

## Ex-chaplain will get day in court over 1985 arrest

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### Document Text

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VISTA -- Five years after Jim Butler was allegedly beaten by sheriff's deputies, the former Navy chaplain will get his day in court.

In a civil trial scheduled to begin in two weeks, Butler, 60, is suing the county, the Sheriff's Department and deputies for allegedly using excessive force when they arrested him on Jan. 19, 1985.

He also contends the arrest was unlawful because he was merely trying to help deputies respond to an accident when one of them overreacted and arrested him for interfering.

The case, which received a great deal of attention after a county grand jury probe of brutality in the jails, is like any other in which a person resisting arrest is injured, according to David Florance, attorney for the county.

However, Butler, who has become a spokesman of sorts for more than 100 men and women countywide who say they were stripped, chained or beaten in the jails, says he is carrying the banner of justice for many.

"Many people have wished me well and are happy that I've stood my ground all these years," he said. "Many of them had problems but didn't have the money or were so intimidated that they couldn't do anything. Unfortunately, justice is very expensive."

But said Florance: "It's a simple case of a man arrested for resisting arrest who may have sustained injuries during his arrest. I hope the idea that there has been a lot of coverage will not cause the jury to look on this in a different light. Mr. Butler has brought a lot of attention to himself and to the case, so I hope the jury doesn't take it to mean any more than that."

In the past five years Butler has appeared before the Oceanside and Vista city councils and the county Board of Supervisors, lobbying for changes within the Sheriff's Department.

He also has attended seminars on prevention of police brutality, spoken to community organizations and researched the possibility of setting up a civilian review board that would investigate complaints of deputy brutality.

"Five years is an awful long time to wait for justice," he said recently. "I've always preached that you should stand up for what's right and the only way that justice can be obtained is through the courts. It's just too bad that it takes so long and that it costs so much."

Butler, who moved to Vista 17 years ago after leaving the Navy, had left the ministry and was the owner of a

construction company when he was arrested. He contends he was simply trying to help deputies who had responded to an accident on a hairpin curve on the road in front of his house. He says when he asked a deputy to set up a flare to warn traffic, the man got angry and began to beat him.

He was taken to the Vista jail, where he says deputies beat him again and held him until his wife was able to obtain his release the next day. He has pictures of bruises he says were sustained in the alleged beatings.

In the following years, he contends, he became more and more depressed, finally experiencing a breakdown that forced him to sell his business.

Butler says he also has had more than \$50,000 in medical expenses and he has a chronic back problem "that doctors tell me I'll have for the rest of my life."

Florance, a former deputy district attorney, said it is not uncommon for people who resist arrest to be injured. The more they resist, he said, the greater the injuries.

The county attorney also contends that it is not uncommon for the average, law-abiding citizen to feel outraged during an arrest.

"People would be surprised at who gets arrested," he said. "It's something that juries have to recognize, that a lot of people you might otherwise not think about will be arrested."

"I'm sure it is very out of the ordinary for Mr. Butler, which is true with most people who are arrested for the first time. He's been very vocal and very upset because he's surprised that he could be arrested."

San Diego attorney Michael Crowley said the case is certain to focus attention once again on the situation in the jails, where he says brutality is a daily occurrence.

"Yes, I still get calls all the time," said Crowley, who is one of two attorneys on the Butler case and who also does work for the American Civil Liberties Union.

"This is a problem that is still going on and I think (a victory here) would send a message ... that it should not be business as usual. All indications are, it is still going on."

The problem of brutality in the jails came to light more than two years ago when county residents began complaining to The San Diego Union and other newspapers that they had been brutalized in the jails.

Subsequent stories sparked an FBI investigation into possible civil rights violations and a county grand jury probe into the allegations of brutality.

Although the FBI and the Justice Department concluded that there was insufficient evidence to obtain convictions in all but two of 90 cases, the grand jury issued a stinging report confirming the allegations and laying the blame on Sheriff John Duffy.

Those newspaper stories, and others dealing with a possible security bunker in Duffy's San Diego home, led to his announcement that after 20 years in office he would not seek re-election in the June primary.

Butler has acknowledged that Duffy's resignation gives him the feeling that some justice has been obtained.

He also said he knows that juries tend to give police officers the benefit of the doubt in civil brutality cases.

"I think the jury, like all of us, would like to believe the word of our police officers," he said. "But if evidence is presented

to the contrary, hopefully, they'll see what happened."

Credit: Staff Writer

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**Abstract** (Document Summary)

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