UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF JAC'QUANN (ADMIRE) HARVARD

I, Jac'quann (Admire) Harvard, declare under penalty of perjury:

1. I am a 30-year-old Black transgender woman in a men's prison, Wakulla Correctional Institution Annex. I am the lead named plaintiff in this case. I was in solitary confinement for almost 10 years straight, from when I was 18 to 28 years old. I make this declaration based on my own personal knowledge.

2. I have worked closely with my attorneys to respond to all requests for information to the best of my ability, and I sat for a deposition in December 2020. I will continue to work with my attorneys, review materials they give me, and share my thoughts as the case moved forward. When I have had questions about the case,

I have asked and will continue to ask my attorneys for help so I can understand and participate.

3. I have been incarcerated in the Florida Department of Corrections (FDC) since 2009, when I was 18 years old, basically still a growing child. Less than four months in, FDC accused me of lying to staff to get a high-calorie diet and put me in Disciplinary Confinement. For the next ten years, FDC kept extending my time in isolation, and they did not let me out of isolation until 2019, when I was 28 years old. Since 2019, I have been in a mental health treatment program.

4. Whether they call it Disciplinary Confinement or Close Management, it's all the same - you are isolated from everyone and locked in a cell almost 24 hours a day. I was kept in isolation at a number of prisons throughout the years: Santa Rosa, Suwannee, Union, Suwannee, and Florida State Prison (FSP). There were no major differences in my experience of confinement between these prisons.

5. All the confinement cells are very small and you are not allowed to talk to the people in other cells. While I was in confinement, I would get so desperate to talk to another human being that sometimes I would talk to people in other cells through the vents or sign through the cell door even though I risked getting a DR. I could not see any nature outside of my cell window- just the rec yard and cages. It's like the only thing that existed around me was more prison. At FSP, the toilet was corroded and smelled bad. Also, the guards controlled flushing the toilets so I had to

put a sign up asking them to flush it. They didn't always do it, so my cell would often smell like feces and urine.

6. Sometimes in confinement I would refuse to come out of my cell to shower because if I did go, officers would ransack my cell, throwing around my mail and pictures, and taking things out of my locker when I left. Sometimes this happened more than three times a month, so I would only shower once a week to avoid leaving my cell and having my property thrown around. It was very distressing to have to choose between showering and having my personal things taken or destroyed.

7. Because I am transgender, I used to be allowed to shower on my own when I was in General Population. But while I was in confinement, showering was difficult and humiliating for me because the showers are in full view of cells, so other people could look directly at me from their cell windows. I feel female and am housed in a male facility, so privacy for me is very important. I have had men stare at me and watch me from their cells, and men have also masturbated while watching me shower.

8. Recreation time while in confinement is uncomfortable and just more time in a cage. The rec cages have pull-up bars but otherwise all I could do is walk in a circle with a fence all around me and even on top of me. It made me feel like an animal.

9. I was not allowed any personal visits during my time in confinement, since I was 18 years old. Besides the times I was able to use the phone while in the Transitional Care Unit, the only time I was allowed a phone call while in isolation was in 2010, when I talked to my aunt when my great-grandmother died. I need these phone calls to help me deal with the huge strain of not being able to get family visits.

10. FDC has diagnosed me with gender dysphoria, schizoaffective disorder, depression, anxiety, and high blood pressure. My time in confinement kept getting extended because FDC repeatedly gave me DRs when what I really needed was help for my mental illnesses. I was struggling so much with my mental health problems and I could not cope with them well in confinement.

11. I feel like all those years in confinement really took a toll on my mental health. I can't be positive which of these conditions I might have had if I never was in prison, but I believe being locked up in isolation as a teenager all the way until I was 28 made my mental health worse. During those years in confinement, I was placed in a suicide watch cell more than 50 times, and hospitalized for suicidality and psychiatric reasons approximately 20 times.

12. The worst part of being in isolation is the loneliness. I was in a cell for so many hours at a time without being able to talk to anyone or touch anyone, and these conditions made me feel desperate. Also, being transgender makes living in confinement extra difficult. I had no one to help me deal with the stress caused by

the officers who disrespected and made fun of me and threatened me because of who I am. And I had no one to support me during the four years between when I requested my hormones and correct undergarments and when I got them.

13. When I was in confinement at FSP, I only had an individual counseling session about once a month and I had to do these sessions while standing and restrained in a shower cell. It was dirty and moldy, and I had to speak to the counselor through bars. An officer would be standing nearby and it was very uncomfortable and stressful because the officer could hear what I was saying. Several times, they used what I had told the counselor against me by telling me that I am complaining and not letting me meet with the counselor later. I held back speaking about what I really wanted to because of this environment, things like gender dysphoria and family issues.

14. There were also numerous times I desperately needed mental health help but couldn't get it. Instead of referring me to mental health staff, officers ignored me, made fun of me, and retaliated against me using violence or by restricting my property or recreation. There are so many examples:

15. In December 2018, I was feeling very afraid and cut myself. The staff ignored my distress so I went on a hunger strike to get their attention. A day or two later, officers suddenly came in and cell extracted me. They broke my wrist, banged my head against the door, and punched me twice in the face using shackles as brass

knuckles, breaking my eye socket. I had lost so much blood from cutting myself that when I was finally taken to the hospital days later, I needed a blood transfusion. In March 2019, I cut myself again and tried to declare a psych emergency, but a Lieutenant gave me a DR for yelling on the door and said "You're all right. I'm not impressed." I didn't get any help that day. Another time, in April 2019, I was feeling very distressed from being confined and cut myself again. A group of guards took me to the emergency medical room and choked me on the bed, hit me in the face with an aluminum lid that chipped my tooth, and punched me in the back, legs, hip, and stomach while saying things like "Don't do it again" and "Did you learn your lesson?" Another time that I cut myself, Captain Blitch threatened that officers would break my other eye socket. All of these officers kept giving me DRs instead of helping me.

16. I have also experienced other punishment for having mental health symptoms and needing mental health help. For example, while I was at FSP, officers have given me an air tray after I declared a psychological emergency. An air tray is a food tray without any food. The officer told me it was for declaring the emergency when he gave me the tray. Another time, I was punished for cutting by being refused recreation for 30 days. I have also been retaliated against for cutting by being put on property restriction. Since being in FDC custody, I have been placed on property restriction about 15 times. Once, I was left in only in my boxers for 3 days straight.

These periods of time are especially traumatic and punitive because I am a woman in a men's prison and being stripped to my boxers makes me feel especially vulnerable and humiliated, and exacerbates my gender dysphoria. All of this also made my compulsion to cut even worse because I felt trapped in isolation. I have been disregarded, punished, and refused the help I desperately need so many times while in confinement.

17. I wrote grievances about some of these incidents but I know at least some of my grievances against officers were not being submitted because I did not get receipts for those. At Santa Rosa, FSP, and Suwannee, I was retaliated against for writing grievances. Officers have jumped me and told me, while they were beating me up, that it was for writing grievances. I have also had an officer throw my personal pictures in the toilet and tell me it was for the grievance I wrote.

18. Since I was 12 years old, I have understood myself as a girl and have been dressing and carrying myself as such. Despite my gender dysphoria, FDC did not provide me all the ADA accommodations I needed. I had been taking hormones in order to medically transition since age 15, but the prison refused to provide hormones when I requested them when I first got to prison. After reading FDC policies on its care of transgender people, I started requesting hormonal treatment, undergarments, and female grooming items in 2015. For a long time, FDC only provided services for transgender people at Zephyrhills, but I couldn't transfer there

because I was on CM and Zephyrhills is not a CM camp. So despite my several grievances about the problem, I had to wait 4 years before FDC finally offered me transgender services at FSP.

19. In 2018, confinement started affecting me especially hard. Sometimes, the guards would tell me that I was not going to recreation because I was transgender. Some officers at both Santa Rosa and FSP would refuse to take me to my psychiatrist appointments, commenting that there are no "fags" coming out today. During strip searches, officers would say things about my genitals and mock me. The combination of lack of gender dysphoria treatment, insults, and abuse made me feel afraid and deteriorated my mental health further.

20. I was transferred to the Security Treatment Unit for mental health care a couple months after this case was filed. Now I'm in the Diversion Treatment Unit, another mental health unit. Here, I am not restrained and am not subject to strip searches. I can watch TV and be out of my cell for many hours of the day, and can go to the chow hall with others for meals. I also receive 10 hours counseling per week, including individual counseling without an officer present. All these changes have made a world of a difference in my mental health.

21. It's important to me to be the lead named plaintiff in this case because I want my voice to be heard about how distressing and humiliating solitary confinement is. Even though I'm out of confinement, I still care for the people who

are there because I understand the pain and suffering they are subjected to. I hope for changes in policies in confinement so that future incarcerated people don't have to go through what I went through.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on [DATE] 3/24/21.

Signed: _____
Admire Harvard

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF JOHNNY HILL

I, Johnny Hill, declare under penalty of perjury:

1. I am a 34-year-old legally blind Black man in Suwannee Correctional Institution. I have been in isolation for almost 7 years straight, in addition to the time that I've spent in isolation during previous incarcerations. I make this declaration based on my own personal knowledge.

2. My current incarceration at Florida Department of Corrections (FDC) began in 2014. I was also in isolation from 2010 through 2013, when I was released from prison directly from isolation. Then when I got locked up again in 2014, they put me straight back into isolation. It is my understanding that FDC has a policy where if you are released from prison directly from a type of isolation called Close

Management and you come back to prison within the next year or two, you are automatically placed back in Close Management.

3. Solitary confinement in FDC is called many different things, like Close Management and Disciplinary Confinement, but they are all the same in the important ways. You are isolated from other incarcerated people and kept in a cell almost 24 hours a day. That's why we interchangeably refer to all of them as "confinement," or "isolation," or "solitary." I have been transferred among FDC prisons many times but have been on some level of confinement the entire time since 2014.

4. Being in solitary is frustrating, scary, and lonely. Imagine you live in a bathroom with a metal frame bed with a mat about 3-4 inches thick. And you can only come out of that bathroom a half an hour a day. If I don't have a cellmate, I don't have anyone to talk to unless I yell though the vents or talk under the door, which you can get in trouble for. When you don't have anyone to talk do, you don't have anything meaningful. The officers treat us less than human most of the time. It messes with people mentally. For me, it has gotten to the point where my personality has changed. Before confinement, I used to consider myself a people-person. But confinement has made me more of an anti-social type of person, where I don't feel comfortable around a group of people and even people just walking by now make me uncomfortable. My body is institutionalized into thinking that being

in a box, behind a door, with limited human contact is how things should be because I have experienced life that way for years. That's incredibly damaging to my mental and emotional health.

5. FDC has diagnosed me with depression, anxiety, schizophrenia, bipolar disorder, hypertension, and visual impairment.

6. I started having hallucinations in 2008 or 2009, but they got really bad in confinement starting in 2010, when I started hearing and seeing dead people. I saw my dead great grandmother and daughter and heard them telling me to come over. Physical pain was the only way I felt like I could escape. I had never even thought about cutting before I was put in confinement, but, after about a year of being in isolation, I started cutting myself to release the tension of being isolated all day every day and the awful thoughts that would come into my head.

7. The summer of 2016 was one of the worst times for me in confinement. From June to August 2016, I cut myself worse than I had ever cut myself before. I wanted to end it. I was in and out of self-harm observation status (SHOS) during that entire time period. Every time that I left SHOS, FDC put me right back into isolation. Once, when I was in a SHOS cell in July 2016, I cut myself so badly that my cell was covered in blood. An officer who saw me bleeding in my cell told me that he was going to finish doing showers and if I was still alive at the end, he'd take me to medical. I lay on my mat and I thought I was going to die. It felt different

than it had before. My vision started to dim, and then it didn't seem to be coming back. I think I was in SHOS for about a week after that. After that week or so, FDC placed me back into my isolation cell. That same day, I was so upset by everything and scared about my eyesight that I tried to hang myself. I lost so much blood during that summer that in August 2016, I received an emergency blood transfusion.

8. Another time, in 2017, I swallowed a razor blade because I was feeling so horrible. It got stuck in my esophagus and I needed surgery to get it taken out. All they did after that was put me in a SHOS cell for 3 days and put me right back in confinement. At this point I can't even count all the times that I have attempted suicide in my cell or been placed on SHOS and then put right back into confinement after a limited number of days.

9. FDC has given me disciplinary reports (DRs) for actions that I've taken while trying to harm myself. These DRs can increase the time you spend in isolation. For example, most recently, in November 2019, I tried to hang myself with a ripped-up pair of my boxers. FDC gave me a disobeying a verbal order because I would not stop. FDC also gave me a DR for destruction of state property because I had ripped my boxers to try to hang myself. At my next Close Management review, when considering whether to move me from CM 2 to CM 3, the Institutional Classification Team (ICT) mentioned the disobeying a verbal order DR when

discussing reasons to keep me on CM 2 and not move me down to the less restrictive CM 3 status. They decided to keep to me on CM 2.

10. My vision started declining after that time I cut myself and lost a lot of blood and then tried to hang myself in the summer of 2016. Doctors have told me that it's likely related. I have been examined for glasses, but regular glasses don't help me. I made myself a pair of glasses that were helpful by combining the lenses of reading glasses with a pair of bifocals from another incarcerated person to basically make a magnifying glass of the four lenses combined for my right eye, which is slightly better than my left eye. But I don't have these glasses I made myself anymore because officers threw them away around August 2019 while I was in CM 1. Officers told me a nurse wanted to see me, so I went out to that appointment, and when I got back to my cell, all my stuff was gone, including the glasses. FDC did not give me a DR for anything.

11. After I began having vision issues, I requested a magnifying sheet so that I could read more easily, an audio book player so that I could listen to books on tape, and a tapping cane. It took FDC months to give me each of those accommodations. Even after I first received them, FDC would take them away periodically, even without accusing me of doing anything wrong with them.

12. Even with a magnifying sheet, I can only read if the font I'm reading is enlarged. I still cannot read paperwork given to me by the prison, including

grievance responses, as they do not give me paperwork in a large size font. I have grieved this issue multiple times starting in at least February 2020. Many times, the grievance was denied. On January 14, 2021, a response came back that the grievance was approved and that FDC would provide me with paperwork in large-size font when possible and a law library clerk would do "frequent visits" to help me with my paperwork. But I still have not received a single FDC document in large size font. The first and only time that I saw the law library clerk was about the week of May 3, 2021. I grieved the fact that I have not had the assistance of the law library clerk as I was promised, and I have not heard back. Sometimes I could get a neighbor to read paperwork to me on the vent, but I have had paperwork confiscated for doing this.

13. I cannot see if someone is standing outside my cell door unless they are moving. I cannot see bumps or cracks in the ground and sometimes I miss a step on stairs. I have fallen while in full restraints. Officers usually do not warn me of any step or bump, and some will not even try to catch me when I stumble or start to fall. Despite my risk of falls, I was told that I cannot have a tapping cane while in isolation. But then in around May 2020, I was given one at Santa Rosa for about one week. However, it was taken away again until FDC transferred me to Suwannee in December 2020, and staff at Suwannee returned it to me.

14. I am supposed to get mental health counseling, but a lot of the time officers will refuse to take me or threaten me with property restriction if I want to go. Property restriction, or strip, is when FDC takes all your clothes and belongings and you're left in an empty cell with just your boxers on. I've been on property restriction more times than I can count. I've gone many months without counseling because of officers who can threaten us whenever they want because we are so vulnerable in confinement.

15. It's a similar thing with recreation (rec). The officers will often refuse to let me go or lie and say that I wasn't ready at my door. If I do get to go, they tear up my cell when I'm out, and that is especially difficult for me because of my eyesight. I am very meticulous about where my things go so that I am able to find them again, and one officer's cell search can make my life chaotic when I return. I know it's important for me to get out of my cell, but I hate having to choose between coming out and returning to find my family photos and legal work in the toilet or not going to rec. The cell is my home right now. Everything in it is all I have.

16. The last time I tried to go to rec, in December 2020, officers threatened to tear up my cell if I came out. On that day, I saw that officers were coming around for rec but no one was coming out of their cells. I had just transferred from Santa Rosa to Suwannee and thought I might be given the opportunity to go to rec, which I was excited about because FDC often denied me that opportunity at Santa Rosa.

When the officer came to the cell door, I asked if I could go. The officer asked me if my cellmate was coming out for rec as well. I told him he was not. The officer said my cellmate might as well go out to rec because if I was going out for rec they were going to tear through both of our belongings. I chose not to go that day because I didn't want to subject my cellmate's, or my own, property to that and lose the limited belongings we have.

17. Additionally, I get strip searched any time I go to counseling or to the rec cages. It's uncomfortable and very humiliating, and I have been sexually harassed by an officer while being strip searched. This makes it even harder to make the choice to leave my cell on the few occasions that I have the opportunity. The rec cages are also like a dog kennel with a dip bar and pull up bar. All I can do is walk around like a lion in a cage. If I could go to the regular rec yard, I would be much more willing to go through the strip search and take the risk of having my cell torn up because at least I would get a sense of some freedom to move around without a cage all around me.

18. Having a cellmate doesn't make the experience of confinement any easier because you're still locked in a cell all day. Sometimes having a cellmate makes things more dangerous because both of you are going through so much being in confinement, and sometimes it's hard for either of you to be in your right minds. In August 2019, just a day after I got off strip, I was placed with a cellmate who

threatened me as soon as officers started putting me in his cell. Officers put me in a shower cell for a while and then forced me into the cell with the guy even though he threatened to "fuck Johnny up." The Sergeant in charge told me I would get a DR if I didn't go into the cell. That night, my cellmate grabbed me and threatened that I had to either have sex with him or fight him. We ended up fighting until the lights went out and we couldn't see each other enough anymore, and then fought again in the morning when he grabbed me again. During the fights he threatened me with a homemade razor and bit my leg enough to puncture the skin. That morning, officers gassed us and pulled us both out of the cell. I had to take medicines for the bite since he had broken my skin.

19. For the past few months, I have written repeated grievances about my continued assignment to isolation. I have suffered from so many mental, physical, and emotional hardships in confinement, and I worry that I'll have no real chance of recovering if I'm not released from confinement soon. I'm also worried that there are some things that I'll never recover from, such as feeling uncomfortable being around people.

20. I have been retaliated against by officers because of my participation in this case. This has ranged from officers calling me names like "snitch" to officers physically assaulting me. It is particularly scary because officers control everything in confinement, including our physical safety, our out of cell time, and DRs that can

keep us in isolation longer. I need the very limited out of cell time I'm offered for the sake of my sanity, but knowing the officers might retaliate against me makes me want to stay in my cell in order to avoid all contact with them. Having to weigh the risk to my safety from the officers versus the risk to my sanity from not getting outside my cell is a difficult position to be in, and sometimes I don't come out.

21. It's important to me to be a named plaintiff in this case because I believe this lawsuit has the ability to change confinement and I want to be part of that change and part of the reason it changes. Isolation only hurts and does not help me and other people in isolation. It is an extremely depressing setting that worsens and makes it harder to overcome depression, to think, and to remain focused on the positive things in life. This makes it harder for you to keep going and survive. Being locked down in that cell, that 8 x 10 foot cell, constantly, all day, every day, diminishes a person's resolve. Real harm is being done to human beings by locking them up behind a door for practically 24/7 every day, all day, with the exception of an hour or two a week. People weren't meant to be alone like that or separated from other human contact. I want to stop FDC's use of isolation so I won't be hurt anymore and neither will other people.

22. I have worked closely with my attorneys to respond to all requests for information to the best of my ability, and I sat for a deposition in December 2020. I will continue to work with my attorneys, review materials they give me, and share

my thoughts as the case moves forward. When I have questions about the case, I ask my attorneys for help and will continue to do that so I can understand and participate.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 6, 2021.

Signed: /s/ Johnny Lee Hill, DC# J33728

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF AMY FERGUSON

I, AMY FERGUSON, declare under penalty of perjury:

1. I am a 25-year-old Black woman at Lowell Annex. I am currently in Close Management Level 3. I make this declaration based on my own personal knowledge. I am a named plaintiff in this lawsuit.

2. I agreed to be a named plaintiff in this case because I want to speak up about what is happening here in Florida. I want people to understand what confinement does to us and I want to prevent other people from suffering everything I have suffered the past year and a half.

3. I have worked closely with my attorneys to respond to all requests for information to the best of my ability. I will continue to work with my attorneys,

review materials they give me, and share my thoughts as the case moves forward. When I have questions about the case, I will ask my attorneys for help so I can understand and participate.

4. I have a number of mental health and medical conditions. I have asthma and have had asthma attacks while in Florida Department of Corrections (FDC) custody. They are not supposed to pepper spray me because of my asthma, but I have been pepper sprayed several times in confinement. When this happens, my asthma flares up and I feel like I can't breathe for days. FDC has also diagnosed me with schizoaffective disorder, bipolar disorder with psychotic features, antisocial personality disorder, borderline personality disorder, and post-traumatic stress disorder (PTSD). FDC has prescribed me Prozac, Vistaril, and Zyprexa. I've also had to go to inpatient treatment a lot while in confinement because of my mental health.

5. In November 2019, I was transferred from the Illinois Department of Corrections to FDC as part of the Interstate Corrections Compact Agreement. At FDC, I was immediately placed in Administrative Confinement (AC). I was told it was because of my history in Illinois. When I was in AC, they said I threw urine on an officer out of a soap dish. I was having a lot of mental health problems when I first came to Florida. I was thousands of miles away from my family and completely isolated by myself. I do not remember this incident. They gave me a Disciplinary

Report (DR) for this and said because of the DR and my history in Illinois, I was immediately going to Close Management Level 1. A couple weeks later, I was transferred from Florida Women's Reception Center (FWRC) to Lowell Correctional Institution Annex (Lowell Annex) to serve my time in Close Management Level 1.

6. I have been in confinement in Florida for almost a year and a half now. During that time, I have been in Administrative Confinement, Disciplinary Confinement, Close Management Level 1, Close Management Level 2, and Close Management Level 3. I refer to all of this as "confinement" because that seems to be what everyone calls it in Florida.

7. Confinement in FDC feels like hell. I was in Administrative Detention, which is like Close Management, when I was in the Illinois Department of Corrections. Confinement is so much worse in Florida. In Illinois, I could open a window, look out, and get fresh air in my cell. In Florida, I can't look outside or open my window because they are painted over. I don't even know what the day looks like. It's hard to tell if the sun is up or down. In Illinois, I could talk to my neighbor, which I'm not allowed to do in Florida.

8. I spend my days alone in a cramped and dirty cell. The cells have water bugs, roaches, and spiders crawling all over them. Sometimes officers will turn off the control of the water in my cell. When this happens, I cannot flush the toilets or

access water in my sinks. Once a month, officers pass out sanitary napkins, but they never pass out enough. Every month when my cycle comes, I run out of sanitary napkins and have to try and get an officer's attention to ask for more. Some officers will just ignore me, and other officers will just pass me toilet paper to get by instead.

9. It's hard to get any good sleep in confinement. Most days around 9:30 p.m., the officers dim the lights, but they never turn them all the way off. There are crickets in the walls that go on all night. So all night I have to listen to the crickets in the walls, and the officers gossiping, talking loud, and banging the doors. Around 5:00 a.m. it is time for inspection. The lights turn on full blast and I must get up, make my bed, get dressed in my Class A uniform, and stand on the wall for inspections. If I do not do this, I might get a disciplinary report and they may take my property away. Sometimes there is an officer outside the window of my cell door who will not shut up. I believe they are doing it to try and annoy me or get a reaction out of me, but I have to stay calm or I am afraid I will get pepper sprayed or receive a disciplinary report.

10. At some point during most days, I hear someone get pepper sprayed. When that happens, I go to my cell door to see what is going on, but then I see the pepper spray, and I get away from the door because I am afraid they will spray me next if they see me on the door.

11. I only went up to the ninth grade in school so I'm trying to continue my education in prison to better myself for going home but it is hard in confinement. Class in confinement is very sporadic. There have been weeks where I did not receive any education. Occasionally, they take us to a room above the wing where our hands and feet are chained to a desk. This normally lasts for around an hour. I am grateful for this time to learn, but it is hard to focus sometimes with the painful and tight cuffs around my arms and legs.

12. Staff only offer recreation in a tiny chain-link cage that is too small for any real exercise. It also feels like it is sporadically offered to us. When I leave my cell, I have to get strip searched. I was sexually abused as a child, and all those bad and traumatic memories come back to me when these strangers are staring at my body and telling me to take off all my clothes and get naked. I feel humiliated, ashamed, and embarrassed. They don't even block the window to my cell to prevent people in the day room from seeing me naked through the cell door. After they strip search me, and I come of out my cell, the officers search my cell. They throw my stuff on the floor, step on my bed, and throw my hygiene products in the toilet. So when I come back from recreation, all my stuff is messed up. It is like a tornado went through there. I have to tell myself not to react because I believe that is what they want - for me to react so they can pepper spray me or give me a disciplinary report.

I clean up my stuff and again remind myself that this too shall pass. All of this makes me sometimes not want to come out of my cell at all.

13. During the first few weeks of arriving in Florida, they pepper sprayed me for being on the door. I was having mental health problems in confinement and talking to myself at the door. I hear voices a lot when I'm in confinement. The officer told me to stop talking to myself, but I was unable to control my actions. They claimed I was being disruptive and pepper sprayed me for this. Then they called the tactical team and performed a cell extraction on me. They took me to the showers. It was supposed to be a cool shower, but the water was hot, so I refused. They forced me to shower in hot water. After that, they returned me to my cell and placed me on property restriction for about two days. They took away all my property, including my mattress. I had to sleep on a metal bed frame with a sheet and a blanket. I did not even have a pillow. I felt extremely suicidal during those two days because I had nothing. It brought back really bad memories from childhood. I figured if I killed myself, all the pain would stop.

14. For many months, officers put me in a restraint chair to move me outside of my cell even though they never told me I was a problem during escort. They just started using the chair as soon as I first arrived at Lowell Annex. They put me in leg chains and handcuffs and then they strapped my arms and legs to the chair and wheeled it around. The officers have also used something called a "spit mask"

on me when I come out of my cell. This is a mesh net that goes over my entire head and closes around my neck. The restraint chair and spit mask make me feel less human, like a monster. Staff in confinement do not treat me like a person. It makes me feel like the world has just given up on me.

15. I hear voices telling me to hurt and kill myself. I have hurt and tried to kill myself several times while in confinement. When I try to hurt myself, the officers often just take me to a Self-Harm Observation cell (SHOS) for a few days without my clothes or any of my belongings and then return me right back to confinement. One time, in January 2020, I was already in a SHOS cell for suicidal thoughts. I was feeling upset and frustrated because I did not have anything. I was cutting myself with the strap on my turtle suit, which is the really stiff and uncomfortable thing they make me wear in the SHOS cell that only covers my front and leaves my bare butt sticking out. They told me to stop. The officers then responded with a cell extraction where several officers came into my SHOS cell and punched and kicked me. They were stomping on my head and hitting me with a shield. It made me feel mad so I started fighting back to protect myself. I was fighting for my life. I thought they were going to kill me during that cell extraction.

16. Another time, also in January 2020, at Lowell Annex in my Close Management Level 1 room, I was tying a sheet around my neck to kill myself and they came to my cell and pepper sprayed me. They then gave me a disciplinary report

for Disobeying a Direct Order. When they respond this way, by caring so little and punishing me for my suicide attempt, it makes me just want to kill myself even more. I wish FDC provided more incentives to us to help us get out of confinement. They take everything away so I feel like I just don't care anymore. If I had something to look forward to, or something to keep me going, I think it would help me.

17. All the things I experience in confinement make me feel hopeless and now I have night terrors. Sometimes I feel like the walls are closing in on me. Sometimes I see ants on the floor so I try and kill them but then I realize they aren't really there. I realize my eyes are deceiving me and I have to keep telling myself this is not real. I try to comfort myself and just try and remind myself that this too shall pass.

18. Confinement makes my thoughts about hurting myself worse. I have called psychological emergencies because of how bad I feel. To get help from mental health staff, we "call a psychological emergency" by telling an officer walking by during rounds or, if no one has come by in a while, by kicking and shouting on the door. Because of my mental health, FDC keeps sending me back and forth from Lowell Annex to inpatient mental health. I do not feel like I ever get the help I really need. When I go back to confinement after hurting myself, I just get the same things like medication and occasional counseling. When I have to go to inpatient treatment, they push back my Close Management review that determines whether I can go to

the general population. If I could handle my symptoms in confinement without inpatient treatment just so I could get my Close Management reviews done as quickly as possible, I would. But it is too hard – I need mental health treatment.

19. Before I was placed in confinement, I used to be a social butterfly. Now, I am so used to being in my own little cell all by myself that when I get around other people, I get nervous and scared thinking the world is out to get me. One of the few chances I have to talk to other people is group therapy, but when I go, I break out in sweats and feel nervous. I don't even know how to engage in normal human conversation anymore.

20. I feel so mentally messed up right now. I am scared I will be shell-shocked when I leave prison in a few years because of what confinement is like. I'm worried I won't know how to cope or make anything of my life and that I'll live the rest of my life seeing things that aren't there and not being able to make connections with other people.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on March 25, 2021.

Signed: /s/ Amy Ferguson, DC#F80666

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al.*,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al.*,	)	
Defendants.	)	

DECLARATION OF JAMES KENDRICK

I, JAMES KENDRICK, declare under penalty of perjury:

1. I am a 41-year-old Black man in confinement at Santa Rosa Correctional Institution. I am a named plaintiff in this case. I make this declaration based on my own personal knowledge.

2. As a named plaintiff, I have worked closely with my attorneys to respond to all requests for information to the best of my ability. I will continue to work with my attorneys, review materials they give me, and share my thoughts as the case moves forward. When I have questions about the case, I will ask my attorneys for help so I can understand and participate.

3. I've been on confinement straight from June 2018 to now—almost three years. Before that, I'd estimate I've spent a total of about a year in confinement. This time, I was first placed in Maximum Management and now I'm stuck in Close Management 2. It doesn't matter what you call it—Administrative Confinement, Disciplinary Confinement, Close Management, Maximum Management—they all mean being locked in a cell almost 24 hours a day, so they're all "confinement." I've been in all the different types, especially since I was only 23 years old when I came to prison. That includes confinement at Baker, Hamilton, Taylor, Okaloosa, Santa Rosa, and Florida State Prison. It's all pretty much the same.

4. Confinement cells are unsanitary. There's rust and mildew everywhere. In some cells, I couldn't flush my own toilet. I had to put up a sign asking for a flush. The officers are supposed to come around to do it every 30 minutes, but they didn't always do it, forcing me to be stuck in my tiny cell with an unflushed toilet. It's disgusting when they bring chow and I have to eat sitting next to a full toilet. They're treating me like an animal.

5. I have depression, and it has gotten much more severe in confinement. Depression is the scariest opponent that I have ever faced and I am terrified of losing this battle. Especially in confinement, I feel like life is not worth living. When I was in General Population I was able to manage and cope with my depression

because I could talk to others and be comforted by them. Having connections with other people in General Population saved my life more times than I can count. Now in confinement I am not permitted to talk to almost anybody. I can get a DR (disciplinary report) for talking to people in nearby cells. I can even get in trouble for trying to get an officer's attention through the door. No staff stops to talk to me every day. The "wellness checks," which they also call "security checks," are no more than passing glances around the wing. I have a window in my cell door but I'm afraid of even looking out of it because officers could accuse me of communicating with the person in the cell next to mine and gas me, put me on strip (property restriction), and give me a DR. Even caged dogs are allowed to bark and caged birds are allowed to sing, but I am permitted almost no human contact or communication. I have been threatened with being gassed just for laughing when the guy next door said something funny. Since then, sometimes I have been afraid to even smile and laugh, although there's not much to smile or laugh about in confinement. This makes me feel like I am worse than a dog in a cage.

6. Confinement has made it hard to manage my suicidal thoughts. In General Population, I was able to go to the Rec Yard to get fresh air, walk, exercise, and socialize. In addition, I had a job as a Teacher's Aid which gave me purpose and structure. Since being in confinement, my suicidal thoughts have become more intense and more frequent. I often feel like I'm in a deep dark pool, but instead of

being surrounded by water, I'm surrounded by pitch blackness. I can't see, I feel like I'm suffocating, and I am in excruciating pain. Because of feeling this way for days on end in confinement, I came close to swallowing a handful of prescription medication to end my own life. I don't know where I got the courage to throw the pills into the toilet that day instead of taking them all, but I worry that I will not have that strength in the future.

7. I've had to declare psychological emergencies multiple times while in confinement because I was feeling very depressed. We are supposed to declare psychological emergencies when we need urgent mental health care. But the only way to do this is to get the attention of staff who may or may not be the unit. Some people try to kick their door loud enough to get staff's attention. I wait until staff do security checks and try to tell them then that I would like to declare a psychological emergency. More times than not, they ignore me. One time, I was actually put in DC (disciplinary confinement) after declaring a psychological emergency, which definitely didn't help me. DC is used for extra punishment in isolation. I don't understand how even more restrictive confinement is supposed to address my psychological emergency. It only made me feel worse. Another time, when I was in Max, I declared a psychological emergency from the depression I was feeling about being locked in that cage. Another time I declared a psychological emergency, the responding officer just gave me a cigarette instead of calling for a psych doctor.

8. I have gotten punished by being put on strip before. This only happens when you're in confinement and officers take away everything you have in your cell. When it's happened to me, they have left me only with boxers for me to wear. They took away my pillow, blankets, the rest of my clothes, and even my mattress. At least one time, I was even refused toilet paper. I had to try to sleep on cold concrete. Strip made me feel angry and hopeless and backed into a corner. I don't understand how making me feel as if there is nothing to look forward to is helping anybody.

9. I was gassed when I was in DC at Taylor Correctional Institution. Gassing is when an officer sprays us with a chemical agent. The officer gassed me after we got in an argument. It felt like my skin was on fire, it was hard to breathe, and my eyes were burning and I couldn't see. It made me really afraid to be gassed ever again. When I was in General Population, it was rare to see people get gassed. Now I see people get gassed just about every day for reasons they never gas people for in General Population, like for kicking the door to get the officer's attention. I feel like I could gassed at any moment for any reason. It's traumatizing.

10. Having a roommate in confinement can be hard and doesn't make it easier. The space is really small for two people, and it's even worse if you're not compatible with your roommate. One of the roommates I had was very aggressive and smoked K2. I tried to be nice to him, but he would just threaten me. One time, when I was taken out of that cell for medical attention, my roommate refused to let

me back in. Officers had to put me in a shower cell for hours while they decided what to do about my roommate. They ended up just putting me back in the cell with him. This was a terrifying experience. Lately, on shower nights, if my roommate refuses a shower, the officers won't let me come out for a shower. My roommate almost always refuses to come out for a shower. I grieved this, and it was "approved," but I still have the same problem.

11. I am also diabetic. I didn't really have issues with my diabetes in General Population, but I've had a bunch of issues with my diabetes in confinement. I only started taking insulin in confinement. For a long time, the nurses didn't take me out of my cell to administer it, or even open the cell door. My arm is too big to stick through the food flap, so I have to get down on the floor and press my arm up against it. Then the nurse sticks her hand with the needle through the food flap while trying to look down through the window. The food flaps are rusted and not sanitized beforehand. One time, a nurse dropped the syringe with the insulin on the floor and still tried to inject me with it even though the needle was bent and had just been on the dirty floor. The nurses are supposed to fill the syringes with insulin in front of me at cell-front, and adjust them based on my blood sugar reading, but they sometimes show up at my cell door with syringes pre-filled with the wrong dose. I am really worried that they will stick me with the wrong dose, which could have disastrous consequences.

12. When I get to go to the medical examination room, an officer is in the room standing right next to me. Sometimes the officers make little comments about whatever I tell the nurses. This makes me feel very uncomfortable about telling the nurse about my medical problems. When I'm in General Population, it's just me and the doctor or nurse and I have total privacy. I'm also not restrained when I see the medical staff in General Population. But in confinement, I have to see the doctor while in a black box and with shackles around my ankles. I have pain from a bullet in my shoulder and I can't show the doctor my limited range of motion because my hands are cuffed to my waist.

13. The nurses often don't time my insulin with my meals right. Sometimes I get dizzy because the time between meals and my insulin is too long. I've had to refuse insulin because it was too soon before a meal and I was afraid I'd pass out if I took it. Other times I have to refuse to take the insulin because I haven't eaten or don't know when I will be getting food. If I take the insulin in that situation, I would be at risk of bottoming out, where my blood sugar drops to dangerous levels. Because "security checks" are nothing but passing glances around the wing, I'm scared I could be dead in my cell from poorly timed insulin and no one would know for days.

14. I had neuropathy in my feet in 2019, which I think was because of the inconsistent way I was getting the insulin. That hadn't happened to me before, but a doctor told me that exercise would help with my diabetes and my hypertension. But it's nearly impossible to get exercise in confinement. The guards don't offer recreation like they're supposed to. When I ask, they ignore me. If I'm lucky, I get out for recreation one day a week for two hours. I miss sunlight so much. All of this put together makes me scared and makes it hard for me to focus on anything but being trapped in confinement, making my depression and suicidal thoughts stronger.

15. I haven't gotten any counseling for mental health that has helped me while I've been in confinement. When I've tried to go to group therapy, it's a joke – the therapist lets the other inmates talk about women and sports, and even participates in these conversations instead of leading the group. Individual counseling is a joke too because it lasts at most about 15 minutes. The officer is standing outside the whole time. As soon as I start to get to the heart of the matter, the officer is knocking on the door saying "time's up." After months of filing grievances asking for medication, I was finally prescribed Prozac. The Prozac sometimes helps a bit, but I still don't feel like life is worth living. Being able to come out of my cell more often, like for more recreation, would help with my depression, but I can't because I'm in confinement.

16. Unlike in General Population, every time I leave my cell, I'm restrained with at least handcuffs, but a lot of times also a black box, waist chain, and leg irons. In General Population, I rarely get strip searched. In confinement, I get strip searched whenever I leave the dorm. A lot of the time, officers search my cell when I leave. I come back and find all my property has been scattered and some of my stuff is missing. It looks like a tornado has torn through my cell. I've even come back to find my pictures in the toilet and my legal mail ripped up. I've seen officers scatter other people's stuff in their cells too, when those people come out. It's why I feel like I have to refuse to come out sometimes, even for things like meeting with a counselor.

17. I don't know when I'll ever get out of confinement and I've started to lose hope. Even when my classification officer rated me as positive adjustment and recommended that I be reduced to CM III, I was still denied. I try to keep to myself and stay out of trouble, but FDC still keeps me in confinement.

18. The way I'm treated in confinement at FDC has really impacted my mental and physical health. Not being able to come out of my cell is making my depression worse and worse. So is the lack of real mental health counseling. It took a really long time for FDC to do anything about my mental health grievances; it was months before I was approved for Prozac, even though I had complained many times about my mental health issues. I've also filed multiple grievances about how nurses

make me stick my arm through rusty food flaps to get my insulin and asked for a different way to get my insulin, but my request was denied. I feel like there's really nothing I can do to get the treatment that I need.

