

Friday
August 20, 2021

Dear Senator Pizzo

Greetings! you said to write you if I had any issues here. Well we (inmates & staff) have an issue that you could help us with. Its surrounding Florida statute 120.54 Rule making. Before a rule is implemented, it must go through a Rule development process, and rule proposal where a hearing is conducted, before being approved and implemented.

Well in May of 2016, Former Regional Director Brad Culpepper implemented a rule entitled "Regional site inspections" see attached as [exhibit(A)] a memo that then F.S.P. Warden John Palmer put out in early June 2016. Failure to comply with this non approved rule resulted in disciplinary action and being placed on strip cell, where you had no blanket or mattress. Which they still do to this day. They misuse a section under 33-601.830(7)(i) Removal or Denial of Items. They use this to take away your mattress and clothes and torture you into submission. Which is UNCONSTITUTIONAL !! see *Wabasha v. Solen*, 580 F.supp 448, 451 (D.S.D. 1984) (Cot, mattress and bedding required); *Dawson v. Kendrick*, 527 F.supp. 1252 at 1288-89 (S.D. W. Va. 1981); *O'Connor v. Keller*, 510 F.supp. 1359, at 1372-73 (D. Md. 1981) (deprivation of mattress and bedding in isolation for 48 hours was unconstitutional). IF you read 33-601.830(7)(i) it allows these people to do property restriction for 72 hours. An unequivocal violation of established law. And they'll use it in the dead of winter. I've seen it, and experienced it. And this is used state wide. We need the Criminal Justice Committee to do an independent investigation on this alone.

Back to the inspections. As you see by exhibit(A) this is a Regional site inspection. Well as it is with most, you give them an inch and they'll take a mile. For several years ago they decided, we're going to turn it into "weekly institutional

cell inspections." And again they did it outside of state law 120.54 Rule making. I tried to speak with current Regional Director John Palmer about this back on June 3, 2021 as he was coming by. He stated, "It's always been institutional inspections," I said, "No it hasn't." I stepped to my locked pulled out this memo, when he seen it, he said, "I'm not going to split hairs with you." We both said, Have a nice day. And I wrote "Remember Where you Come From." The Facts within there come out of the Miami Herald, see attached essay as [Exhibit (B)]

You and I spoke on August 2, about how hot it is. I know you walked down here and seen the inmates standing around in Class A uniforms, "Fully dressed." Well, 33-602.101 Care of inmates under section (2) permits us to be in Class C uniform, during the day, which is Tee shirt and shorts. So their implementation of this nonexistent rule, is superseding approved rules that were developed under 120.54, 944.09, 944.331. Now the law is clear on this, An agency has no jurisdiction to proceed beyond that granted it by statute; it has no inherent rule-making authority. ORANGE County v. Debra Inc. 451 So 2d 868 (1st DCA 1983)

The law is clear here, the Regional Director nor the secretary has jurisdiction to create rules arbitrarily and capriciously outside the guidelines set forth in F.S. 120.54.

Let me address why this is so significant, because not only are they placing people on strip cell, but they may call cell inspection, and have us sitting around in Class A uniforms in this heat all day. We can't have our art supplies out where we're working on a painting, we can't have our legal work out, working on our case, we can't do our exercises, which is extremely important when you're dealing with the harmful and "DEADLY" psychological side effects of this cell, which we're confined to 162 out of 168 hours a week. see attached as [Exhibit (C)] The scientific consensus on solitary

Confinement. And some are housed next to mentally ill inmates who are cussing and screaming and talking to themselves. And we can't escape through our music, because we've got to worry about cell inspection. And our wing staff, whose already physical exhausted from being overworked, is now mentally exhausted from this "DOG AND PONY SHOW," their words not mine. This cell is already difficult enough to deal with, without these people creating problems. And population inmates don't have the same issue. They get up make their beds get their cell in order, and they go off to work, or go to recreation while the Administration runs around doing their cell inspection. But it still goes back to, Brad Culpepper not having jurisdiction to create this rule outside that of Florida Statute 120.54 Rule making.

So we need your help in shutting this down. If the secretary wishes, then he can ask General Counsel Lance Neff to develop this rule as prescribed in F.S. 120.54 (2) Rule development. For as you can clearly see, this is law, it's not broad or vague. This is legislative intent. And I need your help to enforce it.

I thank you for your time. And if you have any questions please contact me.

Sincerely, Ronald W. Clutz

P.S. I've allowed several officers to read this, who all are hoping you can get this stopped

C.C. Secretary Mark Zach, FDOC General Counsel Lance Neff

Issued by Warden John Palmer
in June of 2016.

