After the Audit

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Agenda

• Process following audit
• Identify options to noncompliant standards
• Define, describe & provide examples for each option
• Prep for the Commission
• Commission Hearing
• Questions
Accreditation Manager After the Audit Exit Brief
Process Following the Audit

• Copy of all noncompliant & non-applicable findings left with the agency
• Chair submits report to ACA within 14 days from conclusion of audit
• ACA reviews report and provides copy to agency to respond to noncompliant standards
• Agency provides response to each noncompliant standard
• ACA sends responses to Audit Chair for comment
• ACA prepares final report for Commissioners
• Commissioners makes accreditation decision at panel hearing to include approving/disapproving responses to noncompliant standards
When a standard/expected practice is found in non-compliance, the agency may respond to the finding in one of four ways...
Responses to Noncompliance

- Appeal
- Plan of Action
- Waiver
- Discretionary Compliance
RESPONSE TO NONCOMPLIANCE
Submit one of the following for the noncompliant standard referenced above. Please forward a copy of your response to the chairperson of the visiting committee.

- Plan of Action
- Plan of Action Waiver Request (over)
- Appeal of the Visiting Committee Finding (over)
- Discretionary Compliance Request (over)

Plan of Action
Please explain completely the corrective action that will be taken to comply with the standard. In the order of anticipated completion dates, list the tasks necessary to achieve compliance, the responsible agency (including parent agency), and assigned staff member.

Task
a.
b.
c.

Responsible Agency
a.
b.
c.

Assigned Staff
a.
b.
c.

Anticipated Completion Date
a.
b.
c.
Plan of Action Waiver Request
*Indicate why the requirement for compliance should be waived.*

Appeal of the Visiting Committee Finding
*Indicate your reason for disagreeing with the visiting committee's finding of noncompliance.*

Discretionary Compliance Request
*Please check the following reasons that apply for requesting a discretionary compliance.*

- An unwillingness to request funds from a parent agency or funding source.
- A preference to satisfy the standard/expected practice's intent in an alternative fashion.
- An objection from a parent agency, higher level government official, or funding source to the nature of the standard/expected practice.
- A clear policy in place at a higher level that is contrary to the requirements of the standard/expected practice.
- An existing provision in a collective bargaining agreement that makes compliance impossible (without bargaining with the employees' union to effect such a change).

Describe the condition generating the request and how non-compliance will not adversely affect, in a significant manner, the life, health, and safety of staff or inmates/residents/offenders/clients or, to any degree, the constitutional operation of the facility or program.

Agency Representative: ___________________________  Date: ___________________________

Comments from the Visiting Committee on the Plan of Action, Plan of Action Waiver Request, Discretionary Compliance Request or Appeal
Appeal

- **Defined as** “The agency’s attempt to change the visiting committee’s decision on a standard.” ACI, Fourth Edition Manual, p.184
- **Used when the agency** non-concurs with the finding of the visiting committee
- Appeals could be used for an error or oversight by the visiting committee in reviewing documentation or applying a particular standard to an agency that does not apply
  - Shower ratios incorrectly counted
  - Finding of NC with a female standard at a male only facility
Appeal

- Appeal should provide all information necessary for panel to rule on finding
- The agency may not present documentation that did not exist at the time of the audit
- Burden of proof documentation existed at time of audit on the agency
RESPONSE TO NONCOMPLIANCE
Submit one of the following for the noncompliant standard referenced above. Please forward a copy of your response to the chairperson of the visiting committee.

- Plan of Action
  - Plan of Action Waiver Request (over)
- Appeal of the Visiting Committee Finding (over)
- Discretionary Compliance Request (over)

Plan of Action
Please explain completely the corrective action that will be taken to comply with the standard. In the order of anticipated completion dates, list the tasks necessary to achieve compliance, the responsible agency (including parent agency), and assigned staff member.

Task
a.
b.

Responsible Agency
a.
b.

Assigned Staff
a.
b.

Anticipated Completion Date
a.
b.
Plan of Action Waiver Request
*Indicate why the requirement for compliance should be waived.*

Appeal of the Visiting Committee Finding
*Indicate your reason for disagreeing with the visiting committee's finding of noncompliance.*

The attached pictures demonstrate the housing area in question had sufficient showers. By housing area is the number of beds at maximum capacity and number of showers by housing areas.

<table>
<thead>
<tr>
<th>Housing Area</th>
<th>Capacity (# of Beds)</th>
<th>Showers</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>100</td>
<td>15</td>
</tr>
<tr>
<td>B</td>
<td>100</td>
<td>15</td>
</tr>
<tr>
<td>C</td>
<td>120</td>
<td>15</td>
</tr>
<tr>
<td>D</td>
<td>80</td>
<td>12</td>
</tr>
</tbody>
</table>

Discretionary Compliance Request
*Please check the following reasons that apply for requesting a discretionary compliance.*
- An unwillingness to request funds from a parent agency or funding source.
- A preference to satisfy the standard/expected practice’s intent in an alternative fashion.
- An objection from a parent agency, higher level government official, or funding source to the nature of the standard/expected practice.
- A clear policy in place at a higher level that is contrary to the requirements of the standard/expected practice.
- An existing provision in a collective bargaining agreement that makes compliance impossible (without bargaining with the employees’ union to effect such a change).

Agency Representative: ____________________________ Date: ____________________________
Appeal

• **Result of successful appeal** is a change in the status of the standard & recalculation of the agency compliance tally

• **Result of denied appeal**
  – Agency must submit a plan of action, waiver, or discretionary compliance for the standard
  – Denial of mandatory standard could result in other actions of the commission
Plan of Action

• **Defined as** “A detailed statement of actions which an agency takes to achieve compliance with a standard found in noncompliance at the time of the audit.” ACI, Fourth Edition Manual, p.194

• **Used when the agency** concurs with the finding of noncompliance by the visiting committee and plans to correct the deficiency

• Could be used for a standard that your policy procedure or practice may not be compliant with the standard; or physical plant standards

• Historically a plan of action is the most common response provided for noncompliance findings of a standard
Plan of Action

• Plan of action specifies:
  – The statement of deficiencies
  – Description or summary of actions necessary to achieve compliance
  – Tasks to be completed
  – Individual responsibilities for each task(s)
  – Timetables to be met

• Plan of actions need to make sense & be feasible

• Must include facility & agency responsibilities if applicable
RESPONSE TO NONCOMPLIANCE

Submit one of the following for the noncompliant standard referenced above. Please forward a copy of your response to the chairperson of the visiting committee.

X Plan of Action
- Plan of Action Waiver Request (over)
- Appeal of the Visiting Committee Finding (over)
- Discretionary Compliance Request (over)

Plan of Action

Please explain completely the corrective action that will be taken to comply with the standard.

The agency has a Master Plan to increase the number of facilities and bed space by the year 2010 based on inmate estimated population. The master plan is attached. Below is mitigation to meeting the standard.

For management reasons, housing units at Drum, as well as other institutions, are designed to house two inmates per cell. Although the amount of unencumbered space per cell does not meet the standard at the facility, we manage our inmate population by providing a variety of programs and activities and encourage program participation on a daily basis. At Drum, each housing unit has common areas in which inmates have the opportunity to interact with others and to participate in a variety of unstructured activities such as: reading, writing letters, playing cards and board games and watching television. At the Camp, the inmate population does have access to an indoor recreation area and a number of day rooms in which they have available a variety of programs, structured or unstructured, to participate in. Provided is an overview of programs and services that are available to the inmate population:

At Drum, inmates spend an average of 16.5 hours per day out of their cells. Inmates are only secured in their cells from 4 p.m. to 4:30 p.m., 9 p.m. - 9:30 p.m. and from 11:30 p.m. to 6 a.m.
All medically able inmates are required to work. Normally, inmates work an average of seven hours per day. Inmates are typically assigned to jobs in the food service department, maintenance shops, Prison Industries, unit orderlies, tutors and clerks, to name just a few.

Education and vocational training programs are available five days a week, including evenings. Drum offers literacy classes, GED, Vocational Training, English as a Second Language, Parenting Skills and Adult Continuing Education (ACE) classes. At the Drum Vocational Training classes include Building Maintenance, Horticulture, Industrial Sewing, and Culinary Arts. Apprenticeship programs include HVAC and Electrician. At the Camp the Vocational Training program consists of Horticulture, Small Engine Repair, Floor Maintenance, Culinary Arts, and Welding. Furthermore, the leisure and law libraries are open five days a week, to include weekday evenings, with a book cart available in the housing areas seven days a week.

A wide variety of recreational programs are offered, from outdoor sports to music to indoor hobby crafts, and are available seven days a week, including evening hours. The facilities that encompass the Recreation Department at the complex include: a multi-purpose gymnasium, recreation yards and recreation centers for activities such as handball, jogging, hobby crafts, music, and a variety of table games.
Religious activities are offered seven days a week, representing a wide variety of different faith groups due to the detainee population. These groups offered include: Buddhist, Catholic, Hindu, Jehovah’s Witnesses, Jewish, Muslim, Moorish Science, Native American, Nation of Islam, Odinist, Protestant, Santeria, and Seventh-day Adventist. As above, many of these activities are held during evening hours as well.

