

# P Florida Prison Legal Perspectives

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## MURDER CHARGED, BUT CONVICTION IN DOUBT

It was Feb. 2, and the breaking evening news at 5 o'clock was that two Florida State Prison (FSP) guards had been arrested and charged in the beating death of FSP prisoner Frank Valdes last July 17, and more arrests were expected.

By the 7 o'clock news another guard had been arrested, and by 11 o'clock that night the tally of arrests was at four.

The four Florida Department of Corrections guards, all veteran and ranking officers, were Capt. Timothy Thornton, 34, Sgts. Jason P. Griffis and Charles Brown, both 26, and Sgt. Robert W. Sauls, 37. All four were charged with a single count of second-degree murder.

The guards were arrested over a five-hour period by Florida Department of Law Enforcement agents and booked into the Bradford County jail on a \$100,000 bond. If convicted of the charge, they each face a maximum sentence of life in prison.

### Grand Jury Indicts Guards

The arrests were the result of

sealed indictments issued by a 20-member grand jury that had been convened in Gainesville on September 29, and that had heard over three months of witness testimony concerning Valdes death. The grand jury had heard from other guards, prison administrators, a former prison nurse who treated Valdes, and expert forensic investigators from the FDLE.

While FSP is located in another county, the grand jury was convened in Gainesville, about 35 miles away, after State Attorney Rod Smith convinced Circuit Judge Robert Cates that the move was necessary. Smith argued that it would be hard to seat an impartial jury in Bradford Co. where many of the people are on the prison payroll or related to a prison employee.

Originally, the grand jury was to meet only until Jan. 10, but that changed on Jan. 5 when authorities announced the grand jury would be extended for an indefinite period. That was the same day the grand jury heard from a prison nurse.

The nurse asked that her name be withheld by the media because she

fears for her own life in the rural region around FSP that is dominated by the prison industry.

"Please don't put my name in the paper," the woman said, almost in tears. "It could put my life in danger. I've already been harassed. They know where I live."

Two men had also been subpoenaed to appear before the grand jury on Jan. 5th. They showed up at the courthouse with attorneys, talked with state prosecutors, but left without being called to testify. Neither the state attorney nor the men's attorneys would release the two men's names. It is felt by some, however, that the two were among the nine guards suspended following Valdes' death. Some feel this may have been a turning point in what FDLE investigators had called a wall of silence that was credited with holding up progress on this case.

The other guards that had been suspended pending the murder investigations are Sgt. Andrew W. Lewis, Officers Dewey Beck, Raymond C. Hanson, Donald H. Stanford, and Sgt. Montrez Lucas.

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Lucas is already facing charges of aggravated battery, battery on an inmate and using coercion to alter a report from an indictment issued by the same grand jury in November. Lucas is accused of beating Valdes the night before he was killed and then attempting to cover it up. He was fired by the FDOC the day after Thornton, Brown, Sauls and Griffis were arrested for murder.

The letter firing Lucas said that on June 15, a month before Valdes was killed, Lucas told a group of guard recruits who he was training that it was all right to falsify excessive force reports as long as the reports are verified by others.

The indictment documents charging the four other guards with murder wasn't very long. Essentially, it said, the four "unlawfully and by an act imminently dangerous to another, and evincing a depraved mind regardless of human life ... but without intent to kill ... did kill and murder Valdes by kicking and striking him with their feet and hands."

The day after they were arrested, the four guards were fired by the FDOC. That same day, after only spending one night in jail, a judge lowered their bond from \$100,000 to \$25,000 and they were released.

#### Kangaroo Trial?

Tough talk accompanied the arrest of the four guards. Tim Moore, commissioner of the FDLE, said that the investigation leading to the arrests had been long and difficult, but that it will continue because the prison system should be held accountable. "This kind of behavior will not be tolerated," Moore warned any few other guards who might be like-minded.

But the state attorney whose office will be prosecuting the murder charges, Rod Smith, said that the guards' trial will take place in Starke, the small rural town where FSP is located. There are 17 major prisons in the FDOC district surrounding Starke. They provide jobs to more than 8,200 people, more than in any other DOC district in Florida.

Smith offered no explanation why he felt an impartial grand jury couldn't be found in Starke but now believes an impartial trial jury can be.

Smith may be the only person in Florida who believes a fair trial can be held in Starke.

Randall Berg, director of the Miami-based Florida Justice Institute, said, "the entire prison industry is the leading industry of that area. It's going to substantially influence the eventual outcome of the trial no matter how careful the judge and the state attorney might be." Some prisoner advocates have questioned how hard Smith will prosecute this case, after all, he is running for the state Senate position in the same area that is so economically dependent on the prison industry.

Other legal experts say getting a conviction is going to be difficult in any location. The jury is going to sympathize with the guards, just like they do when a police officer is accused of killing someone, says Bruce Winick, law professor at the University of Miami.

"The jury is going to hate [Valdes], Who was on death row any way," said David Rothman, president-elect of the Fla. Assn. of Criminal Defense Attorneys.

What may happen is a repeat of a similar case in South Florida last year, claims federal prosecutor Doug Molloy and state prosecutor Bob Howell. In January 1999, they prosecuted seven FDOC guards on charges they had brutally beat and tortured prisoner John Edwards. Edwards was in prison for murder, serving a life sentence. He died after several days of abuse when he cut his wrists.

Guards testified that they and others among the seven had beat and tortured Edwards, an HIV-positive prisoner who had bit a guard then taunted that he would get AIDS. The guards also testified that they watched their supervisor pull hairs out of Edwards chest and legs, saying, "Oh, I bet that hurts," as Edwards lay strapped to a steel bunk, bleeding to death. In that case, prosecutors had a wealth of evidence: three eyewitness guards, photographs, medical reports matching the guards testimony. But, all seven guards were acquitted "Not because of lack of evidence," said Molloy, but because after they jury heard all about Edward's crimes that put him in prison, and his demonization by the defense team, they didn't see him as the victim.

#### Possible Defense

It's not going to be hard to demonize Frank Valdes to a jury of law-abiding citi-

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zens. Valdes had a death sentence and had been on death row since 1988 waiting to be executed, for, of all things, killing a prison guard.

In 1987, Valdes and William Van Poyck had attempted to help prisoner James O'Brien escape as he was being transported to an outside doctor by two prison guards. When guard Fred Griffis refused to give up the keys to the locked van, he was shot and killed. Valdes and Van Poyck were subsequently caught and convicted and sentenced to death for the crime.

In reports filed by the guards after Valdes' death, they claim that the day before he died, he had threatened to kill another guard. They claim that on July 17, when they came to move Valdes to another cell, he put up a fight and had to be subdued, but he was physically okay after the altercation.

Later, however, the guards claim, Valdes began throwing himself off his bunk and the bars of his cell door onto the concrete floor. Later, they claim, when he was checked on he was dead.

After the FDLE was called in, an autopsy revealed that every rib in Valdes' body was broken, he had boot marks all over his body and face, and his testicles were crushed and swollen. His death was ruled a homicide, from blunt force trauma.

Yet, it has been speculated by some experts that the guards may claim a justifiable use of deadly force, a defense recognized by Florida Law where a person believes such force is necessary to prevent "imminent death or great bodily harm on himself" or threat of death to another.

Or, in Florida, homicide may be excusable when it results from an accident or misfortune in the midst of performing a lawful act by lawful means, without an intent to kill.

Florida Law also recognizes, however, that a person can defend himself when an officer uses excessive force in making an arrest. The prosecution may argue that Valdes was afraid to come out of his cell. It is fairly well established that for almost two weeks before his death some of these same guards had been dragging prisoners from their cells on X-Wing and brutally beating them. [See article this issue, "Hamilton Five Sentenced."]

#### **Premeditation**

What jurors may never hear in this case is the simple, uncomplicated truth. There was no man on Florida's death row more hated by many of the guards who worked there than Frank Valdes. To them, he had committed the ultimate crime - he had killed a fellow prison guard. The fact that Valdes was alive can easily be imagined to have been a personal affront to such guards.

"I lost count of the number of times that I personally heard guards tell Frank that he would never sit in the electric chair," said another death row prisoner who knew Valdes. "They were constantly telling him that they were going to kill him first."

Just days before he was killed, Valdes wrote in a note to another friend on death row that some of the same guards now charged with his murder had, again, told him they were going to kill him.

When Valdes became outraged at the day-after-day beating of other prisoners on X-Wing and spoke out against the abuse, the guards, psyched to violence from the beatings, went in Valdes' cell on July 17 with one intent. They swarmed onto him nine deep, they handcuffed and shackled him, then cravenly, carried out what they had threatened all those years. "They kept beating him, beating him. A lot of bumping going on. Then it got real quiet, real still. I knew he was messed up pretty bad because they beat him about 10 minutes. He's going to speak his piece whether he's getting whooped or not. But he wasn't saying anything. I knew then they had messed him up," said Willie Mathews, one of the X-Wing prisoners that Valdes was trying to stop the guards from beating on when they turned on him.

#### **"His Number Will Come Up"**

Court records released Feb. 17, two weeks after the four guards were arrested for second-degree murder, raise even more questions about the premeditation in this case.

According to sworn statements of another FSP guard, Kevin Porter, he overheard Montrez Lucas concocting the story about Valdes causing his own injuries with Capt. Timothy Thornton - the night before Valdes was killed.

Porter told prosecutors that Lucas called Thornton on July 16 after Lucas had beat Valdes the first time. Lucas told Porter that Thornton had told him that Valdes'

"number will come up." The story that Porter says he heard Lucas and Thornton concocting to explain Valdes' injuries from Lucas' assault is the same story used by the guards charged with Valdes' murder to explain his injuries the day he died.

In the sworn statements, when State Attorney Rod Smith asked Porter what he thought Thornton meant about Valdes' number coming up, Porter explained, "Another officer might take a grudge or something like that ... and then instead of doing something then, they'll wait until some other time."

Porter's statements, statements from other prisoners and guards, and a second autopsy report that had been obtained by Valdes' family, were included in the 250 pages of records made public on Feb. 17. Porter told prosecutors he was scared testifying against other guards, indicating he was afraid for himself and his family. Porter, 32, had only been working at FSP a few days before Valdes was killed. He is not among those suspected in the death.

Also in the released court records was revealed that guard Charlie Griffis told investigators, after denying it at first, that he was present when Lucas beat Valdes the first time, the night before he was killed.

Griffis said Lucas handcuffed Valdes, then slapped and punched him in the face several times. Griffis said Lucas told him to stick to the story that they never went in Valdes' cell.

The autopsy report obtained by Valdes' family found that Valdes' had dozens of broken bones, including 22 broken ribs, a broke jaw, nose and clavicle. He also had severe contusions of the face, trunk and extremities; bruises to his heart and internal organs; and deep muscle hemorrhages. That report concluded Valdes' death was a homicide, that Valdes was beaten to death by several assailants.

State Attorney Rod Smith said that he expects that the trial of the four guards charged with murdering Valdes will be held before the end of this year.

[Source: Florida Times-Union, 2/3/00, 2/4/00, 2/18/00; Miami Herald, 1/6/00, 2/4/00, 2/6/00; St. Petersburg Times, 2/4/00; Tampa Tribune, 7/28/99; witnesses, correspondence] ■

#### **FROM THE EDITOR**

Greetings, and welcome to a new

issue of *FPLP*. Regular readers will notice as they go through this issue that it contains more graphs, charts and statistical information than is normally carried in one issue. That is the result of the Florida Department of Corrections (FDOC) and the Florida Corrections Commission (FCC) having released their annual reports for 1999 later than usual, both were received in January 2000. We have highlighted in this issue some of the most interesting and perhaps useful information from those reports.

The FCC's 1999 annual report was especially interesting this year. The Commission performed detailed examinations of the following topics in its report: Elderly Prisoners; Special Risk for Correctional Probation Officers; Recreation/Wellness Items as Population Management Tools; Inmate Abuse of the Grievance Procedure; Female Offenders; Youthful Offender Program; FDOC Distance Learning Program; Funding for Education Vocational Programs; Impediments to Post-Release Employment; and, Prison Industry Enhancement (PIE) Program. The FCC's report is 374 pages of discussion, statistics, and recommendations.

While we cannot possibly cover all the material in those reports, we believe they are important information sources to those who wish to know what is occurring in the FDOC and in what direction it may be going in the future. Both of those reports are available on the Internet where they can be down loaded and printed. The FDOC 1998-99 annual report is at: <http://www.dc.state.fl.us/pub/>. The FCC's 1999 annual report is at: <http://www.fcc.state.fl.us/reports>. Annual reports from past years can also be found at those sites.

Recently the staff has received some letters questioning the lateness of the last couple of issues of *FPLP*. As more projects have been taken on the staff has had less time to get the newsletter out. The last few months have been more hectic than usual with all the attention being focused on the FDOC. Many issues have come up that had to be addressed by the staff. And the staff has had to devote time to preparations for the April 12th rally in Tallahassee. Once past that, every effort will be made to get the newsletter back on its timetable. Please be patient.

Much thanks goes out to those members who responded with contributions to

help fund this year's rally in Tallahassee. As of the 1st of March about \$700 in extra donations had come in, which will help finance a good rally. It's not too late to make an extra donation for those members who haven't recently. FPLAO is your organization; your help is needed to help the organization grow. And we have a lot to do this year.

The FDOC has also indicated in a draft of new visiting procedures that all visitors over 11 yrs. old may shortly be required to give the FDOC their S.S. number or not be allowed to visit prisoners. We will be strongly opposing that requirement if the FDOC moves to adopt it. We are also very concerned that the draft indicates that family visiting privileges and the restriction on same may be used to punish prisoners for behavior unrelated to visiting. We will be fighting that also if an attempt is made to adopt same. We will keep members informed on this new anti-family move by the FDOC.

That's it for this issue. Remember to pass your copy of *FPLP* around to others and encourage them to get involved by becoming a member. Prisoners, encourage your people to attend the rally in Tallahassee April 12. -*Bob Posey* ■

## PRISONS TIGHTEN THE HOLD ON MORE

by Adam C. Smith

"The system here is rigid, strict and hopeless solitary confinement," Charles Dickens observed in 1842 after visiting a Philadelphia prison. "(The prisoner) is a man buried alive... dead to everything but torturing anxieties and horrible despair."

