

Board Appeal Hearing Agenda

Wednesday, April 9, 2025 - 1:30 p.m.

Attendance and public comment instructions on Page 2.

Agenda

I. Call to Order

Hearing Panel

Linda Penner, Chair

Norma Cumpian, Board Member

Eric S. Taylor, Board Member

II. Presentation of Appeal

- A. Overview of Appeal Process (Title 15, California Code of Regulations, section 1314).
- B. Appeal from Denial of January 8, 2025 Appeal, County of Los Angeles, Los Padrinos Juvenile Hall
- C. Discussion and Questions from Panel

III. Public Comments

Public comments on the appeal may be heard at this time.

IV. Deliberation and Proposed Decision

V. Adjourn

AARON R. MAGUIRE
BSCC Executive Director

BOARD MEMBERS

LINDA M. PENNER
Board Chair

JEFFREY D. MACOMBER
Secretary, CDCR

JASON D. JOHNSON
Director, Adult Parole Operations, CDCR

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Sheriff, San Benito County

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Sheriff, Large County

VACANT
County Supervisor/Administrative Officer

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Chief Probation Officer, Fresno County

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Chief Probation Officer, Lassen County

HON. JANET GAARD
Retired Judge, Yolo County

WILLIAM "BILL" SCOTT
Chief of Police, San Francisco

SCOTT BUDNICK
Founder, Anti-Recidivism Coalition

ANGELES D. ZARAGOZA
Deputy Executive Director
Youth Justice Program

NORMA CUMPIAN
Assistant Deputy Director
Anti-Recidivism Coalition, Women's Dept

DR. KAREN LAI, M.D.
Licensed Health Care Provider

VACANT
Licensed Mental/Behavioral
Health Care Professional

Attendance Instruction

Attend in-Person: BSCC Board Meeting Room, First Floor
2590 Venture Oaks Way
Sacramento, California 95833

Attend Remotely: Use Zoom to both view and hear the Board Appeal Hearing. Join by phone for audio only. If you do not have it, [download Zoom](#) to your device before the meeting.

Join Zoom: [April 9, 2025 Board Appeal Hearing](#)

Join by phone: (669) 900-9128

Webinar ID: 874 2355 0347

Public Comment Instruction

Members of the public will be given the opportunity to give public comment following the Board's discussion.

There is a two-minute time limit on public comment unless otherwise directed by the Board Chair.

Remote Public Participants: To request to speak during the Board Appeal Hearing, please email publiccomment@bscc.ca.gov

To provide a written public comment, send an email to publiccomment@bscc.ca.gov.

Additional Information and Accommodation

For additional information or to request special accommodation for persons with disabilities, please call [\(916\) 445-5073](tel:(916)445-5073).

For general information about the BSCC visit www.bscc.ca.gov. To be notified of BSCC public meetings, visit the [Newsroom](#) and join a BSCC mailing list.

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January 8, 2025

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VIA E-MAIL AND U.S. MAIL

Aaron Maguire
Acting Executive Director
Board of State and Community Corrections
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Sacramento, CA 95833

Re: Appeal of December 10, 2024 Reinspection Findings and Determination of Facility Unsuitability at Los Padrinos Juvenile Hall

Dear Mr. Maguire:

The County submits this appeal under California Code of Regulations, Title 15, Section 1314 in connection with the BSCC's December 10, 2024 reinspection finding ("December 10 Notice") that Los Padrinos Juvenile Hall ("Los Padrinos") remained noncompliant with minimum standards set forth in Title 15, Section 1321, which effectively affirmed the BSCC's October 14, 2024 Notice of Facility Unsuitability ("October 14 Notice"), requiring the County to vacate Los Padrinos within 60 days.¹

I. Introduction

The County remains committed to the mission it shares with the BSCC: protecting public safety while providing the youth in the County's care with opportunities for rehabilitation in a healthy, productive, and secure environment. To that end, the County seeks to continue working with the BSCC to craft corrective measures for Los Padrinos in a manner that best ensures the well-being of the youth residing there. Unfortunately, despite the County's good-faith efforts to respond to the BSCC's noncompliance findings, the BSCC insists that the County vacate Los Padrinos—a remedy that would do more harm than good.

There is no reason to go down that path, as neither the BSCC's December 10 Notice nor the October 14 Notice underlying it has anything to do with the facility itself or issues endangering youths housed there. Instead, those Notices are based on youth population and staffing shortages that the BSCC itself concedes the County "has made strides" on improving since October. See Ex. A. Indeed, contrary to the BSCC's reinspection findings, the County's review of staffing levels (discussed below) establishes unequivocally that Los Padrinos did not fall short

¹ The "County" includes the County of Los Angeles and the Los Angeles County Probation Department. The "BSCC" is the California Board of State and Community Corrections. Exhibits A through AA, enclosed herein, are correspondence and other documentation referenced and relied on for this appeal.

of Title 15's staffing requirements *at all*. The BSCC's position is also at odds with other, independent reviews: A mere week before the October 14 Notice, the Supervising Judge of the Juvenile Court, the Honorable Miguel Espinoza, found that Los Padrinos was *suitable* based on a May 2024 inspection. Ex. B. And in September 2024, a Monitor chosen by the California Department of Justice ("DOJ") to oversee a Stipulated Judgment addressing compliance issues within the County's juvenile halls found Los Padrinos to be in substantial compliance in several categories covered by the Stipulated Judgment and in partial compliance with several terms related to staffing. Ex. C. The BSCC has offered nothing to undermine these findings by the County, Judge Espinoza, and the DOJ Monitor.

Instead, despite stating in its December 10 Notice that its negative reinspection finding was premised on "noncompliance with Section 1321 (Staffing)," it is clear from the BSCC's analysis that it did not apply Section 1321 (or any other state law) during its reinspection. Ex. A. Rather, the BSCC applied the County's own LP Staffing Assessment Analysis ("Staffing Assessment"), an internal County document that employs a standard more stringent than Section 1321 that the County developed in October 2024 through collaboration with the DOJ's Monitor as part of its efforts to comply with the Stipulated Judgment. Ex. D3. The BSCC's "policing-to-policy" approach is in sharp contrast to the approach the BSCC admitted as recently as December 19, 2024, that it *must* take when evaluating juvenile halls: "BSCC is *mandated* to inspect juvenile facilities across the state *for compliance with the minimum standards outlined in California Code of Regulations . . .*" Ex. E. The BSCC did not apply state-law standards, as it should have, and as it claims to have done. And in applying the Staffing Assessment, the BSCC performed inaccurate calculations, yielding a finding of noncompliance that does not withstand scrutiny. Had the BSCC applied Section 1321's minimum standards, it would have found that Los Padrinos's staffing levels, at all times, exceeded the ratios that Section 1321 requires. See Ex. D, Declaration of Tyson Nelson ("Nelson Decl.") ¶¶ 12–13; Exs. D1 & D2.

Additionally, in affirming the October 14 Notice without allowing for a public hearing and continuing to insist that the County vacate Los Padrinos, the BSCC is enforcing unreasonable standards on a juvenile facility—a decision the County "may appeal." See 15 Cal. Code Regs. § 1314. More importantly, forcing the County to uproot and relocate almost 250 youth with no other facility in which to house them is not only virtually impossible but potentially catastrophic. It would endanger the youth in the County's care as well as the community, as the majority of youth confined at Los Padrinos await adjudication on serious violent felonies, including rape and murder. It would also disrupt the lives of the staff who serve the youth, risk violations of laws and regulations, including those requiring the County to maintain a juvenile hall within County limits (Los Padrinos is the only one remaining), and ultimately move the County further away from the goal of reducing recidivism and ensuring positive outcomes for the youth in its care.

For these and other reasons discussed below, the County respectfully requests that you reconsider and overturn the BSCC's decisions appealed herein.

II. Background

The County has been engaged in a yearslong effort to transform its juvenile facilities, working cooperatively with both the DOJ and the BSCC to implement corrective measures.

Stipulated Judgment Between County and DOJ. On January 21, 2021, a Los Angeles County Superior Court judge entered a Stipulated Judgment between the County and the DOJ, resolving an action brought against the County and the Los Angeles County Office of Education following an investigation into the County’s juvenile halls. See Ex. F. The Judgment—which is still in effect today²—covers various aspects of the juvenile justice system, including alleged deficiencies in staffing, hiring, and training of Los Padrinos personnel. The County has worked diligently with the DOJ and the DOJ’s hand-picked court-appointed Monitor to comply with the terms of the Stipulated Judgment. In fact, after a September 2024 inspection, the DOJ’s Monitor found the County to be in substantial compliance in several categories covered by the Stipulated Judgment, and in partial compliance with several terms related to staffing, including specifically at Los Padrinos. Ex. C.

The County’s Efforts to Correct the BSCC’s Noncompliance Findings. During the time that the County has worked with the DOJ and its Monitor to come into substantial compliance with the Stipulated Judgment, the BSCC has independently inspected the County’s juvenile facilities and demanded that the County address various alleged deficiencies that the BSCC has identified. As with the DOJ, the County has demonstrated its diligence with the BSCC’s findings several times. For example, after the BSCC notified the County in August 2023 that Los Padrinos was noncompliant with various BSCC regulations, including regulations that pertain to staffing, the BSCC approved the County’s October 16, 2023 corrective action plan (“CAP”) tailored to address the BSCC’s noncompliance findings. Exs. H – J. Likewise, after a separate finding of noncompliance related to Los Padrinos, the BSCC issued an August 8, 2024 notice approving the County’s CAP that addressed findings of noncompliance with provisions pertaining to youth programming. Exs. K – M.

BSCC’s Actions Create Impediments to the County’s Compliance with the Stipulated Judgment. Despite the County’s best efforts to comply with both the Stipulated Judgment and the BSCC’s findings, the County has at times found itself caught between incompatible demands. Indeed, the BSCC’s findings frequently contradict the DOJ Monitor’s instructions and conflict with the County’s obligations under the Stipulated Judgment. See Ex. N. On February 15, 2024, in a letter to the BSCC, the County’s Chief Probation Officer, Guillermo Viera Rosa, identified specific inconsistencies between the BSCC’s findings and the DOJ’s implementation requirements, explaining that the BSCC’s overlapping jurisdiction with the Stipulated Judgment, along with the BSCC’s “all-or-nothing” enforcement structure, had become an impediment to the County’s efforts to comply with the Stipulated Judgment. *Id.* These issues only escalated over time notwithstanding the County’s continued efforts to work with the BSCC to address its concerns.

BSCC Finds Los Padrinos in Noncompliance and Issues October 14 Notice. The present dispute stems from the BSCC’s August 12, 2024 notice finding, based on a July 2024

² The Stipulated Judgment was recently amended on November 21, 2024, by mutual agreement of the DOJ and the County, to include new provisions. Ex. G. While the January 21, 2021 Stipulated Judgment did not expressly include Los Padrinos (which was closed at the time), the November 21, 2024 amended stipulation does. References to “Stipulated Judgment” in this letter incorporate subsequent amendments to the January 21, 2021 Stipulated Judgment.

inspection, that Los Padrinos was noncompliant with Title 15 of California's Code of Regulations, Sections 1321(a) and (b) pertaining to staffing ("August 12 Notice")—an area the County had previously (and satisfactorily) addressed with the BSCC. Ex. O; Exs. H – J. As it had done before, in response to the BSCC's finding of noncompliance, the County submitted a CAP on October 11, 2024, addressing each of the alleged deficiencies that the BSCC identified. Ex. P. This time, however, the BSCC arbitrarily and capriciously rejected the CAP. See Ex. Q. And when the County attempted in good faith on October 13, 2024, to supplement the CAP to address issues identified in the BSCC's CAP denial, Ex. R, the BSCC summarily rejected it as "late" and cited other, unreasonable grounds for its denial, see Ex. S. On October 14, 2024, the BSCC proceeded to issue the October 14 Notice, which, in line with its pass-fail approach, purported to require the County to vacate Los Padrinos entirely within just 60 days, by December 12, 2024. Ex. T.

Notably, the BSCC's August 12, 2024 finding of noncompliance and subsequent rejections of the County's CAPs were in sharp contrast to an independent finding on October 8, 2024, by the Honorable Miguel Espinoza, Supervising Judge of the Juvenile Court, that Los Padrinos was *suitable* based on his inspection on May 3, 2024—just two months before the July 2024 BSCC inspection that traces to this dispute. Ex. B.

BSCC Refuses to Allow the County a Public Hearing on the October 14 Notice. On November 5, 2024, the County sent a letter to the BSCC requesting a public hearing on the County's October 11 and 13 CAPs before the BSCC board, which is required by law. Ex. U. Despite the fact that the BSCC board must approve its staff's recommendation for an action to take effect, the BSCC refused to add the CAPs to the BSCC board's November 21, 2024 agenda. Ex. V.

BSCC Affirms the October 14 Notice. On December 10, 2024, after reinspecting Los Padrinos, the BSCC doubled down on its unreasonable interpretations and applications of regulations by affirming the October 14 Notice. See Ex. A. The BSCC's decision ignores the County's numerous and meaningful efforts to address the staffing situation and other issues at Los Padrinos, as well as the inescapable fact that Los Padrinos currently houses approximately 250 youth, and the County has no other juvenile hall in which to place them. The decision is also premised on an analysis not of state law, which should have been applied, but the County's own self-imposed internal standards, which are more stringent than what state law requires. Not only did the BSCC apply the wrong standard, it misapplied that standard, as explained further below. Had the BSCC applied the appropriate state-law standard, it would have found Los Padrinos in compliance with staffing requirements.

Notice of Appeal. On December 11, 2024, the County submitted a Notice of Appeal pursuant to Title 15, Section 1314, signaling its pursuit of the present appeal.

III. The BSCC's Reinspection Affirmance Was Incorrect and Improper.

Section 1314 outlines the BSCC's appeal hearing procedures, which "are intended to provide a review concerning the Board application and enforcement of standards and regulations governing juvenile facilities." A county "may appeal on the basis of alleged misapplication,

capricious enforcement of regulations, or substantial differences of opinion as may occur concerning the proper application of regulations or procedures.” 15 Cal. Code Regs. § 1314. The County appeals the BSCC’s December 10 Notice, which affirmed the October 14 Notice, because the BSCC has improperly applied and capriciously enforced various regulations.³

A. In Its Reinspection, the BSCC Erroneously Determined that the County Did Not Comply with Staffing Ratio Requirements.

The BSCC’s reinspection analysis contains errors that compel overturning its finding that Los Padrinos remained noncompliant with Section 1321’s minimum staffing requirements.

The BSCC applied the wrong standard to assess staffing levels. California law is clear that, when performing inspections, the BSCC must evaluate compliance against “minimum standards for juvenile facilities adopted by the Board of State and Community Corrections.” Cal. Welf. & Inst. Code (“WIC”) § 209(a)(3)(A). And this makes good sense, as a “policing-to-policy” approach would serve only to disincentivize cities and counties from self-imposing more exacting standards.

The BSCC is well aware of the requirement to apply state law’s minimum standards during inspections—a mere three weeks ago, it admitted that the “BSCC is *mandated* to inspect juvenile facilities across the state for compliance with the *minimum standards outlined in California Code of Regulations*, Titles 15 and 24.” Ex. E (citing WIC § 209); *see also id.* at p. 4 (“Los Angeles County Probation requests a reinspection to determine if the facility had come into compliance with section 1321, Staffing . . . BSCC conducts the reinspection. . . .”). It is plain that BSCC did *not* apply Section 1321 (or any other state law) during its reinspection.⁴ The BSCC, instead, applied the County’s own Staffing Assessment, an internal plan that the County developed in October 2024 in consultation with the DOJ’s Monitor as part of its efforts to comply with the Stipulated Judgment. *See* Ex. D3.

The Staffing Assessment employs a standard significantly more stringent than Section 1321. *See id.* At a high level, the Staffing Assessment created a goal to have working staff totaling at least 40 during the overnight shift (“EM”), and 60 during each of the morning (“AM”) and afternoon/early evening (“PM”) shifts. *Id.* These goals were premised not on Los Padrinos’s actual youth population at a given time, but rather on the “Rated Capacity” total at Los Padrinos in October 2024, which was 309, and on the assumption that all beds were filled. These population assumptions are far above the approximately 250 youth housed at Los Padrinos at

³ In the BSCC’s December 13, 2024, letter acknowledging receipt of the County’s Notice of Appeal, the BSCC argued that any appeal related to the BSCC’s denial of the County’s October 11 and 13, 2024 corrective action plans would be untimely. *See* Ex. AA. Respectfully, the County disagrees. Because the December 10 Notice is premised, in part, on those denials, and effectively affirmed them, the County’s arguments related to the affirmance are within Section 1314’s 30-day appeal window, and thus are not time-barred.

⁴ The BSCC’s erroneous application of the County’s Staffing Assessment is apparent from the December 10 Notice’s reference on page 1 to the “updated staffing plan,” as well as to the analysis that follows. Exs. A & D3.

the time of the reinspection. Moreover, the Staffing Assessment did not derive from Section 1321's minimum standard ratio requirements, but rather from the more exacting ratio requirements set forth in the Prison Rape Elimination Act ("PREA"), a federal statute that requires staffing ratios of 1:8 during waking hours and 1:16 during sleeping hours (compared to Section 1321's 1:10 and 1:30 ratios, respectively). *Id.*; 28 C.F.R. § 115.313(c).

Nevertheless, the BSCC still premised its reinspection findings of noncompliance on the Staffing Assessment, rather than the less-stringent minimum standard required by state law. See Exs. A & D3. This was incorrect, as the BSCC has implicitly acknowledged. See Ex. E. And this, alone, is enough to reverse the December 10, 2024 Notice's finding of noncompliance.

The BSCC applied the wrong standard incorrectly. Even assuming it were proper for the BSCC to use the internal Staffing Assessment, the BSCC applied the Staffing Assessment incorrectly. It did so in two ways: (1) by applying the Staffing Assessment at a unit-by-unit level (i.e., analyzing each internal housing unit's staffing and youth populations separately), as opposed to at the facility level (i.e., analyzing the on-duty staff and youth populations at the facility generally), as Section 1321 contemplates; and (2) by excluding from consideration staff assigned to smaller groups—e.g., in the hospital, with youth one-on-one or two-on-one, or in movement and control (collectively, "Small Group Staff")—for purposes of its calculation.

By way of example:

- The November 19, 2024 AM shift had a goal of 60 staff and had 85 staff present. Ex. D1. The youth population for this AM shift was 258. *Id.* Of those 85 staff, 16 were not with the general population but rather were Small Group Staff, leaving 69 staff with the general population, which led to a "pass" from the BSCC because the remaining staff of 69 exceeded the Staffing Assessment's 60-staff goal for that shift. *Id.*
- By contrast, during the November 19, 2024 EM shift, the Staffing Assessment's benchmark was 40 staff, and while 48 staff were on duty, 18 were Small Group Staff, leaving 30 with the general population. *Id.* This erroneously yielded a "fail" from the BSCC notwithstanding that well over 40 staff were on duty. *Id.*

Section 1321 does not require that any given number of staff be assigned to any specific set of youth at the facility. Rather, it keys its ratios to "staff member[s] on duty" relative to "youth in detention." Cal. Code Regs. § 1321(h)(1). The regulation does not mandate where or with whom the staff are to be considered as part of the ratio calculation, nor does it even suggest that certain on-duty staff should not be included in the ratio calculation.⁵ And this makes sense. Tethering the staffing requirements to all staff at the facility ensures that, in case of emergencies

⁵ The BSCC's exclusion of on-duty Small Group Staff also fails to add up in the context in which the BSCC applied the calculation. As discussed, the BSCC analyzed Los Padrinos staffing against the Staffing Assessment, instead of Section 1321. The Staffing Assessment's 40-60-60 goals **include** staff assigned to movement and control and those working 1:1 or 2:1 with youth. Ex. D, Nelson Decl. ¶ 20. Excluding these staff members, among others, when assessing compliance against the Staffing Assessment therefore undermines the framework that created the goals in the first instance.

or other unforeseen situations, there will be enough staff to assist with the youths' needs.⁶ Cf. *id.* (referring to "immediate response to emergencies" as a reason for staffing volume requirements).

Viewed under Section 1321's minimum standards, staffing levels at Los Padrinos were in compliance. If the BSCC had applied Section 1321, it would have found that Los Padrinos's staffing levels met—and in most cases, greatly exceeded—the ratios California law requires. This is true regardless of whether the staffing numbers are viewed at the facility level, as Section 1321 contemplates, or at the unit level.⁷

At the facility level, Los Padrinos complied with Section 1321's ratio requirements for *all 45 shifts* across the 15-day period that the BSCC reviewed—from November 19, 2024, through December 3, 2024. Ex. D, Nelson Decl. ¶ 12; Ex. D1. For example:

- For the November 24, 2024 AM shift, there were a total of 247 youths in detention, making the staffing requirement 25 on-duty staff under Section 1321's 1:10 ratio applicable to that shift. Ex. D1. Los Padrinos had 71 on-duty staff during that shift, almost tripling Section 1321's staffing requirement. *Id.* Still, the BSCC found this shift in noncompliance.
- For the November 26, 2024 EM shift, there were 245 youths in detention, making the on-duty staffing requirement 9 under Section 1321's 1:30 ratio. *Id.* Los Padrinos had 48 staff on duty for that shift, over five times more than required under Section 1321. *Id.* Again, the BSCC found this shift to be in noncompliance.

Reviewing Los Padrinos's staffing levels at the unit level (although not required) yields the same result: for *all 231 units* across the 11 shifts that the BSCC found noncompliant, Los Padrinos's staff-to-youth numbers were still well within Section 1321's ratio requirements. Ex. D, Nelson Decl. ¶ 13; Ex. D2.⁸ For example:

- During the November 23, 2024 EM shift, which the BSCC found noncompliant, the overnight ratio requirement under Section 1321 for units P, Q, and Y2, was 1-staff-per-unit, yet Los Padrinos staffed 3, 2, and 6 on-duty staff in each unit, respectively. Ex. D2. Even employing the BSCC's erroneous method of removing from consideration on-duty

⁶ To the extent the BSCC has adopted a generally applicable interpretation of Section 1321 to consider only staff assigned to the general population for purposes of its calculations, that would be an improper underground regulation under California's Administrative Procedure Act ("APA"). See *infra* Section III.B.3.

⁷ Additionally, Los Padrinos was in compliance with PREA requirements during all shifts that the BSCC found to be in noncompliance. Ex. D, Nelson Decl. ¶ 13.

⁸ Even applying the erroneous methodology of excluding from the calculation on-duty Small Group Staff, 230 out of 231 units for the 11 shifts the BSCC found "deficient" complied with Section 1321. Ex. D, Nelson Decl. ¶¶ 14, 17; Ex. D2. But again, even that one "noncompliant" unit was, in fact, in compliance because the number of on-duty staff relative to youth in detention was below Section 1321(h)(1)(A)'s 1:10 ratio requirement. Ex. D, Nelson Decl. ¶ 17; Ex. D2.

Small Group Staff, each unit still had enough on-duty staff to meet Section 1321's ratio requirements for youths in the general population, with 2, 1, and 1 on-duty staff assigned to each unit's general youth population, respectively. Ex. D, Nelson Decl. ¶¶ 14, 17; Ex. D2.

Any way you cut the numbers, the BSCC's analysis will not withstand scrutiny—whether during this appeal, or before a court on the County's writ if the BSCC rejects the County's appeal.

In short, while the BSCC found 11 shifts in noncompliance with Section 1321, those findings were incorrect. It is on that flawed conclusion that the BSCC insists that Los Padrinos vacate regardless of the harm it would cause to the youth, the community, and the County. That position must be reconsidered and the errors acknowledged.

The BSCC improperly concluded that the staffing noncompliance finding was supported by perceived deficiencies with programs and services. Finally, the BSCC sought to support the finding of “noncompliance with staffing” with the alleged “inability of the facility to provide programs, recreation, and exercise in compliance with minimum standards,” “get youth to school on time,” or get “youth to [medical] appointments.” Ex. A. But the BSCC offered no support for the conclusion that these alleged deficiencies were “linked” to low staffing levels. *Id.* At most, the BSCC cited “two (2) instances where the lack of staff was specifically noted as the cause” for canceling outdoor exercise. *Id.* Notably absent from that assertion, however, is any statement that those two cancellations occurred during shifts the BSCC found to be understaffed. Nor did the BSCC quantify the other perceived deficiencies in programs and services or explain how they are “linked” to noncompliant staffing. That is problematic since, of course, there are myriad reasons beyond low staffing that can explain medical appointment cancellations, school tardiness, and the like. In other words, the BSCC's letter fails to describe how low staffing, specifically, contributed to these alleged deficiencies as opposed to other causes.

B. *Several Additional Errors Committed by the BSCC Require Overturning Its Findings of Noncompliance and Its Order to Vacate Los Padrinos.*

The reinspection analysis resulting in the December 10 Notice affirmed a series of errors, each of which independently requires the reconsideration of the now-reiterated decision by the BSCC that the County should vacate Los Padrinos.

1. *The BSCC Lacked Statutory Authority to Conduct Targeted Monthly Inspections that Led to Its Finding of Unsuitability.*

First, the inspection giving rise to the October 14 Notice exceeded the BSCC's plain statutory authority under Section 209 of the WIC to perform only “biennial” inspections. See WIC § 209(a)(3)(A) (“The Board of State and Community Corrections shall conduct a biennial inspection of each . . . juvenile hall . . .”). Although California law impliedly suggests that the BSCC may conduct more than biennial inspections in the context of *non-juvenile* correctional facilities, see Cal. Penal Code § 6031.1, no such parallel statute exists in the context of *juvenile* correctional facilities such as Los Padrinos. And it is well established that “administrative

agencies . . . are creatures of statute, bound to the confines of the statute that created them.” *U.S. Fid. & Guar. Co. v. Lee Invs. LLC*, 641 F.3d 1126, 1135 (9th Cir. 2011). The plain text of WIC section 209(d) conveys the authority to the BSCC to conduct only biennial inspections, and nothing more.

On April 11, 2024, after finding Los Padrinos in compliance during a statutorily authorized every-other-year inspection, the BSCC unilaterally (and without any legal basis) declared its suitability finding to be conditional upon the County’s compliance during monthly “targeted” inspections. Ex. W. It also improperly demanded documentation in connection with these monthly inspections, which was also not authorized by statute. It soon became clear that these monthly inspections (and periodic reports the BSCC required the County to submit as part of these inspections) were not conducted with the goal of identifying and correcting issues well in advance of the next comprehensive inspection, but rather to consign the County to a state of perpetual inspection in which the BSCC might, at any given time, pull the rug out from underneath the County and deem Los Padrinos unsuitable based on any single issue. That is precisely what happened. Just a few months later, on August 12, 2024, the BSCC issued a finding that Los Padrinos was in noncompliance, the first of a chain of events that led to this appeal. Ex. O. The August 12 Notice should be deemed void, however, because it resulted from an unauthorized inspection.

2. *The BSCC Abused Its Discretion in Rejecting the County’s CAPs.*

Additionally, the BSCC abused its discretion in interpreting and applying BSCC regulations when it rejected the County’s October 11, 2024 and October 13, 2024 CAPs.

October 11, 2024 CAP. The BSCC’s recent affirmance of the October 14 Notice stems from its original denial of the County’s October 11, 2024 CAP. Exs. A & Q. It is plain from the BSCC’s October 11, 2024 denial letter that the BSCC did not take issue with the CAP’s merits, but instead cherry-picked four of the twenty short- and long-term action plans to attack as “deficient.” None of the alleged “deficiencies” is compelling.

Two were premised on nothing more than the omission of specific completion dates, despite the October 11 CAP’s making clear that those remedies were “ongoing.” Exs. P & Q. WIC Section 209(d) governs the content required for a CAP, and nowhere does it state that each and every action plan requires its own completion date. Rather, Section 209(d) requires only that a CAP “outline how the juvenile hall . . . plans to correct the issue of noncompliance and give a reasonable timeframe, not to exceed 90 days, for resolution.” The County did just that. The October 11 CAP outlined the plan and provided a proposed date of resolution within 90 days for almost all of its proposed actions. Ex. P. When viewed holistically, as Section 209(d) is more reasonably interpreted to require, the October 11 CAP provides a “reasonable timeframe” for how to correct the issues of staffing noncompliance.⁹

⁹ To the extent the BSCC has created and enforced its own requirement that, based on Section 209(d), each distinct action plan addressing an item of noncompliance in a CAP requires its own specific deadline, that would be an “underground” regulation under the APA and thus would be unenforceable.

The BSCC's other two deficiency findings are arbitrary and capricious because they rest on a subjective, unwarranted conclusion that proposed target dates of completion were "unreasonable." See Ex. Q. Both dates—November 30, 2024, and January 5, 2025—were within Section 209(d)'s 90-day window and thus complied with the plain language of the law. Ex. P. And both dates were reasonable. The November 30, 2024 date related to a plan for ensuring that youth attend medical appointments. *Id.* Given the size of Los Padrinos, coupled with the myriad corrections being implemented across several active CAPs (responding to other BSCC notices), as well as the County's continued efforts to comply with the Stipulated Judgment, a window of 50 days to implement a change to policy and procedure is objectively reasonable.

Similarly, the January 5, 2025 deadline was reasonable under the broader circumstances. As the County pointed out in the cover letter accompanying its October 13 revised CAP, there is a "national staffing crisis that complicates our ability to quickly hire sufficient personnel to alleviate our staffing challenges. All correctional facilities are currently facing similar staffing shortages." Ex. R. Notwithstanding these nationwide staffing shortages, the County is affirmatively taking action to implement "temporary measures while actively recruiting and training new personnel as part of a comprehensive long-term strategy." *Id.* The BSCC disregarded these contextual factors in rejecting the October 11 CAP.¹⁰

October 13, 2024 Revised CAP. The BSCC also rejected the County's October 13, 2024 revised CAP that addressed the issues the BSCC identified in its October 11, 2024 denial letter. Exs. R & S. For instance, in the October 13 CAP, the County accelerated the (already reasonable) January 5, 2025 deadline discussed above to October 23, 2024. Ex. R. And it provided detailed explanations for why more specific, accelerated deadlines to implement broader staffing changes to solve the staffing shortages are unreasonable. *Id.*

In its rejection email, the BSCC first summarily denied the revised CAP because it was purportedly "late." Ex. S. Under WIC Section 209(d), CAPs must be filed within 60 days of receiving a notice of noncompliance. Here, the BSCC's notice of noncompliance is dated August 12, 2024, making the CAP deadline October 11, 2024. Ex. O. The County complied with that deadline, issuing its October 11, 2024 CAP on time, and then filed an amended CAP just one day after receiving the BSCC's denial. Exs. P – R. Instead of considering the October 13 CAP, it chose to reject it out of hand, initiating a series of events that would culminate in potentially catastrophic consequences simply because the CAP was two days "late." Ex. S. This was an unreasonable application of Section 209(d).

The BSCC's denial of the October 13 CAP also glossed over the many changes that the County made, including the new proposed completion dates meant to address the "deficiencies" with

See infra Section III.B.3; *Tidewater Marine W., Inc. v. Bradshaw*, 14 Cal. 4th 557, 563–76 (1996) (agency's policy that interpreted law the agency enforces, and applied the interpretation generally, was void as an underground regulation because the agency failed to follow APA procedures).

¹⁰ In addition to the measures to bolster staffing outlined above and in Ex. R, on December 17, 2024, the Los Angeles County Board of Supervisors proclaimed a local emergency regarding Los Padrinos to, among other things, accelerate staffing increases at the facility. Ex. X.

the October 11 CAP. *See id.* The BSCC provided no specifics on substantive defects with the plan, or what was expected from the County in that regard. *See id.* Instead, it claimed that the County’s revised plan remained deficient because it prioritized measures to address staff “absenteeism.” *Id.* There is no reasonable basis for dismissing this priority as improper, as staff’s failure to attend work regularly is one reason for the Los Padrinós staffing shortages, and addressing this issue at least partly resolves those shortages. Incentivizing the County’s probation employees to accept positions in juvenile halls and come to work consistently is part of the solution, yet the BSCC treated it as an improper remedy that contributed to the overall plan’s rejection.

Additionally, the BSCC improperly embraced an underground regulation, *see infra* Section III.B.3, in its rejection of the October 13 CAP, stating that the plan “fails to outline the targeted number for reduction of population and how the reduced population affects the issue of noncompliance with staffing and the adequate delivery of required programs and services to youth.” Ex. S. The BSCC appears to interpret Section 209(d) to require a level of specificity—the precise number of the reduced population—not required by the statute itself. In any event, “how the reduced population affects the issue of noncompliance with staffing and the adequate delivery of required programs and services to youth” is obvious: less population requires less staffing, thus easing the burden on the County’s staffing obligations generally and as applied to the requirements to deliver programs to youth. That the County did not spell this out explicitly is not a proper ground for denying the CAP.

3. *The BSCC Erred When It Failed to Put the County’s CAPs on the BSCC Board’s November 21, 2024 Agenda.*

The BSCC’s refusal to put the County’s CAPs on the BSCC board’s agenda also merits overturning the BSCC’s December 10 Notice. This is so for two independent reasons: (1) WIC Section 209(d) requires the board, specifically, to approve or deny a CAP, and under the Bagley-Keene Open Meetings Act (“OMA”), the board could do so only in an open and public meeting—which did not occur here; and (2) any board delegation of authority to the BSCC’s Deputy Director to approve or deny a CAP is unlawful.

WIC Section 209(d) Plainly Requires the Board to Approve or Deny CAPs. The OMA requires that “[a]ll meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body,” with limited exceptions inapplicable here. Cal. Gov’t Code § 11123. The OMA prohibits “[a] majority of the members of a state body . . . [from] us[ing] a series of communications . . . to . . . take action on any item of business that is within the subject matter of the state body” in a meeting not authorized by the OMA. Cal. Gov’t Code § 11122.5(b)(1). For the BSCC to take action on approving or denying a CAP—an “item of business that is within the subject matter of the state body,” given that the board is required to approve or deny a CAP pursuant to WIC Section 209(d)—the BSCC must hold an “open and public meeting.” Cal. Gov’t Code §§ 11122.5(a), 11123, 11121.

Here, the BSCC board failed to opine on the County’s October 11 and 13 CAPs during the board’s November 21, 2024 meeting, despite the County’s specific request for it to do so. Exs. U & V. Given the failures by the BSCC to adhere to the requirements of Section 209(d) and the

OMA, the BSCC's October 14 Notice is ineffective. So is the December 12, 2024 deadline to vacate Los Padrinos set forth in the notice.

The BSCC Board's Attempt to Delegate Authority to the BSCC Deputy Director to Approve or Deny CAPs Is Legally Improper. In rejecting the County's request for the BSCC to place the CAPs on the BSCC board's November 21, 2024 agenda, the BSCC justified its refusal by referring to the BSCC board's attempted delegation of authority to opine on CAPs to the BSCC's FSO Deputy Director. Ex. V. That purported delegation authority stems from a recently created CAP process the BSCC approved during its July 11, 2024 meeting.¹¹ This delegation, however, is legally improper for two reasons.

First, the delegation violates WIC Section 209(d)'s plain language, which expressly states that the "*board* shall either approve or deny" CAPs. It also violates the statutory framework creating the BSCC, which expressly limits the BSCC's delegation authority to only "ministerial" acts. Cal. Penal Code § 6025.6 (board can delegate only "any ministerial authority or duty . . . imposed upon the board to a subordinate officer"). Approving or denying a CAP is not ministerial—as this matter shows, it involves substantial discretion and judgment on complex issues. Accordingly, the board's attempt at delegating its authority is ineffective.

Second, the new CAP process is an underground regulation. Under California's APA, "regulations" as defined in California Government Code section 11342.600 must be adopted in accordance with APA procedures. See, e.g., Cal. Gov't Code §§ 11349.1, 11343. If they are not, they constitute an "underground regulation" that is invalid and unenforceable.¹² To meet APA procedures, an agency must submit its proposed regulation to the Office of Administrative Law ("OAL"), which reviews proposed regulations to determine whether they meet certain standards. Cal. Gov't Code § 11349.1. These standards pertain to, among other things, whether the agency has "authority" to adopt the regulation and whether the regulation is "consisten[t]" with and not in conflict with existing statutes. Cal. Gov't Code §§ 11349, 11349.1. Only after that review may the OAL approve the regulation for publication in the California Code of Regulations and file the regulation with the Secretary of State. Cal. Gov't Code § 11349.1.

The BSCC's new CAP process—and specifically, its provision delegating to its FSO Deputy Director the power to approve or deny CAPs—qualifies as a "regulation" under California Government Code section 11342.600. This is because it purports to (1) "apply generally" to all cases in which CAPs are submitted and (2) "implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency's procedure." *Tidewater Marine*, 14 Cal.4th at 571; Cal. Gov't Code § 11342.600. Accordingly, the BSCC had to follow the APA procedures outlined above for the new CAP process to be valid and enforceable, including submitting it for OAL review. The County has searched for but not found any indication that the BSCC ever did so. Because the BSCC did not follow the procedures required by the APA in

¹¹ Exs. Y & Z; *Welfare and Institutions Code section 209 (d) Corrective Action Plan Submission, Review, and Approval Process Outline*, BSCC, available at <https://www.bscc.ca.gov/welfare-and-institutions-code-section-209-d-corrective-action-plan-submission-review-and-approval-process-outline/>.

¹² *Underground Regulations*, OAL (2024), https://oal.ca.gov/underground_regulations/.

implementing its new CAP process, that process is void and cannot support the BSCC's attempted delegation. Indeed, the BSCC's enforcement of this underground regulation is exactly what the APA procedures are meant to prevent: an attempted delegation of powers that (as discussed above) plainly conflicts with other statutes.

4. *The BSCC's Affirmance of the October 14 Notice Is an Unreasonable Application of Regulations that Will Harm the Youth at Los Padrinos.*

The BSCC's demand that the County vacate Los Padrinos within just 60 days is a prime example of the BSCC's paradigm yielding a harmful result. The BSCC's insistence on vacating Los Padrinos constitutes an unreasonable decision that should be overturned.

As the County has explained in prior letters, Exs. N & U, any corrective action that forces the County to move approximately 250 youth would be tremendously disruptive and harmful to them and their opportunities for positive outcomes, and may lead to violations of laws and regulations. For example, the County's other juvenile facilities are at maximum capacity. Forcing the youth currently housed at Los Padrinos to rejoin those other facilities fixes nothing. To the contrary, it would not only disrupt the Los Padrinos juveniles forced to move, but also exacerbate the risk of overpopulating other facilities, which would negatively affect everyone housed in and working at those facilities. It would also risk violations of authority requiring the County to maintain a juvenile hall within County limits (Los Padrinos is the only one remaining). See WIC § 850. And it would expose the youth housed at other facilities to the youths housed at Los Padrinos, who have been adjudicated or are awaiting adjudication for violent offenses, including (as of the date of this letter) over 50 for murder, almost 30 for attempted murder, and others for sexually violent crimes. Nor is moving the youth housed at Los Padrinos to a neighboring county an option, as those counties have demonstrated an unwillingness to receive Los Padrinos juveniles. And releasing the youths, of course, is also not an option because it would violate the court orders that required their detention in the first place.

Instead of continuing to work with the County as it previously had, and as the DOJ continues to do through its Monitor, the BSCC has chosen to let the perfect be the enemy of the good, which does nothing but hinder our joint mission to best serve the youths in the County's care. Forcing Los Padrinos to vacate would have catastrophic consequences for the Los Padrinos youth and staff, and ultimately move the County much further away from Stipulated Judgment compliance through the enormous (perhaps insurmountable) burdens that vacating Los Padrinos would impose.

We are confident that an objective fact-finder would agree that the remedy the BSCC seeks to impose would be a detriment to the youth at Los Padrinos, and that the best way forward is not to vacate Los Padrinos but to continue to collaborate on improvements that bring the County into compliance with both the Stipulated Judgment and BSCC regulations. Setting the County back years in its diligent efforts to improve Los Padrinos is not the solution.

IV. Actions Requested and Remedies Sought

By this appeal, the County seeks both:

(1) A finding that Los Padrinos was compliant upon reinspection; or, alternatively, a finding that the BSCC will continue to work with the County on crafting a CAP that satisfies the BSCC's compliance demands to avoid the catastrophic consequences to both the youth and the County that would result from forcing the County to vacate Los Padrinos. If the BSCC is unwilling to issue a finding of compliance, it should at a minimum allow the County to present another amended CAP that would address the BSCC's concerns without upending the lives of the youth in the County's care.

(2) A finding that, before the October 14 Notice and the notice's requirement to vacate Los Padrinos by December 12, 2024, can be effective, the BSCC must comply with the OMA's open meeting requirement. There can be little doubt that the BSCC strayed from the OMA's requirements by purporting to deny the CAPs without opining on them in an open meeting whatsoever.

V. Conclusion

A process that discounts the County's good-faith efforts to improve conditions at Los Padrinos—and that instead allows the BSCC to impose the most extreme corrective action available—runs counter to the requirements and objectives of Section 209(d). Worse, by forcing the County to vacate Los Padrinos, the BSCC would be gambling with the well-being of hundreds of youth and the community rather than embracing a cooperative framework that honors our shared mission. The County continues to believe that a solution that serves the best interests of the youth can be achieved.

Sincerely,

/s/ Esteban Rodriguez

Esteban Rodriguez
of O'Melveny & Myers LLP

Enclosures

APPENDIX OF EXHIBITS IN SUPPORT OF APPEAL BY THE COUNTY OF LOS ANGELES AND THE LOS ANGELES COUNTY PROBATION DEPARTMENT

<u>Exhibit #</u>	<u>Document Title</u>
A	Letter from the Board of State and Community Corrections (“BSCC”) regarding unremedied noncompliance with Title 15 § 1321 upon reinspection, dated Dec. 10, 2024
B	Memorandum from Juvenile Court Supervising Judge, Hon. Miguel Espinoza, finding Los Padrinos Juvenile Hall suitable to house youth during 2024 annual inspection, dated Oct. 8, 2024
C	Monthly Compliance Report for September 2024, Mike Dempsey (Monitor in DOJ Case), dated Nov. 14, 2024
D	Declaration from Probation Compliance Officer Tyson Nelson with Exhibits 1–3, labeled herein D1–D3, dated Jan. 8, 2025
D1	Chart Prepared by the County Displaying Staffing and Youth Population Totals across the Reinspection Review Period on a Per-Shift Basis, dated Jan. 8, 2025
D2	Chart Prepared by the County Displaying Staffing and Youth Population Totals for the Eleven Shifts the BSCC Concluded Were Noncompliant, dated Jan. 8, 2025
D3	Los Padrinos Staffing Assessment Analysis Prepared by the County, dated Dec. 2024
E	Letter from the BSCC to Judge Espinoza providing information for hearing scheduled in Case No. FJ57137 with Appendix A [other supporting documentation omitted], dated Dec. 19, 2024
F	Entry of Stipulated Judgment in <i>The People of the State of California v. County of Los Angeles and Los Angeles County of Education</i> , Case No. 21STCV01309 (“DOJ Case”) with Exhibit 1 Stipulated Judgment attachment [Exhibit 2 omitted], filed Jan. 21, 2021
G	Order Amending Stipulated Judgment in DOJ Case [exhibits omitted], filed Dec. 11, 2024
H	Initial Inspection Report, dated Aug. 18, 2023
I	The County’s Corrective Action Plan (“CAP”), dated Oct. 16, 2023

J	Letter from the BSCC approving the County's Oct. 16, 2023 CAP, dated Oct. 17, 2023
K	Initial Inspection Report, dated June 28, 2024
L	The County's CAP, dated Aug. 8, 2024
M	Letter from the BSCC approving the County's Aug. 8, 2024 CAP, dated Aug. 8, 2024
N	Letter from Chief Probation Officer Guillermo Viera Rosa regarding Juvenile Hall Compliance, dated Feb. 15, 2024
O	Letter from the BSCC providing Notice of Noncompliance, dated Aug. 12, 2024
P	The County's CAP, dated Oct. 11, 2024
Q	Letter from the BSCC rejecting the County's Oct. 11, 2024 CAP, dated Oct. 11, 2024
R	The County's CAP, dated Oct. 13, 2024
S	Email from the BSCC rejecting the County's Oct. 13, 2024 CAP, dated Oct. 13, 2024
T	Letter from the BSCC providing Notice of Facility Unsuitability, dated Oct. 14, 2024
U	Letter from outside counsel for the County, Andrew Baum, requesting a public hearing for the BSCC board to approve or deny the County's Oct. 11 and 13, 2024 CAPs, dated Nov. 5, 2024
V	Letter from the BSCC rejecting Andrew Baum's request for a public hearing, dated Nov. 8, 2024
W	Minutes of BSCC Meeting on April 11, 2024
X	Proclamation adopted by the County Board of Supervisors of a Local Emergency at Los Padrinos Juvenile Hall, dated Dec. 17, 2024
Y	Meeting Agenda and excerpts from Binder for BSCC Meeting on July 11, 2024
Z	Minutes of BSCC Meeting on July 11, 2024

AA

Letter from BSCC Executive Director Aaron Maguire to the County's outside counsel Esteban Rodriguez acknowledging receipt of the County's December 11, 2024 Notice of Appeal, dated Dec. 13, 2024

EXHIBIT A

December 10, 2024

Guillermo Viera Rosa, Chief Probation Officer
Los Angeles County Probation Department
9150 Imperial Highway
Downey CA 90242

**SUBJECT: UNREMEDIED NON-COMPLIANCE WITH TITLE 15 § 1321: STAFFING
– LOS PADRINOS JUVENILE HALL, LOS ANGELES COUNTY PROBATION
DEPARTMENT**

Dear Chief Viera Rosa:

I am writing to inform you that following reinspection of Los Padrinos Juvenile Hall (Los Padrinos) conducted on December 5 and 6, 2024, Los Padrinos remains out of compliance with Section 1321 of Title 15 of the California Code of Regulations. This inspection was conducted in response to your request for reinspection dated December 2, 2024. During our inspection, we found that effort has been made to address and mitigate the issues that led to noncompliance with Title 15, section 1321, Staffing; however, the county has failed to remedy the conditions that rendered the facility unsuitable.

Scope of Reinspection

During our inspection, we reviewed the following documentation from November 19-December 2, 2024:

- Facility Staffing Reports, Staffing Sheets and Updated Staffing Plan
- Program, Recreation and Exercise Logs
- School Movement Documentation Sheets/LACOE Movement Documents
- Medical Appointment Transportation Team (External)

Facility Staffing Reports/Staffing Sheets/Updated Staffing Plan

The facility continues to be minimally staffed; the county provided us with an updated staffing plan on December 4, 2024. This updated plan, similar to previous plans, does not provide background analysis of the staffing plan that takes into account how the minimum staffing numbers were determined. It appears the county has not undertaken a proper staffing analysis to adequately determine minimum staffing numbers; there is no analysis of posted positions, physical plant limitations, planning for contingencies, etc. The only information available is minimum numbers for staffing, and versions of a staffing plan that includes minimum/mandatory, baseline, program minimum, and operational minimums. The county continues to staff the facility at operational minimums, which negatively impacts the facility's ability to meet required minimum standards.

Since the last inspection, the county has implemented a population reduction plan and has made strides in reducing the number of youth being placed in the facility; however, there is no analysis that indicates that the staffing numbers should be commensurately decreased. In this latest staffing plan, however, the county has further decreased already low staffing minimums.

We found of the 45 shifts reviewed, (5) AM shifts and (6) EM shifts (24% of shifts overall) did not meet the Department's required minimum unit staffing requirements. We found Monday, Tuesday, and Saturday Early Morning shifts and Saturday, Sunday and Monday AM shifts to be below the identified minimum staffing numbers. There were 11 occurrences where youth identified as a Level youth did not have a Level staff assigned per the documentation provided; this highlights that minimum staffing numbers continue to not be met and/or are inadequate to meet the needs of the facility.

We found that the current staffing numbers do not allow for all required activities, operations, programs and facility functions, and to ensure the safety of youth and staff.

Program, Recreation and Exercise Logs

The findings of noncompliance with staffing are also linked to the inability of the facility to provide programs, recreation, and exercise in compliance with minimum standards due to the lack of staff. During our review of activity logs, we found two (2) instances where the lack of staff was specifically noted as the cause for the units to cancel outdoor exercise. We also found a significant number of documented occurrences of youth not being provided with the opportunity to go outside for exercise or for outdoor activity due to "darkness," despite the facility having lighted areas.

When we discovered documentation of modification of outdoor recreation to indoor recreation, we verified those activities on video review. What we observed was that in most cases, youth did not participate in exercise, but rather engaged in recreation activities in the dayroom, such as, TV, phones, video games etc.

School Movement

The finding of noncompliance with staffing was also based on the inability of facility staff to get youth to school on time due to lack of staff available for supervision within the classroom. While the facility has improved in this area, youth continue to be late to school, due to operational issues that occurred within the units, such as late medical rounds, restructuring of youth, or unit incidents that occurred. We also found a noteworthy number of late starts due to the teachers being late to the classroom, which were confirmed to be educators being late to the facility.

Medical Appointment Transportation Team (External)

To determine if issues with youth getting to medical appointments have been remedied, we met with the Juvenile Court Health Services AM and PM shift supervisors and Probation to determine the status of outside medical appointments and to discuss process. While both healthcare supervisors noted an improvement in getting youth to appointments, there continues to be cancellations as need exceeds the resources allocated/available for getting youth to appointments.

Conclusion

Based on the foregoing, our reinspection findings indicate that the Los Angeles County Probation Department has not remedied the noncompliance with Section 1321 (Staffing) at the Los Padrinos Juvenile Hall.

* * *

If you have any questions, please contact Field Representative Lisa Southwell at lisa.southwell@bscc.ca.gov or (916) 322-1638.

Sincerely,



LISA SOUTHWELL
Field Representative
Facilities Standards and Operations Division

Cc:

Kimberly Epps, Chief Deputy Probation Officer, Los Angeles County Probation
Sheila Williams, Deputy Director, Los Angeles County Probation
Vicky Waters, Director of Communications, Los Angeles County Probation
Sanford Rose, Deputy Director, Los Angeles County Probation
Honorable Samantha P. Jessner, Presiding Judge, Los Angeles County Superior Court
Honorable Akemi Arakaki, Presiding Judge of the Juvenile Court
Honorable Miguel Espinoza, Los Angeles County Superior Court Los Angeles County
Dawyn R. Harrison, County Counsel, Los Angeles County
Fesia Davenport, Chief Executive Officer, Los Angeles County
Max Huntsman, Office of Inspector General, Los Angeles County
Wendelyn Julien, Executive Director, Probation Oversight Commission
Tyson Nelson, Compliance Monitor, County Executive Office, County of Los Angeles
All BSCC Board Members
Aaron R. Maguire, Executive Director (A) Board of State and Community Corrections
Steven Wicklander, Deputy Director (A) Board of State and Community Corrections

EXHIBIT B



The Superior Court

EAST LOS ANGELES COURTHOUSE
4848 EAST CIVIC CENTER WAY
LOS ANGELES, CALIFORNIA 90022

CHAMBERS OF
MIGUEL ESPINOZA

(he/him/his)


SUPERVISING JUDGE
JUVENILE JUSTICE COURT

TELEPHONE
(323) 780-2016

MEMORANDUM

October 8, 2024

TO: Hon. Akemi Arakaki
Presiding Judge, Juvenile Court

FROM: Miguel Espinoza 
Supervising Judge, Juvenile Justice Court

SUBJECT: **2024 INSPECTION OF JUVENILE FACILITIES**

Pursuant to WIC 209(a), I inspected the following juvenile detention facilities during the 2024 inspection cycle. I used the Juvenile Halls, Special Juvenile Halls, and Camps Procedures Checklist as my guide. At the time of my inspection, each of these facilities met the minimum standards required by law and were deemed suitable for the confinement of our youth.

- Los Padrinos (May 3, 2024)
- Barry J. Nidorf (May 31, 2024)
- Campus Kilpatrick (August 9, 2024)
- Dorothy Kirby Center (all facilities) (August 23, 2024)
- Campus Afflerbaugh (October 4, 2024)
- Campus Paige (October 4, 2024)
- Campus Rocky (October 4, 2024)

Cc: Chief Guillermo Viera Rosa

EXHIBIT C

From: [Mike Dempsey](#)
To: [Aaron Broom](#); [Tyson Nelson](#); [EDL-PROB CA DOJ](#); [Laura Faer](#); [Virginia Corrigan](#); [Christopher Medeiros](#); [Trinidad Ocampo](#); [Cristina Gutierrez](#)
Cc: [Peter E. Leone](#); [clioconsultingllc@gmail.com](#); [Monique Khumalo](#); [kelly.dedel@gmail.com](#); [tabreu12@gmail.com](#); [sharon@rapidesi.com](#)
Subject: Monthly Compliance Report Re: September 2024
Date: Thursday, November 14, 2024 11:28:23 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[LA County Monthly Report Thru SEPTEMBER 2024 FINAL 11_14_2024 LOCKED1221.xlsx](#)

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Good afternoon. Please find attached the final version of the September monthly report. The attached report takes into consideration comments submitted by DOJ and the County partners.

In future, please provide any comments/feedback on the draft reports within 10 days of receipt if you want those to be considered prior to us finalizing the report.

Mike

Michael P. Dempsey, Executive Director
Council of Juvenile Justice Administrators (CJJA)
350 Lincoln Street, Suite 2400
Hingham, MA 02043
781.843.2663 (office)
765.617.6562 (cell)
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[illegible]

EXHIBIT D

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7 *Attorneys for County of Los Angeles*

8
9 CALIFORNIA BOARD OF STATE AND
10 COMMUNITY CORRECTIONS

11 In re: Appeal of December 10, 2024
12 Reinspection Findings and Determination of
13 Facility Unsuitability at Los Padrinos Juvenile
Hall

Appeal to Executive Director

**DECLARATION OF TYSON NELSON IN
SUPPORT OF COUNTY OF LOS
ANGELES'S APPEAL OF BSCC'S
DECEMBER 10, 2024 REINSPECTION
FINDINGS AND DETERMINATION OF
FACILITY UNSUITABILITY AT LOS
PADRINOS JUVENILE HALL**

1 I, Tyson Nelson, declare and state as follows:

2 1. I have personal knowledge of the matters stated herein. All of the facts set forth
3 herein are known to me personally and, if called as a witness, I could and would testify
4 competently to them.

5 2. I am an attorney admitted to practice in the courts of the State of California. I
6 make this Declaration in support of the County of Los Angeles's Appeal of the December 10,
7 2024 Reinspection Findings and Determination of Facility Unsuitability at Los Padrinos Juvenile
8 Hall (the "Appeal") by the Board of State and Community Corrections ("BSCC").

9 3. I am the Probation Compliance Officer employed by the Chief Executive Office
10 ("CEO") for the County of Los Angeles (the "County"). As the Compliance Officer, I am
11 responsible for, among other things, helping to resolve compliance-related concerns and
12 communications, monitor compliance timelines, and review corrective action plans for the Los
13 Angeles County Probation Department ("Probation"). I was appointed the Probation Compliance
14 Officer on November 28, 2024. Prior to my current role, I was with the Los Angeles County,
15 Office of the County Counsel assigned to advise the Probation Department.

16 4. I am also a United States Department of Justice certified Prison Rape Elimination
17 Act ("PREA") auditor for jails and juvenile facilities.

18 5. I understand that the BSCC performed a reinspection of Los Padrinos Juvenile
19 Hall ("Los Padrinos") on December 5 and 6, 2024.

20 6. After the reinspection, the BSCC field inspector ("Inspector") who performed the
21 inspection orally reported some of her findings to the County on Monday, December 9, 2024. At
22 this meeting the Inspector stated that she audited 15 days and 45 shifts (3 shifts per day).

23 7. On December 10, 2024, the BSCC issued to the County its written findings
24 explaining why, upon reinspection, the BSCC found Los Padrinos not to be in compliance with
25 Section 1321 of Title 15 of the California Code of Regulations. The letter states that the
26 Inspector audited dates November 19 through December 2, 2024, which is only 14 days. But
27 because Probation provided documentation to the Inspector for dates from November 19 to
28 December 3, which is 15 days, and the Inspector stated that she audited 15 days, I audited through

December 3.

8. I learned through a conversation with the Inspector and a Probation supervisor who assisted the Inspector during her re-inspection about how the Inspector conducts her audits of staffing, namely that the Inspector calculates staffing numbers as follows: begin with the total number of staff on the shift; then remove the staff with youth at the hospital, staff assigned to movement and control, and all staff supervising one staff to one youth (1:1) or two staff to one youth (2:1) (collectively, “Small Group Staff”); and then apply the Probation-created minimum staffing numbers to determine compliance.

9. With this knowledge, and applying my prior experience, I performed an analysis of the staffing and youth population at Los Padrinos in order to evaluate the BSCC’s findings.

10. As part of this evaluation, I reviewed the same documents provided to the Inspector on staffing and youth population data from November 19, 2024, through December 3, 2024 (collectively, the “Review Period”).

11. To accomplish this review, Probation provided me access to the Microsoft Teams folder in which Probation placed its staffing documents for the BSCC Inspector to review.

12. I determined, based on the staffing and youth population data in the documents made available to the Inspector for review, that all 45 Los Padrinos shifts from the Review Period complied with the staffing ratio requirements in California Code of Regulations, Title 15, Section 1321.

13. Additionally, I determined based on the staffing and youth population data in the documents made available to the Inspector for review that for all 21 units for each of the 11 shifts that the BSCC found noncompliant—totaling 231 unit shifts—Los Padrinos’s staff-to-youth ratios complied with Section 1321’s minimum staffing requirements. Los Padrinos’s staff-to-youth ratios also complied with PREA staffing requirements for all shifts that the BSCC found to be in noncompliance.

14. In order to better understand the BSCC findings, I then applied the Inspector’s methodology of removing Small Group Staff from the ratio calculation and applied this to the 11 shifts that the BSCC found noncompliant. I found that 230 out of 231 units for the 11 shifts that

1 the BSCC found noncompliant were in compliance with Section 1321's minimum staffing
2 requirements when applying the Inspector's methodology at the unit-level.

3 15. Attached as **Exhibit 1** is a chart that displays the staffing and youth population
4 totals across the Review Period on a per-shift basis. The information from this chart was
5 collected from the staffing sheets made available to the BSCC, as referenced above. Column C is
6 the Section 1321 ratio requirement applicable to the shift. Columns D and E, respectively, are the
7 youth-in-detention and on-duty staff totals for each day during the Review Period. Column F
8 calculates the minimum staffing requirement based on the ratio applicable to that shift and the
9 youth in detention at that time on a facility-wide level. It does so by dividing the number in
10 column D by the youth component of the ratio in column C, and rounding up to the nearest whole
11 number. By comparing columns E and F, you can see what the Los Padrinos staffing levels were
12 compared to what Title 15 of the California Code of Regulations Section 1321 required. By
13 comparing columns E and F, you can see that all 45 shifts for all 15 days were sufficiently staffed
14 relative to what Section 1321 requires based on the facility-wide staffing numbers in the
15 documents made available to the BSCC for review. Column G includes the County's Los
16 Padrinos Staffing Assessment Analysis ("Staffing Assessment") goals for that shift. These goals
17 are not required under state regulations but rather were developed in collaboration with the
18 California Department of Justice's Monitor in connection with a stipulated judgment that covers
19 several of the County's youth facilities, including Los Padrinos. This data is included because the
20 Inspector considered it in her analysis. Column H includes the aggregate number of Small Group
21 Staff. This data is included because the Inspector considered it in her analysis. Column I
22 includes the on-duty staff during the shift who were working with the general population of
23 youths in detention, which is calculated by taking the total on-duty staff in column E and
24 subtracting the number in column H. This data is included because the Inspector considered it in
25 her analysis.