19. Based on the conditions I have experienced, I don't understand how confinement is anything other than punitive. I feel like FDC treats us this way on purpose, worse than they would treat a dog.

20. I agreed to be a named plaintiff in this case because I feel like something needs to be done about confinement and the effect it has on people. I hope that this lawsuit forces FDC to change the policies and procedures of how they run confinement. I don't think so many people need to be in these conditions for so long. I also think FDC needs to follow their own policies so that people get the privileges they are supposed to receive.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on [DATE] March 18, 2021.

Signed: James Wesley Kendrick Jr.
James Kendrick

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF JUAN ESPINOSA

I, JUAN ESPINOSA, declare under penalty of perjury:

1. I am a 60-year-old Hispanic man incarcerated in the custody of the Florida Department of Corrections (FDC). I am currently assigned to General Population at Columbia Correctional Institution Annex. I make this declaration based on my own personal knowledge. I am a named plaintiff in this lawsuit.

2. I agreed to be a named plaintiff in this case because I wanted the opportunity to speak up about the abuse that occurs in isolation and to help stand up for those who may not be courageous enough to speak.

3. I have worked closely with my attorneys to respond to all requests for information to the best of my ability. I will continue to work with my attorneys,

review materials they give me, and share my thoughts as the case moves forward. When I have questions about the case, I will ask my attorneys for help so I can understand and participate.

4. I have been diagnosed by FDC with paranoid schizophrenia, major depressive disorder, and bipolar disorder. I also suffer from anxiety, depression, paranoia, hallucinations and mood swings. FDC has prescribed me Abilify and Paxil.

5. I am an American with Disabilities Act ("ADA") inmate because I am unable to speak. I had tumors in my throat that made it hard for me to eat and swallow. FDC referred me to multiple specialists, including an oncologist. I had to have surgical reconstruction of my jaw and surgery to remove all my teeth. In December 2018, I permanently and completely lost my voice after a surgical procedure to remove one of the tumors.

6. When I was in isolation, it was very hard to receive accommodations for my disability. I had to submit a lot of grievances and Accommodation Request Forms asking for an American Sign Language handbook so that I could learn to communicate by signing. My requests were denied several times. FDC also refused me access to a Text Telephone (TTY) for a very long time. Without access to a TTY or similar device, I could not call my family. I miss my family a lot and it was really difficult never being able to speak with them over the phone or know

how they were doing. Our only way to communicate was by mail, but I never really knew if the prison was sending my mail out or letting my mail come in. Months would go by without hearing from my family. In general population, I have been able to regularly access the TTY device and speak with my family.

7. FDC first placed me in isolation in June of 2018. I spent about seventeen months in isolation, until November 2019. During that time, I was in Administrative Confinement, Disciplinary Confinement, Close Management I, Close Management II, and Close Management III. I also recently spent some time in Administrative Confinement in the first half of 2020. I call all of this "isolation" because I was isolated from other people and spent almost all of my time alone. I have been isolated at Martin Correctional Institution, Florida State Prison, Reception and Medical Center, and Santa Rosa Correctional Institution.

8. The cells in isolation at all the institutions were filthy and cramped. I saw rodents and bugs everywhere. I was not allowed to hang pictures and photographs on my cell walls. It made the walls feel blank and like they were caving in on me. It was always loud. I would hear doors banging, officers shouting, or the exhaust fan blaring. It made it hard to sleep.

9. No matter the type of isolation, I did not get many opportunities to leave my cell. We were supposed to get recreation at least once a week. A lot of times they would not give me my recreation because they said they did not have

the staff available to do it. If I did come out of my cell, I felt like I was always harassed by officers and they were looking for ways to do it. They would destroy my cell during the cell searches and mess up all my property. They would serve our food cold to us. I saw a lot of officers hit and beat on people. It made me feel scared to ever come out of my cell.

10. It was hard to get medical treatment in isolation. When I submitted sick call slips, it would take weeks to get a response, or I would have to submit multiple requests for the same thing. For example, I had to submit a lot of requests to finally receive Ensure as a dietary supplement because of my medical diet restrictions related to my throat surgery. A lot of times my sick call slips were completely ignored. Now, in general population, I normally get a response a few days later to my sick call slips. In isolation, officers would also fail to bring me to my medical appointments. I would not even learn that I had appointments until they were already missed. I saw officers offer cigarettes to other people to encourage them to refuse their medical call outs. I haven't had a problem getting to my medical appointments in general population.

11. In December of 2018, I lost my balance while trying to walk escorted by a correctional officer and fully restrained at my hands and feet. I fell and the strain of the leg irons during the fall broke three bones in my right foot. I had to wait three days in isolation before I finally saw a doctor for my broken foot. A

doctor ordered crutches for me but FDC staff refused to give them to me because I was in isolation. I had to hop around my cell to move about. When I had to leave my cell, staff would chain me to a wheelchair for transport. FDC staff did not provide me physical therapy in isolation to help rehabilitate my broken foot. I don't know how I could have done physical therapy anyway since I was always restrained in a black box and leg irons when I left the dorm.

12. It was also hard to get mental health treatment in isolation. Nurses passed my medication daily to me through the food flap in my cell door, but they did not communicate with me or ask how I was doing. Mental health staff only came around occasionally to do mental health checks; it felt like t once every couple of months. Sometimes, they would not even stop at my cell door to check in. I would have to waive my arms and knock on my door to get their attention. When they did come to my cell, these visits were always very brief, normally no more than a few minutes. Since I am unable to speak, I would have to use hand gestures to try and tell them how I was doing. I did not find these mental health checks very helpful since they were so short, through a cell door, they did not ask me much, and I could only communicate with hand gestures or by writing a note sometimes if they let me use paper they had. A few times, I was pulled from my cell to receive one-on-one individual counseling with mental health staff. But these

sessions were never long or frequent enough to be helpful in managing my mental health symptoms. They were also inconsistently and sporadically offered.

13. I was scared that I would not be able to get the attention of staff if an emergency happened inside my cell. I saw a lot of people on the wing declare psychological emergencies. Staff would take a very long time to come to their cell to respond. Sometimes they did not come at all. I never had an intercom or buzzer in case of emergencies, even though I am entirely unable to speak. I'd have to bang and kick on my door and hope staff could hear me.

14. I was put on property restriction once when I was in isolation. Officers took everything away from me. They took my property, my personal hygiene items, my paperwork, my mattress and my clothes. I was left only in my boxers for seventy-two hours. I had to sleep on my steel bunk without a mattress. It was the middle of winter so I was very cold. I felt mad because it felt like I was being tortured.

15. For over half my time in isolation, I was given even less privileges than my Close Management level because of my disabilities and medical needs. Florida State Prison was unable to take care of all my medical needs so I was sent to Reception and Medical Center (RMC). RMC is not a Close Management facility so when I was there, I had to spend my time in Administrative Confinement (AC). They only gave me AC privileges. For example, I did not get recreation as often as

I would on Close Management. I also did not get any dayroom, phone, library, or visit privileges. I received less canteen items on AC than I received when I was on Close Management.

16. My time in isolation was really hard. I was stuck in a cell for all hours of the day with nothing to think about but dying from cancer. I thought about suicide often and my thoughts consumed me. I felt like my depression and mood swings got worse and more severe because I was always behind the door. When I was released from isolation, I no longer felt like the same person. I still feel nervous and anxious being around people again.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on April 6, 2021

Signed: /s/ Juan Espinosa, DC# 419680

EXHIBIT A

PUTATIVE CLASS MEMBER DECLARATIONS

A-1: Tracey Dean 1
**Tracey Dean became a named plaintiff on May 27, 2021, see ECF 309.*

A-2: Derrick Grantley 16

A-3: Gary Seymour 26

A-4: David Lee Moore 39

A-5: Norris Nelson 55

A-6: Thomas P. Robinson 63

A-7: Michael Townson 75

A-8: Tyrone English 84

A-9: John D. Ponder 91

A-10: Dytrell Jones 109

A-11: Larry Merritt 116

A-12: Destini Matthews 127

A-13: Demetrius Spires 134

A-14: Michael Love 141

A-15: Thomas Tingley 147

A-16: Briana (Alex) Beasley 156

A-17: Jamal Sessions 165

A-18: Ha Khelius Moore 170

A-19: Kiko Rogers 180

A-20: Randy Woullard 187

A-21: Marcus Broadnax ……...194
A-22: Odell Lee ……199
A-23: Kyle Himes ……206
A-24: John Gilday ……214
A-25: Delonte Miller ……224
A-26: Derrick Devon West Sr. ……232
A-27: Savannah Marie (Chad) Powell ……..238
A-28: Adarius Dale ……...244
A-29: Valencia Simms ……..…249
A-30: Scott E. Barnes ……...254
A-31: David Anderson ……..260

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF TRACEY DEAN

I, TRACEY DEAN, declare under penalty of perjury:

1. I am 27-year-old woman who has been in and out of solitary confinement in the Florida Department of Corrections (FDC) since January of 2017. Right now, I am in an inpatient mental health unit at Florida Women's Reception Center. I make this declaration based on my own personal knowledge.

2. FDC put me in Close Management (CM) at Lowell Correction Institution in August of 2018, and I have been stuck on CM ever since. I'm currently on level 3 of CM but my mental health got so bad that I had to go to the Transitional Care Unit (TCU), an inpatient mental health unit, in July of 2020.

3. I have borderline personality disorder, post-traumatic stress disorder (PTSD), and bipolar disorder with depressive episodes. Throughout my childhood, I was in outpatient mental health services and was also hospitalized for my mental health at thirteen and fifteen-years-old. My PTSD gives me flashbacks and panic attacks. My PTSD comes from violence in my childhood and being a victim of domestic violence at the hands of my husband. I also get really bad mood swings from my bipolar disorder. For example, some days, I can't sleep or eat. But then other days, I only sleep. Now that I'm in the TCU, I see a mental health counselor weekly in a private room for about an hour, plus group sessions, which really helps with controlling my depression, manic outbursts and flashbacks. But I'm very scared of going back to CM at Lowell because I don't get this kind of counseling there. On CM, I get a "session" with a counselor maybe once a week for usually about 15 – 20 minutes. If I had to go back to CM at Lowell, I'm afraid that I would destabilize in CM at Lowell and end up trying to kill myself or cutting again because I know I won't get the mental health care I need.

4. Since starting my current prison sentence on March 25, 2016, I've been in confinement over fifteen times. Everyone calls Administrative Confinement (AC), Disciplinary Confinement (DC), and CM "confinement" because in each we're confined to our cells almost 24 hours a day. I've been in AC, including for being a victim of sexual abuse, DC, and all the CM levels (1, 2, and 3). I've been in

confinement at Lowell, Lowell Annex, and Gadsen Correctional Institutions. But it doesn't really matter what institution I'm in or what level on I'm, confinement is always a disaster for my mental health.

5. In my experience, all the cells in AC, DC, and CM are small and terrible. They all make me feel claustrophobic. They are always filthy with general crud everywhere. I luck out if the toilet and sink aren't banged up and work like they're supposed to. About half the time, the sinks will spray out on to the floor or there won't be hot water. I've also been in cells with toilets that don't flush or only flush halfway. One time, I was in a cell and the toilet wouldn't flush at all. I told an officer like I'm supposed to and then they're supposed to put me in a new cell. But instead, they kept me in there for three days with a non-flushing toilet before moving me.

6. There is hardly any natural light. If there is a window that faces the outdoors, it is covered or frosted so I can't see outside. I also can't open it even a crack to get fresh air. It's hard to keep track of time, especially because I have no clock. Confinement cells are filled with bright lights from about 5AM to 9:45PM. Their intensity is magnified by the bright, plain white walls of the cells. For someone prone to headaches like me, the lights are excruciating. I only get a few headaches in general population but in confinement, I get at least two to three headaches a week.

7. There's not much to look at in confinement cells. There's no view of the sky or outdoors through frosted windows. All I can usually see through the window in my cell door is the occasional person walking by and more prison walls. But when I try to look out my door because I'm bored or lonely, guards often yell at me. I can't even look at myself because there is no mirror. I am not allowed to hang anything on my cell walls, not even pictures or letters from my family. In general population, I'd hang pictures of my kids and inspirational quotes to motivate me to keep moving forward and to stay positive. Something small like that can make all the difference to me to get strength to make it to the next day, but that is especially true when I'm all alone in a cell. Staring at the bare walls for hours every day makes me feel detached. It makes it feel like I'm sitting in a dungeon with nothing to look at but those four bright white walls.

8. Confinement denies me the basic dignity of good hygiene. In order to get tampons or pads, I have to ask an officer for them then wait for the officer to bring me them. A couple times, I've had to go several days waiting for the officers to bring me them while I was on my period. In general population, I automatically get a week's worth of supplies every month without even asking for it. In general population, I could also shower basically every day if I wanted to. But in confinement, guards only offer showers maybe once or twice a week, even though it's supposed to be three times a week. I mostly just stay in my bed when the guards

offer showers because of the issues that can come with going. First, the guards have to put me in leg irons and handcuffs. Then, guards bring me to the shower, put me in it, close the door. I'm not allowed to talk to anyone during the whole process.

9. One time I went to the showers and the guards put on leg irons so tight that I kept tripping. The guards said I was fine and then made a joke about how instead of self-harming by cutting myself, I should use a razor for my legs. It was humiliating. People laughed at me. A guard then told me it was her job to make people laugh and I should go cut myself. Ever since then, I don't feel like the showers are a safe place for me to be.

10. Other than the guards who I feel like hate me, I barely interact with anyone. Back in general population, I had regular contact with my mom and sister. In confinement, at most, even on CM3, I only get to make one call, about once a month. So basically, once a month, I have to choose between calling my sister or my mom. I need more calls with them because they reconnect me to the world which helps my mental health.

11. Until September of 2020, I didn't have a tablet to email my family because I couldn't afford one. They gave me one in TCU, but if I were forced back to CM at Lowell, I'd be worried they take it. I've seen the guards take away tablets for punishment for the littlest of things, like talking on the door to a neighbor.

12. Having a cellmate in confinement doesn't help with the isolation. I've only had a cellmate one time for a month at Lowell when I was on CM3. I was thinking it was nice at first because I had someone to talk to, but then I don't know who that person is, what their issues are, and they're constantly in that small space with me. There is no privacy at all with a stranger, 24-hours-a-day. It is really intense to have a stranger's eyes on you 24-7. I can also get in trouble for things a cellmate does that I had no part in. Having a cell mate just makes me feel super stressed and anxious in an already stressful and anxious situation.

13. When I was in general population, I actively engaged in programming to better myself. For example, in April 2016, I was regularly attending a substance abuse program and hoped it would help get my life together. I really wanted to change and the program was giving me tools to be successful. I also had a work assignment as a dorm worker and in the kitchen and that made me feel really productive. But when I go into confinement, all my betterment programs end.

14. I've tried to take advantage of every program available in confinement, but there is not much. One of the only programs is General Education Development (GED) preparation. I've been doing that program so I get can my GED, but it is just a staff member coming by my cell for a few minutes every week to give me worksheets and review ones I completed from the week before. Doing the little bit of GED work feels really good, but I wish there was more of that

because I finish what they give me pretty quickly, like in a day. Then, I just wait the rest of the week. They didn't give me a textbook or anything to read or review either, just those worksheets that I'd finish the same day I got them. I want to do a cosmetic or culinary class to learn a trade. Engaging in more programming while I'm in confinement would not only make me feel productive with my days here but also give me purpose and a goal for after prison, rather than just trying to survive as the days go by.

15. They also don't let us have a work assignment in confinement, except for maybe a few people on CM3. I was able to get a work assignment only a few times while on CM3. I basically filled in as an orderly who cleaned and passed out trays. It made such a difference to be able to get out of the cell. I felt like I had a purpose and was productive again. I think having that would help me stay on track to get out of confinement.

16. In confinement, there is nothing to do which makes me feel like I'm going crazy. There are some things I try to do to combat the idleness. I have a small radio that I like to listen to, which has been taken away a couple of times for punishment. I also like to read, but I can usually only get a new book once a month. I'll also journal, write letters, or poetry. But it's hard to fill up day after day with no activities and just myself, a radio, and a piece of paper.

17. Since I've been in CM 2 and 3, about once a week, the guards offer to take me to dayroom for a couple hours. In order to go, first the guards put me in leg irons, thigh restraints, waist chain, and hand cuffs. Then, they take me to the dayroom where they place me on a bench. They take off most of the restraints except the waist chain, but I'm not allowed to get off the bench or move around without permission. I'm afraid of making the guards mad by talking to the other women there with me, so I feel like we're really only able to just sit on the bench, use the kiosk, and watch TV. In that way, dayroom really just functions as a short change in environment, which can help a little with how hard the isolation of the cell can be. But it offers very little relief because I know that at the end of it, I have to return to the cell.

18. The guards offer recreation time ("rec") about once a week, sometimes twice. Even though all I want is get out of that cell, my depression gets so bad in confinement that it is hard for me to go. The times I do go to rec, I'm in a cage outside for about two hours. It usually just makes me feel more depressed because I've really only moved from a box to a cage, where I still feel alone.

19. The punishments in confinement, whether AC, DC, or CM, are extreme. Being isolated 24-hours a day is bad enough, but the punishments add another layer of stress and anxiety. First, there is property restriction. The guards have put me on property restriction at least five times, usually for covering my door

window for privacy, for cutting myself, or talking. On property restriction, they take all my stuff, leaving me just with some clothes, deodorant, a mattress and blanket for three days. What is really bad is that they take my toilet paper and toothpaste. You can't clean yourself right without toilet paper. About half the time, I only have one set of clothes, depending on what guards are working. I also use hearing aids and glasses, and they take those too even though I need them. Without my glasses, I get terrible headaches and without my hearing aids, I'm stuck in a blank cell, with nothing to do, nothing to keep me busy, not even noise in the dorm to listen to. It would drive anyone mad, let alone someone like me who is trying to keep my mental health issues under control.

20. I've also experienced what FDC calls "cell extraction," which is when a handful of guards charge into a cell to remove the person inside. They come barging in with shields and helmets, get on top of the person, pull her up off the ground and carry her out. It is extremely frightening and upsetting. It is violent. It makes me feel like I don't have any control of my body. I've experienced a cell extraction like this for simply not putting on handcuffs to go on a call out or covering my window so I could bathe in the sink. One time when I was bathing myself in my sink, they came in and one officer threw me face first into the ground. She and other guards then picked me up completely off the ground to carry me to a shower cell.

21. Being sprayed with chemical agents is also very common in confinement and painful. Guards have sprayed me more than five times. Depending on the guard, they'll spray us for various reasons: covering up a window for privacy, kicking the door, talking loudly to another prisoner, or not putting on cuffs to go to a call out. Really, I feel like they'll spray us for just about any reason. It burns so bad.

22. I've also been placed on "heightened security" twice in confinement. This is when they monitor me more, have a Lieutenant present every time I come out of the cell, and use restraint chairs or black boxes, along with all the other restraints to move me. They keep me on heightened security for 60 days at minimum. So, every time I had to leave my cell during that time, the guards had to put me in those heavy-duty restraints. The restraint chairs make it so I can't move, at all. I've been in a restraint chair about ten times, going to and from callouts. There is a seatbelt across my waist, leg irons, handcuffs, and straps that pin my shoulders down to the back of the chair. They keep the straps so tight that it hurts and the nurse has to come every ten minutes or so to check the circulation in my fingers and toes. For example, I had an hour-long legal call while I was heightened security and they put me in those heavy-duty restraints in the chair. I spent the entire hour of the legal call tied to the chair. The nurse came in every ten minutes during the call to check my fingers, toes, and straps to make sure I wasn't losing circulation. That was true too

for medical call outs, day room, or whenever I was out of my cell. And even though all I want is to be out of my cell, that restraint chair makes me not want to leave ever.

23. Strip searches are another reason I don't want to come out of my cell even though I just want to breathe different air so badly. In general population, I only get strip searched when I first arrive at a facility. A person will also get strip searched if they suspect she has contraband hidden on her body, but that has never happened to me. But in confinement, strip searches are the norm. I've been strip searched probably 40 – 50 times. In AC, DC, and CM, every time I go out for rec I have to do one and for some other call outs too. I have to get completely naked (even if I have a cellmate). I have to run my fingers through my mouth in front of the guards. Then, the guards make me expose all parts of myself to them, including spreading my butt cheeks when squatting and coughing. The process is downright humiliating.

24. The other thing that makes me scared to leave my cell is that the guards go through all my stuff and mess with it when I leave for showers, rec, or other callouts. The happens more often than not when I leave the cell. They call it a search but it's really just tossing my stuff around. When I get back to my cell from a callout, my letters, diary, envelopes, poems, pictures of my kids, and clothes are all spread across the cell. That stuff is all I have in confinement. I feel really violated when that happens and it makes me not want to leave the cell.

25. Everything about confinement makes me feel so hopeless and out of control of my own life, my own body. But I think the biggest problem for me is what happens to my mental health when I'm in confinement. I've struggled with dark thoughts my whole life, but confinement is hell because I'm left in my cell with only those thoughts. There is no distraction. For someone like me, who has struggled with self-harm, having nothing to do and no purpose is dangerous.

26. I always had mood swings with highs and lows due to my bipolar disorder, but in confinement, the depression and anxiety becomes uncontrollable. The manic part of my disorder becomes unbearable and I get so claustrophobic in the small cell. My PTSD is also so much worse. I end up having flashbacks like never before and panic attacks where I can't even breath. It also gets to the point where I start to hear voices and hallucinations. I cut myself more, sometimes just to escape from the relentless thoughts because there are no distractions, or just to get out of the cell by any means because I can't take living like that anymore.

27. I've attempted to kill myself three times while in confinement. I've never tried to kill myself in general population. I've also been placed in Self-Harm Observation Status (SHOS) over 15 times since I've been on CM. One time, in early Spring of 2019, I was in confinement and I was really struggling because I had no contact with family or my children, who were in the process of being adopted. I was cutting myself and couldn't stop. The guards did a cell extraction, which was violent

and made me feel worse. They put me alone in a SHOS cell all weekend. Then they put me back in my CM cell, but nothing got better. I ended up right back in a SHOS cell just a few weeks later. This is my typical cycle: self-harming in CM, then SHOS, then back to CM, self-harming in CM, then SHOS, then back to CM, with no end in sight.

28. Whether the guards call mental health during my self-harm episodes is random in my experience. It really depends on who is on shift. At best, they follow protocol and get mental health staff. Second best, they ignore me. At worst, they harass me and say terrible things. While actively cutting myself, I've had a guard call me "crazy" and "stupid," and tell me to go ahead and "kill myself." This has happened about three times. One time, when I was cutting myself, the guard walked up to my cell door and said "you might as well just kill yourself." I looked at her and she just walked away. About four times, I've had guards see me actively cutting myself and just ignore it. I'd glad they did that instead of spraying me with chemical agents or abusing me during a cell extraction, but I needed help.

29. Because isolation makes my mental health worse, my behavior also deteriorates, and I end up building up DRs that extend my time in confinement. For example, in November of 2018, I had an incident in the shower where I had a panic attack and nervous breakdown to the point where I couldn't walk. Instead of getting me mental health treatment, the guards physically forced me back into my cell. They

gave me DRs for failing to follow orders or disorderly conduct or something like that. They put me on property restriction.

30. This has been common in my experience: I get DRs during my panic attacks, manic outbursts, or inability to function because of my mental health. Then, I'm just stuck cycling between a SHOS cell and my CM cell, while getting more DRs that continue my time on CM, rather than getting real help.

31. I agreed to be a named plaintiff in this case because no one should have to go through what we go through in confinement. I've seen firsthand how isolation mentally changes people and how the staff mistreats us just because we're in confinement. I wanted to be a named plaintiff to make a difference for me and others so no one has to go through what I have been through in confinement. It's not right.

32. I will work closely with my attorneys to participate in this case, including by responding to all requests for information to the best of my ability. I will work with my attorneys, review materials they give me, and share my thoughts as the case moves forward. When I have questions about the case, I will ask my attorneys for help so I can understand and participate.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 17, 2021

Signed: Tracey N Dean
Tracey N. Dean, DC#157056

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF DERRICK GRANTLEY

I, Derrick Grantley, declare under penalty of perjury:

1. I am a 39-year-old Black man incarcerated in the custody of the Florida Department of Corrections. I am currently assigned to General Population at Hamilton CI Annex, after spending over 21 consecutive years in various forms of FDC Isolation.

2. Over the last 2 decades, I have been on Administrative Confinement (AC), Disciplinary Confinement (DC), Close Management (CM) 1, CM 2, CM3 and Maximum Management (MM).

3. I have done approximately 5 years of DC time, most of which was while I was on Close Management status. The longest stretch of DC time I served was around 22 months straight.

4. I have been in confinement at Apalachee CI – East Unit, Washington CI, Martin CI, Columbia CI, Florida State Prison (FSP), Charlotte CI, Santa Rosa CI, Reception and Medical Center (RMC) and Union CI. I spent almost 18 years at FSP. Each prison that I have spent time at has practically the same rules for people in confinement.

5. Growing up, I was in the Specific Learning Disability (SLD) classes in school. When I got to FDC, at the age of 17, I was placed in special education. But they didn't pull me out of my cell for classes, a teacher would only talk to me through my cell door FDC took me out of special education when I turned 25 years old because I aged out of the youthful offender (YO) education program.

6. I enrolled in education classes since then, but I could not learn the materials because FDC just dropped off packets of worksheets at my cell door with no extra help. There were not enough worksheets to keep me busy for very long. Now that I'm on the "compound," which is what we call general population, I plan to physically go to the classroom and get help from the teacher. But back in confinement, there are not enough teachers and not enough staff for everyone to get tutoring regularly.

7. In 2002, I was diagnosed with mild glaucoma while I was on Close Management. I take two eye drops, Timolol and Latanoprost, daily to keep the pressure in my eyes down so I don't lose any vision. When I read or write for a while, my vision starts to blur up a lot and I have to close my eyes for a while. In confinement, I wanted to spend more time reading and writing to pass the time, but it was too hard on my eyes.

8. I am currently diagnosed with depression (since approximately 1999) and schizophrenia (2003-04; 2020). I have had other mental health diagnoses over the years, too. I take Tegretol, Zoloft and Abilify to help manage my mental health symptoms. I also take medications for high blood pressure.

9. I've been in more than 100 confinement cells since 2000. It's normal to see mold, old food, spit, snot and blood on the walls. In the last cell I was in, the paint was also peeling pretty bad because water seeps under the paint when it rains. When the wings get painted, staff just paint over all of this mess, so it's really still there.

10. I tried to keep my cells as clean as possible, but it didn't make much difference. We don't always get the cleaning supplies we need. Even when we did get the watered-down chemicals and broom, it was impossible to clean everything the way it needs to be cleaned.

11. There are a lot of rats, roaches and spiders on the wings at FSP. The rats jump into your locker and eat your canteen items. They love honey buns, mayo, and peanut butter squeezes. I have woken up many times with roaches in my bed.

12. There were no windows in my last confinement cell. Most cells don't get direct sunlight. Depending on the cell you're in, you might catch a little sunlight from the windows on the catwalk.

13. At FSP, the heaters don't work well, so in the winter it gets freezing cold. Sometimes the heaters are broken and don't work at all. Several wings don't have hot water. In the summer, it's very hot because there is no air conditioning. On the hottest days, I've had to either put on a wet t-shirt or pour water on the floor and lie in it in order to cool off.

14. I never got much sleep in confinement - maybe 4 hours a day. Many of the bunks are just steel slabs that are connected through the wall, so I could always feel any movement happening on the bunk in the cell next to me; it's like being on a seesaw. In confinement, you learn to live with permanent sleep deprivation.

15. Whenever I did fall asleep, I usually got woken up by all the noise in the dorm. I'd hear steel doors slamming all the time. I'd also hear people screaming from their cells. Sometimes you could tell from the screams people were having nightmares. But sometimes, people just scream to release stress. It can get really

irritating to hear, but I understand it. I've done it, too. Sometimes that is the only coping mechanism we have.

16. I had about 10 cellmates since in confinement, but only for short periods of time. The hardest part of having a cell mate for me was the extra noise. He might want to talk when I really needed a break and there was nothing I could really do about it; there was nowhere else to go.

17. Having someone I didn't know or trust in my space all the time made me really anxious. At one point, I went over 10 years without a cellmate, so when I finally did have someone in the same cell with me, it just didn't feel right. I became even more uncomfortable than usual. This made me anxious about what it would be like to finally be back on the compound.

18. One time a cellmate walked past me and accidently touched me. It really bothered me. Nobody had touched me in years other than the officers putting me in restraints. It felt unnatural.

19. The last hug I got was in April 2000 from a Sergeant at Dade County Jail, right after I turned 18.

20. In confinement, I tried to stay out of the officers' way but when you're behind the door, you have to rely on officers for basically everything. On several wings at FSP, we were not able to flush our own toilets. We had to put signs in the window and ask officers to flush for us. Sometimes it felt like just asking them to do

their jobs or follow their own policies made me a target. Before coming to the compound, I had only gone to rec a few times in the last two and a half years. I avoided going just so that I could avoid the harassment.

21. Whenever I had to leave my cell, I had to go through a strip search. The strip search, according to policy, is degrading. I would have to get naked in front of the officers and hand my clothes through the food slot to be searched. Then I'd have to open my mouth, lift my testicles, lift my penis, put my hands up, turn around, squat and cough. Most officers wouldn't even allow me to wash my hands after you do all this before leaving the cell. A lot of times, officers would tell me to do more than what policy called for and the search would turn into straight sexual harassment. Over the years, I wrote PREA complaints about the abuse, but nothing changed.

22. When I wrote grievances, it was almost a guarantee that officers would refuse me showers, rec, or dayroom. It also more likely that they would run the cell extraction team. Whenever grievances are written on staff in confinement, there's no telling what retaliation you'd face.

23. I've experienced cell extractions myself and have also witnessed a bunch of them happen to other people. The cell extraction team consists of about 6 officers. One officer holds a handheld camera, another usually stands in front of it - I think this is to block the camera from showing what's really happening - and the four others beat the person up. They often run into the cell screaming, "stop

resisting," even when the person is restrained and not fighting back. Officers punch, kick, jab their fingers in people's eyes, twist people's testicles - it seems like they'll do anything and everything. There was a time they beat me so badly, they put the spit shield over my face to hide all the bleeding and swelling they caused.

24. Officers also use property restriction, or "strip," as a way to retaliate and control people. I've been put on strip more times than I can count. In July 2019, officers put me on strip and took everything but my boxers. I had no toothbrush, no soap, no mattress and no sheets.

25. I cut myself that night. I started hearing things. I felt like the walls were caving in. They tortured me for no reason and I remember knowing that they were going to get away with it. It was hard to bear. The next day, the warden and the regional director came through the dorm and saw that I didn't have any of my property. They ended up making the officers give me my stuff back because they said there was no incident report. Then the day carried on like normal, because that sort of abuse is normal behind the door. Officer violence and abuse are just part of the confinement environment.

26. I started cutting myself in 2001 when I was in confinement at Martin CI. Cutting became the only way I could deal with the stress and depression that came from being trapped in a cage. Sometimes I hallucinated and started hearing things that no one else heard. I still struggle with this. In confinement, I started going

through a lot of dizzy spells from sitting and staring at the same spot for such long periods of time. Sometimes it felt like dying was the only way to be free.

27. I tried to commit suicide several times on CM - there were a few times I almost succeeded. I've cut myself. I've swallowed razors. I've overdosed on pills. I've had a lot of blood transfusions in the last 15 years because of my attempts to end my life.

28. I didn't use to be like this - I never felt hopeless before I got trapped behind the door. One time, when I was 22, I overdosed after a Sergeant wrote me a DR for talking on the vent in my cell. He told me they would never let me off of CM. I believed him. And I honestly felt I would be better off dead. That's the mindset you develop when you can't get the help you need, and the doors are literally always closed on you.

29. I've been in CSU and TCU several times. The first time I went to CSU was in 2004. Being in CSU or TCU is better than being at FSP. You do get out of your cell more and get more services but it's not really enough. You're still really in confinement.

30. When I was at FSP, mental health staff told me that I was on the waiting list for the Secure Treatment Unit at Wakulla but they also said that the list is very long. I ended up getting off CM altogether and a spot never opened up.

31. A lot of the time, the only contact with mental health staff I got was when they talked to me through my cell door while they walked the catwalk. They'd stop for only a few seconds before moving on.

32. Eventually, I started getting counselling about once a month for about 10-15 minutes. Sometimes I would be restrained in the dayroom and sometimes I'd be locked in the shower, depending on which counselor I got. Being able to talk, vent, and brainstorm solutions to my problems with someone did help me cope a little better, but I needed it earlier, more often, for longer sessions, and in a private office so I could really engage with the counselor. Maybe I could have avoided all those times where I wanted to just give up and die.

33. It seemed impossible to get out of confinement, like FDC was looking for any reason to keep me in CM because of my past offenses. In 2013, for example, the classification team recommended me for general population. But while I was waiting for approval from the regional director, officers gave me a lewd and lascivious DR for having a hole in my pants. The DR itself even said that I wasn't gunning - it was only for having a hole in my pants. Most people in confinement have holes in their pants because they give us raggedy clothes. That DR carries 60 days of DC time and had the power to put me back in CM 1. That's what they did to me. After that, they kept prolonging my CM time, despite my "positive adjustment." When they finally let me out of CM, I had been DR-free for almost three years.

34. Being in confinement for more than two decades was exhausting. People are hidden away in CM, and it makes it easier for the officers to get away with the violence and torture that they don't do on the compound. The abuse made me distrust everyone. It made me hateful. It made me pray every night, for years, that I would die and not wake up the next day.

35. Even though I'm now on the compound, I know I'll never be the same. I try to just focus on breathing fresh air every day and being able to walk around and talk to people outside of a cage. It gives me hope that my worst days are behind me. But the way FDC is setup, I know that all it takes is one bad officer or one bad moment, and I can be back behind the door, being tortured again. My biggest fear is returning to CM. I don't know that I can make it out a second time.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 18, 2021.

Signed: /s/ Derrick Grantley, DC# 198328

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF GARY SEYMOUR

I, GARY SEYMOUR, declare under penalty of perjury:

1. I am a 40-year-old white man incarcerated in the custody of the Florida Department of Corrections ("FDC"). I am currently at FDC's Reception and Medical Center because I have some serious medical issues that require surgery.

2. I've been in solitary confinement, specifically Administrative Confinement (AC) and Disciplinary Confinement (DC), over ten times. I've been incarcerated since February 19, 2014 and if we added up all the time I've spent in confinement, it would make up over two years of my life. I've experienced solitary confinement at Northwest Florida Reception Center, Washington, Lake Butler, Century, and Gulf Correctional Institutions.

3. I am a paraplegic veteran. I served in the military from 1997 – 2002. While I was overseas in Baghdad, Iraq in 2001, an underground mine exploded, blowing my Humvee in half. My spinal cord was severed with injuries to my T12 and L1 vertebra. It paralyzed me from my chest down. This means I can't walk or move anything below my chest. After my injury, the doctors put me in physical therapy where I relearned how to take care of myself and get done day-to-day activities in my wheelchair. My wheelchair became my legs. To protect my spinal injuries while I'm in my chair, I need to use a roho cushion. It is an egg-crate style pillow that goes between my chair and me. Without it, the pressure on my back can cause sores and worsen my vertebra injuries that cause a lot of pain. FDC also gave me a double matt pass, which means I am supposed to get two mattresses to cushion my spine. I also have special boots that keep me from getting sores on my heels when I use my chair.

4. On top of paralyzing me, the explosion in Iraq also left me with traumatic brain injuries. I have a permanent brain bruise and epilepsy that causes grand mal seizures. When I'm regularly medicated, I'll have a seizure about every two or three months, but when I'm not on medication, they come almost daily. I can feel the seizure coming on too – I'll start to see auras around things and my hands will shake. I won't remember anything during the period I had the seizure.

5. I also have prostate cancer and need to use urostomy bags and diapers. Before I was incarcerated, when I was about 26-years-old, I was diagnosed with prostate cancer at a Veterans Affairs ("VA") Hospital in Tampa. The cancer metastasized and I had major surgery to remove my entire bladder, my prostate, three-quarters of colon, and three-quarters of stomach. As a result of that surgery, I have to use an urostomy bag and diapers for my waste. I am a small guy, weighing about 91.5lbs. This means I wear a Size 6 diaper, which is a child's size. When I'm forced to use larger diapers, it causes leaks, which not only is unsanitary and foul, but causes sores on my body.

6. I unfortunately also have a heart condition that has caused me two heart attacks before I came to prison. I have stents to keep my valves open and take various medications for it to regulate my heart beat. I also have a cardioverter defibrillator implant ("AICD"), similar to a pacemaker. It will shock me with electrical impulses to keep my heart rate in the right range when I'm at risk of cardiac arrest. This means I can't get too worked up or agitated because my heart rate up will go up too high and the AICD will shock me, so I try to keep calm and not physically stress myself as much as possible.

7. I also have a hearing loss from the explosion, so I need hearing aids. Without them, I cannot really hear what is going on. It's like everything is muted so people have to yell at me so I can hear them.

8. The conditions I am subjected to in confinement are truly appalling. Over half of the time, confinement guard have taken my wheelchair away from me completely even though I have a medical pass for it. The guards have told me that it's "policy and procedure" to take my chair away, but when I've requested a copy of that policy, the guards have never given me anything. It's infuriating because my chair is how I get around the world -- my chair is my legs. So when they take it away, I am left to crawl on the floor, using my arms to get around with my body dragging behind as I pull myself along. The cells are always filthy and dirty like they've never been cleaned. There is almost always a rat or roach infestation too. It is absolutely disgusting to have to crawl around on the floor of a confinement cell, but without my chair, I don't have a choice.

9. All the confinement cells I've been in are essentially the same too. FDC usually places me in an "ADA cell" but when the guards take away my chair, it makes no difference whether I'm in an ADA cell or not. In fact, the non-ADA cells are really not much different than the ADA cells except the ADA cells have two bars near the toilet. There is nothing on the walls, a blocked-out window to the outside, a toilet, and a sink. When I have my chair, whether it's an ADA or non-ADA cell, it can be difficult to maneuver around the cell because of how small it is. But without my chair, I can't even reach the sink or use the toilet. In the ADA cells there is a bar behind and next to the toilet, but I can't get myself onto the toilet

without my chair because I am on the floor, unable to reach and lift myself up. Instead, I have to rely on the limited diapers that the officers give me and they are almost always the wrong size, which causes leaks. Unlike general population where I could go to medical or canteen to get supplies, in confinement, I can't get enough wipes or supplies to clean up the leaks from the diapers. This means my cell becomes completely unsanitary. I've asked for cleaning supplies before from the guards, but they never give me any. I even had a guard respond that I should "use my spit" to clean up and laughed at me. It is degrading and disgusting to live like that.