Now flash to the end of the millennium in E-dorm at Hardee Correctional Institution in Bowling Green, Fla. In cell 2111, a thin, graying man pegged as a chronic troublemaker sits expressionless in the room where he spends 23 hours a day with almost no human contact.

"You a psychiatrist? Only a machine can analyze me," inmate Robert Walden shouts after spotting a visitor peering through his narrow window to the outside world. "Only a machine can analyze a human being!"

Walden, a 53-year-old murderer, has spent 13 months in this 60-square-foot room of concrete and steel. He leaves it

only for three quick showers a week and three hours in an outdoor cage that, except for its razor wire roof, looks identical to a dog kennel. Increasingly, this is the modern picture of incarceration.

In Florida and in a majority of states, prison systems are turning to solitary confinement and severe segregation to manage their growing prison populations. With lawmakers mandating longer Sentences, prison administrators can no longer offer time off inmates' sentences as a good behavior incentive. Instead, control is often maintained by putting consistent troublemakers into confinement for years at a time.

When Florida State Prison inmate Frank Valdes died after an altercation with guards in July, the spotlight hit Florida's most notorious confinement unit - X Wing, where Valdes resided. But X Wing is only part of a trend in confinement in Florida.

The number of inmates on "close management" - Florida's term for near-perpetual lockdown - has more than tripled in the past four years, from 1,009 in mid-1995 to 3,176 in mid-1999.

Corrections officials say the result has been safer prisons for staff members and most inmates, and they expect to see the numbers continue to increase gradually.

But the trend remains controversial among both civil libertarians and corrections officials, including those in Florida. Experts worry about states embracing this budding new correctional standard with little solid research into its long-term effectiveness. They worry about the toll confinement takes on inmates who in most cases will wind up back in society.

One of them is Frank Lowry, a 29-year-old inmate at Santa Rosa Correctional Institution who has about two years left of his 12-sentence for attempted murder. Lowry, who since 1995 has spent all but 21 days alone in a roughly 60-square-foot cell, is one of 13 Florida inmates the St. Petersburg Times contacted by mail about close management conditions.

"Your mind turns in on itself. You literally talk to yourself, and the frustration makes you punch the door and walls," wrote Lowry, a plaintiff in 'a pending federal class-action suit challenging Florida's confinement practices. "I've seen guys slice their wrist, their

arms and their necks. I've seen guys bite chunks out of their arms trying to sever the main veins. I know guys who would swallow bed springs, tooth brushes, strips of Coke cans, nails, razor blades, pens, pencils - anything that will puncture their insides just to get away from the CM cells."

#### **Pendulum swings back**

America's prison systems have been down this road before. Extended confinement was standard practice for convicts in the 19th century, until authorities began seeing increasing evidence that it caused severe psychological damage.

The U.S. Supreme Court sounded an alarm in 1890, noting that in extended confinement, "a considerable number of inmates fell, after even a short confinement, into a semi-fatuous condition from which it was next to impossible to arouse them, and others became violently insane; others still committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community."

Long-term confinement fell out of favor for much of the 20th century, and by the 1960, an emphasis on rehabilitation began shuttering prisons where the "worst of the worst" were concentrated.

Now the pendulum is swinging back. Over the past decade, in response to political support for tougher prisons, to stiffer sentencing and to the perception that inmates are more volatile than ever, prison systems are opting to maintain order by removing the most difficult inmates. Whether called "supermax" prisons, "control unit" prisons or close management, extended confinement facilities are in use or being developed by at least 35 states.

"We certainly don't have any big desire to lock inmates down and keep them locked down... (But) when you're able to isolate these inmates from the general population, then you are able to have a much more open situation for the rest of the inmates in the system. They're not having to worry about assault or watching their backs," said Stan Czerniak, Florida's assistant secretary in charge of institutions.

At Hardee Correctional last week, 53-year-old James Ables said the growing use of close management has been nothing

but an improvement for inmates such as him in the general population. "Moving some of these people into close management makes things a lot calmer, more in control," said Ables, a murderer who has spent 26 years in Florida's prison system.

Chase Riveland, a former corrections secretary for Washington state who has studied extreme segregation facilities across the country, said he has found little besides anecdotal evidence of their effectiveness.

"Many jurisdictions are rushing into this trend without the knowledge of whether it actually creates safer institutions and without the knowledge of what it does to people being locked down 23 hours a day, seven days a week in very austere conditions," Riveland said, noting that segregated units are also much more expensive to operate and build.

Craig Haney, a psychology professor at the University of California at Santa Cruz who specializes in the psychological effects of incarceration, has studied hundreds of inmates on extended segregation. Depending on the person and the duration of confinement, inmates fall into deep depression, lose their ability to interact with others or lose all control. "There's a very tiny percentage of people with psychological problems when they enter this environment who do not become immediately worsened," Haney said. "Even when they have not manifested any of the extreme things, they become pathologically dependent, because they've basically been in suspended animation. . . . When they get out of there, it becomes extremely difficult to get back into the normal relations of their life. That happens even to the healthiest people who spend time in the environment."

#### **Temperatures soar**

Florida inmates and their advocates describe close management as nothing short of hell.

They allege frequent mental or physical abuse by guards. They tell of summer temperatures reaching above 100 degrees, surrounded by the stench of feces, urine, body odor and, periodically, chemical agents used to force unruly inmates into compliance. They recount a constant struggle to keep their minds clear, and amid perpetual boredom, a never-ending build-up of anger. Some say

they bide their time plotting revenge.

"Nobody can understand what the real meaning of hatred is unless he has been there," said Lawrence Sargent, who has been on close management for about a year at Martin Correctional Institution.

Conditions vary from prison to prison, but typically close management inmates live in cells of 63 square feet. They include a bed, a steel toilet and sink, and a metal footlocker bolted to the ground. Windows to the outside are often covered by fiberglass panels that allow light but no views. There are no televisions or radios, so inmates unable to read are left only with their thoughts.

The state has three levels of close management, and a stated policy of assigning inmates to the least restrictive level appropriate. The tightest level puts inmates alone in a cell for up to 37 months, though inmates unable to remain infraction-free frequently wind up there longer. Florida inmates have remained in confinement for as long as 12 years.

In prisons where talking is allowed, close management convicts report the noise level as constant pandemonium - screaming, arguments, people threatening to kill each other. Where a no-talking rule is strictly enforced, they say they typically hear only the sounds of unstable men talking to themselves or banging on walls, or homosexual activity if the wing has two-man cells.

A "solitary Rubik's cube" is how convicted armed robber Antonio Ward explains his life on close management at Baker Correctional. "This is truly psychological warfare, and I'm battling every day to keep my mind normal and my behavior reasonable."

Inmates on the strictest level of close management - serious assaulters, shank-makers, escapist and the like - are allowed to check out one book a week, to subscribe to a newspaper, and after 90 discipline-free days, to be escorted in handcuffs and shackles for a non-contact visit with family members.

The lesser levels of close management are two-person cells, where inmates who stay in line are supposed to remain either up to 25 months or 13 months. On these levels, discipline-free inmates are occasionally allowed outside their cells for closely monitored work assignments.

Only a handful of states have severe segregation units with shared cells, and the

practice raises a question. Which is worse: perpetually locked up for months or years in a cramped cell with someone else or alone?

Most of the medical research has focused on extended solitude, but some authorities are equally troubled by the impact of locking two people virtually face-to-face for extended periods.

"Imagine two men locked up for at least 23 hours a day in an area where one of them can't even pace unless the other one escapes to the bunk. It becomes intolerable, unbearable," said Dr. Stuart Grassian, a psychiatrist and faculty member at Harvard Medical School who has extensively studied the effects of isolation.

Riveland, noting that California also doubles up inmates in segregation cells, questioned whether that defeats the premise of these units. They are supposed to be only for the most dangerous and violent prisoners. If two of these inmates are stuck together day after day, hour after hour, he said, "You're either creating a very dangerous situation, or you're putting the wrong people in that setting. Or both."

As of mid-1999, Florida had 3,176 inmates on close management but nearly 3,960 close management beds available. Czerniak, the assistant secretary, said that shows how cautiously the system sends inmates into the extreme conditions of close management. Less than 5 percent of Florida prisoners live in long-term confinement.

#### Officers feel safer

The Department of Corrections allowed a *Times* reporter and photographer to tour one its close management prisons, Hardee Correctional, about 75 miles southeast of Tampa. Citing security reasons, they would not allow interviews with close management inmates, but they produced two general population inmates for interviews.

"Mentally, a lot of people can't handle close management, but it helped me become more peaceful," said 28-year-old Milton Devine, a junior high dropout who at age 15 was convicted of murdering a Tampa cab driver. Devine spent 40 months on close management at Hardee and said, "Now that I got a taste of it, I know it's not a place I want to go back to."

Hardee, a 9-year-old complex of two-

story butterfly-shaped dormitories, is not among the prisons cited in the pending class-action suit over close management. On the tour, it was considerably less grim than the units described by inmates elsewhere - clean, no stench, no bedlam.

At midday, inside the two-man close management cell, most of the inmates were lying on their bunks in silence, sheets pulled over their heads. A few read books or newspapers. Some simply stood facing blank, beige walls.

In the single-cell units, prison staffers slid lunch trays through slots in the solid metal doors. Aware of the rare presence of a civilian, most of the inmates stood somberly at their doors peering out the narrow, thick glass windows. A few tried to speak but were ordered quiet by officers.

Officers said they feel safer with chronic troublemakers isolated. They acknowledged seeing some close management inmates plunge into depression or instability, but insisted those are identified and, when necessary, transferred to prisons with appropriate psychiatric services. They shrugged off the question of isolation causing long-term damage to men headed back into society.

"There's no question it prevents a lot of violence, but what's the cost?" wondered John Burke, the department's deputy director of prison health services. "I don't know how you wouldn't use (confinement) with some of the guys we've got in there. The difficult thing is when is enough? When do we start impacting their mental health?"

"We don't know the answer."

Adam C. Smith is a staff writer with the *St. Petersburg Times*. This article originally appeared in the *Times* on 12/5/99. Copyright St. Petersburg Times 1999.

Editor: the above article fairly presents many aspects of the sensory-depriving confinement to which close management prisoners are subjected. It should be clarified, however, that CM confinement is 24 hours a day, not 23. The only exception is one 2 hour outdoor exercise period a week and three showers. The exercise period can be withheld, however, at the discretion of any guard by placing a prisoner on what is termed yard suspension list.

It is also true that CM is not only used on "consistent troublemakers, but is also used by prison officials to muzzle prisoners who file grievances or lawsuits to challenge what they feel are violations by staff. Other prisoners are often subjected to CM for minor infractions under the vague and arbitrary criteria for CM placement.

One trend noted by some prisoners is that is

appears at some institutions white prisoners are placed on CM for lesser infractions than black prisoners so the race ratio in CM is not overwhelming black.

One of the first things commented on by prisoners who I know read the above article was that the *Times'* reporters were only allowed to speak to population prisoners hand-picked by prison staff. bp ■

## HAMILTON FIVE SENTENCED

In the last issue of FPLP it was reported that Willie Mathews, one of the five prisoners charged with assaulting prison guards at Hamilton Corr. Inst. last July 3, had filed a law suit over the abuse and beatings he subsequently suffered following that incident.

After that issue had been laid-out it was learned that on January 14, Mathews and the four other prisoners, Sirlathian Cross, Anthony Howard, Derrick Boykins and Charles Jerry, had been sentenced to additional prison terms for assaulting the Hamilton C.I. guards.

Mathews, 26, received a 30-year sentence. Cross received a five-year sentence and the three other prisoners were also sentenced to additional unspecified terms. [Source: Sun Sentinel, 1/16/00] ■

## NEW TOBACCO CESSATION POLICY ADOPTED

In accordance with a law passed in 1999, after January 1, 2000, the use of tobacco products was prohibited inside any Florida Department of Correction's building, except for staff housing and death row units. The law applies equally to prisoners and DOC staff. A provision of that law also requires that tobacco cessation assistance be made available to prisoners who desire same.

In response to the tobacco cessation assistance provision, the DOC issued a new Procedure Directive, 403.002, on Dec. 7, 1999, creating a new "Tobacco Cessation Program."

This new program involves a two phase treatment plan whereby prisoners wishing to quit using tobacco can receive both group support and nicotine patches and pharmaceuticals - such as Zyban or

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Wellbutrin.

One catch to the new program that likely will discourage most prisoners from participating is that they will be required to pay for the nicotine patches that must be prescribed by a doctor. Indigent prisoners unable to pay for the patches will have liens placed on their inmate accounts and any money they might receive will be taken to reduce the lien. The support groups and any pharmaceuticals prescribed will not be charged for.

Prisoners on work release will not be able to participate in the tobacco cessation program and must arrange and pay for any tobacco cessation assistance they desire from the private sector.

However, prisoners in confinement will be allowed to participate in a modified form of the cessation program.

A Copy of the Procedure Directive outlining the new program should be available in all institution libraries. ■

## AROUND THE NATION

by Mark Sherwood

**Alabama** - The revival of chain gangs in Alabama four years ago, partly to discourage crime by showing how miserable prison could be, has come to a quite end. State prison officials in Montgomery said they have closed down the last group of shackled inmates because they need more guards inside prisons. Corrections' spokesman Tom Gilkeson said the financially strapped department needs 300 additional officers inside its lockups and cannot spare employees to accompany medium-security inmates on roadsides. Before ending the detail, Limestone Correctional Facility had been sending 320 inmates on 10-hour days picking up litter and underbrush along highways while wearing chains around their ankles. The revival of chain gangs in Alabama led Florida, Arizona, Wisconsin and Iowa to adopt reforms of the leg-ironed work crews.

