

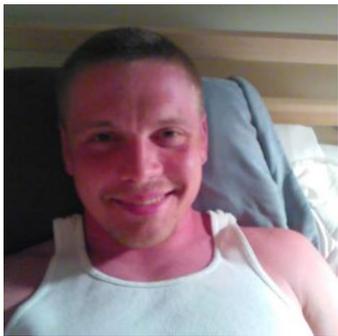


# GT COUNTY INMATE HUNG HIMSELF TWO DAYS AFTER BEING REMOVED FROM SUICIDE WATCH

January 4, 2023

He had been addicted to drugs since age 13 and had gone through opiate withdrawal before, but when 34-year-old Michael S. Smith arrived at the Grand Traverse County Jail on Nov. 1 he told his jailers that he was as dope sick as he had ever been in his life. Unable to sleep or eat, he said he was going through the “worst detox ever.” He said he felt like he was having a heart attack and was hearing voices that were telling him to hurt himself and to harm other people.

Having tried to kill himself twice – once by taking a drug overdose and another time by hanging himself from a tree only to have the branch break – Smith was placed in a suicide-prevention gown and put on 24-hour suicide watch that included welfare checks every 15 minutes.



And yet despite those measures, by Nov. 9 he was dead, having used two bath towels to hang himself at 4:45 in the afternoon while his bunkmate and a group of fellow inmates played Monopoly just around the corner from his cell.

The story of Smith’s final days as county jail inmate #325911 is described in tragic detail by a Michigan State Police investigation into his death. The 120-page report, obtained by the Beacon via a Freedom of Information Act request, concludes that Smith committed suicide without the knowledge or assistance of anyone else at the jail after a clinical therapist at the Northern Lakes Community Mental Health Agency removed him from suicide watch on Nov. 7. The records also show that corrections officers followed jail protocol after Smith’s suicide-prevention gown was removed by conducting inmate checks on him every hour.

On the day of Smith’s death, the jail activity log shows, rounds were conducted in all sections of the 168-bed jail at 3:50 p.m. The records show that jailers made a 911 call at 4:45 p.m. after Smith’s cellmate, Josh Wilson, entered their cell and found Smith hanging from the top bunk. Although corrections officers began immediate chest compressions and were aided by EMS personnel who arrived within seven minutes, Smith was pronounced dead at 5:15 p.m.

In a referral to county Prosecutor Noelle Moeggenberg, the MSP investigators recommended that the case be closed with no criminal prosecution. Asked whether he believes that any of his corrections officers has exposure for civil liability as a result of Smith's death, Bensley, in a 90-minute interview with the Beacon, said he wouldn't be surprised if someone sues his department along with some of the county's medical providers but said the report shows that his corrections officers did nothing wrong.

"From our standpoint, no," he said. "If you look at the State Police report you'll see that our officers conducted themselves (properly) and did their rounds."

That is not to say that Smith received all of the medical services and the humane treatment that he was owed and deserved. The county's contract with County Health Support Services (CHSS), the troubled start-up company that provided medical and mental health services at the jail during most of 2022, required the firm to have a licensed master social worker (LMSW) at the jail for 10 hours a day, seven days a week to provide suicide and crisis-intervention treatment. Bensley, who was accompanied at the interview by jail Administrator Capt. Chris Barsheff, said CHSS never staffed the jail with an LMSW during the entire term of its contract. The Sheriff's Department hired the firm in February 2022 and terminated the contract on Dec. 19.

On Nov. 14, five days after Smith's death, Barsheff asked county commissioners to approve a contract with Advanced Correctional Healthcare (ACH), a national jail health services firm, to provide medical and mental health services at the jail in 2023 for \$1,223,258. Three weeks later, on Dec. 7, Barsheff accelerated CHSS' departure by asking commissioners to enter into a two-week contract with ACH that would begin on Dec. 19.

Asked whether Smith's suicide prompted the Sheriff's Department to terminate its relationship with CHSS before the end of the year, Bensley said no, but said he and Barsheff were concerned that CHSS might stop providing services at the jail altogether after learning that the county was hiring another vendor for 2023. "We heard rumors that once the contract was not awarded to CHSS they might just walk out of the building," Bensley said. "We wanted to make sure that ACH could step right in."

