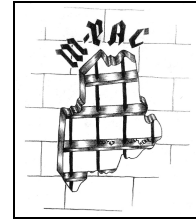


Maine Prisoner Advocacy Coalition (M-PAC)  
maineprisoneradvocacy.org



Jonathan M. Smith, Chief  
Civil Rights Division  
Special Litigation Section  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

RE: Request for Investigation  
of Maine Department of Corrections

March 17, 2011

Dear Jonathan M. Smith:

The Maine Prisoner Advocacy Coalition (M-PAC), a growing coalition of human rights activists across the State, respectfully requests an investigation by the U.S. Department of Justice of reoccurring medical neglect and security violations at Maine State Prison in Warren, ME, as well as in Maine's other prisons.

On April 24, 2009, Prisoner Sheldon Weinstein was found deceased in Segregation Cell B117 from a beating allegedly received in his general population housing unit four days earlier on April 20. The medical examiner determined that he died from a ruptured spleen.

Weinstein was processed to segregation on the morning of April 23 after complaining of being in fear for his life. When he died, he had a huge black left eye that was not noted by the officer responsible for his segregation nor by the mental health worker who conducted his intake on the 23<sup>rd</sup>.

Weinstein's family was informed that he had died of natural causes, whereupon his remains were cremated.

On May 22, Chaplain Stan Moody issued a 3-page internal memo critiquing systemic cultural problems within the prison that led to the death of Prisoner Weinstein. On June 9, OPEGA, the Maine State Legislative Watchdog Agency, issued its investigative findings that implicated prison administration in a conspiracy to silence staff reporting of human rights violations. The OPEGA report mirrored Moody's internal memo.

Moody has since left the prison under duress. Mental health worker, Katherine Gerrish, who along with Moody was closely in contact with Weinstein, was forced out of the prison by physical and sexual harassments and assaults, threats and ultimately criminal charges.

No Grand Jury indictment has yet been handed down on Mr. Weinstein's case that has been determined by the Maine State Police to be a homicide.

Another incident indicating a system of medical neglect and abuse occurred on November 19, 2009 when Prisoner Victor Valdez, a non-English speaking prisoner with serious medical conditions, was reportedly lugged to segregation from his housing unit bleeding profusely, purportedly for not responding quickly enough to a lockdown command that he may not have heard.

Having been warned by prisoners on the inside, M-PAC immediately notified the Maine Department of Corrections (MDOC) that Valdez's life was in danger. After investigation, MDOC concluded that not to be true, discounting the witness reports of ten or more prisoners regarding the continuous abuse he had been receiving by staff, in addition to what transpired on Nov 19<sup>th</sup> as "the prisoners' concerns are without merit."

Eight days later, on the evening of November 27, Valdez was declared dead, reportedly by a medical trainee at the Emergency Room of Maine Medical Center, some 80 miles south of the prison, although the details have not been fully disclosed. It is not known whether he died in segregation, in the prison infirmary (thus being transported as a corpse) or if he died on the way to the hospital. In fact, we will never know exactly what happened.

Although the State Medical Examiner, under the AG's Office, was notified of the death, she determined that a medical exam and subsequent autopsy were unnecessary in light of Valdez's medical history. His body was cremated upon approval by his family of New York and the Dominican Republic, who were informed that he died of natural causes. A year later, they first learned about the circumstances preceding Valdez's death.

Prison officials have referred to medical release documents reportedly signed on certain dates by Valdez. No one has seen these; and, if in existence, they would have questionable merit in light of his language barrier and typical mental health problems related to his disease, in addition to the many witnesses who state Valdez's refusal to accept dialysis was because of duress and force by staff.

Despite efforts by M-PAC through Valdez's family, we have been unable thus far to secure his medical records and his computerized mental health records, although both have been readily available to the AG's Office. M-PAC's contact with the Valdez family was facilitated when prison administration attempted a year after his death to obtain a release from the Valdez family to use the medical reports in a press conference.

That permission was denied due to the family's confusion and because of they had been deprived of receiving his personal effects or his remains.

You will find attached a number of articles and Op Ed pieces written about this spate of medical and security abuses. Please know that attempts to interact with the MDOC have been courteous but fruitless.

Having exhausted all avenues of appeal to state officials and through the media, M-PAC appeals to the Justice Department as a final arbiter. There is little doubt that contracted medical services, particularly at Maine State Prison, have been executed in a manner that suggests systemic, wanton, and callous disregard for the pain and suffering of prisoners, particularly diabetics, the mentally ill, and elderly inmates with a variety of disabilities. M-PAC has a great deal of documentation of people deprived of handicap accessible options, diabetic needs, and much more.

At this juncture, we hasten to add that the MDOC has a new Commissioner, Joseph Ponte, who met with M-PAC representatives and agreed to look into these, and other matters, brought to his attention. While we may have cause for more optimism, subsequent to that meeting, to improved communications, we feel that the conditions we are reporting speak to actions that go beyond internal policy change and disciplinary actions. Previous attempts by M-PAC staff to bring attention to these patterns have been met with resistance and retribution from the Maine Department of Corrections.

We request that in your consideration you speak with a number of terminated or otherwise former staff members concerning administrative protocols and treatment of grievances by prison security.

M-PAC thanks you for your kind consideration of this request and commits to you our most vigorous efforts to assist in bringing these matters to conclusion and humane treatment to incarcerated citizens of Maine. \*

Sincerely,

Judy Garvey and James Bergin, Co-Coordiators

The Honorable James Schatz, President, M-PAC Executive Board

c/o 272 Turkey Farm Road . Blue Hill, ME 04614 . 207-374-3608

\* M-PAC has previously sent copies of documentation and witness reports about Victor Valdez to Ayanna Brown, Investigator, Civil Rights Division from email address [bluehillme@roadrunner.com](mailto:bluehillme@roadrunner.com)