Cayne Miceli's death in jail restraints was not a crime, prosecu

Gwen Filosa, The Times-Picayune
DEC 8, 2010 - 5:30 PM

The Orleans Parish district attorney's office has decided not to pursue criminal charges in the 2009 death of an inmate who died after having spent four hours in five-point restraints at the city's jail, an office spokesman said Tuesday.

OPP_Intake_1.jpg

View full sizeMichael DeMocker, The Times-Picayune archiveA prisoner is shown to a holding cell in the intake section of Orleans Parish Prison.

Cayne Miceli, 43, of New Orleans, had a history of chronic asthma, panic attacks and depression when booked into the New Orleans jail Jan. 4 on municipal charges of disturbing the peace for alleging biting a security guard who was trying to forcibly remove her from the Tulane Medical Center.

Miceli never regained consciousness after she arrived at University Hospital Jan. 5 from the jail and was later taken off life support.

Her family has filed a federal civil rights lawsuit alleging jailers actions caused her death, but the DA's office determined there was no criminal wrongdoing by Sheriff Marlin Gusman and his staff in handling Miceli.

"Cayne Miceli's death was caused neither by criminal negligence nor any intentional acts," said Christopher Bowman, spokesman for DA Leon Cannizzaro. "The DA's office performed a thorough investigation."

Mike Miceli, the father of Cayne Miceli, and her two sisters, Cristy Richmond and Sophia Miceli, said in a statement Tuesday that they will continue seeking "accountability" for those at the jail who "caused the tragic and terrible death of Cayne."

"We are disappointed at this news, as we believe that criminal prosecution is warranted and justified in this case," the family said. "We also believe that there will continue to be unnecessary, avoidable and, in some instances, criminally related deaths of persons held at the jail, unless there is rigorous and genuine oversight, investigation and enforcement of the law by outside agencies."

Before arriving at the jail, Miceli had spent seven hours in the emergency room for an asthma attack and was upset that doctors were trying to discharge her, according to a lawsuit filed by her family at U.S. District Court that accuses Gusman and his staff of causing her death by keeping her in five-point restraints despite her pleas that she could not breathe.

Historically, the Orleans DA's office picks and chooses when it investigates inmate deaths. That's a poor policy, said civil rights attorney Mary Howell, who is representing the Miceli family.

"All these deaths need to be examined for the possibility that there have been criminal violations," said Howell. "Frankly, they should be doing this with all of them."

The nurses and doctors overseeing the jail knew or should have known of Miceli's asthma condition and her recent treatment for her asthma crisis, Howell wrote in the lawsuit.

Early into her jail stay, while confined to a "lockdown cell," Miceli tried to hang herself by tying her jail-issued jumpsuit around a speaker box on the wall.

On telephone orders from Dr. Marcus Dileo, a nurse had Miceli put in five-point restraints -- meaning she was placed flat on her back on a metal bed and tied down with restraints on each arm and leg, with a fifth restraining belt strapped across the chest -- according to the family's lawsuit.

Dileo's orders were to have Miceli kept strapped down for nine hours, the lawsuit says.

Deputies made notes that Miceli was "cursing, crying, yelling or screaming from 1:15 a.m. until 2:30 a.m.," and that she "alleges she's having trouble breathing" followed by a comment that Miceli was trying to get out of the restraints.

About 2:25 a.m. Jan. 5, deputies discovered that Miceli had torn free one wrist and one foot from the restraints, and held her down while they tried to strap her back down, the lawsuit says. Miceli went limp and by 3:12 a.m had arrived at University Hospital, where she was diagnosed with hypoxic brain injury, cardiac arrest and asthma.

Gwen Filosa can be reached at gfilosa@timespicayune.com or 504.826.3304.

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Dying at OPP: 44 inmates dead in 9 years - Times-Picayune, The: Web Edition Articles (New Orleans, LA) - October 7, 2014

October 7, 2014 | Times-Picayune, The: Web Edition Articles (New Orleans, LA) | NOLA.com

In the last nine years, 44 people have died after being jailed at the Orleans Parish Prison, a long-troubled lockup with a high rate of death and violence. NOLA.com | The Times-Picayune reviewed hundreds of pages of records, including autopsy reports, court filings and medical records, to create a comprehensive list of inmate deaths.

Of the 44 OPP inmates who have died since Hurricane Katrina, only one was ruled a homicide despite claims of abuse and neglect in additional cases, some of which are the subject of civil rights lawsuits. 26 died of natural causes, 8 committed suicide, 5 deaths are still under investigation, ruled undetermined or the cause of death is not known and 4 deaths were accidental. The list includes seven deaths that occurred after inmates were transferred to a hospital. Sheriff Marlin Gusman does not count those seven deaths as inmate fatalities or report those figures to the federal government.

