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14 *Capacity, and the County of Los Angeles*

15 **UNITED STATES DISTRICT COURT**  
16 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
17

18 DENNIS RUTHERFORD, et al.,  
19

20 Plaintiffs,

21 v.

22 ROBERT LUNA, Sheriff of Los  
Angeles County, in his official capacity,  
23 and the COUNTY OF LOS ANGELES,

24 Defendants.  
25

Case No. 75-cv-04111-DDP

**DEFENDANTS' QUARTERLY  
REPORT PURSUANT TO ORDER  
GRANTING JOINT STIPULATION  
[DKT. NO. 402]**

Hon. Dean D. Pregerson  
Courtroom 9C

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**I.**  
**INTRODUCTION**

Just last summer the Inmate Reception Center (“IRC”) at the Los Angeles County Jail (“LACJ”) was experiencing a crisis. The Emergency Bail Schedule, which had helped suppress the numbers of new inmates entering the LACJ, had recently been lifted; surges of inmates flooded the IRC and its overwhelmed staff as a result; and, as a consequence, inmates numbering in the hundreds were stranded in the IRC for unacceptable amounts of time, without access to a bed and in conditions that were made unsanitary by the unceasing flood of inmates entering and exiting the LACJ. The County of Los Angeles (the “County”) and Los Angeles Sheriff’s Department (“LASD”) (collectively, the “Defendants”) are proud to report that one year later conditions in the IRC have dramatically improved, and, over the past three months, Defendants have achieved a near perfect record in avoiding delays in processing individuals through the IRC in a timely manner, in limiting the time inmates requiring intense observation upon entering the IRC spend on the IRC’s “front bench,” in minimizing time inmates are locked in cells in the IRC, and in maintaining the IRC in a sanitary condition.

As reported in detail below, Defendants achieved this dramatic shift in the state of affairs in the IRC by working intensely to identify the root causes that have contributed to overcrowding and poor conditions in the IRC in the past, by initiating and maintaining a broad range of corrective actions designed to address those root causes, and by taking a variety of steps to keep the jail population at far more manageable levels than the LACJ has experienced in recent times. As a result of these efforts, the Defendants have dutifully adhered to, and in almost every sense exceeded, their obligations under the Stipulated Order they entered by this Court in June and currently operate the IRC in a manner that presents little chance the problematic issues that have plagued the IRC in the past will resurface.

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**II.**

**RELEVANT FACTUAL AND PROCEDURAL BACKGROUND**

**A. Background**

On July 1, 2022, the Emergency Bail Schedule lapsed. Shortly thereafter continuous surges of new inmates— a high proportion of whom were suffering from serious mental health conditions— pushed the IRC and its staff to the brink, resulting in days when hundreds of inmates spent more than 24 hours waiting to be cleared from the IRC and transported to permanent housing, or at least, a location where they would have access to a bed.<sup>1</sup> Sanitary conditions suffered and medical and mental health clearances in the IRC stalled as the backlog of inmates caused ripple effects through the LACJ and overwhelmed the facility.

This crisis served as the backdrop for Plaintiff’s Motions for a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Issue, both of which were granted without opposition from the County in September 2022. (Dkt. Nos. 345, 351). Notably, Plaintiffs and Defendants jointly agreed, and this Court entered an order stating, that Defendants should be preliminarily restrained and enjoined from: (a) holding an inmate in the IRC for more than 24 hours; (b) holding an inmate on the IRC Front Bench while handcuffed, chained, or tethered to a chair or any other object for more than four hours; (c) generally holding more people in locked holding cells and cages located

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<sup>1</sup> A deeper explanation of the root causes of this surge and resulting backlogs in the IRC has been stated before, but, for brief reference to the relevant data, Defendants’ prior analyses concluded that there were at least 2,771 occasions in August 2022 when inmates spent in excess of 24 hours in the IRC prior to being moved to a location where they were given access to a bed. Plaintiffs cited similar data showing days in August 2022 when hundreds of inmates were held in the IRC for more than 24 hours and, with unfortunate frequency, for periods approaching 48 hours. (Pls.’ Mot. for a Temporary Restraining Order, Dkt. No. 318-1 at 28).