26 16. Attached as **Exhibit 2** is a chart that focuses on the eleven shifts that the Inspector
27 concluded were deficient. Whereas the Inspector did not provide information to the County about
28 whether she performed a unit-level ratio analysis, I applied my experience as a PREA certified

auditor to break down the unit-level staffing ratios in the event that the Inspector may have analyzed the staffing numbers that way. Exhibit 2 does not include data from all units for these shifts; rather, it includes data only for units where there was staff working as Small Group Staff, because these were the units where the Inspector was most likely to have determined that there was a deficiency.¹ Column B lists the unit, and column C lists the Section 1321 staff-to-youth ratio applicable to the shift. Columns D and E, respectively, accurately reflect the total number of youth in detention and on-duty staff for each unit, which are based on the same documents that were made available to the Inspector for review. In column F is the unit-level on-duty Section 1321 staffing requirement based on the number of youth in detention per unit. This is calculated by dividing the number of youth in detention in column D by the youth component of the Section 1321 ratio in column C and rounding up to the nearest whole number. Column G is the number of youth receiving small group supervision with Small Group Staff. Column H includes the number of on-duty Small Group Staff in the unit during the shift supervising the youth receiving small group supervision. This data is included because the Inspector considered it in her analysis. Column I is the number of youth in the unit not with Small Group Staff. Column J includes the on-duty staff during the shift who were working with the general population of youths in detention. This data is included because the Inspector considered it in her analysis.

17. One row in Exhibit 2 is highlighted blue. This indicates a unit during the November 23, 2024, shift that was compliant with Section 1321 staffing requirements at both the facility and unit level, but, when applying the Inspector's method of excluding Small Group Staff, the staff-to-youth ratio considering only on-duty staff with the general youth population for that unit falls outside of the 1:10 Section 1321 ratio required for that shift period. This does not mean that this unit was in noncompliance with Section 1321. Rather, Section 1321's 1:10 ratio applicable to this shift period was met because there were 2 on-duty staff for 14 youth in detention in this unit, and Section 1321 does not contemplate the exclusion of on-duty staff working in small groups—e.g., Small Group Staff—for purposes of calculating the staff-to-youth

¹ For all units not reflected in Exhibit 2, I determined based on the documents made available to the Inspector for review that Los Padrinos met Section 1321's minimum staffing requirement.

ratio.

18. Attached as **Exhibit 3** is a true and correct copy of the County's Staffing Assessment. The Staffing Assessment created a goal to have working staff totaling at least 40 during the overnight shift ("EM"), and 60 during each of the morning ("AM") and afternoon/early evening ("PM") shifts. These goals were premised not on Los Padrinos's actual youth population at a given time, but rather on the "Rated Capacity" total at Los Padrinos in October 2024, which was 309, and on the assumption that all beds were filled. By contrast, at the time of the BSCC's reinspection, there were approximately 250 youth housed at Los Padrinos. Column A lists the unit post, column B lists the hours and days of assignment, and column C reflects that for all unit posts referenced in the Staffing Assessment staffing is mandatory. Column D lists the rated capacity, which is the maximum number of youth that could be housed in that unit. Column E lists two sets of staff-to-youth ratios: the ratio to the left is "waking hours" ratio for the AM and PM shifts under PREA, and to the right is the staff-to-youth ratio during "sleeping hours" on the EM shift under PREA. The "1:5/1:8" ratios in column E refer to ratios that go above and beyond requirements in the County's policies, PREA, and Section 1321; these ratios were self-imposed by Los Padrinos leadership based on various factors, including the population and physical layout of the relevant units. (Note that the County seeks to meet the PREA ratio, which is more stringent than Section 1321.) Columns F, G, and H list the minimum number of staff required for that unit to meet PREA's ratio requirement for the EM, AM, and PM shifts, respectively. The 40-60-60 goals discussed above were generated using the following calculation: add the per-unit staffing requirement reflected for each shift in columns F, G, and H to generate a per-shift staffing goal, which is reflected in the row listed as "Totals." Columns I, J, and K relate to the number of full-time employees in a given unit based on the Staffing Assessment goals. Specifically, Column I lists the relief factor, which refers to a value to help determine how many full-time employees should be assigned to that unit. The relief factor considers, for example, staff call-outs, leave, and vacation time in determining how many full-time employees should be assigned to the unit above the minimum number of staff per day required under PREA. Column J refers to the number of staff needed to be assigned to a unit to satisfy the PREA ratio requirement

1 for that unit based on the rated capacity listed in column D. Column J reflects the sum of the
2 values listed in columns F through H. Column K reflects the number of staff in a unit based on
3 Staffing Assessment goals after multiplying the relief factor (column I) by the number of full-
4 time employees required for that unit (column J).

5 19. Four units are greyed out in Exhibit 3. This is because as of December 2024 they
6 were closed for the construction of homelike improvements.

7 20. As Exhibit 3 demonstrates, the County specifically includes within its 40-60-60
8 Staffing Assessment staff included in Small Group Staff, specifically, movement and control
9 (rows 28 and 29) and 1:1 and 2:1 supervision (row 30). In other words, these staff contribute to
10 the 40-60-60 goal under the Staffing Assessment.

11 21. Exhibit 3 also contains a separate chart on page 2, which relates to staffing at Los
12 Padrinos for “ancillary posts.” The BSCC did not notify the County that it found any of these
13 posts out of compliance.

14
15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct.

17
18
19 Dated: January 8, 2025


20
21
22
23
24
25
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27
28
By: 
Tyson Nelson

EXHIBIT D1

A	B	C	D	E	F	G	H	I
Date	Shift	§ 1321 On-Duty Staff:Youth Ratio	Youth in Detention	Total On-Duty Staff	§ 1321 Total On-Duty Staff Required	Assessment Goal for Total Staff	Small Group On-Duty Staff	Remaining On-Duty Staff
11/19/2024	AM	1:10	258	85	26	60	16	69
	PM	1:10	246	113	25	60	14	99
	EM	1:30	247	48	9	40	18	30
11/20/2024	AM	1:10	247	85	25	60	20	65
	PM	1:10	246	106	25	60	23	83
	EM	1:30	248	55	9	40	15	40
11/21/2024	AM	1:10	249	93	25	60	20	73
	PM	1:10	249	118	25	60	23	95
	EM	1:30	249	63	9	40	16	47
11/22/2024	AM	1:10	249	80	25	60	17	63
	PM	1:10	249	108	25	60	24	84
	EM	1:30	246	63	9	40	13	50
11/23/2024	AM	1:10	251	71	26	60	17	54
	PM	1:10	246	87	25	60	21	66
	EM	1:30	246	48	9	40	11	37
11/24/2024	AM	1:10	247	71	25	60	16	55
	PM	1:10	247	108	25	60	21	87
	EM	1:30	248	48	9	40	11	37
11/25/2024	AM	1:10	248	74	25	60	15	59
	PM	1:10	244	92	25	60	21	71
	EM	1:30	246	41	9	40	12	29
11/26/2024	AM	1:10	246	88	25	60	16	72
	PM	1:10	245	105	25	60	21	84
	EM	1:30	245	48	9	40	13	35
11/27/2024	AM	1:10	242	77	25	60	21	56
	PM	1:10	240	100	24	60	20	80
	EM	1:30	242	54	9	40	12	42
11/28/2024	AM	1:10	242	85	25	60	22	63
	PM	1:10	242	94	25	60	20	74
	EM	1:30	243	52	9	40	11	41
11/29/2024	AM	1:10	243	80	25	60	14	66
	PM	1:10	243	84	25	60	22	62
	EM	1:30	245	49	9	40	12	37
11/30/2024	AM	1:10	245	70	25	60	12	58
	PM	1:10	246	84	25	60	20	64
	EM	1:30	252	45	9	40	9	36
12/1/2024	AM	1:10	252	68	26	60	13	55
	PM	1:10	253	92	26	60	16	76
	EM	1:30	255	48	9	40	10	38
12/2/2024	AM	1:10	255	72	26	60	13	59
	PM	1:10	247	86	25	60	15	71
	EM	1:30	250	50	9	40	15	35
12/3/2024	AM	1:10	250	88	25	60	15	73
	PM	1:10	246	108	25	60	20	88
	EM	1:30	246	50	9	40	12	38

LEGEND

Compliant with § 1321 as shown by figures in **bold** in columns in E and F

Shift BSCC Found Deficient

EXHIBIT D2

A	B	C	D	E	F	G	H	I	J
Date	Unit	§ 1321 On-Duty Staff to Youth Ratio	Youth in Detention	Total On-Duty Staff	Unit On-Duty Staff Required Based on Ratio & Population	Youth on Small Group Supervision	Small Group On-Duty Staff	General Population Youth	General Population Staff
11/19/2024	Q	1:30	8	2	1	1	1	7	1
EM Shift	Y2	1:30	14	8	1	7	7	7	1
	MOU	1:30	5	2	1	1	1	4	1
11/23/2024	B	1:10	12	6	2	2	2	10	4
AM Shift	E	1:10	15	4	2	2	2	13	2
	F	1:10	11	4	2	1	1	10	3
	P	1:10	8	4	1	1	1	7	3
	Q	1:10	8	3	1	2	2	6	1
	Y1	1:10	14	2	2	1	1	13	1
	Y2	1:10	12	10	2	3	6	9	4
11/23/2024	P	1:30	8	3	1	1	1	7	2
EM Shift	Q	1:30	8	2	1	1	1	7	1
	Y2	1:30	12	6	1	5	5	7	1
11/24/2024	B	1:10	12	3	2	2	2	10	1
AM Shift	E	1:10	15	4	2	1	1	14	3
	F	1:10	11	4	2	2	2	9	2
	P	1:10	8	4	1	1	1	7	3
	Q	1:10	8	3	1	1	1	7	2
	Y1	1:10	15	4	2	1	1	14	3
	Y2	1:10	12	10	2	6	6	6	4
11/25/2024	Q	1:30	7	2	1	1	1	6	1
EM Shift	R1	1:30	13	2	1	1	1	11	1
	Y2	1:30	13	5	1	4	4	9	1
11/26/2024	Q	1:30	7	2	1	1	1	6	1
EM Shift	R1	1:30	13	2	1	1	1	12	1
	Y2	1:30	13	6	1	4	4	9	2
11/28/2024	Q	1:30	7	2	1	1	1	6	1
EM Shift	R1	1:30	13	2	2	1	1	12	1
	Y2	1:30	13	6	2	4	4	9	2
11/30/2024	F	1:10	11	3	2	2	1	9	2
AM Shift	Q	1:10	8	2	1	1	1	7	1
	R1	1:10	12	4	2	1	1	11	3
	Y1	1:10	15	3	2	1	1	14	2
	Y2	1:10	13	11	2	5	6	8	5
12/1/2024	B	1:10	10	3	1	1	1	9	2
AM Shift	F	1:10	14	4	2	2	2	12	2
	Q	1:10	8	3	1	1	1	7	2
	Y1	1:10	15	3	2	1	1	14	2
	Y2	1:10	13	9	2	5	6	8	3
12/2/2024	B	1:10	10	3	1	1	1	9	2
AM Shift	E	1:10	15	4	2	1	1	14	3
	F	1:10	14	3	2	2	1	12	2
	Q	1:10	8	3	1	1	1	7	2
	Y1	1:10	15	5	2	1	1	14	4
	Y2	1:10	13	8	2	5	6	8	2
12/2/2024	Q	1:30	7	2	1	1	1	6	1
EM Shift	Y2	1:30	13	5	1	4	4	9	1

LEGEND

Compliant with § 1321 at facility- and unit-level as shown by figures in **bold** in columns E and F

Compliant with § 1321 at facility- and unit-level unless you exclude small-group staff

EXHIBIT D3

LPJH STAFFING ASSESSMENT PLAN

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	LPJH Operating Capacity (Long-term Operating Cap)														
2	24-Hour/7-Day Living Unit Posts	Hours/days of assignment	Level	Rated Capacity	Staff:Youth PREA Ratio	Operational Min EM	Operational Min AM	Operational Min PM	Relief Factor	Direct Care FTE's	Assigned to Unit (Direct Care FTE +Relief)				
3	Housing Unit A/MOU overflow w Control Center	24/7	Mandatory	12	1:8/1:16	2	2	2	1.75	6.0	10.5				
4	Housing Unit B	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75				
5	Housing Unit C w Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5				
6	Housing Unit D	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75				
7	Housing Unit E w Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5				
8	Housing Unit F	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75				
9	Housing Unit G w Control Center	24/7	Mandatory	0	1:8/1:16	0	0	0	1.75	0.0	0				
10	Housing Unit H	24/7	Mandatory	0	1:8/1:16	0	0	0	1.75	0.0	0				
11	Housing Unit L w Control Center	24/7	Mandatory	16	1:8/1:16	2	3	3	1.75	8.0	14				
12	Housing Unit M	24/7	Mandatory	16	1:8/1:16	1	3	3	1.75	7.0	12.25				
13	Housing Unit T w Control Center	24/7	Mandatory	0	1:8/1:16	0	0	0	1.75	0.0	0				
14	Housing Unit U	24/7	Mandatory	0	1:8/1:16	0	0	0	1.75	0.0	0				
15	Housing Unit N w Control Center	24/7	Mandatory	16	1:8/1:16	2	3	3	1.75	8.0	14				
16	Housing Unit O	24/7	Mandatory	16	1:8/1:16	1	3	3	1.75	7.0	12.25				
17	Housing Unit P w Control Center	24/7	Mandatory	12	1:8/1:16	2	2	2	1.75	6.0	10.5				
18	Housing Unit Q	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75				
19	Housing Unit R1 w Control Center	24/7	Mandatory	15	1:5/1:8	2	3	3	1.75	8.0	14				
20	Housing Unit R2	24/7	Mandatory	15	1:5/1:8	1	2	2	1.75	5.0	8.75				
21	Housing Unit S1 w Control Center	24/7	Mandatory	15	1:5/1:8	2	3	3	1.75	8.0	14				
22	Housing Unit S2	24/7	Mandatory	15	1:5/1:8	1	2	2	1.75	5.0	8.75				
23	Housing Unit X1 w Control Center	24/7	Mandatory	15	1:5/1:8	2	3	3	1.75	8.0	14				
24	Housing Unit X2	24/7	Mandatory	15	1:5/1:8	1	2	2	1.75	5.0	8.75				
25	Housing Unit Y1 w Control Center	24/7	Mandatory	15	1:5/1:8	2	3	3	1.75	8.0	14				
26	Housing Unit Y2	24/7	Mandatory	15	1:5/1:8	1	2	2	1.75	5.0	8.75				
27	MOU - Medical	24/7	Mandatory	5	1:8/1:16	2	2	2	1.75	6.0	10.5				
28	MC/M	24/7	Mandatory	0	1:8/1:16	1	2	2	1.75	5.0	8.75				
29	MC/F	24/7	Mandatory	0	1:8/1:16	1	2	2	1.75	5.0	8.75				
30	Levels 1:1/1:2 Supervisions	24/7	Mandatory	0	1:1/1:1	6	6	6	1.75	18.0	31.5				
31	Totals			309		40	60	60		160.0	280				

LPJH STAFFING ASSESSMENT PLAN

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
32	Ancillary Posts	Hours/days of assignment	Level	Number of staff to operate daily	Relief Factor	Number of Staff for Operation	Operational Min EM	Operational Min AM	Operational Min PM	Post Responsibilities					
33	GSNs for Breaks	24/7	Mandatory	4	1.44	6	4	0	0	Units & Operations					
34	Booking/Release/Movement & Control	24/7	Mandatory	9	1.75	16	3	3	3	Body Scanner/Escorts, LiveScan/DNA/Property, System Data Entry/Pop Control, Senior, Coordinator, CCTV, Guard One, Schedule/Em Appt update, Data Entry					
35	Intra-Facility Appt Transports (Med/MH/Dental)	12/7	Mandatory	6	1.44	9	0	3	3	Medical, Mental Health					
36	CIT/Recreation/Response Team	24/7	Mandatory	10	1.75	18	0	5	5	Response Team, Recreation, Lead per campus, Support, Documentation					
37	Yard Posts	24/7	Security	0	1.44	0	0	0	0	No. School, Mechanical Gate, J Gate, J Unit, R/S, X/Y field					
38	Sub-Total Number of Staff			29		48	7	11	11						
39															
40	Professional Appts/Visiting	8/7	Mandatory	10	1.44	14	0	4	6	Monitor appt, Escorts, WebEx Court/Remediation Trg, Parent Escorts , Youth Escorts, Youth Supervision, Reconcile Appts, Family Resource Center					
41	Medical Appointment Team	8/5	Mandatory	12	1.44	17	0	6	6	External Medical Appointment Transports					
42	STC/Scheduler	8/5	Admin	0	1	0	0	0	0	Coordinate Staff Trg, Facilitate New Emp Trg,					
43	School Posts	8/5	Security	4	1.44	6	0	4	0	Monitor outside classrooms, reconcile school attendance					
44	Total Number of Staff to Operate Posts			55		85	7	25	23						
45	Total Full-Duty Supervision Staff (Units + Ancillary Assignments)						47	71	71	Note: Weekend Ancillary number will be less based on hours/days of assignment					
46															
47	Non-Sworn Functions														
48	Behavior Management (Non-Sworn)	8/5	Mandatory	0	1.44	0	0	0	0	IHTP/IBMP/IEP/, BMP					
49	DOR (Non-Sworn)	8/5	Admin	0	1	0	0	0	0	Write Court Reports					
50	Quality Control (4-Non-Sworn)	8/5	Admin	2	1	2	0	0	2	Inspections, Youth Rights, Grievance Officer,					

LPJH STAFFING ASSESSMENT PLAN

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
51	Total Number of Staff to Operate Posts			2		2	0	0	2						
52															

EXHIBIT E

December 19, 2024

The Honorable Miguel Espinoza
Supervising Judge, Juvenile Justice Division
Superior Court, County of Los Angeles
East Los Angeles Courthouse
4848 E. Civic Center Way
Los Angeles, CA 90022

RE: CASE NO. FJ57137 BSCC DOCUMENTATION OF UNSUITABLE FINDINGS AT LOS PADRINOS

Dear Judge Espinoza:

The purpose of this letter is to provide the court with relevant and up-to-date information on the Board of State and Community Corrections (BSCC) notice of unsuitability transmitted to Los Angeles County pursuant to Welfare and Institutions Code section 209, subdivision (a)(4). We are submitting this information to assist the Court's deliberations for the hearing scheduled on December 23, 2024.

BSCC is mandated to inspect juvenile facilities across the state for compliance with the minimum standards outlined in California Code of Regulations, Titles 15 and 24, by the California Welfare and Institutions Code, section 209. As such, BSCC has conducted several inspections of the Los Padrinos facility. Enclosed as Appendix A is a timeline of inspections and BSCC meetings related to the findings from those inspections over the last few years.

As that history shows, BSCC's inspections have found the facility continually falling below minimum standards for the detainment of youth. As a result, there is not a juvenile hall within Los Angeles County for which the Board has a current finding of suitability for the confinement of juveniles pursuant to California Welfare and Institutions Code, section 209.

The Board is very concerned about the welfare and safety of the youth detained in the facility given the ample amount of time the county has had to comply with the minimum standards, and the continued inability to meet minimum staffing requirements at Los Padrinos is alarming. The Board also recognizes the important public safety function that juvenile detention facilities

play, especially where a court has found that detention is “reasonably necessary for the protection of the person or property of another.” California Welfare and Institutions Code, sections 635, 636.

The Board, however, has fulfilled its statutory duty related to suitability determinations, operating within the statutory scheme enacted by the Legislature: a binary decision on whether the facility is suitable for the confinement of juveniles or whether it is unsuitable, with the consequence of a finding of unsuitability that, within 60 days of such finding, the facility shall not be used for confinement until found suitable. See California Welfare and Institutions Code, section 209(a)(4).

We appreciate that the court has an obligation to protect public safety, particular in cases where the court has found that detention is “reasonably necessary for the protection of the person or property of another.” California Welfare and Institutions Code, sections 235, 236. We are also sensitive to the impact the Board’s decision has on the Consent Order between the Attorney General’s Office and the Los Angeles County Probation Department, which is under the jurisdiction of another department in the civil division of this Court.

The BSCC stands ready to assist Los Angeles County Probation with identifying other suitable facilities or portions of facilities for use as a juvenile hall. To date, Los Angeles County has not requested the BSCC reclassify any facilities or request technical assistance related to potential pre-opening inspections. As the court considers next steps, we believe it may be helpful for the court to ask Los Angeles County Probation the following questions regarding efforts that have been made to identify alternate suitable placements for youth currently detained at Los Padrinos:

- Are there currently available beds at other facilities within Los Angeles County under Probation’s jurisdiction that the Board has found suitable, including probation camps or Secure Youth Treatment Facilities?
- Has Probation recently contacted neighboring counties to determine availability of beds and willingness to accept placement of youth in a juvenile hall or other facility that the Board has found suitable?
- Has Probation recently explored efforts to place youth currently housed within a Secure Youth Treatment Facility that the Board has found suitable in another placement, such as a fire camp or another county’s Secure Youth Treatment Facility, to open additional beds within Probation’s facilities for possible placement of youth?

We appreciate the opportunity to provide documentation. In reference to the Order to Show Cause hearing scheduled for December 23, 2024, the BSCC is providing the following documentation:

- BSCC Denial of Corrective Action Plan, dated October 11, 2024
- Notice of Facility Unsuitability, dated October 14, 2024
- Los Padrinos Initial Inspection Report, dated October 23, 2024
- Los Padrinos Reinspection Report, dated December 10, 2024
- Los Angeles County Notice of Appeal, dated December 11, 2024
- BSCC Acknowledgement of Receipt of Notice of Appeal, dated December 13, 2024
- Los Padrinos Comprehensive Inspection Report, dated December 19, 2024¹

Finally, we would be remiss if we did not express our concerns of youth being transferred to other facilities without sufficient planning or staff being present to manage a new population based on the past attempts to move youth to the Barry J. Nidorf detention complex.

The Board stands ready to provide any additional information that would be of assistance to the Court in fashioning a remedy that balances the needs of the impacted youth and protecting public safety. Please contact Acting Executive Director Aaron.Maguire@bscc.ca.gov, if you have any additional questions or if we can be of further assistance to the court in this matter.

Respectfully,



LINDA PENNER
Chair

¹ Please note that on December 11, 2024, the County of Los Angeles requested a “stay” pending filing an appeal with the Board pursuant to section 1314 of Title 15 of the California Code of Regulations. (See Notice of Appeal.) However, there is no mechanism for the Board to “stay” its notice of unsuitability; the only way to change the status of the facility is for the county to remedy the items of noncompliance related to its staffing issues. (See BSCC Acknowledgment of Receipt.) Consequently, the position of the Board remains that Los Padrinos Juvenile Hall continues to be unsuitable for the confinement of juveniles under California law.

Appendix A

Appendix A. Timeline of BSCC Activities Involving Los Angeles Juvenile Halls

- During the 2018/2020 Biennial Inspection Cycle, the Central Juvenile Hall and Barry J Nidorf Juvenile Halls were found out of compliance with a number of Title 15 regulations.
- While both facilities were scheduled for a determination of suitability at the **April 2022** BSCC Board meeting, the BSCC Board was unable to make a determination of the Central Juvenile Hall *because the Los Angeles County Probation Department removed youth from the facility in March 2022; youth returned to the Central Juvenile Hall in late May 2022.* The finding of suitability for Barry J. Nidorf Juvenile Hall was continued to the June 2022 BSCC Board Meeting.
- At the **June 9, 2022** BSCC Board Meeting, the BSCC Board found the Barry J Nidorf Juvenile Hall suitable for the detention of minors and the Central Juvenile Hall unsuitable.
- **Between July 18 and 20, 2022**, BSCC Staff conducted a reinspection of the Central Juvenile Hall and found the facility compliant with the remaining item of noncompliance.
- At the **July 25, 2022** BSCC Board Meeting, the BSCC Board found the Central Juvenile Hall suitable. This determination closed the 2018/2020 Biennial Inspection Cycle.
- **November 8 – December 16, 2022:** BSCC staff conducts the 2020/2022 Biennial Inspection of the Barry J Nidorf and Central Juvenile Halls. BSCC staff found 28 items of noncompliance between the two facilities, 13 at Barry J Nidorf Juvenile Hall and 15 at Central Juvenile Hall. BSCC staff provides facility staff with an Initial Inspection Report (IIR) noticing noncompliance on **January 13, 2023** an approved CAP is due to the BSCC on **March 14, 2023**.
- **March 14, 2023:** Los Angeles County Probation Department submits a CAP for both juvenile halls.
- **March 23, 2023:** The BSCC notifies the Department that the CAP is not approved because it does not provide enough detail about the specific plans that will be relied upon to correct the items of noncompliance and does not provide a reasonable timeframe for resolution.
- **April 13, 2023, BSCC Board Meeting:** The county provides testimony outlining the steps they are taking toward compliance. Board defers further action on the determination of suitability to allow the BSCC staff to

take additional time to evaluate whether the county had made any progress toward meeting compliance and could approve the CAP.

- **April 24 — 28, 2023:** BSCC conducts Follow Up Inspection at both facilities to determine compliance with outstanding items of noncompliance and progress towards compliance. BSCC Staff find minimal progress toward compliance. One significant reason for lack of progress toward compliance is because facility directors did not have access to the CAP for which they were responsible for implementing.
 - In total, there remained 18 items of noncompliance between the two facilities, nine (9) items remained at each facility. Items of noncompliance resulted in missed safety checks, youth being forced to urinate in their rooms, youth not attending or late to class, youth not being provided the access to programs, recreation, and outside exercise, staff not being trained in use of force, lack of facility searches, and an unacceptable plan for discipline.
- **May 23, 2023, BSCC Board Meeting:** BSCC Board finds both Central Juvenile Hall and Barry J. Nidorf Juvenile Hall unsuitable pursuant to Welfare and Institutions Code section 209 (a) 4. Unsuitability is based upon the failure of the Los Angeles County Probation Department to file an approved Corrective Action Plan for the remaining outstanding items of noncompliance at both facilities.
- **May 2023 — August 2024:** BSCC staff provides ongoing technical assistance to the county to prepare the Los Padrinos Juvenile Hall for reception of youth transferred from Central and Barry J Nidorf Juvenile Halls.
- **August 14 — 18, 2023:** BSCC inspection of Los Padrinos Juvenile Hall following transfer of all youth from Central and Barry J Nidorf Juvenile Halls. Twelve items of noncompliance with Title 15 were identified, almost all related to deficiencies with staffing. Of concern is noncompliance that results in late and missed safety checks, inappropriate and undocumented use of room confinement, youth not getting to school on time, and youth not having access to recreation or programs. An approved CAP is due to the BSCC on 10/17/2023.
- **October 16, 2023:** BSCC receives approved CAP for Los Padrinos Juvenile Hall; corrective action must remedy items of noncompliance no later than January 10, 2024.

- **January 29 — February 3, 2023:** BSCC follow up inspection to verify that items of noncompliance were remedied by 1/10/24; BSCC staff found that only one of the twelve outstanding items of non-compliance had been corrected. Eleven items of noncompliance were not remedied following 90 days from the date of the approved CAP.
- **April 11, 2024, BSCC Board Meeting:** BSCC Boards makes a determination that the facility is unsuitable because staffing levels continue to impact the provision of adequate services to youth and youth continue to be placed in room confinement inappropriately. The Board allows the county additional time to remedy the items of noncompliance before youth must be transferred out of the facility. The Board directs BSCC staff to conduct inspections of Los Padrinos Juvenile Hall and the Barry J Nidorf Secure Youth Treatment Facility at a minimum of twice a month.
- Between April 2024 and September 2024, BSCC staff conduct a total of nine (9) inspections of the Los Padrinos Juvenile Hall. A portion of the inspections were unannounced.
- **June 28, 2024:** Following the June Targeted Inspection, BSCC staff provides facility staff with an IIR noticing noncompliance with section 1371, Programs, Recreation, and Exercise. During the BSCC staff observed that while facility staff had documented that youth participated in these activities; however, upon review of video of unit activities, BSCC staff found that documented activities were not occurring. Facility staff had been falsifying documentation to indicate that required activities had occurred. A CAP is due to the BSCC by August 8, 2024; the county provided an approved CAP to the BSCC on August 8, 2024.
- **August 12, 2024:** Following the July Targeted Inspection, BSCC staff provides facility staff with an IIR noticing noncompliance with section 1321, Staffing. Many areas of operation continue to be impacted by lack of staffing including education, recreation and medical appointments. Youth continue to be held in their rooms for long periods of time following incidents on the unit. A CAP is due to the BSCC by October 11, 2024.
- **October 1, 2024:** BSCC staff reach out to Los Angeles Probation staff to offer technical assistance prior to anticipated CAP submittal; no response received.
- **October 10, 2024:** Los Angeles provides a draft CAP to BSCC staff in late afternoon. BSCC respond that the draft CAP would not be approvable because there is no detail on what steps will be taken to resolve the item

of noncompliance and many elements that are required by BSCC policy are not included in the CAP.

- **October 11, 2024:** Final CAP is provided to the BSCC. The county is notified that the CAP is denied because it does not adequately outline how the Department plans to correct the issue of noncompliance nor does it provide reasonable timeframes for resolution of the staffing deficiencies, including ensuring that “there are an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations.” The CAP also does not provide information on how it will “ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.”
- **October 14, 2024:** BSCC Board Chair Penner formally noticed Los Angeles that Los Padrinos was unsuitable due to the failure of the county to submit an approved CAP pursuant to Welfare and Institutions Code, Section 209 (d), and that they had 60 days (December 12, 2024) to discontinue using the facility for the confinement of minors until brought into compliance with the law.
- **December 2, 2024:** Los Angeles County Probation requests a reinspection to determine if the facility had come into compliance with section 1321, Staffing.
- **December 5 — 6, 2024:** BSCC staff conducts the reinspection and determines that the Los Padrinos Juvenile Hall remains out of compliance with staffing and that timely delivery to medical programs, attendance at school, and access to program, recreation, and exercise continues to be negatively impacted by the lack of staff.

EXHIBIT F

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

**THE PEOPLE OF THE STATE OF
CALIFORNIA, EX. REL. XAVIER
BECERRA, ATTORNEY GENERAL OF
THE STATE OF CALIFORNIA,**

Plaintiff,

v.

**COUNTY OF LOS ANGELES AND LOS
ANGELES COUNTY OFFICE OF
EDUCATION,**

Defendants.

FILED
Superior Court of California
County of Los Angeles
01/21/2021
Sherri R. Carter, Executive Officer / Clerk of Court
By: E. Garcia Deputy

*Exempt from filing fees pursuant to
Government Code, section 6103*

Case No. 21STCV01309

**STIPULATION FOR ENTRY OF FINAL
JUDGMENTS**

Dept. 38
Judge: Maureen Duffy-Lewis

1 Plaintiff, the People of the State of California, by and through its attorney, Xavier Becerra,
2 Attorney General of the State of California (the Attorney General), and by Deputy Attorney
3 General Laura L. Faer, and Defendants County of Los Angeles (County) appearing through its
4 attorney Rodrigo A. Castro-Silva, County Counsel, and the Los Angeles County Office of
5 Education (LACOE), appearing through its attorney Vibiana Andrade, General Counsel, stipulate
6 as follows:

7 1. This Court has jurisdiction over the subject matter hereof and the parties to this
8 Stipulation for Entry of Final Judgments (Stipulation).

9 2. The County's Final Stipulated Judgment, a true and correct copy of which is
10 attached hereto as Exhibit 1, and LACOE's Final Judgment, a true and correct copy of which is
11 attached hereto as Exhibit 2, may be entered by any judge of the Superior Court.

12 3. The Attorney General may submit the Judgments to any judge of the Superior
13 Court for approval and signature, based on this Stipulation, during the court's ex parte calendar or
14 on any other ex parte basis.

15 4. The parties hereby waive their right to move for a new trial on the underlying
16 complaint or otherwise seek to set aside their respective Judgment through any collateral attack,
17 and further waive their right to appeal their respective Judgment, except the parties agree that this
18 Court shall retain jurisdiction for the purposes specified in their respective Judgment.

19 5. The parties jointly represent that they have worked collaboratively to come to an
20 agreement as set forth in the Judgments.

21 6. The parties have stipulated and consented to the entry of the Judgments by the
22 Court without the taking of proof and without trial or adjudication of any fact or law, without the
23 Judgments constituting evidence of or an admission by the County or LACOE regarding any
24 issue of law or fact alleged in the Complaint for Injunctive Relief on file herein, and without the
25 County or LACOE admitting any liability regarding allegations of violations that occurred prior
26 to the entry of the Judgments or conceding that they have failed to satisfy legal requirements in
27 the areas identified in the Judgments.
28

1 7. These Judgments are enforceable only by the respective Parties. No person or
2 entity is intended to be a third-party beneficiary of the provisions of these Judgments for purposes
3 of any civil, criminal, or administrative action, and accordingly, no person or entity may assert
4 any claim or right as a beneficiary or protected class under these Judgments.

5 8. The County and LACOE will each accept service of any Notice of Entry of
6 Judgment entered in this action by delivery of such notice by electronic mail to its counsel of
7 record, and each party agrees that service of the Notice of Entry of Judgment will be deemed
8 personal service upon it for all purposes.

9 9. The individuals signing below represent that they have been authorized by the
10 parties they represent to sign this Stipulation.

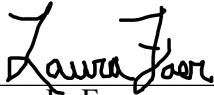
11 10. This Stipulation may be executed in counterparts, and the parties agree that a
12 facsimile signature shall be deemed to be, and shall have the full force and effect of, an original
13 signature.

14
15 [SIGNATURES ON FOLLOWING PAGE]
16
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1 **PLAINTIFF THE STATE OF CALIFORNIA**

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3 XAVIER BECERRA
4 Attorney General of California

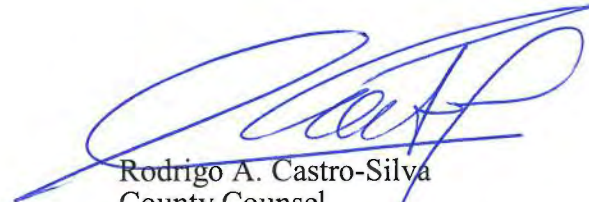
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6 DATED: January 11, 2021

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8 _____
9 Laura L. Faer
10 Deputy Attorney General
11 *Attorneys for Plaintiff*
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1 DEFENDANT COUNTY OF LOS ANGELES

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3 COUNTY OF LOS ANGELES

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5
6 DATED: Jan. 11, 2021

7 
8 Rodrigo A. Castro-Silva
9 County Counsel
10 *Attorney for Defendant Los Angeles County*
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1 **DEFENDANT LOS ANGELES COUNTY**
2 **OFFICE OF EDUCATION**

3 LOS ANGELES COUNTY OFFICE OF
4 EDUCATION

5
6 DATED: Jan 11, 2021



Debra Duardo, M.S.W., Ed.D.
Los Angeles County Superintendent of
Schools

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10 Approved as to Form:

11
12 DATED: Jan 11, 2021



Vibiana Andrade
General Counsel
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12 COUNTY OFFICE OF EDUCATION

Exhibit 1

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16 ANGELES

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
18 COUNTY OF LOS ANGELES
19

20 **THE PEOPLE OF THE STATE OF**
21 **CALIFORNIA, EX. REL. XAVIER**
22 **BECERRA, ATTORNEY GENERAL OF**
THE STATE OF CALIFORNIA,

23 Plaintiff,

24 v.

25 **COUNTY OF LOS ANGELES AND LOS**
26 **ANGELES COUNTY OFFICE OF**
27 **EDUCATION,**

28 Defendants.

Case No.

**[PROPOSED] STIPULATED
JUDGMENT FOR DEFENDANT
COUNTY OF LOS ANGELES**

1 **I. INTRODUCTION**

2 1. The People of the State of California (People), by and through the Attorney
3 General, and the County of Los Angeles and its Probation Department (Probation), Department of
4 Mental Health (DMH), and Department of Health Services (DHS) (collectively, the County or
5 Defendant), (collectively the Parties) share a mutual interest in treating all youth under the care
6 and supervision of the Probation Department with respect and upholding their statutory and
7 constitutional rights.

8 2. The Attorney General acknowledges that the County has made significant efforts
9 to decrease the use of Juvenile Halls, including the closure of the Los Padrinos Juvenile Hall in
10 2019, and has passed several resolutions committing to juvenile justice reform. This Judgment is
11 intended to ensure and sustain systemic improvements designed to protect youth, promote public
12 safety, improve confidence in the County’s juvenile justice system, and lead to measurable,
13 positive outcomes for justice-involved youth.

14 3. The Parties recognize that the County is committed to improving conditions in the
15 Juvenile Halls. Consistent with statutory and constitutional standards, the County will maintain
16 safe and secure conditions for youth.

17 4. The Parties, having stipulated to the proposed entry of this Judgment by the Court
18 without the taking of proof and without trial or adjudication of any fact or law, without this
19 Judgment constituting evidence of or admission by the County regarding any issue of law or fact
20 alleged in the People’s Complaint for Injunctive Relief (Complaint) on file or any of the
21 allegations or conclusions set forth herein, and without the County admitting any liability or
22 conceding that it has failed to satisfy legal requirements with respect to the areas identified in the
23 Judgment, and with all Parties having waived their right to appeal, and the Court having
24 considered the matter and good cause appearing,

25 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

26 5. This Court has jurisdiction over the allegations and subject matter of the People’s
27 Complaint filed in this action and the Parties to this action; venue is proper in this county; and
28 this Court has jurisdiction to enter this Judgment against the County.

1 6. The County is permanently enjoined from violating any law or regulation,
2 including, but not limited to, Title 15 of the California Code of Regulations sections 1300 et seq.,
3 and the causes of action alleged in the People’s Complaint, at the County’s Juvenile Halls, and
4 any successors and assigns of such Juvenile Halls, as defined in Paragraph 61 of this Judgment.
5 During the compliance period of this Judgment, the County will carry out the terms of the
6 following substantive provisions and provide sufficient resources and staffing necessary to fulfill
7 the terms of the Judgment.

8 **II. DETAILED PLAN AND FOCUS AREAS**

9 7. The County will implement a Detailed Plan as required by this Judgment. All of
10 the provisions of the Detailed Plan are incorporated into this Judgment by reference, and within
11 this Court’s jurisdiction to take any actions consistent with Paragraph 68 of the Stipulated
12 Judgment. The Detailed Plan will include a reasonable timeframe for completing the terms of
13 each substantive provision, responsible person(s), outcome metrics, quality assurance and
14 sustainability measures, and performance indicators for each of the following 12 objectives
15 identified and discussed in detail below:

- 16 (a) Homelike Environment and Operations
- 17 (b) Technology and Data Management
- 18 (c) Use of Force and Youth Safety
- 19 (d) Trauma-Informed and Positive Behavior Approaches
- 20 (e) Room Confinement
- 21 (f) Basic Living Needs and Juvenile Hall Conditions
- 22 (g) Programming, Recreation, Exercise, Religious Services, Visitation, and
23 Telephone Calls
- 24 (h) Mental Health, Medical Care, and Treatment Plans
- 25 (i) Education, Transition, and After-Care
- 26 (j) Staffing, Hiring, and Training
- 27 (k) Oversight and Grievance Systems
- 28 (l) Compensatory Services for Youth

1 **III. DEFINITIONS**

2 8. For the purposes of this Judgment and the Detailed Plan, the following definitions
3 apply:

- 4 (a) “Attorney General” refers to the Attorney General of the California Department of
5 Justice and includes attorneys and agents of the Office of the Attorney General.
- 6 (b) “Beneficiary” is defined as a youth who was detained at the Juvenile Halls from
7 January 1, 2018 through the date of this Judgment’s execution and determined,
8 according to the formula recommended by the Education Subject Matter Expert, to
9 be entitled to compensatory education services.
- 10 (c) “Behavioral Health” is the scientific study of emotions, behaviors and biology
11 relating to a person’s mental well-being that includes mental health and substance
12 abuse.
- 13 (d) “Compensatory education services” is defined as educational hours to which a
14 youth is entitled, based on educational instruction not provided to a youth while
15 detained at the Juvenile Hall, according to the formula developed by the Education
16 Subject Matter Expert.
- 17 (e) “The County” refers to the County of Los Angeles, the Los Angeles County
18 Probation Department (Probation), the Los Angeles County Department of Health
19 Services (DHS), the Los Angeles County Department of Mental Health (DMH),
20 and the agents and employees of the Probation Department, DHS, and DMH.
- 21 (f) “Department of Mental Health” (DMH) refers to the Los Angeles County
22 Department of Mental Health, which is responsible for providing care for the
23 behavioral health needs of youth in the Juvenile Halls.
- 24 (g) “Department of Health Services” (DHS) refers to the Los Angeles County
25 Department of Health Services, which is responsible for providing care for the
26 medical needs of the youth in the Juvenile Halls.
- 27 (h) “Effective Date” means the date the Court enters the signed Judgment as an order
28 of the Court.

- 1 (i) “Force Intervention Response Support Team” (FIRST) refers to the Probation staff
2 team responsible for providing secondary review of use of force incidents in the
3 Juvenile Halls. Such review will be conducted by staff who are independent of the
4 Juvenile Hall command structure and who report directly to the Chief of Probation
5 or a Probation executive designee, who is at the level of Deputy Director or above.
- 6 (j) “Grievances” refers to the process by which any youth, their family member(s),
7 legal guardians, and/or their attorney(s) can file complaints relating to the youth’s
8 stay at the Juvenile Halls and excludes any request forms that do not contain a
9 grievance.
- 10 (k) “Implement” or “implementation” means putting a remedial measure into effect,
11 including informing, instructing, or training impacted personnel as required by this
12 Judgment, and ensuring that policies or procedures are, in fact, followed.
- 13 (l) “Juvenile Halls” refers to the Los Angeles County Juvenile Halls system and its
14 facilities, and includes Barry J. Nidorf Juvenile Hall, Central Juvenile Hall, and
15 any other locked detention facilities that operate and function like a juvenile hall
16 and that house youth prior to court adjudication or who are awaiting placement to,
17 transition to, or transportation to, a post-adjudication facility or location, or youth
18 who are temporarily there while they await services. Juvenile Halls excludes
19 community care facilities as defined in Health and Safety Code section 1502,
20 subdivision (a) and acute psychiatric hospitals as defined in Health and Safety
21 Code section 1250, subdivision (b). If the County decides to permanently house
22 post-disposition youth at a Juvenile Hall, the Judgment also covers such youth, but
23 does not include youth transferred from the California Department of Juvenile
24 Justice.
- 25 (m) “LACOE” refers to the Los Angeles County Office of Education, which is
26 responsible for providing education for the youth in the Juvenile Halls.
- 27 (n) “Medical Staff” refers to DHS staff that include physicians, physician assistants,
28 nurse practitioners, registered nurses, certified nursing assistants, and licensed

1 vocational nurses, and others who by virtue of their education, credentials, and
2 experience are permitted by law to evaluate and care for the medical needs of the
3 youth in the Juvenile Halls.

4 (o) “Mental Health Staff” refers to DMH staff that includes psychiatrists,
5 psychologists, psychiatric social workers, psychiatric nurses, and others who by
6 virtue of their education, credentials, and experience are permitted by law to
7 evaluate and care for the behavioral health needs of the youth in the Juvenile Halls.

8 (p) “Monitor” refers to the individual selected by the Parties whose duties,
9 responsibilities, and authority are set forth in this Judgment and Detailed Plan.

10 (q) “Non-Compliance” means that the County has not achieved compliance with most
11 or all of the material components of a substantive provision of this Judgment.

12 (r) “OIG” means the County of Los Angeles Office of Inspector General.

13 (s) “Partial Compliance” means that the County has achieved compliance on some,
14 but not all, of the material components of a substantive provision of this Judgment.

15 (t) “POC” means the County of Los Angeles Probation Oversight Commission.

16 (u) “Policy” or “Policies” mean regulations, directives, or manuals, regardless of
17 name, that have been approved by a senior executive within the Probation
18 Department, DHS, or DMH and that describe the duties, functions, or obligations
19 of Probation, DHS, or DMH staff and provide specific direction on how to fulfill
20 those duties, functions, or obligations. References to “existing” policies mean
21 those policies in effect on the Effective Date of this Judgment, and include any
22 subsequent revisions or changes made to those policies after the Effective Date of
23 this Judgment.

24 (v) “Probation Staff” refers to Probation staff employed in the Juvenile Halls,
25 including but not limited to detention services officers, supervising detention
26 services officers, and group supervisor nights.

27 (w) “Room Confinement” as defined in Welfare and Institutions Code section 208.3,
28 subdivision (a)(3), refers to the placement of a youth in a locked sleeping room or

cell with minimal or no contact with persons other than correctional facility staff and attorneys.

(x) “Staff” refers to the DHS, DMH, and Probation employees responsible for the care, management, and supervision of youth in the Juvenile Halls.

(y) “Subject Matter Experts” (SME) refers to the individuals selected by the Parties whose duties, responsibilities, and authority are set forth in this Judgment and Detailed Plan.

(z) “Substantial Compliance” means that the County has achieved compliance with all of the material components of a substantive provision of this Judgment in accordance with the Detailed Plan. Non-compliance with mere technicalities, or temporary failure to comply coupled with prompt and appropriate remedial measures during a period of otherwise sustained Substantial Compliance, will not constitute failure to maintain Substantial Compliance.

(aa) “Unit” refers to the housing area or living area to which youth are assigned or in which youth are housed, on a temporary or permanent basis, in the Juvenile Halls.

(bb) “Youth Council” refers to a body of youth assigned to the Juvenile Halls that includes a representative from each housing Unit.

IV. HOMELIKE ENVIRONMENTS AND OPERATIONS

9. Within the timeframe set forth in the Detailed Plan, and as further described in the Detailed Plan, the County will ensure the Juvenile Halls meet Welfare and Institutions Code sections 851 and 202 requirements to provide a homelike environment and not be deemed to be nor be treated as penal institutions. As further described in the Detailed Plan, the County will:

(a) Implement a mission statement and vision for creating a homelike, rehabilitative, and therapeutic system specifically for detained youth;

(b) Make necessary improvements to create a warm, welcoming, homelike environment at the Juvenile Halls and not house youth in areas identified by the County to be unfit for housing youth;

- 1 (c) Assess the space needed to provide required programming and therapeutic
2 services, including space for confidential individual and group behavioral health
3 counseling and crisis intervention services, and develop and implement a plan to
4 provide adequate space;
- 5 (d) Evaluate, and revise, if determined by the Monitor, Probation's procedures at
6 intake related to Probation's decision-making as to whether to exercise its
7 discretion to detain youth, which will include a validated risk assessment tool with
8 appropriate procedures to address over-detention of youth; and
- 9 (e) Implement weekly Unit meetings coordinated by Unit supervisors for each Unit
10 that consist of frontline staff, clinical personnel, and education staff, when
11 available, to discuss youth needs and treatment.

12 **V. TECHNOLOGY AND DATA MANAGEMENT**

13 10. Within the timeframe set forth in the Detailed Plan, and as further described in the
14 Detailed Plan, the County will maintain, and revise as needed, an electronic information
15 technology and data management system or systems (hereinafter Electronic System(s)) to
16 facilitate the data collection and analysis, real-time reporting, and analytical outputs required to
17 demonstrate compliance with this Judgment.

18 11. The County will create and maintain procedures to ensure the tracking and
19 accuracy of data to meet the monitoring requirements herein, as well as maintain a process to
20 assess and review the data collected.

21 **VI. USE OF FORCE AND YOUTH SAFETY**

22 12. Within the timeframe set forth in the Detailed Plan, and as further described in the
23 Detailed Plan, each Unit in the Juvenile Halls will maintain a functioning cold water shower for
24 the purposes of decontamination after the use of Oleoresin Capsicum (OC) spray. The Monitor
25 will confirm such during his or her first visit and on an ongoing basis while OC spray is utilized.
26 The County will maintain eyewash stations in the event of a temporarily non-functioning cold
27 water shower.
28

1 13. Within the timeframe set forth in the Detailed Plan, and as further described in the
2 Detailed Plan, the County will: (a) provide and maintain sufficient DMH and Probation staff
3 necessary to comply with this Judgment and to maintain the safety of youth in the Juvenile Halls;
4 (b) train Probation staff assigned to the Juvenile Halls who are authorized to use force, as well as
5 those assigned to review use of force incidents, which will include de-escalation techniques with
6 respect to all uses of force and alternatives to the use of OC spray; and (c) train DMH and DHS
7 staff with respect to timely reporting of suspected child abuse as required by law.

8 14. In accordance with the Board of Supervisors' Motion unanimously approved on
9 February 19, 2019, the County is in the process of implementing a policy to eliminate the use of
10 OC spray in juvenile facilities, including Juvenile Halls. Within the timeframe set forth in the
11 Detailed Plan, and as further described in the Detailed Plan, and until OC spray is eliminated by
12 the County for use in Juvenile Halls, the County will maintain a process and procedure to: (a)
13 document whether decontamination after the use of OC spray is in compliance with State law and
14 current Probation policy; (b) monitor and review weekly use of OC spray and engage in
15 continuous improvement efforts; and (c) identify any needs for training and support to Probation
16 staff and provide the same, if identified. While this Judgment remains in effect, the County will
17 inform the Attorney General at least six days prior to any Board consideration to reverse its
18 February 19, 2019 decision to phase out the use of OC spray in its Juvenile Halls.

19 15. Within the timeframe set forth in the Detailed Plan, and as further described in the
20 Detailed Plan, the County will ensure that all use of force incidents are accurately reported and
21 documented, and that all uses of force not accepted by Internal Affairs for review are timely
22 reviewed by FIRST for compliance with State law and Probation policy.

23 16. Within the timeframe set forth in the Detailed Plan, and as further described in the
24 Detailed Plan, the County will: (a) improve the system to ensure regular review of policies
25 regarding use of force, including, as needed, timely revision, approval, and implementation of
26 revised policies; (b) review and revise elements of the data gathering and reporting processes
27 regarding use of force, as determined to be necessary by the Monitor after review, to ensure
28 accuracy, completeness, and integrity of data gathered; (c) establish deadlines and a plan to install

1 video cameras throughout the Juvenile Halls, with exceptions to preserve youth and staff privacy
2 (e.g. bathrooms); and (d) regularly monitor whether cameras provide sufficient coverage, are
3 operational and in use, and whether recordings are being reviewed by Probation supervisors.

4 17. OIG will review compliance with Probation's use of force policy in the Juvenile
5 Halls, including by conducting a random review of a representative sample of use of force
6 incidents and assessing whether cameras provide sufficient coverage, are operational and in use,
7 and whether recordings are being properly used in relation to use of force incidents, and report its
8 general findings two times a year, in a public written report to the Board of Supervisors, copied to
9 the Monitor during the term of this Judgment, to evaluate Probation's decision-making and
10 oversight processes.

11 18. The County will provide to the Monitor and the Attorney General Probation's
12 policies, procedures, and directives pertaining to use of force, including the use of physical and
13 mechanical restraints that reflect compliance with law. The policies will be revised, as needed,
14 to: (a) require de-escalation prior to the use of force unless immediate use of force is necessary to
15 respond to a situation or circumstance that constitutes an imminent threat to facility security or
16 the safety of persons; (b) require that staff use the least restrictive techniques necessary to control
17 the situation and restore order; (c) limit use of force for youth with disabilities; (d) prohibit the
18 use of prone restraints and limit the use of supine restraints on pregnant youth; (e) prohibit use of
19 force in response solely to suicidal ideation; (f) limit the use of force to the minimum necessary to
20 prevent self-harming behavior; (g) prohibit the use of force for youth who do not present a risk to
21 the safety and security of himself or herself, youth, staff, or others, or physical destruction to the
22 Juvenile Hall(s); (h) maintain consequences for Probation staff, up to and including termination,
23 for substantiated out-of-policy use of force cases, fraudulent reporting, or failure to cooperate
24 with an investigation; (i) strengthen the anti-retaliation policy related to reporting of use of force
25 incidents to include required training on the prohibitions and consequences for staff and youth,
26 measures designed to ensure reliability of the complaint investigation process, and assignment of
27 a Bureau Chief to address the need for interim protections for those who report, such as Unit
28 changes, safety plan updates, and protection orders; (j) ensure effective training regarding

1 accurate documentation of use of force, including staff and youth behavior that precipitated the
2 event; (k) strengthen the oversight and quality improvement process; (l) ensure that use of
3 mechanical restraints during transport is compliant with State law; (m) prohibit Probation staff
4 from permitting or encouraging youth to engage in physical fights or assaults; (n) require close
5 supervision by Probation staff to prevent youth-on-youth conflict; and (o) specify affirmative
6 steps to mediate conflict between youth.

7 **VII. TRAUMA-INFORMED AND POSITIVE BEHAVIOR APPROACHES**

8 19. Within the timeframe set forth in the Detailed Plan, and as further described in the
9 Detailed Plan, the County will:

- 10 (a) Review and evaluate the existing process to inform youth of the objectives and
11 purposes of the positive behavior management program and the rewards involved,
12 and make necessary improvements to effectively inform youth of the program;
 - 13 (b) Work in collaboration with LACOE to strengthen and integrate the County's and
14 LACOE's positive behavior management programs and trauma-informed
15 strategies to provide for a consistent and coordinated approach;
 - 16 (c) Maintain in County policies and directives the prohibition of: (1) group
17 punishment as defined in California Code of Regulations, title 15, section 1302,
18 and prohibited by California Code of Regulations, title 15, section 1390; (2) denial
19 of the basic rights listed in California Code of Regulations, title 15, section 1390,
20 for punitive and disciplinary purposes; and (3) use of Room Confinement for
21 punishment, coercion, convenience, or retaliation as prohibited by Welfare and
22 Institutions Code section 208.3, subdivision (b)(2), and California Code of
23 Regulations, title 15, section 1354.5, subdivision (a)(2);
 - 24 (d) Enhance the plan to train all Juvenile Hall staff in the County's positive behavior
25 management program; and
 - 26 (e) Enhance the plan to train Probation staff to respond to non-compliance in a
27 proportionate, trauma-informed, and equitable way.
- 28

1 **VIII. ROOM CONFINEMENT**

2 20. Within the timeframe set forth in the Detailed Plan, and as further described in the
3 Detailed Plan, the County will review, revise, approve, and implement its policy related to Room
4 Confinement in the Juvenile Halls pursuant to the law. (See Welf. & Inst. Code, § 208.3; Cal.
5 Code Regs., tit. 15, § 1354.5). The policy will include the means to maintain and improve
6 documentation related to and monitoring of youth who are placed in Room Confinement with the
7 following required metrics: (1) time in room per youth, including the date and time the youth was
8 first placed in Room Confinement and the date and time the youth was released; (2) reasons for
9 placement and basis for extension of Room Confinement beyond four hours, if applicable; (3) the
10 date and time Probation staff consulted with mental health or medical staff, if applicable; and (4)
11 review by a Juvenile Hall Superintendent or their designee, including any required authorizations.
12 The policy will also require: (1) an individualized plan to reintegrate youth held more than four
13 hours into the general population as required by Welfare and Institutions Code section 208.3,
14 subdivision (d)(2); and (2) the provision of programming, recreation, exercise, religious services,
15 and education as required by law, except as specified in California Code of Regulations, title 15,
16 sections 1370 and 1371, and documentation of the same. The Detailed Plan will include
17 mechanisms for providing prompt notice to the Juvenile Hall Superintendent of instances of
18 Room Confinement that do not comply with the requirements of Welfare and Institutions Code
19 section 208.3 and for developing and implementing subsequent remedial measures in response to
20 such instances. Aggregate data and any necessary subsequent remedial measures will be
21 reviewed on a quarterly basis by the OIG.

22 **IX. BASIC LIVING NEEDS AND JUVENILE HALL CONDITIONS**

23 21. Within the timeframe set forth in the Detailed Plan, and as further described in the
24 Detailed Plan, the County will make necessary revisions to its policies and practices to ensure
25 youth are provided with the following, in compliance with California Code of Regulations, title
26 15: (1) adequate bedding, including access to additional blankets upon request; (2) regular and
27 prompt access to drinking water and the toilet during both daytime hours and the hours that youth
28 are confined to their room for the purpose of sleeping; (3) personal hygiene items that are

1 culturally appropriate, and clean, reasonably fitted clothing; (4) full nutrition and adequate
2 portion size as discussed in California Code of Regulations, title 15, sections 1460 and 1463,
3 including a variety of foods considering the cultural and ethnic makeup of the facility, snacks
4 available between meals, and alternative options available at meals; and (5) clean and sanitary
5 living conditions.

6 22. Within the timeframe set forth in the Detailed Plan, and as further described in the
7 Detailed Plan, the County will:

- 8 (a) Use OIG's Prison Rape Elimination Act (PREA) certified auditors to monitor
9 compliance on the following: (i) Ensuring that privacy curtains are properly
10 installed and consistently maintained in the bathrooms of all Units; and (ii)
11 Ensuring that staff of the opposite gender announce their presence when entering a
12 housing Unit; and
- 13 (b) Provide to the Monitor and Attorney General for comment any reports developed
14 by Just Detention International or public reports provided to the Board of
15 Supervisors by the County regarding implementation of steps necessary to prevent
16 sexual assault, sexual harassment, and sexual abuse, including voyeurism as
17 defined in California Code of Regulations, title 15, section 1302.

18 23. Within 180 calendar days of the effective date of this Judgment, the County will
19 provide a report or reports to the Monitor and the Attorney General for review demonstrating that
20 the Juvenile Halls meet fire and safety codes, and have properly functioning temperature controls,
21 lighting, and ventilation and identifying any areas of deficiency and where improvements will be
22 implemented. In addition, the County will provide an enhanced evacuation and evacuation-
23 related transportation plan. Unless a shorter time frame for correction is required by law, within
24 180 calendar days of the issuance of the written reports, the County will address any identified
25 deficiency and report on any subsequent remedial measures.