[EXHIBIT (A)]

FSP CM/MM/Death Row/Confinement Units

Inmate Requirements during Regional Site Inspections

- 1) Inmates will be dressed in Class A uniform. Shirts tucked.
- 2) Bed will be made according to policy with six inch fold. The head of the bed will be towards back wall of the cell. The bed linen will be tight with no wrinkles.
- 3) Cell floor will be clean with no visible property or trash. All personal property stored in their locker. Lockers closed unless asked to open by regional team member.
- 4) Inmate will stand with back towards the wall facing their bunk. No inmates standing near cell window. The regional team needs to be able to see inside of the cell to check for cleanliness.
- 5) No papers or pictures will be placed in the cell door windows or walls of the cell.
- 6) No talking by any inmates unless speaking with regional inspection team.

FSP Open Bay Housing Units

Inmate Requirements during Regional Site Inspections

- 1) Inmates will be dressed in Class A uniform. Shirts tucked.
- 2) Bed will be made according to policy with six inch fold. The head of the bed for outer row of beds near the wall will be towards the wall. The head of the bed for the two inner row of bunks will be towards each other not towards the outer row of bunks. Bed linen will be tight with no wrinkles. Nothing underneath mattress.
- 3) Dormitory floor will be clean with no visible property or trash. All personal property will be stored in their locker. Lockers remain closed unless regional team members ask for it to be opened.
- 4) Inmates will stand at the end of their bunks with IDs clipped on uniform shirt. While standing inmates will not lean on bunks or walls.
- 5) No talking by any inmates unless speaking with regional inspection team.

None of the above is governed by rules, or procedures, which is why their not listing 3.3 - Florida Administrative Codes.

[EXHIBIT (B)]

"REMEMBER WHERE YOU COME FROM"

A lot of these FDOC high ranking officer's forget where they come from. Most if not all have violated policy and procedure at least one time, if not multiple times as they came up through the rank and file. Yet when they get some clout, they begin to act like their better than the regular CO (Correctional Officer) that they once were. They begin implementing policy and procedures that make little to no sense, and that does nothing more than complicates the lives of the lowly co and inmate population. And its like this every time Regional Director John Palmer or one of these Warden's comes through here in P dorm, at Union Correctional Institution (UCI). Well I remember when he (Mr Palmer) was a co, I seen him climb the ranks. And I seen in 2016 when he was Warden at Florida State Prison (FSP) how Regional Director Brad Cullpeper came through, and implemented this "cell inspection" which threw the prison into chaos, putting pressure on staff and inmates. Our wing officer's and Sgt's have the same mentality as the inmates, leave us the hell alone! That's what the officers want that's what we want. Let them do their job and run the wing the way they see fit, as long as their not abusing inmates and their doing their job in accordance with the rules and regulations giving the inmates what their entitled to. Because its like this, the wing officer's are here every day, so they know how to operate the dorm and supervise the inmates that's under their care custody and control. They know better than some high ranking official, who's maybe in the dorm 30 minutes a week if that, and when their present, the officers inmates and other staff aren't functioning as they normally would. So the high ranking official's aren't seeing the normal routine and daily operating procedures. Regional Director John Palmer knows this as does the Warden, Assist Warden Col. Major Captain etc. Because they once were this lowly co or Sgt who checked themselves, every time high ranking official's were present. See I wouldn't have made a good officer, because I wouldn't play these silly head games. And that's all they are, is head games! And anyone who says other wise is a liar or fool! Maybe both! Because anyone who's been here and done this for any amount of time, knows that what I'm saying is true. And we're losing a lot of officers because they are tired of people making this job harder than what it should be. Mr Palmer on numerous occasions violated policy and procedure. For instance the 21 day captain promotion that James V. Crosby Jr. and Allen Clark did for him in 2003-04 was a violation of policy and procedure, allowing Mr Palmer to go from Administrative Lt. to captain to major in three weeks. And by the end of 2004 Mr Palmer was the Assist Warden here at UCI. Yes he witnessed many illegal promotions, as well as the illegal paying of professional athletes who were brought in to be ringer's for FSP's infamous softball league, and a team Mr Palmer played on. Yes there was felony after felony being committed. And everyone was privy to the illegal activity's under Warden James V. Cosby Jr. Who continued his criminal conduct as he rose to the rank of Secretary of the Florida Department of Correction's, bringing Mr Palmer along with him to his Tallahassee office. Yes the criminal activities would eventually come to light, and the criminal house of cards began to fall. And fall they did!!! James V. Crosby Jr was sent to prison along with Allen Wayne Clark and other high ranking official's. And although Mr Palmer survived the collapse of the Crosby regime, with little more than a slap on the wrist, and a demotion, which should be a reminder to continue to remember where you come from. For Mr Palmer rose like a Phoenix out of the ashes of corruption. And being that he knows the underlying ranks. He should have more compassion and consideration for the lowly Correctional officer and the " INMATE" for which his former protégé James V. Crosby Jr and Allen Clark became. And he himself knows how close he came to falling, then and in several prior incidence for which I will not mention. A lot of times these staff members are one step away from going from Co, Sgt, Lt. Captain etc to "INMATE." I've seen it with Crosby, Allen Wayne Clark, Edward Dugger, Joseph Deese, Oscar Shipley, Marcus Starling, L. Griffis and the list goes on. And these were all men who had major ties to Regional Director John Palmer. In fact it was so corrupt and unethical back then, that they had an inmate working as an FSP correctional officer. For Sgt Chris Eddins was charged with domestic violence in Baker county, and was serving his time as an inmate in the Baker county jail on the weekends, and Monday morning he would put on his Sgt uniform and transform from "inmate to FDOC correctional officer." Yes this was a corrupt administration that still has many strong ties to prison's throughout this region. For that Crosby administration spawned many unethical leader's who are still in power as Warden's Assist Warden's and Col. to this very day. Yes the good ol boy mentality of favoritism promotion's are still apart of the FDOC. In fact just last year Mr Palmer was going to bring in Warden Barry V. Reddish as Assist Regional Director, until word got out, and some Senators began investigating how Mr Reddish still had an open homicide nvestigation pending from 2012, when he was Warden here at UCI and inmate Frank Smith was murdered on his watch. And all of what I just shared here, can be substantiated through a Google search. Yes with a little bit of research, you'll see that many of these people, where members of the Crosby regime. Where on July 17, 1999 death ow inmate Frank Valdes was beaten to death. Welcome to the wonderfully corrupt world of the Florida Dept of Corrections, and an administration that's rooted in corruption.

