

INDEX

		<u>PAGE</u>
R-9	Richard Swanson/Direct	3
R-10	Richard Swanson/Direct	96
R-11	Richard Swanson/Direct	178
R-12	Richard Swanson/Cross-Examination	265
R-13	Richard Swanson/Cross-Examination & Motion for Recusal	346 420
R-14	Ronald Lee Durrance/Direct	436
	Ronald Lee Durrance/Cross-Examination	507
	Martin Saunders/Direct	532
	Martin Saunders/Cross-Examination	580
R-15	Martin Saunders/Cross-Examination	613
	Wayne Epprecht/Direct	624
	Wayne Epprecht/Cross-Examination	647
	Steven Bronson/Direct	687
R-16	Steven Bronson/Direct	709
	Steven Bronson/Cross-Examination	715
	Billie Joe Harper/Direct	731
	Billie Joe Harper/Cross-Examination	749
	Eddie Cobb/Direct	763
	Eddie Cobb/Cross-Examination	770
	Gregory Zatler/Direct	784
	Gregory Zatler/Cross-Examination	799
	David Aldred/Direct	801
	David Aldred/Cross-Examination	820
	Larry Eugene Brown/Direct	834
R-18	Larry Eugene Brown/Cross-Examination	1010
	Larry Pryor/Direct	1043
	Edwin Johnson/Direct	1065
R-17	Edwin Johnson/Cross-Examination	884
	Michael Gordon/Direct	895
	Michael Gordon/Cross-Examination	917
	Larry Pryor/Return Testimony	922
	Anthony LaMarca/Direct	945
	Anthony Lamarca/Cross-Examination	978
R-8	Iniation of Proceedings	
R-21	Alan Wagshull/Direct	35

R-22	Randall Music/Direct	74
	Randall Music/Cross-Examination	117
	Randall Music/Redirect	161
	James Ferguson/Direct	166
	James Ferguson/Cross-Examination	172
	Raymond Taylor/Direct	180
	Raymond Taylor/Cross-Examination	196
R-23	Ronald Johnson/Direct	216
	Ronald Johnson/Cross-Examination	225
	Theodis Mitchell/Direct	236
	David Brierton/Direct	241
	David Brierton/Cross-Examination	285
R-24	Leo Peters/Direct	361
	Leo Peters/Cross-Examination	404
R-25	Leo Peters/Cross-Exam. Con't.	481
	Raymond Mulally/Direct	495
	Raymond Mulally/Cross-Examination	514
	Raymond Mulally/Redirect	532
	George Lawson/Direct	537
	Robert Turner/Direct	555
R-26	Robert Turner/Direct Con't.	589
	Robert Turner/Cross-Examination	691
	Robert Turner/Redirect	743

TRIAL TRANSCRIPT - VOLUME O (R-8)
(12/2/85)

R15

- 3 Initiation of proceedings
- 7-8 DL raises question of obtaining Dixon file; plaintiff's Ex. 10 contains documents from GCI referring to investigation for corrupt practices
- 10-11 WMM raises issue of appeal filed to Nimkoff's order of 11/25; unable to contact Paine in WPB; a hearing before him was set for 10:15 a.m.
- 13 Nimkoff asks WMM to inquire into the unsealing of Dixon file
- 14 WMM announces delivery of defendant's unilateral pretrial statement to plaintiffs
- 15 Afternoon session
- 19 DL announces Keith Harris was dismissed as plaintiff in 3d Amended Complaint
- 20 DL announces he was "inadvertently" included in prior complaint
- 21 DL announces agreement between counsel that defendants need not formally respond to witness and expert interrogatories of 10/28/85. Instead, defendants will advise plaintiffs' counsel of identity and allow taking of a deposition in respect to regular witnesses; no agreement as to experts
- 22 WMM announces that defendants will have an expert and name and resume will be provided
- 23 If Lipman needs further information in respect to non-expert witnesses, parties will agree to deposition
- 23 WMM points out identity of witnesses as listed in pretrial
- 24 DL announces plaintiffs' supplemental pretrial, adding additional witnesses and exhibits and expanding expert witness report
- 26-7 Nimkoff defers admission of plaintiffs' exhibits to allow defendants opportunity to review

TRIAL TRANSCRIPT - VOLUME I (R-9)
(12/2/85)

R 14

RICHARD M. SWANSON/DIRECT

- 3 On psychology faculty, University of Florida
- 4 Reference to Plaintiff's Exhibit 34
- B.A. Psychology, Texas El Paso
M.A. Psychology, Colorado
Ph.D. Psychology, Colorado
J.D. , Denver
- 5-6 Director of criminal Justice program U of F 1976-80;
Assistant Director Alachua County Dept. of Corrections 1975-76
- 6 Alachua Co. DOC had capacity of 119
- 7 Teaches correctional psychology or law and psychology
- 9 White inmates have more difficulty than black inmates in being accepted in most institutions
- 15 Chairman of commission appointed by Circuit Court in Florida to identify and outline plan to reduce violence at FSP in Starke
- 16 Court accepted all recommendations of FSP report except that for free tobacco
- 16 Appointed to committee in August 1982; submitted a plan in October; reconvened in February to determine compliance
- 17 Relatively well acquainted with Florida prison system
- 17 Appointed to Governor's Council for Research in Criminal Justice in Florida
- 18 Professional member, American Correctional Association
- 18 His initial contact regarding case was in early September
- 19 Met with DL on 10/4/85 to learn of allegations and institution involved
- √ 19 Initially indicated that conditions alleged were difficult to control in a dormitory situation
- 19-20 Some facilities have dormitories, some have multiple inmate cells such as at Union, some have single inmate cells, some have single inmate cells in a pod

- 20 Dormitory housing common in 30's and 40's and still used today, but usually for minimum security inmates
- 21 His investigative approach is to evaluate an institution as a clinical psychologist might a person; attempts to obtain information from several different avenues. If there are inherent biases in one area then alternate activities would enable him to obtain the true facts
- 21 Terms his technique of investigation a multi-variable approach
- 21 First source: internal documents generated by institution (incident reports, use of force reports, departmental policies, institutional procedures, superintendent reports, inmate file jackets)
- 22 There are about 25 major correctional institutions in Florida
- 22 All institutions are required to maintain incident reports which record any exceptional occurrence
- 23 He received incident reports from 1/82 - 12/84 for GCI
- 23 Use of force reports are also required; they record use of force on an inmate; procedure requires filing such report whenever force is used on inmate and taking inmate to medical department for examination
- 24 He received use of force reports from 1/82 - 12/84 for GCI
- 24 Departmental policies are developed in Tallahassee; institutional policies are developed in each institution; institutional policies must vary from one institution to another
- 25 GCI is in Region 4 and reports to the regional director through superintendent's reports
- 26 Florida DOC is second or third largest in country
- 26 Superintendent's reports summarize various conditions at the institution -- inmate population, staff turnover, assaults; they are filed monthly
- 28 He requested file jackets for inmates who were indicated as witnesses or plaintiffs:

Tony LaMarca
 Larry Pryor
 Billy Joe Harper
 Eddie Cobb
 Wayne Epprecht
 David Aldred
 Ron Durrance
 Andrew Jackson
 Willie Dock

Steve Bronson
 Martin Saunders
 Michael Gordon
 Greg Zeltler
 Edwin Johnson
 Michael Lane
 James Roper
 James Kenner
 Larry Brown

- 28 Corrections are a difficult game at best
- 28-30 Second source: external reports or evaluations taken during the time in question -- 1980 to present:
 Palm Beach Grand Jury presentment 1/30/80;
 Management review of GCI 8/26-29/80;
 Prison inspection reports 9/22/84, 10/4/82, 10/18/82,
 9/19-21/83, 7/29-31/85
- 30 Prison inspectors report to Inspector General, David Brierton
- 30 GCI inspector is Leo Peters; his responsibility is to the superintendent but he can be made responsible to Inspector General
- 31 Prison inspectors reports are generated by Inspector General's office
- 31 Additional external reports: Lt. Barrett, Clarence Dixon
- 32 Third source: inmate interviews
- 33 Fourth source: staff interviews
- 34 Inmate interviews:
 Larry Pryor 10/18/85 at FSP
 Eddie Cobb 10/18/85 at Union
 Anthony LaMarca 10/18/85 at Union
 David Aldred 11/4/85 at Lake
 Steven Bronson 11/4/85 at Polk
 Wayne Epprecht 11/4/85 at Avon Park
 Ronald Durrance 11/5/85 at Glades
 Martin Saunders 11/5/85 at Fla. State Hospital
 Michael Gordon 11/6/85 at DL's office
 Larry Brown 12/1/85 at Dade County jail
- 35 Interviews lasted 40 min. to 2 hours each
- 35 Staff interviews:
 Randall Music 11/5/85
 Leo Peters 11/5/85
- 36 GCI is second oldest correctional institution in Florida; built in 1932 as a work farm with open dormitory
- 36-37 GCI was originally all black; later integrated
- 37 GCI located in Belle Glade in farming area
- 37 During time period in issue, GCI was predominantly black with minority of white and hispanics;
 60-70% black

- 38 Turner was superintendent until August 1984
- 38 Ron Jones was superintendent from August 1984 to October 1984
- 38 Randall Music was superintendent after October 1984
- 38-39 Opinion: general conditions were unacceptable
- 40 Opinion sought: whether conditions met generally accepted correctional standards
- 43-44 Objection to Swansons' testimony based on hearsay: in respect to statements of Peters and Music as declarations against interest, Rule 804 requires unavailability; in respect to statements of prisoners, experts may not rely upon statements of interested persons under Rule 703
- 46 Objections over-ruled
- 46 His approach was not to trust any specific report; he was looking for a consensus from divergent sources of information: "multi-method approach of discerning discriminate and converging validity"
- He required multiple source convergence for any single bit of information used in forming opinions
- 47 General or overall opinion: general conditions in terms of a human institution managing human beings were allowed to deteriorate into those that are unacceptable and intolerable by any standard
- 47 There are specific generic standards promulgated by American Correctional Association; he did not utilize specific enumerated ACA standards by those within same generic level of evaluation.
- 48 Documentary evidence produces same conclusion as he obtained from all 4 sources
- 49 Eleven specific findings:
- ✓ 1) GCI from 1980-83 was not under control of formal authority structure of administration and staff; control was exercised by staff through inmate authority structure; Turner did not try to stop spread of this malignancy;
 - 2) Little or no effort taken to control contraband and illicit activity -- drugs, alcohol, weapons
 - 3) Presence of contraband was common knowledge but accepted as unavoidable
 - 4) Day to day supervision left to those below superintendent; Turner rarely involved self beyond bureaucratic administration of institution

5) Morale at GCI was extraordinarily low; no effort made to attract and keep good officers, while those in flagrant violation of proper conduct were tolerated

6) Sexual assaults and extortion of white inmates by black inmates was commonplace and encouraged by some officers

7) While some of these difficulties are partially attributable to matters beyond superintendent's control, Turner did not take even the most redimentary procedures to frustrate illicit activities

8) Inmate victimizers or wolves were not only tolerated and not transferred to other more controlling institutions, but were allowed to recruit others

9) Inmate victims were afforded very little protection and not allowed to transfer without extreme difficulty and were accepted back at GCI after transfer

10) Inmate victims in protective confinement were in extremely punitive environment with no real assurance of protection

11) Fact that this corruption was controllable is documented by actions and successes of Jones and Music

53 In interviewing inmates, he cannot accept 100% of what he hears but must find convergence from a cross-source

54 Inmates he interviewed were from a heterogeneous background

55-61 Pryor interview: one hour duration; at GCI 1/82-11/84; also at Appalachicola, Avon Park, LaBelle; life sentence, 1st degree murder; his impression was GCI was wide open in respect to drugs and liquor; inmates in collusion with guards; showers at end of each dormitory outside range of observation of officers in wicket; confinement at first had one row of cells for AC, PC and DC; up to 4 men per cell; administrative confinement - confinement pending determination of charges; protective confinement- confinement for protection of inmate; disciplinary confinement - confinement after conviction of charges; when he left GCI there were 3 rows of confinement cells, 15 cells per row; black inmates ran GCI; Pryor is black; more blacks than whites and Cubans together; blacks pressure whites by sexual assaults or threats of sexual assault; to get PC inmate must ask for it and "snitch"; he says GCI could be cleaned up with more dormitory officers, especially in TV room; at GCI inmates more likely to cuss out officers; staff brought in dope; Pryor was set up as enforcer by a Lt.; some staff were always ready to use force with inmates including Ass't. Superintendent Arline and Lt. Barrett; rapes could occur in library, weight room or dorm; in dorm at shift change; Turner not on compound much; operations run by captain and lieutenants.

61 Superintendents office is outside security perimeter

- 62-64 Cobb interview: 38 minutes; went to GCI in fall of 82; previously at DeSoto and RMC; transferred from GCI to UCI 3/84; he was aggressive with other inmates; describes GCI as a work camp; Arline ran institution; inmates received little assistance from classification; inmates would bribe guard if they wanted a boy; GCI 60% black, 10% white, 30% Cuban; blacks were aggressors; Cobb is black; his strategy was to be friendly, send a home boy over to threaten, then step in and rescue; majority of white homosexuals are forced; Cobb denied having a boy at GCI
- 64-67 LaMarca interview: 20 minutes; sent to GCI from ACI, previously at RMC; 2 officers in each dorm only evening shift (4-12) consistently had full complement; transients in B dorm (those at GCI only temporarily); other housing determined by job assignments except E dorm, honor dorm; A & B dorms were worst; 80% of population was black; LaMarca is white; GCI a labor camp with vocational programs, AA, church, psychology dept.; GCI was wide open; staff ignored problem of white inmates; after 45 days he was pressured; reported this to major, lt. and sgt. but no action taken; complained of harassment to classification Officer Knight and dorm officer and was taken off kitchen job which he liked; requested a transfer which was denied; beaten by black inmate after visitation, later made friends with a black and was left alone; assigned to DOT crew, attempted escape; high staff turnover; officers who helped inmates were harassed; always in fear of rape; reports hearing screaming from prisoner in PC while he was in DC, inmate was Green.
- 68-70 Harper interview: 1 hr. 6 min.; at GCI for 17 mos. from 1982-1983; also at Avon Park, Polk, UCI, Lake, Tomaka and Marion; Andrew Jackson, black inmate, ran extortion ring; he was raped 2 weeks after arrival in A dorm; raped by Levy Fisher, black, after midnight; incident reported to Turner, who spoke with Harper and Fisher and called Harper a liar; Harper still has physical and psychological problems, has not been in open population since.
- 70-76 Aldred interview: 2 hrs. 10 min.; transferred to GCI 7/20/84 from Polk where he had been in protective custody from 5/84-7/84; previously at RMC; first impression of GCI was that it was a ghetto; assigned to B dorm; no problems first night, pressured by black named Captain second night; friend told him he would need a knife, most inmates had knives; grass readily available; Cuban inmate came from visitation with half pound of dope under shirt; inmates smoked grass in front of guards; guards do paperwork at GCI, inmates run compound; GCI 80% black; inmates enclosed their bunks so there was no visual access; bunks arranged so no visual access to showers; inmates able to enter other dorms without problems; on second night he took shower after count time at 9:00 p.m.; 3-4 inmates entered shower, held him and and raped him; he could not see who it was but they were black; he was bloody afterward; he went to black dorm guard 1/2 hr. later who said he would take care of it; nothing happened so he told another officer at midnight who told him same thing; still no action taken by next morning; spoke to Lt. who told him to handle own problems; thinks staff believed him but did not care; taped knife to hand and put shirt over it - not stopped by guard; could not find anything about rape; two days later he was sent to RMC for oral surgery; told Dr. Gonzalez at RMC who said he could do nothing; sliced his wrist and put in mental ward; sent back to GCI where he threatened escape and was put in PC; pressured by inmates through confinement building windows; transferred to Lake 7 days later; Aldred White.

- 76-82 Bronson interview: a/k/a Nancy Sue; 1 hr. 5 min.; served in Lake, Polk, FSP, UCI, Avon Park, GCI; at GCI late '81-Aug. 82; first impression of GCI - filthy and overcrowded; 60% black; blacks ran place; blacks pressured other inmates; pressured after 2d or 3d day; ignored it at first then black inmate forced him to masturbate him in movie trailer; no officers were present; blacks demanded money or that he work as prostitute; one had stable of two other white inmate prostitutes, one named Jay, other Mike; guards were scared of inmates, many of whom carried knives; there were 3 shakedowns while he was at GCI; dope readily available through staff; blacks in D dorm surrounded white inmate, took him to shower and raped him; guards in wicket ignored it; never saw kid after that; knew of other rapes by hearsay; he was afraid to ask for PC; told by black inmate that guards used inmate prostitutes; after Mike left, black inmate - Mark demanded that Bronson work for him; when he refused, he was raped with baseball bat in recreation yard; given protective confinement; no screens on outside windows; allowed out of cell 5 min. every other day; held in PC from 7/4-8/2; could not use law library or get counselling; subsequently transferred to FSP; beds packed close together in dorm; rarely saw Turner in compound; Bronson was white.
- 82-85 Wayne Epprecht: 35 min.; served at Brevard, Avon Park and GCI; GCI a ghetto, 2-1 black; living conditions crowded; got sick on food 3 times; cats allowed to run around institution; black inmates ran GCI; too few staff and too inexperienced; saw Turner twice; blacks and hispanics stuck together; there were robberies and dope; rapes occurred in dorm; dorms too crowded with bunks; visibility reduced; robbed of \$30 after visitation - hit on head with pipe.
- 85 Durrance interview: at GCI 10/83 - 7/84, transferred to Polk 7/84 to 5/85; Hendry 5/85 - 9/85; retransferred to GCI; also at DeSoto, FSP, Cross City, Panama City; loner at GCI; first pressured in 3/84; he was in B dorm; he would warn transients to watch for blacks; pulled into shower one night after count by black inmate, J.R. who had knife; 5 blacks held him, 3 raped him for 20 min.; so frightened he did not scream; 3 days later he was pressured again; 2 weeks later he reported rape to Lt. Slater; assigned to PC on 4/6/84; Durrance told Lt. Barrett he was in confinement because he owed money.

