

PETER J. ELIASBERG (SB# 189110)
peliasberg@aclu-sc.org
MARISOL ORIHUELA (SB# 261375)
moriuela@aclu-sc.org
ACLU FOUNDATION OF
SOUTHERN CALIFORNIA
1313 W. 8th Street
Los Angeles, CA 90017
Phone: (213) 977-9500
Fax: (213) 977-5299

DONNA M. MELBY (SB# 86417)
donnamelby@paulhastings.com
JOHN S. DURRANT (SB# 217345)
johndurrant@paulhastings.com
JADE H. LEUNG (SB# 279651)
jadeleung@paulhastings.com
ELIZABETH C. MUELLER (SB#
278283)
bethmueller@paulhastings.com
PAUL HASTINGS LLP
515 South Flower Street, 25th Floor
Los Angeles, CA 90071-2228
Phone: (213) 683-6000
Fax: (213) 627-0705

MARGARET WINTER (*pro hac vice*)
mwinter@npp-aclu.org
ERIC BALABAN (*pro hac vice*
application forthcoming)
ebalaban@npp-aclu.org
DAVID M. SHAPIRO (*pro hac vice*
application forthcoming)
dshapiro@npp-aclu.org
NATIONAL PRISON PROJECT OF
THE AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
915 15th St., NW
Washington, D.C. 20005
Phone: (202) 393-4930
Fax: (202) 393-4931

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

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,

Defendant.

CASE NO. CV 12-00428 DDP (SH_x)
**FIRST AMENDED COMPLAINT
FOR INJUNCTIVE RELIEF CLASS
ACTION**

1 **I. JURISDICTION AND VENUE**

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

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

7 **II. STATEMENT OF THE CASE**

8 3. Plaintiffs Alex Rosas and Jonathan Goodwin are inmates in the
9 custody of Sheriff Leroy Baca in the Los Angeles County Jails. Rosas and
10 Goodwin have been beaten and threatened with violence by deputies of the Los
11 Angeles County Sheriff's Department (the "Department" or "LASD"). Mr. Rosas
12 and Mr. Goodwin have also witnessed deputies beating other inmates. The abuse
13 that Rosas and Goodwin suffered and witnessed is typical of the abuse inflicted by
14 deputies on countless other inmates in the jails, and is part of a pattern and practice
15 of deputy-on-inmate violence that has persisted for many years. In the last few
16 years alone, there have been dozens of documented cases of extreme and unjustified
17 violence by deputies against inmates. Defendant and other high ranking officials at
18 the Department¹ are aware of the culture of deputy violence that pervades the Jails
19 but have failed to take reasonable measures to remedy the problem. Plaintiffs
20 charge Sheriff Leroy Baca ("Defendant" or "Sheriff Baca")² with violations of

21 ¹ Plaintiffs named Undersheriff Paul Tanaka ("Tanaka"), Assistant Sheriff Cecil
22 Rhambo ("Rhambo"), and Chief of Custody Operations Dennis Burns ("Burns") as
23 defendants in the original Complaint in this case. Tanaka, Rhambo, and Burns are
24 not named as defendants in this First Amended Complaint because the Court
25 dismissed those defendants and ordered Plaintiffs to submit a new complaint
26 consistent with the Court's ruling of dismissal. Plaintiffs hereby incorporate all
allegations against Tanaka, Rhambo, and Burns contained in the original Complaint
in this First Amended Complaint solely in order to preserve the issue of whether
Tanaka, Rhambo, and Burns are appropriately named parties for appeal. Plaintiffs
are not waiving, and expressly reserve, any rights against Tanaka, Rhambo, and
Burns by filing this First Amended Complaint.

27 ² Defendant is the highest-ranking Los Angeles County official responsible for
28 policies governing the conduct of LASD deputies and for the safety of the inmates
in the custody in the Los Angeles County Jails.

1 Plaintiffs' Eighth and Fourteenth Amendment rights to reasonable protection from
 2 violence and excessive force. Plaintiffs bring this action on behalf of themselves
 3 and other current and future inmates in the Los Angeles County Jails, seeking
 4 injunctive and declaratory relief.

5 4. Los Angeles County has the largest jail system in the world,
 6 with an average daily population of approximately 15,000 inmates. The great
 7 majority of the inmates are pre-trial detainees who are not being held pursuant to a
 8 criminal conviction. Large numbers of inmates in the jails have not committed, and
 9 are not charged with, with violent offenses. There are inmates held in the jails on
 10 Immigration & Customs Enforcement (ICE) holds, charges of public intoxication,
 11 traffic violations, and warrants for failure to appear on a wide variety of minor
 12 offenses.³ Indeed a number of the inmates whose beatings are described in this
 13 First Amended Complaint were being detained on non-violent misdemeanors,
 14 improper warrants and other minor offenses. *See* Paragraphs 67-68, 157. Deputy
 15 violence against inmates in the Los Angeles County Jails is commonplace, but it is
 16 especially pervasive in three facilities that comprise a single complex on Bauchet
 17 Street in downtown Los Angeles: Men's Central Jail, Twin Towers Correctional
 18 Facility ("TTCF") and the Inmate Reception Center ("IRC") (collectively, "the
 19 Jails").

20 5. Inmates in the Jails live in fear of deputy violence. It is typical
 21 for deputies to subject unresisting inmates to grossly excessive force by slamming
 22 inmates' heads into walls, punching them in the face with their fists, kicking them
 23 with their boots, and shooting them multiple times with their tasers – and for these
 24 beatings to result in serious injuries to the inmates, including broken legs, fractured
 25 eye sockets, shattered jaws, broken teeth, severe head injuries, nerve damage,

26 ³ 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 dislocated joints, collapsed lungs, and wounds requiring dozens of stitches and
2 staples. Deputies sadistically beat inmates with serious mental illness. They have
3 beaten inmates who are already in fragile medical condition, including inmates in
4 wheelchairs. Deputies have beaten inmates for asking for medical treatment, for
5 the color of their skin, or for no apparent reason at all. Deputies also enlist and
6 encourage other inmates to carry out savage attacks.

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

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

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

27 9. The Defendant’s ongoing failure to halt these abuses has
28 communicated to the deputy gangs that they can carry out brutal assaults on inmates

1 with impunity. In fact, the Defendant's permissiveness has so emboldened the
2 deputy gangs that they have begun to carry out their brutal assaults on inmates more
3 and more openly, and even in the presence of civilian volunteer workers in the Jails.
4 Jail chaplains and the court-appointed jail monitors of the American Civil Liberties
5 Union ("ACLU") have provided eyewitness accounts of deputies beating non-
6 resisting inmates in the Jails.

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

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

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

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

24 14. The ultimate goal of this lawsuit is to end the longstanding
25 pattern of deputy-on-inmate abuse by requiring the Defendant to put in place a
26 system of accountability, which they have for so long failed to do. That system
27 must include, at minimum, adequate policies on the use of force, proper training on
28 the policies, proper supervision of deputies, thorough review of use of force

1 incidents, and appropriate discipline for improper use of force or failure to report its
2 use.

3 **III. PARTIES**

4 15. Plaintiffs Rosas and Goodwin are inmates in the custody of the
5 LASD who were previously housed in Men's Central Jail and are currently housed
6 in Twin Towers. Plaintiffs have been subjected to deputy violence and threats of
7 violence and they have witnessed deputies violently abusing other inmates. They
8 are at continuing risk of being subjected to deputy violence as a result of the
9 Defendant's acts and omissions.

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

22 17. Sheriff Baca is sued in his official capacity for declaratory and
23 injunctive relief. At all times referred to in this First Amended Complaint, the
24 Defendant was acting within the scope of his employment as an employee of the
25 Department, and acting under color of state and municipal law.

1 **IV. FACTUAL ALLEGATIONS**

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

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

14 19. According to Thomas Parker, a former FBI agent and Assistant
 15 Special Agent in Charge of the Bureau's Los Angeles Field Office, who oversaw
 16 the FBI investigation into the force, "There is at least a two-decade history of
 17 corruption within the ranks of the LASD. . . .[N]o one at the command level . . .
 18 appears to have been held accountable and appropriately punished for failure to
 19 properly supervise and manage their subordinate personnel and resources. In my
 20 opinion, this has provided the 'seedbed' for continued lax supervision, violence,
 21 and corruption within LASD and the county jails it administers." Sheriff Baca and
 22 other LASD officials have "essentially abdicated their responsibilities to provide a
 23 safe, secure, and corruption-free incarceration environment within the Los Angeles
 24 County Jail System." The result, Mr. Parker concluded, is a pattern of inmates
 25 "suffering severe injuries, maiming, and death, some caused by fellow inmates, but
 26 most often at the hands of, or with the acquiescence or assistance of, the deputy
 27 sheriffs who are their keepers." Mr. Parker states, "I have never experienced any
 28

1 facility exhibiting the volume and repetitive patterns of violence, misfeasance, and
2 malfeasance impacting the Los Angeles County Jail system.”

3 20. In May 1990, the *Los Angeles Times* published an investigative
4 report disclosing that excessive force cases represented three-fourths of all major
5 legal settlements and jury awards over a three-year period; that half of the deputies
6 involved in major cases had been sued in the past for brutality; and that one training
7 officer had been sued ten times in ten years. The newspaper quoted sources
8 familiar with the Department who claimed that a code of silence made deputies
9 reluctant to testify against fellow officers, even those who repeatedly used
10 excessive force. The Department kept no separate records of the deputies who were
11 sued for excessive force or the outcomes of the suits.⁴

12 21. In 1989, the Los Angeles County Board of Supervisors formed a
13 blue-ribbon commission to conduct a review of “the policies, practices and
14 procedures of the Sheriff’s Department, including recruitment, training, job
15 performance and evaluation, record keeping and management practices, as they
16 relate to allegations of excessive force, the community sensitivity of deputies and
17 the Department’s citizen complaint procedure.” The Board of Supervisors
18 appointed the late Judge James G. Kolts (“Kolts”) as Special Counsel to the Board.
19 Kolts was a former star prosecutor and a highly respected former Los Angeles
20 County Superior Court judge. The team Kolts assembled for this project became
21 known as the Kolts Commission. In July 1992, after an extensive investigation, the
22 Kolts Commission issued a scathing 359-page report (the “Kolts Report”).⁵ The
23 Kolts Report detailed a history of excessive use of force and lax discipline within
24

25
26 ⁴ Merrick Bobb, Police Assessment Resource Center (“PARC”), *10th Semiannual*
27 *Report 12* (Feb. 1999) (citing Daryl Kelley & Victor Merina, *Alleged Brutality by*
28 *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).

⁵ James G. Kolts, *Kolts Report* (July 1992).

1 the LASD, and concluded that the Department had failed to reform itself. The
2 Commission recommended civilian monitoring of the LASD.⁶

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

10 23. In his fourth Semiannual Report, dated June 1995, Special
11 Counsel Bobb reported the following:

12 24. "[W]e continued to find too many cases involving unnecessary
13 force in responses to verbal taunts or passive noncompliance. Most of these
14 incidents arose in the jails, where we found a substantial number of instances where
15 deputies appear to over-react to apparently slight provocations, like stepping out of
16 the chow line, by shoving the inmate against the wall or slapping him in the face."
17 Further, the use of "transparently phony pretext[s] ('the suspect stared at me
18 aggressively') to justify or excuse unnecessary or excessive force . . . is still
19 practiced to an uncomfortable and unacceptable degree in the custody setting."⁹

20 25. "[W]e do not believe that The Department has yet implemented
21 the Kolts recommendations with respect to force investigations."¹⁰

22 26. "In its analysis of over 1,000 force-related investigations
23 spanning a five-year period, the Kolts Report concluded that the Department was
24 too lenient in the way it disciplined officers found to have engaged in excessive
25 force. The situation has not changed very much. . . . [C]aptains remain disinclined

26 ⁶ *Id.* at 4, 345-49.

27 ⁷ Merrick Bobb, PARC, *1st Semiannual Report* 1 (Oct. 1993).

28 ⁸ Merrick Bobb, PARC, *30th Semiannual Report* (Sept. 2011).

⁹ Merrick Bobb, PARC, *4th Semiannual Report* 15 (June 1995).

¹⁰ *Id.* at 19.

1 to impose substantial penalties for serious misconduct.”¹¹ “[W]e continue to find
 2 cases in which the decision to exonerate the officer [in excessive force cases]
 3 simply defies explanation, and there are still incidents, *almost all in the custody*
 4 *setting*, where the use of force is either senseless or overly severe.”¹²

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

25 ¹¹ *Id.* at 22.

26 ¹² *Id.* at 20-21 (emphasis added).

27 ¹³ Letter from Isabelle Katz Pinzler, Civil Rights Division, USDOJ, to Joanne
 28 Sturges, Los Angeles County Executive, *CRIPA Investigation of Mental Health
 Services in the Los Angeles County Jail* 17 (Sept. 5, 1997).

