

# Witness LA

## [So Cal ACLU Files Big Federal Law Suit Against Sheriff's Dept. for Jails Violence](#)

📅 January 19th, 2012 by 🧑 Celeste Fremon

**On Wednesday morning, The ACLU of Southern California filed [a federal class action suit](#)** against the Los Angeles Sheriff's Department with the idea of getting a sharp-toothed federal injunction that will force the department, at legal gunpoint, if necessary, to make the changes necessary clean up its desperately troubled jails.

**The suit makes it clear** that it's not looking merely for symptomatic tinkering, that it views the problems as systemic, and that they start at the top.

**With this in mind, in addition to suing the LASD in general, the suit charges that Sheriff Lee Baca, Undersheriff Paul Tanaka, Assistant Sheriff Cecil Rhambo, and former Chief of Custody Operations Dennis Burns** all knew about “a longstanding, widespread pattern of violence by deputies against inmates in the county jails” — but when confronted with the abuse by concerned supervisors (as we reported [here](#) and [here](#) and [here](#) in Matt Fleischer's Dangerous Jails series), Baca, Tanaka and company basically told the supervisors to buzz off—and the abuse was allowed to continue.

**The [77-page complaint](#) details an avalanche of horrific alleged incidents of inmates being slugged, tased, kicked, head-bashed, slammed and, in one case, scalp-carved by deputies**—with several of the reported incidents occurring in front of witnesses, or while the inmate was handcuffed, or both. Many of the beatings reportedly resulted in multi-day hospital stays and permanent injuries.

**At a press conference Wednesday morning,** So Cal ACLU legal director, Peter Eliasberg, and Margaret Winter, the associate director of the ACLU National Prison Project, both said they expect the lawsuit to result in a federal injunction—likely in the form of a consent decree— that will force the LASD into “real accountability.”

**When I asked Winter whether or not she thought the ACLU** had a good chance of getting the desired injunction, Winter answered strongly in the affirmative.

**“I have really seldom felt more confident that litigation is going to result in a consent decree.” she said.** “I mean, we have massive evidence even *before* discovery. And during the discovery phase of all this, we're going to get everything. *Everything.*”

(Just in case you've forgotten, *discovery* is the period of formal investigation — governed by court rules — that is conducted before trial. At that time one party may force the other to produce requested documents or other physical evidence, even if the second party really would rather not.)

**Until very recently, said Winter, the department refused even to fork over its guidelines** for use of force inside the jails. “We tried for years to get that.”

**(For the record, I know from personal experience that one can easily** get this kind of information from the LAPD, while the Sheriff's Department is bothersomely withholding about trivial things.)

**“Now [through the discovery process] we're going to open the book and go into all the dark corners** of the jails and shine a light on the fantastic secrecy that's been the rule in the past.”

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In reading over the [just-filed 77 pages](#) of the “Complaint for Injunctive Relief”—known formally as *Rosas v. Baca*— it does appear that the ACLU already has a lot of potent ammunition to get the court’s attention.

**Some random examples of the allegations include:**

**In July 2011, two deputies beat a handcuffed inmate** about the head and neck, the beating so severe that he required hospitalization outside the jail, and has permanent hearing loss in one ear.

**In March 16, 2011, three deputies beat an African American inmate** until he was unconscious then carved the letters M – Y into his scalp, the first two letters of “MYATE,” (or more commonly “MAYATE,”) a racial street slur meaning “black.”

**In March 2011, deputies slammed a handcuffed inmate’s head into a cement wall**, leaving him with a concussion and a gash that took 35 stitches to close, then beat him around the head and face when he came to, resulting in 2 days of hospitalization and four additional days in the jail’s medical unit. The ACLU reports that there were several witnesses to this incident.

**In February 2011, deputies severely beat a mentally ill inmate** who was in jail on two warrants: for failure to pay his subway fare, and driving without a license. The beating resulted in a collapsed lung, two broken ribs, a nasal fracture and four broken teeth.

**The list goes on from there, including the alleged 2008 rape by a deputy of Frank Mendoza**, who was in LA County jail on a charge of public drunkenness. (That’s Mendoza in the video above.)

**These are, of course, only allegations. But there are a lot of them.** And included in the filing are accounts from a list of civilian witnesses, including two jails chaplains, and a former FBI agent.



**LASD Commander James Hellmold was present at the press conference** and answered reporters' questions afterward. (Interestingly, Hellmold admitted he'd not been invited by the ACLU to the Press Conference, but saw a PR release announcing its existence, and simply decided he'd show up, like the rest of us, to find out what was being said. We, in the press, of course, were delighted that he chose to do so.)

**In response to inquiries about the alleged beatings, Hellmold said that he “hoped deputies would be given the same courtesy given the inmates,** of being considered innocent until proven guilty.”

**(Winter said later, than if any deputies weren't given due process,** she guaranteed she'd be the first in line to bring suit to defend their constitutional rights.)

**About the reported “culture of violence” inside the jail system,** Hellmold said that there was “a culture of violence,” inside the jails, but that it was “among the inmates,” more than half of whom he said, “are in jail on violent charges.”

**When pressed on the topic by a TV reporter who asked what he thought about the sign-throwing, tattoo-sporting deputy gangs inside the jail, groups like the now-infamous 3000 Boys inside the jails,** he said, “I have no comment.”

**Hellmold is one of the three recently promoted commanders who are heading up the Sheriff's special task force** that was formed last fall to look into the accusations of inmate abuse by deputies. (As we have [reported in the past](#), Hellmold is also part of Undersheriff Paul Tanaka's inner circle, and a longtime donor to Tanaka's political campaign outside the department. We also [reported](#) that Paul Tanaka was the one who was [repeatedly obstructive](#) when concerned department supervisors tried to institute reforms to curb the deputy on inmate violence.)

**Oh, and Hellmold was one of those who [told the LA Times](#) back in October** that reports on jail violence never reached the Sheriff.

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**Bring on the lawsuit—and the discovery.**