



Posted on Sat, Mar. 24, 2012

# Lawsuit raises questions over treatment of mentally ill inmates at Sedgwick County Jail

By Tim Potter  
The Wichita Eagle

In the year before jail Deputy Manuel Diaz beat a mentally ill inmate named Edgar Richard Jr. unconscious, Diaz had been involved in 14 use-of-force incidents, a lawsuit says.

Diaz, outweighing Richard by at least 70 pounds, threw more than 20 punches, the lawsuit says. He broke Richard's jaw, exposing bone. The 25-year-old deputy continued to hit the 59-year-old after he lay unconscious on the cell floor, says the ongoing lawsuit, filed two years ago in federal court in Wichita. The injuries put Richard into an intensive care unit, and his hospital bill came to \$628,000.

A lawsuit filed in federal court over Richard's beating is raising questions about how hundreds of mentally ill inmates are treated in the county jail.

Richard's son, Ronell Richard, is suing Diaz, Sedgwick County, former Sheriff Gary Steed, current Sheriff Robert Hinshaw, Conmed, the contractor that operates the jail medical clinic, and others.

He is claiming, among other things, that they failed to supervise Diaz and failed to remove or suspend him for excessive force or misconduct.

Arthur Chalmers, an attorney for the sheriffs, has denied the allegations, including an accusation that Richard had been abused by other inmates and by jailers and a contention that Diaz had a bad reputation. Chalmers argued in court documents that "beating" is not the proper term because it "is used in the inflammatory sense." Chalmers argued that Steed and Hinshaw are "entitled to qualified or absolute immunity from plaintiff's federal law claims." The defendants deny that Richard was kept in an "isolation" cell.

Lawyers for Diaz, the county and Conmed declined to comment.

The problem goes beyond Diaz, who pleaded no contest to felony battery of Richard, the lawsuit says. It contends that Richard was among a “highly vulnerable” and “unprotected class” of mentally ill and disabled inmates “currently being denied their civil rights as it relates to treatment for their mental illness.”

Through the lawsuit, the plaintiff aims to get more information to “aid in ultimately protecting the rights of those hundreds of mentally ill inmates currently housed” in the jail. Up to 60 percent of the inmates are mentally ill, the lawsuit says.

Shortly after the beating, a court document says, an inmate told a sheriff’s detective that Richard had been knocking on his cell door, keeping other inmates awake, and they had joked with Diaz: “Just let us in there and beat his ass or something. So Officer Diaz said naw. Plus I don’t like paperwork, you know I’m gonna do it myself. I’m gonna make it worthwhile. ...”

Richard, who ended up in a nursing home, died of stomach cancer in February 2010, about two years after Diaz pummeled him.

#### Another lawsuit

By the time of his beating, in February 2008, Richard was not in touch with reality, partly because he was not taking his medication consistently while in jail, the lawsuit said. His condition also had deteriorated because he was kept in an isolation cell and tormented by other inmates who sprayed a chemical on him, spit on his food and in his face and called him vulgar names, the lawsuit said.

A Conmed medication aide who witnessed the beating said in a deposition that deputies and inmates picked on mentally disabled inmates.

There have been attempts to settle the lawsuit, and no trial date has been set. Lawyers continue to interview witnesses under oath, and the schedule for interviewing witnesses stretches into the fall.

Earlier this month, in another federal court case involving the jail, a jury cleared two Sedgwick County jail deputies who were defendants in a multimillion-dollar lawsuit over another inmate’s death, around the same time as Richard’s beating. In that trial, the question was whether the two deputies were deliberately indifferent to inmate Terry Bruner, who died after an infection overwhelmed his body.

In closing arguments in that case, plaintiff attorney Geoffrey Fieger said the case “doesn’t stop with these two jailers,” that it was part of a “systemic wrong.” Fieger, a high-profile lawyer from Detroit, also is listed as one of the

plaintiff's attorneys in the Richard case. Wichita lawyer Larry Wall, who is the lead lawyer in the Richard lawsuit, declined to comment.

Although Diaz was convicted of a felony in the beating and given 18 months of probation for reckless aggravated battery, the Sedgwick County sheriff's Professional Standards Unit and the FBI cleared Diaz, according to his deposition. How Diaz could be convicted but reportedly cleared in the other investigations is not clear.

The Sheriff's Office fired Diaz in October 2008 for breaking the law and "conduct unbecoming."

Steed, who hired Diaz and who was sheriff at the time of the beating, and Hinshaw, who is the current sheriff, knew Diaz had an anger problem and knew he had been involved in use-of-force incidents, the lawsuit said.

Richard's behavior

Richard had been on Social Security disability for more than 20 years at the time he was injured, and his IQ was low.

In October 2007, Richard, who had convictions for aggravated battery of a law enforcement officer and battery against a correctional officer, was in jail on a probation-violation charge. At the time of his beating, on Feb. 15, 2008, he was awaiting an evaluation of whether he was mentally competent to stand trial.

In jail, Richard acted strangely. Richard, who was African-American, referred to himself as the "Black Jesus," urinated under his cell door, danced around piles of toilet paper in his cell, stood on his bunk and yelled throughout the night and spoke gibberish over the intercom system.

His mental and physical health deteriorated while he was confined to an isolation cell, the lawsuit said. Jailers and other inmates "often covered the small window of Mr. Richard's isolation cell with paper while he was confined to it." He had been in solitary confinement for more than 120 days by the night Diaz struck him, in Pod 7, where about 55 other inmates were housed.

The jail medical clinic dispenses medication, and Richard didn't always take his.

