

Lawsuits fail to resolve debate over Vista jail's `safety cells'

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To Kimberlee Bryant and Jim Butler, two local residents who won civil suits contending they were beaten by their captors at the Vista jail, the jail's padded isolation cells are akin to prisoner- of-war torture chambers.

But to jailers, the cells are necessary and valuable resources for a small minority of inmates -- those who are determined to pose a danger to themselves, to sheriff's deputies or to other inmates.

"These are not the chambers of horrors that they've been made out to be," said Lt. E.J. Lubic, the jail's acting commander. "These cells are designed and intended to be a safe place to put people who need to be controlled."

The padded cells, officially termed "safety cells," are rectangular holding tanks measuring 8-by-10 feet, with 10-foot ceilings. The Vista jail has six such cells, one in the women's wing, three in the men's and two in the medical ward.

Except for a grate-covered rectangular hole in the corner called a "Turkish toilet," the cells are bare, with no fixtures that could be used to inflict harm. The cells' heavy steel doors contain two closable slots, one for food trays, the other for observation by jail personnel.

The cream-colored walls and gray floors are padded with a hard but cushioned surface similar to that on a car dashboard, but firmer.

The padding is designed to prevent inmates from harming themselves by hurling or pounding their bodies against the walls. But the padding is potentially dangerous because it is flammable and highly toxic when ignited.

For that reason, inmates confined to the cells are stripped naked and their clothes searched for matches or lighters. Inmates are left in the cells naked also to prevent them from using their clothing in suicide attempts.

Jail officials say that if a safety cell were ignited, an inmate could be left in there to burn because the toxic smoke from the padded material potentially could kill everyone in that part of the jail.

"Depending on how engulfed it is, that's probably what we'd do because by opening this door with other inmates nearby, we could conceivably kill 40 or 50 people," Lubic said. "That's why we are so thorough in searching for matches."

Lubic said that though the padded material is not ideal in terms of its overall safety, it is the best thing available. A material that would be both padded and non-flammable likely would be too expensive for the county to afford, he said.

Considering the cells' potential to be deadly, Lubic acknowledged the irony of the term "safety cell." The cells, he said, used to be called "rubber rooms."

"I guess it's just a matter of semantics!" he said. "I would conjecture ... that 'rubber room' got such a bad connotation that safety cell seemed like an appropriate title for the purpose for which it was intended."

Because of a change in Sheriff's Department policy that took effect in March 1989, if Bryant and Butler were arrested and booked into Vista jail today, they likely would not be confined in a safety cell, Lubic said.

"(They) couldn't, according to present policy, be put into that cell," he said. "They would not have been put into that cell solely on their aggressiveness and belligerence or their violence toward staff because those are not criteria for safety cells anymore."

Under the current policy, only inmates deemed suicidal or who in some way pose a danger to themselves may be placed in safety cells.

One exception to the policy is for inmates who exhibit "excessive violence" when there is no other solitary holding tank available, Lubic said. In such cases, inmates may be temporarily held in a safety cell until another one becomes open, he said.

The policy in effect when Bryant and Butler were arrested allowed inmates who were combative, belligerent or violent, or who posed a danger to deputies or other inmates, to be put into the cells.

The padded cells in which Bryant and Butler were placed, incidentally, no longer exist. Those cells were torn down during a renovation and expansion of the jail last year and were replaced by identical cells.

Every jail in the county has similar safety cells except the Descanso Jail and the Los Colinas Men's Detention Facility.

The change in policy regarding safety cells did not come in the wake of the Bryant or Butler incidents, Lubic said. Rather, it resulted from appellate rulings in other civil cases from around the country that stemmed from allegations of jail brutality or civil- rights violation.

In some of those cases, appellate courts ruled that inmates were placed in safety cells for the wrong reasons or under the wrong circumstances, or that the treatment they received was outside the bounds of proper jail practice.

Lubic said the sheriff's department routinely revises its policies, such as the one governing safety cells, in response to judicial rulings on matters pertaining to the department's daily business.

Butler, awarded \$1.1 million in July by a jury that believed he was beaten and had his civil rights violated while in jail, scoffed at the department's "so-called change in policy" and said he doubted it would make a difference in the treatment of inmates.

"It's not the policy that causes the problems, it's the people that cause the problems," Butler said. "It's not the safety cells, it's the jail. It doesn't just happen in those cells."

"They can change the policy all they want, but you have people there who have this psychological need to see fear in other people. People are still getting beat up in there. That hasn't changed. And I doubt a change in the letter of a policy on a piece of paper is going to make any difference."

Butler, a 60-year-old former Navy chaplain, was arrested in 1985 and held overnight in Vista jail on charges of resisting arrest and battery on a police officer after deputies complained he interfered with their work in a traffic accident in front of his Vista house. Butler was acquitted of those charges in a separate criminal trial.

In his trial, Butler contended the incident -- where he was placed in the safety cell, but was not forced to remove his

clothes - - contributed to a later heart attack, emotional breakdown and the failing of his construction business.

The Sheriff's Department denies any brutality or wrongdoing in Butler's case, as well as in Bryant's. In court, deputies named in the cases denied the alleged beatings and said they confined the two in padded cells because they were combative, belligerent and violent.

Bryant, a 32-year-old science teacher from Vista, was awarded \$332,000 last month by a jury who deemed she was beaten, left naked and had her constitutional rights violated after being confined in a safety cell after her 1987 arrest. Butler and Bryant contend they are among 100 or more area residents who have received such alleged treatment at the Vista jail in recent years.

Lubic maintained that force is used against inmates only when they themselves exert force and violence and need to be subdued. Lubic also speculated that Bryant's and Butler's allegations are exaggerated, partly because of their anger at simply being being arrested and booked into jail.

"Why would anyone want to be put into one of these (padded) cells when they could rationally be talked out of it?" Lubic asked. "We don't talk people into these. They more or less put themselves in these positions."

Countered Michael Crowley, one of Butler's attorneys and an attorney for the American Civil Liberties Union: "The Sheriff's Department says one thing and does another. They're just giving you a line when they say they've changed the policy. The juries recognized that what they put down on paper does not happen in actuality."

Credit: Tribune Staff Writer

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Abstract (Document Summary)

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