1 in the IRC beyond the capacity established by the Board of State and Community  
2 Corrections (“BSCC”) and beyond certain periods of time; (d) holding inmates in  
3 the IRC clinic area, cage, or any cell in the IRC when that location is not in a clean  
4 and sanitary condition, with access to functioning toilets, potable drinking water,  
5 clean water to wash, and sufficient garbage receptacles; and (e) failing to provide  
6 inmates in the IRC with ongoing access to medical and mental health care,  
7 including, but not limited to, regular pill call. (Dkt. No. 351 at 2-5).

8 In February 2023, the IRC experienced a wave of unprecedented, severe staff  
9 shortages that impacted Defendants’ ability to conduct mental health evaluations  
10 and provide other related services, which affected the flow of the inmates through  
11 the IRC. For reference, Correctional Health Services (“CHS”) began 2023 with 25  
12 staff members in the IRC: one manager, five mental health staff supervisors, two  
13 psychologists, one registry psychologist, 13 psychiatric social workers (“PSWs”),  
14 and three mental health nurses. Within one month, three PSWs, three mental health  
15 staff supervisors, and the manager of the IRC’s mental health staff were on or  
16 initiated medical leave; one PSW who worked in the IRC resigned; another  
17 supervisor who worked in the IRC was removed from her position; and still another  
18 supervisor who worked in the IRC transferred to a new position in the Department  
19 of Mental Health (“DMH”). To make matters worse, at the same time these sudden  
20 and unanticipated staff shortages occurred in the IRC in February 2023, four PSWs  
21 onboarded, each of whom required training from supervisors and other CHS staff,  
22 which, in turn, took time away from other work in the IRC, such as performing  
23 mental health evaluations. And to round out this confluence of unfortunate  
24 circumstances besetting the IRC, during this time there was no way to adjust quickly  
25 to fill the vacancies left by the attrition in CHS personnel that had occurred, as not  
26 all CHS staff in the jails are cross-trained to work in the IRC and the overtime  
27 accepted by CHS staff who are eligible and equipped to work in the IRC was  
28 insufficient to cover the February 2023 shortages. The corresponding data that

1 Defendants have previously presented to this Court showed the outcome of this  
2 perfect storm of events, as the IRC’s worst days between September 2022 and May  
3 2023 were in February 2023 at the time of this staffing crisis.

4 Responding to these events, Plaintiffs filed a Motion for an Order to Show  
5 Cause Re: Contempt on February 27, 2023, arguing that Defendants had engaged in  
6 serial violations of the Preliminary Injunction and should be held in contempt for  
7 doing so (the “Motion for Contempt”). (Dkt. No. 375). This Court eventually set an  
8 evidentiary hearing on the Motion for Contempt for June 26, 2023.

9 In the backdrop of this litigation, Defendants diligently worked to identify the  
10 root causes responsible for the reoccurring problems in the IRC and instituted a  
11 number of immediate corrective actions designed to address those problems. These  
12 corrective actions included rapidly developing a new, automated inmate tracking  
13 system called the Shared Intake Management System (“SIMS”), which provides  
14 LASD and CHS personnel working in the IRC with contemporaneous visibility into,  
15 among other data, how long each inmate has been present in the IRC, has been  
16 tethered to the IRC Front Beach, or has been locked in a cell in the IRC, and  
17 provides warnings to CHS and LASD personnel when any inmate approaches a time  
18 limitation implicated by the Preliminary Injunction.

19 **B. The Stipulated Order**

20 Prior to the evidentiary hearing on the Motion for Contempt scheduled for  
21 June 26, 2023, counsel for Plaintiffs and counsel for Defendants met and conferred  
22 on multiple occasions, and, on the strength and promise of Defendants’ corrective  
23 actions to date and proposed plans to address re-occurring problems in the IRC,  
24 were able to reach a joint stipulation, which the Court granted in the form of an  
25 order issued on June 22, 2023. (Dkt. No. 402 (the “Stipulated Order”)).

