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**FEDERAL INVESTIGATION FINDS CONDITIONS
AT WESTCHESTER COUNTY JAIL VIOLATE
CONSTITUTIONAL RIGHTS OF INMATES**

PREET BHARARA, the United States Attorney for the Southern District of New York, and THOMAS E. PEREZ, the Assistant Attorney General for the Civil Rights Division of the United States Department of Justice, announced today that a long-term federal investigation has found that conditions at the Westchester County Jail systematically violate the constitutional rights of inmates. Key findings of the investigation conclude that the jail has failed to adequately protect inmates from physical harm caused by excessive force used by staff; and failed to provide adequate medical and mental health care, particularly with respect to juveniles housed in the jail's punitive segregation unit, all resulting in unconstitutional living conditions.

The comprehensive findings are contained in a 42-page letter (the "Findings Letter"), which was delivered on November 19, 2009, to Westchester County Executive ANDREW J. SPANO, Westchester County Commissioner of Correction JOSEPH K. SPANO, and Westchester County Attorney CHARLENE M. INDELICATO, and made public today.

Civil Rights Of Institutionalized Persons Act

The federal investigation was conducted under the Civil Rights of Institutionalized Persons Act, a federal law that authorizes the Attorney General to investigate systematic abuses of persons confined in institutionalized settings such as

correctional facilities. The law allows the United States to file a lawsuit to require correction of deficiencies 49 days after the appropriate local officials have been notified of the violations.

According to the Findings Letter:

Westchester County Jail

The Westchester County Jail has an operating capacity of 1,693 beds, and employs approximately 900 uniformed and civilian employees. The Westchester County Jail comprises three divisions that house pre-trial detainees and sentenced inmates: the Jail Division, the Penitentiary Division, and the Women's Unit.

Use Of Excessive Force

There is evidence of a pattern and practice of the use of excessive force by jail staff resulting in serious harm to inmates. A review of hundreds of reports of use of force incidents, dozens of which were captured on videotape, shows a pattern and practice of Emergency Response Team ("ERT") officers:

- routinely shoving inmates aggressively into walls and other fixed objects;
- inappropriately employing crowd control chemical agents against individual inmates at close range;
- applying unnecessary force to compliant or confused inmates;
- routinely applying unnecessary and painful escort techniques; and
- disregarding some inmates' mental impairments in use of force incidents.

The Findings Letter noted instances where officers continued to use physical force after inmates were effectively restrained. For example, a videotape showed an inmate fully prone, face down and surrounded by ERT officers when a chemical agent was discharged at point blank range in the inmate's face. The tape also showed the inmate being dragged along the floor by his handcuffs.

The investigation further found a pattern of officers making exaggerated claims of inmate resistance during officer uses of force.

The Westchester County Jail does not have an adequate administrative review process and grievance system, and therefore failed to detect or correct these problems. Over the course of one year, only two use-of-force incidents, out of hundreds, were investigated; one was conducted only after an inmate filed a lawsuit against the jail and the second stemmed from a referral from the Westchester County District Attorney's Office.

Treatment Of Juveniles

The investigation also concluded that the Westchester County Jail's treatment of juveniles raises serious constitutional concerns and may inflict substantial psychological harm on this population. Half of inmates placed in the jail's Special Housing Unit -- where inmates are placed in isolation as a result of disciplinary infractions -- are between 16 and 18 years of age. Many of these minors are facing an average term of 365 days in isolation.

These extremely lengthy sentences in isolation have contributed to the deteriorating mental health of the jail's juveniles, and is compounded by the jail's failure to provide routine mental health care for these inmates.

Medical Care

The Westchester County Jail excessively uses ERT officers to restrain inmates who refuse to submit to medication and the medical records of inmates receiving forced medication do not reveal the medical justification for such force. The Findings Letter further states that while there are certain aspects of medical care and treatment at the jail that "are to be commended," the jail's staff failed to recognize and properly manage likely cases of MRSA -- a highly contagious and antibiotic-resistant infectious disease -- and that the wait for dental care was unacceptably long.

Proposed Measures

The Findings Letter concludes with a series of proposed measures for the jail to implement to address the constitutional deficiencies identified by the federal investigation.

The Government intends to continue working with the County to resolve outstanding concerns regarding the Westchester County Jail. However, in the event that a resolution cannot be reached, the Government may initiate a lawsuit pursuant to the Civil Rights of Institutionalized Persons Act to correct deficiencies of the kind identified in the Findings Letter.

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"A federal investigation of conditions at the Westchester County Jail has uncovered serious civil rights violations. Especially disturbing are the findings of repeated use of excessive force and the deprivation of basic medical care. Our jails have a legal duty to protect the physical safety of their inmates and to provide humane conditions of confinement. The Westchester County Jail, whose population includes juveniles and pretrial defendants, has utterly failed to live up to those standards. We look forward to continuing to work with Westchester County to address these serious failings," said PREET BHARARA, the United States Attorney for the Southern District of New York.

"The conditions at the Westchester County Jail are woefully inadequate. Every member of our society deserves to have his or her civil rights respected, and Westchester County has failed to adhere to this ideal. This Administration is firmly committed to the vigorous protection of the civil rights of all institutionalized persons. We hope to work cooperatively with the County to resolve these very serious issues," said THOMAS E. PEREZ, the Assistant Attorney General for the Justice Department's Civil Rights Division.

REBECCA C. MARTIN and KRISTIN L. VASSALLO, Assistant United States Attorneys for the Southern District of New York, handled the case jointly with TAMMIE M. GREGG, Principal Deputy Chief, and SHERIDAN ENGLAND and ZAZY I. LÓPEZ, attorneys from the Special Litigation Section of the Department of Justice, Civil Rights Division.

The Findings Letter will be posted to the Department of Justice website (www.justice.gov).

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