



**TESTIMONY OF TIMOTHY RYAN, DIRECTOR
MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT
BEFORE THE REVIEW PANEL ON PRISON RAPE**

September 15 and 16, 2011

On behalf of the Mayor of Miami-Dade County, Florida, Carlos Gimenez and its 2.5 million residents, I am, Director Timothy Ryan, and I thank you for the opportunity to speak to you today about the Miami-Dade Corrections and Rehabilitation Department (MDCR) and our response to the concerns that surfaced from the National Inmate Survey. In so doing, like my colleagues in other jails, prisons, correctional environments and institutions in America, MDCR has a “zero tolerance” for any sexual abuse, misconduct or criminality occurring in its facilities. There is absolutely no acceptable form of these behaviors in our jails, and as such, we treat every allegation with the most serious of actions, responses, and professionalism.

As we come forth today, I would like the Panel to be aware that, I am unaware of any jail in America, that has undergone the level of scrutiny from the Department of Justice as MDCR. We have been reviewed by the Civil Rights of Institutionalized Persons Act (CRIPA) in 2008 as well as the Limited English Proficiency (LEP) rules at the same time. Further, just a couple of weeks ago on August 30, we were assessed by the U.S. Government Accountability Office, relative to our participation in the Secure Communities Program. But rather than seeing these as intrusions in our realm, we have embraced each of these reviews as a means to improving our business. We want to be the best, and we believe, we must be as open and transparent as possible to achieve this. The Panel’s review is something we see as helpful, positive, and encouraging in an extremely challenging and difficult time. We thank you for the opportunity to tell our story.

As we recognize this, I also know that there is no perfect institutional environment that could absolutely ensure that improper behavior does not occur within its facilities. Now in my 42nd year in the jails of America, and as a past jail administrator in other counties and states, and now the present leader of the 8th largest jail in America, I know that the culture of our jails may lead to improprieties of which we must be constantly vigilant. Our business involves people and not widgets on an assembly line, and with it comes, the multivariable behaviors, which, thank goodness, are mostly positive, but every so often negative and intolerable. Given this, I would like to share some basic information about the MDCR jail system:

- First, we are not a system overseen by a sheriff. Our Department reports to the Miami-Dade County Mayor, in concert with, the Board of County Commissioners. Miami-Dade County is the largest of these systems in Florida, one of the seven (7) counties out of 67 not overseen by a sheriff, and the 8th largest of the 3,300 jail systems in America.
- Secondly, given this organizational arrangement, MDCR staff is governed under the State of Florida rules that involve “correctional certification” not “law enforcement certification”. This means that we utilize the Miami-Dade Police Department, the County’s law enforcement agency, as our partner in investigating criminal actions surrounding PREA and any other criminal allegations.
- MDCR is not just a single jail facility at one site. Rather, it is comprised of six housing units and one hospital unit. It is a jail system today of nearly 6,000 inmates, with a significant reduction from the 7,400 in 2008 during the survey period. This



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includes nearly 500 under house arrest and monitored release. Another 2,500 inmates are under pre-trial services oversight. We have a budget of nearly \$300 million and are governed by a County Charter, County Administrative Orders, internal policies and procedures, as well as collective bargaining agreements.

- Our jail population is 8% female and 92% male. At the same time, our custodial staff is 53% female and 47% male. Thus, a significant number of our housing units are overseen by more female than male staff and this has unique implications, particularly in male inmate housing areas.
- Additionally, to be a certified correctional officer, our staff is selected after a rigorous written examination, background assessment, a dual psychological review, polygraph, and medical examination. Our last recruitment effort resulted in 1,700 applicants of which only 150 were offered employment.
- Once selected, the recruit must successfully pass a 22-week academy, in which much information is presented including PREA components like victimization, predatory behaviors, and much more. Upon completion, there is a state certification examination that must be successfully passed, 30 days of intensive site orientation, and a one-year probationary period.
- Also, throughout an officer's career, they must be recertified every four years through the retraining of continuing issues, as well as any new topics of importance such as PREA.
- On an annual basis, all staff must reaffirm their knowledge of MDCR policies and procedures. Further, at any time, these policies and procedures are readily accessible on the MDCR internal website.
- At any time that we recognize a need for specialized training, we initiate it at the earliest opportunity. For example, the recent National Institute of Corrections (NIC) online training regarding PREA has been initiated for all staff now.
- Lastly, our supervisors and managers are given special training at the time of promotion and continual in-service training throughout their careers. This training incorporates many areas including PREA information from a leader's perspective.

