

SECRETARY MCNEIL

[Introduction]

Ladies and Gentlemen of the panel, I am Walter McNeil, Secretary of the Florida Department of Corrections appointed to that position by Florida Governor Charlie Crist. Thank you for the opportunity to address you and hopefully assist in accomplishing your goal of eliminating sexual assault of incarcerated individuals in this country. I assumed the duties as Secretary approximately six weeks ago and am rapidly becoming acquainted with the issues facing the Department, as well as the staff in place who deal with those issues daily. Among those staff upon whom I rely on are Mr. George Sapp, Assistant Secretary for Institutions, Mr. James Upchurch, Chief of Security for the Department, Ms. Donna Hoffman, Correctional Officer Senior Inspector and Statewide PREA Coordinator for the Department, and Ms. Kathleen Von Hoene, General Counsel of the Department.

Between us, we should be able to answer your questions relating to the statewide implementation of the PREA goals of prevention, investigation and prosecution of sexual assaults on inmates in the Florida Department of Corrections. Additionally, there are witnesses who will be appearing on panels later in the day which are now, or were during the time period of this survey, assigned to Charlotte Correctional Institution. They are trained, experienced, professional members of our correctional team led by Warden Adro Johnson. These individuals will be able to address your questions relating specifically to Charlotte Correctional Institution.

You have been provided a great deal of information in response to your requests, which reflect the Department's dedication to the realization of the

goals of PREA and of this panel. One or more of the individuals present should be able to address any questions that you have about those materials or about the matters to which they relate.

The Florida Department of Corrections' efforts to reduce or eliminate sexual assault on inmates within its system began long before the PREA was enacted. Staff-inmate/offender relationships have always been strictly prohibited and any employee found in violation of that prohibition is dismissed. Certain sexual activity between staff and inmates/offenders is prosecuted under the criminal statutes of the State of Florida. Further, the failure by any employee with knowledge of prohibited activity to report that activity will result in administrative action and criminal prosecution. Likewise, inmate-on-inmate sexual activity is prohibited by Department rule and sexual assaults are investigated and prosecuted as crimes.

Our inmate orientation includes the use of the NIC (*National Institute of Corrections*) produced DVDs entitled Speaking Up: discussing prison sexual assault at our Reception Centers. Our staff is trained as it relates to the purpose and requirements of PREA during new employee orientation and annual in-service training.

We have posters displayed at all institutions which encourage inmates to report abuse to staff or to call a Toll-Free number set up for the reporting of PREA incidents. The grievance process is another avenue through which reports of sexual abuse can be made. Inmates in the Florida Department of Corrections report allegations of sexual abuse or harassment utilizing all of these methods. The reports are entered into our investigative tracking system and are labeled "PREA incidents".

The PREA incident reports are investigated by our Inspector General's office representatives, where the allegations can be substantiated, the perpetrators, be they staff or inmate, are prosecuted appropriately. Staff may be disciplined administratively or, where appropriate, criminally. Inmates are written disciplinary reports and/or prosecuted criminally. The Department's policy of "zero-tolerance" of sexual abuse is well known to staff and inmates alike.

The National Inmate Survey completed by the Bureau of Justice Statistics indicates results showing a high rate of allegations by inmates at Charlotte Correctional Institution of staff-on-inmate nonconsensual sexual acts during the year 2006. Needless to say, those results are a concern to me and to the staff and administration of Charlotte Correctional Institution as well as state-wide. Upon receiving the results of the NIS, we have worked to determine whether these allegations are consistent with our records of reported PREA incidents from inmates at Charlotte during that time period. They are not.

Our records indicate that 37 complaints were made that were classified as PREA related allegations. Of those complaints, 35 were complaints against staff members. Of those complaints against staff, 34 were for verbal harassment by staff. Only one complaint alleged physical sexual contact by a staff member against an inmate. That allegation was not substantiated. Why then, is there such a large discrepancy between the number of incidents reported to the Inspector General's office and the number reported through the NIS?

Because the survey was anonymous, we are unable to address the specific instances or share with the panel the history of the inmates who participated in the survey. However, the institutional profile of Charlotte Correctional

Institution allows us to make certain generalized observations about the inmate population housed at the institution. I will ask Mr. Upchurch to share those observations with you concerning close management.

Prior to the passage of the Prison Rape Elimination Act, the Florida Department of Corrections had in place many different procedures to provide for the safety of inmates, including but not limited to, the steps taken at the institutional level. These include the use of protective management and administrative management and the directions given by prior administrations. Mr. Sapp will discuss the department's long-standing efforts to maintain security and order in our prison facilities.

Donna Hoffman can speak on the implementation of the PREA grant and generally to the statewide PREA effort.

Kathleen Von Hoene can discuss the zero tolerance disciplinary policy for employees engaged in unprofessional relationships with inmates (and offenders) and the General Counsel's oversight of the inmate grievance procedure.

As I close, I believe it is important to point out to you the aspects of my background which I believe to be relevant to our discussion today. Ladies and gentlemen, I want you to know that I have devoted just over 30 years of my life fighting for justice, justice for all persons who come into contact with our criminal justice system. In that regard, I spent the early part of my career as an Internal Affairs Investigator, focused on police officer corruption and misconduct. Later, as a Police Chief for 10 years, I worked to build one of the most professional police departments in the country. I share this background

information with you, so as to make it abundantly clear that neither I nor Gov. Charlie Crist, will tolerate any abuse of inmates or staff. Moreover, I am committed to eliminating prison rapes.