TRIAL TRANSCRIPT - VOLUME II (R-10)
(12/3/85)

R 16

96-100 Saunders interview: ; white male; previously at DeSoto, 2 yrs., Cross City, 1 yr.; at GCI 2-12/83, transferred to Avon Park; GCI predominantly black; only goal of staff was to prevent escapes; violence and contraband ok; always on verge of a riot; in A dorm when 2 blacks pressured him for money or sex, gave them 10 dollars each time; after 2 weeks he stopped payment and they threatened him; he requested transfer from A dorm and was shifted to other side; there was a trailer where hard core sex films were shown; one day when he was in classification area, the two inmates forced him into bathroom and raped him for 30 minutes; one was Pryor; he did not scream for fear of being cut; hour later he attacked Pryor in TV room and officers broke up fight; Saunders then told Lt. Pipka he was raped but Pipka did not believe him and put him in detention. Other blacks later pressured him. To get transfer from A dorm to C dorm he had to give up dining room assignment and work in cane fields. Transferred to Avon Park in 12/83; from 6/10-13/85 he was a transient at GCI on transfer to sex offender program at FS Hospital; condition had improved - he was propositioned but not forced.

101 File of Larry Pryor rampant with indications of disciplinary problems, assaultive behavior; rape of Saunders not mentioned in file

102 Gordon interview: 1 1/2 hrs.; white inmate; at Broward County jail 4 weeks, transferred to Lake Butler RMC then BTU for 2 1/2 months; GCI was his first permanent assignment; first impression was that GCI smelled like a garbage dump; assigned to B dorm; constantly in fear of possessions and person; two Sgts. - Nappi and Bradley were mugged in compound when carrying in cash; daily stabbings; drugs and liquor easily available; two revolvers found in compound; he was transferred from houseman to cane fields after several months; he witnessed exchange of money between Dixon and inmates; Dixon would supply yeast for buck or wine; advised Lt. Peters of his problems; Peters offered PC but Gordon did not want PC; he witnessed many gang rapes in B dorm, especially in showers; rookie officers given control of B dorm; described incident when Lt. Barrett beat inmates after disturbance at institution; he reported three assaults to staff but would not name names; 85% black, 10% white, 5% Cuban; never went to movie trailer; wife was approached by Dixon to pay for protection of husband; he advised Lt. Peters who said he was aware of problem; food was bad; Turner was rarely in compound -- 3 times in nine months; transferred to Avon Park

112 A & D dorms have about 20 rows of double bunks on each side, 200 inmates total

113 B & C dorms have 70-80 inmates each

113 Brown interview: 1 hr.; currently at GCI; interviewed at Dade County Jail; assigned to GCI 6/10/85; all inmates seemed black; at 2:00 a.m. of his first night, 5 inmates surrounded his bed -- top bunk -- and forced him with knives to lie face down on lower bunk, took his pants down and took turns raping him; he thinks guard was in building but he was afraid to scream because of knives; rape lasted an hour; he went to bathroom and then back to his bunk where black inmates

surrounding bunk made jokes; told an officer next day who did not respond; several days later Lt. Minor sent for him and heard he was providing sex to inmates; brown described incident and was assigned to PC; transferred to Hendry after 3 weeks; inmates from GCI were transferred and talked about what happened; he requested PC on 8/9/85; on 9/27/85 he was re-transferred to GCI; AC, PC and DC are never mixed in same cell; Music interviewed him about rape;

- 120 Inmates had not talked among selves prior to interview; most did not know one another
- 120 He was impressed by degree of convergence on certain themes
- 121 First theme - wide open institution for contraband
Second theme - degree to which it was open
Third theme - staff involvement in illicit activities
Fourth theme - domination of GCI by blacks who were 85-95% of population
- 122 Admits that percentages given by inmates of black population was a distortion
- 122 Fifth theme - rapes and assaults of whites by blacks common
Sixth theme - guards concerned with preventing escapes and paperwork but little else; poor quality
Seventh theme - Turner was not visible
- 123 Does not know if Turner knew of corruption or avoided being involved
- 123 Eighth theme - protective confinement difficult to achieve and conditions were poor
- 124 Last theme - no staff initiative to correct problems
- 124-5 There seemed to have been a classification breakdown; reclassification needed to avoid mixing vulnerable inmates with assaultive ones; transfers needed
- 126 Interviewed Music and Peters at GCI; also spoke informally with prison psychologist and psychiatrist, Dr. Lane and Dr. Medina, on November 5, 1985
- 126 Music had been superintendent a little over one year
- 127-132 Music interview: 1 hr. ; A & D dorms were largest; B & C smaller; E dorm was honor dorm; 30% of the COs had been in corrections less than 12 months; starting pay for COs was \$15,600; not uncommon in past for staff to work a 16 hour shift; this is no longer the case; single bunked D dorm to gain better visual access; middle row as single bunked; plans this for all dorms; replacing saddle lockers with foot lockers; GCI functioned within system as repository for inmates other units rejected; if things get out of hand, then from time to time superintendent can arrange transfers out; in rare case superintendent can refuse to accept an inmate; he can arrange swaps; in first 6 months he arranged 5 negative transfers a month; established policy of regular shakedowns - 15 to 20 a year; confinement cells are segregated.

- 132-136 Peters interview: 1 hr.; responsible to superintendent; can be transferred to inspector general's staff; GCI originally an all-black work camp; subsequently integrated; changes have been made since Turner which have resulted in lower incident rates; Jones shipped 40-45 management problems from GCI to FSP; Turner did not seem to view these inmates as problems; inmate grievance procedure - inmates report to dorm guard who reports to shift supervisor who requires documentation; request for PC is granted if there is evidence of a problem; once in PC an inmate receives classification review in 30 days; team recommends inmate remain in PC or leaves; firearm training changes -- officer cannot check out weapon unless he has been qualified on it.
- 137 Dr. Lane interview: psychologists position was vacant during much of Turner's administration; new pass system had been implemented; no pass system under Turner;
- 137 Infirmary was impressive
- 138 One day of inspection there were 874 inmates
- 138 Each dorm has two day rooms; one with TV, one with game and card tables; restricted visibility from wicker into these rooms; structurally this is not easy to correct
- 138-9 Visibility in D dorm back to shower area is not impeded although one cannot see into showers
- 139 Institution is being rehabilitated
- 140 Redwood fence 18 inches from windows of confinement building - windows open onto hallway across from cells -- did not prevent inmates from getting up to window by crawling under fence and shouting threats at detainees
- 140-1 Music put razor wire under fence to prevent this; this impressed him
- 141 Detention facility clean and in good condition
- 141-2 Due to manpower shortage only one tower was manned leading to blind spots in recreation yard
- 142 If both were manned there would still be blind spots, but not as many
- 144 Plaintiff's Ex. 40 -- drawing of prison superintendent's office
- 146 Plaintiff's Ex. 41 -- drawing of dorm
- 147 Plaintiff's Ex. 42 - confinement area
- 148-9 He reviewed entire files on each inmate
- 149-150 He did not remove anything relevant from files in assembling plaintiff's file exhibits 13-30

150 Rapes that were discussed with him were not documented in file

150-1 Acknowledges that rape is under-reported due to reluctance on part of victim

151 Rape of male in an institution even less likely to be reported

155 Aldred file: documents his suicide attempt

Bronson file: documents his history of sex offenses

Cobb file: documents that he was considered a management problem and his date of transfer

Dock file: indicates he was a management problem and was transferred 9/6/84

Durrance file: incident and transfer in file coincided with interview

Epprecht file: transfer incidents coincide with interview

Gordon file: transfer, medical records and incident reports coincide with interview

156 Harper file: movements from institution to institution verified

Jackson file: indicated he was a management problem

Johnson file:

Kinner file:

LaMarca file: charges, transfers coincide with interview

Lane file: serious management problem

156-9 Pryor file: report of 1/21/83 of Parole Commission indicates a pattern of assaultive, violent behavior; possession of drugs; report of 11/15/83 a recommendation for transfer due to strong-arm tactics with Kinner; approval by Turner; computer sheet indicates request cancelled; transferred on Music's recommendation 11/12/84

160 Roper file: management problem

Saunders file: participation in rehab. program and temporary return to GCI coincide

161 Zatler file:

161 Incident reports: review 2 years of incident reports - about 3 feet thick (Ex. 33)

- 161-2 Incident reports record minutiae; every possible event would generate multiple copies
- 162 Willing to testify that things are documented in the incident report files at GCI
- 162-3 Lack of report of rapes; could find no reports in two year period; copies, however, were difficult to read
- 163 Impression from incident reports: great deal of paper generated; staff disorganized and loses guns; some procedures which are adopted are not followed - leading to reprimands; abusive language used by inmates who are written up for it; from 1/80 to 12/83 there appears some disorganization
- 165 Use of force reports: GCI religiously followed DOT procedures in regard to use of force - inmate always taken to infirmary, examined and treated and documented "remarkable example of bureaucracy taking this very seriously"
- 166-167 Plaintiff's Ex. 2 - DOC policies; Plaintiff's Ex. 3 - GCI policies
- 170 Did not find certificates of completion of orientation in inmate files as required by GCI rules signed by Turner
- 171 4/23/79 GCI rule provides for placing of PC inmates into administrative confinement; this would allow some aggressive inmates to mingle with victims

TRIAL TRANSCRIPT - VOLUME III (R-11)
(12/3/85)

R17

- 178 Under Jones, GCI rules provide for segregation of inmates in PC from inmates in AC; Jones also provides for canteen privileges in PC and requires shift supervisor to advise of any incidents in confinement
- 182 Ex. 31 - Superintendent's monthly reports required by DOC policy; reports on variety of factors such as staff turnover, overtime work, assaults
- 183 Ex. 39 - Summary of data from Superintendent's reports
- 184 Ex. 39 prepared by Swanson's assistant
- 189 Four sexual assaults reported from 1980-83; five reported in 84 when superintendents changed
- 190 Other sources of data indicate a reduction in sexual assaults in latter part of 1984 thus he concludes that the increase in numbers reported in 84 reflect increase in monitoring
- 191 Review of superintendents' reports leads to conclusion that attention paid to internal documents is impressive; there is a great deal of investigation and documentation evidenced by reports but not a concern in actual operation; things that could have been done were not as evidenced by changes under Music; institution very bureaucratic under Turner
- ✓ 192 Indications are that GCI only attempted to meet minimum constitutional guarantees rather than exceeding them
- ✓ 196 All inmate informants agreed that GCI was not under control of formal authority from 1980-83; staff informants support this by comments on subsequent negative transfers and shakedowns; facility inspection showed improved conditions; internal documents showed an uneducated staff, large number of assaults on staff and vice versa; reluctance of inmates to report rape
- 197 All inmates agree there was little or no control of contraband; staff interviews did not agree but did reveal simple cost free changes that Turner could have used; inspection showed changes to make illicit activity more difficult; internal documents showed a concern with paperwork
- 198-199 All inmates agreed that contraband was accepted by the institution as an unavoidable situation; no information on this from staff; physical changes in facility made to discourage this; no internal documents found on shakedown
- 199 Most inmates reported that Turner was rarely in compound; little information on this from staff; internal documents rarely show Turner was directly involved in operations except to review documents

- 200 Inmates viewed staff as just trying to get through the day; staff reported adverse effects of long overtime; internal documents show laxity and confusion in following procedures
- 200 Inmates all concurred that whites were victims of sexual assaults and extortion by blacks; did not address this with staff; internal documents were in total agreement in reporting few assaults
- 201 Inmates all agreed that cost free solutions to problems were not taken; staff interviews supported conclusion that there were improvements that could be made; no evidence of shakedowns under Turner
- *202 Failure to transfer out victimizers shown by Pryor's file and staff reports of subsequent negative transfers; documents show few transfers during Turner administration
- 203 Inmates all agreed that there was little protection of victims; supported by staff reported changes in AC, PC, DC; internal documents show trouble in confinement cells during Turner's period
- 203 Inmates agreed that PC was very punitive; staff reported changes in confinement; visit showed changes in confinement; internal documents show trouble in confinement
- 204 One inmate reports improvement in controlling corruption after Turner; staff reported improved climate and reduced incidents
- 205 External investigation reports:
- 1) Ex. 9 Barrett investigation
 - 2) Ex. 10 Dixon investigation
 - 3) Prison inspector's report on confinement cells on 9/11/82 and 11/4/82
 - 4) Grand Jury presentment 1/30/80
 - 5) Inspection Reports 9/19-21/83
- 206 Barrett investigation - mentioned by Gordon and corroborated by report; showed extreme violation of standards by Barrett; Barrett was in charge of security
- 211 Conclusions re: Barrett incident: gross errors in judgment made by Barrett who brought gun into perimeter, called out inmates and beat them. Situation so gross that immediate action should have been taken; action was taken only after delay; interview of inmate by Turner shows Turner not surprised at presence of alcohol at GCI; Turner refers to Barrett situation as serious but does not express outrage
- 213-214 Barrett investigation performed by Tallahassee investigators summoned by Turner; external investigation was appropriate; investigation was prompt and appropriate -- very quick (3 days)

- 216-217 Barrett was disciplined at conclusion of investigation; Turner should not have just suspended him and sent him home to take a rest but should have taken away his gun and badge
- 217-218 DOC has policy which permits immediate suspension
- 220 Dixon report shows there was collusion of staff in supplying contraband
- 223 Memo in file shows Dixon had used extortion in a prior job
- 226 Prison inspector's report 9/22/82 shows inadequate ventilation and lighting in confinement areas; conditions portrayed are unacceptable
- *226-7 Nimkoff advises of his trip to GCI, view of confinement cells in summer or fall of 1982 and fact that he formed "certain vivid impressions" of them
- 228-9 Grand Jury report - inmates had access to meat lockers; laxity of personnel mentioned; jury did not see evidence of contraband but heard it was available and recommended against inmate access to cash
- 230 Turner did not implement recommendations of grand jury report in respect to cash availability
- 231 Many institutions make cash contraband
- 236-7 Grand Jury also recommended that inmates not be confined in PC for extended period
- 237 Grand jury report also mentions problems with hiring due to socioeconomic factors; mentions problems due to staff vacancies. Recommends developing a transportation system and trailer park
- 239 Employee survey showed feeling of insufficient number of staff
- 240 Grand jury report put Turner on notice of contraband problems, recruitment problems
- 241 Inspection Report of 9/19-21/83 refers to age of institution and laxity or disregard in following established procedures; preventive maintenance needed; acknowledges budgetary constraints for painting or replacement but recommends better sanitation procedures by inmates and staff in need of improvement in personal appearance. Shotguns were found to be rusty and tools were on ground near gate
- ✓ 242 Out of total population of 775, 21 were in PC; 20 in PC were white, one was black; 366 inmates in general population were white, 409 were black; 397 whites in total population, 426 blacks

- 244 Asked for opinion regarding improvements on injunctive issue; replies that he has difficulty in making assessment based upon a one day visit to the institution and talking to 2 staff members. Confident that Glades is not an ideal institution and never will be. Feels that present administration has moved to identify and correct problems
- 247 Lipman asks that issue of injunctive relief be deferred and further remedial hearings be held to address issue; defers to Dr. Swanson
- 250 Nimkoff temporarily adjourns issues on present condition
- 252-253 Courts inclination is to defer question of present conditions
- 255-256 Swanson acknowledges that entire system is crowded and is essentially reacting to loudest complaints. Admits that Grand Jury report does not discuss homosexual rape but says that a sophisticated reader could read between lines in respect to imbalance in PC and feel there is a sexual assault problem. No other external report concluded that sexual assaults were a problem
- 257 Nimkoff asks Swanson to assume he and his staff visited GCI in summer/fall of 1982, took LaMarca's testimony where LaMarca claimed he had been disciplined for fighting to defend self from homosexual assaults; LaMarca indicated to Nimkoff concern for others who might be assaulted and Nimkoff heard from LaMarca as an amicus curiae; Nimkoff told Belitsky that the State should be concerned about substance of LaMarca's claims; Belitsky indicated that it would be investigated, but it developed that it was not; under this assumption, Nimkoff asks Swanson if there was any evidence that Turner or anyone had conducted an investigation of LaMarca's claims
- 260-1 Swanson answers that he sees no evidence of any investigation

TRIAL TRANSCRIPT - VOLUME IV (R-12)
(12/3/85)

R18

- 265 **SWANSON/CROSS-EXAMINATION**
- 265 Swanson concluded from the larger number of rapes indicated on the superintendent's report for 1984 that there was more reporting of rapes
- 267 Accuracy of Swanson's opinion based on accuracy of his data
- 268-269 One report was made in 3/84 when Turner was superintendent, two in November after he left; this was not 5 but 3 total
- 269 Admits that there was not a dramatic increase in reporting and admits that it would be an error to assume that there was a greater inclination to report rapes after Turner based on that data
- 270 Admits repeated evidence in superintendent's reports of manpower shortages and problems created by shortages; did not include this information in Ex. 31
- *270 Clear that Turner used monthly reports to communicate the manpower shortage and consequences to his superiors
- 271 Turner clearly tried to deal with "hard matters of funding positions"; he should have pursued other options such as negative transfers
- 271-2 Turner also communicated inmate difficulties and shortage of space in his monthly reports
- 272 These problems are very difficult for a superintendent to deal with, but he did try to do so - complained of problems, requested funding
- 273 Turner used other means to convey these problems to the DOC - budgetary line; legislative committee appearances; requesting special review of the facility and staffing
- D-273-4 Major problem identified in all external reports was lack of funding
- *274 Staff shortages varied between '80 and '84; shortages reduced considerably from '80 to '84, shortfall reduced to 1/4
- 275 Manpower situation improvement should have resulted in improvement in conditions at GCI
- *275 Another major deficiency identified in external reports was manpower shortage, which was itself a major factor in other problems
- 276 The manpower situation improved considerably under Turner
- 276 Florida has one of highest training requirements for correctional officers in nation - 360 hours; GCI officers trained at outside training center

277 His standards reflect spirit of those of the American Correctional Association

278 Admits GCI was accredited during Turner's administration

279 Not surprised if GCI had second highest accreditation in state

281-2 Protocol followed in studies at correctional institution is to interview a small group of inmates to develop general concepts and then to question broad section of population regarding these concepts; sample from which data is drawn is important

284 Sample used in this case was a "sample of convenience" of people involved in the litigation. Consequently he was very concerned about biases

