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## \$1.6 million paid in jail death case

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Jefferson County has paid \$1.6 million to settle a federal civil rights lawsuit involving the March 2001 death of a 23-year old man while in custody at the county jail.

The lawsuit alleged excessive force and failure to secure medical care for Kevin W. Bledsoe, who died shortly after being taken to the jail after deputies responded to a call of a public disturbance in Port Hadlock.

The civil trial was slated to begin Oct. 25. The county's agreement to settle out of court explicitly denies any wrongdoing. It is believed to be the most Jefferson County has ever paid in a law enforcement case, and may be one of the largest "excessive force" settlements by



Kevin Bledsoe

a county government ever in the Pacific Northwest.

"When this much money is paid you have to hope the county would sit down and examine all their policies and this thing would not happen again," said Erik Heipt, who with law partner Edwin Budge of Seattle represented the Bledsoe family. "And this means how they treat people on the streets, not just behind bars."

Sheriff Mike Brasfield, elected in 2002, said the department is moving forward.

"As an organization we're glad that it has been resolved," Sheriff Brasfield said of the case. "It's important that the staff concentrate on the here and now and the future."

Pete Piccini was sheriff at the time of Bledsoe's death. The four deputies involved in the incident, Sgt. Ben Stamper, (now Sgt.) Mike Stringer, Andy Pernsteiner and reserve deputy John Saum still work for the county. The county had agreed to defend them personally from liability claims.

The one corrections officer involved, Ken  
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Schafer, is in law enforcement elsewhere. None of the five were disciplined because of the incident, the county reported.

Attorney Heipt places the blame on sheriff's department and county managers for not providing adequate training.

"The biggest factor here is a complete lack of training," Heipt said. "Worst of all, it was training that was available for free."

## Case history

Kevin Wayne Bledsoe had recently moved here from Texas, hoping to start a new life. On the night of March 23-24, 2001, he was partying with some acquaintances in a Port Hadlock trailer. Alcohol and some illegal drugs were involved, friends told The Leader.

Suddenly, witnesses said that Bledsoe "flipped out" and fled the trailer, without shoes.

Law enforcement got involved when a 911 call was made at 12:45 a.m. on March 24. Acquaintances had caught up with Bledsoe in the QFC parking lot when two deputies arrived at 12:49 a.m.

Bledsoe had ran himself into a concrete wall in the parking lot, and had also ran into a parked pickup truck, breaking a canopy window. He was not talking coherently and even his friends could not get his attention. He did not have a weapon.

Heipt said Bledsoe probably had some facial bleeding even before the first two officers wrestled Bledsoe face-down on the pavement. With two other deputies helping, Bledsoe's feet were hobbled with home-made yellow rope, and then clipped to his wrists handcuffed behind his back in what is known as the hog-tie position.

At the time, Piccini reported that Bledsoe was "combative" and that he was properly arrested for assault and disorderly conduct.

A deputy pepper-sprayed Bledsoe's face from a distance of about a foot, testimony shows. Bledsoe was reportedly spitting -- which attorney Heipt said was probably a reaction to the blood in his mouth and pepper spray -- so a spit hood was placed over Bledsoe's head. The hood is multi-layer with nylon from the eyes across the head, but solid fabric over the suspect's nose and mouth.

Bledsoe then was placed face down and hog-tied in the rear of a patrol car for the two-minute trip to the jail. Piccini reported in 2001 that Bledsoe was awake, belligerent and trying to kick out the car's windows.

Arriving at the jail at 1:10 a.m., Bledsoe was carried by four people into a small crisis cell, which is located off a hallway outside the actual jail.

Bledsoe was described again by Piccini as being "combative." He was removed from the hobble and placed into jail leg irons. Deputies used an arm across Bledsoe's back to hold him down, testimony shows. He was still in a hog-tie position. The suspect's clothes were removed, and as he quieted down, he was left alone.

Piccini's report at the time said deputies thought Bledsoe was sleeping because they could hear what they thought was snoring.

But after being alone for a few minutes, a corrections officer checked on Bledsoe and found his lips and ears turning blue. CPR was begun, and Fire District 1 medics were summoned at 1:29 a.m. Paramedics arrived at 1:33 a.m.. Bledsoe was transported to the hospital in Port Townsend at 2:18 a.m., where he was pronounced dead at 2:51 a.m.

## Autopsy report

After Bledsoe's death, an independent investigation was performed by the Clallam County Sheriff's Office. That, coupled with an autopsy, led to the official cause of death as a methamphetamine overdose coupled with a serious pre-existing heart condition and "stressful restraint" by deputies.

As expected, Heipt takes issue with that report.

