Florida Prison Legal Perspectives

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A CULTURE OF VIOLENCE, ABUSE, AND SILENCE

By Bob Posey, Editor

A prisoner at a North *Florida prison, on crutches with a severely broken leg with steel pins in it, approached his housing unit and asked* the *officer inside the building to allow him* to *use the restroom. The request was refused because it was not time for the doors* to *open so the prisoner would just have to wait a half hour, according* to *the officer. Unable to wait, the prisoner looked for a place to urinate out of sight of anyone. The housing officer called for a security officer. When* the *officer, a Sergeant, arrived and saw the prisoner trying to urinate against* the *side of the building, he grabbed the prisoner from behind, slammed him into the wall face first and then threw him to* the *ground. The prisoner landed on the broken leg causing him to scream in extreme pain.*

The officer then picked the prisoner up and threw him on the ground again, causing further screams. When a crowd of other prisoners started to *gather to see what was happening,* the *officer hit the emergency button on his two-way radio. Other officers rushed to the scene. A wheelchair was brought to transport the injured prisoner to medical. The prisoner asked another prisoner to hand him his radio that was knocked off when the officer slammed him against* the *wall. The Sergeant grabbed the radio* and *smashed it to the ground, then snatched the prisoner up and threw him at the wheelchair causing him to fall on the ground again and yell for help. The surrounding prisoners became angry and moved in on the Sergeant, who panicked and began shouting for the prisoners to break it up.*

The prisoners watched as the prisoner with the *broken leg was finally placed back in the wheelchair and taken to medical. Later the prisoner was charged with attempting to incite a riot and assault on an officer by* the *Sergeant. The prisoner was found guilty at a disciplinary hearing despite numerous prisoner witnesses testifying to the actual events,* and *the prisoner was placed in solitary Close Management (CM) confinement for three years minimum. All grievances filed by the prisoner about the Sergeant's actions were summarily denied, with other officers, some of whom were not even present, supporting the Sergeant's version of the incident.*

The FDOC central office affirmed that summary denial, based on the officers' version of events, and without investigation. Two weeks after the incident a new policy was started at the prison: handicapped prisoners will be allowed in the housing units to use the restrooms as needed. The prisoner with the broken leg, however, remains in CM confinement today.

- *At Washington Correctional Institution confinement prisoners are prohibited from looking out the small 5" by 36" window in the cell door. If the prisoners are caught looking out this window,* the *only window in the cell, they have disciplinary action taken against them ranging from loss of all privileges, loss of gain time, and disciplinary confinement. Prisoners who attempt to grieve this treatment are often retaliated against with physical beatings under the guise of a "cell extraction."*

- *A prisoner at Baker Correctional Institution in the Close Management confinement unit tried for days to get an officer to give him some Tylenol. The officers kept telling him later or to ask the* next *shift, which said the same thing. The prisoner was having headaches from the extreme heat in the cells, which are poorly ventilated. After days of asking for and not receiving the supposedly freely obtained Tylenol the prisoner got upset and started banging on his cell door whenever an officer entered the wing where he was housed to try to get the attention of an officer to* get *the medication.*

The officers began telling him to stop the banging on the door, which the *prisoner did not do, needing the medication, telling them all he wanted was some Tylenol. Five*

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officers appeared at the prisoner's cell door and ordered him to place his hands through the food flap to be handcuffed. The prisoner again tried to tell them all he wanted was some Tylenol, but this was ignored and he was again ordered to place his hands to be cuffed. When the prisoner refused, the cell door was opened and the five officers rushed the prisoner. Even though he curled into a defensive ball on the floor the officers began beating, punching and kicking the prisoner. Handcuffs were placed on him and then one officer leaned over and sprayed pepper spray directly into the prisoner's eyes, mouth and nose even though he was not resisting.

He was then bodily picked up and carried to another cell. This specially designed cell is a 7' by 9' cell with a concrete bed and steel toilet. The window is covered with sheet metal, the window in the door is covered with metal. The prisoner was stripped naked, thrown into the cell, the door slammed shut and the lights cut off. He was left in total darkness, handcuffed behind his back, naked, and covered with burning pepper spray for 48 hours. He was later returned to his original cell, subdued, where he still never received the Tylenol.

• Confinement prisoners at Madison Correctional Institution are punished for even minor infractions by being placed in special cells that have the windows sealed up. The prisoners are placed in the cells for days at a time, without a hearing or opportunity to contest the punishment, where there is only a metal bed, no mattress, and with bright lights on 24 hours a day.

• A prisoner at Everglades Correctional Institution filed a grievance against a female officer who cursed him as he is going to lunch one day. The grievance was denied at all levels without investigation and based purely on the officer's denial of the incident (and even though several other prisoners had previously grieved similar treatment by the same officer). Later, the officer began singling the prisoner out for minor and often fabricated incidents, where in sight of other prisoners and staff she gets in his face cursing him with extremely foul expletives and telling him she can do anything she wants and he can "file a grievance" if he doesn't like it. The prisoner did file several other grievances about the officer's actions, all of which were summarily denied. The denials from the central office in Tallahassee were boilerplate responses stating that the institutional level denials were correct.

One day the prisoner is approached by the same female officer where she began cursing him and jabbing her finger into his chest. The prisoner pushed her hand away, at which point the officer hit the emergency button on her radio for backup. She grabbed the prisoner and he pushes back, accidentally making her fall. Several other officers arrived, saw the female officer on the ground and jumped the prisoner. He was beaten to the ground by upwards of ten officers. On the ground he was hit with fists and kicked repeatedly. Finally he was handcuffed and taken to medical. Medical noted only minor abrasions despite serious injuries. He was then taken to a confinement cell.

Later that night as the prisoner was sleeping, the cell door to the secluded confinement cell was suddenly opened and several guards rushed in, jerked the prisoner from the bed and began beating and kicking him, yelling and cursing that he will pay for hitting a female officer. The prisoner was beat unconscious. This was only the beginning. For days, at irregular times, the prisoner finds his cell door thrown open and officers rushing in to beat, kick and spit on him. Usually a senior ranking officer will be present participating in or watching the beating. He is told he will be killed if he complains. All his outgoing mail is read and censored by the confinement officers.

The prisoner was charged with assault on an officer, for allegedly hitting the female officer with his fist several times, knocking her to the ground, because she had asked him to pick up some paper on the ground which he refused to do. He is found guilty and all appeals were denied. Later he was placed in CM confinement for three years where he is constantly receiving new disciplinary actions for fabricated infractions by officer friends of the female officer, lengthening his stay in confinement for each infraction.

• Family members of prisoners who attempt to complain to prison officials about abuse are often rudely disregarded, told they better mind their own business, or that the prisoners are lying to them about what happened. Complaints in the past that have been sent to the governor's office or other state officials have often been referred back to the FDOC to handle, which most often refers them back to the institution, which results in threats or retaliation against the prisoner. There is no established independent complaint process for family members or friends of Florida prisoners.

The above are just a very few examples of what is occurring in Florida's prisons that the public is unaware of. The Florida Department of Corrections has operated as a largely unaccountable and closed segment of the criminal justice system in Florida for decades. Correctional officers and prison administrators have been allowed to operate behind closed doors, controlling Florida prisons as

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fiefdoms where prisoners may be punished at whim without oversight from the outside.

When conditions do become so bad that attention is focused on the department, as in the July 17, 1999, beating murder of death-row prisoner Frank Valdes, or as with the abuse suffered before the alleged suicides of Jefferson Correctional Institution women prisoners Florence Krell and Christine Elmore, or the torture of John Edwards at Charlotte Correctional Institution before his alleged suicide, the department has historically been allowed to write the news releases and control what the public hears. And they are always "isolated incidents." Governor Bush even attempted to tell the public the Valdes incident was an "isolated" event.

When state legislators attempt to question the department to find out what is happening in the prisons, the legislators themselves complain they are lied to or stonewalled until something else demands their attention away from the department. And the secrecy is compounded where correctional officers and FDOC staff are prohibited from talking to the news media, or anyone outside the department, about conditions in the prisons, upon penalty of termination.

As the public's perception of crime and the solution to the crime problem has been distorted for political gain with who can get "tougher" on crime, criminals and prisoners, on the inside of the prisons the conditions have worsen to the point that it is almost a guarantee that those released will be worse than when they entered.

From the department's goal of rehabilitation of prisoners through education and meaningful work while incarcerated in the 1970's, it went to warehousing and an intentionally created "revolving door" to justify the prison building binge of the 1980's and early 1990's. Now, unknown to the public, the department has been engaged for several years in the next step designed to ensure that while the crime rates fall the prisons will stay full and recidivism rates remain at an all time high in Florida. That involves the use of sensory—depriving, inhumane, solitary confinement on thousands of Florida prisoners.

Confinement in such conditions that have been repeatedly proven throughout the ages to be mentally and physically detrimental to those exposed to it. Those who cannot adjust to such conditions are often further mentally and physically abused to the breaking point. Even those already mentally ill that are coming to fill the prison beds paid for with taxpayer dollars are not exempt from such incarceration, worsening their illness in many instances.

In the news reports following Frank Valdes death at the hands of prison guards at Florida State Prison (FSP), that (unusually) gained national attention, I was dismayed to note as the mainstream media coverage progressed that the FDOC was allowed to focus the media's attention almost totally on Florida State Prison. Although at the beginning, when the FBI first announced it would investigate abuse in the entire FDOC system, there was hope that more coverage would be given to other prisons where the conditions are as bad, or worse, as those at FSP. That hope began to fade as the department was allowed to manipulate the news media, and thus the public, to focus almost entirely on FSP.

