

PRISON SERIES, DAY 1: A pattern of prison abuse?

'Locked Up and Beaten Up': A life in ruins

Lancaster New Era

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NEW ERA INVESTIGATIVE SERIES

Handcuffed and hassled, Jon Eichelman answered an "intake questionnaire" when he arrived at Lancaster County Prison in June 2005. One question asked how he felt.

"Want to lay down," Eichelman responded, "and die."

Over the next four days, according to a legal complaint, correctional officers and inmates, aware that Eichelman was charged with shooting a 2-year-old boy, did nothing to discourage his despondency.

Locked up and beaten up: A pattern of prison abuse?

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A guard allowed inmates to rush into Eichelman's cell and beat him. Other prisoners taunted him. Medical personnel did little to ease his pain, according to the legal complaint.

But then police announced that Eichelman was not the shooter after all. He was released from prison and spent four days in a local hospital being treated for physical injuries and psychological trauma.

His experience as an innocent man in a hostile prison, Eichelman now says, ruined his life.

"Everything was taken from me," he explains. "I don't know if my life can be fixed — medically, physically, spiritually and financially."

But in early 2006, Jonathan B. Eichelman, a 42-year-old house painter who lived on Long Rifle Road, did what he could to get even.

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He sued the county, the prison warden and several guards and prison medical personnel in federal court.

The case went before a Philadelphia jury in August 2007 and, on the second day of the trial, Eichelman accepted \$500,000 from Lancaster County to settle the case out of court.

That settlement, which has not been reported before, is not alone.

In the past year, two other former inmates have taken a total of \$27,500 in monetary payments from the county to settle lawsuits.

These three suits are an unusual, if not unprecedented, concentration of settled prison suits here.

In addition, eight pending suits charging guard abuse or neglect, and numerous other complaints have been the focus of a two-month New Era investigation.

Over the next four days, the New Era will take an in-depth look at these lawsuits, the circumstances surrounding them and their impact.

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Some observers believe the complaints indicate a longstanding pattern of abuse and indict a deficient correctional system.

Jean Bickmire monitors the prison for Justice & Mercy, a local inmate advocacy group, and the Pennsylvania Prison Society, a Philadelphia-based advocacy organization for prisoners and their families.

"Other correction officers have done what was done to Jon Eichelman," she says, basing her opinion on complaints she has received from inmates.

"It could happen in any prison unless you have the correct oversight," she adds. "I don't think our prison has that."

"We were hoping as a result of Jon's case they were going to clean house," comments Jeff Paul, Eichelman's attorney. "But I understand the same things are still going on."

But prison warden Vincent Guarini denies that the Eichelman case indicts the prison.

"Afterwards we reviewed everything we had in place," he says. "Our procedures were fine. Everything had been done accordingly except for the one officer — the human element."

Early reports about the case were sensationalized by the media and Eichelman's attorney, the warden says.

"It was not as portrayed."

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Eichelman's ordeal began June 4, 2005, when he was arrested and jailed as a suspect for firing a shot into a car, hitting both legs of a Hispanic boy.

What happened is detailed in the complaint of his lawsuit, interviews conducted by county detectives and attorney Paul, and depositions taken before the trial.

As part of the settlement, all of these materials — which in most such cases are sealed — have been made public.

Within minutes after Eichelman's arrival at the prison, as he was being committed, a Hispanic inmate punched Eichelman on the left side of his head, "in full view of the correctional officers," according to the lawsuit.

One of the prison's commitment officers, Dave Riley, identified Eichelman as the child shooter before he was punched, according to the deposition of Michael Aponte, a Lancaster County constable who was committing other inmates that day.

Following the assault, Eichelman began crying, "I didn't do it. I didn't do it. I'm telling you, I didn't do it," according to the constable's deposition.

Aponte testified that Riley, the commitment officer, told him not to worry about the incident.

Riley disputes that claim, saying in his deposition that he did not talk with Aponte and discussed Eichelman's charges only with other correctional officers.

Eichelman was incarcerated in cell block 3-2 — a maximum security area reserved for violent inmates, according to the lawsuit.

He says in his court filings that correctional officer Michael King told other prisoners that the child shooter was coming to 3-2 and "something should happen" to him.

King denies that claim in his deposition.

After Eichelman arrived at his cell, inmates began to taunt him and correctional officers did nothing to stop this behavior, according to the lawsuit.

On June 6, the third day of Eichelman's incarceration, correctional officer Luis Torres told several Hispanic inmates that Eichelman had shot a Hispanic child, according to the complaint.

"I don't care what happens to him. Are you going to let him get away with shooting that kid?" Eichelman recalled Torres saying.

Torres, whose conduct eventually would be punished, specifically approached inmate Carlos Colon and asked him if he wanted to beat Eichelman, according to the suit. Colon declined.

