

STATEMENT OF INCIDENT

By Kevin "Rashid" Johnson

On today, December 21, 2016 I was set up for both assault and to have almost all of my personal property taken upon threats to do so by several staff at this Clements Unit. I was assaulted while handcuffed inside my cell from behind. The facts of the incident follow:

At around 11 am I was confronted by Captain Patricia Flowers and Lieutenant Crystal Turner and told to allow myself to be handcuffed to be removed from the cell. Several weeks prior to this I had a run in with Flowers when she was making rounds in the pod with others including the Major Leeroy Cano. Another prisoner asked me if she was the new segregation captain, I told him yes and she was taking the place of the previous captain D. Dean who was apparently under investigation for an incident involving another officer. I told him her full name. At the time she was standing talking to a prisoner in the cell across from me named Allen Knight. When I said this she turned to me and said, "You need to shut the fuck up!" I replied that her "potty mouth isn't professional." She replied, "You're the one who likes to put your mouth in things you have no business; you call it 'exposing' us huh. Well keep running your mouth in here or anywhere else and I'll take all your shit," I asked for what reason she would take all my property. She answered, "I don't have to have a reason." I addressed Cano about her threat as he walked by and he only smiled at me and kept going.

When I was confronted on today, I was taken by an officer Andrew Leonard to a holding cell per her and Turner's instructions. While I was in the cell at separate times she and Turner came past me and I asked what was going on. Both stated they were taking all my property because I don't know how to "mind [my] business." I asked how they were going to justify this when most of my property is legal. Flowers said it was "improperly stored," and called back to Turner on her radio (Turner was in my cell), and told her to leave whatever legal property had not thus far been packed up.

I told her and Leonard (who also came by), that my property was separated on my bunk under instructions of law library staff who were supposed to come and perform an inventory and measurement on all my legal and other property per policy under what's called a "subsequent legal storage" review. This is done every 6 months for prisoners with pending court cases, where he must separate all of his property so they can determine what specific materials relate to what pending cases, measure the property that applies to each case and make a record of it, and measure all other property to ensure what's kept in the cell that's not legal is no more than 1 foot by 1 foot cubed. Also per the prisoner orientation manual the only time that property must be stored away is when the prisoner voluntarily leaves his living area, otherwise he is free to have out of the stored area to use while inside the cell, to clean the cell areas, etc. So the entire claim that my property was "improperly stored" was bogus and a pretext to falsely justify its taking under Flowers' prior threats. Both Flowers and a Sergeant Arleen Waak, and Turner also threatened me with physical assault while I was in the holding cell.

I was then later taken back to the cell by Leonard and upon entering the cell observed my property was largely missing and what was left were only loose papers that were thrown around the cell. I told Leonard I needed to see Turner and/or Flowers because I needed my taken property, which I saw was most of my legal materials (including all my books and stationery), and others materials. Leonard called Waak to the cell and both refused to summon Turner or Flowers whom Waak said to tell me they didn't care about my issues. Waak also called me "nigger" and threatened me with assault by staff. She had a guard Jennifer Young bring a

portable audio-video camera to my cell and record me at which point I stated my issues and that I needed my property to among other things, meet court deadlines. Instead of addressing my issues Waak ordered Leonard to spray me with gas as I stood in the cell still fully restrained from behind in handcuffs. I was never threatening nor did I refuse any orders, I only tried to get them to have the ranking staff who had my property taken address the situation.

I was then left in the gas contaminated cell with gas-covered linen and bedding and clothes. I asked on camera to be decontaminated, and was refused. The same was the response to my request to have the cell decontaminated. Everything is still gas-contaminated as I write this, near midnight on Dec. 11, 2016.

A nurse came to my cell after I was gassed and I asked for fresh air, to have my eyes flushed and to be and have ther cell decontaminated. She ignored me, the nurse was Tammy Williams, a defendant in several lawsuits she knows I was involved in assisting in being brought against her for her role in killing several prisoners including one Joseph Arcade Comeaux.

At 1:08 pm I also informed nurse Delores Carrizales, as she made pill rounds in my pod of my medical needs, she refused me any aid although as she walked past my cel the gas coming from my cell was so strong she was coughing and gagging from it herself.

Waak allowed a substantial amount of my personal property to be thrown away as trash, including 2 drinking cups

Another officer Rodolfo Trevino filled out a confiscation from for some of my taken property and admitted to me that alot of documents were taken and that he didn't know what was legal and what wasn't in the taken property. He said Turner told him and several other rookie officers to just take everything because I "have too much shit," but later told him to just take what wasn't legal that hadn't already been bagged (alot of the legal property had already been bagged up at that point). She told him to just say it was all "improperly stored."

Later that evening I spoke with lieutenant Stephen Thomas about the incident with another officer present named Britta Townsend, and Thomas admitted that my property should not have been taken as imprperly stored unless I had voluntarily left the cell such as for recreation and at that time not put it into its storage space. He also agreed that based on the awaited legal property review it still shouldn't have been taken then even. Britta signed a statement confirming that I was left and remained in a gas-contaminated cell with contaminated bedding, and that Thomas made these admissions to me in her presence.

I also found that my typewriter had been broken (pieces of the frame are broken off so that it may be confiscated at a later time as altered or damaged).

Numerous other prisoners witnessed all of the foregoing, several asked for witness statements on the use of force and Turner and other guards refused to provide them any.

I swear to the truth of the foregoing facts under penalty of perjury.


Kevin "Rashid" Johnson