My intention of sharing this perspective is to assist the Panel in recognizing the unique challenges in the operation of one of the largest urban jail systems in the United States. On August 29, 2011, Dr. Wilkinson and staff from the Panel had the opportunity to visit one component of our correctional world in Miami. This was the Pre-Trial Detention Center, one of our six jail facilities, also called the Dade County Main Jail. This high-rise facility was opened in 1961. It was designed to process through its receiving area only 80 arrestees a day or about 30,000 a year. Today, it processes, through the same area as designed, an average of 300 arrestees a day or 110,000 a year. The system receives arrestees from 37 different jurisdictions at a rate of one every four minutes. Of these arrestees, one in five is considered mentally-ill. At the present time, our system has 84% of its population as pre-sentenced



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meaning 16% are sentenced. Additionally, we average 50-100 juveniles who have been adjudicated for processing as adults. Over 120 of our inmates have been in custody for over 4 years with the longest inmate in custody now at 13.5 years awaiting adjudication on a murder case. We process the first time offender who will never return to our custody to those on death row appealing their cases.

This facility is considered a first generation jail with indirect supervision as its model which means that inmates are not under constant observation by staff. PTDC only houses male inmates, who are some of the most violent offenders in the system, classified as Maximum I and II. Like most of the urban jails designed and built in the 1950s and 1960s, it was not anticipated that it would incarcerate the numbers and types of violent inmates it has been called upon to house today.

I offer all this and much more, if desired, not as an excuse, but to hopefully help the Panel recognize the diversity of the issues our local jail must face as we come to grips with the importance of also addressing the issues of sexual misconduct as well.

Since taking the leadership role at Miami-Dade County, I did discover that even though there had long been policies and procedures addressing sexual misconduct, the PREA initiative had not been fully embraced. Upon recognizing this, I initiated the following:

- In February 2007, I distributed my “Professional Expectations” video which addressed my zero tolerance for staff/inmate fraternization and the potential for termination as a consequence. This was followed-up on April 2011, with another departmental video, regarding the inappropriateness of staff/inmate fraternization.
- By December 2007, MDCR developed and published an updated policy addressing PREA, entitled *Inmate Sexual Assault/Battery Prevention*, affirming our zero tolerance for sexual assault/battery whether inmate-on-inmate or staff-on-inmate and identified the protocols to respond to sexual assault/battery allegations.
- The Inmate Handbook was updated in September 2007, to include a reference to our intolerance of sexual misconduct. This is provided to each inmate, along with, a pamphlet entitled *Sexual Assault Awareness* in three languages (English, Spanish, and Creole).
- MDCR has also displayed PREA posters, in the three languages, throughout the housing units in our six detention facilities since 2007.
- We have also incorporated PREA in our annual training classes, as well as PREA updates and departmental expectations and responsibilities of all staff in our ongoing in-service training.
- PREA information is now included during our New Employee Worksite Orientation as well. As with the training noted above, it includes the impact of victimization, zero tolerance to sexual misconduct of any sort, the requirement of reporting, and the general sensitivity to these types of occurrences in an institutional environment.



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- We have updated our intake screening, medical assessments, and classification processes with the inclusion of information gathered to identify victims and/or predators. Upon either determination, immediate supervisory review is conducted to ensure the inmate is appropriately housed.
- We initiated a Rape Crisis Hotline that is available from any inmate phone, as well as the Domestic and Sexual Violence Hotlines where sexual abuse can be reported directly to outside organizations.
- We required staff to view the initial NIC videos that were first available several years ago, and now, are utilizing the NIC online training course entitled *Prison Rape Elimination Act-Your Role: Responding to Sexual Abuse*. At this point, nearly 2,800 employees have successfully participated leaving less than 5% to complete the training in the next 60 days.
- We have actively pursued assistance from outside entities, as well, to enhance our operations. This has included:
 - The Just Detention International staff which has been assessing our needs and have been working with us since the fall of 2010.
 - NIC, in conjunction with the Moss Group, just conducted specialized training for “investigators of sexual assaults in confinement settings” to not only our internal affairs staff, but also our criminal justice partners, including the Rape Treatment Center, Miami-Dade Police Department and State Attorney’s Office.
- Relative to facility upgrades, we have initiated at the PTDC the installation of 78 surveillance cameras in the several housing units (wings A and B on the fourth, fifth, and sixth floors) which was recently completed to increase the ability of officers to visibly observe inmates. An additional 24 cameras are in the process of being installed in the C wing of the three floors. A surveillance room has been established where there will be 24 hour monitoring, 7 days a week. The camera footage will be recorded and archived for a period of 30 - 45 days.
- MDCR has implemented word recognition software to identify any sexually-related language on incident reports. The software will forward an email notification to the MDCR Internal Affairs Unit, the Accreditation and Inspections Bureau and the Facility Supervisor. This is in an effort to ensure that any possible sexually-related incident is immediately evaluated and investigated should it somehow be overlooked through other means.
- And finally, we strongly believe in the achievement of national standards as a means to help create best practices in the correctional environment. As such, we have achieved accreditation by the American Corrections Association (ACA) for the:
 - Women’s Detention Center
 - Boot Camp Program