10. Not only is taking my chair from me inhumane but it is downright dangerous. Without my chair, I fall about once or twice a day just trying to take care of myself. For example, the officers put the food tray through the flap in the door that is about midway up, but I can't reach it because I'm stuck on the floor without my chair. During my last stint in confinement, which was about a week, I was only able to eat twice because of this. The officers know what is going on -- I tell them I can't reach, but they view this as me "refusing" my food. I try to use the bunk to bring myself up to reach the food tray, but most of the time I'm not successful before they say I refused it and I end up falling. I've had some major black and blue bruises from falling in a confinement cells without my chair.

11. Showering in confinement is also really problematic for someone who uses a wheelchair like me. While the official schedule for showering is three times a week, this usually doesn't happen because the guards are too busy doing something else. I also definitely have declined showers when offered because of the issues that can be involved. For example, instead of giving me a wheelchair to get me to the showers, I've often had officers drag me from my cell to the showers, with one guard on each side of me holding me by my armpits. One time I fell in the shower and I was stuck on the shower floor because I couldn't get up. I had to call out for help and the officers, instead of helping me themselves, went and found an inmate orderly to get me up while I laid there on the floor. Because I'm paralyzed and can have issues like that, I've had officers tell me to clean myself in the sink instead. But in most cells, I can't really reach the sink to clean myself without my chair, so I've had to use toilet water to wash myself about a dozen times. Words cannot express how dehumanizing and disgusting it is to wash myself out of a toilet, all because I can't use my legs.

12. FDC also often takes my other accommodations I need to protect my spinal injury when I go from general population to confinement. In general population, I get my double matt pass so that I have two mattresses to keep pressure off my injury. But in confinement, not once have they honored the pass. In fact, all the mattresses in confinement are torn up, heavily used mattresses that are flattened

and in really bad shape. So, not only do I not get the double matts like I'm supposed to, but I'm barely getting any cushion to protect my injury. When they take my chair, they also take my boots that keep sores from my feet and refuse to allow me my roho cushion that I need to keep pressure off my spine. Not having any cushion for my spinal injuries causes really bad pain. I'm always in some kind of pain,but having that pressure on my injuries is excruciating.

13. In confinement, I also don't regularly get the supplies I need for my incontinence. When I'm in the general population about once a week I get extra small diapers, a bedside drainage bag, a pack of cleaning wipes, and about five ostomy bags. If there is an issue, like I get the wrong diaper size, I'll go to medical and make sure the order is right and then I'll go to the supply people to make sure the order is placed correctly. But in confinement, all I can do is tell the guards or nurses if they stop when they walk by. I can also write an inmate request or grievance if I'm lucky enough to have a pen or forms. But even then, the requests often go ignored. Without the right size diapers, I'll end up with leaks and sores. I have also had to clean my ostomy bag with toilet water because of not having enough wipes and supplies. Again, I can't often reach the sink, so when I have to do that, I just hope that I don't get an infection. For me, infections are incredibly dangerous because of my suppressed immune system. I told this guards this when asking for the right supplies, but I've always just gotten nasty responses. I even had

confinement guards nickname me "diaper boy" because I was trying to get what I need.

14. When I'm in confinement, it is also much harder to address any issues with my medications and the negative health consequences I experience when I don't receive them as prescribed. I already feel stressed and agitated because of daily life in confinement; add that to missed medication doses and my AICD goes off more frequently and I get more seizures. One time, when I wasn't getting my meds, my heart and chest hurt and I could feel the regular shocks of my AICD so I declared a medical emergency. The guards did not alert medical though -- they said "we're not calling medical so you might as well quit asking." For three days, I requested to see medical but nothing ever happened. It was incredibly frustrating and dangerous. If I had an issue with getting medication in general population or had something going on with my AICD like that, I would be able to discuss it with medical. But in confinement, I'm completely reliant on guards or inmate requests and grievances which often go unanswered.

15. Guards also regularly take my hearing aids away when they are processing me into confinement. This last happened in June of 2020 at Lake Butler CI. They put me into AC but didn't give me my "keep property" (i.e., property that is approved to be in confinement). Keep property is supposed to include assistive devices, like my hearing aids, so I was stuck in confinement without them. Not

having my hearing aids while in confinement is hard because I can't really hear people through the big steel door on my cell. The guards have to scream and bang on the door to get my attention and it puts me at risk of getting a disciplinary report ("DR") because they act like I'm just ignoring them but I really just can't hear them without my hearing aids. Not being able to hear also adds to the solitude of confinement even more because I can't even hear other people's voices when they're walking by or talking on the wing. It's so isolating.

16. Because I'm an "ADA inmate," an ADA coordinator is supposed to meet with me at least every six months. In general population, we'll meet to discuss accommodations and issues. They'll ask me questions and will fill out a form. In confinement, the ADA coordinators have zero conversation with me about issues I'm having in confinement. If they see me, they just ask me to sign the form. But because they didn't ask me questions, the form doesn't reflect what is happening to me, like not getting medications, not having my chair, the right medical supplies, and so on. So, I usually refuse to sign the form, and no one fixes my problems.

17. I feel like the guards in confinement really don't care what happens to us medically or psychologically. I've notified them of seizures coming on and been ignored. If I have a seizure alone in my cell, I could seriously injure my head or something else, but no one would know because the guards don't come around often to check on us often enough. While the guards are supposed to do checks every 30

minutes, I've been on confinement wings where I haven't seen guards the entire shift, like eight to twelve hours.

18. There is nothing to do in confinement but sit with my own thoughts. In AC and DC, getting a book from the library can be really difficult. I was lucky if I got a book even once a month, if that. There are some programs, like GED classes or substance use available, but I'm not qualified for any of those – I have a degree and I don't have a drug offense. So, there are no training, programs, classes, or education for me to do in confinement.

19. In AC and DC, we don't get any dayroom privileges, even for people who have been there for months and months. I've served around six months in confinement three different times and did not get dayroom, tablets, or anything like that the entire time. I would get recreation ("rec") maybe every other week. When I did have my wheelchair with me, guards would wheel me out to the rec yard where individual cages are lined up. The wheelchair the guards would use to transport me was usually not mine. Instead, they would use the shared dorm wheelchair to transport me. It was very dirty, including sometimes with dried urine or vomit from someone who needed it to get to medical. It was disgusting. Once we got to the yard, the guards would put me in a cage where I couldn't even turn the wheelchair around. The dip bars were within reach but I couldn't really use them because of how small the cage was with my chair in it. We're also not allowed to talk to each other when

we're out there, even if someone I knew was in the next cage. If we did talk, we risked getting a DR and going back to our cells immediately.

20. When I'm in confinement there really is no socializing for me. When I was in general population in prisons near my elderly parents, they would visit me. But when I was placed into confinement, they weren't allowed to visit anymore. I would also have calls with them when I was in general population too, but in AC and DC, not once was I offered a call so I could check in with them. We end up writing each other a lot of letters, but unlike in general population, it can take sometimes two weeks for a letter to get out to them or in to me. It's a long time to not have contact with them. It can also be really difficult to even get a pen or forms in confinement because I have to rely on the guards to provide it. There is a clergy person that comes by maybe every other week, but he just walks by the cells, waiving, and doesn't stop. He has a security officers with him the whole time too, so I don't feel like I could really talk to him either if I was given the chance.

21. I'm a military man, but the punishments I've experienced in confinement go beyond what any person should endure. The worst is probably property restriction ("strip"). I've been put on strip a few times. Each time, they take away all of my property: mattresses, sheets, blankets, clothes, and so on. I've had them leave me just with boxers and also one time, with nothing at all -- I was just left naked in the cell. When I'm on strip, I'm forced to sleep on the steel bunk with

no mattress whatsoever despite my spinal injuries and double matt pass. Having no clothes and blankets also means it freezing, especially at night. I've got really sick twice in confinement while on strip. Both times, with my history of cancer, I was scared my illnesses were life threatening. I've never experienced anything like strip in general population.

22. The guards will also place us on meal management as punishment. We call it "loaf" because what they do is mush up the entire meal and then put it in a brick form. I've been put on loaf a few times, ranging from a couple days to a week. I've never once been able to bring myself to each it. When I refuse to eat it, they'll put down that I'm on a hunger strike, but I'm not – I would love to eat. I just need to eat food that is edible and the loaf is not something I would feed to a dog. I've also gotten "air trays" before, which is where the guards put an empty paper bag on the tray. The empty bag is caught on the cameras so it looks like I've been given a meal, when in reality, there is nothing in it. I've never experienced anything like loaf or air trays in general population.

23. In confinement, I've been sprayed by guards with pepper spray more times than I can count. It's incredibly painful. It's a lung irritant that makes a person feel like they're choking to death. The guards will sometimes give us little warning before spraying us too, like if we're on the door or looking through the window. I've never been sprayed like that with no warning in general population.

24. To me, it's clear that confinement isn't designed to help anyone or keep anyone safe. Most of the people I know in confinement aren't in there for stabbing or fighting or something really dangerous. Instead, they're in there for non-violent things, like talking back or disrespect or having a cell phone. It seems crazy to me to put people through confinement for stuff like that when there are other correction actions they could put in place. I think it's clear that confinement just ends up making everyone's behavior worse, but they just keep on cycling people in and out of it. To me, the guards and staff just don't care about what happens to us in confinement or how it will impact us in the long run.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 25, 2021.

Signed: /s/ Gary Seymour, DC#T77153

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF DAVID LEE MOORE

I, David Lee Moore declare under penalty of perjury:

1. I am a 70-year-old, Black man incarcerated in the Florida Department of Corrections ("FDC")'s custody. I'm currently in solitary confinement in Close Management ("CM") at Suwannee Correctional Institution. I make this declaration based on my own personal knowledge.

2. I have been incarcerated for over 35 years, since 1976. I have been forced to live in Administrative Confinement (AC), Disciplinary Confinement (DC) and all levels of CM. I'm currently on CM3. I have been in CM this time since 2018. This is my fourth or fifth time on CM. I can't remember exactly because all the days blend together in solitary confinement. I've been in solitary confinement at Santa

Rosa, Suwannee, Lake Butler, Charlotte, Union, Everglades, and Florida State Prison ("FSP").

3. I am an "Americans with Disabilities Act ('ADA') inmate." I've been reliant on a wheelchair since 2017 due to both an issue with a herniated disc in my back and mobility issues caused by several strokes I've had in recent years. If I have rails or a wall to hold myself up, I can stand, but even then, my equilibrium is off so I might fall. The pain from the herniated disc is also really bad. I'm also experiencing issues with my joints locking up, where I'm unable to move them at all. Currently, I can't put my left arm over my head or behind my body without excruciating pain. It feels like it's frozen with pain. I can hardly get out of bed and there are times when I can't get out of bed at all or even sleep at night. I also have a heart condition that requires me to have a pacemaker implant.

4. All the confinement cells I've been in are small and not fit for a human being to live in. They have roaches, and I've seen rats on the confinement unit as big as little dogs. They leave feces everywhere. I've asked the guards for chemicals to clean the cells, but it's hard to get them. The cells usually have a bunk bed, toilet, and sink. There is one window to the outside and another on the door. The window to the outside is painted over so we can't see out. Sometimes they open about a half an inch, but most of the time, they don't. There is a window on the door, but the guards tell us we can't stand on the door or else we'll get sprayed with pepper spray

or get a Disciplinary Report (DR). We're not allowed to hang anything on the walls either. So, we're just left to stare at blank walls in our cells for days on end.

5. The temperature in confinement units is also an issue. During the summer at Santa Rosa or FSP, the temperature outdoors can get over 90 degrees easily. There is no air conditioning in the units and the concrete floors and walls just soak up the heat. When I was lucky enough to have an outside window that worked, because I was in a wheelchair it still was too high for me to get my face near to the window to breathe in fresh air. It would get so hot that I honestly thought I was pass out or die from heat stroke.

6. Out of all the times I've been in confinement, I've only been in an ADA cell three times. The current cell I'm now in is an ADA cell, but it is not large enough to accommodate my wheel chair, especially with my cell mate. Before that, I was in a non-ADA cell for months. And I've fallen a lot of times when they put me in non-ADA confinement cells. For example, I'll fall trying to urinate because there are no rails to hold onto. The other issue is that the sinks usually aren't reachable from the chair. I have to stand up out of my chair to press a button to get the sink to run, but there are no rails to make sure I'm stable doing that. Staff also don't always let me use accessible showers in confinement. The showers they typically let me use are too small for wheelchairs and I've had difficulty getting in and out of the shower stall with my chair. I've been forced to shower without my chair, which is another

fall risk for me. When I've showered without my chair, I've fallen really hard, scrapping up my legs. It's to the point that I'd just rather clean myself in the cell when I'm able to reach the sink.

7. FDC has me registered as an "ADA inmate" but a lot of the staff who interact with me don't even know that. When I first started using the chair in 2017, I was in General Population and I met with an ADA coordinator. The ADA coordinator is supposed to assist ADA people like me with accessibility issues. Since then, I can't remember meeting with the coordinator even once. I've requested repairs on my chair that is falling apart, with the left pedal broken, but I haven't received any response and no ADA coordinator has meet with me since I've been on CM. In fact, confinement guards have taken away my wheelchair twice because they said I was fine without it. They also threaten to take it often. Just this year, the confinement guards told me I couldn't have my chair, saying it was a "security risk." They told me I could use a walker, but I really can't. These threats are just one of the many ways I feel like staff harass me in confinement because of my disability. Another time at Lake Butler while I was on AC then DC status, they took my chair away for over a month until I was able to get to medical to tell security I did in fact need it. Without my chair in my cell, I can't even get to the toilet. I'd have to crawl to it and once I got there, I would struggle to get myself up. Not having a chair also means I can't move around as much and I lose mobility from just being stuck in one

place. It's important to me that I'm able to get stuff done on my own. Even though I'm disabled, I'm still a full independent and capable person. Being in confinement in a wheelchair makes for a difficult situation though, especially when they're threatening to take away devices that help me keep my independence.

8. I have not gone to recreation ("rec") for almost two years. When I was in General Population, I loved going outside. I went outside to the yard every day. Feeling the sunshine and fresh air always gave me a quality space and time to check-in with myself and get some perspective. In confinement cells, there is no fresh air unless I'm willing to deal with all the issues that come with going to rec. The guards are supposed to offer it several times a week, but they don't really stick to that schedule. Or they'll skip some people like me because of the hassle of the wheelchair. The rec yard is not built for people with wheelchairs. The paths to the rec cages are usually not cemented, so the guards will often get annoyed and nasty because of the hassle of pushing me out there. I'd rather avoid starting issues with the guards because we're reliant on them for everything. Once I'm in the rec cage, there is maybe enough room to roll forward 5 or 6 feet, then backward 5 or 6 feet, but I can't turn around. There is also a dip bar in the cage, but it's at the wrong height to be useful for someone in a chair. In the winter, for those of us that are indigent and can't afford boots, we have to go to rec in state-issued crocs (basically plastic sandals with holes in them). At some facilities, it gets down below freezing and

they'll put us in cages with just those crocs and whatever inside clothes we have. We're also not allowed to talk to each other either. With all those issues going on, to me, rec is just depressing.

9. I also haven't gone to dayroom in a long time. With how intense and stressful confinement is, and how easy the guards will react and write us DRs, I'd rather just keep to myself. If I get a DR for someone else's issues, I'll be kept on CM longer. So, I'd rather just lay low and keep out of everyone's way so I can eventually get out of confinement. If that means skipping dayroom, so be it.

10. Another big disincentive from leaving the cell for rec or dayroom is that the guards will also often do a "cell search" when we leave our cells. They go through the whole cell and tear it up. I've come back to my cell with pages torn out of books, stamps stolen, pictures on the floor, commissary goods torn up and so on. I do my best to control my anger when this happens. In General Population, they have a squad that does searches of bunks and they don't just toss it and tear everything up. But the way they trash cells when we leave them in confinement is extremely destructive. It feels like they don't have a purpose other than more harassment, just more discouragement from leaving the cell.

11. The guards also make us strip search before letting us leave our cells. Strip searches are one of the main reasons I will refuse rec or dayroom. It's derogatory and the guards know it. They will make snide and sexual comments, like

"let me see that eye" referring to my butthole when they ask me to spread my butt cheeks. But I'm in a wheelchair and I can't easily get up to do that. Depending on the guard, they might just make me lower my pants and move my genitalia around. It's not right. I do not feel comfortable with a guard looking at me like that and laughing, making rude comments.

12. Another thing the guards do that seems like it has no purpose other than harassment is property restriction. We call it "strip." I've not experienced strip myself, thankfully, but I've seen the guards put countless people on strip. When they put someone on strip, the guards take everything. This includes mattresses, clothing, blankets and sheets. I've even seen them do this in winter when the dorms are near-freezing. The officers working the unit will have on big heavy coats, sweaters, thick socks with boots and the person on strip only has his boxers in a concrete cell. It's torture. I've seen other people put on strip for little things, like having a book on the bed or floor. I've actually requested a list of enumerated offenses for why a person would be put on strip so I can avoid it myself. Despite asking different staff members about it, no one has told me what offenses or violations will result in strip. Nothing like strip happens in General Population.

13. When the guards take me out of my cell, they put me in full restraints. That means hand cuffs with a black box, waist chains, and leg irons. They'll also sometimes pull us out of our cells early for call outs and place us in holding cells

with no bathroom. Just this year, the guards pulled me out of my cell and put me in a holding cell in full restraints two or three hours before my scheduled legal call. I had to urinate and I told the officers this but they just ignored me. I ended up wetting my pants. That wasn't the first time either. I feel like it's just another thing they do to keep us from coming out of our cells.

14. Like I said, I try to keep my head down and lay low so I can get off CM. There is not much at all to do, so I try to stay busy by meditating and reading. I once had a radio too, that I would listen to the news on, but when I was transferred facilities, the officer who was responsible for my property broke the radio and I can't afford a replacement. On my current CM wing, they also just took batteries off our canteen list. So, no one can even replace their radio batteries anymore no matter what. I've also been on CM3 for probably half a year now and I still don't have a tablet to be able to email people or do anything like that. So, I'm just left in my cell with nothing to do. It's not good to have all that idle time. I try to read as much as possible. I'll read anything I can get my hands on. Anything. Because of how quickly I'll go through the few books I get every month from the library, I've read the Bible more times than I can count. It's better to have something to read than nothing and let your mind wander into darkness.

15. While in confinement, I've put in requests for educational classes but have never been given any. In General Population, I did a General Education

Development (GED) class and some vocational trainings. I really liked learning new stuff and wish I could have that in confinement to make good use of my time here. When I was in General Population, I also had work assignments. One time at Baker CI, I had a work assignment as a teacher's aide which was really fulfilling. But since I've been in confinement, I haven't been offered a work assignment even though I would like one.

16. On top of having nothing to do, there is no one to talk to. I'll go a week without have a conversation with anyone. Sometimes, the guards stop at the cell door for a few seconds, but it's usually not enough time for me to get in my chair and to the door. If I need toilet paper or some other kind of help, it's really difficult because I just don't move fast enough to get their attention. When I do wait at the ready for them or get to the door in time, they often just ignore me too or worse, yell at me. Waiting on the door for them can also risk getting a DR because the guards will give DRs to people who talk through the vents or through the doors to their neighbors.

17. Having a cell mate can help get the guards attention, but it can also be a real problem for a couple reasons. First, the cell is way too small for me with my chair, let alone someone else plus me and my chair. Second, there is no privacy at all. We even have to use the restroom in front of each other. If we put up a sheet or something for privacy, we risk getting a DR for destruction of state property. Again, a DR like that could extend the time we have to serve on CM. With all this idle time

on our hands and it can get really intense to be in such small quarters with people. When I have a cell mate, I have to worry about their psychological impulses and behaviors and my own safety. I've had cell mates fight me, including once with a weapon, try and hide contraband in my wheelchair, be gang members who are violent, or even masturbate and say derogatory things when women are on the wing. Their issues become my issues. My cell mate before last had a colon problem that causes him to defecate uncontrollably and he didn't have any diapers. That means our cell had feces all over. And that while I'm eating, or trying to sleep, I was aware of him defecating and then I had to smell it. It's such a small space. I asked the guards for chemicals to clean but they never provided us with anything. It's not a compatible, safe, or okay way to live. I'd rather not have a cell mate than deal with what can come with them.

18. Without anyone to talk to or anything to do, it's hard for me to get through every day with the amount of pain I'm in. There are not enough distractions to keep my mind off the pain. In General Population, I'll go outside, go to the chow hall, go to talk to people because it will distract me from the pain I'm in. It'll keep my mind on something else. But in confinement, there is no something else. It's just me and the pain. Even though I've been practicing meditation for decades, it can be a real toll.

19. In confinement, the guards will also gas us with pepper spray for just about anything. At Santa Rosa in the confinement unit, I would see at least one person get gassed every day for just standing on their door. They wouldn't get a warning or reason either. The guard would just walk up to the cell and gas the person. It happens here at Suwannee too. They've been gassing people so much that even though I'm not the one who has been gassed, I'll start coughing or sneezing just from the amount of gas in the air. In General Population, I don't worry about getting gassed all the time because it's not the norm like it is in confinement.

20. One of the most stressful things about confinement is knowing I am always at the mercy of staff. I don't have control over whether they know what they are doing, whether they are in the mood to do their job, or whether they like me. It makes me feel useless and weak. It also means that my avenues for help are controlled by them. Every time I've been in confinement, I've had a hard time getting inmate request and grievance forms. Even here at Suwannee, the guards have refused to give me forms. If the guards don't give me forms, I have to go through the longer and often unsuccessful process of getting it from the library. Same with a pen. The guards are supposed to give me a security pen upon request, but they usually just ignore me. When I've asked inmate orderlies too, the guards tell them not to give pens or forms to me. I end up having to try and trade my food trays for a pen with another person on the wing (risking a DR) or just keep asking until a guard

finally gives me one. For example, I came here to Suwannee in January of 2021. It wasn't until mid-March 2021 that I was finally given a pen by a guard to fill out a request form.

21. All people in confinement are dependent on the guards but because I'm in a wheelchair, I'm even more at their mercy. When they take me out of my cell for a call out, I can't just wheel myself around like I can in General Population because they put me in full restraints. With my hands cuffed to a black box or waist chain, I can't wheel myself and the guards have to push me. It makes me feel really vulnerable to not be able to control my chair myself. Also, a lot of the guards really do not pay attention and have compromised my safety when pushing me before. One time at Santa Rosa, a confinement officer was pushing me from one dorm to another. He left me in the wheelchair on a hill, and I ended up rolling out of control down the hill. I managed to grab a wall before completely falling off the wheelchair, but it broke the left pedal of my chair and really scared me too. I was in full restraints in my chair with no ability to save myself from crashing into something. I also could have been very hurt if I fell out of my chair while careening down that hill. I've also had guards smoke cigarettes while pushing me in my chair and not caring about all the second-hand smoke in my face. It just makes me feel like because of my disability and being in confinement, they think I'm less than everybody else or not a capable person. Not being able to even control my own chair makes me feel like I

have no control over anything. In General Population it's not like that. I can at least be in charge of my own wheelchair.

22. Relying on the guards for everything also makes me scared for my life because of my health issues. I've had several medical emergencies in confinement that have been ignored by the guards. Sometimes the guards will say they're not calling medical and tell me to put in a sick call request. This is terrifying because I've put in sick call requests that have taken up to a week to get a response, or worse, just been totally ignored. One time while I was on CM, my legs started swelling. I'm not a large man but my calves swelled up to the point where I couldn't see my ankles. I declared a medical emergency but the officers said it was not and wouldn't give me a sick call form. I had to wait to request a form from the library. Then, once I submitted the completed request, I had to wait for it to be reviewed. It took around 10 days before I saw medical. With my history of strokes and heart condition, that wait time can be life or death. When I have to wait like that I get very, very scared. But there is no alternative. There is no other way to try and get help, except through the guard. In General Population, it's not like that at all. I've never had to wait 10 days to see medical like I have in confinement. In fact, in General Population, I've been seen the next day after submitting a sick call request most times. And when I've had a medical emergency in General Population, in my experience, the guard

will call medical to discuss it with them right then and there. They won't just make the decision on their own like they do in confinement.

23. I am also constantly worried that I'm going to have a stroke or issue with my heart and no one will find me for hours because I'm isolated in a cell all alone. The officers barely check my cell during security checks. I try to tell myself that a neighbor would call for help but they also risk getting a DR for yelling out for help. If they get a DR, it can add to their own confinement time so I can't really rely on them to check on me and get help if I need it. One time, I fell on the floor and couldn't get back up into my wheelchair, no matter how hard I tried. The people in other cells yelled and banged on the door to ask for help. The officers came, looked into my cell and just walked away, ignoring me. After my neighbor persisted that I needed help, the guards came back and said I was "experiencing a K2 effect" and continued to ignore me. They then wrote the neighbor that yelled for help a DR. I also had my first stroke at FSP while I was in confinement. I was in my confinement cell when my leg started jumping and dancing on its own. Next thing I knew, I was on my back, laying on the floor, and couldn't get back up. I called out to a person in a neighboring cell for help. He called and called for the officers to come. Eventually, an officer came and saw there was a problem. In General Population, another person would've seen me and been able to alert the guards immediately.

24. The confinement guards are also cruel compared to General Population guards, like they have anger issues and are triggered easily. For example, we're supposed to be able to have our legal mail and paperwork in our confinement cells. I had about 247 pages of legal paperwork sent to me and an officer brought it to my cell. Rather than putting the packet in the cell door flap, the officer opened my package and began putting in my legal paperwork over the top of my cell door, damaging the papers and letting them fly into my cell onto the wet floor. I tried to stop him, telling him the papers were getting ruined, but he said it was "too late" and kept on doing it. He laughed at me while he did this. That's just one example of their cruelty and anger issues that they take out on us. We're more vulnerable to it in confinement because they control everything.

25. When I'm in confinement for a long time, the stress impacts the way I interact with the world. In confinement, I feel like I use less intelligence and rational thought when making decisions. I try really hard to keep myself occupied, meditate, and focus on daily tasks to keep it from impacting me. In confinement, I've seen people hang themselves, cut themselves, eat screws or harmful objects to try and die. People get lonely and that creates problems. It's awful. I haven't gotten there though. I mediate and keep my mind busy as much as possible. But confinement is harmful for anyone. Confinement is a "no man's land," where there is nothing to feed the

mind. I've learned from experience that if you're not feeding your mind, it will end up feeding on you.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 7, 2021.

Signed: /s/ David Lee Moore, DC#053877

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF NORRIS NELSON

I, NORRIS NELSON, declare under penalty of perjury:

1. I am a 43-year-old Black man incarcerated in the custody of the Florida Department of Corrections. I have been incarcerated since 1999 and am currently housed at Northwest Florida Reception Center, in General Population (GP). I am blind and paralyzed.

2. I've spent a lot of time in confinement over the years. Before coming to GP, I was in CM I and II at Santa Rosa Correctional Institution and then Suwannee Correctional Institution. I was never told what level I was on at Suwanee. But it wouldn't have made a difference. They treat you the same, regardless of the level.

I've also spent time in and out of Administrative and Disciplinary Confinement at various Florida correctional institutions.

3. Since I had a stroke while incarcerated in 2011, my vision gradually declined until I became legally blind. I cannot see anything without wearing a pair of sunglasses, and even when I do so, I can only see shadows of shapes and figures. I also have seizures if light hits me the wrong way when I am without my sunglasses. When I didn't have sunglasses, FDC provided me with a straw hat so that I could have some shade from the light. In confinement, they took it.

4. According to FDC doctors, the same stroke that led to my blindness, also caused me to lose feeling in my legs. I eventually lost all feeling in my lower body, making me unable to stand or walk. I will be in a wheelchair for the rest of my life. At one point, FDC provided me with a cushion for my wheelchair to make it more comfortable, but in confinement, they took that too.

5. My blindness and paralysis disrupted my life and took away the little independence I had. I often feel up and down about my day-to-day physical condition. It's been hard for me, in general, but especially in confinement.

6. In addition to my physical conditions, my mental health has suffered a lot over the years. Prison medical officials previously diagnosed me with Bipolar Disorder and depression. The anxiety and uncertainty that I live with everyday about how I lost my ability to walk has only made things worse. In the past, I was

prescribed and was given psychiatric medication for these conditions, and other medication for my blood pressure, to thin my blood, and to prevent my seizures. I had a hard time getting any of those medications once I was placed in Close Management. Without these medications, my depression and seizures were more frequent and severe. In CM, I frequently requested that staff provide the medication I previously received and desperately needed, but my requests were either ignored or denied.

7. Because of my blindness and paralysis, FDC designated me as an impaired inmate under the Americans with Disabilities Act (ADA). As an impaired inmate, I am supposed to have an ADA Coordinator, who can help with the issues I have that are related to my disabilities, but I only met with an ADA Coordinator towards the very end of my time in Close Management. The few meetings we had were about my eventual transition out of Close Management. We never discussed any of the conditions I had to deal with in confinement as a blind and paralyzed inmate.

8. I need assistance to do daily activities, such as eating, bathing, dressing, using the toilet, or moving about my cell and the prison facility. Before I was held in Close Management, FDC often provided me with a "pusher," another incarcerated person to push my wheelchair, to help me move out of my cell and do some daily

activities. But in confinement, I rarely got this kind of help from a pusher or any staff.

9. Every day in Close Management, I struggled to move from my bed to my wheelchair, from my wheelchair to the toilet, and back again. There were plenty of times where I fell out of my wheelchair while trying to get from my cell or from the toilet. More than once, I could not make it to the toilet after blindly navigating my cell, and I would sit in my own filth until prison staff managed to take me to shower. Its dehumanizing.

10. Even though I supposed to be able to shower three times a week in CM, staff did everything they could to discourage me from trying to come out for the shower. Instead, they pressured me to bathe using the sink attached to the toilet. Before they let me come out for showers, my cell had to be compliant. To get my cell compliant I had to blindly move around my cell to find my possessions and organize them without any assistance. Because of this rule, I almost never got showers.

11. The lack of assistance also made it difficult for me to eat if staff decided to pass out meals. Without assistance, I didn't know what food was on the tray or even how I should try to eat it. Even though I would be starving, sometimes, I just went without eating to avoid the challenge of getting out of bed and approaching the cell door.

12. In confinement, I spent almost every minute of almost every day in my cell, blind and almost always alone. I didn't know what time it was and sometimes couldn't even tell if it was day or night. I had no access to a radio to pass the time. All I had were some documents, a few pictures of my family, and an audiobook.

13. To pass the time, I would listen to the two or three audiobooks a month that were provided to me. I'd listen to these books over and over again to pass the time. This time alone only made my depression worse.

14. My time in Close Management prevented me from having any normal contact with other people. The most common interactions with other people were when I would shout to inmates in neighboring cells through the vents.

15. At one point, I was temporarily housed with another person, but our cramped living space and my struggling daily to get necessities and move around because of my disabilities, did not promote a good social situation. Even though I was desperate for some help, I felt safer alone.

16. I almost never got rec, even when other people got to come out one or two times a week. In the couple of instances I got rec time, I was brought to small cage outside, to do the exact same thing I was doing in my cell: nothing. But for a time I was grateful to at least have some fresh air.

17. Eventually, the fresh air wasn't even worth it. Each time I was brought back to my cell, it was completely torn up. My few possessions would be out of

place and sometimes destroyed. State property would also be thrown everywhere. By my best guess, it took me hours to figure out what was moved and to try my best to re-organize my cell.

18. I only ever had access to a phone once every two months despite being told that I would receive access to a phone once a month while in Close Management.

19. There were so many times when I needed someone to talk to but was not allowed to by security staff. When mental health would do rounds, I'd try to get the counselors attention, but officers would prevent me from calling out, for "security reasons." There was one time that I overhead someone from mental health speaking to someone in a cell close by. I yelled out, begging for someone to speak with me about my mental health issues. No one ever came.

20. I've been placed on property restriction, where guards took all of my personal items from my cell, including my clothes. All I could do was sit in my wheelchair in just my underwear for three days with no sheets on my bed to keep me warm and with nothing to do to occupy my time. It's meant to drive you crazy.

21. The abuse isn't limited to property restriction. I've been subject to frequent strip searches. During these strip searches, guards would put their hands everywhere on my body. Because of my disability, sometimes I could not defend myself and they'd touch me inappropriately.

22. If I was being transferred around the facility for anything, officers would usually place me in the black box handcuffs and a belly chain. Sometimes they'd shackle my legs to my wheelchair, knowing that I already couldn't move my legs and had no ability to walk, at all.

23. I went through a lot in confinement. I faced the same issues everyone else faced, but it was even harder because of my disability. I felt helpless. I faced a lot of difficulty learning about my right to submit grievances, let alone actually writing them. I learned about the grievance process from other inmates. FDC staff never told me about it. When I decided to submit my first informal grievance, I had to rely on the help of an inmate in a neighboring cell.

24. To get grievances out, I would speak my grievances to my neighbor through the vent connecting our cells and he would write the grievance on my behalf. There were times I didn't get any response back.

25. Later, I submitted a formal grievance with the assistance of lawyers. I complained about the lack of disability accommodations for my disability, the retaliation against me by prison staff, the lack of mental health treatment, and FDC's failure to communicate to me the details of my physical and mental health evaluations. Despite all my grievances, things never improved.

26. Confinement caused me a great deal of physical and psychological harm. During my time in CM, I fell many times trying to blindly move around my

cell. I had frequent, painful seizures because I couldn't control the light in my cell. I would spend long periods of time on the floor seizing in pain. No one passed by for rounds. If they did, they either didn't look in my cell well enough to see me or didn't care. Sometimes, not only did FDC staff refuse to help me, they mocked and threatened me.

27. After the long periods of time alone in my cell with no sense of the world around me, I often heard voices in my head. They told me to harm myself and to end my life in any way that I could. I eventually tried to hang myself in my cell.

28. When killing myself was unsuccessful, I tried to declare a psychological emergency. In response to my calls for help, the prison staff ignored me, told me that I wasn't having an emergency, and provided me no mental health care or assistance. Instead, they put me on property restriction and gave me a DR.

29. Confinement is unbearable. Its an experience that scarred me. I'm not the same. I am relieved its behind me and I am working on recovering physically and psychologically, if I can. I just want to stay positive and improve myself.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 19, 2021.

Signed: /s/ Norris Nelson, DC# 123290

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF THOMAS P. ROBINSON

I, Thomas P. Robinson, declare under penalty of perjury:

1. I am a 36-year-old American Indian man incarcerated in the custody of the Florida Department of Corrections. My legal name is Thomas, but I've gone by "Talib" since I converted to Islam in 2017. I am currently in General Population at the Reception and Medical Center. I have previously spent time in Administrative Confinement (AC), Disciplinary Confinement (DC), and Close Management (CM), which I refer to interchangeably as "confinement" or being "behind the door." It's all the same thing, whatever they call it.

2. I became a quadriplegic in 2002, long before my incarceration, after I broke my neck in a car accident. Over the years I have regained some mobility but

have only 20% neurological functioning in my hands and cannot feel hot or cold from the chest down. I developed progressive myelomalacia, a neurological condition that causes my spinal cord to soften over time, cervical myelopathy, and complex regional pain syndrome in my neck. I struggle to keep my balance because my equilibrium is always off, and I have drag foot on my right side. People call me "crazy legs." I can walk short distances without an assistive device, but it is very painful. After a surgery I had in October 2020, I need a wheelchair to get around.

3. I also need a CPAP machine when I sleep. Without it, I wake up gagging when I sleep on my back, and it's really hard for me to get up in the morning. I feel really groggy.

4. I have a 12-inch metal plate and 16 screws in my right humerus, which limits my range of motion. It's excruciatingly painful for me to be handcuffed behind my back, so I have a "front cuff pass" that allows officers to cuff me from the front instead. When I was behind the door, I do not remember ever meeting with an ADA coordinator. I don't know why they did not meet with me regularly or at all, but some officers used to tell me I didn't have "real" ADA needs because I used a walker, not a wheelchair.

5. My most recent period in confinement was from September 2018 until November 2019. I went to AC in September 2018 when I was at the Columbia CI Annex. I was approved for CM I in November, but I stayed at Columbia for another

three or so months. During that time, staff treated me like I was on AC, not CM, in terms of access to dayroom, recreation, and phone calls. It wasn't until February 2019, when I moved to Union Correctional Institution (UCI), that FDC began to apply the CM rules. I think I was approved for CM II in April or May, and CM III in August 2019, when I transferred to Santa Rosa CI. I stayed there for about a month and a half, then I went to RMC while still on CM. In November 2019, I was released to the general population. I spent time in confinement before this 14-month stint as well. I was in AC and DC for about 60days at Suwannee CI in May 2016, and in AC and DC for over a month at Cross City CI starting in August 2017. My experiences were generally similar in all these types of isolation.

6. The cells in confinement are really gross. They smell like urine and there are semen stains down the wall. There are huge roaches crawling around the dorms. At UCI, I was in a "dry cell," or a cell in which I couldn't flush my own toilet. An officer had to do it for me. I had an extra shirt I used to lay over the toilet to mask the smell. I tried to schedule my bodily functions for when I knew I could get my cell flushed immediately—I used to wait until I saw an officer walking around the wing. But even when I wasn't housed in a dry cell, it was bad. Being in a confinement cell is like living in a port-a-john. Who wants to go to sleep in the bathroom? My bed was always within three feet of my toilet, sometimes closer. It

was even worse when I had a roommate. If he flushed the toilet when I was in bed, I'd feel like I could taste it because my face is right next to the toilet. It's rough.

7. My rollator, which is a walker with wheels and a small seat, was always in the way. It made my already small cell feel even smaller. I felt claustrophobic all the time. It was even worse the few times I had a roommate with me. I would use the rollator as a nightstand, or my roommate would use it as a chair. But it left barely any room for us to move around the cell. It was really aggravating. Sometimes I would put the rollator by my cell door to get it out of the way, but this made it hard to grab when I needed it. I would spiderman my way over from my bunk to the door—put my arms on my bunk and push myself back toward the wall, and then again to the door.

8. I had very limited ways to talk to others when I was behind the door. I could pass notes, yell on the door, or talk at the vent. I was afraid an officer would put me on property restriction if he caught me talking though. I couldn't risk that—my spinal issues would make it extra painful to sleep on concrete without a mat or pillow. I also didn't like talking to people from inside my cell because I couldn't see their faces. It's so impersonal and not at all engaging. So I usually only had short exchanges with people. Officers didn't stop and talk to me during their rounds, and I'd call out to them only if I needed something, like asking them to flush my toilet.

9. Books and my radio were my main forms of entertainment in confinement. There wasn't much else to do. But ever since I broke my neck, I get headaches and start feeling cross-eyed when I'm reading, so I could usually only read for 30 minutes or so at a time. And the radio stations we got were limited. A lot of them played music I didn't like, so I got bored pretty easily. I spent a lot of time in my confinement cell laying around. The days blended together, but my five daily prayers helped me keep track of the time. I'd look out the window and, based on how much light I could see and the shadows, I knew when it was time to pray. I got through each day from one prayer to the next.

