

## Summit County facing potential lawsuit over jail inmate's death

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The estate of a 35-year-old woman who died of dehydration while detoxifying at the Summit County Jail last year will sue the county and the jail's former medical provider if a settlement can't be reached.

Brittany Rae Schlarb, an inmate who also was known as Brittany Rae Berry, died June 25, 2018, after being found unresponsive in the jail. Her family said Schlarb went to the jail addicted to drugs, and they feared she did not get adequate care there, the [Beacon Journal/Ohio.com](#) reported at the time.

Schlarb died from dehydration complications while detoxing as an inmate in the jail, according to a report from Summit County Medical Examiner Dr. Lisa Kohler, who performed an autopsy the day after Schlarb's death.

According to Kohler's report, Schlarb's cause of death was dehydration due to complication of methamphetamine detoxification in custody. The manner of death was undetermined.

"Developing dehydration while detoxifying from substance abuse outside of an in-custody situation would typically be classified as a natural manner of death," Kohler wrote. "In this death, Brittany Schlarb is in-custody and dependent upon the care of her jailers and medical personnel. The question that is not answered adequately by this investigation is whether Brittany Schlarb received appropriate/timely medical evaluation/care from the medical staff for the concern of dehydration. Because of this unanswered issue, the Manner of Death is ruled Undetermined."

A toxicology report didn't show any drugs in Schlarb's blood but did show methamphetamine, which can show up in urine for days after use, in her urine, Kohler wrote.

Schlarb's mother said Schlarb had used drugs since her early 20s and had been known to abuse methamphetamine, prescription opiate medications and fentanyl, according to a report from Lauren Fowler, an investigator with the medical examiner's office

## **Schlarb's death**

According to Fowler's report, Schlarb was booked into the jail at 205 E. Crosier St. in Akron on a drug possession charge around 6:15 a.m. June 21, 2018, and was placed in a medical pod for observation during detoxification.

During her four days in the jail, Schlarb complained of nausea and vomiting, with episodes of dizziness and unsteadiness, the report stated. She was told to drink more water, Fowler wrote.

The morning of June 25, Schlarb's vitals were checked and were normal, but she had difficulty sitting up and was told she couldn't shower until her condition improved, Fowler wrote.

According to Fowler's report, Schlarb was found in her cell unresponsive, face-down and covered in vomit with her pants pulled down, shortly after 9 p.m. June 25. Akron paramedics took her to Cleveland Clinic Akron General, where she was pronounced dead at around 9:45 p.m., according to the reports from Kohler and Fowler.

She died less than three weeks before her 36th birthday.

According to an incident report from the Summit County Sheriff's Office, the case was closed after Kohler's investigation. There was no separate or outside investigation, Summit County Sheriff's Office Inspector Bill Holland said Tuesday.

While not commenting on Schlarb's case, Holland said inmates are screened for medical and psychological issues during the intake process at the jail.

Inmates who are addicted to drugs who are or will be withdrawing can be housed in the jail's general population, a medical pod or near the jail dispensary, close to where the nurses are stationed, depending on their condition and symptoms, he said.

If the medical staff, which the county contracts out, determines inmates need more care than the jail's medical staff can provide, they're taken to a local hospital for treatment until they can return to the jail.

Inmates in withdrawal are put on “detox vitals,” with the medical staff checking their vitals three times a day. Medical staff also can provide medication for symptoms if approved by a doctor.

## **Lawsuit if no settlement**

If a settlement can't be reached, the attorneys representing Schlarb's estate have indicated they intend to sue the county and Advanced Correctional Healthcare, a Peoria, Illinois-based firm that provided inmate medical services at the jail for years.

Summit County has since switched medical providers for the jail.

A message seeking comment was sent to Advanced Correctional Healthcare.

“We are negotiating with the county and the providers right now to see if a lawsuit can be avoided and see if we can work out a settlement that's fair for Ms. Schlarb's family. And if we can't, then we will file a lawsuit shortly,” Fairlawn attorney Peter Pattakos, one of the attorneys representing Schlarb's estate, said Tuesday.

In a July 29 letter to the county prosecutor's office, county sheriff's office and Advanced Correctional Healthcare, Akron attorney Antonios Tsarouhas, another attorney representing Schlarb's estate, wrote it's “well known” that detox symptoms can be life-threatening, requiring close monitoring and inpatient care, and that Schlarb developed “acute and protracted withdrawal symptoms,” including nausea, vomiting and dehydration, while in jail.

“It was clear that Ms. Schlarb needed hospitalized and inpatient medical attention on and after June 23, 2018, and the staff utterly failed in its responsibility to have her transferred to the local hospital. It was not until she was found unresponsive on June 25, 2018, did the staff call 911,” Tsarouhas wrote. “The staff's acts and omissions leading up to this point were careless, reckless and reflected a deliberate disregard for Ms. Schlarb's health and safety.”

Schlarb left behind three children, ages 17, 13 and 10, who are now being raised by Schlarb's mother, according to Tsarouhas.

“This has been a devastating time for the whole family, a time which could have resulted in the necessary rehabilitation Ms. Schlarb needed, but instead resulted in her death,” Tsarouhas wrote. “She no longer has the ability to try to recover from her debilitating disorder.”

Summit County Council's rules committee on Monday approved a resolution authorizing the county executive to pay up to \$75,000 toward the costs of legal representation from Solon firm Mazanec, Raskin & Ryder in the expected lawsuit. The full council will vote on the resolution at a future meeting.

An attorney at the firm declined to comment. Greta Johnson, assistant chief of staff to the county executive and the county's public information officer, also declined to comment because of the potential litigation.

## **Anniversary of jail report**

Tuesday was the first anniversary of the 22-page report released by the Summit County Jail Operation Advisory Commission that found the jail needed to improve staff training, change staffing hours, boost inmate services and make other changes to address inadequacies.

Summit County Council created the commission in October 2017 after inmate Antony Jones, who was diagnosed with schizophrenia, died of cardiac arrest a day after a fight with deputies in September 2017.

The Stark County Sheriff's Office investigated that incident, with the Stark County Prosecutor's Office saying in May 2018 no charges would be filed.

Summit County Council member David Hamilton, who proposed and headed the advisory commission, has said a report reflecting on the changes since the initial report was released last year is pending, with a news conference planned in September.

Recommendations already implemented include reopening the jail's libraries and gymnasiums, adding an Alcoholics Anonymous program and starting a Narcotics Anonymous program for women.

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