

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ADAM INGLES, SHAWN DAVIS, ED SYKES, MIGUEL
ROMAN, AL SMITH, CHARLES PAIGE, JAMAL
BUTLER, ANDRE PRATT, ROBERT ALLAWAY,
PATRICK WASHINGTON, RANDOLPH JOHNSON,
ROGELIO FIGUEROA, PAUL PERSON, CALVIN
DANIELS, BOBBY JONES, PHILLIP CAMPBELL,
JOHNATHAN LUKES, LAMONT BRADLEY, GARY
SMITH, DAROLD FREEMAN, ERIC RICHARDS, and
KIMADA DIXON,

Plaintiffs,

vs.

ELMER TORO, ROBERT DASH, ROBERT DAVOREN,
WILLIAM FRASER, STEVEN CONRY, BERNARD
KERIK; OFFICERS CALDERO, LANAUSSÉ,
GRAY, GIVENS, MCCONNON, RIVERA, MCKELLER,
ROBERTS, NATALE, ELLIOTT, KRAMER, COX,
GUARNERI, WILLIAMSON, GRAHAM, SMALLS,
POWELL, TORRES, ECHIVERIA, CLARK,
HERSHAWAY, DICE, LEWIS, YATES, SWETOKAS,
MASTROAINNI, STRAUGHN, WELLS, LOPEZ,
VASQUEZ, FERNANDEZ, CASE, WRIGHT, FISHER,
GATTO, BRADFORD, LAMONT, VALENTINE,
CHAPMAN, KEITH JACKSON, R. JACKSON, RIVERA,
KINDER, DEDICKE, ANDERSON, OROZCO,
TOLENTINO, ORTIZ, ARNOLD, CASTRO, HANDE,
BERKELEY, GRAYSON, RUSSO, DOUGHERTY,
BOYLES, MITCHELL, SANACORE, AND JOHN DOES
5-8, 12-15, 17, 18, 21, 22, 24-44, 49-52, 56-62, 64, 66-68,
AND 71-73; CAPTAINS ALCIA, SULLIVAN, CARDO,
SMALL, WRIGHT, VELEZ, HAYNES, MULVANEY,
SPENCER, HERNANDEZ, GALLAGHER, CROOMS,
RAMOS, PEREZ, DANIELS, DEISO, BARBOUR, AND
JOHN DOES 16, 46-48, 54-55, 63 AND 65; ASSISTANT
DEPUTY WARDENS PENNES AND OWUSU;
WARDENS GERARD O’GARA AND ROGER
SLATTERY; AND THE CITY OF NEW YORK,

Defendants.

01 CIV 8279 (DC)
FOURTH
AMENDED
COMPLAINT

JURY TRIAL
DEMANDED

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NATURE OF ACTION AND JURISDICTION

1. This action is brought to end a pattern and practice of unconstitutional and excessive force by uniformed employees of the New York City Department of Correction (“DOC” or “Department”) against prisoners housed in a number of DOC detention facilities. Defendants include officers and captains assigned to jails operated by the Department who have inflicted brutal beatings on the named plaintiffs and other inmates, and who have lied and coerced false statements to prevent the beatings from coming to light. Defendants also include supervisors in these jails and at the highest levels of the Department, who have implicitly authorized the beatings, have failed to supervise uniformed staff in the face of historical and continued evidence of inmate abuse in Department jails, and have failed adequately to investigate reports of excessive force by uniform staff and evidence that incidents of excessive force are being covered up.
2. Plaintiffs, twenty-two former and present inmates within Department-run jails, bring this action for injunctive and declaratory relief, and for money damages, to redress defendants’ violation of their rights under the Fourteenth Amendment to the United States Constitution and the laws and Constitution of the State of New York. Plaintiffs, and other inmates of Department-operated jails, have been subjected to brutal and unlawful beatings by uniformed Department staff while in Department custody. Over the past fifteen years, in four class action lawsuits, prisoners in DOC custody housed in four different Department jails have secured injunctive relief against senior supervisory staff in the Department to address the systemic use of excessive force and its coverup. Plaintiffs in this action seek an appropriate remedial order to curb the use of brutal

physical force in Department jails not already operating under court orders directed at the misuse of force.

3. This action is brought pursuant to the Eighth and Fourteenth Amendments to the Constitution of the United States, and to 42 U.S.C. § 1983. This court has jurisdiction under 28 U.S.C. §§ 1331 and 1343 (a), and under 28 U.S.C. § 1367, which provides for supplemental jurisdiction over claims which arise under the relevant provisions of New York state law.

VENUE

4. Venue is proper in the United States District Court for the Southern District of New York pursuant to 28 U.S.C. §1391.

PARTIES

5. Plaintiffs Adam Ingles, Shawn Davis, Ed Sykes, Miguel Roman, Al Smith, Charles Paige, Jamal Butler, Andre Pratt, Robert Allaway, Patrick Washington, Randolph Johnson, Rogelio Figueroa, Paul Person, Calvin Daniels, Bobby Jones, Phillip Campbell, Johnathan Lukes, Lamont Bradley, Gary Smith, Darold Freeman, Eric Richards and Kimada Dixon at all times referred to in this complaint were, and in the case of plaintiffs Davis, Sykes, Person and Bradley still are, prisoners in the custody of DOC and incarcerated in one of the jails operated by the Department. Plaintiffs Washington and Richards are no longer incarcerated in Department facilities, but have been returned, or are likely to be returned, to DOC custody to attend court proceedings in pending cases. Plaintiff Ingles is under the supervision of the New York Department of Parole, and would be returned to DOC custody if found to have violated any condition of his parole.

6. Defendants Caldero, Gray, Lanausse, Hershaway, Dice, Lewis, Yates, Givens, McConnon, Rivera, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Smalls, Powell, Torres, Echiveria, Clark, Swetokas, Mastroainni, Straughn, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Rivera, Kinder, Dedicke, Anderson, Orozco, Tolentino, Ortiz, Arnold, Castro, Hande, Berkeley, Grayson, Russo, Dougherty, Boyles, Mitchell, Sanacore, and John Does 5-8, 12-15, 17, 18, 21, 22, 24-44, 66-68, and 71-73 were at all times referred to in this complaint correction officers employed by DOC and assigned to Department-operated jails. These defendants are sued in their individual and official capacities. At all times referred to in this complaint, all named defendants were acting within the scope of their employment as employees of the Department, and acting under color of state law. Plaintiffs do not know the names of the corrections personnel sued as John Does and will amend this complaint to state the true names when they become known.
7. Defendants Alcia, Ramos, Sullivan, Cardo, Small, Wright, Velez, Haynes, Mulvaney, Spencer, Hernandez, Gallagher, Crooms, Perez, Daniels, Deiso, Barbour, and John Does 16, 46-48, 54-55, 63 and 65 were at all times referred to in this complaint captains employed by DOC and assigned to Department-operated jails. These captains had direct, first-line supervisory responsibilities over the correction officers assigned to the jails, including responsibility for taking appropriate measures to ensure and protect the personal safety of inmates assigned to their housing or program areas. These responsibilities were required to be carried out in a manner consistent with the legal mandates that govern the operation of the Department and its jails, including the

Department directives and orders governing the use of force and the reporting of use of force and the Board of Correction Minimum Standards. Each of these captains is sued in his individual and official capacities.

8. Defendant Gerard O’Gara was from November 2001 through mid-May 2002 the Warden of the George R. Vierno Center (“GRVC”), a Department-operated jail. Defendant O’Gara is now the Warden of the Anna M. Kross Center (“AMKC”), another Department-operated jail. As Warden of these facilities, at all times his responsibilities have included supervision of correction officers, captains and other supervisors with respect to the care, custody and control of prisoners confined in the jail. These responsibilities were and are required to be carried out in a manner consistent with the legal mandates that govern the operation of DOC and its jails, including the Department directives and orders governing the use of force and the reporting of use of force and the Board of Correction Minimum Standards. As the Warden, defendant O’Gara has at all times been provided on a daily basis with all reports of use of force, allegations of use of force, and other violent incidents in his jail. Defendant O’Gara is sued in his individual and official capacities.
9. Defendant Roger Slattery was from November 2001 through May 2002 the Warden of the Anna M. Kross Center (“AMKC”), a Department-operated jail. Since May 2002, he has been the Warden of GRVC. As Warden of these facilities, at all times his responsibilities have included supervision of correction officers, captains and other supervisors with respect to the care, custody and control of prisoners confined in the jail. These responsibilities were and are required to be carried out in a manner consistent with the legal mandates that govern the operation of DOC and its jails, including the

Department directives and orders governing the use of force and the reporting of use of force and the Board of Correction Minimum Standards. As Warden, defendant Slattery is provided on a daily basis with all reports of use of force, allegations of use of force, and other violent incidents in his jail. Defendant Slattery is sued in his individual and official capacities.

10. At all times referred to in this complaint, defendant Pennes was an Assistant Deputy Warden at the Queens House of Detention, a Department-operated jail. As such, his responsibilities included supervision of correction officers, captains and other supervisors with respect to the care, custody and control of prisoners confined in the jail. These responsibilities were required to be carried out in a manner consistent with the legal mandates that govern the operation of DOC and its jails, including the Department directives and orders governing the use of force and the reporting of use of force and the Board of Correction Minimum Standards. Defendant Pennes is sued in his individual and official capacities.
11. At all times referred to in this complaint, defendant Owusu was an Assistant Deputy Warden at GRVC, a Department-operated jail. As such, his responsibilities included supervision of correction officers, captains and other supervisors with respect to the care, custody and control of prisoners confined in the jail. These responsibilities were required to be carried out in a manner consistent with the legal mandates that govern the operation of DOC and its jails, including the Department directives and orders governing the use of force and the reporting of use of force and the Board of Correction Minimum Standards. Defendant Owusu is sued in his individual and official capacities.

12. Defendant Toro was at all times referred to in this complaint, and still is, the Deputy Commissioner of the Investigation Division of DOC. As such, defendant Toro was and is responsible for ordering and supervising the investigation of any and all incidents in which any employee of the Department uses force against any inmate. Defendant Toro was provided on a daily basis with reports of applications of force, allegations of unreported use of force, and other breaches of security in Department jails. Defendant Toro is sued in his individual and official capacities.
13. Defendant Dash was the Chief of Security of the Department from November 2000 through April 2002. He was succeeded by defendant Steven Conry, who is now the Chief of Security. As Chief of Security, defendant Dash was responsible for monitoring and addressing all operational issues in Department jails pertaining to the safety and security of inmates and staff. These responsibilities included the tracking of violent incidents and the formulation of responses designed to protect the personal safety of Department staff and inmates in its custody. As Chief of Security, defendant Dash was provided on a daily basis with reports of applications of force, allegations of unreported use of force, and other breaches of security in Department jails. Defendant Dash is sued in his individual and official capacities.
14. Defendant Steven Conry has been the Chief of Security of the Department from April 2002 to the present. As Chief of Security, defendant Conry is responsible for monitoring and addressing all operational issues in Department jails pertaining to the safety and security of inmates and staff. These responsibilities include the tracking of violent incidents and the formulation of responses designed to protect the personal safety of Department staff and inmates in its custody. As Chief of Security, defendant Conry is

provided on a daily basis with reports of applications of force, allegations of unreported use of force, and other breaches of security in Department jails. Defendant Conry is sued in his individual and official capacities.

15. Defendant Davoren was the Chief of Security of DOC beginning prior to the events alleged in this complaint until November 2000, and since November 2000 has been the Chief of Department. As Chief of Security, defendant Davoren was responsible for monitoring and addressing all operational issues in Department jails pertaining to the safety and security of inmates and staff. These responsibilities included the tracking of violent incidents and the formulation of responses designed to protect the personal safety of Department staff and inmates in its custody. As Chief of Security, Davoren was provided on a daily basis with reports of applications of force, allegations of unreported use of force, and other breaches of security in Department jails. As Chief of Department, he is the highest ranking uniformed member of the department, and is responsible for the supervision, oversight, and discipline of the uniformed security staff, including the supervisory security staff, in all the Department jails. He is also responsible for the care, custody, and control of all inmates in the Department jails. As Chief of Department, Davoren is provided on a daily basis with reports of applications of force, allegations of unreported use of force, and other breaches of security in Department jails. Defendant Davoren is sued in his individual and official capacities.
16. Defendant Fraser was the Chief of Department of DOC from March 1999 until November 2000, and since November 2000 has been the Commissioner of DOC. As Chief of Department, he was the highest ranking uniformed member of the Department, and was responsible for the selection, supervision, oversight, and discipline of the

uniformed security staff, including the supervisory security staff, in all the Department jails. He was also responsible for the care, custody, and control of all inmates in the Department jails. As Commissioner, he is the chief executive officer of the Department, responsible, consistent with the legal mandates governing the Department, for the management and control of all City jails, and for all matters relating to the selection, supervision, promotion, training, and discipline of the uniformed staff, including the supervisory security staff, of the City jails. As Commissioner, defendant Fraser is also responsible for the care, custody, and control of all inmates housed in the Department's jails. As Chief of Department and as Commissioner, Fraser was and is provided on a daily basis with reports of applications of force, allegations of unreported use of force, and other breaches of security in Department jails. Defendant Fraser is sued in his individual and official capacities.

17. Defendant Kerik was the Commissioner of the Department from January 1, 1998, until August 21, 2000. During this period he was the chief executive officer of the Department, responsible, consistent with the legal mandates governing the Department, for the management and control of all City jails, and for all matters relating to the selection, supervision, promotion, training, and discipline of the uniformed staff, including the supervisory security staff, of the City jails. As Commissioner, defendant Kerik was also responsible for the care, custody, and control of all inmates housed in the Department's jails. As Commissioner, Kerik was provided on a daily basis with reports of applications of force, allegations of unreported use of force, and other breaches of security in Department jails. Defendant Kerik is sued in his individual and official capacities.

18. Defendant City of New York is a municipal corporation which, through its Department of Correction, operates a number of detention jails. The Department, through its senior officials at the central office and in each facility, promulgates and implements policies, including those with respect to the use, reporting, and investigation of force by uniformed staff, and access to medical and other program services mandated by local law and court orders. In addition, senior officials in the Department are aware of and tolerate certain practices by subordinate employees in the jails, including those that are inconsistent with formal policy. These practices, because they are widespread, long-standing, and deeply embedded in the culture of the agency, constitute unwritten Department policies or customs.

