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Timothy E. Helms was photographed Aug. 13, 10 days after he was injured at Alexander Correctional Institution. Because of a skull fracture and bleeding in the brain, he is a quadriplegic. Helms was treated at three outside hospitals before being placed in the hospital at Central Prison in Raleigh, where he lives now. The SBI is investigating how the injuries occurred.
Photo courtesy of Disability Rights North Carolina



N.C. Dept. of Corrections



Photo shows Tim Helms before childhood accident.
Photo provided by Mike Helms



Mike Helms wants to find out who injured his brother.
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SBI investigates how inmate's brain was



A visitor ponders thick rolls of razor ribbon covering the outer perimeter fence of the new Alexander Correctional Institution in Taylorsville. It opened in 2004.
JEFF WILLHELM, CHARLOTTE OBSERVER PHOTO BY JEFF WILLHELM



Timothy Helms can't feed himself or sit up without help. He was mysteriously injured in prison in August. The photo at left was taken before the injuries. Photos courtesy of N.C. Department of Corrections

badly injured

Blunt-force trauma turns a state prisoner in solitary confinement into a quadriplegic. Officials say they don't know how it happened.

BY MICHAEL BIESECKER, Staff Writer

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RALEIGH - Inmate Timothy E. Helms, 48, spends his days in a hospital bed at Raleigh's Central Prison, unable to sit up or feed himself.

Sentenced to three life terms after a fatal drunken-driving accident, Helms has been a quadriplegic since he suffered extensive brain damage in August at a maximum-security state prison in Taylorsville.

Officials at the N.C. Department of Correction say they don't know how Helms sustained his injuries, which included a fractured skull and extensive bleeding in his brain. The inmate's medical records indicate, however, that he suffered a severe beating that he said was administered by guards.

DOC records show that on the day Helms was injured he was in solitary confinement. Helms had spent years segregated from other inmates because of repeated violations of prison rules. Only the staff at Alexander Correctional Institution had access to his isolated cell.

The \$75 million facility is one of the newest, largest and most sophisticated prisons in North Carolina. Though open less than five years, it has already developed a statewide reputation among inmates' advocates for rough treatment, including the past use of leashes similar to those used on dogs to control prisoners.

Helms is developmentally disabled and had a long history of mental illness before being sent to prison. He has an IQ of 79, according to state records.

On Aug. 4, Helms arrived at the emergency room at Catawba Valley Medical Center in Hickory in the back of a squad car, escorted by guards.

"The story I got is that sometime yesterday the patient lit a fire in his cell and officers went in to try to put out the fire out," Dr. Jon A. Giometti wrote in Helms' intake report. "Patient resisted this and they had to subdue him using sticks, which included beating him on his body as well as in the face and head. ..."

"The patient has whelp markings consistent with [being] struck by a Billy club across his upper extremities. Across his trunk, he has contusions on the chest wall as also on the back consistent with multiple blows from a Billy club."

A written summary of Helms' CT scan showed blood hemorrhaging inside his brain stem. There was also bleeding in both temporal lobes, the part of the brain important to speech, vision and long-term memory. Helms also had a broken nose and skull fracture. Separate X-rays of his chest showed "obvious rib fractures."

Judging by his wounds, the doctor estimated that Helms had been beaten about 24 to 30 hours earlier.

The fire in the cell

Asked what happened, Giometti wrote that the inmate said he started a fire in his cell and then the guards beat him with batons.

An internal DOC investigation failed to "conclusively determine what might have caused his injuries," and no personnel actions have been taken.

In September, then-DOC Secretary Theodis Beck sent a letter to the State Bureau of Investigation asking for agents to be assigned the case.

So far, the only person to face criminal charges from the incident is Helms. A pair of arrest warrants issued Aug. 9 charged him with burning a public building and malicious damage to occupied property by use of an incendiary device, both felonies.

Prison officials say that on Aug.3, Helms used two batteries and a scrap of metal to set his bedding ablaze -- a tactic sometimes employed by prisoners in solitary confinement to commit suicide or force guards to take them out of their cells. When Helms was later examined in the hospital, the medical staff found two batteries in a plastic baggie inside his rectum.

Alvin W. Keller Jr., the new correction secretary, said in a written statement that the SBI, which is supervised by Attorney General Roy Cooper, was unable to launch its inquiry until early March, because of "other investigative work" facing the law enforcement agency. The News & Observer contacted a DOC attorney seeking information about Helms on Feb. 24.

Keller said his department had provided investigators with all its records pertaining to Helms' injuries, including security camera footage from Alexander Correctional taped the day of the fire.

The secretary has declined requests to make those documents and tapes public. A request filed by a reporter to visit Helms at Central Prison was also denied.

"If a prison employee did intentionally injure Mr. Helms, we want that person to be identified and prosecuted in court," said Keller, a former military

judge, in the written statement. "There is no place in our corrections system for abuse. If it has occurred, any employees involved will be held accountable."

The Correction Department has denied requests to comment further about the specifics of Helms' injuries or the conditions under which he was isolated at Alexander Correctional, citing the ongoing SBI investigation and concerns for the inmate's medical privacy.

