

Safety, Health & Humane Treatment Rights Guide

Bellatora Tirado | Know Your Rights Series

Because dignity doesn't end at the gate.

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Right to Humane Treatment

The Eighth Amendment protects against cruel and unusual punishment. Every incarcerated person is entitled to safe, clean living conditions, adequate food, and protection from harm. Neglect, abuse, or inhumane conditions are constitutional violations.

Legal Basis:

- U.S. Const. amend. VIII – Prohibits cruel and unusual punishment.
- *Estelle v. Gamble*, 429 U.S. 97 (1976).
- *Rhodes v. Chapman*, 452 U.S. 337 (1981).
- Florida Const. Art. I, §17 – Prohibition against cruel or unusual punishment.
- **Florida Administrative Code (F.A.C.) 33-208.002** – Rules of conduct for employees; prohibits abuse, neglect, or inhumane treatment.
- **F.A.C. 33-602.203** – Control of contraband; requires safe and sanitary confinement.
- **F.A.C. 33-602.101** – Care, custody, and control; staff must maintain order and humane conditions.

What It Means

The Right to Humane Treatment means that **the state cannot subject or expose incarcerated people to cruel, inhumane, or degrading conditions.**

This right comes from both the **Eighth Amendment to the U.S. Constitution** and **Article I, Section 17 of the Florida Constitution.**

It requires that correctional officers, administrators, and medical staff **provide the minimum level of care and safety necessary to preserve health, dignity, and life.**

Core Protections

You are constitutionally entitled to:

1. Safe, Sanitary Living Conditions

- Clean cells, working toilets and sinks, pest-free areas, and breathable air.
- Regular access to showers, laundry, and basic hygiene products.
- Protection from mold, sewage leaks, extreme heat, and contaminated food or water.

2. Adequate Food, Clothing & Shelter

- Meals must be nutritious and served regularly — not used as punishment.
- Clothing and bedding must be clean and season-appropriate.
- Prisoners must not be exposed to extreme temperatures or overcrowding that creates health risks.

3. Protection from Abuse or Violence

- Staff must prevent and respond to assaults or threats from other inmates.
- Officers may not use force except as a last resort and only to maintain safety.
- Retaliation, humiliation, or verbal degradation are prohibited.

4. Medical and Mental-Health Attention When Needed

- If an inmate becomes ill or injured due to unsafe conditions, officials must provide care.
- Ignoring obvious medical needs is “deliberate indifference,” a constitutional violation.

5. Freedom from Degrading or Punitive Conditions

- Solitary confinement or restraints used purely to punish or degrade may violate the Eighth Amendment.

- “Strip cells,” deprivation of sleep, or exposure to filth can amount to cruel and unusual punishment.

Examples of Violations

- Cells with sewage leaks, mold, or extreme heat that causes illness.
 - Denial of showers or hygiene supplies for days or weeks.
 - Rotten or spoiled food served regularly.
 - Staff beating, threatening, or humiliating inmates.
 - Ignoring repeated requests for protection from violent cellmates.
 - Leaving someone injured or suicidal without medical care.
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What To Do If This Right Is Violated

1. Document Everything

- Write dates, times, staff names, and witness names.
- Describe the condition or abuse in detail.
- Keep copies of all sick-call slips, grievances, and photos (if possible).

2. File a Grievance

- Use **Form DC6-236** (Inmate Request/Grievance).
- Step 1: Informal → Step 2: Formal to Warden → Step 3: Appeal to Secretary of DOC.
- Mark “Emergency” if there’s immediate risk to life or health.

3. Contact Oversight Agencies

- **Office of the Inspector General** (DOC Headquarters) – reports of staff abuse or neglect.
- **Florida Commission on Offender Review (FCOR)** – if abuse affects release or gain time.
- **Department of Justice Civil Rights Division** – federal civil-rights complaints.

4. **Inform Family or Advocates**

- Have outside supporters document letters, grievances, and responses.
- Outside complaints carry more weight when tied to written evidence inside.

