

## **Time on Ice: Florida Officials Torture Prisoners With Freezing Strip Cells (2018)**

By **Kevin Rashid Johnson**

When I first arrived in the Florida prison system on June 22, 2017, and was thrown in solitary confinement in the latest of numerous retaliatory interstate transfers for publicizing and resisting prison abuses, I questioned and discussed with numerous other prisoners our being forced to live in sweltering cells without air-conditioning, or fans, or any other protections against the severe Florida heat.

Many responded that in the Florida Department of correction (FDOC), officials deliberately use extreme temperatures to torture prisoners, especially targeting those of color and the mentally ill, and that many have died as a result. And it wasn't just with the heat.

They forecasted that as soon as outside temperatures began to drop, I'd witness—and likely also experience, on account of my propensity to challenge abuses—the constant abuse of strip cells (namely the removal of all property with which they might keep warm from prisoners' cells for 72 hours) in order to torture them in extremely cold cells.

### **When It's Cold Outside...**

Those predictions proved prescient...

As October arrived and outside temperatures dipped into the 50 to 60° range, I witnessed a sudden spike in the abuse of strip cells, and it's been almost exclusively targeted at mentally ill prisoners and prisoners of color.

To speciously justify these abuses guards routinely lie, usually claiming falsely that the prisoner misused property items inside his cell in a manner that threatened prison safety or security. Often the claimed 'threat' is so patently absurd as to be laughable even if it were true—such as claiming the prisoner's bed wasn't properly made.

Sometimes they also fabricate a disciplinary report (DR) to create a record to make the strip cell appear justified. But the abuse occurs with such impunity and regularity that most times they don't bother writing a DR, making evident that the prisoner did nothing wrong.

Not writing the DR is also portrayed by guards as a trade-off, to manipulate prisoners to *not* grieve (1) or otherwise challenge the abuse. Since, receiving a DR (of which prisoners are almost never acquitted) typically means an automatic additional six months in solitary confinement (euphemistically called Close Management in the FDOC).

Guards lie to put prisoners on strip cell upon their slightest whims—including obvious racial prejudice and intolerance of the mentally ill, out of spite, for prisoners talking cell to cell, based on the guard's grudge or foul mood, for a prisoner's requesting emergency medical or mental health care, or for no discernible reason at all.

In only three months—October 2017 to January 2018—I witnessed and documented so many instances of this abuse that it would be unfeasible to list them all here. Therefore I will give just a random sampling.

### **... It Gets Cold Inside**

Before setting out specific incidents of abuses of strip cell, I should explain why the cells here at Florida State Prison (FSP) for example become and remain extremely cold during cold weather, although the prison does have an internal heating system.

Each FSP cell has a large shuttered back window measuring approximately 2 1/2 feet by 3 feet, which opens to the outside. Because FSP is old and poorly maintained, most of the cell windows don't close at all or all the way, or they have drafts.

Also, atop each cellblock are large exhaust fans that remain on at all times. These exhausts suck air into the cells through the open or drafty windows overpowering any potential in-cell heat with cold outside air, much like driving a car in the cold with the windows open. The cell temperatures therefore remain as cold or nearly as cold as the temperatures out-of-doors.

The cellblocks typically get so cold when the temperatures drop outside, that guards working them remain bundled up in their coats and hats, especially at night. Only when it becomes unbearably cold to them will they turn off the exhaust fan to allow their work areas outside the cells to warm up. This allows the cells to warm up also. I now come to specific instances of abuse of strip cells.

### **Group Freeze**

On October 23, 2017, I was moved onto the third floor of one of FSP's disciplinary cellblocks (B-wing), to serve a disciplinary sentence imposed for a DR falsified against me by a sergeant Alvin Cazee, in retaliation for my naming and quoting him in a recent article boasting about FSP officials having killed numerous prisoners and covered those killings up (2).

At that time outside temperatures were dipping into the 40s—50°s. Throughout my time on B wing the heating system was turned off as guards claimed the wing's boiler was broken, but as already noted, even when on the heating system does not keep the cells warm.

On B- wing's third floor there are 34 cells. On the day I was moved on to the wing there were ***eight prisoners on just that floor on strip cell***, (all of them Black and Latino), including Steven Harris, #R53631; Eduardo Vargas, # AL61184; Thomas Valentine, #T62025; Thomas Partlow #J42484; Christopher McGrady, # B09103; and others.

That following night when they were on strip cell it was so cold that even those of us who had bedding, clothing, mattresses and even thermal underwear were cold. Many of us spoke up telling the wing sergeant to turn off the exhaust fan, specifically because of those on strip cell—to no avail.