¹⁴ *Id.* at 17-18 (citing Merrick Bobb, PARC, *6th Semiannual Report* 11-13 (Sept.
 1996)).

¹⁵ *Id.* at 21.

1 mistreatment of inmates with mental illnesses may be in part the result of
2 inadequate training.”¹⁶

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

8 29. On December 19, 2002, the Los Angeles County and the United
9 States entered into a Memorandum of Agreement Regarding Mental Health
10 Services at the Los Angeles County Jail (“MOA”).¹⁸ Sheriff Baca was one of the
11 signers of the MOA, which was entered into “to avoid potential litigation
12 concerning the mental health services at the Jail.”¹⁹ Among the provisions in the
13 MOA were ones addressing training of correctional staff in “professional and
14 humane treatment of mentally ill inmates,” and the prevention and investigation of
15 abuse of mentally ill inmates.²⁰

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

- 22 a. interpreting or responding to bizarre or aberrant behaviors,
- 23 b. recognizing and responding to indications of suicidal thoughts,
- 24 c. proper suicide observation,

25
26 ¹⁶ *Id.* at 18.

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

¹⁸ Memorandum of Agreement Between the United States and Los Angeles County,
27 California Regarding Mental Health Services at the Los Angeles County Jail.

¹⁹ *Id.*

28 ²⁰ *Id.*

1 d. recognizing common side effects of psychotropic medications,
 2 e. professional and humane treatment of mentally ill inmates, and
 3 f. response to mental health crises including suicide intervention
 4 and cell extractions.”

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

11 32. In his nineteenth Semiannual Report, dated February 2005,
 12 Special Counsel Merrick Bobb noted:

13 From the Kolts Report onward, there has been a
 14 paradoxical contradiction between Internal Affairs
 15 investigations that exonerated the officer and litigation
 16 arising out of the same incident that cost the County
 17 substantial money in settlement and judgments. Those
 18 same disparities continue to exist after 2003 and 2004. . . .
 19 While at times one might find instances in which the
 20 County’s lawyers have unwisely settled, it is far more
 21 common to find cases where the LASD let an officer off
 22 the hook when a judge or jury would not. We can only
 23 say as we have in the past that these disparities “fuel[] the
 24 fire of those who would strip the Sheriff of the privilege
 25 of investigating and disciplining his own employees.”

26
 27 ²¹ Jack Leonard & Richard Winton, *L.A. Jail Called Deadly, Outdated*, Los Angeles
 Times, Feb. 3, 2005 [hereinafter *L.A. Jail Called Deadly, Outdated*].

28 ²² Megan Garvey & Richard Winton, *Critics of Jails Voice Alarm*, Los Angeles
 Times, Feb. 14, 2006.

(citing the Fifteenth Semiannual Report at 73).²³

33. In June 2008 the ACLU issued a report by Dr. Terry Kupers, an expert on mental illness among incarcerated populations.²⁴ The report was filed in the *Rutherford* litigation, served on Sheriff Baca's counsel, and sent directly to a number of high-ranking officials in the LASD Custody Division. In his report Dr. Kupers made a number of conclusions including: "[A]t the Los Angeles County Jail the claims by prisoners [of abuse by deputies] are so widespread, and the reports of abuse so consistent among multiple reporters, that it seems very likely there is an unacceptably high incidence of custodial abuse. Multiple prisoners have told me about abuse they have undergone or witnessed, and most say it is disproportionately directed at prisoners with serious mental illness."²⁵ Dr. Kupers also opined that the problem "is made worse by inappropriate un-diagnosing and consignment of prisoners suffering from serious mental illness to general population housing."²⁶ Dr. Kupers further found that "there seems to be very little mental health training for most other officers, and given the fact that officers work over-time in most assignments, this means that prisoners with mental illness outside of Tower 1 are often guarded by officers with little or no training in mental health."²⁷ He also found "disturbing evidence of custodial abuse of prisoners with serious mental illness," and "crowding and idleness at every level[] further exacerbate the problems."²⁸

34. Dr. Kupers also made numerous recommendations to address the serious problems he found with the treatment of mentally ill prisoners including that "[a]ll officers . . . be required to undergo intensive training in working with prisoners with mental illness" and that jail officials "halt custodial abuse" by

²³ Merrick Bobb, PARC, *19th Semiannual Report* 38 (Feb. 2005).

²⁴ Terry A. Kupers, Report on Mental Health Issues at Los Angeles County Jail (June 27, 2008).

²⁵ *Id.* at 41.

²⁶ *Id.*

²⁷ *Id.* at 21.

²⁸ *Id.* at 44.

1 implementing “zero tolerance from the top, education for prisoners about their
2 rights and the grievance process, training and support to encourage staff to report
3 abuse by other staff, a confidential complaint system that fosters prisoner trust and
4 action, and prompt and thorough investigation with appropriate consequences for
5 offending staff.”²⁹

6 35. In April 2010, a Los Angeles County Sheriff’s deputy, Joshua
7 Sather, who had graduated at the top of his recruit class, resigned after only a few
8 weeks on the job, alleging that a supervisor made him beat up a mentally ill jail
9 inmate. Sather was the sole Honor Recruit in his graduating class from the
10 academy, and had been recognized for his leadership and other abilities. As with
11 virtually all rookies, his first assignment was jail duty. On March 22, 2010, Sather
12 was working on the sixth floor mental health ward of Twin Towers. At some point
13 during Sather’s shift, he, his supervisor and other deputies used force on a mentally
14 ill inmate. Soon afterward, Sather, crying and distraught, called his uncle, a veteran
15 Sheriff’s detective, and told him that he had participated in an unjustified beating,
16 that shortly before the beating his supervisor said, “We’re gonna go in and teach
17 this guy a lesson,” and that the attack had been covered up. Sather’s uncle
18 confronted the supervisor about making his nephew “beat up ‘dings.”³⁰ Sheriff’s
19 officials launched an investigation and determined that an uncooperative inmate
20 had been subdued by force, but concluded that no misconduct had occurred.

21 36. In May 2010, the ACLU National Prison Project and the ACLU
22 of Southern California submitted to Sheriff Baca and to the *Rutherford* Court the
23 ACLU’s “Annual Report on Conditions Inside Los Angeles County Jail – 2008-
24 2009.”³¹ The report included declarations documenting scores of complaints from

25 ²⁹ *Id.* at 49.

26 ³⁰ Robert Faturechi, *L.A. County Deputy Says He Was Forced to Beat Mentally Ill Inmate*, Los Angeles Times, Oct. 7, 2011.

27 ³¹ Mary Tiedeman & Daniel Ballon, ACLU National Prison Project & ACLU of
28 Southern California, *Annual Report on Conditions Inside Los Angeles County Jail – 2008-2009* (May 5, 2010), filed in *Rutherford v. Baca*, 75-cv-04111-DDP (no. 217).

1 inmates and their families about deputy-inflicted injuries, ranging from broken ribs
 2 and black eyes to severe head wounds that required staples. The report also
 3 documented a persistent pattern of retaliation and threats of retaliation by deputies
 4 against inmates who protested the conditions of their confinement.

5 37. In September 2010, the ACLU National Prison Project and the
 6 ACLU of Southern California submitted to Sheriff Baca and filed with the
 7 *Rutherford* Court the ACLU's "Interim Report on Conditions in the Los Angeles
 8 County Jails."³² That report stated:

9 The ACLU's 2009 Annual Report describes the pervasive
 10 pattern of violence that we observed in Men's Central Jail
 11 (MCJ) in 2009. During the first eight months of 2010, the
 12 violence has continued unabated. One aspect of the
 13 violence we discussed in our 2009 report was deputies'
 14 use of excessive and unjustified force, which continues to
 15 date: in the five-month period from March 10 through
 16 August 10, 2010, we received more than 70 complaints of
 17 excessive and/or unjustified force, or retaliation by
 18 deputies against prisoners, or both. Twenty of the
 19 prisoners making these complaints have provided us with
 20 sworn written statements.³³

21 38. In December 2010, the media reported on a large-scale brawl at
 22 an LASD Christmas party at a banquet hall in Montebello. The brawl was between
 23 members of the 3000 Boys (the deputy gang discussed above in Paragraph 8) and
 24 other deputies who worked in Men's Central Jail. In commenting publicly on the
 25 incident, Sheriff Baca characterized it as the "drunkenness of a few bad apples,"

26
 27 ³² Mary Tiedeman et al., ACLU National Prison Project & ACLU of Southern
 28 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).

³³ *Id.* at 3.

1 and opined that cops “know how to take care of themselves,” and that they need to
 2 “man up and say, ‘I’m not a wimp.’” Sheriff Baca insisted that “the core of what
 3 occurred with these 3000 boys ... wasn’t their tattoo. It wasn’t their unit. It was
 4 their friendship and their drinking.”³⁴

5 39. The OIR, however, disagreed, stating, “Perhaps most concerning
 6 is the evidence that jail supervisors apparently knew about the use of ‘gang-like’
 7 signs and other troubling behavior well before the eruption of violence at the
 8 Christmas party.”³⁵

9 40. On September 25, 2011, the *Los Angeles Times* reported that the
 10 FBI was conducting a criminal investigation into deputy abuse at the Jails.³⁶

11 41. On September 28, 2011, the ACLU filed an Annual Report in
 12 *Rutherford v. Baca*, reporting seventy cases of extreme deputy abuse in the
 13 previous year, including accounts by civilian eyewitnesses of savage deputy
 14 beatings of inmates in the Jails.³⁷

15 42. On October 13, 2011, the OIR issued a report stating that the
 16 Sheriff’s Department has failed over many years to follow through on proposals to
 17 address violence in the Jails.³⁸

18 43. In early December 2011, Robert Olmsted, a retired top LASD
 19 official who had been the Captain in charge of Men’s Central Jail before being
 20 promoted to Commander in the LASD’s Custody Division, and who oversaw both
 21 Men’s Central Jail and Twin Towers, publicly disclosed that Sheriff Baca and other
 22 senior Department staff, including Tanaka and Burns, have long had actual

23
 24 ³⁴ *KTLA Special Report: The Gang Behind the Badge? Part 4* (KTLA television
 broadcast).

25 ³⁵ Los Angeles County Office of Independent Review, *Violence in the Los Angeles
 County Jails: A Report on Investigations and Outcomes* 8 (Oct. 2011).

26 ³⁶ Robert Faturechi, *FBI Probing Reports of Beatings in L.A. County Jails*, Los
 Angeles Times, Sept. 25, 2011.

27 ³⁷ 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).

28 ³⁸ Los Angeles County Office of Independent Review, *supra* note 31, at 7.

1 knowledge of the pattern of widespread deputy violence in the Jails. Olmsted had
2 repeatedly informed Baca, Tanaka, and Burns of such problems, and tried to raise
3 red flags about shoddy investigations that allowed deputies to escape scrutiny for
4 using force. Olmsted had also voiced concerns to them about deputies forming
5 gang-like aggressive cliques. Chief Burns told Olmsted that it was impossible to
6 change the deputy culture in Men's Central Jail. Sheriff Baca never followed up
7 with Commander Olmsted after he twice approached him about problems in Men's
8 Central Jail. See Paragraphs 194 – 200, for further discussion of Olmsted and his
9 perspective on the problems in the Jails.

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

17 45. On January 11, 2012, the *Los Angeles Times* reported that the
18 Sheriff's Department had admitted that use of force against inmates in the Los
19 Angeles County jails was disproportionately directed at inmates with mental illness.
20 "Los Angeles County jailers are more likely to use force against mentally ill
21 inmates than other prisoners, according to a new Sheriff's Department report that
22 acknowledges the lockups need specially trained staff to reduce the violence."³⁹
23 This admission comes almost four years after Dr. Kupers concluded that deputy on
24 inmate abuse was disproportionately directed at mentally ill inmates, that deputies
25 lacked proper training in dealing with the mentally ill, and recommended that "[a]ll
26

27
28 ³⁹ Jack Leonard & Robert Faturechi, *L. A. County Jailers More Likely to Use Force on Mentally Ill Inmates*, Los Angeles Times, Jan. 11, 2012.

1 officers . . . be required to undergo intensive training in working with prisoners
2 with mental illness.”

3 46. On January 14, 2012, the *Los Angeles Times* reported that the
4 United States had filed felony bribery charges against Gilbert Michel, a deputy in
5 the Sheriff’s Department Custody Division.⁴⁰ The article also reported that Deputy
6 Michel had “made statements which implicated him, along with several other jail
7 employees, as having participated in four prior unreported incidents of improper
8 uses of force.”

