

**DECLARATION OF CIVILIAN WITNESS
SCOTT BUDNICK**

1 and that we were going to hear and see things that we were not accustomed to
2 hearing and seeing, such as deputies using force against the inmates. They told us
3 that deputies sometimes needed to speak and act this way with inmates because
4 this was the only way that the inmates could be taught to comply with jail rules.

5 8. During my time at MCJ from late 2006-2010, I have seen
6 approximately five incidents of deputies abusing inmates and heard one incident
7 of an inmate being beaten by deputies. I have been at MCJ approximately twice a
8 month between 2006 and 2008.

9 9. I have gone into MCJ much less frequently since 2008 because I
10 became so disgusted with what I saw there and have primarily tried to work with
11 juveniles who are in Twin Towers or other jail facilities outside MCJ.

12 10. The first time I observed abuse in MCJ was sometime in 2007 -- I
13 believe it was fairly early in the year. I was going up to what is now the Hospital
14 Ward; it used to be the floor that housed minors. When the elevator doors opened,
15 I saw approximately seven deputies directly in front of the elevator doors. I
16 believe one of them was a sergeant because he had stripes on his shirt. I saw two
17 of the deputies tasing a big, African-American inmate who was lying on the
18 ground motionless, approximately three to five times.

19 11. I did not report this incident because I saw that a sergeant was
20 present, so I assumed that the sergeant was or would handle the matter
21 appropriately. I was also new to the jail and didn't know the ramifications of
22 reporting an incident like this.

23 12. Shortly thereafter, I did talk to a young white deputy in one of the
24 modules that housed minors and told him what I saw. This deputy said to me,
25 "Yeah, we fuck these guys up all the time."

26 13. The second time I witnessed abuse in MCJ was in or about November
27 2008. I was teaching a writing class in MCJ and was standing next to the door of
28 the classroom waiting for the youth to come to class. The classroom is the first

1 room you see once you get off the escalator and enter the main hallway to get to
2 all the modules on the floor.

3 14. While I was standing there, I saw a group of inmates walking in a
4 straight line with approximately 6-7 deputies around them. I saw one of the
5 deputies, a big, White deputy stop an older, African-American inmate. He ordered
6 the inmate get out of the line and then strip searched him naked in the middle of
7 the hallway in the view of me and others who were in the hallway. I'm not sure
8 why he was pulled out of the line. I think it might have been because he didn't
9 have his hands in his pockets, but I am certain that the inmate did not attack or
10 threaten the deputies.

11 15. I then saw the White deputy grab the inmate's head and smash his
12 head into the wall, hard. It was so hard that I could hear an audible crack when the
13 deputy slammed his head against the wall.

14 16. At no point did I see the inmate do anything to any of the other
15 prisoners or the deputy; in fact, the inmate was very respectful to the deputy.

16 17. After I saw this, I quickly went back inside the classroom.

17 18. The third time I observed deputy on inmate abuse was, I believe, in
18 December 2008. Again I was right outside the classroom where I taught my
19 writing class in MCJ waiting for students to come to the class and I saw an inmate,
20 who was young and Hispanic walking down the hallway. There were
21 approximately three deputies who stopped him and strip searched him. I saw one
22 of the deputies, who was young and also appeared Hispanic, grab the inmate's
23 hand and arm and twist his arm up behind his back, forcefully. I then saw the
24 deputy push the inmate to the ground. I could not see any reason why the deputies
25 were doing this because the inmate did not do anything to the deputies, did not
26 threaten them or break any rules.

27 19. After I saw this, I went inside the Chaplains' office and mentioned it
28 to some of the chaplains who were there. The group of chaplains in the office,

1 who were from various denominations, advised me against reporting this incident.
2 They said the LASD had a practice of kicking people out of the jails and if I
3 reported the incident then I wouldn't be able to work with the students any longer.
4 They also told me that they were scared to report any of the incidents of abuse that
5 they had seen because they were afraid to lose their jobs.

6 20. I was also hesitant to report what I had observed to LASD because I
7 had personally spoken with another jails chaplain. He told me that he had been
8 kicked out of the LACJS because he was a "whistleblower" who had reported to
9 LASD and others incidents of abuse that he had seen in the jails.

10 21. The fourth incident that I witnessed was in or about July 2009 on the
11 4000 floor of MCJ. It was similar to the incident that I observed taking place in or
12 about November 2008. I was going to visit a module when I saw a Hispanic
13 inmate who appeared to be in his late 30's to early 40's getting off the escalator.
14 He seemed to be confused about where he was supposed to go and asked one of
15 the deputies where Module 4600 was. There were approximately four deputies
16 near the inmate. The deputies started to poke fun at him and asked him if he had
17 mental issues since he did not seem to know how to find his module. I then saw
18 two of the deputies grab the inmate's hand and arm and forcefully twist the
19 inmate's arm up behind his back. I then saw the deputies grab the inmate's head,
20 place it on the wall and twist the inmate's face hard up against the wall.

21 21. The inmate was not fighting with the deputies, but was compliant.

22 22. I reported this incident to Sergeant Renfro when I walked into his
23 office. The conversation was brief, in which I told Sergeant Renfro what I had
24 seen and heard. Sergeant Renfro was attentive and respectful and said that he
25 "would get into this immediately." However, I have never heard from Sergeant
26 Renfro about the outcome of his investigation, nor did any LASD personnel ever
27 contact me to interview me or otherwise speak with me about the incident that I
28 had reported.

1 23. The fifth incident that I witnessed occurred in late 2009. I was going
2 to Module 3600 to see one of my students and saw that the module door was
3 cracked opened. Usually the door is closed and I have to be buzzed in to enter. I
4 opened the door and when I turned to the "chow hall", I saw three deputies, one
5 who was White and two who appeared Latino, kicking, punching and beating up
6 an inmate, who was skinny and African-American. When I first saw the deputies
7 punching the inmate he was standing. He quickly fell to the ground due to the
8 blows. I then saw the deputies kicking and beating the inmate when he was on the
9 ground. I could hear the deputies yelling, "Stop resisting!" over and over again,
10 yet I could see from the inmate's legs that he was not moving or resisting. There
11 was no one in the chow hall except the three deputies and the inmate who was
12 getting beat up by the deputies.

13 24. I have repeatedly had chaplains of all faiths who work in the jails tell
14 me that it is common practice for deputies to yell, "Stop fighting!" and "Stop
15 resisting!" at inmates who are not fighting or resisting while the deputies are
16 beating them. They have also told me that deputies think they can continue to
17 abuse inmates as long as they yell, "Stop fighting!" and "Stop resisting!"

18 25. In the beginning of 2010, I was in Module 1750 and as I was talking
19 to an inmate, who was handcuffed in the shower area, I could hear another inmate
20 getting beat up in the adjacent row. I could clearly hear the sounds of boots and
21 flashlights hitting a body repeatedly. I could also hear the inmate screaming, "Get
22 off of me!"

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**DECLARATION OF CIVILIAN WITNESS
CHAPLAIN DOE**

Declaration of Chaplain Doe

I, Chaplain Doe, hereby declare:

1. I make this declaration based on my own person knowledge and if called to testify I could and would do so competently as follows:

2. I am a Chaplain and I have been ministering at Men's Central Jail ("MCJ") since 2005. I am at MCJ at least twice a week on Tuesdays and Wednesdays and work primarily on the 3000 Module. I used to work in the 4700 Module to preside over the morning services before the module closed down. I also work on the 2000 Module with the inmates who are allowed to have the blue chaplain visit slips so that they can leave their housing units to meet with chaplains.

Deputy on Inmate Violence

3. On February 9, 2011, at approximately 8:30 a.m., I was walking towards the chaplains' office located on the 3000 floor of MCJ.

4. It must have been around the time for Pill Call because I saw several inmates next to the Module 3100/3300 entrance area, standing in line in front of a window. The medical staff dispenses the inmates' medication through the window. I also saw several deputies standing across from the window, watching the inmates get their medication.

5. Once I got to the chaplains' office, I was in the process of filling up the cart with some Christian literature and Bibles to pass out during my walk through of the modules, when I heard the sounds of deputies running past the chaplains' office and heard the sounds of keys jangling. I knew by these sounds that there was a fight that was occurring in the hallway. I've been a chaplain at the jails for a long time and you learn that when you hear running and keys jangling, a fight is occurring.

6. I walked out of the dutch door and looked to the left down the

1 hallway and I saw about 15-20 feet away from me, 4-5 deputies kicking an
2 African-American inmate who was lying on the ground, face down with his head
3 towards the wall and his feet closest to me. I was able to see all of the inmate's
4 body. A diagram of the chaplains' offices, the hallway, and where I saw the
5 beating occurring is attached hereto as Exhibit 1. The spot where the inmate was
6 lying is marked with an "X" and the spot where I was standing is marked with a
7 "G". I was able to see the inmate's hands and it looked like his hands were behind
8 his back. I wasn't able to see if he was handcuffed or not.

9 7. I saw one deputy holding onto the inmate's legs and feet and another
10 deputy with his knee across the inmate's neck, while the other deputies were
11 kicking his torso and legs. During the entire time that I was watching, I didn't see
12 the inmate's arms or hands move from behind his back and I saw the deputy had
13 his knee across the inmate's neck during the entire time that I was watching.

14 8. While the deputies were kicking the inmate, I could see that he was
15 not fighting with the deputies, but he was yelling out, "Stop! Help me! Help!"
16 The deputies continued to kick him, even though he was not fighting with them
17 and was yelling out for someone to help him.

18 9. Then one of the deputies who were kicking the inmate, another
19 Hispanic deputy, looked at me and yelled, "Chaplain! Go inside!"

20 10. I didn't go into the chaplains' office; instead I remained where I was
21 and continued to watch the deputies kick the inmate. I didn't go inside because I
22 had heard too many inmates tell me about beatings that the deputies had inflicted
23 on them and I wanted to observe what was happening with my own eyes.

24 11. I saw Deputy Perez, who appeared to be Hispanic, sitting at the
25 deputy's desk located several feet away from the chaplains' office, to the right,
26 run past me. As he did so, he yelled at me, "Chaplain! Go inside!" I saw Deputy
27 Perez run over to where the other deputies were kicking the inmate. I knew that it
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1 was Deputy Perez because a couple of days after the beating, I saw him again and
2 I asked him his name. He told me that it was "Perez" and I also saw his name tag.

3 12. I wasn't able to see anything after that because I went inside the
4 chaplains' office. At that point I had been watching the deputies kick the inmate,
5 non-stop for approximately 2-3 minutes before I turned around to go inside the
6 office. As I was going into the office, I saw Sergeant Jones walking down the
7 hallway that joins the chaplains' office and the Sergeant's office, which is located
8 behind the chaplains' office. When I saw him, I said to him, "That's not right."
9 He didn't say anything to me and walked outside to the hallway where the
10 deputies were kicking the inmate. I also saw Brothers Paulino and Duca by the
11 Catholic Chaplains' office listening to the inmate getting beat up. The spot where
12 they were standing is marked with a "PD".

13 13. I could still hear the thumping sounds of the deputies kicking the
14 inmate and heard the inmate still yelling for help. Eventually the inmate stopped
15 yelling for help. Yet I still continued to hear the deputies kicking for another
16 minute.

17 14. I was so horrified by what I saw and I could only imagine the pain
18 that the inmate was feeling. I was so sickened that the deputies were beating up
19 this inmate, who wasn't even resisting and was just yelling for help over and over
20 again. He didn't have a chance with so many deputies surrounding him, kicking
21 and beating him. I was so shocked that despite the deputies seeing me watch
22 them beat up the inmate, they continued to kick and beat him. It was like they
23 didn't even care that there was a witness. I was afraid that if I had tried to stop the
24 beating or even just yell at the deputies to stop, they would come over and hurt
25 me.

26 15. Despite the deputies and Sergeant Jones' knowing and seeing that I
27 was a witness to this beating, no one from the Los Angeles Sheriff's Department
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1 (“LASD”) or the Office of Independent Review (“OIR”) contacted or interviewed
2 me about what I saw. It was almost as if no one cared to find out the truth of what
3 happened.

4 15. I don’t know what happened to the inmate and didn’t know how
5 badly injured he was because the deputies told me to stay inside the chaplains’
6 office.

7 Deputy Locking a Chaplain Inside the MCJ Module

8 16. On or about July 20, 2011, Chaplain Julio Gonzalez and I were
9 walking on the upper tier of Module 3500 speaking with inmates and handing out
10 religious literature. Chaplain Gonzalez was pushing the cart that carried the
11 literature and I was standing in front of the individual cells to speak with inmates.

12 17. Sometimes while I am speaking with inmates, Chaplain Gonzalez
13 goes ahead of me to hand out literature and we are temporarily separated while
14 inside the module. July 20 was not any different and Chaplain Gonzalez moved
15 on with the cart while I continued to speak with an inmate in the last row upstairs,
16 which I believe is Row D.

17 18. While I was speaking with an inmate, Deputy Ibarra walked down
18 the row and walked past me. Deputy Ibarra appears to be Hispanic, about 5’6”
19 and has short hair. I have also heard from other inmates and chaplains that he has
20 a twin brother, but the brother works the afternoon shift and Deputy Ibarra
21 primarily works in the morning.

22 19. I told the inmate to whom I was speaking to that I expected Deputy
23 Ibarra to lock me in the module because every time that I’ve completed my walks,
24 Deputy Ibarra has kept me and other chaplains who accompany me locked in the
25 module and makes us wait more than 15 minutes to get out, even though we have
26 called for him to open the door to the module or even when inmates try to help us
27 by yelling to the deputies to open the door.

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1 20. As I had feared, Deputy Ibarra walked to the end of the row, walked
2 through the door and slammed the door shut. However, the latch didn't catch and
3 the door bounced opened again.

4 21. About 20-25 minutes after Chaplain Gonzalez and I separated, I
5 heard someone calling "Chaplain! Chaplain!"

6 22. I was not expecting anyone to call me by my first name, so I thought
7 that maybe the inmates were calling for another man on the module.

8 23. When I left my row, I saw Chaplain Gonzalez behind the gate on
9 Row C and he told me, "Go tell the deputy to unlock me! Go tell them to get me
10 out of here! I've been here for a while." He told me that he had been locked in for
11 at least 25 minutes.

12 24. I went downstairs and found Deputy Ibarra, who was reading a
13 newspaper. I told him "Hey! You locked Chaplain Julio up there!" Rather than
14 getting up immediately to unlock Chaplain Gonzalez, Deputy Ibarra just looked at
15 me and continued to read the newspaper.

16 25. I went about halfway up the stairs and I happened to pass by the
17 control booth. I was surprised to see another deputy in the control booth as
18 Deputy Ibarra had told me earlier in the day that he did not have too much man
19 power, which I took to mean that he might have been alone on the module.

20 26. The deputy in the control booth looked like he was just waking up
21 from a nap, as he looked shaken up when I saw him from the stairs. I then went
22 back and told Deputy Ibarra that there was another deputy available.

23 27. When Deputy Ibarra finally did get around to releasing Chaplain
24 Gonzalez, Chaplain Gonzalez told Deputy Ibarra that what he did was not nice
25 and asked him why he locked him up. Deputy Ibarra replied, "It's just a habit."

26 28. After Chaplain Gonzalez was locked up, Chaplain Gonzalez and I
27 went to Ed Walsh, the senior Protestant chaplain, to explain what happened. Mr.
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1 Walsh went with the two of us to speak with the watch commander, whose name I
2 do not recall.

3 29. We waited about 20 minutes for the watch commander and when we
4 finally saw him, we explained to him what had just happened.

5 30. Rather than reprimand Deputy Ibarra and apologize for his actions,
6 the watch commander seemed to cover for him and said "Maybe he had a bad
7 day." I told the watch commander "You can't have a bad day every day," but the
8 commander seemed intent on protecting his deputy rather than addressing the
9 problem.

10 Searches of the Chaplain's Office

11 31. In March or April of 2011, as another chaplain and I were coming
12 back from visiting with inmates on the 3500 module, deputies approached us and
13 told us to leave the literature cart outside of our office. I didn't know why they
14 told us to do that. It was the first time it had ever happened to us, but I think they
15 wanted us to leave our cart there so that they could search it.

16 32. Around the same time, I arrived at the chaplain's office one morning
17 and found that the office had been searched.

18 33. I saw papers everywhere, files that are typically locked were
19 unlocked and opened and books that are usually neatly lined up and placed in the
20 shelves were pulled out and out of place.

21 34. I usually am the chaplain who cleans up the offices and puts things in
22 order, so I knew that our office had been searched because the office is never this
23 messy. Whenever I leave the office, I make sure that all the cabinets are locked
24 and I keep the keys in a secret place in the office that only a few of the chaplains
25 know.

26 Deputy Searching Chaplains' Literature Cart

27 35. On June 8, 2011, at about 10 a.m., I was on Module 3300 by myself
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1 with the literature cart and I told Deputy Moorman that I wanted to take some
2 boxes of literature up to the upper tier. I took a box of literature off of the cart and
3 went upstairs. The trustees on the module were also around to help me take the
4 boxes upstairs.

5 36. When I came back down to get more boxes, I saw Deputy Moorman
6 taking out books and searching through the boxes that were on the cart and it
7 appeared that he had been searching through them while I was gone. Deputy
8 Moorman never told me that he was going to search the boxes or even ask me.

9 37. I asked him what he was doing and he said to me, "I'm doing what
10 I'm supposed to be doing. I got my rules and you got your rules. This is my
11 territory. I do whatever I want to do."

12 38. I told Deputy Moorman that he needed to ask me before he searched
13 through my boxes. I didn't want him or any other deputies searching through the
14 boxes without me or another chaplain present. I was afraid that the deputies might
15 put something in the boxes and say that I put it there.

16 39. I saw his name on his nametag and I wrote it down. I then told him
17 that I was going to talk to his sergeant and he yelled at me, "Go tell my sergeant.
18 Get out of here!"

19 40. I was so embarrassed because Deputy Moorman was yelling at me in
20 front of the trustees and I'm sure that the inmates on the module heard him yelling
21 at me as well.

22 41. I saw Deputy Moorman walk out of the module and saw him walk
23 over to a sergeant, whom I later found out was Sergeant Smurgerm and a group of
24 deputies. I walked out of the module after him and I saw Sergeant Smurgerm and
25 the deputies standing around, laughing and joking. I parked the literature cart
26 halfway into the hallway.

27 42. I heard Deputy Moorman tell Sergeant Smurgerm that he threw out a
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1 chaplain out of the module. I asked the sergeant if I could talk to him and he said
2 sure.

3 43. I saw Chaplain Paulino and asked him if he could accompany me and
4 be a witness as I wanted to talk to the sergeant about what had happened. He
5 agreed and we walked over to the sergeant's office.

6 44. I told Sergeant Smurgerm what had happened and he told me that
7 Deputy Moorman should not have gone through my boxes or searched them
8 without my permission and without me being present. He then asked me if I
9 wanted to go back to the module.

10 45. I told him that I felt very angry, embarrassed and discouraged. I told
11 him that I didn't want to go back to the module, but that I was going to go home.

12 Complaint Forms Not Being Filed

13 46. In January or February of 2011, I had given Sergeant Grubb several
14 complaint forms that inmates had given me. The inmates told me they were
15 giving them to me because if they put the complaint forms in the locked box, the
16 deputies will either throw away the forms or not address the content of the
17 complaints.

18 47. I gave the complaint forms to Sergeant Grubb and he would tell me
19 that he'd handle them or when he'd see me a couple of days later, he would tell
20 me, "You know that complaint you gave me? Yeah, I took care of it."

21 48. A few months later, I saw the inmates who had given me the
22 complaint forms and I'd ask them where they've been because I hadn't seen them
23 since they gave me the complaint forms. The inmates would tell me that they
24 went to the "hole" or to the disciplinary unit or that they were beaten up by
25 deputies and then taken to the "hole."

26 49. Soon after, Sergeant Grubb would ignore me whereas before, he
27 would greet me whenever he would see me.

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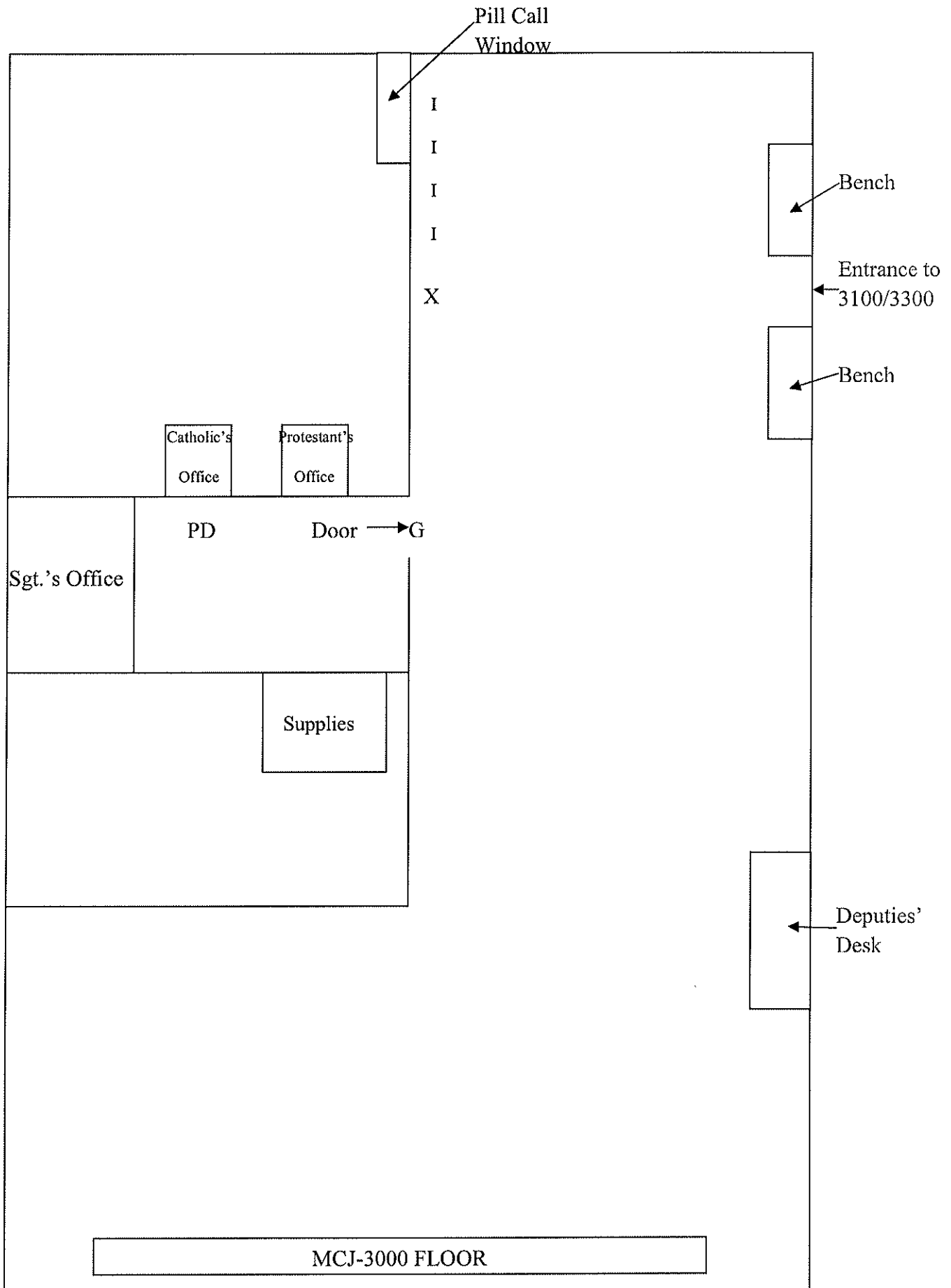
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50. Also, during my walks of the different modules, I would notice that the complaint box didn't have any blank complaint forms. The inmates would complain to me that they can't fill out a complaint form because the boxes never had blank complaint forms by them.

