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From the Los Angeles Times

## Judge finds inmate rights violated

**Ruling in a class-action case, a federal jurist calls L.A. County practice of having prisoners sleep on jail floors 'cruel and unusual punishment.'**

By Matt Lait

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In a significant legal victory for thousands of former Los Angeles County jail inmates, a federal court judge has ruled that jail officials violated the prisoners' constitutional rights when they had them sleep on concrete floors because of chronic overcrowding.

U.S. District Judge Dean D. Pregerson said jail officials were guilty of "deliberate indifference" when they failed to provide inmates with bunks.

"Quite simply, that a custom of leaving inmates nowhere to sleep but the floor constitutes cruel and unusual punishment is nothing short of self-evident," Pregerson concluded in a 33-page decision in a class-action lawsuit, which was released Friday.

Attorney Stephen Yagman, who represents the inmates involved in the lawsuit, said Pregerson's ruling meant that the violations of the prisoners' rights would be presented as a proven fact to a jury should the case not be settled and go to trial.

Inmates would have to prove only that they deserved to be compensated for having slept on the floor, Yagman said.

"This is quite an extraordinary ruling," Yagman said. "I've never seen anything like it."

Attorney Paul B. Beach, an attorney hired by the county to handle the suit, declined comment Sunday, saying that he was not authorized by his client to speak to reporters.

Steve Whitmore, a Sheriff's Department spokesman, said Sunday that he was unfamiliar with Pregerson's ruling or the litigation's status.

But, he said, the practice of having inmates sleep on the floor "is over, and has been for a while now."

Yagman, however, said he had evidence showing that the practice was continuing.

According to court documents, the lawsuit covers inmates who were forced to sleep on the floor from December 2000 to May 2005. Sheriff's Department records showed that during one four-month period in 2005, there were more than 24,000 instances of inmates sleeping on floors.

Yagman, who named Sheriff Lee Baca as a defendant in the suit, said Sunday that he had two other class-action cases involving inmates who were forced to sleep on floors from May 2005 to as recently as this year.

He said the number of inmates involved in the cases could be as high as 500,000.

In his ruling, Pregerson suggested that floor sleeping was continuing in the jail, saying that the county's own records show that there were nearly 700 "additional instances of floor sleeping in February 2006."

In their defense, county officials said, inmates who were forced to sleep on the floor were generally given mats.

Pregerson said there were "vivid examples" of inmates sleeping on floors over the years. One inmate, Eric L. Gipson, testified that he was the sixth man in a "dirty, nasty," five-man jail cell and forced to sleep under another man's bunk.

In such a situation, he said, "you think about hurting somebody. You think. . . you're bigger than that guy that's got a bunk, and you want to take him off the bunk and smash him down and take his bunk.

"Why should I have to go through that?" he asked, explaining that his back hurt from being on the floor. "You feel like you're just in a bad nightmare."

Gipson also testified that he saw vermin and roaches daily. He said he was forced to sleep in "molded and mildewed" cells where he developed a staph infection.

Pregerson said that even viewing the evidence in the best light for the county, "the court finds that no reasonable jury could find that a custom of floor-sleeping did not exist in the Los Angeles County Jail."

The judge added that "prisons may not deprive those in their care of a basic place to sleep -- a bed; for, like wearing clothing, sleeping in a bed identifies our common humanity." He ordered both sides to appear in court next Monday to discuss a trial date.

Pregerson has long expressed concerns about local jail conditions. In May 2006, he said that county officials were housing inmates in ways "not consistent with basic human values," and called for speedy reforms at the Men's Central Jail.

He made those remarks one day after touring the downtown Los Angeles facility and said he was appalled to find six inmates crammed into cells intended to house only three and kept there for days at a time with no opportunity to exercise or even stretch their legs.

A month later, he ordered the creation of an expert panel to oversee reform at the facility.

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