Practical Tips

- Always use respectful, factual language in grievances — emotion is valid, but documentation wins.
- File medical requests immediately; delay weakens claims.
- Send duplicates of all forms to a trusted family member for safekeeping.
- Keep track of staff who witness or respond — names matter in appeals and lawsuits.
- If ignored for over 30 days, escalate to **Central Office** or federal court (§ 1983 civil-rights claim).

In Plain Words

You are human first.

The Constitution doesn't disappear because of a sentence.

Clean water, safe housing, protection from harm, and access to care aren't favors — they're *obligations* the state must uphold.

When those lines are crossed, the law is on your side.

Right to Medical & Mental Health Care

Under the Eighth Amendment, prisons must provide adequate medical, dental, and mental health care. Ignoring or delaying treatment is deliberate indifference and violates constitutional standards.

Legal Basis:

- *Estelle v. Gamble*, 429 U.S. 97 (1976).
- *Ancata v. Prison Health Servs.*, 769 F.2d 700 (11th Cir. 1985).
- **F.A.C. 33-401.105** – Medical and dental care policies.
- **F.A.C. 33-404** – Mental health services.
- **F.A.C. 33-602.223(10)** – Requires access to medical care during confinement.
- **F.A.C. 33-401.401** – Health education and preventive care.
- **Florida Statute §945.6034** – Office of Health Services oversight; medical standards required.

Because no one loses the right to health or dignity — even behind bars.

What It Means

Every person in custody has the **constitutional right to receive adequate medical, dental, and mental health care**.

The Eighth Amendment forbids *deliberate indifference* — when staff know someone is sick, in pain, or in danger, and **choose to ignore it**.

Florida law also requires DOC to maintain professional health standards and provide treatment that meets community medical norms.

Denying care, delaying treatment, or refusing mental health help is a **violation of both constitutional and state law**.

Core Protections

You are entitled to:

1. Timely Medical Attention

- Inmates must be evaluated promptly after submitting a sick-call slip or medical request.
- Medical staff must treat injuries, chronic conditions, and emergencies without unnecessary delay.
- Pain, bleeding, infections, or other visible symptoms cannot legally be ignored.

2. Continuity of Care

- If you enter prison with a pre-existing condition (diabetes, asthma, hypertension, etc.), DOC must continue your treatment and medications.
- Changes to prescriptions or treatment must be medically justified and documented — not done for cost-cutting or convenience.

3. Emergency & Life-Threatening Situations

- DOC is required to provide immediate medical response for severe pain, chest pain, seizures, injuries, or mental health crises.
- Refusing emergency care or delaying transport to a hospital is deliberate indifference.

4. Mental Health Services

- Inmates have the right to psychological evaluation, counseling, and medication management.
- Confinement or isolation cannot replace treatment for mental illness.
- Staff must intervene and provide care when someone is suicidal, self-harming, or showing signs of severe distress.

5. Respect, Dignity, and Confidentiality

- Medical records and treatment details must be private and handled professionally.
- Staff cannot disclose personal medical information or mock inmates for health conditions.
- Refusal to treat due to personal bias (gender, history, race, or offense) is discrimination.

Examples of Violations

- Ignoring repeated medical requests for pain, injury, or infection.
 - Denying prescribed medications for chronic conditions.
 - Refusing treatment for cost or “security” excuses.
 - Placing mentally ill inmates in isolation instead of treatment.
 - Delaying emergency response after visible distress or collapse.
 - Falsifying or discarding sick-call requests.
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What To Do If This Right Is Violated

1. Document Every Step

- Write the date and time of all requests, names of staff, and symptoms.
- Keep carbon copies of sick-call forms and medical refusals (DC4-711A).
- Ask to sign the refusal line *only if you actually refused care*.

