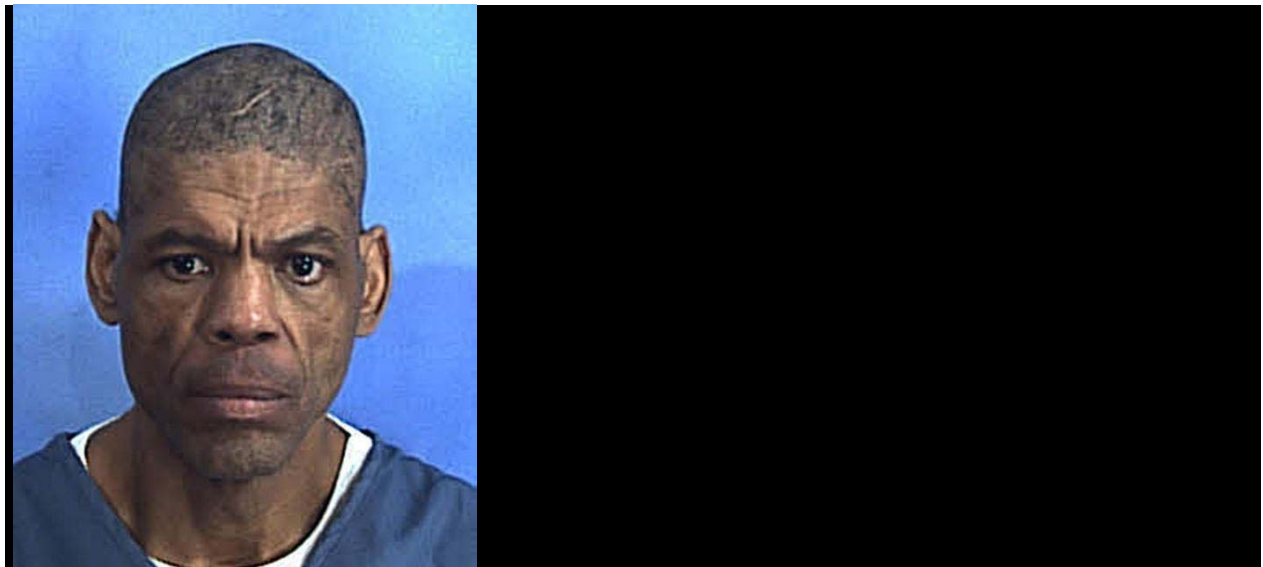


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Miami Herald

HERALD WATCHDOG

Behind bars, a brutal and unexplained death



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The purported details of Darren Rainey's last hour are difficult to read.

"I can't take it no more, I'm sorry. I won't do it again," he screamed over and over, according to a grievance complaint from a fellow inmate, as Rainey was allegedly locked in a shower with the scalding water turned on full blast.

A 50-year-old mentally ill inmate at the Dade Correctional Institution, Rainey was pulled into the locked shower by prison guards as punishment after defecating in his cell and refusing to clean it up, said the fellow inmate, who worked as an orderly. He was left there unattended for more than an hour as the narrow chamber filled with steam and water.

When guards finally checked on prisoner 060954, he was on his back and dead. His skin was so burned that it had shriveled from his body, a condition referred to as slippage, according to a medical document involving the death.

But nearly two years after Rainey's death on June 23, 2012, the Miami-Dade medical examiner has yet to complete an autopsy and Miami-Dade police have not charged anyone. The Florida Department of Corrections halted its probe into the matter, saying it could be restarted if the autopsy and police investigation unearth new information.

“They told people that he had a heart attack,” said a source close to the prison system with knowledge of the case.

The shower treatment was only one form of punishment inflicted by the prison’s guards to keep mentally ill patients in line, according to the inmate/orderly and two other sources privy to the goings-on at the state prison.

The inmate/orderly, a convicted burglar named Harold Hempstead serving a decades-long sentence, filed repeated formal complaints, beginning in January 2013, with the DOC inspector general, alleging that prison guards subjected inmates — housed in the mental health unit — to extreme physical abuse and withheld food from some who became unruly. The complaints were sent back, most with a short, type-written note saying the appeal was being returned “without action” or had already been addressed.

In September, another inmate was found dead inside his cell. Richard Mair, 40, hanged himself from an air conditioning vent.

According to the police report, Mair left a suicide note in his boxer shorts claiming he and other prisoners were sexually and physically abused on a routine basis by guards.

DOC officials declined to be interviewed for this story. A spokeswoman said Friday that the agency would provide public records in response to the newspaper’s formal written requests, but no comments.

Over the past several weeks, the newspaper has requested maintenance records, grievance logs, prison death records, guards’ disciplinary records and emails by administrators, including DCI Warden Jerry Cummings.

As of Friday, the agency had released a handful of documents: a single report about a prison guard admonished for falling asleep on duty last year; brief, coded disciplinary records for Hempstead, Rainey and several other inmates who Hempstead says were also subjected to searing hot showers as punishment; and a heavily redacted copy of the DOC inspector general’s report on Rainey’s death.

On Friday, the Herald learned from three independent sources that Cummings and four of his top aides had been temporarily relieved of duty last week.

It’s not clear why Cummings and other administrators were suspended, or for how long.

The DOC did not respond to an email query about the suspensions late Friday.

Rainey’s family, meanwhile, finds the silence surrounding his death disturbing.

“Two years is a very long time to wait to find out why your brother was found dead in a shower,” said Rainey’s brother, Andre Chapman.

Rainey, who was serving a two-year sentence for possession of cocaine, was scheduled to be released in July.