Name Date of death Age Diagnosis Toxicology Cause of death Pathologist

Kerry Washington 4/29/06 39 blunt force injuries marijuana accidental Samantha Huber

Lawrence Barra 8/27/06 59 cancer negative natural Paul McGarry

Joe Trotter 3/5/07 54 heart failure negative natural Paul McGarry

Deadre Henry 6/13/07 53 heart failure negative natural Samantha Huber

Glenn Thomas 7/3/07 29 pulmonary congestion, drug intake codeine, morphine accidental Samantha Huber

Oscar Fuselier 7/25/07 58 NA NA No autopsy NA

Julio Sotres 8/29/07 43 suicide, hanging negative suicide Samantha Huber

Daniel Barry 9/9/07 46 multiple infectious process fentanyl, morphine natural Richard Tracy

Angelo Marks 12/14/07 32 drug intake Xanax, methadone, Valium accidental Paul McGarry

Guy Zarzanna 1/3/08 46 HIV/AIDS no report natural William Newman

Benjamin Ninneman 1/14/08 34 HIV/AIDS no report natural William Newman

Dale Brown 2/21/08 55 heart failure no report natural William Newman

Berthawe Edwards 4/14/08 46 heart failure negative natural Paul McGarry

Juan Maysonet 6/14/08 62 ruptured duodenal ulcer negative natural Samantha Huber

Christopher Trepagnier 7/22/08 52 heart disease negative natural Samantha Huber

Louis Prince 10/3/08 30 suicide, hanging negative suicide Cynthia Gardner

Patrick Bell 10/15/08 47 HIV/AIDS hydromorphone natural Paul McGarry

Charles Jones 11/27/08 36 drug intake cocaine accidental Cynthia Gardner

Cayne Miceli 1/6/09 43 bronchial asthma negative natural Paul McGarry

John Sanchez 1/12/09 54 heart disease morphine, Valium, Xanax, Celexa, Zyprexa natural Richard Tracy

Richard Rowzee 2/6/09 44 blunt force injuries negative undetermined Paul McGarry

Earl Gilson 3/18/09 65 lung cancer morphine natural Cynthia Gardner

Michael Scimemi 5/3/09 52 heart disease negative natural Richard Tracy

Raymond Martello 10/10/09 49 brain hemorrhage cocaine natural Samantha Huber

Mary Hickey 12/1/09 48 heart disease Prozac, Effexor natural Samantha Huber

Richard Scearce 1/19/10 60 cardiac arrest, sepsis negative natural Cynthia Gardner

Shedrick Godfrey 3/29/10 48 heart disease negative natural Michael DeFatta

Chris Blevins 3/29/10 22 stab wounds negative homicide Michael DeFatta

Michael Hitzman 4/16/10 31 suicide, hanging cocaine, morphine, codeine suicide Samantha Huber

David O'Neal 5/6/10 44 heart disease negative natural Richard Tracy

Izell Henderson 6/4/10 67 cirrhosis tramadol, morphine, oxycodone, promethazine natural Richard Tracy

Jose Reyes-Zelaya 7/17/10 29 suicide, hanging negative suicide Samantha Huber

Tracy Barquet 8/7/10 25 undetermined negative undetermined Cynthia Gardner

Luis Alvarez 1/8/11 31 suicide, hanging negative suicide Michael DeFatta

Maurice Williams 6/15/11 43 heart attack no report natural unknown

Lawrence Hathorn 7/28/11 51 heart disease Prozac natural Karen Ross

William Goetzee 8/7/11 48 suicide, choking negative suicide Samantha Huber

Earl Lodge 10/31/12 55 cancer fentanyl, morphine natural Samantha Huber

Ricky Russell 2/7/13 26 suicide/choking Wellbutrin, Celexa suicide Cynthia Gardner

Wardell Taylor 2/8/13 36 heart disease negative natural Michael DeFatta

John Alexcee 5/21/13 50 cancer tramadol, morphine natural Michael DeFatta

Clifton Morgan 9/28/13 27 suicide, hanging negative suicide Ern O'Sullivan

John Michael Williams 12/4/13 53 HIV NA No autopsy NA

Willie Lee 3/23/14 40 under investigation under investigation under investigation NA

Source: Orleans Parish Coroner's Office, staff research

(Mobile users: Turn devices sideways to view list.)

Reporting by Naomi Martin and Richard A. Webster and graphic design by Dan Swenson of NOLA.com | The Times-Picayune.

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March 5, 2013

Honorable Lance Affrick
(Clerk)
Attn. Jones v. Gusman
500 Poydras
New Orleans, LA 70130

I am a resident of New Orleans, and am concerned about the horrible conditions in Orleans Parish Prison, including the people who have died there, the most recently just in the last couple weeks. The Sheriff and the Mayor continue to blame each other while neither takes responsibility for the changes needed to ensure that the people of our city who are being housed in the jail aren't facing horribly threatening conditions. These people are our sisters, brothers, mothers, uncles, next-door neighbors, friends and co-workers.

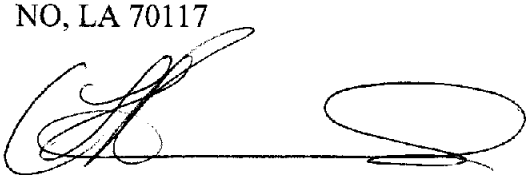
Judge, I respectfully ask you to please make the sheriff, the mayor, and the city government follow the law and enter into the Consent Decree.

Thank you,

Carol Leslie Runnels

3100 N Rampart St

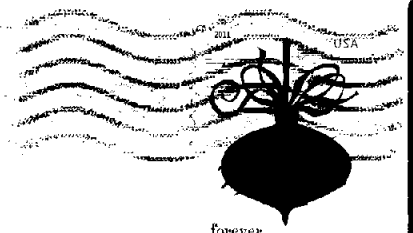
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Honorable Lance Affrick
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Attn. Jones v. Guzman
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March 4, 2013

Honorable Judge Lance Africk
500 Poydras Street
New Orleans, LA 70130

Attn:Jones v Gusman, No. 12-859

Dear Judge Africk,

My name is Caryl L. Fagot. I am the sister of Donna M. Gauthier whose fiancée, U.S. Coast Guard Commander William Wesley Goetzee (Bill) died in OPP on August 7, 2011.

