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THURSDAY

Lawsuit against Lehigh County Prison over inmate death alleges pattern of abuse

Alphie Herrera was second Lehigh County inmate to die after guards used restraint chair

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Of The Morning Call

The family of a Lehigh County Prison inmate who died in February after being restrained by guards alleges in a federal lawsuit the county's pattern of indifference to prisoners' rights led to his death.

Alphie Herrera, 39, struggled with corrections officers who were trying to help him after he went into an epileptic seizure in his cell Feb. 27.

The officers' use of handcuffs, a hood and a restraint chair to subdue Herrera constituted excessive force and caused him to become unresponsive and stop breathing, the suit says. Herrera died the next day at Lehigh Valley Hospital.

At least one other Lehigh County prison inmate has died under circumstances similar to Herrera's death, the suit notes, and it claims that the prison had a "custom, pol-

icy and practice" that allowed physical abuse of inmates by corrections officers.

"On its face, this is obviously something that should not happen," said attorney Christopher Culleton, who represents Herrera's family. "They loved their father. It's a big family. They were very close and they're traumatized by what has happened and they're looking for answers."

The suit also alleges violations of Herrera's rights to equal protection under the law and to be free from cruel and unusual punishment. It seeks damages for wrongful death and survival in excess of \$150,000 on behalf of Herrera's three sons. A survival action seeks to benefit a dead person's estate, while a wrongful death action is intended to benefit certain survivors, such as parents, children or a spouse.

Earlier this year, relatives of David Campbell filed a suit in county court against a number of corrections officers and PrimeCare

Medical, the county's prison health care services provider, alleging excessive force involving a restraint chair caused his October 2011 death.

County officials declined to comment on the latest filing and said there was no wrongdoing on the part of prison officials in Campbell's death.

Officers were trying to put Campbell, 25, in a suicide observation cell because of bizarre behavior when he resisted efforts to remove his clothes. According to the lawsuit, corrections officers used pepper spray, handcuffs and leg shackles to subdue him.

An officer delivered several blows with his knee to Campbell's back as he was restrained face down on the floor by up to eight corrections officers. The guards then transferred him to a restraint chair. Surveillance video shows that Campbell was in "obvious physical distress" and did not resist, the Campbell suit says.

"The common thread in these cases is a total disregard for human rights and the rights of prisoners," said attorney Tom Kline, who represents Campbell's family.

In both Campbell and Herrera's deaths, Lehigh County Coroner Scott Grim concluded that the cause was "excited delirium," a brain disorder that causes bizarre and aggressive behavior. In each case, the manner of death was undetermined.

District Attorney Jim Martin concluded this month that charges were not warranted in Herrera's death.

Lehigh County Director of Corrections Ed Sweeney said an internal investigation of Herrera's death found no administrative action was warranted against anyone in the prison. The use of the restraint chair is standard practice in the field of corrections, he said.

"Mr. Herrera's death has no doubt caused a great deal of sadness and frustration among his family and friends," Sweeney said. "However this assertion of impropriety on the part of the corrections department and corrections personnel are unfounded and untrue."

Lehigh County Solicitor Matthew Sorrentino said it is the county's policy not to comment on pending litigation.

The family of another dead Lehigh County prisoner is suing the county and PrimeCare. The suit in county court alleges Travis

Magditch, 27, of Fountain Hill, died in the prison Jan. 5, 2012, when he suffered an asthma attack in his cell. The suit alleges no one responded to his calls for help.

The county has filed objections to the claims in both the Campbell and Magditch suits.

Herrera was awaiting trial on retail theft charges when he died. His case became a cause for a prison rights in June when his family and friends joined members of International Workers of the World in a rally outside Lehigh County Prison.