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

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

17 **a. Mr. A⁴¹**

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

23 49. When Deputy Alatorre returned later with Deputy Ewell,
24 Deputy Alatorre grabbed Mr. A by the shirt and tried to pull him off the floor.
25 Mr. A lost his balance and hit his chin on the floor. The two deputies dragged

26 ⁴⁰ Robert Faturechi & Jack Leonard, *1st Charge Filed in FBI Probe of L.A. Sheriff’s*
27 *Deputy Misconduct*, *Los Angeles Times*, Jan. 14, 2012.

28 ⁴¹ 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 Mr. A to his cell, forced him against the wall, and twisted his right arm so hard that
2 he yelled out in pain. Deputy Alatorre pulled down Mr. A's pants below the
3 buttocks and verbally taunted him, while Deputy Ewell sat on Mr. A's legs right
4 below his exposed buttocks. Deputy Alatorre pushed Mr. A's face against the wall,
5 hitting his forehead, and then placed Mr. A in a stress position for several minutes
6 by pushing his knee or boot into Mr. A's back. Although Mr. A was still suffering
7 from the migraine and vertigo, in addition to an injured back and an arm that felt
8 like it was broken, the deputies waved off medical staff from helping Mr. A.

9 50. One day later, Mr. A was given twenty-five days in disciplinary
10 segregation as a result of the incident. Mr. A was 48 years old at the time of the
11 beating.

12 **b. Macario Garcia**

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

18 52. Mr. Garcia is blind in one eye as a result of a previous beating
19 by deputies. He is 42 years old, and of very slight build: he is 6'2" and weighs 165
20 pounds. At approximately 6'2" and 275 pounds, Deputy Chavez is of massive
21 build and outweighs Mr. Garcia by more than 100 pounds. Deputy Weiner weighs
22 approximately 220 pounds.

23 53. Deputy Wiener said to Mr. Garcia, "Oh, it's you, you piece of
24 shit, punk." Evidently referring to an incident two weeks earlier in which he had
25 strip-searched Mr. Garcia, Deputy Wiener said, "Shut the fuck up, punk. You ain't
26 nothing but a coward bitch. You had your chance to fight me but you didn't."
27 Deputy Chavez said, "You're not going to go to your doctor's appointment. ... Get
28 against the wall." Mr. Garcia complied and faced the wall opposite the deputy's

1 control booth. Deputies Chavez and Weiner attacked him, punching him several
2 times until he fell to the ground from the blows. After Mr. Garcia fell, Deputies
3 Chavez and Weiner punched and kicked his head, face, body and legs, and beat his
4 body and torso with their flashlights. The deputies also pulled his hair and
5 slammed his head on the ground. The beating continued for approximately five
6 minutes. Mr. Garcia heard Deputy Weiner call out radio code "415," meaning an
7 officer is involved in a fight. Mr. Garcia then blacked out.

8 54. When Mr. Garcia regained consciousness he heard Deputies
9 Chavez and Weiner yelling, "Stop resisting! Stop pulling away!" Mr. Garcia was
10 still handcuffed and not resisting in any way. He saw several other deputies
11 running toward him. A deputy sprayed Mr. Garcia in the face with pepper spray as
12 Deputies Chavez and Weiner continued to punch and kick him.

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

20 56. While waiting to be transferred to the hospital, Mr. Garcia heard
21 deputies laughing at him. One deputy said, "You didn't get hit. You fell." A
22 sergeant and two deputies interviewed him on video about the incident, and
23 Mr. Garcia reported that Deputies Chavez and Weiner assaulted him.

24 57. At the hospital, medical staff told Mr. Garcia that he had a
25 broken collarbone. He received stitches above both of his eyebrows and had
26 bruises on his face and legs. Mr. Garcia now has dizzy spells and sometimes hears
27 a ringing in his ear. Mr. Garcia cannot raise his right arm more than three to six
28 inches. Less than a week later, two lieutenants and a sergeant took pictures of

1 Mr. Garcia's injuries; however, they did not ask him any questions about the
2 incident. The DA has since filed criminal charges against Mr. Garcia for, among
3 other things, assaulting a deputy.

4 **c. Arturo Fernandez**

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

18 59. Throughout the attack, Mr. Fernandez, who has asthma, worried
19 that he would lose consciousness. Two eyewitnesses saw him bleeding profusely
20 and heard him say that he could not breathe. When the attack was over,
21 Mr. Fernandez was sent to the hospital. He had contusions on his head, required
22 stitches on his elbow, suffered hearing loss in one ear, and continues to have
23 headaches.

24 **d. Lawrence Davis**

25 60. On March 16, 2011, Deputies Diaz, Rodriguez, and Owens
26 pepper-sprayed and brutally beat a black inmate, Lawrence Davis, until he was
27 unconscious. The deputies fractured Mr. Davis's jaw and knocked out one of his
28 teeth. One or more of the deputies then carved the letters "MY" into Mr. Davis's

1 scalp. "MY" is the first two letters of the Mexican/Hispanic slur "MYATE" used
2 pejoratively for blacks.

3 **e. Mr. B**

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

18 62. When Mr. B regained consciousness, one deputy was sitting on
19 his back, punching his face and head. Another was kicking Mr. B's ribs. Although
20 Mr. B was motionless, the deputies yelled, "Stop resisting." Mr. B pleaded with
21 them to stop. One deputy shot him with pepper spray. Another sank three taser
22 probes into his flesh.

23 63. Two of the deputies who beat Mr. B stood roughly 6 feet tall,
24 and weighed approximately 200 pounds. The custody assistant was slightly shorter
25 and weighed about 180 pounds. Mr. B is 5 feet 7 inches and weighs 135 pounds.
26 A sergeant accused him of assaulting the deputies, but the ambulance technician on
27 the scene pointed out that the deputies showed no signs of injury. Another sergeant
28

1 returned to the module to take pictures of the scene, but he did not interview any of
2 the inmates who had witnessed the assault.

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

6 65. Although there were numerous inmates in the law library who
7 were able to see the assault through the library window, no one from LASD
8 bothered to interview any of the eyewitnesses.

9 **f. Gabriel Carillo**

10 66. On or about February 26, 2011, at least three deputies, including
11 Deputy Luviano, severely beat Gabriel Carillo, who had come to Men's Central Jail
12 to visit his brother. The deputies repeatedly kicked and punched Mr. Carillo, while
13 he was handcuffed, severely cutting and bruising his face (photos attached hereto as
14 Exhibit A). The deputies also pepper sprayed Mr. Carillo in the face while he was
15 handcuffed and lying on the floor. During the beating one or more deputies
16 repeatedly yelled "Stop resisting! Stop kicking!" even though Mr. Carillo was not
17 resisting or kicking. Subsequently the deputies filed false reports causing the
18 District Attorney to charge Mr. Carillo with battery against a peace officer, resisting
19 arrest, and three other counts. On October 14, 2011, the DA dismissed the charges
20 against him.

21 **g. Cesar Mancilla**

22 67. On or about February 24, 2011, deputies savagely beat Cesar
23 Mancilla at IRC. Mr. Mancilla was in a large holding cell with other inmates, when
24 the deputies ordered him to stand with his head down. Mr. Mancilla obeyed.
25 Suddenly, and without justification or warning, several uniformed personnel
26 attacked Mr. Mancilla, hitting, kicking, and pepper-spraying him. The deputies
27 handcuffed Mr. Mancilla, and continued to beat him. Mr. Mancilla was denied
28 food, water, and medical attention for the remainder of the night.

1 68. On February 25, 2011, a doctor examined Mr. Mancilla and
2 determined he had a collapsed lung, two broken ribs, a nasal fracture, four broken
3 teeth (photo attached hereto as Exhibit B), burns on his skin from the pepper spray,
4 and other injuries. Mr. Mancilla was in jail on a non-violent misdemeanor.

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

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

11 **i. Garry Crumpton**

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

23 **j. Michael Cervantes**

24 71. In December 2010, Deputy Lyon noticed Mr. Cervantes's gang
25 tattoo and began smacking the back of his head and taunting him. When
26 Mr. Cervantes turned to look at Deputy Lyon, he punched Mr. Cervantes's left
27 cheek, tackled him to the ground, sat on top of him, and punched his face and neck.
28 Approximately eight other deputies rushed to join Deputy Lyon. The deputies

1 bashed Mr. Cervantes's leg with a flashlight until he bled, kicked him in the
2 stomach, and stunned him twice with a taser gun. When the attack was over, the
3 deputies cautioned Mr. Cervantes not to tell the nurses "anything funny." Due to
4 the severity of his injuries, Mr. Cervantes was taken to the hospital and spent one
5 week in the jail's medical ward. He continues to suffer dizzy spells.

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

7 72. In December 2010, several deputies severely beat Stephen Teran
8 while he was in the IRC.

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

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

24 75. After two or three minutes, the deputies dragged Mr. Teran to a
25 cell and handcuffed him to the leg of a bench, forcing him to kneel on the floor.
26 The deputies kicked Mr. Teran in the back several times. Mr. Teran saw blood
27 pouring off his head and face, pooling on the ground beneath him. He heard the
28 deputies say they did not want blood on their clothes. The deputies then they put a

1 plastic bag over Mr. Teran's head, making it almost impossible for him to breathe.
2 The deputies laughed as they left the cell.

3 76. The deputies returned about twenty minutes later and told
4 Mr. Teran he would be interviewed on camera. They threatened to press charges if
5 he said anything. Mr. Teran told the interviewer that he had fallen. Later, the
6 deputies again threatened him and warned him not to talk about the incident.

7 **l. Rashaad Pilgrim**

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

21 **m. Alex Krehbiel**

22 78. In July 2010, a deputy approached Alex Krehbiel as he was
23 returning from a visit with his attorney. Mr. Krehbiel had been trying to get back to
24 his housing unit but the door was locked. The deputy ordered Mr. Krehbiel to face
25 the wall and yelled in his ear, "This is my fucking house! Where do you think you
26 are? This is my fucking house!" The deputy then slammed Mr. Krehbiel's forehead
27 against the wall twice. A group of deputies approached, taunting Mr. Krehbiel, and
28 one of them punched him in the face. The deputies pushed Mr. Krehbiel into the

1 laundry room, knocked him to the floor, and punched and kicked his head, ribs, and
2 back. The deputies then pepper sprayed Mr. Krehbiel's eyes and mouth, and
3 slammed his head into the floor. As a result of the incident, Mr. Krehbiel was
4 given twenty-nine days in disciplinary segregation.

5 **n. Juan Diego Mares**

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

21 **o. Santiago Sanchez**

22 80. In June 2010 a deputy assaulted Santiago Sanchez following a
23 visit from Mr. Sanchez's girlfriend and mother. The deputy grabbed the back of
24 Mr. Sanchez's shirt and swung him into a steel pole. The deputy proceeded to
25 place Mr. Sanchez into a stress position, twisting both of his arms behind his back
26 so his fingers were pressed between his shoulder blades. The deputy then slammed
27 Mr. Sanchez's head down on top of the metal counter in the visitation room. The
28

1 deputy held Mr. Sanchez in that position for a minute or two while verbally
2 harassing him.

3 **p. Jimmie Knott**

4 81. In June 2010, while waiting in line for his hepatitis shot, Jimmie
5 Knott asked Senior Deputy Sanchez if he could get some new shoes, as his had a
6 split in them. Senior Deputy Sanchez told Mr. Knott to get out of line and to strip
7 down. Mr. Knott complied and stripped to his boxers. Senior Deputy Sanchez then
8 told him to get on his knees, and as Mr. Knott was bending to the floor, Senior
9 Deputy Sanchez hit him in the temple, causing his head to bleed. Other deputies
10 then came over and began hitting, kicking and kneeing him. Mr. Knott curled into
11 a fetal position and waited for the violence to subside. After two or three minutes,
12 the deputies stopped hitting him and took him to medical. On the way to medical,
13 the deputies told him to say that he fell down the stairs. Mr. Knott complied,
14 because he was afraid of being beaten again. Mario Love witnessed the attack and
15 verified Mr. Knott's account. Mr. Love described the deputies involved as being
16 like "a pack of wolves." Later, while Mr. Love was waiting to talk to the ACLU,
17 deputies pulled him aside and interrogated him in a threatening way.

18 **q. Joseph Hager**

19 82. In June 2010, deputies took Joseph Hager out of his cell and
20 placed him in handcuffs to go to the law library. At the library, a deputy shoved
21 Mr. Hager up against the wall and kicked his ankle so forcefully it bled. The
22 deputy then dragged Mr. Hager, who was still handcuffed, back to the tier, where
23 he slammed Mr. Hager's face into the edge of a door frame. Mr. Hager blacked
24 out. When Mr. Hager regained consciousness, he was on the ground and Deputies
25 Chavez and Gonzalez were kicking and punching him in the head and face. Even
26 though Mr. Hager was handcuffed, the deputies repeatedly yelled, "Stop resisting!"
27 When the beating subsided, Deputy Chavez told him, "I tried to kill you. You are
28 lucky you are still breathing." The beating caused a fracture in Mr. Hager's face, a

1 black eye, swelling in his ears, and bleeding in his mouth. When staff members
2 interviewed Mr. Hager on camera, he said that he had slipped in the shower, out of
3 fear of what the deputies would do to him if he revealed that they had beaten him.
4 After the beating, Mr. Hager was sent to disciplinary segregation and told he was
5 being charged with assault on a deputy.

