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August 24, 2021

ATTN: Legal Counsel
President Saker
National Headquarters
Lightfield Ammunition Corporation
P.O. Box 162 Adelphia, NJ 07710
lacsabot@optonline.net

RE: Liability of Lightfield Less Lethal Research

Dear Counsel,

We write to inform your client, Lightfield Less Lethal Research (“Lightfield” or “client”), of its potential liability for selling/furnishing weapons and ammunitions to the Allegheny County Jail (ACJ), which has a dismal track record for having the most uses of force out of all 67 jails in the state of Pennsylvania and an institutional culture of brutality resulting in multiple individual lawsuits and a class action case for excessive force.

ACJ Has a History of Excessive Force

According to data reported to the Pennsylvania Department of Corrections, ACJ has the notoriety for having year after year the most uses of force against incarcerated people among all jails in the state of Pennsylvania by far, including facilities with larger incarcerated populations. Even when ACJ’s population declined in 2020 due to COVID-19 related decarceration, the uses of force per capita remained at the previous high rate.



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USE OF FORCE INDICATORS ACJ VS PENNSYLVANIA JAILS												
	2020						2019		2018	2017	2016	2015
	Total Pennsylvania		Total PA minus ACJ		ACJ		ACJ Historical					
	Total	Per Capita	Total	Per Capita	Total	Per Capita	Total	Per Capita	Total	Total	Total	Total
Avg. population	24,089		22,242		1,847		2,243		2,342	2,426	2,400	2,612
UOF incidents	4,204	17%	3,619	16%	585	32%	720	32%	576	483	497	414
UOF physical	2,316	10%	2,176	10%	140	8%	85	4%	67	100	65	48
UOF restraints	2,699	11%	2,508	11%	191	10%	134	6%	70	17	73	3
UOF restraint chair	1,278	5%	964	4%	314	17%	339	15%	283	227	217	184
UOF shackles	807	3%	803	4%	4	0%	7	0%	4	1	36	33
UOF handcuffs	2,583	11%	2,583	12%	-	0%	54	2%	1	1	40	47
UOF chemical agents	1,549	6%	1,483	7%	66	4%	122	5%	75	65	55	50
UOF stun gun	301	1%	196	1%	105	6%	146	7%	111	80	29	41

This year alone, our law firm has a class action¹ and several individual lawsuits² pending against ACJ and its officers for using excessive force. These cases, and others, have garnered media attention and public outrage against ACJ for its draconian and inhumane practices.

¹ Claudia Lauer, *Lawsuit: Pennsylvania County Jail Punishes Mentally Ill*, ASSOCIATED PRESS (Sept. 15, 2020), <https://apnews.com/af91b3e6a4462d3173cb4b800ec16c08>; Torsten Ove, *Groups Sue Allegheny County Officials Alleging Mistreatment of Inmates with Psychiatric Disabilities*, PITTSBURGH POST-GAZETTE (Sept. 15, 2020; 10:26 AM), <https://www.post-gazette.com/news/crime-courts/2020/09/15/Groups-sue-Allegheny-County-officials-alleging-mistreatment-of-inmates-with-psychiatric-disabilities/stories/202009150107>; Matt Petras, *Inmates with Mental Illness Suing Allegheny County Jail for Discrimination, Mistreatment*, PITTSBURGH CURRENT (Sept. 15, 2020), <https://www.pittsburghcurrent.com/inmates-with-mental-illness-suing-allegheny-county-jail-for-discrimination-mistreatment/>; Paula Ward, *Inmates at Allegheny County Jail Sue Over Dangers to Their Mental Health*, TRIBLIVE (Sept. 15, 2020; 10:52 AM), <https://triblive.com/local/inmates-at-allegheny-county-jail-sue-over-dangers-to-their-mental-health/>; Ryan Deto, *Lawsuit Against Allegheny County Jail Alleges Inadequate Mental Health Care and “Dehumanizing” Conditions*, PITTSBURGH CITY PAPER, (Sept. 15, 2020), <https://www.pghcitypaper.com/pittsburgh/lawsuit-against-allegheny-county-jail-alleges-inadequate-mental-health-care-and-dehumanizing-conditions/Content?oid=18002448>; ACJ Sued for Treatment Of Inmates with Psychiatric Disabilities, PUBLICSOURCE, (Sept. 15, 2020), <https://www.publicsource.org/acj-sued-inmates-psychiatric-disabilities-mental-health/>; An-Li Herring, *Class-Action Lawsuit Alleges Abuse Of Allegheny County Jail Inmates With Psychiatric Disabilities*, WESA (Sept. 15, 2020; 1:06 PM), <https://www.wesa.fm/post/class-action-lawsuit-alleges-abuse-allegheny-county-jail-inmates-psychiatric-disabilities>.