CLASS ACTION ALLEGATIONS

19. Plaintiffs Davis, Sykes, Person, and Bradley bring this action on behalf of all present and future inmates confined in any of the institutions and commands operated by DOC on Rikers Island, and in Manhattan, Queens, and the Bronx, that have not already been made subject to court order as a result of the successful litigation of claims of excessive use of force on inmates by Department staff. These institutions and commands that are not subject to ongoing injunctive orders are the Adolescent Reception and Detention Center (“ARDC”), Anna M. Kross Center (“AMKC”), George Motchan Detention Center (“GMDC”), George R. Vierno Center (“GRVC”), Manhattan Detention Complex (“MDC”), North Infirmary Command (“NIC”), Otis Bantum Correctional Center (“OBCC”), Rose M. Singer Center (“RMSC”), West Facility, Bronx House of Detention (“BxHDM”), Queens House of Detention (“QHDM”), Transportation Division, Emergency Services Unit (“ESU”) and Vernon C. Bain Correctional Facility (“VCBC” or “the Barge”). This action is brought pursuant to the Federal Rules of Civil Procedure, Rules 23(a), (b)(1) and (b)(2). The class meets the requirements of Rule 23 as follows:
- a. There are well over 10,000 inmates confined within the aforementioned institutions at any one time. The membership of the class continuously changes, rendering joinder of all members impracticable.
 - b. The questions of law and fact presented by the named plaintiffs are common to other members of the class. Such questions include the existence of a pattern of brutality and the use of gratuitous and excessive physical violence in Department-operated institutions involving correction officers and supervisory personnel; the encouragement and institutionalization of such brutality by supervisory defendants; the acquiescence of supervisory personnel in the known unlawful acts of subordinates; and

the failure of supervisory defendants to train, supervise, and discipline line officers in the institutions. These practices, policies, and procedures result in both the frequent infliction of severe physical and psychological injuries on inmates confined in these jails, and the maintenance of an atmosphere of fear and intimidation. As a result, every inmate in these institutions risks being subjected to and injured by these unlawful practices. The claims and practices alleged in this complaint are common to all members of the class.

c. The violations suffered by plaintiffs Davis, Sykes, Person, and Bradley are typical of those suffered by the class. The entire class will benefit from the relief sought.

d. Plaintiffs Davis, Sykes, Person, and Bradley are presently incarcerated within institutions operated by DOC. These named plaintiffs will fairly and adequately protect the interests of the class. The Legal Aid Society, Prisoners' Rights Project, counsel for plaintiffs, is a legal services organization experienced in prisoners' civil rights litigation that, through prior such litigation, has secured court-ordered institutional reform within several Department-operated jails. Emery Brinckerhoff Cuti Abady P.C. is a law firm with offices in New York City that has extensive experience in successful civil rights litigation, including class action lawsuits against state and local governments and the Department of Correction. Sullivan & Cromwell is a law firm with offices in New York City that has extensive experience in complex federal litigation and in pro bono federal civil rights litigation on behalf of prisoners and others.

e. The defendants have acted, or omitted to act, on grounds generally applicable to the class, thereby making appropriate injunctive relief with respect to the class as a whole.

FACTUAL ALLEGATIONS

The Pattern of Misconduct by Uniformed Staff Assigned to Department Institutions

20. Members of the uniformed staff in Department-operated jails have used force without justification against inmates as punishment for minor misconduct, verbal complaints, protests, or perceived disrespect to staff. Many of these beatings have occurred hours or days after the initial contact between officer and inmate. See paragraphs 50, 65, 73-74, 81, 88-90, 104-05, 111, 126-27, 134-35, 141, 146, 160-61, 172-73, and 188, infra.
Members of the uniformed staff have applied excessive, injurious force to beat prisoners under circumstances where, at most, some minimal, non-injurious force may have been justified to restrain the prisoner.
21. Members of the uniformed staff in Department-operated jails have gratuitously singled out particular inmates for physical abuse in an effort to assert their authority over the general inmate population. Often inmates become targets for physical abuse when staff members are unable to determine which inmate in a group committed a particular offense but nonetheless want to inflict punishment for that offense in a “show beating.” The inmates selected for arbitrary physical punishment are often chosen for their relative physical vulnerability. See paragraphs 81, 96-97, 118, and 179-80, infra.
22. Other inmates who are targeted for abuse by members of the uniformed staff in Department-operated jails are routinely removed from their cells to isolated areas, such as search rooms and areas of facility receiving rooms (also known as “intake areas”), and beaten by groups of officers with no inmates or civilians as witnesses. Others are beaten in their cells. Many inmates are beaten while they are handcuffed and/or naked. See paragraphs 51-52, 67, 107, 114, 128, 136-37, 147-48, 154, 161, 168, 193, and 201, infra.

23. Inmates who have been beaten by uniformed staff have suffered a range of injuries, many of which have required the provision of emergency medical care and/or hospitalization, and some of which have resulted in severe and permanent damage. A number of inmates beaten by staff have suffered severe internal injuries, in addition to the visible abrasions and contusions associated with punches to the face and body. See paragraph 107 and 114, infra. Many beatings have resulted in facial lacerations, fractured noses and other facial bones, broken teeth, perforated ear drums, and eye injuries. See paragraphs 54, 56, 61, 68, 75, 83, 92, 100, 119, 129, 137, 142, 154, 162, 169, 174, 189, 195, and 201, infra.
24. After an inmate has been assaulted by a member of the uniformed staff in Department-operated jails, Department employees routinely falsify documents or fabricate claims to cover up their own unlawful conduct or that of their colleagues. In some cases, defendants fail to report any use of force; in others, they attempt to justify excessive force by falsely claiming that an inmate had physically threatened or attacked a staff member and was injured in the course of being restrained. See paragraphs 55, 69, 76, 84-85, 93, 106, 115, 120, 132, 138, 143, 148, 155, 163, 170, 175, 184, 196, and 202, infra.
25. Inmates who have been beaten or who have witnessed beatings are often solicited by members of the uniformed staff to make false statements about incidents and the sources of their injuries, or to refrain from reporting them at all. Often inmates are threatened with disciplinary charges if they report the incidents truthfully. See paragraphs 106, 154, and 174, infra.
26. Inmates beaten in Department jails routinely are falsely charged administratively with “assault on staff” and, when found guilty, confined in punitive segregation following disciplinary proceedings conducted by “adjudication captains.” These proceedings are

frequently conducted in violation of Department procedures and deny basic, constitutionally mandated protections. See paragraphs 55, 84, 93, 120, 132, 138, 143, 155, 163, 170, 175, 184, and 196, infra.

27. Inmates beaten in Department jails are often arrested by or at the request of Department employees assigned to the “Gang Intelligence Unit” and falsely charged with assaulting the staff who beat them. See paragraphs 85, 121-22, 138, 156, 175 and 196, infra. These arrests, which are routinely initiated without the Department's having conducted any meaningful investigation of the incident, are effected to cover up the fact that the inmate was beaten and the staff reports fabricated.
28. Some captains in Department-operated jails have ordered or participated in beatings; others have stood by while officers assaulted inmates in their presence and taken no steps to prevent injury to the inmate. Some captains have covered up, or attempted to cover up, the illegal conduct of their subordinates. See paragraphs 52, 66, 74, 81, 98-99, 105-06, 118-19, 136, 141, 148-49, 166-67, and 174.
29. Uniformed staff assigned to the Emergency Services Unit (ESU) routinely engage in gratuitously aggressive and intimidating conduct when assigned to search a prisoner, his living quarters, or his property, often punching and striking prisoners when no physical force is necessary or justified. When conducting a Tactical Search Operation (TSO), members of the ESU frequently inflict physical injuries on inmates, when no or minimal force is necessary, often causing serious physical trauma. See paragraphs 166-68 and 179-80, infra. When the ESU conducts a TSO of a housing area or a jail facility, it operates independently of the facility chain of command, and its members are

accountable solely to ESU supervisors. Contrary to written Department of Correction policy, these searches are not routinely videotaped.

30. The pattern of violence by the ESU, and the fact that the unit refuses to videotape its operations, have been well known throughout the Department for years. The routine misuse of force by members of the ESU is so obvious and striking that Department supervisors have barred the Unit from operating in the jail facility subject to the most intense public scrutiny, the Central Punitive Segregation Unit (“CPSU”), which was subject to federal court oversight from July 1998 through July 2002. Nevertheless, Department supervisors, including the Commissioner, Chief of Department, Chief of Security, and Deputy Commissioner of the Investigation Division, allow the ESU to operate, and tolerate its members’ beating and striking inmates in the rest of the Department jails.

The Complicity and/or Acquiescence of Department of Correction Supervisors in the Pattern of Misconduct in the Institutions

31. The supervisory staff within the Department-operated jails, including defendant Wardens Slattery and O’Gara, and the command structure of the Department (defendants Fraser, Davoren, Dash, Conry, Kerik and Toro) knew and/or know that the pattern of physical abuse described above existed and still exists in the city jails. Their failure to take measures to curb this pattern of brutality constitutes an acquiescence in the known unlawful behavior of their subordinates. The prevalence of these practices and general knowledge of their existence, and the failure of these defendants to take remedial action despite the fact that the misuse of force in city jails has been persistently brought to their attention, constitutes deliberate indifference to the rights and safety of the inmates in their

care and custody, including those inmates named as plaintiffs in this action. These defendants' conduct has been a substantial factor in the continuation of such violence and a proximate cause of the constitutional violations alleged in this complaint.

32. The Department of Correction operates under a system-wide use of force policy. With some exceptions for those facilities operating under court order, the Department trains all of its staff at a single Training Academy according to a uniform curriculum; maintains a centralized Investigation Division to investigate staff use of force under uniform procedures; similarly maintains a centralized unit to conduct administrative prosecutions (or to decline to prosecute, or to plea-bargain) in those few instances where the Department concludes excessive force has been used. Use of force incidents are reported through a centralized "Communications Control Center" to the Department's highest administrators. The subsequent use of force reports reflecting the nature of use of force incidents, the degree of injury inflicted on prisoners, the asserted justifications for force, and the findings of the jail-based investigations are also routed to the office of the Chief of Department and to the Investigation Division. Administratively, the Department is organized with a paramilitary chain of command running from the Commissioner, Chief of Department, and other top administrators in its central office through its four Division Chiefs, each of whom has supervisory authority over several of the jails and other commands (e.g., the Transportation Division), down to the jails and commands. Staff are routinely transferred from jail to jail or to non-jail commands. Staff who are promoted are transferred to new commands following their promotion, and Wardens and Deputy Wardens are routinely transferred between facilities. Officers who are known to have used excessive force in one command are often transferred to another command,

especially where the original command is under court order or judicial scrutiny.

Prisoners are also routinely transferred among the different facilities; many, including a number of the named plaintiffs are or were housed in several different facilities while in Department custody

33. The supervisory staff of Department-operated jails, including defendants O’Gara and Slattery, have consistently failed to investigate use of force incidents thoroughly and without bias, and to discipline officers who have violated Department guidelines. The investigation of use of force incidents in Department-operated jails by central office staff, including defendants Toro, Davoren, Dash, Conry, Fraser and Kerik, reflects the same bias in favor of uniformed staff which the District Court found with respect to central office use of force investigations at the Correctional Institution for Men (a DOC facility) fourteen years ago. Fisher v. Koehler, 692 F.Supp. 1519, 1553-57 (S.D.N.Y. 1988), aff’d F.2d 2 (2d Cir. 1990). Although the Department agreed in 1998 to implement specific, court-ordered remedies for the long-standing deficiencies in investigation of staff use of force in the CPSU (Sheppard v. Phoenix, 91 Civ. 4148 (RPP) (S.D.N.Y.) (Order Approving Stipulation for Entry of Judgment, July 10, 1998)), it continues to refuse to apply these measures to the rest of the jail system.
34. The pattern of misconduct by security staff assigned to Department-operated jails has been condoned by ranking commanders and supervisors in the Department. The Deputy Commissioner of the Investigation Division, the former and current Chiefs of Security, the former and current Chief of Department, and the former and current Commissioner--defendants Toro, Dash, Davoren, Fraser, Conry and Kerik--have been or are aware of the number, frequency, and severity of use of force incidents in Department-operated jails

and of the continuing risk to inmates of physical injury at the hands of uniformed staff. Each of these central office supervisors receives and/or received daily a compilation of reports from Department commands documenting violent incidents, including staff use of force. These “24-hour reports,” which are circulated throughout the Department, contain brief summaries of use of force incidents. These summaries have for years documented, and continue to document, the routine application of injurious force to prisoners by staff members under circumstances which very often suggest that the staff accounts are fabricated to cover up brutality and other misconduct.

35. Defendant O’Gara, who is now the warden at AMKC, was previously assigned as the warden of GRVC. Defendant Slattery, who is now the warden at GRVC, was previously the warden of AMKC. Both defendants O’Gara and Slattery have been consistently apprised of the frequency and severity of inmates’ injuries in violent encounters with correction staff in their commands. As Warden, each is responsible for the review and approval of staff “use of force” reports before these reports are forwarded to the Investigation and Operations Divisions. These use of force reports routinely document the infliction of serious injuries on prisoners by guards, and consistently find no basis to question correctional staff’s conduct, even when staff reports describe use of force which is proscribed by Department written policy or fail to account for the inmate’s injuries.
36. For the past several years, these reports made by staff of Department-operated jails about use of force incidents and of the investigations conducted at the jails and forwarded to the Department’s central office put the Deputy Commissioner of the Investigation Division, the Chief of Security, the Chief of Department, and the Commissioner on notice that there existed in Department-operated jails a clear pattern of excessive and/or unnecessary

force used by uniformed staff on inmates. These reports (1) document frequent and numerous instances in which serious injuries, including head and facial trauma, multiple blunt trauma to the body, and perforated ear drums, were inflicted on inmates in encounters with correction staff; (2) with rare exception conclude that the inmate instigated the incident through some aggressive action and needed to be “subdued” or “restrained”; (3) very often identify the location of the incident as a facility receiving room, an inmate’s cell, or a similarly isolated area, where a single inmate, in some cases naked, allegedly assaulted an officer who was accompanied by a number of other staff members; and (4) identify certain correction officers or captains as having been involved in a disproportionate number of these incidents, and certain captains as having reported or “investigated” these incidents.

37. In addition to his routine review of the Department’s reports, the Deputy Commissioner of the Investigation Division, defendant Toro, has for the past several years received numerous letters from the Prisoners’ Rights Project of the Legal Aid Society alleging serious physical abuse of significant numbers of inmates by uniformed staff in Department-operated jails. Many of these letters identify specific staff members as having engaged in repeated assaults on inmates. Defendant O’Gara has also received a number of these letters alleging staff brutality at GRVC.
38. Since 1988, senior supervisors and uniformed staff in DOC have been sued repeatedly by inmates alleging staff beatings and cover-up. These cases have been settled for sums totaling millions of dollars. In addition, during the past three decades, senior correction supervisors and/or the City of New York have been defendants in four class actions brought in response to serious violations of inmates’ constitutional rights--including

widespread physical abuse of inmates and its cover-up by Department staff--in various Department-operated jails. Fisher v. Koehler, 692 F. Supp. 1519 (S.D.N.Y. 1988), injunction entered, 718 F. Supp. 1111 (1989), aff'd, 902 F.2d 2 (2d Cir. 1990) [Correction Institution for Men]; Jackson v. Montemagno, CV 85-2384 (AS) (E.D.N.Y.) (Order Approving Stipulation for Entry of Judgment, November 26, 1991) [Brooklyn House of Detention]; Reynolds v. Ward, 81 Civ. 101 (PNL) (S.D.N.Y.), Order and Consent Judgment, October 1, 1990) [Bellevue Prison Psychiatric Ward]; Sheppard v. Phoenix, 91 Civ. 4148 (RPP) (S.D.N.Y.) (Order Approving Stipulation for Entry of Judgment, July 10, 1998); see 1998 WL 397846 (S.D.N.Y., July 16, 1998) [Central Punitive Segregation Unit]. In each of these cases, federal courts approved the entry of comprehensive remedial orders governing the use of physical force by Department jail guards and the investigation and discipline of staff members who misuse force. In each case, the City has narrowly confined its remedial efforts to the institution and violations at issue in the action, despite the growing body of evidence--more indisputable and compelling with each successive action and its resolution--that staff abuse of inmates is a severe and endemic problem within Department-operated jails. In light of this evidence, the City's failure to direct its reform efforts toward Department-operated jails as a whole, rather than just the ones under court order, constitutes and demonstrates a policy of deliberate indifference toward the rights and safety of inmates under Department control.