10. During my time in confinement, I only went to recreation a handful of times. There are different reasons for this. For the first few months at UCI, officers refused to take me to recreation because I did not have a front cuff pass. When I finally got the pass, it was already summer. I felt like the sun shocked my body because it had been so long since I was outside and being in the rec cage during what feels like 100-degree weather is brutal. There is no protection from the afternoon sun in the cages at UCI. Guards passed around water, but it wasn't enough. I almost passed out from the heat.

11. Even when I did go to rec, I didn't have enough room to get a good workout. The rec cage is basically a concrete slab surrounded by a chain-link fence with a dip bar and pull-up bar in the middle. I couldn't use the equipment because

of my injuries. With my rollator, I could barely walk five steps in each direction. It wasn't enough to get a stride going. I think what I needed was to be able to go to a rec yard with a track I could walk around—or at least a larger cage that I could take more continuous steps in! Once I submitted a request for in-cell exercise training materials, hoping I could learn some exercises that I'd be able to do by myself. But I never got it.

12. Between spending most of my time locked in a cramped cell and being very limited in how much I could move around on the rare occasions I went to rec, I felt my body get weaker and weaker over the time I spent in confinement. My muscle strength deteriorated. If you don't use it, you lose it, I guess. I would wake up feeling lethargic, making it hard for me to drag myself out of bed in the morning. Even after the times I spent just a couple months in DC, I felt a difference in my body. When I went back on the compound, walking to the chow hall felt like a workout, even though I had no trouble doing so before. After the 14 months I spent behind the door, I felt a world of difference in my body. I couldn't walk without my rollator anymore. I'd get dizzy walking to the chow hall and would need someone to push me there.

13. One of the hardest things for me about being in confinement was that every time I came out of my cell, I had to expose myself for a strip search. The officers would tell me to lift my penis, lift my sack, bend at the waist and spread my

cheeks. I don't know why they do this—they used to just make me squat and cough. It made me feel ashamed, embarrassed, and insecure. Not only was it humiliating, my disabilities made it hard for me to balance. I had to hold onto the wall while squatting and coughing. Pretty much every time I would stumble, and sometimes I would fall. Officers would cuss me out and laugh when that happened.

14. Officers almost always did a cell search when I left my cell, and a lot of times they tore the cell up. They throw property all over the cell floor. Once when I was in confinement at Columbia CI, me and my roommate both had a lot of legal work. The officers threw the paperwork all over the floor during a cell search, mixing mine with his. It took a really long time for us to separate everything out. Other times, officers have thrown my paperwork in the toilet. Sometimes I'd refuse to leave my cell for a shower or rec because I didn't want to go through the indignity of a strip or cell search.

15. Every time I'd leave my dorm when I was in confinement, officers would put me in handcuffs, a black box, a waist chain, and leg irons. At UCI, officers would usually put me in a wheelchair when I had call-outs. But in other places, I had to rely on my rollator with all these restraints. Most shackles don't fit around my leg brace, so officers would put one shackle on my left leg and the other on my walker. It was hard to walk. Because of the black box, I could only hold one side of the rollator. My balance is really off, and my legs go crazy all over the place.

Once, I slipped and fell because I had nothing to hold on to. The officers didn't help me up. I quickly learned that I needed to take my time while walking with these restraints, but officers would try to rush me.

16. Confinement is one of the worst environments because of the way the officers use pepper spray and property restriction. When they gassed someone in my dorm, it made it really hard for me to breathe. I felt like I was being punished too. And I lived in constant fear of going on property restriction.

17. I felt like I was going crazy when I was in confinement. My only reprieve was to make *wudu*, the ablution Muslims make before prayer, say the *athan*, the Muslim call to prayer, or practice reciting the verses of *Qur'an* that I know. I reminded myself of the verse in the Qur'an that says that Allah does not burden man with more than he can bear. But I had no other religious outlet to help me cope. A Christian chaplain sometimes used to make the rounds in confinement, but never a Muslim *imam*. I couldn't go to *jum'ah*, or Friday prayer, like I did when I was in the general population.

18. I'm a lot more introverted now—the more time I do behind the door, the worse it gets. I'd rather just lay on my bed, listen to music, and play some games. I get aggravated when people try to talk to me. I catch myself feeling that way all the time. I just want people to go away, and they won't go away. I no longer know how to deal with other people, it's overwhelming.

19. All throughout my time in confinement, I felt like I was being punished for my disabilities. One time I had to sit in a holding cell for seven hours while I waited for them to put me in an ADA cell. Another time I had to sit in a shower for six to eight hours while I waited for a cell where I could use my CPAP machine.

20. I had a lot of issues getting my ADA accommodations in confinement. My front cuff pass expired when I was in the box at Columbia in 2018. I tried to get it renewed, but staff told me I didn't need one because I had a rollator—it was obvious that I needed to be cuffed from the front. When I got to UCI, officers told me they couldn't cuff me from the front because I didn't have the pass. They wouldn't allow me to go to rec because I couldn't cuff up behind my back. It took about 3-4 months before I got the pass.

21. I can't bend over to grab things because of my lack of balance. So I need an ADA locker, which is up on legs about 16 inches off the ground. But I didn't have an ADA locker when I was at UCI; my locker was underneath the bunk. I'd have to get down on my hands and knees to get things out of my locker. I felt like a dog. I requested an ADA locker, and they "approved" it when I was transferred to Santa Rosa CI. Even at Columbia CI, I only had it some of the time. Other times officers would tell me, "You just have a walker; that's not considered ADA."

22. I got a CPAP machine when I was at UCI. But when I transferred to Santa Rosa CI, there was no plug inside my cell. The officers had to run the cord through the food flap and plug it outside. In the first wing I was in, I had to sleep on the floor because the machine didn't reach the bed. Not only was it really uncomfortable, it was also really gross because there were ants and roaches in the cell. Staff moved me to another cell about a week later, where the plug was a little closer to the cell door. I would put the machine on top of my rollator and the hose would barely reach the bed. I was forced to lay on my side on the edge of the bunk. I was pretty much stuck in the same spot all night. I had similar issues at RMC, too.

23. In one of the wings I was in at Santa Rosa, the ADA shower with a bench was also a cold-water decontamination shower. When I complained to officers about not having hot water, they started "accommodating" me by giving me a bucket to sit on in the regular non-ADA showers.

24. FDC did not always accommodate my need to be in an ADA cell, which have grab bars next to the toilet. At RMC, I don't think I was ever in an ADA cell. Officers told me there weren't enough and they had to prioritize people with wheelchairs. This was the hardest for me when it came to using the restroom because there were no grab bars by the toilet. I'm like an old car when I wake up; it takes me a second to get going and to find my balance. I need something to grab on to.

There were times when I couldn't make it in time to the toilet. Sometimes I'd pee a little on the floor.

25. There were a lot of times that FDC applied more restrictive CM rules to me just because of my disabilities. I spent more than a month in the CM I dorm after I was approved for CM II. Officers told me it was because there were no ADA cells in the CM II dorm at Union CI. They kept treating me like I was in CM I. This meant my access to phone calls was limited, I could not go to day room, and I had less opportunities to go to rec. The same thing happened when I went to Santa Rosa CI. Even though I was on CM III status the whole time I was there, I did not spend any time in a CM III wing and did not get CM III privileges.

26. It is obvious to me that people in confinement need more programming and rehabilitation. It makes no sense to take me out of general population and confine me in a box because I supposedly can't adhere to the rules when confining me does nothing to teach me how to adhere to the rules. There is nothing to better me in confinement, it only worsens my attitude toward the rules and regulations. This is especially true because the officers are so nasty in confinement – it makes me have a negative outlook toward authority figures.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 6, 2021

Signed: /s/ Thomas P. Robinson, DC# V19126

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF MICHAEL TOWNSON

I, Michael Townson, declare under penalty of perjury:

1. I am a fifty-one-year-old white man incarcerated at Dade Correctional Institution. I am currently in open population at Dade Correctional Institution after my transfer from open population at Apalachee Correctional Institution. Immediately before that, I was in Administrative Confinement at Columbia Correctional Institution. I make this statement based on my own personal knowledge.

2. I have been in prison serving a life sentence since 1994. During my time in prison, I have been in Disciplinary Confinement and Administrative Confinement many different times, as early as the nineties and as recently as the fall of 2020 until

early 2021. Some of these placements have been for days or weeks at a time, other times it has been for months at a time. I have been in Disciplinary Confinement or Administrative Confinement, what I call "the box" or "iso," at several different institutions: Wakulla Correctional Institution, Tomoka Correctional Institution, Dade Correctional Institution, Jefferson Correctional Institution, Columbia Correctional Institution, and Martin Correctional Institution. All of these different experiences have seemed very similar from one place to the other. I call it "the box" because I would get thrown into a room and the door was slammed shut. I felt like I was literally in a box and that there was no way to get out. I felt closed in with nothing I could do about it. I also call it "iso," short for "isolation," because I have been in a cell completely alone while it sounds like a madhouse outside my door with people talking and screaming at the same time. I used to make ear plugs to try and drown out all the noise. It's an odd and helpless feeling to have so much noise going on around me yet be so utterly alone inside my box.

3. The Florida Department of Corrections knows that I have suffered from seizures since I was about twelve years old. They have prescribed Keppra medication for this condition on and off for the last thirteen years. I have to wear a medical helmet for this condition because there are times I have hurt my head while I'm having a seizure. Staff didn't always let me wear my helmet when I was in the box even though I had a pass for it. One time in January 2019, I had a seizure in the

shower without my helmet. I fell to the floor and my head repeatedly banged on the floor. If it wasn't for the people in nearby cells who banged on their doors to get the officers' attention, who knows what would've happened to me. There was blood everywhere as they took me out to see medical. There was another time in iso when I had another seizure and split my head open. No one came to help me for a very long time; the blood on the floor was nearly dried. I had requested the prison to not house me alone in case I needed help while in the box. I submitted an ADA request for a cellmate but didn't get a response. I have been diagnosed with depression, mood swings, and schizophrenia, and take Zyprexa and Cogentin medication. I also have restless leg syndrome. I didn't sleep very well in confinement; I was lucky if I could get two hours of sleep each night. Now in open population, I am able to get about five to six hours of sleep each evening.

4. I have been on the ADA list in the past. I have a really hard time seeing. I have glasses, but I can't wear them at the same time as I wear my medical helmet because both won't fit together on my head. So I either risk severely hurting myself again or not being able to see even a few feet in front of me. Without my glasses, I can't even see the food on my chow tray. Recently, I had a seizure in open population, and the guy sleeping next to me heard and put my helmet on for me. There was no one to do that in the box. So every time I took my helmet off to wear my glasses in the box, I was risking giving myself a head injury if I had a seizure.

5. The iso cells I've stayed in were disgusting and offered no privacy. The cold, metal toilet faced the cell door. The bed frame to hold a dingy mattress was either a concrete slab that looked like a coffin or a metal shelf that came off the wall. It felt like my iso cells were hardly ever cleaned while I was in there. There were rats running around and roaches flying around. When there were cracks in my cell walls, I stuffed toilet paper there to keep the pests away, but they ate right through the paper. There was mold on the cold food trays.

6. The conditions in the cells made me feel crazy. When it was cold, I wanted to crawl underneath my covers to escape the freezing air bouncing around the concrete walls from the fan, but I was afraid to because officers have put people on property restriction for doing that since we have to keep our beds made from 8 a.m. to 5 p.m. I couldn't hang anything on my walls or else I would possibly get a disciplinary report. I didn't always have control over my toilet or lights so sometimes my toilet would flush randomly. Other times, if the lights were turned off in my neighbor's cell, they would also go off in mine. I felt dehydrated a lot because we could only keep our water cup during mealtime before giving it back. My windows were pretty useless because they were mostly painted over and wouldn't open, so I couldn't see what was going on outside or get any fresh air. Meanwhile, the exhaust fan that was constantly blowing drowned out any natural noises outside, like birds singing, the wind blowing, or rain coming down. In open population, having a

window open makes a world of a difference. I feel a little bit more in tune with the world, even while locked away. Without anything to do or exercise my mind in the box, I would just lie there. Being in those cramped conditions day in and day out felt never-ending. I'm afraid to ever go back in the box.

7. When I was in iso, I didn't get to have many conversations. And the few that I had were not meaningful. Any civil conversation only lasted about thirty seconds, if that. The nurses would come and go by very quickly to give out medication and leave without another care. The chaplain didn't come around much, sometimes not even once a month. The officers were supposed to do checks every thirty minutes but some days they would do one check in the morning and then not come around again until lunch. Even during these checks, they didn't say much. They mostly kept moving and besides that, I didn't have anything to say to these people because I was afraid of or angry with them because of the way they treated us. It's hard enough to keep in touch with my family, and my time in the box made it even harder because there were no visits or phone calls. We've drifted apart and are no longer in contact. Maybe if I was able to communicate with them more while I was in the box, we'd still be in touch. But now I have no one out there.

8. I've had a cellmate in iso where it did not go well. He beat me in the head with a lock while I was asleep and called me a snitch, all because he wanted one of his friends to be his cellmate instead. But at the same time, I needed to have

a cellmate while I was in the box because of my seizures. It caused a lot of stress and anxiety not knowing who I could get, yet knowing I needed to have someone there in case anything happened to me.

9. Each day in iso went by extremely slowly and blended into the others. I had no access to the dayroom or tablets. And there were long stretches of time when I had no access to books or educational materials. When I had a book, I would try to read it slowly because there was a limit on how many books I could get and it could take a while before I got more. I didn't have access to a clock or watch so I was only able to know what time it was if a guard gave it to me correctly. I tried to pass the day by pacing up and down my cell, talking with my neighbor, eating, and reading. Talking with my neighbors was risky, though, because some of the officers put people on property restriction for this.

10. It was very difficult to exercise and take care of myself in iso. The recreation cages looked and felt like dog kennels, no more than about fifteen feet long, and some of them were covered with black mesh. It was very depressing. If we went, they'd lock us in whether it was blazing hot or pouring rain. I used to try and exercise inside my cell, but it was too small and the concrete floors were too hard to do much. Then I would get so stiff from not moving around and this stiffness affected my sleep. I felt like my muscles weakened over time. Even though the lack of meaningful exercise, sunshine, and fresh air affected my mental health and I had less

energy, I preferred to stay in my cell than go to rec because going out there made me feel like an animal. I felt like a tiger who walks back and forth in a cage at a zoo. I didn't want to give the guards that satisfaction. Now that I'm back in open population, I do not feel as stiff with all of the opportunities for movement I have, including basketball. I'm getting some of my energy back.

11. It seemed like the officers felt inconvenienced to take us out of our cells so they would discourage us from wanting to. They searched my cell during every shower, which was supposed to be three times a week. On top of the shower cell searches, there would be a "routine" cell search about once a month. There were certain officers who would sling people's stuff everywhere. I've had some of my stuff broken and pictures torn apart. I have found my mattress ripped to shreds, but I couldn't just leave things as they were; if I didn't pick everything back up, the officers could've put me on property restriction. We were also strip searched before the showers. When they made us get all the way naked, we had to lift up our private areas; turn around for them; and spread our bottoms, bend over, and cough. It felt humiliating and embarrassing every time, but there was no other choice but to go through it if I wanted a shower. Having no other choice made me feel helpless.

12. Property restriction, and the thought of being put on it, was terrifying. The officers would take everything and leave me in only my boxers for seventy-two hours. My body would become very cold and I could never get even just a little bit

comfortable. I would just stand there with nothing and could not fall asleep on the cold steel and concrete. I felt tested with my will to keep going. Being on property restriction is normally when I've seen other people start kicking the door because they couldn't take it anymore. When they would start kicking, they would get gassed. I've been gassed before while in iso and it burned so badly. One time they gassed me because I refused to cuff up when they wanted to put me on property restriction. They wanted to put me on property restriction because I overslept and hadn't made my bed before they came around for rounds. It was petrifying to think that any little misstep could land me in that hell for three days straight.

13. There were times I tried to escape the box by overdosing on pills or banging my head against the door. They put me in SHOS [Self Harm Observation Status] about eight to ten times and sent me to an outside hospital at least two times over the years after I attempted suicide. I felt constantly on edge while in iso and incredibly stressed out that I would not get the right medical care in an emergency. I was also afraid of officers, some who threatened me after I wrote up their lack of permission for me to bring my walker or helmet a day I had a seizure in the shower. When I was moved into open population, I didn't really sleep the first few days because I was paranoid about the people around me and about anything that could happen to me. All of the conditions about iso would feel like too much and contributed to my past suicide attempts.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on April 16, 2021.

Signed: /s/Michael Townson, DC# 103964

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF TYRONE ENGLISH

I, Tyrone English, declare under penalty of perjury:

1. I am a 30-year-old Black man incarcerated in the custody of the Florida Department of Corrections. Right now, I'm in Close Management Level 1 at Florida State Prison. I make this declaration based on my own personal knowledge.

2. I have high blood pressure and take 3 different types of blood pressure medication.

3. FDC has diagnosed me with bipolar disorder, severe depression, and impulse control disorder. I have a psych grade of 3. Being in confinement has worsened my mental health because I have nothing to do all day while sitting behind

the door. I cope by trying to block out negative thoughts. If I think about my situation too much, I'll go crazy and feel anger and sadness.

4. I have been in prison for 12 years and about 90% of that time, I have been in confinement, including the last eight years in Close Management and Disciplinary Confinement. Everyone calls both of these "confinement" because they are pretty much the same. I have been in confinement at Charlotte Correctional Institution, Santa Rosa Correctional Institution, Union Correctional Institution, Florida State Prison, and New River Correctional Institution. My experience in confinement at these different prisons has basically been the same. I feel like I have wasted a lot of time in confinement being unproductive due all the restrictions.

5. All my confinement cells have been horrible. Human beings shouldn't be forced to live like this. The cells are very small, filthy, and old. Staff don't give me toilet brushes, so I can't clean my toilet and no one else does. In a lot of cells I have been in, only staff can flush the toilets. They are supposed to come around every 30 minutes to flush the toilets, but they don't always do it. There are cockroaches everywhere. In some wings where I have been, there are rats running in the cells. If I leave food out, the rats will come out and steal it. Dealing with the living conditions of confinement makes me feel less than human.

6. In almost all my cells, staff control the lights. On weekends, typically whether the lights are turned off depends on if the wing is quiet. Staff will turn the

lights off only if the noise is kept down, but it's almost always noisy. I normally have to put a towel or shirt over my eyes to escape the light. Not being able to control my own lights makes me feel powerless.

7. I don't have a lot of contact with people. I can't send emails, like I can in the General Population, because I don't have a tablet. It's even hard to talk to staff. They don't say much to us during security checks. And if I need their attention for an emergency, I have to yell or kick on the door even though I can get a Disciplinary Report (DR) for doing it. The lack of human interaction makes me feel anti-social. I feel like my social skills are messed up. I feel like I won't be able to interact properly with people, in certain situations, on the streets once I am out of prison.

8. I am not in any programs. I tried to enroll in anger management, but staff did not select me to participate. I have been dealing with anger problems all my life and I want to learn how to control my anger, especially around authority. I want to participate in programs for self-improvement. I feel like being in a program will improve my mental health because I would get out of my cell and have meaningful experiences. I want to leave prison a better person than I was when I came in.

9. Cellmates do not make being in confinement easier. The cells are too small for one person, and especially two. When I have had a cellmate, I got agitated easily because I couldn't move around very well. I like to pace in my cell, but with

a cellmate I can't pace whenever I feel like it. In order for me to pace in the cell, my cellmate has to be in his bunk because the cell is too small for both of us to be walking around. If we disagree on something, such as hygiene, things can get heated. It's very uncomfortable to use the bathroom with a cellmate just a few inches from you. There are arguments, and I have to focus on how to protect myself, which is stressful. There is always tension because the conditions, such as extreme heat and dirtiness, put us on edge. The tension is thick enough to cut with a knife.

10. I don't even try to go to recreation because I've learned it's not really an option. When I try to go, staff comes up with excuses not to pull people out and recreation doesn't happen. Most of the time, I feel like there is no point in getting ready and waiting just to get turned down.

11. It's also not worth it to me to go to recreation because of the strip and cell searches that are required. Strip searches are dehumanizing. When I am being strip searched, I feel like I have no control over my body. And when certain officers conduct cell searches, they leave cells in disarray. My stuff never is in the same place I left it. It takes me over an hour to get my cell back in order. Having my stuff tampered with and destroyed makes me feel like a child. It pisses me off. Why would I go through all that just to go stand in another cage for a few hours?

12. In confinement, I have been on property restriction multiple times. Property restriction is especially painful in the winter because they take all my stuff,

including my clothes and mat, and leave me freezing cold. I have also been cell extracted several times. Cell extraction is when a person is pepper sprayed, forcefully extracted from their cell by several officers wearing helmets and carrying big shields, jumped by those officers, and then taken to a decontamination shower. I have gotten injuries such as a chipped tooth, a black eye, and a dislocated shoulder from cell extractions. Officers have also pepper sprayed me repeatedly. The pepper spray burns and makes it hard to breathe. This level of force and punishment makes me feel hopeless and powerless. I also feel depressed, paranoid, and sad. I try to cope mentally, but it sometimes comes out as rage.

13. Late last year, I was cell extracted twice and ended up in a suicide-watch cell because I was so upset about how the officers treated me. I was cell extracted the first time that month after I got into a verbal altercation with an officer. I was on the door, so an officer called the Lieutenant on me twice. The second time the Lieutenant came around, I had complied, but they still pepper sprayed, and cell extracted me. I was put on property restriction for three days after the first cell extraction. When they finally returned my property a few days after the first cell extraction, there were many things missing. I was beating on the cell door and yelling for the Captain to come to my door to handle the situation with my property. An officer told me to cease my disorderly conduct, but I did not because I needed all my property back. So they pepper sprayed and extracted me from my cell a second time.

Then the psych doctor decided to give me an Emergency Treatment Order (ETO) and inject me with a sedative. I spent the night in a suicide-watch cell and then they put me back in my cell the next morning. That morning, I felt beat up. I felt anxious and depressed after being put back in my cell. I feel like officers bring their anger to work and take it out on me.

14. I feel like I am stuck in a vicious cycle. It is so hard to get out of confinement. If I get even just one petty infraction, FDC will keep me in confinement for six more months. Getting additional confinement time because of petty infractions makes me feel discouraged. I feel like all the good time I have done in confinement does not matter when I get sent all the way back to Close Management (CM) Level 1 for one bad day. Being in Close Management is like when you are in school and there is a bully who wants to take it out on you. In my case, confinement is the school, the officers are the bullies, and I am the one being bullied.

15. Because of everything I go through in confinement, my mental health is getting worse. I have become anti-social since I don't have the opportunity to socialize with people. I have become angrier. I feel hatred building up inside. I feel like I am going to have to deal with these feelings for the rest of my life.

16. I have declared psychological emergencies and been placed in suicide-watch cells multiple times for self-harming. I self-harm as a cry for help and to get attention for more mental health care. I have cut myself several times while in Close

Management (CM). When I self-harm, I feel worthless and tired. I feel like I am in a nightmare. I look at my scars today and think about what I have done to myself. I have had to go to an inpatient mental health unit multiple times because I cut myself so bad.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on April 2, 2021.

Signed: /s/ Tyrone English, DC#X67154

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF PERSON JOHN D. PONDER

I, JOHN D. PONDER, declare under penalty of perjury:

1. I am a 53-year-old white man incarcerated in the custody of the Florida Department of Corrections ("FDC"). I am currently in general population at Apalachee Correctional Institution.

2. I have been in prison for about 30 years, since 1991. I have been in some type of confinement at approximately 14 FDC institutions: Florida State Prison (FSP), Santa Rosa, Avon Park, Union, Everglades, New River West, Taylor, Hamilton, Charlotte, Hardee, Sumter, Okeechobee, Cross City, and Apalachee Correctional Institutions. Most recently, I served two months in DC here at Apalachee from early December, 2020 to the end of January, 2021. All added up, I have been in confinement for over ten years of my life. Since I became incarcerated

in 1991, I have been in Administrative Confinement (AC), Disciplinary Confinement (DC), all levels of Close Management (CM), and Maximum Management (MM). I have been in CM four times: 1) August 1995 to September 1997, 2) April 2000 to May 2005, 3) July 2006 to December 2008, 4) October 2018 to April 2020. I was on MM only once from November 2002 – December 2002.

3. In my experience, confinement cells are basically all the same: small and dirty. The cells have a window to the outside, but usually it is frosted over so I can't even see out of it. If the dorm is climate controlled, the window will also be sealed so it won't open. If not, about half the time it opens and closes right, but the other half they're broken. I remember during one stay at FSP, the window was broken and would not close at all. There were maintenance orders to fix it, but it never got done. FSP is located in Northern Florida, outside Jacksonville, where the temperatures can get in the low 40's at night in the winter. And there I was in a concrete cell with an open window. The guards didn't give me any extra clothing or blankets. They yelled if I tried to cover the window to block the cold air. If that wasn't torture, I'm not sure what is. The confinement cells also always have a small window in the door, but we aren't allowed to stand at it and look out. When people do, I've seen or heard the guards scream at them, or worse, spray them with pepper spray and/or write them a Disciplinary Report (DR). I've also just seen them spray people without any notice or anything, just for looking out the window.

4. The cells feel like they're never cleaned. Since I'm in there 24/7, I usually try to clean it myself. I'll use a sock and soap that I bought from canteen, since they rarely give you cleaning supplies. I do my best with what I have, but there is often crud and residue that you can't get off. Even the ceilings are filthy, which I can't reach to clean, especially with the pain from my hernia. In my most recent time in DC at Apalachee, there was what looked like food and bean juice all across the top of the wall and ceiling. It looked like it had been caked on for years. I couldn't reach it to clean it. It was absolutely disgusting and depressing to look at it every day.

5. The cells always have a sink and toilet, but a lot of times, the sink doesn't work properly or have hot water. For example, at Union while I was on CM, the sink ran continuously and would often spill over and flood the cell. I filed grievances to get it fixed but no one ever came to fix it. It was like that for three months until I moved. Then, in my last DC stay here at Apalachee, the faucet would sometimes shoot out water all over the floor. I told the guards but no one ever fixed it. I ended up using a tooth paste tube rigged up to keep the water from going everywhere.

6. Similarly, there are often issues with the lights not working in cells. At Union, I didn't have a light in my cell for three months. Other people on the quad told me that they didn't have a light either. I filed grievances on it and I told the staff

when they came around to do inspections, but it never got fixed. I wear glasses and one of the only comforts I have is to read but without proper light, it is really hard on my eyes. Just this past Winter while I was in DC at Apalachee, a guy in a nearby cell told me that he didn't have a working light in his cell the entire time I was there.

7. The mattresses on the beds have plastic covering for hygiene reasons, but I can't remember a time where the plastic wasn't torn up or the inside padding wasn't coming out. Really, I don't think the mattresses get cleaned or even wiped down between residents. Here, at Apalachee, we had to quarantine when I was in confinement for three days because of scabies coming from the mattresses. It's disgusting.

8. I have Hepatitis C ("Hep-C"), hypothyroidism, and an inguinal hernia. My Hep-C is controlled for now, but as a side effect of the treatment I got for it, I have hypothyroidism that causes intense migraines. The hypothyroidism also gives me high cholesterol levels, which caused me to almost have a heart attack while I was in confinement. My inguinal hernia causes really sharp, intense pain in my lower abdomen. I have not received treatment for it. All FDC did was give me a "bottom bunk" pass since the pain prevents me from climbing to a top bunk. I can't stand or walk for more than ten minutes because the pain gets so bad.

9. I also have serious mental health diagnoses. I was diagnosed with bipolar disorder at 12-years-old. Back then, they called it manic depression. I was

put on lithium from about 12 to 14-years-old. I've been incarcerated for 30 years now and been prescribed a variety of medications for my bipolar disorder.

10. My hypothyroidism makes me exhausted and tired, but when I'm in confinement, it gets worse. It's harder for me to move around and get going. If I'm out of confinement, I can walk and focus on other things. But in a box, all I can think about is how my body aches. In 2012, I almost had a heart attack due to my hypothyroidism. I was at Hardee in DC when I fainted twice. Luckily, I had a cellmate who called out to the guards for help. It took about five minutes for an officer to come to my cell. Once he got there, he said because I "wasn't bleeding," it wasn't an emergency. When I finally saw the doctor, he said I almost had a heart attack because of my triglycerides were at dangerous levels. I could have died because one guard thought it wasn't an emergency. Or, what if I hadn't had a roommate to call for help?

11. My migraines also come more often and get so much worse in confinement. When I'm not in confinement, I get migraines about once a week, but in confinement, I get them three times a week. Not only are they more intense but I can't do much to treat them. I try to meditate and rub my temples because I don't have regular access to my medication for them. When I'm out of confinement, I take Topamax, aspirin, or ibuprofen to help ease the pain, but in confinement officers have to bring me medication. They usually don't have medication on them and often

don't bring it back when asked. Nurses couldn't help either because they don't bring anything other than prescribed medication in confinement. Coffee can help too, but again, I can't get that easily like I can in general population. So, in confinement, I don't have the same options to ease the relentless pain that goes from the back of my head to my eyes and jaw.

12. My ability to live with the pain from my hernia is also much more difficult in confinement. First, just like everything else, the pain is more intense and present because there are no distractions, nothing else to focus on but the pain. I can't move much with my hernia to begin with and can't stand for more than five or ten minutes without shooting pain. I also have issues with going to shower, because there is never a chance to sit down during the time it takes to get to and from the showers. In general population, I can make it work because I can take breaks and rest, but in confinement, I'll often skip showering because I know it will be too painful to go.

13. Confinement breaks me mentally. Before confinement, I don't remember having paranoid thoughts. But when I was first in confinement for a long period of time, I started having them. It feels like there are people behind me, even if I am only by myself or with one cellmate. It's a terrible feeling, especially when I'm using the toilet and have my back to the door of my cell. I know when I'm alone, I'm alone, but I can't help but have this really intense impression that someone is

behind me. It makes me have trouble sleeping, thinking someone is there watching me. In confinement, I get maybe four hours of sleep, maybe. And I wake up and that same feeling of being watched, of someone else's presence, is there. I feel like I can't control these thoughts. I try to sleep with a light on when I can, but usually I can't control the lights in my cell, only the guards can. So I'm just left in the dark, scared.

14. At the same time, now when I'm released from confinement, I start to panic because I worry that being around people in open spaces with no control will be too much, too much of a shock for me to handle. I remember first feeling this way after my first long stint of confinement at Charlotte. Coming back into general population, I felt as if people were watching me and I didn't trust anybody around me, and that feeling just got more and more intense. I could feel people following me and watching me. I soon found myself back in DC for violations and then eventually on CM. In that way, I'm worried I've become dependent on confinement. That it has warped me from being a normal person, like I can't handle anything outside of that small world.

15. My thoughts of hurting myself, of giving up, also get so much worse in confinement. I've cut myself in general population, but when I'm in confinement, it gets to the point where it's hard to stop. That's because there are no distractions, nothing to keep you busy. I'm just alone with dark thoughts. I can't shut my mind off alone in a box.

16. I've had to go into Self-Harm Observation Status (SHOS) several times for trying to kill myself, as well as the Transitional Care Unit (TCU). In confinement, I've tried to kill myself by taking pills, hanging myself, or starving myself by not eating or drinking water for over a week. FDC calls it a hunger strike, but really I'm trying to die. I've even thought about killing someone else just so I'd get put on Death Row, waive all my appeals, and be killed by the State. I've had thoughts like this and psych emergencies in general population, like wanting to self-harm or kill myself, but I can usually distract myself. Even just changing my scenery, like going from my cell to chow hall or yard can provide a relief from the thoughts. But in confinement, there are no distractions. The thoughts are more immediate, more present, and harder to push away.

17. I need actual mental health care but I don't get any real help when I'm in confinement. The most frequent mental health counseling I got while in confinement was at Charlotte, where I saw a counselor maybe once a month. But even then, it felt more like the counselors are just checking a box as opposed to giving any sort of meaningful help. The "sessions" are about five minutes, in a small room or cell front. When the sessions are cell front, there is a custody officer standing there who can see and hear everything. Sessions in the small room are a bit better, but there is still an officer outside. No matter what institution I was at, the officer would regularly look through the window and make eye contact with me during the

session. Even though they were in the hallway, they were always just outside the door. It is intimidating. I could also hear them cough or even their belts hit the chair if they sat down. This made me concerned about what they could overhear in my "confidential" session and definitely impacted what I would say and share.

18. Most recently, when I was released from CM in Spring of 2020, I started seeing a counselor regularly in general population. It was really helpful. When we had our sessions, sometimes I could hear people walk by in the hallway, but no one was waiting outside or anything like that. It feels much more confidential and that means I'm able to share and get a lot more out of it. But when I was put back in confinement around December 2, 2020, I wasn't able to see her anymore. I requested mental health counseling right when I got placed in confinement, but I didn't have a "session" with anyone for weeks. When I finally saw someone, that "session" lasted five minutes with the door open and an officer outside. This is normal in confinement. And terrible when it comes to fighting back thoughts of giving up.

19. In addition to not getting therapy, I also don't get my medication regularly when I'm in confinement. During my most recent stay on CM, the nurses would rarely distribute my medication right. They'd bring me the wrong amount or the wrong kind. I would ask them to correct it, but this almost always created issues. I even had guards lie on my forms saying I "refused" or straight up say to my face

that they gave me the right medication. It was so frustrating that the guards were able to lie about someone's health care. It got to the point where I just didn't want to deal with it or risk becoming their target. I'd rather not take the medication than get it infrequently or cause issue with the guards, so sometimes I'd just quit taking it cold turkey. I want to take my medication. I want to get better. I want to live. But when I'm in confinement, it just all seems impossible and I'm all alone, with no one to reach out to for help.

20. When I'm having an uncontrollable psychological break in confinement, like cutting and wanting to kill myself, I'll call for a "psych emergency." This means that the guards are supposed to immediately come to the cell, have me strip to my underwear and take me into a holding cell for observation, until a nurse or mental health staff are able to arrive. While I've had guards follow through sometimes, a lot of times, they do nothing and just let the person who declared a psych emergency go through it alone in their cell. This last time I was on DC from December through January 2021, I heard at least five or six people declare a psych emergency and not once, not once, did the guards report it and get the person help. A handful of times, I did see them put a person who declared a psych emergency into a holding cell (a shower cell in this case) for awhile. But then, the guards just put the person back in their cell with no nurse, no doctor, no mental

health person ever coming to check in on them. They just went back to their cell with no help.

21. I'm a Catholic and especially when my mental health is bad and I'm thinking about ending my life, I try to use my faith to keep me safe. When I'm in confinement though, there is no real way to practice my faith. There is supposed to be a clergy person that comes around so I can do communion or penance (confession), but they rarely come around. If they do, which again is rare, they're accompanied by an impatient guard, who stands next to them and hears everything.

22. Keeping a connection with the outside world is really important to my sanity in prison. When I'm in general population, I'll get visits from my mom, my niece, or my older sister, especially when I'm housed closer to our home in Ft. Lauderdale. I'll make calls pretty regularly to my step-dad when I'm not in confinement, too. But in confinement, it is really hit or miss whether the guards would actually allow me to make calls like they're supposed to. Those calls are important to me because it keeps me grounded. I really feel beyond frustrated when my calls are skipped. From what I can tell, the guards would skip taking us to calls because they just straight up didn't care. It also really bothers me that I'm not given an opportunity to tell my family that I'm going into confinement and that they won't hear from me for a bit. I worry about their worry, since they have no idea why I

stopped calling. I also think it hurts our relationship when they just stop hearing from me.

23. It's also really difficult to send letters from confinement because I have to figure out how to get a pen or paper to write the letter to begin with. In order to get a pen or paper, I have to put in a request or canteen slip to get a security pen, which is the kind of pen allowed in confinement. But how do I write a request or canteen slip without a pen? It's ridiculous. I usually ask the guard for a pen, which is rarely successful, so sometimes I'll ask an inmate orderly, who, at his own risk, will loan me one. If I'm lucky and have a roommate, he'll loan me one and then I can get my own from canteen. But otherwise, I'm at the mercy of others just to write to my family to tell them I'm okay.

24. I'm all alone in confinement, like really alone. I don't really socialize with other people because we can get in trouble for talking between cells. When I'm in confinement, I feel like I slowly lose my vocabulary and feel a lot more anger from not being able to talk with anybody. I never knew what it was like to lose words, to lose the ability to communicate person to person. It's terrible. It makes me feel like my life doesn't matter anymore, that nothing matters anymore.

25. Having a cellmate has never helped me with that feeling and honestly, it can make surviving confinement harder. Unlike in general population, when I can get space from a cellmate, in confinement, we are always together in a small cell,

living our entire lives with absolutely no privacy for 23-24 hours a day. Think about that. When I have a bowel movement, he's right there. And same with him to me. There is already so much tension on all of us that it's hard to have someone else there, especially when they're a complete stranger to you. In general population, there is more privacy, but it is non-existent in confinement. If we try and put up a sheet or something between us, the guards will yell at us.

26. It's also really hard to manage someone else's stress when I'm struggling with my own and that can create even more tension in an already tense situation. For example, one of my CM roommates at Union was a conspiracy theorist. He took heavy psych meds for his paranoia. I tried to keep our conversations to only mundane things because when we did talk, he would argue with me, which is really scary in such a small space. Physical fights in confinement between cellmates are the norm, so that is another worry. I always want to get out of confinement, but if I get a cellmate who doesn't care, he can get me into trouble by causing a disturbance or fighting. Then, my stay is confinement is extended. I've also seen people get killed by their cellmate. So, my own mental health and feelings of paranoia can actually get worse when I have a cellmate because I'm so worried about what my cellmate will do, especially when we're alone in such a small space all the time. If it were up to me, I'd rather just be alone than deal with all that.

27. There is almost nothing to do in confinement. I'll read or listen to the radio, but it isn't enough to combat the idleness. When I was in general population, I'd stay busy all the time, including getting work assignments. I've worked as an inmate teacher's assistant and other houseman type positions to keep myself busy. I really enjoyed having work. A few times on CM3, I was able to get a job assignment as a runner or rec orderly, but that was only a small time of my years in confinement. Having work like that, that kind of connection and responsibility really helps me give my life meaning but there's little opportunity for that in confinement.

28. I've also rarely gotten access to education or programming in confinement. While I was on CM at Santa Rosa, I had to submit a request for GED education because it was never actually offered to me. Once FDC approved it, I got worksheets dropped off every week or so by a staff member. Someone would grade those worksheets. But I never got any formal instruction, classes, or anything like that.

29. While there are rules for when and how often we get to go to dayroom and recreation time ("rec"), they're barely followed. To me, it seems like the guards don't want to take us out of our cells for anything. They'll use any reason to skip us. It really depended on the day and who was on shift. It was hard for me mentally at first because I would look forward to going, get ready, and then just get skipped. I got tired of being disappointed so I just started convincing myself I didn't want to

leave my cell anyways. Since exercise helps me cope, I tried doing exercises in the small cell, but there wasn't much I could do other than pushups, squats, and that kind of thing before I got the hernia. Even though I can't workout with the hernia now, going outside to get sun and fresh air and just moving my body helps my mental health.

