

06/04/2012

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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

JUN 04 2012

John A. Clarke, Executive Officer/Clerk  
BY *Ishaylia Chambers* Deputy  
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5 Attorneys for Plaintiff

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8 **SUPERIOR COURT OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES**

10  
11 WILLIAM TILLMAN,

12 Plaintiff,

13 v.

14 SHERIFF LEROY BACA, UNDERSHERIFF  
PAUL TANAKA, CHIEF ALEXANDER R.  
15 YIM, DEPUTIES IBARRA, KRASE,  
THURMAN, MOORMAN, CUSTODY  
16 ASSISTANT PEREZ AND DOES 1 - 25,

17 Defendants.

Case No. BC471749

FIRST AMENDED COMPLAINT FOR DAMAGES

1. Battery  
2. Constitutional Violations remediable through the Bane Act (Civil C. § 52.1)  
3. Negligence (Civil Code § 1714(a))  
4. Negligence (Gov. Code § 951)

DEMAND FOR JURY TRIAL

Assigned to Hon. Ramona See, Dept. 69

18  
19 INTRODUCTION

**BY FAX**

20 Plaintiff WILLIAM TILLMAN, an individual, alleges for a complaint for damages:

21 NAMED DEFENDANT AND NAMED PLAINTIFF

- 22 1. The plaintiff in this action is WILLIAM TILLMAN, an individual ("Plaintiff".)  
23 2. Plaintiff is informed and believes that at all times mentioned herein, Defendants,  
24 Deputies Ibarra, #533022, Krase #521418, Thurman # 529573, Moorman, #525198,  
25 Custody Assistant Perez #525091 and Does 1 through 25 were public employees  
26 of the Sheriff's Department of Los Angeles County and sworn as peace officers.  
27 3. These defendants are liable to Plaintiff under Civil Code §1714(a).  
28 4. Plaintiff is informed, believes and based thereon alleges that Defendants Ibarra,

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1 #533022, Krase #521418, Thurman # 529573, Moorman, #525198, Custody  
2 Assistant Perez #525091 and Does 1 through 25 were at all times relevant herein  
3 sworn peace officers or non-sworn civilian employees operating within the scope of  
4 their employment and were employees of the County of Los Angeles.

5 5. Defendant Leroy Baca is the titular head of the Sheriff's Department of Los Angeles  
6 County and purportedly ran, supervised and made policy for said department.

7 6. Defendant Paul Tanaka is the Assistant Sheriff, unofficially delegated the duties for  
8 training, supervision of Sheriff's deputies assigned to the custody facilities. He is  
9 the *de facto* supervisor and/or operations manager for the Men's Central Jail.

10 7. Defendant Alexander R. Yim, formerly DOE 11, is the Chief of the Correctional  
11 Services Division of the Los Angeles County Sheriff's Department, including Men's  
12 Central Jail. He is also responsible for the operations at Men's Central Jail.

13 8. The true names and/or capacities, whether individual, corporate, associate, or  
14 otherwise of the Defendants named herein as DOES 1 through 25, inclusive, are  
15 unknown to the Plaintiff, who therefore sues such defendants by such fictitious  
16 names and pursuant to Code of Civil Procedure § 474 will ask leave of Court to  
17 amend this complaint to show the true names and capacities when the same have  
18 been ascertained.

19 9. Plaintiff is informed and believes and thereon alleges that each of the defendants  
20 designated herein as a DOE is in some manner responsible for the events and  
21 happenings herein referred to and caused injuries and damages legally thereby  
22 to Plaintiff as is hereinafter alleged.

23 10. Plaintiff is informed and believes and thereon alleges that at all times mentioned  
24 herein, defendants, and each of them, were the agents, servants and employees  
25 of their co-defendants, and were acting within the course, scope, purpose and  
26 authority of said agency and employment; that each and every Defendant as  
27 aforesaid, while acting as a principal, was negligent in the selection and hiring of  
28 each and every other Defendant as an agent, servant, and employee.

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**STATEMENT OF FACTS**

- 1
- 2 11. On or about March 11, 2011 Plaintiff, an African American pretrial detainee of  
3 modest stature (5' 7", 135 pounds), was housed in the Pro Per Module 2500, Row  
4 D, Cell 25. His booking number was 1983134 and he had been incarcerated at the  
5 Men's Central Jail since July 15, 2009 without significant incident or injury.
- 6 12. On or about Friday, March 11, 2011, Deputies Moorman, Ibarra, and Custody  
7 Assistant ("C.A.") Perez were working the Pro Per Module 2500 ("2500").
- 8 13. Deputies Moorman, Ibarra, and C.A. Perez have been working 2500 since February  
9 2011. Of these three deputies, at least one works every day, mainly morning shifts  
10 between 6 am-1:30 pm, and each works at least four days a week in 2500.
- 11 14. Deputies Moorman and Ibarra are about 6' 1" and weigh close to 200 lbs. Deputy  
12 Moorman is Caucasian, appearing awkwardly over muscled. Deputy Ibarra appears  
13 Hispanic, is stocky with defined biceps and chest. C.A. Perez looks Hispanic, is  
14 about 5'11" and weighs about 180 lbs.
- 15 15. The deputies on the morning shift regularly watch movies inside the 2500 control  
16 booth. The volume is usually loud enough that plaintiff can hear every word from his  
17 cell. The morning of the subject incident was no different; the deputies were  
18 watching a movie with the volume loud enough that he could hear from his cell,  
19 which is cell 3 in B row. The distance between cell 3 in B row and the control booth  
20 is about 6-10 feet.
- 21 16. At about 7:30 a.m., on March 11, 2011, Plaintiff was awakened by the shouting of  
22 several inmates and heard his name called out twice but he did not respond.
- 23 17. Plaintiff's assigned cell was close to the control booth from which he heard what he  
24 recognized as the sounds of a pornographic film, being played in the control booth.
- 25 18. Plaintiff was staring at the control booth when he saw Deputy Ibarra step out of it.  
26 It looked like Deputy Ibarra was about to do his security walk, which is done every  
27 thirty minutes. Before he opened the gate to enter B row, he told someone inside,  
28 "This is my favorite part. Pause it for me."

