

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA * **CRIMINAL NO. 15-289**
v. * **SECTION: "B"**
TIMOTHY WILLIAMS *
* * *

FACTUAL BASIS

The United States and defendant TIMOTHY WILLIAMS ("WILLIAMS") stipulate and agree to the below facts, and further stipulate that such facts provide a sufficient factual basis for his plea of guilty to Count 1 of the Indictment's charge of Deprivation of Civil Rights Under Color of Law, in violation of 18 U.S.C. § 242.

The St. Bernard Parish Prison ("SBPP") was a correctional facility in the Eastern District of Louisiana responsible for the custody, control, care, and safety of inmates, including pretrial detainees, who were held in custody following an arrest, but who had not been convicted of a crime. Nimali Henry was a nineteen-year-old pretrial detainee in the custody of the SBPP from March 21, 2014, through April 1, 2014. Henry suffered from serious medical conditions, for which she was under a physician's care, and required medical treatment, including regular medication. While incarcerated at the SBPP, Henry did not receive medication or treatment for her serious medical conditions, she was not evaluated or treated by a physician, and she was not taken to a hospital. As a result of not receiving medical evaluation or treatment, Henry died on April 1, 2014.

From approximately October 2011 through the time period discussed in this Factual Basis, WILLIAMS was employed as an SBPP correctional officer, a position which required WILLIAMS to take an oath to support the United States Constitution. Throughout this time, WILLIAMS was

AUSA CAW
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a “POST-certified” correctional officer, having successfully completed the Louisiana Peace Officer Standards and Training Council Jail & Corrections Training course. WILLIAMS learned through this training that as a correctional officer, he had a duty to exercise due care and diligence to ensure that inmates were provided with timely and adequate medical treatment. WILLIAMS also learned that if he failed in his obligation to ensure that inmates receive timely and adequate medical services, his conduct could result in the inmate suffering severe illness or death and could constitute cruel and unusual punishment in violation of the United States Constitution. Through his training, WILLIAMS knew correctional officers were required to take reasonable measures so that inmates showing signs of illness or injury received prompt medical attention from qualified medical personnel.

From approximately October 2011 through the time period discussed in this Factual Basis, WILLIAMS and the correctional officers he worked with—including DEBRA BECNEL, LISA VACCARELLA, and ANDRE DOMINICK—were responsible for the custody, control, care, and safety of inmates, including pretrial detainees, at the SBPP. During the time of Henry’s incarceration, WILLIAMS held the rank of Corporal. VACCARELLA and BECNEL held the rank of Deputy. WILLIAMS and VACCARELLA generally worked night shifts (approximately 7:00 p.m. to 7:00 a.m.). BECNEL generally worked day shifts (approximately 7:00 a.m. to 7:00 p.m.).

During the time of Henry’s incarceration, DOMINICK held the rank of Captain and was temporarily assigned to serve as the jail’s medical department officer, because the regular medical department officer was away at training. After being assigned the role of medical department officer, DOMINICK stated in substance to WILLIAMS that DOMINICK did not want to serve as the medical department officer and was upset with the assignment. DOMINICK was generally present at the SBPP on weekdays and available by cell phone at other times.

WILLIAMS knew that SBPP correctional officers had various means of addressing inmate medical issues including: delivering inmates' written medical requests to the medical department officer; alerting supervisors and/or the medical department officer of inmates' medical issues; announcing over the radio "code blue" (a signal for all available officers to report to the location of a medical emergency); and calling an ambulance service. Additionally, inmates selected by the medical department officer were permitted to meet with a physician who visited the SBPP once per week.

Because a physician reported to the SBPP only once per week, WILLIAMS knew that on most days an inmate could only receive access to a physician if the SBPP called the ambulance service and the ambulance then brought the inmate to a hospital. As WILLIAMS knew, when the ambulance service was called, responding emergency medical technicians ("EMTs") would examine the inmate and determine whether the inmate should remain at the SBPP or should be brought to a hospital for treatment or further evaluation. WILLIAMS understood that if EMTs determined that an inmate should be brought to the hospital, SBPP officers were to comply with that determination.

