Los Angeles, California: Thursday, February 9, 2006
9:02 a.m.

MR. MAYNARD: Good morning everyone.
We're going to go ahead and get started.
I want to thank everybody for being here
today. First I would like to welcome, introduce Jody
Kent, who is the ACLU Jails Project Coordinator in
L.A. County.

Ms. Kent.

MS. KENT: Thank you. My name is Jody Kent. I'm the Jails Project coordinator. I monitor
the L.A. County jails.

The ACLU of Southern California has been
monitoring the L.A. County jails since the Rutherford
versus Pitchess decision in the late 1970s. The
Federal District Court held that certain conditions
in the jails violated the Eighth Amendment and
entered into an order requiring conditions be
improved to meet constitutional standards. The ACLU
staff field information from inmates via phone
messages and letters daily and during jail visits
several times each week. We hear from over 1,500
inmates each month about living conditions, medical
services, and other issues from all the different county jails. I also meet regularly with sheriff's department staff to address these issues and others.

The continuous ACLU presence in the jails is essential. Inmates rely heavily on the ACLU having access to the jails which allows us to expedite medical treatment for inmates, provide comprehensive responses to inmate complaints, and to advocate for improvements on a systemic level. Daily we are contacted by the inmates, some needing insulin for their diabetes, others seeking psychiatric medications and for other illnesses, and often we receive calls from inmates needing special diets so they can eat without being sick. Most of the 20,000 inmates in the L.A. County jails are locked down nearly 24 hours a day in the overcrowded and understaffed housing areas. Approximately 3,500 to 6,000 inmates are housed the Men's Central Jail in Downtown L.A., which is the largest jail in the country. It is overcrowded, understaffed, and its physical structure is outdated. Inmates are forced to stay in cramped cells all day and all night because there are not enough deputies to supervise daily exercise or recreation. As a result, tension is high, which we have seen this week.
In addition, the inmate population in the jails has shifted so that the county jails now are facing more serious charges than those for which the jails were built. It is a demoralizing environment, but inmates are reminded that they do have rights, they must be treated humanely, and deserve basic services such as showers and exercise due to the ongoing ACLU presence in the jails. Inmates have also told me they feel safer knowing that the ACLU is there consistently, and throughout the riots this week family members and loved ones have called the ACLU seeking information and help as a trustworthy alternative to calling the sheriff's department.

Extensive ACLU monitoring works because we also learn to develop a firm understanding of the challenges that custody staff face daily such as staffing shortages, outdated technology, and the risks of supervising an increasingly high-security population.

I spend eight-hour shifts in the jails shadowing custody staff, working on the front lines and in supervisory roles. I also meet regularly with the sheriff's department staff to address inmate complaints and systemic issues. At these meetings we receive additional information about the challenges
facing deputies in the jails. Such opportunities allow ACLU monitors to better understand the
day-to-day tasks required for custody staff working
in very grueling conditions.

ACLU monitoring works because we come to understand why when the sheriff's department's budget
has doubled from $1.1 million to $1.9 million and the jail's budget has grown 75 percent in the last 10
years, there are still not enough deputies in the jails. The L.A. County Sheriff's Department is
structured in such a way that when deputies are graduated from the academy they're assigned to work
in the jails for several years before going out to work patrol. Due to a recent hiring freeze that came
about because of budget cuts, deputies often spend five to seven years in the jails rather than just two
or three. As a result, deputies who join the department to become patrol officers are years later
being drafted and pulled away from their families to work long overtime hours in order to keep the jails
running. Deputy morale is low. It is reflected in jaded attitudes and sometimes the quality of their work, making conditions even more dangerous for both the inmates and the staff.

Due to our extensive monitoring, county and
state government officials often call on us to give
us information about conditions in the jails.

After a series of homicides in the jails
OIR, Miracop and the ACLU have asked the necessary
questions about how these incidents could occur and
what was going to be done to avoid them in the
future. Following the riots this week, if they ever
do end, these organizations will seek out answers to
their questions and make recommendations to ensure
that racial violence in the jails does not continue
to escalate.

Monitoring and oversight works. Without
our involvement, many questions go unanswered and
problems are overlooked. Oversight is essential to
ensure the safety of the inmates and even deputies in
the jails. ACLU monitoring reaches individual
inmates daily, identifies and advocates improvements
for systemic problems, and maintains a level of
accountability in the jails that would not exist
without our presence. Each of these elements is
imperative to the oversight of correctional
facilities.

MR. MAYNARD: Thank you, Ms. Kent.

Does anyone have any questions of Ms. Kent?

JUDGE GIBBONS: Ms. Kent, who pays for
the ACLU monitoring?

MS. KENT: Our monitor is paid for by attorneys' fees from our contract with the county.

JUDGE GIBBONS: So payment is imposed on the county by the federal court.

MS. KENT: Yes.

JUDGE GIBBONS: Thanks.

MS. SCHLANGER: We heard yesterday about ways in which people coming into a dangerous facility or facility that might be dangerous can really create its own danger and I wonder how you think about that issue, whether or not your access to the jails destabilize what's going on there and what do you do to make sure that doesn't happen, that kind of thing.

MS. KENT: Well, the only thing we can really do, none of us can control who is actually creating the dangers in the facilities, but we can control the conditions in which they live and I think that because of the understaffing and the overcrowded conditions that exist that require inmates to be locked down 24 hours a day, tension is inevitable. Obviously inmates are under regular stress as it is fighting their cases. Being housed in overcrowded cells where they're forced to sit on their bunks all
day and all night only exacerbates things.