6 **r. Matthew Gjersvold**

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

15 **s. Luis Bueno**

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

1 **t. Walter Morales**

2 85. For about a week in May 2010, deputies in Men's Central Jail
3 beat Walter Morales twice a day with flashlights about his head and body.
4 Mr. Morales believes the deputies beat him because he was arrested for allegedly
5 firing a gun at police officers. A group of deputies came into Mr. Morales's cell
6 and punched and hit him with flashlights. Mr. Morales has a scar above his eye as
7 a result. Later, a second shift of deputies beat Mr. Morales while he was restrained
8 in waist chains and handcuffs.

9 **u. Michael Holguin**

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

21 **v. Gordon Grbavac**

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

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

9 **w. Darrell Garrett**

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

20 **x. Mr. C**

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

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

5 y. **Mr. D**

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

15 C. **Numerous Additional Incidents of Deputies Using Force Against**
16 **Non-Resisting Inmates**

17 91. Additional incidents of deputies using force against non-
18 resisting inmates include the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 being dragged along the floor, slapped him across face with it, and kicked him in
2 the testicles.

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

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

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

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

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

27 115. In August 2010 in Men's Central Jail, when Keith Nichols
28 refused to discuss his legal case with a deputy, the deputy repeatedly kicked him in

1 the lower back and kidneys with his boot-clad foot, causing intense pain. The
2 deputy then punched Mr. Nichols in the head and yanked his leg, causing his knee
3 to pop out of position.

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

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

14 **D. Racially Motivated Deputy Violence**

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

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

25 120. In June 2011, a deputy in Men's Central Jail said of inmate
26 Michael Jefferson, who is African-American, "This nigger can't fucking listen and
27 face the wall." A deputy then smashed Mr. Jefferson's face into the wall. Shortly
28

1 thereafter, Deputy Quintana punched Mr. Jefferson in the face while he was
2 escorting him back to his module.

3 121. In October 2009, deputies performing cell searches in Men's
4 Central Jail took Mr. R's commissary items. When he complained, a deputy asked
5 Mr. R, who is African-American, "What's your problem, Monkey?" The deputy
6 told Mr. R to face his cell and forcefully shoved him into the bars of the cell door.
7 Later that day, after ACLU monitors visited Mr. R's row, deputies threatened all of
8 the inmates with a bean bag canister gun that contains pepper spray pellets. A
9 deputy said, "We don't give a fuck about the ACLU. This is our house. They don't
10 fucking live here."

11 122. In July 2009, Deputies Delgado, Aviles, Rivera, Thompson,
12 Ortega, Snyder, and others severely beat inmate Evans Tutt on the 3000 floor in
13 Men's Central Jail, while calling Tutt a "fucking nigger." During the beating, the
14 deputies handcuffed Mr. Tutt, and then tasered him, beat him with flashlights, and
15 kicked him. The deputies broke Mr. Tutt's nose in multiple places, injured his ribs,
16 head, face, knee, and leg, chipped his tooth, and left bruises all over his body. The
17 deputies then wrote false reports that prompted the Los Angeles County District
18 Attorney to file criminal charges against Mr. Tutt for resisting a peace officer. The
19 charges were eventually dismissed. Three of the deputies involved in the incident
20 have been identified as members of the 3000 Boys, and two of them were involved
21 in the 2010 Christmas Brawl at a banquet hall in Montebello, described in
22 Paragraph 38.

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

24 123. In June 2010, Mr. S, who was suicidal, walked out of his cell
25 with a strip of bed linen tied around his neck and threatened to kill himself. Mr. S
26 had repeatedly asked deputies to see the psychiatrist, but they had mocked him and
27 denied him access to mental health care. Custody Assistant Gonzalez shoved Mr. S
28 back into the cell, turned to his cellmate, Gary Sanchez, and ordered Mr. Sanchez to

1 “regulate” Mr. S. Mr. Sanchez understood this to mean the deputies wanted him to
2 keep Mr. S in line by beating him.

3 124. In October 2009, while in the IRC, inmate Jonny Johnson saw
4 deputies verbally abusing an elderly man who was visibly mentally ill. The man
5 was unable to follow the deputies’ directions. The deputies began to taunt the man
6 and threw a sandwich at him, hitting him in the head. Mr. Johnson came to the
7 man’s defense and told the deputies to stop picking on him. A group of deputies
8 then took Mr. Johnson out of the holding cell. One deputy shoved Mr. Johnson’s
9 head against the wall, while two others began punching him in the torso, knocking
10 the wind out of him. The deputies then took Mr. Johnson to an area where other
11 inmates were handing out bedding and ordered him to help. The deputies told
12 Mr. Johnson that as he handed out the bedding, he had to say to each inmate, “I’m a
13 faggot and the deputies are the bomb.”

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

1 **F. Deputy Assaults Against Inmates For Rules Infractions Or**
 2 **Perceived Sights**

3 126. Deputies often beat inmates for minor rules infractions or
 4 perceived slights. In December 2010, a deputy in Twin Towers savagely beat
 5 Derek Griscavage after Mr. Griscavage showed the deputy his middle finger. First,
 6 Deputy Jackson kicked Mr. Griscavage and contorted his shoulders in a manner that
 7 caused him pain. Deputy Jackson then handcuffed Mr. Griscavage and led him
 8 away from the pod. Shortly thereafter an eyewitness saw a deputy push Mr.
 9 Griscavage causing him to fall down. Then at least four deputies began to beat him.
 10 The deputies knocked Mr. Griscavage unconscious, and he woke up in the hospital
 11 with severe lacerations, a broken nose, a chipped tooth, and bruises on his head.
 12 Three days later, deputies moved Mr. Griscavage to the disciplinary segregation
 13 unit for alleged "assault on a deputy."

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

1 supposed to be allowed to present his version of events at his disciplinary hearing,
2 he was not permitted to do so.

3 **G. Deputies' Use Of Inmates As Pawns To Inflict Violence On Other**
4 **Inmates**

5 128. Deputies regularly pit inmates against other inmates, using them
6 as pawns to carry out acts of violence. Deputies sometimes instigate violence
7 between inmates by allowing inmates from rival gangs to have physical access to
8 each other (for example, by opening up their cell doors from the deputy control
9 booth), or by fomenting discord (for example, by mentioning an inmate's gang
10 affiliation to inmates from a rival gang, or stating in front of other inmates that an
11 inmate is a sex offender).

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

24 130. Deputies in Men's Central Jail allowed other inmates to assault
25 Donald Shorts. Mr. Shorts is a former gang member and was frequently the target
26 of assaults from members of his former gang. In June 2010, two inmates who were
27 housed in a different module approached Mr. Shorts's cell. The only way they
28 could have appeared at this cell is if deputies opened the gates. One of the inmates

1 then yelled to the deputies to open Mr. Shorts's cell door. The deputies complied,
2 and the two inmates entered the cell and assaulted Mr. Shorts, beating him with
3 their fists and cutting his face and chest with a shank (a homemade knife). The next
4 day, deputies charged Mr. Shorts with possession of a shank, fighting, and
5 insubordination to staff.

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

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

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

23 134. Michael Topete heard someone yelling, "Help, they're killing
24 me!" while someone else was yelling "Shut the fuck up!" The next morning,
25 Mr. Topete heard other inmates say, "They killed the rapist." In an unrelated
26 incident, deputies placed Mr. Topete, who had previously been in protective
27 custody, in the general population, where he was attacked by other inmates.
28

1 135. On several occasions, deputies placed Rodolpho Mendoza, who
2 was in protective custody, with inmates from the general population, who attacked
3 him.

4 136. In 2009, Therin McGuire witnessed deputies ordering two
5 inmates to beat up a third inmate in MCJ.

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

7 137. Unchecked deputy-on-inmate violence in Men's Central Jail and
8 Twin Towers has become so pervasive and routine in recent years that deputies
9 carry out savage attacks even in the presence of civilian eye witnesses. Thomas
10 Parker, former Assistant Special Agent in Charge of the FBI's Los Angeles Field
11 Office noted that the phenomenon of deputies beating inmates in areas visible to
12 civilians suggests that "the culture of deputy violence in the Jails has become so
13 hardened and pervasive that deputies feel emboldened to carry out their attacks
14 even in non-secluded areas."

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

27 139. A deputy finally noticed that Chaplain Juarez was watching the
28 attack and made signs to the others to stop the beating. But a call had gone out to

1 other deputies to join in the attack, and two more deputies entered the hallway and
2 began to kick the motionless inmate. One deputy stomped on the inmate's back.
3 Those deputies who had noticed Chaplain Juarez motioned to the other deputies to
4 alert them to his presence.

5 140. At the end of the beating there was a puddle of blood some two
6 feet in diameter around the inmate's head. Chaplain Juarez was overwhelmed with
7 fear, worried deputies would harm him. Several eyed him in a threatening way.
8 Some said "rat" and "motherfucker" when he passed them in the jail over the next
9 few days.

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

18 142. In July 2011, Sheriff Baca told Chaplain Juarez that the detailed
19 report Chaplain Juarez had written and delivered to the LASD was not included in
20 the LASD's file on the incident. The file that Sheriff Baca read aloud from
21 described Chaplain Juarez as "exaggerating" the details of the beating. The
22 description of the attack in the LASD file from which Sheriff Baca read aloud
23 seemed to describe a totally different incident from the one Chaplain Juarez had
24 witnessed: the file said the inmate was schizophrenic and that deputies had to strike
25 him a few times with their fists to get him into his cell. Sheriff Baca seemed
26 unconcerned, stating simply that "punches are allowed but kicks are not allowed in
27 my department."
28

1 143. In February 2011, another Jail Chaplain, Chaplain Doe, was
2 walking towards the chaplain's office on the third floor of Men's Central Jail, when
3 he saw four or five deputies repeatedly kicking an inmate. The inmate lay
4 motionless, face-down on the ground. His hands appeared to be tucked behind his
5 back, where they remained throughout the attack. The inmate pleaded with the
6 deputies to stop, yelling, "Help me!" After the deputies continuously kicked the
7 inmate for between two and three minutes, the deputies ordered Chaplain Doe to
8 leave the scene. Chaplain Doe was afraid that if he tried to stop the beating or even
9 asked the deputies to stop, they would hurt him. Although Chaplain Doe could no
10 longer see the beating at this point, he could still hear the "thumping" sounds of the
11 deputies kicking the inmate, and the inmate's cries for help. Eventually the inmate
12 fell silent but the kicks continued for about another minute. Neither LASD nor the
13 OIR ever questioned Chaplain Doe about the incident, even though a sergeant and
14 numerous deputies were aware that he was an eyewitness to the beating.

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

1 145. Scott Budnick, a civilian volunteer who mentors young inmates,
2 witnessed five deputy-on-inmate beatings at Men's Central Jail over a three-year
3 period.

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

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

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

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

22 150. In 2009, Mr. Budnick witnessed three deputies kicking and
23 punching an inmate. When the inmate fell down, the deputies continued attacking
24 him while he lay on the floor. The deputies repeatedly yelled "Stop resisting!" –
25 even though Mr. Budnick could see that the inmate was not moving, much less
26 resisting.

27 151. Several chaplains cautioned Mr. Budnick not to report one
28 incident of abuse that he witnessed, telling him that if he reported the incident, he

1 would no longer be allowed to volunteer. The chaplains said that they refrained
2 from reporting incidents of abuse out of fear of losing their jobs. Several civilians
3 also said that they were afraid to intervene in the deputy-on-inmate attacks they
4 witnessed, for fear if they tried to stop the attacks, deputies would assault them.

5 152. Mr. Budnick did report the July 2009 incident to Sergeant
6 Renfro, who promised to "get into this immediately." Mr. Budnick, however, was
7 never interviewed about what he had observed. He never heard back from the
8 sergeant, or anyone else at the LASD or OIR, about an investigation into his
9 allegations of deputy violence.

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

12 153. In July 2009, after Phillip Westby got into an argument with
13 another inmate in Twin Towers, deputies pulled him out of his cell and slammed
14 his head into the wall. Deputy O'Hardy handcuffed Mr. Westby and then slammed
15 his head into the wall two more times. Deputies O'Hardy and Sandoval then led
16 Mr. Westby into the Outdoor Recreation area where they repeatedly punched him in
17 the head, neck, and back, and then threw him to the ground. Mr. Westby worried
18 that his ribs were broken, but did not seek medical help because he feared
19 retaliation from the deputies. It took Mr. Westby's bruises almost two weeks to
20 heal.