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27 //

1 **X. PROGRAMMING, RECREATION, EXERCISE, RELIGIOUS SERVICES,**
2 **VISITATION, AND TELEPHONE CALLS**

3 24. Within the timeframe set forth in the Detailed Plan, and as further described in the
4 Detailed Plan, the County will:

- 5 (a) Ensure quality weekly programming is available in each living unit, and such
6 programming is based on the youths' individual needs, reflects consideration of
7 health care treatment plans, and includes, but is not limited to, trauma focused,
8 cognitive, evidence-based, best practice interventions that are culturally relevant
9 and linguistically appropriate, and pro-social interventions and activities designed
10 to reduce recidivism (Cal. Code Regs., tit. 15, §§ 1371, 1413). The programming
11 may include cognitive behavioral interventions, management of stress and trauma,
12 anger management, conflict resolution, juvenile justice system, trauma-related
13 interventions, victim awareness, self-improvement, parenting skills and support,
14 tolerance and diversity, healing informed approaches, interventions by credible
15 messengers, gender-specific programming, art, creative writing, self-expression,
16 CPR and first aid training, restorative justice, civic engagement, career and
17 leadership opportunities, and other topics suitable to the youth population;
- 18 (b) Develop and implement a Youth Council within the Juvenile Halls;
- 19 (c) Review and revise current policies, procedures, and practices to: (i) ensure and
20 maintain access to programming, recreation, exercise, outside activity, religious
21 services, visitation, and phone calls, as required by law and regulation; (ii) prohibit
22 the denial of programming, recreation, exercise, outside activity, religious
23 services, visitation, or phone calls as a form of punishment, discipline or
24 retaliation; (iii) prohibit Room Confinement on the basis of a youth's refusal to
25 participate in programming, recreation, exercise, outside activity, religious
26 services, or visitation; and (iv) document the provision or denial of programming,
27 recreation, exercise, outside activity, religious services, visitation, and phone calls,
28 and the reason(s) for any denials. Weekly reports regarding the aforementioned

provision or denial will be signed and validated by the Unit supervisor and Juvenile Hall Superintendent or their designee and submitted to the OIG for review;

- (d) Review the current policies and procedures to allow visits by parents, guardians, or persons standing *in loco parentis*, and children of youth, in compliance with California Code of Regulations, title 15, section 1374. The review will ensure policies include a protocol by which grandparents, siblings, and supportive adults may be allowed to visit, with the approval of the Juvenile Hall Superintendent or designee, when such visits are in conjunction with the youth's case plan or in the best interest of the youth;
- (e) Evaluate the feasibility of visits longer than two hours and/or outside of regular visiting hours, including the possibility of access to technology as an alternative, as described in California Code of Regulations, title 15, section 1374;
- (f) Maintain meaningful and effective translation and interpretation services for youth whose primary language is not English, as required by law; and
- (g) Maintain a log provided to the Monitor and Attorney General on a monthly basis identifying the date and time of announced or unannounced visits or phone calls from youth's legal counsel along with the time that the youth was permitted to receive the call or visit and documenting the reason for any delay in providing the youth with access to legal counsel. For announced and unannounced visits, the log will include a place where the youth's legal counsel can sign off on the date and time of arrival at the facility and date and time of when visit occurred, and make a notation regarding delay, if any, related to the visit. If determined by the Monitor, the County will create a committee consisting of, at minimum, the Monitor, and a representative of the County, the Attorney General, and the POC for the purpose of recommending any improvements to the County's policies and practices to better ensure youth receive access to announced and unannounced visits or phone calls from counsel during reasonable waking hours.

1 **XI. MENTAL HEALTH, MEDICAL CARE, AND TREATMENT PLANS**

2 25. Within the timeframe set forth in the Detailed Plan, and as described in the
3 Detailed Plan, the County will:

- 4 (a) Maintain and revise as needed policies and procedures for a documented intake
5 health screening procedure to be conducted immediately upon entry into the
6 facility and for a health assessment of youth and timely identification of conditions
7 necessary to safeguard the health of the youth, in accordance with California Code
8 of Regulations, title 15, section 1430;
- 9 (b) Review and revise, as needed, its policies and practices to ensure that detained
10 youth are provided with timely medical and mental health care and treatment
11 planning that is compliant with law and regulations;
- 12 (c) Use the current electronic medical record system, which will be accessible by
13 Probation, as appropriate and consistent with law, to improve and sustain prompt
14 individualized tracking of timely service(s) and to assist with quality health care
15 measurement and evaluation;
- 16 (d) Ensure that for each youth with significant medical or behavioral/mental health
17 care concerns, individualized treatment plans are developed, as described in
18 California Code of Regulations, title 15, section 1413, which will address:
19 (i) pre-release and discharge planning for continuing medical and
20 behavioral/mental health care, including medication, following release or transfer,
21 which may include relevant authorization for transfer of information, insurance, or
22 communication with community providers to ensure continuity of care; (ii)
23 participation in relevant programs upon return into the community to ensure
24 continuity of care; (iii) youth and family participation (if applicable and available);
25 (iv) cultural responsiveness, awareness and linguistic competence; (v) physical and
26 psychological safety; and (vi) traumatic stress and trauma reminders when
27 applicable. The County will ensure that a staff person responsible for coordinating
28 implementation is assigned for each youth and that relevant health care treatment

plan information is shared with youth supervision staff for the purposes of programming, implementation, and continuity of care, as allowed by law;

- (e) Implement multi-disciplinary teams, meeting at least twice per month, chaired by a senior health or mental health clinician to discuss complex case management that include partners from Probation, DMH, DHS, LACOE, and, as appropriate, the youth and family;
- (f) Develop a plan for sufficient mental health staff to be assigned to and integrated into Units to meet youths' needs on a 16-hour-a-day basis and available in the remaining hours to provide therapeutic interventions, including crisis de-escalation, to youth according to any identified behavioral health needs;
- (g) Ensure DMH, DHS, and Probation collaborate to reassess and update guidelines and protocols for the use of enhanced supervision, including other less-restrictive strategies to provide needed supervision of youth;
- (h) Ensure DMH, DHS, and Probation collaborate to maintain and revise as needed a process to identify youth with severe mental health, developmental, or medical needs, and to ensure youth receive the appropriate level of care and timely transport for outside services; and
- (i) Require DMH and DHS staff to cooperate with investigations into use of force incidents and to provide accurate reports regarding observed or reported use of force.

XII. EDUCATION, TRANSITION, AND AFTER-CARE

26. Within the timeframe set forth in the Detailed Plan, and as further described in the Detailed Plan:

- (a) The County will ensure that youth are immediately available for LACOE to conduct educational evaluations and enrollment, except when there is an immediate threat to the safety of the youth or others;

- 1 (b) The County and LACOE will work together to ensure that youth are being
2 immediately enrolled within 24 hours of arrival or the next regularly scheduled
3 school day;
- 4 (c) LACOE will continue to operate an Electronic System to document that youth are
5 transported for and receiving educational evaluation and instruction. LACOE will
6 make the Electronic System available to relevant County employees. LACOE and
7 the County will establish a process for timely and continuous review and analysis
8 of the aforementioned Electronic System data to assess for compliance and
9 implement subsequent remedial measures, as needed, to ensure compliance;
- 10 (d) LACOE will provide sufficient staffing to ensure that youth are enrolled in
11 educational instruction and receiving instruction within the period of time required
12 by law, and are provided with the required 240 minutes of education per day,
13 except when there is an immediate threat to the safety of the youth or others, or
14 unless LACOE authorizes an excused absence based on categories recognized by
15 state law;
- 16 (e) The County will ensure that all youth are timely transported to and attending class
17 on a daily basis, except when there is an immediate threat to the safety of youth or
18 others, or unless LACOE authorizes an excused absence based on categories
19 recognized by state law;
- 20 (f) The County will ensure that education services are provided in the classrooms by
21 LACOE and not in the day room on the living Units, except where necessary due
22 to a particularized and documented risk of harm;
- 23 (g) The County will maintain policies and training to ensure youth are not denied
24 school time as punishment for behavior outside of the classroom, and youth are
25 provided the opportunity for at least one hour of quiet time daily for the principal
26 purpose of engaging in reading, writing, and class or homework assignments;
- 27 (h) The County will maintain policies and training to ensure staff are aware of their
28 responsibility to ensure attendance at school;

- 1 (i) When youth refuse to go to school, the County will invite LACOE educators to
2 participate, and LACOE educators will participate, in a joint meeting to assess the
3 reasons for the youth's refusal and both the County and LACOE will make and
4 document efforts to send youth to the classroom that same day, except when there
5 is an immediate threat to the safety of the youth or others;
- 6 (j) LACOE will maintain policies and training to ensure: (1) services required in the
7 youth's Individualized Education Program or Individualized Program Plan
8 continue without interruption, except when there is an immediate threat to the
9 safety of the youth or others; (2) youth have access to quality, differentiated
10 instruction, books, tutoring, academic counseling, preparation for higher
11 education, and credit recovery during the school day, except when there is an
12 immediate threat to the safety of the youth or others;
- 13 (k) The party making the decision, either LACOE or the County, will document any
14 instances where education and education instruction has been denied due to an
15 immediate threat to the safety of the youth or others ("immediate threat"), along
16 with the facts supporting the decision that an immediate threat existed at the time
17 of the education denial and the amount of education instruction time denied during
18 the pendency of the immediate threat;
- 19 (l) LACOE will review and revise the orientation process during enrollment to ensure
20 meaningful receipt of education-related information by students and to develop a
21 preliminary education plan in accordance with California Code of Regulations,
22 title 15, section 1370, subdivision (e)(3);
- 23 (m) LACOE and the County will explore alternatives with the Education SME for
24 maximizing the number of youth assigned to school rooms based on their assessed
25 academic need, while taking into account identified safety and security needs, and
26 implement those recommendations agreed to by LACOE and the County;
- 27 (n) The County and LACOE will develop an education and transition plan that must
28 include needed academic and rehabilitation supports, and a plan for accessing

1 those supports upon the youth's return to the community, pursuant to Education
2 Code section 48647, for any youth detained in a Juvenile Hall for more than 20
3 consecutive schooldays;

- 4 (o) The County and LACOE will maintain a joint transition planning policy that
5 complies with the requirements of Education Code section 48647;
- 6 (p) LACOE will develop career exploration and/or job readiness curriculum programs
7 for youth over whom LACOE has jurisdiction;
- 8 (q) The County will provide regular access to the career exploration and/or job
9 readiness curriculum programs developed by LACOE, except when there is an
10 immediate threat to the safety of the youth or others. The County will also re-
11 assess its process for identifying and enrolling students who have graduated from
12 high school or who are otherwise not eligible for LACOE career exploration
13 and/or job readiness curriculum programs to ensure maximum enrollment in post-
14 secondary, career exploration, and job readiness programs offered by the County;
15 and
- 16 (r) The Attorney General, LACOE, and the County recognize that temporary
17 suspension of education for a limited duration may be necessary due to an act of
18 nature, such as a fire or earthquake, which is outside of human control.

19 27. Within the timeframe set forth in the Detailed Plan, and as further described in the
20 Detailed Plan jointly developed by the County and LACOE:

- 21 (a) LACOE and the County will create and implement a process for education staff
22 participation in a County multi-disciplinary team meeting, as defined in Paragraph
23 25(e), to discuss youth needs and treatment, and an assigned LACOE and/or
24 County staff member responsible for coordinating implementation;
- 25 (b) LACOE will define its responsibilities and duties with respect to the least
26 restrictive educational placement of youth with disabilities, the LACOE offer of
27 Free Appropriate Public Education and alternatives placements for students who
28 may need a more restrictive educational setting in accordance with law;

- 1 (c) LACOE and the County will establish a process for gathering information from
2 LACOE's Electronic System described at Section XII, Paragraph 26(c), to be
3 included in a monthly report detailing enrollment, attendance, and daily
4 educational minute information for youth placed in a Juvenile Hall for the prior
5 month, including the reasons provided for any loss of education and an
6 aggregation of educational minutes lost due to delays in enrollment, failure to have
7 a teacher for the class, and/or failure to timely transport youth to school on a daily
8 basis ("School Attendance and Enrollment Report"). The School Attendance and
9 Enrollment Report will redact identifying information for youth and set forth
10 proposed remedies and requests for immediate action to address any loss of
11 education to youth, including the number of total minutes of education time lost
12 for the month and any compensatory education services needed to make up for the
13 loss, the cost of compensatory services, and a proposed provider. To the extent
14 there is a dispute about whether LACOE or the County will fund the compensatory
15 education services, the dispute and any supporting documentation will be
16 submitted to the Education SME, who will make a determination, which will be
17 final and binding upon the parties, within 10 business days; and
- 18 (d) The School Attendance and Enrollment Report shall be provided to the County
19 Board of Education, the Attorney General, the Education SME, County Counsel,
20 and the POC 70 days after entry of this Judgment and to the same entities on the
21 day of the monthly mailing to the County Board of Education every month
22 thereafter.

23 **XIII. STAFFING, HIRING, AND TRAINING**

24 28. Within the timeframe set forth in the Detailed Plan, and as further described in the
25 Detailed Plan, the County will:

- 26 (a) Update the Probation recruitment plan(s) and materials to target candidates who
27 understand and support best practices in juvenile supervision, support, and services
28 and who have an interest in working with youth;

- 1 (b) Provide and maintain sufficient staffing to ensure youth receive programming,
2 recreation, exercise, outside activity, religious services, and visitation as required
3 by California Code of Regulations, title 15, section 1321 and this Judgment; and
4 are immediately available to LACOE for enrollment and evaluation, and timely
5 transported to and attending class on a daily basis;
- 6 (c) Outline and implement a training and policies and procedures notification process
7 for Probation staff assigned to Juvenile Halls, including but not limited to
8 Detention Services Officers, Senior Detention Services Officers, supervisors, and
9 managers, on the new policies and practices set forth and developed in accordance
10 with this Judgment. At minimum, the Detailed Plan for training will include: (1) a
11 method for providing notice and updates to relevant staff (i.e. directives, electronic
12 postings, etc.); (2) frequency of training, where applicable; (3) annual review of
13 training needs and effectiveness; and (4) the following training topics, as relevant
14 to job duties:
- 15 i. Conflict resolution and individual and crisis de-escalation;
 - 16 ii. Childhood and adolescent development and positive, developmental,
17 strength-based approach to treatment;
 - 18 iii. Age appropriate responses to youth conduct;
 - 19 iv. Disability and special education issues;
 - 20 v. Implicit bias and cultural competence;
 - 21 vi. Responses to trauma;
 - 22 vii. Restorative justice techniques;
 - 23 viii. Development and implementation of individualized treatment plans, as
24 described in Section XI, Paragraph 25(d); and
 - 25 ix. Facilitation of group activity.
- 26 (d) Outline its training for and/or notice to DMH and DHS staff on the updated
27 clinical policies and procedures set forth and developed in accordance with this
28 Judgment including training on trauma informed care and approaches; and

- 1 (e) Collaborate with LACOE to discuss which of the trainings in Paragraph 28(c) can
2 be coordinated or offered jointly to provide training to both County and LACOE
3 staff working in the Juvenile Halls.

4 29. Within 30 calendar days of entry of this Judgment, the Chief Probation Officer
5 will inform all employees at the Juvenile Halls in writing of the existing County policies that
6 establish requirements for attendance and on-time reporting to work, the existing consequences
7 for the failure to follow those policies, and how the failure to attend and arrive on-time impacts
8 other employees, climate, and facility conditions.

9 30. Within the timeframe set forth in the Detailed Plan, and as further described in the
10 Detailed Plan, the County, working in collaboration with the Monitor, will evaluate and
11 implement strategies using existing staff resources to address climate, staff attendance and
12 culture, and safety in the Juvenile Halls.

13 **XIV. OVERSIGHT AND GRIEVANCE SYSTEMS**

14 31. Within the timeframe set forth in the Detailed Plan, and as further described in the
15 Detailed Plan, the County will:

- 16 (a) Implement a revised grievance policy to provide: (i) additional avenues and means
17 for youth and families to submit grievances, including through secure online
18 portals; (ii) tracking of grievances for responses and appeals in compliance with
19 California Code of Regulations, title 15, section 1361, with oversight by OIG; and
20 (iii) a process for prompt review of and response to grievances alleging physical or
21 sexual abuse of youth and documentation of referral to the appropriate
22 investigating agency[ies];
- 23 (b) Revise youth orientation and parent handbooks in collaboration with youth to
24 provide any updated information about the grievance processes, the Office of the
25 Ombudsman, and other changes required by this Judgment and to ensure language
26 accessibility to non-English speaking youth and parents as required by law, and
27 create a process for timely dissemination to parents, guardians, and youth upon
28

1 entry into the Juvenile Hall, through Probation's website and, if available,
2 electronic mail;

3 (c) Ensure that grievance forms are consistently available in all Units and that youth
4 may access a grievance form without the need to request a form from staff; and

5 (d) During orientation and meetings on the Unit with youth, educate and remind youth
6 on how to access the grievance system and their associated rights.

7 **XV. COMPENSATORY SERVICES FOR YOUTH**

8 32. The Education SME has devised a formula to calculate the compensatory
9 education services to which Beneficiaries are entitled based on a random sampling of the
10 education-related records of no more than 15 youth detained at each Juvenile Hall (no more than
11 30 youth total) from January 1, 2018 through the date of the Judgment's execution and the
12 duration of the Beneficiaries' confinement at the Juvenile Halls. The factors the Education SME
13 evaluated included the frequency and duration of late arrival to class, the number of days a youth
14 was not enrolled in school and missed school after arriving at the facility, and other factors
15 necessary to determine the quantity of education hours not received, if any. Excused absences
16 pursuant to Education Code section 48202 were not included in the calculation. LACOE
17 provided the Education SME with the data and information necessary to conduct the random
18 sample.

19 33. Within 90 calendar days of the effective date of this Judgment, as further described
20 in the Detailed Plan:

21 (a) The County will use the formula established by the Education SME to calculate
22 the compensatory education service package for each Beneficiary, provide the
23 Education SME access to the records used to calculate each compensatory
24 education service package to verify the accuracy of the calculations, and provide
25 notice to the Beneficiaries of the award, which shall be approved by the Attorney
26 General, translated into Spanish, and sent to each Beneficiary indicating the
27 specific compensatory education service package to which they are entitled and
28

1 providing contact information for the third-party partner(s) that they can contact to
2 access the compensatory education services.

3 (b) The process will allow for the Beneficiaries to have two years from the date the
4 County mails and, if available, e-mails the notices to the Beneficiaries to use the
5 hours included in their compensatory education service packages, and thereafter,
6 any unused balance of hours included in the compensatory education service
7 packages for a Beneficiary will expire. This two-year period will be tolled for the
8 duration of any delay in provision of services to a Beneficiary that is solely
9 attributable to the County or the third-party partner(s) with whom they contract,
10 and the Beneficiary and the Education SME will promptly notify the County of
11 any issues related to interruption in services as soon as they are aware of such
12 issues. The process will include a toll-free hotline with operators who can provide
13 assistance in English and Spanish in place for a minimum of six months after
14 notices are sent to Beneficiaries to assist Beneficiaries with accessing the
15 compensatory services.

16 (c) LACOE will collaborate with the County and provide assistance with respect to
17 the County's duty to contract with qualified third-party partner(s) that utilize
18 research-based education interventions to satisfy the compensatory education
19 services for any Beneficiary. LACOE may assume the role of the contracting
20 agent for education entities for which LACOE already has or may have had
21 contracts in order to facilitate the process and ensure qualified third-party
22 partner(s) can provide services.

23 **XVI. DISPUTE RESOLUTION PROCESS**

24 34. It is the intent of the Parties to work collaboratively to address any disputes or non-
25 compliance with this Judgment. Unless a different timeframe is specified in this Judgment,
26 should a dispute arise or should a Party raise an objection, the Parties or the objecting Party will,
27 within 5 working days, initiate the meet and confer process in good faith. The parties will spend
28 no more than 10 working days to meet and confer. If after the 10 working days the Parties are

1 unable to reach resolution, the objecting Party may thereafter submit the matter(s) upon which
2 they disagree to the Court for further proceedings.

3 **XVII. MONITORING TEAM**

4 35. This Judgment will be overseen by a Monitor who will be provided timely access
5 to information and documents to ensure compliance with this Judgment and whose reasonable
6 costs and expenses, as set forth in Paragraph 37, will be paid by the County. The Monitor will
7 oversee conditions of confinement, as well as compliance with and implementation of this
8 Judgment. The Monitor will be assisted by two Subject Matter Experts (SME) who will evaluate
9 provisions related to their expertise and advise the Monitor. The first SME will be an expert in
10 the areas of behavioral health services and medical access (hereinafter, Health and Behavioral
11 Health SME). The second will be an expert in the area of education, educational transition and
12 after-care services, and career technical and post-secondary education programming in the
13 juvenile hall context (hereinafter, Education SME). The Monitor will be Michael Dempsey. The
14 Health and Behavioral Health SME will be Renée Marquardt. The Education SME will be Peter
15 Leone. The Monitor, in consultation with the appropriate SME, will review and approve the
16 policies, procedures, and protocols specified in the substantive provisions of this Judgment and
17 the Detailed Plan.

18 36. The Monitor and Health and Behavioral Health SME will be selected by mutual
19 agreement of the Parties. The Education SME will be selected by mutual agreement of the Parties
20 and LACOE.

21 37. The total costs for the Monitor, SMEs, and any specialized experts or others to be
22 paid by the County will not exceed \$500,000 for the first year, and \$375,000 for the second year
23 and each year thereafter. Costs for the Education SME will be divided equally between the
24 County and LACOE for the first three years and paid solely by the County for the fourth year and
25 any year thereafter. The Monitor will provide a justification for exceptional circumstances that
26 require additional expenditure of funds. In such case, the Monitor will provide the Parties with a
27 written request for the additional funds at least 14 calendar days prior to expenditure. The Parties
28 will have 14 calendar days to object in writing to such expenditure, or as extended by agreement

1 of the Parties. If no Party objects, the County will approve the additional expenditure. If a Party
2 objects, the Parties will engage in the dispute resolution process described in Section XVI of this
3 Judgment.

4 38. In the first year, the Monitor or a SME will visit each Juvenile Hall a minimum of
5 12 days. In the second year and each year thereafter, the Monitor or a SME will visit each
6 Juvenile Hall a minimum of seven days. The Monitor will coordinate with the SMEs to
7 determine whether one or more members of the team will attend each visit and may subcontract
8 with specialized experts to assist in the monitoring duties with pre-approval from the Parties. To
9 the extent the Monitor, in his or her sole discretion, seeks assistance with data analysis, document
10 review, or report writing, the Monitor will obtain assistance from Kelly Dedel unless another
11 individual is approved by the Parties. Any assistance provided by Dr. Dedel, or any other expert,
12 will not supplant the Monitor's responsibilities under this Judgment, which are his or hers alone.
13 Only the Monitor can determine the County's compliance with the substantive provisions of this
14 Judgment, except as provided in Paragraph 58. The Parties will have 14 calendar days to object
15 for cause in writing to the subcontracting of experts, or as extended by agreement of the Parties.
16 Should a Party object to the Monitor's selection of a specialized expert, the Parties will engage in
17 the dispute resolution process described in Section XVI of this Judgment. Any subcontracts will
18 not serve to increase the total costs in Paragraph 37 absent mutual agreement.

19 39. The Monitor, SMEs, and their staff, if any, will be permitted to initiate and receive
20 ex parte communications with all Parties.

21 40. If at any time the Monitor or SMEs are no longer able to serve, they will inform
22 the Parties in writing as soon as possible prior to ending services. Within 14 calendar days of
23 receiving notice, the Parties will meet and confer regarding a replacement. The replacement will
24 be selected by mutual agreement of the Parties no later than 60 calendar days after written notice
25 is received, or as extended by agreement of the Parties. If a Party objects, the Parties will engage
26 in the dispute resolution process described in Section XVI of this Judgment.

27 41. Should all Parties agree that the Monitor, a SME, or a member of their staff, if any,
28 has exceeded his or her authority or is not fulfilling his or her duties in accordance with this

1 Judgment, the Parties may replace the Monitor, a SME, or staff person, if any, using the process
2 in Paragraph 40. After good faith attempts to resolve such issues informally, the Parties may also
3 agree to remove the Monitor, a SME, or any member of their staff, if any, for good cause, which
4 may include: gross neglect of duties; willful misconduct; inappropriate personal relationship with
5 a Party, any Party employee, or youth; conflicts of interest; any criminal conduct; or any
6 significant violations of security protocols during the pendency of this Judgment.

7 42. LACOE is considered a Party for purposes of implementing Paragraphs 40 and 41
8 as they pertain to the replacement of the Education SME.

9 43. For the duration of this Judgment and a period of five years following its
10 termination, unless such conflict is waived in writing by all Parties, the Monitor, SMEs, and their
11 staff, if any, will not accept any new employment or retention for consulting services regarding
12 alleged actions or inactions by the County or any County employee, including being retained (on
13 a paid or unpaid basis) by any current or future litigant or claimant, or such litigant's or
14 claimant's attorney, in connection with a claim or suit against the County or its departments,
15 officers, agents, or employees.

16 **XVIII. REPORTS**

17 44. The County will produce documents as permitted by this Judgment and identified
18 in the Detailed Plan on a quarterly basis. The Attorney General and the Monitor may make
19 reasonable requests to the County for supplemental information when necessary to assess
20 compliance with a provision of this Judgment. The County will furnish such information within a
21 reasonable time, not to exceed 10 working days, unless exceptional circumstances exist, the
22 response to the request is unusually voluminous, or another date is agreed upon by the Parties.

23 45. The Monitor will provide the Parties with a report on the status of compliance with
24 the Judgment on a quarterly basis during the first two years following the entry of this Judgment.
25 During the first two years, these reports shall consist of two full reports and two status updates,
26 which shall be alternating. The status updates will report on progress meeting the actions as
27 specified in the Detailed Plan, including steps completed, and provide direction regarding steps
28 needed for timely implementation of substantive provisions. The two full reports will include any

1 other recommendations, directions, evidence, data, or information that the Monitor deems
2 necessary to include related to each of the substantive provisions in the Judgment. After the two
3 years, the Monitor will provide reports on a semi-annual basis until termination of the Judgment.
4 The reports will include a finding of Substantial Compliance, Partial Compliance, or Non-
5 Compliance on each substantive provision of this Judgment. For any provision with a finding
6 other than Substantial Compliance, the Monitor will provide detailed written direction, consistent
7 with this Judgment and Detailed Plan, to the County to achieve Substantial Compliance. At least
8 60 days before the anticipated filing of each report, the Monitor will provide the Parties with a
9 draft copy and a reasonable opportunity to respond within 30 days. The Monitor will consider the
10 Parties' responses and make appropriate changes before submitting a final report to the Parties.

11 46. The Monitor will provide the Parties and the Board of Supervisors with a semi-
12 annual confidential informational report regarding staffing, including day-to-day staffing ratios,
13 attendance, and hold-overs, in the Juvenile Halls and any resulting impacts on the County's
14 ability to achieve Substantial Compliance with this Judgment.

15 47. For any substantive provision subject to review or oversight by the POC or OIG as
16 delineated herein, the Monitor's compliance role will be focused on reviewing the reports
17 provided by such agencies as described in this Judgment. If the Monitor disagrees with any of
18 POC or OIG findings, the Monitor may conduct his or her own assessment pursuant to the
19 Detailed Plan.

20 **XIX. CONFIDENTIALITY**

21 48. Other than as expressly provided in this Judgment, the Monitor, the SMEs, their
22 staff, if any, and the Attorney General will maintain confidential all, and will not distribute or
23 disclose any, non-public information provided by the County and/or any report(s) produced
24 pursuant to this Judgment, including reports produced pursuant to Section XVIII above, unless
25 ordered by the Court or otherwise required by law. This Judgment will not be deemed a waiver
26 of any privilege or right the County may assert, including those recognized at common law or
27 created by statute, rule, or regulation, against any other person or entity with respect to the
28 disclosure of any document or information.

1 49. Except as required by the terms of this Judgment, an order from the Court, or the
2 express written agreement of all Parties, the Monitor, SMEs, and their staff, if any, will not make
3 any public or press statements (at a conference or otherwise), issue findings, offer expert opinion,
4 or testify in any other litigation or proceeding regarding any matter or subject that he or she may
5 have learned as a result of his or her performance under this Judgment. If the Monitor, SMEs, or
6 their staff, if any, receives a subpoena, he or she will promptly notify the Parties and thereafter
7 advise the subpoenaing court of the terms of this Judgment.

8 50. The Monitor, SMEs, and their staff, if any, are not a State, County, or local
9 agency, or an agent thereof, and accordingly, are not subject to the Public Records Act (Gov.
10 Code, § 6250 et seq.). If the Monitor, SMEs, or their staff, if any, receives a request for
11 inspection of their records related to this Judgment, he or she will not produce the records and
12 promptly notify the Parties of the request.

13 51. In the event either Party or the Monitor files documents with the Court, any
14 documents covered by the protective order filed concurrently with this Judgment or otherwise
15 required to be filed under seal by court rules, will be filed under seal.

16 **XX. ACCESS**

17 52. Unless an exigent circumstance, such as a natural disaster or medical quarantine,
18 occurs that necessitates a short delay, the Attorney General, the Monitor, and the SMEs will have
19 prompt access to the following to assess implementation with this Judgment:

- 20 (a) Access to the grounds of the Juvenile Halls including the ability to observe living
21 units, programming, movement to and from classes and activities, and classes and
22 activities;
- 23 (b) After reasonable notice, ability to talk with, consult with, and interview
24 supervisory and line staff. All such staff will be informed that their participation is
25 voluntary and that they will have the option to request the presence of a person of
26 their choice;
- 27 (c) Ability to interview youth detained at the Juvenile Halls individually, with
28 Probation responsible for timely notifying the Public Defender, Alternate Public

Defender, and Independent Juvenile Defender Panel's offices. Youth shall be informed that their participation is voluntary. Youth represented by individual private counsel will not be interviewed without consent of the individual private counsel;

(d) Access to those portions of juvenile case files that directly relate to the County's implementation of and compliance with this Judgment, as permitted by law;

(e) Access to records and logs including, but not limited to, daily log books and schedules, training schedules, and any similar data or documents that may replace these documents, as permitted by law; and

(f) Access to County records and reports from Probation including, but not limited to, incident reports, physical intervention, supplemental intervention, or special or security incident reports, internal affairs reports, investigation documents, FIRST and any similar committee reports, video recordings, and grievance procedure documents, as permitted by law.

53. The Health and Behavioral Health SME will have access to observe individual behavioral health or health treatment sessions that directly relate to the County's implementation of and compliance with this Judgment, only with the express permission of the youth and/or the youth's parent or guardian as required by law.

54. The Health and Behavioral Health SME, who is a licensed medical provider, will be permitted to observe group facilitation and therapy sessions for the purpose of advising DMH staff and providing technical assistance and direction with reasonable notice in advance.

55. The Health and Behavioral Health SME will have access only to de-identified health records for purposes of assessing compliance with this Judgment, unless there is a particularized need related to an individual youth.

XXI. TERMINATION OF JUDGMENT

56. Upon the Monitor's conclusion that the County has achieved and maintained Substantial Compliance with any substantive provision(s) of this Judgment for a period of 12 consecutive months ("Compliance Period"), that provision will be deemed completed and the

1 Monitor will no longer assess or report on that provision. Where the Monitor concludes that the
2 County has achieved and maintained Substantial Compliance with a substantive provision of this
3 Judgment, as described immediately above, at one Juvenile Hall but not another, the Monitor will
4 no longer assess or report on that provision for the Juvenile Hall where Substantial Compliance
5 has been achieved.

6 57. The Monitor will determine Substantial Compliance based on the County's
7 performance as described in the Detailed Plan. Alternatively, the Monitor may determine that the
8 County has achieved Substantial Compliance when the overall objectives of this Judgment have
9 been met, even where the specific requirements of substantive provisions of this Judgment may
10 only be in partial compliance.

11 58. If a Party objects to the Monitor's determination as to whether the County has
12 achieved Substantial Compliance, the Parties shall engage in the dispute resolution process
13 described in Section XVI of this Judgment.

14 59. This Judgment and the Court's jurisdiction will automatically terminate four years
15 after the effective date of this Judgment, unless the County has not achieved Substantial
16 Compliance for any substantive provisions of this Judgment. For those provisions, the Monitor
17 will meet with the parties semi-annually to discuss what is necessary to achieve Substantial
18 Compliance. After such meeting, the Monitor will provide a written report to the Parties
19 providing clear direction on remaining obligations, consistent with this Judgment.

20 **XXII. DEFENDANTS' INDEPENDENT OBLIGATIONS**

21 60. Each of the respective Defendants to this action, LACOE and the County, shall not
22 be liable for, and no enforcement action pursuant to this Judgment shall lie against, either
23 respective Defendant for an alleged failure by the other Defendant to comply with this Judgment.
24 For any provision under this Stipulated Judgment or in the Detailed Plan that requires the County
25 to rely on LACOE's obligations for performance, the County cannot be held liable for, and no
26 enforcement action pursuant to this Judgment shall lie against the County, for LACOE's failure to
27 perform its obligations under that provision. If LACOE is no longer under the jurisdiction of the
28 Court in its Stipulated Judgment with the Attorney General's Office in this matter, the County

1 cannot be held liable for, and no enforcement action pursuant to this Judgment shall lie against
2 the County, under those provisions in which LACOE's participation is required or necessary for
3 the County to perform in the County's Stipulated Judgment or in the Detailed Plan, and which
4 LACOE is failing to perform. The failure of any respective Defendant to perform its obligations
5 under this Complaint and the Judgments or the Order entered herewith shall not impact the full
6 force and binding effect of this Judgment as it relates to any Party. No Defendant will be held
7 liable for any aspect of the performance, or lack of performance, by any other Defendant of the
8 other Defendants' obligations under this Judgment.

9 **XXIII. SUCCESSORS AND ASSIGNS**

10 61. The provisions of this Judgment will apply to the County, including the Probation
11 Department, DMH, and DHS, as well as their successors, directors, officers, employees, agents,
12 and assigns, which or who may oversee, direct, treat, or supervise youth in the Juvenile Hall(s).

13 **XXIV. JURISDICTION OF THE COURT, IMPLEMENTATION, AND ENFORCEMENT**

14 62. This Judgment is enforceable only by the Parties. No person or entity is intended
15 to be a third-party beneficiary of the provisions of this Judgment for purposes of any civil,
16 criminal, or administrative action, and accordingly, no person or entity may assert any claim or
17 right as a beneficiary or protected class under this Judgment.

18 63. Nothing in this Judgment limits the powers vested in the Attorney General by the
19 California Constitution and state statutory law, including Government Code section 11180 et seq.,
20 to oversee and enforce any California laws and regulations, which he or she may use to monitor
21 the County's compliance with the terms of this Judgment.

22 64. Unless otherwise provided in a specific provision of this Judgment, the
23 implementation of this Judgment will begin on the Effective Date.

24 65. The Attorney General and the County may jointly agree to make changes,
25 modifications, and amendments to the Judgment in writing, and changes the Parties deem to be
26 material revisions will be effective after a joint motion is filed by the Parties with the Court.
27
28

66. Any time limits for performance imposed by the Judgment and/or Detailed Plan may be extended by the mutual agreement, in writing, of the Attorney General and the County, and/or by order of the Court for good cause shown.

67. The Parties agree to defend the provisions of this Judgment. The Parties will notify each other of any court or administrative challenge to this Judgment.

68. The Court retains jurisdiction to enforce the portions of this Judgment, which have not already been deemed completed as described in Section XXI, Paragraphs 56 and 59 of this Judgment, for the purpose of enabling any Party to the Judgment to apply to the Court at any time for such further orders and directions, as may be necessary or appropriate, for the interpretation or the carrying out of this Judgment, for the modification of any of the injunctive provisions hereof, for enforcement of compliance herewith, and for violations hereof, if any.

69. Nothing in this Judgment alters the requirements of federal or state law. It is the intent of this Judgment to align with such relevant laws. To the extent laws cited in this Judgment change to provide additional protections for youth or to prohibit the County from complying with any provision of this Judgment, this Judgment should be modified by the Parties in accordance with the new law.

The clerk is ordered to enter this Judgment forthwith.

DATED:

JUDGE OF THE SUPERIOR COURT

EXHIBIT G

Electronically Received 12/05/2024 10:18 AM

12/11/2024

David W. Slayton, Executive Officer / Clerk of Court

By: R. Navarro Deputy

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*Exempt from filing fees pursuant to
Government Code section 6103.*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

12 **THE PEOPLE OF THE STATE OF**
13 **CALIFORNIA, EX. REL. XAVIER**
14 **BECERRA, ATTORNEY GENERAL OF**
15 **THE STATE OF CALIFORNIA,¹**

Plaintiff,

v.

17 **LOS ANGELES COUNTY; AND LOS**
18 **ANGELES COUNTY OFFICE OF**
19 **EDUCATION,**

Defendants.

Case No. 21STCV01309

**~~[PROPOSED]~~ ORDER AMENDING
STIPULATED JUDGMENT**

Date: November 21, 2024
Time: 8:30 a.m.
Dept: 34
Judge: Hon. Peter A. Hernandez

¹ The current Attorney General of the State of California is Rob Bonta.

1 Having considered the Ex Parte Application for Entry of [Proposed] Order Amending
2 Stipulated Judgment of January 21, 2021 (the Judgment) brought by Plaintiff, the People of the
3 State of California, and Defendant, the County of Los Angeles, and other papers on file in this
4 matter, the Court grants the motion as follows.

5 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

6 **I. INTRODUCTION**

- 7 1. This Order is entered pursuant to the Court’s continuing jurisdiction under Judgment
8 paragraph 68 and Code of Civil Procedure section 664.6, and pursuant to Judgment
9 paragraph 65, which provides that that “[t]he Attorney General and the County may
10 jointly agree to make changes, modifications, and amendments to the Judgment in
11 writing, and changes the Parties deem to be material revisions will be effective after a
12 joint motion is filed by the Parties with the Court.” (See Stipulated Judgment for
13 Defendant County of Los Angeles (Jan. 21, 2021).)
- 14 2. All the provisions of the Judgment remain in full force and effect, except that
15 Judgment paragraphs 35, 36, 45, 53, 54, 55, 56, 58, and 59 are amended as described
16 in paragraphs 5 through 13 of this order.
- 17 3. The provisions of this Order are in addition to the County’s existing obligations under
18 the Judgment, the Detailed Plan incorporated by reference into the Judgment, and the
19 Stipulated Additional Judgment Terms to Address Noncompliance that the Court
20 approved on November 13, 2023 (“First Amendment”). The provisions of this Order
21 are incorporated into the Judgment and are subject to sections XVI, XVII, XVIII, XIX,
22 XX, XXI, XXII, XXIII, and XXIV of the Judgment. The definitions contained in
23 paragraph 8 of the Judgment and in the preamble to the Detailed Plan also apply to
24 this Order.
- 25 4. As used in this Order, “Los Padrinos Juvenile Hall” includes Los Padrinos Juvenile
26 Hall and any successors or assigns of Los Padrinos Juvenile Hall, including any
27 successor or assign facility or facilities as defined in paragraph 8(l) of the Judgment.
28

- 1 5. The effective date of this Order is the date that the joint stipulation is signed by the
2 parties.

3 **II. AMENDMENTS TO JUDGMENT PARAGRAPHS 35, 36, 45, 53, 54, 55, 56, 58, AND 59**

- 4 6. Judgment **Paragraph 35** is amended such that it now provides, in its entirety, as
5 follows: “This Judgment will be overseen by a Monitor who will be provided timely
6 access to information and documents to ensure compliance with this Judgment and
7 whose reasonable costs and expenses, as set forth in Paragraph 37, will be paid by the
8 County. The Monitor will oversee conditions of confinement, as well as compliance
9 with and implementation of this Judgment and any subsequent Amendments. The
10 Monitor will be assisted by at least three Subject Matter Experts (SME) who will
11 evaluate provisions related to their expertise and advise the Monitor. The first SME
12 will be an expert in behavioral health services (hereinafter, Behavioral Health SME).
13 The second SME will be an expert in medical access (hereinafter, Medical Access
14 SME). The third will be an expert in education, educational transition and after-care
15 services, and career technical and post-secondary education programming in the
16 juvenile hall context (hereinafter, Education SME). The Monitor will be Michael
17 Dempsey. Effective September 1, 2024, the Behavioral Health SME will be Dr.
18 Monique Khumalo. Effective September 1, 2024, the Medical Access SME will be Dr.
19 Khandra Tyler-Beynum. The Education SME will be Dr. Peter Leone. The Monitor, in
20 consultation with the appropriate SME, will review and approve the policies,
21 procedures, and protocols specified in the substantive provisions of this Judgment and
22 the Detailed Plan.”
- 23 7. Judgment **Paragraph 36** is amended such that it now provides, in its entirety, as
24 follows: “The Monitor, Behavioral Health SME, and Medical Access SME will be
25 selected by mutual agreement of the Parties. The Education SME will be selected by
26 mutual agreement of the Parties and LACOE.
- 27 8. Judgment **Paragraph 45** is amended such that it now provides, in its entirety, as
28 follows: “The Monitor will provide reports on the status of compliance with the

1 Judgment on at least a semi-annual basis until termination of the Judgment. The
2 reports will include a finding of Substantial Compliance, Partial Compliance, or Non-
3 Compliance on each substantive provision of this Judgment, Detailed Plan task, and
4 First and Second Amendments to the Judgment, to the extent these provisions remain
5 subject to reporting under Judgment paragraph 56. For any provision or task with a
6 finding other than Substantial Compliance, the Monitor, after consultation with the
7 County, will provide detailed written direction, consistent with the Judgment, Detailed
8 Plan, and any Amendments to the County to achieve Substantial Compliance. At least
9 60 days before the anticipated filing of each report, the Monitor will provide the
10 Parties with a draft copy and a reasonable opportunity to respond within 30 days. To
11 the extent the County believes that any information in the report is confidential, the
12 County may provide the Monitor and the Attorney General with information about the
13 specific language that it believes should be redacted in the final report along with its
14 response above. For purposes of this paragraph, confidential information is
15 information that would disclose the identity of a youth. The Monitor will consider the
16 Parties' responses and make appropriate changes before submitting a final report to
17 the Parties. The Attorney General shall file the Monitor's reports with the County's
18 redactions under this paragraph with this Court but will not file the document under
19 seal. If the Court requests or orders the Parties to file an unredacted report, the
20 Attorney General shall do so on behalf of the Parties. For any provision or task within
21 the Detailed Plan that received a finding other than Substantial Compliance, the
22 Monitor may in his discretion require that the County provide the Monitor, within 60
23 days of the Monitor's request or at such other later time as the Monitor deems
24 appropriate, a Corrective Action Plan for Monitor review and approval for any such
25 provision or task, addressing the County's plans to come into Substantial Compliance,
26 including a timeline, and incorporating or otherwise addressing any applicable
27 direction the Monitor provided in his report."
28

- 1 9. Judgment **Paragraph 53** is amended such that it now provides, in its entirety, as
2 follows: “The Behavioral Health SME will have access to observe or review
3 individual behavioral health treatment sessions, and the Medical Access SME will
4 have access to observe and review health treatment sessions, that directly relate to the
5 County’s implementation of and compliance with this Judgment, only with the express
6 permission of the youth and/or the youth’s parent or guardian as required by law.”
- 7 10. Judgment **Paragraph 54** is amended such that it now provides, in its entirety, as
8 follows: “The Behavioral Health SME, a licensed mental health professional, will be
9 permitted, with reasonable notice in advance, to observe group facilitation and therapy
10 sessions for the purpose of advising DMH staff and providing technical assistance and
11 direction.”
- 12 11. Judgment **Paragraph 55** is amended such that it now provides, in its entirety, as
13 follows: “The Medical Access SME will have access to only de-identified medical
14 records, and the Behavioral Health SME will have access only to de-identified
15 behavioral health records, for purposes of assessing compliance with this Judgment,
16 unless there is a particularized need related to an individual youth.”
- 17 12. Judgment **Paragraph 56** is amended such that it now provides, in its entirety, as
18 follows: "Upon the Monitor's conclusion that the County has achieved and maintained
19 Substantial Compliance with any substantive provision(s) and/or individual task from
20 the Detailed Plan for a period of 12 consecutive months ("Compliance Period"), that
21 provision or task will be deemed completed and the Monitor will no longer assess or
22 report on that provision, and the County will no longer be required to provide
23 compliance or proof of practice documentation after a provision or task is no longer
24 being assessed. Where the Monitor concludes that the County has achieved and
25 maintained Substantial Compliance for the entirety of the Compliance Period with a
26 substantive provision or task of the Judgment or the Amendments, as described
27 immediately above, at one facility but not another, the Monitor will no longer assess
28

or report on that provision or task for the Juvenile Hall where Substantial Compliance has been achieved."

13. Judgment **Paragraph 58** is amended such that it now provides, in its entirety, as follows: "If a Party objects to the Monitor's determination as to whether the County has achieved and maintained Substantial Compliance as set forth in Paragraph 56, the objecting party shall provide its rationale for that objection in writing to the other Party and the Monitor. If the Monitor does not agree with the objection, the Parties and the Monitor shall engage in the dispute resolution process described in Section XVI of the Judgment."

14. Judgment **Paragraph 59** is amended such that it now provides, in its entirety, as follows: "This Judgment and the Court's jurisdiction will automatically terminate once all substantive provisions of the Judgment have been deemed complete as set forth in paragraphs 56 and 57. The Attorney General will file a joint order to terminate jurisdiction within 10 business days of the automatic termination."

III. COMPOSITION AND AUTHORITY OF MONITORING TEAM

15. The Monitor shall continue to issue monthly reports to the Parties as to compliance with the First Amendment until the County reaches Substantial Compliance with those provisions and their corresponding Detailed Plan tasks. The County shall be required to consider any written guidance contained in the monthly reports to remedy the County's noncompliance or partial compliance with those provisions or their corresponding Detailed Plan tasks, and incorporate or otherwise address such guidance in any Corrective Action Plan the County submits in response to the Monitor's semi-annual reports pursuant to Judgment paragraph 45, as amended above, for the Monitor's review and approval.

16. The County shall continue to work with the Data SME to develop data systems that will effectively support the County's compliance efforts and operations, including adopting the Guard1 system or an equivalent system for tracking data related to paragraph 24(c) of the Judgment by December 31, 2024, and working on the

development of monthly reports containing data sufficient to assess the County's compliance with the Judgment, consistent with the requirements of and compliance measures set forth in the Detailed Plan and Amendments, and as directed by the Monitor.

17. If, by June 30, 2025, the County has not achieved Substantial Compliance with the Judgment provisions and corresponding Detailed Plan Tasks identified in the Probation Department DOJ Compliance Action Plan attached hereto as Exhibit A, the monitoring team shall—without further order of this Court—expand to include one Deputy Monitor for Los Padrinos Juvenile Hall. The parties will meet to discuss whether a Deputy Monitor is necessary for Barry J. Nidorf Secure Youth Treatment Facility prior to June 30, 2025. The Monitor will make final decision whether a Deputy Monitor is necessary for Barry J. Nidorf Secure Youth Treatment Facility. The Deputy Monitors shall be selected by the Monitor subject to mutual agreement of the Parties and will report directly to the Monitor. If practicable, the Deputy Monitors shall reside in the Los Angeles area and, if they do not, the County will not be obligated to pay for their lodging expenses. The hourly rate of the Deputy Monitors will not exceed the rate paid by the County to the Monitor. The Deputy Monitors shall have a collaborative relationship and ongoing communication with facility superintendents and the Compliance Team Lead, and shall engage in daily check-ins and joint problem-solving to address identified issues with facility leadership. The Deputy Monitors shall be on site no less than four days per week, at varying hours of the day so that they can see the operations of different shifts, and shall provide direct reports weekly to the Monitor and the County. The County shall be provided the Deputy Monitors' weekly schedule at least one week in advance. The County is not responsible for providing any equipment or electronics to the Deputy Monitors. The parties agree that the Deputy Monitors will be onsite for six months and, during that time, will focus on the County's compliance with the Detailed Compliance Action Plan elements and any other Judgment provisions or Detailed Action Plan tasks the

1 Monitor deems necessary. Due to the expected cost to the County, after six months,
2 the Monitor will re-assess, with input from the parties, whether continued use of the
3 Deputy Monitors is necessary and/or helpful. The Monitor's determination is final.

4 **IV. USE OF FORCE AND YOUTH SAFETY**

5 18. By January 30, 2025, the County shall review and amend all relevant policies to
6 address excessive force and youth-on-youth violence either instigated or tolerated by
7 staff and provide such revised policies to the Monitor for review and approval. The
8 County's review will consider whether existing policies contain appropriate protocols
9 to expeditiously investigate allegations of such misconduct and place staff on leave
10 during such investigation, and appropriately provide that any staff found to be
11 involved in such an incident shall be subject to discipline up to and including
12 discharge, shall be reported to child abuse and outside law enforcement agencies as
13 required by law, including the Child Abuse and Neglect Reporting Act, Penal Code
14 section 11164 et seq., and that Probation shall consider referral for prosecution.

- 15 a. On August 12, 2024, the Attorney General's office provided revisions to
16 DSB 609/SYTF 609 (Reduction of Youth-On-Youth Violence (YOYV)),
17 DSB 1000/SYTF 1000 (Physical Interventions), DSB 1500/SYTF 1500
18 (Prison Rape Elimination Act), DSB 1917/SYTF 1917 (Child Abuse
19 Reporting), DSB 2341/SYTF 2431 (Staff Investigations), and the
20 Supplemental Disciplinary Guidelines to implement paragraph 15. The
21 County shall consider these proposed revisions when conducting its review.
- 22 b. The County's Office of Inspector General (OIG) will report to the Monitor,
23 on a monthly basis, the number of new Internal Affairs referrals, number of
24 open cases, and aggregate data on investigation outcome.
- 25 c. Substantial Compliance requires: (i) email distribution list shows that 98% of
26 staff were sent notice of any revised policies by November 30, 2024; (ii)
27 Monitor approval of training, including a training schedule, on revised
28

1 policies; (iii) Monitor verification that the County is implementing the
2 approved policies; and (iv) monthly reporting to the Monitor.

3 19. The County has provided the Monitor the plan for camera installation at Los Padrinos
4 Juvenile Hall, and the Monitor previously approved it. The Monitor shall again review
5 the plan and provide the County with any comments he has regarding camera
6 coverage, as reflected in this plan, by no later than November 20, 2024. The County
7 will consider any comments the Monitor has provided, and revise the installation plan
8 as appropriate. Once the plan has been implemented and cameras installed, the
9 Monitor may conduct an in-person "blind-spot" analysis of Los Padrinos Juvenile Hall
10 to determine whether video camera coverage is not available in certain locations,
11 including youth cells and the medical unit, and provide his findings to the County
12 within two weeks thereafter. The County shall consider the Monitor's comments,
13 discuss any concerns and requests for revision with the Monitor, and add additional
14 cameras per the Monitor's final direction.

15 20. The County has previously provided the Monitor a CCTV Review Protocol. By
16 December 30, 2024, the County shall provide the Monitor a finalized CCTV Review
17 Protocol for Monitor review and approval. The County shall implement the protocol
18 and take steps to ensure sufficient staff is assigned and appropriately trained to
19 conduct this review.

- 20 a. OIG will select two random days a month to audit compliance with
21 Probation's CCTV Review Protocol. The audit shall include review of the
22 random days' paperwork and video footage, and assessment of whether
23 footage has been tampered with and whether incidents that may violate the
24 law, Judgment, and/or policy have been properly identified and elevated.
- 25 b. Substantial Compliance requires OIG verification to the Monitor, on a
26 monthly basis, that the County is compliant with the protocol. Systemic
27 findings and recommendations from OIG's reports to the Monitor under this
28

1 paragraph will be included, as appropriate, in OIG's existing reports required
2 by the Judgment.

3 21. By October 31, 2024, the County will create a stand-alone "anti-retaliation" policy and
4 provide to the Monitor for review and approval. By November 15, 2024, the Monitor
5 will provide any feedback. By January 1, 2025, the County will issue the anti-
6 retaliation policy. The policy shall be aligned with best practice and the County shall
7 consider, at a minimum, requirements that all staff who are under investigation for
8 credible allegations of abusive or unlawful conduct be immediately removed from the
9 facility pending the outcome of the investigation and interim protections for youth that
10 include ensuring that youth have no contact with such staff are implemented. The
11 County also shall consider the Attorney General's office comments provided on DSB
12 1000/SYTF 1000 (Physical Interventions), DSB 1500/SYTF 1500 (Prison Rape
13 Elimination Act), DSB 1706/SYTF 1706 (Ombudsman), and DSB 1917/SYTF 1917
14 (Child Abuse Reporting) in drafting its anti-retaliation policy.

15 a. Substantial Compliance requires: (i) email distribution list shows that 98% of
16 staff were sent the stand-alone anti-retaliation policy within 10 days of
17 issuance of the policy; and (ii) Monitor approval of training, including a
18 training schedule, on the policy.

19 22. By November 15, 2024, the County shall employ at each facility under this Judgment
20 an onsite Ombuds staff person from Probation's Office of the Ombudsman. The Office
21 of the Ombudsperson shall report to Probation executives independently from the
22 operational chain of command. The County shall provide the Monitor by November
23 15, 2024, the duties and responsibilities of the onsite Ombuds staff person(s) for the
24 Monitor's review and approval.

25 a. The County has confirmed that the Ombuds staff persons will attend the
26 United States Ombudsperson Association's New Ombudsman Training on
27 November 18-22, 2024.
28

- 1 b. A Senior Probation Director shall assume the duties of the Bureau Chief as
2 described in Judgment paragraph 18.
- 3 c. Substantial Compliance requires: (i) Monitor confirmation that approved
4 individuals have been hired; (ii) Monitor approval of job duties; (iii) Monitor
5 confirmation that the Ombuds staff persons have received the necessary
6 training; (iv) Monitor approval of an infographic with information about the
7 Ombuds staff persons, including all contact information, and it is posted in
8 each Unit and in the orientation and intake area; (v) information regarding
9 and contact information for the Ombuds staff persons is included in the youth
10 handbook; and (vi) verification that the onsite Ombuds staff person is present
11 and appropriately performing their duties during three consecutive separate
12 in-person visits to the facilities.

13 23. By October 31, 2024, for Monitor review and approval, the County shall revise its
14 Juvenile Hall DSB 700 - Searches policy regarding room searches to set forth
15 requirements to ensure that youths' belongings that are not contraband or otherwise
16 inconsistent with County policy are maintained in a secure bag marked with the
17 youth's name, not destroyed or removed from the Juvenile Halls, and returned to the
18 youth upon release. The County shall continue to require that all searches of youths'
19 persons or belongings, regardless of the individual or team conducting the search,
20 comply with the County's Juvenile Hall policies, procedures, and directives pertaining
21 to searches of youths' persons and belongings and with the law.

22 24. All staff assigned to supervise youth at Los Padrinos Juvenile Hall and Barry J. Nidorf
23 Secure Youth Treatment Facility, including any Special Enforcement Operations
24 (SEO) staff, shall have completed Juvenile Corrections Officers Core (JCOC) course
25 as required under Penal Code Section 6035 and Title 15 section 1322. The JCOC
26 Course is approved by the State and includes searches. The County will ensure any
27 SEO staff working or providing support in the facilities will have the JCOC course
28 training which includes searches prior to working inside the facilities. All staff

1 assigned to search youth in the Juvenile Halls shall be required to annually review and
2 follow the County's Juvenile Hall policy DSB 700 – Searches, which pertains to
3 searches of youths' belongings and persons.

4 25. OIG will review compliance with Probation's search policy in the Juvenile Halls,
5 including by conducting a random review of a representative sample of searches and
6 assessing whether searches were conducted within policy and consistent with law and
7 were fully and accurately documented. OIG will report its findings to the Monitor and
8 include them, as appropriate, in OIG's existing reports required by the Judgment
9 during the term of this Judgment.

10 a. Substantial Compliance requires OIG determines that 90% of searches
11 reviewed are in compliance with policy and law.

12 26. By November 30, 2024, the County shall hire and maintain any additional outside
13 contractors necessary to supplement those required by paragraph 10 of the First
14 Amendment. Any new outside contractors shall be reviewed and approved by the
15 Monitor, receive the Monitor-approved training, and be employed until such time as
16 the County can demonstrate to the Monitor that it has adequate staff with appropriate
17 training and expertise to conduct the initial review and staff its Internal Affairs unit.
18 The parties have agreed that backlogged use of force incidents need not be subject to
19 secondary review by attorneys.

20 a. By October 15, 2024, the County will submit to the Monitor the County's
21 Chief Executive Officer's analysis for the creation of new Internal Affairs
22 (IA) classification for the Probation Department.

23 b. Substantial Compliance requires: 100% of the backlog is eliminated by
24 December 15, 2024.

25 27. By November 15, 2024, the County shall provide to the Monitor for review and
26 approval a plan for ensuring that all use-of-force incidents are timely reviewed and
27 appropriately investigated, such that backlogs of un-reviewed incidents do not
28 continue to accumulate. The County will identify any staff (a) still employed as of

1 October 9, 2024, and (b) involved in a use of force policy violation incident between
2 2022 through the present, which was (c) referred to IA by first level reviewers or an
3 independent committee; and (d) yet declined by IA for review. All such incidents shall
4 be re-referred to IA and IA shall review. Any future incidents involving the same staff
5 will be assessed by the FIRST Team for patterns or repeat behaviors that require
6 corrective or disciplinary action.

- 7 a. Upon the Monitor's approval, the County shall implement the plan within 30
8 days. Until such time as the Monitor confirms that the plan is fully
9 implemented and the backlog is eliminated, the requirements of Paragraph 25
10 remain in effect.
- 11 b. Substantial Compliance requires: (i) Monitor approval of the plan; (ii)
12 Monitor verification that the County is implementing the plan; (iii) 90% of
13 use of force cases will be reviewed to determine if an Internal Affairs referral
14 is necessary within 90 days unless good cause exists for an extension of time;
15 and (iv) monthly reporting by the County to the Monitor on the number of
16 Juvenile Hall use-of-force incident investigations.

17 28. The County has provided the Monitor for a plan, including a training video, for
18 training staff on the use of the temporary cold-water decontamination showers
19 described in paragraph 8 of the First Amendment. The Monitor has reviewed and
20 approved the plan and the training video. The Compliance Team shall conduct
21 monthly compliance checks to assess whether the temporary cold-water
22 decontamination showers are charged, whether staff have been properly
23 decontaminating youth for all O.C. spray incidents. As of September 27, 2024, the
24 County has installed eye wash stations in the sinks in each unit at Los Padrinos. The
25 County will continue to explore all humane alternative decontamination avenues
26 pending the completion of cold water shower installation. The County shall verify
27 alternative decontamination avenues with the Monitor prior to usage.
28

- 1 a. Substantial Compliance requires monthly audits by the Compliance Team
2 provided to the Monitor, and Monitor verification that youth are timely and
3 properly decontaminated in at least 93% of instances in which youth are
4 exposed to OC spray.

5 29. By November 15, 2025, the County shall complete the installation of functioning cold-
6 water decontamination showers in all living units of the Juvenile Halls.

7 30. By December 13, 2024, the County will provide an enhanced CIT² team plan, which
8 shall include all of the elements required by Paragraphs 17 and 20 of the First
9 Amendment and mechanisms for increasing the use of the CIT team to reduce
10 incidents of violence.

- 11 a. Substantial Compliance requires: (i) Monitor approval of the plan; (ii)
12 Monitor verification that the County is implementing the approved enhanced
13 CIT team plan; and (iii) Monitor review of random sample of use of force
14 incidents demonstrates that in 90% of instances in which the CIT team was
15 not employed, there was not sufficient time for the CIT team to be called to
16 prevent escalation of the incident.

17 31. By November 30, 2024, the County shall develop and issue a post order documenting
18 enhanced security at Juvenile Hall entries, including use of canines, pat-downs where
19 probable cause exists, use of security specialists to conduct entry searches, and
20 consideration of the implementation of low-radiation body scanners, and a timeline for
21 implementation of enhanced security measures.

- 22 a. The County shall submit its proposed post order to the Monitor for review
23 and approval by November 30, 2024.
24 b. Upon the Monitor's approval, the County shall issue the post order within
25 one business day.

