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## Prison Legal News

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# New York Prisoner Attacked on Bus Awarded \$600K

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On April 28, 2005, a New York prisoner was awarded \$600,000 for injuries he sustained when other prisoners attacked him on a prison bus. Plaintiff Daniel Arroyo, 17, was convicted of a youthful offense. On November 9, 1994, while being transported from court to the Rikers Island Correctional Facility, Arroyo was attacked by several other prisoners. At least one assailant used a razor blade to slash Arroyo, who sustained multiple lacerations. The lacerations resulted in facial scars and/or disfigurement.

Arroyo's mother, Elba Arroyo, sued the city of New York on her son's behalf and individually alleging that the city failed to provide adequate security on the bus. The mother's individual claim was dropped when her son reached the age of majority prior to trial.

Arroyo claimed that guards failed to properly search prisoners boarding the bus; failed to separate prisoners known to be dangerous; and did nothing to stop the assault. Arroyo further claimed that crowded conditions on the bus increased the likelihood of slashing incidents, which were common at Rikers Island.

The city contended that prisoners were properly searched and that strip searches were not required; civil liberty considerations required strict adherence to the department's search policy; and that intervention was precluded because the bus was not in a secured area and because departmental rules prohibited guards from entering the prisoner section of the bus. The city also claimed that systematic segregation was not feasible and that the assailants' security classifications did not warrant segregation.

After deliberating 1.5 hours, the jury found the city liable and awarded Arroyo \$600,000 (\$550,000 past pain and suffering, \$50,000 future pain and suffering). Arroyo was represented, by Evan M. Goldberg of the New York City law firm Trolman, Glaser & Lichtman, P.C. See: Arroyo v. City of New York, Bronx Supreme Court, Case No. 16241/95.

Source: VerdictSearch New York Reporter

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