I am writing to add my voice to those of the other families and friends, who have suffered the loss of a loved one because of the continued maladministration of OPP, in asking that you approve the consent decree.

In the letter signed by several families who are still grieving, there are accounts of the complete lack of accountability by prison administrators and staff. Appropriate procedures are not in place to safeguard the population from guards, each other, or even themselves. Just as disturbing, the existing policies are not followed and there are no consequences for the offending employees.

From 1977 until 1991, I worked in the District Office of the Honorable Lindy Boggs who represented Louisiana's 2nd Congressional District which included most of New Orleans. During that time, I followed many issues concerning inmates and conditions at OPP. I was very aware of problems being experienced at that time, and realize that OPP has never been a "model" for the penal system. But, it is painfully apparent that conditions have worsened and seem to have spiraled out of control, especially since 2006. I see no way of stopping this decline unless the court steps in.

It is time New Orleans residents and visitors alike should have the expectation that if for some reason they are brought to OPP, they should be safe – not exposed to physical and mental abuse that could lead to death.

Bill's death has taken a terrible toll on our family and changed our lives forever. The continued mental anguish over the circumstances of his death and our efforts to stop future injustices at OPP is challenging. Please help us by listening to our pleas and approve the consent decree.

Very respectfully,

Caryl L. Fagot

Caryl L. Fagot

March 4, 2013

Judge Lance M. Africk
U.S. District Court
Eastern District of Louisiana
500 Poydras Street, Room C427
New Orleans, LA 70130

Re: Jones v. Gusman, USDC#12-cv-859

Dear Judge Africk,

My name is Cristy Richmond. I live in Fairhope, Al. My sister, Cayne Miceli, died January 6, 2009 as a result of the conditions at Orleans Parish Prison. Since Cayne's death, I have closely followed the events at OPP. It has been a shocking and maddening experience.

Cayne was a lovely, vibrant, 43-year-old woman. She was very smart and beautiful. She had asthma, but she took good care of herself by living an active life, eating (mostly) healthy food (it is New Orleans, you know), and practicing yoga. She had a busy social life with many friends who cared deeply about her. Cayne loved music and dancing. She was passionate about our earth and politics. Cayne had a deep love for New Orleans and had made her home in your city.

The manner in which my sister was treated and then died was unbelievable. Cayne was arrested on municipal charges on January 4, 2009 when she complained about her treatment at Tulane ER for a severe asthma attack. She was taken to OPP. The OPP medical staff was aware of her asthma. After an alleged suicide attempt, she was strapped down, flat on her back, in 5-point restraints, without first being examined by a doctor. She was in restraints for hours. The jail records showed that she complained that she couldn't breathe. Cayne struggled to breathe and reportedly managed to loosen the restraints. Instead of getting her medical help, several deputies physically restrained her, holding her down until she became limp and unresponsive. EMS eventually arrived and took her to University Hospital. Cayne suffered a severe hypoxic brain injury from being deprived of oxygen for a prolonged period of time. She never recovered consciousness and was declared brain dead. Her cause of death is classified as bronchial asthma.

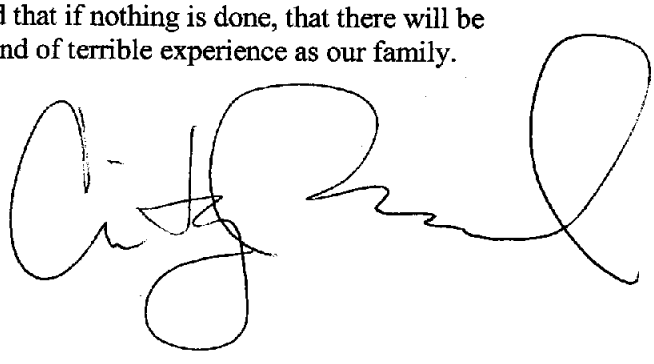
Following Cayne's death, my family was confused and upset by the lack of information available regarding what had happened. We were given the run around and lied to. As I began doing research into conditions at OPP, I was horrified to see that Cayne was not nearly the first person to die as a result of negligent and inadequate medical care. As the weeks and years passed, I felt angry and helpless as I read about it happening over and over again. Each death has compounded and prolonged my grief.

Many of the people who die or are injured as a result of the conditions in Orleans Parish Prison are mentally ill or physically weak. I see that others are injured or die because of violence as a result of poor training and no oversight. I can't help but feel that the conditions at OPP create more mental illness and crime as a result of the abuse and violence.

Judge Africk, I am asking you to please require the sheriff and the city to adhere to the consent decree for the good of New Orleans, its citizens and visitors. I am afraid that if nothing is done, that there will be more suffering and more families will go through the same kind of terrible experience as our family.

Sincerely,

Cristy Richmond



CRISTY RICHMOND
6462 NELSON DRIVE
FAIRHOPE, AL 36532

JUDGE LANCE M. AFRICK
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
500 POYDRAS STREET, ROOM C427
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March 7, 2013

Judge Lance M. Africk
U.S. District Court
Eastern District of Louisiana
500 Poydras Street, Room C427
New Orleans, LA 70130

Re: Jones v. Gusman,
USDC#12-cv-00859

Dear Judge Africk,

We are family members of four (4) people who have died in the Orleans Parish jail since 2009. Our lost loved ones are: Commander William Goetzee, U.S. Coast Guard, died August 7, 2011; Tracy Barquet, Jr., died August 7, 2010; Michael Hitzman, died April 16, 2010; and Cayne Miceli, died Jan. 6, 2009. We appreciate the opportunity you have given us to comment on the proposed Consent Decree involving the Orleans Parish jail.