Of course, FSP has needed such attention for decades, horrible abuses have been the routine there for years. But make no mistake, the abuse is not confined to FSP. As noted by the FBI, there appears to be a "subculture of civil rights violations and physical abuse" throughout the Florida Department of Corrections, but this has received little or no attention.

Instead, the public is told through the news media that while there may have been a problem at FSP, this will be simply corrected with a camera installed on the confinement X-Wing at that prison (albeit a camera totally controlled by prison officials). No mention is made of the fact that FSP is composed almost entirely of solitary confinement wings, where abuse and beatings also occur.

The FSP warden at the time Frank Valdes was beaten to death, James Crosby, Jr., notorious among prisoners (and prison staff, no doubt) for condoning abusive conditions at numerous prisons, belatedly told other FSP staff to "stop acting like criminals," but denied that he was at fault in any way. And, Crosby asserted, if there are really problems at FSP (as if he was in the blind), then they will be corrected, with the implication that will solve All the FDOC's problems. In other words, gullibly, do not believe the reports that abuse is widespread in the system as a whole, and getting worse as the department shifts to abuse as a management tool and sensory depriving solitary confinement as a primary method of warehousing prisoners.

In one of the reports following Valdes' death, FDOC Secretary Michael Moore stated that federal investigators will try to break down the "culture of protectiveness" in the prison system where officers are unwilling to report abuse and violations by other officers. Not acknowledged by Michael Moore (or perhaps not even known to him) is that this "code of silence" permeates the system from the top to the bottom, and not just among "officers." You either play by the old rules, keep your mouth shut, look the other way, or you won't work for the FDOC long, those in senior positions or at higher ranks will make sure of that. That is an integral and ingrained aspect of the department that it is doubtful even Michael Moore can impact. The former FDOC secretary, Harry Singletary, never could, and finally gave up even trying to.

As the news media and politicians have played the crime fear card to build and keep filled the ever-expanding prison industrial/economic system from taxpayers' deep pockets, with the ranting slogans of getting tough on crime and offenders, the prison systems have gone from bad to worse. Many prison officials and prison guards have taken these sentiments to heart, viewing the "get tough on prisoners" rhetoric as a personal mandate justifying verbal, mental and physical abuse of those in their control. After all, prisoners are now largely excluded from obtaining legal redress for abuse under new federal and state laws, and with the prison System a closed and secret society, and with public sentiment so strongly against prisoners, there is no check and balance to prevent prison officials from mistreating this disenfranchised and despised class of people.

Adding to the problem, Florida prisoners have largely had a "plantation" mentality drilled into them so that the majority are willing conspirators with their guards. Any self respect or respect for others they may have when they entered prison is quickly surrendered, because that is the way officials want it. It's easier to control those who are afraid to talk back. Even knowing that beatings and abuse is occurring in the confinement units, those in a position to try to bring attention to it won't. Some won't out of fear, some out of apathy, some deceive themselves into thinking it can never happen to them, even when they are certainly on the future list for same. Until prisoners begin sticking up for themselves and others (as it now appears that Frank Valdes was trying to do, resulting in his being beat to death), until they get their people actively contacting legislators and the news media, the system will only get worse.

I'd like to leave readers with these thoughts. If the FDOC had been allowed to investigate Frank Valdes death without outside oversight it would have been established that he "beat himself to death," as the officers' attorneys claimed. How many more in the past have "beat themselves to death"? How many other prisoners have been wrongfully beaten or abused with such being covered up with such weak and boldly cavalier lies?

The only reasons that Valdes' death got the attention it did was because in February Governor Bush ordered the FDLE to investigate any suspicious deaths or suicides of prisoners in the FDOC, and because fortunately a few prisoners like William Van Poyck and Michael Lambrix were not afraid to speak out and try to alert those on the outside of what was happening at FSP, which coincidentally followed a multi-page May 30th special report on FSP and "X" Wing in the *Miami Herald* by reporter Meg Laughlin.

However, the FDOC still does not have any independent oversight in the hundreds of cases where prisoners may be beaten almost to death or otherwise be subjected to

inhumane conditions of confinement at all prisons. Our families and friends on the outside must push legislators for an independent oversight committee with some family members/friends of prisoners on it and with authority to enter any prison, speak to any prisoner or staff member who contacts them, observe the confinement conditions, and identify problems and assist in working to find solutions to correct them. Florida prisons must be exposed to the Sunshine of public scrutiny. ■

DEATH ROW EULOGY

BY William Van Poyck

On July 17, 1999, my friend and codefendant, Frank Valdez, was stomped and beaten to death in his X-wing cell by a large group of Florida State Prison guards. As FSP prisoners know only too well this beating was uncommon only because Frank actually died. And, but for a series of events which led to the Governor becoming personally involved this murder would have been covered up just as so many other beatings are. Nine guards (a captain, five sergeants, and three C.O.I's) have been suspended. The F.D.L.E. is investigating and the state attorney has publicly labeled it "a clear case of murder." Search warrants were executed and evidence seized from the guards homes. Charges are expected to be brought. Now, the FBI has joined the case, expanding their probe to the entire DOC, "based upon the large volume of beating complaints they have received prior to and subsequent to" Frank's murder.

Predictably, the guards' attorney, while admitting that" a terrific fight" occurred in that cell (where guards used 3 cans of pepper spray, a tear gas grenade, and an electric stun shield on Frank), has claimed that Frank's injuries were all self-inflicted. Autopsy results showed that every single rib in his body was broken and his testicles were crushed. Boot marks were clearly visible on Frank's body. The attorney cynically maintains that the ribs were broken when guards valiantly performed CPR for 40 minutes. Also predictably, the attorney has labeled Frank as "an animal", a "serious troublemaker" and an "extremely violent disciplinary problem".

Far from being an "animal," Frank was an intelligent, thoughtful man, who never hesitated to stand up and speak his mind when he witnessed the physical abuses here. Frank's outspokenness earned him the wrath of these guards, who targeted him with contrived disciplinary reports in order to keep him isolated on X-wing. This was not the first time Frank was beaten, and his life had been threatened on more than one occasion. On July 17,1999, Frank's refusal to be cowed and intimidated cost him his life when on that morning he once again voiced objections to the prisoners around him being beaten.

Make no mistake about it, this was <u>not</u> an "isolated incident." Briefly now the public spotlight is shining on FSP and the long standing physical abuses going on here. But it will all be for naught unless fundamental, systemic changes are made, both in attitudes and policies. Staff at FSP, like all organizations, take their cue from the top down. For the past 18 months staff and prisoners alike have heard the message, loud and clear, that beatings are acceptable, encouraged, and will not be investigated. This consistent failure to investigate complaints of beatings goes right to DOC central office in Tallahassee. And, with prisoners' access to the courts severely restricted by state and federal legislation, combined with and increasingly hostile attitude by the judiciary towards "prisoners' rights", prisoners have no real recourse or remedy within the system. Those competent, professional correctional officers within the ranks who are not down with the beating program clearly see which way the political winds blow, and they realize that any objections thereto are detrimental to their careers. They remain silent, or quit. Thus, that core group of undisciplined guards who thrive on these, and other illegal activities, end up running the prison by default, being promoted for their deeds and spreading their virus further. Unchecked, as with any sickness, such actions lead to total takeover of the host system. This, of course, is commonly known and understood by prisoners. A generally apathetic public understands little and cares even less. Yet unless the public, through their elected officials, demands more accountability, and begins to question the entire existing system and structure, prisons will continue to be powder kegs reminiscent of the 1960's and 1970's , with predictable and inevitable results.

CHANGES IN TOP MANAGEMENT POSITIONS QUESTIONED

Some black legislators in Florida have questioned some of the *changes* being made by the Department of Correction's CFDOC) new secretary. Under Michael Moore, who was appointed by Governor Jeb Bush earlier this year to head the department, senior management positions have become even more white male staffed. And Moore has ordered a scaling back of a program designed to help more women reach management positions within the department.

Shortly after taking over the top FDOC position Michael Moore has been replacing many of those in top management positions at the department's central and regional offices. The percentage of white males in senior management positions has risen from 65 to 78, while the number of black male senior managers has fallen from 7 to 2.

State Rep. Josephus Eggelleton (D) said those numbers were "devastating." He commented, "That says to me that Mr. Moore is insensitive to minority hiring." Moore defended the numbers by stating that it is too early in his tenure to judge his hiring practices, and that the department is in a state of flux, and that those numbers will fluctuate as he continues to make changes.

In South Carolina, where Moore headed that state's DOC from 1995 to 1998, Sen. Kay Patterson, a black Democrat, said he complained about similar changes that Moore made in that state's department of corrections when he took over. In comment to the changes that Moore has made in Florida, Patterson said, "Ya'll got hell on your hands. Mike will take you back to the plantation." A resulting study in S.C. showed that blacks were more than twice as likely as whites to hold the most dangerous prison security positions, and whites more likely to start at higher pay than blacks.

Moore says that he inherited a racist system in South Carolina and that he felt attacks on his record were political motivated. He commented, "I get emotional about this. My detractors in South Carolina unfairly played the race card to

politically hurt me."

Florida Rep. Alex Villalobos (R), chairman of the committee that oversees the corrections budget, said that Moore should be held accountable at the end of the year.

