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TWO NYC DEPARTMENT OF CORRECTION OFFICERS INDICTED FOR ASSAULTING INMATE AND FALSIFYING REPORTS TO COVER UP ATTACK

Bronx District Attorney Darcel D. Clark and Department of Investigation Commissioner Mark G. Peters today announced that two New York City Department of Correction Officers have been indicted for assault and other crimes for beating an inmate and proceeding to lie about the beating on official reports.

District Attorney Clark said, "These defendants betrayed their duty and their fellow Correction Officers by contributing to jailhouse violence and feeding the false belief that a badge and uniform allow for brutalization of inmates. We are committed to prosecuting anyone who commits a crime of violence or corruption on Rikers Island."

DOI Commissioner Peters said, "As charged, these Correction Officers not only used excessive force against an inmate, but filed false statements to cover up their actions. Those false statements are directly contradicted by video evidence uncovered during the investigation. DOI continues to advance its strategy of attacking corruption within the Department of Correction from all angles: through its contraband, excessive force and sexual assault investigations, which combat violence and disorder on the ground, and through comprehensive reports, which have uncovered operational failures that rise to the highest organizational ranks. This strategy has led to a total of 43 arrests so far of officers and staff over the past three years. DOI's work delivers a powerful message that corruption will not thrive on Rikers Island. That work is ongoing."

District Attorney Clark said the defendants, Akeem Cardoza, 29, of New York City, and Phanes Nervil, 55, of Mount Vernon, have been indicted on third-degree Assault, first and second-degree Offering a False Instrument for Filing, first and second-degree Falsifying Business Records and Official Misconduct. They were arraigned today before Bronx Supreme Court Justice William Mogulescu and were released on their own recognizance. They are due back on November 28, 2017. Both defendants face up to three years in prison if convicted of the top charge.

According to the investigation, on October 13, 2015, inside the George Motchan Detention Facility at Rikers Island, CO Cardoza and inmate Tyreek Shuford were involved in a verbal dispute. CO Cardoza proceeded to demand the inmate follow him to a bridge connecting both sides of the dormitory and allegedly repeatedly struck Shuford. CO Nervil joined the assault, allegedly punching and kicking the inmate, who suffered lacerations to his face and ear as well as contusions to his back.

According to the investigation, both defendants alleged in use of force reports that they were attacked by the inmate – claims contradicted by video surveillance that captured the incident.

(MORE)

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District Attorney Clark thanked DOI's Inspector General for DOC, specifically Special Investigator Sony Fortune, under the supervision of Deputy Inspector General Whitney Matthews, Associate Commissioner Paul Cronin, Deputy Commissioner/Chief of Investigations Michael Carroll and First Deputy Commissioner Lesley Brovner, and DOC's Investigation Division, specifically Investigator Leo Roland.

The case is being prosecuted by Assistant District Attorneys Natasha Major and Joseph Marciano of the Public Integrity Bureau, under the supervision of Omer Wiczzyk, Deputy Chief of the Public Integrity Bureau and Wanda Perez-Maldonado, Chief of the Public Integrity Bureau and under the overall supervision of Stuart Levy, Deputy Chief of the Investigations Division and Jean T. Walsh, Executive Assistant District Attorney and Chief of the Investigations Division.

An indictment is an accusatory instrument and not proof of a defendant's guilt.