26
27 ² The First Amendment provide for the creation and implementation of a "CARE team."
28 The County, with Monitor approval, has renamed the CARE team the "Critical Incident Team" or
 "CIT."

- c. Substantial Compliance requires: (i) Monitor approval of the post order and any updates the County makes to it thereafter; (ii) email distribution list shows that 98% of current staff were sent notice of the post order by December 20, 2024; and (iii) Monitor verification that the County is implementing the post order.

V. JOINT MEDICAL TRANSPORTATION PLAN

32. By November 30, 2024, the County shall provide to the Monitor for review and approval a revised draft of the Joint Medical Transport Plans for Barry J. Nidorf Secure Youth Treatment Facility and Los Padrinos Juvenile Hall required under paragraph 6 of the First Amendment. As required by paragraph 6 of the First Amendment, the Joint Medical Transport Plans shall be developed jointly by the heads of the Probation Department, the Department of Mental Health, and Juvenile Correctional Health Services, shall be in writing, and shall incorporate a quality-assurance review process and weekly collection and review of data in a form that shall also be provided to the Monitor, the Behavioral Health SME, and the Medical Access SME on a biweekly basis.
33. The County acknowledges that it remains out of compliance with paragraph 6 of the First Amendment, which required the implementation of Joint Medical Transportation Plans. If the County fails to provide the Monitor with its revised proposed Joint Medical Transport Plans by November 30, 2024, or if the Monitor determines that the County has failed to implement the Joint Medical Transport Plans within 30 days of approval, the County shall deposit \$100 into an interest-bearing account for each additional day that it fails to provide the Monitor with its proposed Joint Medical Transport Plans or fails to implement the approved proposed Joint Medical Transport Plans.
- a. Upon the Monitor's approval, the County shall fully implement the Joint Medical Transport Plans within 30 days.

- b. Substantial Compliance requires: (i) Monitor approval of the Joint Medical Transport Plans; (ii) Monitor verification that the Joint Medical Transport Plans are being implemented; (iii) biweekly data provided by the County to the Monitor, the Behavioral Health SME, and the Medical Access SME; and (iv) Monitor finds that sufficiently reliable data provided by the County establish that youth receive timely medical services 93% of the time.
- c. Any money deposited shall be used for youth focused incentives or wellness items for youth housed at Los Padrinos Juvenile Hall with a plan approved by the Monitor.

VI. STAFFING

34. By January 30, 2025, the County shall provide an updated plan to the Monitor for review and approval, which shall address staff recruitment and retention, staff wellness, minimum staffing levels and regular adjustment of such levels to ensure it is balanced and adequate for actual daily population consistent with the staffing relief plan attached hereto as Exhibit B, and a plan for addressing callouts and other abusive leave practices. The County shall also provide, for review and approval by the Monitor, daily staffing data sheets that include the number of staff assigned to each unit, the number of youth on each unit, the minimum mandatory and full staffing numbers for each unit, and the number of call-outs, no-call no-shows, and staff on light duty. Upon the Monitor's approval of the form of the daily data sheets, the County shall provide the daily staffing data sheets on a weekly basis to the Monitor and to the Attorney General's office.

- a. Substantial Compliance requires: (i) Monitor approval of the updated plan, the updated recruitment materials to reflect youth rehabilitation focus, and the daily staffing data sheet; (ii) Monitor verification that the County is implementing the updated plan; (iii) continued monthly reporting to the Monitor on staffing, including but not limited to: (a) call outs; (b) number of staff on light duty; (c) - (d) number of staff resigning or terminated; (e)

1 number of staff on leave by position, leave type, and length of leave; (f)
2 number of new staff hired, if any; and (g) vacancy numbers; and (iv) the
3 Monitor and the Attorney General's office are provided with the daily
4 staffing data sheets on a weekly basis.

5 35. The County shall consult with the Monitor and any SMEs or specialized experts
6 designated by the Monitor prior to and during negotiations with labor partners to
7 renew or update memoranda of understanding that will impact staff employed in the
8 Juvenile Halls.

9 **VII. DEVELOPMENT OF SMALL, HOME-LIKE FACILITIES**

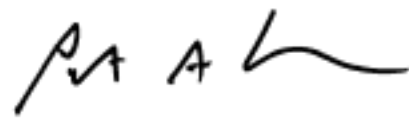
10 36. By March 1, 2025, the County shall provide the Monitor for review and approval
11 plans to renovate and/or reconstruct Los Padrinos Juvenile Hall and Barry J. Nidorf
12 Secure Youth Treatment Facility (or another juvenile facility[ies]) to create small,
13 homelike facilities that employ a care-first model that includes evidence-based
14 practices and a youth development, education, and mental health-focused approach to
15 rehabilitation and which have a range of security levels to house and step-down youth.
16 Upon Monitor approval, the County shall brief the Board of Supervisors within 60
17 days. Upon Board approval, the County shall make all best efforts to implement the
18 Monitor-approved plans within the timelines set forth in the approved plans.

19 a. Substantial Compliance requires: (i) Monitor consultation and input provided
20 to County and any designer or architect early in the process; (ii) Monitor
21 approval of the plans; and (iii) Monitor verification that the County is
22 making best efforts to implement the Monitor and Board-approved plans
23 within the timelines set forth in the approved plans.

24 **IT IS SO ORDERED.**

25
26 DATED: 12/11/2024



27
28 

Peter A. Hernandez / Judge
JUDGE OF THE SUPERIOR COURT

EXHIBIT H

Initial Inspection Report 2023-2024 Biennial Inspection Cycle

Date of Exit Briefing: 8/18/2023**Inspection Type:** Targeted**County:** Los Angeles**Facility Name(s):** Los Padrinios Juvenile Hall**BSCC #(s):** 7201**BSCC Type:** Juvenile Hall**Facility Representatives:** Albert Banuelos, Steven Cuevas, Edie Thompson, several Directors**BSCC Field Representative:** Lisa Southwell**Corrective Action Plan Required?** YES**DATE CAP DUE TO BSCC:** 10/17/2023

Current Items of Noncompliance

Title 15. Section	Description
§ 1321. Staffing.	<p>Facility shift staffing forms were provided for the week of July 20-July 27, 2023. While on paper, staffing schedules appear to be adequate, we observed lack of staffing and staff who appear non-engaged with the youth. When asked, some line staff appear to be unaware of who is in charge of the shift or have clear direction during their shift. Staffing documents are unclear regarding supervisors present and onsite in the building and their hours.</p> <p>Staff are routinely held over without notice to cover shifts or to cover call outs; some report this occurs multiple times a week. Staff report that they are exhausted as a result. Most staff believe the unscheduled, mandatory holdovers negatively impact good attendance. Additionally, there is a significant number of 1:1's that impact staffing.</p> <p>Some youth also reported not feeling safe due to the lack of staff or more specifically due to the lack of "their staff." Those we spoke to spoke highly of most staff but noted "we need more staff" and we want "this staff" or "that staff." It was clear through our conversations that youth were more at ease on certain shifts. Most rooms are wet rooms at Los Padrinios; however, there were some youth who reported urinating in their room at night.</p>

Title 15. Section	Description
§ 1322. Youth Supervision Staff Orientation and Training.	<p>Training documentation provided for all new staff who have recently been assigned to the facility and are new to the agency.</p> <p>No training records were provided for staff who are currently assigned or who may be assigned to the facility; we are unable to confirm that they have been trained accordingly. Any staff member regardless of assignment or rank, if tasked with child supervision, must be trained accordingly.</p>
§ 1324. Policy and Procedures Manual.	<p>The Detention Services Bureau (DSB) Manual was provided as requested. The manual has not yet been updated to reflect the actual operations as Los Padrinos Juvenile Hall. This includes Section 1327, Emergency Procedures.</p>
§ 1325. Fire Safety Plan.	<p>Current fire safety plan is not complete; facility managers are working on finalizing their fire safety plan, including manual updates, evacuation plans, emergency housing, and final fire suppression with Downey Fire.</p>
§ 1328. Safety Checks.	<p>A review of the Guard 1 system report indicates that safety checks regularly exceed 15 minutes.</p>
§ 1354.5. Room Confinement.	<p>At inspection, no documentation was provided as we were informed that room confinement was not occurring. Throughout the process of inspection, including during conversations with youth and staff, we became aware that room confinement is indeed occurring. We have no documentation to determine compliance with this section.</p>
§ 1357. Use of Force.	<p>The Use of Force directive/policy was implemented despite actual practices not being implemented. Staff have not been trained for Use of Force, including the use of OC; training requires initial training and an annual refresher. We are aware that training has been developed and scheduling is being planned.</p> <p>There were packets with several debriefs completed that only addressed injuries and trauma and lacked information regarding training.</p>
§ 1358.5. Use of Restraint Devices for Movement and Transportation Within the Facility.	<p>Several reports were reviewed that did not have required assessments prior to the utilization of restraints for movement within the facility.</p>
§ 1360. Searches.	<p>Room and facility searches are not being completed as required.</p>

Title 15. Section	Description
§ 1370. Education Program.	<p>BSCC receives daily attendance reports from LACOE. Youth are late to school. We also noted that several youth refuse school which requires more staff to remain in the unit with them. We noted some high school graduates do not attend college as space has still not been allocated but with the number of youth returning, there are no staff to supervise them.</p> <p>We will continue to review LACOE reports; if attendance improves this item will be removed from section 1370. It will, however, continue to be noted as contributing to noncompliance for 1321, Staffing.</p>
§ 1371. Programs, Recreation, and Exercise.	<p>Recreation: The facility does not provide youth with age-appropriate, stimulating recreational activities to engage in during recreation. Youth do not have access to television or age-appropriate movies or entertainment.</p> <p>Programs: Programs are not consistently being provided or in some cases at all. Staff are not provided with resources to provide programming.</p>
§ 1390. Discipline.	<p>The facility lacks a suitable discipline process. The facility must develop a suitable and age-appropriate incentive-based program to encourage positive behavior that includes disciplinary actions as appropriate.</p>

EXHIBIT I

**LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
CORRECTIVE ACTION PLAN – OCTOBER 16, 2023
FINAL**

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
§ 1321. Staffing.	<p>Each juvenile facility shall: (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations;</p> <p>(b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances;</p>	<p>Facility shift staffing forms were provided for the week of July 20-July 27, 2023. While on paper, staffing schedules appear to be adequate, we observed lack of staffing and staff who appear non-engaged with the youth. When asked, some line staff appear to be unaware of who is in charge of the shift or have clear direction during their shift. Staffing documents are unclear regarding supervisors present and onsite in the building and their hours.</p> <p>Staff are routinely held over without notice to cover shifts or to cover call outs; some report this occurs multiple times a week. Staff report that they are exhausted as a result. Most staff believe the unscheduled, mandatory holdovers negatively impact good attendance. Additionally, there is a significant number of 1:1's that impact staffing.</p> <p>Some youth also reported not feeling safe due to the lack of staff or more specifically due to the lack of "their staff." Those we spoke to spoke highly of most staff but noted "we need more staff" and we want "this staff" or "that staff." It was clear through our conversations that youth were more at ease on certain shifts. Most rooms are wet rooms at Los Padrinos; however, there were some youth who reported urinating in their room at night.</p>	<p>Los Padrinos Juvenile Hall (LPJH) staffing numbers are slowly increasing as more full-time staff are reporting to work with more frequency. Youth are regularly attending school, programming, exercise and recreation, however consistency in documentation needs to be improved.</p> <p>Since September 2023, staffing levels have increased significantly with the deployment of field staff to cover shifts. Since that date, staffing ratios have remained regularly within minimum ratios. Educational services, recreation, visitation, religious services, and programming have not been negatively impacted as a result of staffing shortages at LPJH, but timely attendance and proper documentation is still lacking.</p> <p>As a measure to ensure that programing, education, and other essential functions take place, some field officers were temporarily reassigned to the facility. In addition, the Chief Probation Officer reimplemented field officer deployment with the mandate to work 1-2 days a week at LPJH.</p> <p>Facility management monitors staffing each shift and ensures that ample staffing are present to provide opportunities to recreation, education and other programs, if not, a call for deployment to assist with staffing ratios is requested.</p> <p>Further, to address the highlighted issue of staff holdovers, the Department has created and will soon pilot test a scheduling application to ensure deployed staff see their deployment schedule for a month in advance with the intent to have the staff be assigned to the same unit.</p> <p>The Department will do a staffing analysis to determine the minimum number of staff needed at LPJH since the move of the pre-disposition youth. This analysis will include physical plant considerations and the relief factor.</p> <p>The County recognizes the need for additional staff and not rely on deployment of field staff long term. ATTACHMENT 1 is the Department's strategic staffing plan that addresses the recruitment of staff, retention of staff and overall staff wellness. Whereas, this is a long-term, multiple year approach, staff are being</p>	Banuelos / Director on Duty / Dominguez / Williams / HR / LPJH Quality Assurance Team (QA) / Compliance Team	January 10, 2024

LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
CORRECTIVE ACTION PLAN – OCTOBER 16, 2023
FINAL

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
			<p>hired at increasing numbers. Probation recently contracted with a recruitment consulting firm that specializes in law enforcement recruitment.</p> <p>Department and facility management regularly monitor staffing numbers and continue to readjust strategies for staffing when necessary.</p> <p>The Compliance Team in the Office of the Chief monitor educational minutes, recreation, programming and exercise to ensure any staffing issue does not interfere with the requirements of Title 15.</p> <p>The completion of this corrective action is January 10, 2024.</p>		

**LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
CORRECTIVE ACTION PLAN – OCTOBER 16, 2023
FINAL**

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
§ 1322. Youth Supervision Staff Orientation and Training.	(b) Prior to assuming any responsibility for the supervision of youth, each youth supervision staff member shall receive a minimum of 40 hours of facility-specific orientation, including: (1) individual and group supervision techniques; (2) regulations and policies relating to discipline and rights of youth pursuant to law and the provisions of this chapter; (3) basic health, sanitation and safety measures; (4) suicide prevention and response to suicide attempts (5) policies regarding use of force, deescalation techniques, chemical agents, mechanical and physical restraints; (6) review of policies and procedures referencing trauma and trauma-informed approaches; (7) procedures to follow in the event of emergencies; (8) routine security measures, including facility perimeter and grounds; (9) crisis intervention and	<p>Training documentation provided for all new staff who have recently been assigned to the facility and are new to the agency.</p> <p>No training records were provided for staff who are currently assigned or who may be assigned to the facility; we are unable to confirm that they have been trained accordingly. Any staff member regardless of assignment or rank, if tasked with child supervision, must be trained accordingly.</p>	<p>ATTACHMENT 2 staffing records for assigned staff at LPJH. The Department is taking a multiple-step approach to training staff on "facility-specific" requirements. LPJH has identified the staff that have received the Juvenile Corrections Officer Core Course (JCOCC), but not the "facility-specific". A training schedule will be created to ensure the facility-specific training will occur and completed prior to January 10, 2024. The training schedule will be provided to the BSCC.</p> <p>Second, the Department will identify staff deployed to LPJH who have not received the JCOCC nor the facility-specific training. The Department will prioritize the 40-hour facility specific training and develop a training schedule for the facility specific, then develop a training schedule for these individuals in the JCOCC.</p> <p>Third, the Department will ensure all newly-assigned staff received the 40-hour course. As the Department trains all newly hired juvenile institutions staff on the § 1322 topics in the academy, the Department will ensure all requirements of § 1322 are met in the academy, and ensure all facility-specific information is included, or taught onsite at the facility.</p> <p>The Department, under separate cover, will provide the detailed training plans and data to the BSCC for review.</p> <p>The completion date for this corrective action is January 10, 2024.</p>	Training Unit / Falcon / Williams	January 10, 2024

**LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
CORRECTIVE ACTION PLAN – OCTOBER 16, 2023
FINAL**

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
	<p>mental health referrals to mental health services; (10) documentation; and (11) fire/life safety training.</p> <p>(c) Prior to assuming sole supervision of youth, each youth supervision staff member shall successfully complete the requirements of the Juvenile Corrections Officer Core Course pursuant to Penal Code Section 6035. (d) Prior to exercising the powers of a peace officer youth supervision staff shall successfully complete training pursuant to Section 830 et seq. of the Penal Code.</p>				

**LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
CORRECTIVE ACTION PLAN – OCTOBER 16, 2023
FINAL**

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
§ 1324. Policy and Procedures Manual.	All facility administrators shall develop, publish, and implement a manual of written policies and procedures that address, at a minimum, all regulations that are applicable to the facility. Such a manual shall be made available to all employees, reviewed by all employees, and shall be administratively reviewed at a minimum every two years, and updated, as necessary. Those records relating to the standards and requirements set forth in these regulations shall be accessible to the Board on request.	<p>The policy has not been updated to reflect policy or procedural changes or operations specific to Los Padrinos (LP). Forms have also not been updated.</p> <p>Multiple directives and full DSB policy sections have been approved and released to facility staff as recently as July 25, 2023; however, there is no consistency between these documents and actual practice, nor are staff required to sign-off when a new policy update or directive is released to be sure it has been received, read, and understood by facility staff, or that they have been trained on the new policy or directive.</p> <p>This section will remain out of compliance until the current policy and procedure manual is updated and available to all employees and the manual is specific to Los Padrinos Juvenile Hall. We will continue to provide Technical Assistance as requested and assist with reviewing the individual sections as they become available and upon request.</p>	<p>The Department is re-organizing and re-drafting policies department-wide, which will include the creation of an "institutional policy manual" for use at the juvenile hall, camps and SYTF, and the different facilities will have their own procedure manual.</p> <p>In the interim, the Department will continue to utilize the Detention Services Bureau (DSB) Manual at LPJH and the Department will develop an LPJH-specific procedure guide. Additionally, the DSB manual references only Barry J. Nidorf (BJN) and Central Juvenile Hall. The DSB manual will be updated to include references to LPJH; any policy in the DSB manual that is non-applicable to LPJH, or conflicts with an LPJH procedure will be taken out of the manual. The procedure guide for LPJH will be effective be effective January 10, 2024. Finally, the Department will create a training plan and schedule to training LPJH on the procedures.</p> <p>The completion date for this corrective action is January 10, 2024.</p>	Banuelos / Falcon / Harabid	January 10, 2024
§ 1325. Fire Safety Plan.	The facility administrator shall consult with the local fire department having jurisdiction over the facility, or with the State Fire Marshal, in developing a plan for fire safety which shall include, but not be limited to: (f) a written plan for the emergency housing of youth in the case of fire;	Current fire safety plan is not complete; facility managers are working on finalizing their fire safety plan, including manual updates, evacuation plans, emergency housing, and final fire suppression with Downey Fire.	<p>ATTACHMENT 3 is the Fire Suppression Plan approved by Probation and Downey Fire on June 22, 2023.</p> <p>The Department will update its emergency evacuation policy – that addresses the evacuation procedures for BJN-SYTF and Central Juvenile Hall to now address the emergency evacuation of LPJH. In drafting the policy, the Department will consider rated capacity of the facilities in which youth will be evacuated, necessary bed and mattress availability at those facilities, and other logistical issues.</p> <p>The completion date for this corrective action is January 10, 2024.</p>	Banuelos / Harabid	January 10, 2024

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§ 1328. Safety Checks.	<p>The facility administrator shall develop and implement policy and procedures that provide for direct visual observation of youth at a minimum of every 15 minutes, at random or varied intervals during hours when youth are asleep or when youth are in their rooms, confined in holding cells or confined to their bed in a dormitory.</p> <p>Supervision is not replaced, but may be supplemented by, an audio/visual electronic surveillance system designed to detect overt, aggressive or assaultive behavior and to summon aid in emergencies. All safety checks shall be documented with the actual time the check is completed.</p>	<p>A review of the Guard 1 system report indicates that safety checks regularly exceed 15 minutes.</p> <p>DSB Manual Section 209: Duty Statement-Senior Detention Services Officer</p> <p>DSB Manual Section 210: Duty Statement-Detention Services Officer</p> <p>DSB Manual Section 211: Group Supervisor Nights</p> <p>DSB Manual Section 630: Safety Checks</p> <p>Safety checks were reviewed for July 23, 2023 - July 26, 2023, for Units L/M, MOU, N/O, T/U, R/S and X/Y. This review consisted of reviewing electronic records of the Guard 1 System.</p> <p>Our review indicates that safety checks exceed 15 minutes.</p> <p>We noted that staff rarely record late checks in the system, as required by policy, nor are there any audits or reviews being completed by seniors or supervisors as required by Directive 1490.</p>	<p>Measures will be implemented as a solution to the Safety Check deficiencies identified by BSCC during the inspection. Effective September 18, 2023, dedicated Guard 1 devices have been programmed to monitor the safety checks in all units where young adults are housed. The LPJH Quality Assurance (QA) team will remotely monitor the dedicated Guard 1 devices.</p> <p>The dedicated Guard 1 devices now ping five (5) minutes before a safety check is due and when the safety check is late. The QA team will contact the unit when a ping is received to ensure the safety check is completed as required or justification is entered in the device when late. The current Security Check Accountability Log will remain in place and track deficiencies with late or missing safety checks. If the late or missing safety check results from a policy violation, corrective action must be taken with the staff(s) involved (i.e., training, Supervisor Conference, etc.).</p> <p>Further, the Department has created a new Compliance Team in the Office of the Chief. ATTACHMENT 4 is the compliance unit directive detailing everyone persons role in the safety check system. This corrective action aims to ensure compliance with the safety checks policy and preserve the safety and security of the young adults in our care, and hold accountable staff who do not follow policy.</p> <p>The completion date for this corrective action is January 10, 2024.</p>	Banuelos / QA Team / Compliance Team	January 10, 2024
§ 1354.5. Room Confinement	(a) The facility administrator shall develop and implement written policies and procedures addressing the confinement of youth in their room that are	<p>At inspection, no documentation was provided as we were informed that room confinement was not occurring. Throughout the process of inspection, including during conversations with youth and staff, we became aware that room</p>	<p>An instructional email was sent to all staff and supervisors reminding staff on the room confinement procedures and policy. The email is attached as ATTACHMENT 5.</p>	Banuelos / Unit Directors / Compliance Team	January 10, 2024

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	consistent with Welfare and Institutions Code Section 208.3.	confinement is indeed occurring. We have no documentation to determine compliance with this section.	<p>Further, the unit directors will ensure that any youth on room confinement inside their unit has appropriate documentation, and to educate staff in real time when appropriate documentation is not created for a youth on room confinement.</p> <p>The Department will create an updated instructional memo to include examples of room confinement, and ensure staff, supervisors, directors, and facility management are aware of room confinement and the procedures.</p> <p>Further, the Department will utilize – either by the Compliance Team, light duty DSB staff, or facility staff – audits of the CCTV system in real time to ensure if any youth is on room confinement the staff are preparing the necessary documentation and following procedures.</p> <p>Facility leadership will review room confinement paperwork to ensure all staff are compliant in properly completing the necessary paperwork and are following the policy.</p> <p>The Compliance Team will review confinement paperwork to ensure all staff and directors are completing necessary paperwork.</p> <p>A training will be considered if the above steps do not address room confinement procedures and process.</p> <p>The completion date for this corrective action is January 10, 2024.</p>		
§ 1357. Use of Force.	The facility administrator, in cooperation with the responsible physician, shall develop and implement written policies and procedures for the use of force, which may include chemical agents. Force shall never be applied as punishment, discipline, retaliation or treatment.	<p>Directive 1477: Detention and Residential Treatment Services Bureaus Manual-Physical Intervention Policy (DSB Manual Section DSB-1000/RTSB-1700) Issued 06/22/2022. Policy 1000 was issued July 25, 2023, and approved by DSB Bureau Chief Kevin Woods. Policy Section 1000 was reapproved from previous Directive 1477.</p> <p>All staff, including those deployed or reassigned to the facility, have not been</p>	<p>The Department has developed a training plan to comply with this section. A Train for Trainers course on the use of force policy will be scheduled shortly to train necessary staff at LPJH to train the remaining staff.</p> <p>The updated training will conform to policy requiring a 24 hour training – 8 hours on the policy and 16 hours of hands-on techniques. The Department will determine that all staff have had appropriate training on use of force either the initial or refresher that conforms to the policy and § 1357.</p> <p>The Department will also implement a 2-hour training on the appropriate use of OC Spray for all staff that have previously not had the training.</p>	Banuelos / Falcon / Compliance Team	January 10, 2024

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	<p>(a) At a minimum, each facility shall develop policies and procedures which: (5) define a standardized reporting format that includes time period and procedure for documenting and reporting the use of force, including reporting requirements of management and line staff and procedures for reviewing and tracking use of force incidents by supervisory and or management staff, which include procedures for debriefing a particular incident with staff and/or youth for the purposes of training as well as mitigating the effects of trauma that may have been experienced by staff and /or the youth involved.</p> <p>(b) Facilities that authorize chemical agents as a force option shall include policies and procedures that:</p> <p>(1) identify who is approved to carry and/or utilize chemical agents in the facility and the type, size and the approved method of deployment for those chemical agents.</p> <p>(2) mandate that chemical agents only be used when there is an imminent threat to the youth's safety or the safety of others and only when de-escalation efforts have been unsuccessful or are not reasonably possible.</p>	<p>trained as required in Use of Force, including the use of OC, despite the original directive being approved in June 2022. Training requires initial training and an annual refresher. We understand that training has been developed and scheduling is in progress.</p> <p>The agency has yet to meet certain areas identified in their policy due to lack of staffing or other resources. The policy lacks clarity and does not provide clear procedural direction in some areas; for example, policy identifies secluding the situation/youth from the rest of the group utilizing the youth's room for a cool-down period where officers provide continued direct observation after a use of force. Policy is not specific to whether the door remains open or is closed. If the door is closed, this becomes room confinement. Since policy is not specific, we are unsure what the actual procedure is.</p> <p>The policy notes the availability of resource teams comprised of mental health, nursing, and probation staff to respond to situations to defuse and de-escalate crisis. There were no such teams at the facility at the time of inspection. We noted debriefs are being conducted by supervisors; however, there were packets with several debriefs completed that only addressed whether or not there were injuries and/or trauma and lacked information regarding any training needs or issues.</p>	<p>In the interim, an instructional memo was issued to all Supervisors on September 29, 2023, as it relates to debriefs and parent contact per policy. See ATTACHMENT 6. The Department will ensure that supervisors are using the moments to train staff in real time after a use of force to ensure compliance with policy and highlight appropriate techniques as well.</p> <p>The Department has also obtained portable showers and wipes to utilize until permanent cold water showers can be installed in all units.</p> <p>The Department, with assistance from the California Department of Justice monitor, has developed a CARE team model that will assist in lowering the need for use of force. The DRAFT directive for the CARE team approach is attached as ATTACHMENT 7. Further, as discussed under Discipline, LPJH has trained staff on a new Behavior Management Program that will also assist in lower use of force.</p> <p>The completion date for this correction action will be January 10, 2024.</p>		

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	<p>(3) outline the facility's approved methods and timelines for decontamination from chemical agents. This shall include that youth who have been exposed to chemical agents shall not be left unattended until that youth is fully decontaminated or is no longer suffering the effects of the chemical agent.</p> <p>(4) define the role, notification, and follow-up procedures required after use of force incidents involving chemical agents for medical, mental health staff and parents or legal guardians.</p> <p>(5) provide for the documentation of each incident of use of chemical agents, including the reasons for which it was used, efforts to de-escalate prior to use, youth and staff involved, the date, time and location of use, decontamination procedures applied and identification of any injuries sustained as a result of such use.</p> <p>(c) Facilities shall develop policies and procedure which require that agencies provide initial and regular training in use of force and chemical agents when appropriate that address: (1) known medical and behavioral health conditions that would contraindicate certain types of force; (2) acceptable chemical agents and the methods of application. (3) signs or symptoms that should result in</p>	<p>The First Team reports that they are not receiving timely reports.</p> <p>At the time of opening, staff at the facility were prohibited from using OC; however, OC was reauthorized for use after a large-scale emergency event occurred. Two OC incident reports were provided for review.</p> <p>Agency policy requires that any youth be immediately decontaminated after being sprayed with a chemical agent. Policy also notes that youth should not be confined to a room without running water and should not be left unsupervised until the effects are no longer felt. In both incidents, youth were held in their rooms for approximately 7 minutes before decontamination. It is unknown if the youth had running water or if they were supervised as it was not noted in the incident report.</p> <p>The facility also does not have cold water showers in each unit as identified in the policy. Youth use the sinks to rinse their eyes or body parts affected by the spray. We discussed purchasing Sudecon wipes to provide to the youth to assist in the decontamination process. As of the writing of this report, facility management is working on getting the Sudecon Wipes and we will be reviewing the current unit showers for installation of a cold-water shower.</p>			

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	immediate referral to medical or behavioral health. (4) instruction on the Constitutional Limitations of Use of Force. (5) physical training force options that may require the use of perishable skills. (6) timelines the facility uses to define regular training.				
§ 1358.5. Use of Restraint Devices for Movement and Transportati on Within the Facility.	(c) an individual assessment of the need to apply restraints for movement or transportation that includes consideration of less restrictive alternatives, consideration of a youth's known medical or mental health conditions, trauma informed approaches, and a process for documentation and supervisor review and approval.	Several reports were reviewed that did not have required assessments prior to the utilization of restraints for movement within the facility.	An instructional memorandum or email will be sent to all staff outlining the requirements of section 1358.5 and Department policy. Additionally, the form utilized by staff will be reviewed to determine if it can be updated to better reflect the requirements of the section. The Unit Directors will review reports to ensure it includes discussion of all required topics. The Compliance Team will audit to ensure reports are in compliance.	Banuelos / Sheilds / Unit Directors / QA Team / Compliance Team	January 10, 2024
§ 1360. Searches.	The facility administrator shall develop and implement written policies and procedures governing the search of youth, the facility, and visitors. Policies and procedures shall provide that: (a) Searches shall be conducted to ensure the safety and security of the facility, public, visitors, youth, and staff. (b) Searches shall be conducted in a manner that preserves the privacy and dignity of the person being searched and shall not be conducted for harassment or as a form of discipline or punishment.	DSB Manual Section 701: Introduction By policy, room searches and unit area searches are required daily, and two thorough contraband searches are required weekly. Room and facility searches are not being completed as required. Documentation was requested and provided for July 20 - 27, 2023. Four buildings did not provide documentation of any searches. We have provided technical assistance on several occasions regarding the searches and how they are conducted. We will continue to follow up with facility managers and seek to be present during unit searches in the future. This section is left blank as we did not observe a search.	An informational memo will be provided to all staff instructing the need to comply with the policy and completing the necessary forms. The Unit Directors shall instruct staff in accordance to policy to ensure compliance. The QA team will compile the search logs and upload to a Teams folder for the Compliance Team to further review to ensure the facility is meeting the policy. The completion date for this correction action will be January 10, 2024.	Banuelos / Unit Directors / QA Team / Compliance Team	January 10, 2024

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§ 1370. Education Program.	(b)(6) The minimum school day shall be consistent with State Education Code Requirements for juvenile court schools. The facility administrator, in conjunction with education staff, must ensure that operational procedures do not interfere with the time afforded for the minimum instructional day. Absences, time out of class or educational instruction, both excused and unexcused, shall be documented.	<p>This section was reviewed for attendance only. All other sections in 1370 have been deleted as they were not reviewed during this targeted inspection.</p> <p>Daily attendance reports have been received directly from LACOE. While attendance has improved since past inspections, and youth are attending class in the classrooms, these reports continue to indicate that youth are arriving late to school. Probation must focus on getting youth to school on time.</p> <p>Youth enrolled in college courses are also reporting having daily access to their courses. Documentation of sign-in sheets was provided for review along with a schedule of courses.</p>	<p>Measures have been put in place where daily attendance and timely arrivals to school are monitored. The arrival times and number of youth attending school is documented on a school attendance log at the morning and afternoon school drop times. The Facility Superintendent is to ensure that the Director on Duty monitors the attendance and drop off times for quality assurance. Probation and Los Angeles County Office of Education (LACOE) will reconcile the attendance log daily, to ensure that youth are in attendance and in school on time and that information is accurately reported. Probation has created its independent tracker for school attendance and start times to ensure any issues are immediately addressed by management, staff, and LACOE.</p> <p>The Department will provide the school attendance logs, including arrival times, for BSCC review to establish the youth are arriving to school on time. The Department continues to meet with the LACOE regularly to reconcile school attendance data.</p> <p>The Compliance Team will be onsite all weekdays to track the arrival times of each unit to independently track times. The Compliance Team will work with the Department executives and the facility if youth are not arriving to school, or not arriving on time in developing a corrective action plan if needed. The regular meetings with LACOE will also include any corrective action plans to ensure teachers are present on time and Probation may need to stagger arrival times of youth requiring LACOE to provide Probation access to classrooms prior to 8:30 am.</p> <p>If any issues are spotted in school attendance, drop off times, or anything else that may interfere in school minutes for youth, the Department will immediately address the issue and create any necessary corrective action plan – with appropriate monitoring and accountability – to ensure school attendance is a priority.</p> <p>Further, the Department recognizes youth in its care have missed school hours. The Department has contracted with an agency that provides tutoring services for youth at LPJH who have missed instructional minutes. The services began in September 2023. The Department will complete a monthly check of the roster of youth at LPJH and refer any youth that has missed one hour of instructional minutes. The agency will then connect with youth onsite at LPJH and conduct</p>	Banuelos / Unit Directors / Compliance Team / Education Team	January 10, 2024

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			<p>an educational assessment and plan for their tutoring hours. This is not a substitute for instructional minutes going forward, but a step to assist the youth in the Department's care who have missed minutes.</p> <p>The Department recognizes that it needs to continue to closely monitor school attendance and will continue to audit the attendance daily to ensure on-going compliance.</p> <p>The completion date for this correction action is January 10, 2024.</p>		
§ 1371. Programs, Recreation, and Exercise.	<p>The facility administrator shall develop and implement written policies and procedures for programs, recreation, and exercise for all youth. The intent is to minimize the amount of time youth are in their rooms or their bed area.</p> <p>Juvenile facilities shall provide the opportunity for programs, recreation, and exercise a minimum of three hours a day during the week and five hours a day each Saturday, Sunday or other non-school days, of which one hour shall be an outdoor activity, weather permitting.</p> <p>(a) Programs. All youth shall be provided with the opportunity for at least one hour of daily programming to include, but not be limited to, trauma focused, cognitive, evidence-based, best practice interventions that are culturally relevant and linguistically appropriate, or pro-</p>	<p>Programs: Programs are not consistently being provided or in some cases at all. Staff are not provided with resources to provide programming.</p> <p>DSB Manual Section 622: Programs</p> <p>DSB Manual Section 623: Recreation and Exercise</p> <p>Based upon a review of documentation and conversations with youth, it is apparent that youth do not receive their full complement of Title 15 requirements for programs, recreation, and exercise consistently.</p> <p>The documentation we reviewed indicates that programs are not consistently being provided. In some cases, the program provider keeps sign-in sheets of youth attendance, but facility documentation does not consistently match sign-ins. We suggest that staff be retrained in how the BSCC Section 1371</p>	<p>The Department is compliant in this section in ensuring youth are provided the requirements of exercise and programming, however, the Department must ensure participation is accurately tracked. Further, the Department must better document appropriate recreation for the youth and ensure recreation is provided in alignment with Departmental policies.</p> <p>A review of programming was conducted on September 27, 2023, which indicated most youth were attending programming services. See ATTACHMENT 8. The Department recognizes it must ensure tracking of the youth's recreation times, exercise time, and programming times separately and not mix an activity into the wrong category and has developed a form – currently called the "programming log" but will be renamed the "activity log" to not confuse programming, recreation and exercise. The Department will work with the BSCC field representative to ensure activities are appropriately classified.</p> <p>Further, the Department is exploring adding cable television into the units and gaming systems as recommended by the BSCC field representative. The QA team will compile the activity logs and update to Teams for the Compliance Team to review to ensure adherence to policy.</p> <p>The completion date for this corrective action is January 10, 2024.</p>	Banuelos / Unit Directors / Roman / Compliance Team	January 10, 2024

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	<p>social interventions and activities designed to reduce recidivism. These programs should be based on the youth's individual needs as required by Sections 1355 and 1356. Such programs may be provided under the direction of the Chief Probation Officer or the County Office of Education and can be administered by county partners such as mental health agencies, community based organizations, faith-based organizations or Probation staff.</p> <p>Programs may include but are not limited to: (1) Cognitive Behavior Interventions; (2) Management of Stress and Trauma; (3) Anger Management; (4) Conflict Resolution; (5) Juvenile Justice System; (6) Trauma-related interventions; (7) Victim Awareness; (8) Self-Improvement; (9) Parenting Skills and support; (10) Tolerance and Diversity; (11) Healing Informed Approaches; (12) Interventions by Credible Messengers; (13) Gender Specific Programming; (14) Art, creative writing, or self-expression; (15) CPR and First Aid training; (16) Restorative Justice or Civic Engagement; (17) Career and leadership opportunities; and, (18) Other</p>	<p>activity form should be completed to ensure compliance going forward.</p> <p>Recreation: The facility does not provide youth with age-appropriate, stimulating recreational activities to engage in during recreation. Youth do not have access to television or age-appropriate movies or entertainment.</p> <p>DSB Manual Section 623: Recreation and Exercise</p> <p>Youth are not provided with age-appropriate, stimulating recreational activities to engage in during their recreational period. Youth do not have access to other entertaining or recreational activities such as television with sports and age-appropriate programs.</p> <p>Staff provide youth with game consoles in some units as they are not provided by the agency. It has been repeatedly noted that, "they (the youth) break them or take them apart", which is why they are not provided by the agency. This is a supervision issue.</p> <p>It was also noted there is no consistency between units in what types of recreation is offered. We understand there are different units and different phases to the facility; however, recreation and related activities should be provided to all youth consistently. Moreover, Probation</p>			

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	<p>topics suitable to the youth population.</p> <p>(b) Recreation. All youth shall be provided the opportunity for at least one hour of daily access to unscheduled activities such as leisure reading, letter writing, and entertainment. Activities shall be supervised and include orientation and may include coaching of youth.</p> <p>(c) Exercise. All youth shall be provided with the opportunity for at least one hour of large muscle activity each day.</p>	<p>Managers should have access to replacement items. Youth must have age-appropriate, suitable, engaging recreation and recreational activities.</p> <p>DSB Manual Section 623: Recreation and Exercise</p> <p>Documentation reviewed and interviews with youth and staff indicated that youth are receiving outdoor exercise except for during inclement weather (too hot) or if a youth or a group of youth refuse to participate. If the youth refuses exercise, it is documented and captured by the youth's signature.</p>			

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§ 1390. Discipline.	The facility administrator shall develop and implement written policies and procedures for the discipline of youth that shall promote acceptable behavior; including the use of positive behavior interventions and supports. Discipline shall be imposed at the least restrictive level which promotes the desired behavior and shall not include corporal punishment, group punishment, physical or psychological degradation. Deprivation of the following is not permitted:	<p>DSB Manual Section 1103: Discipline Guidelines</p> <p>DSB Manual Section 1104: Corporal Punishment</p> <p>The facility continues to operate with no contemporary behavior management process or disciplinary process for negative behavior including assaultive behavior.</p> <p>A suitable, age-appropriate incentive-based program to encourage positive and proactive behavior and includes disciplinary actions as appropriate must be developed and implemented.</p> <p>This section also impacts 1391 and Due Process forms. We strongly suggest reviewing both for implementation purposes and to ensure consistency between the two regulations.</p>	<p>A mandatory LA Model, Development Stage System (DSS) training for staff occurred in August and September with make up dates in October. Sign in sheets for all the sessions are available for review for the BSCC field representative. The training will cover BSCC Title 15 regulations as it relates to incentive-based programs that will encourage positive behavior. The DSS provides a new framework to enhance the traditional compliance-based behavior management approach by creating a strength-based developmental system that supports skill building and positive behavioral change. Through a tri-responsive approach and a brand-new stage system, the DSS serves as a roadmap to the young person's program with benchmarks, goals to keep themselves accountable, and incentives as they advance through the stages.</p> <p>The treatment component of the DSS drives this process forward with an evidence-based program that is in alignment with the risk and needs assessment. Through cognitive behavioral interventions (CBI), specifically Interactive Journaling and Dialectical Behavior Therapy (DBT), and the appropriate level of CBI dosage, young people are guided through a treatment process where they can self-reflect and elicit positive changes to their thoughts, feelings, and behaviors, helping to drive transformation.</p> <p>ATTACHMENT 9 is the DSB BMP Manual that details the entirety of the program.</p> <p>Further, the Department will ensure the sanctions and appeals rights of youth under section 1391 are reviewed with the new BMP program. If any changes are necessary, the Department will update policy and procedures to reflect the youths rights.</p> <p>Whereas staff will be trained in October, proof of practice of the new BMP model is vital to its success, and there must be a youth buy in period, therefore, the completion date considers this buy in period.</p> <p>The completion date for this correction action is January 10, 2024.</p>	Banuelos / Unit Directors / Roman	January 10, 2024

EXHIBIT J

October 17, 2023

Guillermo Viera Rosa, Chief Probation Officer
Los Angeles County Probation Department
1601 Eastlake Avenue
Los Angeles, California 90033

**SUBJECT: RESPONSE TO LOS ANGELES COUNTY'S CORRECTIVE ACTION PLAN
FOR LOS PADRINOS JUVENILE HALL – WELFARE AND INSTITUTIONS CODE
SECTION 209(d)**

Dear Chief Viera Rosa:

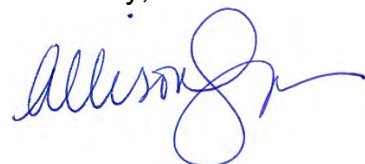
The Board of State and Community Corrections (BSCC) is in receipt of your Corrective Action Plan (CAP) dated October 16, 2023, for the items of noncompliance found during the August 18, 2023 targeted inspection of the Los Padrinos Juvenile Hall. This letter provides notice that this CAP has been approved as required by Welfare and Institutions Code section 209, subdivision (d).

Pursuant to section 209(d), an approved CAP was required by October 17, 2023. Section 209(d) also requires that the CAP give a reasonable timeframe to come into compliance, not to exceed 90 days. Your CAP indicates that all corrective action will be complete by January 10, 2024.

BSCC staff will verify completed corrective action after January 10, 2024. BSCC is available for technical assistance throughout the CAP period.

Please let me know if you have any questions.

Sincerely,



ALLISON GANTER
Deputy Director
Facilities Standards and Operations

Cc: Presiding Judge, Los Angeles County Juvenile Court
Chair, Juvenile Justice Commission, Los Angeles County
Chair, Board of Supervisors, Los Angeles County
County Administrator, Los Angeles County
Tyson Nelson, Senior Deputy County Counsel, Los Angeles County Counsel's
Office

EXHIBIT K



Initial Inspection Report 2023-2024 Biennial Inspection Cycle

Date of Exit Briefing/Notice of Noncompliance: 6/28/2024

Inspection Type: Targeted

County: Los Angeles

Facility Name: Los Padrinos Juvenile Hall

BSCC #: 7201

BSCC Type: Juvenile Hall

Facility Representatives: Kim Binion, Superintendent

BSCC Field Representative: Lisa Southwell

CAP Day 60 – Maximum Statutory CAP Due/Approval Date: 8/27/2024

Maximum Statutory Resolution Date: 11/25/24

Current Items of Noncompliance

Title 15. Section	Description
§ 1371. Programs, Recreation, and Exercise.	<p><i>(a) Programs. All youth shall be provided with the opportunity for at least one hour of daily programming to include, but not be limited to, trauma focused, cognitive, evidence-based, best practice interventions that are culturally relevant and linguistically appropriate, or pro-social interventions and activities designed to reduce recidivism.</i></p> <p>A review of video on randomly selected days in June indicates that many programs indicated on the facility schedule and documented on facility activity logs and program provider youth signoffs did not occur. Additionally, when a scheduled and documented program was observed on video, there were many times that the duration of the program did not match the time indicated on documentation.</p> <p>Discussions with youth indicate that units are not receiving consistent opportunities for programs. Some units receive more robust programming than others. Many youths report that they are not interested in the programs that are being offered on their unit and they prefer to engage in free time activities such as phone calls, movies, and video games instead. Some programs will only accept a limited number of youths, so if there is not an</p>

Title 15. Section	Description
	additional hour of programming scheduled for that day, some youth will not get their one hour of programming. Corresponding documentation will not always indicate when youth refuse or are not able to participate in programming. Reviews of video show youth not engaging in programs; in non-compound units, where there is less space for youth, they are laying on benches or on the floor rather than engaging in any activity.

EXHIBIT L

**LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
CORRECTIVE ACTION PLAN – AUGUST 8, 2024 – FINAL**

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
§ 1371. Programs, Recreation, and Exercise.	(a) Programs. All youth shall be provided with the opportunity for at least one hour of daily programming to include, but not be limited to, trauma focused, cognitive, evidence-based, best practice interventions that are culturally relevant and linguistically appropriate, or pro-social interventions and activities designed to reduce recidivism.	A review of video on randomly selected days in June indicates that many programs indicated on the facility schedule and documented on facility activity logs and program provider youth signoffs did not occur. Additionally, when a scheduled and documented program was observed on video, there were many times that the duration of the program did not match the time indicated on documentation.	<p><u>Summary:</u> The Department will ensure youth have the required programming time each day at Los Padrinos Juvenile Hall (LPJH) by, among other steps, instituting an Activities Block in the afternoons at the facility. Unit supervisors will do rounds during this block to ensure youth receive programming, and if outside organization is not available or did not complete the full required time, the supervisor or probation staff will fill in the gaps of any missing programming time. Further, the Department will assign staff – Activities and Program Coordinator (APC) -- specifically for programming and accountability of outside providers. The Department will also focus on accuracy of paperwork and staff accountability, review of paperwork and CCTV, and staffing trainings/briefings.</p> <p>The Corrective Action Plan is divided into three sections: 1. Ensuring Youth Receive Programming, 2. Programming Enrichment and Youth Engagement, and 3. Quality Assurance and Staff Accountability. More details for each step is provided below.</p> <p><u>1. ENSURING YOUTH RECEIVE PROGRAMMING</u></p> <p><u>a. Create an Activities Block:</u> The facility will create an Activities Block throughout the facility that schedules recreation, exercise and programming. The Activities Block will create a facility monthly schedule that weaves together the exercise, programming, and recreation to maximize the facility space and time. This allows for the facility to better track programming throughout the facility and allow for supervisors, directors and executive facility staff to observe units – remotely (see below) or in person.</p> <p>Unit staff will provide a standardized program sign-in sheet for the programming and it will be signed by the youth in attendance and the CBO staff.</p> <p>The unit supervisor will verify that the programming is occurring during rounds or through communication with the unit staff, collect the sign in sheet at the end of the programming, and sign the programming sheet as acknowledgment. The current programming sheet will be updated to ensure space for supervisor signature.</p>	<p>Kim Binion, Facility Head</p> <p>Marshe' Marshall, Probation Director</p> <p>Mozella Evans, Probation Director</p> <p>Loyda Duckett, Assistant Probation Director</p>	10/15/24

**LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
CORRECTIVE ACTION PLAN – AUGUST 8, 2024 – FINAL**

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
			<p>The officers will conduct a life-skills circle or other program with the youth when regularly scheduled programming is unavailable. The sign in sheet (with the updated program), and written documentation why a scheduled program did not occur – via memo or report to be determined by facility -- will be collected by the supervisor and provided to their director, and scanned to the BSCC unit, Behavioral Management Program (BMP) unit, LPJH Directors.</p> <p><u>PROOF OF PRACTICE:</u> 1. Programming monthly calendars; 2. Programming sign-in sheets</p> <p style="text-align: right;">to be completed by August 10, 2024</p> <p><u>b. Incentivize Programming Participation:</u> The APCs will develop an incentive matrix for youth participating in programs and reconcile with the BMP with engagement from Youth Council. Premium program participation will be tied in with the behavior modification plan, and violence reduction plan.</p> <p>A reward system will also be developed for a certain level of whole unit programming participation.</p> <p><u>PROOF OF PRACTICE:</u> 1. APC Roles and Responsibilities; 2. Incentive matrix; 3. Notice of assignment memorandum to BSCC on staff assigned as APC</p> <p style="text-align: right;">to be completed by August 12, 2024</p> <p><u>2. PROGRAM ENRICHMENT AND YOUTH ENGAGEMENT</u></p> <p><u>a. Programming-related Positions:</u> LPJH has created the positions of an Activities and Program Coordinator (APC). Two APCs have been identified and will split the units at LPJH. Their role and responsibilities are attached.</p> <p><u>PROOF OF PRACTICE:</u> 1. APC Roles and Responsibilities; 2. Unit Log sheets; 3. Programming sign in sheets</p> <p style="text-align: right;">to be implemented by August 12, 2024</p>		

**LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
CORRECTIVE ACTION PLAN – AUGUST 8, 2024 – FINAL**

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
			<p><u>b. Stakeholder Engagement:</u> Probation is not the only entity providing programming inside the juvenile hall and throughout this process, the Department will engage with its stakeholders to ensure effectiveness of the programming.</p> <p>APCs will work with Probation Education Services to host a quarterly Program Provider Meeting.</p> <p><u>PROOF OF PRACTICE:</u> 1. Meeting agendas, sign-in sheets, and/or minutes</p> <p style="text-align: right;">to be completed by September 1, 2024</p> <p><u>c. Community Advisory Group</u> The LPJH Community Advisory Group will review minutes from quarterly townhalls with youth on Programming (see below for more details). The goal is to improve existing programs and to ensure programs are gender responsive, age specific, and being provided to youth.</p> <p><u>PROOF OF PRACTICE:</u> 1. Minutes from townhalls with youth</p> <p style="text-align: right;">to be completed by August 30, 2024</p> <p><u>d. Youth Engagement:</u> Executive-level (Chief Deputy, Deputy Director over Juvenile Services, Superintendent, or Assistant Superintendent) townhall quarterly with youth discuss effectiveness of programming offered to youth.</p> <p><u>PROOF OF PRACTICE:</u> 1. Minutes from townhalls with youth</p> <p style="text-align: right;">to be implemented by August 30, 2024</p> <p><u>3. QUALITY ASSURANCE AND STAFF ACCOUNTABILITY</u></p> <p><u>a. Facility Leadership:</u> A bi-weekly meeting has been set between the Superintendent and Probation Director who oversees facility programs (Program Director). The meetings will include:</p> <ul style="list-style-type: none"> • Review of all program providers and compare it to the youth's interest. • Reconcile duration, with Activity Logs, ensuring accuracy of paperwork. 		

**LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
CORRECTIVE ACTION PLAN – AUGUST 8, 2024 – FINAL**

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
			<ul style="list-style-type: none"> Ensure appropriate tracking of attendees and refusals for programs. <p><u>PROOF OF PRACTICE:</u> 1. Meeting agendas</p> <p style="text-align: right;"><i>(Completed; assessments & meetings on-going)</i></p> <p><u>b. Staff Accountability:</u> An LPJH Probation Director reviewed the activity logs in comparison with CCTV, listed all names of staff and supervisors, and is being administratively addressed in accordance with holding staff accountable for such violations.</p> <p style="text-align: right;"><i>(Completed)</i></p> <p><u>c. Director Access to CCTV</u> All LPJH Probation Directors will have the CCTV program accessible from their desktop computers. LPJH Probation Directors assigned to facility buildings will conduct three CCTV random reviews weekly, coinciding with the dates and time of programming documented as having occurred for each unit in which they oversee. The Director will review the activity logs in comparison with CCTV and address documentation errors with staff.</p> <p><u>PROOF OF PRACTICE:</u> 1. Weekly Director CCTV Review form</p> <p style="text-align: right;">to be implemented August 10, 2024</p> <p><u>d. Staff Briefing:</u> Starting July through August staff meetings, Supervisors and Directors will review policy, activity log documentation, give expectations, and remind staff that we inspect the integrity of our work to ensure compliance with minimum standards. The meeting minutes will reflect this agenda item.</p> <p><u>PROOF OF PRACTICE:</u> 1. Meeting agendas and/or minutes</p> <p style="text-align: right;">to be completed by September 1, 2024</p> <p><u>e. Trainings:</u></p> <ul style="list-style-type: none"> <i>Train staff in absence of CBOs</i> – At times when our Community-Based Organizations cannot attend their scheduled programming hours, or when there is a gap in the programming schedule, specific Probation staff will be trained to provide necessary programming. 		

LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
CORRECTIVE ACTION PLAN – AUGUST 8, 2024 – **FINAL**

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
			<p><u>PROOF OF PRACTICE:</u> 1. Training rosters</p> <p style="text-align: right;">to be completed by September 21, 2024</p> <p><u>EVALUATION PERIOD:</u> To ensure the fidelity and integrity of the corrective actions, the Department will continue to closely monitor and immediately correct any deficiencies discovered after the above steps have been implemented prior to seeking reinspection. During this time, the Department will also seek any needed technical assistance and welcomes the BSCC staff on-site to review and provide on-the-ground assistance during the corrective action period.</p> <p>Implementation Dates: July 8, 2024 and progressive implementation through September 21, 2024</p> <p>Evaluation period: September 1 – October 15, 2024</p>		

Activities and Program Coordinator: Roles & Responsibilities



Los Padrinos Juvenile Hall

7/30/2024

The role of Activities and Program Coordinators (APC) assigned to Los Padrinos Juvenile Hall (LPJH) will include but is not limited to working with key community-based programs and county partners (Department of Youth Development, Public Health, Parks & Recreation, etc.) to identify suitable programs for LPJH youth. One APC will be assigned to North LPJH units, and one APC will be assigned to Southern LPJH units.

The APCs are non-sworn staff, and they will be assigned to the Probation Education Services Division under the supervision of a Supervising Program Analyst. They will be located onsite at LPJH.

GENERAL DUTIES

- Coordinators will liaison with community program providers to support the planning of programs, special activities, and events for the facility.
- Develop and maintain relationships with local community, non-profit and faith-based organizations, including e.g. law enforcement, colleges and universities, community and faith-based agencies, county agencies Department of Youth Development, Public Health, Parks and Recreation, and community stakeholders.
- Determines what programs are needed and make the necessary connections to work with partners or collaborators to establish programs for LPJH.
- Track the progress of program Memorandums of Understanding, contracts, provisional clearances, background clearances, etc. for providers.
- Conducts a minimum of one random unit round during scheduled program times and documents their completed rounds in the unit log, noting the date, time, and an observation note.
- Recruit youth participants for LPJH Youth Council and serve as the staff advisor for LPJH Youth Council.
- Coordinate Townhalls with youth to discuss programming effectiveness and create and distribute surveys, if necessary.

- Participate in community, multi-agency and other meetings representing Probation to discuss Probation programs, service gaps, etc. with outside agencies.
- Develop and update biannually an incentive matrix, separate from the Behavioral Management Program (BMP) incentives to recognize youth participating in surveys, Youth Councils, and ongoing involvement with unit programs.
- Work with Probation Youth Education Services to host a quarterly LPJH program providers meeting to present survey outcomes, LPJH Advisory group recommendations, and receive program provider input.
- Develop, maintain, and distribute monthly program and activities calendar for LPJH and ensure most current calendars are posted in all living units.
- Other duties as assigned.

Los Angeles County Probation Department
Programs & Activities Incentives Matrix

LPJH Activities & Program Coordinators provide youth participating in LPJH Youth Councils, completing facility surveys, and/or youth completing three or more 1-hour programs each week with incentives to recognize their participation or achievements. Units may earn group incentives when their unit remains "Code Free" for two weeks or longer; or more than half of their unit completes at least 5 hours of programming or activities.

Levels of Engagement	Suggested incentives to recognize youth participation, engagement, or completion. Pick one or more, as appropriate
<p style="text-align: center;">Level I Minimal Participation Minimal progress by attending or participating in programs or activities partially or sporadically</p>	<p>Common examples:</p> <ul style="list-style-type: none"> • Always recognize efforts to participate, showing up • Verbal praise for most routine accomplishments • Small Tangible Rewards, e.g. <ul style="list-style-type: none"> ✓ Paperback books ✓ Bookmarks ✓ Small denomination gift cards for food ✓ Healthy snacks foods (e.g., juice, tea, granola bars, fruit, trail mix) ✓ Birthday or holiday cards ✓ Writing journals ✓ Toiletries ✓ Early to Program Certificate ✓ Best Participation Certificate ✓ Great Question Certificate ✓ Recognition in Court, e.g. Kudos Notice ✓ Round of applause from facility Supervisors and Directors ✓ Cards of encouragement from unit DPO, Senior, Supervisor, Assistant Director, or Director
	<p>Common examples:</p>

<p>Level 2 Moderate Progress</p> <p>Attends program and activities regularly but may have some behavior issues by not cooperating or participating. May be used in conjunction with Level I</p>	<ul style="list-style-type: none"> • Always recognize efforts to participate, showing up • Certificate of accomplishment for achieving an important Program or Activities milestones • Cupcake • Symbolic rewards, e.g. fabric medals, Kudos Tiny Certificate • Copies of teen specific addiction readings such as the AA “Big Book” • Posted Accomplishments, e.g. Unit Youth of the Month, Unit Youth of the Week • Display their artwork or writing essays on unit bulletin board. • Letters of recognition from program providers, teachers
<p>Level 3 Moderate Progress</p> <p>Youth does not have any pattern of peer behavior. Participating in programming, following directions, and receiving kudos, certificates, etc. for positive participation and progress. May be used in conjunction with Level I & 2</p>	
	<p>Common examples:</p>
	<ul style="list-style-type: none"> • Always recognize efforts to participate, showing up • Moderate Tangible Rewards, e.g. <ul style="list-style-type: none"> ✓ Special order book or magazine 1x ✓ Earn special activities for your unit. <ul style="list-style-type: none"> • Cornhole tournament • Indoor bowling • Movie Pass: Movie night, popcorn, & concession stand pick one item. • Mani/Pedi Night • Rap Battle Karaoke • Let’s Get Cooking • Kick It, Sip & Paint • Art & Crafts Night • Spa Night • Makeover ✓ Soft blankets • Reduced Unit Restrictions, e.g. <ul style="list-style-type: none"> ✓ Later return to room time ✓ Extra phone time • Enhanced Program Status <ul style="list-style-type: none"> ✓ Appointment as in-unit peer mentor ✓ Assistant group leader ✓ All-Star Superintendent List -lunch with the Assistant Superintendent, Superintendent, or Chief Deputy
<p>Level 4</p>	<p>Common examples:</p> <ul style="list-style-type: none"> • Always recognize efforts to participate, showing up

Advance Progress

The youth has regularly participated in unit programming or activities, has not been removed from programs or has no incomplete programs or activities, engages in programs, and demonstrates positive progress through unit recognitions and/or successful completion of multiple program hours within the month, completed during every week of the month. May be used in conjunction with all other levels.

- Fishbowl Drawings
- Special order book or magazine 2x
- Youth completing high number of program or activity hours earn chances to draw paper slips from a bowl. The slips award a combination of some tangible prizes and a greater percentage of non-tangible incentives, such as certificates of accomplishment. There may also be 1 or 2 prizes of value (\$25 to \$50), but the odds of drawing them are small.
- Family picture during visiting – digital and printed before end of visit.
- Picnics or parties
- Sober dances
- Activity pack with up to five items selected by youth.
- Completion Ceremony participation
- Ambassadorships typically reserved for youth making stellar progress toward completing program hours. This status enables participants or alumni to represent the facility as presenters for dignitaries or outside agencies, such as the public, legislators, or the media.

