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Settlement reached in lawsuit after woman died while in custody at Brown County Jail

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A civil lawsuit claiming negligence and failure to provide proper medical care for the 2015 death of Sarah Circle Bear, who was in custody at the Brown County Jail at the time of her death, has been settled.

The case, which was set to go to trial, settled in recent months. New Mexico civil rights attorney Frances Carpenter, who filed the case in 2018 with the assistance of a South Dakota law firm, said the case settled in June for \$750,000, which will be placed in a fund for Circle Bear's two children.

Brown County State's Attorney Ernest Thompson said the settlement will be paid partially from the South Dakota Public Assurance Alliance Risk Pool and, because a state employee was also a defendant, partially from the People's Fund, which is also a risk pool. Thompson said cities and counties in South Dakota each contribute annually to the risk pool, which is used to pay a settlement like this.

Circle Bear, 24, died the morning of July 5, 2015. She was taken into custody with Wayne Pahl two days earlier in Roberts County following a high-speed chase. 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.

Circle Bear was later charged with felony ingestion after admitting taking "one hit" of meth, according to court documents. Court documents indicate Circle Bear was showing symptoms of distress in Roberts and Brown counties. She was eventually moved to a holding cell to monitor her closer and was found unresponsive two hours later.

The lawsuit named a host of people as defendants in the case, including Brown County Sheriff Mark Milbrandt, then-Roberts County sheriff Jay Tasa, corrections officers and personnel who worked at the sheriff's offices, Jillyn Brooks, Harmony Mattson, Jennifer White, Nicole Leslie, Brian Bahr, Andy Miller and Joe Embury; and South Dakota Highway Patrol Trooper Jerry Kastein.

Court paperwork details the hours before Circle Bear's death with the following events:

Circle Bear pressed the emergency button in her cell at 7 and 8 a.m. on July 5 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.

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

Documents filed in the case have detailed the minutes and hours leading up to Circle Bear's death from a variety of angles. In one court filing, emails between officials with the South Dakota Highway Patrol question why Circle Bear was transferred from Roberts County to Brown County.

Circle Bear had been charged, but the judge had also granted a personal recognizance bond. When a background check was conducted by the highway patrol at the time of the stop, court filings indicate, there was no outstanding warrant for Circle Bear's arrest.

Court documents also indicate Circle Bear's hold in Brown County was because she was out on bond and had broken the conditions of her release on Brown County charges.

Additional court documents detailing telephone conversations between corrections officers and the nurse on call reveal both corrections officers and the nurse were familiar with Circle Bear and her history of drug use. The nurse on call was Mattson, who, according to court documents, said in her deposition she was not familiar with Circle Bear nor was she familiar with her history of drug use.

But recorded conversations between corrections officers and Mattson indicate that Mattson immediately recognized Circle Bear's name before a corrections officer told Mattson that Circle Bear had pushed the emergency button, was shaking, moving around and "got herself all worked up." The first call to Mattson at 8:34 a.m. also indicated the corrections officer's suspicion that Circle Bear was coming down off meth.

Mattson's response was, "Yea. That, I don't doubt."

She agreed Circle Bear should be placed in a holding cell for monitoring. Mattson was updated at 9:45 a.m. and then again at 10:37 a.m. when Circle Bear was found unresponsive in the holding cell.

In Mattson's deposition, she indicated she was on her way to the jail and arrived when medics were still at the hospital. Court documents indicate her key fob was used at 11:23 a.m. Medics left at 11:11 a.m.

Carpenter sought unspecified damages in the case and said the settlement was a good outcome for this lawsuit.

"We don't know how a jury would take these matters. This case really broke my heart and was one of the bigger cases in my career. I was really shocked by the level of coverup and corruption," she said.

Carpenter said Circle Bear was told to knock it off and quit faking, but, she said, a 105-degree temperature can't be faked. Neither can dilated eyes, lack of an appetite and the other symptoms Circle Bear was displaying, Carpenter said.