

1 LORETTA E. LYNCH
Attorney General
2 MARK J. KAPPELHOFF
Deputy Assistant Attorney General
3 Civil Rights Division
JUDITH C. PRESTON
4 Acting Chief, Special Litigation Section
LAURA COON, Special Counsel, Special Litigation Section
5 LUIS E. SAUCEDO, Counselor to the Chief, Special Litigation Section
CATHLEEN S. TRAINOR, Trial Attorney
6 U.S. Department of Justice
Civil Rights Division
7 Special Litigation Section
950 Pennsylvania Avenue, N.W., PHB 5026
8 Washington, D.C. 20530
Telephone: (202) 514-6255
9 Email: laura.coon@usdoj.gov; cathleen.trainor@usdoj.gov

10 EILEEN M. DECKER
United States Attorney
11 LEON W. WEIDMAN
Assistant United States Attorney
12 Chief, Civil Division
ROBYN-MARIE LYON MONTELEONE (State Bar No. 130005)
13 Assistant United States Attorney
Assistant Division Chief, Civil Rights Unit Chief, Civil Division
14 JOANNA HULL (State Bar No. 227153)
Assistant United States Attorney
15 300 North Los Angeles Street, Suite 7516
Los Angeles, California 90012
16 Telephone: (213) 894-2458/6585; Facsimile: (213) 894-7819
E-mail: Robby.Monteleone@usdoj.gov; Joanna.Hull@usdoj.gov

17 Attorneys for Plaintiff
18 UNITED STATES OF AMERICA

19 UNITED STATES DISTRICT COURT
20 FOR THE CENTRAL DISTRICT OF CALIFORNIA
21 WESTERN DIVISION

22 UNITED STATES OF AMERICA,

23 Plaintiff,

24 v.

25 COUNTY OF LOS ANGELES AND
26 LOS ANGELES COUNTY SHERIFF
JIM MCDONNELL, in his official
27 capacity;

28 Defendants.

No. CV 15-5903

COMPLAINT

[For violations of the Civil Rights of
Institutionalized Persons Act, 42 U.S.C.
§§ 1997-1997j; and the Violent Crime
Control and Law Enforcement Act of
1994, 42 U.S.C. § 14141]

1 Plaintiff, UNITED STATES OF AMERICA ("Plaintiff"), by its undersigned
2 attorneys, hereby alleges upon information and belief:

3 1. The Attorney General files this Complaint on behalf of the United States of
4 America pursuant to the Civil Rights of Institutionalized Persons Act of 1980, 42 U.S.C.
5 § 1997, to enjoin the named Defendants from depriving persons incarcerated at the Los
6 Angeles County Jails ("Jails"), located in Los Angeles County, California, of rights,
7 privileges, or immunities secured or protected by the Constitution and laws of the United
8 States. This Complaint is also filed pursuant to the Violent Crime Control and Law
9 Enforcement Act of 1994, 42 U.S.C. § 14141 ("§ 14141"), which gives the Attorney
10 General authority to file suit to remedy a pattern or practice of misconduct by law
11 enforcement officers that deprives persons of rights, privileges, or immunities secured or
12 protected by the Constitution and laws of the United States.

13 **JURISDICTION AND VENUE**

14 2. This Court has jurisdiction over this action under 28 U.S.C. § 1345.

15 3. The United States is authorized to initiate this action pursuant to 42 U.S.C.
16 § 1997a and § 14141.

17 4. The Attorney General has certified that all pre-filing requirements specified
18 in 42 U.S.C. § 1997b have been met. The Certificate of the Attorney General is
19 appended to this Complaint as Attachment A and is incorporated herein.

20 5. Venue in the United States District Court for the Central District of
21 California is proper pursuant to 28 U.S.C. § 1391. Defendants reside in the Central
22 District of California, and the claim arose in this District.

23 **PARTIES**

24 6. Plaintiff is the United States of America.

