

A Modernized Dungeon

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Visualize this...

After hearing and seeing all of the different and shocking news about America's archaic penal system via the various media outlets, you decide to seek out a more sensorial experience to help you grasp the plight of the incarcerated. Searching the internet, you unexpectedly discover a nonprofit organization hosting an experiment offering substantial compensation for those willing to participate in a control group. You contact the company and after filling out and submitting an application, the control group supervisor qualifies you to participate. The experiment is a few weeks away, giving you time to prepare and set your personal and professional life in order before you venture into the unknown.

Arriving at the location at the appointed time and date, you are immediately thrust into the fray after giving the receptionist your name. Two people dressed as police officers explode out of a set of double doors to your right heading straight for you.

"Get you're a*# over there, put your hands on the wall, and spread your legs," the officer growls, roughly pushing you in the direction he wants you to go. "Do you have any weapons or drugs on you?" He questions, running his hands from the top of your body to your ankles after you plant yourself on the wall.

"No," you reply sheepishly and you are beginning to wonder if you made a wrong decision in deciding to participate in their experiment.

"You better not," he shoots back.

After you are frisked, all of your personal items are taken away from you and inventoried. You are issued a funky jailhouse uniform, boxers, t-shirt, a pair of socks, and

ordered to enter into a holding cell that has a concrete slab to sit on, no windows to the outside world, a steel sink, and a toilet that emits the nauseating smell of human waste. Only two hours pass by and the combination of your isolation from anyone else, freezing temperature of the room, and lack of activities cause the feelings of depression and mental anguish to percolate inside of you.

After your perception of what seemed like an eternity, a person dressed as a correctional officer opens the steel door and calls your name to come out.

“I’m thinking about calling it quits,” you voice, existing the cold cell.

“Calling it quits, what the he#\$ are you talking about, are you thinking about killing yourself?” the potbellied officer responds and orders you to grab a bed roll which consist of a blanket, two sheets, a towel, washcloth, small bar of soap, toothbrush, and toothpaste. Afterwards, he orders you to walk in front of him down a narrow hallway.

“No, I’m not thinking about killing myself. I’m thinking about-” At that moment you remember the part of the application that stated that once you start the experiment you cannot back out unless they consider your request life threatening. Besides that, you resolve to complete the program because you are one of those people who do not like to start something and not finish it.

“Just keep walking,” he commands.

Finally, you arrive in front of a cell with three bunks inside. One of the beds is empty and before your mind can carry you further, the officer speaks through a transmitter telling the person on the other end to open the cell door.

“There you go, your new home,” the officer states, urging you to step into the cell.

Without a word, you shuffle inside and immediately come to the conclusion that the cell is too small for three people. The other two prisoners turn their attention to you with a somber expression painting their faces as you place your mattress on the top bunk and hear the door close behind you. You greet them with a hello but they simply stare at you a moment before they retreat to their own world.

Scanning the interior, you take note of the metal stool with small desk, the toilet and sink combination that is emitting a rank odor, no windows to the outside world, no television, and no books except the bible that one of the guys is reading. With nothing else to do, you finish placing the sheet over your bed, step up on the bunk, and lie down. Once again you begin to contemplate if participating in this experiment was a bad idea.

During the next couple of days your mood sinks into a drowning pool of depression and anxiety because of the conditions of your confinement. Even though you and the other prisoners are allowed out of the cell for extended periods of time in what is called a dayroom, there are a small number of activities available to capture your attention. Outside of playing cards and dominoes the overseers have not provided any other activities for the detainees to participate in. The food is usually served warm or cold, lacks necessary nutrients, and most times unpalatable. With no television or newspaper provided, you have no contact with the outside world unless you make connections with your family and friends via telephone or visitation through a Plexiglas window. No books are available to read except the bible.

You have concluded that these living conditions are inhumane and most domesticated animals are provided with better conditions of living than you have been afforded for the last few days. You have also come to believe that no person should be forced to live under the deprivations you have suffered. You are only subjected to the conditions for one week and you don't even want to begin to imagine what it would feel like for those who spend months and years living in inhumane prison conditions...

Let us come back to reality.

However, the unfortunate people arrested and thrust inside of Duval County Jail (DCJ) are forced to endure circumstances similar to the above scenario that is a snippet of their reality. Before I delve into Duval County's modernized dungeon it is necessary for us to understand the legislation's primary purpose for all jails in the United States.