26 The Stipulated Order permanently restrains and enjoins the Defendants from  
27 violating paragraphs 1-6 of the Stipulated Order and memorializes Defendants’  
28 planned remedial efforts to address overcrowding, delays in processing, the need to

1 move inmates into permanent housing, the provision of adequate medical and  
2 mental health care, and the general living conditions in the IRC (hereinafter, the  
3 “Remedial Actions”).<sup>2</sup> In this regard, Paragraphs 1-6 of the Stipulated Order set  
4 forth the following limitations and conditions for the processing of inmates through  
5 the IRC and requires Defendants to self-report violations of these limitations and  
6 conditions:

- 7 1. Holding an incarcerated person in the IRC for more than 24 hours.
- 8 2. Holding an incarcerated person on the IRC Clinic Front  
9 Bench, handcuffed, chained, or tethered to a chair or any other object,  
10 for more than four hours.
- 11 3. Holding an incarcerated person in an IRC holding cell for  
12 more than 12 hours total, or holding more people in a holding cell than  
13 its rated capacity by the Board of State and Community Corrections.
- 14 4. Holding an incarcerated person in the IRC Clinic cage,  
15 when locked, for more than eight (8) hours total.
- 16 5. Holding an incarcerated person in the IRC Clinic area,  
17 cage, or any cell in the IRC when that location is not in a clean and  
18 sanitary condition, with access to functioning toilets, potable drinking  
19 water, clean water to wash, and sufficient garbage receptacles.
- 20 6. Holding an incarcerated person in the IRC clinic area,  
21 cage, or any cell in the IRC without providing ongoing access to  
22 adequate medical and mental health care, including but not limited to  
23 regular pill call.

24 (*Id.* ¶¶ 1-6).

25 The Stipulated Order further requires Defendants to document and provide monthly  
26 status reports to Plaintiffs and file a quarterly status report with the Court. (*Id.* ¶  
27 14).

28 In addition, Paragraph 10 of the Stipulated Order defined the parameters that  
Defendants must meet each month in order to be considered in “substantial

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<sup>2</sup> A complete description of these Remedial Actions is included at paragraph  
8 of the Stipulated Order. *Id.*

1 compliance” with their obligations under this agreement. In this regard, Defendants  
2 only achieve “substantial compliance” with the Stipulated Order’s requirements if:

- 3 (a) fewer than 25 persons who are processed through the IRC in a  
4 calendar month are held in the IRC for more than 24 hours in  
5 violation of Paragraph 1 (and no person is held in the IRC in a  
6 calendar month for more than 36 hours);
- 6 (b) there are no more than four (4) days in a calendar month where  
7 more than five (5) people are held for more than 24 hours in  
8 violation of Paragraph 1;
- 8 (c) no more than five (5) people in a calendar month are handcuffed,  
9 chained, or otherwise tethered to the IRC Clinic Front Bench for  
10 more than four (4) hours in violation of Paragraph 2 (and no  
11 person is tethered to the IRC Clinic Front Bench for more than  
12 six (6) hours); and
- 12 (d) no more than fifteen (15) persons are kept in an IRC holding cell  
13 or the IRC cage in a calendar month in violation of paragraphs 3  
14 and/or 4 (and no person is kept in an IRC holding cell for more  
15 than 18 hours or in the IRC cage for more than 12 hours).

15 (*Id.* ¶ 10).

16 Pursuant to the Stipulated Order, the County is required, by no later than the  
17 10th of each calendar month, to notify Plaintiffs if it believes Defendants achieved  
18 substantial compliance during the previous calendar month. Thereafter, within ten  
19 days of when the County provides Plaintiffs with this monthly assessment, Plaintiffs  
20 must notify Defendants if they dispute the County’s account of Defendants’  
21 compliance with the Stipulated Order’s requirements. (*Id.* ¶ 11).

22 The Quarterly Report, which covers the preceding three months, requires the  
23 County to detail:

- 24 (a) the status of implementing the Remedial Actions;
- 25 (b) whether Defendants believe they are in substantial compliance with  
26 paragraphs 1-6 [], including data showing performance with paragraphs  
27 1-4 as set forth in Paragraph 10;
- 28 (c) the County’s progress in bringing on-line new non-carceral beds  
pursuant to the County’s Diversion Efforts, as well as its status in  
funding additional non-carceral beds scheduled to be added to the



1 inventories of ODR and DMH after June 30, 2025, pursuant to the  
2 County's Diversion Efforts; and,

3 (d) the impact the County's progress in adding non-carceral beds to the  
4 inventories of ODR and DMH is having on eliminating backlogs in the  
5 IRC.