284-5 Consequently each datum received from inmate interviews was subjected to cross-proof from other sources

286 Racial imbalance identified by inmates was one of problems Turner should have addressed

287 Important to check inmate perception as to racial balance against other sources

287-8 Cross-checked racial balance by viewing inspection reports

288 Florida prison system 51% black

289 Ratio 9/19/83 53%-47% general population 51-49 total population

290-1 Wild exaggeration by informants in respect to some data; leads other information to be questioned

292 Access to confinement area through plank wall was identified as a major improvement instituted after Turner; also transfer out of trouble-makers and victims; victims would be those in PC

293-4 Admits there were transfers during Turner's administration, but the length of time to transfer was greater

294 Only recalls Pryor as an inmate whose transfer was revoked; there may have been others

*295 Three revocations do not establish a pattern

295 Would not be surprised to find revoked transfers at any institution; such could be quite valid; thus he can draw no legitimate conclusions from that data

*296 During most of Turner's administration most Fla. state correctional facilities were at or over the court appointed caps

297 It would be necessary to find another institution which could accept a transfer

- 297 Assumes that there can be swaps of inmates
- 298 Pl's. Ex. 13 - Aldred's records show swap sheet in Turner's administration when 7 inmates were swapped out of GCI; 3 aggressors and 4 PC inmates
- 299 Did not make effort to determine if there were other swaps in Turner's administration except in two staff interviews
- 301 Was not able to review all the paperwork to determine how many swap arrangements occurred with Turner
- 302 Harper's file contains a swap in Turner's period involving a dozen inmates
- 303 Did not mean to imply that transfers did not take place in Turner's period; they clearly did occur
- 303 Only noted two instances-- Pryor and another -- where he felt transfer should have been made earlier
- 304 During Turner's period, total number of inmates were in the thousands; possibly hundreds were wolves; two would not be a fair sample
- 305 Important in assessing reliability of inmate's relation of events to know if he had prior history of paranoia or history of sexual crimes
- 306 Inmates tend not to assign sexual fear as reason for seeking PC
- 307 Harper sought PC on several occasions because he had been an informant
- 308 Did not note if Harper had prior record of claiming sexual assaults
- 308 Did not know Harper claimed assault at Alachua County Jail
- 309 Sexual assaults are not uncommon even in prisons; it is very difficult to eliminate
- 311 Did not make effort to determine reliability of every criticism by inmates of GCI; only those where there was convergence
- 312 His method, taken in extreme haste, was not subtle and only focused on extremes
- 312 Advises caution in accepting truth of any individual inmate's complaint
- 313 His technique was a crude one
- 314-5 All of his inmate informants indicated difficulty in getting PC for a rape complaint or reluctance in seeking PC because of conditions
- 315 All informants did not indicate personal difficulty in getting PC; they were only relating general observations

315-6 No convergence of information from multi-sources on difficulty in gaining PC; this was based solely on inmate interviews

318 Photographs of Dorm B do not show bunks providing an obstruction to view from wicket to shower area

318-319 Cannot see shower itself because of wall with opaque window

319 Views photos of A dorm

320-322 Beds obscure vision from wicket in A dorm but even when viewed between rows of beds, showers are not seen because wall blocks view of shower

323 Guard could not see into shower itself although he could see commerce into and out of shower

323-4 Def.'s Ex. 1, A, B & C; Def.'s Ex. 2, A, B & C: six photographs of Dorm A & B

324-5 Def.'s Ex. 1 is dorm B or C; A is distance view; B is mid view and C is close up of shower

325-6 Def.'s Ex. 2 is dorm A

326 Contraband is an item not authorized to be in inmate possession

327 Has impression standard procedures were taken to control contraband at GCI but at a non-substantial level; bases this on Grand Jury report and inmate interviews

328 Also relies on Dixon report which related to only one guard

328 Dixon report indicates Turner initiated an investigation into Dixon and, then, after the investigation failed to uncover violations, still ordered a continuing investigation

329 This was consistent with the actions of a conscientious superintendent

329 Not familiar with requirements in Florida for dismissal or suspension of state employees

329 Turner's reactions to Barrett were "oddly mild"

330 Not necessary for Turner to suspend Barrett, just see that he had no contact with inmates insecurity perimeter

330 Turner did this

331 Assumes that Dixon case was example of person prosecuted for bringing contraband into GCI

- *332 Contraband can enter an institution through a number of avenues: visitation, throwing item over fence, through staff, prisoners working outside perimeter, constructed within the prison
- 333 Institution like GCI which has DOT crews and agricultural crews and allows personal contact visitation will inherently present more avenues for entry of contraband than a more restrictive facility
- 334 This can be controlled by shake downs, strip searches after visitation, metal detectors
- 334-5 Might not be advisable to use stripe searches on all prisoners as it might violate their rights
- 335 Would recommend strip searches only for inmates that seem to be distributing contraband
- 336 Assumes that traditional methods of shake downs, staff observation etc. were employed, but questions thoroughness

TRIAL TRANSCRIPT - VOLUME V (R-13)
(12/4/85)

R19

- 346 Lipman brings up question of whether investigation was ever made into Nimkoff's request. Nimkoff announces that it is his impression that it never materialized
- *347-8 Improvements in confinement area while Turner was superintendent: confinement area expanded from one to three rows; cells were rehabilitated; continuing and extensive modification and improvements were made
- *349 These improvements were substantial
- 349 Walls between cells are solid
- 350 Not necessary to snitch in order to obtain PC under Turner, but it would help
- 350 Harper may have been admitted to PC w/o identifying his assailant
- 351 Policy at GCI did not require snitching to get PC but line officers seemed to function that way
- 352 It is reasonable to attempt to learn identify of assailants to provide security and protection of inmates; difficult for officers to protect inmates and to discipline offenders unless they are told of an assault and identity of assailants
- 352 Inmate should be encouraged to identify his assailant
- 353 Inmates that were in confinement for lengthy periods at GCI had often been in lengthy confinement at prior prisons
- 354 Inmates often prefer to live in PC long term rather than face general population due to a number of pressures - fear of assaults, gambling or other debts, because of snitching
- *356 During Turner's administration there were excessive population pressures in the system at times
- 356 Only a few facilities had cell block arrangements
- 357 Peters said that is a prisoner snitched he would be assured of PC; not necessarily assured of it if he did not
- 359 Inmates in PC did not have to work and this might induce a prisoner to seek PC
- 359-60 Prison must also be careful not to allow prisoner seeking revenge to get PC; this highlights need to seek information about and knowledge of assailant
- 361 Reason for housing prisoners according to work type is to prevent one group's time schedule from interfering with another

- 361 Although prisoners in PC did not have access to law library, operational procedure was to bring books to them
- 362 Report of 11/4/82 regarding lighting in confinement area (Ex. 5); a few weeks before, the confinement area was under construction
- 362-3 Construction was still ongoing at the time of the report and it involved lighting and ventilation
- 363 Report of 10/6/82 indicates project was designed by an architect in accordance with standards
- 364 Turner's efforts to improve manpower shortage: legislative requests; administrative requests; use of van to transport staff from distances
- 367 Turner succeeded in increasing pay which led to staff increases
- 367 Staff shortage an important factor that permeated almost all other problems
- 367 Also during Turner's period, staff turnover was reduced
- 368-9 Some turnover reflected in statistics would be for workers hired to fill prior turnovers; workers that leave are more likely to do so during first year
- 370 Not all new staff are inexperienced; they may come from another institution
- *371 Shanks are typically to be found at any institution
- 372 Shanks can be constructed out of almost anything from toothbrushes to pens
- 372 Rape is under reported at other institutions and in society in general
- 373 In order to transfer an aggressive inmate it is necessary first to identify him, then to find another institution that would accept him
- 374 Superintendents at other institutions will not react favorably to an institution that seeks to get rid of its problem inmates without accepting the other institutions' problem inmates in return
- 375 Swaps will typically involve problem inmates from each institution
- *375 A superintendent's freedom to manage his own population is severely restricted when the system is crowded
- 376-7 Concedes that R-rated movies depict nudity and intercourse
- 377 Best way for staff to determine an aggressive inmate is observation and number of DRs - Pryor an example
- 378 Cobb was an aggressive inmate

378 Concedes that many non-aggressive inmates receive DRs

378 Difficult often to determine if an inmate who is fighting is the aggressor or the victim

378 Total number of DRs not very meaningful

379 Typical for administrative offices to be outside the security perimeter; this is for good reason; reduces security pressures on staff in perimeter

380 Requirements for firearm training was instituted during Turner's administration

380 Does not know for how long a period the psychologist's position had been open under Turner

381 Assumes it is difficult to fill such a position in Belle Glade

381 Infirmary was facility one could be proud of; built by Turner

382 Towers' primary function was perimeter control; GCI used Cushman vehicle and electronic system

382 GCI manpower budget was cut by state when electronic system was put in since towers did not need to be manned

383 Entrance tower was manned; its addition was an improvement

384 GCI's effort to document any problems was impressive; this is important for good management and for proper protection of inmates from aggressors

384-5 His impression that staff was disorganized was based on incident reports showing officers were unsure of procedures

386 Would expect some degree of confusion with a staff of 220-250 and the turnover rate

386-7 Fact that there were staff reprimands for improper compliance with procedures is sign of good administration

387 Use of force reports were typical in number for an institution of this size; use of force at GCI seemed reasonable

388 Level of use of force incidents shows staff did not resort to it excessively and were not reluctant to utilize it when necessary and called for

389-90 Mixing confinement classes in same row but different cells does not produce physical danger but can produce psychological harassment

390 Redwood fence was placed outside confinement building windows to reduce harassment by inmates

391 Not aware that much in glades area oxidizes and recedes

395 Vast majority of assaults by inmates on staff were unarmed

397 One of confinement reports indicated screens had been replaced in confinement area during Turner administration

397-8 Concedes there was on going maintenance during Turner era

398-9 Not aware of expense involved in conversion to non-cash system at a prison

401 Existence of contraband does not necessarily indicate lack of substantial effort to reduce it

402-4 Conclusion that Turner had done nothing to impede flow of contraband was based on lack of mention in reports he reviewed; concedes the types of reports were not necessarily calculated to disclose such measures

404 Staff overtime which affected staff morale was a function of manpower shortage

404 Overtime is only immediate alternative to manpower shortage other than leaving a function vacant

406 All of the documents he requested and reviewed were ones which were generated for purpose of identifying problems

409 Redirect Examination

410 ACA accreditation is extremely sensitive to paper work

410 At type his committee found FSP in violation of inmates civil rights, it was in process of accreditation

412 Costello v. Wainwright litigation was that which he was involved with

414 ACA accreditation does not address issue of inmates civil rights

415 DOC combines hispanic and white inmates together in statistics

416 Most correctional administrators view showing graphic portrayals of sex to large inmate audience as not wise

417 Movie that excites sexual stimulation exacerbates problem in a prison

419 GCI's racial categorization no different from the rest of the state system

420 **MOTION FOR RECUSAL**

421 Nimkoff's view of the facilities was not necessary to a consideration of LaMarca's testimony at time of visit

423 WM indicates concern that Nimkoff's question to Swanson intrudes into issue of
Turner's knowledge of the conversation with Belitsky

424 WM calls Nimkoff's attention to Canon 3(c) Code of Judicial Conduct regarding
recusal

426 Nimkoff's knowledge and testimony of conditions that existed form basis of
recusal

428 LaMarca told Nimkoff he would give Belitsky a list of names of prisoners
similarly subjected to assaults or threats; Nimkoff asked Belitsky to investigate
"this obviously serious accusation".

429 LaMarca orally advised Nimkoff that GCI staff would look the other way
rather than protect these inmates

429 Independent of this, Nimkoff asked for a walk through of the confinement
which he did to acquaint self with the totality of a public institution to be an
informed member of the judiciary. He viewed confinement area with
"considerable concern".

431 WM indicates that Nimkoff would be wanted as a witness in the case

TRIAL TRANSCRIPT - VOLUME VI (R-14)
(12/4/85)

R20

436 **RONALD LEE DURRANCE/DIRECT**

437 Presently at Dade Correctional; previously at GCI

437-8 Married, 2 children

438 Convicted in 1977 for robbery, burglary, possession of burglary tools and violation of probation; 15 yrs. sentence

438 Classified at Manatee County Jail, sent to Desoto Correctional 9/77

440 After 7 1/2 months, he was sent to FSP for disciplinary reasons for conspiracy and attempt to escape; at FSP 5/78-3/80

440 Next sent to Cross City 3/80 - 3/81; then in work release, Panama City

440 Returned from work release 6/81; drinking, lying off job; sent to Jackson Vocational

441 At Jackson 6/81-3/83; convicted of burglary while on work release

442 To RMC 7/11/83 then to Butler Transfer Unit

442-3 To GCI 10/83 until 7/84

443 Expiration of sentence 11/87; established parole date 5/87

444 Raped March 1984 at GCI; housed in B dorm; lived in B since arrival

44-5 Night of March 17, 1984, transits were brought in; he went to front door and warned new guys to put personal property away so as not to be robbed

445 Transits do not have much with them to loose; sometimes tennis shoes or uniform, watches

446 Never witnessed a theft; just heard about it

446 Approached by Willie Dock and Bull (Williams) who told him to leave transits alone

447 He moved away; CO was in wicket giving assignments; he could not hear conversation between Durrance and Dock

448 Never previously had any discussion with Dock or Bull

448 Nothing happened until later; he got shower and walked around; lights go out at 11:00 p.m.

448 At 10:30 he talked with older guy, Buddy Wilson; if you talk with older guys you are not hassled too much

449 Returned to bunk for count at 11:00 p.m.; lights were dimmed

450-451 Went back to talk to Wilson at 11:10 p.m.; a black inmate, J.R. approached and said he wanted to speak to him; he went to J.R.'s bunk

451 Bull grabbed him around neck between bunks; J.R. was in front; Willie Dock had knife; Bone had knife; Bean was also there

453 All 5 of them were black; Dock threatened to cut him if he hollered and put blade to his neck; he was dragged into shower by Bull

454 He did not struggle; J.R.'s bunk was 2 bunks from shower

454 He last saw CO in day room watching news after 11:00 p.m.

455 He was dragged into shower and taken down onto floor; he was not wearing a shirt; wearing pants

456 Bean held him down and J.R. held knife on him; others snatched off his pants and shorts

457 He said nothing because he was threatened; he was scared

458 They wrapped his pants around his neck and face, blocking most of his vision

459 Immediately after pants were put around his face he was forcefully entered through rectum; wanted to scream out but did not

460 He was lying on stomach; there were three different penetrations; does not know if it was 3 different persons

460-1 He was almost in doorway of shower

461 Does not know if anyone ejaculated in him; could not have lasted more than 35-40 min.; told not to go to wicket

462 Put his shorts back on but not his pants; cried

463 Other inmates had left shower; it wasn't yet 12:00 p.m.; shift had not changed; he returned to his bunk past the bunks of Dock, Bone & Bull

464 Could not go to CO who was black and who was friendly with black inmates

465 He was afraid CO would not do anything if he was told

465 Would have to name an assailant to give good cause necessary to be placed in PC. He was not bleeding although he felt pain for 5 days

466 He laid on bunk and did not tell anyone what happened

469 In morning Lt. George Lawson was on duty but was in chow hall rather than office where he could talk to him; does not say Lawson wouldn't do duty, but he has one-way attitude

470 He went to the vocational workshop; Dixon came on shift in B dorm

471 Did not want to talk to Dixon because he saw money passed and Dixon sold inmate half pint of whiskey

472 He preferred enduring the rectal pain for 5 days to the embarrassment of reporting to the medical department

474 Did not go to work on utility squad later in day; went to library

476 When Lt. Slater came on duty in afternoon he told him he had a problem and needed PC; Slater told him PC was full and he would not put him in confinement; was not able to tell him he was raped

477-8 Several days later Bone approached him and told him he would have to become "somebody's boy" or pay him

478 He continued to duck work

479 He was locked up on April 2 for refusing to report to work; did not tell Officer Jones why he would not work

480 Put in AC; pled guilty; wanted to enter an explanation to Mr. Floyd, classification officer, but Floyd did not want to hear explanation

481 Wanted to tell Floyd he wanted PC for financial problems; given 15 days

482 Reassigned to D dorm, but he did not want D dorm; preferred confinement instead

484 Told Barrett who came through confinement that he wanted PC for debts. Barrett told him to write out report for PC and he would get it; claimed in request that he owed Dock and Bull money

485 Stayed in PC until 7/21/84

486 Could not make gain time in PC

487 Transferred to Polk in July

487 Not pressured while in PC

488-9 Approached by a black inmate at Polk after a month who had heard of his rape at GCI; wanted payment

490 Changed forms but a week later approached again

491 Requested PC for owing money; stayed in PC until March or April 1985, when
he received a DR for attempting to bring \$125 in from visitation

492 PC at Polk is open dorm

493 After he got back in PC he heard about this suit from a black homosexual who
thought about getting involved

495 To that point had never told anybody about rape

496 His parole officer was unable to get him a parole and he was upset; he wrote
Hall and Amlong; didn't hear about it until April; told he would be prosecuted
for making a written threat to Parole Commission

500 He wrote an apologetic letter to commission

501 Swapped with inmates from Hendry in May '85; met Bone there; asked for
transfer from dorm because of a contract on life from FSP.

