

## Duffy to discipline 9 deputies in jail inmate abuse case | Sheriff unable to meet all grand jury recommendations

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In a final response to a county grand jury report citing systematic abuse of inmates by jail deputies, Sheriff John Duffy announced yesterday that nine deputies will be disciplined and at least one will be fired.

The deputies, none of whom were identified, were given notices of the intended disciplinary action yesterday afternoon, said sheriff's spokeswoman Lt. Liz Foster.

Duffy said the actions of the deputies, which he described as "harassment" of some inmates, were inexcusable and embarrassing to the department.

As he has done repeatedly in the past, Duffy also criticized the county Board of Supervisors and the chief administrative officer for what he said was a failure to provide him with adequate funds to implement all 11 recommendations made by the grand jury.

"All of the grand jury recommendations in the jail investigation report, which I have the power to implement, have been implemented," Duffy said in the four-page response.

In its report last March, the grand jury was highly critical of Duffy and his management team.

It cited cover-ups and mismanagement by jail supervisors and said many deputies simply looked the other way while others abused, roused or harassed inmates. It quoted deputies who said the mistreatment was a "game" played by some guards to mete out justice and to teach inmates a "lesson."

In his response yesterday, Duffy refused to name the deputies who were being disciplined, saying state law prevented him from doing so.

He did say the discipline would include termination, demotion in rank and suspensions ranging from five to 30 days.

Sources within the department who asked for anonymity said as many as four terminations are expected and that at least one captain already has received a notice of suspension.

Meanwhile, a spokesman for the Deputy Sheriff's Association and its attorneys said all the disciplinary actions likely will be appealed to the county Civil Service Commission.

Duffy said he decided on the discipline based on an internal affairs investigation sparked by the grand jury report and

conducted over a five-month period. It involved more than 110 interviews, site visits and a comprehensive review of documents, such as supervisory logs and minutes of staff meetings.

"Just like the extensive grand jury investigation, my own internal investigation did not develop evidence of 'beatings,' of inmates or excessive use of physical force by jail deputies," Duffy said in the response.

Duffy said the investigation did find that a so-called "Rambo Squad" made up of deputies who worked the night shift in the El Cajon jail in 1987 and early 1988 did harass inmates.

He said their actions "were confined to cell trashing under the guise of cell searches, the harassment of inmates by having them assume extended 'wall leaning' positions for long periods of time, and what simply amounts to deliberate and cruel harassment of inmates in order to establish control and to 'show the inmates who's running the jails.' "

Duffy added, "This conduct was inexcusable, unprofessional and embarrassing to the department."

Critics of the Sheriff's Department yesterday welcomed news of the discipline, but ridiculed Duffy's conclusion that the grand jury had not found evidence of beatings or physical abuse of inmates by deputies.

"Was he reading the same report the rest of us read?" asked San Diego attorney Michael Crowley, who represents clients who say they were beaten by deputies.

Crowley said "the documentation, the testimony, the photographs, the physical evidence is overwhelming that there are physical abuse and beatings going on in the jails."

Betty Wheeler, legal director of the ACLU, said she was heartened by the discipline but added, "The basic problem I have is that the sheriff, once again, appears to be minimizing the severity of the grand jury findings.

"He's dead-wrong that the grand jury didn't find evidence of physical brutality. The report specifically noted there was wall therapy, which gave the deputies the opportunity to respond with physical force."

Some deputies thought it ironic that Duffy meted out discipline on the day he also held a Sheriff's Department awards ceremony at the Marriott Hotel on Harbor Drive.

In a brief, impromptu interview after the ceremony, Duffy said he considered the abuses by deputies "a sad chapter in the history of the San Diego County Sheriff's Department. This conduct isn't going on today and will not be tolerated."

In his report to the grand jury, Duffy said he had been unable to implement some of its recommendations because the Board of Supervisors had not provided him with the money.

The County Charter gives Duffy broad powers, including the right to operate his department outside the scrutiny of supervisors. The board, however, controls the sheriff's budget.

Duffy said yesterday that because of inadequate funding he could not implement recommendations to form an Inspections and Control Division or to assign a sergeant to the booking area in each of the county's six jails.

County officials said yesterday that the \$109 million allocated for sheriff's funding should be adequate for operations this year.

"Given the overall constraints and demands on the limited county resources, the sheriff did very well with allocations," said David Janssen, assistant chief administrative officer. "Every department is faced with managing operations within available resources -- the sheriff is no different."

In his report, Duffy also pointed out that the disciplined and terminated deputies have the legal right to appeal his orders through internal hearings and hearings before the county's Civil Service Commission.

In fact, the Deputy Sheriff's Association has already been contacted by one deputy, according to Skip Murphy, president of the organization.

"Obviously, we will defend our people," Murphy said, adding that all the sheriff's disciplinary actions likely will be appealed to the commission.

Everett Bobbitt, an attorney retained by the association, said he sat in on at least 15 interviews conducted by internal affairs and listened to tapes of several more.

Based on those interviews, he said: "This whole thing has been blown out of proportion. At no point was there ever any evidence that anyone was knocked down or hit with a fist. There was not one actual assault. But for the media, the outcome would have been different."

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