2. Use the Grievance Process (F.A.C. 33-103)

- **Step 1:** File an *informal grievance* to the medical department.
- **Step 2:** If ignored or denied, file a *formal grievance* to the Warden.
- **Step 3:** If unresolved, send an *appeal to the Secretary* of DOC (Central Office).

- Write “MEDICAL EMERGENCY” at the top if health is at risk — DOC must respond faster.

3. Seek Outside Oversight

- **Florida Correctional Medical Authority (CMA):** Monitors health care quality in prisons.
- **Office of the Inspector General:** Investigates abuse or neglect by staff.
- **Civil Rights Division (U.S. DOJ):** Accepts federal complaints for deliberate indifference.

4. Involve Family & Advocates

- Families should record all letters, calls, and copies of grievances.
- Send certified letters to wardens or DOC Health Services referencing the grievance number.
- Consistent outside follow-up prevents silent retaliation.

Practical Tips

- Never sign a “refusal of treatment” unless you truly refused — some staff will fill it out falsely.
- Write “Medical Request Copy Sent to Family” on forms to remind staff it’s being monitored.
- Keep a running health journal inside your Bible, book, or notebook — dates matter later in appeals.
- If a grievance isn’t answered in 30 days, escalate — silence counts as denial under DOC rules.

In Plain Words

You are still a human being with the right to care, healing, and safety.

Medical neglect is not part of a sentence — it's a breach of duty.

No matter the charge, everyone deserves the chance to stay healthy, mentally stable, and alive.

The law agrees — and it's your right to make them uphold it.

You Are Entitled To:

- Timely medical attention for illness or injury.
- Continuation of prescribed medications.
- Mental health evaluations and treatment.
- Respectful and confidential care.

What You Can Do:

Submit written medical requests, track dates, and keep copies of all forms or responses.

Right to Safety & Protection from Violence

Every person in custody has the right to be protected from harm by staff or other inmates. The state has a duty to ensure safe housing and respond to threats promptly.

Legal Basis:

- U.S. Const. amend. VIII.
- *Farmer v. Brennan*, 511 U.S. 825 (1994) – “Deliberate indifference” to inmate safety violates the Constitution.
- **F.A.C. 33-602.220** – Administrative confinement; staff must ensure protection from harm.
- **F.A.C. 33-602.223** – Protective management procedures.
- **F.A.C. 33-602.230** – Disciplinary confinement; safety and security standards required.

Because no one deserves to live in fear — not even behind bars.

What It Means

The state is legally responsible for the **safety and protection of every person it confines**.

When someone is placed in custody, the Florida Department of Corrections (DOC) assumes a **constitutional duty of care** — meaning they must protect that person from assault, sexual abuse, retaliation, or known threats by others.

If officials know (or should know) that someone is in danger and fail to act, that is called **deliberate indifference** — and it violates the Eighth Amendment of the U.S. Constitution and Florida law.

Core Protections

You are entitled to:

1. Protection from Assault or Threats

- Staff must separate inmates from known enemies, violent cellmates, or gang threats.
- Officials must investigate reports of threats or extortion and take action.
- Ignoring or dismissing reported danger is deliberate indifference under federal law.

2. Protection from Staff Abuse and Retaliation

- Officers may not use physical force to punish, intimidate, or retaliate.
- Retaliation for grievances, legal filings, or refusing illegal orders violates your First Amendment rights.
- Any use of force must be documented, reviewed, and medically evaluated.

3. Safe Housing and Supervision

- Housing assignments must account for mental health, age, vulnerability, and known enemies.
- Overcrowding, lack of supervision, or unsafe placements that cause violence may be constitutional violations.

4. Protection from Sexual Assault and Harassment (PREA)

- The **Prison Rape Elimination Act (PREA)**, 34 U.S.C. § 30301, requires zero tolerance for sexual abuse.

- Inmates have the right to report sexual abuse confidentially and without retaliation.
- Facilities must provide immediate medical care and psychological support for victims.

