

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. \_\_\_\_\_

RYAN PARTRIDGE,

Plaintiff,

v.

JOE PELLE, in his official capacity as Boulder County Sheriff;  
BRUCE HAAS, in his individual and official capacity as the administrator of the Boulder County Jail and Division Chief of the Boulder County Sheriff's Office;  
JEFF GOETZ, in his individual and official capacity as the administrator of the Boulder County Jail and Division Chief of the Boulder County Sheriff's Office;  
SHANE MCGURK, in his individual and official capacity as the Corrections Program Coordinator for the Boulder County Jail Mental Health Program;  
T. SMITH, in his individual and official capacity;  
KARMEN KOGER, in her individual and official capacity;  
THOMAS GROFF, in his individual and official capacity;  
PAMELA LEVETT, in her individual and official capacity;  
AMANDA TAYLOR, in her individual and official capacity;  
ERIK CONTRERAS, in his individual and official capacity;  
CHRISTOPHER MECCA, in his individual and official capacity;  
DEBBIE STEVENS, in her individual and official capacity;  
ROBERT HICKS, in his individual and official capacity;  
DAN NEWCOMB, in his individual and official capacity;  
CHUCK SISNEROS, in his individual and official capacity;  
GREGORY CLEM, in his individual and official capacity;  
CHRISTIAN BERRINGER, in his individual and official capacity;  
DALE GREENE, in his individual and official capacity;  
VILI MAUMAU, in his individual and official capacity;  
ANTHONY HOLLONDS, in his individual and official capacity;  
MERGEN MITTLEIDER, in her individual and official capacity;  
LYDIA MITCHELL, in her individual and official capacity.

Defendants.

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**COMPLAINT AND JURY DEMAND**

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Plaintiff, by and through his attorneys David Lane of KILLMER, LANE & NEWMAN, LLP, and Kathryn Stimson of STIMSON GLOVER STANCIL LEEDY LLC, hereby brings this Complaint and Jury Demand and alleges as follows:

## INTRODUCTION

1. On December 17, 2016, while a prisoner in his cell at the Boulder County jail, Ryan Partridge was suffering a deep, severe schizophrenic psychosis. The Defendants named herein were all well aware of his long and tragic history of mental illness. On numerous occasions, while in the throes of psychosis, he had previously inflicted serious harm upon himself while incarcerated in the Boulder County jail. He also had a history, not uncommon among severely mentally ill people, of refusing to take any anti-psychotic medication. Despite his repeated, serious self-inflicted harm at the Boulder County jail, the **Defendants never attempted to obtain a court order which would have permitted them to administer anti-psychotic medications nor did they ever attempt to forcibly medicate him on an emergency basis despite his repeated efforts to inflict grievous harm upon himself.** Instead, they simply left his psychosis untreated. Alone in his jail cell, curled up in a ball, with fingernails that had not been cut for six weeks, Ryan Partridge wedged his thumb and fingernails behind both of his own eyeballs and plucked them both completely out of his head. His untreated delusions compelled him to do it. He is now completely and permanently blind because the Defendants in this case exhibited deliberate indifference to his serious medical need for mental health treatment.

2. Six weeks before, on November 1, 2016, again in the grip of a psychotic episode, Ryan Partridge attempted suicide by climbing to the top railing on a second-floor tier at the jail and jumping – head first – to the ground below. He smashed his head on a metal table and then

the cement floor. Mr. Partridge survived with a broken vertebra, but a month later, he tried again to jump from the same railing before he was talked down by guards.

3. These severe self-mutilation and suicide attempts came months after similar incidents in the jail. In fact, throughout all of 2016, Mr. Partridge was in and out of the Boulder County Jail, each time presenting with unmistakable signs of severe mental illness and periodically being taken from the jail to go to the state mental hospital or an affiliated treatment center in attempts to restore him to legal competency to face the minor criminal charges pending against him. The jail was well aware that Mr. Partridge suffered from schizophrenia. Jail records show that in early 2016, Mr. Partridge was in a deep delusional psychosis when he reported he was going to gouge out his eyeballs and violently banged his head into his toilet, leaving his head and face bloodied and breaking seven teeth.

4. Finally, after ten months of self-mutilation and suicide attempts, the Boulder Jail Mental Health Corrections Program Coordinator, Defendant Shane McGurck, appeared before a judge and asked for an **Emergency Order to get Mr. Partridge the psychiatric treatment and help he needed. The judge granted the Emergency Order, thereby ordering the Boulder County sheriffs to transport Mr. Partridge for help immediately. That Order was ignored as Mr. Partridge sat, balled up in his cell, and plucked out his own eyeballs.**

5. If any of the Defendants had initiated appropriate medical intervention on behalf of Mr. Partridge, he would not be blind today, would not have broken seven teeth, or jumped from the second tier smashing his head into the metal table and cement floor of the jail and breaking his back. Defendants' willful and deliberate indifference to Mr. Partridge's serious medical needs directly led to his self-mutilation, head and vertebrae injury, broken teeth and ultimately, to his permanent blindness. Further, while deliberately ignoring Mr. Partridge's

severe mental illness and allowing him to go deeper into the abyss of his schizophrenia, officers in the jail repeatedly used excessive force against an uncomprehending Mr. Partridge, regularly tasing and punching him, leaving him bloodied, in pain, and tortured.

### **JURISDICTION AND VENUE**

6. This action arises under the Constitution and laws of the United States and is brought pursuant to 42 U.S.C. § 1983.

7. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1367. Jurisdiction supporting Plaintiffs' claim for attorneys' fees and costs is conferred by 42 U.S.C. § 1988.

8. Venue is proper in the District of Colorado pursuant to 28 U.S.C. § 1391(b). All of the events alleged herein occurred within the State of Colorado, and all of the parties were residents of the State at the time of the events giving rise to this litigation.

### **PARTIES**

9. At all times pertinent here, Ryan Partridge was a citizen of the United States of America and a resident of the State of Colorado confined to the Boulder County Jail.

10. At all times relevant to the subject matter of this litigation, Defendants were citizens of the United States and residents of Colorado.

11. **At all relevant times, Defendants were acting under color of state law in their capacity as the Boulder County Sheriff, administrators of the jail, deputies and sergeants of the jail or other jail staff.**

12. Defendants Pelle, Haas and Goetz were responsible for training and supervising all other Defendants and other employees of the Boulder County Sheriff's Department working at the jail, for setting jail policy for the county and the overall management of the jail, and for

insuring the health and welfare of all persons detained in the Boulder County Jail. Mr. Haas was the administrator of the jail until his June 2016 retirement when Defendant Goetz was named administrator of the jail.

13. At all times relevant to the complaint, jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1367. Jurisdiction supporting Plaintiffs' claim for attorneys' fees and costs is conferred by 42 U.S.C. § 1988.

14. Venue is proper in the District of Colorado pursuant to 28 U.S.C. § 1391(b). All of the events alleged herein occurred within the State of Colorado, and all of the parties were residents of the State at the time of the events giving rise to this litigation.

## **FACTUAL ALLEGATIONS**

### ***Ryan Partridge's Mental Illness***

15. Ryan Partridge is thirty-one years old and suffers from schizophrenia, which includes psychosis, auditory and visual hallucinations, delusions and paranoia.

16. Mr. Partridge was born and raised by his parents in Boulder, Colorado. He attended Boulder High School. Mr. Partridge left Boulder High, got his GED prior to what would have been his graduation date and began college at Front Range Community College. Mr. Partridge was always very bright, with above-average intellectual abilities. However, early symptoms of his mental illness began to manifest during his college years.

17. In 2014 and 2015, Mr. Partridge's parents, Shelley and Richard Partridge, began to notice symptoms. His parents noticed Mr. Partridge began to have some ticks and would speak irrationally. He started to spend more time alone and told his mother he felt he was "losing it" mentally. His parents also began to notice Mr. Partridge suffered from serious

paranoia. At one point his father took Mr. Partridge to the hospital for a 72-hour hold because he was concerned he was psychotic.

