

FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

2016 JAN 27 AM 11:53

CLEARING HOUSE DISTRICT COURT

[REDACTED]

R.W.,

Plaintiff,

v.

Case No. *5:16-CV-45-DC-10 PRL*

BRUCE A. KISER JR.,  
in his individual capacity,

Defendant.

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COMPLAINT AND JURY DEMAND

This attack was part of the ritual of initiation beatings for youthful offenders widely known to both guards and incarcerated youth as "Tests of

Heart" or "T.O.H." R.W. was attacked just weeks after entering prison for the first and only time. He is scheduled to be released from prison in 2017.

5. Defendant Officer Bruce A. Kiser Jr., is a correctional officer

Defendant Officer Kiser, at all times material to this action, was assigned to work in "F Dormitory" at Sumter Correctional Institution ("Sumter"), supervising youthful offenders. Defendant Officer Kiser was responsible for the operation and supervision of F Dormitory; the enforcement of the relevant rules, regulations, policies and practices; and the safety of those under his watch.

Factual Allegations

6. When B.W. entered the F.D.C. he was classified as a "youthful

court system to adult criminal court. If convicted in adult court, a direct-filed youth may be sentenced to adult prison time, regardless of his age, and transferred to a prison within the F.D.C.

9. Violence and neglect pervade the F.D.C., making its prisons a

incarcerated by the F.D.C. In 2014, that number increased to 346, including one young person who was reportedly attacked in a youthful offender prison, like R.W., and subsequently died, just six days after his twentieth birthday.

by glass windows and a door. The station is situated so that an officer can easily observe happenings in the housing unit, including the bathroom area, from inside the station.

14. Shortly after arriving at Sumter, R.W. was told by other incarcerated youth that he would need to pay for his safety by purchasing items from the canteen and giving them to other prisoners, or he would have to fight another youth in a Test of Heart. He understood that refusal to do either would result in regular beatings, and that he would live under the constant threat of physical and sexual assault, from which the F.D.C. would not protect him.

15. In order to pay in the initiation system, a youth like R.W. must have money placed in his prison account so that he is able to purchase items like candy or chips from the prison canteen as payment. Because no amount

of “payment” satisfies the continuing demands, the choice of paying or fighting is a false one.

16. The Test of Heart initiation system is part of the pervasive culture of brutality within the F.D.C. Guards are not only aware of the violence, but are often complicit in it. The youthful offenders witness an

[REDACTED]

believed that reporting the threat served no purpose and could even put him

[REDACTED]

[REDACTED]

in added danger of retaliation for “snitching.” R.W. had heard of other youth who reported similar threats; guards responded by saying, “Welcome to prison.” and did nothing to prevent the violence. Until R.W. fought or paid

24. Unbeknownst to R.W. about six other youth were hiding in the

bathroom area at the time. They joined in and began beating R.W.

25. Unbeknownst to R.W., this type of attack – multiple youth ganged up against one, often unsuspecting, youth – is typical of a Test of Heart.

26. R.W. was immediately overwhelmed and could not defend himself.

27. When the attack began, Defendant Officer Kiser was in the officer's station, which is adjacent to the bathroom area where the attack occurred. In order to enter the bathroom area, a person must walk directly

who gathered outside the bathroom, near the officer's station, during the attack.

30. After the attack began, Defendant Officer Kiser looked at R.W. from the officer's station.

31. While the attack continued, Defendant Officer Kiser stepped outside the officer's station towards the south end near the bathroom to

watch the attack. Defendant Officer Kiser looked towards the bathroom area and then returned to the officer's station. He took no action.

32. Over the course of almost 30 minutes, R.W. was hit, choked, slammed on the floor, punctured dozens of times with two pieces of barbed



rape under the Prison Rape Elimination Act. 42 U.S.C.A. § 15609(9)(A) (“The term ‘rape’ means ... sexual assault with an object ... forcibly or against that person’s will.”).

36. While the attack continued, one youth exited the bathroom area and picked up a broom that was resting near the bathroom entrance, by the officer’s station. He took the broom into the bathroom. Defendant Officer Kiser remained in the officer’s station and took no action.

37. One or more youth took the broom that had been brought into

and laughed as his beating continued. Still others came in to use the bathroom and walked out when they were done

most of the attack.

chest from the barbed wire that prisoners attacked him with. He received multiple contusions, and his neck was left red long after the attack, from injuries sustained when he was rendered unconscious. He was bleeding from his injuries and from his rectum.

48. R.W. borrowed clean clothes from another youth before leaving the bathroom area.

49. R.W. exited the bathroom more than 30 minutes after the attack began on Defendant Officer Kiser's watch.

50. R.W. did not report what had happened because he believed that reporting the Test of Heart would be futile, and he feared that it would lead to another beating in retaliation.

