

Court rules that Walnut Creek parents can sue county health worker over son's suicide

By Malaika Fraley

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MARTINEZ — The parents of a mentally ill Walnut Creek man who hanged himself in County Jail in 2005 won a partial victory Thursday in their wrongful-death lawsuit against jail workers.

The 9th Circuit Court of Appeals, reversing a lower federal court decision, made way for a jury trial to go forward in Robert Clouthier's parents' complaint against a county mental health specialist at the jail. The court affirmed judgment in favor of Contra Costa County and two sheriff's deputies, who will not be defendants at the trial under Thursday's opinion.

Clouthier, 28, used a bedsheet to hang himself at County Jail in Martinez on Aug. 1, 2005, just hours after he had been moved from a room where suicidal inmates are monitored to a cell among the general population. He died 10 days later, after being taken off life support by his family.

A federal district court denied his parents' request for a trial. Their complaint accused mental health specialist Margaret Blush and deputies of failing to prevent their son's death by not following the county's suicide prevention protocol for jail inmates.

Justices in the 9th Circuit Court said they reversed the lower court's judgment regarding Blush alone "because there are genuine issues of material fact as to whether she was deliberately indifferent to a substantial risk of serious harm to Clouthier."

Clouthier, who suffered from bipolar disorder and had a history of suicide attempts, was arrested July 26, 2005, following a domestic disturbance in which he jumped through a window at his parents' home in unincorporated Walnut Creek.

According to court documents, Sharlene Hanaway, the first mental health specialist to evaluate Clouthier, described him as "one of the most suicidal inmates she had ever seen." She had him dressed in a "suicide smock," a stiff garment that cannot be made into a noose, and placed him in a observation room where workers were required to log his status every 15 minutes.

When Hanaway ended her shift July 27, she verbally warned Blush about Clouthier's condition and gave Blush her notes. Blush spoke to Clouthier for less than five minutes before removing him from the 15-minute observation cycle, which ultimately led deputies to transfer him to a cell, according to court documents.

Though Contra Costa County is no longer a defendant in the case, it could be liable for damages as Blush's employer, Casper said. A county attorney representing Blush could not be reached for comment.

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