

Judge: Lawsuit against county jail allowed to proceed

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WESTVIEW, Stet. (AP) – A federal judge in Westview entered an order today rejecting the county’s effort to dismiss a case concerning the jail’s medical treatment of detainees.

The case stems from an incident at the jail in November 2018, when inmate Joaquin Torres, who was awaiting trial on a burglary charge in Stetson state court, went into shock. Torres was transported to St. Anthony’s Hospital, and his examination revealed that he missed two appointments for dialysis.

Torres filed suit in federal court earlier this year after his acquittal on the burglary charge and release from the county jail. Torres claimed that Ty Hayward, a corrections officer in the jail’s medical department, and the county violated the United States Constitution by being deliberately indifferent to his serious medical needs.

Torres alleged that he was receiving routine dialysis prior to his arrest for chronic kidney disease, and the jail continued that treatment immediately afterward. Torres, however, was denied transportation to his dialysis treatment on two occasions in November 2018 due to staff shortages and security concerns. Torres said he complained of pain to Hayward at least three times prior to the incident resulting in his hospitalization. Torres said that he sustained irreparable damages to his heart and kidneys.

The county sought dismissal of the claims against it and Hayward, arguing there was no subjective knowledge of a risk of serious harm to sustain the claim of deliberate indifference, that the alleged conduct was not grossly inadequate, that there was no policy or practice to impose liability on the county, and on the basis of statutory sovereign immunity.

District Court Judge Wendy Lawson disagreed in a sternly worded 25-page order, explaining that Torres’s allegations go beyond any mere difference in medical judgment. The court also took issue with the fact that the county had a policy to delegate decision-making to Hayward, who is not a licensed physician.

Hayward issued the following statement in response to the court's decision: "I am a corrections officer, and not a doctor. But I have always ventured to do my job in consultation with the advice of the county's best medical professionals, all of whom happened to work for or contract with our jail. The evidence will show that Torres posed a security risk and that his injuries are the result of his own conduct. The jail has a strict 'continuity of care' policy that we follow for all inmates when it is feasible and affordable to do so."