

DECLARATION OF GREGORY BENZA

I, GREGORY BENZA, hereby declare:

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows:

2. I have been in the custody of the Los Angeles County Sheriff's department since August 2009. From August 2009 until the present I have been housed at Men's Central Jail ("MCJ").

3. In 1996 I was in a car accident while competing in a NASCAR race. I fell into a coma after the accident, and did not wake up for four months. As a result of the accident, my right leg was amputated through the knee and I have paralysis on the left side of my body. I also have cognitive permanent brain damage. I have used a wheelchair since the accident.

4. When I was arrested, my wheelchair was taken away from me. For the two days following my arrest, I was not provided with a wheelchair. Instead, if I wanted to move around I had to "crab walk." I would use my right arm to help support my weight and scoot myself around on my rear end. In order to use the restroom for these two days, I scooted over to the toilet and then pulled myself up onto the toilet. This was very difficult for me because, in addition to my right leg being amputated at the knee, I have very limited use of my left arm and left leg due to my left side paralysis.

5. I was provided with a wheelchair approximately two days after being arrested. This wheelchair did not have functioning brakes. This made it very difficult for me to use the restroom because I did not have anything to brace myself against when trying to transfer myself from the wheelchair to the toilet seat. The wheelchair would not stay still while I was attempting to transfer myself from the wheelchair to the toilet, so I was in constant danger of falling to the ground while trying to use the restroom.

6. I was finally given a second wheelchair around the beginning of July,

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1 2010. This was nearly a year after I first arrived at MCJ. The only reason I was
2 provided with a new chair is because the seat on my first wheelchair broke. When it
3 broke, I fell to the ground, injuring my shoulder. I requested to see the doctor, but as
4 of the date of this declaration I have not seen a doctor. My shoulder is still in pain.
5 Fortunately, the new wheelchair that I was provided has functioning brakes. MCJ
6 recently installed brand new 42" flat screen televisions. It makes me angry that MCJ
7 is willing to spend thousands of dollars on brand new televisions, but cannot provide
8 disabled inmates with new, functioning wheelchairs.

9 7. I am currently housed in a dorm on the 8100 unit, in Room 8214. It is a
10 12-man dorm. All of the inmates who are housed in the dorm use wheelchairs. There
11 are no safety bars next to the toilet in my cell. I have nothing to hold onto but the
12 chair and the toilet seat while I am attempting to transfer myself from the wheelchair
13 to the toilet. When my wheelchair did not have functioning brakes, this was
14 especially difficult. I have fallen on several occasions while trying to transfer myself
15 from the wheelchair to the toilet seat.

16 8. On or about January 21, 2010, I was taken to the Criminal Courts
17 Building ("CCB") to make a court appearance. While there, I fell trying to use the
18 restroom. The restroom I was using, which was in the holding tank, did not have
19 safety bars next to the toilet. Additionally, my wheelchair still did not have brakes at
20 this time. The combination of the lack of safety bars and the non-functioning brakes
21 on my wheelchair caused me to lose my balance and fall as I was attempting to
22 transfer myself between the toilet and my wheelchair. I was in extreme pain
23 immediately after I fell. I screamed in pain, yelling "Man down, man down!" I asked
24 the guards at CCB to take me to the hospital, but instead I was returned to MCJ.

25 9. Upon returning to MCJ, I repeatedly asked to be taken to the hospital.
26 Approximately three days after the fall, I was able to see a nurse. I requested pain
27 medication to treat the extreme pain I was experiencing as a result of the fall. I was
28 denied pain medication.

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1 10. Approximately six or seven days after falling, I was given an x-ray at the
2 Main Clinic in MCJ. The x-ray revealed that I had broken my hip in the fall.
3 Approximately two or three days after the x-ray—and ten days after I had fallen—I
4 was taken to County USC Hospital for surgery. I continued to be in extreme pain
5 from the time I fell until the time I was taken to the hospital for surgery.

6 11. At the hospital, I was provided strong pain medications. When I returned
7 to MCJ, the only medicine available to me was aspirin. On at least two or three
8 occasions, I was refused even aspirin. On one occasion, the nurse told me that she
9 “could not find any.”

10 12. I refused to be taken to the hospital for follow-up treatment. When I
11 went to the hospital for surgery, I left MCJ at approximately 5:00 A.M. I was put in a
12 small cell at the hospital where I remained until approximately 6:00 P.M. Throughout
13 this time, I was deprived of food and water. I have refused follow-up treatment at the
14 hospital because I am afraid that I will be forced to remain in a small cell for up to 12
15 hours without food or water.

16 13. The shower in my dorm is not easily accessible for people with
17 disabilities. There is a six-to-eight-inch ledge leading into the shower. There is no
18 ramp, so I cannot wheel myself into the shower. Even if there were no ledge, or if
19 there were a ramp, the entrance is not wide enough to fit a wheelchair. Instead, there
20 is a bench on the outside of the shower, and a bench on the inside of the shower. To
21 get into the shower, I must hoist myself out of the wheelchair and onto the bench
22 outside the shower. Then I have to slide myself from the bench on the outside of the
23 shower to the bench on the inside of the shower. Over time, I have developed a
24 system and have gotten used to this process. However, the first few times I had to use
25 this shower, I was very scared that I was going to fall. This situation was made worse
26 by the fact that my wheelchair had no brakes.