30. When the guards do decide to take me to rec or dayroom, they put me in full restraints, meaning handcuffs, waist chains, and often a black box. It is the norm for a guard to squeeze the handcuffs when they put them on so they're super tight. I've had skin broken on my wrist from them doing this. If I complain though, I'm worried it would get worse. Sometimes, the guards would leave me like this, all restrained, in the dayroom or in a rec cage. At Union, they also just put you in a cage for all of dayroom. All there was to do in the dayroom was watch TV. Sometimes, we'll even get yelled at for talking with one another. It doesn't seem worth it with all the trouble that can come with leaving the cell to begin with.

31. The threat of a strip search alone will make me not want to go to dayroom, rec, or even a call out, even if I'm desperate to get out of my cell. First, through the door, the guards tell me to get naked. They then tell me to expose all parts of myself, including to squat, spread my butt cheeks, and cough. Some guards will say "bust it" while I'm doing this, which I take as a reference to them looking at my rear end in a sexual way. Probably more than ten times, I've also had guards

make me lift my testicles and move them around. Then, immediately after that, they tell me to put my fingers in my mouth to show nothing is in my mouth. A lot of the confinement cells don't have air conditioning and it gets really hot. We also don't get showers regularly. So, when the guards do this and say it with a smile, it seems to me that they know that the sweat from my privates will be in my mouth. When I've refused to do that, they say I'm refusing my call out, or rec, or dayroom, or whatever it is. Then, I'm just stuck in the cell with my thoughts, feeling hopeless, helpless, and violated.

32. If I get a guard who doesn't do something like that, then I'll get to leave my cell, but while I'm gone, the guards will almost always do a "cell search" which basically means trashing my cell. So, usually when I come back to my cell, my stuff is thrown everywhere. I've had pictures torn up and papers crumpled. It is really, really frustrating and feels violating. It is another reason that I just try to stay low and not leave my cell, including for showers.

33. To me, it seems like the confinement officers will punish people for anything, everything, and nothing. And the punishments are no joke. Property restriction is awful. Property restriction is where the officers take everything from an inmate, and by everything, I mean *everything*. They take a person's mattress, pillows, toothbrush, toilet paper, all his clothes, shoes, everything. You are just left with your boxers to sleep on cold steel or concrete. At Avon Park, almost every

single morning, the guards inspect the cells. If a cell isn't orderly or the person isn't awake and ready, they put him on property restriction and take everything from him. At Union, it was common practice that if an inmate stood and looked through the cell window in the door, the officers would put him on property restriction for 72 hours. They would also put people on property restriction for talking to someone else in another cell. When I first was on CM, I saw that happen about three or four times so I did everything to keep to myself to avoid the risk of getting put on property restriction. One time, I remember I didn't talk for two weeks, just because I was scared of being left with nothing but my boxers in my cell.

34. The guards also regularly use pepper spray on people. We call this getting "gassed." At FSP, I saw people get gassed regularly for talking to the person in the neighboring cell. Sometimes, the guards won't even ask someone to stop what he is doing -- they'll just gas him with no warning. I've only been gassed once but that is because I try to keep my head down and out of the guard's way. When a dorm is climate controlled though, it's like the whole dorm gets gassed because if a person is gassed in his cell, it ends up in all the neighboring cells through the vents. It burns and makes it hard to breathe, especially for people with respiratory issues. The guards will also mess with the climate control, leaving the heat off in winter and not turning the AC on in summer. It felt like 40 degrees when I was just in DC in

December and January here at Apalachee. In summer, it can be in the 90s out, and the concrete confinement dorms feel downright dangerous with how hot they are.

35. Over ten years of being in isolation from other people has fundamentally altered who I am and how I feel about other people. Now that I'm back in general population, I've had people who knew me before confinement tell me that I'm a "bug" now – that I'm paranoid, looking over my shoulder, and have OCD. I'm worried I'll never be the same. It's really hard for me to be in groups of people and in open spaces now. It's messed up, but at this point, I feel almost more comfortable in confinement. I know this is a bad thing. But in confinement you have to get used to not being able to make decisions for yourself, keeping your head low, not talking to anyone, not asking anyone for anything, and never leaving your cell. Outside confinement, it feels overwhelming after so much isolation. It makes it hard to be a person again. Sometimes I just want to give up on my life.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on March 24, 2021.

Signed: /s/ John D. Ponder, DC #666136

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF DYTRELL JONES

I, DYTRELL JONES, declare under penalty of perjury:

1. I am a 29-year-old Black man incarcerated in the custody of the Florida Department of Corrections. I am currently in Administrative Confinement at Lake Correctional Institution. I make this declaration based on my own personal knowledge.

2. I have Epilepsy that causes me to have seizures and jolts. When this happens, I twitch uncontrollably and sometimes blackout. I am also a psych 3 patient because I have been diagnosed with Bipolar Disorder, schizophrenia, PTSD, Cognitive disorder, and ADHD. I take Effexor for my mental health condition. But

these medications don't help me that much in confinement. I just had a seizure yesterday and I'm really stressed out.

3. I have been going in and out of confinement since 2015. I have been in Administrative Confinement, Disciplinary Confinement, and Close Management I, II, and III. I call all these "confinement" because in each of them I spend the majority of my time isolated from other people. I've been in confinement at Desoto, South Bay, Columbia Annex, Florida State Prison, Santa Rosa Main Unit, Hamilton Annex, South Florida Reception Center, and Lake Correctional Institution. Confinement across all prisons is the same.

4. Confinement wings are extremely dirty. The floors are not clean and the water from the faucet is disgusting. There are rodents everywhere. I constantly have to worry about them. Once, a rat bit me when I was sleeping at Hamilton Annex. I told the nurse who came to my cell during pill call about the bite, and she didn't do anything to help me. This kept me from sleeping for a few days because I was worried about being bitten again.

5. In each type of confinement, after about three days, I notice my mental capacity deteriorating. I feel more depressed, lonely, and angry. I feel like I am suffocating because I cannot move more than a few feet before reaching the walls. Sometimes I pace to shake off the feeling of being in a cage.

6. The first time I went to confinement, I was at Desoto, and I spent two months without having any sort of conversation with anyone. I just sat there, sat there, sat there, not knowing what to do. I felt so disheveled. The staff performed their duties without paying any real attention to me. It was like I was not a person. Another time, when I was in CM 1 at Florida State Prison, I started shutting down and internalizing my emotions because I felt like no one would understand me. It made me want to give up. I was thinking about life after death. I just felt so isolated.

7. My days in confinement feel like an endless cycle of repetitive sequences. With no clocks or watches in sight, it's hard to tell time. When I'm in general population, I found distractions to cope with feelings of loneliness, depression, and boredom. One of the things that used to distract me from my feelings was work. When I was in general population, I used to do yard work from 5:00 AM to 4:00 PM. I've never had a job in confinement. It would help keep me from getting so down.

8. Depending on their mood, the guards use their status and power to make sure nobody in different cells talks to each other. If the guards are not in a good mood, they will make sure everyone who is speaking gets in trouble. That may look like a verbal warning, disciplinary report, or property restriction. One time, I was put on property restriction at Santa Rosa CI for speaking to one of my neighbors. When I was at Hamilton Annex last year, I talked to one of my neighbors through

the vent when I thought the guards weren't paying attention. He told me about his mental health issues. I did not want him to be alone, so I helped him by talking him through his feelings. He helped me deal with some of my feelings too. Although I knew I might get in trouble for talking to him, sometimes it was worth the risk. Because at the end of the day, we are all we got. We need to help each other. A simple conversation may stop someone from hurting themselves. I want to think we have helped each other with these minimal yet needed interactions.

9. Even though I need to talk to people sometimes, it's too hard to have a cellmate in confinement. My cell is ridiculously small. It is hard to put into words to someone that has not been on the inside. The cell is too small for one person; imagine sharing it with someone else. You are constantly in each other's space. When I have to use the restroom to defecate, I have to do it right next to another person in their bed. There is no place to escape the smell and the embarrassment. Whenever I start to feel angry about it, I try my best not to react. But sometimes, my anger gets the best of me because I have no distractions. I have gotten into three altercations with cellmates because of our different personalities and the lack of space to accommodate the both of us.

10. Leaving my cell for any reason is dangerous. Because once I leave my cell, the guards will search my property and mess up my room. My property ends up all over the floor. I believe they use this tactic to discourage people from wanting to

leave their cell for any reason, including showers, recreation, and exercise. I also have to get strip-searched when I leave my cell. It's degrading to squat, show my private parts, and cough. So often, when it's not a legal call, I choose to stay in my cell instead of going through this dehumanizing experience. They don't treat us this way in general population.

11. I have been on property restriction many times. Being put on property restriction means being deprived of my personal property for 72 hours. The officers take my clothes, mattress, toiletries, sheets, and personal property. I have to sleep on the steel bunk, even when it is cold. This experience made me feel paranoid and very fearful. Now I get up and go to the door whenever I hear someone approaching. Whenever I hear the doors, my survival instincts kick in. I need to be prepared because the guards might come to my cell to buse me. My bunkie even just asked me why I am so paranoid. I know the worst that could happen is to get severely injured or killed.

12. It is terrifying to have Epilepsy in confinement. I live with constant fear. It is impossible to predict when I will have a seizure or jolt. Whenever the guards do their security checks, they only stop for a few seconds. Some of them walk past by without checking inside of the cells. Sometimes I am scared that I would have a seizure, and no one would notice.

13. Sometimes in confinement I hallucinate about the elves that make Keebler's cookies. Keebler's cookies are a brand that I used to eat before my incarceration. In my hallucinations, the elves form a pyramid while dancing. They look real. I try directing my attention somewhere else, but the elves keep following me. Whenever I start hallucinating, I know my mental health has deteriorated.

14. Without any distractions in confinement, I suffer from psychotic episodes. Whenever I have these episodes, I yell or bang on the door to get the guard's attention. The majority of times, their response is to either spray me or ignore my cry for help. When they sprayed me, I felt a mix of a burning sensation and panic because I couldn't breathe. It was painful and scary.

15. The way officers respond to psychological emergencies is cruel. Officers laughed at me when I declared psychological emergencies. Knowing I could be laughed at or beaten for declaring a psychological emergency often discourages me from asking for help.

16. Once you get in confinement, it seems like you can never escape it. It feels like whenever you are close to getting off confinement, the officers will either lie or find any excuse to give you a disciplinary report to keep you in longer.

17. All aspects of confinement are harmful. It hurts me physically and mentally. Being in confinement turns me into someone I do not recognize.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on April 15, 2021.

Signed: /s/ Dytrell Jones, DC# M75660

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF LARRY MERRITT

I, Larry Merritt, declare under penalty of perjury:

1. I am a 56-year-old Black man incarcerated in the custody of the Florida Department of Corrections. I am currently assigned to Close Management (CM) II at Charlotte Correctional Institution.

2. I have asthma and hypertension. I use two different inhalers for my asthma and am on an HCTZ water pill, Norvasc, and lisinopril to control my blood pressure.

3. I also have several mental health conditions, including paranoid schizophrenia and chronic depression. I've been on psychotropic medications for over 40 years; now I'm on valproic acid, Zoloft, and Risperdal. Even with the

medicine, my mental illness gets to me. I spent most of the last 22 years in Close Management or getting inpatient mental health treatment. Being in CM had a really big impact on me. For many years, I would cope by hurting myself.

4. I think my mental illnesses are disabilities. I'm always paranoid about certain things, and I can't turn the paranoia off. When my depression is bad, I can't talk to anybody. I just lay in bed. Despite my serious mental health issues, I don't meet with an ADA coordinator or get asked what accommodations I need for my disabilities.

5. I've been in confinement for the last two years. I went to Disciplinary Confinement (DC) at Columbia CI in December 2018, and from there I was approved for CM I in February 2019 and transferred to Charlotte CI in March 2019. I did almost a year on CM I, followed by six months on CM II, then I went to CM III. In August 2020, FDC put me back on CM II.

6. I have a long history in isolation before this though. In my first 9 years of incarceration, I was in Administrative and Disciplinary confinement a lot. I went to CM in 1998, and I was not released to the general population until 2018. I tried to kill myself several times over those 20 years, so I spent a lot of the time in CM in inpatient mental health units. From 1998-2018, I also spent a lot of time (both in and out of inpatient mental health) in DC. Officers applied DC, not CM, rules to me during those times. I experienced confinement at Union CI, Everglades CI, Florida

State Prison, Santa Rosa CI, and Charlotte CI. I was on CM III briefly in 2002, then didn't make it back to that level until 2018, shortly before my release to the general population.

7. The cells in confinement make me feel dirty, unhuman—like I'm a nobody. The windows are covered with grill gates that are caked with mold, mildew, and gas. A lot of times I can't see out my window because of this. At night, bugs come through the window and fly over the lights. There are roaches. At Charlotte, I've seen some snakes. At FSP, there were big rats running around. The mattresses have a foul odor. The pillows too. The sheets and pillow cases don't seem properly washed. I can smell other people's sweat.

8. Runarounds, who are inmate workers, occasionally bring chemical agents to clean cells, but when they do, it's not enough to clean everything, like the urine that splashes on the wall when I use the bathroom. The runaround passes me a broom or mop through my food flap, but they're usually really dirty—like they were used to clean feces or something. I don't get a toilet brush. In some wings at FSP, I couldn't flush my own toilet, which made the smells worse. The cells are just nasty. It's hard to explain the emotions that go through me confined in a cell like this nearly 24 hours a day, with very few opportunities to go outside and get some fresh air.

9. It's hard to have normal conversations with people in isolation. A lot of my conversations are through the vent. The vent is next to the toilet. When I want to talk to someone, I have to stand in a little corner wedge between the toilet and the bed and put my face all the way up to the vent and yell really loudly for them to come to the vent. There's four people on each vent; two upstairs and two downstairs. So if I'm talking to one of these people, the rest can get in on the conversation too. There are no secrets and no privacy. We have to talk pretty loudly for the sound to carry, so other people on the wing can usually hear what we're saying too.

10. In confinement, my family could visit only for a short amount of time, and I'd have to sit behind a screen that makes it hard for us to see each other. The longer I was on CM, the less frequently my family came to visit. It was hard for them to come see me when we couldn't have physical contact and we couldn't hug. It really hurt when they stopped coming. There are times officers make it even harder to deal with the family separation. In August 2020, I was really worried about my sister because she had bypass surgery. Officers refused me my phone privileges, which added to my depression and anxiety.

11. Being behind the door took away my social skills. I don't know how to talk or interact with people like I used to. My whole vocabulary has changed, because a lot of times I get angry and frustrated, and the smallest things people do

agitate me. Even when I'm able to have conversations with people, I don't develop solid relationships. I think it's the impact of not being able to have face-to-face conversations with people, not being in each other's presence when we talk. This makes it more difficult to build trust.

12. There's very little to do inside my cell. It's hard to keep track of time. If someone on the wing has a watch, I sometimes holler and ask what time it is. I can guess what time it is based on mealtimes. But the days blend into each other. Losing track of time makes me feel like less of a person. I have to create things for myself to do, like working out in my cramped cell or writing letters. The library usually doesn't bring us books like it's supposed to, and when I order from a book company, it can take 3-6 months for the book to come. But I get bored doing the same limited activities over and over again. The cycle of nothingness makes me feel lazy and depressed. I lose interest, energy, or motivation to do the things I ordinarily enjoy, because I can't break my time up by socializing with different people on the yard or play games. So most of the time I just sleep.

13. At all the institutions I've been at, officers make it really hard to go to recreation. They come up with reasons to cancel rec, like if they see anybody standing at the cell door. Even when they do offer it, they speed through the dorm really quickly after announcing it's time to go to recreation so I'm not able to get ready quickly enough for them to take me out. At Charlotte, officers only take

people on my wing out to rec once a week, for six hours at once. It's really frustrating because even when I do get to go, it means they won't take me out of my cell again for the rest of the week. The only exercise I can do inside the rec cage is pull-ups and dips. If I need to use the bathroom while at rec, I stand in the corner of the cage and let it free.

14. I feel like all my years behind the door have also broken my body down physically. It's gotten so used to not moving when I'm in a small space all day every day. I used to jog a lot, but now I can barely do any cardio without losing my breath.

15. Officers restrain me with handcuffs, a black box, waist chain, and leg irons whenever I leave my dorm. It's one of the worst parts of being in confinement. I feel like I'm a slave—like I'm not even human, that I'm some sort of animal that needs to be restrained at all times. The strip searches are sick. Every time I leave my cell, officers ask me to remove all my clothes, bend over, spread my butt cheeks, grab my penis, grab my balls, lift them up, and drop them. After that, they ask me to put my hands inside my mouth. It's abuse.

16. Cell extractions put fear in me. When I see it happen to someone else, my first thought is, "that could be me." It's hard to describe the feeling I get when it is me. Adrenaline rushes through me, my mind goes crazy, and my heart beats really fast. I worry that they're going to mess me up bad. I've been assaulted by officers six different times during my time in isolation. I've also been sprayed with

OC spray a lot of times in the past. Once at Santa Rosa CI I had an asthma attack so bad after I got sprayed that the nurse didn't know what to do with me. They rushed me to the ER and gave me an emergency breathing treatment. I think the only reason I survived is because I had just taken my asthma inhalers before the officers sprayed me. Even though I've had asthma for a really long time, it wasn't until 2018 that FDC said I shouldn't be gassed because of my health condition. Still, in 2019, officers sprayed me at Columbia CI.

17. Officers have put me on property restriction so many times over the years, mostly in the winter. It's miserable. It's cold. They leave me in my cell with absolutely nothing other than my boxers, usually for at least 72 hours. I get really sore lying on steel. I can't sleep. One of the worst parts was that medical and mental health staff would see me like this and walk on by like it wasn't a big deal. I've been on strip twice since I've been back at Charlotte CI, once after a mental health emergency and cell extraction. I'll never understand how they do this—throw me in a cell with nothing like I'm trash.

18. All of this has had a big impact on me. The 20 years I spent assigned to CM felt like a really bad cycle of mental health crises and isolation. I don't know how many times I've hurt myself over the years. But I think my healthcare file is around 56 volumes long, if that's any indication.

19. I've gotten really depressed in these rooms. I sometimes feel like the walls are closing in on me. I get negative thoughts in my head and I want to scream out for someone to help but I have no one to turn to. When the thoughts get clogged up inside my mind, I start thinking about suicide. I just want to give up. When I get to that point, I don't stop to think about things, I just act on it.

20. My first several years on CM, my depression used to get so bad that I would suck on my finger, then I'd cut myself or try to overdose. I'd lash out when people would try to talk to me. One of the hardest periods for me was after my mom and grandma both died in 2005. I was in DC so my family couldn't come visit me. I couldn't talk to them like I wanted. I was all alone. I tried repeatedly to provoke the officers, hoping they would kill me, and tried to kill myself. I just lost it. I know that God does things on his own time. But I prayed that he would take me, to get me out of the isolation I was in.

21. Repeatedly I'd declare psychological emergencies in isolation. But a lot of the time mental health staff would say I was a security problem, not a mental health problem—like my condition wasn't bad enough to treat me. Nothing they did helped me cope with my depression, paranoia, and anxiety. It drove me to extreme levels. I'd hurt myself. Then I'd get written up and go to disciplinary confinement—like my mental health symptoms really are a security issue!

22. Over the years, officers have given me many DRs and sent me to DC for things I've done while hurting myself, like self-mutilation, overdosing on pills I wasn't supposed to have in my cell, or disobeying a verbal order for continuing to cut myself when an officer told me stop. Once they accused me of destruction of state property because I used a piece of my mattress to create a noose and hung myself. I almost died; I was in the hospital for several days. Shortly after I got back from the hospital, they sent me to disciplinary confinement.

23. Every time staff discharged me from SHOS or the inpatient mental health unit they sent me back to CM—the same environment that was causing me harm. Once, in 2004 I think, I got discharged from the inpatient unit at UCI back to CM. I was really going through it. Within the first four days back, I cut myself three different times and went to medical each time. Once the cuts were so bad I needed stitches. But staff just took me back to my cell after. So, I overdosed on some pills, and finally they took me back to the inpatient unit. They don't care about our lives. Officers have watched me cut and have waited for there to be a lot of blood before they even react. Many of them want me to die.

24. The mental health care I get behind the door has never been enough to help me cope with the symptoms that being locked down triggers. I need more time out of my cell and better and more frequent counseling—not being stuck alone with my thoughts in a cramped cell nearly 24 hours a day. The individual counseling I

get rarely helps. When I tell my counselor that I'd like to meet with her more regularly, she usually says her case load is too heavy. Many times, I've had to speak with a counselor while standing in a locked shower. It's humiliating, and there's no privacy. An officer stands close and there are people in nearby cells, so I can't speak openly about what I'm going through because I'm afraid others will hear me. But even when I get to meet with a counselor in the dayroom, it doesn't do much for me. Our meetings are short—not enough to really get into what I'm going through—and the counselor usually asks me a standard set of questions. I come back to my cell feeling just as depressed as I was before. My anxiety creeps up on me and I get panic attacks. When I don't have an escape, things escalate. It's why I've hurt myself so many times.

25. As I spent more and more years behind the door, I began to develop some coping skills. I had to learn on my own because the mental health services in isolation are really bad. I read books about yoga and meditation, processed them, and began to act on them. I learned to take my mind off of my situation and focus on things that are positive. When it works, meditation makes my heart happier and my mind more at ease. I feel tranquil. But it doesn't always work. Lately, I haven't been able to turn off the depression, but I'm taking it one day at a time.

26. I wake up each day, expecting the worst. I never know if it will be a day that officers mess with my food or put someone in my cell to abuse me. I try to

take it one day at a time, but it's hard. Between the loneliness and the abuse, I know every single day is going to be bad.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 19, 2021.

Signed: /s/ Larry Merritt, DC# 602100

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF DESTINI MATTHEWS

I, Destini Matthews, declare under penalty of perjury:

1. I am twenty-two years old and incarcerated at Lowell Correctional Institution in Close Management Three. I came to the Florida Department of Corrections (FDC) in March 2020 as a Youthful Offender and I'm scheduled for release in February 2023. I make this statement based on my own personal knowledge.

2. Since I came to prison in March 2020, I have been in Administrative Confinement, Disciplinary Confinement, and Close Management Levels Two and Three, all at Lowell. Sometimes I have been on two kinds of statuses at one time. When I add up all the time I've spent in confinement, it has been about eight months

of my year in prison. All placements in confinement have been torturous and I wouldn't wish this on anybody. Even though FDC calls them different things, they're all "confinement" to me and they all make me feel about the same. It's so hard not being able to communicate with my family while living within the same four walls every day.

3. I have had epileptic seizures since I was very young. Before I came to prison, I was taking medication for my seizures, but I haven't gotten any of my medicine since being in prison. I feel scared that I'll have a seizure in confinement because I don't have the medication that was helping me. I've fallen while having a seizure and have gotten knots on my head and sprained my wrist.

4. It's hard for me to deal with my severe asthma in confinement, especially because they won't let me have an inhaler. FDC staff once told me they will not give me an inhaler because they think that Youthful Offenders, like me, sell their inhalers. All I want to do is to have peace of mind that I can have it if I need to breathe. The stuffy and dirty cells do not help my asthma and I don't feel safe knowing I won't necessarily have help if I need it. If I am having an asthma attack, I'm afraid there won't be anyone to help me.

5. I was diagnosed with Attention-Deficit Hyperactivity Disorder when I was pretty young. It can be hard for me to stay focused and sometimes I feel myself

getting angry easily. Being by myself without anyone to talk to regularly makes me feel more irritable when I do talk to someone.

6. Being in confinement has made me depressed and anxious. While in confinement, I hear voices telling me to hurt myself and others. Sometimes hurting myself relieves the pressure of being alone.

7. I have an ADA epilepsy pass but I don't know if I have an ADA coordinator. The pass informs staff that I'm not allowed to be on the top bunk of any cell or operate machinery. But I also shouldn't be in a cell by myself, yet most of my time in confinement has been spent alone. Without a cellmate, there's no way for staff to know I'm having a seizure unless they happen to be walking by my cell window.

8. My cells in confinement have been so nasty and depressing. I can't always tell what time of day it is because the window to the outside is blurred out and it doesn't open. There is nothing on my walls but mold, stains, dirt, and bugs. I'm not allowed to have any pictures, clocks, calendars, or anything on my walls; I could get in trouble with a disciplinary report if I did. Another disciplinary report could mean staying in confinement even longer when it already feels like I've been here for so long. Roaches, spiders, crickets, and ants have crawled all over my cells. They come in through all the holes in the walls. At night, it's super creepy because you hear all kinds of noises moving through the walls and floors when you're trying

to fall asleep. We can't always control when our lights go out and that makes it even harder to sleep through the night.

9. It's hard to feel like yourself in prison, especially in confinement. The officers are so mean. I already feel gross enough in our dirty cells, but I feel even worse when officers refuse to give me any sanitary pads for my periods.

10. It's also hard to make friendships or even have regular conversations in confinement. There was once a mental health lady who seemed to be the only person who cared about me, but now she's gone. The only time nurses say more than a few words to me is when I have a seizure. I submitted a grievance to FDC about not getting to visit with a chaplain and FDC did not respond. It would help so much with my time here if I could be with others in keeping the faith. My next door neighbors are only a few away from me and we'd be close enough to talk to each other and get to know one another. But I'm afraid to try because I could get a disciplinary report. Instead, the only ways we've been able to talk are through the cement wall between us while lying down on the cold, dirty floor or by talking and listening through the toilet drain.

11. Keeping in touch with my family is harder in confinement. I haven't seen my mom's face since before I came to prison because we aren't allowed to have video calls in confinement. This weighs me down so much and pulls me into a depression that feels hard to get out of and I can feel myself get stressed, anxious,

and panicked. When I was in General Population, I was allowed to keep in touch with my family through video calls and email. Not only am I denied video calls in confinement, but I also couldn't even email them until recently when I got on CM Level Three. So, we basically only communicated through a few letters for months because it's difficult for my family to put money on my phone.

12. The days and nights blend together in confinement. I try to stay up all night so that when the lights come on and the day begins, I can sleep all day. It helps make the time go by. At night, I quietly sing to myself. I write in my journal and I have some letters that I read over and over again. I don't have a lot of access to books and, even though I've requested educational materials, FDC hasn't given me any. I wish I had more because I love history and want to learn about stuff that happened before my time, like the Black Plague and the Holocaust. Sometimes the entire day will go by and I've spent it entirely inside my cell without doing much of anything, or making eye contact with anyone, or having a full conversation.

13. I try to go to rec when it is offered to me. But I don't get it very often, and when I do go, I'm in a cage by myself but lined up next to other rec cages, like we're dogs.

14. I have to go through a lot with the officers just to come out of my cell. The officers search my cell every time I come out for a shower, rec, or anytime I'm coming out of my cell. They trash my cell and take some of my property. They strip

search me too. Sometimes there are multiple officers around when it only takes one officer to tell you what to do. Sometimes they snicker while you take your clothes off. I hate strip searches, especially when I'm on my period. But sometimes I feel like I have no choice but to leave my cell, like if I really need to take a shower. So then I have to take the risk that they'll tear up my cell and humiliate me with these orders.

15. I am scared of getting pepper-sprayed in confinement. The officers use pepper spray a lot more often in confinement than in General Population. They pepper sprayed me once even though I have asthma. I blacked out, couldn't breathe, and my face was burning. They had to take me to medical for twenty-four hours to observe me. Confinement is bad enough already, but it's even harder to live with the fear that almost anything could set the officers off into spraying me again.

16. Everything about being in confinement has made me feel like an animal, or even worse, like how I feel, what I think, or what I can remember do not matter.

17. The thought of killing myself never crossed my mind before FDC sent me to confinement. I've been breaking down over time in here. I've tried to hurt myself at least five times since being in confinement. I cut myself in November 2020. The last time FDC knew I hurt myself was in October 2020. I was cutting myself because the voices were telling me to hurt people. I didn't want to act out on

anyone so I took it out on myself instead. They then put me in SHOS for twenty-four hours. In SHOS, officers, not nurses, came by to check on me every thirty minutes for what felt like not even a minute each time. After my twenty-four hours in SHOS, they put me right back in my confinement cell, where I've felt alone and afraid.

18. I feel like my time in confinement is never-ending. Whenever I get new DRs, no matter what kind, it affects my review and then I can't get out of CM. I feel stuck in Close Management and like I won't get out before it's time for me to go back home. And then what will I be like?

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 10, 2021.

Signed: /s/ Destini Matthews, DC #F70468

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF DEMETRIUS SPIRES

I, Demetrius Spires, declare under penalty of perjury:

1. I am a 45-year-old Black man incarcerated in the custody of the Florida Department of Corrections. I've been in some type of confinement off and on for about 18 years, with 13 of those years being continuous from 2003-2016. I am currently assigned to Close Management (CM) 1 at Santa Rosa CI. I make this declaration based on my personal knowledge.

2. FDC has a lot of names for solitary confinement, like Close Management and Disciplinary Confinement. All of them mean that you are isolated in a cell almost all day and night, so they are all basically the same in my experience.

FDC put me in confinement for the first time in 2003, and I didn't get out until 2016 because they kept extending my time.

3. I have serious medical issues and medical care is hard to access in confinement. I was diagnosed with hypertension in 2005 and was told that I had issues with my kidneys that same year. I eventually went through stage 3 renal failure. In General Population, I can put in a sick call on my own. In confinement, nurses carry sick call slips on them but they often don't stop to give them out when we ask. The nurses often tell security to pass them out, but security doesn't always do that. When I am able to see a doctor while on confinement, I have to wear a belly chain, handcuffs, and shackles during the appointment and there is an officer in the room. I can't speak freely with the doctor with an officer listening because I worry the officers will use that information against me. I have witnessed this happen, where an officer spread the information that one of the other incarcerated people here is HIV+. I don't want something like that to happen to me.

4. These aren't the only reasons it's hard to be in confinement with medical issues. When I was a kid, I had two bones broken in my left leg and my left knee had to be reconstructed. Because of this injury I sometimes need a knee brace to walk. I had one in confinement from 2003-2008, but they took it when they put me on property restriction one time and didn't give it back. When I've requested to have one again, they say it's a "security risk" even though I had one without issues

for 5 years in confinement and a knee brace is just as easy to take off and search as my clothes are, and officers strip search me anyway. Anytime I'm active, my knee hurts without the brace and so because I don't have it in confinement, I can't really do any exercise either in my cell or when they let me out in the cage.

5. I've also been diagnosed with multiple mental health conditions including paranoid schizophrenia and depression. When I was a kid I was diagnosed as emotionally handicapped and was in a mental health program from ages 12-16. Being in confinement really messes with my head. In confinement, I've felt like hurting myself. I've even thought of killing myself and have acted on those thoughts. I've been in SHOS at least five times. I think the last time was in May 2020. Being in a SHOS cell is scary and unhelpful because you are put in a turtle suit and have nothing else. Other times when I have tried to declare psych emergencies, the officers would ignore me and just keep walking or retaliate against me. I've seen other people hanging themselves and get gassed for doing it. When I do see mental health staff, counseling sessions are just 15 minutes, and when I'm out of my cell, officers ransack my belongings, leaving them on the floor and in the toilet. In confinement, there's a price to pay for trying to get psychiatric help.

6. I've been placed in the Transitional Care Unit (TCU) and Crisis Stabilization Unit (CSU) numerous times. TCU at Union was less stressful than being in confinement at Florida State Prison (FSP) where I've spent most of my

times in confinement. In the TCU, officers can't pepper spray you. I got to come out of my cell more in the TCU because I had to come out for group therapy. Officers also had to take me out so I could shower in the TCU. I went to group therapy almost every day - sometimes twice a day. In confinement, I'm stuck in that cell all day, every day. It's hard to describe how it feels. People need to socialize, it's in our genes. But it is against the rules to do that when you're stuck in confinement. Being caged in confinement stresses me out mentally and my physical health degrades.

7. Officers in confinement are more aggressive than officers in general population. The confinement officers talk to me like I'm a dog. One time, an officer got mad at me, and lied and said that I had taken some pills. I was taken to medical where they pumped my stomach, forced a tube down my throat, and poured water down the tube. It felt like I was drowning. It was one of the most painful things I've ever experienced. I've been gassed with pepper spray a few times. Once, in December 2020, I did not get a DR but was gassed anyway for no reason. The gas messes with your breathing and burns your skin. Sometimes, the gassings are so bad that the smell of the pepper spray just sits in the air- even if it happened to someone a few cells away.

8. Officers have also put me on property restriction, which doesn't happen when you're in general population. We call it going on "strip." When I've been on strip, all my belongings are taken away and I'm left in my cell with no mattress, just

wearing boxers. A lot of the time, I've been put on strip when it's been cold outside. With nothing but boxers to wear and only steel and cement to sit or lay on, I was freezing, shivering, and could not sleep. It is torture. I was once transferred to a cell while on strip that had a window that wouldn't close even though it was freezing outside. Even worse, the exhaust fans were pulling the cold air into the cell for the entire three days I was on strip. If I try to avoid getting put on strip by refusing to take off my clothes or give them my belongings, officers gas me with pepper spray.

9. I get strip searched every time I'm taken out of my cell. When I get strip searched, officers make me squat and cough. Sometimes, officers tell me to spread my buttocks during strip searches. It feels like they are trying to humiliate me like this on purpose to try to stop me from coming out of my cell. I've also left my cell and come back to find all my property thrown all around the room and some of it missing. I've found my belongings destroyed before and have even come back to find my radio broken or in the toilet. All of this treatment makes me not want to come out of my cell because there's nothing I can do to stop it. When I wrote a grievance about it, all I got back was a response that says "The officer stated that's not true."

10. It doesn't help to have a cellmate in confinement because the cells are so small and you're in them all the time. At Suwannee and Santa Rosa, the cells are so tiny that if I have a roommate and I'm out of my bed, he would have to be in his

bed. There's not enough room for both of us to pace the cell. The cell is just too small to have enough space for even just one person when there's nowhere else to go.

11. The cells in confinement are disgusting. The walls have dirt on them that just gets painted over. Every time I change cells in confinement, I get on my hands and knees and scrub the floor, because it's just so dirty. Every morning I sweep my cell to try to keep it as clean as I can, but it's really hard to do. Officers don't always bring cleaning supplies around and I have to just use whatever I have. When they do bring cleaning chemicals, they are watered down and there isn't enough of it. In some of the cells, you can see crusted urine around the rim of the toilet and smell the urine in the air, even after its cleaned. In some of the cells I've been in at FSP, I couldn't even flush the toilet myself – I needed to have an officer do it for me by putting a sign up in my cell window that says "FLUSH." Sometimes, the officers just wouldn't do it. I think they thought it was funny. It wasn't. It made me sick, angry, and even more depressed.

12. I don't get to interact with people when I'm on confinement like I could in general population. You're not allowed to talk to other people through the vents or on the doors. I write to my family, but I don't get much phone time.

13. I try to distract myself from the issues in confinement, but it's hard. I listen to the radio a lot, especially NPR and political talk shows. Sometimes, all I

can do is listen to the noises of the wing and the dorm itself. I love to read so I try to do that, but it's hard when the few books you have can get taken away during a cell search.

14. All of this together makes my experience in confinement unbearable. I know the rules in prison. I know that every morning I need to make my bed. I wake up around 3:30 every morning and the lights come on at 4. I get up and make my bed. I say my prayers. I try not to get on the door and yell or talk unless there's something I really need. But I don't understand why they need to add things like property restriction, gassings, and getting stripped. It feels like it's for the purpose of humiliating us. Being in confinement is already bad enough.

15. I feel like the confinement system is designed to tear you down and break you. I don't wish this on anyone. I'm losing myself in here.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 18, 2021.

Signed: /s/ Demetrius Spires, DC# 890758

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF MICHAEL LOVE

I, Michael Love, declare under penalty of perjury:

1. I am a 37-year-old white man in prison at Santa Rosa Correctional Institution (SRCI). I am on Close Management Level 2 and Disciplinary Confinement. I make this declaration based on my own personal knowledge.

2. I have several physical and mental health conditions. I have psoriasis, hypertension, migraines, anxiety, depression, and bipolar disorder. FDC currently prescribes me Effexor to treat my mental illness. In the past, I've had to go to inpatient treatment because of my mental health problems when I was in confinement.

3. I have been in confinement for almost five years now. During this time, I have been in Administrative Confinement, Disciplinary Confinement, Close Management I, Close Management II, and Close Management III. I call all of this "confinement " because I am confined in a cell by myself and cannot come out. I have been in confinement at Marion Correctional Institution, Charlotte Correctional Institution, Northwest Florida Reception Center, Washington Correctional Institution, Miami-Dade Correctional Institution, Apalachee Correctional Institution, Florida State Prison (FSP), and Santa Rosa Correctional Institution (SRCI). Confinement has felt the same everywhere. We are always treated like scum by the officers. They are always cussing at us and acting like we are less than human. We have to rely on them for every single thing when we are locked behind the door so they hold all the power over us. It feels like they abuse this power a lot. They can deny us showers, food, dayroom, phone use, etc., at any minute. The fact that we are so dependent on them is very different from General Population.

4. The confinement cells at all the prisons are filthy, including my current cell. The water in my sink constantly leaks so I have to stick a spoon up the faucet to keep the water from always running but then the water just trickles behind the sink and causes mold. I can never get rid of the mold because we are never given enough cleaning supplies. In fact, sometimes weeks go by without being given any cleaning supplies at all. There are a lot of spiders, earwigs, and cockroaches in the

cells. I have also had rats run under my cell doors in the past. I hardly ever get to talk to other people. We are not allowed to talk to other prisoners on the wing. So the only way to make friendships is if I break the rules. I am scared to do that because I do not want to get any Disciplinary Reports (DRs) that can keep me in confinement longer. The nurses don't even talk to me when they deliver my medications through the food flap in my cell door. If I try and ask them something, or get their attention, they just tell me to write a sick call request and keep moving. Most of my sick call requests never get answered in confinement. I have not seen a chaplain walk around the wing in months. The only time I can talk to my family is when we are offered the kiosk, which only happens very sporadically. It is hard never knowing when exactly I will get to talk to my family again.

5. Sometimes we have cellmates when we are in Close Management Level 2 and Close Management Level 3. Having a cellmate normally just creates more problems. A couple months ago, my cellmate at the time got into a verbal argument with an officer. The officer walked away saying he had something for my cellmate. When he came back he rolled the door open and told me to cover up. I was resting on my top bunk at the time. They then started pepper spraying our cell. I begged to come out of my cell because I had nothing to do with this argument, but they told me they could not bring me out because of security concerns and continued spraying our cell. There is no way to "cover up" from that gas. I was punished with pepper

spray for something I did not do and had nothing to do with just because I had a cellmate. When I am gassed, it feels like all of the air in the room is sucked out. I feel like I am dying and can't breathe.