Florida Statutes (F.S.) § 907.041(1) states, "It is the policy of this state that persons committing serious criminal offenses, posing a threat to the safety of the community, or the integrity of the judicial process, or failing to appear at trial be detained upon arrest. However, persons found to meet specified criteria shall be released under certain conditions until

proceedings are concluded and adjudication has been determined. The Legislature finds that this policy of pretrial detention and release will assure the detention of those persons posing a threat to society while reducing the costs for incarceration by releasing, until trial, those persons not considered a danger to the community who meet certain criteria. It is the intent of the Legislature that the primary consideration be the protection of the community from risk of physical harm to persons.” Yes, I have quoted a Florida state law to support my discussion of all jails across America because this particular law is similar for all states. Anyways, take special attention to the last sentence. The most important reason why a person, accused of a crime, should be placed in jail is to protect the community from physical harm. This basically means that if a person is not accused of committing a dangerous crime, he should be granted every opportunity to be free from incarceration until his case is resolved.

The second purpose of pretrial confinement is to ensure the presence of the accused at trial. Therefore, if the defendant does not have a history of behavior that involves eluding the judicial system (that is ‘Failure to Appear in Court’ or ‘escape’ offenses) or a criminal record that creates this potential, he should be afforded the least restrictive means to obtain pretrial release. Duval County’s judicial system violates these legislative laws by not setting reasonable monetary bonds for people accused of committing nonviolent crimes and rarely granting nonmonetary release for the same nonviolent group of offenders.

Consider my case in which I was accused of sale and delivery of marijuana and sale and delivery of cocaine. My total bond for all offenses was over 100,000 dollars. That means I had to pay 10% (10,000 dollars) of the amount and put up collateral for all or a portion of the rest of the 90% for a bondsman to consider bailing me out of jail.

How many people have 10,000 dollars lying around?

Now you may be thinking my bond was set so high because the amount of drugs in my case was large or some other justifiable reason. Not true, I was accused a selling very small amounts of cocaine and marijuana. I do not have a history of eluding or attempting to elude the judicial system and my criminal history consists of crimes that allegedly occurred when I was a juvenile ^{over two} ~~almost three~~ decades before the cocaine and marijuana offenses. Therefore; Duval County’s judge had no justifiable reason to set my bond at an unconstitutional amount. Also, by

law, the judge was suppose to consider if I had the ability to pay the bond before setting the amount which he did not do. My case is not the exception but because there have been minimal challenges to Duval County judges issuing bonds that violate the U.S. and Florida constitutions, setting astronomical bonds is common practice in their court rooms. No one but the accused have an incentive to seek lower bonds. In Duval County the bondsmen profits rise as bond amounts increase, private defense attorneys are more likely hired by the incarcerated than those free on bond, prosecutors have a less difficult quest of influencing the incarcerated offenders to take a plea bargain sentence, judges have a easier task of resolving cases when the accused is in jail, and the jail administration makes more money via government funds to house the incarcerated (at the expense of taxpayers), excessively high priced telephone calls, and overpriced commissary items.

The combination of Duval County's excessive bonds and modernized dungeon are the primary reasons why DCJ houses more misdemeanor defendants than any other jail in the nation and has one of the highest conviction rates than other counties across the U.S. The prosecutors in Duval are not committed to springing justice upon the accused but their aim is to convict as many people as possible as the judges acquiesce to this miscarriage of justice while the city's jail is the primary catalysts for furthering their cause of mass incarceration. As I delineate my personal experience as a pretrial detainee in DCJ you will see why it is truly a modernized dungeon.

I was booked into DCJ May 8, 2016 on Mother's day for driving on suspended license, merely attempting to spend a little time with my family before I was going to turn myself in the next day for Violation of Probation (VOP) in Orlando. I never made it and was also arrested for the warrant for the VOP in which the original charge was for felony possession of 27 grams of marijuana. Two days later my 100,000 dollar bond was revoked for driving on suspended license. I had been out on bond for drug offenses and I was arrested for a non-violent misdemeanor that was really just a traffic offense and the Duval County judge revoked my bond. I was out on bond for marijuana offenses so I did not pose a physical threat to the safety of the community but I was still deemed unfit to remain in society prior to the resolution of my case.

