

## Butler offers \$320,000 for review board | Says he'll give funds if county ends litigation in brutality case

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### Document Text

Head Varies

Jim Butler, the former Navy chaplain who last week won \$1.1 million in a lawsuit against the Sheriff's Department, yesterday offered to give the county \$320,000 of that to set up a citizen's review board that would monitor complaints against deputies.

But county attorney David Florance characterized the gesture as "grandstanding," and said "any talk of a settlement is extremely premature."

The county, he pointed out, has not decided whether to appeal the verdict, believed to be the largest ever rendered in a San Diego law enforcement brutality case. If it were to accept Butler's offer, the county would have to agree to end further litigation, and Florance said he is pushing ahead with a motion for a new trial.

"I feel certain legal errors were made that warrant a new trial," Florance said yesterday. He said a planned meeting with the Board of Supervisors to discuss the verdict is "simply to tell them what happened. Of course they make any final decision, but I am the trial attorney and a motion for a new trial is not something that is frivolous."

Butler, who was battered 5 1/2 years ago, according to the jury finding, made his offer yesterday in a press release from his two attorneys, Michael Crowley and Tom Adler.

At the same time, the 60-year-old Vista resident announced that he would accept token damages of \$1 each from the two deputies involved, instead of forcing them to appear in court today for a hearing to determine if they should pay him punitive damages for his injuries, including a chronic bad back, a failed business, a heart attack and an emotional breakdown brought on by stress.

Florance said Deputies Robert Bishop and Bolitha Laws had accepted the offer, but added that they did so without admitting fault.

Butler's attorneys said he made the offer to the deputies "in view of serious health problems which have recently arisen involving one of the defendant sheriffs and the family of one of the other defendant sheriffs."

Bishop recently suffered a heart attack and Laws' wife is scheduled for what was described in court as "serious surgery" tomorrow .

Both Crowley and Adler declined further comment yesterday, except to say that "the ball is now in the county's court."

In the press release they said Butler had three reasons for filing the lawsuit. The first was to recoup his damages and the second was to expose "the policy, practice and custom of the San Diego Sheriff's Department of failing to investigate cases of excessive force by deputies, failing to train deputies properly (and) failing to take corrective action against deputies who abuse their authority."

Those goals, the attorneys said, were accomplished in the suit.

The third goal, they said, was to "see that a meaningful citizens' review panel be established that would act as a watchdog over the Sheriff's Department. To date this has not been accomplished.

"This is a matter of great concern to the Butler family. We are cognizant of the recent efforts of the county Board of Supervisors to establish such a review panel and also of the financial constraints which may affect their decision-making process."

The attorneys noted that a county report released this week said the cost of operating a fully-staffed review panel would be about \$320,000 a year, and they offered to reduce Butler's \$1.1 million award by that much if the county would "conclude any further litigation in this case which would be costly not only to the Butler family, but also to the taxpayers of San Diego."

Butler had alleged he was beaten and falsely arrested by Bishop after he walked to the scene of an accident in front of his Foot Hill Drive home in January 1985. He said he was taken to the Vista Jail, where Laws threw him into a padded safety cell and battered him until he revealed his name, address and date of birth.

At first, Butler had refused to give the deputies that information, which may have been unnecessary anyway, since the evidence in the trial indicated that the deputies already knew who he was.

Butler had responded to many accidents at the same spot, a dangerous curve right in front of his house.

At the trial, a number of deputies told the jury that Butler had been a longterm nuisance, often interfering with their investigations and trying to tell them how to do their jobs.

But Butler, a Navy chaplain in Vietnam, said he gave first aid to more than a dozen people in the 13 years before his arrest. Even after his arrest he continued to help accident victims on the curve.

The jury, voting 10-2 last week, found that Bishop and Laws had battered Butler. It voted 9-3 that the Sheriff's Department had a "written or unwritten policy, custom or practice of violating the rights of individuals."

Credit: Staff Writer

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#### **Abstract** (Document Summary)

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