

STATEMENT

By Ron McAndrew

April 15, 2005

Subject: Abuse in the Florida Prison System

Presented to: Commission on Safety and Abuse in America's Prisons

The Honorable John J. Gibbons
Nicholas de B. Katzenbach
Co-Chairs

Commission Members

Staff Members

Please permit the dedication of this statement to the Correctional Officers that saved my life in 1980 at Dade Correctional Institution: Sergeant Robert Erhenkauffer and the late Sergeant George Leone.

Further, let it be clear that I am not a disgruntled past employee of the Florida Department of Corrections. A wonderful correctional career was enjoyed. This profession is strongly recommended to anyone at any employable age seeking a challenging and rewarding career path. Should 'ax-grinding' appear in this presentation please know it's nothing more than resentment for those who feel they are above the law.

The very notion of having the opportunity to come before such an honorable commission with such an honorable purpose, has been but a personal dream for many years. Thank you for this privilege.

It is of central importance first to compliment the many honest hard working correctional professionals that do in fact exist in the Florida Department of Corrections. During 23 years I had the distinct honor and pleasure to serve with thousands that included correctional uniformed staff and senior appointees that have left me in a state of veneration. This honorable group is not the group of whom I shall speak today.

Arriving in Florida in 1978 as a very modest retiree from private business, a second career was necessary for health insurance and supplemental income. Little was it realized this new employment would become the most enjoyable walk of life. The peaks and valleys were strongly highlighted with friendships, honor, rapid promotions, recognition and praise, but perplexed with racism, intimidation, violence, prisoner abuse, theft, safety violations, drug smuggling, perjury, and records falsification (*to include the purging of correctional officer disciplinary records from the files of goon squad members*).

It was experiencing direct involvement in putting down two major riots in my first year as a correctional officer, finding a near dead fellow officer, unconscious and bleeding from razor slashes over his face and entire body; finding myself being beaten with iron rebar and steel chairs and personally observing both physical and mental torture of those under our custody and care that spurred me on toward a goal of better corrections.

It was during the early days that I began to learn that DC had a two-core staff assembly throughout the department. There was first the core group who did the work as required by rules and regulations, but often with the exception of 'not reporting' certain incidents observed, for fear of job loss or retaliation. The second group was certainly the minority core but the group who illustrated that they owned the law and could enforce at will without regard for its content. Though not core, a third and very small group did in fact give their full worth toward excellent corrections as demanding by law.

Taking an early career stance against the second group resulted initially in the poisoning (death) of our pet Doberman Pinscher, the slashing of the tires of our personal vehicle and telephone threats.

In the years that followed at other locations around the state of Florida it became obvious that prisoner abuse – more than anything else – was systematically chronic. The large prisons were plagued with 'goon squads' that were well known to, and feared by, staff and prisoners. Another important observation collected over time was a definite psyche or mentality belonging to 'goon squads' as a whole. This comment is based on quotes and actions by such squads as "It's us against them" (*us against those who would fault us*); or "they want it done, they just don't want to know about it" (*upper echelon staff want us to keep order with brutal force but they don't want to hear about it*); or the wearing of partially visible self designed insignia implying 'goon or special squad member'; or a group of such members meeting a staff member suspected of "informing" at his personal vehicle after work; telephone threats; meeting at local "watering holes" and partying after an "eventful" shift.

The following sample incidents will give basic detail only, of a number of incidents where goon squad tactics were observed and where attempts were made to address the violators:

1. During the opening of Orange Correctional Institution (later to become Central Florida Reception Center) a goon squad was observed during its formation process. With the warden's full support, tireless efforts were made to apprehend those responsible for the beating of prisoners to little avail. But when the trail did become 'hot' many of the goon squad leaders transferred to yet another newly opening prison in Charlotte County. These very officers were later tried for the murder of a prisoner at Charlotte Correctional Institution. Those who pled guilty and turned state's evidence were found guilty and sentenced; those who went to trial were acquitted by the jury.

