

# POLITICS & THE NATION

## Report: Mentally ill prisoners abused

BY SARI HORWITZ

In jails and prisons throughout the United States, correctional staff have sprayed mentally disabled prisoners with painful chemicals, shocked them with electric stun weapons, and strapped them for days in restraining chairs and beds, according to a report that will be released Tuesday.

In its 127-page investigation of mostly state and local prisons, Human Rights Watch details incidents in which prison workers have used unnecessary and excessive force against prisoners with mental disabilities.

In one case in the report, "Callous and Cruel: Use of Force Against Inmates With Mental Disabilities in U.S. Jails and Prisons," staff members at a California prison used pepper spray on a prisoner about 40 times and threw four pepper-spray grenades into his cell after the man, who claimed to be "the creator," resisted being removed.

"Jails and prisons can be dangerous, damaging and even deadly places for men and women with mental-health problems," said Jamie Fellner, U.S. program senior adviser at Human Rights Watch and author of the report. "Force is used against prisoners even when, because of their illness, they cannot understand or comply with staff orders."

Fellner said that no national

data is available on the scale of the problem in the nation's 5,100 jails, and state and federal prisons, but her group found that prison staffers have broken prisoners' jaws, noses and ribs and left them with lacerations requiring stitches, second-degree burns, deep bruises and damaged internal organs.

In some cases, she said, the amount of force the staff has used has led to the deaths of mentally ill prisoners, such as 35-year-old Christopher Lopez.

Lopez, suffering from "schizoaffective disorder, bipolar type," was found lying face down on the floor of his cell at 3:30 a.m. March 17, 2013, by workers in a Colorado prison. He was barely able to move, according to the report.

Instead of calling for medical help or taking him to the prison clinic, officers handcuffed him, fastened the cuffs to a belly chain, shackled Lopez's ankles and chained him to a "restraint chair." When prison staff removed Lopez from the chair a couple of hours later and left him on the floor, still in restraints, his breathing was labored, the report said. In a graphic video, Lopez can be seen having a seizure.

"It was clearly audible and visible from where all the guards were, and no one lifts a finger to help him," David Lane, the attorney for Lopez's family, said in the video. He died at about 9 a.m. from hyponatremia, a blood con-

dition that is treatable with prompt medical attention.

"Prisoners with mental illness are more likely to have disciplinary problems, to wind up in solitary confinement and to be subjected to use of force by corrections staff," said Eldon Vail, former Washington state secretary of corrections.

Deborah Golden, director of the D.C. Prisoners' Project, which represents D.C. inmates in federal prisons, said that the largest number of requests for assistance involve issues revolving around inappropriate mental health care or use of force against mentally ill inmates.

Human Rights Watch recommends that officials reduce the number of inmates with mental disabilities confined to prison by increasing the availability of community health resources and access to programs that divert offenders out of the criminal justice system and into treatment. The group also calls for improved mental health services that address the needs and vulnerabilities of mentally ill prisoners.

"Custody staff are not trained in how to work with prisoners with mental disabilities, how to defuse volatile situations or how to talk prisoners into complying with orders," Fellner said. "All too often, force is what staff members know and what they use."

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### DIGEST



MIKE STONE/REUTERS

A young boy rests his head in his hands in front of the wreckage of a tornado-ravaged house in Van, Tex.

### WEATHER Tornadoes kill 5 in Texas, Arkansas

Emergency responders searched through splintered wreckage Monday after a line of tornadoes battered several small communities in Texas and Arkansas, killing at least five people, including a young couple who died trying to shield their daughter from the storm.

Michael and Melissa Mooneyhan, in their late 20s or early 30s, died when a twister hit their mobile home late Sunday in the Arkansas town of Nashville. The trailer flipped over and "exploded," Howard County Coroner John Gray said.

The girl, who is about 18 months old, was taken to the hospital and later released to relatives.

