduct.
29. Failure to wear identification as instructed.

B MAJOR OFFENSES: Same as per minor offense, except disciplinary confinement will normally be for fifteen (15) to thirty (30) days. Subsequent charges for the same or similar offense will normally result in disciplinary confinement for thirty (30) days.

1. Criminal mischief (damage to property over \$250).
2. Aggravated assault or an assault with a weapon on an inmate, officer or other staff member.
3. Aggravated battery; battery with a deadly weapon, or degree of force likely to result in serious injury.
4. Counterfeiting, forging or unauthorized reproduction of any document, article or identification, money, security or official document.
5. Extortion, blackmail or protection; demanding anything of value in return for protection against others, to avoid bodily harm.
6. Possession of contraband (explosives, ammunition, firearm, weapon, controlled substance or escape paraphernalia). Possession of anything not authorized or receipted by the inmate and not issued to them through proper channels.
7. Escape or aiding, attempting or planning to escape. Wearing a disguise or mask.
8. Engaging in sexual acts with others.
9. Conduct which disrupts or interferes with the security or orderly running of the institution. This includes the advocating, creating, engaging in or promotion of a disturbance, group demonstration or work stoppage.
10. Inciting sentenced inmates to strike or preventing an inmate to work as assigned.
11. Tampering, blocking or attempting to tamper with or block any locking device or other security apparatus. This includes the audio and video monitors.
12. Rioting; this includes the advocating, creating, engaging in, encouraging others or other promotion of a riot.
13. Arson, setting or attempting to set a fire.
14. Resisting an officer with or without violence.
15. Violation of any other law considered a felony in nature.
16. Introduction of contraband to a detention facility.
17. Failing to stand count, interfering with the taking of count.

PENALTIES: Inmates found guilty of violating jail rules and ordered confined in disciplinary confinement will automatically lose all privileges for the duration of said confinement. Loss of privileges includes no visitation, commissary, church services and availability of the telephone. Reading material will be restricted to the inmate's Bible or comparable text. Inmates who repeatedly violate the rules may be charged in criminal court with a misdemeanor offense under Fs 951.23 and on conviction can be sentenced to an additional sixty (60) days for each violation. In addition, inmates may lose all or part of any gain time earned or otherwise eligible to earn. Management loaf may be required should the inmate continue to throw food, urine, excrement or garbage while serving their disciplinary confinement.