- The U.S. Supreme Court turned down an appeal by prisoners in AL on Jan. 18 that had sought to challenge a recent ruling by the federal appeals court in Atlanta that held that the AL DOC can segregate hundreds of H.I.V.-positive prisoners from the general prison population. AL was the only state segregating its H.I.V.-

positive prisoners, but Mississippi and S. Carolina have now adopted similar policies.

**California** - Veteran state prison guard Dennis Leroy Armstrong, 48, charged with having sex with female prisoners at the Northern California Woman's Facility in Stockton, pleaded no contest to two misdemeanors on Aug. 10, 1999. By entering into a plea agreement he avoided the maximum penalty of one year in jail. He was sentenced to probation and 160 days community service.

**Connecticut** - A female prisoner being transported in a sheriff's van on Aug. 18, 1999 claimed she was raped after four male prisoners tore down a metal partition in the vehicle to sexually assault her. "These things happen in this type of business," said New Haven Co. High Sheriff Frank J. Kinney III. The two deputies who were driving the van remained on duty.

- State utility regulators began investigating the high cost of telephone calls accepted by prisoners families in Dec. after receiving numerous complaints. CT prisoner are allowed to make three, 15 mm. collect calls a day, which cost the recipients from \$2 to \$6 per call. Each call includes a \$1.99 surcharge and MCI WorldCom, which has the prison contract, pays the state 45 percent of the cost of all calls. The contract earned the state \$4.8 million last year.

**Florida** - On October 13, 1999, Broward Circuit Judge James Cohn held assistant state attorney Alberto Miliam in contempt of court and fined him \$500 and ordered him to pay \$2,600 in court costs. Judge Cohn found that in August, 1999, Miliam had assaulted criminal defense attorney Ty Terrell in a hallway outside the courtroom where the two men were trying a robbery case.

- Since 1940, 420 convicts have escaped from state prison facilities and have never been caught, the Tampa Tribune reported. The 408 men and 12 women, some escaped murderers, rapists and armed robbers, could now be in their 90's according to the Department of Corrections.

**Georgia** - The U.S. Supreme Court let stand Georgia's refusal to provide lawyers for death-row prisoners who challenge their sentences through civil lawsuits. On Tuesday, the high court, without comment, declined to consider the case of Exzavious Gibson. In 1996, Gibson became the first prisoner in modern history of the death penalty to be denied a court-appointed lawyer in a habeas corpus lawsuit. Habeas lawsuits attack the constitutionality of sentences and convictions after direct appeals are exhausted. Georgia is the only state in the country that does not provide lawyers for death-row prisoners during this process. Since 1976 more than half -113 of 221- of Georgia's capital cases affirmed by the state Supreme Court have been overturned during habeas corpus review the Southern Center for Human Rights said in its brief to the high court. "It is doubtful that the harmful errors in any of these cases would have been detected and proven in the absence of counsel," the center's director Stephen Bright said. Gibson was convicted in 1990 of killing Douglas Coley an Eastman grocer.

**Iowa** - State corrections officials are accusing prisoners of causing prison overcrowding by passing up early release to avoid reporting to a parole officer. Of the 4,600 prisoners released from prison last year, 782 or 177~ served their entire sentences. Corrections officials now want the state to require all prisoners to report to parole officers when they leave prison, saying prisoners would stop dodging early release.

**Kentucky** - The House Judiciary Committee approved a bill that would expand the so called "Megan's Law" by posting the names, pictures and addresses of convicted sex offenders on the internet. For most violent offenders, the information would be posted for the rest of their lives. For others, the data would be accessible for 10 years.

**Massachusetts** - Coy. Cellucci has proposed a prison work program in his \$21.3 billion budget that would allow former

prisoners to file for worker compensation and receive unemployment benefits when they're released from prison. Under the plan, private companies would contract with the state Department of Corrections to employ prisoners in manufacturing, assembly and other jobs.

**Missouri** - About 2,100 prisoners who claimed they were abused while housed in Texas jails will share a 2.2 million settlement in a lawsuit sparked by videotapes of guards beating and kicking prisoner. The lawsuits were filed by prisoners sent from Missouri to Texas from 1995 through 1997 under the Texas Cell Lease Program. The prisoners will receive damages based on the severity of their injuries.

**Nebraska** - Medical care for Nebraska prisoners is riddled with indifference and inept staff and sweeping changes are needed, says a report from the State Ombudsman's Office. The 114-page report was the culmination of an investigation that began more than a year ago after a physician criticized the response of corrections medical staff to a prisoner who died.

**New York** - A federal judge in Rochester helped close the final chapter on the nation's deadliest prison riot Tuesday, January 4, 2000, awarding \$8 million to 1,281 prisoners tortured during the Attica uprising. The state also has agreed to pay \$4 million in legal fees to lay to rest the 1971 prison siege that left 11 guards and 32 prisoners dead and became a symbol of excessive government force. State police launched an all-out assault on the maximum-security Attica Correctional Facility near Buffalo on Sept. 13, 1971, the fifth day of the uprising, firing more than 2,000 rounds of ammunition in six minutes. But even after the riot was quelled, prisoners described days of retaliation when they were forced to run and crawl over broken glass. One prisoner was sodomized repeatedly with a screw driver. Frank "Big Black" Smith, a Queens resident who helped lead the revolt and now works as a paralegal and mental health counselor, was forced to lie

naked on a table while guards assaulted and burned him. "I feel really good," Smith said after spending the day in Rochester to witness the settlement proceedings. Smith said he doesn't care much about how large a share of the \$8 million settlement he wins. "Whatever it is, I'm satisfied with it," he said. "The main thing is, I don't have to worry about me just having \$4 million and no one else getting anything."

- Warith Habib Abdul was freed in Sept. 1999 after serving 17 years on a wrongful rape conviction. He was cleared by DNA tests and ordered released by a federal court. His lawyer cited improper police tactics that included prompting the victim to identify Abdul months after the rape when she was initially unable to do so.

- Prison officials in NY were worried in Dec. when word got out of a planned and organized strike by prisoners at several prisons in protest of stiffer release guidelines for parole. Leaflets entitled "Wake Up," detailing grievances about the parole system, were being circulated at several prisons calling for a strike. Prison officials reacted by punishing any prisoner caught with the leaflet, placed Green Haven and Sing Sing prisons under lockdown, and moved at least 85 prisoners from Green Haven, which was believed to be a hub of the protest.

- Four Westchester County Jail guards were charged with sexual abuse charges Jan. 26. The charges against the four male guards in the women's housing block included raping and sodomizing female prisoners and forcing them to strip in exchange for medication. The count announced a plan to require only female guards in the female prisoners' living quarters, which the guard union said it would file suit to block.

**Ohio** - About half the Mahoning County Jail prisoners are expected to be freed because of security concerns caused by planned layoff of 110 sheriff employees. Sheriff Randall Wellington is waiting for U.S. District Judge Peter Economus to give him guidelines on when and how to start freeing 240 of the jail's 470 prisoners.

- The OH DOC dropped plans to build a new \$82 million prison in Feb. because of a drop in the number of people going to

prison in that state, OH had 46,480 prisoners in Feb. 2000 as opposed to over 49,000 in 1998. The system is still overcrowded, the capacity for OH prisons is 36,750.

**Pennsylvania** - Pittsburgh district Judge Gigi Sullivan, 38, was indicted on October 22, 1999 on charges that she shot heroin, snorted cocaine and abused prescription drugs in her chambers before hearing cases. She is also accused of dismissing charges against her supplier, Donald Geraci, in exchange for drugs.

**Rhode Island** - Former state prisoner Allen Johnson won a \$275,000 jury award on Oct. 7, 1999; he had sued the DOC and a prison guard for failing to protect him from a 1994 attack that left him disfigured. Johnson claimed that the guard had allowed prisoner Jeffrey Link to carry out the assault.

*(Continued on page 13)*

#### PRISON LEGAL NEWS

"Perhaps the most detailed journal describing the development of prison law is Prison Legal News." -- Marti Hiken, Director Prison Law Project of the National Lawyers Guild.

PLN is a 24 page, monthly magazine, published since 1990, edited by Washington state prisoners Paul Wright and Dan Pens. Each issue is packed with summaries and analysis of recent court rulings dealing with prison rights, written from a prisoner perspective. Also included in each issue are news articles dealing with prison-related struggle and activism from the U.S. and around the world.

Annual subscription rates are \$15 for prisoners. If you can't afford to send \$15 at once, send at least \$7.50 and we will pro-rate your subscription at \$1.25 per issue. Please send no less than \$7.50 per donation. New (Unused) U.S. postage stamps may be used as payment.

For non-incarcerated individuals, the subscription rate is \$25/yr. Institutional subscriptions (for attorneys, libraries, government agencies, non-governmental organizations, etc.) are \$60/yr. Sample copies are available for \$1. Contact:

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**ANNOUNCEMENT**

**Thomas E. Smolka** is proud to announce the establishment of his law practice in Richmond. His practice areas include: Criminal Defense Law, Appellate Criminal Law, Post-Conviction Relief, Major Civil Litigation, Inmate Administrative Law and Proceedings involving the Department of Corrections, Probation and Parole, Executive Clemency, Interstate Compact and Institutional Transfers, Immigration Law and Detainer Actions.

Additionally, *Thomas E. Smolka and Associates located at 909 East Park Avenue, Tallahassee, Florida 32301-2646. Telephone (850) 222-6400. Telefax (850) 222-6484. will continue to provide a full range of Consulting Services to Inmates on Administrative, Executive Clemency and Parole Related Matters.*

Subsequent to his 1975 graduation from America's oldest law school at the College of William & Mary, **Thomas E. Smolka** was admitted to the Virginia State Bar and became a member of the National Association of Criminal Defense Lawyers. Tom's legal experience includes service as an Assistant City Attorney of Norfolk, Virginia followed by many years in private law practice. Most importantly, **Tom Smolka's** direct understanding of the American judiciary came when he confronted the criminal justice system, won his direct appeal and was exonerated. *See Smolka v. State*, 662 So.2d 1255 (Fla. 5<sup>th</sup> DCA 1995), *rev. denied*, *State v. Smolka*, 668 So.2d 603 (Fla. 1996).



# NOTABLE CASES

by Brian Morris and Oscar Hanson

## DOC Must Respond To Prisoner's Grievances

The First District Court of Appeal has granted a prisoner's petition for writ of certiorari, which requires the DOC to respond to his formal grievances.

The Court followed its precedent established in *Woullard v. Bishop*, 734 So.2d 1151 (1st DCA 1999) because petitioner's allegations constituted a prima facie showing of exhaustion of administrative remedies, the trial court's order summarily denying the petition was quashed.

The prisoner in this case alleged that the DOC failed to respond to at least seven of his formal grievances. The DOC argued that the prisoner failed to follow grievance procedures. The trial court denied the petition. The prisoner sought certiorari in the district court, which quashed the trial court's summary denial and remanded for further proceedings. *Ashley v. Moore*, 25 Fla. L. Weekly D35 (1st DCA, Dec. 22, 1999).

[Comment: This case addresses only a small portion of a much larger problem prevalent within the DOC. Under the current rules governing the inmate grievance procedure, grievances filed at the institutional level are not immediately validated for the prisoner. As a result, grievances filed at the institution are either destroyed or simply not responded to. Without a mechanism in place to provide an immediate receipt for the prisoner's grievance, the door is open for inept officers to thwart the prisoner's complaint.

Grievances to DOC Central Office hardly ever result in a destroyed or lost grievance. The main reason for this is that all grievances or appeals filed to Central Office are immediately validated by institutional officers upon delivery to the officer responsible (usually mailroom staff) for ensuring its delivery to DOC headquarters. It is ironic to note that the rules governing inmate grievances to Central Office require immediate receipt for the filing prisoner but no immediate receipt for institutional grievances.

Why is there a disparity? There is a reason. Perhaps the answer lies in the most recent annual report submitted by the Florida Corrections Commission. The Commission has made recommendations to limit the number of grievances an inmate may file during a specified time. The Commission has also recommended that DOC officials take disciplinary action against inmates who abuse the inmate grievance procedure. What constitutes an abuse is not detailed but it appears that a prisoner may be labeled an abuser by the mere number of grievances he has filed, even if all of them are approved.

Even more revealing is the recommendation to replace the informal grievance procedure with an unwritten request for relief. Upon review of this report it becomes manifestly apparent that DOC has orchestrated this debacle of a prisoner's ability to voice his grievances. Oh! did I mention

that the report also recommends a nominal filing fee for appeals to DOC Central Office?—oh]

## First DCA Reverses An Order Dismissing An Indigent Prisoner's Suit

The First District Court of Appeal (DCA) reversed an order of the Escambia County Circuit Court that had dismissed with prejudice an indigent prisoner's lawsuit against a grocery store.

Alan Coby, an indigent prisoner, filed a tort complaint against a grocery store. The circuit court dismissed the complaint as frivolous under the authority of section 57.085, Florida Statutes (1997). Under this Statute, if a court determines an action to be frivolous or malicious, it may dismiss the action. The DCA reversed the circuit court's order because the record did not support the trial court's finding that the action was frivolous or malicious.

The First DCA reasoned that to be considered frivolous the action must lack an arguable basis either in law or fact. The Court further stated that the term "frivolous" embraces not only the inarguable legal conclusion, but also the fanciful factual allegation. The Court followed the precedent established by the United States Supreme Court in *Neitzke v. Williams*, 109 S. Ct. 1827 (1989), and *Denton v. Hernandez*, 112 S. Ct. 1728 (1992). Both of these cases construed 28 U.S.C. 1915, which is the progenitor of section 57.085 (see *Reed v. Mims*, 711 So.2d 169, 170 (Fla. 3rd DCA 1998).

The First DCA further held that Coby could not constitutionally be denied access to courts based upon the trial court's finding that his claim has little likelihood of success on its merits notwithstanding the language of section 57.085(9)(d). *Coby v. Food World, Inc.*, 25 Fla. L. Weekly (D)49 (1st DCA, Dec. 21, 1999).