502 Again encountered Bone; sought PC; there until 9/27/85 when he was swapped
for GCI

503 Did not want GCI; wanted to be closer to home; immediately asked for PC at
GCI

504 Told Lt. Minor he needed PC because of sexual assault

505 Placed in PC until transferred out in Nov.'85 to Dade Correctional

505 First discussed case with woman named Susan after he wrote Hall & Amlong

506 Told parents of assault in July; did not mention rape

507 **DURRANCE/CROSS-EXAMINATION**

507 Wrote letter in April of 1985 on this suit

508 Received response in May of 1985

508 Has been sharing cell with Aldred for past week

509 Knew one of his fellow plaintiffs, nicknamed "Shorty" at Polk; shared PC
together

509 Ashamed and embarrassed to talk about being raped

511 He could have gone to shift Lt. on night of rape but he was afraid to do so

514 He was fearful if he told of rape to staff, word would get out; word, however,
was already out

515 Word was obviously "out" when he was at Polk, but he did not go to staff

515 Has not seen his record

516 Has had 20-25 DRs over a 9 year period

518 Prior to 1983, he had had 12 DRs in 6 yrs.

518 Reportedly member of Omens gang

518-19 Had a number of DRs for possession of contraband prior to GCI

520 Had DRs for drinking and hitting black inmate with weight bar

521-2 Had been in confinement at FSP, perhaps PC

522-3 Parents wrote Senator Hawkins asking for a transfer from GCI on basis that his life had been threatened at FSP

523-4 At FSP 5/78-3/80; had been in business of selling marijuana cigarettes in prison

526 Lied about statement that Ashley had contract out on him from FSP

527 Did not know what lawsuit was all about until he talked with Lipman's investigator in May or June of 1985

530 He hit inmate with iron bar for pushing him

532 **MARTIN SAUNDERS/DIRECT**

532 26 yrs. old

533 Presently at Baker Correctional Inst.; convicted of sexual battery, 35 yrs.; possession of marijuana 5 yrs.; aggravated assault 5 yrs.

533 First sent to DeSoto when he was 20

533 Received many DRs at DeSoto - marijuana and assault

534 Hit inmate in first week at DeSoto for calling him a homosexual

535 Verbal sexual harassment common in entire system if person labelled a homosexual

535 At DeSoto 2 yrs.; went to Cross City 2/82;

535-6 Went to GCI 2/83

536 Due to his physical characteristics, homosexuals had been attracted to his body structure and he received numerous propositions prior to GCI; this made him insecure

536 He arrived at GCI, saw great multitude of black inmates at a distance, some close up; felt he was on meat market display

537 Hgt. 5'7"; has obese buttocks which are very attractive to aggressive inmates

537 Did not like smell when he arrived at GCI and number of blacks

538 Only towers then in use were recreation field tower and gate tower

539 Did not receive orientation at GCI; placed in A dorm

539-40 Approached first night by several black inmates attempting to be his friend; his experience told him they wanted sexual favors; later they became more aggressive when he did not respond

541 Larry Pryor and James Roper were particularly aggressive

542 Complained to classification officer several times about Pryor and Roper; classification officer was Knight

542 Knight told him they were running a game; did not believe situation was very severe

544 Knight approached him from behind and pressed his body against him

5454 What he wanted was to transfer to C dorm which had a majority of whites

546 Pryor and Roper progressed from friendly approach to threats to striking him 2 or 3 times

546 Pryor asked for money from him after visitation; threatened him with knife

547 Pryor and Roper lived on same side of A dorm

548 On third visit to Knight he was moved to other side of A dorm

548 Most guards at GCI were black and were not sympathetic

549 Move separated him from Pryor and Roper at night but not during day

550 On one occasion his property was thrown into shower; ruined photo album

551 Describes rape in classification bldg. bathroom by Pryor and Roper: he was using bathroom, they forced way in, made him lean over toilet, lubricated themselves and entered him anally; ejaculated in him; Roper went first; Pryor held knife on him, they they changed places; he pleaded with them to stop, but they ignored him; he spoke but not loudly. No one heard

555 Incident took about 25 minutes

555-6 After he left bathroom he went to recreation field for an hour then left to find them; he found Pryor, started fighting with him. He was called in by Lt. Pipta who investigated fight and spoke with both of them and other witnesses. He told Pipta of rape but he did not believe him;

557 Pipta sent him for medical exam; not given a rectal exam; tried to tell medical personnel what happened but escorting officer rushed him back to confinement

558 He was placed in a PC cell even though he was under AC

558 Rectum was sore but not severely

559 Had peculiar bowel movement next day

559 Pryor and Roper were not confined

560 He was one of 3 in a cell; slept on mattress on the floor; cell had mildew and was roach infested

561 He was in confinement 4 days

562 People in confinement were allowed to roam outside cell; guards would let visitors in

562-3 They would not reassign him to C dorm from A dorm because he was a kitchen worker

563 He had advanced to clerical position in kitchen which he lost while in confinement

564-5 He had to change to work in cane fields to get moved to C dorm

566 Never before or since at GCI had to go into PC

566 Not physically harassed by Pryor or Roper after he was in confinement; never again raped

567 "Verbally propositioned" by an inmate in the cannery who called him a homosexual

568 He got belligerent with the other inmate who severely kicked him in groin

569 Other inmate lived next to him in C dorm

570-1 Afraid of inmate since bunks had hanging covers etc. which could hide an attack so he went to new classification officer -- Dutenhofer -- for PC

573 Cell in PC was in same condition as previous cell

574 He was either alone or with another inmate

574 No privileges in PC

575-6 Never saw Turner visit confinement area

578 Put in mentally disordered sexual offender program

580 **SAUNDERS/CROSS-EXAMINATION**

583 Majority of his DRs prior to GCI were for possession of marijuana, other contraband; unauthorized area

583 Not many DRs for conflicts with other inmates, but he had many conflicts

583 Had problem at DeSoto from prisoners seeking sex from him

584 Had an above average amount of propositions at DeSoto but not as many as at GCI

584 Smell at GCI was from manure and burned sugar cane

585 Does not like smell of the glades

586 Received first threat at GCI after a week

587 First approached classification officer within a month after arrival

588-9 May have told Knight in first interview that Pryor struck him, but may have been 2d interview

590 Does not know names of other COs he complained to about threats; difficult to communicate to Knight

591 Not sure whether he identified Pryor and Roper in 1st or 2d interview

592 Primary purpose in talking to Knight was to get a transfer to C dorm

594 Moved to A dorm after 2d interview with Knight; moved to C dorm later

595 Only advances by Knight were on first interview

596 Not sure that he told identity of Pryor and Roper to Knight; did not tell Knight of his being pressured for money

597 He was in classification bldg. on day of rape because it gave him privacy; does not like to go to bathroom in public

598 Bathroom was 5 by 8

598 Admitted to Pipta that he initiated a fight and that he had been raped in the classification bathroom

599 Pipta disregarded any comments except those related to fight

600 Tried to tell medical technician he had been raped but not sure he did so
because he was interrupted by the guard

601 Does not know identity of guard in infirmary with him

601 Not all inmates were allowed to walk outside of their cells in confinement area

602 Inmate with good rapport with officer might be allowed out to sweep floor

604-6 Denies ore tenus motion for recusal with leave to reassert it upon receipt of
transcript

TRIAL TRANSCRIPT - VOLUME VII (R-15)
(12/5/85)

R21

- 613 Received about 8 DRs for conflicts with other inmates at DeSoto
- 613 In a majority of these he was not the aggressor
- 614 Struck man at DeSoto for calling him a homosexual
- 616 Had fight in van with man who called him a snitch
- 617-8 Majority of his fights at DeSoto were with black inmates
- 619 Saunders also claimed that pictures and other property were stolen from him at DeSoto
- 620 Also had problem with theft of property at Cross City and Avon Park; no problem yet at Baker
- 621 Opinion that the fight with Street in the cannery at GCI was due to reputation spread by Pryor and Roper only supposition; no evidence
- 621-2 Taunted at GCI even before Pryor with being a homosexual
- 624 He and Edwin Johnson were shipped out of GCI together; they had both been in PC *
- 624 **WAYNE EPPRECHT/DIRECT**
- 625 Presently at Avon Park; incarcerated 3 times in Florida: GCI in 1976; GCI '80-'82 and Avon Park
- 626 Served time in Connecticut and California; convicted of 15-16 felonies since 1972, mostly burglaries and armed robbery
- 627 First trouble when he was 21; he is now 34; presently serving life + 130 yrs.
- 627 In deposition he claimed assault in 1982; it was 1981 in February
- *628 Received \$25 during visitation and returned to dorm about 4 p.m.; approached by 2 blacks who asked for money and struck him with fist and iron pipe
- 629 This occurred in D dorm; did not see any COs in dorm
- 631 Reported to medical facility for help, but never revealed any information about the assault
- 631 Taken by a CO to the infirmary
- 632 Taken to Glades General Hospital; admitted to hospital

633 He was asked several times what happened; he told them he was hurt playing football

634 Saw Turner 2 or 3 times while he was at GCI

634 Sent from Glades General to Lake Butler for surgery

635 Staff at RMC did not ask how accident occurred

636 At RMC several weeks then returned to GCI

637 Does not know names of assailants; would know them if he saw them

638 Asked officers at GCI to be put back in D dorm; they agreed

639 Transferred from GCI a year later to Lantana work release; paroled then committed armed robbery

640 Has been at Union and Avon Park since conviction

641 Saw one of his assailants at Union; received verbal threats and was put in PC for 15 months before transfer to Avon Park

647 **EPPRECHT/CROSS EXAMINATION**

648 Convicted of several armed robberies while serving work release as a cook at Caesar's Rest. in North Palm Beach

649 Told chaplain who saw him at Glades Gen'l. that he was hurt playing football

650 He did not make effort to identify assailants when he returned from RMC because they told him they would leave him alone if he said nothing

650-1 Heard about case while at Union; filled out questionnaire and several months prior to trial he had an interview

655 There were a few other inmates in the dorm when attack occurred

655 Did not feel comfortable talking to chaplain because he was black

657 Sally Saunders testimony

657 Mother of Martin Saunders

658 Martin in constant fear for his life at GCI

659 Tried to call Turner many times; got through to him 3 times

659 Last phone call, she expressed concern she had over son's harassment after joining suit

662 Son was moved 2 days later

662 Lives in Palm Beach Gardens; is accountant; owner A & W Bookkeeping Corp.

664 Identifies phone bills from 1983

665-666

5/7/83:	1 minute
6/3/83:	9 minutes
6/11/83:	2 minutes
6/16/83:	6 minutes
6/29/83:	2 minutes
7/18/83:	2 calls 2 & 1 min.
8/12/83:	10 min.
8/15/83:	2 min.
8/17/83:	1 min. & 12 min.
9/3/83:	2 min.
9/6/83:	9 min.
9/12/83:	4 min.

667 These are calls to Turner

668

10/31/83:	2 min. & 7 min.
11/30/83:	4 min.
12/2/83:	17 min. & 8 min.
12/6/83:	2 min.

669 Only talked with Turner 3 times; two were on 12/2/83

670-1 Heard son's testimony; he never told her about it before

671 He once had stab wound in nose and a black eye

672 After she read details in paper she talked with son but he did not want to give details

674 Visited son every week from 9-3 at GCI prior to newspaper article about suit

674 Not allowed to visit son who was in PC after article; then told she could have 1 hr.

676 Wrote to Turner -- Ex. 12 -- on 12/4/83 complaining of this

680 Article she read was in 1983 in Miami Herald

681 She and her son were both harassed after he joined suit

682 Harassment consisted of guard at visitation not finding her son for her

683 Son at time was in general population

Does not know how longer after suit was initiated that son was in PC -- maybe a month

685-6 Other harassment, son charged with possession of knife which was planted on him

687 **STEVEN H. BRONSON, JR./DIRECT**

687 37 yrs. old

688 Presently at Polk on 15 yr. sentence for escape in Jan. '69 received 13 yrs. for assault to commit murder, burglary, jail break; 1/73 sentenced 1 yr. to life in Calif. for oral copulation and sodomy between consenting adults; 10/81 received 3 yr. sentence for grand theft

689 Arrived GCI 11/81; no orientation; put in D dorm

689 Sexual preference - bisexual, transvestite, answers to Nancy Sue

690 Size 5'11"; wt. in 1981 was 155-160

691 Inmate Mack at GCI was black who was involved in prostitution, gambling, contraband

691 Watched pornographic movie on videotape player in movie trailer

692 One Saturday, Mack sat next to him watching movies, pulled out knife and made Bronson masturbate him; told him he would have to become one of his girls or pay protection

693 On 3 occasions he observed a CO having sex with a prisoner; did not know guard's name; once was in movie trailer, once in dorm and once in recreation field shack; acts were oral copulation of CO

694 Bronson was voluntarily having sex with other prisoners at this time

696 Did personal favors for Mack and paid money until 6/82; masturbated inmates sent to him by Mack; this occurred in library, trailer, dorms, rec. field

697 Some guards were aware of activities but would look the other way; when servicing customers, he would wear a T shirt rolled up and knotted under his breast area, shorts and sandals to appear more feminine

697 Mack employed 2 other "girls"

698-9 After one of his girls left, Mack told him he would have to be a replacement doing oral and anal copulation; he refused; one day on rec. field, several of Mack's friends grabbed him, stuffed rag in his mouth and shoved the handle of baseball bat forcefully in and out of his rectum several times; this was around 9-10 a.m. on a Saturday

699 Incident was very painful; tried to scream but could not; felt like he was being torn apart; was bleeding from rectum for 3-4 days

700 Had pain for 6-7 weeks

- 700 Did not go to clinic and was warned not to report incident
- 700-1 Never complained to guards about incident
- 701-2 Saw Mack buy alcohol from 4-5 guards on several occasions; saw guards sell Mack marijuana and cocaine on several occasions
- 704 Did not know identity of guards

TRIAL TRANSCRIPT - VOLUME VIII (R-16)
(12/5/85)

R 22

- 709 Incident with baseball bat occurred 6/26/82
- 710 Had visit from wife and daughter on 7/4/82 then he went into PC. Gave as excuse that he was having family problems and was considering escape
- 711 Was afraid to tell guards that reason for PC was fear of sexual assault
- 711 He was in old section of confinement; 1 & 2 man cells; he was in cell with 1-3 other inmates during time in PC
- 712 They slept on mattresses on floor; light in cell was broken; cell was dirty; allowed out 3-5 min., 3 times a week for shower; food was cold
- 712-13 Asked to go to law library but was refused; does not know if any request went to Turner
- 713 Inmates in confinement punched or cut holes in screen to allow friends outside to pass items in -- cigarettes, tobacco, etc.
- 714 Mack came up to window several times and told him to come out
- 715 In PC 7/4/82 - 8/25/82; never saw Turner in confinement; saw him in compound 2 times
- 715 **BRONSON/CROSS-EXAMINATION**
- 716 At GCI 10 months, 2 months in PC
- 716 Never had sex with anyone at GCI after Mack told him he would have to replace the "girl" who left
- 717-8 Never gave sexual favors voluntarily at GCI; did so at other prisons - DeSoto, Cross City and Union
- 718 Was at Union on 4 occasions; gave voluntary sex in 1981, before coming to GCI; lived in 2 man cell at Union
- 719 Has not given voluntary sex since leaving GCI, has done so involuntarily at FSP, Union, Avon Park
- 720 Has occasionally worn women's clothes in prison
- 720-1 Filed Federal Suit when he was barred from wearing women's clothes in prison
- *722 Does not know where pornographic videos came from
- 722 Never reported his sexual encounters with Mack on the guards he saw having sex

- 723 Only guards he saw having sex were COs; they may have been among those in group that was frequently turning over
- 724-5 After 2 mos. in PC at GCI he transferred to FSP on a federal lawsuit, due to alleged deprivation of library privileges at Lake
- 726 Never told anyone about the assault at GCI although he spoke in general terms to a number of psychiatrists
- 726-7 Prior to PC at GCI his job was cleaning up grounds. Took 15 minutes a day; spent rest of time in dorm or library; did not wander around grounds
- 731 **BILLY JOE HARPER DIRECT**
- 731 Age 25; presently at Union
- 732 Convicted of petty larceny in 1976, 5 yrs; sexual battery in 1980, 15 yrs.; projected parole date 5/5/88
- 732 Not abused sexually in Alachua County Jail
- 732 Arrived at GCI 12/31/81; was there for 7 mos.
- 733-4 At Hillsborough Correctional '77-78; Avon Park '80-'81 then GCI
- 734 Transferal to GCI to be closer to home and due to incident over a radio
- 734-5 In July '82, transferred to Polk; after 5 mos., transferred to Hendry for 3 mos., transferred to Union for 8 mos.; transferred to Zephyrhills for 1 mos.; transferred to Cross City for 3 mos.; transferred to Lake for 1 mo.; transferred to Tomoka for 3 mos.; transferred to Marianna for 3 mos; transferred to Polk for 3 mos.; transferred to DeSoto for 9 days; transferred to Avon Park for 2 weeks, now at Union
- 736 Raped at GCI two weeks after he got there; in D dorm at 2:00 a.m. in his bed -- a top bunk
- 736 Woke up when Levy Fisher fell on top of him holding a knife
- 737 He had previously spoken once to Fisher who came up when he was talking to Larry Turley; Fisher who was black was from same town
- 738 During assault Fisher placed knife to his throat and told him he would cut his throat if he made sound; Harper said nothing
- 739 Fisher pulled Harper's underpants off, grabbed his leg, pulled it up and had intercourse; Harper was on back
- 739 There was a CO in the form that night but he did not see the CO until next morning

- 740 After rape he laid in bed and said nothing; Fisher told him later he would kill him if he told anyone
- 741-2 In morning before breakfast he went and checked into PC with 2 other inmates; Turley told Sgt. Hicks they wanted to check in to get away from Fisher; Turley was in adjoining bunk
- 742 Turley was Fisher's "boy"
- 742 When he asked Hicks for PC, Hicks put him right in; he stayed there 2 weeks
- 742 While in PC, Andrew Jackson -- "Thumb" -- came to window and offered him protection; Harper accepted and paid him \$10 a mo.
- 744 Asked Mr. Knight to come out of PC after 2 weeks
- 744-5 Slept on mattress on floor in PC; 2 other inmates in cell
- 745 After 3 days in PC he was taken to Turner with Fisher and others; Turner asked why they were in PC; they told him Harper was raped, Turner did not believe them
- 746 Turley, Summerlin and Randy Zatler were all present
- 747 After PC he was placed in D dorm at other end of row from Fisher; Fisher never approached him afterwards
- 749 **HARPER/CROSS-EXAMINATION**
- 749 Arrested for rape in Gainesville and confined in Alachua County Jail; later moved to Baker where his classification officer was Mr. Pridgeon
- 750 Denies telling Pridgeon that he was raped in county jail by man who was at Baker and wanted PC; but he admits receiving PC
- 750-1 Sought PC at Brevard in 1980; does not remember if he asked for PC because he testified against another inmate and was in fear of life; may have done so
- 751-2 After Baker, he was in PC in Avon Park 3 or 4 times; denies he went to PC at Avon Park 3/1/81 because he told mother he had been raped by 3 blacks in a shower
- 753 Placed in PC at Avon Park 7/1/81 because he owed money and several blacks threatened to kill him; same on 7/24/81
- 754 Received a DR in 1978 at Indian River for participating in a riot between white and black inmates
- 755 Denies a DR at Hendry 2/22/83 for stating he wanted to have sexual intercourse with him

