

Jury award called another sign of need for sheriff reforms

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If jurors awarding huge damage judgments in Sheriff's Department brutality cases are trying to send a message to the county, Supervisor Susan Golding has something to tell them:

"I think the county Board of Supervisors got that message a long time ago. Unfortunately, we don't run the Sheriff's Department."

Golding, along with many in legal and government circles, said yesterday that the \$332,000 a Vista jury awarded to science teacher Kimberly Bryant Wednesday, is one more indication that serious reforms are needed in the Sheriff's Department.

Bryant alleged she was beaten and strip-searched in the Vista jail. Jurors agreed with most of her assertions. Although they found Bryant 10 percent responsible for what happened to her, they said the Sheriff's Department showed a "deliberate indifference" to the constitutional rights of citizens.

It is a situation, Golding said, that county residents can help change by voting for the proposed sheriff's review board, which appears as Proposition A on the November ballot.

"The other thing citizens can do is to be vigilant," in demanding the highest standards from law enforcement," Golding added.

The Bryant award comes on the heels of a \$1.1 million award to a former priest beaten in the Vista jail, and \$240,000 to a former sheriff's deputy unfairly fired from a Sheriff's Academy teaching position. In all three cases, jurors said the department violated constitutional rights either through indifference or faulty policies and procedures.

And, said attorney Tom Adler, there are more cases coming.

Adler represents the families of two former jail inmates, Albert Varela and Kyeon Ja Lee. Varela, arrested for violating a restraining order, died after deputies in the central jail applied a choke hold on him. Lee, a woman judged to be seriously psychotic, hanged herself in the Las Colinas Women's Detention Facility after being turned away from the County Mental Health facility, Adler said.

The parents and wife of Jeffrey Bray, a Vista man shot to death by a reserve deputy, also have filed suit against the department, as has the wife of an Alzheimer's patient, who died after he allegedly was beaten in a county jail.

The case of Jennifer Ball, a young woman who contends she was beaten and strip-searched in the Vista jail, is scheduled for trial within the next few months.

Adler, along with attorney Michael Crowley, represented Jim Butler, the former priest awarded \$1.1 million. He was in court yesterday as the county, which must pay all judgments against the Sheriff's Department, attempted to have the judgment either set aside or substantially reduced. Both motions were denied by Superior Court Judge Barbara Gamer.

Gamer also approved an additional \$204,000 in attorney fees and costs, Adler said, bringing the total Butler award to \$1.3 million.

Although the county has vowed to appeal all of the recent verdicts, "the interest is piling up," Adler warned.

David Florence, the attorney who handled the Butler case for the county, said the unprecedented award may have given county jurors an unreasonable expectation of what such cases are worth.

For instance, he said, in a case he tried just days before the Butler trial started, the jury's verdict was in favor of a deputy who was being sued for shooting and wounding a Solana Beach man.

Before the Butler verdict, no jury had awarded more than \$100,000 in a brutality case, and the average judgment was in the neighborhood of \$10,000 to \$20,000. In fact, sources say, before the Butler verdict, Bryant's attorneys had offered to settle for under \$25,000.

The recent judgments present a "gigantic drain on a county budget that already is strained," Golding said yesterday. "The way to prevent it is to not take that (unconstitutional) action in the first place," she added.

Supervisor Leon Williams agreed. "It's too bad we have to spend taxpayers' money to pay people for injuries that should not have occurred in the first place," he said.

Both Golding and Supervisor John MacDonald, whose 5th District includes Vista, said they believe the election of a new sheriff will go a long way toward changing things.

Since Sheriff John Duffy has decided not to run for re-election, voters will have a chance to choose a new sheriff in the Nov. 6 election.

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Abstract (Document Summary)

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