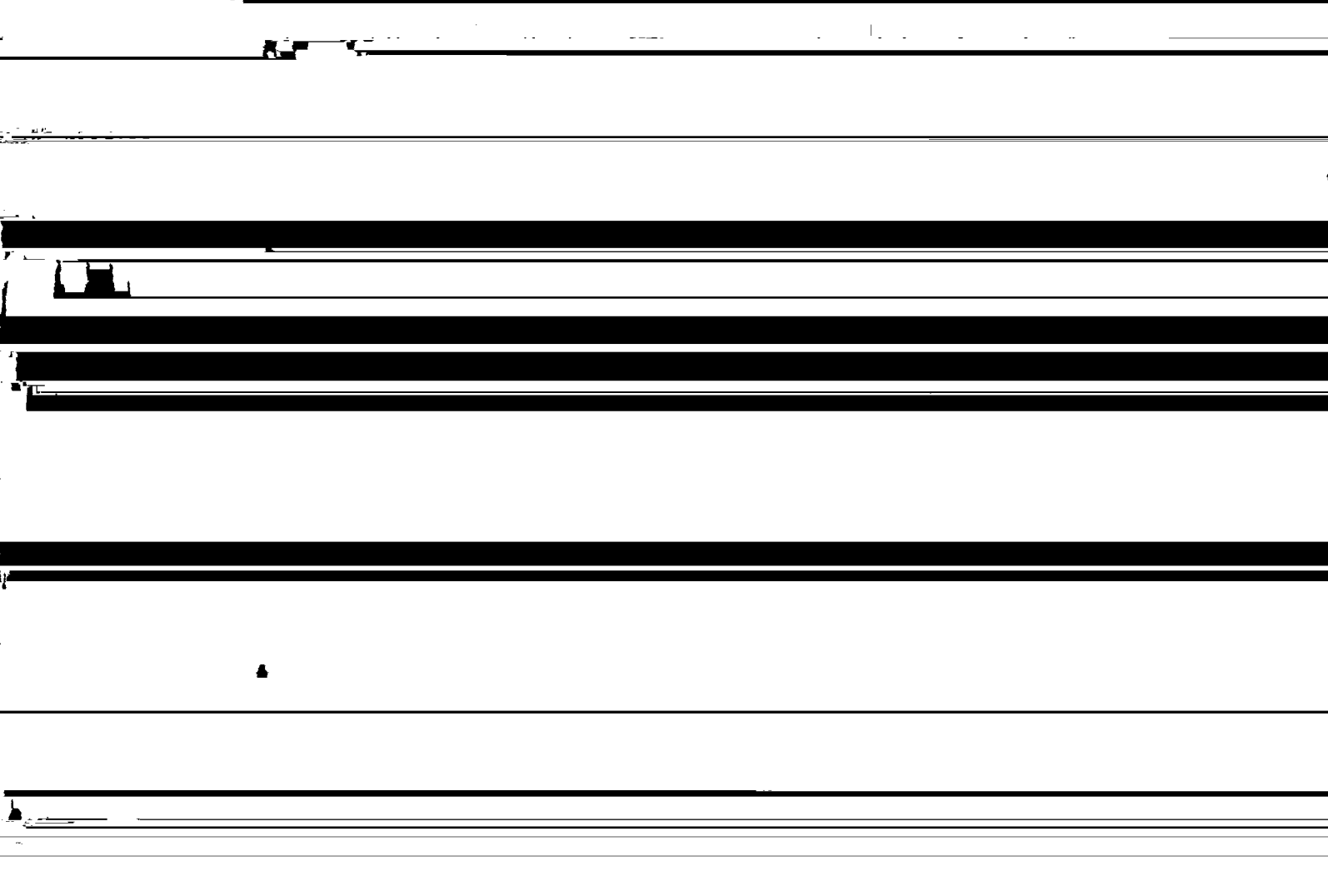
51. R.W. tried to appear as if nothing had happened, despite being in pain and having dozens of open puncture wounds on his body.

52. R.W. had cuts and redness around his neck. Youth encouraged

him to use toothpaste to clean the wounds and stop the bleeding on his neck.

54. Several hours later, on his return to F Dormitory from the cafeteria for dinner, R.W. was stopped by Officer Vincent Cruz. Officer Cruz saw injuries on R.W.'s body and face. He sent R.W. to see medical staff.

55. R.W. was examined by a nurse, who noted dozens of wounds on his torso. He was kept in the medical unit for one night.



Boyd, an "Officer in Charge" at Sumter. When Captain Boyd learned that R.W.'s attack had been a Test of Heart, he asked R.W. specifically if he had been sexually assaulted because he knew that youth are often sexually

60. For the first few days in confinement, R.W. did not receive a sheet to cover his mattress, a blanket or any other bedding. While in confinement, R.W. was allowed outside of the cell only to shower three

times a week, and for three interviews with the investigator from the Inspector General's office. He was prohibited from interacting with other prisoners, going to recreation, attending GED classes or participating in any

victims of sexual abuse are at risk for greater trauma when placed in isolation.

64. At Sumter and throughout the F.D.C., victims of attacks are typically held in confinement following their assaults despite the Prison

Rape Elimination Act.

65. After a few days in confinement, D.W. sent his only clothes to

70. Defendant Officer Kiser was not disciplined for his role in this attack and continues to be employed as a prison guard by the F D C

**CAUSE OF ACTION**

**Eighth Amendment; 42 U.S.C. § 1983**

**Defendant Bruce A. Kiser Jr.**

71. Plaintiff repeats and realleges each preceding paragraph as if fully set forth herein.

72. Plaintiff's claim for relief is predicated upon 42 U.S.C. § 1983,

which authorizes a cause of action to redress the deprivation under color of state law

to brooms and mops, despite knowing that these weapons are used in prison assaults.

75. Defendant Officer Kiser was aware that R W faced a

substantial risk of serious harm, yet failed to do anything to stop it. Defendant Officer Kiser acted with deliberate indifference to the substantial risk of serious harm to R.W.

76. As a result of Defendant Officer Kiser's failure to intervene,

report or respond in any way to the attack and subsequent assault.



**JURY TRIAL DEMAND**

Plaintiff respectfully demands trial by jury.

Respectfully submitted,

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