

New York City settles suit by family of inmate beaten to death at Rikers Island

By Isaac Finn
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New York City will pay \$2.75 million to settle a lawsuit against Rikers Island Correctional Facility for brutally beating an inmate to death in 2012.

The city's medical examiner's office has concluded that the death of Ronald Spear, a 52-year-old inmate who suffered from kidney problems and needed a cane to walk, was the result of "blunt force trauma" to the head and that the manner of death was homicide.

The Bronx district attorney's office has not pressed charges against correction officers allegedly involved in the beating, under the pretext that criminal responsibility could not be proven beyond a reasonable doubt.

The settlement comes only days after New York City police provoked nationwide outrage by killing forty-three year old Eric Garner in Staten Island. Garner died after being put in an unauthorized chokehold, and the encounter was captured on video.

At the time of his death Spear was denied dialysis, a medical treatment required for his kidney problems, and had filed a lawsuit in December 2012 stating that he was unable to get medication while in jail causing him "severe physical pain." Officers were aware of Spear's debilitating medical condition, and Spear was being held in the North Infirmary Command before being beaten.

The lawsuit, filed by Spear's family, claims that correctional officers retaliated against Spear for his complaints about not getting adequate medical care. Sworn statements by other inmates, who witnessed the event, describe how an officer knocked Spear down, then kicked him in the face and chest while two other officers held him on the ground.

According to Eldin L. Villafañe, deputy commissioner of public information for the city's Department of Correction, one of the officers involved

in Spear's death was fired, while the other two are facing disciplinary charges.

Nellie Kelly, Spear's sister, told the *Times*, that the settlement would probably not change "the way that officers behave, the way the city allows them to behave."

Rikers Island Correctional Facility has become infamous for the atrocious conditions faced by inmates. Over the course of 11 months last year 129 inmates have suffered "serious injuries" as a result of beatings by correction department staff members. According to the *New York Times*, 77 percent of those injured were diagnosed with mental illness, and 80 percent of those injured reported being beaten after being put in handcuffs.

Jose Bautista, an inmate arrested for a misdemeanor charge, was handcuffed and beaten by four correctional officers after attempting to hang himself in his cell. Bautista suffered a perforated bowel and needed emergency surgery as a result of his beating, reported the *Times*.

Bradley Ballard, a 39-year-old mentally ill inmate, died last September after being found in extremely poor health having spent seven days in solitary confinement. Ballard was denied medication or assistance during his time in solitary confinement, he was visibly distressed, having covered himself in his own feces, stripped off his clothes, and tightly rubber-banded his genitals, according to the Associated Press. Despite mandatory periodic cell checks by guards, Ballard's condition was allowed to deteriorate.

According to the Correction Department, violence on Rikers Island has worsened. Guards were involved in 1,844 incidents where they used force between January and May this year, double the number of incidents in the same time period three years ago.

New York City's Department of Investigation has recently started a broad investigation into violence and corruption on Rikers Island. Mark G. Peters, the commissioner of the Department of Investigation, told the *Times* that the investigation is still trying to figure out the "scope and contours of the problem" at Rikers.

Peters explained that issue included attempts to cover up the brutality inside the jail. In October, a captain fabricated evidence that an inmate had attempted to hang himself, in order to justify three correctional officers entering the inmate's cell, where they beat the inmate.

The investigation has also led to the arrest of two correction officers and 22 inmates, who were involved in smuggling contraband into the jail complex. A search by investigators revealed stashes of marijuana, tobacco, and weapons. Another 12 correction officers and their superiors may also be prosecuted for drug trafficking, inmate abuse and falsifying documents.

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