



Spate Of Lawsuits Alleges Health Care Problems In South Dakota Jails



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NEWS

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Lori Brandner said the trouble started while her sister was visiting.

"I cut our visit short," Brandner said, "because my head hurt so bad."

Brandner was serving time at the Walworth County Jail. That's in Selby, a town of less than 600 people in north-central South Dakota.



Lori Brandner

Brandner has a history of strokes and takes a blood-thinning medication. She said jailers let her medication run out and failed to keep up with her bloodwork.

The day Brandner complained of a terrible headache, she said jailers ignored her.

“They didn’t believe me.”

Brandner said the pain got so bad she was in tears. She lost the feeling in one of her feet.

She said the jailers did nothing and accused her of faking symptoms.

The jail staff eventually let Brandner call her husband. He contacted her lawyer, who called the jail and demanded action.

Finally, jail staff called an ambulance and Brandner was taken to a hospital.

She had suffered a stroke.

That was five years ago. Brandner is now legally blind from that and other strokes she’s suffered. She sued the county and settled for \$85,000.

“I was not after money. That wasn't the reason I did the lawsuit,” Brandner said. “Absolutely not. It was about justice. People shouldn't be treated like this.”

More Walworth County cases

Brandner is not the only inmate alleging inadequate health care at the Walworth County Jail in recent years.

Robert Blazer says the jail denied and delayed his medications for diabetes, anxiety, depression and pain. When he complained, he alleges the jail retaliated with solitary confinement. He sued the county and settled for \$117,500.

Vaughn Maxfield said when he was brought into the jail, he had a broken arm that needed surgery.



Walworth County Sheriff Josh Boll declined to speak about any specific litigation. Boll is the president of the South Dakota Sheriffs' Association.

"Any issue that has come up, we've addressed it, and corrective actions were taken," Boll said.

It was another case that finally convinced Walworth County officials to close the jail. Last fall, several people held at the jail alleged the aging facility was unsafe. The county commissioners agreed to close it and pay \$91,000 in attorney's fees.

Lori Brandner was glad to see the jail close. But she doubts it's the only one failing to provide adequate health care.

"I'm sure it is happening elsewhere and that breaks my heart, that people are treated like that."

Lawsuits in other counties

Recent court cases reveal additional problems in other South Dakota counties.

In 2015, a woman died at the Brown County Jail in Aberdeen after she was allegedly denied treatment for a meth overdose. The county paid a \$750,000 settlement to the victim's family.

Last year, a woman filed another case against Brown County saying she didn't have adequate access to multiple sclerosis medication. The county agreed to pay \$13,000 in attorney's fees and change its prescription drug policies, according to the attorney for the woman who filed the lawsuit.

And at the Hughes County Jail in Pierre, a man died in 2018. A pending lawsuit claims the jail denied and delayed medications and treatment for the man's diabetes.

Neither the Brown County nor Hughes County sheriff responded to requests for comments from SDPB.

The executive director of the South Dakota Sheriffs' Association, Staci Ackerman, said the association has not formally considered whether there are systemic problems with health care in South Dakota jails.

"What we do deal with is providing access to training opportunities in regards to liabilities associated with running a jail," Ackerman said. "What they do with the training that they receive is up to them."



“They treated us all like dirt. Worse than dirt,” Brandner said. “The one guard completely hated me for some reason. I have no idea why, because I didn't know her from Adam.”

Brandner’s attorney is Stephanie Pochop, of Gregory. Pochop said she doesn’t know if the recent spate of lawsuits comes from a specific problem with health care in South Dakota jails. But she said the broader problem may be financial.

“It’s easy for counties to get caught up in the budgetary demands of managing jails,” Pochop said, “and forget the constitutional requirements and the entitlement that people have to be treated with basic human rights like medical care, even if they are in custody.”

New Mexico attorney Frances Crockett Carpenter represented the family of the woman who died in Brown County and is working with Pochop on the Hughes County case. Carpenter said county officials in both cases seem to lack basic knowledge about their responsibilities.

“The sheriffs, the people that maintain and operate the jails, were unaware of the national standards which mandate the type of health care and the constitutional requirements for medical care,” Carpenter said.

The U.S. Supreme Court recognized the right to health care for jailed people 45 years ago. The court ruled that indifference to a jailed person’s serious medical needs is cruel and unusual punishment prohibited by the Constitution’s Eighth Amendment.

Solutions proposed

Many jails today have health care contracts with local doctors, nurses or health systems.

Until a couple of years ago, the Walworth County Jail had no such contract. Jailers would make appointments for inmates when necessary. After there were lawsuits, the jail hired a nurse to handle health care. Walworth County Sheriff Josh Boll explained how the new system worked when people in the jail needed medical attention: “They’d be given a medical request form, and that's when the nurse would review it and the nurse would be notified that there is a medical request to review, and then she would take care of it from there.”

Boll said the jail was providing better health care when county commissioners closed it. And he said that decision created a new problem: His staff now drives about 5,000 miles a month hauling prisoners to other jails around the state.

There are [24 jails in South Dakota](#). Jails typically hold people waiting for a trial, or nonviolent



more likely to have diabetes, infectious diseases, mental illnesses, and drug and alcohol addictions.

“We fight the same things. I know that,” Boll said. “Emergency committals, mental illness – trying to keep that out of jails and into the right setting – but that's on a national level. That's not just here.”

One survey of large jails across the country found that 91 percent have been sued over medical care.

A [2018 report from the Pew Charitable Trusts](#) proposed solutions. It said jails should have medical staff 24/7; otherwise, medical problems may go undiagnosed and untreated during overnight bookings.

Pew said local governments should put performance requirements, penalties and incentives in jail health care contracts to hold contractors accountable. And they should require medication-assisted treatment for drug and alcohol addiction.

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