

Department of Correction  
Testimony of Leo C. Arnone, Commissioner

Judiciary Committee  
March 16, 2012

Good afternoon, Senator Coleman, Representative Fox and members of the Judiciary Committee. I am Leo Arnone, Commissioner of the Department of Correction (DOC). I am here to speak in strong support of a number of bills before you this afternoon.

Raised Bill No. 367, *An Act Concerning Public Indecency in a Correctional Facility*, would make public indecency in a correctional facility a criminal offense and require offenders who are convicted to register as a nonviolent sexual offender with the Department of Emergency Services and Public Protection (DESPP). This proposed legislation is my response to a group of inmates housed primarily at Northern Correctional and Garner Correctional Institutions who are purposely exposing themselves in a lewd manner and performing acts of masturbation to harass and intimidate, particularly female staff.

I will not allow inmates to harass and intimidate my staff in this or any other manner. You will hear a little later from a number of my staff, both male and female who, while carrying out their professional duties, have been victimized by these harassing acts. The agency has attempted to address these acts in an administrative manner. In addition to issuing disciplinary infractions, there has been staff intervention. The facility Mental Health Unit has intervened and placed those inmates that are repeated offenders in the infirmary for a short-term behavioral observation plan to curb their behavior. After a designated time frame if the inmate complies with direction given to cease activity, he is returned back to his previous classification status within the facility. Additionally, each housing unit is supervised by a Unit Manager at the rank of a Captain or Counselor Supervisor who, for those chronic offenders, offers verbal intervention to curb the behavior. Some counseling staff has chosen to tour with additional clothing (sweaters/jackets) to obstruct the inmate's view of their anatomy during their tours. Some encourage other staff members if available, to tour with them, as the likelihood of an occurrence may decrease. At times, when we can, we place the inmates in cells that render less of a view of staff entering and leaving the units, or on the end of a tier where they are less likely to determine who is walking down the tier until staff is right at their cell door.

After all this there is still a group of chronic offenders that continue to engage in this offensive behavior. I strongly believe that these types of behaviors will significantly decrease if this legislation is enacted. A number of the offenders who continue to perform these acts will discharge from my custody and the last thing they would want to do is register as a sexual offender.

I attempted to introduce this legislation last session but the Office of the Chief State's Attorney (OSCA) expressed some concern and we were not able to resolve our differences. I am pleased to appear before you today and say that the language in Raised Bill No. 367 is the joint effort of the DOC and DESPP and the OCSA. I urge your strong support of this measure.