

Vista man wins \$1.1 million in brutality suit

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Concluding that San Diego County government has a practice of violating the constitutional rights of individuals, a Superior Court jury awarded a Vista man \$1.1 million in what may be the largest local jury verdict of its kind.

James Butler, 60, a former Navy chaplain in Vietnam, claimed he was beaten by sheriff's deputies during a 1985 arrest. Butler said he pursued his civil suit against the county government and the Sheriff's Department for more than five years because he thinks brutality by sheriff's deputies had gone unchecked.

"When I went overseas, I saw man's inhumanity to man. When I came back to San Diego, I didn't expect to see it among the sheriff's (deputies)," Butler said after the verdict was announced yesterday in Superior Court Judge Barbara Gamer's courtroom.

After deliberating for about a day and a half, jurors decided that Deputy Robert Bishop deprived Butler of his federal constitutional rights when he arrested him Jan. 19, 1985, and that Deputy Bolitha Laws violated Butler's rights after he was taken to the county jail at Vista.

The jury found no wrongdoing by three other deputies involved in the arrest and jail booking.

The jury found by a 9-3 vote that county government has a practice of violating the constitutional rights of individuals, and that the deputies were acting under that unwritten policy.

Butler embraced his attorneys, Michael Crowley and Tom Adler, upon hearing the jury's verdict, then covered his eyes with his hands.

Jurors were ordered to return to court Wednesday to determine the amount of punitive damages that the two deputies should individually be responsible for paying. They are prohibited from talking about the case until the trial concludes.

Deputy County Counsel David Florance said he will study the legal issues in the case before deciding whether to appeal the verdict.

Crowley said the verdict may be the largest against the county for an act of police brutality, although Florance said he was unsure of that. Crowley said the jury's verdict puts the Sheriff's Department on notice that brutal acts by law enforcement personnel will not be tolerated by the community.

"I think it sent a message. I think it's time to clean it up," Crowley said.

Testimony at the trial showed that long before Butler's arrest, he had frequently helped motorists who got involved in accidents outside a dangerous curve in front of his home on Foothill Drive in Vista. Deputies said they had complained

that Butler interfered with their work after an accident.

Bishop said that on the night of the arrest, he threw Butler to the ground after Butler slapped him. Bishop's partner, Reserve Deputy Richard Flores, said he saw Butler's hand go up and Bishop's glasses fly off, but said he did not see Bishop slapped.

Adler told jurors that Butler probably made the "felony mistake" of pointing his finger at a sheriff's deputy.

Florance told jurors that Butler was lawfully arrested by the officers.

"He should have been dealing with the city of Vista and not going out there repeatedly and interfering with the deputies doing their jobs," Florance said. "All that is required is a lawful arrest. If Deputy Bishop had a pretty good reason to arrest Mr. Butler, that is a lawful arrest."

Butler was charged with battery on a police officer and resisting arrest, charges of which he was later acquitted in a trial. When Butler was taken to the Vista jail, he refused to give his name.

Laws took Butler into a safety cell known as the "rubber room" at the jail, where Butler said Laws kicked his legs out from under him, and twisted his arm. A few minutes after emerging from the room, Butler gave his name to jail officials.

"It is clear from Deputy Laws' own testimony that he took him in there for the purpose of torturing him," Adler said.

Crowley said Butler suffered a nervous breakdown after he was arrested, and was hospitalized for eight days for depression.

Credit: Tribune Staff Writer

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Abstract (Document Summary)

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