39. The discovery obtained in Sheppard, which included reports of over a thousand use of force incidents and the investigation of these incidents over a ten year period (1988-1998), demonstrated the consistent tolerance, if not encouragement, by high-ranking Department supervisors, of uniformed staff brutality and its cover-up through the

preparation of false reports; their failure to ensure that unbiased and thorough investigations of use of force incidents were conducted; their failure to engage in prompt and meaningful discipline of staff; and their long-standing failure or refusal to hold uniformed staff accountable for their misconduct.

40. During their careers in DOC, Kerik, Fraser, Dash and O’Gara acquired direct, first-hand knowledge of the scope and severity of the misuse of physical force by Department uniformed staff:

- In late 1995 and early 1996 DOC, of which defendant Kerik was then the First Deputy Commissioner, acknowledged the existence of a pattern of misconduct in the CPSU, including planned beatings of inmates and cover-ups of these assaults orchestrated and organized by facility supervisors. Defendant Kerik had operational responsibility for the implementation of the Department's plan to remedy this pattern of abuse.
- From 1995-1996, defendant Fraser was the Warden in command of the DOC facility in which the CPSU was located, and was actively engaged in the formulation and implementation of the Department's initial response to the overwhelming evidence of the pattern of physical abuse uncovered in the Sheppard case, the relocation of the CPSU to a facility equipped with video surveillance cameras and the re-staffing of the Unit by Department employees whose use of force histories had been reviewed by Department managers. Earlier in his career, Fraser has been assigned to the Correctional Institution for Men during the period that facility was the subject of the Fisher litigation. He was

subsequently assigned to the Bellevue Hospital Prison Ward immediately after the entry of judgment in the Reynolds litigation.

- Defendant Dash was assigned as a captain in the CPSU in the early 1990s, and was fully familiar with the pattern of misconduct which existed in the unit at that time. Subsequently he became the Deputy Warden in Command of the CPSU and the Warden at OBCC after the CPSU was relocated to that command. During these periods, Dash was repeatedly made aware of the continuing guard brutality and cover-up, which was not substantially addressed until after he was replaced in those positions.
- Defendant O’Gara was an Assistant Deputy Warden assigned to the CPSU after it was relocated to OBCC in 1996. During this period O’Gara was aware of the continuing pattern of brutality and cover-up in the Unit by officers and captains under his supervision.

41. In response to the Sheppard litigation and the earlier lawsuits, DOC agreed to implement a number of systemic remedial measures in the institutions which were the subject of these actions, including the installation of video surveillance cameras in areas which had been the site of repeated applications of force, screening and selection of staff members assigned to the particular commands, rigorous investigation of use of force incidents and the imposition of meaningful staff discipline. Defendants Kerik, Fraser, Davoren (who became Chief of Department in November, 2000) and Conry (who became Chief of Security in April 2002), however, have taken no steps to address the continuing, obvious persistence of correction officer brutality and false reporting at other commands, which

had not been the subject of litigation but at which significant numbers of prisoners continued to be injured by staff.

42. Notwithstanding the fact that high-ranking officials in Department-operated jails and in the Department's central office know or knew that a pattern existed in Department-operated jails of inmates being routinely injured by correction officers and captains, under circumstances that clearly indicated that staff was utilizing excessive and unnecessary force, defendants O'Gara, Slattery, Toro, Dash, Davoren, Fraser, Conry and Kerik failed to implement measures that would curb the unlawful conduct of their subordinates. These defendants routinely dismissed inmates' complaints of staff beatings, even when the correction officers and captains allegedly involved had failed to report a use of force and the inmate was seriously injured; when the inmate's injuries were obviously more serious than the staff accounts of their actions would suggest; and when the same correction officers and captains reported essentially the same scenarios over and over to describe incidents in which different inmates were injured.
43. High-ranking Department officials are and have been aware of the Department's Gang Intelligence Unit's practice of arresting the victims of staff beatings and initiating their prosecution for assault and related offenses without any meaningful internal investigation of the facts surrounding the incident. Despite this knowledge, they have tolerated and encouraged staff to continue to arrest and request prosecution of prisoners beaten in the jails. These supervisors' continued acquiescence to this practice--of arresting inmates who have been seriously injured by staff and falsely charging them with assault on staff--manifests deliberate indifference toward the rights of inmates under Department control.

44. With rare exception, uniformed staff whose misconduct is brought to the attention of supervisory personnel continue to work with inmates in Department-operated jails without any substantial disciplinary action being taken against them. Many of these staff members are simply transferred from one jail to another, where their misconduct continues. Although the Department has a computerized system capable of identifying officers involved in multiple use of force incidents, this information has not been utilized by Wardens or Deputy Wardens for Security in Department-operated jails to reduce the number of incidents of excessive or unnecessary use of force in the jails. The fact that physical abuse by officers remains unchecked and unrestrained leads the staff to believe that inmates may be beaten with impunity.

Liability of the City of New York

1. Prior to and at the time of the assaults upon each of the plaintiffs named in this action, which are described infra in paragraphs 49-203, there existed in Department-operated jails a pattern and practice of physical abuse of inmates by the uniformed staff assigned to these jails. The elements of this pattern are described in paragraphs 19-43, supra.
45. The pattern of unrestrained physical abuse by uniformed staff; the failure to conduct unbiased and thorough investigations of use of force incidents, and to discipline staff meaningfully and promptly for misconduct; and the long-standing failure or refusal to supervise uniformed staff, including supervisory staff, are now so institutionalized as to constitute a policy or custom of tolerating and authorizing physical abuse of inmates. It is this policy or custom of abuse and cover-up that has caused the deprivation of plaintiffs' constitutional rights.

46. The Department, through its Commissioners, Chiefs of Department, Chief of Security, and Deputy Commissioner of the Investigation Division, has failed or refused to hold accountable high-ranking supervisors--captains, assistant deputy wardens, deputy wardens, and wardens--in the face of frequent and significant misconduct, over a period of years, by these supervisors and by the officers they supervise. This failure is a proximate cause of the injuries sustained by the named plaintiffs and by other inmates injured in Department-operated jails. The continuing inaction of defendants Toro, Conry, Davoren and Fraser subjects current and future inmates in Department-operated jails to a pervasive risk of serious injury at the hands of correctional staff.
47. By the exercise of his promotional authority, the Commissioner has the power to reward supervisors who perform their jobs adequately and to punish--or fail to reward--those who do not. The Commissioners' actions and omissions have created and maintained the perception among high-ranking supervisors in the Department that a supervisor in a Department-operated facility who turns a blind eye towards evidence of staff misuse of force and fails to investigate incidents in which prisoners are injured by staff will suffer no damage to his or her career.
48. The pattern of unchecked physical abuse by uniformed Department staff, the extent to which these unlawful practices have been adopted by significant numbers of the staff, and the persistent failure or refusal of the Department to supervise these officers properly and to take action to curb the misconduct, demonstrate a Department policy of deliberate indifference which tacitly authorizes the utilization of brutal, excessive and unjustified physical force against inmates.

The Named Plaintiffs

Adam Ingles

49. On or about February 8, 2000, plaintiff Ingles, a pre-trial detainee, was in his housing area at GMDC during the 11:00 p.m.-7:00 a.m. shift. Earlier that day, an officer on the day shift had permitted Ingles to move to a newly-available bunk. Defendant Caldero, a correction officer, came on duty for the night shift, and asked Ingles why he was not in his previously-assigned bunk. Although Ingles explained that an officer had allowed him to switch bunks, Caldero threatened to charge him with a disciplinary infraction. Caldero then began throwing Ingles' personal belongings from his locker. Ingles began to pick up his belongings and Caldero grabbed him by the neck and shoved him. When Ingles told him not to do that again, Caldero again grabbed Ingles' neck and shoved him. Caldero then punched Ingles in the face. Ingles punched Caldero back, and the two began fighting. Caldero continued to punch Ingles in the face, and shoved his fingers into Ingles left eye. Officer Holmes observed the assault, and called for a response team, but did not intervene or attempt to stop Caldero's assault. Ingles was then sprayed in the eyes with pepper spray, blurring his vision.
50. An institutional response team, consisting of defendant officers Lanausse and Gray and defendant captain Alcia, arrived and took Ingles out of the housing area. In the vestibule outside the housing area, he was struck violently in the face by a blunt instrument. He was then slammed into an iron gate and thrown on the floor. Defendant Lanausse placed a knee on Ingles' back and handcuffed him behind the back, tightening the handcuffs and causing Ingles severe pain.

51. Ingles was then dragged down some stairs. One of the response team officers stood Ingles up by his rear handcuffs and told defendant Caldero to “beat his ass.” Caldero began to beat Ingles, hitting him a number of times in the body. Defendants Gray and Lanausse joined in and continued beating him. Captain Alcia watched the officers beat Ingles, but took no steps to prevent Ingles from injury.
52. Ingles was then escorted to a search room in the facility intake area, with either Gray or Lanausse continuing to punch him as they walked. In the intake area, either Gray or Lanausse hit him again until a captain told him to stop. One of the defendant officers then told Ingles to “sit and bleed.” Ingles was left in the intake room, and later given a towel and told to clean himself up. He was then moved to another cell and photographed.
53. Ingles was taken to the infirmary, where he was treated for a bleeding and deformed nose and possible fracture, swelling to the right orbit, and pain in the rib cage. X-rays the next morning confirmed a rib fracture. Although medical staff ordered x-rays to be taken of the orbital rim and nose, these x-rays were not taken. After leaving the infirmary, he was taken back to the search area, where he was left alone in a cell, wearing only his shorts, until morning.
54. Reports prepared by DOC staff subsequently falsely stated that Ingles had initially assaulted Caldero, and that the force was applied to restrain him. Mr. Ingles was placed in punitive segregation for 30 days after the incident. He was not informed of the charges against him.
55. As a result of the beating inflicted on him on February 8, 2000, Ingles sustained severe emotional and physical injuries, including a fractured rib and possible fractured nose and orbital rim.

56. Ingles' conduct did not constitute a threat or perceived threat to the security of the jail or anyone therein such as to warrant the repeated application of blows. His beating was a grossly disproportionate response to Ingles' resistance to Caldero's initial assault, and was intended to punish him for having struggled with Caldero. Defendants Alcia, Gray, Lanausse and Caldero acted sadistically and maliciously and demonstrated deliberate indifference toward Ingles' rights and physical well-being.

Shawn Davis

57. On or about May 28, 2002, in the late afternoon or early evening, Shawn Davis, a pre-trial detainee, returned from a court appearance in the Bronx to AMKC, where he was housed. Mr. Davis approached the housing area officer in the "A station" and inquired about his psychiatric medication, which he believed he was supposed to receive that day. The "A officer" told Davis, in words or in substance, that she could not deal with his problem.
58. Davis then tried to address his concerns to a captain, but was not successful in securing his attention. Anxious and agitated about what he perceived to be staffs' ignoring his medical problem, Davis picked up a plastic chair and threw it. Three correction officers, defendants Orozco, Tolentino, and Ortiz, then rushed towards him and began to punch him. Davis fell or was thrown on his stomach, and his arms were handcuffed behind his back. When he was placed on his feet by the three officers, one of them, Tolentino, punched him in his stomach.
59. Davis was escorted outside his housing area, where a "response team," consisting of correction officer defendants Arnold and John Does 5, 6, and 7 had gathered. One of the

members of the team, Arnold, jabbed him in the stomach with his baton. The team then escorted Davis to the facility receiving room and placed Davis in a cell, alone.

60. In the receiving room cell, Tolentino, Arnold, and Does 5 and 8 struck Davis a number of times in his face and body, causing him to fall to the floor. While he lay on the floor, with his hands still cuffed behind his back, Arnold kicked Davis in his left eye, rupturing his eyeball.
61. As a result of the beating he sustained on May 28, 2002, Davis suffered severe physical and emotional injuries, including but not limited to impaired vision in his left eye.
62. Davis did not present a threat to the safety or security of jail staff which warranted the repeated application of blows and strikes to his head and face. The conduct of defendants Orozco, Tolentino, Ortiz, Arnold, and Does 5-8 was malicious and sadistic, and manifested deliberate indifference to Davis' rights and physical well-being.
63. Prior to the commencement of this action, and over thirty days ago, Davis filed and served on the Comptroller of the City of New York a verified Notice of Claim against the City of New York. To date, this claim has not been settled.

Ed Sykes

64. On or about March 28, 2002, plaintiff Sykes, a pre-trial detainee, was housed in a punitive segregation area in building 1 at GRVC. Sykes was confined to his cell for 23 hours each day, and only allowed out of the cell for a one hour recreation period and a shower each day. DOC staff had turned off the water in his cell, and for two days Sykes had been unable to flush the toilet or wash himself in his cell. When defendant Hershaway, a correction officer, served Sykes a meal through the food slot in his cell door, Sykes held the slot open, and asked Hershaway to restore water to his cell.

Hershaway told Sykes that defendant Ramos, the area captain, did not want Sykes' water turned on, and then he slammed the slot down on Sykes' arm. Sykes then requested access to the jail clinic.

65. Shortly afterwards, defendants Ramos, Hershaway, Dice, Lewis and Yates approached Sykes' cell. Defendant Ramos refused Sykes' request to restore water to his cell but agreed to have him escorted to the clinic. Sykes' cell was opened and his hands were handcuffed behind his back. When Ramos questioned whether he "really" wanted to go to the clinic, and Sykes said he did, Ramos told Dice to "talk to him," and then walked into the officers' station. Dice told Sykes that if he went to the clinic, he would have to go for an injury, and then he punched Sykes in the face, knocking him down. Hershaway and Dice then struck Sykes in the face and body while Lewis and Yates stood by and took no steps to protect Sykes from further injury. When he was directed to stand up, Sykes said that he could not, and Dice then threw a bucket of water on him. Dice then told Sykes he had sustained his injury from falling in water in his flooded cell, which was not true.
66. Dice took Sykes outside the housing area and escorted him towards the clinic. He pushed Sykes' head into a wall, then proceeded to an area adjacent to the clinic. He ordered Sykes to stop walking, then forcefully pushed his head face-first into a glass partition, fracturing his nose and inflicting a 3.5 cm. long triangular laceration over the nose.
67. Sykes was then taken to clinic staff, who documented that he was bleeding at the site of the laceration, had extensive swelling to his forehead, and was complaining of dizziness and blurry vision. Sykes was immediately referred to the "urgi-care" facility, where his nose was sutured. X-rays confirmed fractures to his nose and wrist, which was splinted.

68. Neither the injuries to Sykes' arm or face were reported by the defendants as having been inflicted by correction staff. An "injury to inmate" report prepared by defendant Ramos, or at his direction, falsely claimed that Sykes' injuries were sustained when he slipped and fell leaving his cell and when he "ran face first into the clinic door."
69. Sykes suffered severe physical and emotional injuries, including extensive scarring to his face, as a result of the actions of defendants Ramos, Hershaway, Dice, Lewis and Yates on March 28, 2002.
70. Plaintiff Sykes did not assault or attempt to assault any officer; nor did he present a threat to the personal safety of any officer or to the security of the jail. Sykes did not provoke the assaults, nor did he conduct himself in any manner that would warrant any use of force: he was beaten and injured solely to punish and intimidate him for requesting that he be provided with running water in his cell. The conduct of defendants Ramos, Hershaway, Dice, Lewis and Yates was malicious and sadistic, and manifested deliberate indifference to Sykes' rights and physical well-being.
71. Prior to the commencement of this action, and over thirty days ago, Sykes filed and served on the Comptroller of the City of New York a verified Notice of Claim against the City of New York. To date, this claim has not been settled.