[Source: *The Florida Times-Union* 8/2/99] ■

FDOC CHANGES

- The Florida Department of Corrections (FDOC) has went from five regional offices to four. Each region also has a new regional director. The Probation and Parole offices have been divided into four regions also. See Chart in this issue.
- The department has also made institutional mailroom and Colonels'/ Majors' Clerk positions civilian staffed positions. There is talk of making all the warehouse and canteen officer positions civilian jobs also, but that has not been finalized. Some institutions are using a pilot project of changing officers' shifts to: 6AM to 2PM, 2PM to 10PM, and 10PM to 6AM. This may or may not be adopted statewide depending on the results of the pilot projects.
- It is also suspected that there will be several changes in wardens at institutions. This was being looked at in the FDOC central office before the murder of Frank Valdes at FSP on July 17, 1999. It is expected that there will be some retirements and possible firings. There has already been a shakeup among the staff in the central office in Tallahassee following Michael Moore becoming the new FDOC secretary. More changes in the central office can be expected. Once the moves settle down, FPLP will try to get a listing published of who is in what position.
- Former FDOC Secretary Richard Dugger is back and has been serving as the Deputy Assistant Secretary of Institutional Management in the central office.
- Good news for female prisoners! After two years of working with the Florida Corrections Commission to get it, Jefferson CI was finally converted from a female institution to a male institution. The women have been transferred to Hernando CI and Dade CI Main Unit. The Youthful Offenders who were sent to Dade CI Main Unit last year have been sent to Hendry CIs Main Unit, which will become a CM prison. A significant percentage of male guards at Hernando and Dade CI M/U will be transferred to other male prisons in the region.
- FDOC Secretary Michael Moore said earlier this year that he plans to move HIV positive prisoners to special AIDS prisons. Moore said that the segregation would result in better care and earlier drug therapy intervention. While head of the South Carolina DOC, Moore ordered HIV testing and segregated prisoners testing positive to a wing of a maximum-security prison. More than 2500 Florida prisoners are currently identified as having AIDS.
- The responsibility for reviewing and overseeing the inmate grievance procedures has been moved from the FDOC's Office of the Inspector General to the FDOC's Bureau of Legal Services. ■

ACLU SUES WACKENHUT

During June the ACLU sued Wackenhut Corrections Corp. after that company refused to hand over internal records concerning the operation of South Bay Correctional Institution a privately operated prison located in South Florida. The ACLU is seeking a court order to compel Wackenhut to turn over documents concerning internal investigations, evaluations, personnel files, warden memos and other records from South Bay.

The lawsuit also claims that Wackenhut is trying to cover up records of sexual harassment, abuse of prisoners, and other allegations at the Palm Beach County facility. The ACLU claims that Wackenhut is subject to public record laws in producing the sought after records because the company has completely assumed the Department of Corrections' governmental obligations to incarcerate prisoners. The ACLU became concerned about the operation of the facility after receiving several complaints of abuse from prisoners.

The attorney for the ACLU who filed the lawsuit stated that Wackenhut's "intent is to frustrate the public's access to how taxpayers dollars are being spent and how the prisoners are. being treated or mistreated." The lawsuit also claims that Wackenhut is earning excessive profits at the prison, which is one of five privately operated prisons in Florida, two of which including South Bay and Moore Haven CI are operated by Wackenhut.

The ACLU settled a similar lawsuit during May against Correctional Services Corp., which operates the Pahokee Youth Development Center for the state Department of Juvenile Justice. That company agreed to release thousands of pages of records concerning the treatment of juveniles at the facility and agreed to pay the ACLU $11,400 in costs and attorney fees. ■

COMMENTARY
SEE THIS BADGE, GIVE UP THE DONUTS

During June, Florida Department of Corrections security officers finally got badges to wear on their uniforms. This move was taken to make them appear more professional and more like actual law enforcement officers. While the badges may make some officers feel more professional and serve as a reminder to act more responsible, some officers may allow the badges to go to their heads and make them believe that they are on the same professional level as police officers. The badge does not make the person, however. As long as the Department of Corrections continues to hire anyone who applies for a job to try to keep positions filled with the 33 percent employee turnover rate, the addition of a badge will not make much difference.

For example, just three weeks after the new badges were given to officers, one used the DOC badge to get a discount at a restaurant and got caught.* We can see some of them now going back to the Jiffy Food stores, their former places of employment, and trying to use the badge to get free sodas and food. Just imagine if correctional officers are allowed to carry guns in public, which is what they want next, they will surely be trying to arrest people. Can you imagine a high speed chase with these Keystone Cops shooting up everything on the road. What a scary thought.

[*Source: The Fla. PBA *Corrections Review*, July/Aug 99] ■

THE RETURN TO DRACONIAN DAYS IN FDOC

By Mark Sherwood

Medical and psychological experimentation of Jews in Nazi Germany; cap-

tivity in bamboo cages, torture, starvation, isolation of American POW's in Korea and Vietnam which resulted in insanity and long term mental defects. Atrocities in history, which shocked, repulsed and outraged this nation's citizenry. However similar treatment today of men and women housed in Florida prisons' Close Management (CM) units is not merely condoned but enthusiastically encouraged by prison officials.

Florida lawmakers have been steadily moving to implement harsher punishments for convicted felons. In addition to longer sentences with minimum gain—time allowances, the living conditions of confinement in prisons throughout the State have steadily become more inhumane.

Planners for the Florida Department of Corrections (FDOC) have discovered an expedient, cost efficient method to house more inmates with less expenditures for security, medical care, inmate activities and educational/vocational programs. This discovery came in the form of pre-fab "Tee" buildings which began springing up in Florida prisons in 1995. Each Tee building houses about 258 prisoners and was constructed to the same exact specifications devised by FDOC. These units were designed for maximum security where prison inmates spend all of their time in permanent lock—down. The cells consist of a 6-foot by 9-foot concrete floor area, two steel bunks, a steel toilet and sink. The small windows are covered with corrugated panels, which prevent prisoners from seeing out of their cells.

Although the units were initially meant for use as general population housing, Florida's recent decline in inmate population and funding has altered that plan. Prison officials are now escalating the movement of "CM" prisoners into these units where a prisoner is housed virtually without leaving his small environment. The only time a prisoner leaves these cells is for five minute showers three times a week and two hours a week in an "exercise yard" which consists of a fenced in cage measuring approximately 24 feet by 17 feet, this only when security allows.

Placement of prisoners in CM has enabled FDOC to reduce manpower expenditures due in part to the suspension of educational/vocational activities and by severely limiting prisoner movement. In each unit over 250 prisoners are secured, at times, by as few as two correctional officers per eight-hour period.

In the past only the State's most violent criminals were housed in CM units, however today because of a statewide move to create these units in virtually every major institution and the lack of sufficient numbers of truly dangerous prisoners to fill those newly constructed units, FDOC officials have begun to place prisoners in CM units as a result of such heinous infractions ranging from "dirty urine" samples [detection of drugs in an prisoners urine analysis], to the pilfering of sandwiches from food service kitchens, along with other minor infractions, which until recently would result in short periods of confinement or extra duty as punishment. These infractions now result in placement in CM units for up to three years or more where the general population and correctional officers can be "protected from such dangerous behavior," according to the FDOC.

Since the inception of CM units in Florida there has been a great deal of discussion about CM confinement problems, such as, poor food preparation and handling, harassment, assaults by correctional staff, and generally poor living conditions. While these problems need to be resolved, very little attention has been given to the adverse psychological and emotional affects CM confinement has on prisoners. The fact is that an- inmate's psychological well-being is arbitrarily disregarded by FDOC for the sake of departmental cost cuts. FDOC's response to this charge thus far has been to claim that CM units are not a form of punishment but are merely a classification tool. However, the facts disprove this position.

A prisoner who is "classified" to a CM unit is denied contact visits with family and friends and only can receive family visits through specially constructed cages only after months of lockdown, then only if he has been free of disciplinary infractions; no food items are allowed to be purchased through inmate canteens to supplement the inadequate diet, purchases of personal hygiene items and writing materials can only be ordered once a month; a total of 15 minutes a week to shower, allotted in three 5'minute periods; outdoor access for two hours a week in caged areas, for some inmates this is complete with leg irons and handcuffs. These are just a few of the punitive conditions applied to CM inmates under the guise of a "classification tool".

The overwhelming number of prisoners now being classified to CM units do not fall in the extremely limited category calling for this harsh treatment. The results of which are:

Substantial mental deterioration in a short amount of time, which makes inmates more impulsive and uncontrollable. This sends them further and further into the belly of the beast with no way out.(1)

The facts indicate that CM prisoners suffer adverse psychological effects which studies have shown cause insanity. FDOC is arbitrarily imposing these mentally damaging conditions on literally thousands of inmates for the sake of the FDOC economy.

During the early 1800's in New York, a prison system was devised called the "Auburn System". This system was based on isolation and silence much like the CM units now being used to house prisoners in FDOC. However, the system failed partly because the rigid rules and isolation drove inmates insane.(2) Based upon these facts the question must be asked, Why then is a system that was found to drive prisoners insane, therefore disbanded nearly two—hundred years ago, being used by FDOC today?