1 19. After finishing his security walk, Deputy Ibarra headed back towards the control  
2 booth. As he was about to go inside, an inmate shouted, "What y'all doing is gay.  
3 You guys are gay." Thereafter, plaintiff heard inmates in B row yelling "You guys are  
4 fags" or "you guys are gay" or "y'all gay."

5 20. On March 15, 2011, inmate Anthony Brown approached plaintiff's cell as Brown  
6 returned from a routine medical appointment to inform plaintiff of a conversation he  
7 had with Deputy Ibarra and Moorman earlier that day. Mr. Brown told Plaintiff that  
8 Deputy Ibarra and Moorman asked Mr. Brown who was "talking shit" on the day they  
9 were heard watching pornographic films together. Mr. Brown told them that he did  
10 not know who called them "gay." Deputy Ibarra then asked Mr. Brown if it was  
11 plaintiff. Again, inmate Brown said he didn't know.

12 21. Inmate Brown then told plaintiff, "They know people are talking shit. They think it's  
13 you. They asked for your name and cell number."

14 22. On Friday morning, March 25, 2011, just as plaintiff entered the main entrance of  
15 Module 2500/2700, Deputy Thurman asked plaintiff, "What cell are you in?" Plaintiff  
16 replied, "Baker 3." Plaintiff was returning from an attorney visit. Deputy Thurman  
17 was in the control booth and he gave Plaintiff permission to go back into his cell.

18 23. Then Deputy Moorman stopped Plaintiff and told him to "face the fucking wall  
19 between the yellow lines" in the hallway, across from the control booth. Defendant  
20 Moorman accused plaintiff of "talking behind our backs."

21 24. Deputy Thurman, Caucasian, nearly 6'3" and over 250 lbs with bulging musculature,  
22 had been working two to three times a week in 2500 since February 2011.

23 25. As Plaintiff faced the wall, he heard people on the row yell, "It's a set-up." They  
24 continued to yell but Plaintiff did not understand what was happening. He was  
25 confused. Set-up? He thought. "What have I done?"

26 26. Amidst all the yelling, Plaintiff was able to hear a familiar voice, inmate Raymond  
27 Payne. He yelled to Plaintiff, "I heard the deputies say you the one who be talking  
28 shit and that they were going to get you when you got back."

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1 27. Plaintiff continued to face the wall, his body and face was about one foot away from  
2 the cement wall, and one hand was in his pocket and the other was holding onto his  
3 bagged legal materials. He heard the sound of someone putting on latex gloves. His  
4 first thought was that he was going to be strip-searched. But being in pro per for so  
5 long, he could not recall when he had ever been strip-searched after returning from  
6 an attorney visit. He became suspicious.

7 28. Hearing several men approaching, Plaintiff turned for a split second only to see  
8 Deputy Moorman, Ibarra and C.A. Perez coming out of the control booth and  
9 walking towards him.

10 29. Deputy Moorman said, "I heard you been talking behind our backs." Plaintiff replied  
11 that he didn't know what he was talking about. Deputy Moorman then demanded  
12 for Plaintiff to repeat the comments. Plaintiff said he did not make the remarks.

13 30. Deputy Moorman then shouted, "If you were a man, you'd say it in our face. That's  
14 not gangster shit. That's bitch shit. Call me gay in my face." Plaintiff repeatedly  
15 denied making the remarks.

16 31. Deputy Moorman yelled to the entire row, "Y'all pro pers think you can get away with  
17 anything. We the 3000 boys." "The deputies on this floor let you guys get away with  
18 too much. The police here are too soft. That shit ends now!"

19 32. Defendant Moorman began pacing in the hallway while flexing and stretching his  
20 upper body.

21 33. Plaintiff remained facing the wall as directed, refraining from speaking so as to ease  
22 the tension, hoping he would be allowed to return to his cell.

23 34. Suddenly, defendant Moorman grabbed plaintiff's head with one hand and forcefully  
24 slammed plaintiff's face against the cement wall from one foot away which allowed  
25 him to gather momentum before plaintiff's forehead made impact.

26 35. In shock, plaintiff put both hands on his head to check for damages. When he saw  
27 and felt blood pouring down his face and onto the floor, he passed out.

28 36. When plaintiff regained consciousness, he was handcuffed behind his back.

1 Defendant Moorman was mounted on his back, forcing him to remain prone.  
2 Moorman was punching the side of plaintiff's face as well as hammer-listing (closed  
3 fist in an overhand motion) the back of plaintiff's head.

4 37. Deputy Ibarra was kicking plaintiff in the rib area. But with Deputy Moorman on top  
5 of Plaintiff it was hard for him to get full swings in without hitting Moorman.

6 38. Meanwhile, Deputy Ibarra pepper sprayed Plaintiff in the face, causing his eyes to  
7 begin burning and begin a cough attack and become short of breath. Plaintiff asked  
8 them to please stop.

9 39. Deputy Moorman then directed C.A. Perez to "go get the Taser." Inmates from  
10 Module 2500, were heard to yell, "he's not resisting."

11 40. Defendant C.A. Perez grabbed a Taser and shot the hooks into Plaintiff's back area.  
12 He tasered Plaintiff three times. Plaintiff's muscles tightened, he felt a painful  
13 pulsation throughout his body and could not move.

14 41. While Plaintiff was being tasered, Deputy Moorman was punching the right side of  
15 Plaintiff's face and the back of his head. Plaintiff's face was forced onto the cement  
16 floor; Plaintiff was motionless and again told the deputies that he was not resisting  
17 and to please stop.

18 42. Deputy Ibarra eventually pulled Deputy Moorman off of plaintiff. Once Moorman was  
19 off of Plaintiff, Plaintiff was able to move, so he got into a fetal position. He laid in  
20 a pool of his own blood. He could barely see since blood had run into his eye.

21 43. Plaintiff was taken to the medical clinic, where a Sergeant and a Lieutenant  
22 interviewed him. Deputy Ibarra and Moorman were present for the interview about  
23 4 feet away from plaintiff, behind the Sergeant and off-camera.

24 44. When plaintiff was asked by the Lieutenant on video what happened, he responded  
25 "These 3000 boys beat the shit out of me for no reason." The Lieutenant then  
26 ordered the videotape operator to "cut the camera" and terminated the interview.