"Torres was what I would call recruiting various prisoners or inciting various Spanish prisoners to assault Mr. Eichelman because of the kid he had shot," Colon said in his deposition.

This had happened before, Colon added, and "the guards would look the other way."

That afternoon, while Eichelman was taking a nap, Torres opened his locked cell door and two or more inmates walked in, according to the suit.

One of the men, Jose Santiago, then 36 and formerly living on West Orange Street, had been jailed for selling crack cocaine to an undercover police officer. Another, Carlos Dominguez, then 37, and formerly of West King Street, had been jailed for selling heroin.

The inmates beat Eichelman as he screamed, "help, help, someone help me," according to the lawsuit.

Meanwhile, the suit says, several correctional officers, including Torres, "observed the assault, heard (Eichelman's) cry for help, but deliberately and maliciously failed to do anything to intervene or stop the assault."

Torres eventually began yelling "alto, alto, afuero (Stop, stop, get out)" according to the suit.

The officers allowed the inmates who had assaulted Eichelman to leave, the suit claims.

In his deposition, prison Lt. Michael Billy said he asked Torres afterwards why he had opened Eichelman's cell, knowing that the prisoner might be assaulted.

"He just gave me a shoulder shrug and said he didn't — he didn't really give me an answer," Billy explained. "He just shrugged his shoulders."

But in his deposition, Torres said an inmate named Mendez threatened to beat up Eichelman and Torres told him not to do it.

Torres said he then wrote a report of the incident and put it on Lt. Billy's desk, without telling anyone it was there.

All cells, including Eichelman's, were opened automatically for lunch, Torres said. Soon afterwards, he said, he heard the sound "ow" coming from Eichelman's cell. When he went to investigate, he said, the injured Eichelman was the only one in the cell.

Torres said that later an officer told him to think of a good reason why he opened Eichelman's cell door and Torres thought, "I'm in trouble now. I'm going to be fired."

Following the assault, Eichelman, bleeding heavily from his eye, stumbled from his cell. He saw correctional officers "standing nearby, laughing," according to the suit.

Eichelman was taken to the prison infirmary, where his injuries were cleaned as an unnamed guard continually screamed at and threatened him, the suit claims.

After returning to his cell, the complaint says, Eichelman was not permitted to take a shower or change his bloody clothes, and the blood was not cleaned from his cell.

Correctional officers allowed inmates to continue harassing Eichelman, according to the complaint. Prisoners shook his cell door and threatened to kill him or sexually attack him.

A fellow inmate, Bennett Cotton, told correctional officer Jonathan Walton that Eichelman should be removed from the block because it wasn't safe, the complaint says; but Walton said Eichelman "deserves what he gets."

Asked during his deposition whether he had ever heard any correctional officer say that an inmate "deserves what he gets," Walton said "no." He was not asked whether he himself had said that.

"During the three-day period," the complaint says, Eichelman was "in severe pain. His left eye was blood red and

swollen shut. He was also emotionally distraught and terrified."

Warden Guarini now says that statement is "totally inaccurate. Basically he saw the doctor (Dr. Robert Doe) within 10 minutes of the assault by the inmate" and was cared for regularly from then on.

Early on the morning of June 8, the fifth day after he was imprisoned, Eichelman was released. After re-examining a video taken from a surveillance camera, police had determined that Eichelman had not been involved in the shooting.

Eichelman immediately went to Lancaster General Hospital for treatment. Guarini later said that Eichelman had been slated for medical treatment at the prison later that morning.

Eichelman's discharge sheet, signed by Dr. Frederick C. Beyer III on June 11 — the fourth day of Eichelman's hospitalization — provided this diagnosis: "orbital fracture, liver laceration, and contusions and abrasions."

Dr. Shahid I. Babar conducted a psychological evaluation. He found that Eichelman felt "hurt and devastated" by being accused of a crime he did not commit and then by being abused in prison. Babar said Eichelman was frightened to go home and had an adjustment disorder.

Eight months later, Eichelman sued prison warden Guarini and correctional officers King, Torres and other officers, as well as Doe, the prison's doctor.

He charged them with five counts ranging from "failure to protect" to "deliberate indifference to serious medical needs."

Doe eventually was dismissed from the suit. Walton and some other correctional officers also were dismissed.

But the suit went well beyond Eichelman's case and the people named in it to indict the prison for previous abuses.

For many years, the suit said, the prison had a "policy" whereby guards could incite inmate fights "by opening otherwise locked doors."

Moreover, the suit claimed, the prison improperly trained guards, failed to identify inmates who should be placed in protective custody and failed to provide adequate medical care to inmates who had been assaulted.

The suit's complaint provided no examples to support these charges.

Guarini says there is no support and denies all such charges.

"That's legalese," he explains. "You can probably pick up lawsuits virtually anywhere and find virtually the same language."