It is difficult for us to write this letter. Our hearts have been broken. Each of us still struggles to understand how our loved ones could have died such terrible deaths at the jail. These deaths have had a devastating effect upon us and our families and friends.

We didn't really understand how bad things were at the jail before going through these nightmarish experiences. No one wants someone they love to be in jail, but we thought that, at least, our loved ones would be safe and would get the basic care and attention that they needed. We have attached brief descriptions of the circumstances of the deaths of each of our loved ones to this letter, which gives some of the details about what happened to each of them. The more we have learned about how bad conditions are at the jail, the more horrified we have become.

Since April, 2006 there have been 40 deaths at the jail. Six of those were classified as suicides and another death is now under investigation as a possible suicide. Every time we hear of another death at the jail, we re-live the terrible memories of our own experiences. To us, the people dying in the jail aren't just numbers or statistics. These are sons, daughters, brothers, sisters, fathers, mothers, fiancees' and loved ones.

For years now, we keep asking: how is it possible that all of these deaths and problems continue to exist at the jail, with no end in sight? How can our city be a safe and desirable place for people to live, work and visit, if we ignore the serious and life-threatening problems at the jail? How can our political leadership allow such dangerous conditions to exist without doing everything they can to fix the problems?

When we started speaking out publicly about the deaths at the Orleans parish jail in 2012, we called ourselves "Thirty-seven (37) and counting..." referring to the number of deaths at the jail at that time. Unfortunately, we are now at "Forty (40) and counting..." It is clear that unless immediate and serious steps are taken to fix the problems at the jail, the numbers of avoidable and tragic deaths will continue.

On August 15, 2012 we appeared before the New Orleans City Council. We have also met privately with a number of New Orleans City Council members as well as with Mayor Mitch Landrieu. At every opportunity, we have given these city leaders information about the terrible conditions in the jail and asked for their leadership in addressing and solving these problems. We are aware that the District Attorney's office has been asked to investigate every death at the jail but has declined to do so, citing lack of resources. We have discovered that there is virtually no oversight or accountability to address these serious problems at the jail and that the problems never seem to be fixed. We have made clear to our elected officials that we will do everything that we can to help change the conditions at the jail, to ensure that no more families suffer as we have. But so far, our local leadership has failed to take necessary steps to solve these problems.

We are disappointed to learn that there is now in-fighting between the Sheriff and the City about fixing the jail. It has been reported in the news that the City has told this court that "serving steaks and cognac to inmates is not a constitutional entitlement." This statement was very shocking and offensive to us. It was especially shocking that this kind of comment is coming from the City of New Orleans, which presents itself as a progressive city that has concern for the well-being of its residents and visitors. We find it hard to understand how such a hurtful and dismissive statement could be made, while people are dying terrible deaths at the jail.

Your honor, we want to be very clear. We are not asking for "steaks and cognac". We are asking that the over 2,000 people who continue to be held in the Orleans Parish jail be held in a safe, secure and humane environment, with appropriate medical and mental health services and conditions fit for human habitation. We believe deeply that if our loved ones had received appropriate care and constitutional treatment in the jail, they would still be with us today. It is very important to us that no other family should have to go through what we have been going through because of the dangerous, unsafe, and unconstitutional conditions at the jail.

We believe that the proposed Consent Decree is an important step towards solving many of the very serious, chronic problems at the jail. We appreciate and support the efforts of the U.S. Department of Justice and the Southern Poverty Law Center to do everything possible to make real changes at the jail. And we believe that unless or until the Consent Decree is approved by this court, there can be no hope for the protection of the health and safety of people being held in that facility. We do not have any faith that these problems will be addressed or solved without a Consent Decree and court oversight.

We also, frankly, do not have faith in the ability of Sheriff Gusman to resolve the problems at the jail, even with court oversight and monitoring. This is based upon our own experiences in dealing with the Sheriff's office, which have been terrible. We understand that there is a procedure where the court can order that a receiver be put in place to actually run the jail, with the oversight of the court, similar to what happens in a bankruptcy case. We believe that appointing a receiver to actually run the jail is essential, as we have no confidence in the current Sheriff or his staff. We realize this is a drastic solution but we are asking that the Court seriously consider doing this if that is what it takes to solve the problems at the jail and prevent more tragic deaths.

We know there is nothing we can do to bring our loved ones back. But we can honor their memory by refusing to remain silent, and by doing whatever we can to make sure that no other family goes through what we have experienced. We support the Consent Decree and urge the Court to approve it so that the important work of cleaning up this jail can begin in earnest.

Thank you.

Respectfully,

Donna Gauthier, (fiancée), Margaret Nagle, (sister), and John Eric Goetzee, (brother) of Commander William Goetzee, U.S. Coast Guard, died in the Orleans Parish jail on August 7, 2011

Tracy Barquet, Sr., (father), and Stacey Barquet, (sister) of Tracy Barquet, Jr.,died in the Orleans Parish jail on August 7, 2010.

Pam Hitzman, (mother), James Hitzman, (father), and Michelle Perdomo, (twin sister) of Michael Hitzman, died in the Orleans Parish jail on April 16, 2010

Sophia Miceli and Cristy Richmond, (sisters) of Cayne Miceli, died in the Orleans Parish jail on January 6, 2009.



