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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 CLASS ACTION**

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behalf of themselves and of those similarly
situated

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1 4. Los Angeles County has the largest jail system in the world,
2 with an average daily population of approximately 15,000 inmates. The great
3 majority of the inmates are pre-trial detainees who are not being held pursuant to a
4 criminal conviction. Large numbers of inmates in the jails have not committed, and
5 are not charged with, with violent offenses. There are inmates held in the jails on
6 Immigration & Customs Enforcement (ICE) holds, charges of public intoxication,
7 traffic violations, and warrants for failure to appear on a wide variety of minor
8 offenses.² Indeed a number of the inmates whose beatings are described in this
9 complaint were being detained on non-violent misdemeanors, improper warrants
10 and other minor offenses. See paragraphs 71-72, 161. Deputy violence against
11 inmates in the Los Angeles County Jails is commonplace, but it is especially
12 pervasive in three facilities that comprise a single complex on Bauchet Street in
13 downtown Los Angeles: Men’s Central Jail, Twin Towers Correctional Facility
14 (“TTCF”) and the Inmate Reception Center (“IRC”) (collectively, “the Jails”).

15 5. Inmates in the Jails live in fear of deputy violence. It is typical
16 for deputies to subject unresisting inmates to grossly excessive force by slamming
17 inmates’ heads into walls, punching them in the face with their fists, kicking them
18 with their boots, and shooting them multiple times with their tasers – and for these
19 beatings to result in serious injuries to the inmates, including broken legs, fractured
20 eye sockets, shattered jaws, broken teeth, severe head injuries, nerve damage,
21 dislocated joints, collapsed lungs, and wounds requiring dozens of stitches and
22 staples. Deputies sadistically beat inmates with serious mental illness. They have
23 beaten inmates who are already in fragile medical condition, including inmates in
24 wheelchairs. Deputies have beaten inmates for asking for medical treatment, for
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26 ² Los Angeles County Jail Overcrowding Reduction Report, at xvi Vera Institute of
27 Justice, September 2011 (“Vera staff observed arraignments for people who spent
28 one or two nights in jail for FTA on charges of not paying a \$1.50 metro fare. Vera
was told that some judicial officers routinely set bail at \$50,000 for one FTA, and
jail sentences for FTA for jay walking and failure to pay traffic fines.”).

1 the color of their skin, or for no apparent reason at all. Deputies also enlist and
2 encourage other inmates to carry out savage attacks.

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

8 7. Many deputies belong to gangs inside the Jails. Like members
9 of street gangs, these deputies sport tattoos to signal their gang membership. They
10 beat up inmates to gain prestige among their peers, and “earn their ink” by breaking
11 inmates’ bones. They seek to control the Jails, and to a significant degree they do
12 control the areas where they work.

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

23 9. Defendants’ ongoing failure to halt these abuses has
24 communicated to the deputy gangs that they can carry out brutal assaults on inmates
25 with impunity. In fact, Defendants’ permissiveness has so emboldened the deputy
26 gangs that they have begun to carry out their brutal assaults on inmates more and
27 more openly, and even in the presence of civilian volunteer workers in the Jails.
28 Jail chaplains and the court-appointed jail monitors of the American Civil Liberties

1 Union (“ACLU”) have provided eyewitness accounts of deputies beating non-
2 resisting inmates in the Jails.

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

8 11. Defendants and all of the high-ranking officials in the
9 Department are aware – and, in the case of at least three of them, have been aware
10 for years – of the pattern of deputy violence, intimidation, and retaliation against
11 inmates. It has been publicly reported, documented, and condemned on scores of
12 occasions during the past twenty years. Starting in 2006, a captain and a now-
13 retired commander, both in the custody division, have reported to Defendants
14 problems with deputy gangs and deputies using excessive and unnecessary force,
15 but Defendants did not take appropriate steps to address the problem. Sheriff Baca,
16 Undersheriff Tanaka, Chief Burns, and other supervisors in these jails and at the
17 highest levels of the Department have acquiesced in, fostered, and implicitly
18 authorized the abuse by failing to promulgate adequate policies on the use of force,
19 failing to adequately train and supervise deputies in the face of historical and
20 continued evidence of abuse, failing to conduct meaningful investigations of reports
21 of excessive force, failing to hold guilty deputies accountable, and ignoring
22 evidence that deputies and other Department officials are covering up incidents of
23 excessive force.

24 12. In 1992, the prestigious Kolts Commission – formed at the
25 behest of the Los Angeles County Board of Supervisors to conduct a review of the
26 policies, practices, and procedures of the Sheriff’s Department – issued a scathing
27 report documenting numerous incidents of excessive force, lax discipline, and the
28 presence of deputy gangs. The Kolts Report resulted in the appointment of Special

1 Counsel to the Board of Supervisors for Oversight of the Sheriff's Department,
2 Merrick Bobb. Bobb issued 30 semi-annual reports between 1993 and 2011. The
3 County's Office of Independent Review ("OIR"), headed by Michael Gennaco, has
4 repeatedly reported incidents of serious abuse to Sheriff Baca. The ACLU, which
5 serves as class counsel to all detainees in Los Angeles County Jails in *Rutherford v.*
6 *Baca*, No. 75-04111 (C.D. Cal.), and which has been appointed by the District
7 Court in that case to monitor conditions in the Los Angeles County Jails, has
8 submitted multiple reports to Sheriff Baca over several years, documenting more
9 than 70 cases of extreme deputy-on-inmate violence.

10 13. Despite Sheriff Baca's actual knowledge of this pattern of
11 violence and cover-ups, he has failed over a period of many years to take
12 reasonable measures to halt the abuses. Even now that the pervasiveness and the
13 extraordinary brutality of the deputy-on-inmate abuse has become common
14 knowledge through the release of reports by the ACLU, Sheriff Baca has left in
15 place his principal subordinates in charge of supervising the Custody Division of
16 the Sheriff's Department, Undersheriff Paul Tanaka and Chief Burns, who have
17 day-to-day responsibility for ensuring the inmates' safety, and under whose regime
18 this pattern of abuse has flourished.

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

25 **III. PARTIES**

26 15. Plaintiffs Rosas and Goodwin are inmates in the custody of the
27 LASD who were previously housed in Men's Central Jail and are currently housed
28 in Twin Towers. Plaintiffs have been subjected to deputy violence and threats of

1 violence and they have witnessed deputies violently abusing other inmates. They
2 are at continuing risk of being subjected to deputy violence as a result of
3 Defendants' acts and omissions.

4 16. Defendant Leroy Baca has been the Sheriff of Los Angeles
5 County since 1998. As Sheriff, he is the chief executive officer of the LASD. By
6 California law, the Sheriff is answerable for the safekeeping of the inmates in his
7 custody. Cal. Gov't Code §§ 26605, 26610; Cal. Penal Code § 4006. Sheriff Baca
8 is responsible for the management and control of all Los Angeles County Jails, and
9 for all matters relating to the selection, supervision, promotion, training, and
10 discipline of the uniformed staff, including the supervisory security staff, of the
11 County Jails. He is also responsible for the care, custody, and control of all inmates
12 housed in the County Jails. Sheriff Baca is regularly provided with reports of
13 applications of force, allegations of unreported and excessive use of force, and
14 other breaches of security in the County Jails. Plaintiffs sue Sheriff Baca in his
15 official capacity.

16 17. Defendant Paul Tanaka is Undersheriff of the LASD. He serves
17 as second-in-command of the Department and oversees its daily operations. Along
18 with Sheriff Baca, Undersheriff Tanaka is also responsible for the care, custody,
19 and control of all inmates housed in the County Jails. Plaintiffs sue Undersheriff
20 Tanaka in his official capacity.

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

25 19. Defendant Dennis Burns has been employed by the LASD for
26 more than 36 years. He is currently assigned as the Chief of the Custody
27 Operations Division which, along with the Correctional Services Division, is
28 responsible for the operation of the County Jails. The responsibilities of the

1 Custody Operations Division include the tracking of violent incidents and the
2 formulation of responses designed to protect the personal safety of Department staff
3 and inmates in its custody. He has formerly served as Captain of the LASD's
4 Internal Affairs Bureau ("IAB"), which is responsible for conducting administrative
5 investigations against Department members who have engaged in misconduct by
6 violating the Department's policies and procedures. Plaintiffs sue Chief Burns in
7 his official capacity.

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

12 **IV. FACTUAL ALLEGATIONS**

13 **A. There Is A Longstanding, Pervasive, And Notorious Culture,** 14 **Pattern, And Practice Of Deputy Violence Against Inmates In The** 15 **Los Angeles County Jails**

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

25 22. According to Thomas Parker, a former FBI agent and Assistant
26 Special Agent in Charge of the Bureau's Los Angeles Field Office, who oversaw
27 the FBI investigation into the force, "There is at least a two-decade history of
28 corruption within the ranks of the LASD. . . .[N]o one at the command level . . .

1 appears to have been held accountable and appropriately punished for failure to
2 properly supervise and manage their subordinate personnel and resources. In my
3 opinion, this has provided the ‘seedbed’ for continued lax supervision, violence,
4 and corruption within LASD and the county jails it administers.” Sheriff Baca and
5 other LASD officials have “essentially abdicated their responsibilities to provide a
6 safe, secure, and corruption-free incarceration environment within the Los Angeles
7 County Jail System.” The result, Mr. Parker concluded, is a pattern of inmates
8 “suffering severe injuries, maiming, and death, some caused by fellow inmates, but
9 most often at the hands of, or with the acquiescence or assistance of, the deputy
10 sheriffs who are their keepers.” Mr. Parker states, “I have never experienced any
11 facility exhibiting the volume and repetitive patterns of violence, misfeasance, and
12 malfeasance impacting the Los Angeles County Jail system.”

13 23. In May 1990, the *Los Angeles Times* published an investigative
14 report disclosing that excessive force cases represented three-fourths of all major
15 legal settlements and jury awards over a three-year period; that half of the deputies
16 involved in major cases had been sued in the past for brutality; and that one training
17 officer had been sued ten times in ten years. The newspaper quoted sources
18 familiar with the Department who claimed that a code of silence made deputies
19 reluctant to testify against fellow officers, even those who repeatedly used
20 excessive force. The Department kept no separate records of the deputies who were
21 sued for excessive force or the outcomes of the suits.³

22 24. In 1989, the Los Angeles County Board of Supervisors formed a
23 blue-ribbon commission to conduct a review of “the policies, practices and
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25 ³ 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 procedures of the Sheriff's Department, including recruitment, training, job
2 performance and evaluation, record keeping and management practices, as they
3 relate to allegations of excessive force, the community sensitivity of deputies and
4 the Department's citizen complaint procedure." The Board of Supervisors
5 appointed the late Judge James G. Kolts ("Kolts") as Special Counsel to the Board.
6 Kolts was a former star prosecutor and a highly respected former Los Angeles
7 County Superior Court judge. The team Kolts assembled for this project became
8 known as the Kolts Commission. In July 1992, after an extensive investigation, the
9 Kolts Commission issued a scathing 359-page report (the "Kolts Report").⁴ The
10 Kolts Report detailed a history of excessive use of force and lax discipline within
11 the LASD, and concluded that the Department had failed to reform itself. The
12 Commission recommended civilian monitoring of the LASD.⁵

13 25. In January 1993, the Board of Supervisors passed a resolution to
14 carry out the recommendations of the Kolts Commission, and the Board retained
15 Special Counsel, Merrick J. Bobb, to monitor LASD's compliance with the Kolts
16 Report and to report to the Board semi-annually regarding such compliance.⁶ Bobb
17 continues to serve to this day as Special Counsel to the Los Angeles County Board
18 of Supervisors, and remains the Board of Supervisors' monitor of the LASD and its
19 operations.⁷

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

22 27. "[W]e continued to find too many cases involving unnecessary
23 force in responses to verbal taunts or passive noncompliance. Most of these

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25 ⁴ 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)
[%20Kolts%20Report%20-%20LASD.pdf](http://www.parc.info/client_files/Special%20Reports/3%20-%20Kolts%20Report%20-%20LASD.pdf).

