

## NEWS & FEATURES

### "Man Down!"

How a poorly trained staff at the D.C. Jail let an inmate die.

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By **JASON CHERKIS**

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#### Jones Drives for Layup

**Thomas Jones' jump shot** is no longer a thing of beauty. Watching him hoist the ball up and over his shoulders, two-handed, he looks like a forklift, the ball heavy in his hands.

Jones and another inmate had agreed to play a little one-on-one in the small indoor gym located just past the day room in Northwest-2 unit of the D.C. Jail. His opponent, Derrick Jones, would later tell officials they played three games. The first game went to 20. The next two went to 16.

It was Jan. 20, 2005, sometime after 9 p.m. Thomas Jones was 28. A fixed security camera takes in their game with a fuzzy, neutral eye on a recording obtained by *Washington City Paper*.

In the heat of the gym, both men eventually shrug off their orange jumpsuits. Derrick Jones opts to play in shorts and an undershirt. Thomas Jones will strip down to his boxers and T-shirt. Inmates stand around watching. A few sit on the floor. A guard pokes his head inside, says nothing, then wanders away.

The gym, divided by three blue-gray lines, is less than the size of a half court and features an unforgiving backboard. The two go easy on defense, playing winner's outs and a no-take-back rule on missed shots.

A few plays in Jones is still shaking off the rust. He is 2 feet from the basket; he shouldn't miss, but the ball hits the front of the rim and bounces right back. But before long he finds his way, gets streaky with his jump shot, and appears to win the first game.

Jones learned to play ball at the Randle Highlands

Elementary School courts, around the corner from his home at 1604 29th St. SE. His brother recalls that he was a jump-shot guy. At 6-foot-1, 220 lbs., 10 feet out was where he played best, where he felt comfortable.

Now, three minutes into the video, he stops and rests his hands atop his head and doesn't seem to mind that his opponent has gotten streaky with his shot, too.

At nine-and-a-half minutes in, he squats down, clutching the ball in his hands as if he's praying with it. He is 3 feet from the basket. He holds the ball just for a few seconds. Later, after another play, you can see



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dribble behind his back and show off his stutter step; his jumpers consistently swish.

But if you know what's coming, you start counting how many times Jones rests, squatting with the ball. He's up to at least a half-dozen breaks. He's still making shots.

And then there's just one more play.

Jones appears to wobble as he hands the ball back to his opponent. Derrick Jones dribbles out, way out to the entrance of the gym and fires a long ball. It goes in.

Jones gathers the ball and squats down against it.

An officer is chatting up a captain in the adjacent day room. Another officer is posted upstairs along a tier of cells. He will later admit he had only a partial view of the gym and didn't see anything. The officer-in-charge of the unit is manning the "bubble," or control room. He will later admit he was not watching the security feed from the gym at the time.

Derrick Jones was the only one who witnessed what happens next.

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### Jones Collapses

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Jones tries to stand up, stumbles about two steps backward, and then flops back, collapsing onto his back. The basketball dribbles away aimlessly.

Jones' arms fall above his head. His chest heaves in violent hiccups. Derrick Jones comes to his side and asks: "Man, are you all right?" He calls out for help, pointing at his friend. Later an inmate remembers the sound of Jones' arm dropping against the floor.



Thomas Jones, a father and a brother, stops being Thomas Jones. He has become a jail cliché: "man down." Jones took a complicated route to incarceration at the D.C. Jail. A raft of charges dating back to December 2003 led first to an extended stay at a halfway house. After catching a charge for escaping from the halfway house, he ended up in the jail in early October 2004. The following month, Jones pleaded guilty to the escape charge and simple assault, for crashing into a police car. .

The day before the game—Jan. 19—he stood before Superior Court Judge Lynn Leibovitz ready to receive his sentence. He thought he'd get time served and would be released that afternoon. He thought the embarrassment was punishment enough. He'd hit the cop car while on drugs. His brother and mother say he apologized to them profusely. *I'm not that crazy. I was high*, he told them.

The time inside, waiting for his sentencing, had been difficult. Jones told his mother he wasn't thug enough to tolerate his sometimes squalid living conditions. "It smells like do do in here," he wrote. "The cell [toilet] beside me keep overflowing. I'm in cell 70 and 68 and 69 cells keep flooding over and over do do and pee being in my cell. I keep telling them to move me but they keep ignoring me."

