

June 11, 2008

John Tanner
State Attorney
7th Judicial Circuit
Daytona Beach, Florida

Mr. Tanner,

First of all, allow me to introduce myself and give you a brief summary of my distressingly constrained and reprehensible circumstances brought on by the Volusia County Division of Corrections. My name is Albert L. Prevatt, Sr., and I have been dutifully employed for the past 18+ years as a Correctional Officer for the County of Volusia until quite recently, to be precise 11/5/07, when I was unexpectedly and wrongfully terminated by former Director Cindy Clifford, as what suspiciously appears to be a retaliation to discredit my reputation and integrity as a law enforcement officer for bringing up questionable moral conduct and criminal activity being perpetrated in the Volusia County Jail right underneath Director Clifford's supervision.

For the record, I was dually certified as a Law Enforcement Officer and a Senior Correctional Officer and had, in my past employment record with Volusia County, received the customary average to above average performance ratings for all my evaluations each year, as well as, was utilized by Volusia County Divisions of Corrections to work the various posts and responsibilities and additionally, regularly volunteered to work overtime to help assist with short staffing demands both at the Jail and at Halifax Medical Center.

In a nutshell, there was a disgruntled inmate that retaliated against me for not getting his way, specifically, receiving a shower on an undesignated day, by alleging misconduct on my part by purporting that a comment was uttered leaning towards a racial overture, when in fact nothing racial was ever brought into the conversation. This commonly occurring incident between Correctional Officer and Inmate and the racially suggested reprisal, as you may have already logically concluded, escalated from "nothing," per my shift commander, to my shockingly swift wrongful termination five months later without the benefit of the Division of Corrections even speaking with the officer that worked with me on my unit at the time, to illicit the actual details of the incident. I was then further assaulted with intentionally malicious charges being subjectively contrived, held and then strategically filed by Internal Affairs Captain Kenneth Modzelewski in January 2008, one week after I filed a 6 page written complaint to FDLE outlining continuing illegal and criminal activity ongoing at the Volusia County Jail under Director Clifford's full knowledge and supervision. Additionally, I had filed numerous ethical complaints against some of the involved supervisors at the jail. Having had no relief, nor any administrative remedies at hand, as records available to me and a Personnel Board Hearing was postponed "because of the holidays," I filed an injunction with the court for many of the violations of my Officer Bill of Rights, FS 112.532, violations of my Civil Rights of Due Process and Equal Protection under the Law, as well as, not following any

established guidelines under the Merit Rules and Regulations of the Disciplinary Process set forth by Volusia County.

A Personnel Board Hearing was finally scheduled, after the injunction was filed with the court, and then held in my absence, despite previous communication with the Personnel Board Director, Tom Motes, advising him that I would be out of the country and unavailable for this date, on 5/21/08. Even though it was an open forum for the public, citizens who had attended on my behalf were selectively antagonized by being searched, as well as being searched personally by metal detectors being utilized by a deputy acting on the direct orders from the County Attorney, Nancye Jones, who in actuality has NO authority whatsoever, to give orders to a Volusia County Deputy. One would logically conclude, as this practice implies, that Mrs. Jones, whose husband is a major under Sheriff Ben Johnson, enjoys a very special relationship with the Sheriff's Department and this particular deputy, who Mrs. Jones had greeted with a hug and a kiss, as witnessed by the spectators prior to the proceeding and an added comment by the deputy to request his services again, by asking for him by name, if needed for future proceedings. The spectators felt that this was an extremely inappropriate and unprofessional display that also implied a conflict of interest on the county's behalf concerning this proceeding. Mrs. Kim Bendorf, one of the public citizens that had attended on my behalf, had in fact, used a video camera to record all of this unusual and unprofessional activity, namely, the unexpectedly abrupt use of metal detectors for this proceeding and selectively searching certain individuals, as well as footage from the hearing itself. Mrs. Bendorf ultimately submitted a written complaint to Sheriff Ben Johnson in regard to this incident, but as of the date of this communication to you, Sheriff Johnson has not bothered to even give her the common courtesy of acknowledging her concerns.

Another interesting fact that I would like to bring to light about Sheriff Johnson is that in regard to my complaint that I forwarded to FDLE, a letter was sent to the Inspector General, Paul Decker, who in turn sent a letter to Sheriff Ben Johnson on March 11, 2008, requesting that the Sheriff's Department investigate my concerns in regard to the issues occurring at the Volusia County Jail on the very night that Inmate Jack Nelson had died on December 19, 2006, whereas 3 of the officers on duty that night in charge of watching this inmate had actually admitted to falsifying the documents and unit logbook describing the events that led up to discovering that the inmate had died in their custody that night. Rounds were NEVER made, yet documentation stated otherwise. Sheriff Johnson did not effectively attempt to investigate this horrendous miscarriage of justice, rather concentrated his so-called investigation on the actual cause of death, not the neglect of the officers performing their duty in making the actual rounds and then fraudulently altering the record to misrepresent the actual facts. Nor did Sheriff Johnson even bother to answer any of my phone calls or other communications to advise me of any actions or lack thereof that were taken to resolve this concern and it would logically appear to the average person that he was acting on behalf of the county to assist with this

