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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

DENNIS RUTHERFORD, *et al.*,

Plaintiffs,

vs.

ROBERT LUNA, Sheriff of Los
Angeles County, in his official
capacity, and COUNTY OF LOS
ANGELES, in their official capacities,
et al.

Defendants.

Case No. CV 75-04111 DDP

**DECLARATION OF BERKLEE
DONAVAN**

Declaration of Berklee Donovan

I, Berklee Donovan, hereby declare:

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows:

2. I am the Jails Conditions Advocate at the ACLU Foundation of Southern California and am admitted to monitor and report on the conditions of Los Angeles county jail facilities. I hold a Masters in Social Work (MSW) and have worked with incarcerated populations for the past ten years.

3. The purpose of this declaration is to set forth what I observed when I visited the Inmate Reception Center (IRC) at the Los Angeles County Jails downtown on Thursday, February 16th, 2023 between 2:30pm and 4pm. On that date, I was accompanied by my supervisor Melissa Camacho and Marisol Dominguez-Ruiz, attorneys of record for Plaintiff class in this matter.

4. The conditions I observed were shocking. Upon entering the IRC, my attention was immediately drawn to the number of men who were in the room and the amount of trash on the ground. Trash covered the ground underneath the seats and was strewn about throughout the room. Every seat was filled with someone sitting in it, except for the few seats that were acting as make-shift trashcans, holding trash from a previous meal, or were broken and unsafe to sit in. Because there weren't enough seats for everyone, many were laying or sitting on the ground. An older man was strapped to a gurney and stationed off to the side next to Room B. Some of the incarcerated people told me he had been there for at least 24hrs.

5. The environment was loud with both TVs on, many voices speaking over one another, and one incarcerated person who was being held in a separate area exclaiming incoherently.

6. As we started to walk through, officers began to use their flashlights and yell for the men on the ground to stand up and take a seat. There were not enough seats to accommodate everyone that was on the ground, and many made this remark to the deputies. There were at least 40-50 people left without a seat. After making the minimal attempt to stand everyone up, the

1 deputies quickly went back to standing along the edges of the IRC talking amongst themselves.

2 7. I walked through the space and began asking folks how long they had been kept
3 in this room. The responses ranged anywhere from that morning to 2 days ago. Most reported
4 having arrived on Tuesday, February 14th, 2023 after having spent multiple days being held at an
5 LAPD station facility. This was particularly appalling as this is a room without any individual
6 cells or beds for people to lay down or get sleep.

7 8. A group of about 4-6 incarcerated people I spoke with stated that when they were
8 brought to the IRC showers, they were left in there for about 5 hours before being let out. The
9 showers were not equipped with soap. Additionally, they were not provided with any kind of
10 hygiene kit that might include a toothbrush or toothpaste.

11 9. The IRC was cold and many of the incarcerated people were reporting feeling
12 “freezing,” particularly at the back of the room where the large holding cage is located. Because
13 of the temperature, the lack of places to rest or lay down, and the dirty nature of the ground, the
14 incarcerated people who had been there for 1-2 days were not getting any kind of sleep. Many
15 reported “dozing” when they could.

16 10. I asked everyone when the last time they were fed a meal was, and many reported
17 receiving peanut butter and jelly sandwiches around 6am that morning. A deputy I spoke to later
18 stated that breakfast was passed out around 8am that morning. About 45 minutes after we arrived
19 at the facility, trustees walked through and passed out an additional peanut butter and jelly
20 sandwich lunch bag to everyone. It had been at least 7 hours since any of them had eaten. Many
21 of the incarcerated people told me that the only reason they got an additional meal was because
22 the ACLU was present and asking them questions.

23 11. About 5 incarcerated persons reported being unable to use the phones available
24 because they were not being provided with the necessary pin number.

25 12. I inquired about whether they were still waiting to complete their medical and
26 mental health checks or had been considered cleared. I was not able to confirm with
27 documentation, but about half of the incarcerated persons I spoke to reported having completed
28 both necessary checks and were awaiting housing. As I had just been visiting Men’s County Jail

1 to witness Unit 6050 being used as overspill from the IRC, I knew that there was a lack of
2 available beds. A primary concern among the incarcerated persons I spoke to was missing
3 upcoming court dates because they were being held in the IRC with no timeline or next steps
4 outlined to them.

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6 I declare under penalty of perjury of the laws of the State of California and the United
7 States that the foregoing is true and correct. Executed this 21st day of February 2023 in Los
8 Angeles, California.

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Berklee Donavan

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