5. Emergency Intervention

- When an inmate reports an imminent threat or visible injuries, staff must act **immediately** — not after a shift change or “when paperwork clears.”
- Failing to respond to active violence or emergencies violates both DOC policy and constitutional law.

Examples of Violations

- Housing an inmate with known enemies or rival gang members after warnings.
 - Ignoring written grievances or verbal pleas for protection.
 - Using excessive or unnecessary force during searches or transport.
 - Retaliating against inmates for reporting abuse or sexual assault.
 - Failing to separate mentally ill or vulnerable inmates from predators.
 - Ignoring PREA reports or falsifying investigation results.
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What To Do If This Right Is Violated

1. Report Threats in Writing Immediately

- Use **Form DC6-236** and mark it as “**Emergency – Threat to Safety.**”
- Describe the risk, names, and incidents clearly.
- Keep a copy or send one to family for proof.

2. Request Protective Management (F.A.C. 33-602.221)

- If there’s ongoing danger, you can request to be placed in *protective management*.
- This is not punishment — it’s a safety measure.

- Staff must evaluate and document the threat within 48 hours.

3. File a Grievance if Ignored

- If no action is taken, file a formal grievance to the Warden within 15 days.
- If still ignored, appeal to the Secretary of DOC in Tallahassee.

4. Contact Outside Authorities

- **Office of the Inspector General (OIG)** — investigate staff misconduct and safety violations.
- **Department of Justice PREA Hotline** — report sexual assault or retaliation.
- **Florida Commission on Offender Review** — if safety impacts release or gain time.

5. Families Can Help

- Call or email the Warden, Regional Director, and Inspector General's office.
- Keep written proof of all threats, injuries, and dates.
- Outside contact often forces quicker DOC response.

Practical Tips

- Always file safety reports in writing — verbal reports “disappear.”
 - Never threaten or challenge staff in grievances — stay factual and calm.
 - If placed in confinement “for your protection,” ensure it’s *protective management*, not *disciplinary confinement*.
 - PREA reports can be submitted anonymously — but include dates and staff names if possible.
 - Families should save copies of all letters mentioning danger — these can save lives later.
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In Plain Words

No one should be trapped in fear or violence just because they're serving time.

Florida law and the U.S. Constitution demand safety, not suffering.

When the state takes away someone's freedom, it takes on the duty to keep them alive and unharmed.

That duty is non-negotiable — and it's your right to make them answer for it.

You Are Entitled To:

- Protection from assault and harassment.
- Immediate response to threats or violence.
- Safe housing away from known enemies.
- The right to report danger without retaliation.

What You Can Do:

Report threats immediately, file grievances, and document dates, staff names, and incidents.



Right to Freedom from Excessive Force

Force may only be used when necessary for safety—not punishment. Excessive or retaliatory use of force violates the Eighth Amendment.

Legal Basis:

- U.S. Const. amend. VIII.
- *Hudson v. McMillian*, 503 U.S. 1 (1992) – Excessive force violates Eighth Amendment even without serious injury.
- **F.A.C. 33-602.210** – Use of force; defines authorized, unnecessary, and excessive force; mandates incident reports and medical review.
- **F.A.C. 33-602.211** – Use of chemical agents; limits use to necessary control situations.
- **F.A.C. 33-208.002(8)** – Employees must not engage in or threaten physical abuse.

Because authority ends where abuse begins.

What It Means

Correctional officers are legally permitted to use **force only when necessary** — to stop violence, maintain safety, or prevent escape.

When officers use force to **punish, intimidate, or retaliate**, it crosses into **cruel and unusual punishment**, violating the **Eighth Amendment** of the U.S. Constitution and **Article I, Section 17** of the Florida Constitution.

Force cannot be used out of anger or convenience.

Every incident must be justified, reported, reviewed, and followed by medical evaluation.

