

| **EMBARGOED UNTIL 10:30 AM JANUARY 18, 2012**

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situated

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALEX ROSAS and JONATHAN
GOODWIN on behalf of themselves
and of those similarly situated,

Plaintiff,

vs.

LEROY BACA, Sheriff of Los Angeles
County Jails; PAUL TANAKA,
Undersheriff, Los Angeles Sheriff's
Department; CECIL RHAMBO,
Assistant Sheriff, Los Angeles Sheriff's
Department; and DENNIS BURNS,
Chief of the Custody Operations
Division, Los Angeles Sheriff's
Department,

Defendants.

CASE NO.

**COMPLAINT FOR INJUNCTIVE
RELIEF**

COMPLAINT FOR INJUNCTIVE RELIEF

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COMPLAINT FOR INJUNCTIVE RELIEF

1 **I. JURISDICTION AND VENUE**

2 1. This action is brought pursuant to the Eighth and Fourteenth
3 Amendments to the Constitution of the United States, and to 42 U.S.C. § 1983.
4 This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343(a).

5 2. Venue is proper in the United States District Court for the
6 Central District of California pursuant to 28 U.S.C. § 1391.

7 **II. STATEMENT OF THE CASE**

8 3. Plaintiffs Alex Rosas and Jonathan Goodwin are inmates in the
9 custody of Sheriff Leroy Baca in the Los Angeles County Jails. Rosas and
10 Goodwin have been beaten and threatened with violence by deputies of the Los
11 Angeles County Sheriff's Department (the "Department" or "LASD"). Mr. Rosas
12 and Mr. Goodwin have also witnessed deputies beating other inmates. The abuse
13 Rosas and Goodwin have suffered and witnessed is typical of the abuse inflicted by
14 deputies on countless other inmates in the Jails, and is part of a pattern and practice
15 of deputy-on-inmate violence that has persisted for many years. In the last few
16 years alone, there have been dozens of documented cases of extreme and unjustified
17 violence by deputies against inmates. Defendants are aware of the culture of
18 deputy violence that pervades the Jails but have failed to take reasonable measures
19 to remedy the problem. Plaintiffs charge Sheriff Leroy Baca, Undersheriff Paul
20 Tanaka, Assistant Sheriff Cecil Rhambo, and Chief of Custody Operations
21 Department Dennis Burns¹ with violations of Plaintiffs' Eighth and Fourteenth
22 Amendment rights to reasonable protection from violence and excessive force.
23 Plaintiffs bring this action on behalf of themselves and other current and future
24 inmates in the Los Angeles County Jails, seeking injunctive and declaratory relief.

25 4. Los Angeles County has the largest jail system in the world,

26 ¹ "Defendants" collectively refers to Leroy Baca ("Sheriff Baca"), Paul Tanaka
27 ("Undersheriff Tanaka"), Cecil Rhambo, and Dennis Burns ("Chief Burns").
28 Defendants are Los Angeles County officials responsible for policies governing the
conduct of LASD deputies and for the safety of the inmates in their custody in the
Los Angeles County Jails.

1 with an average daily population of approximately 15,000 inmates. The great
2 majority of the inmates are pre-trial detainees who are not being held pursuant to a
3 criminal conviction. Deputy violence against inmates in the Los Angeles County
4 Jails is commonplace, but it is especially pervasive in three facilities that comprise
5 a single complex on Bauchet Street in downtown Los Angeles: Men’s Central Jail,
6 Twin Towers Correctional Facility (“TTCF”) and the Inmate Reception Center
7 (“IRC”) (collectively, “the Jails”).

Comment [PE1]: Insert from Vera that many are low level offenses, etc.

8 5. Inmates in the Jails live in fear of deputy violence. It is
9 commonplace for deputies to subject unresisting inmates to grossly excessive force
10 by slamming inmates’ heads into walls, punching them in the face with fists,
11 kicking them with boots, and shooting them multiple times with tasers – and for
12 these beatings to result in serious injuries to the inmates, including broken legs,
13 fractured eye sockets, shattered jaws, broken teeth, severe head injuries, nerve
14 damage, dislocated joints, collapsed lungs, and wounds requiring dozens of stitches
15 and staples. Deputies sadistically beat inmates with serious mental illness. They
16 beat inmates who are already in fragile medical condition, including inmates in
17 wheelchairs. Deputies have beaten inmates for asking for medical treatment, for
18 the color of their skin, or for no apparent reason at all. Deputies also enlist and
19 encourage other inmates to carry out savage attacks.

20 6. Many of the beatings that routinely occur in the jails are far
21 more severe than the infamous 1991 beating of Rodney King by members of the
22 Los Angeles Police Department. The violence is not the work of a few rogue
23 deputies. Rather, it is a systemic problem that has continued unchecked for
24 decades.

25 7. Many deputies belong to gangs inside the Jails. Like members
26 of street gangs, these deputies sport tattoos to signal their gang membership. They
27 beat up inmates to gain prestige among their peers, and “earn their ink” by breaking
28 inmates’ bones. They seek to control the Jails, and to a significant degree they do

1 control the areas where they work.

2 8. The “3000 Boys” is one such deputy gang, named for the third
3 floor of Men’s Central Jail where its members work. Members of the 3000 Boys,
4 who sport a “3000” tattoo on the backs of their necks, inflict violence on inmates,
5 foment violence among inmates, and even deploy violence on other deputies who
6 resist their abusive practices. A similar deputy gang operates on the second floor of
7 Men’s Central Jail. On information and belief, members of the “2000 Boys”
8 designate their gang membership with tattoos of a Roman numeral “II” on their
9 legs. Violent deputy gangs have operated in the LASD at least since the 1980s and
10 perhaps since the early 1970s. The 3000 Boys and 2000 Boys have been operating
11 with Defendants’ knowledge and acquiescence.

12 9. Defendants’ ongoing failure to halt these abuses has
13 communicated to the deputy gangs that they can carry out brutal assaults on inmates
14 with perfect impunity. In fact, Defendants’ permissiveness has so emboldened the
15 deputy gangs that they have begun to carry out their brutal assaults on inmates more
16 and more openly, and even in the presence of civilian volunteer workers in the Jails.
17 Jail chaplains and the court-appointed jail monitors of the American Civil Liberties
18 Union (“ACLU”) have provided eyewitness accounts of deputies beating non-
19 resisting inmates in the Jails.

20 10. There is a widespread fear among inmates of reporting deputy
21 misdeeds to the ACLU or anyone else, because deputies regularly retaliate against
22 those who lodge complaints, with beatings, strip searches, body cavity searches,
23 destructive cell shake-downs, confiscation of belongings, and trumped-up
24 disciplinary and criminal charges.

25 11. Defendants and all of the high-ranking officials in the
26 Department are aware – and in the case of at least three of them have been aware
27 for years – of the pattern of deputy violence, intimidation, and retaliation against
28 inmates. It has been publicly reported, documented, and condemned on scores of

1 occasions during the past twenty years. Starting in 2006, a captain and a now-
2 retired commander, both in the custody division, have reported to Defendants
3 problems with deputy gangs and deputies engaging in excessive and unnecessary
4 force, but Defendants did not take appropriate steps to address the problem. Sheriff
5 Baca, Undersheriff Tanaka, Chief Burns, and other supervisors in these jails and at
6 the highest levels of the Department have acquiesced in, fostered, and implicitly
7 authorized the abuse by failing to promulgate adequate policies on the use of force,
8 failing to adequately train and supervise deputies in the face of historical and
9 continued evidence of abuse, failing to conduct meaningful investigations of reports
10 of excessive force, failing to hold guilty deputies accountable, and ignoring
11 evidence that deputies and other Department officials are covering up incidents of
12 excessive force.

13 12. In 1992, the prestigious Kolts Commission – formed at the
14 behest of the Los Angeles County Board of Supervisors to conduct a review of the
15 policies, practices, and procedures of the Sheriff’s Department – issued a scathing
16 report documenting numerous incidents of excessive force, lax discipline, and the
17 presence of deputy gangs. The Kolts Report resulted in the appointment of Special
18 Counsel to the Board of Supervisors for Oversight of the Sheriff’s Department,
19 Merrick Bobb. Bobb issued 30 semi-annual reports between 1993 and 2011. The
20 County’s Office of Independent Review (“OIR”), headed by Michael Gennaco, has
21 repeatedly reported incidents of serious abuse to Sheriff Baca. The ACLU, which
22 serves as class counsel to all detainees in Los Angeles County Jails in *Rutherford v.*
23 *Baca*, No. 75-04111 (C.D. Cal.), and which has been appointed by the District
24 Court in that case to monitor conditions in the Los Angeles County Jails, has
25 submitted multiple reports to Sheriff Baca over several years, documenting more
26 than 70 cases of extreme deputy-on-inmate violence.

27 13. Despite Sheriff Baca’s actual knowledge of this pattern of
28 violence and cover-ups, he has failed over a period of many years to take

1 reasonable measures to halt the abuses. Even now that the pervasiveness and the
2 extraordinary brutality of the deputy-on-inmate abuse has become common
3 knowledge through the release of reports by the ACLU, Sheriff Baca has left in
4 place his principal subordinates in charge of supervising the Custody Division of
5 the Sheriff's Department, Undersheriff Paul Tanaka and Chief Burns, who have
6 day-to-day responsibility for ensuring the inmates' safety, and under whose regime
7 this pattern of abuse has flourished.

8 14. The ultimate goal of this lawsuit is to end the longstanding
9 pattern of deputy-on-inmate abuse by requiring Defendants to put in place a system
10 of accountability, which they have for so long failed to do. That system must
11 include, at minimum, adequate policies on the use of force, proper training on the
12 policies, proper supervision of deputies, thorough review of use of force incidents,
13 and appropriate discipline for improper use of force or failure to report its use.

14 **III. PARTIES**

15 15. Plaintiffs Rosas and Goodwin are inmates in the custody of the
16 LASD who were previously housed in Men's Central Jail and are currently housed
17 in Twin Towers. Plaintiffs have been subjected to deputy violence and threats of
18 violence and they have witnessed deputies violently abusing other inmates. They
19 are at continuing risk of being subjected to deputy violence as a result of
20 Defendants' acts and omissions.

21 16. Defendant Leroy Baca has been the Sheriff of Los Angeles
22 County since 1998. As Sheriff, he is the chief executive officer of the LASD. By
23 California law, the Sheriff is answerable for the safekeeping of the inmates in his
24 custody. Cal. Gov't Code §§ 26605, 26610; Cal. Penal Code § 4006. Sheriff Baca
25 is responsible for the management and control of all Los Angeles County Jails, and
26 for all matters relating to the selection, supervision, promotion, training, and
27 discipline of the uniformed staff, including the supervisory security staff, of the
28 County Jails. He is also responsible for the care, custody, and control of all inmates

1 housed in the Department's Jails. Sheriff Baca is regularly provided with reports of
2 applications of force, allegations of unreported and excessive use of force, and
3 other breaches of security in the County Jails. Plaintiffs sue Sheriff Baca in his
4 official capacity.

5 17. Defendant Paul Tanaka is Undersheriff of the LASD. He serves
6 as Second-in-Command of the Department and oversees its daily operations. Along
7 with Sheriff Baca, Undersheriff Tanaka is also responsible for the care, custody,
8 and control of all inmates housed in the Department's Jails. Plaintiffs sue
9 Undersheriff Tanaka in his official capacity.

10 18. Defendant Cecil Rhambo is one of two Assistant Sheriffs of the
11 LASD. He oversees the leadership of the Department's Custody Division, among
12 other responsibilities. Plaintiffs sue Assistant Sheriff Rhambo in his official
13 capacity.

14 19. Defendant Dennis Burns has been employed by the LASD for
15 more than 36 years. He is currently assigned as the Chief of the Custody
16 Operations Division which, along with the Correctional Services Division, is
17 responsible for the operation of the Los Angeles County Jails. The responsibilities
18 of the Custody Operations Division include the tracking of violent incidents and the
19 formulation of responses designed to protect the personal safety of Department staff
20 and inmates in its custody. He has formerly served as Captain of the LASD's
21 Internal Affairs Bureau ("IAB"), which is responsible for conducting administrative
22 investigations against Department members who have engaged in misconduct by
23 violating the Department's policies and procedures. Plaintiffs sue Chief Burns in
24 his official capacity.

25 20. All Defendants are sued in their official capacities for
26 declaratory and injunctive relief. At all times referred to in this complaint,
27 Defendants were acting within the scope of their employment as employees of the
28 Department, and acting under color of state and municipal law.

1 **IV. FACTUAL ALLEGATIONS**

2 **A. There Is A Longstanding, Pervasive, And Notorious Culture,**
3 **Pattern, And Practice Of Deputy Violence Against Inmates In The Los Angeles**
4 **County Jails**

5 **(1) Numerous Reports By Independent Observers Have**
6 **Documented A Longstanding Pattern And Practice Of Deputy-On-Inmate**
7 **Violence And Recommended Changes In Policies That Defendants Have Not**
8 **Implemented**

9 21. There is a longstanding pattern and practice in the Los Angeles
10 County Jails, and particularly in the Jail Complex in downtown Los Angeles, of
11 deputy-on-inmate violence and deputy-instigated inmate-on-inmate abuse.
12 Multiple oversight and monitoring agencies, including the U.S. Department of
13 Justice, the LASD's OIR, the Special Counsel to the Los Angeles County Board of
14 Supervisors for oversight of the Sheriff's Department, and the ACLU, have issued
15 reports on the use of excessive force and other abuses by the LASD against the
16 inmates in its custody and in many cases made recommendations to address the
17 problem.

18 22. According to Thomas Parker, a former FBI agent and Assistant
19 Special Agent in Charge of the Bureau's Los Angeles Field Office, who oversaw
20 the FBI investigation into the force, "There is at least a two-decade history of
21 corruption within the ranks of the LASD. . . .[N]o one at the command level . . .
22 appears to have been held accountable and appropriately punished for failure to
23 properly supervise and manage their subordinate personnel and resources. In my
24 opinion, this has provided the 'seedbed' for continued lax supervision, violence,
25 and corruption within LASD and the county jails it administers." Sheriff Baca and
26 other LASD officials have "essentially abdicated their responsibilities to provide a
27 safe, secure, and corruption-free incarceration environment within the Los Angeles
28 County Jail System." The result, Mr. Parker concluded, is a pattern of inmates
"suffering severe injuries, maiming, and death, some caused by fellow inmates, but

1 most often at the hands of, or with the acquiescence or assistance of, the deputy
2 sheriffs who are their keepers.” Mr. Parker states, “I have never experienced any
3 facility exhibiting the volume and repetitive patterns of violence, misfeasance, and
4 malfeasance impacting the Los Angeles County Jail system.”

5 23. In May 1990, the *Los Angeles Times* published an investigative
6 report disclosing that excessive force cases represented three-fourths of all major
7 legal settlements and jury awards over a three-year period; that half of the deputies
8 involved in major cases had been sued in the past for brutality; and that one training
9 officer had been sued ten times in ten years. The newspaper quoted sources
10 familiar with the Department who claimed that a code of silence made deputies
11 reluctant to testify against fellow officers, even those who repeatedly used
12 excessive force. The Department kept no separate records of the deputies who were
13 sued for excessive force or the outcomes of the suits.²

14 24. In 1989, the Los Angeles County Board of Supervisors formed a
15 blue-ribbon commission to conduct a review of “the policies, practices and
16 procedures of the Sheriff’s Department, including recruitment, training, job
17 performance and evaluation, record keeping and management practices, as they
18 relate to allegations of excessive force, the community sensitivity of deputies and
19 the Department’s citizen complaint procedure.” The Board of Supervisors
20 appointed the late Judge James G. Kolts (“Kolts”) as Special Counsel to the Board.
21 Kolts was a former star prosecutor and a highly respected former Los Angeles
22 County Superior Court judge. The team Kolts assembled for this project became
23 known as the Kolts Commission. In July 1992, after an extensive investigation, the

24 _____
25 ² Merrick Bobb, Police Assessment Resource Center (“PARC”), *10th Semiannual*
26 *Report* 12 (Feb. 1999), available at
27 http://www.parc.info/client_files/LASD/10th%20Semiannual%20Report.pdf (citing
28 Daryl Kelley & Victor Merina, *Alleged Brutality by Deputies Costs County: Law Enforcement: Excessive-Force Lawsuits Have Nearly Doubled in Recent Years. Sheriff Block Stands by Department Policies and His Officers*, *Los Angeles Times*, May 27, 1990, at A1, available at http://articles.latimes.com/1990-05-27/news/mn-514_1_excessive-force).

1 Kolts Commission issued a scathing 359-page report (the “Kolts Report”).³ The
2 Kolts Report detailed a history of excessive use of force and lax discipline within
3 the LASD, and concluded that the Department had failed to reform itself. The
4 Commission recommended civilian monitoring of the LASD.⁴

5 25. In January 1993, the Board of Supervisors passed a resolution to
6 carry out the recommendations of the Kolts Commission, and the Board retained
7 Special Counsel, Merrick J. Bobb, to monitor LASD’s compliance with the Kolts
8 Report and to report to the Board semi-annually regarding such compliance.⁵ Bobb
9 continues to serve to this day as Special Counsel to the Los Angeles County Board
10 of Supervisors, and remains the Board of Supervisors’ monitor of the LASD and its
11 operations.⁶

12 26. In his fourth Semiannual Report, dated June 1995, Special
13 Counsel Bobb reported the following:

14 27. “[W]e continued to find too many cases involving unnecessary
15 force in responses to verbal taunts or passive noncompliance. Most of these
16 incidents arose in the jails, where we found a substantial number of instances where
17 deputies appear to over-react to apparently slight provocations, like stepping out of
18 the chow line, by shoving the inmate against the wall or slapping him in the face.”
19 Further, the use of “transparently phony pretext[s] (‘the suspect stared at me
20 aggressively’) to justify or excuse unnecessary or excessive force . . . is still
21 practiced to an uncomfortable and unacceptable degree in the custody setting.”⁷

22 28. “[W]e do not believe that The Department has yet implemented

23
24 ³ James G. Kolts, *Kolts Report* (July 1992), available at
[http://www.parc.info/client_files/Special%20Reports/3%20-](http://www.parc.info/client_files/Special%20Reports/3%20-%20Kolts%20Report%20-%20LASD.pdf)
25 [%20Kolts%20Report%20-%20LASD.pdf](http://www.parc.info/client_files/Special%20Reports/3%20-%20Kolts%20Report%20-%20LASD.pdf).

26 ⁴ *Id.* at 4, 345-49.

27 ⁵ Merrick Bobb, PARC, *1st Semiannual Report 1* (Oct. 1993), available at
http://www.parc.info/client_files/LASD/1st%20Semiannual%20Report.pdf.