21 154. In October 2008, Deputy Cinderelli handcuffed Drequinn
22 Johnson to transport him to a legal visit. Deputy Cinderelli stopped Mr. Johnson in
23 the hallway, near Deputy Grant, who was considered a "rookie" deputy. Deputy
24 Cinderelli said to Deputy Grant, "This is training, this is when you get your first
25 force," meaning his first use of force incident. Deputy Cinderelli then shoved
26 Mr. Johnson against the wall and began punching him. Mr. Johnson, who was still
27 handcuffed, fell to the ground, and Deputy Grant joined Deputy Cinderelli in
28 punching and kicking him. Two other deputies came over and joined the melee.

1 The deputies shot Mr. Johnson with a taser twice in the arm. After the incident,
2 Mr. Johnson was unable to see out of his left eye for about two weeks. When
3 deputies interviewed Mr. Johnson about the incident, he said he did not remember
4 what had happened, because he was afraid the deputies would hurt him again.

5 155. In February 2008, after Peter Johnson, who uses a wheelchair,
6 complained about jail conditions, Deputies Ochoa, Reynoso, and Saldivar pulled
7 him off his bed and kicked and kneed his ribs, back, and neck. The deputies later
8 shot pepper spray into Mr. Johnson's face and caused him to fall out of his
9 wheelchair. The assault occurred in the wheelchair module in Men's Central Jail.

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

13 157. In June 2006, a deputy assaulted and raped Frank Mendoza, a
14 gay inmate, in Twin Towers. Earlier in the day, the same deputy was escorting a
15 line of inmates including Mr. Mendoza and said to them "you all walk like girls."
16 When Mr. Mendoza said to another inmate in the line, "There's a male who's
17 unsure of his masculinity," the deputy grabbed Mr. Mendoza, shoved him against
18 the wall, and threatened him stating, "You better watch it. I will show you my
19 masculinity. I will come get you." Later that day, when the inmates returned to
20 their pod, Mr. Mendoza's cell door was left open. Shortly after the deputy in the
21 tower outside the pod left his post, the deputy who had previously threatened
22 Mr. Mendoza forced him into his cell, tore off his clothes, threw him to the ground,
23 shoved a gag in his mouth and raped him. After the rape was over, Mr. Mendoza
24 lay shivering and naked in his cell until another deputy found him and asked what
25 had happened. After Mr. Mendoza reported that he had been raped, the deputy
26 responded, "I do not see anything wrong with you." No LASD personnel
27 interviewed Mr. Mendoza about the incident or took any forensic evidence to
28 investigate whether he had been raped. Mr. Mendoza had been arrested for public

1 drunkenness and was being held in LA County jail on a warrant for failure to
2 appear that later proved to have been issued in error.

3 158. Mario Rocha is a 31 year old who is now pursuing his B.A. at
4 George Washington University in Washington, D.C. On October 10, 2003, he was
5 in jail on a charge that ultimately resulted in a reversed conviction. Mr. Rocha was
6 in a holding cell being processed for entry into the jail, when he observed a man in
7 his late 50's or early 60's, who appeared to be mentally ill, on his hands and knees.
8 Mr. Rocha saw a deputy race over, kick the man in the head, and start punching
9 him. Almost immediately, about four or five other deputies came over and joined
10 in the assault, punching, stomping, and kicking the man while he lay on his
11 stomach on the floor, not resisting and not even trying to shield himself from the
12 deputies' blows. The assault left the man bleeding from his face and the top of his
13 head, with one of his eyes swollen shut.

14 **J. Victims Of Deputy Abuse Experience Intimidation And**
15 **Retaliation**

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

25 160. In March 2011, after Mr. U told a nurse that a deputy had earlier
26 refused to take him to his medical appointment, the deputy said to Mr. U, "I can
27 make it that you slip in the shower next time and need serious medical attention."
28

1 161. In January 2011, two deputies verbally and physically assaulted
2 Shawn Meyers in an elevator for his interactions with ACLU representatives. The
3 deputies slammed Mr. Meyers, who uses a wheelchair, against the wall, and said,
4 "That's your warning."

5 162. In January 2011, Deputy Carbajal overheard inmate Mani Sadri
6 complain about being threatened by another deputy. Deputy Carbajal warned
7 Mr. Sadri not to complain any more to ACLU, and threatened to have other inmates
8 kill him. Deputy Carbajal said, "Don't complain to anyone if you want to make it
9 out of here alive."

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

22 164. In June 2010, after Robert Dragusica spoke with the ACLU
23 about violence inside Men's Central Jail, deputies began threatening and
24 intimidating him. The behavior of the deputies caused Mr. Dragusica to refuse two
25 opportunities to speak with the ACLU again, because he was scared of what the
26 deputies might do. After eventually speaking with the ACLU a second time,
27 deputies sent Mr. Dragusica to disciplinary segregation for a fabricated contraband
28 charge.

1 165. Deputies sent another inmate to beat Emmanuel Benson in
2 May 2009, after he reported that a guard had assaulted him the day before. A
3 deputy opened the door to Mr. Benson's cell in Men's Central Jail and allowed the
4 other inmate to enter. The inmate punched Mr. Benson twice in the face and told
5 him he was sent because Mr. Benson reported the deputy's attack. Mr. Benson did
6 not request medical treatment in fear of further retaliation.

7 166. In March 2009, deputies severely beat Daysuan Rushing in
8 retaliation for his speaking to the ACLU. After Mr. Rushing spoke with an ACLU
9 representative who visited his row, deputies delayed him as he returned from a
10 court appearance. Mr. Rushing, who was restrained in waist chains, was forced up
11 against a wall with his legs spread. Deputy Zuniga slapped the back of his head
12 twice and then kicked Mr. Rushing's leg, causing him to fall to the ground. Deputy
13 Zuniga and another officer began punching and kicking Mr. Rushing, and hit him
14 repeatedly in the face and knees with a flashlight. The deputies then pepper
15 sprayed Mr. Rushing in the face and threw him down a flight of stairs. While
16 Mr. Rushing was laying on the ground bleeding, Deputy Zuniga said, "You fucking
17 whiners, tell this to the ACLU, I dare you." As a result of the beating, Mr. Rushing
18 received stitches on both sides of his face.

19 167. Deputies beat Mr. W in Men's Central Jail and he was
20 subsequently refused pain medication that he was supposed to receive, because he
21 had complained to the ACLU.

22 168. Sheriff Baca and Chief Burns have long been aware of the
23 Department's practice of retaliating against inmates, including a pattern of arresting
24 the victims of staff beatings and initiating their prosecution for assault, without any
25 meaningful internal investigation of the facts surrounding the incident. In 2010, the
26 ACLU filed in *Rutherford* a motion for a protective order asking that Defendant and
27 his agents be enjoined from retaliating against inmates for speaking with the
28 ACLU. That motion was accompanied by numerous declarations attesting to

1 incidents of retaliation, including retaliation in the form of physical abuse. Despite
2 this knowledge, Defendant and other high ranking officials at the Department have
3 denied that retaliation is a significant problem and have failed to adequately
4 investigate the problem. Instead, they have tolerated and encouraged staff to
5 continue to arrest and request prosecution of inmates beaten in the jails. Their
6 continued acquiescence in this practice manifests deliberate indifference toward the
7 rights of the Plaintiffs and all other inmates in the Jails.

8 169. In a November 2010 declaration, Chief Burns made a
9 categorical statement under oath that “every allegation of retaliation” that the
10 ACLU had brought to LASD’s attention that the Department had investigated “has
11 been determined to be **without merit**. ... [T]he Department takes allegations of
12 retaliation and other deputy misconduct extremely seriously and such claims are
13 always thoroughly investigated.”⁴² On information and belief, this statement was
14 false and Chief Burns knew it was false at the time he made it.

15 170. On information and belief, Plaintiffs allege that Undersheriff
16 Tanaka is also aware of this pattern of retaliation.

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

20 “[T]he key to preventing questionable force incidents and
21 ensuring the fair treatment of inmates is in the hands of
22 line-level supervisors. If sergeants do not actively engage
23 with those they supervise, deputies and custody assistants
24 too easily can lose sight of the expectations the
25 Department places on them and engage in the type of
26 abusive, retaliatory conduct inmates frequently complain

27 ⁴² 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).

1 of. The Department has not always staffed the jails
 2 sufficiently to provide the necessary level of supervisory
 3 involvement, and its expectation of sergeants is not
 4 consistently reinforced up the chain of command.⁴³

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

7 172. The LASD brushes aside most inmate reports of violence. The
 8 Department's apparent indifference to such complaints gives deputies a sense of
 9 unchecked autonomy in the way they perform their jobs. Incidents of deputy-on-
 10 inmate violence, after nominal or no investigation by LASD, are routinely reported
 11 by deputies as an unprovoked inmate-on-deputy assault, and if an inmate complains
 12 of being beaten or injured by jail deputies, those complaints are almost universally
 13 declared unfounded. Most of these complaints get "resolved" at the lowest levels in
 14 the LASD. Proper reporting procedures are routinely ignored.

15 173. Corrections expert Toni V. Bair reviewed the investigative
 16 procedures and policies of the Los Angeles County Jails and found them to be
 17 "grossly substandard."⁴⁴ For example, during the investigation of Use of Force
 18 incidents the supervisor of the attacking deputies often interviews the inmate
 19 victim, rather than an independent supervisor.⁴⁵

20 174. This practice is permitted by LASD policy, even though it is
 21 considered unacceptable and unprofessional by corrections experts.

22 175. Moreover, LASD sergeants and lieutenants often permit the very
 23 officers accused of assault to be present during the interview of the inmate for the
 24 use of force investigation, a tactic that has the purpose and effect of intimidating the
 25 inmate and impacting his testimony. *See, e.g.*, the August 2009 incident with

26 ⁴³ Los Angeles County Office of Independent Review, *supra* note 31, at 10.

27 ⁴⁴ 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 ⁴⁵ *Id.* ¶ 12.

1 inmate Gordon Grbavac, discussed in Paragraph 87 above. Mr. Bair declared that
 2 this practice is “unheard of in professionally conducted investigations and
 3 interviews,” and stated that “It is no wonder that the prisoner frequently ... alters
 4 his story so as not to implicate the officer(s) involved in the incident.”⁴⁶

5 176. Even though permitting a deputy who was involved in a force
 6 incident with an inmate to be present during the interview of the inmate is grossly
 7 unprofessional, LASD policy did not forbid this practice until the ACLU’s 2011
 8 report revealed how frequently involved deputies were present during inmate
 9 interviews.

10 177. The *Los Angeles Times* recently reported that according to an
 11 internal LASD memorandum, deputies were “were crafting narratives ‘dramatized
 12 to justify’ force and delaying using weapons such as pepper spray that could end
 13 fights ‘to dispense appropriate jailhouse justice.’”⁴⁷

14 178. In 2011, a correctional expert in an inmate’s excessive force
 15 case against Sheriff Baca noted both false reports by deputies and the complete
 16 absence of an after-the-fact review of a serial cell extraction in Men’s Central Jail,
 17 in which deputies injured a number of inmates.⁴⁸ The report stated, among other
 18 things, that with respect to the deputies’ documentation of the use of force, “some
 19 crucial reports are missing, others are substantially incomplete and still other
 20 reports are inaccurate or false.”⁴⁹ In addition, the report stated: “One of the most
 21 disturbing aspects of this incident is that there was apparently not so much as a
 22 cursory review of the situation, let alone a serious investigation” by supervisors of
 23
 24

25 ⁴⁶ *Id.* ¶ 16.

26 ⁴⁷ Robert Faturechi & Jack Leonard, *Sheriff Baca Was Warned about Jail Deputies*
Conduct, Retiree Says, Los Angeles Times, Dec. 1, 2011 [hereinafter *Sheriff Baca*
 27 *Was Warned*].

28 ⁴⁸ Expert Report of Jeffrey Schwartz, Feb. 8, 2011, filed in *Ramirez v. Baca*, CV08-
 2813-DSF (C.D. Cal.) (No. 118).

⁴⁹ *Id.* at 15.

1 what led to the disturbance on the cell block and the response that culminated in the
2 serial cell extractions.⁵⁰

3 179. In its 2011 report, the OIR stated “too often we have found” that
4 “the investigations of force incidents that result in less serious or no apparent
5 injuries to the inmate” are “lackluster, sometimes slanted, and insufficiently
6 thorough.”⁵¹

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

10 181. The institutional cover-ups often take the form of filing criminal
11 charges against inmate victims of deputy violence. The odds are low of an inmate
12 winning an acquittal against the sworn testimony of deputy witnesses. A criminal
13 conviction of the inmate for his “assault” on the deputy – in reality, the deputy’s
14 assault on the inmate – results in a complete immunization of the deputy assailants
15 and the Department for from civil liability for the assault.