² Juliette Rihl, *Allegheny County Jail Sued for Alleged Assaults on Women with Psychiatric Disabilities*, PUBLICSOURCE (Dec. 2, 2020), <https://www.publicsource.org/allegheny-county-jail-lawsuit-assault->



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Recently, Bradford Hansen, a corrections expert with 44 years of experience and a former warden of a Nebraska prison, assessed ACJ's use of force policies and practices and found many systemic deficiencies amounted to an intentional policy of permitting excessive force on incarcerated people in violation of their federal civil rights.³

Additionally, we have asked that the US attorney investigate an ACJ officer for criminally assaulting an incarcerated woman who was recovering from a mental health crisis—an incident that was captured on camera,⁴ which jail command staff reviewed and disregarded. The request also calls for the investigation of ACJ supervisors for allowing and acquiescing in blatant uses of excessive force and for promulgating policies and practices that promote a culture of violence.⁵

Approximately, 64% people at ACJ have a serious mental illness/psychiatric disability. Force, rather than medical intervention or de-escalation techniques, is used disproportionately, unnecessarily, and discriminatorily against these individuals in response to their requests for treatment or due to manifestations of their mental health symptoms. *Effectively, your client is*

[inmates-psychiatric-disabilities/](#); Brittany Hailer, *Allegheny County Jail Sergeants Sued for Abuse of Pregnant & Disabled Women*, PITTSBURGH CURRENT, (Dec. 2, 2020), <https://www.pittsburghcurrent.com/allegheny-county-jail-sergeant-sued-for-alleged-abuse-of-pregnant-and-disabled-women/>; Torsten Ove, *Ex-Allegheny County Jail Inmates with Disabilities Sue Over Alleged Abuse by Sergeant*, POST-GAZETTE (Dec. 2, 2020; 9:49 AM), <https://www.post-gazette.com/news/crime-courts/2020/12/02/Ex-Allegheny-County-Jail-inmates-disabilities-lawsuit-alleged-abuse-sergeant/stories/202012020130>; Amy Wadas, *3 Women with Disabilities Sue Allegheny County Jail Alleging Brutal Assault by Sergeant*, CBS PITTSBURGH (Dec. 2, 2020; 1:21 PM), <https://pittsburgh.cbslocal.com/2020/12/02/allegheny-county-jail-women-assaulted-lawsuit/>; Paula Ward, *Lawsuit: Allegheny County Jail Staff Beat, Restrained Women Inmates*, TRIBLIVE (Dec. 2, 2020; 1:42 PM), <https://triblive.com/local/lawsuit-allegheny-county-jail-staff-beat-restrained-women-inmates/>; Paula Ward, *Pittsburg-area Woman Decries Use of Force at Allegheny County Jail*, TRIBLIVE (July 23, 2021; 11:00 AM), <https://triblive.com/local/pittsburgh-area-woman-decries-use-of-force-at-allegheny-county-jail/>.

³ Bradford Hansen Report at 14-16, 30-34, *Andrews v. Harper*, No. 2:19-cv-00670-CWW (Aug. 4, 2021), ECF. 106-1; Paula Ward, *Pittsburg-area Woman Decries Use of Force at Allegheny County Jail*, TRIBLIVE (July 23, 2021; 11:00 AM), <https://triblive.com/local/pittsburgh-area-woman-decries-use-of-force-at-allegheny-county-jail/>.

⁴ Cara Sapida, *Woman Sues Allegheny County Jail Over Excessive Force*, WPXI (July 28, 2021; 6:24 PM), <https://www.wpxi.com/news/top-stories/woman-sues-allegheny-county-jail-over-excessive-force/RPMZVRJRVBGDHAXFM3RA2C5K5M/>.

⁵ Paula Ward, *Pittsburg-area Woman Decries Use of Force at Allegheny County Jail*, TRIBLIVE (July 23, 2021; 11:00 AM), <https://triblive.com/local/pittsburgh-area-woman-decries-use-of-force-at-allegheny-county-jail/>.



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selling weapons to one of the largest custodial facilities in Allegheny County for the psychiatrically disabled.