28 ⁶ Merrick Bobb, PARC, *30th Semiannual Report* (Sept. 2011), available at
http://www.parc.info/client_files/LASD/30th%20Semiannual%20Report.pdf.

⁷ Merrick Bobb, PARC, *4th Semiannual Report 15* (June 1995), available at
http://www.parc.info/client_files/LASD/4th%20Semiannual%20Report.pdf.

1 the Kolts recommendations with respect to force investigations.”⁸

2 29. “In its analysis of over 1,000 force-related investigations
3 spanning a five-year period, the Kolts Report concluded that the Department was
4 too lenient in the way it disciplined officers found to have engaged in excessive
5 force. The situation has not changed very much. . . . [C]aptains remain disinclined
6 to impose substantial penalties for serious misconduct.”⁹ “[W]e continue to find
7 cases in which the decision to exonerate the officer [in excessive force cases]
8 simply defies explanation, and there are still incidents, *almost all in the custody*
9 *setting*, where the use of force is either senseless or overly severe.”¹⁰

10 30. In a 1997 letter from the Acting Assistant Attorney General of
11 the Civil Rights Division of the U.S. Department of Justice (“DOJ”) to the then-Los
12 Angeles County Executive, Joanne Sturges, the DOJ reported that “Inmates who are
13 mentally ill or housed in mental health housing are subject to an unacceptably high
14 risk of physical abuse and other mistreatment at the hands of other inmates and
15 custodial staff. Moreover, the Jail does not adequately investigate allegations of
16 abuse against its inmates.”¹¹ The DOJ reported that they had “received numerous
17 reports from inmates and advocates regarding serious physical abuse of inmates in
18 mental health housing . . . including kicks, punches, beatings, and sexual assaults.
19 Although the Jail claims that it has discounted some of these claims . . . the
20 investigation of these claims was inadequate and serious questions remain
21 regarding the extent of physical abuse of mentally ill inmates. We agree with
22 Special Counsel Merrick Bobb’s finding that in the Jail ‘there is callous treatment
23 [of inmates] at times, a problem that LASD management knows about but has not
24 acted sufficiently aggressively to resolve.”¹² Furthermore, “[t]he Jail’s failure to

25 ⁸ *Id.* at 19.

26 ⁹ *Id.* at 22.

27 ¹⁰ *Id.* at 20-21 (emphasis added).

28 ¹¹ Letter from Isabelle Katz Pinzler, Civil Rights Division, USDOJ, to Joanne Sturges, Los Angeles County Executive, *CRIPA Investigation of Mental Health Services in the Los Angeles County Jail* 17 (Sept. 5, 1997).

¹² *Id.* at 17-18 (citing Merrick Bobb, PARC, *6th Semiannual Report* 11-13 (Sept.

1 investigate promptly and thoroughly allegations of abuse against mentally ill
2 inmates, and its failure to take appropriate action in response to incidents of abuse,
3 enables the abuse of these inmates to continue.”¹³ The report also stated, “The
4 treatment received by one inmate indicates that excessive use of force and physical
5 mistreatment of inmates with mental illnesses may be in part the result of
6 inadequate training.”¹⁴

7 31. In his tenth Semiannual Report, dated February 1999, Special
8 Counsel Bobb pointed to a long list of recent crises on the custody side of the
9 Department, including “troubling inmate deaths at the hands of custody
10 personnel[,]” “inmate on inmate violence[,]” and “vigilante-like behavior at Twin
11 Towers.”¹⁵

12 32. On December 19, 2002, the Los Angeles County and the United
13 States entered into a Memorandum of Agreement Regarding Mental Health
14 Services at the Los Angeles County Jail (“MOA”).¹⁶ Sheriff Baca was one of the
15 signers of the MOA, which was entered into “to avoid potential litigation
16 concerning the mental health services at the Jail.”¹⁷ Among the provisions in the
17 MOA were ones addressing training of correctional staff in “professional and
18 humane treatment of mentally ill inmates,” and the prevention and investigation of
19 abuse of mentally ill inmates.¹⁸

20 33. In March 2003, the US DOJ sent to County Counsel a
21 compliance letter on the 2002 MOA about treatment of the mentally **compliance**
22 **letter**. The letter concluded that the Sheriff’s Department was not in compliance
23 with the requirement of the MOA that LASD “provide mandatory orientation and

24 1996)).

25 ¹³ *Id.* at 21.

26 ¹⁴ *Id.* at 18.

27 ¹⁵ Merrick Bobb, *supra* note 2, at 17.

28 ¹⁶ Memorandum of Agreement Between the United States and Los Angeles County,
California Regarding Mental Health Services at the Los Angeles County Jail,
available at http://www.justice.gov/crt/about/spl/documents/lacountyjail_mh.php.

¹⁷ *Id.*

¹⁸ *Id.*

1 continuing competency-based training for correctional staff in the identification and
2 custodial care of mentally ill inmates including, but not necessarily limited to
3 a. interpreting or responding to bizarre or aberrant behaviors,
4 b. recognizing and responding to indications of suicidal thoughts,
5 c. proper suicide observation,
6 d. recognizing common side effects of psychotropic medications,
7 e. professional and humane treatment of mentally ill inmates, and
8 f. response to mental health crises including suicide intervention and
9 cell extractions.”

10 34. In November 2004, Special Counsel Merrick Bobb presented to
11 Sheriff Baca and the Board of Supervisors a confidential report finding that “Los
12 Angeles County’s largest jail is so outdated, understaffed and riddled with security
13 flaws that it jeopardizes the lives of guards and inmates.”¹⁹ The report concluded
14 that Men’s Central Jail suffers from “lax supervision and a long-standing jail
15 culture that has shortchanged accountability for inmate safety and security.”²⁰

16 35. In his nineteenth Semiannual Report, dated February 2005,
17 Special Counsel Merrick Bobb noted:

18 From the Kolts Report onward, there has been a
19 paradoxical contradiction between Internal Affairs
20 investigations that exonerated the officer and litigation
21 arising out of the same incident that cost the County
22 substantial money in settlement and judgments. Those
23 same disparities continue to exist after 2003 and 2004. . . .
24 While at times one might find instances in which the
25 County’s lawyers have unwisely settled, it is far more
26 common to find cases where the LASD let an officer off
27 the hook when a judge or jury would not. We can only

26 ¹⁹ Jack Leonard & Richard Winton, *L.A. Jail Called Deadly, Outdated*, Los Angeles
27 Times, Feb. 3, 2005, available at <http://articles.latimes.com/2005/feb/03/local/me-jail3> [hereinafter *L.A. Jail Called Deadly, Outdated*].

28 ²⁰ Megan Garvey & Richard Winton, *Critics of Jails Voice Alarm*, Los Angeles
Times, Feb. 14, 2006, available at <http://articles.latimes.com/2006/feb/14/local/me-jails14>.

1 say as we have in the past that these disparities “fuel[] the
2 fire of those who would strip the Sheriff of the privilege
3 of investigating and disciplining his own employees.”
(citing the Fifteenth Semiannual Report at 73).²¹

4 36. In June 2008 the ACLU issued a report by Dr. Terry Kupers, an
5 expert on mental illness among incarcerated populations.²² The report was filed in
6 the *Rutherford* litigation, served on Sheriff Baca’s counsel, and sent directly to a
7 number of high-ranking officials in the LASD Custody Division. In his report
8 Dr. Kupers made a number of conclusions including: “[A]t the Los Angeles
9 County Jail the claims by prisoners [of abuse by deputies] are so widespread, and
10 the reports of abuse so consistent among multiple reporters, that it seems very
11 likely there is an unacceptably high incidence of custodial abuse. Multiple
12 prisoners have told me about abuse they have undergone or witnessed, and most say
13 it is disproportionately directed at prisoners with serious mental illness.”²³
14 Dr. Kupers also opined that the problem “is made worse by inappropriate un-
15 diagnosing and consignment of prisoners suffering from serious mental illness to
16 general population housing.”²⁴ Dr. Kupers further found that “there seems to be
17 very little mental health training for most other officers, and given the fact that
18 officers work over-time in most assignments, this means that prisoners with mental
19 illness outside of Tower 1 are often guarded by officers with little or no training in
20 mental health.”²⁵ He also found “disturbing evidence of custodial abuse of
21 prisoners with serious mental illness,” and “crowding and idleness at every level[]
22 further exacerbate the problems.”²⁶

23 37. Dr. Kupers also made numerous recommendations to address

24
25 ²¹ Merrick Bobb, PARC, *19th Semiannual Report* 38 (Feb. 2005), available at
http://www.parc.info/client_files/LASD/19th%20Semiannual%20Report.pdf.

26 ²² Terry A. Kupers, Report on Mental Health Issues at Los Angeles County Jail
(June 27, 2008), available at <http://www.aclu-sc.org/documents/view/173>.

27 ²³ *Id.* at 41.

28 ²⁴ *Id.*

²⁵ *Id.* at 21.

²⁶ *Id.* at 44.

1 the serious problems he found with the treatment of mentally ill prisoners including
2 that “[a]ll officers . . . be required to undergo intensive training in working with
3 prisoners with mental illness” and that jail officials “halt custodial abuse” by
4 implementing “zero tolerance from the top, education for prisoners about their
5 rights and the grievance process, training and support to encourage staff to report
6 abuse by other staff, a confidential complaint system that fosters prisoner trust and
7 action, and prompt and thorough investigation with appropriate consequences for
8 offending staff.”²⁷

9 38. In April 2010, a Los Angeles County Sheriff’s deputy, Joshua
10 Sather, who had graduated at the top of his recruit class, resigned after only a few
11 weeks on the job, alleging that a supervisor made him beat up a mentally ill jail
12 inmate. Sather was the sole Honor Recruit in his graduating class from the
13 academy, and had been recognized for his leadership and other abilities. As with
14 virtually all rookies, his first assignment was jail duty. On March 22, 2010, Sather
15 was working on the sixth floor mental health ward of Twin Towers. At some point
16 during Sather’s shift, he, his supervisor and other deputies used force on a mentally
17 ill inmate. Soon afterward, Sather, crying and distraught, called his uncle, a veteran
18 Sheriff’s detective, and told him that he had participated in an unjustified beating,
19 that shortly before the beating his supervisor said, “We’re gonna go in and teach
20 this guy a lesson,” and that the attack had been covered up. Sather’s uncle
21 confronted the supervisor about making his nephew “beat up ‘dings.’”²⁸ Sheriff’s
22 officials launched an investigation and determined that an uncooperative inmate
23 had been subdued by force, but concluded that no misconduct had occurred.

24 39. In May 2010, the ACLU National Prison Project and the ACLU
25 of Southern California submitted to Sheriff Baca and to the *Rutherford* Court the

26 _____
27 ²⁷ *Id.* at 49.

28 ²⁸ Robert Faturechi, *L.A. County Deputy Says He Was Forced to Beat Mentally Ill
Inmate*, Los Angeles Times, Oct. 7, 2011, available at
<http://articles.latimes.com/2011/oct/07/local/la-me-honor-recruit-20111007>.

1 ACLU's "Annual Report on Conditions Inside Los Angeles County Jail – 2008-
2 2009."²⁹ The report included declarations documenting scores of complaints from
3 inmates and their families about deputy-inflicted injuries, ranging from broken ribs
4 and black eyes to severe head wounds that required staples. The report also
5 documented a persistent pattern of retaliation and threats of retaliation by deputies
6 against inmates who protested the conditions of their confinement.

7 40. In September 2010, the ACLU National Prison Project and the
8 ACLU of Southern California submitted to Sheriff Baca and filed with the
9 *Rutherford* Court the ACLU's "Interim Report on Conditions in the Los Angeles
10 County Jails."³⁰ That report stated:

11 The ACLU's 2009 Annual Report describes the pervasive
12 pattern of violence that we observed in Men's Central Jail
13 (MCJ) in 2009. During the first eight months of 2010, the
14 violence has continued unabated. One aspect of the
15 violence we discussed in our 2009 report was deputies'
16 use of excessive and unjustified force, which continues to
17 date: in the five-month period from March 10 through
18 August 10, 2010, we received more than 70 complaints of
19 excessive and/or unjustified force, or retaliation by
20 deputies against prisoners, or both. Twenty of the
21 prisoners making these complaints have provided us with
22 sworn written statements.³¹

23 41. In December 2010, the media reported on a large-scale brawl at
24 an LASD Christmas party at a banquet hall in Montebello. The brawl was between
25 members of the 3000 Boys (the deputy gang discussed above in Paragraph 8) and
26

27 ²⁹ Mary Tiedeman & Daniel Ballon, ACLU National Prison Project & ACLU of
28 Southern California, *Annual Report on Conditions Inside Los Angeles County Jail –
2008-2009* (May 5, 2010), filed in *Rutherford v. Baca*, 75-cv-04111-DDP (no.
217). The report is also available at: [http://www.aclu.org/files/assets/2010-5-5-
AnnualReport-JailConditionsatMCJ.pdf](http://www.aclu.org/files/assets/2010-5-5-AnnualReport-JailConditionsatMCJ.pdf).

³⁰ Mary Tiedeman et al., ACLU National Prison Project & ACLU of Southern
California, *2010 Interim Report on Conditions in the Los Angeles County Jails*
(Sept. 9, 2010), filed in *Rutherford v. Baca*, 75-cv-04111-DDP (no. 226). The
report is also available at: [http://www.aclu.org/files/assets/2010-9-9-
LACountyJailsReport.pdf](http://www.aclu.org/files/assets/2010-9-9-LACountyJailsReport.pdf).

³¹ *Id.* at 3.

1 other deputies who worked in Men’s Central Jail. In commenting publicly on the
2 incident, Sheriff Baca characterized it as the “drunkenness of a few bad apples,”
3 and opined that cops “know how to take care of themselves,” and that they need to
4 “man up and say, ‘I’m not a wimp.’” Sheriff Baca insisted that “the core of what
5 occurred with these 3000 boys ... wasn’t their tattoo. It wasn’t their unit. It was
6 their friendship and their drinking.”³²

7 42. The OIR, however, disagreed, stating, “Perhaps most concerning
8 is the evidence that jail supervisors apparently knew about the use of ‘gang-like’
9 signs and other troubling behavior well before the eruption of violence at the
10 Christmas party.”³³

11 43. On September 25, 2011, the *Los Angeles Times* reported that the
12 FBI was conducting a criminal investigation into deputy abuse at the Jails.³⁴

13 44. On September 28, 2011, the ACLU filed an Annual Report in
14 *Rutherford v. Baca*, reporting seventy cases of extreme deputy abuse in the
15 previous year, including accounts by civilian eye-witnesses of savage deputy
16 beatings of inmates in the Jails.³⁵

17 45. On October 13, 2011, the OIR issued a report stating that the
18 Sheriff’s Department has failed over many years to follow through on proposals to
19 address violence in the Jails.³⁶

20 46. In early December 2011, Robert Olmsted, a retired top LASD
21 official who had been the Captain in charge of Men’s Central Jail before being

22 ³² *KTLA Special Report: The Gang Behind the Badge? Part 4* (KTLA television
23 broadcast), available at <http://www.ktla.com/videobeta/?watchId=53592a86-dc74-4336-9cb3-323ea72e02d5>.

24 ³³ Los Angeles County Office of Independent Review, *Violence in the Los Angeles
25 County Jails: A Report on Investigations and Outcomes* 8 (Oct. 2011), available at
[http://laoir.com/reports/OIR-Report-on-Violence-in-the-Jails-\(Oct.2011\).pdf](http://laoir.com/reports/OIR-Report-on-Violence-in-the-Jails-(Oct.2011).pdf).

26 ³⁴ Robert Faturechi, *FBI Probing Reports of Beatings in L.A. County Jails*, *Los
27 Angeles Times*, Sept. 25, 2011, available at
<http://articles.latimes.com/2011/sep/25/local/la-me-fbi-jails-20110925>.

28 ³⁵ Sarah Liebowitz et al., *ACLU National Prison Project & ACLU of Southern
California, Annual Report on Conditions Inside Los Angeles County Jail* (Sept. 28,
2011), filed in *Rutherford v. Baca*, 75-cv-04111-DDP (no. 294).

³⁶ Los Angeles County Office of Independent Review, *supra* note 31, at 7.

1 promoted to Commander in the LASD's Custody Division, and who oversaw both
2 Men's Central Jail and Twin Towers, publicly disclosed that Sheriff Baca and other
3 senior Department staff, including Defendants Tanaka and Burns, have long had
4 actual knowledge of the pattern of widespread deputy violence in the Jails.
5 Olmsted had repeatedly informed Defendants Baca, Tanaka, and Burns of such
6 problems, and tried to raise red flags about shoddy investigations that allowed
7 deputies to escape scrutiny for using force. Olmsted had also voiced concerns to
8 them about deputies forming gang-like aggressive cliques. Chief Burns told
9 Olmsted that it was impossible to change the deputy culture in Men's Central Jail.
10 Sheriff Baca never followed up with Commander Olmsted after he twice
11 approached him about problems in Men's Central Jail. *See* Paragraphs 197 – 203,
12 for further discussion of Olmsted and his perspective on the problems in the Jails.

13 47. On January 10, 2012 Sheriff Baca testified to the Board of
14 Supervisors that use of force often arises when inmates have been declassified from
15 mental health housing in TTCF Tower 1 to be returned to Men's Central Jail. This
16 practice of improperly declassifying mentally ill inmates from mental health
17 housing in Tower 1 and placing them in general population in MCJ is one that
18 Dr. Kupers identified *almost four years earlier* as resulting in the abuse of mentally
19 ill inmates.

20 48. On January 11, 2012, the *Los Angeles Times* reported that the
21 Sheriff's Department had admitted that use of force against inmates in the Los
22 Angeles County jails was disproportionately directed at inmates with mental illness.
23 "Los Angeles County jailers are more likely to use force against mentally ill
24 inmates than other prisoners, according to a new Sheriff's Department report that
25 acknowledges the lockups need specially trained staff to reduce the violence."³⁷
26 This admission comes almost four years after Dr. Kupers concluded that deputy on

27 ³⁷ Jack Leonard & Robert Faturechi, *L. A. County Jailers More Likely to Use Force*
28 *on Mentally Ill Inmates*, *Los Angeles Times*, Jan. 11, 2012, available at
<http://www.latimes.com/news/local/la-me-sheriff-jails-20120111,0,2284536.story>.

1 inmate abuse was disproportionately directed at mentally ill inmates, that deputies
2 lacked proper training in dealing with the mentally ill, and recommended that “[a]ll
3 officers . . . be required to undergo intensive training in working with prisoners
4 with mental illness.”

