

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

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.	)	

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**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 be 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 J.  
James Kendrick