2. The Florida State Prison Assistant Investigator *John Doe Bobby* observed a correctional officer strike a handcuffed prisoner's head with a gloved fist, knocking the prisoner to the concrete floor (the assailant was over 6' and weighed approximately 250 lbs). Only the investigator, the assailant and the prisoner were present, but within just a few hours nine sworn affidavits were submitted to the warden's office indicating verbatim that each affiant was present and that the prisoner was never struck by the correctional officer in question.
3. Prior to my departure from Florida State Prison in 1998 to a new assignment as warden of Central Florida Reception, I spoke with my successor, James V Crosby III, indicating that Florida State Prison was being run by a "goon squad," that beatings were chronic, that I had the suspects under investigation and that if something was not done to stop this activity it would only be a matter of time before a prisoner would be killed. Crosby was advised that the investigators on this case had had little time at that point to make any conclusive charges. I advised Crosby that I wanted to do a "desk audit" before my departure and would he prefer a written or verbal audit. Crosby rejected the idea of an audit indicating that he knew FSP, and that he had grown up in that area and knew the staff from childhood. The threat of a possible killing was repeated, mentioning that if something weren't done in terms of getting the suspects under control and out of corrections entirely, FSP and DC would suffer. Crosby asked for the names. I advised him that the top names were a correctional officer *lieutenant*, a correctional officer, and a correctional officer captain (at least one other name may have been mentioned). (Crosby had once previously attempted to pressure me into promoting the correctional officer *lieutenant* to correctional officer captain. I refused to promote this lieutenant for obvious reasons.) Crosby stated that I should just put these names on a "piece of paper and place it in the warden's desk." Following Crosby's arrival at FSP in March of 1998 the following actions evolved:
 - (a) *The correctional officer lieutenant* was promoted to captain (later led goon squad into the cell of the prisoner Frank Valdes, resulting in Valdes' death. (This correctional officer lieutenant and four others were acquitted by a jury that came from the same small village and were led by a jury foreman who was a retired correctional officer living within their grip). This was a trial where I was never called to testify even though I notified the state attorney's office twice that I had relative testimony.
 - (b) The correctional officer captain was promoted to major. Today he's a warden appointee by Crosby.
 - (c) The correctional officer was promoted to sergeant. After I personally forced Crosby's hand by demanding an investigation through our Central Office in 2000, this correctional officer sergeant was demoted to correctional officer (for yet another crime against my person and that of my wife Lynne B McAndrew) Several months later this demoted

correctional officer was promoted to sergeant again. In the past month this same correctional officer has been arrested and jailed on Federal Drug Charges and awaits trial.

- (d) The first female assistant warden ever in the history of FSP (appointed by me) was moved to another institution.
- (e) Crosby gave the purchasing agent found to be taking graft a promotion in Gainesville. This graft case had my direct involvement as the warden of FSP having obtained hard evidence through the business manager.
- (f) Minority staff I had promoted or assigned to key FSP positions was moved. (Note that I promoted the first Afro-American lieutenant in the history of Florida State Prison who was assigned to and allowed to supervise shift work at the main unit. Likewise, I hired/promoted the first female assistant warden in the history of FSP assigning her to be over operations.)

The trend (mentality) I'm depicting thus far is quite simply that if one surrounds him/herself with enough followers who are willing to provide alibis or affidavits relative to misconduct in connection with the care and custody of offenders, full power and free reign is constant. The horrifying part of this story is there are not enough correctional professionals who are willing to go after the goons. Retirement, DROP accounts, college tuition for the kids (or even one's own past as a goon squad member) or being fired to cover central office tracks, quells fears that only the owner can fully understand or appreciate.

Racism certainly does exist in the Florida prison system. The horrible "N" word was used without caution until 1990. Thereafter the word was used without caution in the so-called 'protected areas' of Florida State Prison and numerous other areas. After sending the following email to Governor Jeb Bush on July 3, 2003; the results were almost instant promotions of a number of minority staff to senior positions:

-----Original Message-----

From: Ron & Lynne McAndrew (email address redacted)

Sent: Thursday, July 03, 2003 1:51 PM

To: jeb.bush@myflorida.com

Subject: Very Serious

Dear Governor Bush,

I urge you to have someone from your legal office question the Department of Corrections, demanding a detailed list of all DC staff ABOVE THE RANK OF CAPTAIN (to include wardens & assistant wardens) who (BY GENDER AND RACE) have since January 2003:

Resigned
Forced to resign
Fired
DEMOTED
Taken a voluntary demotion
Retired prior to completion of DROP Program or normal retirement age
Retired as the result of any pressure from Central Office

If you are given an accurate listing I'm certain you'll see that not only is trouble in the making, but definitely on the horizon. Sincerely, Ron

During my tenure at Florida State Prison, male staff in 'general' gloated over the idea that the USA vs. Florida federal lawsuit allowed for "male gender only" past the "Times Square" (inmate contact) area of the prison (note that this meant that female correctional officers could not work in contact with male prisoners at Florida State Prison and thus were assigned to 'behind the scene' stations such as the control room). I have little doubt that the gloating mentality of male security staff alone contributed immensely to the removal of the female assistant warden from FSP upon Crosby's arrival (this lawsuit did not apply to this female assistant warden as she was not a uniformed officer nor did it apply to female nurses and medical providers).

