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

19
20 DENNIS RUTHERFORD, et al.,

21 Plaintiffs,

22 v.

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

25 Defendants.
26

Case No. 75-cv-04111-DDP

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

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I.

INTRODUCTION

1
2
3 More than three years ago, Plaintiffs initiated proceedings to obtain injunctive
4 relief with respect to the conditions in the Los Angeles County Jail’s Inmate
5 Reception Center (the “IRC”). After the County of Los Angeles (the “County”) and
6 the Los Angeles County Sheriff’s Department (the “LASD”) (collectively,
7 “Defendants”) filed a non-opposition to the Temporary Restraining Order and
8 Motion for an Order to Show Cause Why a Preliminary Injunction Should Not
9 Issue, they committed tremendous efforts toward addressing issues then plaguing
10 IRC operations and entered into negotiations with counsel for the Plaintiffs that led
11 to the adoption of a joint stipulation which the Court entered in June 2023 (the
12 “Stipulated Order”). The Stipulated Order has governed virtually all operational
13 aspects in the IRC and has required Defendants to provide regular reporting to
14 Plaintiffs and the Court. Over the course of the prior eight quarterly reports filed
15 with the Court, the County has demonstrated drastic progress in improving
16 conditions in the IRC and has indisputably established a sustained track record when
17 it has come to complying with each of the Stipulated Order’s provisions.

18 Now, in this Ninth Quarterly Report, the County can report that not only have
19 the Defendants continued an unbroken string of substantial compliance with the
20 Stipulated Order’s requirements but that, during the period between July 2025 and
21 October 2025, the Defendants sustained only **one** violation of the Stipulated Order,
22 which involved the processing of **a single inmate**. The continued operation of the
23 Shared Intake Monitoring System (“SIMS”), which the LASD rapidly developed
24 and deployed prior to when the Stipulated Order went into effect, as well as the
25 establishment of sound practices and policies by the IRC staff designed to ensure the
26 thorough and efficient processing of inmates through the IRC, has dramatically
27 improved conditions in the IRC; and there can be little question at this point in time

28

1 that the Defendants have achieved sustained substantial compliance with their
2 obligations under the Stipulated Order.

3 **II.**

4 **RELEVANT FACTUAL AND PROCEDURAL BACKGROUND**

5 **A. Background**

6 During the Summer of 2022, Defendants encountered a massive influx of
7 inmates into the IRC when the COVID-related Emergency Bail Schedule was lifted
8 at the end of June 2022; and months later, in February 2023, Correctional Health
9 Services (“CHS”) faced a severe but temporary staffing crisis in the IRC. Both
10 these challenges caused acute backlogs in processing inmates through the IRC and,
11 for a time, impacted the general sanitary conditions and the timely provision of
12 medical and mental health services in the IRC. (Dkt. Nos. 413, 415).

13 On September 27, 2022, this Court granted Plaintiffs’ unopposed Motion for a
14 Temporary Restraining Order and Motion for an Order to Show Cause Why a
15 Preliminary Injunction Should Not Issue. (Dkt. No. 351). As Defendants worked to
16 meet the requirements of the preliminary injunction entered by the Court, the
17 February 2023 CHS staffing shortage referenced above significantly hampered those
18 efforts, prompting Plaintiffs’ Motion for an Order to Show Cause Re: Contempt (the
19 “Contempt Motion”), filed on February 27, 2023. (Dkt. No. 375). Over the next
20 four months, Defendants redoubled their efforts to improve conditions in the IRC,
21 initiated a plan to implement corrective actions to realize those improvements, and
22 developed SIMS to provide IRC personnel with real-time data that tracks the
23 location and overall flow of inmates into and out of the IRC, including data tracking
24 the following areas central to the Court’s injunctive relief: (1) the overall length of
25 time an inmate spends in the IRC; (2) the length of time an inmate is tethered to the
26 IRC Front Bench; and (3) the length of time an inmate is in a locked cell or cage in
27 the IRC.

28

1 **B. The Stipulated Order**

2 Prior to the evidentiary hearing on the Contempt Motion scheduled for
3 June 27, 2023, counsel for Plaintiffs and counsel for Defendants met and conferred
4 and reached a joint stipulation, which the Court granted in the form of an order
5 issued on June 22, 2023. (Dkt. No. 402).