Throughout the 1960's and 70's, psychological experimentations were performed on inmates in American prisons with disastrous results. The results of such an experiment were addressed in an article written by Jessica Mitford in a 1973 *Harpers* magazine article entitled: "The Torture Cure: In Some American Prisons, It Is Already 1984." The revelations in that article are credited with contributing to the end of radiation and hormone experiments on prisoners in Oregon.(3) However, the main thrust of Mitford's article was to expose the use of prisoners as "lab rats". A comparison depicting results of an experiment performed on college students designed to test the affects of isolation on the human mind was revealed:

College students volunteered and were paid 20 dollars a day to live in tiny, solitary cubicles with nothing to do. The experiment was supposed to last at least six weeks, but none of the students could take it for more than a few days. Many

experienced vivid hallucinations—one student in particular insisted that a tiny spaceship had got into the chamber and was buzzing around shooting pellets at him. Some of the adverse effects lasted for at least a year after they came out of the deprivation chamber.(4)

Ms. Mitford further commented in a subsequent article, in *Harpers*, "Kind And Usual Punishment: The Prison Business" (1973). In a chapter detailing psychological experiments on prisoners, she quotes a 1970 prophecy made by then director of the U.S. Bureau of Prisons, Dr. James V. Bennett, about prisons in the year 2000 AD:

In my judgment the prison system will increasingly be valued, and used, as a laboratory and workshop of social change.(5)

Florida's CM units are a part of todays reality that Dr. Bennett envisioned nearly thirty years ago.

In 1991 the Human Rights Watch described FDOC's model CM unit known as "X" Wing located at Florida State Prison (FSP) as "a particularly glaring example of.. .a maxi-maxi [maximum security confinement cell] with conditions particularly difficult to bear." They concluded that incarceration there "clearly amounts to corporal punishment explicitly prohibited under the U.N. Standard Minimum Rules for the Treatment of Prisoners."

Jack Fevurly, a retired federal prison administrator for a 10-state area, studied X Wing in the early 90's and wrote a report that said it was not up to national correctional standards. He described it as "draconian" and "cruel." Recently, Fevurly said: "It is still not up to these standards. Inmates should have minimal things—like five hours of exercise a week, books, a place to write, a time to go outside. If you take too much away they become so severely impaired they're a bigger problem when they get out then when they came in."

History shows that isolation experiments involving prisoners at Dachau were among the vivisection experiments conducted by Nazi doctors.(7) The same work of these discredited Nazi doctors is being carried out in the physically and mentally abusive CM units throughout Florida masquerading as "classification tools" today.

Despite this voluminous credible information FDOC has made no move to improve the conditions in CM units, in fact they have not only increased the construction of more CM units and increased movement of prisoners into those units, but have steadily made the conditions become more "draconian" and "cruel."

Prisoners now being exposed to these conditions have recently lost the only avenue available to them to seek redress from the inhumane conditions and the psychological deterioration they are suffering in FDOC CM units. This relief was in the form of civil rights complaints [USCA 42 section 1983] which once could be filed with the federal courts to allow the review of such claims.

The Prison Litigation Reform Act (PLRA), enacted in 1996, is compelling evidence that the federal government was aware of their potential liability in the results of prisoner's placement in conditions such as Florida's CM units. The PLRA effectively precludes a prisoner from seeking redress of mental or emotional conditions resulting from isolation units (CM), unless he can also prove physical injury. See: *Adams v. Hightower*, No. 3:96—CV—2683—G (N.D. Tex. Sept.25, 1996). As federal officials correctly surmised, this will not be possible due to the internal unseen affects of psychological damage.(6) Almost diabolical in its design, this provision of the PLRA effectively prohibits lawsuits stemming from the psychological torture rampant in Florida prisons.

Arguably, in addition to FDOC's disregard for prisoners physical, emotional and mental well being, one of the most irresponsible aspects of FDOC's use of these units is the practice of releasing prisoners directly from CM units, at the expiration of their sentences, into society. Critics have suggested that FDOC create a program that would afford a prisoner time to adjust before being released into a communal society and offer psychological therapy. Under the present system a newly released CM prisoner finds himself one moment in a tiny cell having not interacted with other humans, for in some cases years, to be suddenly thrust into society and expected to function normally. Not only is this practice guaranteed to result in a newly released prisoners failure to successfully adjust in society, but exposes an unaware public to emotionally and mentally unstable men and women who have been recently released from CM isolation units. These prisoners can only be described as "walking time bombs".

Two Florida prisoners, housed at FSP, William Van Poyck and Enrique J. Diaz, have experienced the depraved conditions first hand of FDOC's CM units, and were the first to begin an attack of FDOC's isolation CM units in an attempt to improve treatment of prisoners through the use of Florida's grievance procedure and finally in civil rights complaints filed in federal court. SEE: *Bass, Bean, Diaz & Van Poyck v. Singletary*, Case No. 96—3095 (11th Cir.); *Diaz & Van Poyck v. Singletary*, Case No.96—3495 (11th Cir.)

In the past they have gained some success. William Van Poyck, in 1993, settled out of court with FDOC as a result of one such suit. Van Poyck challenged what he called overly harsh conditions in solitary confinement, suing the FDOC. The FDOC, rather than risk a court battle, agreed to settle with Van Poyck for what his lawyer said was about $45,000 to $50,000. However, the enactment of PLRA in 1996 forecloses review to prisoners seeking relief from the debilitating mental and emotional effects of their placement in CM units. Van Poyck and Diaz for many years have raised complaints of the conditions being addressed today. William Van Poyck has been in the unique position of being housed at Florida's most infamous prison [FSP] and experiencing first hand some of the system's worst human rights violations on "X" Wing.

The inhuman treatment described by these men in their suits has recently been validated in the wake of the beating death of Frank Valdez by guards at FSP. This occurrence is in no way "isolated" as claimed by Governor Jeb Bush, prisoners contend it exemplifies the everyday abuse inflicted by FDOC staff throughout the state. Daily in the federal courts of Florida, numerous civil right complaints have been filed describing beatings and general abusive treatment of prisoners in CM

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units and open population, however, most have been disregarded by the courts as "frivolous" complaints, or been lost in the flurry of litigation now being lodged against FDOC by its prisoner's.

Medical experts have proven that the type of conditions imposed on prisoners in FDOC CM units results in emotional dysfunction which ultimately drives a prisoner insane. Critics predict that due to the long term adverse psychological effects resulting from CM units, a growing number of recently released CM prisoners will turn to violence when faced with the daily stress of society, harming innocent victims who are unaware of FDOC's "time bombs". These prisoners, who in most cases entered the prison system mentally sound, now face release into society unstable and forever scarred.

Endnotes

(1) *Miami Herald*, "X" Wing, By Meg Laughlin/Miami Herald Staff Writer, Sunday edition, May 30, 1999.

(2) *World Book Encyclopedia*, Vol.16, p.811: Prisons of the 1800's.

(3) *"Psychologist pays price to stop experiments,"* Karen Dorn Steele, *The Spokane Review*, Wa., June 19, 1994, p.A8.

(4) *"The Torture Cure,"* p.25, Prison Legal News, April 1999.

(5) *"Kind and Unusual Punishment,"* p.130, quoting Bennett's book, I Chose Prison (1970).

(6) *Criminal Injustice: Confronting the Prison Crisis*, Ed. Elihu Rosenblatt, South End Press, Boston 1996, p.83.

(7) ibid., p.325. ■

FAMILIES, FRIENDS, AND LOVED ONES OF FLORIDA PRISONERS NEED TO CONTACT STATE LEGISLATORS MORE OFTEN

According to a survey of state legislative assistants conducted by the Florida House Corrections Committee recently, prisoners' family members only contact individual state legislators an average of 2.21 times a month. Such contacts only amount to 6 percent of the total contacts from the public that legislators receive each month. Of that small number of contacts from prisoners' family members, 60 percent concerned transfer requests, 12 percent concerned medical problems, 9 percent concerned general problems, 9 percent concerned safety of prisoner problems 3 percent concerned visiting problems, and only 3 percent concerned crisis situations.

Legislators make the laws that the Department of Corrections must follow. They also influence a lot of the policies adopted by the department. Unless legislators hear from prisoners' family members, friends, and loved ones on what the problems are in the system, the only voice they hear is the department 's.

Many legislators are sympathetic to genuine and valid complaints, especially from taxpayers and constituents. Many legislators complain that since prisoners' family members seldom contact them they do not know the problems that they experience and have nothing to point to that a problem exists to justify legislation to correct same.

The FPLP staff urges prisoners and their families to contact lawmakers more often. They are there to help, they have a responsibility to assist all citizens in dealing with other branches of Florida government on legitimate problems.

Family members, friends, and loved ones may obtain their area legislator's phone numbers in their local phone books (Usually in the front "Blue" section), or write to legislators at the following addresses:

Honorable (Senator)
Senate Office Building
Tallahassee, Florida 32399-1100

or

Honorable (Representative)
House Office Building
Tallahassee, Florida 32399 ■

FCC MANDATES RATE DISCLOSURE ON PRISON TELEPHONES

Effective October 1, 1999, the Federal Communications Commission (FCC) has new regulations going into effect requiring the disclosure of the rates that consumers will actually pay for accepting collect phone calls from prisoners. These new regulations, codified at 47 C.F.R. sec. 67.710, "Operator Services for Prison Inmate Phones," provides that prison telephone service providers for out of state calls shall identify to consumers before accepting such call how they may obtain rate quotations for the call by dialing no more than two digits or by remaining on the line for a recorded message on same.

The regulations also require such service providers to inform the consumer (those who receive calls from prisoners in another state) how complaints may be filed concerning such rates, charges or collection practices.