CAYNE MICELI

Date of Death: January 6, 2009

Cause of Death: Bronchial Asthma

Cayne Miceli was a 43 year old self-trained artist, free spirit and lover of New Orleans music. She also had severe asthma and suffered from episodes of acute anxiety and depression, for which she was receiving on-going medical treatment.

On Jan. 3, 2009, Cayne had a severe asthma attack and sought treatment in the Emergency Room (ER) at Tulane Medical Center. She was treated for hours, including receiving prednisone, a steroid to which she had previously had a bad reaction, causing hyper-agitation. She was discharged from the ER with pills to taper off the Prednisone, and asthma medication. Cayne protested the discharge, asking to see a patient advocate, saying she was still ill and needed to be hospitalized. She complained that Tulane was discharging her because she didn't have insurance. She was physically removed from the emergency room by Tulane security guards. There was a scuffle with the guards. She was arrested for municipal charges of disturbing the peace, resisting an officer and battery of a police officer, and taken to OPP.

A doctor at the jail ordered an asthma treatment for Cayne while she was at Intake. She was transferred to the S. White St. facility where she again complained about her asthma and requested medical care. She was examined by a nurse who ordered her returned to the women's dorm with no treatment. In the dorm, she continued to protest the lack of medical treatment and reportedly cursed and turned over a table. She was placed in an isolation cell, where she attempted suicide by trying to hang herself. Another prisoner called for help. Cayne was sent to HOD-10, the "mental health" tier at the jail.

At HOD-10, the same jail doctor who had previously ordered her asthma treatment, ordered her placed in five-point restraints, which involved placing her flat on her back in a cell, with her arms and legs restrained and a fifth belt across her torso, holding her down and preventing her from sitting up. No accommodations were made for her asthma. Her asthma medications were taken from her. No further medications or treatments were given.

Cayne was tied down in five-point restraints for 4 hours and 15 minutes. For the last hour and fifteen minutes of that ordeal, jail observation records show that she was mumbling incoherently, cursing, crying, yelling or screaming and, finally, at the end, singing. Jail records show that she complained of inability to breathe and struggled to get out of the restraints. Instead of getting medical help for her, deputies entered the cell and held her down to re-apply the restraints. Cayne collapsed, never regaining consciousness. She was transferred to University hospital and declared brain dead. She had been in the jail less than 12 hours before she collapsed. The cause of death was bronchial asthma.

Cayne was survived by her father, Mike Miceli, who died in 2011, her two sisters, Christy Miceli Richmond and Sophia Miceli Becker, her step-mother Claudia Miceli, and many friends. To date, no criminal charges have been filed against any jail personnel. Civil litigation is pending.



MICHAEL HITZMAN

Date of Death: April 16, 2010

Cause of Death: Suicide

Michael Hitzman was 32 years old, and the father of two small children, Michael and Kathryn, on April 16, 2010, when he was brought into the Intake and Processing Center (IPC) at Orleans Parish Prison (OPP) by a bail bondsman after having missed a court date. Michael had been struggling with depression and a serious substance abuse problem.

Michael informed OPP personnel that he had ingested drugs that day and needed medical care. He was given charcoal to drink to treat the drug ingestion, but he was not provided with any psychiatric evaluation or offered any follow up care. He alternated sitting and walking around in IPC until a deputy, considering his behavior suspicious, locked him into a single isolation cell.

Despite a policy requiring deputies to check people held in the isolation cells every fifteen minutes, no deputy walked down the isolation cell corridor to check on Michael for an hour and twenty minutes. The isolation cell contained a video camera which was operational, but no deputy monitoring it. Michael hung himself, using his shirt and tying it to the bars of the isolation cell. Deputies did not discover that Michael had hung himself for over an hour.

No jail personnel or supervisors were disciplined regarding Michael's death. The isolation cells at IPC are poorly designed, have "tie-off" points that make them accessible for suicides and are not "suicide proof". They are also located in an out-of-the-way hall, all of which contributes to a significant risk of harm for individuals placed in those cells, either through suicide or unattended medical crisis. Video monitors are useless if no-one is responsible to watch them and respond appropriately.

Michael's widow and children brought a civil suit against the Sheriff, his deputies and jail medical personnel for Michael's death, which settled.

Michael is survived by his widow, children, his parents, Pam and James Hitzman, his twin sister, Michelle Perdomo, and his brother, David Hitzman.



TRACY BARQUET

Date of Death: August 7, 2010

Cause of Death: Undetermined

Tracy Barquet was 25 years old, married and the father of a young daughter. Tracy had suffered with anxiety and depression, particularly after he returned to the city after Katrina and was unable to find steady work. On July 29, 2010, he was booked into Orleans Parish Prison (OPP) on drug charges. He was due to appear in court on August 4, 2010. On the afternoon of August 4, 2010, he began exhibiting signs of an acute mental status change and disorientation. He was unresponsive to verbal orders from a deputy, who sprayed him with pepper foam through the bars of the tier gate. When the deputy opened the tier gate, Tracy ran off the tier, leading to a physical altercation with the deputy. In the course of the altercation, Tracy's cheek was cut and he had a bloody nose. Tracy was transferred to HOD-10 to receive care for his wounds.

While on the tenth floor of HOD, Tracy continued to exhibit bizarre behavior, including attempting to run off the tier, speaking gibberish, appearing to talk without making any sound, intermittent yelling and shaking cell bars. When he was finally seen by a jail doctor, Tracy was transferred to the "mental health" tier on the tenth floor and prescribed Haldol and Risperdal. No orders were given to closely monitor or observe Tracy's condition or his vital signs. During the time he was on the "mental health" tier at HOD-10 he was denied access to a telephone.