My contact is still maintained on an almost daily basis with correctional staff around the state of Florida. It's well known that the leadership of the majority of prisons in Florida over the past five years involves very close Crosby allies from the Columbia, Union, Bradford Counties...or, that close Crosby allies have been given key positions in those prisons which implies that 'big brother' is watching. In some cases for some areas I dare to say that panic exists because of this cloud of fear. "*See nothing, say nothing, know nothing*" was recently recounted by a mid-level correctional professional.

Medical Services in the Florida Department of Corrections has improved tremendously over the past 15 years thanks mainly for the full support of Secretary Harry K Singletary Jr., Dr. David Thomas, Dr. Matthews and Dr. Dianne Rehtine, the American Correctional Association, and without doubt, the Costello vs. Wainwright suit. There does still exist very serious problems with access to medical services because of 'second core' uniformed staff that challenge offenders' claims of illness. If the information is correct, six prisoners have died at Glades Correctional Institution in the past four or five weeks. I know this thanks to contacts but I cannot find it in the newspapers. There are claims that some of these dead prisoners were denied access to medical services.

Unions within the Florida Department of Corrections were somewhat helpful 25 years ago when conditions and wages were so poor. In the years that followed unions have in this opinion, seriously hampered the firing of many brutal correctional staff that assaulted prisoners. In fact, in some cases, officers that were successfully fired for internal criminal activity were then hired by the union to go back to the same prison and defend the union contract. Each Florida warden is faced with how to deal with the union

once evidence is conclusive that a uniformed officer has committed a crime. The central office legal department is very weak and prone to cave too often in favor of unions. Unions, at least at this stage have but one single interest – to collect as much monthly dues as possible.

In this maze of Florida correctional issues I've asked myself time and again for an idea or a key that would open the door to better and safer security. I have visited prisons around the United States, spoken to wardens, staff, and offenders at all levels. One single thought continues to surface, that of a Legal Observer representative from another agency (headed by an elected official) who would monitor certain activities of uniformed staff in major prisons:

Legal Observer

If each major prison in Florida were assigned a legal observer (attorney) from the Attorney General's office and:

1. Given unlimited access to the entire prison.
2. Given the authority to see all records at any time.
3. Visit at any time of the day or night with any prisoner or staff member in any location of the prison.
4. To privately converse with anyone inside the prison.
5. To temporarily overrule decisions by uniformed supervisors when suspicious activity is encountered.
6. To have access to private telephone numbers of the warden, ranking staff of the Attorney General's office, the State Inspector General's Office and FDLE.
7. To require all DC shift supervisors (lieutenants & captains) to notify the Legal Observer prior to 'suing up' for a 'cell extraction.' To allow the Legal Observer the opportunity to observe the extraction when at all possible.
8. To develop rules within Chapter 33 of the Florida Administrative Code outlining the authority of this Legal Observer position.
9. To transfer each Legal Observer on a frequent enough basis to prevent fraternization with correctional staff.

The cost of such an operation by the Attorney General's Office could be reduced to the following:

Of the 68 prisons in Florida, approximately 40 attorneys (or less) would be needed since many of the units are very near to each other and could thus be serviced by the same Legal Observer:

1. 40 attorneys at a maximum annual individual cost of \$85,000.00 = \$3,400,000.00 (Retirement, FICA, etc. included as entry level).
2. Administrative back-up staff, vehicles, logistics = \$600,000.00

In other words, \$4 million (certainly less than the cost of the Frank Valdes case, so far) would give both staff and offenders a better opportunity to have a safer environment in Florida's prisons. It's important to remember that the Costello vs. Wainwright case produced a DC cost of more than \$1 Billion. In fact, I believe that the DC legal office would be in a position to reduce their number of attorneys resulting from statewide coverage by the Attorney General.

Again, thank you very much for this privilege. I pray that your efforts will produce ideas and hopefully laws that will give those unfortunate enough to be assigned to the custody and care in prisons around the country, a safer environment, and by doing so, create a safer environment for staff.

God bless this Commission.

Ron McAndrew
20390 The Granada
Dunnellon, FL 34432