But Keith Acree, spokesman for the prison system, said Friday, that Helms' case had triggered an internal review of conditions for inmates at Alexander and that administrators are satisfied that the director of the Taylorsville prison, Keith Whitener, is doing a good job.

"We think he runs a very tight ship," Acree said.

Troubled, tragic life

Tim Helms has lived a troubled, tragic life.

When he was 10, Helms was riding in a wagon in the street near his family's home in Concord when he was hit by a carpenter's truck.

His older brother, Mike Helms, said the impact threw the boy into a nearby tree. He then fell to the pavement, landing on his head.

"He was a normal kid up until the accident," said Mike Helms, a retired electrician who is a school board member in Cabarrus County. "When he came home [from the hospital] he was sort of like a toddler. He could get along, play, socialize. But the way his brain was, he couldn't really think for himself."

Helms attended special education classes until he dropped out of high school when he turned 16. Diagnosed with multiple psychiatric disorders, he was frequently admitted to state mental health facilities, including Dorothea Dix Hospital in Raleigh.

As Helms grew into what his brother describes as a man's body with a child's mind, court records show he started getting in trouble with the law. He was charged with breaking into vending machines and stealing bicycles. He was repeatedly jailed for public intoxication, resisting arrest, assault and multiple arrests for driving while intoxicated.

Mike Helms says that Tim could not pass the written exam to get a driver's license and that the drunken driving charges occurred while he was driving a moped. He collected a monthly disability check and lived at home with his mother, Julia Helms.

At 2:19 a.m. on May 1, 1994, Tim Helms and a friend, Ronnie Wayne Bowers, were in Helms' mother's red 1968 Ford pickup. The truck was traveling about 70 miles per hour in a 35 mph zone when, according to the report filed by Concord police, it ran a red light and collided with a Chevy truck containing four teenage boys headed for a nighttime swim. Two of the boys, Chris Goodwin, 17, and Scott Eric Howell, 16, died at the scene.

Both Bowers and Helms were thrown from the Ford. Helms suffered broken bones and other serious injuries. Bowers died 10 days later.

The police report from the accident lists Helms, then 33, as the driver of his mother's truck. He had a blood alcohol level of 0.19 percent -- more than twice the legal limit.

Detectives questioned Helms in the hospital while he was on pain and psychiatric medications. During the questioning, police said, Helms admitted driving the truck after drinking six beers.

Though drunken-driving cases involving fatalities often result in manslaughter charges, District Attorney William D. Kenerly charged Helms with habitual drunken driving and three counts of second-degree murder. Now the district attorney for Rowan County, Kenerly said he has no doubts Helms was driving the truck.

"This was a traumatic thing, especially for the police officers who had to go down there and pick up pieces of dead children," Kenerly said. "There was no question he was going to be tried for murder, not with that evidence and those facts."

Records from the trial at the Cabarrus County Courthouse include copies of the forms Helms signed taking responsibility for the deaths and accepting three life terms. Helms' mental state was not considered as a mitigating factor in his sentence or in whether he was competent to plead guilty.

In 'The Hole'

Helms has been far from a model prisoner.

In 14 years behind bars, he racked up 125 rules infractions, ranging from threatening to harm staff and possessing a razor to using profanity and hoarding 84 postage stamps.

As punishment for his misbehavior, he has spent at least 1,459 days in disciplinary or administrative segregation -- the terms used in North Carolina to describe solitary confinement.

The practice of isolating prisoners as punishment is common in prison systems across the United States, though it's considered inhumane in many countries.

Craig W. Haney, a professor of psychology and law at the University of California at Santa Cruz, has studied the mental impact of long-term solitary confinement on prisoners in that state's "Supermax" prisons.

"For the overwhelming number of mentally ill people, they deteriorate quite rapidly," Haney said. "Whatever pre-existing disorders they have are intensified."

Currently, about 1,800 inmates in North Carolina's prison system -- about 5 percent of all those incarcerated -- are housed in disciplinary segregation.

Correction Department policy is that no inmate should be housed in isolation for more than 60 days in a stretch, a period prisoners commonly refer to as being in "The Hole." They are supposed to be let out of their cells one hour per day, five days a week, for a shower and exercise in an outdoor cage, weather permitting.

But Helms' prison records show he was kept in isolation 571 consecutive days over the last three years. On several occasions, his 60-day term in segregation ended one day only for a new term to start the next.

Helms also spent time in the system's inpatient mental health ward at Central Prison. His psychiatric evaluations say he was diagnosed with at least six mental disorders, including conditions that cause explosive anger and antisocial behavior.

In the year leading up to the fire, a staff psychologist visited Helms monthly, talking to him through a small slot in the steel door of his cell. Even though he was locked in, Helms was typically handcuffed and shackled.

The records indicate Helms had used a razor to repeatedly cut himself and was banging his head against the wall. He smeared himself with feces and told prison staff he had been eating his own excrement.

