Florida Civil Commitment Center

Inside FCCC

Investigative Reporting on Civil Commitment, Forced Treatment, and Registration Laws.

Volume 1, Issue 2 February 2024

FCCC Transitions to Smart Communications What Junk Does Cometh?

Jon Carner, the Facility Administrator of the Florida Civil Commitment Center, has transitioned the FCCC from an in-house mail system to an off-site mail system for regular mail.

Smart Communications furnishes institutions electronic tablets free of charge. Smart Communications has institutional mail sent to a Smartmail P.O. Box. Once it arrives Smartmail scans the mail and places it on a tablet accessible by jail and prison inmates and then destroys the originals. Photos are treated the same way.

The idea behind the mail switch is to eliminate the possibility of mail being soaked in drugs which is then delivered to inmates.

For a year prior to the transition, Carner had the sealed mail arriving at the FCCC ran through an ionizer machine to detect various drugs. When any type or amount of drugs were detected on the outside of the envelope, the mail was withheld from the hostage and destroyed. As far as can be determined, no mail was opened and the contents checked for drugs and no mail was ever turned over to law enforcement authorities for investigation and prosecution.

The scanner that Carner used to check the mail for drugs is not known for its proper calibration and reliability. Numerous false positives have been reported. Further, drug residue from other sources, including mail being processed through the post office, could have easily contaminated the mail arriving at the FCCC. With the contents of the envelope not being checked no one, including Carner, can say if the mail was being used to smuggle drugs into the FCCC. Carner can only say that drug residue was found on the outside of the envelope and then jump to the conclusion that the mail was being used to smuggle drugs. It's sad when jumping to conclusions is all the exercise a person gets.

But drugs may not be the real reason Carner went to Smart Communications to scan FCCC mail.

Recovery Solutions is a private, for-profit corporation contracted to operate the FCCC. Recovery Solutions has reportedly been experiencing serious financial problems for the past few years. By transitioning to Smartmail, Recovery Solutions can reduce the mail staff employed at the FCCC and, thus, reduce costs.

Inside FCCC obtained a copy of the contract Smart Communications has with Recovery Solutions and the

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FCCC. In addition to providing mail services, Smart Communications also provides music and movie streaming services, as well as video visitation, on the tablets. But those services are lacking for many of the hostages at the FCCC.

Only the families of the FCCC hostages are able to actually purchase credits for the additional services. The hostages have thus far not been able to do so.

Credits are one cent each. Streaming costs one cent per minute. Video visitation costs fifteen cents per minute. Proceeds go to Smart Communications. In past instances with other facilities, it was reported that Smart Communications was providing administrators with luxury trips and other perks in order to get them to sign contracts. It is not known if such perks were offered to Jon Carner or Recovery Solutions.

Problems persist with the tablets. Hostages that are housed further away from the routers have complained that they are having trouble connecting to the network. Video visitation has experienced dropped visits.

Jon Carner is apparently the one to blame. Thus far, he has done nothing to correct the problems.

Inside FCCC is a monthly publication designed to educate the public about forced treatment, civil commitment and registration laws primarily related to persons convicted of committing a sex offense.

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You may contact us at:
insidefccc@gmail.com.

In order to get the FCCC hostages to agree to participate in the Smartmail service, Carner reportedly furnished an agreement form to the FCCC hostages which stated that legal and privileged mail would be delivered "as before." However, not long after the hostages signed the agreements Carner changed the legal and privileged mail policy and transitioned that mail to the Smartmail system. Under the Smartmail legal mail system, legal and privileged mail now received at the facility is opened in front of the hostage, is scanned and placed on the tablet with a paper copy supplied to the hostage, and then the original is destroyed.

One hostage who received legal mail asked that his mail not be scanned to the Smart system. The hostage asked that the mail simply be copied and that the original be shredded. Unit Manage Carson said that could not be done so the hostage refused the mail. He then filed a grievance asking that the legal mail not be scanned, that he be furnished with a copy of his legal mail, and that the original be destroyed. Robert Houston, the FCCC Security Director, responded stating that Recovery Solutions does not read a hostage's mail and that legal mail has to be scanned. If Houston does not read a hostage's legal mail then why must it be scanned? Why can't the mail simply be copied and the copy given to the hostage with the original then destroyed? Something stinks.

But technical problems with the Smart legal mail system developed from the first day.

The scanner scanned but three or four pages and then jammed, and that was when the scanner worked. Often it didn't. Additionally the scanner was very, very, slow. This created long waits when court records needed to be scanned. The copier didn't work. Some staff member finally threw up their hands and simply provided the hostage with the originals.

All in all the Smartmail system has proved to be unreliable and, as the hostages put it, "junk."

Other problems persist. When the Smart Tablets were installed, Carner distributed only one tablet for every six hostages. Many hostages do not wash their hands after using the bathroom. They then handle the tablets. The tablets are a perfect breeding ground for bacteria and are a perfect way to transmit disease and viruses like Covid-19. Carner is refusing to provide hostages with Covid-19 vaccines this year. During previous outbreaks of Covid-19 many hostages had to be hospitalized and a reported twelve hostages have died from Covid and Covid related complications. Common sense dictates that if the FCCC cared about the health of the hostages, each hostage would have their own tablet.

Hostages were supposed to be able to submit internal communications, submit grievances and receive call-outs through the tablets. But after months of tablet use hostages still cannot do any of this. Carner is well aware of the problems which still persist.

Tablets also automatically log the hostage out after a short period of time. Thus, if a hostage was using the electronic law library and then wanted to check his mail, the tablet would automatically log the hostage

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out and the hostage would have to go through the entire log in process again to check his mail. Needless to say it's frustrating.

