

Starvation Death Of Sikh Prisoner For \$1 Million

by Marvin Mentor

The California Department of Corrections and Rehabilitation (CDCR) settled a lawsuit brought by the survivors of a Sikh prisoner who died of starvation at Corcoran State Prison's Substance Abuse Treatment Facility (SATF). The devout, non-English-speaking prisoner was continually sadistically mistreated by SATF staff, who "ignored" his requests for a religious vegetarian diet, took away his religious books, and failed to treat his declining medical condition - in measured part by staff's ignorant hate-motivated denigration of him as an "Islamic terrorist."

Khem Singh, a 74-year-old native of India who only spoke Punjab, was a priest in the Sikh religion. His strict religious dietary laws forbade eating meat or eggs or any food that was on the same plate as meat. He wore the traditional turban and beard and never cut his hair. Incarcerated for child molestation in 2001, disabled and in a wheelchair from a deformed foot, Singh was appropriately housed in protective custody. But as it turned out, that housing did not protect him from other prisoners or from abusive staff. Singh was initially perceived as respectful and gentle by other prisoners, always keeping himself neat and clean.

But throughout his stay at SATF, he was denied constitutional medical care, dental care, mental health care, medication and treatment that he needed. Worse yet, he was the target of physical abuse, elder abuse and harassment by staff. Of greatest concern to Singh was the denial to him of his right to a religious vegetarian diet. Guards literally interfered with his efforts to be served only vegetables at meal times. Singh consequently gradually lost weight, causing his general health and mental health to deteriorate visibly. In addition, his dentures were broken, which impaired his ability to eat even vegetables. During his stay at SATF, he never had a dental examination nor were his dentures repaired.

"Misery" is the best descriptor of Singh's existence at SATF. In October 2001, he was put in the hole because he had defecated on himself and refused to wash - an event that repeated in future months as his mental health declined. He was never provided an interpreter or translation of CDCR rules to defend his

and unconstitutional mistreatment. In December 2007, CDCR agreed to settle all claims for \$1 million, without admitting any wrongdoing. But it is hard to glean from this record just what CDCR did that

write-ups for these incidents. In November 2001, he was beaten by prisoner McCuff, a cellmate who had a history of assaulting other cellmates. Yet knowing this, SATF staff put McCuff in with Singh, who was disabled and weighed only 110 lbs.

Later that month, it was observed that Singh needed to be in a medical facility because he could not properly care for himself. In December 2001, he was placed in Corcoran's psychiatric center due to his depression and malnutrition. After only six days, he was released and recommended for a general diet, but no dairy. He was on suicide watch later that month, whereafter he was placed on CCCMS (mental case) status.

In early January 2002, staff was told that Singh had not eaten for four days. Later that month, guard Wilson violently forced Singh into a shower. He went back to the psych unit then. A month later, after solely liquid diet, he was discharged back into the general population, with no plan for treatment. All this time he had no communication with anyone because no translator was provided.

Following denial of his legal mail, visits and hearings in March 2002, he was violently extracted from his cell by five guards. His religious books were taken. Guard M. Rodriguez allegedly brutalized and injured Singh. He was placed in five-point restraints and examined by psychiatrist Dr. Harvey Chuang - again without an interpreter. Without so much as speaking to Singh, Dr. Chuang diagnosed him as paranoid schizophrenic and delusional.

In June 2002, he went to the emergency room because he had not eaten in three days. Dr. Deering was aware of this, but did nothing to aid Singh, who was obviously gravely ill from malnutrition. In October, Singh's letter (in Punjab) requesting a mental evaluation resulted in one a month later by Dr. Roston. Again, Singh was given no vegetarian diet or denture repairs.

By December, staff concluded that Singh was not clinically malnourished. Although Dr. Ignani ordered a vegetarian diet for him, it was never provided. At his annual classification review in January 2003, he was again recommended for a

was right, let alone humane, for Singh in his three-year spiral to death. It is more than ironic that Singh died from denial of vegetables in an agricultural region that produces most of the nation's vegetables.

vegetarian diet, but none was provided. Even Singh's appellate lawyer's request for this diet was ignored.

By October 2003, Singh was no longer going to meals because staff wouldn't let him wear his turban there. He lost seven pounds in one week, and a nurse reported that he was "wasting away," now suffering from anorexia. Later that month, Singh was again beaten by a known violent cellmate who was moved in with him. Singh showed his family, when they visited him, the bruises he suffered. He told his family of guards who gave him his meal plate, then kicked it away from him, calling him "bin Laden." His family was forced to wait often for hours to see him, or was told falsely that Singh had refused their visit. He last spoke to them in November 2003, when he told them he was dying.

In December 2003, guard McKesson "willfully slammed Singh's hand in the cell door," telling medical assistant Langer not to treat him. McKesson, who openly retaliated against any other prisoner who befriended Singh, often called Singh a "Taliban," "bin Laden," and a "rag head." Singh thereafter never left his cell and stopped eating. Another prisoner wrote an administrative appeal for him, but this was rejected by staff on grounds that one prisoner may not assist another. The prisoner Men's Advisory Council chairman reported the abuse of Singh, but to no avail. By December 20, guard Hartsfield asked for psychiatric intervention because Singh had not eaten or showered in 30 days. Psychologist Underwood visited Singh, but gave him no treatment. On December 30, at his annual review, Singh asked for follow-up on the loss of his religious books and request for a vegetarian diet. Nothing was done.

In January, guard Hartsfield again reported Singh's not having eaten for two weeks, but doctors did nothing to aid his condition. Fellow prisoners, fearing for Singh's life, wrote state legislators, federal civil rights organizations and the Prison Law Office, but no aid came. On February 14, 2004, Singh was found non-responsive on his cell floor and was taken to the hospital where he died two days later from starvation and cardiac arrest.

Singh's wife and children sued in 2005 in federal district court for wrongful death

Singh's family was represented by Fresno attorneys Catherine Campbell, Carolyn Phillips and Robert Navarro. See: *Kaur v. Steinberg*, U.S.D.C. (E.D. Cal.) Case No. 1:05-cv-00276-OWW-WMW.