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June 21, 2009

Hon. Frederica Wilson  
Florida Senate, District 33  
18425 N.W. Second Avenue, Ste. 310  
Miami Gardens, FL 33169

Mail and Fax: (888 284-8589)

Dear Senator Wilson:

I understand you may have been contacted by the family of Darryl Joel McKenzie, DC# 653489, Columbia Correctional Institution. Mr. McKenzie has alleged that several Columbia C.I. officers severely beat him and sprayed him with caustic chemicals in retaliation for threatening to file a grievance against a Sgt. Ford at that institution.

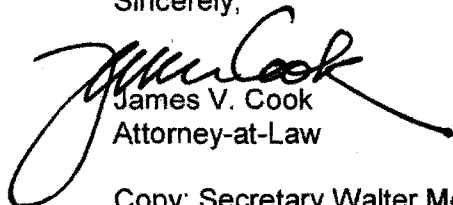
My practice is focused on police misconduct. I was the attorney for Cassandra Collins in her jail rape lawsuit against the late Gadsden County Sheriff W.A. Woodham. Ms. Collins went on to advocate for the extension of the legislation that makes staff sexual misconduct with inmates a third-degree felony to county jails and private jails and prisons. You were fundamental to the passage of that legislation and I had the good fortune to meet you during that legislative effort.

Every week, I get letters from Florida inmates, like Mr. McKenzie, who are singled out for severe abuse for filing grievances and lawsuits against corrections officers. Florida corrections officers contemptuously call these inmates "writ writers" and inmates are frequently told in no uncertain terms that they will live in Hell until they stop filing grievances and lawsuits (or helping other inmates to do so). In addition to beatings and gassings, inmates are denied meals, stripped naked and forced to sleep on bare bedsprings, with temperatures turned down very cold, or are placed in cells with other inmates with reputations for brutal and sometimes sexual aggression.

In recent years, review of law enforcement video recordings has become a major corrective on abusive law enforcement behavior as well as a means of exculpating officers wrongly accused. However in the past year, the Florida Department of Corrections has implemented a policy to refuse to let attorneys view use-of-force videos under the authority of § 119.071(3)(a), Florida Statutes, claiming that providing such video would endanger institution security. I have copied Corrections Secretary Walter McNeil on my objections to this policy but have received no reply. I believe he is fundamentally guided by good corrections principles and may ultimately support a change in the law to eliminate the exemption where abuse by officers is alleged.

I don't know whether the video will show what Mr. McKenzie has described. Corrections officers, like inmates, know where cameras are located. However I believe there is a very strong public policy in favor of permitting public review of such evidence. I hope you will make this issue your own and thereby bring a measure of justice to some of Florida's most vulnerable citizens.

Sincerely,

  
James V. Cook  
Attorney-at-Law

Copy: Secretary Walter McNeil