Leibovitz sentenced him to 16 months. There was nothing Jones could do but smile at his family in the courtroom and then return to Northwest-2.

Now he was on the floor, his body twitching with each pang from his chest.

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## Officer Arrives at Scene

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In this frame is Cpl. Elijah E. Daniels Jr., the first officer on the scene.

Daniels hovers over Jones for a second, turns around, and appears to be calling out to an unseen officer just beyond the gym's entrance. He turns around and again looks down at Jones, now motionless. He then stares up at Derrick Jones, then back at Thomas Jones on the gym floor.



In a deposition about this incident, Daniels recalls Jones' eyes were open. At one point, Jones is shown raising his right arm and brushing Daniels' hand. Daniels appears to pull back and look for other officers to help.

Daniels says that's all he believed he could do. He hadn't been trained in CPR since the '90s, when he was working in Lorton. Jail regulations require all corrections officers to be trained in emergency procedures, CPR, and first aid every year. They are also required to take "immediate life saving measures" until the medical staff arrive.

Daniels doesn't bend down to Thomas Jones' side and check to see if he's breathing. "That called for close examination," he stated. "And I'm not certified to do that."

Nor did Daniels check Jones' pulse. In his deposition, he explained his reasons: "You had to be a qualified medical person to be feeling for pulses."

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## More Officers Show Up

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**Daniels just waits out** the uncomfortable moment. Cpl. Dennis Stevenson and Capt. Nora Talley enter the gym. Stevenson walks straight to Jones' side. Stevenson, according to his deposition, tells Daniels: "I got this."

Stevenson remembers Derrick Jones speaking up, offering his own medical assessment of the limp inmate on the floor: "He's having a fit. He's having a fit."



Stevenson kneels down and inspects Jones' mouth. He takes out a set of latex gloves from the first-aid pouch clipped to his belt and puts them on.

Daniels still peers at Jones as if he's a science experiment. Stevenson then jars Jones' mouth. He thinks the inmate is having a seizure, although he admits in his deposition that he's had no formal training in identifying seizures. He says he saw a man convulse in a cell block once. About Jones, he explains: "This man was down and shaking."

Daniels stands over Jones while Stevenson keeps the inmate's mouth open.

Daniels can be seen motioning for Jones to be positioned on his side. He then yanks Jones' right arm with enough force to move the inmate. Stevenson makes sure to keep Jones' mouth open.

"All I'm getting is moans and groans," Stevenson recalls. "That's unresponsive. His body was responding, biting down on his teeth, on my finger, but he wasn't responsive. I got nothing from him."

The officer knew Jones. "Jones was a quiet guy," Stevenson says. "He was basically a loner. He liked TV, checkers, and he was a little bit of a joker. He liked to tell little jokes every now and then. He just was kind of a laid-back cat....A person like that sometimes can be a breath of fresh air because he wasn't no problem in there the whole time I knew him."

Jones didn't normally hang out in the gym, he says. "I saw that kid in there maybe three times trying to play ball, but not with the rough ones."

By the time Daniels gets Jones on his side, the inmate has urinated on himself. A pool spreads on the gym

floor. Derrick Jones holds Thomas Jones' arm and shoulder. "I didn't do a damn thing for him," he says in a recent interview.

Stevenson places his thumb in Jones' mouth. He concedes that he did not check Jones' pulse. "No, I had to treat for what I saw: a person having a seizure. The medical staff, they do that."

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## Standing Around

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**Capt. Talley had already made a call to the infirmary.**

Officer Grovetta Steatean was posted in the infirmary that night. She states in her deposition that she normally worked in a different unit but was transferred to the infirmary after an officer failed to show up. Her assignment that night is "sick call officer"; she's seated right in front of the nurses station.



In her deposition, Steatean says she believes she took the call on her radio, reporting it in the infirmary logbook at 9:56 p.m. The message was simple but vague: "medical needed at Northwest 2 ASAP."

Steatean believes it was a captain on the other end. After taking the call, she recalls in her deposition that she yelled out the message to the medical staff.

None of the medical staff answer her shouting. Steatean notes in her logbook and states later that the staff "had the radio playing in the back....They were playing music....I can't say whether they heard me."

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## Officer Makes Cell-Phone Call

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**They are waiting**, unsure of what to do with the man on the floor.

Daniels, Stevenson, and Talley are joined by Sgt. Angelo Logan, who had heard about Jones while in another unit and decided to wander over.