Eye-witnesses on the tier described Tracy as trembling and yelling incoherently. Another reported Tracy running around the cell erratically. When one eye witness attempted to ask if Tracy was ok, Tracy pointed to the side of his head and attempted to speak, but apparently was unable to do so.

In the early morning hours of August 7, 2010, another prisoner, a tier rep, noticed that Tracy had not touched his food tray, and was lying in the same position he had been in the night before. When the tier rep touched Tracy's body to feel for a pulse, his body was cool to the touch. It is unknown how long he had been dead before he was found by the tier rep.

Tracy's cause of death has been classified as "undetermined" by the Coroner's office. At autopsy, he was found to have visible signs of trauma consistent with the altercation with the deputy, as well as contusions on his tongue, consistent with seizures. Toxicology results were negative except for Haldol. The deputy who sprayed Tracy through the tier bars was reportedly disciplined. It is not known whether any other jail or medical staff were disciplined.

Tracy is survived by his wife and daughter, his parents, Tracy Barquet, Sr. and Arlene Riley, his sister Stacey Barquet and brother Corey Barquet.



COMMANDER WILLIAM W. GOETZEE, U.S.COAST GUARD

Date of Death: August 7, 2011

Cause of Death: Suicide

Bill Goetzee was a 48 year old Commander of the U.S. Coast Guard, serving in both civilian and active reserve capacities. During Katrina he served in the Coast Guard command post. During the BP oil spill he was a liaison for the Coast Guard. Bill began to experience profound exhaustion, sleep deprivation, and acute stress. On June 8, 2011 he was involved in a serious, single-car accident. Post-accident he had a reaction to medication, was diagnosed with prednisone-induced psychosis and admitted to River Oaks hospital. On July 25, 2011, he returned to work, under medical care.

On August 2, 2011, Commander Goetzee attempted suicide by trying to grab the gun of a federal protective officer outside the federal courthouse, saying he wanted to kill himself. He was subdued by law enforcement and taken by ambulance to Tulane Medical Center Emergency Room (ER). There was no psychiatric consult at the ER. Tulane discharged him even though he was brought into the ER after just having attempted suicide. He was en route to East Jefferson hospital with his fiancee, Donna Gauthier, to seek psychiatric treatment, when he was arrested by federal agents.

Upon admission to OPP, Commander Goetzee reported that his "last suicide thought" was "this A.M." No psychiatric evaluation or treatment was given. He was transferred to general population. His condition apparently further deteriorated and the next afternoon, following his court appearance, OPP referred him to University hospital to "Rule Out Delirium". University E.R. doctors did a Physicians' Emergency Commitment (PEC) due to his acute psychosis and admitted him. The coroner's office was contacted for a possible coroner's commitment.

On August 4, 2011, Commander Goetzee was seen by psychiatrists at University hospital and found to be delusional and suicidal. Around midnight he became extremely disoriented, had to be restrained and was given anti-anxiety medication intravenously. On August 5, even though he had not yet been seen by the coroner's office, he was sent back to the jail. His hospital discharge orders included medication for anxiety. The jail doctors discontinued his anti-anxiety medication. He was transferred to HOD-10, the "mental health" tier, where he was placed in a bare cell with no bed, toilet or water, was made to wear a suicide smock (the "turtle"), and had to sit or lie on the floor. He was denied access to a telephone. His attorney and the Coast Guard chaplain made several efforts to visit him while he was in custody, but were denied access. He was on "suicide watch" which required direct, continuous observation by deputies.

On Sunday, August 7, 2011, Deputy William Thompson was assigned to watch Commander Goetzee. Deputy Thompson left his post for about 3 hours. During that time Commander Goetzee committed suicide by swallowing wads of toilet paper and water. His body was found by another prisoner.

Deputy Thompson pled guilty in state criminal court to malfeasance in office. He admitted to leaving his post and to falsifying observation records. He was given a suspended sentence and placed on probation. It is believed, though not confirmed, that no other OPP staff or supervisors were disciplined for failing to intervene or to report Deputy Thompson's dereliction of duty or for failing to give appropriate medical care to Commander Goetzee.

Commander Goetzee is survived by his sister, Margaret Goetzee Nagle, his brother Eric Goetzee and his fiancée, Donna Gauthier. Civil litigation is pending.

Orleans Parish Prison Deaths Since April 2006

DATE	NAME	DESCRIPTION	LOCATION
4/29/2006	Kerry Washington	Restraints	HOD 3 / HOD 10
8/26/2006	Lawrence Barra	Cancer	
3/4/2007	Joe Trotter	Heart Attack	HOD 3
6/13/2007	Deadre Henry	Heart Attack	HOD 10
7/3/2007	Glenn Thomas	Pulmonary Congestion / Drug Intake	HOD 6
07/25/2007	Oscar Fusselier	Beating / Cancer	IPC
8/29/2007	Julio Sortes	Suicide	CLU 4TH FL N
9/27/2007	Daniel Barry	End Stage HIV / AIDS	
12/14/2007	Angelo Marks	Drug intake	
01/03/2008	Guy Zarzana	HIV/AIDS	
1/14/2008	Benjamin Ninneman	HIV /AIDS	HOD-10
2/21/2008	Dale Brown	Heart Attack	Conchetta Dorm 1-2
4/14/2008	Berthawe Edwards	Heart Attack	Conchetta T3
6/14/2008	Juan Maysonet	Duodenal Ulcer	HOD 7
7/22/2008	Christopher Trepagnier	Heart Attack	
10/3/2008	Louis Prince	Suicide	HOD 10
10/15/2008	Patrick Bell	HIV / AIDS	
11/27/2008	Charles Jones	Seizure / drug intake	HOD 7
1/6/2009	Cayne Miceli	Restraints / Asthma	HOD 10
1/12/2009	John Sanchez	Isolation - Detox	IPC
2/6/2009	Richard Rowzee	Undetermined with signs of significant physical trauma	
5/03/2009	Michael Scimemi	Heart Disease	
8/18/2009	Earl Gilson	Lung cancer / renal failure	
10/10/2009	Raymond Martello	Congenital Brain Defect	IPC

