

# Family seeks answers after homeless man dies in New Hampshire jail

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5 April 2016

Coworkers and friends of Jeffery Pendleton are seeking answers following the death of the 26-year-old homeless man in police custody last month. Pendleton was held in jail for five days at the Hillsborough County House of Corrections in Manchester, New Hampshire, after he was too poor to post bail.

According to Nashua police, Pendleton was detained on March 8 after he was arrested for marijuana possession and pre-existing warrants for not paying a court fine and not attending a scheduled court appearance. Bail was set at \$100 cash and Pendleton, unable to pay, was sent to jail.

According to a statement by David Dionne, the superintendent of the Hillsborough County corrections department, Pendleton was found unconscious in his cell at 2:45 p.m. on Sunday, March 13. He did not respond to medical assistance and was pronounced dead at 3:19 p.m. “There appeared no indication that Mr. Pendleton was in any form of distress,” Dionne stated.

Dr. Jennie Duval, the state’s deputy chief medical examiner, told the *Manchester Union Leader* that her preliminary observations showed “no evidence of any natural disease or no evidence of trauma.” Autopsy results are pending and the state is awaiting toxicology reports to determine the cause of death, according to the state’s chief medical examiner.

Pendleton’s family, who raised funds to bring his body home to Arkansas, disputes the authorities’ claims that no harm was done to him in jail. In an update on their GoFundMe page they wrote: “They, Medical Examiners of NH, had stated there was no harm to Jeffery. They did not allow us to view his body in New Hampshire. This is why it was important to get him home.”

While not providing details at this point they wrote:

“The second report completed in Arkansas states there are clear indications that Jeffery was harmed prior to his death and likely that harm caused his death.”

Pendleton worked at the Burger King in Nashua, but was homeless due to the low wages paid by the fast food chain. He was a homelessness activist and had participated in the “Fight for \$15” campaign, which advocates for a higher minimum wage.

On Friday, about 20 co-workers and supporters demonstrated outside the Hillsborough jail where Pendleton was held and died, chanting, “No justice, no peace” and holding signs reading, “Justice for Jeffrey.” They tried unsuccessfully to enter the jail.

Andy Fontaine, a former co-worker of Pendleton’s who participated in the protest, told the Concord Monitor, “We’re all just here to know what happened and why it happened.”

Pendleton was no stranger to the jail where he met his end. He spent more than a month locked up there in 2014 after Nashua police picked him up on a criminal trespassing charge while he was walking through a park. As with his most recent arrest, Pendleton was unable to come up with the \$100 bail to secure his release until his next court date.

With the assistance of the American Civil Liberties Union of New Hampshire (ACLU-NH), Pendleton sued the city of Nashua, arguing that his right to be in the area around the Nashua Public Library was protected by the First Amendment. The city eventually dropped the charges and agreed to pay him \$15,000 to settle his civil claim, according to court documents.

Pendleton was involved in another ACLU lawsuit months later, suing the town of Hudson over the police department’s cracking down on peaceful panhandlers by citing restrictions that weren’t on the books.

The ACLU wrote in a March 15 statement on this

case: “[F]rom March 2011 to March 2014, at least 12 Hudson police officers in at least 18 separate incidents instructed panhandlers that panhandling was illegal or that a permit was required to panhandle. These panhandlers were then told to be ‘on their way,’ and at least two panhandlers—including Mr. Pendleton—were cited and directed to go to court.

“However, there is no state or town law that makes panhandling in public places illegal or requires a permit for this form of peaceful expressive activity. And if there was, it would violate the First Amendment.” Hudson agreed to pay \$37,500 to settle Pendleton’s civil suit, but it is unclear if he received any of the settlement money or was able to access it.

In January, ACLU-NH and New Hampshire Legal Assistance filed a federal lawsuit challenging the constitutionality of the Manchester police department’s practice of dispersing and charging panhandlers for allegedly “obstructing vehicular traffic on public streets” under the state’s disorderly conduct statute, even when the panhandlers are on public property and do not step in the roadway.

Pendleton’s death is a tragic consequence of the criminalization of the poor and homeless in America that is repeated in courtrooms and prisons across the US.

In Michigan in 2014, Savid Stojcevski, 32, died naked in a Macomb County jail cell of drug withdrawal while serving a sentence for failure to pay a \$772 ticket for careless driving. Stojcevski was placed in a jail cell despite a nurse’s observation that he showed “obvious physical signs of drug abuse” and recommended placing him in a drug detox unit.

In January 2015, federal lawsuits were brought by several non-profit groups against the Missouri cities of Ferguson and Jennings, charging they were operating what amount to debtors’ prisons, throwing people in jail for extended periods of time for inability to pay fines for minor offenses. Ferguson was the center of protests against police violence after the shooting death of Michael Brown in August 2014.

On their GoFundMe page, Pendleton’s family wrote: “Jeffery, unfortunately, never let his family know about his money problems. We were unaware. He simply let us know he was fine and living in New Hampshire. He worked at Burger King. But the truth was that he was homeless and had to struggle. ...

“It’s heartbreaking to know he kept this from us. Because the system felt he was homeless it is not shocking that the medical examiner and New Hampshire police felt no one would speak up for him. They were wrong. We will work tirelessly to get justice for our kind and loving Jeffery.”

The family thanked those who donated, writing, “You are not only helping to cover funeral expenses for our brother but also to help us find justice for yet another young, black man who was likely killed by the police.”



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