6 The Stipulated Order permanently restrains and enjoins Defendants from
7 violating Paragraphs 1-6 of the Stipulated Order and memorializes Defendants’
8 plans for remedial efforts to address overcrowding, delays in processing, the need to
9 move inmates into permanent housing, the provision of adequate medical and
10 mental health care, and general living conditions in the IRC (the “Remedial
11 Actions”).¹ In this regard, Paragraphs 1-6 of the Stipulated Order set forth the
12 following limitations and conditions for the processing of inmates through the IRC
13 and requires Defendants to self-report violations of these limitations and conditions:

- 14 1. Holding an incarcerated person in the IRC for more than 24 hours.
- 15 2. Holding an incarcerated person on the IRC Clinic Front Bench,
16 handcuffed, chained, or tethered to a chair or any other object, for more
17 than four hours.
- 18 3. Holding an incarcerated person in an IRC holding cell for more than
19 12 hours total, or holding more people in a holding cell than its rated
20 capacity by the Board of State and Community Corrections.
- 21 4. Holding an incarcerated person in the IRC Clinic cage, when locked,
22 for more than eight (8) hours total.
- 23 5. Holding an incarcerated person in the IRC Clinic area, cage, or any cell
24 in the IRC when that location is not in a clean and sanitary condition,
25 with access to functioning toilets, potable drinking water, clean water
26 to wash, and sufficient garbage receptacles.

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

1 6. Holding an incarcerated person in the IRC clinic area, cage, or any cell
2 in the IRC without providing ongoing access to adequate medical and
3 mental health care, including but not limited to regular pill call.

4 (*Id.* ¶¶ 1-6).

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

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

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

27 (*Id.* ¶ 10).

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

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

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

15 (*Id.* ¶ 14).

16 **III.**

17 **DEFENDANTS ACHIEVED SUBSTANTIAL COMPLIANCE WITH THE**
18 **STIPULATED ORDER IN EACH MONTH COVERED BY THIS REPORT**

19 **A. Defendants Provided Plaintiffs with Monthly Reports of the LASD’s**
20 **Compliance with the Stipulated Order**

21 As required by Paragraph 11 of the Stipulated Order, Defendants transmitted
22 monthly reports during the Third Quarter of 2025 detailing their compliance with
23 the requirements of Paragraphs 1-4 of the Stipulated Order. On August 8, 2025,
24 September 10, 2025, and October 10, 2025, Defendants described the violations that
25 occurred during the prior month, if any, in correspondence with counsel for
26 Plaintiffs and stated their position that they had achieved substantial compliance for
27 each month.²

28 _____
² Importantly, this correspondence is not the only confirmation of substantial
compliance that counsel for Plaintiffs receive from Defendants. On a regular basis, the

1 **B. Defendants Were in Substantial Compliance With the Requirements in**
2 **Each of Paragraphs 1-4 of the Stipulated Order During Each Month of**
3 **This Past Quarter**

4 Data from SIMS confirms that Defendants achieved substantial compliance
5 with Paragraphs 1-4 of the Stipulated Order during this most recent quarter.

6 For July 2025 and August 2025, there were **zero** reported violations of the 24-
7 hour limitation, **zero** reported violations of the IRC Front Bench four-hour
8 limitation, and **zero** reported violations of the 12-hour cell limitation.

9 For September 2025, there were **zero** reported violations of the 24-hour
10 limitation, **zero** reported violations of the IRC Front Bench four-hour limitation, and
11 **one** violation of the 12-hour cell limitation.

12 Furthermore, the IRC Cage was not utilized at any point between July 2025
13 and September 2025.

14 The lone violation during the Third Quarter of 2025 occurred on September 4,
15 2025, and was the result of IRC staff’s failure to contemporaneously update SIMS to
16 accurately note an inmate’s placement in an IRC clinic cell. With SIMS tracking
17 less effective in this instance, LASD deputies’ first attempts at moving the inmate
18 from the cell occurred after the LASD had already violated the Stipulated Order.
19 Importantly, the inmate’s refusal to leave the cell for over two and a half hours
20 significantly contributed to the overall length of the violation, which was
21 approximately three hours and eight minutes. Nonetheless, the violation did not
22 place the County outside of substantial compliance with the Stipulated Order for the
23 month of September 2025.

24 _____

25 LASD directly transmits a report detailing all the violations that have occurred to-date
26 during the month in question. These reports provide detailed information concerning the
27 duration and explanation for any purported violation’s cause. In the few instances when
28 violations have occurred, the LASD has provided a thorough explanation of the violations’
underlying circumstances in response to additional inquiries from counsel for Plaintiffs.

1 As previously communicated to counsel for Plaintiffs, Defendants have
2 revised procedures in the IRC in response to this violation in September 2025 to
3 require a sergeant to conduct an additional cells-area check during each shift and
4 have further reemphasized the need for deputies to properly maintain SIMS’
5 tracking capabilities by accurately reporting all inmate movements in the IRC. Such
6 corrective actions will lower the likelihood that a violation like the one that occurred
7 on September 4, 2025, will be repeated and will ensure that, on the rare occasion
8 when such violations do occur, they are minimal in nature.