18. In 2015 and 2016, both Richard and Shelley Partridge **called the police for assistance due to Ryan's violent outbursts as a result of his mental illness**. Consistent with someone with severe mental illness, as Mr. Partridge's symptoms began to manifest and he went untreated, he was arrested on various minor charges. Each time he went to the Boulder County Jail.

***Boulder County Defendants' Knowledge of Mr. Partridge's Serious Mental Illness***

19. In February of 2016, Mr. Partridge was taken into custody at the Boulder County Jail for violating a condition of his misdemeanor probation. Deputies noted that Mr. Partridge was different than he had been before when he was at the jail – he was more mentally ill than he had been previously. Jail records reveal that deputies and mental health staff noted Mr. Partridge had been on psychiatric medications in the past, was not currently on medications, was presenting with psychosis and acting bizarrely. Certainly, by February of 2016 staff at the Boulder jail knew of Mr. Partridge's severe mental illness. Deputy Bryant wrote on March 21, 2016 that "Inmate Partridge is well known to the Boulder County Jail staff and has a history of mental health issues, which has been deteriorating considerably, with each passing incarceration."

20. In early 2016, Mr. Partridge reported to deputies that the CIA was telling him to "dig out his eyes" and he unsuccessfully attempted to do so.

21. As early as February 2016, Mr. Partridge would stand at the door of his cell and stare out into space. It was during this time period that Mr. Partridge intentionally banged his head into the toilet in his cell, breaking seven of his own teeth. Mr. Partridge's head and mouth

were severely bloodied. Jail records prove that deputies and jail mental health personnel knew Mr. Partridge had broken his teeth.

22. On February 25, 2016, Deputy Foster contacted mental health worker Defendant Pamela Levett and reported Mr. Partridge was psychotic and should be on “house alone” status.

23. On February 29, 2016, Mr. Partridge was acting “inappropriately” and Defendant Deputy Berringer responded to his cell. Mr. Partridge asked Defendant Deputy Berringer if he was there to kill him.

24. On March 3, 2016, Mr. Partridge had been placed in the Disciplinary, Special Management and Maximum Module at the jail because of his psychotic behavior. Defendant Deputy Hollonds opened his cell door to give Mr. Partridge a food tray and Mr. Partridge jammed the food tray into the cell door so it could not be closed and asked why he was in that cell. Mr. Partridge slipped out of the door and Defendant Deputy Hollonds punched him in the face and wrestled him to the ground. Once Mr. Partridge was on the ground, Defendant Deputy Hollonds continued to punch him in the head. Defendant Deputy Hollonds got Mr. Partridge back in the cell and the decision was made to move Mr. Partridge to a more severe and secure disciplinary cell. Deputies returned to his cell to take him to the disciplinary cell. While walking to the other cell, Mr. Partridge planted his feet and refused to keep walking. Deputies pinned Mr. Partridge against the door and ordered him to stop resisting. Defendant Sergeant Groff then tased him, using the drive-stun feature of the Taser.

25. On March 7, 2016, Mr. Partridge reported to mental health worker Defendant Amanda Taylor that he had suicidal thoughts. Defendant Ms. Taylor also described Mr. Partridge as “unstable” and “thought blocking.” Mental health worker Allison Holden had

“concerns about [his] ability to keep himself safe.” The following day, Mr. Partridge was seen by Dr. Bhargava and prescribed the anti-psychotic medication Zyprexa.

26. On March 9, 2016, the Boulder County Court judge in a misdemeanor probation violation case ordered Mr. Partridge to go to the state mental hospital at Fort Logan because he was not competent to proceed in his criminal proceeding.

27. On March 22, 2016, around 1 a.m. deputies decided Mr. Partridge’s cell needed to be cleaned. Mr. Partridge was removed from his cell and placed in another cell while a different inmate cleaned his cell. Several deputies were escorting Mr. Partridge back to his cell after the cleaning and Mr. Partridge stuck his hands and arms in the door so the cell door would not close. Defendant deputy Mau Mau punched him in the chest and told him to move back so the door could close. Mr. Partridge, non-compliant, kept holding onto the door with his hands. Defendant Deputy Mau Mau told Mr. Partridge he would tase him if he did not comply and then used his Taser to drive-stun Mr. Partridge’s fingers so he would remove them from the door.

28. Later that same day, Deputies Nelson and Vaughan were collecting lunch trays and were shocked to see that Mr. Partridge was attempting to gouge out his eyes. Deputies called for a restraint chair and opened his cell door in order to put Mr. Partridge in the restraint chair. As deputies were putting Mr. Partridge in the restraint chair, Mr. Partridge was compliant as deputies restrained his arms and legs. Even though Mr. Partridge had not been spitting on anyone, deputies placed a “spit sock” over his head. Then, Mr. Partridge began to spit at the deputies through the “spit sock.” Sergeant Mitchell tased Mr. Partridge.

29. The days following the March 22 attempted eye gouge, Mr. Partridge continued to deteriorate. Due to his serious medical needs, mental health worker Anna Pallasch filed an Emergency Mental Illness Report and Application and reported Mr. Partridge was presenting



with auditory and visual hallucinations and tried to gouge his eyes out. Ms. Pallasch described Mr. Partridge as “currently presenting with psychotic symptoms, recently attempted suicide by gouging eyes out and is a danger to himself and in need of in-patient treatment.” Ms. Pallasch determined Mr. Partridge was gravely disabled. Nurse Dale Greene noted Mr. Partridge was “psychotic” and “chanting.”

30. On March 28, 2016, Boulder District Court Judge Sierra ordered Mr. Partridge be civilly committed because she found he was mentally ill and as a result of his mental illness appeared to be a danger to himself, others and/or was gravely disabled.

31. That day, the Boulder County Jail transported Mr. Partridge to the Emergency Room at Boulder Community Hospital. In the Emergency Room, Mr. Partridge was placed on a 72-hour hold pursuant to C.R.S. §27-65-105. While at the Boulder Community Hospital during his initial evaluation, Mr. Partridge again attempted to gouge out his eyes.

32. On March 29, 2016, Mr. Partridge was back at the Boulder County Jail and was forcing himself to vomit. There was a large amount of vomit on the floor of his cell. Deputies asked him why he was forcing himself to vomit and he stated his food was being poisoned by the jail, he was hearing voices in his head and that the phone calls were bothering him. Deputies called mental health personnel. Mental health worker Defendant Mergen Mittleider saw Mr. Partridge making himself vomit and heard Mr. Partridge make psychotic statements. Ms. Mittleider advised deputies that the solution was to place Mr. Partridge in a restraint chair. Defendant Deputies Biggs, Vaughan, Mecca, Anderson, Sanchez and Sergeant Knight put on full riot gear. Deputy Anderson first entered Mr. Partridge’s cell, held his shield out in front of him and pinned Mr. Partridge against the wall while yelling “Get down!” Mr. Partridge was placed into the restraint chair and a “spit sock” forced over his head without incident.

33. On May 12, 2016, Mr. Partridge was transferred to the RISE Program at the Arapahoe County Jail for restoration to competency. On June 7, 2016, Mr. Partridge was seen by psychiatrist Dr. Bhargava and diagnosed as schizophrenic and non-compliant with his medication and was released from jail on bond.

34. Approximately three months later, Mr. Partridge was arrested again for violating conditions of his probation and a class three misdemeanor for criminal mischief and returned to jail in September of 2016.

35. The September arresting Boulder Police officer completed a Boulder County Jail “Triage” form and included: “Mr. Partridge suffers from mental illness and is talking to himself in an accent.”

36. On September 15, 2016 Defendant Sgt. Thomas Groff and jail nurse Lenny Rothermund documented that Mr. Partridge reported he had been diagnosed with schizophrenia and requested a meeting with mental health.

37. On September 16, 2016, Mr. Partridge reported to Defendant Pamela Levett in mental health that 1) he knew the judge could hear his thoughts and 2) he wanted to make his mother his puppet. He also reported to Defendant Ms. Levett he may have some delusions and was speaking to her in an Irish accent.

