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

18
19 DENNIS RUTHERFORD, et al.,

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
26
27
28

Case No. 75-cv-04111-DDP

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

Hon. Dean D. Pregerson
Courtroom 9C

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I.

INTRODUCTION

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2
3 As shown herein, the progress first reported in October 2023 by the County of
4 Los Angeles (the “County”) and the Los Angeles Sheriff’s Department (“LASD”)
5 (collectively, the “Defendants”) in the Inmate Reception Center (“IRC”) of the Los
6 Angeles County Jail (“LACJ”) did not reflect fleeting success, but rather is
7 indicative of the persistent, ongoing efforts by Defendants and others, including the
8 LACJ’s Correctional Health Services (“CHS”) team, to address the root causes of
9 chronic and acute problems which had plagued the IRC for many years and to
10 provide sustainable solutions to problems that were once viewed as intractable. In
11 the aftermath of Defendants’ first Quarterly Report, which described dramatic
12 improvement in conditions and inmate processing at the IRC save for one individual
13 situation which caused Defendants to fall out of compliance with only one
14 paragraph of the Court’s June 22, 2023 Stipulated Order (the “Stipulated Order”),
15 the state of the IRC has continued to improve such that Defendants can now report
16 substantial compliance with the Stipulated Order’s requirements across the board for
17 the entire quarter spanning October 1, 2023 through December 31, 2023.

18 After establishing a track record of continued success in meeting their
19 requirements under the Stipulated Order over the last six months, Defendants are
20 more confident than ever that the crises of the Summer 2022 and February 2023,
21 which prompted Plaintiffs to seek injunctive relief and eventually move for a finding
22 of contempt, are well in the rearview mirror due to a comprehensive set of
23 corrective actions taken by Defendants. Those corrective actions, maintained in
24 conjunction with planned steps to reduce the jail population to a more manageable
25 level bode well for continued compliance in the new year for every area of the
26 Stipulated Order, from ensuring the sanitary conditions of the IRC and provision of
27 adequate medical and mental health care to newly-arriving inmates at the LACJ, to
28 the efficient and timely processing of inmates through the IRC into other areas of

1 the LACJ where they have access to proper living quarters.

2 **II.**

3 **RELEVANT FACTUAL AND PROCEDURAL BACKGROUND**

4 **A. Background**

5 As detailed in Defendants’ previous Quarterly Report filing, (Dkt. No. 413),
6 the IRC experienced two extraordinary periods of processing delays in the last 18
7 months which also contributed to a decline in sanitary conditions in the IRC. In the
8 Summer of 2022, shortly after the Emergency Bail Schedule imposed in response to
9 the COVID-19 pandemic lapsed, the IRC saw significant and well-documented
10 processing backlogs which resulted in this Court granting Plaintiffs’ unopposed
11 Motion for a Temporary Restraining Order and Motion for an Order to Show Cause
12 Why a Preliminary Injunction Should Not Issue. (Dkt. Nos. 345, 351).

13 Due to an acute CHS staffing crisis in February 2023 which occurred
14 simultaneously with the onboarding of a number of new staff, the IRC’s overall
15 ability to efficiently process and medically clear new inmates further deteriorated,
16 leading to Defendants’ worst processing month after Plaintiffs had first sought
17 injunctive relief in September 2023. In response, on February 27, 2023, Plaintiffs
18 filed a Motion for an Order to Show Cause Re: Contempt, asserting that Defendants
19 had committed serial violations of the preliminary injunction issued by the Court
20 and should be in held in contempt (the “Motion for Contempt”). (Dkt. No. 375).
21 This Court set an evidentiary hearing on the Motion for Contempt for June 26, 2023.