WILLIAMS knew that the SBPP's policy was for either one female officer or two male officers to accompany a female inmate to, from, and at, the hospital. To reduce the impact on staffing, it was generally preferable for a female officer to accompany a female inmate. WILLIAMS knew that, because some officers disliked accompanying inmates to the hospital, and because bringing inmates to the hospital reduced jail staffing, at times officers were reluctant to call the ambulance service.

Henry entered the SBPP on the evening of Friday March 21, 2014, and the following morning was assigned to D-1, which was a dorm room that housed female inmates. On numerous

occasions, prior to, and after, March 26, 2014, Henry and other inmates in D-1 informed correctional officers, including WILLIAMS, that Henry was seriously ill, had a life-threatening physician-diagnosed medical condition, and needed medical treatment, including physician-prescribed medication, without which she would become more seriously ill. WILLIAMS had no difficulty understanding Henry. Henry was articulate and spoke politely and clearly. WILLIAMS took no measures to address these medical complaints.

On March 26, 2014, a correctional officer under WILLIAMS's supervision reported to WILLIAMS in substance that Henry complained of dizziness and of having not taken her heart medication in a week. WILLIAMS took no measures to address Henry's medical complaints.

On March 29, 2014, at about 7:03 p.m., WILLIAMS and VACCARELLA responded to D-1 in response to inmates' requests for medical assistance for Henry. BECNEL preceded WILLIAMS in entering D-1. VACCARELLA stood just outside the open door to D-1. In the presence of WILLIAMS, BECNEL, and VACCARELLA, Henry and Henry's dorm mates, in an urgent and panicked tone, stated in substance that Henry was ill, needed medical treatment, and would die without treatment. BECNEL stated in substance that such complaints about Henry's medical condition had been an ongoing nuisance to the day-shift officers. WILLIAMS observed that Henry was obviously ill, as, among other things, she appeared to be weak and have difficulty breathing, and was holding her chest. WILLIAMS observed that Henry suffered physical impairment and pain as a result of being denied medical treatment.

WILLIAMS ordered that Henry be brought to a holding cell in the intake area of the SBPP. VACCARELLA led Henry away from D-1 to take Henry to a holding cell. Later during that shift, WILLIAMS and VACCARELLA watched video footage of Henry hunched over and struggling

to walk as VACCARELLA brought her towards the holding cell. VACCARELLA mocked and ridiculed Henry as she appeared in the video.

While Henry was in the holding cell, WILLIAMS returned to D-1. The D-1 inmates pleaded for Henry to receive medical attention, stating again in substance that Henry had a life threatening medical condition and urgently needed medical attention to prevent her death. WILLIAMS took no measures to address these statements and instead told the inmates in substance to stop requesting that Henry receive medical attention. WILLIAMS made these statements to discourage the inmates from making future medical complaints on Henry's behalf.

While in the holding cell Henry was ostensibly placed on medical observation. As WILLIAMS knew, however, Henry's placement in the holding cell would not provide actual medical monitoring or treatment, would not address Henry's illness, and would not address the risks of continued and additional harm to Henry. A medical observation under the SBPP's procedures required keeping a log of observations every 15 minutes and could only be ended upon orders of the medical department officer. As WILLIAMS knew, neither he nor any other officer kept a log regarding Henry and neither he nor any other officer contacted the medical department officer while Henry was in the holding cell.

As WILLIAMS knew, placement in a holding cell was often used as a punitive measure at the SBPP. In the holding cell, Henry was isolated from other inmates and her possessions. The holding cell was less comfortable than the dorm and would be a particularly difficult place for Henry to rest as it had no bed, was cold, was brightly lit throughout the night, and was noisy due to its proximity to an exterior door and to officers watching television. In placing Henry in the holding cell, WILLIAMS anticipated that the placement may discourage Henry from making future medical complaints.

At approximately 1:36 a.m. on March 30, 2014, VACCARELLA brought Henry from the holding cell back to D-1. Later during that shift, WILLIAMS and VACCARELLA watched video footage of Henry falling to the floor as she reentered D-1. WILLIAMS observed VACCARELLA mock and ridicule Henry as she appeared in the video.

