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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

**SUPPLEMENTAL DECLARATION
OF PETER ELIASBERG IN
SUPPORT OF PLAINTIFFS' REPLY
IN SUPPORT OF MOTION FOR AN
ORDER TO SHOW CAUSE RE:
CONTEMPT (Doc. 375)**

1 **Supplemental Declaration of Peter J. Eliasberg**

2 I, Peter J. Eliasberg, hereby declare:

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

5 2. I am the Chief Counsel at the ACLU Foundation of Southern
6 California. I am admitted to practice law in the State of California and before this
7 Court. I am one of the counsel of record for the Plaintiff class in the above-
8 captioned action. I make this declaration in support of Plaintiff’s Motion for an
9 Order to Show Cause re Contempt

10 3. Attached as Exhibit A is a table showing the number of people held in
11 the Inmate Reception Center (IRC) for more than 24 hours, the number of people
12 held in IRC for more than 36 hours, and the number of hours in IRC for the person
13 who had been in the IRC for the most hours on any given day for the period from
14 March 1, 2023 through April 1, 2023, and the booking number for the person who
15 had been in IRC the longest as of a particular day.

16 4. The table is submitted pursuant to Federal Rule of Evidence 1006 and
17 was prepared in the following manner. Defendants provide Plaintiffs’ counsel with
18 three reports every day, which include, among other information, the name and
19 booking number of every person who had been held in IRC for more than 24 hours
20 at the time of the report. An example of one of these e-mails is attached as Exhibit
21 B to the Declaration of Melissa Camacho filed today along with the Reply in
22 Support of Plaintiffs’ Motion for an Order to Show Cause re Contempt. I will refer
23 to these e-mails hereafter as “IRC 24-hour reports.”

24 5. People working at my direction compiled all the IRC 24-hour reports
25 we had received for March 1, 2023 through April 1, 2023. Then they went through
26 each of those reports and entered into an excel spreadsheet the name, booking
27 number, time spent in IRC according to those IRC 24-hour reports for each of the
28 three shifts each day as well as other information including the code listed as the

1 reason the person was held in IRC and the number of people held in “overflow”.

2 6. Once we had entered all the information into the Excel spreadsheet
3 through April 1, 2023 I created the table attached as Exhibit A. To create the table,
4 I went through names of every person listed as being held for more than 24 hours
5 for each day and counted them, excluding multiple entries for the same person on
6 the same day. For example, if John Doe appeared on the Early Morning (EM)
7 report as having been in IRC for 25 hours and then appeared again on the AM
8 report for the same day as having been in IRC for 32 hours, and did not appear on
9 the PM report we only counted him as a single person who had been in IRC on that
10 day for more than 24 hours. However, if someone showed on any report on a
11 specific day as having been in IRC for more than 36 hours, we included him on the
12 count of people in IRC more than 24 hours and the count of people in IRC for
13 more than 36 hours for the same day. In addition, we omitted from the table
14 people whose time in IRC seemed so extreme that it appeared to be an error.

15 7. Then we tallied up the total number of people in IRC for 24 hours and
16 for 36 hours on a given day and entered those numbers into the table. We also
17 looked at the time in IRC for every person in any report on a given day and
18 determined who was listed as having spent the most hours in IRC on any report for
19 a given day and entered that person’s booking number and hours in the last column
20 in the table.

21 8. The attached table shows the following:
22 • There were 32 days between and including March 1, 2023 and
23 April 1, 2023. On 25 of those days (or 78.1% of the days) one or
24 more person was in IRC for more than 24 hours;
25 • There were 5 days when one or more person was in IRC for more
26 than 36 hours (15.6% of the days);
27 • On 2 days, 10 or more people were in IRC for more than 24 hours
28 (6.25%);

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- The worst day of 24-hour violations was 3/11/23 when 41 people were in IRC for more than 24 hours;
- The worst day of 36-hour violations was 3/11/23 when 4 people were in IRC for more than 36 hours.
- The longest time a person was held in IRC during this period was 61.9 hours or about 2.86 days.

I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing is true and correct. Executed April 4, 2023 in Los Angeles, California.



Peter J. Eliasberg

Exhibit A

**Days with People Held More than 24 hours and More than 36 hours, Plus
Days With People in IRC "Overflow"
(starting 3/1/2023)**

Date	Number of People held more than 24 hours	Number of People more than 36 hours (includes those over 24 hours)	Longest Time in IRC and booking number	Number of People in IRC "Overflow"
3/1/23	2	0	31.4 (6548996)	
3/2/23	5	0	26.9 (6443652)	
3/3/23	5	0	29.4 (6558013)	
3/4/23	8	0	27.1 (3 people 6551240, 6561835, 6562007)	17
3/5/23	0	0	NA	17
3/7/23	3	0	25.2 (6563186)	
3/8/23	3	0	32.7 (6561175)	9
3/9/23	6	0	33.8 (6512761)	
3/10/23	2	0	27.1 (2 people 6317868, 6329352)	
3/11/23	41	4 ¹	47.5 (6519703)	
3/15/23	6	0	25.0 (2 people 6567366, 6568043)	
3/16/23	2	0	24.5 (6568508)	
3/17/23	4	0	25.2 (6569233)	
3/19/23	2	0	30.9 (6569278)	
3/20/23	2	1	53.1 (6559126)	
3/21/23	5	1	61.9 (6559126)	
3/22/23	12	0	25.5 (6562207)	
3/23/23	2	0	26.3 (6572418)	
3/24/23	4	0	30.3 (6376152)	
3/25/23	1	0	25.5 (6574009)	
3/28/23	2	1	38.4 (6575470)	
3/29/23	6	1	46.1 (6575470)	
3/30/23	1	0	28.4 (6575229)	
3/31/23	2	0	30.4 (6577097)	
4/1/23	1	0	35.5 (6577979)	

¹ A person who appears on a 24 Hour Clock Report as having been in IRC for more than 36 hours on a particular day is included in both the more than 24 hour column and the more than 36 hour column.