I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing is true and correct. Executed this 15th day of August 2011 in Los Angeles, California.



8-15-11 2D average 3D area



**DECLARATION OF CIVILIAN WITNESS
PAULINO JUAREZ**

1 **Declaration of Paulino Juarez**

2 I, Paulino Juarez, hereby declare:

3 1. I am a Deacon in the Catholic Church and a Chaplain of the Office of
4 Restorative Justice for the Archdiocese of Los Angeles. My ministry consists of
5 visiting inmates at Men's Central Jail ("MCJ") and being their spiritual advisor. I
6 have done this for about 14 years. What follows is my eyewitness account of a
7 cruel, unjust, and horrific beating inflicted on an apparently handcuffed and
8 defenseless inmate by the several Los Angeles Sheriff's deputies. I will also relate
9 how the Los Angeles Sheriff Department ("LASD") failed to conduct a full and
10 thorough investigation of this incident or punish those responsible.

11 BEATING IN FEBRUARY OF 2009

12 2. In the early morning of Wednesday February 11, 2009 I was at MCJ
13 to walk the rows and talk to inmates as I usually do. I asked Sergeant Barbosa if I
14 could walk the rows in Module 3700 earlier than usual. I usually walk 3700 and
15 talk with inmates in the afternoon, but I needed to leave the jail early that day. It
16 was about 10:30 in the morning when I asked him to let me into 3700. He said it
17 was fine. So I walked to door marked Y on the diagram attached as Exhibit 1,
18 which depicts the area around Modules 3500 and 3700. I got the attention of the
19 deputy in the booth who opened the doors for me to allow me to enter 3700 Abel
20 row. As soon as I walked into the row, the door shut behind me. I began talking to
21 one of the inmates, Ernesto Carrillo, whose cell was closest to where I had entered
22 on the Abel row in 3700.

23 3. A few minutes after I began my conversation with Mr. Carrillo, I
24 heard thumps and gasps, which sounded like someone being beaten. I stopped
25 talking to Mr. Carrillo, walked to the door marked PJ on the attached diagram,
26 and looked to where I heard the sounds.

27 4. What I saw shocked me. I saw three deputies beating up an inmate
28 whom I believe was handcuffed. The inmate was African-American, about 5'11

1 tall and of a thin build. He was standing with his back against the wall while three
2 deputies, Ramirez, Aguilar, and another one whose name I do not know, pounded
3 his face and body with punches. At the time, I recognized the deputies, but did not
4 know their names, two of which I later learned.

5 5. While they were hitting him, the deputies kept shouting “Stop
6 fighting! Stop resisting!”

7 6. I believe the inmate was handcuffed, and that the handcuffs were
8 attached to a chain strung around his waist for two reasons. First, I have never
9 seen inmates from either 3500 or 3700 outside the module without being escorted
10 by deputies and without being handcuffed with their cuffs attached to a waist
11 chain. Also, I never saw the inmate raise his hands to protect his face, even as the
12 deputies were punching him in the face. Because it is so natural to try to block
13 your face if you are being punched, I believe he could not raise his hands to
14 protect himself because he was cuffed with the cuffs chained to his waist.

15 7. The inmate was not raising his hands to block the punches, nor was
16 he resisting in any way. He was doing nothing to avoid the deputies’ blows
17 besides turning to his side and letting them hit his back or ribs. At various points, I
18 heard the inmate cry out, “Please stop!” “I am doing nothing wrong, please stop!”

19 8. The beating occurred between the entrance to the module and the
20 door to the trustee dorm. The area where the beating was occurring was well-lit. I
21 was about ten or fifteen feet away from the site of the beating. I watched the
22 beating as I was standing inside the module near the door where I had entered.
23 The spot where I was standing watching the deputies beat the inmate is marked
24 with my initials PJ on Exhibit 1. The spot where the inmate was standing is
25 marked with an X. The approximate location of the three deputies as they
26 punched the inmate is marked with three black circles. The door I was standing at
27 is made up of vertical and horizontal of bars that allow you to see clearly through
28 the door, as is the other door I looked through to see the beating, which is marked

1 with a Z. It was dark where I was standing, and the deputies had their backs to
2 me as they were attacking the inmate.

3 9. Since I witnessed the beating, they have put up plastic sheets over
4 some of the bars that I was looking through to see the beating and increased the
5 amount of light in and around the area where I was standing watching the beating.

6 10. The deputies continued punching the inmate for another minute until
7 he finally collapsed face first onto the floor. I heard a loud thump as his head hit
8 the floor. The orientation of the inmate's body after he fell is marked with a stick
9 figure drawing on the attached diagram. After the inmate had fallen to the floor,
10 the deputies showered his body and head with kicks from their boots. The
11 inmate's body lay limp and merely absorbed their blows. After the inmate hit the
12 ground, he yelled "stop" one or two more times and then he went silent. At that
13 point, I thought he was unconscious. Yet the deputies continued to yell "Stop
14 fighting!"

15 11. A few seconds after the inmate fell, one deputy knelt down with one
16 knee on the inmate's back, the foot of his other leg on the ground next to the
17 inmate, and began punching the inmate on the back of his head and neck, while
18 the other two deputies stood and watched.

19 12. After another minute or so, the deputy who was punching the inmate
20 paused for a second, and the other deputies began kicking him again. A couple of
21 seconds later, the deputy who was kneeling on the inmate turned his head and
22 noticed me standing at the gate with my hands clutching the bars. I was frozen
23 with shock from what I had been watching.

24 13. When we made eye contact, the deputy also froze and had a nervous
25 and surprised look on his face. Then he began making signs to the others with his
26 hands, motioning them to stop the beating.

27 14. Another deputy who was inside the control booth kept shouting
28 "Code Four! Code Four!" which another deputy later told me is their signal that a

1 deputy is involved in a fight.

2 15. A few seconds passed before the other two deputies caught on and
3 stopped kicking the inmate. They froze also.

4 16. Then almost immediately, two more deputies entered the hallway
5 through the door marked Y on the attached diagram, and one of them started
6 kicking the inmate who was still lying limp on the floor. The other deputy who
7 had just come in lifted his boot up and stomped the inmate two or three times hard
8 on his back, even though the inmate was not moving or saying anything. While
9 these two deputies were kicking and stomping the inmate, the three deputies who
10 had started the assault were signaling with their hands, presumably to make the
11 two deputies notice me and stop attacking the inmate. Then, the two deputies who
12 had just come in froze.

13 17. Presumably as a result of the Code Four call, Senior Gesky came
14 through the already open main entrance door marked as Y on Exhibit 1 along with
15 a huge group of deputies who stopped at the entrance. Gesky opened the door
16 marked Z, then came directly to the door where I was standing and opened it to let
17 me out.

18 18. I walked slowly out towards the door marked Y, pushing my cart,
19 which had Bibles, books, paper and pencils on it. As I was walking, I looked over
20 at the inmate – still lying on the ground and not moving – and saw a large pool of
21 blood. The pool of blood looked to be a about two feet in diameter in the area
22 around his head and shoulders.

23 19. As I was leaving, Gesky looked very angry and yelled out “Check if
24 he has HIV.”

25 20. From when I started watching until the end, the beating seemed like it
26 lasted about three minutes. I stood there and watched the whole thing, holding on
27 tightly to the bars of the door to the row in utter disbelief of what I was seeing. I
28 didn’t know what else to do. I was completely paralyzed by shock and fear. I

1 couldn't believe that the deputies, who are supposed to be there to protect the
2 inmates and prevent violence, were acting in such a blatantly criminal manner.

3 21. As I was leaving the module the group of deputies parted to let me
4 pass. None of them said anything to me, but a number of them looked at me in a
5 in way that made me feel afraid. The last person I remember passing in the
6 hallway was Sergeant Barbosa, who was walking towards the module from his
7 office. I noticed he looked nervous. I told him "Some of your guys are in big
8 trouble," and I walked away.

9 22. When I saw Mr. Carillo a couple of weeks later when I next walked
10 the 3700 Abel row, he told me that deputies had carried the inmate out on a
11 stretcher. But, I did not see the body carried away. Mr. Carillo also told me the
12 inmate looked as if he might have been dead.

13 THE SHAM INVESTIGATION

14 23. After leaving the module, I walked back to the chaplain's office. I
15 was shaking because I was overwhelmed with fear and apprehension. I was very
16 scared that some of the deputies who knew I had seen them would do something
17 bad to me.

18 24. When I got to the office I told one of my colleagues what I had seen
19 and that I needed to leave the jails as fast as possible. I went home and tried to
20 calm down, but I was still terribly shaken up.

21 25. Eventually, I called my supervisor, Father George, and left him a
22 message saying it was an emergency and that I needed to talk with him as soon as
23 possible. He called me back that night, and I explained to him what I had seen.
24 He told me to write up a report of what I had seen.

25 26. The day after the beating, I returned to MCJ and spoke with Sergeant
26 Barbosa. I told him that I was going to write up a report and give it to both him
27 and the Archdiocese. Barbosa told me that a deputy had said to him that the
28 beating occurred because the inmate had spit on one of the deputies. But Barbosa

1 said he did not believe it, and I told him I did not believe it either. I said I never
2 heard the deputies say anything like “don’t spit on me” or “why did you do that to
3 me?” Barbosa also asked me how many deputies had participated, and I told him
4 that it was originally three but two more had joined in. I remember telling him
5 that if this incident had occurred on the streets, the perpetrators would have been
6 charged with assault with intent to kill.

7 27. For days after I remained badly shaken up. I was having a terrible
8 time sleeping.

9 28. When I went to the jails over the next few days deputies looked at me
10 in a manner that made me feel threatened. Some said things like “Rat” and
11 “Motherfucker” after I had passed by, but never directly to my face.

12 29. I worked on the report for a number of days. While I was still
13 working on it, I showed it to a colleague, who urged me to go speak with a
14 psychologist.

15 30. When I finally finished the report, I brought it to Sergeant Barbosa in
16 his office. I told him that I hoped the deputies’ reports of the incident were
17 similar. I said that because I was trying to convey that if their reports were
18 different from mine, then they would not be telling the truth. A copy of the report
19 I gave to Sergeant Barbosa is attached as Exhibit 2.

20 31. Sergeant Barbosa told me that they would need to do a video
21 interview of me. When he told me I was going to be interviewed, I become even
22 more afraid. Once I had seen what five deputies would do to a non-resisting and
23 apparently handcuffed and helpless inmate, I was afraid about what they or others
24 in the sheriff’s department might do to me.

25 32. A couple of days after I turned in my report, I received a telephone
26 call from someone in LASD telling me to come to a Lieutenant’s office the next
27 day for the interview. After getting the call, I contacted the Archdiocese to
28 arrange for a lawyer to come to the interview with me.

1 33. Some time before the interview, a lawyer for the Archdiocese called
2 me to tell me that he had contacted the LASD and that he had been told that I
3 would not be permitted to bring a lawyer.

4 34. When I went to the interview, I was interviewed by an African-
5 American lieutenant with a French sounding last name. Sergeant Barbosa was
6 there also, and he filmed the interview.

7 35. The lieutenant asked me about the beating, and I told him what I had
8 seen. The lieutenant also asked some other random personal questions such as
9 what country I was from that had nothing to do with the beating. When I asked
10 him why they were asking me such questions, they said it didn't matter.

11 36. The interview lasted about 20 minutes. At the end of the interview,
12 the lieutenant assured me that he would contact me to keep me up to date on the
13 investigation. He also apologized for what I had seen and promised me there
14 would be a thorough investigation.

15 37. A few days later, I told Father George that I was worried about the
16 inmate. Shortly thereafter, Father George told me he had spoken with LASD
17 Lieutenant Daboren, who informed him the inmate had been released a few days
18 after the beating.

19 38. It wasn't until more than two years later that I heard anything about
20 the beating from an official of the LASD. During those two years, no one from
21 LASD did any kind of follow up interview. Nor did anyone from Office of
22 Independent Review (OIR) ever interview me.

23 39. In the meantime, I kept insisting to my boss, Father George, that
24 something had to be done. I also continued working at MCJ and saw the same
25 deputies who beat up the inmate on a regular basis. They are still working in
26 MCJ. From what I can tell, they were not suspended much less terminated.

27 40. In June 2011, Father George managed to schedule a meeting with the
28 OIR to discuss the beating. I met with Michael Gennaco and Walter Katz of OIR

1 at their offices in Commerce on or about June 24, 2011. Father George and
2 another colleague from the Archdiocese were also there with me. During the
3 meeting, Father George told Mr. Gennaco that I wanted to know what happened
4 with the investigation of the beating. Mr. Gennaco and Mr. Katz told us that the
5 case had been resolved internally and that Sheriff Baca had not been informed
6 about the beating.

7 41. During interview I told Mr. Gennaco and Mr. Katz about another
8 inmate I knew about, Juan Pablo Reyes, who had told me that he had been beaten
9 by the deputies, put in a cell naked, and then raped by inmates in the cell. Mr.
10 Gennaco appeared to know nothing about incident based on the expression on his
11 face when I mentioned the incident, and he asked me all sorts of questions about
12 it. He promised that he and OIR would continue doing investigations, and he said
13 he was interested in meeting with us regularly so that we could keep him
14 informed about what we knew.

15 42. Shortly thereafter, a colleague told me that Father George had been
16 contacted by the office of Sheriff Lee Baca. My colleague told me Sheriff Baca
17 wanted to schedule a meeting with Father George and me.

18 43. On or about July 26, 2011, I met with Sheriff Baca at his office in
19 Monterrey Park. Also at the meeting were Captain Ornelas, Michael Gennaco and
20 Walter Katz of OIR, Cecil W. Rhambo, the Assistant Sheriff, along with Father
21 George and Patty, another colleague from the Archdiocese who works in the jails.

22 44. The first thing Sheriff Baca mentioned was the beating I had
23 witnessed. He asked for the file of the investigation, and Mr. Gennaco handed a
24 folder to him. Sheriff Baca asked me what had happened and asked me for the
25 report I had written about the incident. I told him I did not have it, but said I
26 assumed it was in the file. Sheriff Baca looked in the folder, which appeared to
27 contain about 10 sheets of paper, and said "your report is not in here."

28 45. Then I explained to him what I had seen of the beating. When I

1 finished Sheriff Baca began to read from a paper that was in the folder, which
2 sounded liked the findings of the investigation. He said that it had been
3 determined that the prisoner was schizophrenic and that deputies had to strike him
4 a couple of times with their fists to get him into his cell. He also said, appearing to
5 read from the findings, that the inmate had reported that he had been run over by a
6 truck before coming to MCJ and that his bruises were the result of the accident,
7 not from being beaten.

8 46. Another part of the paper that Sheriff Baca read from said that the
9 chaplain who had witnessed the incident was “exaggerating.” I also remember his
10 reading that after the incident the inmate had been escorted to the clinic by Deputy
11 Cortez.

12 47. During the meeting Sheriff Baca stated, “This happened two years
13 ago and I’m only finding out about it now?”

14 48. Still, all Sheriff Baca said about my account of the beating was that
15 “Punches are allowed but kicks are not allowed in my department.” He told
16 Assistant Sheriff Rhambo to “check up on that.” Then the meeting went on to
17 discuss other matters.

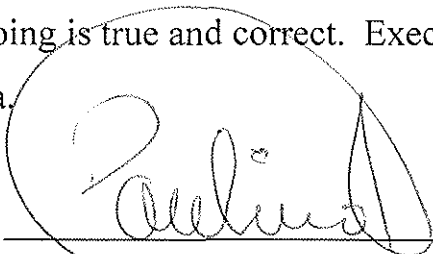
18 49. I have lost faith and trust in the LASD. They clearly did not take my
19 testimony seriously, and they attempted to cover up what really happened. I cannot
20 understand why my report of the incident was not in the investigation folder.

21 50. The conclusions that Sheriff Baca read also make no sense. First, I
22 never heard the deputies attempt to persuade or even verbally threaten the inmate
23 to get him to go into his cell. Second, the inmate’s cell was in the upper tier, so
24 the report’s claim that they needed to punch him to get him to go into his cell
25 makes no sense because they were not even close to the stairs to the upper tier,
26 much less on the upper tier when they were beating him. Third, I cannot
27 understand how punching an inmate – much less kicking and stomping on him --
28 could ever be necessary to get him to go into his cell. Also, if the inmate was

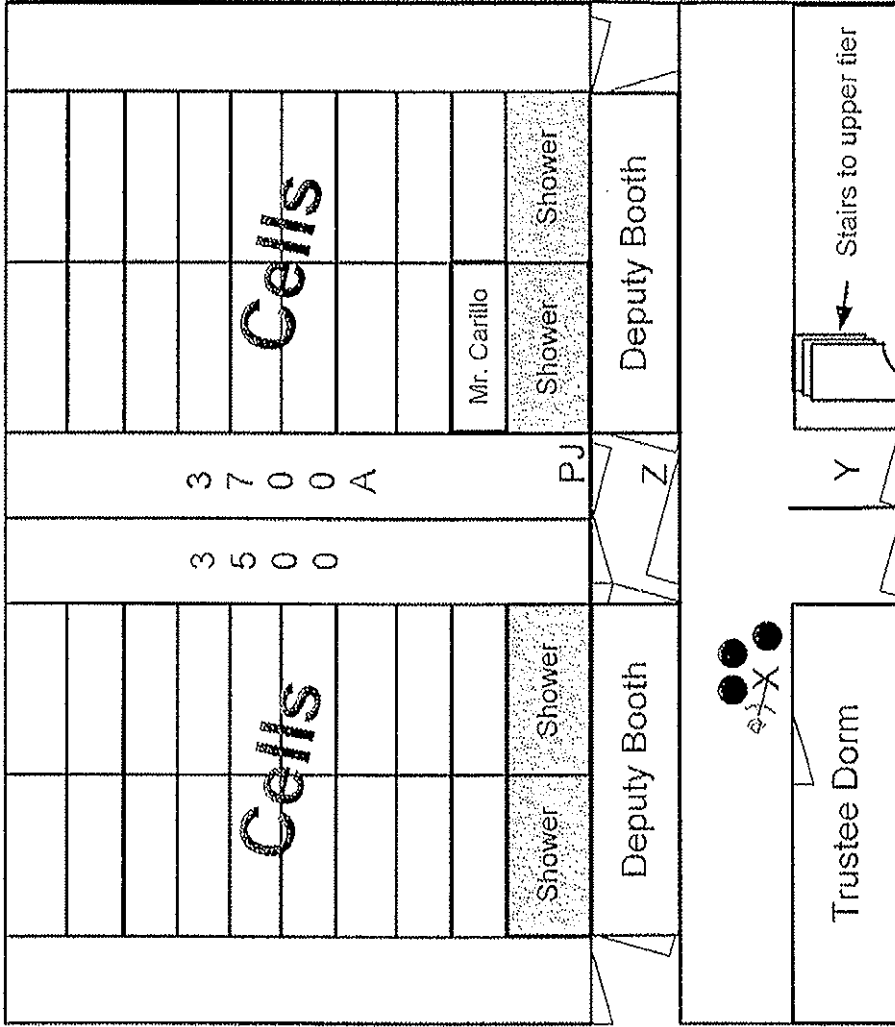
1 schizophrenic, then why was he in MCJ instead of Twin Towers, where inmates
2 with mental illness are supposed to be housed? Finally, given how badly the
3 inmate had been beaten, and the fact that he was lying motionless on the floor in a
4 pool of blood when I left, I found the idea that he had been "escorted to the clinic"
5 by Deputy Cortez very hard to believe.

6 51. Witnessing that barbaric beating has had a very profound effect on
7 me. To this day, recalling the beating brings tears to my eyes, and I cannot finish
8 talking about it without taking a few moments to compose myself.

9 I declare under penalty of perjury of the laws of the State of California and
10 the United States that the foregoing is true and correct. Executed September 3,
11 2011 in Los Angeles, California.

A handwritten signature in cursive script, appearing to read "Paulino Juarez", is written over a horizontal line. The signature is enclosed within a hand-drawn oval.

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14 Paulino Juarez
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Catholic Chaplains' Office
Men's Central Jail, Los Angeles, CA
February 18, 2009

My name is Paulino Juarez-Ramirez. I am a Catholic chaplain and a member of the Office of Restorative Justice of the Archdiocese of Los Angeles. I have been a chaplain at Men's Central Jail since July of 1998.

On February 11, 2009, I asked permission of Sergeant Barbosa to visit all of the rows in the 3700 module. He called the module and they said that I could visit. I arrived at the module and I entered Able row and began talking with an inmate housed in A-3. Five minutes later, I could hear someone yelling. I walked to the gate and from there I observed that someone was being beaten. I observed that at no time did the inmate fight back or resist. He was thrown to the ground and was kicked by two deputies. A third one was kneeling on the inmate's back and, with his fist, was hitting his neck, the back of his head and his jaws beneath his ears. While they were beating him the deputies kept shouting "stop fighting, stop fighting". The inmate never did try to fight back, but kept shouting "Please stop; please stop. I am not fighting." As I continued to observe, I saw that these blows continued for almost two minutes. Finally, one of the deputies turned and saw me inside of Able row. He froze. But the others continued kicking the inmate. And they kept saying, "Stop fighting, stop fighting" while they continued beating him, until the deputy who had seen me stopped them. They immediately opened the outside door and a group of deputies came running in (that group had not seen me). At this point I did not hear anything more from the inmate and assumed he was unconscious. Two of the deputies in the front of the group then came in and started kicking the inmate in his ribs, while he was still lying on the floor. One of the deputies gave him two last blows, stomping on his spinal column.

Finally, the deputy who had seen me stopped them. Then all of them saw me within the bars and suddenly became totally silent. Senior Geske was part of the group that entered later, and walked toward me, opened Able gate, and asked me to leave. I did so slowly; I looked again at the inmate, who was not moving at all. I could see blood on the floor. I left the module and in the hallway of 3000 I met approximately 20 deputies coming toward 3700, followed by Sergeant Barbosa.

