

Posted 11/13/11

## L.A.S.D. BLUE

***“We police ourselves,” insists Sheriff Baca. But running a department takes a lot more.***

*By Julius (Jay) Wachtel.* Sheriff Lee Baca was upset. “It’s illegal. It’s a misdemeanor and then there’s a conspiracy law that goes along with it,” he growled. But his anger wasn’t directed at the deputy who had snuck contraband into the Men’s Central Jail. Instead, [L.A. County’s top cop was mad at the FBI](#).

Why was the sheriff irritated? The Feds committed no crime. An undercover agent paid a corrupt deputy \$1,500 to pass on a cell phone to an inmate who was secretly an FBI stoolie. It was a creative and fully legitimate exercise of the Bureau’s mission to root out corrupt cops. Why was Baca really miffed? Because the Feds didn’t ask first. They embarrassed him. And because they were evidently still nosing around “his” jails.

As far as is known the FBI’s interest began last year. That’s when agents interviewed a former inmate who sued deputies for beating him up (he lost the fight and the lawsuit.) An FBI spokesperson told reporters that agents were investigating that incident as well as another in which Baca’s deputies allegedly etched a slur into an inmate’s scalp.

Since the signing of a consent decree in 1985 ACLU monitors have observed the jails. One who was at the Twin Towers jail on January 24 [reportedly observed deputies](#) punching, kicking and repeatedly Taser-ing a limp, unresisting inmate. Her declaration called a log entry that portrayed the inmate as violent a complete fabrication. An inmate who said he was warned not to cooperate furnished a supporting declaration. These documents were filed by the ACLU on February 7, the same day that the inmate was charged for battering his jailers. Was it a coincidence? Who knows?

FBI agents interviewed the monitor. A Federal grand jury subpoenaed the *Los Angeles Times* for the identities of two readers who commented on the story. One mentioned observing “brutal beatings of prisoners on a daily basis” at a hospital jail ward. Another, purportedly an ambulance attendant, wrote of regularly taking “the sheriff’s assault victims” to hospitals. (The *Times* refused to release the information.)

Back to the present. Sheriff Baca was barely done sniping at the FBI when the ACLU filed its [yearly jail oversight report](#). Entitled “Cruel and Unusual Punishment: How a Savage Gang of Deputies Controls L.A. County Jails,” it harshly criticized jail deputies’ alleged culture of intimidation and brutality:

In the past year, deputies have assaulted scores of non-resisting inmates, according to reports from jail chaplains, civilians, and inmates. Deputies have attacked inmates for complaining about property missing from their cells. They have beaten inmates for asking for medical treatment, for the nature of their alleged offenses, and for the color of their skin. They have beaten inmates in wheelchairs. They have beaten an inmate, paraded him naked down a jail module, and placed him in a cell to be sexually assaulted....

Prisoners submitted dozens of affidavits. But it wasn't only them. Jail chaplain Paulino Juarez mentioned an incident he witnessed in 2009. "To this day, recalling the beating brings tears to my eyes, and I cannot finish talking about it without taking a few moments to compose myself." An anonymous colleague spoke of an episode earlier this year: "I was so shocked that despite the deputies seeing me watch them beat up the inmate, they continued to kick and beat him. It was like they didn't even care that there was a witness." Scott Budnick, a well-regarded civilian volunteer, said that he witnessed four beatings over the years. In one a deputy smashed an inmate's head into a wall for no apparent reason; in another three deputies kicked and punched an unresisting inmate while yelling "stop resisting!" Here's what a retired FBI executive (he formerly headed the agency's Los Angeles office) who helped the ACLU prepare the report had to say:

To an astonishing extent, unchecked violence, both deputy-on-inmate and inmate-upon-inmate, permeates Men's Central Jail and Twin Towers jails...The voluminous evidence I have reviewed cries out for an independent, far-reaching, and in-depth investigation by the Federal Government. The problem can no longer be ignored.

Then the other shoe dropped. A hurriedly prepared but informative [report](#) by the Los Angeles County Office of Independent Review (OIR), which oversees the LASD, criticized jail oversight. According to the report, determining what really happens in the jails is a challenge, as there are few video cameras or unbiased witnesses. Its review of a sample of thirteen episodes of deputy misconduct revealed many examples of officers who failed to report abuse or lied about what took place.

Within days the ground on which Baca stood began giving way. An inmate was discovered dead in his cell. [He had been punched by a deputy](#) two days earlier. [A rookie deputy resigned](#), ostensibly because his supervisor forced him to beat up a mentally ill prisoner. The deputy who fell prey to the Fed's cell phone sting resigned. [He then started talking](#) – naturally, about inmate beatings. Baca's friends in the media turned their backs on the once-popular Sheriff. *L.A. Times* columnist Steve Lopez [urged him to resign](#): "Baca's sheriff's department is looking more and more like the Hazzard County department run by Boss Hogg. Guess what, Lee. 'Dukes of Hazzard' was *not* a training film."