Psychology based programs and services are offered in the areas of drug and alcohol abuse, as well as for other behavioral or emotional problems, and are open to all inmates in general population. The drug and alcohol abuse programs offered include: Drug Education and Non-Residential Drug Abuse Programs for the complex inmates and psycho-education programs to include anger management, stress management, smoking cessation, and sleep hygiene. Counseling groups include smoking cessation, HIV support group, Narcotics Anonymous, Alcohol Anonymous, anger management, and a community outreach group entitled, “Start Taking Another Route “START” program which is designed to teach teens the consequences of bad choices.
Plan of Action

In the order of anticipated completion dates, list the tasks necessary to achieve compliance, the responsible agency (including parent agency), and assigned staff member.

Task
a. Seek Approval For Master Plan
b. Build New Facilities
c. Move Inmates

Responsible Agency
a. Central Office
b. Central Office
c. Central Office

Assigned Staff
a. Director
b. Director
c. Director

Anticipated Completion Date
a. May 09
b. May 10
c. September 10
Plan of Action

• **Approved Plan of Action**
  – Does not change the status of the standard
  – Does not change the facility score
  – Requires an update with annual report
  – Will be reviewed for completion during next audit

• **Result of denied Plan of Action**
  – Agency must modify plan of action, or change to a waiver or discretionary compliance for the standard
  – Denial of mandatory standard could result in other actions of the commission

• **Repetitive Plan of Actions**
Waiver

• **Defined as** “A commission panel decision that releases the correctional unit from the responsibility of preparing a plan of action to bring the unit into compliance with a standard.” ACI, Fourth Edition Manual, p.198

• **Used when the agency**
  – overall programming compensates for the lack of compliance or
  – state statute specifically prohibits compliance or
  – existing physical plant cannot be modified without substantial expenditures
  – the noncompliance is of very minimal nature or
  – where repeated unsuccessful attempts have been made & documented to obtain funds to achieve compliance

• Waivers are not granted for mandatory standards
Waiver

• Waiver should include
  – A description of existing conditions resulting in noncompliance
  – Circumstances that preclude achieving compliance with the standard
  – Previous actions taken to achieve compliance
  – Conditions that may compensate or mitigate for the deficiency in meeting the standard

• Waiver should demonstrate there is no adverse affect on the life, health, & safety of staff or inmates/residents/offenders/clients or the constitutional operation of the facility or program

• Waivers should not be requested without previously attempting to correct the deficiency
RESPONSE TO NONCOMPLIANCE
Submit one of the following for the noncompliant standard referenced above. Please forward a copy of your response to the chairperson of the visiting committee.

Plan of Action

X Plan of Action Waiver Request (over)
  Appeal of the Visiting Committee Finding (over)
  Discretionary Compliance Request (over)

Plan of Action
Please explain completely the corrective action that will be taken to comply with the standard. In the order of anticipated completion dates, list the tasks necessary to achieve compliance, the responsible agency (including parent agency), and assigned staff member.

Task
a.
b.
c.

Responsible Agency
a.
b.
c.

Assigned Staff
a.
b.
c.

Anticipated Completion Date
a.
b.
c.
Plan of Action Waiver Request

Indicate why the requirement for compliance should be waived.

Each housing unit in the facility is over the shower to inmate ratio is $(1 - 8.7)$. It is not economically feasible to add a shower to each housing area. Facility has previously submitted a plan of action to build more showers which was not approved. Inmates have 24 hour access to showers and there have been no complaints about a lack of showers.

Appeal of the Visiting Committee Finding

Indicate your reason for disagreeing with the visiting committee's finding of noncompliance.

Discretionary Compliance Request

Please check the following reasons that apply for requesting a discretionary compliance.

- An unwillingness to request funds from a parent agency or funding source.
- A preference to satisfy the standard/expected practice’s intent in an alternative fashion.
- An objection from a parent agency, higher level government official, or funding source to the nature of the standard/expected practice.
- A clear policy in place at a higher level that is contrary to the requirements of the standard/expected practice.
- An existing provision in a collective bargaining agreement that makes compliance impossible (without bargaining with the employees’ union to effect such a change).

