

**REMARKS OF COMMISSIONER LOURDES G. BAIRD, CHAIR
HEARING OF CITIZENS' COMMISSION ON JAIL VIOLENCE
SEPTEMBER 28, 2012**

When we first were formed, prior to the time that we were actually appointed, the Board of Supervisors presented their decision to form this Commission and gave us the following mandate: "to conduct a review of the nature, depth and cause of the problem of inappropriate deputy use of force in the jails and to recommend corrective action as necessary. It shall be the task of the Commission to restore public confidence in the constitutional operation of our jails."

Now I'd like to take just a moment to thank not only those volunteers, which you six [Deputy General Counsel] represent, but so many other volunteers, our staff, our General Counsel, and our Executive Director and furthermore the six [other] members of this Commission. Until such time as all of us were in place, we really couldn't get started.

The group has indeed done an incredible job, and I'm not going to go through all of the work because it is quite obvious by reading this Report how much work and time has gone into it. I do want to thank, as I mentioned, the volunteers. I also would like to thank the witnesses. Those are witnesses who came willingly -- because we have no subpoena power nor contempt power -- they came of their own accord and they testified on their behalf and on our behalf. Not only those witnesses but there are many members of the public -- former inmates and family members of inmates who have had incidents in the jails and I do commend them as well because that takes a great deal of courage to come out and make those comments. So without that we never would have been able to proceed.

This Report really is the very first comprehensive investigation of our Los Angeles County jail system, from top to bottom, with a focus on the problem of inappropriate deputy excessive force. Our findings and recommendations are a reflection of the thorough investigation and the presentations of the staff.

It is our hope, and I'm sure that all the Commissioners join me, that the Sheriff, as well as the Board of Supervisors, will embrace these recommendations and findings in order to fulfill our last mandate, which is perhaps the most important one, and that is to "restore public confidence in the constitutional operation of our jails." And now it is truly up to them to do so.

Thank you very much

CITIZENS COMMISSION ON JAIL VIOLENCE (CCJV)
Statement by Reverend Cecil L. "Chip" Murray, Commissioner

Friday, September 28, 2012 10:00 am

Our analysis of jail violence would remind those in law enforcement who are people of conscience and consciousness that we appreciate them, and are not aiming at them, but at those who are rogue cops, that segment found in every career field. Abraham Lincoln says, "If you want to test a man's character, give him power." Then Lord Acton, British historian, says, "Power tends to corrupt, and absolute power corrupts absolutely."

So give good people power, and give good training to these good people, and we end up with good results. Good training, of course, includes accountability to the maximum, and corruption to the minimum. The keynote in essence must include surveillance, for without proper monitoring, who will protect us from our protectors? In that regard, let me share four brief notes.

1. We must commend our Board of Supervisors, for they seem determined to expunge the negatives that have been revealed by such as the Office of Independent Review, ACLU, the Sheriff's Ombudsman and others using exhaustive and authentic investigations. Our commission, having scanned hundreds and hundreds of explorations can verify to all that we do indeed have a problem.

2. The Sheriff is now attentive and would do well to meet with a review team to be established by the Board of Supervisors, both standing before the Supervisors monthly for the first year of monitoring and of reviewing progress in meeting the positive recommendations adopted by the Board. The Sheriff claims that increased funding will be required for compliance, and

this is a consideration that should be examined along with the outlining of new procedures.

3. Tracking is crucial. Equally crucial is tracking independent of monitoring by the Sheriff's Department, but accountable only to the Board of Supervisors.

4. The monthly meeting of all parties would do well to be an open meeting, reviewing designated items and adherence to time lines, with the press being present to monitor and report to the public the status of progress.

Summarily, we are in harmony and know that we have a problem. Further, we know we have valid and workable solutions.

So ours can no longer be an excuse of not knowing or a failure of know how.

We can only be faced with a failure of will.

WE WILL TO SUCCEED IN CORRECTING JAIL VIOLENCE IN OUR SYSTEM.

**Jail Commission
Jim McDonnell
September 28, 2012**

I want to thank the Board of Supervisors for convening this Commission to address the chronic, long term and troubling allegations of excessive uses of force in the LA County Jail system.

