

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : SEALED INDICTMENT
  
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- v. - : 16 Cr. 626
  
:
  
KATHY SCOTT, :
  
a/k/a "Kathy Todd," :
  
GEORGE SANTIAGO, JR., :
  
CARSON MORRIS. :
  
:
  
Defendants. :
  
:
  
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COUNT ONE

(Conspiracy to Deprive Civil Rights)

The Grand Jury charges:

BACKGROUND

1. At all times relevant to this Indictment:

Relevant Entities and People

a. The New York State Department of Corrections and Community Supervision ("DOCCS") is an agency responsible for the confinement of individuals under custody in facilities across the State of New York.

b. The Downstate Correctional Facility ("Downstate") is a DOCCS facility located at 121 Red Schoolhouse Road in Fishkill, New York, located in Dutchess County.

c. Kevin Moore was an inmate under the custody of DOCCS who was transported to Downstate on or about November 12,

2013. DOCCS was scheduled to confine Kevin Moore at Downstate for approximately one night before transporting him to a correctional facility on Rikers Island in New York City, operated by the New York City Department of Correction. On November 12, 2013, at approximately 5:00 p.m., Kevin Moore was escorted to the 1-Delta Housing Unit ("1-D") within the 1 Building Complex ("1 Complex") of Downstate. Shortly after he arrived, a group of DOCCS correction officers who were assigned to supervise Moore and other inmates brutally beat him for an extended period of time with fists, boots and batons, causing many life-threatening injuries, including five fractured ribs, a collapsed lung, and facial fractures in multiple places. The officers also caused Moore severe back, hand, leg and foot contusions, and ripped a clump of dreadlocks from Moore's head, which one of the officers took as a "trophy" following the beating. As a result of the beating, Moore was hospitalized for approximately 17 days.

#### The Defendants

d. KATHY SCOTT, a/k/a "Kathy Todd," the defendant, was a correction officer, with the rank of Sergeant, employed by DOCCS and working at Downstate on or about November 12, 2013. On the evening of November 12, 2013, SCOTT was working as the area supervisor in charge of Downstate's 1 Complex.

e. GEORGE SANTIAGO, JR. and CARSON MORRIS, the defendants, were correction officers employed by DOCCS and working at Downstate on or about November 12, 2013. On the evening of November 12, 2013, correction officers SANTIAGO and MORRIS were working in or around Downstate's 1 Complex and subject to the supervision of Sergeant SCOTT.

The November 12, 2013 Beating

2. On or about November 12, 2013, correction officers escorted Kevin Moore and another inmate to 1-D to temporarily house them overnight. After they arrived in 1-D, a co-conspirator not named as a defendant herein ("CC-1") instructed Kevin Moore and the other inmate to remove their shoelaces because they were going to be confined in Forensic Diagnostic Unit ("FDU") cells, which are cells designed for inmates with mental health issues. Kevin Moore and the second inmate questioned why they needed to be confined in FDU cells when they did not have mental health issues. CC-1 radioed for assistance from a supervisor.

3. Additional correction officers responded to 1-D, including KATHY SCOTT, a/k/a "Kathy Todd," GEORGE SANTIAGO, JR. and CARSON MORRIS, the defendants. After SCOTT and SANTIAGO arrived, Kevin Moore expressed concern that being confined in an FDU cell might change his mental health status within DOCCS, and said in words or substance that he was "a monster." While

complaining that they did not want to put in the unit for inmates with mental health issues, at no time did Moore or the other inmate physically threaten the correction officers.

EXCESSIVE USE OF FORCE

4. When Kevin Moore objected to being confined in an FDU cell on 1-D, GEORGE SANTIAGO, JR., and CARSON MORRIS, the defendants, along with other correction officers, grabbed Moore and started beating him. MORRIS initiated the beating by punching Moore and striking him with his correction officer baton. Several correction officers then forced Moore to the ground and restrained him.