In a show of condemnation, on May 18, 2021, more than 166,000 people or 70% of the County's voters approved of a referendum, which banned ACJ from using specific weapons on incarcerated people, including the restraint chair, chemical agents, and shackles.⁶

The Allegheny County Jail Oversight Board ("JOB") is also dedicated to de-escalation efforts. JOB is statutorily empowered to oversee, manage, and administer policies and practices in ACJ. JOB's oversight powers include ensuring humane conditions at the jail and the safety and well-being of all incarcerated individuals therein. JOB also has the power to enter into and cancel contracts concerning jail conditions, use of force, and healthcare, among other issues.

Intent on reducing the uses of force against incarcerated people, JOB members have been looking into non-violent de-escalation trainings, which are more effective and humane methods for obtaining compliance and overall safer than force techniques. At the August 2021 JOB meeting, several board members were stunned to hear that Lighthfield's and Corrections Special Applications Unit ("CSAU") contracts were signed without first obtaining the JOB's authorization,⁷ and they were even more concerned when learning that the intent of these contracts are to teach officers fire weapons at incarcerated people.⁸

⁶ Ban goes into effect in December 2021. <https://www.scribd.com/document/519368235/Text-of-Solitary-Confinement-Initiative>.

⁷ Contracts of this nature require JOB's approval before they can be executed.

⁸ Paula Ward, *Allegheny County Jail Staff Under Fire for Contracts Seeking Weapons & Militaristic Training*, TRIBLIVE (Aug. 5, 2021; 5:32 PM), <https://triblive.com/local/allegheny-county-jail-under-fire-for-contracts-seeking-weapons-and-militaristic-training/>; Andrew Goldstein, *Concerns Raised Over Contracts Meant to Help ACJ End Solitary Confinement*, POST-GAZETTE (Aug. 5, 2021; 8:01 PM), <https://www.post-gazette.com/news/crime-courts/2021/08/05/allegheny-county-jail-oversight-board-solitary-confinement-contracts-pittsburgh-corrections-acj/stories/202108050171>; Kiley Koscinski, *Contracts for 'Less Lethal' Weapons, Military-Style Training at Allegheny County Jail Criticized by Oversight Board*, WESA (Aug. 6, 2021; 6:14 AM), <https://www.wesa.fm/identity-community/2021-08-06/contracts-for-less-lethal-weapons-military-style-training-at-allegheny-county-jail-criticized-by-oversight-board>; see also Julia Agos, *Controversial Security Tactics at York County Prison Raise Question About Outside Contractor*, WITF (May 20, 2021; 3:17 PM), <https://www.witf.org/2021/05/20/controversial-security-tactics-at-york-county-prison-raise-questions-about-outside-contractor/>; Dylan Segelbaum, *York County Prison Used Prisoners in Provocative Promo Videos, Email Shows*, YORK DISPATCH (updated Jun. 9, 2021; 11:39 AM), <https://eu.ydr.com/story/news/watchdog/2021/06/08/york-county-prison-contractor-used-film-prisoners-promotional-videos-emails-appear-to-confirm/7603807002/>; Matt Enright, *Allegations of Physical Threats & Sexual Abuse Dog York County Prison Contractor*, YORK DISPATCH (Apr. 18, 2021; updated 1:56 PM), <https://www.yorkdispatch.com/story/news/local/2021/08/18/allegations-physical-threats-and->



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Lightfield's Liability for Supplying Weapons to ACJ

Lightfield will be liable for ordinary negligence, entrustment, and other torts for selling/furnishing weapons and ammunition to ACJ for use by corrections officers, who are, given the historical record, clearly expected to use them in a negligent, reckless, and perhaps criminal manner on people incarcerated at the jail.⁹ Because the main purpose of the contract is to supply officers with weapons to shoot at ACJ's incarcerated population,¹⁰ they are foreseeable victims, and thus Lightfield owes them a duty of care. The risk of harm to these individuals is about certain given ACJ's well-known record of excessive force, supervisory staff's proclivity to sanction unnecessary force even for minor infractions, and the fact that a well-publicized civil rights violator Joseph Garcia and his company, CSAU,¹¹ are going to train ACJ officers to dole

[sexual-abuse-dog-york-county-prison-contractor/8107657002/](https://eu.ydr.com/story/news/watchdog/2021/05/17/york-county-prison-c-sau-corrections-special-operations-contractor-joseph-garcia-tactical-weapons/5077223001/); Dylan Segelbaum, *York County Prison Pays \$120K for Controversial 'Navy Seals'-Like Jail Trainer. Controversy Follows*, YORK DISPATCH (updated May 22, 2021; 2:40 PM), <https://eu.ydr.com/story/news/watchdog/2021/05/17/york-county-prison-c-sau-corrections-special-operations-contractor-joseph-garcia-tactical-weapons/5077223001/>; *ACJ Pays \$350K for Shotguns, Bullets, and Deadly Riot Training*, ALC COURT WATCH, (Aug. 13, 2021), <https://alccourtwatch.org/blog-2/016-acj-pays-350k-for-shotguns-bullets-and-deadly-riot-training/>.