38. On September 16, 2016, Mr. Partridge’s lawyer raised the issue with the County Court as to whether Mr. Partridge was competent to proceed with respect to the case pending involving his mother as the complainant. A competency evaluation was ordered by the judge. While in court, Mr. Partridge screamed out loud that he was “not crazy.” While in the holding cell at the courthouse, Mr. Partridge paced back and forth, screaming that he was “not crazy.” Boulder County sheriff’s deputies observed this and noted it in jail records.

39. On September 20, 2016, Mr. Partridge wrote a communication to mental health, asking to be seen for his anxiety. The “kite” included nonsensical writings. Boulder County Jail Mental Health personnel, Amanda Taylor, included in Mr. Partridge’s chart that he had a previous psychotic episode in the jail, was not on medications and was diagnosed with schizophrenia. Defendant Counselor Amanda Taylor knew Mr. Partridge was not taking medications for his diagnosis of schizophrenia and noted he may begin to decompensate.

40. On September 30, 2016, Mr. Partridge wrote another nonsensical kite to the jail’s mental health staff.

41. Dr. Ort was ordered by the court to conduct the second competency evaluation on Mr. Partridge. He conducted that evaluation on October 27, 2016 at the Boulder County Jail.

42. Mr. Partridge was being held at the Boulder County Jail pending the outcome of the competency evaluation. During this time – 2 days after his evaluation – Boulder County Jail Mental Health personnel noted that Mr. Partridge was beginning a manic phase and had not been sleeping.

43. On October 30, 2016, Mr. Partridge’s behavior was noted as “erratic.” He turned the lights on and off, asked to speak with an officer but then said he was scared because he was concerned the officer was going to starve him to death or kill him. He “appeared to be delusional, could not grasp [they] were trying to help him feel safe, he was distanced from reality, he could not engage in normal conversation.” Defendant deputy Mendez noted that it was “obvious he was very paranoid.” “His comments seemed to me to get more and more distant from reality.” Deputies Mendez, Sager, Davenport and Sgt. Kellison were involved in this incident and contacted mental health personnel at the jail. Sgt. Kellison moved Mr. Partridge to

the disciplinary module because there was no room in the Special Management section of the jail. An entry in the jail computer database for Mr. Partridge noted “Delusional behavior.”

44. The following day when asked by Defendant Deputy Smith whether he wanted juice, Mr. Partridge’s response was: “You’re trying to make it look like I killed my family, aren’t you?” Mr. Partridge also mumbled words Defendant Deputy Smith could not understand.

45. On November 1, while his psychosis remained completely untreated by the Defendants, Mr. Partridge attempted suicide by jumping off the tier of the second-floor railing, hurtling head first toward a metal table below, striking his head on the metal table and landing on the cement floor below. He fractured his lumbar spine and ribs. Defendant Deputies Erik Contreras, Christopher Mecca and Debbie Stevens were working the housing unit where Mr. Partridge was living on November 1. Defendant Deputy Contreras noted, “Partridge . . . was just pacing the day room and talking to himself. Partridge is known to be very delusional, makes strange comments and often talks to himself throughout the day . . . Inmate Partridge did refuse his morning medicine.” Despite knowing Mr. Partridge was schizophrenic, delusional, unmedicated and suicidal, the deputies released Mr. Partridge to walk on the second tier of the jail. It was there that Mr. Partridge climbed onto the top railing and per Defendant Deputy Contreras, jumped “head first.”

46. After this incident, Defendant Deputy Contreras began referring to Mr. Partridge as “Parachute Partridge.”

47. The day after Mr. Partridge attempted suicide, mental health worker, Defendant Pamela Levett visited with Mr. Partridge and reported he was suffering from delusions and paranoia.

48. On November 7, 2016, mental health counselor, Defendant Amanda Taylor noted that Mr. Partridge reported he was experiencing auditory hallucinations and that being isolated added to his neurosis. Defendant Ms. Taylor also reported that Mr. Partridge appeared disheveled and had body odor.

49. Eight days after Mr. Partridge tried to kill himself by jumping from the top railing of the second tier and landing on his head, Defendants Sgt. Thomas Groff and Ms. Pamela Levett inexplicably determined Mr. Partridge was in fact not a risk to himself and that the jump was merely an attention-seeking behavior. Defendants Ms. Levett and Sgt. Groff cleared Mr. Partridge from special population housing.

50. On November 17, 2016, the CMHIP-court-ordered evaluator, Dr. Ort, found Mr. Partridge to be competent to proceed in the class three misdemeanor criminal mischief case. Once competent, he was sentenced for a prior incident involving his father. Mr. Partridge's attorney, his parents and the prosecutor requested a sentence of credit-for-time served so Mr. Partridge could get out of jail and get mental health treatment. The judge, however, imposed a sentence of 6-months work release. Mr. Partridge returned to the Boulder County jail to begin his 6-month sentence.

51. Mr. Partridge's mother contacted Defendant Ms. Levett, one of the jail's mental health personnel and expressed concern for her son: At court he seemed to be "retreating in his own mind again" and she was "scared for him."

52. Exhibiting an inexcusable lack of training and supervision of jail staff, on December 1, 2016, Mr. Partridge was again, inexplicably free to go to the second tier and again attempted suicide by climbing on the rail on the second tier and beginning to jump off the rail. However, this time, Mr. Partridge did not jump. Instead he "roared like an animal" at Deputy

Tulou and got off the railing and was handcuffed. Sgt. Kellison placed Mr. Partridge back in special population housing.

53. The following day, December 2, 2016, Mr. Partridge's attorney was at the jail to visit him. Deputies claim Mr. Partridge was not following protocol to go visit his attorney. Mr. Partridge, while paranoid, delusional, and concerned that deputies were trying to kill him when one of them went to place restraints on him, Mr. Partridge allegedly swung at the deputy. Defendant Deputy Hicks and Defendant Deputy Newcomb punched Mr. Partridge in the face. Other deputies punched Mr. Partridge as well. Once he fell to the ground, Defendant Deputy Hicks continued to pummel Mr. Partridge in the back with "hammer-fist blows" four to five times. Defendant Sgts. Groff and Koger both tased Mr. Partridge. After the incident, Mr. Partridge was covered in blood. He was bleeding from his head, nose and mouth.

54. Initially, criminal charges were filed against Mr. Partridge for the December 2, 2016 incident, however, they were later dismissed. Mr. Partridge refused to attend court for these charges. He stood naked in his cell and did not speak or respond to anyone.

55. On December 3, 2016, Boulder County Jail mental health counselor Defendant Pamela Levett noted she did not believe Mr. Partridge knew he had new charges stemming from the incident the day before. "[Mental health] is concerned that [Partridge] is going to decompensate quickly. He does not appear to know he has new charges. [Partridge's] history is that he can mentally go downhill quickly and become in a severe mental state." Defendant Counselor Levett was partially correct – Mr. Partridge did not understand what had happened the day before because he already was in throes of a full-blown psychosis just as he clearly had been for several months.

56. On December 6, 2016, Defendant Shane McGurk, the Corrections Program Coordinator for the Boulder County Jail Mental Health Program went to Mr. Partridge's court appearance (that Mr. Partridge refused to attend) and requested the court (on the new felony cases stemming from his assault against the deputies) send Mr. Partridge to Colorado Mental Health Institute at Pueblo for a competency evaluation. Defendant McGurk specifically asked that Mr. Partridge be "bumped to the top of the list for his safety and staff safety."

57. Two days later, when Mr. Partridge was still at the Boulder County Jail, his parents attempted to visit him. Defendant Deputies Sisneros, Palmer, Ubias, Gerhart and Sgt. Koger and Sgt. Groff planned to handcuff and restrain Mr. Partridge for his visit. Mr. Partridge again did not appropriately follow orders and pulled one arm through the food port so only one arm was handcuffed. In response, Defendant Deputy Sisneros punched Mr. Partridge and Defendant Sgt. Koger again tased Mr. Partridge. Ultimately, Mr. Partridge gave the handcuff back through the food port.