In Texas, two people were killed and 50 to 100 homes were damaged or destroyed in the rural town of Van, about 70 miles southeast of Dallas. Scores of others were hurt, some critically.

—Associated Press

### HEALTH Fewer barriers to preventive care

From contraception to colonoscopies, the Obama administration on Monday closed a series of insurance loopholes on coverage of preventive care.

The Department of Health and Human Services said insurers must cover, without co-pays, at least one birth-control option under each of 18 Food and Drug Administration-approved methods. Also, insurers are not allowed to charge patients for anesthesia in connection with colonoscopies to screen for cancer risk.

President Obama's health-care law requires most insurance plans to cover preventive care at no additional charge to patients. That includes employer plans serving about 3 in 4 workers.

—Associated Press

**Zimmerman shot at:** George Zimmerman, who was acquitted of murder charges in the 2012 shooting death of an unarmed black teenager in Florida, suffered a mi-

nor wound after being shot at in his vehicle in Lake Mary, Fla., a suburb of Orlando, on Monday. Zimmerman did not fire a gun in the incident, according to police. Police said the other man involved, Matthew Apperson, had previously accused Zimmerman of threatening to kill him during a September 2014 roadside dispute.

**N.Y. Senate leader quits:** Dean Skelos (R) resigned from his position Monday as leader of the New York state Senate after his arrest on federal corruption charges and was quickly replaced by another Long Island lawmaker.

**Woman spared death penalty in granddaughter's death:** An Alabama woman convicted of murder for running her 9-year-old granddaughter until she collapsed and died was spared the death penalty Monday when a judge sentenced her to life in prison without the possibility of parole, a court official said. Joyce Garrard, 50, was convicted in March in the 2012 death of Savannah Hardin.

—From news services

## White House pushes for bill limiting NSA on phone data

BY ELLEN NAKASHIMA AND MIKE DEBONIS

The Obama administration is urging lawmakers to pass a bipartisan bill that would end the National Security Agency's mass collection of Americans' phone records, an effort that has been boosted by a federal appeals court's ruling last week that the program was unlawful.

The White House's support for the USA Freedom Act, which preserves the government's ability to obtain more limited amounts of records, comes as the House is expected to pass it on Wednesday. That sets up a showdown in the Senate, where Majority Leader Mitch McConnell (R-Ky.) is backing another bill that would maintain the NSA program of mass collection and renew it through 2020.

The attorney general and the director of national intelligence are expected to issue soon a letter of support for the USA Freedom Act, saying that they do not think it will undermine national security while its proposed reforms will enhance Americans' privacy.

There is a sense of urgency because time is running out for Congress to act on the issue. If lawmakers fail to pass a bill by June 1, the bulk collection of Americans' phone records will automatically expire. The Obama administration has concluded that the USA Freedom Act is the best opportunity to maintain the government's power to obtain records of terrorist suspects with some measure of speed.

"Last week's judicial decision just underscores the need for Congress to take action now, so that these important national security authorities are not subject to continued uncertainty," said National Security Council spokesman Edward Price.

The administration has long contended that the collection program was lawful. But after its existence was leaked in 2013 by former NSA contractor Edward Snowden, the public outcry forced President Obama to call for an end to the agency's collection of so many records while seeking a way to preserve its access to the ones it needs. The government would serve a court order on phone companies for data on specific numbers or other "selection terms."

The original program was begun in secret by the George W. Bush administration after the September 2001 terrorist attacks. The NSA collects from major U.S. phone companies all records of customers' phone calls and their lengths and times, but not the content.

McConnell has support from the most hawkish members of his party conference, such as Sen. Marco Rubio (R-Fla.), a presidential candidate who defended current practices in a USA Today op-ed Monday.



DREW ANGERER/GETTY IMAGES

Senate GOP leader Mitch McConnell (Ky.) supports a renewal of the mass collection program, putting him at odds with the White House.