cover up rather than attempt to uncover the truth. Sheriff Johnson's apparent lack of respect and concern, as an elected public official, is clearly reflected in his attitude of disregard to my formal written complaint, an extremely serious written complaint, generated from first hand knowledge from accumulated written documentation and a personal conversation with one of the officers involved, that the deceit and falsification of official records, did in fact, occur. Another issue I had complained about was introduction of contraband by a captain's son, also a Volusia County Division of Corrections Officer, to an inmate(s) at the Volusia County Jail, whereas he admitted to Internal Affairs Investigator K. Modzelewski, his actions and was not charged with any criminal offenses and was then actually offered a chance to resign without any further implications. Sir, I submit that when an individual crosses the line, they need to be accountable and a cover up should be exposed. Sheriff Johnson and Captain Modzelewski have only added to the deceit, rather than attempt to correct the improprieties.

Mr. Tanner, I would greatly appreciate the opportunity to meet with you in person to discuss these incidents, as well as other improprieties and criminal activities that had been conducted at the Volusia County Jail. I can provide you with written proof and documentation that has been supplied to me by the Division of Corrections themselves, to substantiate my concerns. I request that you conduct a Grand Jury Investigation into these charges. I also request that you do not forward this complaint/request to the Division of Corrections to "investigate themselves," as has been the case with FDLE. This concept is absolutely absurd to think that a "corrupt" department would actually police themselves and bring these charges to light. I also request that you do not have Mr. Wheeler, one of your administrative assistants investigate my concerns, as it has been relayed to me that he is extremely good friends with Mr. Terry Moore, a former Volusia County Divisions of Corrections Director, and Mr. Kenneth Modzelewski, who is in charge of Internal Affairs at the jail and this would be a conflict of interest. This matter deals with criminal conduct and other illegal activity and I strongly believe that Mr. Modzelewski will attempt to fabricate more charges upon me and try to criminally charge me again. He has gone as far as to have all my personal history on record, to include Florida Driver's License Identification number and the license plates of the vehicles my wife and I drive. This has been his modus operandi in the past and as we all know, past behavior is a reliable indicator of present behavior.

In conclusion, I would like to point out to you that it is HIGHLY suspicious that I have been an obviously dependable and trustworthy law enforcement officer, who has worked in the same position and professional capacity, in the same environment at the Volusia County Branch jail for the past 18 + years and then suddenly I am terminated for a commonly alleged incident where an inmate, who is a convicted felon, and who actually isn't even the original complainant, fabricates a story against the officer, inadvertently changing his story several times and the Internal Affairs Officer, Captain Modzelewski runs with it to the director. In Captain Modzelewski's own words, "...it's quite, quite typical that if an inmate is in a cell block and he is going to file a complaint,

he usually has conversation with his cellmates. And if you're in a unit where you have general housing, he's probably discussing it with a multiple of individuals. That's why it makes it pretty difficult to handle investigations utilizing inmates as you're—you're qualifiers for a complaint is because they share notes, they—they compare stories, they practice their stories. So you have a difficult time in trying to get to the bottom line or find out what the truth is. And that was not just in this particular case, that's pretty typical." This excerpt was taken from a certified copy of a United States District Court transcript, case #: 6:02-CV-1070-ORL-31-JGG, in which Capt. Modzelewski was deposed, however, Capt. Modzelewski had NO problem whatsoever, in disregarding his own thoughts and words on the subject when he went running to former Director Clifford with an "unreliable" inmate complaint in my case; go figure. The "unreliable" inmate's complaint became his whole basis for my wrongful termination and subsequent "blackballing" to my chosen career and livelihood after I reported these illegal activities which were obviously condoned and covered up by my supervisors at the Volusia County Jail, to ultimately include the Division of Corrections, Director C. Clifford. The county then took it a step further by denying me my "guaranteed" Officer Bill of Rights, Due Process under the Merit Rules and Regulations and postponing a timely Personnel Board Hearing. They have maliciously and strategically done everything they could do to intentionally ruin my credibility, reputation, and any chance I have in the law enforcement field. Sir, I realize that my personal dealings with the county mean absolutely nothing to you, but I charge you with keeping the county accountable with the wrongdoings and criminal activity that they are so deftly deceiving everyone else with and the safety of the inmates that are placed within their charge.

Thank you for your anticipated cooperation in this matter. For any questions or concerns that you have, you may contact me for clarification.

Sincerely,

A handwritten signature in black ink that reads "Albert L. Prevatt SR". The signature is written in a cursive, slightly slanted style.

Albert L. Prevatt, Sr.

Cc: Bill McCollum, Attorney General
Paul Decker, Inspector General
Mr. Bailey, FDLE
Charlie Crist, Governor
All Members of Volusia Co. Council