



JAIL STAFF NOT DELIBERATELY INDIFFERENT TO PRE-TRIAL DETAINEE MEDICAL NEEDS©

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The Federal District Court for the Eastern District of Kentucky reviewed Robert Medley's claim that the staff at the Shelby County Jail had been deliberately indifferent to injuries he received while at the jail.¹ The case provides a good example of how courts will look at such claims.

The court reported the facts as follows:

On or around May 8, 2012, Plaintiff Robert Medley was incarcerated at the Shelby County Detention Center ("SCDC") as a pretrial detainee, charged with manufacturing methamphetamine. Medley was housed in a cell with approximately twenty-two other inmates, and his confinement at SCDC was largely without incident for one month. However, on June 9, 2012, Medley recalls lying down on his bunk around 5:30 p.m. to go to sleep but waking to a sensation of ice water hitting him in the face. SCDC allowed hot-pots, electrical devices that can rapidly boil water, within Medley's cell, and fellow inmate Anthony Howell—allegedly unprovoked and without warning—threw hot water from a hot-pot onto the left side of Medley's face.(alleging water was thrown on Medley's "face, left ear, left eye, left arm, and chest").]

According to Medley's Second Amended Complaint, "the Jail staff or nurse(s) applied some sort of cream or ointment to the Plaintiff's face and then placed him in isolation for over 13 hours." However, Medley's response to the Defendants' summary judgment motion admits he was examined and monitored much more frequently. Medley's deposition testimony indicates that, to the best of his recollection, SCDC officials Sergeant Ann Doyle, Deputy Larry Donovan, and Deputy Austin Sasser responded to the incident shortly after it occurred. According to Deputy Sasser's Incident Report, Deputies Sasser and Donovan entered the cell and saw that Medley appeared to be burned from the hot water. Donovan immediately escorted Medley to the SCDC's medical unit, while Sergeant Doyle and Deputy Sasser escorted Howell, the perpetrator, to an interview cell for further investigation.

At the time of the incident, SCDC contracted with Southern Health Partners ("SHP") to provide medical care to SCDC inmates. SHP Nurse Dana Aldridge was on duty when Medley was burned, and she testified to treating him at approximately 5:45 p.m. for superficial burns to his

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face, neck, chest, and back. She then notified her supervisor Nurse Angel Robinson and SHP's physician Dr. Ron Walldridge of the incident, and she sent photos of the burns to Dr. Walldridge for his recommendation. Dr. Walldridge ordered treatment for Medley's burns, including cold compresses to cool down his skin, Silvadene cream, and Ibuprofen. Subsequently, Medley was placed in a single cell for observation, which took place at approximately fifteen to twenty minute intervals.

Nurse Aldridge testified that she conducted a follow-up examination of Medley around 6:45 p.m., during which she called Dr. Walldridge to report that Medley "had formed some blisters and complained of not being able to see out of his right eye." [Dr. Walldridge continued to order a treatment of ice packs and cold compresses, Silvadene, and Ibuprofen. [Medley testified that, at some point, Sergeant Doyle applied Silvadene cream to his face, but Sergeant Doyle denied doing so, and Nurse Aldridge's notes and testimony indicate Medley refused Silvadene application both times she examined him. Nurse Aldridge checked on Medley again before leaving her shift around 10:30 p.m., and she observed him sleeping comfortably and thought the treatment orders from Dr. Walldridge were sufficient to properly care for Medley's injuries.

Sergeant Ann Doyle, instructed to contact supervising Nurse Robinson if Medley's condition changed, was tasked with monitoring Medley from the time Nurse Aldridge left her shift until 6:00 a.m. the next morning, when SHP Nurse Christina Peach arrived. On or around 2:00 in the morning, Sergeant Doyle noticed Medley's face had blistered; he was dripping fluids and complained he could not see or hear on his left side. Sergeant Doyle contacted Nurse Robinson, who instructed Doyle to keep monitoring Medley and to give him Gatorade for hydration until the next SHP shift nurse arrived. Doyle did not assess the situation as a life-threatening emergency. Sergeant Doyle spoke on the telephone with Nurse Peach around 5:00 a.m., notifying Peach that she should evaluate Medley as soon as she began her shift at 6:00 a.m. on June 10, 2012. When Nurse Peach arrived, Peach called Dr. Walldridge and updated him on Medley's condition. At that point, Dr. Walldridge ordered Medley be sent to the emergency department.

Emergency responders transported Medley to the University of Louisville Hospital Emergency Department. Medley arrived around 7:15 a.m. and was treated for second degree burns. As a result of his injuries, Medley asserts he "lost all hearing in his left ear and continues to experience bleeding from his left ear requiring repeated medical attention, decreased eye sight from his left eye, and other disabilities on the left side of his face." (Citation Omitted).

The court noted that in order to succeed on a claim that jail officials were deliberately indifferent to medical needs, Medley would have to establish two elements. First, he would have to show an objective component meaning he needed to establish that he actually had a sufficiently serious medical need.

The court noted that a "sufficiently serious medical need" is a medical need as one that is diagnosed by a physician as mandating treatment or in the alternative a medical need that is so obvious that even a layperson would easily recognize the necessity of a doctor's attention. In this case Medley was arguing that his burns were such that a layperson would easily recognize the need for treatment by a doctor. Thus, he was arguing that he should have been taken to the hospital sooner.

The second element necessary to prove a medical claim by a person in jail is that the prisoner must show that subjectively each member of the jail staff that is sued knew of an excessive to the prisoner's health or safety and disregarded the risk.

The court noted that Medley's claim failed on the second element necessary to establish his claim. The court wrote:

The record demonstrates that Doyle attentively cared for Medley; she frequently monitored his condition and followed the instructions of SHP as to Medley's medical treatment. When Doyle recognized Medley's condition was worsening, she proactively took steps to aid the treatment process. She called Nurse Robinson and Nurse Peach, and she took photographs of Medley's condition throughout the night and early morning to show to Peach the next day. [See R. 56-1 at 7-8.] Medley has not refuted these facts and has not demonstrated the subjective culpability needed to succeed on a deliberate indifference claim against Sergeant Doyle. Therefore, she is also entitled to summary judgment on this claim.

The court noted that Jailer Bobby Waits and the County Judge/Executive were sued in their individual capacities yet they had no personal involvement in the events surrounding Mr. Medley, thus the claims against them were dismissed.

Additionally, the claims against 10 other deputy jailers were also dismissed due to a lack of any evidence that any of them knew of and disregarded a substantial risk. The court also dismissed claims that Shelby County had deficiencies in policy and training related to this event because Mr. Medley established no underlying constitutional claim.

Bottom Line: Attentive care and proper documentation is a key component to overcoming a claim that correctional staff has been deliberately indifferent to medical needs.

Note: *Court holdings can vary significantly between jurisdictions. As such, it is advisable to seek the advice of a local prosecutor or legal adviser regarding questions on specific cases. This article is not intended to constitute legal advice on a specific case.*

ⁱ Medley v. Shelby Cnty., 2016 U.S. Dist. LEXIS 9888 (E.D. Ky. Jan. 28, 2016).