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Sedgwick County, Sheriff's Office sued over beating of jail inmate

BY TIM POTTER
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A lawsuit accuses Sedgwick County and the Sheriff's Office of negligence in a mentally ill inmate's beating and alleges that they knew of a "de facto policy" of excessive force at the jail.

County Counselor Richard Euson said Wednesday: "We would adamantly deny any of those allegations, and we intend to do so" in a legal response to the lawsuit.

The lawsuit was filed recently in federal court by a survivor of a former jail inmate, Edgar Richard Jr. While being held on a probation violation and awaiting a mental evaluation, Richard suffered a beating by a jail deputy in February 2008 that fractured his jaw and left him in intensive care for weeks.

The lawsuit says Richard —59 at the time he was injured — was vulnerable because of a mental illness and that his mental health declined while he was held in an isolation cell.

In April 2009, Manuel Diaz, a former Sedgwick County detention deputy, pleaded no contest to aggravated battery for Richard's injuries.

Richard recently died of stomach cancer, said his lawyer, Larry Wall.

The lawsuit names as defendants: Diaz, Sedgwick County, the Sheriff's Office, Sheriff Robert Hinshaw and former Sheriff Gary Steed.

"The primary goal of this lawsuit was to improve safety of mentally ill prisoners," said Wall, who filed the lawsuit on behalf of Ronell Richard, Richard's son.

The lawsuit seeks punitive damages but doesn't specify an amount.

Hinshaw declined to comment on the lawsuit but said, "I'm fully prepared to address all the issues in the proper forum."

In the past, Hinshaw has said that the Sheriff's Office conducts screening and training aimed at preventing excessive force.

The lawsuit says that the county and Sheriff's Office have failed to adequately train and manage deputies at the jail so that they do not use excessive force.

It says the defendants "knew that a de facto policy existed ... that when inmates were injured by detention deputies that the inmate would be charged with a crime in order to justify the excessive and unlawful use of force by the detention deputy or jailer."

Before Diaz beat Richard, Steed and Hinshaw knew or should have known that Diaz "had an anger management condition," and that Diaz "had a reputation that made other employees reluctant to leave him alone with inmates," the lawsuit says.

It claims that the defendants knew or should have known that Diaz was not competent for his job before he was hired.

Neither Diaz nor his lawyer could be reached for comment.

The Sheriff's Office fired Diaz in October 2008 for breaking the law and for "conduct unbecoming," Hinshaw has said. Diaz had been a detention deputy for almost four years.

According to a prosecutor's courtroom account of the beating, Diaz confronted Richard after Richard cursed at an aide who was taking prescription medication to him and that when Richard became agitated, Diaz grabbed Richard by the throat and shoved him.

According to the prosecutor, after Richard fell to the floor, Diaz knelt beside him and hit him multiple times with his fist even though Richard was not resisting. Diaz continued to strike Richard after another deputy told Diaz to stop, the prosecutor said.

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