I am honored to have been able to serve for the past year with such a distinguished panel of accomplished leaders.

We owe a debt of gratitude to the Commission's staff for their tireless efforts to accomplish our assigned task. Thank you also to the prominent Los Angeles law firms that assigned some of their sharpest minds to complete the investigative follow up, analyses, interviews and to take the statements necessary to properly tell the story.

The allegations of excessive force in the jails go back many years and have been the subject of many reports to the Sheriff, the media, and the public. While some actions may have resulted from the reports being issued, there has been no sustained system-wide effort to address these allegations to date.

Despite the significant amount of attention focused on the problems in the jails by the media, the multitude of complaints and lawsuits filed, the payouts and settlements for damages, the reports prepared by the Office of Independent Review, the Special Counsel, and the ACLU, who has been appointed by a federal court to monitor inmate welfare in the jail, there has not been any great public outcry to fix the problems in the jail.

Why is this?

The people most directly impacted don't have a lot of credibility in the eyes of the public, nor does the behavior that got them to County Jail generate much in the way of sympathy or support.

This is the reality that we face. That makes the responsibility of this Commission that much more critical.

We were tasked by the Board to thoroughly examine the situation present in the jails. As you will see in the report, we broke our examination down into sections that address Management, Culture, Use of Force, History of Reform Efforts, Oversight and Personnel. Each section has an overview, findings and recommendations for change.

I have had the opportunity to work alongside LASD for over 3 decades and I have tremendous respect for the men and women in the Sheriff's department. They do an extremely difficult job overall very well. They have a lot to be proud of including their work in Courts, Custody, Transportation, and Law Enforcement.

We have seen that LASD has a strong culture with a rich tradition, and that its members, both active and retired, take tremendous pride in the organization, as well they should. Several employees put a lot on the line to testify before this Commission in an effort to help make their organization better. Many others shared their insights less visibly, but were just as valuable.

My hope a year ago was that we would look at issues that were of concern in the LA County Jail system and be able to make recommendations that would improve conditions for inmates and LASD personnel alike.

I have to say that I was very surprised by what this Commission has learned from testimony, our examination of the reams of paperwork, and the many interviews conducted pursuant to our charge.

We have heard testimony and read interviews from dozens of credible people who have told us that the problems that we are examining in the jails are nothing new. In fact, these issues have been present for years and have been brought to the attention of the Sheriff directly, as well as through the chain of command.

We have copies of reports from Merrick Bobb and Mike Gennaco, some dating back years, that were presented to the Sheriff. These reports, among others, identify and address recommendations for change. This Commission heard from both of these gentlemen directly.

We also heard from Sheriff Lee Baca and Under Sheriff Paul Tanaka. Both are long time colleagues, whom I have respected and considered as partners, so as you might imagine, this was not an easy, nor pleasant task.

The Under Sheriff did not recall many of the details when asked about management issues regarding use of force, jail operations, deputy cliques and promotions, or political fundraising, among other issues.

These are significant topics that law enforcement executives deal with on a daily basis. When questioned about the culture of the LASD, we were given similar responses. This was very troubling.

We heard Sheriff Baca tell us that he was unaware of many of the problems that we are charged with examining. We heard that his subordinates did not keep him apprised of what was going on and that he was shielded from information that he needed to know.

We also heard the Sheriff tell us that he is ultimately responsible for all that happens in the LASD. As the leader of a law enforcement agency, I agree with him. Whether I am informed or not, I am responsible for the actions of my agency and the people in it and I expect to be held accountable. That is the nature of the business.

He told us that he is an elected official, accountable to those who elected him.

When asked about how he is to be held accountable, he responded, “don’t re-elect me.”

In addressing the charge given to us by the Board of Supervisors, that response does not promote reform in any meaningful fashion.

As a Commission, we also have no authority to implement change within the LASD. We can only make recommendations for improvements.

While we hope we can be helpful in this regard, we also worry that this report will end up like the many others that preceded it.

My concern is that if serious remedial action is not taken immediately, federal authorities may pursue legal action against the County which would likely result in a Consent Decree. That would be an onerous, labor intensive and very expensive path to reform. Instead, it would be more constructive for morale within the organization and more efficient to the operation of the department, to implement these reforms before any state or federal mandate.