It was recently announced that the FCCC is considering transitioning the telephone system to Smart Communications. Many hostages are objecting to this after being subjected to the junk system that Smart Communication has provided thus far. Moreover, the cost of telephone calls will undoubtedly go up if Carner allows his new found buddies at Smart Communications to take over the FCCC telephone service.

There is absolutely no need to change telephone service providers. To begin with Smart already provides the video visitation service. Additionally, nothing can be smuggled in through the telephone. Transitioning to Smart for telephone service guarantees Smart another source of income from FCCC hostages and the possibility of another avenue for a kickback to Recovery Solutions.

One thing is for certain: When the families of the hostages sign up with Smart Communications to send and receive emails, purchase credits for the hostages, and take advantages of other "services" that Smart provides for the hostages, they give Smart access to their personal information, bank accounts, and credit data. But many FCCC hostages refuse to allow their families and friends to participate in the services that Smart Communications provides and refuses to allow them to provide Smart with any information. With the explosion in artificial intelligence, giving yet another company still more access to personal data, bank accounts, credit cards and other information is not a good idea. Smart is a third party, not insured by FDIC, and if they were to go belly up tomorrow a person could lose hundreds of dollars. There is simply no governmental oversight of Recovery Solutions or Smart Communications.

They do as they please.

Participate at your own risk.

Hostages' Mail Thrown Away Rejection Notices Not Provided

It used to be that a hostage's mail was opened in front of him at the Florida Civil Commitment Center. But Jon Carner, the Facility Administrator of the FCCC, recently transitioned the FCCC to an off-site mail processing center where FCCC hostages' regular mail is opened, scanned, and then furnished to the hostage via a server and tablet system provided by Smart Communications. Newspapers, magazines, advertisements, money orders and other mail are still delivered to the facility for physical distribution to the hostage with money orders being deposited into the hostage's trust account. But that mail is no longer opened in front of the hostage. It is opened out of the hostage's presence by FCCC mailroom staff. That has created numerous problems.

FCCC hostages have been complaining that mail delivered to the facility is not being delivered to the hostage. In one case a money order sent to the facility was not deposited into the hostage's trust account. An investigation is now underway to trace that money order. At press time *Inside FCCC* learned that the money order was cashed and the hostage is now waiting on the details of who cashed it and when and where it was cashed. *Inside FCCC* will

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keep readers apprised of the status of this investigation. In another instance a hostage did not receive two books of stamps mailed to the facility. The hostage filed a grievance because he did not receive his stamps. Carner's response to the grievance claims that the stamps were never received by the facility. After the hostage filed the grievance the FCCC notified all hostages that stamps could no longer be mailed to the facility. Other examples of mail not being delivered include newspapers and magazines. These are by no means isolated incidents. The problems with the mail did not start until after Carner transitioned the FCCC to this new mail delivery system and started opening mail out of the presence of the hostages. It would appear that some mail going to the FCCC is simply being thrown away. Or stolen.

Federal law mandates that hostages are entitled to notice and due process considerations anytime a piece of mail is rejected. When a piece of mail is rejected for any reason, a rejection notice must be furnished to the sender of the mail and to the mail recipient. But that is not being done at the FCCC.

The purpose of the rejection notice is to provide the sender and recipient of the mail an opportunity to file grievances and protest the rejection. It also provides the opportunity to exhaust administrative remedies in the event that the sender or recipient wants to file a lawsuit against the facility and those individuals involved in the rejection of the mail. If no rejection notices are sent then no grievances are filed because the hostage does not know that his mail was received and rejected by FCCC staff thereby reducing burdens of FCCC staff to answer those grievances.

Carner says that all mail is being delivered to the hostages. But *Inside FCCC* believes that this is simply not true.

"Carner is lying," said one FCCC hostage. "The people who operated the FCCC will lie to you and cover up their illegal and unlawful acts in a heartbeat. They are simply not to be trusted."

Inside FCCC has learned that even when a hostage files a grievance the grievance is denied with FCCC authorities claiming that mail is, in fact, being delivered. Nothing indicates that the grievance is actually being investigated but only that a boiler plate response is being provided. An investigation by *Inside FCCC* has revealed that since 2014 only five grievances have been overturned by Recovery Solutions' corporate office. In other words the vast majority of the time the corporate office simply agrees with, and rubber stamps, the way the facility handles the problem and the boiler plate response. It appears that Recovery Solutions will do anything to keep from admitting liability, including failing to conduct an actual investigation into the grievance.

The reason Recovery Solutions takes such a cavalier attitude towards doing the right thing may be because Recovery Solutions knows that many FCCC hostages will simply not pursue legal action against the company, and those hostages that will do so are simply ill-equipped to competently litigate the issue in court. An investigation by *Inside FCCC* shows that almost all lawsuits filed by FCCC hostages are dismissed because the hostage simply does not know what he is doing, even though the hostage may have a good, viable claim. Moreover, an actual investigation into a grievance could lead to a response favorable to the hostage which the hostage could use against Recovery Solutions in court or in pursuit of other relief.

FCCC hostages are not prisoners, they are civil detainees being held for treatment of a mental abnormality or personality disorder. As such, FCCC hostages are entitled to more considerate treatment than their prisoner counterparts who are being held under a criminal sentence designed to punish them for their criminal behavior.

FCCC hostages have a constitutional right to freedom of religion, association, notice, and to due process of law, as well as many other constitutional, statutory, and administrative rights. It appears that Jon Carner and Recovery Solutions may be violating those rights and denying FCCC hostages the more considerate treatment to which they are entitled.

Inside FCCC

Contact Us

insidefccc@gmail.com