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## Suit filed against ex-Partlow workers

### Mother says her son died while restrained improperly at the now-closed facility

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TUSCALOOSA | The mother of a former resident at W.D. Partlow Developmental Center has filed a wrongful death lawsuit against six former employees of the facility.

The lawsuit filed in Tuscaloosa County Circuit Court on Thursday claims that Ricky James White died from asphyxia while being improperly restrained on Oct. 10, 2010.

Attorney Courtney French said that White, 44, had been combative toward another patient and a staff member. Partlow workers put their hands around his neck to restrain him, cutting off oxygen and causing his death, said French, a partner with the Birmingham firm Fuston, Petway & French.

"Anyone who works in a facility such as Partlow should have been properly trained on how to restrain a resident," French said. "The individuals who eventually were the cause of his wrongful death had been involved in a similar altercation with Mr. White and other residents, our investigation showed. His death was premature and preventable."

The employees involved were fired in February and have since been found not responsible for White's death in other legal proceedings.

State Personnel Department Administrative Law Judge Dennis Steverson heard testimony and reviewed the case after four of the employees appealed their terminations. He wrote in a Jan. 11 recommended order to the board that the employees should be reinstated, according to a copy of the document provided by defendant Terry Wilson.

An attorney for the Department of Mental Health has appealed that recommendation and says that the terminations should be upheld.

The employees followed department policies when restraining White, Steverson found, and should be reinstated with back pay and benefits.

White was about 6 feet tall and 300 pounds, according to Steverson's synopsis of testimony. He had been admitted to Partlow after committing a sexual assault in Jefferson County and had escaped the facility several times. He had broken into a store on one of those occasions, and into a woman's car before attempting to sexually assault her. He killed another patient by pushing him down the stairs, according to the testimony, and had been required to wear leg shackles when he left the building for some time.

The former employees filed claims to receive unemployment pay. An administrative



Staff file photo

The mother of a former resident at W.D. Partlow Developmental Center has filed a wrongful death lawsuit against six former employees of the facility.

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hearing officer with the Department of Industrial Relations determined that the employees did not violate department policies. Three members of the department's Board of Appeals upheld that conclusion four months later.

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A grand jury heard the evidence and failed to indict the employees on criminal charges, Wilson said.

On the day of his death, White threw food at another patient in the dining room before threatening to leave and assaulting another patient. He had become violent and attempted to punch and kick the employees who restrained him, according to documents from the administrative hearing.

White suffered from a mental illness and had lived in Partlow for several years.

White's family members, who live in Birmingham, did not receive much information about his death when they contacted the Partlow administration, French said.

"They've had no choice but to proceed with the lawsuit, which will allow them, through the process of litigation, the opportunity to find out who caused his death, why did it happen and where in the chain of command — from the commissioner down — were there problems," he said.

The suit names six employees as defendants, claiming that they violated Alabama Department of Mental Health policies and the state administrative code. The lawsuit does not name the department or any other state agency as a defendant.

It requests that a jury hear the case and determine an amount to be awarded to White's mother.

"He shouldn't have suffered inhumane treatment in that manner," French said. "His family is deeply saddened and has been grieving ever since."

Defendants named in the suit in addition to Wilson are former Partlow director Rebecca Bellah, former police Sgt. Michael Richards and former Partlow workers Cecil Gordon, Loretta Wiggins and Eddie Williams.

The Department of Mental Health closed Partlow, a facility for people with intellectual disabilities, in December after completing the relocation of residents to group homes, a process that took several months. The state closed the facility to save money and also cited evidence that community-based care was better for the residents.

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