Baca brushed off the suggestion. As an elected official (he's on his fifth four-year term) he left it to the voters to "decide." Still, he had to do *something*. [He promoted three area commanders](#) and sent them off to take charge of the jails. A task force of 35 deputies was formed to review past allegations of abuse. Then came the requisite perp walk to the *L.A. Times*, where Baca delivered the obligatory *mea culpa*. True to form, [he blamed commanders](#) for keeping him in the dark. Yet he also admitted having been "out of touch" with the jails. "The truth is I should have known. Now I do know." He promised reforms. One tangible step was to install 69 video cameras that had been sitting in their original boxes for a year.

And it's still not over. A two-year old internal report turned up that [accused deputies at the Men's Central Jail](#) of beating disrespectful inmates and "dramatizing" incidents to justify the use of force. It also criticized the practice of assigning rookies to the third floor where the most dangerous inmates are housed. (Earlier this year [the department fired](#) six third-floor deputies who assaulted two deputies from another floor while off duty. The injured officers [sued LASD](#) for letting the tattooed, gang-like deputy clique form.)

Baca's stewardship of the department has come under criticism over the years (see the [Lopez article](#) for a rundown of the gripes.) Still, controlling the largest municipal jail system in the U.S. would be a challenge even for competent administrators. As the Office of Independent Review (OIR) noted, jail deputies are mostly left to police themselves. Really, there are few occupations that expect practitioners to exercise as much self-control and restraint as law enforcement, where near-adolescents are given badges and guns and sent to go do God's work, often under the sketchiest oversight.

To be sure, good supervision is important. But the most important line of defense remains an individual's good judgment. Yet how the LASD selects, trains and deploys deputies leaves a lot to be desired.

In 2009 the OIR issued a [report](#) that blasted the LASD for dreaming up a "holistic" approach that led applicants with significant integrity, temperament and criminal issues to be hired. That debacle, whose effects continue to the present day, was caused by a major recruitment drive during 2005-07, when a stunning 2,500 deputies were added to the rolls.

Processing an applicant pool large enough to yield so many cops in such a brief timeframe seems impossible, at least without taking shortcuts. [In a rush to bring deputies on board](#), that's what the LASD did, swamping background investigators and ignoring their concerns. Academy standards were lowered to make sure that everyone passed. Staff gave out answers to exam questions ahead of time and repeatedly recycled cadets who still managed to flunk. That led to another critical OIR [report](#) as well as the academy's near-decertification by the state's peace officer and training commission, which was stunned by the department's indifference to the integrity of the testing process.

Did Sheriff Baca take these reports to heart? Apparently not. While his managers jammed trainees through the process he let TV producers film a reality show. "[The Academy](#)," which ran for three seasons, portrayed the LASD's hyper-military, stress-style academy in graphic detail, with each episode starring a campaign-hatted cadre of drill instructors yelling at recruits and humiliating them at every opportunity. (For our prior post about the show click [here](#).)

Opinions differ on whether such settings are appropriate for training law enforcement officers. Leaving that issue for another time, it seems reasonable to assume that the LASD, whose training continues along these lines, intends to produce deputies who obey without question. That effect is likely amplified by the relative youth and immaturity of its cadets, who require no more education than high-school equivalency. What's more, since L.A. County jails are staffed strictly by sworn deputies, recruits must work detention for several years before going on patrol.

The consequences seem all too predictable. When unworldly, impressionable youngsters who have been inculcated with an exaggerated respect for authority come face to face with the world behind bars, it's no wonder that some turn to the comfort of cliques and leave their better judgment behind. Even if they don't participate in abuses – and hopefully most won't – few are likely to hazard making waves at such an early stage of their careers. Looking the other way becomes a way to survive.

And yet another problem has surfaced. Many cops find jail duty unpleasant. Of course, at the LASD it comes with the territory, so cycling through the lockups is mandatory for those who wish to promote. [According to a recent report](#), serving in the jails is so devalued that it's become a dumping ground for

deputies who get in trouble or can't make it on patrol. Sheriff Baca says he's putting a stop to that, but the harm's been done.

Much more than recrimination, what the LASD most needs is a thorough, dispassionate reassessment of how it develops and uses its workforce. Do its practices yield deputies who can think independently and make ethically sound decisions? Or do they produce drones susceptible to groupthink? LASD must also consider what is routine elsewhere, splitting patrol and custody so that each becomes a career track in its own right. Corrections is far too complex and demanding a profession to be left to the unwilling or incompetent. Really, until such issues are seriously addressed it hardly matters who sits behind the boss's desk.