Daniels puts on his rubber gloves. He still doesn't touch Jones, beyond yanking his arm to move him to his side. Logan wanders over to stare at Jones, then joins Talley in a conversation. At times, they have their backs to the man on the floor. Stevenson still has his thumb in Jones' mouth. The other inmate is still sitting there.



Jones doesn't appear to be moving..

"Are you all right?" Stevenson remembers Daniels asking him. "You got him?"

"I'm all right," Stevenson says he replied. Stevenson thinks he felt a pulse from Jones, though he fails to note this in his report.

More inmates wander in for a look. Daniels appears to order them out. He then leaves the gym, still wearing his rubber gloves.

During this time, Capt. Talley makes a call on her government-issue cell phone.

And then another.

And then another.

"The COs were acting like they didn't know what to do," recalls Norman Poteat, a former inmate who was in the unit at that time. Another former inmate who was there says that "during the entire process, the COs were coming from other units, and they just were standing, watching with us." Both inmates shared their recollections in letters to *Washington City Paper*.

In his deposition, Sgt. Raul Rivero says he called the infirmary from inside the Northwest-2 bubble and told a nurse: "Look. We need you. We got a man having a seizure."

Rivero said another officer told him Jones was having a seizure. He says he's had no training in identifying the signs and symptoms of seizures or cardiac arrest. Nor has he been certified in basic lifesaving or first-aid techniques. "I don't know what you are talking about, but I'm telling you I have not had that type of training," he says.

Eventually Rivero says he, too, called the infirmary again. It had been about seven minutes since his first call. "I said, 'We are waiting. There is a man down.'" The infirmary staffer told him: "We are going down."

On this particular shift, Talley is the highest-ranking official on duty. In her deposition, she says she made two calls to the infirmary to get them to respond to Jones.

Eventually, Talley and Logan step away from Jones and have a conversation. At two points during their talk, Talley appears to be laughing.

Were the guards getting nervous? "I prefer not to comment on that," says one officer who was in the gym that night. "I don't want to jeopardize the agency."

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### Jones is Loaded onto Gurney as Officer Makes Another Call

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**When the medics still haven't arrived,** Talley gets on the phone again. In that night's shift report, the entry reads: "10:10 p.m. Capt. Talley notified Command Center that there's a medical emergency in NW-2. Inmate Jones....Medical Nurse Vincent was instructed to report to NW-2."

There's a clear discrepancy about who showed up when.

At 10:16, the shift report records that Talley ordered all movement to the infirmary stopped. In her deposition, she explains that she made the order because Jones had just left the gym and was being rushed to the infirmary.

Later, Talley would sign off on these log entries.

But in her written account of what happened that night, she disputes them. In her deposition, Talley records the time of the emergency at approximately 9:57 p.m. and the medics' arrival at 10:05 p.m. She says these are the times that are correct because she wrote them down on a "scrap of paper that I may have had in my pocket" so that she would have it handy when she wrote the report. She could not produce the piece of paper.

Daniels also recorded in his unit's logbook that the medical staff were called at 9:57 p.m. and arrive at 10:05 p.m. He fails to note that he recorded this after the incident.

When asked to explain the accuracy of this account, Daniels replies in his deposition: "I look at my watch quite often....I look at my watch a lot....When someone calls my attention to something, I look at my watch, because I may at any given time be required to write an accurate, precise report."

In their unit's own logbook, where the COs have to record every event from the mundane to the out of the ordinary, there is another item concerning the timeline. Under "late entry," the officer in charge of the unit, Rivero writes he first heard of the medical emergency in the gym at 9:50 p.m. and that medical staff arrived at 10:05 p.m. Two other officers back up Rivero's account in their written statements and depositions.

When asked about the discrepancy between his account and the accounts of Daniels and Talley, Rivero states in his deposition: "Something might be wrong in this case."



The jail's regulations stipulate the maximum response time between the emergency call and medical personnel's arrival is four minutes. The government's lawyers argue in court records that it takes nine minutes to respond to Jones.

When a doctor and nurse finally appear, they are not carrying a portable defibrillator machine, nor do they perform CPR while Jones is lying on the gym floor.

A nurse waves an ammonia capsule under Jones' nose.

A doctor checks Jones' pulse.

Stevenson still has his thumb in Jones' mouth.

According to medical records, the doctor finds Jones unresponsive and without a pulse.