5 49. On January 14, 2012, the *Los Angeles Times* reported that the
6 United States had filed felony bribery charges against Gilbert Michel, a deputy in
7 the Sheriff’s Department Custody Division.³⁸ The article also reported that Deputy
8 Michel had “made statements which implicated him, along with several other jail
9 employees, as having participated in four prior unreported incidents of improper
10 uses of force.”

11 **B. Representative Examples Of Deputy Violence Against Inmates**

12 50. Degrading, cruel, and sadistic deputy attacks on inmates are not
13 isolated incidents at the Jails; they are commonplace. Time and again, numerous
14 deputies attack one inmate. Even as the inmate lies motionless on the ground, new
15 deputies are summoned by radio and join in the attack. In the course of a beating, it
16 is a common practice for deputies to yell “Stop fighting!” or “Stop resisting!” to an
17 inmate who is neither fighting nor resisting. This practice is an effort to fabricate a
18 reason to blame the inmates for the attacks.

19 **a. Mr. A³⁹**

20
21 51. On September 24, 2011, Mr. A was lying down on the floor of
22 his pod in Twin Towers suffering from a migraine headache and vertigo. When
23 Mr. A asked Deputy Alatorre for his prescribed migraine medication, Deputy
24 Alatorre kicked a book at him and left the module, ignoring his request for the

25 _____
26 ³⁸ Robert Faturechi & Jack Leonard, *1st Charge Filed in FBI Probe of L.A. Sheriff’s*
Deputy Misconduct, Los Angeles Times, Jan. 14, 2012, available at
27 <http://www.latimes.com/la-me-deputy-cellphone-20120114,0,7670956.story>.

28 ³⁹ Due to the ongoing risk of violent retaliation against inmates from deputies in the Sheriff’s Department, the identities of inmates currently housed in the Jails have been protected -- with the exception of the named Plaintiffs.

1 medication.

2 52. When Deputy Alatorre returned later with Deputy Ewell,
3 Deputy Alatorre grabbed Mr. A by the shirt and tried to pull him off the floor.
4 Mr. A lost his balance and hit his chin on the floor. The two deputies dragged
5 Mr. A to his cell, forced him against the wall, and twisted his right arm so hard that
6 he yelled out in pain. Deputy Alatorre pulled down Mr. A's pants below the
7 buttocks and verbally taunted him, while Deputy Ewell sat on Mr. A's legs right
8 below his exposed buttocks. Deputy Alatorre pushed Mr. A's face against the wall,
9 hitting his forehead, and then placed Mr. A in a stress position for several minutes
10 by pushing his knee or boot into Mr. A's back. Although Mr. A was still suffering
11 from the migraine and vertigo, in addition to an injured back and an arm that felt
12 like it was broken, the deputies waved off medical staff from helping Mr. A.

13 53. One day later, Mr. A was given twenty-five days in disciplinary
14 segregation as a result of the incident. Mr. A was 48 years old at the time of the
15 beating.

16 **b. Macario Garcia**

17 54. In July 2011, when Macario Garcia was housed in Men's
18 Central Jail, Deputy Chavez came to his cell and told him to get up because he had
19 an appointment with an eye doctor. Deputy Chavez handcuffed him from behind
20 and then escorted Mr. Garcia out of his cell. Deputy Wiener was standing inside
21 the gated deputy's control booth next to the cell door controls.
22

23 55. Mr. Garcia is blind in one eye as a result of a previous beating
24 by deputies. He is 42 years old, and of very slight build: he is 6'2" and weighs 165
25 pounds. At approximately 6'2" and 275 pounds, Deputy Chavez is of massive
26 build and outweighs Mr. Garcia by more than 100 pounds. Deputy Weiner weighs
27 approximately 220 pounds.

28 56. Deputy Weiner said to Mr. Garcia, "Oh, it's you, you piece of

1 shit, punk.” Evidently referring to an incident two weeks earlier in which he had
2 strip-searched Mr. Garcia, Deputy Weiner said, “Shut the fuck up, punk. You ain’t
3 nothing but a coward bitch. You had your chance to fight me but you didn’t.”
4 Deputy Chavez said, “You’re not going to go to your doctor’s appointment. ... Get
5 against the wall.” Mr. Garcia complied and faced the wall opposite the deputy’s
6 control booth. Deputies Chavez and Weiner attacked him, punching him several
7 times until he fell to the ground from the blows. After Mr. Garcia fell, Deputies
8 Chavez and Weiner punched and kicked his head, face, body and legs, and beat his
9 body and torso with their flashlights. The deputies also pulled his hair and
10 slammed his head on the ground. The beating continued for approximately five
11 minutes. Mr. Garcia heard Deputy Weiner call out radio code “415,” meaning an
12 officer is involved in a fight. Mr. Garcia then blacked out.

13 57. When Mr. Garcia regained consciousness he heard Deputies
14 Chavez and Weiner yelling, “Stop resisting! Stop pulling away!” Mr. Garcia was
15 still handcuffed and not resisting in any way. He saw several other deputies
16 running toward him. A deputy sprayed Mr. Garcia in the face with pepper spray as
17 Deputies Chavez and Weiner continued to punch and kick him.

18 58. The deputies then tried to pull Mr. Garcia to his feet by his arms,
19 which were handcuffed behind him. Mr. Garcia felt a sharp pain in his collarbone
20 and heard a loud crack. Though he yelled in pain, the deputies continued pulling on
21 his arms and dragged him toward the elevator. Mr. Garcia’s face was covered in
22 blood. He was unable to walk so deputies dragged him to the medical clinic.
23 There, the nurses said that he should be taken to the Los Angeles Medical Center
24 because his injuries were so serious.

25 59. While waiting to be transferred to the hospital, Mr. Garcia heard
26 deputies laughing at him. One deputy said, “You didn’t get hit. You fell.” A
27 sergeant and two deputies interviewed him on video about the incident, and
28 Mr. Garcia reported that Deputies Chavez and Weiner assaulted him.

1 60. At the hospital, medical staff told Mr. Garcia that he had a
2 broken collarbone. He received stitches above both of his eyebrows and had
3 bruises on his face and legs. Mr. Garcia now has dizzy spells and sometimes hears
4 a ringing in his ear. Mr. Garcia cannot raise his right arm more than three to six
5 inches.

6 61. Less than a week later, two lieutenants and a sergeant took
7 pictures of Mr. Garcia's injuries; however, they did not ask him any questions
8 about the incident. The DA has since filed criminal charges against Mr. Garcia for,
9 among other things, assaulting a deputy.

10 **c. Arturo Fernandez**

11 62. In July 2011, Arturo Fernandez was returning to his cell when
12 deputies attacked him, slamming him to the ground, shooting pepper spray into his
13 eyes, and repeatedly pummeling his body. While Mr. Fernandez was walking
14 towards his cell, his hands cuffed behind him, Deputy Guerrero ordered him to
15 move more quickly, and then began punching the back of his neck. When
16 Mr. Fernandez responded with an expletive, Deputy Guerrero forced him to the
17 wall, pinning him by his neck. Although Mr. Fernandez did not fight back, Deputy
18 Guerrero yelled, "Stop resisting, motherfucker." Another deputy slammed
19 Mr. Fernandez to the ground. With his hands cuffed, Mr. Fernandez could not
20 break his fall. More deputies arrived; with pepper spray in his eyes, Mr. Fernandez
21 could not see how many. He felt kicks, punches, and hard blows that seemed to
22 come from flashlights. After picking Mr. Fernandez up, deputies again slammed
23 him to the ground.

24 63. Throughout the attack, Mr. Fernandez, who has asthma, worried
25 that he would lose consciousness. Two eyewitnesses saw him bleeding profusely
26 and heard him say that he could not breathe. When the attack was over,
27 Mr. Fernandez was sent to the hospital. He had contusions on his head, required
28

1 stitches on his elbow, suffered hearing loss in one ear, and continues to have
2 headaches.

3 **d. Lawrence Davis**

4
5 64. On March 16, 2011, Deputies Diaz, Rodriguez and Owens
6 pepper-sprayed and brutally beat a black inmate, Lawrence Davis, until he was
7 unconscious. The deputies fractured Mr. Davis's jaw and knocked out one of his
8 teeth. One or more of the deputies then carved the letters "MY" into Mr. Davis's
9 scalp. "MY" is the first two letters of the Mexican/Hispanic slur "MYATE" used
10 pejoratively for blacks.

11 **e. Mr. B**

12
13 65. In March 2011, deputies slammed Mr. B's head into a cement
14 wall, leaving him with a concussion and a gash that took 35 stitches to close
15 (photos attached hereto as Exhibit A). The group of deputies, including Deputies
16 Moorman and Ibarra and Custody Assistant Perez, punched his face and head, and
17 kicked his ribs. They aimed pepper spray into his eyes before shooting taser probes
18 into his back. The confrontation began because deputies thought Mr. B had called
19 them "gay." When Mr. B repeatedly denied the accusation, a deputy yelled to the
20 row of pro per inmates – who serve as their own legal representatives – "y'all pro
21 pers think you can get away with anything. We the 3000 Boys," a reference to the
22 gang-like group of deputies in Men's Central Jail, discussed in Paragraph 8 above.
23 A deputy said to Mr. B, "Baca pays us to take kickboxing classes to whip peoples'
24 asses." The deputy grabbed Mr. B's head, slamming his face into the wall. Blood
25 poured down, pooling on the ground, and he passed out. Deputies handcuffed
26 Mr. B's arms behind his back and repeatedly punched his face and head, while
27 other deputies stood watching.

28 66. When Mr. B regained consciousness, one deputy was sitting on

1 his back, punching his face and head. Another was kicking Mr. B's ribs. Although
2 Mr. B was motionless, the deputies yelled, "Stop resisting." Mr. B pleaded with
3 them to stop. One deputy shot him with pepper spray. Another sank three taser
4 probes into his flesh.

5 67. Two of the deputies who beat Mr. B stood roughly 6 feet tall,
6 and weighed approximately 200 pounds. The custody assistant was slightly shorter
7 and weighed about 180 pounds. Mr. B is 5 feet 7 inches and weighs 135 pounds.
8 A sergeant accused him of assaulting the deputies, but the ambulance technician on
9 the scene pointed out that the deputies showed no signs of injury. Another sergeant
10 returned to the module to take pictures of the scene, but he did not interview any of
11 the inmates who had witnessed the assault.

12 68. Mr. B spent two days in the hospital and four days in the jail's
13 medical unit. After returning to his row, another deputy threatened him, saying:
14 "the ACLU ain't going to be watching me forever."

15 69. Although there were numerous inmates in the law library who
16 were able to see the assault through the library window, no one from LASD
17 bothered to interview any of the eyewitnesses.

18 **f. Gabriel Carillo**

19 70. On or about February 26, 2011, at least three deputies, including
20 Deputy Luviano, severely beat Gabriel Carillo, who had come to Men's Central Jail
21 to visit his brother. The deputies repeatedly kicked and punched Mr. Carillo, while
22 he was handcuffed, severely cutting and bruising his face (photos attached hereto as
23 Exhibit B). The deputies also pepper sprayed Mr. Carillo in the face while he was
24 handcuffed and lying on the floor. During the beating one or more deputies
25 repeatedly yelled "Stop resisting! Stop kicking!" even though Mr. Carillo was not
26 resisting or kicking. Subsequently the deputies filed false reports causing the
27 District Attorney to charge Mr. Carillo with battery against a peace officer, resisting
28

1 arrest, and three other counts. On October 14, 2011, the DA dismissed the charges
2 against him.

3 **g. Cesar Mancilla**

4
5 71. On or about February 24, 2011, deputies savagely beat Cesar
6 Mancilla at IRC. Mr. Mancilla was in a large holding cell with 20-30 inmates,
7 when the deputies ordered him to stand with his head down. Mr. Mancilla obeyed.
8 Suddenly, and without justification or warning, several uniformed personnel
9 attacked Mr. Mancilla, hitting, kicking, and pepper-spraying him. The deputies
10 handcuffed Mr. Mancilla, and continued to beat him. Mr. Mancilla was denied
11 food, water, and medical attention for the remainder of the night.

12 72. On February 25, 2011 a doctor examined Mr. Mancilla and
13 determined he had a collapsed lung, two broken ribs, a nasal fracture, four broken
14 teeth, burns on his skin from the pepper spray, and other injuries. On February 28,
15 2011, Mr. Mancilla was diagnosed, for the first time, with psychosis and bipolar
16 disorder. Mr. Mancilla was in jail on two warrants: for failure to pay his subway
17 fare, and driving without a license.

18 **h. Stephen Teran (Second Incident)**

19
20 73. In February 2011, while Stephen Teran was housed in Men's
21 Central Jail, deputies heard that Mr. Teran's attorney had requested his medical
22 records relating to a use of force. The deputies beat Mr. Teran, repeatedly punching
23 and kicking his body, neck and head. Mr. Teran's cheekbone was broken. He had
24 to wear a neck brace, and doctors told him that he may have suffered nerve damage.

25 **i. Garry Crumpton**

26
27 74. In January 2011, while inmates in Men's Central Jail were in a
28 line headed to court, Deputy Ortiz shoved Garry Crumpton against the wall.

1 Mr. Crumpton said, “You didn’t have to do me like that.” Deputy Ortiz then placed
2 him in a painful chokehold. Even though Mr. Crumpton put his hands in the air in
3 a show of non-resistance, Deputy Ortiz slammed him to the floor, knocking him
4 unconscious. Another deputy instructed all the other inmates in line to face the
5 wall. While Mr. Crumpton lay face-down and motionless on the ground, seven or
6 eight deputies punched and kicked him. He was removed to a caged area in the jail.
7 Deputy Ortiz came by to speak with him about the incident. Though Mr. Crumpton
8 did not agree with the deputy’s account, he assented to everything Deputy Ortiz
9 said because he did not want to be assaulted again.

10 **j. Michael Cervantes**

11
12 75. In December 2010, Deputy Lyon noticed Mr. Cervantes’s gang
13 tattoo and began smacking the back of his head and taunting him. When
14 Mr. Cervantes turned to look at Deputy Lyon, he punched Mr. Cervantes’s left
15 cheek, tackled him to the ground, sat on top of him, and punched his face and neck.
16 Approximately eight other deputies rushed to join Deputy Lyon. The deputies
17 bashed Mr. Cervantes’s leg with a flashlight until he bled, kicked him in the
18 stomach, and stunned him twice with a taser gun. When the attack was over, the
19 deputies cautioned Mr. Cervantes not to tell the nurses “anything funny.” Due to
20 the severity of his injuries Mr. Cervantes was taken to the hospital and spent one
21 week in the jail’s medical ward. He continues to suffer dizzy spells.

22 **k. Stephen Teran (First Incident)**

23
24 76. In December 2010, several deputies severely beat Stephen Teran
while he was in the IRC.

25
26 77. While Mr. Teran was being searched, Custody Assistant
27 Martinez repeatedly told him to hurry up. Martinez then grabbed Mr. Teran by the
28 neck, choking him, and dragged him to a cell where he threw Mr. Teran to the

1 ground. Martinez kicked him in the ribs two or three times. Deputy Sims, who was
2 present during the attack, told Mr. Teran, “If you give us any problems we’re going
3 to put you in the hospital.”

4 78. A few hours later, Mr. Teran was sent back to the processing
5 line. While interviewing Mr. Teran for classification purposes, Deputy Sims
6 dropped Mr. Teran’s classification card on the floor next to him and told him to
7 pick it up. When Mr. Teran did not pick up the card, Deputy Sims punched him in
8 the face, knocking him over. Deputy Sims then threw Mr. Teran to the floor and
9 repeatedly kicked him in the head and torso. Four to six other deputies, including
10 Deputies Miller and Escobado, ran over and joined in the beating, punching,
11 kicking, and striking Mr. Teran with their flashlights. As they were beating
12 Mr. Teran, the deputies yelled, “Stop fighting! Stop resisting!”

13 79. After two or three minutes, the deputies dragged Mr. Teran to a
14 cell and handcuffed him to the leg of a bench, forcing him to kneel on the floor.
15 The deputies kicked Mr. Teran in the back several times. Mr. Teran saw blood
16 pouring off his head and face, pooling on the ground beneath him. He heard the
17 deputies say they did not want blood on their clothes. The deputies then they put a
18 plastic bag over Mr. Teran’s head, making it almost impossible for him to breathe.
19 The deputies laughed as they left the cell.

20 80. The deputies returned about twenty minutes later and told
21 Mr. Teran he would be interviewed on camera. They threatened to press charges if
22 he said anything. Mr. Teran told the interviewer that he had fallen. Later, the
23 deputies again threatened him and warned him not to talk about the incident.

24 **I. Rashaad Pilgrim**

25 81. In July 2010, deputies in Men’s Central Jail targeted Rashaad
26 Pilgrim as he stood in line to receive his medication. The deputies instructed all of
27 the inmates in line to face the wall. Deputy Reza approached Mr. Pilgrim from
28

1 behind and yelled at him before punching him twice in the face. When Mr. Pilgrim
2 returned to his cell a few minutes later, he called his mother to report what
3 happened. Not long after, Deputies Reza and Milpad ordered the inmates to line up
4 and go to the day room, but instructed Mr. Pilgrim to stay behind and face the wall.
5 One deputy spread his legs, as if to search him. Instead, the other deputies began to
6 punch Mr. Pilgrim in the face and head. Mr. Pilgrim lost consciousness. When
7 Mr. Pilgrim woke up, he was on the floor and the deputies were still punching him
8 and yelling, "Stop fighting!" A deputy then slammed Mr. Pilgrim's face into the
9 concrete floor, chipping his teeth. Later, doctors told Mr. Pilgrim he had fractures
10 in his face, blunt head trauma, injury to his right ear, and a chipped tooth.

11 **m. Alex Krehbiel**

12
13 82. In July 2010, a deputy approached Alex Krehbiel as he was
14 returning from a visit with his attorney. Mr. Krehbiel had been trying to get back to
15 his housing unit but the door was locked. The deputy ordered Mr. Krehbiel to face
16 the wall and yelled in his ear, "This is my fucking house! Where do you think you
17 are? This is my fucking house!" The deputy then slammed Mr. Krehbiel's forehead
18 against the wall twice. A group of deputies approached, taunting Mr. Krehbiel, and
19 one of them punched him in the face. The deputies pushed Mr. Krehbiel into the
20 laundry room, knocked him to the floor, and punched and kicked his head, ribs and
21 back. The deputies then pepper sprayed Mr. Krehbiel's eyes and mouth, and
22 slammed his head into the floor. As a result of the incident, Mr. Krehbiel was
23 given twenty-nine days in disciplinary segregation.

