

An Administrative Travesty

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December 13, 2017

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You are at a public park toying with your latest model handset while periodically glancing at the children who are happily running around the playground. You like to come to the park for your lunch break because the children's invigorating laughter resonates in your ears helping to relieve the tension caused by the day to day struggles of your chosen occupation. In the past, the children's overseer has engaged you in casual conversation and you have concluded that she is a nice lady with a pleasant disposition.

You glance to your left and at that very moment your eyes lock with the care provider and you two exchange a brief smile and curt wave. You return your lookers back to your social media app while the overseer refocuses her attention on the zippy children. Moments later you hear the lady call one of the young boy's name using an unusually stern and aggravating tone. You are aware of the common occurrence of parents and care providers correcting and disciplining children but you have never heard the lady address the young ones using a harsh tone or vulgar language.

Until now.

Your moral compass urges you to focus on the angry woman and the child who has a bewildered look on his face as he shuffles toward the lady. Your ears perk up wanting to hear the verbal exchange between the woman and child.

"Tommy, what the hell are you doing sliding down the ramp that way? You should be ashamed of yourself", the lady growls, peering down at the young lad standing in front of her.

“What... What did I do wrong Ms.-Ms.” The boy stammers, truly confused by the lady’s attitude, harsh words, and tone.

“What, don’t you dare question me Tommy!” She reaches out toward him. “Now take off your damn sweater, shirt, and t-shirt so you can run around for awhile with nothing covering your body. That will teach you!” She roughly grabs the young man and physically guides him to obey her command. The chilly temperature will surely subject the young one to sickness due to his upper body exposure to the outside elements.

Now, you understand and accept that children should be disciplined when they misbehave. You did not see the child do anything warranting punishment. You believe that even if the boy did something bad, the lady has exhibited a clear moral lapse for abusing the child. You are absolutely alarmed at the lady’s illicit behavior and you feel compelled to intervene and stop the angry woman from continuing her ill-guided reprimand. You put away your phone, rise from the bench, and walk towards the lady to confront her about her abysmal aberration...

That short scene was an example of immoral behavior directed at someone who did nothing to deserve mistreatment. Under America’s government all people should be treated fairly—even those who have been accused or convicted of a crime. Now, you may wonder why I pointed you at an interaction between a child and adult in a dissertation about official misconduct but it is paramount I convey that immoral behavior is wrong in any setting and should be addressed and eradicated with minimal opposition when it is encountered.

Civilized people would be appalled by the actions of the child care provider in the above story but there are many Americans languishing away in our degrading penal system that is the worst when compared with other modernized countries across the globe. It is not just the accused and convicted who are suffering. The families of the incarcerated feel the sting and constricting tentacles of our antiquated justice system while supporting their loved ones on the inside. My continual suffering at the suffocating hands of Florida’s demeaning justice system has catapulted me into taking deliberate action against jail and prison civil rights violations. The following is a firsthand account of my inhumane and demoralizing experience as a detainee in Orange County Corrections Department (OCCD).

After enduring 32 hours of torture (See my other piece titled “A Tortuous Van Ride”) I arrived at OCCD Booking Release Center (BRC) October 2, 2017 at 3 p.m. transported by U.S. Corrections (a private company) from Bay Correctional Facility (BCF). Shortly following my arrival, I received a bag lunch for dinner. A few hours later I was moved to a sleeping area and given all items mandated by Florida Model Jail Standards (FMJS) except for a pillow and pillow case. On day two of my stay in OCCD I was subjected to civil rights violations.

On October 4, 2017 I asked the housing officer inside of BRC 3-B for a pillow and pillow case and he incorrectly stated that those items were a privilege because BRC was temporary housing. He was clearly ignorant of the law delineated in FMJS. The same day I subsequently wrote a request for a grievance about the issue stating that FMJS mandates that detainees are given a pillow and pillow case. I slipped the request inside the box designated for mail, request forms, and other documents. I never did receive a response to the grievance. In fact, throughout my entire stay at OCCD I did not receive even one response to a “request for a grievance.” Furthermore, after just one day in BRC I recognized that jail officials were violating FMJS by not serving detainees two hot meals a day. The meals that were prepared hot were not even warm by the time the food was served to detainees. The courts have determined that this is a serious health hazard. “Hot food must be maintained at a minimum temperature to prevent the growth of harmful bacteria” See Caldwell v. Caesar, 150 F. Supp. 2d 50, 66 (D.D.C 2001). OCCD staff created a hazard to my health everyday by serving me and other detainees cold meals that were prepared hot.

