NOTICE OF PROPOSED CLASS ACTION SETTLEMENT OF CASE ALLEGING PATTERN OF VIOLENCE AGAINST INMATES BY SHERIFF'S PERSONNEL IN MEN'S CENTRAL JAIL, TWIN TOWERS CORRECTIONAL FACILITY AND INMATE RECEPTION CENTER

This notice is about a proposed settlement of a class action lawsuit against the Los Angeles County Sheriff ("the Sheriff" or "Defendant") involving alleged violations of the Eighth and Fourteenth Amendments to the United States Constitution.

ABOUT THE LAWSUIT:

In 2012, two inmates who were housed in the Los Angeles County jail facilities in downtown Los Angeles filed this lawsuit against the Los Angeles County Sheriff under the United States Constitution alleging that inmates in Men's Central Jail, Twin Towers Correctional Facility, and the Inmate Reception Center ("the Downtown Jail Complex") were being subjected to a pattern of unnecessary and excessive force by Los Angeles Sheriff's Department ("the Department") personnel, and that the Sheriff was aware of the problem and had not taken reasonable steps to prevent the excessive force. Specifically, they alleged, among other things, that the Sheriff had not put in place an adequate use of force policy, training on use of force was inadequate, investigations of use of force incidents were cursory, use of force incidents were not adequately documented and tracked, and discipline for Department personnel who used excessive force and supervisors who condoned it was non-existent or overly lenient. The Sheriff denies any and all allegations of wrongdoing. The parties have reached a settlement and this notice provides details of that settlement.

THE PARTIES:

Current or former inmates Alex Rosas and Jonathan Goodwin ("Plaintiffs") represent a class of inmates certified by the Court, which is defined as "all inmates, now and in the future, in the custody of the Los Angeles County Sheriff's Department in the Jail Complex in downtown Los Angeles" ("the Plaintiff Class"). The Defendant in the case is Sheriff Jim McDonnell, in his official capacity only. If you are a present or future inmate in Men's Central Jail, Twin Towers Correctional Facility, or the Inmate Reception Center, you are a member of the Plaintiff Class in this case.

ABOUT THE SETTLEMENT:

The following is only a summary of the provisions of the settlement. The written agreement between the parties has the full terms of the proposed settlement that was preliminarily approved by the Court. There are instructions below if you want more information about this settlement.

The settlement is for injunctive relief only, which means that the parties are seeking a Court order requiring the LASD to remedy the alleged pattern of excessive force at the Downtown Jail Complex. This lawsuit has never included a claim for money damages, and the settlement does not involve money damages. This means that the settlement does **not** entitle you or any member of the Plaintiff Class to a cash payment. It also means that the settlement does **not** in any way limit you from bringing a claim for damages, if you have such a claim apart from this settlement.

Appointment of Expert Panel and Creation of, and Monitoring of Compliance with, Remedial Plan

The settlement provides that the Court will appoint three experts, Richard Drooyan, former Chief Counsel of the Citizens' Commission on Jail Violence, Robert Houston, former Director of the Nebraska Department of Corrections, and Jeffrey Schwartz, an independent corrections consultant ("the Expert Panel"), to develop a plan to address and remedy the alleged pattern of excessive force ("the Remedial Plan"). Defendant agrees to implement all the provisions in the Remedial Plan within various time frames after final approval by the Court. The settlement also provides that the Expert Panel will monitor the Department's implementation of, and continued compliance with, the terms of the Remedial Plan and make periodic reports to the Court on its findings.

The Contents of the Remedial Plan

The Remedial Plan addresses 21 major areas: (1) Leadership, Administration and Management; (2) Use of Force Policies and Practices; (3) Training and Professional Development Related to Use of Force; (4) Use of Force on Mentally III Prisoners and Other Special Needs Populations; (5) Data Tracking and Reporting of Force Incidents; (6) Inmate Grievances and Other Complaints of Excessive Force; (7) Inmate Supervision, Staff Inmate Relations, and Communication with Prisoners; (8) Retaliation Against Inmates; (9) Security Practices; (10) Management Presence in Housing Units; (11) Management Review of Force Incidents and Data; (12) Reviews and Investigations of Use of Force Incidents; (13) Disposition of Use of Force Reviews and Staff Discipline Issues; (14) Criminal Referrals and External Reviews of Use of Force Incidents; (15) Documentation and Recording of Force Incidents; (16) Health Care Assessments and Documentation Following Force Incidents; (17) Use of Restraints; (18) Adequate Staffing and Staff Rotations; (19) Early Warning System Related to Use of Force; (20) Protocols for Planned Uses of Force; (21) Organizational Culture Related to Use of Force.

The Remedial Plan contains more than 100 specific provisions that the Department must implement. A number of the provisions of the Plan are set forth below in summary fashion.

