

# Lawyer: Sheridan County, Neb. To Settle Over Jail Suicides

BY **TIMBERLY ROSS**  
Associated Press Writer

OMAHA, Neb. — Sheridan County has agreed to pay \$100,000 to a grieving mother and improve suicide-prevention policies at its jail as part of a settlement over deaths there, an attorney in the case announced Thursday.

The county has been set to go to trial Monday in a wrongful-death case brought by Arlyn Eastman/Broken Nose of Rapid City, S.D., whose son hung himself in the jail's drunk tank in July 2005.

An attorney for the county, Michael Javoronok, denies an agreement has been reached. However, a lawyer for Eastman/Broken Nose said there is one, and court filings reflect that.

The 2007 lawsuit filed in U.S. District Court said a sheriff's deputy and a jailer failed to follow county policy during the arrest and booking of 20-year-old Lino "Jay" Spotted Elk. His death was the fourth suicide at the jail since 1998; eight other inmates attempted suicide at least once between 1998 and 2005.

The lawsuit also said the county

failed to train jail employees on suicide prevention.

Eastman/Broken Nose's attorney, Maren Chaloupka, said the county agreed Thursday morning to the monetary settlement and to allow the mother and a Lakota medicine man to pray in the drunk tank for the release of Spotted Elk's spirit.

The county also agreed to train staff in the sheriff's office and jail on suicide prevention and, when appropriate, work with prevention programs offered by the Rosebud Sioux and Oglala Sioux tribes

across the border in South Dakota, she said.

Javoronok said late Thursday that the county is in negotiations and hasn't agreed to anything. He said he would deal with the court filing on the settlement on Friday.

Chaloupka said in a statement that 11 of the 12 inmates who committed or attempted suicide in the jail between 1998 and 2005 were American Indians, so it was important to Eastman/Broken Nose that the county specifically work to prevent those in the future.

Sheridan County Attorney Dennis King declined to comment on the case.

According to the statement from Chaloupka: Spotted Elk was drunk and upset when he was arrested July 19, 2005, in Rushville on a warrant for failure to appear in court. He threatened suicide and tried to hurt himself by slamming his head on the patrol car, causing an open wound. He did not get medical treatment or a mental evaluation, and he was wearing his street clothes when he was put in the drunk tank. He later used his belt to hang himself.

## FEMA

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began before that.

FEMA uses things such as laser imaging, hydrology studies, storm records and construction activity to create computer models that predict where floods are likely. Especially helpful in creating the maps for Yankton County was a study of the James River done by the U.S. Army Corps of Engineers, according to Nancy Steinberger, a regional hydraulic engineer for FEMA.

The latest flood maps for Yankton County date from between March 22, 1974, and Aug. 15, 1980.

In creating the new flood maps for Yankton County, residents have asked whether FEMA took into account recent developments, such as the raising of highways 27, 46 and 81 — all of which would theoretically slow the flow of water down the James River in a flooding situation.

Steinberger said that wouldn't have been taken into account for a simple reason: Roads are not designed as a flood control device.

"Roads aren't built to hold back water, so we can't count those as holding back water for the purposes of a floodplain study," she said. "In terms of engineering, we have to have a certain factor of safety in what we do as engineers. If something is not designed to hold back water, it might inadvertently hold back water, but we can't count on that."

Sara Brush, a South Dakota map model specialist for FEMA, said her agency worked closely with the state Department of Emergency Management to develop the Yankton County maps. The state was given money, and it hired the contractor to create the maps.

The preliminary maps for the county were released in January 2009. A public hearing with local, state and federal officials was held in April 2009. Following that, information regarding the maps were published in local media outlets, and residents were given 90 days to appeal them.

"That appeal period is the opportunity for folks who have concerns with the mapping to submit scientific or technical data to illustrate there are problems with the mapping that was done," Brush said. "Other than folks just saying, 'We don't like these maps. We think they're wrong,' we do need them to provide technical data to show there are errors with the mapping."

When that process concluded in September 2009, Brush said neither the state nor FEMA had received phone calls about the new maps or other expressions of concern.

"These newspaper articles (during the last week in the *Press & Dakotan*) have been the main way we've been made aware there are some pretty serious concerns from the citizens," she stated. "Folks seem to be taking this issue on now. I'm not sure exactly what spurred that, but we haven't been getting any calls."

Because the appeals process has concluded, the only recourse individuals would have to get their property out of the floodplain is to request a Letter of Map Amendment (LOMA). If a property owner believes the map is mistaken and the property is above the base flood elevation, property and elevation materials can be filed in support of the letter.

Detailed information regarding the LOMA process can be obtained toll free by calling 1-877-336-2627.

DeFelice said it is important that property owners consult their insurance companies and financial institutions immediately to determine whether or not they need to purchase flood insurance.

"The critical piece of information is, if you're out (of the floodplain) now, but you're going to be in, you should get a flood insurance policy now so you can get what is called a preferred risk insurance rate. That is really important," he stated. "If you maintain the policy continuously, you can transfer it to a new buyer at that lower rate."

For more information regarding floodplain maps and the National Flood Insurance Program, visit [www.floodsmart.gov](http://www.floodsmart.gov).

**ends Monday!**

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