22 At the same time, Defendants continued to identify the root causes of the
23 violations and implemented corrective actions throughout the Winter and Spring of
24 2023, culminating in the swift deployment of the Shared Intake Management
25 System (“SIMS”) in May 2023. Today, SIMS provides LASD and CHS personnel
26 working in the IRC with at-the-moment data tracking the location and overall flow
27 of inmates in the IRC, including with regard to areas central to the Court’s
28 injunctive relief, including: (1) the overall length of time an inmate is in the IRC;

1 (2) the length of time an inmate is tethered to the IRC Front Bench; and (3) the
2 length of time an inmate is in a locked cell or cage in the IRC. Finally, SIMS
3 provides warnings to IRC personnel when any inmate approaches the time
4 limitations for the above areas set by the Court, first in the injunctive relief entered
5 in September 2022 and presently, the relief ordered on June 22, 2023.

6 **B. The Stipulated Order**

7 Prior to the evidentiary hearing on the Motion for Contempt scheduled for
8 June 26, 2023, counsel for Plaintiffs and counsel for Defendants met and conferred
9 and reached a joint stipulation, which the Court granted in the form of an order
10 issued on June 22, 2023. (Dkt. No. 402).

11 The Stipulated Order permanently restrains and enjoins the Defendants from
12 violating paragraphs 1-6 of the Stipulated Order and memorializes Defendants'
13 stated plans for remedial efforts to address overcrowding, delays in processing, the
14 need to move inmates into permanent housing, the provision of adequate medical
15 and mental health care, and the general living conditions in the IRC (hereinafter, the
16 "Remedial Actions").¹ In this regard, Paragraphs 1-6 of the Stipulated Order set
17 forth the following limitations and conditions for the processing of inmates through
18 the IRC and requires Defendants to self-report violations of these limitations and
19 conditions:

- 20 1. Holding an incarcerated person in the IRC for more than 24 hours.
- 21 2. Holding an incarcerated person on the IRC Clinic Front
22 Bench, handcuffed, chained, or tethered to a chair or any other object,
for more than four hours.
- 23 3. Holding an incarcerated person in an IRC holding cell for
24 more than 12 hours total, or holding more people in a holding cell than
25 its rated capacity by the Board of State and Community Corrections.
- 26 4. Holding an incarcerated person in the IRC Clinic cage,

27 ¹ A complete description of these Remedial Actions is included at paragraph
28 8 of the Stipulated Order. (Dkt. No. 402 at 7-10).

1 when locked, for more than eight (8) hours total.

- 2 5. Holding an incarcerated person in the IRC Clinic area,
3 cage, or any cell in the IRC when that location is not in a clean and
4 sanitary condition, with access to functioning toilets, potable drinking
5 water, clean water to wash, and sufficient garbage receptacles.
6 6. Holding an incarcerated person in the IRC clinic area,
7 cage, or any cell in the IRC without providing ongoing access to
8 adequate medical and mental health care, including but not limited to
9 regular pill call.

10 (*Id.* ¶¶ 1-6).

11 The Stipulated Order further requires Defendants to document and provide
12 monthly status reports to Plaintiffs and file a quarterly status report with the Court.

13 (*Id.* ¶ 14). Paragraph 10 of the Stipulated Order defined the parameters that
14 Defendants must meet each month in order to be considered in “substantial
15 compliance” with their obligations under this agreement. In this regard, Defendants
16 only achieve “substantial compliance” with the Stipulated Order’s requirements if:

- 17 (a) fewer than 25 persons who are processed through the IRC in a
18 calendar month are held in the IRC for more than 24 hours in
19 violation of Paragraph 1 (and no person is held in the IRC in a
20 calendar month for more than 36 hours);
21 (b) there are no more than four (4) days in a calendar month where
22 more than five (5) people are held for more than 24 hours in
23 violation of Paragraph 1;
24 (c) no more than five (5) people in a calendar month are handcuffed,
25 chained, or otherwise tethered to the IRC Clinic Front Bench for
26 more than four (4) hours in violation of Paragraph 2 (and no
27 person is tethered to the IRC Clinic Front Bench for more than
28 six (6) hours); and
29 (d) no more than fifteen (15) persons are kept in an IRC holding cell
30 or the IRC cage in a calendar month in violation of paragraphs 3
31 and/or 4 (and no person is kept in an IRC holding cell for more
32 than 18 hours or in the IRC cage for more than 12 hours).