9 **IV.**

10 **THE COUNTY’S BED INVENTORY RAMP-UP GOALS**

11 For Fiscal Year 2024-25, Defendants set a goal³ of amassing a total of 4,668
12 slots across ODR’s three programs—ODR Housing, ODR MIST, and ODR FIST—
13 by June 30, 2025. For DMH, the goal was a total of 164 new DMH beds added in
14 FY2023-2024 and FY2024-2025. As reported in the Eighth Quarterly Report, the
15 County previously met and surpassed these goals.⁴

16 During the third quarter of calendar year 2025, 622 patients were released
17 from jail to ODR Housing, ODR MIST, or ODR FIST. Of those, 346 were
18

19 ³ The Stipulated Order does not require that Defendants meet any quota in bringing
20 a particular number of community beds on-line that can be used to eliminate overcrowding
21 in the LACJ, or even that Defendants achieve their stated ramp-up plan. Nor does the
22 Stipulated Order permit Plaintiffs to file an enforcement action predicated solely on the
23 County’s failure to implement these diversion efforts, unless those failures contribute to a
24 failure to meet substantial compliance with the requirements of Paragraphs 1-6 in the
25 Stipulated Order. (Dkt. No. 402 ¶ 13).

26 ⁴ During this last quarter, the total number of ODR slots decreased to 4,666 after
27 the County took one ODR location offline due to site-related issues. The County
28 anticipates that the site will be brought back online by the end of October 2025. DMH
added 48 beds over this same period. As noted in previous Quarterly Reports, ODR may
move beds between its ODR Housing, ODR MIST, and ODR FIST 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.⁵ Additional information
 2 regarding releases by ODR program and P-level follows in the table (Figure 1)
 3 below.

4 *Figure 1*

5

ODR P-Level Release Data, July 1, 2025 – September 30, 2025				
	ODR Housing	ODR MIST	ODR FIST	Total
Assessment P-Level				
P0	3	3	5	10
P1	13	5	7	25
P2	168	25	48	241
P3	215	53	66	334
P4	7	2	3	12
Total	406	87	129	622
	ODR Housing	ODR MIST	ODR FIST	Total
Release P-Level				
P0	2	1	2	5
P1	17	2	2	21
P2	234	32	68	334
P3	150	52	57	259
P4	3	0	0	3
Total	406	87	129	622

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25 ⁵ The ODR Housing program currently focuses on inmates classified as P3 or P4
 26 for initial admission to their treatment program, but if an ODR participant is detained again
 27 in jail after a relapse or setback, then that person is evaluated by ODR for return to the
 28 program regardless of their P level at the time of re-arrest. In addition, ODR also
 considers referrals for P2 inmates housed in Enhanced Mental Health Moderate
 Observation Housing dorms.

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V.

**DEFENDANTS HAVE ACHIEVED A STATE OF SUSTAINED
SUBSTANTIAL COMPLIANCE WITH THE STIPULATED ORDER’S
REQUIREMENTS**

**A. Defendants’ Performance During This Ninth Reporting Period Caps a
Track Record of Success that Began Almost Immediately After the Court
Entered the Stipulated Order**

With this Ninth Quarterly Report, Defendants have extended their record of substantial compliance to the nine consecutive months beginning on January 2, 2025. As previously reported, Defendants experienced a severe aberration the day prior, New Year’s Day 2025, which saw an unprecedented increase in arrivals at the IRC and led to Defendants falling out of substantial compliance with Paragraph 1 of the Stipulated Order. Since then, the LASD has routinely monitored its IRC processes and self-corrected policies and practices after the rare violation. Beyond being in substantial compliance from January 2025 through October 15, 2015, Defendants have regularly reported *near perfect* compliance⁶ as shown in Figure 2 below.

Figure 2

Month	Number of Violations of the Stipulated Order
January 2025 (beginning January 2, 2025)	0
February 2025	4*
March 2025	1
April 2025	1
May 2025	2

⁶ Of course, Paragraph 10 of the Stipulated Order defines the parameters of substantial compliance for each of paragraphs 1-4 using separate benchmarks, but Figure 2 nonetheless reflects that, as a whole, *any* violation of the Stipulated Order is extremely rare.

