



Newark faces lawsuits over inmate suicides at city jail as federal probe raises concerns

newark-police-guns-arrests.jpg

As Newark faces lawsuits over inmate suicides at its Green Street station, a recent U.S. Justice Department report has raised concerns about the suicide risk to detainees at the facility. *(Frances Micklow/The Star-Ledger)*

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NEWARK — On Thanksgiving Day in 2010, Tyron Benson hung himself in his cell at Newark's jail on Green Street, court documents say.

Nearly 18 months later, Jason Lowther did the same thing, according to court papers.

As the survivors of both men now pursue lawsuits against the city in regard to the suicides, a federal investigation has raised concerns that the Newark Police Department's current practices create a suicide risk to detainees at the Green Street station.

The results of that investigation could help bolster the arguments made by the plaintiffs in Benson's and Lowther's cases, legal experts said.

"Now you have a federal authority with great expertise who's independent, completely independent of the lawsuits, saying...the city did a lousy job, and that will have a big impact on the jury," said Louis Raveson, a professor at Rutgers University School of Law in Newark.

Newark officials declined to comment for this article.

The U.S. Justice Department issued its findings on the Green Street facility as part of a July 22 report on its **three-year investigation into the Newark Police Department**, which also found constitutional violations in pedestrian stops and the use of excessive force.

The issues cited by federal officials included the physical layout of the Green Street facility, the lack of training provided to officers assigned there, and a history of officers not following policy for handling suicidal detainees.

At the 58-cell facility -- where Newark police holds detainees prior to their initial court appearances -- the exposed cross

Newark Police found to repeatedly violate citizens constitutional rights

Mayor of Newark Ras Baraka along with New Jersey U.S. Attorney Paul Fishman and acting Assistant Attorney General Jocelyn Samuels today announced the results of a more than two year review of the Newark Police Department. The Justice Department found cause to believe the

bars in the cells represent “suicide hazards” and there are “only limited lines of sight into the cells,” the report states.

the Newark Police Department engaged in the practice of unconstitutional stops, searches and arrests in violation of the Fourth and First Amendments of the Constitution. (Video by Andre Malok / The Star-Ledger)

When detainees enter the facility, officers are supposed to screen them for suicidal and aggressive behavior, among other criteria, the report states.

But since officers have not received specific training regarding custodial operations in the facility, “it is unclear that the intake screening is effective in identifying potentially suicidal detainees,” the report states.

The Newark Police Department has a written policy for dealing with suicidal detainees, but officers acknowledged that only one of the options in the policy is available: sending suicidal detainees to a hospital for assessment, the report states.

The officers described no other precautions or steps they would take in handling suicidal detainees, the report states.

However, the federal review revealed that suicidal detainees are not always sent to a hospital.

That discrepancy between policy and practice raises “concerns that the NPD’s current suicide prevention policies, practices, and training create an unacceptable suicide risk to future Green Street detainees if not corrected,” the report states.

Newark police had planned to transfer detention operations from Green Street to the new police headquarters on Clinton Avenue – which includes a modern holding facility – but that transition has been delayed indefinitely, the report states.

“As a result of this change in plans, the United States may seek additional remedies to ensure NPD ensures adequate suicide precautions are maintained at Green Street,” the report states.

In the lawsuits involving Benson’s and Lowther’s suicides, the Justice Department’s report could be used as evidence to show Newark was negligent in failing to train its officers, Raveson said.

“It still could be admitted to show that they were negligent and doing a poor job,” said Raveson, adding that the report could be “tremendously helpful” to the plaintiffs.

Rutgers law professor Penny Venetis agreed that the report could be helpful to the plaintiffs, but cautioned that such cases face high legal standards.

The difficult task facing the plaintiffs is proving there was a failure to train officers in handling suicidal detainees at the Green Street facility, and that the failure to train caused the suicides, Venetis said. That challenge also means showing the "suicide was a foreseeable consequence of a failure to train," she said.

"The plaintiffs have a tough job," Venetis said. "The Justice Department report makes it...easier for them, but it's still not gonna be easy."

In the cases involving Benson's and Lowther's suicides, both lawsuits allege Newark police failed to properly train and supervise its officers.

The lawsuit involving **Benson's suicide**, which is proceeding in New Jersey Superior Court, was filed by Andrea Thomas, who is the mother of his children.

That lawsuit alleges Benson was arrested on Nov. 24, 2010 after a police chase from Newark to Irvington. After he was transferred to the Green Street facility on Nov. 25, he hung himself with his belt in a jail cell, the lawsuit states.

The lawsuit claims proper policy would not have allowed Benson to have a belt in his jail cell.

"There's a breach of policy from the beginning to the end," said Shelley Stangler, the attorney representing Thomas, who said Newark police did not follow proper policies in Benson's case.

Lowther's father, Avant Lowther Jr., is pursuing the lawsuit involving **his son's suicide**. That federal lawsuit alleges Lowther was arrested on May 5, 2012 and that he hung himself later that day at the Green Street facility.

After he was arrested for marijuana possession and trespassing, Jason Lowther expressed suicidal thoughts to police officers at the facility and he attempted to hang himself at the jail, prompting officers to take away his clothing, said Gerald Krovatin, the attorney representing the father.

Krovatin said he's still investigating how Lowther had the shirt he later used to hang himself.

But Krovatin said Lowther's case was "preventable" and a "clear case of negligence on the part of the Newark PD and a failure to follow their own internal procedures for dealing with prisoners."

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