5. After Moore was forced to the ground, KATHY SCOTT, a/k/a "Kathy Todd," GEORGE SANTIAGO, JR. and CARSON MORRIS, the defendants, and other correction officers continued to beat him. As Moore lay on the floor defenseless for several minutes, cried out in pain, and pleaded for mercy, the defendants continued their beating of Moore, including striking and kicking him. While they beat Moore, none of the correction officers on the scene gave any commands to Moore directing him to take any action or refrain from taking any action that Moore could comply with to stop the force being used on him.

6. GEORGE SANTIAGO, JR., the defendant, kicked and punched Moore multiple times while Moore was lying on the floor. At one point, SANTIAGO reared back and kicked Moore in the face,



and then laughed. SANTIAGO also taunted Moore by saying, in sum and substance, "Who's a monster now?"

7. While Kevin Moore was prone on the floor completely at the mercy of the correction officers, CARSON MORRIS, the defendant, continued to punch Moore and strike him, including kicking him with his knee. When Moore's pants fell down during the beating, two correction officers punched and kicked Moore in his exposed groin as he lay on the floor.

8. As a Sergeant and supervising correction officer of 1 Complex, KATHY SCOTT, a/k/a "Kathy Todd," the defendant, was present for and watched over the entire beating without doing anything to stop the violence. At one point while Kevin Moore was on the floor being beaten, SCOTT physically grabbed Moore. Scott also directed one and more correction officers to hold Moore in place on the ground, rendering him even more exposed to the punches and kicks from the other defendants.

9. While Moore was being beaten, he cried out in pain and begged for the beating to stop. Moore pleaded to KATHY SCOTT, a/k/a "Kathy Todd," the defendant, in sum and substance, "why, Sarge, why? Make it stop." At one point during the beating, SCOTT taunted Moore by saying, in sum and substance, "Who's the monster now?"

10. When the defendants finished beating Moore, one or more correction officers lifted him from the ground, where he

was lying in a pool of his own blood. Some of Moore's dreadlocks had been ripped from his head during the beating and left on the floor of 1-D. After the incident, SANTIAGO stated that he wanted to keep Moore's dreadlocks as a souvenir for his motorcycle, and later he retrieved some of the dreadlocks from 1-D.

11. The violence inflicted by the correction officers, including KATHY SCOTT, a/k/a "Kathy Todd," GEORGE SANTIAGO, JR. and CARSON MORRIS, the defendants, against Moore while on 1-D on November 12, 2013, resulted in Moore suffering several fractured ribs, several facial fractures, and a collapsed lung, in addition to other serious injuries, including back, hand, leg and foot contusions, and having dreadlocks ripped from his head. Instead of being immediately sent to the hospital for treatment, Moore was locked into solitary confinement to suffer in pain overnight.

#### The Cover-Up

12. Almost immediately after the beating on November 12, 2013, correction officers involved, including GEORGE SANTIAGO, JR. and CARSON MORRIS, the defendants, and others, met within Downstate to fabricate a story to justify the excessive force that they and other correction officers had used against Moore. Although SANTIAGO and MORRIS knew it was untrue, they agreed that one of the correction officers would pretend to have been

attacked and hurt by Moore before the beating of Moore began. SANTIAGO, MORRIS, and other correction officers agreed that they would claim that Moore attacked and injured a correction officer first and that force was necessary to restrain Moore and that ultimately only a reasonable amount of force was used to restrain Moore after his purported attacks. Because Moore had not in fact attacked any correction officer, in order to substantiate the fake cover story they concocted, SANTIAGO struck one of the correction officers who had been on the scene on the back with a baton causing injury marks to make it appear as if he had been attacked by Moore. MORRIS further applied friction with his hands to the injury marks in order to make the injury appear more serious.

13. Moments after GEORGE SANTIAGO, JR. and CARSON MORRIS, the defendants, created the injury marks on the correction officer's back to fake an attack from Moore that actually never happened, KATHY SCOTT, a/k/a "Kathy Todd," the defendant, took photographs of the marks on the correction officer's back in order to try to document the false cover story.