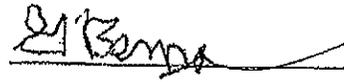
27 14. For a period of at least a month during the time that I have been at MCJ,
28 the dorm shower did not work. During this time, I was able to use the community

1 shower. Although we are allowed to use the dorm shower at any time, we could only
2 use the community shower upon request while the dorm shower was broken.

3 15. When use the community shower, I am able to wheel myself completely
4 into the shower, and there were benches for me to sit on while I took a shower.
5 However, the floor in the community shower is always wet, which causes my
6 wheelchair to lose traction. This makes it both dangerous and difficult for me to
7 transfer myself from the wheelchair to the shower bench. After approximately a
8 month of using the community shower, the dorm shower was fixed and I once again
9 began using the dorm shower.

10 16. Although we are technically permitted to use the community shower, we
11 have to be escorted by a guard to the community shower. It is so difficult to convince
12 a guard to escort me to the community shower that I no longer request to use the
13 community shower. Instead I use our dorm shower, which we have access to at all
14 times.

15 I declare under penalty of perjury of the laws of the State of California and the
16 United States that the foregoing is true and correct. Executed this 27 day of
17 September, 2010 in Los Angeles, California.

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21 GREGORY BENZA

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1 Center ("IRC").

2 7. I spent approximately 9 hours in the IRC. After repeated requests for a catheter I was
3 issued one catheter to relieve myself. Given my history of kidney infections, I was
4 very concerned about my inability to access a supply of catheters.

5 8. After approximately 9 hours in IRC, I was seen by a reviewing doctor. The doctor
6 informed me that many inmates "lie about their condition" to get access to
7 wheelchairs, and that he needed to run tests to verify my injury. After performing an
8 examination and tests, the doctor verified my injury and issued me a wheelchair.

9 9. The wheelchair that the jail issued me was defective. It was not tightly assembled and,
10 as a result, sagged to the left. To keep the wheelchair upright while not moving I had
11 to wrap my arms around the armrests and pull the left side of the chair upwards. The
12 brakes on the wheelchair were non-functional, making self-transfers extremely
13 difficult. The wheelchair had only one footrest, forcing me to position my right foot
14 on top of my left foot while moving. The wheelchair also did not have a proper seat
15 and it had no cushion. I was required to sit directly on the metal bar, which caused
16 pain and discomfort. I repeatedly requested a new wheelchair and asked deputies to
17 repair my current wheelchair, but my requests were denied.

18 10. After a few weeks in MCJ, I traded wheelchairs with another inmate. I met this inmate
19 during a Bible study and I believe he gave me his wheelchair because he felt sorry for
20 me. My new wheelchair functions, but the bolts supporting the main frame are loose.
21 I asked a deputy to tighten the bolts, but he responded by asking me, "Don't you know
22 you're in prison?"

23 11. I was originally housed in room 8107. The conditions in room 8107 were not good,
24 but I was able to access a shower, sink and toilet with only reasonable difficulty. I
25 was also able to socialize with other inmates, for example, by participating in Bible
26 studies. However, after about one month, I was transferred out of 8107. Despite
27 requests to my judge, attorney, and MCJ deputies, and despite an official complaint, I
28 still do not know why I was transferred out of 8107.

1 12. I was transferred to room 8066 during one night in mid-July. Room 8066 is a single-
2 person cell. The first thing I noticed about room 8066 is that it was filthy. The walls
3 were covered with dirt and food and possibly excrement. I asked to have the room
4 cleaned but my request was denied. I then removed the towel I used as a cushion for
5 my wheelchair and used it to clean the walls and floor of the room. This was a very
6 slow process, but sanitation is essential for me because my bladder and kidneys are
7 susceptible to infection. My body and physical surroundings must be sterile to avoid
8 infections when I use my catheter.

9 13. Room 8066 has railings, but the mirrors and sinks are not accessible by wheelchair.
10 Aside from the railings, the room is not accessible for people with disabilities in any
11 way.

12 14. There are no night lights in room 8066, which means the room is completely black
13 when deputies turn out the lights. As a result, I cannot use my catheter because I can
14 not see to prepare it properly. I have requested a nightlight, but my requests have been
15 denied. I have been instructed that I "will get used to it." However, I continue to
16 struggle with my catheter during the night.

17 15. It is extremely frightening to be paralyzed and in complete darkness. Moreover, the
18 deputies in my row cannot hear when I call unless I bang loudly on my door or yell
19 through the space below my door, but I cannot do either in the total darkness. This
20 sense of helplessness has had a strong and negative psychological effect on me.

21 16. Room 8066 is part of the diabetic row. For my first several weeks in Room 8066
22 medical came by my room during the night to prick my finger with a needle. I did not
23 understand the purpose for these tests at the time, but now I know they were checking
24 my blood sugar. On other occasions I was issued pills for diabetics. On one occasion,
25 medical entered my room during the night with a needle to administer insulin. I am
26 also given food that is formulated to meet a diabetic's dietary restrictions. Despite the
27 fact that I have repeatedly notified my attorney, my judge and MCJ deputies that I am
28 not diabetic, they continue to restrict my diet and house me in the diabetic row.