Miguel Roman

72. On or about May 18, 2001, plaintiff Roman, a state prisoner housed at GRVC while awaiting a court appearance in New York City, was assaulted by two inmates in housing area 7-A of GRVC. Later that day, Roman was told that he would be transferred to housing area 8-A. Roman told the officer escorting him to 8-A that he feared he would be a target of further inmate violence there, and that officer told him to tell the staff of the housing area that he feared for his safety. Roman did so, and a housing area officer conveyed Roman's concerns to defendant Sullivan, a captain. Sullivan ordered Roman to enter the housing area, but another officer working in the housing area told Roman that it would probably be unsafe for Roman to enter. Roman then refused to enter, explaining to Sullivan that the second housing area officer had warned him against doing so.
73. Sullivan entered the officers' station and moments later emerged to the vestibule where Roman was standing. Sullivan lunged at Roman and kicked him in the torso, knocking him down. Sullivan then struck Roman repeatedly with his fists, handcuffed him behind his back, and continued to punch and kick him. Sullivan called for officer assistance, and defendants Deiso, Castro, Hande, and Doe 12 soon arrived. Deiso grabbed the prone Roman by the hair and pulled his head up, and Sullivan struck him in the ear with an open hand. Castro then struck him in the forehead with a baton. Deiso, Castro, Hande, and Doe 12 kicked Roman multiple times in the back and ribs.
74. After the beating, Roman was escorted to the clinic, where he was treated for a perforated eardrum, tenderness to his left wrist, left ribs, and tailbone, and numerous bruises, including one on his forehead measuring three centimeters in diameter, and a large one on his back. An x-ray taken a week later indicated that Roman had also sustained a collarbone fracture.

75. Roman was later issued an infraction falsely charging him with assaulting and physically resisting staff. This administrative charge was a deliberate attempt to cover up the misconduct of Sullivan, Deiso, Castro, Hande, and Doe 12. The charge was subsequently dismissed.
76. On or about July 2, 2001, Roman was arrested and charged with assault. This charge, which was subsequently dismissed, was a further attempt to cover up the misconduct of Sullivan, Deiso, Castro, Hande, and Doe 12
77. As a result of the beating inflicted on him on May 18, 2001, Roman sustained severe physical and emotional injuries.
78. Plaintiff Roman did not provoke the beating inflicted upon him, nor did he conduct himself in a manner that would warrant any use of force. Roman did not assault or attempt to assault any officer, nor did he present a threat to the personal safety of any officer or to the security of the jail. The conduct of defendants Sullivan, Deiso, Castro, Hande, and Doe 12 was a grossly disproportionate response to Roman's refusal to follow Sullivan's order, was malicious and sadistic, and manifested deliberate indifference to Roman's rights and physical well-being.
79. Prior to the commencement of this action, and over thirty days ago, Roman filed and served on the Comptroller of the City of New York, within ninety days of the date of his beating, a verified Notice of Claim against the City of New York. To date, this claim has not been settled.

Al Smith

80. On or about February 13, 2001, plaintiff Smith, who was incarcerated after having been accused of a technical parole violation, was in a holding pen with a number of other inmates in the Rikers Island Judicial Center following a hearing on his parole status. One or more inmates in the pen were kicking the door, and defendant Givens entered the doorway of the pen, pointed at Smith, and told him to come out. After Smith refused, fearful that he would be assaulted and falsely accused of kicking the door, defendants Givens, McConnon and Doe 13 entered the pens and began to remove Smith. These defendants, together with defendants McKeller and Cardo, a captain, then took Smith to a hallway and put him on the floor. While Smith was on the floor, Givens punched him in the eye, and defendants Rivera, Doe 13, McKeller, and Cardo, struck him several times in the back, side, and head.
81. After being beaten, Smith was taken to an empty holding pen. When he asked an officer for a doctor, the officer cursed at him and told him, in words or in substance, that he was lucky the officers had not killed him.
82. Smith was later taken to the clinic, where he was treated for a possible fracture to his right orbital rim and contusions, hemorrhaging, and lacerations to his face. Smith also suffered back pain, bleeding from his left outer ear and blurred vision.
83. After the beating, Smith was issued a notice of infraction that charged him with assault on staff, physically resisting staff, and disrupting institutional programs. These charges were fabricated in an attempt to cover up the misconduct of the defendants who participated in the assault on Smith.

84. Smith was arrested by correction officers and falsely charged with assaulting staff. This arrest was effected to cover up the fact that correction officers had assaulted and brutally injured Smith.
85. As a result of the beating on February 13, 2001, Smith suffered severe physical and emotional injuries.
86. The beating defendants inflicted on plaintiff Smith was totally unprovoked. Smith did not assault or attempt to assault any officer, nor did he at any time present a threat to the personal safety of any officer or to the security of the jail. The conduct of defendants Givens, McConnon, Rivera, McKeller, Cardo, and Doe 13 was malicious and sadistic, and manifested deliberate indifference to Smith's rights and physical well-being.

Charles Paige

87. On or about December 4, 2001, plaintiff Paige, a pre-trial detainee, was confined at ARDC. At approximately 9:30 A.M., his cell block was searched by several correction officers, including members of the ESU. When a correction officer entered Paige's cell and stood on his prayer rug, he asked her to step off the rug. A captain then approached Paige, admonished him for talking during the search, and after hearing Paige explain why he had spoken to the officer searching his cell, advised the officer to avoid standing on his prayer rug. The officer searching the cell then began to throw Paige's property around the cell. At the conclusion of the cell search, Paige was directed to return to his cell and sit on the bed. Shortly thereafter, members of the ESU handcuffed him behind his back and escorted him to the facility receiving room. During the escort, one or more of these staff members threatened to beat Paige the next time they encountered him during a search.

88. Paige was held in the receiving room for approximately one hour. He was then returned to his cell, which was in complete disarray: religious books and personal hygiene items were in the toilet; his radio was smashed. Paige went to the officers' station and asked the "A" officer to summon the Deputy Warden of Security, Emmanuel Bailey, whom Paige knew.
89. As Paige stood at the officers' bubble, defendant Roberts, an officer, confronted him and told him he could not attempt to speak to the "A" officer. Roberts pushed Paige towards the front of the housing block, away from other prisoners. Defendant Natale, another officer, then forcefully shoved Paige towards Roberts, who punched Paige in the face. Paige fell to the floor, where defendant Natale sprayed him with pepper gas, then cuffed his hands behind his back. While Paige lay on the ground, defendants Roberts and Natale punched him repeatedly in the body. Natale then pulled Paige's handcuffs to stand him up, and once Paige was on his feet, Natale punched him again in the body. A "response team" arrived in the housing area and removed Paige to the hallway.
90. Two members of the "response team," defendant correction officers Doe 14 and Doe 15, each held Paige by an arm while their supervisor, defendant Captain Doe 16, stood by. As Doe 14 and Doe 15 held Paige, defendant Roberts repeatedly punched Paige in the face. Other members of the "response team," Does 17 and 18, punched Paige in the body. This beating took place in full view of the supervising captain, defendant Doe 16, who took no action to stop it or to prevent further injury to Paige.
91. Paige was taken to the facility clinic, where staff documented extensive bruising and swelling to his forehead, cheek, jaw, back and legs. He was then transferred to Bellevue

Hospital, where x-rays confirmed that he had sustained a comminuted, displaced fracture of the zygomatic arch.

92. Paige was falsely charged with assault on staff in an attempt to cover up the fact that he had been beaten by officers. Paige was found guilty of the administrative charges and sentenced to 110 days in punitive segregation. While in punitive segregation, Paige was confined to a cell for twenty-three hours a day, required to eat in his cell, afforded limited telephone and law library privileges, and restrained with his hands cuffed behind him whenever he left his cell.
93. Paige did not assault or attempt to assault any officer; nor did he present a threat to the personal safety of any officer or to the security of the jail. Paige did not provoke the assault, nor did he conduct himself in any manner that would warrant any use of force: he was beaten and injured solely to punish and intimidate him for requesting to speak to a supervisor concerning the destruction of his property during a cell search. The conduct of defendants Roberts, Natale, and Does 14-18 was malicious and sadistic, and manifested deliberate indifference to Paige's rights and physical well-being.
94. Prior to the commencement of this action, and over thirty days ago, Paige filed and served on the Comptroller of the City of New York a verified Notice of Claim against the City of New York. To date, this claim has not been settled.

Jamal Butler

95. On or about December 25, 2001, Jamal Butler, a state prisoner, was housed in AMKC pursuant to a New York State Family Court order. Earlier that day, AMKC staff had assaulted another prisoner in 12 Upper, the housing area immediately adjoining Mr. Butler's. After witnessing that prisoner being struck in the face and kicked while in

handcuffs, a number of prisoners in Mr. Butler's housing area began to yell at the staff to stop assaulting the prisoner. A "response team" was dispatched to Mr. Butler's housing area to confront the inmates, who were ordered to lock into their cells, which they did without further incident.

96. Later that evening, at approximately 10 P.M., correction officers struck another prisoner in 12 Upper with batons and dragged him by the hair into an area visible from 10 Upper, where Mr. Butler was housed. Again, prisoners in 10 Upper shouted at staff to stop injuring the prisoner, and again a "response team" was dispatched. As the team approached the gate to 10 Upper, its captain, defendant Wright, sprayed prisoners indiscriminately with pepper spray while ordering them to lock in. Butler and other prisoners on the tier were unable to lock in because their cells were locked, consistent with DOC policy.
97. Defendants Wright, Small (a captain), and a number of officers, including defendants Elliot, Berkeley, Grayson, Barbour (a captain), and Does 21, 22, and 24-28 then entered 10 Upper, swinging their batons and striking prisoners on the tier, including Butler. Defendants Berkeley, Grayson, and Doe 21 threw Butler face first on the tier, handcuffed him and struck him on the back with their batons. While Butler was lying face down on the tier, defendant Doe 22 placed a tee shirt around Butler's neck and tightened it, cutting off his breath. Barbour and Doe 24 grabbed Butler's hair and pants and dragged him to the front of the housing area, where he was placed on his feet and struck in his head with a baton by defendant Elliot. Elliot, Barbour, and Doe 24 then pushed Butler down a flight of stairs.

98. Other members of the response team escorted Butler and a number of other prisoners from 10 Upper to the AMKC receiving room, where they were placed in a pen. Butler was bleeding from a head laceration sustained when he was struck by defendant Elliot. After approximately one hour, a group of ESU officers, Does 29-38, entered the receiving room and proceeded from one cell to the next, punching and kicking prisoners who had been removed from 10 Upper. When these defendants entered Butler's pen, he tried to crawl under a bench but was dragged by his pants and struck with fists and kicks.
99. At approximately 2 A.M., clinic staff examined Butler and noted head lacerations, a "strangle injury" ("ligature marks"), multiple "patterned contusions with edema" on his back and shoulder, and a possible scapular fracture. He was transferred to the Emergency Room at Elmhurst Hospital, where his scalp laceration was sutured and he was x-rayed.
100. As a result of the beating on December 25, 2001, Butler suffered severe physical and emotional injuries, including scarring to his head and neck.
101. The defendants' attack on Butler was totally unprovoked. Butler did not assault or attempt to assault any officer; nor did he present a threat to the personal safety of any officer or to the security of the jail. The beating was effected solely to inflict pain and injury against him and other prisoners who had protested the beatings of other prisoners. Butler was never afforded an opportunity to comply with the order to lock in his cell before he was gassed and beaten. The conduct of the defendants who beat him, both in his housing area and in the receiving room, was malicious, sadistic and arbitrary, and manifested deliberate indifference to Butler's rights and physical well-being.

102. Prior to the commencement of this action, and over thirty days ago, Richard filed and served on the Comptroller of the City of New York a verified Notice of Claim against the City of New York. To date, this claim has not been settled.

Andre Pratt

103. On or about December 17, 2001 Andre Pratt, a pre-trial detainee, was held at the Vernon C. Bain Center ("VCBC"). At approximately 7:30 A.M., a large group of correction officers, supervised by defendant Captain Velez, began a search of Pratt's housing area. After Pratt's locker was searched, he was directed to proceed to his bed. Pratt told a correction officer that he would be unable to lift his mattress, which is part of the search routine, because he had prosthetic devices in both arms which were surgically inserted to repair extensive injuries sustained in an automobile accident several years ago.

Defendant Velez yelled at Pratt, calling him "Michael Jackson." (Pratt was wearing a silk shirt.)

104. When Pratt did not respond, Velez cursed at him, and Pratt told him that his name was not "Michael Jackson." Velez then ordered an officer, defendant Doe 39, to "take" or "get him," and defendant Doe 39 grabbed Pratt by his the back of his shirt and threw him forcefully onto a table. As Pratt lay draped over the table, a number of officers, including Does 39-44, kicked and punched him in his body and buttocks. A number of blows struck Pratt's right arm.

105. Members of the search team then dragged Pratt, whose hands were cuffed behind his back, out of the housing area and escorted him to the receiving room. Pratt was bleeding from the site of the previous surgery on his right arm and asked a captain in the receiving room, defendant Haynes, to allow him to go to the clinic. Defendant Haynes told him

that if he reported his injuries had been sustained in a “use of force,” he would be re-arrested for assaulting staff. Pratt then agreed not to report that he had been injured by staff, and he was transferred to a different housing area. Neither Captain Haynes, nor any of the defendants who participated in beating Pratt, nor any of the other staff members who witnessed the assault, reported the use of force to jail supervisors.

106. After several days, Pratt was transferred to OBCC, a jail on Rikers Island.

Approximately one week later, he developed a purulent discharge from the wound site on his right arm and pain and reduced range of motion in the arm. Facility clinic staff, who suspected that there was an infection at the site of the prosthetic hardware in the arm, transferred him to Bellevue Hospital. He was diagnosed there with a septic shoulder, admitted, and operated on for drainage and lavage of his shoulder and removal of the prosthetic hardware. Pratt subsequently underwent eight weeks of antibiotic intravenous therapy to cure his infection.

107. As a result of the beating on or about December 17, 2001, Pratt suffered severe physical and emotional injuries.

108. The defendants’ attack on Pratt was totally unprovoked. Pratt did not assault or attempt to assault any officer; nor did he present a threat to the personal safety of any officer or to the security of the jail. The beating was effected solely to inflict pain and injury in retaliation for Pratt’s having suggested that his physical limitations prevented him from performing the tasks normally associated with a jail housing area search. The conduct of the defendants who beat him was malicious, sadistic and arbitrary, and manifested deliberate indifference to Pratt’s rights and physical well-being. Defendant Haynes’ warning to Pratt not to report that he had been injured by staff was a deliberate attempt to

interfere with his access to necessary medical care and to deny him the opportunity to request an investigation of the incident.

109. Prior to the commencement of this action, and over thirty days ago, Pratt filed and served on the Comptroller of the City of New York a verified Notice of Claim against the City of New York. To date, this claim has not been settled.

