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**November 30, 2017**

## **NYC DEPARTMENT OF CORRECTION CAPTAIN INDICTED FOR ASSAULT ON RIKERS ISLAND INMATE; FOUR OFFICERS CHARGED WITH COVERUP**

Bronx District Attorney Darcel D. Clark and Department of Investigation Commissioner Mark G. Peters today announced the indictment of a New York City Department of Correction Captain for beating an 18-year-old inmate in a Rikers Island jail and four Correction Officers for aiding the captain in covering up the incident.

District Attorney Clark said, "A veteran, ranking member of the Department of Correction allegedly beat and kicked an inmate who had not assaulted him, and then enlisted his subordinates to file false reports to hide his crime. The culture of cover-up must end if we are to rid Rikers Island of violence. Any correction officer who conceals a crime to protect a fellow officer will be prosecuted to the fullest extent of the law."

Commissioner Peters said, "These correction officers allegedly engaged in the ultimate abuse of power: beating an inmate and doctoring forms to cover-up the crime. It's a vicious and deceitful scenario we've seen too many times over the course of our years-long investigations of DOC. DOI thanks the Bronx District Attorney's office for its continued partnership in this and many cases investigating violence and corruption on Rikers Island."

District Attorney Clark said DOC Captain Sandy Arkhurst, 42, was indicted on second-degree Assault and third-degree Assault; and Captain Arkhurst, Correction Officers John Penafiel, 29, Christopher Squillaro, 31, Orlando Rivera, 58, and Michael Nicholson, 42, were indicted on seven counts of first-degree Falsifying Business Records. They were arraigned today before Bronx Supreme Court Justice Robert Neary and bail was set at \$10,000 for Captain Arkhurst and \$5,000 for the officers. They are due back in court on February 28, 2018. If convicted on the top charge, Captain Arkhurst could face two to seven years in prison, and the other defendants could face up to 1 1/3 to four years in prison.

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According to the investigation, on June 3, 2016, the defendants, who are part of a DOC PROBE team, responded to the Eric M. Taylor Center where inmate Rodolfo Rodriguez, 18 years old at the time, was refusing to enter his housing area. CO Nicholson then pepper-sprayed Rodriguez, and cuffed the inmate's hands behind his back. COs Nicholson, Penafiel and Squillaro then escorted Rodriguez to a shower area to wash off the pepper spray.

According to the investigation, Captain Arkhurst allegedly hit Rodriguez using his fists and a wooden baton, and kicked the inmate. He suffered multiple bruises and several broken teeth. Audio of the incident captured Rodriguez screaming and saying "No...Chill."

The defendants filed DOC Use of Force reports that said Rodriguez banged his head on the wall, and that he attacked the Captain while trying to run out of the room, and other allegedly false statements.

The case is being prosecuted by Assistant District Attorneys Allison Green 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 the overall supervision of Stuart Levy, Deputy chief of the Investigations Division, and Jean T. Walsh, Chief of the Investigations Division.

District Attorney Clark thanked DOI, specifically Assistant Inspector General Mercedes Bayon, under the supervision of Deputy Inspector General Whitney Ferguson, Associate Commissioner Paul Cronin, Deputy Commissioner/Chief of Investigations Michael Carroll and First Deputy Commissioner Lesley Brovner, as well as DOC Investigation Division Investigators Damon Storer and Santiago Cornejo for their assistance.

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