27 45. Plaintiff was then transported to Los Angeles County/USC Medical Center  
28 ("LCMC").

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1 46. Plaintiff was in and out of consciousness and had a large horizontal laceration to his  
2 forehead which required 35 stitches, including 15 deep suture stitches underneath  
3 the surface of his skin and 20 to plaintiff's forehead. Plaintiff now has a permanent  
4 scar nearly the width of his forehead. Plaintiff also developed bruising where  
5 defendant Moorman smashed plaintiff's face into the wall.

6 47. Plaintiff's ribs were sore from the kicks by defendant Ibarra. He had wounds from  
7 the Taser darts shot into his body. Vicodin was prescribed for pain.

8 48. Plaintiff was hospitalized for two days due to the injuries caused by defendants,  
9 then transferred to the hospital floor of the Men's Central Jail.

10 49. However, instead of any discipline meted out to defendants for their vicious,  
11 unprovoked and unwarranted brutality, Plaintiff was put into disciplinary segregation,  
12 aka "the hole" in solitary confinement. He was released after one day there.

13 50. Plaintiff continued to have headaches because of the beating received from  
14 defendants Ibarra, Krase, Moorman, Perez, Thurman.

15 51. Plaintiff provided a 10 page declaration to the American Civil Liberties Union of  
16 Southern California for which he received threats and intimidation from a Deputy  
17 Garcia to the effect that "the ACLU ain't going to be watching you forever."

18 52. Defendants Ibarra, Krase, Moorman, Perez, Thurman prepared false reports  
19 claiming that plaintiff attacked them.

20 53. Plaintiff was not prosecuted, nor was any report containing defendants' falsehoods  
21 about the subject incident submitted for filing review by a government prosecutor.

22 54. Plaintiff filed/lodged/made a timely administrative claim to the County of Los  
23 Angeles Sheriff's Department of the subject incident and his damages. He has yet  
24 to receive a response over 9 (nine) months later as of filing of this lawsuit.

25 55. Plaintiff timely presented his Government Code § 910 claim for damages suffered  
26 and incurred by him as a result of injuries sustained due to the subject incident  
27 described herein. The within complaint is timely filed following mailing of notice of  
28 rejection of said claim.

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**FIRST CAUSE OF ACTION**  
**AGAINST DEFENDANTS IBARRA, KRASE, MOORMAN, PEREZ, THURMAN,**  
**DOES 1-10 AND EACH OF THEM,**  
**FOR BATTERY**

56. Plaintiff WILLIAM TILLMAN realleges the allegations of Paragraphs 1 through 55 as though fully set forth hereat.

57. By engaging in the aforesaid conduct, Defendants Ibarra, Krase, Moorman, Perez, Thurman, and Does 1 through 10, and each of them battered Plaintiff.

58. As a direct and legal result of Defendants' conduct, as aforesaid, Plaintiff suffered injury, damage and harm to be shown according to proof at the time of trial within the general jurisdiction of the Superior Court.

59. As a further, direct and legal result of Defendants' conduct, as aforesaid, Plaintiff has incurred and will incur x-ray, medical, dental, surgical, hospital, psychological and/or psychiatric and other related expenses in the examination, care and treatment of his injuries, the exact nature and extent of which are unknown to Plaintiff at this time, to be shown according to proof at the time of trial.

60. The conduct of Defendants, Ibarra, Krase, Moorman, Perez, Thurman and Does 1 through 10 and each of them, was malicious, oppressive, and despicable, and was done in conscious disregard of Plaintiff's rights, such that Plaintiff is entitled to an award of punitive damages in an amount sufficient to punish and make an example of said Defendants pursuant to California Civil Code Section 3294(d) in amounts according to proof.

**SECOND CAUSE OF ACTION**  
**AGAINST DEFENDANTS IBARRA,**  
**KRASE, MOORMAN, PEREZ, THURMAN,**  
**DOES 1-25 FOR VIOLATION OF CALIFORNIA CIVIL CODE § 52.1(b)**

61. Plaintiff realleges the allegations within Paragraphs 1 through 60 as though fully set forth hereat.

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1 62. Defendants and each of them by the application of excessive force and violence  
2 upon Plaintiff as aforesaid violated Plaintiff's civil rights.

3 63. Defendants interfered, assisted or attempted to interfere with Plaintiff's  
4 constitutional rights under the First and Fourth Amendments to the United States  
5 Constitution and under California Constitution, Article 1, Sections 2, 3 and 13, as  
6 well as Plaintiff's statutory rights in violation of California Civil Code Section 43 by  
7 their threats, intimidation and/or coercion by actual and threatened violent acts  
8 against him and by withholding the true facts alleged herein.

9 64. Defendants Ibarra, Krase, Moorman, Perez, Thurman and Does 1 through 10, in  
10 addition to their personal duty to not engage in the conduct alleged and their legal  
11 obligation to stop the illegal beating and seizure of Plaintiff by other defendants, had  
12 a duty to accurately report what they observed. Their failure and refusal to do so  
13 was a cause in fact of Plaintiff's injuries.

14 65. Plaintiff suffered injuries, damages and harm in the subject incident.

15 66. Defendant's conduct as set forth herein above were a substantial factor in causing  
16 Plaintiff's harms and injuries.

17 67. The conduct of Defendants Ibarra, Krase, Moorman, Perez, Thurman and Does 1  
18 through 10 and each of them, was malicious, oppressive, and despicable, and was  
19 done in conscious disregard of Plaintiff's rights, such that Plaintiff is entitled to an  
20 award of punitive damages in an amount sufficient to punish and make an example  
21 of said Defendants pursuant to California Civil Code Section 3294(d) in amounts  
22 according to proof.

23 **THIRD CAUSE OF ACTION**

24 **AGAINST DEFENDANTS IBARRA,**

25 **KRASE, MOORMAN, PEREZ, THURMAN,**

26 **DOES 1-10 FOR NEGLIGENCE**

27 68. Plaintiff realleges paragraphs 1 through 67 as though fully set forth hereat.

28 69. For this Cause of Action only, the aforesaid allegations sound in negligence.