1 17. At home I use between 4 and 6 catheters each day because I suffer from bladder and
2 kidney infections. However, at MCJ I am issued only 2 catheters each day. As a
3 result, I am forced to reuse catheters and developed a bladder infection during my first
4 month here. I took a course of antibiotics to help with the infection, but I fear that I
5 will develop another infection at any time.

6 18. Since being transferred to room 8066, which is a single-person cell, I do not see other
7 inmates except for during one 3-hour recreation period each Sunday. I have asked to
8 attend church services but my requests have been denied. I have asked to see a
9 Chaplain but I have not seen one yet.

10 19. When I first transferred to MCJ I was not permitted to have visitors. I was told that I
11 could not have visitors because I was "medical." My friends and parents tell me they
12 were turned away when they came to visit me. My first visit was one week ago. I do
13 not know why this visitor was allowed when my previous visitors were denied.

14 20. I am not given access to physical therapy at MCJ. This worries me because I have
15 spent 18 years rebuilding strength and feeling in my legs, and during my time at MCJ I
16 have lost some of my former mobility.

17 21. I cannot perform physical therapy exercises in my room at MCJ without jeopardizing
18 my wheelchair. When deputies see me perform physical therapy exercises in my
19 room, they threaten to report that I do not require my wheelchair and should not be on
20 medical. I have explained that I need my chair for mobility, but that I must perform
21 my physical therapy exercises to maintain some ability to walk. I have heard deputies
22 state that inmates lie about their conditions just to get on "medical." As a result of
23 these statements and others, I rarely perform my physical therapy exercises out of fear
24 that I will have my wheelchair taken away or will be retaliated against in other ways if
25 deputies see me.

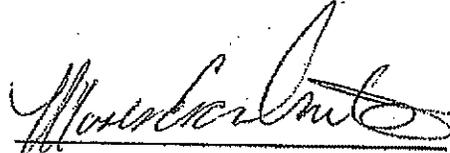
26 22. I have a history of an ulcerative colitis, and was hospitalized for two-weeks several
27 years ago. In the past six-weeks I have felt similar symptoms come back. I requested
28 a doctor's visit one-month ago to discuss my stomach pain but I still have not been

1 permitted to see a doctor.

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3 I declare under penalty of perjury of the laws of the State of California and the United
4 States that the foregoing is true and correct. Executed this 9/16/10 day of September, 2010
5 in Los Angeles, California

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Moises R. Escalante

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1 once I got to the cell, the deputies took the wheelchair and gave me a pair of crutches. I
2 asked the deputies why they were giving me crutches instead of a wheelchair and they
3 said it was an IRC wheelchair and that I would be given another wheelchair once one
4 became available.

5 8. I'm being housed in cell 7128, which is a single man cell. It is not set up for people
6 with disabilities. The toilet doesn't have rails for transferring on and off the toilet, and the
7 sink is built into the toilet in a way that you can't maneuver a wheelchair to get close
8 enough to the sink to use it. I have to get out of the wheelchair to access the sink.

9 9. I don't know why I am being kept in a single man cell—I don't have any separatee
10 orders or anything like that. It feels like I'm in the hole. I asked a deputy why I was on
11 this unit and not the 8100 unit, where MCJ usually holds inmates who use wheelchairs,
12 and the deputy told me that they would move me up to 8100 when they had room up
13 there.

14 10. The shower is about fifty yards from my cell. I'm not used to using crutches but
15 earlier this week I was able to get down the hall to the shower on them. The shower isn't
16 set up for people with disabilities, either, though. There are no rails or seats, and there's a
17 large lip at the entrance to keep the water from going into the hallway. The lip was hard
18 to get over in crutches and without my prosthesis, and the floor was slippery inside the
19 shower. I twisted my ankle trying to get into the shower, and once I was inside there was
20 nowhere for me to sit and nothing to hold on to. I asked a trustee for help and he brought
21 me a crate to sit on.

22 11. I was scheduled for court the same day but my ankle was pretty messed up from
23 twisting it in the shower. I told a deputy and a nurse that I couldn't get to court on the
24 crutches with my ankle all messed up and they brought me a wheelchair. I've been
25 allowed to keep the wheelchair since then.

26 12. When I was in MCJ in August, jail staff housed me in the 8100 unit. I was housed
27 in 8119, which was a twelve man dorm where all of the cellmates also used wheelchairs.
28 After a couple of days on the 8100 unit, I filled out an inmate request form requesting to

1 get my prosthesis back and gave it to the senior officer on the unit. He came back later
2 the same day and told it "it wasn't happening" and that was the end of the conversation.

3 13. For people detained on 8100, we couldn't do a lot of the things inmates in general
4 population could do. People on 8100 can't be trustees, they don't have access to any
5 educational programs, and there's no opportunity for work release programs or house
6 arrest.

