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FEATURED

Lawsuit claims proper medical care not provided in 2015 jail death of Sarah Circle Bear

By Elisa Sand esand@aberdeennews.com May 5, 2018



Sarah Circle Bear

A New Mexico civil rights attorney is hoping a lawsuit filed against two South Dakota sheriffs will result in changes.

Brown County Sheriff Mark Milbrandt, Roberts County Sheriff Jay Tasa and others are being sued in federal court concerning the death of Sarah Lee Circle Bear.

Milbrandt said he was unaware the civil lawsuit was filed until called by the American News Friday. He said he couldn't discuss the case because it's pending.

The federal suit was filed by Aberdeen attorney Chad Locken on behalf of New Mexico attorney Frances Carpenter.

Carpenter said she'd like the lawsuit to spark an evaluation of the training corrections officers and deputies receive when they are required to provide medical aid.

Circle Bear, 24, died the morning of July 5, 2015, while in the custody of the Brown County Jail. She was taken into custody on drug charges two days earlier in Roberts County.

Others named in the lawsuit include the Brown County Jail, the Roberts County Sheriff's Office, the Roberts County Jail, Roberts County Deputy Andy Miller, state Trooper Jerry Kastein, Jillyn Brooks, Joelle Thomas, Tanya Mitchener, Pam Smid, Harmony Mattson and John and Jane Doe officers, supervisors and medical staff.

Most of the defendants are or were employees of Brown and Roberts counties. Mitchener was once the nurse who served the Brown County Jail.



Autopsy: Circle Bear died of meth OD; father says she was denied help at jail

The death of a Brown County Jail inmate was due to acute methamphetamine/amphetamine toxicity, according to an autopsy report released Thursday by the state Attorney General

s office. Sarah Circle Bear, 24, of Claremont was found unconscious and not b



Autopsy results for Brown County Jail inmate not yet available

No new medical reports are available in connection with the Brown County Jail inmate who died July 5. Sarah Lee Circle Bear, 24, of Claremont was found unconscious and not breathing in a holding cell and taken to a hospital that morning, a jail worker

There's a three-year statute of limitations on wrongful death lawsuits, Carpenter said. While interested in filing a lawsuit, she said, Circle Bear's family struggled to secure an attorney willing to take on the case. Carpenter said she got involved in July 2017 and spent the next six months looking for a South Dakota attorney willing to file the case.

Milbrandt faces a challenger in the June 5 Republican primary. Carpenter said that the timing of the lawsuit has nothing to do with the vote.

Defendants in the lawsuit have 30 days to file a response.

Circle Bear and Wayne Pahl were taken into custody in Roberts County following a high-speed chase July 3, 2015. At that time, Circle Bear admitted Pahl had consumed a large amount of methamphetamine, and he was soon taken to the hospital for treatment of an overdose, according to court paperwork.

When questioned by law enforcement, Circle Bear admitted to having "one hit" of meth, but lawsuit documents note that she was showing signs of agitation, pacing in the holding cell, holding her stomach and making frequent trips to the bathroom while in custody in Roberts County. The paperwork also claims she vomited outside a law enforcement vehicle before she was taken from Roberts County to Brown County.

Circle Bear was in custody in Roberts County for 6 1/2 hours. In that time, Carpenter said, went to the bathroom 45 times.



Our Voice: Jail inmate's death unusual, but doesn't need to be suspicious

No matter the outcome of a state investigation, the story of Sarah Circle Bear ends on a tragic note. Circle Bear, just 24 years old, died July 5 while in the custody of the Brown County Jail. She was in a car accident a few days before in Roberts Coun

Actions at jail rely on inmate Collecting medical information is one of the tasks Brown County jailers and deputies are cha...

Commissioner: Inmate's death didn't spark Brown County Jail nurse discussion

Informal discussions about hiring another nurse to work in the Brown County Jail came before the death of a woman in the jail

s custody, according to county commissioner Rachel Kippley. Kippley said Brown County Sheriff

s Chief Deputy Tom Schmitt

"When someone goes to the bathroom 45 f---ing times, you don't think she needs medical care?" Carpenter said. "Our civil rights bar here is high. We don't put up with that."

According to court documents, Circle Bear continued to show signs of anxiety and complained that she was having trouble catching her breath while in Brown County custody.

Other inmates expressed concerns, but when Circle Bear pressed the emergency button for assistance, corrections officers responded with, "Oh Sarah, you always act like this when you come to jail. Don't press the button if it's not an emergency," the lawsuit paperwork reads.

According to that paperwork, these are the events in the hours before her death:

- Circle Bear pressed the emergency button in her cell at 7 and 8 a.m. and was denied help.
- By 8:25 a.m., she was on the floor between two stools and sweating excessively.
- At that time, another inmate pushed the emergency button to summon jailers.
- Two jailers removed Circle Bear, who was shaking and trembling and struggling to walk.
- Circle Bear was then placed under observation.
- Emergency medical technicians were called at 10:37 a.m. when she had no pulse or respiration.

Circle Bear was then taken to Avera St. Luke's Hospital where she was pronounced dead.

had

South Dakota looking into death of Brown County Jail inmate

An independent investigation is ongoing concerning the death of a Brown County Jail inmate. Sheriff Mark Milbrandt said the South Dakota Division of Criminal Investigation is conducting an investigation concerning the death of Sarah Circle Bear, 24, w



Timeline limits inmate's possible meth possession

Sarah Lee Circle Bear died of a methamphetamine overdose while in Brown County Jail, some 52 or so hours after being taken into custody. The 24-year-old Claremont woman died the afternoon of July 5. An autopsy released Thursday by the attorney general

Some meth users can overdose days after last using

It

A state investigation determined that she had died of a methamphetamine overdose. State investigators also determined that Brown County Jail personnel acted appropriately in dealing with her.

Following that investigation, Milbrandt said inmates can be tested for drug use, but there needs to be probable cause, and there was no reason to test Circle Bear for drugs.

Carpenter said Circle Bear had a Fifth Amendment right not to disclose any drug use to law enforcement, but officers had a duty to provide medical care.

The claims the lawsuit addresses include:

- Negligence.
- Failure to provide proper medical care and treatment.
- A lack of equal protection based on race.
- Negligent medical care and treatment.
- Breach of contract concerning the level of medical care provided.
- And loss of consortium related to Circle Bear's two children having to grow up without their mother.

On behalf of Circle Bear's estate, Carpenter is seeking unspecified damages to cover medical care, treatment, funeral and burial costs; Circle Bear's pain and suffering; the value of her life aside from earning capacity; attorney fees and costs; benefits for her beneficiaries; exemplary and punitive damages; and any other damages allowed.

Exemplary and punitive damages serve as a financial

s not impossible for a person to die from a methamphetamine overdose days after last using the drug, according to the U.S. National Library of Medicine. And that could be a factor that comes into play in the case of a Brown County Jail inmate who d

Documents shed night light on Sarah Circle Bear case

Court paperwork from Roberts County lays out how Sarah Lee Circle Bear came to be arrested and sheds more light on the case. The documents are from a Roberts County case against Wayne R. Pahl. Sara Rabern, spokeswoman for the attorney general

s office

Final report coming in death of Brown County Jail inmate

The final investigation report into the death of Brown County inmate Sarah Circle Bear, 24, will soon be released,

punishment in civil lawsuits.

Any financial award would be placed in trust for Circle Bear's children who would have access to it when they are adults, Carpenter said.

Aberdeen attorney Scott Kuck is listed as personal representative of the Circle Bear estate.

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according to Sara Rabern of the South Dakota Department of Criminal Investigation.

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They

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re wrapping it up with some interviews left,

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