After October 1, 1999, if prison phone providers are not disclosing this information in phone calls, prisoners and those who accept such calls should complain to the FCC, prison officials, and the phone service providers alike. FCC complaints should be sent to:

FCC
Common Carrier Bureau
Enforcement Division
Consumer Complaints, Stop 1600 AZ
Washington DC 20554
[Source: Prison Legal News, 8/99] ■

(Continued on page 12)

NOTABLE CASES
by Sherri Johnson and Brian Morris

Voluntary Intoxication Defense Comes to an End

Criminal defendants convicted of specific intent crimes committed on or after October 1, 1999, may find it difficult, if not impossible, to present evidence in support of any voluntary intoxication defense. In other words, the Florida Legislature has announced that, effective "October 1, 1999":

Voluntary intoxication resulting from the consumption, injection, or other use of alcohol or other controlled substance as described in chapter 893, Florida Statutes, is not a defense to any offense proscribed by law. Evidence of a defendant's voluntary intoxication is not admissible to show that the defendant lacked the specific intent to commit an offense and is not admissible to show that the defendant was insane at the time of the offense, except when the consumption, injection, or use of a controlled substance under chapter 893, Florida Statutes, was pursuant to a lawful prescription issued to the defendant by a practitioner as defined in s. 893.02, Florida Statutes. See Ch. 99—174, § 1, at 687, Laws of Fla.

Sex Offender Publicity Undercuts Voluntary Plea

On June 13, 1991, Bruce Brian Wiita entered negotiated guilty pleas to one count of lewd assault and one count of sexual activity with a child. Over six years later, Wiita presented a successful claim that the voluntary character of his guilty pleas were seriously undercut by the retroactive reporting requirements of section 943.0435, Florida Statutes. Section 943.0435, F. S., enacted October 1, 1997, "requires persons convicted of sexual offenses to report to the Florida Department of Law Enforcement (FDLE)." Shortly after Wiita's compliance with the statutes reporting requirements, similar to what the FDOC does with all felony offenders in its custody, the FDLE "posted his name and photograph on the Internet as a sexual offender."

Wiita moved for postconviction relief claiming that "because section 943.0435 was not in effect at the time he entered his plea agreement, the reporting and publication requirements of the statute were neither contemplated nor made a part of his plea agreement." A hearing was conducted whereupon Wiita testified that he entered the plea to protect his wife "from the publicity and stress associated with a trial." Wiita claimed that he would not have waived his right to trial had he known that "his name and photograph would be posted on the Internet, that his children's school would have to be notified that he was a sexual offender, or that his name would be published as a sexual offender in a local newspaper." Finding Wiita's plea was not entered with an understanding of the consequences of the plea, the Honorable Harold J. Cohen, Judge of the Fifteenth Judicial Circuit Court in Palm Beach County, Florida, granted Wiita's motion. The State appealed.

On appeal, the State argued that Wiita should not be allowed to withdraw his plea because "he failed to show that a manifest injustice occurred. Additionally, pointing to numerous cases to support its position, the State argued that Judge Cohen abused his discretion by granting Wiita's post conviction motion "because the reporting requirements of section 943.0435 should be considered collateral in nature." The Fourth DCA found that the numerous cases cited by the State "do not specifically address whether a defendant's guilty plea was entered knowingly and voluntarily when a law containing reporting/registration requirements is subsequently enacted and applied retroactively." More importantly, the DCA found that "[a] manifest injustice occurred in this case because Wiita gave up his right to a jury trial to avoid publicity and stress, yet wa subjected to the publicity and stress he wanted to avoid by a statute enacted six years after the plea agreement was entered into." See: State v. Wiita, — So.2d —, 24 FLW D1523 (Fla. 4th DCA, 6-30-99).

[Comment: According to the FDOC Annual Reports on Inmate Admissions: 1,488 sexual offenders in 1995—96 and another 1, 31 sexual offenders in 1997—98 were admitted to the FDOC's custody. Based solely on these statistics, it appears safe to assume that a huge number of hose, and numerous other, sexual offenders committed their offenses and entered pleas prior to October 1, 1997, the effective date of section 943.0435, F.S. Like Wiita, a large number of those offenders probably entered guilty or no contest pleas erroneously believing it would be the best way to quietly brush the facts of their case(s) under the carpet, the best way to keep a low profile, the best way to avoid a lot of embarrassing publicity. Also like Wiita, you can bet that the retroactive reporting/registration requirements of section 943.0435 sure wasn't contemplated when their pleas were entered. Significantly, October 1, 1999, will be two years since section 943.0435 was enacted. In other words, after October 1 , 1999, the two year limitation requirement of Fla.R.Crim.P. 3.850 may bar relief on claims similar to Wiita's.—bmj.

Guiding "IF" Analysis

This case began when the county court in Highlands County sentenced James Kerklin on two misdemeanor counts to consecutive one year county jail terms. "Kerklin absconded six month later, and the police arrested him on an unrelated felony charge in March 1998." The county court ordered Kerklin to complete the balance of his county jail misdemeanor sentences. The circuit court imposed a thirty—three month state prison term on the unrelated felony charge. Not surprisingly, without allowing him to finish the service of his county jail sentences, Kerklin was transferred over to FDOC custody. The problem arose when, with intent to eventually bring Kerklin back to complete the service of his county jail sentences, the Highlands County Sheriff lodged a detainer against him at the FDOC.

While incarcerated at Avon Park Correctional Institution, Kerklin requested the Second DCA to issue a writ of habeas corpus directing the Sheriff of Highlands County to release him from the detainer. In his petition, citing "the general principle that prisoners have a right to serve their sentences in one continuous stretch," Kerklin argued that the Sheriff has no lawful authority to transfer him back to the county jail. The Second DCA, finding that it was "without jurisdiction" over the matter and "that the court best suited to address Kerklin's petition is the trial court in the Tenth Judicial Circuit, which is where Avon Park Correctional Institution is located," denied Kerklin's habeas petition. However, apparently agreeing to some extent with Kerklin's position, the denial was "without prejudice for Kerklin to refile the petition in the Tenth Judicial Circuit." Significantly, rather than the normal denial without prejudice, the Second DCA did enter a written opinion to provide the Tenth Judicial Circuit Court "some guidance":

If Kerklin files a petition for habeas corpus in the trial court, raising these same issues, the trial court must first establish whether Kerklin's allegations are supported by the sentencing documents. If Kerklin's allegations are true, then the trial court should review the circuit court's thirty—three month DOC sentence. If the circuit court ordered that the DOC sentence run concurrently with the county jail sentence, it would appear that the detainer lodged by the Sheriff should be quashed.

If the judgment and sentence does not reflect that the circuit court ordered a concurrent sentence, it is clear that it was error to transfer Kerklin to the DOC to serve his thirty—three month DOC sentence. See Segal v. Wainwright, 304 So.2d 446 (Fla.1974).... Under Segal, it would appear that a trial court order directing the DOC to immediately release Kerklin to Highlands County to serve the county jail sentence would solve the error of piecemeal service of that sentence....

Segal appears to provide the trial court authority to remedy the piecemeal service of Kerklin's county jail sentence by ordering his immediate return to county jail. However, an immediate transfer would create a piecemeal service of the DOC sentence because the DOC is without authority to credit Kerklin's county jail sentence with time served in the DOC. Accordingly, we would direct the trial court to review State ex rel. Libtz v. Coleman, 149 Fla. 28, 5 So.2d 60 (1941).

In Coleman, a defendant who did not seek or consent to release from a six—month county jail sentence was released after five days in jail. See 5 So.2d at 61. When an attempt was made to reinstate the sentence six months later, the prisoner filed a petition for habeas corpus with the Florida Supreme Court. See id. The supreme court concluded that, without the defendant's consent, the State could not stay the running of a jail sentence that had begun. See id. See also Faulkner v. State, 706 So.2d 948, 949 n.1 (Fla. 2d DCA 1998) (noting that if a defendant's county jail sentence had expired after he was mistakenly released from jail, the court should not order him to be returned to the county jail, but should direct him to

serve the remaining portion of his community control and probation).

Similarly, if Kerklin did not consent to his removal from the county jail to the DOC, it would appear that the State could not stay the running of his county jail sentence. It would follow that Kerklin is entitled to have his county jail sentence run concurrently with the DOC sentence. An order to that effect would also require quashing of the Sheriff's detainer in this case. Allowing Kerklin to serve the county jail sentence concurrently with the DOC sentence would remedy the piecemeal service of the county jail sentence without requiring piecemeal service of the DOC sentence.

Ultimately, the Second DCA's guiding "if" analysis indirectly establishes that if Kerklin simply refiles his habeas petition in the Tenth Judicial Circuit Court, the detainer lodged by the Highlands County Sheriff should be quashed. See: *Kerklin v. Codwin*, — So.2d —, 24 FLW D1726 (Fla. 2d DCA, 7-21-99).

Third DCA Rules that 1997 Amendments to Parole Statutes that Provides for Extension of Parole Hearings, Not Ex Post Facto Violation

Florida prisoner Herbert L. Tuff brought a challenge against the 1997 amendment to sec. 947.174, Fla. Stat., which altered the frequency of subsequent parole hearings for certain prisoners from every two years to every five years. Herbert claimed that the amendment was retroactively applied to him thus a violation of the Ex Post Facto Clause of the U.S. Constitution. The Third DCA held that the amendment was not violative of the Ex Post Facto Clause, and even more significantly, that the statute "has in place" the (due process] safeguards mandated by the U.S. Supreme Court in *California Department* of *Corrections v. Morales*, 514 U.S. 499, 115 S.Ct. 1597, 131 L.Ed.2d 588 (1995).

In 1970, Tuff pled guilty to first-degree murder and received a life sentence. In 1979 he was paroled, but in 1987 violated that parole and was recommitted to prison. He was initially set a presumptive parole release date (PPRD) of August 30, 1992, but after several in-prison disciplinary infractions that was later changed to December 30, 1997. Before that date, during October of 1997, the parole commission interviewed Tuff and decided not to parole him. Based on the new amendments to sec. 947.174, Fla. Stat., that had just been enacted and became effective on June 1, 1997, the parole commission further decided to set Tuff's next parole hearing off for five years rather than the formerly required two years, and not reinterview him until August 2002.

