



April 9, 2024

Linda Penner, Chair
Board of State and Community Corrections
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Via email only

Re: Suitability of Los Padrinos Juvenile Hall

Dear Chair Penner and Members of the Board,

We write to demand that the Board of State and Community Corrections perform its legal duty and refrain from taking action regarding Los Padrinos Juvenile Hall at its April 11, 2024 meeting. On February 15, the BSCC voted to find Los Padrinos Juvenile Hall unsuitable for the confinement of youth. According to Welfare and Institutions Code section 209(a)(4), 60 days after the BSCC finds a facility unsuitable, it shall not be used to confine minors unless the BSCC finds “after reinspection of the facility that the conditions that rendered the facility unsuitable have been remedied....” The most recent inspection by your agency found serious continuing noncompliance, so there is no action to be taken at this time. The recommendation in the Board’s “2023 Juvenile Noncompliance Status as of 4.9.2024” report that “BSCC staff recommends that the BSCC Board make a determination of suitability at the next scheduled BSCC Board Meeting” is an error.

We expect that the Los Angeles Probation Department will request that the BSCC vote to find that the Department has remedied all of the areas of noncompliance and is now suitable, but doing so would be an abuse of the Board’s discretion. Based on the facts before the Board, the Los Angeles Probation Department’s claim that Los Padrinos Juvenile Hall is now suitable for the confinement of minors is transparently false and must be rejected. The appropriate way to do that is to refrain from taking any action.

Recent attempts to improve staffing levels are insufficient and unsustainable.

In recent months, the Los Angeles Probation Department has taken drastic action to increase staffing at Los Padrinos. At best, those actions have temporarily and occasionally remedied the facility's noncompliance with Title 15, section 1321 staffing ratios. However, BSCC's inspectors continue to find non-engaged staff; staff held over at the end of their shifts; insufficient staff to ensure compliance with regulations regarding safety checks, room confinement, searches, education, and programs; and insufficient staff to ensure youth are safe and need not urinate in their rooms.¹ But not only have the Department's actions been insufficient, they are also clearly unsustainable.

To achieve a short-term increase in the number of adult bodies at the facility, the Department has ordered staff from the Department's non-custodial units to Los Padrinos in groups of at least 200. Setting aside the usefulness of bringing in staff insufficiently trained or able to meet the needs of the youth and the facility, sustaining such reassignments is impossible. Public comments by the Department's rank-and-file staff make this plain – they unanimously condemn the Department's actions because those actions make it impossible for the Department to meet its other important obligations. Among the public statements of probation staff are statements of serious concern that adults under probation supervision will not receive adequate field supervision and SEOs will not be able to conduct weapons checks in probationers' homes because the officers who do that work are deployed to Los Padrinos.² The president of AFSCME Local 685, the Deputy Probation Officers' Union, described the Department's actions as an "attack" on field services.³

Furthermore, to achieve the current level of staffing, the Department had to implement plainly illegal policies.⁴ In order to cajole staff to come to work at Los Padrinos, the Department ordered staff to either work at Los Padrinos or stay home using their sick or vacation time. This order extended even to staff with disabilities, leading to a lawsuit for violating state and federal employment laws.⁵

Through these actions, the Department has made plain that it is unable to adequately staff Los Padrinos at its current population. In lieu of a long-term solution, the Department has put into place an emergency plan whose goal is to staff the facility just long enough to support a claim to this Board that that staffing inadequacies have been remedied. However, no one seriously

¹ <https://www.bscc.ca.gov/wp-content/uploads/2024/04/Attachment-I-1-Outstanding-Items-of-Non-Compliance-Adult--Juvenile.pdf>

² <https://file.lacounty.gov/SDSInter/bos/supdocs/POC24-0038.pdf>

³ <https://www.afscmelocal685.com/post/from-the-desk-of-president-ford-4>

⁴ <https://www.dailynews.com/2024/03/22/is-la-county-putting-itself-at-legal-risk-by-sending-light-duty-probation-officers-home/>

⁵ *Ibid.*

believes that the Department's actions can maintain the current staffing level and the Board should reject this cynical ploy.

The Los Angeles County Probation Department continues to fail to provide the minimum section 1371(a) programming.