24 **n. Juan Diego Mares**

25
26 83. In June 2010, deputies beat Juan Diego Mares so violently that
27 he suffered a fractured jaw, and required multiple eye surgeries and eight stitches in
28 his ear. The incident began after deputies conducted a search of all the cells on

1 Mr. Mares's row. Mr. Mares noticed that some of his property was missing,
2 including items he had just purchased from the commissary. After Mr. Mares
3 asked to speak with a sergeant about the missing property, Deputy Carefoot shoved
4 him hard against a wall, slapped his ear, punched his face several times, and threw
5 him to the ground. Once Mr. Mares was on the ground, Deputy Carefoot kicked
6 him roughly ten times in the face, jaw, and back of his head, causing a large pool of
7 Mr. Mares's blood to form on the floor. The deputy then kicked Mr. Mares's ear
8 three times, an experience he described as more painful than when he was hit by a
9 car. Following the attack, a senior deputy questioned Mr. Mares about the incident
10 and said to him, "You know you're going [back] to the same module once they're
11 done cleaning you up." Mr. Mares interpreted this as the senior deputy threatening
12 him not to report the incident.

13 **o. Santiago Sanchez**

14
15 84. In June 2010 a deputy assaulted Santiago Sanchez following a
16 visit from Mr. Sanchez's girlfriend and mother. The deputy grabbed the back of
17 Mr. Sanchez's shirt and swung him into a steel pole. The deputy proceeded to
18 place Mr. Sanchez into a stress position, twisting both of his arms behind his back
19 so his fingers were pressed between his shoulder blades. The deputy then slammed
20 Mr. Sanchez's head down on top of the metal counter in the visitation room. The
21 deputy held Mr. Sanchez in that position for a minute or two while verbally
22 harassing him.

23 **p. Jimmie Knott**

24
25 85. In June 2010, while waiting in line for his hepatitis shot, Jimmie
26 Knott asked Senior Deputy Sanchez if he could get some new shoes, as his had a
27 split in them. Senior Deputy Sanchez told Mr. Knott to get out of line and to strip
28 down. Mr. Knott complied and stripped to his boxers. Senior Deputy Sanchez then

1 told him to get on his knees, and as Mr. Knott was bending to the floor, Senior
2 Deputy Sanchez hit him in the temple, causing his head to bleed. Other deputies
3 then came over and began hitting, kicking and kneeing him. Mr. Knott curled into
4 a fetal position and waited for the violence to subside. After two or three minutes,
5 the deputies stopped hitting him and took him to medical. On the way to medical,
6 the deputies told him to say that he fell down the stairs. Mr. Knott complied,
7 because he was afraid of being beaten again. Mario Love witnessed the attack and
8 verified Mr. Knott's account. Mr. Love described the deputies involved as being
9 like "a pack of wolves." Later, while Mr. Love was waiting to talk to the ACLU,
10 deputies pulled him aside and interrogated him in a threatening way.

11 **q. Joseph Hager**

12
13 86. In June 2010, deputies took Joseph Hager out of his cell and
14 placed him in handcuffs to go to the law library. At the library, a deputy shoved
15 Mr. Hager up against the wall and kicked his ankle so forcefully it bled. The
16 deputy then dragged Mr. Hager, who was still handcuffed, back to the tier, where
17 he slammed Mr. Hager's face into the edge of a door frame. Mr. Hager blacked
18 out. When Mr. Hager regained consciousness, he was on the ground and Deputies
19 Chavez and Gonzalez were kicking and punching him in the head and face. Even
20 though Mr. Hager was handcuffed, the deputies repeatedly yelled, "Stop resisting!"
21 When the beating subsided, Deputy Chavez told him, "I tried to kill you. You are
22 lucky you are still breathing." The beating caused a fracture in Mr. Hager's face, a
23 black eye, swelling in his ears, and bleeding in his mouth. When staff members
24 interviewed Mr. Hager on camera, he said that he had slipped in the shower, out of
25 fear of what the deputies would do to him if he revealed that they had beaten him.
26 After the beating, Mr. Hager was sent to disciplinary segregation and told he was
27 being charged with assault on a deputy.

1 **r. Matthew Gjersvold**

2 87. On May 28, 2010, while housed in Twin Towers, Matthew
3 Gjersvold slept through a deputy's call for a head count because of the sleep
4 medication he was taking. Another inmate woke up Mr. Gjersvold, who is a former
5 police officer, but the deputies noticed that he was late. Deputy Van Du told
6 Mr. Gjersvold to stand facing the stairs, and then forcefully shoved him onto the
7 metal steps. Deputy Van Du then handcuffed Mr. Gjersvold and escorted him back
8 to his cell. At the cell, Deputy Van Du pulled violently on the handcuffs, causing
9 Mr. Gjersvold to fall backwards and break his wrist.
10

11 **s. Luis Bueno**

12 88. In May 2010, Luis Bueno was on his way to the church in
13 Men's Central Jail. Deputies told Mr. Bueno to turn around and return to his cell.
14 As Mr. Bueno was walking back to his cell, a deputy shoved him against the wall
15 and asked him if he wanted to get "fucked up." As other deputies arrived, the first
16 deputy forced Mr. Bueno to spread his legs and put his hands behind his back. The
17 deputy then aimed his mace at Mr. Bueno's face. When Mr. Bueno turned his head
18 to avoid the spray, another deputy punched him in the neck. Three other deputies
19 joined in and began violently punching Mr. Bueno in the head and body.
20 Mr. Bueno was knocked to the floor, where the beating continued. When the
21 beating subsided, deputies took Mr. Bueno to the medical center, where he was told
22 he had a fractured nose, a torn ligament in his ankle, a swollen artery in his brain,
23 and possible rib fractures. Mr. Bueno is now afraid to attend church for fear of
24 encountering the deputies who attacked him.
25

26 **t. Walter Morales**

27 89. For about a week in May 2010, deputies in Men's Central Jail
28 beat Walter Morales twice a day with flashlights about his head and body.

1 Mr. Morales believes the deputies beat him because he was arrested for allegedly
2 firing a gun at police officers. A group of deputies came into Mr. Morales's cell
3 and punched and hit him with flashlights. Mr. Morales has a scar above his eye as
4 a result. Later, a second shift of deputies beat Mr. Morales while he was restrained
5 in waist chains and handcuffs.

6 **u. Michael Holguin**

7
8 90. In October 2009, deputies beat Michael Holguin so severely that
9 he was hospitalized with a broken leg, stitches on his face, and staples in his head.
10 The incident occurred as Mr. Holguin was on his way to the showers. A deputy
11 told him to go back to his cell, preventing him from using the showers.
12 Mr. Holguin asked him why, because he had not received a shower in weeks. The
13 deputy told him to turn around and placed Mr. Holguin in handcuffs. The rest of
14 the beating is a blur to Mr. Holguin; all he remembers is being punched in the face
15 by Deputy Luviano and pepper sprayed. When the beating was over, Deputy Rico
16 said, "That's why you don't say why, just do what you're told." When Mr. Holguin
17 returned from the hospital, he was sent to disciplinary segregation for "attacking a
18 deputy."

19 **v. Gordon Grbavac**

20
21 91. In August 2009, deputies in Twin Towers handcuffed Gordon
22 Grbavac, took him into an attorney room, and slammed his head into a thick glass
23 wall more than half a dozen times, leaving blood on the window. When a sergeant
24 entered the room and asked Mr. Grbavac what had happened, he said the deputies
25 had assaulted him. The sergeant said he would be right back. While he was gone
26 one of the deputies who had assaulted Mr. Grbavac threatened him, saying, "Are
27 you fucking kidding me? You motherfucker! You better change your story or we
28 are going to show you what we do to fat asses. You better say you did this to

1 yourself.” Mr. Grbavac thought that the deputies might kill him if he disobeyed, so
2 he agreed to tell the sergeant that his injuries were self-inflicted. When the sergeant
3 returned with a video camera to interview Mr. Grbavac, one of the deputies who
4 assaulted him was in the room, and the sergeant did not ask him to leave. Because
5 of the deputy’s threats, Mr. Grbavac altered his story and said he had banged his
6 own head against the window. Mr. Grbavac was released after spending
7 approximately a week in jail, when the charges against him were dismissed.

8 **w. Darrell Garrett**

9
10 92. In June 2009, a group of deputies assaulted Darrell Garrett in
11 Men’s Central Jail while he was restrained in waist chains. Deputies shoved
12 Mr. Garrett from behind, causing him to tumble down concrete stairs. Deputies
13 then kicked Mr. Garrett in the face and head, while another deputy held him down.
14 As the beating continued, they hit him in the head with a plastic milk crate, ground
15 his face into the concrete floor, and emptied two cans of mace into Mr. Garrett’s
16 mouth, ears, nose and eyes. The beating caused Mr. Garrett to bleed profusely and
17 to defecate. Mr. Garrett blacked out as deputies transported him to medical. In the
18 aftermath of the beating, deputies have threatened and taunted Mr. Garrett, saying
19 they are “going to get him.”

20 **x. Mr. C**

21
22 93. In May 2009 in Men’s Central Jail, a deputy told Mr. C to face
23 the wall and said, “Who’s the fucking punk now? Put your fucking nose to the
24 wall.” The deputy punched him in the temple, causing Mr. C to fall to the floor.
25 After Mr. C received a second blow to the top of his head, he tried to crawl away
26 but was stopped by other deputies. The deputies ripped off Mr. C’s pants and shot
27 him with a taser. Just before Mr. C lost consciousness, he looked down and saw
28 blood pooling on the floor. As a result of the beating, Mr. C suffered four fractured

1 vertebrae, a shattered right shoulder, a broken rib, and two severely sprained ankles,
2 and was relegated to a wheelchair. He also received five staples on the top of this
3 head and twelve stitches on his face. Since the beating, deputies have routinely
4 threatened Mr. C to prevent him from asking for help or reporting the abuse to
5 someone outside the jail.

6 y. **Mr. D**

7
8 94. Deputies assaulted Mr. D on a number of different occasions. In
9 2009 in Men's Central Jail, ten to fifteen deputies came into Mr. D's cell and
10 assaulted him for allegedly "disrespecting" one of the other deputies. They dropped
11 Mr. D to the floor and pummeled his head and body with kicks, punches, and blows
12 with their flashlights. Even after the deputies had Mr. D fully restrained on the
13 floor with his hands behind his back, they repeatedly shot him with a taser. One
14 deputy said to Mr. D, "Man, I was trying to kill you." The deputies threatened
15 Mr. D after the attack and told him not to tell anyone what had happened. Mr. D
16 still has scars on his face and head from the beating.

17 **C. Numerous Additional Incidents of Deputies Using Force Against**
18 **Non-Resisting Inmates**

19 95. Additional incidents of deputies using force against non-
20 resisting inmates include the following:

21 96. On December 13, 2011, Custody Assistant Martinez tasered 52
22 year old inmate Mr. E in Twin Towers, and a number of deputies, punched, and
23 kicked him before they handcuffed him. At the time they used force against him,
24 Mr. E was lying on the ground face down and was not attempting to fight or resist
25 the deputies in any way. Although Mr. E had been in an altercation with another
26 inmate shortly beforehand, he was not resisting when Custody Assistant Martinez
27 tasered him, or when deputies rushed in and began kicking and punching him.
28 Mr. E was subsequently sent to the hole for 18 days without a disciplinary hearing;

1 however, deputies presented him with paperwork that stated that he had had a
2 disciplinary hearing.

3 97. On December 6, 2011, Mr. F was punched in the face by a
4 deputy while being escorted out of a courtroom with his hands cuffed behind him.
5 The deputy, who was 6 feet tall and approximately 250 pounds, grabbed the 5'8"
6 and 160 pound Mr. F by the left arm tightly and then punched Mr. F, hitting his left
7 eye so hard that it knocked Mr. F to the floor. With blood dripping from a long
8 gash in his face onto the floor, Mr. F was taken to the hospital in an ambulance.
9 Although a doctor stated that Mr. F needed stitches, two deputies told the doctor
10 that Mr. F was fine and Mr. F left the hospital without the stitches. A sergeant
11 video recorded Mr. F's injuries when he initially boarded the ambulance, and later
12 interviewed him on camera about the beating. The sergeant informed Mr. F that he
13 could file a lawsuit, but that it would be a "waste of time." Mr. F still has difficulty
14 seeing out of his left eye.

15 98. In August 2011, deputies grabbed Anthony Brown, then 52
16 years old, by his windpipe, slammed him to the ground, and repeatedly punched
17 and kicked him all over his body, including in his teeth. Deputies also shot pepper
18 spray into Mr. Brown's face. The deputies repeatedly yelled "Quit resisting" at the
19 non-resisting Mr. Brown.

20 99. On July 12, 2011, a deputy in Twin Towers slammed Charles
21 Celestine against a wall while searching his cell. The impact caused
22 Mr. Celestine's prosthetic eye to pop out.

23 100. On June 25, 2011, a deputy in Men's Central Jail punched Mr.
24 G, a 57 year old inmate who uses a wheelchair, in the eye and the mouth.

25 101. On June 20, 2011, Deputy Jimenez caused Clydell Crawford's
26 bad shoulder to dislocate from its socket by shoving his arms upward forcefully
27 while they were handcuffed behind his back. Immediately before, Mr. Crawford
28 had asked Deputy Jimenez to be careful because one of his shoulders had

1 previously dislocated.

2 102. In April 2011, a deputy in Men's Central Jail asked Mr. H why
3 he was in jail before repeatedly punching his head, face, and ribs. Another deputy
4 kicked Mr. H's ribs. The beating lasted 30-45 seconds. Subsequently, one or more
5 deputies cranked open Mr. H's cell, allowing three inmates to come into the cell
6 and assault him.

7 103. In April 2011, a custody assistant kicked, hit, and elbowed
8 Carlos Cacique in Twin Towers.

9 104. In March 2011 in Men's Central Jail, Deputy Smith knocked a
10 tray of food from Alberto Carreras's hands and twisted his arms behind his back.
11 Deputy Johnson then slammed Mr. Carreras's face against a wall. Deputies hit
12 Mr. Carreras on his face, head, and legs, while yelling "Shut up you fucking
13 faggot" at him. Mr. Carreras had a catheter, and the blows to his legs caused
14 tremendous pain and led him to bleed from his penis.

15 105. In March 2011, a deputy in Twin Towers dug her nails into
16 Anthony Penmik's skin, leaving marks. Another deputy hit and kicked Mr. Penmik
17 in the legs and buttocks.

18 106. On February 18, 2011, Mr. I witnessed seven or eight deputies
19 beating up a non-resisting inmate in Men's Central Jail. During the beating, one
20 deputy was pushing the inmate's neck to the floor with a flashlight, while other
21 deputies were yelling "stop resisting."

22 107. In February 2011 at Twin Towers, Deputy Hernandez forcibly
23 searched Rodney Smith's buttocks with a flashlight, placing the flashlight half an
24 inch into his rectum. Mr. Smith's rectum later bled and became painful, which he
25 attributed to the flashlight's being pushed into his rectum. Mr. Smith also
26 witnessed deputies take away another inmate and apparently attack him; that inmate
27 suffered extensive injuries.

28 108. In February 2011, Deputy Walker attacked Mr. J in Men's

1 Central Jail after he woke up late for the morning count, causing a cut that required
2 forty stitches.

3 109. In January 2011, a deputy shoved Mr. K against the wall,
4 roughly twisted his hands and arm, and slammed him to the floor. Once Mr. K was
5 on the floor, several deputies punched and kicked him.

6 110. In January 2011, Christopher Brown witnessed two deputies in
7 Twin Towers punching a non-resisting inmate who fell to the floor, apparently
8 unconscious. The deputies then kned and punched the motionless inmate in the
9 face and head and repeatedly shot the inmate with a taser.

10 111. On December 29, 2010 in Men's Central Jail, Deputy Gomel
11 tripped Mr. L while he was handcuffed, and then slammed his head against the
12 ground, leaving blood all over the floor. Deputy Gomel then repeatedly punched
13 Mr. L in the head while Deputy Rodriguez pepper sprayed his eyes, triggering his
14 asthma.

15 112. In December 2010, Deputy Vasquez pushed Michael
16 Campbell's injured back and punched his head multiple times while Mr. Campbell
17 had his hands behind his back and his fingers interlaced. While Deputy Vasquez
18 was punching Mr. Campbell, another deputy had him in a chokehold.
19 Mr. Campbell suffered extensive bruising and pain in his head, neck, and back.
20 Mr. Campbell was 60 years old at the time of the beating.

21 113. On November 26, 2010, Deputy Pontonantos punched Erik
22 Camacho in the back of the head while he was in his wheelchair. Two other
23 deputies also hit Mr. Camacho. Then, after Mr. Camacho's wheelchair collapsed in
24 the midst of the beating, the deputies dragged him along the floor in the collapsed
25 wheelchair, while Deputy Gomez kicked him. Shortly thereafter, Deputy
26 Pontonantos took one of Mr. Camacho's shoes, which had come off as he was
27 being dragged along the floor, slapped him across face with it, and kicked him in
28 the testicles.

1 114. On November 18, 2010 in Men's Central Jail, multiple deputies
2 hit, kicked, and kneed Jonathan Dunlap. One deputy then shot pepper spray in
3 Mr. Dunlap's face. Mr. Dunlap required stitches on his eyelid and suffered
4 extensive bruising. Mr. Dunlap was later sent to the hole for twenty days for
5 supposedly assaulting a deputy.

6 115. In November 2010, while on an LASD transport bus to court,
7 Deputy Stevenson repeatedly punched and then forcefully pushed Darrell Rauls,
8 causing him to fall.

9 116. In November 2010, deputies in Twin Towers beat Mr. M after
10 he protested Deputy Ochoa's decision to deny him dinner. Deputies Ochoa, Paket
11 and several others beat him so savagely for complaining that he suffered a fractured
12 nose, bruised kidneys and ribs, a two-centimeter gash on his forehead, and a
13 swollen right eye. LASD then had him charged with battery against a peace officer
14 and resisting a peace officer, although he had not committed any battery or offered
15 any resistance.

16 117. In or about November 2010, a deputy in Men's Central Jail
17 grabbed Mr. N's arm and pulled him off his bunk onto the floor. The deputy then
18 stepped on Mr. N's fingers, causing swelling and bruises.

19 118. In October or November 2010, Steven Moore heard deputies,
20 including Deputy Roberts, beating another inmate in the laundry room near his cell
21 in Men's Central Jail. Moore stated, "I will never forget this incident because the
22 inmate's terror and pain were so obvious in his screams." Shortly thereafter,
23 Mr. Moore saw deputies carrying a seemingly unconscious inmate, who was
24 bleeding from his head, out of the laundry room.

