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Collateral Damage

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March 21, 2006

The house cleaning of the Department of Corrections (DOC) appears to be nothing more than a preemptive strike to contain the adverse publicity emerging from four civil rights cases threading their way through the federal courts in an election year. The first case is about the murder of Frank Valdes, two are about sexual harassment, and the last one alleges torture of inmates at Florida State Prison.

Then there are two coincidental events adding a sense of urgency to this housecleaning. The first is an FBI and Florida Department of Law Enforcement (FDLE) investigation of a steroid ring operating within the DOC that has uncovered additional corruption and abuse unrelated but tangential to the initial investigation.

Second is a split in the law and order support for the governor's race. The Police Benevolent Association (PBA) has sided with a Republican candidate and a group of eight sheriffs from the prison belt of North Florida are supporting a Democratic contender.

The stage was set in the current scandal with the appointment of Michael Moore as Secretary of DOC in January 1999. Moore instituted two provisions in the script that set it apart from past performances. First he consolidated the inspector general force under his control. Second he formulated an agreement with the Florida Department of Law Enforcement to investigate incidents that could lead to criminal charges. The murder of Frank Valdes might never have gained the attention it has if these mechanisms were not in place.

The opening scene in the current scandal was the murder of Frank Valdes at Florida State Prison in July of 1999. The trial was held in February of 2002. That it was murder has never been denied. That the suspect pool was limited to on duty uniformed officers of the criminal justice system has never been denied. That the community and the state never held the culpable parties accountable has never been denied.

North Florida State Attorney William Cervone said: "If anything viable is to come out of this, it is likely going to have to come from a federal civil rights case." He was talking about an intervention predicated on a breakdown of the courts similar to that of the Rodney King case. However, the federal intervention never came.

The one thing Governor Bush did not need was a drawn out civil rights case of this nature with its attendant FBI intervention leading to who knows where. All of which could have destabilized his re-election campaign in 2002 that was in turn critical to his brother's re-election in 2004. Keep in mind, Florida carried the election of George Bush to the presidency by a margin of 537 votes in the year 2000.

The outcome of the Valdes murder trial and the failure of the federal government to intervene sent a clear signal to those predisposed to abuse human rights or commit acts of corruption: Act inappropriately and irresponsibly without fear of being held accountable.

Dysfunctional behaviors that culminated in the murder of Frank Valdes are the product of a DOC sub-culture that has gone unchecked for decades. The DOC is a culture in which every prison is a kingdom and the warden sits on the throne. One such warden involved in the scandal had the motto 'if you go after the king, you better not wound him'

These kings or wardens are in positions to become prominent ward-healers. The sheer size of the DOC makes it a political force to be reckoned with in many communities and congressional districts.

Politics have been an integral part of the DOC leadership psyche. There are no finer examples than James Crosby, the former Secretary of DOC, and his protégée warden Allen Clark.

Crosby's first job upon graduation from the University of Florida was a senate aid. One could say that his political ethics were formed in the halls of the Florida legislature. He demonstrated his own political draw in the heart of the prison belt while employed by DOC. He was elected a Stark city commissioner from 1980 to 1987 and served as the mayor from 1983 to 1984. Undoubtedly, he was well connected as he joined the Republican state executive committee in the late 1990s and attended the 2004 Republican Convention as a delegate.

Allen Clark was a political force in his own right. In 2000, Rep. Aaron Bean, R Fernandina Beach, paid Clark \$1,600 as a political organizer for his contacts with correction officers.

Then in 2004 and 2005, Clark, who was a high school dropout, found his way to the 8th Circuit Judicial Nominating Commission while a warden for DOC. This commission reviews judge applicants of North Florida and submits suggestions to the governor for final approval. The Frank Valdes murder trial was conducted within the purview of the 8th Judicial Circuit.

There are over 28,000 employees in the DOC suffering the collateral damage associated with this scandal. They are doing a thankless and at times a very dangerous job that has been exacerbated by human rights abuses tolerated by political representatives of the state.

The two most visible examples of the human rights abuses that speak to employee discontent and endangerment are the federal court cases of sexual harassment. Out of these cases came the fact that there were 543 complaints filed by female DOC employees. The question yet to be heard is why did anyone have to seek redress in the federal courts when so many complaints were on record in the state?

These court cases reflect a working environment that has led many correction officers to vote with their feet. In a three year period ending in 2002, the number of correctional officers fell by 1,292 while the number of inmates increased by 2,320.

Compounding this exodus from DOC is an inability to retain new hires. In the same period, they were losing new correction officers at the rate of 32% by the end of their first year, 45% after the second year, and 51% after the third year.

The tragedy is that it has taken individuals to bring the abuse of human rights to the attention of the courts. It was not the state or federal governments that championed human rights.

Yes, this is the story of political machines willing to tolerate corruption and human rights abuses, be it on inmates or employees of the DOC, as long as it contributes to electoral successes or their well being.