

## **A Colossal Disparity In The Florida Prison System**

By

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I understand I was sentenced to serve time in the Florida Department of Corrections (FDOC) even though I was wrongfully convicted. However, a prison sentence subjecting me to cruel and unusual punishment and unequal treatment violates both federal and state constitutions and Florida state law.

At the very moment I stepped off the large bus (blue bird) at the reception and medical center of Lake Butler Correctional Institution (LBCI) in Union County Florida on July 31<sup>st</sup> 2017, I and about 50 others were verbally assaulted and humiliated. We were told to strip naked and stand shoulder to shoulder (touching each other) and face away from the disrespectful officers. Then, we were ordered to bend over, squat, and cough while spreading our butt cheeks with our hands. We were subsequently told to use the same hands to run around our gums after turning around. The entire strip search was done in the open. This practice of mandating prisoners to use the same fingers to move our gums around that were just used to touch the area close to the anus, holding the strip search in front of numerous inmates and/or staff, engaging in humiliating acts, and issuing demeaning comments while conducting the search has been established as unconstitutional, see *Hutchins v. McDaniels*, 512 F.3d 193, 195-96. In another case a strip search without privacy presented a factual issue of reasonableness, *Estes-El v. State of New York*, 552 F. Supp. 885, 889 (S.D.N.Y. 1982). After this needless degrading experience I was issued a funky uniform that was in bad condition and I was not given any undergarments. We were made to endure a drawn out intake process in which the entire time we were ordered not to talk to each other and threatened with corporal punishment if we disobeyed their rules— another Constitutional violation.

I was subsequently housed in a dorm on the compound. Although the open bay dorm did not appear to be a festering ground of sickness causing bacteria, I was issued a dilapidated very thin mattress but no pillow and pillow case which are required by law. I obtained some of the items I needed from one of my very few friends who had been living in the dorm a couple of



months before me. For the many transient prisoners who do not meet up with friends or associates who have these items they must suffer unlawful deprivations because prison officials fail to issue these necessary items to meet prisoner needs. LBCI proved to be a haven of civil rights violations in more than a few ways.

My experience in LBCI's dining hall was a disheartening one. Upon entering, one could smell the rank odor that was a combination of a dirty floor and tables, sour mop, and other unidentifiable odors. The entire time I was in the dining hall, I had to fan flies away from me and my food and I noticed sickening roaches inhabiting the place. These unsanitary conditions caused my stomach to churn and made a drastic attempt to fight off my appetite. However, with nothing else to eat, I had to force myself to endure this inhuman environment to meet my nutritional needs. Unfortunately, the food served at LBCI was below human standards of decency. The majority of the food was not cooked properly and the food that was prepared hot was served cold. LBCI's dining hall was the epitome of constitutional and civil rights violations. After one day of suffering these deprivations I resolved to seek administrative remedy in spite of the well known fact that LBCI officers had a history of physically harming or killing inmates who challenged their inhumane conditions or mistreatment of their prisoners. Before I could begin my quest of seeking redress for their civil rights violations I was transferred two days after my arrival.

On August 2, 2017 I arrived at Northwest Florida Reception Center (NFRC) in Washington County Florida. After enduring a humiliating strip search that was similar to the one conducted by LBCI officials, I waded through another drawn out intake process without being threatened with bodily harm if we talked among ourselves. I was then assigned to L dorm in which the A/C unit was broken. There were no windows or any other means to allow outside air to enter the building. During my entire six days in L dorm the A/C ventilation system remained inoperable and we endured suffocating high temperatures and suppressing humidity. I was not issued a pillow and the linen and clothes that I received were not clean and laced with filth. These unsanitary and unhealthy conditions caused me to break out in over 10 large painful boils below my waist. I put in a sick call request to see the doctor in hopes of receiving treatment for my bodily ailments that proved unsuccessful even after I told the doctor about the boils when I was seen for my intake physical. My six days in L dorm were filled with constant neck pains, headaches, unbearable heat, frequent bouts of sleeplessness, and agonizing pain stemming from the many boils. I was truly experiencing hell on earth. The debilitating stress, severe depression,



and stifling anxiety spurred constant thoughts of suicide to spin around in my head. I can remember uttering misleading answers to the mental health lady about my suicidal thoughts because I did not want them to put me in a cell naked, attempt to give me drugs that could only cure symptoms, and subject me to worse conditions that would only increase my psychological and physical suffering. The only cure for my suicidal disposition is freedom from incarceration.