6 (*Id.* ¶ 14).

### 7 III.

#### 8 **DEFENDANTS' STATUS IN IMPLEMENTING THE REMEDIAL** 9 **ACTIONS IDENTIFIED IN THE STIPULATED ORDER**

10 The Stipulated Order required Defendants to complete the Remedial Actions  
11 as part of LASD's and CHS's corrective action plans for the IRC by July 22, 2023  
12 (within 30 days of the entry of the Order granting the Stipulated Order). (Dkt. No.  
13 402 ¶ 8). Defendants began instituting many of those corrective actions prior to the  
14 entry of the Joint Stipulation, and they have since fully implemented the Remedial  
15 Actions in a timely fashion.

16 In this regard, well before the deadline set in the Stipulated Order, the LASD  
17 instituted the following corrective actions to address issues in the IRC, all of which  
18 remain in effect to this day:

19 \* LASD Command issued Unit Orders to all IRC personnel explaining  
20 the requirements of the Stipulated Order and detailing policies to ensure compliance  
21 with its requirements, including an overview of the Stipulated Order presented to all  
22 IRC staff on June 27, 2023. Furthermore, all new personnel assigned to the IRC are  
23 trained on the requirements of the Stipulated Order, including all unit orders  
24 relevant to the IRC, as well as operation of SIMS.

25 \* In late February 2023, the LASD created a new sergeant position  
26 specifically dedicated to monitoring compliance with the Preliminary Injunction's  
27 requirements in the IRC and issued guidance addressing the role and responsibilities  
28 of the position. Today, that sergeant slot remains staffed 24 hours a day, 7 days a

1 week and serves the critical function of discovering and alerting IRC supervisors of  
2 potential violations related to all aspects of the Stipulated Order.

3 \* The SIMS has operated, with refinements designed to improve its  
4 performance, since May 2023. In addition to providing instantly accessible  
5 information contemporaneously documenting the movement of inmates into and out  
6 of the IRC, the SIMS generates daily reports documenting violations of paragraphs  
7 1-4 of the Stipulated Order and includes detailed movement data— to the minute—  
8 for the individual cases when such violations occur. Those reports are circulated to  
9 LASD Command, the County Chief Executive Officer’s Office (“County CEO”),  
10 County Counsel, outside counsel for Defendants, as well as counsel for the  
11 Plaintiffs; and when any violation of the terms of the Stipulated Order is detected by  
12 the SIMS, it is investigated by the LASD and, when appropriate, corrective actions  
13 are issued to prevent the re-occurrence of a similar type of violation in the future.

14 \* The LASD implemented a new, robust cleaning schedule in the IRC  
15 and instituted the use of the “IRC TRO Compliance Inspection Checklist.” That  
16 checklist is completed twice per shift by deputies and completed in additional  
17 instances when LASD supervisors tour the facility. These steps have helped the  
18 Defendants maintain compliance with Paragraph 5 of the Stipulated Order.

19 In addition to these efforts undertaken by the LASD to maintain compliance  
20 with the Stipulated Order’s requirements, CHS has fully instituted several corrective  
21 actions as well. Most significantly, Defendants have maintained a CHS staffing  
22 plan in the IRC that includes two managers, four supervisors, and 24 clinicians,  
23 consisting of psychiatric social workers, psychologists, and mental health nurses, as  
24 well as a staff consisting of at least 2.75 full time equivalent (“FTE”) psychiatrists  
25 and 8.25 FTE psychiatric nurse practitioners in the IRC. Currently, this staff  
26 provides 24-7 psychiatric nurse practitioner coverage, and 10-hour coverage, 6-  
27 days-per-week by psychiatrists (approximately 2.25 FTE psychiatrists, plus  
28 overtime equivalent to approximately 2.5 FTE, plus 0.5 FTE from a supervising

1 psychiatrist). This robust staffing has enabled the County to provide fresh  
2 psychiatric evaluations for medication for approximately 90% of patients for whom  
3 such an evaluation is indicated, as described in paragraph 8(i) of the Stipulated  
4 Order. For the remainder of patients, the County continues to implement and  
5 maintain a Bridge Medication Policy as set forth in Paragraph 8, subsection (h), of  
6 the Stipulated Order. The combined efforts of hiring and retaining CHS staff have  
7 greatly contributed to Defendants’ substantial compliance with Paragraph 6 of the  
8 Stipulated Order.<sup>3</sup>