⁹ Sellers and manufacturers of weapons used by law enforcement can be held liable for the harm caused to third parties. *See, e.g., City of Philadelphia v. Beretta U.S.A., Corps.*, 126 F. Supp. 2d 882 (E.D. Pa. 2000), *judgment aff'd*, 277 F.3d 415 (3d Cir. 2002); 88 A.L.R. 5th 663; Proof of Negligent Sale, Entrustment, or Storage of Firearm, 37 Am. Jur. Proof of Facts 3d (updated June 2021).

¹⁰ Lightfield Less Lethal Agreement at 16, 18-20.

¹¹ Julia Agos, *Controversial Security Tactics at York County Prison Raise Question About Outside Contractor*, WITF (May 20, 2021; 3:17 PM), <https://www.witf.org/2021/05/20/controversial-security-tactics-at-york-county-prison-raise-questions-about-outside-contractor/>; Dylan Segelbaum, *York County Prison Used Prisoners in Provocative Promo Videos, Email Shows*, YORK DISPATCH (updated Jun. 9, 2021; 11:39 AM), <https://eu.ydr.com/story/news/watchdog/2021/06/08/york-county-prison-contractor-used-film-prisoners-promotional-videos-emails-appear-to-confirm/7603807002/>; Matt Enright, *Allegations of Physical Threats & Sexual Abuse Dog York County Prison Contractor*, YORK DISPATCH (Apr. 18, 2021; updated 1:56 PM), <https://www.yorkdispatch.com/story/news/local/2021/08/18/allegations-physical-threats-and-sexual-abuse-dog-york-county-prison-contractor/8107657002/>; Dylan Segelbaum, *York County Prison Pays \$120K for Controversial 'Navy Seals'-Like Jail Trainer. Controversy Follows*, YORK DISPATCH (updated May 22, 2021; 2:40 PM), <https://eu.ydr.com/story/news/watchdog/2021/05/17/york-county-prison-c-sau-corrections-special-operations-contractor-joseph-garcia-tactical-weapons/5077223001/>; *ACJ Pays \$350K for Shotguns, Bullets, and Deadly Riot Training*, ALC COURT WATCH, (Aug. 13, 2021), <https://alccourtwatch.org/blog-2/016-acj-pays-350k-for-shotguns-bullets-and-deadly-riot-training/>; Gary Raney, *USE OF FORCE ANALYSIS RELATED TO THE DEATH OF JAMAL SUTHERLAND*, at 25, July 24, 2021 (*hereinafter* RANEY REPORT), <https://www.counton2.com/wp-content/uploads/sites/7/2021/07/raney-use-of->



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out disproportionate violence on vulnerable incarcerated people. According to the contract, Lightfield appears to be aware of Garcia and CSAU's training tactics, which have resulted in multiple lawsuits and criminal inquiries, but your client nevertheless relies on the militaristic training program because it uses Lightfield's weapons and munitions.¹² Thus, Lightfield is liable for ACJ and its correction officers' use and foreseeable misuse of these weapons.

Consider this letter a formal notice that we will sue Lightfield if its contract is executed and its products harm incarcerated individuals at ACJ. Your clients are encouraged to review the cases against ACJ and its excessive force record before performing a cost/benefit analysis of whether it's worth it to arm reckless officers with weapons that will undoubtedly be discharged at mentally ill individuals. A review of settlements and verdicts shows that the amount paid out for harm caused to third parties by non-lethal weapons is collectively several times more than the value of the contract.¹³ More importantly, by not pursuing this contract, Lightfield can prevent unnecessary pain and suffering of incarcerated people.

Respectfully,

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[force-analysis-ref-jamal-sutherland-07262021.pdf](#) (finding Garcia's training directly contributed to Jamal Sutherlands' death).

¹² Lightfield Less Lethal Agreement at 20.

¹³ According to the Westlaw database, settlements and verdicts for injuries caused by less lethal weapons exceed millions in damages.