Core Protections

You are entitled to:

1. Freedom from Physical Abuse or Retaliation

- Officers may *never* use physical force as punishment.
- Beating, kicking, choking, or “rough handling” outside of an emergency is unlawful.
- Retaliation for filing grievances, refusing orders, or speaking up is unconstitutional.

2. Protection from Chemical and Mechanical Abuse

- Chemical agents (pepper spray, gas) and restraints may only be used when lesser measures fail.
- Excessive or repeated gassing, hog-tying, or leaving someone restrained for hours is abuse.
- After any chemical use, inmates must be **decontaminated and medically examined**.

3. **Right to Medical Care After Use of Force**

- Every use of force must be immediately followed by a **medical assessment** to document injuries.
- Refusal to provide treatment or falsifying medical reports is deliberate indifference.

4. **Right to Documentation and Review**

- Officers must file a **Use of Force Report (DC6-230)**.
- Supervisors and medical staff must review and sign off on each report.
- Inmates may request copies or cite report numbers in grievances.

5. **Freedom from Verbal or Psychological Abuse**

- Threats, racial slurs, humiliation, or intimidation tied to use of force are misconduct.
- “Show-of-force” squads or unnecessary cell extractions for control purposes violate policy.

Examples of Violations

- Beating or tasing a handcuffed inmate.
- Using pepper spray repeatedly on a compliant person.
- Failing to decontaminate or provide medical attention after chemical use.
- Fabricating reports to justify violence.
- Using “cell extractions” as punishment instead of for safety.
- Mocking, threatening, or taunting an inmate after restraint.

What To Do If This Right Is Violated

1. **Request Immediate Medical Attention**

- Ask for photos, injury documentation, and treatment.
- Refusal to provide care strengthens later legal claims.

2. File a Grievance (F.A.C. 33-103)

- Title it “Excessive Use of Force.”
- Include date, time, officer names, and witnesses.
- Attach medical slips or photos if available.

3. Contact Oversight Offices

- **Office of the Inspector General (OIG)** – investigates staff abuse and misconduct.
- **Florida Department of Law Enforcement (FDLE)** – criminal investigations into officer assault.
- **Civil Rights Division (U.S. DOJ)** – federal complaints for Eighth-Amendment violations.

4. Have Family or Advocates Follow Up

- Families should log every incident, grievance number, and hospital transport.
- Send certified letters to DOC Central Office requesting investigation.

Practical Tips

- Always describe events calmly and factually; emotion is valid, but accuracy wins.
- Record names, badge numbers, and positions of witnesses and responding officers.
- Ask medical to photograph injuries. If they refuse, document the refusal in writing.
- If placed in confinement after an incident, note the reason and date — this can show retaliation.
- Families should save every letter mentioning force; these letters often become evidence later.

In Plain Words

Officers are there to maintain order, not to cause pain.

Once force turns from control to cruelty, it becomes a crime — not a job duty.

No one deserves to be beaten, sprayed, or silenced for existing inside the system.

The law doesn't excuse abuse; it demands accountability.

You Are Entitled To:

- Protection from physical abuse and intimidation.
- Medical care after any use of force.
- The right to report officer misconduct.
- An official review of all use-of-force incidents.

What You Can Do:

Request medical evaluation, document injuries, and file grievances with detailed witness information.

Limited Right to Privacy (Medical & Personal Dignity)

Though privacy is limited in custody, inmates maintain the right to dignity and confidential medical treatment. Officers may not use searches or supervision to humiliate or degrade.

Legal Basis:

- U.S. Const. amend. IV, VIII.
- *Fortner v. Thomas*, 983 F.2d 1024 (11th Cir. 1993).
- **F.A.C. 33-602.203** – Strip search policy; limits searches to legitimate security reasons.
- **F.A.C. 33-401.105** – Medical records confidentiality.
- **HIPAA** – 45 C.F.R. § 164.502 – Protection of health information.

What It Means

While incarceration limits privacy for security reasons, **it does not erase the right to personal dignity or confidential care.**

The U.S. Constitution, Florida law, and DOC policy require officers and medical staff to **respect privacy during treatment, searches, and daily supervision** whenever possible.