According to reports filed by a staff psychologist about two weeks before the fire, Helms asked to be allowed to have a mattress, an amenity apparently being withheld.

In several interviews with the psychologist, Helms alleged he was being abused by guards and pleaded to be let out of isolation. He asked to be given a metal bar to secure his cell door from the inside, so the guards couldn't get to him.

Helms made similar claims of abuse in letters home to his family, interspersed with Bible verses and profanity scrawled in a childlike script.

"I lock in the hole now the staff say I die at Alexander," the inmate wrote Julia Motley, his former sister-in-law, on July 20. "I got slam down on my face in hand cuff chains on also leg irons on. ... Staff say I will never get off lock up."

Brother can't visit

Mike Helms didn't know of his brother's injuries until an N&O reporter contacted him in early February, more than six months after the fire Aug. 3. He responded by sending more than 100 e-mail messages to the office of Gov. Bev Perdue and various Correction officials seeking information about his brother.

After a week, he received a one-sentence reply from the public affairs office for the prison system.

"He is at Central Prison where there have been no problems and no use of force, especially as described in your inquiry," the unsigned e-mail said.

After Mike Helms continued to call and write, he received another e-mail on Feb. 20, this time signed by department spokesman Keith Acree. That message suggested Helms' injuries were the result of the fire. Acree said he couldn't say more, citing medical confidentiality concerns.

"There is no evidence to support any claim that Tim was beaten by officers while handcuffed," Acree wrote.

When Mike Helms asked to be allowed to visit his brother, he was told the prisoner was not allowed visitors because he is on disciplinary segregation for setting the fire. He was then told he couldn't visit because Tim, who has difficulty holding a pen, had not signed the form required to put Mike on his approved visitors list.

On March 30, prison administrators removed Helms from segregated status for the first time since September 2007, according to records provided by DOC.

The legal advocacy group Disability Rights North Carolina, which has been investigating Tim Helms' treatment by the prison system since before the fire, is now negotiating with Correction officials to allow Mike Helms to visit his brother.

Rights group helps

Advocates for Disability Rights have been able to visit Tim Helms in the prison hospital, most recently on March 26. They report Helms recently began receiving physical therapy and was moved last week into a room with four other prisoners and a television.

He still cannot sit up in bed without assistance and can speak only in slurred words whispered so softly visitors have to lean close to hear him.

Vicki Smith, executive director of Disability Rights, said the group is investigating precisely what happened to Helms in the day between the fire, which required the evacuation of his cell block, and his being taken to the emergency room with blunt-force injuries.

The group has also petitioned DOC to release Helms under a program that discharges prisoners whose medical infirmity ensures they no longer pose a public threat.

Eligible for parole since 2004 under sentencing guidelines in place when he was convicted, Helms was most recently denied release in December, as he lay in his hospital bed. Records of the parole board's deliberations are not public, and the prison system denied requests to release them.

His next custody review hearing is set for June 1.

Smith said Helms' case shows the desperate need for the prison system to change how it cares for inmates who are mentally ill or developmentally disabled.

"While Mr. Helms has had a difficult life, he has accepted responsibility for his actions," Smith said. "It is time for the Department of Correction to accept their responsibility. We believe that the years of confinement Mr. Helms spent in segregation, combined with his earlier disabilities, triggered the events which resulted in his current condition. It is our hope that the DOC will grant Mr. Helms' release to an appropriate outside facility where his needs can be met."

News researcher Brooke Cain and Charlotte Observer reporters Kevin Cary and LukasJohnson contributed to this report.

michael.biesecker@newsobserver.com or 919-829-4698

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Message to prisoner's brother

An excerpt from an e-mail to Mike Helms sent Feb. 20 by Keith Acree for North Carolina's prison system:

Dear Mr. Helms,

I am writing in response to your e-mails inquiring about the status of your brother Tim Helms. Tim is currently housed in the hospital at Central Prison in Raleigh.

On August 3, 2008, while Tim was housed at Alexander Correctional Institution in Taylorsville, he set a large fire in his cell. When officers entered his blazing and smoke-filled cell, they found him lying on the floor and pulled him out. He was seen by medical personnel shortly thereafter and appeared to have suffered only some minor scrapes in the incident.

In the days following that fire, Tim became ill and was hospitalized. Medical confidentiality laws do not permit me to discuss his medical

condition in detail with you. Tim has not indicated any family contacts to be notified, and after the fire and onset of his illness, he said he did not wish to contact any members of his family. ...

Additionally, there is no evidence to support any claim that Tim was beaten by officers while handcuffed.

Keith Acree

Public Affairs Director

N.C. Department of Correction

Solitary fines

Number of days Tim Helms has spent on disciplinary or administrative segregation since he was sentenced to three life terms Dec. 5, 1994:

Year: Days

2009: 89

2008: 366*

2007: 228

2006: 101

2005: 93

2004: 67

2003: 54

2002: 120

2001: 63

2000: 24

1999: 147

1998: 69

1997: 38

1996: 0

1995: 0

Total: 1,459

* Leap Year

Source: N.C. Department of Corrections, The N&O

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