

**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 JUAN ESPINOSA

I, JUAN ESPINOSA, declare under penalty of perjury:

1. I am a 60-year-old Hispanic man incarcerated in the custody of the Florida Department of Corrections (FDC). I am currently assigned to General Population at Columbia Correctional Institution Annex. 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 wanted the opportunity to speak up about the abuse that occurs in isolation and to help stand up for those who may not be courageous enough to speak.

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 been diagnosed by FDC with paranoid schizophrenia, major depressive disorder, and bipolar disorder. I also suffer from anxiety, depression, paranoia, hallucinations and mood swings. FDC has prescribed me Abilify and Paxil.

5. I am an American with Disabilities Act (“ADA”) inmate because I am unable to speak. I had tumors in my throat that made it hard for me to eat and swallow. FDC referred me to multiple specialists, including an oncologist. I had to have surgical reconstruction of my jaw and surgery to remove all my teeth. In December 2018, I permanently and completely lost my voice after a surgical procedure to remove one of the tumors.

6. When I was in isolation, it was very hard to receive accommodations for my disability. I had to submit a lot of grievances and Accommodation Request Forms asking for an American Sign Language handbook so that I could learn to communicate by signing. My requests were denied several times. FDC also refused me access to a Text Telephone (TTY) for a very long time. Without access to a TTY or similar device, I could not call my family. I miss my family a lot and it was really difficult never being able to speak with them over the phone or know

how they were doing. Our only way to communicate was by mail, but I never really knew if the prison was sending my mail out or letting my mail come in. Months would go by without hearing from my family. In general population, I have been able to regularly access the TTY device and speak with my family.

7. FDC first placed me in isolation in June of 2018. I spent about seventeen months in isolation, until November 2019. During that time, I was in Administrative Confinement, Disciplinary Confinement, Close Management I, Close Management II, and Close Management III. I also recently spent some time in Administrative Confinement in the first half of 2020. I call all of this “isolation” because I was isolated from other people and spent almost all of my time alone. I have been isolated at Martin Correctional Institution, Florida State Prison, Reception and Medical Center, and Santa Rosa Correctional Institution.

8. The cells in isolation at all the institutions were filthy and cramped. I saw rodents and bugs everywhere. I was not allowed to hang pictures and photographs on my cell walls. It made the walls feel blank and like they were caving in on me. It was always loud. I would hear doors banging, officers shouting, or the exhaust fan blaring. It made it hard to sleep.

9. No matter the type of isolation, I did not get many opportunities to leave my cell. We were supposed to get recreation at least once a week. A lot of times they would not give me my recreation because they said they did not have

the staff available to do it. If I did come out of my cell, I felt like I was always harassed by officers and they were looking for ways to do it. They would destroy my cell during the cell searches and mess up all my property. They would serve our food cold to us. I saw a lot of officers hit and beat on people. It made me feel scared to ever come out of my cell.

10. It was hard to get medical treatment in isolation. When I submitted sick call slips, it would take weeks to get a response, or I would have to submit multiple requests for the same thing. For example, I had to submit a lot of requests to finally receive Ensure as a dietary supplement because of my medical diet restrictions related to my throat surgery. A lot of times my sick call slips were completely ignored. Now, in general population, I normally get a response a few days later to my sick call slips. In isolation, officers would also fail to bring me to my medical appointments. I would not even learn that I had appointments until they were already missed. I saw officers offer cigarettes to other people to encourage them to refuse their medical call outs. I haven't had a problem getting to my medical appointments in general population.

11. In December of 2018, I lost my balance while trying to walk escorted by a correctional officer and fully restrained at my hands and feet. I fell and the strain of the leg irons during the fall broke three bones in my right foot. I had to wait three days in isolation before I finally saw a doctor for my broken foot. A

doctor ordered crutches for me but FDC staff refused to give them to me because I was in isolation. I had to hop around my cell to move about. When I had to leave my cell, staff would chain me to a wheelchair for transport. FDC staff did not provide me physical therapy in isolation to help rehabilitate my broken foot. I don't know how I could have done physical therapy anyway since I was always restrained in a black box and leg irons when I left the dorm.

12. It was also hard to get mental health treatment in isolation. Nurses passed my medication daily to me through the food flap in my cell door, but they did not communicate with me or ask how I was doing. Mental health staff only came around occasionally to do mental health checks; it felt like t once every couple of months. Sometimes, they would not even stop at my cell door to check in. I would have to waive my arms and knock on my door to get their attention. When they did come to my cell, these visits were always very brief, normally no more than a few minutes. Since I am unable to speak, I would have to use hand gestures to try and tell them how I was doing. I did not find these mental health checks very helpful since they were so short, through a cell door, they did not ask me much, and I could only communicate with hand gestures or by writing a note sometimes if they let me use paper they had. A few times, I was pulled from my cell to receive one-on-one individual counseling with mental health staff. But these

sessions were never long or frequent enough to be helpful in managing my mental health symptoms. They were also inconsistently and sporadically offered.

13. I was scared that I would not be able to get the attention of staff if an emergency happened inside my cell. I saw a lot of people on the wing declare psychological emergencies. Staff would take a very long time to come to their cell to respond. Sometimes they did not come at all. I never had an intercom or buzzer in case of emergencies, even though I am entirely unable to speak. I'd have to bang and kick on my door and hope staff could hear me.

14. I was put on property restriction once when I was in isolation. Officers took everything away from me. They took my property, my personal hygiene items, my paperwork, my mattress and my clothes. I was left only in my boxers for seventy-two hours. I had to sleep on my steel bunk without a mattress. It was the middle of winter so I was very cold. I felt mad because it felt like I was being tortured.

15. For over half my time in isolation, I was given even less privileges than my Close Management level because of my disabilities and medical needs. Florida State Prison was unable to take care of all my medical needs so I was sent to Reception and Medical Center (RMC). RMC is not a Close Management facility so when I was there, I had to spend my time in Administrative Confinement (AC). They only gave me AC privileges. For example, I did not get recreation as often as

I would on Close Management. I also did not get any dayroom, phone, library, or visit privileges. I received less canteen items on AC than I received when I was on Close Management.

16. My time in isolation was really hard. I was stuck in a cell for all hours of the day with nothing to think about but dying from cancer. I thought about suicide often and my thoughts consumed me. I felt like my depression and mood swings got worse and more severe because I was always behind the door. When I was released from isolation, I no longer felt like the same person. I still feel nervous and anxious being around people again.

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

Executed on April 6, 2021

Signed: /s/ Juan Espinosa, DC# 419680