58. On December 10, 2016, Mr. Partridge's parents again contacted Defendant Ms. Levett in mental health and expressed concern about the "mistreatment" of their son in the jail and were concerned he would "die in the jail."

59. Throughout the early weeks of December, Mr. Partridge was regularly refusing to put on clothes, leave his cell, speak or respond in any way — verbal or non-verbal. Some days Mr. Partridge would not sleep at all. Other days he would sleep for the entire day, covering his naked body with a blanket and not moving.

60. On December 16, 2016, Mr. Partridge was laying naked with a blanket covering him like he had been doing for several days. Defendant Deputy Gregory Clem together with Defendants Sgts. Koger and Groff and other deputies planned to "see if we could get him to

move.” The officers opened Mr. Partridge’s cell door, and Defendant Sgt. Groff pulled the blanket off of Mr. Partridge’s body. In response, Mr. Partridge jumped up, screamed “nonsense” and “rushed toward” the door. Defendant Deputy Clem punched Mr. Partridge in the chest and Defendant Sgt. Koger tased Mr. Partridge. This was the third time in less than two weeks that Defendant Sgt. Koger tased Mr. Partridge either in his cell or at the door of his cell. In all three instances, Mr. Partridge was alone in his cell, posing no threat whatsoever to the officers. Indeed, he was severely mentally ill and suffering from a delusion that officers were going to hurt him or kill him. Repeatedly, the officers provoked Mr. Partridge and when in response to their provocation Mr. Partridge would either not follow orders or act aggressively, the officers would beat and tase him.

61. That same day – December 16, 2016 – Corrections Program Coordinator (Defendant Shane McGurk) faxed an affidavit to the Boulder County Attorney, outlining Mr. Partridge’s need for urgent psychiatric treatment. The County Attorney then filed the same with the district court judge in the pending (alleged assault on the deputies) case. This was ten days after Defendant McGurk had personally appeared in court and asked that Mr. Partridge be “bumped to the top of the list” and taken to CMHIP for “his safety and staff safety.” Defendant McGurk’s affidavit outlines a shorter version of the above-history. It includes: “I have become increasingly concerned with the behavior of Ryan Partridge. I believe that Inmate Partridge’s condition has deteriorated and will continue to deteriorate. I believe he is a danger to himself and/or others and that his condition is serious enough to warrant an evaluation.”

62. Later that day, on December 16, 2016, District Court Judge Butler signed an Order for Evaluation finding there was probable cause to believe Mr. Partridge to be “mentally ill, and as a result of such mental illness, is an imminent danger to himself or others and pursuant



to 27-65-105, 27-65-106 and 27-65-107 C.R.S. [Mr. Partridge] shall be transported by the Boulder County Sheriff or his deputies and placed at the Colorado Mental Health Institute at Pueblo for evaluation and treatment.”

63. With this Order from December 16, 2016, the Court invoked the “emergency procedure” section of the statute and ordered the Boulder County Sheriff to transport Mr. Partridge to get emergency psychiatric help.

64. This Emergency Order came ten days after it was initially raised in court by Corrections Program Coordinator, Defendant Shane McGurk.

65. Unfortunately, Boulder sheriffs failed to follow the court’s Emergency Order. Mr. Partridge continued to sit – seriously mentally ill, delusional and psychotic – in the Boulder County Jail while he sank yet deeper into his severe insanity.

66. On December 17, 2016, at approximately 4 p.m., Mr. Partridge’s parents contacted the Boulder County Jail and begged for help for their son. Mr. Partridge’s father asked for exactly what the judge had ordered the day before: an Emergency 72-hour hold. Mr. Partridge’s father begged for someone at the jail to force his son to take medication. Mr. Partridge’s father begged for at least a doctor to go to his son’s cell door and attempt to talk to his son about taking some medication.

67. The Boulder County Jail mental health put in Mr. Partridge’s chart a request for a the “prescribing physician” to go to Mr. Partridge’s door per his father’s request.

68. None of this was ever done.

69. Many hours later, around 9 p.m. on December 17, 2016 – more than a full-day since the judge’s Emergency Order that Mr. Partridge immediately be taken to a psychiatric hospital – Defendant Deputy Christian Berringer passed by Mr. Partridge’s door and noticed he

had dried blood on the side of his face that appeared to come from the corner of his eye.

Defendant Deputy Berringer spoke with Deputy Smith and Deputy Smith told him it had been like that before. The deputies did nothing.

70. In fact, Deputy Smith had noticed at 7:45 p.m. that Mr. Partridge had blood on his cheek. Deputy Smith was with Nurse Dale Greene who also saw the blood. Nurse Greene determined that he didn't believe it required immediate attention. Nothing was done.

71. An hour later, Defendant Deputy Berringer again passed by Mr. Partridge's cell and now noticed a significant amount of blood and fluid coming from his left eye and his eye was swollen. Mr. Partridge then stood and Defendant Deputies Berringer and Smith saw that both eyes were swollen and bleeding. Other deputies noted Mr. Partridge had blood on his hands.

72. At this point, Mr. Partridge's eyes were swollen shut. He could not see. He had blood on his hands. According to officers, Mr. Partridge was not compliant when they attempted to place handcuffs on him. Even though he was covered in blood, with eyes swollen shut and blind, Deputy Smith slammed Mr. Partridge to the ground. Defendant Sgt. Maumau tased him.

73. After extracting Mr. Partridge from his cell to get medical help, Defendant Deputy Berringer noted "Mr. Partridge had made no attempt at personal hygiene while in his cell as all of us seemed to be cover [sic] in a significant amount of dry skin and other filth from making contact with inmate Partridge."

74. All of these deputies knew Mr. Partridge suffered from serious mental illness and was known to self-mutilate.

75. With blood streaks on his face and bloodied lashes, Mr. Partridge was wheeled to medical and asked to open his eyes – he could not because of the blood that clotted his lashes.

Mr. Partridge partially opened his left eye and his eye under the lid was covered in blood. Mr. Partridge was sent to the Boulder Community Hospital Emergency Room.

76. Since Mr. Partridge's eyes were swollen and some of the blood noted was dry and clotted, clearly it had been some time that Mr. Partridge sat in excruciating physical pain from using his six-week long nails to reach into his eye sockets and pluck out his own eyeballs in response to the delusions and voices that commanded him to do so, all because the Defendants exhibited deliberate indifference to his obvious, serious mental health needs .

77. Boulder Community Hospital Emergency Room referred Mr. Partridge to a Level 1 trauma center – Denver Health Medical Center. Deputy Maes transported Mr. Partridge to the Emergency Room. At 7:30 a.m., according to Deputy Maes, Mr. Partridge went into surgery.

78. Mr. Partridge's diagnosis by physicians at Denver Health included: self-inflicted ruptured globe and retinal detachment, psychosis, schizoaffective disorder, chronic psychotic illness.

79. Dr. Frank Siringo in the Department of Ophthalmology – Retina Division at Denver Health Medical Center opined that there is no known treatment for loss of vision resulting in no light perception and that Mr. Partridge is permanently blind in both eyes.

80. On December 22, 2016, while in the care of Denver Health Medical Center, Mr. Partridge was compliant with his medication and cooperated with his medical treatment.

81. On December 17, 2016, Defendants knew Mr. Partridge was seriously mentally ill, knew Mr. Partridge was schizophrenic, knew he was psychologically deteriorating and presented a serious risk of danger to himself. The District Court Judge had ordered that the Boulder County sheriffs transport Mr. Partridge to a psychiatric hospital because he was an "imminent danger" to himself. Yet, time passed and the Defendants continued to let Mr.

Partridge languish in solitary confinement – a condition known to not only significantly worsen mental illness but to cause mental illness in people who previously did not suffer from mental illness. Beyond all of this, the Defendants knew Mr. Partridge was “known to self-mutilate.” Just days before, Defendant McGurk had written in a sworn affidavit that he filed with the Court that Mr. Partridge had attempted to gouge out his own eyes.