Anyways, after being channeled through a drawn out anxiety filled booking process which involved giving up my street clothes for a jail house uniform that had a rank odor, I was

given a bed roll and assigned to a quad on the second floor. After I was issued a bedroll which included two sheets, a blanket, a towel, a small bar of soap, a very short toothbrush, and a small tube of toothpaste I was told to go to my assigned cell. I grabbed a very thin mattress and entered the quad. I found my assigned cell and shuffled into the small room with two bottom bunks and one top one and put my things in order. At this particular time I did not know that the jail was violating the Florida Model Jail Standards (FMJS) 5.08 (a)(2)(a) which specifies that unit floor space for sleeping area cells shall contain a minimum of 40 square feet of floor space per person. I later measured the floor space of the cell using my shoes and determined that the square footage was less than 90 feet. Therefore, three people in a cell required 120 square feet which DCJ violated and as far as I know, continue to violate the law spelled out clearly in FMJS. According to my knowledge, 90% of sleeping area cells in the six floors of DCJ ^{were} ~~was~~ initially built to house two people.

Since Duval County cares more about making money than following the law they added the extra bunk to increase their profits and incarcerate more of America's poor which unfortunately is predominately people of color. Let us put this into profiteering perspective. DCJ was originally built to house approximately 2,000 people and adding the extra bunk to each cell increased the jail's occupancy by one third to about 3,000. DCJ charges pretrial detainees \$ 2.00 dollars a day for housing. From my observation DCJ was almost always at maximum capacity so that means they make about 2,000 dollars extra a day. This is about 60,000 dollars a month and 730,000 dollars a year.

Think about that for a moment. The county profits almost one million dollars extra a year simply by breaking a law that no one is enforcing. Let us not forget about the phone calls these extra 1,000 people make and the money they spend on high commissary items provided by the Keefe Company. For the sake of understanding we will put their overcrowding profits at about 10 dollars a day for 1,000 people which includes the two dollar fee and an approximate amount spent on telephone calls and commissary items. This equals 3.65 million dollars a year. The county also receives federal funding to house these people that increase their profits which possibly shoots their total income for these extra people into eight figures. So, they are in effect defrauding the federal government by illegally profiting off taxpayer's money and breaking the law.

It is no wonder why the Duval County's police and prosecutors seek to build cases against people by turning a weak case into a prison venture for many nonviolent offenders. My case is a perfect example of this because although I admit to a level of culpability in the case from Duval County that has me in prison, the police committed objective entrapment that is the cause of my lengthy prison sentence that is greater than many people receive for manslaughter.

DCJ was designed to be a money making dungeon. Let's continue on my psychologically impairing journey through DCJ. Day by day I awoke to a place that caused me to suffer soul wrenching depression, constant stress, and mind deteriorating anxiety due to the many inhumane conditions I and others were forced to endure. A trip to the courthouse was one of the worse experiences any American citizen should not have to suffer. Court usually did not start until 9 o'clock a.m. but detainees who had a scheduled court date for that day were shackled and handcuffed to a four point restraint (handcuffs attached to a chain that is connected to ankle shackles) at around 5 a.m. in the morning. After restrained with chains, detainees were packed into a holding cell above the maximum capacity that reeked foul odors between one and two hours and then transferred to the courthouse inside a human steel cage of a van (See my other piece 'A Tortuous Van Ride').

We were subsequently placed into another holding cell that did not smell too bad but the cold temperatures added to the suffering we experienced. We were not allowed to have any reading materials except law documents. We were never free from the four point restraints the entire time at the courthouse. In fact, the chains did not come off until detainees were transferred back to the jail and at their housing area. This practice is unlike Orange County Corrections who remove the chains once detainees arrive at the courthouse. Anyways, all detainees did not enter the courtroom at 9 a.m. so many of us remained in chains in a cold cell with nothing to do but stare at the walls of a window less cell (comparable to a dungeon), attempt to communicate with others, or simply wallow in misery and stress thinking about our criminal case which in Duval's system usually resulted in a lengthy prison sentence. It can be inferred that DCJ detainees were subjected to these punishing conditions to compel us to take a plea bargain for a sentence that was not commiserate to the crime or for a weak case that should have been dismissed. I can remember one day I was handcuffed and shackled from 5 a.m. to approximately 5 p.m. If that is not considered punishment for being accused of a crime then what is? I had to endure this painful

and punishing experience many times as I made more than 20 appearances in front of the judge during the time I was housed at DCJ for over a year before I was transferred to prison.