755 After leaving GCI he had a visit from Peters who asked if he would go to court and testify against Andrew Jackson for extortion; he agreed to do so

757 He also gave information on drug ring at Polk

759 Levy Fisher was in his late 40's; 5'7" or shorter

759 Hicks gave him PC immediately when he checked in

760 While in PC he was not threatened by other inmates

760-1 He told Barrett and Peters about paying money to Jackson; Barrett had stopped him and asked why he was paying money

762 First told Peters when he went to Peters to get back money that was taken from him while in confinement; told Peters he needed money to pay protection

763 Did not tell Peters who he was paying protection to

763 **EDDIE COBB/DIRECT**

764 Age 24; resides in Dade Co. for 8 days previously at Union; convicted in early '81 of armed robbery and assault with deadly weapon

765 At GCI from 9/82 - 3/15/84

765 Was stabbed by Pryor 1/27/84 near canteen

766 He walked near Pryor, Pryor jumped him and they fought; he didn't know Pryor stabbed him at first

767 Fought 10-12 min.

768 Cobb ran to control room and was taken to hospital

769 He did not tell anyone who did it; saw Pryor taken to confinement

769 After he got out of hospital, he was taken to confinement

770 **COBB/CROSS-EXAMINATION**

772-3 Day before fight, he and Pryor exchanged words; Pryor told him not to put his hands on his "boy" again

773 Cobb was surrounded by his "constituents" at time -- some were black, some were white; they were not a gang

774 Words were exchanged in front of B dorm

774 Fight occurred during breakfast period

774-5 Pictures of canteen marked Def.'s Ex. 3 - A, B & C

775 Fight happened under shed of canteen

775 Does not know if anyone else was around when fight took place

776 Sgt. Hicks apprehended Pryor

776 Stayed in hospital 10 days

777 In confinement about 1 mos. afterwards; put on DC side, then AC side

778-9 He had no other troubles in compound other than fight

779 Admits getting a lot of DRs -- verbal disrespect and fighting

780 Filed no petitions or grievances against Pryor

781 Filed grievance objecting to transfer from GCI to Union

783 Had fight in kitchen with a cuban 3/8/83 at GCI

783 Had fights at Union

784 **GREGORY ZATLER/DIRECT**

784 Lives in Miami Beach; there 2 mos.

785 Sentence ended 10/29/85; convicted 5/8/78, burglary and violation of probation; 7/20/84, 4 counts of burglary, 2 grand larceny; 1 attempted murder; 1 possession of marijuana; sentenced to 8 yrs.

786 At GCI 10/81-8/82; first at Sumpter 9/78-1/79; UCI for 1 yr.; FSP 2/80 - 4/80; Dade 4/80-10/81

787 GCI was very run down looking; requested PC his 1st day at GCI because there were a bunch of blacks standing around compound

788 Told staff he feared for life; in PC for 2 mos. during time there was 1 other inmate in cell

789 After leaving PC he got assignment to D dorm and on way he was met by Fisher who told him he was going to be his "boy"

790 He understood Fisher to mean he would have to do homosexual acts with him; he agreed to do so; Fisher had CO move Zatler to a closer bunk

791 At night in dorm Fisher would have him lay on stomach and have anal intercourse; Fisher would be on top

792 This happened once a week for 6-7 mos. until he went back to PC

- 792-3 Told Sgt. Bradley he was fearful of Fisher; Bradley placed him in PC for 3 mos.
- 793 Harassed in PC by guards who ordered him to serve on work crew; he refused
- 794 Present at conference with Turner along with Harper, Turley, Summerlin and Sims who all were seeking protection from Fisher
- 795 Told Turner they were there because of Fisher but Turner did not believe them
- 791 Assaulted in PC by inmate named Banks when he hit Banks for not returning a pen he had borrowed; he hit Banks several times without a response. Took drink of water and turned to hit Banks again and Banks struck him with razor blade on hand and chest
- 799 **ZATLER/CROSS-EXAMINATION**
- 799 Has had sexual problems at every prison he's been in; claimed to be raped at Dade, Sumpter, Starke
- 800 Fisher did not threaten him when they first met; offered to protect him from others if he would be his "girl"
- 801 **DAVID ALDRED/DIRECT**
- 802 25 yrs. old; currently at Lake Correctional for 2d degree murder and perjury; sentenced on murder charge 7/29/83 to 15 yrs.; convicted of perjury in early '83
- 803 Came to GCI 7/20/84
- 803 First impression of GCI was tidal wave of blacks against fence
- 804 Received no orientation; assigned to B dorm
- 805 He was assigned a top bunk; he was approached by inmate to be his sex partner
- 806 Next night -- Saturday -- black named Captain told him he was going to be his partner; in front of B dorm
- 807 Later he went to take a shower; could not see wicket from shower
- 808-9 Was in shower alone, then was hit on head when he had soap in eyes; fell to floor and someone stretched his arms out and held them; someone else raised his head and put knife to throat; could not see persons, but could tell from voice it was black; was told he would die if he opened mouth; they then spread his legs and 2 or 3 of them had anal intercourse with him
- 810 Rape took 15-20 min.; they told him not to say anything
- 811 Half hour later he told dorm officer, but does not remember his name

812 Officer told him to return to bunk and he would take care of it; told officer he was raped

812 Did not receive a rectal exam

813 Borrowed 2 knives

814 Told second officer at 12:00 a.m. that he had been assaulted; does not know name of officer

815 Told Lt. next day that he had been raped; was asked if he knew identity he said no; Lt. denied him PC

816 Spoke to Lt. in afternoon

816 During rape he felt like he was being torn apart; burning sensation; bled for 2 days

817 Had pain for a week

817 Shortly after rape he was sent to RMC for dental work

817-8 Does not remember name of Lt.

819 Told psychologist at RMC what happened at GCI as best he could and asked for transfer; attempted suicide when denied

820 Went back to GCI after a week and entered PC until he was transferred in nine days

820 **ALDRED/CROSS-EXAMINATION**

821 Threatened to escape at GCI to get the PC

822 Not really certain if he told staff at GCI of the rape

823 Denies asking for a transfer from Polk to Brooksville or Zephyrhills

824 Perjury was in suit against police officer

826 Dead lifts 360 lbs.; did so before GCI to 250 or 275 lbs.

828 Told RMC psychologist he was raped and told another physician

829 Cuts on wrist of attempted suicide were reported as superficial

834 **LARRY EUGENE BROWN/DIRECT**

835 In PC at GCI currently; in prison system since 5/85

836 Convicted of kidnapping and lewd and lascivious conduct on 5/20/85

- 837 Convicted of 2 burglaries in 1980 and a lewd and lascivious in 1979; 5 yrs. probation of L & L and 1 yr. in co. jail on burglaries for violation of probation
- 838-9 First at Lake Butler, 1 1/2 weeks; transferred to BTU until 6/10/85; transferred to GCI
- 839 Assigned to A dorm
- 840 In between midnight and 8 a.m. shift first night he was raped
- 840 He was on top bunk; approached by 4 inmates - black - and told to get off bunk
- 841-2 They held knife to him and ordered him off bunk; he complied; made no sound; wanted to run but they had him blocked; told to lay down on bed and not to scream; there was very low lighting; laid on belly; another inmate took down his pants and underwear; he was then raped 5 times; not sure if each was a different person; several ejaculated in him; lasted an hour or more
- 844 Afterwards, followed to bathroom by 3 of the inmates whom he can identify
- 846 Stayed awake all night in pain
- 847 Followed next morning by several of the assailants
- 847 Told an officer he had been raped the night before - no reply
- 848 3 of the assailants were J.J., Black and Wimp
- 849-850 On fourth day several COs and a Sgt. were in dorm and they took him to Lt. Minor
- 851 Lt. Minor told him he heard he had a long line of inmates waiting to be serviced
- 852 Did not provide names to Minor; was put in PC
- 854 Transferred 7/5/85 to Hendry
- 855 Spoke to psychiatrist in PC
- 858 Sent request slips and showed them to Music, asking for assistance in filing a grievance
- 865 Does not remember Dr. Caddy

- 866 Assigned to A dorm at Hendry; there for 30 days when other inmates from GCI passed word of his being homosexual
- 867-8 He began getting sexual harassment so he checked into PC until 9/27/85 when he was returned to GCI
- 869-71 Requested PC from Sgt. Nappi when he arrived; Nappi sent him to Minor who had him fill out statement of incident and put him in PC

TRIAL TRANSCRIPT - VOLUME IX (X) (R-18)
(12/6/85 - 12/9/85)

R2B

1010 **BROWN/CROSS EXAMINATION**

1010 Arrived GCI 6/10/85

1011 Did not report assault following morning

1012 Does not know name of CO he reported it to following afternoon since he did not wear name tag

1013 Spoke to CO late in afternoon; spoke for 10 min.

1014 Told CO he had been homosexually raped night before; did not tell him no. of assailants

1016 CO was a black officer

1018 Put in confinement four days after his arrival on the 10th

1019 Transferred out of GCI 7/5/85; returned to GCI 9/27/85

1020 Placed in confinement about 6/14/85

1021-2 Confinement initially was AC; he did not object

1024 Did not tell review team at Hendry about sexual assault prior to return to GCI

1025 Feared telling others of the rape because he would be branded as a homosexual

1027 Court allows bench cross-exam

1028 Denies being homosexual, but admits performing sex acts with males before being sent to prison

1031 Does not want prison population to know that he was convicted of a sexual offense

1036 Denies performing sexual acts while in PC at GCI

1037 Saw Music in Maj. Pipta's office

1041 First identified his assailants to authorities on 9/27/85

1042 Gave sworn statement to Defense a week before in which he denied knowing assailants

1043 **LARRY PRYOR/DIRECT**

1044 In system 14 yrs.; convicted 3/72 of 1st degree murder; never convicted of any other crimes

1045 32 yrs. old

1045 At GCI 12/81 - 11/84

1046 Not been assigned to GCI before those dates or afterwards

1046 After GCI, transferred to FSP

1046 Threatened 4 times since he found out he was going to be witness for the state

1047 DOC officials threatened him

1047 DL announces he interviewed Pryor before session in a.m.; Pryor asked him to address court

1049 DL also spoke with Pryor after the deposition on 11/13/85

1050 Sergeant who returned him to cell told him not to give testimony

1051 Newspaper reporter objects to bench conference

1052 Major at FSP told him when he was packing up to come to trial to think twice about testifying

1053 Lt. Pipta warned him not to testify when he came through GCI on way to testify

1054 Warned by Major at Dade Correctional not to testify

1057 An hour previous, Pryor informed DL that he would testify

1058 Pryor asks for an attorney

1059 Nimkoff announces intent to appoint counsel

1063 Nimkoff will appoint Steven Hartz as counsel for Pryor

1065 **EDWIN JOHNSON/DIRECT**

1065 31 yrs. old

1066 Resides in Hollywood; previously on work release; convicted 1975 for armed robbery; given 4 yrs. for violation of prior probation - stolen property (1973); received 25 yrs. for armed robbery

1067 Subsequently convicted for aggravated assault at Sumpter - 1 yr.; convicted of weapon possession charge at Union 1979 - 1 yr.;

1067-8 Sent to GCI 2/83; received orientation

1069 Assigned to B dorm as a transit; was supposed to go to Dade

- 1069 All inmates given option of receiving PC or going into general population at orientation
- 1070 After 4 weeks, he came back from visitor park; saw a large group of blacks and figured he was going to be robbed; took alternate route to dorm; only 1 CO was in compound; others were in visiting park
- 1072 COs in visiting park were checking and observing to prevent contraband; anywhere from 2 or 3 to 6-8 officers would be in park
- 1073 Never saw any officers involved in bringing in drugs
- 1074 Marijuana was available in dorm before visitation; available all the time; comes into visitation park and is thrown over fence.
- 1076-7 Heard black officer whose name he did not know offer to help inmate to his family for money
- 1078 After 4 weeks told by Knight that transfer order to Dade was cancelled
- 1078 Next week after visit, black inmate pulled knife on him near dorm and threatened him to check into PC or find a "daddy"
- 1079 He told Knight who told him to go into PC or get pip or knife and fight back
- 1080-1 On one occasion, "Freebird", a homosexual white inmate and his little buddy Mike and a big, black homosexual body building named "Trip" and Johnson smoked marijuana together; part of plan by others to trap Johnson
- 1082 "Trip" struck him; conversation took place in bathroom at sinks
- 1083 Guard could not see in bathroom; if he walked around other inmates would warn
- 1083 "Trip" told him not to talk back to blacks
- 1084 Johnson had dealt with this problem before
- 1084 They made him drink 3/4 cup of wine and asked about black who pulled knife on him near dorm
- 1084 Johnson checked into PC for 2 1/2 mos.
- 1085 Three people in his cell; he slept on floor; Kinner was in cell as was inmate "Wolf" -- who was being "pimped off"
- 1086 "Wolf" was constantly being raped
- 1086 Next cell had a black homosexual named "Redfin"
- 1087 "Redfin" was a 190 lb. boxer

- 1087 "Wolf" was put in cell with "Redfin"; he did not see what went on but heard a lot of banging then "Wolf" was transferred to hospital
- 1089 Spent most of day sitting around, talking or reading
- 1090 Told by lawyer he had to get out of PC and into programs to cut his time
- 1090 Put in C dorm which had equal number of whites, cubans and blacks
- 1090-1 After a week someone broke into his locker; did not know who did it, but reported it to CO who told him there was nothing he could do; lost a Seiko watch, Panasonic radio, photo album, clothes
- 1091-2 Approached by black inmates "Wop" and "Stringer" who offered to find his property; few minutes later they told him they could get it for \$50; Johnson's name was "Worm"
- 1092 Got money from parents and paid it for property; few days later it was stolen again
- 1093 "Wop" admitted taking property and increased price for return; Johnson jumped him but "stringer" pulled him off
- 1094 Seen by CO who took him to AC and asked questions; told them he had reported stolen property
- 1095 Asked by Lt. Lawson who he was fighting with; lied and told him he did not know
- 1096 Lawson would not send him to PC; returned him to C dorm where he fought next day with "Stringer"
- 1097 Went to Lawson again who finally put him in PC; stayed there 3 days
- 1098 Asked to get out of PC if he could be moved to another dorm; moved to A dorm
- 1098-1100 Verbally harassed first night in A dorm; 5 inmates put blanket over him and beat him so checked back into PC
- 1100 Confinement area was in bad condition until newspaper article about this suit; Turner had facility repaited and new screens put in; put in new light fixtures
- 1101 Inmates in PC were then taken to gym each day
- 1102 Inmates in gym supervised by a recreation officer; AC inmates went to gym with PC inmates
- 1102-3 Michael Lane was a friend of "Trip"

- 1104 Verbally harassed in gym; called a homosexual by inmates outside of gym who asked Lane to take care of him
- 1105 After strip search before return to PC; CO named West was seated on chair by gate; Lane picked up a metal stool and hit Johnson

TRIAL TRANSCRIPT - VOLUME X (IX) (R-17)
(12/9/85 - 12/6/85)

R23

- 882 Johnson was semi-unconscious after being hit; bleeding badly; West did not intervene
- 883 Carried to the infirmary by a couple of COs; received 5 stitches; remained in hospital 2 weeks
- 884 After he was released from infirmary, he went back to PC
- 884 He was transferred from GCI by prison inspector
- 884 **JOHNSON/CROSS EXAMINATION**
- 885 Not attacked by any blacks in group he met returning from visitation
- 886 He could not see all of compound to know if there was just one guard on duty in compound at time
- 886-7 Only knowledge he has of a guard involved in contraband was instance when he overheard black guard talking with family of black inmate; guard talked about taking care of paper work and money was exchanged
- 888 Had no difficulty in getting PC on the 3 occasions he sought it except sometimes for a delay
- 889 Never required to give names to get PC; he was asked names, but not required to give them
- 890 Union a more dangerous facility than GCI
- 891 When sleeping on floor in PC first time, he had a mattress
- 892 All he knew of incident between "Wolf" and "Redfin" was the sound of a struggle
- 893 Had property stolen at other institutions as well
- 894 West had run to get other guards when fight occurred between gym and PC
- 895 **MICHAEL GORDON/DIRECT**
- 895 Present address, Miami Beach
- 897 At GCI in 1984; first impression was odor; he was assigned to transit dorm B; had no lock to protect his property; cats were running over compound
- 898 Rowboat was used for repairs under the dormitory
- 898 Received orientation from Nappi and Bradley; very limited

899 First day there inmate was stabbed in chow hall

900 Inmate next to him--young, blond--raped in bunk one night; was on top bunk; next day inmate was in PC; does not know name

901 Blacks ran camp

901 Buck or wine made from fruit juice and yeast obtained from guards; saw Dixon bring in yeast

901 Dixon played extortion game, brought in dope; pressured Gordon's family

904 Blacks got good jobs in laundry; had access to food; controlled selection of TV programs

905 Was in movie trailer only once; sexual activities went on there; walked in and walked out after 5 minutes

907-8 Victim of violence 3 times: knocked out while standing near canteen one day; in pain for 3 days; next, had his polyester undershorts set on fire when he bent over to drink at water fountain in dorm; burned his buttocks; then hit in side of head with pipe when two inmates were fighting

910 Reported each incident

912 At GCI 9 months

912 Sought transfer second day he was at GCI

916 Saw Turner on compound when a dorm was being painted; told Turner he was medically unfit for cane cutting; Turner called him a liar

916 Weighed 355 pounds when he arrived at GCI; lost 100 pounds

917 Transferred to Avon Park which had much better facilities and food

917 **GORDON/CROSS EXAMINATION**

918 Felt blacks had IQ of below 60

918 Reported Dixon extortion to Peters; Peters referred him to Federal postal authorities since Dixon had mailed extortion letter