7 14. After a few days without my prosthesis, my leg started to swell up. I know from
8 having used a prosthesis for over thirty years that swelling happens if you stop wearing
9 your prosthesis regularly. I put in a request to see a doctor to deal with the swelling, but I
10 never saw the doctor the entire time I was in MCJ. The swelling slowly continued.

11 15. When I was released and got my prosthesis back, it hurt like hell to get it back on.
12 It hurt to wear it for about four days. I worry that if I was in MCJ without my prosthesis
13 for much longer, it wouldn't have fit me when I was released. I would have had to get the
14 prosthesis refitted or buy a new one, both of which are expensive.

15 16. This time my leg is starting to swell up again. I'm just hoping I either get my
16 prosthesis back while I'm in here or I get out before my leg swells up so bad that my
17 prosthesis no longer fits.

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19 I declare under penalty of perjury of the laws of the State of California and the United
20 States that the foregoing is true and correct. Executed this 12 day of November, 2010
21 in Los Angeles, California

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24 THOMAS LACOSTA
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1 into a gate inside the truck. This is the last thing I remember until we arrived at the court
2 house fifteen minutes later. The other person in a wheelchair said that he tried to alert the
3 guards when I was injured, but the guards did not check on me until we arrived at court.
4 My injuries were so bad that an ambulance took me to St. Mary's Hospital. On the way
5 back to the jail, the guards threw me in the truck without a wheelchair. Because I could
6 not stand up, I was forced to lay on the floor and grab onto harnesses to keep from being
7 thrown around.

8 7. As a result of the injuries I suffered on December 19, 2008, I no longer have feeling
9 in my right leg and there are shooting pains in my left leg. Because of these injuries I am
10 unable to walk. I also must constantly flex the muscles in my neck to keep my head from
11 falling forward.

12 8. The wheelchair I was first given after my injuries on December 19, 2008 did not
13 have foot rests. The guards, instead of providing me with foot rests, tied a plastic bag
14 across the bottom of the wheelchair. Shortly thereafter the bag broke, leaving my feet to
15 drag on the floor. On at least three occasions, I ran over my feet with the wheelchair.
16 Additionally, my first wheelchair did not have any back support. Since the main problem
17 I have is a back injury, this often left me in excruciating pain.

18 9. Because AIDS affects the ability of my immune system to fight infections, it is
19 extremely important that my living conditions are sanitary. In some of the cells on the
20 8100 unit, I have had eleven people in the same cell with me. In one of those cells, we
21 had two toilets, but one of them was broken the entire time I was there. That meant that
22 the other toilet became dirty very quickly. My cellmates and I have asked numerous
23 times that the second toilet be fixed, but it never was. In my current cell, I see
24 cockroaches numerous times a day.

25 10. Around February 1, 2009, I was given a second wheelchair. While that wheelchair
26 had foot rests, it was very dilapidated in other respects. The seat, which should provide
27 support and stabilize the wheelchair, was broken. This often caused the wheelchair to
28 fold up while I was still sitting in it. Neither this wheelchair nor the initial wheelchair I

1 used had functional braking systems. Because there are no brakes it was nearly
2 impossible to transfer in and out of the wheelchair, since the chair always moved. To
3 transfer I had to put my foot under one of the wheels to keep my chair still. Since I place
4 all of my weight onto the chair during transfers, the wheels crush my feet every time I
5 need to get in and out of the chair. I complained numerous times to the guards and nurses
6 about the problems with my new chair, but no one helped.

7 11. After about four months on the 8100 unit, I was called into a room where a jail
8 doctor was working on a laptop computer. The doctor asked for my name and booking
9 number and asked how long I had been in the jail. The doctor didn't ask me any more
10 questions or perform any kind of physical exam on me. He then said I should be able to
11 walk and that the jail needs the wheelchairs for other people. That was all he told me. The
12 next day deputies came to my cell and told me I was being moved to general population
13 because I had been "declassified" by the doctor.

14 12. The deputies moved me to the 3800 unit, which is a general population unit, in my
15 wheelchair. When we got to the door of my new cell, the three guys already in there
16 helped me out of my wheelchair and carried me to a bunk. The deputies then confiscated
17 my wheelchair. The general population cell was completely inaccessible. I had to drag
18 myself to get around the cell. The toilet didn't have any rails, which made it extremely
19 difficult to get on or off of the toilet. Because I couldn't get around without my
20 wheelchair, jail staff denied me showers, recreation, church, doctor's appointments, and
21 even attorney room visits.

22 13. I was in the general population without my wheelchair for about two months. I only
23 got out of there after a chronic obstructive pulmonary disease ("COPD") attack landed
24 me in the LCMC hospital for about eight days. When I was released from the hospital and
25 went back to IRC, IRC sent me up to the Correctional Treatment Center ("CTC"). There
26 a doctor performed a full physical examination on me. When I was released from CTC I
27 was allowed to use a wheelchair again, and I have been allowed to ever since.

