

MEETING DATE: April 11, 2024

AGENDA ITEM: J.1

TO: BSCC Chair and Members

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SUBJECT: Reinspection and Determination of Suitability – (Welf. & Inst. Code, § 209(a)(4) & (d).)
Barry J. Nidorf Secure Youth Treatment Facility, Los Angeles County
Requesting Approval

Summary

This agenda item requests that the Board determine if the conditions that rendered the Barry J. Nidorf Secure Youth Treatment Facility (BJNSYTF) unsuitable have been remedied and whether the facility is a suitable place for the confinement of juveniles within the meaning of Welfare and Institutions Code section 209, subdivisions (a)(4).

Background

The Board of State and Community Corrections (BSCC) establishes the minimum standards for juvenile halls, camps, and secure youth treatment facilities (SYTF) and conducts biennial inspections of those facilities. (Welf. & Inst. Code, §§ 209, 210, 875, & 885.) Regulations setting forth these minimum standards can be found in Sections 1300-1511 of Title 15 of the California Code of Regulations.

Welfare and Institutions Code section 209, subdivision (d), provides:

Except as provided in subdivision (e), a juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility,¹ law enforcement facility, or jail shall be unsuitable for the confinement of juveniles if it is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under Section 210, 210.2, 875, 885, or subdivision (e) of Section 207.1, and if, within 60 days of having received notice of noncompliance from the board or the judge of the juvenile court, the juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, law enforcement facility, or jail has failed to file an approved corrective action plan with the Board of State and Community Corrections to correct the condition or conditions of noncompliance of which it has been notified. The corrective action plan shall outline how the juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, law

¹ The authority to make determinations of suitability for secure youth treatment facilities and juvenile ranches and camps was added to section 209 as part of the Budget Act of 2023. (Assembly Bill 134, Chapter 47, Statutes of 2023.)

enforcement facility, or jail plans to correct the issue of noncompliance and give a reasonable timeframe, not to exceed 90 days, for resolution, that the board shall either approve or deny. In the event the juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, law enforcement facility, or jail fails to meet its commitment to resolve noncompliance issues outlined in its corrective action plan, the board shall make a determination of suitability at its next scheduled meeting.

Welfare and Institutions Code section 209, subdivision (a)(4), provides:

If either a judge of the juvenile court or the board, after inspection of a jail, juvenile hall, special purpose juvenile hall, lockup, camp, ranch, or secure youth treatment facility finds that it is not being operated and maintained as a suitable place for the confinement of juveniles, the juvenile court or the board shall give notice of its finding to all persons having authority to confine juveniles pursuant to this chapter and, commencing 60 days thereafter, the facility shall not be used for confinement of juveniles until the time the judge or board, as the case may be, finds, after reinspection of the facility, that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of juveniles.

At the February 15, 2024, Board meeting, the BSCC Board determined that the BJN SYTF was out of compliance with the following sections of Title 15 because the Probation Department did not complete corrective action within the timeline set forth in section 209, subdivision (d), and was unsuitable for the confinement of juveniles:

1. § 1321, Staffing
2. § 1353, Orientation
3. § 1357, Use of Force
4. § 1371, Programs, Recreation, and Exercise
5. § 1390, Discipline

On February 16, 2024, the Los Angeles County Probation Department was noticed that pursuant to Welfare and Institutions Code section 209, subdivision (a)(4), commencing 60 days following the notice or by April 16, 2024, the facility shall not be used for the confinement of juveniles until the Board finds, after reinspection of the facilities, that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of juveniles.

BSCC staff scheduled a reinspection of the BJN SYTF for April 4, 2024. During that inspection, and in the days that followed, BSCC staff reviewed proof of practice documentation from March 29 through April 8, 2024. BSCC staff also spoke with youth at the facility to confirm practice. The findings from that inspection are contained in Attachment 1; Upon reinspection, BSCC staff have determined that the facility is in compliance with the following sections of Title 15:

1. § 1321, Staffing
2. § 1353, Orientation
3. § 1357, Use of Force
4. § 1371, Programs, Recreation, and Exercise
5. § 1390, Discipline

Recommendation/Action Needed

Staff recommends that the Board:

1. Find that the following items of noncompliance that rendered the Barry J Nidorf Secure Youth Treatment Facility unsuitable have been remedied:
 - § 1321, Staffing
 - § 1353, Orientation
 - § 1357, Use of Force
 - § 1371, Programs, Recreation, and Exercise
 - § 1390, Discipline
2. Make a determination of suitability within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4), that the Barry J Nidorf Secure Youth Treatment Facility is suitable for the confinement of juveniles.
3. Direct BSCC staff to conduct regular, targeted inspections of the Barry J Nidorf Secure Youth Treatment Facility.

Attachments

Attachment 1: April 10, 2024 Inspection Report of the Barry J Nidorf Secure Youth Treatment Facility