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June 2025	1
July 2025	0
August 2025	0
September 2025	1
October 2025 (as of October 15, 2025)	0

**Defendants contend the circumstances of two of the four violations that occurred in February 2025 did not constitute a violation of the Stipulated Order, as the inmates who were in the IRC for longer than 24 hours in these instances were in urgent care with access to a bed. For sake of full context, those violations have been reported in Figure 2.*

The past nine months do not represent mere progress but a capstone of Defendants’ efforts over the more than two years since the entry of the Stipulated Order. One widely accepted metric for Defendants’ progress before and after the Stipulated Order is the 24-hour IRC processing limitation set by Paragraph 1. Defendants have previously estimated that in August 2022, a time before SIMS was developed, approximately 2,771 inmates were held in the IRC for more than 24 hours. Plaintiffs’ initial motion for a temporary restraining order in September 2022 relied on similar data, and noted that there were frequent, egregious instances where inmates were held for almost two days and that many days saw hundreds of inmates surpass the 24-hour mark. (Pls.’ Mot. for a Temporary Restraining Order, Dkt. No. 318-1 at 28). In the two-plus years since the Stipulated Order, Defendants have reported a total of 50 24-hour IRC processing violations (including many that Defendants contend do not constitute actual violations because the inmate was in urgent care and had access to a bed). Moreover, 60% of the 50 violations occurred on the same day (New Year’s Day 2025) due to unforeseen and unprecedented circumstances.

By another measure, Defendants’ record of compliance is similarly remarkable. Beginning with July 2023, Defendants have consistently reported monthly substantial compliance with paragraphs 1-4 with the exception of only four

1 instances: September 2023 (Paragraph 3); March 2024 (Paragraph 3); September
2 2024 (Paragraph 3); and January 2025 (Paragraph 1).

3 Accordingly, Defendants are confident that they have achieved a state of
4 sustained substantial compliance by the numbers and that its internal command
5 response to conditions in the IRC has coupled with the necessary institutional
6 knowledge of how to address those conditions as they change to create a self-
7 sustaining ecosystem of compliance in the IRC.

8 **B. Defendants Implemented the Required Remedial Actions**

9 As required by the Stipulated Order, Defendants implemented the Remedial
10 Actions described in Paragraph 8 of the Stipulated Order within 30 days of the Court
11 entering the Stipulated Order on June 22, 2023. Defendants reported the successful
12 implementation of the Remedial Actions in their First Quarterly Report (Dkt. No.
13 413 at 9-11). However, as of the date of this filing, the current overall psychiatry
14 staff level in the IRC no longer meets the benchmark of 11 set in Remedial Actions
15 ¶ 8(g) due to the difficulty in hiring, training, and maintaining these personnel, in
16 addition to persistent budgetary challenges.

17 Defendants were permitted to modify ¶ 8(g) with notice to Plaintiffs after
18 achieving substantial compliance for six consecutive months. Here, such notice was
19 not given but Defendants' inability to meet ¶ 8(g) was not the result of any decision
20 undertaken unilaterally and occurred despite the County's best efforts. Importantly,
21 the failure to maintain full implementation of this Remedial Action had no impact
22 on Defendants' record of substantial compliance during this past quarter, which was
23 amongst its best reports since the Court entered the Stipulated Order.⁷ The County
24 continues to study the impact of the decrease in staffing, including challenges in
25 providing psychiatric assessments pursuant to Remedial Action ¶ 8(i) for every
26

27 ⁷ Under the Stipulated Order, a failure to achieve substantial compliance with
28 paragraphs 1-6 is a prerequisite to filing an enforcement action. (Dkt. No. 402 ¶ 13).

1 client, including those classified as P1s and P2s; to date, there has been no
2 substantial impact to providing these assessments to those diagnosed with a serious
3 mental illness (classified as P3s and P4s). Additionally, the County will monitor the
4 impact of the reduction of this staff on providing bridge medication pursuant to
5 Remedial Action ¶ 8(h).

6 **VI.**

7 **CONCLUSION**

8 The Ninth Quarterly Report solidifies that the County has reached a state of
9 sustained substantial compliance with the Stipulated Order’s requirements. The
10 County’s track record confirms that while the anomalous violation may still occur
11 on rare occasion, the LASD has reliably shown the remarkable capacity to promptly
12 identify underlying issues in the IRC that cause such violations and effectively self-
13 initiate a suitable response to prevent a recurrence of similar violations.

14 DATED: October 15, 2025

KENDALL BRILL & KELLY LLP

17 By: /s/ Robert E. Dugdale

18 Robert E. Dugdale

19 *Attorneys for Defendants Los Angeles*
20 *County Sheriff Robert Luna, in his Official*
21 *Capacity, and the County of Los Angeles*