28 14. After I was released from CTC I was moved to the 7100 unit. I have been on the

1 7100 and 7200 units since then and have been housed in ten or more cells on those units.
2 The 7100 and 7200 units are mostly for guys who use walkers or crutches, but there are a
3 couple of us on those units who are allowed to use wheelchairs. None of those ten multi-
4 person cells I have been in on the 7100 or 7200 had any rails to transfer on and off the
5 toilet. Without a rail to hold on to, transferring on and off the toilet is very difficult. Both
6 myself and other inmates have difficulty with this transfer.

7 15. I am currently in a single man cell. I don't know why I was moved to a single man
8 cell and no one has ever explained it to me. A single man cell is pretty lonely, but at least
9 the toilet in this cell has a single rail to next to the toilet for transfers.

10 16. The first wheelchair I was given after my COPD attack didn't work at all. It lacked
11 footrests and I had to use plastic bags tied across the bottom to hold my feet up. There
12 was a slit in the seat so that my butt was directly on the metal frame of the chair. Like the
13 previous chairs I used, the brakes did not work.

14 17. After another trip to LCMC in September of 2009, I managed to hold onto the
15 LCMC wheelchair. It's better than the previous wheelchairs I've used in MCJ, but it still
16 has some problems. A screw that holds the wheel to the chair is coming out of the wheel
17 rim. I try to tighten it with my thumbnail, but it doesn't stay for very long. Sometimes a
18 deputy will let me use a tool to tighten it up, but not always. After I tighten it, I try to use
19 tape to hold it in place, but it doesn't work very well and it's usually loose again in a
20 couple of days.

21 18. There are no jail staff working the 7200 unit at night. The deputies and nurses both
22 stay in the 7100 unit. There aren't even night trustees on the 7200 unit—they stay on the
23 7000 unit except to turn the lights on in the morning and get the showers ready. This is
24 terrifying because there is no way to alert anyone if anyone on our unit has an emergency
25 medical issue. About nine months ago the jail staff began installing call boxes in our
26 cells, but they don't function. Neither the "Call" nor the "Cancel" buttons work. The box
27 has "Bad Audio" scrawled across it in magic marker. A few weeks ago jail staff told us
28 the call boxes were finally hooked up to lights, so that the staff on the other units could

1 see the light if there was an emergency. The lights worked for a couple of days and then
2 stopped working entirely.

3 19. The transportation to and from court is terrifying for people with disabilities. I have
4 been transported in the truck dozens of times when the guards have not locked my chair.
5 I have tried to lock it myself to keep from being thrown around during the ride but many
6 times, the locking mechanisms are broken or missing. In 2009 the jail used what looked
7 like an ice-cream truck to transfer inmates to court. It has doors that opened like a school
8 bus, and had a wheelchair lift, but it didn't have any way to secure wheelchairs inside the
9 bus. More recently that they been using a bigger bus that has spaces for three
10 wheelchairs, which can be secured. The problem now is that they put more than three
11 wheelchair users on the buses at a time. After the three wheelchair spaces are taken, other
12 guys who use wheelchairs have to transfer into the seats and fold up their wheelchairs.
13 There is no way to secure the guys who transfer into the regular seats. I won't transfer
14 into the regular seats because I'm scared I'll get hurt if I'm unsecured and the buses gets
15 into an accident or just brakes or turns too hard. There is an early bus and a late bus back
16 to the jail from court. The jail staff say that anyone that can transfer onto the regular bus
17 seats can take the early bus, otherwise we have to wait for the late bus. I won't transfer
18 due to safety concerns, so even when I am done with court early in the morning, I have to
19 wait until late afternoon for the late bus before being transferred back to the jail. Inmates
20 without disabilities don't have to choose between risking their safety and waiting all day
21 at the courthouse.

22 20. I have not been given the opportunity to participate in any of the jail-sponsored
23 educational activities since my arrest.

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1 21. Neither I nor any of my cellmates have been offered any physical therapy in
2 connection to our injuries. This has forced us to attempt physical therapy on our own
3 and with the aid of our cellmates, when we have them.
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5 I declare under penalty of perjury of the laws of the State of California and the United
6 States that the foregoing is true and correct. Executed this 29 day of September, 2010
7 in Los Angeles, California

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1 DECLARATION OF ISHMAEL MIZRAHI

2 I, ISHMAEL MIZRAHI, hereby declare:

- 3 1. I make this declaration based on my own personal knowledge and if called to testify
4 I could and would do so competently as follows:
- 5 2. I have been in the custody of the Los Angeles County Sheriffs since July of 2007,
6 when I was arrested for unauthorized practice of law.
- 7 3. I injured my back in a car accident in 2003. I had problems standing and walking
8 after the accident and I initially used a walker. Toward the end of 2004 the pain in
9 my back became worse and I started to use a wheelchair. Around that same time I
10 received a stronger prescription for pain mediation and it helped significantly. I
11 stopped using the wheelchair after a few months and was walking without any
12 mobility aid for most of 2005. In 2006 my injury worsened and I started using a
13 walker again. I was still using the walker when I was arrested in 2007.
- 14 4. I was transported to the Inmate Reception Center ("IRC") about a day after I was
15 arrested. I saw a doctor very briefly while I was in IRC and I explained my back
16 injury to him, but he didn't appear concerned. I asked both the doctor and IRC staff
17 for a walker and they told me I couldn't have one. They housed me in the general
18 population in Men's Central Jail ("MCJ"). I was assigned to a dormitory housing
19 about 90 other inmates.
- 20 5. The deputy told me that I had been assigned a top bunk. I explained to deputy that I
21 had a back injury and that I would be able to get in and out of the top bunk. The
22 deputy said he couldn't do anything about it and that I would have to get a note
23 from the doctor if I wanted a bottom bunk assignment.
- 24 6. I asked to be on put on the doctor's line so I could get the bottom bunk assignment.
25 I waited two weeks and still hadn't seen the doctor when I went "man down" from
26 the pain after two weeks of trying to get in and out of the bunk and walking around
27 without any mobility aid. The doctor I saw only gave me a muscle relaxer and told
28 me he would notify the deputies that I should be assigned to a bottom bunk. But the