14. In addition to actually injuring a fellow correction officer and then taking a picture of the injury in order to try to document an attack from Moore that never happened, on November 12, 2013, KATHY SCOTT, a/k/a "Kathy Todd," GEORGE SANTIAGO, JR. and CARSON MORRIS, the defendants, and other

correction officers also met and agreed to write a false report describing the force used against Kevin Moore (the "Use of Force Report") and supporting memoranda. Although SCOTT, SANTIAGO, and MORRIS knew it was not true, they and other correction officers discussed and agreed that they would write the Use of Force Report and supporting memoranda in a manner consistent with the fake story they had concocted, falsely reporting that Moore had pushed one of the correction officers backward onto a table and, only in response, had the correction officers used a reasonable amount of force to restrain Moore. SCOTT, SANTIAGO, MORRIS, and other correction officers wrote the supporting memoranda documenting the false statements of the cover story, and SCOTT wrote the Use of Force Report and an inmate misbehavior report documenting the false cover story.

15. GEORGE SANTIAGO, JR., the defendant, and CC-1 called another co-conspirator not named as a defendant herein ("CC-2"), who was also involved in the beating of Kevin Moore, to instruct CC-2 to make entries in a Downstate log book that were false, but consistent with the fake story in the Use of Force Report and supporting memoranda. The false statements included that Moore started the incident by shoving a correction officer.

16. GEORGE SANTIAGO, JR., the defendant, and CC-2 also discussed the fact that there was a pool of blood on the floor where Kevin Moore was beaten. At SANTIAGO's suggestion, and to



be consistent with the fake Use of Force Report, CC-2 removed all of Mr. Moore's blood from the floor to conceal the severity of the beating.

The Conspiracy to Deprive Kevin Moore's Rights

17. On or about November 12, 2013, in the Southern District of New York and elsewhere, KATHY SCOTT, a/k/a "Kathy Todd," GEORGE SANTIAGO, JR. and CARSON MORRIS, the defendants, and others known and unknown, while serving as correction officers of DOCCS and acting under color of the laws of the State of New York, willfully and knowingly did combine, conspire, confederate and agree with each other and with other correction officers to injure, oppress, threaten, and intimidate a person in the State of New York in the free exercise and enjoyment of the rights and privileges secured to him by the Constitution and laws of the United States to be free from the deprivation of liberty without due process of law, which includes the rights (a) to be secure in his person, that is the right to be free from the use of unreasonable physical force and (b) to be free from the use of unreasonable force amounting to the infliction of cruel and unusual punishment by one acting under color of law, to wit, SCOTT, SANTIAGO, MORRIS and others, while acting as correction officers employed by DOCCS, assigned to the Downstate Correctional Facility in Fishkill, New York, agreed to assault

Kevin Moore and in fact assaulted Kevin Moore, who was held in the custody of DOCCS, by striking, punching and kicking him.

(Title 18, United States Code, Section 241.)

COUNT TWO

(Deprivation of Civil Rights Under Color of Law)

The Grand Jury further charges:

18. The allegations set forth in paragraphs 1 through 16 are repeated and realleged as if set forth fully herein.

19. On or about November 12, 2013, in the Southern District of New York and elsewhere, KATHY SCOTT, a/k/a "Kathy Todd," GEORGE SANTIAGO, JR. and CARSON MORRIS, the defendants, while acting under color of the laws of the State of New York, did willfully and knowingly subject Kevin Moore, then a person in the State of New York, to the deprivation of rights secured and protected by the Constitution and the laws of the United States to be free from the deprivation of liberty without due process of law, which includes the rights (a) to be secure in his person, that is the right to be free from the use of unreasonable physical force and (b) to be free from the use of unreasonable force amounting to the infliction of cruel and unusual punishment by one acting under color of law, resulting in bodily injury to Kevin Moore, to wit, SCOTT, SANTIAGO and MORRIS, while acting as correction officers employed by DOCCS assigned to the Downstate Correctional Facility in Fishkill, New

York, assaulted Kevin Moore, an inmate held in the custody of DOCCS, causing bodily injury to Kevin Moore, while under the supervision of SCOTT.

