

## Communication from Public

**Name:** Stephanie Carroll, Public Counsel  
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**Council File No:** 17-0026-S1  
**Comments for Public Posting:** Letter in support of the motion to modify the settlement in Rodriguez v. City of Los Angeles

March 17, 2023

Los Angeles City Council  
Economic and Community Development Committee  
200 North Spring Street  
Los Angeles, CA 90012

*Sent via electronic mail*

**Re: CF 17-0026-S1 Rodriguez Settlement Agreement Modification**

Dear City Councilmembers,

I write in support of the Motion to Modify the Rodriguez v. City of Los Angeles settlement introduced by Councilmember Eunisses Hernandez and co-presented by Councilmember Tim McOsker on March 7, 2023 (Council File 17-0026-S1).

Public Counsel, along with our co-counsel Hadsell Stormer and Olu Orange, are class counsel in the Rodriguez case and have been monitoring the City's implementation of the settlement over the past several years. The motion represents a genuine attempt to make good on the spirit of the settlement by providing real, targeted resources to class members to make amends for the unconstitutional gang injunctions to which they were subjected. It also provides a real chance to engage with class members and assist them in seizing opportunities that will allow them to provide for themselves, their families and their communities.

We would like to take this opportunity first to thank the City for agreeing to extensions during the pandemic and broadening the types of supportive services assistance, beyond the letter of the settlement, to essential needs such as housing and utilities assistance. In addition, we want to acknowledge the increased responsiveness we have experienced from the City since the recent appointment of Juan Romero as Senior Project Coordinator: we are confident that implementation of the settlement will be significantly improved with Mr. Romero in place. However, we wanted to lay out here some of the problems we and our class members have experienced with settlement implementation, all of which we have repeatedly raised with the City, and to provide some recommendations for what we should put before the court in terms of an updated settlement.

**Settlement implementation challenges**

1. Overall, enrollment has been very disappointing with only 1581 out of an estimated 5600 approved class member claims. Moreover, the numbers that have actually enrolled with a WorkSource Centers (WSC) are even lower, at 1030. Even beyond these low statistics, based on

a breakdown of spend per class member we received last April, we are concerned that many enrolled class members who have connected with WSCs have received very little meaningful service or assistance under the settlement. Of the 845 class members signed up with case managers as of April 2022 only 688 had, in our view, received any tangible benefit – those who only received “Outreach, Enrollment, Evaluation & Assessment” and/or “Case Management Session” were not counted as having received any tangible benefit. Our estimates were generous as they include a number of people who got less than \$100 in supportive services and no “Tier 1” (for the purposes of our analysis, we designated the following services as “Tier 1”: Education and Vocational Training, Education and Vocational Training Stipends, Transitional Employment Wages & Fees, and Job Placement & Follow Up Services).

Enrollment and engagement have, in our experience, increased when organizations such as HELPER, Homies Unidos and others have been paid to do specific outreach to identify and follow up with class members. We would also recommend the City makes a concerted effort to reconnect with folks who had early contact with a case manager but who then fell off the radar, in an attempt to reengage them with new services.

2. Lack of transparency with class members. In our experience, what class members have been able to get out of the settlement has been down to one key factor: their case manager. Part of our role in monitoring the settlement is fielding calls from class members and helping escalate their concerns to the city. Time and again class members have asked us what they can expect to receive and tell us about services they know other class members have received that they were denied. This is especially true when talking about supportive services that have been provided that were not specifically enumerated in the settlement, such as housing and utilities assistance. When we have escalated these concerns with the City we have been met with the same refrain: each class member is an individual and services are tailored to that person. Whilst we understand the result for each class member might be different, the policies and procedures used to determine what each class member gets should be the same. We need clear, transparent and consistently applied policies to determine what each class member can receive. In addition, it is clear to us that only class members engaged with case managers during the pandemic have been made aware of, and been able to receive, housing and utilities assistance. We asked the City to agree to provide class notice to all class members to make them aware of these additional supportive services. The City’s response was that we could provide notice ourselves if we so wished: we had neither the names and addresses nor the funding to take on this responsibility that rests with the City. We appreciate and support the provision of these services, but class members require transparency and consistency; access cannot be based on the luck of the draw with a particular case manager.



