

Washington Jail Settles Wrongful Death Suit For \$1.6 Million

by Michael Rigby

On October 12, 2004, Jefferson County, Washington, agreed to pay \$1.6 million to settle a lawsuit arising from the wrongful death of Kevin Bledsoe in the Jefferson County Jail. The settlement is one of the largest ever for excessive use of force by a county in the Pacific Northwest, according to the family's attorneys.

On the morning of March 24, 2001, the lawsuit alleged, Kevin Bledsoe, 23, was forcefully restrained by four Jefferson County sheriff's deputies in a Port Hadlock parking lot. The deputies were Andy Pernsteiner, Michael Stringer, Benjamin Stamper and John Saum. In the course of restraining Bledsoe, the deputies threw him to the ground, sprayed him in the face with pepper spray, and placed a hood over his head. Bledsoe was then hog-tied and placed on his stomach in the back of a police car while the deputies continued to interview witnesses.

Although Bledsoe was in obvious need of medical attention, the lawsuit contended, he was taken to the Jefferson County Jail rather than to a hospital. At the jail Bledsoe was stripped of his clothes and held face down on the floor of an unlit "crisis cell" until he lost consciousness. There he was left—naked, bleeding, unmoving. When the deputies returned, Kevin Bledsoe was dead.

Seeking justice, Kevin's parents, Sandra Morgan and Jerry Bledsoe, filed a civil rights lawsuit in federal district court alleging excessive use of force and failure to obtain medical assistance. Shortly before the scheduled October 25, 2004, jury trial began, the county agreed to settle by paying Kevin's parents \$1.6 million.

It was probably the wise thing to do. In the course of preparing for trial, the family's attorneys, Ed Budge and Erik Heipt of the Seattle civil rights firm Budge & Heipt, documented widespread abuses in the Jefferson County Jail and inadequate training of county law enforcement and jail personnel. Earlier in 2004 Jefferson County settled a major class action lawsuit filed by the Washington ACLU over, among other things, barbaric conditions of confinement, inadequate medical care, and insufficient staffing levels [see *PLN*, Sep. 2004].

Budge and Heipt believe the case will force other police agencies to reevaluate how they handle similar situations. "This settle-

ment sends a message that police departments cannot ignore," said Budge. "There is no excuse for what happened to Kevin Bledsoe and no excuse for a police department's failure to properly train its officers."

The attorneys also hope the settlement will help end the controversial and dangerous practice of hog-tying suspects who are behaving erratically because of intoxication or mental illness. Hog-tying—which consists of placing the detainee on his stomach, knees bent and wrists behind the back, and tying the wrists to the ankles—has resulted in dozens of deaths around the country due to positional asphyxia. Consequently, most police departments have replaced its use with safer, equally effective methods.

Heipt says that "the dangers relating to the hog-tying of citizens have been well known for over a decade, and it is unacceptable for police departments to continue this practice."

Heipt and Budge worked on the Bledsoe case exclusively for over a year, interviewing more than a hundred witnesses and hiring a number of consultants. Heipt told *PLN*: "We retained multiple experts, including one of the top (if not the top) forensic pathologists in the world, a former chief of police, a former director of corrections, a professor of emergency medicine, and an economist," See: *Morgan v. Jefferson County*, USDC WD WA, Case No. CV 03-5002 RJB.

Budge and Heipt have recently met with success in other cases involving excessive force and restraint-related death. In May 2004, they obtained a high profile ruling against the Portland Police Department. The federal judge in that case held that excessive force was used against a man who died after being pepper sprayed and hog-tied. In 2001 their firm secured an \$8 million excessive force verdict against an Oregon State Trooper. See: *Conroy v. Henry*, USDC D OR, Case No. 99-3074-AA. ■