

## Testimony of Vanessa Fano

Before the Homeland Security and Governmental  
Affairs Committee (HSGAC) Permanent Subcommittee on Investigations (PSI)

Hearing on “U.S. Department of Justice’s (“DOJ”)  
Implementation of the Death in Custody Reporting Act”

Thank you, Chairman Ossoff and Ranking Member Johnson, for the opportunity to testify before you today. My name is Vanessa Fano, and my brother is Jonathan Louis Fano. I am testifying today because over five (5) years ago, in Baton Rouge, Louisiana’s jail, I lost my brother to suicide.

### **I. Introduction**

I am not a lawyer. I have, however, learned a lot about the criminal legal system and its utter disdain for the mental health needs of people in jail. On October 31, 2016, Baton Rouge police arrested my brother even though he was obviously hallucinating and very mentally ill. Through litigation filed on behalf of my mother, I learned that rather than take Jonathan to a hospital, police took him to the East Baton Rouge Parish Prison, which is Baton Rouge’s jail. My testimony will focus on what I learned about the conditions of confinement for people in that jail, including my brother, who are detained pretrial—awaiting trial and presumed innocent. My brother, like every other person held in Baton Rouge’s jail, deserved to be treated with basic human dignity. His death highlights the importance of the Death in Custody Reporting Act (“DCRA”) because of the need for transparency in our jails and prisons.

### **II. Lack of Transparency**

Since my brother’s death, I have learned that Baton Rouge’s jail is one of the deadliest in the country. At least 48 people, including Jonathan, have died in the jail since 2012. Rather than this information being readily available to the public, advocates have had to cobble together the information from both public sources and the media.<sup>1</sup> One expert estimates that the death rate at the jail when Jonathan died there was more than twice the national average.<sup>2</sup> It is my firm belief

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<sup>1</sup> The number of fatalities was reconstructed from public sources and includes deaths in the jail’s work release program. A 2018 report by The Promise of Justice Initiative reported 11 deaths for 2012 through 2013. Incarceration Transparency reported 29 deaths in the East Baton Rouge Parish Prison and East Baton Rouge Work Release Program from 2014 - 2019. Fair Fight Initiative researchers relied on articles in The Advocate and brproud.com to identify eight people killed from 2020-2022. See *Incarceration Transparency, Louisiana Deaths Behind Bars* (n.d.), [https://www.incarcerationtransparency.org/?page\\_id=277](https://www.incarcerationtransparency.org/?page_id=277); Shanita Farris and Andrea Armstrong, *Dying in East Baton Rouge Parish Prison*, The Promise of Justice Initiative (June 2018), <https://static1.squarespace.com/static/5fe0e9cce6e50722511b03cc/t/600895d13eefba64a65bbc53/1611175377849/Dying-in-East-Baton-Rouge-Parish-Prison-Final.pdf>; and Jacqueline Derobertis, “Man Awaiting Trial at East Baton Rouge Parish Jail Dies after Staff Find Him Unresponsive in Cell,” The Advocate (March 10, 2022), [https://www.theadvocate.com/baton\\_rouge/news/article\\_24863d9c-a0ab-11ec-856f-93361ecdaae2.html](https://www.theadvocate.com/baton_rouge/news/article_24863d9c-a0ab-11ec-856f-93361ecdaae2.html).

<sup>2</sup> See, Exhibit A, pp. 27-28 (Dr. Homer D. Venters expert report, *Zavala v. City of Baton Rouge*, No. 3:17-CV-00656-JWD-EWD, (M.D. La. Jan. 3, 2020)).

that had the information about Baton Rouge's jail high death rate been publicly available, my family and I would have done everything we could have to secure Jonathan's release prior to trial.

## **II. Punishment Prior to Any Conviction**

My brother took his life after more than three (3) months in the Baton Rouge jail. Documents provided by the jail and its private, for-profit health care provider reveal that Jonathan spent almost every day of his detention in the Baton Rouge jail in solitary confinement. Prevailing science and the leading carceral health care accreditation agency acknowledge that people with mental illness should *never* be held in solitary confinement.<sup>3</sup> In addition to debilitating isolation suffered by my brother, the Baton Rouge jail subjects all people detained there to "deplorable" conditions generally.<sup>4</sup> Although never convicted of any crime, Jonathan was punished by the inhumane and unjust conditions in the jail.

## **III. My Pain**

No amount of time can truly heal what I share with you today. Jonathan was so kind, he felt guilty killing a bug. He once took the bus downtown to babysit our cousin's kids, even though it was his birthday. Jonathan would spend hours listening to my problems and would do anything to support me. But at the time he needed the same support, no one responsible for his care, custody, and control gave it to him.

Jonathan suffered from bipolar disorder and depression, for which he sought professional help and support from his family. He was never any type of threat or danger to us, or others. In October 2016, Jonathan was arrested in Baton Rouge, Louisiana while having a mental breakdown and taken to its jail.

In his ten weeks in pretrial detention, Jonathan never received a thorough mental health evaluation. After cutting his own wrists, he was placed in isolation. Despite our frequent phone calls, our family was repeatedly told that Jonathan did not want to speak with us. It was only on Christmas Day that we heard from Jonathan, who told us he wasn't allowed to call us.

During that phone call, we learned about Jonathan's attempt on his own life. But we could not get the details before the for-profit phone system cut off our call, even though we provided more funds to continue. We trusted the system.

We trusted the system when it provided us with Jonathan's court date; my mother and sister flew across the country only to discover we were provided the wrong date. We trusted his public defender would be advocating for Jonathan's mental health care and release, and the advice to wait just a little longer in custody to resolve the case. We trusted the Baton Rouge

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<sup>3</sup> The National Commission on Correctional Health Care notes that "persons with mental illness should be excluded from solitary confinement for any duration." <https://www.ncchc.org/solitary-confinement-isolation-2016/>

<sup>4</sup> See, Exhibit B, p. 7, (Jeffrey A. Schwartz expert report, *Zavala v. City of Baton Rouge*, No. 3:17-CV-00656-JWD-EWD, (M.D. La. Jan. 3, 2020)).

Sheriff's Office, who claimed that Jonathan was receiving the care he needed in detention.

On February 2<sup>nd</sup>, 2017, Jonathan hanged himself with a bedsheet in his cell. When we finally saw his lifeless body, the first time in ten weeks, he was handcuffed to an intensive care unit bed. It was only then we realized how wrong we were to place our trust in this system, which told us there was no fault after their own internal investigation of Jonathan's death.

It is only through our own insistence over the past five years that we have come to learn how hard Jonathan tried to receive help. How belittled he was. How no one believed him. How so many other people have died in this same jail under these same conditions. Each time I tell Jonathan's story, he feels farther away. I worry for the day I can never hear his voice, feel his warmth, or see his face again.

I tell you Jonathan's story for every family who has experienced the same. And I hope, in doing so, we can improve our beloved nation and prevent this from ever happening to another family again. Thank you.