

EXILED IN PURGATORY: JUSTICE DENIED

A properly functioning and peaceful prison system based on the ideas of restorative justice and rehabilitation is not just the absence of violence, abuse and corruption. It is also the building of a penal philosophy dedicated to the fundamental beliefs of rehabilitation, normalization and human rights.

On May 8, 2015 Florida Governor Rick Scott signed Executive Order Number 15-102 after state elected representatives could not come to a decision on fixing Florida's foul prison system. The order (attached here for your review) is largely window dressing designed to deflect negative news coverage rather than genuinely change the Florida Department of Corrections for the better.

For example, Scott's order is contingent on it being implemented "in a cost-effective manner". What this does is allow Scott, who pledged to slash the corrections budget by over 1 Billion dollars, and the FDOC to make minor policy changes, such as monitoring grievances filed by prisoners, while being able to quietly not implement genuine changes based on lack of budget funds to do so.

Nor does Scott's order really set out any policy or practice to change the administrative philosophy in the FDOC, which is stuck in a 1950's Southern time warp where it is believed the only

thing a prisoner needs is a bible and a beating. One officer at the Florida State prison told me sometimes a prisoner needed a good beating. "Amen." I happen to disagree.

None of Governor Scott's order addresses how to bring about effective and meaningful rehabilitation, normalization and human rights in the FDOC. At most, the Order establishes a tracking policy for grievance trends. Something the majority of prison systems in the U.S. have done for more than 20 years.

What about improved education leading to college level degrees? Or meaningful opportunities for learning job skills that can be effectively utilized when a prisoner is released? I can think of literally hundreds of small minor changes that can significantly improve the FDOC penal philosophy.

- abolish long-term isolation in the "Super-max" close management (CM) units;
- improve visiting opportunities with family, friends and religious advisors. Currently the FDOC suspends prisoners visiting rights when the misconduct has nothing to do with a violation connected to visiting. Officers utilize this to write false misconduct reports to have prisoners visits with family suspended for years.
- the FDOC denies all prisoners the ability to meaningfully and adequately produce

art. Prisoners have no access to art supplies, such as art paper, pens, pencils, paints, etc. Prisoners are even prohibited from receiving art related books on subjects like origami. Art can help a prisoner learn a marketable skill, improve self-worth and keeps families connected. It is a valuable rehabilitation tool. Florida is the only system I've ever been in that so thoroughly prohibits art. (Does the FDOC fear speech and expression?)

- allow prisoners to purchase and possess their own t.v.'s. This will not only teach prisoners to value property, but allows prison officials an effective management tool. Prison officials could, like the states Oregon, Oklahoma and New Mexico do, provide educational and religious programming. T.V.'s also allow for prisoners to stay connected to their communities and the world through news, science, sports, and entertainment programs. And frankly, as most states in the U.S. have learned, t.v.'s are the best babysitter, reduce violence and allow prisoners to escape busy, tension filled dayrooms to decompress.

I could list literally hundreds of other improvements, however, because of the FDOC's

current philosophy nothing will change for the better. In fact, I only see a darker future in store for the FDOC. Prisoners are just now talking about unity. They are talking about standing up. Some violently, others peacefully. However, because the prisoners here have been shown the example by abusive staff the power of violence, I have heard the rumblings of, "These motherf***ing guards dont understand nothing but violence. That's what we need to give them."

Sadly, that is what the FDOC teaches and prisoners will emulate the actions of their benevolent slave masters, albeit with the revolutionary anger of a person who has nothing to lose.

The FDOC's current policies are giving a greater momentum to the war-type mind set of "us" v. "Them". The lines are being drawn. I've seen it before...

War is a mind-set, and all action that comes out of such a mind-set will either strengthen the enemy, the perceived evil, or, if the war is won, will create a new enemy, a new evil equal to and often worse than the one that was defeated.

