

ORANGE COUNTY DISTRICT ATTORNEY
PRESS RELEASE
TONY RACKAUCKAS, *District Attorney*

Susan Kang Schroeder, *Public Affairs Counsel*
Office: 714-347-8408
Cell: 714-292-2718

Farrah Emami, *Spokesperson*
Office: 714-347-8405
Cell: 714-323-4486



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ORANGE COUNTY DISTRICT ATTORNEY RELEASES JAIL DEATH REPORT FROM THE 2007 SPECIAL CRIMINAL GRAND JURY

SANTA ANA – Orange County District Attorney Tony Rackauckas (OCDA) announced today the release of *The Investigative Report From The 2007 Special Criminal Grand Jury Inquiry Into The Death Of John Derek Chamberlain* and the following statement:

BACKGROUND OF JOHN DEREK CHAMBERLAIN

In the evening of September 14, 2006, John Derek Chamberlain was arrested on allegations of possession of child pornography and possession of an open container of alcohol. On October 3, 2006, Chamberlain was transferred to the Theo Lacy detention facility and assigned to "F" Barracks, West, a minimum security location. Two days later at 6:50 p.m., Orange County Sheriff's Department (OCSD) deputies were summoned to a location within the barracks where they observed Chamberlain lying on the floor. He was transported to a local hospital where he was pronounced dead. He had suffered numerous severe blunt force trauma injuries, including multiple rib fractures, which lead to respiratory failure and cardiac arrest.

CONFIGURATION OF THEO LACY "F" BARRACKS

"F" Barracks is divided into two equal halves, East and West, regularly staffed by two OCSD deputies and one Sheriff's Special Officer. The maximum occupancy of each half is 146 inmates. A guard station for the on-duty deputies is located between the halves. Each half of "F" Barracks has a central recreational day room. There are numerous "blind spots," or areas outside of open view.

REQUIRED DUTIES OF OCSD DEPUTIES AT THEO LACY

In order to fulfill their duties, the OCSD deputies are required to regularly patrol the interior of the facility every 30 minutes on foot and observe the activities of the inmates. The purpose of these floor checks is to inspect "blind spots," discourage assaults and verify that no inmates are injured or in need of help.

ACTUAL PRACTICE OF SOME OCSD DEPUTIES AT THEO LACY

In practice, some deputies regularly failed to perform their duties of securing the jail and the safety of its inmates. They seldom performed floor checks. The deputies instead largely remained in their guard station, where they were regularly seen watching television, full length movies, playing video games, browsing the Internet, chatting on-line, or sleeping with lights out. Even when awake at their guard station, some OCSD deputies would go as long as 30 minutes without even looking out the windows to scrutinize the barracks under their supervision.

When supervisors, with rankings such as sergeants or higher, walked through the facility, some deputies utilized a code called "10-12" to forewarn others of their approach. Some deputies made entries in the logs which could be interpreted that they had performed their regular patrols when in fact they had not.

INAPPROPRIATE USE OF “SHOT CALLERS”

The OCSD deputies at Theo Lacy substituted other methods than those prescribed by policy to control the inmates under their supervision. They routinely used inmates called “shot callers” to enforce discipline or inflict punishment on other prisoners. If deputies observed conduct on the part of an inmate which they considered a breach of the rules, they would summon the “shot callers” and instruct them to get these inmates “back in line.” The deputies knew that if the inmate disregarded the “shot caller,” the inmate would be assaulted or “taxed” by other inmates.

Some deputies developed methods, both positive and negative, to get the “shot callers” to do what they wanted. They gave “shot callers” extra privileges such as new uniforms, extra meals, extra hygiene products, and greater toleration or leeway if they broke the rules. Alternatively, the deputies would threaten “shot callers” with negative consequences, such as having their barracks “tossed” or their personal belongings and bedding thrown asunder if they failed to get the inmates under their authority “back in line.”

The use of “shot callers” is against OCSD Policy which states, “Inmates will never be permitted to exercise control over other inmates,” and “No inmate shall inflict punishment on another inmate.” It is also against state law which prohibits investing inmates of penal institutions with the authority to exercise the right of punishment over other inmates.

DENIAL OF MEDICAL TREATMENTS

Some OCSD deputies at Theo Lacy denied medical treatment to inmates in order to avoid having to write required reports, or “cut paper.” They encouraged “shot callers” to discourage injured or sick inmates from seeking or making further requests for medical attention.