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- Central Office (Administration)
- Our next ACA goal is for the accreditation of our Training Unit. Additionally, our accreditation efforts are further augmented with state accreditation under the Florida Corrections Accreditation Commission (FCAC) for the:
 - Metro-West Detention Center
 - Turner-Guilford-Knight Detention Center
 - Pre-Trial Services Bureau
- Our next special accreditation efforts will be to achieve accreditation for the PTDC under the Core Jail Standards of the ACA, as well as in 18 months, the accreditation of our County medical/mental health service provider under the National Commission on Correctional Health Care.
- Even though we believe we have many components in place to prevent sexual misconduct and other issues in our environment, we recognize that prevention will, most likely, not completely eliminate such issues in our jails. As such, we will continue to enhance our current efforts by assessing the recommendations from Just Detention International in their work with us, as well as the results from your Panel's review.

We will continue to seriously assess any events that occur, as well as hold staff strictly accountable for their actions. This includes close collaboration with the State Attorney's Office to prosecute individuals who violate provisions of our criminal statutes and discipline appropriately when deemed necessary.

In addition to continual improvements and collaborative efforts with our criminal justice partners, we strongly believe in openness and transparency to identify, not only areas of sexual impropriety, but other areas that might be missed through other means. For example, in 2007 through 2010, we requested the Vera Institute to assess our operations regarding openness and community awareness, and we have implemented many of their recommendations.

As part of continual efforts toward transparency in MDCR jail operations, we accepted a request from the British Broadcasting Corporation (BBC) to interview our inmates on their incarceration experience. Upon viewing the experiences they documented, we were absolutely troubled by the undercurrents that were clearly evident. The BBC documentary brought face to face that age old problem between policy and practice once again. We immediately reinforced not only our expectations, but requirements of supervisory staff, assessed incident reports and conducted follow-ups, examined discipline and increased our communication with the inmates. What we actually found, even though what the BBC story presented was different, was actually that:

- Since 2007, the incidence of inmate-on-inmate violence has been reduced by 54%. For example in March 2007, there were 162 incidents in our system. However in



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2011, there was a total of 75 incidents or a 54% reduction with the majority for pushing and much less violent in nature.

- Since 2008, the staff to inmate response-to-resistance (use of force) reports has dropped by 78%. In March 2008, there were 54 events and this March there were only 12.

In addition, the story also identified another troubling area for staff, especially female staff, and that is inmate exposed masturbation, or “gunning” as they call. This is certainly not a problem unique to our facilities but experienced throughout the correctional community nationwide. This is an area where we are still seeking answers, and as the Panel does its work, perhaps these answers will emerge. We have been unsuccessful in our efforts to have the State Attorney’s Office prosecute such behaviors, leaving our only available actions as inmate discipline and segregation. We have, however, recently offered staff counseling services with our in-house psychologists.

Clearly, we would hope that none of these events would have to occur, but they do. Yet, they have been significantly reduced and we are constantly working to reduce them further. These efforts are ongoing and we fully expect more progress to come.

Like my colleagues in this business, we take the care and custody of inmates very seriously. We, like others, have had some events of which we all wish had not occurred. But when made aware of these events, we respond quickly, appropriately, professionally, and responsibly. As I mentioned in the beginning, MDCR is an agency that attempts to be as open and transparent as possible. Although, no one encourages the DOJ to investigate them, we believe we can only get better through examination. As such, your Panel review is another step in that process.

In conclusion, I hope that I have provided a meaningful overview of the varied approaches MDCR takes in the prevention, detection, and investigation of sexual misconduct in our facilities. We remain firmly committed to a zero tolerance against sexual misconduct and other aggressive violent behavior towards inmates. MDCR personnel join me, as corrections professionals, in saying we take the care and custody of individuals in our facilities very seriously and will continue to improve daily operations while providing a safe and secure environment for them.

I would like to thank the members of this Panel for taking on this challenge and welcome your recommendations. This concludes my prepared testimony and I now look forward to your questions and the forthcoming discussion.

Thank you again for the opportunity to formally address this Panel.

Sincerely,


Timothy P. Ryan