6. I rarely get offered recreation. I feel like they skip me a lot and claim that I refused, but that is not true. I can't really exercise in my cell, especially when I have cellmates. I am on the top bunk so in order to exercise, I would have to be on the cell floor. The cells are so small that the space available on the floor would only be inches away from my cellmate in his bottom bunk. It would probably annoy him if I was sweating everywhere and jumping around inches away from his space. It is just easier not to exercise than risk creating any tension between my cellmate. It is really hard on my body to never get any exercise. It makes me feel weak and lethargic all the time.

7. The constant cell searches and strip searches make me reluctant to come out of my cell. They destroy our property during the cell searches. I have had them throw photographs, mail, and paperwork in the toilet, and break my radio. Once, they destroyed photographs of my now deceased mom. It makes me sad that I can never get those photographs back. I also have to deal with strip searches every time I come out of my cell and I hate them. It makes me feel violated and harassed. I have to get completely naked, lift my genitals, and squat and cough.

8. I have been placed on strip [property restriction] several times during the past almost five years of confinement. Last time, I had a picture of my daughter on my cell wall. They got mad at me for this and said I was going on strip. They took everything away from me and I was left only in my boxers. It was during the winter. The window in my cell was broken so cold air was getting into the cell. I just remember freezing and never feeling so cold in my life. I curled up into a ball in the corner of my cell and just prayed for three days for it to end. I was never able to sleep during this time because the cold was too much.

9. I have cut myself a lot over the past five years. A lot of times this is triggered by officer treatment. When they put me down, treat me less than human, or torture me, it makes me want to kill myself. For example, in the past I have cut myself in strip as a means to escape the pain. When this happened, they brought me to medical, glued my arm back up, and brought me straight back to my cell to serve the rest of my remaining time on strip. Once, I was even threatened that if I cut my arms again they would beat me up. I deal with a lot of suicidal thoughts, but cutting does not get the help I need. I need more counseling and access to programs outside my cell.

10. I feel like I can never get out of confinement. They can continue me in CM for a DR and they make it almost impossible to go DR free for any long period of time. Recently I went months without DRs and thought I was going back to

General Population, but then I got one DR and I was bumped back up to Close Management Level 2. I have been on Close Management Level 3 twice now, but instead of going back to General Population, they find reasons to upgrade my level and keep me here longer. I'm afraid I will remain in confinement until I'm released from prison.

11. One of the biggest problems in confinement is that we are all dependent on officers for every single thing. It feels like the officers get overwhelmed with their jobs and then take it out on us. At every confinement wing, almost every time I try to get an officer's attention during their rounds, they don't acknowledge me and just keep walking. When they ignore me, it dominates my mind and makes me feel angry and frustrated. For example, I might think I am getting the kiosk one day and look forward to speaking to my family. That day will come and go with no kiosk or response from the officers about why not. It makes me feel like I should give up and stop caring about life anymore.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on March 29, 2021.

Signed: /s/ Michael Love, DC#R32082

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF THOMAS TINGLEY

I, Thomas Tingley, declare under penalty of perjury:

1. I am a 57-year-old white man and am incarcerated in the custody of the Florida Department of Corrections (FDC). I am currently assigned to Close Management 1 at Apalachee East Correctional Institution. I make this statement based on my own personal knowledge.

2. I have been in and out of confinement isolation for almost two years. I call it "confinement isolation" because there is very little stimulation and I feel kept away and isolated from everything. During this time, I have experienced Administrative Confinement (AC), Disciplinary Confinement (DC), and all three levels of Close Management (CM) at over four different institutions: Columbia

Correctional Institution, Florida State Prison, Santa Rosa Correctional Institution, and Apalachee Correctional Institution. In all these different places, there wasn't enough recreation, I hardly ever talked to anyone, there was little to no control over my lights and toilets, and the cells were too small, making all of my experiences in confinement feel pretty similar.

3. FDC identified an issue with my prostate about six to eight months ago and prescribed me with medication for this. Before I got help, I had to use the bathroom frequently. I have Chronic Obstructive Pulmonary Disease (COPD). I use two inhalers for my COPD, one that I use daily as medicine and the other is for "rescue" situations. I have also had blood clots and so I take Coumadin for this once a day and wear compression socks. I get body aches and joint pain that I'm worried is from lack of exercise and moving around while in confinement isolation.

4. I take Trileptal, Vistaril, and Effexor for depression and claustrophobia. There was a period when I was released back into General Population and my depression eased up. It helped when I wasn't so alone.

5. My confinement isolation cells have been nasty. In some of my confinement cells, there has been black mold on the walls and ceiling, and I'm worried about what it does to my COPD. The backs of the doors have been in terrible shape, sometimes flakey with all the rust that has built up over the years. I've been in cells where the flap in the door had rust and so when I've had to get injections

through the flap, I'm anxious that some of the rust will flake onto my body. Sometimes staff will give us cleaning supplies, but weeks can go by in between getting these supplies. When I don't have these supplies, I have to clean my cell and toilet bowl with the same bar of soap I use for my hands and body.

6. The cells have been infested with bugs and rats, some worse than others. The rats get inside the cells through the holes caused by the rot around the toilets. I've tried to keep these pests out by stuffing paper into the holes, but that hasn't stopped any of them from invading. In one of my cells, there was a trail of bugs crawling up the walls and nesting inside the lights. Red ants bite during the day but they're even worse at night -- I've woken up with 15-20 bites on my face and on parts of my body underneath my clothes.

7. Being in confinement makes me feel like a monkey in a cage, except I think monkeys in a zoo might be treated better than us. Sometimes, like now, I don't even have a window in my confinement cell. When I have had a window in my confinement cell, the windows have been clouded so that I can't see what's going on outside. Hardly any natural sunlight comes into the cell and most of the windows don't open, so the air is stuffy. The stuffy air is worse when my toilet is filled with feces and that smell takes over the whole cell, even during meals. In one of my cells, I did not have full control of my toilet, otherwise I could have flushed it when I

needed to and helped the stink. It's freezing in the winter and I feel so cold in only one layer of clothing and sometimes without any socks.

8. I only get about two hours of sleep at night because the lights are on for nearly twenty hours a day and there is constant noise throughout the quad. I try to sleep when I can during the day, but it's hard with the gun range outside and when people on either side of me are yelling and banging on the walls. If I don't try and block some of this out, it drives me even crazier than I already feel. I feel like I can't escape sometimes, like there's no getting away from feeling so trapped and crazed.

9. I haven't developed any meaningful relationships with anyone or had true conversations with people while in confinement isolation. The contact I have with FDC staff is minimal. When staff or run-arounds drop our food off and slide it through the flap about three times a day, they hardly say anything to me and we know barely anything else about each other's lives. If mental health comes around for weekly rounds, most of the counselors will only ask me if I'm alright just as they continue on to the next cell, without waiting for an answer. Most of the nurses who come by with medicine don't want to hear anything from you -- they just want to drop your medication off and then they're gone. It's helped to talk to the chaplain, but they only come by once a week at the most, and sometimes all he does is slip a pamphlet under the door without saying anything. I don't talk to my neighbors because I'm afraid of getting in more trouble that will keep me in confinement

longer. Many days can go by in my cell without meaningful conversation with anyone.

10. In General Population, I was in an open unit and was able to communicate with so many different people. It was therapeutic to have somewhat normal contact with other human beings, build acquaintances, learn about similar interests as other people, and talk about different family issues we might be having from being in prison. That helped me get through the day. Being in confinement isolation takes so much of that interaction away. I've only been to the dayroom twice, so I don't really have the chance to talk to people there. I miss staying in touch with my family and friends. Without access to a tablet or regular use of a phone, I'm only able to stay in touch with them through a few letters each month. My sister wrote a letter to me recently, informing me that my ninety-nine-year-old mother passed away. The letter went to the chaplain first, but he did not come to see me. I had to bring this up to my psychiatrist during a follow-up appointment and he increased my dose of Trileptal. Not being able to communicate with my mother her last months pushed my depression to the envelope.

11. I've had a cellmate in some of my confinement isolation cells and it's made those times worse. The amount of time we have to be together in such a small space isn't normal. Some people constantly needed to use the bathroom. When my prostate issue is not under control, I need to urinate frequently and have had to while

my cellmate has been just a few feet away. It feels like I'm living with someone inside of a bathroom and you can't get away with doing anything without being in each other's space. You also never know who FDC will put you with inside those tiny cells. I've been stuck with cellmates who want to masturbate thirty times a day. I've had another cellmate who wanted to fight out of boredom. One of the guards has watched us hurt each other and done nothing about it. It's times like this that make me feel even more like an animal in a cage.

12. The time inside of my confinement isolation cells feels wasted and unproductive. I don't always get to order books or magazines from the prison libraries. There have been times where FDC hasn't given me the little property I have until well after I've been transferred from one facility to the next. If it wasn't for the occasional time check or afternoon shadow on my wall, I would have no measure of time other than when staff come around for meals and medicine. There are blocks of time where all I do is stare at the wall and pray or lie in bed, deepening my depression.

13. I don't think I've ever been out to rec since being in confinement isolation. Sometimes it feels like too much of a hassle because some officers will tear up your cell when you leave. Sometimes it's too cold outside and without any extra clothes, my body on blood thinners is extra sensitive to the weather. I have requested extra clothing, but FDC did not respond. Trying to exercise in my cell is

tough. I don't like doing push-ups and sit-ups with the bugs and rats on the floor and I don't get as much cardio as I would like. It takes me about five steps to walk from one end of the cell to the other. When I try to go back and forth, I get dizzy and can't keep going for too long. Plus, when I have a cellmate in there, I have to think about what's going on with him. I know I don't always like it when my cellmate is huffing and puffing and sweating within a few feet from me. So I don't get the exercise I need to help me stay healthy.

14. Guards make us go through demeaning "strip searches" and cell searches that make me not want to come out of my cell. I used to come out for one-on-one counseling, but when I did, certain officers would tear my cell apart and some things would go missing. Some things have also gotten planted in my cell. They once put my cellmate's tattoo gun in my stuff, as if they were trying to cause trouble between us. Now I hardly ever come out for psych counseling because the anxiety and harassment from the strip search and cell search outweigh the few minutes I spend with the counselor. I don't go out for showers at every opportunity. Instead, I take bird baths with my sink. When I have a cellmate, we've put a sheet up against the wall for a little privacy, but some sinks are beside the door so anyone who walks by the door can see you through the window. Just like an animal in a cage, I feel totally exposed.

15. There are other things that make me feel like an animal too. Sometimes I have to fight off my cellmates in order to eat my food. Sometimes I have to shove my food down so quickly because I'm afraid I won't be able to eat it all before the guards or orderlies come back around and demand the tray back.

16. I had minor depression before going into confinement isolation, but nothing like what I experience now. I didn't experience claustrophobia in General Population but I do in confinement isolation. This claustrophobia causes me to feel a tightness in my chest as if there's an elephant sitting on top of it. I feel more claustrophobic at night when it's dark and I have a cellmate on the top bunk a few feet above me. I feel anxious because I don't know what my cellmate might be thinking, and this can also make it hard to sleep. I hyperventilate about twice a week and I'm highly anxious when it feels like the walls are closing in on me. I also never had thoughts of hurting myself before coming into confinement isolation. Confinement has taken me to places of darkness and despair.

17. Being in confinement isolation is stressful enough, but it's added stress to not know how long I could be kept away like this. I was moved from Disciplinary Confinement to Administrative Confinement around March 2021 and recently FDC informed me that I'm now Close Management 1. I've been afraid of any move I make and anything I say during my time in confinement isolation because I've seen

people get in trouble for seemingly small things, like having extra clothes, extra sheets, and talking.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 6, 2021.

Signed: /s/ Thomas Tingley, DC #616700

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF BRIANA (ALEX) BEASLEY

I, Briana Beasley, declare under penalty of perjury:

1. I am a 27-year-old Black transgender woman incarcerated in a men's prison in the Florida Department of Corrections (FDC). I make this declaration based on my own personal knowledge.

2. I have been in confinement for over 6 years. During that time, I've been in Administrative Confinement, Disciplinary Confinement, and Close Management (CM) I, II, and III. We call all of these "confinement." FDC first put me in CM when I was 18 years old. Right now I'm on Close Management I and Administrative Confinement at Florida State Prison.

3. Before I came to FDC, I was diagnosed with several mental disabilities, including Schizophrenia, Bipolar Disorder, Attention Deficit Hyperactive Disorder (ADHD), and Depression. FDC categorizes me as a Psych 3 (S-3) inmate.

4. I also have seizures for which I receive medications.

5. In my experience, confinement is harmful and messes up your mind no matter what prison you are in or what level of confinement you are on.

6. Confinement cells are really dirty. Even if I clean my cell, the floors and tiles are constantly dirty because dirt and dust comes in through the vents. There is mold on the walls and toilet. I get a lot of rashes that I think are caused by the mold and dirt. I have only seen staff or the orderlies clean the cells or paint over the mold if someone is coming to inspect the prison; otherwise, FDC does not seem to care that it is dirty and unsanitary for us.

7. In some confinement cells I have been in, I have not been able to control the lights. I need to control the lights because they can trigger my seizures. I often have to lay down and cover my eyes with a shirt so I don't get a seizure, but I could get in trouble for covering my head. In 2014, I got a Disciplinary Report for putting a shirt over my eyes and was put on "strip," which is what we call property restriction.

8. The guards are supposed to come around and check on us every 30 minutes. Sometimes the guards just walk by and do not even look in the cell to make

sure I am okay. This makes me especially afraid because, if I'm alone in a cell, I'm worried I will have a seizure and get hurt and no one will know.

9. In some confinement cells, I could not flush the toilets on my own. Instead, I had to ask the guards to flush the toilet for me. Sometimes when I ask the guards to flush the toilet, they say "no" multiple times. They say it is part of the punishment of being in prison. Sometimes the cell smells like urine and feces for hours. It is degrading and dehumanizing. It is hard to eat. It makes me stressed and depressed. They treat me like a dog forced to live in its own waste.

10. Officers give me one roll of toilet paper every week, but sometimes they run out of toilet paper and I have to wait to buy one from canteen. When I don't have toilet paper, I use a sock and wipe myself with that. Or I get a sheet and rip it, fold it, wet it, and wipe with that. I flush the whole thing. If I get caught ripping a sheet, they might put me on strip. A few years ago, they put me on strip and gave me a Disciplinary Report (DR) for Destruction of State Property and 30 days more in DC just for ripping a sheet and using it as toilet paper when I didn't have any other option.

11. I have been put on strip at least six times for things like talking out of the back window or through the vent, in addition to when I ripped my sheet. Strip is a horrible and cruel punishment. Officers take everything out of your cell even though I think they are supposed to only take your state property. They take your

mattress, your blanket, your sheets, and all your clothes, except for your underwear, usually for 72 hours. It is really cold and it is impossible to sleep on the metal bed. When I am on strip, I feel like everyone is looking at me naked. It makes me feel very violated. I was raped in the past, and this makes me feel like I am getting raped again.

12. Strip is so unbearable that sometimes I cut myself really badly so that I can go to the hospital. I would rather hurt myself than be on strip, that's how bad it is.

13. In all types of confinement, I have to eat in my cell. The trays FDC uses to deliver meals to me in my cell are really dirty and often moldy. Sometimes the food is moldy too. I am supposed to receive Kosher meals and food that is wrapped or sealed and has been blessed. But often in confinement, FDC does not follow protocol and my meals are opened or I receive the same food as everyone else.

14. I get very little human interaction in confinement. Dayroom would help a lot because it gives me the chance to talk to other community members while we are all together, if staff would actually pull us out. But on some days, I was supposed to get dayroom, staff didn't pull me or anybody else out of our cells. They claimed they were short on staff or that none of us were ready to be taken to dayroom. When I was on F-Wing at FSP for about a month in December of 2020, I remember going to dayroom only one time.

15. I usually don't get recreation in confinement. Like with dayroom, officers will say they are short staffed, or I wasn't ready, even if I was. When they do take me to rec, it's in a cage that's about 12 feet by 6 feet. There's nothing to do but work out on the pull up and dip bar. I'd like to be able to talk to people at rec, but it's risky because they often put people in every other rec cage and if I try to call to the person who's two cages over, they might say I am yelling, and I could get in trouble for that.

16. Throughout the day there is nothing much to do in confinement. The lights turn on at around 4:00 in the morning and they start distributing breakfast around 4:30 or 5:30 am. It is impossible to continue sleeping, because it is so loud in the wing. There are constantly sounds of people yelling or banging on the cells, flaps clanking, and cells opening. I don't always have a book to read. I have never had a tablet in my 6 years in confinement.

17. Whenever I leave my dorm, I have to be strip searched and shackled. Officers shackle my feet, and they use a black box, on top of handcuffs, that is shackled to my waist. I have been sexually assaulted before so being observed and touched in this way by male officers makes me feel molested and violated. I also get very nervous when I am shackled because I am vulnerable to being jumped, which is especially scary as a transgender woman. Being shackled makes me feel like a

slave. Even when I have legal calls, I am fully shackled. It makes talking to my attorneys very uncomfortable and painful because the shackles cut into my wrists.

18. Officers use force regularly in confinement. I have seen them jump on people in confinement who turned in grievances. About two years ago, I wrote a grievance about the conditions of confinement and how solitary is messing with my mental health. No one helped me in response. Instead, soon after I turned in the grievance, officers would not let me go to rec and called me a snitch. They started yelling at me to pick up the stuff on my floor, which I did, but they still called in the cell extraction team. A group of 5 male officers in full body armor came into my cell and pinned me to the ground, kicked me in the ribs, punched me in the head, and dislocated my elbow. I had to go to an outside hospital, and my elbow still hurts to this day. The risk that officers will hurt me makes the conditions in confinement so much worse.

19. I have problems with my asthma in confinement. Officers have taken my inhalers, along with all of the other property in my cell, in response to my mental health episodes in confinement. Also, the staff use chemical gases more frequently in confinement, which triggers my asthma. Even when the gas is used on a different floor, or down the hall, the gas still reaches me through the air vents. When I complain to the guards about this, they tell me to simply hide under my blanket, which does not help alleviate my asthma, and can actually make it worse.

20. In addition to the lights, I believe that the stress of being in confinement triggers my seizures.

21. I believe confinement, over the years and across various FDC prisons, has triggered symptoms of my mental disabilities and made them worse. With ADHD it is difficult for me to sit still for long periods of time or go without exercise or talking to other people. It stresses me out to be so restricted in my everyday movements. It makes me want to pace. It makes me to talk to myself. It makes me bang my head on the wall. The voices I sometimes hear get stronger. My paranoia also increases.

22. Confinement makes me cut myself because it feels like the only way to cope. Cutting helps me calm down so I don't snap or lose it. If I snapped, I would bang on my door or yell and I would get a disciplinary report and have to spend even more time in confinement.

23. In addition to cutting myself and banging my head against the wall, I have also harmed myself in confinement by putting sharp objects up my rectum, swallowing batteries, overdosing on medication, and attempting to hang myself.

24. As long as I clean up the blood, the guards don't seem to care if I cut myself. Sometimes, they've told me that there is no point in putting me in a mental health unit if I am just going to cut again when I get out. But when my self-harm

inconveniences the guards, they punish me for it. Officers have gassed, beaten me, put me on strip, and given me DRs for harming myself.

25. I find it hard to get help for my mental health in confinement. For example, once I told a guard I needed help because I was seeing dead people chasing me. The guard refused to get me help. When I ran into a wall, hurting my head and shoulder, because I was trying to get away from the dead people, the guard just laughed at me and called me crazy. Other times I've tried to ask for mental health assistance and the officers ignored me until I did something more extreme like cut myself.

26. Even when I get mental health services in confinement, it has not always been helpful or consistent. For example, when I am pulled out of my cell for counseling sessions it's only for very short periods of time. One time the counseling service was harmful because after I shared very private information about myself with my counselor, I heard the guards joking about it. That made me feel that I cannot trust the counselors, which makes me feel even more isolated and unable to cope with my mental illness. I don't always receive my medications, which causes me to hallucinate badly, feel as if the walls are closing in around me, or feel the urge to self-harm.

27. During my time in confinement, I have cycled between confinement, Self-Harm Observation (SHOS) cells, the Crisis Stabilization Unit (CSU), and the

Transitional Care Unit (TCU). I've also been in a mental health treatment facility at Lake Correctional Institution multiple times, which I believe is the highest level of inpatient treatment I can get in FDC custody. I can't even count how many times I've been in inpatient. Every time FDC puts me in one of these inpatient units, they send me right back into confinement when I'm released. Any progress I think I've made with my mental health goes away and pretty soon I wind up back in inpatient care. Most recently, I spent less than 90 days in the CSU and TCU at Suwannee before they put me right back into confinement at FSP.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 14, 2021.

Signed: /s/ Briana (Alex) Beasley, DC# N26228

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF JAMAL SESSION

I, JAMAL SESSION, declare under penalty of perjury:

1. I am an 18-year-old Black young man incarcerated in the Florida Department of Corrections. I am assigned to Close Management (CM) I at Suwannee Correctional Institution. I am also in H Dorm, a mental health unit, because I was feeling suicidal. I will probably only be in this unit a few weeks before I go back to the CM Dorm. I make this declaration based on my own personal knowledge.

2. I have been diagnosed with depression and ADHD (Attention Deficit Hyperactivity Disorder). In February 2020, I was transferred to a Transitional Care Unit (TCU) at Reception and Medical Center because I did not pass an IQ test. But

then in May 2020, FDC transferred me out of the TCU to CM at Florida State Prison (FSP) and then to Suwannee.

3. I have been in and out of confinement since I was 16 years old. "Confinement" is what we call Administrative Confinement, Disciplinary Confinement, and Close Management. First, I was placed in Administrative Confinement for about two months. Then staff moved me to Disciplinary Confinement and Close Management II. It doesn't matter what type of confinement I'm in—they all make me feel the same—less than a human being, more like an animal. I feel controlled all the time. Staff harass and threaten me in confinement. Like they have given me an "air tray," which means a tray without food. When that happens, I have no food until the next meal, which could be the next day. Other times they have spit on my food.

4. Living in a tiny confinement cell for so many hours makes me feel like I am going crazy. Sometimes, I feel like the walls are closing in on me. Because of my ADHD, I get hyper and feel like I need to move around, but there is not a lot of space to move. I try to stay in bed, but that only makes my depression worse.

5. Confinement cells are nasty. There are big rats and roaches crawling everywhere. I can hear and see them at night. It makes me feel paranoid, angry, and out of control when I see them and cannot get rid of them.

6. For a while at FSP, the window in my cell door was barricaded. I could barely see through it. If something happened to me in there, I do not know how the staff could have seen inside my cell to notice. I spoke to the guards about this issue many times, but they ignored me. They finally moved me to another cell after lawyers in this case came to FSP for an inspection on December 8th.

7. I have gone up to five months without having a real conversation with anyone in confinement. At FSP, I started to feel really lonely. I tried to get help by yelling and banging on my cell door. The guards did not help me and told me to "wait because I am not going anywhere."

8. In all types of confinement, my days feel like an endless cycle of the exact same routine. It's hard to keep track of time. Without a clock and watch, one of the only ways I know the time is when the guards come to my cell with meals. I wake up, read, do my schoolwork, eat, exercise, and sleep in my cell. I do this routine over and over again. There is only so much reading and exercising I can do before I start feeling like I am going crazy. When I can, I try to cope with the loneliness by reading letters from my family or looking at personal pictures. Sometimes, I cannot do that when staff takes them during cell searches.

9. The last grade I attended before being incarcerated was middle school. In confinement, the teachers bring me schoolwork only once a week. Most of the time, they talk to me through the cell door. The schoolwork is not helpful. They

repeatedly give me the same materials. The schoolwork is also not appropriate for my aptitude because I already know some of it. It's what I was doing in middle school and I should be getting high school work. But I have to wait to take the TABE (Test of Adult Education) test until I am in CM III. I am frustrated because I do not think I will be ready for the TABE test with the education I am getting.

10. There are so many things in confinement that make me feel like an animal. One thing is the strip searches. I have been stripped searched in confinement more times than I can count. Before I leave my cell, the officers come to my door and ask me to take all my clothes off. Then, I have to squat and cough. It is so humiliating. Another thing is the restraints. They always handcuff our wrists and shackle our feet. I remember one time I had to wear to wear a spit mask, *and* handcuffs, *and* shackles on my feet.

11. I hardly ever go to recreation. I do not go because whenever I leave the room, I am afraid the officers will go through my stuff and take my personal property, like my letters, legal mail, and pictures, like they have done before.

12. There is a big difference between who I was before confinement and now. I feel more depressed, lonely, and get angry faster. My thoughts race. Sometimes I am paranoid. I have hallucinated footsteps or shadows. I have gone to a suicide watch cell multiple times because I declared psychological emergencies. I

was not planning to cut or hang myself, I just wanted someone to come and talk to me.

13. It seems like I can never get out of confinement. They tell you if you obey the rules, you will get out of confinement. But even when I obey the rules it doesn't matter. It feels like the officers will use any excuse to keep me in confinement.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on April 14, 2021.

Signed: /s/Jamal Session, DC# G80286

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF FLORIDA

TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF HA KHELIUS MOORE

I, HA KHELIUS MOORE, declare under penalty of perjury:

1. I am a 28-year-old Black man incarcerated in the custody of the Florida Department of Corrections. I am currently assigned to Close Management I (CM I) at Union Correctional Institution. I make this declaration based on my personal knowledge.

2. I have been in confinement three times, across several institutions, totaling over 3 years spent in confinement. During that time, I have experienced Administrative Confinement (AC), Disciplinary Confinement (DC), Close

Management (CM) 1, CM2, and CM3. Often, I was on two different statuses at once, such as being on DC status while housed in CM1.

3. I have experienced AC, DC, CM1, CM2, and CM3 at Santa Rosa CI, Suwannee CI, and at Union CI where I am currently confined.

4. The different types of confinement are mostly the same except for some small differences in security management, like whether you are shackled while transported. It doesn't matter the prison or level of confinement, they are all still solitary, where you are confined to a small space for an extended period of time, and it messes with your head.

5. All confinement cells are extremely dirty. The paint peels. There is mold on the ceilings and in the vents. There is rust on everything.

6. Confinement cells are about 8 feet by 6 feet. They have either metal bunk beds or concrete slabs for beds. There are no mattresses in confinement. Instead, you lay on a piece of plastic cloth material, but there is no padding whatsoever. I was stabbed in prison in the past, and my wounds were not treated properly, so now it is even more painful to sleep on a concrete slab. My back hurts all the time, despite me being a healthy 28-year-old.

7. The cells have a toilet in the corner, about 2 feet from the bed. I can't always flush my own toilet -- I once had to wait 10 hours to have the guards flush my toilet for me.

8. The lights in the cells are very bright. When I cannot control the lights, it is hard to sleep. I will put a shirt or sheet around my head to block out the light. However, this is risky, because you can get a Disciplinary Report (DR) for Misuse of State Property if you wrap something around your head.

9. The cells can get really cold. The AC runs all day. Sometimes, there is not enough clothes or blankets to cover up with. If they don't give you an extra blanket, you just have to suffer through it.

10. I have been put on Property Restriction for things like Misuse of State Property or Destruction of State Property. Often the officers will just claim you misused state property to mess with you. For example, one time I was put on strip for 3 days because one of the strings from the seam of my pillowcase was coming loose, and the guards claimed that I was trying to make a fishing line out of it.

11. When you are placed on strip, the officers take everything from you except your boxers. You have no sheets, no clothes, no property. I have been placed on strip a few times, and I don't have words to explain just how terrible strip is. In the winter, or if there is AC, it is so cold that you cannot sleep. I once stayed up for a day and a half until my body finally was so tired that I was forced asleep.

12. The worst part about confinement is that we have practically no connection with people. Sometimes I will go about 3 or 4 weeks at a time without talking with anyone, aside from exchanging a couple of words with the orderlies

who deliver food and clothes. If you talk to other inmates from your cell, you risk getting a DR for being disorderly. I have to sneak around just to talk to the guy down the hall or next door. We try using sign language just to have a little bit of contact.

13. In confinement, the only opportunity to leave the cell is for Dayroom or Rec time. But often the officers will not take you out of your cell for Dayroom or Rec. Also, many inmates, including myself, choose not to go to Dayroom or Rec because every time you leave your cell you have to be strip searched. The strip searches are so invasive and dehumanizing, that it makes it not even worth it to go. Typically, I will only choose to go to Rec once a week, even if it is actually offered three times a week.

14. I also don't like going to Rec because it is unhelpful. Rec cages are about 7 by 10 feet. There is not enough space to truly exercise. There is only a dip/pull up bar, but it is all rusted. There is nothing to look at but the other cages, fences, and barbed wire around you. Being in the Rec cage makes me feel like even more of an animal, like I am in a doghouse outside.

15. The institution doesn't recognize my religious doctrine. Since I've been in CM, I have been going through the process of trying to get the prison to recognize my religion. I have to use my own resources to purchase books and materials to keep me grounded in my religion. Anything they deem that empowers

us, that gives us some sense of solace, ambition, is something they are against – my religion connects me to my culture, my people, but they want to break me down, that's what CM is about, so I feel that's why they want to keep it out.

16. I am fortunate to have family support. Being on CM1 the visits are behind a plexiglass wall, I'm on one side, about 2-3 feet apart, the family member is on the other side for a couple of hours. And most of my family now, that are still in Florida, are many miles apart. I don't want them coming down seeing me in this type of setting. I refuse visitation right now, because I can't hug them, meet them eye to eye. The feeling I can't explain – it's crazy to say – I have almost lost my sense of emotion. I am in an environment where I have to be on guard 24/7. And I have to be a different person from who my family knows.

17. My mind is now programmed to the routine of CM. It is really not healthy. I wake up automatically an hour before breakfast comes around, get dressed – in class A full uniform, get boots on, make my bed, clean my room - all before breakfast comes around. If your cell and your uniform are not in compliance, they'll skip over you for breakfast and maybe give you one more chance when they come back. After breakfast, if it is a Rec day, I am usually standing by my door, lights on, uniform clean and proper, facing a certain direction – they have to determine that I'm ready for Rec if we are scheduled for it and if the officers want us to go. Nothing can be out of place, not even a soap bar. If there's no Rec, then I need to find a way

to pass the time. I get to my morning prayers, my summons, stretching, breathing, and then I read my letters and write my people back.

18. The passing of time is measured solely by mealtimes, security checks, medication passes, and the few hours when the lights are off at night. I have lost a lot of money buying watches, every time I buy one, they find a way to confiscate it, taken for inspection, and it's gone. They want you to depend on their motions, their routines, to program your mind to do what and when they need you.

19. When I am taken out of my cell for infrequent out-of-cell time, the way in which I am taken out, well it is dehumanizing and makes me not to want to come out. There's something about a man making me take off my clothes, staring inside my cell, and then the officer will make me turn around real slowly, bend over at the waist, it is disrespectful, I have no control over my body. I don't agree with this level of disrespect and making me do something I don't feel comfortable doing.

20. When I am being escorted, the officer will hold my arm, like a lion grip, I am already cuffed up, restrained, but they want to brandish their control – you move when I want you to move, you do as I say. At every step they are brandishing that control. While I'm gone from my cell, the officers search it. It will look like a hurricane came through there. Your pictures are everywhere, they go through them, inspect them, your paperwork is all over the place. I try not to keep my legal papers, because they'll destroy them, especially for retaliation for talking to lawyers.

21. When people come by to help us, they find a way to hurt you. When the *Harvard* attorneys came by, they warned us, we got people coming around, if you talk to them, say the wrong thing, you might regret it later, something will be coming your way. My name was on a list for the visit, and as a result, two days later they came by, saying I had a torn pillow, which it wasn't, charged me $7.60 for the pillow, and put me on property restriction. This same thing happened to 3 other people on the list. I gave the *Harvard* team my word that I would speak to them, and I couldn't keep my word because of this. They want to control everything even when we seek help.

22. All of these things have made me an angry person. They have caused me to lose my mind. I have to put aside my morals, my principles, just to maintain. I have family and people who depend on me to make it from this spot, I have to survive this, but they don't make it easy. I sometimes don't recognize myself. I am a compassionate, caring person, I like to study, I consider myself smart. But this experience has numbed me up. I feel like I'm on guard 24/7, I can't escape this track they have me on, and I find myself programed to their agenda. These officers treat you like you are scum, like you don't deserve any human dignity. It makes you mad. It is very dehumanizing. Extremely.

23. I lost my uncle recently; this is the guy that raised me like a father figure. I couldn't cry, I'm hurting, but I couldn't cry. I wanted to speak to a

counselor, because I was harboring these emotions. I declared a psych emergency; they didn't come get me or help me. I wrote a request form, and I never saw anybody. When the counselor came by eventually on her rounds, I called to her so we could talk. Two big white male officers stood next to her, listening and intimidating me, making me feel like I can't express what I need to express for fear that they will use it against me later.

24. I feel trapped in CM, oppressed. I just can't get out of confinement. I have been continued twice. They will make sure you stay on the path they want for you. The DRs listed at my hearings are for disrespecting authority, put on strip, destruction of state property – incidents that they fabricate and pile on – always in proximity of my review. I will be completely DR free, and then all of a sudden, they pile it on thick. Just a few weeks ago, they came to me, searched my cell, threw away all of my canteen items, saying I have a phone – they don't find one, saying I have drugs – they don't find any – but now I have all that history and my hearing is coming up in 30 days.

25. I lost a relationship with someone, a woman I cared a lot about for 17 years. I have lost the ability to communicate, to be a human being. She knows me for being me, but not the guy who is hurting from all they have put me through. She knows Ha Khelius Jaquan Moore, not Q23754. And I snap or react in ways I would never have in the past. I hate that they've done that to me. It hurts. It hurts a lot.

26. The experience of being in isolation has changed me. My senses are heightened. I am constantly paranoid. I am not fit, in my own opinion, for society, mentally, it would take a lot of therapy for me to get to a place where I could be. And honestly, I think that's what they want. I know that. I see it in everything they do.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 4, 2021.

Signed: /s/ Ha Khelius J. Moore, DC#Q23754

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF KIKO ROGERS

I, Kiko Rogers, declare under penalty of perjury:

1. I am a thirty-one-year-old Black man incarcerated at Union Correctional Institution. I am currently confined in Close Management One. I make this statement based on my own personal knowledge.

2. When I first came to prison, I was in the General Population at South Florida Reception Center and was taking medication for bipolar and schizophrenia. Since then, I have been moved around to several different institutions for placements in Administrative Confinement, Disciplinary Confinement, Close Management One, and Close Management Two.

3. I've been in confinement for over three years now at Santa Rosa, Charlotte, and Union. First I was placed in Administrative Confinement and Disciplinary Confinement before FDC recommended my placement in Close Management. Since then I've been in Close Management Levels One and Two. Although the officers at the different camps are different, the conditions for nearly everything else in the different types of confinement feel pretty much the same.

4. Most of the confinement cells I've stayed in have felt so depressing. The windows do not open all the way and it's hard to tell what's going on outside because the windows aren't always clear. For example, the window in my cell at Union is shaded on the bottom and for me to be able to see anything out of the top part, I have to stand on top of my pile of legal mail. The cell lighting messes with my orientation of time because I don't always get to control when my lights go on and off. Sometimes they go off at 11 p.m., but other times they go off at 9 p.m. just when I'm trying to read legal mail or write letters to my family. When the lights are on, they're really bright. I've tried covering my face with a shirt so that I can get some sleep, but this doesn't always work. And officers make you take the shirt off, so I don't do it anymore because I don't want to get into any more trouble.

5. Most of my confinement cells have also been disgusting, crawling with roaches and rats the size of baby dinosaurs. I'm scared of the rats, but the rats aren't scared of me. Some people think of the rats as pets, but not me. I once turned in my

bed in the middle of the night and saw a rat looking at me from across the cell. I felt afraid and threw my shoe at it, but it didn't move. The dirty and moldy trays we can get in confinement do not help the infestation of rats and roaches. The mosquitoes also get really bad in the summer and they'll buzz and bite you. It's hard enough living in such a small space and having to share it with these kinds of pests doesn't make it any better.

6. A whole day can go by without me leaving my dirty cell or speaking to anybody. Sometimes the officers will try and joke with us, but I can't trust them because even though they appear to be friendly one day, they'll threaten to hurt you or get you in more trouble the next day. I can't have a real conversation with any of them. The nurses won't talk to us unless we talk to them first, and even then they're not going to stick around for longer than a minute or two. The chaplains aren't available at all of the institutions I've stayed in, and when they are available I only get to briefly talk to them through the cell door no more than once a week.

7. Before coming to prison, I got through the 11th grade in high school. I'd like to get my GED, but I can't get the educational materials I need in confinement so that I can pursue this. I have little hope that I'll be able to get my GED before I'm released.

8. The only person I've been able to really talk to the last three years was my neighbor at Santa Rosa. He and I would either talk through the cracks in our

doors or through a vent in the wall we shared while lying down on the floor. But we had to be careful because officers threaten to put you on strip if you talk on the door. We didn't have any face-to-face contact except for one time in the rec cage. That's one of the few times I've been able to have a conversation with someone in confinement while making eye contact. Except it was still strange because we were talking to each other through a fence while we stood in our own little cages.

9. It's scary to be alone in these cells all the time. If something were to go wrong inside my cell, I would have to wait until one of the guards comes by for one of the thirty-minute checks. Otherwise, I'm afraid I could get a disciplinary report for making too much noise. This has happened to me before. FDC staff have sprayed me and given me a Disciplinary Report because they said I was yelling out of the door.

10. Having a cellmate in these tiny confinement cells doesn't really help anything. You would think that having someone else to talk to might help, but it can really make things worse. My cellmate and I were constantly in each other's space and got into fights. Plus, if he ever got into trouble with the guards for anything, I would get punished too. Once I got a fighting disciplinary report because he did. The cell space is too small for two men to live together and still respect each other.

11. The time inside my confinement cell goes by so slowly. My faith in God is important to me and it would help me so much if I could spend time with

others and pray together. I try to get through the day to survive so that I can make it to the next day and make it out of here. I like to read, but I can only do that for so long. I find myself talking to myself to kill time and make the day go by. So many of the days seem just like all the rest.

12. It's hard to get exercise in confinement. The staff do not always offer rec when they are supposed to, but sometimes I skip going out altogether to avoid my cell getting destroyed and feeling awful after a strip search. If I have a legal call scheduled during rec and I choose the legal call, I won't get time to make up for rec later. If it's raining hard outside, staff will keep rec at the same time because they know we won't go. When it's cold out, we don't have extra layers and it's hard to really work out because my hands are too cold to hold onto the pull-up and dips bars. It's even harder to exercise inside my cell because I need more room than the tiny space we get, I need more air. It's hard to work out if I have a cellmate because we get into each other's way.