Understand that I was a pretrial detainee during this time and it is a violation of the U.S. and Florida Constitution for pretrial detainees to suffer any form of punishment. In the case *Feeley v. Sampson*, 570 F.2d 369 Blackstone stated "imprisonment [of those awaiting trial], as has been said, is only for safe custody, and not for punishment: therefore, in this dubious interval between the commitment and trial, a prisoner ought to be used with the utmost humanity, and neither be loaded with needless fetters, nor subjected to other hardships than such as are absolutely requisite for the purpose of confinement only" DCJ is a punishment haven for pretrial detainees.

DCJ did not provide televisions for viewing or newspapers for reading. Their general library consisted of a person who infrequently pushed a cart around consisting of a limited selection of books. DCJ provided a substance abuse and GED class which I did not desire to attend because I have a college degree and I did not think the substance abuse class would benefit me. Detainees could not become a trustee unless he or she was sentenced to county time. Even though we were supposed to receive at least one hour of recreation a day, DCJ officers invented many unjustified reasons to deny us daily fresh air. Chess game, checkers game, dominoes, or playing cards could be purchased from the commissary. The lack of available activities to participate in helped to foster an environment of punishment which influenced many people to cop out to an unfavorable plea. I rushed my case to trial with an incompetent lawyer because I was sick and tired of suffering the deprivations of DCJ.

Furthermore, DCJ's overcrowding was the catalyst for other violations of FMJS. According to FMJS 12.05(d)(2) "inmate sleeping areas and segregation cells with solid doors, mechanical ventilation systems shall provide a minimum of 10 cubic feet of fresh or purified re-circulated air per minute per person." Because of the extra person, the air coming into the cells should have been 30 cubic feet of air circulation per cell. How is that possible when the ventilation system was designed to provide adequate air for two people in the cell? The cells did not have a vent pushing out air but only an exhaust that sucked in an unspecified amount of air into the cell that did not meet the requirements.

In violation of FMJS 12.08 the showers were not cleaned daily in DCJ and neither did staff provide the chemicals for detainees to clean the showers. Instead, a shower cleaning crew cleaned the showers about twice a week. This lack of daily cleaning subjected me and others to various diseases, vomit, and other sicknesses. Due to the horrendous plumbing system pretrial detainees were compelled to attach a fixture, made out of Styrofoam cups, to the water sprout to keep water from squirting onto the floor. The sleeping area cells always smelled like human waste because of the combination of only two flushes every 20 minutes and inadequate flushing.

During my entire stay at DCJ I cannot remember being served more than a handful of hot meals which is a violation of FMJS and the constitution. 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," *Caldwell v. Caesar*, 150 F. Supp. 2d 50, 66 (D.D.C 2001). DCJ staff created a hazard to my health everyday by serving me and others cold meals that were prepared hot.

The deprivations continue...

In violation of FMJS 8.01 I was never issued a pillow and pillow case which caused me to suffer periodic headaches when lying down or sleeping stemming from the frequent neck cramps. To compensate for the lack of pillow, many detainees, including myself, folded the jail issued blanket to prop under our heads. However, most of the time, it was very cold in the cells and using the blanket for a pillow caused us to suffer from bone chilling temperatures. So, it was either use the blanket to keep warm or stop the headaches. In any case, I suffered many sleepless nights because of DCJ's common practice of disregarding the law.

In violation of the 1st Amendment of the U.S. Constitution, DCJ staff did not allow detainees to receive pictures of family and friends claiming that it was a security risk. This was truly just another malicious measure to castrate detainees from the outside world. For pretrial detainees (the majority of DCJ's population) this restriction was a 14th Amendment violation under equal protection because convicted prisoners housed in the Florida Department of Corrections (FDOC) were allowed to receive personal photographs. A 14th Amendment equal protection violation occurs when a detainee in confinement is treated more harshly or despairingly different than another detainee under identical circumstances. Additionally, FDOC

inmates that are new to Bay Correctional Facility (BCF) are given a radio but DCJ does not even make radios available for purchase which is another 14th Amendment violation and another egregious means to deprive our senses. Since FDOC staff can maintain security and allow prisoners to possess radios and pictures and view televisions then DCJ has no justifiable or lawful reason to deny these sensory fulfilling items to its detainees.

