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CENTRAL NY NEWS

# How a 'blue wall of silence' let Central NY prison guards get away with day of terror

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Cole Bryant, a former inmate at the Mid-State Correctional Facility in Marcy, where he was brutally attacked with other inmates by prison guards in a raid in 2016. Bryant is one of the claimants in a lawsuit against the state. (Matt Burkhardt | Contributing photographer) Matt Burkhardt | Contributing photographer



By [Douglass Dowty | ddowty@syracuse.com](mailto:ddowty@syracuse.com) and [Tim Knauss | tknauss@syracuse.com](mailto:tknauss@syracuse.com)

When a busload of angry corrections officers stomped inmates one morning at [Mid-State Correctional Facility](#), they made it clear that no word of the violence was to escape the prison walls.

Guards ripped out phone lines. They blocked mail from going out. Inmates said they were threatened with death if they reported the abuse.

Yet one inmate — who said a guard sodomized him with a metal object — managed to smuggle a letter out to his mother through a friend at the prison mess hall. That letter sparked a legal battle that has dragged on for eight years and has finally brought accountability to New York state.

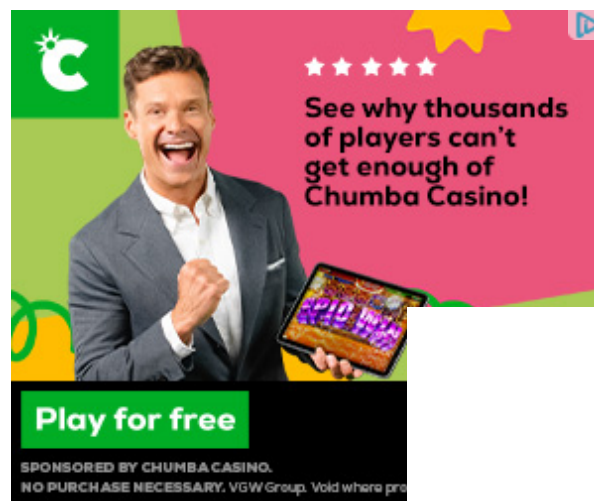
Judge Anthony Brindisi of the Court of Claims ruled this month that New York state owes restitution to 28 current and former inmates for the pain and humiliation they suffered that day in 2016. The amounts will be determined in a trial later.

The state does not pay punitive damages, so the inmates can only recover the actual value of their injuries.

Two inmates died during the eight years it has taken to win the court case, including Raymond Broccoli, the man who smuggled out the letter.

Inmates at the medium-security prison in Oneida County won a small victory by getting their story out. But the officers who attacked them covered up the incident enough to avoid personal responsibility.

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The guards closed ranks and admitted nothing when outside investigators finally started asking questions weeks after the incident. Starting out “a month behind the curve” left the investigators without timely physical evidence of the injuries or the property damage, making it difficult to prove who had done what, the state’s lead investigator testified.

The prison superintendent resigned in the wake of the raid, and a handful of supervisors were disciplined for allowing the raid to go out of control. But none of the 31 officers who participated in the attack was cited for excessive violence or charged with a crime. Most officers simply returned to work. Many still work at the prison today.

“Not one of them is feeling deterred right now because of Judge Brindisi’s decision,” Glenn Miller, lead attorney for the inmates, told [syracuse.com](http://syracuse.com).

[Syracuse.com](http://syracuse.com) unraveled the story of the day, based on court documents and interviews. An 11-day trial in 2023 produced hundreds of pages of testimony under oath, detailing misconduct that has received little public attention.

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Corrections officers and supervisors uniformly insisted during the trial that they did not use excessive force as they searched the inmates and their lockers in a “dorm frisk.” Guards said they believed they were looking for a hidden weapon that had been used to attack a fellow officer.

But the officer was never attacked, as it turned out.

The officer had fallen and hit his head, an independent state investigator determined several days after the raid on the dorm. Far from attacking the injured officer, inmates had rushed to help.