There are many issues that need to be addressed in order to make the LA County Jails a model for the nation. The road will be a difficult one, with expensive infrastructure needs, deployment and staffing concerns, and many other challenges that come with policing an extremely complex and dynamic environment.

However, this goal is attainable!

We are very fortunate here in Southern California that we have some of the best people in law enforcement as members of our organizations. With appropriate staffing, support and leadership, I am confident that we can overcome any obstacle and rise above the challenges of today to restore public trust.

REMARKS OF COMMISSIONER ALEX BUSANKSY
Hearing of Citizens' Commission on Jail Violence
September 28, 2012

I want to take a moment to first thank my fellow Commissioners and the staff of the Commission. I give my heartfelt thanks to the many attorneys and other volunteers who have given us their assistance in completing the critical work of the Commission.

And finally, my deep appreciation to the many people who took time from their schedules to speak before the Commission, both at our meetings and in our community listening session. All of you helped to give us a more complete picture of the jail.

The Board of Supervisors formed our Commission last October with a mandate (quote) "to conduct a review of the nature,[the] depth and cause of the problem of inappropriate deputy use of force in the jails, and to recommend corrective action as necessary." (End quote)

I believe that we have fulfilled our mission with the release of our final report. Our work has been challenging, and not always easy. We have heard from many people with differing opinions as to the nature of the problem and the solution. I hope that our report will be taken as it is intended: a document driven by the hope and expectation that Los Angeles can one day be the shining example of how to run a large jail system.

As we sit here today, there are currently over 18,000 men and women who are being held in the LA jail system, under the supervision of the Sheriff's Department. Countless more have gone through the facility or will be held in the months and years ahead. All are individuals, and also members of a larger community. They have mothers and fathers. Brothers and sisters. Sons and daughters. Some will be charged with serious crimes and may serve lengthy prison sentences. *Most* will be quickly released from the jail, having been charged with misdemeanors, or because their cases are dismissed or they're ultimately acquitted. Some have jobs. Some are in school. All of them have lives beyond their stay in the LA County Jail.

All of them are entitled to be housed in a jail that protects them. A jail run by a department that keeps them safe: not only from potentially dangerous inmates but also from the very people who had sworn to protect them – the Sheriff's deputies.

There are many, many good and honest men and women who work in the Sheriff's Department—people who do not deserve to be tarnished in this process. We have made many recommendations that will help these individuals to serve in a safe and well run department. But like our hospitals and schools, our jail is a public institution. Those who work in the jails, sadly, live by the reputation and actions that others bring upon the institution.

Several years ago, I served as the Executive Director of the Commission on Safety and Abuse in America's Prisons. I have worked as both a federal and a state prosecutor. I have visited numerous jails around the country, met with the men and women who work in them, and spoken with those who are incarcerated.

Sheriff Baca said recently, "We are best in the nation." What I, and this Commission have seen is not the best in the nation. It is a jail system in desperate need of real leadership, meaningful accountability, and simple honesty. Leadership that has the tools and the know-how to change the dangerous culture that has been allowed to grow in much of the jail system.

This Commission's report does not represent the end of the process but another step along the path of change.

In our report, we say:

"If a chief executive officer in private business had remained in the dark or ignored problems plaguing one of the company's primary services for years, that company's board of directors likely would not have hesitated to replace the CEO. Dismissal is not an option, of course, when talking about an elected public official. But the Commission was disturbed by the Sheriff's "don't elect me" response to a question about how he should be held accountable for the troubling history of the jails under his watch. His statement seemingly reflects a lack of genuine concern about and acknowledgement of the severity of the problem."

Perhaps some would agree with Sheriff Baca that the ballot box is the only place for a measurement of his performance. I would argue otherwise. Real leaders do not need an election to teach them the difference between right and wrong. Real leaders are accountable to all people in their community. Real leaders demand accountability from those who work for them. Seeking Sheriff Baca's dismissal is beyond the scope of this Commission's work. However, it is well within the scope of work of the Board of Supervisors, the press, and our civic and religious leaders.