Approximately four months into my incarceration, I became a target for a female sergeant's harassment and eventually she wrote a bogus Disciplinary Report (DR) against me for contraband that was not found on my person or in my personal property. I was subsequently moved to the other side of the jail but remained on the second floor. As soon as I entered my assigned cell inside of 2 West 2B I noticed that there was no window to the outside world. In fact, there were no windows in any of the cells. I also observed that the dayroom window was painted over so that detainees could not see out. Any reasonable person would conclude that this windowless quad coupled with all of the aforementioned deprivations is a dungeon.

Merriam-Webster's Collegiate Dictionary defines Dungeon as, 1: Donjon 2: a dark, usually underground prison or vault.

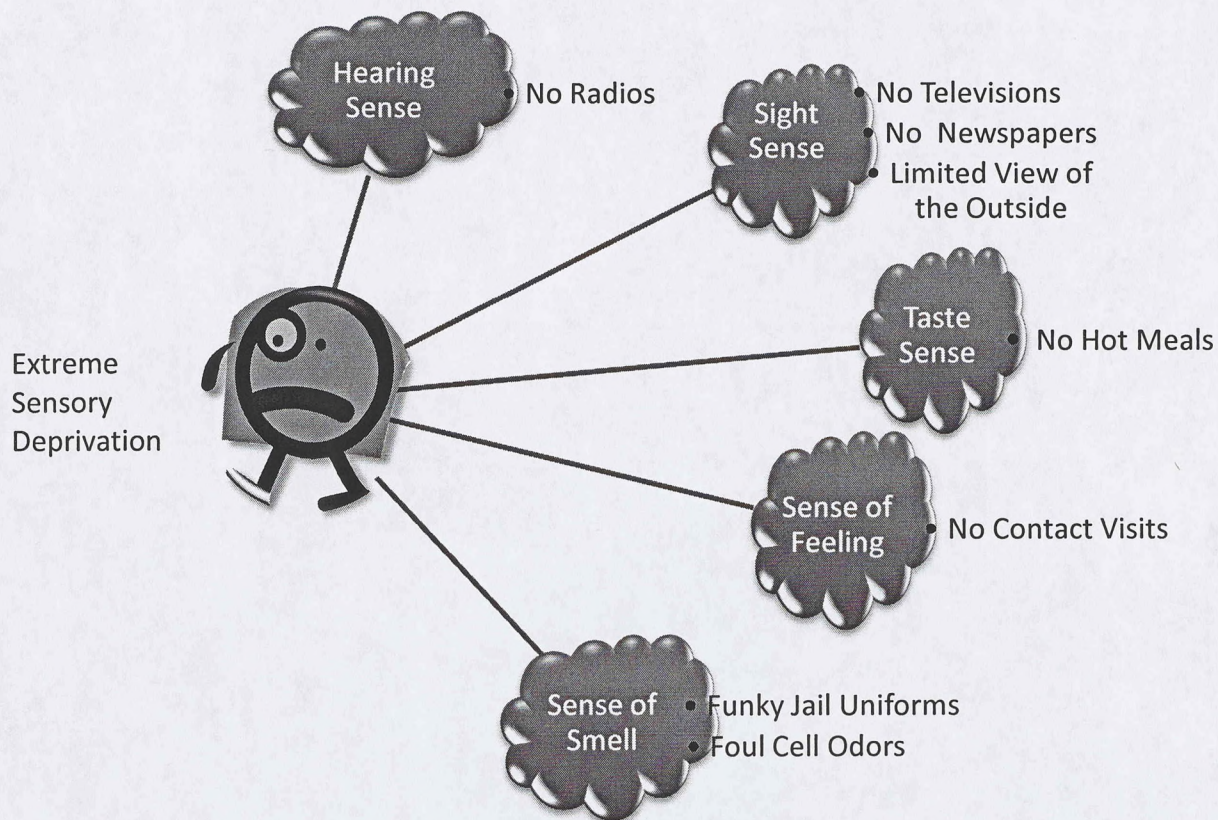
Donjon, "is a massive inner tower in a medieval castle." By looking at an illustration of a donjon, one can see that its occupants are isolated from the outside world. Even though DCJ's quads and cells are not dark the jail is an accurate representation of a modernized dungeon. The following chart depicts how DCJ's inhumane treatment deteriorates and deprives the five senses of homo sapiens:

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Now, at this stage of my incarceration I have maintained my teetering sanity while suffering irreparable psychological damage, endured daily bouts of severe depression, experienced frequent physical pain, lived through constant stress and anxiety, and fought off perpetual thoughts of committing suicide. I had previously attempted to take my life once before inside of DCJ but an officer saved me from bleeding to death. The deteriorating and debilitating conditions of DCJ propelled me to seek out meaningful ways to change my situation.