82. The Defendants could have petitioned the court to order both emergency and nonemergency involuntary administration of medication in jails. The Defendants could have also taken Mr. Partridge to the Emergency Room at a local hospital for a 72-hour hold – as they had before.

83. **The Colorado Legislature has also provided for an “Emergency Procedure” for people suffering from mental health disorders and appear to be in imminent danger to him or herself or who are gravely disabled. C.R.S. Section 27-65-105. Jails, peace officers, nurses, social workers and “professionals” all have the ability to effectuate a 72-hour treatment and evaluation at a hospital.**

84. Mr. Partridge repeatedly reported to deputies he was going to gouge out his eyeballs. He even tried to do so several months prior to his successful attempt on at least two other occasions. Mr. Partridge twice tried to kill himself. Mr. Partridge banged his head into his toilet so hard he broke seven of his own teeth. Meanwhile, the Defendants never sought to forcibly administer the anti-psychotic medications necessary to address his psychosis and never sought to get Mr. Partridge the serious psychiatric help he desperately needed.

85. The Defendants, through Defendant McGurk, did finally go to a Court and seek to get Mr. Partridge the help he needed. However, once Defendant McGurk had stated on the record that Mr. Partridge was a risk of danger to himself, he waited another ten days to fax the

necessary affidavit to the County Attorney and then once the Court signed the Emergency Order mandating immediate hospitalization for Mr. Partridge, the Defendants did absolutely nothing to implement the Order. Only after Mr. Partridge mutilated himself in the most horrific way imaginable did the Defendants provide him with adequate medical/psychiatric care.

86. Knowing Mr. Partridge suffered from this debilitating serious mental illness and posed a severe danger to himself, no one ever sought forced medications. Instead, deputies would enter Mr. Partridge's cell and provoke him by doing things like ripping the blanket from the naked body of a seriously delusional and psychotic man. When he jumped up and responded erratically or nonsensically, deputies would tase or punch him. It was almost a form of sport at the jail to provoke Mr. Partridge and then inflict pain upon him for his psychotically motivated response.

**BOULDER COUNTY'S CUSTOM, PRACTICE AND POLICY OF DELIBERATE  
INDIFFERENCE TO SERIOUS MEDICAL CONDITIONS AND SEVERELY  
MENTALLY ILL INMATES**

87. The mistreatment of Mr. Partridge was part of a broader culture of deliberate indifference to serious medical conditions of the seriously mentally ill by Defendants in charge of training and supervising staff at the Boulder County jail.

88. Defendant Sheriff and jail supervisory staff has had the practice and policy of not requesting forced medications for inmates and not providing forced medications to inmates or moving such inmates into a hospital setting. The Defendant supervisory staff at the Boulder County Jail also has as a practice and policy that it does not provide 24-hour surveillance for seriously mentally ill patients who it is not medicating. In this case, Defendant McGurk explained those policies to the treating physicians at Denver Health on December 22, 2016. Several physicians from Denver Health who were treating Mr. Partridge contacted Defendant

McGurk to discuss Mr. Partridge’s case. Defendant McGurk explained to the physicians the Boulder County Jail did not want “these types of inmates” because they need to be watched all the time and housed alone. **Dr. Weintraub offered to provide a certification so the jail could obtain court-ordered medications.** Defendant McGurk explained the jail could request forced medications or administer them, even when Dr. Weintraub offered that the Denver County Jail does this.

89. The Defendant supervisory personnel at the Boulder County have publically admitted they cannot handle mentally ill inmates.

90. The Boulder County Sheriff’s Annual report recognizes that the jail “struggles” with a “very overcrowded jail and an abundance of individuals in our custody with mental health needs.” The 30-year old jail holds twice the number of people it was designed to hold and Boulder County regularly rents space from other jails in order for Boulder inmates to be housed. The Annual Report also acknowledges that inmates with serious mental illness “complicates” the already over-crowded jail. <https://www.bouldercounty.org/departments/sheriff/annual-report/>.

91. In an interview with the Boulder Daily Camera, staff at the Boulder County Jail made the following statements:

- “It’s an ugly truth, but we don’t consider ourselves rehabilitating people in here. And that’s because our resources are too strapped,” Sgt. Lydia Mitchell;
- “We’re deputies, not mental health specialists. Some of the hardest decisions we make currently are in housing our mental health population . . .” Sgt. Lydia Mitchell.
- “In addition to contracting with Mental Health Partners, the jail has two mental health experts on payroll, though Mr. Pelle would prefer a minimum of four. The lack of attention given to those inmates is hard on them, and hard on staff.”

[http://www.dailycamera.com/boulder-county-news/ci\\_26001584/boulder-county-jails-severe-overcrowding-blamed-largely-age](http://www.dailycamera.com/boulder-county-news/ci_26001584/boulder-county-jails-severe-overcrowding-blamed-largely-age).

92. Justice System Partners (“JSP Report”), an independent consulting firm, prepared a 2016 report to provide recommendations on how to handle different aspects of the Boulder

County Jail’s overcrowding problem and to identify gaps in resources such as mental health services. The JSP Report included: “Key Finding: Access to mental health programming for offenders in the Boulder County is inadequate.” *At 61*. “There were considerable complaints that if an officer had a seriously mentally ill offender, MHP (Mental Health Partners) would always find ways to decline serving them.” *Id.* “There are minimal mental health services in the Jail in large part because MHP (Mental Health Partners) cannot fill funded treatment positions.” “The Jail should offer increased programming for the mentally ill and create a specialized unit to deliver treatment most effectively.” *Full Report available at: <https://assets.bouldercounty.org/wp-content/uploads/2017/05/JSPBoulderReport2016.pdf>.*

**STATEMENT OF CLAIMS FOR RELIEF**

**FIRST CLAIM FOR RELIEF**  
**Tooth Breaking Incident**  
**(February or March 2016)**  
**(§1983 – Fourteenth Amendment**  
**Failure to Provide Medical Care and Treatment)**  
**(Against Defendants Pelle, Haas, McGurk, Levett, Taylor)**

93. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

94. In late February or early March 2016, while in an untreated psychotic episode, Ryan Partridge smashed his head into the toilet in his cell, breaking out seven of his teeth and causing permanent injury to himself.

95. At all times relevant to the allegations in this Complaint, Defendants acted or failed to act under color of state law.

96. Defendants are persons under 42 U.S.C. § 1983.

97. At all times relevant to the allegations in this Complaint, Defendants were acting pursuant to municipal custom, policy, or practice in their actions pertaining to Mr. Partridge.

98. At all times relevant to the allegations in this Complaint, Defendants knew or should have known of Mr. Partridge's self-harming psychotic behavior which was a potentially life-threatening medical condition.

99. Nevertheless, with deliberate indifference to Mr. Partridge's constitutional right not to be denied necessary medical care, protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution, Defendants failed to examine, treat, and care for Mr. Partridge's worsening condition and failed to send Mr. Partridge for treatment. They did so despite their knowledge of Mr. Partridge's serious medical needs, placing him at risk of substantial physical harm.

100. When Mr. Partridge, and others on his behalf, alerted Defendants to Mr. Partridge's need for medical assistance, Defendants acted with deliberate indifference to Mr. Partridge's obviously serious medical need and constitutional rights by failing to obtain and provide medical treatment for him in a timely and appropriate fashion.

101. The acts or omissions of all Defendants were conducted within the scope of their official duties and employment.

102. The acts or omissions of all Defendants were the legal and proximate cause of Mr. Partridge's injuries from smashing his head into his toilet until he had broken seven teeth from his head.

103. Defendants Joe Pelle, Goetz and Bruce Haas's unconstitutional policies, customs or practices, as described herein, were the legal and proximate cause of the Mr. Partridge's injuries.



104. The acts or omissions of each Defendant caused Mr. Partridge damages in that he suffered extreme physical and mental pain at the time he was left untreated to smash his head into his toilet breaking off seven teeth.

105. The actions or inactions of Defendants as described herein intentionally deprived Mr. Partridge of due process and of rights, privileges, liberties, and immunities secured by the Constitution of the United States of America, and caused him other damages.