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DECLARATION OF ISHAMEL MISRAHI

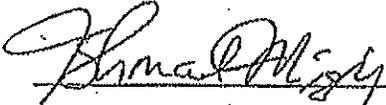
- 1 change in assignment never happened. I eventually ended up paying another inmate
2 for his bottom bunk and we switched.
- 3 7. Staff moved me to Twin Towers at the end of August, 2009. The deputies moved
4 me to cell 141 in B Pod of Twin Towers. The cell wasn't accessible at all. Both the
5 shower and the phones in the Pod are up a flight of stairs and there was no way for
6 me to access them. Without a wheelchair, I had to crawl just to get around my cell
7 and the Pod.
- 8 8. The following day I received a doctor's pass and the doctor discovered I had a
9 hernia and recognized I had back problems from my medical chart. The doctor
10 prescribed a wheelchair for me. The deputies brought me a wheelchair and took me
11 back to 141 in B Pod, but they confiscated my wheelchair once I was back to my
12 cell.
- 13 9. The next day I received a pass to see the doctor again regarding my hernia. I told
14 the deputies that the doctor had ordered a wheelchair for me but they said they
15 didn't have any order from the doctor. The deputies told me I either had to walk to
16 the doctor's visit or they would cancel my pass. I tried to walk, but I couldn't keep
17 up with them as they escorted me. The deputies kept their pace despite the fact that
18 I couldn't keep up, and they started to physically drag me during the escort. The
19 deputies then threw me on the ground. The deputies then told me that if I didn't
20 complain about the incident they wouldn't file assault charges against me.
- 21 10. The deputies brought me back to 141 B Pod and I still did not have a wheelchair. I
22 was extremely frustrated that I wasn't able to get around my Pod or use the shower
23 or phones. I went on a hunger strike to demand I be given a wheelchair.
- 24 11. After a day or two on hunger strikes I was moved to the Medical Services building.
25 After three weeks on hunger strike I was examined by a doctor who gave me
26 Vicodin and a wheelchair. I ended my hunger strike but remained in the Medical
27 Services building for about a month more.
- 28

- 1 12. When I left the Medical Services building, I was transported in a wheelchair back to
2 141 B Pod. When I arrived at 141 B Pod, the deputies took the wheelchair. I was
3 devastated. Another inmate gave me the phone number of someone at the ACLU; I
4 called her, explained my situation to her, and the same day I was given a wheelchair
5 and moved to the 7100 unit of Men's Central Jail ("MCJ").
- 6 13. I was relieved to finally have a wheelchair, but my cell on 7100 still wasn't
7 accessible at all. The toilet had no grab-bars for transferring on and off the toilet. I
8 fell trying to get from my wheelchair to the toilet (and vice versa) a number of
9 times. The first time I fell I hit my head pretty hard. I called for a deputy and I was
10 taken to the clinic.
- 11 14. A couple of days later I fell again attempting the same transfer. The deputies told
12 me that if I didn't complain and didn't demand to go to the clinic, they would move
13 to a more accessible cell. I complied and I was moved to cell 7168, where I am
14 currently housed.
- 15 15. The toilet in 7168 has a bar on the side, but there still isn't a bar behind the toilet.
16 This makes transferring easier than when there are no bars at all, but it's still hard to
17 balance and stabilize myself during the transfer. The toilet is also very low to the
18 ground, which further complicated the transfers to and from a wheelchair. The sink
19 in my cell is part of the toilet and is situated in such a way that there is no way to
20 maneuver my wheelchair under the sink, which makes using it very difficult
21 because I have to lean over past my legs and the front of the wheelchair to reach it.
- 22 16. The jail-issued wheelchair I am using is deficient. One side doesn't have a brake at
23 all, and the other side has a brake but it barely engages the wheel and doesn't hold.
24 There is side guard only on one side—it is wholly missing from the other side. The
25 armrests have no padding at all; it's just cold metal.
- 26 17. The law library is also inaccessible for wheelchair users. It has no accessible
27 bathroom. When I complain to the deputies that I have to use the bathroom, they
28 give me a plastic glove and tell to urinate into it. There entrance to the law library

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also has a large metal lip that is difficult for a wheelchair to roll over. Each time I enter the law library I worry that I am going to fall backwards trying to get over it. 18. I haven't been to recreation in over a year. I was designated K-10 status in August of 2009 when a deputy claimed I threatened him and since then I haven't gone to the roof. The recreation for K-10 inmates is supposedly not accessible for inmates with disabilities.