At that time I felt helpless, sad, upset, angry, and anguished, wondering what the final and lasting effects would be on that inmate, who had been the victim of torture so cruel and inhumane. I was thinking of the deputies and I felt that I had witnessed a crime and I was afraid. When I arrived at the Chaplains' office, I met one of my fellow chaplains and told this person about what I had seen. That day I

did not want to talk to the Sergeant about the incident. During the night I could hardly sleep. The next day I went to Sergeant Barbosa's office and explained everything that I had witnessed and that, in my opinion, there had been no justification. It was a flagrant injustice against this helpless person and I asked Sergeant Barbosa to put a stop to these kinds of attacks. Sergeant Barbosa asked me how many deputies had participated. I told him that there were three in the beginning and two deputies later joined in - a total of five. He told me that in their report the deputies had admitted participating in the beating, but he did not share any more details of that report. Also, the Sergeant told me that the incident started because the inmate had spit on a deputy, but the Sergeant added that he did not believe it, and neither do I.

Since the inmate was under control at the time, the question for me was, "What was the purpose of the deputies' continuing beating this man without compassion or mercy?" I think that, if a situation of this magnitude had occurred in streets, the perpetrators would without any doubt be charged with assault with intent to kill.

Since that day I have felt afraid while walking the 3000 hallway, because I see the look in the eyes of the deputies, as they know I was a witness to the whole affair. I wonder what they are thinking of me, and especially what they might do about it and what may happen in the future. Sincerely, since I did not do anything wrong, I am afraid of retaliation. I am now seeing a psychotherapist to assist me to process this disagreeable experience. I feel the support of my chaplain colleagues, my spiritual director and my pastor, who all know about the incident. Another point is that in the past I had been informed by various inmates that they had seen other inmates being beaten by deputies without any reason. And now from my own experience I know this to be true.

This atmosphere of violence without justification causes in the minds and hearts of the inmates in this facility, especially those who suffer such unspeakable aggression, to harbor rancor, anger, hatred and resentment. This could play itself out in the streets with acts of aggression toward citizens and especially toward law enforcement officers.

Therefore, my petition as Chaplain in this institution is that this inexplicable and excessive use of force cease and, when restraint is necessary, the deputies adhere to their basic core values of respect, integrity, common sense, human decency and fairness.

**DECLARATION OF CIVILIAN WITNESS
ESTHER LIM**

1 **Declaration of Esther Lim**

2 I, Esther Lim, hereby declare:

3 1. I make this declaration based on my own personal knowledge and if called to
4 testify I could and would do so competently as follows:

5 2. I am the Jails Project Coordinator for the ACLU of Southern California
6 (“ACLU/SC”).

7 3. I am submitting this declaration to describe a savage beating of a prisoner by two
8 Los Angeles Sheriff’s (“LASD”) deputies, which I witnessed in the Twin Towers Correctional
9 Facility (“TTCF”) on January 24, 2011.

10 4. In brief, I saw two deputies, Ochoa and Hirsch, beat and taser an African-
11 American prisoner, James Parker, multiple times while he was lying on the ground, not moving
12 or resisting in any way for what seemed to me to be about two minutes. During the beating, the
13 deputies repeatedly shouted, “Stop resisting!” and “Stop fighting!” while the prisoner lay limp on
14 the floor.

15 5. The deputies and the prisoner were no more than about ten feet away from me and
16 I was able to see what happened.

17 6. The following day, Tuesday, January 25, 2011, a false account of the incident
18 appeared in the official LASD daily Inmate Reception Center (“IRC”) Division Log.

19 Monday, January 24, 2011-1700 hours

20 7. On Monday, January 24, 2011, I was at TTCF’s Module 142’s Attorney Room
21 located on the right hand side of the fourth floor at approximately 1700 hours.

22 8. I was there to speak to a prisoner named Christopher Brown, booking number
23 1365261.

24 9. I was seated at the third phone booth, which is phone booth number five, in the
25 Attorney Room. There is a label with the booth’s number posted above the booth.

26 10. There are a total of seven, separate phone booths; the phone booths being
27 numbered sequentially higher until the last telephone booth, number seven. Telephone booth
28 number seven is the closest to the wall located to the right, when facing the prisoner and the

1 furthest away from elevators. The diagram, which is attached hereto as Exhibit 1, shows the
2 placement of telephone booths number four through seven. Phone booths one through three are
3 not pictured in the diagram, but they would be to the left of booths four through seven on the
4 diagram.

5 11. Each phone booth has a large window that is approximately three and a half feet
6 in height and two feet in length. There is a small, metal table for the attorney and a stool. These
7 furnishings are the same for the prisoner who sits on the opposite side of the attorney with the
8 window partition in between. There is also a phone that is located on the right hand side of the
9 window. Exhibit 1 shows the area, located on the left hand side of the diagram, where the
10 prisoners (Attorney Room - Inmates) and where the attorneys sit (Attorney Room - Visitors).

11 12. I was sitting in telephone booth number five as shown in Exhibit 1. E1 on the
12 attached diagram shows my location. As I sat facing Mr. Brown, who was sitting in the seat that
13 is marked as B1 on the attached diagram, the wall was to my right.

14 13. The wall, which is approximately six feet in length, has two, large, side-by-side
15 windows that looks out to the Staging Area. The wall is labeled in Exhibit 1. The Staging Area
16 contains the Outdoor Recreation Area and other shared areas. Exhibit 1 displays what the
17 Staging Area looks like, in addition to other key areas. One would need to walk through the
18 Staging Area to get to the different pods or housing areas of the module as indicated in Exhibit 1.
19 Both windows are approximately three and a half feet in height and three feet in length. All
20 measurements are approximations, but I used a ruler on my clipboard to measure the wall and
21 windows.

22 14. At approximately 1730 hours, while I was speaking to Mr. Brown, I heard noises
23 like people scuffling around, sounds of fists hitting a body, thuds against the wall and other
24 noises that sounded like a fight. My location when I was speaking to Mr. Brown is marked in
25 Exhibit 1 as E1.

26 15. As I stood up to see what was causing the noise, Mr. Brown stood up as well. I
27 walked over to the window on the wall, as indicated in Exhibit 1 as E2 and looked to my left. I
28 saw Deputies Ochoa and Hirsch punching an African-American prisoner, whom I later learned

1 was James Parker, whose booking number is 2540169. Mr. Parker was identified to me by Mr.
2 Brown when I visited him during my ACLU walk-through of TTCF, Module 142, Pod F on
3 Tuesday, January 25, 2011.

4 16. As I stood at the spot marked as E2 on the attached diagram, I could see Mr.
5 Parker, who was in the spot marked as P-2, lying face down on the ground positioned in the way
6 the black figure on the attached diagram is positioned, i.e., with his feet pointed towards the
7 water fountain. Deputies Ochoa and Hirsch were next to Mr. Parker in the spots on the diagram
8 that are marked with two X's.

9 17. Mr. Parker was lying on his stomach and he appeared to be unconscious as he was
10 not moving.

11 18. I saw both Deputies Hirsch and Ochoa simultaneously punching Mr. Parker about
12 three to four times and kneeling Mr. Parker about two to three times. I heard both deputies yell,
13 "Stop fighting!" and "Stop resisting!"

14 19. Even though the deputies were yelling, "Stop fighting!" and "Stop resisting!", Mr.
15 Parker was not trying to kick, hit or otherwise fight with the deputies. He was lying on the
16 ground motionless, doing nothing. I thought he looked unconscious as he was not moving or
17 making any sounds.

18 20. I also saw Deputy Ochoa placing the taser gun on Mr. Parker's leg approximately
19 three to four times and approximately two to three times onto his back area. I could hear the
20 shocks that the taser gun made when it was being utilized on Mr. Parker. Deputy Ochoa
21 continued yelling, "Stop fighting!" and "Stop resisting!" as he was tasing Mr. Parker.

22 21. Mr. Parker looked like he was a mannequin that was being used as a punching bag
23 as he was not showing any sort of movement. I thought he was knocked out or perhaps even
24 dead.

25 22. Approximately one minute after I saw Deputies Ochoa and Hirsch beating Mr.
26 Parker, I observed Deputy Ochoa bring his left index finger to his lips, showing this motion to
27 Deputy Hirsch, who was yelling, "Stop resisting!" and "Stop fighting!" about three to four times.

28 23. After Deputy Ochoa brought his finger to his lips, Deputy Hirsch yelled, "Stop

1 resisting!" and "Stop fighting!" once more to Mr. Parker, who was still not moving or making
2 noise.

3 24. During the course of the time that I was watching the deputies beat Mr. Parker, I
4 heard both deputies yelling, "Stop resisting!" and "Stop fighting!" to Mr. Parker more than five
5 times each. While the deputies were yelling this out, it sounded like the deputies were reading
6 from a script.

7 25. Approximately thirty seconds after I saw Deputy Ochoa bring his left index finger
8 to his lips, I hit my right palm against the window approximately three times so that I could get
9 the deputies' attention. They did not look over in my direction.

10 26. The approximately two minutes that I was watching the deputies beat and tase Mr.
11 Parker, it appeared that he was unconscious as he was not moving. He was not fighting with the
12 deputies. He was just lying there, making no movements or sound.

13 27. At the end of the two minutes of my observation of this incident, I heard over the
14 public announcement speaker, "Stay in your seat."

15 28. At that point, I walked over to my seat where Mr. Brown was sitting across from
16 me and I asked him who the deputies were. He told me that they were Deputies Hirsch and
17 Ochoa. Mr. Brown said he knew the deputies' names because both deputies work on his module.
18 I was in the spot marked as E1 while I was talking with Mr. Brown and he was in the spot
19 marked as B1.

20 29. After speaking briefly with Mr. Brown, I walked back over to the window and
21 saw Deputies Hirsch and Ochoa in a kneeling position over Mr. Parker and approximately five
22 seconds later, Deputy Ochoa looked at me and using his index finger, signaled that I needed to
23 move away from the window.

24 30. I stood at the window for approximately three or four seconds more and then I
25 walked back over to telephone booth number five and I could see Mr. Brown lying on the ground
26 in the Attorney Room on the prisoner's side, in the prone position with his head away from the
27 window.

28 31. At this time, I got up from my seat, gathered my belongings and walked over to

1 the elevator and took the elevator down to the first floor.

2 32. When the elevator doors opened to the first floor, I saw approximately three to
3 four deputies who were about to take the elevator up.

4 33. I then left the Twin Towers 1 Visiting Area and exited TTCF.

5 Tuesday, January 25, 2011-0930 hours

6 34. On Tuesday, January 25, 2011 at approximately 0930 hours, I was checking my
7 ACLU/SC email account. Every morning, I receive the IRC Division Count, the IRC Division
8 Log, the Custody Division 0600 Count, the IRC Processing Time and the IRC Clinic Processing
9 Time reports.

10 35. Daily, I review each of the logs, reports and counts, print and file them in their
11 respective areas and place them in the appropriate binders.

12 36. I reviewed the IRC Division Log for Monday, January 24, 2011, a true and correct
13 copy of which is attached hereto as Exhibit 2. I reviewed the 1645 hours log entry entitled,
14 "Significant Use of Force-TTCF."

15 37. There were approximately five paragraphs detailing the account of an altercation
16 between two unnamed deputies and Inmate James Parker, booking number 2540169.

17 38. I noticed that the log stated the incident occurred at 1645 hours, which is
18 approximately forty-five minutes earlier than when I observed the beating at approximately 1730
19 hours.

20 39. In paragraph two, of the description of the incident on the Division Log, it states
21 that "Both Inmate Parker and the deputy went to the ground as Inmate Parker continued his
22 attack." I observed both Deputies Ochoa and Hirsch kneeling over Mr. Parker, attacking,
23 punching and kneeling him while he was on the ground. I also saw Mr. Parker being non-
24 combative as he was not moving, not resisting and was not fighting. He looked limp as if he
25 might be unconscious as he was not making any movements or sounds while Deputies Ochoa
26 and Hirsch were beating him. Mr. Parker was not attacking any of the deputies as paragraph two
27 alleges.

28 40. In paragraph three, it states that, "Inmate Parker continued his attack as the second

1 deputy utilized his taser, striking him in the mid-back area. Inmate Parker continued punching
2 the first deputy. The second deputy then dry-stunned Inmate Parker three times in the back area
3 and one time in the right hamstring. Inmate Parker then stopped fighting and was handcuffed
4 without further incident.”

5 41. I did observe Deputy Ochoa tasing Mr. Parker’s back and rib area approximately
6 two to three times and Deputy Ochoa tasing Mr. Parker’s leg approximately three to four times.
7 However, the statement in paragraph three that Mr. Parker did not stop fighting until the deputies
8 had tased Mr. Parker four to five times is false. Parker was not fighting or resisting at any time
9 when I observed him, including while Deputy Ochoa tased him multiple times in the back and
10 leg.

11 42. During the entire time I was observing Mr. Parker, including the time during
12 which he was repeatedly punched, kneed and tased, he was not striking or attacking Deputies
13 Ochoa and Hirsch. In fact, Mr. Parker was motionless during the whole time that he was lying
14 on the ground and Deputies Ochoa and Hirsch were punching, kneeling and tasing him. As I said
15 above, I thought he was unconscious or perhaps dead, while he was being beaten and tased,
16 because he was not moving at all.

17 43. During the time I observed Mr. Parker on the ground and Deputies Ochoa and
18 Hirsch kneeling, punching and tasing him, I heard the deputies repeat, “Stop resisting!” and “Stop
19 fighting!” more than five times each. However, Mr. Parker was not resisting, nor was he fighting
20 with the deputies.

21 Tuesday, January 25, 2011-1555 hours

22 44. On Tuesday, January 25, 2011 at approximately 1535 hours, I telephoned TTCF’s
23 Watch Commander/Lieutenant Bodenstedt and informed him that ACLU/SC Staff Attorney
24 Jessica Price and I were going to do an ACLU walk through at approximately 1555 hours that
25 day.

26 45. Price and I arrived at the TTCF Control Room at approximately 1555 hours and
27 Sergeant Geary met us at approximately 1600 hours.

28 46. I asked to enter Module 142 and Sergeant Geary escorted us there.

1 56. After taking the declaration for the January 24th incident, I asked if we could take
2 his declaration about the interview that LASD personnel had done with him on the same day. He
3 said yes. I wrote down what he told me he had been asked, seen and heard.

4 57. Ms. Price and I left the Attorney Room and went down to the Tower 1 Attorney
5 Visiting Area's deputies' desk. I told Deputy Velasquez that Ms. Price and I would like to see
6 Mr. Parker. Deputy Velasquez told us that Mr. Parker was housed in T211, which is the
7 Disciplinary Module and that we needed to go the TTCF Tower 2's Attorney Visiting Area and
8 submit a request to see Mr. Parker there.

9 58. At approximately 1010 hours, Ms. Price and I arrived at the Attorney Visiting
10 Area's deputies' desk in TTCF Tower 2 to visit Mr. Parker. After an approximately fifteen
11 minute delay, Deputy Shroyer told us that we needed to go to the TTCF Tower 1's Attorney
12 Room as Mr. Parker would be escorted from Tower 2 to Tower 1. The fifteen minute delay was
13 due to the deputies not having a current ACLU Clearance list.

14 59. At approximately 1030 hours, Deputy Shroyer told Ms. Price and me that Mr.
15 Parker was in the "hole" and because the deputy's partner that was assigned to T221 where Mr.
16 Parker was located, was not available at that time, Mr. Parker would not be able to be escorted to
17 TTCF Tower 1 until the partner returned. Deputy Shroyer told us to go back to TTCF Tower 1
18 and wait for authorization to see Mr. Parker.

19 60. Ms. Price and I walked back over to the Tower 1's Attorney Room's deputies'
20 desk and Deputy Velasquez told us at approximately 1035 hours that the module deputy's partner
21 was not there so we needed to wait before Ms. Price and I could visit Mr. Parker.

22 61. At approximately 1100 hours, Deputy Velasquez stated that Ms. Price and I could
23 go up to Module 171 or the seventh floor's Attorney Room to see Mr. Parker.

24 62. Ms. Price and I went inside the elevator and went up to the seventh floor to
25 Module 171's Attorney Room and walked to the left after exiting the elevator.

26 63. There was a delay in being able to communicate with Mr. Parker because the
27 telephones were shut off, meaning Mr. Parker and I could not hear each other on the phone.
28 Another prisoner was in the telephone next to Mr. Parker and I tried to communicate with him

1 via the telephone and this telephone was also shut off.

2 64. I told the deputy who escorted Mr. Parker to the Attorney Room that I couldn't
3 hear Mr. Parker because the phone was broken and he told me to press the intercom button.

4 65. I pressed the intercom button that is in the Attorney Room, which is used to
5 communicate with the deputies inside the module's control room. No one answered when I
6 pressed it. I pressed the button an additional three more times and all three times, no one
7 answered.

8 66. Ms. Price stated that she would go down to the Tower 1's Attorney Room's
9 deputies' desk to alert them about the phones.

10 67. When Ms. Price returned to the Attorney Room, Mr. Parker and I tried the phones
11 again and we were then able to hear each other.

12 68. I spoke to Mr. Parker and asked him if he was the prisoner who was involved in
13 the beating incident that had occurred on Monday, January 24, 2011 and he told me that he was.
14 I asked him for his name and he told me that his name was James Parker. I verified this
15 information to the wristband that was fastened on his wrist, which contains the prisoner's name,
16 booking number and other information.

17 69. I told him I was from the ACLU/SC's Jails Project and I asked if he wanted to
18 talk to me about what had happened.

19 70. I asked him to show me the injuries he sustained from the incident and he showed
20 me his left eye, which was swollen half way shut. He also showed me the stitches he received
21 over his left eyebrow. Using a ruler that is on my clipboard, I measured the area that was closed
22 with stitches. It was approximately two centimeters long. Mr. Parker also said that his left cheek
23 was swollen and that he felt like he had a gash inside his right cheek. Due to the reflection from
24 the overhead lights, I was not able to see anything inside his mouth, which was dark and I did not
25 have a flashlight. He stated that he had a lot of pain on the back of his neck, face, shoulder and
26 said that his left rib area was hurting as well. He stated that he felt like one of his ribs were
27 loose.

28 71. I asked him if he was taking any medication for the pain and he said that he was

1 given Motrin.

2 Friday, January, 28, 2011

3 72. On Friday, January 28, 2011, I visited Mr. Parker.

4 73. Mr. Parker told me that on Tuesday, January 25, 2011, when he was brought to
5 Module 142 from the Los Angeles County Medical Center ("LCMC"), a male nurse told him that
6 he needed to get the stitches he received the night before, over his left eyebrow, removed. He
7 didn't know the name of the male nurse, but said he was chunky, Mexican and was Mr. Parker's
8 height, which is five feet nine inches. He also said the male nurse had shoulder length, bushy
9 hair.

10 74. Mr. Parker said that he told the male nurse that the doctor at LCMC, who was an
11 Asian woman said that Mr. Parker was not going to have his stitches taken out until Tuesday,
12 February 1, 2011.

13 75. He told the male nurse that he was not going to get the stitches removed and he
14 was going to follow the LCMC's doctor's orders.

15 76. Mr. Parker stated that he was approached by another nurse at a later time, on the
16 same day, who also told him that he needed to remove his stitches. Mr. Parker told this nurse
17 that he was not going to remove his stitches because the doctor at LCMC said the stitches were
18 going to be removed on Tuesday, February 1, 2011.

19 77. Mr. Parker stated that he was again approached by the nursing staff on
20 Wednesday, January 26, 2011; Thursday, January 27, 2011; and today, Friday, January 28, 2011
21 to remove his stitches.

22 78. Mr. Parker said that the female nurse today was more adamant about getting his
23 stitches removed. He didn't know the nurse's name, but said she was Filipino, five feet two
24 inches or five feet four inches in height and had short hair.

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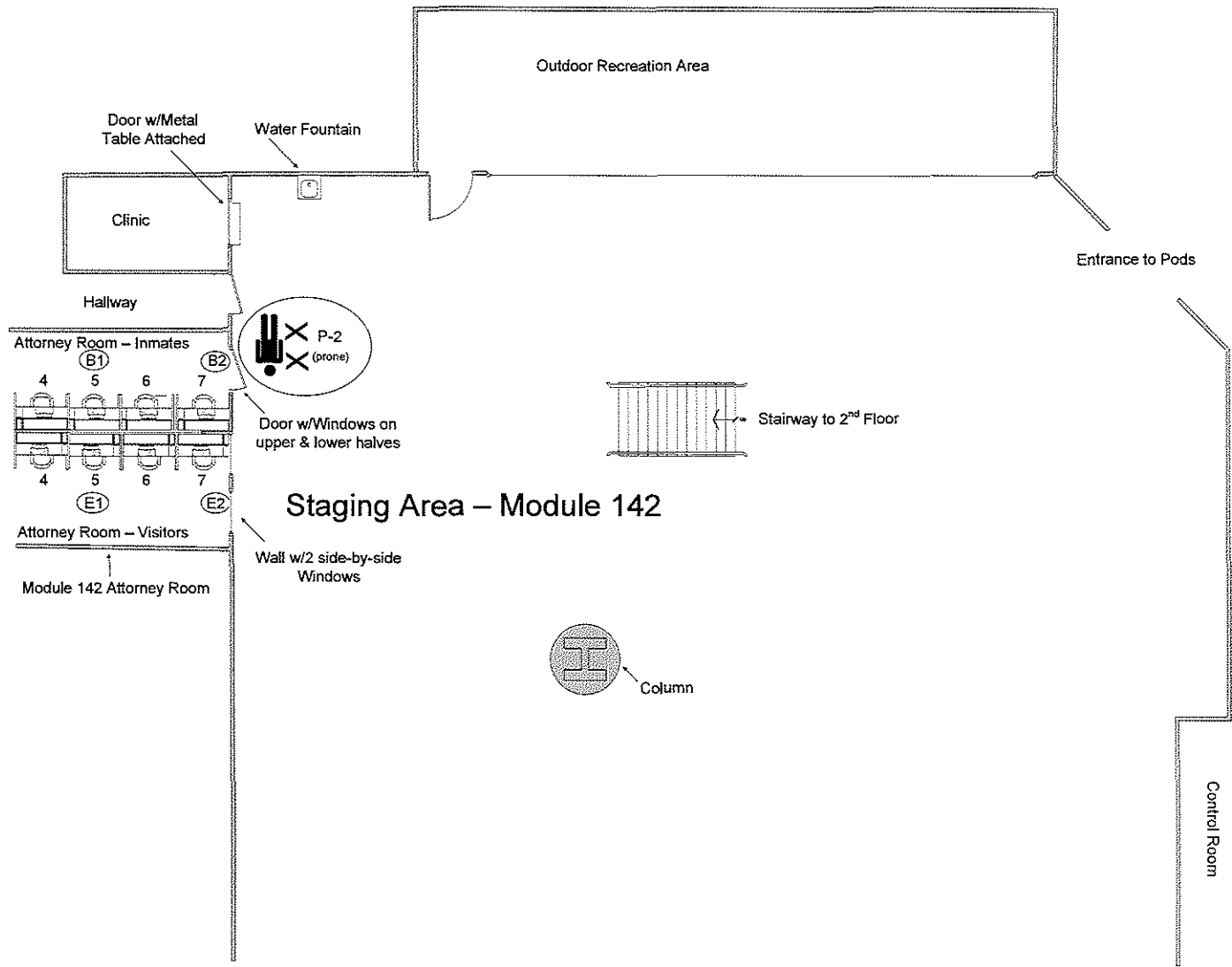
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79. He again denied this nurse and didn't allow her to remove his stitches.