920 Does not know if inmates in third assault on him had pass to be in B dorm or not; did not know them

922 **PRYOR/RETURN TESTIMONY**

923 Hartz moves to have Pryor excused from testimony under 5th Amendment

926 Pryor not raising as grounds for refusal to testify, the alleged threats by DOC personnel

928 Objection to question of when he was at GCI; objection sustained

931 Lipman offers Pryor's deposition in evidence under 32(a)(3)(e)

932 Objection to use of deposition on ground of lack of notice

934 Nimkoff inclined to admit deposition, but reserves for a couple of days

934-9 Proffer of what Lipman believes would be Pryor's testimony

940 Hartz asks for protection for Pryor

941 Nimkoff has not made factual findings re: Pryor's allegations of threats but he is greatly concerned

942-4 Nimkoff dictates order to DOC on record including injunction

945 ANTHONY LAMARCA/DIRECT TESTIMONY

946 Currently at Union for kidnapping and sexual battery; convicted 11/84 and sentenced to life + 15 years

946 Previously convicted of 4 burglaries, one aggravated assault, violation of probation; 6 years probation for burglaries, violated probation and sentenced to 6 years, served 4

947 Transferred to GCI late '80, early 81

948 When he stepped from bus, there was a line of black inmates along front sidewalk making ignorant remarks about his being a "fat boy"--having a fat posterior

949-50 Given very little orientation

950 Harassed for sexual favors for over a year by inmates Valentine Lee, Charles Chick and "Soda Water"

951 Told "Soda Water" he wasn't into homosexual activities

951-2 First assigned to B dorm, then to C dorm

952 Approached by James Nordheim who was karate expert, who offered to protect him; later revealed he was friend of Lee, Chick and "Soda Water" and advised him to participate with them

953 Nordheim told him to participate or pay \$25 a week protection

953 Inmates can get money by stealing food, making wine, selling dope

954 First job was on ranch squad; told him squad leader of problems with Nordheim group; transferred next day to DOT crew

- 956 Told by Nordheim to pay money that afternoon or he would be killed; he then escaped from the road crew
- 957 Convicted of escape; 6 months consecutive; returned to GCI to culinary dept.
- 958 Wanted transfer from kitchen job because they began work 4:45 a.m. and worked til 6:00 p.m.; only white worker; did not get along with other workers; pressured by them for sex
- 959 Supervisor told him to ask classification for a transfer
- 959-60 Told by Knight that he understood that he paid debts in homosexual favors; denies being homosexual; never engaged in voluntary or involuntary homosexual acts
- 961 Told Lt. Boggs who called Knight in for another conference but Knight said he could not reclassify him
- 961 Gave names of people harassing him to Knight and Boggs
- 962 Few minutes later, these inmates threatened his life for snitching
- 964 "Soda Water" swung bat at him on rec. field a few days later
- 964-5 Saw Lt. Barrett who gave him a pocket knife and told him to deal with situation; he used it on "Soda Water" when latter tried to take some marijuana from him
- 966 He stabbed "Soda Water" in hand when he reached for marijuana
- 966 Protected by his associates from the other group
- 968 After he had a knife, other group left him alone except for verbal comments; Sgt. Minors also verbally harassed him
- 969 He was moved to A dorm shortly after he was sent back to GCI following escape; asked Major Johnson to transfer him because of harassment in A dorm; Johnson refused
- 969 "Soda Water" told him one night that he was going to perform homosexual acts with him or else after lights went out
- 970 "Soda Water" weighed 220 pounds
- 970 "Amp" approached Lamarca and offered to keep others off him if he would be "Amp's" "boy" or punk
- 971 He declined; at 2:30 a.m., others came to his bunk with a bush axe; he jumped out of bed and ran to CO's wicket and sat for night

- 972-3 Caught by CO Johnson next morning carrying a 30 inch sledge hammer; told Johnson about the bush axe; sent to Knight and Boggs and received a DR
- 973 He saw chick pass bush axe out window in dorm when officers searched for it
- 974 Sought PC in 7/81; stayed 4 months
- 974 There were 3 inmates in 2 man cell entire period
- 975 Did not feel safe because next cell held an AL inmate and guards would open both cells for showers at same time
- 975 Did not have any privileges in PC
- 976 Went back in general population after Knight told him he would be transferred to Union since he could not live in general population; he objected; Union is a more violent camp but homosexual incidents kept down because of more prostitutes there
- 977 Threatened by Officer Reddlebacker after he filed suit; Minor made insulting comments to him
- 978 **LAMARCA/CROSS EXAMINATION**
- 979 Convicted of rape 11/84; incarcerated since then at Union and RMC
- 980 Received orientation at RMC in 1979 when he first entered system; told about grievance procedures; DC-77 form
- 981 Used DC-77 grievance procedures at GCI in regard to Minor's remarks and mismanagement of kitchen by kitchen officer--Scott
- 982 Received a number of DRs at GCI for disobedience and fighting
- 984 Received confinement for fighting
- 985 After he returned following escape, Nordheim had converted to Christianity and left him alone
- 986-88 Sustains objection to WMM's question as to who his associates were who are still in System; would only mention those who left system; he had 7 associates, only names 2
- 988 Left GCI 4/83; went to Dade until 11/83
- 989 Went to Palm Beach Stockade to serve escape time; then Dade County Jail, then released; was free for 6 weeks
- 989 Has since been at RMC, BTU and Union
- 990 Received DRs for contraband--icepick, marijuana, wine, sledgehammer handle

- 993 Had been at GCI a year before he told staff names of inmates who were harassing him
- 994 Was embarrassed to ask for PC; it would cause conflict with wife and mother who would think he could not deal with situation
- 997 **LAMARCA/REDIRECT**

TRIAL TRANSCRIPT - VOLUME XV (R-21)
(12/11/85)

R 27

- 3 DL announces no more live witnesses except Dr. Wagshul
- 3 Discussion of Dixon situation
- 4-5 Discussion of admission of Pryor's deposition; defendants to give list of objectiokns to specific answers
- 6 DL raises admission of documentary exhibits
- 7 MBD announces no objection to inmate records as to business records; reserves later objection to hearsay within hearsay; plaintiffs' Ex. 13-30
- 8-9 MBD announces relevancy objections to plaintiffs' Ex. 1, 3, 5, 6 and 7 (Barrett and Dixon reports)
- 10-11 Further argument re: relevancy of Barrett's file which contains employment records, introduction of gun onto compound; further objection to hearsay within hearsay in Barrett file
- 14 Barrett file admitted over objections of relevancy; not admitted for truth of statements in file from other persons
- 15 Barrett file admitted for limited purpose only
- 16 MBD announces no objection to plaintiffs' Ex. 2 (DOC's policies and procedures) except relevancy to any document subsequently enacted
- 17 MBD raises hearsay and relevancy objections to plaintiffs' Ex. 4 - biased jury presentation
- 19 DL relies upon report which describes supervision in 3 areas being serious due to lack of security personnel
- 21 Nimkoff admits grand jury report over objection
- 24-5 MBD objects to plaintiffs' Ex. 8 on hearsay grounds relative to Turner; it admits but not for purpose of establishing truth of matters stated by Peters
- 25-6 MBD announces hearsay objection to any statements other than the authors
- 25-6 Nimkoff admits it as establishing only truth of statements of investigation, not of what was told them; Lipman offering it to show that Dixon was not well investigated prior to hiring and to establish a specific instance of contraband
- 27-8 MBD announces no objection to plaintiffs' Ex. 11 except as to truth of statements therein (psychiatric reports on inmates from DOC)
- 28-31 No objection to plaintiffs' Ex. 12 (Flap A) so long as offered to show that Mrs. Saunders called GCI a number of times

32 No objection to plaintiffs' Ex. 32 (legislative request)

32-3 No objection to plaintiffs' Ex. 33 (incident reports and use of force reports) so long as not offered to prove truth of hearsay statements

34 Plaintiffs' Ex. 33 admitted without accepting truth of inmates' statements therein

34 Plaintiffs' Ex. 34 and 35 previously admitted; no exhibit 37; 38, 39 and 42 previously admitted or addressed

35 ALAN M. WAGSHUL/DIRECT

46 Plaintiffs rest subject to introduction of Dixon material

48 WMM moves for dismissal

49 WMM moves to decertify the class for lack of a representative present

51 Nimkoff denies dismissal

52 Nimkoff denies motion to decertify

52 WMM advises court of inmate witnesses for defendants

55-6 MBD suggests a deposition at GCI to avoid subjecting inmates to press

57 Nimkoff orders depositions

59 Nimkoff indicates depositions to be taken at GCI unless parties agree otherwise

61 Defendants expect to be finished by noon Friday

TRIAL TRANSCRIPT - VOLUME XVI (R-22)
(12/11/85)

R28

- 66-67 DL requests that Pls. be present at depositions of inmate witnesses for defense
- 68 Ct. views request as appropriate
- 69 DL announces that he has no clients presently at GCI
- 69 Ct. suggests depositions be held in courtroom
- 70 Ct. inclined to grant proposal; depositions to be open to press
- 71 Amlong asks Nimkoff to take judicial notice of Section 905.28 F.S. that grant jury reports not be made public without time for response by any interested person
- 72 Ct. takes judicial notice of statute
- 74 **RANDALL MUSIC/DIRECT**
- 74 Randall Music, Superintendent GCI
- 74 Friday is last day in post
- 75 On Friday he will be Superintendent at Cross City
- 75 3 years in Marine Corps, 24 yrs. in reserves; employed with DOC since 9/61 at FCI, Marion Correctional
- 76 Next assignment Sumpter 1965-1974; FSP, 18 months; Cross City 7 yrs.; FSP, 18 months; GCI
- 77 Last position at FSP was Chief Correctional Officer; came to GCI as Superintendent on 10/15/84
- 77 Chief Correctional officer is in charge of security and under two assistant superintendents and the superintendent
- 78 At Cross City he was Chief Correctional Officer
- 78 Superintendent's duties are to maintain institution according to rules and regulations and answers to regional director and secretary
- 78 Superintendent has various department heads under him: business manager; food service director; personnel manager; maintenance head; security head
- 79 At GCI there is an assistant superintendent who has direct charges of all department heads except personnel manager, security chief and business manager, who Music has chosen to report to him

79 Business manager is in charge of moneys, purchasing and accounting

80 Personnel manager is responsible for hiring new employees, training, maintaining personnel files

80 Chief correctional officer is responsible for security and inmate welfare

81 GCI presently has 240 employees and 874 inmates

81 Each superintendent functions differently; Music operates through chain of command; each department head is responsible for his department; security reports to him daily

82 Each department head holds at least monthly meeting with his department; superintendent holds meeting with department heads each month

82 Superintendent has authority to recommend a transfer inmates

83 Transfers of inmates can be positive (inmate requests transfer to be nearer home) and each inmate is reviewed every 6 mos. when he can request transfer; if recommended he may or may not get it approved

84 Negative transfers are those made to get rid of problem inmates; some are transferred for their own security

85 Inmates request positive transfer from classification supervisor

85 Florida prison system is overcrowded and inmates can be transferred only when bed space is available

86 Superintendents can swap off inmates by contacting each other in respect to inmates each would like to transfer. Swap offs must be approved by Tallahassee

86 Superintendent cannot transfer without approval of Carmichael in Tallahassee. Only other transfer is from outside internal investigator

86-87 He has had Carmichael refuse transfer requests

87-88 He has inmates currently in PC at GCI who he has been attempting to transfer for up to 3-4 mos.

88 Cannot transfer these inmates due to lack of space

89 PC is given to inmates who request it from the shift supervisor; written statement is requested

89-90 PC is sometimes used manipulatively by inmates seeking a dorm change

90-91 If inmate indicates he has problems but does not specifically ask for PC he does not necessarily receive it

- 91 When inmate request PC from an officer he is referred to officer in charge who attempts to obtain further information as to reason for seeking PC
- 92 Identities of harassing inmates are sought to prevent further harassment to others and to avoid manipulation
- 93 10-15% of inmates at GCI who request PC reveal identify of harassing inmates or occasions of harassment
- 93 When he came to GCI, the fence was in front of windows of confinement building to obstruct vision and communication and prevent introduction of contraband; it was not always successful
- 94 Music had razor ribbon added to increase effectiveness; this keeps inmates from sliding under fence but now they go over fence
- 94 Currently 14 staff vacancies at GCI; they have undertaken recruiting drives
- 95 More difficult to maintain staffing levels during cane cutting season due to higher pay in cane
- 96 Officers who leave to cut during season sometimes return; seasonal leave is listed as vacancy and on return he is listed as a new employee
- 97 139 staff members are correctional officers
- 97 He has encountered problems with some staff including some who were at GCI when he arrived and some he hired
- 98 Three employees have been serious problems; he acted to terminate all 3; not all sustained
- 98 Some good officers draw complaints by manipulative inmates
- 99 There must be an investigation of complaint and usually a predetermination hearing under union procedures
- 100 False accusations against officers are neither rare nor common; false accusations are usually made if officer is firm
- 100-101 Besides dismissal, he can give a verbal or written reprimand; suspension without pay for 3, 5 or 10 days; loss of rank
- 101 Suspension of employee requires advising employee of his rights, consultation with Tallahassee legal and a predetermination hearing
- 102 Hearing is before a board of superintendent, ass't. superintendent, chief correctional officer and personnel manager and requires 14 days notice with appeal process
- 103 He has had to reinstate a person he terminated who won on appeal

103 Contraband has been a constant problem at all state facilities where he has most stringent security

104-5 When he was at FSP he once received a tip from an inmate to check a particular truck. He checked truck when it entered compound and found two sawed off carbines and clips of ammunition

105 He has often had inmates give him weapons in prison

107 Among contraband he has confiscated during his prison career at FSP were electric zip guns; factory made knives, homemade knives, alcohol, marijuana, pills, cocaine

107-8 At Cross City he confiscated one gun, homemade knives and marijuana

108 GCI may be more vulnerable than other institutions since about 400 inmates go through gates daily

108 He utilizes frequent shakedowns of squads coming in to control contraband

108 Outside squads include DOT squad, sugar cane squad, cannery squad

109 Outside squads are a major source of the introduction of contraband

109 Squads are pat-searched daily; DOT squad is strip searched on a selective basis

110 They search visitors and refuse entry to visitors who refuse search; they have arrested visitors who bring in contraband; they strip search inmates leaving visitor park

110 Contraband introduced over fence is a continuing problem

110 Spot checks are conducted to uncover contraband in the compound

111 Dorms are searched by moving inmates into dayroom and having 20-30 officers search all belongings

111 Informants are used to locate contraband

112 Buck and drugs have always been a problem in prison as long as he has been an officer. FSP is a single cell, cell block prison with no outside workers and only kitchen and maintenance workers within. Yet it has problem with buck

113 He measured bathroom in the classification office. It is 51x53 inches; door opens inward; has sink and toilet

113-114 In respect to Larry Brown an informant advised Music that inmate in Brown's bunk was a problem keeping other inmates awake with his homosexual activity

114 Music had the Lt. in charge bring Brown in for protective custody

114 He received requests from Brown for protective custody after he had had
Brown picked up

115 He goes into compound daily; he does not condone sexual assaults

115 Only recalls one problem of alleged sexual assault that he has encountered at
GCI (Brown); he has found sexual assault problems at other institutions

116 Cross City has more sexual assaults, FSP less

116 He has Sgt. Bradley give orientation to all new inmates

116 Transits to not receive orientation

117 GCI is a holdover institution for inmates coming into South Florida; transits
stay 203 days

117 **CROSS EXAMINATION**

118 Investigation of Brown's claim has not been completed; only recently did names
come up

118 Some of the individuals alleged to have assaulted Brown are gone

119 He became aware of the alleged incident with Brown but did not learn of
names until the trial

119 His response was to put Brown in PC and turn matter over to Lt. Peters

120 Brown was referred to a psychiatrist at GCI; he recalls reading report, but does
not recall outcome

121 Does not know how Brown came to be transferred back to GCI; Music became
aware of transfer back when he received a request from Brown

122 He discussed retransfer of Brown out of GCI with his classification officer
several weeks ago

122 Brown presently remains in PC

123 Inmate informant was a black; Music will not give name

126 Ct. indicates that it can hardly use the evidence of Brown as a basis for
injunctive relief

128 Sustains privilege of informant's identity although he indicates that he may
draw an unfavorable inference for it

129 Music would have concern over safety of an inmate viewed as a snitch

131 It is unusual for inmates to reveal identity of assailants

131 FSP has fewer sexual attacks because of single cell organization; all inmates at FSP are close security; 6-8% of the GCI inmates are close security

133 GCI has largest proportion of Hispanics of the institutions he is familiar with

133 Most inmates prefer to be closer to home

133 7% of inmates at GCI are Hispanic

134 Informant on Brown had history of reliability in regard to homosexuality, contraband and assault

135 Brown did not discuss rape with Music; his request was for transfer

135 Lt. Minor interviewed him in regard to allegation of rape

136 Lt. Minor did not believe it was a forcible rape

137 Rape is one of the more serious abuses than can happen to an inmate

141 Changes he had made at GCI besides razor wire behind fence: new equipment for kitchen, new tables, fans and stoves; new lockers for D form; lowered double racks down for better observation; planting of shrubbery and placing boundaries to keep inmates off grass; bought new vehicles for better security and transport; renovating the existing towers; general painting and cleaning up

142 D dorm has 3 double rows of bunks; he lowered end bunks which lessened passage way but increased visibility

142 Lockers cost \$70+ each; over 100 lockers in the dorm

142-143 Idea for dorm modification was his based on his military background; also for security reasons

143 He did not make modification for 6 mos.; had to have money to do this

143-144 He instructed that sheets were not to be draped from top bunk; he has not seen sheets being so draped so he assumes it is not done

146 He implemented a different check out policy and a pass procedure

146-7 He does not place PC inmates with AC inmates; this policy was same as was in effect previously

147 Some confinement cells are designated PC

148 There are 15 bunks in PC

148 If inmate does not have a bunk for more than 24 hours it must be cleared with regional director as an emergency

*

148 Pass procedure requires inmate to have a pass anytime he is not on his assigned job

149 This policy was instituted 6 mos ago

149 This policy was instituted to protect female workers from inmates who were hanging around classification area

150 Inmates not allowed more than \$25; this is same policy at other institutions except FSP

150-151 Negative transfer is for inmate with problem behavior or a need for protection

151 He can request a specific institutional assignment for a negative transfer but more often than not it is denied

152 Initially, his requests were approved about 50% of time; now 3%

152 He recommended Larry Pryor's transfer due to incident reports and sources of information

153 Any superintendent when he first comes into an institution tries to clear out problems

154 During his first 6 mos. he transferred 5-6 negative transfers a month

155 Ron Jones, his immediate predecessor was an acting intern

155 He had several discussions with Ron Jones

156 His technique and that of Jones differed; Jones put everything in writing; Jones would be personally friendly with inmates; Jones had different priorities for use of money -- fill dirt under bldgs. redo kitchen

156 Jones did not advise him of negative inmate transfers

157 Does not recall if Jones identified any problem staff

158 He did not have meetings with Turner since Turner was gone

158 He attempted to terminate one officer after taking over -- officer had fought with inmate

160 He was pretty successful at swapping inmates

161 **REDIRECT**

161-162 He was more successful in obtaining funding for capital expenditures than the institution had been previously

162 The transfer of 5-6 inmates a month that he effected were of problem inmates and PC inmates

162 He was more successful at swaps in his first period at GCI than later
163 Coupon system at FSP was not wholly successful
164 Some of the inmates he transferred out negatively were ones who were at GCI
when he arrived, others came after he arrived
165 Pryor was transferred as a result of a particular incident

166 **JAMES FERGUSON/DIRECT**

167 Inmate felon
167 Confined at GCI for 4 years from 6/81
167 Presently at Beckman Hall Community Work Release
168 Knew R. V. Turner at GCI
168 Always found Turner easy to approach for job changes, food matters, etc.
168 He was helpful to inmates
169 Saw Turner several times walking about compound
169 Saw him at Sunday Christian program
170 Both Nappi and Bradley were excellent officers
170 He worked on cane squad and DOT squad, as houseman and in slaughter house
171 Never had trouble with whit or black inmates
171 Does not recall Blacks ganging up on Whites
171 Also served time at Martin Vocational Center and DeSoto Correctional Inst.