## Prisoner Suits For Damages And Declaratory Relief Challenging The Validity Of Disciplinary Procedures Are No Longer Cognizable In 42 U.S.C. 1983 Actions

Florida prisoner David Huffman appealed to the Fourth District Court of Appeal the circuit court's order dismissing his second amended complaint with prejudice. The district court affirmed the decision with a written opinion.

The district court acknowledged that its decision in *Jones v. Kirkland*, which would appear to support a damage and declaratory claim, is no longer good law in light of the United States Supreme Court decision in *Edwards v. Baltsok*, 520 U.S. 641 (1997).

In *Edwards* the U.S. Supreme Court declared that a claim for damages and declaratory relief brought by a state prisoner challenging the validity of procedures used to deprive the prisoner of good-time credits is not cognizable under 42 U.S.C. 1983 because it would necessarily imply the

invalidity of the deprivation of the prisoner's good-time credits. *Huffman v. Braswell* 25 Fla. L. Weekly (D) 2776 (4th DCA, Dec. 15, 1999)

## District Court Improperly Applied Section 944.28(2)(a) Providing For Forfeiture Of Gain Time To Appeal Of Denial Of Rule 3.850

The Florida Supreme Court accepted discretionary conflict jurisdiction to review an issue concerning a court's proper role in the implementation of section 944.28(2) and 944.279, Fla. Stat. (1999), relating to the imposition of sanctions on prisoners who file frivolous pleadings.

The conflict surfaced when the Fifth DCA's decision in *Hall v. State*, 698 So.2d 576 (Fla. 5th DCA 1997), utilized section 944.28(2)(a) to sanction Hall for filing a frivolous appeal of the denial of his motion for post conviction relief. The DCA determined Hall's appeal to be frivolous and directed the DOC to forfeit Hall's gain time. The Court certified conflict with the Second DCA.

The Second DCA in *Mercade v. State*, 698 So.2d 1313 (Fla. 2nd DCA 1997), also utilized section 944.28(2)(a) to sanction a prisoner for filing a frivolous appeal of the denial of his post conviction motion. The DCA noted that the DOC had the sole discretion to declare a forfeiture of gain time. So, the DCA did not direct forfeiture but did recommend a forfeiture of gain time. Thus, the conflict arose between "directing" and "recommending" a forfeiture of gain time.

On review, the Florida Supreme Court recognized a more important question that neither DCA addressed, which the court concluded controls the final decision in this case. The two part question was whether an appeal of a post conviction motion is a collateral criminal proceeding, and if so whether a court may utilize section 944.28(2)(a), which contains no collateral criminal prohibition, independently of section 944.279, which contains language prohibiting its application to collateral criminal proceedings.

Both sections 944.279 and the pertinent provisions of section 944.28(2)(a), Fla. Stat. (1999), were enacted as part of an act that created or amended several statutory provisions for the purpose of reducing unnecessary or frivolous prisoner filings. See Ch. 96-106, Laws of Florida. Quite importantly, these amendments, except the disciplinary forfeiture provision of section 944.28(2)(a), provide that the restrictions do not apply to a criminal proceeding or a collateral criminal proceeding.

The Supreme Court determined that a post conviction motion is a collateral criminal proceeding for purposes of the frivolous filing statutes. Further, the Court held that it was only logical that all the statutes either created or amended by the act should be interpreted in the same manner. Thus, the Court concluded that a post conviction motion and any subsequent appeal should be considered a collateral criminal proceeding for purposes of considering sanctions under the frivolous filing statutes as well.

The Court then proceeded to answer the second part of the question above:

may gain time be forfeited pursuant to section 944-28(2)(a), independently of section 944.279, for a

frivolous appeal of a post conviction motion? The Court recognized that section 944.28(2)-(a) does not specifically prohibit its application to collateral criminal proceedings, that section is plainly tied to section 944.279 and, the Court concluded, cannot be utilized independently of that section.

In resolving this issue, the Supreme Court also curtailed a much different approach recently reached by the First DCA in the case of *Saucer v. State*, 736 So.2d 10 (Fla. 1st DCA 1998).

In *Saucer*, the First DCA concluded that since the Legislature had amended section 944.279 by deleting all reference to loss of gain time and section 944.28(a) and added provisions for disciplinary procedures pursuant to rule of the department provided in section 944.09, the Legislature had sought to clarify that the two sections were separate and independent, as each provided altogether different sanctions — one through Department discipline and the other through gain time for forfeiture. See *Saucer*, 736 So.2d at 12.

The Supreme Court rejected this construction and declared that the amendment made no change in the gain time sanction potential of either statute, and the actual effect of the amendment was to add additional sanctions, such as more restrictive confinement, for the filing of frivolous lawsuits, not to make section 944.28(2)(a) independent of section 944.279. The Court further declared that there is nothing in the analysis indicating that the Legislature intended to separate 944.28(2)(a) from 944.279 or in any way to allow 944.28(2)(a) to be used to sanction frivolous collateral criminal proceedings, such as post conviction proceedings, independently of 944.279, which has always provided, and still provides, that such sanctions may not be utilized in collateral criminal proceedings.

The Supreme Court ultimately addressed the conflict between the DCA's that originally brought this case for review. The Court held that assuming a court has properly employed section 944.279 to sanction a prisoner for filing an improper action that is subject to sanctions under that section, it has no authority to "direct" the DOC to sanction a prisoner by gain time forfeiture or other discipline because only the DOC has the authority to sanction a prisoner pursuant to section 944.28(2)(a). The Court noted that departmental rules set forth the procedures, which satisfy due process concerns because the prisoner is entitled to a hearing and a right to appeal. This protection would not be present if a court was allowed to "direct" sanctions. The Court also noted that all of this involves the functioning of the Executive branch. To permit a court to order or direct the DOC to discipline a prisoner would be to force the DOC to bypass its procedures and would constitute a violation of the doc-

trine of separation of powers.

The Court did not buy the state's assertion that there was no difference between a court "directing" or "recommending" sanctions. The Court did not believe that it was a question of semantics. The Court instructed the lower courts to be wary of utilizing words, which appear mandatory in such cases. The Court concluded by stating that it would be permissible for a court to recommend sanctions. The Court quashed *Hall* and disapproved both *Mercade* and *Saucer*. *Hall v. State*, 25 Fla. L. Weekly S 42 (Fla. S. Ct. January 20, 2000)

#### **DCA Holds It Was Error To Dismiss Prisoner's Petition For Declaratory Judgment Without Addressing The Validity of the Prisoner's Claim**

An appeal to the First DCA results in the reversal of a circuit court's order dismissing a prisoner's petition for declaratory judgment and supplemental mandamus relief. The prisoner sought a declaration as to the validity of the fighting rule as governed by Chapter 33—601.314 Rules of Prohibited Conduct, FAC. The prisoner contended that the rule was unauthorized and unconstitutional because it does not permit self-defense as a viable defense to the violation, citing Section 776.012, Fla. Stat (1997).

The circuit court for Leon County dismissed the petition without addressing the merits. The DCA reversed and directed the circuit court to address the question of the fighting rule's validity in cases of self-defense where proof of the pertinent allegations is established. *Smith v. Florida Department of Corrections*, 25, Fla. L. Weekly D339 (1st DCA, 2/4/2000)

#### **No Free Transcripts For Post conviction Preparation**

Kirk Smith filed a petition seeking a copy of court transcripts on the basis that they were necessary for the preparation of his post conviction motion. The trial court denied his petition and Smith appealed to the Third DCA. The DCA affirmed the trial court's denial "without prejudice to Smith to follow the procedure set forth in *Baldwin*."

In that case, Leonard Baldwin had also sought transcripts to prepare a post-conviction motion. However, *Baldwin* only sought the sentencing transcripts to prepare a motion under Rule 3.800(a). Nonetheless, the trial court had denied his request and the DCA affirmed that denial. The Baldwin Court noted a long line of cases which hold:

*"Transcripts are not necessary for the preparation of a legally sufficient Florida Rule of Criminal Procedure 3.850 motion.... Appellant must first file a 3.850 motion setting forth his alleged grounds for relief in order to secure a copy of portions of his trial record. In prepar-*

*ing his motion, appellant must rely on his best recollection of the court proceedings. Only then may he secure those portions of the record relevant to his motion."* *McFadden v. State*, 711 So.2d 1350 (Fla. 1st DCA 1998) (citations omitted); accord *Cassoday v. State*, 237 So.2d 146 (Fla. 1970); *Dorch v. State*, 483 So.2d 851, 852 (Fla. 1st DCA 1986); *Carr v. State*, 495 So.2d 282 (Fla. 2d DCA 1986). *Baldwin v. State*, 24 FLW D2022 (Fla. 3d DCA 9-1-99).

Florida courts have unfortunately made it clear that free transcripts are not available for the preparation of a post conviction motion. The Baldwin Court noted "[t]he same logic applies" whether the post conviction movant is proceeding under either Rule 3.800 or 3.850. For what its worth, the Baldwin Court did note that the "Defendant may, of course, inquire whether his former counsel has the documents he seeks or can assist him in obtaining those documents." *Id.* See: *Smith v. State*, 24 FLW D2798 (Fla. 3d DCA 12—15—99).

[Comment: The Baldwin Court is apparently not aware of, or not concerned with, the difficulties prisoners encounter when trying to obtain any type of assistance from their attorney once their conviction and sentence has become final. I would suggest that all criminal defendants who take an appeal from their conviction and sentence immediately inform their appellate counsel to forward them the entire record on appeal as soon as the appeal is concluded. Unfortunately, if no appeal was taken, transcripts of court proceedings can be expensive—bm]

#### **No Jurisdiction to Revoke Expired Probation**

Edward Slingbaum filed a motion to correct illegal sentence pursuant to Florida Rule of Criminal Procedure ~3.800(a). In his motion, Slingbaum challenged the sentence imposed for the; revocation of probation. The Honorable William Fuente, Circuit Judge in and for Hillsborough County, Florida, summarily denied the motion. Slingbaum appealed to the Second DCA.

On appeal, the DCA found that there may be merit to one of Slingbaum's claims. That claim was that "the trial court was without jurisdiction to sentence him for violating his probation because his probation had expired before the appropriate steps were taken to revoke the probation." The case was reversed with directions for the trial court to "determine whether the revocation process was set in motion prior to the expiration of Slingbaum's probationary period."

In an interesting footnote, the DC\$ provided some helpful information that should be considered by anyone who believes they may

have an issue similar to Slingbaum's. The DCA noted that:

*The revocation process is set in motion when an arrest warrant is issued. See State v. Boyd, 717 So.2d 524 (Fla. 1998). At the time relevant to [Slingbaum's] case, a warrant was not "issued" until it had been signed by the judge and delivered to the executive officer for execution. See id. This has since been changed by the legislature so that a warrant is low "issued" when it is signed by the judge. See § 901.02(1), Fla. Stat. (1999). The change, however, is prospective only and has no effect on the resolution of [Slingbaum's] case. See McNeal v. State, 741 So.2d 1205 (Fla. 1st DCA 1999).*

Like the First and Fourth DCA's, the Second DCA also found that claims such as Slingbaum's may constitute grounds for relief in a motion to correct sentence pursuant to Florida Rule of Criminal Procedure 3.800, "provided that the error is apparent on the face of the record and requires no evidentiary hearing...." Ultimately, citing *Jett v. State*, 722 So.2d 211 (Fla. 1st DCA 1998), and *Wilson v. State*, 698 So.2d 1380 (Fla. 4th DCA 1997), the Second DCA held that, "where it can be determined without an evidentiary hearing that a sentence has been imposed by a court without jurisdiction, that sentence is illegal, whatever its length." See: *Slingbaum v. State*, \_\_\_ So.2d \_\_\_, 25 FLW D103 (Fla. 2d DCA 12-29-99).

#### New Light on Florida's Frivolous Filing Statutes

Just over a year ago, *FPLP's* Notable Cases presented an article indirectly praising the First DCA for denying the State's frivolous request for the court to enter an order forfeiting Joseph Saucer's gain time pursuant to s. 944.28(2), F.S. (1997). The article, entitled "Frivolous Pleading Tunnel Vision," *FPLP* Vol. 4, Iss. 6 at p. 10, noted that Saucer had unsuccessfully petitioned the First DCA for a writ of habeas corpus "seeking a belated appeal on the basis that he had, to no avail, requested his attorney to take an appeal."

The DCA had appointed a special master to conduct a hearing with regard to the allegations Saucer made in his petition for belated appeal. The appointed special master determined that Saucer had entered a plea with the understanding that there would be no appeal. Based on the special master's report, the DCA denied Saucer's petition without a written opinion.

The State subsequently moved for an order forfeiting Saucer's gain time pursuant to s. 944.28(2) arguing that Saucer had "knowingly or with reckless disregard for the truth brought false evidence before the court." The State's request was initially denied when the First DCA correctly found that "it is the

role of the [FDOC], not the court, to order the forfeiture of gain time." In that article, *FPLP* also noted that the First DCA was quick to advise the State that, although an order; forfeiting Saucer's gain time was not available, perjury charges were a possibility.

Not surprisingly, the State, also known as a "Friend of the Court," ultimately managed to convince the court to reverse itself. See *Saucer v. State*, 23 FLW D1972 (Fla. 1st DCA 8-17-98), withdrawn and superseded by *Saucer v. State*, 736 So.2d 10 (Fla. 1st DCA 1998).

*FPLP's* Notable Cases promptly noted the First DCA's change in position through an article entitled, "Slamming The Door on Prisoner's Access to Court in Criminal and Collateral Criminal Proceedings." *FPLP* Vol. 5, Iss. 2 at p. 11. The article also noted that, in his lone dissent, "Judge Webster found that sections 944.279 and 944.28(2)(a), F.S., which the majority relied upon to justify its gain-time forfeiture in a criminal proceeding, was 'enacted as parts of chapter 96-106, Laws of Florida, [and] establishes with relative clarity that its intent was to address only frivolous or malicious civil litigation by inmates.' Id., quoting Saucer, 736 So.2d at 14. Friend or foe, the State nonetheless led the majority of the Saucer Court astray. As noted in that article, the First DCA's withdrew its initial order denying the State's request to forfeit Saucer's gain-time and substituted it with an order granting the forfeiture. See Saucer, 736 So.2d at 11.