I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing is true and correct. Executed this 4th day of February, 2011 in Los Angeles, California.



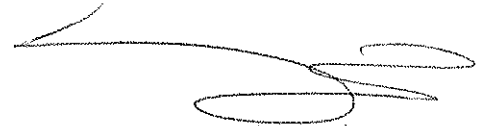
Esther Lim



1102/10/2011

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COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
LOG SHEET REPORT


02/04/2011

Detail or Station: CUSTODY DIVISION

Day: Monday
January 24, 2010

0530 WATCH COMMANDER'S REVIEW - LT. CHAVEZ

1330 WATCH COMMANDER'S REVIEW - CMDR. RUIZ/ LT. MURPHY

1450 ACLU VISIT- TTCF

Sgt. Johnson Reports, American Civil Liberties Union (ACLU) representatives Esther Lim, Theodore Livingston Young, Alexandra Leigh Howard and Hannah Zoe Weilbacher, visited Twin Towers Correctional Facility. They were escorted by Sergeant Brad Gray (#277068) and spoke with inmates housed in Modules 132 A and B Pod, 141 A Pod and 172 D Pod.

The ACLU representatives completed their interviews within approximately two-hours and forty-minutes. All comments made to Sergeant Gray regarding the visit were favorable.

Custody Division Operations Log entry completed by IRC Watch Deputy Paterno (#488650) at 1450 hours. (GAP)

1645 SIGNIFICANT USE OF FORCE- TTCF

Sgt. Johnson, Twin Towers Correctional Facility, reports at approximately 1645 hours this date, Two deputies escorted Inmate James Parker, booking #2540169, to the ABC Outdoor Recreation Area pending transfer to discipline Module 121 for possession of contraband in his cell.

Upon notifying Inmate Parker of his discipline status, Inmate Parker punched one of the deputies with his right hand, striking him on the left side of his face. Inmate Parker then charged at the deputy and continued to punch him in the torso area. The deputy gave commands for Inmate Parker to stop fighting and then punched him on the top of the head with his right hand. As Inmate Parker continued his attack, the deputy punched him an additional four-to-five times in the upper-torso area. Both Inmate Parker and the deputy went to the ground as Inmate Parker continued his attack.

The second deputy observed Inmate Parker punching the first deputy and gave verbal commands for him to stop fighting. As the second deputy went to assist, Inmate Parker punched him in the left rib area and continued his attack on the first deputy. The first deputy

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
LOG SHEET REPORT

02/04/2011

Detail or Station: CUSTODY DIVISION

Day: Monday
January 24, 2010

kneed Inmate Parker one time in the face in self-defense. Inmate Parker continued his attack as the second deputy utilized his taser, striking him in the mid-back area. Inmate Parker continued punching the first deputy. The second deputy then dry-stunned Inmate Parker three times in the back area and one time in the right hamstring. Inmate Parker then stopped fighting and was handcuffed without further incident.

The first deputy sustained a swollen right-hand and redness and swelling to the left side of his face. The first deputy was treated for his injuries at U.S. Healthworks. The second deputy did not sustained any injuries.

Inmate Parker sustained a 2 cm. laceration on his left eyebrow and swelling to the left side of his head. The taser darts did not penetrate his skin. He was escorted to the Tower One Clinic for examination and treatment and then transferred to L.C.M.C. for additional treatment. (AB)

2130 WATCH COMMANDER'S REVIEW - LT. MURPHY/ LT. SAUNDERS

2358 WATCH COMMANDER'S REVIEW - LT. CHAVEZ

2359 LOG CLEARANCE

No further entries. (AB)

**DECLARATION OF EXPERT
TONI V. BAIR**

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Sources of Information and Methodology

4. In arriving at my opinions, I have reviewed the following documents:

- Declaration of Esther Lim, ACLU Jails Project Coordinator;
- Declaration of Scott Budnick, citizen un-escorted volunteer;
- Declaration of Paulino Juarez, volunteer Chaplain, Office of Restorative Justice for the Archdiocese of the LA Catholic Church;
- Declaration of George Garcia, volunteer Chaplain since 2005 in the Men’s Central Jail (MCJ);
- Declarations of 69 current or former prisoners
- Declaration of Mary Tiedeman;
- Declaration of Chief Dennis Burns in Support of Defendants’ Opposition for Injunctive Relief;
- Plaintiffs’ Notice of Filing of Report Concerning Los Angeles County Jails; Cited Declarations; and
- ACLU Annual Report May 2010.

5. The methodology that I used in forming my expert opinion is based upon my twenty-five plus years as a corrections practitioner. During this time, I have held seven different corrections positions in two different state prisons systems and in one of the nation’s largest urban jails (NYC).

6. My correctional training has been extensive. It includes state and federal courses in: Basic Firearms Instructor School Bureau of Indian Affairs (Certified Instructor), Advanced Firearms Instructor School Bureau of Indian Affairs (Certified Advanced Instructor), Fingerprint Identification School FBI, Investigative Procedures Salt Lake County Attorney’s Office, Special Investigative Supervisors Training U.S. Department of Justice, Self-Defense Techniques (AKIDO) Federal Bureau of Prisons (Certified Instructor), Riot-Disturbance

1 Control Federal Bureau of Prisons (Certified Instructor), KOGA Baton (Certified
2 Instructor), Management Training National Institute of Corrections, Excellence in
3 Public Management State of Virginia, Management Training American
4 Correctional Association, and Category I Police Officer Training.

5 7. In addition, I relied upon my educational background in psychology,
6 sociology, criminology, social work, and public administration. I also relied upon
7 my correctional experience as an expert witness and corrections consultant where I
8 have consulted and testified on seventy-one different occasions in twenty-three
9 different states on the local, state, and federal levels.

10 8. I continue to be an active member of the American Corrections
11 Association and the American Jails Association, receiving and reading their
12 publications. This has helped me to keep current with the discipline of
13 professional corrections management.

14 9. Finally, in forming my opinions, I relied heavily on my experience
15 over the past thirty years of teaching college on both the baccalaureate and masters
16 levels. From 1994 to 2004, I taught full time in a nationally known Criminal
17 Justice Program. Courses which I have taught include Criminal Justice Ethics,
18 Criminal Justice Management, Research Methods, Corrections Law, Community
19 Corrections, Senior Seminar, Prisons, and Victimology.

20 **OPINIONS**

21 **A. The Policies and Practices of the LASD With Respect to Investigation of** 22 **Use of Force Incidents Are Grossly Substandard.**

23 10. Whenever staff lays hands on a prisoner, a Use of Force Report and/or
24 an Unusual Incident Report should always be filled out by all of the staff who were
25 involved or who witnessed the incident prior to their leaving shift. Management
26 must ensure that prisoner witnesses as well as medical staff and any civilian
27 witnesses are interviewed and file reports of a Use of Force in order to ensure that
28 all of the facts are provided. These reports are then reviewed by management to

1 determine if further investigation is warranted. In addition, if a prisoner files a
2 complaint (written or verbal) with management, it is incumbent that an
3 investigation into these complaints be conducted.

4 11. All reports and custody investigations must be reviewed by an
5 independent department/division in order to assure that cover-ups are not taking
6 place and that the constitutional rights of the incarcerated are protected. This
7 independent reviewer should not be in the chain of command of the custody
8 division. This ensures a thorough review that is insulated from undue influence of
9 the correctional staff who may be abusing their positions.

10 12. The Los Angeles Sheriff's Department (LASD) Custody Division
11 conducts its own investigations. The record indicates that a Sergeant and
12 sometimes a Lieutenant video tape their interviews with a prisoner who has
13 experienced a Use of Force. Frequently, these Sergeants or Lieutenants directly
14 supervise the Deputies who were involved in the Use of Force. This is improper.
15 If a deputy has abused his position by assaulting a prisoner, this also reflects on his
16 supervisor. Consequently, a supervisor who does not have direct supervisory
17 authority over the deputies must conduct the initial investigation/interview.

18 13. In Gordon Grbavac's declaration he stated that after his beating:

19 *A Sergeant asked, How did all this blood get here? I told*
20 *the Sergeant that his deputies had assaulted me. After*
21 *the Sergeant left, the deputy said to me, Are you fucking*
22 *kidding me, you motherfucker. You better change your*
23 *story or were going to show you what we do to fat asses.*
24 *You better say that you did this to yourself. I was*
25 *extremely scared and felt very threatened. I thought that*
26 *the deputies might kill me if I didn't do what they said.*
27 *So I told them that I would tell the sergeant that I did it to*
28 *myself. The Sergeant came back and interviewed me on*

1 camera. The white deputy stood 5 feet from me during
2 the interview. At no time did the sergeant direct who had
3 beaten me to leave the area where the sergeant was
4 interviewing me. I told him that I had banged my head
5 on the window.

6 In Peter Johnson's declaration he stated that:

7 *After Deputy Ochoa beat me and pepper sprayed me...a*
8 *sergeant came over and asked me what happened. He*
9 *told someone to go get a video camera. The Sergeant*
10 *interviewed me with a video camera in the hallway near*
11 *the deputy control room and I saw Deputies Ochoa,*
12 *Reynosa and Saldivar standing less than 10 feet away*
13 *from where I was being interviewed.*

14 14. These two accounts indicate that the housing unit Sergeant was the
15 one conducting the videotaped interviews, which should not be taking place.

16 15. In addition, the declaration of Paulino Juarez stated that Sergeant
17 Barbosa, who was the housing unit Sergeant during the deputy attack on an
18 African American handcuffed prisoner, participated in the Jail investigation
19 interview with Chaplain Juarez.

20 16. Many of the prisoners whose declarations I have reviewed in this
21 matter have stated that while they were being interviewed for the investigation of
22 the Use of Force incident, one or more of the deputies who were involved in the
23 incident stood by and observed the prisoner interviews. This practice is unheard of
24 in professionally-conducted investigations and interviews. It is no wonder that the
25 prisoner frequently tells the interviewer that he "fell," causing the injuries to
26 himself, or otherwise alters his story so as not to implicate the officer(s) involved
27 in the incident. See, e.g., Declaration of Gordon Grbavac ¶ 14; Declaration of Juan
28 Pablo Reyes ¶ 13; Declaration of Peter Johnson Declaration ¶¶ 11-12; Declaration

1 of Christopher Brown ¶¶ 28-29. The presence during the interview of a deputy
2 who was involved in a Use of Force incident is highly likely to intimidate the
3 prisoner and affect his testimony. Numerous prisoner declarations describe this
4 practice occurring in different housing units and even different jails facilities which
5 leads me to believe that this is a common event.

6 17. Another enormous problem with the process LASD routinely employs
7 in conducting investigations of Use of Force incidents is the practice of deputy
8 intimidation of prisoner prior to interviews. Numerous prisoners have stated that
9 deputies told them they would suffer the consequences if they did not claim self-
10 infliction or otherwise protect the deputies. *See* Declaration of Michael Cervantes
11 ¶ 7; Declaration of Declaration of Gordon Grbavac ¶¶ 13-14; Declaration of Alex
12 Rosas ¶¶ 11-13; Declaration of Stephen Teran ¶¶ 19-20; The fear of further
13 assaults prevented some of these prisoners from telling management what actually
14 took place.

15 18. A more troubling aspect of the lack of a professionally-conducted
16 investigation appears in the four civilian declarations I reviewed. Esther Lim, the
17 Jails Project Coordinator for the ACLU of Southern California who is charged with
18 monitoring the LA County Jails, witnessed a staff assault on a prisoner. While
19 visiting another prisoner, Ms. Lim witnessed two Deputies “savagely beating” a
20 non-resisting prisoner. Deputy Ochoa has been identified by prisoner numerous
21 times in Use of Force incidents. During the beating, the two Deputies repeatedly
22 shouted, “Stop Resisting”; “Stop Fighting”. The next day, Ms. Lim was reviewing
23 the daily logs which gave an accounting of the incident Ms. Lim observed. The
24 log identified the prisoner but failed to identify the deputies. The accounting also
25 indicated that the prisoner was fighting with one of the deputies an assertion
26 disputed by Ms. Lim.

27 19. In his Declaration, a civilian volunteer named Scott Budnick indicated
28 that he has witnessed five occasions where deputies have beaten, struck, kicked,

1 tasered non-threatening and non-resisting prisoners. Mr. Budnick reported one of
2 these incidents to a sergeant who told Mr. Budnick that he would follow up with
3 him. Yet, Mr. Budnick was never interviewed about the incident by LASD
4 personnel.

5 20. Paulino Juarez, a Chaplain for the Office of Restorative Justice for the
6 Archdiocese of the LA Catholic Church, witnessed several deputies strike, kick,
7 and taser a non-resisting, non-fighting, hand-cuffed, and waist-chained prisoner.
8 The deputies were constantly yelling, "Stop Resisting"; "Stop Fighting". A "Code
9 4" was announced over the PA system and two other deputies arrived at the scene
10 and began kicking the prisoner who was bleeding and motionless on the floor. A
11 Sergeant appeared just after the beating took place.

12 21. Chaplain Juarez was told he was going to be interviewed regarding his
13 witnessing the Use of Force incident. He requested that an attorney from the
14 Archdiocese accompany him for the interview, a request which was denied by the
15 LASD. During a later meeting with Sheriff Baca, the Sheriff stated that the
16 Investigative File for the incident did not contain the detailed report of the incident
17 that Chaplain Juarez had written. During this meeting, Sheriff Baca read from
18 what appeared to be the findings of the investigation, and the only reference to the
19 Chaplain was that he had "exaggerated".

20 22. It is difficult to understand how the administration of the Jail could
21 ignore a civilian volunteer's account of this Use of Force by merely stating that he
22 had "exaggerated" and not include his report in the Investigative File.

23 23. Chaplain George Garcia, who has been ministering to the prisoners
24 since 2005, states that he witnessed a Use of Force incident. He observed several
25 deputies kicking and kneeling a non-resisting, non-fighting prisoner who was lying
26 on the ground for several minutes. A Sergeant was also present during the assault.
27 Two deputies told Chaplain Garcia to leave the area and go inside. Even though
28 numerous deputies and a Sergeant knew that Chaplain Garcia was an eyewitness to

1 the incident, he was never interviewed regarding this incident by LASD personnel.
2 The failure to interview a civilian eyewitness to a Use of Force incident renders the
3 results of that investigation incomplete, useless, and unprofessional in today's
4 correctional management.

5 24. A related concern is that civilian volunteers in the jails appear to be
6 concerned that if they do come forward and report what they have seen, the LASD
7 will retaliate against them by terminating their jail access. The declarations of
8 three civilian eyewitnesses to Use of Force incidents (including the two jails
9 chaplains George Garcia and Paulino Juarez, and volunteer teacher Scott Budnick)
10 reveal enormous problems with the LASD's practices of conducting investigations
11 of Use of Force incidents involving deputies and prisoner. Scott Budnick states he
12 told some Chaplains of the unjustified force he was observing and the chaplains
13 advised him not to report it. They said that LASD had a practice of ejecting
14 volunteers from the jails if they reported abuses and that he wouldn't be able to
15 work any longer with the prisoners he was teaching. They told him that they were
16 afraid to report instances of abuse because they would lose their jobs. Obviously,
17 if civilians fear reporting possible illegal activities by LASD personnel, it
18 undermines the quality and validity of any investigation conducted by LASD into
19 the Use of Force incidents.

20 25. A troubling aspect of these civilian reports is that civilians who
21 witness a Use of Force fear for their own safety if they attempt to intervene during
22 the assault. Declaration of Paulino Juarez ¶¶ 20, 23; Declaration of George Garcia
23 ¶ 14. I have never experienced or heard of staff, volunteers or citizens going into a
24 correctional facility and being afraid for their own safety at the hands of staff.
25 Prisoners: yes, occasionally; but staff: UNHEARD OF.

26 26. In the Declaration of Custody Chief Dennis Burns filed with the Court
27 in Rutherford, he cites an oversight agency called Office of Independent Review
28 (OIR) as a check and balance to the investigations that his staff performs.

1 However, the documents I have reviewed show that the investigative role OIR
2 plays is extremely limited.

3 27. It is my understanding that OIR does not conduct its own independent
4 review of Use of Force incidents in the LA County Jails. Rather, OIR only reviews
5 the jail investigations that the jail submits to OIR. Even if OIR does sometimes
6 conduct its own interviews, it is hard to understand why it did not elect to
7 interview a chaplain who was an eyewitness to a significant Use of Force incident.
8 Because OIR rarely, if ever, conducts its own interviews, the quality of its reviews
9 is severely undermined if LASD does not have proper policies and procedures in
10 place. For example, if a prisoner witness is intimidated prior to or during his
11 interview by the deputy/s who the prisoner says assaulted him, the value of the Jail
12 investigation is compromised. Worse still, if a civilian eyewitness to deputy abuse,
13 such as Chaplain George Garcia, is never interviewed, then the jail investigation
14 presented to OIR for its review is almost useless.

15 28. In addition, OIR receives an enormous amount of force packages and
16 is unable to review all of them thoroughly due to the size of its staff. Finally, OIR
17 does not have a lot of power with LASD because LASD does not have to follow
18 OIR's recommendations. OIR simply writes reports agreeing or disagreeing with
19 how LASD handled a particular Use of Force incident.

20 29. Based on the above, it would appear that OIR is of little value in being
21 a check and balance to the investigations conducted by the LASD.

22 **B. There Is a Significant Problem in the Jails with Deputies Using**
23 **Excessive and Illegal Force against Prisoners**

24 30. I am well aware from my 30-plus years in corrections that prisoners
25 do not always tell the whole truth; however, the old saying "where there is smoke,
26 there is fire" is apt in this situation. There are far too many reports of staff-on-
27 inmate assaults in LA County Jails to ignore the strong probability that rogue
28 deputies in the LASD jails are routinely assaulting prisoners. Experienced

1 correctional professionals have learned that many times, what prisoners say and
2 how they say it “rings true.” That is, it sounds believable; I repeatedly found
3 myself making this “rings true” observation as I was reading the numerous
4 prisoner declarations I have reviewed in this matter.

5 31. My observation that numerous statements in the prisoner declarations
6 rang true was reinforced by a number of other factors.

7 32. First, four civilian eyewitnesses (two chaplains, a volunteer tutor, and
8 an ACLU Jails monitor) have made sworn statements that they witnessed excessive
9 and/or unprovoked force against prisoners. In addition, Mr. Budnick reported that
10 LASD personnel admitted to treating prisoners harshly and even beating them.
11 During his orientation with approximately 40 other volunteers, staff warned them
12 that they would observe deputies cursing at prisoners and using force against them
13 because this was the only way that prisoners could be taught to comply with jail
14 rules. After witnessing one of the five beatings, Mr. Budnick told a deputy what
15 he had observed and the deputy responded, “Yeah, we fuck these guys up all the
16 time.” Declaration of Scott Budnick ¶12.

17 33. Second, numerous prisoner declarations have stated that as they were
18 being beaten, or as they observed deputies beating other prisoners, the deputies
19 would yell “Stop Fighting” or “Stop Resisting,” even though the prisoner against
20 whom force was being used was not resisting. *See, e.g.*, Declaration of Fred
21 Nowden ¶ 6; Declaration of Jonathan Goodwin (08-19-2011) ¶ 22; Declaration of
22 Devon Mannings ¶ 13; Declaration of Alex Rosas ¶ 9. These prisoner declarations
23 are corroborated by three of the civilian eyewitnesses (Esther Lim, Scott Budnick,
24 and Paulino Juarez) each of whom stated that he or she heard deputies yelling
25 “Stop Fighting” and “Stop Resisting” as the deputies were beating prisoners who
26 were not resisting and in some cases were handcuffed. For example, Esther Lim,
27 the Jails Project Coordinator for the ACLU of Southern California who is charged
28 with monitoring the LA County Jails, witnessed a staff assault on a prisoner while

1 she was interviewing another prisoner. She states she witnessed two Deputies
2 (Ochoa and Hirsch) “savagely beating” a non-resisting prisoner while they
3 repeatedly shouted, “Stop Resisting”; “Stop Fighting”. Deputy Ochoa has been
4 identified numerous times by prisoners in their declarations regarding Use of Force
5 incidents. *See* Declarations of Christopher Atkins and Peter Johnson.

6 34. Mr. Budnick declared that Chaplains of all faiths have repeatedly told
7 him that it is common practice for deputies who are beating unresisting prisoners to
8 yell “Stop fighting”; “Stop resisting”.

9 35. In my professional experience, rogue security staff typically use these
10 statements, “Stop fighting” or “Stop resisting,” to justify their illegal Use of Force
11 against prisoners.

12 **C. Summary**

13 36. Incidents involving staff-on-inmate Use of Force need to be taken
14 very seriously by supervision and management in our nation’s correctional
15 facilities. Unfortunately, there are rogue correctional/detention staff who abuse
16 their positions of authority by assaulting those they are charged to protect. These
17 sworn law enforcement and corrections officers have a constitutional mandate to
18 provide a secure, safe, and humane environment for those in their custody. In the
19 event that force is required to control a prisoner, “. . .*only, that amount of influence*
20 *necessary to bring the individual safely under control should be used*” (Federal
21 Bureau of Prisons - AKIDO Training).

22 37. When pervasive, long-standing systemic abuses of this kind exist, it
23 indicates a failure of leadership at the top. This kind of systemic abuse does not
24 occur when the head administrator – who in this case is Sheriff Baca – publicly and
25 professionally declares that the staff-on-prisoner assaults will STOP and that he
26 will no longer tolerate Unnecessary Use of Force on prisoners.

27 38. In all cases of a Use of Force incident, an independent investigative
28 department must thoroughly and professionally investigate each incident.

1 39. After an initial review of documents provided by all those involved
2 (staff, prisoner, and civilians), if there is any indication that there was an
3 Unnecessary Use of Force, the staff involved should be either assigned to a post
4 that has no direct prisoner contact, or suspended, pending a more thorough
5 investigation.

6 40. It is my expert opinion that the myriad accounts of staff-on-prisoner
7 assaults that have been reported and documented as well as the numerous prisoner
8 hospital visits over the years constitute prima facie evidence of systemic staff-on-
9 prisoner abuse by rogue deputies of the LASD jail systems.

10 41. Therefore, it is my opinion that the time has come for a drastic
11 response to what is happening in the LASD jails. This response could include a
12 federal criminal investigation by the US Attorney's Office, a federal civil rights
13 investigation under the Civil Rights of Institutionalized Persons Act (CRIPA), or a
14 Court ordered appointment of a Special Master to correct the pattern of pervasive
15 long-standing and unchecked prisoner abuse by deputies against prisoners.

