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# Suit reveals details in inmate's death

Case cited in judge's order finding rights violations in prisons

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**COLUMBIA** — A mentally ill prison inmate with mental retardation was kept naked for 11 days in a state prison cell with faulty heating and had a body temperature of 80.6 degrees when he was taken to a hospital where he died, according to documents in a federal lawsuit.

Disturbing and sometimes graphic descriptions of Jerome Laudman's final days in 2008 and evidence of an attempted cover-up by correctional officers are detailed in an internal prison system investigation report and other documents obtained by *The Greenville News* from court files.

Laudman's estate has sued individual officers in federal court alleging gross negligence, violations of civil rights, excessive force, cruel and unusual punishment and violation of the Americans with Disabilities Act. The estate has filed a wrongful death suit against the prison system in state court.

Both cases are ongoing, according to lawyers for Laudman's estate, Scott Evans and James Moore. Defendants have all denied wrongdoing and trials are expected over the next year.

State Circuit Judge Michael Baxley spotlighted Laudman's treatment in his 45-page order on Jan. 8 finding the Department of Corrections had violated the rights of Laudman and other inmates with serious mental illness.

Six years to the month after Laudman died, no criminal charges have been filed, though the case was investigated by the State Law Enforcement Division

in 2009 and turned over to the FBI and U.S. Attorney's Office for review of possible civil rights violations.

The estate's lawyers told *The Greenville News* they believe a federal investigation of the case is ongoing but said they don't know any details.

"The family believes there should be a criminal investigation," Moore told *The News*.

A spokesman for the prisons agency referred questions on any criminal investigations to the State Law Enforcement Division.

Thom Berry, SLED's spokesman, said SLED conducted an investigation of Laudman's death in 2009. He said SLED's files were turned over to the FBI but that he didn't know whether the FBI requested them or if SLED asked the FBI to look at the case.

A spokeswoman for U.S. Attorney Bill Nettles said the office doesn't confirm or deny the existence of any investigation. A spokesman for the U.S. Justice Department couldn't be reached for comment on the case.

In his Jan. 8 ruling, Baxley wrote that an investigative report found Laudman had been "physically abused" by a correctional officer during his cell transfer and that a prison investigator later "found evidence of an attempted cover-up by correctional officers" who cleaned the cell before investigators could photograph it.

Baxley reported some inmates had died "for lack of basic mental health care, and hundreds more remain substantially at risk for serious physical injury, mental decompensation, and profound, permanent mental illness."

The prison system has said it plans to appeal Baxley's ruling and asked him to amend his order and find in favor of the agency.

Laudman, who was 44 when he died, was admitted to the prison system in 1998, said Evans, one of the lawyers representing his family. He pleaded guilty to strong armed robbery and was sentenced to 10 years, Evans said.

Laudman suffered from paranoid schizophrenia, mental retardation and bipolar disorder, according to documents in the federal lawsuit. He also had a speech impediment that made it difficult for him to communicate, according to the records.

“According to his mental health counselor, Laudman never acted in an aggressive or threatening manner,” the lawsuit states.

For much of his incarceration, the prison’s system’s mental health treatment of inmates was strongly criticized. One report in 2000 described it as in a state of “crisis.” The agency lacked adequate personnel and resources, the reports found. Among the recommendations was that the agency train its officers in how to handle the mentally ill.

Laudman was committed to the prison system’s Gilliam Psychiatric Hospital at least 13 times, according to the federal lawsuit.

On Dec. 7, 2007, he was placed in crisis intervention at Lee Correctional Institution, the Bishopville prison where he was assigned, for displaying “severe emotional problems,” according to the lawsuit.

Crisis intervention, according to the lawsuit, is designed to provide intensive inpatient mental health treatment for “legitimate mental health disorders” for up to seven days. Instead, according to the suit, Laudman was placed on crisis intervention for up to several months.

On Jan. 22, 2008, he was seen by his psychiatrist and prescribed medication. According to the lawsuit, he would never see the psychiatrist again, despite the psychiatrist’s order for a follow-up in two weeks.

On Feb. 7, Laudman was moved to the Lee Supermax, cells designed to “punish and provide intensive supervision to inmates exhibiting assaultive behavior,” according to the suit. Why he was sent there and who authorized the move remains somewhat of a mystery, according to court documents.

One administrator told a prison investigator that he was transferred because he was “trashing his room, was uncooperative and parading around naked,” according to the prison system’s investigative report. But the administrator didn’t know who authorized the transfer and the investigation could find no one who knew, according to the report, which is included in the federal court files.

According to the report, witnesses to Laudman’s move said Laudman was sprayed with chemical munitions after initially refusing an order to be handcuffed, then handcuffed and thrown into the wrong cell. He was pulled out and thrown into the cell he was assigned. The officer accused of throwing Laudman denied the allegation, according to the internal report.

When an investigator looked at the videotape of the transfer of Laudman, he noted that it contained only a few minutes of footage before it went blank, according to the internal report.

The cell was bare, with a concrete pad for sleeping and no blanket, according to the suit. The lawsuit alleges that the entire area was cold and there were problems with the heating system.

Laudman was stripped of all “basic necessities,” according to the lawsuit, including mattress, sheets, socks, shoes, underwear and uniform.” He also wasn’t provided access to his medication while in the Supermax cell, according to the suit.

Four days after being placed in his new cell, an officer noticed that Laudman was sitting and stooped over “like he was real weak or sick,” according to the internal investigative report.