Draft I – July 30, 2024

EXHIBIT M

August 8, 2024

Guillermo Viera Rosa, Chief Probation Officer
Los Angeles County Probation Department
9150 E. Imperial Hwy.
Downey, CA 90242

RE: APPROVAL OF CORRECTIVE ACTION PLAN PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 209 (d)

Dear Chief Viera Rosa:

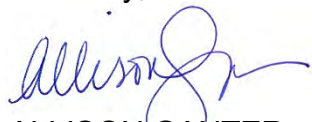
The final Corrective Action Plan (CAP) for the Los Padrinos Juvenile Hall has been received and is approved effective **August 8, 2024**.

In your CAP, you note that the County Resolution Date for the outstanding item of noncompliance is **October 15, 2024**. Please notify Field Representative Lisa Southwell by email no later than October 15, 2024 when the department has completed the CAP and is in compliance with Section 1371 of Title 15: Programming, Exercise and Recreation as referenced in the Initial Inspection Report (IIR) and CAP.

BSCC staff will verify resolution of corrective action, effective **October 15, 2024**, on or after that date.

Please let us know if you have any questions.

Sincerely,



ALLISON GANTER
Deputy Director
Facilities Standards and Operations Division

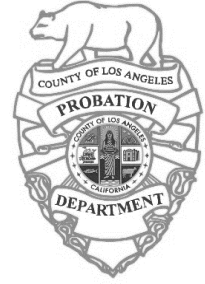
- c: Kimberly Epps, Deputy Chief Probation Officer, Los Angeles County Probation Department
Sheila Williams, Deputy Chief Probation Officer, Los Angeles County Probation Department
Kim Binion, Superintendent, Los Padrinos Juvenile Hall
Tyson Nelson, Senior Deputy County Counsel, Office of the County Counsel, County of Los Angeles
Nicole Rommero, Deputy County Counsel, Office of the County Counsel, County of Los Angeles
Lisa Southwell, Field Representative, BSCC

EXHIBIT N



COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY – DOWNEY, CALIFORNIA 90242
(562) 940-2501



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

Rebuild Lives and Provide for Healthier and Safer Communities

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.

Board of State and Community Corrections

February 15, 2024

Page 4 of 4

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 "Guillermo Viera Rosa".

Guillermo Viera Rosa

Chief, Los Angeles County Probation Department

EXHIBIT O

Initial Inspection Report
2023-2024 Biennial Inspection Cycle

Date of Exit Briefing/Notice of Noncompliance: 8/12/2024

Inspection Type: Targeted

County: Los Angeles

Facility Name: Los Padrinos Juvenile Hall

BSCC #: 7201

BSCC Type: Juvenile Hall

Facility Representatives: Kim Binion, Superintendent, Steven Cuevas, Assistant Superintendent

BSCC Field Representative: Lisa Southwell

CAP Day 60 – Maximum Statutory CAP Due/Approval Date: 10/11/2024

Maximum Statutory Resolution Date: January 9, 2025

Current Items of Noncompliance

Title 15. Section	Description
<p>§ 1321. Staffing.</p> <p>Each Juvenile Facility shall:</p> <p>(a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.</p> <p>(b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.</p>	<p>During our inspection, we reviewed daily facility reports and daily schedule from July 1-29, 2024, for a cumulative total of 87 shifts. Seven (7) AM shifts and eight (8) EM shifts (17 % of shifts overall) did not meet the Department's required minimum staffing.</p> <p>The continued lack of staffing continues to impact delivery of required services and compliance with additional regulations. Section 1321 requires adequate staffing for all operations, programming, activities and functions of the facility to occur and to ensure the safety and security of youth and staff.</p> <p>The following areas of concern were noted while onsite and confirm a lack of staff during the July 2024 visit:</p> <ul style="list-style-type: none">• Education Program: Youth continue to be late to class. During our review of documentation, we note that youth were late to class due to both LACOE (Teacher being late due to lack of facility keys to access facility gates) and Probation issues (movement, late breakfast, etc.). We noted some classes were held in the units due to lack of staff.

- | | |
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| | <ul style="list-style-type: none">• We noted instances where outdoor recreation (LME) has been cancelled or modified to indoor recreation due to lack of staff.• We noted some medical appointments had been cancelled or rescheduled due to lack of staff.• We noted during video review some instances in Unit Y1 where youth dined in their rooms.• Youth are being held in their rooms for long periods of time beyond what policy allows for after incidents (brief institutional operation) due to lack of staffing available to transport to the medical module or medical staffing not capable of seeing youth in medical module.• While conducting video review, we were unable to confirm the “constant visual” as required by Use of Force policy. According to policy, if youth are in their room awaiting transport to medical, staff should be standing outside the room. In cases where multiple youth were involved in an incident, we could not confirm that staff were conducting constant visuals. |
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EXHIBIT P

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
October 11, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Superintendent K. Binion/ S. Arrington Systems Accountability Director T. Quesada	Short Term 1 -Developed a new staffing assessment plan that corrects an error of higher staffing ratios required in the current staffing plan.	-A revised staffing assessment plan which establishes staffing minimums for fluctuating detention populations -Drafted a revised Master Schedule that will support facility operations -Non-sworn staff will replace some sworn staff currently assigned to ancillary posts. Those posts will remain non-sworn.	11/15/2024	10/10/2024 reformatted the revised		
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Superintendent K. Binion/ S. Arrington Systems Accountability Director T. Quesada	Short Term 2 -Centralized Staffing outside of the facility, now under System Analysis Bureau	-Reports from SAB analyzed the -ongoing monitoring of deployment numbers -increased accountability with who reports to work, call outs, no call no shows	completed			
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Superintendent K. Binion/ S. Arrington Systems Accountability Director T. Quesada	Short Term 3 -The department agreed to have eight units staffed at a 1:5 staffing ratio, due to the programming and security needs of the youth. In a prior staffing analysis we practiced a 1:3 staffing level versus the 1:8 PREA staffing level. -All general living units are staffed at the PREA standards of a 1:8 staffing ratio	- In order to provide a continuity of care the schedules have been balanced with assigned DSOs in each living unit. The remaining open schedules will be open for the deployed DPOs to fill.	10/30/2024			

Los Angeles County Probation Department
Los Padriños Juvenile Hall §1321-Staffing Corrective Action Plan
October 11, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Superintendent K. Binion/ S. Arrington Systems Accountability Director T. Quesada	Short Term 4 -The revised staffing plan allows us to appropriately staff units according to our unit housing capacity, and best operational practices therefore BSCC can inspect staffing levels for compliance.	-Move to set schedules that support unit operations to include the relief factor to operate 24/7 for each shift: AM (6a – 2p), PM (2p – 10p), EM (10p- 6a). Comply with settlement agreements, monitoring agency requirements, and partner agency needs and staff ancillary posts	01/05/2025 (phase 1)			
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Asst Superintendent D. Warren	Short Term 5 -Implement Proactive Supervision, a curriculum designed to train staff to provide consistent and routine unit structure to maintain a safe environment	- Train all incoming staff (new and deployed).	01/05/2025 (ongoing due to deployments, and new hires)	Began in late September, have trained four units.		
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	IDC Director J. Vest	Short Term 5 -Reduce LPJH population	- Continue to implement strategies to decrease Juvenile Hall population thus decreasing staffing numbers required 1)Detention Reduction Plan, 2)Continue to increase referrals to community detention programs, 3) Stop accepting cite & release offenses for intake, 4)Increase use of structured release program as appropriate, 5)Established and implemented intake criteria for bookings, 6)Deputy District Attorney	Ongoing	Began 10/01/2024		

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
October 11, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
				assigned at LPJH to review applications for filings				
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Chief Deputy S. Williams Chief Deputy K. Epps	Long Term 1 LA County is taking steps to finalize approval to offer a lateral recruitment bonus would be offered to Detention Officers, Probation Officers, and supervisors willing to laterally transfer into detention assignments with Los Angeles County.	-Work with Human Resources to complete the applicable recruitment exam	Ongoing	Job posting		
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Chief Deputy S. Williams Chief Deputy K. Epps	Long Term 2 LA County is in the process of collapsing classifications, Detention Services Officers into the Deputy Probation Officers classification to make our positions more competitive in our profession.	-Work with Human Resources to complete collapsing classifications	Ongoing	June 2024		
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Chief Deputy S. Williams Chief Deputy K. Epps	Long Term 3 Probation conducted an analysis, identified the funding source, and is actively recruiting for DPOIs pre-licensed and Licensed Marriage Family Therapist, Licensed Clinical Social Worker, Licensed Professional Clinical Counselor, and Clinical Psych	-Recruitment exam completed, HR has reviewed applicants and eligibility for hire list has been established	1/05/25 (phase 1)	June 2024		
§1321. Staffing.	§1321. Staffing.	Probation Education	Long Term 5	Continue to sustain the programming corrective action plan	Ongoing, from Programming CAP	September 2024		

Los Angeles County Probation Department
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(a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	(a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Services Director J. Corral EdD Probation Education Services Supervisor R. Williams	-Activities, Programming and recreation scheduling oversight given to Education Services to oversee and coordinate programs with CBOs, program providers. They also organize and keep our documentation of the facility's programs.					
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Education Program: Youth continue to be late to class. During our review of documentation, we note that youth were late to class due to both LACOE and Probation issues (movement, late breakfast, etc.	Superintendent K. Binion/ S. Arrington	Defined Operation assignments: - Revised the daily staffing schedule to specifically note each post assignment.	Log has been developed	11/15/2024	October 2024		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Education Program: Youth continue to be late to class.	Superintendent K. Binion Systems Accountability Director T. Quesada	-Shared the staffing assessment plan with the Centralized staffing unit so they assign staff to each post necessary to operate the facility (living units and operations ancillary assignments). -School movement starts at 8am to ensure timely class attendance	-Centralized Facility Staffing was created to optimize sworn personnel in needed positions	completed	October 2024		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	We noted some classes were held in the units due to lack of staff.	Prob Director J. Piñon Prob Director R. Sanchez	-Director on Duty reviews the AM & PM class reconciliation of school movement	Updated Logs and required information to note	11/1/2024	October 2024		
§1321. Staffing. (b) ensure that no required services shall	Teacher being late due to lack of facility keys to access facility gates)	MSB Director R. Martinez/F. Oliver	-LACOE will be issued keys specific to their classrooms	Confirmation work order from MSB	11/30/2024	September 2024		

Los Angeles County Probation Department
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Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
be denied because of insufficient numbers of staff on duty absent exigent circumstances.								
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Instances of outdoor recreation (LME) being cancelled or modified to indoor recreation due to lack of staff.	Systems Accountability Director T. Quesada	- A recreation team has been placed on the daily staffing schedule so Centralized Staffing knows to fill the post.	Copy of Daily Staffing Schedule template	12/01/2024	10/15/2024 – next deployment cohort will fill the operations assignments		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Instances of outdoor recreation (LME) being cancelled or modified to indoor recreation due to lack of staff.	Asst Superintendent G. Ford	-Though we meet recreation space requirements, LPJH has a limited individual unit recreation space which creates time constraints to coordinate among 20 units. A recreation yard for each building has been proposed which will allow all units to extend outdoor activities or programming simultaneously.	-Recreation Yard proposal to be submitted to BSCC for review -gym floor repairs	01/05/2024 (phase 1, obtain BSCC TTA and approval of renderings)	Concept was provided to BSCC Inspector – final renderings		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Some medical appointments had been cancelled or rescheduled due to lack of staff.	Systems Accountability Director T. Quesada	-LPJH has now designated specific transport assignments within the facility that will be staffed	Daily Staffing Schedule template	12/01/2024	9/29/2024- staffing assessment plan was provided to Centralized Staffing 10/15/2024 – next deployment cohort will fill the operations assignments		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Some medical appointments had been cancelled or rescheduled due to lack of staff.	Asst Superintendent A. Brooks	-The Medical Appointment Team (MAT) handles the external medical follow-up appointments. The OD is given the appointments for the following day to assess the MAT staffing requirements	Daily Staffing Schedule template	11/30/2024	October 2024		

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
October 11, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	During video review some instances in Unit Y1 where youth dined in their rooms. Youth are being held in their rooms for long periods of time beyond what policy allows for after incidents (brief institutional operation) due to lack of staffing available to transport to the medical module or medical staffing not capable of seeing youth in medical module.	Probation Director D. Gonzalez	-Probation has requested JCHS to come to the living units to triage youth after an incident, to no avail -Probation is assessing available space on the units where medical can store equipment necessary to perform aftercare evaluations for youth's medical needs -OD will utilize ancillary staff to assist unit staff to return the unit back to regular program status -JCHS also has experienced staffing shortages which delays how many youth that can be evaluated	11 non-sworn professional support staff will be reassigned to LPJH.	12/01/2024	10/28/2024 – professional support staff reassigned to LPJH in the following posts: 5 to quality assurance team, 2 movement control, 2 projects tracking, 2 professional appointment registration		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	While conducting video review, we were unable to confirm the “constant visual” as required by Use of Force policy. According to policy, if youth are in their room awaiting transport to medical, staff should be standing outside the room. In cases where multiple youth were involved in an incident, we could not confirm that staff were conducting constant visuals.	Asst Director D. Gadie Asst Director R. Estrella	-In multi-youth fight incidents OD will utilize ancillary staff to assist unit staff to return the unit back to regular program status	-Observe the youth in the dayroom -Supervisors add 1:1 supervision in the incident debrief	11/30/2024	Implement October 2024		

EXHIBIT Q

October 11, 2024

Guillermo Viera Rosa, Chief Probation Officer
Los Angeles County Probation Department
1601 Eastlake Avenue
Los Angeles, California 90033

SUBJECT: DENIAL OF CORRECTIVE ACTION PLAN (WELF. & INST. CODE, § 209, SUBD. (D))

Dear Chief Viera Rosa:

The Board of State and Community Corrections (BSCC) is in receipt of the final Corrective Action Plan (CAP), dated October 11, 2024, for the item of noncompliance with section 1321, Staffing, of Title 15 of the California Code of Regulations at the Los Padrinos Juvenile Hall.

On August 12, 2024, the BSCC issued a notice of noncompliance that the Los Padrinos Juvenile Hall was out of compliance with section 1321, Staffing, of Title 15 of the California Code of Regulations. Specifically, we noted that that the facility did not meet the Department's minimum staffing from July 1, 2024 through July 29, 2024. This was evidenced by a lack of services being consistently provided, including education, outdoor recreation, youth being confined in rooms, and youth missing medical appointments.

Pursuant to Welfare and Institutions Code section 209, subdivision (d), an approved corrective action plan (CAP) needed to be filed with the BSCC no later than October 11, 2024.

On August 20, 2024, BSCC staff met with county counsel staff, probation leadership, and facility leadership at Los Padrinos Juvenile Hall to discuss and offer technical assistance for the impending CAP; we understood that a draft CAP was forthcoming from that meeting. We did not receive a draft CAP following that meeting.

On October 1, 2024, Field Representative Lisa Southwell contacted county counsel, probation leadership, and facility leadership by email to determine if technical assistance was needed on reviewing a draft CAP. We did not receive a response to that correspondence.

At 4:30PM on October 10, 2024, we first received a request for technical assistance on the CAP. Field Representative Southwell responded that the document we received was not formatted as an approvable CAP.

At 7:17PM on October 10, 2024, we received a new document with information displayed in a draft corrective action plan format, with a request for additional technical assistance in completing the CAP.

The final Corrective Action Plan (CAP) for the Los Padrinos Juvenile Hall was received at 11:20AM on October 11, 2024.

After reviewing the CAP, we have determined that the CAP is not approvable. It does not adequately outline how the Department plans to correct the issue of noncompliance nor does it provide reasonable timeframes for resolution of the staffing deficiencies, including ensuring that “there are an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations.” (Cal. Code Regs., tit. 15, § 1321, subd. (a).) The CAP also does not provide information on how it will “ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.” (Cal. Code Regs., tit. 15, § 1321, subd. (b).)

For example, we find the following non-exhaustive list of deficiencies:

- 1) “Reduce LPJH Population” as an action plan has no completion date. Moreover, the CAP did not provide information as to what the current population of LPJH is or what the targeted population will be following the population reduction plan.
- 2) One long term plan is to offer “lateral recruitment” with a bonus. There is also no completion date; just an indication that the plan is to work with Human Resources to complete the applicable recruitment exam.
- 3) The plan for ensuring youth make it to medical appointments is to provide the Officer of the Day with the appointments that are scheduled. The target date for completion is November 30, 2024. We find this target date to be unreasonable. It should not take approximately 50 days from today to resolve this urgent issue.
- 4) The CAP indicates a revised staffing plan will not be implemented until January 5, 2025. We also find this target date to be unreasonable. If the revised staffing plan is not implemented until January, youth will continue to be denied required services.

Therefore, based on the reasons set forth above, this plan is **DENIED**.

In the absence of an approved CAP, pursuant to Welfare and Institutions Code section 209 (d):

“a juvenile hall, . . . 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, . . . 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.

BSCC staff will send formal notice of unsuitability pursuant to Welfare and Institutions Code section 209, subdivision (a)(4), on Monday, October 14, 2024.

Sincerely,



STEVEN WICKLANDER
Acting Deputy Director

- c: Kimberly Epps, Deputy Chief Probation Officer, Los Angeles County Probation Department
 Sheila Williams, Deputy Chief Probation Officer, Los Angeles County Probation Department
 Kim Binion, Superintendent, Los Padrinos Juvenile Hall
 Tyson Nelson, Senior Deputy County Counsel, Office of the County Counsel, County of Los Angeles
 Nicole Rommero, Deputy County Counsel, Office of the County Counsel, County
 Linda Penner, Chair, BSCC Board
 Aaron Maguire, Acting Executive Director, BSCC B
 Lisa Southwell, Field Representative, BSCC

EXHIBIT R



COUNTY OF LOS ANGELES PROBATION DEPARTMENT


9150 Imperial Highway
Downey, CA 90242
(562) 940-2501



Guillermo Viera Rosa
Chief Probation Officer

October 13, 2024

To: Steven Wicklander, Acting Deputy Director
Board of State and Community Corrections

From: Guillermo Viera Rosa, 
Chief Probation Officer

**Subject: COUNTY OF LOS ANGELES PROBATION DEPARTMENT'S REVISED BSCC
CORRECTIVE ACTION PLAN – STAFFING AT LOS PADRIOS JUVENILE
HALL RESPONSE**

The Los Angeles County Probation Department acknowledges receipt of your letter dated October 11, 2024, which communicated the denial of the Correction Action Plan (CAP) for Los Padrinos Juvenile Hall (LPJH). This correspondence serves as the County's formal response.

Enclosed, you will find a revised CAP that focuses on immediate solutions to address our staffing shortages, as highlighted in the Board of State and Community Corrections (BSCC) inspection report from August 12, 2024.

We have taken your feedback into account regarding the timeline for resolving various issues within our CAP, particularly the concern that many of these matters cannot be addressed within the 60-day corrective action window. It is important to note that the BSCC may not fully recognize the broader national staffing crisis that complicates our ability to quickly hire sufficient personnel to alleviate our staffing challenges. All correctional facilities are currently facing similar staffing shortages, which necessitate reliance on overtime and staff deployments. According to data from the Peace Officers Research Association, law enforcement staffing levels are at a 30-year low. This, combined with recruitment difficulties, compels Los Angeles County to implement both short-term and long-term strategies to enhance staffing levels. Additionally, the County is aware that a significant number of staff members are not reporting to work, exacerbating the situation.

The assumption that a 60-day CAP can satisfactorily resolve staffing challenges is erroneous. Instead, the County is implementing temporary measures while actively recruiting and training new personnel as part of a comprehensive long-term strategy. This strategy also includes addressing staff absenteeism and prioritizing the overall well-being and safety of our employees to stabilize the Probation Department.

While the following strategies and action plans may take longer than 60 days to execute, it is essential to inform the BSCC of our ongoing, long-term recruitment efforts:

1. The County is in the process of securing approval from the Chief Executive Office to initiate lateral recruitment from external agencies. A recruitment bonus will be offered to Detention Officers, Probation Officers, and supervisors who are willing to transition laterally.
2. The County is in the process of collapsing classifications of Detention Services Officers into the Deputy Probation Officers (DPO) classification to make our positions more competitive in our profession.
3. Probation conducted an analysis, identified the funding source, and is actively recruiting for DPOs pre-licensed and Licensed Marriage Family Therapist, Licensed Clinical Social Worker, Licensed Professional Clinical Counselor, and Clinical Psychologists.

Further, the County recognizes the need for better allocation of recreation space throughout LPJH. The Department has submitted a preliminary proposal to the BSCC for review on dividing up the recreation space throughout the facility to allow for multiple units to conduct recreation time at the same time safely.

LA County Probation has developed a phase 1 detention reduction plan to decrease the number of youths in custody at LPJH. Based upon our plan we have implemented four (4) immediate strategies to decrease the population.

- First, the department has implemented a standardized intake detention criteria.
- Second, we have prohibited intakes and overrides to allow intakes of youth involved in cite and release offenses.
- Third, LA County has increased the number of youths being released to our Community Detention Program, CDP (electronic monitoring), under the agreement of a promise to appear in Court.
- Lastly, through an agreement with the District Attorney Office a Deputy District Attorney (DDA) has been assigned to LPJH. The role of the DDA is to assess petitions for criminal filing and to determine if an offense lesser than what is being alleged may be filed. Based upon the outcomes of their assessment youth may be eligible for release to their parent/guardian pending adjudication, or release to CDP pending adjudication.

LA County is confident in the strategies outlined in our staffing corrective action plan. We are extremely optimistic that our plan with strategies and goals outlined will effectively address our staffing barriers. We appreciate your consideration of the reassessment of our Staffing Corrective Action Plan.

C: Linda Penner, Chair, BSCC Board
Aaron Maguire, Acting Executive Director, BSCC B
Lisa Southwell, Field Representative, BSCC

Los Angeles County Probation Department
Los Padrios Juvenile Hall §1321-Staffing Corrective Action Plan
REVISED - October 13, 2024

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§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	During our inspection, we reviewed daily facility reports and daily schedule from July 1-29, 2024, for a cumulative total of 87 shifts. Seven (7) AM shifts and eight (8) EM shifts (17 % of shifts overall) did not meet the Department's required minimum staffing.	Superintendent K. Binion/ S. Arrington Systems Accountability Director T. Quesada	1 – Create Revised Staffing Assessment & New Master Schedule - Developed a new staffing assessment plan that corrects an error of higher staffing ratios required in the current staffing plan. Assessment considers the fluctuating youth population. - Revised Master Schedule based on new staffing assessment - A new deployment strategy begins October 23 rd to ensure the staff who are deployed fills open vacancies at the facility. Goal - Previous staffing assessment allocated staff ineffectively based inaccurately calculating LPJH's operational needs. - Identifying the miscalculations now will right-size staffing allocations to ensure correct ratios in the Master Schedule in the housing units and ancillary posts. - Revised Master Schedule now schedules regularly assigned DSOs to each side of a unit to cover shifts under the best operational practices. - Having regularly assigned staff to units improves operational practices by	- Revised staffing assessment plan - Revised Master Schedule	11/15/2024	On October 9, 2024, LPJH Supervisors completed assigning anchor DSOs on each unit, each shift. October 10, 2024, finalized the revised staffing assessment plan. The revised plan received technical assistance from DOJ monitor. Inpur received and necessary edits made. October 23, 2024, Centralized Staffing will coordinate deployments according to the revised staffing plan and requests from the facility's office of the Superintendent (proactively planning for holiday coverage and other special facility needs and events).		

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			standardizing housing unit supervision routines.					
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	During our inspection, we reviewed daily facility reports and daily schedule from July 1-29, 2024, for a cumulative total of 87 shifts. Seven (7) AM shifts and eight (8) EM shifts (17 % of shifts overall) did not meet the Department's required minimum staffing.	Systems Accountability Director T. Quesada	2 – Create Centralized Staffing unit - Effective August 5, 2024, the Department established a Centralized Staffing unit - The Centralized Staffing Unit is maintained under the guidance of the System Accountability Bureau (SAB) - SAB conducted an analysis of scheduling trends and identified ways to reallocate existing staffing resources to ensure adequate staff ratios for each unit. Goal - Centralized Staffing will result in strategies that more efficiently deploy field officers. - Efficiently deploying field officers will improve unit staffing ratios by better allocating staffing resources. Centralizing staffing allows the SAB team to continually analyze staffing resources and trends. - SAB's ongoing analysis of staffing trends allows for LPJH making data informed decisions.	- SAB trend analysis reports which include recommended outcomes to adjust and improve staffing ratios - Increase accountability with tracking staff attendance	Completed	- Strategies have been implemented to appropriately balance leave approvals for staff vacations, single days off, and higher leave request times such as for holidays. Strategies are as follows: establishing a leave approval cap for each day/shift, establishing tracking to identify of leave requests, proactively planning for high interest leave days (holidays, special events – Superbowl, Mother's Day etc), establishing protocols to obtain interest leave requests in advance of holidays,		

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						establishing a leave committee to approve grouped requests for high interest leave days.		
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	During our inspection, we reviewed daily facility reports and daily schedule from July 1-29, 2024, for a cumulative total of 87 shifts. Seven (7) AM shifts and eight (8) EM shifts (17 % of shifts overall) did not meet the Department's required minimum staffing.	Superintendent K. Binion/ S. Arrington Systems Accountability Director T. Quesada	3 – Reassignment of Staff on Fixed Schedules - To improve the stability of higher risk/needs housing units, LPJH will continue to staff eight LPJH units will be staffed at a 1:5 staffing ratio. - All other units will continue to be staffed at the PREA ratio of 1:8. - Effective Jan 1, 2025, create new set schedules that all sworn staff (with exception of ancillary posts) assigned to work in LPJH work on three shifts only: AM (6a – 2p), PM (2p – 10p), EM (10p-6a). Goal - Improve facility wide staffing and operations, through appropriate assignment of staff to units -Staff assignments to be balanced with assigned DSOs in each living unit. The remaining open schedules will be filled by deployed DPOs. - With all sworn staff on one of three shifts, this allows Centralized Staffing and facility leadership to better allocate	- Master Schedule - Daily Staffing Sheets - Directive re: Scheduling of Shifts at LPJH	10/30/2024			

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			staff and move staff around to fill any opening and/or cover any call outs.					
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	The continued lack of staffing continues to impact delivery of required services and compliance with additional regulations. Section 1321 requires adequate staffing for all operations, programming, activities and functions of the facility to occur and to ensure the safety and security of youth and staff.	Asst Superintendent D. Warren	4 – Proactive Supervision to Establish Consistent Foundational Unit Operations - Implement Proactive Supervision, an operational strategy designed to train staff to provide consistent and routine unit structure to maintain a safe and environment. Goal - Consistency of supervision throughout LPJH will improve youth and staff safety in all units. - To foster a safe and secure environment that improves youth engagement in education, recreation and exercise activities. - Foster consistent operational routines that promote a safe and secure environment. - Consistently utilized proactive supervision as a uniform way of setting operational expectations and standards. -Implement a Detention Training program to provide coaching mentoring and support to new and deployed staff.	-Proactive Supervision PowerPoint -Copies of post-course evaluations - Unit logs to establish compliance with Title 15	01/05/2025 (ongoing due to deployments, and new hires)	Began in late September, have trained four units.		
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the	The continued lack of staffing continues to impact delivery of required services and	IDC Probation Director J. Vest	5 – Reduce Population of LPJH - LPJH has had populations well above 300 with a peaked population of 326 in	- Daily Population Reports Emails from September 2024, outlining the plan to increase		Began October 1, 2024, within a few week we have experienced a reduction in		

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
REVISED - October 13, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	compliance with additional regulations. Section 1321 requires adequate staffing for all operations, programming, activities and functions of the facility to occur and to ensure the safety and security of youth and staff.		<p>July). LPJH has developed a population reduction plan</p> <p>-In July 2024, LPJH implemented a standardized intake criteria and prohibited the intake of youth involved incite and release offenses</p> <p>-In September, we implemented a strategy to increase the number of referrals to community detention programs, electronic monitoring.</p> <p>- Population reduction will increase the ability to support greater safety measures as it reduces tensions among the youth. (Note: the pending election will impact our ability to achieve this goal.)</p> <p>Goal</p> <p>- Reduce the population by 10% by Jan 1, 2025, to maintain an ongoing strategy of identifying and implementing alternatives to detention incrementally.</p> <p>- Whereas this action step will be ongoing, the County includes it in the Corrective Action Plan to establish the County's increased efforts to keep a reduced population at LPJH allowing for less staff to meet the ratios.</p>	referrals to Community Detention Program (CDP)		population by over 7%		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of	Education Program: Youth continue to be late to class. During our review of documentation, we note that youth were late to	Superintendent K. Binion/ S. Arrington	<p>6 – Defined Operation assignments</p> <p>- Revised the daily staffing schedule to specifically note each ancillary assignment, including movement teams, recreation, etc.</p>	<p>- School movement schedule</p> <p>- Master Schedule</p> <p>- Daily Staffing Sheets</p>	11/15/2024	August 5, 2024, a revised daily schedule was implemented to better track all		

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
REVISED - October 13, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
staff on duty absent exigent circumstances.	class due to both LACOE and Probation issues (movement, late breakfast, etc.		<p>- Effective October 28, 2024, Probation will assign 11 non-sworn professional support staff to LPJH to assist in operational support. The individuals will be assigned as to quality assurance team, movement control, projects tracking, professional appointment monitoring</p> <p>Goal</p> <p>- With the ancillary posts listed on the staffing schedule, Centralized Staffing will ensure the post is filled each shift.</p> <p>- With posts filled, there will be sufficient staff each shift to allow for movement to school each day.</p> <p>- Assignment of support staff will</p>			scheduled shift assignments.		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	We noted some classes were held in the units due to lack of staff.	Prob Director J. Piñon Prob Director R. Sanchez	<p>7 – Quality Control of School Location</p> <p>- Director on Duty reviews the AM & PM class reconciliation of school movement and addresses with units why youth were not moved to classroom.</p> <p>Goal</p> <p>With Director on Duty specifically addressing the units that do not transport will ensure accountability for lack of school movement.</p>	Updated Logs and required information to note	11/1/2024	October 2024 the reconciliation log was created to keep a running centralized tracking workbook for the year.		

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
REVISED - October 13, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Teacher being late due to lack of facility keys to access facility gates)	MSB Director R. Martinez/F. Oliver	8 – LACOE Keys -LACOE will be issued keys specific to their classrooms. Outcome - With keys, LACOE staff will not have to wait for Probation staff to unlock doors.	- Confirmation with LACOE keys issued	11/30/2024	September 2024 the first request was submitted. Compatible keys were made available for various partner agencies.		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Instances of outdoor recreation (LME) being cancelled or modified to indoor recreation due to lack of staff.	Systems Accountability Director T. Quesada	9 – Recreation Teams - As discussed under Action Plan #6, recreation teams are including on the staff schedule to ensure Centralized Staffing fills that post. Outcome - With staff specifically identified as recreation staff, monitoring activities has greater safety supports.	- Master Schedule - Daily Staffing Schedule	12/01/2024	October 23, 2024, Centralized Staffing will start deploying staff based on the needs of the facility		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Some medical appointments had been cancelled or rescheduled due to lack of staff.	Systems Accountability Director T. Quesada Asst Superintendent A. Brooks	10 – Medical Movement Posts - As with Action Plan #6, the staffing schedule will include medical movement posts for Centralized Staffing to fill. -The Medical Appointment Team (MAT) handles the external medical follow-up appointments. The Officer of the Day is given the appointments for the following day to assess the MAT staffing requirements for the next day. - As discussed in Action Plan # 6, effective October 28, Probation added 2 civilian positions to track medical appointments to allow for better	- Master Schedule - Daily Staffing Schedule	11/01/2024	September 29, 2024- staffing assessment plan was provided to Centralized Staffing October 15, 2024 – next deployment of DPOs will fill the operations assignments		

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
REVISED - October 13, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
			tracking and accountability of appointments. Outcome - With assigned staff, youth will be transported timely throughout the facility and to external facilities.					
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	During video review some instances in Unit Y1 where youth dined in their rooms. Youth are being held in their rooms for long periods of time beyond what policy allows for after incidents (brief institutional operation) due to lack of staffing available to transport to the medical module or medical staffing not capable of seeing youth in medical module.	Probation Director D. Gonzalez	11 – Post Incident Medical Assessments - With assigned medical movement posts, staff will respond to assist in the transportation of youth to the medical module. Outcome - Timely medical attention post incident with specifically assigned staff assisting with movement.	- Safety Checks post-incident - Incident reports	12/01/2024			
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	While conducting video review, we were unable to confirm the “constant visual” as required by Use of Force policy. According to policy, if youth are in their room awaiting transport to medical, staff should be standing outside the room. In cases where multiple youth were involved in an incident,	Asst Director D. Gadie Asst Director R. Estrella	12 – Post Incident Observation - In multi-youth fight incidents OD will utilize ancillary staff to assist unit staff to return the unit back to regular program status. - Supervisors add 1:1 supervision in the incident debriefs -Staff to observe youths in dayroom, if appropriate - By November 15, 2024, Probation will assess if policy changes are necessary	- Incident reports	11/30/2024	Implement October 2024		

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
REVISED - October 13, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
	we could not confirm that staff were conducting constant visuals.		to ensure youth are appropriately observed post-incident. Outcome - A better organized response post incident will allow for appropriate observation of youth.					

EXHIBIT S

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Wicklander, Steven@BSCC <steven.wicklander@bscc.ca.gov>
Sent: Monday, October 14, 2024 4:30 PM
To: Zulema Arzaga <Zulema.Arzaga@probation.lacounty.gov>
Cc: Guillermo Viera <Guillermo.Viera@probation.lacounty.gov>; Kimberly Epps <Kimberly.Epps@probation.lacounty.gov>; Sheila Williams <Sheila.Williams@probation.lacounty.gov>; Sanford Rose <Sanford.Rose@probation.lacounty.gov>; Kim Binion <Kim.Binion@probation.lacounty.gov>; Penner, Linda@BSCC <Linda.Penner@bscc.ca.gov>; Maguire, Aaron@BSCC <Aaron.Maguire@bscc.ca.gov>; Southwell, Lisa@BSCC <lisa.southwell@bscc.ca.gov>; Marisa Ron <Marisa.Ron@probation.lacounty.gov>
Subject: RE: RESPONSE LETTER - FINAL REVISED CORRECTIVE ACTION PLAN FOR LOS PADRINOS JUVENILE HALL

CAUTION: External Email. Proceed Responsibly.

Chief Viera Rosa:

The BSCC is in receipt of your “revised” corrective action plan, which was sent two days after an approved corrective action plan needed to be filed with our office pursuant to Welfare and Institutions Code 209, subdivision (d). Because this new corrective plan is late, it is denied. However, even if I were to consider this plan on its merits, I would not approve it.

The BSCC is aware of staffing shortages affecting local detention facilities, including the factors affecting the staffing deficiencies and inability to meet department minimum staffing numbers in Los Angeles County Probation. Lack of staffing has been central to the repeat

cycles of noncompliance and suitability for the Department for nearly five years.

Both Corrective Action Plans fail to address how youth will continue to receive required programs and services that are compliant with all related Title 15 regulations. Your revised plan focuses on prioritizing absenteeism and well-being of your employees, and only addresses services to youth by recognizing “the need for better reallocation of recreation space throughout the facility.” There is no clear plan on how to ensure access to services for youth. Even the plan for the “phase 1 detention plan” fails to outline the targeted number for reduction of population and how the reduced population affects the issue of noncompliance with staffing and the adequate delivery of required programs and services to youth.

Thank you,
Steven

Steven Wicklander
Acting Deputy Director – Facilities Standards & Operations Division
BOARD OF STATE AND COMMUNITY CORRECTIONS
2590 Venture Oaks Way, Suite 200, Sacramento, CA 95833
<http://www.bscc.ca.gov>
email Steven.wicklander@bscc.ca.gov
LEADERSHIP ★ EXCELLENCE ★ SUPPORT

From: Zulema Arzaga <Zulema.Arzaga@probation.lacounty.gov>
Sent: Sunday, October 13, 2024 4:34 PM
To: Wicklander, Steven@BSCC <steven.wicklander@bscc.ca.gov>
Cc: Guillermo Viera <Guillermo.Viera@probation.lacounty.gov>; Kimberly Epps <Kimberly.Epps@probation.lacounty.gov>; Sheila Williams <Sheila.Williams@probation.lacounty.gov>; Sanford Rose <Sanford.Rose@probation.lacounty.gov>; Kim Binion <Kim.Binion@probation.lacounty.gov>; Penner, Linda@BSCC <Linda.Penner@bscc.ca.gov>; Maguire, Aaron@BSCC <Aaron.Maguire@bscc.ca.gov>; Southwell, Lisa@BSCC <Lisa.Southwell@bscc.ca.gov>; Marisa Ron <Marisa.Ron@probation.lacounty.gov>
Subject: RESPONSE LETTER - FINAL REVISED CORRECTIVE ACTION PLAN FOR LOS PADRINOS JUVENILE HALL

On behalf of Guillermo Viera Rosa, Chief Probation Officer

Good afternoon, Mr. Wicklander,

Please see attached response letter regarding the Los Angeles County Probation Department’s Revised Corrective Action Plan for Los Padrinos Juvenile Hall.

Thank you,
Zulema Arzaga,

Office of Guillermo Viera Rosa, Chief Probation Officer

County of Los Angeles, Probation Department

9150 Imperial Highway, Downey, CA 90242

Office: 562-940-2502: Email: zulema.arzaga@probation.lacounty.gov



EXHIBIT T

October 14, 2024

Guillermo Viera Rosa
Chief Probation Officer
Los Angeles County Probation Department
1601 Eastlake Avenue
Los Angeles, California 90033

***** NOTICE OF FACILITY UNSUITABILITY*****
Los Padrinos Juvenile Hall
7285 Quill Drive, Downey, CA 90242
Welf. & Inst. Code, § 209, subds. (a)(4) & (d)

SENT VIA ELECTRONIC EMAIL AND VIA UNITED STATES POSTAL SERVICE

Dear Chief Viera Rosa:

This letter is to provide you with written notice and findings that the **Los Angeles County Los Padrinos Juvenile Hall** is not suitable for the confinement of juveniles pursuant to Welfare and Institutions Code section 209, subdivisions (a)(4) and (d).

A juvenile hall "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 ... 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." (Welf. & Inst. Code, § 209, subd. (d) [emphasis added].)

On August 12, 2024, the BSCC issued a notice of noncompliance that the Los Padrinos Juvenile Hall was out of compliance with section 1321, Staffing, of Title 15 of the California Code of Regulations (Attachment). Specifically, we noted that the facility did not meet the Department's minimum staffing for the majority of July 2024, and that the continued lack of staffing continues to negatively impact delivery of required services and compliance with additional regulations, including education, outdoor recreation, youth being confined in rooms, and youth missing medical appointments.

On October 11, 2024, we received a Corrective Action Plan (CAP) submitted by the Los Angeles County Probation Department for the item of noncompliance with section 1321, Staffing, of Title 15 of the California Code of Regulations at the Los Padrinos Juvenile Hall. This CAP was denied.

The October 11, 2024 CAP was not approved, in part, because we determined that the CAP did not adequately outline how the Department plans to correct the issue of noncompliance, nor did it provide reasonable timeframes for resolution of the staffing deficiencies, including ensuring that “there are an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations.” (Cal. Code Regs., tit. 15, § 1321, subd. (a).) More importantly, the CAP did not provide information on how the plan would “ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.” (Cal. Code Regs., tit. 15, § 1321, subd. (b).)

Pursuant to section 209, subdivision (d), because Los Angeles County failed to file an approved corrective action plan, the facility is considered unsuitable. Pursuant to Welfare and Institutions Code section 209, subdivision (a)(4), commencing **60 days** following this notice or by **December 12, 2024** the facility shall not be used for the confinement of juveniles until the Board 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.

Sincerely,



LINDA PENNER
Chair

cc:

All BSCC Board Members

Aaron R. Maguire, Executive Director (A)

Steven Wicklander, Deputy Director (A)

Lisa Southwell, Field Representative, Board of State and Community Corrections

Honorable Samantha P. Jessner, Presiding Judge Los Angeles County Superior Court

Honorable Akemi Arakaki, Presiding Judge of the Juvenile Court

Honorable Miguel Espinoza, Los Angeles County Superior Court

Los Angeles County Board of Supervisors

Celia Zavala, Executive Officer, Board of Supervisors

Dawyn R. Harrison, County Counsel, Los Angeles County

Fesia Davenport, Chief Executive Officer, Los Angeles County

Max Huntsman, Office of Inspector General, Los Angeles County

Wendelyn Julien, Executive Director, Probation Oversight Commission

Kimberly Epps, Chief Deputy Probation Officer, Los Angeles County Probation

Sheila Williams, Deputy Director, Los Angeles County Probation

Tyson Nelson, Senior Deputy County Counsel, Office of the County Counsel, County of Los Angeles

Initial Inspection Report 2023-2024 Biennial Inspection Cycle

Date of Exit Briefing/Notice of Noncompliance: 8/12/2024

Inspection Type: Targeted

County: Los Angeles

Facility Name: Los Padrinos Juvenile Hall

BSCC #: 7201

BSCC Type: Juvenile Hall

Facility Representatives: Kim Binion, Superintendent, Steven Cuevas, Assistant Superintendent

BSCC Field Representative: Lisa Southwell

CAP Day 60 – Maximum Statutory CAP Due/Approval Date: 10/11/2024

Maximum Statutory Resolution Date: January 9, 2025

Current Items of Noncompliance

Title 15. Section	Description
<p>§ 1321. Staffing.</p> <p>Each Juvenile Facility shall:</p> <p>(a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.</p> <p>(b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.</p>	<p>During our inspection, we reviewed daily facility reports and daily schedule from July 1-29, 2024, for a cumulative total of 87 shifts. Seven (7) AM shifts and eight (8) EM shifts (17 % of shifts overall) did not meet the Department's required minimum staffing.</p> <p>The continued lack of staffing continues to impact delivery of required services and compliance with additional regulations. Section 1321 requires adequate staffing for all operations, programming, activities and functions of the facility to occur and to ensure the safety and security of youth and staff.</p> <p>The following areas of concern were noted while onsite and confirm a lack of staff during the July 2024 visit:</p> <ul style="list-style-type: none"> Education Program: Youth continue to be late to class. During our review of documentation, we note that youth were late to class due to both LACOE (Teacher being late due to lack of facility keys to access facility gates) and Probation issues (movement, late breakfast, etc.). We noted some classes were held in the units due to lack of staff.

- | | |
|--|---|
| | <ul style="list-style-type: none">• We noted instances where outdoor recreation (LME) has been cancelled or modified to indoor recreation due to lack of staff.• We noted some medical appointments had been cancelled or rescheduled due to lack of staff.• We noted during video review some instances in Unit Y1 where youth dined in their rooms.• Youth are being held in their rooms for long periods of time beyond what policy allows for after incidents (brief institutional operation) due to lack of staffing available to transport to the medical module or medical staffing not capable of seeing youth in medical module.• While conducting video review, we were unable to confirm the “constant visual” as required by Use of Force policy. According to policy, if youth are in their room awaiting transport to medical, staff should be standing outside the room. In cases where multiple youth were involved in an incident, we could not confirm that staff were conducting constant visuals. |
|--|---|

EXHIBIT U

November 5, 2024

VIA E-MAIL

Eloisa Tuitama
Staff Counsel
Board of State and Community Corrections
2590 Venture Oaks Way
Sacramento, CA 95833
Eloisa.Tuitama@bscc.ca.gov

Re: **Response to October 14, 2024 Notice of Facility Unsuitability Regarding Los Padrinos Juvenile Hall**

Dear Ms. Tuitama:

I am outside counsel for the County of Los Angeles and the Los Angeles County Probation Department (collectively, the “County”) in connection with various matters relating to oversight of the County by the Board of State and Community Corrections (“BSCC”). I write in response to the October 14, 2024 Notice of Facility Unsuitability concerning Los Padrinos Juvenile Hall from BSCC Chair, Linda Penner.

The October 14 Notice states the BSCC denied the County’s October 11, 2024 Corrective Action Plan and, accordingly, states Probation must vacate Los Padrinos by December 12, 2024, unless after re-inspection the BSCC determines Probation has come into compliance.

I ask that a decision of this consequence not be reached without giving Probation an opportunity to be heard at a public hearing. As I think you are aware, Probation, and the County more broadly, have undertaken numerous and impactful efforts to address the staffing and other issues that have plagued Probation for decades.

We are confident that these efforts will have both short and long-term impact, and will address the staffing non-compliance forming the basis of your October 14 notice - in this regard, we are encouraged that BSCC’s October 23, 2024, report of its

comprehensive inspection of Los Padrinos *did not* state that Probation was out of compliance with staffing.

More importantly, Los Padrinos currently houses over 300 youth and the County has no other juvenile hall in which to place them. Forcing them to vacate the facility, with no other alternative, would be tremendously disruptive and harmful to the youth. We believe an opportunity to share these issues with the full Board, and the public, is the right thing to do when the potential impacts of the BSCC's order to vacate are so severe.

We respectfully further contend that having a hearing is consistent with the law, which requires that CAPs be approved or rejected by the full BSCC Board. See Welf. & Inst. Code § 209(d) (the CAP "shall outline how the juvenile hall . . . 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*") (emphasis added).¹ This Board approval or denial, of course, must be done pursuant to a public hearing.²

We recognize Probation has numerous chronic, longstanding, and complex issues, including regarding staffing. I and my staff are deeply committed to resolving them, and we respect and appreciate the BSCC's commitment to helping us do so. We both want Probation to better serve its youth. I look forward to discussing this with you.

Sincerely,



ANDREW BAUM
of GLASER WEIL FINK HOWARD JORDAN & SHAPIRO LLP

¹ We are of course aware of the BSCC's self-published guidance regarding the CAP approval process, but believe that, to the extent it purports to eliminate the board approval requirement, it is contrary to law and therefore not controlling. Welfare and Institutions Code section 209 (d) Corrective Action Plan Submission, Review, and Approval Process Outline - BSCC

² See Gov't Code §§ 11120-11132 (Bagley-Keene Open Meeting Act); see also <https://www.bscc.ca.gov/wp-content/uploads/A-Handy-Guide-to-the-Bagley-Keene.pdf>

EXHIBIT V

November 8, 2024

Andrew Baum
Glaser Weil Fink Howard Jordan & Shapiro LLP
10250 Constellation Blvd. 19th Floor
Los Angeles, CA 90067

Dear Mr. Baum,

We are in receipt of your letter requesting that the Los Padrinos Juvenile Hall Corrective Action Plan be placed on the Board of State and Community Correction's agenda for its November 21, 2024 board meeting. I am writing to inform you that I have directed staff not to place this item on the board's agenda.

The Board specifically delegated authority to the Deputy Director of the Facility Standards and Operations Division at its May 2023 board meeting to approve and deny submitted corrective action plans. The Board reaffirmed that delegation when it approved the corrective action plan process at its July 2024 meeting. As such, the Acting Deputy Director appropriately exercised his authority when reviewing and denying the county's first corrective action plan submitted on October 11, 2024, which was deficient and the county's second corrective action plan submitted on October 13, 2024, which was untimely and deficient. Having appropriately exercised that authority, it is unnecessary for the Board to reopen the matter at the November meeting.

You also noted in your letter that you were "encouraged that BSCC's October 23, 2024, report of its comprehensive inspection of Los Padrinos **did not** state that Probation was out of compliance with staffing." [Emphasis in original.] To clarify, the items of non-compliance included in the initial inspection report were *in addition* to the item of staffing, which was the basis for the October 14, 2024 Notice of Facility Unsuitability. Los Padrinos remains noncompliant with Section 1321.

I am aware that it is challenging for the county to resolve the ongoing staffing issues at Los Padrinos. However, the Board is required to follow the timelines and process set forth in Welfare and Institutions Code section 209 when determining the suitability of a facility. As such, the county's remedy to address the Notice of Unsuitability is to come into compliance with section 1321 of Title 15 of the California Code of Regulations.

BSCC staff remain ready to provide technical assistance and reinspect Los Padrinos when it has resolved the noncompliance with Section 1321.

Sincerely,



LINDA PENNER
Chair

cc:

Aaron Maguire, Executive Director (A), Board of State and Community Corrections
Steven Wicklander, Deputy Director (A), Board of State and Community Corrections
Eloisa Tuitama, Staff Counsel, Board of State and Community Corrections

EXHIBIT W

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY APRIL 11, 2024
10:00 A.M.
BOARD MEETING

Meeting Held In-Person, Zoom & Teleconference

2590 Venture Oaks Way
BSCC Board Meeting Room
Sacramento, California 95833

The full recording of the meeting can be viewed here:
https://www.bscc.ca.gov/s_boardmeetingscheduleagendasminutes/

I. Call Meeting to Order

Chair Linda Penner called the meeting to order at 10:00 a.m. and welcomed the Board Members and the public to the meeting.

Chair Penner announced that the Governor appointed San Benito Sheriff Eric Taylor to the Board and administered the Oath.

Board Secretary Adam Lwin called roll and announced that there was a quorum.

The following members were in attendance:

Chair Penner	Mr. Budnick*	Ms. Chavez*	Ms. Cumpian
Mr. Dicus*	Ms. Gaard	Mr. Haynes	Mr. Johnson
Mr. Macomber	Mr. Mills*	Mr. Richart	Mr. Taylor
Ms. Zaragoza*			

* Board members participated remotely through Zoom.

II. Information Items

- 1. Chair's Report**
- 2. Executive Director's Report**

Executive Director Kathleen Howard reported on the following:

- Howard said that the BSCC, in collaboration with Sacramento State University, has released the Youth Reinvestment Grant Round 1 (2019-2023) and Round 2 (2020-2023) statewide evaluation reports to the Legislature and the Governor. The reports can be found at the links below:
 - [Youth Reinvestment Grant: Final Evaluation Report Round 2 - 2020-2023](#)
 - [Youth Reinvestment Grant: Final Evaluation Report Round 1 - 2019-2023](#)
- In addition, Howard said that she has participated in several Legislative budget hearings and discussed programs administered by the BSCC including the Public Defense Pilot Project, the transfer of Juvenile Grants, and the Proposition 47 Evaluation Report.
- Finally, Howard said the BSCC received a Notable Achievement Award at the 24th annual State Agency Recognition Awards. This nomination is a testament to the BSCC's collective hard work, dedication, and exceptional leadership to advance the state's small business and Disabled Veteran Business Enterprise programs.

3. Legal Update

Chief Deputy Director & General Counsel Aaron Maguire reminded Board Members to review the Agenda Items and recuse themselves from items that may have potential conflicts of interest pursuant to Government Code section 1091.

4. Legislative Update

Executive Director Howard referred the Board to their reading materials.

III. Action: Consent Items

A. Minutes from the February 15, 2024, Board Meeting: [Requesting Approval – PDF](#)

B. Senate Bill 823: Youth Programs and Facilities Grant Program, six-month, no-cost extension: [Requesting Approval - PDF](#)

This agenda item requested the Board’s approval of a six-month, no-cost grant-term extension for the Youth Programs and Facilities Grant Program (YPFG) portion of Senate Bill 823 through December 1, 2024. Grantees experienced implementation delays and supply chain issues obtaining requested purchases. The extensions would allow for additional time to operate programs and spend down grant funds in accordance with grant agreements.

C. Section 1046 (Death in Custody) of Title 15 of California Code of Regulations Final Approval of Proposed Regulations for Submission to Office of Administrative Law: [Requesting Approval - PDF](#)

This agenda item requested the Board’s approval of the final regulation revisions to Title 15, Section 1046, requiring facility administrators to provide reports of deaths in custody to the BSCC pursuant to specified time frames; and to direct staff to complete the rulemaking activities for adoption of the regulation revisions, pursuant to the Administrative Procedures Act.

The statement of reasons and the proposed revisions to Title 15, Section 1046 is listed below:

- [Proposed Revisions to Title 15, Section 1046, Death in Custody](#)
- [Final Statement of Reasons](#)

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: https://www.youtube.com/watch?v=emX1v8J_7ml. Public comment for consent items Start: 16:31; End: 18:40.

Ms. Cumpian moved approval. Mr. Johnson seconded. Mr. Taylor recused for Agenda item A. The motion was approved by all other Board members for Agenda item A (except for Mr. Richart and Mr. Haynes who had recused pursuant to Section 1091 due to Item B.).

Action: Discussion Items

D. Proposition 47 Grant, Cohort 2: Statewide Evaluation Findings 2019 - 2023: Information Only

- Statewide Evaluation Findings 2019-2023 PowerPoint presentation
- Statewide Evaluation Report

Research Specialist Stacy Riley presented this agenda item and summarized the following:

- Grantees were awarded \$92.8 million
- 95% of grantees provided mental health services
- 91% provided substance use disorder treatment
- 62% provided diversion programs
- 21,706 participants received services of which 72% were male with a median age of 38.
- 40% of participants exited prior to completing the requirements.
- 19.2 % completed program requirements.
- Out of 33.9% of unhoused population, 13.4% completed the required programs
- Out of 70.5 % unemployed 34.1% completed the required programs
- Overall recidivism rate was 15.3%
- The benefits of the Proposition 47 grant include lower recidivism rates and increased positive outcomes in housing and employment.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: https://www.youtube.com/watch?v=emX1v8J_7mI. Public comment for Agenda D Start: 40:06; End: 57:20.

This item did not require a vote.

E. Proposition 47 Grant, Cohort 4, Release of Requests for Proposals: Requesting Approval

Field Representative Dameion Renault presented this agenda item, which requested Board approval of the release of the [Request for Proposals \(RFP\)](#) for the Proposition 47 Cohort 4 grant in the amount of \$143 million. Eligible applicants are California public agencies. Staff also requested the Board to delegate authority to staff to establish a scoring panel.

Ms. Gaard moved approval. Mr. Taylor seconded. Mr. Richart, Mr. Mills, Mr. Budnick, and Ms. Cumpian recused pursuant to Government Code section 1091. The motion was approved by all other Board members for Agenda Item E.

F. Medication-Assisted Treatment Grant Program, Funding Recommendations: Requesting Approval

This agenda item was presented by Field Representative Timothy Polasik, which requested Board's approval of the Medication-Assisted Treatment Grant program awards to applicants recommended by the scoring panel.

Staff recommended fully fund the top [seven ranked proposals](#) full amount of \$1,250,000 and partially fund one proposal \$44,348 for a total of \$10 million. Staff also requested the Board to authorize staff to make awards from the rank-ordered list if an applicant relinquished, is unable to accept, or becomes ineligible to be funded. Project summaries for each ranked proposal can be found [here](#).

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: https://www.youtube.com/watch?v=emX1v8J_7mI. Public comment for Agenda F Start: 1:08:30; End: 1:20:40.

Mr. Haynes moved approval. Mr. Dicus seconded. Ms. Gaard recused pursuant to Government Code section 1091. The motion was approved by all other Board members for Agenda Item F.

G. Residential Substance Abuse Treatment Grant, Funding Recommendations: Requesting Approval

This agenda item was presented by Field Representative Timothy Polasik, which requested Board's approval to fully fund [five](#) (5) proposals for the federally funded Residential Substance Abuse Treatment (RSAT) grant for a total amount of [\\$6,997,277](#). This is a three-year grant starting July 1, 2024 through June 30, 2027.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: https://www.youtube.com/watch?v=emX1v8J_7mI. Public comment for Agenda G Start: 1:25:35; End: 1:32:20.

Mr. Dicus moved approval. Mr. Budnick seconded. Ms. Gaard abstained. The motion was approved by all other Board members for Agenda Item G.

H. Opioids in Local Detention Facilities - Review of Survey: Requesting Approval

- Draft Survey of Opioid Antagonists in Local Adult Detention Facilities
- Draft Survey of Opioid Antagonists in Local Juvenile Detention Facilities
- Survey Overview: Opioid Antagonists in Local Detention Facilities

This agenda item was presented by Executive Director Kathleen Howard. Ms. Howard requested approval of the Survey of Opioid Antagonists in Local Detention Facilities and direct staff to begin collecting information in May 2024 and another collection in July 2024. The survey was requested by Board members at the June 2023 meeting after discussion of the increasing incidence of overdoses in both adult and juvenile local detention facilities at the June 2023 meeting.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: https://www.youtube.com/watch?v=emX1v8J_7ml. Public comment for Agenda H Start: 1:44:00; End: 1:58:07.

Mr. Budnick moved approval. Mr. Dicus seconded. The motion was approved by all other Board members for Agenda Item H.

I. Local Detention Facilities Inspection Update: Requesting Approval

Deputy Director Allison Ganter presented on the current findings of adult and juvenile detention facility inspections. Ganter stated that there are no items of noncompliance that require immediate attention, and staff did not recommend a formal action at this time. Items of noncompliance may be found respectively here. [Adult and Juvenile Facilities \(Updated 4/10/24\)](#)

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on

here: https://www.youtube.com/watch?v=emX1v8J_7mI. Public comment for Agenda I
Start: 2:03:21; End: 2:09:20.

This item did not require a vote.

The Board recessed at: 12:10 p.m.

The Board returned at: 12:28 p.m.

J. Determination of Suitability – Los Angeles County Juvenile Detention Facilities – (Welf. & Inst. Code, § 209, subds. (a)(4) & (d).): **Requesting Approval**

1. Barry J. Nidorf Secure Youth Treatment Facility
2. Los Padrinios Juvenile Hall

Chair Penner stated that BSCC inspectors have been consistently visiting the facility every week since February. The FSO team spent a total of 13 days at the facility, conducting reviews, providing training, and offering technical assistance. Ongoing briefings to BSCC leadership and continuous review of documents have been part of the process.

New evidence emerged on Monday, Tuesday, and Wednesday of the current week.

There have been extensive discussions on the ongoing issues, which are complex and difficult. Based on the information and reinspection reports, a staff recommendation is presented.

Penner said despite the recommendation to find these facilities suitable, it's essential to acknowledge the longstanding and serious problems in LA. The recommendation wasn't easy to formulate and shouldn't be considered as "mission accomplished." The focus now shifts to sustainability and durability. Continued compliance is crucial, aiming not just for minimum standards but consistency and suitability.

Penner noted that doubts exist about LA's ability to sustain compliance, which is a grave concern. The time it took for LA to meet minimum requirements is concerning, and a comprehensive inspection is scheduled for 2024. Going forward, targeted and unannounced inspections will continue at least once a month. The Board emphasizes the seriousness of the issue and the need for durability.