Robert Allaway

110. On or about July 22, 2000, plaintiff Allaway, a pre-trial detainee, was returning to his cell in GMDC after breakfast when he asked a female officer for toilet paper. Defendant Kramer mocked this request, and Allaway swore at him. After entering his cell, Allaway turned around and saw Kramer in the doorway of the cell. Kramer punched Allaway in the face and rushed into his cell. Allaway pushed Kramer away. The two fought, and Kramer fell to the floor and was removed from the area by other officers. Shortly afterward, defendant Mulvaney, a captain, arrived with a response team and told Allaway to come out of his cell. Allaway, fearing that he would be assaulted if he did so, initially refused, but finally complied. Allaway was handcuffed and escorted to the receiving area by Mulvaney and, on information and belief, defendant Guarneri. While escorting Allaway, Mulvaney struck him with a baton and Guarneri punched him in the ribs.
111. En route to the receiving area, Allaway saw defendant Owusu, a deputy warden. Owusu swung at Allaway, who ducked.
112. Allaway was placed in a pen in the receiving room, still in handcuffs, and shortly afterwards defendants Captains Does 46-48, and Officers Cox and Does 49-52 entered. Cox and Does 46-52 struck Allaway several times; then Allaway was shackled and Cox and Does 46-52 kicked and punched him multiple times until he was bleeding from the

face and legs. The group left the pen, after which a second group of staff, Captain Spencer, Does 54-55, all captains, and Does 56-60, all officers, entered. Defendant Spencer struck him several times in the torso with a blunt object. This group left but came back, removed Allaway's cuffs and shackles, and resumed punching and kicking him. During the beating, Allaway struggled to push his assailants away and get out of the receiving room, but never managed to escape the pen. He was handcuffed again, kicked and punched several more times.

113. Allaway was later escorted to the clinic, from which he was transported by an emergency medical team to the hospital. He remained there for three days, where he was treated for a collapsed lung, a cardiac contusion, a broken rib, and multiple abrasions and contusions all over his head and body.
114. After the beating, Allaway was falsely charged administratively with assault on staff in an attempt to cover up the misconduct of defendants Mulvaney, Kramer, Guarneri, Cox, Spencer, and Owusu, and Does 46-52, and Does 54-60. The charge was later dismissed.
115. As a result of the beating inflicted on him on July 22, 2000, Allaway suffered severe physical injuries and emotional distress.
116. Allaway's beating was not provoked by any assault upon or attempt to assault any officer, nor by any threat or perceived threat to the security of the jail or anyone therein. The beating was a grossly disproportionate response to Allaway's resistance to Kramer's initial assault, and was intended to punish him for having struggled with Kramer. Defendants Mulvaney, Kramer, Guarneri, Cox, Spencer, Owusu, Does 46-52, and Does 54-60, acted sadistically and maliciously, and manifested deliberate indifference to Allaway's rights and physical well-being.

Patrick Washington

117. On or about December 3, 2001, plaintiff Washington, a pre-trial detainee, returned to ARDC after a court proceeding. Upon entering the facility, he was ordered to stand in line in the facility receiving room, together with a number of adolescents returning from court, under the supervision of defendants Powell, a correction officer, and Gallagher, a captain. Apparently reacting to a remark made by one of the adolescent prisoners, Gallagher obtained a baton from an adjacent area, approached the line of prisoners, and stood next to Washington. He pointed the baton at one of the adolescent prisoners and threatened to beat him so badly he would not be able to return to his housing area. Washington then stepped back, and admonished the adolescent to behave appropriately. Defendant Gallagher then grabbed Washington by his clothing, announced to the other prisoners that he “had his herb,” pulled him away from the other prisoners, and then struck him with great force over his left eye with the baton, knocking him to the ground. Gallagher then struck Washington with the baton a number of times over his body. While Gallagher was beating Washington, Powell made no effort to stop the assault or prevent Washington from being injured.
118. After assaulting him with the baton, Gallagher directed a correction officer to remove Washington to an isolated room, where he remained, bleeding from the open wound over his eye, for approximately one hour, when he was taken to the facility clinic. While he was in the room, Gallagher threw a white towel at him and told him he “hope[d] he got a good lawyer.” At the jail clinic, medical staff documented a deep laceration over his left eye brow 3.5 cm. in length which was actively bleeding, swelling and discoloration to

this left cheek, and bruising and discoloration to the left shoulder and left hip.

Washington was sent to the “urgi-care” facility, where his eyebrow was sutured.

119. Defendants Powell and Gallagher falsely charged Washington with assaulting Gallagher and refusing his orders. These disciplinary charges were lodged to cover up their own misconduct. Washington was found guilty of the administrative charges, and sentenced to serve 110 days in punitive segregation. While in punitive segregation, Washington was confined to a cell for twenty-three hours a day, required to eat in his cell, afforded limited telephone and law library privileges, and restrained with his hands cuffed behind him whenever he left his cell.
120. Several weeks after the Legal Aid Society submitted a written complaint and request for an investigation to the Department of Correction, Washington was arrested and charged with assaulting Captain Gallagher.
121. Both the administrative and criminal charges were lodged against Washington to attempt to cover up the misconduct of defendants Powell and Gallagher.
122. As a result of the beating he sustained on December 3, 2001, Washington suffered severe physical and emotional injuries.
123. Plaintiff Washington did not assault or attempt to assault any officer; nor did he present a threat to the personal safety of any officer or to the security of the jail. Washington did not provoke the assault, nor did he conduct himself in any manner that would warrant any use of force: he was beaten in the presence of a number of adolescent prisoner in order to to frighten and intimidate these prisoners. The conduct of defendants Gallagher and Powell was malicious and sadistic, and manifested deliberate indifference to Washington’s rights and physical well-being.

124. Prior to the commencement of this action, and over thirty days ago, Washington filed and served on the Comptroller of the City of New York a verified Notice of Claim against the City of New York. To date, this claim has not been settled.

Randolph Johnson

125. On or about June 28, 2001, at approximately 10 p.m., plaintiff Johnson was returned to OBCC following a court appearance, and was taken to a pen in the jail's receiving room. Johnson and several other inmates in the receiving room asked an officer if there was any food available, as they had not eaten since mid-day. Corrections staff told Johnson he would be fed in an hour. However, after the change of tour at 11 p.m., no food had been brought for any of the inmates.

126. After Johnson and the other inmates continued to complain about not being fed, receiving room officers directed Johnson to exit the pen and proceed to a pen that was farthest removed from the other prisoners. Johnson feared that he would be assaulted once he was isolated, and began to walk to the pen in the front of the receiving room. Defendant Williamson, an officer, grabbed Johnson by the shoulder and threw him to the ground. Williamson and defendants Hernandez, a captain, and Graham and Smalls, both officers, then punched and kicked Johnson, repeatedly striking him in the head, face and groin. These defendants then dragged Johnson on the ground to the pen farthest removed from the other prisoners, and locked him in.

127. Once in the pen, Johnson, who was bleeding from his ear and in severe pain, cursed at the officers and captain. Defendants Hernandez, Graham, Smalls, and Williamson then approached the front of the pen and Hernandez, Williamson, and either Graham or Smalls sprayed Johnson with pepper spray.

128. Although visibly injured, Johnson was not provided with medical attention until a jail supervisor made a tour of the receiving room and found him in the pen, reeking of pepper spray. This supervisor ordered that Johnson be taken to a medical facility immediately. When seen in the jail clinic, he was diagnosed with a perforated ear drum, abrasion to his testicle, and back and neck trauma.
129. As a result of the beating he received on June 28, 2001, Johnson suffered severe physical and emotional injuries.
130. Plaintiff Johnson did not assault or threaten to assault any officer, nor did he present a threat to the physical safety of any officer or to the security of the jail. Defendants Williamson, Graham, Smalls, and Hernandez beat Johnson to punish him for protesting their failure to feed him, and for challenging their order to move to an isolated cell where he feared he would be beaten. The conduct of defendants Williamson, Graham, Smalls, and Hernandez was malicious and sadistic, and manifested deliberate indifference to Johnson's rights and physical well-being.
131. After beating Johnson, defendants Williamson and Hernandez prepared administrative charges falsely alleging that Johnson had assaulted them. At an administrative proceeding, Johnson was advised that correction staff had prepared three infractions against him, although he had been served with only one. Johnson was advised that all the infractions would be dismissed.
132. Prior to the commencement of this action, and over thirty days ago, Johnson filed and served on the Comptroller of the City of New York, within ninety days of the date of his beating, a verified Notice of Claim against the City of New York. To date this claim has not been settled.

Rogelio Figueroa

133. On or about February 24, 2002, plaintiff Figueroa was incarcerated in a punitive segregation area in building 2 at GRVC as a pre-trial detainee under the name, “Jose Ortega.” Because of a defect in the sewer drainage system, waste water had flooded the tier in front of several cells, including Figueroa’s. In mid to late morning, an inmate worker, accompanied by defendant Torres, a correction officer, delivered a tray through the food slot in Figueroa’s cell. Figueroa took the tray, then placed his arm through the slot and asked Torres for a mop so that he could clean his cell floor, which smelled of human waste. Defendant Crooms, a captain who was the area supervisor, told Figueroa that he could leave the slot open and an inmate sanitation worker would provide him a mop to clean his cell. Despite the captain’s instructions to leave the cell slot open, defendant Debblay, a correction officer, instructed Figueroa to remove his arm from the slot and allow it to be closed. Defendant Torres came to Figueroa’s cell and requested the “A” officer to open the cell door electronically. Defendants Debblay and Torres then entered the cell and began to push and strike at Figueroa, who ran out of the cell on to the tier and requested to see a captain. Defendant Debblay and Torres then threw Figueroa to the floor, placed him in handcuffs, and escorted him to the search area of the block, where defendant Echiveria, a correction officer, removed the handcuffs and instructed Figueroa to place his hands behind his back, where they were cuffed again.
134. Defendants Echiveria, Clark (a correction officer), Torres, and Debblay then removed Figueroa from the housing area. While Echiveria held Figueroa by the rear cuffs, defendant Turrissi, a correction officer, punched him in the face, causing him to fall to the floor. Defendants Debblay, Turrissi, Torres, Echiveria and Clark then began kicking

Figueroa, who was on the floor, handcuffed, and unable to protect himself. Figueroa was struck in his eye, ears and body. While they were beating him, one of the defendant officers summoned a “response team.” Supervised by a captain, defendant Navoy, the response team escorted Figueroa to the facility receiving room. As they proceeded, defendant Navoy twice pushed Figueroa into magnetometers, striking his head. Defendant Echeveria punched Figueroa several times in his ribs while the group proceeded through the jail corridors.

135. Figueroa was held in the facility receiving room for several hours before receiving medical attention. The jail clinicians documented diffuse, severe blunt force trauma to his head, face and body, including two perforated eardrums, lacerations over both eyes, a hematoma in the back of his head and chest and back tenderness. Figueroa was then taken by EMS to Elmhurst Hospital, where x-rays confirmed at least one broken rib.
136. Defendants falsely charged Figueroa with assault on staff, but after Figueroa requested that the hearing officer take testimony from several prisoner witnesses, his hearing was adjourned and never resumed. Figueroa was then arrested on a criminal charge of assault on staff, but this charge was subsequently dismissed. Both the administrative and criminal charges were based on false allegations, and were intended to cover-up defendants’ malicious assault on Figueroa.
137. Figueroa suffered severe physical and emotional injuries as a result of the actions of defendants Torres, Clark, Echiveria, Debblay, Turrissi and Navoy on February 24, 2002.
138. Plaintiff Figueroa did not assault or attempt to assault any officer; nor did he present a threat to the personal safety of any officer or to the security of the jail. Figueroa did not provoke the assaults, nor did he conduct himself in any manner that would warrant any

use of force: he was beaten and injured solely to punish and intimidate him for requesting that he be provided with a mop to clean up the sewage flooding his cell. The conduct of defendants Torres, Clark, Echiveria, Debblay, Turrissi and Navoy was malicious and sadistic, and manifested deliberate indifference to Figueroa's rights and physical well-being.

139. Prior to the commencement of this action, and over thirty days ago, Figueroa filed and served on the Comptroller of the City of New York a verified Notice of Claim against the City of New York. To date, this claim has not been settled.

Paul Person

140. On or about the afternoon of May 2, 2000, plaintiff Person, a pre-trial detainee, was in a hallway in GRVC on his way to the clinic when he was confronted by defendants Swetokas and Mastroainni. Without provocation, either Mastroainni or Swetokas took hold of Person from behind while the other punched Person in the nose. A squad of officers soon arrived. Person was handcuffed while lying on his stomach, then he was kicked in the mouth by Swetokas or Mastroainni. The incident was witnessed by defendant Daniels, a captain, who took no steps to protect Person from injury.
141. After the assault, Person was taken to the clinic, where he was treated for a nasal fracture, lip lacerations, back strain, and lumbar and wrist contusions.
142. Person was falsely charged administratively with, and found guilty of, assaulting staff. He was also arrested and falsely charged criminally with assaulting an officer. Subsequently, he pled guilty to harassment in the second degree. The criminal charges were fabricated in order to cover up the misconduct of Swetokas and Mastroainni.

143. As a result of the beating he received on May 2, 2000, Person suffered severe physical and emotional injuries.
144. Plaintiff Person did not assault or attempt to assault any officer, nor did he present a threat to the personal safety of any officer or to the security of the jail. Person did not provoke the assault, nor did he conduct himself in a manner warranting use of force. The attack by Swetokas and Mastroainni was apparently motivated by their anger that Person had heard them being chastised by a captain and had argued with them the previous evening. The conduct of Swetokas, Mastroainni, and Daniels was malicious and sadistic, and manifested deliberate indifference to Person's rights and physical well-being.

Calvin Daniels

145. On or about June 24, 2001, Calvin Daniels, who had been sentenced but remained in DOC custody awaiting transfer to state custody, was confined at ARDC. Late at night, defendant Straughn, an officer assigned to Daniels' housing area, shut off the lights in the inmate bathroom while Daniels was there. Daniels complained to Straughn, who, together with defendant Wells, the other officer assigned to the area, approached Daniels. Wells ordered Daniels to step outside the dormitory. Daniels complied.
146. Outside the housing area, Wells admonished Daniels for having complained about shutting off the lights, and Straughn ridiculed him. Wells then grabbed Daniels from the rear and pulled him to the floor, placing his knee on Daniels' back and holding him by the neck. Straughn entered the officers' station and summoned a captain, who then entered the officers' station. Wells attempted to place Daniels in handcuffs, but Daniels resisted and said he would not be cuffed unless the captain was present. Wells then

forcefully slammed Daniels' face on the floor, fracturing his zygoma, and pulled his arms behind his back in order to place him in handcuffs.

147. By the time Daniels was handcuffed, a "response team" had arrived outside his housing area. Several officers on the response team advised Daniels, in front of the captain who was supervising them, that he should report that he had fallen and injured his face; otherwise, he was told, he would be charged with assaulting staff. The response team then escorted Daniels to the facility receiving room.
148. Daniels was housed in a cell in the receiving room. Suffering from a facial fracture, and in severe pain, he asked a correction officer, John Doe 64, and a captain, John Doe 65, to allow him to see a doctor. Both refused. At approximately 4 a.m., he was returned to his housing area. Shortly after noon on June 25, Daniels again requested to be taken to see a doctor, and he was escorted to the facility clinic. He reported that he had been injured the night before, and complained of facial pain and an inability to open his mouth. The clinician referred him for x-rays, which documented a comminuted, displaced fracture of the right zygomatic arch.
149. As a result of the beating on June 24, 2001, Daniels suffered severe physical and emotional injuries.
150. The defendants' attack on Daniels as totally unprovoked. Daniels did not assault or attempt to assault any officer; nor did he present a threat to the personal safety of any officer or to the security of the jail. Defendants' beat Daniels solely to inflict pain and injury in retaliation for Daniel's having complained about the lights being turned off in the bathroom area of his dormitory. The conduct of the defendants who beat him was malicious and sadistic, and manifested deliberate indifference to Daniels' rights and

physical well-being. The refusal of John Doe 64 and John Doe 65 to allow Daniels access to the clinic after he was beaten was a deliberate attempt to interfere with his access to necessary medical care and to deny him the opportunity to request an investigation of the incident.

