

Testimony by Joshua Vaughn – Investigative Reporter at PennLive

Chairwoman Muth, Senator Cappelletti and to all of the distinguished members of this committee, I am truly humbled and honored to have the opportunity to speak with you today.

As a society we count what we care about. When COVID hit, we scrambled our public health infrastructure in an unprecedented way measure and track the spread of the disease because we understood that it was important to have accurate data about what was going on.

We do not do the same with deaths in custody. Our data is spotty at best on who is dying in jails and prisons, how they are dying and even the most basic statistic: the number of people who died.

This year marks 25 years since the last execution in Pennsylvania, but to be clear people are still dying in jails and prisons nearly every single day as a result of our policies in our names.

In 2020, less than half of all deaths in jails across the commonwealth were reported to the federal government (1). Our official record will reflect that 2020 was the safest time to be incarcerated in a jail. However, an investigation by my news outlet, PennLive, revealed people held in our jails died at a rate higher than at any point in at least the last 20 years.

In 2022, the reporting got slightly better. A little less than two-thirds of all deaths in jails – about 40 out of at least 65 - were properly reported to the federal government (2).

For context, about 40 percent of all deaths in jails in 2022 were a result of suicide, including one man who filled his cell in Philadelphia with enough water by breaking the fire suppression sprinkler that he was able to drown before officers assisted him.

Another third were classified as natural – although the root cause of those deaths can be traced back to deficient medical care in many cases.

Six individuals had their deaths classified as accidental, this includes drug overdoses, two died by homicide, and one man, Jamal Crummel who died after developing hypothermia in his cell (3), had his death classified as undetermined.

Despite looking into this for months, there were seven deaths we could not find information on.

These are human lives lost in our government institutions which have near total control over them. These are individuals whose deaths have traumatic and long-lasting ripple-effects on their families, friends and loved ones.

At least 65 people died in our jails last year. I say “at least” because we don’t know if there are more. Sixty-five is the count Brittany Hailer and I. were able to uncover after months of digging.

It is not that we don’t have laws on the books that are supposed to require government agencies to properly report the number of people dying behind bars. We have both state and federal laws doing just that.

However, they either provide no enforcement mechanism – as is the case with the Pennsylvania law – or there just fundamentally appears to be no desire to enforce the law – as is the case with the federal Deaths In Custody Reporting Act.

Also, both federal and state laws take the reporting agencies at face value that they are reporting accurately and both provide a massive loophole that allows counties to not report deaths simply because someone was “released from custody” prior to their heart actually stopping.

I want to tell you about a few of the people whose deaths are not counted in the official record.

On July 23, 2021, twenty-nine-year-old Ishmail Thompson was arrested by police in Dauphin County while he was in the midst of apparent mental health crisis (4). He was taken to Dauphin County Prison where he was sent out to a local hospital for evaluation. Doctors at the hospital found he was healthy and returned him to the jail.

A few hours later, Ishmail got into an altercation with corrections officers when he attempted to use the shower.

Officers pepper sprayed Ishmail, put a spit hood over his head and forced him into a restraint chair with his arms still bound behind his back. About 10 minutes later, after repeatedly telling officers “I can’t breathe” Ishmail fell unresponsive (4).

His brain was deprived of oxygen to the point where he went into a coma and never recovered.

He died on July 29, 2021 while in the hospital but in the intervening time, Ishmail’s bail was reduced and he was “released from custody.” His death was not reported to state or federal officials.

The official statement from the county for nearly a year on his death was simply that he had a “medical emergency” shortly after entering the jail.

On June 15, 2020, Joseph Klinger attempted suicide inside his jail cell in Centre County. He was taken to the hospital and at 9 a.m. June 16, given a medical furlough and released from custody.

He died a few hours later on the 16th. His death was not only not reported but the county contends no one has died in their facility for years.

Joshua Patterson died of a drug overdose he suffered at the jail Bucks County in 2022 but his death also was not reported to any agency because he survived long enough to make it to the hospital and be released from custody.

In Joshua's case, another incarcerated person was able to bring a significant amount of drugs into the jail upon his arrest without detection by police or corrections officers, despite footage showing him using the drugs in the jail's holding cell prior to being moved into the general population.

That incarcerated person was later charged with drug delivery resulting in death but the county did not publicly announce either those charges or Joshua's death. The only reason we know Joshua died because of his incarceration is because of a lawsuit the family filed.

Here in Dauphin County, only 11 of the 17 jail deaths between 2019 and 2022 were officially reported to authorities.

In 2019, Tyrique Riley died in the hospital after he went into cardiac arrest while corrections officers attempted to put him a restraint chair (6). Christian Brown died in the hospital after attempting suicide in the jail. His death resulted in the discovery of suicide prevention policy failings at the jail and the firing of at least one nurse. Terrelle Thomas died at a local hospital after he began to overdose shortly after arriving at the jail.

Jimmy King died in 2020 after being transferred to a local hospital (7). His death is the only reported homicide at the jail in this timeframe. Jimmy was in an altercation with his cellmate when he was struck in the head. He suffered a brain bleed that went untreated for nearly two weeks despite repeatedly telling staff of headaches, blurred vision and other signs of a traumatic brain injury.

And along with Ishmail, Carlos Lindergh died at a local hospital in 2021 from end-stage liver failure.

I'll say it again, we count what we care about, so what does it say about how we as a society care for the human beings we incarcerate that we do not accurately count their deaths?

1. <https://www.pennlive.com/news/2022/02/most-deaths-in-pa-jails-went-unreported-despite-rules-it-is-appalling.html>
2. <https://www.pennlive.com/news/2023/11/deaths-in-pa-jails-are-undercounted-our-investigation-found-dozens-of-hidden-cases.html>
3. <https://www.pennlive.com/news/2022/12/dauphin-county-put-man-hospitalized-for-hypothermia-back-in-cold-cell-where-he-died.html>
4. <https://www.pennlive.com/news/2022/08/hiding-a-homicide-new-details-emerge-on-death-of-man-held-in-dauphin-county-prison.html>
5. <https://www.pennlive.com/news/2023/12/i-cant-breathe-dauphin-county-agrees-to-pay-42-million-for-mans-jail-death.html>
6. <https://www.pennlive.com/news/2019/08/people-dont-go-to-jail-to-die-attorneys-show-photos-of-badly-bruised-man-who-died-after-a-struggle-in-dauphin-county-prison.html>
7. <https://www.pennlive.com/news/2022/08/man-who-died-from-brain-injury-after-fight-in-dauphin-county-jail-complained-of-headaches-got-no-treatment-lawsuit.html>