But three days later, more than 30 riled-up corrections officers stormed into the dormitory. They intended not only to find the weapon used on their fellow officer but also to send a message: “This is what happens when you hurt one of ours,” as a deputy superintendent described it afterward.

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That misplaced sense of vengeance spawned assaults during the raid that likely would have resulted in criminal charges if they had been committed by civilians. Two inmates said they were sodomized with objects. Many said they were beaten.

But nobody was charged with a crime.

Prison officials saw nothing amiss, according to trial testimony. Superintendent Joseph Ward walked through the ransacked dorm after the inmates had been frisked. He saw, among other things, a metal chair embedded by the legs in the drywall. The next day he saw that phone and cable TV lines had been severed.

Ward did not ask any questions about those anomalies, according to testimony from an investigator who interviewed him.

“Good job,” Ward told a lieutenant after his walk-through, the lieutenant recalled.

It would take outsiders to raise questions about the raid.

It’s not clear why a team from the corrections department’s Office of Special Investigations was called in, but the investigators did not arrive until five weeks after the raid. By the time they interviewed inmates, the bruises had healed. Corrections officers all insisted they had witnessed no beatings, or sodomy, or other aggressions. They had no idea how the chair ended up in the wall.

“There’s all these holes in the wall and nobody knew how the holes got there,” the senior investigator, Donald Oliver, testified.

Oliver agreed that his team was met with what the inmates’ lawyer called a “blue wall of silence.”

The guards “don’t want to be what they would call a snitch,” he told the court.

A few higher-ups were later disciplined for sloppy supervision of the incident, but neither OSI nor state police cited anyone for excessive force or made criminal referrals to the local district attorney. The state attorney general’s office was not called in.

Judge Brindisi said it was clear the raid was condoned by prison brass.

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“The testimony made clear that the raid was condoned and overseen by supervisory staff at Mid-State, including those holding ranks of sergeant, lieutenant, captain, and superintendent. During the raid, officers used excessive force against incarcerated individuals in the unit.”

The state’s public silence continues today. State police have not responded to a Freedom of Information request submitted last week for their report on the incident. Gov. Kathy Hochul’s office did not respond to a request for comment.

**‘Get down on the floor!’**

Cole Bryant knew this wouldn't be an ordinary search from the moment roughly 30 corrections officers piled off a bus and came storming into the 4-H dorm at Mid-State.



Cole Bryant, a former inmate at the Mid-State Correctional Facility in Marcy, where he was brutally attacked with other inmates by prison guards in a raid in 2016. Bryant is one of the claimants in a lawsuit against the state. (Matt Burkhardt | Contributing photographer) Matt Burkhardt | Contributing photographer

“The first thing they screamed was, ‘Everybody get down on the floor! Face first on the floor!’” Bryant recalled.

The normal procedure during a frisk is to stand inmates up facing a wall.

“Once you’re face down on the floor, you can’t see anybody,” Bryant told [syracuse.com](http://syracuse.com) last week. “They were destroying our property, kicking us.”

Bryant said it was impossible to see which officers were involved. “All I could do was use my hearing and that’s essentially what I did,” he testified last year.

He could hear the officers yelling racial slurs and the sound of 100-pound metal lockers crashing to the floor and beds being overturned.

Someone ordered Bryant to get up and unlock his locker, which he did before lying back down in a prone position. They dumped cans of food from his locker over his head and on his legal paperwork, destroying it.

Then someone stomped on his back, kicked his ribs and yanked his head up, hurting his neck. The assault ended with a kick to his head to make sure he was looking down, Bryant said.

That's when the officers turned their attention to Bryant's roommate, Raymond Broccoli, he said. Bryant could hear an officer taunt Broccoli: "Here's how it feels to be helpless."

It wasn't until later that Broccoli told Bryant that an officer was sodomizing him with a metal object at the time of the taunt.