I was housed in BRC a few more days and then moved to a quad designated for extended stay. Immediately upon entering quad 3-T cell 4 in the F building of the Main unit of the jail I noticed the civil rights violation of overcrowding. FMJS mandates that sleeping areas must have 40 square feet of floor space per person in the cell. Upon makeshift measurements I determined the cell to be approximately 15’ by 15’ which is a total of 225 square feet. However, the cell had a total of eight (8) beds inside which is a FMJS violation because the cell’s minimum requirement at that capacity is 320 square feet. Any reasonable person given the opportunity to observe the cell could determine that the cell was originally designed to house four people but the jail officials added two extra bunk beds that were not even bolted to the floor – creating another safety hazard. Take a moment to imagine the problems, safety concerns, and various

issues that eight people in such a small space could create. I experienced difficulty in sleeping due to the constant noise and talking during designated sleeping times, I suffered shortness of breath from the carbon monoxide expelled out of the people in the small space, and I was compelled to stay alert to pinning down the culprit if some of my personal property was stolen. These issues were magnified because of the limited amount of out of cell time that detainees are afforded in the Main unit of OCCD. Since detainees in the Main F building of OCCD are locked in the cell for approximately 15 hours during business days, the overcrowding combined with insufficient out of cell time is also a constitutional violation, see *Jones v. City & County of San Francisco*, 976 F. Supp. At 907 (N.D. Cal. 1997).

Furthermore, contrary to the BRC officer's statement, I was not issued a pillow and pillow case after Main F building officer's assigned me to cell 3-T. I had to harass and pester the officers for almost two weeks before finally receiving these mandatory items that should have been issued to me after it was determined that my stay would not be temporary. I continued to suffer civil rights violations at the hands of OCCD officers. For my entire stay of 55 days at OCCD I was served one hot meal. Breakfast did not meet nutritional requirements as it was only a small cake served with either less than a cup of oatmeal, grits, or cornflakes every morning. The prices of many commissary items were in violation of Florida Statutes 951.23 (9)(b) which states "Canteen prices shall be set so as not to exceed the fair market value for comparable products sold in the community where the facility is located." This coupled with exorbitant phone rates placed undue burdens on the financial supporters of the incarcerated. I also encountered issues with officers enforcing un-codified rules which are indeed a due process violation. Under America's government it is unlawful to enforce or punish a citizen for rules and laws that only exists in the minds of men. OCCD officers helped to foster a more hostile environment by issuing un-codified rules everyday. For example, officers had grown accustomed to issuing the rule "no standing in the dayroom" which was not in the OCCD Inmate Handbook. However, there were not enough seats and chairs to accommodate the overcrowded quad because it was over packed to double capacity.

On numerous occasions I spoke with OCCD officers about the civil rights issues mentioned above but I did not receive administrative remedy for not even one violation. I attempted to use OCCD's inadequate grievance procedure (another civil rights and due process

violation) and submitted over ten “requests for grievances” but did not receive a response to any of them. Since OCCD did not provide a secure means(a locked box) to submit requests, mail, and grievances detainees were instructed to hand these important documents to officers. For someone who outspokenly opposed the unlawful conditions and treatment inside the jail, someone like me, this archaic method of handing important documents and mail to the same officers who I had conflict with was unprofessional and was one of the reasons why many of my requests for grievances and regular requests were not answered. Any reasonable person can conclude from this that officers either mishandled my requests or simply tossed them in the trash. I also discussed the numerous civil rights violations with officers and sergeants but they did nothing to solve the problems. OCCD officers’ failure to respond to my numerous requests and requests for grievances caused me undue frustration and aggravation. Their hostile reaction when confronting them and failure to apply administrative remedy to their civil rights violations conjured a sense of hopelessness and depression inside of me.

Finally, after concluding that officers and their shift supervisors were intent on continuing to violate my rights and used strategic methods to hinder, oppose, or otherwise discourage me from seeking administrative remedy or using the inadequate grievance procedure, I decided to take my complaint to a higher link in the administrative chain. I wrote a detailed letter to the Chief of OCCD, Cornita Riley, detailing times and dates of incidents and names of officers who I spoke with about the civil rights violations. I sent the original to my father on the outside who sent a copy of it via certified mail to the Chief. The day after I put a copy of the letter addressed to the chief in the hands of jail staff, it was returned to me— further proof that handing mail and requests to officers is an administrative travesty. OCCD should provide detainees with a more secure means to transfer documents within and outside of the facility.

On November 13, 2017 an officer from Risk Management Service visited me about the civil rights violations I mentioned in the certified letter that was addressed to the Chief of OCCD. The officer did not agree with most of my claims for civil rights violations by OCCD staff and was inaccurate in his assessment of the laws I used to support my claims. At the end of the conversation he agreed that the OCCD grievance procedure was inadequate and he planned to apply administrative remedy to that matter.

