

COURT ADDRESSES SEVERAL ISSUES RELATING TO WRONGFUL DEATH CLAIM AGAINST MARICOPA COUNTY FOR DEATH OF INMATE

May 27, 2010 | Law Alerts

Braillard v. Maricopa County
Ct. Appeals, Div. Two, May 27, 2010

Authored by the [JSH Appellate Team](#)

Braillard was arrested on suspicion of drug possession and booked into Maricopa County Jail. Her intake medical screening was conducted in 59 seconds, and failed to ascertain that she was an insulin-dependent diabetic. Over the next 4 days, she was very visibly ill. Detention officers testified that she was vomiting, groaning, visibly weak, and had defecated on herself. Braillard's friends and family contacted the jail, concerned that she was not receiving her insulin. Finally, Braillard's daughter contacted the County Health Services risk manager and expressed concern about her mother's diabetes. Braillard was transported to Maricopa County Medical Center, and died 18 days later from diabetic ketoacidosis.

Braillard's daughter sued Sheriff Arpaio, MCSO, several detention officers, Maricopa County and a County Health Services Nurse. The trial court granted defendants' motion for summary judgment with respect to Braillard's § 1983 claims. Plaintiff appealed, and defendants filed cross-appeals. The court of appeals reviewed several issues and held, (1) the Maricopa County Sheriff's Office is a non-jural entity that cannot be sued; (2) absent allegations that the state directly interfered in a particular relationship, an adult child does not state a claim for a violation of a constitutional right to familial association; (3) a plaintiff may claim punitive damages for individual defendants' federal law claims under § 1983, though Arizona's statute (A.R.S. § 12-820.04) bars same; (4) a plaintiff may claim damages for pre-death pain and suffering under § 1983, though Arizona's Survival Statute (A.R.S. § 14-3110) bars them; and (5) a plaintiff may not issue an over-broad subpoena for the defense's standard of care expert's employment file.

Along with the holdings noted above, the court reversed summary judgment for the defendants, finding sufficient evidence that defendants were deliberately indifferent to the inmate's medical needs. The court also found that Arpaio and Maricopa County were policymakers regarding alleged deficiencies in staffing, training and procedures related to inmate medical care in the Maricopa County jails.