

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS.

TRIAL COURT OF MASSACHUSETTS
SUPERIOR COURT DIVISION
CIVIL ACTION NO.:

18CV00189

BARBARA A. KICE)
)
Individually and as Special Personal)
Representative of the)
Estate of Brandon St. Pierre)
)
Plaintiff,)
)
VS.)
)
SHERIFF THOMAS M. HODGSON,)
Individually and as Sheriff of Bristol)
County, Massachusetts)
)
and)
)
DYLAN BEDARD,)
Individually and as Corrections Officer)
at the Bristol County House of Corrections)
)
and)
)
JOHN AND JANE DOE(s),)
)
Defendants)
)

Docket No.: 18CV00189

BRISTOL, SS SUPERIOR COURT
FILED

FEB 21 2018

MARC J SANTOS, ESQ.
CLERK/MAGISTRATE

COMPLAINT AND JURY DEMAND

INTRODUCTION

This civil rights claim arises out of the wrongful death of Brandon St. Pierre by suicide while in custody of the Bristol County Sheriff's Office at Bristol County House of Corrections at

Dartmouth on May 6, 2015. The Defendants, employees of the Bristol County House of Corrections and Bristol County Sheriff's Department, exhibited deliberate indifference to obvious risks and obvious threats to Mr. St. Pierre's health, safety, well-being and life which resulted in his tragic and preventable death.

PARTIES

1. Plaintiff Barbara Kice brings this action as Special Personal Representative of the estate of Brandon St. Pierre ("St. Pierre"). She is the mother of Mr. St. Pierre.
2. Mr. St. Pierre died on May 06, 2015 while in the custody of the Bristol County House of Correction in Dartmouth, Massachusetts. He was thirty-two years old. The Bristol County House of Corrections is a jail operated by Bristol County Sheriff's Office.
3. At all times pertinent hereto, Defendant Dylan Bedard was a correctional officer at The Bristol County House of Corrections acting under the color of law as an employee of the Bristol County Sheriff's Office. He was, in part, responsible for overseeing Mr. St. Pierre's health and well-being and making sure that Mr. St. Pierre's medical and mental health needs were met. Bedard is sued in his individual capacity as well as his official capacity.
4. The Defendant Thomas Hodgson is the Sheriff for Bristol County Massachusetts at all times pertinent hereto acting under color of law for the Commonwealth of Massachusetts. He was and is responsible for overseeing Mr. St. Pierre's health and well-being and making sure that Mr. St. Pierre's medical and mental health needs were met and for creating, adopting, approving, ratifying, implementing and enforcing the rules, policies, protocols, practices, procedures, and customs that violated Mr. St. Pierre's rights as outlined in this complaint. Thomas Hodgson is also sued in his individual capacity and his official capacity.
5. The Defendants John and Jane Doe(s) are deputy sheriffs working for the Bristol County Sheriff's Office ("BCSO"). The identity of these defendants can only be ascertained through discovery. At all times relevant, the defendant deputy sheriffs were acting under the color of law as employees of the Commonwealth of Massachusetts. They were and are responsible for overseeing Mr. St. Pierre's health and well-being and making sure that Mr. St. Pierre's medical and mental health needs were met and for creating, adopting, approving, ratifying, implementing and enforcing the rules, policies, protocols, practices, procedures, and customs that violated Mr. St. Pierre's rights as outlined in this complaint. They were and are responsible for training and supervising its employees. The unidentified sheriffs are also sued in their individual capacities.

FACTS

6. The following facts are drawn from Massachusetts State Police ACISS HOMICIDE/DEATH REPORT 2015-104-245 and certain documents from Attleboro District Court.
7. Mr. St. Pierre arrived at Bristol County House of Corrections on or about April 21, 2015. He was held as a pre-trial detainee. At the time he was thirty-two years old.
8. On or about May 5, 2015, a hearing was conducted to determine whether or not Mr. St. Pierre was competent to stand trial.
9. Pursuant to MGL Ch. 123 sec. 15(a), Mr. St. Pierre was interviewed for twenty minutes at Attleboro District Court by Dr. Arthur Pearson on or about May 5, 2015.
10. During the interview with Dr. Pearson, Mr St. Pierre told the doctor that he intended to commit suicide if he was not removed from the Bristol County House of Corrections and sent to Bridgewater State Hospital.
11. During this same interview, Mr. St. Pierre also stated that he had thought about various ways he would kill himself in the jail but declined to state what they were.
12. Dr. Pearson, in his written report, stated that he believed that Mr. St. Pierre's "thoughts of killing himself are sincere and should be taken seriously."
13. Moments after the interview, Dr. Pearson testified before the Honorable Justice Daniel O'Shea.
14. Dr. Pearson relayed to the Judge his concerns regarding Mr. St. Pierre's suicidal state of mind.
15. Judge O'Shea ordered, based on the Doctor's testimony, that the Mittimus that would accompany Mr. St. Pierre back to the Bristol County House of Corrections include an order of the Court to the jail that Mr. St. Pierre be designated "Q5."
16. Judge O'Shea's order was carried out as the Mittimus dated May 5, 2015 did indeed include an order of the Court with the designation Q5.
17. As of May 5, 2015, the officials, corrections officers, medical personal, all other pertinent and relevant employees of the Bristol County House of Corrections as well as Sheriff Hodgson were aware of and understood the fact that Q5 means that the inmate is suicidal.
18. In dealing with an individual who is suicidal, Sheriff Hodgson and the employees of the Bristol County House of Corrections have a particular set of standard

protocols and procedures that they must follow in order to protect the life and safety of that individual.

