

latimes.com

Man accuses Los Angeles deputies of jail attack

Former inmate files \$3-million suit, charging that officers struck him and pepper-sprayed him in an alleged sexual assault.

By Robert Faturechi, Los Angeles Times

August 26, 2010

The alleged attack inside the Twin Towers Correctional Facility in downtown Los Angeles began with a simple request for a clean shirt.

But a former inmate told a federal court jury Wednesday that what followed was a degrading assault that ended with Los Angeles County sheriff's deputies pepper-spraying his anus and groin.

Alejandro Franco, who was 23 at the time of the alleged 2007 assault, is seeking \$3 million, mainly for emotional suffering, in a lawsuit against the deputies.

Two of the three deputies have been relieved of duty with pay. The third is no longer with the department.

The three watched Wednesday as Franco testified that he had just received fresh laundry and was in line for medication when he noticed a foul smell from his pants.

Former Deputy Kris Cordova agreed to replace the pants. But when Franco returned to his cell, he noticed the same stench on his freshly laundered shirt. When he tried to have that replaced as well, he was rebuffed.

"You trying to get over on me," Franco recalled Cordova saying.

Franco swore at the deputy and returned to his cell. Later that night, around lights-out, Franco testified, Cordova and two other deputies selected his cell for a random search. They cuffed him, Franco said, and he was escorted to an empty recreation room.

There, Franco said, Cordova asked him why he showed disrespect by dropping "the F-bomb" in front of other inmates. Another deputy, Davie Chang, punched him in the face, Franco testified.

When he refused to apologize, Franco said, the deputies hit him repeatedly. He said a third deputy, Anthony Pimentel, stood back, activating his Taser.

Franco said he was flipped onto his belly. Chang, he testified, pulled down his boxers, spread his buttocks and used pepper spray on his anus and genitals. The South Los Angeles man called the incident a sexual assault.

"I felt hollow inside," Franco said. "I felt as if I wasn't there."

The burning lasted through the night, he said.

Gilbert Nishimura, one of the attorneys for the deputies, said his clients are innocent. All three took the stand Wednesday but pleaded the 5th Amendment to all questions.

Felony charges of assault by a public officer are being considered against the three men, said a representative of the Los Angeles County district attorney's office. The Sheriff's Department turned over its findings from the incident in 2008, spokesman Steve Whitmore said.

"The sheriff requires deputy sheriffs, especially those in custody, to be the civil rights leaders of that community," Whitmore said. "Just because someone is in jail doesn't mean they shouldn't be treated with the utmost respect."

The deputies' attorneys argued that there is scant evidence to prove the allegations. They also tried to connect Franco's emotional issues since his time in jail — bouts of depression and antisocial behavior — to a dysfunctional upbringing and drug abuse.

Franco said he often thinks about the alleged assault and has had trouble maintaining motivation or intimate relationships. His attorney, Arnaldo Casillas, blasted the deputies for refusing to answer any of his questions during testimony.

"Cops tell the truth," he said. "Cops don't plead the 5th."

If the jury returns a verdict in Franco's favor, it's unclear whether any damages would be paid by the county or the defendants.