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Statement of Gloria Allred Regarding Bret Phillips

Today we filed a lawsuit on behalf of Bret Phillips against the L.A. County Sheriff's Department, the former Sheriff of L.A. County Lee Baca, and a number of individual L.A. County Deputy Sheriffs.

This lawsuit arises out of the brutal and unjustified beating by deputies of the L.A. County Sheriffs of Bret Phillips a helpless schizophrenic inmate who was confined in the L.A. County jail.

On or about February 11, 2009, Mr. Phillips, now age 43, was incarcerated in the Los Angeles County Jail for a nonviolent probation violation consisting of a failure to report a new address to his probation officer. Although he had previously been held in the psychiatric ward of the County Jails, the County held Bret in the general prison population on this occasion.

Notwithstanding his mental disorders, Bret had not behaved in an aggressive or menacing manner toward any of the defendant Deputies, or toward anyone else in the County Jail during his incarceration. He was, however, obviously suffering from mental impairment, which made him a target for Deputies who wanted to abuse a prisoner and escape punishment. Our lawsuit alleges that the individual

Deputies named in our lawsuit, Does 1 through 10, selected him for the abuse described hereinafter for that reason.

On or about February 11, 2009, while Bret was in custody in the County Jail, our lawsuit alleges that some of the Deputies (a) caused Bret to be placed in handcuffs and chain restraints, (b) physically seized him, (c) stood him up against a wall in the Jail, (d) beat him with their fists, pounding his face and body repeatedly over time, and (e) used pepper spray on Bret during the course of the beating. During the course of that beating a deputy also struck Bret with a flashlight.

Bret, restrained by shackles and outnumbered by Deputies carrying weapons, was utterly helpless as he was beaten, kicked and pepper sprayed. Unable to even raise his hands to protect his face from the rain of blows, his only option was to beg the Deputies to stop.

Father Paulino Juarez, the priest who was present that day attending to the spiritual needs of prisoners, saw this cruel spectacle while it was still in progress. Father Paulino saw the defendant Deputies “pound Bret’s face and body with punches” while, at the same time shouting “Stop fighting! Stop resisting!” Father Paulino also saw Bret’s complete lack of resistance and inability to protect himself. According to Father Paulino, “at various points,” he heard Bret “cry out, ‘please stop! I am doing nothing wrong, please stop.’” Deputies were, however, indifferent to his pain, terror and distress

At some point while the beating was still in progress, blows from the Deputies caused Bret to collapse to the floor of the jail and become unconscious. Father Paulino described the scene: “The inmate finally collapsed face first onto the floor. I heard a loud thump as his head hit the floor.” The Deputies did nothing to prevent or minimize the force of that collapse onto the hard floor of the jail.

After Bret, who was already shackled, was on the ground, Father Paulino saw that “one Deputy knelt down with one knee on Bret’s back, the foot of his other leg on the ground next to him, and began punching Bret on the back of his head and neck, while the other two Deputies stood and watched.”

Mr. Phillips ordeal was, however, not over. Father Paulino observed other Deputies as they kicked Bret while he was still on the ground.

While Deputies were kicking Bret who was shackled and on the ground, the Deputy who was pinning him down with his knee looked up, saw Father Paulino and realized that there was an eyewitness to the abuse. Meanwhile, an unknown Sheriff’s Deputy who was aware of the beating in progress attempted to create a cover up by shouting “Code Four,” which is a shorthand signal used by Sheriff’s Deputies to indicate that a Deputy is involved in a fight.

Perhaps in response to the “Code Four” announcement, two additional Deputies ran into the area where Mr. Phillips had been beaten and they started

kicking and stomping on Bret while he was on the ground. During this part of the abuse, Father Paulino observed that Bret “was not moving or saying anything.”

Alerted to the presence of a witness, one or more of the Deputies signaled to the others to stop beating and kicking him. If the Deputies had not been alerted to the presence of Father Paulino, our lawsuit alleges that they would have continued to beat, kick and/or stomp on Bret.

When Father Paulino turned to leave the scene, he “looked over at the Bret still lying on the ground and not moving-and saw a large pool of blood” which looked to Father Paulino “to be about two feet in diameter in the area around his head and shoulders.”

On February 12, 2009, the day after the beating, Father Paulino reported what had been done to Mr. Phillips to an LASD Sergeant at the same County Jail. The Sergeant said that one of the Deputies reported that the Bret had spit on him. Father Paulino had not heard any of the Deputies mention spitting during the beating, and so informed the Sergeant.

Father Paulino returned to the County Jail to continue his ministry within a few days. When he did, the prevailing culture of condoning unjustified violence by Deputies and/or intimidating witnesses to such violence caused Deputies to look at Father Paulino in a menacing way and to call him names like “rat” and “motherfucker.” Father Paulino was, however, determined to see the truth come to

light. He then submitted a written account of what had been done to Mr. Phillips to a Sergeant at the County Jail.

Shortly after submitting his report regarding Mr. Phillips beating to the LASD Sergeant, Father Paulino was summoned to an interview and told that he could not have a lawyer present. During a videotaped interview conducted by an LASD Sergeant, Father Paulino described in detail what he had seen Deputies do to Mr. Phillips in the County Jail.

On July 26, 2011, some two years after he reported the beating of Mr. Phillips, Father Paulino was finally able to speak with Sheriff Baca in the presence of other LASD officials. At that meeting, Sheriff Baca produced a folder which supposedly contained the LASD's investigation into the Bret's beating. It appeared to contain no more than ten pieces of paper and, according to Sheriff Baca, did not even contain Father Paulino's report regarding the beating of Mr. Phillips.

Recently, two deputy sheriffs were indicted and are being prosecuted in federal court in connection with this incident. At their arraignment they entered a not guilty plea.

The civil rights lawsuit which we have filed today alleges that Bret Phillips was deprived of his constitutional rights because while incarcerated he had a right to be free of cruel and unusual punishment. The unnecessary and wanton infliction of pain constitutes cruel and unusual punishment forbidden by the Eighth Amendment to the U. S. Constitution.

Mr. Phillips also had a constitutional right to due process not to be subjected to criminal charges based on false evidence that was deliberately fabricated by the government.

We are seeking general compensatory and punitive damages according to proof at trial. The Los Angeles County Sheriff's Department knew before the beating of Bret Phillips that Bret had serious mental health issues. They knew that because in a prior incarceration they had placed him in the psychiatric section of the jail.

However, when he was incarcerated at the time of the beating, he had been wrongly placed in the general population rather than the psychiatric section. The reason that Bret was incarcerated at the time of the beating was that he had allegedly failed immediately to report his new address to the probation department, a non-violent violation of his probation. Because he suffered from mental impairment, he was completely vulnerable to any Deputy who wished to abuse him and escape punishment.

According to the L.A. Times yesterday, the L.A. County Board of Supervisors voted to begin "an extensive study into how the court could divert more mentally ill offenders away from the jail system altogether."

Perhaps if Bret had been placed in a mental health facility which had personnel who had expertise and training in dealing with inmates who have mental impairments, he would have been spared the unjustified beating which he was forced to suffer.

At this time there are thousands of inmates in the L.A. County jail who have serious mental health issues and who are incarcerated for non-violent offenses.

Bret and Chrissy and all of us hope that there will be swift action very soon to protect these inmates and provide the kind of support and care that they desperately need.

We are very proud of Bret and Chrissy, his long-time companion and care giver. We hope that by speaking out and filing this lawsuit, that we will be able to help end a culture of violence and any unjustified abuse of mentally impaired inmates at the L.A. County jail.

Gloria Allred
Attorney at Law
Representing Bret Phillips
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