9 **IV.**

10 **BETWEEN JULY 2023 AND SEPTEMBER 2023, DEFENDANTS**  
11 **ACHIEVED SUBSTANTIAL COMPLIANCE WITH THE**  
12 **STIPULATED ORDER’S REQUIREMENTS UNDER**  
13 **PRACTICALLY EVERY MEASURE**

14 **C. Defendants Provided Plaintiffs With Timely Monthly Status Reports**  
15 **Reflecting Substantial Compliance in Every Regard Called for Under the**  
16 **Stipulated Order in July and August**

17 As an initial matter, Defendants have fully complied with the Stipulated  
18 Order’s requirement that they send a monthly status report with respect to  
19 paragraphs 1-4 to Plaintiffs no later than the 10th day of the following month. On  
20 August 10th, September 8th, and October 10th, Defendants transmitted timely  
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23 <sup>3</sup> In April 2023, Defendants also enacted 20% bonuses for most mental  
24 health staff working in the LACJ to prioritize the hiring of new staff, to help  
25 promote the retention of current staff, and to encourage overtime work to address  
26 staff shortages on individual shifts when necessary. The impact of this pay raise  
27 following its implementation in May 2023 has been immediately felt. Since the  
28 bonuses went into effect, new hires, rehires, transfers, promotions, internal transfers,  
and candidates currently onboarding now represent approximately 12.7% of CHS’s  
authorized FTEs.

1 monthly status reports to Plaintiffs via e-mail.<sup>4</sup> For July and August, Defendants  
2 reported substantial compliance in all four areas covered by the Stipulated Order.  
3 Plaintiffs agreed with Defendants’ overall reporting of substantial compliance,  
4 though disagreed with Defendants’ conclusions regarding whether the circumstances  
5 surrounding some individual SIMS entries constituted actual violations of the  
6 Stipulated Order.

7 *For July 2023*, there were **zero** violations of the 24-hour IRC processing  
8 limitation (Paragraph 1); **zero** violations of the 4-hour IRC Front Bench limitation  
9 (Paragraph 2); and the IRC Cage was not utilized (Paragraph 4).

10 There were **two** violations of the 12-hour cell-related limitation (Paragraph 3).  
11 However, both violations occurred due to a delay by outside agencies in picking up  
12 inmates who were departing the IRC. On July 12, 2023, representatives of the  
13 Probation Department caused a violation amounting to only one minute when they  
14 filled out paperwork for the inmate to receive an ankle monitor. On July 27, 2023,  
15 the LASD waited for Integrated Recovery Supportive Services to arrive at the IRC  
16 in order to take custody of an inmate. By the time a representative of the agency  
17 arrived, the inmate had been held in a cell beyond the 12-hour limitation for  
18 approximately 1 hour and 39 minutes. Regardless of the cause of these two  
19 violations, neither resulted in an inmate being continuously held in a cell for more  
20 than 18 hours and the aggregate total of cell-related violations was less than 15 in  
21 July 2023. Accordingly, Defendants were in substantial compliance with the  
22 Stipulated Order (Paragraph 4), as stated in Paragraph 10, subsection (d).

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25 <sup>4</sup> As explained further above, *supra* Section II, counsel for Plaintiffs receive  
26 the daily reports generated by SIMS containing detailed information about inmate  
27 movement and causes for any violations, which permit Plaintiffs to track  
28 Defendants’ progress in meeting their obligations under the Stipulated Order prior to  
the issuance of these monthly status reports.