25 119. In August 2010 in Men's Central Jail, when Keith Nichols
26 refused to discuss his legal case with a deputy, the deputy repeatedly kicked him in
27 the lower back and kidneys with his boot-clad foot, causing intense pain. The
28 deputy then punched Mr. Nichols in the head and yanked his leg, causing his knee

1 to pop out of position.

2 120. In July 2010 in Twin Towers, Custody Assistant Bernadino
3 punched Cedric Smith in the neck and slammed him into the wall. The deputy then
4 kicked Mr. Smith's feet, even though Mr. Smith had just had his toenail surgically
5 removed. This was not Mr. Smith's first beating by deputies. In 2004, deputies
6 brutally attacked Mr. Smith, punching his face and kicking his stomach, causing
7 him to defecate. The 2004 attack left Mr. Smith with a severe stomach hernia and a
8 scar over his eye.

9 121. In April 2010, in Twin Towers, Deputy Bryant angrily pushed
10 Mr. O after he complained to the ACLU about a lack of medical treatment, and
11 Deputy Holland struck Mr. O in the back near O's existing wounds.

12 **D. Racially Motivated Deputy Violence**

13 122. Many deputies have assaulted inmates while taunting them with
14 racial epithets. In August 2011, after choking inmate Mr. P and repeatedly
15 slamming his head and face into a metal bar and a wall in Men's Central Jail,
16 Deputy Valdez yelled, "I hate you motherfucking monkeys. Damn nigger!"

17 123. In July 2011, inmate Mr. Q witnessed a deputy on the 3000 floor
18 in Men's Central Jail grab a non-resisting African-American inmate, kick his legs,
19 and yell, "All you blacks! When you mess with my trustees, this is what's going to
20 happen to you." Numerous deputies then joined the attack, and began kicking,
21 punching, and hitting the inmate with flashlights. After the attack, Mr. Q saw
22 trustees cleaning blood off the floor and wall.

23 124. In June 2011, a deputy in Men's Central Jail said of inmate
24 Michael Jefferson, who is African-American, "This nigger can't fucking listen and
25 face the wall." A deputy then smashed Mr. Jefferson's face into the wall. Shortly
26 thereafter, Deputy Quintana punched Mr. Jefferson in the face while he was
27 escorting him back to his module.

28 125. In October 2009, deputies performing cell searches in Men's

1 Central Jail took Mr. R's commissary items. When he complained, a deputy asked
2 Mr. R, who is African-American, "What's your problem, Monkey?" The deputy
3 told Mr. R to face his cell and forcefully shoved him into the bars of the cell door.
4 Later that day, after ACLU monitors visited Mr. R's row, deputies threatened all of
5 the inmates with a bean bag canister gun that contains pepper spray pellets. A
6 deputy said, "We don't give a fuck about the ACLU. This is our house. They don't
7 fucking live here."

8 126. In July 2009, Deputies Delgado, Aviles, Rivera, Thompson,
9 Ortega, Snyder and others severely beat inmate Evans Tutt on the 3000 floor in
10 Men's Central Jail, while calling Tutt a "fucking nigger." During the beating, the
11 deputies handcuffed Mr. Tutt, and then tasered him, beat him with flashlights, and
12 kicked him. The deputies broke Mr. Tutt's nose in multiple places, injured his ribs,
13 head, face, knee, and leg, chipped his tooth, and left bruises all over his body. The
14 deputies then wrote false reports that prompted the Los Angeles County District
15 Attorney to file criminal charges against Mr. Tutt for resisting a peace officer. The
16 charges were eventually dismissed. Three of the deputies involved in the incident
17 have been identified as members of the 3000 Boys, and two of them were involved
18 in the 2010 Christmas Brawl at a banquet hall in Montebello, described in
19 paragraph 41.

20 **E. Deputy Violence Against Mentally Ill Inmates**

21 127. In June 2010, Mr. S, who was suicidal, walked out of his cell
22 with a strip of bed linen tied around his neck and threatened to kill himself. Mr. S
23 had repeatedly asked deputies to see the psychiatrist, but they had mocked him and
24 denied him access to mental health care. Custody Assistant Gonzalez shoved Mr. S
25 back into the cell, turned to his cellmate, Gary Sanchez, and ordered Mr. Sanchez to
26 "regulate" Mr. S. Mr. Sanchez understood this to mean the deputies wanted him to
27 keep Mr. S in line by beating him.

28 128. In October 2009, while in the IRC, inmate Jonny Johnson saw

1 deputies verbally abusing an elderly man who was visibly mentally ill. The man
2 was unable to follow the deputies' directions. The deputies began to taunt the man
3 and threw a sandwich at him, hitting him in the head. Mr. Johnson came to the
4 man's defense and told the deputies to stop picking on him. A group of deputies
5 then took Mr. Johnson out of the holding cell. One deputy shoved Mr. Johnson's
6 head against the wall, while two others began punching him in the torso, knocking
7 the wind out of him. The deputies then took Mr. Johnson to an area where other
8 inmates were handing out bedding and ordered him to help. The deputies told
9 Mr. Johnson that as he handed out the bedding, he had to say to each inmate, "I'm a
10 faggot and the deputies are the bomb."

11 129. In September 2009 in Men's Central Jail, Deputy Navarro
12 stopped Eefrom Jones as he returned from an attorney visit. Mr. Jones is on
13 psychotropic medication due to a mental illness. Deputy Navarro pulled Mr. Jones
14 to the ground and sat on him as he punched him. Other deputies came over and
15 joined in the beating, breaking Mr. Jones's shoulder. The deputies shot Mr. Jones
16 with a taser and repeatedly pepper sprayed him in the face, although he told them
17 he had asthma. Approximately two weeks later, after a lieutenant interviewed
18 Mr. Jones about the incident, Deputy Navarro came to Mr. Jones's cell to escort
19 him to the psychologist. In the hallway, Deputy Navarro ordered Mr. Jones to strip
20 naked and bend over. Deputy Navarro yelled that this was his floor, and he would
21 do whatever he wanted. Deputy Navarro shone his flashlight at Mr. Jones's rear
22 and another deputy put his finger in Mr. Jones's anus, as other deputies looked on
23 and laughed. After these incidents, Mr. Jones reported feeling suicidal.

24 **F. Deputy Assaults Against Inmates For Rules Infractions Or**
25 **Perceived Slights**

26 130. Deputies often beat inmates for minor rules infractions or
27 perceived slights. In December 2010, a deputy in Twin Towers savagely beat
28 Derek Griscavage after Mr. Griscavage showed the deputy his middle finger. First,

1 Deputy Jackson kicked Mr. Griscavage and contorted his shoulders in a manner that
2 caused him pain. Deputy Jackson then handcuffed Mr. Griscavage and led him
3 away from the pod. Shortly thereafter an eyewitness saw a deputy push
4 Mr. Griscavage causing him to fall down. Then at least four deputies began to beat
5 him. The deputies knocked Mr. Griscavage unconscious, and he woke up in the
6 hospital with severe lacerations, a broken nose, a chipped tooth, and bruises on his
7 head. Three days later, deputies moved Mr. Griscavage to the disciplinary
8 segregation unit for alleged “assault on a deputy.”

9 131. In February 2010, deputies in the jails’ Correctional Treatment
10 Center attacked Devon Mannings, an inmate who suffers from a seizure disorder.
11 Mr. Mannings told the deputy he “didn’t have a date since high school.” The
12 deputy returned with Deputy Campos and slammed Mr. Mannings to the ground.
13 The deputies threw Mr. Mannings’s personal letters, pictures, and legal paperwork
14 into the toilet. One deputy stomped on Mr. Mannings’s hand with his boot,
15 shattering his knuckle. The deputies repeatedly kicked Mr. Mannings’s body while
16 yelling, “Stop resisting,” even though he was not resisting in any way. The
17 deputies handcuffed Mr. Mannings and continued to kick his body and face. The
18 deputies then shot pepper spray into Mr. Mannings’s face and used a taser on him,
19 which caused Mr. Mannings to have a seizure. When Mr. Mannings regained
20 consciousness after the seizure, he saw blood around him on the floor. As a result
21 of the beating, Mr. Mannings suffered extensive bruises and required surgery on the
22 shattered knuckle. He was interviewed on camera and a senior deputy told Mr.
23 Mannings the incident would be investigated. Although Mr. Mannings was
24 supposed to be allowed to present his version of events at his disciplinary hearing,
25 he was not permitted to do so.

26 **G. Deputies’ Use Of Inmates As Pawns To Inflict Violence On Other**
27 **Inmates**

28 132. Deputies regularly pit inmates against other inmates, using them

1 as pawns to carry out acts of violence. Deputies sometimes instigate violence
2 between inmates by allowing inmates from rival gangs to have physical access to
3 each other (for example, by opening up their cell doors from the deputy control
4 booth), or by fomenting discord (for example, by mentioning an inmate's gang
5 affiliation to inmates from a rival gang, or stating in front of other inmates that an
6 inmate is a sex offender).

7 133. In March 2011, four inmates beat and sexually assaulted another
8 inmate after an LASD custody assistant opened the door to the victim's cell. The
9 controls to open cell doors are located inside a locked control booth accessible only
10 to deputies and custody assistants. After the cell door was opened, two inmates
11 went inside and began punching the victim. An inmate witness heard the victim
12 screaming for several minutes. Later that evening, the witness heard an inmate say
13 that the victim was going to be sexually assaulted with a broomstick. The victim's
14 cell door was once again opened and four inmates entered, one of them carrying a
15 broomstick. The witness heard the victim screaming and saw a broomstick handle
16 with blood on it sticking out of the cell. Later, the witness saw the victim being
17 escorted away from the cell by a deputy; there was a large amount of blood on the
18 victim's pants.

19 134. Deputies in Men's Central Jail allowed other inmates to assault
20 Donald Shorts. Mr. Shorts is a former gang member and was frequently the target
21 of assaults from members of his former gang. In June 2010, two inmates who were
22 housed in a different module approached Mr. Shorts's cell. The only way they
23 could have appeared at this cell is if deputies opened the gates. One of the inmates
24 then yelled to the deputies to open Mr. Shorts's cell door. The deputies complied,
25 and the two inmates entered the cell and assaulted Mr. Shorts, beating him with
26 their fists and cutting his face and chest with a shank (a homemade knife). The next
27 day, deputies charged Mr. Shorts with possession of a shank, fighting, and
28 insubordination to staff.

1 135. In March 2011, a deputy marched Jeremiah Wilkerson past
2 members of a rival gang, telling them, “This is a Norteno. If the door’s ‘racked’
3 [opened] you know what to do.” Mr. Wilkerson believed the deputy was trying to
4 make him a target for an attack in retaliation for an earlier altercation.

5 136. Cameron Saul, a former inmate who now works as a drug
6 treatment counselor, served as a “house mouse” (a liaison between inmates and
7 deputies) for part of his time in Men’s Central Jail, and reported to the deputies
8 about inmates who were causing problems. On several occasions, deputies told
9 Mr. Saul that inmates should “handle the problem,” and that Mr. Saul should line
10 up at least two inmates to say that the problem-causing inmate had “slipped in the
11 shower,” in case that inmate complained following the attack. Mr. Saul later
12 witnessed other inmates take so-called problem inmates to the back of the module
13 and attack them, without deputies intervening to prevent the attack.

14 137. A deputy placed Mr. T, an inmate who had been in protective
15 custody, in the general population tank, where he was viciously attacked by other
16 inmates. Mr. T suffered contusions on his head, a busted lip, blurry vision, a
17 swollen ear, and severe emotional trauma.

18 138. Michael Topete heard someone yelling, “Help, they’re killing
19 me!” while someone else was yelling “Shut the fuck up!” The next morning,
20 Mr. Topete heard other inmates say, “They killed the rapist.” In an unrelated
21 incident, deputies placed Mr. Topete, who had previously been in protective
22 custody, in the general population, where he was attacked by other inmates.

23 139. On several occasions, deputies placed Rodolpho Mendoza, who
24 was in protective custody, with inmates from the general population, who attacked
25 him.

26 140. In 2009, Therin McGuire witnessed deputies ordering two
27 inmates to beat up a third inmate in MCJ.

28 **H. Even Civilians Have Witnessed Deputy Violence Against Inmates**

1 141. Unchecked deputy-on-inmate violence in Men’s Central Jail and
2 Twin Towers has become so pervasive and routine in recent years that deputies
3 carry out savage attacks even in the presence of civilian eye witnesses. Thomas
4 Parker, former Assistant Special Agent in Charge of the FBI’s Los Angeles Field
5 Office noted that the phenomenon of deputies beating inmates in areas visible to
6 civilians suggests that “the culture of deputy violence in the Jails has become so
7 hardened and pervasive that deputies feel emboldened to carry out their attacks
8 even in non-secluded areas.”

9 142. In February 2009, Jails Chaplain Paulino Juarez witnessed a
10 beating on the 3000 floor in Men’s Central Jail. Chaplain Juarez was visiting
11 inmates as part of his ministry, when he heard the sounds of someone being beaten.
12 When he walked towards the noises, he saw three deputies, including Deputies
13 Ramirez and Aguilar, in a hallway pounding the face and body of an inmate who
14 stood with his back to the wall. The inmate appeared to be handcuffed; he was
15 neither raising his hands to protect himself, nor resisting in any way. The deputies
16 punched the inmate until he collapsed face-first on the ground, at which point they
17 began kicking him in the head and body. Until this point, the inmate had implored
18 the deputies to stop. On the ground, he fell silent. Though the inmate was
19 apparently unconscious, deputies continued to punch and kick him, and yelled,
20 “Stop fighting!”

21 143. A deputy finally noticed that Chaplain Juarez was watching the
22 attack and made signs to the others to stop the beating. But a call had gone out to
23 other deputies to join in the attack, and two more deputies entered the hallway and
24 began to kick the motionless inmate. One deputy stomped on the inmate’s back.
25 Those deputies who had noticed Chaplain Juarez motioned to the other deputies to
26 alert them to his presence.

27 144. At the end of the beating there was a puddle of blood some two
28 feet in diameter around the inmate’s head. Chaplain Juarez was overwhelmed with

1 fear, worried deputies would harm him. Several eyed him in a threatening way.
2 Some said “rat” and “motherfucker” when he passed them in the jail over the next
3 few days.

4 145. Chaplain Juarez wrote a detailed report of the incident, which he
5 gave to a sergeant and his supervisor at the archdiocese, and he was interviewed by
6 the LASD. Two years passed before he heard anything from the LASD about the
7 beating. In a June 2011 meeting among employees of the archdiocese and
8 personnel from OIR, Chaplain Juarez was told that the case had been resolved
9 internally, and that news of the beating had never reached Sheriff Baca. After the
10 meeting with OIR, a representative of Sheriff Baca’s office contacted the Catholic
11 chaplains to set up a meeting with the Sheriff.

12 146. In July 2011, Sheriff Baca told Chaplain Juarez that the detailed
13 report Chaplain Juarez had written and delivered to the LASD was not included in
14 the LASD’s file on the incident. The file that Sheriff Baca read aloud from
15 described Chaplain Juarez as “exaggerating” the details of the beating. The
16 description of the attack in the LASD file from which Sheriff Baca read aloud
17 seemed to describe a totally different incident from the one Chaplain Juarez had
18 witnessed: the file said the inmate was schizophrenic and deputies had to strike
19 him a few times with their fists to get him into his cell. Sheriff Baca seemed
20 unconcerned, stating simply that “punches are allowed but kicks are not allowed in
21 my department.”

22 147. In February 2011, another Jail Chaplain, Chaplain Doe, was
23 walking towards the chaplain’s office on the third floor of Men’s Central Jail, when
24 he saw four or five deputies repeatedly kicking an inmate. The inmate lay
25 motionless, face-down on the ground. His hands appeared to be tucked behind his
26 back, where they remained throughout the attack. The inmate pleaded with the
27 deputies to stop, yelling, “Help me!” After the deputies continuously kicked the
28 inmate for between two and three minutes, the deputies ordered Chaplain Doe to

1 leave the scene. Chaplain Doe was afraid that if he tried to stop the beating or even
2 asked the deputies to stop, they would hurt him. Although Chaplain Doe could no
3 longer see the beating at this point, he could still hear the “thumping” sounds of the
4 deputies kicking the inmate, and the inmate’s cries for help. Eventually the inmate
5 fell silent but the kicks continued for about another minute. Neither LASD nor the
6 OIR ever questioned Chaplain Doe about the incident, even though a sergeant and
7 numerous deputies were aware that he was an eyewitness to the beating.

8 148. On January 24, 2011, Esther Lim, the ACLU Jails Project
9 Coordinator, witnessed the savage beating of an immobile, seemingly unconscious
10 inmate in Twin Towers. At the time, Ms. Lim was meeting with another inmate in
11 the facility’s attorney room. When she heard what sounded like a fight in the
12 Staging Area, she looked through the windows dividing the attorney room and the
13 Staging Area and saw the attack in progress. Deputies Ochoa and Hirsch
14 repeatedly punched and kneed an inmate who lay face-down and inert on the floor.
15 The inmate was so still that Ms. Lim thought he looked like “a mannequin that was
16 being used as a punching bag.” But the deputies persisted in their attack, with one
17 of them shocking the inmate again and again with a taser gun. Although the inmate
18 never moved from his spot on the ground, the deputies repeatedly yelled, “Stop
19 fighting!” and “Stop resisting!”

20 149. Scott Budnick, a civilian volunteer who mentors young inmates,
21 witnessed five deputy-on-inmate beatings at Men’s Central Jail over a three-year
22 period.

23 150. In early 2007, Mr. Budnick witnessed an incident in which
24 approximately seven deputies used a taser gun repeatedly on an inmate who was
25 lying on the ground motionless. When Mr. Budnick told a deputy what he had
26 seen, the deputy replied, “Yeah, we fuck these guys up all the time.”

27 151. In 2008, while Mr. Budnick waited outside the classroom where
28 he taught inmates, he saw a deputy pull an inmate out of a line, strip search him in

1 full view of numerous people, and then smash his head into the wall with such force
2 that Mr. Budnick heard a loud crack. The inmate had not attacked or threatened the
3 deputy in any way before the attack.

4 152. In December 2008, again while standing outside his classroom,
5 Mr. Budnick saw three deputies stop and strip search an inmate who was walking
6 down the hall. The deputies forcefully twisted the inmate's arm behind his back
7 and shoved him to the ground. The inmate had not attacked or threatened the
8 deputies in any way.

9 153. In or about July 2009, Mr. Budnick saw several deputies taunt
10 an inmate who asked them for directions to the inmate's module. The deputies then
11 twisted the inmate's arm behind his back, grabbed the inmate's head and put it
12 against the wall, and then pushed the inmate's face into the wall.