16 42. I do not make this last recommendation lightly. As correctional
17 professionals, we should pride ourselves on managing and operating our
18 correctional facilities in a secure, safe and humane manner. It is our responsibility
19 to ensure that the constitutional guarantees that all citizens have are provided to
20 those prisoners that the courts have placed into our custody. However, in this case
21 the abuses that are well documented are pervasive, systemic and ongoing and
22 something drastic must take place to ensure that the staff-on-prisoner assaults that
23 are taking place in the LASD Jail system be stopped.

24 43. In my professional opinion, Sheriff Baca is either unwilling or unable
25 to control the systemic abuse that permeates his LA County Jail system. New
26 leadership and thorough, independent professional investigations into staff-on-
27 prisoner abuses and threats are imperative to ensure Los Angeles County has a
28

1 well-run professional correctional system, which should guarantee the
2 constitutional rights of those within its charge.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 Executed September 19, 2011 in Eden, Utah.

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Toni V. Bair
Corrections Consultant

**DECLARATION OF EXPERT
THOMAS R. PARKER**

**Report
of
Thomas R. Parker**

**Dennis Rutherford, et al, Plaintiffs v. Leroy Baca, et al, Defendants
Case #Civ. 75-04111-DDP
U.S. District Court, Central District of California**

“The mission of policing can safely be entrusted only to those who grasp what is morally important and who respect integrity. Without this kind of personal character in police, no set of codes or rules or laws can safeguard that mission from the ravages of police misconduct.”

**-Edwin J. Delattre, Author
*Character and Cops: Ethics in Policing***

Introduction

On February 13, 2011, I was retained by Peter Eliasberg, who is now the Legal Director, American Civil Liberties Union Foundation of Southern California (ACLU), on behalf of the Plaintiff Class in the matter captioned “DENNIS RUTHERFORD, ET AL, V. LEROY BACA, ET AL, Civ. 75-004111-DDP, U.S. District Court, Central District of California,” to examine numerous inmate, former inmate, and civilian declarations, legal filings, correspondence, ACLU reports, and media articles and broadcasts, and, based upon my training, knowledge, and experience, to assess allegations of physical abuse and excessive use of force against inmates within the Los Angeles County Jails system and the Los Angeles County Sheriff’s Department (LASD), which staffs and manages the jails.

I was subsequently provided with numerous documents, generally described above, by Mr. Eliasberg, and I also independently found other documents and literature, all of which I reviewed in pertinent part while doing my investigation, research, analysis, and preparation for this report. I also conducted interviews with some of the declarants to analyze the information they provided. Based upon this review, I made various observations regarding allegations of violence and mistreatment against inmates by their guards and arrived at certain findings and conclusions as set forth hereinafter in this report.

This is only an initial and interim report, as I do not yet have access to a significant number of documents pertinent to this matter and critical to my formulating complete opinions and conclusions. These documents are currently being sought pursuant to the “Plaintiff’s Third Set of Requests For Production” and “Plaintiff’s 1st Set of Interrogatories,” both dated October 22, 2010, to which LASD has not yet provided any response. Further, a tour of the Men’s Central Jail and Twin Towers Jail was requested by the ACLU and approved and scheduled by LASD for April 6, 2011, for me and another expert witness on this matter. At the last minute, the LASD abruptly cancelled this tour. This tour is necessary to put the contents and context of most of the documents I have reviewed into a proper perspective.

Executive Summary

I am a 24-year veteran of the Federal Bureau of Investigation. When I retired in 1994, I was Assistant Special Agent in Charge (ASAC) of the Los Angeles Regional Office -- the FBI's second largest field division at that time. I had served in that position since November 1989. In my career at the FBI, I supervised and participated in numerous investigations into allegations of criminal and civil rights violations by law enforcement agency personnel, including within the Narcotics Division of the Los Angeles County Sheriff's Department and the Los Angeles Police Department, as well as within numerous jails and prisons throughout the country.

On February 13, 2011, I was retained by the Plaintiff class in Rutherford v. Baca CV 75-04111 DDP, to examine numerous inmate declarations, legal filings, correspondence, reports, and media articles and broadcasts, and, based upon my training, knowledge, and experience, to assess allegations of physical abuse, excessive use of force by deputies against inmates as well as deputy-instigated inmate-on-inmate abuse within the Los Angeles County Jails system and the Los Angeles County Sheriff's Department (LASD), which staffs and manages the jails.

Of all the jails I have had the occasion to visit, tour, or conduct investigations within, domestically and internationally, I have never experienced any facility exhibiting the volume and repetitive patterns of violence, misfeasance, and malfeasance impacting the Los Angeles County Jail system, particularly Men's Central Jail, and to a lesser extent, the two Twin Towers facilities. This jail system is one of the largest in the United States, if not the world. It regularly houses every type of criminal, and thus has every conceivable problem a correctional facility can have. However, in most facilities that are professionally managed these problems are usually anomalies, rather than the norm. In the case of the Los Angeles County Jails, the anomalies appear to be the norm.

Deputy violence and abuse is legally impermissible whether perpetrated against convicted felons or against pre-trial detainees. It is worth noting, nevertheless, that the great majority of inmates in the Los Angeles County jail facilities are simply awaiting trial and, by law and the U.S. Constitution, are still legally presumed innocent until proven guilty.

My principle opinions and conclusions are as follows:

1. To an astonishing extent, unchecked violence, both deputy-on-inmate and inmate-upon-inmate, permeates Men's Central Jail and Twin Towers Jails, which are components of the Los Angeles County Jails, managed by the Los Angeles County Sheriff's Department under the leadership of Sheriff Leroy Baca.
2. Sheriff Baca and his top management team LASD have essentially abdicated their responsibilities to provide a safe, secure, and corruption-free incarceration environment within the Los Angeles County Jail System. This has resulted in a pattern of countless inmates' suffering severe injuries, maiming, and death, some caused by fellow inmates, but most often at the hands of, or with the acquiescence or assistance of, the deputy sheriffs who are their keepers.
3. The lack of effective, consistent, and impartial investigation by LASD into such evidence raises bright red flags as warning signals that things are horribly amiss in the operation and management of the Los Angeles County Jail System, especially Men's Central Jail and the Twin Towers Jail facilities.
4. The evidence I have seen in preparing this report is overwhelming with regard to systemic violence, misfeasance, and malfeasance, including corruption, within the Los Angeles County jails, especially the Men's Central Jail and the Twin Towers facilities. There is a prevalent and long-term pattern of such unchecked violence, and it has become the accepted practice in jail operations, along with systemic institutional actions to cover it up.

5. For the most part, within these three facilities, there is inattentive and inadequate supervision, a virtually autonomous staff of deputies managing the inmate population by their own arbitrary and often violent whims, widespread violations and lack of enforcement of the Jails' own rules and policies, discipline so lax it is bordering on being nonexistent, and inculcation of fear in inmates through intimidation and physical and verbal abuse. There is also an overarching lack of sensitivity and attention to inmates' physical handicaps, medical needs, mental health issues, personal hygiene, living conditions, personal safety, and basic civil rights. These conditions have existed for years without any meaningful remediation and continue to exist virtually unchecked today.

6. At least since the 1980s and perhaps as far back as the early 1970s, the LASD has had an unknown number of deputy gang-like subgroups using tattoos, hand-signs, intimidation tactics, and physical violence often bordering on vigilante-style justice, to maintain their dominance not only within their assigned duty stations but also within the LASD in general. Sheriff Baca has been aware of the existence of these deputy-gang sub-groups as far back as 1972, and Assistant Sheriff Paul Tanaka was a member of one such gang, perhaps the most infamous one, earlier in his career.

7. The Kolts Commission, almost 20 years ago, recognized and exposed the existence of "Deputy Gangs" and reported that their actions are "of a profoundly serious nature, touching the fundamental fitness of the LASD to perform its mission." Their actions were described as "numerous acts of excessive force including shootings, beatings and the destruction of property." Such "Deputy Gangs" still exist today, seemingly with impunity, right under the eyes of all levels of the current management of LASD. One specific Deputy Gang, the "3000 Boys," appears to be the most virulent based on what I have reviewed for this report.

8. Incidents of deputy-on-inmate violence, after no or only nominal investigation by LASD, are routinely reported by deputies as unprovoked inmate-on-deputy assaults. If an inmate complains of being beaten or injured by jail deputies, those complaints are almost universally declared unfounded. Most of these complaints get “resolved” at the lowest levels in the LASD. Proper reporting procedures seem to be routinely ignored.

9. Merrick Bobb, President and founding director of the Police Assessment Resource Center (PARC), serves as Special Counsel to the Board of Supervisors to monitor the LASD. Between 1993 and 2010, Mr. Bobb has published 29 reports on his monitoring the status of operations and reform within LASD. Many of those reports during that 17-year period report numerous incidents involving excessive use of force by deputies in the jails, including “cases in which the decision to exonerate the officer [in excessive force cases] simply defies explanation, and there are still incidents, almost all in the custody setting, where the use of force is either senseless or overly severe.”

10. Neither the Special Counsel, nor the Office of Independent Review (OIR) has any real authority or means to effectively address problems in the county jails or within the LASD. PARC does research on issues in the LASD, including the jails, and issues semi-annual reports, which include findings and recommendations – many of them excellent – about problems in the jails. However, the Sheriff has no obligation to adopt any of those recommendations. OIR does not conduct independent investigations of use of force incidents, but instead must rely on assessing incidents of force through reports and materials presented to them by the LASD. In addition, LASD does not have any obligation to accept OIR’s conclusion as to whether a use of force was appropriate, or OIR’s recommendation of the appropriate discipline to be imposed on officers who are found to have violated LASD policy or the law. Thus, there is only a façade of outside independent oversight of the LASD, when, in reality, the LASD has rendered it ineffective.

11. The volume of complaints and injuries I have reviewed in preparing this report is absolutely astonishing to me as a criminal justice professional and former senior law enforcement executive manager. The similarities and consistency of the incidents

reported by the inmates' declarations lends tremendous credibility to those allegations. They are further validated by reports of outside individuals – including jail chaplains and instructors – with no reason to cast unfounded aspersions upon LASD deputies and managers.

12. It is highly significant that a number of civilian witnesses to deputy violence have come forward and reported witnessing deputies attack non-resisting inmates. Their accounts indicate that deputies feel such a sense of impunity that they are unafraid to assault inmates even in areas where they know they may be observed by civilians. Their experiences suggest that the culture of deputy violence in the Jails has become so hardened and pervasive that deputies feel emboldened to carry out their attacks even in non-secluded areas.

13. To date, neither the LASD, Sheriff Baca, nor any of his top subordinates has been held accountable for such failures. Having investigated corruption, the use of excessive force, and other irregularities in numerous police and sheriff's departments and custodial facilities, including the LASD, I have seen agencies that are perfectly capable of effectively and impartially investigating themselves, but have seen an even larger number that do not have that capability or the will to acquire it. It is clear that LASD has been, and still is, incapable of investigating itself with regard to the clear evidence of jail violence and other misfeasance and malfeasance.

14. I am quite familiar with the infamous LAPD Rampart Division corruption scandal, as well as the equally infamous Rodney King matter. In my opinion, based on my investigation reported herein, this matter involving high levels of violence within the LASD County Jail System is actually significantly more systemic, involving many more LASD officers, supervisors, and managers than the number of LAPD officers, managers, and supervisors involved in the Rampart matter. In addition, many of the incidents of jail violence are far more severe than the King beating or much of the other excessive force that was prevalent at that time in the LAPD.

15. The voluminous evidence I have reviewed cries out for an independent, far-reaching, and in-depth investigation by the Federal Government of the conditions and acts of unchecked violence within the Los Angeles County Jails, especially at the Men's Central Jail and the Twin Towers Jail facilities, if not the entire management and operation of the jail system. The U.S. Department of Justice Civil Rights Division and the Federal Bureau of Investigation are most likely the only agencies with the authority, independence, and expertise to conduct such an investigation. Since the LASD appears totally incapable and lacking in motivation to correct these problems, it remains for the federal government and the courts to do so. The problem can no longer be ignored.

THOMAS R. PARKER

Culminating a thirty year career in local and Federal law enforcement, Tom Parker spent 24 years with the Federal Bureau of Investigation (FBI) prior to his retirement in February, 1994. He rose through the FBI ranks in a variety of progressively responsible investigative, supervisory, and management positions and retired as Assistant Special Agent in Charge of the Los Angeles FBI Regional Office – the Bureau’s second largest office at that time.

Mr. Parker had executive management responsibility for one of the largest field contingents of FBI Agents in the United States investigating organized crime, international narcotics trafficking, major violent crime, violent street gangs, crimes against corporations, white collar crimes, civil unrest, law enforcement and public official corruption, and civil rights violations including police brutality. Included among his responsibilities were the latter phases of investigation into rampant corruption in the Narcotics Division of the Los Angeles County Sheriff’s Department, as well as the initiation of the FBI investigation into the Rodney King Matter involving the Los Angeles Police Department. He was also the senior Federal law enforcement executive assigned to the Los Angeles Emergency Command Center managing the law enforcement activities during the infamous 1992 Los Angeles riots, as well as the crisis management of the cataclysmic 1994 Los Angeles earthquake.

During his career, he provided management oversight to numerous FBI investigations involving police brutality, police corruption, excessive use of force by police, and other forms of police misfeasance and malfeasance. He also conducted and supervised numerous cases involving irregularities in jails and prisons, including excessive use of force.

As a senior field commander, Mr. Parker had executive management responsibilities for numerous FBI field supervisors, and was responsible for overseeing and evaluating their supervisory performance. Mr. Parker also created and/or managed various specialized FBI squads and interagency task forces on bank robberies, fugitives, major violent crimes, street gangs, organized crime, drug trafficking, civil unrest, official corruption, and white collar crimes. Mr. Parker also served as the on-site FBI commander for major arrests, execution of search warrants, undercover operations, drug seizures, SWAT operations, hostage negotiations, and shooting incidents involving FBI Agents. He also created and implemented the first Joint Drug Intelligence Center in the western United States which used sophisticated computer systems to gather, analyze, and disseminate complex drug trafficking intelligence data impacting the southwestern border and Pacific coast of the United States. Mr. Parker was also the senior FBI representative to the Western U.S. High Intensity Drug Trafficking Area Executive Board responsible for the coordination of Federal funding for international and domestic drug enforcement investigations by Federal, state, and local law enforcement agencies in the Los Angeles area. In both 1990 and 1991, he was a delegate to the Japanese-American Working Group on Organized Crime.

His field command responsibilities also included approving the initiation of major criminal investigations, including sophisticated undercover operations, the evaluation of the sufficiency of investigative results prior to the issuance of criminal complaints or indictments, and assuring compliance with Attorney General and FBI Guidelines on the initiation and continuance of criminal investigations.

Mr. Parker was also responsible for reviewing candidates for promotion to supervisory rank and recommending candidates for promotion. He also conducted numerous internal investigations of violations of FBI ethical standards, policies and procedures, as well as FBI shooting incidents, and recommended disciplinary actions when necessary. He also served as chairman of the divisional FBI Undercover and Sensitive Investigations Review Committee.

Prior to his assignment to the Los Angeles FBI Office, he was the Chief of Resource Management and Strategic Planning for the Criminal Investigative Division of the FBI at FBI Headquarters, Washington, DC. In that position, Mr. Parker was responsible for the formulation, presentation, and implementation of the FBI budget for all criminal investigative programs, as well as managing the allocation of investigative and program resources to the FBI field offices. He also managed the strategic planning functions for criminal investigations and implemented new change strategies designed to emphasize service industry management concepts in order to increase the FBI responsiveness its constituent clients.

Mr. Parker was also responsible for creating and implementing the first Asset Seizure and Forfeiture Teams in major FBI field offices to identify and locate the illicit profits of major criminals and to recover those profits for ultimate forfeiture to the government. He was also a member of the FBI's National Undercover Review Committee which had the approval authority over all FBI criminal undercover operations. He also represented the FBI at U.S. Department of Justice, White House, and Congressional budgetary and strategic planning meetings.

Mr. Parker also served as a member of the FBI Inspection Staff where he conducted compliance, effectiveness, and efficiency examinations of FBI field offices and their investigations throughout the United States and FBI Headquarters divisions, as well as managing internal FBI investigations of Agents and other personnel who have violated FBI policies and procedures in carrying out their duties, or have been involved in shooting and other use of force incidents.

During his FBI career, he held numerous field supervisory and management positions throughout the United States and also served as a Supervisory Special Agent/Program Manager in the Office of the Director, FBI Headquarters, Washington, DC, where he managed a full range of congressional liaison and public affairs functions for the FBI involving Congressional testimony, media relations, law enforcement-press liaison, and citizen information programs. He was also an instructor at various training courses for the press officers of the FBI's field offices. He also served for two years as senior speech writer for then FBI

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Director William H. Webster. Thereafter, Mr. Parker was designated as the Supervisory Special Agent in Charge of the St. Paul, Minnesota FBI Office, where he was responsible for management of all FBI resident agents in Minnesota and their investigations. In this position, he managed various Federal investigations into the use of violence in local jails and state and Federal prisons.

While a field investigator early in his career, Mr. Parker specialized in the investigation of complex white collar crimes, corruption of police and public officials, and organized crime. He was the FBI representative to the Las Vegas Federal Organized Crime Strike Force investigating corruption within the Nevada gaming industry. He personally initiated the successful multi-year probe into the hidden Mafia ownership and control of major Las Vegas casinos which resulted in the conviction and imprisonment of the entire leadership of the Mafia families in Chicago, Kansas City, and Cleveland, as well as the liberation of these casinos from organized crime control. His investigation became the focus of the 1995 hit movie, "**Casino**" starring Robert DeNiro.

He has personally investigated and/or managed in excess of 8,000 criminal cases while serving in the FBI, including assaults and killings in Federal and state prisons, excessive use of force by police and correctional officers, and corruption within police departments and prisons.

Mr. Parker was an FBI field instructor for police officers and prison officials for over ten years on management and supervision, law enforcement stress, police ethics and corruption, public affairs and media information procedures, informant development and handling, police report writing, criminal investigations, patrol procedures, and hostage negotiations. He was also a frequent guest lecturer at the FBI Academy, and was also an adjunct Instructor in Criminology for the College of St. Francis, Joliet, Illinois.

Mr. Parker was also a trained and experienced hostage negotiator. During his career, he has also posed as the co-pilot of a hijacked jetliner in order to obtain the release of passengers being held hostage and capturing the armed skyjacker. He led one of the first successful FBI investigations into the illegal activities of a heavily armed group of ultra-right anti-government militants, and conducted many successful criminal investigations into the organized crime infiltration and control of several labor unions in the United States. He also conducted or managed a number of investigations which resulted in the conviction and imprisonment of several high-level government officials for corruption, including a police chief, the Speaker of the Missouri State House of Representatives, and two sitting U.S. Congressmen.

Mr. Parker was the recipient of over twenty official commendations from the Director of the FBI for valor, managerial excellence, and investigative achievements.

Prior to his employment as a Special Agent of the FBI, Mr. Parker was a police officer in Santa Clara, California for four years.

Upon his retirement from the FBI, Mr. Parker founded and led an international security consulting and investigative firm in Los Angeles with contract associates in a number of domestic and international locations. In just two years, Mr. Parker built the firm's revenue stream into the multi-million dollar range. He and his highly experienced investigators and security consultants have been regularly retained throughout the world by multinational corporations, international law firms, government agencies, and private individuals to conduct extremely complex international consulting projects and investigations.

He has been regularly quoted or interviewed in various national and international mass media outlets including the Wall Street Journal, the New York Times, and the Los Angeles Times, and has also been a guest expert commentator on CNN, MSNBC, all four major U.S. television networks, and a number of foreign television networks on various major investigations and police operations around the world, including the October, 2002, sniper shootings in the Washington, DC, area, and the 9/11 attacks on the United States.

Mr. Parker has also consulted with various regional units of the Ministry of the Interior Affairs (MVD) in Russia on developing new training programs for their national police force and the Ministry of Justice prisons staff designed to increase their professionalism and responsiveness to the citizenry, reduce violence and corruption by police officers and prison officials, and to improve the thoroughness of their investigative and enforcement operations prior to the arrest of suspected lawbreakers. He has also provided training to the police in nine cities across Russia in developing community policing programs and more effective responses to gender violence incidents.

Beginning in 1994, Mr. Parker became active in the human rights movement, and in 1997 was invited to become a member of the California Committee of the Board of Human Rights Watch (HRW), the international human rights monitoring organization. In 1998, he was selected as a member of its California Executive Committee. In that capacity, he served as an unpaid consultant on the book captioned Shielded From Justice: Police Brutality and Accountability in the United States (Human Rights Watch, 1998), which reported the results of 2-1/2 years of research into continuing problems of police brutality in fourteen American cities, including Los Angeles.

He has also been active in California Death Penalty Focus in advocating the elimination of the death penalty, and in 2010 was elected to its Board of Directors. He is also an associate member of California Attorneys for Criminal Justice. He served for two years as a Commissioner on the Fire and Police Commission for the City of Santa Barbara, California.

Mr. Parker also serves as an expert witness domestically and internationally. He has been qualified as an expert witness in state and Federal courts on excessive use of force by law enforcement and police operational procedures, as well as in complex financial frauds and on complex political asylum cases.

**DECLARATION OF FORMER PRISONER
ALEXANDER FUENTES**

1 **Declaration of Alexander Fuentes**

2 I, Alexander Fuentes, hereby declare:

3 1. I make this declaration based on my own personal knowledge and if called to
4 testify I could and would do so competently as follows:

5 2. I am thirty four years old and have been at Men’s Central Jail (“MCJ”) since
6 October 28, 2010. I was currently housed in Module 2200, Row A, Cell 10 and have been
7 housed here since January 8, 2011. I was released from the Los Angeles County Jail System
8 (“LACJS”) on March 8, 2011.

9 3. From November 20, 2010 until January 7, 2011, I was housed in Module 3500,
10 Row A, Cell 5. During this time I have only had two showers even though I know Title 15 says
11 that we’re supposed to have showers at least every other day.

12 4. While here I have seen the morning shift deputies, a total of five different deputies
13 scanning the scan code for inmate showers and then scanning the inmate’s barcode on our
14 wristband, but not giving us showers. By scanning the shower scan code and the inmate’s
15 wristband barcode it will show up on the Los Angeles Sheriff Department’s (“LASD”) log that
16 the inmates were given showers for that day.

17 5. The five deputies that I am referring to all work on Module 3500 and work on the
18 AM shift or the morning shift. One of the deputies is Deputy Carbajal who is male, another is
19 Deputy Leo, who is short, female Hispanic and three other male deputies. I do not know their
20 names, but one is Hispanic with a shaved head, who is around five feet and ten inches. The other
21 is Hispanic, skinny with short hair with a fade and is around five feet and nine inches. The third
22 is a Custody Assistant who is Hispanic, fat with short hair and is five feet and ten inches. I know
23 he’s a Custody Assistant because he wears the green uniform. I also estimated their height and
24 know that the three deputies are around that height because I am taller than they are. I am around
25 six feet tall.