Bensley said he was skeptical of CHSS' ability to fulfill the jail contract after the firm bid just \$712,240 to provide comprehensive medical and mental health services at the jail for 10 months. Bids from three other companies ranged from \$990,000 to \$1.2 million. Bensley also said he was concerned because CHSS' bid submission improperly listed county Administrator Nate Alger and Commissioner Penny Morris as references and because the county had a difficult time getting CHSS' medical director, Dr. Nazer Abdelfattah, to provide proof of insurance. "We had to beg them for copies of their insurance," Bensley said.



In the end, Bensley said he supported the recommendation of Barsheff and Undersheriff Mike Shea to give the contract to CHSS. He also noted that county commissioners voted unanimously to award the contract to the start-up company after hearing a persuasive pitch from Traverse City resident Donovan Miske, the CEO of Kona Medical Consulting, a medical management services firm that worked with CHSS.

Unfortunately, Bensley added, he soon learned that his initial concerns had been well-founded because both CHSS and Kona began asking the county for extra money. Combined, they requested more than \$500,000 in additional funds. "When the rubber hit the road . . . they couldn't do it for the price they quoted," Bensley said.

Barsheff said that despite his frustration at CHSS' inability to fulfill the terms of its contract, he believes Abdelfattah genuinely cared about the welfare of the inmates in the county jail. "He had a vision," Barsheff said. "He just couldn't put people in place to carry out that vision."

One of the tragic consequences of Abdekfattah's inability to carry out his vision was that CHSS had no social worker at the jail who could have provided therapeutic services to Smith in the last days of his life. On Nov. 7, the day that a clinical therapist at Northern Lakes recommended that Smith be removed from suicide watch, she "met" with him via a video chat – the only contact she ever had with him.

"Michael has been in substance abuse treatment since he was 13 years of age, when he was charged with manufacturing and delivering (drugs)," the therapist wrote. "He spent 14 months in a juvenile prison." She added: "Michael denied SI (suicidal ideation) and HI (homicidal ideation), stating he is feeling better. He assured this worker he would be safe to go to a regular cell and said he would notify someone if he felt unsafe. This worker is recommending he be removed from watch and suicide prevention precautions be discontinued."

She also wrote that Smith was "future oriented." Within 48 hours, he would be dead.

Smith's father, Edward Smith, told an MSP investigator that he had a phone conversation with his son at 11:40 a.m. on the day that Michael died. He said Michael had told him that he would call back at 6 p.m. that evening and that he wanted his father to have one of his three sons with him so Michael could talk to him.

Jail records show that, in the days before he hung himself, Smith repeatedly asked to see a doctor, saying he felt "jittery, jumpy and want to get out of my skin." He also told his jailers that he thought he was having a heart attack.

At 6:30 p.m. on Nov. 8, the evening before Smith committed suicide, a CHSS nurse wrote that Smith "threw himself on the floor. Faking a heart attack." Her "intervention" note adds, "Sternal rub and he is cured." A sternal rub is a painful stimulus performed by rubbing the knuckles of a closed fist on a person's sternum.

Interviews that MSP investigators conducted with 13 inmates in Smith's pod also show that some of them thought that Smith was treated insensitively by Corrections Officer Andrew Lathrop. One interview summary quotes inmate Sean Jones as saying that Smith "was pleading with CO Lathrop to talk to the doctor yesterday. He says Michael was detoxing bad and CO Lathrop brushed him off until the doctor would come back next Wednesday (the 16<sup>th</sup>). . . Sean further states that he thinks CO Lathrop needs to be on disciplinary because he missed 'key signs' to help Michael."

The MSP report shows that of the 19 people that investigators asked to interview, Lathrop was the only person who refused to talk to them. Instead, he hired Traverse City defense attorney Mike Naughton, chairman of the ACLU Northwest Michigan Lawyers Committee. The investigator said she called Naughton and that he "advised Andrew would not be meeting with me for an interview and that he (Lathrop) has already completed his report for the jail and nothing would change from that."

Lathrop's written report was not in the file provided to the Beacon. The MSP investigator's summary of his report says simply, "Andrew explains he spoke with Michael multiple times about seeing the doctor and checked with the doctor, who was unable to see Michael that day."