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Woman Sues Police for Brutal Blood Draw

By RYAN KOCIAN



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AUSTIN, Texas (CN) - Austin police put a bag over a woman's head, strapped her to a chair and used "choke hold pressure points" to draw her blood for a DUI test, the woman claims in court.



Caroline Callaway sued Austin, Travis County, Austin police officers, county sheriff's officers, Pro-touch Nurses and one of its employees, alleging unlawful search and seizure, excessive force, assault and battery, negligence and medical malpractice.

Callaway says defendant police Officer Patrick Oborski arrested her for refusing to take a breath test for a suspected drunk-driving offense.

Callaway says she told officers that she suffered from anxiety disorder and used medications to treat it.

She says she was taken to the Travis County jail, where police officers participated in the blood draw.

Callaway's attorney Daphne Pattison Silverman told Courthouse News that defendant Shannon Ramsey-Graham performed the blood draw, while working for Pro-touch Nurses, which contracts with the Austin Police Department.

To take her blood, Callaway says, the defendants took her to a small padded room, where she was surrounded by officers and strapped into "the chair," with her legs, wrists and shoulders restrained.

She claims she "began to involuntarily tremble from anxiety and fear," which prompted the officers to put a bag over her head that covered her eyes, nose and mouth. The bag is a protective hood known as a Tranzport Hood.

Callaway says she could not see and had problems breathing because of the bag. During Ramsey-Graham's first venipuncture, "the needle popped out because of Ms. Callaway's shaking and blood spewed onto one of the officers," according to the complaint.

It continues: "(D)efendants continued the abuse determined to take Ms. Callaway's blood. In order to stop Ms. Callaway from trembling, one of the officers used choke hold pressure points on her neck, until her body went limp. Defendant Ramsey-Graham stabbed Ms. Callaway again while Ms. Callaway was limp. When the officer released her neck, Ms. Callaway gasped for air. She could not see because there was a bag over her head, but she felt the weight of a boot in the crook of her arm, which, along with the rest of her body, was still tied to the chair. Ms. Callaway was suspected of committing a misdemeanor."

Callaway says she was subjected to this brutality and unlawful search though she "had presented at the most only passive and verbal resistance at any point during her arrest."

She claims that the blood draw was done in an "improper manner without following the medical profession's commonly recognized procedures for safe and sanitary blood draws" and that Austin and Travis County were aware of possible injury from such blood draws at the county jail.

Callaway's attorney told Courthouse News that Callaway was charged with DWI based on the blood test results, and that the criminal case goes to trial in April.

Pattison Silverman said she hopes the lawsuit will persuade police to change the policy of drawing blood at the police station because it is not a sanitary environment: it is unsafe, and it produces unreliable results.

She said that Callaway, who was valedictorian of her high school class, still suffers today and wants to prevent others from suffering this barbaric procedure.

Callaway wants to "change a government policy here and nationwide for the betterment of all citizens," her attorney said.

The City of Austin told Courthouse News it had not yet been served with the lawsuit but would "take the proper legal steps to defend the city against the allegations in the case."

The Travis County Sheriff's Office said it does not comment on pending litigation.

Callaway seeks punitive damages for emotional injuries, pain and suffering, embarrassment, humiliation, indignity, medical bills, lost wages and legal fees. Her physical injuries include nerve damage and severe bruising, especially on her neck from



being choked by the officers. She suffers from post-traumatic stress disorder.

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