26 6. From my cell, I have seen these deputies more than five times at approximately
27 six o’clock to seven o’clock in the morning, walk over to the scan code that is next to the
28 inmates’ showers, scan the scan code, then immediately walk down my row and tell the inmates

1 to stick out their wrists so that they can scan the barcodes. I then use my hand mirror to see
2 down my row to see that the deputies are scanning all the other inmates' barcodes. Despite doing
3 this, they don't give us showers, so if we want to get clean, especially when we have to go to
4 court, we have to "bird bath" or use the sinks in our cells to wash ourselves.

5 7. I know that the scan code that the deputies are scanning are for the showers
6 because when I have walked by the scan code, it says "Showers" on it.

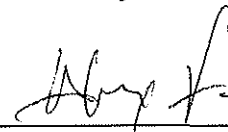
7 8. When I have seen them scan the inmates' showers' scan code, they do it on a
8 Monday, Wednesday or a Thursday.

9 9. The AM shift deputies are supposed to shower the inmates in cells numbered 1-13
10 and the PM shift deputies are supposed to shower the inmates in cells number 14 and up. The
11 AM shift deputies scans the inmate showers' scan code and our wristbands, but doesn't give us
12 showers, while the PM shift deputies scans the inmate showers' scan code and the inmates'
13 wristbands, but actually gives the inmates in cell number 14 and up showers.

14 10. Because I am in cell number five, I have only had two real showers, whereas the
15 other inmates in cells 14 and up have had more showers than me and the other inmates in cells 1-
16 13.

17 11. Also, the two days that we actually got showers, the deputies didn't even scan the
18 inmate showers' scan code or the inmates' barcode.

19 I declare under penalty of perjury of the laws of the State of California and the United
20 States that the foregoing is true and correct. Executed this 17th day of March, 2011 in Los
21 Angeles, California.



22
23 Alexander Fuentes

1 **Declaration of Alexander Fuentes**

2 I, Alexander Fuentes, hereby declare:

3 1. I make this declaration based on my own personal knowledge and if called to
4 testify I could and would do so competently as follows:

5 2. I am thirty four years old and have been at Men's Central Jail ("MCJ") since
6 October 28, 2010. I was currently housed in Module 2200, Row A, Cell 10 and have been
7 housed here since January 8, 2011. I was released from the Los Angeles County Jail System
8 ("LACJS") on March 8, 2011.

9 3. From November 20, 2010 until January 7, 2011, I was housed in Module 3500,
10 Row A, Cell 5. During this time I have only had two showers even though I know Title 15 says
11 that we're supposed to have showers at least every other day.

12 4. While here I have seen the morning shift deputies, a total of five different deputies
13 scanning the scan code for inmate showers and then scanning the inmate's barcode on our
14 wristband, but not giving us showers. By scanning the shower scan code and the inmate's
15 wristband barcode it will show up on the Los Angeles Sheriff Department's ("LASD") log that
16 the inmates were given showers for that day.

17 5. The five deputies that I am referring to all work on Module 3500 and work on the
18 AM shift or the morning shift. One of the deputies is Deputy Carbajal who is male, another is
19 Deputy Leo, who is short, female Hispanic and three other male deputies. I do not know their
20 names, but one is Hispanic with a shaved head, who is around five feet and ten inches. The other
21 is Hispanic, skinny with short hair with a fade and is around five feet and nine inches. The third
22 is a Custody Assistant who is Hispanic, fat with short hair and is five feet and ten inches. I know
23 he's a Custody Assistant because he wears the green uniform. I also estimated their height and
24 know that the three deputies are around that height because I am taller than they are. I am around
25 six feet tall.

26 6. From my cell, I have seen these deputies more than five times at approximately
27 six o'clock to seven o'clock in the morning, walk over to the scan code that is next to the
28 inmates' showers, scan the scan code, then immediately walk down my row and tell the inmates

1 to stick out their wrists so that they can scan the barcodes. I then use my hand mirror to see
2 down my row to see that the deputies are scanning all the other inmates' barcodes. Despite doing
3 this, they don't give us showers, so if we want to get clean, especially when we have to go to
4 court, we have to "bird bath" or use the sinks in our cells to wash ourselves.

5 7. I know that the scan code that the deputies are scanning are for the showers
6 because when I have walked by the scan code, it says "Showers" on it.

7 8. When I have seen them scan the inmates' showers' scan code, they do it on a
8 Monday, Wednesday or a Thursday.

9 9. The AM shift deputies are supposed to shower the inmates in cells numbered 1-13
10 and the PM shift deputies are supposed to shower the inmates in cells number 14 and up. The
11 AM shift deputies scans the inmate showers' scan code and our wristbands, but doesn't give us
12 showers, while the PM shift deputies scans the inmate showers' scan code and the inmates'
13 wristbands, but actually gives the inmates in cell number 14 and up showers.

14 10. Because I am in cell number five, I have only had two real showers, whereas the
15 other inmates in cells 14 and up have had more showers than me and the other inmates in cells 1-
16 13.

17 11. Also, the two days that we actually got showers, the deputies didn't even scan the
18 inmate showers' scan code or the inmates' barcode.

19 I declare under penalty of perjury of the laws of the State of California and the United
20 States that the foregoing is true and correct. Executed this 17th day of March, 2011 in Los
21 Angeles, California.

22 _____ /s/
23 Alexander Fuentes

**DECLARATION OF FORMER PRISONER
GORDON GRBAVAC**

1 **Declaration of Gordon Grbavac**

2 I, Gordon Grbavac, hereby declare:

3 1. I make this declaration based on my own personal knowledge and if called to
4 testify I could and would do so competently as follows:

5 2. I am 44 years old and I am the Superintendent for the California Builders Group
6 Incorporated in Culver City.

7 3. On Monday, August 24, 2009, the Los Angeles Sheriff's Department ("LASD")
8 came to my business with a search warrant. Four days after my arrest, I was charged with
9 possessing an assault rifle that was not registered with California.

10 4. After I was arrested and taken to the Inmate Reception Center ("IRC") where I
11 was processed. At IRC, I told the assessment deputies that I had relatives who worked for
12 LASD. I have a cousin named Kresimir Kovac who worked at the Century Regional Detention
13 Facility ("CRDF") in Lynwood, California and who now works for the Compton Station. He
14 was arrested in 2002 for conspiracy to offer an assault weapon for sale. I have another cousin
15 named Adrien Grbavac who works at the Temple Station. I have attached a copy of their LASD
16 business cards to this declaration as Exhibit 1.

17 5. Despite disclosing this information to the IRC deputies and telling them that I
18 didn't want to be placed in general population, I was still placed in general population.

19 6. A couple of days later, a deputy asked me if I had family in law enforcement. I
20 told him that I did. He said, "The inmates know this. Your life is threatened, so I'd say where
21 the deputies can see you." He also said to me, "I don't know why you're not in PC [protective
22 custody] and why you're in general population."

23 7. On Thursday, August 27, 2009, I was scheduled to go to court. A deputy came by
24 my cell in the morning and told me to get ready for court. I was escorted to the court processing
25 area. A deputy cut off my wristband and placed another wristband on me. I was then pulled out
26 of the line and escorted to the third floor of TTCF and placed in a 2-man cell. I didn't go to court
27 that day.

28 8. When I got there, a few hours later during program time, an inmate came up

1 behind me. He was Hispanic and had a tattoo of the city, "Azusa" on his neck. The inmate
2 brushed his hand on my lower back. I was very scared when this inmate this to do me so I went
3 into my cell and closed the cell door after me. He came over to my cell window and threatened
4 me saying, "This is it for you. Today's the day." I thought he was going to kill me.

5 9. About 3-4 pm, I was in the program area at TTCF. I believe it was right after we
6 had our dinner. Two deputies, one who was Hispanic, 6 feet tall, stocky with short black hair
7 and a White deputy who was 5'9", skinny with short blonde hair walked over to where I was in
8 the program area.

9 10. One of the deputies handcuffed me and escorted me through the Staging Area and
10 forcefully shoved me into the Attorney Room. One deputy grabbed me on my left side and the
11 other deputy grabbed me on my right side and as if I was a battering ram, they repeatedly
12 slammed my head and cheek into the window partition that separates the attorneys from the
13 inmates. As they were slamming me into the window, the White deputy said to me, "We're
14 going to teach you a lesson you fat motherfucker." He also asked me, "Did you shit in your
15 pants?"

16 11. After a minute or so, a sergeant who is White, about 55 years old, between 5'9"
17 and 5'10", pudgy with short hair came in. He asked, "How did all this blood get here?" When I
18 looked to where he was pointing, I saw blood splattered all over the window partition and saw
19 blood in the cubicle next to where the two deputies had slammed my head.

20 12. I told the sergeant that his deputies had assaulted me. The sergeant told me that
21 he'd be right back.

22 13. When the sergeant left, the White deputy said to me, "Are you fucking kidding
23 me? You motherfucker. You better change your story or we're going to show you what we do to
24 fat asses. You better say that you did this to yourself." I was extremely scared and felt very
25 threatened. I thought that the deputies might kill me if I didn't do what he said. So I told them
26 that I would tell the sergeant that I did it to myself.

27 14. About a minute later, the sergeant came back and interviewed me on camera. I
28 was seated on the stool in the attorney room facing the door to the Staging Area and the sergeant

1 was facing me, away from the door to the Staging Area with the video camera, interviewing me.
2 The White deputy was standing in the doorway to the Staging Area. From here, the deputy was
3 no more than five feet away from me. I could see him staring at me while the sergeant was
4 interviewing me. At no time did the sergeant direct who had beaten me to leave the area where
5 the sergeant was interviewing me. The sergeant asked me what happened on video camera and I
6 told him that I had banged my head on the window.

7 15. After the interview, the sergeant told the White deputy and the Hispanic deputy to
8 take me to the nurses' station. When I got there, one of the deputies took one of the handcuffs
9 off of my wrist and secured it to the rail on the gurney. The nurse then gave me an ice pack for
10 my face. I felt very faint and my hands and arms felt numb.

11 16. I heard one of the nurses call for an ambulance. The White deputy then came over
12 to me and pressed his handcuff key into both of my arms, which left puncture marks. I still have
13 the scars from the puncture wounds.

14 17. I then heard one of the deputies tell the nurse, "Cancel the ambulance. We're
15 going to take him in a radio car to LCMC [Los Angeles Medical Center + USC]."

16 18. Two different deputies escorted me to a squad car. During the ride over to
17 LCMC, one of the deputies asked me what happened. I told him that I had banged my head on
18 the window. I was scared to tell him the truth because I thought if I had told the deputy what
19 really happened, he would tell the other deputies, which I thought would lead to another beating.
20 I also told the deputies that I had a cousin who worked in the Lynwood facility or CRDF.

21 19. One of the deputies asked me for his name and I told him that his name was
22 Kovac. One of the deputies pulled out his cell phone and made a call. I believe he was calling
23 my cousin, Kovac. He asked my cousin, "What do you want us to do with him?" I wasn't able
24 to hear what the other person on the other line was saying, but I heard the deputy repeating what
25 the other person on the phone was saying which was, "Go ahead and BBQ him." I had no idea
26 what this meant, but I was very scared. The deputy then said, "We'll meet up for drinks at
27 another time" into the phone.

28 20. I was then taken to the Jail Ward at LCMC and was handcuffed to the bed. I had

1 one arm handcuffed to one side of the bed and the other arm to the other side of the bed.

2 21. While I was waiting, I heard sounds of someone struggling and pulling on his
3 handcuffs. I heard him yell, "Jesus help me! Help me!" A nurse near me said, "Even Jesus isn't
4 going to help you now." I then heard her laughing after she made this comment. I don't know
5 her name, but she had a heavy Eastern European accent.

6 22. I then had an MRI done and the doctor told me that I had bleeding in the front
7 right lobe of my brain.

8 23. After the MRI, an African American deputy who was wearing glasses kept
9 circling my bed in a threatening manner saying, "Let me at him. Let me at him." I was very
10 scared. I didn't know what was going to happen to me.

11 24. I was then moved to another room. While I was in this room, a different nurse
12 was treating me and making sure that I was comfortable. She appeared to be Haitian. I noticed a
13 doctor and the nurse with the Eastern European accent telling the Haitian nurse to do various
14 errands, instead of doing the errands themselves. After the Haitian nurse would complete the
15 errand, she would immediately come back into my room and again the doctor or nurse would try
16 to get this nurse out of my room by assigning another errand for her to do. I don't know why
17 they were doing this, but I felt like they were trying to get her out of the room, so that something
18 could happen to me.

19 25. On Friday, August 28, 2009, I was escorted back to TTCF. When I got to TTCF, I
20 was sent to the nurses clinic. An older, White nurse asked me what had happened and I told her
21 that deputies had assaulted me. I felt that I could tell her the truth. She looked very concerned
22 about me and she transferred me to the seventh floor of TTCF where I was placed in my own
23 cell.

24 26. Later that day, a deputy told me that I was being released so I went to IRC and
25 went through the release process. After I was done with the release process and had changed into
26 my street clothes, Detective Camarillo and Custody Assistant ("CA") Judge escorted me through
27 the long hallway to the back area of IRC. When I got to this area, Detective Camarillo said I was
28 being arrested and he waist-chained me and handcuffed my hands to my waist. I didn't know

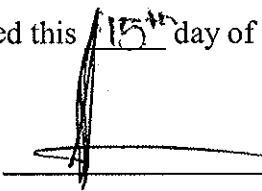
1 why I was being re-arrested.

2 27. I was then re-processed at IRC, taken to the fourth floor of IRC and placed in a
3 bunk bed in the program area, instead of a cell.

4 28. On Monday, August 31, 2009, I was taken to court and the next day, I was
5 released.

6 29. Because the deputies slammed my head against the window, I had a cut over my
7 right eye. My right eye was swollen and my face was also badly bruised for more than a week
8 and it took an additional week for the swelling to go down. There are three photos attached to
9 this declaration as Exhibit 2 of my injuries taken one week after the incident.

10 I declare under penalty of perjury of the laws of the State of California and the United
11 States that the foregoing is true and correct. Executed this 15th day of June, 2011 in Baldwin
12 Park, California.

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15 Gordon Grbavac
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1 **Declaration of Gordon Grbavac**

2 I, Gordon Grbavac, hereby declare:

3 1. I make this declaration based on my own personal knowledge and if called to
4 testify I could and would do so competently as follows:

5 2. I am 44 years old and I am the Superintendent for the California Builders Group
6 Incorporated in Culver City.

7 3. On Monday, August 24, 2009, the Los Angeles Sheriff's Department ("LASD")
8 came to my business with a search warrant. Four days after my arrest, I was charged with
9 possessing an assault rifle that was not registered with California.

10 4. After I was arrested and taken to the Inmate Reception Center ("IRC") where I
11 was processed. At IRC, I told the assessment deputies that I had relatives who worked for
12 LASD. I have a cousin named Kresimir Kovac who worked at the Century Regional Detention
13 Facility ("CRDF") in Lynwood, California and who now works for the Compton Station. He
14 was arrested in 2002 for conspiracy to offer an assault weapon for sale. I have another cousin
15 named Adrien Grbavac who works at the Temple Station. I have attached a copy of their LASD
16 business cards to this declaration as Exhibit 1.

17 5. Despite disclosing this information to the IRC deputies and telling them that I
18 didn't want to be placed in general population, I was still placed in general population.

19 6. A couple of days later, a deputy asked me if I had family in law enforcement. I
20 told him that I did. He said, "The inmates know this. Your life is threatened, so I'd say where
21 the deputies can see you." He also said to me, "I don't know why you're not in PC [protective
22 custody] and why you're in general population."

23 7. On Wednesday, August 26, 2009, I was scheduled to go to court. A deputy came
24 by my cell in the morning and told me to get ready for court. I was escorted to the court
25 processing area. A deputy cut off my wristband and placed another wristband on me. I was then
26 pulled out of the line and escorted to the third floor of TTCF and placed in a 2-man cell. I didn't
27 go to court that day.

28 8. When I got there, a few hours later during program time, an inmate came up

1 behind me. He was Hispanic and had a tattoo of the city, "Azusa" on his neck. The inmate
2 brushed his hand on my lower back. I was very scared when this inmate this to do me so I went
3 into my cell and closed the cell door after me. He came over to my cell window and threatened
4 me saying, "This is it for you. Today's the day." I thought he was going to kill me.

5 9. About 3-4 pm, I was in the program area at TTCF. I believe it was right after we
6 had our dinner. Two deputies, one who was Hispanic, 6 feet tall, stocky with short black hair
7 and a White deputy who was 5'9", skinny with short blonde hair walked over to where I was in
8 the program area.

9 10. One of the deputies handcuffed me and escorted me through the Staging Area and
10 forcefully shoved me into the Attorney Room. One deputy grabbed me on my left side and the
11 other deputy grabbed me on my right side and as if I was a battering ram, they repeatedly
12 slammed my head and cheek into the window partition that separates the attorneys from the
13 inmates. As they were slamming me into the window, the White deputy said to me, "We're
14 going to teach you a lesson you fat motherfucker." He also asked me, "Did you shit in your
15 pants?"

16 11. After a minute or so, a sergeant who is White, about 55 years old, between 5"9"
17 and 5'10", pudgy with short hair came in. He asked, "How did all this blood get here?" When I
18 looked to where he was pointing, I saw blood splattered all over the window partition and saw
19 blood in the cubicle next to where the two deputies had slammed my head.

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21 he'd be right back.

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24 fat asses. You better say that you did this to yourself." I was extremely scared and felt very
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9 circling my bed in a threatening manner saying, "Let me at him. Let me at him." I was very
10 scared. I didn't know what was going to happen to me.

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12 was treating me and making sure that I was comfortable. She appeared to be Haitian. I noticed a
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16 to get this nurse out of my room by assigning another errand for her to do. I don't know why
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7 right eye. My right eye was swollen and my face was also badly bruised for more than a week.
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13 _____ /s/

14 Gordon Grbavac

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**DECLARATION OF FORMER PRISONER
JONNI A.**

1 **Declaration of Jonni A.**

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3 I, Jonni A., declare as follows:

4 1. I am submitting this declaration to describe how Los Angeles County
5 sheriff's deputies repeatedly abused other juveniles and me during the process of
6 transport from juvenile hall to Men's Central Jail, court and back again in 2009 and
7 2010.

8 2. From May 2009 to November 2010, I was in juvenile hall. I was in Los
9 Padrinos Juvenile Hall for five months and then transferred to Barry J. Nidorf
10 Juvenile Hall in Sylmar for about 14 more months.

11 3. When I was in Barry J. Nidorf, the Los Angeles Sheriff's Department
12 transported other juveniles and me to and from court, and to and from County USC
13 for medical treatment, in buses, or a small van we called the doggie van. We
14 called a doggie van because it is just that, a van like the ones used by dog pounds
15 for animal transport, but modified to pack in about 8 people.

16 4. Whenever we went to court or returned from court, we stopped at Men's
17 Central Jail, where we changed vehicles. Often we had to wait there for long
18 periods of time. Most of the time we waited on what we called holding buses, but
19 sometimes we would unload into a holding tank in MCJ.

20 5. A deputy assaulted me in October 2009. I was in a holding bus at MCJ
21 with one other person, who was in the same unit as I was in Nidorf. I had my
22 wrists cuffed to a chain around my waist, as we always did whenever we were
23 transported. Two deputies walked onto the bus to move us to the bus leaving for
24 Sylmar. They were both Hispanic men in their late 20's or early 30's. The shorter
25 one was about 5'8', and the other was about 6'0". At the time, I had very long hair.
26 They ordered me off the bus. One of them said to me, "hey, we've got a female in
27 transport." There was nothing friendly about it. I felt humiliated, so I responded,
28 "I have a dick." One of the deputies responded angrily, "Oh check out this faggot,

1 he likes dick.” He looked angry and came over to me and pulled up hard on the
2 back of my chains, which jammed my wrists into the cuffs in a way that was very
3 painful and made it extremely hard to breathe.

4 6. Then he pulled me onto the bus and threw me against the metal gate that
5 separates the prisoners or juveniles who are being transported from the driver’s
6 area. I was only about 5'7" and about 125 pounds at the time and was 16 years old.
7 The deputy was muscular and was able to ram me hard into the gate. Just after I
8 hit the gate, the deputy slammed either a baton or a heavy metal flashlight into my
9 right thigh. The pain was awful. I had a limp for three days afterwards, and the
10 bruise from being hit was huge. It started out dark purple and turned a gross
11 yellowish green color before eventually healing. Then, the deputy opened the gate
12 and pushed me into one of the small cages on the bus. The juvenile who was on
13 the bus with me said, “I should have told you, you cannot do nothing around the
14 deputies or they’ll beat the shit out of you.”

15 7. At no point did I hit the deputy, threaten to hit him, or lunge at him. He
16 just got angry when I responded verbally to his insult and wailed on me.

17 8. They have video cameras in the transport yard at MCJ, but none on
18 the buses. I think the reason the deputy pulled me on the bus before hitting me was
19 so he would not be caught on videotape.

20 9. In about January 2010, I had my first run in with Deputy Tan, from the
21 Bureau Transport at MCJ. Deputy Tan is about 5'8 or 5'9" and solidly built. He is
22 a light-skinned Asian guy, in his late 30's or early 40's. I was on my way back
23 from court to Sylmar. When our bus came into MCJ, Deputy Tan took my
24 roommate, Marcos Rodriguez, and me off the bus. When we got off, he asked us if
25 we had any contraband “strapped to our balls.” We both said “no, sir” in a
26 respectful manner. I was being very careful to be cooperative because I did not
27 want the deputy to mess with me. Nevertheless, he asked us the same question
28 about three more times and then threatened to search us. He then pulled down on

1 the inseam of my pants, grabbing my penis in the process. Next he searched my
2 friend Marcos. I saw him pull back the waistband of Marcos's pants, stick his
3 hand into Marcos's pants, grab his dick and pat it. As he did so, Deputy Tan said,
4 "Oh, someone's packing!" and gave this arrogant smile and then laughed.

5 10. Everything Deputy Tan did seemed like just a way to harass us and
6 humiliate us. He did not search us the way someone would who was actually
7 looking for contraband; he just grabbed our dicks. Also, we had already been
8 searched about six times that day – twice before leaving juvenile hall in the
9 morning; at MCJ before going to court; at the courthouse when we arrived; and
10 again after our court hearings were over before we got back on the bus. Every one
11 of those searches was thorough. They were either pat downs where we also
12 removed our shoes, had our mouths visually inspected, and had a metal detector
13 wand run over us, or full strip searches.

