



American Civil Liberties Union of Florida
4500 Biscayne Blvd., Ste. 340
Miami, FL 33137
(786) 363 - 2700

June 25, 2014

The Hon. Eric H. Holder, Jr.
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Attorney General:

We write to urge the U.S. Department of Justice to initiate an investigation of the death of Darren Rainey while in custody at the Dade Correctional Institute, and, more broadly, the treatment of mentally ill inmates in Florida correctional facilities.

It has now been more than two years since the horrible and grisly death of Mr. Rainey, a prisoner with mental illness, on June 23, 2012. Florida corrections officers locked Mr. Rainey in a closet-size shower stall at the Dade Correctional Institution (DCI), a facility of the Florida Department of Corrections (DOC), as a form of punishment. He was left unattended, and after approximately two hours with scalding hot water turned on at full blast (at temperatures that later measured as high as 180 degrees), Mr. Rainey was found dead – his skin separated from his body.

Other inmates have filed grievances with the Florida Department of Corrections Inspector General's office alleging that scalding showers had been used previously to control inmates.

Late last week, under mounting pressure, the DOC Inspector General announced that the Department would re-open its investigation, but only to focus on the use of showers, and in the words of DOC Secretary Michael Crews, to help "recognize mental illness...and to de-escalate incidents without force being necessary" -- in other words, not to investigate whether anyone should be held accountable for the death of Darren Rainey.

After two years, no one has been held accountable, and indeed it appears that no one will be held accountable for the death of Darren Rainey, unless an investigation is conducted by the U.S. Department of Justice.

The DOC Inspector General closed his investigation just four months after the death of Mr. Rainey. Miami-Dade police (DCI is located in south Miami-Dade County) deferred to the Medical Examiner to determine whether Rainey's death was the result of wrongdoing. But the Medical Examiner has said that he will release his findings only after the police investigation is completed.

The Miami Dade Police conducted no interviews, failing even to interview the nurse on duty at DCI that evening who examined Rainey's body. Key evidence, including the audio tape of the 911 call, was not preserved, which might have shed light on why there was a 20 minute delay in calling paramedics to the prison when Rainey's body was finally discovered.



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Compounding the almost deliberate avoidance of any investigation, the Miami-Dade Medical Examiner has declined to release the autopsy to either the public or the Rainey family. Despite the fact that the autopsy was completed 18 months ago, the family of Darren Rainey still has not been provided with the autopsy.

Darren Rainey's death is one of seven Florida prison deaths now under scrutiny. But particularly because Florida corrections officials and other agencies have gone to such lengths to avoid an investigation that could hold someone accountable for his death, we urge the U.S. Department of Justice to explore the need for an investigation of the death of Darren Rainey, allegations that scalding hot showers are or have been used as a form of punishment on other mentally ill inmates as well as other forms of inappropriate punishment.

Enclosed you will find four articles that have appeared in the Miami Herald that describe in greater detail the grisly death of Darren Rainey and the efforts to avoid any investigation by Florida officials.

We know that you will give this request your thoughtful consideration. If you would like to discuss this matter further, please contact Howard Simon at 786 - 363 - 2706 or HSimon@aclufl.org

Thank you.

-Sincerely,

Dr. Howard L. Simon
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American Civil Liberties Union
of Florida

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Board Member
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/s/
Adora Obi Nweze
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cc:

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