

The San Diego Union-Tribune.

Some cheer as deputies lose a suit | They also tell of mistreatment while in custody

The San Diego Union - San Diego, Calif.

By Valerie Alvord

July 15, 1990

When Judy Hejduk was allegedly beaten by deputies at the Vista County Jail four years ago, she vowed to seek justice.

Her final words as she left the jail were: "You will hear from me."

And on Friday, they did.

That is how the 41-year-old airline stewardess yesterday said she felt about **the \$1.1 million judgment won Friday by former Navy chaplain Jim Butler.**

A Superior Court jury concluded that two deputies battered the 60-year-old man in January 1985 after he walked to the scene of an accident to offer help.

The same jury voted that the county Sheriff's Department had a "written or unwritten policy, custom or practice of violating the rights of individuals." Then a smiling panel of jurors awarded Butler what is believed to be the largest judgment ever rendered in a San Diego police-brutality suit.

"I have a million words, but I just can't seem to say anything," Hejduk said yesterday from her Encinitas home. "Jim is a crusader and he's speaking for a lot of people that we know this has happened to. I'm sure there are even more out there that we don't know about.

"I just feel that for the first time since it happened to me, I can wave a flag again."

Hejduk said she was brutalized by deputies after she was arrested for driving under the influence of alcohol. However, she said she missed the filing deadline and was unable to sue the Sheriff's Department as she threatened to do when she left the jail, because her attorney had advised her not to file civil charges until the criminal charges were resolved.

Her friends told her to just forget about the incident and try to go on.

Yesterday Hejduk said she felt guilty when she later learned that there were more than 100 men and women countywide who alleged in newspaper articles and legal claims that they had been beaten by deputies. She believed that if she had followed through on her threat, others might have been spared experiences similar to hers.

"No one ever knows how you feel until it happens to you," Hejduk said. "You feel violated. You feel like they are selling away your beliefs -- like they are selling away what America stands for."

The San Diego Union-Tribune.

Others who have alleged mistreatment at the hands of deputies were heartened yesterday by the Butler verdict, saying it gave them the feeling that they themselves had received justice.

Meanwhile, some deputies interviewed yesterday said they felt betrayed and were upset by the fact that the verdict tainted not only the deputies who acted improperly, but the whole department.

"Brutal conduct is specifically forbidden by our policies," said a sergeant who has worked in many of the department's divisions, including Internal Affairs that investigates complaints about deputies.

"I felt saddened when I saw the judgment had gone that way," said the sergeant, who asked not to be identified. "I felt like it was a slap in the face. I hate to see that isolated incidents are taken as an indictment of the entire department. We have a lot of deputies who are acting properly. No one is taught to be abusive."

A San Diego attorney worried that in the rush to applaud the jury on its fairness toward Butler, the rights of the two deputies involved might be forgotten.

Deputies Robert Bishop and Bolitha Laws will be the subject of a court hearing Wednesday to determine if they should be made to pay punitive damages to Butler. They will be represented by the same deputy county attorney who defended them and the county in the monthlong trial that resulted in the \$1.1 million award to Butler.

Everett Bobbitt, an attorney for the Deputy Sheriff's Association, said yesterday that the deputies' best defense against punitive damages is the fact that the jury has concluded that the Sheriff's Department had policies and customs that fostered the violation of civil rights.

If the deputies' actions were based on such policies, Bobbitt said, then they shouldn't be held liable for the damages.

"But the county would not have an interest to show that it was bad policy that caused the deputies to act the way they did," he said.

Bobbitt said that if he were representing the deputies he would ask the jury to consider their personal situations and award only token damages to Butler who has "already said he's not in this for the money."

Besides the fact that the deputies were apparently basing their actions on bad policy, Bobbitt said, they "already have suffered enough."

He said Bishop is in the hospital recovering from a heart attack and that Laws has a sick wife who is scheduled for serious surgery the day after the court hearing.

However, there were some in the community who felt the verdict did not go far enough and that along with the two deputies, Sheriff John Duffy should be held personally liable.

The San Diego Union-Tribune.

"This is all John Duffy's fault and he should be criminally indicted," Herman Baca, chairman of the Committee on Chicano Rights, said yesterday. "This verdict is no different from what the Chicano community has been saying for years, that the Sheriff's Department had had a written or unwritten policy of violating rights.

"John Duffy is the author and architect of this policy and he should not be allowed to slip quietly into the dark."

Baca, who said his cousin died in a county jail after deputies applied a choke hold on him, declared that he isn't concerned by the fact that the county, hard-pressed for funds, will have to pay the \$1.1 million awarded Butler.

"It doesn't bother me," he said. "Rights are more important than money."

There is some question, however, whether Butler will get the total amount awarded by the jury. The county is deciding whether to appeal the verdict and even if the verdict withstands appeals, large awards are often reduced by judges.

Edward Wedbush, a successful Rancho Santa Fe business man, yesterday said he agreed with Baca that Butler should get the full amount.

Wedbush's sons Gary and Eric were college students when, they allege, deputies used excessive force to break up a Fourth of July beach party in Del Mar several years ago. Gary produced a number of witnesses who said deputies held him down while a police dog attacked him, biting his leg.

Both Eric and Gary said they were taken to the Vista jail where they were beaten and verbally abused by deputies. They filed a lawsuit which they later dropped, saying Duffy had personally met with them and promised to drop the criminal charges if they would drop the civil charges.

The problem was resolved, Wedbush said, but it took money to hire a lawyer, who had to make a number of court appearances.

"I felt good about the outcome of our case," he said. "But I felt bad knowing that given the economics available to the normal person, most people can't receive justice. What the Butler verdict will do is change the system, hopefully, so that justice will be available for more people.

"While I recognize that the money comes from the taxpayers, the real justice is that it will make the employees of this county more aware of their accountability."

Credit: Staff Writer

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