16 182. In January 2011, James Parker, an inmate whom ACLU Jails
17 Project Coordinator Esther Lim witnessed being brutally beaten and tasered by
18 Deputies Ochoa and Hirsch, was subsequently charged with battery against a peace
19 officer and resisting a peace officer. For additional examples of trumped-up
20 charges filed against victims of deputy abuse, *see, e.g.*, Paragraphs 51 – 57
21 (Macario Garcia), 112 (Mr. M), and 122 (Evan Tutt) above.

22 183. The Department has even charged *visitors* to the Jails in this
23 fashion. As discussed in Paragraph 66, Gabriel Carillo was assaulted by deputies
24 while visiting his brother in Men’s Central Jail in February 2011. In April, 2001,
25 he was charged with resisting and officer and battery.⁵² The District Attorney later

26 ⁵⁰ *Id.* at 20.

27 ⁵¹ Los Angeles County Office of Independent Review, *supra* note 31, at 4.

28 ⁵² *The People v. Gabriel M. Carillo*, BA381607 (Los Angeles County Superior Court).

1 dismissed the charges against him after the ACLU issued its 2011 Annual Report
2 and the *Los Angeles Times* revealed that the FBI was investigating deputy-on-
3 inmate abuse in the jails.

4 184. In contrast, LASD frequently chooses not to forward to the
5 District Attorney information about deputies who have been disciplined or even
6 terminated for using excessive force against inmates. As the *Los Angeles Times*
7 reported: "In several cases in recent years, deputies who were disciplined or even
8 fired for abusing inmates escaped criminal scrutiny because Sheriff's Department
9 officials chose not to give the evidence to the district attorney's office, opting to
10 handle the cases internally."⁵³

11 **L. Defendant Has Actual Knowledge Of Deputy Violence And Has**
12 **Failed To Take Reasonable Measures To Avert It**

13 185. Rampant violence at the Jails has resulted from a failure of
14 leadership at the top level of the Department. Such a pervasive, deeply-entrenched,
15 and notorious pattern of excessive force could not have continued unabated over a
16 period of many years without a code of silence on the part of front-line and
17 supervisory staff, combined with management staff's failure to require
18 accountability, and their engaging in outright cover-up.⁵⁴

19 186. Despite overwhelming evidence of the culture of deputy-on-
20 inmate violence, Sheriff Baca, Undersheriff Tanaka, and Chief Burns have
21 stubbornly refused to acknowledge the problem. They and their spokespeople have
22 publicly taken the position that victims' allegations have been investigated
23 thoroughly and found to be false, and they have attacked the credibility of civilian
24 witnesses to deputy violence. On information and belief, they have routinely

25 ⁵³ Jack Leonard & Robert Faturechi, *D.A. in the Dark on Jail Probes*, Los Angeles
26 *Times*, Dec. 4, 2011.

27 ⁵⁴ "The only way in which an established pattern of inappropriate use of force can
28 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 dismissed inmates' complaints of staff beatings, even when the deputies allegedly
2 involved had failed to report a use of force and the inmate was seriously injured;
3 when the inmate's injuries were obviously more serious than the staff accounts of
4 their actions would suggest; and when the same deputies reported essentially the
5 same scenarios over and over to describe incidents in which different inmates were
6 injured.

7 187. Sheriff Baca has failed or refused to hold accountable high-
8 ranking supervisors in the face of significant nonfeasance and malfeasance by these
9 supervisors and by the officers they oversee. Both Chief of Custody Operations
10 Burns and Undersheriff Tanaka remain in the positions they held, or have been
11 promoted, despite the epidemic of deputy on inmate abuse in the jails that Sheriff
12 Baca is aware occurred over the past years.

13 188. With rare exception, deputies whose misconduct is brought to
14 the attention of supervisory personnel continue to work with inmates in
15 Department-operated jails without any substantial disciplinary action being taken
16 against them.

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

23 190. In September 2011, the release of the ACLU's annual report on
24 the Los Angeles County Jails, detailing some seventy recent instances of extreme
25 deputy violence against inmates and other serious abuse of inmates, and press
26 reports of an FBI probe involving deputy violence in the Jails, set off a media
27 storm. Sheriff Baca responded by dismissing any possibility of a systemic problem,
28

1 and with wildly inconsistent and self-serving statements about his lack of
2 awareness of the problem.

3 191. Sheriff Baca first flatly denied the existence of a systemic
4 problem. Nicole Nishida, one of the sheriff's spokespersons, said that the
5 department thoroughly investigated all complaints of abuse that it received and that
6 most were unsubstantiated.⁵⁵

7 192. As public criticism of Sheriff Baca continued to mount, and new
8 allegations surfaced, the Sheriff acknowledged there were widespread problem but
9 claimed that he had not been aware of its existence. As reported on October 10,
10 2011, Defendant Baca stated: "We are going to look into this and we welcome
11 anyone to look into it as well." He contended that "[t]he widespread problem can't
12 be defined until we know what all the issues are."⁵⁶

13 193. On October 16, 2011, the Sheriff told the *Los Angeles Times* that
14 his command staff occasionally left him in the dark about the Jails' problems. "I
15 wasn't ignoring the jails. I just didn't know," Baca said. "People can say, 'What
16 the hell kind of leader is that?' The truth is I should've known. So now I do
17 know."⁵⁷

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

24 A top commander in Los Angeles County's jail system

25 ⁵⁵ Jennifer Medina, *Report Details Wide Abuse in Los Angeles Jail System*, N.Y.
26 Times, Sept. 28, 2011.

27 ⁵⁶ Jennifer Medina, *Pressed, Sheriff Agrees to Jails Inquiry*, N.Y. Times, Oct. 10,
28 2011.

⁵⁷ Jack Leonard & Robert Faturechi, *Baca Says He Was out of Touch with County's Jails*, Los Angeles Times, Oct. 16, 2011 [hereinafter *Baca Says He Was out of Touch*].

1 said he warned Sheriff Lee Baca and other senior officials
2 last year about deputies using excessive force against
3 inmates but was ignored until the problems grew into a
4 public scandal.

5 In an interview with The Times, Robert Olmsted said he
6 tried to raise red flags about shoddy investigations that
7 allowed deputies to escape scrutiny for using force. He
8 also voiced concern about deputies forming aggressive
9 cliques.

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

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

20 ...

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

24 ...

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

1 Months later, Olmsted said, he spoke to the sheriff at a
2 charity food giveaway. The event occurred soon after a
3 group of Men's Central Jail deputies had been caught
4 fighting each other at an off-duty, department holiday
5 party. After the brawl, sheriff's officials said some of the
6 deputies had formed a clique whose members flashed
7 gang-like hand signs.

8 Olmsted said he told the sheriff he wanted to discuss how
9 to improve supervision at the jail to prevent similar
10 problems in the future. Baca, he said, agreed to talk but
11 again never followed through.⁵⁸

12 195. Commander Olmsted raised the issue of unchecked violence not
13 only with Defendant Baca but also with Tanaka:

14 Burns, he said, told him the jail's culture could not be
15 changed. Frustrated, Olmsted said he took his concerns in
16 the summer of 2010 to Asst. Sheriff Marvin O.
17 Cavanaugh, who was sympathetic but told him the same
18 thing. He also spoke to then-Asst. Sheriff Paul Tanaka,
19 who as undersheriff now runs the day-to-day operations
20 of the department.⁵⁹

21 196. Witness LA reported: "In a series of interviews with the *LA*
22 *Justice Report*, Olmsted [stated] ... '[T]he real problem is how departmental
23 leadership allowed this jail situation to occur.'" "The problems inside the jail were
24 ignored by the Sheriff's command staff. I went to [Custody Chief Dennis] Burns,
25 [Undersheriff Paul] Tanaka. And I went to Lee Baca. I told them I needed help
26 trying to corral this situation and I was ignored."⁶⁰

27 ⁵⁸ *Sheriff Baca Was Warned*, *supra* note 42.

28 ⁵⁹ *Id.*

⁶⁰ Matthew Fleischer, *Dangerous Jails, Part 2: Ignoring the Warnings*, WitnessLA,

1 197. Commander Olmsted also found, as early as 2009, that reported
 2 use of force was not being properly investigated and the official paperwork
 3 reporting incidents of deputy force at Men's Central Jail – the so-called “use of
 4 force packets” – were not being properly prepared:

5 198. Olmsted found that, not only were many force packages not
 6 being investigated, the ones that were cleared were often given only cursory
 7 examination. Olmsted had one of his lieutenants pull 30 force reports at random
 8 that were in various stages of oversight. A second lietenant [sic], Mark McCorkle,
 9 analyzed them. All were either signed off on, or were on the verge of being
 10 cleared. Yet of that group of 30, 18 uses of force were questionable in nature and
 11 conceivably fell outside of department policy.⁶¹ Commander Olmsted raised the
 12 issue of inadequate investigations of use of force with command staff, including
 13 Burns and Tanaka – all of whom ignored the issue. Olmsted took McCorkle's
 14 finding regarding inadequate use of force investigations up the chain of command
 15 to Custody Chief Dennis Burns, Assistant Sheriff in charge of custody, Marvin
 16 Cavanaugh, and Paul Tanaka. No action was taken.⁶²

17 199. In response to these latest revelations from Commander
 18 Olmsted, Sheriff Baca, rather than accepting responsibility, publicly laid the blame
 19 on Commander Olmsted for not solving the problem. Commander Olmsted didn't
 20 need to “ask permission to solve the problem,” Baca said.⁶³ The *Los Angeles Times*
 21 commented, on December 2, 2011:

22 Never mind that a quasi-military organization like the
 23 Sheriff's Department is all about following the chain of
 24 command. Or that Baca is trying to have it both ways,
 25 suggesting that his command staff failed him by shielding

26
 27 Dec. 1, 2011 (emphasis omitted).

28 ⁶¹ *Id.*

⁶² *Id.*

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

1 him from the truth, and at the same time blaming Olmsted
2 for not taking care of the problem on his own.

3 How many times can Baca plead ignorance? This is just
4 the latest in a series of objectionable responses that calls
5 into question whether he is capable of running, let alone
6 reforming, the nation's largest jail system.⁶⁴

7 200. According to Commander Olmsted, when he took the evidence
8 of inadequate investigations of use of force incidents to Chief Burns, Chief Burns
9 did not deny there was a problem, but told Olmsted that the jail's culture could not
10 be changed.⁶⁵

11 201. Despite their knowledge of the serious problem of improper and
12 excessive use of force in the jails, Defendant and other high ranking officials at the
13 Department have repeatedly failed to take reasonable steps to address the problem.

14 202. Defendant and other high ranking officials at the Department
15 have failed to put in place adequate policies governing use of force. The
16 Department's policies are grossly lacking in specificity about typical force
17 scenarios that are likely to arise in the jails and the proper way for custody
18 personnel to handle those situations.

19 203. The force policies remain severely inadequate even after the few
20 changes to force policies that the Defendant and other high ranking officials at the
21 Department have implemented since the release of the ACLU's 2011 report.

22 204. The insufficiency of the force policies makes it almost
23 impossible to train deputies adequately on the proper use of force.

24 205. Sheriff Baca has failed to install cameras in Twin Towers and
25 Men's Central Jail, even though he has stated as far back as 2005 that he planned to

26
27 ⁶⁴ Editorial, *Baca's Jails Are Baca's Problem: Sheriff Lee Baca Should Stop*
Blaming Others and Take Responsibility for Fixing L.A. County's Jails, Los
28 Angeles Times, Dec. 2, 2011.

⁶⁵ *Sheriff Baca Was Warned*, *supra* note 42.

1 install security cameras in Men's Central Jail.⁶⁶ In 2011, after the ACLU released
2 its Annual Report on abuse in the jails, Sheriff Baca admitted that scores of cameras
3 that were supposed to have been installed in Men's Central Jail had been sitting in
4 boxes for a year or more.⁶⁷

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

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

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

27
28 ⁶⁶ *L.A. Jail Called Deadly, Outdated*, *supra* note 19.

⁶⁷ *Baca Says He Was out of Touch*, *supra* note 52.

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

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

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

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

23 213. Although Sheriff Baca and other high ranking officials at the
24 Department have been repeatedly warned that use of force by deputies is
25 disproportionately directed at inmates with mental illness, the Defendant has failed
26 to implement numerous recommendations on training and other appropriate steps to
27 reduce force against mentally ill inmates made by experts.

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

19 **V. CLASS ACTION ALLEGATIONS**

20 215. Plaintiffs Rosas and Goodwin bring this action, pursuant to
21 Federal Rules of Civil Procedure 23(a) and (b)(2), on behalf of all present and
22 future inmates confined in the Jail Complex in downtown Los Angeles: Men's
23 Central Jail, Twin Towers, and the IRC. Inmates assigned to Men's Central Jail
24 and Twin Towers spend some period of time in the IRC, and it is commonplace for
25 inmates to be transferred back and forth between Men's Central Jail and Twin
26 Towers. The class that Plaintiffs seek to represent meets the requirements of Rule
27 23 as follows:
28

1 **A. NUMEROSITY**

2 216. The class meets the numerosity requirement of Rule 23(a)(1).
 3 There are more than 4,000 inmates confined within Men's Central Jail and about
 4 2,800 inmates in the Twin Towers at any given time. Between 500 to 1,000 men
 5 are processed into or out of the jails through the IRC on any given day. The
 6 membership of the class continuously changes, rendering joinder of all members
 7 impracticable. The inclusion within the class of future inmates in the downtown
 8 Jail Complex also makes joinder of all members impracticable.