Anyways, I was moved to O-dorm on August 8, 2017 and I still was not issued a pillow. I frequently asked the officers for a pillow but never received one. I eventually took one off another bed when a prisoner got transferred. My stay at NFRC was filled with the many deprivations and civil rights violations experienced at LBCI. My dining hall experience was similar to LBCI. In addition to the foul odors, flies, roaches, under cooked food, hot food served cold and diluted beverages, the dirty food trays were placed on the floor when the kitchen worker became overloaded and could not keep up with the unclean trays sliding through the flap. Between my first day at LBCI and a little over two weeks at NFRC I lost over 10 pounds because most of the food served in the dining hall was inedible or the conditions of the hall turned my stomach preventing me from downing the food.

Although I received money from family to spend at the commissary, the excessively high prices of many items prevented me from purchasing enough nutritional food to meet my needs. According to Florida Statutes 945.215(e), "Items for resale at inmate canteens and vending machines maintained at the correctional facilities shall be priced comparatively with like items for retail sale at fair market prices." FDOC violates this law by not setting canteen prices at retail fair market values. In addition, most of the items in the canteen did not have a high nutritional value so eating large amounts of canteen items could prove to be unhealthy.

Furthermore, during my stay at NFRC I witnessed officers verbally abuse inmates on a daily basis. The officers (Captains, Sergeants, and low ranking officials) either directed their epithets at individuals or groups of inmates which is a violation of Florida Administrative Code (FAC) chapter 33-208.002(8). I remember one particular incident where I was the victim of direct verbal abuse when I had my hand in my waist band and instead of the Sergeant sternly ordering me to remove my hand he verbally assaulted me. I must admit that if he was in my face and not 20 feet away, I might have responded with identical negativity and the situation could have escalated into a physical altercation. In many instances, officer verbal abuse is the primary catalyst for physical confrontations between prison officials and inmates. The administrative



rules, Florida laws, and the U.S. Constitution have made it difficult for inmates to obtain relief via the courts from officer verbal assaults.

My third day at NFRC I filed a grievance about the pillow issue and eventually filed one about the broken ventilation system. The uninformed must understand that NFRC and LBCI are “transient camps” where many prisoners are temporarily housed at their facilities. This is one of the primary reasons why their unlawful conditions and mistreatment remained unabated and rarely challenged. The officials at these type of prisons know that transient offenders will not stay at their facilities long enough to complete the grievance process so they do not answer grievances or attempt to resolve violations complained of by “transits.” This is my well-founded theory why none of my grievances received a response and I did not obtain administrative relief for any of the issues or violations I experienced.

Moreover, after suffering mistreatment at the hands of NFRC staff and officials for about four weeks, I was transferred to Bay Correctional Facility (BCF) on August 28, 2017. The differences in the conditions were like night and day. During orientation all detainees, including myself, were issued new undergarments (t-shirts and boxers) and socks and used prison uniforms in good condition that were not reeking of foul odors. All of us were given used sheets and a blanket, new pillow case, and I was issued a new mattress and pillow even though all prisoners did not receive the same. None of the items emitted foul odors.

My dining hall and food experience at BCF was totally opposite from my treatment at LBCI and NFRC. Although the food served at BCF was unsavory at times, it was prepared properly and served at temperature. The beverages were not “watered down” and I did not see any roaches. A fly was encountered infrequently in warm weather and there were electronic fly traps strategically placed in the dining hall to eliminate the flying critters. Fortunately, BCF’s dining hall and food did not break any state laws or violate the Constitution.

However, BCF is not without fault and they have a few living conditions and officer maltreatment that violates the U.S. Constitution and Florida state laws. Although the legislation has made it difficult for detainees to seek redress from the courts for officer verbal abuse, officer threats of violence against detainees is a Constitutional violation and as previously stated, abusive and profane language is a violation of the FAC. My first day at BCF I and the other recent arrivals encountered both. A high ranking official stated, “There is no audio and video on the compound so if you get out of line we will deal with you.” In truth, there is audio and video recording on the facility grounds so one can conclude that the officer was not attempting to



deceive us but his intentions were to inconspicuously threaten us with physical violence if we or any other detainee attempted to disrupt their operations.

