

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Hon. Karen M. Williams, U.S.D.J.
 :
 v. : Crim. No. 22-
 :
 JOHN MAKOS : 18 U.S.C. § 241

I N F O R M A T I O N

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

(Conspiracy Against Rights)

1. At all times relevant to this Information:
 - a. Bayside State Prison was a multi-security correctional facility in Leesburg, New Jersey, that housed male inmates serving sentences under New Jersey state law. Bayside State Prison included a medium security facility (the “Prison”). Prison inmates were given work assignments, including in the Prison’s kitchen, to facilitate prison operations and to promote the reduction of recidivism.
 - b. Defendant John Makos was a corrections officer at the Prison.
 - c. Prison corrections officers were responsible for the well-being of the inmates incarcerated there, and had a duty to protect inmates under their supervision from harm, which included the duty to protect inmates from physical assaults by other inmates or guards that were carried out for no legitimate law enforcement purpose.

d. Prison corrections officers were required, pursuant to prison policy, to report uses of force perpetrated by inmates or guards against inmates.

e. Inmate 1 was incarcerated at the Prison.

f. The Victim-Inmates also were incarcerated at the Prison.

2. From at least in or about April 2019 through in or about December 2019, in Cumberland County, in the District of New Jersey, and elsewhere, defendant

JOHN MAKOS,

while serving as a corrections officer at the Prison, and acting under color of law, knowingly and willfully combined, conspired, and agreed with others, known and unknown, to injure, oppress, threaten, and intimidate inmates housed at the Prison in the free exercise and enjoyment of a right secured to them by the Constitution and laws of the United States, namely, the right not to be subjected to cruel and unusual punishment.

Object of the Conspiracy

3. The object of the conspiracy was to deprive inmates of their right not to be subjected to cruel and unusual punishment.

Manner and Means

4. The conspirators sought to accomplish the object of the conspiracy using several means and methods, including those described in the following paragraphs.

5. Makos and others, including Inmate 1, agreed to physically assault the Victim-Inmates in a cruel, unusual, arbitrary, and capricious manner for actual, perceived, and fabricated violations of the Prison's rules and customs. There was no legitimate law enforcement purpose for the assaults, which on occasion resulted in bodily injury to the Victim-Inmates. These Victim-Inmates were under Makos's supervision, and Makos had a duty to protect the Victim-Inmates from harm.

6. Makos and others orchestrated that the assaults on the Victim-Inmates took place in areas of the Prison's kitchen that were out of sight of surveillance cameras, so that there was no visual record of the assaults.

7. Makos and others observed the assaults on the Victim-Inmates, which constituted unreasonable and excessive force, and included instances where the Victim-Inmates were physically restrained while being assaulted.

8. Makos had the opportunity and means to stop or limit the unreasonable and excessive force used against Victim-Inmates.

9. Makos did not attempt to stop the unreasonable and excessive force that they observed being used against the Victim-Inmates.


10. Makos never reported the unreasonable and excessive force that he witnessed being carried out against Victim-Inmates, though he was obligated to report force used on an inmate.

11. For example, it was further part of the conspiracy that:

a. On or about, December 7, 2019, a Victim-Inmate was assaulted while Makos was present and on duty.

- b. The assault took place in the back area of the Prison's kitchen, which was out of sight of institutional cameras.
- c. While Makos watched and did nothing, multiple inmates restrained the Victim-Inmate by pinning the Victim-Inmate to the floor.
- d. Once restrained, the inmates hit the Victim-Inmate with approximately 25 punches.
- e. Makos never reported the physical assault of that Victim-Inmate to his supervisors or to medical personnel, despite his awareness of the requirement, pursuant to Prison policy, that he do so.
- f. Makos did not attempt to stop the unreasonable and excessive force that he observed being used against the Victim-Inmate, despite his awareness of his duty to protect the Victim-Inmate from harm, including the duty to protect the Victim-Inmate from physical assaults that were carried out for no legitimate law enforcement purpose.

In violation of Title 18, United States Code, Section 241.


PHILIP R. SELLINGER
United States Attorney