25 7. Defendant LOS ANGELES COUNTY (the "County") is a governmental
26 subdivision created under the laws of the State of California and governed by the Los
27 Angeles County Board of Supervisors. Defendant LOS ANGELES COUNTY owns
28 and, through Defendant LOS ANGELES COUNTY SHERIFF JIM MCDONNELL,

1 operates the Jails, which consist of eight facilities located throughout Los Angeles
2 County. Defendant LOS ANGELES COUNTY, through the Los Angeles County Board
3 of Supervisors, has responsibility for funding the operations of the Jails.

4 8. Defendant LOS ANGELES COUNTY SHERIFF JIM MCDONNELL, is
5 the Los Angeles County Sheriff, an independently-elected constitutional officer not
6 under the authority of the County Board of Supervisors. CA. Const. Art. 11, § 1(b).
7 SHERIFF MCDONNELL has responsibility for the security and custody operations of
8 the Jails and to protect the safety of prisoners in the Jails. SHERIFF MCDONNELL is
9 sued in his official capacity only.

10 9. Defendants LOS ANGELES COUNTY and SHERIFF MCDONNELL are
11 together responsible for the conditions of confinement and health and safety of persons
12 incarcerated at the Jails. LOS ANGELES COUNTY, through its Department of Mental
13 Health, provides mental health services to prisoners in the Jails.

14 10. Defendants are legally responsible, in whole or in part, for the operation and
15 conditions of the Jails, and for the health and safety of persons incarcerated there.
16 Defendant LOS ANGELES COUNTY owns the Jails; Defendant SHERIFF
17 MCDONNELL is responsible for maintaining the Jails; Defendant SHERIFF
18 MCDONNELL is responsible for the security and custody operations of the Jails;
19 Defendant LOS ANGELES COUNTY, through its Department of Mental Health, is
20 responsible for providing mental health care services to prisoners in the Jails; and
21 Defendant LOS ANGELES COUNTY is responsible for funding the operations and
22 maintenance of the Jails. This action concerns the administration of persons confined at
23 the Jails, which houses adult male and female prisoners who are felons, gross
24 misdemeanants, misdemeanants, pre-trial detainees, witnesses, or others being detained
25 in protective custody.

26 11. At all relevant times, Defendants or their predecessors in office have acted
27 or failed to act, as alleged herein, under color of state law.
28

FACTUAL ALLEGATIONS

12. The Jails is an institution within the meaning of 42 U.S.C. § 1997(1).

13. Sheriff's Department custody staff assigned to the Jails are law enforcement officers within the meaning of § 14141.

14. Persons confined to the Jails include both pre-trial detainees and sentenced prisoners.¹

15. Defendants have repeatedly and consistently disregarded known or serious risks of harm to prisoners at the Jails.

16. In June 1996, the Department of Justice notified the County and Sheriff that it was opening an investigation under CRIPA, 42 U.S.C. § 1997, to determine whether the conditions in the Jails violate the constitutional rights of its prisoners.

17. In September 1997, the Department of Justice issued a findings letter alleging that mental health care at the Jails violated prisoners' constitutional rights. The letter further alleged that systemic deficiencies contributed to the violations, including inadequate: (1) intake screening and evaluation, (2) diagnosis, (3) referral to mental health professionals, (4) treatment plans, (5) administration of medications, (6) suicide prevention, (7) tracking and medical record keeping, (8) staffing, (9) communication, and (10) quality assurance.

18. In December 2002, following extensive negotiations and additional site visits, the Parties entered into a Memorandum of Agreement ("MOA") that outlined a series of reforms to ensure that adequate and reasonable mental health care services are provided at the Jails. The MOA also included measures to protect prisoners with mental illness from abuse and mistreatment.

19. Under the MOA, the County and the Sheriff have made significant

¹ This Complaint refers to all individuals housed in the Jails, including pre-trial detainees and individuals who have been convicted of a criminal offense, as "prisoners."

1 improvements to the delivery of mental health care at the Jails, including implementing
2 electronic medical records, increasing mental health staffing, and developing roving
3 evaluation teams composed of mental health professionals and specially-trained custody
4 staff. Despite considerable progress, systemic deficiencies remain related to suicide
5 prevention and mental health care that violate prisoners' constitutional rights. The
6 Department of Justice notified the County and the Sheriff of these conclusions in a letter
7 dated June 4, 2014, following on-site evaluations with expert consultants.

8 20. In September 2013, the Department of Justice opened a separate
9 investigation of the Jails under CRIPA and 42 U.S.C. § 14141 ("Section 14141") to
10 address allegations of use of excessive force against all prisoners at the Jails, not just
11 prisoners with mental illness.

12 21. As a result of these investigations, the United States alleges:

13 22. Defendants have repeatedly failed to take reasonable measures to protect
14 prisoners against the serious harm from suicide and self-harm due to, but not limited to:
15 (1) inadequate suicide prevention measures; (2) lack of appropriate screening by custody
16 and mental health staff to assess suicide risk; (3) lack of appropriate supervision,
17 observation, and monitoring of prisoners, including those identified as at risk of suicide;
18 (4) inadequate communication between mental health care and custody staff; (5) lack of
19 appropriate multi-disciplinary treatment plans; and (6) an inadequate suicide or critical
20 incident review process.

21 23. Defendants have repeatedly failed to provide adequate mental health
22 services, including psychological and psychiatric services, to prisoners with serious
23 psychiatric needs that are known or obvious due to, but not limited to, insufficient and
24 inadequate: (1) in-patient care for those in need; (2) crisis intervention; (3) therapy,
25 clinical contacts, and group programming; (4) treatment and referrals for prisoners in
26 general population; (5) medication administration practices, including treatment to
27 prisoners refusing medication; and (6) discharge planning.

28 24. Defendants have maintained a physical environment at the Jails that causes

1 harm and poses an unreasonable risk of serious harm to prisoners' health and safety by
2 failing to correct facility housing and maintenance problems in addition to inadequate
3 housekeeping and sanitation that causes harm or poses a risk of harm to the prisoners and
4 staff within the facility.

5 25. Defendants, through their acts or omissions, have engaged in a pattern or
6 practice of conduct by Sheriff's Department custody staff of using excessive force
7 against prisoners in the Jails. The use of excessive force includes, but is not limited to:

- 8 a. use of force disproportionate to the amount of resistance encountered,
9 including use of force against unresisting or handcuffed prisoners;
- 10 b. use of force to punish or retaliate against prisoners; and
- 11 c. failure to attempt to de-escalate potential force incidents.

12 26. Defendants, through their acts or omissions, have engaged in a pattern or
13 practice of systemic deficiencies that resulted in the pattern or practice by Sheriff's
14 Department custody staff of uses of excessive force, described in paragraph 25, above.
15 These systemic deficiencies include, but are not limited to:

- 16 a. failure to implement and enforce policies, procedures, and practices
17 regarding use of force that appropriately guide and monitor the
18 actions of individual Sheriff's Department custody staff;
- 19 b. failure to train and supervise adequately Sheriff's Department
20 custody staff to prevent the occurrence of misconduct;
- 21 c. deficient use of force reporting and review;
- 22 d. failure to investigate adequately incidents in which Sheriff's
23 Department custody staff uses force;
- 24 e. failure to discipline adequately Sheriff's Department custody staff
25 who engage in misconduct or to monitor adequately Sheriff's
26 Department custody staff who engage in or may be likely to engage
27 in misconduct;
- 28 f. inadequate video surveillance; and

1 g. failure to implement policies and procedures whereby complaints and
2 other allegations of deputy misconduct are adequately received and
3 investigated.

4 27. Defendants have repeatedly failed to take reasonable measures to prevent
5 staff from inflicting serious harm on prisoners, even in the face of the obvious and
6 substantial risk that staff will inflict such harm and the multiple occasions on which Jails
7 staff have in fact inflicted such harm.