The decision entered in Saucer's case resurfaced when the Florida Supreme Court reviewed the decision entered in "*Hall v. State*, 698 So.2d 576 (Fla. 5th DCA 1997), based on express and direct conflict with *Mercade v. State*, 698 So.2d 1313 (Fla. 2d DCA 1997), concerning a court's proper role in the implementation of sections 944.28(2) and 944.279 ..., relating to the imposition of sanctions on prisoners who file frivolous pleadings."

The Fifth DCA had utilized s. 944.28(2)(a), F.S. (Supp.1996), to sanction Clarence Hall for filing what the court determined to be a frivolous appeal from the trial court's order summarily denying two of Hall's post conviction motions. The Fifth DCA "directed" FDOC to forfeit Hall's gain time.

In the conflict case, the Second DCA determined that Rafial Mercade had also filed a frivolous appeal from the order denying his post conviction motion. The conflict arose when the *Mercade* Court found that it did not have authority to "direct" FDOC to forfeit gain time, that it could only "recommend" FDOC to sanction *Mercade* "in the form of a forfeiture of his gain time." *Mercade*, 698 So.2d at 1316.

The Supreme Court found that the *Mercade* Court was correct in finding it only had authority to "recommend" a gain time forfeiture. However, the Supreme Court disap-

proved the *Mercade* Court's imposition of sanctions under the frivolous filings statutes because those sanctions were implemented in a case involving a "collateral criminal proceeding." That is, the supreme court found that post conviction motions and appeals from denials of post conviction motions are collateral criminal proceedings for purposes of sanctions authorized under the frivolous filing statutes at issue here. In other words, the high court found that a court may not use section 944.28(2)(a), which contains no collateral criminal prohibition, independently of section 944.279, which contains language prohibiting its application to collateral criminal proceedings.

The supreme court quashed the Fifth DCA's decision entered in Hall, which had improperly applied section 944.28(2)(a), providing for forfeiture of gain time, to the appeal of the denial of Hall's post conviction motions. As for the First DCA's decision to "order" FDOC to forfeit Joseph Saucer's gain time, the supreme court disapproved that decision as well, at least to the extent that it was inconsistent with the decision entered here. See: *Hall v. State*, \_\_\_ So.2d \_\_\_, 25 FLW S42 (Fla. 1-20-00).

[Comment: In his concurring opinion, Justice Wells noted that "there are abuses of frivolous filings in respect to post conviction motions and petitions in criminal cases which the Legislature may have intended to address," *Id.*, at 544, and that "it would be helpful for the Legislature to clarify this issue with an express statutory statement." *Id.* Rather than involve the Legislature, I personally would like to see prisoners involved in litigation working more with one another, putting their heads together and covering all the pros and cons and, of course, thoroughly familiarizing themselves with the applicable case law decisions and procedural rules. It's only reasonable to believe that if collateral relief is there to be had, and if its really worth having, it should also be worth putting forth a meaningful effort to adequately and effectively voice such entitlement to relief to the appropriate court. Frivolous filings have a negative effect on everyone—bm]

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**Texas** - El Paso county judge Sue Karita has raised ethical questions about the judicial system under which court appointed lawyers are paid \$50 bonus if they get their clients to plead guilty to misdemeanor offenses. Attorneys whose clients plead guilty receive \$150 per case. Attorneys whose clients have charges dismissed after pleading not guilty or who enter informal pleas of guilty in exchange for probation, are paid only \$100 per case.

**Virginia** - On Aug. 22, 1999, a guard at the newly opened supermax Red Onion State Prison was stabbed about eight times while delivering lunch trays. Jackie A. McCarty was attacked by prisoner Lamont Douglas, 24, who was then shot twice with rubber pellets by a guard in a gun port. Douglas was later charged with malicious wounding.

**Washington** - On Oct. 27, 1999, Bellingham police released the results of an investigation stating that Whatcom county jail guard Ryan Stollwerck had sexually harassed female co-workers at the jail. Stollwerck's conduct included making unwanted sexual comments, responding angrily when one woman wouldn't return his phone calls, "improperly touching" one of the women and making mock kissing noises. The report was released a week before an election in which Stollwerck was running for Whatcom county sheriff. He lost the election. He also quit his job as a jail guard.

**Washington DC** - A leading Democratic senator plans to introduce legislation that would dramatically alter the criminal appeals process, providing new protections for convicted prisoners, particularly those on death row. Patrick Leahy, a long time foe of the death penalty, is scheduled to introduce what he calls the "Innocent Protection Act" at a news conference. If passed, the bill would help prevent wrongful executions and lead to freedom for more people who have been unjustly convicted of lesser crimes, proponents say. Since the death penalty has been re-

instated in the United States in 1976, 85 people have been freed from death row after their convictions or sentences were called into question.

According to a draft summary, Leahy's bill would:

- \* Require that federal courts order DNA testing if there is a reasonable chance it may exonerate a federal convict, even if the time for appeals has expired.

- \* Require that states make DNA testing available to state inmates for conviction review, including those whose appeals have expired.

- \* Increase fees paid to attorneys of defendants in death penalty cases when the accused cannot pay their own way.

- \* Increase compensation available to unjustly imprisoned federal convicts to as much as \$100,000 for every year they were incarcerated; the cap is now \$5,000 a year.

- \* Prevent the U.S. attorney general from seeking the death penalty in cases brought in 12 states and the District of Columbia where there is no death penalty.

- \* Ensure that juries in federal and state death penalty cases are fully informed of alternatives to imposing the death sentence.

The bill, if passed would automatically apply to federal courts. Under terms of legislation, federal funds earmarked for state crime labs and prison construction would be withheld from states that did not make their own laws conform with federal requirements. The heart of Leahy's bill is his proposal that convicts be allowed to present DNA evidence even if their legally allotted appeals have run out. ■

### **ABUSE, LACK OF PRIVACY REPORTED IN FLORIDA WOMEN PRISONS**

Between July and October of 1999, the Florida Correctional Medical Authority (CMA) conducted a survey of 153 women prisoners incarcerated at Lowell CI, Gadsen CI, Jefferson CI, Hernando CI, or Broward CI. The results of that

survey, which were released December 15th in a CMA report entitled *Report on Female Offenders in Florida's Prisons*, showed a serious pattern of abuse and lack of privacy being suffered by women prisoners in Florida.

Male guards are frequently present when female prisoners use the toilet. They watch when the women take showers, and look on as they change their clothes. More than half of the women surveyed reported inappropriately sexual, verbal or physical treatment by male and female prison staff.

Statewide, 53 percent of the women surveyed responded that they have been subjected to inappropriate behavior by male prison staff. They reported that 40 percent of that abuse has been sexual; another 40 percent has been verbal abuse; 9 percent physical abuse; and, 11 percent undefined abuse.

Forty-eight percent of the surveyed women reported that they have experienced abuse from female staff. Different from the complaints against male staff, only 9 percent reported sexual abuse by female guards; 1 percent physical abuse; 20 percent undefined abuse; but 70 percent responded that they have been verbally abused by female staff, such as being called a "whore".

Those surveyed were just a small sample of the women incarcerated in Florida female prisons. But the results of the survey are significant, says the CMA experts who conducted the survey, because so many of the women also reported being abused before coming to prison.

Forty-one percent of the women reported that they had experienced physical abuse before being incarcerated. Fifty-six percent of them said they had been subjected to sexual abuse on the outside and had been abused as children. Significantly, 70 percent stated they suffer depression problems now.

"It's a training issue - if you have been abused and they have the feeling men are watching you or they pat-search or strip-search you, how do you think that might make you feel?" asked Maxine McConnell, assistant director of the Florida Corrections Commission. "She may go berserk, and the officers

(Continued on page 15)

## POST CONVICTION ATTORNEYS

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may think she's misbehaving if they don't understand the issues."

This survey was prompted by several recent factors, as abuse in women prisons in Florida is certainly nothing new with more than half of the guards in the women prisons being men.

Perhaps the most driving factor was the error made by Department of Corrections Secretary Michael Moore last year when only months after being appointed to run Florida's prison he asked Governor Bush to disband the Correctional Medical Authority and all other legislatively created prison oversight groups. The CMA struck back by publicly releasing damning information about prison health care (and lack of same) to the media. [See: *FPLP*, Vol. 5, Iss. 6 "FDOC Hazardous to Prisoners' Health"]

Another factor spurring the survey was the abuse suffered by two women prisoners at Jefferson Correctional Institution before their suicides in the confinement unit at that prison in late 1998. [See: *FPLP*, Vol. 5, Iss. 1, "Female Prisoners Deaths Questioned"]

And, another factor that may have contributed to conducting this survey was a study on self-reported prior abuse released by the U.S. Bureau of Justice Statistics in April 1999, which indicates that female prisoners are more abused than male prisoners. Nationwide, state prisoners reported both physical and sexual abuse before incarceration - 57.2 percent of females versus 16.1 percent of males. [See: *FPLP*, Vol. 5, Iss. 4, "Past Abuse Reported by Prisoners."]

The CMA survey did not focus just on abuse of female prisoners in Florida. Other findings of the survey found that:

- Sixty-nine percent of the women surveyed were experiencing their first time in prison;

- seventy-five percent had at least one child, and 58 percent of those had children under the age of eighteen;

over half those surveyed who have children do not get to see their children;

- and, over half reported a history of drug or alcohol abuse.

Some of the survey questions involved health care and nutrition issues as well as women specific issues. For example, 45 percent of the women said they do not receive adequate undergarments. Forty-three percent said they only receive panties one to three times a week. Sixty-one percent said the prison-provide bras do not provide adequate support.

Using the results of the survey, both the Florida Corrections Commission, which helped conduct the study, and the CMA put together recommendations to the Department of Corrections. Those recommendations include:

- Revising state laws to make it a crime of sexual battery for any state or private prison employee to engage in sexual misconduct with a prisoner;

- prohibit pat searches of female prisoners by male guards, except in emergencies;

- use polygraph equipment in alleged sexual misconduct cases to substantiate allegations;

- develop a sexual misconduct policy for distribution to existing and new employees;

- provide training to prisoners and staff on the sexual misconduct policy and related issues;

- ensure that male officers announce their presence when entering female dormitories;

- ensure that female officers staff dormitories during the hours female prisoners are most likely to shower or change clothes;

- require that female officers supervise any strip searches of female prisoners, except in an emergency; and

- include other state agencies and outside experts in sexual abuse, domestic violence and similar issues on the DOC's recently re-established Standing Advisory Committee on Female Offenders.

A spokesman for the DOC said the department would carefully consider the recommendations.

[Source: CMA report, Florida Corrections Commission 1999 Annual Report, *St. Petersburg Times*, 12/24/99]

Editor: for more information about female prisoner issues in Florida, along with a useful bibliography of other sources and studies on female prisoners, see the Florida Corrections Commission Annual Report 1999, Section 5.0 and Appendix 5.1 through 5.8. That report was released 1/1/00 and is available on the Internet at: <http://www.fcc.state.fl.us/>. Some other female prison issues sources include:

*National Clearinghouse for the Defense of Battered Women*  
125 S. 9th St., Ste 302  
Philadelphia, PA 19107  
(Newsletter Double-Time free to female prisoners)

*National Coalition Against Domestic Violence*  
POB 34103  
Washington, DC 20043

*National Network for Women in Prison*  
714 W. California Ave.  
Pasadena, CA 91105

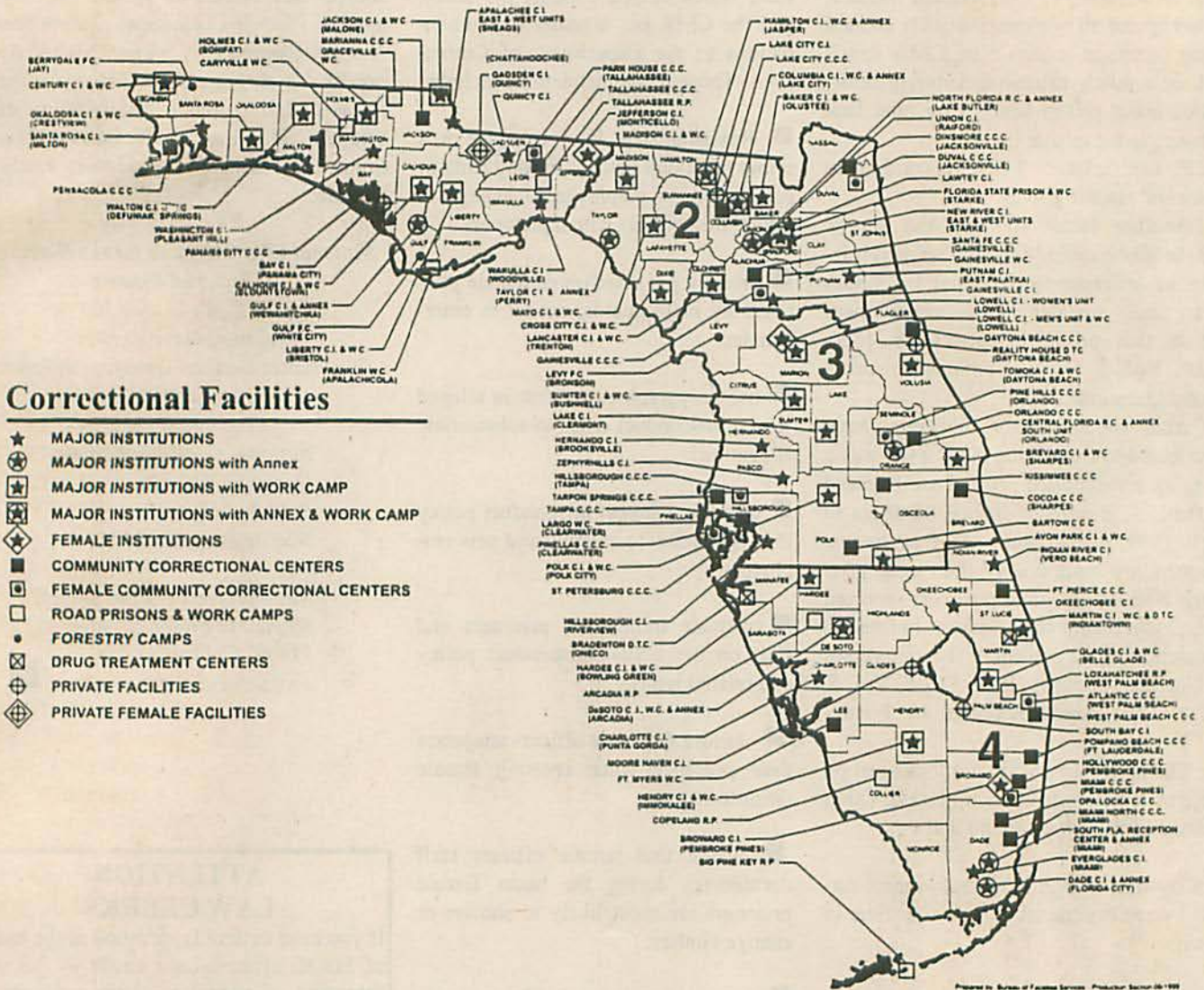
### ATTENTION LAW CLERKS

If you have suffered retaliation at the hands of FDOC officials as a result of the performance of your law clerk duties or in response to your personal grievances or litigation activities, send the details to:

Juristic Legal Aid Org.  
Post Office Box 24923  
Oakland Park, FL 33307

Include copies of any grievances.