J- 1 Los Padrinos Juvenile Hall:

- [April 10, 2024 Inspection Report of the Los Padrinos Juvenile Hall](#)

Deputy Director Allison Ganter presented this item and said she will discuss Los Padrinos juvenile hall first. Ganter said for Los Padrinos Juvenile Hall, several sections of Title 15 regulations were found to be out of compliance during previous inspections. However, during the recent reinspection, it was found that several of these issues have been addressed. Summary of the findings:

1. Staffing (Section 1321): A staffing plan has been implemented, and staffing ratios are being met. The facility is currently meeting the minimum standards for staffing, but efforts must continue to ensure sustained compliance.
2. Fire Safety Plan (Section 1325): The emergency housing plan now contains enough beds to safely house all evacuees in the event of an emergency.
3. Safety Checks (Section 1328): Safety checks have improved, with documentation confirming compliance with Title 15 standards.
4. Room Confinement (Section 1354): Efforts have been made to address issues related to room confinement, including reviewing video feeds and ensuring compliance with statutory requirements.
5. Use of Force (Section 1357): Training on the use of force is being conducted as required, and staff are following debriefing procedures and notifying parents or guardians after use of force incidents.
6. Searches (Section 1360): Department policy has been updated, and searches are being conducted according to policy.
7. Education Program (Section 1370): Collaboration with the Los Angeles County Office of Education has improved school attendance, and documentation indicates that youth are attending school on time.
8. Recreation and Exercise Programs (Section 1371): Programs have been impacted by staffing but have improved. Efforts are ongoing to ensure programs meet youth interests and needs.
9. Discipline (Section 1390): A new behavior modification process has been implemented, providing incentives for positive behavior.

Based on the findings, staff recommended that the Board support the findings of compliance and determine the Los Patrinos Juvenile Hall suitable for the confinement of youth. Staff also recommended that the Board direct staff to begin regular targeted and unannounced inspections to ensure sustained compliance.

Representative Kimberly Epps, Chief Deputy Probation Officer and Deputy Director Sheila Williams answered questions from the Board.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on

here: https://www.youtube.com/watch?v=emX1v8J_7ml. Public comment for Los Padrinos Juvenile Hall Start: 3:47:11; End: 4:39:15.

The Board determined that Los Padrinos Juvenile Hall had remedied the items of noncompliance as stated under staff's recommendation and is suitable to house youth within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4).

The Board directed staff to conduct with targeted and unannounced inspections on at least a monthly basis until a comprehensive inspection is complete as part of ongoing review and accountability.

Ms. Haynes moved approval. Ms. Cumpian seconded. Board Members voted as follows:

	Member	Vote
1	Penner	Yes
2	Macomber	Yes
3	Johnson	Abstained
4	Taylor	Yes
5	Dicus	No
6	Chavez	No
7	Haynes	Yes
8	Richart	No
9	Gaard	Recused
10	Mills	Yes
11	Budnick	Recused
12	Zaragoza	Recused
13	Cumpian	Yes

The motion was approved for Barry J. Nidorf Secure Youth Treatment Facility.

J-1: Barry J. Nidorf Secure Youth Treatment Facility

- April 10, 2024 Inspection Report of the Barry J. Nidorf Secure Youth Treatment Facility

Deputy Director Allison Ganter presented the inspection findings of Barry J. Nidorf SYTF highlighting areas of non-compliance and progress made towards remedying them. Ganter said the facility was found to be out of compliance with sections of Title 15, including staffing, orientation, use of force, programs, recreation and exercise, and discipline. During the inspection period from March 29th to April 9th, 2024, the board reviewed documentation, observed operations, and engaged with both youth and staff to assess compliance.

Ganter said the following:

1. Staffing (1321): A staffing plan effective from April 2nd, 2024, was received, and staffing numbers were reviewed through April 9th, indicating improvement.
2. Orientation (1353): Updated information was added to the Youth Handbook, and reorientation was provided to all housed youth.
3. Use of Force (1357): The facility was on track for completing required training by June 30th, 2024.
4. Programs, Recreation, and Exercise (1371): A new activity tracking form was implemented, ensuring youth receive required activities. However, efforts are ongoing to offer more varied activities.
5. Discipline (1390): The new developmental stage system is being implemented, and staff have been trained. The incentive program has been updated, and canteen point sheets have been revised.

Based on the evidence presented, staff recommended that the board support findings of compliance and determine the facility suitable for the confinement of youth. Regular targeted inspections were also recommended to ensure sustained compliance.

Representatives Kimberly Epps, Chief Deputy Probation Officer and Sheila Williams Deputy Director answered the Board's questions on behalf of Los Angeles County probation. Epps and Williams said Chief Viera Rosa is committed to ensuring compliance.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: <https://www.youtube.com/watch?v=pz3H3viAl2M>. Public comment for Barry J. Nidorf SYTF Start: 24:22; End: 36:32.

The Board determined that Barry J. Nidorf SYTF had remedied the items of noncompliance as stated under the staff's recommendation and is suitable to house youth within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4).

The Board directed staff to conduct targeted and unannounced inspections on at least a monthly basis until a comprehensive inspection is complete as part of ongoing review and accountability.

Mr. Macomber moved approval. Mr. Mills seconded. Board Members voted as follows:

	Member	Vote
1	Penner	Yes
2	Macomber	Yes
3	Johnson	Abstained
4	Taylor	Yes
5	Dicus	No
6	Chavez	No
7	Haynes	Yes
8	Richart	No
9	Gaard	Recused
10	Mills	Yes
11	Budnick	Recused
12	Zaragoza	Recused
13	Cumpian	Yes

The motion was approved for Barry J. Nidorf Secure Youth Treatment Facility.

~~K. Corrective Action Plan Process – Welfare and Institutions Code Section 209 (d):~~
Requesting Approval

Agenda item K was removed for further development and discussion.

IV. Closed Session – Consultation with Legal Counsel Regarding Pending Litigation (Gov. Code, § 11126, subds. (e)(1), (e)(2)(B), & (e)(2)(C).)

Counsel Maguire said that the Board did not need to meet in Closed Session.

V. Public Comments

Chair Penner called for general public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed here by turning closed captions on here: <https://www.youtube.com/watch?v=pz3H3viAl2M>. Start: 59:55; End: 1:23:10.

VI. Adjourn

The meeting adjourned at: 4:36 p.m.

ATTENDANCE ROSTER

BSCC BOARD MEMBERS:

1. Chair Penner, Chair, Board of State and Community Corrections
2. Ms. Cumpian, Director, Women's Department, Anti-Recidivism Coalition
3. Ms. Gaard, Retired Judge, Yolo County
4. Mr. Haynes, Chief Probation Officer, Fresno County
5. Mr. Johnson, Director, California Department of Corrections & Rehabilitations - Division of Adult Parole
6. Mr. Macomber, Secretary, California Department of Corrections & Rehabilitations
7. Mr. Richart, Chief Probation Officer, El Dorado County
8. Mr. Taylor, Sheriff, San Benito County

Participated Remotely:

9. Mr. Budnick, Founder of Anti-Recidivism Coalition
10. Ms. Chavez, Santa Clara County Supervisor
11. Mr. Dicus, Sheriff, San Bernardino County
12. Mr. Mills, Chief of Police, City of Palm Springs
13. Ms. Zaragoza, Attorney, Los Angeles County Alternate Public Defender's Office

BSCC STAFF:

Kathleen T. Howard, Executive Director
Aaron Maguire, Chief Deputy Director & General Counsel
Adam Lwin, Board Secretary
Stacy Riley, Research Data Specialist III, Research
Damieon Renault, Field Representative, Corrections Planning and Grant Programs
Timothy Polasik, Field Representative, Corrections Planning and Grant Programs
Collen Curtin, Deputy Director, Corrections Planning and Grant Programs
Allison Ganter, Deputy Director, Facility Standards and Operations
Lisa Southwell, Field Representative, Facility Standards and Operations

ADDITIONAL GUESTS & PARTICIPANTS

Kimberly Epps, Chief Deputy, Los Angeles County Probation Department
Sheila Williams, Deputy Director, Los Angeles County Probation Department

EXHIBIT X

MOTION BY SUPERVISORS KATHRYN BARGER
AND HILDA SOLIS

December 17, 2024

**PROCLAIMING A LOCAL EMERGENCY RESULTING FROM THE SUITABILITY
ISSUES AT LOS PADRINOS JUVENILE HALL**

The County has worked hard to improve the troubling conditions at the Los Padrinos Juvenile Hall (LPJH). Without a doubt, LPJH has faced, and continues to face, unacceptable and long-entrenched problems in providing appropriate care and services to the youth residing there, and maintaining a safe and supportive environment for youth, Probation staff, County employees, and the valued community partners that provide services within LPJH. This Board has passed numerous motions and otherwise taken action to address these issues including by, among many other things, empowering the Chief Probation Officer to bring in experienced leadership staff from within and outside the County; creating the Department of Youth Development to provide care-focused services including valuable programming and Credible Messenger support to the youth; engaging Probation and the Department of Human Resources to rework and refresh Probation hiring, employee performance management, and Probation's internal affairs capabilities; and, most recently, providing for the appointment of a Probation Compliance Officer with the Chief Executive Office focused exclusively upon raising the quality of care and services at LPJH up to the appropriate legal standards.

-MORE-

MOTION

SOLIS	_____
MITCHELL	_____
HORVATH	_____
HAHN	_____
BARGER	_____

Perhaps equally importantly, the County and Probation worked for years with the California Department of Justice (DOJ) to improve the conditions at its juvenile halls, including LPJH. The County and the DOJ jointly entered a Stipulated Judgment (SJ) in January 2021 specifically focused on their agreement that Probation simply must do better in caring for the youth in its juvenile halls. Recognizing that Probation's problems are chronic and complex, the SJ establishes several legal obligations upon Probation, along with a Monitor and several subject matter experts to oversee Probation's work, provide guidance on solving problems, and report on Probation's progress. While the slow pace of Probation's progress has been frustrating for everyone – including the County, DOJ, Monitor, the youth, and the broader community – the County believes the difficult, time-consuming, structural, and cultural improvements that need to be made are finally beginning to be made.

Unfortunately, recent events primarily outside the County's control have derailed these efforts, slowed if not stopped some of the progress, thrown the youth and staff at LPJH into chaos, and threatened the safety and security of the LPJH youth and the broader community. In summary, the Board of State and Community Corrections (BSCC), which is a California state agency that inspects probation and jail facilities throughout the state, has determined that LPJH must shut down effective December 12, 2024, because, according to the BSCC, Probation failed to appropriately staff LPJH during the month of November and early December. While Probation and the County deeply respect BSCC, and whole-heartedly share its goal of ensuring that youth receive appropriate care, in this case the BSCC's staff conclusion is wrong, lacks due process, and is an inappropriate and harmful response to the BSCC's claimed compliance findings.

Probation has administratively appealed the BSCC's purported findings. Probation's Notice of Appeal reflects its contention that Probation, in fact, did have adequate staffing during the period inspected, and that the BSCC's calculations to the contrary were simply inaccurate. Indeed, the Los Angeles County Superior Court inspected LPJH in May 2024 and, contrary to the BSCC, concluded that Probation actually met all compliance requirements. Probation's Notice also reflects the contention that the BSCC misapplied the governing regulations' inspection criteria to create confusing, unfair, and illegal standards that are essentially impossible to meet, and that the BSCC's process in reaching its purported findings violated its own statutes and regulations, including by improperly changing the cadence of the inspections. Probation further contends the BSCC improperly allowed BSCC staff to make hugely consequential determinations that, by law, only the full BSCC Board can make. Specifically, BSCC documentation appears to indicate the BSCC's determination that LPJH must close was essentially made with no formal input or determination from the full BSCC Board or public comment, in apparent violation of California open meetings laws.

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More importantly, the BSCC's determination triggered a BSCC-imposed deadline of December 12, 2024, for LPJH to no longer house youth. This apparently results from the BSCC's interpretation of its governing statute, which effectively imposes a 90-day deadline for probation departments to correct any compliance problems BSCC identifies – no matter how complex or long-standing the problem – and, if the problem is not resolved to 100% perfection within that time, the facility must be vacated. It is literally an "all-or-nothing" approach, in which either the facility is 100% perfect, or it must be closed and the youth moved elsewhere or released. The harm and disruption to the youth from such a closure is simply not a factor considered by the BSCC because of how it is structured. The BSCC's model unfortunately fails to recognize that many problems simply cannot be 100% solved in that 90-day time period – particularly when many of the underlying problems are personnel-related and must, by law, be resolved in compliance with civil service and collective bargaining rules that usually operate under timelines that vastly exceed 90 days.

Not only does this all-or-nothing, inflexible "quick-fix" approach actively hamper true reform, it unfortunately compounds a broader underlying problem resulting from the State's closure of the Department of Juvenile Justice (DJJ). The DJJ, which was previously known as the California Youth Authority, housed and provided treatment for California's most serious juvenile offenders. As part of the State's "juvenile justice realignment," however, effective July 1, 2023, all youth formerly housed in DJJ were transferred to counties for housing and treatment, and the DJJ itself was closed. This resulted in the County having to invest massive resources to locate and modify appropriate facilities for these youth, to address the higher security needs of this youth population, staff it with appropriately trained Probation employees, and otherwise arrange for the significant care needs of this new influx of serious youth offenders. These former DJJ youth now are housed in two County facilities – the Barry J. Nidorf Secure Youth Treatment Facility (BJN) and Campus Kilpatrick – and the BSCC explicitly has found BJN unsuitable to house pre-disposition youth such as those in LPJH. This transition of the State's youth offenders to two separate facilities has exacerbated an already strained staffing problem for Probation and made the work more difficult for the other County departments providing critical services to the youth.

The BSCC's impossibly short deadlines, all-or-nothing system, and inflexibility, do not take these real-world factors into account despite some of the challenges were due to changes in State law.

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It bears repeating that the County respects the BSCC and its staff, and shares its goal of ensuring youth in Probation custody receive appropriate care. But regardless of the County's disagreement with the merits of the BSCC's findings and how it is structured, The fact remains that the BSCC appears to be demanding the closure of LPJH and appears poised to support legal action to shut it down. The County must act urgently to address the resulting grave safety and security perils to the youth and the public. The County has no other place to house these youth – particularly given that, among other things, BSCC itself has not approved any other County facilities to do so. BJN is not available because it is used to house former DJJ (State) youth and other youth who, prior to realignment, would have gone into State custody. And even if some other facility were available, it is simply not the case that moving approximately 250 youth from one facility to another will "solve" the staffing and other problems. Those problems generally exist independent of whatever facility the youth and staff are in, and the County – working alongside the DOJ – is working diligently to solve them. Merely moving youth to another facility would only harm them by limiting or eliminating their ability to receive programming and school instruction, impeding medical and mental health treatment, and thoroughly disrupting their lives for an extended period of time. The chaos such a move would cause would harm the youth, not help them. It would slow or even preclude the County's ability to solve the problems it needs to solve, not lead to more solutions.

Further, juvenile criminal defense counsel already have begun filing writs seeking release of youth from LPJH, and civil counsel for the youth housed in LPJH have been indicating they will file similar civil motions. While this Board has for years strongly advocated a Care First, Jails Last approach, a very high percentage of the youth in LPJH have a history of serious, violent offenses – such as murder, attempted murder, sexual assault, kidnapping, robbery, and carjacking – and/or are facing such charges now, and were ordered to be housed in Juvenile Hall by the Court. Some of the youth also have serious mental health issues. All the youth were ordered to LPJH due to court orders that took into account the threat to public safety and other issues, which the Board and the BSCC cannot countermand. And even if it were possible for some youth to be returned home, numerous youth would remain. If LPJH is closed, there is nowhere for them to go, except back into the community. Probation has asked if any other Probation Department across the state can house the LPJH youth, and they all indicated an inability to help. This unfortunately creates extreme and imminent risks to the safety and security of the youth themselves, and of the community more broadly. These youth need focused, professional support; mental health and medical care; structured programming and interaction with DYD and other County and community partners; and a structured, care focused-environment. The County wants these youth to succeed; they cannot be cast out of LPJH onto the streets of Los Angeles County and no other suitable facilities exist.

-MORE-

The BSCC's current order, however, is not the core problem. The BSCC is obligated to continue its inspections and enforcement, so ultimately the County must work to simply solve its compliance problems immediately. Emergency measures must be taken now to allow the County – using all available resources, within and outside the County – to entirely resolve all compliance problems once and for all. This has been the County's goal all along, and we believe it is a goal the BSCC shares.

Los Angeles County may proclaim a local emergency when there is the “existence of conditions of disaster, or of extreme peril to the safety of persons and property within the territorial limits of the County,” and when these conditions “are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the County and require the combined forces of other political subdivisions to combat.” The LPJH crisis brought on by the BSCC's actions meets these requirements. As discussed throughout this motion, conditions of extreme peril to the safety of persons exist in that the release of the LPJH youth will cause extreme peril to the youth themselves, based on the level of care and support they need. It also will cause extreme peril to the community, as demonstrated by – among other things – the serious and violent criminal histories and/or pending charges these youth face, along with court orders requiring youth to be housed in juvenile hall based potentially on findings of “immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another.” Additionally, County resources alone are insufficient to solve this crisis, so it is necessary to harness State and other resources. While we have many solutions that are working, the scale and speed at which these solutions are being implemented need to be expanded and expedited, respectively. Proclaiming a local emergency to address this critical crisis will provide the County with additional tools to accelerate and expand its response in collaboration with our State partners and others.

WE, THEREFORE MOVE, that the Board of Supervisors:

1. Proclaim a local emergency within Los Angeles County (County) for the conditions of extreme peril to the safety of persons and property caused by the efforts of the BSCC and others to close Los Padrinos Juvenile Hall (LPJH), which is the County's only juvenile hall, and their efforts to release the youth who are alleged to have committed serious crimes into the public. This proclamation of local emergency shall remain in effect until its termination is proclaimed by the Board of Supervisors (Board).
2. Approve and execute the attached proclamation of existence of local emergency within the County for the conditions of extreme peril to persons and property caused by the threatened closure of, and release of the youth housed in, LPJH.

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3. Direct County Counsel to pursue all legal strategies to prevent the youth housed in LPJH from being released into the public.
4. Direct all County departments who provide services in LPJH to implement any and all policy direction provided by the Chief Probation Officer (CPO) for LPJH.
5. Instruct the CPO, CEO, and all other County Departments to take necessary steps for the protection of life, health, and safety of people living or working at LPJH, including:
 - a. Disaster Services Workers: Direct the Department of Human Resources and relevant County Departments to implement Disaster Services Worker (DSW) protocols to enable, among other things, DSWs to be used within LPJH, consistent with the DSW's skills and training.
 - b. Contracting and Procurement: Leveraging the lessons learned during the COVID-19 pandemic, direct the CEO and relevant County Departments to take appropriate steps to expedite the procurement and contracting processes for materials, equipment, and services necessary to respond rapidly to the LPJH crisis.
 - c. Hiring: Direct the Department of Human Resources and relevant County Departments to expedite recruitment and hiring for positions necessary to respond to the LPJH crisis including any actions needed to quickly reduce vacancy levels for positions providing supervision, medical and mental health, programming, substance use disorder, religious, and case management services directly to youth housed at LPJH. This includes, but is not limited to, funding and other appropriate authorization for lateral hiring (with a \$24,000 financial or other bonus as appropriate) and use of any qualified peace officer in the State of California, including reserve peace officers and 120-day retirees.
 - d. Return to Work: Direct the Department of Human Resources and relevant County Departments to immediately convene a task force to expeditiously process all pending return-to-work matters for existing LPJH employees, so that these matters can be resolved as soon as possible consistent with applicable law.
 - e. HR Support: Authorize County departments who employ staff assigned to LPJH to delegate to the Director of Personnel the authority to take administrative actions with respect to such staff, including but not limited to discipline under the Los Angeles County Civil Service Rules.

-MORE-

- f. Communication and Outreach: Direct the CEO, Probation, OEM, and Countywide Communications to develop and implement a communication plan to interact with Los Angeles County cities and the public on the local emergency proclamation, including how the County will coordinate and work with cities, and how solutions will be implemented.
 - g. Mutual Aid: Direct Probation and other relevant County Departments to make any Mutual Aid requests to the California Office of Emergency Services necessary to obtain assistance in addressing this emergency.
- 6. Direct the CPO and the CEO to jointly lead the overall coordination of the emergency response and to coordinate efforts with the State and Federal governments, and the cities within the County.
- 7. Direct the CEO and CPO to report back before the Board's next regularly scheduled meeting with any authorities needed, and requisite changes to implement the foregoing.

#

KB:scem

**PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY FOR THE SUITABILITY EMERGENCY AT
LOS PADRINOS JUVENILE HALL BY THE
LOS ANGELES COUNTY BOARD OF SUPERVISORS**

WHEREAS, Chapter 2.68 of the Los Angeles County Code provides that the Los Angeles County Board of Supervisors (Board) may proclaim the existence of a "local emergency," as defined in Government Code section 8558(c)(1), in pertinent part, as follows: "'[l]ocal emergency' means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county . . . caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, deenergization event . . . plant or animal infestation or disease . . . or an earthquake, or other conditions . . . which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat . . ."; and

WHEREAS, as of December 12, 2024, conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the County of Los Angeles (County) exist at Los Padrinos due to conditions at Los Padrinos that have been caused and/or exacerbated by the Board of State and Community Corrections' ("BSCC") order to immediately shutter Los Padrinos Juvenile Hall, the only available juvenile hall in the County of Los Angeles ("Los Padrinos Suitability Emergency"). Compliance with the BSCC's order will mean the immediate release of minors accused of serious and violent crimes, including murder, robbery, and rape, and will, therefore, put the community in extreme peril. In addition, the release of Los Padrinos youth will cause extreme peril to the youth themselves, based on the level of care and support they need. The County must act urgently to address the resulting grave safety and security perils to the youth and County community; and

WHEREAS, the BSCC is obligated to continue its inspections and enforcement, so ultimately the County must work to simply solve its compliance problems immediately. Emergency measures must be taken now to allow the County – using all available resources, within and outside the County – to entirely resolve all compliance problems once and for all; and

WHEREAS, the mobilization of local resources, and the ability to coordinate interagency response, accelerate procurement of vital supplies, and use mutual aid, will be critical to successfully responding to the Los Padrinos Suitability Emergency; and

WHEREAS, these conditions warrant and necessitate that the County proclaim the existence of a local emergency.

NOW, THEREFORE, THE BOARD FINDS THAT conditions of disaster or of extreme peril to the safety of persons and property exist in the County on the basis of the Los Padrinos Suitability Emergency within the meaning of Government Code section 8558(c)(1), and such conditions are or will likely be beyond the control of the services, personnel, equipment, and facilities of the County, and require the combined forces of other political subdivisions to combat; and

IT IS FURTHER ORDERED AND PROCLAIMED that, during the existence of said local emergency, the powers, functions, and duties of the emergency organization of the County shall be those prescribed by State law, by ordinances, and resolutions of the County.

The foregoing proclamation was, on the 17th day of December 2024, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.



EDWARD YEN, Executive Officer-
Clerk of the Board of Supervisors
of the County of Los Angeles

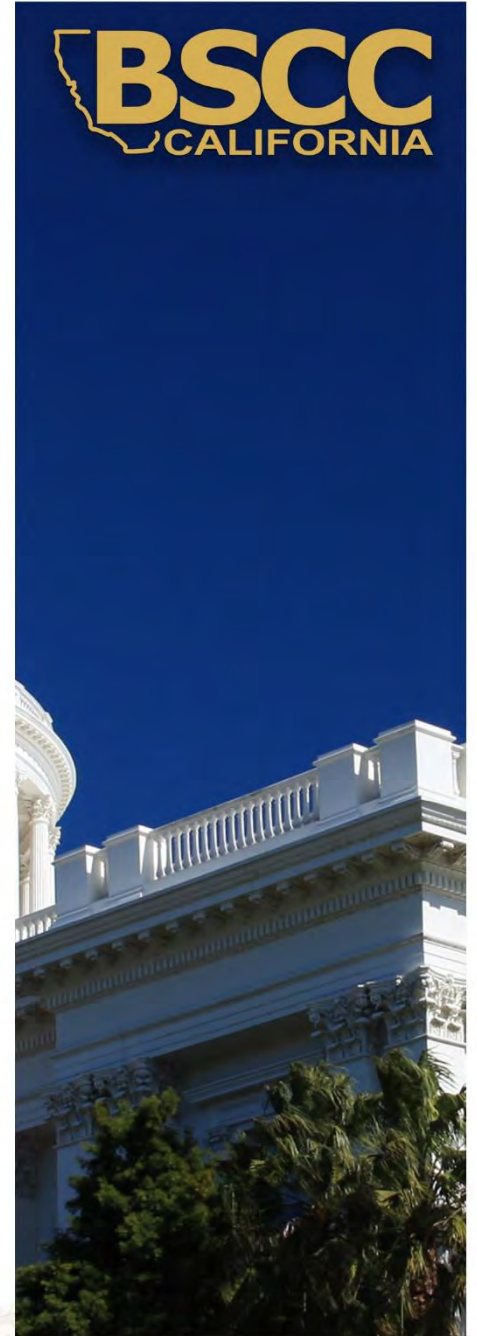
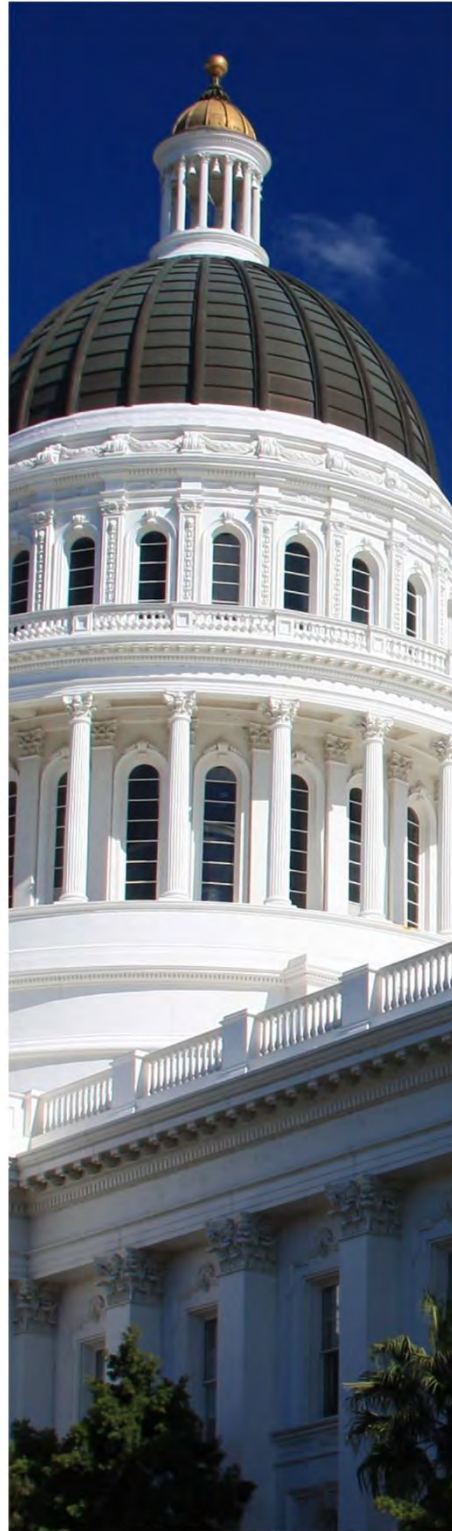
By
Deputy

APPROVED AS TO FORM:

DAWYN R. HARRISON
County Counsel

By
Deputy County Counsel

EXHIBIT Y



BSCC
CALIFORNIA

JULY 11
2024

BOARD MEETING AGENDA & REPORTS

STATE OF CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS

WWW.BSCC.CA.GOV

KATHLEEN T. HOWARD
Executive Director, BSCC

BOARD MEMBERS

LINDA M. PENNER
Chair, BSCC

SCOTT BUDNICK
Founder
Anti-Recidivism Coalition

CINDY CHAVEZ
Supervisor
Santa Clara County

NORMA CUMPIAN
Assistant Deputy Director
Anti-Recidivism Coalition
Women's Department

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JANET GAARD
Retired Judge
Yolo County

KIRK HAYNES
Chief Probation Officer
Fresno County

JASON D. JOHNSON
Director, Adult Parole
Operations, CDCR

JEFFREY D. MACOMBER
Secretary, CDCR

ANDREW MILLS
Chief of Police
City of Palm Springs

BRIAN RICHART
Chief Probation Officer
El Dorado County

ERIC S. TAYLOR
Sheriff
San Benito County

ANGELES D. ZARAGOZA
Attorney
Los Angeles County Alternate
Public Defender

VACANT
Licensed Health Care Provider

VACANT
Licensed Mental/Behavioral
Health Care Provider

****PLEASE NOTE: ****
BYRNE STATE CRISIS INTERVENTION PROGRAM
Advisory Board Meeting Will Begin at 9:30 a.m.

BOARD MEETING AGENDA

Thursday, July 11, 2024

10:00 a.m. or Upon Adjournment of the Byrne SCIP Meeting

**2590 Venture Oaks Way
Board Meeting Room, First Floor
Sacramento, California 95833**

Zoom link & instructions appear at the end of the Agenda.

Instructions for remote attendance appear on the last page of this agenda.

Remote Public Participants:

*To request to speak on an agenda item during the Board meeting,
please email publiccomment@bscc.ca.gov*

Please state in the subject line on which item you would like to speak.

*To submit written public comment on an agenda item, please email
publiccomment@bscc.ca.gov*

Routine items are heard on the consent calendar. All consent items are approved after one motion unless a Board member asks for discussion or separate action on any item. Anyone may ask to be heard on any item on the consent calendar prior to the Board's vote. Members of the public will be given the opportunity to give public comment during the Board's discussion of each item. There is a two-minute time limit on public comment unless otherwise directed by the Board Chair.

I. Call Meeting to Order

II. Information Items

1. Chair's Report
2. Executive Director's Report
3. Legal Update
4. Legislative Update

III. Action: Consent Items

- A. Minutes from the April 11, 2024, Board Meeting: **Requesting Approval**
- B. Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Small Jurisdiction Allocation Recommendation: **Requesting Approval**

IV. Action: Discussion Items

- C. Adult Reentry Grant Program – Appointment of a Chair and Establishment of an Executive Steering Committee: **Requesting Approval**
- D. California Violence Intervention and Prevention Grant Program – Appointment of a Chair and Establishment of an Executive Steering Committee: **Requesting Approval**
- E. Missing and Murdered Indigenous People Grant Program – Cohort 2: Funding Recommendations: **Requesting Approval**
- F. Local Detention Facilities Inspection Update: **Requesting Approval**
- G. Corrective Action Plan Process - Welfare and Institutions Code Section 209 (d): **Requesting Approval**

V. Closed Session – Consultation with Legal Counsel Regarding Pending Litigation (Gov. Code, § 11126, subds. (e)(1), (e)(2)(B), & (e)(2)(C).)

VI. Public Comments

Public comment about any other matter pertaining to the Board that is not on the agenda may be heard at this time.

VII. Adjourn

Next Board Meeting: September 12, 2024

Instructions for Attending Zoom / Teleconference Board Meeting

Use Zoom to both view and hear the Board meeting. Join by phone for audio only. If you do not have Zoom, [download](#) to your device before the meeting.

Join Zoom:

July 11, 2024, BSCC Board Meeting

Webinar ID: 857 9269 5703

Or join by phone: Dial:

Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 9128 or +1 669 444 9171

Webinar ID: 857 9269 5703

For additional information about this notice, agenda, to request notice of public meetings, to submit written material regarding an agenda item, or to request special accommodations for persons with disabilities, please contact:

Adam.Lwin@bscc.ca.gov or call (916) 324-2626.

*For general information about the BSCC visit www.bscc.ca.gov, call (916) 445-5073 or write to:
Board of State & Community Corrections,
2590 Venture Oaks Way, Ste 200, Sacramento CA 95833*

Agenda Item G

MEETING DATE: July 11, 2024**AGENDA ITEM:** G**TO:** BSCC Chair and Members**FROM:** Allison Ganter, Deputy Director allison.ganter@bscc.ca.gov**SUBJECT:** Suitability and Corrective Action Plan Process - Welfare and Institutions Code Section 209 (d): **Requesting Approval**

Summary

The Board of State and Community Corrections (BSCC) is required by Welfare and Institutions Code section 209, subdivision (d) to make a determination of suitability of any juvenile detention facility that is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the BSCC. Subdivision (d) also sets forth a process requiring a facility to file an “approved corrective action plan” with the BSCC within 60 days after receiving notice of noncompliance.

At the May 2023 Board Meeting, the Board directed staff to outline a process for receipt and approval of corrective action plans (CAPs) from affected probation departments, to include final review and approval by the Facilities Standards and Operations (FSO) Deputy Director. At the September 2023 Board Meeting, staff provided the Board with a draft outline of the timetable for the draft CAP review and approval process, and informed the Board that staff would continue to refine the draft and recommend a proposed CAP process at a future Board meeting. This report and attachment summarize this proposed process.

Background

Welfare and Institutions Code (WIC) section 209, subdivision (d) requires the BSCC to make a determination of suitability for a juvenile detention facility if the facility is found noncompliant with Title 15 minimum standards and fails to meet the requirements outlined in this statute.

Section 209, subdivision (d), provides:

Except as provided in subdivision (e), a juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, 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, or 885, 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 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.

Section 209(d) does not describe a process for receipt and approval of a CAP. To provide consistency in receipt and approval, the Board first delegated approval of CAPs to the FSO Deputy Director and directed staff to outline a process for receipt and approval of CAPs.

The draft process is found in Attachment G-1.

Recommendation/Action Needed

Staff recommends the Board approve the suitability and corrective action plan process as outlined.

Attachments

G-1: Welfare and Institutions Code section 209, subdivision (d) Corrective Action Plan Review and Approval Process

Attachment G-1

DRAFT
Welfare and Institutions Code section 209 (d)
Corrective Action Plan Submission, Review, and Approval Process Outline

1. Notice of Noncompliance.

The Initial Inspection Report (IIR) is the notice to the Chief Probation Officer that noncompliance has been identified during inspection; the IIR Issuance Date starts the 60-day Corrective Action Plan (CAP) Development process.

- a. An IIR will be electronically provided to the Facility Manager and Chief Probation Officer at the conclusion of the inspection at the Exit Briefing.
- a. The IIR Issuance Date is the date the IIR is electronically provided to the Chief Probation Officer and the Facility Administrator.
- b. Each facility will receive a separate IIR.
- c. In addition to information on each item of noncompliance, the IIR will indicate:
 - i. IIR Issuance Date.
 - ii. Maximum Statutory CAP Due/Approval Date
 1. This date is 60 days from the IIR issuance date.
 - iii. Maximum Statutory Resolution Date
 1. This date is 90 days from the CAP Due/Approval date.

2. Corrective Action Plan (CAP) Development Process.

Agencies must develop and submit their CAP to the BSCC within 60 days of the IIR Issuance Date. If the item of noncompliance has been corrected prior to submittal of the CAP, the CAP shall indicate the date the corrective action was completed.

- a. The final CAP shall outline how the agency plans to correct the item(s) of noncompliance within a reasonable timeframe not to exceed 90 days from the date the CAP is submitted.
- b. The final CAP shall contain the following information:
 - i. The date for proposed resolution of the item(s) of noncompliance, indicating either the:
 1. **County Resolution Date:** A reasonable date for correction that is earlier than the Maximum Statutory Resolution Date.
If an agency indicates a County Resolution Date, verification of the correction will be based on this date.
 2. **Maximum Statutory Resolution Date:** A reasonable date for correction that is no later than 90 days from the CAP Due/Approval date.
 - ii. A detailed description of each of the steps that will be taken to correct the item of noncompliance and when each step will be implemented, such as updates to policy, training, county counsel approval, County Board of Supervisors approval, procurement of materials, scheduling work orders, meet and confer timelines, etc.
 - iii. A description of how each of the steps that will be taken will remedy item(s) of noncompliance and how they provide a durable and sustainable remedy.

- a. If short-term or interim remedies are proposed, indicate what the long-term remedy is and when implementation is expected.
 - iv. A brief explanation as to why the proposed resolution date is reasonable.
- c. Draft CAP submission.
 - i. Agencies are encouraged to submit a draft CAP to the BSCC; when requested, BSCC Field Representatives can provide technical assistance regarding whether the steps outlined in the CAP are likely to be approved or identify any missing items.
 - ii. Agencies may submit draft CAPs at any time during the CAP Development Process and may submit more than one draft.

3. Final CAP Submission.

- a. No later than 12:00 PM on the 60th day from the IIR, agencies shall submit a final CAP to the BSCC for approval.
- b. Agencies may submit a CAP for approval at any time during the 60-day CAP Development Process.

4. CAP Approval.

- a. By close of business on the day the final CAP is received by the BSCC, which is no later than 60 days from the issuance of IIR, the FSO Deputy Director will approve or deny the final CAP. The BSCC will provide written notice of approval or denial to the Chief Probation Officer.
 - i. If a CAP is not received by the 60th day from the IIR, the facility shall be deemed unsuitable for the confinement of juveniles pursuant to WIC 209 (d). Notice of unsuitability (WIC 209(a)(4)) shall be issued within three days to the Chief Probation Officer, County Board of Supervisors, County Executive Officer, County Counsel, and Presiding Juvenile Court Judge.
 - ii. If the final CAP is denied, the facility shall be deemed unsuitable for the confinement of juveniles pursuant to WIC 209 (d). Notice of unsuitability (WIC 209(a)(4)) shall be issued within three days to the Chief Probation Officer, County Board of Supervisors, County Executive Officer, County Counsel, and Presiding Juvenile Court Judge.
- b. The following will be considered by BSCC staff when approving a CAP:
 - i. The CAP contains all the required elements outlined in Section 2 (b) above.
 - ii. The timeframe for resolution of the item(s) of noncompliance are reasonable. When determining if the timeframe for resolution is reasonable, the following factors will be considered:
 - a. Severity of item(s) of noncompliance. Does the item of noncompliance pose immediate risk to the safety and health of youth or result in a deprivation of constitutional rights?

- b. Likelihood of continued risk or harm to youth if the item of noncompliance is not addressed within this timeframe.
 - c. Do the steps outlined in the CAP align with a reasonable timeframe? Will planning and implementation take the stated amount of time, or can it be accomplished in less time? Are there other measures that can be taken in the short term to ensure that youth are not at risk of harm?
 - d. Resources required to correct the issue. Can the agency allocate resources immediately or does implementation and planning require acquiring additional resources?
- c. A CAP may be denied if:
 - i. CAP does not contain all required elements outlined in Section 2 (b) above.
 - ii. The proposed corrective action, if completed as described, will not result in compliance.
 - iii. The timeframe for correction is not reasonable.
 - iv. The timeframe for correction exceeds the Maximum Statutory Resolution Date.

5. 90 Day CAP Implementation Period and County Verification of Correction of Item(s) of Noncompliance.

Agency implements CAP during the 90 days following CAP approval.

- a. On or before the resolution date indicated on the final CAP, the Chief Probation Officer must send written verification to the FSO Deputy Director that the corrective action is complete, and the item(s) of noncompliance have been remedied.
 - i. This written verification of correction does not clear the item of noncompliance; BSCC staff must verify the corrective action through follow up inspection or document review before the item is considered corrected.
- b. If an agency's approved CAP indicates a County Resolution Date, and during the 90 day CAP implementation time, the agency determines that the Maximum Statutory Resolution Date is a more reasonable timeframe, the agency must submit a written request to the Deputy Director of the Facilities Standards and Operations Division to change the resolution date. The agency's request must include why the Maximum Statutory Resolution Date is reasonable and necessary.

6. BSCC Verification of Corrective Action.

- a. Following receipt of the County Verification of Corrective Action, BSCC staff will verify the corrective action by conducting an on-site follow up inspection or requesting documentation.
 - i. If the follow up inspection or document request is after the resolution date indicated in the CAP, BSCC staff will verify corrective action beginning on the resolution date going forward.

- b. When BSCC staff has verified corrective action and compliance, the agency will be notified in writing that the items of noncompliance have been corrected and BSCC data reporting systems will be updated.
- c. If corrective action has not been completed and/or the facility remains out of compliance following the resolution date, the agency will be given notice for determination of suitability for the next scheduled board meeting.

DRAFT

EXHIBIT Z

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY JULY 11, 2024
10:00 A.M.
BOARD MEETING

Meeting Held In-Person, Zoom & Teleconference

2590 Venture Oaks Way
BSCC Board Meeting Room
Sacramento, California 95833

The full recording of the meeting can be viewed here:

<https://youtu.be/RJ4Axr4edic>

I. Call Meeting to Order

Chair Linda Penner called the meeting to order at 10:00 a.m. and welcomed the Board Members and the public to the meeting.

Board Secretary Adam Lwin called roll and announced that there was a quorum.

The following members were in attendance:

Chair Penner	Mr. Haynes	Ms. Chavez*	Ms. Gaard
Mr. Macomber	Mr. Taylor	Mr. Richart	Mr. Mills
Mr. Johnson			

Absent Board Members:

Mr. Dicus, Ms. Zaragoza, Mr. Budnick, and Ms. Cumpian

* Board Members participated remotely through Zoom.

II. Information Items

1. Chair's Report

None to report.

2. Executive Director's Report

Executive Director Kathleen Howard reported on the following:

Acknowledgments:

Welcome Kasey Warmuth, who was promoted to Deputy Director over the Standards and Training for Corrections (STC) and Research Division. Howard acknowledged Greg Hosman and thanked him for serving as Acting Deputy Director in STC.

Board Updates:

Howard said that effective July 1, 2024, two new positions will be added to the Board membership per [Assembly Bill 268](#) by Assemblymember Weber. These positions included a Licensed Healthcare Provider and Licensed Mental or Behavioral Health Provider, both appointed by the Governor. Howard reported that recruitment is actively underway, and appointments are expected soon.

Senate Bill 519 Updates:

Howard reported the following:

- The In-Custody Death Review Division (ICDR) is in the early stages of implementation.
- Regulations to support the effort have been adopted, with further updates to follow.
- The responsibilities for the Director of In-Custody Death Review took effect on July 1st.
- The Governor proposed \$3.3 million in funding and 15 positions to support the ICDR in the final budget.
- Staff recruitment is ongoing.
- The BSCC has begun receiving reports of deaths in custody and established an online web portal for local detention facilities.
- Training has been provided to local data reporters in detention facilities.

Budget Updates:

Howard reported the following on the Governor's final budget:

- The Missing and Murdered Indigenous People (MMIP) Grant received an additional \$13.25 million, with a third RFP to be released later this year. The BSCC will continue the outreach to tribal communities and local law enforcement to ensure awareness of available funding.
- Juvenile Justice Grants: Transfer of all juvenile justice-related grants from BSCC to the Office of Youth and Community Restoration (OYCR) as per [SB 823](#) the DJJ realignment bill from 2020.
 - Grants affected: Title II grant program, including the SACJJDP, Juvenile Reentry Grant, and reporting on YOBG and JJCPA State grants.

Grant reductions included:

- Eliminations: Proud Parenting, Community Corrections Partnership Plan and Reporting (\$7.9 million), and Medication Assisted Treatment Grants.
- Prop 64 Loan: \$150 million loan (temporary reduction in available funding).
- CalVIP Program: The Violence Intervention and Prevention Program will now be funded through excise tax revenue on firearms and ammunition as per AB 28, estimated to generate \$75 million in the first year.

Improving Outreach to Underserved Communities in the Proposition 47 Grant Program: Engaging Hispanic and Latino Participants:

Howard provided an update on a recent project initiated by the Research Division related to the Prop 47 Grant program. The project focused on evaluating the engagement of Latino participants in mental health and substance use disorder treatment programs funded under Prop 47.

Details of the Project:

- Qualitative Review: Initiated to evaluate the experiences of Prop 47 grantees in engaging Latino participants.
- Methodology: Included focus groups and interviews with program participants and agency representatives.

Key Findings:

- Two primary themes emerged from the evaluation
 - The importance of hiring culturally competent staff, particularly those who are bilingual.
 - Establishing trust and providing a safe space for participants.
- Emphasized its potential impact on improving service delivery.
- A comprehensive report detailing these findings is available on the [BSCC website](#).

Opioids Antagonist Survey

Director Howard presented the preliminary findings of the Opioid Survey which was approved at the April 2024 meeting. The first round of data, covering January 1st to March 31st, was due to the BSCC on June 10th. Howard said the research team is still clarifying certain numbers with reporting facilities, and that a detailed analysis will be provided after the second quarter of data is received.

Findings are as follows:

Adult Detention Facilities:

- **Response Rate:** 90% (108 out of 120 facilities responded)
- **Key Findings:**
 - 99% (107 facilities) have opioid antagonists available.
 - 207 unique incidents of opioid antagonist use were reported.
 - 99% of facilities have antagonists accessible to custodial staff.
 - 66% have antagonists on the duty belts of custodial staff.
 - All facilities provide training and education on antagonist administration.
 - 27 facilities have antagonists accessible to detained people, with training provided.

Opioid Introduction Methods:

- **Total Incidents:** 655 known instances
- **Methods:**
 - 51% through mail or package deliveries.
 - 43% on the individuals being detained.
 - Less than 1% through sworn custodial staff.

Juvenile Detention Facilities:

- **Response Rate:** 98%
- **Key Findings:**
 - 100% of responding facilities have opioid antagonists available.
 - 4 unique incidents of opioid antagonist use were reported.
 - 67% have antagonists accessible to youth supervision staff.
 - 40% have antagonists on duty belts.
 - 94% report antagonists accessible to medical staff.
 - All provide training similar to adult facilities.

Opioid Introduction Methods:

- **Total Incidents:** 19 known instances
- **Methods:**
 - 63% through youth being detained.

- 21% through mail or package deliveries.
- 11% through visitors.

The board discussed the preliminary data and its implications and questions were raised about the accuracy and completeness of the data and the need for continuous improvement in data collection and reporting was emphasized.

Howard said more detailed information will be provided at the next Board meeting after the second quarter of data is received.

3. Legal Update

Chief Deputy Director & General Counsel Aaron Maguire reminded Board Members to review the Agenda Items and recuse themselves from items that may have potential conflicts of interest pursuant to Government Code section 1091.

4. Legislative Update

Chair Penner referred the Board to their reading materials.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: <https://www.youtube.com/watch?v=RJ4Axr4edic>. Public comment for Information Items Start: 21:12; End: 23:28.

Before the start of the Action items, Chair Penner requested that Agenda Item G be discussed before Agenda Item F.

III. Action: Consent Items

- A. Minutes from the April 11, 2024, Board Meeting: **Requesting Approval**
- B. Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Small Jurisdiction Allocation Recommendation: **Requesting Approval**

This agenda item requested Board authorization to award the “Less Than \$10,000 Allocation” for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program to the California Department of Justice to fund its specialized task forces for Federal Fiscal Years 2023-2027. Specifically, this will authorize \$1,100,600 for FY 2023 and then future “Less Than \$10,000 Allocations” for the FFY 2024-2027 JAG awards, consistent with the timeframe of the current JAG Multi-Year State Strategy.

Mr. Mills moved approval. Mr. Macomber seconded. The motion was approved by all other Board members for Agenda item A and B.

IV. Action: Discussion Items

- C. Adult Reentry Grant Program – Appointment of a Chair and Establishment of an Executive Steering Committee: **Requesting Approval**

Field Representative Ian Silva presented Agenda item C which requested the Board’s approval to establish an Executive Steering Committee (ESC) to develop a Request for Proposals (RFP) for Cohort 4 of the Adult Reentry Grant Program (ARG). Staff requested that the Board designate a Chair to oversee the grant-development process, authorize staff to work with the ESC Chair to establish a diverse ESC with relevant subject-matter expertise, and delegate authority to the Chair to modify ESC membership if needed.

Chair Penner nominated Board Member and Director of Adult Parole Operations Jason Johnson to Chair the ESC.

Mr. Taylor moved approval. Mr. Richart seconded. The motion was approved by all other Board members for Agenda item C.

D. California Violence Intervention and Prevention Grant Program Appointment of a Chair and Establishment of an Executive Steering Committee: Requesting Approval

Field Representative Michael Martinez presented Agenda item D which requested the Board's approval to establish an ESC to develop a RFP for the California Violence Intervention and Prevention Grant Program and to implement the significant changes brought with the enactment of [Assembly Bill 762 \(Chapter 241, Statutes of 2023\)](#) and [Assembly Bill 28 \(Chapter 231, Statutes of 2023\)](#). Staff also requested that the Board designate a Chair to oversee the RFP development process, authorize staff to work with the ESC Chair to establish a diverse ESC with relevant subject matter expertise, and delegate authority to the Chair to modify ESC membership if needed.

Chair Penner nominated Board Member and Retired Judge Janet Gaard to Chair the ESC.

Mr. Mills moved approval. Mr. Johnson seconded. Mr. Haynes and Ms. Chavez recused pursuant to Section 1091. The motion was approved by all other Board members for Agenda item D.

E. Missing and Murdered Indigenous People Grant Program – Cohort 2: Funding Recommendations: Requesting Approval

This agenda item requested Board approval of the Missing and Murdered Indigenous People (MMIP) Grant Program Cohort 2 awards as recommended by the ESC. With the Board's approval, 18 federally recognized Indian tribes in California will receive \$19.58 million. Proposals selected for funding will be under agreement from August 1, 2024 through June 1, 2028. The recommended proposals and its project summaries are linked below:

- [MMIP Applicants Recommended for Funding](#)
- [MMIP Proposal Summaries](#)

Chair Penner thanked Board Member Norma Cumpian, the ESC, and staff for the work on this grant.

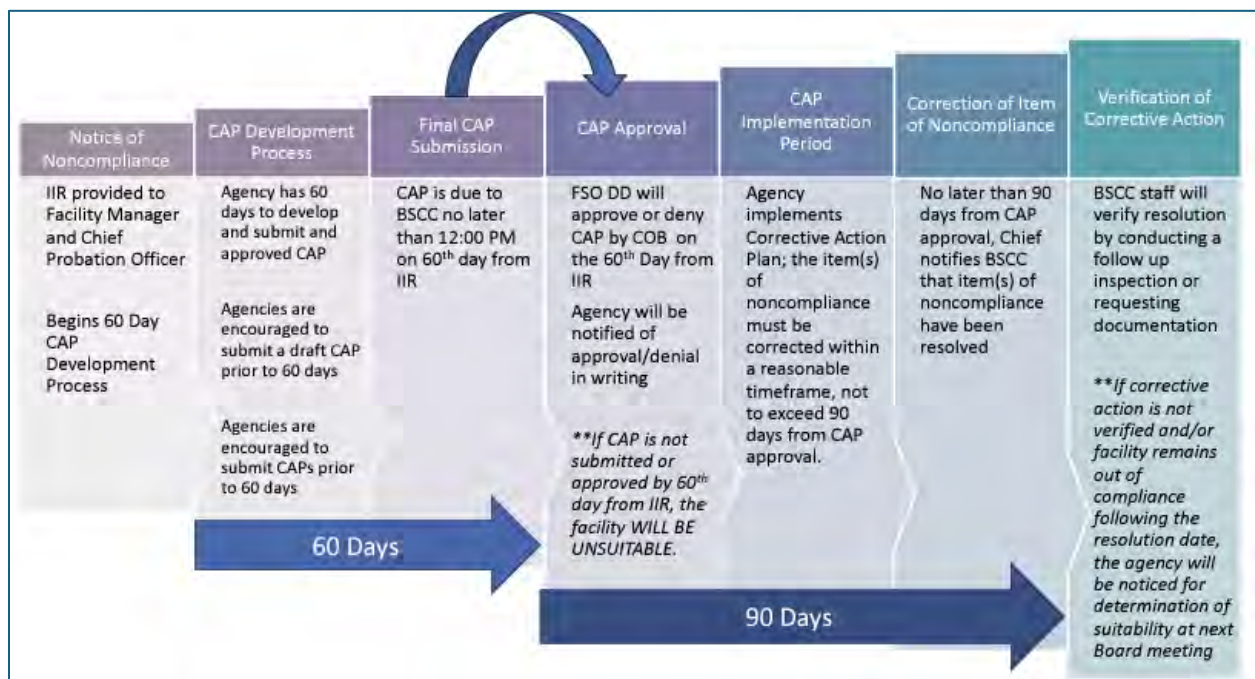
Mr. Haynes moved approval. Mr. Richart seconded. The motion was approved by all other Board members for Agenda item E.

Chair Penner requested that Agenda Item G be discussed before Agenda Item F.

G. Corrective Action Plan Process – Welfare and Institutions Code Section 209 (d): Requesting Approval

Deputy Director Allison Ganter presented this Agenda item. Ganter said that the BSCC is required by Welfare and Institutions Code section 209, subdivision (d) to make a determination of suitability of any juvenile detention facility that is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the BSCC. Subdivision (d) also sets forth a process requiring a facility to file an “approved corrective action plan” with the BSCC within 60 days after receiving notice of noncompliance.

Ganter said after working with stakeholders and community advocacy groups a proposed timeline for the corrective action plan submission, approval, and resolution was developed. Ganter presented a timeline of the corrective action plan process as displayed below:



Board Members had a lengthy discussion on the interpretation of the statute regarding the timing of Corrective Action Plans and clarification of the public comments

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: <https://www.youtube.com/watch?v=RJ4Axr4edic>. Public comment for Agenda G Start: 1:34:45; End: 1:44:20.

- o Written [Public Comment: The Peace and Justice Law Center](#)

Mr. Mills moved approval. Mr. Richart seconded. Ms. Chavez voted No. Ms. Gaard recused. Votes: (Ayes 7; Noes 1) The motion was approved by all other Board members for Agenda item G.

F. Local Detention Facilities Inspection Update: Requesting Approval

Deputy Director Allison Ganter provided an update on inspections in adult and juvenile detention facilities. Ganter stated that there are no other items of noncompliance that require immediate attention, and staff did not recommend a formal action at this time. Items of noncompliance may be found here: [Outstanding Items of Noncompliance Juvenile & Adult Detention Facilities](#)

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: <https://www.youtube.com/watch?v=RJ4Axr4edic>. Public comment for Agenda G Start: 2:07:41; End: 2:10:03.

This item did not require a vote.

The Board went into closed session at 12:23 pm

V. Closed Session – Consultation with Legal Counsel Regarding Pending Litigation (Gov. Code, § 11126, subds. (e)(1), (e)(2)(B), & (e)(2)(C).)

The Board returned to the public meeting at: 12:56 pm

VI. Public Comments

Chair Penner called for general public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed here by turning closed captions on here: <https://www.youtube.com/watch?v=pz3H3viAl2M>. Start: 59:55; End: 1:23:10.

VII. Adjourn

The meeting adjourned at: 1:00 pm

ATTENDANCE ROSTER

BSCC BOARD MEMBERS:

1. Chair Penner, Chair, Board of State and Community Corrections
2. Mr. Macomber, Secretary, California Department of Corrections & Rehabilitations
3. Mr. Johnson, Director, California Department of Corrections & Rehabilitations - Division of Adult Parole
4. Mr. Haynes, Chief Probation Officer, Fresno County
5. Mr. Taylor, Sheriff, San Benito County
6. Mr. Richart, Chief Probation Officer, El Dorado County
7. Ms. Gaard, Retired Judge, Yolo County
8. Mr. Mills, Chief of Police, City of Palm Springs

Participated Remotely:

9. Ms. Chavez, Santa Clara County Supervisor

BSCC STAFF:

Kathleen T. Howard, Executive Director
Aaron Maguire, Chief Deputy Director & General Counsel
Adam Lwin, Board Secretary
Ian Silva, Field Representative, Corrections Planning and Grant Programs
Michael Martinez, Field Representative, Corrections Planning and Grant Programs
Eddie Escobar, Field Representative, Corrections Planning and Grant Programs
Collen Curtin, Deputy Director, Corrections Planning and Grant Programs
Allison Ganter, Deputy Director, Facility Standards and Operations
Kasey Warmuth, Deputy Director, Research and Standards & Training for Corrections

EXHIBIT AA

December 13, 2024

Esteban Rodriguez
O'Melveny & Myers LLP
400 South Hope Street Suite 1900
Los Angeles, California 90071-2811

**SUBJECT: RESPONSE TO NOTICE OF APPEAL LOS ANGELES COUNTY
PROBATION DEPARTMENT – LOS PADRINOS JUVENILE HALL**

Dear Mr. Rodriguez,

The Board of State and Community Correction is in receipt of the “Notice of Appeal” dated December 11, 2024. I understand that you will be filing a “letter brief and associated exhibits” in support of your clients’ appeal at a future date and within the deadlines set forth in Section 1314 of Title 15 of the California Code of Regulations. As such, I will not treat your letter as a first level appeal within the meaning of Section 1314. I would note, however, that one of the issues you raised deals with the denial of the county’s corrective action plans on October 11, 2024 and October 13, 2024. Because an appeal under Section 1314 “shall be filed within 30 calendar days of the notification of the action with which the county or city is dissatisfied,” I will not consider that issue once your appeal is filed.

You have also requested a “stay” of the enforcement of the October 14th Notice of Unsuitability pending appeal. The only basis to rescind the Board’s Notice of Unsuitability is for the county to remedy the conditions that rendered the facility unsuitable. (Welf. & Inst. Code, § 209, subd. (a)(4).) As noted in the detailed reinspection report from Field Representative Lisa Southwell, Los Padrinos remains out of compliance with the Board’s regulations regarding staffing (§ 1321). The probation department has had over 120 days to improve conditions at Los Padrinos since the initial inspection report was issued and the Welfare and Institutions Code does not provide for additional delays. Los Padrinos remains unsuitable for the confinement of juveniles.

Sincerely,



AARON R. MAGUIRE (A)
Executive Director

February 18, 2025

Esteban Rodriguez
O'Melveny & Myers LLP
400 South Hope Street Suite 1900
Los Angeles, California 90071-2811

**SUBJECT: RESPONSE TO LOS ANGELES COUNTY PROBATION DEPARTMENT
APPEAL – LOS PADRINOS JUVENILE HALL**

Dear Mr. Rodriguez,

This letter is in response to the appeal filed by Los Angeles County pursuant to Section 1314 of Title 15 of the California Code of Regulations concerning the Board of State and Community Corrections' (BSCC) finding of unsuitability for Los Padrinos Juvenile Hall (Los Padrinos). Although the appeal raises several issues, only one is timely: whether BSCC staff correctly assessed the County's compliance with Section 1321 of Title 15 of the California Code of Regulations (Staffing) during the reinspection conducted on December 5 and 6, 2025. As explained below, I find that BSCC staff correctly assessed that Los Padrinos is out of compliance with the Board's regulations regarding staffing.

Specifically, I find that staff correctly assessed that, at the time of inspection, Los Padrinos did not have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations. (Cal. Code Regs., tit. 15 § 1321, subd. (a).) In addition, the facility did not have sufficient staff to ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances. (Cal. Code Regs., tit. 15 § 1321, subd. (b).)

Procedural Background

Section 1314 provides an appeal process on the basis of "alleged misapplication, capricious enforcement of regulations, or substantial differences of opinion as may occur concerning the proper application of regulations or procedures." If a county is dissatisfied with a BSCC action, it may appeal that action to the Executive Director. Such appeal "shall be filed within 30 calendar days of the notification of the action with which the county or city is dissatisfied." (Cal. Code Regs., tit. 15 § 1314, subd. (b)(1).)

Factual Background

Findings of noncompliance and unsuitability at Los Angeles County's juvenile detention facilities have been ongoing since June 2022. The following is a summary of the most recent actions taken by the Board leading to this appeal:

- **August 14 — 18, 2023:** BSCC inspected Los Padrinos following transfer of all youth from Central and Barry J. Nidorf Juvenile Halls due to both facilities being found unsuitable due to multiple violations of Title 15, including section 1321

(Staffing). Twelve items of noncompliance with Title 15 were identified, almost all related to deficiencies with staffing. Staff documented late and missed safety checks, inappropriate and undocumented use of room confinement, youth not getting to school on time, and youth not having access to recreation or programs. An approved corrective action plan (CAP) was due to the BSCC on October 17, 2023.