151. Prior to the commencement of this action, and over thirty days ago, Daniels filed and served on the Comptroller of the City of New York a verified Notice of Claim against the City of New York. To date, this claim has not been settled.

Bobby Jones

152. On or about the evening of June 13, 2001, plaintiff Jones, a pretrial detainee, was in a pen in the intake area of the Barge after returning from court. Defendant Lopez took Jones out of the pen and told him to strip, which Jones did. Lopez then applied plastic handcuffs to Jones and fastened them too tightly, causing Jones significant pain. Defendant Lopez told Jones to squat and Jones complied, whereupon Lopez kicked Jones in the testicles. Defendants Vasquez and Fernandez observed Lopez assaulting Jones and did not intervene. Jones fell to the ground, whereupon Lopez started kicking Jones in the body and face. Either Vasquez or Fernandez then struck Jones forcefully in the ear with a radio while Lopez stood by.
153. Jones was uncuffed, told to put on his clothes, and placed back in the pen. Either Vasquez or Fernandez had been standing at the door of the intake area during the assault, and after the assault this officer told Jones, who was crying, to “take it like a man” and warned him not to report the assault or he would be served with an infraction. Jones was later taken to the hospital, where he was diagnosed with a perforated ear drum.

154. Jones was falsely charged administratively with assault on staff based on the events of June 13, 2001; the charge was an effort to cover up the misconduct of Lopez, Fernandez, and Vasquez. Jones was found guilty on those charges after a hearing held in his absence. Jones was not informed that he had been charged until after the hearing took place, and as a result was not able to defend himself against the false allegations.
155. On or about July 19, 2001, Jones was arrested and criminally charged with assault. The arrest was a further attempt to cover up the egregious misconduct of Lopez, Fernandez, and Vasquez.
156. As a result of being beaten, Jones suffered severe physical injuries and emotional distress.
157. The assault on plaintiff Jones was completely unprovoked. Jones did not assault or attempt to assault any officer, nor did he present a threat to the personal safety of any officer or to the security of the jail. In their intentional infliction of pain and injury on Jones, defendants Lopez, Vasquez, and Fernandez were malicious and sadistic, and manifested deliberate indifference to Jones' rights and physical well-being. Defendant Vasquez's or Fernandez's attempt to coerce Jones into not reporting the assault demonstrated deliberate indifference to Jones' rights.
158. Prior to the commencement of this action, and over thirty days ago, Jones filed and served on the Comptroller of the City of New York, within ninety days of the date of his beating, a verified Notice of Claim against the City of New York. To date, this claim has not been settled.

Phillip Campbell

159. On or about March 25, 2001, plaintiff Campbell, a pre-trial detainee, was in the search room of the intake area of ARDC. He had just returned from a visit, at which he had asked an officer for extra time to say goodbye to his visitor. In preparation to be searched, Campbell had just removed all of his clothing when defendant Case punched him in the face several times while defendant Wright held Campbell's arms from behind. Campbell fell to the floor and was cuffed, after which he was punched and kicked in his face, his ribs, and his buttocks by defendant Case while Wright stood on Campbell's hands.
160. After the beating, the officers removed Campbell's handcuffs and told him to get dressed. After he did so, he was escorted to a holding pen in the intake room. He was approached there by defendant Fisher, who urged Campbell to tell medical clinic staff that his injuries were the result of a fight with another inmate, not of a beating by correction staff. When Campbell refused to agree to do so, Fisher told Campbell that he would be charged with assault on staff.
161. After being held in the pen for a number of hours, Campbell went to the clinic, where he was treated for multiple contusions and lacerations to his ribs and head; the laceration to Campbell's lip and gums was repaired with fourteen sutures.
162. Campbell was later falsely charged administratively with, and found guilty of, assaulting and resisting staff. The charge was an attempt to cover up the misconduct of Case, Fisher, and Wright.
163. As a result of the beating inflicted on him on March 25, 2001, Campbell suffered severe physical and emotional injuries.

164. Plaintiff Campbell was beaten utterly without provocation. Campbell did not assault or attempt to assault any officer, nor did he present a threat to the personal safety of any officer or to the security of the jail. Defendants Case and Wright beat Campbell solely to inflict pain and injury on Campbell to punish him for requesting extra time with his visitor. The beating was malicious and sadistic, and manifested deliberate indifference to Campbell's rights and physical well-being. Defendant Fisher's attempt to coerce Campbell into lying about the cause of his injuries manifested deliberate difference to Campbell's rights.

Johnathan Lukes

165. On the evening of May 8, 2000, the ESU performed a search of the 3A housing area of NIC. During the search, defendant Perez (an ESU captain), and defendants Gatto and Bradford, ESU officers, singled out plaintiff Lukes for a particularly intensive search. Officers' references to Lukes as a "fucking homo" and "tinkerbelle" during the incident, suggested that they focused their attention on Lukes because he is homosexual. The defendant officers ordered Lukes to strip while in his cell and to bend over and spread his buttocks. They then told Lukes to leave the cell while they searched it, discovering gay literature (which is not prohibited in the jails) and a quart of milk. Defendant Perez began throwing Lukes' belongings out of the cell, striking Lukes with some of them. When Lukes protested, Captain Perez threw Lukes' radio on the floor.

166. The defendant officers then handcuffed Lukes and took him to the intake area. They instructed Lukes and the other inmates present to face the wall, and removed Lukes' cuffs and ordered him to strip. When Lukes requested that officers get a video camera, defendants Gatto and Bradford began to punch and kick Lukes in the head and torso,

drawing blood. Officers then handcuffed Lukes and resumed punching and kicking him.

They then stopped, warning Lukes to lie on the floor without moving. After some minutes, they resumed the assault, again warning Lukes not to move.

167. After the beating, the defendant officers ordered Lukes to lie on the floor, handcuffed, where he remained for approximately half an hour, bleeding from his face. Officers removed his belt, pants, and shirt, then ordered him to remain kneeling for several minutes. They then removed Lukes' handcuffs and left the area.
168. As a result of the beating on May 8, 2000, Lukes sustained severe physical injuries, including a laceration and blunt trauma to his left orbital rim, and multiple bruises and contusions about his head and body.
169. Lukes was issued an infraction, falsely charging him with assault on staff, and was found guilty by an "Adjudication Captain." This disciplinary charge was a calculated attempt to cover up the misconduct of defendants Perez, Gatto, and Bradford. Lukes successfully appealed the finding of guilt.
170. The beating defendants inflicted on Lukes was provoked solely by the intent to inflict pain, injury, and humiliation, and to punish him for requesting that a video camera be used to tape the search. Plaintiff Lukes did not assault or attempt to assault any officer, nor did he present a threat to the personal safety of any officer or to the security of the jail. The conduct of defendants Perez, Gatto, and Bradford was malicious and sadistic, and manifested deliberate indifference to Lukes' rights and his physical well-being.

Lamont Bradley

171. On or about December 5, 2001, plaintiff Bradley, a pre-trial detainee incarcerated at GRVC, was locked in his cell, waiting for an escort officer to take him to the visiting room. Bradley had been informed that his former wife had arrived at the facility to visit him, and he was expecting her to bring clothing so that he could attend his brother's funeral the next day. At approximately 3:30 p.m, Bradley and the other prisoners in his housing area remained locked in their cells, after the completion of the institutional count. Bradley asked defendant Chapman, an officer assigned to the housing area, to expedite his escort to the visit room. Defendant Keith Jackson, an officer assigned to the adjacent housing area, banged on Bradley's cell door, cursed at him, and told him to "shut up."
172. Approximately one half hour later, defendant Chapman released Bradley from his cell, but continued to lock-in all the other prisoners in the housing area. Chapman told Bradley that defendant R. Jackson would escort him to the visit area. R. Jackson then cuffed Bradley's hands behind his back. Defendant Keith Jackson cursed at Bradley, then punched him in the mouth, causing him to fall on one knee. Keith Jackson then kicked Bradley in the back, forcing him to the floor, where he kicked him again, in the face. While Keith Jackson was kicking Bradley, defendants Chapman and R. Jackson stood by and took no steps to intervene or prevent Bradley from being injured. While Bradley was being kicked, or shortly afterwards, one of the officers sounded an alarm, summoning a "response team" to the housing area.
173. Members of the response team escorted Bradley to the clinic, where medical staff treated his injuries, which included a large bruise and swelling to the back of his head, a

contusion and swelling of the left upper eyelid, which covered part of his eye, tenderness to the cheek and three discrete lacerations to his lower lip, which were sutured. Clinic staff then referred Bradley to a psychiatric social worker, to whom he expressed his distress at having been beaten while in handcuffs merely because he had requested assistance in getting to a visit. Because of his injuries and the medical attention he required, Bradley did not meet with his visitor, who had been directed to leave the jail. On the following day, Bradley—with his face sutured and swollen and his left eye partially closed—attended his brother’s funeral under DOC escort. Before leaving for the funeral, a GRVC supervisor, Captain Hernandez, advised Bradley to tell his family that he had injured his face “playing ball.”

174. Bradley received an infraction, falsely charging him administratively with assault on staff. Three weeks later, after the Legal Aid Society submitted a written complaint about the beating and requested an investigation, Bradley was arrested on the false charge of assaulting an officer. The administrative and criminal charges were initiated in an attempt to cover up the misconduct of defendants K. Jackson, R. Jackson and Chapman.
175. As a result of the beating on December 5, 2001 Bradley suffered severe physical and emotional injuries.
176. The defendants’ attack on Bradley was totally unprovoked. Bradley did not assault or attempt to assault any officer; nor did he present a threat to the personal safety of any officer or to the security of the jail. The beating was effected solely to inflict pain and injury in retaliation for Bradley’s having requested assistance in meeting with his visitor. The conduct of defendants K. Jackson, R. Jackson and Chapman was malicious and

sadistic, and manifested deliberate indifference to Bradley's rights and physical well-being.

177. Prior to the commencement of this action, and over thirty days ago, Bradley filed and served on the Comptroller of the City of New York a verified Notice of Claim against the City of New York. To date, this claim has not been settled.

Gary Smith

178. On or about May 21, 2001, the ESU entered the 3-Upper housing area of OBCC on a TSO at approximately 5:00 a.m. The inmates in the housing area, including plaintiff Smith, who was confined as a parole violator, were ordered to line up and enter the day room. There, they were ordered to remain lined up according to their bunk order, in a close back-to-front formation, with each inmate's toes making contact with the heels of the inmate before him. One of the members of the search team told the assembled inmates that they were there "for two reasons: because we were called, and to fuck you up."
179. As the inmates were lining up and proceeding into the day room, and while they were standing in formation in the day room, one captain and several officers slapped several inmates in the back of the head and verbally abused them, apparently in an attempt to anger or provoke them. Some inmates were punched in the ribs and shoved into one another.
180. Defendant Lamont, on information and belief, shoved Smith into the inmate in front of him. Lamont then grabbed Smith by the hair, punched him in the face, jerked his head back, and kicked Smith's feet out from under him. The blow knocked Smith to the floor, where he hit his head on the concrete.

181. Smith protested that he could not breathe and that the officers were hurting his neck, whereupon he was punched in the chest and kicked in the midsection by defendants Lamont and, on information and belief, Valentine.
182. After the beating, Smith was handcuffed, dragged to the corridor outside the day room and left to lie on the floor. Smith requested medical attention. He was escorted to the intake area, where he remained until approximately 8:00 a.m., at which time he was taken to the clinic.
183. Smith was falsely charged administratively with, and found guilty of, physically resisting staff and disobeying direct orders, in connection with the May 21, 2001, incident. The charge was intended to cover up the misconduct of defendants Lamont and Valentine.
184. As a result of the beating inflicted on him on May 21, 2001, Smith sustained serious physical injuries, including severe headaches, strain to his neck and cervical spine, and suspected nerve damage, as well as emotional distress.
185. Plaintiff Smith did not assault or attempt to assault any officer, nor did he present a threat to the personal safety of any officer or to the security of the jail. Smith did not provoke the assault, nor did he conduct himself in a manner that would warrant any use of force. The conduct of defendants Lamont and Valentine was malicious and sadistic, and manifested deliberate indifference to Smith's rights and physical well-being.
186. Prior to the commencement of this action, and over thirty days ago, Smith filed and served on the Comptroller of the City of New York, within ninety days of the date of his beating, a verified Notice of Claim against the City of New York. To date, this claim has not been settled.

Darold Freeman

187. On or about October 31, 1999, in his dormitory at GMDC, plaintiff Freeman, a pre-trial detainee, was speaking with an inmate who was being transferred to another facility. When he continued to speak with the other inmate despite defendant Kinder's order to "mind his business," defendant Rivera instructed Freeman to step out of the dormitory area and stand against the wall. Freeman complied with the order, and as he was putting his hands against the wall, Rivera sprayed him with chemical agent, punched him in the face, and knocked him to the ground. Freeman was then told to kneel. A response team soon arrived, and members of the team, defendant officers John Doe 66, Doe 67, and Doe 68, struck Freeman several more times, or stood by and observed the beating and took no steps to intervene. Freeman was then escorted to the receiving area, where he waited for approximately seven hours before being taken to the clinic for treatment of his injuries.
188. As a result of the beating on October 31, 1999, Freeman received severe physical injuries, including a broken nose and bruises to his face and body. Freeman also suffered severe emotional damage as a result of the assault.
189. Freeman was falsely charged administratively with, and found guilty of, assaulting and threatening staff. The charge was fabricated in order to cover up the misconduct of defendants Rivera, Kinder and Does 66-68.
190. Plaintiff Freeman's beating was completely unprovoked. Freeman did not assault or attempt to assault any officer, nor did he present a threat to the personal safety of any officer or to the security of the jail. Freeman was beaten as punishment for talking to another prisoner after he was told not to. The conduct of defendants Rivera, Kinder, and Does 66-68 was malicious and sadistic, and manifested deliberate indifference to Freeman's rights and well-being.

Eric Richards

191. On or about January 29, 2002, Eric Richards, a pre-trial detainee, was in a cell in the court pens adjacent to the Supreme Court, Queens County, while he waited to be escorted to the court room for an appearance in his criminal case. Defendant Pennes, an Assistant Deputy Warden, ordered Richards to submit to a strip search in the cell. Richards objected on religious grounds to being searched in front of female correction officers, and Pennes cursed at him. Pennes directed that he be moved out of the cell. Richards' arms were handcuffed behind his back and he was taken to an isolated area of the receiving room. Pennes then ordered several correction officers, including defendant Sanacore, to remove Richards' clothes, which they did, forcefully throwing him to the ground and pulling off his shoes, pants and shirt. While Richards lay naked on the ground in handcuffs, one or more of the uniformed staff members, including defendant Sanacore, grabbed his buttocks, and Pennes made a crude, threatening and sexually offensive remark to Richards.
192. Richards was then placed naked in a cell. Some time later, his clothes were thrown into the cell, and after another ten or fifteen minutes, he was uncuffed and permitted to dress himself. Afterwards, he was taken from the cell, placed again in rear handcuffs, and escorted to the area where prisoners await DOC busses that return them to their jails. Richards asked one of the correction officers for his legal papers, which had been missing since he was forcibly stripped earlier that morning. Pennes approached Richards and cursed at him. Four officers assigned to the Transportation Division, defendants Russo, Dougherty, and John Does 71 and 72 grabbed Richards and threw him forcefully on the ground. Pennes straddled his back and pushed his fingers forcefully on Richards' eyes.