9 **B. COMMONALITY**

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

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

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

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

24 (D) Sheriff Baca, Undersheriff Tanaka, Assistant Sheriff
 25 Rhambo, and Chief Burns are aware of and deliberately indifferent to the use of
 26 excessive force by correctional officers and the enlisting and encouraging of
 27 inmates to carry out savage attacks in the Jails. They acquiesce in and condone this
 28 conduct by failing to investigate it, failing to take reasonable measures to end the

1 culture of deputy violence that fosters it, failing to punish deputies who engage in
2 it, protecting those deputies from criminal prosecution, and rewarding such deputies
3 for their conduct.

4 **C. TYPICALITY**

5 218. Plaintiffs meet the typicality requirement of Rule 23(a)(3),
6 since, as alleged below, the claims of the Plaintiffs are typical of those of the class.

7 219. **Plaintiff Alex Rosas**, twenty-four years old, is currently housed
8 in Twin Towers.⁶⁸ On July 22, 2011, Mr. Rosas witnessed a group of deputies,
9 including Deputies Luviano, Guerrero, Bearer, and Ibarra, severely beating a non-
10 resisting inmate, Arturo Fernandez, who was clad only in boxer shorts and had his
11 hands cuffed behind his back. As the deputies pummeled the handcuffed
12 Fernandez, they shouted that he was resisting, although he was not. The deputies
13 then dragged Fernandez away.

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

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

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

27 ⁶⁸ 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.

1 223. A few minutes later the deputies moved Mr. Rosas away from
2 the door and out of the sightline of other inmates. They told him they had found a
3 “slicer” – a razor fashioned into a weapon – in his cell. Mr. Rosas told the deputies
4 that he had not altered any razors and that the weapon did not belong to him.
5 Deputy Luviano asked Mr. Rosas, “Why are you lying to my deputies?” Mr. Rosas
6 responded, “I’m not lying, sir.” The deputies punched him in the back of the head
7 four or five times and told Mr. Rosas he would be going to the “hole” – disciplinary
8 solitary confinement – for possessing the slicer.

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

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

21 226. **Plaintiff Jonathan Goodwin**, 29 years old, is in an inmate in
22 Los Angeles County Jails. He is currently housed in Twin Towers.

23 227. On July 22, 2011, when Mr. Goodwin was housed at Men’s
24 Central Jail on the 3000 floor, he saw several deputies running towards a row of
25 cells. He saw deputies leading inmate Arturo Fernandez in handcuffs and then
26 punching him and slamming him to the ground. Mr. Fernandez fell on his face,
27 with his hands cuffed behind his back. Several deputies, including Deputies
28 Luviano and Ibarra, punched Mr. Fernandez on his lower back and the sides of his

1 torso. Another deputy kneed Mr. Fernandez in the back, as if pressing the air out of
2 his lungs. Mr. Fernandez yelled that he couldn't breathe. The deputies told him to
3 "Shut the fuck up!" After the group of deputies punched and kicked Mr. Fernandez
4 countless times, Deputies Ibarra and Luviano escorted Mr. Fernandez out of the
5 housing module.

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

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

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

24 231. The deputies continued to beat Mr. Goodwin until Deputy
25 Ujolla and Sergeant Soto entered the room and escorted him away. Mr. Goodwin
26 told Deputy Bearer and Sergeant Soto that the deputies had beaten him.
27 Mr. Goodwin was later interviewed on camera and repeated his account of the
28

1 incident. During the interview, Mr. Goodwin felt that Sergeant Soto was trying to
2 misstate the facts and put words in his mouth to make it appear that he was lying.

3 232. Deputies took Mr. Goodwin to the medical clinic, where he
4 reported that he was experiencing pain in his jaw and back molars. Medical staff
5 told Mr. Goodwin there was swelling in his head, yet he received no medical
6 treatment. Later that night, Mr. Goodwin lost a back molar that had been knocked
7 loose during the attack.

8 233. On August 12, 2011, staff charged Mr. Goodwin with
9 possession of contraband, insubordination and causing a disturbance, profanity
10 toward staff and inmates, and refusal to follow orders.

11 **D. ADEQUACY OF REPRESENTATION**

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

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

1 hearing in *Rutherford*, but the Court has questioned whether the scope of the
2 *Rutherford* judgment encompasses that issue. The ACLU is thus uniquely well
3 acquainted with the issues of deputy violence in the Jails and well equipped to
4 litigate those claims. Their work in *Rutherford* on the issues of deputy violence and
5 overcrowding helped trigger a broad criminal investigation by the FBI and the U.S.
6 Attorney's office, and was a key factor in the decision of the County Board of
7 Supervisors in November 2011 to convene a Commission to study the causes of
8 deputy violence in the Jails.

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

20 237. Plaintiffs' co-lead counsel Peter Eliasberg is the Legal Director
21 of the ACLU Foundation of Southern California. Since its founding in 1923, the
22 ACLU of Southern California has been litigating a broad variety of civil rights
23 cases, including prisoners' rights cases. Attorney Eliasberg has been lead counsel
24 or co-lead counsel in numerous federal civil rights class actions in the Central
25 District of California and has been lead counsel in civil rights matters before the
26 United States Court of Appeals for the Ninth Circuit, the California Supreme Court,
27 and the United States Supreme Court, and has argued a case before the U.S.
28

1 Supreme Court. Since 2009, Eliasberg has served as co-lead class counsel for all
2 the inmates in Los Angeles County Jails in *Rutherford v. Baca*.

3 238. Paul Hastings LLP is an international law firm with 18 offices.
4 Paul Hastings currently has 1,029 attorneys worldwide, including 148 attorneys in
5 the Los Angeles office. Paul Hastings is a global law firm and has sufficient
6 resources to adequately represent the class. Paul Hastings has been recognized
7 widely for its work on pro bono cases. *The American Lawyer* recently ranked Paul
8 Hastings second in the nation in the *American Lawyer Pro Bono Report of 2011*. In
9 2010, the firm was honored as the Pro Bono Law Firm of the Year by Public
10 Counsel, the world's largest pro bono public interest law firm. The Los Angeles
11 office of Paul Hastings was awarded the 2010 Pro Bono Service Award by the
12 Legal Aid Foundation of Los Angeles, as the top pro bono law firm in Los Angeles.
13 Paul Hastings has extensive experience in class action litigation, including class
14 action lawsuits involving civil rights. In 2009, Paul Hastings worked with the
15 ACLU of Southern California in a civil rights class action which rectified
16 unconstitutional and unsafe conditions in an immigration detention center. Paul
17 Hastings has also recently argued and won a civil rights case before the U.S.
18 Supreme Court.

19 239. Plaintiffs meet the requirement of Rule 23(b)(2), as the
20 Defendant has acted, or omitted to act, on grounds generally applicable to the class,
21 thereby making injunctive relief appropriate with respect to the class as a whole.

22 **VI. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

23 240. Both of the named Plaintiffs have exhausted available
24 administrative remedies.

25 241. On August 24, 2011, Mr. Goodwin filled out an inmate
26 complaint form stating, among other things, "On August 24, 2011, Deputy Luviano
27 and Correctional Assistant Flannigan and other deputies beat me up." The form
28

1 was delivered that day to both Watch Commander Limon and Deputy Alvarez at
2 Men's Central Jail.

3 242. No one from LASD has ever provided Mr. Goodwin with a
4 response to the complaint or informed him that the LASD was seeking an
5 additional 15 days to complete its investigation of the complaint.

6 243. On August 24, 2011 Mr. Rosas filled out an inmate complaint
7 form stating, among other things, that on "8/9/2011 Deputy Luviano punched me,"
8 which was provided to Watch Commander Limon and Deputy Alvarez at Men's
9 Central Jail.

10 244. A few days later Senior Deputy Lauderdale approached
11 Mr. Rosas, showed him the complaint form and asked him what it was about. At
12 no point has any LASD personnel provided Mr. Rosas a response to the complaint
13 or informed him that the LASD was seeking an additional 15 days to complete its
14 investigation of the complaint.

15 245. LASD policy provides that the department shall investigate all
16 complaints within 15 days of their being filed unless the department notifies the
17 inmate in writing that it is seeking an additional 15 days to complete the
18 investigation. Both Plaintiffs filed their complaints more than 90 days ago without
19 receiving any response from LASD personnel.

20 **VII. CLAIMS FOR RELIEF**

21 **A. Eighth Amendment To The United States Constitution; 42 U.S.C.** 22 **Section 1983**

23 246. By reason of the allegations set forth in Paragraphs 1 – 245,
24 *supra*, plaintiffs Rosas and Goodwin, and the class they represent, were deprived
25 and continue to be deprived by the Defendant of their rights, under the Eighth and
26 Fourteenth Amendments to the United States Constitution, to due process of law
27 and to be free from gratuitous and excessive force, threats of gratuitous and
28 excessive force, degrading and sadistic treatment.

247. The failures of Sheriff Baca, Tanaka, and Burns to take appropriate steps to curb the widespread pattern of brutality in Men's Central Jail, the Twin Towers, and the IRC, as described in this First Amended Complaint, constitutes deliberate indifference to Plaintiffs' basic need for reasonable protection from harm and violates Plaintiffs' rights to be free from cruel and unusual punishment, including physical abuse and intimidation, degrading, cruel, and sadistic treatment, and the wanton and needless infliction of pain, as guaranteed to Plaintiffs by the Eighth and Fourteenth Amendments to the United States Constitution.

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

248. By reason of the allegations set forth in Paragraphs 1 – 245, *supra*, plaintiffs Rosas and Goodwin, and the class they represent, were deprived, and continue to be deprived, by the Defendant of their right to due process and to be free from punishment without process, in the form of gratuitous and excessive force, threats of gratuitous and excessive force, and degrading, cruel and sadistic treatment, as guaranteed to them by the Fourteenth Amendment to the United States Constitution.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs request this Court as follows:

1. Declare that the continuing inaction of the Defendant, as described above, violates the rights of the Plaintiff class under the Eighth and Fourteenth Amendments to the United States Constitution;
2. Grant preliminary and permanent injunctive relief, enjoining the Defendant, his successors, agents, servants, employees, and all those in active concert or participation with them, from subjecting inmates in the Jails to physical abuse and the threat of physical abuse;

1 3. Require the Defendant to formulate a remedy, subject to the court's
2 approval and modification, if necessary, to end the pattern of excessive force and
3 physical abuse in those jails, including:

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

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

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

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

13 (E) appropriate selection and supervision of command and uniformed
14 custodial staff.