26 ⁵ *Id.* at 4, 345-49.

27 ⁶ Merrick Bobb, PARC, *1st Semiannual Report* 1 (Oct. 1993), available at
http://www.parc.info/client_files/LASD/1st%20Semiannual%20Report.pdf.

28 ⁷ Merrick Bobb, PARC, *30th Semiannual Report* (Sept. 2011), available at
http://www.parc.info/client_files/LASD/30th%20Semiannual%20Report.pdf.

1 incidents arose in the jails, where we found a substantial number of instances where
2 deputies appear to over-react to apparently slight provocations, like stepping out of
3 the chow line, by shoving the inmate against the wall or slapping him in the face.”
4 Further, the use of “transparently phony pretext[s] (‘the suspect stared at me
5 aggressively’) to justify or excuse unnecessary or excessive force . . . is still
6 practiced to an uncomfortable and unacceptable degree in the custody setting.”⁸

7 28. “[W]e do not believe that The Department has yet implemented
8 the Kolts recommendations with respect to force investigations.”⁹

9 29. “In its analysis of over 1,000 force-related investigations
10 spanning a five-year period, the Kolts Report concluded that the Department was
11 too lenient in the way it disciplined officers found to have engaged in excessive
12 force. The situation has not changed very much. . . . [C]aptains remain disinclined
13 to impose substantial penalties for serious misconduct.”¹⁰ “[W]e continue to find
14 cases in which the decision to exonerate the officer [in excessive force cases]
15 simply defies explanation, and there are still incidents, *almost all in the custody*
16 *setting*, where the use of force is either senseless or overly severe.”¹¹

17 30. In a 1997 letter from the Acting Assistant Attorney General of
18 the Civil Rights Division of the U.S. Department of Justice (“DOJ”) to the then-Los
19 Angeles County Executive, Joanne Sturges, the DOJ reported that “Inmates who are
20 mentally ill or housed in mental health housing are subject to an unacceptably high
21 risk of physical abuse and other mistreatment at the hands of other inmates and
22 custodial staff. Moreover, the Jail does not adequately investigate allegations of
23 abuse against its inmates.”¹² The DOJ reported that they had “received numerous

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25 ⁸ Merrick Bobb, PARC, 4th Semiannual Report 15 (June 1995), available at
http://www.parc.info/client_files/LASD/4th%20Semiannual%20Report.pdf.

26 ⁹ *Id.* at 19.

27 ¹⁰ *Id.* at 22.

28 ¹¹ *Id.* at 20-21 (emphasis added).

¹² 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).

1 reports from inmates and advocates regarding serious physical abuse of inmates in
2 mental health housing . . . including kicks, punches, beatings, and sexual assaults.
3 Although the Jail claims that it has discounted some of these claims . . . the
4 investigation of these claims was inadequate and serious questions remain
5 regarding the extent of physical abuse of mentally ill inmates. We agree with
6 Special Counsel Merrick Bobb’s finding that in the Jail ‘there is callous treatment
7 [of inmates] at times, a problem that LASD management knows about but has not
8 acted sufficiently aggressively to resolve.’”¹³ Furthermore, “[t]he Jail’s failure to
9 investigate promptly and thoroughly allegations of abuse against mentally ill
10 inmates, and its failure to take appropriate action in response to incidents of abuse,
11 enables the abuse of these inmates to continue.”¹⁴ The report also stated, “The
12 treatment received by one inmate indicates that excessive use of force and physical
13 mistreatment of inmates with mental illnesses may be in part the result of
14 inadequate training.”¹⁵

15 31. In his tenth Semiannual Report, dated February 1999, Special
16 Counsel Bobb pointed to a long list of recent crises on the custody side of the
17 Department, including “troubling inmate deaths at the hands of custody
18 personnel[,]” “inmate on inmate violence[,]” and “vigilante-like behavior at Twin
19 Towers.”¹⁶

20 32. On December 19, 2002, the Los Angeles County and the United
21 States entered into a Memorandum of Agreement Regarding Mental Health
22 Services at the Los Angeles County Jail (“MOA”).¹⁷ Sheriff Baca was one of the
23 signers of the MOA, which was entered into “to avoid potential litigation

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25 ¹³ *Id.* at 17-18 (citing Merrick Bobb, PARC, *6th Semiannual Report* 11-13 (Sept. 1996)).

26 ¹⁴ *Id.* at 21.

27 ¹⁵ *Id.* at 18.

28 ¹⁶ Merrick Bobb, *supra* note 2, at 17.

¹⁷ 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.

1 concerning the mental health services at the Jail.”¹⁸ Among the provisions in the
2 MOA were ones addressing training of correctional staff in “professional and
3 humane treatment of mentally ill inmates,” and the prevention and investigation of
4 abuse of mentally ill inmates.¹⁹

5 33. In March 2003, the US DOJ sent to County Counsel a
6 compliance letter on the 2002 MOA about treatment of the mentally ill. The letter
7 concluded that the Sheriff’s Department was not in compliance with the
8 requirement of the MOA that LASD “provide mandatory orientation and continuing
9 competency-based training for correctional staff in the identification and custodial
10 care of mentally ill inmates including, but not necessarily limited to

- 11 a. interpreting or responding to bizarre or aberrant behaviors,
- 12 b. recognizing and responding to indications of suicidal thoughts,
- 13 c. proper suicide observation,
- 14 d. recognizing common side effects of psychotropic medications,
- 15 e. professional and humane treatment of mentally ill inmates, and
- 16 f. response to mental health crises including suicide intervention
17 and cell extractions.”

18 34. In November 2004, Special Counsel Merrick Bobb presented to
19 Sheriff Baca and the Board of Supervisors a confidential report finding that “Los
20 Angeles County’s largest jail is so outdated, understaffed and riddled with security
21 flaws that it jeopardizes the lives of guards and inmates.”²⁰ The report concluded
22 that Men’s Central Jail suffers from “lax supervision and a long-standing jail
23 culture that has shortchanged accountability for inmate safety and security.”²¹

24 ¹⁸ Id.

25 ¹⁹ Id.

26 ²⁰ Jack Leonard & Richard Winton, *L.A. Jail Called Deadly, Outdated*, Los Angeles
Times, Feb. 3, 2005, available at <http://articles.latimes.com/2005/feb/03/local/me-jail3> [hereinafter *L.A. Jail Called Deadly, Outdated*].

27 ²¹ Megan Garvey & Richard Winton, *Critics of Jails Voice Alarm*, Los Angeles
28 Times, Feb. 14, 2006, available at <http://articles.latimes.com/2006/feb/14/local/me-jails14>.

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

3 From the Kolts Report onward, there has been a
4 paradoxical contradiction between Internal Affairs
5 investigations that exonerated the officer and litigation
6 arising out of the same incident that cost the County
7 substantial money in settlement and judgments. Those
8 same disparities continue to exist after 2003 and 2004. . . .
9 While at times one might find instances in which the
10 County's lawyers have unwisely settled, it is far more
11 common to find cases where the LASD let an officer off
12 the hook when a judge or jury would not. We can only
13 say as we have in the past that these disparities "fuel[] the
14 fire of those who would strip the Sheriff of the privilege
15 of investigating and disciplining his own employees."
16 (citing the Fifteenth Semiannual Report at 73).²²

17 36. In June 2008 the ACLU issued a report by Dr. Terry Kupers, an
18 expert on mental illness among incarcerated populations.²³ The report was filed in
19 the *Rutherford* litigation, served on Sheriff Baca's counsel, and sent directly to a
20 number of high-ranking officials in the LASD Custody Division. In his report
21 Dr. Kupers made a number of conclusions including: "[A]t the Los Angeles
22 County Jail the claims by prisoners [of abuse by deputies] are so widespread, and
23 the reports of abuse so consistent among multiple reporters, that it seems very
24 likely there is an unacceptably high incidence of custodial abuse. Multiple
25 prisoners have told me about abuse they have undergone or witnessed, and most say

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27 ²² Merrick Bobb, PARC, *19th Semiannual Report* 38 (Feb. 2005), available at
http://www.parc.info/client_files/LASD/19th%20Semiannual%20Report.pdf.

28 ²³ 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>.

1 it is disproportionately directed at prisoners with serious mental illness.”²⁴
2 Dr. Kupers also opined that the problem “is made worse by inappropriate un-
3 diagnosing and consignment of prisoners suffering from serious mental illness to
4 general population housing.”²⁵ Dr. Kupers further found that “there seems to be
5 very little mental health training for most other officers, and given the fact that
6 officers work over-time in most assignments, this means that prisoners with mental
7 illness outside of Tower 1 are often guarded by officers with little or no training in
8 mental health.”²⁶ He also found “disturbing evidence of custodial abuse of
9 prisoners with serious mental illness,” and “crowding and idleness at every level[]
10 further exacerbate the problems.”²⁷

11 37. Dr. Kupers also made numerous recommendations to address
12 the serious problems he found with the treatment of mentally ill prisoners including
13 that “[a]ll officers . . . be required to undergo intensive training in working with
14 prisoners with mental illness” and that jail officials “halt custodial abuse” by
15 implementing “zero tolerance from the top, education for prisoners about their
16 rights and the grievance process, training and support to encourage staff to report
17 abuse by other staff, a confidential complaint system that fosters prisoner trust and
18 action, and prompt and thorough investigation with appropriate consequences for
19 offending staff.”²⁸

20 38. In April 2010, a Los Angeles County Sheriff’s deputy, Joshua
21 Sather, who had graduated at the top of his recruit class, resigned after only a few
22 weeks on the job, alleging that a supervisor made him beat up a mentally ill jail
23 inmate. Sather was the sole Honor Recruit in his graduating class from the
24 academy, and had been recognized for his leadership and other abilities. As with
25 virtually all rookies, his first assignment was jail duty. On March 22, 2010, Sather

26 ²⁴ Id. at 41.

27 ²⁵ Id.

27 ²⁶ Id. at 21.

28 ²⁷ Id. at 44.

²⁸ Id. at 49.