33 (*Id.* ¶ 10).

1 Pursuant to the Stipulated Order, the County is required, by no later than the
2 10th of each calendar month, to notify Plaintiffs if it believes Defendants achieved
3 substantial compliance during the previous calendar month. Thereafter, within ten
4 days of when the County provides Plaintiffs with this monthly assessment, Plaintiffs
5 must notify Defendants if they dispute the County's account of Defendants'
6 compliance with the Stipulated Order's requirements. (*Id.* ¶ 11).

7 The Quarterly Report, which covers the three months prior to its filing,
8 requires the County to detail:

- 9 (a) the status of implementing the Remedial Actions;
- 10 (b) whether Defendants believe they are in substantial compliance with
11 paragraphs 1-6 [], including data showing performance with paragraphs
12 1-4 as set forth in Paragraph 10;
- 13 (c) the County's progress in bringing on-line new non-carceral beds
14 pursuant to the County's Diversion Efforts, as well as its status in
15 funding additional non-carceral beds scheduled to be added to the
16 inventories of ODR and DMH after June 30, 2025, pursuant to the
17 County's Diversion Efforts; and,
- 18 (d) the impact the County's progress in adding non-carceral beds to the
19 inventories of ODR and DMH is having on eliminating backlogs in the
20 IRC.

21 (*Id.* ¶ 14).

22 III.

23 BETWEEN OCTOBER 2023 AND DECEMBER 2023, DEFENDANTS 24 ACHIEVED SUBSTANTIAL COMPLIANCE WITH EACH OF THE FOUR 25 AREAS OF THE STIPULATED ORDER

26 A. Defendants Provided Plaintiffs With Timely Monthly Status Reports 27 Reflecting Substantial Compliance in Every Regard

28 As an initial matter, Defendants have fully complied with the Stipulated
Order's requirement that they send a monthly status report with respect to
paragraphs 1-4 to Plaintiffs no later than the 10th day of the following month. On
November 9, 2023, December 8, 2023, and January 9, 2024, Defendants transmitted

1 timely monthly status reports to Plaintiffs via e-mail.² In each status report,
2 Defendants reported substantial compliance for the prior month in all four areas
3 covered by the Stipulated Order.

4 **B. As Required and Previously Reported, the Defendants Implemented the**
5 **Remedial Actions Within 30 Days of the Entering of the Stipulated Order**

6 Defendants reported in October 2023 that they had implemented the Remedial
7 Actions described in Paragraph 8 of the Stipulated Order within 30 days of the Court
8 entering the Stipulated Order on June 22, 2023. (Dkt. No. 413 at 9-11). Defendants
9 continue to maintain those Remedial Actions, including, but not limited to, LASD-
10 required training of the Stipulated Order’s requirements, CHS’s staffing plan,
11 LASD’s sanitary cleaning schedule, and the SIMS tracking and reporting.

12 **C. Defendants Achieved Compliance With Every Provision of the Stipulated**
13 **Order**

14 Data from SIMS confirms that in the last quarter, Defendants achieved
15 substantial compliance with Paragraphs 1-4 of the Stipulated Order:

16 *For October 2023*, Defendants reported substantial compliance with
17 Paragraphs 1-4 of the Stipulated Order. There were **two** reported violations of the
18 24-hour limitation (although Defendants believe neither properly counts as a
19 violation), **zero** violations of the IRC Front Bench 4-hour limitation, **zero** violations
20 of the 12-hour cell limitation, and the IRC Cage area was not utilized.

21 With respect to the two reported 24-hour limitation violations, both occurred
22 under circumstances where the inmates in question were taken from the IRC to the
23 urgent care area in order to receive necessary medical treatment and had access to a
24 _____

25 ² Counsel for Plaintiffs receive the daily reports generated by SIMS
26 containing detailed information about inmate movement and causes for any
27 violations, which permit Plaintiffs to track Defendants’ progress in meeting their
28 obligations under the Stipulated Order prior to the issuance of these monthly status
reports.

1 bed. On October 10, 2023, an inmate remained in urgent care for approximately
2 three hours beyond the 24 hour limit. In a second case, which occurred on October
3 11, 2023, an inmate remained in urgent care for 13 minutes beyond the 24 hour
4 limit. Defendants communicated to Plaintiffs their position that such circumstances
5 should not constitute violations of the Stipulated Order because urgent care is not
6 located within the IRC and the Stipulated Order does not include this area in its
7 definition of the IRC. (*See* Dkt. No. 402 ¶ 1 (defining IRC areas)).³ Moreover,
8 even if both of these instances are considered violations of the Stipulated Order,
9 Defendants would still be in substantial compliance.

10 *For November 2023*, Defendants reported substantial compliance with
11 Paragraphs 1-4 of the Stipulated Order. There were **two** reported violations of the
12 24-hour limitation (although Defendants believe neither properly counts as a
13 violation because both inmates were in the urgent care area at the time of the
14 violation), **one** violation of the IRC Front Bench 4-hour limitation (lasting
15 approximately six minutes and occurring as a result of a November 1, 2023 power
16 outage and resulting lockdown), **ten** reported violations of the 12-hour cell
17 limitation (seven of which occurred due to the above-mentioned power outage), and
18 again the IRC Cage area was not utilized.

19 *For December 2023*, Defendants reported substantial compliance with
20 Paragraphs 1-4 of the Stipulated Order. There were **two** reported violations of the
21 24-hour limitation (but again the two inmates were in the urgent care area with
22 access to a bed at the time of the violation), **zero** violations of the IRC Front Bench
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24
25 ³ Counsel for Plaintiffs and Defendants have communicated their respective
26 positions concerning this issue. On November 1, 2023, counsel for Plaintiffs and
27 Defendants met and conferred to discuss whether such circumstances should be
28 considered violations. Although no agreement was reached at the meet and confer,
Defendants continue to include these cases in the daily SIMS reports sent to counsel
for Plaintiffs for sake of transparency.

1 4-hour limitation, **zero** violations of the 12-hour cell limitation, and the IRC Cage
 2 area was not utilized.

3 Defendants’ performance in the previous Quarter was well within the Parties’
 4 agreed upon limitations for monthly substantial compliance. In fact, if one were to
 5 combine the data in each category for all three months and assess Defendants as if it
 6 occurred in the same month, Defendants would *still* be able to report substantial
 7 compliance with Paragraphs 1-4 of the Stipulated Order.⁴ Moreover, as exemplified
 8 in the data below comparing 24-hour violations in the IRC in August 2022 – the
 9 month prior to the Plaintiffs filing of the Motion for a Temporary Restraining Order
 10 -- with 24-hour violations reported by SIMS in this Quarter, the situation in the IRC
 11 has not simply improved to constitute a finding of substantial compliance, the
 12 turnaround has been nothing short of remarkable.

IRC 24 Hour Violations: August 2022 v. Q4 2023	
Month	24+ Hours SIMS-Reported Violations
August 2022	2771
October 2023	2*
November 2023	2**
December 2023	2*

19 * In October 2023 and December 2023, all of the SIMS-reported violations involved inmates who were
 20 detained in the urgent care area with access to a bed at the time of the violation.

21 ** In November 2023, one of the two SIMS-reported violations involved an inmate detained in the urgent
 22 care area with access to a bed at the time of the violation. The other occurred as a result of a power outage
 23 and LASD-ordered lockdown.

24 ⁴ This is true even counting every SIMS-reported violation as a violation
 25 (including those reported which occurred in the urgent care area). In the last three
 26 months, there have been six reported violations of the 24-hour limitation (Paragraph
 27 10(a) deems substantial compliance in one month as fewer than 25); one reported
 28 IRC Front Bench violation (Paragraph 10(b) defines substantial compliance as no
 more than five); and ten violations of the 12-hour cell limitation (Paragraph 10(d)
 sets a limit of 15).

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IV.

NEW NON-CARCERAL BEDS HAVE BEEN ADDED THIS QUARTER

The County continues to focus efforts on reducing the jail population in part by expanding its inventory of non-carceral beds for eligible inmates in order to stop IRC backlogs before they form and to ensure acute surges of new inmates, like the those that occurred in the Summer of 2022, do not cause IRC operations to deteriorate.

As previously reported, the planned “ramp up” of 1,527 new beds under the Office of Diversion and Re-entry (“ODR”) and 164 additional beds overseen by the Department of Mental Health (“DMH”) in the next two fiscal years received first-year funding approval by the Board of Supervisors in June 2023. In working toward adding a total of 814 new beds between ODR and DMH in Fiscal Year 23-24, DMH has already met and exceeded its first-year benchmark with 84 new beds and plans to add 40 more (32 for subacute care, 3 in the Enriched Residential Services program, and 5 in skilled nursing facilities) in March 2024.

After two reporting periods, ODR now has a total capacity of 2,292 slots in the ODR housing program, 203 beds for the treatment of misdemeanants found incompetent to stand trial, and 817 beds for the treatment of felony defendants incompetent to stand trial.

V.

**POPULATION REDUCTION HAS CONTRIBUTED TO THE
ELIMINATION OF IRC BACKLOGS**

The County’s efforts to (1) expedite the transfer inmates to serve state prison sentences; (2) surge the flow of inmates ordered to undergo restorative treatment in state hospitals when those opportunities arise; and (3) take advantage of the state court’s new bail regime to slow the flow of inmates into the LACJ have resulted in an overall consistent reduction of the overall number of inmates within the Los Angeles County Jail System. The County has achieved particular success in

1 expediting prison transfers – since March 2023, more than 6,400 inmates have been
2 transferred and the pending prison transfer daily average population of
3 approximately 1,500 inmates dropped to approximately 700 inmates, a 53%
4 population reduction. Similarly, the County has successfully transferred over 1,100
5 inmates to the state hospitals and the pending state hospital transfer daily average
6 population of approximately 500 inmates dropped to approximately 150 inmates, a
7 70% population reduction. As a result of these efforts, and other factors, the number
8 of inmates within the LACJ dropped from approximately 14,500 to approximately
9 12,300 between January 1, 2023 and January 11, 2024, a roughly 15% reduction.⁵

10 **VI.**

11 **CONCLUSION**

12 In only the second quarterly reporting period, Defendants have already shown
13 tangible progress toward achieving perfect compliance with the Stipulated Order
14 and improving daily operations within the IRC. Moreover, the track record
15 Defendants have built over the last six months and two reporting periods has
16 bolstered Defendants’ confidence that the IRC’s worst days during the Summer of
17 2022 and February 2023 will not be repeated, and that the positive momentum in

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25 ⁵ During this same time period, the number of P3 inmates and P4 inmates
26 utilizing High Observation Housing (“HOH”) in the LACJ fell from 1,747 HOH
27 inmates on January 1, 2023 (consisting of 1,577 P3 inmates and 170 P4 inmates), to
28 1,411 HOH inmates on January 1, 2024 (consisting of 1,343 P3 inmates and 68 P4
inmates), a nearly 20% reduction.

1 tackling the acute and chronic issues that arise in the complex management of the
2 country's largest jail system can and will continue.

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DATED: January 12, 2024

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