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## Tapes show O.C. jail

**Deputies are seen striking and shocking a handcuffed prisoner. They say he was resisting a search.**

By Paul Pringle

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Orange County sheriff's deputies repeatedly shocked a handcuffed prisoner with a Taser, even after he had been strapped into a restraint chair, slammed him onto the floor with a "knee drop" and appeared to hit him in the head while he sat passively on a bench, jail videotapes show.

The grainy but graphic images from 2006 show Matthew Fleuret, 24, being put into a holding cell at Orange County Jail and held on the floor by at least five deputies, one of whom pulls Fleuret's arms back and sharply up toward his head while others repeatedly shock him with the Taser over a period of about 13 minutes. Fleuret's lawyer says he was hit 11 times with the stun gun during the incident.

In internal sheriff's reports obtained by The Times, deputies said they had to use force because Fleuret was intoxicated and uncooperative, and had resisted their efforts to further search him. The deputies can be heard telling him to stop resisting.

Experts on the use of force interviewed by The Times suggest the deputies violated widely accepted standards. "It does not look pretty," said Geoffrey Alpert, a University of South Carolina criminology professor who has studied the issue for about 25 years.

Some of the Fleuret tapes are from stationary cameras that have no sound. A deputy shot another tape with a hand-held camera. In many instances, the cameras show only one angle.

Basing conclusions on tapes shot from a single angle can be "tricky," said Alpert, but he added that the deputies had "no apparent reason" to shock Fleuret with the Taser.

The Virginia-based International Assn. of Chiefs of Police has a model policy for Tasers that prohibits their use on handcuffed prisoners "absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion."

Fleuret, a construction worker and handyman, was not prosecuted. He has no criminal record, his lawyers say. He was arrested in March 2006 on suspicion of obstructing a deputy after getting into a bar fight on St. Patrick's Day.

The tapes came to light as part of a civil rights lawsuit alleging excessive use of force that Fleuret filed in July against the county, seeking \$47.5 million in damages.

The county has denied the allegations in the suit. Sheriff's Department spokesman Jim Amormino said he could not comment before reviewing the suit with county lawyers. He said information on the department's Taser policies was not available late Tuesday afternoon.

A digital copy of the recordings was given to The Times by Fleuret's lawyers, Stephen Bernard and David Brown, who alleged that the case reflected a long pattern of brutality in Orange County lockups. "The officers tortured him," Bernard said.

Fleuret, who now lives in Utah, declined to be interviewed. His mother, Carol Falk of Bakersfield, said he has lasting physical and psychological injuries and is unable to return to full-time construction work.

"He hasn't been right since," said Falk, an emergency room nurse. "The kid's on the verge of a nervous breakdown."

Alpert and other experts noted that tapes in alleged brutality cases have proved to be open to interpretation.

In several high-profile trials in recent years, juries that watched such tapes have acquitted law enforcement officers.

But the experts, some of whom spoke on condition of anonymity, added that the tapes indicate that the deputies in this case departed from standard practices.

David Klinger, a University of Missouri, St. Louis, criminology professor who focuses on use-of-force tactics, said that repeatedly shocking a restrained prisoner with a Taser "would not be appropriate" unless the prisoner posed an imminent threat.

Taunts alone are not enough to justify the use of force, he said.

Klinger, a former Los Angeles Police Department officer, did not view the Fleuret tapes.

Based on a description of them, however, he questioned why the deputies did not simply lock Fleuret in the cell.

"That's what I'd do -- put him in the cell, let him cool off," he said. "But I wasn't there. I don't know what the circumstances were."

Several experts also said the apparent blow to Fleuret's head and the knee drop to his neck seemed unwarranted.

"I don't think anyone is going to say this type of force is reasonable, unless there is something we're not seeing on the tapes," Alpert said.

The action seen on the tapes unfolds as follows:

Initially, Fleuret, shirtless and handcuffed behind his back, is standing at the "triage" counter, where a jail nurse examines him. After Fleuret is directed to sit on a bench, a deputy walks up behind him and appears to hit him in the head, although the tape is jumpy at that point.

A deputy's report says Fleuret "was trying to intimidate the other arrestee who was sitting on the bench next to him by staring at him."

It does not say that Fleuret was hit.

Shortly afterward, the tapes show two deputies standing Fleuret against a wall and then escorting him down a short corridor, where he tenses up and begins to struggle. Half a dozen deputies swarm him. The tape from

the hand-held camera, which has sound, picks up as the deputies take off Fleuret's belt and walk him into a cell.

Still handcuffed, he crouches and shouts "No!," with an expletive, when a deputy orders him to stand.

The deputies straighten him up, and the view inside the cell becomes obscured as they step in front of the camera.

A deputy commands, "Tase him!" and "Tase him again!" Fleuret screams in apparent pain and can be seen lunging through the cell door, landing on the floor outside, a deputy falling beside him. Deputies pile on top of Fleuret, pinning him, and the Taser is fired again.

"We need a nurse over here," a deputy says.

Fleuret is dragged back into the cell, as the deputies tell him to stop resisting. While Fleuret is on his stomach, a heavy-set deputy drops on him knee-first, slamming Fleuret's neck and head onto the floor.

A report filed by one of the deputies says, "In order to better control Fleuret, I placed my knee onto Fleuret's upper back."

Blood appears to be flowing from Fleuret's scalp. The Taser is fired again, and he howls.

"Take his pants off," one deputy says. The pants are cut off with scissors so they could be inspected for "contraband," according to a deputy's report.

Fleuret says over and over that he can't breathe. Brown said the deputies broke a small bone in Fleuret's throat.

The deputies are heard warning him that "it's going to get worse" if he does not cooperate. One deputy pulls Fleuret's manacled arms forward until his elbows are nearly above his head, his shoulders knotted. Fleuret's lawyers and mother say this caused rotator cuff injuries.

On the tape, a sergeant appears to ask that the deputy ease the pressure on Fleuret's arms. But the deputy balks, saying, "He's got a lot of strength pushing this way."

Fleuret is dragged across the floor, his head draped in a mask that prevents him from spitting at the deputies.

The deputies hoist him into the restraint chair, securing straps across his chest. His legs are in irons, and his wrists remained cuffed.

"Two deputies for each arm," someone says, as the deputies begin to remove Fleuret's handcuffs to re-cuff him to the chair.

A deputy then presses the Taser into Fleuret's abdomen and fires it, and there are more screams. In his report, this deputy says that he had to use the Taser because Fleuret "began to swing his arm violently, breaking free of deputies' hold." The arm is obscured on the tape.

"What'd I do?" Fleuret asks in a general way.

A voice instructs one deputy to write the "main report" on the incident, and the others to contribute a "paragraph or two." Someone says, "We can watch the tape."

Fleuret is shaking his legs and saying he can't breathe. "I got sucker-punched," he says.

The deputies wheel Fleuret into a cell, where he would spend more than three hours.

A sergeant says to him, "Can I ask why you were fighting so hard?"

Through the fuzzy audio, Fleuret appears to say: "What would you do?"

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