13 154. In 2009, Mr. Budnick witnessed three deputies kicking and
14 punching an inmate. When the inmate fell down, the deputies continued attacking
15 him while he lay on the floor. The deputies repeatedly yelled "Stop resisting!" –
16 even though Mr. Budnick could see that the inmate was not moving, much less
17 resisting.

18 155. Several chaplains cautioned Mr. Budnick not to report one
19 incident of abuse that he witnessed, telling him that if he reported the incident, he
20 would no longer be allowed to volunteer. The chaplains said that they refrained
21 from reporting incidents of abuse out of fear of losing their jobs. Several civilians
22 also said that they were afraid to intervene in the deputy-on-inmate attacks they
23 witnessed, for fear if they tried to stop the attacks, deputies would assault them.

24 156. Mr. Budnick did report the July 2009 incident to Sergeant
25 Renfro, who promised to "get into this immediately." Mr. Budnick, however, was
26 never interviewed about what he had observed. He never heard back from the
27 sergeant, or anyone else at the LASD or OIR, about an investigation into his
28 allegations of deputy violence.

1 **I. The Pattern Of Deputy-On-Inmate Violence In The Jails Has Been**
2 **Ongoing For At Least A Dozen Years.**

3 157. In July 2009, after Phillip Westby got into an argument with
4 another inmate in Twin Towers, deputies pulled him out of his cell and slammed
5 his head into the wall. Deputy O’Hardy handcuffed Mr. Westby and then slammed
6 his head into the wall two more times. Deputies O’Hardy and Sandoval then led
7 Mr. Westby into the Outdoor Recreation area where they repeatedly punched him in
8 the head, neck and back, and then threw him to the ground. Mr. Westby worried
9 that his ribs were broken, but did not seek medical help because he feared
10 retaliation from the deputies. It took Mr. Westby’s bruises almost two weeks to
11 heal.

12 158. In October 2008, Deputy Cinderelli handcuffed Drequinn
13 Johnson to transport him to a legal visit. Deputy Cinderelli stopped Mr. Johnson in
14 the hallway, near Deputy Grant, who was considered a “rookie” deputy. Deputy
15 Cinderelli said to Deputy Grant, “This is training, this is when you get your first
16 force,” meaning his first use of force incident. Deputy Cinderelli then shoved
17 Mr. Johnson against the wall and began punching him. Mr. Johnson, who was still
18 handcuffed, fell to the ground, and Deputy Grant joined Deputy Cinderelli in
19 punching and kicking him. Two other deputies came over and joined the melee.
20 The deputies shot Mr. Johnson with a taser twice in the arm. After the incident,
21 Mr. Johnson was unable to see out of his left eye for about two weeks. When
22 deputies interviewed Mr. Johnson about the incident, he said he did not remember
23 what had happened, because he was afraid the deputies would hurt him again.

24 159. In February 2008, after Peter Johnson, who uses a wheelchair,
25 complained about jail conditions, Deputies Ochoa, Reynoso, and Saldivar pulled
26 him off his bed and kicked and kneed his ribs, back, and neck. The deputies later
27 shot pepper spray into Mr. Johnson’s face and caused him to fall out of his
28 wheelchair. The assault occurred in the wheelchair module in Men’s Central Jail.

1 160. On or about December 30, 2007, a deputy repeatedly slammed
2 Robert Powell's head into the wall, scratching and bruising his forehead, and left
3 him outside in the cold. At the time, Mr. Powell was 58 years old.

4 161. In June 2006, a deputy assaulted and raped Frank Mendoza, a
5 gay inmate, in Twin Towers. Earlier in the day, the same deputy was escorting a
6 line of inmates including Mr. Mendoza and said to them "you all walk like girls."
7 When Mr. Mendoza said to another inmate in the line, "There's a male who's
8 unsure of his masculinity," the deputy grabbed Mr. Mendoza, shoved him against
9 the wall, and threatened him stating, "You better watch it. I will show you my
10 masculinity. I will come get you." Later that day, when the inmates returned to
11 their pod, Mr. Mendoza's cell door was left open. Shortly after the deputy in the
12 tower outside the pod left his post, the deputy who had previously threatened
13 Mr. Mendoza forced him into his cell, tore off his clothes, threw him to the ground,
14 shoved a gag in his mouth and raped him. After the rape was over, Mr. Mendoza
15 lay shivering and naked in his cell until another deputy found him and asked what
16 had happened. After Mr. Mendoza reported that he had been raped, the deputy
17 responded, "I do not see anything wrong with you." No LASD personnel has ever
18 interviewed Mr. Mendoza about the incident, nor taken any forensic evidence to
19 investigate whether he had been raped. Mr. Mendoza had been arrested for public
20 drunkenness and was being held in LA County jail on a warrant for failure to
21 appear that later proved to have been issued in error.

22 162. Mario Rocha is a 31 year old who is now pursuing his B.A. at
23 George Washington University in Washington, D.C. On October 10, 2003, he was
24 in jail on a charge that ultimately resulted in a reversed conviction. Mr. Rocha was
25 in a holding cell being processed for entry into the jail, when he observed a man in
26 his late 50's or early 60's, who appeared to be mentally ill, on his hands and knees.
27 Mr. Rocha saw a deputy race over, kick the man in the head, and start punching
28 him. Almost immediately, about four or five other deputies came over and joined

1 in the assault, punching, stomping, and kicking the man while he lay on his
2 stomach on the floor, not resisting and not even trying to shield himself from the
3 deputies' blows. The assault left the man bleeding from his face and the top of his
4 head, with one of his eyes swollen shut.

5 **J. Victims Of Deputy Abuse Experience Intimidation And**
6 **Retaliation**

7 163. There is a widespread fear among inmates at Men's Central Jail
8 and Twin Towers of reporting deputy misdeeds to the ACLU, or anyone else,
9 because deputies regularly retaliate against those who lodge complaints. When
10 inmates complain about mistreatment, deputies respond with punishment: strip
11 searches, body cavity searches, destructive cell shake-downs, confiscation of their
12 belongings, or solitary confinement. If inmates complain of being beaten, the
13 Sheriff's Department will likely bring false disciplinary charges against them for
14 assault against the deputies who beat them, and in some cases hand them over for
15 criminal prosecution on the bogus charges.

16 164. In March 2011, after Mr. U told a nurse that a deputy had earlier
17 refused to take him to his medical appointment, the deputy said to Mr. U, "I can
18 make it that you slip in the shower next time and need serious medical attention."

19 165. In January 2011, two deputies verbally and physically assaulted
20 Shawn Meyers in an elevator for his interactions with ACLU representatives. The
21 deputies slammed Mr. Meyers, who uses a wheelchair, against the wall, and said,
22 "That's your warning."

23 166. In January 2011, Deputy Carbajal overheard inmate Mani Sadri
24 complain about being threatened by another deputy. Deputy Carbajal warned
25 Mr. Sadri not to complain any more to ACLU, and threatened to have other inmates
26 kill him. Deputy Carbajal said, "Don't complain to anyone if you want to make it
27 out of here alive."

28 167. In November and December 2010, in the Twin Towers, deputies

1 repeatedly threatened Mr. V, whose criminal case had received extensive media
2 coverage. On one occasion, a module officer refused to give Mr. V a blanket,
3 saying he did not “give them to murderers.” Another deputy told him, “[S]o you’re
4 [Mr. V]. I can’t wait to get you to my floor.” When Mr. V was transferred to
5 Men’s Central Jail, Deputies Ibarra and another deputy repeatedly asked him what
6 he was in jail for, and punched his ribs until he answered. They called Mr. V a
7 “piece of shit,” told him he would not receive basic necessities such as food, and
8 said they would turn him over “to the Southsiders,” which Mr. V understood as a
9 threat to turn him over to the Southsiders gang. Deputy Ibarra told him not to
10 complain about the incident, or the deputy would “go in your cell and beat you up
11 personally.”

12 168. In June 2010, after Robert Dragusica spoke with the ACLU
13 about violence inside Men’s Central Jail, deputies began threatening and
14 intimidating him. The behavior of the deputies caused Mr. Dragusica to refuse two
15 opportunities to speak with the ACLU again, because he was scared of what the
16 deputies might do. After eventually speaking with the ACLU a second time,
17 deputies sent Mr. Dragusica to disciplinary segregation for a fabricated contraband
18 charge.

19 169. Deputies sent another inmate to beat Emmanuel Benson in
20 May 2009, after he reported that a guard had assaulted him the day before. A
21 deputy opened the door to Mr. Benson’s cell in Men’s Central Jail and allowed the
22 other inmate to enter. The inmate punched Mr. Benson twice in the face and told
23 him he was sent because Mr. Benson reported the deputy’s attack. Mr. Benson did
24 not request medical treatment in fear of further retaliation.

25 170. In March 2009, deputies severely beat Daysuan Rushing in
26 retaliation for his speaking to the ACLU. After Mr. Rushing spoke with an ACLU
27 representative who visited his row, deputies delayed him as he returned from a
28 court appearance. Mr. Rushing, who was restrained in waist chains, was forced up

1 against a wall with his legs spread. Deputy Zuniga slapped the back of his head
2 twice and then kicked Mr. Rushing's leg, causing him to fall to the ground. Deputy
3 Zuniga and another officer began punching and kicking Mr. Rushing, and hit him
4 repeatedly in the face and knees with a flashlight. The deputies then pepper
5 sprayed Mr. Rushing in the face and threw him down a flight of stairs. While
6 Mr. Rushing was laying on the ground bleeding, Deputy Zuniga said, "You fucking
7 whiners, tell this to the ACLU, I dare you." As a result of the beating, Mr. Rushing
8 received stitches on both sides of his face.

9 171. Deputies beat Mr. W in Men's Central Jail and he was
10 subsequently refused pain medication that he was supposed to receive, because he
11 had complained to the ACLU.

12 172. Defendants Sheriff Baca and Chief Burns have long been aware
13 of the Department's practice of retaliating against inmates, including a pattern of
14 arresting the victims of staff beatings and initiating their prosecution for assault,
15 without any meaningful internal investigation of the facts surrounding the incident.
16 In 2010, the ACLU filed in *Rutherford* a motion for a protective order asking that
17 Defendants and their agents be enjoined from retaliating against inmates for
18 speaking with the ACLU. That motion was accompanied by numerous declarations
19 attesting to incidents of retaliation, including retaliation in the form of physical
20 abuse. Despite this knowledge, Defendants have denied that retaliation is a
21 significant problem and have failed to adequately investigate the problem. Instead,
22 they have tolerated and encouraged staff to continue to arrest and request
23 prosecution of inmates beaten in the jails. Their continued acquiescence in this
24 practice manifests deliberate indifference toward the rights of the Plaintiffs and all
25 other inmates in the Jails.

26 173. In a November 2010 declaration, Chief Burns made a
27 categorical statement under oath that "every allegation of retaliation" that the
28 ACLU had brought to LASD's attention that the Department had investigated "has

1 been determined to be **without merit**. ... [T]he Department takes allegations of
2 retaliation and other deputy misconduct extremely seriously and such claims are
3 always thoroughly investigated.”⁴⁰ On information and belief, this statement was
4 false and Chief Burns knew it was false at the time he made it.

5 174. On information and belief, Plaintiffs allege that Undersheriff
6 Tanaka is also aware of this pattern of retaliation.

7 175. In its October 2011 report, the OIR stated that expectations that
8 custody personnel will not engage in retaliation and the use of excessive force is not
9 “consistently reinforced up the chain of command”:

10 “[T]he key to preventing questionable force incidents and
11 ensuring the fair treatment of inmates is in the hands of
12 line-level supervisors. If sergeants do not actively engage
13 with those they supervise, deputies and custody assistants
14 too easily can lose sight of the expectations the
15 Department places on them and engage in the type of
16 abusive, retaliatory conduct inmates frequently complain
17 of. The Department has not always staffed the jails
18 sufficiently to provide the necessary level of supervisory
19 involvement, and its expectation of sergeants is not
20 consistently reinforced up the chain of command.”⁴¹

18 **K. Supervisory Officials Have Condoned A Pattern Of Inadequate**
19 **Investigations And Cover-Ups**

20 176. The LASD brushes aside most inmate reports of violence. The
21 Department’s apparent indifference to such complaints gives deputies a sense of
22 unchecked autonomy in the way they perform their jobs. Incidents of deputy-on-
23 inmate violence, after nominal or no investigation by LASD, are routinely reported
24 by deputies as an unprovoked inmate-on-deputy assault, and if an inmate complains
25 of being beaten or injured by jail deputies, those complaints are almost universally

26 _____
27 ⁴⁰ Decl. of Chief Dennis Burns, Nov. 5, 2010, at ¶ 3, filed in *Rutherford v. Baca*,
28 75-cv-04111-DDP, 2006 WL 3065781 (C.D. Cal. 2006) (No. 245) (emphasis in
original).

⁴¹ Los Angeles County Office of Independent Review, *supra* note 31, at 10.

1 declared unfounded. Most of these complaints get “resolved” at the lowest levels in
2 the LASD. Proper reporting procedures are routinely ignored.

3 177. Corrections expert Toni V. Bair reviewed the investigative
4 procedures and policies of the Los Angeles County Jails and found them to be
5 “grossly substandard.”⁴² For example, during the investigation of Use of Force
6 incidents the supervisor of the attacking deputies often interviews the inmate
7 victim, rather than an independent supervisor.⁴³

8 178. This practice is permitted by LASD policy, even though it is
9 considered unacceptable and unprofessional by corrections experts.

10 179. Moreover, LASD sergeants and lieutenants often permit the very
11 officers accused of assault to be present during the interview of the inmate for the
12 use of force investigation, a tactic that has the purpose and effect of intimidating the
13 inmate and impacting his testimony. *See, e.g.*, the August 2009 incident with
14 inmate Gordon Grbavac, discussed in Paragraph 91 above. Mr. Bair declared that
15 this practice is “unheard of in professionally conducted investigations and
16 interviews,” and stated that “It is no wonder that the prisoner frequently ... alters
17 his story so as not to implicate the officer(s) involved in the incident.”⁴⁴

18 180. Even though permitting a deputy who was involved in a force
19 incident with an inmate to be present during the interview of the inmate is grossly
20 unprofessional, LASD policy did not forbid this practice until the ACLU’s 2011
21 report revealed how frequently involved deputies were present during inmate
22 interviews.

23 181. The *Los Angeles Times* recently reported that according to an
24 internal LASD memorandum, deputies were “were crafting narratives ‘dramatized
25 to justify’ force and delaying using weapons such as pepper spray that could end

26 _____
27 ⁴² Decl. of Toni V. Bair, Sept. 27, 2011, at 3, filed in *Rutherford v. Baca*, 75-cv-
04111-DDP, 2006 WL 3065781 (C.D. Cal. 2006) (No. 294-13).

28 ⁴³ *Id.* ¶ 12.

⁴⁴ *Id.* ¶ 16.

1 fights ‘to dispense appropriate jailhouse justice.’”⁴⁵

2 182. In 2011, a correctional expert in an inmate’s excessive force
3 case against Sheriff Baca noted both false reports by deputies and the complete
4 absence of an after-the-fact review of a serial cell extraction in Men’s Central Jail,
5 in which deputies injured a number of inmates.⁴⁶ The report stated, among other
6 things, that with respect to the deputies’ documentation of the use of force, “some
7 crucial reports are missing, others are substantially incomplete and still other
8 reports are inaccurate or false.”⁴⁷ In addition, the report stated: “One of the most
9 disturbing aspects of this incident is that there was apparently not so much as a
10 cursory review of the situation, let alone a serious investigation” by supervisors of
11 what led to the disturbance on the cell block and the response that culminated in the
12 serial cell extractions.⁴⁸

13 183. In its 2011 report, the OIR stated “too often we have found” that
14 “the investigations of force incidents that result in less serious or no apparent
15 injuries to the inmate” are “lackluster, sometimes slanted, and insufficiently
16 thorough.”⁴⁹

17 184. Former FBI Executive Thomas Parker concluded that there are
18 “systemic institutional actions to cover [] up” the longstanding pattern of unchecked
19 deputy-on-inmate violence at the jails.

20 185. The institutional cover-ups often take the form of filing criminal
21 charges against inmate victims of deputy violence. The odds are low of an inmate
22 winning an acquittal against the sworn testimony of deputy witnesses. A criminal
23 conviction of the inmate for his “assault” on the deputy – in reality, the deputy’s

24 ⁴⁵ Robert Faturechi & Jack Leonard, *Sheriff Baca Was Warned about Jail Deputies*
25 *Conduct, Retiree Says*, Los Angeles Times, Dec. 1, 2011, available at
<http://articles.latimes.com/2011/dec/01/local/la-me-jail-commander-20111201-1>
26 [hereinafter *Sheriff Baca Was Warned*].

27 ⁴⁶ Expert Report of Jeffrey Schwartz, Feb. 8, 2011, filed in *Ramirez v. Baca*, CV08-
2813-DSF (C.D. Cal.) (No. 118).

27 ⁴⁷ *Id.* at 15.

28 ⁴⁸ *Id.* at 20.

⁴⁹ Los Angeles County Office of Independent Review, *supra* note 31, at 4.

1 assault on the inmate – results in a complete immunization of the deputy assailants
2 and the Department for from civil liability for the assault.

3 186. In January 2011, James Parker, an inmate whom ACLU Jails
4 Project Coordinator Esther Lim witnessed being brutally beaten and tasered by
5 Deputies Ochoa and Hirsch, was subsequently charged with battery against a peace
6 officer and resisting a peace officer. For additional examples of trumped-up
7 charges filed against victims of deputy abuse, *see, e.g.*, Paragraphs 54 – 61
8 (Macario Garcia), 116 (Mr. M), and 126 (Evan Tutt) above.

9 187. The Department has even charged *visitors* to the Jails in this
10 fashion. As discussed in Paragraph 70, Gabriel Carillo was assaulted by deputies
11 while visiting his brother in Men’s Central Jail in February 2011. In April, 2001,
12 he was charged with resisting and officer and battery.⁵⁰ The District Attorney later
13 dismissed the charges against him after the ACLU issued its 2011 Annual Report
14 and the *Los Angeles Times* revealed that the FBI was investigating deputy-on-
15 inmate abuse in the jails.

16 188. In contrast, LASD frequently chooses not to forward to the
17 District Attorney information about deputies who have been disciplined or even
18 terminated for using excessive force against inmates. As the *Los Angeles Times*
19 reported: “In several cases in recent years, deputies who were disciplined or even
20 fired for abusing inmates escaped criminal scrutiny because Sheriff’s Department
21 officials chose not to give the evidence to the district attorney’s office, opting to
22 handle the cases internally.”⁵¹

23 **L. Defendants Have Actual Knowledge Of Deputy Violence And**
24 **Have Failed To Take Reasonable Measures To Avert It**

25 189. Rampant violence at the Jails has resulted from a failure of

26 ⁵⁰ *The People v. Gabriel M. Carillo*, BA381607 (Los Angeles County Superior
Court).