**SECOND CLAIM FOR RELIEF**  
**MARCH 3, 2016**  
**Excessive Force- Punching & Use of Taser**  
**(§1983 – Fourth and Fourteenth Amendments)**  
**(Against Defendants Hollonds and Groff)**

106. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

107. At all times relevant to the allegations in this Complaint, Defendant acted or failed to act under color of state law.

108. Defendant is a person under 42 U.S.C. § 1983.

109. At the time Defendant Deputy Anthony Hollonds repeatedly punched Mr. Partridge and Sgt. Groff tased Mr. Partridge it was allegedly because Mr. Partridge was not compliant with orders, despite the fact that these defendants actually knew or should have known that Mr. Partridge was actively psychotic and delusional. Because of his involuntary non-compliance, the Defendants punched him repeatedly in the face and head and tased him.

110. **Mr. Partridge had a clearly established constitutional right under the Fourth and Fourteenth Amendments of the United States Constitution to be secure in his person from unreasonable seizure through excessive force and to obtain due process of law.**

111. This Defendant, as would any reasonable law enforcement officer, either knew or should have known of this clearly established right at the time excessive force was used against Mr. Partridge and these Defendants knew that Mr. Partridge's psychosis prevented him from either understanding or complying with the Defendant's orders.

112. Defendants Hollonds and Groff engaged in the use of force that was objectively unreasonable in light of the facts and circumstances confronting him, violating Mr. Partridge's Fourth Amendment rights.

113. Defendants Hollonds and Groff unreasonably used excessive force, against Mr. Partridge.

114. The acts of Defendants Hollonds and Groff were the moving force behind the proximate cause of the serious physical and emotional injuries sustained by Mr. Partridge.

**THIRD CLAIM FOR RELIEF**  
**MARCH 22, 2016**  
**Excessive Force – Punching & Use of a Taser**  
**(§1983 – Fourth and Fourteenth Amendment)**  
**(Against Defendant Maumau)**

115. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

116. At all times relevant to the allegations in this Complaint, Defendant acted or failed to act under color of state law.

117. Defendant is a person under 42 U.S.C. § 1983.

118. At the time Defendant Deputy Maumau tased and punched Mr. Partridge, Mr. Partridge had a clearly established constitutional right under the Fourth and Fourteenth

Amendments of the United States Constitution to be secure in his person from unreasonable seizure through excessive force and to due process of law.

119. Any reasonable law enforcement officer knew or should have known of this clearly established right at the time excessive force was used against Mr. Partridge.

120. This Defendant, as would any reasonable law enforcement officer, either knew or should have known of this clearly established right at the time excessive force was used against Mr. Partridge and the Defendant knew that Mr. Partridge's psychosis prevented him from either understanding or complying with the Defendant's orders.

121. Defendant Maumau engaged in the use of force that was objectively unreasonable in light of the facts and circumstances confronting him, violating Mr. Partridge's Fourth and Fourteenth Amendment rights.

122. Defendant Maumau unreasonably used excessive force against Mr. Partridge.

123. The acts of Defendant Maumau were the moving force behind the proximate cause of the serious physical and emotional injuries sustained by Mr. Partridge.

**FOURTH CLAIM FOR RELIEF**  
**MARCH 22, 2016**  
**Excessive Force – Use of a Taser Second Time**  
**(§1983 – Fourth and Fourteenth Amendment)**  
**(Against Defendant Mitchell)**

124. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

125. At all times relevant to the allegations in this Complaint, Defendant acted or failed to act under color of state law.

126. Defendant is a person under 42 U.S.C. § 1983.

127. At the time Defendant Deputy Mitchell tased Mr. Partridge, Mr. Partridge had a clearly established constitutional right under the Fourth and Fourteenth Amendments of the United States Constitution to be secure in his person from unreasonable seizure through excessive force and to due process of law.

128. This Defendant, as would any reasonable law enforcement officer, knew or should have known of this clearly established right at the time excessive force was used against Mr. Partridge.

129. Any reasonable law enforcement officer knew or should have known of this clearly established right at the time excessive force was used against Mr. Partridge and the Defendant knew that Mr. Partridge's psychosis prevented him from either understanding or complying with the Defendant's orders.

130. Defendant Mitchell engaged in the use of force that was objectively unreasonable in light of the facts and circumstances confronting him, violating Mr. Partridge's Fourth Amendment rights.

131. Defendant Mitchell unreasonably used excessive force against Mr. Partridge.

132. The acts of Defendant Mitchell were the moving force behind the proximate cause of the serious physical and emotional injuries sustained by Mr. Partridge.

**FIFTH CLAIM FOR RELIEF**

**November 1, 2016**

**Jump from Second Tier, Failure to Provide Medical Care and Treatment**

**(§1983 – Fourteenth Amendment)**

**(Against Defendants Contreras, Mecca, Stevens, McGurk, Levett, Taylor in their individual capacities and Defendants Pelle and Goetz in their official capacities)**

133. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

134. At all times relevant to the allegations in this Complaint, Defendants acted or failed to act under color of state law.

135. Defendants are persons under 42 U.S.C. § 1983.

136. At all times relevant to the allegations in this Complaint, Defendants knew or should have known of Mr. Partridge's potentially life-threatening medical condition.

137. Nevertheless, with deliberate indifference to Mr. Partridge's constitutional right not to be denied necessary medical care, protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution, Defendants failed to examine, treat, and care for Mr. Partridge's worsening condition and failed to send Mr. Partridge for treatment. They did so despite their knowledge of Mr. Partridge's serious medical needs including severe self-harming behavior, placing him at risk of substantial physical harm.

138. When Mr. Partridge, and others on his behalf, alerted Defendants to Mr. Partridge's need for medical assistance, Defendants acted with deliberate indifference to Mr. Partridge's obviously serious medical need and constitutional rights by failing to obtain and provide medical treatment for him in a timely and appropriate fashion.

139. The acts or omissions of all Defendants were conducted within the scope of their official duties and employment.

140. The acts or omissions of all Defendants were the legal and proximate cause of Mr. Partridge's injuries from jumping from the second tier, smashing his head into a metal table and then a cement floor resulting in a fracture to one of his vertebrae.

141. Defendants Pelle and Goetz's unconstitutional policies, customs or practices, as described herein, were the legal and proximate cause of the Mr. Partridge's injuries.

142. The acts or omissions of each Defendant caused Mr. Partridge damages in that he suffered extreme physical and mental pain during the days leading up to and days following the jump from the second tier.

143. The actions or inactions of Defendants as described herein intentionally deprived Mr. Partridge of due process and of rights, privileges, liberties, and immunities secured by the Constitution of the United States of America, and caused him other damages.

**SIXTH CLAIM FOR RELIEF**  
**December 2, 2016**  
**(Excessive Force- Punches and Use of Taser**  
**(§1983 – Fourth and Fourteenth Amendment)**  
**(Against Defendants Groff, Koger, Hicks and Newcomb)**

144. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

145. At all times relevant to the allegations in this Complaint, Defendants acted or failed to act under color of state law.

146. Defendants are persons under 42 U.S.C. § 1983.

147. At the time Defendants Sgts. Groff, Koger and Deputies Hicks and Newcomb entered Mr. Partridge's cell allegedly because Mr. Partridge was not compliant with their orders, despite the fact that Mr. Partridge was actively psychotic and delusional. Because of his involuntary non-compliance, the Defendants beat him until he was bloody and repeatedly tased him.

148. Mr. Partridge had a clearly established constitutional right under the Fourth and Fourteenth Amendments of the United States Constitution to be secure in his person from unreasonable seizure through excessive force and to due process of law.

149. These Defendants, as would any reasonable law enforcement officer, knew or should have known of this clearly established right at the time excessive force was used against Mr. Partridge and these Defendants knew that Mr. Partridge's psychosis prevented him from either understanding or complying with the Defendants' orders.

150. Defendants Groff, Koger, Hicks and Newcomb engaged in the use of force that was objectively unreasonable in light of the facts and circumstances confronting them, violating Mr. Partridge's Fourth Amendment rights.