I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing is true and correct. Executed this 25 day of October, 2010 in Los Angeles, California.


ISHAEL MIZRAHI

1 DECLARATION OF ANTHONY SIMRIL

2 I, ANTHONY SIMRIL, hereby declare:

3 1. I make this declaration based on my own personal knowledge and if called to testify I
4 could and would do so competently as follows:

5 2. I have been in the custody of the Los Angeles County Sheriff's department since
6 December 2009. From January 1, 2010 through February 8, 2010, I was housed at the Correctional
7 Treatment Center ("CTC"). Since February 8, 2010, I have been housed at Men's Central Jail
8 ("MCJ").

9 3. Prior to my arrest I had asthma, diabetes, and weak legs. I had been using a cane to
10 walk because of the weakness in my legs. My legs were so weak that I would fall on occasion, even
11 when I had the cane to assist me. I was using insulin to regulate my diabetes prior to my arrest and
12 when I first arrived at CTC. Now I take a pill to help regulate my blood sugar. I also use my diet to
13 help regulate my blood sugar. A nurse checks my blood sugar approximately twice per week.
14 Dinner is served very early, sometimes as early as 3:00 P.M. At CTC I was given a snack in the
15 evening to help me regulate my blood sugar. At MCJ, I am not given a snack after dinner, unless I
16 purchase it at the commissary. I do not have enough money to purchase snacks on a daily basis.
17 When I do not have enough money to purchase a snack after dinner, I become very light-headed and
18 feel like I am going to faint. I also feel voraciously hungry.

19 4. While I was being arrested the night of New Year's Eve, the officers used a taser on
20 me, which caused me to fall and injure my ankle. Immediately after my arrest, I was taken to Long
21 Beach Community Hospital ("Community"). I was not able to bring my cane with me. Despite my
22 weak legs and injured ankle, I had to walk into and out of the hospital. The doctors at Community
23 conducted a visual examination of my ankle. I did not receive an x-ray at Community. Although I
24 requested a wheelchair while I was at Community, I did not receive one. After leaving Community,
25 the police took me to the Long Beach substation, and then to the Inmate Reception Center. I had to
26 walk into and out of both of these places. At the Inmate Reception Center, the officers could see that
27 my ankle was becoming very swollen, so I was taken to Long Beach Memorial Hospital
28 ("Memorial"). At Memorial, late on New Year's Day, doctors gave me an x-ray and determined that

1 my ankle was broken. I was finally provided with a wheelchair at that time.

2 5. I was then taken to the Los Angeles County Medical Center ("LCMC"). A cast was
3 put on my leg. The cast remained on my leg for approximately three months. I believe the cast was
4 taken off some time in March. After the cast was taken off I wore a boot for approximately one
5 month.

6 6. The wheelchair I was provided with at Memorial did not have two large wheels which
7 would have allowed me to manually move around using my arms. Instead it had four small wheels.
8 In order to move around I had to use my feet to propel myself. This was difficult and painful
9 because I had a broken ankle. I had this wheelchair for approximately two weeks. I was given a
10 new wheelchair when I went to my first court date.

11 7. My second wheelchair allowed me to use my arms to propel myself. But there was
12 no pad or cushioning on the seat. Instead, the seat rested directly on a metal bar that was part of the
13 wheelchair's frame. This was extremely uncomfortable, and was painful when I had to sit in the
14 wheelchair for long periods of time. I was afraid of suffering nerve damage as a result of having to
15 sit on this bar for prolonged periods. I had to make my own cushion out of extra clothes, a blanket,
16 and absorbing pads.

17 8. Further, the brakes did not fully function on this wheelchair. Even when the brakes
18 were set, the wheelchair could still roll around. This made it difficult for me to get in and out of the
19 wheelchair because I had nothing to brace myself against when I am standing up or sitting down. I
20 had this wheelchair from the middle of January until the first week in September, 2010.

21 9. I recently received a third wheelchair from another inmate. When inmates are
22 transferred from jail to prison, they receive a new wheelchair upon arriving at prison. A fellow
23 inmate, who was leaving to go to prison, exchanged wheelchairs with me because he was going to
24 receive a new wheelchair when he got to prison. This third wheelchair, which I was only able to
25 obtain by trading with another inmate, has a cushioned seat and functioning brakes.

26 10. Although my ankle has improved enough so that I can now walk short distances, my
27 legs are not strong enough to walk very far. On some occasions I am able to walk from my bed to
28 the toilet, using my wheelchair as a crutch, but I can definitely not walk any further than that.

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1 11. I have refused to go to LCMC for follow up care on at least one occasion. When I go
2 to LCMC to see a doctor, I have to wait for up to 12 hours just to see a doctor for a few minutes. I
3 refused to see a doctor on this occasion because I did not want to wait for 12 hours while sitting on
4 the metal bar that is underneath the seat of my wheelchair.

