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Verdict furthers move for sheriff's review board | 'We had to send some kind of signal,' jurors say

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One of the jurors who last week awarded \$1.1 million to a former Navy chaplain who charged that he was beaten by sheriff's deputies said yesterday that the unprecedented amount was justified because "we had to send some kind of signal, some kind of message -- and money gets everybody's attention."

That was the opinion of Hubert Gift, one of nine jurors who concluded that the Sheriff's Department has a policy of violating the rights of individuals and that a hefty penalty should be assessed to deter future abuse.

Verdicts in civil cases are binding if at least nine jurors agree.

Gift said yesterday that he would be very unhappy if the county tried to reduce the verdict or get it overturned. "The Sheriff's Department has got to make changes," he declared. "People's civil rights should not be intentionally abused."

Gift was one of 12 jurors and two alternates who sat through a monthlong trial to determine if deputies battered 60-year-old Jim Butler, who responded to an automobile accident in front of his Vista house 5 1/2 years ago and was arrested on charges of interfering with deputies.

After less than two days of deliberation, the panel concluded last Friday that Deputies Robert Bishop and Bolitha Laws acted inappropriately in the incident, and that the Sheriff's Department had a "written or unwritten policy, custom or practice of violating the rights of individuals."

Gift said most of the jurors thought the department had an "unwritten policy to look the other way" when deputies used excessive force.

"There are a lot of things that I think need to be changed," he said, adding that he is a longtime supporter of law enforcement and he just wanted "to be fair."

"We didn't know how much money to award," Gift said, "but we wanted to send a message to the Sheriff's Department that we didn't think things were right."

But juror Ira Donahoe said he would not have voted to "give Butler 10 cents."

Donahoe said he believed the majority of the panel was "confused," adding: "I didn't believe he was entitled to anything. It was my opinion that he created the damage to himself."

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Donahoe said he and one other juror argued the opposition case strenuously, "to the point where I was losing credibility with them. Then they turn against you."

He said the majority of jurors "felt that there was some eye-winking going on in the department, that maybe you could do certain things and get away with it, because nobody cared. They wanted to send a strong message for a review board, and they felt they'd be better off taking the Sheriff's Department to task."

But Donahoe said he looked at the years of experience and the obvious dedication of the deputies and wondered "how anyone could come to the conclusion" that they would act inappropriately.

"If that had been going on, someone would have stopped it," he said.

Gift, meanwhile, said he was "extremely happy" that Butler decided to accept token damage payments of \$1 each from Bishop and Laws, instead of forcing them into a hearing to determine if they should pay punitive damages.

"I thought that was an excellent gesture," Gift said. "It shows that Mr. Butler is a good man."

He added that Butler's offer to give the county \$320,000 of the \$1.1 million award for a citizen's review board of the Sheriff's Department "shows he was in this for the principle."

Gift said he was particularly upset about a department policy that delays a review of complaints until all criminal charges against the person who complained are resolved. That often delays cases so long that they cannot be investigated properly.

Credit: Staff Writer