

**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.)	

DECLARATION OF JOHNNY HILL

I, Johnny Hill, declare under penalty of perjury:

1. I am a 34-year-old legally blind Black man in Suwannee Correctional Institution. I have been in isolation for almost 7 years straight, in addition to the time that I've spent in isolation during previous incarcerations. I make this declaration based on my own personal knowledge.

2. My current incarceration at Florida Department of Corrections (FDC) began in 2014. I was also in isolation from 2010 through 2013, when I was released from prison directly from isolation. Then when I got locked up again in 2014, they put me straight back into isolation. It is my understanding that FDC has a policy where if you are released from prison directly from a type of isolation called Close

Management and you come back to prison within the next year or two, you are automatically placed back in Close Management.

3. Solitary confinement in FDC is called many different things, like Close Management and Disciplinary Confinement, but they are all the same in the important ways. You are isolated from other incarcerated people and kept in a cell almost 24 hours a day. That's why we interchangeably refer to all of them as "confinement," or "isolation," or "solitary." I have been transferred among FDC prisons many times but have been on some level of confinement the entire time since 2014.

4. Being in solitary is frustrating, scary, and lonely. Imagine you live in a bathroom with a metal frame bed with a mat about 3-4 inches thick. And you can only come out of that bathroom a half an hour a day. If I don't have a cellmate, I don't have anyone to talk to unless I yell through the vents or talk under the door, which you can get in trouble for. When you don't have anyone to talk to, you don't have anything meaningful. The officers treat us less than human most of the time. It messes with people mentally. For me, it has gotten to the point where my personality has changed. Before confinement, I used to consider myself a people-person. But confinement has made me more of an anti-social type of person, where I don't feel comfortable around a group of people and even people just walking by now make me uncomfortable. My body is institutionalized into thinking that being

in a box, behind a door, with limited human contact is how things should be because I have experienced life that way for years. That's incredibly damaging to my mental and emotional health.

5. FDC has diagnosed me with depression, anxiety, schizophrenia, bipolar disorder, hypertension, and visual impairment.

6. I started having hallucinations in 2008 or 2009, but they got really bad in confinement starting in 2010, when I started hearing and seeing dead people. I saw my dead great grandmother and daughter and heard them telling me to come over. Physical pain was the only way I felt like I could escape. I had never even thought about cutting before I was put in confinement, but, after about a year of being in isolation, I started cutting myself to release the tension of being isolated all day every day and the awful thoughts that would come into my head.

7. The summer of 2016 was one of the worst times for me in confinement. From June to August 2016, I cut myself worse than I had ever cut myself before. I wanted to end it. I was in and out of self-harm observation status (SHOS) during that entire time period. Every time that I left SHOS, FDC put me right back into isolation. Once, when I was in a SHOS cell in July 2016, I cut myself so badly that my cell was covered in blood. An officer who saw me bleeding in my cell told me that he was going to finish doing showers and if I was still alive at the end, he'd take me to medical. I lay on my mat and I thought I was going to die. It felt different

than it had before. My vision started to dim, and then it didn't seem to be coming back. I think I was in SHOS for about a week after that. After that week or so, FDC placed me back into my isolation cell. That same day, I was so upset by everything and scared about my eyesight that I tried to hang myself. I lost so much blood during that summer that in August 2016, I received an emergency blood transfusion.

8. Another time, in 2017, I swallowed a razor blade because I was feeling so horrible. It got stuck in my esophagus and I needed surgery to get it taken out. All they did after that was put me in a SHOS cell for 3 days and put me right back in confinement. At this point I can't even count all the times that I have attempted suicide in my cell or been placed on SHOS and then put right back into confinement after a limited number of days.

9. FDC has given me disciplinary reports (DRs) for actions that I've taken while trying to harm myself. These DRs can increase the time you spend in isolation. For example, most recently, in November 2019, I tried to hang myself with a ripped-up pair of my boxers. FDC gave me a disobeying a verbal order because I would not stop. FDC also gave me a DR for destruction of state property because I had ripped my boxers to try to hang myself. At my next Close Management review, when considering whether to move me from CM 2 to CM 3, the Institutional Classification Team (ICT) mentioned the disobeying a verbal order DR when

discussing reasons to keep me on CM 2 and not move me down to the less restrictive CM 3 status. They decided to keep to me on CM 2.

10. My vision started declining after that time I cut myself and lost a lot of blood and then tried to hang myself in the summer of 2016. Doctors have told me that it's likely related. I have been examined for glasses, but regular glasses don't help me. I made myself a pair of glasses that were helpful by combining the lenses of reading glasses with a pair of bifocals from another incarcerated person to basically make a magnifying glass of the four lenses combined for my right eye, which is slightly better than my left eye. But I don't have these glasses I made myself anymore because officers threw them away around August 2019 while I was in CM 1. Officers told me a nurse wanted to see me, so I went out to that appointment, and when I got back to my cell, all my stuff was gone, including the glasses. FDC did not give me a DR for anything.

11. After I began having vision issues, I requested a magnifying sheet so that I could read more easily, an audio book player so that I could listen to books on tape, and a tapping cane. It took FDC months to give me each of those accommodations. Even after I first received them, FDC would take them away periodically, even without accusing me of doing anything wrong with them.

12. Even with a magnifying sheet, I can only read if the font I'm reading is enlarged. I still cannot read paperwork given to me by the prison, including

grievance responses, as they do not give me paperwork in a large size font. I have grieved this issue multiple times starting in at least February 2020. Many times, the grievance was denied. On January 14, 2021, a response came back that the grievance was approved and that FDC would provide me with paperwork in large-size font when possible and a law library clerk would do “frequent visits” to help me with my paperwork. But I still have not received a single FDC document in large size font. The first and only time that I saw the law library clerk was about the week of May 3, 2021. I grieved the fact that I have not had the assistance of the law library clerk as I was promised, and I have not heard back. Sometimes I could get a neighbor to read paperwork to me on the vent, but I have had paperwork confiscated for doing this.