The Transportation officers and other officers assigned to the Queens court pens, defendants Doe 73, Boyles, and Mitchell punched and kicked Richards, striking him over his face, head and body. The beating ceased when some number of prisoners began shouting that they could see Richards being beaten.

193. Pennes then ordered that Richards be removed from the area and placed in a cell. A captain assigned to the Queens court pens approached Richards and told Pennes to “leave him alone.” Pennes objected to captain’s remark and then entered the cell, together with the officers who had been beating Richards earlier, and they resumed punching and kicking him over his face, head and body. The beating stopped when the captain screamed at Pennes, “that’s enough.”
194. Shortly afterwards, the captain who had directed Pennes and the other defendants to stop beating Richards took photographs of him and had him escorted to the clinic. After being examined, he was transported to the Bellevue Hospital Emergency Room, where clinicians documented extensive facial swelling and lacerations, trauma to his right eye and vision impairment; swelling and tenderness to his back, chest and arms; bleeding from his right ear and a perforated eardrum. Richards subsequently underwent surgery to repair damage to his right eye.
195. Richards was made the subject of false administrative charges for having assaulted defendant Pennes, but no disciplinary hearing was ever conducted by the Department of Correction to adjudicate the infraction. Richards was also arrested on the false charge of assaulting Pennes. The arrest was effected in an attempt to cover up the misconduct of the defendants who had beaten him.

196. As a result of the beating on January 29, 2002, Richards suffered severe physical and emotional injuries.
197. The defendants' attack on Richards was totally unprovoked. Richards did not assault or attempt to assault any officer; nor did he present a threat to the personal safety of any officer or to the security of the jail. The beating was effected solely to inflict pain and injury in retaliation for Richards' having requested that he be strip searched in a private setting, consistent with the Department of Correction's policy and procedures, and for his having questioned Pennes about the status of his missing legal papers as he was about to be returned to Rikers Island. Defendants' conduct was malicious and sadistic, and manifested deliberate indifference to Richards' rights and physical well-being.
198. Prior to the commencement of this action, and over thirty days ago, Richards filed and served on the Comptroller of the City of New York a verified Notice of Claim against the City of New York. To date, this claim has not been settled.

Kimada Dixon

199. On or about August 9, 1999, in the holding pens at the Bronx Criminal Court, plaintiff Dixon was strip-searched by defendant Dedicke, who was assigned to the Department's Transportation Division. After searching Dixon, Dedicke ordered him to get dressed. Expressing anger that Dixon was not dressing quickly enough, Dedicke kicked Dixon in the face while Dixon was bent over picking up his belongings. When Dixon stood up, Dedicke punched him several times in the face and slammed him against a locker. Defendant Anderson stood by and watched Dedicke beat Dixon without intervening.

200. After the beating, Dixon was taken to the infirmary of the Bronx House of Detention and treated for a cut on his lip, a loose tooth, swelling of his face and jaw, and an abrasion on his back.
201. Dixon was falsely charged administratively with an assault on staff. The charge, which was later dismissed, was fabricated in an attempt to cover up Dedicke's and Anderson's misconduct in the August 9, 1999, incident.
202. As a result of the beating, Dixon suffered severe physical and emotional injuries.
203. Plaintiff Dixon did not assault or attempt to assault any officer; nor did he present a threat to the personal safety of any officer. Defendants Dedicke and Anderson beat Dixon solely because they believed he was inadequately deferential to their authority. Defendants' conduct was malicious and sadistic, and manifested deliberate indifference to Dixon's rights and physical well-being.

CLAIMS FOR RELIEF

Class Representatives

204. By reason of the allegations set forth in paragraphs 19-204, supra, plaintiffs Person, Bradley, Sykes, and Davis, and the class they represent, were deprived, and continue to be deprived, by defendants Slattery, O'Gara, Toro, Davoren, Conry, Fraser and the City of New York of their right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to them by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.

Adam Ingles

205. By reason of the allegations contained in paragraphs 20-57 supra, plaintiff Ingles was deprived by defendants Caldero, Gray, Lanausse, Alcia, Toro, Davoren, Kerik, Fraser and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.

Shawn Davis

206. By reason of the allegations contained in paragraphs 20-49 and 58-64 supra, plaintiff Davis was deprived by defendants Orozco, Tolentino, Ortiz, Arnold, Does 5-8, Slattery, Toro, Dash, Davoren, Conry, Kerik, Fraser and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.
207. The malicious and sadistic use of excessive force by defendants Orozco, Tolentino, Ortiz, Arnold, and Does 5-8 caused plaintiff Davis to be deprived of his rights under the laws of the State of New York to be free from assault and battery, for which these defendants, as well as defendant the City of New York, are liable.
208. The use of excessive force by defendants Orozco, Tolentino, Ortiz, Arnold, and Does 5-8, and the failure of defendants Slattery, Toro, Dash, Davoren, Conry, Fraser, and the City of New York to take appropriate steps to curb the widespread pattern of brutality in Department-operated institutions, as described in this complaint, violated plaintiff's rights under the New York State Constitution Article 1, Section 6, to due process of law,

and under Correction Law §§500-k and 137(5), to be free from degrading treatment and physical abuse.

Ed Sykes

209. By reason of the allegations contained in paragraphs 20-49 and 65-72 supra, plaintiff Sykes was deprived by defendants Ramos, Hershaway, Dice, Lewis, Yates, O’Gara, Toro, Dash, Davoren, Kerik, Fraser and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants’ conduct manifested deliberate indifference to plaintiff’s constitutional rights.
210. The malicious and sadistic use of excessive force by defendants Ramos, Hershaway, Dice, Lewis and Yates caused plaintiff Sykes to be deprived of his rights under the laws of the State of New York to be free from assault and battery, for which these defendants, as well as defendant the City of New York, are liable.
211. The use of excessive force by defendants Ramos, Hershaway, Dice, Lewis and Yates, and the failure of defendants O’Gara, Toro, Dash, Davoren, Fraser, and the City of New York to take appropriate steps to curb the widespread pattern of brutality in Department-operated institutions, as described in this complaint, violated plaintiff’s rights under the New York State Constitution Article 1, Section 6, to due process of law, and under Correction Law §§500-k and 137(5), to be free from degrading treatment and physical abuse.

Miguel Roman

212. By reason of the allegations contained in paragraphs 20-49 and 73-80 supra, plaintiff Roman was deprived by defendants Sullivan, Deiso, Castro, Hande, Doe 12, Toro, Dash,

Davoren, Kerik, Fraser and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.

213. The malicious and sadistic use of excessive force by defendants Sullivan, Deiso, Castro, Hande, and Doe 12 caused plaintiff Roman to be deprived of his rights under the laws of the State of New York to be free from assault and battery, for which these defendants, as well as defendant City of New York, are liable.
214. The use of excessive force by defendants Sullivan, Deiso, Castro, Hande, and Doe 12, and the failure of defendants Toro, Dash, Davoren, Fraser, and the City of New York to take appropriate steps to curb the widespread pattern of brutality in Department-operated institutions, as described in this complaint, violated plaintiff's rights under the New York State Constitution Article 1, Section 6, to due process of law, and under Correction Law §§500-k and 137(5), to be free from degrading treatment and physical abuse.

Al Smith

215. By reason of the allegations contained in paragraphs 20-49 and 81-87 supra, plaintiff Smith was deprived by defendants Givens, McConnon, Rivera, Cardo, McKeller, Doe 13, Toro, Dash, Davoren, Kerik, Fraser and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.

Charles Paige

216. By reason of the allegations contained in paragraphs 20-49 and 88-95 supra, plaintiff Paige was deprived by defendants Roberts, Natale, Does 14-18, Toro, Dash, Davoren, Kerik, Fraser and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.
217. The malicious and sadistic use of excessive force by defendants Roberts, Natale and Does 14-18 caused plaintiff Paige to be deprived of his rights under the laws of the State of New York to be free from assault and battery, for which these defendants, as well as defendant City of New York, are liable.
218. The use of excessive force by defendants Roberts, Natale, and Does 14-18, and the failure of defendants Toro, Dash, Davoren, Fraser and the City of New York to take appropriate steps to curb the widespread pattern of brutality in Department-operated institutions, as described in this complaint, violated plaintiff's rights under the New York State Constitution Article 1, Section 6, to due process of law, and under Correction Law §§500-k and 137(5), to be free from degrading treatment and physical abuse.

Jamal Butler

219. By reason of the allegations contained in paragraphs 20-49 and 96-103 supra, plaintiff Butler was deprived by defendants Slattery, Small, Wright, Elliot, Berkeley, Grayson, Barbour, Does 21, 22, 24-38, Toro, Dash, Davoren, Kerik, Fraser and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.
220. The malicious and sadistic use of excessive force by defendants Small, Wright, Elliot, and Does 19-38 caused plaintiff Butler to be deprived of his rights under the laws of the State of New York to be free from assault and battery, for which these defendants, as well as defendant the City of New York, are liable.
221. The use of excessive force by defendants Small, Wright, Elliot, Berkeley, Grayson, Barbour, and Does 21, 22, 24-38, and the failure of defendants Slattery, Toro, Dash, Davoren, Fraser, and the City of New York to take appropriate steps to curb the widespread pattern of brutality in Department-operated institutions, as described in this complaint, violated plaintiff's rights under the New York State Constitution Article 1, Section 6, to due process of law, and under Correction Law §§500-k and 137(5), to be free from degrading treatment and physical abuse.

Andre Pratt

222. By reason of the allegations contained in paragraphs 20-49 and 104-10 supra, plaintiff Pratt was deprived by defendants Velez, Haynes, Does 39-44, Toro, Dash, Davoren, Kerik, Fraser and the City of New York of his right to be free from gratuitous and

excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.

223. The malicious and sadistic use of excessive force by defendants Velez and Does 39-44 caused plaintiff Pratt to be deprived of his rights under the laws of the State of New York to be free from assault and battery, for which these defendants, as well as defendant the City of New York, are liable.
224. The use of excessive force by defendants Velez and Does 39-44 and the failure of defendants Toro, Dash, Davoren, Fraser, and the City of New York to take appropriate steps to curb the widespread pattern of brutality in Department-operated institutions, as described in this complaint, violated plaintiff's rights under the New York State Constitution Article 1, Section 6, to due process of law, and under Correction Law §§500-k and 137(5), to be free from degrading treatment and physical abuse.
225. By his refusal to provide plaintiff with access to prompt medical attention after he was beaten and injured, defendant Haynes violated plaintiffs' rights under the Board of Correction's New York City Correctional Health Care Minimum Standards, and under Correction Law §§ 500-k and 137(5).
226. By his refusal to provide plaintiff with access to prompt medical attention after he was beaten and injured, defendant Haynes violated plaintiffs' rights under the Eighth and Fourteenth Amendment to the United States Constitution. Defendant Haynes's conduct manifested deliberate indifference to plaintiff's constitutional rights.

Robert Allaway

227. By reason of the allegations contained in paragraphs 20-49 and 111-117 supra, plaintiff Allaway was deprived by defendants Mulvaney, Kramer, Guarneri, Cox, Spencer, Owusu, Does 46-52, Does 54-60, Toro, Davoren, Kerik, Fraser and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.

Patrick Washington

228. By reason of the allegations contained in paragraphs 20-49 and 118-125 supra, plaintiff Washington was deprived by defendants Powell, Gallagher, Toro, Dash, Davoren, Kerik, Fraser and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.

229. The malicious and sadistic use of excessive force by defendants Powell and Gallagher caused plaintiff Washington to be deprived of his rights under the laws of the State of New York to be free from assault and battery, for which these defendants, as well as defendant the City of New York, are liable.

230. The use of excessive force by defendants Powell and Gallagher, and the failure of defendants Toro, Dash, Davoren, Fraser, and the City of New York to take appropriate steps to curb the widespread pattern of brutality in Department-operated institutions, as described in this complaint, violated plaintiff's rights under the New York State

Constitution Article 1, Section 6, to due process of law, and under Correction Law §§500-k and 137(5), to be free from degrading treatment and physical abuse.

Randolph Johnson

231. By reason of the allegations contained in paragraphs 20-49 and 126-133 supra, plaintiff Johnson was deprived by defendants Williamson, Graham, Smalls, Hernandez, Toro, Dash, Davoren, Kerik, Fraser and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.
232. The malicious and sadistic use of excessive force by defendants Graham, Williamson, Smalls, and Hernandez caused plaintiff Johnson to be deprived of his rights under the laws of the State of New York to be free from assault and battery, for which these defendants, as well as defendant the City of New York, are liable.
233. The use of excessive force by defendants Graham, Williamson, Smalls, and Hernandez, and the failure of defendants Toro, Dash, Davoren, Fraser, and the City of New York to take appropriate steps to curb the widespread pattern of brutality in Department-operated institutions, as described in this complaint, violated plaintiff's rights under the New York State Constitution Article 1, Section 6, to due process of law, and under Correction Law §§500-k and 137(5), to be free from degrading treatment and physical abuse.

Rogelio Figueroa

234. By reason of the allegations contained in paragraphs 20-49 and 134-140 supra, plaintiff Figueroa was deprived by defendants Crooms, Torres, Echiveria, Clark, Debblay, Turrissi, Navoy, Toro, Dash, Davoren, Kerik and Fraser of his right to be free from

gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.

235. The malicious and sadistic use of excessive force by defendants Crooms, Torres, Echiveria, Clark, Debblay, Turrissi and Navoy caused plaintiff Figueroa to be deprived of his rights under the laws of the State of New York to be free from assault and battery, for which these defendants, as well as defendant the City of New York, are liable.
236. The use of excessive force by defendants Crooms, Torres, Echiveria, Clark, Debblay, Turrissi and Navoy, and the failure of defendants Toro, Dash, Davoren, Fraser, and the City of New York to take appropriate steps to curb the widespread pattern of brutality in Department-operated institutions, as described in this complaint, violated plaintiff's rights under the New York State Constitution Article 1, Section 6, to due process of law, and under Correction Law §§500-k and 137(5), to be free from degrading treatment and physical abuse.

Paul Person

237. By reason of the allegations contained in paragraphs 20-49 and 141-145 supra, plaintiff Person was deprived by defendants Swetokas, Mastroainni, Daniels, Toro, Davoren, Fraser, Kerik and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.

Calvin Daniels

238. By reason of the allegations contained in paragraphs 20-49 and 146-152 supra, plaintiff Daniels was deprived by defendants Straughn, Wells, Does 64-65, Toro, Dash, Davoren, Kerik, Fraser and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.
239. The malicious and sadistic use of excessive force by defendants Straughn and Wells caused plaintiff Daniels to be deprived of his rights under the laws of the State of New York to be free from assault and battery, for which these defendants, as well as defendant the City of New York, is liable.
240. The use of excessive force by defendants Straughn and Wells, and the failure of defendants Toro, Dash, Davoren, Fraser, and the City of New York to take appropriate steps to curb the widespread pattern of brutality in Department-operated institutions, as described in this complaint, violated plaintiff's rights under the New York State Constitution Article 1, Section 6, to due process of law, and under Correction Law §§500-k and 137(5), to be free from degrading treatment and physical abuse.
241. By their refusal to provide prompt medical attention to plaintiff after he was beaten and injured, defendants Does 64 and 65 violated plaintiffs' rights under the Board of Correction's New York City Correctional Health Care Minimum Standards, and under Correction Law §§ 500-k and 137(5).
242. By their refusal to provide plaintiff with access to prompt medical attention after he was beaten and injured, defendants Does 64 and 65 violated plaintiffs' rights under the Eight

and Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.

