



## ***LGIT'S COMMANDER'S LOG***

### **JUNE 2006**

#### **A CONSTITUTIONAL VIOLATION MAY OCCUR WHEN THE GOVERNMENT DOES NOT RESPOND TO THE LEGITIMATE MEDICAL NEEDS OF A DETAINEE WHOM IT HAS REASON TO BELIEVE IS A DIABETIC**

**QUESTION:** Can an inmate who is diabetic pursue a federal constitutional claim for a denial of adequate medical care based upon officers' alleged intentional refusal to seek medical treatment for his condition?

**ANSWER:** Yes. If the inmate alleges in his lawsuit that he was denied medical treatment during his detention, that officers were aware of his condition but intentionally ignored him, and that, as a result, he sustained injury or damage, the inmate will likely be allowed to attempt to prove his allegations through discovery, and, possibly, at trial.

**CASE:** *Scinto v. Preston*, No. 05-7071, United States Court of Appeals for the Fourth Circuit (Unpublished), Decided March 14, 2006

In *Scinto v. Preston*, the United States Court of Appeals for the Fourth Circuit again reviewed the sufficiency of an inmate's allegations that officers were deliberately indifferent to his serious medical needs while in custody.

The facts disclosed that Scinto was arrested on two occasions. He alleged that, on both occasions, he was denied access to insulin, even after informing the officers that he was an insulin-dependent diabetic. In the lawsuit he filed, Scinto failed to detail how long he was in custody. Scinto did, however, allege that the Sheriff's Department eventually had to take him to the hospital and that he suffered permanent damage. The trial court dismissed Scinto's complaint, finding that the damage allegedly done to Scinto was not incurred while he was in custody, and that Scinto could not recover for injuries he suffered when he was not incarcerated.

In reversing this aspect of the dismissal entered by the trial court, the Fourth Circuit again pointed out that, in order to prevail on a federal constitutional claim arising from inadequate medical care, an inmate must allege acts or omissions sufficiently harmful to constitute deliberate indifference to serious medical needs. First, the inmate must objectively show that the deprivation suffered or the injury inflicted was sufficiently serious. Then, he must show that the defendant acted with deliberate indifference to his serious medical need. A constitutional violation may occur when the government does not respond to the legitimate medical needs of a detainee whom it has reasons to believe is a diabetic.

In this case, there was a lack of clarity as to how long Scinto was incarcerated and what portion of his injury was caused during his incarceration. On the other hand, Scinto clearly alleged in his lawsuit that: (1) he was denied needed medical treatment during his detention; (2) Defendants were aware of his condition but intentionally ignored him; and (3) he suffered permanent damage, at least in part during his detention. Thus, the Fourth Circuit ruled that the trial court had incorrectly concluded that Scinto could prove no set of facts in support of his claim which would entitle him to relief. This is not to say that Scinto would ultimately prevail in his lawsuit. To the contrary, the court's ruling simply allowed the case to proceed to the discovery phase and, if the case survived a later motion for summary judgment, to trial.

**NOTE:** *Scinto* is one of the many cases demonstrating the need for prompt and thorough medical screening of inmates. The sooner an inmate's pre-existing medical history and problems, such as diabetes, are documented, the sooner adequate medical treatment can be provided. The case further highlights the need for an officer to report any serious medical complaint made by an inmate to his or her supervisor for possible reference to the medical staff. In most cases, it is the officer's failure to act that constitutes the "deliberate indifference" needed to sustain an inmate's claim of inadequate medical care.

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