# INSTITUTIONS



Prepared by Bureau of Juvenile Services, Production Section 10-1999

## Institutional Regional Directors

- REGION I: GREG DRAKE, SNEADS, (850) 593-6431, SUNCOM 786-1400
- REGION II: GEORGE DENMAN, GAINESVILLE, (352) 955-2052, SUNCOM 625-2054
- REGION III: BILL BEDINGFIELD, CLERMONT, (352) 242-2719, SUNCOM 634-1701
- REGION IV: MARTA VILLACORTA, FT. LAUDERDALE, (954) 202-3800, SUNCOM 423-3800



# BUDGET

## Department of Corrections Budget Summary (FY1998-99)

### OPERATING FUNDS

Expenditures by Budget Entity:		
Department Administration	\$	29,537,065
Custody and Control		996,935,743
Health Services		229,774,327
Community Supervision		251,464,976
Offender Work and Training		52,390,266
<b>TOTAL OPERATING FUNDS</b>	<b>\$</b>	<b>1,560,102,377</b>

### FIXED CAPITAL OUTLAY FUNDS

EXPENDITURES BY PROJECT CLASSIFICATION:		
To Provide Additional Capacity Through Expansion and New Construction		116,205,837
To Maintain Existing Facilities and Meet Requirements of Regulatory Agencies		16,256,837
<b>TOTAL FIXED CAPITAL OUTLAY FUNDS</b>	<b>\$</b>	<b>132,462,674</b>

**TOTAL** ..... \$ 1,692,565,051

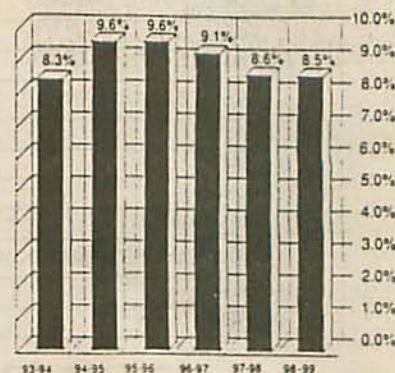
### LOCAL FUNDS

VOLUME OF COLLECTION ACTIVITIES:		
Cost of Supervision Fees	\$	25,669,825
Restitution, Fines and Court Costs		46,026,831
Subsistence, Transportation, and other Court Ordered Payments		15,187,599

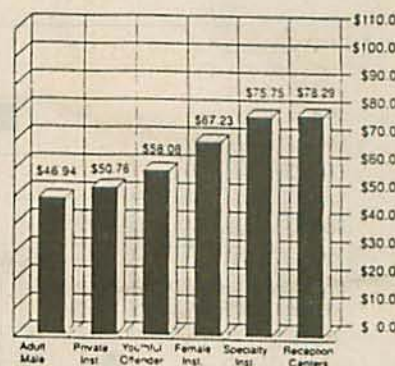
INMATE BANKING ACTIVITIES:		
Total Deposits	\$	69,838,823
Total Disbursements		68,982,439
June 30, 1999 Total Assets		7,099,610

INMATE WELFARE FUND ACTIVITY:		
Merchandise Sales	\$	35,544,121
Gross Profit From Sales		13,158,070
Inmate Telephone Commissions		14,699,887
June 30, 1999 Retained Earnings		20,924,512

### Percent of State General Revenue Budget Appropriated to Corrections

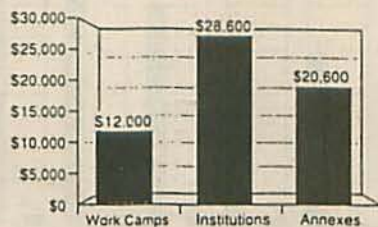


### Inmate Cost Per Day by Type of Prison

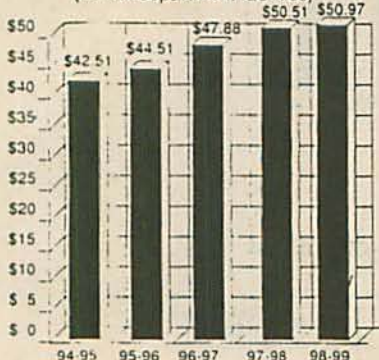


### BED COST BY BED TYPE

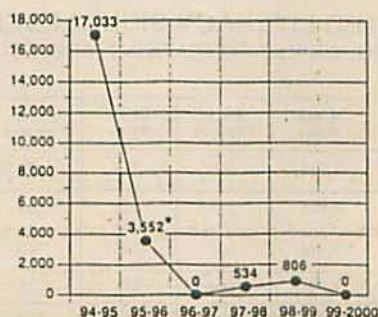
(BASED ON DEPARTMENT'S FIVE-YEAR CONSTRUCTION PLAN)



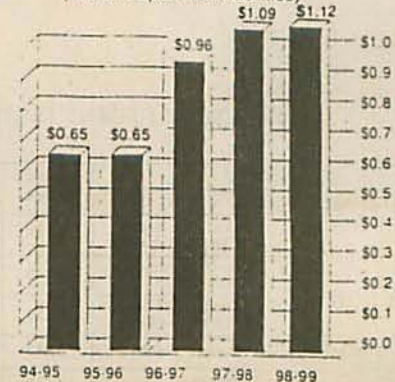
### Overall Inmate Cost Per Day \$18,604 annually in FY98-99 (For all department facilities)



### TOTAL BEDS FUNDED



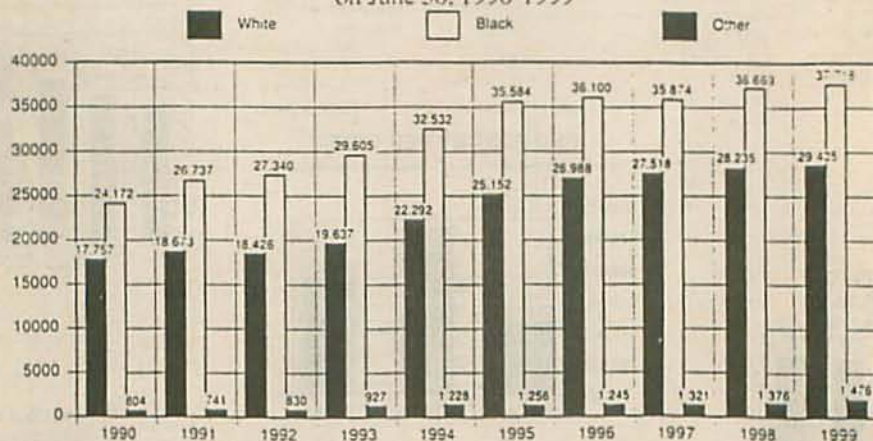
### Inmate Cost Per Day for Education (For all department facilities)



THE FLORIDA DEPARTMENT OF CORRECTIONS  
**INMATE POPULATION AS OF JUNE 30th OF EACH YEAR**

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
<b>GENDER BREAKDOWN</b>										
Males	39,991	43,546	44,508	47,965	53,163	58,497	60,782	61,282	62,768	64,966
Females	2,742	2,667	2,504	2,638	2,889	3,495	3,551	3,431	3,512	3,633
<b>RACE BREAKDOWN</b>										
White	17,757	18,673	18,426	19,637	22,292	25,152	26,988	27,518	28,235	29,405
Black	24,172	26,737	27,340	29,605	32,532	35,584	36,100	35,874	36,669	37,718
Other	804	741	830	927	1,228	1,256	1,245	1,321	1,376	1,476
Data Unavailable	0	82	416	434	0	0	0	0	0	0
<b>RACE/MALES BREAKDOWN</b>										
White Males	16,595	17,624	17,460	18,654	21,117	23,558	25,437	26,048	26,731	27,818
Black Males	22,592	25,123	25,901	28,069	30,818	33,586	34,123	34,014	34,778	35,824
Other Males	804	741	830	927	1,228	1,253	1,222	1,220	1,259	1,324
Data Unavailable	0	58	317	315	0	0	0	0	0	0
<b>RACE/FEMALES BREAKDOWN</b>										
White Females	1,162	1,049	966	983	1,175	1,494	1,551	1,470	1,504	1,587
Black Females	1,580	1,614	1,439	1,536	1,714	1,998	1,977	1,860	1,891	1,894
Other Females	0	0	0	0	0	3	23	101	117	152
Data Unavailable	0	24	99	119	0	0	0	0	0	0
<b>TOTAL</b>	<b>42,733</b>	<b>46,233</b>	<b>47,012</b>	<b>50,603</b>	<b>56,052</b>	<b>61,992</b>	<b>64,333</b>	<b>64,713</b>	<b>66,280</b>	<b>68,599</b>

**Inmate Population by Race**  
 on June 30, 1990-1999



**TESTED LITERACY SKILL LEVELS**

(MOST RECENT TESTS OF ADULT BASIC EDUCATION [TABE] SCORES AS OF JUNE 30, 1999)

Literacy Skill Level	White Males	White Females	Black Males	Black Females	Other Males	Other Females	Total	Percent	Cumulative Percent
Less than Basic Literacy (1.0-3.9)	2,197	89	7,546	485	259	25	10,602	17.7	17.7
Basic Literacy Skills (4.0 - 8.9)	8,740	551	16,721	933	428	49	27,422	45.8	63.6
Functional Literacy Skills (9.0 - 12.9)	12,638	831	7,470	331	296	43	21,809	36.4	100.0
Data Unavailable	4,043	116	4,067	144	341	35	8,766		
<b>TOTAL</b>	<b>27,818</b>	<b>1,587</b>	<b>35,824</b>	<b>1,894</b>	<b>1,324</b>	<b>152</b>	<b>68,599</b>	<b>100.0</b>	<b>100.0</b>
Median	9.3	9.5	6.2	5.7	6.3	6.6	7.4		

# Elderly Offenders

## Growth of Elder (50+ Years) Inmate Population In Florida 1995-1999, as of June 30

Category	1995		1996		1997		1998		1999	
	Total	% of Total Pop.	Total	% of Total Pop.	Total	% of Total Pop.	Total	% of Total Pop.	Total	% of Total Pop.
50 to 54	1,585	2.6	1,756	2.7	2,065	3.2	2,276	3.4	2,589	3.8
55 to 59	851	1.4	990	1.5	1,054	1.6	1,134	1.7	1,235	1.8
60 to 64	438	0.7	505	0.8	551	0.9	626	0.9	670	1.0
65 to 69	221	0.4	258	0.4	286	0.4	314	0.5	337	0.1
70 and Over	186	0.3	206	0.3	220	0.3	238	0.4	251	0.0
<b>Total</b>	<b>3,281</b>	<b>5.4</b>	<b>3,715</b>	<b>5.7</b>	<b>4,176</b>	<b>6.4</b>	<b>4,588</b>	<b>6.9</b>	<b>5,082</b>	<b>7.4</b>
<b>% Change in number of Elderly Inmates between 1995 and 1999</b>									<b>54.9%</b>	

Source: Florida Department of Corrections' Annual Reports and Bureau of Research and Data Analysis

The 5,082 offenders age 50 years or older in Florida's prisons represent a 54.9% increase since 1995.

Prisons are experiencing an increase in the number of older inmates. Because of its large elderly population, Florida is especially susceptible to this trend.

Fifteen to 25 percent of elderly offenders have some form of mental illness.

Correctional staff's lack of training in recognizing the medical and mental health conditions of elderly inmates often exacerbates problems.

Policies and procedures that encourage older inmates to improve their lifestyle and maximize their level of functioning will reduce institutional management concerns and the cost of care.

## Projection of Elder (50+ Years) Inmate Population In Florida From June 1999 to June 2010

Year	Month	Total Projected Prison Population* (CJEC: 4/13/99)	Projected Elder (50+ Years) Population (DC)	Percent of Population
<b>Actuals:</b>				
1990	June	42,733	1,991	4.66%
1991	June	46,233	2,181	4.72%
1992	June	47,012	2,336	4.97%
1993	June	50,603	2,610	5.16%
1994	June	56,052	2,946	5.26%
1995	June	61,992	3,280	5.29%
1996	June	64,333	3,672	5.71%
1997	June	64,713	4,176	6.45%
1998	June	66,280	4,588	6.92%
<b>Projected:</b>				
1999	June	68,942	5,078	7.37%
2000	June	72,792	5,414	7.44%
2001	June	75,288	5,826	7.74%
2002	June	78,422	6,239	7.96%
2003	June	82,530	6,652	8.06%
2004	June	86,161	7,065	8.20%
2005	June	86,161	7,477	7.37%
2006	June	86,161	7,890	7.44%
2007	June	86,161	8,303	7.74%
2008	June	86,161	8,716	7.96%
2009	June	86,161	9,128	8.06%
2010	June	86,161	9,541	8.20%

\* CJEC projections were only available to June 2004

Source: Bureau of Research and Data Analysis, Florida Department of Corrections, June 1999

The cost of incarcerating a geriatric prisoner is three times that of a younger inmate.