After the beatings, the inmates were lined up and ordered to provide urine samples. As they waited, the guards made it crystal clear that none of what had just happened could ever be revealed. The inmates weren't supposed to report injuries, send out letters or make phone calls.

"If you tell your family what happened here today, we'll take you somewhere in this fucking jail and kill you," inmate Nelson Friszell testified hearing.

Bryant recalled one inmate who tried to use the telephone. The guards subdued him and cut the phone cord. Bryant said he never saw that inmate again, with guards coming later to clean out his belongings.

Despite the intimidation, Bryant and Broccoli began hatching a plan to let the outside world know what had happened.

Broccoli decided to write a letter to his mother. But they needed someone else to put it in the mail.



“We couldn’t go to medical, we couldn’t get to the mailbox,” Bryant recalled. But they made a plan.

One of the inmates in the locked-down dorm had a job in the mess hall. At breakfast, he was one of the only ones allowed to leave.

Broccoli sneaked the hand-written letter to the fellow inmate, who carried it out of the dorm and down to the mess hall.

From there, the mess hall worker found an inmate from a different dorm to pass the letter off to, Bryant said. That inmate then put the letter in his mail elsewhere in the prison.

It took weeks for Broccoli to find out whether the plan had succeeded, Bryant said. But later that month, the inmates’ eventual lawyers sent a cease-and-desist letter to the prison, warning guards to stop trying to suppress what had happened.

“In the event it is determined that any of the inmates on whose behalf we write sustain further injury as a result of your or other supervisory staff’s failure to take necessary and reasonable steps for their safety, we intend to seek to hold all involved officers personally liable for civil damages,” lawyer Edward Sivin wrote.



Mid-State Correctional Facility is pictured Dec. 22, 2024 in Marcy, N.Y. Mark DiOrio | Contributing photo

Sivin and his partner, Glenn Miller, also reached out to the other inmates, assuring them that they could tell their stories and be protected from retribution. That's when Bryant wrote his first account of what happened.

Sivin also sent the July 28, 2016, letter to the prison's Office of Special Investigations in Albany. Within weeks, OSI sent investigators to interview inmates about what happened. The probe into the July 6 raid was under way.

Bryant, 50, of Rochester, was convicted of sexually abusing a 9-year-old girl on her way to school in 2003, according to court records. He spent nearly 20 years in prison, being released on parole in October 2023.

Bryant has always maintained his innocence, despite the jury's verdict, and has been working with the Innocence Project in an attempt to reopen his case based on DNA evidence that wasn't presented at trial, his lawyers said.

## **'Dear Mom'**

Raymond Broccoli's hand-written letter to his mom in Brooklyn laid out the atrocities on July 6.

"Dear Mom," the six-page letter began. "How are you? Hope things are well with you. As for me, things are not going well at all."

The inmate described the events of July 3, when Officer Nicholas Kahl was found on the floor bloodied and told others he didn't know what happened.

"The officers then decided to come up with a scenario that two inmates hit the C.O. in the head with something and knocked him out," Broccoli wrote.

That led to the beatdown on the morning of July 6. He described being beaten and crushed by the overturned lockers.

"I was face-down on the floor," he wrote. "If anybody picked up their head they got kicked in the head or face. They pulled down my pants and stuck something metal up my rectum."

He begged his mom to find a lawyer to help the inmates.

①

DEAR MOM,

How are you? Hope things are well with you. As for me things are not going well at all. I'm going to give you the name of a lawyer and need you to call and explain to him everything I'm writing to you and that we want to file a class action lawsuit against the state correctional facility, New York state, the superintendent here and a sergeant Ovesh. I AM sending you this letter with somebody else's name on it cause they are intercepting all the mail that's being sent out from my housing unit and reading it and destroying it and when they find a letter where somebody is complaining to their family, they are taking them out of the housing unit and beat them.

This is a portion of the letter inmate Raymond Broccoli wrote to his mother seeking help after he and other inmates were attacked by prison guards in July 2016. Provided document

"Ma, please, I know you got a lot going on but I need you to call this lawyer and explain what's going on," he wrote.