Tuff filed a Motion for Post Conviction Relief pursuant to Rule 3.850 seeking to challenge the application of sec. 947.174, Fla. Stat., to him in his situation. The circuit court denied the motion and Tuff appealed. The appeal court determined first off that Tuff could not raise his claim in a Rule 3.850 motion as such would be time barred by the two year filing limit, nor could it be raised in a Rule 3.800 motion as it is not a challenge to an illegal sentence. Therefore, the appeal court determined that it would treat the appeal as one from a petition for writ of mandamus.

Noting that the issue presented appears to be one of first impression in Florida, the appeal court then proceeded to dissect the Florida statute, set out who it applies to and in what circumstances, and compare same to the holding in *Morales*, which had found that a California statute also providing for extended parole hearings was not an Ex Post Facto violation. The appeal court found that the Florida Statute is "narrowly constructed," as in Morales, in that: 1) it effects the timing only of subsequent (not initial) parole hearings, 2) it requires a hearing on the matter, 3) it applies only when the parole commission finds that "it is not reasonable to expect that parole will be granted at a hearing during the following (five] years," and 4) it requires the commission to state the basis of its decision in writing.

The court found that the situation in Tuff's case and that in Morales was similar enough that a comparison could be drawn between the cases. Examining the written report that the Florida Parole Commission provided to Tuff, which listed the reasons for setting him off for five years, the court found that the Florida Parole Commission had complied with the procedural safeguards in the new statute - and as approved in Morales.

The court went on to distinguish Tuff's case from the recent decision of the 11th Circuit Court of Appeals in *Jones* v. *Garner*, 164 F.3d 589 (11th Cir. 1999). (That case was reported on in FPLP, Vol. 5, Iss.2, Notable Cases). The court noted that where the Georgia rule at issue in the *Jones* case did not provide the required *Morales* mandated procedural safeguards, the Florida statute does. Thus, the appeal court AFFIRMED the circuit court's denial of Tuff's claims.

See: *Tuff v. State*, ____ So.2d ____, 24 FLW D1204 (Fla. 3rd DCA 5/19/99).

First DCA Reaffirms Habeas Corpus Correct Remedy to Challenge CM Confinement While Holding Mandamus Correct For Related Issues

On May 27, 1999, the 1st DCA held that the 2nd Judicial Circuit Court erred in dismissing a Florida prisoner's habeas corpus challenge to his continued confinement in Close Management. Prisoner Adolphus Ashley filed a Petition for Writ of Habeas Corpus in the circuit court contesting his placement in and retention on Close Management status. The Circuit court found that he should have filed a Petition for Writ of Mandamus and denied his petition without prejudice to the filing of a petition for writ of mandamus. Ashley appealed, and the appeal court QUASHED the lower court's denial and REMANDED the case back to the circuit court, with a finding that Ashley could challenge his retention on CM with a Petition for Writ of Habeas Corpus citing *Taylor v. Perrin*, 654 So.2d 1019 (Fla. 1st DCA 1995) in support. But the DCA held that to the extent that some of the issues Ashley raised might more appropriately have been raised in a mandamus petition, the circuit court should have treated those issues as if Ashley was seeking mandamus relief.

See: *Ashley v. Moore*, ____ So.2d , 24 FLW D1263 (Fla. 1st DCA 1999).

(Comment This case does nothing but add confusion to what is the proper remedy to seek to challenge actions of the FDOC. It appears clear that Ashley was challenging his continued placement on CM, which was probably imposed based on a prior disciplinary action. Ashley apparently was challenging both the CM placement and the disciplinary action at the same time, as would be necessary to be successful on the CM challenge. Without the disciplinary action being overturned the basis for placement on CM remains. Now the 1st DCA has said that habeas corpus is the correct remedy to challenge the CM situation, but that mandamus Is still the remedy to challenge the other issues, e.g., the disciplinary action issues (See next case reported on in NOTABLE CASES, this issue: Woullard v. Bishop). So, prisoners would be left with having to file a hybrid petition habeas corpus to challenge the CM aspect, and mandamus to challenge the disciplinary aspect The trick is, there is no filing fee for filing the habeas petition (even though generally the CM would not serve to lengthen the prisoner's criminal sentence), but there is for the mandamus petition (even though the disciplinary action likely resulted in gain time forfeiture, resulting in a lengthening of the criminal sentence). There should be one established remedy to challenge all quasijudicial actions taken by the DOC against prisoners, and as they initiate the action (disciplinary report CM placement, etc.) then the petition to the circuit court should be for certiorari review (See: *Sheley v. Fla. Parole Comm.*, 703 So.2d 1202,1205, n. 2 (Fla. 1st DCA 1997)) (without any filing fee attached if a liberty interest or lengthening of the criminal sentence is involved), and with denial of same reviewable by a Petition for Writ of Habeas Corpus directly to the federal courts. Edwards v. Balisok, 117 S.Ct. 1584 (1997). Otherwise there will continue to be nothing but confusion on what is the right remedy to seek, not only among prisoners, but the courts also, as this case again illustrates-si]

First DCA Reaffirms that Petition for Writ of Mandamus is Appropriate Remedy to Seek Judicial Review of FDOC Disciplinary Proceedings

Florida prisoner Dexter Woullard filed a Petition for Writ of Habeas Corpus challenging the outcome of two disciplinary proceedings. The circuit court summarily denied relief (without issuing a show cause order) by finding that Woullard "failed to demonstrate" exhaustion of available administrative remedies. Woullard appealed to the First DCA, which QUASHED the circuit court's denial and REMANDED the case back for further proceedings.

First the DCA noted that a Petition for Writ of Habeas Corpus IS NOT the appropriate remedy to use to challenge prison disciplinary proceedings alleging violations of constitutional requirements or rules of the FDOC. The DCA reaffirmed that a Petition for Writ of Mandamus is more properly the appropriate remedy in such cases, citing *Newsome v. Singletary*, 637 So.2d 9 (Fla. 2d DCA 1994), and *Adams v. Wainwright*, 512 So.2d 1077 (Fla. 1st DCA 1987).

Next, the DCA determined that the allegations in Woullard's petition (that he had exhausted administrative remedies) "were sufficient to make at least a *prima facie* showing of exhaustion" (and thus, the circuit court should have issued a show cause order to the FDOC).

See: *Woullard v. Bishop*, et al., So.2d ___, 24 FLW D1315(a) (Fla. 1st DCA 6/2/99).

[Comment This decision perpetuates the error that mandamus is the appropriate remedy to seek review of alleged constitutional or rule violations in FDOC disciplinary proceedings. In Sheley v. Fla. Parole Commission, 703 So.2d 1202, at 1205 n. 2, the 1st DCA noted that certiorari would be the more appropriate remedy since such is seeking judicial review of quasi-judicial actions taken by a lower quasi-judicial administrative tribunal. I agree. The purpose of mandamus is to compel the performance of a

ministerial duty, strictly. Unless that ministerial duty has been established, then technically mandamus would not lie to compel a duty. Prisoners compelled to use a Petition for Writ of Mandamus to challenge disciplinary proceedings, regardless of the title of the petition, should prepare their petition as if it is a Petition for Certiorari Review. See:

Florida Appellate Practice, 2d Ed, Sections 28.9 through 28.12, and Forms 46 and 48 in same book. FPLP staff is aware that some prisoners are actually filing a Petition for Certiorari Review in the circuit court in such cases. This, if it continues, may eventually force the courts to recognize and establish that certiorari is the correct and appropriate remedy-sj]

Prisoner Granted Mandamus Relief To Compel Circuit Court to Move On Mandamus Petition Seeking Review of Disciplinary Proceedings

Owen Denson, Jr., filed a Petition for Writ of Mandamus in the Seventeenth Judicial Circuit Court seeking review of prison disciplinary proceedings back in November of 1998. After months of the court not moving on his petition, Denson finally filed another Petition for Writ of Mandamus to the Fourth DCA asking that court to compel the circuit court to move on the pending mandamus petition.

The DCA granted Denson's mandamus petition after the circuit court did not respond to the DCA's show cause order on the petition filed in the DCA. The DCA directed the circuit court to either issue a show cause order to the FDOC or issue a final order on the mandamus petition filed in the circuit court within 30 days.

Denson v. Paul, et al., ___ So.2d ___, 24 D1480 (Fla. 4th DCA 6/23/99).

[Comment Since Denson would have been required to pay or incur a hold on his account for the filing fees for not only the first mandamus but also for the one that was filed in the DCA, it is hoped that he flied a motion for those fees when his petition in the DCA was granted. See : Florida Jurisprudence 2d, MANDAMUS and PROHIBITION, Section 193-sj]

"Date Filed" Stamp on FDOC Administrative Appeals Establishes Start of Time To Seek Judicial Review

Prisoner Robert Ortez filed a Petition for Writ of Mandamus in the circuit court seeking review of prison disciplinary proceedings. He had been found guilty of possession of marijuana and was sentenced to loss of gain time and confinement. Ortez alleged in his petition that the disciplinary team refused his request to produce the alleged marijuana or test results of same at the hearing [thus denying his established due process rights], and that he had exhausted his administrative appeals [to the best of his ability].

The circuit court denied the petition as untimely filed, and added that the exhibits attached to the petition showed that Ortez received all the process to which he was due. Ortez then filed a Petition for Certiorari Review to the First DCA, which granted review, QUASHED the circuit court's denial, and REMANDED the case back for further proceedings.