"Step out of the way," Stevenson recalls someone telling him. "We're going to move him on the gurney."

Stevenson, Derrick Jones, and another inmate grab different parts of Jones and jerk him onto the gurney brought in by the medical staff. They strain to turn him face up, and the doctor helps place Jones' hands at his waist before starting to wheel him away.

Derrick Jones retrieves the lifeless inmate's orange jumpsuit and hands it to the doctor. The doctor plops it onto the gurney, partially covering Jones' head, and Jones finally leaves the gym.

"We started to curse out the medical staff as well as the COs. That could have been one of us," former inmate Damion Bannister writes in a letter about the incident. The COs' seemed to take it "for a game," he says, "then they realize that it was serious and failed to perform CPR....So all they kept saying is wait for medical. But medical responded too slow."

In their reports of the incident, the medical staff describe their response as "immediate" and report that CPR was conducted on the way to the infirmary.

Talley, in her own report, does not mention whether CPR was performed on Jones immediately following his exit from the gym.

"The only treatment I saw when the man left the gym, the doc was doing something on the gurney near where they were taking him out," Stevenson said. "It could have been CPR. I don't know what he was doing, but he was doing something."

The jail has cameras that would have recorded what if any treatment Jones received after exiting the gym. The corrections department declined to make them available. A spokesperson said doing so would "breach the security" of the jail.

## Staff Wheels Jones Out, Blocks Gym Entrance with Police Tape

In the days leading up to Jones' collapse, the guards had plenty of practice in medical emergencies. From Jan. 1 to Jan. 19, 2005, there were 14 instances in the logbook where an inmate didn't receive prompt medical attention or was not given meds on time.

- On Jan. 5, at 12:35 a.m., an inmate had an officer call the infirmary after he started having chest pains. The infirmary told the officer to "Call the unit when they were not so busy."

- On Jan. 14, at 11 p.m., an inmate complained of a sore throat and chest pain "where a Bullet is." The nurse at the infirmary told the officer on the phone that the inmate needed to fill out a sick-call slip.

- On Jan. 18, at 5:15 p.m., an inmate came forward with "massive pains from two (2) boils." Another inmate "complained of drastic cold congestion & having chills." Again, the nurse at the infirmary instructed the officer to have them sign up for sick call. More than an hour later, the inmate with the boils was "still complaining of the discomfort." The officer noted in the logbook that the day shift would be informed. There was no expectation that the inmate with the boils would be seen for the next six to eight hours.

It is unclear whether a working first-aid kit or functioning thermometer would have helped these inmates or the others who complained of a cut finger, a sore hand, or more chest pains. But in those first 19 days in January, the first-aid kit was compromised or "unsealed" 16 times and the thermometer was listed as busted 15 times. The kit and thermometer were also listed as broken or unsealed hours before Jones collapsed. Rivero stated in his deposition that the equipment would have remained broken because the infirmary often balked at fixing these items: "It was not done. I'm telling you now."

But none of the above inmates, according to the logbook, died from their wounds. They suffered through the endless sick calls, the long waits, and not knowing whether to worry about coughing up blood. The guards just waited with them, ignoring their own regulations and recording the inmates' misery in the book.

On Jan. 20, that wasn't good enough for the inmate who died.

Once he finally arrived at the infirmary, Jones was successfully intubated and had "chest expansion" but still no cardiac activity, medical records show. Officer Steatean, who was stationed at the infirmary and could observe medics working on Jones, says she did not see a defibrillator used. A nurse reported in her records, however, that one was used at some point.

At 10:24 p.m., paramedics arrived at the D.C. Jail, according to Department of Corrections (DOC) records.

Eighteen minutes later, Jones was transported to Howard University Hospital, where he was pronounced dead a short time later. In the hospital's records, doctors noted prominently that Jones had been down for more than an hour before he arrived at Howard.

An autopsy by the medical examiner revealed the cause of death as cardiac arrest. There was no evidence that he had a seizure.

Before this incident, Jones had been used to the slow response to medical problems. He had complained of a toothache for months before it was fixed. The same went for old injuries on his arm. His mother says she ended up calling the jail about a dozen times to complain.

His former fellow inmates knew Jones as a guy who always talked about his family. He had a daughter, and he cared for a boy as if he were his own. He wrote and called his family often, lamenting the jail's conditions



and despondent about all the time he was missing with them. But mostly he just counted the days he had left before he could return home.

