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# Court papers allege supervisors aware of abuse at Sedgwick County Jail

By Tim Potter  
The Wichita Eagle

Deputies at the Sedgwick County Jail held a contest making fun of mentally ill and disabled people, a sheriff's sergeant says in an affidavit recently filed in federal court.

The sheriff, undersheriff and supervisors knew about the September 2010 contest, said the statement from Sgt. Yolanda Collins. Her affidavit describes a culture that included beatings, abuse and neglect of inmates both before and after a former sheriff's deputy severely beat a 59-year-old mentally ill inmate, Edgar Richard Jr., in 2008.

In her 15 years with the Sheriff's Office, Collins said, it has been routine "to see mentally ill and mentally disabled persons described in derogatory terms in an open manner. ... Deputies would refer to mentally ill or retarded persons as mentals, crazies, retards and idiots."

Sheriff Robert Hinshaw said he and other sheriff's personnel can't comment on the accusations because of ongoing litigation. Attorneys for those being accused declined to comment or couldn't be reached.

Another affidavit, from a former inmate, makes similar accusations of demeaning and abusive treatment. The former inmate, who said he was in a cell next to Richard's at the time of the beating, said he had spent time in the state prison system and that the "Lansing prison is like Disneyland compared to Sedgwick County Jail."

The affidavits are part of an ongoing federal civil rights lawsuit by Richard's son against the sheriff, county commissioners and others over treatment of mentally ill and disabled inmates at the county-funded jail. The lawsuit has not specified monetary damages; the family has said its intent is to change conditions at the jail.

Collins said that the contest involved songs, slogans and “art” that ridiculed the mentally ill and that Undersheriff Michael Stover — second in command and over the office’s professional standards unit that investigates allegations of deputy misconduct — judged the “art” and gave an award.

During an October 2011 deposition, Stover denied knowing about any disrespect to disabled inmates, according to a court document filed by an attorney bringing the lawsuit.

In her affidavit, Collins said she had seen deputies use excessive force and inmates beat other inmates and nothing was done.

“A custom and a routine existed to allow some inmates to be beaten or roughed up. I heard of things like inmate on inmate beatings before, during and after Edgar Richard.”

The work atmosphere discouraged staff from reporting problems, she said. “If a deputy tells on another deputy, it is not looked at as doing the right thing. ... You are told at the jail soon after you arrive that you are here to take care of each other and snitches are not appreciated. ... About the only way a deputy would be found guilty of excessive force is if he or she said they did it or they were on someone’s list.”

Collins said she knew of deputies provoking altercations, and when the deputies got hurt, the inmates usually got charged with a felony.

It was the deputy’s word against the inmate’s, she said.

“It was common practice to not do fair investigations.”

Collins is on a leave of absence, a court document says. When contacted Wednesday, Collins said the leave stems from personal issues, not disciplinary reasons. She declined to comment beyond her statement.

Hinshaw, without elaborating, said: “Her being on leave is totally unrelated to this litigation.”

Richard, who according to the lawsuit was so mentally ill that he referred to himself as “the black Jesus” and was not in touch with reality at the time of his beating, was knocked unconscious and suffered a severely broken jaw. He ended up in a nursing home and died of stomach cancer in 2010, about two years after the beating.

Manuel Diaz, the deputy who repeatedly struck Richard, pleaded no contest and received 18 months of probation for reckless aggravated battery. The Sheriff’s Office fired Diaz in October 2008 for breaking the law and “conduct unbecoming.”

Gary Steed, who was sheriff at the time of the beating, and Hinshaw, a 32-year veteran of the department who was elected sheriff in 2008 and is now seeking re-election, knew Diaz had an anger problem, the lawsuit said. It said that in the year before the beating, Diaz had been involved in 14 use-of-force incidents.

#### Mentally ill jail population

Mentally ill and disabled people make up about half of the jail population, according to a court document. The average monthly number of inmates receiving psychiatric or mood-altering medications has risen over the years; it was 360 inmates a month in 2010. The average daily jail population for the month when Richard was beaten was 1,461.

Larry Wall, the lead plaintiff's attorney bringing the lawsuit, said in a May 25 court document that he has spent "several thousand hours" investigating the Richard case. Wall said he had taken more than 60 depositions and retained two private investigators.

"Early on in the litigation I heard that mentally ill and mentally disabled inmates were the subject of mental and physical abuse by both deputies and inmates in the jail," Wall wrote.

In her 15 years with the Sheriff's Office, Collins said, she received "minimal" training on how to interact with mentally ill or developmentally disabled inmates. The Sheriff's Office gave no training after Richard's beating to address it or lower the risk of it happening again, she said.

In an October deposition, Stover, the undersheriff, said he didn't know whether in 2007 and 2008, around the time of Richard's beating, detention deputies received training for dealing with mentally ill inmates in crisis.

#### 'Art' on display

According to Collins, the contest that demeaned the mentally ill involved teams of deputies. One team called itself "Team Short-bus," a derogatory term for the disabled, referring to shorter school buses often used to transport special-needs students. That team "made up songs and slogans that ridiculed the mentally ill," she said.

"This singing and chanting occurred in the squad room before during and at the conclusion of meetings. ... They had a contest." She said they drew pictures decorated with misspelled words and words written backward to ridicule the mentally ill and disabled.

"This 'art' was displayed and shown openly," including in the watch commander's office. Each day, she said, at least six watch commanders

would see the pictures, and top sheriff's officials regularly spent time in that office.

She said the practice continued until she made a complaint in November 2011, causing other sergeants to ostracize her.

Collins said a fellow sergeant, Robert Taylor, created the contest and was recently promoted to lieutenant.

A separate job discrimination complaint that Collins has filed with the Kansas Human Rights Commission said Taylor belittled people, without being disciplined, on at least two occasions. Once, in 2010, "he required some detention deputies with performance issues to carry yellow school bus lunch bags, mocking a 'short bus,'" said a document filed in April as part of the discrimination complaint. The document said a deputy reported the incident. Then, the document said, in December 2011, "at a formal meeting of Sedgwick County Jail employees, Taylor read a poem he had composed ridiculing and belittling retarded people."

#### Other abuse

In another statement recently filed as part of the lawsuit over the treatment of Richard, former inmate Gary Darby said he would be willing to testify that while he spent time in the jail in February 2008, he saw Taylor abuse inmates and curse at them in demeaning ways.

"I saw him grab inmates and slam them against the wall for no good reason. He provoked trouble. This was done openly and routinely. He is a bully of the worst kind. I was always afraid of him."

Darby said he saw "brass" in the booking area and that "they seem to enjoy" and be "amused when Taylor would manhandle an inmate. He picked on people who were drunk, slow-minded."

Darby, who has convictions for theft, burglary and attempted aggravated robbery, said that while he was housed in Pod 7, in a cell next to Richard, deputies put paper over Richard's cell window so he couldn't look out and others didn't have to look at him.

"I saw Edgar being tormented by other inmates in front of guards." Darby said he saw inmates provoke Richard and call him names, and "the guards would laugh."

Taylor said he saw Diaz hit Richard's head on a toilet. Later, he said, he told a detective about what he had seen, but the detective made clear to him that he should say he saw Richard try to choke the deputy. "She told me that a lot of people said that he did."

After the beating left a lot of blood in Richard's cell, he said, "the guard laughed (and) said the paper towels won't clean this up."

In his statement, Darby said that Wall, the attorney suing on behalf of Richard's son, used a private investigator to find him. Darby said he received a mileage and witness fee check for \$212.

"I did not want to be involved because Sedgwick County will make me pay," Darby said. "That is why I'm saying this here, so there is a record."

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