



Report criticizes handling of inmate

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By *TRISTAN SCOTT* of the *Missoulian*

A Montana civil rights group on Monday publicized a withering report detailing a two-year probe into the mistreatment and abuse of a mentally ill woman at the Missoula County Detention Facility.

The basis for the investigation is the July 2006 pepper-balling of an inmate who - after her arrest on a misdemeanor charge of disorderly conduct - was shot a half-dozen times with a pepperball gun while detained in a maximum-security holding cell.

Detention officers, failing to recognize her mental illness, then strapped the woman into a restraint chair for 44 minutes before decontaminating her.

Disability Rights Montana, formerly the Montana Advocacy Program, is a private nonprofit law firm required by the federal government to stand up for the rights of people with disabilities and investigate allegations of abuse or neglect.

Believing jailers' treatment of the 24-year-old Missoula woman violated, among other statutes, Montana's Diversion Law, which is designed to prevent people with mental illness from being jailed on minor charges, the advocacy group began investigating the incident.

The 25-page report refers to the never-publicly named inmate as "Adele," and includes among her many disabilities psychotic disorder, mild retardation, fetal alcohol syndrome and post-traumatic stress. The report goes on to describe a "cascade of events which violated Adele's rights under Montana's Constitution, statutes, and multiple jail policies and procedures."

Adele was arrested late on July 1, 2006, for a misdemeanor charge of disorderly conduct, which carries a bail amount of \$100. She was initially arrested at St. Patrick Hospital after falling into a dispute with emergency room personnel who refused to treat her, the report states.

According to the report's findings, jail staff failed to screen Adele for mental illness when she arrived; violated its own policies, including one defining the circumstances in which nonlethal weapons such as a pepperball gun may be used; committed assault on an inmate; and violated the Montana Elder and Persons with Developmental Disabilities Abuse Prevention Act, which requires law enforcement and other public officials to report instances of abuse to one of several government agencies, such as the Department of Health and Human Services.

Instead, officials remained mum about the incident until veteran jailer Mike Burch, who thought the use of force was excessive, leaked a report detailing the incident to the Missoulian. Burch was threatened with prosecution and ultimately fired for disclosing "confidential criminal justice information," a decision made by Missoula County Sheriff Mike McMeekin after an FBI report concluded that the inmate's civil rights had not been violated.

In May 2007, Burch died of a heart attack.

Although the group intended to release its findings and recommendations in March 2007, the investigation was “hindered and slowed,” due in part to resistance from McMeekin and other jail officials, the report states.

“The sheriff’s office consistently delayed or refused to provide information for over 18 months to the extent that at the time of this report essential evidence including video tapes of Adele’s arrival at the jail, audio tapes confirming when she was actually taken to the shower and other essential documentary evidence, including the FBI investigative report, had never been provided,” the report states.

While the document is predominantly remonstrative of the jail staff’s response to the situation, it also highlights positive steps McMeekin has taken to improve jail policies, such as sending officers to Crisis Intervention Training to teach them how to work with people with mental illness.

McMeekin, who also is named in a federal civil suit in the matter, declined to comment on the report’s finer points, but issued a statement approved by counsel in the lawsuit.

“The matter is in litigation, in federal court, and so I can’t comment specifically. The matter has been reviewed, and we’re working on additional training, and additional steps that can possibly be taken to better deal with this type of situation,” he wrote in an e-mail. “Also, it’s subject to the availability of appropriate medical, psychological, and psychiatric professionals on a 24/7 basis. The county is also working toward resolution of the litigation.”

Alexandra Volkerts, an attorney for Disability Rights Montana, said the report’s findings are important because jails and emergency rooms have become “default holding systems” for people with mental health issues due to a dearth of local services.

“People with serious mental illness do not belong in jails, particularly those people who have been picked up on minor crimes,” Volkerts said. “Those resources are inefficient, inappropriate and, sometimes, such as in this situation, inhumane. We had a detention officer who made some very bad choices, and those choices resulted in the abuse of a mentally ill woman.”

Volkerts called the jail administration’s response to the incident “disturbing,” and criticized the decision to fire Burch.

“Their investigation exonerated the officer who was abusive and punished the officer who made the correct moral choice,” she said.

In the report, the group identifies five areas where the jail can improve its ability to “identify, divert and humanely treat people with mental illness and developmental disabilities who are brought to the jail as detainees.”

The jail’s training program that teaches officers to recognize and treat detainees with mental illnesses also appears inadequate, according to the DRM report, which lists numerous recommendations on how jail staff can improve procedures for screening inmates with mental illness.

According to the leaked incident report, written by Detention Officer Jason Sorini, the woman became combative when she was booked into the jail, although Volkerts said video of the woman depicts her initial demeanor as calm.

Adele also threatened to harm herself, the jailer's report states, so a team of officers strapped her in a restraint chair until she agreed to calm down and cooperate. She was then placed in a maximum-security holding cell, where she fell asleep.

Several hours later, the woman began screaming for her father and climbed onto a desk inside the cell. In his report, Sorini, head of the jail's Disturbance Response Team, wrote that the woman threatened to "jump onto the floor head first and kill herself."

In a DVD recording of the incident obtained by the Missoulian last year, the woman, after being ordered to turn around and kneel, steps down from the desk and stands on the floor beside the bunk, screaming the entire time. Sorini twice orders her to get down on the bunk, adding "or force will be used against you" the second time.

Moments later, the guard shoots her six times with the pepperball gun. He then fires three additional rounds at the wall near the woman's head, "causing a copious amount of powder to contaminate the area," according to the incident report.

Sorini and several other detention officers then enter the cell and again strap the woman into a restraint chair. The officers move the woman to an adjacent holding cell for 44 minutes before Sorini instructs them to shower and decontaminate the woman.

A settlement conference in the federal lawsuit, which names the Missoula County Sheriff's Department, the jail, McMeekin, Sorini and jail Capt. Susan Hintz, is scheduled for Nov. 20.

Reporter Tristan Scott can be reached at 523-5264 or at tscott@missoulian.com.

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