

Suit claims jail mistreats mentally ill

BY HURST LAVIANA
The Wichita Eagle

A former Sedgwick County Jail inmate who suffered permanent brain damage when he was beaten by a detention deputy has sued jail officials, claiming they are wrongfully housing mentally ill inmates in isolation cells.

The lawsuit, filed late Friday in Sedgwick County District Court on behalf of Edgar Richard, charged that jail officials condone an atmosphere of brutality and routinely lock the mentally ill in isolation cells.

"The injuries to Edgar Richard Jr. are severe and permanent," the lawsuit said. "The beating was done by a jailer that the defendants knew had

an anger management problem.

"Sedgwick County acted with deliberate indifference to Edgar's deteriorating mental condition caused by his environment."

Sedgwick County Sheriff Bob Hinshaw, who said he had not seen the lawsuit, declined to comment Saturday, citing a county policy not to comment on pending litigation.

County officials have admitted that the deputy who beat Richard acted improperly, and



Richard

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have fired him. What remains unresolved is the lawsuit's claim that the jail's treatment of mentally ill inmates can lead to a worsening of symptoms that can cause inmates to end up in violent confrontations with deputies.

Although the lawsuit does not say how much money it is seeking, it said Richard's medical bills from the beating exceeded \$700,000. Richard, 61, now lives in a nursing home.

Wichita lawyers Larry Wall and Tina Huntington, who filed the lawsuit, said Saturday that before the beating, Richard was held for more than four months in a cell with one window that was often covered by guards or other inmates.

"There is a history of locking up mentally ill prisoners in isolation cells," Wall said. "It's unnecessary, it's inhumane,

and it's uncalled for."

He said the county could easily find alternative placements for nonviolent inmates like Richard.

"He's not a master criminal," Wall said. "He's not a violent man."

Wall said it costs \$700 to \$800 a month to care for Edgar in a nursing home. He said it cost \$4,000 to \$5,000 a month to keep him in an isolation cell.

According to the lawsuit, Richard has been on Social Security disability for more than 20 years because of his mental illness.

The lawsuit cites police reports that show his legal problems began at 2:40 p.m. Oct. 3, 2006, when he approached a Wichita police car stopped at a light at K-15 and Hydraulic. The officer said Richard yelled through an open window, "Get out of your car. Get out of your car."

The officer pulled over after clearing the intersection, the lawsuit said, and Edgar had what appeared to be a steak knife in his back pocket.

"He was yelling for me to

just shoot him . . . that I needed to shoot him in the head," the officer said in her report.

When the officer ordered Richard to put down the knife, the report said, he pulled it from his pocket and threw it at her. She was struck in the stomach, the report said, but not injured.

The officer said she then pulled her gun and ordered Richard to put his arms in the air and get down on his knees. He complied.

Richard was convicted of aggravated battery on a law enforcement officer for that incident and a separate count of battery on a detention officer for striking a jailer three days after his arrest.

Richard was placed on probation on both cases, but was arrested again Oct. 5, 2007, on a probation violation. He was awaiting a mental evaluation on Feb. 15, 2008, when he was seriously injured in the confrontation with a deputy.

Sheriff's investigators have said the confrontation began when Richard cursed at an

aide who was distributing medication. He was told by detention Deputy Manuel Diaz not to address staff that way.

Richard became agitated, threw his cup of medication on the floor and grabbed Diaz by the throat, investigators said. Diaz shoved Richard into his cell, and Richard fell to the floor. Diaz knelt beside Richard and hit him multiple times with his fist, investigators said.

Diaz "kept on hitting him and hitting him," the aide said in a statement to investigators that was included in the lawsuit.

"You could just hear the bone crushing punches to his face. There was blood everywhere. Edgar wasn't moving or anything."

She said Diaz struck Richard about 20 times.

Diaz, 26, was fired and later pleaded guilty to aggravated battery for the incident. He was granted probation.

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