19. Regarding St. Pierre, tragically no such protocol was adhered to and, instead were deliberately ignored.
20. On or about May 6, 2015, Mr. St. Pierre was placed alone in a cell in the segregation unit.
21. The segregation unit consists of 16 one man cells all of which were occupied at on May 6, 2015.
22. Mr. St. Pierre occupied cell M3.
23. Rather than continuous eye-ball surveillance, St. Pierre was only checked on once every thirty minutes by corrections officer Dylan Bedard.
24. No steps were taken to make Cell M3 suicide proof as Cell M3 contained a bed sheet.
25. At approximately 4:00 pm, Officer Bedard observed Mr. St. Pierre hanging by his bed sheet by the front window of his cell.
26. On May 6, 2015, in the morning hours, a motion was allowed in Attleboro District Court to remove Mr. St. Pierre to MCI Shirley for "safety reasons."
27. The clerk's office of the Attleboro District Court faxed a new mittimus to the Bristol County House of Corrections suggesting that Mr. St. Pierre be removed to MCI Shirley for safety reasons and this new Mittimus, like the mittimus sent the previous day, also stated, as an order of the court, "Q5" designation.
28. The mittimus faxed on May 6, 2015, like the mittimus sent the previous day, did not result in anyone at the Bristol County House of Corrections taking any steps or precautions whatsoever in order to protect St. Pierre's life.
29. Mr. St. Pierre died by hanging on May 6, 2015 while in the custody of the Bristol County House of Corrections, while alone in a one man cell in the segregation unit.

Claims

30. Plaintiff Barbara Kice restates and realleges paragraphs 1-29 as if fully set forth herein and, based on the facts stated, asserts the following causes of action:

COUNT I

**NEGLIGENCE/WRONGFUL DEATH— G.L.c. 229, § 2/MASSACHUSETTS TORT
CLAIMS ACT – G.L.c. 258 AGAINST DEFENDANT BRISTOL COUNTY SHERIFF'S
OFFICE**

31. By its policies, practices, actions and inactions, including by failing to properly care for and monitor Brandon St. Pierre, Defendant Bristol County Sheriff's Office violated its duty of care, causing him conscious pain and suffering, and death.
32. Plaintiff Kice, by virtue of Defendant's negligence, is deprived of the companionship and assistance she would otherwise have received, and also incurred expenses attributable to his death.

COUNT II

**NEGLIGENCE/WRONGFUL DEATH --G.L.c. 229, § 2 AGAINST DEFENDANT
DYLAN BEDARD**

33. By his actions and inactions, including by failing to properly care for and monitor Brandon St. Pierre, Defendant Dyland Bedard violated his duty of care, causing him conscious pain and suffering, and death.
34. Plaintiff Kice, by virtue of Defendant's negligence, is deprived of the companionship and assistance she would otherwise have received, and also incurred expenses attributable to his death.

COUNT III

**NEGLIGENCE/WRONGFUL DEATH --G.L.c. 229, § 2 AGAINST DEFENDANT JOHN
AND JANE DOE**

35. By his or her actions and inactions, including by failing to properly care for and monitor Brandon St. Pierre, Defendant John and/or Jane Doe violated his and/or hers duty of care, causing him conscious pain and suffering, and death.

36. Plaintiff Kice, by virtue of Defendant's negligence, is deprived of the companionship and assistance she would otherwise have received, and also incurred expenses attributable to his death.

COUNT IV

**CONSCIOUS PAIN AND SUFFERING- G.L.c. 229, § 6 AGAINST DEFENDANTS
BRISTOL COUNTY SHERIFF'S OFFICE, DYLAND BEDARD AND JOHN AND JANE
DOE**

37. Plaintiff Kice, by virtue of Defendants' negligence, may recover for the conscious pain and suffering of Brandon St. Pierre between the time of injury by strangulation and the time of death.

COUNT V

42 U.S.C § 1983

**AGAINST DEFENDANT BRISTOL COUNTY SHERIFF'S OFFICE, SHERIFF
HODGSON**

38. Defendant Thomas Hodgson acted with deliberate indifference to Brandon St. Pierre's serious and obvious need for emergency medical attention by failing to take any measures, steps or precautions to prevent or otherwise mitigate the risk of his suicide even though he knew that St. Pierre was suicidal and that the First Justice of the Attleboro District Court had ordered the Bristol County House of Corrections to designate St. Pierre Q5 on both May 5, 2015 and again on May 6, 2015. Hence, Defendant violated Mr. Pierre's rights under the Fourteenth Amendment to the U.S. Constitution, as secured by 42 U.S.C § 1983.

COUNT VI

42 U.S.C § 1983

AGAINST DEFENDANTS DYLAN BEDARD AND JOHN AND JANE DOE

39. Defendant Dylan Bedard, John and Jane Does acted with deliberate indifference to Brandon St. Pierre's serious and obvious need for emergency medical attention, protection and due care by failing to check a suicidal inmate at a frequency and in a manner that he was required to perform. Hence, Defendants violated Mr.

Pierre's rights under the Fourteenth Amendment to the U.S. Constitution, as secured by 42 U.S.C § 1983.

WHEREFORE, the Plaintiff requests this Honorable Court to grant the following relief:

- a. Compensatory damages in the greatest amount supported by the law and evidence;
- b. Special Punitive or exemplary damages to the fullest extent allowed by law including but not limited to all such damages for which the Plaintiff is eligible pursuant to 42 USC sec. 1983 and MGL c 12 sec. 11(I);
- c. Interest, costs, and attorney's fees including but not limited to all such fees and expenses for which the Plaintiff is eligible pursuant to 42 USC sec. 1983 and MGL c 12 sec. 11(I);
- d. Such further relief as the court considers just and proper.

Jury Trial Demand

Defendants hereby claim a trial by jury on all issues so triable.

Respectfully Submitted,
The Plaintiff,
By her Attorneys,



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