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ESCAMBIA COUNTY SHERIFF'S OFFICE
David Morgan, Sheriff

June 13, 2013

Mr. George Touart
Interim County Administrator
Board of County Commissioners
221 Palafox Place
Pensacola, Florida 32502

Chairman Gene M. Valentino
Board of County Commissioners
221 Palafox Place, Suite 400
Pensacola, Florida 32502

Commissioner Wilson Robertson
Board of County Commissioners
221 Palafox Place, Suite 400
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Commissioner Lumon May
Board of County Commissioners
221 Palafox Place, Suite 400
Pensacola, Florida 32502

Commissioner Grover C. Robinson IV
Board of County Commissioners
221 Palafox Place, Suite 400
Pensacola, Florida 32502

Commissioner Steven Barry
Board of County Commissioners
221 Palafox Place, Suite 400
Pensacola, Florida 32502

Dear Commissioners and Interim Administrator:

I firmly believe that Escambia County and its citizens will be best served if the Escambia County Jail remains under the Sheriff's management. However, as the result of decades of under-funding, the current staffing of the Jail is inadequate to meet current United States Constitutional



and security standards. My staff has frequently communicated to Escambia County government representatives that the Sheriff's continued management of the Jail is contingent on the County's providing adequate funding to properly manage the Jail. The specific requirements and needs have been identified in a comprehensive study sponsored by the National Committee on State Courts (sub-contractor, Justice Concepts, Inc.) and in the findings of a multi-year investigation by the United States Department of Justice (DOJ). The solution is simple – hire additional staff. Months after my request for initial negotiation, and after weeks of direct negotiation, it is glaringly apparent that the incumbent Escambia County Administrator and Board of County Commissioners (BOCC) have no intention of making a good faith effort to identify the funding that is necessary for the Sheriff to properly manage the Jail.

County officials fail to acknowledge the gravity of the current Jail situation. At today's meeting of the BOCC, Commissioners revealed that they have no intention of raising taxes regardless of whether a tax increase is necessary to adequately fund the Jail. However, they remain open to identifying funding for a pay raise for County employees, and additional funding for the library and the public transportation system. We also learned today that while maintaining the guise of good-faith negotiation for adequate funding for the Jail, County representatives, without notice to me or my representatives have been actively entertaining private contractor proposals for privatizing the Jail. Privatizing the Jail will cost the County millions of dollars and do nothing to solve the Jail's staffing shortfall. Justice Concepts, Inc., reported in its study that "...the quality of administration in the Jail would be characterized as very good." The DOJ findings letter reported that "... Sheriff David Morgan has implemented meaningful reforms that have led to significant improvements at the Escambia County Jail..." Despite these favorable management findings after in-depth inspections by subject-matter experts, BOCC members today discussed an additional study of Jail management by other, unnamed "subject-matter experts," perpetuating the false hope that some new management study will do away with the need for additional Jail staff. The solution to the Jail's problems has been specifically identified as funding for additional staff.

In view of the fact that the BOCC is not sincerely negotiating for the funding required by the Sheriff to properly administer the Jail, continued negotiation between the Sheriff and the County is futile. The DOJ time frame, already short, has grown even shorter, and we are no closer to resolving the funding issue than we were when the Sheriff requested to begin negotiating this issue in March of this year. The Sheriff therefore has no choice other than to begin the process of transferring the responsibility for the Jail to the County. I hereby provide notice that the Escambia County BOCC will assume responsibility for the Escambia County Jail on September 1, 2013. We will do our utmost to ensure a smooth transition.

As noted, privatizing the Jail will be costly and will not solve the staffing issue. Transferring the Jail to the County will also be costly, and will not solve the staffing issue. An additional management study will not produce a different answer. Political courage and the willingness to deal with reality are necessary to deal properly with the real issues facing the County. This includes the courage to entertain the concept of raising taxes, if necessary. It means squarely facing the prospect of difficult funding cuts in other areas, if necessary, in the interest of public safety. The situation will only deteriorate if County officials continue to pursue some "silver

bullet" by engaging in the fantasy that privatizing the Jail, or taking over the Jail, or conducting another management study will make the problem go away.

Were the Jail to remain under my control with proper funding, I could and would resolve each and every one of the deficiencies noted in the Department of Justice findings letter. However, since the necessary Jail funds are not forthcoming, and transfer of the Jail to the County is imminent, negotiation of a solution to the Department of Justice findings will fall to the County. I have therefore directed my staff to cease efforts to negotiate with the Department of Justice in view of the reality that any agreement on the DOJ findings letter must be between the County and DOJ.

I sincerely regret this turn of events. Should the County have a change of heart and decide to honestly and sincerely negotiate in good faith to identify the funds necessary for the Sheriff to properly administer the Jail, I may consider revisiting this issue. However, at this time it appears that transfer of the Jail to the County will be necessary, to the detriment of the Jail, its fine officers and staff, and the citizens of Escambia County as a whole.

Sincerely,



David Morgan, Sheriff
Escambia County, FL

Cc: Mr. David Deutsch, Esq.
United States Department of Justice

Ms. Alison Rogers, Esq.
Escambia County Attorney