**Gregory Ashley**

Gregory Ashley #W78952, one of the many men who forewarned me about the cold weather strip cell abuses, was himself a victim numerous times, simply because of being outspoken.

On December 24, 2016 he was ordered by a sergeant Warner to stop talking out of his back window to a prisoner in another cell. Ashley replied that if he was doing something wrong to write him a DR, but he was going to keep talking.

Incensed by Ashley's defiant response, Warner left and returned with a captain William Hall and lieutenant Stephen Thompson who told him he was going on strip cell for allegedly covering his cell window. Ashley protested that he never had any covering over his window and had done nothing to go on strip cell. In turn he was repeatedly gassed and put on strip cell for three days.

As soon as his property was returned, Ashley filed grievances on the abuse, including informal grievance #1701-205-080.

In retaliation for his filing grievances against them, Hall, Thompson and Warner returned on December 29, 2016 and repeatedly gassed Ashley again and put him on strip cell for another three days.

Ashley received no DR for any claimed wrongdoing on either occasion. The responses he received to his grievances stated that his complaints were referred to the FDOC's Inspector General's office, which Office has been repeatedly exposed in the media and is notorious for ignoring and covering up abuses and killings of prisoners by FDOC officials. (3) Predictably, Ashley never heard anything from that office.

### **Corinthian Johnson**

On October 18, 2017, Corinthian Johnson #B08931 was randomly targeted for strip cell for no reason. Upon protesting that he'd done nothing to be put on strip cell, he was repeatedly gassed and thereupon put on strip cell for three days.

To justify this abuse, a guard Lucas Karr fabricated a ridiculous DR against Johnson claiming that during the security round he observed Johnson wasn't fully dressed in pants and shirt and his bed wasn't properly made (DR number 205—172390—a copy of that DR is posted with this article). The DR falsely claimed that Johnson refused to obey Karr's instructions to be fully dressed and to make his bed properly, which never happened, but even had it, there was obviously nothing done, or not done, that justified taking his property or gassing him.

### **Derald Young**

Derald Young #A132676 is a chronic asthmatic who receives chronic medical care for his condition and often requires breathing treatment. On October 17, 2017 he needed his breathing treatment and told guards he was having a medical emergency. They refused to contact medical staff so Young tried to speak to the wing lieutenant Stephen Thompson about his situation.

Instead of contacting the medical department, Thompson maliciously put Young on strip cell, with no DR written. Young later wrote a grievance on this abuse.

On October 31, 2017 Young attempted again to address Thompson, this time about needing some missing legal property of his. Again, instead of addressing his issue Thompson told Young he was going on strip cell, stating his bed wasn't made up properly, although it was. Young relinquished all of his bedding and clothing, except what he was wearing, because he couldn't sleep the entire 3 days when last put on strip cell by Thompson due to the cold; also because cold aggravates and triggers his asthma.

In turn Thompson and a captain S. Lola had Young cell extracted. The 'cell extraction' team of 5 body armored guards beat Young at length (as is the common practice during cell extractions at FSP), including repeatedly punching him in the face and head using handcuffs as brass knuckles. (4)

Young consequently suffered a lacerated lip and brow, hemorrhages across the white of his right eye, and knots and contusions across his head and face. He received no medical care except to have a nurse wipe away the blood that covered his face, as the guards who'd beaten him cursed the guard who was operating a portable audio-video camera during the cell extraction, because he'd recorded part of the assault on Young. Young was then put on strip cell for 3 days. He received no DRs for any claimed misconduct neither on October 17 nor 31st.

### **Robert Griffin**

On December 7, 2017 Robert Griffin #S12986, went to the FSP medical department and returned to his assigned cellblock—J-wing. Upon entering J-wing, the guard who was 'escorting' Griffin, named Chism, whispered something to the wing sergeant D. Tollefsrud, who then told Chism to lock Griffin inside the wing's shower.

Several guards then went into and searched Griffin's cell, and came out with nothing. Tollefsrud sent them back into the cell, and this time they took all of Griffin's clothes out of his cell.

As they escorted him back to the cell he asked why his clothes were taken and was told, for his allegedly "altering state property." He protested that they were obviously lying and playing games to set him up. Upon being locked inside his cell he was told to give them the clothes he was wearing, which he protested and refused to do.

In turn the guards called lieutenant Stephen Thompson and captain S. Lola to the wing. They then had Griffin gassed repeatedly, cell extracted and put on 3 days strip cell in a cell with a back window that doesn't close, while outside temperatures were in the 40s.