14 11. After he had grabbed our penises, Deputy Tan put us on the doggie
15 van to return to Sylmar. On our way back, Deputy Tan stopped at the Criminal
16 Courts Building (CCB) to pick up another minor. There was kind of a steel plate
17 that ran down the center of the vans. And, we were separated by race in the vans.
18 This minor was African-American, I am Hispanic. So, he was on the other side of
19 the van from me. I was really hungry because I had not eaten since 4:00 a.m. when
20 the Sheriffs come pick us up in Sylmar. So, when we stopped at CCB, I asked
21 Deputy Tan politely if he had a sack lunch or anything else I could eat. He
22 responded, "Look at my badge. Does this fucking badge say Chef Boyaredee?"
23 Needless to say, he did not give me anything to eat.

24 12. During the ride to, what I later found out to be Antelope Valley
25 courthouse, he played rock music incredibly loud. The van is pitch-dark, but he
26 kept flicking the lights on and off, which made me nauseated. He also drove really
27 fast, and then for no reason he would slam on the brakes. Every time he hit the
28 brakes, we'd get thrown around because we are cuffed and unable to buck the

1 seatbelts that don't work either way. There was almost no way to brace our selves.
2 I kept smashing into the metal that separated us from the driver.

3 13. I realize that when you are in juvie, you can't expect life to be all fun
4 and games. But none of what Deputy Tan was doing, like speeding up and then
5 slamming on the brakes was for our safety or his security. He was just harassing
6 and abusing us because he felt like it.

7 14. Once we stopped for the second time we were at Antelope Valley
8 court. Deputy Tan got out, but we were left cuffed and locked in the dark van.
9 Suddenly I heard a loud thump on the side of the van that felt and sounded like a
10 body hitting the van. Immediately after, I heard Deputy Tan yelling at someone
11 repeatedly, "do you have contraband?" Then I heard a minor's voice pleading "no,
12 no, no, I don't." I am pretty certain that the thumping on the side of the van came
13 from Deputy Tan's throwing a juvie into the side of the van. (The minor confirmed
14 this minutes later once he got in the van.) The next thing I heard was someone
15 screaming as if he was being beaten.

16 15. Then Deputy Tan opened up the van and shoved two juvies into the
17 van, one of whom was crying.

18 16. Marcos asked the juvie who was crying, what was going on. He
19 responded, "the motherfucker just stuck his finger up my ass." He was Armenian
20 with light skin and about an inch shorter than me. I believe he said he was 16 or 17
21 at the time.

22 17. When we left Antelope Valley court, Deputy Tan began to drive crazy
23 again, going really fast and then slamming on the brakes causing us to bounce all
24 around the van. The two kids from Drake (a state run facility in Norwalk, which is
25 now closed) started complaining to Tan about the way he was driving by banging
26 on the metal gate with their feet. Deputy Tan pulled over on the side of road and
27 grabbed two sets of chains. He came into the back of the van and wrapped them
28 around our legs and put a second set of cuffs on each of us and tightened every

1 single cuff we were wearing. It was to the point the cuffs began to cut into our skin
2 every time we would even breathe. Then he started his stop and go driving again,
3 and all of us were slamming into the sides of the van with absolutely no way of
4 bracing our selves.

5 18. There is absolutely no contact between Deputy Tan and us in the
6 doggie van because we are separated by locked metal gates. So there no reason to
7 wrap the chains around our legs and double cuff us except to torture us. He must
8 have known what he was doing was wrong, because when we got to Sylmar but
9 before we pulled into Nidorf, he stopped the van and took off the leg chains and
10 extra cuffs. As a result of the cuffs and the way he was driving, I had minor cuts
11 on my wrists and bruises on my stomach and legs from the chains. You can still
12 see some of the scars today.

13 19. Another time I remember I was on the transport bus at MCJ just
14 waiting to go back to Sylmar. A friend of mine who was from Pomona was on the
15 bus with me. I was dozing. I woke up when I heard my friend and a deputy
16 talking back and forth really loud. The deputy was on the driver's side of the bus,
17 and my friend and I and the rest of the juvies were on the other side. There were
18 two locked gates between the deputy and us, the main gate separating the
19 passenger area and the front of the bus, plus we were each locked in our own tiny
20 cage in the back of the bus. We were also cuffed. There was no way my friend
21 could have gotten at the deputy, even if he had tried. And he wasn't trying. He
22 was just sort of getting into it with words. Even though there was no danger to the
23 deputy, he started saying to my friend "do you want to be a little hard ass?" Then
24 he unlocked the gates, stepped inside and punched my friend hard in the stomach.
25 My friend was trying to stand when the deputy slugged him, and he doubled-over
26 and fell back into his seat.

27 20. I think the deputies liked to hit us on the body or the back or top of
28 our heads, so no marks showed on our faces. Then he came around and tightened

1 the cuffs on all of us really tight to punish us. That deputy was white, very
2 muscular, with spiked short-cropped hair. He was about 6'1" and looked to be
3 about 30 years old.

4 21. It was not unusual for deputies to punch and hit juveniles while we
5 were on the buses or the doggie vans. I saw it all the time.

6 22. The deputies also loved to do group punishment. One time a juvie
7 had smuggled some marijuana and a pen cap pipe on the bus and was smoking.
8 When the deputy smelled it, he did not take the pipe and tighten his cuffs. Instead
9 he came around and tightened the cuffs on everyone on the bus and bunched us by
10 two in the individual cages that barely hold one person comfortably.

11 23. He tightened my cuffs so hard that they rubbed my skin raw and it
12 started to bleed. After everyone was in cages, he opened up the cage of minor who
13 had been smoking, and they pulled his shirt all the way up and pulled down his
14 pants and searched him. When he couldn't find the contraband he began slamming
15 him into to the gate. He left him alone after a few minutes but before he left, he
16 checked him for bruises and threatened to beat him to a "bloody pulp" if he
17 smelled anything again.

18 24. Not all the deputy abuse was in the form of beatings. During the
19 summer of that year, it was really hot a lot of days. If we had court in the morning,
20 we'd often get to MCJ on our way back to Sylmar right in the middle of the day.
21 The deputies would always make us sit on the bus cuffed up while they would take
22 lunch. But a lot of times we stay on the bus for much longer. One time they left us
23 on the bus for almost 8 hours. We'd be stuck there without being able to go to the
24 bathroom and with no food or water. The engine and the air conditioning would
25 be off, and it would get up to 120 degrees. We'd yell and scream for water, and
26 sometimes deputies would come over to the bus, laugh at us, and shut the bus door,
27 which made it even hotter.

28 25. Only once that summer did a deputy show us any compassion. We

1 were on the bus and it was broiling hot. A really big guy, who was a friend of
2 mine, had diabetes and had passed out on the bus, and we started yelling for
3 someone to get us some water. A deputy named Deputy Huerta came rushing over
4 to find out what was going on. When we told him, he went and got some water
5 and brought it back and fed it to the guy who had passed out. Then he left again
6 and came back with more water bottles and gave each of us something to drink.

7 26. I have been out of juvie for almost a year. I am not on parole or
8 anything like that. But, I still have nightmares about the deputies, particularly
9 Deputy Tan. On September 4th 2011, I was eating at a restaurant with my
10 girlfriend when in walks Deputy Tan. I wasn't 100% sure but then he smiled -- a
11 mean, arrogant smile -- and I knew it was him. A lot of the people in juvie were
12 young, scared kids whose only mistake was hanging out with the wrong people. A
13 bunch of them were in on felony murder charges, for riding in a car with somebody
14 who had a gun and did something awful.

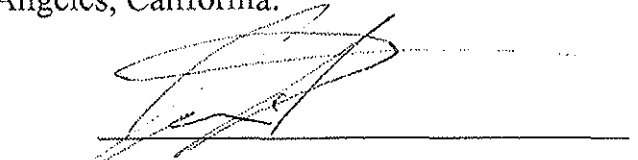
15 27. Deputy Tan and a bunch of the others treated us like we were the
16 scum of the earth, and they did things to us that they had no right to do. They beat
17 us, he touched us and damn near raped us. It is not a pleasant feeling when you can
18 no longer touch your food or look at the girl you have been in a relationship with
19 before, during and after your incarceration because of someone's presence. I know
20 first-hand now how it feels to have a nightmare personified and how hard and
21 embarrassing it is to have to tell your girlfriend why you have just gone into a fit of
22 fear and shock. To have to run into Deputy Tan on the streets brought back a horrid
23 feeling of helplessness mixed with anxiety -- the same feeling I had in the doggie
24 van that day, praying I was not next to have a finger shoved into my rectum
25 without cause. That feeling of helplessness was the same one I would have when I
26 would talk to my girlfriend on the phone from juvenile. I had to lie to her and say

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28 //

1 everything was okay because I did not want to worry her. But in reality,
2 experiences like the ones with Deputy Tan were traumatizing, but I had to keep
3 them to myself.

4 I declare under penalty of perjury that the foregoing is true and correct.
5 Executed September 22, 2011 in Los Angeles, California.

6 
7 _____
8 Jonni A. [REDACTED]
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**DECLARATION OF FORMER PRISONER
ROBERT POWELL**

1 **Declaration of Robert Powell**

2 I, Robert Powell, hereby declare:

3 1. I make this declaration based on my own personal knowledge and if called to
4 testify I could and would do so competently as follows:

5 2. I am sixty-two years old and was housed at Twin Towers Correctional Facility
6 ("TTCF") from August 2007 until September 2007 when I posted bail. I was released for
7 approximately nine days before my bail was reversed and I was placed back at TTCF on
8 September 2007 and was there until February 2008.

9 3. I was in Module 151, Pod E on or about December 30, 2007 when a deputy
10 slammed my head against the cement wall in the Outdoor Recreation Area. After slamming my
11 head against the wall, he left me in the Outdoor Recreation Area for five or six hours while I had
12 the flu.

13 4. Approximately 7:30 to 8 o'clock in the evening, we were called out for Pill Call
14 through the public announcement speaker, when all the inmates line up to get their evening
15 medication from the nurse. The nurse gave me my Trazodone, which helps me to sleep. I
16 "checked" my medication, which means that instead of taking the medication, I placed it inside
17 my cheek, so that I could take the medication after the ten o'clock at night inmate count.

18 5. I have checked my sleeping aid while in jail before because if you were to take
19 your sleep medication at 7:30-8:00 p.m. when the nurses give it to you, you would fall asleep and
20 then get woken up by the deputies a couple of hours later for count, which defeats the purpose of
21 taking a sleeping medication. During count, all the inmates have to be fully dressed and stand to
22 be counted by the deputies for the ten o'clock nighttime count.

23 6. We are, however, allowed to sleep through the count for the counts after the ten
24 o'clock evening count, so I would swallow my "checked" sleeping aid after the ten o'clock count
25 is over, so that I can sleep without being disturbed by the deputies.

26 7. I had "checked" my medication many times before, but on this day, I was
27 extremely sick from the flu. I had been vomiting and defecating all day and even while I was
28 standing in line to get my medication from the nurse, I stepped out of line approximately three

1 different times because I needed to vomit and defecate.

2 8. I got caught "cheeking" the medication by the nurse because I was so sick and
3 nauseous.

4 9. The nurse told me repeatedly to swallow the medication and I told her that I did
5 and this point, the deputy came over.

6 10. I don't know what the deputy looked like because I had problems with my vision
7 that have gotten worse during my stay at TTCF. I had two cornea transplants in each eye before
8 entering TTCF, had a cataract on my right eye that was getting worse and I could barely see out
9 of my left eye because I had been given soft contact lens solution at TTCF when I have hard
10 contact lenses. Prior to entering TTCF, I had gas permeable contact lenses, which required a
11 solution with high viscosity. The medical staff at TTCF only provided me a solution made for
12 soft, contact lenses, which had the viscosity of water, which damaged my eyes.

13 11. I couldn't see who the deputy was because of my vision, but he could have been
14 Hispanic because of the inflections in his words and because he spoke with a Spanish accent.

15 12. After catching me cheeking my Trazodone, the deputy dragged me out of the pod
16 and slammed my head with his forearm on a window that was nearby. He then dragged me
17 through the Staging Area into the Outdoor Recreation Area where he handcuffed me from
18 behind.

19 13. He grabbed the back of my hair and smashed my head into the cement wall and he
20 said to me, "Why are you making me do this to you?" I said to the deputy, "You're a real big
21 shot who's beating up a sick, old, blind man in handcuffs." I was fifty-eight years old when the
22 deputy smashed my head against the wall.

23 14. After I said this to him, the deputy slammed my head into the cement wall another
24 four to five more times and each time he said, "Why are you making me do this to you?" It felt
25 like I was in a car accident and had been rear-ended and my head was being slammed forward
26 into a wall.

27 15. He then uncuffed one of my wrists and handcuffed the uncuffed wrist to a bar that
28 was inside the Outdoor Recreation Area for approximately five to six hours. It was extremely

1 cold. I was only wearing the jail shirt and pants with a t-shirt under the jail shirt and shoes. I
2 was also still very sick and during the entire time I was out in the Outdoor Recreation Area, I was
3 vomiting and defecating all over myself.

4 16. Approximately five or six hours later, a different deputy came out to the Outdoor
5 Recreation Area. I don't know what he looked like, but I hadn't heard his voice before and he
6 didn't have an accent.

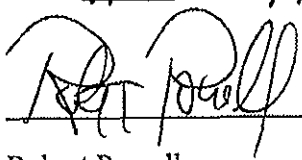
7 17. He said to me, "Did you learn your lesson?"

8 18. He then took me to the pod where I showered and the deputy told some of the
9 trustees to get me new clothes because the ones I was wearing had vomit and feces all over them.

10 19. The deputy then took me to medical where I was given a quick exam and the
11 doctor ordered me an IV solution. I stayed at the medical area at TTCF until January 4, 2008
12 after which I was placed in Module 151, Pod D.

13 20. I later saw that I had scratches on my forehead and my forehead was black and
14 blue from having the deputy slam my head against the wall.

15 I declare under penalty of perjury of the laws of the State of California and the United
16 States that the foregoing is true and correct. Executed this 11TH day of MAY, 2011 in
17 SANTA MONICA, California.



Robert Powell

**DECLARATION OF FORMER PRISONER
JUAN PABLO REYES**

1 inmates with drugs he would forgive me for stealing mail. Carbajal and Saldaña
2 spoke to me in Spanish, and I spoke to them in Spanish. Carbajal asked if I knew
3 which inmates had “coke” or “crystal.” I told him I did not know what he was talking
4 about. Deputy Carbajal stepped out of the cell, and ordered me to change my clothes
5 from trustee green to inmate blue, I was no longer a trustee. They ordered me to
6 walk out of the cell. They told me to stand against a wall, with my face against a
7 wall, and they put on plastic gloves. Deputy Carbajal hit me in the ribs, and Deputy
8 Saldaña hit me in the eye and mouth. Deputy Carbajal proceeded to accuse me of
9 stealing the mail, and so did Deputy Saldaña. I told them that I did not. The deputies
10 then accused me of lying, as they were attacking me. They punched me in the eyes,
11 body, back and ribs, and one of their punches broke my eye socket. I could feel my
12 face breaking as they beat me. The beating was extremely painful, and I felt upset,
13 confused and helpless.

14 6. Two other deputies, whom I cannot name at this time, joined in the
15 attack, and continued to punch me as well. I did not strike back, but tried to cover
16 myself up as I fell to the ground. Once I had fallen, the deputies proceeded to kick
17 me with their leather steel toed boots. I cried out for them to stop, but they refused,
18 and were laughing as they administered their beat down.

19 7. I was then picked up by Deputies Carbajal and Saldaña, and they told
20 me that I was going to be housed with Paisas, but instead they took me to Modules
21 3600/3800, escorting me to the Modules. They put me in the “laundry” room, and
22 told me to take off all of my clothes. The deputies place inmates in there when they
23 are going to move an inmate. It is called the laundry room even though it is a holding
24 room. I did what they told me to do, because I was afraid they would continue to
25 beat me. They then escorted me out of the room, and started joking to each other,
26 saying homosexual walking in English. They took me with my clothes, underwear
27 and shoes in my hands, naked, to Modules 3600/3800.

28 8. Deputies Carbajal and Saldaña ordered me to walk naked down the

1 hallway of the 3600 module in front of other inmates who were in their cells, beaten,
2 bruised and in pain from their assault. I walked in front of the other inmates,
3 humiliated, and scared. As I walked down the hallway of module 3600, Deputy
4 Saldaña spoke into the module intercom, so all the inmates in Module 36 could hear,
5 “Aqui va un maricon caminando.” “Aqui va un maricon caminando,” translates to
6 English as, “Here goes a faggot walking.” “Maricon” is a derogatory term for
7 homosexual in Spanish, and translates to “faggot”. Both of the deputies were
8 laughing, as well as some of the inmates.

9 9. After I walked up and down the hallway, they put me in a four man
10 cell in Module 3600, that housed two “Sorranos” or “Sureños”, and one African-
11 American. Sureños are any gang members from Southern California of Latino
12 descent. I am not a gang member, but am considered a “Paisa”, who is anyone from
13 south of the United States’ border with Mexico. The Sureños gang members take
14 advantage of Paisas. As a non-gang member, I do not believe I should not have been
15 housed with gang members on the 3000 floor.

16 10. After the deputies left, and without warning and without saying a word,
17 the two Sureños proceeded to beat me. I do not know whether they beat me because
18 of whether they thought I was gay, or because I was a Paisa, or the fact I was paraded
19 naked by the deputies gave them license to beat me, but they proceeded to punch me
20 and hit me on my back, face, chest and stomach area. The beating started mid-
21 morning, and continued on and off all day for hours. Deputies would walk by doing
22 their cell checks and feeding the inmates, and they ignored my cries for help and my
23 appearance. They refused to respond to my cries to take me out of the cell. One time
24 when Deputy Saldaña walked by the cell, I begged him to take me out. I told him that
25 I was being attacked. He said I deserved the attacks by the inmates and walked away.

26 11. When lights went out on December 12, 2010, around 10:30 p.m., the two
27 Sureños gang members proceeded to sexually assault me. The African-American cell
28 mate assisted by flushing the toilet while they sexually assaulted me. I believe he

1 flushed the toilet to camouflage the sounds of me screaming for help. The Sureños
2 stuck my head in the toilet, and one at a time entered me from the back in my rear
3 end, while the African-American inmate flushed the toilet. My head was submerged
4 in water periodically, I could not breathe, and I passed out a couple of times. When
5 the Sureños finished having their “fun”, they went to sleep and left me alone.

6 12. Around 5:00 a.m., on December 13, 2010, when breakfast was being
7 served, the Sureños cell mates woke up, and started to beat me again. I asked the
8 deputies serving breakfast for help, but they ignored me. The cell door popped open
9 at 7:00 a.m. for a pill call, (all the cell doors opened), and a third Sureño gang
10 member entered the cell to try to beat me. He threw a punch at me as I ran past out of
11 the cell. The only way cell doors open is if the deputy in the control booth makes the
12 cell door open. I ran out of the cell, asking a deputy to help me. I then went into the
13 “laundry room,” and there I yelled for help. A female chaplain responded to me, and
14 called a Sargent.

15 13. A Sergeant responded, then there were many deputies in the room, and
16 the deputies escorted the inmates in the room out of the room. Deputies interviewed
17 me in front of Deputy Saldaña. They recorded the interview by videotape. I told
18 them about the jail beating and sexual assault from the two Sureños
19 gang members. But, I did not tell them about the beatings by the four deputies,
20 including Deputies Carbajal and Saldaña. I did not report it because I was afraid the
21 deputies would retaliate if I accused them in front of Deputy Saldaña.

22 14. As a result of the beating by the deputies and rape and beating
23 by inmates, I could barely walk, my face and ribs were in extreme pain, and my rear
24 end was sore. I received medical care that day. I remained in jail, and eventually, I
25 was taken to County USC hospital from about December 26, 2010 to December 30,
26 2010. The doctors told me I needed surgery on my eye. They did not perform the
27 surgery. Instead, I was released from County USC hospital on December 30, 2010 to
28 the streets, without the surgery being performed. I cannot afford medical treatment

1 and do not have medical insurance, so I have not had surgery on my eye. My
2 understanding was that I was not to be released until February 2011.

3 15. In general, I have seen some of the deputies on an on-going basis assault
4 inmates while I was serving my sentence. I could witness incidents because I was a
5 jail trustee. While I was in Men's Central Jail, I saw at least 3 other incidents where
6 Sheriff's deputies, unprovoked, attacked inmates who were not resisting.

7 16. I am not saying all deputies assault inmates, but based on my own
8 experience being beaten and the three unprovoked beatings by deputies on inmates
9 that I witnessed, there appears to be a significant number of deputies who either
10 engage in violence against inmates or encourage it. The bad deputies appear to
11 influence the other deputies to remain silent and not report incidents of jail abuse.

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1 17. I understand I pled guilty to a crime and I needed to serve my sentence,
2 but I did not sign up to being beaten by deputies. Nor did I sign up to have deputies
3 arrange to have me beaten and sexually assaulted by other inmates.

4 I declare under penalty of perjury under the laws of the United States of
5 America and the State of California that the foregoing is true and correct to the best
6 of my knowledge.

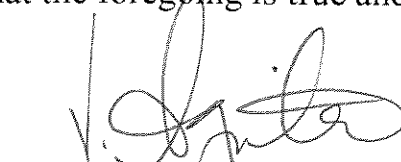
7
8 Dated: September 12, 2011


JUAN PABLO REYES

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10 I, Veronica Aguilar, am employed by Kaye, McLane & Bednarski, LLP. I am
11 bilingual in Spanish and English. I translated this declaration from English to
12 Spanish to Juan Pablo Reyes, the declarant. I accurately translated this declaration,
13 and Mr. Pablo Reyes indicated to me he understood the translation. He signed the
14 this declaration in my presence. I regularly translate for members of the firm, and
15 translate documents and recordings in Spanish as a part of my job.

16 I declare under penalty of perjury under the laws of the United States of
17 America and the State of California that the foregoing is true and correct to the best
18 of my knowledge.

19
20 Dated: September 12, 2011


VERONICA AGUILAR

**DECLARATION OF FORMER PRISONER
CAMERON SAUL**

1 8. Not all of the violence occurred because deputies were unaware of
2 what was going on. In fact, deputies often turned a blind eye toward, or even
3 encouraged inmates to abuse other inmates. For example, early in my time in
4 MCJ, I was a "house mouse." The house mouse acts as a liaison between the
5 inmates and the deputies. One of the things I did as house mouse was inform the
6 deputies about inmates who were causing problems for other inmates, such as
7 stealing other inmates' "store" or abusing other inmates. On a number of
8 occasions when I reported these kinds of problems, the deputies would tell me that
9 "the inmates should handle the problem" and that we should make sure that two
10 inmates be prepared to report that the inmate who was taken care of "had slipped in
11 the shower" so that if the inmate complained that he'd been assaulted, the deputies
12 could include in their report those statements and their conclusion the inmate was
13 making the story up.