Submitted by Ronald W. Clark Jr. #812974

[EXHIBIT(C)]

CRAIG WILLIAMS, Appellant v. SECRETARY PENNSYLVANIA DEPARTMENT OF CORRECTIONS;
DORINA VARNER, Chief Grievance Coordinator; TINA FRIDAY, Records Officer, in her individual and
official capacity; JEFFREY R. ROGERS, Manager, in his individual and official capacity; TRACY
SHAWLEY, Grievance Coordinator, in her individual and official capacity; LOUIS FOLINO, in his
individual and official capacity; SHAWN T. WALKER, Appellant v. MICHAEL A. FARNAN; SECRETARY
PENNSYLVANIA DEPARTMENT OF CORRECTIONS; SUPERINTENDENT GRATERFORD SCI; CINDY
G. WATSON, and others to be named later

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

848 F.3d 549; 2017 U.S. App. LEXIS 2327

No. 14-1469, No. 15-1390

April 18, 2016, Argued

February 9, 2017, Opinion Filed

4. The Scientific Consensus

The robust body of scientific research on the effects of solitary confinement, combined with the Supreme Court's analysis in *Wilkinson* and ours in *Shoats*, further informs our inquiry into Plaintiffs' claim that they had a liberty interest in avoiding the extreme conditions of solitary confinement on death row. This research contextualizes and confirms the holdings in *Wilkinson* and *Shoats*: It is now clear that the deprivations of protracted solitary confinement so exceed the typical deprivations of imprisonment as to be the kind of "atypical, significant deprivation . . . which [can] create a liberty interest."¹⁰²

A comprehensive meta-analysis of the existing literature on solitary confinement within and beyond the criminal justice setting found that "[t]he empirical record compels an unmistakable conclusion: this experience is psychologically painful, can be traumatic and harmful, and puts many of those who have been subjected to it at risk of long-term . . . damage."¹⁰³ Specifically, based on an examination of a representative sample of sensory deprivation studies, the researchers found that virtually everyone exposed to such conditions is affected in some way.¹⁰⁴ They further explained that "[t]here is not a single study of solitary confinement wherein non-voluntary confinement that lasted for longer than 10 days failed to result in negative psychological effects."¹⁰⁵ And as another researcher elaborated, "all [individuals subjected to solitary confinement] will . . . experience a degree of stupor, difficulties with thinking and concentration, obsessional thinking, agitation, irritability, and difficulty tolerating external stimuli."¹⁰⁶

Anxiety and panic are common side effects.¹⁰⁷ Depression, post-traumatic stress disorder, psychosis, hallucinations, paranoia, claustrophobia, and suicidal ideation are also frequent results.¹⁰⁸ Additional studies included in the aforementioned meta-analysis further "underscored the importance of social contact for the creation and maintenance of 'self.'"¹⁰⁹ In other words, in the absence of interaction with others, an individual's very identity is at risk of disintegration.