

“A Safe Place” exposes state and federal cover-up of 2018 death of Jerod Draper inside Indiana jail

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On January 31, the *New York Times* released filmmaker Sam Mirpoorian's documentary film titled “A Safe Place,” which focused on the death, and subsequent cover-up, of 40-year-old father and worker, Jerod Draper, inside the Harrison County Jail in southern Indiana on October 4, 2018. Roughly seven hours after an early morning traffic stop, Draper, who was white, died inside the jail after he failed to receive medical treatment while suffering from “excited delirium” due to a methamphetamine overdose.

The film chillingly depicts the last torturous hours of Draper's life inside the southern Indiana detention facility using surveillance video from inside the cell where Draper was confined.

While incarcerated, Draper was subjected by police officers and medical staff to various heavy-handed restraint techniques, including strapping him into a restraint chair for nearly two hours. Officers justified their barbarism with the flimsy excuse that jail property could be damaged in a room with metal furniture, a steel door and concrete walls.

The video shows that while under the care of the jail, Draper, who never resisted police or attacked them, did not receive medical care and instead was tortured for hours by jail and medical staff prior to his death. Prior to being incarcerated, Draper was taken to the hospital by police after they first apprehended him and observed cuts on his wrists and a bloody weapon in his vehicle.

He also told police he was suffering from suicidal ideations. Initially Draper did not tell police he was also suffering from methamphetamine intoxication. Eventually he disclosed this to Harrison County Jail commander Dustin Cundall.

In the film, Zachary Stewart, a lawyer for the Draper family, says it did not appear that Cundall acted on Draper's admission by informing medical staff so Draper could be evaluated. Instead, Stewart says that someone, still unknown to this day, prescribed Librium (Chlordiazepoxide) for alcohol detoxification. This is despite the fact that Draper never exhibited signs of alcohol intoxication.

The film shows how Draper spent his last moments alive. After first being stripped of his clothes and placed in a five-point

restraint chair for one hour and 59 minutes, Draper's condition continued to deteriorate inside the cell. He is observed pacing back and forth while sweating profusely and occasionally banging on the steel door. Police responded by aggressively entering the cell, handcuffing the naked man and strapping him to the restraint chair again. While he is strapped to the chair, at least one jailer, Matthew Husley, and a corrections nurse, Michael Gregory, are observed using a taser on Draper seven times in 15 minutes, causing him to bleed.

The footage shows that as Draper is restrained, Gregory stomped on his exposed feet with his shoes while another jailer applied pressure to his neck. With multiple corrections officers surrounding Draper, a “spit mask” affixed to his face begins to pool with blood. Another 50,000 volts from a taser is sent coursing through Draper's body.

Draper, barely able to move, howls in pain through the spit mask before falling silent, lifeless. The jailers and medical staff remove the restraints and heave his body onto a stretcher and begin to administer CPR.

The circumstances around Draper's death were largely unknown for years until investigations by local reporters, working with the assistance of attorneys from the Draper family, forced the county to release the security footage from inside the jail nearly three years after his death as part of a civil lawsuit. In the lawsuit, Harrison County agreed to pay the Draper estate \$1 million, yet admitted no criminal guilt in his death.

A special report by the *Indianapolis Star* published in October 2021 titled “Death Sentence” looked into the death of Draper and other inmates in Indiana's jail system. In its investigation the *Star* found that “No public agency ... accurately tracks the number of people who die in Indiana's jails, much less how, why, or what should be done about it.”

In its research, the *Star* found that inside an Indiana jail “Someone has died every two weeks, on average, for more than a decade. That's more than 300 dead since 2010, and it's getting worse.” No doubt, these figures are similar or worse in every state across the country.

In addition to detailing his last moments inside the jail, the new film shows police footage documenting Draper's arrest; interviews with Natalie Martinez for Wave News in Louisville, Kentucky; Ryan Martin, an investigative reporter for the *Indianapolis Star*; Draper's mother, Vicki Budd; and lawyers for the Draper family. The film also features depositions from police, jailers and medical staff involved in the death of Draper.

It was because Harrison County prosecutor J. Otto Schalk refused to file any charges after reviewing the footage "hundreds of times" that Draper's family filed the civil lawsuit.

In the film, Vicki Budd, Draper's mother, describes her son's childhood as the average Indiana kid enjoying small-town America. But his life was not an exception to tragedy and hardship; in ninth grade, his best friend died in a car accident. The following year his mother said, he witnessed the death of his first love, also in an accident.

Budd notes that these successive tragedies built up to the point where "he really started to get off track," which led to substance abuse and alcoholism later in life. Before the traffic stop that led to his arrest, he had been "clean" for several months, according to his mother.

Draper is not alone in turning to drugs under the pressure of life in capitalist America. While 10 billionaires increased their net worth by \$500 billion in 2021, over 108,000 people in the US died of drug overdoses, according to the Centers for Disease Control and Prevention. In an interview with NPR (National Public Radio) in December 2022, Kenneth Kochanek, a statistician with the CDC, said, "Overdose deaths are increasing" in the US.

Kochanek told NPR that figures from 2022 show that "[t]he majority of those deaths are to younger people." Pointing to overdose deaths as a factor in the historic collapse in life expectancy during the COVID-19 pandemic in the US, Kochanek noted that "deaths to younger people affect the overall life expectancy more than deaths to elderly."

Despite footage showing corrections officers and medical staff assaulting Draper while he suffered a medical emergency, the film notes that neither the FBI nor the US Attorney General has filed any criminal charges against any Harrison County Jail staff.

"A Safe Place" is a powerful film and is free to stream on YouTube. It not only sheds new light on the ongoing refusal of state and federal prosecutors to hold any police accountable for the death of Draper, it also, perhaps unintentionally, demolishes the racist narrative of police violence advanced on a daily basis in the pages of the *Times* and by the Democratic Party. Draper, like the plurality of the over 1,100 killed by police every year, was white.

As Martinez notes in the film, what happened to Draper is not an anomaly in the United States. There is no question there are hundreds, if not thousands more deaths inside America's

sprawling prison complex, including at immigrant detention facilities, that go unreported because the victims' families are unable to afford attorneys to navigate the process of civil litigation.

The film also refutes claims that the police, an instrument of class rule, can be reformed through implementation of measures, such as body-worn or dash cameras. As Draper's case shows, even when footage exists of brutality and blatant criminality, prosecutors feel no obligation to pursue criminal charges.

In a January 2023 interview with *The Grid* on the adoption of body-cameras by US police departments, Chad Marlow, senior policy counsel at the American Civil Liberties Union, observed that when body cameras were rolled out "in large number starting in 2016" there was "hope" that police would "behave better" since they were being monitored.

"Those predictions were wrong," Marlow bluntly stated. "Body cameras have proven to have limited and inconsistent value when it comes to holding officers accountable for their misconduct and virtually no beneficial effect in preventing misconduct in the first place."

Despite clear video evidence, in an interview with the *Star* in October 2021, Harrison County prosecutor J. Otto Schalk justified not pursuing charges against jail staff by claiming that while Draper was restrained in the chair and surrounded by at least five corrections officers, he still posed a threat and therefore the staff members were within their right to tase him repeatedly.

"I've seen a lot of jail guards be injured, contract disease," Schalk told the *Star*. "And so, to opine as to whether or not someone presents a risk when they can still flail around, when they can still projectile bodily waste, I don't know if that would be appropriate at the moment to opine whether or not (the nurse) was in danger at the time."

Schalk added that sometimes jail staff will "take certain steps, [that] to the lay person they may not always understand..."



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