The officer also noted that food trays were piled up near the door, Laudman was naked and the room was bare. The officer didn’t report what he saw, according to the report, because when he brought up issues in the past he was told to “leave it alone.”

Cell check logs for the time Laudman was in his Supermax cell show entries initialed by an officer who denied either making the initials or authorizing them, according to the internal investigative report. One date was blank and showed no cell check. In his order, Baxley wrote that, “The evidence before the court contains proven instances of fabricated cell check logs,” and noted Laudman’s cell checks as an example.

Some inmates told the prison investigator after Laudman’s death that they had tried to get officers to look at Laudman, believing something was wrong since he wasn’t eating and not making his usual noises, according to the report. An officer told them that it was “out of his hands,” according to the investigative report.

On the last day of Laudman’s life, Feb. 18, 2008, one of the officers repeatedly told a supervisor that “Laudman needed help,” and was lying in his own feces, according to the internal report.

That afternoon, medical was called and a nurse came to look. The nurse told the investigator that she first noticed 15-20 food trays between the inner and outer cell doors, filled with partially eaten and rotting food, with mold growing on them, according to the report.

When a nurse asked officers to remove Laudman from the cell for a medical assessment, according to the internal report, the officers refused.

An inmate said the officers complained that Laudman was covered in feces. The nurse then asked for two inmate workers to be brought in to move the body out. It took about 30 minutes for the inmates and another nurse to arrive because the prison was going through an inmate count at the time, according to the report. Another inmate told an investigator that Laudman was covered in feces and vomit.

One of the nurses told an investigator that the smell from Laudman's cell "was one of the worst smells she has ever encountered," according to the investigative report.

An administrator told an investigator, according to the internal report, that there shouldn't have been a delay in extracting Laudman and the officers should have assisted in removing Laudman from the cell.

When the nurses assessed Laudman, one reported he was "extremely cold to the touch, 'like ice all over his body,'" according to the lawsuit.

The nurses said that he was unresponsive, with a pulse of 50 and pupils that were fixed and dilated, according to the prison internal report. One nurse noted that there were large bruises on Laudman's hip bones, "suggestive of hips pressing against a hard surface for a long period of time."

Two inmates told an investigator that after Laudman was removed from the cell, other inmates were told to clean it. One said he was ordered to clean up the cell before any investigators arrived.

He also said an officer advised him that if he was questioned by investigators "it would be best if he said nothing about it," according to the investigative report. He said he put the feces, vomit and a jumpsuit found near the shower area in a trash can, according to the report.

The investigator said in his report that he noticed no smell of feces or vomit as reported by a nurse when he saw the cell but did notice “the distinct odor of cleaning supplies.” When he asked a supervising officer, the officer told him the area hadn’t been cleaned or anything removed from the cell and that the cell was in the exact same condition as when Laudman left.

Laudman was transported to a hospital, which later reported he was suffering from hypothermia and had a core temperature of 80.6 degrees, according to the prison internal report. He later was pronounced dead from cardiac arrhythmia.

“The South Carolina Department of Corrections and its employees working during Laudman’s incarceration had sufficient knowledge of his condition and they acted in blatant disregard of his health and life,” the lawsuit states.

“The defendants caused many of his physical problems by improperly beating and/or assaulting Laudman. These defendants acted with conscious and deliberate indifference to the basic and serious medical needs of Laudman and as a result, he suffered numerous personal injuries and eventually died.”

Baxley wrote in his order that even after the cleaning, the photographs taken by an investigator show the cell in a “deplorable, dirty state.”

“After Laudman’s death, SCDC did no quality improvement reviews of Lee Supermax procedures and policies,” the judge wrote. “In September 2008, seven months after Laudman’s death, Dr. Metzner and Dr. Patterson inspected Lee Supermax and described it as ‘filthy.’”

Laudman’s estate has sued individual officers in federal court over his death, alleging gross negligence, violations of civil rights, excessive force, cruel and unusual punishment and violation of the Americans with Disabilities Act.

It also has sued the prison system in state court, alleging wrongful death. Both cases are ongoing, according to lawyers for the Laudman's estate, Scott Evans and James Moore. Trials are expected over the next year.

The officers have denied the allegations, according to the court-filed replies, and said in response that they are immune from suit, that the suit exceeds the statute of limitations and that Laudman's estate has not exhausted state court remedies.

One officer also noted that any force used was necessary to maintain order and that any injuries were the result of Laudman's negligence. A judge in the federal lawsuit has dismissed a summary judgment motion by the defendants on the statute of limitation issue, the lawyers for the estate say.

Dick Harpootlian, a Columbia lawyer and chief prosecutor for Richland and Kershaw counties, said after reviewing Baxley's order that there should be more than one criminal investigation.

"State and local prosecutors should look into each and every allegation that's made in that report," he said. "All of it, case after case after case. It ought to be scoured."

Harpootlian, who once prosecuted serial killer Pee Wee Gaskins after he killed another inmate, said prosecuting prison crimes are difficult because often the victim and best witnesses are criminals. And he said people "expect violence or harsh treatment in a prison."

Sometimes, he said, surveillance videos can help, though in Laudman's case, most of the video watched by an investigator was blank.

He said proving federal civil rights violations, either in a civil case or criminal one, is not easy because you must show it was done with the intent to violate civil rights.



But such incidents should be investigated, he said.

“It is epidemic,” he said of mistreatment of mentally ill prisoners, “ because of the lack of resources and the lack of real understanding on the part of most of the personnel that work there that they are dealing with severely mentally ill people many times.”