I hope that in the months and years ahead the work of this Commission and others working toward real reform of the Sheriff's Department will not drift into the shadows, but that the spotlight will remain "on" and bright. I hope that the community will care, and understand that the state of this jail impacts their lives. I hope the good men and women in the Sheriff's Department will demand leadership that meets their needs. And finally, I hope the people whose lives are touched by conditions in the jail can have the jail they deserve.

As we once wrote in the report of the Commission on Safety and Abuse in America's Prisons called "Confronting Confinement":

"What happens inside jails and prisons does not stay inside jails and prisons. It comes home with prisoners after they are released and with corrections officers at the end of

each day's shift. We must create safe and productive conditions of confinement not only because it is the right thing to do, but because it influences the safety, health, and prosperity of us all."

It was true then. It is true today.

Thank you.

REMARKS OF COMMISSIONER ROBERT BONNER¹
Hearing of Citizens' Commission on Jail Violence
September 28, 2012

Thank you, Judge Baird - -

Our Commission's report is addressed to the Board of Supervisors, but in my view it is primarily addressed to Sheriff Baca.

Only the Sheriff can take these recommendations and implement them. These recommendations, no matter how good and sound they are, mean absolutely nothing without implementation. Or put differently, if the Sheriff does not latch onto these recommendations, if he does not take them to heart and make them his own, these recommendations *ain't goin' nowhere*.

So, I am speaking directly to the Sheriff because he is *the* person who must be the primary agent of change if these reforms are to be adopted and ingrained into the DNA of the Sheriff's Department.

You can read the findings of this Commission. They document a persistent and recurrent use of excessive and unnecessary force within the County Jail, particularly Men's Central Jail, going back at least 6 or 7 years and probably much longer.

The very first sentence of our report states and I quote:

[READ FIRST SENTENCE OF REPORT]

This is a harsh assessment. But we pulled no punches, and regrettably it is justified.

I hasten to add, it is justified even if we discount entirely the anecdotal stories of the many inmates who have come forward. We have not attempted to determine credibility or adjudicate any individual case. The Commission's finding is justified, however, based on the statements of current and former members of the Sheriff's Department, the statistical data and the observations of watchdog agencies, such as Special Counsel and the Office of Independent Review.

I do want to say, though, that you cannot run a jail without using some, appropriate levels of force from time to time. The Commission is not living in some sort of ivory tower. And I understand the dangers that Deputy Sheriffs assigned to Custody face and the legitimate concerns for their own personal safety.

Our report is very critical of the Sheriff and his leadership and management style, especially when it comes to the Use of Force (UoF) issue within the jail. He testified right there, and he said he was *unaware* of the UoF problem until recently, until last fall. His senior managers kept him in the dark. Well, they did him a great disservice.

¹ Mr. Bonner speaks extemporaneously from time to time and occasionally varies from the written text. He reserves the right to do so.

The fact is that the Sheriff does not seem to be someone, as a manager, who wanted to hear about problems. Like the proverbial ostrich, he seems to have had his head in the sand, happy to deal with other issues, ones that perhaps interested him more, but not minding the store when it came to running the jail in accordance with lawful and sound UoF policy.

And yet, even though his subordinates did not inform him of problems relating to the use of excessive force, of cliques of Deputies operating in the jail, of inadequate training and supervision, of a culture of aggressiveness, -- *no one* has been disciplined, *no one* demoted. As someone said, "no heads have rolled."

Some have suggested that our Commission call for the Sheriff to resign.

Although this was considered, we rejected such an approach.

And -- I speak here only for myself -- the reason we rejected this approach is twofold:

1. The Commission's reforms require the Sheriff and his leadership, or *they won't happen*, and
2. I believe -- and I think my fellow Commissioners concur -- that Sheriff Baca can and will effect these changes. I know him to be a thoughtful man who wants to do the right thing.

I hope that I am not proven wrong. I truly hope that my faith in Sheriff Baca is not misplaced.

I take heart because, as our report notes, the Sheriff has taken charge starting last Fall.

