

# After 2 days in a Utah jail for drug possession, she fell out of her bunk, ruptured her spleen and died. Now her family is suing.

Salt Lake Tribune

January 5, 2018

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Link: <http://www.sltrib.com/news/2018/01/04/woman-files-lawsuit-accusing-davis-county-jail-staff-of-not-treating-her-daughter-after-2016-fall-that-led-to-the-28-year-olds-death/>



The family of a woman who died last year [after falling and rupturing her spleen](#) in a Davis County jail cell is suing the sheriff to make changes to how the jail handles treatment for injured inmates.

Heather Ashton Miller, 28, had been in jail for less than two days on misdemeanor complaints of possessing drug paraphernalia and heroin when she fell out of the top bunk on Dec. 21, 2016, during an evening head count.

Although Miller was immediately in severe pain and couldn't walk, jail medical staff never attempted to treat her or check her vital signs, according to the lawsuit, filed Wednesday in Utah's U.S. District Court.

The fall ruptured Miller's spleen, which spilled over a liter of blood into her body as jail staff shuffled her to another cell and waited. Emergency medics arrived at the jail at least two hours and 44 minutes after Miller fell, and she was pronounced dead on the way to the hospital.

The lawsuit accuses Davis County, Sheriff Todd Richardson, jail nurse Mavin Anderson and his supervisor James Ondricek of violating Miller's civil rights by not giving her medical care. It seeks damages in Miller's death, in addition to new policies that require jail staff to "enact, train, and publish" policies that comply with nationwide standards for giving inmates medical care.

"We're not trying to get some kind of compliance to some impossible standard. All we want is what is constitutionally mandated that inmates are entitled to medical care, urgent medical care," said attorney Tad Draper, who is representing Miller's family in the lawsuit.

Draper announced the federal lawsuit Thursday at a news conference.

The suit alleges that if Davis County jail staff had monitored Miller's vital signs after the fall — which Draper says is a nationwide standard for jails — they would have known she was in poor condition after 15 to 30 minutes.

"Heather Miller would have survived this. The only debate in the medical community is whether or not they would have taken her spleen or not," Draper said.

The lawsuit claims the jail doesn't have policies for addressing falls or other inmate medical issues. Either that, or it has policies that aren't taught to medical staff, the lawsuit alleges, based on an interview with Anderson.

Anderson reportedly said he was unaware of policies regarding medical attention for inmates after they've fallen or otherwise become injured, according to the lawsuit.

At the time of Miller's death, Weber County investigators were called to look into the incident. Records obtained by The Salt Lake Tribune [indicate they were concerned with how jail staff responded to the death](#), namely that they enlisted an inmate to clean Miller's cell following her fall and that Miller's family wasn't notified of her death for nearly a week.

After receiving the results of the investigation into Miller's death, Utah Attorney General Sean Reyes announced in May that all jail employees had been cleared of criminal wrongdoing.

Following the May announcement, Davis County Sheriff's Office spokeswoman Sgt. DeeAnn Servey told The Salt Lake Tribune that county officials had no plans to change their jail policies.

"Normally when we are shown not at fault, that means we didn't do anything that was causing fault or was wrong," Servey said at the time. "That would mean our practices are sound and we should continue with those sound practices."

Cynthia Stella, Miller's mother, said that in the year since her daughter's death, she's become increasingly angry at jail staff for how they handled the fall and its aftermath.

Stella only learned about her daughter's death days after it happened, and before that she wasn't aware Miller had been jailed. She wonders how a 5-foot fall from a bunk bed caused as much damage as it did, and why an inmate was assigned to clean up the mess in the cell from the fall before it could be investigated.

She also has questions about why jail staff, as she claims, assumed her daughter was acting out because of drug withdrawal and didn't give her daughter treatment after the fall.

A toxicology report, Draper and Stella said, found only trace amounts of methamphetamine and THC in Miller's system.

"She didn't deserve to die by falling from a bunk and no one paying attention because they assumed she was drug withdrawn," Stella said.

Davis County officials said Thursday they had been advised by the county attorney not to comment on the lawsuit because of the pending litigation.