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3. Lack of transparency with class counsel. It has been very difficult to get reports on spending under the settlement and we would recommend that quarterly reporting be provided to class counsel showing both the spending per individual participant as well as the spending overall, detailing all the various budget lines that make up the total. Thus far, we cannot reconcile the various spending figures we have been given with the official reports of spending to the City Council. In addition, the City has not effectively communicated important decisions implicating spending to class counsel. For example, the City did not reach out to discuss its decision to start offering housing and utilities assistance (we were “informed” only by a flyer the City circulated); also, class counsel only became aware of EWDD’s January request for additional funding because we subscribe to the file via the City Council website. I will also note that the current class administrator has been increasingly tardy in providing reports that we have asked, repeatedly, to be sent monthly.

4. The existing WorkSource Center structure does not always work for class members and WSCs are sometimes staffed by people who do not understand the population of class members covered by the settlement. We have heard reports from class members being placed in jobs in the heart of territory dominated by other gangs, and being provided with certain brands of work clothes that have an association with some gangs. Moreover, class members report being spoken to with disrespect and complain of being made to jump through hoops to get services. One issue that we first raised with the City in late 2019 was that class members, entitled to assistance under the settlement, were made to take literacy and math tests before they were further assessed for services. The City undertook to stop that practice but we have since heard complaints about similar practices which we have escalated, and we note the significant chilling effect that this unjust practices has had on enrollments.

Another issue relates to the severe delays some class members experience in getting connected with case managers and timely engagement thereafter. We have heard from class members who have struggled to get services and who, unfortunately, have been picked up by police and reincarcerated when, had services been provided, they may have found a path to a new life.

5. Other major causes for class member complaints concern the interrelated issues of delayed reimbursements and WSCs running out of money. We have had many complaints about people waiting to be reimbursed for months on end – sometimes for large sums such as course fees. When we have raised reimbursement issues in the past we have received no guarantee that the situation will change. Often class members have been told by case managers that the money has run out and they have to wait for additional funding to be approved by the City. Although we have been assured by the City in the past that WSCs would not run out of money again, class members continue to say that case managers are telling them they cannot assist until other funds are released. It is our view that, except in the most exceptional circumstances, no class member

should need to be reimbursed because settlement benefits should be timely paid directly by the WSC itself. Further, in the very rare circumstances where reimbursements are necessary, no class member should have to wait more than a few days to receive their check. In addition, no WSC should ever “run out of money” until all the settlement money is spent down.

6. Finally, we have had several people contact us whose claims have been rejected even though they remember being served with one of the gang injunctions at issue in the case. Sometimes, class members have been able to find documentary proof of this and we have successfully appealed to the City to approve their claims. However, it appears the various databases of those served with/subject to the relevant gang injunctions are not complete and we would request a streamlined process to assist putative class members in demonstrating their eligibility.

### **Recommendations for effective and accountable settlement implementation**

This motion creates an opportunity for the City to meaningfully address these challenges and fulfill the intent of the settlement to provide necessary resources and services, save lives, and restore faith in the City.

We urge the Council to Request the City Attorney sit down with Class Counsel to amend the settlement agreement and craft a stipulation for the court to approve that addresses the following concerns:

- Ensure class notice is given to all class members about the additional benefits on offer;
- Employ organizations with deep connections in the class member communities to outreach to class members wherever they may be, to encourage claims and attempt to reengage class members who have become disenchanted with service provision under the settlement;
- Ensure a set of clear, transparent policies that case managers, the City and class counsel understand and ensure they are consistently applied;
- Set up trainings for case managers about the case, the settlement and surrounding policies, and in trauma-informed engagement with the class member population;
- Work out the details of what the remaining money can be spent on and how to equitably disburse to class members;
- Set up a system for timely direct payments on behalf of class members and, in the exceptional circumstance where a reimbursement occurs, ensure timely approvals and payments to class members within a week;
- Provide quarterly financial reporting to class counsel and the City Council;
- Implement case management standards for WorkSource Centers that, if not met, will result in the WSC from being suspended from the program;



- Consider appointing a new class administrator to ensure accurate and timely claims processing and reporting; and
- Create a streamlined process to assist people who were served with a relevant gang injunction but are not on the current class list to demonstrate their eligibility for services under the settlement.

We thank the City Council members for bringing this motion and urge the Council's decisive and swift adoption of the motion and our recommendations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephanie Carroll", is positioned above the typed name.

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