27 ⁵¹ Jack Leonard & Robert Faturechi, *D.A. in the Dark on Jail Probes*, Los Angeles
28 Times, Dec. 4, 2011, *available at* <http://articles.latimes.com/2011/dec/04/local/la-me-jails-da-20111205>.

1 leadership at the top level of the Department. Such a pervasive, deeply-entrenched,
2 and notorious pattern of excessive force could not have continued unabated over a
3 period of many years without a code of silence on the part of front-line and
4 supervisory staff, combined with management staff's failure to require
5 accountability, and their engaging in outright cover-up.⁵²

6 190. Despite overwhelming evidence of the culture of deputy-on-
7 inmate violence, Sheriff Baca, Undersheriff Tanaka, and Chief Burns have
8 stubbornly refused to acknowledge the problem. They and their spokespeople have
9 publicly taken the position that victims' allegations have been investigated
10 thoroughly and found to be false, and they have attacked the credibility of civilian
11 witnesses to deputy violence. On information and belief, they have routinely
12 dismissed inmates' complaints of staff beatings, even when the deputies allegedly
13 involved had failed to report a use of force and the inmate was seriously injured;
14 when the inmate's injuries were obviously more serious than the staff accounts of
15 their actions would suggest; and when the same deputies reported essentially the
16 same scenarios over and over to describe incidents in which different inmates were
17 injured.

18 191. Sheriff Baca has failed or refused to hold accountable high-
19 ranking supervisors in the face of significant nonfeasance and malfeasance by these
20 supervisors and by the officers they oversee. Both Chief of Custody Operations
21 Burns and Undersheriff Tanaka remain in the positions they held, or have been
22 promoted, despite the epidemic of deputy on inmate abuse in the jails that Sheriff
23 Baca is aware occurred over the past years.

24 192. With rare exception, deputies whose misconduct is brought to
25 the attention of supervisory personnel continue to work with inmates in

26 ⁵² "The only way in which an established pattern of inappropriate use of force can
27 be maintained is through a combination of a code of silence on the part of front-line
28 and supervisory staff and a management staff posture of lack of accountability or
outright cover-up." Jeffrey A. Schwartz, *Fixing Use-of-Force Problems*, American
Jails (2010).

1 Department-operated jails without any substantial disciplinary action being taken
2 against them.

3 193. The fact that physical abuse by officers remains unchecked and
4 unrestrained leads the staff to believe that inmates may be beaten with impunity.
5 Sheriff Baca's actions and omissions have created the perception among high-
6 ranking supervisors in the Sheriff's Department that a supervisor who turns a blind
7 eye towards evidence of staff misuse of force and fails to investigate incidents in
8 which inmates are injured by staff will suffer no damage to his or her career.

9 194. In September 2011, the release of the ACLU's annual report on
10 the Los Angeles County Jails, detailing some seventy recent instances of extreme
11 deputy violence against inmates and other serious abuse of inmates, and press
12 reports of an FBI probe involving deputy violence in the Jails, set off a media
13 storm. Sheriff Baca responded by dismissing any possibility of a systemic problem,
14 and with wildly inconsistent and self-serving statements about his lack of
15 awareness of the problem.

16 195. Sheriff Baca first flatly denied the existence of a systemic
17 problem. Nicole Nishida, one of the sheriff's spokespersons, said that the
18 department thoroughly investigated all complaints of abuse that it received and that
19 most were unsubstantiated.⁵³

20 196. As public criticism of Sheriff Baca continued to mount, and new
21 allegations surfaced, the Sheriff acknowledged there were widespread problem but
22 claimed that he had not been aware of its existence. As reported on October 10,
23 2011, Defendant Baca stated: "We are going to look into this and we welcome
24 anyone to look into it as well." He contended that "[t]he widespread problem can't
25 be defined until we know what all the issues are."⁵⁴

26 ⁵³ Jennifer Medina, *Report Details Wide Abuse in Los Angeles Jail System*, N.Y.
27 Times, Sept. 28, 2011, available at [http://www.nytimes.com/2011/09/28/us/aclu-](http://www.nytimes.com/2011/09/28/us/aclu-suit-details-wide-abuse-in-los-angeles-jail-system.html?_r=1&pagewanted=all)
28 [suit-details-wide-abuse-in-los-angeles-jail-system.html?_r=1&pagewanted=all](http://www.nytimes.com/2011/09/28/us/aclu-suit-details-wide-abuse-in-los-angeles-jail-system.html?_r=1&pagewanted=all).

⁵⁴ Jennifer Medina, *Pressed, Sheriff Agrees to Jails Inquiry*, N.Y. Times, Oct. 10,
2011, available at <http://www.nytimes.com/2011/10/11/us/pressed-sheriff-agrees->

1 197. On October 16, 2011, the Sheriff told the *Los Angeles Times* that
2 his command staff occasionally left him in the dark about the Jails' problems. "I
3 wasn't ignoring the jails. I just didn't know," Baca said. "People can say, 'What
4 the hell kind of leader is that?' The truth is I should've known. So now I do
5 know."⁵⁵

6 198. Finally, in early December 2011, it came to light that Sheriff
7 Baca and other senior officials in LASD had in fact known of the pattern of
8 widespread deputy violence in the Jails for years. Robert Olmsted, a retired top
9 LASD official with supervisory authority over Men's Central Jail, had repeatedly
10 informed Sheriff Baca of such problems. The *Los Angeles Times* reported on
11 December 1:

12 A top commander in Los Angeles County's jail system
13 said he warned Sheriff Lee Baca and other senior officials
14 last year about deputies using excessive force against
15 inmates but was ignored until the problems grew into a
16 public scandal.

17 In an interview with The Times, Robert Olmsted said he
18 tried to raise red flags about shoddy investigations that
19 allowed deputies to escape scrutiny for using force. He
20 also voiced concern about deputies forming aggressive
21 cliques.

22 He alleged that two top officials rebuffed him, telling him
23 it was impossible to change the deputy culture in the
24 downtown L.A. lockup, an antiquated facility that houses
25 some of the county's most dangerous inmates.

26 Olmsted, a 32-year department veteran who retired late
27 last year, had commissioned several confidential audits
28 and internal memos that found serious problems with

to-abuse-inquiry.html?_r=1&scp=1&sq=margaret%20winter%20aclu&st=cse.
⁵⁵ Jack Leonard & Robert Fateruchi, *Baca Says He Was out of Touch with County's
Jails*, *Los Angeles Times*, Oct. 16, 2011, available at
<http://www.latimes.com/news/local/la-me-baca-jails-20111016,0,5570416.story>
[hereinafter *Baca Says He Was out of Touch*].

1 excessive force and inadequate supervision in the jail. He
2 said top sheriff's officials seemed not to take his concerns
3 seriously.

4 ...

5 "It's frustrating knowing that this never, ever needed to
6 have occurred," Olmsted said. "There was a systematic
7 failure of leadership."

8 ...

9 Olmsted said he twice approached Baca to discuss the
10 problems at Men's Central Jail. The first time was at a
11 department barbecue. Baca, he said, told him he would
12 be in touch but never followed up.

13 Months later, Olmsted said, he spoke to the sheriff at a
14 charity food giveaway. The event occurred soon after a
15 group of Men's Central Jail deputies had been caught
16 fighting each other at an off-duty, department holiday
17 party. After the brawl, sheriff's officials said some of the
18 deputies had formed a clique whose members flashed
19 gang-like hand signs.

20 Olmsted said he told the sheriff he wanted to discuss how
21 to improve supervision at the jail to prevent similar
22 problems in the future. Baca, he said, agreed to talk but
23 again never followed through.⁵⁶

24 199. Commander Olmsted raised the issue of unchecked violence not
25 only with Defendant Baca but also with Defendants Burns and Tanaka:

26 Burns, he said, told him the jail's culture could not be
27 changed. Frustrated, Olmsted said he took his concerns in
28 the summer of 2010 to Asst. Sheriff Marvin O.
Cavanaugh, who was sympathetic but told him the same
thing. He also spoke to then-Asst. Sheriff Paul Tanaka,
who as undersheriff now runs the day-to-day operations
of the department.⁵⁷

⁵⁶ *Sheriff Baca Was Warned*, *supra* note 42.

⁵⁷ *Id.*

1 200. Witness LA reported: “In a series of interviews with the *LA*
2 *Justice Report*, Olmsted [stated] ... “[T]he real problem is how departmental
3 leadership allowed this jail situation to occur.” “The problems inside the jail were
4 ignored by the Sheriff’s command staff. I went to [Custody Chief Dennis] Burns,
5 [Undersheriff Paul] Tanaka. And I went to Lee Baca. I told them I needed help
6 trying to corral this situation and I was ignored.”⁵⁸

7 201. Commander Olmsted also found, as early as 2009, that reported
8 use of force was not being properly investigated and the official paperwork
9 reporting incidents of deputy force at Men’s Central Jail – the so-called “use of
10 force packets” – were not being properly prepared:

11 202. Olmsted found that, not only were many force packages not
12 being investigated, the ones that were cleared were often given only cursory
13 examination. Olmsted had one of his lieutenants pull 30 force reports at random
14 that were in various stages of oversight. A second lietenant [sic], Mark McCorkle,
15 analyzed them. All were either signed off on, or were on the verge of being
16 cleared. Yet of that group of 30, 18 uses of force were questionable in nature and
17 conceivably fell outside of department policy.⁵⁹ Commander Olmsted raised the
18 issue of inadequate investigations of use of force with command staff, including
19 Defendants Burns and Tanaka – all of whom ignored the issue. Olmsted took
20 McCorkle’s finding regarding inadequate use of force investigations up the chain of
21 command to Custody Chief Dennis Burns, Assistant Sheriff in charge of custody,
22 Marvin Cavanaugh, and Paul Tanaka. No action was taken.⁶⁰

23 203. In response to these latest revelations from Commander
24 Olmsted, Sheriff Baca, rather than accepting responsibility, publicly laid the blame

25 _____
26 ⁵⁸ Matthew Fleischer, *Dangerous Jails, Part 2: Ignoring the Warnings*, WitnessLA,
27 Dec. 1, 2011, available at [http://witnessla.com/sheriff-lee-](http://witnessla.com/sheriff-lee-baca/2011/admin/dangerous-jails-part-2-ignoring-the-warnings-by-matt-fleischer/)
28 [baca/2011/admin/dangerous-jails-part-2-ignoring-the-warnings-by-matt-fleischer/](http://witnessla.com/sheriff-lee-baca/2011/admin/dangerous-jails-part-2-ignoring-the-warnings-by-matt-fleischer/)
(emphasis omitted).

⁵⁹ *Id.*

⁶⁰ *Id.*

1 on Commander Olmsted for not solving the problem. Commander Olmsted didn't
2 need to "ask permission to solve the problem," Baca said.⁶¹ The *Los Angeles Times*
3 commented, on December 2, 2011:

4 Never mind that a quasi-military organization like the Sheriff's
5 Department is all about following the chain of command. Or that Baca
6 is trying to have it both ways, suggesting that his command staff failed
7 him by shielding him from the truth, and at the same time blaming
8 Olmsted for not taking care of the problem on his own.

9 How many times can Baca plead ignorance? This is just the latest in a
10 series of objectionable responses that calls into question whether he is
11 capable⁶² of running, let alone reforming, the nation's largest jail
12 system.

13 204. According to Commander Olmsted, when he took the evidence
14 of inadequate investigations of use of force incidents to Chief Burns, Chief Burns
15 did not deny there was a problem, but told Olmsted that the jail's culture could not
16 be changed.⁶³

17 205. Despite their knowledge of the serious problem of improper and
18 excessive use of force in the jails, Defendants have repeatedly failed to take
19 reasonable steps to address the problem.

20 206. Defendants have failed to put in place adequate policies
21 governing use of force. The Department's policies are grossly lacking in specificity
22 about typical force scenarios that are likely to arise in the jails and the proper way
23 for custody personnel to handle those situations.

24 207. The force policies remain severely inadequate even after the few
25 changes to force policies that the Defendants have implemented since the release of
26 the ACLU's 2011 report.

27 208. The insufficiency of the force policies makes it almost
28 impossible to train deputies adequately on the proper use of force.

⁶¹ *Sheriff Baca Was Warned*, *supra* note 42.

⁶² Editorial, *Baca's Jails Are Baca's Problem: Sheriff Lee Baca Should Stop Blaming Others and Take Responsibility for Fixing L.A. County's Jails*, *Los Angeles Times*, Dec. 2, 2011, available at <http://articles.latimes.com/2011/dec/02/opinion/la-ed-baca-20111202>.

⁶³ *Sheriff Baca Was Warned*, *supra* note 42.

1 209. Sheriff Baca has failed to install cameras in Twin Towers and
2 Men’s Central Jail, even though he has stated as far back as 2005 that he planned to
3 install security cameras in Men’s Central Jail.⁶⁴ In 2011, after the ACLU released
4 its Annual Report on abuse in the jails, Sheriff Baca admitted that scores of cameras
5 that were supposed to have been installed in Men’s Central Jail had been sitting in
6 boxes for a year or more.⁶⁵

Comment [PE2]: I need to find a story that documents

7 210. Sheriff Baca, Undersheriff Tanaka, and Chief Burns have failed
8 to implement a system for identifying, logging, and tracking incidents of use of
9 force by deputies and complaints by inmates of use of force by deputies in the LA
10 County jail.

11 211. For the past five years, the Los Angeles Police Department has
12 had a computerized system, TEEMS II, capable of both tracking use of force
13 information and providing early warning by identifying officers involved in
14 multiple use of force incidents. Even though LAPD and numerous other law
15 enforcement agencies have such tracking and early warning systems, on
16 information and belief, Defendants either have not designed their Facility
17 Automated Tracking System (F.A.S.T.) or Personnel Performance Index to perform
18 this function for deputies working in the Custody Division, or they have failed to
19 obtain this information from one or both systems, to reduce the number of incidents
20 of excessive or unnecessary use of force in the Jails. Nor have they created a
21 system that tracks inmate complaints about use of force by deputies in the jails.

22 212. Defendant Burns has been and is aware of the failures of the
23 Department’s tracking systems. When the ACLU sought a court order in 2010
24 requiring that complaints of retaliation, including identifying the officer(s) who are
25 the subject of such allegations be tracked in F.A.S.T., Chief Burns submitted a
26 sworn declaration to the Court stating, “the FAST was not designed properly to

27 ⁶⁴ *L.A. Jail Called Deadly, Outdated, supra* note 19.

28 ⁶⁵ *Baca Says He Was out of Touch, supra* note 52.

1 track information about deputy misconduct.”

2 213. A tracking system of this kind is a basic tool for ensuring that all
3 incidents of use of force are properly reviewed and investigated and are commonly
4 used by large jail systems. The lack of such a system makes it difficult to compile
5 the essential data to detect and address problematic patterns of use of force as they
6 develop.

7 214. Defendants Baca, Tanaka and Burns have failed to develop and
8 implement a policy of zero tolerance for deputy violence and abuse of inmates.
9 Then-Assistant Sheriff Tanaka was informed as far back as 2006 by the Captain of
10 Men’s Central Jail that there was a problem with improper use of force by deputies
11 at Men’s Central Jail. At that time, Captain Clark also expressed concern about
12 deputy gangs in the jail to Tanaka. When Captain Clark proposed to set up a
13 rotation system to attempt to break up the deputy gangs, Tanaka transferred Clark
14 out of Men’s Central Jail.

15 215. When Assistant Sheriff Tanaka informed Mr. Olmsted that he
16 was being made the Captain in charge of Men’s Central Jail, Tanaka told Olmsted
17 that use of force was a problem in the jail.

18 216. When Sheriff Baca promoted Olmsted to Commander in the
19 Custody Division, then Assistant Sheriff Tanaka arranged for Dan Cruz to become
20 the Captain at MCJ, even though it was well-known within the LASD that Cruz had
21 been transferred out of the Lennox Station for being about 18 months behind on his
22 paperwork, including his review of use-of-force complaints. Tanaka nonetheless
23 placed him in a facility where he knew there were problems with use of force.

24 217. Although Defendants have been repeatedly warned that use of
25 force by deputies is disproportionately directed at inmates with mental illness,
26 Defendants have failed to implement numerous recommendations on training and
27 other appropriate steps to reduce force against mentally ill inmates made by experts.

28 218. Defendants have abjectly failed to develop policies that address

1 the problem of endemic brutality in the Jails. Policies regarding use of force,
2 investigation of use of force, discipline for deputies who have used excessive force
3 or failed to report use of force, supervisors who have mishandled investigations of
4 force, and training of deputies and supervisors all fail to meaningfully address the
5 problem. When allegations of deputy violence arise, they are infrequently
6 investigated, and deputies are rarely disciplined. Defendants have failed to track
7 incidents of violence, even though systems for doing so are readily available and
8 commonly used. In this way, Defendants have fostered a pattern and practice of
9 deputy violence against inmates, which places inmates at a significant, ongoing risk
10 of serious and irreparable injury. Deputies and supervisors alike have come believe
11 that committing abuse (or failing to investigate abuse) will have absolutely no
12 impact on one's career. As a result, physical abuse by deputies continues
13 unchecked. The persistent failure or refusal of Sheriff Baca and the other
14 Defendants to supervise deputies properly or take action to curb the misconduct
15 demonstrates Defendants' deliberate indifference to the Plaintiffs' right to
16 reasonable protection from harm.

17 **V. CLASS ACTION ALLEGATIONS**

18 219. Plaintiffs Rosas and Goodwin bring this action, pursuant to
19 Federal Rules of Civil Procedure 23(a) and (b)(2), on behalf of all present and
20 future inmates confined in the Jail Complex in downtown Los Angeles: Men's
21 Central Jail, Twin Towers, and the IRC. Inmates assigned to Men's Central Jail
22 and Twin Towers spend some period of time in the IRC, and it is commonplace for
23 inmates to be transferred back and forth between Men's Central Jail and Twin
24 Towers. The class that Plaintiffs seek to represent meets the requirements of Rule
25 23 as follows:

26 **A. NUMEROSITY**

27 220. The class meets the numerosity requirement of Rule 23(a)(1).
28 There are more than 4,000 inmates confined within Men's Central Jail and about

1 2,800 inmates in the Twin Towers at any given time. Between 500 to 1,000 men
2 are processed into or out of the jails through the IRC on any given day. The
3 membership of the class continuously changes, rendering joinder of all members
4 impracticable. The inclusion within the class of future inmates in the downtown
5 Jail Complex also makes joinder of all members impracticable.

