

# Disabled man starved to death in Arkansas jail in 2021

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Larry Eugene Price Jr., 51, perished at Sebastian County Detention Center in Fort Smith, Arkansas in August 2021, after being held for just over a year at the facility awaiting trial on charges of “terroristic threatening in the first degree,” a felony. Price, diagnosed with bipolar disorder, schizophrenia and PTSD, with a reported IQ of 55, was starved to death over the course of his detention. His death came at the hands of the county through violating his Eighth Amendment rights, which forbid “cruel and unusual punishments.”

The charges brought against Price were also “cruel and unusual.” Price, to whom the Fort Smith Police Department grew quite accustomed, would often meander about, walk into the police department and leave. However, on August 19, 2020, Price, then 50, walked into the Fort Smith Police Department and used his finger like a gun, pointing at officers, shouting expletives and threats. Police then promptly arrested the distressed, 6 foot, 2 inch, 200-pound man without resistance, subsequently charging him with making “terroristic threats.”

According to police reports, Price was not an immediate threat, nor did he have a weapon. After he was detained, Price was sent to the Sebastian County Detention Center, which handles inmates from Fort Smith. Price’s bond was set at \$1,000 for issuing “terroristic threats,” but he was only required to pay 10 percent of this amount to secure his freedom. But Price was not only destitute, he was homeless. Unable to come up with \$100, he remained at the Sebastian County Detention Center for the rest of his days.

Over the course of his last year on Earth, Price had his medications seized, was thrown into solitary confinement, neglected, and subjected to isolation, dehydration and starvation. To quell his thirst and hunger pangs, Price was forced to consume his own urine and feces. Upon discovering his unconscious body, police phoned Emergency Medical Services. Arriving at the detention center, EMS attempted to resuscitate Price. He was found shriveled, surrounded by a pool of water. According to EMS records,

at the time of his death Price weighed just 90 pounds. Remarkably, the Sebastian’s jail monitors continued to issue reports on his condition, stating, “Inmate and Cell OK.”

Erik Heipt, attorney with Budge & Heipt PLLC, is representing the Price family. On January 13, a 29-page civil rights and wrongful death lawsuit was filed in federal court in Arkansas. “I was appalled—a developmentally disabled, mentally ill man, who couldn’t afford his low bail amount, was held in solitary confinement for a year,” said Heipt in an interview with *Newsweek*. “He was not serving a sentence; he was awaiting trial the whole time for a crime that he wasn’t mentally capable of committing. Even if you put everything else aside, this alone is a travesty of justice. ... There is no excuse for an atrocity like this.”

The lawsuit targets Sebastian County and the for-profit Oklahoma City firm Turn Key Health Clinics, which was contracted to supervise the detention center’s medical services. In 2019, Turn Key was involved in a \$12.5 million settlement against Garfield County, Oklahoma, when 58-year-old Anthony Huff began hallucinating and died after spending over 55 hours strapped into a restraint chair.

In 2016 in Oklahoma, an El Reno man was found dead in a cell at the Canadian County Detention Center, naked and covered in his own waste. According to the medical examiner’s report, he experienced a seizure just days prior to his death. Also in 2016, a man in the Creek County jail died from a blood clot in his lungs after he repeatedly complained, over several days, that he was experiencing breathing problems and falling in and out of consciousness. A former inmate claims he became permanently paralyzed from the mid-chest down after Turn Key medical staff at the Muskogee County jail told him he was lying about his condition.

In a 2017 statement, Turn Key co-owner Trent Smith responded to myriad lawsuits filed against his company, saying, “Turn Key, an Oklahoma-based company, provides quality health care to over 6,900 Oklahoma inmates. Due to health care privacy laws Turn Key cannot comment on the health care information of any individual inmate.”

continuing, “The correctional health care industry in general is highly litigious and, despite this, Turn Key has one of the best litigation records in the industry. We will continue to provide quality health care services to our patients and will fully defend against any claims or allegations involving said care.”

