

in the course of arrests, disputes in public places, and sometimes in police custody with repeated kicking and punching with fists, batons or other objects being the most frequently reported forms of ill-treatment. Reports indicated that force was sometimes used after the suspect had already been handcuffed or otherwise restrained and, in other cases, suspects were said to have died after police officers had forcibly restrained them through such practices as applying pressure to the chest or neck, or placing suspects face-down in restraints with resulting restrictions on respiratory movement. The report notes that victims were said to come from various backgrounds although many were alleged to be members of racial minorities.

Concerning ill-treatment of inmates in prisons, the report notes that concerns had been expressed over the reintroduction of chain gangs in such states as Alabama, Arizona and Florida that might constitute a form of cruel, inhuman or degrading treatment or punishment. Prisoners in chain gangs were reportedly required to perform heavy manual labour — such as rock-breaking or clearing rubbish from highways — while shackled together or with their own legs chained together, exposed to the public. Information indicated that in Alabama, for example, prisoners attached to chain gangs were said to have to work 10 to 12 hours a day dressed in work suits imprinted with the words “Alabama chain gang”. The chain gangs were said to be guarded by armed officers and dogs and prisoners reportedly had to remain chained when using toilet facilities. The SR noted that efforts had been undertaken to prohibit the practice in Alabama, but the outcome of those efforts was not known to the SR. Reports concerning Alabama also referred to the practice of handcuffing prisoners to a hitching rail in the hot sun as punishment for refusal to work, causing numbness, dizziness and pain.

The report notes that allegations were also received concerning the abusive use of electro-shock stun belts and stun guns. These stun devices, which incapacitate an inmate by transmitting electric shocks, can reportedly cause high levels of pain and may result in serious injuries, possibly even death in certain circumstances. Information indicated that prolonged or repeated application of stun devices is not sufficiently prevented by their technological design and the devices may also have indiscriminate effects to the extent that people in contact with the target can receive shocks as well. The report notes that some states — including New York, Illinois and New Jersey, as well as Washington, D.C. — had banned the use of stun weapons for law enforcement and correctional purposes, but they were still being used in several other states.

The report also referred to a decision of the Federal Bureau of Prisons in 1994 to introduce remote controlled electro-shock stun belts to prevent high risk inmates from escaping during transportation and court appearances. The report notes that, despite the fact that the exact medical effects of the stun belt were unknown, its use was said to have been promoted as an alternative to

shackles or leg-irons. Activation of the belt reportedly transmits a 50,000 volt shock to the left kidney, through blood vessels and nerves, for eight seconds, causing severe pain, instant immobilization, and possibly involuntary defecation and urination. Information indicated that stun belts had been used as restraints during judicial hearings in violation of the Standard Minimum Rules for the Treatment of Prisoners, which prohibit the use of restraints on prisoners when appearing before a judicial authority.

The SR expressed concern at the use of practices such as chain gangs, instruments of restraint in court and stun belts and stun guns, some of which can only be intended to be afflictive and degrading, others of which have the same effect. The SR urged the government to use all means, including judicial ones, to review the compatibility of such measures with the affected persons’ civil rights.

Individual cases transmitted to the government related to allegations of excessive use of force by police officers in the NYPD, including: assault on an African-American man who was standing in a crowd of people watching the arrest of another man, with two police officers subsequently charged with assault; ill treatment of a Latino supermarket employee who was mistaken for a suspect in an earlier armed robbery at the same supermarket, with the victim thrown to the floor with his hands handcuffed behind his back, repeatedly hit on the back of the head with pistols and sticks, and kicked in the back, chest and legs, noting that the case was pending before the Civilian Complaint Review Board; death following a struggle with police officers called to a private home in relation to a domestic disturbance, with the death classified by the New York City Medical Examiner as homicide and attributable to a combination of factors including heart disease, asthma, exposure to pepper spray, and a “struggle involving multiple blunt impacts”, noting the incident was under investigation; and, death the day after arrest, with a report from the New York City Medical Examiner stating that acute cocaine intoxication was the underlying cause of death, but also noting that the victim had sustained “multiple blunt impacts” to his head and body during a struggle with police officers which contributed to the death, noting that the case was under investigation by the Brooklyn District Attorney’s office.

The cases involving allegations of ill treatment of inmates in prisons involved: beating and broken limbs following verbal abuse of officers by the inmate; kicking and beating and, while injured, being strapped into a restraint chair for five hours; accidental incapacitation by a stun belt of a defendant who was talking to his attorney during a break in a pretrial court hearing; broken bones and other injuries sustained by a prison who was thrown against a wall for falling asleep during processing and the possible use of a stun gun to wake him up; the forcing of a defendant to wear a stun belt, even though he was sitting in a wheelchair, during his whole trial, as well as shackles, because the judge reportedly was not convinced of the defendant’s disabilities, with accidental stunning