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Lawsuit against county argued jail policy on medication distribution

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An Aberdeen woman who filed a lawsuit against Brown County challenging the jail's policy not to dispense certain prescribed medications will receive them as needed.

Chantel Voeltz-Schmit filed the lawsuit on behalf of herself and any others detained at the jail not allowed prescription medications that are also controlled substances, according to court documents. The lawsuit sought a temporary restraining order so

See Lawsuit, 7A

LAWSUIT

From 1A

she could get her medications.

Voeltz-Schmit was sentenced in Brown County on Oct. 30 to 30 days in jail on a charge of possession of a controlled substance. The civil lawsuit was filed that day in federal court by Rapid City attorney James Leach.

According to court documents, Voeltz-Schmit has some prescriptions that are also controlled substances. The lawsuit alleges she wouldn't be allowed the medications while she serves her sentence. Without the medications, Voeltz-Schmit would likely have increased fatigue, anxiety and pain and perhaps withdrawal symptoms,

per the suit.

It also argues that not providing legally prescribed medications while a person is serving time in jail is cruel and unusual punishment and shows deliberate indifference to an inmate's medical needs. It points to an Oct. 28 ruling by the Eighth Circuit U.S. Court of Appeals that reads, "Failing to administer prescribed medication, if done knowingly, can establish deliberate indifference."

In a response from Brown County, Aberdeen attorney Jack Hieb wrote that the premise of the argument and conclusion reached are flawed. No medical evidence was presented establishing the necessity of the three medications, and Voeltz-Schmit did not provide any corroborative medical records or evidence

of harm that will result from not receiving them, Hieb wrote.

He also noted that the medications are to be taken as needed and that a temporary restraining order could have compelled jail staff to provide the medications at the request of Voeltz-Schmit.

District Judge Charles B. Kornmann on Oct. 30 denied the request for a temporary restraining order. While there's a strong argument for the order, he said, the lawsuit was filed against Brown County, which is not the proper party. It should be against the sheriff, who is responsible for the operation of the jail.

No county ordinance is cited that affects whether an inmate can take prescription medications that are controlled

substances.

A declaration was filed by Brown County Sheriff Mark Milbrandt, who acknowledged the request for a temporary restraining order and agreed the medications would be added to Voeltz-Schmit's list of approved medications. But since the medications are to be given "as needed," they will be dispensed as needed based on monitoring and instruction from the registered nurse at the jail.

Walworth County lawsuit

Leach is also the attorney who recently filed a lawsuit on behalf of a group of inmates held at the Walworth County Jail and awaiting prosecution. The lawsuit outlined the conditions at the jail and discussion that

had been ongoing in Walworth County for years highlighting the jail conditions and need for improvements.

The lawsuit sought immediate relief for those at the jail. Not long after the lawsuit was filed, the Walworth County Commission closed the jail and sought dismissal of the lawsuit. According to court documents, all people held at the jail were transferred to other facilities within two days.

That no one is presently being held at the jail renders the facts of the lawsuit moot, according to paperwork filed on behalf of the county.

Leach has until Nov. 19 to respond to the motion to dismiss.