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1 70. Defendants IBARRA, KRASE, MOORMAN, PEREZ, THURMAN, DOES 1-10 had  
2 a duty based on Civil Code 1714 and Government Code § 820.8 for their wrongful  
3 acts or omissions, *inter alia*, not to use excessive force on Plaintiff or to strike him  
4 based on a misperception that he had referred to them as gay, whether true or not.

5 71. Said defendants negligently struck, kicked, pepper-sprayed, tasered and otherwise  
6 unreasonably used force and violence upon plaintiff causing serious injuries.

7 72. Each of the sworn defendants also had a duty to prevent violation(s) of law  
8 occurring in their presence – which were occurring to plaintiff – yet they negligently  
9 and cowardly failed to intercede to protect plaintiff from being grievously injured in  
10 their presence by their co-defendants.

11 73. Said defendants negligently struck, kicked, pepper-sprayed, tasered plaintiff without  
12 justification, then failed and refused to properly and accurately report the true facts,  
13 instead falsely reporting that Plaintiff was the aggressor and they the victims.

14 74. Defendants' said negligence was a substantial factor in causing plaintiff injury,  
15 damage and harm according to proof.

16 **FOURTH CAUSE OF ACTION**

17 **AGAINST DEFENDANTS BACA, TANAKA, YIM**

18 **DOES 12 THROUGH 15**

19 **FOR NEGLIGENCE**

20 75. Plaintiff realleges the allegations within Paragraphs 1 through 74 as though fully set  
21 forth hereat.

22 76. For purposes of this Cause of Action only, the aforesaid allegations sound in  
23 negligence.

24 77. Defendant Sheriff Leroy Baca of Los Angeles County Sheriff's Department  
25 commands the largest Sheriff's Department in the United States. Among other  
26 duties at the Sheriff's Department, Sheriff Leroy Baca manages the Los Angeles  
27 County jails, with a housing capacity of nearly 20,000 prisoners. Defendant Baca  
28 has a duty to protect inmates at the Los Angeles County Jails from harm. He is

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1 responsible and has a non-delegable duty to set and enforce policy, to monitor  
2 whether his orders and dictates are being carried out by his deputy sheriffs and  
3 other underlings. The actions of deputy sheriffs as public employees affect public  
4 monies and Sheriff Baca is responsible to protect inmates and the public thereby.

5 78. Defendant Paul Tanaka was appointed as Undersheriff or second-in-command by  
6 Sheriff Leroy Baca in 2011. His position is to oversee the daily operations of the  
7 Sheriff's Department. Defendant Tanaka has a duty to protect inmates at the Los  
8 Angeles County Jails from harm.

9 79. Defendant Alexander R. Yim is Chief of the Correctional Services Division of the  
10 Los Angeles County Sheriff's Department, including Men's Central Jail. Defendant  
11 Yim has a duty to protect inmates from harm at the Los Angeles County Jail.

12 80. Defendant Sheriff Leroy Baca, defendant Paul Tanaka, defendant Alexander R.  
13 Yim, and Does 12 through 15, Mens' Central Jail commanders, for a period of time  
14 sufficient to have provided notice, prior to the subject incident, defendants have  
15 known or should have known, tolerated, and/or allowed extreme, excessive force  
16 and violence to be committed by Sheriff's deputies at the Mens Central Jail.

17 81. Despite such knowledge, defendants Baca, Tanaka and Yim, turned a blind eye to  
18 same, refused to conduct meaningful investigations, institute meaningful reform, but  
19 instead allowed sham investigations to occur to attempt to establish and maintain  
20 plausible deniability.

21 82. Although defendants Baca, Tanaka, Yim and Does 12 through 15 were entrusted  
22 and required to supervise the Men's Central Jail, 441 Bauchet Street, Los Angeles,  
23 California, each said defendant failed and refused to so supervise the Men's Central  
24 Jail which has been reliably described as medieval. This is a breach of their duty  
25 owed to inmates, including Plaintiff.

26 83. Defendants Baca, Tanaka, and Yim and Does 12 through 15 are responsible to  
27 Plaintiff Tillman for the injuries he suffered due to their want of ordinary care or skill  
28 in the management, including ample and sufficient prior notice of deputy gangs and

1 violence upon inmates of the Men's Central Jail and its employees, including but not  
2 limited to the named defendants herein, within the meaning of Civil Code § 1714  
3 and the conduct of these defendants are liable to Plaintiff for their "negligent or  
4 wrongful act or omission" within the meaning of Gov. Code § 820.8.

5 84. Plaintiff was severely injured on or about March 25, 2011 at the Men's Central Jail  
6 on the 2500 module when he was beaten by Deputies Ibarra, Kruse, Moorman,  
7 Thurman, and Custody Assistant Perez who referred to themselves as the "3000  
8 boys" prior to or when beating him.

9 85. Defendants Ibarra, Kruse, Moorman, Thurman, Perez and Does 1-10 knew that  
10 defendants Baca, Tanaka, Yim and Does 12-15 tolerated brutality inflicted upon  
11 inmates by deputy sheriffs assigned to the Men's Central Jail and did not take  
12 preventative or remedial measures regarding such rampant misconduct.

13 86. Defendants Baca, Tanaka, and Yim had been on notice long before the date of  
14 Plaintiff's injury on or about March 25, 2011 of the complaints about deputies using  
15 excessive force toward inmates at Men's Central Jail, particularly those in gang-like  
16 packs singling out a particular inmate.

17 87. The Los Angeles Times published a series of articles in 2010 and 2011 detailing  
18 several of these types complaints, titling the series "Jails Under Scrutiny." These  
19 articles show the high level of knowledge that Defendants Baca, Tanaka, and Yim  
20 had or should have had in regards to the pervasive problem at the Men's Central  
21 Jail (and Twin Towers Jail Facilities) in which deputies were reported to use  
22 excessive force on inmates, operate in gang-like packs, and which also led to  
23 Plaintiff's beating by deputies on or about March 25, 2011.

24 88. Plaintiff is informed and believes that in addition to the notice that would ordinarily  
25 be provided by the high profile series of Los Angeles Times articles set forth herein,  
26 that the County of Los Angeles Sheriff's Department has a clipping service and/or  
27 employees or agents that promptly bring articles in the media involving the operation  
28 of the County of Los Angeles Sheriff's Department to the attention of decision

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1 makers such as defendants Baca, Tanaka, Yim and respond through a full-time  
2 public relations operation, including but not limited to employee Steve Whitmore.