Pursuant to Fla. Statute 96.11(8), and Rules of Appellate Procedure Rule 9.100(c) (4), prisoners are required to file state level judicial challenges to disciplinary proceedings within 30 days of rendition of the final administrative appeal. The record in Ortez's case showed that the final administrative appeal was filed within that period.

On the refusal to produce the requested evidence issue, the DCA directed the lower court on remand to consider the merits of Ortez's substantive claims in light of *Osterback v. Singletary*, 679 So.2d 43 (Fla. 1st DCA 1996) (absent valid reasons to refuse request for production of evidence, and in light of prisoner's defense based on questioning such evidence, due process is violated by refusal to produce.)

See: *Ortez v. Moore*, ____ So.2d ____, 24 FLW D1497 Fla. 1st DCA 6/22/99).

Statute Restricting Visitation With Minors Not Unconstitutional

The First District Court of Appeals has rejected a constitutional challenge to Section 944.09(1)(n), Fla. Stat., as amended in 1996, to provide that prisoners convicted of certain sexual offenses or abuse against, or in the presence of, a child under 16 years old are prohibited from visitation in prison with anyone under 18 years old, unless special visitation is approved by the superintendent of the prison.

Prisoner Terry Cassady brought the challenge in an action for declaratory judgment, asking the court to declare the statute as denying due process, that it is a bill of attainder, and an ex post facto law. The trial court determined that since Cassady had expressed doubt whether he has a constitutional right to visitation and whether the statute violated such possible right , that Cassady was entitled to declaratory relief pursuant to Chapter 86, Fla. Stat., but that the statute was not unconstitutional as applied to Cassady.

The trial court determined that there is no absolute constitutional right to visitation while in prison, that visitation privileges may be restricted provided such meets legitimate penological objectives. (Cites omitted). The trial found that the challenged statute serves such objectives by protecting minor children from convicted sex offenders and helping to ensure the rehabilitation of those offenders. The court also found the statute narrowly tailored to meet those objectives where the superintendent may make exceptions to the visitation prohibition.

The trial court also found that the statute was not an ex post facto law because it neither increased Cassady's punishment nor denied him a vested right (the DCA noted, however, in its decision that Cassady had not raised the question of whether he had a vested right in visiting his children in the trial court). And the trial court held that the statute did not amount to a bill of attainder where Cassady's guilt was "not legislatively determined" nor is his sentence affected by the visitation restriction.

The First DCA upheld each of the trial court's findings on appeal. Specifically, the DCA held that Cassady had not met the burden of demonstrating that the trial court committed a clear error which resulted in prejudice to him. The DCA AFFIRMED the trial court's summary judgment and declaration against Cassady.

See: *Cassady v. Moore*, ____ So.2d ____, 24 FLW D1601 (Fla. 1st DCA 7/7/99)

[Comment: Many prisoners feel that the above challenged statute was an exaggerated response to a largely nonexistent problem and was enacted as additional punishment This view is supported by the fact that there was only one reported sexual molestation of a child in a prison visiting area in 1997, and the accused prisoner was not a sex offender. FPLP had received information that in 1996, however, that a correctional officer was accused of sexually molesting a child visitor. That incident, however, was quickly covered up and never reached the public's attention, and the above the stated statute subsequently suggested by the FDOC and adopted into law as part of that cover-up. It would be interesting to see how a court treated a claim that such visitation prohibition with one's own children amounts to a de facto termination of parental rights-sj]

Trial Court Departed From Essential Requirements of Law by *Not Allowing* Prisoner to File Reply to Parole Commission Response

The First DCA held, on certiorari review, that the trial court had departed from the essential requirements of law by denying prisoner Vonsher Adams' Petition for Writ of Habeas Corpus without giving Adams an opportunity to file a reply to the Parole Commission's response to the habeas petition. The DCA relied on Jones v. Singletary, 709 So.2d 656 (Fla. 1st DCA 1998), and Bard v. Wolson, 687 So.2d 254 (Fla. 1st DCA 1996), to support that finding.

See: *Adams v. Fla. Parole Commission*, ____ So.2d____, 24 FLW D1596 (Fla. 1st DCA 7/7/99). ■

(Continued from page 8)

NOTICE

The last issue of FPLP, Vol. 5, Iss. 4, had a loose leaf page inserted in each copy with information concerning the murder of Frank Valdes at FSP and the passage of a new law concerning family visitation in Florida prisons. That new law is codified at Chapter 99-271, Florida Session Laws, and creates Section 944.8031, Florida Statutes (1999). That new law mandates that: (1) shelters be built outside every institution for visitors waiting before and after visits; (2) the visitors be provided information by the institution concerning regulations, dress codes, and visiting procedures; (3) that food choices in the visiting areas provide nutritious food suitable for children and youth visitors; and (4) that minimal equipment and supplies be provided by each institution in the visiting areas to assist in managing and occupying children visitors.

Additionally, Section 945.215, Fla. Statutes, was also amended in that same session law to provide that Inmate Welfare Trust Fund monies shall be used to implement the provisions of the new visiting statute and to provide "visitation and family programs and services" in all Florida prisons.

FPLP staff asks that its readers keep us informed of the implementation (or failure to implement) the new visitation statute at the institution where you visit or are incarcerated. We are also interested in your thoughts or suggestions for realistic "family programs and services" that the FDOC needs to adopt, and what uniformly minimal equipment needs to be placed in each visiting area to assist in keeping children occupied during visits. Thanks ! ■

MENTALLY ILL PRISONERS

According to a report released by the U.S. Justice Department during July of this year, more than 15 percent of prisoners in U.S. jails and prisons suffer from some form of mental illness. The study, which was prepared by the Bureau of Justice Statistics (BJS) for the Justice Department, also found that almost 20 percent of prisoners incarcerated for violent crimes suffer mental illness.

Mentally ill prisoners are much more likely to be found in state prisons and local jails, where they account for *16* percent of the overall population, compared to a 7 percent rate in federal prisoners, according to the statistics gathered to compile the report. And the report revealed that mentally ill prisoners, on average, are incarcerated longer than other prisoners.

This report was the Justice Department's first comprehensive attempt to compile statistics on the number of mentally ill persons who are being incarcerated in the United States. The report had no past figures that it could be compared with to show whether there has been an increase or decrease in the numbers from past years. The report also did not address why mentally ill people end up behind bars or what impact they may be having on the criminal justice system.

Critics of the report said that the method used to compile the statistics used in the report may have resulted in an understatement of the number of mentally ill prisoners. Some law enforcement authorities, mental health experts and civil rights advocates have been warning for years that jails and prisons are becoming dumping grounds for the mentally ill.

A copy of that report may be obtained by calling the BJS Clearinghouse at: 1—800-732-3277, or from the Web at: http://www.ojp.usdoj.gov/bjs/. ■

U.S. PRISONS FILLED WITH NONVIOLENT OFFENDERS

Over one million nonviolent offenders were incarcerated in the U.S. prison system during 1998, according to a report released earlier this year by the Justice Policy Institute (JPI). That report, using U.S. Justice Department data, and entitled "America's One Million Nonviolent Prisoners," shows that over the past 20 years the nonviolent prisoner rate has grown at a much faster rate than that for violent offenders who are incarcerated.

In 1998, 77 percent of the people entering prisons and jails were incarcerated for nonviolent offenses. Since 1978, the number of violent offenders entering prison has doubled, compared to the number of nonviolent offenders having tripled. And the number of people imprisoned for drug crimes since 1978 has increased eight-fold.

The JPI report also notes the huge costs to taxpayers for imprisoning the more than one million nonviolent offenders. Between federal, state and local governments, over $24 billion was spent during 1998 to incarcerate nonviolent offenders. That amount was 50 percent larger than the entire federal welfare budget of $16.6 billion.

Interestingly, the report also made some startling comparisons. The U.S.

(Continued on page 15)

FDOC's New Regional Division

Greg Drake Regional Director Region I	George Denman Regional Director Region II	Bill Bedingfield Regional Director Region III	Marta Villacorta Regional Director Region IV
Apalachee CI/Annex	Baker CI	Avon Park CI/WC	Broward CI
Calhoun CI/WC	Columbia CI	Brevard CI/WC	Charlotte CI/WC
Century CI	Cross City CI/WC	CFRC/Annex/South Unit	Dade CI/Annex
Gulf CJIWC/FC/Annex	FL State Prison WC	Florida CI/FC (Levy)/BC	DeSoto CI/WC/Annex
Holmes CI/WC (2)	Gainesville CLIWC	Hernando CI	Everglades CI
Jackson CI/WC	Hamilton CL/WC	Hillsborough CI	Glades CI/WC
Jefferson CI	Lancaster CI/WC	Lake CI	Hardee CI/WC
Liberty CI/WC	Lawtey CI	Marion CI	Hendry CI/WC
Okaloosa CI/WC	Madison CI/WC	Polk CI	Indian River CI
Quincy CI	Mayo CI/WC	Sumter CI/WC/BC	Martin CI/WC
River Junction MH	New River/Annex	Tomoka CI/WC	Okeechobee CI
Santa Rosa CI	NFRC/Annex	Zephyrhills CI	SFRC/Annex
Wakulla CI	Putnam CI		
Walton CI/WC	Taylor CI/WC		
Washington CI	Union CI		

