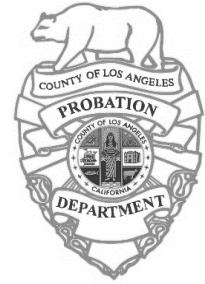




COUNTY OF LOS ANGELES PROBATION DEPARTMENT

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GUILLERMO VIERA ROSA

Chief Probation Officer

February 15, 2024

Board Member
Board of State and Community Corrections
2590 Ventura Oaks Way
Sacramento, California 95833

Re: County of Los Angeles Barry J. Nidorf Secured Youth Treatment Facility and Los Padrinos Juvenile Hall Suitability Hearings

Dear BSCC Board:

Today, members of my executive staff will be making presentations to your Board regarding the BSCC staff's compliance findings for Los Angeles County Probation's Barry J. Nidorf (BJN) and Los Padrinos facilities. I write you separately to raise what I feel is an important broader issue, and to ask for your creativity and collaboration in helping me address it.

As you doubtless are aware, Probation has struggled for years to maintain full compliance with legal and regulatory requirements. Probation's camps were under a federal consent decree for many years, the halls currently are under a State Department of Justice Stipulated Judgment, and Los Angeles County oversight agencies such as the Office of Inspector General and Probation Oversight Commission have repeatedly criticized Probation and questioned its ability to properly care for its youth. And, of course, the BSCC has repeatedly found Probation's halls out of compliance with Title 15 requirements and unsuitable for youth housing.

When I became Interim Probation Chief in May 2023, I was deeply committed to addressing Probation's deficiencies and compliance challenges. That commitment is even stronger today. But what I have learned in my slightly less than a year here is that the problems plaguing Probation are deep-seated, structural issues that are not amenable to quick fixes. I have come to realize that to truly get Probation out of its long-standing cycle of compliance challenges, nothing less than a full operational and cultural transformation is necessary. My team and I have begun taking steps to implement the required dramatic changes, but this will take time, substantial and sustained effort, and enormous resources. I nonetheless have no doubt that this hard work is worth it, as we owe it to our youth, staff, and the broader community to get this

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right. We have the Board of Supervisors' support and the entire County resources are at our disposal.

The broader issue I want to raise with you is this: the BSCC's overlapping jurisdiction with the California DOJ's Stipulated Judgment, along with the BSCC's "all-or-nothing" enforcement structure, have unfortunately become more of an impediment to Probation's compliance efforts than a true catalyst for improvement, especially given the deep structural challenges Probation must address. This ultimately hinders our joint mission to best serve the young people in our care.

Overlapping jurisdiction: The difficulties posed by the overlap between BSCC and DOJ jurisdiction have become particularly acute during this past BSCC inspection cycle. On February 2, 2024, for example, I received the BSCC's official notification that BJN would be subject to a suitability hearing on several areas of noncompliance. I was surprised to receive this notice, because my staff had discussed in detail some of the noncompliant items with BSCC staff and told the BSCC staff that their views squarely conflicted with the direction we received from the DOJ and DOJ compliance monitor.

More specifically, the BSCC found Probation out of compliance regarding the activity log, which shows the various programming and recreational opportunities we offer our youth. But this activity log was approved by the DOJ Monitor, after extensive negotiations and personal technical engagement by the DOJ Monitor and his team. After getting DOJ approval, the Department implemented the approved form, only to learn during the recent BSCC inspection period that BSCC staff did not believe the DOJ-approved form was adequate. Once we learned of this conflict, we promptly attempted to bring the BSCC and DOJ Monitor together to develop an activity log that both would accept. As you are aware, my Department could not ignore the DOJ's instructions by simply accepting the BSCC's staff changes. Although we worked hard to resolve this conflict, the BSCC's seemingly random compliance deadline had passed, putting us out of compliance.

As an additional example, the BSCC found Probation out of compliance with the requirement to develop and implement a Developmental Stage System (DSS) for BJN SYTF and a Behavioral Management Program (BMP) for Los Padrinos. Probation's lack of compliance, however, was due to a conflict between BSCC and DOJ requirements. More specifically, the BSCC CAP required us to complete our DSS manual and provide training by a certain date. Probation, however, was unable to meet this deadline because the DOJ Monitor was required to approve the DSS manual and training materials. This approval process was extensive and time-consuming, with Probation having to submit no fewer than thirteen different revisions of the DSS manual to the Monitor and his team. The final version of our DSS Manual was submitted to DOJ on December 28, 2023, and the manual was not approved until January 2, 2024. Now that the DSS manual is approved, Probation must obtain the Monitor's approval of the corresponding DSS training plan, schedule, and materials. But knowing that the BSCC was insistent that we meet the DSS deadline, and that

failure to provide training could lead to an "unsuitability" finding, Probation is forced to duplicate requirements by providing training twice: once to meet the BSCC CAP and a second time when the Monitor approves the official training plan. This unfortunately will create not only confusion for our staff during the implementation phase, but chaos for the youth subjected to two rollouts of the DSS system.

The situation is similar with respect to the Los Padrinos BMP, as implementation of the BMP has been delayed by the requirement that the Monitor approve the BMP and its associated training. The Monitor approved the BMP on June 27, 2023, and staff training was completed in November 2023. The BSCC staff nonetheless consider the BMP non-compliant because it is not yet fully implemented. But even apart from the fact that the BMP's development timeline was driven in large part by the requirement to receive the Monitor's input and approval, this alleged lack of implementation is typical of any new program: there is a learning curve for both staff and youth, with minor modifications, adjustments, and improvements being made along the way as lessons are learned from the BMP roll-out. Probation is actively working with the DOJ Monitor and his team as this roll-out and related improvements continue.

In summary: given Probation's already severely-limited resources, having to navigate competing and conflicting demands from two oversight entities operating in precisely the same space substantially limits our ability to devote our resources to making transformative change and improving the care we provide our youth.

BSCC enforcement structure: More broadly, a major impediment to Probation's ability to solve its compliance challenges is the BSCC's "all-or-nothing" enforcement structure. It appears that, unless Probation is in full compliance across the board, the only remedy the BSCC offers is to force Probation to close the facilities. This does not help an organization of this size with deep systemic issues serve the youth in an enhanced fashion. Further, a finding of unsuitability would have catastrophic consequences for our youth and staff, and ultimately move Probation much farther away – rather than closer – to compliance by imposing enormous (perhaps insurmountable) facility, operational, and staffing burdens.

Ultimately, and as a means of potentially solving these jurisdictional and enforcement challenges, we believe the BSCC should, after performing its inspections and making its findings, work with us so that we can make the improvements we need to make – especially those that are most challenging, consequential, and time-consuming – rather than continually putting us on 60-day timelines towards shutdown that are literally impossible to meet due to existing Union Memoranda of Understanding, DOJ oversight requirements, and other legal obligations. While this may be somewhat in tension with existing statutory deadlines, we believe increased flexibility would allow the BSCC and DOJ to harmonize their requirements and timelines, and effectively work together with Probation towards the common goal of solving the hard problems that, to date, have limited Probation's ability to bring about real and lasting change.

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We look forward to our presentation today. In the meantime, we ask that you please consider this letter and our offer to work together on creative solutions that ultimately will improve our ability to better serve our youth, staff, and community.

Cordially,

A handwritten signature in blue ink, appearing to read "G. Viera Rosa".

Guillermo Viera Rosa

Chief, Los Angeles County Probation Department