



Shocking claims in jail dispute

By Steven J. Barry
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Attorneys representing a man who had a finger amputated after a stay at the Jefferson County Jail in Port Hadlock have submitted in federal District Court a document alleging the routine and widespread denial of basic medical treatment for inmates.

The Seattle attorneys claim in the document that among inmates denied medical care are "at least three female inmates with seizure disorders, an HIV-positive inmate, an inmate whose nose had been bitten almost completely off," as well as "a pregnant inmate who was experiencing extremely painful cramping and spotting" and "a 78-year-old inmate suffering from emphysema (and a serious hip condition)."

In response to Jefferson County's motion to dismiss the case brought forth by Zachary L. Barbee

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Mike Brasfield
sheriff
Jefferson County

— who lost the pinkie finger on his right hand after multiple surgeries at Harborview Medical Center in 2004 — attorneys Erik Heipt and Edwin Budge filed the 23-page document that cites the sworn testimony of current and former corrections officers as well as inmates.

Citing the examples listed in the document, U.S. District Judge Ronald Leighton denied the county's motion to dismiss the case. But attorney
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Charles Leicht, representing the county, maintained that the case "is not something that should proceed in light of the legal requirements."

Leicht called Budge and Heipt's claims "distraction from what this case is about" and said that the trial will show that much of it is not accurate.

Barbee case

Leicht said the case is solely about Barbee, who said he was denied access to a doctor for more than 60 hours despite a painful infection in his right hand that caused it to swell to more than four times its normal size. Barbee had a sliver in his finger before he was booked into jail.

But Heipt said that though Barbee is "lucky to be alive" after the incident, "this case is way bigger than just him.

"It's not just about him. It's about a lot of people who came before him, and the county's failure to do anything about that," Heipt said.

Because it is an active litigation, Jefferson County Sheriff Mike Brasfield said he could not comment on the specific claims made in the court document. But he did point out that "they are the product of the plaintiff's attorney."

"It contains unsubstantiated and unproven allegations," Brasfield said Tuesday. "We either try these types of cases in the court of law or we try them in the news media, and it is not something I want to try in the news media."

Leicht said Barbee was given appropriate medical treatment and that the infection he suffered has a "very specific, limited prime period."

But a doctor at Jefferson Healthcare Hospital in Port Townsend who, after seeing the condition of Barbee's hand, ordered him transported to Harborview via advanced life support, is quoted as saying that the severe infection Barbee suffered from was a type that evolved over days, not hours.

recommended surgery for him and taken the same course of action if I'd seen him earlier, earlier in the day."

Medical aid

Heipt said despite repeated pleas to Jail Superintendent Steve Richmond by Barbee and corrections deputies between Sep. 30 and Oct. 2, 2004, the inmate was given only painkillers and a bucket of warm water with rags. Corrections Deputy Bradley Wohlman testified that when he first told Richmond that Barbee wanted to go to the hospital, Richmond responded by saying, "It sucks to be him," according to the document.

On Oct. 1, Barbee asked Corrections Sgt. Philip Yeagley "what it would take for the jail to transport him to the hospital," another inmate testified.

Yeagley, recently convicted of fourth-degree assault for punching a fellow corrections officer (see story on page A 5), reportedly replied, "Well, either you need to be bleeding to death or your hand needs to fall off, then we'll take you to the doctor."

According to the document, at 2 a.m. Oct. 2, Barbee had red streaks running up his arm, could not sleep because of the pain, and was pounding on the jail door to get the attention of a jailer. Barbee testified that his hand was so swollen he could not move it and that the skin looked as though it were about to burst.

Fred Beck, the corrections officer on duty that night — the only one at the jail — agreed that Barbee needed immediate medical attention, the attorneys say. Beck testified that he called an on-call nurse, who told him to take Barbee immediately to Jefferson Healthcare, but that as the only jailer there, he could not leave. He called Richmond to request overtime so another deputy could take Barbee, but Richmond then placed his own call to the nurse and told her Barbee suffered from nothing more than a "blood blister." The

remained in the cell, the attorneys allege.

Beck testified that the size of Barbee's hand was "shocking" to him, and that it was "blue and green" with "running pus."

At 9:30 a.m. that day, Barbee was seen by Ken Brown, the jail's sick call nurse. Brown said in a declaration provided to the defense that the serious infection symptoms Barbee said he suffered were not present when he saw him.

But it was later that same day that Barbee was taken to Harborview, where he stayed for two weeks while undergoing several surgeries, eventually losing the finger. According to Heipt's document, Brown "is still refusing to testify in a deposition."

A 'frequent practice'

Former Corrections Deputy Roy Muñoz, who now works in Yakima, is quoted in the document as saying that it was a "frequent practice at the Jefferson County Jail to unreasonably delay or altogether deny needed medical care to inmates."

Muñoz also said Richmond routinely crumpled up and threw away written requests by inmates to the document.

"Typically, he would ridicule the inmate as he did so. Sometimes, for example, he would mock the inmate by pretending to cry. He would rub his eyes as if he were crying and say things like, 'Boo-hoo, maybe I shouldn't have done what it was that got me thrown into jail,'" Muñoz testified.

In August 2004, Muñoz was awarded a \$40,000 grievance settlement from Jefferson County resulting from racial harassment by deputies and corrections officers during his three years as a jail employee.

Bledsoe photos

Additionally, according to the document, four different corrections deputies said under oath

that Richmond routinely showed the jail staff graphic autopsy photos of an inmate who had died at the jail and made "crude, demeaning remarks" about the photos.

Heipt said the photos were those of Kevin W. Bledsoe, who died at the jail in March 2002, while still supervised by deputies but not officially booked into jail. Bledsoe's family was awarded \$1.6 million in an out-of-court settlement in October 2004 in which the county specifically denied any wrongdoing.

Heipt quoted one corrections deputy who said Richmond made a point of showing the photos specifically to new jail staff and called them "cool."

"It wasn't just random autopsy photos he was showing to them, it was autopsy photos of a kid who died in the jail precisely because he wasn't taken to the hospital," Heipt said. His law firm represented the Bledsoe family.

Attorney Leicht said he had heard of the claims regarding the photos but said, "This lawsuit is not about autopsy photos."

Jefferson County Coroner Juelie Dalzell said no photos of Bledsoe were released to the jail staff by her office and that autopsy photos are confidential.

"Normally, he would not have access to those photos," Dalzell said of Richmond.

Dalzell also said she knows Richmond well and that passing around such photos would be "out of character" for him. She noted it was an outside agency that investigated Bledsoe's death.

Leicht also said that much of the testimony included in the attorneys' document can be explained by the fact that it comes from jail inmates.

"It's not surprising to have an inmate who has an experience in the jail to have a negative experience," Leicht said.

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