14 9. I never told inmates that the deputies wanted me to "handle" an
15 inmate who was causing problems by beating him up. But, after I was no longer
16 house mouse, I did witness on a number of occasions inmates take a problem
17 inmate to the back of the dorm and beat him up pretty good, without deputies
18 doing anything to stop it.

19 10. I want to be clear that not all deputies encouraged this kind of
20 behavior. For example, if I reported a problem with an inmate to Deputies Bell
21 and Lanni, they always tried to figure out a way to bring the inmates involved
22 together and work the problem out, rather than encouraging inmates to beat up
23 another inmate.

24 11. My experience was that there were a lot of deputies in the jails who
25 meant well and probably wanted to do the right thing. But, there are too many who
26 do not, and discriminate against and abuse gay inmates, as well as encouraging
27 violence or engaging in it themselves. Unfortunately, it was also my experience
28 that the bad deputies often have an influence on what goes on that is

1 disproportionate to their numbers. By contrast, other deputies who do not believe
2 in breaking the rules or abusing inmates, stand by and let the bad deputies do what
3 they want.

4 12. The bad deputies also effectively discourage inmates from reporting
5 what they are doing by retaliating against inmates who do complain. A couple of
6 times while I was in MCJ, deputies came into our dorm and said in so many words
7 "if you file a complaint against me this is what you get." Then the deputy would
8 order us into the shower room, make us strip naked, and then the deputy and the
9 straight trustees would take our personal possessions, including our store, and
10 sweep it out of the dorm, allowing the straight trustees to take whatever they
11 wanted. When my dorm mates would complain to the deputies, they would
12 respond "too bad."

13 Verbal Humiliation and Abuse of Gay Inmates on the Basis of Sexual
14 Orientation.

15 13. While I was in MCJ, deputies repeatedly discriminated against gay
16 inmates by verbally abusing and humiliating them.

17 14. This abuse never occurred when Deputies Bell and Lanni were
18 around. But they were frequently not around, both because they do not work 24/7
19 but also because they spent a lot of their time working on classifying new inmates.

20 15. One of the principal times deputies would verbally abuse us was
21 during chow time. When it was chow time, deputies would make us line up in the
22 shower. Frequently, we would wait there for as long as half an hour because they
23 made no effort to wait to line us up until they knew the food was coming. Once
24 the trustees brought the food to our dorm, they would have us leave the shower one
25 by one, take a food tray from the straight trustees, walk to the back of the dorm and
26 stand perfectly still with no talking until everyone had gotten his food. While we
27 were waiting for everyone to be served, deputies would frequently call us names,
28 such as "ladies," make fun of particular inmates and what the deputies perceived to

1 be their lack of maleness, or tell homophobic jokes. They told one almost every
2 time we were served hot dogs, laughing about how we had to be sure we only ate
3 them and did not use them for any other purpose.

4 Discriminatory Strip Searches of Gay Inmates

5 16. Although some deputies frequently barred us from going to program, I
6 did go to both Torah study and 12 step programs with Rabbi Yossi Carron on the
7 fourth floor of MCJ on numerous occasions. Straight inmates also went to these
8 sessions with Rabbi Carron, but we were not permitted to go at the same time as
9 straight inmates.

10 17. On number of occasions, I sat with gay inmates on a bench near Rabbi
11 Carron's office waiting the straight inmates to finish their program with him.
12 There is a diagram of the area around Rabbi Carron's office entitled "4000
13 Hallway Diagram" attached to this declaration as Exhibit 1. The bench the gay
14 inmates would sit on while waiting for straight inmates to leave his office is
15 marked as "Bench 3" on the diagram. When the straight inmates left his office, I
16 could them walk right past the guard booth and through the metal detector on the
17 4000 floor before heading back to their module. I do not believe I ever saw a
18 straight inmate be stripped searched, and I am positive I never saw a group of
19 straight inmates stripped searched after leaving Rabbi Carron's office.

20 18. By contrast, when we left Rabbi Carron's office to return to our
21 dorms, we were regularly stripped naked and ridiculed by the deputies. Most of
22 the time, the deputy who strip searched us, or ordered other deputies to do it, was a
23 very tall Hispanic deputy, in his late-30's with a short Army-type hair cut and a
24 lazy eye, whom I saw frequently on the 4000 floor.

25 19. One occasion was particularly humiliating for me. I was returning
26 from meeting with Rabbi Carron. The deputy ordered me to strip. When you strip,
27 you have to put your clothes behind you, and you stand there naked while the
28 deputy goes through your clothes. On this occasion, after I had stripped, the

1 deputy told me he had to go back to the control booth and that he'd be "right
2 back." He ordered me to sit on the cold, concrete floor completely naked. I waited
3 there for about 15 minutes while lots of people came by including inmates,
4 deputies, and female nurses.

5 The Beating of Chris Morales

6 20. One of the inmates in 5100 was named Christopher Morales. Chris
7 was in his late 30's or early 40's. He was taller than me, somewhere between 5'7"
8 and 5'10" and looked to weigh between 200 to 220 pounds. Chris is Hispanic, but
9 has very light skin and looks Caucasian. He had grey hair, wore glasses and had
10 what looked like a hair lip. Chris was a kind man, who was befriended by lots of
11 inmates in the dorm. He was always trying to make people laugh and help other
12 inmates in the dorm stay positive.

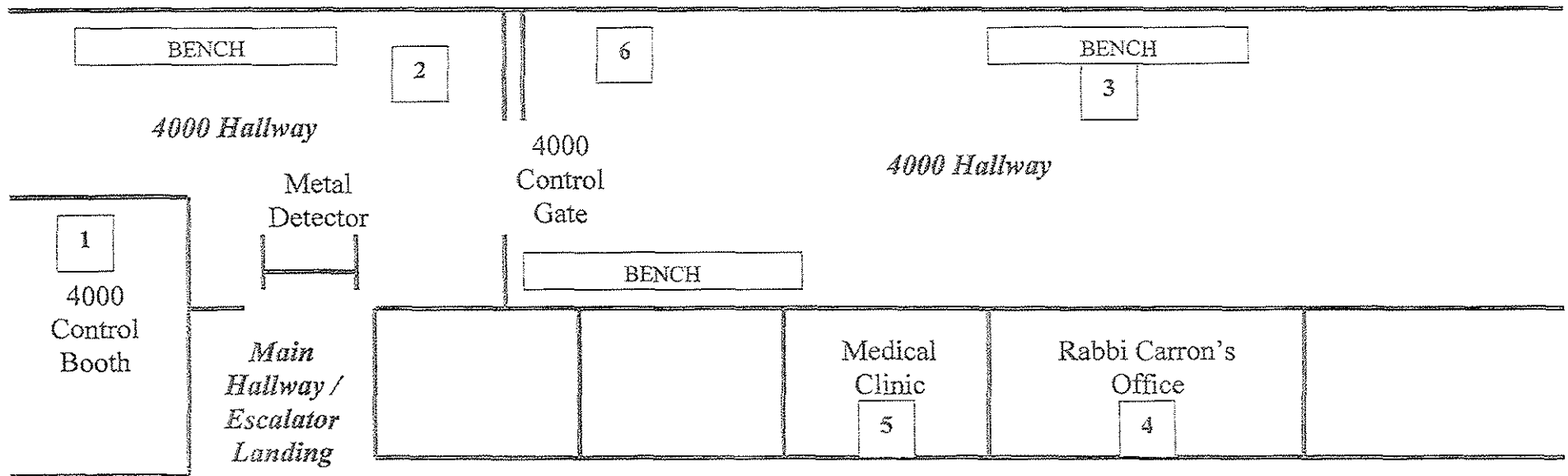
13 21. One day, during chow time, we had followed the ordinary procedure I
14 described above where we lined up in the shower while waiting for our food to
15 come.

16 22. That day one of the deputies on duty was Caucasian, in his 50's, with
17 glasses and dark brown hair with a little grey in it. I believe his name was Deputy
18 Grayhouse. He worked the 5000 floor a lot and frequently made off-color
19 homophobic jokes. He also regularly refused to let us go to program. For
20 example, if an announcement were made that certain inmates in the dorm had a
21 visitor, he'd refuse to let them go to visiting.

22 23. That day, while we were all lined up with our food trays in about three
23 rows at the back of the dorm, Deputy Grayhouse shined his flashlight on the back
24 of Morales's neck and yelled out "hey, you." Morales was in front of me, and
25 Grayhouse was behind me, and I could see the flashlight beam shining on the back
26 of Morales's neck. It seemed like Morales did not know Grayhouse was referring
27 to him because he did not react, and Grayhouse did not call his name.

28

4000 Hallway Diagram



1. 4000 Control Booth – This is where the Deputies congregate and hang out
2. This bench is where the Deputies hang out when there are inmates in the hallway
3. This is the bench we sit on while waiting for our turn with Rabbi Carron – This is where we see all of the straight inmates walk past the 4000 control gate, through the metal detector and out to the main hallway / escalator landing without being stopped.
4. This is where inmates meet with Rabbi Carron
5. This is the mini clinic where female nurses work
6. This is the area where the gay inmates were strip searched. This is also the area where I was stripped naked and left for 15 minutes.

**DECLARATION OF FORMER PRISONER
EVANS TUTT**

DECLARATION OF EVANS TUTT

I, Evans Tutt, declare as follows:

1. On July 26, 2009, I was an inmate in the Los Angeles County Jail, housed at Men's Central Jail, 3000 floor.

2. On that day, I went to the visiting room to see Monica Miles, who had come to visit me. She had come the day before, but deputies on my floor had refused to allow me to see her. My visit on the 26th lasted about fifteen minutes, then I returned to my floor.

3. When I got to the hallway at my floor, there was a group of deputies. These deputies included Delgado, Aviles, Rivera, Thompson, Ortega, Snyder and others, including possibly Miramontes. Two other inmates were with me, but the deputies ordered them out of the hallway and onto the module. The deputies closed the door behind them.

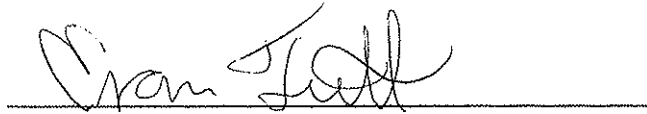
4. A deputy ordered me to face the wall. I complied. I felt their presence around me. I heard them making racial slurs at me, including calling me, "fucking nigger." The deputies attacked. They tased me. They hit me repeatedly. They used the taser in drive-stun mode repeatedly on my back. They kicked and kneed me and hit me with a flashlight. They handcuffed me, but continued hitting, kicking and tasing me. They struck me all over my body. At no time during the assault by the deputies did I fight them or struggle with them or disobey any order, other than to cover up my body to protect myself at one point. I lost and regained and lost and regained consciousness throughout the beating.

5. After the assault ended, deputies walked me out of the hallway, holding me by my shirt in a way that choked me. One of the deputies called me "fucking nigger," and threatened to harm me more seriously.

6. Eventually, I was taken to the clinic, then to the hospital. They

broke my nose in multiple places, hurt my ribs, chipped my tooth, injured my head and face, hurt my knee and legs and left bruises throughout my body. They wrote fabricated reports claiming that I assaulted them, which led to the district attorney filing criminal charges against me

I declare that the foregoing is true and correct. Executed this 5th day of May, 2010 at Los Angeles, California.

A handwritten signature in cursive script, appearing to read "Evans Tutt", is written over a horizontal line.

Evans Tutt

**DECLARATION OF FORMER PRISONER
CEDRIC STEPHEN SMITH**

DECLARATION OF CEDRIC STEPHEN SMITH

I, Cedric Stephen Smith, hereby declare:

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows:

2. I was arrested on July 12th, 2010 and remained in custody at the Twin Towers Correctional Facility ("TTCF") until August 27th, 2010. My booking number was 2400074 and I was housed in Module 162, Pod E. I am 50 years old, 5'6" and 230 pounds.

3. I am submitting this declaration to describe two different times that deputies have beaten me while I have been in the Los Angeles County jails.

2010 Beating

3. On July 30th of 2010 I had to have toenail surgery at the urgent care facility in TTCF, Tower number 2. They completely removed my toenails from both of my big toes because I had fungus in the nails. After the surgery, at approximately 2 p.m., I was chained to a bench right outside the triage room. I needed to wait for a deputy to come get me and escort me back to TTCF, Tower 1 where I was housed. The deputies in the control booth, which is located right next to triage, were watching Die Hard 2. I know because I could see the television, and I have seen Die Hard 2 before.

4. I had been sitting there for a long time and I really needed to use the restroom so I asked a deputy named Deputy Eek if he could take me to use it. I know his name because I saw it on his nametag when I asked him. Deputy Eek is about 6'1", 150 pounds and appeared to be of Asian descent. He replied to me "Ok, but give me a minute". I waited and waited. What felt like an hour later, as I grew more uncomfortable, I asked Custody Assistant ("CA") Bernadino if he could take me to the men's room. Again, I knew his name because I saw it on his nametag. He is relatively young, Hispanic, about 5'8" and 140 pounds. He responded "oh yeah, right" and continued looking up motorcycle parts online and browsing Myspace. I was able to see what he was doing from where I was sitting on the bench. The area is set up so that the control booth is in the center of the room and behind it are two benches, one to the right of

1 the control room and one to the left. I was sitting on the bench to the right, meaning that I was
2 behind and slightly to the right of where CA Bernadino was sitting. While he had his back to
3 me, the computer screen he was looking at was facing me and I could look at it from a slight
4 angle and see what was on it. All the other deputies in the control booth were Hispanic, as well
5 as the other inmates who were sitting on the bench with me. Therefore, I was the only Black
6 inmate present. I feel this is relevant because I felt that the abuse I would later suffer was
7 partially racially motivated.

8 5. Some more time went by of me holding my urine. I then said to CA Bernadino,
9 “come on man, can you take me to the bathroom now?” He told me, “shut up, don’t give me
10 problems”. It felt like another hour passed as I desperately waited to use the restroom, but there
11 were no clocks I could see, so I am not certain about the time. Deputy Eek finally emerged
12 from the urgent care, which was right down the hallway from the control booth where I was
13 sitting, and asked me if I still wanted to use the restroom.

14 6. “Yes sir,” I responded. Right then, CA Bernadino stood up and said, “that
15 bathroom right there is not working. Don’t worry about taking him to the bathroom, I’ve got
16 it.” The restroom CA Bernadino was referring to was the one that was about four feet from
17 where I was sitting. I found it to be odd that it would be out of order because I had just used the
18 that same restroom before going into surgery a few hours prior and it had worked just fine.
19 Deputy Eek went back to the urgent care and I waited for another hour.

20 7. CA Bernadino came over to where I was sitting and unchained me from the
21 bench. I got up and began to walk with CA Bernadino but my feet were really swollen from my
22 surgery so I had to walk very slowly. At this point it was approximately 4 p.m. I know this
23 because I know that when I got back to my cell about an hour later it was 5 p.m. My hands
24 were handcuffed behind my back still. CA Bernadino took me to the hallway outside of S271,
25 which was pretty isolated and had no cameras. Suddenly, he punched the back of my neck,
26 slamming me up against the wall. I didn’t want my face to collide directly with the wall so I
27 quickly turned my head to the left so only the right side of my face made contact with the wall.
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1 He then kicked me four times. He kicked my left foot to the left and my right foot to the right
2 so as to make me spread my legs. It was the two kicks after that that hurt the most though. CA
3 Bernadino kicked the back of each of my ankles so as to push each foot forward and right up
4 against the wall. Because I had just had my toenail removed, the pain in my feet was
5 excruciating.

6 8. CA Bernadino then put his right arm across the back of my neck, using it to hold
7 me up against the wall. He put his face right up next to mine (about one inch away) and said
8 "Fetterliesh is my uncle". I took this to mean he was mad about what I had said earlier. Deputy
9 Fetterliesh is the dorm deputy who comes on shift about 2pm. Earlier, when I had been waiting
10 on the bench for a deputy to come get me and take me back to my dorm, I had said to CA
11 Bernadino "Fetterliesh sure is taking a long time. He's getting old and slow and it sure takes
12 him a long time". I said this because I believed that, since it was sometime around 3pm at the
13 time, Deputy Fetterliesh would be the deputy who would come pick me up and take me back to
14 my dorm. Deputy Fetterliesh has gray hair and is probably in his late 40s.

15 9. CA Bernardino told me not to move and then opened the door to holding cell
16 S271, nudging me in with his right hand to hurry me up. I turned my back to him to use the
17 toilet in the holding cell, which was across the room from the door, and he locked me in the
18 room while I was urinating.

19 10. When I realized that I was locked in, I went to the window in the door started
20 yelling and asking to be let out so I could go back and finish watching Die Hard 2, if it wasn't
21 over by then with the other inmates and also to get back to the bench so that I could be escorted
22 back to my dorm. I was really tired at this point and wanted to lie down and rest after my
23 surgery. I also wanted to get back to my cell to file a complaint and tell the other inmates in my
24 pod about what the CA had done. But CA Bernadino had already walked away and I could not
25 see him through the glass window.

26 11. A few minutes later, I saw Rochelle, a woman I used to work with at Rancho Los
27 Amigos Hospital, walking down the hallway. I could see her through the small window in the
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1 door. I yelled out her name. She turned around because she heard me say her name but I think
2 she could not tell where she had heard her name called from because she kept walking. At one
3 point while I was yelling, CA Bernadino came back to the hallway outside the cell, looked at me
4 through the glass, shrugged his shoulders and put his hands up in the air. I took this to mean he
5 was saying there was nothing he could do for me. He then walked away.

6 12. I was so exhausted from my surgery and wanted to go back to my cell more than
7 anything. Finally, at approximately 5 p.m., Deputy Eek came by, let me out of the holding cell
8 and escorted me back to Module 162 personally.

9 13. I wrote a complaint that same day, July 30th and received no response. I put the
10 white and yellow copies inside the locked complaint box inside the pod in TTCF in Module
11 264, Pod E. So I filed another complaint on August 3rd. I filed in the same manner as the July
12 30th complaint. This complaint was not answered by the sheriff's department either but I did get
13 some paperwork to fill out from Sedwick Insurance that was sent from the Los Angeles Board
14 of Supervisors asking for more information about my claim that was dated on September 22,
15 2010. I also filed complaints to the Ombudsman office and the Los Angeles County Board of
16 Supervisors' office.

17 2004 Beating

18 14. CA Bernadino's attack on me in 2010 for no reason was especially traumatic
19 because I have been a victim of deputy violence in the past. On December 2nd of 2004 I was
20 severely beaten by Deputies Radoga and Garcia while I was in jail.

21 15. In 2004, I was arrested as a result of an argument with my neighbor. I was taken
22 into custody and was being processed at the Inmate Reception Center ("IRC"). I was seen by
23 both the medical and psychiatric departments. The psychologist I spoke with decided to send
24 me to TTCF, Module 161, the psychiatric floor.

25 16. I was handcuffed to a bench at IRC when Deputy Radoga came and got me.
26 Deputy Radoga is about 5'10, Hispanic, and was in his early 20s at the time and appeared to be
27 140 to 150 pounds. He told me to get in the elevator with him and Deputy Garcia. My hands
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1 were shackled and therefore I was standing with each of my hands at the side of my stomach. I
2 noticed that we had passed the 6th floor on our ascent, and when the elevator stopped Deputy
3 Radoga directed me to get out. I know exactly what the 6th floor looks like because I have been
4 there many times before and I knew that this was not the 6th floor. "Hey, what's going on," I
5 asked, "this isn't the 6th floor".

6 17. Deputy Radoga told me to shut up. He was to the right of me while Deputy Garcia
7 was on my left. Deputy Radoga hit me and knocked me to the ground, where I fell in such a
8 way that I was lying on my left side. Deputy Garcia was also young and in his early to mid 20s
9 at the time. He is Hispanic, about 6'1 and looked as though he weighed about the same as
10 Deputy Radoga. Deputy Garcia got on top of me and held me down so that I couldn't move.
11 Then Deputy Radoga started punching me in the face and then he kicked me in the stomach
12 about eight or nine times. I was shackled the entire time. He beat me up so bad that I lost
13 control of my bowels and defecated all over myself.

14 18. They each grabbed and dragged me from the staging area to Cell 8 on the 7th
15 floor. The staging area is the open area in the middle of each floor where the control booth that
16 the deputies sit in is located. They took of my clothes and threw me in Cell 8 completely naked.
17 Before he closed the door Deputy Radoga told me, "you better not say nothing because that's
18 your ass". I started crying. I was in so much physical and emotional pain.

19 19. Module 171 is a module in the psychiatric ward. From my previous times in jail
20 I know that when you are on that floor you are supposed to have a gown and one blanket. I was
21 left in that same cell for approximately 2 weeks with no clothes and no blanket. It was so cold--
22 I would say about 40 degrees. I had to take my toilet paper and stuff it in the holes to the air
23 conditioning vent in hopes of blocking some of the cold air. I slept naked on the cold steel bed
24 without a mat or anything. It was totally unbearable.

25 20. Finally I got some clothes and went to see Dr. Marsh, the head psychiatrist of the
26 Psychiatry Department at that time. He ordered to have me sent to Module 132 on the 3rd floor,
27 the K-10 floor. I have never been classified as a K-10 inmate before in my life. I did not know
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1 why I was all of the sudden classified as one.

2 21. I filed a complaint against Deputies Radoga and Garcia as soon as possible. I
3 used the inmate complaint form and also sent for the Tort claim form. I filed a tort in federal
4 court and the judge ended up dismissing my case without prejudice.

5 22. I sustained serious permanent injuries from the beating I suffered. I have a scar
6 above my right eye. I also have a hernia the size of a small head of lettuce that is protruding out
7 of my abdominal wall from when Deputy Radoga kicked my stomach. Photos of my injuries
8 are attached as Exhibit 1.

9 Improper Medical Care

10 23. When I was in jail the most recent time, from July 12th to August 27th of 2010,
11 the staff failed to provide me with the double belt I must wear every day that helps holds my
12 hernia in closer to my abdominal wall. Because they had failed to provide it to me in the past, I
13 immediately started asking for it when I was taken into custody. The staff first tried to give me
14 a belt for the groin area and not the stomach. Then they gave me a gigantic belt the size of a rug
15 that didn't provide me any support at all. Lastly, they tried to give me a single belt but the single
16 belts are not sufficient for the kind of hernia that I have; I need the double belt to hold it in
17 properly. I filed a form entitled "Inmate Complaint/Services Request Form" but I never
18 received the double belt the entire time I was in custody and, as a result, my hernia worsened. It
19 grew out of my abdominal wall about 3-4 inches more than it was before. Photos of my hernia
20 are attached as Exhibit 1.

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24. I was really scared because at this point I was housed in General Population (“GP). There is always constant fighting among inmates in GP. The walls around my intestine are so thin that during even a minor incident I could get poked on or near my hernia and such poke could burst my hernia and could potentially kill me.

25. I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing is true and correct to the best of my knowledge and belief.
Executed August 20, 2011 in Los Angeles, California.



Cedric Stephen Smith