1           For August 2023, Defendants believe they achieved perfect compliance with  
2 Paragraphs 1-4 of the Stipulated Order. There were **zero** IRC Front Bench  
3 violations, **zero** IRC Cell violations of Paragraph 3, and again Paragraph 4 was  
4 inapplicable because the IRC Cage was not utilized. The SIMS reported that **one**  
5 inmate was held in violation of the 24-hour IRC processing limit. However, upon  
6 review of the circumstances of this reported violation, which was approximately 14  
7 minutes over the 24-hour limit set in the Stipulated Order, Defendants determined  
8 that the inmate was treated in the IRC’s urgent care area and assigned a bed. Since  
9 the Stipulated Order provides that the 24-hour clock for an inmate waiting in the  
10 IRC “shall be paused” “[i]f a person leaves the IRC for medication treatment at  
11 another facility within or outside the Los Angeles County Jail” (see dkt. No. 402 ¶  
12 1), and the urgent care is not a part of the IRC (or defined as such in the Stipulated  
13 Order), this instance involving this inmate, who was steered to the urgent care to  
14 attend to a medical issue while being processed through the IRC, did not amount to  
15 violation under the terms of the Stipulated Order. Moreover, even if this Court were  
16 to consider this incident a violation under Paragraph 1 of the Stipulated Order,  
17 Defendants still indisputably achieved substantial compliance in August under the  
18 order’s terms.

19 **D. Defendants Achieved Compliance With Every Provision of the Stipulated**  
20 **Order Other Than One in September 2023, and This One Failing**  
21 **Involved a Single Individual Subject to a Computer Glitch That Has**  
22 **Been Rectified**

23           For September 2023, Defendants reported substantial compliance with  
24 Paragraphs 1, 2 and 4 of the Stipulated Order. There were **three** reported violations  
25 of the 24-hour limitation (but only **one** Defendants believe properly counts as a  
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1 violation)<sup>5</sup>, **zero** violations of the IRC Front Bench limitation, and again the IRC  
2 Cage area was not utilized.

3       There were **three** violations of the 12-hour cell limitation, including one that  
4 took Defendants out of overall substantial compliance for the month of September  
5 2023. On September 5, 2023, an individual with a body-lice infestation remained in  
6 a cell for 3 hours and 38 minutes beyond the 12-hour limit. That individual was  
7 under observation, and, for medical reasons, could not be moved from his cell in the  
8 IRC. On September 7, 2023, IRC staff received conflicting paperwork concerning  
9 an inmate, which, on one hand, indicated the inmate should be released, and, on the  
10 other, that he should remain in custody. The inmate was held in a cell 21 minutes  
11 beyond the 12-hour limit to allow IRC staff to resolve these contradictory orders.

12       Neither one of these two incidents placed Defendants out of substantial  
13 compliance with the requirements of the Stipulated Order; however, a third did. In  
14 that case, which occurred on September 11, 2023, an inmate stayed in an IRC cell  
15 for 17 hours and 23 minutes beyond the 12-hour time limited identified in the  
16 Stipulated Order, when a data migration issue failed to upload this inmate's  
17 information into the SIMS and caused IRC personnel to overlook his presence in the  
18 IRC. When this inmate's circumstances were detected during a manual wristband  
19 count in the IRC, he was immediately provided with permanent housing; the LASD  
20 launched an immediate inquiry into the technical and operational failure that  
21 resulted in the overstay in the IRC of this single individual; and, in the wake of this  
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24       <sup>5</sup> Two of the three violations of the 24-hour limitation occurred under  
25 circumstances where the inmates in question were taken from the IRC to the urgent  
26 care in order to receive necessary medical treatment and had access to a bed. In one  
27 case, on September 17, 2023, an inmate remained in urgent care for approximately 1  
28 hour and 32 minutes beyond the 24 hour limit. In a second case, which occurred on  
September 24, 2023, an inmate remained in urgent care for 19 hours beyond the 24  
hour limit. For the reasons stated above, Defendants do not believe either of these  
cases constitutes a violation of the Stipulated Order's terms.

1 failure, the LASD immediately instituted corrective actions to prevent this type of  
 2 violation from reoccurring.<sup>6</sup>

3 **E. The Data Conclusively Confirms There Has Been Dramatic**  
 4 **Improvement in the Conditions Inmates Currently Face in the IRC**  
 5 **When Compared to Last Year**

6 As shown in the data below comparing 24-hour violations in the IRC in  
 7 August 2022 with 24-hour violations in the IRC one year later, the crisis that led to  
 8 the filing of Plaintiff’s Motion for a Temporary Restraining Order is a far cry from  
 9 current conditions in the IRC.

