

Declaration of Peter J. Eliasberg

I, Peter J. Eliasberg, 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 Chief Counsel at the ACLU Foundation of Southern California. I am admitted to practice law in the State of California and before this Court. I am one of the counsel of record for the Plaintiff class in the above-captioned action. I make this declaration in support of Plaintiff’s ADDITIONAL BRIEFING RE: MOTION FOR AN OSC RE: CONTEMPT (Doc. 375).

3. Attached as Exhibit A is a table showing the number of people held in the Inmate Reception Center (IRC) for more than 24 hours, the number of people held in IRC for more than 36 hours, and the number of hours in IRC for the person who had been in the IRC for the most hours on any given day for the period from November 17, 2022 through June 1, 2023, and the booking number for the person who had been in IRC the longest as of a particular day, and a column showing number of people held for more than 24 hours excluding those who were at court at when they exceeded 24 hours.

4. The table is submitted pursuant to Federal Rule of Evidence 1006 and was prepared in the following manner. Until May 7, 2023 Defendants provided Plaintiffs’ counsel with three reports every day, which include, among other information, the name and booking number of every person who had been held in IRC for more than 24 hours at the time of the report. An example of one of these e-mails is attached as Exhibit C to the Declaration of Melissa Camacho filed today along with the Reply in Support of Plaintiffs’ Motion for an Order to Show Cause re Contempt. I will refer to these e-mails hereafter as “IRC 24-hour reports.”

5. People working at my direction compiled all the IRC 24-hour reports we had received for November 17, 2022 through June 1, 2023. Then they went through each of those reports and entered into an Excel spreadsheet the name,

1 booking number, time spent in IRC according to those IRC 24-hour reports for
2 each of the three shifts each day as well as other information including the code
3 listed as the reason the person was held in IRC and the number of people held in
4 “overflow”.

5 6. Starting May 7, 2023 when Defendants transferred to the new to the
6 new SIMS (Shared Intake Monitoring System), they provided violation reports
7 based on SIMS data, starting with violation reports for May 7, 2023. Declaration of
8 Camacho Decl. at ¶¶ 71-72. These reports contain all reports of all three types of
9 violations: 24-hour (or Processing), 12-hour holding cell (or Cell), and 4-hour
10 Front Bench (or Tethered). *Id.* at ¶ 73. At our direction, ACLU SoCal interns created
11 an Excel spreadsheet recording the name, booking number, and amount of time
12 over the relevant violation. We then copy and pasted that Excel spreadsheet
13 information into the 24-hour Excel spreadsheet and began providing a full report and
14 a summary report that showed the name of every person.

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

28 8. Then we tallied up the total number of people in IRC for 24 hours and

1 for 36 hours on a given day and entered those numbers into the table. We also
2 looked at the time in IRC for every person in any report on a given day and
3 determined who was listed as having spent the most hours in IRC on any report for
4 a given day and entered that person’s booking number and hours in the last column
5 in the table.

6 9. I added a column to the spreadsheet called “Number of People Held
7 more than 24 hours without court as reason.” Under my direction, ACLU SoCal
8 staff populated that column by looking at the 24-hour Excel spreadsheet and
9 removing from the count any violation where Defendants reported that the reason
10 for the violation was that the person was at court, as designated by an “A.” *See*,
11 *e.g.*, Camacho Dec. ¶ 32 Ex. C (table of violation types by letter). If the change in
12 data impacted the number of people held over 36 hours or the longest stay, staff so
13 indicated in the 36-hour and longest violation columns.

14 10. For the dates from May 7, 2023 to June 1, 2023, an ACLU SoCal
15 intern looked at the “full summary” document and added a column to the 24-hour
16 Excel spreadsheet indicating with a Y where someone’s IRC clock hit the 24-hour
17 mark when they were at court. Camacho Dec. ¶ 72, Ex. K (full summary report,
18 June 1, 2023). ACLU SoCal staff updating the 24-hour violation table then went
19 through the same process, indicating in the “Number of People Held more than 24
20 hours without court as reason” column the number of people whose violations did
21 not occur when they were at court, and adjusting the 36-hour and longest violation
22 columns as needed.

23 11. For the period between 11/17/22 and 6/1/23, which totals 197 days,
24 the attached table shows the following:

- 25 • There were 138 days with a 24-hour violation or 70% of the days in
26 the relevant range had 24-hour violations
- 27 • The worst day of 24-hour violations was 85 people – 2/2/23
- 28 • Days with 25 people or more 24-hour violations, 15 days or 7.6% of

1 total days in the period

2 • Days with 36-hour violations 52 days, which equals 26.3% of total
3 days in the period

4 • Worst day of 36-hour violations – 29 – 2/9/23

5 • Days with 10 people or more with 36-hour violations – 4, which is 2%
6 of the total days in the period.