One of the conditions that rendered Los Padrinos unsuitable for the confinement of minors is a failure to satisfy the standard announced in Title 15, section 1371, Programs Recreations and Exercise.⁶ According to section 1371(a), "All youth shall be provided with the opportunity for at least one hour of daily programming," which is separate from recreation, exercise, religious programs, work programs, and visiting. Examples include mental health classes, credible messenger interventions, art classes, etc. Though BSCC inspectors have consistently found that youth at Los Padrinos do not receive this minimum amount of programming, section 1371 no longer appears on the "2023 Juvenile Noncompliance Status as of 4.9.2023" report as an area of noncompliance.⁷ However, section 1371 programming is a continuing area of noncompliance and continues to be a reason why Los Padrinos remains unsuitable for the confinement of minors.

Based on programming schedules shared by the Department with the Los Angeles County Probation Oversight Commission, the programming offered fails to meet section 1371(a)'s standard. According to the April calendar, it is possible for youth to get an hour of section 1371(a) programming per day in only four of the twenty units. And that assumes that all of the programs on the calendar are offered, which is not consistently true.

One reason the offered programming might appear sufficient is that the Department appears to count section 1372 religious programming as if it were section 1371(a) programming. However, religious programming that satisfies section 1372 cannot be used to satisfy section 1371(a). Title 15, section 1371(a) enumerates the types of programs that can be used to satisfy that section and religious programming is not among them. When religious programming is removed from the Department's programming schedule, it is plain that the vast majority of youth are not offered programs for at least one hour every day.

Additionally, the Board should be critical of the Department's claim that section 1371(a) requirements are met by the "Forward Thinking Journals" program run by probation staff. Under section 1371, programs must include current, consistent, and relevant content. While the Forward Thinking Journals program has the potential to be meaningful in reasonable doses and with the right support, passing out journals to youth lounging in their day rooms, without more, does not meet the standard for adequate programming. Here, scheduling this activity as many as four days

⁶ <https://file.lacounty.gov/SDSInter/bos/supdocs/POC24-0034.pdf>

⁷ https://www.bscc.ca.gov/wp-content/uploads/2024/04/Attachment-I-1-Outstanding-Items-of-Non-Compliance-Adult-_Juvenile.pdf

a week is nothing more than an attempt to disguise the Department's failure to offer a minimum amount of quality programming.

Finally, to satisfy Title 15 section 1371(a), programs should be offered to young people according to their individual needs. At Los Padrinos, programs are offered to youth purely according to their housing assignments without regard to individual needs. While section 1371(a) states only that programs "should" be based on the youth's individual needs, the Department's failure to even attempt to consider individuals' needs is reason to find continued noncompliance with section 1371.

A finding of suitability by the Board would be an abuse of discretion.

Welfare and Institutions Code section 209(a)(4) states that, 60 days after the BSCC finds a facility unsuitable, it shall not be used to confine minors unless the BSCC finds "after reinspection of the facility that the conditions that rendered the facility unsuitable have been remedied...." While Welfare and Institutions Code section 209 does not mandate that the BSCC must reinspect Los Padrinos or make findings based on that inspection, it is within the BSCC's discretion to do so. However, a finding that the conditions that rendered the facility unsuitable have been remedied is *only* within the BSCC's discretion when such a finding is reasonable and supported by the weight of the evidence in the light of the whole record.

Here, the Department may have remedied some areas of noncompliance, for example fire safety plans and orientation policies, but the BSCC must find that ALL areas of noncompliance have been remedied before the BSCC may find Los Padrinos suitable again. But all of the conditions have not been remedied. With respect to staffing and programming, the record as a whole demonstrates that the Department has been unable to accomplish more than a flimsy attempt to paper over continuing noncompliance.

The unlawful confinement of youth in Los Angeles' unsuitable facilities must end.

The Department's claims of suitability are an attempt to continue to avoid accountability without regard to the harm it causes young people. Los Padrinos has NEVER passed an inspection since its reopening. Before its reopening, both of the Department's other two juvenile halls had failed inspections and been found unsuitable. Years have now gone by in which Los Angeles' youth have been confined to unsuitable facilities, navigating unsafe and violent environments, urinating in their rooms, languishing without activities. Thousands of youth have now been subject to these conditions. Some of those youth have suffered these conditions for years while their charges remain pending. The BSCC must not allow the Los Angeles Probation Department to continue this shameful practice any longer. The BSCC must reject the Los Angeles Probation Department's transparently false and cynical claim that Los Padrinos Juvenile Hall is now

suitable for the confinement of minors and allow real change to finally come to Los Angeles' youth facilities.

Sincerely,



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