

8 sue jail for \$1.6M

Inmates: Conditions inhumane

By Francis Scarcella
The Daily Item

SUNBURY — Eight Northumberland County Prison inmates have filed a \$1.6 million federal lawsuit against the jail, citing inhumane conditions, racial discrimination, retaliation and cruel and unusual punishment by guards.

Jason Mercado, Angel Espada, Hakeem Jefferson, Timothy Tyler, Tyrone Short, Katone Walker, Matthew Romero and Robert Perez filed a class action lawsuit Monday in the Middle District of Pennsylvania, Scranton.

Warden Roy Johnson; Cmdr. Brian Wheary; Lts. Jim Smink, Jason Carl and Michael Walburn; and Sgts. Michael Gibbs, Krista

**\$2M PAID,
\$3.6M SOUGHT**

■ **October 2010:** County settles February 2008 federal class-action lawsuit filed by Lewisburg Prison Project for \$1.5 million. County also paid \$500,000 in legal fees to defend itself. 12 inmates alleged jail unsafe and failed to provide adequate medical care.

■ **September:** Inmates Erick Trometter, Jeffrey Adams file lawsuits, seek \$1 million each, say they were viciously beaten by guards at the prison

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Conditions inhumane, inmates claim

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Brouse and Joshua Lehman are named as defendants.

Brouse and Lehman are also defendants in \$1 million lawsuits filed in September by two other inmates, cases that have not yet been adjudicated.

The eight inmates seek a transfer to another facility, \$200,000 each, release from segregation, and for the prison to correct and improve its conditions.

The inmates claim that in February they asked guards for forms to document grievances related to bias and racial misconduct by corrections officers, court documents state.

Suit: Whites got jobs

Inmates claim the jail would allow mostly white inmates to go on work release, have prison jobs and receive necessary supplies during their incarceration.

They also say they were put in cells that had poor ventilation and broken windows that allow cold air and vermin to seep in, court documents said.

All eight inmates were placed inside a filthy cell that had one toilet, two windows, eight bunks and was littered with dead bugs and cockroaches, court documents state.

Inmates' request for grievance forms were denied, court documents said. Requests for cleaning supplies were also denied by Smink, Brouse and Lehman, court documents said.

Smith's response, according to court documents, to inmates' repeated requests for grievance forms or cleaning supplies: "You guys still don't get it. You are not getting grievances."



Roy Johnson
Warden



Steve Bridy
Board chair

All eight inmates were placed inside a filthy cell that had one toilet, two windows, eight bunks and was littered with dead bugs and cockroaches, court documents state.

On Feb. 23, the eight inmates were locked in the cell for all but two hours of recreational time, and were denied a shower because the prison was without hot water, court documents said.

Two days later, inmates claim they were denied showers again because of the water issue, but were granted recreational time, during which Smink and Brouse told them, "Things will get harder if (you) continue to ask for grievances," court documents said.

The next day inmates asked Lehman and Smink what "harder" meant.

Responded the guards as they walked away: "Things just got harder," according to court documents.

What does that mean? the inmates asked Lehman.

He replied: "You'll see," court documents said.

Later that day Carl, a lieutenant, informed the eight inmates they would have recreation time but would have to wear handcuffs connected to a black box with a chain attached, and wear leg chains, court documents said.

"Now you know what Smink meant," inmates claim they were told by Carl, according to court documents.

Restraints hurt

Inmates claim in their lawsuit the restraints were to cause pain.

On Feb. 27, inmates say they were denied recreational time and showers and when they asked why, according to court documents, Lehman told them: "You upset the wrong people."

A wooden door was placed over their cell door because inmates continued to request grievance forms, court documents said.

Later Feb. 27, Smink approached the inmates' cell after they complained it was too cold because of its broken windows, court documents said.

"It can get colder if you guys keep asking for grievances," Smink told the inmates, court documents state.

Carl told the eight inmates that he heard a lawsuit was being prepared with De-Shawn Jamison — an inmate who recently convinced a Northumberland County jury to acquit him of five of six charges, including one felony charge that could have resulted in extending his sentence up to 14 years. He was convicted of aggravated assault, a felony and is scheduled to be sentenced

within 90 days — according to court documents.

Carl told the inmates he was going to put a stop to the alleged planned lawsuit with Jamison.

Suit: Raid ruined papers

On Feb. 28, inmates were brought back to their cell to find it had been searched and their belongings scattered about, court documents said.

Photos and all legal documents were destroyed without giving the inmates an explanation, court documents said.

Inmates are demanding a jury trial.

Johnson, the warden, said he was unaware of the lawsuit, but said Jamison is a liar.

"He makes up his own stories and writes things to match it," Johnson said Wednesday. "It wouldn't surprise me if he filed something."

Northumberland County Commissioner and prison board chairman Steve Bridy said he was also unaware of the suit.

Representatives from the Lewisburg Prison Project, a nonprofit inmate advocacy group, said they last toured the county lockup on May 8 and said they believed all of terms of a settlement agreement to a 2008 federal class-action lawsuit over unsafe conditions had been or were being met, paralegal David Sprout said in an email response Friday.

"This (2008) case did not change the fact that Northumberland County Prison

is over 130 years old and still in use," Sprout wrote. "I believe the physical plant is such that no matter what is done to it, it presents harsh

conditions for prisoners and staff alike."

■ Email comments to fscarcella@dailyitem.com

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