Numerous complaints

Between January and February 2013, Hempstead filed numerous grievances and complaints with DOC officials about Rainey’s death, all alleging that the circumstances were being covered up.

His reports, replete with the names of other inmate witnesses and prison guards on duty that evening, describe what he and others purportedly saw and heard that night. The details in his complaints match the wording in the inspector general's report — at least the parts not redacted.

The inspector general's report said that the video camera in the shower area showed DOC officer Roland Clarke place Rainey in the shower at 7:38 p.m.

Hempstead said the shower had sufficient room for an inmate to avoid a direct hit from the spray, but that the extreme heat would eventually make the air unbreathable as the scalding water lapped at inmates' feet.

Hempstead wrote that he and other inmates, whose cells are directly below the shower, began hearing Rainey's screams about 8:55 p.m. It went on for about 30 minutes before it sounded like he fell to the shower floor, he said in his complaint.

The DOC inspector general's report said Clarke found Rainey dead at 9:30 p.m. and called for medical assistance.

"I then seen [sic] his burnt dead body naked body go about two feet from my cell door on a stretcher," Hempstead wrote.

Miami-Dade homicide investigators were called to the prison.

But another inmate, a convicted murderer named Mark Joiner, wrote in a letter to the inspector general that he was ordered to "clean up the crime scene" prior to the area being secured.

Early in the week after the incident, maintenance workers at the prison disabled the plumbing that fed the shower, Hempstead told the Herald in an interview at the prison.

Despite all his written complaints, Hempstead was never interviewed by anyone from the prison system, he said. Another inmate was spoken to, according to the report. That's presumably Joiner, although the DOC will not divulge the name. The Herald is waiting for a transcript of that interview, which DOC officials said would be redacted of any information pertaining to an open criminal investigation.

As for the video camera in the shower area, the inspector general's report noted that it malfunctioned right after Clarke put Rainey in the shower. As a result, the disc that may have recorded what happened was "damaged," the report said.

The redacted report doesn't say how Rainey's body was found, whether the water was on or off when he was found or whether state investigators ever questioned any of the guards or nurses in the unit at the time of Rainey's death.

The union that represents the prison guards was not aware of the incident as of this past week. No record was provided to the Herald to indicate that anyone has been held accountable for what happened.

A suicide note

Mair was found hanging in his cell on Sept. 11, 2013. A braided rope, made from cut sections of bed sheets, was attached to the ceiling air vent and looped around his neck, according to a Miami-Dade police report.

Tucked into a pocket sewed into his boxer shorts was a suicide note in which Mair, serving life for second-degree murder, described a litany of abuses against inmates in the mental health unit.

“Life sucks and then you die, but just before I go, I’m going to expose everyone for who and what they are,” he wrote.

“I’m in a mental health facility...I’m supposed to be getting help for my depression, suicidal tendencies and I was sexually assaulted.”

He then goes on to allege that guards forced inmates in the unit to perform sex acts and threatened them if they filed complaints.

He said guards — identified by name in the note — gambled on duty, sold marijuana and cigarettes, and stole money and property belonging to inmates.

“If they didn’t like you, they put you on a starvation diet,” he wrote.

He also alleged that guards encouraged racial hatred by forcing white and black inmates to fight each other in the yard, claiming that the guards would place bets on who would win.

Mair’s next of kin was in prison in Maine and unavailable for comment.

There’s no evidence that the state inspector general’s probe into Mair’s death addressed any of the allegations in the suicide note.

The probe concluded that guards had been negligent in failing to adequately check on Mair the evening he killed himself.

Les Cantrell, state coordinator for Teamsters Local 2011 — the union representing the state’s 17,000 corrections and probation officers — said there has been a spike in prison complaints across the state. Employee turnover is staggering, he said, particularly among prison guards who are often forced to work long hours to compensate for officers they have lost and failed to replace.

“In general, we have a difficult time retaining good officers,” Cantrell said. “Assaults on officers have risen and inmates know they are short-staffed.

“It makes it unsafe for the officers and for the inmates,” he said.

The six-page inspector general’s investigation into Rainey’s death was completed in October 2012. DOC Inspector General Jeffrey Beasley closed the case, concluding there was not enough information to issue any finding.

“...the exact cause of death has not been determined by the Medical Examiner. Upon receipt of the autopsy report, it will be included in the investigative file,” the report said, noting that if “administrative matters” subsequently arise as a result of the autopsy, they will be addressed at a future time.

The report, which includes brief written statements by Clarke as well as other guards and nurses, has large passages that have been redacted — obscured with a black marker.

The Department of Corrections has not responded to requests from the Herald to provide the legal justification for each redaction, as required under the state’s public records law.

After Hempstead was interviewed at the prison by a Herald journalist on April 14, Miami-Dade homicide investigators also paid him a visit to interview him about the two-year-old case, he wrote in a letter emailed to Gov. Rick Scott last week through a family member.

According to the letter, three corrections officers, including a sergeant, responded to the visits by threatening to set him up with false disciplinary reports and to place him in solitary confinement if he didn't stop talking to the media and police.

He said he feared for his safety and wanted to be relocated to a different prison.

Last week, the Herald sought clearance to speak with Hempstead in the prison a second time after receiving a letter from him authorizing the return visit.

Jessica Carey, spokeswoman for the state Department of Corrections, responded that Hempstead "had a custody classification which prohibits interviews at this time."

When pressed further about whether he was being punished, Carey said she had made "a mistake" and directed a Herald reporter to fill out a visitation form.

Neither Miami-Dade police nor the Miami-Dade medical examiner responded to requests for information about the Rainey case. Each say his death is still an open investigation, but did not address why it has taken almost two years.