Privacy in prison isn't about isolation — it's about **respect, decency, and protection from humiliation.**

No officer or staff member has the right to use authority to degrade, expose, or violate an inmate's dignity.

Core Protections

You are entitled to:

1. Privacy in Medical Care

- Examinations, medications, and medical conversations should occur **out of the hearing range of other inmates** when possible.
- Medical records are confidential under HIPAA and DOC policy.
- Staff cannot discuss private medical information publicly or use it to harass an inmate.

2. Dignity During Searches

- Strip searches and body inspections must be conducted **professionally, by trained staff of the same gender, and for legitimate security reasons only.**
- Routine or retaliatory strip searches are illegal.
- Visual body cavity searches require written authorization and clear cause.

3. Freedom from Humiliation and Degrading Treatment

- Officers may not use nudity, exposure, or ridicule to control or demean.

- Shaving heads, public searches, or denial of hygiene for control are considered inhumane under federal precedent.
- Inmates have the right to refuse unnecessary exposure to opposite-gender staff during personal activities unless no other staff are available.

4. Confidential Legal & Mental Health Communication

- Conversations with attorneys or mental health providers must remain confidential.
- Opening legal or medical mail outside an inmate's presence is a constitutional violation.

5. Respect for Religious and Cultural Modesty

- Religious or cultural modesty must be respected during searches or medical care when possible.
- RLUIPA (Religious Land Use and Institutionalized Persons Act) protects these considerations federally.

Examples of Violations

- Staff making jokes or comments during strip searches.
- Conducting searches without cause or in view of opposite-gender staff.
- Medical staff discussing an inmate's condition loudly or in public.
- Reading or sharing personal mail or legal documents.
- Denying access to hygiene products or privacy in showers as punishment.
- Mocking or exposing inmates with disabilities or medical conditions.

What To Do If This Right Is Violated

1. Document the Incident Immediately

- Write down the **date, time, staff involved, witnesses, and description** of what happened.
- Keep copies of any forms or medical requests related to the incident.

2. File a Grievance (F.A.C. 33-103)

- Use **Form DC6-236**; label it “*Privacy Violation*” or “*Staff Misconduct.*”
- Describe behavior factually — focus on what was said or done.
- Send a copy to your family or advocate for safekeeping.

3. Contact Oversight Authorities

- **Office of the Inspector General** – for staff harassment or abuse.
- **Florida Department of Health** – if medical confidentiality is breached.
- **Civil Rights Division (U.S. DOJ)** – for repeated or severe violations.

4. Families Can Help

- Log every complaint your loved one sends.
- Contact facility administration if the behavior continues.
- Mention specific names, dates, and rule numbers (e.g., “F.A.C. 33-602.203”).

Practical Tips

- Always note if opposite-gender staff are present during searches or medical care.
- Ask for a **medical privacy form** if staff repeatedly discuss your condition publicly.
- File immediately — waiting too long makes it harder to prove intent.
- Keep emotional tone calm; let the facts speak for you.

- Remember: humiliation is not discipline — it's abuse.
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In Plain Words

Every human being deserves respect, even while serving time.

Privacy is not a privilege — it's a part of dignity, and dignity is a human right.

When staff cross that line, it's not "just how prison is" — it's a violation of law, policy, and conscience.

The system may control a person's movement, but it can never legally strip away their worth.

You Are Entitled To:

- Privacy during medical exams when possible.
- Confidential handling of medical information.
- Protection from unnecessary or degrading strip searches.
- Respectful treatment by staff.

What You Can Do:

Report violations through grievances and note all details of disrespectful or invasive behavior.

Bellatora Tirado | Know Your Rights

Knowledge is power. These rights exist to protect every person behind the walls, but they mean nothing if they remain unknown. Use them, share them, and stand your ground—because justice begins when you know where they’ve crossed the line.

