

## ***County Balks at Documents Request***

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BY Camilla Mortensen

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Attorneys for a mentally ill homeless man say Lane County refuses to turn over documents related to a case against the county that alleges officials violated the federal Americans with Disabilities Act and violated Mark Andrew Kemp's constitutional rights.

Attorneys Lauren Regan and Marianne Dugan filed a motion to compel Sept. 17 because they say the county refuses to turn over a document called "Oregon Jail Standards." Dugan says that the county won't give them a copy of the Oregon Jail Standards that were in effect in 2008-2009 when Kemp was in jail. The standards are referenced in the Lane County Jail Standards and are the basis for annual jail inspections, Dugan says.

Kemp filed a suit in December 2010 alleging that county law enforcement and county medical officials mistreated him and neglected his medical needs. He was arrested in December 2008 at a gas station while allegedly taking his clothes off, muttering nonsensical sentences and saying he was looking for an "Air Ranger," according to court documents. Jail officials released him that same night, but he was arrested again the next morning for trespassing at another building. He was then placed on a mental health hold.

According to the suit, deputies allegedly assaulted him after he did not respond to their orders. He is described as playing with his own feces and taking off his pants while in custody. The suit says Kemp was "physically assaulted and was punished because he was unable to respond; i.e., he was punished and assaulted because of conduct that was a manifestation of his disability." It also says that jail officials ignored a Eugene Municipal Court judge's order to transport Kemp to the Oregon State Hospital in Salem because he was mentally unfit to assist in his defense. Dugan says Kemp almost died during his incarceration.

The motion to compel the county to release the Oregon Jail Standards document states that the county's jail policies explicitly reference the standards, and "despite the fact that the county trained its new jail employees in these standards, and despite the fact that the county has stated that one of its experts will testify at trial regarding these standards, and despite the fact that the document is not otherwise available to [the] plaintiff, defendant county refuses to produce a copy to [the] plaintiff."

In its objection to a request for a copy of the standards, the county wrote that the "defendants are in possession of a copy of the Oregon Jail Standards promulgated by the Oregon State Sheriff's Association, but it is copyright protected. Defendants are unable to make a copy as requested without violating copyright laws."

A Lane County spokesperson said the county does not comment on pending litigation.

## About the Author

Camilla Mortensen is associate editor and reporter at Eugene Weekly. She is also a folklorist and a community college and university instructor. She has two horses, an assortment of dogs, and lives in a 1975 Airstream trailer. Sometimes all these details collide in unforeseen ways.