The extraction team kicked, kneed and beat Griffin at length, including using handcuffs as brass knuckles. When he was brought out of the cell afterward, I observed Griffin's resultant injuries, including a lacerated left eyebrow, swollen nose (which he believes is fractured), blackened bruises to his right eye which was swollen shut, multiple contusions, swelling and knots across his face. Griffin received no DR.

## **Rickie Watson**

On December 29, 2017 Ricky Watson #B11163, was standing at his cell door listening to a radio through headphones. A guard with a black eye who was working the wing began yelling and cursing at an unidentified prisoner to stop talking, which brought a taunting response, "That's why you got a black eye now!"

The guard came to Watson's cell, apparently because he happened to be standing at the door, and held up his pen at Watson, who asked what he meant by that gesture. The guard responded, "You already know," and walked off. A few minutes later Watson was put on strip cell.

A DR was fabricated against Watson, to create a pretext for the strip cell. A guard R. McDade lied on the DR claiming falsely that he'd observed Watson with the state issued shirt tied around his head, his mattress on the cell floor instead of on the bunk and a blanket covering his cell's back window. McDade claimed he ordered Watson to remove the shirt and blanket and to place the mattress on the bunk and Watson refused. Which didn't happen. (DR # 205—172952).

McDade crafted the DR so to justify targeting Watson's bedding, mattress and clothes. Watson's personal clothes were also confiscated with no explanation, including his thermal underwear and sweatshirt. This was all done so he'd suffer on three days strip cell with nothing in the cell to keep warm with while it was extremely cold in the cells.

## **Elijah Bowden**

During late autumn and winter FSP officials are required to provide prisoners extra blankets specifically because the cells become extremely cold. FSP officials have a set of housing rules in solitary confinement that require prisoners to have their beds made and to remain fully dressed in pants and shirt from 7am to 4pm while in their cells. A prisoner may lay on his bed so long as it remains made up.

On November 29th 2017 at around 7:10 am Elijah Bowden #T00793 was lying on top of his made up bed, but lying under his extra blanket because the cell was extremely cold.

Because he was lying under his extra blanket, a guard Econom had Bowden put on strip cell. To bolster the pretext for this, Econom lied claiming Bowden was not fully dressed and his bed wasn't made, and he refused to obey orders to dress and make his bed. A DR was written to this effect. (DR number 205—172693). Clearly the accusations against Bowden presented no threat, yet captain William Hall and lieutenant Stephen Thompson put him on strip cell in an extremely cold cell with nothing except his boxer shorts.

Bowden was so cold that he could not sleep the entire three days and sat by the cell door on a steel locker shivering violently.

On December 27 he filed a formal grievance complaining in part that, "the property restriction was completely unauthorized by [Florida Administrative Code] rule 33—601.800 (10)(a), (b) and

(c) ... because I was not doing anything remotely close to deserving or warranting the action. Nevertheless I almost froze to death for 3 days in the middle of winter in this cell in violation of the rule while I had been lied on by Officer Econom....”

In response to this grievance assistant warden (as acting warden) Jeffrey McClelland admitted the strip cell torture was imposed for Bowden's alleged disobedience as a "management tool." (Grievance #1801—205—002).

### **Diaunte Byrd**

Just as I began writing this article on January 8, 2018 I witnessed yet another prisoner fall victim to strip cell upon guards lying on him. I listened as Diante Byrd #T53983 complained to a guard C. Collins that he had a medical emergency and needed to see medical staff. Collins told him to shut up or he was going on strip cell.

Byrd persisted that he had a pressing medical problem and announced for the audio surveillance system in the cellblock that he had a medical emergency, and staff were unresponsive. In turn Collins yelled to Byrd to pack up his property because he was going on strip cell.

Collins and sergeant D. Tollefsrud called lieutenant Stephen Thompson to the wing, who told Byrd he wasn't interested in anything he had to say, and to submit to a strip search and being handcuffed to go on strip cell, or he'd be gassed. And so it went. Byrd complied and was put on three days strip cell.

I listened as the guards concocted a lie that Byrd had his cell door window covered and refused orders to uncover it as a typical pretext for the strip cell. He was then written a bogus DR.

### **They Got Me Too**

On November 21, 2017 a white guard Modi Tovaas had me put on strip cell after trying unsuccessfully the prior night to do the same, by claiming falsely that I had a sheet covering my back window, after referring to me as "one of these smart niggers," and stating that I had crossed "the brotherhood."

He fabricated a DR claiming I'd defied his orders to uncover the window. (DR # 205—172648).

