

1 Los Angeles, California: Thursday, February 9, 2006

2 9:02 a.m.

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4

5 MR. MAYNARD: Good morning everyone.

6 We're going to go ahead and get started.

7 I want to thank everybody for being here
8 today. First I would like to welcome, introduce Jody
9 Kent, who is the ACLU Jails Project Coordinator in
10 L.A. County.

11 Ms. Kent.

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

15 The ACLU of Southern California has been
16 monitoring the L.A. County jails since the Rutherford
17 versus Pitchess decision in the late 1970s. The
18 Federal District Court held that certain conditions
19 in the jails violated the Eighth Amendment and
20 entered into an order requiring conditions be
21 improved to meet constitutional standards. The ACLU
22 staff field information from inmates via phone
23 messages and letters daily and during jail visits
24 several times each week. We hear from over 1,500
25 inmates each month about living conditions, medical

1 services, and other issues from all the different
2 county jails. I also meet regularly with sheriff's
3 department staff to address these issues and others.

4 The continuous ACLU presence in the jails
5 is essential. Inmates rely heavily on the ACLU
6 having access to the jails which allows us to
7 expedite medical treatment for inmates, provide
8 comprehensive responses to inmate complaints, and to
9 advocate for improvements on a systemic level. Daily
10 we are contacted by the inmates, some needing insulin
11 for their diabetes, others seeking psychiatric
12 medications and for other illnesses, and often we
13 receive calls from inmates needing special diets so
14 they can eat without being sick. Most of the 20,000
15 inmates in the L.A. County jails are locked down
16 nearly 24 hours a day in the overcrowded and
17 understaffed housing areas. Approximately 3,500 to
18 6,000 inmates are housed the Men's Central Jail in
19 Downtown L.A., which is the largest jail in the
20 country. It is overcrowded, understaffed, and its
21 physical structure is outdated. Inmates are forced
22 to stay in cramped cells all day and all night
23 because there are not enough deputies to supervise
24 daily exercise or recreation. As a result, tension
25 is high, which we have seen this week.

1 In addition, the inmate population in the
2 jails has shifted so that the county jails now are
3 facing more serious charges than those for which the
4 jails were built. It is a demoralizing environment,
5 but inmates are reminded that they do have rights,
6 they must be treated humanely, and deserve basic
7 services such as showers and exercise due to the
8 ongoing ACLU presence in the jails. Inmates have
9 also told me they feel safer knowing that the ACLU is
10 there consistently, and throughout the riots this
11 week family members and loved ones have called the
12 ACLU seeking information and help as a trustworthy
13 alternative to calling the sheriff's department.

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

20 I spend eight-hour shifts in the jails
21 shadowing custody staff, working on the front lines
22 and in supervisory roles. I also meet regularly with
23 the sheriff's department staff to address inmate
24 complaints and systemic issues. At these meetings we
25 receive additional information about the challenges

1 facing deputies in the jails. Such opportunities
2 allow ACLU monitors to better understand the
3 day-to-day tasks required for custody staff working
4 in very grueling conditions.

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

25 Due to our extensive monitoring, county and

1 state government officials often call on us to give
2 us information about conditions in the jails.

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

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

23 MR. MAYNARD: Thank you, Ms. Kent.

24 Does anyone have any questions of Ms. Kent?

25 JUDGE GIBBONS: Ms. Kent, who pays for

1 the ACLU monitoring?

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

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

6 MS. KENT: Yes.

7 JUDGE GIBBONS: Thanks.

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

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

1 day and all night only exacerbates things.

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

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

22 MS. SCHLANGER: How many folks at the
23 ACLU, what's the staffing of the oversight piece of
24 the ACLU? How many people at the jail would you
25 think kind of -- how many hours a week does the jail

1 spend dealing with you and how many hours a week do
2 people spend dealing with the jail?

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

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

17 MS. KENT: Our access is unfettered
18 access, I can go in at any time, anywhere, with only
19 a few exceptions, which are basically when they tell
20 me it is not safe for me to go somewhere. I am
21 always escorted by a deputy wherever I go, when I'm
22 talking to inmates I ask for confidentiality which I
23 generally receive, and as far as working with other
24 monitors, a lot of it is done informally. I mean, I
25 think that we are, Merrick Bobb's office and mine,

1 are doing things separately but with the same end
2 goal which is to improve conditions over all, so we
3 will touch base every couple months. Obviously with
4 issues like the riots, we have to kind of put our
5 heads together to try to come up with what kind of
6 solutions would best work.

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

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

20 One thing I should say is inmates can call
21 us collect from the jails, our phone number and our
22 address is posted throughout all of the L.A. County
23 facilities, so we get calls constantly, messages, a
24 thousand of calls every day, so we are probably the
25 most successful monitor advocate.

1 MS. ROBINSON: Ms. Kent, I guess I have
2 kind of a broader question. What is the longer term
3 ways to be addressing these questions. I mean,
4 clearly it sounds to me, especially with the kind of
5 volume of issues that you are dealing with, it
6 doesn't seem as if litigation or this kind of thing
7 is the most productive way of dealing with issues, so
8 contentious confrontation does not seem as if it
9 would be the way to be achieving change over a longer
10 term.

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

1 think that it strengthens the legitimacy that's
2 required in order to bring about systemic change.

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

6 MS. KENT: Emergency circumstances,
7 yes.

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

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

22 MR. BRIGHT: Based on the experience
23 that you've had could you talk about the racial
24 tension that's there quite apart from the media
25 situation and what, if anything, you and others have

1 been able to try to lessen it?

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

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

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

19 MS. KENT: Right now, you mean?

20 DR. DUDLEY: Yes.

21 MS. KENT: I was told this morning
22 they're sending clergy up to the facility to meet
23 with the inmates to try to get a sense of what's
24 needed in order to calm things down a little bit. I
25 was also told that it sounds like the inmates who are

1 fighting are a little bit less enthusiastic about
2 what they're doing but they feel like they kind of
3 have to, they're in a condition where they have to
4 keep it going for their own respect and dignity. I
5 mean, the bigger issues are why are these inmates
6 turning to these kind of things in order to gain
7 respect and dignity.

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

11 MS. KENT: Right. As of right now.

12 MR. MAYNARD: Thank you very much for
13 being here today. I appreciate what you are doing.

14 I will turn it over to Senator Romero.