



April 12, 2011

Gerald S. Hartman
Vice President
Barbara McDowell and Gerald S. Hartman Foundation
c/o Drinker, Biddle & Reath, LLP
1500 K Street, NW
Washington, D.C. 20005

Dear Mr. Hartman:

AMERICAN CIVIL LIBERTIES
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I am pleased to enclose an interim report from the National Prison Project of the American Civil Liberties Union Foundation to the Barbara McDowell and Gerald S. Hartman Foundation. The report provides an update on our progress in *Rutherford v. Baca*, the ACLU's longstanding challenge to dangerous conditions at the Los Angeles County Jail.

We are very grateful for your support of this work, especially at this critical time when reform of our nation's bloated criminal justice system seems within reach. If you have any questions about this report, please do not hesitate to contact me at kgoldman@aclu.org or (212) 549-2522 or David Fathi, Director of the National Prison Project, at dfathi@npp-aclu.org or (202) 548-6603.

Thank you for your support of this work.

*We appreciate
the help!*

Sincerely,

A handwritten signature in black ink that reads "Karen Goldman". The signature is written in a cursive style.

Karen Goldman
Director of Foundation Relations
and Donor Communications

cc: David Fathi

**Interim Report to the Barbara McDowell and Gerald S. Hartman Foundation from the
National Prison Project of the ACLU Foundation**

The National Prison Project of the ACLU Foundation is very grateful to the Barbara McDowell and Gerald S. Hartman Foundation for its support of our work to improve conditions of confinement in the Los Angeles County Jail, the country's largest. Below are highlights of our work since our September 2010 proposal.

Following the September 2010 release of an ACLU report documenting allegations of physical abuse and retaliation at the hands of sheriff's deputies, we filed a motion seeking a federal court order prohibiting jail deputies from retaliating against prisoners through violence or threats. As part of our court-appointed monitoring role, we received more than 70 complaints over a five-month period in 2010 from prisoners who describe a climate of fear and brutality. There is an unacceptable level of violence in the system, including reports of deputies beating handcuffed prisoners, injuring some so badly that they ended up in intensive care. Several prisoners have also been severely punished for meeting with representatives of the ACLU, which is the court-appointed monitor of conditions inside L.A. County jails.

Our concern that the systemic problems plaguing the jail are so acute led us to ask U.S. District Judge Dean D. Pregerson in December to order an evidentiary hearing in the case based on "an escalating crisis of deputy violence, abuse and inmate suicides" at Men's Central Jail, one of the system's facilities. After many years of litigation and the issuance of numerous remedial orders, we believe that the problems plaguing the jail system can only be fixed by finding alternatives to incarceration like drug treatment and community-based programs for the low-level, non-violent offenders and detainees with serious mental illnesses that constitute the vast majority of the system's population. We also want to prove that the jail's population can be safely, rapidly, and radically reduced with existing resources and at great savings to taxpayers.

In January, our worst fears were confirmed before our own eyes. On a routine monitoring trip to the Twin Towers Correctional Facility, ACLU of Southern California Jails Project Coordinator Esther Lim witnessed a brutal beating of an inmate by two Los Angeles County Sheriff's Department deputies. James Parker, detained on a non-violent marijuana charge, was repeatedly punched, kneed, and Tasered for two minutes while lying on the ground motionless, as Lim and another inmate watched. In a sworn statement submitted in federal court, Lim noted that Parker "looked like he was a mannequin that was being used as a punching bag." The sheriff's department, in response, has stonewalled, asserting without presenting a shred of evidence to back up its claims that it has "thoroughly investigated" the complaint.

Just last month, we achieved an important breakthrough. Judge Pregerson granted our motion for an evidentiary hearing on deputy violence, abuse of the mentally ill, overcrowding, and grossly deficient environmental conditions. The hearing will probably occur in October 2011. He also agreed to grant a protective order barring retaliation against prisoners for speaking with the ACLU, and to entertain a motion for a preliminary injunction enjoining deputy violence against our clients pending the full evidentiary hearing later this year. We are now actively preparing for the October hearing, which we believe will result in far-reaching reforms at the Jail.

The ACLU extends deep thanks to the Barbara McDowell and Gerald S. Hartman Foundation for its commitment to this truly important case, which is being watched closely as a potential harbinger for things to come in the fight to de-populate our nation's crowded prisons and jails. The Foundation's \$2,500 in grant funds have been applied to the cost of experts, travel, and other litigation costs in this massive case. We look forward to providing additional updates in the future.