1 was working on the sixth floor mental health ward of Twin Towers. At some point
2 during Sather's shift, he, his supervisor and other deputies used force on a mentally
3 ill inmate. Soon afterward, Sather, crying and distraught, called his uncle, a veteran
4 Sheriff's detective, and told him that he had participated in an unjustified beating,
5 that shortly before the beating his supervisor said, "We're gonna go in and teach
6 this guy a lesson," and that the attack had been covered up. Sather's uncle
7 confronted the supervisor about making his nephew "beat up 'dings.'"²⁹ Sheriff's
8 officials launched an investigation and determined that an uncooperative inmate
9 had been subdued by force, but concluded that no misconduct had occurred.

10 39. In May 2010, the ACLU National Prison Project and the ACLU
11 of Southern California submitted to Sheriff Baca and to the *Rutherford* Court the
12 ACLU's "Annual Report on Conditions Inside Los Angeles County Jail – 2008-
13 2009."³⁰ The report included declarations documenting scores of complaints from
14 inmates and their families about deputy-inflicted injuries, ranging from broken ribs
15 and black eyes to severe head wounds that required staples. The report also
16 documented a persistent pattern of retaliation and threats of retaliation by deputies
17 against inmates who protested the conditions of their confinement.

18 40. In September 2010, the ACLU National Prison Project and the
19 ACLU of Southern California submitted to Sheriff Baca and filed with the
20 *Rutherford* Court the ACLU's "Interim Report on Conditions in the Los Angeles
21 County Jails."³¹ That report stated:

22 ²⁹ Robert Faturechi, *L.A. County Deputy Says He Was Forced to Beat Mentally Ill*
23 *Inmate*, Los Angeles Times, Oct. 7, 2011, available at
<http://articles.latimes.com/2011/oct/07/local/la-me-honor-recruit-20111007>.

24 ³⁰ Mary Tiedeman & Daniel Ballon, ACLU National Prison Project & ACLU of
25 Southern California, *Annual Report on Conditions Inside Los Angeles County Jail –*
26 *2008-2009* (May 5, 2010), filed in *Rutherford v. Baca*, 75-cv-04111-DDP (no.
27 217). The report is also available at: <http://www.aclu.org/files/assets/2010-5-5-AnnualReport-JailConditionsatMCJ.pdf>.

28 ³¹ 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>.

1 The ACLU's 2009 Annual Report describes the pervasive
2 pattern of violence that we observed in Men's Central Jail
3 (MCJ) in 2009. During the first eight months of 2010, the
4 violence has continued unabated. One aspect of the
5 violence we discussed in our 2009 report was deputies'
6 use of excessive and unjustified force, which continues to
7 date: in the five-month period from March 10 through
8 August 10, 2010, we received more than 70 complaints of
9 excessive and/or unjustified force, or retaliation by
10 deputies against prisoners, or both. Twenty of the
11 prisoners making these complaints have provided us with
12 sworn written statements.³²

13 41. In December 2010, the media reported on a large-scale brawl at
14 an LASD Christmas party at a banquet hall in Montebello. The brawl was between
15 members of the 3000 Boys (the deputy gang discussed above in Paragraph 8) and
16 other deputies who worked in Men's Central Jail. In commenting publicly on the
17 incident, Sheriff Baca characterized it as the "drunkenness of a few bad apples,"
18 and opined that cops "know how to take care of themselves," and that they need to
19 "man up and say, 'I'm not a wimp.'" Sheriff Baca insisted that "the core of what
20 occurred with these 3000 boys ... wasn't their tattoo. It wasn't their unit. It was
21 their friendship and their drinking."³³

22 42. The OIR, however, disagreed, stating, "Perhaps most concerning
23 is the evidence that jail supervisors apparently knew about the use of 'gang-like'
24 signs and other troubling behavior well before the eruption of violence at the
25 Christmas party."³⁴

26 ³² Id. at 3.

27 ³³ *KTLA Special Report: The Gang Behind the Badge? Part 4* (KTLA television
28 broadcast), available at <http://www.ktla.com/videobeta/?watchId=53592a86-dc74-4336-9cb3-323ea72e02d5>.

³⁴ Los Angeles County Office of Independent Review, *Violence in the Los Angeles*

1 43. On September 25, 2011, the *Los Angeles Times* reported that the
2 FBI was conducting a criminal investigation into deputy abuse at the Jails.³⁵

3 44. On September 28, 2011, the ACLU filed an Annual Report in
4 *Rutherford v. Baca*, reporting seventy cases of extreme deputy abuse in the
5 previous year, including accounts by civilian eyewitnesses of savage deputy
6 beatings of inmates in the Jails.³⁶

7 45. On October 13, 2011, the OIR issued a report stating that the
8 Sheriff's Department has failed over many years to follow through on proposals to
9 address violence in the Jails.³⁷

10 46. In early December 2011, Robert Olmsted, a retired top LASD
11 official who had been the Captain in charge of Men's Central Jail before being
12 promoted to Commander in the LASD's Custody Division, and who oversaw both
13 Men's Central Jail and Twin Towers, publicly disclosed that Sheriff Baca and other
14 senior Department staff, including Defendants Tanaka and Burns, have long had
15 actual knowledge of the pattern of widespread deputy violence in the Jails.
16 Olmsted had repeatedly informed Defendants Baca, Tanaka, and Burns of such
17 problems, and tried to raise red flags about shoddy investigations that allowed
18 deputies to escape scrutiny for using force. Olmsted had also voiced concerns to
19 them about deputies forming gang-like aggressive cliques. Chief Burns told
20 Olmsted that it was impossible to change the deputy culture in Men's Central Jail.
21 Sheriff Baca never followed up with Commander Olmsted after he twice
22 approached him about problems in Men's Central Jail. *See* Paragraphs 197 – 203,
23 for further discussion of Olmsted and his perspective on the problems in the Jails.

24 *County Jails: A Report on Investigations and Outcomes* 8 (Oct. 2011), available at
25 [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 ³⁵ Robert Faturechi, *FBI Probing Reports of Beatings in L.A. County Jails*, *Los Angeles Times*, Sept. 25, 2011, available at
27 <http://articles.latimes.com/2011/sep/25/local/la-me-fbi-jails-20110925>.

28 ³⁶ 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).

³⁷ Los Angeles County Office of Independent Review, *supra* note 31, at 7.

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

8 48. On January 11, 2012, the *Los Angeles Times* reported that the
9 Sheriff’s Department had admitted that use of force against inmates in the Los
10 Angeles County jails was disproportionately directed at inmates with mental illness.
11 “Los Angeles County jailers are more likely to use force against mentally ill
12 inmates than other prisoners, according to a new Sheriff’s Department report that
13 acknowledges the lockups need specially trained staff to reduce the violence.”³⁸
14 This admission comes almost four years after Dr. Kupers concluded that deputy on
15 inmate abuse was disproportionately directed at mentally ill inmates, that deputies
16 lacked proper training in dealing with the mentally ill, and recommended that “[a]ll
17 officers . . . be required to undergo intensive training in working with prisoners
18 with mental illness.”

19 49. On January 14, 2012, the *Los Angeles Times* reported that the
20 United States had filed felony bribery charges against Gilbert Michel, a deputy in
21 the Sheriff’s Department Custody Division.³⁹ The article also reported that Deputy
22 Michel had “made statements which implicated him, along with several other jail
23 employees, as having participated in four prior unreported incidents of improper
24 uses of force.”

25 _____
26 ³⁸ Jack Leonard & Robert Faturechi, *L. A. County Jailers More Likely to Use Force*
on Mentally Ill Inmates, *Los Angeles Times*, Jan. 11, 2012, available at
27 <http://www.latimes.com/news/local/la-me-sheriff-jails-20120111,0,2284536.story>.

28 ³⁹ 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
<http://www.latimes.com/la-me-deputy-cellphone-20120114,0,7670956.story>.

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

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

9 **a. Mr. A⁴⁰**

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

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

26
27 _____
28 ⁴⁰ 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 53. One day later, Mr. A was given twenty-five days in disciplinary
2 segregation as a result of the incident. Mr. A was 48 years old at the time of the
3 beating.

4 **b. Macario Garcia**

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

10 55. Mr. Garcia is blind in one eye as a result of a previous beating
11 by deputies. He is 42 years old, and of very slight build: he is 6'2" and weighs 165
12 pounds. At approximately 6'2" and 275 pounds, Deputy Chavez is of massive
13 build and outweighs Mr. Garcia by more than 100 pounds. Deputy Wiener weighs
14 approximately 220 pounds.

15 56. Deputy Wiener said to Mr. Garcia, "Oh, it's you, you piece of
16 shit, punk." Evidently referring to an incident two weeks earlier in which he had
17 strip-searched Mr. Garcia, Deputy Wiener said, "Shut the fuck up, punk. You ain't
18 nothing but a coward bitch. You had your chance to fight me but you didn't."
19 Deputy Chavez said, "You're not going to go to your doctor's appointment. ... Get
20 against the wall." Mr. Garcia complied and faced the wall opposite the deputy's
21 control booth. Deputies Chavez and Wiener attacked him, punching him several
22 times until he fell to the ground from the blows. After Mr. Garcia fell, Deputies
23 Chavez and Wiener punched and kicked his head, face, body and legs, and beat his
24 body and torso with their flashlights. The deputies also pulled his hair and
25 slammed his head on the ground. The beating continued for approximately five
26 minutes. Mr. Garcia heard Deputy Wiener call out radio code "415," meaning an
27 officer is involved in a fight. Mr. Garcia then blacked out.

28

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

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

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

17 60. At the hospital, medical staff told Mr. Garcia that he had a
18 broken collarbone. He received stitches above both of his eyebrows and had
19 bruises on his face and legs. Mr. Garcia now has dizzy spells and sometimes hears
20 a ringing in his ear. Mr. Garcia cannot raise his right arm more than three to six
21 inches. Less than a week later, two lieutenants and a sergeant took pictures of
22 Mr. Garcia’s injuries; however, they did not ask him any questions about the
23 incident. The DA has since filed criminal charges against Mr. Garcia for, among
24 other things, assaulting a deputy.

25 **c. Arturo Fernandez**

26 61. In July 2011, Arturo Fernandez was returning to his cell when
27 deputies attacked him, slamming him to the ground, shooting pepper spray into his
28 eyes, and repeatedly pummeling his body. While Mr. Fernandez was walking

1 towards his cell, his hands cuffed behind him, Deputy Guerrero ordered him to
2 move more quickly, and then began punching the back of his neck. When
3 Mr. Fernandez responded with an expletive, Deputy Guerrero forced him to the
4 wall, pinning him by his neck. Although Mr. Fernandez did not fight back, Deputy
5 Guerrero yelled, "Stop resisting, motherfucker." Another deputy slammed
6 Mr. Fernandez to the ground. With his hands cuffed, Mr. Fernandez could not
7 break his fall. More deputies arrived; with pepper spray in his eyes, Mr. Fernandez
8 could not see how many. He felt kicks, punches, and hard blows that seemed to
9 come from flashlights. After picking Mr. Fernandez up, deputies again slammed
10 him to the ground.

11 62. Throughout the attack, Mr. Fernandez, who has asthma, worried
12 that he would lose consciousness. Two eyewitnesses saw him bleeding profusely
13 and heard him say that he could not breathe. When the attack was over,
14 Mr. Fernandez was sent to the hospital. He had contusions on his head, required
15 stitches on his elbow, suffered hearing loss in one ear, and continues to have
16 headaches.

17 **d. Lawrence Davis**

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

24 **e. Mr. B**

25 64. In March 2011, deputies slammed Mr. B's head into a cement
26 wall, leaving him with a concussion and a gash that took 35 stitches to close. The
27 group of deputies, including Deputies Moorman and Ibarra and Custody Assistant
28 Perez, punched his face and head, and kicked his ribs. They aimed pepper spray

1 into his eyes before shooting taser probes into his back. The confrontation began
2 because deputies thought Mr. B had called them “gay.” When Mr. B repeatedly
3 denied the accusation, a deputy yelled to the row of pro per inmates – who serve as
4 their own legal representatives – “y’all pro pers think you can get away with
5 anything. We the 3000 Boys,” a reference to the gang-like group of deputies in
6 Men’s Central Jail, discussed in Paragraph 8 above. A deputy said to Mr. B, “Baca
7 pays us to take kickboxing classes to whip peoples’ asses.” The deputy grabbed
8 Mr. B’s head, slamming his face into the wall. Blood poured down, pooling on the
9 ground, and he passed out. Deputies handcuffed Mr. B’s arms behind his back and
10 repeatedly punched his face and head, while other deputies stood watching.

11 65. When Mr. B regained consciousness, one deputy was sitting on
12 his back, punching his face and head. Another was kicking Mr. B’s ribs. Although
13 Mr. B was motionless, the deputies yelled, “Stop resisting.” Mr. B pleaded with
14 them to stop. One deputy shot him with pepper spray. Another sank three taser
15 probes into his flesh.

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

23 67. Mr. B spent two days in the hospital and four days in the jail’s
24 medical unit. After returning to his row, another deputy threatened him, saying:
25 “the ACLU ain’t going to be watching me forever.”

26 68. Although there were numerous inmates in the law library who
27 were able to see the assault through the library window, no one from LASD
28 bothered to interview any of the eyewitnesses.

1 and kicking his body, neck, and head. Mr. Teran's cheekbone was broken. He had
2 to wear a neck brace, and doctors told him that he may have suffered nerve damage.

3 **i. Garry Crumpton**

4 73. In January 2011, while inmates in Men's Central Jail were in a
5 line headed to court, Deputy Ortiz shoved Garry Crumpton against the wall.
6 Mr. Crumpton said, "You didn't have to do me like that." Deputy Ortiz then placed
7 him in a painful chokehold. Even though Mr. Crumpton put his hands in the air in
8 a show of non-resistance, Deputy Ortiz slammed him to the floor, knocking him
9 unconscious. Another deputy instructed all the other inmates in line to face the
10 wall. While Mr. Crumpton lay face-down and motionless on the ground, seven or
11 eight deputies punched and kicked him. He was removed to a caged area in the jail.
12 Deputy Ortiz came by to speak with him about the incident. Though Mr. Crumpton
13 did not agree with the deputy's account, he assented to everything Deputy Ortiz
14 said because he did not want to be assaulted again.

15 **j. Michael Cervantes**

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

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

27 75. In December 2010, several deputies severely beat Stephen Teran
28 while he was in the IRC.

1 76. While Mr. Teran was being searched, Custody Assistant
2 Martinez repeatedly told him to hurry up. Martinez then grabbed Mr. Teran by the
3 neck, choking him, and dragged him to a cell where he threw Mr. Teran to the
4 ground. Martinez kicked him in the ribs two or three times. Deputy Sims, who was
5 present during the attack, told Mr. Teran, "If you give us any problems we're going
6 to put you in the hospital."

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

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

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

27
28

1 **I. Rashaad Pilgrim**

2 80. In July 2010, deputies in Men’s Central Jail targeted Rashaad
3 Pilgrim as he stood in line to receive his medication. The deputies instructed all of
4 the inmates in line to face the wall. Deputy Reza approached Mr. Pilgrim from
5 behind and yelled at him before punching him twice in the face. When Mr. Pilgrim
6 returned to his cell a few minutes later, he called his mother to report what
7 happened. Not long after, Deputies Reza and Milpad ordered the inmates to line up
8 and go to the day room, but instructed Mr. Pilgrim to stay behind and face the wall.
9 One deputy spread his legs, as if to search him. Instead, the other deputies began to
10 punch Mr. Pilgrim in the face and head. Mr. Pilgrim lost consciousness. When
11 Mr. Pilgrim woke up, he was on the floor and the deputies were still punching him
12 and yelling, “Stop fighting!” A deputy then slammed Mr. Pilgrim’s face into the
13 concrete floor, chipping his teeth. Later, doctors told Mr. Pilgrim he had fractures
14 in his face, blunt head trauma, injury to his right ear, and a chipped tooth.

15 **m. Alex Krehbiel**

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

1 **n. Juan Diego Mares**

2 82. In June 2010, deputies beat Juan Diego Mares so violently that
3 he suffered a fractured jaw, and required multiple eye surgeries and eight stitches in
4 his ear. The incident began after deputies conducted a search of all the cells on
5 Mr. Mares's row. Mr. Mares noticed that some of his property was missing,
6 including items he had just purchased from the commissary. After Mr. Mares
7 asked to speak with a sergeant about the missing property, Deputy Carefoot shoved
8 him hard against a wall, slapped his car, punched his face several times, and threw
9 him to the ground. Once Mr. Mares was on the ground, Deputy Carefoot kicked
10 him roughly ten times in the face, jaw, and back of his head, causing a large pool of
11 Mr. Mares's blood to form on the floor. The deputy then kicked Mr. Mares's ear
12 three times, an experience he described as more painful than when he was hit by a
13 car. Following the attack, a senior deputy questioned Mr. Mares about the incident
14 and said to him, "You know you're going [back] to the same module once they're
15 done cleaning you up." Mr. Mares interpreted this as the senior deputy threatening
16 him not to report the incident.

17 **o. Santiago Sanchez**

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

26 **p. Jimmie Knott**

27 84. In June 2010, while waiting in line for his hepatitis shot, Jimmie
28 Knott asked Senior Deputy Sanchez if he could get some new shoes, as his had a

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

13 **q. Joseph Hager**

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

1 **r. Matthew Gjersvold**

2 86. 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 **s. Luis Bueno**

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

24 **t. Walter Morales**

25 88. For about a week in May 2010, deputies in Men’s Central Jail
26 beat Walter Morales twice a day with flashlights about his head and body.
27 Mr. Morales believes the deputies beat him because he was arrested for allegedly
28 firing a gun at police officers. A group of deputies came into Mr. Morales’s cell

1 and punched and hit him with flashlights. Mr. Morales has a scar above his eye as
2 a result. Later, a second shift of deputies beat Mr. Morales while he was restrained
3 in waist chains and handcuffs.

4 **u. Michael Holguin**

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

16 **v. Gordon Grbavac**

17 90. In August 2009, deputies in Twin Towers handcuffed Gordon
18 Grbavac, took him into an attorney room, and slammed his head into a thick glass
19 wall more than half a dozen times, leaving blood on the window. When a sergeant
20 entered the room and asked Mr. Grbavac what had happened, he said the deputies
21 had assaulted him. The sergeant said he would be right back. While he was gone
22 one of the deputies who had assaulted Mr. Grbavac threatened him, saying, “Are
23 you fucking kidding me? You motherfucker! You better change your story or we
24 are going to show you what we do to fat asses. You better say you did this to
25 yourself.” Mr. Grbavac thought that the deputies might kill him if he disobeyed, so
26 he agreed to tell the sergeant that his injuries were self-inflicted. When the sergeant
27 returned with a video camera to interview Mr. Grbavac, one of the deputies who
28 assaulted him was in the room, and the sergeant did not ask him to leave. Because

1 of the deputy's threats, Mr. Grbavac altered his story and said he had banged his
2 own head against the window. Mr. Grbavac was released after spending
3 approximately a week in jail, when the charges against him were dismissed.

4 **w. Darrell Garrett**

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

15 **x. Mr. C**

16 92. In May 2009 in Men's Central Jail, a deputy told Mr. C to face
17 the wall and said, "Who's the fucking punk now? Put your fucking nose to the
18 wall." The deputy punched him in the temple, causing Mr. C to fall to the floor.
19 After Mr. C received a second blow to the top of his head, he tried to crawl away
20 but was stopped by other deputies. The deputies ripped off Mr. C's pants and shot
21 him with a taser. Just before Mr. C lost consciousness, he looked down and saw
22 blood pooling on the floor. As a result of the beating, Mr. C suffered four fractured
23 vertebrae, a shattered right shoulder, a broken rib, and two severely sprained ankles,
24 and was relegated to a wheelchair. He also received five staples on the top of this
25 head and twelve stitches on his face. Since the beating, deputies have routinely
26 threatened Mr. C to prevent him from asking for help or reporting the abuse to
27 someone outside the jail.
28

1 y. **Mr. D**

2 93. Deputies assaulted Mr. D on a number of different occasions. In
3 2009 in Men's Central Jail, ten to fifteen deputies came into Mr. D's cell and
4 assaulted him for allegedly "disrespecting" one of the other deputies. They dropped
5 Mr. D to the floor and pummeled his head and body with kicks, punches, and blows
6 with their flashlights. Even after the deputies had Mr. D fully restrained on the
7 floor with his hands behind his back, they repeatedly shot him with a taser. One
8 deputy said to Mr. D, "Man, I was trying to kill you." The deputies threatened
9 Mr. D after the attack and told him not to tell anyone what had happened. Mr. D
10 still has scars on his face and head from the beating.

11 **C. Numerous Additional Incidents of Deputies Using Force Against**
12 **Non-Resisting Inmates**

13 94. Additional incidents of deputies using force against non-
14 resisting inmates include the following:

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

25 96. On December 6, 2011, Mr. F was punched in the face by a
26 deputy while being escorted out of a courtroom with his hands cuffed behind him.
27 The deputy, who was 6 feet tall and approximately 250 pounds, grabbed the 5'8"
28 and 160 pound Mr. F by the left arm tightly and then punched Mr. F, hitting his left

1 eye so hard that it knocked Mr. F to the floor. With blood dripping from a long
2 gash in his face onto the floor, Mr. F was taken to the hospital in an ambulance.
3 Although a doctor stated that Mr. F needed stitches, two deputies told the doctor
4 that Mr. F was fine and Mr. F left the hospital without the stitches. A sergeant
5 video recorded Mr. F's injuries when he initially boarded the ambulance, and later
6 interviewed him on camera about the beating. The sergeant informed Mr. F that he
7 could file a lawsuit, but that it would be a "waste of time." Mr. F still has difficulty
8 seeing out of his left eye.

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

14 98. On July 12, 2011, a deputy in Twin Towers slammed Charles
15 Celestine against a wall while searching his cell. The impact caused
16 Mr. Celestine's prosthetic eye to pop out.

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

19 100. On June 20, 2011, Deputy Jimenez caused Clydell Crawford's
20 bad shoulder to dislocate from its socket by shoving his arms upward forcefully
21 while they were handcuffed behind his back. Immediately before, Mr. Crawford
22 had asked Deputy Jimenez to be careful because one of his shoulders had
23 previously dislocated.

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

1 102. In April 2011, a custody assistant kicked, hit, and elbowed
2 Carlos Cacique in Twin Towers.

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

9 104. In March 2011, a deputy in Twin Towers dug her nails into
10 Anthony Penmik's skin, leaving marks. Another deputy hit and kicked Mr. Penmik
11 in the legs and buttocks.

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

16 106. In February 2011 at Twin Towers, Deputy Hernandez forcibly
17 searched Rodney Smith's buttocks with a flashlight, placing the flashlight half an
18 inch into his rectum. Mr. Smith's rectum later bled and became painful, which he
19 attributed to the flashlight's being pushed into his rectum. Mr. Smith also
20 witnessed deputies take away another inmate and apparently attack him; that inmate
21 suffered extensive injuries.

22 107. In February 2011, Deputy Walker attacked Mr. J in Men's
23 Central Jail after he woke up late for the morning count, causing a cut that required
24 forty stitches.

25 108. In January 2011, a deputy shoved Mr. K against the wall,
26 roughly twisted his hands and arm, and slammed him to the floor. Once Mr. K was
27 on the floor, several deputies punched and kicked him.

28

1 109. In January 2011, Christopher Brown witnessed two deputies in
2 Twin Towers punching a non-resisting inmate who fell to the floor, apparently
3 unconscious. The deputies then kned and punched the motionless inmate in the
4 face and head and repeatedly shot the inmate with a taser.

5 110. On December 29, 2010 in Men's Central Jail, Deputy Gornel
6 tripped Mr. L while he was handcuffed, and then slammed his head against the
7 ground, leaving blood all over the floor. Deputy Gornel then repeatedly punched
8 Mr. L in the head while Deputy Rodriguez pepper sprayed his eyes, triggering his
9 asthma.

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

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

24 113. On November 18, 2010 in Men's Central Jail, multiple deputies
25 hit, kicked, and kned Jonathan Dunlap. One deputy then shot pepper spray in
26 Mr. Dunlap's face. Mr. Dunlap required stitches on his eyelid and suffered
27 extensive bruising. Mr. Dunlap was later sent to the hole for twenty days for
28 supposedly assaulting a deputy.

1 114. In November 2010, while on an LASD transport bus to court,
2 Deputy Stevenson repeatedly punched and then forcefully pushed Darrell Rauls,
3 causing him to fall.

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

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

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

20 118. In August 2010 in Men's Central Jail, when Keith Nichols
21 refused to discuss his legal case with a deputy, the deputy repeatedly kicked him in
22 the lower back and kidneys with his boot-clad foot, causing intense pain. The
23 deputy then punched Mr. Nichols in the head and yanked his leg, causing his knee
24 to pop out of position.

25 119. In July 2010 in Twin Towers, Custody Assistant Bernadino
26 punched Cedric Smith in the neck and slammed him into the wall. The deputy then
27 kicked Mr. Smith's feet, even though Mr. Smith had just had his toenail surgically
28 removed. This was not Mr. Smith's first beating by deputies. In 2004, deputies

1 brutally attacked Mr. Smith, punching his face and kicking his stomach, causing
2 him to defecate. The 2004 attack left Mr. Smith with a severe stomach hernia and a
3 scar over his eye.

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

7 **D. Racially Motivated Deputy Violence**

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

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

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

23 124. In October 2009, deputies performing cell searches in Men's
24 Central Jail took Mr. R's commissary items. When he complained, a deputy asked
25 Mr. R, who is African-American, "What's your problem, Monkey?" The deputy
26 told Mr. R to face his cell and forcefully shoved him into the bars of the cell door.
27 Later that day, after ACLU monitors visited Mr. R's row, deputies threatened all of
28 the inmates with a bean bag canister gun that contains pepper spray pellets. A

1 deputy said, “We don’t give a fuck about the ACLU. This is our house. They don’t
2 fucking live here.”

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

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

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

23 127. In October 2009, while in the IRC, inmate Jonny Johnson saw
24 deputies verbally abusing an elderly man who was visibly mentally ill. The man
25 was unable to follow the deputies’ directions. The deputies began to taunt the man
26 and threw a sandwich at him, hitting him in the head. Mr. Johnson came to the
27 man’s defense and told the deputies to stop picking on him. A group of deputies
28 then took Mr. Johnson out of the holding cell. One deputy shoved Mr. Johnson’s

1 head against the wall, while two others began punching him in the torso, knocking
2 the wind out of him. The deputies then took Mr. Johnson to an area where other
3 inmates were handing out bedding and ordered him to help. The deputies told
4 Mr. Johnson that as he handed out the bedding, he had to say to each inmate, "I'm a
5 faggot and the deputies are the bomb."

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

19 **F. Deputy Assaults Against Inmates For Rules Infractions Or**
20 **Perceived Sights**

21 129. Deputies often beat inmates for minor rules infractions or
22 perceived slights. In December 2010, a deputy in Twin Towers savagely beat
23 Derek Griscavage after Mr. Griscavage showed the deputy his middle finger. First,
24 Deputy Jackson kicked Mr. Griscavage and contorted his shoulders in a manner that
25 caused him pain. Deputy Jackson then handcuffed Mr. Griscavage and led him
26 away from the pod. Shortly thereafter an eyewitness saw a deputy push
27 Mr. Griscavage causing him to fall down. Then at least four deputies began to beat
28 him. The deputies knocked Mr. Griscavage unconscious, and he woke up in the

1 hospital with severe lacerations, a broken nose, a chipped tooth, and bruises on his
2 head. Three days later, deputies moved Mr. Griscavage to the disciplinary
3 segregation unit for alleged “assault on a deputy.”

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

21 **G. Deputies’ Use Of Inmates As Pawns To Inflict Violence On Other**
22 **Inmates**

23 131. Deputies regularly pit inmates against other inmates, using them
24 as pawns to carry out acts of violence. Deputies sometimes instigate violence
25 between inmates by allowing inmates from rival gangs to have physical access to
26 each other (for example, by opening up their cell doors from the deputy control
27 booth), or by fomenting discord (for example, by mentioning an inmate’s gang
28

1 affiliation to inmates from a rival gang, or stating in front of other inmates that an
2 inmate is a sex offender).

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

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

25 134. In March 2011, a deputy marched Jeremiah Wilkerson past
26 members of a rival gang, telling them, "This is a Norteno. If the door's 'racked'
27 [opened] you know what to do." Mr. Wilkerson believed the deputy was trying to
28 make him a target for an attack in retaliation for an earlier altercation.

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

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

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

19 138. On several occasions, deputies placed Rodolpho Mendoza, who
20 was in protective custody, with inmates from the general population, who attacked
21 him.

22 139. In 2009, Therin McGuire witnessed deputies ordering two
23 inmates to beat up a third inmate in MCJ.

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

25 140. Unchecked deputy-on-inmate violence in Men’s Central Jail and
26 Twin Towers has become so pervasive and routine in recent years that deputies
27 carry out savage attacks even in the presence of civilian eye witnesses. Thomas
28 Parker, former Assistant Special Agent in Charge of the FBI’s Los Angeles Field

1 Office noted that the phenomenon of deputies beating inmates in areas visible to
2 civilians suggests that “the culture of deputy violence in the Jails has become so
3 hardened and pervasive that deputies feel emboldened to carry out their attacks
4 even in non-secluded areas.”

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

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

23 143. At the end of the beating there was a puddle of blood some two
24 feet in diameter around the inmate’s head. Chaplain Juarez was overwhelmed with
25 fear, worried deputies would harm him. Several eyed him in a threatening way.
26 Some said “rat” and “motherfucker” when he passed them in the jail over the next
27 few days.

28

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

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

19 146. In February 2011, another Jail Chaplain, Chaplain Doe, was
20 walking towards the chaplain's office on the third floor of Men's Central Jail, when
21 he saw four or five deputies repeatedly kicking an inmate. The inmate lay
22 motionless, face-down on the ground. His hands appeared to be tucked behind his
23 back, where they remained throughout the attack. The inmate pleaded with the
24 deputies to stop, yelling, "Help me!" After the deputies continuously kicked the
25 inmate for between two and three minutes, the deputies ordered Chaplain Doe to
26 leave the scene. Chaplain Doe was afraid that if he tried to stop the beating or even
27 asked the deputies to stop, they would hurt him. Although Chaplain Doe could no
28 longer see the beating at this point, he could still hear the "thumping" sounds of the

1 deputies kicking the inmate, and the inmate's cries for help. Eventually the inmate
2 fell silent but the kicks continued for about another minute. Neither LASD nor the
3 OIR ever questioned Chaplain Doe about the incident, even though a sergeant and
4 numerous deputies were aware that he was an eyewitness to the beating.

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

17 148. Scott Budnick, a civilian volunteer who mentors young inmates,
18 witnessed five deputy-on-inmate beatings at Men's Central Jail over a three-year
19 period.

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

24 150. In 2008, while Mr. Budnick waited outside the classroom where
25 he taught inmates, he saw a deputy pull an inmate out of a line, strip search him in
26 full view of numerous people, and then smash his head into the wall with such force
27 that Mr. Budnick heard a loud crack. The inmate had not attacked or threatened the
28 deputy in any way before the attack.

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

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

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

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

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

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

3 156. 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.

12 157. 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.

24 158. 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.

1 159. 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.

4 160. 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
18 interviewed Mr. Mendoza about the incident or took 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.

22 161. 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**

7 162. 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.

16 163. 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."

19 164. 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."

23 165. 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

1 166. In November and December 2010, in the Twin Towers, deputies
2 repeatedly threatened Mr. V, whose criminal case had received extensive media
3 coverage. On one occasion, a module officer refused to give Mr. V a blanket,
4 saying he did not “give them to murderers.” Another deputy told him, “[S]o you’re
5 [Mr. V]. I can’t wait to get you to my floor.” When Mr. V was transferred to
6 Men’s Central Jail, Deputies Ibarra and another deputy repeatedly asked him what
7 he was in jail for, and punched his ribs until he answered. They called Mr. V a
8 “piece of shit,” told him he would not receive basic necessities such as food, and
9 said they would turn him over “to the Southsiders,” which Mr. V understood as a
10 threat to turn him over to the Southsiders gang. Deputy Ibarra told him not to
11 complain about the incident, or the deputy would “go in your cell and beat you up
12 personally.”

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

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

26 169. In March 2009, deputies severely beat Daysuan Rushing in
27 retaliation for his speaking to the ACLU. After Mr. Rushing spoke with an ACLU
28 representative who visited his row, deputies delayed him as he returned from a

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

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

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

27 172. In a November 2010 declaration, Chief Burns made a
28 categorical statement under oath that "every allegation of retaliation" that the

1 ACLU had brought to LASD's attention that the Department had investigated "has
2 been determined to be **without merit**. ... [T]he Department takes allegations of
3 retaliation and other deputy misconduct extremely seriously and such claims are
4 always thoroughly investigated."⁴¹ On information and belief, this statement was
5 false and Chief Burns knew it was false at the time he made it.