I became acquainted with another pretrial detainee who, at that time, had a civil suit against the jail in Nassau County Florida for inhumane conditions of confinement. After we researched the rules and laws governing jails (FMJS and Chapter 33 of the Florida Statutes) we sought administrative remedy by utilizing DCJ's grievance procedure. Their grievance procedure proved to be inadequate because we did not receive a response to grievances that were hand delivered to the officers. By law, the jail was supposed to provide a lock box or other secure means to submit grievances to maintain the integrity of the grievance process. One can logically conclude that hand delivering grievances to officers that challenged their treatment of detainees would most of the time end up in the trash can or misplaced. We finally asked a particular

sergeant to sign the back of copies of the grievances and submit the originals. She stated that she would hand deliver them to her supervisor. This proved successful and we received a response to our grievances but the sergeant was thereafter reassigned to a different part of the jail after she assisted us in the grievance process.

DCJ's practice of discouraging detainees from using the grievance procedure, their lack of response to many of them that were submitted, and their failure to apply administrative remedy to their inhumane treatment of us incited us to seek the courts assistance to resolve our issues. I and two other pretrial detainees eventually submitted a federal 1983 civil lawsuit against DCJ for 14 unlawful jail conditions. The case was later dismissed without prejudice for procedural errors. At the time of this piece, I am researching and preparing to resubmit the lawsuit knowing that because of my meritorious claims I will eventually win and receive relief from the courts. According to my knowledge, DCJ continues to house detainees under unlawful jail conditions and their inhumane treatment will continue until someone wins a successful suit against them for jail conditions. This has not happened in Duval County since 1977 when a class action suit for unlawful jail conditions was won and the plaintiffs received relief. See *Miller v. Carson*, 563 F.2d 741, 751 n.12 (5th Cir. 1977).

Housed at Bay Correctional Facility, I have not suffered any of the unlawful conditions and inhumane treatment mentioned above. This is not to say that my current place of confinement completely abides by all laws that governs FDOC. However, I am currently a convicted prisoner and not entitled to the same treatment as pretrial detainees but DCJ punishes its detainees simply for being accused of committing a crime which is a violation of the 4th and 14th Amendments of the U.S. Constitution. I effectively assume that DCJ official's primary response to my future civil suit and their current inhumane treatment of its detainees is that their operations and deprivations are necessary to maintain security at the facility. The courts have already ruled that jail administrators must not deprive and mistreat pretrial detainees by blanketing their measures, policies, and actions as security needs. In *Dawson v. Kendrick* 527 F.Supp. 1252 (4th Cir. 1981) the court states, "Discriminatory treatment unrelated to such valid concerns as prison security are to be remedied." Also in *Campbell v. McGruder*, 580 F.2d 521, 544 (D.C. Cir. 1978) it states, "Although infringements on liberties not deemed fundamental might not in general be subject to the strictest scrutiny, each deprivation of the jail environment

renders pretrial detention more severe as punishment and thus further violates the presumed innocence of the pretrial detainee. Also on page 531 of the same case it states, "The presumption of innocence requires that, to as great an extent as practically possible, the pretrial detainee leave jail no worse off than he entered it." If any reasonable person spends one week in DCJ he or she will surely leave in a worse psychological state than before entering. The courts have made it absolutely clear that pretrial detainees shall receive similar or better treatment than convicted prisoners as the following 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, *Feeley v. Sampson*, 570 F.2d at 368 (1st Cir. 1978). However, DCJ continues to house its detainees under a suffocating cloud of inhumanity and depravity.

As we have discovered DCJ not only unlawfully punishes pretrial detainees, the jail is also the epitome of unconstitutionality for convicted prisoners. DCJ's jail conditions sadistically deprive its detainees of treatment that convicted prisoners are afforded in FDOC. There malicious intent can be inferred because their judiciary commonly issues astronomical bonds to the accused for nonviolent offenses knowing that the more time detainees spend in jail, the more likely they are to take a plea and the more money the county earns. America is the leader in many modern technologies but its penal system is antiquated and far behind many developing countries. Duval County heavily contributes to our nation's abysmal penal system and its modernized dungeon should not be tolerated and must be eradicated in our modernized society.

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