

Tongue tied

Officials avoid alleged mental health failures

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City Club Missoula's most recent lunch forum discussing public safety and the mentally ill managed to scratch at the surface of what local officials admit is a growing concern. The panel—comprised of Missoula County Sheriff Mike McMeekin, Missoula Police Chief Mark Muir and St. Patrick Hospital Vice President Joyce Dombrowski—covered a variety of topics, including new legislative efforts to bolster mental health services statewide and specialty training recently implemented by local law enforcement agencies.

"What we are finding more and more is that the statistics show up to 25 percent of those in our community will be touched by mental illness," said Muir, who added departments now spend far more time than ever training officers on handling the mentally ill. "It's so widespread that we find ourselves dealing with mental health all the time."

But what wasn't discussed during the forum, to the dismay of some interested attendees, was a direct response to some of the criticisms levied against Missoula law enforcement specifically on mental health issues. Critics point to a series of alleged police misconduct in the city of Missoula over the past several years in questioning whether local officers are properly trained to handle the mentally ill, and what policy changes, if any, departments have instituted to avoid repeating past problems.

Perhaps the most prominent example is the 2006 pepperball incident, which ultimately cost the county \$490,000 in a settlement reached Nov. 22. However, for the purposes of the luncheon, those issues remained off the table, despite the fact that all three speakers represented organizations criticized for their handling of the pepperball incident.

"I will not discuss [that] case at Monday's forum nor will I respond to questions about it," McMeekin told the Independent in advance. "We need to focus on broader community mental health issues."

In July 2006, reports leaked from within the Missoula County Sheriff's Department that county detention officers maliciously abused a 24-year-old mentally ill woman at the Mullan Road lockup. The victim—referred to by media and investigators as "Adele" to protect her privacy—entered the St. Pat's ER waiting room on July 2 in a state of panic. A subsequent investigative report released by the watchdog group Disability Rights Montana states the hospital failed to diagnose her condition and phoned police, who took Adele to the detention facility. A video obtained by the Independent in 2007 shows the victim being repeatedly blasted with ballistic irritants—pepperballs—while she stood crying against the wall of her cell. Officers then strapped her, still covered in irritant, to a restraint chair and allegedly wouldn't let her shower for nearly an hour, a violation of Montana law.

McMeekin later fired Mike Burch, the department employee who exposed the incident. Burch died of a heart attack in May 2007—a result, friends say, of the stress surrounding his termination.

The Adele Report, published by Disability Rights Montana in November, also calls McMeekin out on an alleged lack of cooperation by department officials. The document states the group's investigation took more than two years and reportedly never uncovered all of the pertinent documents as a result. Investigators allege in the report that McMeekin and jail administrator Capt. Susan Hintz denied group attorneys access to witnesses and physical evidence on several critical fronts.

The Independent asked McMeekin to respond to several allegations upon release of the Adele Report on Nov. 7, but he declined on the grounds that the matter remained before a federal judge. Several days prior to the Feb. 9 forum—and more than two months since the county reached a settlement with Adele's attorneys—the Indy sent a second list of questions, updated with new information. McMeekin responded to some of those questions.



Chief Mark Muir, front, and Sheriff Mike McMeekin address some issues dealing with public safety and the mentally ill at a Feb. 9 City Club Missoula lunch forum.
Photo by Chad Harder

Several queries dealt specifically with the allegation by Disability Rights Montana that department officials deliberately obstructed investigators.

"They gave me a list of the inmates to interview, none of whom were in the jail," says case investigator Alexandra Volkerts, a staff attorney for the oversight group.

Volkerts explains she later happened upon a true witness, who provided a second list of inmates in the cellblock that night.

"All of them said the same thing, 'Yes, we were in the cellblock on the night she was shot,' and they proceeded to tell me their version of what they thought had happened," she says. "The inmates' testimony was consistent. That gave me a very strong belief that the jail had not given me a complete and accurate list of the people who had been in the cellblock."

Volkerts adds that while interviewing the inmates not on the department's list, she was ushered out of the jail's visiting area by the captain on duty that day.

McMeekin denies that his captain threw Volkerts out of the jail, and says the department used a computer to generate its list. He believes it to be more accurate than one compiled by an inmate.

The incidents of alleged obstruction don't end there. Disability Rights Montana believes the department might still be withholding three of six video recordings of Adele in the jail, including the one that would prove or disprove her reportedly uncontrolled state upon entering the facility. The audiotape from the shower room, which would give some indication of how long the woman sat in the restraint chair while covered with chemical irritants, similarly has not been released.

Perhaps the greatest roadblock to the investigation, Volkerts explains, appeared when Disability Rights Montana attempted to interview jail staff. According to investigators, then-Deputy County Attorney Mike Sehestedt attempted to intervene in the interviews—a perceived conflict of interest considering his role as a representative of the accused organization. That legal impasse was never resolved and many staff interviews simply never took place.

Sehestedt resigned his post in 2008 to take a job with the Montana Association of Counties, but County Attorney Fred Van Valkenburg defends his position.

"There was a potential liability of Missoula County at issue for wrongfully acting with respect to a person in the county's custody," Van Valkenburg says. "Of course he had a right to be there and a duty to be there."

Finally, the report complains the jail never produced its copy of Adele's mental health history, nor did McMeekin hand over an FBI investigation of the incident. Volkerts also lobbied unsuccessfully for the personnel file of Sgt. Jason Sorini, the officer who fired the pepperball gun at Adele and was never investigated by the department. Interviews with other detention officers—including the late Mike Burch—revealed an allegation that Sorini shot a fellow officer in the face. Volkerts says the official response from the department stated that he "never shot another officer outside of training."

"I thought that was a particularly weasel reply because the allegation was that he shot an officer in the face for arriving late to training," Volkerts says.

McMeekin calls the training incident a rumor discredited by an internal investigation. He states the department complied with all document requests.

While McMeekin did address some parallel issues during the City Club forum, he never mentioned directly any of the facts or allegations of the Adele case. Since news of the pepperball incident broke, McMeekin's offered his only official statement to media in 2006, saying corrections officers acted properly to prevent the woman from harming herself and others. Disability Rights Montana fundamentally disagrees with that assessment and believes the release of the aforementioned videotapes would prove the woman never posed a genuine threat.

Disability Rights Montana laments that it's been waiting on a detailed reply for several months.

"Nine days [from the receipt of your letter] is clearly insufficient to research, write and submit our response to such a lengthy and damning indictment," McMeekin wrote in a letter to Bernadette Franks-Ongoy, executive director of Disability Rights Montana. His letter was dated Oct. 13, 2008.