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Prisoners' Legal Services, 10 Winthrop Square, Boston, MA 02110
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June 10, 2014

Martha Coakley
Attorney General
One Ashburton Place
Boston, MA 02108-1518

RE: Bridgewater State Hospital – Appointment of Special Prosecutor

Dear Attorney General Coakley,

We are organizations that advocate for people with mental illness and for prisoners. The National Alliance on Mental Illness, Massachusetts, is a membership organization composed of peers and their families, dedicated to education, support, and policy change on behalf of individuals with mental illness. The Mental Health Legal Advisors Committee is a committee of the Supreme Judicial Court charged by statute with advocating for the rights of people with mental illness. Prisoners' Legal Services is an agency of the SJC for which prisoner health and mental health services are priority concerns. The Center for Public Representation is a public interest law firm that works to ensure the rights of people with disabilities, including prisoners.

For decades we all have worked with legislators and administrative officials, participated as members of task forces and commissions and even engaged in litigation, to improve conditions for people with psychiatric disabilities who find themselves in our state's crowded prisons and jails. While we have occasionally seen important improvements, fostered by innovative and visionary public leaders, in most cases in the past several years, conditions have gotten worse not better. Accordingly, it is with great concern and deep regret that we have watched and read reports of serious injuries and even death during the use of restraints at the Bridgewater State Hospital. We are particularly distressed by the official reaction to Joshua Messier's death.

Therefore, we are writing to endorse and join the call by Mr. Messier's family for you to appoint a special prosecutor to consider the circumstances Mr. Messier's death. We believe that a special prosecutor is necessary in the interest of justice and, frankly, to address wide spread perceptions of a governmental whitewash. Anything less than aggressive prosecution in Mr. Messier case undercuts protection for all.

There is little question that the treatment suffered by Mr. Messier violated statute and established Department of Correction (DOC) policy, which forbids the use of restraints in all but emergency circumstances and entirely prohibits the "suitcasing" technique used to subdue him. A videotape of the incident reportedly shows that Mr. Messier was placed in mechanical restraints when he appeared unconscious (certainly not "struggling" as the DOC investigation states). Correctional officers leaned heavily on Messier's back while he was seated with his legs outstretched. The lung compression caused by this maneuver, together with multiple signs of blunt force trauma on his body consistent with a beating, persuaded the Medical Examiner to declare the death a "homicide." In reliance on the same evidence, the Disabled Persons Protection Commission determined that correctional officers' "abuse," as defined in G.L. c. 19C, caused Mr. Messier's death.

To our knowledge, conclusions stated on the death certificate and the autopsy report findings confirming a homicide were never rescinded, despite statements of Plymouth County District Attorney Timothy Cruz suggesting that the Examiner revised her analysis. Additionally, we are not aware of any review that adequately analyzes the impact of the apparent failure of correctional officers and medical staff to take prompt action to save Mr. Messier's life once he ceased breathing. Likewise, the DPPC report is not refuted by other internal investigations. The reports of the events leading to Mr. Messier's death more than warranted the convening of a grand jury. Because the District Attorney declined to do so, you should now assertively step in as the State's chief law enforcement officer.

Men at Bridgewater are all our sons, siblings, and parents. If Mr. Messier's death goes without accountability, our family members with mental illness, so many of whom have at some point been involved in similar encounters, are at even greater risk than now. The potential that persons who may be responsible for the Mr. Messier death are sheltered is frankly frightening. Given the history of this case, only an independent review by a special prosecutor can accomplish this at the present time.

We are more than willing to discuss this matter further. Thank you for your attention. We look forward to your response.

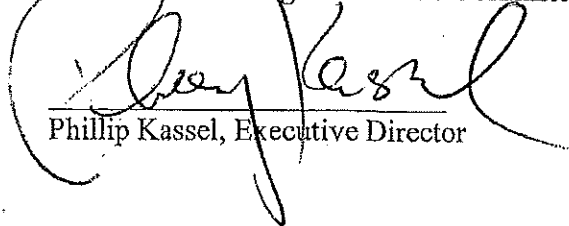
Sincerely,

NAMI Massachusetts



Laurie Martinelli, Executive Director
Stephen Rosenfeld, President

Mental Health Legal Advisors Committee



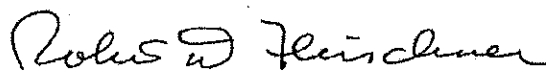
Phillip Kassel, Executive Director

Prisoners' Legal Services



Leslie Walker, Executive Director
James Pingeon, Legal Director

Center for Public Representation



Robert D. Fleischner, Assistant Director