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

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

11 "[T]he key to preventing questionable force incidents and
12 ensuring the fair treatment of inmates is in the hands of
13 line-level supervisors. If sergeants do not actively engage
14 with those they supervise, deputies and custody assistants
15 too easily can lose sight of the expectations the
16 Department places on them and engage in the type of
17 abusive, retaliatory conduct inmates frequently complain
18 of. The Department has not always staffed the jails
19 sufficiently to provide the necessary level of supervisory
20 involvement, and its expectation of sergeants is not
21 consistently reinforced up the chain of command."⁴²

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

24 175. The LASD brushes aside most inmate reports of violence. The
25 Department's apparent indifference to such complaints gives deputies a sense of

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27 ⁴¹ 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).

⁴² Los Angeles County Office of Independent Review, *supra* note 31, at 10.

1 unchecked autonomy in the way they perform their jobs. Incidents of deputy-on-
2 inmate violence, after nominal or no investigation by LASD, are routinely reported
3 by deputies as an unprovoked inmate-on-deputy assault, and if an inmate complains
4 of being beaten or injured by jail deputies, those complaints are almost universally
5 declared unfounded. Most of these complaints get “resolved” at the lowest levels in
6 the LASD. Proper reporting procedures are routinely ignored.

7 176. Corrections expert Toni V. Bair reviewed the investigative
8 procedures and policies of the Los Angeles County Jails and found them to be
9 “grossly substandard.”⁴³ For example, during the investigation of Use of Force
10 incidents the supervisor of the attacking deputies often interviews the inmate
11 victim, rather than an independent supervisor.⁴⁴

12 177. This practice is permitted by LASD policy, even though it is
13 considered unacceptable and unprofessional by corrections experts.

14 178. Moreover, LASD sergeants and lieutenants often permit the very
15 officers accused of assault to be present during the interview of the inmate for the
16 use of force investigation, a tactic that has the purpose and effect of intimidating the
17 inmate and impacting his testimony. *See, e.g.*, the August 2009 incident with
18 inmate Gordon Grbavac, discussed in Paragraph 90 above. Mr. Bair declared that
19 this practice is “unheard of in professionally conducted investigations and
20 interviews,” and stated that “It is no wonder that the prisoner frequently ... alters
21 his story so as not to implicate the officer(s) involved in the incident.”⁴⁵

22 179. Even though permitting a deputy who was involved in a force
23 incident with an inmate to be present during the interview of the inmate is grossly
24 unprofessional, LASD policy did not forbid this practice until the ACLU’s 2011
25

26
27 ⁴³ 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 ⁴⁴ *Id.* ¶ 12.

⁴⁵ *Id.* ¶ 16.

1 report revealed how frequently involved deputies were present during inmate
2 interviews.

3 180. The *Los Angeles Times* recently reported that according to an
4 internal LASD memorandum, deputies were “were crafting narratives ‘dramatized
5 to justify’ force and delaying using weapons such as pepper spray that could end
6 fights ‘to dispense appropriate jailhouse justice.’”⁴⁶

7 181. In 2011, a correctional expert in an inmate’s excessive force
8 case against Sheriff Baca noted both false reports by deputies and the complete
9 absence of an after-the-fact review of a serial cell extraction in Men’s Central Jail,
10 in which deputies injured a number of inmates.⁴⁷ The report stated, among other
11 things, that with respect to the deputies’ documentation of the use of force, “some
12 crucial reports are missing, others are substantially incomplete and still other
13 reports are inaccurate or false.”⁴⁸ In addition, the report stated: “One of the most
14 disturbing aspects of this incident is that there was apparently not so much as a
15 cursory review of the situation, let alone a serious investigation” by supervisors of
16 what led to the disturbance on the cell block and the response that culminated in the
17 serial cell extractions.⁴⁹

18 182. In its 2011 report, the OIR stated “too often we have found” that
19 “the investigations of force incidents that result in less serious or no apparent
20 injuries to the inmate” are “lackluster, sometimes slanted, and insufficiently
21 thorough.”⁵⁰

24 ⁴⁶ 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>
[hereinafter *Sheriff Baca Was Warned*].

26 ⁴⁷ Expert Report of Jeffrey Schwartz, Feb. 8, 2011, filed in *Ramirez v. Baca*, CV08-
2813-DSF (C.D. Cal.) (No. 118).

27 ⁴⁸ *Id.* at 15.

28 ⁴⁹ *Id.* at 20.

⁵⁰ Los Angeles County Office of Independent Review, *supra* note 31, at 4.

1 183. Former FBI Executive Thomas Parker concluded that there are
2 “systemic institutional actions to cover □ up” the longstanding pattern of unchecked
3 deputy-on-inmate violence at the jails.

4 184. The institutional cover-ups often take the form of filing criminal
5 charges against inmate victims of deputy violence. The odds are low of an inmate
6 winning an acquittal against the sworn testimony of deputy witnesses. A criminal
7 conviction of the inmate for his “assault” on the deputy – in reality, the deputy’s
8 assault on the inmate – results in a complete immunization of the deputy assailants
9 and the Department for from civil liability for the assault.

10 185. In January 2011, James Parker, an inmate whom ACLU Jails
11 Project Coordinator Esther Lim witnessed being brutally beaten and tasered by
12 Deputies Ochoa and Hirsch, was subsequently charged with battery against a peace
13 officer and resisting a peace officer. For additional examples of trumped-up
14 charges filed against victims of deputy abuse, *see, e.g.*, Paragraphs 54 – 60
15 (Macario Garcia), 115 (Mr. M), and 125 (Evan Tutt) above.

16 186. The Department has even charged *visitors* to the Jails in this
17 fashion. As discussed in Paragraph 69, Gabriel Carillo was assaulted by deputies
18 while visiting his brother in Men’s Central Jail in February 2011. In April, 2001,
19 he was charged with resisting and officer and battery.⁵¹ The District Attorney later
20 dismissed the charges against him after the ACLU issued its 2011 Annual Report
21 and the *Los Angeles Times* revealed that the FBI was investigating deputy-on-
22 inmate abuse in the jails.

23 187. In contrast, LASD frequently chooses not to forward to the
24 District Attorney information about deputies who have been disciplined or even
25 terminated for using excessive force against inmates. As the *Los Angeles Times*
26 reported: “In several cases in recent years, deputies who were disciplined or even

27 _____
28 ⁵¹ *The People v. Gabriel M. Carillo*, BA381607 (Los Angeles County Superior Court).

1 fired for abusing inmates escaped criminal scrutiny because Sheriff's Department
2 officials chose not to give the evidence to the district attorney's office, opting to
3 handle the cases internally."⁵²

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

6 188. Rampant violence at the Jails has resulted from a failure of
7 leadership at the top level of the Department. Such a pervasive, deeply-entrenched,
8 and notorious pattern of excessive force could not have continued unabated over a
9 period of many years without a code of silence on the part of front-line and
10 supervisory staff, combined with management staff's failure to require
11 accountability, and their engaging in outright cover-up.⁵³

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

24 _____
25 ⁵² Jack Leonard & Robert Faturechi, *D.A. in the Dark on Jail Probes*, Los Angeles
26 Times, Dec. 4, 2011, available at [http://articles.latimes.com/2011/dec/04/local/la-](http://articles.latimes.com/2011/dec/04/local/la-me-jails-da-20111205)
27 me-jails-da-20111205.

28 ⁵³ "The only way in which an established pattern of inappropriate use of force can
be maintained is through a combination of a code of silence on the part of front-line
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).

1 190. Sheriff Baca has failed or refused to hold accountable high-
2 ranking supervisors in the face of significant nonfeasance and malfeasance by these
3 supervisors and by the officers they oversee. Both Chief of Custody Operations
4 Burns and Undersheriff Tanaka remain in the positions they held, or have been
5 promoted, despite the epidemic of deputy on inmate abuse in the jails that Sheriff
6 Baca is aware occurred over the past years.

7 191. With rare exception, deputies whose misconduct is brought to
8 the attention of supervisory personnel continue to work with inmates in
9 Department-operated jails without any substantial disciplinary action being taken
10 against them.

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

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

24 194. Sheriff Baca first flatly denied the existence of a systemic
25 problem. Nicole Nishida, one of the sheriff's spokespersons, said that the
26 department thoroughly investigated all complaints of abuse that it received and that
27 most were unsubstantiated.⁵⁴

28 ⁵⁴ Jennifer Medina, *Report Details Wide Abuse in Los Angeles Jail System*, N.Y.

1 195. As public criticism of Sheriff Baca continued to mount, and new
2 allegations surfaced, the Sheriff acknowledged there were widespread problem but
3 claimed that he had not been aware of its existence. As reported on October 10,
4 2011, Defendant Baca stated: “We are going to look into this and we welcome
5 anyone to look into it as well.” He contended that “[t]he widespread problem can’t
6 be defined until we know what all the issues are.”⁵⁵

7 196. On October 16, 2011, the Sheriff told the *Los Angeles Times* that
8 his command staff occasionally left him in the dark about the Jails’ problems. “I
9 wasn’t ignoring the jails. I just didn’t know,” Baca said. “People can say, ‘What
10 the hell kind of leader is that?’ The truth is I should’ve known. So now I do
11 know.”⁵⁶

12 197. Finally, in early December 2011, it came to light that Sheriff
13 Baca and other senior officials in LASD had in fact known of the pattern of
14 widespread deputy violence in the Jails for years. Robert Olmsted, a retired top
15 LASD official with supervisory authority over Men’s Central Jail, had repeatedly
16 informed Sheriff Baca of such problems. The *Los Angeles Times* reported on
17 December 1:

18 A top commander in Los Angeles County’s jail system
19 said he warned Sheriff Lee Baca and other senior officials
20 last year about deputies using excessive force against
21 inmates but was ignored until the problems grew into a
22 public scandal.

23 In an interview with The Times, Robert Olmsted said he

24 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)
25 [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).

26 ⁵⁵ 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-](http://www.nytimes.com/2011/10/11/us/pressed-sheriff-agrees-to-abuse-inquiry.html?_r=1&scp=1&sq=margaret%20winter%20aclu&st=cse)
27 [to-abuse-inquiry.html?_r=1&scp=1&sq=margaret%20winter%20aclu&st=cse](http://www.nytimes.com/2011/10/11/us/pressed-sheriff-agrees-to-abuse-inquiry.html?_r=1&scp=1&sq=margaret%20winter%20aclu&st=cse).

28 ⁵⁶ 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 tried to raise red flags about shoddy investigations that
2 allowed deputies to escape scrutiny for using force. He
3 also voiced concern about deputies forming aggressive
4 cliques.

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

9 Olmsted, a 32-year department veteran who retired late
10 last year, had commissioned several confidential audits
11 and internal memos that found serious problems with
12 excessive force and inadequate supervision in the jail. He
13 said top sheriff's officials seemed not to take his concerns
14 seriously.

15 ...

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

19 ...

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

24 Months later, Olmsted said, he spoke to the sheriff at a
25 charity food giveaway. The event occurred soon after a
26 group of Men's Central Jail deputies had been caught
27 fighting each other at an off-duty, department holiday
28 party. After the brawl, sheriff's officials said some of the

1 deputies had formed a clique whose members flashed
2 gang-like hand signs.

3 Olmsted said he told the sheriff he wanted to discuss how
4 to improve supervision at the jail to prevent similar
5 problems in the future. Baca, he said, agreed to talk but
6 again never followed through.⁵⁷

7 198. Commander Olmsted raised the issue of unchecked violence not
8 only with Defendant Baca but also with Defendants Burns and Tanaka:

9 Burns, he said, told him the jail's culture could not be
10 changed. Frustrated, Olmsted said he took his concerns in
11 the summer of 2010 to Asst. Sheriff Marvin O.
12 Cavanaugh, who was sympathetic but told him the same
13 thing. He also spoke to then-Asst. Sheriff Paul Tanaka,
14 who as undersheriff now runs the day-to-day operations
15 of the department.⁵⁸

16 199. Witness LA reported: "In a series of interviews with the *LA*
17 *Justice Report*, Olmsted [stated] ... "[T]he real problem is how departmental
18 leadership allowed this jail situation to occur." "The problems inside the jail were
19 ignored by the Sheriff's command staff. I went to [Custody Chief Dennis] Burns,
20 [Undersheriff Paul] Tanaka. And I went to Lee Baca. I told them I needed help
21 trying to corral this situation and I was ignored."⁵⁹

22 200. Commander Olmsted also found, as early as 2009, that reported
23 use of force was not being properly investigated and the official paperwork
24

25 _____
26 ⁵⁷ *Sheriff Baca Was Warned*, *supra* note 42.

27 ⁵⁸ *Id.*

28 ⁵⁹ Matthew Fleischer, *Dangerous Jails, Part 2: Ignoring the Warnings*, WitnessLA, Dec. 1, 2011, available at <http://witnessla.com/sheriff-lee-baca/2011/admin/dangerous-jails-part-2-ignoring-the-warnings-by-matt-fleischer/> (emphasis omitted).

1 reporting incidents of deputy force at Men’s Central Jail – the so-called “use of
2 force packets” – were not being properly prepared:

3 201. Olmsted found that, not only were many force packages not
4 being investigated, the ones that were cleared were often given only cursory
5 examination. Olmsted had one of his lieutenants pull 30 force reports at random
6 that were in various stages of oversight. A second lietenant [sic], Mark McCorkle,
7 analyzed them. All were either signed off on, or were on the verge of being
8 cleared. Yet of that group of 30, 18 uses of force were questionable in nature and
9 conceivably fell outside of department policy.⁶⁰ Commander Olmsted raised the
10 issue of inadequate investigations of use of force with command staff, including
11 Defendants Burns and Tanaka – all of whom ignored the issue. Olmsted took
12 McCorkle’s finding regarding inadequate use of force investigations up the chain of
13 command to Custody Chief Dennis Burns, Assistant Sheriff in charge of custody,
14 Marvin Cavanaugh, and Paul Tanaka. No action was taken.⁶¹

15 202. In response to these latest revelations from Commander
16 Olmsted, Sheriff Baca, rather than accepting responsibility, publicly laid the blame
17 on Commander Olmsted for not solving the problem. Commander Olmsted didn’t
18 need to “ask permission to solve the problem,” Baca said.⁶² The *Los Angeles Times*
19 commented, on December 2, 2011:

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

26 How many times can Baca plead ignorance? This is just

27 ⁶⁰ Id.

28 ⁶¹ Id.

⁶² *Sheriff Baca Was Warned*, *supra* note 42.

1 the latest in a series of objectionable responses that calls
2 into question whether he is capable of running, let alone
3 reforming, the nation's largest jail system.⁶³

4 203. According to Commander Olmsted, when he took the evidence
5 of inadequate investigations of use of force incidents to Chief Burns, Chief Burns
6 did not deny there was a problem, but told Olmsted that the jail's culture could not
7 be changed.⁶⁴

8 204. Despite their knowledge of the serious problem of improper and
9 excessive use of force in the jails, Defendants have repeatedly failed to take
10 reasonable steps to address the problem.

11 205. Defendants have failed to put in place adequate policies
12 governing use of force. The Department's policies are grossly lacking in specificity
13 about typical force scenarios that are likely to arise in the jails and the proper way
14 for custody personnel to handle those situations.

15 206. The force policies remain severely inadequate even after the few
16 changes to force policies that the Defendants have implemented since the release of
17 the ACLU's 2011 report.

18 207. The insufficiency of the force policies makes it almost
19 impossible to train deputies adequately on the proper use of force.

20 208. Sheriff Baca has failed to install cameras in Twin Towers and
21 Men's Central Jail, even though he has stated as far back as 2005 that he planned to
22 install security cameras in Men's Central Jail.⁶⁵ In 2011, after the ACLU released
23 its Annual Report on abuse in the jails, Sheriff Baca admitted that scores of cameras
24

25
26 ⁶³ Editorial, *Baca's Jails Are Baca's Problem: Sheriff Lee Baca Should Stop*
27 *Blaming Others and Take Responsibility for Fixing L.A. County's Jails*, Los
28 Angeles Times, Dec. 2, 2011, available at
<http://articles.latimes.com/2011/dec/02/opinion/la-ed-baca-20111202>.

⁶⁴ *Sheriff Baca Was Warned*, *supra* note 42.

⁶⁵ *L.A. Jail Called Deadly, Outdated*, *supra* note 19.

1 that were supposed to have been installed in Men's Central Jail had been sitting in
2 boxes for a year or more.⁶⁶

3 209. Sheriff Baca, Undersheriff Tanaka, and Chief Burns have failed
4 to implement a system for identifying, logging, and tracking incidents of use of
5 force by deputies and complaints by inmates of use of force by deputies in the LA
6 County jail.

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

18 211. Defendant Burns has been and is aware of the failures of the
19 Department's tracking systems. When the ACLU sought a court order in 2010
20 requiring that complaints of retaliation, including identifying the officer(s) who are
21 the subject of such allegations be tracked in F.A.S.T., Chief Burns submitted a
22 sworn declaration to the Court stating, "the FAST was not designed properly to
23 track information about deputy misconduct."

24 212. A tracking system of this kind is a basic tool for ensuring that all
25 incidents of use of force are properly reviewed and investigated and are commonly
26 used by large jail systems. The lack of such a system makes it difficult to compile
27

28 ⁶⁶ *Baca Says He Was out of Touch, supra* note 52.

1 the essential data to detect and address problematic patterns of use of force as they
2 develop.

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

11 214. When Assistant Sheriff Tanaka informed Mr. Olmsted that he
12 was being made the Captain in charge of Men's Central Jail, Tanaka told Olmsted
13 that use of force was a problem in the jail.

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

20 216. Although Defendants have been repeatedly warned that use of
21 force by deputies is disproportionately directed at inmates with mental illness,
22 Defendants have failed to implement numerous recommendations on training and
23 other appropriate steps to reduce force against mentally ill inmates made by experts.

24 217. Defendants have abjectly failed to develop policies that address
25 the problem of endemic brutality in the Jails. Policies regarding use of force,
26 investigation of use of force, discipline for deputies who have used excessive force
27 or failed to report use of force, supervisors who have mishandled investigations of
28 force, and training of deputies and supervisors all fail to meaningfully address the

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

13 **V. CLASS ACTION ALLEGATIONS**

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

22 **A. NUMEROSITY**

23 219. The class meets the numerosity requirement of Rule 23(a)(1).
24 There are more than 4,000 inmates confined within Men's Central Jail and about
25 2,800 inmates in the Twin Towers at any given time. Between 500 to 1,000 men
26 are processed into or out of the jails through the IRC on any given day. The
27 membership of the class continuously changes, rendering joinder of all members
28

1 impracticable. The inclusion within the class of future inmates in the downtown
2 Jail Complex also makes joinder of all members impracticable.

3 **B. COMMONALITY**

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

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

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

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

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

26 **C. TYPICALITY**

27 221. Plaintiffs meet the typicality requirement of Rule 23(a)(3),
28 since, as alleged below, the claims of the Plaintiffs are typical of those of the class.

1 222. **Plaintiff Alex Rosas**, twenty-four years old, is currently housed
2 in Twin Towers.⁶⁷ On July 22, 2011, Mr. Rosas witnessed a group of deputies,
3 including Defendants Luviano, Guerrero, Bearer, and Ibarra, severely beating a
4 non-resisting inmate, Arturo Fernandez, who was clad only in boxer shorts and had
5 his hands cuffed behind his back. As the deputies pummeled the handcuffed
6 Fernandez, they shouted that he was resisting, although he was not. The deputies
7 then dragged Fernandez away.

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

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

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

21 226. A few minutes later the deputies moved Mr. Rosas away from
22 the door and out of the sightline of other inmates. They told him they had found a
23 “slicer” – a razor fashioned into a weapon – in his cell. Mr. Rosas told the deputies
24 that he had not altered any razors and that the weapon did not belong to him.
25 Deputy Luviano asked Mr. Rosas, “Why are you lying to my deputies?” Mr. Rosas
26 responded, “I’m not lying, sir.” The deputies punched him in the back of the head

27 ⁶⁷ 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 October
5, 2011.

1 four or five times and told Mr. Rosas he would be going to the “hole” – disciplinary
2 solitary confinement – for possessing the slicer.

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

10 228. Mr. Rosas asked Deputy Reza for a complaint form, but Deputy
11 Reza refused to give him one. Mr. Rosas told the deputy he would ask the
12 afternoon shift deputies for a complaint form and Deputy Reza responded that he
13 would tell the afternoon shift not to give him the form. When Mr. Rosas asked the
14 afternoon shift deputies for the complaint form, they too refused to give him a form.

15 229. **Plaintiff Jonathan Goodwin**, 29 years old, is in an inmate in
16 Los Angeles County Jails. He is currently housed in Twin Towers.

17 230. On July 22, 2011, when Mr. Goodwin was housed at Men’s
18 Central Jail on the 3000 floor, he saw several deputies running towards a row of
19 cells. He saw deputies leading inmate Arturo Fernandez in handcuffs and then
20 punching him and slamming him to the ground. Mr. Fernandez fell on his face,
21 with his hands cuffed behind his back. Several deputies, including Deputies
22 Luviano and Ibarra, punched Mr. Fernandez on his lower back and the sides of his
23 torso. Another deputy kneed Mr. Fernandez in the back, as if pressing the air out of
24 his lungs. Mr. Fernandez yelled that he couldn’t breathe. The deputies told him to
25 “Shut the fuck up!” After the group of deputies punched and kicked Mr. Fernandez
26 countless times, Deputies Ibarra and Luviano escorted Mr. Fernandez out of the
27 housing module.

28

1 231. On August 10, 2011, Deputy Luviano came to Mr. Goodwin's
2 cell and told him to "cuff up." When Mr. Goodwin asked why, Deputy Luviano
3 responded that it was because he could "do whatever the fuck I want" and that
4 Mr. Goodwin "got no rights." Deputy Luviano handcuffed Mr. Goodwin behind
5 his back and escorted him to the hallway.

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

15 233. Deputy Luviano then moved around Mr. Goodwin and began to
16 punch him repeatedly in the jaw. Mr. Goodwin sank to the ground and tried to roll
17 away from Deputy Luviano. Deputy Luviano continued to punch him in the jaw,
18 and other deputies then joined in the beating.

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

25 235. Deputies took Mr. Goodwin to the medical clinic, where he
26 reported that he was experiencing pain in his jaw and back molars. Medical staff
27 told Mr. Goodwin there was swelling in his head, yet he received no medical
28

1 treatment. Later that night, Mr. Goodwin lost a back molar that had been knocked
2 loose during the attack.

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

6 **D. ADEQUACY OF REPRESENTATION**

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

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

1 Attorney's office, and was a key factor in the decision of the County Board of
2 Supervisors in November 2011 to convene a Commission to study the causes of
3 deputy violence in the Jails.

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

14 *Rutherford v. Baca*

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

25 241. Paul Hastings LLP is an international law firm with 18 offices.
26 Paul Hastings currently has 1,029 attorneys worldwide, including 148 attorneys in
27 the Los Angeles office. Paul Hastings is a global law firm and has sufficient
28 resources to adequately represent the class. Paul Hastings has been recognized

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

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

16 **VI. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

17 243. Both of the named Plaintiffs have exhausted available
18 administrative remedies.

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

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

27 246. On August 24, 2011 Mr. Rosas filled out an inmate complaint
28 form stating, among other things, that on "8/9/2011 Deputy Luviano punched me,"

1 which was provided to Watch Commander Limon and Deputy Alvarez at Men's
2 Central Jail.

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

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

13 **VII. CLAIMS FOR RELIEF**

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

16 249. By reason of the allegations set forth in paragraphs 1 – 248,
17 *supra*, plaintiffs Rosas and Goodwin, and the class they represent, were deprived
18 and continue to be deprived by Defendants of their rights, under the Eighth and
19 Fourteenth Amendments to the United States Constitution, to due process of law
20 and to be free from gratuitous and excessive force, threats of gratuitous and
21 excessive force, degrading and sadistic treatment.

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

1 and the wanton and needless infliction of pain, as guaranteed to Plaintiffs by the
2 Eighth and Fourteenth Amendments to the United States Constitution.

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

5 251. By reason of the allegations set forth in paragraphs 1 – 248,
6 *supra*, plaintiffs Rosas and Goodwin, and the class they represent, were deprived,
7 and continue to be deprived, by Defendants of their right to due process and to be
8 free from punishment without process, in the form of gratuitous and excessive
9 force, threats of gratuitous and excessive force, and degrading, cruel and sadistic
10 treatment, as guaranteed to them by the Fourteenth Amendment to the United States
11 Constitution.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, plaintiffs request this Court as follows:

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

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

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

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

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

28

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

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

6 (E) appropriate selection and supervision of command and uniformed
7 custodial staff.

8 4. Retain jurisdiction in this case until the unlawful conditions, practices,
9 policies, acts, and omissions complained of herein no longer exist and this Court is
10 satisfied that they will not recur;

11 5. Award the costs of this action, including reasonable attorneys' fees;
12 and

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6. Grant such other and further relief as this Court deems just and proper.

DATED: January 18, 2012

PETER J. ELIASBERG
MARISOL ORIHUELA
ACLU FOUNDATION OF SOUTHERN
CALIFORNIA

By: _____
PETER J. ELIASBERG

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

DATED: January 18, 2012

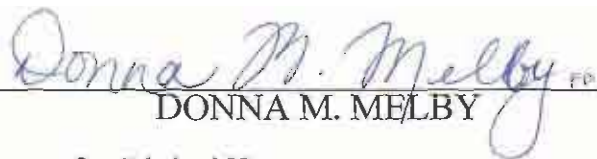
MARGARET WINTER
ERIC BALABAN
DAVID M. SHAPIRO
NATIONAL PRISON PROJECT OF THE
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

By: _____
MARGARET WINTER

Attorneys for Plaintiffs
ALEX ROSAS and JONATHAN GOODWIN on
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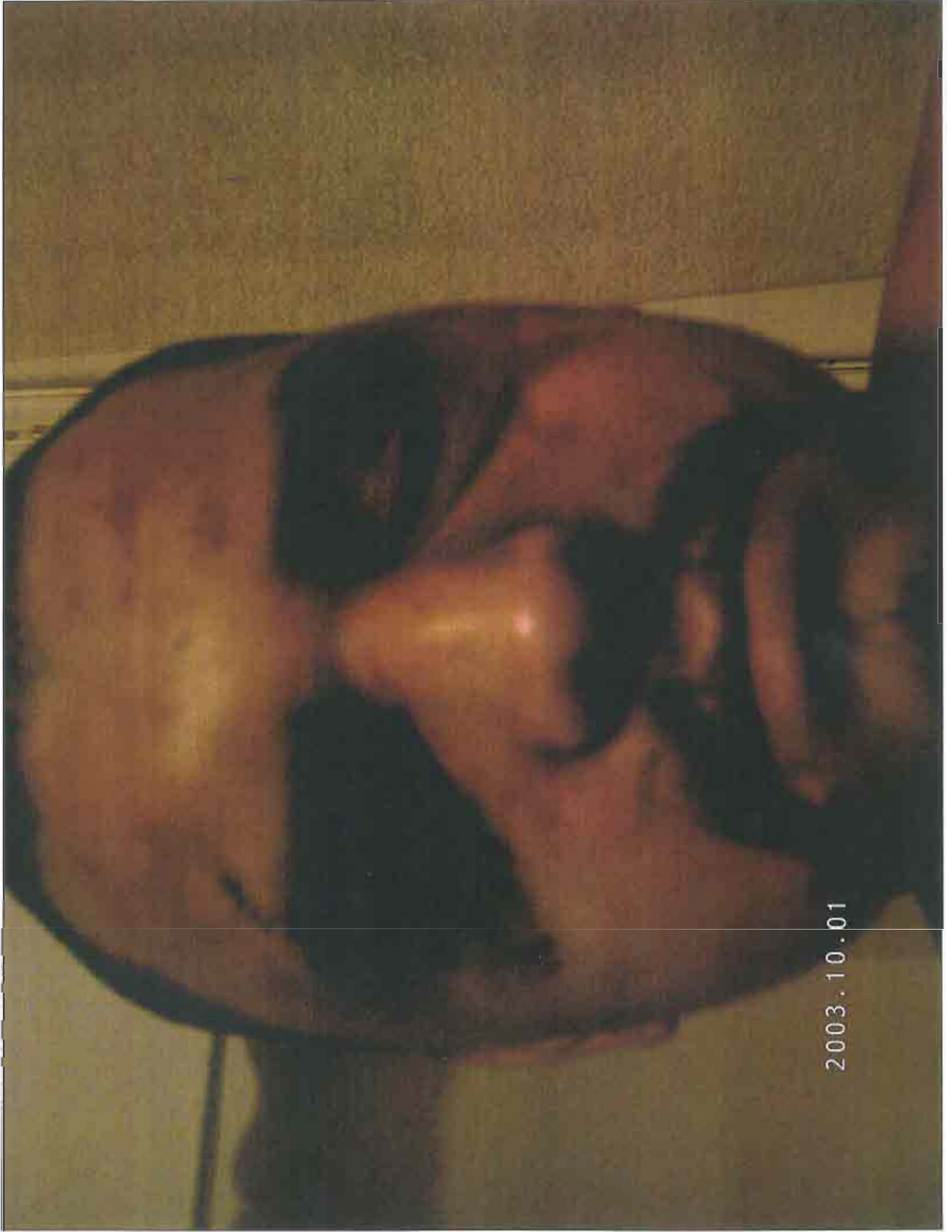
DATED: January 18, 2012

DONNA M. MELBY
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ELIZABETH C. MUELLER
PAUL HASTINGS LLP

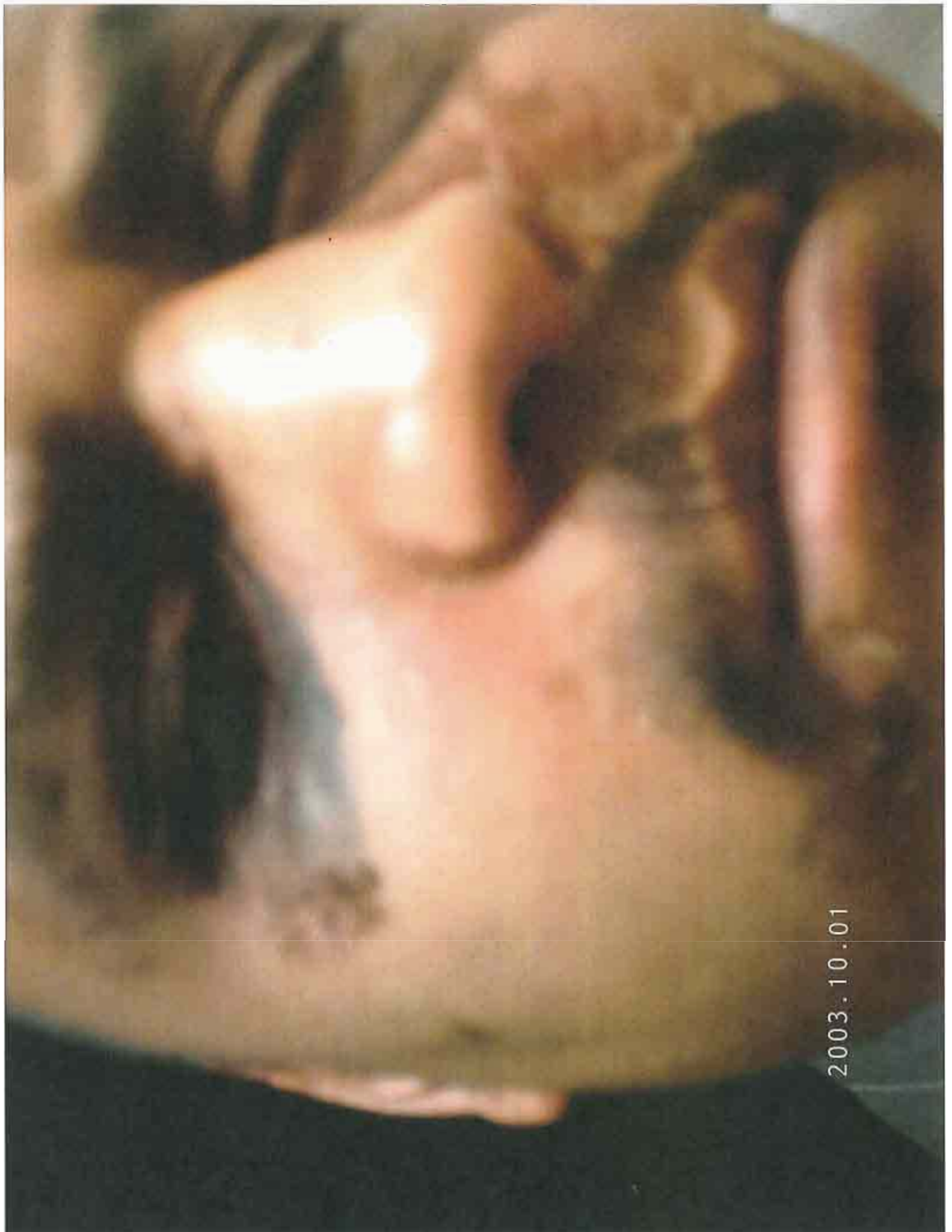
By:  _____
DONNA M. MELBY

Attorneys for Plaintiffs
Alex Rosas and Jonathan Goodwin

EXHIBIT A



2003.10.01



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EXHIBIT B

