

Butler lawyers assail county for appealing abuse award

[1,2,3,5,6 Edition]

The San Diego Union - San Diego, Calif.

Author: Valerie Alvord

Date: Jul 28, 1990

Start Page: B.5.5.6

Section: LOCAL

Text Word Count: 566

Document Text

Head Varies | Editions Vary

Attorneys for a former Navy chaplain who won a \$1.1 million judgment against the county in a jail abuse case have blasted the county's five supervisors for appealing that jury award, saying the supervisors are "torturing" Jim Butler after he proved he was beaten by deputies 5 1/2 years ago.

"By refusing to even consider any reasonable settlement they are acting in a totally irresponsible way," said attorney Michael Crowley, referring to the fact that Butler voluntarily agreed to reduce his award by \$320,000 if the money would be used to set up a civilian review board of the Sheriff's Department.

"They are continuing his torture even after they have agreed that the problem of brutality does exist," Crowley said.

His other attorney, Tom Adler, said that after more than five years of litigation, Butler deserves to be vindicated so he can get on with his life.

According to Adler, in the time since Butler was arrested on Jan. 19, 1985, the Sheriff's Department has "beaten him up," charged Butler with a crime and tried to destroy his reputation.

"This gang of sheriffs makes up stories about him to get him convicted, has the conviction overturned because of government misconduct and finally, after 5 1/2 years his case goes to (a civil jury) and the jury comes back and says the system is screwed up.

"Then the county comes back and says, 'Not only are we not going to pay him, but these citizens don't know what they're talking about.' They beat up on Butler for five years and now they're going to beat up on the jury."

The jury award two weeks ago was the largest ever in a law-enforcement brutality case in this county. When supervisors voted to appeal it Tuesday, they said the county would be irresponsible if it did not try to protect taxpayers' money.

Acting on advice from their attorney, deputy county counsel David Florance, supervisors concluded that the county has good grounds on which to ask for a new trial.

Florance said he had declarations from several jurors indicating the deliberations in the case may have been improper. He also said jurors were wrong to lump both punitive and compensatory damages into one judgment.

"They have have inadvertently done something they shouldn't have," he said when he announced the appeal.

But Crowley does not believe the county has a case.

"They are running the risk of getting no settlement at all," said Crowley, who added that even if the case was tried again, that wouldn't guarantee a lesser verdict.

The county, said Adler, is responsible for Butler's injuries, which according to the jury, include a failed business, a heart attack and an emotional breakdown brought on by his treatment by deputies.

"I think they're just trying to pass the buck and make sure that they are not the ones stuck with this problem," Adler said. "Some future board will be stuck with it and that is unconscionable."

Butler, a 60-year-old Vista resident, was arrested after he walked to the scene of an accident in front of his house to offer help. He ended up at the Vista Jail, arrested by deputies who said Butler interfered with their investigation of the accident.

Butler said he was beaten and abused by the deputies, while deputies said that Butler was uncooperative throughout the incident.

Credit: Staff Writer

Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission.

Abstract (Document Summary)

According to [Tom Adler], in the time since [Jim Butler] was arrested on Jan. 19, 1985, the Sheriff's Department has "beaten him up," charged Butler with a crime and tried to destroy his reputation.

Butler, a 60-year-old Vista resident, was arrested after he walked to the scene of an accident in front of his house to offer help. He ended up at the Vista Jail, arrested by deputies who said Butler interfered with their investigation of the accident.

Butler said he was beaten and abused by the deputies, while deputies said that Butler was uncooperative throughout the incident.

Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission.