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

Hon. Dean D. Pregerson  
Courtroom 9C

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**I.**

**INTRODUCTION**

1  
2  
3 In the year since the Court entered its June 22, 2023 Stipulated Order (the  
4 “Stipulated Order”) governing certain conditions at the Inmate Reception Center  
5 (“IRC”) of the Los Angeles County Jail (“LACJ”), the County of Los Angeles (the  
6 “County”) and the Los Angeles County Sheriff’s Department (the “LASD”)  
7 (collectively, the “Defendants”) have consistently achieved sustained compliance  
8 with the Stipulated Order’s rigorous provisions. Over the past year, data from the  
9 LASD’s Shared Intake Management System (“SIMS”) has supported the  
10 Defendants’ monthly reporting to Plaintiffs in which the Defendants have reported  
11 achieving substantial compliance with the Stipulated Order’s provisions in 10 of the  
12 12 months since the Stipulated Order was entered; and, notably, the only two  
13 months when the Defendants did not reach substantial compliance with the  
14 Stipulated Order’s requirements occurred due to a single non-compliant incident that  
15 occurred in each of those two months. Accordingly, it should be beyond dispute  
16 that the results Defendants have achieved in improving conditions in the IRC in the  
17 past 12 months have been remarkable and that conditions in the IRC are now better  
18 by leaps and bounds when compared to the conditions in the IRC at the time the  
19 contempt proceedings in this case were initiated in 2022.

20 As explained in detail below, achieving substantial compliance under the  
21 terms of the Stipulated Order requires, among other things, that Defendants move  
22 inmates through the IRC, off of the IRC’s Front Bench, and out of holding cells in  
23 the IRC within strict time limits. For this Fourth Quarterly Report, which covers the  
24 period of April 1, 2024 to June 30, 2024, Defendants are able to report substantial  
25 compliance with the Stipulated Order’s terms across the board. In fact, excluding  
26 two reports involving individuals who were not moved through the IRC within 24  
27 hours because they were receiving medical attention in the jail’s urgent care  
28 facility—a circumstance Defendants contend does not constitute a violation of the

1 Stipulated Order—there was only a single violation of the Stipulated Order during  
2 the Fourth Reporting Period, and that violation involved a case in April 2024 when  
3 an inmate spent *31 seconds* in an IRC cell beyond the 12-hour time limit set forth in  
4 the Stipulated Order. But for this single case involving a violation spanning less  
5 than one minute, Defendants would be able to report perfect compliance with the  
6 Stipulated Order’s requirements in each of the last three months.

7 Defendants’ success in implementing the Remedial Actions outlined in  
8 Paragraph 8 of the Stipulated Order and resolve in implementing solutions in the  
9 rare cases when non-compliance with the Stipulated Order’s provisions occurs has  
10 led to these noteworthy results and the remarkable turnaround in the IRC discussed  
11 below. Defendants look forward to continuing to build upon that record to reach the  
12 end goal of achieving perfect compliance with the Stipulated Order’s requirements  
13 and ensuring that the much-improved conditions in the IRC endure.

14 **II.**

15 **RELEVANT FACTUAL AND PROCEDURAL BACKGROUND**

16 **A. Background**

17 During the Summer of 2022, Defendants encountered a massive influx of  
18 inmates into the IRC when the COVID-related Emergency Bail Schedule was lifted  
19 at the end of June 2022; and months later, in February 2023, Correctional Health  
20 Services (“CHS”) faced a momentary staffing crisis in the IRC. Both of these  
21 challenges caused acute backlogs in processing inmates through the IRC and, for a  
22 time, impacted the general sanitary conditions and the timely provision of medical  
23 and mental health services in the IRC. (Dkt. Nos. 413, 415).

24 On September 27, 2022, this Court granted Plaintiffs’ unopposed Motion for a  
25 Temporary Restraining Order and Motion for an Order to Show Cause Why a  
26 Preliminary Injunction Should Not Issue (the “Contempt Motion”). (Dkt. No. 351).  
27 As Defendants worked to meet the requirements of the preliminary injunction  
28 entered by the Court, the February 2023 CHS staffing shortage referenced above

1 significantly hampered those efforts, prompting Plaintiffs’ Motion for an Order to  
2 Show Cause Re: Contempt, filed on February 27, 2023. (Dkt. No. 375). Over the  
3 next four months, Defendants redoubled their efforts to improve conditions in the  
4 IRC, initiated a plan to implement corrective actions to realize those improvements,  
5 and developed SIMS to provide IRC personnel with real-time data that tracks the  
6 location and overall flow of inmates into and out of the IRC, including data tracking  
7 the following areas central to the Court’s injunctive relief: (1) the overall length of  
8 time an inmate spends in the IRC; (2) the length of time an inmate is tethered to the  
9 IRC Front Bench; and (3) the length of time an inmate is in a locked cell or cage in  
10 the IRC.

11 **B. The Stipulated Order**

12 Prior to the evidentiary hearing on the Contempt Motion scheduled for  
13 June 27, 2023, counsel for Plaintiffs and counsel for Defendants met and conferred  
14 and reached a joint stipulation, which the Court granted in the form of an order  
15 issued on June 22, 2023 (“Stipulated Order”). (Dkt. No. 402).

16 The Stipulated Order permanently restrains and enjoins Defendants from  
17 violating Paragraphs 1-6 of the Stipulated Order and memorializes Defendants’  
18 stated plans for remedial efforts to address overcrowding, delays in processing, the  
19 need to move inmates into permanent housing, the provision of adequate medical  
20 and mental health care, and the general living conditions in the IRC (hereinafter, the  
21 “Remedial Actions”).<sup>1</sup> In this regard, Paragraphs 1-6 of the Stipulated Order set  
22 forth the following limitations and conditions for the processing of inmates through  
23 the IRC and requires Defendants to self-report violations of these limitations and  
24 conditions:

- 25 1. Holding an incarcerated person in the IRC for more than 24 hours.

26 \_\_\_\_\_

27 <sup>1</sup> A complete description of these Remedial Actions is included in Paragraph  
28 8 of the Stipulated Order. (Dkt. No. 402 at 7-10).

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

16 (*Id.* ¶¶ 1-6).

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

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

- 23           (a)    fewer than 25 persons who are processed through the IRC in a  
24                 calendar month are held in the IRC for more than 24 hours in  
25                 violation of Paragraph 1 (and no person is held in the IRC in a  
26                 calendar month for more than 36 hours);
- 27           (b)    there are no more than four (4) days in a calendar month where  
28                 more than five (5) people are held for more than 24 hours in  
               violation of Paragraph 1;
- (c)    no more than five (5) people in a calendar month are handcuffed,  
                      chained, or otherwise tethered to the IRC Clinic Front Bench for  
                      more than four (4) hours in violation of Paragraph 2 (and no  
                      person is tethered to the IRC Clinic Front Bench for more than  
                      six (6) hours); and

1 (d) no more than fifteen (15) persons are kept in an IRC holding cell  
2 or the IRC cage in a calendar month in violation of paragraphs 3  
3 and/or 4 (and no person is kept in an IRC holding cell for more  
than 18 hours or in the IRC cage for more than 12 hours).

4 (*Id.* ¶ 10).

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

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

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

22 (*Id.* ¶ 14).

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**III.**

**BETWEEN APRIL 2024 AND JUNE 2024, DEFENDANTS ACHIEVED  
SUBSTANTIAL COMPLIANCE WITH THE STIPULATED  
ORDER’S REQUIREMENTS**

**A. Defendants Provided Plaintiffs with Timely Monthly Status Reports**

As required by the Stipulated Order, 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 May 10, 2024, June 10, 2024, and July 7, 2024, Defendants transmitted timely monthly status reports to Plaintiffs via e-mail.<sup>2</sup>

**B. Defendants Have Implemented and Maintained the Remedial Actions Outlined in the Stipulated Order**

Defendants implemented the Remedial Actions described in Paragraph 8 of the Stipulated Order within the required 30 days of the Court entering the Stipulated Order on June 22, 2023. Defendants reported the successful implementation of the Remedial Actions in their first quarterly report under the Stipulated Order (Dkt. No. 413 at 9-11) and continue to maintain them, including, but not limited to, training staff on the Stipulated Order’s requirements, staffing personnel in the IRC in a manner consistent with the CHS staffing plan reported in the Stipulated Order, maintaining a rigorous cleaning schedule in the IRC, and utilizing SIMS to track inmate movements in the IRC and capture potential violations of the Stipulated Order’s requirements.

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<sup>2</sup> Counsel for Plaintiffs can also track Defendants’ performance of the Stipulated Order’s requirements under paragraphs 1-4 via daily SIMS reports sent by the LASD. These reports track potential violations of the Stipulated Order and provide detailed information concerning the duration and explanation for the violation’s cause.



1 **C. In the Fourth Quarterly Reporting Period, Defendants Achieved**  
2 **Substantial Compliance with Every Facet of the Stipulated Order**

3 Data from SIMS confirms that Defendants achieved substantial compliance  
4 with Paragraphs 1-4 of the Stipulated Order during the most recent quarter spanning  
5 April 1, 2024 and June 30, 2024.<sup>3</sup>

6 1. *Defendants Achieved Substantial Compliance with Paragraphs 1-4 of*  
7 *the Stipulated Order Throughout the Entire Reporting Period*

8 For April 2024, Defendants reported substantial compliance with Paragraphs  
9 1-4 of the Stipulated Order. There were **zero** reported violations of the 24-hour  
10 limitation, **one** (erroneously) reported violation of the IRC Front Bench 4-hour  
11 limitation, **one** reported violation of the 12-hour cell limitation, and the IRC Cage  
12 area was not utilized at any point in April 2024.

13 The lone violation of the Stipulated Order during this month occurred on  
14 April 6, 2024, when a temporary outage of the Justice Data Interface Controller  
15 system led to the LASD processing a high volume of individuals for release in a  
16 short period of time. As a result, the LASD held an individual in an IRC cell for  
17 approximately 31 seconds beyond the Stipulated Order's 12-hour cell limitation.

18 SIMS also erroneously reported a violation of the 4-hour IRC Front Bench  
19 limitation. However, the LASD confirmed that no such violation occurred through a  
20 review of video surveillance, which confirmed that the individual at issue was  
21 tethered to the IRC Front Bench for less than the four-hour limitation established in  
22 the Stipulated Order.

23 For May 2024, there was **one** reported violation of the 24-hour limitation  
24 (which Defendants believe does not constitute a violation), **zero** reported violations  
25

26 \_\_\_\_\_  
27 <sup>3</sup> Defendants are also in Substantial Compliance with Paragraphs 5 and 6 of  
28 the Stipulated Order.

1 of the IRC Front Bench 4-hour limitation, and **zero** reported violations of the 12-  
2 hour cell limitation. The IRC Cage was not utilized at any point in May 2024.

3 The only reported violation during this month, documented on May 12, 2024,  
4 occurred when an inmate was not moved to permanent housing in the jail within 24  
5 hours because he was in the jail’s urgent care facility for a period of time receiving  
6 medical attention and with access to a bed. Defendants maintain that this  
7 circumstance does not constitute a violation of the Stipulated Order because the  
8 jail’s urgent care facility is not located within the IRC and the Stipulated Order does  
9 not include this area in its definition of the IRC. (See Dkt. No. 402 ¶ 1 (defining  
10 IRC areas)).<sup>4</sup> Regardless, this reported violation would not have impacted  
11 Defendants’ ability to report substantial compliance with the Stipulated Order’s  
12 provisions in May 2024, whether counted as a violation or not.

13 For June 2024, there were **zero** reported violations of the 24-hour limitation,  
14 **one** (erroneously) reported violation of the IRC Front Bench 4-hour limitation, and  
15 **zero** reported violations of the 12-hour cell limitation. The IRC Cage was not  
16 utilized at any point in June 2024.

17 On June 11, 2024, SIMS erroneously reported that an individual remained on  
18 the IRC Front Bench beyond the 4-hour limit set by the Stipulated Order. However,  
19 the LASD’s review of video surveillance evidence confirmed that the individual  
20 actually spent 1 hour and 59 minutes on the IRC Front Bench, and thus, the  
21 Defendants’ handling of his case did not result in a violation of the Stipulated Order.

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25 <sup>4</sup> Defendants have long held this position and met and conferred with  
26 Plaintiffs on this issue on November 1, 2023. Although the parties did not reach an  
27 agreement, Defendants agreed to continue to include these circumstances in the  
28 daily SIMS reports sent to counsel to ensure transparency when it comes to SIMS  
reporting.



Figure 2

SIMS Reported Violations Over the Past Year*			
Month	24-Hour Violations	4-Hour IRC Front Bench Violations	12-Hour Cell Violations
July 2023	0	0	2
Aug. 2023	1	0	0
Sept. 2023	3	0	3
Oct. 2023	2	0	0
Nov. 2023	2	1	10
Dec. 2023	2	0	0
Jan. 2024	0	0	1
Feb. 2024	0	0	1
Mar. 2024	4	1	2
Apr. 2024	0	0	1
May 2024	1	0	0
June 2024	0	0	0
<b>Total</b>	<b>15</b>	<b>2</b>	<b>20</b>

*\*Includes reported instances not considered by Defendants as violations.*

*Excludes reported violations determined to be erroneous.*

Finally, with respect to Paragraph 10’s metrics measuring substantial compliance, Defendants have reported substantial compliance every month across the board with the exception of two months, where a single non-compliant incident in September 2023 and a single non-compliant incident in March 2024 caused Defendants to fall out of substantial compliance for those months. (See Figure 3, next page).

Figure 3

Record of IRC Substantial Compliance With the Stipulated Order by Each Metric*						
	Fewer Than 25 Total 24-Hour Violations ¶ 10(a)	No Processing Violation Longer Than 36 Hours ¶ 10(a)	No More Than 4 Days With 5 24-Hour Violations ¶ 10(b)	No More Than 5 IRC Front Bench Violations ¶ 10(c)	No More Than 15 Cell Violations ¶ 10(d)	No Cell Violation Longer Than 18 Hours ¶ 10(d)
July 2023	Yes	Yes	Yes	Yes	Yes	Yes
Aug. 2023	Yes	Yes	Yes	Yes	Yes	Yes
Sept. 2023	Yes	Yes	Yes	Yes	Yes	No
Oct. 2023	Yes	Yes	Yes	Yes	Yes	Yes
Nov. 2023	Yes	Yes	Yes	Yes	Yes	Yes
Dec. 2023	Yes	Yes	Yes	Yes	Yes	Yes
Jan. 2024	Yes	Yes	Yes	Yes	Yes	Yes
Feb. 2024	Yes	Yes	Yes	Yes	Yes	Yes
Mar. 2024	Yes	Yes	Yes	Yes	Yes	No
Apr. 2024	Yes	Yes	Yes	Yes	Yes	Yes
May 2024	Yes	Yes	Yes	Yes	Yes	Yes
June 2024	Yes	Yes	Yes	Yes	Yes	Yes

\*Excludes IRC Cage-related provisions because the IRC Cage was not used during this period.

The data reveals that the Remedial Actions have taken hold and that any issues that arise within the IRC are anomalous and are addressed immediately.

**IV.**

**THE COUNTY ACCOMPLISHED IT AMBITIOUS RAMP-UP GOALS FOR THE YEAR**

The County has also continued to execute its plan to expand its inventory of non-carceral housing slots that can be used to divert or otherwise remove eligible inmates from custody.<sup>5</sup> As previously reported, this plan includes adding new slots

<sup>5</sup> The Stipulated Order does not require that Defendants meet any quota in bringing a particular number of community beds on-line that can be used to eliminate overcrowding in the LACJ, or even that Defendants achieve their stated ramp-up plan (although Defendants have notably met the first year benchmarks they set for themselves in June 2023). Nor would the Stipulated Order permit Plaintiffs

1 to programs overseen by the Office of Diversion and Re-Entry (“ODR”) that  
2 provide community housing and mental health treatment as a condition of early  
3 release for individuals incarcerated in the LACJ, and adding new Department of  
4 Mental Health (“DMH”) beds for justice-involved individuals. For Fiscal Year  
5 2023-2024, Defendants set a goal of adding 814 new beds between ODR and DMH.  
6 As previously reported, DMH has already exceeded its first-year goal by adding 84  
7 new beds. ODR exceeded its first-year goal of reaching 3,883 total beds or slots  
8 across three programs—ODR Housing, ODR MIST, and ODR FIST. As of July 2,  
9 2024, ODR has 3,951 beds or slots across those three programs—3,026 slots in the  
10 ODR housing program, 203 beds for the treatment of misdemeanants found  
11 incompetent to stand trial, and 722 beds for the treatment of felony defendants  
12 incompetent to stand trial.<sup>6</sup> In the final quarter of this fiscal year, 654 patients were  
13 released from jail to ODR Housing, ODR MIST or ODR FIST. Of those, 512 were  
14

15 \_\_\_\_\_  
16 to file an enforcement action predicated solely on the County’s failure to implement  
17 these diversion efforts, unless those failures contribute to a failure to meet  
18 substantial compliance with the requirements of paragraphs 1-6 in the Stipulated  
19 Order. (Dkt. No. 402 ¶ 13).

20 Moreover, even if the County had been unable to achieve its ambitious ramp-  
21 up goals over the past year, there would be no credible argument that this shortfall  
22 negatively impacted conditions in the IRC or resulted in any violations of  
23 paragraphs 1-6 of the Stipulated Order given Defendants’ record of compliance with  
24 the Stipulated Order’s requirements, including its near perfect record of compliance  
25 this past quarter. Accordingly, contrary to what Plaintiffs asserted in their response  
26 to the Third Quarterly Report, there is no basis or even an indicia of a basis to  
27 summons Defendants into court to address any issues of meeting community bed  
28 targets, where those targets have not only been met but Defendants’ compliance  
track record continues to improve. (Dkt. No. 421).

<sup>6</sup> Critically, ODR may move beds between these programs as program needs  
change from month to month, and DMH may also change from time to time the mix  
of bed types allocated to justice-involved individuals.

1 evaluated to be P3 or P4 at the time of assessment.<sup>7</sup> Additional information  
 2 regarding releases by ODR program and P-level follow in the table below. (See  
 3 Figure 4, below).

4 Figure 4

5

ODR P-Level Release Data (April 2024 – June 2024)				
	ODR	MIST	FIST	Total
<b>Assessment P-Level</b>				
P0	0	1	0	1
P1	4	2	5	11
P2	49	42	39	130
P3	219	83	100	402
P4	34	30	46	110
Total	306	158	190	654
<b>Release P-Level</b>				
No P Level	0	1	0	1
P0	0	2	0	2
P1	6	3	4	13
P2	137	49	67	253
P3	163	103	115	381
P4	0	0	4	4
Total	306	158	190	654

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26 <sup>7</sup> The ODR Housing program currently focuses on inmates classified as P3 or  
 27 P4 for initial admission to their treatment program, but if an ODR participant is  
 28 detained again in jail after a relapse or set-back, then that person is evaluated by  
 ODR for return to the program regardless of their P level at the time of re-arrest.

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V.

**CONCLUSION**

Defendants have come extremely close to achieving substantial compliance in a nearly across-the-board fashion in the year since the Stipulated Order was entered and look forward to continuing the work that began a year ago in order to achieve sustained compliance in the year ahead and beyond.

DATED: July 15, 2024

KENDALL BRILL & KELLY LLP

By: /s/ Robert E. Dugdale

Robert E. Dugdale

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