

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

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| JAC'QUANN (ADMIRE) |) | |
| HARVARD, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No.: 4:19-cv-00212-MW-MAF |
| |) | |
| |) | |
| MARK S. INCH, <i>et al.</i> , |) | |
| |) | |
| 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 out of 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