- **October 16, 2023:** BSCC received approved CAP for Los Padrinos; corrective action must remedy items of noncompliance no later than January 10, 2024.
- **January 29 — February 3, 2024:** BSCC conducted a follow-up inspection to verify that items of noncompliance were remedied by January 10, 2024; BSCC staff found that only one of the twelve outstanding items of non-compliance had been corrected. Eleven items of noncompliance were not remedied, including section 1321 (Staffing), following 90 days from the date of the approved CAP.
- **April 11, 2024, BSCC Board Meeting:** BSCC Board made a determination that Los Padrinos is suitable for the confinement of youth based on a finding of compliance with the prior items of noncompliance. However, the Board directed BSCC staff to conduct inspections of Los Padrinos and the Barry J. Nidorf Secure Youth Treatment Facility at a minimum of twice a month to monitor compliance.
- Between **April 2024 and September 2024**, BSCC staff conduct a total of nine (9) inspections of Los Padrinos. A portion of the inspections were unannounced.
- **June 28, 2024:** Following the June Targeted Inspection, BSCC staff provided facility staff with an Initial Inspection Report (IIR) noticing noncompliance with section 1371 (Programs, Recreation, and Exercise). BSCC staff observed that while facility staff had documented that youth participated in these activities, review of video of unit activities demonstrated that activities were not occurring. Facility staff had been falsifying documentation to indicate that required activities had occurred. A CAP was due to the BSCC by August 8, 2024; the County provided an approved CAP to the BSCC on August 8, 2024.
- **August 12, 2024:** Following the July Targeted Inspection, BSCC staff provided facility staff with an IIR noticing noncompliance with section 1321 (Staffing). Many areas of operation continued to be impacted by lack of staffing including education, recreation and medical appointments. Youth continued to be held in their rooms for long periods of time following incidents on the unit. A CAP was due to the BSCC by October 11, 2024.
- **October 1, 2024:** BSCC staff reach out to Los Angeles Probation staff to offer technical assistance prior to anticipated CAP submittal; no response was received.

- **October 10, 2024:** The County provided a draft CAP to BSCC staff in late afternoon. BSCC responded that the draft CAP would not be approved as drafted because there was no detail on what steps would be taken to resolve the item of noncompliance and many elements that were required by BSCC policy were not included in the CAP. For example, the plan lacked completion dates and did not adequately explain how proposed corrective actions would ensure compliance with section 1321.
- **October 11, 2024:** The County's final CAP was provided to BSCC. The County is notified that the CAP is denied because it does not adequately outline how the Department plans to correct the issue of noncompliance nor does it provide reasonable timeframes for resolution of the staffing deficiencies, including ensuring that "there are an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations." (Cal. Code Regs., tit. 15, § 1321, subd. (a).) The CAP also does not provide information on how it will "ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances." (Cal. Code Regs., tit. 15, § 1321, subd. (b).)
- **October 13, 2024:** The County submitted a revised, untimely CAP, which was denied both on procedural grounds and on the merits.
- **October 14, 2024:** BSCC Board Chair Penner formally noticed the County that Los Padrinos was unsuitable due to the failure to submit an approved CAP pursuant to Welfare and Institutions Code, Section 209(d), and that they had 60 days (December 12, 2024) to discontinue using the facility for the confinement of youth until brought into compliance with the law.
- **December 2, 2024:** Los Angeles County Probation requested a reinspection to determine if the facility had come into compliance with section 1321 (Staffing).
- **December 5 — 6, 2024:** BSCC staff reinspected and determined that Los Padrinos remained out of compliance with staffing and that timely delivery to medical programs, attendance at school, and access to program, recreation, and exercise continued to be negatively impacted by the lack of staff.

Section A: Reinspection of Los Padrinos on December 5-6, 2024

The County asserts that the BSCC applied the wrong standard to assess staffing levels, specifically noting that Los Padrinos was in compliance with required staffing ratios at the time of inspection. The County misunderstands how BSCC evaluates compliance with section 1321.

BSCC has never asserted that Los Padrinos was out of compliance with section 1321 based on the facility not meeting the required staffing ratios. Ratios are just one

component of section 1321 (see § 1321, subd. (h)); a facility must comply with all the factors outlined in subsections (a) through (h) in order for a facility to be compliant with section 1321.

The December 2024 reinspection was requested because of the facility's status as being "unsuitable." The facility became unsuitable because it did not file an approved CAP in response to an Initial Inspection report issued on August 12, 2024. (Welf. & Inst. Code, § 209, subd. (d).) As such, for the facility to be considered suitable, it must remedy the conditions that rendered the facility unsuitable. (Welf. & Inst. Code, § 209, subd. (a)(4).) Los Padrinos was specifically notified that it was noncompliant with subdivisions (a) and (b) of section 1321, which provides:

Each juvenile facility shall:

(a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations;

(b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances;

[...]

The reasons below were noted as evidence of noncompliance as noticed in the Initial Inspection Report issued on August 12, 2024:

"During our inspection, we reviewed daily facility reports and daily schedule from July 1-29, 2024, for a cumulative total of 87 shifts. Seven (7) AM shifts and eight (8) EM shifts (17 % of shifts overall) did not meet the Department's required minimum staffing.

The continued lack of staffing continues to impact delivery of required services and compliance with additional regulations. Section 1321 requires adequate staffing for all operations, programming, activities and functions of the facility to occur and to ensure the safety and security of youth and staff.

The following areas of concern were noted while onsite and confirm a lack of staff during the July 2024 visit:

- Education Program: Youth continue to be late to class. During our review of documentation, we note that youth were late to class due to both LACOE (Teacher being late due to lack of facility keys to access facility gates) and Probation issues (movement, late breakfast, etc.). We noted some classes were held in the units due to lack of staff.

- We noted instances where outdoor recreation (LME) has been cancelled or modified to indoor recreation due to lack of staff.
- We noted some medical appointments had been cancelled or rescheduled due to lack of staff.
- We noted during video review some instances in Unit Y1 where youth dined in their rooms.
- Youth are being held in their rooms for long periods of time beyond what policy allows for after incidents (brief institutional operation) due to lack of staffing available to transport to the medical module or medical staffing not capable of seeing youth in medical module.
- While conducting video review, we were unable to confirm the “constant visual” as required by Use of Force policy. According to policy, if youth are in their room awaiting transport to medical, staff should be standing outside the room. In cases where multiple youth were involved in an incident, we could not confirm that staff were conducting constant visuals.”[

(The County did not appeal the findings of the August 12, 2024 inspection.)

In a December 10, 2024 letter, BSCC notified the County that, as part of the December 5-6, 2024 reinspection, BSCC staff found, among other things that “of the 45 shifts reviewed, (5) AM shifts and (6) EM shifts (24% of shifts overall) did not meet the Department’s required minimum unit staffing requirements. BSCC found Monday, Tuesday, and Saturday Early Morning shifts and Saturday, Sunday and Monday AM shifts were below the identified minimum staffing numbers. There were 11 occurrences where youth identified as a “Level” youth did not have a “Level” staff assigned per the documentation provided; this highlighted that minimum staffing numbers continued to not be met and/or were inadequate to meet the needs of the facility.”

In the Appeal, the County asserts that BSCC “applied the wrong standard to assess staffing levels” and that “[t]he BSCC instead applied the County’s own Staffing Assessment, an internal plan that the County developed in October 2024 in consultation with the DOJ’s Monitor as part of its efforts to comply with the Stipulated Judgment.”

BSCC did use the County’s staffing assessment as a tool to help determine whether the facility had “an adequate number of personnel sufficient to carry out the overall facility operation and its programming...” in August 2024 and again in November/December 2024. Each probation department must determine the minimum number of staff needed to operate each facility, which can change depending on the number of youth, type of programming, and facility size and layout. BSCC does not set a minimum number per facility. Using the County’s own staffing plan as one piece of evidence to determine compliance was not a misapplication of the regulation. Nor was it the only tool used in assessing compliance. BSCC staff also reviewed the Daily Facility Reports, Shift Staffing Schedules, incident reports, unit documentation, activity logs, medical appointment logs, Los Angeles County Office of Education documentation, video

recordings, and interviewed youth and staff to get a complete and total assessment of compliance with all applicable requirements of section 1321.

After reviewing this other evidence, BSCC further determined that programs, recreation, and exercise were not consistently occurring, that youth continued to be held in room confinement without documentation and held in their locked rooms for excessive periods of time, that youth continued to be late to school, and that youth were not getting to medically necessary appointments due to lack of staffing. These factors, combined with staffing falling below the County's own staffing assessment plan, led to the finding that the facility remained out of compliance with section 1321, subdivisions (a) and (b). It is important to note that this finding is not an outlier—Los Angeles County's juvenile halls has been found out of compliance with section 1321 multiple times since the 2018/2020 Biennial Inspection Cycle.

In short, because the finding of continued noncompliance was based on a reasonable application of Section 1321 to the evidence of noncompliance, this claim is denied.

Section B – Other Alleged Errors by BSCC

The County also raises several additional legal issues related to the process by which the facility became unsuitable: (1) BSCC lacked statutory authority to conduct targeted monthly inspections; (2) BSCC abused its discretion in denying the October CAP; (3) BSCC Board erred when it delegated authority to the deputy director to approve/deny CAPs and failed to place the item on the November agenda; and (4) the issuance of the 60-day notice of unsuitability itself was an unreasonable application of the Board's regulations and the law. As noted in the prior response to the December 13, 2024 Notice of Appeal, these claims are untimely and are therefore all denied on that basis. However, as further explained below, even if these claims were timely, they would still be denied as explained below.

1. The BSCC may inspect local detention facilities more frequently than once every two years.

At the April 11, 2024 BSCC board meeting, BSCC determined that Los Padrinos was suitable. However, the Board expressed concerns regarding the sustainability of the facility and its ability to adhere to the Board's minimum standards. As such, the Board directed staff to continue monitoring the conditions at Los Padrinos. Thereafter, BSCC staff conducted monthly targeted inspections. The County contends that the BSCC lacked statutory authority to do so, citing Welfare and Institutions Code section 209(a)(3)(A), which mandates the Board conduct biennial inspections, but this is not the only authority that allows BSCC to conduct inspections.

Penal code sections 6030 and 6031 are among BSCC's enabling statutes that establish the BSCC's powers, duties, and authority; in particular, the sections bestow power on the BSCC to conduct biennial inspections of local detention facilities in the state "*at a minimum*." (Pen. Code, § 6031.) The County argues that juvenile facilities cannot be inspected more than once every other two years because the "at a minimum" language

does not appear in the Welfare and Institutions Code, which separately authorizes inspections for juvenile facilities. This is contrary to the overall inspection authority of BSCC and framework the Board adopted as part of the Enhanced Inspection Process in 2020, which provided for Targeted Inspections during the biennial cycle. These are not separate and independent inspections, but rather provide for follow up inspections on items of noncompliance identified in the biennial inspection.

An agency's administrative rulemaking, such as its interpretation of a statute that is authorized to administer, is entitled to consideration and respect to the extent that they have the "power to persuade." (*Family Health Centers of San Diego v. State Dept. of Health Care Services* (2023) 15 Cal.5th 1, 13; *Prang v. Los Angeles County Assessment Appeals Bd.* (2024) 15 Cal.5th 1152, 1186-87.) Deference is appropriate under certain circumstances, such as when the statute is complex or technical. (*Sutter's Place, Inc. v. California Gambling Control Com.* (2024) 101 Cal.App.5th 818, 832.) BSCC's interpretation of the biennial inspection and its approval of the Enhanced Inspection process, which includes Targeted Inspections, is proper and based on the accumulated experience of the BSCC in ensuring compliance with the Title 15 minimum standards for juvenile facilities. If BSCC was not able to conduct follow-up or multiple inspections, it would be unable to determine whether the County followed through with its CAPs or make a suitability finding.

2. The BSCC did not abuse its discretion by disapproving the County's October CAP.

The County asserts BSCC abused its discretion when it rejected the County's CAP. The County is incorrect. The October 11, 2024 CAP was not approvable because it failed to outline how the County planned to correct the issue of noncompliance nor provide reasonable timeframes for the resolution of staffing deficiencies. Both the draft October 11 plan and the final October 13 plan failed to address how youth will continue to receive required programs and services that are compliant with all related Title 15 regulations. It should also be noted that the maximum time to correct the issues of staffing was 90 days following the submittal of the CAP or no later than January 9, 2025. As of January 9, the County had not resolved the issues of noncompliance. Because the County was unable to correct the items of noncompliance within the maximum time allowed under the law, BSCC correctly assessed that the County would be unable to do so and appropriately rejected the CAP.

3. BSCC Appropriately Delegated Authority to the Deputy Director to Approve or Deny CAPs

In the County's appeal, it asserts BSCC improperly delegated authority to the Facilities Standards and Operations (FSO) Deputy Director to approve or deny CAPs, and the approval or denial should have been determined by the Board in an open meeting. In general, a government officer may delegate its powers and duties to their subordinates. Government code section 7 states that "[w]henver a power is granted to,

or a duty is imposed upon, a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this code expressly provides otherwise.”

BSCC staff, such as Deputy Directors, are expressly authorized delegates. In addition, BSCC, as the successor entity to the Board of Corrections, “may delegate any ministerial authority or duty conferred or imposed upon the board to a subordinate officer subject to those conditions as it may choose to impose.” (Pen. Code, § 6025.6.)

On May 23, 2023, the Board formally delegated authority to BSCC staff pursuant to section 6025.6 until a process was finalized. On July 11, 2024, the Board approved the finalized CAP process, which included continued delegation of authority to FSO Deputy Director. Therefore, the delegation of authority was proper.

The County also argues that “the board” approval, referenced in Welfare and Institutions Code section 209, only refers to the board members based on a plain reading of section 209. However, this interpretation is misplaced. When interpreting statutes, courts will begin their analysis with the plain meaning of the language; however, a plain reading of a statute applies only where the law is clear and unambiguous. (*Doe v. Marysville Joint Unified Sch. Dist.* (2023) 89 Cal. App. 5th 910, 915 [When interpreting statutes, we begin with the plain, commonsense meaning of the language used by the Legislature. If the language is unambiguous, the plain meaning controls”.]) If the language is ambiguous, a court can consider the law’s legislative history and rules or maxims of construction to resolve the ambiguity. (*Id.*) The statutory language is not considered in isolation, but in context of the statutory framework. (*Sutter’s Place, Inc. v. California Gambling Control Com.* (2024) 101 Cal.App.5th 818, 832 - 833.)

In the context of the statutory framework surrounding BSCC, which is predominantly found in the California Penal and Welfare and Institutions codes, the term “board” is used interchangeably to refer both to the body of appointed board members responsible for governing mandated duties and obligations, and to the state agency and its staff, who perform the daily operations and tasks.

There are several examples where the term “board” is charged with ministerial or administrative tasks. For example, the board must conduct biennial inspections, notify facilities, collect data, prepare reports and notices, and develop guidelines. (Welf. & Inst., § 209.) Moreover, the “board” must advise each law enforcement agency and provide technical assistance, shall verify information submitted in reports, and provide forms and instructions. (Welf. & Inst. Code, § 207.) Additionally, the “board” must administer grant programs, collect data, develop efficient and fair grant procedures, disburse funds, and develop minimum standards. (Pen. Code, §§ 6027, 6030, & 6046.) It is neither reasonable nor practical to expect that the appointed board members, who have other full-time jobs and, except for the Chair, serve on the Board without compensation, are performing these duties themselves. Instead, it has been long-established practice and understood that that these tasks are performed by the agency

February 6, 2025

Response to Los Angeles County Appeal – Los Padrinos

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staff. The County provides no authority that the “board” referenced in Welfare and Institutions Code section 209 means the appointed body.

4. Notice of Unsuitability is Unreasonable

The County also asserts that “BSCC’s insistence on vacating Los Padrinos constitutes an unreasonable decision that should be overturned.” The County then describes the potential negative impacts on closing Los Padrinos. BSCC has not and cannot order Los Padrinos closed; the Welfare and Institutions Code provides for no alternative remedy when a facility is deemed unsuitable for the confinement of juveniles. As such, this contention must be rejected.

Conclusion

For all the reasons stated above, the appeal is denied.

Sincerely,

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March 20, 2025

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VIA E-MAIL AND U.S. MAIL

Aaron Maguire
Executive Director
Board of State and Community Corrections
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Sacramento, CA 95833-3288

Re: Appeal to the Board of State and Community Corrections Board in Connection with the BSCC's December 10, 2024 Reinspection Findings and Determination of Facility Unsuitability at Los Padrinos Juvenile Hall

Dear Board of State and Community Corrections:

Under Title 15, Section 1314(e), the County submits this second-level appeal to the full BSCC Board to review and overturn BSCC Executive Director Aaron Maguire's denial of the County's January 8, 2025 appeal.¹ The County's appeal arises from the BSCC's December 10, 2024 reinspection finding that Los Padrinos Juvenile Hall remained noncompliant with minimum standards set forth in Title 15, Section 1321.²

I. Introduction

As stated in its appeal to the Executive Director, the County remains committed to the mission it shares with the BSCC: protecting public safety while providing the youth in the County's care with opportunities for rehabilitation in a healthy, productive, and secure environment. To that end, the County seeks to continue working with the BSCC to craft corrective measures for Los Padrinos in a manner that best ensures the well-being of the youth residing there. Indeed, the

¹ The "County" includes the County of Los Angeles and the Los Angeles County Probation Department. The "BSCC" is the California Board of State and Community Corrections. Exhibits A through D, enclosed herein, are correspondence and other documentation referenced and relied on for this second-level appeal.

² Pursuant to Section 1314(e), the County requests an in-person appeal hearing with the Board. However, pursuant to Section 1314(f)(2), the County waives Section 1314's procedural time requirements to request that the hearing take place no sooner than 60 days after the submission of this second-level appeal. The County reserves the right to subsequently retract this waiver and request a hearing within 60 days.

County and the BSCC have remained in contact for weeks to find a solution that avoids the result that would do more harm than good—vacating Los Padrinos.

The County's appeal was a meaningful step in that direction. Unfortunately, the Executive Director did not offer a reciprocal response. Despite the County's good-faith efforts to compile evidence and identify—with specificity—the errors in the BSCC's December 10, 2024 notice of continued noncompliance ("December 10 Notice"), the Executive Director's February 18, 2025 letter brushed aside the County's appeal, denying it while refusing to engage with several of the County's dispositive arguments. Worse, the Executive Director attempted to retroactively revise the BSCC's prior analysis, claiming it was focused on deficiencies with programming and services when it was almost exclusively focused on staffing ratios.

The BSCC's findings of noncompliance—both initially and after its December 2024 reinspection—were improper for multiple reasons. Those reasons are detailed in the County's appeal brief, attached as Exhibit A. The County incorporates those arguments by reference into this second-level appeal.

This letter responds to the Executive Director's February 18, 2025 denial of the County's January 8, 2025 appeal. It primarily addresses the Executive Director's discussion of the BSCC's finding of noncompliance after its December 2024 reinspection.³ The Executive Director ignored areas of compliance at Los Padrinos and identified deficiencies based on erroneous and unreasonable standards. For instance, nowhere in his nine-page response did the Executive Director acknowledge that the County's internal Los Padrinos staffing assessment analysis ("Staffing Assessment") imposed a significantly more stringent standard for staffing requirements than does Section 1321, or that the County actually met—and most often, greatly exceeded—the staffing ratios required by Section 1321. Rather than grapple with these concrete facts, the Executive Director chose instead to focus on alleged deficiencies related to school movement, medical appointments, and outdoor recreation of youth. But in analyzing each of these areas, the Executive Director cited sparse details and either failed to establish a connection to actual staffing deficiencies, or seemingly (and erroneously) defined compliance to mean *perfect* compliance.

For these and other reasons discussed below, the County respectfully requests that the Board reconsider and overturn the BSCC's decisions appealed herein as well as the Executive Director's denial of the County's January 8, 2025 appeal.

II. Procedural Background

Under Title 15, Section 1314(a) and (b), on January 8, 2025, the County submitted to the Executive Director its appeal of the December 10 Notice. After the County agreed to extend the

³ To be clear, the County does not waive any argument raised in the initial appeal to the Executive Director.

Executive Director's deadline to respond by 11 days, the Executive Director denied the County's appeal on February 18, 2025.

In denying the County's appeal, the Executive Director concluded that (1) BSCC staff had correctly determined Los Padrinios was out of compliance with Section 1321 and (2) the County's remaining arguments were untimely, but would still have been denied if timely. Ex. B at 1, 6. Ignoring the BSCC's prior focus on staffing levels related to ratios—including in both the December 10 Notice and December 9 debrief—the Executive Director emphasized alleged findings of deficiencies related to programming and services as the chief cause of Los Padrinios's alleged noncompliance with Section 1321. The Executive Director went so far as to claim that "BSCC has never asserted that Los Padrinios was out of compliance with section 1321 based on the facility not meeting the required staffing ratios." *Id.* at 3.

Title 15, Section 1314(e)(1) provides that if the appellant is dissatisfied with the Executive Director's decision, it may file an appeal with the Board. § 1314(e)(1). The appellant's request is due within 30 calendar days of receipt of the Executive Director's decision. *Id.* With this letter, the County timely invokes its right to appeal to the Board.

III. The Board Should Overturn the Executive Director's Denial of the County's Appeal.

The Executive Director's denial of the appeal attempts to rewrite the chief basis for the BSCC's December 10, 2024 finding of continued noncompliance, transforming the rationale from a narrow ratio focus to one rooted more in the nebulous subsections of Section 1321 related to programming and services. For all the following reasons, the Board should reverse the Executive Director, grant the County's appeal, and find Los Padrinios was compliant with Section 1321 at the December 2024 reinspection, thereby vacating the BSCC's October 14, 2024 Notice of Facility Unsuitability ("October 14 Notice").⁴

A. *In Its Reinspection, the BSCC Erroneously Found That Los Padrinios Did Not Comply with Staffing Ratio Requirements—an Error Compounded by the Executive Director's Statement That the Reinspection Findings Were "Never" Based on Such Ratios.*

The Executive Director is wrong that the "BSCC has never asserted that Los Padrinios was out of compliance with section 1321 based on the facility not meeting the required staffing ratios." Ex. B at 3. The BSCC's focus on staffing ratios in finding Los Padrinios out of compliance with Section 1321 could not be clearer. Nor could the fact that Los Padrinios met the staffing ratios

⁴ As explained in the County's appeal, the BSCC issued the October 14 Notice after finding Los Padrinios to be out of compliance with Sections 1321(a) and (b) on August 12, 2024 and subsequently rejecting the County's attempts to remedy the alleged deficiencies by way of its October Corrective Action Plans ("CAPs"). The October 14 Notice required that Los Padrinios be vacated within 60 days and was affirmed by the erroneous findings of the December 2024 reinspection. Ex. A at 3-4.

required by California law and even the more stringent staffing goals set by the County's internal Los Padrinos Staffing Assessment.

The BSCC's Review of Los Padrinos Has Focused on Staffing Ratios. The BSCC's December 10 Notice repeatedly discusses—and expressly premises its findings on—the County's Staffing Assessment that is *based on ratio requirements* set forth in the federal Prison Rape Elimination Act ("PREA"). Ex. C at 2. Across three paragraphs, the notice evaluates Los Padrinos's ability to meet those ratio-based staffing goals, stating that the staffing levels were above or below "the identified minimum staffing numbers." *Id.* It notes that the BSCC "found of the 45 shifts reviewed, (5) AM shifts and (6) EM shifts (24% of shifts overall) *did not meet the Department's required minimum unit staffing requirements*. We found Monday, Tuesday, and Saturday Early Morning shifts and Saturday, Sunday and Monday AM shifts to be *below the identified minimum staffing numbers*." *Id.* at 2 (emphasis added).

By contrast, the December 10 Notice only tangentially discussed Los Padrinos's programming and services as bases for the finding of noncompliance. After focusing heavily on staffing ratios, the BSCC tacked on a general comment that "the current staffing numbers do not allow for all required activities, operations, programs and facility functions, and to ensure the safety of youth and staff." *Id.* at 2. No reasonable reading of that afterthought supports it as the primary reason the BSCC found Los Padrinos noncompliant. In fact, of the 11 shifts that the BSCC found noncompliant with "minimum unit staffing requirements," 6 shifts—more than half—were "EM" overnight shifts. *Id.* at 2; Ex. D ¶ 15. Because EM shifts do not have any activity or programming requirements, none of the alleged deficiencies with programming and services identified in the December 10 Notice could have possibly been implicated during those 6 shifts. See Ex. D ¶ 15. This fact underscores the BSCC's reliance on staffing ratios. The Executive Director's attempts to say otherwise now plainly fall short.

The BSCC's hyperfocus on staffing ratios did not begin or end with the December 10 Notice; it has consistently made staffing totals related to ratio requirements the primary focus. For example:

- In its August 12, 2024 initial inspection report,⁵ the BSCC stated that it "reviewed daily facility reports and daily schedule from July 1-29, 2024, for a cumulative total of 87 shifts. Seven (7) AM shifts and eight (8) EM shifts (17% of shifts overall) did not meet the Department's required minimum staffing," that is, the County's Staffing Assessment. Ex. A at Ex. O.
- Prior to issuing the December 10 Notice, the BSCC inspector met with County representatives on December 9, 2024 to debrief the County on the reinspection findings. In that debrief, the BSCC inspector gave County representatives a preview of her findings, including preliminary reports that Los Padrinos, in her view, had not complied

⁵ As explained in the County's appeal, the present dispute arose in connection with the BSCC's August 12, 2024 Notice finding that Los Padrinos was noncompliant with Sections 1321(a) and (b), based on a July 2024 inspection. Ex. A at 3-4.

with the County's Staffing Assessment. Critically, the inspector admitted that she did not have time to assess—and did not assess—whether any of the alleged programming shortcomings that the BSCC identified were connected to the BSCC's flawed staffing-ratio-related findings. Ex. D ¶ 8.

- Even the Executive Director's own February 18, 2025 letter confirms that the BSCC's finding of noncompliance was premised heavily on a misperceived failure to comply with ratio requirements. As he conceded in his letter, the BSCC had premised its Section 1321 analysis on the County's Staffing Assessment, which, as discussed, is itself rooted in ratio requirements. Ex. A at 5-6; Ex. B at 5-6.

By repeatedly evaluating compliance with the County's own ratio-based goals, the BSCC was irrefutably evaluating Los Padrinos's compliance with staffing ratios.

Los Padrinos Met Section 1321(h)'s Staffing Ratio Requirements in the Reinspection Period. The only logical reason for the Executive Director's revisionist claim to the contrary is that the County's appeal demonstrated the flaws in the BSCC's staffing ratio analysis. As the County explained, the BSCC incorrectly analyzed Los Padrinos's staffing totals relative to the County's own ratio-based Staffing Assessment, rather than under Section 1321, as the BSCC must. Ex. A at 5-6. The Executive Director, in his response, does not refute this. Instead, he sought to excuse that error by stating that the BSCC "does not set a minimum number [of staff] per facility" and thus used the Staffing Assessment "as a tool to help determine" whether Los Padrinos had "adequate number of personnel sufficient to carry out the overall facility operation and its programming" under Sections 1321(a). Ex. B at 5. This ignores that Section 1321(h) expressly sets "minimum youth-staff ratio[s]," and that California law requires the BSCC to evaluate Los Padrinos' staffing ratio compliance against those ratios only. Cal. Welf. & Inst. Code ("WIC") § 209(a)(3)(A) (discussing noncompliance findings "with any of the minimum standards for juvenile facilities adopted by the [BSCC]"). It also ignores that the Staffing Assessment sets staffing goals based on ratios significantly more stringent than Section 1321(h), specifically, those outlined in the PREA—a statute that, of course, the BSCC has no power to enforce. See Ex. A at 5-6. And it ignores that the Staffing Assessment's goals were premised not on Los Padrinos's actual youth population at a given time (which Section 1321(h) requires), but rather, on the "Rated Capacity" total at Los Padrinos in October 2024, which was 309—a population assumption far exceeding the approximately 250 youth housed at Los Padrinos at the time of the December 2024 reinspection. *Id.* For all these reasons, it was plainly wrong for the BSCC and Executive Director to use the Staffing Assessment as a "tool" to find noncompliance.

Had the BSCC applied Section 1321's minimum standards, it would have found that Los Padrinos's staffing levels at ***all*** times met—and in most cases, greatly exceeded—the ratios that Section 1321 requires. *Id.* at 2. Specifically, Los Padrinos complied with Section 1321's ratio requirements for ***all*** 45 shifts across the 15-day period that the BSCC reviewed—from November 19 through December 3, 2024. *Id.* at 7. And even reviewing Los Padrinos's staffing levels at the unit level (although not required) shows that for ***all*** 231 units across the 11 shifts that the BSCC claimed were noncompliant, Los Padrinos's staff-to-youth numbers were well

within Section 1321's ratio requirements. *Id.* These conclusions are not addressed—let alone rebutted—in the Executive Director's February 18 letter.

The Executive Director's failure to refute, or even acknowledge, Los Padrinos's compliance with Section 1321's minimum ratio requirements reveals another flaw in the BSCC's analysis. Los Padrinos's compliance with Section 1321(h) staffing requirements should have been given significant—if not dispositive—weight in the BSCC's analysis. After all, the plain text of subdivisions (a) and (b) shows that those subsections are indisputably tethered to staffing ratios:

- Subdivision (a) requires “*an adequate number of personnel sufficient* to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations”; and
- Subdivision (b) states “that no required services shall be denied because of *insufficient numbers of staff* on duty absent exigent circumstances” (emphasis added).

It makes sense, then, that subsection (h), which sets minimum staffing levels, would inform whether there was an “adequate number of personnel” for purposes of subsection (a); and whether there were enough “numbers of staff” for purposes of subsection (b).

Instead of considering Los Padrinos's compliance with subsection (h) as a key factor in evaluating its compliance with subsections (a) and (b), the BSCC wholly ignored it, failing to take notice of the fact that Los Padrinos not only met but far exceeded subsection (h)'s minimum ratio requirements at all times. In doing so, the BSCC overlooked a critical factor that, if considered, would have easily changed the calculus and shifted the conclusion. That the BSCC ignored this critical fact—choosing instead to use an outdated Staffing Assessment premised on more stringent standards the BSCC has no power to enforce—underscores the deficiencies in the BSCC staff's analysis.

Los Padrinos Also Met the Staffing Assessment's Ratio-Based Staffing Goals in the Reinspection Period. The Executive Director's claim that “staffing falling below the County's own staffing assessment plan” supported the December 10, 2024 reinspection finding is flat wrong. Ex. B at 6. Staffing *never* fell below the Staffing Assessment's goals during the period that was reviewed for the December reinspection.

This is readily apparent from the County's exhibits submitted in support of its appeal: In Exhibit D1, column E shows plainly that for every EM shift, Los Padrinos had more than 40 staff on duty, and for every AM and PM shift, Los Padrinos had more than 60 staff on duty. Ex. A at Ex. D1.

To the extent the Executive Director would contend that the evaluation of Los Padrinos's staffing relative to the Staffing Assessment requires removing from the staffing totals those in supervision of youth 1:1 or 1:2, movement and control, or MOU – Hospital, that position is easily refuted. There is no question that column E from Exhibit D1—total on-duty staff—is the appropriate metric here. That is because, as shown in rows 27-30 of Exhibit D3 to the appeal,

staff in supervision of youth 1:1 or 1:2, movement and control, and MOU – Hospital clearly **add to** the 40/60/60 totals. See Ex. A at Ex. D3. Accordingly, those staff cannot be removed for purposes of determining whether Los Padrinos met the County’s Staffing Assessment goals. If the specific staff counted to create the 40/60/60 goal, they must be counted to determine whether Los Padrinos met that goal. Otherwise, the evaluation is unbalanced and unreliable. Yet, as discussed in the County’s appeal, see Ex. A at 6-7, that is precisely the error the BSCC made in its evaluation of Los Padrinos—a mistake the Executive Director simply ignored. The Board must not perpetuate this continuing error and instead must correct it and find Los Padrinos in compliance with Section 1321.

B. *The Executive Director Erred in Stating that Other “Factors” Related to Programming and Services for Youth Supported the December 10, 2024 Reinspection Finding.*

The BSCC’s December 10 Notice, despite claiming to have found deficiencies in Los Padrinos’s programming and services related to school movement, medical appointments, and outdoor recreation, contains very little detail to substantiate those broad accusations. And it is devoid of anything connecting those issues specifically to staffing.

Indeed, as the BSCC inspector admitted during the December 9, 2024 debrief, *she lacked the time to connect the BSCC’s (erroneous) findings related to staffing shortages specifically to the alleged issues they identified related to Los Padrinos’s programming and services.* Ex. D ¶ 8. This deficiency is readily apparent in the record, from the dearth of detail in the December 10 Notice to the cursory analysis in the Executive Director’s February 18, 2025 letter. And it reinforces the ratio-based foundation of the BSCC’s finding of noncompliance. What’s more, it confirms that any alleged deficiencies that the BSCC observed related to school movement, medical appointments, and outdoor programming were **not** “because of” insufficient staff, as Section 1321 requires. Thus, there was no basis to find noncompliance with Section 1321.

School Movement. The December 10 Notice’s claim that the “finding of noncompliance with staffing was . . . based on the inability of facility staff to get youth to school on time due to lack of staff available for supervision within the classroom” is problematic for several reasons. Ex. C at 2.

For one, it does not explain how an inability to get “youth to school on time” violated subsections (a) and (b). Subsection (a) contemplates the facility’s ability to carry out “overall facility operation and its programming,” and subsection (b) refers generally to the denial of services due to “insufficient numbers of staff on duty.” 15 Cal. Code Regs. §§ 1321(a), (b). Being late to class violates neither of these subsections. Even if youth were tardy, they would not be denied educational services, as they still would attend class. Nor would youth being late to class prevent Los Padrinos from carrying out its “overall facility operation and its programming.” The BSCC’s failure to explain any details—such as how often youth were late, how late they were, whether they made up the time later, staffing levels during these shifts, and, most critically, how youth tardiness was *caused by* low staffing—illustrates there was no legitimate basis to conclude that these instances of youth tardiness violated Section 1321(a) or (b). It also

demonstrates the BSCC's inability to connect tardiness to low staffing, specifically, as Section 1321(a) and (b) explicitly require to find a violation.

Given the sparse detail in the Executive Director's February 18, 2025 letter, the County undertook its own review of activity logs at Los Padrinios during the timeframe the BSCC analyzed. The County's conclusions refute the BSCC's as to school tardiness. In reviewing school movement documentation sheets for the 11 shifts that the BSCC found to be out of compliance in its December 10 Notice—because they did not meet the County's ratio-based Staffing Assessment—the County found that all such shifts occurred either on a weekend or overnight. Ex. D ¶ 15. That is, these shifts occurred only during periods *when there was no school programming*. *Id.* Thus, because the BSCC did not take issue with staffing numbers during any shifts that involved school programming, none of the alleged instances of youth tardiness could have actually been the result of low staffing numbers; even under the BSCC's flawed evaluation and application of more stringent staffing goals set by the Staffing Assessment, the County's staffing numbers were compliant on those days. This disproves the BSCC's assertion that its "finding of noncompliance with staffing was also based on the inability of facility staff to get youth to school on time due to lack of staff available for supervision within the classroom." Ex. C at 2.

Medical Appointments. The December 10 Notice also identified issues with continuing cancellations of outside medical appointments given that "need exceeds the resources allocated/available for getting youth to appointments." Ex. C at 3. But based on this vague description, it is not clear how the BSCC perceived staffing to be connected to the cancellation of medical appointments, or how often medical appointments were canceled. This ambiguity is to be expected given the inspector's concession that she did not make that connection. Ex. D ¶ 8. Without providing additional details about the relationship between alleged medical appointment-related deficiencies and staffing, the BSCC again falls short of establishing noncompliance with Sections 1321(a) and (b).

Moreover, in seemingly and incorrectly setting absolute compliance as the standard for Sections 1321(a) and (b), the BSCC also fails to credit the County's noticeable "improvement" by the time of the reinspection "in getting youth to appointments." Ex. C at 3.

Outdoor Programming. Finally, the December 10 Notice's broad assertion that the BSCC's "findings of noncompliance with staffing are also linked to the inability of the facility to provide programs, recreation, and exercise in compliance with minimum standards due to the lack of staff" is unsupported by the limited documentary evidence that the letter cited. Ex. C at 2. The December 10 Notice referenced only *two* instances over a two-week period in which activity logs purportedly documented lack of staff as the cause for cancellation of outdoor exercise. *Id.* But nowhere does the BSCC identify what Los Padrinios's staffing levels actually were during those two shifts.⁶ That omission is problematic: to find a violation of Section 1321, the BSCC

⁶ The County reviewed the activity logs corresponding to the 11 shifts that the BSCC had deemed to be out of compliance during the reinspection period. Ex. D ¶ 16. The County identified only one instance in which staffing issues were documented as the cause for cancellation of outdoor exercise. *Id.* For that

must connect a lack of outdoor programming to low staffing, specifically. See 15 Cal. Code Regs. §§ 1321(a), (b).

Even assuming that the lack of staff was the cause for cancellation of outdoor exercise on those two occasions, that would not support a finding that the facility’s ability to carry out “overall [] operation and [] programming” was impaired, in violation of Section 1321(a), or that required services were denied, in violation of Section 1321(b). 15 Cal. Code Regs. §§ 1321(a), (b). The December 10 Notice itself contemplates situations in which outdoor recreation was modified to indoor recreation. Ex. C at 2. Youth are still afforded an opportunity to exercise when outdoor recreation is modified to indoor recreation. Ex. D ¶ 19. Moreover, while outdoor and indoor recreation may vary in some respects, there is no indication that indoor recreation necessarily hinders programming or amounts to an absolute denial of services. And if youth, when given an opportunity to exercise indoors, instead choose to participate in recreation activities other than exercise, as the BSCC stated in its December 10 Notice, then that was their choice, not a violation of subsections (a) and (b) caused by low staffing.

Indeed, nothing in Section 1321—or Title 15, for that matter—mandates that youth participate in exercise, or that exercise must always be outdoors. Section 1371 of Title 15 pertains to programs, recreation, and exercise, and requires only that youth be “provided with the opportunity for at least one hour of large muscle activity each day”—it does not mandate that youth, in fact, participate in exercise. 15 Cal. Code Regs. § 1371(c). Nor is the requirement for outdoor activity absolute; Section 1371 provides discretionary exceptions for Los Padrinos to “suspend” outdoor activity for poor weather or when other conditions are present. 15 Cal. Code Regs. § 1371. Additionally, there is no requirement that the outdoor activity must specifically be an exercise activity, as Section 1371 makes clear that the outdoor activity could be for a program or recreation activity. *Id.*

In short, to find noncompliance based on no more than two instances of an event that itself does not inherently violate Title 15 is plainly unreasonable.⁷ To hold otherwise would presume both that the standard for compliance is absolute and that modification of outdoor exercise to indoor exercise constitutes an inherent denial of required services. Such an application of subsections (a) and (b) is neither reasonable nor legally supported.

shift, staffing levels were at 71—exceeding both Section 1321’s minimum ratio requirement of 26 based on youth capacity at that time as well as the Staffing Assessment’s staffing goal of 60. Ex. A at Exs. D1, D3.

⁷ Further, the BSCC’s passing references to instances of outdoor recreation being canceled specifically due to “darkness” similarly fail to establish violations of Sections 1321(a) and (b). The BSCC never even attempts to explain how low staffing causes cancellations on the basis of darkness, nor does it identify what staffing levels actually were during such cancellations.

IV. The Executive Director Erred in Denying Additional Grounds for Reconsideration as Insufficient, Regardless of Whether Time-Barred

The Executive Director erred in rejecting the County's additional arguments for reconsideration. While this section addresses only the Executive Director's limited discussion of the County's additional grounds for overturning the December 10, 2024 finding of continued noncompliance, for the avoidance of doubt, the County does not waive but rather fully incorporates by reference the arguments that the Executive Director concluded were time-barred.

Delegation of Authority.

The County's appeal outlined how the BSCC's attempt to delegate its authority to approve or deny Corrective Action Plans ("CAPs") was improper, and that approval or denial of a CAP warrants an open and public meeting under the Bagley-Keene Open Meetings Act ("OMA").

In concluding that the BSCC's delegation of authority to the Facilities Standards and Operations Deputy Director was proper, the Executive Director failed to meaningfully engage with the County's arguments. See Ex. A at 12-13. First, while the Executive Director did not deny that California Penal Code Section 6025.6 authorizes the Board to delegate only "any ministerial authority or duty," Cal. Penal Code § 6025.6, he cursorily assumed that the delegation of authority to the Deputy Director to approve or deny CAPs was proper because this authority is purportedly ministerial. Ex. B at 8. Not so. As evidenced by this appeal itself, approval or denial of a CAP involves questions of significant discretion and judgment. The Executive Director never rebutted this characterization of the CAP review process, and it was error for the Executive Director to instead presume that the authority to approve or deny CAPs is ministerial.⁸

In fact, at the very meeting in which the BSCC approved the new CAP process, Board members discussed the technical and discretionary nature of CAP approval, noting that reasonable minds could differ about judgments inherent to CAP approval such as what constitutes a "reasonable timeframe" for corrective action.⁹ Board members further discussed concerns about the lack of a provision in the new CAP process for affected counties to appeal to the judgment of the Board as a whole before being deemed unsuitable on the sole authority of the FSO Deputy Director to deny a CAP.¹⁰ The decision to approve or deny a CAP is plainly not ministerial, and the Board has demonstrated its understanding that significant discretion is involved in approving or denying a CAP time and time again.

⁸ The Executive Director also separately erred by disregarding the County's argument that the delegation of authority to the Deputy Director was improper because the new underlying CAP process constituted an underground regulation. Given this lack of response, the County can only presume the Executive Director has conceded any opposition on this issue.

⁹ BSCC of California, *BSCC Board Meeting - July 11, 2024*, YOUTUBE (July 11, 2024), <https://www.youtube.com/watch?v=RJ4Axx4edic>.

¹⁰ *Id.*

Additionally, the BSCC failed to consider whether Welfare and Institutions Code Section 209(d) strictly requires the Board to approve or deny CAPs. The County acknowledges that there are some instances in which the term “board” may refer to the state agency and its staff, rather than to the designated body of appointed board members. But when, as here, the issue involves a non-ministerial act—like the approval or denial of a CAP—references to the “board” can only reasonably be understood to call for the designated body of appointed board members, given the “general rule[] [that] powers conferred upon public agencies and officers which involve the exercise of judgment or discretion are in the nature of public trusts and cannot be surrendered or delegated to subordinates in the absence of statutory authorization.” *California Sch. Emps. Assn. v. Pers. Comm’n*, 3 Cal. 3d 139, 144 (1970). Accordingly, only the designated Board could have approved or denied the CAP, and only in an open and public meeting, subject to the requirements of the OMA. That none of those things happened here warrants reconsideration.

Lack of Statutory Authority to Conduct Monthly Inspections.

In its appeal, the County explained that the BSCC plainly lacked the statutory authority to conduct the targeted monthly inspections that had led to its finding of unsuitability.

The Executive Director’s finding that the BSCC can inspect local detention facilities more than every two years—subject to its general authority under Penal Code Sections 6030 and 6031, the Enhanced Inspection Process, and deference for its interpretation of the Welfare and Institutions Code—is an overreach. Welfare and Institutions Code Section 209(a)(3)(A) neither plainly authorizes additional inspections, nor references such complex or technical concepts that it merits deference to the BSCC’s interpretation. See *Sutter’s Place, Inc. v. California Gambling Control Com.*, 101 Cal. App. 5th 818, 832 (2024), *as modified* (Apr. 30, 2024), *review denied* (Aug. 14, 2024) (citation omitted) (explaining that courts “give the agency’s interpretation deference if it is appropriate under the circumstances, such as when the statute is complex or technical”) (emphasis added).

Abuse of Discretion in Denying the October 11 and 13 CAPs.

The Executive Director’s finding that the BSCC did not abuse its discretion by disapproving the County’s October CAP parrots the same errors that the BSCC initially made. For example, the Executive Director summarily concluded that the October 11 CAP failed to explain how the County planned to address the issue of noncompliance and failed to provide reasonable timeframes regarding staffing issues. Ex. B at 7. In doing so, the Executive Director never addressed the County’s explanations—both at the time of the CAP’s submission and on appeal—for the reasonableness of the timeframes it provided given the context of nationwide staffing shortages. Ex. A at 9-11.

The Executive Director also adopted an unreasonable, post hoc justification in an attempt to further support the denial of the October 13 CAP. Specifically, the Executive Director noted that the County had not yet resolved staffing issues by January 9, 2025, which marked the 90-day deadline from submission of the CAP by which noncompliance issues should have been addressed—had the CAP been approved. Ex. B at 7. This reasoning overlooks that the CAP

was *rejected* and suggests that the County should have nonetheless implemented a task from a *rejected* CAP. To hold the County to such a standard underscores the Executive Director's unreasonableness in denying the County's appeal.

Unreasonableness of the BSCC's Demand That Los Padrinos Be Vacated.

In a single sentence, the Executive Director brushes aside detailed accounts of how the December 2024 noncompliance finding requiring the County to vacate Los Padrinos will have tremendous negative consequences and constitute an unreasonable application of regulations. The Executive Director merely states that the "BSCC has not and cannot order Los Padrinos closed; the Welfare and Institutions Code provides for no alternative remedy when a facility is deemed unsuitable for the confinement of juveniles." Ex. B at 9. This semantics argument fails to acknowledge the various ways in which the BSCC's errors, if left undisturbed, *would* tangibly result in the forced closure of Los Padrinos. The BSCC's errors began with its treatment of the October CAPs and culminated in the erroneous December reinspection finding of noncompliance. Rather than work with the County to address the BSCC's errors, the Executive Director chose to merely compound them. The BSCC Board should break this pattern and properly address the various issues raised by this appeal.

V. Actions Requested and Remedies Sought

By this appeal, the County seeks a finding from the Board that Los Padrinos was compliant with Section 1321 at the December 2024 reinspection, thereby vacating the BSCC's October 14 Notice; or, alternatively, a finding that the BSCC will continue to work with the County on crafting a CAP that satisfies the BSCC's compliance demands to avoid the catastrophic consequences to both the youth and the County that would result from forcing the County to vacate Los Padrinos.

VI. Conclusion

The County looks forward to the Board's review of these issues and remains committed to continuing its work with the BSCC to craft solutions for Los Padrinos that prioritize our shared mission of serving the best interests of youth in the County's care.

Sincerely,

/s/ Esteban Rodriguez

Esteban Rodriguez
of O'Melveny & Myers LLP

Enclosures

**SECOND-LEVEL APPEAL
EXHIBIT A**

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January 8, 2025

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VIA E-MAIL AND U.S. MAIL

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Re: Appeal of December 10, 2024 Reinspection Findings and Determination of Facility Unsuitability at Los Padrinos Juvenile Hall

Dear Mr. Maguire:

The County submits this appeal under California Code of Regulations, Title 15, Section 1314 in connection with the BSCC's December 10, 2024 reinspection finding ("December 10 Notice") that Los Padrinos Juvenile Hall ("Los Padrinos") remained noncompliant with minimum standards set forth in Title 15, Section 1321, which effectively affirmed the BSCC's October 14, 2024 Notice of Facility Unsuitability ("October 14 Notice"), requiring the County to vacate Los Padrinos within 60 days.¹

I. Introduction

The County remains committed to the mission it shares with the BSCC: protecting public safety while providing the youth in the County's care with opportunities for rehabilitation in a healthy, productive, and secure environment. To that end, the County seeks to continue working with the BSCC to craft corrective measures for Los Padrinos in a manner that best ensures the well-being of the youth residing there. Unfortunately, despite the County's good-faith efforts to respond to the BSCC's noncompliance findings, the BSCC insists that the County vacate Los Padrinos—a remedy that would do more harm than good.

There is no reason to go down that path, as neither the BSCC's December 10 Notice nor the October 14 Notice underlying it has anything to do with the facility itself or issues endangering youths housed there. Instead, those Notices are based on youth population and staffing shortages that the BSCC itself concedes the County "has made strides" on improving since October. See Ex. A. Indeed, contrary to the BSCC's reinspection findings, the County's review of staffing levels (discussed below) establishes unequivocally that Los Padrinos did not fall short

¹ The "County" includes the County of Los Angeles and the Los Angeles County Probation Department. The "BSCC" is the California Board of State and Community Corrections. Exhibits A through AA, enclosed herein, are correspondence and other documentation referenced and relied on for this appeal.

of Title 15's staffing requirements *at all*. The BSCC's position is also at odds with other, independent reviews: A mere week before the October 14 Notice, the Supervising Judge of the Juvenile Court, the Honorable Miguel Espinoza, found that Los Padrinos was *suitable* based on a May 2024 inspection. Ex. B. And in September 2024, a Monitor chosen by the California Department of Justice ("DOJ") to oversee a Stipulated Judgment addressing compliance issues within the County's juvenile halls found Los Padrinos to be in substantial compliance in several categories covered by the Stipulated Judgment and in partial compliance with several terms related to staffing. Ex. C. The BSCC has offered nothing to undermine these findings by the County, Judge Espinoza, and the DOJ Monitor.

Instead, despite stating in its December 10 Notice that its negative reinspection finding was premised on "noncompliance with Section 1321 (Staffing)," it is clear from the BSCC's analysis that it did not apply Section 1321 (or any other state law) during its reinspection. Ex. A. Rather, the BSCC applied the County's own LP Staffing Assessment Analysis ("Staffing Assessment"), an internal County document that employs a standard more stringent than Section 1321 that the County developed in October 2024 through collaboration with the DOJ's Monitor as part of its efforts to comply with the Stipulated Judgment. Ex. D3. The BSCC's "policing-to-policy" approach is in sharp contrast to the approach the BSCC admitted as recently as December 19, 2024, that it *must* take when evaluating juvenile halls: "BSCC is *mandated* to inspect juvenile facilities across the state *for compliance with the minimum standards outlined in California Code of Regulations . . .*" Ex. E. The BSCC did not apply state-law standards, as it should have, and as it claims to have done. And in applying the Staffing Assessment, the BSCC performed inaccurate calculations, yielding a finding of noncompliance that does not withstand scrutiny. Had the BSCC applied Section 1321's minimum standards, it would have found that Los Padrinos's staffing levels, at all times, exceeded the ratios that Section 1321 requires. See Ex. D, Declaration of Tyson Nelson ("Nelson Decl.") ¶¶ 12–13; Exs. D1 & D2.

Additionally, in affirming the October 14 Notice without allowing for a public hearing and continuing to insist that the County vacate Los Padrinos, the BSCC is enforcing unreasonable standards on a juvenile facility—a decision the County "may appeal." See 15 Cal. Code Regs. § 1314. More importantly, forcing the County to uproot and relocate almost 250 youth with no other facility in which to house them is not only virtually impossible but potentially catastrophic. It would endanger the youth in the County's care as well as the community, as the majority of youth confined at Los Padrinos await adjudication on serious violent felonies, including rape and murder. It would also disrupt the lives of the staff who serve the youth, risk violations of laws and regulations, including those requiring the County to maintain a juvenile hall within County limits (Los Padrinos is the only one remaining), and ultimately move the County further away from the goal of reducing recidivism and ensuring positive outcomes for the youth in its care.

For these and other reasons discussed below, the County respectfully requests that you reconsider and overturn the BSCC's decisions appealed herein.

II. Background

The County has been engaged in a yearslong effort to transform its juvenile facilities, working cooperatively with both the DOJ and the BSCC to implement corrective measures.

Stipulated Judgment Between County and DOJ. On January 21, 2021, a Los Angeles County Superior Court judge entered a Stipulated Judgment between the County and the DOJ, resolving an action brought against the County and the Los Angeles County Office of Education following an investigation into the County’s juvenile halls. See Ex. F. The Judgment—which is still in effect today²—covers various aspects of the juvenile justice system, including alleged deficiencies in staffing, hiring, and training of Los Padrinos personnel. The County has worked diligently with the DOJ and the DOJ’s hand-picked court-appointed Monitor to comply with the terms of the Stipulated Judgment. In fact, after a September 2024 inspection, the DOJ’s Monitor found the County to be in substantial compliance in several categories covered by the Stipulated Judgment, and in partial compliance with several terms related to staffing, including specifically at Los Padrinos. Ex. C.

The County’s Efforts to Correct the BSCC’s Noncompliance Findings. During the time that the County has worked with the DOJ and its Monitor to come into substantial compliance with the Stipulated Judgment, the BSCC has independently inspected the County’s juvenile facilities and demanded that the County address various alleged deficiencies that the BSCC has identified. As with the DOJ, the County has demonstrated its diligence with the BSCC’s findings several times. For example, after the BSCC notified the County in August 2023 that Los Padrinos was noncompliant with various BSCC regulations, including regulations that pertain to staffing, the BSCC approved the County’s October 16, 2023 corrective action plan (“CAP”) tailored to address the BSCC’s noncompliance findings. Exs. H – J. Likewise, after a separate finding of noncompliance related to Los Padrinos, the BSCC issued an August 8, 2024 notice approving the County’s CAP that addressed findings of noncompliance with provisions pertaining to youth programming. Exs. K – M.

BSCC’s Actions Create Impediments to the County’s Compliance with the Stipulated Judgment. Despite the County’s best efforts to comply with both the Stipulated Judgment and the BSCC’s findings, the County has at times found itself caught between incompatible demands. Indeed, the BSCC’s findings frequently contradict the DOJ Monitor’s instructions and conflict with the County’s obligations under the Stipulated Judgment. See Ex. N. On February 15, 2024, in a letter to the BSCC, the County’s Chief Probation Officer, Guillermo Viera Rosa, identified specific inconsistencies between the BSCC’s findings and the DOJ’s implementation requirements, explaining that the BSCC’s overlapping jurisdiction with the Stipulated Judgment, along with the BSCC’s “all-or-nothing” enforcement structure, had become an impediment to the County’s efforts to comply with the Stipulated Judgment. *Id.* These issues only escalated over time notwithstanding the County’s continued efforts to work with the BSCC to address its concerns.

BSCC Finds Los Padrinos in Noncompliance and Issues October 14 Notice. The present dispute stems from the BSCC’s August 12, 2024 notice finding, based on a July 2024

² The Stipulated Judgment was recently amended on November 21, 2024, by mutual agreement of the DOJ and the County, to include new provisions. Ex. G. While the January 21, 2021 Stipulated Judgment did not expressly include Los Padrinos (which was closed at the time), the November 21, 2024 amended stipulation does. References to “Stipulated Judgment” in this letter incorporate subsequent amendments to the January 21, 2021 Stipulated Judgment.

inspection, that Los Padrinos was noncompliant with Title 15 of California's Code of Regulations, Sections 1321(a) and (b) pertaining to staffing ("August 12 Notice")—an area the County had previously (and satisfactorily) addressed with the BSCC. Ex. O; Exs. H – J. As it had done before, in response to the BSCC's finding of noncompliance, the County submitted a CAP on October 11, 2024, addressing each of the alleged deficiencies that the BSCC identified. Ex. P. This time, however, the BSCC arbitrarily and capriciously rejected the CAP. See Ex. Q. And when the County attempted in good faith on October 13, 2024, to supplement the CAP to address issues identified in the BSCC's CAP denial, Ex. R, the BSCC summarily rejected it as "late" and cited other, unreasonable grounds for its denial, see Ex. S. On October 14, 2024, the BSCC proceeded to issue the October 14 Notice, which, in line with its pass-fail approach, purported to require the County to vacate Los Padrinos entirely within just 60 days, by December 12, 2024. Ex. T.

Notably, the BSCC's August 12, 2024 finding of noncompliance and subsequent rejections of the County's CAPs were in sharp contrast to an independent finding on October 8, 2024, by the Honorable Miguel Espinoza, Supervising Judge of the Juvenile Court, that Los Padrinos was *suitable* based on his inspection on May 3, 2024—just two months before the July 2024 BSCC inspection that traces to this dispute. Ex. B.

BSCC Refuses to Allow the County a Public Hearing on the October 14 Notice. On November 5, 2024, the County sent a letter to the BSCC requesting a public hearing on the County's October 11 and 13 CAPs before the BSCC board, which is required by law. Ex. U. Despite the fact that the BSCC board must approve its staff's recommendation for an action to take effect, the BSCC refused to add the CAPs to the BSCC board's November 21, 2024 agenda. Ex. V.

BSCC Affirms the October 14 Notice. On December 10, 2024, after reinspecting Los Padrinos, the BSCC doubled down on its unreasonable interpretations and applications of regulations by affirming the October 14 Notice. See Ex. A. The BSCC's decision ignores the County's numerous and meaningful efforts to address the staffing situation and other issues at Los Padrinos, as well as the inescapable fact that Los Padrinos currently houses approximately 250 youth, and the County has no other juvenile hall in which to place them. The decision is also premised on an analysis not of state law, which should have been applied, but the County's own self-imposed internal standards, which are more stringent than what state law requires. Not only did the BSCC apply the wrong standard, it misapplied that standard, as explained further below. Had the BSCC applied the appropriate state-law standard, it would have found Los Padrinos in compliance with staffing requirements.

Notice of Appeal. On December 11, 2024, the County submitted a Notice of Appeal pursuant to Title 15, Section 1314, signaling its pursuit of the present appeal.

III. The BSCC's Reinspection Affirmance Was Incorrect and Improper.

Section 1314 outlines the BSCC's appeal hearing procedures, which "are intended to provide a review concerning the Board application and enforcement of standards and regulations governing juvenile facilities." A county "may appeal on the basis of alleged misapplication,

capricious enforcement of regulations, or substantial differences of opinion as may occur concerning the proper application of regulations or procedures.” 15 Cal. Code Regs. § 1314. The County appeals the BSCC’s December 10 Notice, which affirmed the October 14 Notice, because the BSCC has improperly applied and capriciously enforced various regulations.³

A. In Its Reinspection, the BSCC Erroneously Determined that the County Did Not Comply with Staffing Ratio Requirements.

The BSCC’s reinspection analysis contains errors that compel overturning its finding that Los Padrinos remained noncompliant with Section 1321’s minimum staffing requirements.

The BSCC applied the wrong standard to assess staffing levels. California law is clear that, when performing inspections, the BSCC must evaluate compliance against “minimum standards for juvenile facilities adopted by the Board of State and Community Corrections.” Cal. Welf. & Inst. Code (“WIC”) § 209(a)(3)(A). And this makes good sense, as a “policing-to-policy” approach would serve only to disincentivize cities and counties from self-imposing more exacting standards.

The BSCC is well aware of the requirement to apply state law’s minimum standards during inspections—a mere three weeks ago, it admitted that the “BSCC is *mandated* to inspect juvenile facilities across the state for compliance with the *minimum standards outlined in California Code of Regulations*, Titles 15 and 24.” Ex. E (citing WIC § 209); *see also id.* at p. 4 (“Los Angeles County Probation requests a reinspection to determine if the facility had come into compliance with section 1321, Staffing . . . BSCC conducts the reinspection. . . .”). It is plain that BSCC did *not* apply Section 1321 (or any other state law) during its reinspection.⁴ The BSCC, instead, applied the County’s own Staffing Assessment, an internal plan that the County developed in October 2024 in consultation with the DOJ’s Monitor as part of its efforts to comply with the Stipulated Judgment. *See* Ex. D3.