FPLP SOUND OFF

Dear Staff: What I want to sound off about is the food service within the DOC and at CCI. When I came into the system in 1980, the DOC master menus provided the inmates were served three substantial, nutritious, wholesome meals per day. We could select clean food trays from the dirty ones and see the food items being put on our trays. Some of the items were self-served. Food service back then was not really an issue as evidenced by the majority of the class action lawsuits filed by Florida prisoners over the past 19 years. But now, although it's still not an issue, the food service at many of the prisons within the DOC is, in my opinion, bad if not sickening. At just about every institution that contracts with a food catering company there is a problem with the food service. Either the portions are small, the preparations are poor, or the food items served are of the poorest quality. The rolling doors are down on many of the serving lines, and this prevents the observation of unsanitary food service that someone else may not recognize and complain about. At some prisons, inmates are no longer allowed to select their own food trays, and at CCI, I have received many meals served on defective, stained, or dirty food trays. To better the food service conditions at CCI, I have filed many grievances at the institutional and Central Office level, however, to no avail. I have filed so many legitimate grievances, which were denied, until I have stopped complaining. Out of all the grievances that I have filed, the only one I recall being approved was the grievance I filed about the use of food trays with sharp, jagged edges. I have filed about the preparation and cooking of foods by inmates who don't know how to cook, the poor quality of the foods they served, the insufficient portions they serve, the dirty food trays, and many other food service problems that present a hazard to the inmates health; however to no avail. On one occasion I filed and was told that I was not at MC DONALDS. However, although I am not at MC DONALDS where you have it your way , I am not getting the food the way it is supposed to be. For the health of all the prisoners ,I hope the new secretary of DOC puts a boot in the companies that cater food service to the DOC, kick them out the door, and employ certified chefs and dieticians at every major prison. For the same reason, I hope the Inspector General discovers the other problems mentioned above and takes corrective action. Until then, the food service at many prisons is going to stay the same—bad. G.S. CCI

Dear FPLP, I just wanted to give you my new address so my copy of FPLP can catch up with me.

Every time we are moved we have to purchase a lock for our lockers. If we are transferred to an institution that supplies them then they throw our paid for one out. I have purchased 3 locks in 2 yrs at $6.40 each.

Even though the entire compound has a jacket they refuse to issue me with one because it is July. I am *65* yrs old and work and live in an air-conditioned environment.

Being a resident of TCU we go everywhere as a unit. We have to line up outside the unit and wait for everyone. We wear a dress and stand in the rain and get wet. Then we walk to the "Wellness" unit and have to sit in the A/C which is very, very cold for an hour. No jacket, no sweat shirt, just sit and listen to your teeth chatter.

Things you purchase on DOC canteen are removed from your property so you are always having to replace them. They have shipped me 7 times in 21/2 yrs and I have no family to take care of me, friends send money when they can.

We can't have raincoats because they give them to all the new inmates. They expect us to buy them. You are forced to go everywhere or else you get paperwork and lose your gain time!

We also are given only 1 blanket. With the A/C real low my old bones really feel it. But pleading with the officers in the clothing room doesn't work.

At Lowell I was held over for 7 days without any clothes to change. Females need panties. I had to put on damp clothes every morning. TCU

FPLP, I am writing to send my sincere thanks for your publication and the efforts in your strivings to keep prisoners in the Florida penal system abreast as to what is happening and going on throughout the state. Some may not appreciate what you are doing for they are the ones that have submitted to the treatment they receive and most likely the ones that hinder people like your organization and myself from obtaining basic human rights and fair treatment. In the last five years or so I have noticed a sad trend in the way prisoners in the Florida penal system have become inmates. I was scheduled to be released from CM in September 97, well in June 97 I received a bogus disciplinary report solely because I would not be an informant for the correctional staff working the housing unit. Well after going through the grievance process for this violation, I was subjected to numerous other disciplinary reports and other ill treatment [IE: not being fed, placed on special management three times,(strip status)] . Then on March 19th 1998 I was attacked and beaten by three officers while in handcuffs and given an outside charge for them attacking me. I beat the outside charge. The core of this is that my problem started not with the correctional staff but my attempts to assist (inmates) with litigation of being ill-treated and their thanks in return was to tell, guide and support the officers against me knowing I would not be a snitch for them. To this very day some of the same ones that assisted in my plight are feeling the ill effects by the same staff that attempted to cause me harm. But whenever I read your publications it gives me hope and joy that I am not completely surrounded by inmates. There are still convicts and organizations out there that have not submitted to this inhuman treatment of prisoners and for that reason I am renewing my subscription and spreading the word for others to support you both inside and out. MMA

Dear FPLP, Could you inform the public of an injustice being done to those of us incarcerated in FDOC? This is one of the many battles we must face in our ever present war while serving our days for DOC.

A memo posted at Levy Forestry Camp and Lowell's main unit and Boot camp, dated 6/28/99, from our Correctional Probation senior supervisor, Mrs. A. M. Burton, lists new timelines for participation in community work release and center work release programs.

Our current eligibility criteria as per chapter 33-9.023 states: Inmates within the last 36 months of confinement are eligible for consideration for center work release... unless serving a non-advanceable *(85%)* release date... then they shall be considered within 15 months of the earliest release date (ERD). Inmates who are within the last 24 months of confinement will be considered for community work release unless serving a non-advanceable release date.... then they shall be considered within 12 months of their ERD.

This DOC memo, which bares Mrs. A.M. Burtans signature only, changes center work release (permanent party), to 18 months for inmates sentenced before *85%* guidelines. For those of us serving *85%* sentences, our placement date would be at 12 months.

Community work release (regular) shall be permitted for *85%* sentences at 7 months prior to their ERD. Others with advanceable gain time will now be made to wait to sign at 12 months. These changes have not been the result from our guidelines in chapter 33 being revised. They do, also, seem to be a direct violation of Florida statue 921.001 (4). TF LCI

[All letters received cannot be printed because of space restrictions. Unsigned letters will not be printed or letters that obviously are not intended for publication. Please indicate in your letters if you do not want it printed, otherwise FPLP reserves the right to print all letters received and to edit letters for

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nonviolent prison population exceeds the combined general population of Alaska and Wyoming. The nonviolent prison population is three time the size of the violent and nonviolent prisoner population of the entire European Nation, and those nations have a combined general population of 370 million people, over a third larger than the U.S. general population of 274 million.

A copy of that report can be obtained by calling the JPI at: (202) 678-9282, or on the Web at: www.cjcj.org/jpi. ■

PETITION TO INITIATE RULEMAKING GRANTED

Recently, many institutions were failing to provide monthly statements to Florida prisoners detailing the activity in their inmate bank trust fund accounts. This failure caused FPLP advisor, and Florida CI prisoner, Susanne Manning to file a Petition to Initiate Rulemaking with the FDOC requesting that a rule be adopted to mandate the provision of such a monthly statement to all Florida prisoners. Susanne's petition was successful. On July 2, 1999, FDOC Secretary Michael Moore granted the petition to initiate rulemaking proceedings for the promulgation of such a rule. ■

DOJ INVESTIGATION STALLED - IMMIGRANTS CLAIM BEATINGS-ABUSE IN FLORIDA COUNTY JAIL

In a recent report released by Amnesty International (AI) on the use of electroshock equipment in U.S. jails and prisons, were questions why U.S. Justice Department (DOJ) officials took months to start an investigation in 1998 following allegations that immigration detainees were beaten and shocked in a county jail in Florida, and why that investigation appears now to have stalled over a year later.

The jail where the alleged torture of immigrants occurred is the Jackson County Correctional Facility located in the Florida Panhandle region. The investigation was prompted by complaints from the Florida Immigrant Advocate Center, a private group in Miami, after they received sworn affidavits from 17 detainees at the jail detailing various levels of abuse. Even though the DOJ finally agreed to investigate the claims months after they were first reported, only one of the immigrants had been questioned by April of this year.

Two of the detainees who alleged they had shock shields used on them at the facility, and who were later released and are living in Miami, said no one has contacted them from the DOJ. Both of these immigrants claim that they were subjected to a form of punishment known as being "crucified," consisting of being shackled to a concrete bed spread-eagle and then shocked with an electric shield that delivers thousands of volts. One of those immigrants claims his teeth were kicked out by guards while shackled to the bed.

In the sworn statements that were turned over to the DOJ, the immigrants complained of beatings, shocks from stunning devices, arbitrary use of solitary confinement, and ethnic and racial taunts by officers. The INS, which uses county jails across the U.S. to house detainees, removed all detainees from the Jackson County facility after the allegations of abuse surfaced. Most of the detainees in the jail were being held for deportation, some after serving criminal sentences in state prisons.

Jail administrators deny that abuse occurred at the facility, claiming that while sometimes detainees were strapped to the concrete bed for their own protection, no one was mistreated.

AI officials, however, say the use of shock shields, stun belts, and electric batons by officers at the Jackson County jail and other U.S. jails and prisons raises serious questions. "We believe the use of electroshock equipment is dangerously blurring the line between legitimate prisoner control and torture. We are calling for more vigorous investigation of the medical effects and the opportunity for abuse," said Janice Christensen, director of national campaigns at Amnesty USA. ■

Florida Department of Corrections
2601 Blair Stone Rd.
Tallahassee FL 32399-2500
(850) 488-5021
Web Site: 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: 1-800-558-6488.

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 of 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
EMail: fcorcom@mail.dc.state.fl.us
Web Site: 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.

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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
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Tallahassee FL 32302
(850)488-7880
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Florida Resource Organizations

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Gainesville FL 32601
(352)955-2260
Fax: (352)955-2189
EMail: fils@afn.org
Web Site: www.afn.org/fils/

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

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