AGN. NO.

MOTION BY SUPERVISOR KATHRYN BARGER February 28, 2023

**Consent Decrees: Achieving Compliance**

Over the last two decades, the County has entered into many settlement agreements ("Consent Decrees") to resolve litigation, especially (but not exclusively), regarding alleged unconstitutional or otherwise inadequate practices by the Los Angeles Sheriff's Department ("LASD"). These Consent Decrees typically contain several provisions requiring the County to enact policies and otherwise change its alleged inadequate procedures, and often provide timelines by which these changes must occur. The Consent Decrees also generally appoint a "monitor" or monitoring team that oversees the County's efforts to comply with the Consent Decrees, issues periodic reports on the status of the County's compliance, and brings to the court's attention serious compliance failures or other significant compliance-related issues.

Examples of these Consent Decrees include:

- *Katie A. et al. v. Diana Bonta, et al.* CV-02-5662-JAK: Entered in July 2003, and imposes compliance requirements regarding mental health care for youth in County foster care, and youth at risk of foster care placement;
- *Johnson v. County of Los Angeles*, CV-3515-DDP: Entered in November 2014, and imposes compliance requirements on the County regarding mobility impairments in the jails;
- *United States v. Jim McDonnell, Sheriff*, CV-12-428-DDP: Entered in January 2015, and imposes compliance requirements to address improper use of force in the jails;
- *United States v. County of Los Angeles, et al.*, CV-15-3174-JFW: Entered in April 2015, and imposes compliance requirements regarding alleged unconstitutional and inadequate patrol practices in the Antelope Valley; and

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- *United States v. County of Los Angeles, et al.*, CV-15-5903-DDP: Entered in August 2015, and imposes compliance requirements on the County concerning adequate mental health treatment in the jails; and
- *People v. County of Los Angeles, et al.*, 21 STCV01309: Entered in January 2021, and imposes compliance requirements regarding conditions in the Probation Department's Juvenile Halls.

These consent decrees can add value for some County departments. For example, last week, the Sheriff announced the creation of the Office of Constitutional Policing within the Sheriff's Department. This office will play an important role in bringing the Department into compliance with existing consent decrees; and in improving policies, procedures, and operations to ensure the Department is engaging in constitutional practices. However, consent decrees can also be expensive and challenging. Making the required compliance changes has often required significantly increased resources and staffing; changes in policies, procedures, and training; and capital improvements to physical facilities. The County also generally must pay the fees and costs of the Consent Decree monitors which have, over time, run into the millions of dollars. And as can be seen from the examples above, several of the Consent Decrees have been pending for many years, creating litigation, reporting, and monitoring costs that may hamper County efforts to proactively and affirmatively help the same vulnerable populations that the Consent Decrees are designed to serve.

These challenges, however, cannot become an excuse for non-compliance, or for delays in achieving compliance. The Consent Decrees pursue important goals in improving the care and treatment of some of the most vulnerable members of our community, and the Board fully and totally supports achieving them.

**I, THEREFORE, MOVE** that the Board of Supervisors:

1. Direct County Counsel, in collaboration with the Sheriff's Department, Department of Health Services - Correctional Health Services, Probation Department, Department of Children and Family Services, and other County Departments operating under a Consent Decree, to report back in 120 days with an overview of their existing Consent Decrees, including a list of the Consent Decrees, a high-level overview of their terms, compliance provisions, and challenges; an assessment of their current compliance status; and an itemization of the costs associated with the Consent Decree(s), including legal costs (outside/in-house counsel), monitoring costs, expert fees, and the like; and exit strategies to enable the county to achieve compliance and resolve the lawsuit.

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2. Direct County Counsel to establish and institutionalize a “lessons learned” protocol from existing Consent Decrees that ensures internal expertise to inform the County’s future litigation and negotiation process and report back in 60 days.

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