Eckhart Tolle
A New Earth

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 15-102

WHEREAS, the Governor is vested with the supreme executive power and must take care that the laws be faithfully executed, pursuant to Article IV, Section 1 of the Florida Constitution; and

WHEREAS, the Department of Corrections ("Department") is an executive department of the State of Florida, created by Section 20.315, Florida Statutes, the administration of which is placed under the direct supervision of the Governor, pursuant to Article IV, Section 6 of the Florida Constitution; and

WHEREAS, the Department is charged with providing a safe and humane environment for offenders and staff, and to provide the level of security within its correctional institutions and facilities commensurate with the custody requirements and management needs of inmates, pursuant to Section 20.315(1), Florida Statutes; and

WHEREAS, the head of the Department is the Secretary of Corrections ("Secretary"), who is appointed by and serves at the pleasure of the Governor, pursuant to Section 20.315(3), Florida Statutes; and

NOW, THEREFORE, I, RICK SCOTT, Governor of Florida, by virtue of the authority vested in me by the Florida Constitution, and all other applicable laws, hereby promulgate the following Executive Order, effective immediately:

Section 1. In order to improve institutional oversight, I hereby direct the Secretary to increase the number of security and institutional operations regions within the State from three to

four. The Secretary shall implement this modification in a cost-effective manner. The Secretary shall appoint or reappoint a director for each of the four regions. Each director must:

1. Ensure the policies of the Department, particularly those policies associated with inmates, are appropriately implemented and enforced at each correctional facility within the director's assigned region.
2. Review, recommend, and hold subordinate chain-of-command staff responsible for appropriate and measured disciplinary decisions.
3. Ensure that each correctional facility in the director's assigned region maintains a retaliation-free environment, both for staff and for inmates.
4. Make at least two unannounced visits to each correctional facility within the director's assigned region on a quarterly basis.
5. Review on a quarterly basis statistics and trends related to uses of force, inmate grievances, employee discipline reports, and inquiries received by the Department, including inmate abuse.

Section 2. I hereby direct the Secretary to ensure that safety shall be added as a priority to the security reviews at each correctional institution and facility. The security review committee at each correctional institution and facility shall evaluate new safety and security technology, review, and discuss current issues impacting correctional institutions and facilities.

Section 3. I hereby direct the Secretary to ensure that appropriate staff investigates and evaluates the usefulness and dependability of existing safety and security technology, as well as new technology and video monitoring systems available, and makes periodic written recommendations to the Secretary on the discontinuation or purchase of safety and security devices.

Section 4. I hereby direct the Secretary to ensure that the Department contracts with security personnel, engineers, architects, or other safety and security experts as the Secretary deems necessary for safety and security consultant services.

Section 5. I hereby direct the Secretary to ensure that appropriate staff review staffing policies, classification, and practices, as needed.

Section 6. I hereby direct the Secretary to ensure that the Department complies with the requirements of the memorandum of understanding with the Florida Department of Law Enforcement, pursuant to Section 944.31, Florida Statutes, which adds additional independent oversight over certain use-of-force incidents. The Secretary shall provide copies of the memorandum of understanding in a timely manner to my office, the President of the Senate, and the Speaker of the House of Representatives.

Section 7. I hereby direct the Secretary to ensure that inspectors in the Office of Inspector General who conduct sexual abuse investigations in confinement settings receive specialized training in conducting such investigations. Specialized training shall include, but need not be limited to: techniques for interviewing sexual abuse victims; the proper use of *Miranda* and *Garrity* warnings; sexual abuse evidence collections in confinement settings; and the criteria and evidence required to substantiate a case for administrative action or prosecution.

Section 8. I hereby direct the Secretary to ensure that each employee who either applies physical force or was responsible for the decision to apply physical force upon an inmate or an offender supervised by the Department signs an independent report under oath, which details that employee's involvement and other pertinent information regarding the incident within one working day of the incident.

Section 9. I hereby direct the Secretary to ensure that the Department establishes a usage and inventory policy to track, by institution, the use of chemical agents and the disposal of expired, used, or damaged canisters of chemical agents.

Section 10. I hereby direct the Secretary to provide medical staff the option of using identification numbers in lieu of names when completing incident reports.

Section 11. I hereby direct the Secretary to ensure that the Department tracks and reports incidents of use-of-force.

Section 12. I hereby direct the Secretary to ensure that the Department establishes a policy to protect from retaliation those employees who report wrongdoing.

BEING FULLY ADVISED in the premise, and in accordance with the Florida Constitution and the laws of the State of Florida, this Executive Order is issued.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 8th day of May, 2015.

[Handwritten Signature]

RICK SCOTT, GOVERNOR

ATTEST:

[Handwritten Signature]

SECRETARY OF STATE

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