To his credit, he *has* focused on the UoF problem in the jails and he has had some positive results. As our report documents, UoF, and particularly, *significant* UoF incidents have fallen dramatically since last Fall. And that is welcome news. Indeed, one might ask: If the Sheriff has already instituted reforms that will have a *lasting* impact on reducing and eliminating unnecessary and unreasonable force, why have we bothered?

The reason we have taken the time to assemble a comprehensive set of reforms designed to eliminate excessive force against inmates is quite simple: the steps taken by the Sheriff to date will *not* have a *lasting* effect, -- repeat, will not have a lasting effect -- without more fundamental change along the lines that we are recommending.

The modest steps taken by the Sheriff are *not* permanent, institutional reforms. They are band aids, -- meant to staunch the bleeding. They are temporary, at best.

For example, he set up the Commanders Management Task Force (CMTF), and it has helped him focus on this issue. But the CMTF is not a long term fix, and indeed it will ultimately confuse and undermine responsibility and accountability.

As we have recommended, a longer term fix will be achieved only by having an Assistant Sheriff in charge of the Jails, in charge of Custody, and one with experience and expertise, who must be responsible for and directly accountable to the Sheriff for the running of the jails and UoF within them.

The Sheriff has recently revised the Department's UoF policy to make clear that use of force is a last resort, not a first resort. The new policy clarifies that they should be attempts to de-escalate a situation if that can be done. This is commendable. But what it needed, as we have recommended, is a clear expression of the totality of a UoF policy in one place, one that is consistent with Constitutional requirements, and how it applies in custodial settings. Then, there needs to be training to gain adherence to that policy. And when that policy is not followed, there must be swift and certain discipline.

Lasting reform will not be accomplished through inmate education programs or through Town Hall-type meetings. They may or may not be useful for other purposes, but they have very little to do with making cultural and institutional changes that will really have an impact on reducing and eliminate the inappropriate use of force.

So, if the Sheriff's reforms to date are not particularly significant, why the dramatic drop in UoF incidents. The answer, ladies and gentlemen, is that most of that drop occurred because the leader of the organization, the Sheriff, finally *focused* on this issue. He made it one of his *highest priorities*. And it was clear to everyone in the Sheriff's Department that he wanted something done to put an end to excessive force within the jail.

How long will the Sheriff stay focused on this issue, some have asked?

He will need to keep that focus, otherwise the County and its taxpayers will be paying out tens of millions of dollars in judgments and settlements that they should not have to. He needs to keep that focus or too many inmates will suffer unnecessary physical injuries and brutality.

But besides keeping this as one of his highest priorities, the Sheriff needs to institute *real* reforms, *real* change of the type we have recommended. And change is not easy.

The solution to the problem requires significant, profound institutional and cultural change.

It requires a Sheriff's Department that truly values the Custody mission. That views it as at least of equal importance to its law enforcement mission. Yet the current Mission Statement of the Department does not even mention Custody or the jails.

It is not just this glaring absence from its mission statement, everything about the LASD underscores the notion that Custody is *not* the real work, it is *not* the important work of the Department. From hiring, training, to assignment policies, to use of a Custody assignments as punishment for deputies who have screwed up on Patrol (and I know this reportedly has changed), to short term assignments for supervisors assigned to the jail, - - all of this reinforces the internal "cultural" view that Custody is secondary, it is career "dead time", and so on. This must change.

One of our recommendations relates to how to keep the spotlight on. And it is our recommendation to create an office of Inspector General who will be independent of the Sheriff and report to the Board of Supervisors. Just a brief word about our proposal to create an OIG.

As noted recently in an LA Times article, it isn't that there haven't been any "watchdog" or oversight entities over the Sheriff's Department.

There is the office of Special Counsel.

The Office on Independent Review

The Office of Ombudsman.

And there are ACLU "monitors" in the jail.

All of them have failed. This may be a case of too many watchdogs. All of them, I believe, were well intentioned, but there were gaps in their responsibilities and in other ways they overlapped, in some instances they lacked the resources to do the job. None of them actually monitored statistical data on a regular basis, data that would have raised "red flags", that would have indicated a UoF problem.