151. Defendants Groff, Koger, Hicks and Newcomb unreasonably used excessive force against Mr. Partridge.

152. None of the Defendant law enforcement officers, including Defendants Groff, Koger, Hicks and Newcomb took reasonable steps to protect Mr. Partridge from the objectively unreasonable use of force from the other Defendant officers, despite being in a position to do so. Each is therefore liable for the damages resulting from the objectively unreasonable force used by the others.

153. The acts or omissions of Defendants Groff, Koger, Hicks and Newcomb were the moving force behind the proximate cause of the serious physical and emotional injuries sustained by Mr. Partridge.

**SEVENTH CLAIM FOR RELIEF**  
**December 8, 2016**  
**Excessive Force – Use of a Taser**  
**(§1983 – Fourth and Fourteenth Amendment)**  
**(Against Defendants Sisneros, Palmer, Ubias,**  
**Gerhart, Koger, Groff)**

154. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

155. At all times relevant to the allegations in this Complaint, Defendants acted or failed to act under color of state law.

156. Defendants are persons under 42 U.S.C. § 1983.

157. At the time Sgts. Groff, Koger and Deputies Sisneros, Palmer, Ubias and Gerhart entered Mr. Partridge's cell, beat him until he was bloody and repeatedly tased him, Mr. Partridge had a clearly established constitutional right under the Fourth and Fourteenth Amendments of the United States Constitution to be secure in his person from unreasonable seizure through excessive force and to due process of law.

158. Any reasonable law enforcement officer knew or should have known of this clearly established right at the time excessive force was used against Mr. Partridge.

159. Any reasonable law enforcement officer knew or should have known of this clearly established right at the time excessive force was used against Mr. Partridge and these Defendants knew that Mr. Partridges psychosis prevented him from either understanding or complying with the Defendants' orders.

160. Defendants Sisneros, Palmer, Ubias, Gerhart, Koger, and Groff engaged in the use of force that was objectively unreasonable in light of the facts and circumstances confronting them, violating Mr. Partridge's Fourth Amendment rights.

161. Defendants Sisneros, Palmer, Ubias, Gerhart, Koger, and Groff unreasonably used excessive force against Mr. Partridge.

162. None of the Defendant law enforcement officers, including Defendants Sisneros, Palmer, Ubias, Gerhart, Koger, and Groff took reasonable steps to protect Mr. Partridge from the objectively unreasonable use of force from the other Defendant officers, despite being in a



position to do so. Each is therefore liable for the damages resulting from the objectively unreasonable force used by the others.

163. The acts or omissions of Defendants Sisneros, Palmer, Ubias, Gerhart, Koger, and Groff were the moving force behind the proximate cause of the serious physical and emotional injuries sustained by Mr. Partridge.

**EIGHTH CLAIM FOR RELIEF**  
**December 16, 2016**  
**Excessive Force- Use of a Taser**  
**(§1983 – Fourth and Fourteenth Amendment)**  
**(Against Defendants Clem, Koger, Groff)**

164. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

165. At all times relevant to the allegations in this Complaint, Defendants acted or failed to act under color of state law.

166. Defendants are persons under 42 U.S.C. § 1983.

167. At the time Defendants Clem, Koger and Groff entered Mr. Partridge's cell, beat him until he was bloody and repeatedly tased him, Mr. Partridge had a clearly established constitutional right under the Fourth and Fourteenth Amendments of the United States Constitution to be secure in his person from unreasonable seizure through excessive force and to due process of law.

168. These Defendants, as would any reasonable law enforcement officer, knew or should have known of this clearly established right at the time excessive force was used against Mr. Partridge.

169. Any reasonable law enforcement officer knew or should have known of this clearly established right at the time excessive force was used against Mr. Partridge and these

Defendants knew that Mr. Partridges psychosis prevented him from either understanding or complying with the Defendants' order.

170. Defendants Clem, Koger and Groff engaged in the use of force that was objectively unreasonable in light of the facts and circumstances confronting them, violating Mr. Partridge's Fourth Amendment rights.

171. Defendants Clem, Koger and Groff unreasonably used excessive force against Mr. Partridge.

172. None of the Defendant law enforcement officers, including Defendants Clem, Koger and Groff took reasonable steps to protect Mr. Partridge from the objectively unreasonable use of force from the other Defendant officers, despite being in a position to do so. Each is therefore liable for the damages resulting from the objectively unreasonable force used by the others.

173. The acts or omissions of Defendants Gregory Clem, Karmen Koger and Thomas Groff were the moving force behind the proximate cause of the serious physical and emotional injuries sustained by Mr. Partridge.

**NINTH CLAIM FOR RELIEF**  
**December 17, 2016**  
**Excessive Force – Use of a Taser**  
**(§1983 – Fourth and Fourteenth Amendment)**  
**(Against Defendants T. Smith, Maumau)**

174. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

175. At all times relevant to the allegations in this Complaint, Defendants acted or failed to act under color of state law.

176. Defendants are persons under 42 U.S.C. § 1983.

177. At the time Defendants T. Smith and Maumau entered Mr. Partridge's cell, slammed him to the ground and repeatedly tased him, Mr. Partridge had a clearly established constitutional right under the Fourth and Fourteenth Amendments of the United States Constitution to be secure in his person from unreasonable seizure through excessive force and to due process of law.

178. These Defendants, as would any reasonable law enforcement officer, knew or should have known of this clearly established right at the time excessive force was used against Mr. Partridge.

179. Any reasonable law enforcement officer knew or should have known of this clearly established right at the time excessive force was used against Mr. Partridge and these Defendants knew that Mr. Partridge's psychosis prevented him from either understanding or complying with the Defendants' orders.

180. Defendants T. Smith and Maumau engaged in the use of force that was objectively unreasonable in light of the facts and circumstances confronting them, violating Mr. Partridge's Fourth Amendment rights.

181. Defendants T. Smith and Maumau unreasonably used excessive force, against Mr. Partridge.

182. None of the Defendant law enforcement officers, including Defendants T. Smith and Maumau took reasonable steps to protect Mr. Partridge from the objectively unreasonable use of force from the other Defendant officers, despite being in a position to do so. Each is therefore liable for the damages resulting from the objectively unreasonable force used by the others.

183. The acts or omissions of Defendants T. Smith and Maumau were the moving force behind the proximate cause of the serious physical and emotional injuries sustained by Mr. Partridge.

**TENTH CLAIM FOR RELIEF**  
**December 17, 2016**  
**Final Eye Gouging Incident**  
**(§1983 – Fourteenth Amendment)**  
**(Failure to Provide Medical Care and Treatment)**  
**(Against All Defendants)**

184. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

185. At all times relevant to the allegations in this Complaint, Defendants acted or failed to act under color of state law.

186. Defendants are persons under 42 U.S.C. § 1983.

187. At all times relevant to the allegations in this Complaint, Defendants were acting pursuant to municipal custom, policy, or practice in their actions pertaining to Mr. Partridge.

188. At all times relevant to the allegations in this Complaint, all of the Defendants knew of Mr. Partridge's psychosis, and self-harming behavior which was a potentially life-threatening medical/psychological condition during his stay at the jail, and none of the Defendants did *anything* to obtain treatment or help for Mr. Partridge.

189. **Nevertheless, with deliberate indifference to Mr. Partridge's constitutional right to receive necessary medical care, protected by the Due Process Clause of the Fourteenth Amendment and/or the Eighth Amendment to the United States Constitution, Defendants failed to examine, treat, and care for Mr. Partridge's worsening condition and failed to send Mr. Partridge for treatment. They did so despite their knowledge of Mr. Partridge's serious medical needs, placing him at risk of substantial physical harm.**

190. When Mr. Partridge, and others on his behalf, alerted Defendants to Mr. Partridge's need for medical assistance, Defendants acted with deliberate indifference to Mr. Partridge's obviously serious medical need and constitutional rights by failing to obtain and provide medical treatment for him in a timely and appropriate fashion.

