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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2014/08/01/videos-show-brutal-treatment-of-prisoners-with-mental-illness/>

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by [Lisa Dawson](#) | August 1, 2014

Recently obtained videos which have been exposed to the public show corrections officers using extreme force on incarcerated people suffering from various forms of mental illness.

Footage of one such video ([shown below](#)), taken in September of last year and later obtained by *The Colorado Independent* through an open records request, shows a team of corrections officers using force on Isaiah Moreno, who had been on suicide watch at the Denver City Jail.

The graphic video shows Moreno repeatedly slamming his head against a concrete wall and pacing in his isolation cell. A team of officers toting restraint equipment is seen assembling outside his cell door seemingly to stop him from harming himself where they remain for several minutes as the man continues to bang his head into his cell wall. According to [The Colorado Independent](#):

At one point, after an officer had asked him to stop hitting his head and Moreno responded, I don't give a fuck. No. Fuck you. Moreno sat on the concrete bench that serves as a bed. Eight officers then entered the cell two with taser guns pointed at him, even though he posed no visible sign of threat. Two of the officers tasered him with electroshocks before he slumped onto the floor. Officers strapped him into a restraint chair and then left him alone in the cell.

The footage of Moreno's self-harm and of officers' attack on him was obtained through a public records request. *The Colorado Independent* edited the 40-minute video to splice out nudity when Moreno was forced to remove his clothing and change into an anti-suicide gown, also known as a turtle suit. The smocks are protocol for suicidal inmates so they don't hang or strangle themselves with their clothing. The gown given to Moreno was far too small for him. Several times in the video, it becomes unfastened, he refastens it and it becomes unfastened again.

<http://youtu.be/sI21awi-6Qo>

According to the story, the incident took place just days following former Denver Sheriff Gary Wilson, who was demoted by the city's mayor, Michael Hancock, for excessive force problems.

As reported by *The Colorado Independent*:

An investigation by Denver's Internal Affairs Bureau determined that Sergeant Ned St. Germain, who has worked in the department since 1983, broke the city's use of force policies when he directly ordered the two deputies, Luke Swarr and Frank Romero, to taser Moreno in the Sept. 26, 2013, attack.

Sergeant St. Germain gave the order when the inmate was not physically resisting at the time or immediately before the order was given. Moreover, he was not posing a threat to himself or others, reads St. Germain's discipline report. Simply stated, there was no need to use the taser to gain compliance.

St. Germain and his deputies had plenty of time to observe Moreno and assess his threat level. Electroshocking a vulnerable, mentally ill man smacks of a certain savagery that shocks the conscience of several people who have viewed the footage.

The story goes on to detail the remarks of Sgt. St. Germain and officials on St. Germain's conduct:

Hancock promised reform on Monday when he demoted Wilson and announced a national search for a new sheriff to change the culture in the department. Still, the mayor's message was mixed. In announcing Wilson's ouster, Hancock praised him as a great leader and said, Unfortunately, the department let him down.

In a meeting with then-Sheriff Wilson and other top department officials in April, Sgt. St. Germain described the Moreno attack as a good situation that was cut and dry because, he said, Moreno was cursing at officers, threatening to fight and not responding to orders. He cited Moreno's internal anger as a danger to the staff. He described the incident as a very successful placement in the chair.

I thought it went very well, he told his superiors. I would have done this exact same thing again.

In his disciplinary report, officials wrote, The Department has great concern regarding your ability to act responsibly and to conduct yourself appropriately while on duty.

They added: Your conduct has compromised the mission of the Department.

Officials punished St. Germain for his misconduct with an unpaid 10-day suspension without pay. He is appealing the disciplinary action.

The Colorado Independent further notes that episodes like this one are not uncommon in Denver's jails.

A recent story by [The New York Times](#) details a report on brutality by corrections officers at Rikers Island, New York City's main jail, from the Department of Health and Mental Hygiene, stating:

The study, which the health department refused to release under the state's Freedom of Information Law, found that over an 11-month period last year, 129 inmates suffered serious injuries, some beyond the capacity of doctors at the jail's clinics to treat in altercations with correction department staff members.

The report cataloged in exacting detail the severity of injuries suffered by inmates: fractures, wounds requiring stitches, head injuries and the like. But it also explored who the victims were. Most significantly, 77 percent of the seriously injured inmates had received a mental illness diagnosis.

What emerges is a damning portrait of guards on Rikers Island, who are poorly equipped to deal with mental illness and instead repeatedly respond with overwhelming force to even minor provocations.

The report notes that health department staff members interviewed 80 of the 129 inmates after their altercations with correction officers. In 80 percent of the cases, inmates reported being beaten after they were handcuffed.

