

THE REGION

Guards Win the First Round in Effort to Sue Prisoners Over Assaults

A Chino inmate is ordered to pay \$5,000 to a corrections officer, but other suits are in limbo.

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A Chino small claims court awarded a California prison guard \$5,000 this week in the first victory for a prison-worker rights group that has promised a wave of lawsuits against inmates who attack corrections officers.

However, the group's four other cases are in limbo in the Los Angeles County judicial system after questions arose about how to give incarcerated felons their day in civil court. Those questions, involving law and logistics, may determine the success of the 3,900-member California Staff Assault Task Force's efforts.

The group, which formed in October, maintains that prisoners are not adequately punished for attacking guards. As a deterrent, the task force is helping guards across the state file small civil suits that target inmates' pocketbooks — from their bank accounts outside prison to the meager "trust accounts" they use to buy food and supplies for their cells.

Lt. Charles Hughes, the task force president, called the Chino case a "great victory." But he said he was worried about the stalled cases in Los Angeles, and what they may mean for future cases.

"We just want our day in court," he said. "If inmates want to assault officers, we're going to take action to hold them accountable."

The Chino judge and the Lancaster commissioner who heard the cases differed on a key issue: whether inmates must be physically present in court to defend themselves in small claims cases.

In the Chino case, San Bernardino County Superior Court Judge Linda M. Wilde issued the \$5,000 default judgment Wednesday against inmate Glen T. Herring after he failed to appear, according to Darlene Vastine, a legal assistant for the court.

Herring was sued in March by Officer Stephen J. Clark, a guard at Chino's California Institution for Men, who alleged that the inmate came out of his cell and severely beat him on Aug. 13.

The court sent a written order to the inmate, informing him that he had been named as a defendant and giving him the option to tell his side of the story in a written declaration, Vastine said. The inmate never filed a declaration with the court, Vastine said.

It is unclear, however, if Herring received the order. It was sent by mail in March to the California Correctional Institution in Tehachapi, where the Corrections Department lists Herring as an inmate. At the time, he was at a county jail in Rancho Cucamonga awaiting trial on criminal assault charges for the beating incident, according to the San Bernardino County Sheriff's Department. A sheriff's spokesman could not say if the order was forwarded to Herring, and officials from the Tehachapi prison had no comment Thursday.

Herring has 30 days to challenge the judgment, Vastine said.

In Lancaster, Los Angeles Superior Court Commissioner Victor Reichman took a different approach to suits brought by four guards against two inmates at the state prison in Lancaster.

Initially, the commissioner ordered the inmates, Luis Gonzalez and George Jacobs, to appear in his courtroom. But the state attorney general's office argued that it would cost the state as much as \$714 to escort them to Reichman's courtroom, and suggested instead that the inmates be allowed to appear via telephone or closed-circuit television from the Lancaster prison, or that the proceedings be moved to a special courtroom at the prison.

At an April 12 hearing, Reichman said that he previously had allowed inmates to appear by telephone when they were the ones bringing the lawsuits. But in these cases, he said, they were defendants who could lose their funds to buy extra food and supplies.

"I need to look the prisoner or the inmate in the eye when he is testifying that he didn't assault the plaintiffs, if that's what his testimony is going to be," said Reichman, according to a court transcript. "He needs to be present in a case of this significance, in my opinion."

Reichman canceled the trial date set for today and stayed the case until the defendants were released from prison — Jacobs, for one, is serving a 30-year sentence for murder. But Reichman also said he would set a new trial date if the officers paid the cost of bringing the prisoners to court. The costs, he said, could be recouped if the officers won their case.

Hughes, the task force president, has refused to pay the costs and criticized Reichman for "trying to obstruct justice."

R. Rex Parris, the Lancaster attorney advising the group, said the officers may refile the cases in another court.

Parris thinks inmates should be able to testify over the phone. But Steve Fama, an attorney with the Prison Law Office — a group that provides free legal services to inmates — said the courts have established that prisoners in civil cases deserve a "meaningful right to be heard." And in these cases, Fama said, that should include appearing in person in the courtroom.

Meanwhile, Clark, 35, is hoping his victory in Chino will result in a court order that will deprive his alleged attacker of the money to buy snacks. "It's a way to make these guys realize there are consequences," he said.