

## **Summary of Wilson v. Diaz**

From February 2023 to November 2023, Krystal Wilson, a twenty-year-old, who suffers from asthma and bipolar disorder, was held as a pretrial detainee at Butler County Jail (“BCJ”). During that time, officers assaulted her twice, each time leading to her receiving a misconduct and being placed in solitary confinement, where she attempted suicide. She has filed a lawsuit for monetary damages against the Butler County, Warden Diaz, BCJ Mental Health Director Francis, and Officers Cohen, Hu, Grisby, and Clark.

### **Mental Health/Solitary Confinement**

BCJ does not offer therapeutic/psychological counseling. Wilson says that mental health staff usually make daily rounds to speak to each person on the pod. The discussions are colloquially dubbed “drive byes” because they last no more than a minute and occur at the cell door within the earshot of correctional officers and other people. Wilson says the conversations aren’t helpful. The staff members didn’t inquire about her mental health symptoms or care about her wellbeing. Wilson says she also was dissuaded from talking because it would be overheard by others. Wilson says sometimes she wouldn’t receive her prescribed medications for her bipolar condition.

While in solitary confinement, Wilson was denied privileges, including contact visits and phone calls with friends and family, commissary, and the opportunity to participate in jail programming. Wilson wasn’t allowed to recreate at the same time as other people on the pod. Whenever she was allowed out for rec, she was alone or cuffed to the table. Wilson says that she felt extremely hopeless and depressed in solitary, which is why she attempted suicide.

Solitary Confinement Stints (total days 121):

- Solitary Confinement: April 1, 2023 to June 1, 2023
- Solitary Confinement: June 2, 2023 to August 3, 2023

Excessive Force (2 incidents)

1. On April 1, 2023, Wilson became extremely depressed after learning that her non-contact visit had been canceled due to a scheduling issue. She was already feeling depressed because she hadn’t received her medication that day. CO Hu ordered Wilson to cuff up to go back to her housing unit. Wilson was so depressed she didn’t respond. CO Hu radioed for back up. CO Grisby and Sgt. Clark responded. Wilson was cuffed up. But while being escorted back, Sgt Clark determined Wilson was acting in a hostile manner and ordered her to be placed in a restraint chair. Wilson was kept in the restraint chair for eight hours. She was denied food, water, meds, and given no bathroom breaks forcing her to urinate on herself. Wilson was given a misconduct and placed in solitary confinement.

2. On June 1, 2023, Wilson was hospitalized for attempting suicide. The following day, she returned to jail. Officer Cohen placed Wilson in a holding cell. Per policy, she was wearing only a green smock because of her recent suicide attempt. However, the smock's Velcro wasn't working, which left parts of her naked body exposed. Officer Cohen yelled at Wilson to cuff up to be transferred to a housing pod. Wilson said she would comply, but first needed a different smock. CO Cohen yelled at her again to cuff up. He told her that if she refused, he would pepper spray her, which he did seconds later. Wilson says the spraying was very painful

### **Causes of Action:**

1. 14<sup>th</sup> Amendment - Serious Mental Health Needs- Against Warden Diaz, Mental Health Director Francis
  - a. Diaz & France promulgated policies and practices that subjected Wilson to serious risks of harm
2. Excessive Force – Against Officers Cohen, Hu, Grisby, and Clark.
3. Americans with Disabilities Act – Against Butler County
  - a. COs are trained on how to interact with people who have psychiatric disabilities to de-escalate situations
  - b. COs are not trained how aversive techniques of discipline and control are psychiatrically contraindicated
  - c. Defendant substitutes the restraint chair for mental health treatment
  - d. Use of pepper spray against Wilson, a person with asthma

### **The County's Answer**

- Wilson is known for malingering and being manipulated. Her suicide attempts were carried out for attention.
- Wilson received adequate mental healthcare at BCJ.
- BCJ doesn't have "solitary confinement." Wilson was placed in restricted housing because of her refusal to comply with jail regulations. She was hostile and presented a safety risk to others.
- COs used reasonable correctional defense tactics and devices on Wilson. They were forced to respond because Wilson failed to comply with their orders.

### **Important Dates**

- Admitted to Jail: February 1, 2023
- Excessive Force Incident: April 1, 2023
- Solitary Confinement: April 1, 2023 to June 1, 2023
- Suicide Attempt: June 1, 2023
- Excessive Force Incident: June 2, 2023
- Solitary Confinement: June 2, 2023 to August 3, 2023

- Suicide Attempt: August 3, 2023
- Release from Jail: November 1, 2023