Failing to collect data on the elder offender population could cause future difficulties for administrators and planners.

### CENTRAL OFFICE

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Michael D. Wolfe,  
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Inspector General 488-9265  
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Probation and Parole 487-2165  
Institute Camps 487-0558

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Academic and Special Ed 488-2288  
Workforce Dev. & Dist. Ed. 488-2288  
Chaplaincy Services 488-2288  
Community-Based Prog. 488-2288  
Spec. Institutional Services 488-2288  
Substance Abuse Prog. Serv. 488-2288

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David L. Thomas M.D., Director 922-6645  
Health Services 922-6645  
Health Services Admin 922-6645

#### Office of Institutions:

Stan Czerniak, Director 488-8181  
Central Records 413-8302  
Classification 488-9859  
Security Operations 487-4443  
Sentence Structure &  
Transportation 488-3624

### Institutions Region Offices

#### Region I

Greg Drake, Regional Director  
2015 West Unit Drive  
Sneads, Florida 32460  
(850) 593-6431 SC 786-1400  
Fax: (850) 593-0048 SC 786-0048

#### Region II

George Denman, Regional Director  
NFRS  
P.O. Box 718  
Lake Butler, FL 32054  
(904) 496-6706 SC 883-6700  
Fax: (904) 496-6716

#### Region III

Bill Bedingfield, Regional Director  
19225 U.S. Highway 27  
Clermont, Florida 34711-9025  
(352) 242-2719 SC 634-1701  
Fax: (352) 394-0090 SC 634-1262

#### Region IV

Marta Villacorta, Regional Director  
1400 W. Commercial Blvd., 2nd Floor  
Ft Lauderdale, Florida 33309-3752  
(954) 202-3800 SC 423-3800  
Fax: (954) 202-3845 SC 423-3845

### Service Centers

**Marianna Service Center**  
Shawn Baldwin, Director  
4610 Hwy 90 East  
Marianna, Florida 32446  
(850) 482-9533; SC 789-9533

**Tallahassee Service Center**  
Ron Kronenberger, Director  
1709 Mahan Drive  
Tallahassee, Florida 32308  
(850) 487-4299

**Lake City Service Center**  
Jim Currington, Director  
2665 West US Highway 90  
Lake City, Florida 32055-3115  
(904) 758-8090

**Gainesville Service Center**  
Jery Pilcher, Director  
5700 SW 34th St., Suite 335  
Gainesville, Florida 32608-5373  
(352) 955-2035; SC 625-2035

**Orlando Service Center**  
Jerry Bayless, Director  
400 W. Robinson Street  
Orlando, Florida 32801  
(407) 245-0054; SC 344-4336

**Tampa Service Center**  
Kermit Kerley, Director  
4520 Oak Fair Blvd.  
Tampa, Florida 33610  
(813) 744-8555 SC 512-1424

**Ft. Lauderdale Service Center**  
Richard Prudom, Director  
Broward Regional Service Center  
1400 W. Commercial Blvd. 2nd Floor  
Ft. Lauderdale, Florida 33309-3752  
(954) 202-3800; SC 423-3800

### Major Institutions

\*Indicates a work camp adjacent to an institution

#### Region I

**Apalachee Correctional Institution (Male)**  
Adro L. Johnson, Warden  
35 Apalachee Drive  
Sneads, Florida 32460-0699  
(850) 593-6431 SC 786-1011  
East Unit Fax: (850) 593-6445

**Bay Correctional Facility (Male)**  
(Contract Facility)  
Robin Walton, Warden  
5400 Bayline Drive  
Panama City, Florida 32404  
(850) 769-1455  
Fax: (850) 769-1942

**Calhoun Correctional Institution (Male)**  
Jimmy D. Folsom, Warden  
Route 1 Box 1  
Blountstown, Florida 32424-9700  
(850) 674-5901 SC 787-2010  
Fax: (850) 674-4188  
WC: (850) 674-5901 SC 787-2420

**\* Century Correctional Institution (Male)**  
Michael P. Szczecina, Warden  
400 Tedder Road  
Century, Florida 32535  
(850) 256-2600  
Fax: (850) 256-0510

**Corr. Mental Health Institution at River Junction (Co-Ed)**  
**River Junction Unit (Male)**  
Donald E. Humphrey, Warden  
300 Pecan Lane  
Chattahoochee, Florida 32324-3700  
(850) 663-3600 SC 289-3600  
Fax: (850) 663-4773  
River Junction Unit (850) 663-3399

**Gadsden Correctional Facility (Female)**  
(Contract Facility)  
Neva Yarbrough, Warden  
P.O. Box 390  
Quincy, Florida 32353-0390  
(850) 875-9701 Fax: (850) 875-9710

**Gulf Correctional Institution (Male)**  
Henry D. Alford, Warden  
500 Ike Steele Road  
Wewahatchka, Florida 32465-0010  
(850) 639-1000 SC 790-1000  
Fax: (850) 639-1182  
West Unit: (850) 639-1507

**\* Holmes Correctional Institution (Male)**  
Joel W. "Bill" Davis, Warden  
3142 Thomas Drive  
Bonifay, Florida 32425-0190  
(850) 547-2100 SC 781-1397

Fax: (850) 547-0522  
WC: (850) 547-2703

**\* Jackson Correctional Institution (Male)**  
Alfred S. Solomon, Warden  
5563 10th Street  
Malone, Florida 32445-3144  
(850) 569-5260 SC 778-1101  
Fax: (850) 482-9969 SC 778-9969

**Jefferson Correctional Institution (Female)**  
Rupert D. Harrison, Warden  
RR1 Box 225  
Monticello, Florida 32344-0430  
(850) 997-1987 SC 285-1300  
Fax: (850) 997-0791

**\* Liberty Correctional Institution (Male)**  
Charles W. Mask, Warden  
HCR 2 Box 144  
Bristol, Florida 32321-9711  
(850) 643-2141 SC 788-1011  
Fax: (850) 643-5817  
WC: (850) 643-3330

**\* Okaloosa Correctional Institution (Male)**  
Gary M. Thomas, Warden  
3189 Little Silver Rd.  
Crestview, Florida 32539-6708  
(850) 682-0931 SC 672-1011  
Fax: (850) 689-7803

**Quincy Correctional Institution (Male)**  
Clyde F. Keels, Warden  
2225 Pat Thomas Parkway  
Quincy, Florida 32351  
(850) 627-5400 SC 212-5400  
Fax: (850) 875-3572

**Santa Rosa Correctional Institution (Male)**  
Joe Petrovsky, Warden  
5850 East Milton Rd.  
Milton, Florida 32583  
(850) 983-5800 SC 689-5800  
Fax: (850) 983-5907

**Wakulla Correctional Institution (Male)**  
Willie Norwood, Warden  
110 Melaleuca Drive  
Crawfordville, Florida 32327  
(850) 421-0607 SC 299-2107  
Fax: (850) 421-7667

**\* Walton Correctional Institution (Male)**  
Jerry G. Rabson, Warden  
691 WW II Veteran's Lane  
DeFuniak Springs, Florida 32433  
(850) 892-6141 SC 692-1300  
Fax: (850) 892-9365  
WC: (850) 892-1355

**Washington Correctional Institution (Male)**  
Charles E. Germany, Warden  
4455 Sam Mitchell Drive  
Chipley, Florida 32428  
(850) 773-6100 SC 784-6100  
Fax: (850) 773-6252

#### Region II

**\* Baker Correctional Institution (Male)**  
Paul C. Decker, Warden  
P.O. Box 500  
Lake Basin Road  
Sanderson, Florida 32087-0500  
(904) 719-4500 SC 885-4500  
Fax: (904) 758-0678  
WC: (904) 719-4670

**\* Columbia Correctional Institution (Male)**  
David Pridgen, Warden  
Route 7, Box 376  
Lake City, Florida 32055-8767  
(904) 758-8090 SC 850-8090  
Fax: (904) 758-1338  
WC: (904) 758-8090

**\* Cross City Correctional Institution (Male)**  
Rodney D. Sistrunk, Warden  
P.O. Box 1500  
Cross City, Florida 32628-1500  
(352) 498-5576 SC 629-1011  
Fax: (352) 498-1266  
WC: (352) 498-5576

**\* Florida State Prison (Male)**

James V. Crosby, Warden  
P.O. Box 747  
Starke, Florida 32091-0747  
(904) 964-8125 SC 836-1011  
Fax: (904) 964-9068  
WC: (904) 964-8125

**Gainesville Correctional Institution (Male)**

Denise White, Warden  
2845 NE 39th Avenue  
Gainesville, Florida 32609-2668  
(352) 955-2001 SC 625-2001  
Fax: (352) 334-1675

**\* Hamilton Correctional Institution (Male)**

Lee "Pete" Turner, Warden  
10650 SW 46th Street  
Jasper, Florida 32052-1360  
(904) 792-5151 SC 872-5151  
Fax: (904) 792-5159  
Annex: (904) 792-5504  
WC: (904) 792-5409

**Lake City Correctional Facility**

(Male Youth) (Contract Facility)  
David Eads, Warden  
Route 7, Highway 90 East, Box 1000  
Lake City, Florida 32055  
(904) 755-3379  
Fax: (904) 752-7202

**\* Lancaster Correctional Institution**

(Male Youth)  
Thomas Varnes, Warden  
3449 S.W. SR 26  
Trenton, Florida 32693-0158  
(352) 463-4100 SC 640-4100  
Fax: (352) 463-4398

**Lawley Correctional Institution (Male)**

Ronald G. Williams, Warden  
22298 NE County Road 200B  
Lawley, Florida 32058-0229  
(904) 782-3811 SC 859-1011  
Fax: (904) 782-3157

**\* Madison Correctional Institution (Male)**

Joe Thompson, Warden  
P.O. Box 692  
Madison, Florida 32341-0692  
(850) 973-5300 SC 296-5300  
Fax: (904) 973-5339

**\* Mayo Correctional Institution (Male)**

Hamilton D. Mathis, Warden  
P.O. Box 448  
Mayo, Florida 32066-0488  
(904) 294-4500 SC 829-4500  
Fax: (904) 294-4532  
WC: (904) 294-4758

**New River Correctional Institution (Male)**

Dennis O'Neill, Warden  
P.O. Box 333  
Raiford, Florida 32083-0333  
(904) 964-4000 SC 843-2393  
Fax: (904) 964-3358  
West Unit: (904) 964-4000

**North Florida Reception Center (Male)**

Robert E. Honsted, Warden  
P.O. Box 628  
Lake Butler, Florida 32054-0628  
(904) 496-6000 SC 883-6000  
Fax: (904) 496-3287  
West Unit: (904) 496-6002

**Putnam Correctional Institution (Male)**

Dwight White, Warden  
P.O. Box 279  
East Palatka,  
Florida 32131-0279  
(904) 325-2857 SC 867-1011  
Fax: (904) 329-3719

**Taylor Correctional Institution (Male)**

Clark J. Moody, Warden  
Route 1, Box 1086  
Perry, Florida 32347  
(904) 838-4000 SC 295-4000  
Fax: (904) 838-4024

**Union Correctional Institution (Male)**

Brad Carter, Warden  
P.O. Box 221  
Raiford, Florida 32083-0221  
(904) 431-2000 SC 831-2000  
Fax: (904) 431-2010

**\* Sumter Correctional Institution (Male)**

David R. Lehr, Warden  
P.O. Box 667  
Bushnell, Florida 33513-0667  
(352) 793-2525 SC 633-1000  
Fax: (352) 793-3542  
FC: (352) 793-2525  
BC: (352) 793-2525

**\* Tomoka Correctional Institution (Male)**

Ronald Tadlock, Warden  
3950 Tiger Bay Road  
Daytona Beach, Florida 32124-1098  
(904) 323-1070 SC 380-1070  
Fax: (904) 323-1006  
WC: (904) 323-1222

**Zephyrhills Correctional Institution (Male)**

Ronald L. Holmes, Warden  
2739 Gall Boulevard  
Zephyrhills, Florida 33541-9701  
(813) 782-5521 SC 535-1100  
Fax: (813) 782-4954

### Region III

**\* Avon Park Correctional Institution (Male)**

Richard E. Ward, Warden  
P.O. Box 1100  
Avon Park, Florida 33825-1100  
(941) 453-3174 SC 745-6599  
Fax: (941) 453-1511  
WC: (941) 453-1576 SC 745-6176

**\* Brevard Correctional Institution (Male Youth)**

Don M. Dean, Warden  
855 Camp Road  
Cocoa, Florida 32927-3709  
(407) 634-6000 SC 362-6000  
Fax: (407) 634-7728  
WC: (407) 634-6130

**Central Florida Reception Center (Male)**

Ronald McAndrew, Warden  
P.O. Box 628040  
Orlando, Florida 32862-8040  
(407) 207-7777 SC 343-7777  
Fax: (407) 249-6570

**Hernando Correctional Institution (Female)**

Linda A. Buby, Warden  
16415 Springhill Drive  
Brooksville, Florida 34609-8167  
(352) 754-6715 SC 663-6715  
Fax: (352) 544-2307 SC 663-2307

**Hillsborough Correctional Institution (Male Youth)**

Don Merritt, Warden  
11150 Highway 672  
Riverview, Florida 33569-8402  
(813) 671-5022 SC 512-0264  
Fax: (813) 671-5037

**Lake Correctional Institution (Male)**

Robert M. Whidden, Warden  
19225 U.S. Highway 27  
Clermont, Florida 34711-9025  
(352) 394-6146 SC 634-1000  
Fax: (352) 394-1571

**Lowell Correctional Institution (Male Unit)**

Jack Sapp, Warden  
P.O. Box 158  
Lowell, Florida 32663-0158  
(352) 401-6400 SC 667-6400  
Fax: (352) 732-1249  
WC: (352) 401-6864