Furthermore, many officials made a practice of enforcing un-codified rules expecting detainees to abide by their capriciousness and not challenge their whimsical behavior of care, custody, and control. Namely, BCF officials do not allot detainees enough time to consume their meal and infrequently enforced an un-codified rule of not allowing detainees to when walking the hallways of the prison-- which serves no valid security purpose.

Additionally, despite of the canteen supervisor offering weekly or biweekly discounts on select non-regularly stock items, many frequently purchased products are set at prices that exceed fair market values. It has been established by law that detainees are not entitled to the cheapest prices. However, as mentioned above, Florida law stipulates that items made available for purchase from the canteen or commissary shall be set at fair market values of similar items in the community. See also Florida Statutes § 951.23(b). Of course, GEO (the privately owned company that runs BCF) has a financial incentive to not stop their canteen vendor, Keefe, from violating this law because they receive kickbacks from the profits made from canteen operations. Considering that many prisoners come from poor communities, this violation further exacerbates the burden the family and friends bare while supporting their incarcerated loved ones.

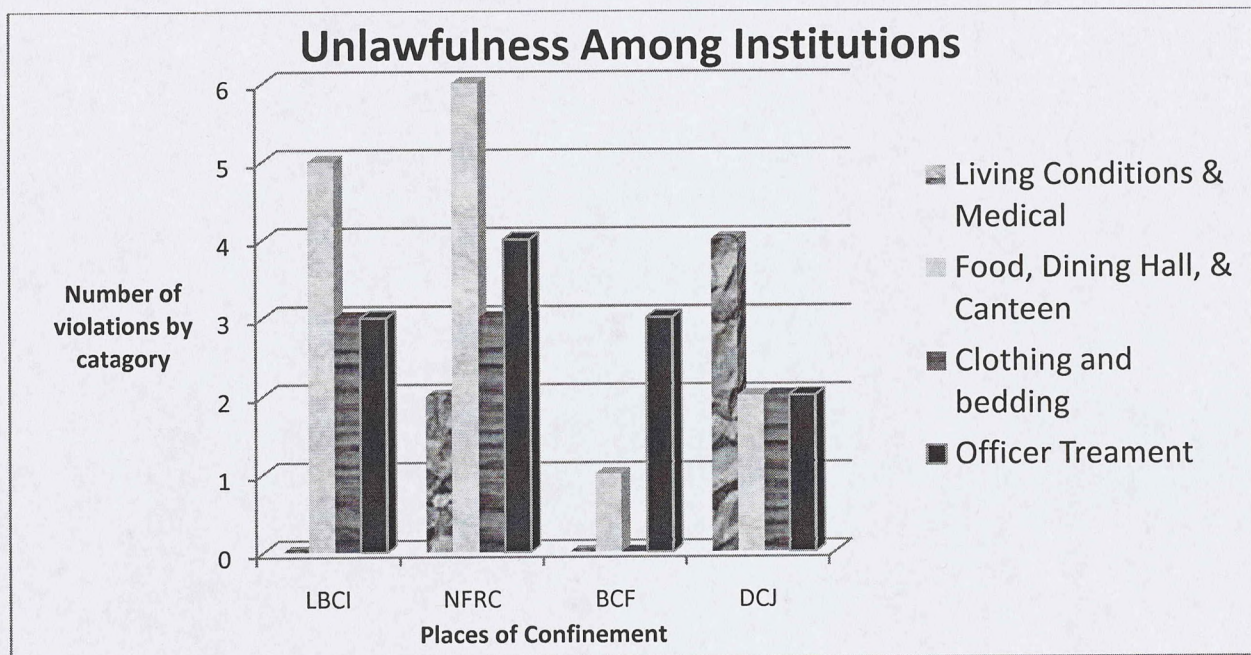
The following table displays civil rights violations while pointing out the drastic disparities in living conditions and officer treatment between LBCI, NFRC, BCF and Duval County Jail (DCJ):