3 89. The incident on or about March 25, 2011 in which Plaintiff was beaten by deputies  
4 was not an isolated incident. Defendants Baca, Tanaka, and Yim were well aware  
5 of the general problems within the department (lack of staffing, lack of supervision,  
6 gang-like tendencies, etc.) that had recently led to increased incidents of violence  
7 by deputies toward inmates. Their failure to act appropriately is a breach of their  
8 duty of care they each individually owed to Plaintiff in their roles as managers and  
9 controllers of the jail.

10 90. The articles in the L.A. Times series exposing the jail are discussed in chronological  
11 order below.

12 91. On April 5, 2010, almost a full year prior to Plaintiff's beating, a news article was  
13 published in the Los Angeles Times' series titled, "Assault Charges Filed Against  
14 Deputies Accused of Punching and Kicking Inmate".

15 92. Although the underlying reported incident took place in 2006, the article discussed  
16 how the American Civil Liberties Union of Southern California ("ACLU") reported  
17 receiving three to four inmate complaints of excessive force from the Los Angeles  
18 County Jails *each week* in 2010.

19 93. On September 30, 2010 a followup article was published in the Los Angeles Times  
20 noted that three ex-L.A. jail deputies were criminally convicted of inmate assault.

21 94. On July 22, 2010, roughly eight months prior to Plaintiff's beating, a news article  
22 was published in the Los Angeles Times' series titled, "L.A. County Sheriff's  
23 Deputies Thwarted Bar Code System to Avoid Doing Jail Rounds." This article  
24 detailed that several deputies had worked together to create fake scanner codes to  
25 falsify and did falsify records in order to avoid making their required rounds at the  
26 jail to check on inmates' health and well-being.

27 95. Defendants Baca, Tanaka, and Yim were on notice or had knowledge and were  
28 charged with such knowledge, that deputies were taking drastic measures to falsify

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1 records in regards to their relations with inmates. In Plaintiff's case, the deputies  
2 similarly falsified records to cover up the true cause of Plaintiff's injuries. This is yet  
3 another indication of the failure on part of management at the jails (by Baca,  
4 Tanaka, Yim and Does 12-15) to have adequate quality assurance procedures in  
5 check regarding falsification of records.

6 96. On August 26, 2010, roughly seven months prior to Plaintiff's beating, a news article  
7 was published in the Los Angeles Times' series titled, "Man Accuses Deputies of  
8 Jail Attack." In this case, an inmate made requests for a clean shirt, and was later  
9 beaten by three deputies after refusing to apologize for being disrespectful. The  
10 inmate reported being punched in the face, hit repeatedly, flipped on his belly, and  
11 pepper sprayed.

12 97. Defendants Baca, Tanaka, and Yim were on notice or had knowledge that deputies  
13 operated in packs, such as that of three deputies, to beat inmates who made  
14 alleged disrespectful comments toward them. The incident in which Plaintiff was  
15 subjected to excessive force is highly similar to this case.

16 98. On October 24, 2010, roughly five months prior to Plaintiff's beating, a news article  
17 was published by the Los Angeles Times' series titled, "Sheriff's Department Probes  
18 of Deputies Often Wait." This article discussed the history of how the Sheriff's  
19 Department would wait for the District Attorney's investigation to cease prior to  
20 initiating its own internal investigations of deputy misconduct. A spokesperson on  
21 behalf of Sheriff Baca stated that Sheriff Baca "wanted to make sure that practice  
22 stopped" and would start initiating internal investigations without waiting for the  
23 District Attorney's results. The article also noted that "the Sheriff wants to be more  
24 accountable" in regards to investigations of deputy misconduct.

25 99. Defendants Baca, Tanaka, Yim and Does 12-15 were on notice or had knowledge  
26 that their internal investigating processes in regards to deputy misconduct at the  
27 jails were flawed and in need of dramatic reform and attention.

28 100. On December 16, 2010, roughly three months prior to Plaintiff's beating, a news

1 article was published by the Los Angeles Times' series titled, "7 Deputies Relieved  
 2 of Duty in Christmas Brawl." This article noted the internal violence even among  
 3 groups of deputies themselves, including the gang-like activity and culture of  
 4 deputies working at the jails in Los Angeles County. In this instance, one group of  
 5 deputies accused another group of deputies also working at the jail of being slower  
 6 on the job, or in other words disrespecting their group. This article was followed up  
 7 by an article on March 23, 2011 titled "Deputies Involved in Christmas Party Brawl  
 8 to Be Fired." This article noted that the 6 deputies who were fired "all worked on the  
 9 third floor of Men's Central Jail, where they allegedly were part of a clique<sup>1</sup> that had  
 10 certain gang-like characteristics, including three-finger hand signs, representing the  
 11 third floor." The article also noted that "the department is now considering systemic  
 12 reforms in jail assignments, such as more regular rotations to keep deputies from  
 13 forming similar cliques." It also noted "The department has had problems with  
 14 gang-like groups within its ranks before."

15 101. Defendants Baca, Tanaka, and Yim were on notice or had knowledge that deputies  
 16 tended to act in gang-like groups to ensure they were "respected" to such an extent  
 17 that they were even territorial amongst themselves and lashed out with violence  
 18 toward one another at an event outside of work.

19 102. On February 8, 2011, roughly 1½ months prior to Plaintiff's beating, a news article  
 20 was published by the Los Angeles Times' series titled, "Monitor Says She Saw  
 21 Deputies Beat Inmate 'Like a Punching Bag'". This article noted that an ACLU  
 22 monitor happened to see two deputies punching, kicking and Tasering an inmate  
 23 numerous times, including unjustifiably beating him as he lay limp and unconscious  
 24 for at least two minutes. The Monitor also reported how deputies monotonously  
 25 repeated "stop resisting" and "stop fighting" as if reading it from a script. The article  
 26 noted the inherent bias against inmates in complaints of excessive force used by  
 27 deputies against them. It noted that these cases often involve the inmate's word

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28 <sup>1</sup>Identified as "the 3000 boys."

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1 against the deputy's word, and often the deputy's word was held to be more credible  
 2 simply because of the position of the deputy. The article noted that this case was  
 3 unique because a third party monitor was an eye-witness to the event, signaling the  
 4 importance of having a neutral third party witness to these types of incidents.

