

Guardians threaten to sue after child allegedly born into El Paso County jailhouse toilet

By: **Rachel Riley** Aug 27, 2018 Updated 8 hrs ago



An inmate at the El Paso County jail gave birth to an isolation cell toilet last year after her calls for help went unheeded by jailers, according to a claim letter by an attorney for the child's guardians.

The child's guardians are threatening to sue Sheriff Bill Elder for \$387,000 in damages, accusing him of "willful and wanton neglect" and his employees of "ignoring the medical needs" of Madilynn Taylor Hemphill and her child, according to the claim letter received by the county July 9.

Hemphill's daughter now suffers from "developmental delays" after she contracted a "urine-based E. coli infection" that put her in the hospital for three months after the delivery, wrote Denver attorney Sean Olson, who's representing the child's guardians, Alynne Hemphill and Vance Hemphill.

Jacqueline Kirby, a spokeswoman for the Sheriff's Office, declined to comment on the claim, saying the agency does not comment on "pending litigation."

Kirby also declined to provide information about the jail's policies and procedures for caring for pregnant inmates.

The claim marks the latest complaint about inmates struggling to access health care at the jail, which switched to a new medical contractor last year. The letter also came roughly a month before the Sheriff's Office announced a record of about 1,840 inmates in the crowded facility.

Madilynn Hemphill, a 27-year-old drug addict, was nine months pregnant and being held on suspicion of a felony drug possession charge when she went into labor in October, Olson said in the letter.

The child, referred to by the initials W.L.H. in the claim, fell into the toilet and inhaled toilet water. When she was removed from the toilet, she had water in her lungs and had stopped breathing. Jail staff eventually resuscitated her and took her from her mother's cell, the letter states.

As a result of the infection, the child required a respirator and feeding tube. The family still does not know the full impact of the baby's hospitalization on her long-term health, according to the letter.

Just a day before the birth, sheriff's officials had met with representatives from the jail's for-profit health care provider, Miami-based Armor Correctional Health Services, to discuss a backlog of requests that had left more than 300 inmates without access to prompt medical care and a laundry list of other issues that the contractor was having roughly three months into its multimillion-dollar agreement with the county.

The company responded by saying in a letter to the county that the problems, discovered during a national accrediting organization's audit of the jail, were left over from its predecessor.

In December, the National Commission on Correctional Healthcare opted to put the jail on probation for several critical violations of standards; however, the organization chose to renew the jail's accreditation last spring after medical staff reported they had fixed the problems.

Madilynn Hemphill remains in the jail, according to an online database. Olson, the Hemphills' attorney, was unable to provide further details about her child's condition.

In August 2017, Madilynn Hemphill was arrested on suspicion of felony drug possession and drug paraphernalia possession, according to court records.

The drug paraphernalia count was later dismissed, and she pleaded guilty to the felony drug possession last fall.

She was sentenced Aug. 23 to a year in prison and two years on probation.

She also was sentenced to a year in prison after pleading guilty to another count of felony drug possession in March, court records show.

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