

Jail accused of ignoring pleas from dying inmate

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By [Nicole Montesano](#) • Staff Writer • May 11, 2017

Yamhill County Jail staff ignored screams for help from badly beaten inmate Jed Hawk Myers during the five hours he was dying in a medical observation cell in 2015, a federal lawsuit filed this week alleges.

Myers' estate is suing the county in federal district court in Portland for \$12 million. In addition to the county, the lawsuit names Sheriff Tim Svenson, Jail Commander Jason Mosiman, contract physician Mark Rose, medical technician Kevin Thurman, seven correctional deputies and four John or Jane Does.

The county refused to comment. As of press time, it had not responded to public records requests filed by the News-Register.

Myers, 34, was moved to a medical observation cell about 7:30 p.m. on May 27 of 2015, after two fellow inmates entered his cell and attacked him. Both are now serving prison terms for the assault. Myers died between midnight and 1 a.m. on May 28, the day of his scheduled release on a four-day parole violation sanction.

At their sentencing hearing, the assailants told the court they believed Myers was a snitch and were trying to teach him a lesson. They said they never expected him to die.

The lawsuit alleges that he would not have died had the county provided him with medical care.

It says the state medical examiner determined Myers suffered a lacerated left kidney, traumatic brain injury, broken rib and right clavicle, and extensive bruising on the head and body. It says he was bleeding internally and passing that blood in his urine, clearly visible in his stainless steel toilet in the jail through 2 1/2 hours of jail surveillance video.

According to the lawsuit, the official cause of death was the blunt force abdominal trauma triggering the internal bleeding.

Myers' death was followed in October 2016 by the suicide of inmate Debbie Samples, after jail staff ignored medical advice that she be placed on suicide watch.

Deputies picked up Samples earlier in the evening after she tried to hang herself at the home of a family member in Sheridan. Before taking her to jail on outstanding misdemeanor warrants, they took her to the Willamette Valley Medical Center for medical and psychiatric evaluation, resulting in a suicide watch recommendation.

They left her in a cell with a corded telephone, and she used the cord to hang herself. Samples was supposed to be under video surveillance, but was beyond successful resuscitation by the time staff reached her.

Her family's attorney has filed a tort claim notice with the county preserving the family's right to file federal litigation within two years of the incident.

The Myers lawsuit alleges that no jail employees were disciplined in connection with his death. The county has not responded to questions about any disciplinary action taken in association with either death.

In December, the county began contracting with an outside provider for expanded medical services and hours at the jail, and the county budget committee has authorized expanding the jail's mental health specialist from half time to full effective July 1.

The county is also planning to develop a new residential psychiatric facility offering voluntary treatment. Originally, Health and Human Services Director Silas Halloran-Steiner had hoped it could also house involuntarily committed patients, but that element was eliminated in response to concerns over possible changes in federal health care law.

Earlier this month, the county's three-member compensation committee awarded Svenson with a 3 percent raise, effective July 1, for his work as sheriff.

The 3 percent will be applied to his base salary of \$93,888, netting him another \$2,817 a year. That will push his total compensation to \$108,441.

Svenson did not respond to requests for comment. County Counsel Christian Boenisch told the News-Register the county would not have any comment.

Mosiman did return a call, but said Boenisch had directed him not to comment.

"I'm sorry," Mosiman said. "I'd like to be cooperative with you guys."

Matthew Kaplan, the Portland attorney representing the Myers estate, created and publicly posted an edited version of color jail surveillance video of Myers' final five hours of life. Available for viewing on YouTube, the 15-minute video includes voice-over comments that Kaplan said are from recorded interviews conducted with jail staff and inmates by the county's interdisciplinary Major Crimes Response Team.

One deputy tells investigators Myers seemed incoherent, and his shoulder appeared to be dislocated. Another notes there was a large lump on his head. They say he complained repeatedly of pain in his chest or side.

The video shows Myers holding his side, hunching over, lurching about, falling several times, and apparently in considerable pain.

A man identified on the video as Medical Technician Kevin Thurman reports examining Myers in the wake of the beating, finding him suffering from agitation, sweating and a rapid heart rate.

“I’m trying to just say, ‘You need to stop screaming. What’s going on?’” Thurman is heard saying in the recording.

He attempted to take Myers’ blood pressure, but could not, due to Myers’ agitated state. He said he thought, “Something’s going on,” but that would be the last medical attention Myers received before his death.

The video shows Myers going to the front of the cell, where an intercom button is located, 19 times over the ensuing hours. He appears to call out, “Help me,” repeatedly.

A person identified as Sgt. Woody Little tells investigators that Myers should have called for help. “All he has to do is walk over and push a button on the wall,” he says.

But a person identified as Deputy Tamara Hart discloses in another voiceover, “We have the ability to disable the intercom in our holding cells and our medical cells, and they will generally be disabled if we have someone in there who is just very needy.” In such cases, she says, monitoring will be limited to video observation.

An inmate from an adjoining cell tells investigators, “He just kept screaming ... I didn’t understand why they didn’t take him to the hospital.”

The lawsuit says that at least one inmate pressed his own intercom button to ask for help for Myers, but that guards ignored the request.

The video feed shows Myers holding his side, moving around nearly constantly in an evident attempt to get comfortable. It shows him sometimes crawling on the floor, and falling several times. It shows him urinating into the toilet bowl, turning the water bright red.

People identified in the video as deputies dismiss the bloody water as the result of cranberry juice or Kool-Aid.

They do not explain why no one responded to Myers’ repeated falls, at one point appearing to strike his head on the stainless steel toilet. One deputy says he thought perhaps Myers was on drugs.

Deputies peered into the cell several times from a peephole in the door, but did not enter it until 20 minutes after Myers slumped forward, all movement ceasing. By the time they checked on him, at 12:52 a.m., he was dead.

In its medical policy, the jail pledges to “provide all inmates with necessary emergency medical services.” It commands staff who are “in doubt as to the seriousness of the injury or illness” to take no chances and arrange immediate transport to the Willamette Valley Medical Center. It

says that emergency medical situations include head injuries, “severe pain of unknown origin” and “sudden onset of bizarre uncontrollable behavior,” all of which Myers appeared to exhibit.

After Myers’ death, Sheriff Svenson asked the county’s interagency Major Crime Response Team to conduct an investigation, whose principal focus was on the conduct of Myers’ two assailants. He also invited a pair of outside county jail officials to conduct an independent assessment of jail policies, procedures and conduct.

The latter produced a report criticizing the jail staff for making cell inspection rounds too predictable, allowing inmates to know when they could enter Myers’ cell unobserved and assault him, and for becoming over-reliant on video monitoring in lieu of direct personal observation.

It recommended that, “An on-call M.D. should be notified for further triage and/or response, based upon assessment and urgency. This recommendation of MD contact can also be conducted based upon an inmate’s placement into the medical area and clinical judgment by on duty medical technicians and/or assessment by security staff when medical technicians are not on site.”

But it offered no direct criticism of the handling of Myers’ injuries, nor did it mention the numerous times he appeared to seek help to no avail. It concluded, “We found staff acted in accordance with ... policy and procedure.”