August 2022		August 2023	
Date	24+ Hours	Date	24+ Hours
8/1/2022	71	8/1/2023	0
8/2/2022	34	8/2/2023	0
8/3/2022	48	8/3/2023	0
8/4/2022	142	8/4/2023	0
8/5/2022	123	8/5/2023	1*
8/6/2022	No Data	8/6/2023	0
8/7/2022	66	8/7/2023	0
8/8/2022	25	8/8/2023	0
8/9/2022	25	8/9/2023	0
8/10/2022	57	8/10/2023	0
8/11/2022	142	8/11/2023	0

21  
 22 <sup>6</sup> In this regard, the LASD revised unit order 5-33/000.00 to require a  
 23 wristband count for each area of the IRC at least once per shift, in which the lead  
 24 deputy assigned to oversee the count is required to compare the information  
 25 obtained from SIMS with the wristband count to ensure both data sets are identical.  
 26 Per this revised order, the IRC sergeant shall be immediately alerted to inmates that  
 27 are unaccounted for during the count or do not appear on the SIMS report. In  
 28 addition, the LASD is integrating another data system into SIMS, which will  
 provide a secondary tracking data source from which SIMS will draw its update.  
 This will ensure that SIMS will have two sources of data to rely upon to warn IRC  
 staff of impending violations of the Stipulated Order’s terms.

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8/12/2022	45	8/12/2023	0
8/13/2022	55	8/13/2023	0
8/14/2022	79	8/14/2023	0
8/15/2022	43	8/15/2023	0
8/16/2022	46	8/16/2023	0
8/17/2022	46	8/17/2023	0
8/18/2022	93	8/18/2023	0
8/19/2022	123	8/19/2023	0
8/20/2022	83	8/20/2023	0
8/21/2022	237	8/21/2023	0
8/22/2022	252	8/22/2023	0
8/23/2022	101	8/23/2023	0
8/24/2022	23	8/24/2023	0
8/25/2022	85	8/25/2023	0
8/26/2022	123	8/26/2023	0
8/27/2022	175	8/27/2023	0
8/28/2022	192	8/28/2023	0
8/29/2022	95	8/29/2023	0
8/30/2022	51	8/30/2023	0
8/31/2022	91	8/31/2023	0
<b>Total</b>	<b>2771</b>	<b>Total</b>	<b>1</b>

\*Inmate detained in IRC urgent care area with access to a bed at the time of the violation. SIMS reported that the 24-hour limitation was exceeded by 14 minutes.

In short, the corrective actions addressed above and the Defendants’ diligent efforts to implement them and maintain them has led to sustained periods of time where violations of the Stipulated Order’s provisions occur in only exceptional cases; and, in the rare cases when violations do occur, they are seriously scrutinized to make sure they do not reoccur. Accordingly, as the LASD continues to improve the implementation of SIMS and enact unit orders to ensure that its tracking capabilities are optimized, Defendants expect to achieve and maintain lasting substantial compliance with Paragraphs 1-4 of Stipulated Order.

**III.**

**THE COUNTY CONTINUES TO ADD NEW NON-CARCERAL BEDS**

One of a number of ways in which the County intends to achieve sustained



1 compliance with its obligations under the Stipulated Order is to lower the jail  
2 population as prudently as possible to prevent backlogs from occurring in the IRC.  
3 One approach the County is taking to depopulate the LACJ is by creating an  
4 inventory of non-carceral beds to which appropriate inmates can be diverted from  
5 the LACJ.

6 In paragraph 9 of the Stipulated Order, the County reported that it plans to  
7 add 1,527 additional beds overseen by the Office of Diversion and Re-entry  
8 (“ODR”) and 164 additional beds overseen by the Department of Mental Health  
9 (“DMH”) for a total of 1,691 beds, over the next two fiscal years. The County also  
10 reported that it was finalizing funding for Fiscal Year 23-24 for the first year of this  
11 ramp up (814 total additional beds), and that the County has authorized the  
12 Department of Health Services (“DHS”) to enter into a contract with the California  
13 Department of State Hospitals for approximately \$629 million in State funding to  
14 increase the number of ODR beds for those accused of felonies found incompetent  
15 to stand trial (“FIST”) from 794 to 1,344 over five  
16 years.<sup>7</sup>

17 With the first quarter of FY23-24 now at an end, the County is well on its way  
18 toward executing on the first fiscal year of this ramp up (814 total additional beds).  
19 Specifically, the Board of Supervisors approved funding in June 2023 for the first  
20 year of this ramp up and the County executed the \$629 million contract with the  
21 Department of State Hospitals. ODR and DMH have also begun to execute on  
22 ramping up the additional 814 beds expected in the first fiscal year.