Bobby Jones

243. By reason of the allegations contained in paragraphs 20-49 and 153-159 supra, plaintiff Jones was deprived by defendants Lopez, Vasquez, Fernandez, Toro, Dash, Davoren, Kerik, Fraser and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.
244. The malicious and sadistic use of excessive force by defendants Lopez, Vasquez, and Fernandez caused plaintiff Jones to be deprived of his rights under the laws of the State of New York to be free from assault and battery, for which these defendants, as well as defendant the City of New York, are liable.
245. The use of excessive force by defendants Lopez, Vasquez, and Fernandez, and the failure of defendants Toro, Dash, Davoren, Fraser, and the City of New York to take appropriate steps to curb the widespread pattern of brutality in Department-operated institutions, as described in this complaint, violated plaintiff's rights under the New York State Constitution Article 1, Section 6, to due process of law, and under Correction Law §§500-k and 137(5), to be free from degrading treatment and physical abuse.

Phillip Campbell

246. By reason of the allegations contained in paragraphs 20-49 and 160-165 supra, plaintiff Campbell was deprived by defendants Case, Wright, Fisher, Toro, Dash, Davoren, Kerik, Fraser and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.

Johnathan Lukes

247. By reason of the allegations contained in paragraphs 20-49 and 166-171 supra, plaintiff Lukes was deprived by defendants Perez, Gatto, Bradford, Toro, Davoren, Fraser, Kerik and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.

248. By their refusal to provide plaintiff with access to prompt medical attention after he was beaten and injured, defendants Perez, Gatto, and Bradford violated plaintiffs' rights under the Eight and Fourteenth Amendment to the United States Constitution. Defendant's conduct manifested deliberate indifference to plaintiff's constitutional rights.

Lamont Bradley

249. By reason of the allegations contained in paragraphs 20-49 and 172-178 supra, plaintiff Bradley was deprived by defendants Chapman, Keith Jackson, R. Jackson, O’Gara, Toro, Dash, Davoren, Kerik, Fraser and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants’ conduct manifested deliberate indifference to plaintiff’s constitutional rights.
250. The malicious and sadistic use of excessive force by defendants Chapman, Keith Jackson and R. Jackson caused plaintiff Bradley to be deprived of his rights under the laws of the State of New York to be free from assault and battery, for which these defendants, as well as defendant the City of New York, are liable.
251. The use of excessive force by defendants Chapman, Keith Jackson and R. Jackson, and the failure of defendants O’Gara, Toro, Dash, Davoren, Fraser, and the City of New York to take appropriate steps to curb the widespread pattern of brutality in Department-operated institutions, as described in this complaint, violated plaintiff’s rights under the New York State Constitution Article 1, Section 6, to due process of law, and under Correction Law §§500-k and 137(5), to be free from degrading treatment and physical abuse.

Gary Smith

252. By reason of the allegations contained in paragraphs 20-49 and 179-187 supra, plaintiff Smith was deprived by defendants Lamont, Valentine, Toro, Dash, Davoren, Kerik Fraser and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.
253. The malicious and sadistic use of excessive force by defendants Lamont and Valentine caused plaintiff Smith to be deprived of his rights under the laws of the State of New York to be free from assault and battery, for which these defendants, as well as defendant the City of New York, are liable.
254. The use of excessive force by defendants Lamont and Valentine, and the failure of defendants Toro, Dash, Davoren, Fraser, and the City of New York to take appropriate steps to curb the widespread pattern of brutality in Department-operated institutions, as described in this complaint, violated plaintiff Smith's rights under the New York State Constitution Article 1, Section 6, to due process of law, and under Correction Law §§500-k and 137(5), to be free from degrading treatment and physical abuse.

Darold Freeman

255. By reason of the allegations contained in paragraphs 20-49 and 188-191 supra, plaintiff Freeman was deprived by defendants Rivera, Kinder, Does 66-68, Toro, Davoren, Fraser, Kerik and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth

Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.

Eric Richards

256. By reason of the allegations contained in paragraphs 20-49 and 192-199 supra, plaintiff Richards was deprived by defendants Pennes, Russo, Dougherty, Boyles, Mitchell, Sanacore, Does 71-73, Toro, Dash, Davoren, Kerik, Fraser and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.
257. The malicious and sadistic use of excessive force by defendants Pennes, Russo, Dougherty, Boyles, Mitchell, and Does 71-73 caused plaintiff Richards to be deprived of his rights under the laws of the State of New York to be free from assault and battery, for which these defendants, as well as defendant the City of New York, are liable.
258. The use of excessive force by defendants Pennes, Russo, Dougherty, Boyles, Mitchell, and Does 71-73, and the failure of defendants Toro, Dash, Davoren, Fraser, and the City of New York to take appropriate steps to curb the widespread pattern of brutality in Department-operated institutions, as described in this complaint, violated plaintiff's rights under the New York State Constitution Article 1, Section 6, to due process of law, and under Correction Law §§500-k and 137(5), to be free from degrading treatment and physical abuse.

Kimada Dixon

259. By reason of the allegations contained in paragraphs 20-49 and 200-204 supra, plaintiff Dixon was deprived by defendants Anderson, Dedicke, Toro, Davoren, Fraser, Kerik and the City of New York of his right to be free from gratuitous and excessive force and punishment, and to due process of law, as guaranteed to him by the Fourteenth Amendment to the United States Constitution. These defendants' conduct manifested deliberate indifference to plaintiff's constitutional rights.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs request this court as follows:

1. Declare that the continuing inaction of the supervisory defendants--Slattery, O'Gara, Fraser, Davoren, Conry and Toro--as described above, violates the rights of the plaintiff class under the Fourteenth Amendment to the Constitution of the United States and under New York State Law;
2. Enjoin defendants Slattery, O'Gara, Fraser, Davoren, Conry and Toro, their successors, agents, servants, employees, and all those in active concert or participation with them from subjecting inmates in Department-operated jails to verbal and physical abuse and the threat of physical abuse, and require these defendants to formulate a remedy, subject to the court's approval and modification, if necessary, to end the pattern of excessive physical abuse in Department-operated jails. Such a remedy should include measures which address continuing deficiencies in selection, training, evaluation, supervision, and command of the uniformed correction staff, and in the Department's investigatory and disciplinary practices, as described earlier in this complaint;

3. Award plaintiff Adam Ingles compensatory damages in an amount to be determined at trial against defendants Caldero, Gray, Lanausse, Alcia, Toro, Davoren, Fraser, Kerik, and the City of New York, jointly and severally, and \$100,000 in punitive damages individually against each of defendants Caldero, Gray, Lanausse and Alcia for violation of his federal constitutional rights;
4. Award plaintiff Shawn Davis compensatory damages in an amount to be determined at trial against defendants Orozco, Tolentino, Ortiz, Arnold, Does 5-8, Slattery, Toro, Dash, Davoren, Kerik, Conry, Fraser, and the City of New York, jointly and severally, on each of his state and federal causes of action, and \$100,000 in punitive damages individually against each of defendants Orozco, Tolentino, Ortiz, Arnold, and Does 5-8 for violation of his federal constitutional rights;
5. Award plaintiff Ed Sykes compensatory damages in an amount to be determined at trial against defendants Ramos, Hershaway, Dice, Lewis, Yates, O’Gara, Toro, Dash, Davoren, Kerik, Fraser, and the City of New York, jointly and severally, on each of his state and federal causes of action, and \$100,000 in punitive damages individually against each of defendants Ramos, Hershaway, Dice, Lewis, and Yates for violation of his federal constitutional rights;
6. Award plaintiff Miguel Roman compensatory damages in an amount to be determined at trial against defendants Sullivan, Deiso, Castro, Hande, Doe 12, Toro, Dash, Davoren, Fraser, Kerik, and the City of New York, jointly and severally, on each of his state and federal causes of action, and \$100,000 in punitive damages individually against each of defendants Sullivan, Deiso, Castro, Hande, and Doe 12 for violation of his federal constitutional rights;

7. Award plaintiff Al Smith compensatory damages in an amount to be determined at trial against defendants Givens, McConnon, Rivera, Cardo, McKeller, Doe 13, Toro, Dash, Davoren, Kerik, Fraser, and the City of New York, jointly and severally, and \$100,000 in punitive damages individually against each of defendants Givens, McConnon, Rivera, Cardo, McKeller, and Doe 13 for violation of his federal constitutional rights;
8. Award plaintiff Charles Paige compensatory damages in an amount to be determined at trial against defendants Roberts, Natale, Does 14-18, Toro, Davoren, Kerik, Fraser, and the City of New York, jointly and severally, on each of his state and federal causes of action, and \$100,000 in punitive damages individually against each of defendants Roberts, Natale and Does 14-18 for violation of his federal constitutional rights;
9. Award plaintiff Jamal Butler compensatory damages in an amount to be determined at trial against defendants Small, Wright, Elliot, Berkeley, Grayson, Barbour, Does 21, 22, and 24-38, Slattery, Toro, Davoren, Kerik, Fraser, and the City of New York, jointly and severally, on each of his state and federal causes of action, and \$100,000 in punitive damages individually against each of defendants Small, Wright, Elliot, Berkeley, Grayson, Barbour, and Does 21, 22, and 24-38 for violation of his federal constitutional rights;
10. Award plaintiff Andre Pratt compensatory damages in an amount to be determined at trial against defendants Velez, Haynes, Does 39-44, Toro, Davoren, Kerik, Fraser, and the City of New York, jointly and severally, on each of his state and federal causes of action, and \$100,000 in punitive damages individually against each of defendants Velez, Haynes and Does 39-44 for violation of his federal constitutional rights;
11. Award plaintiff Robert Allaway compensatory damages in an amount to be determined at trial against defendants Mulvaney, Kramer, Guarneri, Cox, Spencer, Owusu, Does 46-52,

Does 54-60, Toro, Davoren, Kerik, Fraser and the City of New York, jointly and severally, and \$100,000 individually in punitive damages against each of defendants Mulvaney, Kramer, Cox, Guarneri, Spencer, Owusu, Does 46-52, and Does 54-60, for violation of his federal constitutional rights;

12. Award plaintiff Patrick Washington compensatory damages in an amount to be determined at trial against defendants Gallagher, Powell, Toro, Davoren, Fraser, Kerik, and the City of New York, jointly and severally, on each of his state and federal causes of action, and \$100,000 individually in punitive damages against each of defendants Gallagher and Powell for violation of his federal constitutional rights;
13. Award plaintiff Randolph Johnson compensatory damages in an amount to be determined at trial against defendants Graham, Williamson, Small, Hernandez, Toro, Dash, Davoren, Kerik, Fraser, and the City of New York, jointly and severally, on each of his state and federal causes of action, and \$100,000 in punitive damages individually against each of defendants Hernandez, Graham, Williamson, and Smalls for violation of his federal constitutional rights;
14. Award plaintiff Rogelio Figueroa compensatory damages in an amount to be determined at trial against defendants Crooms, Torres, Echiveria, Clark, Debblay, Turrissi, Navoy, Toro, Davoren, Fraser, Kerik, and the City of New York, jointly and severally, and \$100,000 individually in punitive damages against each of defendants Crooms, Torres, Echiveria, Clark, Debblay, Turrissi and Navoy for violation of his federal constitutional rights;
15. Award plaintiff Paul Person in compensatory damages in an amount to be determined at trial against defendants Swetokas, Mastroainni, Daniels, Toro, Davoren, Fraser, Kerik, and the City of New York, jointly and severally, and \$100,000 in punitive damages individually

- against each of defendants Swetokas, Mastroainni, and Daniels for violation of his federal constitutional rights;
16. Award plaintiff Calvin Daniels compensatory damages in an amount to be determined at trial against defendants Straughn, Wells, Does 64-65, Toro, Dash, Davoren, Kerik, Fraser, and the City of New York, jointly and severally, on each of his state and federal causes of action, and \$100,000 in punitive damages individually against each of defendants Straughn, Wells and Does 64-65 for violation of his federal constitutional rights;
 17. Award plaintiff Bobby Jones compensatory damages in an amount to be determined at trial against defendants Lopez, Vasquez, Fernandez, Toro, Davoren, Kerik, Fraser, and the City of New York, jointly and severally, on each of his state and federal causes of action, and \$100,000 in punitive damages individually against each of defendants Lopez, Vasquez and Fernandez for violation of his federal constitutional rights;
 18. Award plaintiff Phillip Campbell compensatory damages in an amount to be determined at trial against defendants Case, Wright, Fisher, Toro, Dash, Davoren, Kerik, Fraser, and the City of New York, jointly and severally, and \$100,000 in punitive damages individually against each of defendants Case, Wright, and Fisher for violation of his federal constitutional rights;
 19. Award plaintiff Johnathan Lukes compensatory damages in an amount to be determined at trial against defendants Perez, Gatto, Bradford, Toro, Davoren, Fraser, Kerik, and the City of New York, jointly and severally, and \$100,000 in punitive damages individually against each of defendants Perez, Gatto, and Bradford for violation of his federal constitutional rights;
 20. Award plaintiff Lamont Bradley compensatory damages in an amount to be determined at trial against defendants Chapman, Keith Jackson, R. Jackson, O’Gara, Toro, Davoren,

- Fraser, Kerik, and the City of New York, jointly and severally, and \$100,000 in punitive damages individually against each of defendants Chapman, Keith Jackson and R. Jackson for violation of his federal constitutional rights;
21. Award plaintiff Gary Smith compensatory damages in an amount to be determined at trial against defendants Lamont, Valentine, Toro, Dash, Davoren, Kerik, Fraser, and the City of New York, jointly and severally, on each of his state and federal causes of action, and \$100,000 in punitive damages individually against each of defendants Lamont and Valentine for violation of his federal constitutional rights;
 22. Award plaintiff Darold Freeman compensatory damages in an amount to be determined at trial against defendants Rivera, Kinder, Does 66-68, Toro, Davoren, Fraser, Kerik, and the City of New York, jointly and severally, and \$100,000 in punitive damages individually against each of defendants Rivera, Kinder and Does 66-68 for violation of his federal constitutional rights;
 23. Award plaintiff Eric Richards compensatory damages in an amount to be determined at trial against defendants Pennes, Russo, Dougherty, Boyles, Mitchell, Sanacore, Does 71-73, Toro, Dash, Davoren, Kerik, Fraser, and the City of New York, jointly and severally, on each of his state and federal causes of action, and \$100,000 in punitive damages individually against each of defendants Pennes, Russo, Dougherty, Boyles, Mitchell, Sanacore, and Does 71-73 for violation of his federal constitutional rights;
 24. Award plaintiff Kimada Dixon compensatory damages in an amount to be determined at trial against defendants Dedicke, Anderson, Toro, Davoren, Kerik, Fraser, and the City of New York, jointly and severally, and \$100,000 in punitive damages individually against each of defendants Dedicke and Anderson for violation of his federal constitutional rights;

25. Retain jurisdiction in this case until the unlawful conditions, practices, policies, acts, and omissions complained of herein no longer exist and this Court is satisfied that they will not recur;
26. Award plaintiffs the costs of this action, including reasonable attorneys' fees; and
27. Grant such other and further relief as this Court deems just and proper.

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Dated: August 11, 2003
New York, New York