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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

ALEX ROSAS and JONATHAN
GOODWIN on behalf of themselves
and of those similarly situated,

Plaintiffs,

vs.

Robert Luna, Sheriff of Los Angeles
County, in his official capacity,

Defendant.

CASE NO. CV 12-00428 DDP (MRW)

**[PROPOSED] ORDER
MODIFYING COURT-APPROVED
IMPLEMENTATION PLAN (DOC.
133-2)**

**ORDER GRANTING PLAINTIFFS’ MOTION TO MODIFY THE
IMPLEMENTATION PLAN**

The Court hereby grants Plaintiffs Motion to Modify the Implementation
Plan (Doc. ___) and **Orders** as follows:

- 1) Provision 2.6 of the Implementation Plan (Doc. 133-2) shall be modified to provide that striking an inmate in the head is permissible only when deadly force is justified.
- 2) Provision 13.1 of the Implementation Plan (Doc. 133-2) shall be modified to provide:

The Department shall have a firm policy of zero tolerance for acts of dishonesty or failure to report uses of force. If the Department does not terminate an employee who is found to be dishonest or who has

1 failed to report force, the employee must be subject to discipline no
2 more lenient than the ranges set forth in LASD's *Guidelines for*
3 *Discipline and Education-Based Alternatives* for "knowingly
4 making false or misleading statements to a supervisor," "knowingly
5 documenting false information in a Use of Force report," or "failure
6 to report use of force," whichever is more applicable to the
7 violation.

8 If the Department does not terminate an employee who violated the
9 head strike policy, or the policies relating to force prevention, the
10 employee must not be subject to discipline more lenient than the
11 ranges set forth in LASD's *Guidelines for Discipline and*
12 *Education-Based Alternatives* for "unreasonable force" or "violating
13 the force prevention principles."

14 Any supervisor who fails to identify clear violations of the policies
15 governing head strikes, honesty, force prevention or fails to
16 recommend discipline consistent with that required by this provision
17 must not be subject to discipline more lenient than the range set
18 forth in LASD's *Guidelines for Discipline and Education-Based*
19 *Alternatives* for "failure to carry out supervisory, managerial, or
20 executive duties and responsibilities adequately and promptly."

21 If an employee is not terminated for any of the above violations, or
22 for a violation of PREA [Prison Rape Elimination Act], the
23 Department should document the reasons why the employee was not
24 terminated and, in addition to the discipline the imposed, the
25 Department should place the employee on a formal and adequate
26 performance review program and closely monitor the employee's
27 performance.

28 3) Defendant, its officers, agents, employees, attorneys, assigns and all
those in active concert with Defendant are hereby ordered to provide
draft policies and/or an amended version of *Guidelines for Discipline*
and Education-Based Alternatives implementing Paragraphs 1) and 2)
above to the Court, the Court's Monitors, and Plaintiffs' counsel for
their review within 30 days of the entry of this Order. The Monitors
and Plaintiffs' counsel shall provide written comments to Defendant's

1 counsel within 15 days of receiving the draft policies. All draft
2 policies produced pursuant to this Order are subject to the approval of
3 the Monitors and the Court before they are finalized.¹

4 Based upon the entire record, the Court finds that the relief granted by this
5 order is narrowly drawn, extends no further than necessary to correct the harm the
6 Court finds requires modification of the implementation plan previously approved
7 by the Court pursuant to the class action settlement agreement (Dkt 135), and is the
8 least intrusive means necessary to correct that harm.

9 **IT IS SO ORDERED.**

10 Dated: June _____, 2023

11 HONORABLE DEAN D. PREGERSON
12 United States District Court Judge

13
14 Respectfully Submitted

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16 DATED: May 31, 2023

Peter J. Eliasberg
17 ACLU FOUNDATION OF
18 SOUTHERN CALIFORNIA

19
20 By: _____
21 /s/ Peter J. Eliasberg
22 Peter J. Eliasberg
23 Attorneys for Plaintiffs Alex Rosas and
24 Jonathan Goodwin, on behalf of themselves
25 and of those similarly situated

26 _____
27 ¹ Because the Defendant has not yet provided Plaintiffs' counsel with their revised
28 proposed policies on WRAP and on Prohibited Force, which contains a provision
that implements Rosas 2.2 and 2.7, Plaintiffs will be submitting a revised [Proposed]
Order with their filing on June 12, 2023. See Dkt 250.