Broccoli worried that even sending the letter to his mom could cost his life.

"They threatened all of us and said the officers are monitoring the phone and mail and if they hear or find any mail complaining about what they did, they will kill them," Broccoli wrote.

"They are covering it up unbelievably. As you know, I've been in these places a number of times, but I am truly scared because they brutalized us and will do it again at the slightest provocation or if they perceive we will contact somebody to complain."

He ended with a plea for his mom to keep the letter if anything bad were to happen to him.

"I'm sending this letter out through somebody else's name, but when you respond, write to me," he concluded. "If anything happens to me keep this letter as evidence."

"Anyway, I love and miss you. Please write back soon."

## An imagined gang hit



On July 20, more than two weeks after Kahl was injured on the job, the union representing corrections officers sent out a news release that was picked up by at least one local news outlet. The release gave an account of Kahl's injury, without naming him, that turned out to be elaborately false.

"Officer cut at Mid-State Correctional Facility," the news release said. "Attack appears to be a gang hit."

The release went into detail, based on what the union called a "preliminary investigation." One member of the Bloods gang ordered the hit and recruited another to carry it out, the release said. The attacker used a weapon fashioned from an aluminum can top with a pen handle attached with black electrical tape. He approached the officer from behind; when the officer turned around, the attacker slashed him over the left eye and pushed him head-first into a locker. Other inmates acted as lookouts.

None of that happened.

According to a thorough investigation by state police and the corrections department's Office of Special Investigations, Kahl likely fell and hit his head, either after falling asleep in his chair or because he was ill and lightheaded.



Mid-State Correctional Facility is pictured Dec. 22, 2024 in Marcy, N.Y. Mark DiOrio | Contributing photo

No weapon was found during the July 6 dorm raid.

Polygraph tests given to inmates consistently indicated that they were telling the truth: Not only did no inmate attack, but several rushed to his aid after Kahl fell. It was an inmate who pulled the alarm to alert other officers.

That information was not well-received by prison leaders, according to trial testimony from Oliver, a retired deputy chief investigator at OSI, which is headquartered in Albany. The prison's internal investigators had already accused two inmates of committing the assault and was holding them in special housing. But state officials were prepared to expunge the charges.

"It appeared to us at the time that (prison officials) were trying to fit a narrative into a certain hole, and we wanted just to get to the truth," Oliver testified.

Weeks later, Oliver was called in to lead a team of investigators that looked into the July 6 dorm raid. He said prison officials who ordered the raid were guided by the "false narrative" that Kahl had been attacked.

"They felt that Kahl was assaulted, right?" he testified. "They were looking for the weapon because Albany was looking to expunge all of the tickets because they didn't believe that he was assaulted. So they were looking for the weapon. So they're in a frantic, hey, we need to go and we need to find this weapon. And it's also that hey, they believed that you assaulted one of ours, so they're trying to (prove) who's really in charge."

The union's news release was sent out after Mid-State officials were briefed on the finding that Kahl was not attacked, Oliver testified. A spokesman for the officers' union did not respond to [syracuse.com](http://syracuse.com)'s request for comment late last week. The news release has since been hidden from view on the union's website.

The OSI team — Oliver and seven or eight other staff — started doing interviews about the July 6 raid five weeks later, on Aug. 11. Oliver said they believed some inmates embellished the extent of the attack, and some corrections officers also were "less than truthful."

Inmates told investigators that most of the officers covered or removed their nametags during the assault, which Oliver said he believed but could not prove. The guards also forced inmates to lie face down. That made it difficult to identify who did what.

In the end, OSI was hampered by getting a late start. Physical evidence of injuries was gone.

"I think we had 30 some [incarcerated individuals] that were on the housing unit. Most of them had said I was punched, kicked, whatever it may be, so you're looking at that again," Oliver testified. "If you don't have any physical evidence, there's no photographs of the day,

it's a month later. You can't necessarily say, somebody could be punched, and you could have a red mark, but that red mark is not going to be there a month later. Right, so we can't say that it happened or that it didn't happen."

