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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] REVISED 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. 252) 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) Section 2.5 of the Implementation Plan (Doc. 133-2) shall be modified to add a provision drafted by the Monitors to address force prevention steps that must occur before a Department member may “strike an inmate or use chemical agents or a taser on an inmate who is

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restrained.”

3) Section 17 of the Implementation Plan (Doc. 133-2) shall be modified to add a provision drafted by the Monitors to address the WRAP, which shall include elements from Defendants’ current WRAP policy on which both parties have agreed (e.g., total time in WRAP), and the following elements:

- The decision to employ WRAP must be made after a cooling-off period;
- WRAP is only permissible if the person continues resisting or being violent while in traditional restraints;
- The use of WRAP constitutes a reportable use of force;
- Restrictions on use of spit mask during WRAP, including a requirement that the person be actively spitting;
- A Prohibition on placing pressure on the back, neck, and head;
- Medical checks that include temperature, pulse, and pulse oximetry;
- A temporary release without resistance must lead to complete WRAP removal.

4) 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 failed to report force, the employee must be subject to discipline no more lenient than the ranges set forth in LASD’s *Guidelines for Discipline and Education-Based Alternatives* for “knowingly making false or misleading statements to a supervisor,” “knowingly

1 documenting false information in a Use of Force report,” or “failure
2 to report use of force,” whichever is more applicable to the
3 violation.

4 If the Department does not terminate an employee who violated the
5 head strike policy, or the policies relating to force prevention, the
6 employee must not be subject to discipline more lenient than the
7 ranges set forth in LASD’s *Guidelines for Discipline and
Education-Based Alternatives* for “unreasonable force” or “violating
the force prevention principles.”

8 Any supervisor who fails to identify clear violations of the policies
9 governing head strikes, honesty, force prevention or fails to
10 recommend discipline consistent with that required by this provision
11 must not be subject to discipline more lenient than the range set
12 forth in LASD’s *Guidelines for Discipline and Education-Based
Alternatives* for “failure to carry out supervisory, managerial, or
13 executive duties and responsibilities adequately and promptly.”

14 If an employee is not terminated for any of the above violations, or
15 for a violation of PREA [Prison Rape Elimination Act], the
16 Department should document the reasons why the employee was not
17 terminated and, in addition to the discipline the imposed, the
18 Department should place the employee on a formal and adequate
performance review program and closely monitor the employee’s
performance.

19 5) Defendant, its officers, agents, employees, attorneys, assigns and all
20 those in active concert with Defendant are hereby ordered to provide
21 draft policies and/or an amended version of *Guidelines for Discipline
and Education-Based Alternatives* implementing Paragraphs 1)
22 through 4) above to the Court, the Court’s Monitors, and Plaintiffs’
23 counsel for their review within 30 days of the entry of this Order. The
24 Monitors and Plaintiffs’ counsel shall provide written comments to
25 Defendant’s counsel within 15 days of receiving the draft policies. All
26 draft policies produced pursuant to this Order are subject to the
27 approval of the Monitors and the Court before they are finalized.
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1 Based upon the entire record, the Court finds that the relief granted by this
2 order satisfies the requirements of 18 U.S.C. § 3626(a)(1)(A) in that it is narrowly
3 drawn, extends no further than necessary to correct the violations of Plaintiffs’
4 federal rights and correct the harm the Court finds requires modification of the
5 implementation plan previously approved by the Court pursuant to the class action
6 settlement agreement (Dkt. 135), and is the least intrusive means necessary to
7 correct that harm and protect Plaintiffs’ federal rights.

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IT IS SO ORDERED.

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Dated: June _____, 2023

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HONORABLE DEAN D. PREGERSON
United States District Court Judge

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Respectfully Submitted

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DATED: June 12, 2023

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Peter J. Eliasberg
ACLU FOUNDATION OF
SOUTHERN CALIFORNIA

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By: _____
/s/ Peter J. Eliasberg
Peter J. Eliasberg
Attorneys for Plaintiffs Alex Rosas and
Jonathan Goodwin, on behalf of themselves
and of those similarly situated

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