<b>Deprivations and Civil Rights Violations</b>	<b>LBCI</b>	<b>NFRC</b>	<b>BCF</b>	<b>DCJ</b>
<b>No pillow</b>	☹	☹		☹
<b>Bug infested dining hall</b>	☹	☹		
<b>Foul odors in the dining hall</b>	☹	☹		
<b>Trays placed on the floor in the dining hall</b>		☹		
<b>Hot food served cold and not cooked properly</b>	☹	☹		☹
<b>Diluted beverages</b>	☹	☹		
<b>Canteen prices not fair market value</b>	☹	☹	☹	☹
<b>Disrespectful &amp; threatening language directed at detainees</b>	☹	☹	☹	☹
<b>Not allowing detainees enough time to consume their meal</b>		☹	☹	
<b>Practice of enforcing un-codified rules</b>	☹	☹	☹	☹
<b>Major Plumbing issues</b>				☹
<b>A/C &amp; ventilation broken for an extended amount of time</b>		☹		
<b>Did not issue necessary clothing items</b>	☹	☹		



<b>Did not treat my serious medical needs</b>		☹		
<b>Foul odor clothing and/or linen</b>	☹	☹		☹
<b>Inhumane and unconstitutional strip search</b>	☹	☹		
<b>No TV or Radios available for purchase</b>				☹
<b>First Amendment violations</b>				☹
<b>Limited recreation &amp; no view of the outside in select housing</b>				☹

As a numbers representation of the colossal disparity among the four institutions, take a look at this smart chart:



As you can see, LBCI, NFRC, and DCJ are havens for civil rights violations as NFRC leads the pack. On the other hand, BCF is a glaring example of how prisons and jails should operate and house pretrial detainees and convicted offenders; except for their treatment of their prisoners and unlawful canteen prices. I have included DCJ in the table and smart chart because it was necessary to point out that DCJ is a jail that primarily houses pretrial detainees who have not been convicted of a crime. The U.S. Constitution adamantly forbids pretrial detainees from suffering any form of punishment. However, DCJ detainees experience worse conditions than those living at LBCI and NFRC. Also, it must be noted that the primary reason DCJ does not have too many Food and Dining Hall issues is because the food is served in housing areas. Another reason DCJ does not appear worse than LBCI and NFRC is because I did not include all



of DCJ's unlawfulness in the table and chart. For more information on the deprivations and the despicable environment of DCJ, see my other dissertation titled, "A Modernized Dungeon."

Moreover, the table and chart only represent common practice violations that I have discovered and in no way accounts for the isolated incidents between staff and the detainees that amounts to constitutional and state law violations and other unlawfulness that I have not mentioned or detected. Additionally, if I would have been housed for more days and months at LBCI and NFRC I am quite sure I would have identified and/or experienced more violations.

Notwithstanding BCF's not-too-many unlawful ways and their room for improvement, their facility best represents what prison should be like for every detainee across the state of Florida—including those housed in jails and prisons. Facilities operated like BCF have less physical violence between the prisoners and staff. The general atmosphere is conducive to minimizing detainee clinical drug use that is prescribed to combat depression, stress, and other mental health issues. Their various available programs contribute to rehabilitating detainees to help decrease their chances of falling victim to Florida's 70% recidivism rate. These other facilities should use BCF's operations as a guide to assist them in running and maintaining institutions that do not degrade and deteriorate humans.

Although BCF is a privately owned facility whose owners have a greater financial incentive to maintain and operate their facilities according to human decency than LBCI, NFRC, and DCJ, state owned institutions have no lawful reasons to deviate from the standards set by the U.S. Constitution and Florida State law. Let's remember that these are deprivations and violations of basic human needs and should not be tolerated in our modernized society because these inhumane practices rises above mere punishment for the convicted and definitely is unlawful infliction upon pretrial detainees. Yes, I agree with the courts that most of these transgressions, when singled out, do not breach the Constitution, but taken together they amount to blatant disregard for human decency. While offenders are not entitled to identical treatment at different prisons, it is a violation of the 14<sup>th</sup> Amendment of the Constitution, under equal protection, when the gaping dissimilarities include violating the law and treatment that is unjustified by invalid security reasons. Until these colossal disparities are annihilated from the penal system I will continue to legally combat them.

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