The study also contained hints of efforts to cover up the assaults. More than half of the inmates reported facing interference or intimidation from correction officers while seeking treatment after an altercation.

In five of the 129 cases, the beatings followed suicide attempts.

Among the 129 instances of guard brutality, a particularly disturbing case captured by video camera surveillance ([shown below](#)) involved prisoner Jose Bautista, who at the time suffered from mental illness. Bautista was beaten by guards after attempting suicide by hanging himself by his underwear.

The *Times* reports:

In many of the cases examined by The *Times*, the guards' responses seemed to grossly outweigh the perceived offense. The altercation involving Mr. Bautista early last year is especially puzzling.

After the four guards cut him down from his makeshift noose, he lay prone on the floor of the cell for nearly a minute but then suddenly stood up. Later Mr. Bautista, then 37 and a married father of five who made a living as a house painter and dishwasher, told investigators he did not know why he stood, except that he was confused.

At 5-foot-5, he is significantly smaller than the guards. Whether the four standing over him were startled, scared or angry is hard to know since the surveillance camera that caught much of what happened was unable to pick up sound. But this was the moment when they began wrestling with him and dragging him around the cell.



[Watch in Times Video »](#)

of officials after reviewing the footage:

The *Times* further reports on the opinions

Later, investigators from four city agencies the Board of Correction, the Department of Correction, the health department and the office of the medical examiner watched the video, and all reached the same conclusion. It can be clearly seen that officers are punching this inmate, wrote Kenneth Armstead of the Correction Board, which monitors conditions at Rikers and investigates serious incidents.

The story also quotes comments made by Bautista following his abusive stay at Rikers:

The pain was unbearable, said Mr. Bautista, who was later told he had depression.

I felt all the strength going out of my legs and couldnt stand up anymore, he said in an interview.

My stomach felt really hot.

Jail rules called for him to be transported to the clinic by gurney, but the officers half-walked, half-dragged him there. Feces from the perforated bowel were leaching into his abdomen.

My stomach was swelling, Mr. Bautista said. In a few hours, he said, he was put into a van and thought he was going to the hospital, but instead was driven around and returned to the clinic.

Most recently, [The New York Times](#) reported on footage ([shown below](#)) of officers using excessive force on Charles Jason Toll, who was diabetic and suffered from mental illness, at Riverbend Maximum Security Institution in Tennessee.

From the *Times*:

The August night was hot, but Charles Jason Toll wrapped himself in a coat and covered his mouth to protect against the electrical shocks and gas he thought might come his way. Outside the door of his solitary confinement cell at Riverbend Maximum Security Institution here, five corrections officers in riot gear lined up, tensely awaiting the order to go in. When it came, they rushed into the small enclosure, pushing Mr. Toll to the floor and pinning him down with an electrified shield while they handcuffed him and shackled his legs.

Mr. Toll, 33, a heavyset man who suffered from diabetes and mental illness, said, I cant breathe a complaint he would repeat, with increasing urgency, at least 12 times that night.

Youre not going to be able to breathe, an officer, Capt. James Horton, can be heard telling him on a prison video. And then, You wanted this.

The officers carried him, face down, to a dark outdoor recreation yard to search him. A short while later, Mr. Toll was dead.



[Watch in Times Video »](#)

In California, disturbing footage of guards dousing with pepper spray and using extreme force on prisoners with mental illness prompted the Department of Corrections and Rehabilitation to change its treatment of mentally ill people:

The [Associated Press](#) reports:

California prison officials pledged Friday to take a gentler approach with mentally ill inmates in one of the largest prison systems in the U.S. after graphic images of prisoners being repeatedly doused with pepper spray in their cells were made public several months ago.

The Department of Corrections and Rehabilitation said in a federal court filing that its move will create a system-wide culture change in how 33,000 mentally ill offenders are restrained and isolated.

The state is revising its policies after U.S. District Court Judge Lawrence Karlton ruled in April that California's treatment of mentally ill inmates violates their constitutional safeguards against cruel and unusual punishment.

He acted after the graphic video tapes made by correctional officers were released, showing guards throwing chemical grenades and pumping large amounts of pepper spray into the cells of mentally ill inmates, some screaming and delirious.

Similarly, over 300 surveillance cameras have been installed at the Alabama Department of Corrections Julia Tutwiler Prison for Women in Wetumpka.

From [WFSB News](#):

The system was designed to eliminate blind spots, help with investigations of prisoner actions and improve upon accountability. The facility, which holds all of Alabama's female death row inmates, has been blasted for scandals involving alleged widespread sexual abuse and harassment by male corrections officers.