The lawsuit said jail employees knew he was a mental patient and that he "could be verbally abusive and sometimes act in a threatening manner."

The combination of his isolation and inconsistent medication affected his mood and actions the night Diaz injured him, the lawsuit said.

In an Eagle article about two weeks after the incident, Hinshaw, then undersheriff, said Richard "started to get unruly and started to leave the cell," that a deputy tried to prevent Richard from leaving, and the altercation occurred. Hinshaw said then that deputies are trained in working with the mentally ill and that the jail meets national standards on correctional health care.

Diaz kept hitting Richard after another deputy asked him to stop, a court document said. A medication aide heard Richard's bones breaking, and inmates in the commons area of the pod also heard the blows. Richard lost consciousness. Blood covered the floor.

At his sentencing, the lawsuit said, Diaz said, "What I did that day was unreasonable and uncalled for." He apologized.

Reach Tim Potter at 316-268-6684 or [tpotter@wichitaeagle.com](mailto:tpotter@wichitaeagle.com).

© 2012 Wichita Eagle and wire service sources. All Rights Reserved.  
<http://www.kansas.com>

Like

Add New Comment

Login



Type your comment here.

Real-time updating is paused. (Resume)

Showing 12 comments

Sort by oldest first



Doedoe1

Bad folks belong in jail. Mentally ill folks belong in mental hospitals where they can be properly medicated and cared for and bad deputies belong in prison.

03/24/2012 06:01 PM 9 Likes Report Abuse

Like Reply



Work2SnowSki, :-;) MediaMatters=Jock Itch LOL

And criminally insane people belong in Separate institutions for the criminally insane.

03/24/2012 08:10 PM in reply to Doedoe1 1 Like Report Abuse

Like Reply



Doedoe1

You're right, they do.

03/24/2012 09:14 PM in reply to Work2SnowSki 1 Like Report Abuse

Like Reply



briand123

Hinshaw is a liar...No deputies are qualified to handle properly mental health inmates. Con med is a joke..They are over paid under qualified to be there..The system preys on the oppressed. Changes need to be made and fyi...there is a real good candidate running against Hinshaw. Vote for him.

03/25/2012 06:41 AM 2 Likes Report Abuse

Like Reply



Mav

briand123...Having just read some of your prior activity it appears to me that you may be employed as a Sedgwick County detention deputy. Are you part of the problem or just spouting off your pie hole?

03/25/2012 10:19 AM in reply to briand123 2 Likes Report Abuse

Like Reply



fantaz, People are seldom as bad or as good as their opinions

120 days awaiting trial for a PV seems abit long don't you think?.....!!!!

03/25/2012 10:43 AM 2 Likes Report Abuse

Like Reply



jdog

Sounds like they are having too many PV's. Send em up after the first instead of giving them 4 chances.

03/26/2012 11:11 AM in reply to fantaz 1 Like Report Abuse

Like Reply



jdog

Going to jail is a choice. If the treatment is not fair there then dont go.

03/26/2012 11:11 AM Report Abuse

Like Reply



Concerned\_Citizen

Just enforces my thoughts on the matter "We need to pass a law, to protect us from the law"

03/26/2012 12:51 PM Report Abuse

Like Reply



**Concerned\_Citizen**

"Going to jail is a choice" What a stupid statement.

03/26/2012 01:01 PM 1 Like Report Abuse

Like Reply



**otis**

Consider the source

Yesterday 01:38 PM in reply to Concerned\_Citizen Report Abuse

Like Reply



**FirstAmendmentFan**

Where's the community-member Task Force to investigate what's going on in that jail? How many deaths and lawsuits will it take to ensure these people are treated like human beings? What happened to the coalition of law enforcement to help mentally ill patients? Evidently the jail personnel weren't involved in the training? How's morale among the jailers and probation officers?

About the candidates -- if they, too, come from within the department, how will anything change?

03/26/2012 03:01 PM Report Abuse

Like Reply

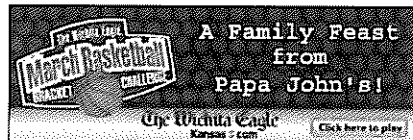
[Subscribe by email](#) [RSS](#)

[Woman is 51 But Looks 25](#)  
Mom publishes simple wrinkle secret that has angered doctors...  
ConsumerLifestyles

[Local Maps & Directions](#)  
Check Out Local.com For Businesses & Information In Your Area!  
Local.com

[Kansas Vacation Info](#)  
Free Kansas vacation information! Guides & travel brochures.  
TravelGuidesFree.com

Ads by Yahoo!



- MOST READ STORIES** | **NEW BLOG POSTS**
1. KU's Hinson, Manning could be on the move
  2. Bob Lutz looks at some K-State coaching options
  3. K-State: Someone discovered Samuels' wire transfer in trash
  4. Man arrested in human trafficking case involving runaway teen
  5. Couple who grabbed all the dryers angers apartment resident, police say
  6. Hiring Martin's replacement is Currie's first major test at Kansas State
  7. Child hit by car next to College Hill Elementary
  8. Second-grader hasn't taken off 'lucky jersey' since KU's first March Madness game
  9. Church, radio station to give away \$5,000 worth of gas Saturday
  10. Mega Millions jackpot largest ever at \$500M

**careerbuilder.com**

SEARCH FOR A JOB

keyword in Wichita, KS

TOP JOBS

- Procurement Agent Lead  
APEX ENGINEERING  
US-KS-Wichita
- LPNADMISSIONS COORDINATORSTAFF  
Wichita Presb Manor  
US-KS-Wichita
- OIL  
UELS  
US-KS-Wichita