## 'Bad things can happen'

Several officers and supervisors who participated in the raid testified that nothing out of the ordinary happened. Some even said the raid was not specifically looking for the weapon that had been used on Kahl.

Sgt. Daniel O'Neil, one of two supervisors during the raid, gave a sworn statement in 2021 that it would have been dangerous to tell the officers about Kahl's alleged attack before sending them on the frisk.

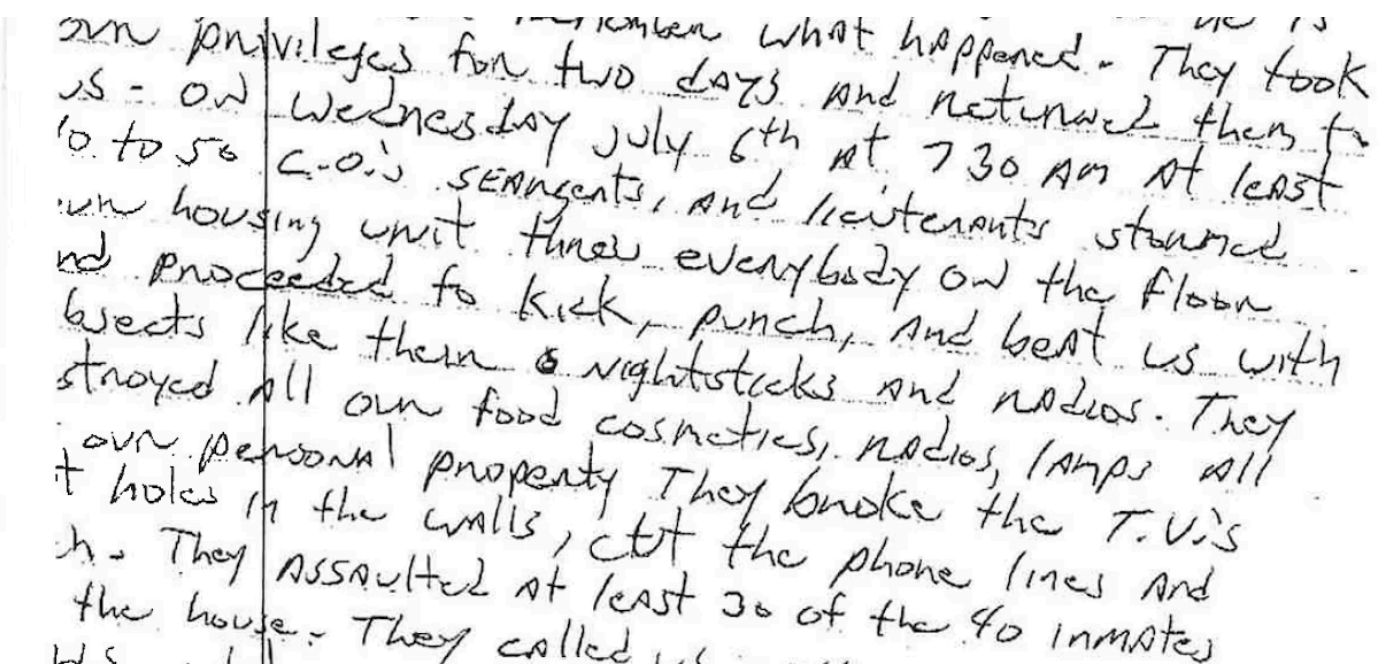
"You don't tell the officers that these inmates just assaulted one of your officers. You don't tell them that," O'Neil said in the deposition.

Why not? He was asked.

"Because bad things can happen," he said. "It means you could have a problem. You could have guys with attitudes."

What kind of attitudes?