5 103. Defendants Baca, Tanaka, Yim and Does 12-15 were on notice or had knowledge,  
 6 aside from yet another continued excessive force incident, of the importance of  
 7 neutral third party witnesses at the jail to adequately investigate inmate complaints  
 8 of deputy use of excessive force. Plaintiff alleges that other beatings of jail inmates  
 9 gave notice to defendants Baca, Tanaka, Yim and Does 12-15 of the immediate  
 10 need to do something to prevent such incidents and protect inmates from the  
 11 deprivations of deputy sheriffs assigned to the Men's Central Jail.

12 104. For example, installing more video cameras in the jail to act as a neutral third party  
 13 witness was a critical step to take in light of the inherent reported bias of the  
 14 deputy's word versus the inmate's word of which Defendants were aware. Plaintiff  
 15 is informed and believes and thereon alleges that nearly 70 video cameras were  
 16 purchased and delivered for installation at the Men's Central Jail months much  
 17 earlier, but had still not been installed as of the date of the subject incident. The  
 18 effect of video recording which provides objective evidence of interactions between  
 19 police/sheriff's personnel and inmates to reduce incidents of violence is well known.

20 105. Post incident interviews are mandated by written Sheriff's Department policy where  
 21 force results in serious injury. Claimed loss, claimed malfunction of such videos  
 22 were relatively common and uninvestigated prior to the subject incident, though  
 23 defendants Baca, Tanaka, Yim and Does 12-15 as responsible supervisors of jail  
 24 practices and procedures were duty-bound to enforce such policy and investigate  
 25 violations, but neither Baca, Tanaka, Yim and Does 12-15 did so, nor direct any  
 26 subordinates to do so prior to the subject incident.

27 106. Rank and file deputy sheriffs and custody assistants were aware of the lack of any  
 28 meaningful supervision, investigation or discipline of deputy on inmate violence.

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1 This knowledge fostered an atmosphere of relative impunity and brazenness by  
2 deputies with violent tendencies toward inmates or who considered physical  
3 retaliation for perceived slights which did not justify any physical force at all.

4 107. On or about March 25, 2011, after almost a year of scrutinized reporting conducted  
5 by the Los Angeles Times, Plaintiff was beaten by five deputies. The events that  
6 led to Plaintiff's beating are uncanny in mirroring other attacks by deputies toward  
7 inmates in the recent past of which Defendants Baca, Tanaka, Yim and Does 12-15  
8 were aware or should have been aware.

9 108. Moreover, Defendants Baca, Tanaka, Yim and Does 12-15 had a duty in their  
10 positions as overseers and managers of the jail to take action to protect inmates,  
11 including Plaintiff, from harm.

12 109. In Plaintiff's beating, as in several others toward inmates reported by the L.A. Times  
13 of which Defendants were aware or had reason to be aware, Plaintiff was attacked  
14 by a group of deputies that identified themselves as "the 3000 boys" and acted in  
15 concert to defend their reputation. In Plaintiff's case, the reputation sought to be  
16 protected was in regards to sexual orientation. Plaintiff was accused of  
17 disrespecting the deputies. As punishment, Plaintiff was beaten unconscious by  
18 the deputies in front of other inmates and also Tasered. Further, although Plaintiff  
19 was taken to get medical care, the investigation of the cause of his injuries was  
20 flawed by management design because deputies involved in the attack were  
21 allowed to be present during his interview.

22 110. Defendants Baca, Tanaka, Yim and Does 12-15 failed to take action to protect  
23 Plaintiff from injuries he received by failing to make system-wide reforms to protect  
24 all inmates, including Plaintiff from harm caused by the use of excessive force by  
25 deputies.

26 111. *After* Plaintiff was beaten in March 2011 by deputies at the jail, the news articles in  
27 the L.A. Times series continued. As discussed below, the titles alone of several of  
28 these articles continue to show the widespread and pervasive problem of excessive

1 force by deputies on inmates in Los Angeles County jails. Additionally, in these  
2 articles, several admissions were made on part of the Department that further reveal  
3 both their duty and breach of duty toward Plaintiff.

4 112. An article was published in the L.A. Times on 04/18/2011 that described how a  
5 defense attorney stated a beating by deputies of his client was so severe that he  
6 could not recognize his client. Further, the attorney was barred by the jail from  
7 taking photographs of the injury.

8 113. An article was published in the L.A. Times on 06/14/2011 titled "FBI Investigates  
9 Alleged Jail Assault". A spokesperson for Sheriff Baca stated on his behalf that the  
10 Sheriff's Department was open to being scrutinized.

11 114. An article was published in the L.A. Times on 09/25/2011 titled, "FBI Probing  
12 Reports of Beatings in L.A. County Jails."

13 115. An article was published in the L.A. Times on 09/28/2011 titled, "Jail Volunteers  
14 Accuse Deputies of Abusing L.A. County Prisoners." In this article two chaplains  
15 and a writing tutor (all volunteers at the jail) described being third party witnesses  
16 to violent attacks by gangs of deputies toward single inmates that caused severe  
17 injuries to inmates. Sheriff Baca allegedly informed one of the Chaplains in regards  
18 to this incident that "punches are allowed, but kicks are not allowed in my  
19 department."

20 116. The ACLU published a report on 09/27/2011, in which an expert on jail systems  
21 concluded that "Sheriff Baca is either unwilling or unable to control the systemic  
22 abuse that permeates his LA County Jail system. . . . The long-standing and  
23 pervasive culture of deputy hyper-violence in Los Angeles County jails . . . cries out  
24 for swift and thorough investigation and intervention by the federal government."  
25 The report summarized seventy-two sworn statements about deputy abuse in the  
26 L.A. County Jail.

27 117. A Los Angeles Times article was published on 09/29/2011 in which Baca stated an  
28 informant had been "gathering the names of deputies thought to have used

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1 excessive force against inmates."

2 118. An article was published in the L.A. Times on 10/01/2011 in which a third party  
3 witness saw deputies restrain and Taser a prone inmate and then heard another  
4 deputy state "Yeah we f-- these guys up all the time".

