

# Solitary Watch

## Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2014/12/20/corrections-officer-found-guilty-in-death-in-a-rikers-island-solitary-cell/>

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by [Vaidya Gullapalli](#) | December 20, 2014

On December 17, a federal jury found a former corrections officer on New York's Rikers Island guilty of deliberately ignoring the medical needs of a man who died in 2012 while being held in solitary confinement. Terrence Pendergrass was a captain and the supervising corrections officer on duty when Jason Echevarria, a pre-trial detainee with a history of mental illness, ingested a highly caustic detergent. For hours before he died, Echevarria pleaded for help from multiple corrections officers and civilian staff.

The verdict comes at a time when Rikers Island has been under fire for staff negligence and brutality in both the press and a major investigation by the U.S. Department of Justice. Against this backdrop, the trial and conviction of Pendergrass happened quietly and quickly but becomes a part of a conversation about the accountability of uniformed officers and the brutalization of people in the criminal justice system.

Terrence Pendergrass was convicted in federal district court in Manhattan of deprivation of rights under color of law, a federal law that penalizes agents of the government acting in their official capacity for violating a person's rights. The right in question was that of a person held in a jail or prison to be provided medical care when he was in serious need of it.

Pendergrass was the supervising officer on duty when Echevarria told officers that he had swallowed detergent used for cleaning cells, and needed to see a doctor. He was found guilty of deliberate indifference to Echevarria's medical needs, resulting in Echevarria's serious physical injury and eventual death. Under ordinary circumstances, ignoring the sick and the dying is not defined as a crime. But staff in prisons and jails where incarcerated people are not free to move as they choose, not free to call a doctor, not free to go to an emergency room have a responsibility to ensure that the people in custody receive medical attention when they need it.

As the *New York Times* reported, this was the first time in ten years that the U. S. Attorney for the Southern District of New York had prosecuted a corrections officer under this statute. Pendergrass faces up to ten years in federal prison.

### Life and Death in Custody

The trial, which took place over a week and a half at the Thurgood Marshall courthouse in Lower Manhattan, offered a bleak image of what life is like on Rikers Island, especially for individuals with psychiatric disabilities.

On August 18th, 2012, the day he died, Jason Echevarria was one of the thousands of people held on Rikers Island in pre-trial detention. Like thousands of others held in the island's jails, Jason Echevarria had documented mental health needs, including bipolar disorder. He reportedly had attempted suicide more than once while at Rikers. He was placed in solitary confinement for infractions he committed violations of jail rules. Because of his mental health needs, his solitary confinement was in MHAUII, the Mental Health Assessment Unit for Infracted Inmates.

MHAUII was specifically designated for the punitive segregation of men with mental illness at Rikers Island. Late last year, after concerns about conditions, MHAUII was officially shut down, though the building is still in use and the two units that came to replace it are still for the punitive segregation of the mentally ill. (The corrections staff who testified in court last week were hard-pressed to answer the question of whether MHAUII was still open or closed, or explain what has replaced it.)

In MHAUII, Echevarria was in his cell round the clock except for the single hour a day he sometimes could leave for recreation or a shower. All food, medication, or anything else he might need was given to him through a slot in his door. On August 17th, he held his slot, jamming his mattress into the opening for two and a half hours so that a corrections officer had to go over and address the problem. In the government's narrative, this incident created a motive for Terrence Pendergrass to ignore Jason Echevarria the next day. While an incident like this would normally have been punished with yet another write-up, Echevarria did not receive one. A corrections officer testified that on another occasion, when he had urged Pendergrass to punish someone with an infraction, Pendergrass had said, There are ways to get back at inmates besides infractions.

The following day, a toilet overflowed and the entire housing area was flooded with raw sewage. Echevarria asked for a soap ball, as packets of detergent used to clean the hallways and cells are commonly known. A corrections officer, in violation of protocol, gave him

one or more packets. For cleaning purposes, each of these packets is supposed to be diluted in three gallons of water. It was unclear whether staff and the people incarcerated were in the habit of using the detergent without water, or if this was sheer carelessness on the part of the officer who gave the soap ball to Echevarria.

The medical examiner who conducted the autopsy and testified as an expert witness at trial described the detergent Echevarria ingested as more caustic than household bleach. He explained that when Echevarria swallowed the detergent it began to liquefy all the human tissue with which it came in contact, causing chemical burns to Echevarrias mouth, tongue, throat, larynx, epiglottis, digestive tract, esophagus, airways, and stomach lining. The examiner provided extensive evidence of the body reacting to its various injuries, and the many hours that must have passed between Echevarrias immediate injuries and his death.

Two corrections officers testified to Echevarrias suffering, his pleas for help, and Captain Pendergrasss indifference. These officers Raymond Castro and Angel Lazarte said all they could do for Jason Echevarria was follow the chain of command tell their captain about Echevarrias condition so that the captain could have Echevarria taken out of his cell, arrange for an escort to take him to the medical clinic, and clear the hallways. It is exactly this, they say, that Pendergrass refused to do. Castro testified that Pendergrasss response to hearing that Echevarria had swallowed a soap ball containing bleach was, Dont come to me if you have living, breathing bodies. Come to me if you need a cell extraction or you have a dead body. Castro later saw vomit, plain to see, in Echevarrias cell but when he went back to tell Captain Pendergrass about this, Pendergrass said, Tell him to hold it.

Raymond Castro testified for hours on the second day of trial. Three different times he broke down on the stand, wiping tears from his eyes as he remembered Echevarria calling out for him, Castro, Castro. Video surveillance showed Castro stopping by Echevarrias cell over and over again during his shift, looking in through the small window. He came by one last time at 11 oclock, just as his shift was ending for the night and he was due to report to another housing area for a second shift. The surveillance footage shows him standing at Echevarrias cell for a full minute, simply watching.