All the victims listed above were poor, working class, suffering from some sort of mental disability, or any combination of the three. Sebastian County set up a mental health court the year Price died, but it took effect January 1, 2021, after Price’s arrest, eliminating any chances of a retrial for him and virtually anyone arrested and indicted prior to this date.

Heipt shed light on the plight faced by working class defendants on a daily basis. “This case represents everything that’s wrong with the cash bail system,” Heipt said of Price’s death. “It punishes the poor. He was essentially jailed for being in a mental health crisis. He didn’t hurt anyone. If anything, he was the one who needed help. Instead of getting him that help, they took him to jail and locked him in solitary confinement for a year. This was a colossal systemic breakdown.”

Price’s family alleges that opportunities to help Price were either missed or ignored altogether. Price’s official cause of death was malnutrition and dehydration, but the manner of death was listed as “natural” in the autopsy report. Subsequently, an investigation was launched by the Arkansas State Police (ASP), which often handles jail death incidents. ASP forwarded all investigative materials and findings to Sebastian County Prosecuting Attorney Daniel Shue, who wrote to the ASP on January 5, 2022, saying there was no basis for prosecuting any one person or institution in the case.

In an update published February 10 by *Newsweek*, the defendants responded, “I think the evidence is going to show that there’s just no deliberate indifference or negligence on the part of Turn Key or its staff.” Attorney Alexandra Ah Loy, a partner at Sweet Dewberry Hubbard, stated on behalf of Turn Key psychiatrist Jawaun Lewis and nurse Christeena Ferguson, “The evidence is going to show that Turn Key has no liability.” This is contingent upon defendants’ claim that “any damages allegedly suffered by Mr. Price were caused by the voluntary assumption of the risk by Mr. Price ... or contributed to by Mr. Price’s own acts, conduct, or negligence.” In other words, someone with an IQ of 55, with the cognitive abilities of a 9- to 12-year-old, should be responsible for his own neglect and abuse in jail.

The suit further alleges that Lewis cut Price off from his medications while “in the throes of his untreated psychosis.” His antipsychotic medications were never re-administered. His condition worsened, demonstrated by his dramatic loss

in weight. Comparing photos of Price before his detention to his time of death it is impossible to claim that Turn Key and its staff displayed no deliberate indifference or negligence.

In the wake of protests against police violence following the brutal police murder of Tyre Nichols in Memphis, Tennessee, Sebastian County Sheriff Hobe Runion stated that an “internal probe” into Price’s death was underway. “We place a high priority on the safety of every person in our jail,” he said cynically. “We have medical personnel available to treat inmates in need of care. I’m conducting an internal review of this situation and hope to know more in the future.”

On January 9, Runion uploaded a video denying allegations levied in the complaint, ludicrously claiming Heipt “is suing the taxpayers of Sebastian County.” In the video, Runion also suggests Price may have died of COVID-19 “during a time when COVID was killing a lot of people,” conveniently leaving out the cause of death in his autopsy report: malnutrition and dehydration.

Runion painted Price as violent, despite having allowed him to walk in and out of the police department time and time again with no issue. Runion added, “Let me make one thing clear: The jail staff gave this inmate plenty of food and water every single day. The jail medical staff had regular contact with him,” perhaps revealing more than he meant to. This statement implies that jail medical staff either watched Price starve to death or failed to intervene to stop it.

Asked why Price was never admitted to the hospital for medical treatment over the course of a year, Runion responded, “Arkansas law requires the jail to keep them until the state hospital calls for them. We’re ordered by the courts to hold him until the state sets up an evaluation and or has a bed available.” AR Code § 12-29-401 (2020) states, in fact, “An inmate may be taken, when necessary, to a medical facility outside the institution, but the Director of the Department of Correction shall provide ample safeguards for the custody of the inmate while confined in a medical facility outside the institution.”

Price’s death-by-malnutrition calls to memory the 2016 death in a Milwaukee County jail cell of 38-year-old Terrill Thomas, whose water access was restricted for seven days due to “bad behavior.”



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