23 Specifically, as of October 1, 2023, ODR has added a net total of 111 beds or  
24 \_\_\_\_\_

25 <sup>7</sup> The growth of FIST beds funded by this contract for the period up to June  
26 30, 2025, is included in the County’s anticipated growth of diversion beds through  
27 June 30, 2025. Specifically, the County’s anticipated growth of 1,691 beds through  
28 June 30, 2025, will include 316 added FIST beds funded by this contract by June 30,  
2025.

1 slots out of the 741 that it expects to add to its inventory during this fiscal year. The  
2 net increase is primarily due to expansion of the ODR housing program (“ODRH”),  
3 but also reflects a shift of some beds/slots between ODRH, ODR’s program for the  
4 treatment of misdemeanants found incompetent to stand trial (“MIST”), and ODR’s  
5 program for the treatment of felony defendants found incompetent to stand trial  
6 (“FIST”). The resulting allocation of beds/slots between the programs gives ODR  
7 the capacity to provide 2,232 treatment slots for those in the ODRH program, 203  
8 beds for the treatment of MIST inmates, and 817 beds for the treatment of FIST  
9 inmates.

10 DMH expected to add 72 beds this fiscal year to meet the ramp-up plans  
11 described in paragraph 9 of the Stipulated Order and has already added more than  
12 that—a total of 79 beds specifically to decarcerate the LPS conserved from the  
13 LACJ. These new beds include 57 acute beds, 10 beds for subacute care, and 12  
14 beds in the Enriched Residential Services program.

15 These new net additions to ODR’s and DMH’s inventory show steady  
16 progress towards meeting the ramp-up goals set forth in paragraph 9 of the  
17 Stipulated Order, and toward creating additional community placement options that  
18 will ultimately end bottlenecks in the IRC by depopulating the LACJ through the  
19 placement of incarcerated persons (especially those with serious mental illness) into  
20 noncarceral settings.

#### 21 IV.

### 22 NEW NON-CARCERAL BEDS AND OTHER POPULATION 23 REDUCTION METHODS EMPLOYED BY THE COUNTY IN RECENT 24 MONTHS HAVE HELPED ALLEVIATE IRC BACKLOGS

25 Over the past several months, the County has employed a number of methods  
26 that have had a dramatic impact on lowering the inmate population in the LACJ,  
27 including (1) expediting the transfers of inmates to serve state prison sentences; (2)  
28 surging the flow of inmates ordered to undergo restorative treatment in state

1 hospitals when those opportunities arise; and (3) taking advantage of the state  
2 court’s new bail regime to slow the flow of inmates into the LACJ. Indeed, due to  
3 these efforts, in the past 10 months alone, the number of inmates in the LACJ has  
4 fallen from approximately 14,500 inmates to approximately 12,500 inmates, a drop  
5 of nearly 14%. The County anticipates that the build-up of non-carceral beds  
6 described above and increased efforts to divert suitable inmates from the LACJ into  
7 those beds will lead to further drops in these figures and thus alleviate the future  
8 likelihood the IRC will face the type of bottlenecks that have plagued it in the past.

9 **VII.**

10 **CONCLUSION**

11 As demonstrated by the foregoing, Defendants have taken substantial steps  
12 which have nearly brought them into perfect compliance with requirements of the  
13 Stipulated Order over the past three months. Though there remains work to be done  
14 in addressing more singular issues within the IRC, the sweeping patterns that  
15 emerged in the late Summer of 2022 and during the staffing crisis of February 2023  
16 have been addressed. As a result, Defendants remain confident that the LASD and  
17 CHS will continue to make improvements to their corrective action plans as needed  
18 to maintain the positive momentum built up over the last several months in  
19 replacing past failures in the IRC with current successes, and that the LASD and  
20 CHS will ably respond to singular, acute issues that arise in the complex  
21 management of the country’s largest jail system.

22 DATED: October 13, 2023 KENDALL BRILL & KELLY LLP

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24  
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