Eichelman's suit, filed in U.S. District Court for the Eastern District of Pennsylvania, asked for more than \$150,000 in compensatory and punitive damages on each of five counts.

The prison's answer to the suit, filed by Philadelphia attorney David Karamessinis, denied most of the allegations without detailed comment, as is customary in such cases.

With all wraps off the case, according to last year's settlement, Guarini can say more about the case now.

"Considering what Eichelman was charged with," he explains, "he was where he should have been" and was treated by correctional officers as a dangerous man who had shot a child.

But Guarini maintains that an internal investigation showed that no guard encouraged Eichelman's beating and only one inmate punched him one time.

Inmates who were in the cell block at the time do not agree.

For example, inmate Noble Ramsey said in his deposition that he watched guards stirring up inmates and inmates taunting Eichelman. But he did not complain to guards who might have intervened.

"The unwritten rule is you don't tell," he said. "If you tell, you get the same treatment. And the treatment is bodily harm."

At least two other prisoners also testified in their depositions that guards encouraged inmates to assault Eichelman.

And several prisoners said guards often encouraged inmates to fight other inmates.

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City police and the county District Attorney's Office investigated the Eichelman incident. So did the prison itself.

Those investigations were inconclusive and no criminal charges were brought, in large part because Eichelman refused to cooperate with authorities.

"Even till today he has not been cooperative," says Guarini.

The warden says the inmate who hit Eichelman was paroled days after the incident, before anyone had identified him. Guarini says he refused to recommend early parole for the other inmate involved in the assault.

Torres was suspended, then fired.

King was not reprimanded, according to Guarini, because "nobody could substantiate anything." But the guard soon left the prison, the warden adds, "because he said, 'Hey, anything that ever comes up about me now, they're going to question.'"

Following Eichelman's beating, which was not captured on film, the prison continued a process of installing surveillance cameras in cell blocks. There were about 30 motion-activated cameras when Eichelman was assaulted; there are 221 now.

Although there were no formal efforts to re-emphasize prison rules, Guarini says, the nature of the incident ensured that "everybody got a good understanding of what their jobs are."

"They did fire a guard," comments Joseph Santarone Jr., the King of Prussia lawyer who ultimately defended the county and prison staff in court. "But that was because he didn't follow procedure, that's all."

Eichelman's attorney, Jeffrey Paul, remains unimpressed with the prison operation.

"It's an incredible cesspool over there," he says.

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Jon Eichelman, now 46, still lives in the area. He says he has spent the \$500,000 settlement money on medical and attorney fees and the cost of building a new house. He cannot work and lives on monthly disability checks.

Eichelman says "everything was taken" from him in June 2005 and he is "medically busted up for life."

He considers how his life has changed.

"I hate people and I'm absolutely scared to death," he explains. "I basically turned myself into a hermit."

He says he still can't believe that criminal charges were not brought against the inmates who beat him and the guards who let them.

He doesn't understand why he was the one who had to bring a court action.

"After what happened to me," he says, "I shouldn't have had to sue anybody."

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I think that Jon got what he deserved...I know him personally and he is a horrible father/person whoever wrote this article should be ashamed to not have all the facts. Its called karma and all the years hes been a lousy person this is just what he deserved. I think its funny and I'm glad it happened to him.

als86

QUOTE (als86 @ Nov 26 2008, 12:47 PM)

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Whoa! That's a little intense. But I'm glad you posted to get this thread back to the front.

We all seem to have such short attention spans for this sort of story. We're outraged that the prison board doesn't do their job, that the warden seems to be incompetent - at best, that civil liberties seem to be violated in accordance with standard operating procedures, and that no one is doing anything about it.

I imagine the prison board meeting.

Member 1: "Oh, No! What are we going to do? We have to do something! The cat's out of the bag."

Wiser Member 2: "We don't do anything. Doing something now would be a tacit admission that we weren't doing what we should have been doing all along. We roll with it. This will blow over. I've seen this kind of shallow, faux, concern from the public before. They really don't want to know what's going on in the prison. They really don't care."

Member 1: "Oh."

Wiser Member 2: "Listen, when the warden retires we'll say great things about him. And maybe, just maybe, we'll see what we can do then."

Aldomas

QUOTE (als86 @ Nov 26 2008, 10:47 AM)

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AngelFace

QUOTE (AngelFace @ Nov 26 2008, 05:55 PM)

Wow. And guess what just happened to YOUR karma when you posted this ... pots and kettles come to mind ...

[attachment=3104:fstdt_pot_kettle2.jpg]

A1

QUOTE (A1 @ Nov 26 2008, 04:11 PM)

[attachment=3104:fstdt_pot_kettle2.jpg]

< be careful -- he will come back on and call you a racist!!! >

AngelFace

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