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Peter J. Eliasberg

August 26, 2010

Sheriff Leroy D. Baca
Los Angeles County Sheriffs Department
4700 Ramona Boulevard
Monterey Park, CA 91754

Dear Sheriff Baca:

We write to you as concerned citizens, as well as class counsel for the almost 20,000 pretrial detainees and sentenced prisoners in the Los Angeles County jails, to protest your decision to install in the jails an Assault Intervention Device --- an invisible heat-beam weapon originally developed by the U.S. military as a way to subdue demonstrators by focusing a microwave beam on them to make them feel "intolerable heat."

You claimed at your press conference on Friday August 20th that "the Assault Intervention Device appears uniquely suited to address some of the more difficult inmate violence issues," since it will "allow us to quickly intervene without having to enter the area and without incapacitating or injuring either combatant." Your great confidence in the safety of this device seems to us seriously misplaced.

As we are sure you are aware, the military incarnation of this device (the Active Denial System) ("ADS") was briefly fielded in Afghanistan in June and then withdrawn in July without ever being used. The military version can be mounted on a truck and was intended to be used against protesters outside American military bases. While the device was being tested by the Air Force, a miscalibration of the device's power settings caused five airmen in its path to suffer lasting burns, including one whose injuries were so severe that he was airlifted to an off-base burn treatment center.

According to a 2008 report by physicist and less-lethal weapons expert Dr. Juergen Altmann, "the ADS provides the technical possibility to produce burns of second and third degree . . . over considerable parts of the body, up to 50% of its surface," and "without a technical device that reliably prevents re-triggering on the same target subject, the ADS has the potential to produce permanent injury or death." As the report also points out, "the possibility of re-triggering the same target subject puts avoidance of burns at the discretion of the weapons operator."

We strongly oppose the view that it is ever appropriate to deploy against the detainees of a county jail - or any other incarcerated population -- a military weapon intended to cause intolerable pain and capable of causing severe injury or death. We believe the deployment of such weapons in this context creates a wholly unjustified risk that detainees will be needlessly subjected to excessive force -- indeed, a use of force tantamount to torture, in violation of the Eighth Amendment, basic human rights norms, and international law. It is all the more troubling to us that the use of the device is being entrusted to the deputies of the LA County Jail, where the ACLU, in its role as court-appointed monitor in the Rutherford litigation, has documented the long and troubled history of deputy violence, retaliation and abuse against pretrial detainees and sentenced prisoners.

We request a meeting and an assurance from you that you will not deploy the Assault Intervention Device in any of Los Angeles County jail facilities.



Peter Eliasberg
ACLU Foundation of Southern California


/by PJP

Margaret Winter
ACLU National Prison Project