13. I cannot see if someone is standing outside my cell door unless they are moving. I cannot see bumps or cracks in the ground and sometimes I miss a step on stairs. I have fallen while in full restraints. Officers usually do not warn me of any step or bump, and some will not even try to catch me when I stumble or start to fall. Despite my risk of falls, I was told that I cannot have a tapping cane while in isolation. But then in around May 2020, I was given one at Santa Rosa for about one week. However, it was taken away again until FDC transferred me to Suwannee in December 2020, and staff at Suwannee returned it to me.

14. I am supposed to get mental health counseling, but a lot of the time officers will refuse to take me or threaten me with property restriction if I want to go. Property restriction, or strip, is when FDC takes all your clothes and belongings and you're left in an empty cell with just your boxers on. I've been on property restriction more times than I can count. I've gone many months without counseling because of officers who can threaten us whenever they want because we are so vulnerable in confinement.

15. It's a similar thing with recreation (rec). The officers will often refuse to let me go or lie and say that I wasn't ready at my door. If I do get to go, they tear up my cell when I'm out, and that is especially difficult for me because of my eyesight. I am very meticulous about where my things go so that I am able to find them again, and one officer's cell search can make my life chaotic when I return. I know it's important for me to get out of my cell, but I hate having to choose between coming out and returning to find my family photos and legal work in the toilet or not going to rec. The cell is my home right now. Everything in it is all I have.

16. The last time I tried to go to rec, in December 2020, officers threatened to tear up my cell if I came out. On that day, I saw that officers were coming around for rec but no one was coming out of their cells. I had just transferred from Santa Rosa to Suwannee and thought I might be given the opportunity to go to rec, which I was excited about because FDC often denied me that opportunity at Santa Rosa.

When the officer came to the cell door, I asked if I could go. The officer asked me if my cellmate was coming out for rec as well. I told him he was not. The officer said my cellmate might as well go out to rec because if I was going out for rec they were going to tear through both of our belongings. I chose not to go that day because I didn't want to subject my cellmate's, or my own, property to that and lose the limited belongings we have.

17. Additionally, I get strip searched any time I go to counseling or to the rec cages. It's uncomfortable and very humiliating, and I have been sexually harassed by an officer while being strip searched. This makes it even harder to make the choice to leave my cell on the few occasions that I have the opportunity. The rec cages are also like a dog kennel with a dip bar and pull up bar. All I can do is walk around like a lion in a cage. If I could go to the regular rec yard, I would be much more willing to go through the strip search and take the risk of having my cell torn up because at least I would get a sense of some freedom to move around without a cage all around me.

18. Having a cellmate doesn't make the experience of confinement any easier because you're still locked in a cell all day. Sometimes having a cellmate makes things more dangerous because both of you are going through so much being in confinement, and sometimes it's hard for either of you to be in your right minds. In August 2019, just a day after I got off strip, I was placed with a cellmate who

threatened me as soon as officers started putting me in his cell. Officers put me in a shower cell for a while and then forced me into the cell with the guy even though he threatened to “fuck Johnny up.” The Sergeant in charge told me I would get a DR if I didn’t go into the cell. That night, my cellmate grabbed me and threatened that I had to either have sex with him or fight him. We ended up fighting until the lights went out and we couldn’t see each other enough anymore, and then fought again in the morning when he grabbed me again. During the fights he threatened me with a homemade razor and bit my leg enough to puncture the skin. That morning, officers gassed us and pulled us both out of the cell. I had to take medicines for the bite since he had broken my skin.

19. For the past few months, I have written repeated grievances about my continued assignment to isolation. I have suffered from so many mental, physical, and emotional hardships in confinement, and I worry that I’ll have no real chance of recovering if I’m not released from confinement soon. I’m also worried that there are some things that I’ll never recover from, such as feeling uncomfortable being around people.

20. I have been retaliated against by officers because of my participation in this case. This has ranged from officers calling me names like “snitch” to officers physically assaulting me. It is particularly scary because officers control everything in confinement, including our physical safety, our out of cell time, and DRs that can

keep us in isolation longer. I need the very limited out of cell time I'm offered for the sake of my sanity, but knowing the officers might retaliate against me makes me want to stay in my cell in order to avoid all contact with them. Having to weigh the risk to my safety from the officers versus the risk to my sanity from not getting outside my cell is a difficult position to be in, and sometimes I don't come out.

21. It's important to me to be a named plaintiff in this case because I believe this lawsuit has the ability to change confinement and I want to be part of that change and part of the reason it changes. Isolation only hurts and does not help me and other people in isolation. It is an extremely depressing setting that worsens and makes it harder to overcome depression, to think, and to remain focused on the positive things in life. This makes it harder for you to keep going and survive. Being locked down in that cell, that 8 x 10 foot cell, constantly, all day, every day, diminishes a person's resolve. Real harm is being done to human beings by locking them up behind a door for practically 24/7 every day, all day, with the exception of an hour or two a week. People weren't meant to be alone like that or separated from other human contact. I want to stop FDC's use of isolation so I won't be hurt anymore and neither will other people.

22. I have worked closely with my attorneys to respond to all requests for information to the best of my ability, and I sat for a deposition in December 2020. 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 ask my attorneys for help and will continue to do that so I can understand and participate.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 6, 2021.

Signed: /s/ Johnny Lee Hill, DC# J33728