**Lowell Correctional Institution (Female Unit)**

P.O. Box 147  
Lowell, Florida 32663-0147  
(352) 622-5151 SC 653-5151  
Fax: (352) 622-5151

**\* Polk Correctional Institution (Male)**

Joe Butler, Warden  
10800 Evans Road  
Polk City, Florida 33868-6925  
(941) 984-2273 SC 588-1011  
Fax: (941) 984-3072 WC: (941) 984-2273

### Region IV

**Broward Correctional Institution (Female)**

John Anderson, Warden  
P.O. Box 848540  
Pembroke Pines, Florida 33084  
(954) 252-6300 SC 430-6300  
Fax: (954) 680-4168

**Charlotte Correctional Institution (Male)**

Warren W. Cornell, Warden  
33123 Oil Well Road  
Punta Gorda, Florida 33955  
(941) 575-2828 SC 746-1200  
Fax: (941) 575-5747

**Dade Correctional Institution (Female)**

Brenda Rhoden, Warden  
19000 S. W. 377th Street  
Florida City, Florida 33034-6409  
(305) 242-1700 SC 478-1700  
Fax: (305) 242-1881  
Annex: (305) 242-1900 (Adult Male)

**\* DeSoto Correctional Institution (Male)**

Linda Williams, Warden  
P.O. Drawer 1072  
Arcadia, Florida 34265-1072  
(941) 494-3727 SC 766-7100  
Fax: (941) 494-1740  
WC: (941) 494-3727

**Everglades Correctional Institution (Adult Male)**

Lonnie E. Holmes, Warden  
1601 S.W. 187th Ave.  
Miami, Florida 33185  
(305) 228-2000 SC 479-2000  
Fax: (305) 228-2039

**\* Glades Correctional Institution (Male Youth)**

Willie Floyd, Warden  
500 Orange Ave. Circle  
Belle Glade, Florida 33430-5222  
(561) 996-5241 SC 237-1011  
Fax: (561) 992-1355  
WC: (561) 992-1318 (Adult Male)

**\* Hardee Correctional Institution (Male)**

Dale Landress, Warden  
6901 State Road 62  
Bowling Green, Florida 33834-9505  
(941) 773-2441 SC 757-1200  
Fax: (941) 773-4310  
WC: (941) 773-2441

**\* Hendry Correctional Institution (Male)**

Brian Hendrickson, Warden  
12551 Wainwright Drive  
Immokalee, Florida 34142-4797  
(941) 657-3654 SC 734-1100  
Fax: (941) 658-3542  
WC: (941) 657-3654

**Indian River Correctional Institution (Male Youth)**

Charles Matthews, Warden  
7625 17th Street, S.W.  
Vero Beach, Florida 32968  
(561) 564-2812 SC 240-2813  
Fax: (561) 564-2880

**\* Martin Correctional Institution (Male)**

Chester Lambdin, Warden  
1150 S.W. Allapattah Road  
Indian River, Florida 34956-4397  
(561) 597-3705 SC 249-5011  
Fax: (561) 597-3742

**Moore Haven Correctional Facility (Male)**

(Contract Facility)  
Thomas Douberly, Warden  
P.O. Box 718501  
Moore Haven, Florida 33471  
(941) 946-2420 Fax: (941) 946-2481

**Okeechobee Correctional Institution (Male)**

Jimmy C. Prevatt, Warden  
3420 N.E. 168th St.  
Okeechobee, Florida 34973-1984  
(941) 462-5400 SC 761-5400  
Fax: (941) 462-5430

**South Bay Correctional Facility (Male)**

(Contract Facility)  
John M. Hurley, Warden  
600 U.S. Highway 27 South  
South Bay, Florida 33493  
(561) 992-9505  
Fax: (561) 992-9551

**South Florida Reception Center (Male)**

Gerald Abdul-Wasi, Warden  
P.O. Box 02-8538  
Miami, Florida 33102-8538  
(305) 592-9567 SC 475-1390  
Fax: (305) 470-5790  
South Unit: (305) 592-9710

*In Florida, for the last five years the largest proportion of female offenders were incarcerated for drug related offenses.*

## Department of Corrections Operational Plan for Female Offenders Goals and Objectives

Goal 1.	Ensure that the specific needs of female offenders are met throughout the correctional system.	<ul style="list-style-type: none"> <li>• Establish specific working unit (completed)</li> <li>• Analyze data from Betterment Program Survey (10/29/99)</li> <li>• Design and Conduct needs-assessment survey and analyze data (3/30/00)</li> <li>• Annual Progress report of implementation of plan (1/31)</li> <li>• Review/recommend changes to plan (on-going)</li> <li>• Annual meeting with female offender key staff to recommend changes (begin 1/00)</li> <li>• Review and analyze key computer data screens (7/31/01)</li> <li>• Review screens for appropriateness of information collected (7/31/01)</li> </ul>
Goal 2.	Develop a continuum of programs that foster personal growth, accountability, maturity, and value based actions that lead to successful reintegration into society.	<ul style="list-style-type: none"> <li>• Identify needs and methods to support development of programs (4/7/00)</li> <li>• Parenting curriculum programs available (7/3/00)</li> <li>• Identify and recruit volunteers and interns to be facilitators and instructors for new and existing educational and betterment programs (on-going)</li> <li>• Facilitate implementation or referral of designated classes and programs (on-going)</li> <li>• Implement education and betterment programs (on-going)</li> </ul>
Goal 3.	Ensure opportunities for female offenders to develop vocational and job related skills that support their capacity for economic freedom.	<ul style="list-style-type: none"> <li>• Pre- and postassessment survey produce increased knowledge, skills, and abilities of female offenders (6/30/01)</li> <li>• Secure funding for assessment instruments in female reception centers (6/29/01)</li> <li>• Annually monitor results of transitional assistance programs to determine employability (1/3/00)</li> <li>• Establish partnership with Corrections Distance Learning Network and STEP-Star Ed. Network to incorporate distance learning into female programming (10/29/99)</li> <li>• Develop community corrections resource manual (8/31/00)</li> <li>• Appoint work group to evaluate institutional female offender work assignments and make recommendations for creation of new assignments which will provide marketable skills (11/24/99)</li> </ul>
Goal 4.	Prepare all institutional and community corrections staff to understand and appropriately address female gender-specific topics and issues.	<ul style="list-style-type: none"> <li>• Develop female offender training curriculum (10/31/99)</li> <li>• Submit curriculum to CJSTC for certification as specialized course (1/14/00)</li> <li>• Improve awareness of female specific issues to correctional professionals (6/29/01)</li> <li>• Design four-hour orientation training for all newly hired employees working with female offenders (7/1/99)</li> <li>• Conduct female offender focused symposium (every other year)</li> </ul>
Goal 5.	Ensure broad public access to the DC information specific to female offenders issues and related topics.	<ul style="list-style-type: none"> <li>• Annually update Status Report for Female Offenders (begin 12/1/99)</li> <li>• Develop specific female offender report on DC web page (3/31/00)</li> </ul>
Goal 6.	Ensure a holistic approach for meeting appropriate physiological, psychological, and substance abuse needs of female offenders.	<ul style="list-style-type: none"> <li>• Pilot motivational curriculum for female offenders (11/1/99)</li> <li>• Health fair for female offender institutions (annually)</li> <li>• Provide continuum of services for pregnant female offenders (on-going)</li> <li>• Recruit volunteers to facilitate monthly support groups to address needs of female offenders over 50 years of age (9/1/99)</li> <li>• Standardize operational procedures for distribution of personal hygiene items and undergarments (3/31/00)</li> <li>• Appoint internal work group to address special diet and nutritional needs of female and youthful offenders (10/1/99)</li> </ul>
Goal 7.	Foster staff attitudes and actions that demonstrate professionalism and encourage an atmosphere that promotes the positive opportunities for self-development of the female offender.	<ul style="list-style-type: none"> <li>• Monitor scheduling of female officers assigned to female housing units during shower and dress times (unscheduled basis)</li> <li>• Establish operational procedures for female offenders during labor, delivery, and immediate postpartum period (2/16/00)</li> <li>• Expand socio-cultural database on female offender to include data on children and caretakers (12/15/00)</li> <li>• Identify improvements for visiting rooms and parks, and supply equipment (11/29/99)</li> <li>• Develop plan for pilot program of video conferencing visitation program (5/17/00)</li> <li>• Relocate female offenders at Jefferson CI to southern region of state (10/15/99)</li> </ul>

Source: Florida Department of Corrections Operational Plan for Female Offenders, July 1999

### Operational Plan for Female Offenders

The department developed an *Operational Plan for Female Offenders*, initially in 1996, and was revised substantially in July 1999. Included in the plan are vision and mission statements, project statement, goals and objections, and action plans.

## Membership Form

You are invited to become a member of, or renew your membership in, Florida Prisoners' Legal Aid Organization, Inc. Membership benefits include a one-year subscription to the organization's popular bimonthly newsletter, *Florida Prison Legal Perspectives*. Contributions to the organization (a registered 501(c)(3) non profit) are *tax-deductible*. Contributions will be used to organize and advance the interests of members; to provide a voice for Florida prisoners and their families, loved ones and advocates; and, to educate the public about the Florida criminal justice and prison systems.

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- I understand that FPLAO depends the generosity of its members to grow and operate effectively. Therefore, I would like to make an additional contribution of:

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Prison, Agency, Organization (if applicable) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone Number \_\_\_\_\_

\$10 \$25 \$50 \$100 \$250 Other

4. Total Enclosed \_\_\_\_\_

Please make all checks or money orders payable to: Florida Prisoners' Legal Aid Org., Inc., P. O. Box 660-387, Chuluota, FL 32076, or Florida Prison Legal Perspectives (same address). New, unused, U.S. postage stamps are acceptable from prisoners for membership contributions. For family members of prisoners unable to afford the basic membership dues, any contribution is acceptable.

### SOUTHLAND PRISON NEWS

SPN is a prisoner-produced monthly newsletter covering prison news from New England to Florida. The newsletter is composed mainly of clippings from local papers that might not otherwise be seen, along with feature articles and book reviews. For more information or to subscribe (\$15 yr. for prisoners/\$25 for non-prisoners) contact: SPN, PMB 339, 955 Massachusetts Ave., Cambridge, MA 02139

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City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

(PLEASE PRINT CLEARLY)

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Mail To: FPLP, P.O. BOX 660-387, Chuluota, FL 32766

Florida Department of Corrections  
2601 Blair Stone Rd.  
Tallahassee FL 32399-2500  
(850) 488-5021  
Web Site: [www.dc.state.fl.us](http://www.dc.state.fl.us)

#### FDOC FAMILY OMBUDSMAN

The FDOC has allegedly created a new position in the central office to address complaints and provide assistance to prisoner's families and friends. Sylvia Williams is the FDOC employee appointed as the "Family Ombudsman." According to Ms. Williams, "The Ombudsman works as a mediator between families, inmates, and the department to reach the most effective resolution." The FDOC Family Services Hotline is toll-free: 1-888-558-6488.

#### FDOC SPANISH HELPLINE

The FDOC has also created a help line to assist Spanish-speaking citizens obtain information from the department. Tina Hinton is the FDOC employee in this position. Contact: 1-800-410-4248.

[Please inform FPLP if you have any problems with using the above services]

Florida Corrections Commission  
2601 Blair Stone Rd.  
Tallahassee FL 32399-2500  
(850)413-9330  
Fax (850)413-9141  
E-Mail: [fcorcom@mail.dc.state.fl.us](mailto:fcorcom@mail.dc.state.fl.us)  
Web Site: [www.dos.state.fl.us/fgils/agencies/fcc](http://www.dos.state.fl.us/fgils/agencies/fcc)

The Florida Corrections Commission is composed of eight citizens appointed by the governor to oversee the Florida Department of Corrections, advise the governor and legislature on correctional issues, and promote public education about the correctional system in Florida. The Commission holds regular meetings around the state which the public may attend to provide input on issues and problems affecting the correctional system in Florida. Prisoners families and friends are encouraged to contact the Commission to advise them of problem areas. The Commission is independent of the FDOC and is interested in public participation and comments concerning the oversight of the FDOC.

Office of the Governor  
PL 05 The Capitol  
Tallahassee FL 32399-0001  
(850) 488-2272

Chief Inspector General.....922-4637  
Citizen's Assistance Admin.....488-7146  
Commission/Government Accountability  
to the People.....922-6907

Office of Executive Clemency  
2601 Blair Stone Rd.  
Bldg. C, Room 229  
Tallahassee FL 32399-2450  
(850)488-2952  
Coordinator: Janet Keels

Florida Parole/Probation Commission  
2601 Blair Stone Rd., Bldg C  
Tallahassee FL 32399-2450  
(850) 488-1655

Department of Law Enforcement  
P.O. Box 1489  
Tallahassee FL 32302  
(850)488-7880  
Web Site: [www.fdle.state.fl.us](http://www.fdle.state.fl.us)

#### Florida Resource Organizations

Florida Institutional Legal Services  
1110-C NW 8th Ave.  
Gainesville FL 32601  
(352)955-2260  
Fax: (352)955-2189  
E-Mail: [files@afn.org](mailto:files@afn.org)  
Web Site: [www.afn.org/files/](http://www.afn.org/files/)

Families with Loved  
ones In Prison  
710 Flanders Ave.  
Daytona Bch FL 32114  
(904)254-8453  
E-Mail: [flip@afn.org](mailto:flip@afn.org)  
Web Site: [www.afn.org/flip](http://www.afn.org/flip)

Restorative Justice Ministry Network  
P.O. Box 819  
Ocala. FL 34478  
(352) 369-5055  
Web: [www.rjmn.net](http://www.rjmn.net)  
Email: [Bernie@rjmn.net](mailto:Bernie@rjmn.net)

## FLORIDA PRISON LEGAL PERSPECTIVES

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*"The level of civilization in a society  
may be determined by entering it's  
prisons."*

Fyodor Dostoyevsky  
Crime and  
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