During WILLIAMS's next shift, on March 30, 2014, at about 10:34 p.m., a correctional officer under WILLIAMS's supervision reached WILLIAMS via telephone while WILLIAMS was in the intake area of the jail. The correctional officer, who was monitoring D-1 from a control booth, informed WILLIAMS that inmates in D-1 were reporting a medical emergency, which was related to Henry. WILLIAMS indicated that he would address the reported medical emergency. After WILLIAMS did not promptly address the reported medical emergency, the correctional officer announced on the radio that there was a code blue in D-1.

Officers responding to the code blue announcement, including VACCARELLA, brought Henry from D-1 to the aforementioned holding cell in the intake area, where WILLIAMS was located. Later during that shift, WILLIAMS and VACCARELLA watched video footage of Henry being removed from D-1, which showed officers pulling Henry off the floor and out of D-1 and which showed Henry having difficulty walking and standing. WILLIAMS and VACCARELLA mocked and ridiculed Henry as she appeared in the video.

While Henry was in the holding cell, WILLIAMS observed that she was obviously ill and that her health had deteriorated from the previous night. WILLIAMS observed that Henry had suffered additional and continued physical impairment and pain as a result of being denied medical treatment. Despite her diminished condition, Henry was still able to state in substance to WILLIAMS that she had been hospitalized for her medical condition prior to her incarceration and that she needed medical treatment. WILLIAMS took no reasonable measures to address his

observations or Henry's complaints. WILLIAMS knew that during Henry's time in the holding cell, neither he nor any other officer kept a log for Henry and neither he nor any other officer contacted the medical department officer.

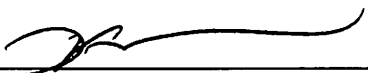
At approximately 4:20 a.m. on March 31, 2014, VACCARELLA brought Henry from the holding cell to D-2, which was a different female dorm room than the dorm Henry had been housed in since March 22, 2014. VACCARELLA did not inform WILLIAMS of any statements D-2 inmates had made about Henry's medical needs.

When WILLIAMS reported to the SBPP for his next shift on the evening of March 31, 2014, he observed that Henry had been moved to an isolation cell and was on "suicide watch." Henry remained in the isolation cell throughout this shift, which ended around 7:00 a.m. on April 1, 2014. During this shift, WILLIAMS heard Henry moaning. Also during this shift, WILLIAMS looked through an opening on a door leading to the isolation cell area and observed Henry lying naked and motionless on the cell's bunk with her arm hanging off the bunk. WILLIAMS took no measures to address this observation.

Later, WILLIAMS again looked through the opening and observed that Henry was lying naked, facedown and motionless on the cell floor next to the bunk. WILLIAMS did nothing to address this observation. WILLIAMS did not enter the cell area, did not attempt to speak to Henry, and took no measures (such as reviewing video footage) to verify if Henry had fallen to the floor. For the final portion of his shift (approximately four hours), WILLIAMS allowed a relatively new correctional officer, who had yet to receive POST training, to monitor Henry without any meaningful supervision. As a result of the lack of medical care, Henry died in the isolation cell on April 1, 2014, shortly after WILLIAMS's shift ended.


By engaging in the above conduct, WILLIAMS committed the offense of Deprivation of Civil Rights Under Color of Law, in violation of 18 U.S.C. § 242. With a bad purpose to disobey and disregard the law, WILLIAMS willfully and intentionally deprived Henry of her constitutional right to be free from a correctional officer's deliberate indifference to her serious medical needs. WILLIAMS, acting under color of law as an SBPP correctional officer, knew that Henry had serious medical needs and that she was at substantial risk of serious harm. However, he willfully disregarded the substantial risk of serious harm to Henry's health and safety by failing to take reasonable measures to address Henry's serious medical conditions. It was foreseeable that WILLIAMS's conduct would result in Henry's physical injury and death, and his conduct did in fact result in Henry's physical injury and death.

The above facts are offered for the limited purpose of establishing a sufficient factual basis to support the guilty plea and therefore do not describe all the details of the offense or WILLIAMS's complete knowledge of the offense.



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TIMOTHY WILLIAMS
Defendant

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