- The Sheriff should be personally engaged in the management of the Downtown Jail Complex by the Department's jail facilities, and the Sheriff should regularly and adequately monitor the Department's use of force policies and practices;
- The Department will revise and re-organize its use of force policies for Custody Operations and add policies including ones restricting the use of chemical agents and kicking inmates, and requiring that inmates' medical records be checked whenever possible before using Tasers or chemical agents;

1	•	Deputies assigned to the Downtown Jail Complex must receive, among other
2		training, a one-time, eight-hour use of force policy training course and a yearly
3		two-hour refresher course; a one-time, four-hour course in ethics, professionalism and treating inmates with respect and a two-hour refresher
4	•	course every other year;
5		The use of force manual shall include, and the Department shall abide by, a requirement that a mental health professional be present whenever there is a planned cell extraction of an inmate with mental illness, and all custody
6		personnel receive custody specific, scenario based, skill development training on
7	•	identifying and working with mentally ill inmates; The Department will track the status of all investigations, reviews and evaluations
8		of all Custody use of force incidents and allegations of force to ensure that investigations, reviews, and evaluations are completed appropriately and timely;
9	•	The Department must ensure that grievance/complaint forms are reasonably
10		available to all inmates at all times, all grievances/complaints are properly tracked in a database, and that the Custody Division Manual includes a provision
11		that failure to provide a grievance form, destroying a grievance form and retaliating against an inmate for filing a grievance form may be a cause for
12		discipline;
13	•	The Department's policies must prohibit personnel from retaliating against inmates;
14	•	The Department's policies must provide that following a use of force incident,
15		involved staff may not escort an inmate to medical, or segregation unless no other Department personnel is reasonably available;
16	•	Department personnel with a rank of Unit Commander or above must periodically tour the jail facilities;
17	•	All custody Sergeants should receive an initial 16-hour block of training in
18		conducting use of force investigations, reviewing use of force reports, and the Department's new protocols for conducting such investigations, and a two-hour refresher course every year;
19	•	The Department must have a firm policy of zero tolerance for acts of dishonesty
20 21		or failure to report uses of force. If the Department does not terminate a member who is found to have been dishonest or used excessive force, the Department
22	•	must document the reasons why the member was not terminated; The Department must arrange for a documented medical assessment of each
		inmate upon whom force is used as soon as practical after the force incident;
23	•	The Department must reorganize its policies on the use of restraints in the jails and add safeguards to ensure that they are used only in appropriate
24		circumstances and in a way that minimizes risk of injury or medical distress;
25	•	The Department must maintain its Custody-wide rotation policies and rotate Department personnel at least as often as provided in those policies;
26	•	The Department must develop and maintain a formal Early Warning System to
27		identify potentially problematic LASD personnel based upon objective criteria such as number of force incidents, inmate grievances, allegations of misconduct,
28		performance reviews, and policy violations; and
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2	or informal sanction for problem deputies.	
3	IF YOU WANT MORE DETAILS:	
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5	There is a group of lawyers, Rosas Plaintiffs' Class Counsel , representing Plaintiffs and the class in this case. You can get a list of these lawyers, a copy of the	
6 7	settlement agreement, and a copy of the experts' remedial plan from the following websites: <u>www.aclusocal.org/rosas</u> ; www.aclu.org/[to be added] and www.lasd.org.	
8	For their work in this case, Defendant has agreed to pay Rosas Plaintiffs' Class Counsel \$950,000 in attorney's fees, subject to approval by the Court.	
9	Courses \$950,000 in allottey's lees, subject to approval by the Court.	
10	To ask questions about the settlement of this case you can:	
11	(1) Send a letter to Rosas Plaintiffs' Class Counsel, c/o ACLU of Southern California, 1313 West 8th Street, Los Angeles, CA 90017.	
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13	(2) Send an email to <u>rosaslawsuit@aclusocal.org</u> .	
14	IF YOU DO NOT OBJECT TO THIS SETTLEMENT:	
15	You do not have to do anything.	
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17	IF YOU OBJECT TO THIS SETTLEMENT:	
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19	You must mail a statement explaining why you object to the settlement. The deadline is, 2015. Please be sure to include your name, address (if available),	
20	telephone number (if available), your signature, a reference to this settlement or the case (<i>Rosas v. McDonnell</i>), the portions of the settlement to which you object, and the	
21	reasons you object. Mail your objection to:	
22	Rosas Plaintiffs' Class Counsel	
23	c/o ACLU of So. Cal	
24	1313 W. 8th Street Los Angeles, CA 90017	
25	Rosas Plaintiffs' Class Counsel will provide your objection to the federal judge	
26	assigned to this matter, the Honorable Dean D. Pregerson, and to Defendant's Counsel.	
27	You must mail your objection by the above deadline; you cannot object to this settlement after the deadline has passed. Even if you object, you do not have the ability	
28	to "opt out" of this settlement if the Court approves it.	

1	HEARING REGARDING FINAL APPROVAL OF THIS SETTLEMENT:	
2	The Court will also hold a hearing about this settlement on . The	
3	hearing date could change. Please check any of the websites listed above close to the date of the hearing for information about any possible change in the hearing date.	
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5	The Court gets to decide whether to allow members of the Plaintiff Class who timely served objections to this settlement to speak at the hearing.	
6	The address for the court is:	
7	U.S. Federal District Court, Courtroom 3	
8 9	312 North Spring Street, Los Angeles, CA 90012	
10	You can get more details about the hearing from the places listed above.	
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13	Para recibir una copia en español, puede solicitar una copia por medio de los miem	
14	de LASD o puede ir a los sitios web enumerados anteriormente.	
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