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# Another Suspicious Death in Maine State Prison's Lockdown Unit

August 3, 2010

tags: [Lance Tapley](#), [Special Management Unit](#), [SMU](#), [Stan Moody](#), [Sheldon Weinstein](#), [Maine State Prison](#), [Denise Lord](#), [Victor Valdez](#)

by James Ridgeway

Maine Attorney General Janet Mills reportedly will review the results of an investigation by the state police into the death of a prisoner named Victor Valdez, who died last November in the Special Management Unit (SMU) of Maine State Prison. While the Maine Department of Corrections says he died of natural causes, inmates who say they witnessed the incidents insist he was beaten and abused by prison staff, who also hindered him from receiving treatment for a serious medical condition.

Lance Tapley, who has [written before](#) about abuses in the SMU, published a [lengthy article](#) on Valdez's death last week in the *Portland Phoenix*. As Tapley described the situation:

[Valdez] was a very sick man. His kidneys had failed, and he had required dialysis treatment several times a week for eight years, via a stent implanted in his arm. He also suffered from congestive heart failure, cirrhosis of the liver, and lung problems, according to court documents filed prior to his sentencing in 2009 to four years' incarceration for a 2008 aggravated assault in Portland... While at the prison, which is in the coastal village of Warren, he received his dialysis at Miles Memorial Hospital in Damariscotta.

Various inmates described the treatment of Valdez in letters to the Maine Prisoner Advocacy Coalition, a group that actively opposes the abuse of solitary confinement in Maine's prisons. One

reason for the beating by guards, one letter said, was their anger at having to take Valdez to dialysis treatments at a nearby hospital early in the morning. An inmate named Jeff wrote to Coalition member Judy Garvey that staff had “ripped out” Valdez’s dialysis tubes in order to cart him off to the SMU for breaking a prison rule, “and he bled all over the place.” Another inmate named Joel Olavarría Rivera, a friend of Valdez, wrote to Garvey in Spanish (here translated by Eda Trajo of El Centro Latino in Portland):

I saw how the officers abused Victor Valdez. I saw the officers cover him with pepper spray and they took him away to check his blood pressure, and afterwards they put him back in the cell without cleaning the cell or him. When the officers put him back in his cell I could smell the pepper spray because it’s so strong. And Victor fell on the floor and he stayed like that with all that stink of pepper spray.

In 10 minutes they called code blue. When the medics came Victor was foaming at the mouth, which came from the pepper spray. They left the pepper spray on him and they didn’t clean it. I thought he was dead because he was a sick man and the pepper spray made it difficult to breathe. The next day they brought him back one room closer to mine, and he tells me that they didn’t want to take him to dialysis and that they forced him to sign a document that says he doesn’t want to go to dialysis. And he doesn’t read English and they don’t even translate for him. He can’t miss dialysis or he’ll die and therefore they’ve forced him to sign for his own death.

Shortly before his death, [according to Garvey](#), inmates were ordered to return to their cells immediately. Valdez, who was hard of hearing and had limited English, did not respond right away. Other prisoners told Garvey he was then beaten and pepper sprayed. Valdez died less than a week later.

Initially Denise Lord, the Associate Corrections Commissioner, told the *Bangor Daily News* that Valdez had died of “medical causes in the hospital.” However, as Tapley points out:

[N]o state medical examiner looked at Valdez’s body, despite a prison protocol requiring the prison to notify the state police to see if they wished to investigate a prisoner’s death. The medical examiner’s office, part of the attorney general’s office, works hand in glove with the state police. The medical examiner’s office assistant told the Phoenix that Valdez’s death “didn’t meet our criteria” because he was “sick enough” to have died from natural causes. In such a case, a prison physician would sign the death certificate, she said. But who signed it and the cause of death listed is information unavailable to the press and general public, according to the state’s Office of Vital Records.

According to Tapley’s article, Valdez’ mother, at the time traveling out of the country, gave permission for his body to be cremated.

After Garvey and other prison reformers launched a campaign for an investigation, Attorney General Mills asked the state police to prepare a report on the causes of death. She is expected to announce the findings soon. In the meantime, Garvey has sought information from Associate Corrections Commissioner Denise Lord on the details surrounding the death. She forwarded to me some of her questions, followed by Lord’s answers:

1) Did officials from MSP/DOC notify the State Police following Victor Valdez’s death? Did these officials ask the State Police whether they wanted to conduct an investigation into the death?

*Lord:* The department, by our policy, routinely notifies the State Police of a prisoner death.

2) Was there an autopsy performed on Victor Valdez?

*Lord:* This is medical related information and is confidential. The department cannot release this information. This information can be provided by the next of kin.

3) Who certified Mr. Valdez's death and at what date and time?

*Lord:* Medical information is confidential and we cannot disclose this to a member of the public without consent...

5) Did Mr. Valdez's family make the decision about cremation or did the DOC make that decision?

*Lord:* Our policy is to notify the prisoner's next of kin to discuss the arrangements.

6) Where did the cremation take place?

*Lord:* Again, this is information that should be provided by the next of kin...

8 ) Do you have contact info for Victor Valdez's out-of-country family and if so, would you please share it with us? Were Victor Valdez's out-of-country relatives notified of his death or was there not a contact?

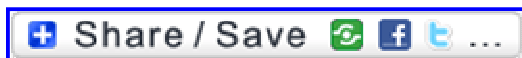
*Lord:* Our policy requires notification of next of kin in the case of a prisoner death...

10) Would you please supply the start and end dates during November 2009 when Mr. Valdez was in the SMU?

*Lord:* Housing assignments within a correctional facility are not public information.

Tapley cites Paul Wright, editor of *Prison Legal News*, who told him that it is "quite common for prisons to cover up and restrict the info on prisoner beatings, deaths, etc., and it generally works quite well. . . . The use of laws on medical privacy to cover up wrongdoing is also fairly widespread."

This is not the first suspicious death to take place in Maine State Prison's SMU. The death of an aging prisoner named Sheldon Weinstein is referenced in Tapley's article, and was also [described here on Solitary Watch](#) by former Maine State Prison chaplain Stan Moody.



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August 3, 2010 4:35 pm

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The War Widows

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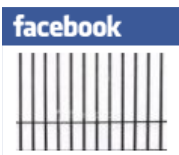
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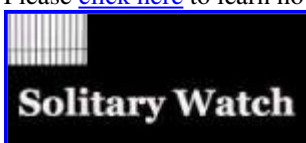
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"When the [prisoner's] punishment is over, [society] leaves him to himself; that is to say, it abandons him at the very moment when its highest duty towards him begins. [Society] is really ashamed of its own actions, and shuns those whom it has punished, as people shun a creditor whose debt they cannot pay, or one on whom they have inflicted an irreparable, an irremediable wrong."

--*Oscar Wilde*

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