Describe the condition generating the request and how non-compliance will not adversely affect, in a significant manner, the life, health, and safety of staff or inmates/residents/offenders/clients or, to any degree, the constitutional operation of the facility or program.

Agency Representative:  
Date:
Waiver

• **Result of successful waiver**
  – No plan of action is required
  – Does not change the status of the standard
  – Does not change the facility score

• **Result of partial waiver**
  – Plan of action is required for only part of noncompliance
  – Does not change the status of the standard
  – Does not change the facility score

• **Result of denied waiver**
  – Agency must submit a plan of action or discretionary compliance for the standard
Discretionary Compliance

• Newest response to noncompliance resulting from repetitive plan of actions and waivers

• **An agency may at their discretion**
  
  – Designate up to two percent of the applicable, non-mandatory standards as discretionary when the non-mandatory score is above 95%
  
  – Designate up to one percent of the applicable, non-mandatory standards as discretionary when the non-mandatory score is below 95%

• The designated discretionary standard cannot adversely affect in a significant manner the life, health, & safety of staff or inmates/residents/offenders/clients or to any degree the constitutional operation of the facility or program
Discretionary Compliance

- The reason to be granted discretionary compliance must be one of the following:
  - An unwillingness to request funds from a parent agency or funding source; or
  - A preference to satisfy the standard/expected practice’s intent in an alternative fashion; or,
  - An objection from a parent agency, higher level government official, or funding source to the nature of the standard/expected practice; or,
  - A clear policy in place at a higher level that is contrary to the requirements of the standard/expected practice; or,
  - An existing provision in a collective bargaining agreement that makes compliance impossible (without bargaining with the employees’ union to effect such a change)
RESPONSE TO NONCOMPLIANCE
Submit one of the following for the noncompliant standard referenced above. Please forward a copy of your response to the chairperson of the visiting committee.
   Plan of Action
   Plan of Action Waiver Request (over)
   Appeal of the Visiting Committee Finding (over)
X Discretionary Compliance Request (over)

Plan of Action
Please explain completely the corrective action that will be taken to comply with the standard. In the order of anticipated completion dates, list the tasks necessary to achieve compliance, the responsible agency (including parent agency), and assigned staff member.

Task
a.
b.

Responsible Agency
a.
b.

Assigned Staff
a.
b.

Anticipated Completion Date
a.
b.
Discretionary Compliance Request

Please check the following reasons that apply for requesting a discretionary compliance.

✓ An unwillingness to request funds from a parent agency or funding source.

☐ A preference to satisfy the standard/expected practice’s intent in an alternative fashion.

✓ An objection from a parent agency, higher level government official, or funding source to the nature of the standard/expected practice.

✓ A clear policy in place at a higher level that is contrary to the requirements of the standard/expected practice.

☐ An existing provision in a collective bargaining agreement that makes compliance impossible (without bargaining with the employees’ union to effect such a change).

Describe the condition generating the request and how non-compliance will not adversely affect, in a significant manner, the life, health, and safety of staff or inmates/residents/offenders/clients or, to any degree, the constitutional operation of the facility or program.

The agency has previously requested funds from the legislatures for other modification cells in the older facilities which was denied. While building new correctional facilities with larger cells, we have included provisions for writing surfaces. However in most of our older facilities, the size and configuration of the cells is such that any addition of protruding surface would greatly reduce unencumbered space and exacerbate already existing security concerns.

Agency Representative: Date:

Comments from the Visiting Committee on the Plan of Action, Plan of Action Waiver Request, Discretionary Compliance Request or Appeal
Discretionary Compliance

• During hearing can change to waiver or plan of action

• **Result of successful discretionary compliance**
  – Does not change the status of the standard
  – Does not change the facility/agency score
  – May be changed to a plan of action or compliance during next audit

• **Result of denied appeal**
  – Agency must submit a plan of action or waiver for the standard
Preparing for the Commission

• Read report
  – Identify any questions or issues
  – Prepare response to questions or issues

• Prepare short intro of facility – highlight strength

• Review all NAs and be prepared to discuss

• Review all NCs and responses, be ready to defend and adjust

• Be early to hearing and relax
Commission Hearing

• Pre-panels

• 3 – 5 Commissioners and 1 ACA staff or volunteer

• RELAX, enjoy the moment, BRAG about your facility

• Answer the question, nothing more

• Do NOT argue

• Executive Session (private meeting between commissioners)
Commission Hearing Results

- Three-year accreditation or certification award
- Extension of the applicant agency in candidate status (initial accreditation only)
- Probation status (monitoring visit)
- Denial of accreditation
QUESTIONS???