

DESCHUTES COUNTY JAIL

Lawsuit points to culture, policy in Deschutes County enforcement roles
Plaintiffs did not name arresting BPD officer; county expects result of investigation soon
<http://www.bendbulletin.com/localstate/3242159-151/lawsuit-points-to-culture-policy-in-deschutes-county?related=1>

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Published Jun 13, 2015 at 12:01AM / Updated Jun 13, 2015 at 05:56AM

After Deschutes County learns the findings of an investigation into the December overdose death of an inmate at the county jail, what is possibly the largest personal injury claim in the history of the county will be waiting.

A civil case, seeking \$10.7 million in damages, was filed May 26 by the father of Edwin Mays, a 31-year-old who died of a methamphetamine overdose in the Deschutes County jail Dec. 14. In March, the Oregon Department of Justice took on the death investigation at the behest of John Hummel, Deschutes County district attorney.

Though Deschutes County Legal Counsel Dave Doyle expects the results of the state's investigation "any day now," he has held off on preparing for the lawsuit until the investigation's findings are complete.

He said in an interview Thursday that he felt the plaintiff's claims, which to his knowledge form the largest monetary personal injury claim the county has seen, had "no merit as pled."

The wrongful death lawsuit, which names Sheriff Larry Blanton, two sergeants and seven deputies as defendants, alleges sheriff's employees neglected their duties, mocked Mays although he needed and expressed a need for medical attention and fostered a culture of unconstitutional treatment of detainees.

A draft of the lawsuit penned in late March indicated that Bend Police Officer Whitney Wiles, who arrested Mays on Dec. 14, may be named as a defendant in the lawsuit, though she was not named as a defendant in the official filing in U.S. District Court on May 26.

"At this point I did not feel that (she) should be included, based on what I was seeing," plaintiff's attorney Jennifer Coughlin said in an interview Thursday.

She said she could amend the complaint later, but added that sheriff's employees "are the defendants I felt were most negligent in causing harm."

Bend Police Chief Jim Porter declined to comment on the matter Thursday, though Mary Winters, attorney for the city of Bend, said since the city was not named in the lawsuit, she was not preparing to defend against the claim brought by the Mays family.

According to video of the night Mays' died released to The Bulletin in March, deputies mocked Mays and indicated they knew he was under the influence of an intoxicant, noting he was

“tweaking.” They joked he needed Narcan, an anti-opioid prescription administered to people overdosing on heroin.

The lawsuit refers to Blanton as a “policy maker,” claims jail staff violated policy by watching television, and that Mays may not have received a medical screening pursuant to jail policy.

It also alleges Blanton did not make personnel changes after Mays’ death.

Although Blanton insisted in late March that no personnel changes had been made as a result of the state’s inquiry, Deschutes County Sheriff’s Office Legal Counsel Darryl Nakahira told The Bulletin on Thursday that four employees had been disciplined, including two supervisors who were demoted.

“None of the named defendants in the Mays case have been fired, placed on administrative leave, or have resigned,” Nakahira wrote in an email Thursday.

Coughlin on Thursday said she was not aware of any disciplinary action taken against any sheriff’s employees named as defendants.

The Mays family has declined to comment further on the case, redirecting questions to Coughlin, who since March’s tort claim notice has taken on co-counsel, Portland attorney Michelle Burrows.

Burrows and another attorney, Mario Riquelme, won a \$105,000 settlement with the county in another civil case in early March.

They represented Michael Cason, a former inmate who alleged that jail employees slammed his head against a concrete wall and jail cell door.

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