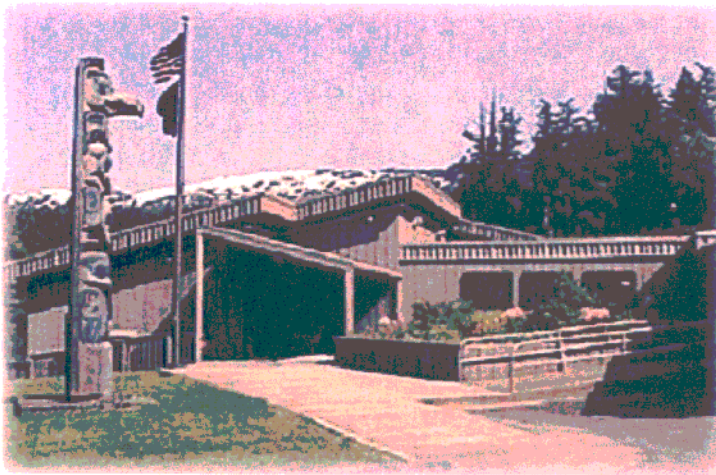


## **State Settles Wrongful Death Claim Against Ketchikan Correctional Center**

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Ketchikan, Alaska - According to Seattle civil rights attorneys, Ed Budge and Erik Heipt, the State of Alaska has paid \$573,000 to settle a federal civil rights lawsuit involving the death of a young man in the state-run Ketchikan Correctional Center. Thirty-one-year old Troy Wallace died in his jail cell during the early morning hours of July 24, 2004. The lawsuit alleged that jail employees, including corrections officers, were negligent and deliberately indifferent to Wallace's serious medical needs in the days and hours leading up to his death. Alaska Attorney General David W. Márquez approved the settlement.



Ketchikan Correctional Center  
Photograph Courtesy Alaska Department of Corrections

Budge and Heipt who represented the young man said Troy Wallace lost his life due to serious complications from alcohol withdrawal. The attorneys said Wallace was an alcoholic who voluntarily presented himself to the jail to serve a ten-day sentence for disorderly

conduct.

They said Troy was admitted to the jail during the afternoon of July 20, 2004. When Wallace was admitted, according to the attorneys, Wallace was suffering initial signs and symptoms of alcohol withdrawal. Those symptoms progressively worsened during his short incarceration said Budge and Heipt.

By the second full day of Wallace's confinement, they said Wallace was hallucinating, sweating profusely, and suffering other serious complications due to a medical condition known as "delirium tremens." Delirium tremens is a serious medical emergency that often results in death without aggressive in-hospital treatment said the attorneys.

The lawsuit was brought on behalf of Troy Wallace's mother, Julia Walker, of Mt. Vernon, Washington. In the course of investigating Troy Wallace's death, Seattle civil rights attorneys Ed Budge and Erik Heipt said they uncovered evidence that jail employees failed to respond appropriately to Wallace's worsening symptoms. Eventually, Wallace suffered seizures and collapsed in his cell.

The settlement resolves the claims against the State of Alaska and its employees, but does not end the case entirely. Through her attorneys, Wallace's mother will continue to pursue claims against Ketchikan emergency physician, Ernest Meloche, M.D., who worked for the jail as its contract-medical provider. The lawsuit alleges that Dr. Meloche was informed of Wallace's condition but failed to order appropriate medical treatment.

State officials will not comment due to ongoing litigation.

The attorneys for Troy Wallace's mother, issued the following statement: "What happened to Troy was tragic, plain and simple. It was a death that never should have been allowed to happen. While no amount of money will ever bring Troy back, we believe that this settlement will encourage much-needed change within the Alaska Department of Corrections and other Alaska jails."

Attorneys Ed Budge and Erik Heipt, of the Seattle civil rights firm Budge & Heipt, stated they believe that the case will force police departments in Alaska and elsewhere to reexamine how they handle similar situations. "This settlement sends a message that jails cannot ignore," said Ed Budge. "Jails must learn to respond to the serious medical needs of inmates. When you hold the key to the jail, you hold the key to the lives of the inmates who are there. There is no excuse for what happened to Troy."

Heipt and Budge wrote in a news release that "Death from alcohol withdrawal is a recurring problem in jails, but one that is easily avoided if simple steps are taken. Incarceration, by its very nature, results in alcoholic inmates being immediately and involuntarily cut off from the one substance on which their bodies have become physically dependent. If appropriate medical care is not provided, inmates can experience a progression of symptoms leading up to eventual death. Jails and their staff must be trained to realize that severe alcohol withdrawal is a true medical emergency."

Heipt and his law partner, Budge, have successfully handled other cases involving in-custody death as well as excessive force cases against police departments. In 2004 they obtained a \$1.6 million settlement involving an inmate's death in a Washington jail. In 2003 they received a highly publicized ruling from a federal judge that the Portland Police used excessive force in a case involving a young man who died in police custody. In 2001