7 • From 11/17/22 through 6/1/23, there were 1,233 24-hour violations, or
8 1,171 if you exclude the 24-hour violations when the clock ran when a person was
9 out at court

10 • From 2/28/23 through 6/1/23, there were 258 24-hour violations, or
11 175 if you exclude the 24-hour violations when the clock ran when a person was
12 out at court

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14 I declare under penalty of perjury of the laws of the State of California and
15 the United States that the foregoing is true and correct. Executed June 6, 2023 in
16 Los Angeles, California.

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Peter J. Eliasberg

EXHIBIT A

Days with People Held More than 24 hours and More than 36 hours

Date	Number of People held more than 24 hours	Number of People Held more than 24 hours without court as reason	Number of People held more than 36 hours (includes those over 24 hours)	Longest Time in IRC and booking number	Number of People in IRC "Overflow"
11/17/22	5	1	1	39.9 (6500529)	
11/22/22	1	1	0	25.3 (6504876)	
11/23/22	13	12	0	28.3 (6493342)	
11/24/22	3	3	0	31.0 (6506573)	
11/29/22	6	2	0	27.1 (6506846) OR 25.3 (6498423)	
11/30/22	4	3	0	25.5 (6499934)	
12/1/22	6	4	1	44.7 (6510099)	
12/2/22	2	1	0	24.4 (6511022)	
12/3/22	2	2	0	32.9 (6510871)	
12/6/22	3	3	0	25.0 (6501366)	
12/7/22	6	2	0	31.0 (6513307) OR 28 (6513407)	
12/8/22	2	1	0	25.0 (6513168)	
12/9/22	7	7	0	28.2 (6513168)	
12/10/22	5	5	1	37.8 (6513080)	
12/11/22	1	1	1 ¹	49.1 (6513080)	
12/13/22	9	7	1 or 0	36.4 (6504619) OR 24.6 (6516817)	
12/14/22	3	1	0	27.1 (6507090)	
12/15/22	31	26	1 or 0	38.5 (6513609) OR 28.3 (6517838)	
12/16/22	4	3	0	27.6 (6517633)	
12/17/22	3	3	0	34.6 (6517633)	
12/20/22	4	3	0	32.9 (6519291)	
12/22/22	18	16	2 or 1	47.5 (6519900)	
12/23/22	21	20	4	56.3 (6519900)	
12/24/22	54	54	5	42.5 (6458370)	
12/25/22	4	4	2	66.6 (6458370)	
12/26/22	2	2	1	90.6 (6458370)	
12/27/22	2	2	1	70.6 (6458370– clearly incorrect because the day before he is listed as being	

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.

				in IRC for 90.6 hours)	
12/28/22	12	8	0	29.6 (6523401)	
12/29/22	3	3	0	31.1 (6526294, likely undercount based on time shown on previous day's report)	
12/30/22	26	23	3 or 0	39.6 (6523510) OR 31.2 (6523117)	
12/31/22	10	10	0	28.9 (6516056)	
01/01/23	2	2	1	41.3 (6516682)	
01/04/23	4	2	1	44.3 (6333972)	
01/05/23	4	3	1	53.4 (6333972)	
01/06/23	26	26	0	32.2 (6518819)	
01/07/23	19	19	2	38.8 (6529551)	
01/08/23	2	2	1	43.4 (6529602)	
01/09/23	2	2	1	65.8 (6529602)	
01/10/23	2	2	1	37.9 (6520928)	
01/11/23	2	2	1	40.2 (6528602)	
01/12/23	15	15	1	48.9 (6528602)	
01/13/23	13	13	0	33.8 (6533398)	
01/14/23	4	4	0	30.7 (6533497)	
01/18/23	10	9	0	34.5 (6432451)	
01/19/23	7	4	1	56.6 (6532451)	
01/20/23	3	2	1	74.3 (6432541)	
01/21/23	4	4	0	25.2 (6538344)	
01/23/23	1	1	0	30.5 (6537259)	
01/24/23	10	10	0	27.6 (6530121)	
01/25/23	4	4	0	28.8 (6540201)	
01/26/23	6	4	2	45.9 (6540201)	
01/27/23	2	2	1 (one duplicate)	52.9 (6538849)	
01/28/23	15	15	0	31.4 (6530802)	
01/29/23	12	12	2	47.4 (6532083)	
01/30/23	8	8	3	56.3 (6532083)	
01/31/23	24	23	0	31.6 (6533778)	
02/01/23	40	37	5 ² or 1	47.9 (6541875) OR 37.4 (6534446)	
02/02/23	85	84	28	51.1 (6544485)	
02/03/23	61	57	18 or 17	71.3 (6543176) OR 65.1 (6542820)	
02/04/23	29	29	12	79.4 (6543176)	
02/07/23	14	12	0	33.7 (6536646) OR 29.5 (6547840)	

² Omitted 6534446 because of entry suggesting he was provided a bed (field 655)