Earlier in the same shift, the pharmacy technician who dispensed medication, cell by cell, saw Echevarria crying out in pain. Sarah Johnson testified that she refused to move on until someone was notified. That someone was again Castro, who said hed already spoken to Pendergrass twice. Nevertheless, Castro and the escort officer, Angel Lazarte, then went to Pendergrass to let him know, again, that Echevarria had swallowed a soap ball containing bleach and to add that the technician thought he could die if he didnt get medical attention.

This time, according to testimony, Pendergrass ordered Officer Lazarte to write a report of the injury. Surveillance showed Pendergrass going to Jason Echevarrias cell himself and looking in. Then he walked away to another housing area and could be seen talking to one of the nurses. That nurse, during her testimony on the stand, said she had not seen Echevarria that day, had no information about his condition and was not asked about his condition by Pendergrass. After that conversation, Pendergrass is alleged to have told Lazarte to stop filling out the report. Pendergrass then stopped Castros final effort to help Mr. Echevarria, ordering Castro to hang up the phone when the officer tried to call the medical clinic. Twice during the shift, Pendergrass made false entries in the housing area log book, claiming to have done tours (rounds of the housing area). In these entries, he wrote: Tour of area. No problem, report or noted.

The next morning, nine and a half hours after Pendergrasss shift ended, Jason Echevarria was discovered dead, with vomit in his toilet and blood and foam around his mouth. He was 25 years old.

In December 2012, the New York City Office of the Chief Medical Examiner ruled Jason Echevarrias death a homicide. The Bronx District Attorneys Office investigated the case but declined to prosecute. The office of the United States Attorney of the Southern District then made the decision to charge Mr. Pendergrass. This March, Terrence Pendergrass was indicted and arrested. He was released on \$250,000 bond. After the jurys guilty verdict he now awaits sentencing in April.

### **An Indictment of Rikers**

During the trial, both sides urged the jury to confine themselves to the question of Terrence Pendergrasss action or inaction. The prosecution asked the jury to disregard whether the other officers and staff should have done more to save Jason Echevarria. The defense attorney reminded the jurors that during jury selection they had sworn to not let recent events surrounding police killings in Ferguson and New York influence their decision in the case. From both sides, for different reasons, the message was the same focus on this man, in this case.

Yet the trial was revealing about issues beyond Pendergrasss culpability. Perhaps first among them is the treatment of people with mental illness in New Yorks jails. Pendergrasss defense attorney characterized the people housed in isolation in MHAUII as the worst of the worst, while the prosecutors described them as troubled people. What is clear is that the people housed in MHAUII had substantial mental health needs. What they received the afternoon and evening of August 18th, 2012, was inexperienced staff. Pendergrass was in his first month as captain. Both Officers Castro and Lazarte were probationary officers which meant they could be terminated, with no cause given, on a days notice. Castro believed disobeying a supervisor would have meant losing his job by days end. Even the pharmacy technician was new to her job.

The heightened vulnerability of people in solitary confinement gave the captain even greater responsibility. The officers explained how people who are held in GP or General Population are free to walk around during the day, to alert an officer if they are injured or ill and get a hall pass that allows them to go to the clinic. In solitary confinement, by contrast, people are locked in cells all day and night and depend on officers walking around the housing areas, hearing the requests and observing the condition of the people in cells, and acting on what they see and hear. The people in solitary confinement are invisible within the jail complex, unless someone makes a point of seeing them. Instead, Terrence Pendergrass made a point of not seeing Jason Echevarrias suffering, and the structure of solitary confinement helped make that possible.

The fact that a single persons inaction could prevent Jason Echevarria from being saved when at least four other people working the same shift saw him suffering points to serious problems with the culture of Rikers, staff training and the chain of command. On August 18, 2012, there was a staffed clinic a few yards away from where Jason Echevarria was dying, just outside his housing unit. There was also a larger clinic, open 24 hours a day, further away in the same building. At least two witnesses the pharmacy technician who said she

knew Echevarria was dying and yelled for CO Castro to tell someone, and CO Castro himself cried on the stand as they described Echevarrias condition. But they followed the chain of command, and Jason Echevarria died an avoidable death.

In [announcing](#) Pendergrasss arrest back in March, Manhattan U.S. Attorney Preet Bharara said: Jason Echevarria should not have died. The Constitution protects the civil rights of everyone, including prison inmates at Rikers. The kind of conduct alleged today cannot be tolerated in our criminal justice system.

The conviction of one corrections captain, however, will not bring justice to Rikers Island. The day before closing arguments in the Pendergrass trial, another corrections officer [was arrested](#) for falsifying records and official misconduct in connection with the death of Jerome Murdough, a veteran with mental illness who died after hours in an overheated cell in the mental observation unit of Rikers. The officer, Carol Lackner, is alleged to have falsely recorded that she did rounds of the unit every half hour when surveillance footage shows that was not the case.

Last November, corrections officers prevented 44 busloads of people from being taken from Rikers to court so that one man would not testify against a corrections officer on trial for assaulting him. People held in solitary confinement at Rikers are [routinely deprived](#) of even their single hour of recreation outside a cell. In July of this year, the *New York Times* reported the [story](#) of a man held in solitary confinement who threw urine or water at guards when they did not give him dinner. The guards took him to a medical clinic, away from surveillance cameras, and beat him while medical staff pleaded with them to stop. Such stories suggest that the culture of impunity, indifference, and violence that led to Jason Echevarrias death continues unabated at Rikers.

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Excellent article. Extremely well reported.

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