I think in terms of what our monitoring can do is try to advocate. We recently got the court's modification of our judgment to make sure that inmates weren't sleeping on the floor, something that basic. You add a sixth person to a five-person cell or a seventh person to a six-person cell, that means there's literally no room for anyone to move around at all and in those conditions people become a lot more agitated than they would be otherwise, and so it is those kind of things that the monitoring can do to try to improve overall conditions.

During these riots we make recommendations that long-term solutions must be creating a way for these inmates to be able to be in productive activity settings throughout the day. Locking them down 24 hours a day isn't going to allow for inmates to relieve any of their tension, they're lucky to get their three hours a week minimum of recreation or exercise, and so we really are trying to emphasize the need for more productive activities.

MS. SCHLANGER: How many folks at the ACLU, what's the staffing of the oversight piece of the ACLU? How many people at the jail would you think kind of -- how many hours a week does the jail
spend dealing with you and how many hours a week do
people spend dealing with the jail?

MS. KENT: You are looking at the staff
right here. I am the staff person, the only staff
person who works full time on this project, but I try
to ensure that the sheriff's department is spending a
great deal of their time working with me as well.
I'm in the jail several times a week and if I'm not
there, I'm certainly on the phone with them quite a
bit and in meetings probably three or four times a
week as well, so I try to do everything I can to keep
them busy.

MR. GREEN: Would you describe the kind
of access you are given and also how the oversight is
provided? The monitoring that is done by Merrick
Bobb, how is that done?

MS. KENT: Our access is unfettered
access, I can go in at any time, anywhere, with only
a few exceptions, which are basically when they tell
me it is not safe for me to go somewhere. I am
always escorted by a deputy wherever I go, when I'm
talking to inmates I ask for confidentiality which I
generally receive, and as far as working with other
monitors, a lot of it is done informally. I mean, I
think that we are, Merrick Bobb's office and mine,
are doing things separately but with the same end
goal which is to improve conditions over all, so we
will touch base every couple months. Obviously with
issues like the riots, we have to kind of put our
heads together to try to come up with what kind of
solutions would best work.

MR. RYAN: Another model is one of the
ombudsman. Have you had some experience with that
and what is its success?

MS. KENT: I have met the ombudsmen, I
have never seen them in jails. I have a task force
organization that I put together in L.A., we do
advocacy for inmates, and there's a staff person from
the ombudsman's office on my task force. But aside
from that, I have very little contact with their
office. I know that they do get some complaints, I
think they get about as many complaints each month as
we do each day, and so I think our office is much
more accessible to the inmates.

One thing I should say is inmates can call
us collect from the jails, our phone number and our
address is posted throughout all of the L.A. County
facilities, so we get calls constantly, messages, a
thousand of calls every day, so we are probably the
most successful monitor advocate.
MS. ROBINSON: Ms. Kent, I guess I have a kind of a broader question. What is the longer term ways to be addressing these questions. I mean, clearly it sounds to me, especially with the kind of volume of issues that you are dealing with, it doesn't seem as if litigation or this kind of thing is the most productive way of dealing with issues, so contentious confrontation does not seem as if it would be the way to be achieving change over a longer term.

MS. KENT: I think it is important to be developing trust, both among the inmates and among the staff. I think somebody spoke yesterday about how we have to have legitimacy and I think that's the case on both sides, you know what I mean? In order to be a productive monitoring body, in order to see systemic change, you have to convince both sides, the inmates and the staff, that you are there to make things better for everyone and that you are developing these relationships so you can get the information that you need in order to be a good advocate, but then you can also use that to advocate at the county and state level when necessary. And to have those relationships, to have somebody that's in there regularly that people recognize and trust, I
think that it strengthens the legitimacy that's required in order to bring about systemic change.

MR. MAYNARD: The media reported that the segregation of the inmates was approved by the ACLU. Is that your understanding?

MS. KENT: Emergency circumstances, yes.

MR. MAYNARD: How long do you think that will be in effect?

MS. KENT: The latest I heard is that the sheriff does not plan to segregate the entire population. I think they segregated what they call the affected areas of the facility on Saturday. I think the goal is to identify the people who are so-called shop callers. One thing I don't think people understand or realize is that the majority of the inmates in there don't want to participate so if those people are identified who are instigating or disrupting the peace, you know, once they're identified and rehoused, I think the racial segregation will be irrelevant.

MR. BRIGHT: Based on the experience that you've had could you talk about the racial tension that's there quite apart from the media situation and what, if anything, you and others have
been able to try to lessen it?

MS. KENT: You know, obviously racial tension exists on the streets so as a result, it is going to be there in the jails.

I think, again, the bigger issues here are what kind of conditions the inmates are living in and because the conditions are so bad the inmates are living in extremely tense conditions and, you know, inmates will fight over things like who gets the toilet paper and those things are not about race, but once a black person tells a brown person they can't have toilet paper, it becomes about race. Inmates that are locked up 24 hours a day, it is easy for these minor things to be interpreted as racially motivated and that just, you know, lets things go out of proportion.

DR. DUDLEY: Is the intervention of segregation coupled with any other intervention?

MS. KENT: Right now, you mean?

DR. DUDLEY: Yes.

MS. KENT: I was told this morning they're sending clergy up to the facility to meet with the inmates to try to get a sense of what's needed in order to calm things down a little bit. I was also told that it sounds like the inmates who are
fighting are a little bit less enthusiastic about what they're doing but they feel like they kind of have to, they're in a condition where they have to keep it going for their own respect and dignity. I mean, the bigger issues are why are these inmates turning to these kind of things in order to gain respect and dignity.

DR. DUDLEY: That's my question. Is the intention segregation and some other intervention?

MS. KENT: Right. As of right now.

MR. MAYNARD: Thank you very much for being here today. I appreciate what you are doing. I will turn it over to Senator Romero.