"It's not nearly the type of investigation that they would do if there was a homicide of a citizen that did not involve an officer," Heipt said. "They spent five or 10 minutes with the officers involved and we had each of them under oath for about eight hours."

Heipt said he was prepared to prove in court that Bledsoe died from asphyxiation caused by the combination of being pepper-sprayed (which restricts breathing), then being covered with a face hood while bleeding from the nose and mouth, being hog-tied and left on his stomach in a patrol car, and again being hog-tied and placed on his stomach in a crisis cell with pressure applied to his back.

Heipt was going to present testimony by Dr. Werner Spitz of Michigan, who worked on the John F. Kennedy and Martin Luther King Jr. slayings, and the Nicole Brown Simpson family's civil case against O.J. Simpson.

Heipt said the amount of meth in Bledsoe's system was small, and he had no heart condition. Heipt contends the medical examiner was unaware of conditions such as the hog-tie, the spit hood and how long Bledsoe had been kept on his stomach.

That's where the training issue is involved, especially the use of hog-ties, which the Chicago Police Department has banned as being risky. Commercial hog-tie devices come with warning labels.

Jefferson County was using a home-made hobble device.

"Our star witnesses on this training issue were going to be the officers involved," Heipt said. "They had never even heard that hog-tying someone was even controversial. They had never heard that once you hog-tie someone you turn them on their side, or that excited delirium [caused by drugs and/or organic conditions] is a medical emergency. They had never known that a spit hood itself had [manufacturer's] warnings of how and when to use."

David Goldsmith, former county administrator who has been contracted to follow-up on risk management cases until year's end, thought the Bledsoe family lawyers painted the picture with an egregious view.

"We don't agree with that view and the facts don't support it," said Goldsmith. "There are two sides to the story. Maybe, the officers did operate in a reasonable manner since he was wiggled out on methamphetamine. He was violent, spitting and trying to kick the windows out of the car. They were trying to protect the public and themselves."

Sheriff Piccini discontinued the use of the hog-tie device after Bledsoe's death. Sheriff Brasfield said until further review is conducted, a commercial-brand hog-tie won't be reinstated. The spit hoods are still available.

### Several mistakes

Heipt contends that first of all, Bledsoe's condition should have been recognized as a medical emergency and medics should have been called to the arrest scene, or he should have been transported to the hospital.

Secondly, he said testimony

proves that Bledsoe never attacked anyone, especially in the crisis cell, and did not merit the treatment he received there.

"One of the problems was there was only one corrections officer on duty, a young gentleman only out of the academy for a few weeks," Heipt said.

And third, he wonders why what should have been treated as a crime scene was not kept intact, from the blood a jail inmate was asked to wash out of the patrol car to the blood cleaned from the crisis cell.

### Family statement

Although the Seattle attorneys who represented the Bledsoe family are happy with the settlement (a third of it goes to them), they were equally eager to go to court loaded with sworn depositions they believe exposed a tragic chain of events that led to a preventable death.

Heipt said there was no disputing the sworn testimony of how the incident took shape until the part about officers believing Bledsoe was sleeping.

"The only dispute was [the county's] claim that they believed he had fallen asleep," Heipt said. "What they really heard was his death rattle. They had about four minutes from that time when they still could have saved his life."

The settlement money was deposited Oct. 14 in the account of Bledsoe's parents, who live in Texas.

"We brought this case to obtain justice for our family and to encourage changes to prevent this type of tragedy from taking place again," Bledsoe's parents said in a prepared statement. "While no amount of money will ever bring our son back, we believe that this settlement will

encourage much-needed change and help bring closure to our family."

### County insurance

Jefferson County's insurance, managed by a statewide risk pool, paid the county's legal fees and all of the settlement except the \$10,000 deductible, said David Goldsmith.

As a result of the \$1.6 million settlement, the county's roughly \$280,000 yearly insurance premiums will increase 5 percent for five years, starting in 2006, Goldsmith said. The increases would total at least \$70,000.

The county was represented by the firm of Carney Badley Spellman of Seattle.

Mediation is required of every case before it proceeds into federal court, and that helped lead to an out-of-court settlement. Heipt credited the county's attorneys for keeping it a civil process.

### More training

Sheriff Brasfield has made training one of his top priorities. Policies and procedures have been reviewed and updated. Sgt. Rick Smith is now the department's training officer.

"We have established, since I took office, a documentation process for training of all types so that we're able to indicate which employee obtained which type of training," Brasfield said.

Brasfield also gained approval from county officials to spend money on out-of-state training for Steve Richmond, the new corrections superintendent.

"We're comfortable that we have implemented the necessary safeguards, policies and training to address any concerns," Brasfield said.

*(Staff Writers Janet Huck and Barney Burke contributed to this story).*