12/2/2009	Mary Hickey	Heart Disease	SWS / University
1/19/2010	Richard Searce	Heart Attack	
3/29/2010	Shedrick Godfrey	Heart Attack	Community Service Detail
3/29/2010	Chris Blevins	Stabbing	House of Detention
4/16/2010	Michael Hitzman	Suicide / Isolation	IPC
5/13/2010	David O'Neal	Heart Attack	HOD / University
7/18/2010	Jose Nelson Reyes Zelaya	Suicide	
8/7/2010	Tracy Barquet	Undetermined with signs of Seizure, Haldol administered	HOD-10
1/8/2011	Louis Alvarez – ICE detainee	Suicide	HOD (?)
6/4/2011	Izell Henderson	Liver cancer	
6/15/2011	Maurice Williams aka "Unk"	Heart attack	Conchetta (?)
7/28/2011	Lawrence Hathorn	Heart attack	HOD
8/7/2011	William Goetzee	Suicide	HOD
10/31/12	Earl E. Lodge	Metastatic Cancer	?? / University Hospital
2/6/13	Rick E. Russell	Investigation Pending	Conchetta

TOTAL: 39 Deaths
6 Suicides; 1 possible Suicide

RECEIVED
MAR - 7 2013
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
DEPUTY CLERK

March 4, 2013

Honorable Judge Lance Africk
500 Poydras Street
New Orleans, LA 70130

Attn:Jones v Gusman, No. 12-859

Dear Judge Africk,

My name is Donna M. Gauthier. I am a retired federal employee. I am also the fiancée of Commander William Wesley Goetzee (Bill) who died in OPP on August 7, 2011 while he was waiting to appear in federal court. Although it has been almost 20 months since Bill's death I am still struggling with the reality that he is dead.

Along with other families who have lost loved ones in the jail I have sent you a letter asking that you approve the consent decree. There is also a brief description about what happened to Bill attached to that letter. I will try not to repeat myself in this letter, but I wanted to write to you personally to try to describe to you what this terrible incident has meant to me and my family.

Bill was a good man. His family, as well as my family, loved and depended on him. He was a Commander in the U.S. Coast Guard and received many commendations for his service to the nation including recognition for his work during the Katrina and the BP Oil Spill disasters. He had a promising career as a federal Coast Guard employee and was considered an expert in his field. He was an active, productive, law-abiding member of the community.

The incident that led to Bill's placement at OPP was caused, I believe, by mental stress and exhaustion brought on by over-work, sleep deprivation, and medications prescribed after a serious car accident. It is a sad commentary on the state of medical care in our City that Bill ended up in jail in the first place. He was ill and needed help. But once he got to the jail, the treatment he received was terrible. I believe that if Bill would have received the treatment he needed while being held in OPP he would still be alive today. Instead, he suffered terribly for days, alone, while none of us knew what he was going through. If the proper protocols had been in place and accountable, trained, reliable staff had just done their jobs, Bill would not have suffered and died.

I have been tortured and tormented every day and will remain tortured and tormented every day for the rest of my life knowing that Bill's death was a result of him being held in a poorly run facility, plagued by continued mismanagement and incompetence at every level. There are no indications that conditions at the jail will ever change. That is why I respectfully request that you take all actions necessary to compel the sheriff and the city to comply with the consent decree.

It is extremely important that Bill's death and the death of the other 39 individuals who died while being held in OPP since 2006, not be forgotten. I am pleading and begging that the consent decree be implemented immediately so no other family will have to endure the pain and suffering that I and my family and the other families have suffered.

The implementation of this consent decree means that we as a society will not tolerate injustice or discrimination and that we will hold our elected officials and appointed officials to the highest standard and we will not accept less. I am asking the court to require these officials to do the right thing and not allow stabbings, assaults, rapes, and unnecessary deaths to continue to happen on an almost daily basis.

The loss of Bill has been and will forever be the most devastating and tragic event that could have happened in my life. It has impacted my entire family. We will be forever trying to mend our broken hearts and we will be forever haunted by knowing that Bill did not have to die. We hope and pray that the court will make a difference and will promote the changes that are needed to prevent the unconstitutional treatment that has lead to the deaths of so many individuals at OPP.

Thank you for allowing Commander William Wesley Goetzee, as well as the other individuals who have died in OPP, to have a voice.

Very respectfully,

Donna M. Gauthier

WOMEN WITH A VISION

March 4, 2013

Honorable Lance Africk
(Clerk)
Attn. Jones v. Gusman
500 Poydras
New Orleans, LA 70130

Judge Africk,

I am writing to you as a concerned citizen and Social Worker in New Orleans, Louisiana and as a representative of Women With a Vision. I applaud the recent efforts of your colleague, the Honorable Sue Morgan, to ensure that the New Orleans uphold the consent decree applied to the Police Department. I sincerely hope you rule in favor of upholding the consent decree in all of its facets, particularly those that apply to the civil injustices committed by the New Orleans Sheriff's Department and the Orleans Parish Prison.