Finally, after running through OCCD's administrative gauntlet spear-headed by an inadequate grievance procedure, I took some time to regroup and was eventually transferred back to BCF after spending 55 days inside of OCCD in which my stay caused me to suffer physical pain from sleeping without a pillow and stomach problems due to eating malnourished and bacteria laden food. I also suffered daily depression, anxiety, and hopelessness from being trapped in an overcrowded cell. Many times I was tempted to physically resist OCCD officers' constant issuance of un-codified rules which elevated my frustration and psychological suffering. I was presented with no other choice but to buy hygiene and food items from the commissary operated by Aramark who violated the law by setting illegal canteen prices which placed a financial hardship on my father—my only consistent financial supporter during my stay at OCCD. I was compelled to buy food items because of the inadequate nutritional value of the food served by OCCD. I endured all of these civil rights violations and although I was assaulted with the spirit of anger due to the officers' unprofessional behavior towards me, I did not act out and maintained my composure.

It has been established by the courts that pretrial detainees must not be punished and their conditions of confinement must be equal to or less onerous than the living conditions of convicted prisoners. "Pretrial detainees in their status of being presumptively innocent are entitled to humane and reasonable treatment," *Goodson v. Atlanta*, 763 F.2d at 1387 (11th Cir. 1985) See also *Campbell v. McGruder*, 188 U.S. App. D.C. 258, 580 F.2d 521, 527 (D.C.Cir. 1978); and *Feeley v. Sampson*, 570 F.2d at 368 which states "Moreover, treatment of the detainees had to be equal to or less onerous than that accorded convicted offenders, otherwise, the incarceration becomes punishment in violation of the Due Process Clause of the Fourteenth Amendment." However, OCCD's conditions of confinement was and remains absolutely worst than the living conditions I experienced at BCF which classifies OCCD as the embodiment of the constitutional violations of both the 8th Amendment for Cruel and Unusual Punishment for convicted prisoners and the 14 Amendment for Due Process for pretrial detainees. Even though I am diametrically opposed to my current incarceration I woke up every day in OCCD wishing I was back at BCF or home.

At this stage in my quest for relief from inhumane and unlawful treatment by OCCD I was presented with no other choice but to pursue litigation. In the past, I have attempted to rally

fellow inmates to join me in challenging unlawful treatment but every person I approached in OCCD either was disinterested and willing to suffer, feared retaliation from guards for challenging conditions, or believed that fighting civil rights violations would decrease their chances of achieving a favorable outcome in their criminal case. However, many of these same detainees complained about the unlawful treatment. Therefore, I continued to challenge the mistreatment by OCCD with minimal help from others-- including my father. Yes, I say minimal help from my father because he does not like to involve himself with confrontation and he refused to call and confront the OCCD staff about their civil rights violations while I was their detainee. I appreciate my father's support but I must delineate the disappointing fact that there are not many people inside and in society who are willing to fight against civil rights violations suffered by those locked down.

Many family members of the incarcerated were not raised with the disposition, education, and fiery spirit needed to go up against the establishment. I have garnered a greater respect for Nat Turner, W.E.B Dubois, MLK J.R., Malcolm X, and many others who fought against injustice in the past because most injustice fighters must go into battle alone. Countless prisoners, including myself, have suffered and continue to suffer injustices similar to slaves of yesteryear. Even though I may not have suffered as severely as my enslaved ancestors, the modern day slavery of America's penal system has given me a vicarious experience of my bloodline's pain and agony. At times I feel I am fighting these battles as a lone warrior because I have reached out to many organizations and lawyers about a previously filed lawsuit concerning civil rights violations and I have not received a favorable response. In spite of the many people who have failed to join me I will continue to stand up for my rights and remain a voice for those who do not have one. In the near future, I know that I will attain the necessary personnel who will help me and others receive relief from the dispiriting mistreatment and unlawful living conditions suffered by the incarcerated.

Due to rigorous and restricting procedural laws for prisoners' civil suits enacted by both the State Legislature and Congress it is exasperatingly difficult for the incarcerated to obtain relief for civil rights violations. These laws have inconspicuously conveyed that prisoners must painstakingly pursue their claims and present their case in similar fashion to an experienced attorney to have a slither of hope of being successful. However, the face of these same laws

portray that we are not required to function as a lawyer. In spite of the challenges I face, I will file two separate complaints (one exclusively about OCCD's commissary prices and the other attacking their unconstitutional living conditions) and continue to expose prisoners' civil rights violations. Pretrial detainees and convicted prisoners experiencing inhumane and unlawful living conditions and sanctioned theft via price gouging desperately needs to be addressed and eradicated from the penal system in our great country of America. I believe in the justice system and I agree that the rightfully convicted should receive punishment for their crimes in tandem with the severity of the offence but too many pretrial detainees are being unlawfully punished and convicted prisoners suffer cruel and unusual punishment along with other constitutional violations. In the future, I have vowed to actively challenge constitutional violations, official misconduct, and any mistreatment experienced by the incarcerated regardless of the outcome.

I am the voice crying out from the wilderness of injustice.