But most analysts say that McConnell's bill is likely to fail. Other Republican senators, including Rand Paul (Ky.), also a presidential candidate, and Mike Lee (Utah), want curbs placed on the NSA's surveillance authority. Paul has said that he would filibuster any bill that extends that authority without reforms. Sen. Ron Wyden (D-Ore.) has vowed to do the same.

On Monday, Minority Leader Harry M. Reid (D-Nev.) urged McConnell to bring the House bill to the floor, saying it would be "irresponsible" to extend the current statute in light of the court ruling. "How can you reauthorize something that is illegal?" he said. "You can't. You shouldn't."

Some former officials said that McConnell should take note of the modest value of the program. "How far out on a limb do you want to go for a program where the value is limited?" said one former national security official, who, like several others interviewed for this story, requested anonymity to speak candidly. "I'm not going to say it's nonexistent, but the value is limited."

The statute authorizing the program is known as Section 215 of the USA Patriot Act, which requires that records sought by the government be "relevant" to an authorized investigation to protect against foreign terrorism.

On Thursday, the U.S. Court of Appeals for the 2nd Circuit in New York ruled that the program violated the statute because the government's collection of "all" call detail records by major U.S. phone companies cannot be said to be relevant to any particular investigation. Such an "expansive concept of 'relevance' is unprecedented and unwarranted," said the opinion by a three-judge panel of the court.

Both the Bush and Obama administrations have argued that the statute indeed contemplates such broad collection. And nearly 20 judges from the secretive Foreign Intelligence Surveillance Court have agreed over the years.

But given the Obama administration's goal of seeing the USA Freedom Act pass, the ruling is a

boost. "It provides them the ammunition to say, 'Look, if you want this [program] and you think there's any value to this, this seems to be the legal way to do it,'" said the former national security official.

Some current and former intelligence officials are meanwhile expressing chagrin with the appeals court ruling, which declared the program illegal three weeks before the statute expires and then did not, as the former official said, "put their money where their mouth is" and issue an injunction to halt it.

"Everyone is angry and frustrated because I think there's a sense that the opinion was a last-ditch attempt by three judges to insert themselves into the debate with nothing more than an advisory opinion," said a former intelligence official. "This was just a purely political opinion and goes way beyond what judges are allowed to do."

But former judge Patricia Wald, who served 20 years on the U.S. Court of Appeals for the District of Columbia Circuit and is a member of the executive branch watchdog Privacy and Civil Liberties Oversight Board, said such action is not unusual. She said that the New York appeals court's decision not to issue an injunction at this point is more "an act of judicial restraint."

In its ruling, the New York appeals court also rejected the government's argument that Congress ratified the program by twice reauthorizing Section 215, noting that many members and the public were unaware of how the legislation was being interpreted. But that argument has come under fire in recent days from current and former officials who say that senior national security officials held many briefings for lawmakers on the program.

"They didn't all show up," said a second former intelligence official. "But all the members had every opportunity to review the pleadings and come to meetings to hear how 'relevance' was being interpreted."

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## Let's Be Clear on the Bipartisan Seven Year "Governing" Record in Washington on Transportation Investment

- **FAILING** to permanently address the Highway Trust Fund's chronic cash flow problem **FIVE TIMES** since 2008.
- Borrowing over \$50 billion that **FUTURE GENERATIONS WILL HAVE TO PAY** just to maintain current highway and transit program funding.
- **CREATING SO MUCH UNCERTAINTY IN THE MARKETPLACE WITH 32 SHORT-TERM PROGRAM EXTENSIONS** that every year state transportation departments have to cancel or delay scheduled projects, **JEOPARDIZING PRIVATE SECTOR JOBS** and making capital investment and hiring decisions more risky.
- **PLAYING POLITICS AND REFUSING TO MAKE A HARD DECISION** on well-established and understood user fees because it might be "unpopular."

It's time to honestly explain the federal transportation investment situation to the American people and ask for their help in solving the nation's mobility problems.

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Stop the phony "pay fors," political preconditions and procrastination.  
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