191. **The acts or omissions of all Defendants were conducted within the scope of their official duties and employment.**

192. The acts or omissions of all Defendants were the legal and proximate cause of Mr. Partridge's injuries.

193. Defendants Joe Pelle, Bruce Goetz and Bruce Haas's unconstitutional policies, customs or practices, as described herein, were the legal and proximate cause of the Mr. Partridge's injuries and death.

194. The acts or omissions of each Defendant caused Mr. Partridge damages in that he suffered extreme physical and mental pain during the days leading up to the day he plucked out his eyeballs and lay for hours while the blood dried and Nurse Dale Greene and Defendant Deputies Smith and Berringer determined Mr. Partridge did not need immediate medical attention despite having just pulled out his eyeballs. Ultimately the complete lack of psychiatric care or intervention by the Defendants caused Mr. Partridge's permanent blindness.

195. The actions or inactions of Defendants as described herein intentionally deprived Mr. Partridge of due process and of rights, privileges, liberties, and immunities secured by the Constitution of the United States of America, and caused him other damages.

**ELEVENTH CLAIM FOR RELIEF**  
**Violation of Americans with Disabilities Act**  
**of 1990, as Amended**  
**42 U.S.C. § 12132, et seq.**  
**Unlawful Discrimination and Failure to Reasonably Accommodate**  
**(Against Defendant Boulder County)**

196. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully set forth herein.

197. At all relevant times, Mr. Partridge was a person with a disability, had a record of a disability, or was regarded as having a disability by Defendant Boulder County. Mr. Partridge's psychosis and delusions substantially limited a variety of major life activities, including but not limited to mentally processing current events, thinking, concentrating, comprehending, sleeping, and effectively coping with anxiety and stress.

198. The County of Boulder is a public entity as that term is used in Title II of the ADA.

199. Mr. Partridge was qualified to participate in the services, programs, activities, and benefits provided to citizens of the County of Boulder within the meaning of Title II of the ADA.

200. Defendant County of Boulder discriminated against Mr. Partridge based on his disabilities and failed to reasonably accommodate his disabilities despite knowing that he suffered from a number of disabilities, including his psychosis, schizophrenia and delusions. This violated clearly established law under Title II of the ADA and its implementing regulations.

201. Defendants County of Boulder had no legitimate basis for violating Mr. Partridge's rights conferred by the ADA.

202. The actions of Defendants County of Boulder were objectively unreasonable in light of the circumstances confronting them.

203. Defendant County of Boulder engaged in these actions intentionally, willfully, and wantonly.

204. Defendant County of Boulder failed (and continues to fail) to properly train, supervise and/or discipline its employees regarding the proper treatment of, and accommodations for, individuals with disabilities and, in particular, mental disabilities.

205. This inadequate training, supervision, and/or discipline results from a conscious or deliberate choice to follow a course of action from among various alternatives available to Defendant County of Boulder.

206. **In light of the duties and responsibilities of Defendant County of Boulder personnel, the need for specialized training, supervision and discipline regarding such decisions is so obvious, and the inadequacy of appropriate training and/or supervision is so likely to result in a violation of constitutional rights, such as those described herein, that Defendant County of Boulder is liable for its failure to properly train, supervise, and/or discipline its subordinate employees and agents.**

207. Such failure to properly train and supervise was the moving force behind and proximate cause of the violations of Plaintiffs' federally-protected rights described herein, and constitutes an unconstitutional policy, procedure, custom and/or practice.

208. Plaintiff has been and continues to be damaged by Defendant County of Boulder's unlawful conduct under the ADA.

209. The acts or omissions of Defendants County of Boulder, including the unlawful policy, procedure, custom and/or practice described herein, were the legal and proximate cause of Plaintiffs' damages.

**TWELFTH CLAIM FOR RELIEF**  
**Violation of the Rehabilitation Act of 1973, as Amended**  
**(29 U.S.C. § 701, *et seq.*)**  
**(Unlawful Discrimination)**  
**(Against Defendant County of Boulder)**

210. Plaintiffs hereby incorporate all paragraphs of this Complaint as though fully set forth herein.

211. At all times relevant to this Complaint, Mr. Partridge's schizophrenia, psychosis and delusions and other impairments and disabilities substantially limited a variety of major life activities, including but not limited to mentally processing current events, thinking, concentrating, comprehending, sleeping, and effectively coping with anxiety and stress.

212. Mr. Partridge is an individual with a handicap or disability within the meaning of the Rehabilitation Act of 1973.

213. Mr. Partridge was qualified to participate in the services, programs, activities, and benefits provided to citizens of the County of Boulder within the meaning of the Rehabilitation Act of 1973.

214. Defendant County of Boulder and their programs and activities receive – and have received at all times relevant to this Complaint – federal financial assistance as that term is used in 29 U.S.C. § 794.

215. Defendant County of Boulder has excluded Mr. Partridge from participation in, denied him the benefits of, and subjected him to discrimination in programs and activities solely by reason of his disability in violation of 29 U.S.C. § 794 and its implementing regulations.

216. Defendant County of Boulder is liable for the acts and/or omissions of its agents and employees. Defendant, either directly or by and through agents, discriminated against Mr. Partridge on the basis of his disability, record of having a disability, or being perceived as having a disability.



217. In violating the Rehabilitation Act, Defendant County of Boulder acted intentionally, maliciously, and/or with reckless and/or deliberate indifference to Plaintiffs' federally protected rights.

218. As a consequence of the illegal conduct of Defendant County of Boulder, Plaintiffs have sustained and continue to sustain significant damages.

219. The conduct of Defendants County of Boulder was the proximate cause of Plaintiffs' injuries, damages, and losses.

**THIRTEENTH CLAIM FOR RELIEF**  
**Supervisory Liability for**  
**Failure to Train and Supervise**  
**(§1983 – Fourteenth Amendment-)**  
**(Against Defendants Pelle, Goetz and Haas)**

220. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully set forth herein.

221. Defendants Pelle, Goetz and Haas have a duty to train and supervise duty sheriffs, staff sergeants, captains, and other jail personnel to recognize the symptoms of severe mental illness and initiate an appropriate medical intervention for a detainee exhibiting those symptoms.

222. Defendants Pelle, Goetz and Haas failed to discharge this duty.

223. Defendants Pelle, Goetz and Haas acted recklessly, intentionally and with deliberate indifference to the medical needs of Mr. Partridge in failing to adequately train and supervise deputy sheriffs, staff sergeants, captains, and other jail personnel.

224. Defendants Pelle, Goetz and Haas's failure to properly train and supervise subordinate employees was the moving force and proximate cause of the violation of Mr. Partridge's constitutional rights.

225. The acts or omissions of Defendants Pelle, Goetz and Haas caused Mr. Partridge damages in that he suffered extreme physical and mental pain as well as permanent blindness.

226. The actions of Defendants Pelle, Goetz and Haas as described herein deprived Mr. Partridge of the rights, privileges, liberties, and immunities secured by the Constitution of the United States of America and caused her other damages.

**WHEREFORE**, Plaintiff respectfully requests that this Court enter judgment in his favor and against each of the Defendants, and award Plaintiff all relief allowed by law, including but not limited to the following:

- a) All appropriate relief at law and equity;
- b) Declaratory relief and other appropriate equitable relief;
- c) Economic losses on all claims as allowed by law;
- d) Compensatory and consequential damages, including damages for emotional distress, humiliation, loss of enjoyment of life, loss of companionship and association with family members, and other pain and suffering on all claims allowed by law in an amount to be determined at trial;
- e) Punitive damages on all claims allowed by law and in an amount to be determined at trial;
- f) Attorneys' fees and the costs associated with this action, including expert witness fees, on all claims allowed by law;
- g) Pre- and post-judgment interest at the appropriate lawful rate; and
- h) Any further relief that this court deems just and proper, and any other relief as allowed by law.

**PLAINTIFF HEREBY DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.**

Respectfully submitted this 7th day of December, 2017.

*s/ David A. Lane* \_\_\_\_\_  
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