USE OF UNAUTHORIZED DISCIPLINE AND PUNISHMENT

There were unspecified reports that one Theo Lacy deputy inflicted unauthorized discipline and punishment on inmates using less than lethal force. This deputy reportedly failed to notify his supervisor or document the use of force as required by OCSD Policy. On multiple occasions, for example, a “pepper ball” rifle was fired against inmates of “F” Barracks against Policy. These were for minor transgressions such as inmates not returning to their bunks “fast enough,” leaving their bunks against orders, or becoming too loud. In further violation of OCSD Policy, no means of decontamination was provided or allowed to inmates affected by the “pepper ball” rounds.

UNRESTRICTED INFORMATION OF INMATES

Within penal institutions, inmates facing charges related to the sexual assault or abuse of children are often targeted for violent assault by other inmates. Some inmates make concerted efforts to learn the nature of fellow inmates’ pending charges, including using OCSD’s public information resources. OCSD was repeatedly made aware that its public information resources were being exploited for the purpose of targeting and assaulting inmates with pending child assault or abuse charges.

Public Internet access to certain inmate information ended in July 2006 at the time of John Chamberlain’s incarceration. Information concerning an inmate’s pending charges, location of incarceration, and bail status remains available, however, to anonymous phone callers upon request. In the days preceding Chamberlain’s murder, OCSD received and fulfilled five to 10 anonymous calls requesting information of Chamberlain’s pending charges.

CHAMBERLAIN’S MURDER

During the hour from 5:50 p.m. to 6:50 p.m. on October 5, 2007, John Chamberlain was dragged by other inmates to a “blind spot” within the Theo Lacy “F” Barracks, where he was out of view of OCSD deputies in the guard station. He was beaten to death at that location by successive waves of inmates. Some of the inmates participating in the assaults made repeated trips back and forth from the bathroom to the scene of the assault carrying water to wash the crime scene. None were confronted or interrupted by on-duty OCSD deputies. The deputies remained in the guard station, one reportedly watching television.

No deputy had patrolled the floor of the “F” Barracks, West, where the murder had taken place for a period of at least five hours before Chamberlain’s body was found. Nevertheless, the nearby work station log had the entries, “barracks secure,” for 6:00 p.m. and “barracks secure, no problems,” for 6:30 p.m. After Chamberlain’s body was found at 6:50 p.m., OCSD personnel retroactively entered into the log that at 2:30 p.m. Chamberlain had told deputies that he had not been in fear of his life.

Although OCSD was alerted to the fact that the presence of a television in the guard station may constitute a distraction to deputies on duty and may have contributed to the circumstances leading to the murder of Chamberlain, the television was not removed until six months after the murder.

OCSD’S PREVENTION OF AN INDEPENDENT INVESTIGATION

Subsequent to the discovery of Chamberlain’s body, OCSD personnel prevented the OCDA from conducting an independent homicide investigation into the murder of Chamberlain. This was in violation of existing County protocol and historical precedent. When the sitting 2006-2007 Grand Jury requested information on this protocol, there was evidence that one OCSD official provided it with inaccurate information regarding the investigation of previous custodial deaths.

OCSD’S MISCHARACTERIZATION OF PROTOCOL AND HISTORY TO THE GRAND JURY

At the request of the District Attorney, the Orange County Superior Court convened a 2007 Special Criminal Grand Jury to investigate the murder of John Chamberlain and the circumstances surrounding the OCSD’s investigation of that murder. Some OCSD witnesses gave testimony that mischaracterized the protocol and history of custodial death investigations.

OCSD PERSONNEL’S VIOLATION OF SECRECY AND UNTRUTHFULNESS TO THE GRAND JURY

In addition, after testifying before the 2007 Special Criminal Grand Jury, some OCSD personnel violated the secrecy rules governing Grand Jury investigations by disclosing to other OCSD personnel the substance of their testimony, the nature of the questions they had been asked, and the evidence shown to them. These same individuals then knowingly testified falsely before the 2007 Special Criminal Grand Jury concerning their violations of Grand Jury rules.

OCSD’S DELAY OF THE GRAND JURY PROCESS

OCSD records subpoenaed by the Special Grand Jury were either not produced, produced in redacted form or produced by unqualified witnesses. This had the effect of substantially delaying the Grand Jury’s progress.

PURPOSE AND PLAN TO PROPOSE REFORMS

This report establishes that the murder of John Chamberlain may have been prevented if existing policies and procedures had been followed and enforced. Our system of justice requires that those accused of crime be afforded due process and justice not only by the court, but by those charged with maintaining them in custody.

The Office of Internal Review (OIR) and an impartial civilian monitor will help monitor and oversee the investigation and evaluation of complaints involving the OCSD.

This Report is merely a beginning to open an informed dialogue over how the County may avoid another such death in the future. Over the next several months, the OCDA will facilitate this dialogue and work with concerned parties to develop additional reforms.

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