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Lawyer adds motion in jail lawsuit | Complaint alleges management firm allowed destruction of video evidence

TEXARKANA, Texas — A motion in a civil lawsuit against LaSalle Corrections alleges the private jail management company intentionally allowed video evidence to be destroyed in violation of the law. Texarkana lawyer David Carter filed suit on behalf of William Scott Jones in 2019. The complaint alleges Jones was beaten and denied medical treatment in the jail after being arrested the night of July 17, 2018, by Texarkana, Texas, police for a class C misdemeanor, "walking in the roadway." Such misdemeanor offenses are punishable by a fine only and do not result in jail time if there is a conviction. Speeding is a class C misdemeanor. When Jones was released from jail the afternoon of July 19, 2018, he was wheeled out in a restraint chair by jail staff. Jones spent the next month as a patient in Wadley Regional Medical Center where he underwent surgery for his damaged colon. He was diagnosed with acute renal failure, severe dehydration, "ischemic colitis caused by blunt force trauma," multiple facial and rib fractures, sepsis, pneumonia, blood clots and other maladies related to a delay in receiving treatment, according to the complaint. He must now wear an ostomy bag because of the damage to his colon and his medical expenses to date total more than \$1 million. Carter filed a motion Thursday asking the court to enter a default judgment against LaSalle and Warden James McCormick for "spoliation of evidence." Spoliation occurs when a party intentionally hides, alters or destroys evidence. LaSalle's lawyer, Paul Miller of Texarkana, did not respond to a request for comment Thursday. At issue in the motion is video footage which is constantly recording via fixed cameras throughout the jail. Other than some footage of Jones during the booking process the night of July 17, 2018, video which might have shown how Jones was injured is lost. Jones has no memory of his time in the jail. Carter also complains that jail employees profess no knowledge of what happened to Jones. "No one in our case has or will testify as to the beating of Jones. Multiple correctional and medical staffers have been deposed. A communal case of amnesia concerning plaintiff has swept through the jail," the motion states. The video footage would have hopefully provided evidence of what happened to Jones. "They essentially destroyed the video footage by failing to download and preserve it before it was overwritten and therefore permanently lost," the motion states. "Even worse, defendants also failed to preserve the footage despite receiving a preservation letter while the footage was still available on the jail's digital video recorders." The motion alleges that LaSalle's own policies dictate that the footage should have been downloaded and preserved because Jones suffered serious injury and was being transported to a hospital immediately upon his release from custody. Carter sent a certified letter directly to McCormick seven days after Jones' release that included an open records and preservation of video request. "We further ask for appropriate steps to be taken to preserve all of the requested materials, including video footage, and that no records related to William Scott Jones' confinement are destroyed," the motion quotes the letter to McCormick. The motion notes that fixed camera footage remains available for at least 14 days and up to 30 days before it is overwritten. Carter argues that McCormick and LaSalle staff in Bowie County knew of the need for video footage to be preserved when an inmate is seriously injured or dies in custody. "The beating of William Jones was neither LaSalle's nor McCormick's first rodeo. These defendants are well aware that fixed camera footage from the jail has been known to bolster inmate claims of inappropriate uses of force and inadequate medical care," the motion states. "It was clear that there was a strong whiff of impending litigation on the breeze." The motion points to the cases of Michael Sabbie and Morgan Angerbauer, both of whom died in the jail in 2015 and 2016 respectively. Video footage in those cases was critical in showing excessive force used on Sabbie and a lack of medical care for Angerbauer, a diabetic who died after being denied medical care. Carter represented Sabbie and Angerbauer and McCormick was warden when both deaths occurred. According to the motion, federal law provides several remedies when there is a failure to preserve electronically stored information in anticipation of litigation. If the court finds that LaSalle intended to deprive Jones the footage so it couldn't be used against the company in a lawsuit, the court can assume the lost information was unfavorable to LaSalle, instruct a jury that it must presume the information was unfavorable to LaSalle or dismiss the case and enter a default judgment against LaSalle and in favor of Jones. Carter asks that if the court declines to enter a default judgment, "it should, at a minimum, instruct the jury that it may or must presume the missing camera footage is unfavorable to the target defendants. It should also impose stiff monetary sanctions on the target defendants and award Jones his attorney's fees and costs for bringing the spoliation to the court's attention." The case is currently scheduled for a jury trial in January before U.S. District Judge Robert Schroeder III in the Texarkana Division of the Eastern District of Texas.