8 28. The factual allegations set forth in paragraphs 12 through 27 have been
9 known to Defendants for a substantial period of time, yet Defendants have failed to
10 adequately address the conditions described.

11 **VIOLATIONS ALLEGED**

12 29. The allegations of Paragraphs 1 through 28 are hereby re-alleged and
13 incorporated by reference.

14 30. Through the acts and omissions alleged in paragraphs 21 through 27,
15 Defendants have violated the rights, privileges, and immunities of persons confined in
16 the Jails secured or protected by the Eighth and Fourteenth Amendments to the
17 Constitution of the United States.

18 31. Through the acts and omissions alleged in paragraphs 21 through 27,
19 Defendants have engaged in a pattern or practice of conduct that deprives persons
20 confined in the Jails of rights, privileges, or immunities secured or protected by the
21 Constitution (including the Eighth and Fourteenth Amendments) or the laws of the
22 United States, in violation of 42 U.S.C. § 14141.

23 32. Unless restrained by this Court, Defendants will continue to engage and/or
24 will revert to engaging in the acts and omissions, set forth in paragraphs 21 through 27,
25 that deprive persons confined in the Jails of rights, privileges, or immunities secured or
26 protected by the Constitution of the United States and cause them irreparable harm.

27 **PRAYER FOR RELIEF**

28 33. The Attorney General is authorized under 42 U.S.C. § 1997 et seq. and §

1 14141 to seek equitable and declaratory relief.

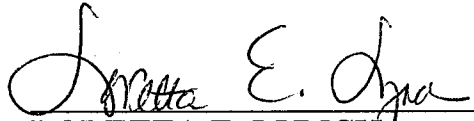
2 WHEREFORE, Plaintiff United States prays that the Court enter an order
3 permanently enjoining Defendants, their officers, agents, employees, subordinates,
4 successors in office, and all those acting in concert or participation with them from
5 continuing the acts, omissions, and practices set forth in paragraphs 20 through, and that
6 this Court require Defendants to take such actions as will ensure lawful conditions of
7 confinement are afforded to prisoners at the Jails. The United States further prays that
8 this Court grant such other and further equitable relief as it may deem just and proper.

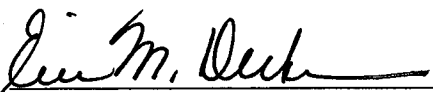
9 //

10 DATED: July 30, 2015

Respectfully submitted,

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12 FOR THE UNITED STATES:

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14 LORETTA E. LYNCH
15 Attorney General
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27 EILEEN DECKER
28 United States Attorney
Central District of California
LEON W. WEIDMAN
Assistant United States Attorney


29

MARK J. KAPPELHOFF
Deputy Assistant Attorney General
Civil Rights Division

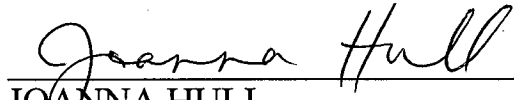
1 Chief, Civil Division

2 

3 ROBYN-MARIE LYON MONTELEONE
4 Assistant United States Attorney
5 Assistant Division Chief
6 Civil Rights Unit Chief, Civil Division

7 

JUDITH C. PRESTON
Acting Chief, Special Litigation Section
Civil Rights Division

8 

9 JOANNA HULL
Assistant United States Attorney
U.S. Attorney's Office for the

10 Central District of California
11 300 North Los Angeles Street, Suite 7516
12 Los Angeles, California 90012

13 

14 LAURA COON
15 Deputy Chief
16 LUIS E. SAUCEDO
17 Counselor to the Chief
18 CATHLEEN S. TRAINOR
19 Trial Attorney
20 U.S. Department of Justice
21 Civil Rights Division
22 Special Litigation Section
23 950 Pennsylvania Avenue, NW, PHB 5026
24 Washington, D.C. 20530
25
26
27
28