

TORT CLAIM INVESTIGATION

CLAIMANT: Sullivan, Cyrus

REGISTER NUMBER: 74918-065

CLAIM NO: TRT-WXR-2017-01844

INVESTIGATOR: M. Rios, Lieutenant

CLAIM SUMMARY: Inmate Sullivan, Cyrus Reg. No. 74918-065, claims on July 29, 2015, while housed at USP Victorville, he was assaulted and tortured by two staff members. Inmate Sullivan claims staff punched him in the head repeatedly while restrained, which resulted in a cut on his head. The Inmate further claims as a result of this assault there was nerve damage in his left hand, pain in his toe, shoulder injury, and his eye glasses were broken due to staff behavior. Inmate Sullivan is claiming reimbursement for personal injury and property damage in amount of \$4,000,100.00.

INTERVIEWS CONDUCTED: No interviews were conducted.

BACKGROUND INVESTIGATION: On July 29, 2015, inmate Sullivan was being placed back into his cell in the Special Housing unit. Inmate Sullivan struck the escorting officer in the facial area, which resulted in an immediate use of force. While attempting to restrain inmate Sullivan, staff observed he had defeated one hand restraint. Several verbal commands were given to inmate Sullivan to comply with staff orders to cease his combative behavior. Inmate Sullivan continued his aggressive behavior after restraints were placed on him, which resulted in being placed in progressive ambulatory restraints.

FACTUAL CONCLUSION: Inmate Sullivan assaulted staff and refused to comply with several staff direct orders, resulting in need to use the minimum amount of force necessary to regain control of him. One staff member received multiple injuries due to inmate Sullivan's resistant to return to his cell. Staff followed procedure to ensure inmate Sullivan was treated for his injuries and was also given instructions to follow-up with the medical department if any pain persisted. After review of the incident, Executive staff confirmed all procedures were followed in accordance with the Use of Force policy. There is no evidence or documentation to support inmate Sullivan owning glasses. Inmate Sullivan is not prescribed glasses according to his medical file.

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DOCUMENTATION: Documentation includes Staff Memorandums, Referral of an Inmate Criminal Matter for Investigation, and Health Services Clinical Encounter.

RECOMMENDATION: Inmate Sullivan has not proven staff misconduct. It is this investigators recommendation this claim be denied.

REVIEWED BY:

K. Zamora

Kim Zamora, Legal Assistant

**Bureau of Prisons
Health Services
Vision Screens**

Reg #: 74918-065

Inmate Name: SULLIVAN, CYRUS ANDREW

Vision Screen on 11/16/2015 10:36

Blindness:

Distance Vision: OD: 20/200

OS: 20/200

OU: 20/200

Near Vision: OD:

OS:

OU:

With Corrective

Distance Vision: OD: 20/15

OS: 20/15

OU: 20/15

Near Vision: OD:

OS:

OU:

Present Glasses - Distance

Refraction - Distance

Sphere Cylinder Axis Add

Sphere Cylinder Axis Add

R:

R:

L:

L:

Color Test:

Tonometry: R: L:

Comments:

Orig Entered: 11/16/2015 13:37 EST Benard, Trinidad Medical Assistant