### **A Culture of Lies and Abuse**

It turns out that guards fabricating DRs is an entrenched cultural practice in the FDOC, whether to have prisoners punished, to extend their imprisonment, or to justify assaulting them. And it is widespread because guards are *taught* to do it. As the *Miami Herald* learned from guards, this is part of a "code" taught by ranking officials. As one former guard reported:

" 'First, they teach you how to write a false DR [disciplinary report] against an inmate. They tell you how to write it to 'Make it stick,' to use certain language. "Disciplinary reports result in loss of privileges and can also lead to delays

in an inmates release.

“ ‘Sometimes they will even write it for you—all filled with lies so that they can say they beat or gassed someone because they deserved it’, he said. “Sometimes those reports written by corrections officers have a familiar cadence and wording.” (4)

As that guard reported, "he knew the [FDOC] was corrupt, but he was unprepared for how things really were." (5).

And not only is the strip cell torture something that has been going on in the FDOC for a long time, but it was supposedly ordered stopped upon being exposed as one of many abuse tactics employed by former Warden Samuel Culpepper, at the notoriously abusive Northwest Florida Reception Center, where, as the *Herald* exposed, prisoners:

“Were stripped naked or down to their boxers at the whim of guards and had all their belongings and their mattresses taken away, then left around the clock on a cold metal bunk for 72 hours or more, with nothing to hold, not even a Bible....

“ Inmates complained that they would shiver, cold and petrified... .”(6).

Culpepper was promoted to a regional director despite the torture and murderous abuse he orchestrated as a warden. But the

"DOC did, however, order Culpepper to ‘amend’ the manner in which he placed inmates on property restriction.

“In an email to NWFRC officers in July 2009, Culpepper said, ‘I’ve been called down on my interpretation of the rule and instructed to immediately cease utilizing property restriction as a discipline tool.”

“In the future, he told subordinates, inmates who fail to make their beds or keep their cell clean will be written up in disciplinary reports but not have their belongings taken away.” (7).

So the cold strip cell torture in the FDOC has been previously exposed and ordered discontinued, yet it persists.

And not just this, but to deprive prisoners of protection from extreme cold is to deny their fundamental right to shelter and it is illegal cruel and unusual punishment in violation of the U.S. Constitution’s 8th amendment. (8). Which is not just a human and civil rights violation but a federal crime. (9)

As already noted, this abuse is going on with the FSP warden’s express knowledge and approval as a “management tool.” In fact, prisoners suffering this torture are directly observed by all FSP administrative officials, who make inspections in the cellblocks at least weekly and look in on each prisoner, as do mental health staff. Medical staff make daily rounds. And administrators from FDOC headquarters and regional offices tour the cellblocks, sometimes multiple times per month.

As Fyodor Dostoyevsky once said, to understand society one need only look inside its prisons. I would add, to understand the nature of a society's government one need only look at those who run its prisons. America is clearly ruled by a criminal fascist dictatorship shrouded in lies and democratic hypocrisy.

Dare to struggle, Dare to win!  
All power to the people!

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Notes:

1. By prisoners not grieving such abuses, there is no record of such patterns of abuse which prove valuable in the instance of outside investigations or litigation.
2. See, Kevin "Rashid" Johnson, "Lynching Culture: Florida Officials Are Experts at Killing Prisoners by Natural Causes," (2017) <http://rashidmod.com/?p=2471>
3. Mary Ellen Klas, "Florida Prison Inspectors Detail Alleged Interference in their Investigations," *Miami Herald*, June 1, 2016; Paula Dockery, "Inspector General Fiasco Adds to Prison Woes," *Florida Today*, May 9, 2015; <http://On.flatoday.com/1b EXGrT>; Julie K. Brown, "Top Cop Accused of Thwarting Investigations Quits Florida Prison System," *Miami Herald*, December 21, 2016.
4. Julie K Brown, "For Allegedly Brutal Prison Guard, Day of Reckoning Arrives," *Miami Herald*, September 20, 2014.
5. *Ibid*
6. Julie K. Brown, "Culture of Brutality Reigned at State Prison in Florida Panhandle," *Miami Herald*, March 21, 2014
7. *Ibid*
8. Federal court rulings on this point are legion. See, e.g. *Chandler v Baird*, 926 F. 2d 1057 (11th Cir. 1991); *Antonelli v Sheahan*, 81 F. 3d 1422, 1433 (7th Cir. 1996) (no blankets to combat cold); *Murphy v Walker*, 51 F. 3d 714, 720-21 (7th Cir. 1995) (no clothes, bed or bed clothing in mid-November); etc.
9. Violation of one's federal civil rights is a crime under 18 U.S. Code Sections 242 and 243.