5 12. I believe I was disciplined for fighting an improper declass. I have been in the
6 wheelchair ward the entire time I've been at MCJ. In approximately February, 2010, a doctor tried
7 to declass me. This was when I still had a cast on my leg. The doctor asked me a couple questions,
8 and did not conduct a physical examination. After asking me a couple questions, he said I should be
9 able to use crutches or a walker. As stated above, my legs were weak before my ankle was broken.
10 The combination of a broken ankle and weak legs has left me unable to walk farther than a few
11 steps. I would not be able to get around using crutches or a walker. I told the doctor this, and stated
12 that I refused to be declassified. After the doctor attempted to declass me, I found out that when my
13 daughter looked up my profile on the Los Angeles County Sherriff's website it said "No visitation."
14 My daughter came to MCJ in June, 2010, to deposit money into my account, and decided to try to
15 visit me while she was here. Although the website says "No Visitation," she was able to visit me. I
16 believe this happened because I refused to be moved from the wheelchair ward.

17 13. I am currently housed in a dorm on the 8100 unit in Room 8214. It is a 12-man dorm.
18 All of the inmates who are housed in the dorm use wheelchairs. The shower in my dorm is not easily
19 accessible for people with disabilities. There is a four-to-five-inch ledge leading into the shower.
20 There is no ramp, so I cannot wheel myself into the shower. Even if there were no ledge, or if there
21 were a ramp, the entrance is not wide enough to fit a wheelchair. Instead, there is a bench on the
22 outside of the shower, and a bench on the inside of the shower. I have to sit on the outside bench
23 and slide myself over to the inside bench in order to get in the shower.

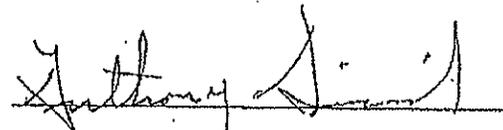
24 14. For a period of at least a month during the time that I have been at MCJ, the dorm
25 shower did not work. During this time, I was able to use the community shower. Although we are
26 allowed to use the dorm shower at any time, we could only use the community shower upon request
27 while the dorm shower was broken.

28 15. When I use the community shower, I am able to wheel myself completely into the

1 shower, and there were benches for me to sit on while I took a shower. However, the floor in the
2 community shower is always wet, which causes my wheelchair to lose traction. This makes it both
3 dangerous and difficult for me to get in and out of my wheelchair. After approximately a month of
4 using the community shower, the dorm shower was fixed and I once again began using the dorm
5 shower.

6 16. Although we are technically permitted to use the community shower, we have to be
7 escorted by a guard to the community shower. It is so difficult to convince a guard to escort me to
8 the community shower that I no longer request to use the community shower. Instead I use our dorm
9 shower, which we have access to at all times.

10 I declare under penalty of perjury of the laws of the State of California and the United States
11 that the foregoing is true and correct. Executed this 17th day of September, 2010 in Los Angeles,
12 California.

13
14 
15 ANTHONY SIMRIL
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1 sores. I requested egg-crate padding for both my wheelchair and my bed for the pressure
2 sores. I was provided with an egg-crate mattress for my bed, but nothing for my
3 wheelchair. I had to cut part of the egg-crate mattress out to use as padding for my
4 wheelchair to prevent getting more pressure sores.

5 7. I was initially taken to cell 8036, which is a two-man cell, but I was in there
6 alone. The toilet in 8036 didn't have any rails. I've had my disability for fourteen years
7 and I've become pretty good at transferring, so I was able to transfer by using the toilet
8 seat to steady myself, but it would have been much easier if they installed grab bars. The
9 mirror in 8036 was placed too high for me to see my reflection from my wheelchair.

10 8. I was in 8036 for about two weeks. I never had the phone brought to me
11 during those two weeks. I didn't have access to the dayroom for those two weeks either. I
12 didn't have a shower for the first ten days I was in 8036, either. On the tenth day I told a
13 deputy I hadn't been offered a shower in ten days and that deputy let me shower.

14 9. After about two weeks, I was transferred to a 12 man dorm on the 8100 unit.
15 The toilet in that cell has rails and all of the beds are single-bunk. There is a shower in the
16 dorm, but there is a large lip in front of the shower that a wheelchair can't get over. To
17 transfer into the shower, you have to first transfer into a chair on the outside of the
18 shower, and then transfer over a gap where the lip is and into another chair inside the
19 shower. I have had my disability for a long time and have a lot of upper body strength, so
20 I'm able to do that transfer, but a lot of other guys in my dorm have a lot of trouble with it.

21 10. I use catheters to empty my bladder. The nurses on the 8100 unit don't
22 always distribute catheters on a daily basis. Some days I get three catheters for a day, but
23 some days the nurses don't distribute any. On the days nurses don't distribute catheters, I
24 have to reuse catheters from the previous day and risk getting an infection.

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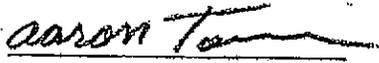
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11. I have never been offered physical therapy at MCJ and I don't know of anyone at MCJ ever receiving physical therapy.

I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing is true and correct. Executed this 26 day of August, 2010 in Los Angeles, California



AARON TORRES