Completion of the camera installation at Tutwiler is a significant accomplishment for the Alabama Department of Corrections and continued proof of the department's efforts to make the facility safer for inmates and staff, Governor Robert Bentley said.

ADOC Commissioner Kim Thomas says he wants to use the camera systems implementation at Tutwiler as a blueprint for other state corrections facilities. We understand the ultimate success of the camera system is dependent on its management, Thomas said.

In spite of these achievements, reports of abuses like those to which Moreno, Bautista, and Toll were subjected rarely reach the public. While video cameras are present in many prisons and jails, the footage is seldom seen by anyone but prison staff. In addition, corrections officers are known to take people to areas [without surveillance cameras](#), or blind spots, where they beat prisoners, some of whom are handcuffed and shackled. Yet cases like these are undoubtedly more common in U.S. prisons and jails than the public is aware.

As [reported](#) by Solitary Watch last fall, video footage made public in California showed guards at state prisons repeatedly dousing psychotic prisoners with pepper spray before forcibly extracting them from their cells. In Maine, surveillance cameras captured [two separate episodes](#) of brutality against two men with mental illness.

When asked by Solitary Watch recently for her opinion on whether cameras curb guard brutality against prisoners, Jennifer J. Parish, Director of Criminal Justice Advocacy for the [Mental Health Project](#) at the Urban Justice Center, stated:

I believe cameras in prisons and jails are essential and that they can prevent assaults on incarcerated people by staff. Unfortunately even in facilities that have cameras, there are usually areas where cameras are absent. Correction officers know where these areas are and that

is where abuse often takes place. For instance, the assault of Andre Lane, which was recently reported in [The New York Times](#), occurred in the mental health clinic where there are no cameras. The complaint in [Nunez v. City of New York](#), the class action lawsuit about brutality in the jails, includes allegations about correction officer assaults occurring in areas without cameras.

Lisa Dawson served as an assistant editor, social media manager, and contributor at Solitary Watch. She continues to support prisoners and their family members who need help navigating re-entry. She is on Twitter [@endsolitary](#).

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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Four suicides in one year

January 2011: Darryl Woody, 44, of Westbury. He hanged himself despite being on suicide watch. Days before the hanging the depressed schizophrenic had slit his wrists in the jail following his arrest on Christmas Eve on domestic violence charges.

Darryl Woody was booked at Nassau County jail last Christmas. He had been arrested the night before, pleading not guilty to domestic violence charges.

In the early morning hours of Dec. 26, 2010, the 44-year-old pulled a piece of metal from the smoke detector in his cell and began stabbing himself repeatedly in the neck and wrists.

The corrections officer guarding the overnight tour commanded him to stop.

Woody, of Hempstead, who reportedly was bipolar and schizophrenic and unable to make the \$30,000 bail or \$60,000 bond, had stripped nude from his suicide-prevention gown made of material incapable of forming a noose. Ignoring the orders, he continued to stab himself about the face and neck.

Another officer arrived to assist. The two guards shouted for Woody to drop the weapon and stop injuring himself. Through the cell doors meal hatch they fired a one-second burst of pepper spray into his face.

No effect.

A sergeant that had also just arrived on the scene ordered Woody to put down the piece of metal. He continued to slash his face. The officers fired a second blast of pepper spray; still no effect. Another.

A fourth officer arrived to help. Woody ran to the back of his cell as the guards burst in.

I told them when I came in I needed my medication, and they didn't give it to me! he cried out, his voice echoing through the cell block as he was taken to a shower for decontamination. I did this to get my meds, I'm sorry, but I need them!

Ten days later a year ago this Jan. 3 Woody hanged himself with a bed sheet anchored to medical equipment while on suicide watch at the now-defunct prison ward in neighboring Nassau University Medical Center in East Meadow. Those and other details, many blackened out, were documented in routine New York State Commission on Correction investigative reports on such deaths, obtained by the Press via Freedom of Information Law requests.

Page five of a 13-page state report on the death of Darryl Woody, which is about 50-percent redacted. The only line legible reads: This represents grossly negligent psychiatric care and gross incompetence on the part of the jail/NUMC. (Photos by Ethan Stokes/Long Island Press)

Woody's death may have been prevented but for the grossly inadequate psychiatric care provided him in the jail and hospital, and the lack of appropriate supervision by the NUMC, reads the top finding of the Commission's heavily redacted Final Report of Darryl Woody.