172 **FERGUSON/CROSS EXAMINATION**

172 Had trouble at DeSoto -- White v. Black riots but not at GCI
172-3 He volunteered to come testify because he knew Turner
173 Those who had been at GCI were questioned as to what their opinion was
174 WM asked their opinion, whether they were mistreated, how they found Turner;
told them that they did not have to testify
175 Has no knowledge of particular incidents alleged

175-6 He identifies two of the Plaintiff's inmates as ones who would borrow money regularly and then check into PC

176 Did not like CO Dixon; he had bad attitude

177 He told Turner his view of Dixon; Turner said he would have talk with him; Dixon was pulled into the office and talked with; after that he had no more problems of harassment

177 Dixon would push him to make him lose his cool

178 Entered system in 1981 at Lake Butler, then DeSoto

178 Never snitched while at GCI; does not believe in snitching

179 Snitches don't live long in prison

180 **RAYMOND TAYLOR/DIRECT**

180 Felon

181 First assigned to RMC 6/80 for 6 mos.; then sent to GCI

181 Went through one day of orientation

182-187 First incident that stuck in mind occurred 3rd night in C dorm after he was asleep. His bunk was near restrooms, top bunk. He was awakened by someone shaking his bunk. Saw 3 inmates. Asked if he had light. Said no. They said they needed to see him in bathroom. One in bathroom had fly open. A friend name Ostein got up and went to Wicker and told officer he was sick and asked to go to the infirmary. Officer in Wicker called another officer to take him. Officer then walked back toward bathroom and the other inmates split. Ostein returned and told him that he reported to the Lt. or Sgt. Did not sleep rest of night. Wicker officer made rounds every 10 minutes.

188 He was told by next shift officer that he would be moved up to a bunk next to Wicker

189 Talked for half hour w/Lt. Peters who called him in and reviewed incident reports of night before; told him about P/C

191 He told Peters he would go into P/C

192 He was in PC 1 1/2 - 3 weeks

192 During time he was in PC, most confinement inmates were Ac; most of the time there was only 1 inmate to a cell; if it got crowded they would put 2 PC together

193 Never had any fear for own security while in PC; PC inmates would not be lit out to shave and shower with DC inmates

195 Officers in dorm acted appropriately in respect to him and he appreciated it; Wicker officer kept him constantly under surveillance

196 **TAYLOR/CROSS EXAMINATION**

196 Convicted of Murder in 1980; received life; presently at Baker Correctional; has mandatory 25 year sentence

197 Convicted of attempted escape in 1984 from Polk

197 Received 5 yrs. concurrent for escape

197 First he heard of suit was when notices were posted. Member of Atty. Gen'l. office named Craig spoke with him at Baker 6-8 mos. before trial

199 He told Craig that in his opinion the officers at GCI were not callous or indifferent

199-200 He was asked about a week before trial to come to Miami and testify

200 Arrived at GCI 3/81 or 4/81; stayed 3 weeks

201 His reaction to the inmates who threatened him would have been no different if they were armed

201 Most of other inmates in PC were white but some were black

TRIAL TRANSCRIPT (R-23)
(12/12/85)

R29

- 207 Discussion re: Dixon documents
- 208 DL spoke to both Dixon and his attorney
- 210 Nimkoff states he will sign order requiring clerk of court to provide Dixon documents for in-camera inspection
- 211 Nimkoff agrees that documents, if received after close of trial can be received for consideration
- 212 DL announces no objection to calling inmate witnesses; requests inmate witness files
- 213 WM advises Ct. of logistical difficulty of getting files; also files are not relevant
- 214 Nimkoff acknowledges that relevance may be slight but indicates files should be provided
- 215 Nimkoff grants request; WM asks for time frame for production
- 216 Nimkoff leaves it at "as expeditiously as possible"; acknowledging files are not readily available
- 216 **RONALD JOHNSON/DIRECT**
- 217 Felon; assigned to GCI, UCI, Sumter & RMC; presently at Beckman Hall; immediately previously at Martin Correctional as a transit
- 218 Before Martin, he was at GCI for 2 1/2 - 3 yrs. (1982-3/85)
- 218 At UCI he was in kitchen and shoe shop
- 219 He had a number of DRs at UCI; he did not have a lot of DRs at GCI
- 219 UCI had a wild living atmosphere; he settled down at GCI
- 220 Taken under wing by Sgt. Bradley when he arrived at GCI; put on yard work detail
- 221 At GCI he also worked on DOT crew, boiler room and harvester crews
- 221 He was close custody when he came to GCI; he became minimum custody 9 mos. later
- 222 Participated in J.C. program at GCI
- 222 Participated in A.A. program at GCI even though he was not an alcoholic

223 First contact with Turner, he went to Turner and advised identity of inmate who hit guard with a rock; Turner had inmate apprehended

224 He would see Turner walking compound; talking with inmates at breakfast and at Church services

224 Turner a pretty fair superintendent

225 Turner gave him encouragement not to give up

225 **RONALD JOHNSON/CROSS**

226 Convicted of robbery in 1977; life sentence; prospective parole date 10/29/87

226 Heard of case from other inmates; spoke to attorney who came asking if he could ask questions - WM

227 WM asked his view of GCI - good or bad; no one discussed matters of the lawsuit

228 Buck was frequently available on compound

228 Marijuana was available but not as readily as buck

229 He had both marijuana and buck in dorm; but did not tell Turner of its presence

229 Turner would come to dorm with other officers and ask inmates to turn over drugs, buck and weapons before a search

230 He observed weapons on compound; they were not very easy to obtain; he did not have a weapon

231 Weapons included knives, zip guns and pipes

231 When guards learned of weapons they apprehended them

231-2 Inmates at GCI would get weapons by filing down an old piece of metal or have one thrown over fence

232 He does not know of any officers who were aware of weapons

232 There are more weapons at UCI

233 There were gangs at GCI -- White, Cuban and Black

233 Johnson did not belong to gang

234 There were 20-30 inmates in the JC program

235 About 1/2 - 1/3 of the inmates in JC were white

235 The athletic director was in charge of movies

236 **THEODIS MITCHELL/DIRECT**

236 Currently at Beckman Hall

237 Convicted of a felony

237 Over a period of 4 years he spent 3 at GCI; was at Hendry in between

237 Did not know Turner personally; saw him on compound, not frequently because he was not on compound himself that much

239 Worked at meat packing plant

240 DL asks opportunity to speak with Brierton before he testifies

241 **DAVID BRIERTON/DIRECT**

242 Inspector General of the DOC in Tallahassee since 1979

242 Undergraduate at Loyola Univ.; Masters from Chicago State; Fellow at criminal justice center, Harvard Law school; consultant in 30 states; entered corrections in 1959 as a guard

243 Warden at Stateville, Ill.; went to FSP 1977 as superintendent

244 Left Harvard 1973 to go to Stateville

245 Inspector General does all criminal investigations relating to prisons; internal affairs investigations, internal audits, grievance appeals

245 DOC has 12,000 staff; 28,000 prisoners

246 IG's office has 59 personnel

247 He reports directly to the Secretary

247 Familiar with GCI

248 GCI has minimum, medium and close custody inmates; generally equivalent to UCI but not FSP

248 GCI has an older plant; inmates are more similar to those at UCI than Zephyrhills or Polk

249 A number of institutions in Florida use open dormitories

250 The IG's office inspects each prison once a year

251 They also conduct 5 or 6 complex management reviews each year using 20 or more personnel

251 Normal yearly inspection involves a 2-5 man team and takes about 5 days

252 He has reviewed GCI inspection reports; they do not show that GCI is out of control

252 Purpose of inspection is to find out what is wrong at an institution, not to compliment the superintendent

252 Inspection reports will usually contain more notation of what is wrong than what is right

253 GCI not worse than the majority of prisons in the country

255 Inspectors come from another area than where prison is located

255-6 There is a problem of inmate assaults in Florida; most states do not collect data, Fla. does

256 Greatest problem with assaults is under reporting

257 As institutions go up on custody grate assaults increase

259 Def.'s Ex. 4 - graph of statewide assaults

259 GCI has more assaults than some institutions, few than others

261 Homosexuality in prison: some are lifestyle homosexuals, who would be homosexual out of prison; some are situational homosexuals who ar such because of the environment; some are coercive homosexuals, violent or non-violent

262 Homosexual rape is a crime of dominance rather than sex

262 Coercive homosexuality is a problem in all prisons in Fla.; not necessarily more predominant in prison than the free world

263 Superintendents have less discretion in controlling homosexuality in prisons

263 Not possible to take punitive action against people in prison for homosexuality

265 Reducing violence in prison is a balancing of interests -- imposing too many restrictions can have adverse effect

266 Prisons contain by their nature a higher percentage of violence prone persons than society as a whole

267 Just because an inmate is reported to be a wolf does not allow him to be restricted

269 Difficult for a young inmate to come forward and report being raped

270 Necessary to gain input from staff and other inmates as to such occurrences since it is not often reported

270-1 Inmates seek PC for various reasons -- gambling debts, drug deals, assaults

271 If a person claims to have been raped it should be treated as a criminal matter; need to get medical evidence, statements

271 If its one person's word against another, the States' Attorney will usually not prosecute

273 Officers in system sometimes introduce contraband or used excessive force

274 Before dismissing an officer he must be given a predispositional hearing; entitled to appeal process

275 DOC has often had fired employees ordered reinstated

275 Superintendent does not have the power to terminate an officer on the spot

275 Inmates are assigned to institutions along several tracks: one is basic reception track, another is transfer (court ordered, medical, statewide, emergency)

277 Superintendent does not have authority to transfer

277 All usual transfers are approved in central office; only investigators have authority to transfer immediately

277 Superintendents do not have any discretion as to whether he will receive a prisoner

278 28,000 prisoners in Florida system

278 Transferring a problem simply gives someone else the problem

279 Florida system is running right at its absolute maximum capacity

280 Classification factors include crime, length of sentence, past history, age, proximity to home

281 Proximity to home is important in respect to rights of family

281 Racial balance is attempted

Superintendents have some input into racial balance to extent that they can ask regional director to correct a seriously skewed situation

283 All Florida facilities have applied for ACA accreditation and have been accepted at one time

283 FSP was not accredited while he was there; it had just begun the accreditation process

284 Prison inspectors are not part of Inspector General's office; they report directly to Superintendent

CROSS EXAMINATION

285 Not all incident investigations are undertaken by the IG's office; some are made by prison investigators

287 Not unusual for FBI to undertake investigations

288 FBI did undertake investigation of an assault case in 1983-4 at GCI - Barrett case

290 The IG's office undertook investigation of incident and in middle of investigation, Barrett quit; evidence was given to State Attorney

291 Barrett at time of incident was acting chief correctional officer

293 He does not recall what Peters involvement was

301-2 He met with State Attorney when Grand Jury investigated GCI in 1980

304 Grand Jury report primarily concerned missing inventory items

308 Brierton is shown Plaintiff's Ex. 6 - Inspector General's inspection report on GCI for 9/19-21/83

309 An extensive management review was done at GCI for period between the inspection of 1980 and that of 1983

310 Inspector General's office began in 1980

312 Superintendents have opportunity to reply to or rebut the criticisms in the reports

314 The conclusions in GCI report of 1983 was not atypical of inspection reports generally; reports meant to be critical

316 Does not know if Turner reviewed the report conclusions with IG's office since it would have been handled by a subordinate

316-17 Inmate on inmate assaults are more under-reported than guard on inmate assaults but he does not know how much

319 Classical ethics that used to exist in prisons no longer do

319-20 In years past, 6 or 7 inmates in lockup would be high in a prison; today prisons in some states have 20% in lockup because they do not feel safe

320 Inmate on inmate assaults may be reported less due to intimidation

- 322-23 Restrictions on administrators because of due process considerations make it more difficult to control wolves
- 325 Rape is a dominance based crime
- Important to look carefully at a prisoner who says he has a "boy" or "girl" and is not a lifestyle homosexual; such person is likely to be a wolf.
- 326 When rapes are not reported a superintendent will sometimes hear about it from informants; he may also catch an assailant in the act
- 328 Verbal sexual references made to other inmates do not necessarily suggest homosexual assault activity
- It may be posturing, joking or intimidation
- 333 Inmates gathering at shouting at incoming inmates getting off a bus may suggest many things but not that homosexual assaults are more common; this is common at 50% of prisons in the country
- 335 A goal of prison management is to minimize rapes
- 336 Hanging sheets around beds occurs at every institution he inspects; when sheets are taken down by prison officials, inmates file grievances
- 337 Prisoners put up obstructions around their beds to obtain a sense of privacy
- 338 Two schools of thought on showing pornography in prison: one that it is inciteful and one that prisoners are old enough to handle it
- 339 Selection of movies is a delegated responsibility and superintendents often do not know what is being shown
- 340 "Free flow of contraband" is an undefined term; in prison, virtually everything can be fashioned into contraband weapons; it is very difficult to control
- 343 It is very difficult to know how much contraband exists at an institution
- 343 Shakedowns are very costly and produce hostility among prisoners; it raises stress level
- 343 Brierton was notified by one of his investigators of the Barrett incident;. He sent investigator over immediately and came himself to oversee investigation a few days later
- 346 With an alleged rape, unless one knew of the perpetrator one could not take it to the State Attorney
- 346-7 Generally it is not advisable for a Superintendent to become personally involved in a rape investigation; it is a very risky management style

347 He would ordinarily expect that a rectal exam would be provided unless the
victim objected

348 Lipman poses hypothetical question regarding his trip to GCI -- hearing on
LaMarca's case involved only his claim that he had unfairly lost his privileges
due to fighting. LaMarca afterwards voiced concern that some of his friends
were intimidated sexually and the Attorney General indicated that the matter
would be investigated.