6 **B. COMMONALITY**

7 221. The class meets the commonality requirement of Rule 23(a)(2).
8 Questions of law and fact presented by the named plaintiffs are common to other
9 members of the class. The common contentions that unite the claims of the class
10 include the following:

11 (A) There is an unlawful pattern and practice at the Jails of
12 excessive physical violence used by Sheriff's deputies against inmates.

13 (B) There is an unlawful pattern and practice at the Jails of
14 Sheriff's deputies enlisting and encouraging inmates to carry out savage attacks
15 against other inmates and promoting inmate-on-inmate violence.

16 (C) There is an unlawful pattern and practice at the Jails of
17 Sheriff's deputies using violence and threats of violence to coerce false statements
18 from inmates, to cover up unlawful violence and to intimidate inmates and thereby
19 prevent inmates from making complaints or otherwise reporting abuse at these
20 facilities.

21 (D) Sheriff Baca, Undersheriff Tanaka, Assistant Sheriff
22 Rhambo, and Chief Burns are aware of and deliberately indifferent to the use of
23 excessive force by correctional officers and the enlisting and encouraging of
24 inmates to carry out savage attacks in the Jails. They acquiesce in and condone this
25 conduct by failing to investigate it, failing to take reasonable measures to end the
26 culture of deputy violence that fosters it, failing to punish deputies who engage in
27 it, protecting those deputies from criminal prosecution, and rewarding such deputies
28 for their conduct.

1 **C. TYPICALITY**

2 222. Plaintiffs meet the typicality requirement of Rule 23(a)(3),
3 since, as alleged below, in paragraphs ???-???, the claims of the Plaintiffs are
4 typical of those of the class.

5 223. **Plaintiff Alex Rosas**, twenty-four years old, is currently housed
6 in Twin Towers.⁶⁶ On July 22, 2011, Mr. Rosas witnessed a group of deputies,
7 including Defendants Luviano, Guerrero, Bearer, and Ibarra, severely beating a
8 non-resisting inmate, Arturo Fernandez, who was clad only in boxer shorts and had
9 his hands cuffed behind his back. As the deputies pummeled the handcuffed
10 Fernandez, they shouted that he was resisting, although he was not. The deputies
11 then dragged Fernandez away.

12 224. An hour after Mr. Rosas witnessed the beating, Deputies Ibarra
13 and Luviano came to his cell and warned him, “You better not say anything.”
14 Mr. Rosas told the deputies that he had not seen anything. Mr. Rosas was afraid
15 that they would hurt him or arrange for other inmates to attack him.

16 225. A few days later, Deputies Ibarra and Luviano again came to
17 Mr. Rosas’s cell and threatened him not to say anything. Terrified that something
18 would happen to him, Mr. Rosas told them again that he had not seen anything.

19 226. On August 9, 2011, Deputies Bearer and Ibarra came to
20 Mr. Rosas’s cell and told him to “cuff up,” meaning to allow himself to be
21 handcuffed. When Mr. Rosas asked the deputies why he needed to be cuffed, they
22 responded that another inmate had given them a tip that Mr. Rosas had “something”
23 in his cell and that they were “going to toss up your cell.” The deputies handcuffed
24 him and sat him outside in the main hallway.

25 227. A few minutes later the deputies moved Mr. Rosas away from
26 the door and out of the sightline of other inmates. They told him they had found a

27 ⁶⁶ LASD has transferred all Men’s Central Jail inmates who submitted affidavits to
28 the Court in *Rutherford v. Baca* to a single unit in the Twin Towers, as of

1 “slicer” – a razor fashioned into a weapon – in his cell. Mr. Rosas told the deputies
2 that he had not altered any razors and that the weapon did not belong to him.
3 Deputy Luviano asked Mr. Rosas, “Why are you lying to my deputies?” Mr. Rosas
4 responded, “I’m not lying, sir.” The deputies punched him in the back of the head
5 four or five times and told Mr. Rosas he would be going to the “hole” – disciplinary
6 solitary confinement – for possessing the slicer.

7 228. Later, deputies came to Mr. Rosas’s cell with the disciplinary
8 paperwork. They told Mr. Rosas that if he admitted on the form that he had the
9 slicer they would “make this easier” for him and would not “add on any charges.”
10 He understood this to mean that if he lied and said he possessed a slicer then he
11 would not be taken to disciplinary segregation and the deputies would not falsely
12 charge him with assault on an officer. Mr. Rosas refused to sign the paperwork,
13 and the deputies escorted him to the hole.

14 229. Mr. Rosas asked Deputy Reza for a complaint form, but Deputy
15 Reza refused to give him one. Mr. Rosas told the deputy he would ask the
16 afternoon shift deputies for a complaint form and Deputy Reza responded that he
17 would tell the afternoon shift not to give him the form. When Mr. Rosas asked the
18 afternoon shift deputies for the complaint form, they too refused to give him a form.

19 230. **Plaintiff Jonathan Goodwin**, 29 years old, is in an inmate in
20 Los Angeles County Jails. He is currently housed in Twin Towers.

21 231. On July 22, 2011, when Mr. Goodwin was housed at Men’s
22 Central Jail on the 3000 floor, he saw several deputies running towards a row of
23 cells. He saw deputies leading inmate Arturo Fernandez in handcuffs and then
24 punching him and slamming him to the ground. Mr. Fernandez fell on his face,
25 with his hands cuffed behind his back. Several deputies, including Deputies
26 Luviano and Ibarra, punched Mr. Fernandez on his lower back and the sides of his
27 torso. Another deputy kned Mr. Fernandez in the back, as if pressing the air out of
28 his lungs. Mr. Fernandez yelled that he couldn’t breathe. The deputies told him to

1 “Shut the fuck up!” After the group of deputies punched and kicked Mr. Fernandez
2 countless times, Deputies Ibarra and Luviano escorted Mr. Fernandez out of the
3 housing module.

4 232. On August 10, 2011, Deputy Luviano came to Mr. Goodwin’s
5 cell and told him to “cuff up.” When Mr. Goodwin asked why, Deputy Luviano
6 responded that it was because he could “do whatever the fuck I want” and that
7 Mr. Goodwin “got no rights.” Deputy Luviano handcuffed Mr. Goodwin behind
8 his back and escorted him to the hallway.

9 233. In the hallway, Deputy Luviano pushed Mr. Goodwin against
10 the wall and kicked his legs open. Correctional Assistant Flannigan then
11 approached and kicked Mr. Goodwin’s ankle and punched his lower back. Deputy
12 Luviano punched Mr. Goodwin in the back of the head. Other inmates exclaimed
13 that they saw what Deputy Luviano as doing. Custody Assistant Flannigan yelled
14 down the row, “You saw that? Whatcha gonna do about it?” Deputy Luviano and
15 Correctional Assistant Wendlent then pulled Mr. Goodwin out of the view of other
16 inmates. Deputy Luviano repeatedly punched Mr. Goodwin on the back of the
17 head, even when other deputies walked into the area.

18 234. Deputy Luviano then moved around Mr. Goodwin and began to
19 punch him repeatedly in the jaw. Mr. Goodwin sank to the ground and tried to roll
20 away from Deputy Luviano. Deputy Luviano continued to punch him in the jaw,
21 and other deputies then joined in the beating.

22 235. The deputies continued to beat Mr. Goodwin until Deputy
23 Ujolla and Sergeant Soto entered the room and escorted him away. Mr. Goodwin
24 told Deputy Bearer and Sergeant Soto that the deputies had beaten him.
25 Mr. Goodwin was later interviewed on camera and repeated his account of the
26 incident. During the interview, Mr. Goodwin felt that Sergeant Soto was trying to
27 misstate the facts and put words in his mouth to make it appear that he was lying.

28 236. Deputies took Mr. Goodwin to the medical clinic, where he

1 reported that he was experiencing pain in his jaw and back molars. Medical staff
2 told Mr. Goodwin there was swelling in his head, yet he received no medical
3 treatment. Later that night, Mr. Goodwin lost a back molar that had been knocked
4 loose during the attack.

5 237. On August 12, 2011, staff charged Mr. Goodwin with
6 possession of contraband, insubordination and causing a disturbance, profanity
7 toward staff and inmates, and refusal to follow orders.

8 **D. ADEQUACY OF REPRESENTATION**

9 238. Plaintiffs are adequate class representatives and thus meet the
10 requirements of Rule 23(a)(4). Rosas and Goodwin are presently incarcerated
11 within the Jails at issue in this case, they have no conflict of interest with other
12 class members, and they will fairly and adequately protect the interests of the class.
13 They are represented by highly qualified and experienced counsel: The ACLU
14 National Prison Project, the ACLU of Southern California, and Paul Hastings, LLP,
15 as alleged below.

16 239. The ACLU National Prison Project and the ACLU of Southern
17 California already serve as class counsel for all prisoners in the Los Angeles
18 County Jails in *Rutherford v. Baca*, a case concerning over-crowding in the Jails.
19 The ACLU also serves as court-appointed monitor in that case, and over a period of
20 more than five years has conducted weekly or bi-weekly monitoring tours of Men's
21 Central Jail. Class counsel has sought to obtain discovery on deputy-on-inmate
22 abuse in *Rutherford* and moved to compel production of that discovery after
23 Defendants refused to turn it over. The Court has never ruled on that motion to
24 compel, which was submitted in December 2010. Class counsel has also informed
25 the Court of its intent to litigate the issue of deputy violence in an evidentiary
26 hearing in *Rutherford*, but the Court has questioned whether the scope of the
27 *Rutherford* judgment encompasses that issue. The ACLU is thus uniquely well
28 acquainted with the issues of deputy violence in the Jails and well equipped to

1 litigate those claims. Their work in *Rutherford* on the issues of deputy violence and
2 overcrowding helped trigger a broad criminal investigation by the FBI and the U.S.
3 Attorney's office, and was a key factor in the decision of the County Board of
4 Supervisors in November 2011 to convene a Commission to study the causes of
5 deputy violence in the Jails.

6 240. Plaintiffs' co-lead counsel Margaret Winter is the Associate
7 Director of the National Prison Project of the American Civil Liberties Union.
8 Since 1973, the ACLU National Prison Project has been the only organization
9 litigating prisoners' rights cases throughout the nation. Attorney Winter has
10 litigated prisoners' rights cases, most of them class actions, in federal courts in
11 Alabama, Mississippi, Texas, Arizona, California, Nevada, Idaho, Maryland,
12 Delaware, and Vermont, and in the Fourth, Fifth, Eighth, Ninth, and Eleventh
13 Circuit Courts of Appeal and the U.S. Supreme Court. She has argued and won a
14 prisoner's rights case in the U.S. Supreme Court. Since 2007, Winter has served as
15 co-lead class counsel for all the inmates in Los Angeles County Jails in
16 *Rutherford v. Baca*

17 241. Plaintiffs' co-lead counsel Peter Eliasberg is the Legal Director
18 of the ACLU Foundation of Southern California. Since its founding in 1923, the
19 ACLU of Southern California has been litigating a broad variety of civil rights
20 cases, including prisoners' rights cases. Attorney Eliasberg has been lead counsel
21 or co-lead counsel in numerous federal civil rights class actions in the Central
22 District of California and has been lead counsel in civil rights matters before the
23 United States Court of Appeals for the Ninth Circuit, the California Supreme Court,
24 and the United States Supreme Court, and has argued a case before the U.S.
25 Supreme Court. Since 2009, Eliasberg has served as co-lead class counsel for all
26 the inmates in Los Angeles County Jails in *Rutherford v. Baca*.

27 242. Paul Hastings LLP is an international law firm with 18 offices.
28 Paul Hastings currently has 1,029 attorneys worldwide, including 148 attorneys in

1 the Los Angeles office. Paul Hastings has sufficient resources to adequately
2 represent the class; as reported in *The American Lawyer*, the firm had gross
3 revenues of \$902 million in 2010. Paul Hastings has been recognized widely for its
4 work on pro bono cases. *The American Lawyer* recently ranked Paul Hastings
5 second in the nation in the *American Lawyer Pro Bono Report of 2011*. In 2010,
6 the firm was honored as the Pro Bono Law Firm of the Year by Public Counsel, the
7 world's largest pro bono public interest law firm. The Los Angeles office of Paul
8 Hastings was awarded the 2010 Pro Bono Service Award by the Legal Aid
9 Foundation of Los Angeles, as the top pro bono law firm in Los Angeles. Paul
10 Hastings has extensive experience in class action litigation, including class action
11 lawsuits involving civil rights. In 2009, Paul Hastings worked with the ACLU of
12 Southern California in a civil rights class action which rectified unconstitutional
13 and unsafe conditions in an immigration detention center. Paul Hastings has also
14 recently argued and won a civil rights case before the U.S. Supreme Court.

15 243. Plaintiffs meet the requirement of Rule 23(b)(2), as Defendants
16 have acted, or omitted to act, on grounds generally applicable to the class, thereby
17 making injunctive relief appropriate with respect to the class as a whole.

18 **VI. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

19 244. Both of the named Plaintiffs have exhausted available
20 administrative remedies.

21 245. On August 24, 2011, Mr. Goodwin filled out an inmate
22 complaint form stating, among other things, "On August 24, 2011, Deputy Luviano
23 and Correctional Assistant Flannigan and other deputies beat me up." The form
24 was delivered that day to both Watch Commander Limon and Deputy Alvarez at
25 Men's Central Jail.

26 246. No one from LASD has ever provided Mr. Goodwin with a
27 response to the complaint or informed him that the LASD was seeking an
28 additional 15 days to complete its investigation of the complaint.

1 247. On August 24, 2011 Mr. Rosas filled out an inmate complaint
2 form stating, among other things, that on “8/9/2011 Deputy Luviano punched me,”
3 which was provided to Watch Commander Limon and Deputy Alvarez at Men’s
4 Central Jail.

5 248. A few days later Senior Deputy Lauderdale approached
6 Mr. Rosas, showed him the complaint form and asked him what it was about. At
7 no point has any LASD personnel provided Mr. Rosas a response to the complaint
8 or informed him that the LASD was seeking an additional 15 days to complete its
9 investigation of the complaint.

10 249. LASD policy provides that the department shall investigate all
11 complaints within 15 days of their being filed unless the department notifies the
12 inmate in writing that it is seeking an additional 15 days to complete the
13 investigation. Both Plaintiffs filed their complaints more than 90 days ago without
14 receiving any response from LASD personnel.

15 **VII. CLAIMS FOR RELIEF**

16 **A. Eighth Amendment To The United States Constitution; 42 U.S.C.**
17 **Section 1983**

18 250. By reason of the allegations set forth in **paragraphs xx–xx**,
19 *supra*, plaintiffs Rosas and Goodwin, and the class they represent, were deprived
20 and continue to be deprived by Defendants of their rights, under the Eighth and
21 Fourteenth Amendments to the United States Constitution, to due process of law
22 and to be free from gratuitous and excessive force, threats of gratuitous and
23 excessive force, degrading and sadistic treatment.

24 251. The failures of Defendants Baca, Tanaka, and Burns to take
25 appropriate steps to curb the widespread pattern of brutality in Men’s Central Jail,
26 the Twin Towers, and the IRC, as described in this Complaint, constitutes
27 deliberate indifference to Plaintiffs’ basic need for reasonable protection from harm
28 and violates Plaintiffs’ rights to be free from cruel and unusual punishment,

1 including physical abuse and intimidation, degrading, cruel, and sadistic treatment,
2 and the wanton and needless infliction of pain, as guaranteed to Plaintiffs by the
3 Eighth and Fourteenth Amendments to the United States Constitution.

4 **B. Fourteenth Amendment To The United States Constitution; 42**
5 **U.S.C. Section 1983**

6 252. By reason of the allegations set forth in paragraphs xx-xx,
7 *supra*, plaintiffs Rosas and Goodwin, and the class they represent, were deprived,
8 and continue to be deprived, by Defendants of their right to due process and to be
9 free from punishment without process, in the form of gratuitous and excessive
10 force, threats of gratuitous and excessive force, and degrading, cruel and sadistic
11 treatment, as guaranteed to them by the Fourteenth Amendment to the United States
12 Constitution.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, plaintiffs request this Court as follows:

15
16 1. Declare that the continuing inaction of the supervisory
17 defendants, as described above, violates the rights of the Plaintiff class under the
18 Eighth and Fourteenth Amendments to the United States Constitution;

19
20 2. Grant preliminary and permanent injunctive relief, enjoining
21 Defendants, their successors, agents, servants, employees, and all those in active
22 concert or participation with them, from subjecting inmates in the Jails to physical
23 abuse and the threat of physical abuse;

24
25 3. Require these Defendants to formulate a remedy, subject to the
26 court's approval and modification, if necessary, to end the pattern of excessive
27 force and physical abuse in those jails, including:

1 (A) adequate policy on the use of force;

2

3 (B) adequate investigation of all use of force incidents and
4 inmate-on-inmate violence, with investigations performed by personnel
5 unconnected to the attack under investigation;

6

7 (C) appropriate training in use of force and prevention of
8 inmate-on-inmate violence;

9

10 (D) appropriate discipline of staff members found to be
11 involved in improper use of force incidents, improper threats of violence against
12 inmates; incitement of inmate-on-inmate attacks; or failure to report use of force
13 incidents;

14

15 (E) appropriate selection and supervision of command and
16 uniformed custodial staff.

17

18 3. Retain jurisdiction in this case until the unlawful conditions,
19 practices, policies, acts, and omissions complained of herein no longer exist and
20 this Court is satisfied that they will not recur;

21

22 4. Award the costs of this action, including reasonable attorneys'
23 fees; and

24

25 5. Grant such other and further relief as this Court deems just and
26 proper.

27

28

1 DATED: January 18, 2012

PETER J. ELIASBERG
MARISOL ORIHUELA
ACLU FOUNDATION OF SOUTHERN
CALIFORNIA

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3
4
5 By: _____
PETER J. ELIASBERG

6 Attorneys for Plaintiffs
7 ALEX ROSAS and JONATHAN GOODWIN on
8 behalf of themselves and of those similarly
situated

9 DATED: January 18, 2012

MARGARET WINTER
ERIC BALABAN
DAVID M. SHAPIRO
NATIONAL PRISON PROJECT OF THE
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

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15 Attorneys for Plaintiffs
16 ALEX ROSAS and JONATHAN GOODWIN on
17 behalf of themselves and of those similarly
situated

18 DATED: January 18, 2012

DONNA D. MELBY
JOHN S. DURRANT
PAUL HASTINGS LLP

19
20
21 By: _____
22 DONNA D. MELBY

23 Attorneys for Plaintiff
24 ALEX ROSAS and JONATHAN GOODWIN on
25 behalf of themselves and of those similarly
situated

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