Woody is not alone. Before him, three other inmates committed suicide at the jail in 2010 the first a year prior to the day of Woody's demise. Darryl Woody, 44 years old, committed suicide on January 3, 2011, while at the NUMC Prison Ward. The New York State Commission of Correction, an independent state entity that investigates deaths in custodial facilities, reported that his death may have been prevented but for the grossly inadequate psychiatric care provided him in the jail and hospital, and the lack of appropriate supervision by the NUMC. The Commission of Correction further reported that Mr. Woody had a history of mental instability and had previously attempted suicide once before entering jail and once in December 2010 while on suicide watch in the jail. The Commission's

report recommended investigations into the jails booking, supervision and staffing procedures, as well as investigations for gross negligence and gross incompetence of the two doctors who treated Mr. Woody.

Legal Consequences to Gross Negligence

In the majority of ordinary negligence claims, the plaintiff is awarded compensatory damages if the court rules in their favor. This compensation comes in the form of monetary damages in order to reimburse victims for their medical costs, lost wages, court costs, and losses. In gross negligence claims, a court can award punitive damages depending on the facts of the case.

Punitive damages are designed to prevent the defendant from continuing to engage in dangerous behaviors. Punitive damages often come in the form of very high monetary awards, though some states place limits on the amount a plaintiff can collect. In some cases, criminal charges can also be brought against the individual acting in gross negligence.

Were trying to get to the truth, says Robert Grundfast, the Stony Brook-based attorney representing the Woody family in a lawsuit against the county, jail and NUMC seeking \$140 million in damages. We just want to see who did what, when and where.

The fact is, if someone is intent on taking their life, theres very little you can do, County Executive Ed Mangano told a reporters roundtable when asked about the deaths three months after Woodys suicide. Thats why there are strict legal guidelines regulating suicide questionnaires upon inmate intake, and guards carry a special knife called a cut-down tool to quickly saw through makeshift bed-sheet nooses.

The vets suicide was the only one that happened after Armors takeover from NUMC. But it also came months after the state ordered Nassau Sheriff Michael Sposato to review procedures with Armor for that jail unit because of a 2010 suicide.

D. Videotaping

75. NCCC shall maintain sufficient hand-held video equipment to record all planned uses of force and sufficient equipment for investigators and supervisors to view such videotapes. The Deputy Undersheriff of Operations shall be responsible for ensuring that videotape equipment is properly maintained. NCCC shall develop and implement policies and procedures for recording all planned uses of force to the extent practicable; for training personnel assigned to film uses of force in the use and maintenance of such equipment; for disciplining staff who fail to videotape incidents as required; for disciplining staff who tamper with the videotape machines or tapes; and for reviewing regularly the tapes. NCCC shall maintain the used tapes for three years to ensure that evidence is not destroyed or lost. No tapes containing relevant evidence shall be destroyed during the pendency of any civil, criminal, or administrative investigation, prosecution, or litigation.

The Feds colluded with the DAs Office, The DAs Office colluded with the legislators, the legislators colluded with NCCC/NUMC, Homicide Squad colluded with the Sheriffs Department, and NC poisoned the well of Attorneys representing Darryl Woodys lawsuit! How did all of these law-enforcement agencies [fail] to review or call for the production of the Video Surveillance Camera evidence. Following Darryls death on January 3, 2011 a Mandatory Review was made. Nassau Countys Homicide Squad investigates all deaths at NCCC with-in 24-hours of each death. The DAs Office called for an [inquiry] following four (supposed) suicides in one-year between 2010-2011.

Mentally Ill Inmates are Routinely Physically Abused, Study SaysThe New York Times, May 12, 2015Mentally ill inmates in prisons and jails across the United States are subjected to routine physical abuse by guards, including being doused with chemical sprays, shocked with electronic stun guns and strapped for hours to chairs or beds, according to a report by Human Rights Watch.

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No one. No one whatsoever should be in a cell for 23 hours straight. Its punishment, yes, but nothing to do with rehabilitation and improving their conditions in order to make the prisoners better human beings. Only humans can do this to its own race. Unbelievable.

Words can not express my grief. We are better than this. Arizona Mental Health & Criminal Justice Coalition davidshopeaz.org is dedicated to diverting those with mental illness and addictions from incarceration into comprehensive community based services.

Sick,sick, sick.

Ten days no pay and discipline ?! His victim will now be suffering from Post traumatic stress disorder (PTSD) along with his already severe mental diseases. He will never fully recover without expert treatment and he requires therapy right now, along with the many others wo have received similar treatment in solitary. Again, thats in comparison to ten days no pay (and a few nice rests and lie-ins while off work)

Bless you, and nd my thoughts are with you, victim of mindless violence .

cowards

P.O. Box 11374
Washington, DC 20008

info@solitarywatch.org

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