

February 20, 2020

Sent via electronic mail and hand delivery

The Hon. Andrew Lelling
United States Attorney, District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210

Dear Mr. Lelling:

I represent Robert Silva-Prentice, a plaintiff in *Laroque, et al v. Kenneway, et. al*, a case pending in the Suffolk Superior Court which concerns the systematic deprivation of rights to counsel and access to courts at Souza-Baranowski Correctional Center, a maximum security prison run by the Massachusetts Department of Corrections (“DOC”), among other unlawful conduct.

As described in the complaint, Mr. Silva-Prentice was brutally assaulted – without provocation -- by armed members of the DOC’s paramilitary tactical teams. The assault occurred during a prison-wide shakedown on January 22, 2020, following the January 10, 2020 assault by a group of inmates on DOC correctional officers. Mr. Silva-Prentice had no direct or indirect involvement in that assault -- and it has never been alleged otherwise.

At least ninety-one (91) other inmates have made complaints and/or filed grievances, also alleging that they were attacked by tactical team members without provocation. My understanding is that the number of complaints of staff on inmate assaults since January 10 is more than double the number of complaints from the previous twelve (12) months.

As photographs show, Mr. Silva-Prentice has at least four distinct sets of taser burns on his back and upper arm – all of which are consistent with him being tasered while lying face-down on the floor of his cell, ***with his hands cuffed behind his back***. During the same assault on my client, armed members of the tactical team ripped a clump of dreadlocks from ***the back of Mr. Silva-Prentice’s head***. I note that members of the tactical teams wore no nametags and since most or all were brought in from other institutions, their faces are unrecognizable to my client and the other inmates. I have in my possession the actual dreadlocks which were torn from his scalp, which I will relinquish to your custody upon request.

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Also contrary to DOC's own policies:

- DOC staff did not videotape the tactical teams entering the individual cells, in violation of 103 DOC 561.08;
- DOC staff did not interview Mr. Silva-Prentice, in violation of 103 DOC 561.03.3;
- Medical staff were not present during or after the tactical teams stormed the cellblock, in violation of 103 DOC 561.04.; and
- DOC staff did not photograph or otherwise document his serious injuries, in violation of 103 CMR 505.13.

Accordingly, the photographs I am enclosing were not taken until three weeks after the assault; the injuries, however, are still largely visible.

Despite this clear evidence of an unprovoked attack, while testifying yesterday in the pending lawsuit, Souza-Baranowski Superintendent Steven Kenneway threatened to take disciplinary action against my client for purportedly instigating an attack on the armed members of the tactical team and also threatened to refer his case to the Worcester District Attorney's Office for criminal prosecution. To be clear: The threat came only **after** Mr. Silva-Prentice exercised his First Amendment right of petition by filing grievances about the brutal assault he suffered at the hands of DOC staff; **after** he filed a civil complaint against Kenneway and other high-ranking DOC officials; and **after** Mr. Silva-Prentice testified openly, honestly, and credibly about what happened to him at Souza-Baranowski on January 22, 2020.

Until after my client testified yesterday, not a single person at DOC has ever even hinted at such an accusation; my client was not put into restrictive housing; he was not issued a disciplinary report; he was not interviewed; and he was not treated any differently than the other inmates on his cellblock. Having worked for the Bureau of Prisons and based on my personal knowledge and experience with DOC, I can assure you that if there was one ounce of truth to the newly lodged accusation, at a minimum, Mr. Silva-Prentice would have been put into restrictive housing pending investigation weeks ago.

Simply put, it is ludicrous for Mr. Kenneway to try to justify the extreme brutality against my client by accusing him of attacking armed correction officers. As for his testimony yesterday, there is only one conclusion: Kenneway's threat was a blatant act of witness intimidation and retaliation.

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I urge you to investigate the brutal attack on my client and the retaliation against him for exercising his First and Sixth Amendment rights. I understand that other inmates have also suffered retaliation for exercising the same rights and believe that an investigation will uncover systemic corruption and evidence of brutal, inhumane treatment of Souza-Baranowski inmates, particularly since January 10, 2020.

Please do not hesitate to contact me with any questions you have. Thank you for your consideration.

Sincerely,



Patricia A. DeJuneas

cc: Robert Silva-Prentice