5 119. An article was published in the L.A. Times on 10/07/2011 in which an L.A. County  
6 deputy stated he was forced by other deputies to beat a mentally ill inmate along  
7 with other deputies. Shortly after reporting the incident to management, he  
8 resigned.

9 120. An article was published in the L.A. Times on 10/07/2011 in which Baca stated to  
10 the L.A. Times "I see there's a pattern of disrespect to inmates by a small percent  
11 of deputies. But a small percent of deputies is too much. There shouldn't be any  
12 disrespect . . . we have to change the culture of the jail, improve it." This shows that  
13 defendant Baca attempting to "spin" the media regarding an acknowledged problem.

14 121. Sheriff Baca issued a letter on 10/07/2011 to a Supervisor of the County of Los  
15 Angeles describing his planned action to respond to the recent complaints of  
16 excessive force by deputies toward inmates. Baca describes that the Department's  
17 "corrective strategy centers on the custody culture of deputy/inmate relationships  
18 . . . ."

19 122. An article was published in the L.A. Times on 10/08/2011 in which an ex-deputy  
20 reported (after no longer working for the Department) that he and other deputies  
21 used improper use of force against inmates in four cases. In response, Baca stated  
22 that the admission prompted him to create a 35 person task force to investigate  
23 allegations of deputy misconduct at the jails. Baca told the L.A. Times that the  
24 deputy's conduct to report (but after no longer being employed by the Department)  
25 "demonstrates that some jail guards were violating the department's rules by not  
26 reporting whenever they use force on an inmate."

27 123. An article was published in the L.A. Times on October 9, 2011, titled "Sheriff Baca  
28 Announces Changes in Wake of Jail Abuse Allegations." As further stated in the

1 article, Sheriff Baca was taking steps to implement managerial reform at the jail in  
2 light of the complaints of excessive force.

3 124. An article was published in the L.A. Times on October 13, 2011, titled "30 Jailers  
4 Punished for Inmate Beatings, Report Says". The 2011 report referenced in the  
5 article was one issued by the Department's internal watchdog, known as the Office  
6 of Independent Review. The 2011 report noted that in cases where video cameras  
7 were present, the Office was often able to confirm the accuracy of the inmate's  
8 report of use of excessive force by deputies. The 2011 report also concluded that  
9 deputies get away with misconduct as a result of a Code of Silence, and poor  
10 investigations, including a lack of evidence to support conflicting accounts of what  
11 happened.

12 125. An article was published on 10/16/2011 in which Sheriff Baca "acknowledged that  
13 he was out of touch about problems in his jails and had failed to implement  
14 important reforms that could have minimized deputy brutality against inmates." As  
15 Baca stated "I wasn't ignoring the jails. I just didn't know . . . The truth is I should've  
16 known. So now I do know." The article also described how the almost 70 cameras  
17 he planned to install by the end of the year had been literally sitting in boxes in the  
18 captain's office and had been purchased more than a year prior.

19 126. Defendant Baca at all times material had the right and duty to set policy and assure  
20 proper supervision of the Los Angeles County Sheriff's Department. His recent  
21 public admission that he was not aware or informed of the wrongdoing endemic to  
22 the Men's Central Jail is an admission of malfeasance in his duty to set and enforce  
23 policy by and through supervision of members and employees of his Department.

24 127. Defendant Baca, despite his deflective admission, was aware and/or should have  
25 been aware of the rampant wrongdoing by his command staff, including defendants  
26 Tanaka, Yim and Does 12-15, as well Sheriff's deputies and others under his  
27 purported command or control. He is culpable for nonfeasance and misfeasance  
28 in his official duties.

1 128. For example, defendant Baca is aware or should be aware that Undersheriff Paul  
2 Tanaka, reputedly running the day to day operations of the Department was a  
3 tattooed member of a racist group of deputies, "The Vikings", as disclosed in  
4 *Thomas v. County of Los Angeles*, U.S. District Court, CV 90-CV-05217-TJH.

5 129. Defendants Baca, Tanaka, Yim and Does 12-15 fostered, tolerated and/or promoted  
6 a culture of racial prejudice, hatred and violence at the jail through their  
7 malfeasance or misfeasance as aforesaid, including failure to demand and require  
8 adherence to norms of reasonable conduct by sworn law enforcement,  
9 failure/refusal to enforce written codes of conduct and policy, failure to create  
10 policies and customs which communicate commitment to root out, discipline, and/or  
11 terminate jail deputies using excessive force upon inmates.

12 130. Defendants Baca, Tanaka, Yim and Does 12-15 had and/or were given  
13 responsibility to oversee the Men's Central Jail to supervise custody deputies and  
14 assistants, including Ibarra, Krase, Moorman, Perez, Thurman and to provide  
15 proper training and supervision.

16 131. Defendants Baca, Tanaka, and Yim due to incompetence and/or cronyism, *inter*  
17 *alia*, failed and refused to provide proper training or supervision to deputies, custody  
18 assistants, supervisors and other employees assigned to County custody facilities.

19 132. Little or no oversight was provided, including a lack of sufficient monitoring of the  
20 jail environs. Predictably, with only token oversight deputies and custody assistants  
21 learned quickly that brutality would not likely be recorded, and administrative action,  
22 if any, would be slow to non-existent, particularly as jail supervisors allowed  
23 administrative complaints against deputies and custodial assistants to remain  
24 uninvestigated for long periods of time.

25 133. Consistent with this *laissez faire* approach to deputy misconduct, defendants Baca,  
26 Tanaka, Yim and Does 12-15 failed to adopt standards and refused to refer actual  
27 or potential deputy misconduct involving force and violence to government  
28 prosecutors at the Office of the District Attorney or Los Angeles City Attorney.

