

Mom files lawsuit over daughter's death in Davis County Jail

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By Pat Reavy

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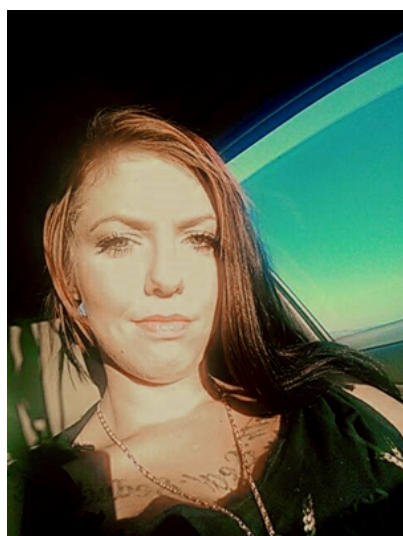
<https://www.deseretnews.com/article/900006872/mom-files-lawsuit-over-daughters-death-in-davis-county-jail.html>



Laura Seitz, Deseret News

Cynthia Stella, mother of Heather Miller, discusses the Civil Rights Action filed against the Davis County Jail for its treatment of the incarcerated during a press conference at the Grand America Hotel in Salt Lake City on Thursday, Jan. 4, 2018. On Dec. 21, 2016, Miller, 28, fell from her top bunk at the jail. She ruptured her spleen, nearly splitting it in two, according to the state medical examiner. Her mother said her daughter was in obvious pain at that point, but all officers did was move her to another cell with a lower bunk. About 2 hours and 44 minutes later, at minimum, according to Stella's attorney Tad Draper, Miller was brought to the medical area of the jail. EMTs were called to transport her to a local hospital. But by then "she is so far gone" that it is too late, Draper said.

SALT LAKE CITY — Cynthia Stella knows that if officers or nurses at the Davis County Jail had checked on her daughter every 15 minutes, or even every 30 minutes, she would be alive today. "My daughter meant everything to me. She was raised in a good home," a tearful Stella said Thursday. "She didn't deserve to die by falling from a bunk and no one paying attention because they assumed she was drug withdrawn."



On Dec. 21, 2016, Heather Ashton Miller, 28, fell from her top bunk at the jail. She ruptured her spleen, nearly splitting it in two, according to the state medical examiner. Her mother said her daughter was in obvious pain at that point, but all officers did was move her to another cell with a lower bunk.

About 2 hours and 44 minutes later, at minimum, according to Stella's attorney Tad Draper, Miller was brought to the medical area of the jail. EMTs were called to transport her to a local hospital. But by then "she is so far gone" that it is too late, Draper said.

Miller was pronounced dead at a local hospital at 10:06 p.m., about four hours after falling. The family said that the medical examiner found 1.3 liters of blood in her body cavity.

"She bled to death internally," Draper said.

On Thursday, Stella and the estate of Miller announced they had filed a federal civil rights

lawsuit against Davis County, Sheriff Todd Richardson, jail nurse Mavin Anderson and jail medical supervisor James Ondricek.

"This is one of those cases where I'm as motivated as a member of our community as I am professionally as an attorney," Draper said.

On Dec. 20, 2016, Miller was arrested in Clearfield and booked into the Davis County Jail at 4:19 a.m. for investigation of meth and heroin possession and possession of drug paraphernalia. She was in a car with another man who fled before being arrested. Drugs were found in the car, according to the family.

On Dec. 21, just before 6 p.m., Miller fell from the top bunk of her cell, according to the lawsuit. "No one questions she ruptured her spleen at that time," Draper said.

But Anderson "doesn't do anything except see she is in excruciating, debilitating pain," he said. Miller, who Draper said took 19 seconds to walk 20 feet and then had to "scoot on her butt" down a flight of stairs to get to a cell with a lower bunk, was in obvious pain. But the lawsuit claims Miller's vital signs were never taken.

"(Miller) immediately showed severe trauma, symptoms of debilitating pain, couldn't function, couldn't do anything. Couldn't call anyone else for help. She's at the mercy of her captors. They put her there and they ignored her," Draper said.

Once she is in her new cell, jail staffers do not check on her for almost three hours, Draper said.

"Had jail staff monitored Ms. Miller's vitals (blood pressure, pulse and temperature) they would have discovered obvious symptoms indicating massive internal blood loss and/or made a determination that Ms. Miller was facing a life-threatening injury," the lawsuit states.

According to Stella, who didn't even know her daughter had been arrested until she called the Utah State Medical Examiner's Office to confirm her death, one of the hardest parts of the tragedy was allegedly being told by jail officers that they assumed Miller was going through drug withdrawals because of why she was arrested.

"One of the worst things to hear from them was, 'Well, we just assumed she was on drugs so we didn't pay too much (attention) to her,'" she said.

A toxicology test performed as part of the autopsy showed Miller had trace amounts of meth and marijuana in her system and no heroin, Stella said.

Draper said much of this information is based on the jail's surveillance video, which he said has unexplained gaps in the recording at key points.

The lawsuit contends that the Davis County Jail "either lacks policies on providing basic medical attention to inmates or fails to train staff on these policies."

Anderson "claimed he was unaware of any policy regarding what medical attention is required" after an inmate is injured or is suspected of falling, according to court documents. Ondricek "stated there is no jail policy for falls or any other type of injury that addresses medical issues of any type, including medical care, treatment or supervision," the lawsuit states.

On Thursday, the Davis County Sheriff's Office declined comment regarding the lawsuit or whether the jail had a policy in place, or has since established a policy, regarding fall-related injuries.

Draper said there isn't a statewide policy on how jails should treat inmates and isn't sure if

individual jails have their own policies.

"How can you possibly operate a situation like a jail without having verifiable, transparent policies that you have to adhere to?" he questioned. "You are at least entitled to be treated like a human being."

The Utah Attorney General's Office investigated Miller's death to determine if the jail had broken any criminal statutes. Investigators concluded that Miller's death was "not the result of criminal conduct."

According to the U.S. Bureau of Justice Statistics, in 2016 Utah had the highest rate of jail inmate deaths per capita in the nation at 22. Draper said it's his understanding there were six deaths in the Davis County Jail in 2016, including Miller's. A spokeswoman for the sheriff's office said according to the department's statistics, there were five in 2016. There was one death at the jail in 2015 and one in 2017.

Draper and Stella hope their lawsuit will, in part, spark changes at the Davis County Jail, including the implementation of policies and training for dealing with injured inmates like Miller.

5 comments on this story

"We're not trying to get some kind of compliance to some impossible standard. All we want is what is constitutionally mandated that inmates are entitled to medical care, urgent medical care," Draper said.

"My daughter, I hope will be the last (death). I know she won't be. But I hope that she makes a difference, that her life makes a difference in the way that the jailers think. They have to lose their callousness and they have to look at people and say, hey, you're human," Stella said.