

*Corrections official: We would comply fully, share all information*

## Advocates to seek federal probe into inmate's death

By John Hale | Nov 18, 2010



Photo by: John Hale Members of the Maine Prisoner Advocacy Coalition protest the 2009 death of inmate Victor Valdez in a Nov. 17 Statehouse demonstration.



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**Augusta** — Members of the Maine Prisoner Advocacy Coalition announced Wednesday, Nov. 17, that they would seek a federal investigation into the death last year of state prison inmate Victor Valdez, a Dominican immigrant serving a four-year sentence for assault.

The advocacy group held a rally at the Statehouse Hall of Flags in memory of Valdez and to announce plans to pursue a further investigation by the Office of Civil Rights of the U.S. Department of Justice.

Valdez died Nov. 27, 2009, after spending eight days in the Special Management Unit at Maine State Prison in Warren. Although Valdez reportedly suffered from kidney disease and required three dialysis treatments a week, coalition members allege that Valdez received no dialysis while in the SMU.

Advocates and other inmates allege Valdez, who was 52 when he died, was coerced into signing an agreement that waived his right to dialysis while in the SMU.

In late October of this year, after a months-long investigation, Deputy Attorney General William Stokes of Augusta issued a finding that said Valdez died of natural causes and that prison guards

did nothing that caused his death.

Besides kidney disease, advocates said Valdez had a heart condition and lung problems.

The advocacy group also filed what it called a “people’s indictment” of the Maine Department of Corrections and Corrections Commissioner Martin Magnusson for “cruel, degrading and inhumane treatment which led to the death of Victor Valdez.” The indictment also charged the Corrections Department with “obstruction of justice in covering up the circumstances of Victor Valdez’s abuse and death.”

After the rally, the group was to present its indictment at the offices of Gov. John Baldacci, Magnusson and Attorney General Janet Mills.

Denise Lord, associate commissioner of corrections, said, “This organization’s allegations asked for an independent investigation of Mr. Valdez’s death. The attorney general did do that, and they found no basis for charges of abuse. I appreciate that the organization may not be satisfied and may still be concerned. We support the investigation. That is what stands.”

Lord said of a possible federal investigation, “If they’re interested in doing that, that is something they can do. We would comply fully and share all information.”

Judy Garvey, a spokeswoman for the prisoner advocates, read from a statement that said in part, “Victor Valdez was a very sick man. He suffered from kidney and other diseases. But there is considerable testimony that he also suffered from very rough treatment — to the point of beatings — and withheld medical care at the hands of prison staff.”

Inmates reportedly wrote to the coalition that on Nov. 19, 2009, during a temporary lockdown at the prison, Valdez either did not hear the order, or did not understand it and remained outside his cell. One inmate wrote, “His dialysis tubes were ripped out and he bled all over the place.”

That inmate is reported to have written to the coalition that he feared for Valdez’s life in the SMU. “We immediately alerted officials, but they did nothing,” said Garvey.

“Many prisoners wrote to us with their testimony of the abuse Victor suffered, including his being forced to sign documents refusing life-giving kidney dialysis,” Garvey said. “Without this dialysis, a person with kidney failure soon dies.”

The coalition also alleged that after Valdez’s death, his body was cremated without an autopsy by the state medical examiner. “Thus the prime evidence of possible mistreatment was destroyed,” Garvey said.

Stokes said Valdez did not die at Maine State Prison, but at Maine Medical Center in Portland. He said he could not discuss medical information about Valdez but, “There’s no evidence of a homicide.”

In a statement, Stokes added, “There was no evidence of physical abuse. His family in the Dominican Republic requested that his body be cremated. The Department of Corrections is prohibited by law from disclosing records pertaining to inmates, including medical records.

This office would be happy to share the medical records in this case if we were permitted to do so. Federal and state privacy laws, however, prohibit the dissemination of such documents. Unfortunately, we are unable to provide information other than our conclusions.”

Rep. James Schatz, D-Blue Hill, a member of the Criminal Justice and Public Safety Committee, which held hearings last session on a bill to ban solitary confinement, said, “I, too, have come to better understand how we need to change our treatment of offenders. The plight of Victor Valdez shows that our changes have not come soon enough. If there are changes to be made, they should be made.”

Referring to a string of cases that have been investigated by the Attorney General's Office, in which law enforcement officers have been found legally justified in using deadly force against individuals, Schatz said a pending bill would have incidents such as the Valdez death investigated by an outside committee, rather than a state agency.

Robert Bothen of the advocacy group read a list of inmates who in recent years have died in prison, striking a cymbal after saying each name.

<http://knox.villagesoup.com/news/story/advocates-to-seek-federal-probe-into-inmates-death/364516?cid=249170>