His 6-year-old daughter Jamie recalls the last of their telephone calls. "I said, 'When are you coming home?'...I don't remember what he said. I think three weeks or five weeks, he said. Do you know when he said he was coming home?"

All of the officers who responded to Jones in the gym wrote up "significant incident/extraordinary occurrences" reports. Sgt. Logan took pictures of the gym. Stevenson described sticking his thumb in Jones' mouth. By the time Daniels wrote up his report, he had given Jones a diagnosis of "Gran Mal seizure."



*Thomas Jones and his daughter, Jamie (Family Photo)*

And then the incident simply slipped into memory. Those who were there had other things to deal with. They had to take the next count, schedule showers, record the number of food trays going into and out of cells.

Stevenson was mystified that no one spoke to him about the incident, that people seemed to even shun him. He thought he did good that day and deserved some recognition: "They treated me like I had the measles. No one said nothing. No one never said 'Thank you' to me."

Douglas Sparks, Jones' family attorney, filed a Freedom of Information Act request on Feb. 2, 2005, for "all materials and documents" surrounding Jones' death. The department claimed that the incident was under investigation by its internal affairs office and delayed fulfilling his request. Jail officials waited a year and a half before turning over the gym video to Sparks.

In her deposition before Sparks, Wanda Patten, head of internal affairs, stated that no such investigation ever took place regarding Jones' death. None of the officers stated in their depositions that they had been questioned by anyone following the inmate's death.

If the DOC had bothered to ask questions about what happened that night in the gym, it would have found that the officers ignored emergency procedures from the moment Jones fell to the floor.

When Jones was found in the gym, Talley called the infirmary. Jail regulations stipulate that the "employee making the call shall give all necessary information to the nurse or physician." Talley admitted in deposition that she did not speak to a nurse or physician. Nor did she relay any description of Jones.

After another officer—Rivero—incorrectly told the infirmary that Jones was having a seizure, the medics, at least at first, were simply not able to grasp the urgency of the situation. Although their required maximum response time is four minutes, they arrived in roughly double that time. When they finally got to the gym, they did not bring a portable defibrillator, several of which are located in the infirmary and throughout the jail.

Like the medics, COs are subject to four-minute respond-and-assist requirements. But while the officers waited for the medics, they failed to follow the regulations concerning CPR and basic lifesaving techniques: "The assigned officers are to take immediate life-saving measures as required through CPR training until medical staff arrives and relieves them."

All of the officers at that time were required to be trained every year in CPR and basic life support. None of them had been. DOC documents showed that Stevenson signed up for a CPR/first-aid class in 2003, but there is no record of him being certified, nor was the instructor listed on the sign-up sheet.

In 2005, only 22, or 2.9 percent, of COs received CPR and first-aid training, according to DOC spokesperson Beverly Young.

Since then, Young says, the department has made a concerted effort in getting its officers CPR training. About 83 percent, or 540 officers, were trained in 2006. Young says that every officer who has taken the course has passed, although they have yet to be officially certified.

Nila Ritenour, head of the officers' union, says the course is "like being certified to baby-sit" and doesn't address the complexities of a jail setting, including what to do if an inmate is found hanging. Nor does it go into detail on how to handle seizures.



“It’s supposed to be mandatory,” Ritenour says. “They only do what they have to do. Just like CPR. They try to get people through....I can’t see an officer saving an inmate.”

It is not apparent that Stevenson, Daniels, or Talley either received such training or retained it. In their depositions taken this year, they all showed rudimentary or no knowledge of proper CPR and basic life support.

Daniels gave his definition of CPR: “If you’re laid out there, well, what I can remember is you look at the person, see if they’re breathing or not. Shake them, talk to them. If they’re unresponsive, then you initiate CPR if you are so certified and trained.”

Stevenson conceded that he’s had no training in recognizing the signs and symptoms of cardiac arrest. He did not know what a defibrillator was: “That’s the big bulb where you assist people to breathe. Yeah, I know what that is.”

To which Sparks replied: “It’s actually an electrical shocking device for cardiac.”

“Not that, no,” Stevenson stated. He later said he had no training on the machine and hadn’t seen one in the jail.

In her deposition taken this past February, Talley was asked specific questions about CPR before finally admitting: “I probably need a refresher course....It’s been a while since I had [training].”

In a motion filed in Superior Court in August 2006, the government’s lawyers argued that the videotape showed that “guards come in and CPR is performed.”

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