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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

DENNIS RUTHERFORD, *et al.*,

Plaintiffs,

v.

ALEX VILLANUEVA, Sheriff of Los
Angeles County, in his official
capacity, and COUNTY OF LOS
ANGELES,

Defendants.

**[PROPOSED] ORDER TO SHOW
CAUSE RE PRELIMINARY
INJUNCTION**

No. 75-CV-04111-DDP

1 THE DEFENDANTS ARE ORDERED TO SHOW CAUSE at 10:00 a.m., on
2 September ____, 2022, or as soon as possible thereafter as counsel may be heard in
3 the courtroom of the Honorable Dean D. Pregerson, located at Courtroom 9C, 350
4 West 1st Street, Los Angeles, CA 90012, why the Defendants, their officers, agents,
5 employees, attorneys, assignees assignees, and those in active concert or
6 participation with them should not be preliminarily restrained and enjoined from:

- 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 Bench, chained,
9 handcuffed, or tethered to a chair, bench or any other object, for more
10 than four hours. In the event an individual remains on the Front Bench
11 for more than four hours, Defendants shall document the following:
 - 12 a. Date and time the individual was first placed on the Front Bench;
 - 13 b. The reasons why the individual is on the Front Bench, including
14 any mental health diagnosis;
 - 15 c. Date and time of initial mental health screening;
 - 16 d. Date and time of any subsequent mental health or medical
17 evaluation;
 - 18 e. Date and time each individual was removed from the Front Bench
19 temporarily, how long the person remained untethered, and the
20 reason why (e.g., escort to bathroom, mental health screening);
 - 21 f. Date and time each individual was permanently removed from the
22 Front Bench;
 - 23 g. Location of individual after removal from Front Bench.

24 Plaintiffs shall be provided with this documentation upon request.

- 25 3. Holding more than 10 incarcerated persons in a holding cell without first
26 exhausting every other means to avoid placing more than 10 incarcerated
27 persons in a holding cell. In the event more than 10 incarcerated persons
28 are placed in a holding cell, Defendants shall document the following:

- 1 (a) name of the officer approving the placement;
- 2 (b) date and time of placement;
- 3 (c) type of placement;
- 4 (d) date and time of release;
- 5 (e) number of persons in the cell at time of placement;
- 6 (f) identification of the particular holding cell.

7 Plaintiffs shall be provided with this documentation upon request;

- 8 4. Holding an incarcerated person in a holding cell or the cage in the clinic
- 9 area for longer than 24 hours. In the event that an incarcerated person is
- 10 detained in a holding cell or the cage for longer than 24 hours,

11 Defendants shall document the following:

- 12 (a) name of the officer approving the placement;
- 13 (b) date and time of placement;
- 14 (c) type of placement;
- 15 (d) date and time of release from the holding cell or cage, and date
- 16 and time each individual was permanently moved from the holding
- 17 cell or cage;
- 18 (e) number of persons in the cell or cage at time of placement;
- 19 (f) identification of the particular holding cell.

20 Plaintiffs shall be provided with this documentation upon request;

- 21 5. Holding an incarcerated person in the clinic area, cage, or any cell in the
- 22 IRC which is not maintained in a clean and sanitary condition, including
- 23 access to functioning toilets, potable drinking water, and clean water to
- 24 wash;
- 25 6. Holding an incarcerated person in the IRC without providing ongoing
- 26 access to adequate medical and mental health care, including but not
- 27 limited to regular pill call and sick call.

28

1 IN ADDITION, DEFENDANT COUNTY OF LOS ANGELES IS ORDERED TO
2 SHOW CAUSE at 10:00 a.m., on September ____, 2022, or as soon as possible
3 thereafter as counsel may be heard in the courtroom of the Honorable Dean D.
4 Pregerson, located at Courtroom 9C, 350 West 1st Street, Los Angeles, CA 90012,
5 why it should not be required to produce to the Court:

- 6 1. A written report detailing the number of people with mental illness who
7 would need to be diverted from the Jail either pre-trial or subject to a
8 probationary plea and placed in the community with appropriate mental
9 health care and other services to reduce the backlog in IRC so people
10 booked into the jail can be placed in permanent housing in 24 hours or
11 less. The report shall address the likely effect on the population of
12 people with mental illness in the jail caused by both reductions in length
13 of stay resulting from pre-trial diversion or placement in community as a
14 result of a probationary plea and reductions of recidivism for people with
15 mental illness in programs like the Office of Diversion and Reentry's
16 ODR Housing Program;
- 17 2. A written detailed explanation why it has not increased funding for the
18 Office of Diversion and Reentry to allow it to expand its ODR Housing
19 Program by at least 1000 beds, or funded other programs to provide an
20 additional 1000 beds in the community for people with mental illness
21 who would otherwise be in the Jail;
- 22 3. A detailed written explanation of what steps it plans to take reduce the
23 population of people with severe mental illness in the jail in the next year
24 and in the next three years by a sufficient amount to reduce the backlog
25 in IRC so people booked into the jail can be placed in permanent housing
26 in 24 hours or less. The explanation shall include specific timelines and
27 amounts and sources of funding.

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1 Defendants' response, if any, to this Order to Show Cause shall be filed no later
2 than September ____, 2022.

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4 IT IS SO ORDERED.

5 Dated: September ____, 2022

6 HONORABLE DEAN D. PREGERSON
7 UNITED STATES DISTRICT JUDGE
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