351 Brierton would expect that someone would interview the alleged inmate victims

353 These allegations would not ordinarily be reported to the IG's office

353 Inmates on occasions make false allegations of rape

354 It is not the role of the IG's office to issue a positive report on inspection; role
is to find problems

TRIAL TRANSCRIPT (R-24)
(12/12/85) R30

LEO PETERS/DIRECT

- 361 Institutional Investigator for GCI; began with DOC in 1976 at UCI; investigator at GCI since late '81 or early '82
- 362 Function: to investigate criminal activity at GCI and, to limited extent, to undertake internal affairs investigations
- 362 Investigative actions involve rapes, assaults, possession and smuggling of contraband
- 363 Contraband can enter any prison by various means -- visitors, inmates etc.; GCI has 400 inmates on outside work squads; staff occasionally becomes involved in contraband
- 363 Contraband can be created within a prison -- buck and weapons
- 364 He has found buck made in bathrooms, trash barrels, vehicles and buried in ground; at UCI he found it in the tank of a toilet
- 365 Control of the introduction of contraband at GCI: shakedown searches -- pat searches and strip searches of work squads and visitors; searches of workers is done daily
- 366 Inside compound, random dormitory searches were used; Sgt. Bradley discovered a 20 gallon container buried under a trailer
- 367 Sgts. Nappi and Bradley were assigned the duty of uncovering contraband; they were compound police sergeants
- 369 Visitors are pat searched and all possessions are inspected; hand held and walk through metal detectors are used
- 369 Possession of some contraband is a violation of statutory law, some is a violation of administrative code
- 370 Contraband which is a criminal offense leads to request to Sheriff's office since Peters does not have arrest powers
- 371 From 1980-84, there were 13 criminal prosecutions of visitors for introduction of contraband
- 371 Contraband such as a pocket knife or money is not a statutory violation; it is temporarily held during visitation
- 373 From 1980-84 there were 14 criminal prosecutions of staff members for introduction of contraband

374 There have been a number of instances where people have thrown contraband
over the fence

375 Turner's attitude toward contraband was that everything possible should be
done to contain it

376 Every Monday morning there was a staff meeting with Turner to discuss
administration matters including contraband

377 Inmate violence was controlled by criminal prosecution

379 Another method for control of inmate violence was by removal of perpetrators
from GCI

379 Removal of perpetrators was done on a fairly regular basis

379 In respect to prosecution, it was necessary to determine if there were staff
witnesses; if so, the State Attorney was notified

379 State Attorney required at least one staff witness for prosecution

380 State Attorney declined to file cases without staff witnesses

381 Informants were used to locate contraband and advise as to acts of violence

381 Peters would become involved in internal affairs investigations if it did not
involve civilians, i.e. non-employees

382 First fights were not handled by Peters but by line officers; he investigated
homicide, injuries with serious physical damage, stabbings

383 Investigations of inmate on inmate violence was often hampered by refusal of
inmates to testify

383 He investigated, along with the PBCSO, Andrew Jackson for extortion

384 Investigation of Jackson was initiated when an inmate being extorted by
Jackson reported it to Turner

384 He removed inmate informant from GCI; advised Sheriff and undertook
investigation

385 In course of investigation he took statement from Harper at Zephyrhills

386 He did not discuss Levi Fisher with Harper

386 He investigated the Cobb/Pryor incident; he was advised about 7:45 a.m. of
incident to Cobb, but there was no suspect

387 There were no staff witnesses to actual assault; they arrived when melee was
taking place among several inmates including Cobb and Pryor

- 387-9 He advised State Attorney who told him that without a staff witness it should be handled internally
- 390 He was involved in Dixon investigation in conjunction with a regional prison inspector on two occasions
- Turner initiated the first investigation in respect to dealing in gold and extortion based upon an informant *
- 391 Prison inspectors administered polygraphs in course of their investigation; results were inconclusive *
- 392 Second investigation also involved extortion scheme which came to attention of Randall Music; also alleged that Dixon was involved in marijuana sales *
- 394 Gordon could not or would not reveal name of person who set his underwear on fire. He did accuse Dixon of contacting his wife. He would not reveal who beat him up on respect to third incident
- 395 At time that Gordon reported the Dixon matter, a regional prison inspector was conducting investigation
- 395 He investigated Levi Fisher in respect to assault on an inmate; as a result Fisher was transferred from GCI; this occurred under Turner
- 396 Fisher was engaged in homosexual activities with young white inmates
- 396-7 LaMarca first spoke with Peters about a change in job assignment because he could not get along with his supervisor; second occasions was after his escape when he claimed he owed money and was threatened
- 397 No action was taken in respect to the second matter since Lamarca was removed to the County jail
- 398 Peters and Barrett and another officer had attended the Blach gold Jubilee together. They were off duty and had been drinking. They received a radio call that all off-duty personnel should report to GCI because of a riot
- 399 Peters went immediately to infirmary to interview two inmates; Barrett went to the dorms
- 400 He interviewed several prisoners in respect to Barrett's introduction of a shotgun into compound and learned of excessive use of force. He called Turner who told him to investigate the matter thoroughly. This led to Brierton's investigation
- 401 Over the years he frequently found Turner in the compound
- 402-3 Staff were not intimidated by inmates
- 403 Bathroom in classification bldg. is so small that when sitting on commode he hit head against wall

405 He received a letter of reprimand from Turner for drinking in respect to Barrett incident

408 I.G. inspector came to prison the next day after Barrett incident *

413 Fisher, Pryor, James Roper were wolves; Andrew Jackson was not

414 Bone was a wolf

414 When he learns that an inmate is a wolf, he advises shift supervisor

416 He did not learn that Pryor was a wolf until he had been at GCI for awhile

427 He recommended removal of Pryor from GCI because of the Cobb incident

429 He made recommendation on Pryor transfer to classification

432 There were no staff witnesses to original Pryor/Cobb attack

439 Personnel department investigated backgrounds on employees

441 He told Gordon to go to postal inspector about Dixon because he felt he lacked jurisdiction

442 He advised the state prison inspector of Gordon's complaint

442 He has no authority to request a polygraph exam; this is conducted by regional prison inspectors *

444 Sauder's allegations of rape were not reported to him

444 There is not a standard operating procedure at GCI for compound officers to pass on allegation of rape to Peters *

444 Peters receives information of rapes from victims, informants or staff

445 If inmate reported a rape to a compound officer, there was a procedural obligation of the officer to report it to his immediate supervisor and so on up the line *

449 He has never encountered sheets obstructing vision in dorms *

450 As long as he has been at GCI the policy was that hanging sheets and blankets were not authorized *

452 Dormitory officers on night shift were supposed to patrol dorm

452 Staff sergeants have duty of insuring that subordinates patrol properly

454 Patrolling from one end of dorm to other would take 5-7 minutes

455 Dorm supervisor and shift supervisor check on whether a dorm officer patrols properly

456 Has not heard of any officer being disciplined for not patrolling while an inmate was raped

458 Does not know how many felony charges have been filed against inmates with State Attorney; there were some in November

462 *Pryor/Cobb* investigation was authorized by Turner

464 If inmate reported rape to a Lt., the Lt. would report to Peters who would obtain authorization from Turner

464 Procedure for rape investigation: insure that inmate is taken to medical dept. for medical exam; speak with inmate to determine perpetrator; pick up perpetrator and contact Sheriff's office

465 He had one rape investigation in 1985; inmate subsequently admitted it was not forcible

466 He cannot remember 1984 without looking at files

467 There may have been investigations of rape in 1983 but he is not sure

467 He investigated another rape -- of Willie Bogan -- in 1981 or 82 in which a conviction was obtained

468 He does not remember any other convictions for rape

468 First heard of Larry Brown's allegations a week ago

469 He does not know if it is a violation of florida law to possess buck in a prison; it is an institutional violation

470 There have been a number of criminal prosecutions for possession of contraband at GCI but not buck

470 Drug possession is primary charge relating to possession of contraband

473-4 Trailer under which buck was buried was above ground with a crawl space; it was not visible from the watch towers

TRIAL TRANSCRIPT (R-25)
(12/13/85)

R33

481 **PETERS/CROSS EXAMINATION CONTINUED**

482 Turner was not at GCI on Saturday and Sunday

485 Turner's instructions in respect to rape reports was to advise Sheriff's office, make sure inmate received medial attention; identify and isolate perpetrators; isolate victim *

485 Shift supervisor would be involved in assuring medical attention

487 He recalls one prosecutable incident of rape at GCI and also the most recent rape investigation

488 He cannot give a specific number of rape investigations beyond the two

489 Present population cap at GCI is 875

490 GCI has Johnson rape kits available for rectal examinations

491 Turner had a top priority of being notified of a rape or a serious stabbing

492 He recalls on two occasions Turner came to prison at about 3:30 am.m. because of incidents

495 **RAYMOND MULALLY/DIRECT**

495 Employed at central office, DOC; in charge of accreditation since 12/82

496 He has liason with the Commission on Accreditation, visits all major institutions and assists in their preparation for accreditation

496-7 Accreditation audits are held every 3 yrs.; he visits institutions in between audits twice

497 Before the audits, each institution goes through a self evaluation

498 Auditing standards of ACA: Def.'s Ex. 5 A-C, standards for 1978 and 1982 and annual supplement

500 GCI has been audited twice; he was present for both. First was in 10/80, second was 1/84

501 There were 3 members on auditing team; audit took 2 1/2 days

502 Audit consists of an orientation for the team, a 407 hour tour of the institution and a review of paperwork; during the tour and the review the team members will speak with inmates

503 For second audit, there were 449 Standards

504 Def.'s Ex. 6: audit reports for 1980 and 1984

506 During the first audit, GCI received the 2d highest score instate; it passed all standards

507 During the second audit, GCI passed all mandatory standards and 95% of non-mandatory standard

507 Florida has 25 accredited institutions and 5 unaccredited; UCI lost its accreditation for fire deficiencies, 4 are new institutions

509 Audit standards cover about 10 areas: administration, personnel, confinement areas, food service, medical service, sanitation, counselling, education, physical plant, religious services

514 **CROSS EXAMINATION - MULALLY**

519 Standards are based on constitutional minimum requirements

520 Institution and inmates are notified in advance of the audit by 2 weeks

524-5 Initial audit tour lasted from 8:30 a.m. - 2:00 p.m. in addition, individual members viewed facilities; individual visits lasted from 15 min. to 2 hours

526 During initial tour, the team ate lunch with inmates with no staff members present

529 Report found quality of life above average

532 **MULALLY/REDIRECT**

532 Inmates had no complaint of abusive treatment during the audit of 1984

534 Part of audit provides for listing of pending litigation

537 **GEORGE LAWSON/DIRECT**

537 Lieutenant and shift supervisor at GCI; 4-12 shift for 12 years

538 Shift supervisor's duties: patrol yard, dorms, holding area; supervise feeding

538 Under him are the Sergeants; under the Sergeants are the CO-1 officers

539 One of his duties is counselling the inmates

541 During the 1980-84 period, he would counsel 10-20 inmates a week in regard to problems; equally divided between white and black

542 During 1980-84 there was a pass system in effect that required inmates to have written authorization to move from one area to another

- 543 During 1980-84 he encountered contraband on compound; mostly homemade knives
- 543 They used constant shakedowns to control contraband
- 544 For an entire dorm shakedown, 8-123 officers were used and it would take 1-3 hours; during these searches, contraband was found
- 545 Daily searches were also used
- 545-6 As shift supervisor he has received 2 reports of rapes; on both occasions inmates were escorted to medical and an investigation was done; both turned out not to be rapes
- 546 Inmates transferred in are brought into visitor park which is 3-4 acres
- 547 He has never seen inmates gather to welcome transfers; he had standing instructions to his subordinates to keep area clear
- 548 At times, work details would come through at same time as new transfers
- 549 Pryor once asked him to talk to Cobb to leave a friend alone; he spoke to Cobb who told him the problem was over
- 550 He frequently saw Turner on the compound
- 551 Turner was present at monthly lieutenant's meetings
- 552 **LAWSON/CROSS**
- 555 **ROBERT V. TURNER/DIRECT**
- 556-7 Joined FSP in 1953; became member of business staff in 1954 for 6 yrs.; became business manager for 8 yrs.; took lateral transfer in 1970 and left department in 1971 for private firm; rejoined DOC in 1974 as business manager at GCI; in 1975 became assistant superintendent and, in 1976, superintendent. Retired from DOC on 7/31/84.
- 557 Originally GCI was a prison agricultural work camp in the 1930's
- 558 GCI was originally a group of wood bldgs.; it is now a brick complex on 5,000 acres
- 558 There are three secure compounds at GCI: recreational field, main compound and vocational compound; each is 11 acres in size
- 559 In 1974 there were 700 inmates; in 1980-84 period, it reached 920
- 559 He had no control over the population size
- 560 In late 70's GCI became a close custody institution, beginning with 400 close custody inmates; by 1984, from 65-70% were close custody

- 561-2 Classifications in system:
- 1) maximum security (only at FSP) -- can only be assigned to individual cells
 - 2) close custody -- can be out of secure perimeter only w/armed guard
 - 3) medium custody -- can be out of secure perimeter only w/guard
 - 4) minimum custody -- must be checked 4 times a day, but allowed out of perimeter w/o guard
- 566 Institutional investigator reported directly to him
- 572 GCI had a large industrial section; 5,000 beef cattle, large dairy, canning plant, soap factory, meat processing, 5,000 acres of sugar cane
- 573 GCI provides up to 720 inmates each day for road work for DOT
- 574 He was actively involved in GCI's JC program
- 576 GCI was responsible for PBJC building a local campus nearby
- 578-9 GCI had a number of programs available for prisoners to keep them occupied

TRIAL TRANSCRIPT (R-26)
(12/13/85) R 34

589 TURNER/DIRECT CONTINUED

592 When he came to GCI there were 15 confinement cells with 23 bunks all on one corridor

593 Protective confinement began to grow in late 70's

595 Important to assure that person admitted to protective confinement is not seeking to get at person already there

596 Classification was required to review request for PC within 36 hours to determine if inmate should remain in PC

596 Classification team for PC review had 3 men; recommendation would go to superintendent

597 Originally the 23 bunks were for PC, AC and DC; PC was originally a category of AC

598 GCI was not built for close custody

599 Staff originally was not trained to handle close custody

600 On one occasion he appeared before Senate Correctional Committee on his own to complain of problems

601 Two over-riding problems were lack of staff and physical plant

603 Appeared before Senate Committee on 3 occasions; wrote to Wainwright; appeared before House Committee and Joint Committee; supplied complaints through monthly reports

604 Def's. Ex. 7: monthly reports with first pages included

606 He was successful at getting money left over from other projects in DOC budget

606 GCI budget request was never fully funded

607 Fiscal budget for '83-85 was prepared in 1981

607 He also obtained funds outside regular process -- Carter administration public works funds

608 His budgetary requests for an increase in confinement were denied every year; he was able to increase it to 30 cells with funds left over from other DOC projects

- 610 Obtained authorization to purchase a van to transport employees from WPB; many recruits did not want to live in Belle Glade
- 611 Attempted to recruit from some newer institutions
- 612-3 Obtained funds for a single-officers quarters
- 613 All officers are given a minimum of 320 hours of training within the first 6 mos. and 40 hours each year thereafter; GCI added 40 hours of initial orientation
- 616 Contraband was an endemic problem due to the hundreds of inmates working outside and the visitors
- 617 There were 300 visitors on visiting day; it would have produced resentment to strip search them all
- 618 Marijuana sniffing dogs were used on a trial basis
- 618 They had to stop using brooms from Fla. School for Blind because wires could be used as knives; inmates drank ditto ink and windex
- 621 Putting additional officers in visitors park to counter contraband meant removing them from other positions
- 622 Electronic metal detectors and hand detectors were used in respect to visitors; inmates were searched after they visited in park
- 622 Surveillance was primary technique for controlling contraband in compound
- 623 Marijuana sniffing dogs were also used, but they did not work well
- 624 They used shakedown teams to search the dorms
- 625 Search of a large dorm took 30 man hours
- 625 They used confidential informants; sometimes informants were reliable, other times they were not
- 626 During his time at GCI, they recovered 5 factory built weapons
- 630 Primary problem of inmate to inmate relations involves borrowing money
- 631 A section in B dorm was used to house inmates who were potentially vulnerable
- 636-7 In an effort to increase staffing, he asked Regional Director to appoint a committee to analyze personnel needs. This was done; Committee agreed with need to increase number of dorm officers; this was never approved
- 636-7 A & D dorm house 240 men each; B & C dorm house 170 each; E dorm houses 88; staffing level provided for 2-3 men per dorm per shift

638 There was a post order forbidding the hanging of blankets and other visual obstructions in the dorm

640 With the number of prisoners up to 920, it was impossible to avoid the double bunking

643 The post orders required that officers patrol the dorms

644-5 Originally, he had problems with the arrangement and number of cells allotted to PC, AC & DC; this was improved by expansion

645 GCI had an institutional procedure which required that PC inmates be separated from others; it did not always work perfectly because of crowding

646 He added an exercise period and library privileges for confinement inmates

647 It was necessary to rely heavily on over time at periods due to staff shortages -- at one time 35 of 108 CO I positions were unfilled

648 Wood fence was put up to screen confinement windows

649 Transfer during much of period he was there was difficult because many new institutions which came on line in the 80's were not yet open

650 Transfers recommended due to inmate behavior had to be made through swaps since there were no vacancies for normal transfers

650 Many institutions in South Florida did not have facilities to accept problem inmates

651 Transfer of a problem inmate in a swap meant that one would receive back a problem inmate

653 Transfer of PC inmates was a particular problem because other institutions did not have adequate facilities available

654 At time of Barrett incident, he was off the compound in training facility; returned an hour afterwards

657 The Assistant Superintendent relieved Barrett a half hour before Turner arrived at compound and sent him to control room

658 After Turner arrived, he reviewed situation; had Barrett remove makeup; obtained his version of events and sent him home

661 Information from informants regarding Dixon led to Turner initiating an investigation ✱

662 Two investigations both proved negative; polygraph exams were used

662-3 Written request for background is sent to all former employers of job applicants; Broward County never advised of problems prior to hiring

- 664 In 1980-84 period there were only two charges of excessive force by a guard at GCI; one was Barrett; one was found to be unfounded by the IG
- 666 During 1980-84, there were 250 charges of excessive force made throughout the system
- 666 Def.'s Ex. 1, 2 and 3: photographs
- 673-4 When Belitsky advised him of Nimkoff's proposed visit, he was scheduled to be in Tallahassee
- 674 He discussed the visit afterwards with Arline and wrote to Nimkoff requesting a conference; he was not advised of any request by Nimkoff
- 677-9 Def.'s Ex. 12: 2 letters - from Turner to Nimkoff and Nimkoff to Turner
- 680-82 The Grand Jury investigation grew out of a report from the business manager, Joe Parker, of a problem with meat inventories: GCI supplied meat to other state prisons. Turner notified legislative auditors whose reports were published in paper leading to Grand Jury investigation
- 686 Def.'s Ex. 13: 2 letters - from Turner to Wainwright and Wainwright to Turner
- 687 Subsequent to letters in Def.'s Ex. 13, the condition at GCI improved
- 688 There was a response written to Grand Jury report by business manager
- 691 **TURNER/CROSS**
- 696-8 Discussion regarding questions of Turner as to Arline or Belitsky's failure to communicate LaMarca's comments; objection that question assumes there was a communication to which only Nimkoff was a witness
- 699 Turner denies that communication of comments was made to him; objection made that there was no proof of comments being made; Nimkoff takes answer as meaning whether any comments were made or not
- 700 Not informed of Aldred's claim of rape
- 706 Not sure whether he filed a response to prison inspectors reports
- 709 Even if a rape is not reported there are ways in which it may be discovered -- it could be mentioned by an informant; absent that it could not be discovered unless a person were observed with an injury
- 711-712 He gave verbal instructions to Peters to advise him of any rape
- 713 He was aware of several alleged rapes during his time, but they could not prosecute most because of lack of information
- 715 Did not investigate Aldred incident; did not know of it

- 716 He does not remember who summoned prison inspectors in Barrett incident *
- 717-8 Does not know whether Aldred, Harper, Durrance or Saunders received rectal exams
- 719 It is possible that they may have requested that a polygraph exam be performed by sheriff's office in rape case
- 722 Does not recall that Harper reported that he was raped
- 725-6 He did not raise with Atty. Gen'l.'s office the State Atty.'s failure to prosecute some cases since the State Atty. is independent
- 732 Does not recall any officer ever being disciplined for allowing bed hangings; there probably was disciplinary action taken against officers for failure to patrol
- 735 Mention in letter to Wainwright of lack of control at GCI meant that he felt there were an insufficient number of officers to supervise and survey GCI
- 743 **TURNER/REDIRECT**
- 743 GCI had Johnson Rape Kits provided by Sheriff's office



PC-FL-0007-0040