"Like, angry, that one of their co-workers got assaulted by an inmate," he said.



own privileges for two days and returned them to us - on Wednesday July 6th at 7:30 AM at least 10 to 50 C.O.'s SERGEANTS, AND lieutenants stormed our housing unit threw everybody on the floor and proceeded to kick, punch, and beat us with objects like their nightsticks and radios. They destroyed all our food cosmetics, radios, lamps all our personal property They broke the T.V.'s it holes in the walls, cut the phone lines and they assaulted at least 30 of the 40 inmates in the house. They called...

A snippet from the letter Raymond Broccoli sent describing the attack by guards in July 2016 at Mid-State Correctional Facility. Provided document

O'Neil later conceded during the trial that at least some of the officers on the dorm frisk were aware that Kahl had been injured.

But one officer who participated in the raid, Vincent Sullivan, testified that many of the guards were talking about the allegation that Kahl had been cut by an inmate and were angry. Sgt. O'Neil, too, was "upset," he said.

Oliver, the OSI investigator, testified at trial that Anne Joslyn, who was the prison's deputy superintendent for programs at the time, told him she was "really alarmed" when she viewed the aftermath of the raid. Inmate food and belongings were strewn all over. Lockers were tipped over. One chair was hanging in the wall and there were more than two dozen holes suggesting that other chairs and objects had been thrown.

"It was angry. Somebody was upset about something, in her opinion," Oliver told the court.

## **No video and little discipline**

Joslyn was among the prison officials who were disciplined in the wake of the attack. She was cited for failure to take actions such as taking pictures and ordering medical exams. The investigator testified that he believed she was fined and faced counseling.

Joslyn retired in 2021 as an assistant commissioner for the prison system in Albany. She now collects a \$76,194 pension.

In total, nine Mid-State supervisors and front-line officers faced internal discipline after the OSI investigation, though none for committing violence against inmates.

Superintendent Joseph Ward resigned during the investigation in November 2016 and avoided discipline as a result, Oliver testified. He collects a \$57,371-a-year pension.

Deputy Superintendent for Security Joe Corey faced unspecified discipline, as did two captains, Karl Adamik and Linda Goppert.

Corey retired this year as superintendent of the Auburn prison, where he made \$188,325 in his last year of work.

Goppert and Adamik also have retired, earning pensions of \$53,848 and \$45,870 respectively.

Sgt. Daniel O'Neill, who was accused of failure to supervise, faced the stiffest public punishment: two months' unpaid suspension and 18 months on probation. O'Neil retired in 2021 and now collects a \$67,117-a-year pension.

Three corrections officers — Christopher Hayes, Kenneth Shortt and Steven Scholl — faced a year of probation for providing false information afterward in paperwork. Each still works at Mid-State.



Mid-State is a medium-security prison in Marcy, Oneida County. It is located about a half-mile from Marcy Correctional Facility, another medium-security prison, where an [inmate died during a use-of-force incident Dec. 10](#). The two prisons have separate staffs and all of the guards in the July 2016 raid were assigned to Mid-State.

It can be difficult to hold prison employees accountable for misdeeds, because the facilities are “walled off from public scrutiny,” said Jennifer Scaife, executive director of the [Correctional Association of New York](#), which has a legal mandate to monitor prison conditions.

Cameras are gradually being added throughout the system, which will help, she said.

“It’s something that we have repeatedly recommended that the state prioritize,” Scaife said.

The corrections department has deployed body-worn cameras to Mid-State Correctional Facility, said Thomas Mailey, a spokesman. Next year they will install fixed cameras.

But there was no mention of video evidence in the trial over what happened eight years ago at Mid-State. The corrections officers apparently knew that if news of the dorm raid took long enough to become public, it would be hard to hold anyone responsible. In the smuggled letter he wrote days after the attack, Broccoli said that’s what an unidentified sergeant indicated at the time.

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“The sergeant actually came on the housing unit today and said by the time anybody does get the chance to complain, their injuries will be healed,” he wrote.

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