

Providence Journal

ICE's role in Wyatt death debated

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Did U.S. Immigration and Customs Enforcement play a role in the death of a Chinese immigrant who had been held at the Donald W. Wyatt Detention Facility in Central Falls?

Lawyers for the government and the widow of the man made their cases Wednesday in federal court. ICE sought the hearing in an attempt to get dropped from the civil lawsuit in which Ng's family is seeking unspecified damages.

Helene Kazanjian, an assistant U.S. Attorney in Maine who is defending ICE, argued that the federal agency cannot be held responsible for the way corrections officers, medical staff and prison officials treated Hiu Lui "Jason" Ng in the final days of his life.

Ng, 34, died while in Wyatt's custody on Aug. 8, 2008, and his lawyers have alleged that he was repeatedly denied treatment for excruciating back pain. In the final days of his life, Ng was diagnosed with advanced liver cancer and he had a fractured vertebrae.

Kazanjian said that ICE entrusted Wyatt to provide Ng with proper care, and it was the jail's responsibility to supervise Ng and monitor his condition.

"We are not condoning the conduct that occurred ...," Kazanjian said. "We are outraged by it."

Fidelma L. Fitzpatrick, a lawyer for Ng's widow, Lin Li Qu, countered that the federal agency played a major role in Ng's death. She pointed out that ICE ordered him to be transferred to Hartford for the day on July 28, a week before his death. It has been well-documented that corrections officers at Wyatt manhandled Ng at the jail's sally port and dragged him into a van for the trip.

His lawyers have maintained that Ng's pleas for help were ignored and he was denied use of a wheelchair.

"ICE knew, or should have known, about Ng's medical condition," Fitzpatrick said.

Much of the hourlong hearing revolved around the trip to Hartford. According to the lawsuit, ICE ordered Ng taken to Connecticut to meet with ICE officials there. At the prison, Wyatt staff ordered him to slip on his shoes and walk out of his cell. He asked for a wheelchair and they refused to accommodate him for “security reasons,” the lawsuit says.

“Mr. Ng began to cry and attempted to put on his shoes, but he had difficulty standing,” the lawsuit continues. “The officers then forcefully put Mr. Ng’s shoes on, purposely and maliciously inflicting severe and unnecessary pain.”

The suit also says that a corrections captain yelled at Ng and told him to “shut up” and “stop lying about being hurt.”

The attempts to board Ng into the van were captured on a videotape that has yet to be publicly released.

Kazanjian, the federal prosecutor, argued in court that the Wyatt staff — not ICE — was responsible for the rough treatment. She also said that Ng answered questions that ICE officials posed to him in Hartford and he did not mention his treatment earlier in the day.

Fitzpatrick, the lawyer for Ng’s widow, said that another lawyer sent a letter on July 14 to ICE officials in Boston detailing the prisoner’s failing medical condition. She said that officials there ignored the written letter.

“ICE knew about Ng’s serious medical condition,” she said.

Judge William E. Smith took the case under advisement and said that he will soon issue a written decision on the case.

ICE is one of many defendants named in the lawsuit. Others include the Wyatt jail, corrections officers and nursing staff, as well as county jails in Massachusetts and Vermont where Ng was detained.