I serve as a community Social Worker and the Harm Reduction Coordinator at a local reproductive and social justice non-profit, Women with a Vision, here in New Orleans and have worked with the lesbian, gay, bisexual, and transgender (LGBT) and Sex Worker communities within the region. In this role, I have been exposed to the disproportionate mass incarceration and ill treatment of these populations and have witnessed the devastating effects such policies have upon our community here in New Orleans, particularly for women. Specifically, there have been approximately 40 deaths in the Orleans Parish Prison since Hurricane Katrina in 2005, the most recent occurring this past week. In regards to the LGBT community, there have been numerous reports of violence, abuse concerning gender and sexual identity, and sexual assault. These deaths and incidences have been the result of neglectful rehabilitative practices and cannot be tolerated any longer.

We, at Women with a Vision, urge you to uphold the consent decree and its implementation in Orleans Parish. Thank you for your support and please let us know if there is any further information you need or way we could be of assistance.

Sincerely,

Laura Pegram, MSW, LMSW, MPH
Harm Reduction Coordinator
Women with a Vision, Inc.
c/o 1001 S. Broad St. #217
New Orleans, LA 70125

WWAV
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#217
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U.S. MARSHALS

HONORABLE JUDGE AFRICK
(CLERK)
ATTN: JONES V. GUSMAN
500 POYDRAS ST.
NEW ORLEANS, LA 70130

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MAR - 7 2013
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
DEPUTY CLERK

March 7, 2013

Honorable Judge Lance Africk
U.S.District Court
500 Poydras Street
New Orleans, LA 70130

Re: Jones v Gusman, USDC No. 12-859

Dear Judge Africk,

My name is Margaret Goetzee Nagle. I am the sister of Commander William Wesley Goetzee who died in OPP on August 7, 2011 while he was waiting to appear in federal court.

I have sent you a letter, together with other families who have lost loved ones in the jail. There is a brief account of what happened to my brother attached to that letter. However, I also wanted to send a personal statement to try and describe to you what this experience has been like for me.

Even though he was a Commander in the U.S. Coast Guard, I always called my brother "Billy". At the time of his death in 2011, my relationship with Billy had become the most important relationship in my life. Our mother died when we were young. I cared for our elderly father, with Billy's help, until our father died. During that time and following our father's death, Billy and I became even closer. I always knew that I could count on Billy and he was always there for me. I am proud of all that Billy accomplished in his life and was looking forward to many more years of enjoying his company, his love and his support. In fact, in what turned out to be one of our last conversations, Billy and I had been discussing when my brother Eric and I would be able to come down to visit him and his fiance, Donna, so we could attend their wedding. Unfortunately, I never had the pleasure to see my brother get married. Instead, my trip was for his funeral.

Since Billy's death I have felt completely devastated. It is bad enough that Billy is gone. That loss alone has been terrible. But to know the way that he died makes me sick. And to know that it was all so unnecessary and avoidable, is simply unbearable. My brother was ill and needed help. Instead, he was made to suffer terribly in that jail. The people at the jail who were supposed to care for him, failed miserably. And I have no faith that they have learned anything from what happened to Billy.

I sincerely hope that you will do everything within your power to see that what happened to my brother Billy doesn't happen to another human being in that jail. I support the Consent Decree and only wish that there had been one in place, with court oversight and monitoring, long before Billy was put in that terrible place.

Sincerely,
Margaret Goetzee Nagle/dmg
Margaret Goetzee Nagle

March 7, 2013

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MAR - 7 2013
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
DEPUTY CLERK

Honorable Judge Lance Africk
U.S.District Court
500 Poydras Street
New Orleans, LA 70130

Re: Jones v Gusman, USDC No. 12-859

Dear Judge Africk,

My name is Tracy Barquet, Sr. My son, Tracy Barquet, Jr., died in Orleans parish jail (OPP) on August 7, 2010. I have signed the letter with some of the other families who also lost family members at the jail. I also wanted to write to you in person, as a father.

Judge Africk, to this day we still don't know what Tracy died of or what really happened to him in the jail. The coroner says that Tracy's death is "undetermined". We heard reports that Tracy was going through some kind of crisis and needed medical help but instead he was hit by the guards and put in a cell by himself. We were told that he was having some kind of delusions. We were also told that there were signs that he had a seizure. Tracy had no history of seizures. We were told that he was given medication in the jail that can cause seizures but no-one watched him.

We still don't know what was happening to Tracy before he died or what caused him to die. We have learned that there is no independent or outside law enforcement agency who even asks the Sheriff the necessary questions or does any investigation when someone dies at the jail, to make sure that there was no wrong-doing or improper treatment.

I have to ask, how would you feel if this was your son who died in the jail and no-one would tell you what really happened? We feel that Tracy was not treated right at the jail and that there are people responsible for what happened to him who are not being held accountable.

I am asking you to do whatever can be done to help us find out what happened to Tracy. This has been a horrible event in our lives and has caused a lot of pain to our family. Not knowing what happened has made everything worse.

I hope that a consent decree will make a difference and save other lives in that jail. However, we still want and need answers that we don't seem to be able to get. No family should have to go through what we have been going through.

Sincerely,

Tracy Barquet, Sr.

Tracy Barquet