- 1 134. Defendants Baca, Tanaka, Yim and Does 12-15 have allowed or tolerated custody  
2 deputies and assistants to shirk their duties of monitoring inmates by making rounds  
3 which they learned to circumvent and fake through false documentation.
- 4 135. Said defendants have tolerated and allowed a kangaroo court mentality such that  
5 inmates suffering criminal violence at the hands (and feet and metal flashlights) of  
6 brutal deputies are unfairly taken to administrative segregation, deprived of  
7 privileges at the whim of a deputy or supervisor involved in the underlying incident.
- 8 136. Placing injured inmates in "the hole" keeps them away from visitors while allowing  
9 their visible injuries to heal without public scrutiny. This has been a long-standing  
10 practice which prevents or inhibits documentation of such injuries to inmates.
- 11 137. Lacking video camera installation at many key jail locations, miscreant deputies  
12 including the named individual defendants herein were able to pick and choose  
13 among many unrecorded venues at which to vent their brutality, to instigate  
14 unprovoked attacks without worry of being recorded due to a paucity of installed  
15 video cameras in the Men's Central Jail.
- 16 138. The chain of command was so broken that brutal deputies failed and/or refused to  
17 respond or respect the orders of their immediate supervisors, disregarding the  
18 purported and stated values of the department to administer beatings out of  
19 pettiness, boredom or retaliation for perceived slights not justifying any force  
20 whatsoever.
- 21 139. Deputy cliques or gangs operated freely in the jail, intimidating inmates and non-  
22 member deputy sheriffs assigned to jail duty.
- 23 140. Defendants and each of them so negligently, wrongfully, unlawfully, carelessly and  
24 recklessly performed their duties in that they failed to use such care in the  
25 performance of their police duties as reasonably prudent and careful police officers  
26 would have used under similar circumstances in that they negligently, carelessly,  
27 and recklessly without lawful necessity or provocation used unnecessary and  
28 excessive force upon plaintiff. Their duties required them to prevent excessive

1 force, racial hatred and violence to be inflicted by other deputies.

2 141. Plaintiff alleges that additional to other wrongs committed against Plaintiff,  
3 defendants Baca, Tanaka, Yim and DOES 6-25 so negligently screened, hired,  
4 trained, supervised, disciplined, investigated, terminated or otherwise conducted  
5 themselves with respect to the subject incident, supervision thereof and of the jail  
6 generally as to cause or be a substantial factor in causing the violation of Plaintiffs'  
7 rights alleged herein, at statute and common law.

8 142. As a direct and legal result of the negligence, carelessness and unlawfulness of the  
9 Defendants, and each of them, as aforesaid, Plaintiff suffered personal injuries and  
10 damages in an amount and manner to his general damages in a sum to be set forth  
11 at the time of trial and within the jurisdictional limits of this Court.

12 143. As a further, direct and legal result of the negligence, carelessness and  
13 unlawfulness of the Defendants, and each of them, as aforesaid, Plaintiff has  
14 suffered personal injuries and special damages incurred which will be necessary  
15 in the future for x-rays, CAT scans, medical, dental, surgical, hospital and other  
16 related expenses in the examination, care and treatment of his injuries, the exact  
17 nature and extent of which are unknown to Plaintiff at this time.

18 144. As a direct and legal result of the negligence, carelessness and unlawfulness of the  
19 Defendants, and each of them, as aforesaid, Plaintiff was hurt and injured in his  
20 health, strength and activity, and sustained injury to his body and shock to his  
21 nervous system and person, all of which caused and continue to cause Plaintiff  
22 great mental, physical and nervous pain and suffering, all to his general damages  
23 in a sum to be set forth at the time of trial and within the jurisdictional limits of this  
24 Court.

25 145. Defendants violated state statutes for the protection of persons from physical  
26 violence, and the U.S. and California Constitution, remediable through the Bane  
27 Act, Cal. Civ. Code § 52.1.

28 146. The violation by defendants and each of them was the legal cause of injury,

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1 damage and harm to Plaintiff as alleged herein.

2 147. The injury resulted from an occurrence the nature of which resulted from blatant  
3 violation of Constitutional guarantees for which Civil Code § 52.1 was written by the  
4 legislature to deter and remediate.

5 148. Plaintiff was one of the class of persons for whose protection the statute, ordinance  
6 or regulation was adopted.

7 149. Plaintiff has incurred and will incur attorneys' fee and costs and, upon the  
8 successful conclusion of this matter and will seek an award of attorneys' fees  
9 pursuant to Civil Code § 52.1(h).

10 WHEREFORE, Plaintiff prays for judgment against the Defendants, and each of  
11 them as follows:

12  
13 **AS TO THE FIRST CAUSE OF ACTION:**

- 14 1. For general damages, according to proof;
- 15 2. For all medical and incidental expenses, according to proof;
- 16 3. For prejudgment interest, according to law;
- 17 4. For costs of suit incurred herein; and
- 18 5. For punitive and exemplary damages against all Defendants.
- 19 6. For such other and further relief as the Court may deem just and proper.

20 **AS TO THE SECOND CAUSE OF ACTION:**

- 21 1. For general damages, according to proof;
- 22 2. For all medical and incidental expenses, according to proof;
- 23 3. For statutory damages/penalties as provided by Civil Code § 52;
- 24 4. For prejudgment interest, according to law;
- 25 5. For costs of suit and attorney incurred herein; and
- 26 6. For punitive and exemplary damages against all Defendants;
- 27 7. For such other and further relief as the Court may deem just and proper.

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1 **AS TO THE THIRD CAUSE OF ACTION:**

- 2 1. For general damages, according to proof;
- 3 2. For all medical and incidental expenses, according to proof;
- 4 3. For prejudgment interest, according to law;
- 5 4. For costs of suit incurred herein; and
- 6 5. For such other and further relief as the Court may deem just and proper.

7 **AS TO THE FOURTH CAUSE OF ACTION:**

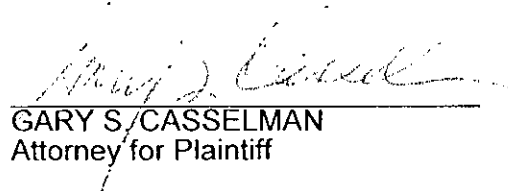
- 8 1. For general damages, according to proof;
- 9 2. For all medical and incidental expenses, according to proof;
- 10 3. For prejudgment interest, according to law;
- 11 4. For costs of suit incurred herein; and
- 12 5. For such other and further relief as the Court may deem just and proper.

13  
14 **DEMAND FOR JURY TRIAL**

15 PLAINTIFF HEREBY DEMANDS A TRIAL BY JURY.

16  
17 DATED: June 4, 2012

Respectfully Submitted,

18  
19  
20 By:   
GARY S. CASSELMAN  
Attorney for Plaintiff

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