In a nutshell, our proposal is to eliminate all of these watchdog entities and create one with the authority, the independence, the resources to actually monitor, investigate and report on this issue, - - as well as how the Sheriff is doing in implementing our proposed reforms.

And so, looking broadly at our recommendations, they are designed to change the structure and culture of the LASD,- - how the LASD recruits and trains, makes assignments, promotes, and disciplines. But at their core, these recommendations are about *cultural change*,- a change within the Sheriff's Department *that values the Custody mission and those who work in Custody.*

The philosophy that needs to be ingrained into the culture of the Sheriff's Department is that UoF is a *last*, not a first resort. It is a culture that truly treats inmates with dignity, consistent with the Core Values of the Department. It does not rely on "jailhouse justice" and it rejects the need for a "This-is-our-House" mentality. There would be zero tolerance for deputy cliques and subcultures.

This will require *agents of change*. Many of them. Right down to the first line supervisors, the Sergeants. They are all important.

But the primary Agent of Change must be the Sheriff himself.

If this cultural shift and these structural changes we've recommended do not occur, we, or in reality some other Commission like us, will be back in another 5 or 10 years.

And history will have repeated itself.

If you don't believe me, read chapter 2 of our report, a chronicle of reforms recommended by various watchdog groups that were never acted upon, that were allowed to lie fallow.

And so, I will end my remarks by paraphrasing the great American philosopher George Santayana:

"Those who do not know and understand history are condemned to repeat it."

Let's not do that.

REMARKS OF COMMISSIONER CARLOS MORENO
Hearing of Citizens' Commission on Jail Violence
September 28, 2012

Thank staff and fellow commissioners for their dedication and efforts to address the problem of violence in our jail system. Many many hours of volunteer time has gone into these proceedings and for that the citizens of this County should be very grateful.

I hope our efforts are not in vain. Truly, I don't. I have great respect for our public servants, in and out of law enforcement, and commend the Board of Supervisors for taking the initiative, yet one more time, to address this critical problem so vital to our system of justice - a system that I feel keeps our democracy safe, protects our physical well-being, while respecting the rights of all citizens. We will never be a perfect society, but we should never retreat from that aspiration.

Although I have been involved with the justice system for almost my entire career, and as a judge and city prosecutor came in regular contact with hundreds if not thousands of law enforcement personnel and persons accused and convicted of crimes, I have learned a great deal about our jail system while serving on this Commission – perhaps more than I wanted to know.

Our jails present a very difficult and unique scenario for those who work there and for those who are incarcerated there – they are overcrowded, staffing is wanting, the facilities are outdated, and many of the inmates are very dangerous and many suffer from severe mental disorders.

That said, what struck me is that these problems are not new, they are of long standing, but they are not irresolvable. Prior efforts and studies and reports have come before us to address these same problems, made many of the same recommendations, faced the same obstacles, - some were implemented but regrettably, most were not. We still need answers to these problems.

In one sense, I take some comfort that our findings are consistent with what has been said before; I take comfort that what we have heard in these chambers is consistent with what has been previously reported, both anecdotally as well as in the statistical evidence and in the reports of experienced corrections experts. So I think our Report in all its parts has been validated because it has that certain "ring of truth" that makes our recommendations all the more reasonable.

Without commenting on specific recommendations, since the Report speaks for itself, I just want to say that most disappointing for me, as a former judge, has been the lack of quality control in collecting inmate complaints against deputies, whether founded or unfounded, adjudicating those complaints, tracking them, and taking the appropriate

action where action is warranted. It is a system designed to fail and designed to withhold accurate information from those supervising our jails, and results in the presentation of false and misleading information to our courts which depend on the integrity of law enforcement to comply with certain disclosure requirements. And in this day and age of technology, there is absolutely no reason why such information should not be readily obtainable, even if not ultimately disclosed.

We all suffer when we do not have an accurate assessment of what's going on in our jails. It diminishes the integrity of our justice system.

The Sheriff and his staff appear to be trying, but they simply must try harder. Whatever it takes, whatever it takes, I know the Sheriff will have my full support, and I hope the full support of this Commission.

But we can all agree that the time for action is long past due; otherwise, and I don't welcome this, we may shortly see the jails being run by one of our former colleagues on the federal bench.