02/08/23	48	47	8 or 7	47.8 (6545575)	
02/09/23	76	65	29 or 25	56.8 (6546071)	
02/10/23	35	35	8	55.9 (6547935)	
2/11/23	62	62	9	62.5 (6548813)	
2/12/23	17	17	6	40.8 (6550200, 6549462, and 6549284)	
2/14/23	1	1	0	27.6 (6552196)	
2/15/23	23	21	0	26.7 (6552765)	
2/16/23	51	50	4	48.4 (6550919)	
2/17/23	30	27	3 or 1	66.5 (6550919) OR 56.4 (6550919)	
2/18/23	2	2	0	33.1 (6554313)	
2/19/23	3	3	1	44.4 (6554475)	
2/22/23	15	14	0	31.5 (6551665) OR 29.5 (6555919)	
2/23/23	9	9	0	33.4 (6555729)	
2/27/23	2	1	0	25.8 (6555573)	
2/28/23	3	1	1 or 0	41.9 (6555561) or 33.1 (6555573)	
3/1/23	2	2	0	31.4 (6548996)	
3/2/23	5	5	0	26.9 (6443652)	
3/3/23	5	2	0	29.4 (6558013) or 26.6 (6560281)	
3/4/23	8	8	0	27.1 (3 people 6551240, 6561835, 6562007)	17
3/5/23	0	0	0	NA	17
3/7/23	3	3	0	25.2 (6563186)	
3/8/23	3	2	0	32.7 (6561175)	9
3/9/23	6	5	0	33.8 (6512761)	
3/10/23	11	9	2	40.2 (6519703)	
3/11/23	41	41	4	47.5 (6519703)	
3/15/23	6	6	0	25.0 (2 people 6567366, 6568043)	
3/16/23	2	2	0	24.5 (6568508)	
3/17/23	4	4	0	25.2 (6569233)	
3/19/23	2	2	0	30.9 (6569278)	
3/20/23	2	1	1	53.1 (6559126)	
3/21/23	5	5	1	61.9 (6559126)	
3/22/23	12	12	0	25.5 (6562207)	
3/23/23	2	1	0	26.3 (6572418) OR 25.1 (6569566)	
3/24/23	4	3	0	30.3 (6376152)	
3/25/23	1	1	0	25.5 (6574009)	
3/28/23	2	1	1	38.4 (6575470)	

3/29/23	6	6	1	46.1 (6575470)	
3/30/23	1	1	0	28.4 (6575229)	
3/31/23	2	2	0	30.4 (6577097)	
4/1/23	1	1	0	35.5 (6577979)	
4/4/23	1	0	0	25.1 (6577165) or n/a	
4/5/23	3	1	0	32 (6579436)	
4/6/23	1	1	0	24.3 (6579143)	
4/8/23	3	3	0	30.2 (6175000 &6537170)	
4/9/23	3	3	3	54.6 (6537170 & 6175000)	
4/10/23	3	3	3	77.8 (6537170 & 6175000)	
4/11/23	4	4	3	103.9 (6537170 & 6175000)	
4/12/23	2	2	2	110.4 (6537170 & 6175000)	
4/13/23	6	1	0	28.5 (6584848)	
4/15/23	1	1	0	26.7 (6584819)	
4/16/23	1	1	0	24.9 (6586942)	
4/18/23	3	0	0	29 (6587845) or n/a	
4/21/23	1	0	0	26.1 (6589605) or n/a	
4/25/23	3	0	0	26.8 (6591020 & 6591900) or n/a	
4/26/23	11	4	1 or 0	36.8 (6582282) or 28.9 (6592457)	
4/27/23	3	2	1	40.9 (6591307)	
4/28/23	3	3	0	25.8 (6583085)	
5/2/23	3	1	0	25.5 (6596322)	
5/3/23	1	1	0	24.7 (6586849)	
5/4/23	1	0	0	24.8 (6596484) or n/a	
5/5/23	3	2	0	25.3 (6598196)	
5/6/23	1	1	0	29.22 (6597278)	
5/10/23	11	4	0	34:17 (6600927) OR 32:07 (6587514)	
5/11/23	5	0	0	32:28 OR n/a	
5/12/23	6	1	0	32.26 (6601753) OR 32.34 (6605667)	
5/15/23	1	0	0	26:07 (6600980) OR n/a	

5/16/23	1	0	0	25:08 (6601830) OR n/a	
5/17/23	8	2	0	35:55 (6604064) OR 32:36 (6605080)	
5/18/23	2	0	0	27:46 (6604638) OR n/a	
5/19/23	1	0	0	34:03 (6594561) OR n/a	
5/20/23	5	0	0	34:53 (6606549) OR n/a	
5/23/23	5	3	0	29:03 (6607512) OR 28.48 (6608899)	
5/24/23	1	1	0	24.02(6608451)	
5/25/23	4	1	0	28:48 (6608899) OR 27:40 (6610061)	
5/26/23	2	0	0	33:57 (6599724) OR n/a	
5/27/23	1	0	0	24:03 (6610745) OR n/a	
6/1/23	5	0	0	42:43 (6614049) OR n/a	