13. The cell searches and strip searches make me hardly ever want to leave my cell for any reason. The strip searches make me feel so bad. I have been strip searched down to nothing on my body. The worst part is when they make you squat down and cough. That whole time, you're naked, even when it's very cold. During cell searches, the guards have torn my cell up to the point where I can't find all of my legal mail or the pages are all out of order. They have taken my mattress off the

concrete slab. Some of my stuff has gotten thrown into the toilet, ripped up, or completely lost.

14. When I do come out of my cell, like for a legal call, they often restrain me in a blackbox, which keeps my hands cuffed with a belly chain and shackles around my ankles. It hurts to use the phone during legal calls after a while because I'm holding the phone up with the heavy blackbox up to my ear and shoulder. This can make it hard to stay focused the whole time and hurts my back and arms. But I still come out for my legal calls because it's one of the only times I can talk to someone who will actually listen to me.

15. I've been sprayed and put on "strip" before in confinement. Using the spray is how the guards throw their weight around. The spray hurts so badly but I can't let them see that it hurts me. If they know it hurts, they'll keep spraying me. It stings your eyes and your skin. It gets into your private areas so that it hurts when you use the bathroom. When you're on strip, they take nearly everything out of your cell so that you end up sleeping without a mattress on the concrete slab or cold steel for three days straight. You don't have anything to wear except for your boxers. You aren't allowed to go to rec. You might be able to get a shower but even while on strip, the officers will make you go through a strip search. All that's left for you to take off at that point are your boxers, but they make you do it and make you go through the rest of the humiliating process.

16. Everything about confinement has made me feel less than the person I was before. I tell myself all the time that I can't let the guards know that they're affecting me, but they are. I try to tell myself that I'll be better once I'm off of CM.

17. Since being in confinement, I've had thoughts of self-harm. They put me in CSU and TCU [inpatient mental health treatment units], and I found it more helpful than being in confinement because there were more programs that helped with my mental state. After I left inpatient, though, they put me back in confinement where I started to feel terrible again.

18. I sometimes feel hopeless about how much longer I'll be on CM. It's hard, but I try to stay out of the officers' way. The more I stay out of their way, the more I feel like I can finish my CM time and get out of these boxes. But just when I have a little hope that I'm going to move off of CM, they keep me in. When I thought I was going to move from CM2 to CM3, they put me back in CM1. They keep giving me all kinds of disciplinary reports and the cycle keeps going.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 5, 2021.

Signed: /s/ Kiko Rogers, DC# B06280

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF RANDY WOULLARD

I, Randy Woullard, declare under penalty of perjury:

1. I am a 45-year-old Black man in prison at New River Correctional Institution in the Step-Down program. Even though I'm in the Step-Down Program, I am still assigned to Close Management Level 3 and Disciplinary Confinement. I could go back to a CM camp at any time. I make this declaration based on my own personal knowledge.

2. I have Irritable Bowel Syndrome (IBS) and arthritis in both feet. I do not receive medication for my IBS and it gets worse with stress. I am always stressed in Close Management.

3. I also have anxiety, depression, and post-traumatic stress disorder (PTSD). FDC prescribed me Zoloft and Buspar to treat my mental illness. In the past, I've had to go to inpatient treatment because of my mental health problems when I was in segregation. I feel caged in and left alone with my thoughts.

4. I have spent six years in segregation. During this time, I was in Administrative Confinement, Disciplinary Confinement, Close Management I, Close Management II, and Close Management III. I call all of this "segregated housing" or "segregation" because I am separated from others so it feels segregated. I have been in segregation at Martin Correctional Institution, Washington Correctional Institution, Okaloosa Correctional Institution, North Florida Reception Center, Everglades Correctional Institution, Union Correctional Institution, Charlotte Correctional Institution, Santa Rosa Correctional Institution (SRCI), and Florida State Prison (FSP). I was moved to the Step -Down Program at New River Correctional Institution on February 24, 2021. In this declaration, when I refer to "segregation" or "segregated housing," I am not including the Step-Down Program.

5. Segregated housing has felt the same everywhere. It is like staff is programmed to deal with segregated prisoners a certain way. In regular housing, there is more freedom to interact and talk with staff. In segregated housing, we have to ask officers for everything we need for survival. I feel like officers' attitudes towards me in segregated housing is very negative. I feel like they can get angry at

me at any minute if I ask for something. They yell at us all the time and never use our names. We are only referred to as "inmate," as if we are less than human. In General Population, I feel like they use my actual name more often and that rarely happens in segregation.

6. The segregation cells at all the prisons are dirty and disgusting. There's a lot of mold. I see a lot of cockroaches, spiders, crickets and centipedes in my cell.

7. I do not get much interaction with other humans in segregation. I receive my medication once at night. When nurses deliver the medication, they pass it through the side of the door and keep walking. It feels like they don't care if I take it or not. They do not talk to me or ask how I am doing or feeling. Most of my time in confinement I have had no access to the dayroom. Without dayroom, my only other opportunity to develop friendships with other people on my wing is to try talking to them from my cell. But I am worried if I get caught trying to talk to other people, I will get a Disciplinary Report ("DR"). I have seen several people in segregation get DRs because they get caught talking on the door or window to other people. I am trying really hard to get to General Population so I do not want to risk getting caught talking to anyone else in segregation.

8. A normal day for me in segregation mostly involves laying in my bed and doing nothing but dealing with my anxiety. I'm guessing the cells are around 9 feet by six feet. There is not much you can do in there. When the weather is cold,

my cell is freezing. When that happens, my mind is unable to escape the cold. I just sit in my cell and think about how cold I am.

9. I do not leave my segregation cell very often because I am afraid if I do, staff will harass me or tear my cell apart. In the past, when I have come out for recreation, staff have thrown my belongings all over the room, thrown my mattress on the floor, ripped my sheets off, thrown my pencils in the toilet, and torn up my paperwork during cell searches. I do not have many personal belongings and I am always afraid they will destroy everything I own. The same treatment happens when I come out for showers. To avoid the destruction and harassment, I normally clean myself by taking bird baths in my cell sink even when my cell only has cold water. This makes bird baths hard and uncomfortable. It has taken months for them to fix my hot water when it was broken in the past.

10. The few times I do come out of my segregation cell, I have to remove all of my clothes for a strip search. Once I am naked, I have to lift my genitals, squat and cough. Sometimes, I even have to spread my butt cheeks. Officers will make snide and rude comments during the strip search that feel sexual, and like it is meant to discourage me from coming out. I feel embarrassed and frustrated when I have to strip search. Their harassment makes me feel like it is not worth leaving my cell and subjecting myself to that.

11. It is awful to have cellmates in segregation. I was really afraid when I had a cellmate at Santa Rosa Correctional Institution (SRCI). I was sexually assaulted at SRCI before, so it was traumatic to be locked alone in a cell with someone who could sexually assault me again when the officers weren't around. It feels like officers try to set me up to have problems with my cellmate. For example, when I was put on loaf, they also put my cellmate on loaf for no reason. Loaf is a disgusting brick of food they give you when you get your normal food privileges taken away. It is served cold and tastes like a sponge. I was scared my cellmate would get angry and hurt me because he thought I was the reason he got put on loaf too. All this fear made my anxiety and mental health worse.

12. In segregated housing, staff punish people with cruel methods, such as property restriction, which I call "strip." When I was at SRCI, staff put me on strip after I made an angry comment to an officer when I saw them putting another prisoner on strip for no reason. Staff removed my personal belongings, hygiene items, toilet paper and mattress and left me only with my boxers for three days. The weather was cold when this happened. I tried to sit on the toilet to fall asleep because my steel bed frame was too cold without the mattress. For three days, I tried to sleep on the toilet, bent over hugging myself to stay warm. Each time I would nod off, I would immediately wake up thinking I was about to fall off the toilet and hit my

head. I did not get much sleep during those three days. It felt like torture. I wanted to hurt myself during that time.

13. Segregated housing intensifies my depression and anxiety. I feel mistreated and thrown away. I do not feel like anyone wants to help me feel better or get me back to General Population. When I do talk to mental health staff, it feels like they are just going through the motions. It doesn't feel like they are really listening to me or trying to help me feel better.

14. It's so hard to get out of segregation. I have gotten to Close Management 2 about four or five times. I have gotten to Close Management 3 two times. Each time I think I am going up a level and on the right track to be sent back to General Population, something gets in my way and I go back down a level. I try as hard as I can to remain DR free, but there is always something that comes up. This past month, I thought I was finally going from Close Management Level 3 to General Population. But to my surprise, I was told I had to participate in a 6-month step-down program on Level 3 before being considered again for General Population. It feels like another way to just continue my confinement.

15. My time in segregation has changed the way I am as a person. I always feel paranoid, frustrated, and depressed. Things that would not bother me before can now make me very upset when it happens in segregation. For example, I felt so

frustrated and depressed when I had to ask for months to have the hot water fixed in my cell, so I did not have to take freezing birth baths. I felt completely ignored.

16. At times, I forget there is life outside of a segregation cell. I feel like I have just given up and I want to sleep as long as I can to escape. I want to get under the covers and make it all go away.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on March 31, 2021.

Signed: /s/ Randy Woullard, DC# 618997

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF MARCUS BROADNAX

I, Marcus Broadnax, declare under penalty of perjury:

1. I am a 33-year-old Black man in prison at Florida State Prison. I am on Close Management Level 3 (CM 3). Even though I am on Close Management Level 3, I am currently being housed in a Disciplinary Confinement (DC) wing and I do not know why. It is frustrating because I should receive more privileges as a Close Management Level 3 prisoner, but I am only receiving DC privileges because of my housing assignment.

2. I have several physical and mental health conditions. I have asthma, depression, anxiety, and borderline personality disorder. FDC currently prescribes me Zoloft to treat my mental illness. I've also been prescribed Vistaril, Cogentin,

Risperdal, and Tegratol. In the past, I've had to go to inpatient treatment because of my mental health problems when I was in isolation.

3. I have been in isolation for nine years now. During this time, I have been in Administrative Confinement, Disciplinary Confinement, Close Management I, Close Management II, and Close Management III. I call all of this "isolation." I have been isolated at Suwannee Correctional Institution, Union Correctional Institution, Reception and Medical Center, Santa Rosa Correctional Institution (SRCI), and Florida State Prison (FSP). Isolation has felt the same everywhere. We are still on lockdown every day for over 23 hours a day. We are all still governed by the same rules and deprivations. The only thing that might vary from each institution is the attitude of the officers. At SRCI, I did not see the officers beat on prisoners as much as what I see at FSP. Officers have trashed my cells and refused my legal call outs everywhere I have been in isolation. It is just the intensity and frequency in which it happens that varies some from each prison.

4. The isolation cells at all the prisons are disgusting, including my cell right now. There's a lot of mold. The walls are leaking water so I have to keep a towel down to try and protect my stuff in my locker. I also do not have working hot water. There are a lot of ants and some roaches and spiders. I keep another towel at the bottom of my cell door to try and keep the rats from coming inside my cell. I can't control my toilet in my cell. I have to ask an officer each time I need a toilet

flush. Sometimes they just ignore my requests and I have to live with waste in my toilet for hours and hours just a foot away from where I sleep, eat, and live.

5. I do not get much interaction with other humans. I can sometimes try to talk to my neighbors but, if we get caught, we can get a Disciplinary Report (DR). If I get DRs, they can try and keep me in isolation longer. I might be able to talk to other people if I could go to the dayroom, but even when I've just been in CM 3, I don't remember a single time it's been offered to me. They always blame not having enough staff to give us dayroom. The nurses don't even talk to me when they deliver my medications through the food flap in my cell door. They just pass out the medication and keep moving. A chaplain walks around the wing only once in a blue moon. I think the last time I saw him was over a month ago. The only way I can have any contact with my family or friends is by writing mail. Sometimes I wonder if my mail is even sent out because months will go by without hearing from any of my family. It is really hard to not be able to speak with them or ever hear their voice. Right now, I would be scared to leave isolation and be around people again.

6. I was getting education for my G.E.D. when I was on the CM 3 wing. The teacher would drop school paperwork off at my cell about once a week but that was it. Now that they moved me to a Disciplinary Confinement (DC) wing, even though I am not on DC, I no longer get any education. Prisoners do not get education in DC.

7. There is nothing for me to do in my cell. I will normally just lay in my bed all day and look forward to when the mail is passed out. I might try and carefully talk to a cell neighbor but for the most part, I am left alone with all my thoughts with nothing to do and no one to talk to.

8. I do not leave my cell very often because I am afraid if I do, staff will destroy my cell and all my stuff. One time, about a year ago, I signed up for recreation and was taken out of my cell. When I came back, my family pictures were torn up and in the toilet. I can never get those pictures back, they are forever lost. Since then, I am always hesitant to leave my cell because I don't want my stuff ruined. It is really hard on my body to never get any recreation or exercise. My cell is too small to do any real exercise and I can feel my body deteriorate from just laying around 24 hours a day for the past several years. I feel weak, tired and lazy all the time.

9. The few times I do come out of my cell, I have to deal with a degrading strip search. I have to remove all of my clothes. Once I am naked, I have to lift my genitals, squat and cough. Sometimes, I even have to spread my butt cheeks. One time, an officer placed his fingers in my butt during the strip search. I submitted a PREA grievance (Prison Rape Elimination Act), but I never received a response. I think FSP throws our grievances away and never processes them. Sometimes the humiliating searches make me not want to come out of my cell.

10. In isolation, staff punish people with cruel methods, such as property restriction, which I call "strip." I have been placed on strip several times during the past nine years of isolation. Officers take all of my belongings, mattress, and hygiene items and leave me in only my boxers for 72 hours. It feels like torture and makes me suicidal. The first time I was placed on strip, in 2013, was when I first started hearing voices in isolation. Before I knew it, I was talking to myself. I've cut my wrists while on strip to try and bleed out and die. I just wanted to escape. It did not do anything to help.

11. Isolation has hurt my mental health in a lot of ways. It came on gradually and I did not see it coming at first. I feel angry, paranoid, and depressed all the time. I deal with suicidal thoughts almost daily and hear voices in my head. Things that would not bother me as much before now make me want to try and kill myself. I have cut my wrists when officers have refused to give me a meal tray. A lot of times cutting doesn't get me the help I need – they just take me to medical to be glued back up and then put me right back to my cell. I feel like the officers ignore my suicidal feelings.

12. I feel like I can never get out of isolation. They can continue me in CM for an DR. When I made Close Management Level 3 (CM 3) and was being escorted to a CM 3 wing, a lieutenant passed by and said, "don't worry, you'll get a DR soon and be back." That same day I received a DR. The Institutional Classification Team

recommended me to go to CM 2 but luckily the State Classification Officer decided to leave me on CM 3. It feels like they can always find a way to give us a DR to keep us on CM longer or make us go up a level.

13. I have tried several times to request more mental health care. I am supposed to see a counselor every two weeks, but that's not enough when I'm locked up in a cell like this, and sometimes they don't show up when they're supposed to. My sick call requests go ignored and unanswered. My grievances about this don't help either. I really need services now to help me feel more stable and deal with my suicidal thoughts, but no one will listen to me or help me.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on March 19, 2021.

Signed: /s/ Marcus Broadnax, DC#129250

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF ODELL LEE

I, Odell Lee, declare under penalty of perjury:

1. I am a 30-year-old Hebrew Black man and am incarcerated in the custody of the Florida Department of Corrections (FDC). I am currently assigned to Close Management Level One and confined at Santa Rosa Correctional Institution. I make this statement based on my own personal knowledge.

2. I have been in prison for over seven years and in and out of confinement for almost six of those years. During that time, I've experienced Administrative Confinement, Disciplinary Confinement, and Close Management Levels One and Two. I've been confined at the following prisons: Florida Reception and Medical Center, Union Correctional Institution, Florida State Prison, and Santa Rosa

Correctional Institution. My experiences at all these different facilities and types of confinement have been pretty similar.

3. FDC has diagnosed me with a few different mental health conditions such as bipolar disorder, adjustment disorder, and depression. Right now I'm taking Zoloft. Being in confinement makes me feel closed in, paranoid, and sometimes angry.

4. All my cells have been smaller than the size of a parking space and terrible. The smell of feces and urine comes through the vent, and often the windows don't open so I can't get fresh air. I don't always have control over my toilet and sometimes they leak. When the toilet leaks, I have to constantly clean up the water with whatever I can find, which isn't much, like my only towel. The cleaning supplies are inadequate. It's usually only two cups of watered-down chemicals without any toilet brushes or cleaning rags. I feel like I am living in feces and urine 24/7. There are rats, roaches, and other bugs throughout the cell. I cover my head when I sleep so they do not crawl in my ears or on my face. I try and plug toothpaste into the cracks in the walls, but the ants eat their way through.

5. It feels like there's rarely any quiet in confinement. People are screaming and voices and noises echo throughout the quad. When the lights go out from about 11 p.m. to 3 a.m., sometimes it'll quiet down and I lie there knowing that

so many others are lying there awake like me, feeling alone and hopeless. Then someone will make a noise and all the ruckus will start back up again.

6. I don't have anyone to talk to. I almost never get to talk to my family. During the few times I have, I learned we're not getting all of each other's mail. If I was getting all of the mail they sent me, I could at least read some of these letters over again and feel some hope through their words. But without this, I feel myself get into a deep depression. I can't even talk to the nurses who come by my cell to give me meds. Their time is controlled by the officers and so they are in a hurry. They want to give out their meds and go. When some of them do stop and talk for a tiny bit, they have to turn sideways to be able to hear me. They are facing the wall and not my face. It makes me feel like my words don't truly matter and that I am a dog inside of a cage. Dogs are treated better than we are though.

7. I'm afraid that I could die in my cell and a whole day could go by without anyone knowing. If I need the guards' attention, I have to bang on the door and walls. But doing that puts me at risk for getting a Disciplinary Report. And the guards won't pay attention to just one person banging – I'd have to somehow get everyone to all bang and pound together. Getting everyone to unify is very tough and very rare.

8. It can be hard sharing a cell with someone else because we're stuck in the same size cell as when I'm alone. I have to watch my every move because if my

cellmate gets sprayed or the guards come in and beat him up, they'll do the same to me. Guards have sprayed me before after spraying my cellmate for something they said he did wrong. Whatever happens to him will happen to me because we're locked in the same tiny cell.

9. I don't have anything to do to pass the time in my cell. I have no books, magazines, tablet, or educational materials. I can't even look outside to distract myself because the small window to the outside is frosted over. I try to get through the days by meditating, writing poetry, and rapping to myself. Most of the time I don't even know what time it is. The only way I can try and find out is to ask an officer or someone in another cell. I don't think I can trust the officers, though, because some of them don't want us knowing the correct time for when we document how they treat us.

10. Guards search my cell anytime I come out, which makes me hardly ever want to. I've returned to my cell and found family pictures ripped up while I'm at a callout. These family pictures are so precious to me and some go missing entirely. I don't understand how they can be so cruel -- why go through the extra step of tearing up faces that are so dear to me? They've taken my Bible away from me and this was upsetting because I'm very religious.

11. The strip searches also make me want to stay in my cell. It's bad enough having to strip down in front of all the guards and other inmates who can see, but

it's worse when the guards say things like, "Show me your butt, I know you want to," or "Play with your penis for me." They say it in a joking manner, but it's still inappropriate and they are laughing and chuckling at me while they say these things. I feel humiliated and like I don't matter. I feel like less of a person.

12. I don't get much exercise in confinement. It's hard to feel motivated to move around in my cell when I've been staring at the same four walls all day and night. I don't go to the rec cages very much. The guards don't offer rec like they're supposed to, and even when they do it's just not worth the cell and strip search. During the winter, they don't give us any extra clothes, even when it's freezing cold out there. They don't give us thermals like they give the people in General Population, and no hats or gloves. I feel like the lack of sunlight is making me weaker. My bones are beginning to feel brittle and I don't have as much energy as I used to.

13. I feel helpless because the guards have so much control. They have put me on strip for the smallest reasons. One time they put me on strip because I had an extra towel to clean up. Guards have also put me on strip for talking too loudly and for putting a shirt over the bright cell light while trying to sleep. I already feel sleep deprived while in confinement, but I get even more sleep deprived when I'm put on strip because they take away my mattress and make me sleep on the steel frame.

14. The guards are quick to pepper-spray us in confinement. I can't predict when the officers will spray me. When they do, my skin is sensitive, and it burns so badly that I feel like I am about to pass out. The shower doesn't help – it feels like the cold water is spreading the chemical all over my body. If I touch my cell walls or bed and there are still chemicals there, it burns me all over again. I feel pain for days. It affects my sleep and I can hardly move. In the summer, I feel like I'm trapped in an inferno. I just don't want to do anything until that burning is gone. They once sprayed me while I was cutting myself. I had to go through all the burning on top of feeling my own emotional pain and pressure.

15. I also feel helpless because the guards can say whatever they want to me. When they tell me to cuff up, they try and make it a joke, which only makes me angry. They'll say things like "You're the lucky winner." When they joke about serious things, it makes me feel afraid they'll provoke me to the point where I might hurt someone or myself. This has happened before and I ended up slicing my arm.

16. Everything about confinement makes me feel so alone, frustrated, and helpless. I don't feel like the person I once was physically, mentally, emotionally, or spiritually. My mental health has deteriorated and messes with my well-being, my body feels much older than it is, I can't always control my feelings, and I feel lost without being able to practice my religion with others. I feel constantly paranoid.

17. I've hurt myself several times while in confinement. Most recently, I was in SHOS [Self Harm Observation Status] after I took pills in October 2020 and then again in March 2021 when I cut myself in the shower. Both times they put me right back into my confinement cell. FDC has also hospitalized me several times because of my mental health while I've been in confinement. But whenever I have gone to inpatient mental health, whatever help I had disappeared when they sent me right back to my confinement cell. I have turned in requests to go back to inpatient mental health treatment, but FDC didn't respond.

18. It feels like it's impossible to get out of confinement with all of the disciplinary reports and the racism. The racism so many of us face in confinement makes everything so much worse, especially my mental health. I have never experienced as much racism as I do in confinement. They make inappropriate jokes, they call me the "n" word, they do not treat me like a human being. Sometimes I feel like a sitting duck waiting for an officer that does not like me to come around, so I try to hide myself and stay out of the way. I feel like being in confinement opens me up to being mistreated and attacked by officers.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on April 29, 2021.

Signed: /s/ Odell Lee, DC# K79438

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF KYLE HIMES

I, Kyle Himes, declare under penalty of perjury:

1. I am a 36-year-old white man incarcerated in the custody of the Florida Department of Corrections (FDC). I am currently assigned to Close Management Level One at Florida State Prison. I make this statement based on my own personal knowledge.

2. I have been in prison for over twelve years and during this time, I have been in and out of Administrative Confinement, Disciplinary Confinement, and all levels of Close Management. I call all these assignments "confinement" because I feel locked in when I'm in any of these placements. Sometimes I've been on two different statuses at once. The longest time I've spent in confinement without

coming out was about eighteen months. I have been confined at: Charlotte, Suwannee, Union, Florida State Prison, Santa Rosa, Cross City, Washington, Columbia, South Florida Reception Center, Hamilton, Dade, Graceville, Florida Reception and Medical Center, Jefferson, Tomoka, and Century Correctional Institution. My experiences at all these different facilities and types of confinements have all felt like hell.

3. I have asthma that I try to manage with an inhaler. But the mold infestation in the prison ventilation system impacts my asthma, and I have anxiety because it can be difficult to breathe.

4. I also have depression, hallucinations, and mood swings. While I've been in confinement, FDC has prescribed me with Abilify, Zoloft, and Vistaril. They also prescribed me with Cogentin because my muscles were locking up. They stopped giving me these medications in February 2021, when I tried to take my life by swallowing about fifty pills in confinement. These mental health conditions I battle have taken away my motivation to do anything and I feel constantly in fear.

5. There is a terrible problem with insects and rodents in confinement. The cells are infested with ants. The rats have made the pipes their home, our cells their playground, and our canteen items their snacks. The rats come in through the holes in the walls and I have to hang our food up high so that they won't get to it. Not all

the confinement cells I've been in have had storage space for my stuff, so I've had to use parts of the floor after wiping up rat droppings from the area.

6. The staff treat us like animals, and I am beginning to feel like one living in a cell like this. Sometimes I have to wait up to an hour before staff allow me to flush my own toilet. The lights are blinding and on for nearly twenty hours a day. There's lots of noise and chaos outside my cell. The yelling and pounding on metal echo throughout the whole quad. The plumbing is moldy, crumbling, and constantly leaking and flooding the cells. Sometimes while plumbing issues are getting fixed, our water is cut off for days. I don't even feel like I can act like a normal human because there's no table in my cell. Instead, I eat all my meals over the sink, at the toilet, or on my bed. Sometimes in the summer if the exhaust fans are broken, it can get so hot that I stand in my cell soaking in sweat. I can't remember the last time I looked into a mirror and sometimes I don't remember what I look like. I feel like I'm losing parts of myself.

7. I don't have anyone to talk to in confinement. I refrain from any unnecessary contact with the corrections officers because they give me really bad anxiety. I don't go to the dayroom. It's risky to try and speak with neighbors in other cells. Depending on the officer on shift and who you are talking to, I could get stripped, gassed, or starved for trying to have a conversation with someone else. When the nurses come by with my medicine, they pass it through the slot and don't

say anything more. When I was in inpatient, I was able to communicate and practice my religion, ALEPH, by regularly attending religious services on my tablet. Being actively a part of this community gave me hope and a sense of purpose, like when I would participate in weekly Torah studies. When the prison kicked me out of inpatient, I lost all of that and I feel empty without my spiritual advisors and study group. It's impossible to have regular contact with my family and friends in confinement, which is such a strain on me. It's a strain on them too, especially when they learned I made a suicide attempt, and they didn't know if I was getting help or if I would be okay. When I was in inpatient, the tablet and regular phone calls with my family and friends were a lifesaver. Their support gave me hope. But the lack of normal human contact in confinement makes me feel secluded and like a recluse. I'm afraid that all the stress, paranoia, and anxiety in confinement will create a shield so that I have no desire to communicate with anyone.

8. The times I've been forced to share my cell with someone has not made me feel better. It's hard sharing such a small space with somebody you know nothing about. More often than not, I've been with someone I can't relate to and don't get along with, which only creates a more hostile, frustrated environment. Either way, we're forced to be in each other's personal space when we're trying to sleep, use the bathroom, or trying to take care of ourselves in any way. I've gotten in fights with

past cellmates for trying to get them to stay quiet or not masturbate when staff walk by.

9. The days feel endless in confinement. I used to have a watch but FDC took it away from me. Much of my day is spent pacing back and forth from the door to the toilet. I think this is called "caged animal syndrome" and I can understand why. I have walked back and forth like this for hours until my legs have gotten tired. Sometimes I've walked the entire time between one meal to the next.

10. The guards use cell searches and strip searches to keep us locked away. It also feels like they use them to make us not want to come out of our cells. They do cell searches every time I leave my cell, like when I go see a counselor or to shower. When I get back to my cell, it sometimes looks like a tornado has gone through it. I've found some of my family pictures torn up and in the toilet and some of my stuff has gotten urinated on. Guards have also torn apart my cell when I was writing many grievances against the prison for the conditions of our confinement cells and lack of access to tablets. I'm strip-searched every time I leave my cell too. I feel like I'm stripped of all dignity and pride when they make me do this.

11. I used to be someone who enjoyed exercise; I worked out a lot when I was in Open Population. But in confinement, the isolation and depression take away my motivation. I don't want to do anything. The officers don't offer the rec time we are supposed to get each week, but even when they do, I stopped going because I'm

afraid they'll destroy my room and take away the only property I have that my mom gave me. When I used to go to rec, I was stuck inside a cage in a space probably about fifteen feet by ten feet large. There was only a pull-up bar and a dip bar, mostly in bad condition with rust that felt unsafe because they were loose and wobbly. I wasn't allowed to talk to other people. If I did, I could have been put on rec restriction for a month. When I was in Open Population, there were sports and music. I could move around more freely within a designated space and talk to people without fear of getting into trouble. There were all kinds of options with sporting equipment to check out, like for baseball, jump rope, wheel roller, basketball. Now unless you count all the pacing I do, I don't get any exercise. I feel like I am deteriorating. I feel like I'm just laying around and existing.

12. I've been on property restriction, also known as "strip," several different times, including after a time I cut myself. Staff took everything away so that I was left with only my boxers and a steel bed frame to sleep on for three straight days. Being on strip is horrible and traumatic. The staff didn't bring all of my meals as I watched others in the quad get theirs. Because it was too uncomfortable to sit on the cold concrete floor and steel bed frame, I stood standing and shaking uncontrollably for hours and hours on end. My feet and ankles began to swell. To try and sleep and keep warm, I balled up in the corner, shaking and shivering. After

about two and a half days, I began to feel delusional as the sleep deprivation kicked in. I started hallucinating and my body felt like it was shutting down.

13. Being in confinement has made me want to kill myself. I've tried to kill myself at least a couple times in the past. Once was after they kept giving me disciplinary reports and didn't let me attend the disciplinary hearings. I was in CM 1 at the time and I felt that because they wouldn't let me go to the hearing, they were going to keep me on CM for who knows how long. It felt like an endless, hopeless cycle. I couldn't take it anymore. So I took a sheet, wrapped it around me, tied it to the light, and hung myself. They then put me in a Self-Harm Observation Cell for sixteen days. An officer came around and told me that I was going to be going back to isolation. While I was in the Self-Harm Observation Cell, I cut about a four-inch laceration into my elbow crease and they had to use a glue stick to put the skin back together. I have sometimes felt that the only way out is to kill myself.

14. FDC discharged me from inpatient mental health too early in February 2021. After my discharge, my mental health rapidly deteriorated and I didn't think I would be able to make it in confinement any longer. So I took a bunch of pills and ended up in the hospital. When I came back to prison, I was placed in SHOS and returned to confinement shortly after. I'm trying to go back to the inpatient unit because the ability to communicate with family and be out of my cell helps me get

through each day. But I don't want to hurt myself again for FDC to send me back there.

15. Everything about confinement is damaging. I don't think I'll ever be the same again, even when I leave prison.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on April 14, 2021.

Signed: /s/ Kyle Himes, DC# J17966

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF JOHN GILDAY

I, John Gilday, declare under penalty of perjury:

1. I am 20 years old. I've been in FDC for about three years since I was 16 years old. I am currently assigned to Close Management 2 at Santa Rosa CI. I make this declaration based on my own personal knowledge.

2. I was diagnosed with ADHD when I was about 7 or 8 years old. When I was about 14 years old, I was diagnosed with anxiety and depression. I have a hard time focusing sometimes and I always need something to keep my mind busy.

3. I have been in confinement more than 2 years straight, since November 8, 2018, when I was 17 years old. That's a pretty big chunk of my life.

4. I think I started in Administrative Confinement (AC) before I was put on Disciplinary Confinement (DC). I know I definitely ended up in DC at some point after I got my first disciplinary report (DR) on November 8, 2018. On December 6, 2018, FDC put me on Close Management (CM) 1. I spent about 11 months on CM 1 and I am now going on about 18 months on CM 2.

5. I have been in confinement at Sumter CI, Suwannee CI, Florida State Prison, and Santa Rosa CI. "Confinement" is what I call AC, DC, and CM because it doesn't matter what institution we're at, or what type of confinement, our day-to-day life is really all the same.

6. Confinement cells are small – maybe 10 feet or so long. No matter where I am in the cell, I am very close to the toilet. I basically live in my bathroom.

7. In my experience, confinement cells are usually disgusting. The youthful offender (YO) confinement cells at Sumter were especially dirty. In one cell I was in, there was left over trash, used ketchup and mayo packets, ashes and dirt under the bed. There was chipped rust from the pipes on the floor. There were dead and live roaches everywhere. When I first got to Florida State Prison (FSP), I felt like I was in an old school prison movie – it felt like I was locked up in the year 1964 or something. They painted everything in September 2020, before the lawyers came for an inspection in this case, but before that, it was really bad. There was paint peeling everywhere.

8. At Santa Rosa, sometimes the toilets overflow and sewage backs up into my cell. There have been times that I had to eat my meals in my cell like that. There have been times when the cold water in my cell does not work, which means I have to drink hot water if I want to drink water at all.

9. I have never been able to control the light in my confinement cells, no matter what institution I've been at. In confinement at all institutions, the lights stay on for at least 16 hours, sometimes longer.

10. Some of the confinement wings I've been on have been really loud. In F-dorm, at FSP, it was so loud that I couldn't even read a book. I couldn't hear my own thoughts. It seemed like it was really loud all day and night, except for maybe two hours between 3 a.m. and 5 a.m., but sometimes it wasn't even quiet for those two hours.

11. On November 8, 2018, when I received a DR, FDC took me out of the YO program and moved me to an adult confinement unit at Suwannee, even though I was only 17 years old. Then they sent me to CM at FSP. It was hard and felt very uncomfortable being under 18 in an adult confinement dorm and CM.

12. When I was a juvenile at Suwanee in the adult confinement dorm, FDC put a camera on me whenever I came out of my cell for the first few weeks that I was there. They filmed me when they strip searched me to take me out of the cell

and when I was showering. This made me very uncomfortable and was very degrading.

13. When I was a juvenile at FSP, I couldn't be out of my cell with adults. I think I only went to dayroom one time, with another kid. I do not remember ever going to recreation (rec) when I was under 18. Officers would come to my cell just to look at me and make comments about how they couldn't believe there was a juvenile in CM. And it wasn't just officers. FDC officials would come down to my CM unit and only look in my cell and Jeremiah Hill's cell. I think Jeremiah Hill was the only other kid in CM. Sometimes the officials would shake their heads or make comments about me being young and on CM. One time, a group of about eight or nine people - officers told me they were college students - came into my dorm and only stopped and looked in my cell and Jeremiah's cell. They walked by my cell door one by one and no one said anything – they just each looked in my cell and looked at me. All these experiences combined made me feel like an animal at the zoo. It felt degrading. I felt singled out in a bad way.

14. Once I turned 18, I was allowed to go to rec, but they only offered it on and off. At FSP, sometimes I was going every week and sometimes I didn't go for three to four months at a time. When I didn't go, most of the time it was because it just wasn't offered. There would be weeks where I wouldn't even see the rec officers. Occasionally, the rec officers would come around but not take me to rec

because they said I wasn't ready, even though I was. Also, they wouldn't ask me if I wanted to come out for rec – they would just expect me to be waiting under the light in my boxers for them, even though they came at different times on different days. If I wasn't doing that, they would say I refused, even if I wanted to go out. You need to be on point to come out of your cell at all and even then you might not be taken out. Plus, it's hard to be on point all the time.

15. At Santa Rosa, rec is also infrequent. I think they only do rec here once a week at most and I usually either don't get offered the chance to go or I miss it because they switch up the days and I never really know when to be up and ready. In the entire time I've been at Santa Rosa, I've only been to rec a few times; I think only three times since September 2020. One of those times we had to go because they were painting the dorms before an inspection in this case.

16. During my entire time in confinement across multiple institutions, I've only been to dayroom a few times. Officers just don't do it or, when they do, they don't pull everyone out.

17. Being in confinement can get pretty lonely. When I was at FSP, I didn't really get any interaction with people. For a few months, I was housed close enough to Jeremiah Hill to talk to him on the back window. But there were a couple of times officers threatened me for talking to him. They told me that if they caught me on the

window they would gas me or put me on property restriction or not give me food, so I had to be careful.

18. Once I learned how to do some sign language, I became a little less lonely because sometimes I can sign to people across from me through the plexiglass. I don't know any words, but I know the alphabet, so I can spell out what I want to say. But I need to be careful about standing on the door because some officers will give me trouble for doing it, like at FSP. I've been told it's against the confinement rules to stand at the door or try to communicate with people in other cells, and I don't want to get in trouble.

19. I have had about 10 cellmates since I've been at Santa Rosa. I don't think FDC does a good job of matching people with cellmates in confinement. I get out of prison in about a year and a half. I'm fairly young, 5 feet 6 inches tall, and weigh about 150 pounds. Twice I've been placed in cells with people who have life sentences and one of them was a lot bigger than I am. I don't think that's supposed to happen. I felt very anxious in the cells at first in those situations, adding to the normal stress of being confined in a small space with someone else.

20. Even when I'm housed with someone I get along with, being in such close quarters with another person all day, every day has led to tension. It's not just me—I've seen people housed together across from me get in fights. I have even heard officers encourage people to fight. Once, I told an officer that I wanted to

change cellmates, and he told me something like, "swing on him and then I'll move you." Then in February 2021, my cellmate and I got into a disagreement. I asked multiple officers, including the officer in charge, to remove me from the cell. I packed up all my stuff. But no one moved me and one officer told me that if I wanted to get out of the cell, we'd have to fight. My cellmate and I did fight and officers came and used chemical agents on us. It burned my whole body for a day and a half. And I received a DR and time in DC for that fight. Another time, a cellmate threatened to stab me and I felt forced to fight him when the correctional officers came around so that they would see and I would get moved. I received DC time for that fight. Even when I get along with my cellmate, I still feel like I'm alone because I have my own struggles that are hard to share with someone you are with 24-7 and you still need to figure out how to survive the time in isolation on your own.

21. I signed up for continuing education when I transferred to Santa Rosa, but they told me the roster was full, and they put me on the waiting list. I still have not received educational materials at Santa Rosa. If I get the chance, I'd really like to take some science classes. If it's like education at FSP, someone will just drop the paperwork off at my cell. There were times at FSP I was able to learn from the paperwork they dropped off, if I understood what I read, but I didn't have any real contact with the teachers, and no FDC staff was available to help me when I didn't understand the paperwork.

22. Whenever I go to a callout, recreation, or dayroom officers strip search me. I've heard officers make derogatory comments to people when they strip search them. Strip searches are degrading but it's kind of becoming a more normal thing to me because it happens all the time. I think it's really messed up that this has become normal to me.

23. Most of the time when I come out of the cell, they search my cell. I don't know if they are actually looking for anything or just trying to tear up our cells to show their power. It's intimidating. You feel like you're being picked on and bullied.

24. Anytime I leave my cell, I'm in restraints. That usually means cuffs, a black box, shackles around my ankles and a belly chain. Sometimes, like when I go to the shower, I'm cuffed behind my back. It wasn't like that when I was in general population in the YO program. There, we were hardly ever restrained.

25. Everything feels a little threatening when you're in restraints and around officers. I always feel like I have to be cautious not to say the wrong thing, otherwise they could jump on me. You never know what kind of mood the officers are going to be in. It's hard to live on edge like this all the time.

26. Officers have threatened me before. At FSP, officers used to joke about throwing me a "birthday party" when I turned 18. They said they were going to have me gift-wrapped. "Gift wrapped" is a term officers use that means someone will be

restrained and not able to defend themself when the officers jump on them. I had a lot of anxiety about it for months because I've seen them beat people up really badly and I've been beaten up by officers myself. Also an officer told me something like, "we stomp people to death at FSP." At Santa Rosa, before one of my legal calls recently, two officers were talking while they were searching me. They were complaining about having to do strip searches. One said that he should not have to do them because that's not what he gets paid to do. He said he gets paid "to beat inmates to sleep." This makes confinement worse because you're already alone in your cell for the vast majority of the day or the whole day, which can be a really stressful experience. Now, you also have to be stressed and anxious about what the officers may do to you.

