

SENATOR RUBEN DIAZ
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October 8, 2009

Hon. Joseph Fisch
State Inspector General
Empire State Plaza
Agency Building 2 16th Floor
Albany, NY 12223

Sent via Fax:
(518) 486-3745

Dear Inspector General Fisch:

Attached is a letter I just received by inmate [REDACTED] who is currently incarcerated in the Gowanda Correctional Facility. [REDACTED] is alleging that he was physically and sexually abused with an umbrella by the facility's [REDACTED] supervisor and two Department of Corrections employees on September 28, 2009.

[REDACTED] has chosen not to eat so that he will not have to use the bathroom. His rectum and his stomach still hurt from the assault. He is in need of medical attention. He is also in need of protection from possible retaliation for having written this letter to me.

These allegations are serious and criminal. If true, they represent the basest of treatment for another human being. The fact that he was in custody and handcuffed when the assault took place further exacerbates the charges. I am requesting that he be interviewed immediately by your office and have him seen by the medical staff under your supervision.

I expect to receive your office's report directly, and will be releasing a copy of the attached to the press to insure that the public understands our mutual concerns.

Sincerely,

Senator Ruben Diaz

C: Commissioner Brian Fischer, DOCS
Press

[REDACTED]

Gowanda CORR. FAC.

P.O. BOX 311

Gowanda, N.Y. 14070

OCTober 1, 2009

Mr. Ruben DIAZ SR.
SENATOR 32ND DISTRICT
1733 EAST 172ND STREET
Bronx, New York, 10472

Dear Senator DIAZ. —

This letter is to respectfully request your Attention - and Assistance to An Emergency issue that just occurred on 9-28-09 unfortunately it took me this long to posses your Address because I'm currently in the Box At Gowanda Corr. fac..

Sir I was physically / sexually violated with an umbrella by the [REDACTED] Supervisor - Mr. [REDACTED] and two D.O.C.S Employees.

I was scheduled to report to programs at 3:20pm, when I got there, [REDACTED] instructor Mr. [REDACTED] told me to come into his office. I was told by [REDACTED] that his - Supervisor is on his way to personally deal with me. At Approx. 3:40 ~~and~~ instantly demands that I go into the office - he tells me: "What the hell is your problem."

(2)

and I responded saying; "I will not sign the documents that will hold me responsible for using tools etc. because I have a condition which is Carpal tunnel Syndrome and because of it, its likely that I could hurt myself.

He then started yelling at me telling me that: "I better sign the papers and get to work; that I've been getting away with bloody murder for two goddamn weeks". I finally stated: no! that I will not sign. — and so he shoved me out of the office and told the C.O. to call the Sergeant I was then removed and taken to the other side of the basement — where there was nobody around.

The Sergeant, Mr. ~~████████~~ and Corrections officer "John Doe" was present and I was handcuffed from the back face forward up against the wall. ~~████████████████~~ at this time was yelling at me saying: "you don't know where you're at huh — you think that you can do what you want — up here you do what we say or we'll fuckin kill you, you get me boy."

I was told not to dare look back; my pants were falling because I don't have a belt — I slowly reached to pick my pants up! and quickly I was hit in the back with the umbrella by Mr. ~~████████~~. As I was standing facing the wall Nervously — I suddenly felt the cold tip of the umbrella at my hip section working its way down with the boxers — after the boxers went down I heard the C.O. tell Mr. ~~████████~~ that's enough with a smirk — but he was gently touching my butt with the tip of the umbrella — I made a slight move and I was then

(3)

instantly glued to the wall and at that time that's when I felt the tip of the umbrella being shoved into my rectum. I yelled and shoved and the officer or sergeant yelled out ~~what~~ "what the fuck you're doing". he said, "fuck him he's going to the box any-way, he knows not to say a thing - if he does ain't knowone listening to him up there."

I was threatened with bodily harm and death if I mentioned anything that happened, that I wouldn't eat or sleep.

Now I'm having stomach pains and Rectal tunnel pain from the assault, I haven't eaten because I don't want to use the bathroom - my rectum hurts when I cough.

I don't trust the food in here nor the medical staff - I fear for my life; I believe I'm in great danger and I would like to press charges on the individuals who assaulted me.

I need an "Inspector General" to come up in here and take pictures and to supervise an Rectal examination

The medical department here failed to give me adequate and effective medical care.

I've signed up for sick call three times and still haven't seen a doctor - a whole month here.

- loss of hearing
- Chronic back pain
- perminate migranes
- Carpal tunnel syndrome (Nerve damage)
- (Shoulder, stomach and now Rectal tunnel pain)

Please be careful how you handle this
because these officers work together.
and I really fear for my life.

I Also told Mental health about this
because they are the only ones who can't
share information.

Thank you for your time in this urgent matter
God bless.

Sincerely

A large, dark, scribbled-out area representing a redacted signature.

CC: ~~XXXXXX~~ file