

# US Department of Justice to sue New York City over conditions at Rikers Island jail

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The office of Preet Bharara, the United States Attorney for the Southern District of New York, has filed a motion in federal court on behalf of the Department of Justice to participate in *Nunez et al. vs. New York City*, which seeks to implement reforms for the treatment of thousands of young people exposed to violence and torture at the Rikers Island prison complex.

Rikers Island is the city's main jail complex, which houses over 12,000 inmates, both adult and juvenile, who are guarded by a corrections force of 9,000. The complex is one of the largest in the United States.

In a press release, Bharara said that the motion by his office was designed to ensure "enduring and enforceable reform at Rikers Island," and that "given the longstanding sad state of affairs at Rikers Island, our impatience is more than understandable."

In August, the US Attorney's office released a report, the result of a two-year investigation, which described New York City Department of Corrections (DOC) guards' treatment of juvenile prisoners as "a deep-seated culture of violence."

Among other acts of brutality, including the use of solitary confinement, the report found that:

- \* force is used against adolescents at an alarming rate and violent inmate-on-inmate fights and assaults are commonplace, resulting in a striking number of serious injuries;

- \* correction officers regularly resort to "headshots," or blows to an inmate's head or facial area;

- \* force is used as punishment or retribution;

- \* force is used in response to inmates' verbal altercations with officers;

- \* use of force by specialized response teams within the jails is particularly brutal;

- \* correction officers attempt to justify use of force by

yelling "stop resisting," even when the adolescent has been completely subdued or was never resisting in the first place;

- \* use of force is particularly common in areas without video surveillance cameras.

As reported in a series of articles earlier this year, the *New York Times* also found that over 11 months in 2013, 129 inmates, most of whom had been diagnosed as mentally ill, sustained "serious injuries" in altercations with DOC guards.

The reports came on top of several high-profile deaths at the hands of prison guards in the adult sections of Rikers. On February 5, inmate Jerome Mordough, a homeless veteran, died of heat exposure after neglect by guards, and in May, Bradley Ballard, a mentally ill inmate, died after he was left alone in a cell for seven days without his medication.

According to an internal report obtained by the Associated Press in March, nearly a third of inmates had suffered a blow to the head by Rikers guards between April 2012 and April 2013. The report verified 8,557 injuries in the same period among inmates.

Further revelations found that internal reports by the DOC had been heavily redacted by top officials. In October, three commanders of the prison resigned. All three had been promoted by John Ponte, the Commissioner of the Department of Corrections, himself appointed by New York City's Democratic Party mayor, Bill de Blasio.

In October, a city investigator posing as a guard smuggled over \$22,000 worth of alcohol and drugs through several checkpoints into Rikers.

Mayor de Blasio visited Rikers Island for the first time on Wednesday and announced that no juveniles were in solitary confinement. Commissioner Ponte told the media that violence had continued to rise at the

prison.

Also on Wednesday, DOC Captain Terrence Pendergrass was found guilty of willfully denying treatment to a mentally ill Rikers inmate, Jason Echevarria, who died in August 2012 from eating soap used to clean cells. Pendergrass's lawyer complained that continuing protests throughout the city over police brutality made it unlikely that a jury would find Pendergrass innocent. "Thousands protesting everyday made it a very tough time for a law enforcement officer to be on trial," he said.

An appearance of reform for the police and the prison system is, in fact, becoming an urgent matter for sections of the ruling elite in New York. While the New York City Police Department (NYPD) and the DOC prison guards oversee a repressive apparatus that is typically American in its cruelty and brutality, New York City's political establishment has been in a state of extreme crisis for several months.

The refusal of a Richmond County grand jury to indict Daniel Pantaleo, the NYPD cop who choked Staten Island resident Eric Garner to death in July, coming shortly after Darren Wilson, the police killer of Michael Brown in Ferguson, Missouri, went unindicted in similar circumstances, has caused nearly a month of protests throughout the city, including a mass demonstration of tens of thousands in Manhattan on December 13.

To complicate the posturing of the mayor and the Obama administration as reformers of police and prison violence, elements among the police and prison guards themselves are balking at even the most nominal changes to the system.

Patrick Lynch, the president of the Patrolmen's Benevolent Association, the police union, has distributed a flier asking NYPD officers to sign waivers requesting that de Blasio not attend their funerals if they are killed in the line of duty. The police have been particularly incensed since de Blasio did not give his unstinting support to two NYPD lieutenants who were injured on the Brooklyn Bridge during protests this weekend. A manhunt is now under way for five people suspected of participating in a melee with the cops.

The *New York Times* also ran a feature this month on the obstruction offered by the president of the prison guards' union, Norman Seabrook, to reforms. The article noted his, "extraordinary control over the

Corrections Department," and describes an episode in November 2013 in which a Rikers inmate was scheduled to testify against two guards. Seabrook halted all prison bus service from the prison to the courthouses, not only preventing the inmate from testifying, but disrupting court appearances of hundreds of other inmates.



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