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

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

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

21 //

22 //

23 //

24 //

25 //

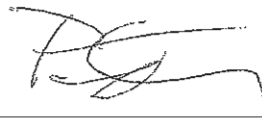
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1 DATED: April 3, 2012

PETER J. ELIASBERG
MARISOL ORIHUELA
ACLU FOUNDATION OF SOUTHERN
CALIFORNIA

4 By: 
5 PETER J. ELIASBERG

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

9 DATED: April 3, 2012

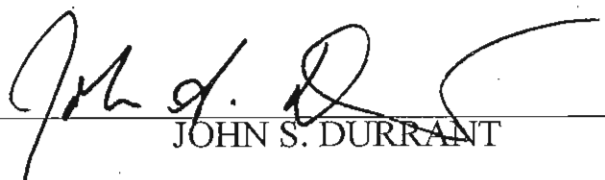
MARGARET WINTER
ERIC BALABAN
DAVID M. SHAPIRO
NATIONAL PRISON PROJECT OF THE
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

13 By: 
14 MARGARET WINTER

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

18 DATED: April 3, 2012

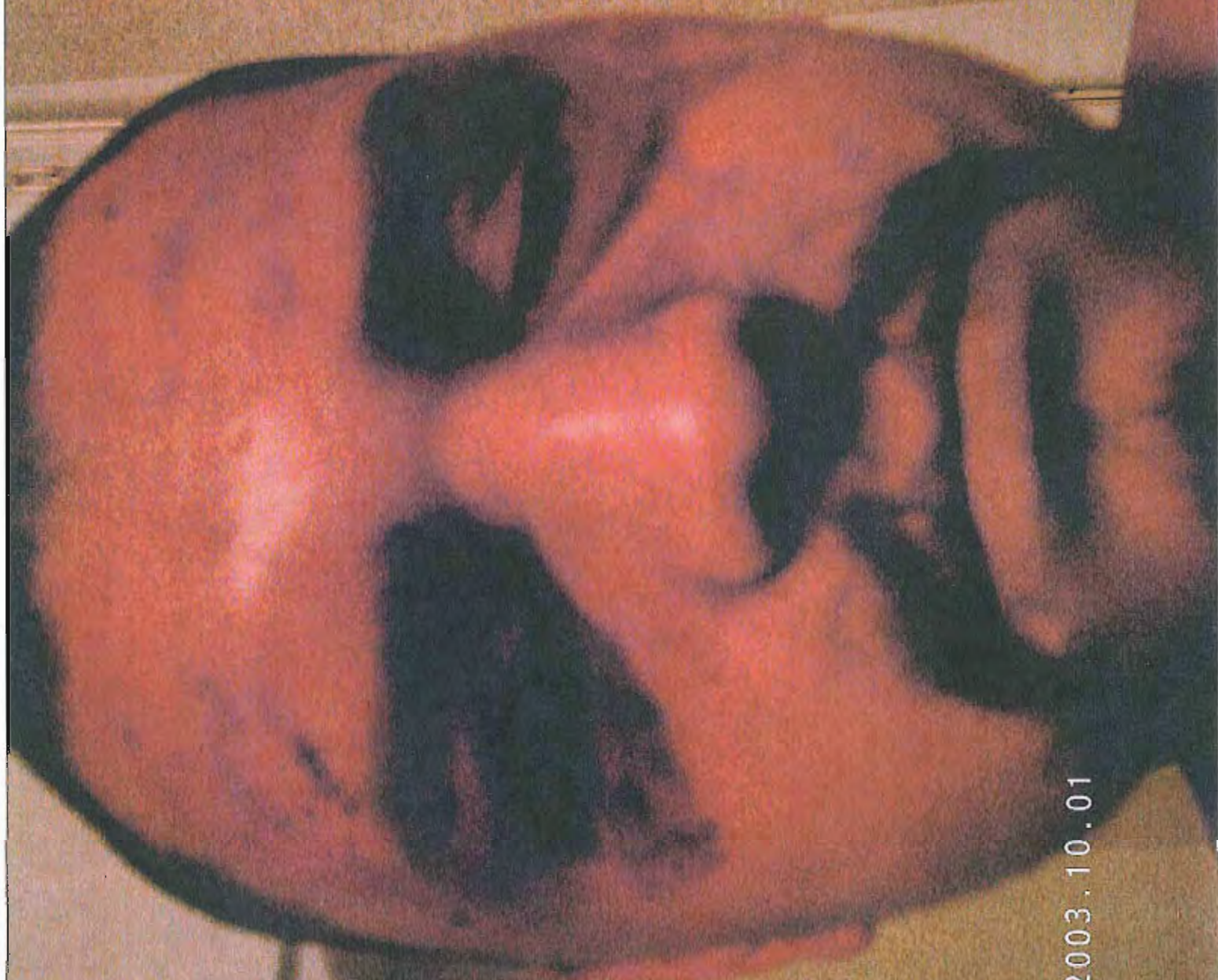
DONNA M. MELBY
JOHN S. DURRANT
JADE H. LEUNG
ELIZABETH C. MUELLER
PAUL HASTINGS LLP

21 By: 
22 JOHN S. DURRANT

23 Attorneys for Plaintiffs
24 Alex Rosas and Jonathan Goodwin

26 LEGAL_US_W # 70140023.12

EXHIBIT A



2003.10.01

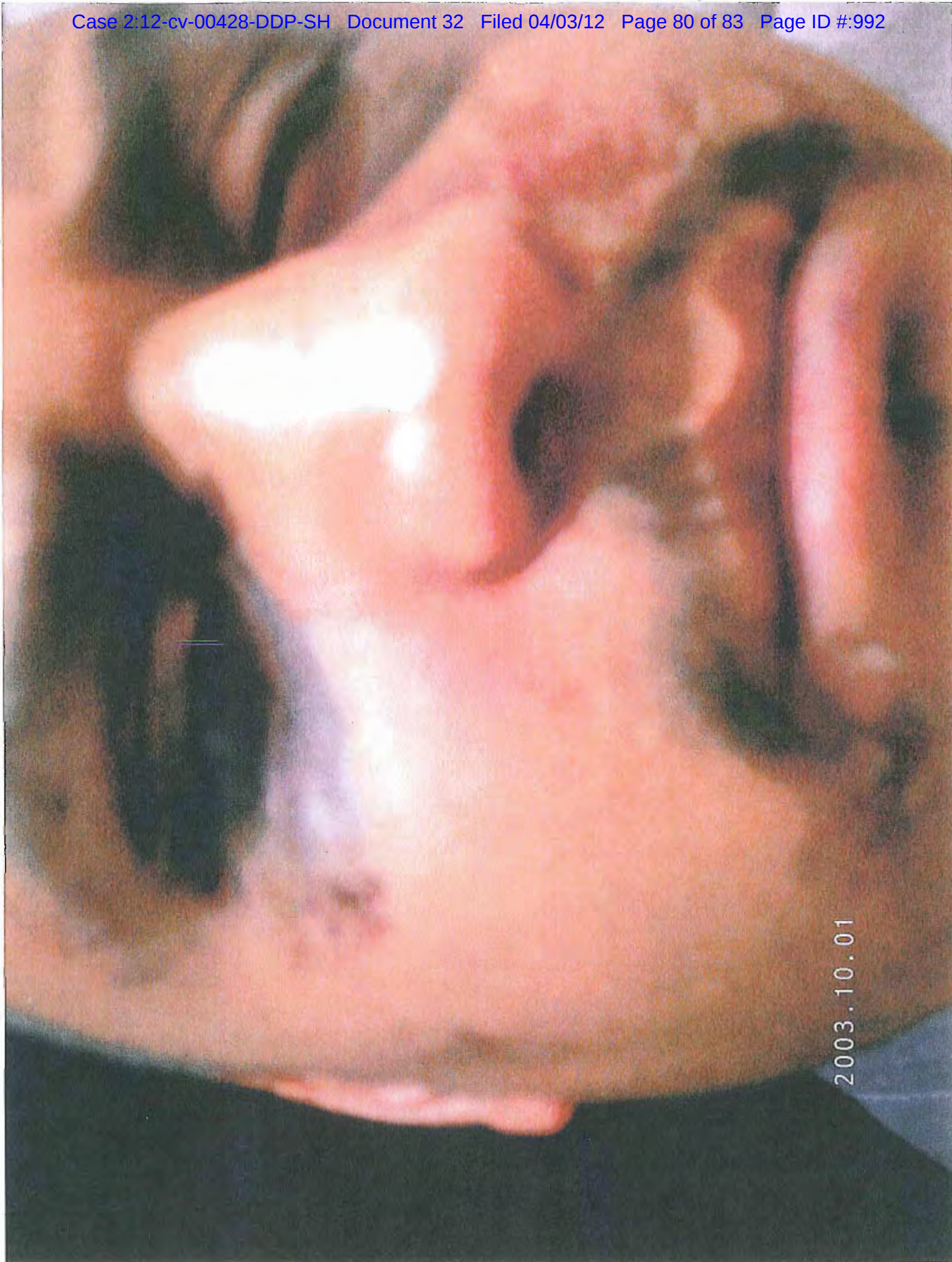
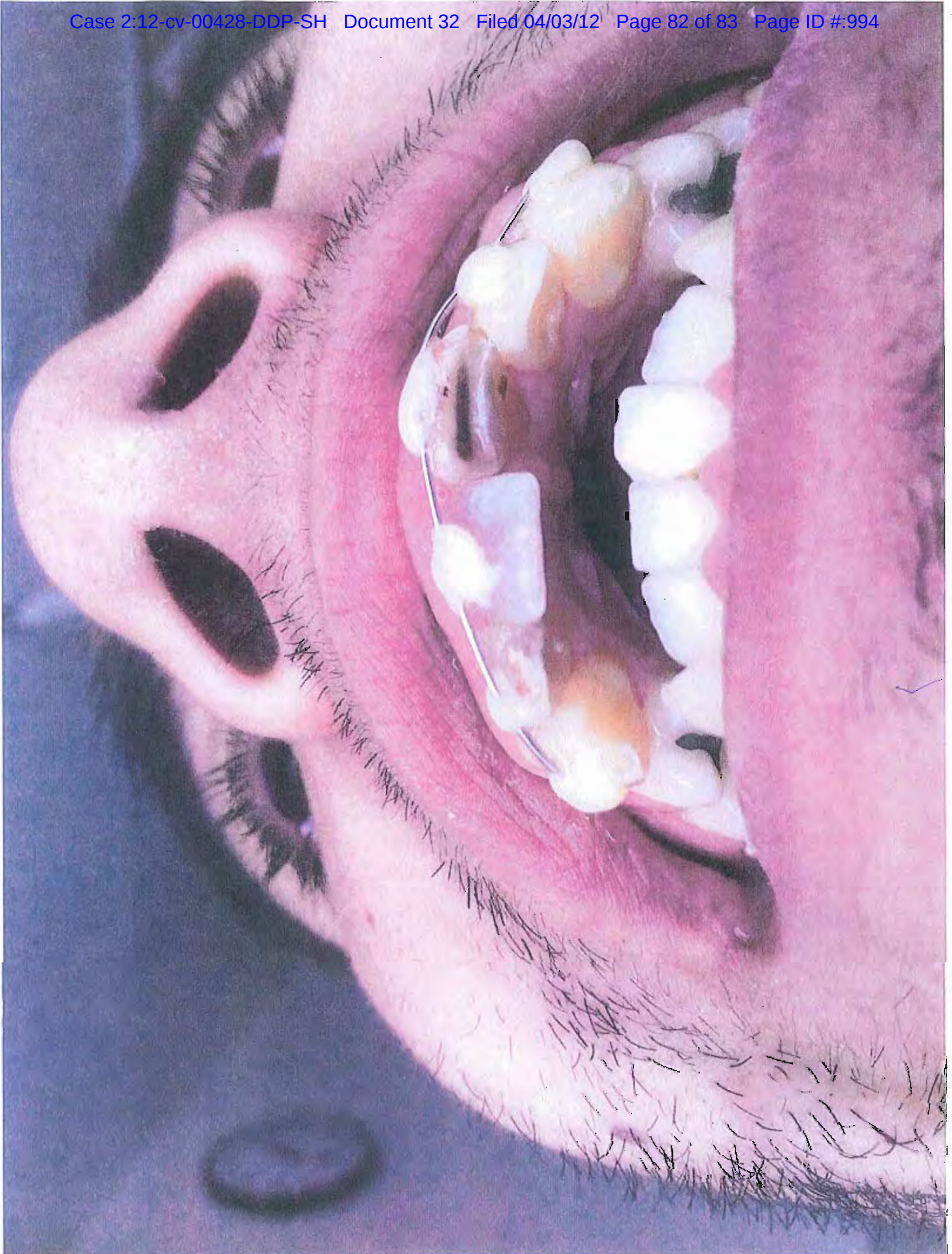


EXHIBIT B



PROOF OF SERVICE

STATE OF CALIFORNIA

CITY OF LOS ANGELES AND COUNTY OF
LOS ANGELES

} ss:

I am employed in the City of Los Angeles and County of Los Angeles, State of California. I am over the age of 18, and not a party to the within action. My business address is 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, California 90071.

On April 3, 2012, I served the foregoing document(s) described as:

FIRST AMENDED COMPLAINT FOR INJUNCTIVE RELIEF CLASS ACTION

on the interested parties by placing thereof in a sealed envelope(s) addressed as follows:

Paul B. Beach
Justin W. Clark
Lawrence Beach Allen & Choi, PC
100 West Broadway, Suite 1200
Glendale, California 91210-1219

☐

VIA OVERNIGHT MAIL:

VIA _____: By delivering such document(s) to an overnight mail service or an authorized courier in a sealed envelope or package designated by the express service courier addressed to the person(s) on whom it is to be served.

☒

VIA U.S. MAIL:

I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice such sealed envelope(s) would be deposited with the U.S. postal service on April 3, 2012 with postage thereon fully prepaid, at Los Angeles, California.

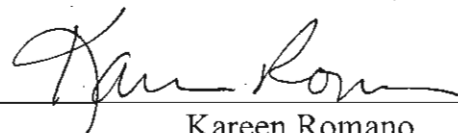
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VIA FACSIMILE:

The facsimile transmission report indicated that the transmission was complete and without error. The facsimile was transmitted to Facsimile # _____ on April 3, 2012 at _____. A copy of that report, which was properly issued by the transmitting machine, is attached hereto. [Permitted by written agreement of the parties.]

I declare under penalty of perjury under the laws of the United States that the above is true and correct.

Executed on April 3, 2012, at Los Angeles, California.


Kareen Romano

PROOF OF SERVICE