(Title 18, United States Code, Sections 242 and 2.)

COUNT THREE

(Conspiracy to Falsify Records)

The Grand Jury further charges:

20. The allegations set forth in paragraphs 1 through 16 are repeated and realleged as if set forth fully herein.

21. From on or about November 12, 2013, through in or about April 2016, in the Southern District of New York and elsewhere, KATHY SCOTT, a/k/a "Kathy Todd," GEORGE SANTIAGO, JR. and CARSON MORRIS, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit offenses against the United States, to wit, the falsifying of documents, in violation of Title 18, United States Code, Section 1519.

22. It was a part and an object of the conspiracy that KATHY SCOTT, a/k/a "Kathy Todd," GEORGE SANTIAGO, JR. and CARSON MORRIS, the defendants, and others known and unknown, knowingly would and did alter, destroy, mutilate, conceal, cover up, falsify, and make a false entry in a record, document, and tangible object with the intent to impede, obstruct, and influence the investigation and proper administration of a

matter within the jurisdiction of a department and agency of the United States, to wit, SCOTT, SANTIAGO, and MORRIS, and their co-conspirators agreed to falsify DOCCS Use of Force Reports, memoranda, inmate misbehavior reports, and logbooks, with the intent to impede the investigation of the injuries inflicted on Kevin Moore, an inmate at the Downstate Correctional Facility in Fishkill, New York, which investigation falls within the jurisdiction of the United States Attorney's Office for the Southern District of New York and the Federal Bureau of Investigation, in violation of Title 18, United States Code, Section 1519.

Overt Acts

23. In furtherance of the conspiracy, and to effect the illegal object thereof, KATHY SCOTT, a/k/a "Kathy Todd," GEORGE SANTIAGO, JR. and CARSON MORRIS, the defendants, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about November 12, 2013, SCOTT wrote a Use of Force Report, a supporting memorandum, and an inmate misbehavior report to the Downstate Correctional Facility that contained false, misleading, and incomplete information about the use of force incident with inmate Kevin Moore.

b. On or about November 12, 2013, SANTIAGO wrote a memorandum to the Downstate Correctional Facility that contained



false, misleading, and incomplete information about the use of force incident with inmate Kevin Moore.

c. On or about November 12, 2013, MORRIS wrote a memorandum to the Downstate Correctional Facility that contained false, misleading, and incomplete information about the use of force incident with inmate Kevin Moore.

d. On or about November 12, 2013, CC-1 wrote a memorandum to the Downstate Correctional Facility that contained false, misleading, and incomplete information about the use of force incident with inmate Kevin Moore.

e. On or about November 12, 2013, CC-2 wrote entries into a logbook of the Downstate Correctional Facility that contained false, misleading, and incomplete information about the use of force incident with inmate Kevin Moore.

(Title 18, United States Code, Section 371.)

COUNT FOUR

(Falsifying Records)

The Grand Jury further charges:

24. The allegations set forth in paragraphs 1 through 16 are repeated and realleged as if set forth fully herein.

25. On or about November 12, 2013, in the Southern District of New York, KATHY SCOTT, a/k/a "Kathy Todd," GEORGE SANTIAGO, JR. and CARSON MORRIS, the defendants, knowingly altered, destroyed, mutilated, concealed, covered up, falsified,

and made a false entry in a record, document, and tangible object with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of a department and agency of the United States, to wit, SCOTT, SANTIAGO and MORRIS wrote a Use of Force Report, supporting memoranda, and an inmate misbehavior report to the Downstate Correctional Facility that contained false, misleading, and incomplete information about the use of force incident with inmate Kevin Moore, with the intent to impede the investigation of the injuries inflicted on Moore, which investigation falls within the jurisdiction of the United States Attorney's Office for the Southern District of New York and the Federal Bureau of Investigation.

(Title 18, United States Code, Section 1519.)



FOREPERSON

A handwritten signature in cursive script that reads "Preet Bharara".

PREET BHARARA

United States Attorney