27. At FSP, I was put on 24-hour "in-house" strip a couple times when I got caught talking. In-house strip isn't an official punishment. I don't think it's documented. Officers just tell you to strip down to your boxers, put all of your stuff on your mat, roll it up, and put it under your bunk. It's just another reason that I try not to talk to people in other cells very often. Sometimes they gave me a choice between "in-house" strip, getting an air tray, which is a tray with no food on it, or getting a DR. When I had a choice, in the summer, I would pick strip so that I wouldn't be hungry and because a DR would mean more confinement time, and I couldn't deal with that thought. But, in the winter, I would pick the air tray because

I couldn't handle more confinement time and for strip my cell would be as cold as the outside, which during the winter months could get very cold. Hunger you can deal with better than being freezing cold in your boxers not able to sleep and spending more time in confinement.

28. It feels like you can be doing everything right, but if officers want to keep you on confinement they will. This makes me feel mad and depressed. It can make you lose motivation.

29. One of the things that I hate the most about being in confinement is the extremely limited contact with my family. My family is my support system, and they help me get through my time in prison without breaking down and help me stay connected to the world. Recently, I was in DC and could not talk to my family at all. I was also so tired of being on CM. I cut myself to try to get out of confinement and go to a mental health unit. FDC put me in a Self-Harm Observation Status cell for three days and then put me right back into confinement.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 18, 2021.

Signed: /s/ John Gilday, DC# P90065

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF DELONTE MILLER

I, Delonte Miller, declare under penalty of perjury:

1. I am an 18-year-old Black kid locked up in the Florida Department of Corrections. Right now I'm in Disciplinary Confinement at Columbia Correctional Institution Annex. Because of my age, I've been a "youthful offender" (YO) since I came to prison when I was 14 years old. I make this declaration based on my own personal knowledge.

2. In September and October 2019, when I was in Close Management (CM), FDC staff gave me an IQ test a couple times. First they tested me when I was at Florida State Prison (FSP) and then they sent me to the Reception and Medical

Center (RMC) for another test. I don't know why they decided to test me or what I scored on the tests. I think I "passed" it the second time, then I went back to FSP.

3. I was diagnosed with ADHD as a kid, but FDC doesn't give me any medicine for it. In December 2019, when I was still in CM, I went to RMC, I think because my counselor said I was in a deep depression crisis or something like that. I think the doctor diagnosed me with depression. I take Zoloft to control my nightmares; it's supposed to make me happy. I take another medicine for my mood swings. I'm not sure what it's called but it's supposed to keep me steady. Before I came to prison, I was diagnosed with bipolar but I don't know if FDC has that diagnosis for me.

4. I went to confinement the first time a month after I came to FDC, and I was in and out of the box a lot my first 2.5 years in prison. Some of the DRs I got were for pretty minor things like disrespect, refusing to work, or disorderly conduct. I wish staff had given me one-on-one counseling or group therapy instead of putting me in the box over and over again. I was a hot-headed little kid who had just come to prison, and I think my ADHD and bipolar are part of why I kept getting in trouble. I just needed support to help me calm down and adjust to being incarcerated. Instead, I haven't been able to catch a break from confinement since I came to prison.

5. In April 2019, FDC put me in Disciplinary Confinement in the YO dorm at Suwannee CI for about a month. Then FDC put me on CM II and shipped

me to Florida State Prison, an adult camp, when I was only 16. I stayed on CM II for about a year, then I became CM III. I was at FSP until August 2020, when I went back to the YO dorm at Suwannee for the rest of my CM time. The confinement quad at Suwannee had a mix of people on CM, AC, and DC. But the officers usually treated me like I was on AC/DC, not CM.

6. Confinement cells are nasty. There's a lot of mold in the cell. There are huge spiders and lizards all the time. It's worst when it's hot out; they walk all over the walls. At FSP, really big rodents used to run around at night. They looked like they were on steroids and were really brave—you can't really scare them away. I got scared when there was one in my cell at night. It's really frustrating, it's really unsanitary. The cells also smell old, like hot and muggy. Staff give us chemicals in a small cup like once a week to clean. There's not much I could do with them other than wipe down the walls and desk in my tiny cell. But it didn't do anything to get rid of the mold. It feels gross to be locked inside around the clock.

7. There's not much I could do inside the cell, and I didn't get to leave it a lot. When I first got to FSP, I think Jeremiah Hill was the only other YO there. A few more came later. Officers kept us in the same dorm even when we were on different levels of CM. We weren't allowed to mix with the adults, so we didn't get to go with them for dayroom, group, or rec. A lieutenant had to come escort us every

time we had an out-of-cell activity. The few times I got to leave my cell, I was either alone or with only one or two other YOs.

8. It's really hard to talk to people in confinement. I could talk through the vent or at the back window but I knew I could get in trouble for it. Once I got a DR for it at FSP. I sometimes signed on the door to the person in the cell across from me, but I couldn't really sign for that long because my hand got tired. The officers didn't talk to me either. I saw them when they did their rounds every thirty minutes or so. Sometimes I tried to ask one a question and they told me to ask the next shift. All of this was really stressful because when I'm going through stuff, I need social time. The only way to get things off my mind is to have intimate conversations with someone else. I couldn't do that, so all I could do was just think all day.

9. Not being able to talk to my mom was really hard on me. In CM, got way less visits than in General Population, and they're only two hours long. The time passes by really quickly when I'm deep in conversation with her. The non-contact visits are the worst. I'd be in a little cage and I'd have to talk to my family though a little metal piece on the glass. It's like the movies. I couldn't hug my mom; all I could do was touch the glass. I'm her baby boy, but she couldn't comfort me like she used to. She'd get all emotional, which made me emotional. But I had

to hold it in because of the type of environment I'm in. So when I went back to my cell, I didn't want to talk. I would just think. It really put a burden on my back.

10. At FSP, I didn't get to leave my cell to go to school. I would get some schoolwork to do in my cell like every other week. The teacher would talk to me at my cell front sometimes, but usually I'd get the worksheets through the mail. It's hard because I couldn't really get face-to-face contact to learn. Everybody learns different. I need one-on-one help.

11. I only went to dayroom once at FSP, alone. I had no one to talk to. I went to group therapy a couple times with other YOs. Things weren't much different at Suwannee—there isn't even a dayroom in the confinement quad. I spent almost all day every day inside of a tiny cell. I listened to the radio a little, and I read when I had an interesting book, which wasn't very often. I paced back and forth, and got stuck with my thoughts. When I got tired of thinking I laid in bed. I'd sit around and wait for the food to come—that's what made the time pass. It was stressful. I got a couple gray hairs a few months after I came to CM.

12. I don't get to exercise outside of my cell much either. In all the time I spent at FSP, which was over a year, I think only went to rec like six times, even though I asked to go a lot more. Officers would ignore the sign I had in my window, even if I had my bunk made and was in my Class A uniform when they came around in the morning. A couple times I went all by myself, which was really boring.

Sometimes I'd use the pull-up and dip bars, sometimes I'd walk around a bit. Then I'd just sit down and look out at the parking lot. I didn't exercise a lot in my confinement cell either because I got really sweaty. When it's not a shower day, I had to take a bird bath in my sink then clean the water off the floor. And in the summer, the cells are scorching hot, especially at FSP. All I'd want to do is lay in my bed and fan myself with a piece of paper.

13. Every time I left my cell I had to go through a strip search. It was humiliating and embarrassing. The officers made me get naked, lift my privates, squat, and cough. Some of them made me spread my cheeks. They searched my cell every time I left too. Some of them made a mess. Once I came back and found my toilet paper spread all over the room, my covers on the floor, and my mail scattered under my bunk. Sometimes I skipped showers and my mental health appointments because I didn't want to go through this.

14. Every time I left my cell (except for rec and showers) officers put me in handcuffs, a waist chain, a black box, and leg irons. These restraints make me feel like a caged animal.

15. I'll never forget the time in November 2019 officers at FSP sprayed me and put me on property restriction after a lieutenant accused me of talking at my back window. The pepper spray made me so hot. I couldn't breathe, and I felt like I was going to die—like they were snatching my heart out of my chest. Then they

took all my state-issued property including my mattress, my covers, my clothes. I felt barbaric and uncivilized spending 72 hours in my boxers forced to sleep on a cold, steel bunk. I wanted to cry. I remember banging on Hill's cell wall during the night. I talked to him to help get my mind off the cold. He wanted to send me his sheet using a fishing line, but our cells were right next to the officer station so it was too risky. After this happened, I spent more time in my bed, not talking to people, because I was afraid it'd happen to me again.

16. Once officers did a cell extraction in the cell across from me. I saw an officer punching the guy with handcuffs wrapped around his hand like brass knuckles. When they brought him out of the cell it looked like his head was split open and he had black eyes. Another time, staff brought someone out of a cell in my dorm on a stretcher with a sheet over his body. I think he had committed suicide because they put yellow caution tape across his cell door, like they were investigating something. Being in confinement is ugly. The things I've seen have stayed in my mind. I get nightmares thinking about them.

17. Being behind the door for so long really messed with my head. I didn't think I was strong enough to adapt to the environment. Mental issues came up, and I started talking to myself a little after I came to FSP. I felt delirious. I would tell myself I have to be strong. But hearing other people screaming inside their cells would bring me down. I would feel depressed and think, "this is what my life has

come to." I'd ask myself how I ended up there. It would make me stress even more. I started having nightmares like two months after I came to CM. I think it's why the doctor gave me Zoloft.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 20, 2021.

Signed: /s/ Delonte Miller, DC# C90119

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF DERRICK DEVON WEST SR.

I, Derrick Devon West Sr., declare under penalty of perjury:

1. I am a 50-year-old Black man incarcerated in the custody of the Florida Department of Corrections (FDC). Most recently, I was locked up in Administrative Confinement at Blackwater Correctional Facility from January through February 2021. I make this declaration based on my own personal knowledge.

2. I was attacked by officers at South Florida Reception Center prison in 2017. I have been asking for Protective Management for several years so that I will not be harassed by staff. Instead, they usually just put me in Administrative Confinement where I'm locked in my cell almost 24 hours a day.

3. I have a few medical conditions, including some caused by the officers who attacked me. I have limited use of my left arm, pinched nerves in back, and a bone sticking out on the side of my left foot. I also have hypertension. I was diagnosed with depression in 2007 and anxiety in 2017.

4. I came to FDC in 1999, and have been in some type of confinement off and on for the last ten years. I have been in Administrative Confinement (AC), Disciplinary Confinement (DC), Close Management (CM) 2 and 3. We call all of these "confinement" because you are confined in a room with the door locked. I have been in confinement at South Florida Reception Center, Everglades, Dade, Holmes, Okeechobee, Taylor, Apalachee- East, Walton, Suwannee, Santa Rosa, Okaloosa, Florida State Prison (FSP), Hardee, Northwest Florida Reception Center, Central Florida Reception Center, Reception and Medical Center, Lake, Charlotte, Wakulla, Jefferson, Madison, and Blackwater. A lot of the time I have spent in confinement, I've been in AC pending Protective Management. In AC, I get very few privileges even though I haven't violated any rules or done anything wrong.

5. In my experience, confinement cells are almost always in terrible condition – it doesn't matter what institution you're at or the type of confinement. The last confinement cell I was in at Walton had old food in it, mold around the sink and on the walls, and leftover gas on the wall. "Gas" is what we call the pepper spray officers use whenever they think we're a threat. The walls in that cell leaked

when it rained. I had to put toilet paper on the walls to keep it from leaking all onto my floor. The confinement cells at Santa Rosa were also filthy. The cells had old food on the walls, the windows did not close, and the toilets were full of mildew with a bad smell.

6. Rats and roaches are pretty widespread problems in confinement wings. I've lost a lot of my canteen items due to the rats eating through them. They love peanut butter squeezes and soup packets. I can't count how many times I've woken up to throw a shoe at the rats during the night, but I've never gotten used to that. Living in these conditions make me feel unhuman.

7. Sitting down in my confinement cell all the time makes my back pain worse. I can't do push-ups or other exercises on the floor because of my left arm, I need to walk to get exercise. But there's no room to walk in my cell or a recreation cage that's around the same size. They have never given me an exercise plan or told me how I am supposed to get the exercise I need with my disabilities in confinement.

8. I rarely get to go to the recreation cage when I'm in confinement. For the first 30 days, you can't go to recreation at all. When I was at Walton, I never got to go recreation. When I asked to go, staff told me I couldn't go because they were short-staffed. When I was at Santa Rosa, every time I moved dorms the 30-day recreation clock started over again. For example, when I had to change dorms, the officers would come around to let people out for recreation and they would ask how

long I had been there. Even when I had been in the facility for months, they would still deny me recreation time. They told me I still had to wait 30 days because I hadn't been in the same *dorm* for 30 days.

9. There isn't much communication in confinement. When I tried to talk to staff about what I need, they just ignored me or told me to write a grievance or turn in a request form. But the only way I could get those forms was through the officers, and they don't like to hand them out. Half the time I didn't have a pen even if I could get the forms. A lot of times, I didn't get my mail, so I couldn't even properly communicate through letters. I just laid in the bed and listened to people calling for psychological emergencies, asking for socks, complaining there's no food on their tray, and asking for proper medication. Sometimes this was the most communication I got, just listening to other people's pain.

10. Whenever I left my dorm, no matter the type of confinement, I was restrained at least in handcuffs, shackles, and a waist chain. They don't restrain me like that in Open Population. I feel helpless when I'm all chained up. Sometimes they put the shackles on so tight that I got cuts from them. Some places told me I can't wear socks, so I still have marks on my ankles from the shackles cutting into them. Being handcuffed also hurt my left arm. And once I hear them coming with the handcuffs and they put them on, all I think about is the officers beating me.

11. I'm also strip searched whenever I leave my dorm, which is very humiliating. One time, an officer told me to bend over and that if I twerk for him, he'll give me an extra tray. It just feels sickening. During cell searches, which happen nearly every time I leave my cell, officers tear through everything. The officers then close the door and tell me to clean my stuff up. They have broken my headphones and thrown my property and clothes on the floor. My white t-shirts have boot prints all over them from being stepped on. Usually I don't bother writing it up because the grievance will just be denied. Between the strip searches, restraints, and cell searches, a lot of the time I'd rather stay in my cell than go out, even for showers.

12. I don't get proper medical attention in confinement. Most of the time my back is hurting from sitting all day. The officers are always there during our appointments and can listen. It's hard to feel safe telling medical staff my problems with the officers listening to me. Once when I requested medication to help with the pain, an officer told me to stop telling people I got jumped on by officers and then I would get proper care. I am usually restrained during my medical examinations. I don't know how the doctors and nurses can properly examine me this way. I can barely move with handcuffs and chains on my waist.

13. Property restriction ("strip") is very painful and humiliating and makes me feel worthless. The officers take away whatever they want for three days. It could be for as small as violation as having a cup in the cell. They leave us in our

boxers with no mattress and we have to sleep on cold steel. One time they even took my medication from me. Another time, I went 3 days without toilet paper. Being on property restriction makes me question why I am still alive. Sometimes I felt like I would be better off dying.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on April 9, 2021

Signed: /s/ Derrick Devon West Sr., DC# 674787

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF SAVANNAH MARIE POWELL

I, Savannah Marie Powell, declare under penalty of perjury:

1. I am a 30-year-old white transgender woman in prison at Florida State Prison (FSP). My legal name is Chad Powell, but my chosen name is Savannah Marie Powell. I am in Close Management Level 1 and Disciplinary Confinement. I make this declaration based on my own personal knowledge.

2. Since September 2018, I have been in Administrative Confinement, Disciplinary Confinement, Close Management Level I, and Close Management Level II. I call all these "confinement" because in each I am in my cell for over 23 hours a day almost every day. I have been in confinement at Columbia Correctional Institution, Santa Rosa Correctional Institution (SRCI) and Florida State Prison

(FSP). I have spent most of my time at FSP, except when I tried to kill myself by overdosing in September 2018, and they sent me to inpatient treatment at SRCI for a couple of months. Confinement has felt the same everywhere I have been. The only thing that might change a bit from prison to prison is how awful the officers are to us. At SRCI, they can be more laid back. At FSP, it is very homophobic. We rely on the officers for all our basic necessities so it is important what kind of environment we are dealing with and how they treat us.

3. I have a seizure disorder. When I first arrived at Close Management at FSP in February 2019, I was taken off my seizure medication. I think they said it was because I had not had a seizure in a while. But a few months ago, in October 2020, I had another seizure in Close Management. I fell off my bunk bed during the seizure. Staff took me to medical to check my vitals and then they sent me back to my cell. They told me over two months ago that they would put me back on seizure medication but it has not happened yet. It harder to get medical care in confinement than it is the General Population. In confinement, I can submit sick calls or write grievances, but a lot of the time all of that is ignored and no one ever responds to me. I have tried grieving to get back on my seizure medication but no one has responded to my grievances yet. It is also hard to get the attention of officers in an emergency. If I feel like I might be having a seizure, my only option to get an officer's attention is wait for someone to make their rounds, or kick and scream on

the door. But I have received a Disciplinary Report (DR) for disorderly conduct in the past for kicking on the door. It makes me afraid to kick on the door for officers' attention, even if it is an emergency. They can use DRs to deny us even more privileges or keep us on confinement longer.

4. I have also been diagnosed with attention-deficit/hyperactivity disorder (ADHD) and schizoaffective disorder. I feel more depressed in confinement. I am in my room all day every day. The walls cave in on me and I am left with only my thoughts to pass the time.

5. FDC has diagnosed me with gender dysphoria but they will not provide me proper treatment for this while I'm in confinement. Recently, they took me off my hormone medication. They said it was because people in confinement cannot see the endocrinologist because of the coronavirus. I had been on hormone medication for over a year before they just stopped giving it to me. It is hard on my body to go through that.

6. The cells in confinement are disgusting. My cell right now does not have hot water. The toilets are filthy. I can't flush my toilet in the cell I am in now so everything will just sit in the toilet until an officer will finally flush it. I have to eat and live within feet from all of my waste just sitting there. I see rats and spiders everywhere. In the summer, the rats come out of the holes in the walls. Sometimes my ceiling leaks and I can see mold on the ceiling from all the water.

7. Aside from being filthy, the cells also do not have any privacy. I am a transgender woman but my cell does not have any privacy to use the restroom. When I use the toilet, other prisoners on the wing can see me. When I sit down to go to the bathroom, other prisoners stare at me and make cat calls. I know if I try to put something over my window for privacy, then officers will yell at me and put me on property restriction. We are not allowed to have anything on our walls or covering the door window.

8. I do not get much interaction with other humans. I receive medication in the morning, but the nurses just pass my medication to me through the food flap and then they keep going on about their business. They do not talk to me. A chaplain comes around about once a week, but I don't always get to talk to him. When I do, it's very brief, about five minutes, and only through my cell door. He says he does not have a lot of time to talk. I sometimes try to communicate with sign language with people in other cells. It is very risky though because in the past officers have threatened to give me a DR, pepper spray me, or confiscate my meal trays for talking to other people on the wing. Staff have not let me have a phone call with my family for months. It makes it really hard never getting to talk to my family, especially during a pandemic. I have no idea if they are safe, healthy or even alive.

9. There is not much I can do in my cell to pass the time. I try to pass the time by dealing with my thoughts and looking forward to the next meal.

10. Even though it is hard to pass the time in my cell, I am scared to come out because officers will trash it. Every time I leave my cell, officers are supposed to search it. They create havoc during these searches. They throw my stuff everywhere, throw my hygiene in the toilet, toss things on the floor, and go through my mail and legal paperwork. I have learned that it is best to only come out of my cell if I am able to barter my meal tray with the officers working. When I leave my cell, I promise my next meal tray to the officer working in exchange for not tearing my cell apart during the cell search. It feels like extortion but it is the best way to keep my few belongings safe and tidy when I leave my cell.

11. In confinement, staff torture us with cruel methods of punishment. I have been put on property restriction ("strip) several times over the past couple of years in confinement. The last time I was put on strip, the officers took everything away from me, including my mat. I was left only in my boxers for three days. From observing officer patterns the past couple of years, it feels like they put people on strip more often during winter and during the summer they pepper spray us more. Strip is torture, but especially so during the winter months when it is cold.

12. I have hurt myself in confinement a lot of times. Other than the first time when I was sent to inpatient treatment, it feels like FDC ignores me. At FSP, I have had multiple incidents of cutting my wrists. All they do is take me to medical to glue my wrists back up and then send me right back to my cell. It also feels like

they get mad when I cut, maybe because it makes them have to do extra work. I never cut myself before confinement. When you have such little contact with people, all you can do is sit back in your cell and think. When officers mess with me, or treat me poorly, cutting is an outlet from my thoughts and frustrations.

13. I feel like I will never get out of confinement. Officers know how to mess with me to make me upset and get a reaction. I deal with a lot of officers making sexual jokes and harassment because I am a transgender woman. They will joke that they are about to rape me when I am in the shower, or grab my butt and make cat calls. When I do finally show a reaction, I normally get a DR for disrespect or disobeying a verbal order, or whatever they can give me to keep me in here longer. I don't know how I'm ever going to get out.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on March 24, 2021.

Signed: /s/ Savannah-Marie (Chad) Powell, DC#134137

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF ADARIUS DALE

I, Adarius Dale, declare under penalty of perjury:

1. I am a 17-year-old young black man incarcerated in the custody of the Florida Department of Corrections (FDC). I am currently housed at Suwannee Correctional Institution (Suwannee) in the Youth Offender (YO) program. I make this declaration based on my own personal knowledge.

2. I have asthma.

3. When I was younger, I was diagnosed with ADHD and prescribed medications for ADHD. I had extra time on tests in school.

4. On around November 23, 2020, officers put me in confinement in A dorm when I was 16 years old. I got disciplinary reports for disobeying a verbal

order and misuse of state property because I had a t-shirt over my head to block out the light and I was trying to sleep. Staff put me on Administrative Confinement (AC) first and then Disciplinary Confinement (DC), but I stayed in the same cell for the entire time. I call both AC and DC "confinement" because my life in both of them was pretty much the same. I got out of confinement on about December 18, 2020. This was my first and only time in confinement.

5. AC and DC are a living hell. I had stay in my cell all day every day and it's as cold in the cell as it is on the outside. I felt like I was in an igloo in the North Pole during the months I was there. I was in a cell alone. The only thing I could do was write letters and work out. I could try to talk to other guys on the door but I could get in trouble for doing that. It got very lonely in confinement. It felt like the walls were talking to me sometimes. I would get very sad. I would think about whether I was ever going to get out of confinement. I felt depressed and anxious all the time. The lights would go off at about 10pm and that's when these negative feelings would hit me the hardest.

6. I could not use the phone or my tablet during the entire time I was in confinement. This was really hard for me because my family is everything to me. I am especially close to my grandmother. When I am in General Population, I usually speak to her over the phone at least once a week, and sometimes every day, and communicate with her on my tablet. I was very worried that she would think I was

hurt or even dead when I couldn't call her or use my tablet. I wrote her a physical letter but I wasn't sure if it made it to her while I was in confinement.

7. When I was in confinement, the only time I regularly came out of my cell was two times a week for showers. Each time, I would be out of my cell for about 10 minutes.

8. The only time I remember leaving the dorm during my entire time in confinement was when Plaintiffs' team did an inspection and I went to an interview. It was nice to see the sky and grass again. In my confinement cell, the back window was frosted over and I couldn't see outside.

9. Staff never offered me, and I never went to, recreation during my time in confinement.

10. I only went to the dayroom a few times when I was in confinement to use the kiosk and only when certain staff worked. There was no one else out in the dayroom with me during those times.

11. I would like to get my GED, but I could not make progress towards that goal in confinement. They never pulled me out for school. Sometimes someone from education would come around and try to talk about a packet I was supposed to complete from the previous week. But it was hard for me to do that because I was going through stuff like property restriction. I would be crying, my eyes would be red, and the education person would just ask if I completed the task for the week

before. If I said yes, they would hand me another packet and leave. That was all "education" consisted of in confinement.

12. Every time I came out of my cell in confinement during the day shift, and sometimes during the night shift, officers strip searched me. Because I'm a larger guy, they made me lift up my stomach and the rolls of my stomach. Sometimes, they laughed at me while they did the strip search. It made me feel bad and like I was going to lose my cool.

13. During my time in confinement, I was put on strip, which is property restriction, two times. The first time I went on strip was the first day I entered confinement. They left me with my clothes but took away my mattress, pillow, sheets, and blanket. I lay down on the slab where my mattress would usually go and I tried to wait until it got warm from my body heat, but it never did. So, instead, I sat down against the wall that night and put my back against the wall to try to sleep. It didn't really work. I would fall asleep for what felt like 20 minutes or so and then wake back up. I was on strip that time a few days.

14. The second time I was on strip, it lasted for about four days. I had no mat, no sheets, and no clothes except for my boxers. I was so miserable on strip that I cried myself to sleep most nights sitting on the floor against the wall. Without my mat, I couldn't lay on the steel slab that I usually have my mat on because it was too cold and hard.

15. I feel like confinement was making me institutionalized. Every day you experience the same nothing over and over again. I felt like I was like a caged animal and like I wasn't even human.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on March 29, 2021.

Signed: /s/ Adarius Dale, DC#S50895

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF VALENCIA SIMMS

I, Valencia Simms, declare under penalty of perjury:

1. I am a 42-year-old Black man in prison at Florida State Prison. I am on Close Management Level 1. I make this declaration based on my own personal knowledge.

2. I have chronic depression, acute anxiety, and post-traumatic stress disorder (PTSD). FDC prescribed me Buspar and Lexapro to treat my mental illness. As a child, I experienced a lot of abuse. My PTSD from childhood is triggered by the things that take place in isolation. The officers treat us like animals and only refer to us as "inmate," like we don't have a name. In General Population, they use our names more often. My depression is always present when I'm in isolation. I think

about suicide every day. When I was in General Population, I would sometimes think about suicide. When that would happen, I would remind myself about all the people around me and how someone would stop me if I ever actually tried to kill myself. But in isolation, all I think about is how easily I could get away with suicide. I think about how I could harm myself, and no one would be anywhere nearby to stop me or help me.

3. I was in isolation for two years from 2017 to 2019. I then went to General Population for about a year, but ended up back in isolation in March of 2020. Over the past four years, I have been in Administrative Confinement, Disciplinary Confinement, Close Management I, Close Management II, and Close Management III at Santa Rosa Correctional Institution and Florida State Prison. I call all of this "isolation" because I am isolated from everything and everyone.

4. The cells in isolation are filthy. I see a lot of roaches and spiders. There is also mold all over my cell. They sometimes give us watered-down chemicals for cleaning but it is never enough and sometimes we have to wait over a month to get it. Recently, I had water running through my ceiling lights for about a week before they finally fixed it. Until they did, I had to try and manage the constant flow of water with any rags or spare clothing I had on hand. I was scared it would reach my personal locker and destroy all my belongings and paperwork. But if I removed all

my belongings from my locker then I knew officers would just yell at me for not keeping my stuff in my locker.

5. The toilets are disgusting. In the cell I am in now, I can't flush my toilet. I have to ask the officers to do it by writing a sign and putting it on my door for when they walk by. But they don't like it when we stand on the door. One time when I needed a toilet flush, I saw an officer about to walk by my cell, so I quickly jumped up with my sign to get his attention. The officer started screaming at me about being on the door. I was afraid I was going to get a Disciplinary Report (DR) for it. All this means that I often must live and eat within a few feet of a toilet full of waste.

6. I hardly talk to anyone in isolation. I don't try to talk to other guys on the wing because I have seen officers put people on property restriction, "strip," for getting caught talking on the door. I try to use the phones to talk to my family, but that privilege is taken away a lot because of group punishment. Officers frequently punish us as a group.

7. In the summer, the cells get unbearably hot. The only relief is to lay on the cool concrete floor. Sometimes I even sleep directly on the concrete floor because it's so hot in my cell. The other night, it was so hot in the cells. A guy on the wing was singing, "Celebration," and because of him singing, the officers cut off the exhaust fan on the entire wing. It was almost impossible to sleep after that from the heat.

8. I almost never leave my cell because I don't want to deal with the officer harassment. Whenever you leave your cell, officers search it. They almost always end up trashing my room. In the past, I have had my watch stolen and my radio and headphones broken during the cell searches.

9. I also don't come out of my cell very often because I don't want to deal with a humiliating strip search. The officers make me get naked and some of them even make me spread my butt cheeks. They degrade me or put me down. They make sexual comments.

10. Having a cellmate in isolation makes isolation even harder. We're forced to spend all our time in a tiny, cramped cell and there is just not enough room. A lot of guys got angry when officers tried to put me in their cells. But it's not like I asked to be put in there. Officers just force it on us. I argued all the time with one cellmate. We asked to be switched but we were told we would have to fight it out and that they would only move us if we injured each other. It felt like the prison was trying to manufacture violence.

11. I was put on strip once in isolation. It was basically torture. Officers took everything away from me, including my mattress and pillow. All I had left was the boxers I was wearing. I remember it was in the middle of winter and freezing outside. For 72 hours, I just sat in my cell with nothing and freezing cold. I did not think it was possible to ever feel that cold.

12. I feel very hateful now. It is frustrating to see all the abuse and injustice around me and we can't do anything about it. If they decide not to feed us one night, I can't do anything. If I try and write a grievance about it, no one will respond. I think they just get thrown away. If I write a grievance against specific officers, then the officers get upset and just retaliate against me and write me a bunch of frivolous DRs. At my Close Management reviews, they will use the frivolous DRs as an excuse to keep me in isolation longer.

13. When I managed to go back to General Population in 2019, it was hard for me to function. I felt really jumpy and paranoid around people again. I am scared I will feel that way again if I ever get out of isolation this time.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on March 31, 2021.

Signed: /s/ Valencia Simms, DC #L26194

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF SCOTT E. BARNES

I, Scott E. Barnes, declare under penalty of perjury:

1. I am 43-years-old and deaf and mute. I am currently in Close Management 1 (CM 1) at Suwannee Correctional Institution. I have previously spent time on Administrative Confinement (AC), Close Management 2 (CM 2), and Close Management 3 (CM 3). We call them all "confinement" because in each type we're confined in our cells almost all the time. I make this declaration based on my own personal knowledge.

2. My current period in confinement started in August 2020. I started off on AC, but was moved to CM 1 status in October 2020, even though I did not receive a disciplinary report. I spent a couple months assigned to CM 1 at Columbia Annex before I came to Suwannee in December 2020, but I did not receive all my CM 1

privileges at Columbia Annex because it is not a CM camp. So, there was no real difference between AC and CM 1 at Columbia Annex. I was transferred to Suwannee because it is a CM camp and there was a bed open. Now that I'm at Suwannee, there's still not much of a real difference between AC and CM 1.

3. I need an interpreter, videophone, and a teletypewriter (TTY) to communicate effectively. In the past, I was approved for a hearing aid and a vibrating watch. I now have a hearing aid, but no vibrating watch, FM receiver, or tablet. The vibrating watch is really important to me because it helps me know when to wake up, when to get ready for Count, when to go to recreation and shower times, and other scheduled daily activities. Staff took my vibrating watch when I got in confinement. I have written grievances and told officers about the hardships of not having a vibrating watch since August 2020, but I have never received a response.

4. Since I cannot tell time without a vibrating watch, I depend on my instincts or staff to keep track of time. In confinement at Columbia, officers often threw bar soaps at me to wake me up for morning count, legal calls, or whenever they wanted to get my attention. Sometimes officers did not wake me up for breakfast and I either missed breakfast or woke up to a tray of food thrown in my confinement cell, with some food items spilled on the cell floor.

5. At Columbia, I did not go to recreation because officers did not tell me when it was time. I cannot remember exactly how long I went without recreation at

Columbia, but I think it was about 4 months. At Suwannee, I can go out for recreation, but only about once a week. I do not like going to recreation at Suwannee because while I am outside, officers throw my things around my cell.

6. It is hard for me to communicate with officers when I do not have an interpreter. There is no interpreter during security checks. Officers kick the cell door to get my attention because they think I can feel the vibrations from their kicks. Sometimes I can feel the vibrations, but the walls are so thick that a lot of times I cannot feel them.

7. In confinement, I do not have access to TTY or video phone to communicate with my family or friends. I have not had a phone call with a loved one since August 2020. In General Population, I talked to my family at least once a month. Now at Suwannee I can only mail them letters, but I am running out of money for mailing supplies. I feel very lonely and isolated from them. I do not know what is going on with them and I do not have anyone to talk to. I sometimes feel like I am trapped and alone.

8. The only access I've had to a phone in confinement was with the lawyer helping me with this declaration. We used a video phone with an interpreter, but it was really hard and took a lot of calls for me to be able to communicate this much information. During every call, I was restrained with handcuffs and a black box. The black box keeps my hands restrained to a waist chain. This is a problem because I

use my hands to sign, and sometimes the interpreter had a hard time understanding me because my hands were so restricted. Also, the video phone cut off every 30 minutes. Then it would take several minutes for the lawyer to call back and prison staff to reconnect us. Since prison staff would only give us an hour for each call, we could not afford to lose those minutes. A few times we couldn't do the calls at all because they didn't set up the video phone for me.

9. Sometime last year during an earlier stay in confinement at Suwannee, I felt stressed about not being able to use the phone. I felt very isolated because I could not contact other people. I began sweating, pacing around my cell, and kicking the cell door. I could see the officer was angry with me outside the cell door, but I couldn't stop because I was so lonely and upset and needed help. They pepper sprayed me inside my cell and about five officers attacked me. They slammed me and injured my back. My eyes were burning from the pepper spray. I filed a grievance explaining that I was upset from not being able to contact my family and describing how officers attacked me, but I never received a response.

10. In confinement at Columbia, sometimes a mental health person came around to the cell door to check on me. But they did not have an interpreter and tried to communicate with me through writing back and forth. I did not talk to them this way because it is too hard to communicate my thoughts without an interpreter.

Without an interpreter, my emotions are not translated. They cannot really tell how serious or frustrated I am when communicating through writing.

11. Nurses have attempted to speak to me through the cell door, but they also do not have an interpreter. Without an interpreter I feel like staff ignore me when they do not understand what I am trying to say. They do not spend much time trying to figure it out. An interpreter can fully communicate what I am saying.

12. I've only spoke to the ADA team about three times since August 2020 because they only check on me about every four months. I told them about wanting to have phone calls with my family, but they didn't do anything about it. My last ADA meeting was in January 2021. In my experience, the ADA team doesn't do anything to make sure I have what I need in confinement.

13. I do not have very much to do in confinement. In General Population, I could pass the time by going to the yard, reading books from the library, watching TV, or listening to the radio. But in confinement, there's not much for me to do except read the bible or work on my legal work. Sometimes I sign the alphabet back and forth with other inmates through my cell window, but I am not supposed to do this, and I could get a disciplinary report if an officer feels like giving me one. I try to keep my cell clean by using my only towel to scrub the floor and the toilet, but if I do this I don't have a clean towel to use after my showers. Being locked in my cell

with nothing to do makes me feel claustrophobic and like the walls are closing in on me.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on April 12, 2021.

Signed: /s/ Scott Barnes, DC# 464128

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAC'QUANN (ADMIRE) HARVARD, *et al*.,	)	
Plaintiffs,	)	
v.	)	Case No.: 4:19-cv-00212-MW-MAF
MARK S. INCH, *et al*.,	)	
Defendants.	)	

DECLARATION OF DAVID ANDERSON

I, David Anderson, declare under penalty of perjury:

1. I am a 37-year-old Black man at Florida State Prison (FSP). I am currently assigned to Maximum Management. I make this declaration based on my own personal knowledge.

2. I have been in confinement for 14 years, since 2007, at Central Florida Reception Center, Franklin Correctional Institution, Reception Medical Center, Union Correctional Institution, and FSP. I have been in Disciplinary Confinement, Administrative Confinement, Close Management and Maximum Management. I refer to all these as "confinement" because I am completely confined, shut off from everyone else, and alone. It feels like the walls are caving in on me in all of them.

3. I am partially blind in my left eye and have a special pass to wear protective eyewear to avoid irritation in that eye. Officers took my eyewear away from me about a year ago during a strip search in confinement and never gave it back. Without my eyewear, my eyes always feel irritated and my vision is very blurry in both eyes.

4. I also need a catheter to urinate because I have a bullet in my groin area. Medical staff are supposed to give me medical supplies once a month to change my catheter, but they are often late in confinement. When this happens, I am forced to continue using dirty and old catheters. A lot of times, this contributes to very painful urinary tract infections (UTIs) and bladder spasms.

5. In addition to my physical disabilities, I have several mental health disabilities. FDC has diagnosed me with depression, mood swings, anxiety, bi-polar disorder, and schizophrenia. In the past, I've had to go to inpatient treatment because of my mental health problems in confinement. Since I arrived in Maximum Management, I've been hearing voices a lot.

6. I can't have normal conversations with anyone in confinement. If I get to talk to religious clergy, it's through the food flap in my door for less than five minutes. When I talk to my neighbors, it's at the risk of getting a Disciplinary Report (DR) or property restriction. The last time I was able to speak with my family over

the phone was when I was in an inpatient treatment facility in 2013. Staff have not offered to let me use the phone while I've been in confinement.

7. I do not get many opportunities to come out of my cell. I used to sign up for recreation a lot, but staff often wouldn't let me go, claiming my cell was too dirty. This seemed like just an excuse because my cell was not dirty. They also used to tell me that I couldn't come out because I had a pending Disciplinary Report (DR). Staff denied me recreation so many times I mostly stopped trying to go.

8. A lot of the time, even if I get the opportunity, I refuse to come out of my cell because I don't want to deal with the strip and cell searches. Strip searches are one of the things I hate most about confinement. The officers talk about my body and my groin injury. They make comments about my masculinity and physical sexual limits. They speak loudly enough for everyone else on the wing to hear. It feels like they are trying to make me feel like less of a man. They also trash my cell during cell searches. It's often just not worth the embarrassment, humiliation, and hassle to come out.

9. From being in confinement for over 14 years now, and dealing with the abuse, neglect, and corruption of officers, I feel like I have lost my mind and my sense of direction. I no longer feel stable, and I just feel angry, anxious and disturbed all the time. I get easily agitated and am easily triggered. I feel like officers know this and they purposely do things to get reactions out of me, like make fun of my

disability or refuse me recreation for no reason. When I get angry and react to everything, they do to me in confinement, I get DRs that they use to keep me in confinement longer. I feel like I will never be able to get out of confinement. I have nothing to look forward to. I feel like everyone is out to get me.

10. I have tried to kill myself several times in confinement. But now when I cut or hurt myself, staff just accuse me of playing games. I am scared of them and what they could do to me. I am afraid to tell them when I feel suicidal. I feel like if they knew that, they could kill me, and then frame it as a suicide. When we are locked behind the door, nobody cares about us or asks questions.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on April 9, 2021.

Signed: /s/David Anderson, DC# Q07836