

# LEGAL EAGLE EYE NEWSLETTER

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*For the Nursing Profession*

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## Hospital Hostage Crisis: Officers Faulted, Court Upholds Nurses' And Patients' Rights.

An individual was arrested while out on parole from prison and booked into the county jail on new felony charges. He could not make bail because the prosecutor convinced the judge he was a threat to the community due to his violent criminal past.

Corrections officers twice brought him to the emergency room after he swallowed cleaning products in the jail. The second time he was admitted to a medical/surgical floor.

Although he was supposed to be kept shackled to his hospital bed at all times and have continuous supervision by a corrections officer, he was often left unshackled alone in his room with a nurse and was allowed to walk the halls without supervision.

On the morning of his fourth day on the medical/surgical unit he asked to be unshackled to use the bathroom in his room. He was unshackled and after using the bathroom remained unshackled and unsupervised while the corrections officers' attention was absorbed by their cellphones.

Soon after a nurse complained to the officers about him not being shackled to the bed he grabbed one of the officer's guns and took two nurses hostage and sexually assaulted them. The hostage crisis ended four hours later when the SWAT team fatally shot him.



***The officers knew the patient was a violent felon. Nevertheless they frequently unshackled him and left him unrestrained and unsupervised.***

***The officers ignored the nurses' complaints about the patient being left unrestrained.***

***Then after they lost control of him the officers did not alert hospital staff and stood by doing basically nothing.***

UNITED STATES DISTRICT COURT  
ILLINOIS  
April 11, 2018

The US District Court for the Northern District of Illinois upheld the lawsuit filed against the county by the two nurses who were assaulted and by two other nurses and two patients who were terrorized by the incident.

Law enforcement generally has no legal liability to victims for crimes committed by criminals against members of the community at large.

However, this case is different because the danger to these victims from this criminal was created by the law enforcement officers themselves.

The Court was convinced the officers knew the patient was combative and manipulative and a flight risk and should have realized he posed a serious danger to hospital staff and patients. They ignored the nurses and left a known violent perpetrator unrestrained and unsupervised.

However, the hospital itself was dismissed from the lawsuit. The Court pointed out that the perpetrator, as a jail inmate, was by law in the custody and control of the county.

Because he was a jail inmate, the county and its employees, not the hospital and its employees, were responsible for controlling him and were liable to the victims for their failure to do so. ***Jane Doe v. County***, 2018 WL 1744672 (N.D. Ill., April 11, 2018).

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