The Staffing Assessment employs a standard significantly more stringent than Section 1321. *See id.* At a high level, the Staffing Assessment created a goal to have working staff totaling at least 40 during the overnight shift (“EM”), and 60 during each of the morning (“AM”) and afternoon/early evening (“PM”) shifts. *Id.* These goals were premised not on Los Padrinos’s actual youth population at a given time, but rather on the “Rated Capacity” total at Los Padrinos in October 2024, which was 309, and on the assumption that all beds were filled. These population assumptions are far above the approximately 250 youth housed at Los Padrinos at

³ In the BSCC’s December 13, 2024, letter acknowledging receipt of the County’s Notice of Appeal, the BSCC argued that any appeal related to the BSCC’s denial of the County’s October 11 and 13, 2024 corrective action plans would be untimely. *See* Ex. AA. Respectfully, the County disagrees. Because the December 10 Notice is premised, in part, on those denials, and effectively affirmed them, the County’s arguments related to the affirmance are within Section 1314’s 30-day appeal window, and thus are not time-barred.

⁴ The BSCC’s erroneous application of the County’s Staffing Assessment is apparent from the December 10 Notice’s reference on page 1 to the “updated staffing plan,” as well as to the analysis that follows. Exs. A & D3.

the time of the reinspection. Moreover, the Staffing Assessment did not derive from Section 1321's minimum standard ratio requirements, but rather from the more exacting ratio requirements set forth in the Prison Rape Elimination Act ("PREA"), a federal statute that requires staffing ratios of 1:8 during waking hours and 1:16 during sleeping hours (compared to Section 1321's 1:10 and 1:30 ratios, respectively). *Id.*; 28 C.F.R. § 115.313(c).

Nevertheless, the BSCC still premised its reinspection findings of noncompliance on the Staffing Assessment, rather than the less-stringent minimum standard required by state law. See Exs. A & D3. This was incorrect, as the BSCC has implicitly acknowledged. See Ex. E. And this, alone, is enough to reverse the December 10, 2024 Notice's finding of noncompliance.

The BSCC applied the wrong standard incorrectly. Even assuming it were proper for the BSCC to use the internal Staffing Assessment, the BSCC applied the Staffing Assessment incorrectly. It did so in two ways: (1) by applying the Staffing Assessment at a unit-by-unit level (i.e., analyzing each internal housing unit's staffing and youth populations separately), as opposed to at the facility level (i.e., analyzing the on-duty staff and youth populations at the facility generally), as Section 1321 contemplates; and (2) by excluding from consideration staff assigned to smaller groups—e.g., in the hospital, with youth one-on-one or two-on-one, or in movement and control (collectively, "Small Group Staff")—for purposes of its calculation.

By way of example:

- The November 19, 2024 AM shift had a goal of 60 staff and had 85 staff present. Ex. D1. The youth population for this AM shift was 258. *Id.* Of those 85 staff, 16 were not with the general population but rather were Small Group Staff, leaving 69 staff with the general population, which led to a "pass" from the BSCC because the remaining staff of 69 exceeded the Staffing Assessment's 60-staff goal for that shift. *Id.*
- By contrast, during the November 19, 2024 EM shift, the Staffing Assessment's benchmark was 40 staff, and while 48 staff were on duty, 18 were Small Group Staff, leaving 30 with the general population. *Id.* This erroneously yielded a "fail" from the BSCC notwithstanding that well over 40 staff were on duty. *Id.*

Section 1321 does not require that any given number of staff be assigned to any specific set of youth at the facility. Rather, it keys its ratios to "staff member[s] on duty" relative to "youth in detention." Cal. Code Regs. § 1321(h)(1). The regulation does not mandate where or with whom the staff are to be considered as part of the ratio calculation, nor does it even suggest that certain on-duty staff should not be included in the ratio calculation.⁵ And this makes sense. Tethering the staffing requirements to all staff at the facility ensures that, in case of emergencies

⁵ The BSCC's exclusion of on-duty Small Group Staff also fails to add up in the context in which the BSCC applied the calculation. As discussed, the BSCC analyzed Los Padrinos staffing against the Staffing Assessment, instead of Section 1321. The Staffing Assessment's 40-60-60 goals **include** staff assigned to movement and control and those working 1:1 or 2:1 with youth. Ex. D, Nelson Decl. ¶ 20. Excluding these staff members, among others, when assessing compliance against the Staffing Assessment therefore undermines the framework that created the goals in the first instance.

or other unforeseen situations, there will be enough staff to assist with the youths' needs.⁶ Cf. *id.* (referring to "immediate response to emergencies" as a reason for staffing volume requirements).

Viewed under Section 1321's minimum standards, staffing levels at Los Padrinos were in compliance. If the BSCC had applied Section 1321, it would have found that Los Padrinos's staffing levels met—and in most cases, greatly exceeded—the ratios California law requires. This is true regardless of whether the staffing numbers are viewed at the facility level, as Section 1321 contemplates, or at the unit level.⁷

At the facility level, Los Padrinos complied with Section 1321's ratio requirements for *all 45 shifts* across the 15-day period that the BSCC reviewed—from November 19, 2024, through December 3, 2024. Ex. D, Nelson Decl. ¶ 12; Ex. D1. For example:

- For the November 24, 2024 AM shift, there were a total of 247 youths in detention, making the staffing requirement 25 on-duty staff under Section 1321's 1:10 ratio applicable to that shift. Ex. D1. Los Padrinos had 71 on-duty staff during that shift, almost tripling Section 1321's staffing requirement. *Id.* Still, the BSCC found this shift in noncompliance.
- For the November 26, 2024 EM shift, there were 245 youths in detention, making the on-duty staffing requirement 9 under Section 1321's 1:30 ratio. *Id.* Los Padrinos had 48 staff on duty for that shift, over five times more than required under Section 1321. *Id.* Again, the BSCC found this shift to be in noncompliance.

Reviewing Los Padrinos's staffing levels at the unit level (although not required) yields the same result: for *all 231 units* across the 11 shifts that the BSCC found noncompliant, Los Padrinos's staff-to-youth numbers were still well within Section 1321's ratio requirements. Ex. D, Nelson Decl. ¶ 13; Ex. D2.⁸ For example:

- During the November 23, 2024 EM shift, which the BSCC found noncompliant, the overnight ratio requirement under Section 1321 for units P, Q, and Y2, was 1-staff-per-unit, yet Los Padrinos staffed 3, 2, and 6 on-duty staff in each unit, respectively. Ex. D2. Even employing the BSCC's erroneous method of removing from consideration on-duty

⁶ To the extent the BSCC has adopted a generally applicable interpretation of Section 1321 to consider only staff assigned to the general population for purposes of its calculations, that would be an improper underground regulation under California's Administrative Procedure Act ("APA"). See *infra* Section III.B.3.

⁷ Additionally, Los Padrinos was in compliance with PREA requirements during all shifts that the BSCC found to be in noncompliance. Ex. D, Nelson Decl. ¶ 13.

⁸ Even applying the erroneous methodology of excluding from the calculation on-duty Small Group Staff, 230 out of 231 units for the 11 shifts the BSCC found "deficient" complied with Section 1321. Ex. D, Nelson Decl. ¶¶ 14, 17; Ex. D2. But again, even that one "noncompliant" unit was, in fact, in compliance because the number of on-duty staff relative to youth in detention was below Section 1321(h)(1)(A)'s 1:10 ratio requirement. Ex. D, Nelson Decl. ¶ 17; Ex. D2.

Small Group Staff, each unit still had enough on-duty staff to meet Section 1321's ratio requirements for youths in the general population, with 2, 1, and 1 on-duty staff assigned to each unit's general youth population, respectively. Ex. D, Nelson Decl. ¶¶ 14, 17; Ex. D2.

Any way you cut the numbers, the BSCC's analysis will not withstand scrutiny—whether during this appeal, or before a court on the County's writ if the BSCC rejects the County's appeal.

In short, while the BSCC found 11 shifts in noncompliance with Section 1321, those findings were incorrect. It is on that flawed conclusion that the BSCC insists that Los Padrinos vacate regardless of the harm it would cause to the youth, the community, and the County. That position must be reconsidered and the errors acknowledged.

The BSCC improperly concluded that the staffing noncompliance finding was supported by perceived deficiencies with programs and services. Finally, the BSCC sought to support the finding of “noncompliance with staffing” with the alleged “inability of the facility to provide programs, recreation, and exercise in compliance with minimum standards,” “get youth to school on time,” or get “youth to [medical] appointments.” Ex. A. But the BSCC offered no support for the conclusion that these alleged deficiencies were “linked” to low staffing levels. *Id.* At most, the BSCC cited “two (2) instances where the lack of staff was specifically noted as the cause” for canceling outdoor exercise. *Id.* Notably absent from that assertion, however, is any statement that those two cancellations occurred during shifts the BSCC found to be understaffed. Nor did the BSCC quantify the other perceived deficiencies in programs and services or explain how they are “linked” to noncompliant staffing. That is problematic since, of course, there are myriad reasons beyond low staffing that can explain medical appointment cancellations, school tardiness, and the like. In other words, the BSCC's letter fails to describe how low staffing, specifically, contributed to these alleged deficiencies as opposed to other causes.

B. *Several Additional Errors Committed by the BSCC Require Overturning Its Findings of Noncompliance and Its Order to Vacate Los Padrinos.*

The reinspection analysis resulting in the December 10 Notice affirmed a series of errors, each of which independently requires the reconsideration of the now-reiterated decision by the BSCC that the County should vacate Los Padrinos.

1. *The BSCC Lacked Statutory Authority to Conduct Targeted Monthly Inspections that Led to Its Finding of Unsuitability.*

First, the inspection giving rise to the October 14 Notice exceeded the BSCC's plain statutory authority under Section 209 of the WIC to perform only “biennial” inspections. See WIC § 209(a)(3)(A) (“The Board of State and Community Corrections shall conduct a biennial inspection of each . . . juvenile hall . . .”). Although California law impliedly suggests that the BSCC may conduct more than biennial inspections in the context of *non-juvenile* correctional facilities, see Cal. Penal Code § 6031.1, no such parallel statute exists in the context of *juvenile* correctional facilities such as Los Padrinos. And it is well established that “administrative

agencies . . . are creatures of statute, bound to the confines of the statute that created them.” *U.S. Fid. & Guar. Co. v. Lee Invs. LLC*, 641 F.3d 1126, 1135 (9th Cir. 2011). The plain text of WIC section 209(d) conveys the authority to the BSCC to conduct only biennial inspections, and nothing more.

On April 11, 2024, after finding Los Padrinos in compliance during a statutorily authorized every-other-year inspection, the BSCC unilaterally (and without any legal basis) declared its suitability finding to be conditional upon the County’s compliance during monthly “targeted” inspections. Ex. W. It also improperly demanded documentation in connection with these monthly inspections, which was also not authorized by statute. It soon became clear that these monthly inspections (and periodic reports the BSCC required the County to submit as part of these inspections) were not conducted with the goal of identifying and correcting issues well in advance of the next comprehensive inspection, but rather to consign the County to a state of perpetual inspection in which the BSCC might, at any given time, pull the rug out from underneath the County and deem Los Padrinos unsuitable based on any single issue. That is precisely what happened. Just a few months later, on August 12, 2024, the BSCC issued a finding that Los Padrinos was in noncompliance, the first of a chain of events that led to this appeal. Ex. O. The August 12 Notice should be deemed void, however, because it resulted from an unauthorized inspection.

2. *The BSCC Abused Its Discretion in Rejecting the County’s CAPs.*

Additionally, the BSCC abused its discretion in interpreting and applying BSCC regulations when it rejected the County’s October 11, 2024 and October 13, 2024 CAPs.

October 11, 2024 CAP. The BSCC’s recent affirmance of the October 14 Notice stems from its original denial of the County’s October 11, 2024 CAP. Exs. A & Q. It is plain from the BSCC’s October 11, 2024 denial letter that the BSCC did not take issue with the CAP’s merits, but instead cherry-picked four of the twenty short- and long-term action plans to attack as “deficient.” None of the alleged “deficiencies” is compelling.

Two were premised on nothing more than the omission of specific completion dates, despite the October 11 CAP’s making clear that those remedies were “ongoing.” Exs. P & Q. WIC Section 209(d) governs the content required for a CAP, and nowhere does it state that each and every action plan requires its own completion date. Rather, Section 209(d) requires only that a CAP “outline how the juvenile hall . . . plans to correct the issue of noncompliance and give a reasonable timeframe, not to exceed 90 days, for resolution.” The County did just that. The October 11 CAP outlined the plan and provided a proposed date of resolution within 90 days for almost all of its proposed actions. Ex. P. When viewed holistically, as Section 209(d) is more reasonably interpreted to require, the October 11 CAP provides a “reasonable timeframe” for how to correct the issues of staffing noncompliance.⁹

⁹ To the extent the BSCC has created and enforced its own requirement that, based on Section 209(d), each distinct action plan addressing an item of noncompliance in a CAP requires its own specific deadline, that would be an “underground” regulation under the APA and thus would be unenforceable.

The BSCC's other two deficiency findings are arbitrary and capricious because they rest on a subjective, unwarranted conclusion that proposed target dates of completion were "unreasonable." See Ex. Q. Both dates—November 30, 2024, and January 5, 2025—were within Section 209(d)'s 90-day window and thus complied with the plain language of the law. Ex. P. And both dates were reasonable. The November 30, 2024 date related to a plan for ensuring that youth attend medical appointments. *Id.* Given the size of Los Padrinos, coupled with the myriad corrections being implemented across several active CAPs (responding to other BSCC notices), as well as the County's continued efforts to comply with the Stipulated Judgment, a window of 50 days to implement a change to policy and procedure is objectively reasonable.

Similarly, the January 5, 2025 deadline was reasonable under the broader circumstances. As the County pointed out in the cover letter accompanying its October 13 revised CAP, there is a "national staffing crisis that complicates our ability to quickly hire sufficient personnel to alleviate our staffing challenges. All correctional facilities are currently facing similar staffing shortages." Ex. R. Notwithstanding these nationwide staffing shortages, the County is affirmatively taking action to implement "temporary measures while actively recruiting and training new personnel as part of a comprehensive long-term strategy." *Id.* The BSCC disregarded these contextual factors in rejecting the October 11 CAP.¹⁰

October 13, 2024 Revised CAP. The BSCC also rejected the County's October 13, 2024 revised CAP that addressed the issues the BSCC identified in its October 11, 2024 denial letter. Exs. R & S. For instance, in the October 13 CAP, the County accelerated the (already reasonable) January 5, 2025 deadline discussed above to October 23, 2024. Ex. R. And it provided detailed explanations for why more specific, accelerated deadlines to implement broader staffing changes to solve the staffing shortages are unreasonable. *Id.*

In its rejection email, the BSCC first summarily denied the revised CAP because it was purportedly "late." Ex. S. Under WIC Section 209(d), CAPs must be filed within 60 days of receiving a notice of noncompliance. Here, the BSCC's notice of noncompliance is dated August 12, 2024, making the CAP deadline October 11, 2024. Ex. O. The County complied with that deadline, issuing its October 11, 2024 CAP on time, and then filed an amended CAP just one day after receiving the BSCC's denial. Exs. P – R. Instead of considering the October 13 CAP, it chose to reject it out of hand, initiating a series of events that would culminate in potentially catastrophic consequences simply because the CAP was two days "late." Ex. S. This was an unreasonable application of Section 209(d).

The BSCC's denial of the October 13 CAP also glossed over the many changes that the County made, including the new proposed completion dates meant to address the "deficiencies" with

See *infra* Section III.B.3; *Tidewater Marine W., Inc. v. Bradshaw*, 14 Cal. 4th 557, 563–76 (1996) (agency's policy that interpreted law the agency enforces, and applied the interpretation generally, was void as an underground regulation because the agency failed to follow APA procedures).

¹⁰ In addition to the measures to bolster staffing outlined above and in Ex. R, on December 17, 2024, the Los Angeles County Board of Supervisors proclaimed a local emergency regarding Los Padrinos to, among other things, accelerate staffing increases at the facility. Ex. X.

the October 11 CAP. *See id.* The BSCC provided no specifics on substantive defects with the plan, or what was expected from the County in that regard. *See id.* Instead, it claimed that the County's revised plan remained deficient because it prioritized measures to address staff "absenteeism." *Id.* There is no reasonable basis for dismissing this priority as improper, as staff's failure to attend work regularly is one reason for the Los Padrinós staffing shortages, and addressing this issue at least partly resolves those shortages. Incentivizing the County's probation employees to accept positions in juvenile halls and come to work consistently is part of the solution, yet the BSCC treated it as an improper remedy that contributed to the overall plan's rejection.

Additionally, the BSCC improperly embraced an underground regulation, *see infra* Section III.B.3, in its rejection of the October 13 CAP, stating that the plan "fails to outline the targeted number for reduction of population and how the reduced population affects the issue of noncompliance with staffing and the adequate delivery of required programs and services to youth." Ex. S. The BSCC appears to interpret Section 209(d) to require a level of specificity—the precise number of the reduced population—not required by the statute itself. In any event, "how the reduced population affects the issue of noncompliance with staffing and the adequate delivery of required programs and services to youth" is obvious: less population requires less staffing, thus easing the burden on the County's staffing obligations generally and as applied to the requirements to deliver programs to youth. That the County did not spell this out explicitly is not a proper ground for denying the CAP.

3. *The BSCC Erred When It Failed to Put the County's CAPs on the BSCC Board's November 21, 2024 Agenda.*

The BSCC's refusal to put the County's CAPs on the BSCC board's agenda also merits overturning the BSCC's December 10 Notice. This is so for two independent reasons: (1) WIC Section 209(d) requires the board, specifically, to approve or deny a CAP, and under the Bagley-Keene Open Meetings Act ("OMA"), the board could do so only in an open and public meeting—which did not occur here; and (2) any board delegation of authority to the BSCC's Deputy Director to approve or deny a CAP is unlawful.

WIC Section 209(d) Plainly Requires the Board to Approve or Deny CAPs. The OMA requires that "[a]ll meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body," with limited exceptions inapplicable here. Cal. Gov't Code § 11123. The OMA prohibits "[a] majority of the members of a state body . . . [from] us[ing] a series of communications . . . to . . . take action on any item of business that is within the subject matter of the state body" in a meeting not authorized by the OMA. Cal. Gov't Code § 11122.5(b)(1). For the BSCC to take action on approving or denying a CAP—an "item of business that is within the subject matter of the state body," given that the board is required to approve or deny a CAP pursuant to WIC Section 209(d)—the BSCC must hold an "open and public meeting." Cal. Gov't Code §§ 11122.5(a), 11123, 11121.

Here, the BSCC board failed to opine on the County's October 11 and 13 CAPs during the board's November 21, 2024 meeting, despite the County's specific request for it to do so. Exs. U & V. Given the failures by the BSCC to adhere to the requirements of Section 209(d) and the

OMA, the BSCC's October 14 Notice is ineffective. So is the December 12, 2024 deadline to vacate Los Padrinós set forth in the notice.

The BSCC Board's Attempt to Delegate Authority to the BSCC Deputy Director to Approve or Deny CAPs Is Legally Improper. In rejecting the County's request for the BSCC to place the CAPs on the BSCC board's November 21, 2024 agenda, the BSCC justified its refusal by referring to the BSCC board's attempted delegation of authority to opine on CAPs to the BSCC's FSO Deputy Director. Ex. V. That purported delegation authority stems from a recently created CAP process the BSCC approved during its July 11, 2024 meeting.¹¹ This delegation, however, is legally improper for two reasons.

First, the delegation violates WIC Section 209(d)'s plain language, which expressly states that the "*board* shall either approve or deny" CAPs. It also violates the statutory framework creating the BSCC, which expressly limits the BSCC's delegation authority to only "ministerial" acts. Cal. Penal Code § 6025.6 (board can delegate only "any ministerial authority or duty . . . imposed upon the board to a subordinate officer"). Approving or denying a CAP is not ministerial—as this matter shows, it involves substantial discretion and judgment on complex issues. Accordingly, the board's attempt at delegating its authority is ineffective.

Second, the new CAP process is an underground regulation. Under California's APA, "regulations" as defined in California Government Code section 11342.600 must be adopted in accordance with APA procedures. See, e.g., Cal. Gov't Code §§ 11349.1, 11343. If they are not, they constitute an "underground regulation" that is invalid and unenforceable.¹² To meet APA procedures, an agency must submit its proposed regulation to the Office of Administrative Law ("OAL"), which reviews proposed regulations to determine whether they meet certain standards. Cal. Gov't Code § 11349.1. These standards pertain to, among other things, whether the agency has "authority" to adopt the regulation and whether the regulation is "consisten[t]" with and not in conflict with existing statutes. Cal. Gov't Code §§ 11349, 11349.1. Only after that review may the OAL approve the regulation for publication in the California Code of Regulations and file the regulation with the Secretary of State. Cal. Gov't Code § 11349.1.

The BSCC's new CAP process—and specifically, its provision delegating to its FSO Deputy Director the power to approve or deny CAPs—qualifies as a "regulation" under California Government Code section 11342.600. This is because it purports to (1) "apply generally" to all cases in which CAPs are submitted and (2) "implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency's procedure." *Tidewater Marine*, 14 Cal.4th at 571; Cal. Gov't Code § 11342.600. Accordingly, the BSCC had to follow the APA procedures outlined above for the new CAP process to be valid and enforceable, including submitting it for OAL review. The County has searched for but not found any indication that the BSCC ever did so. Because the BSCC did not follow the procedures required by the APA in

¹¹ Exs. Y & Z; *Welfare and Institutions Code section 209 (d) Corrective Action Plan Submission, Review, and Approval Process Outline*, BSCC, available at <https://www.bscc.ca.gov/welfare-and-institutions-code-section-209-d-corrective-action-plan-submission-review-and-approval-process-outline/>.

¹² *Underground Regulations*, OAL (2024), https://oal.ca.gov/underground_regulations/.

implementing its new CAP process, that process is void and cannot support the BSCC's attempted delegation. Indeed, the BSCC's enforcement of this underground regulation is exactly what the APA procedures are meant to prevent: an attempted delegation of powers that (as discussed above) plainly conflicts with other statutes.

4. *The BSCC's Affirmance of the October 14 Notice Is an Unreasonable Application of Regulations that Will Harm the Youth at Los Padrinos.*

The BSCC's demand that the County vacate Los Padrinos within just 60 days is a prime example of the BSCC's paradigm yielding a harmful result. The BSCC's insistence on vacating Los Padrinos constitutes an unreasonable decision that should be overturned.

As the County has explained in prior letters, Exs. N & U, any corrective action that forces the County to move approximately 250 youth would be tremendously disruptive and harmful to them and their opportunities for positive outcomes, and may lead to violations of laws and regulations. For example, the County's other juvenile facilities are at maximum capacity. Forcing the youth currently housed at Los Padrinos to rejoin those other facilities fixes nothing. To the contrary, it would not only disrupt the Los Padrinos juveniles forced to move, but also exacerbate the risk of overpopulating other facilities, which would negatively affect everyone housed in and working at those facilities. It would also risk violations of authority requiring the County to maintain a juvenile hall within County limits (Los Padrinos is the only one remaining). See WIC § 850. And it would expose the youth housed at other facilities to the youths housed at Los Padrinos, who have been adjudicated or are awaiting adjudication for violent offenses, including (as of the date of this letter) over 50 for murder, almost 30 for attempted murder, and others for sexually violent crimes. Nor is moving the youth housed at Los Padrinos to a neighboring county an option, as those counties have demonstrated an unwillingness to receive Los Padrinos juveniles. And releasing the youths, of course, is also not an option because it would violate the court orders that required their detention in the first place.

Instead of continuing to work with the County as it previously had, and as the DOJ continues to do through its Monitor, the BSCC has chosen to let the perfect be the enemy of the good, which does nothing but hinder our joint mission to best serve the youths in the County's care. Forcing Los Padrinos to vacate would have catastrophic consequences for the Los Padrinos youth and staff, and ultimately move the County much further away from Stipulated Judgment compliance through the enormous (perhaps insurmountable) burdens that vacating Los Padrinos would impose.

We are confident that an objective fact-finder would agree that the remedy the BSCC seeks to impose would be a detriment to the youth at Los Padrinos, and that the best way forward is not to vacate Los Padrinos but to continue to collaborate on improvements that bring the County into compliance with both the Stipulated Judgment and BSCC regulations. Setting the County back years in its diligent efforts to improve Los Padrinos is not the solution.

IV. Actions Requested and Remedies Sought

By this appeal, the County seeks both:

(1) A finding that Los Padrinos was compliant upon reinspection; or, alternatively, a finding that the BSCC will continue to work with the County on crafting a CAP that satisfies the BSCC's compliance demands to avoid the catastrophic consequences to both the youth and the County that would result from forcing the County to vacate Los Padrinos. If the BSCC is unwilling to issue a finding of compliance, it should at a minimum allow the County to present another amended CAP that would address the BSCC's concerns without upending the lives of the youth in the County's care.

(2) A finding that, before the October 14 Notice and the notice's requirement to vacate Los Padrinos by December 12, 2024, can be effective, the BSCC must comply with the OMA's open meeting requirement. There can be little doubt that the BSCC strayed from the OMA's requirements by purporting to deny the CAPs without opining on them in an open meeting whatsoever.

V. Conclusion

A process that discounts the County's good-faith efforts to improve conditions at Los Padrinos—and that instead allows the BSCC to impose the most extreme corrective action available—runs counter to the requirements and objectives of Section 209(d). Worse, by forcing the County to vacate Los Padrinos, the BSCC would be gambling with the well-being of hundreds of youth and the community rather than embracing a cooperative framework that honors our shared mission. The County continues to believe that a solution that serves the best interests of the youth can be achieved.

Sincerely,

/s/ Esteban Rodriguez

Esteban Rodriguez
of O'Melveny & Myers LLP

Enclosures

APPENDIX OF EXHIBITS IN SUPPORT OF APPEAL BY THE COUNTY OF LOS ANGELES AND THE LOS ANGELES COUNTY PROBATION DEPARTMENT

<u>Exhibit #</u>	<u>Document Title</u>
A	Letter from the Board of State and Community Corrections (“BSCC”) regarding unremedied noncompliance with Title 15 § 1321 upon reinspection, dated Dec. 10, 2024
B	Memorandum from Juvenile Court Supervising Judge, Hon. Miguel Espinoza, finding Los Padrinos Juvenile Hall suitable to house youth during 2024 annual inspection, dated Oct. 8, 2024
C	Monthly Compliance Report for September 2024, Mike Dempsey (Monitor in DOJ Case), dated Nov. 14, 2024
D	Declaration from Probation Compliance Officer Tyson Nelson with Exhibits 1–3, labeled herein D1–D3, dated Jan. 8, 2025
D1	Chart Prepared by the County Displaying Staffing and Youth Population Totals across the Reinspection Review Period on a Per-Shift Basis, dated Jan. 8, 2025
D2	Chart Prepared by the County Displaying Staffing and Youth Population Totals for the Eleven Shifts the BSCC Concluded Were Noncompliant, dated Jan. 8, 2025
D3	Los Padrinos Staffing Assessment Analysis Prepared by the County, dated Dec. 2024
E	Letter from the BSCC to Judge Espinoza providing information for hearing scheduled in Case No. FJ57137 with Appendix A [other supporting documentation omitted], dated Dec. 19, 2024
F	Entry of Stipulated Judgment in <i>The People of the State of California v. County of Los Angeles and Los Angeles County of Education</i> , Case No. 21STCV01309 (“DOJ Case”) with Exhibit 1 Stipulated Judgment attachment [Exhibit 2 omitted], filed Jan. 21, 2021
G	Order Amending Stipulated Judgment in DOJ Case [exhibits omitted], filed Dec. 11, 2024
H	Initial Inspection Report, dated Aug. 18, 2023
I	The County’s Corrective Action Plan (“CAP”), dated Oct. 16, 2023

J	Letter from the BSCC approving the County's Oct. 16, 2023 CAP, dated Oct. 17, 2023
K	Initial Inspection Report, dated June 28, 2024
L	The County's CAP, dated Aug. 8, 2024
M	Letter from the BSCC approving the County's Aug. 8, 2024 CAP, dated Aug. 8, 2024
N	Letter from Chief Probation Officer Guillermo Viera Rosa regarding Juvenile Hall Compliance, dated Feb. 15, 2024
O	Letter from the BSCC providing Notice of Noncompliance, dated Aug. 12, 2024
P	The County's CAP, dated Oct. 11, 2024
Q	Letter from the BSCC rejecting the County's Oct. 11, 2024 CAP, dated Oct. 11, 2024
R	The County's CAP, dated Oct. 13, 2024
S	Email from the BSCC rejecting the County's Oct. 13, 2024 CAP, dated Oct. 13, 2024
T	Letter from the BSCC providing Notice of Facility Unsuitability, dated Oct. 14, 2024
U	Letter from outside counsel for the County, Andrew Baum, requesting a public hearing for the BSCC board to approve or deny the County's Oct. 11 and 13, 2024 CAPs, dated Nov. 5, 2024
V	Letter from the BSCC rejecting Andrew Baum's request for a public hearing, dated Nov. 8, 2024
W	Minutes of BSCC Meeting on April 11, 2024
X	Proclamation adopted by the County Board of Supervisors of a Local Emergency at Los Padrinos Juvenile Hall, dated Dec. 17, 2024
Y	Meeting Agenda and excerpts from Binder for BSCC Meeting on July 11, 2024
Z	Minutes of BSCC Meeting on July 11, 2024

AA

Letter from BSCC Executive Director Aaron Maguire to the County's outside counsel Esteban Rodriguez acknowledging receipt of the County's December 11, 2024 Notice of Appeal, dated Dec. 13, 2024

**FIRST-LEVEL APPEAL
EXHIBIT A**

December 10, 2024

Guillermo Viera Rosa, Chief Probation Officer
Los Angeles County Probation Department
9150 Imperial Highway
Downey CA 90242

**SUBJECT: UNREMEDIED NON-COMPLIANCE WITH TITLE 15 § 1321: STAFFING
– LOS PADRINOS JUVENILE HALL, LOS ANGELES COUNTY PROBATION
DEPARTMENT**

Dear Chief Viera Rosa:

I am writing to inform you that following reinspection of Los Padrinos Juvenile Hall (Los Padrinos) conducted on December 5 and 6, 2024, Los Padrinos remains out of compliance with Section 1321 of Title 15 of the California Code of Regulations. This inspection was conducted in response to your request for reinspection dated December 2, 2024. During our inspection, we found that effort has been made to address and mitigate the issues that led to noncompliance with Title 15, section 1321, Staffing; however, the county has failed to remedy the conditions that rendered the facility unsuitable.

Scope of Reinspection

During our inspection, we reviewed the following documentation from November 19-December 2, 2024:

- Facility Staffing Reports, Staffing Sheets and Updated Staffing Plan
- Program, Recreation and Exercise Logs
- School Movement Documentation Sheets/LACOE Movement Documents
- Medical Appointment Transportation Team (External)

Facility Staffing Reports/Staffing Sheets/Updated Staffing Plan

The facility continues to be minimally staffed; the county provided us with an updated staffing plan on December 4, 2024. This updated plan, similar to previous plans, does not provide background analysis of the staffing plan that takes into account how the minimum staffing numbers were determined. It appears the county has not undertaken a proper staffing analysis to adequately determine minimum staffing numbers; there is no analysis of posted positions, physical plant limitations, planning for contingencies, etc. The only information available is minimum numbers for staffing, and versions of a staffing plan that includes minimum/mandatory, baseline, program minimum, and operational minimums. The county continues to staff the facility at operational minimums, which negatively impacts the facility's ability to meet required minimum standards.

Since the last inspection, the county has implemented a population reduction plan and has made strides in reducing the number of youth being placed in the facility; however, there is no analysis that indicates that the staffing numbers should be commensurately decreased. In this latest staffing plan, however, the county has further decreased already low staffing minimums.

We found of the 45 shifts reviewed, (5) AM shifts and (6) EM shifts (24% of shifts overall) did not meet the Department's required minimum unit staffing requirements. We found Monday, Tuesday, and Saturday Early Morning shifts and Saturday, Sunday and Monday AM shifts to be below the identified minimum staffing numbers. There were 11 occurrences where youth identified as a Level youth did not have a Level staff assigned per the documentation provided; this highlights that minimum staffing numbers continue to not be met and/or are inadequate to meet the needs of the facility.

We found that the current staffing numbers do not allow for all required activities, operations, programs and facility functions, and to ensure the safety of youth and staff.

Program, Recreation and Exercise Logs

The findings of noncompliance with staffing are also linked to the inability of the facility to provide programs, recreation, and exercise in compliance with minimum standards due to the lack of staff. During our review of activity logs, we found two (2) instances where the lack of staff was specifically noted as the cause for the units to cancel outdoor exercise. We also found a significant number of documented occurrences of youth not being provided with the opportunity to go outside for exercise or for outdoor activity due to "darkness," despite the facility having lighted areas.

When we discovered documentation of modification of outdoor recreation to indoor recreation, we verified those activities on video review. What we observed was that in most cases, youth did not participate in exercise, but rather engaged in recreation activities in the dayroom, such as, TV, phones, video games etc.

School Movement

The finding of noncompliance with staffing was also based on the inability of facility staff to get youth to school on time due to lack of staff available for supervision within the classroom. While the facility has improved in this area, youth continue to be late to school, due to operational issues that occurred within the units, such as late medical rounds, restructuring of youth, or unit incidents that occurred. We also found a noteworthy number of late starts due to the teachers being late to the classroom, which were confirmed to be educators being late to the facility.

Medical Appointment Transportation Team (External)

To determine if issues with youth getting to medical appointments have been remedied, we met with the Juvenile Court Health Services AM and PM shift supervisors and Probation to determine the status of outside medical appointments and to discuss process. While both healthcare supervisors noted an improvement in getting youth to appointments, there continues to be cancellations as need exceeds the resources allocated/available for getting youth to appointments.

Conclusion

Based on the foregoing, our reinspection findings indicate that the Los Angeles County Probation Department has not remedied the noncompliance with Section 1321 (Staffing) at the Los Padrinos Juvenile Hall.

* * *

If you have any questions, please contact Field Representative Lisa Southwell at lisa.southwell@bscc.ca.gov or (916) 322-1638.

Sincerely,



LISA SOUTHWELL
Field Representative
Facilities Standards and Operations Division

Cc:

Kimberly Epps, Chief Deputy Probation Officer, Los Angeles County Probation
Sheila Williams, Deputy Director, Los Angeles County Probation
Vicky Waters, Director of Communications, Los Angeles County Probation
Sanford Rose, Deputy Director, Los Angeles County Probation
Honorable Samantha P. Jessner, Presiding Judge, Los Angeles County Superior Court
Honorable Akemi Arakaki, Presiding Judge of the Juvenile Court
Honorable Miguel Espinoza, Los Angeles County Superior Court Los Angeles County
Dawyn R. Harrison, County Counsel, Los Angeles County
Fesia Davenport, Chief Executive Officer, Los Angeles County
Max Huntsman, Office of Inspector General, Los Angeles County
Wendelyn Julien, Executive Director, Probation Oversight Commission
Tyson Nelson, Compliance Monitor, County Executive Office, County of Los Angeles
All BSCC Board Members
Aaron R. Maguire, Executive Director (A) Board of State and Community Corrections
Steven Wicklander, Deputy Director (A) Board of State and Community Corrections

**FIRST-LEVEL APPEAL
EXHIBIT B**



The Superior Court

EAST LOS ANGELES COURTHOUSE
4848 EAST CIVIC CENTER WAY
LOS ANGELES, CALIFORNIA 90022

CHAMBERS OF
MIGUEL ESPINOZA

(he/him/his)


SUPERVISING JUDGE
JUVENILE JUSTICE COURT

TELEPHONE
(323) 780-2016

MEMORANDUM

October 8, 2024

TO: Hon. Akemi Arakaki
Presiding Judge, Juvenile Court

FROM: Miguel Espinoza 
Supervising Judge, Juvenile Justice Court

SUBJECT: **2024 INSPECTION OF JUVENILE FACILITIES**

Pursuant to WIC 209(a), I inspected the following juvenile detention facilities during the 2024 inspection cycle. I used the Juvenile Halls, Special Juvenile Halls, and Camps Procedures Checklist as my guide. At the time of my inspection, each of these facilities met the minimum standards required by law and were deemed suitable for the confinement of our youth.

- Los Padrinos (May 3, 2024)
- Barry J. Nidorf (May 31, 2024)
- Campus Kilpatrick (August 9, 2024)
- Dorothy Kirby Center (all facilities) (August 23, 2024)
- Campus Afflerbaugh (October 4, 2024)
- Campus Paige (October 4, 2024)
- Campus Rocky (October 4, 2024)

Cc: Chief Guillermo Viera Rosa

**FIRST-LEVEL APPEAL
EXHIBIT C**

From: [Mike Dempsey](#)
To: [Aaron Broom](#); [Tyson Nelson](#); [EDL-PROB CA DOJ](#); [Laura Faer](#); [Virginia Corrigan](#); [Christopher Medeiros](#); [Trinidad Ocampo](#); [Cristina Gutierrez](#)
Cc: [Peter E. Leone](#); [clioconsultingllc@gmail.com](#); [Monique Khumalo](#); [kelly.dedel@gmail.com](#); [tabreu12@gmail.com](#); [sharon@rapidesi.com](#)
Subject: Monthly Compliance Report Re: September 2024
Date: Thursday, November 14, 2024 11:28:23 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[LA County Monthly Report Thru SEPTEMBER 2024 FINAL 11_14_2024 LOCKED1221.xlsx](#)

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Good afternoon. Please find attached the final version of the September monthly report. The attached report takes into consideration comments submitted by DOJ and the County partners.

In future, please provide any comments/feedback on the draft reports within 10 days of receipt if you want those to be considered prior to us finalizing the report.

Mike

Michael P. Dempsey, Executive Director
Council of Juvenile Justice Administrators (CJJA)
350 Lincoln Street, Suite 2400
Hingham, MA 02043
781.843.2663 (office)
765.617.6562 (cell)
Michael.dempsey@cjja.net



Project Information					Project Details			Project Status			Project Summary			Project Notes		
Area	Activity	Resource	Project	Project Category	Task	Subtask	Task ID	Task Name	Task Description	Task Status	Task Priority	Task Owner	Task Assigned To	Task Due Date	Task Completion Date	Task Completion Status
Project A	Task A.1	Resource A.1	Project A.1	Project A.1 Category	Task A.1.1	Subtask A.1.1.1	Task A.1.1 ID	Task A.1.1 Name	Task A.1.1 Description	Task A.1.1 Status	Task A.1.1 Priority	Task A.1.1 Owner	Task A.1.1 Assigned To	Task A.1.1 Due Date	Task A.1.1 Completion Date	Task A.1.1 Completion Status
Project A	Task A.2	Resource A.2	Project A.2	Project A.2 Category	Task A.2.1	Subtask A.2.1.1	Task A.2.1 ID	Task A.2.1 Name	Task A.2.1 Description	Task A.2.1 Status	Task A.2.1 Priority	Task A.2.1 Owner	Task A.2.1 Assigned To	Task A.2.1 Due Date	Task A.2.1 Completion Date	Task A.2.1 Completion Status
Project A	Task A.3	Resource A.3	Project A.3	Project A.3 Category	Task A.3.1	Subtask A.3.1.1	Task A.3.1 ID	Task A.3.1 Name	Task A.3.1 Description	Task A.3.1 Status	Task A.3.1 Priority	Task A.3.1 Owner	Task A.3.1 Assigned To	Task A.3.1 Due Date	Task A.3.1 Completion Date	Task A.3.1 Completion Status
Project A	Task A.4	Resource A.4	Project A.4	Project A.4 Category	Task A.4.1	Subtask A.4.1.1	Task A.4.1 ID	Task A.4.1 Name	Task A.4.1 Description	Task A.4.1 Status	Task A.4.1 Priority	Task A.4.1 Owner	Task A.4.1 Assigned To	Task A.4.1 Due Date	Task A.4.1 Completion Date	Task A.4.1 Completion Status
Project A	Task A.5	Resource A.5	Project A.5	Project A.5 Category	Task A.5.1	Subtask A.5.1.1	Task A.5.1 ID	Task A.5.1 Name	Task A.5.1 Description	Task A.5.1 Status	Task A.5.1 Priority	Task A.5.1 Owner	Task A.5.1 Assigned To	Task A.5.1 Due Date	Task A.5.1 Completion Date	Task A.5.1 Completion Status
Project A	Task A.6	Resource A.6	Project A.6	Project A.6 Category	Task A.6.1	Subtask A.6.1.1	Task A.6.1 ID	Task A.6.1 Name	Task A.6.1 Description	Task A.6.1 Status	Task A.6.1 Priority	Task A.6.1 Owner	Task A.6.1 Assigned To	Task A.6.1 Due Date	Task A.6.1 Completion Date	Task A.6.1 Completion Status
Project A	Task A.7	Resource A.7	Project A.7	Project A.7 Category	Task A.7.1	Subtask A.7.1.1	Task A.7.1 ID	Task A.7.1 Name	Task A.7.1 Description	Task A.7.1 Status	Task A.7.1 Priority	Task A.7.1 Owner	Task A.7.1 Assigned To	Task A.7.1 Due Date	Task A.7.1 Completion Date	Task A.7.1 Completion Status
Project A	Task A.8	Resource A.8	Project A.8	Project A.8 Category	Task A.8.1	Subtask A.8.1.1	Task A.8.1 ID	Task A.8.1 Name	Task A.8.1 Description	Task A.8.1 Status	Task A.8.1 Priority	Task A.8.1 Owner	Task A.8.1 Assigned To	Task A.8.1 Due Date	Task A.8.1 Completion Date	Task A.8.1 Completion Status
Project A	Task A.9	Resource A.9	Project A.9	Project A.9 Category	Task A.9.1	Subtask A.9.1.1	Task A.9.1 ID	Task A.9.1 Name	Task A.9.1 Description	Task A.9.1 Status	Task A.9.1 Priority	Task A.9.1 Owner	Task A.9.1 Assigned To	Task A.9.1 Due Date	Task A.9.1 Completion Date	Task A.9.1 Completion Status
Project A	Task A.10	Resource A.10	Project A.10	Project A.10 Category	Task A.10.1	Subtask A.10.1.1	Task A.10.1 ID	Task A.10.1 Name	Task A.10.1 Description	Task A.10.1 Status	Task A.10.1 Priority	Task A.10.1 Owner	Task A.10.1 Assigned To	Task A.10.1 Due Date	Task A.10.1 Completion Date	Task A.10.1 Completion Status
Project A	Task A.11	Resource A.11	Project A.11	Project A.11 Category	Task A.11.1	Subtask A.11.1.1	Task A.11.1 ID	Task A.11.1 Name	Task A.11.1 Description	Task A.11.1 Status	Task A.11.1 Priority	Task A.11.1 Owner	Task A.11.1 Assigned To	Task A.11.1 Due Date	Task A.11.1 Completion Date	Task A.11.1 Completion Status
Project A	Task A.12	Resource A.12	Project A.12	Project A.12 Category	Task A.12.1	Subtask A.12.1.1	Task A.12.1 ID	Task A.12.1 Name	Task A.12.1 Description	Task A.12.1 Status	Task A.12.1 Priority	Task A.12.1 Owner	Task A.12.1 Assigned To	Task A.12.1 Due Date	Task A.12.1 Completion Date	Task A.12.1 Completion Status
Project A	Task A.13	Resource A.13	Project A.13	Project A.13 Category	Task A.13.1	Subtask A.13.1.1	Task A.13.1 ID	Task A.13.1 Name	Task A.13.1 Description	Task A.13.1 Status	Task A.13.1 Priority	Task A.13.1 Owner	Task A.13.1 Assigned To	Task A.13.1 Due Date	Task A.13.1 Completion Date	Task A.13.1 Completion Status
Project A	Task A.14	Resource A.14	Project A.14	Project A.14 Category	Task A.14.1	Subtask A.14.1.1	Task A.14.1 ID	Task A.14.1 Name	Task A.14.1 Description	Task A.14.1 Status	Task A.14.1 Priority	Task A.14.1 Owner	Task A.14.1 Assigned To	Task A.14.1 Due Date	Task A.14.1 Completion Date	Task A.14.1 Completion Status
Project A	Task A.15	Resource A.15	Project A.15	Project A.15 Category	Task A.15.1	Subtask A.15.1.1	Task A.15.1 ID	Task A.15.1 Name	Task A.15.1 Description	Task A.15.1 Status	Task A.15.1 Priority	Task A.15.1 Owner	Task A.15.1 Assigned To	Task A.15.1 Due Date	Task A.15.1 Completion Date	Task A.15.1 Completion Status
Project A	Task A.16	Resource A.16	Project A.16	Project A.16 Category	Task A.16.1	Subtask A.16.1.1	Task A.16.1 ID	Task A.16.1 Name	Task A.16.1 Description	Task A.16.1 Status	Task A.16.1 Priority	Task A.16.1 Owner	Task A.16.1 Assigned To	Task A.16.1 Due Date	Task A.16.1 Completion Date	Task A.16.1 Completion Status
Project A	Task A.17	Resource A.17	Project A.17	Project A.17 Category	Task A.17.1	Subtask A.17.1.1	Task A.17.1 ID	Task A.17.1 Name	Task A.17.1 Description	Task A.17.1 Status	Task A.17.1 Priority	Task A.17.1 Owner	Task A.17.1 Assigned To	Task A.17.1 Due Date	Task A.17.1 Completion Date	Task A.17.1 Completion Status
Project A	Task A.18	Resource A.18	Project A.18	Project A.18 Category	Task A.18.1	Subtask A.18.1.1	Task A.18.1 ID	Task A.18.1 Name	Task A.18.1 Description	Task A.18.1 Status	Task A.18.1 Priority	Task A.18.1 Owner	Task A.18.1 Assigned To	Task A.18.1 Due Date	Task A.18.1 Completion Date	Task A.18.1 Completion Status
Project A	Task A.19	Resource A.19	Project A.19	Project A.19 Category	Task A.19.1	Subtask A.19.1.1	Task A.19.1 ID	Task A.19.1 Name	Task A.19.1 Description	Task A.19.1 Status	Task A.19.1 Priority	Task A.19.1 Owner	Task A.19.1 Assigned To	Task A.19.1 Due Date	Task A.19.1 Completion Date	Task A.19.1 Completion Status
Project A	Task A.20	Resource A.20	Project A.20	Project A.20 Category	Task A.20.1	Subtask A.20.1.1	Task A.20.1 ID	Task A.20.1 Name	Task A.20.1 Description	Task A.20.1 Status	Task A.20.1 Priority	Task A.20.1 Owner	Task A.20.1 Assigned To	Task A.20.1 Due Date	Task A.20.1 Completion Date	Task A.20.1 Completion Status
Project A	Task A.21	Resource A.21	Project A.21	Project A.21 Category	Task A.21.1	Subtask A.21.1.1	Task A.21.1 ID	Task A.21.1 Name	Task A.21.1 Description	Task A.21.1 Status	Task A.21.1 Priority	Task A.21.1 Owner	Task A.21.1 Assigned To	Task A.21.1 Due Date	Task A.21.1 Completion Date	Task A.21.1 Completion Status
Project A	Task A.22	Resource A.22	Project A.22	Project A.22 Category	Task A.22.1	Subtask A.22.1.1	Task A.22.1 ID	Task A.22.1 Name	Task A.22.1 Description	Task A.22.1 Status	Task A.22.1 Priority	Task A.22.1 Owner	Task A.22.1 Assigned To	Task A.22.1 Due Date	Task A.22.1 Completion Date	Task A.22.1 Completion Status
Project A	Task A.23	Resource A.23	Project A.23	Project A.23 Category	Task A.23.1	Subtask A.23.1.1	Task A.23.1 ID	Task A.23.1 Name	Task A.23.1 Description	Task A.23.1 Status	Task A.23.1 Priority	Task A.23.1 Owner	Task A.23.1 Assigned To	Task A.23.1 Due Date	Task A.23.1 Completion Date	Task A.23.1 Completion Status
Project A	Task A.24	Resource A.24	Project A.24	Project A.24 Category	Task A.24.1	Subtask A.24.1.1	Task A.24.1 ID	Task A.24.1 Name	Task A.24.1 Description	Task A.24.1 Status	Task A.24.1 Priority	Task A.24.1 Owner	Task A.24.1 Assigned To	Task A.24.1 Due Date	Task A.24.1 Completion Date	Task A.24.1 Completion Status
Project A	Task A.25	Resource A.25	Project A.25	Project A.25 Category	Task A.25.1	Subtask A.25.1.1	Task A.25.1 ID	Task A.25.1 Name	Task A.25.1 Description	Task A.25.1 Status	Task A.25.1 Priority	Task A.25.1 Owner	Task A.25.1 Assigned To	Task A.25.1 Due Date	Task A.25.1 Completion Date	Task A.25.1 Completion Status
Project A	Task A.26	Resource A.26	Project A.26	Project A.26 Category	Task A.26.1	Subtask A.26.1.1	Task A.26.1 ID	Task A.26.1 Name	Task A.26.1 Description	Task A.26.1 Status	Task A.26.1 Priority	Task A.26.1 Owner	Task A.26.1 Assigned To	Task A.26.1 Due Date	Task A.26.1 Completion Date	Task A.26.1 Completion Status
Project A	Task A.27	Resource A.27	Project A.27	Project A.27 Category	Task A.27.1	Subtask A.27.1.1	Task A.27.1 ID	Task A.27.1 Name	Task A.27.1 Description	Task A.27.1 Status	Task A.27.1 Priority	Task A.27.1 Owner	Task A.27.1 Assigned To	Task A.27.1 Due Date	Task A.27.1 Completion Date	Task A.27.1 Completion Status
Project A	Task A.28	Resource A.28	Project A.28	Project A.28 Category	Task A.28.1	Subtask A.28.1.1	Task A.28.1 ID	Task A.28.1 Name	Task A.28.1 Description	Task A.28.1 Status	Task A.28.1 Priority	Task A.28.1 Owner	Task A.28.1 Assigned To	Task A.28.1 Due Date	Task A.28.1 Completion Date	Task A.28.1 Completion Status
Project A	Task A.29	Resource A.29	Project A.29	Project A.29 Category	Task A.29.1	Subtask A.29.1.1	Task A.29.1 ID	Task A.29.1 Name	Task A.29.1 Description	Task A.29.1 Status	Task A.29.1 Priority	Task A.29.1 Owner	Task A.29.1 Assigned To	Task A.29.1 Due Date	Task A.29.1 Completion Date	Task A.29.1 Completion Status
Project A	Task A.30	Resource A.30	Project A.30	Project A.30 Category	Task A.30.1	Subtask A.30.1.1	Task A.30.1 ID	Task A.30.1 Name	Task A.30.1 Description	Task A.30.1 Status	Task A.30.1 Priority	Task A.30.1 Owner	Task A.30.1 Assigned To	Task A.30.1 Due Date	Task A.30.1 Completion Date	Task A.30.1 Completion Status
Project A	Task A.31	Resource A.31	Project A.31	Project A.31 Category	Task A.31.1	Subtask A.31.1.1	Task A.31.1 ID	Task A.31.1 Name	Task A.31.1 Description	Task A.31.1 Status	Task A.31.1 Priority	Task A.31.1 Owner	Task A.31.1 Assigned To	Task A.31.1 Due Date	Task A.31.1 Completion Date	Task A.31.1 Completion Status
Project A	Task A.32	Resource A.32	Project A.32	Project A.32 Category	Task A.32.1	Subtask A.32.1.1	Task A.32.1 ID	Task A.32.1 Name	Task A.32.1 Description	Task A.32.1 Status	Task A.32.1 Priority	Task A.32.1 Owner	Task A.32.1 Assigned To	Task A.32.1 Due Date	Task A.32.1 Completion Date	Task A.32.1 Completion Status
Project A	Task A.33	Resource A.33	Project A.33	Project A.33 Category	Task A.33.1	Subtask A.33.1.1	Task A.33.1 ID	Task A.33.1 Name	Task A.33.1 Description	Task A.33.1 Status	Task A.33.1 Priority	Task A.33.1 Owner	Task A.33.1 Assigned To	Task A.33.1 Due Date	Task A.33.1 Completion Date	Task A.33.1 Completion Status
Project A	Task A.34	Resource A.34	Project A.34	Project A.34 Category	Task A.34.1	Subtask A.34.1.1	Task A.34.1 ID	Task A.34.1 Name	Task A.34.1 Description	Task A.34.1 Status	Task A.34.1 Priority	Task A.34.1 Owner	Task A.34.1 Assigned To	Task A.34.1 Due Date	Task A.34.1 Completion Date	Task A.34.1 Completion Status
Project A	Task A.35	Resource A.35	Project A.35	Project A.35 Category	Task A.35.1	Subtask A.35.1.1	Task A.35.1 ID	Task A.35.1 Name	Task A.35.1 Description	Task A.35.1 Status	Task A.35.1 Priority	Task A.35.1 Owner	Task A.35.1 Assigned To	Task A.35.1 Due Date	Task A.35.1 Completion Date	Task A.35.1 Completion Status
Project A	Task A.36	Resource A.36	Project A.36	Project A.36 Category	Task A.36.1	Subtask A.36.1.1	Task A.36.1 ID	Task A.36.1 Name	Task A.36.1 Description	Task A.36.1 Status	Task A.36.1 Priority	Task A.36.1 Owner	Task A.36.1 Assigned To	Task A.36.1 Due Date	Task A.36.1 Completion Date	Task A.36.1 Completion Status
Project A	Task A.37	Resource A.37	Project A.37	Project A.37 Category	Task A.37.1	Subtask A.37.1.1	Task A.37.1 ID	Task A.37.1 Name	Task A.37.1 Description	Task A.37.1 Status	Task A.37.1 Priority	Task A.37.1 Owner	Task A.37.1 Assigned To	Task A.37.1 Due Date	Task A.37.1 Completion Date	Task A.37.1 Completion Status
Project A	Task A.38	Resource A.38	Project A.38	Project A.38 Category	Task A.38.1	Subtask A.38.1.1	Task A.38.1 ID	Task A.38.1 Name	Task A.38.1 Description	Task A.38.1 Status	Task A.38.1 Priority	Task A.38.1 Owner	Task A.38.1 Assigned To	Task A.38.1 Due Date	Task A.38.1 Completion Date	Task A.38.1 Completion Status
Project A	Task A.39	Resource A.39	Project A.39	Project A.39 Category	Task A.39.1	Subtask A.39.1.1	Task A.39.1 ID	Task A.39.1 Name	Task A.39.1 Description	Task A.39.1 Status	Task A.39.1 Priority	Task A.39.1 Owner	Task A.39.1 Assigned To	Task A.39.1 Due Date	Task A.39.1 Completion Date	Task A.39.1 Completion Status
Project A	Task A.40	Resource A.40	Project A.40	Project A.40 Category	Task A.40.1	Subtask A.40.1.1	Task A.40.1 ID	Task A.40.1 Name	Task A.40.1 Description	Task A.40.1 Status	Task A.40.1 Priority	Task A.40.1 Owner	Task A.40.1 Assigned To	Task A.40.1 Due Date	Task A.40.1 Completion Date	Task A.40.1 Completion Status
Project A	Task A.41	Resource A.41	Project A.41	Project A.41 Category	Task A.41.1	Subtask A.41.1.1	Task A.41.1 ID	Task A.41.1 Name	Task A.41.1 Description	Task A.41.1 Status	Task A.41.1 Priority	Task A.41.1 Owner	Task A.41.1 Assigned To	Task A.41.1 Due Date	Task A.41.1 Completion Date	Task A.41.1 Completion Status
Project A	Task A.42	Resource A.42	Project A.42	Project A.42 Category	Task A.42.1	Subtask A.42.1.1	Task A.42.1 ID	Task A.42.1 Name	Task A.42.1 Description	Task A.42.1 Status	Task A.42.1 Priority	Task A.42.1 Owner	Task A.42.1 Assigned To	Task A.42.1 Due Date	Task A.42.1 Completion Date	Task A.42.1 Completion Status
Project A	Task A.43	Resource A.43	Project A.43	Project A.43 Category	Task A.43.1	Subtask A.43.1.1	Task A.43.1 ID	Task A.43.1 Name	Task A.43.1 Description	Task A.43.1 Status	Task A.43.1 Priority	Task A.43.1 Owner	Task A.43.1 Assigned To	Task A.43.1 Due Date	Task A.43.1 Completion Date	Task A.43.1 Completion Status
Project A	Task A.44	Resource A.44	Project A.44	Project A.44 Category	Task A.44.1	Subtask A.44.1.1	Task A.44.1 ID	Task A.44.1 Name	Task A.44.1 Description	Task A.44.1 Status	Task A.44.1 Priority	Task A.44.1 Owner	Task A.44.1 Assigned To	Task A.44.1 Due Date	Task A.44.1 Completion Date	Task A.44.1 Completion Status
Project A	Task A.45	Resource A.45	Project A.45	Project A.45 Category	Task A.45.1	Subtask A.45.1.1	Task A.45.1 ID	Task A.45.1 Name	Task A.45.1 Description	Task A.45.1 Status	Task A.45.1 Priority	Task A.45.1 Owner	Task A.45.1 Assigned To	Task A.45.1 Due Date	Task A.45.1 Completion Date	Task A.45.1 Completion Status
Project A	Task A.46	Resource A.46	Project A.46	Project A.46 Category	Task A.46.1	Subtask A.46.1.1	Task A.46.1									

[illegible]

**FIRST-LEVEL APPEAL
EXHIBIT D**

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8
9 CALIFORNIA BOARD OF STATE AND
10 COMMUNITY CORRECTIONS

11 In re: Appeal of December 10, 2024
12 Reinspection Findings and Determination of
13 Facility Unsuitability at Los Padrinos Juvenile
Hall

Appeal to Executive Director

**DECLARATION OF TYSON NELSON IN
SUPPORT OF COUNTY OF LOS
ANGELES'S APPEAL OF BSCC'S
DECEMBER 10, 2024 REINSPECTION
FINDINGS AND DETERMINATION OF
FACILITY UNSUITABILITY AT LOS
PADRINOS JUVENILE HALL**

1 I, Tyson Nelson, declare and state as follows:

2 1. I have personal knowledge of the matters stated herein. All of the facts set forth
3 herein are known to me personally and, if called as a witness, I could and would testify
4 competently to them.

5 2. I am an attorney admitted to practice in the courts of the State of California. I
6 make this Declaration in support of the County of Los Angeles's Appeal of the December 10,
7 2024 Reinspection Findings and Determination of Facility Unsuitability at Los Padrinos Juvenile
8 Hall (the "Appeal") by the Board of State and Community Corrections ("BSCC").

9 3. I am the Probation Compliance Officer employed by the Chief Executive Office
10 ("CEO") for the County of Los Angeles (the "County"). As the Compliance Officer, I am
11 responsible for, among other things, helping to resolve compliance-related concerns and
12 communications, monitor compliance timelines, and review corrective action plans for the Los
13 Angeles County Probation Department ("Probation"). I was appointed the Probation Compliance
14 Officer on November 28, 2024. Prior to my current role, I was with the Los Angeles County,
15 Office of the County Counsel assigned to advise the Probation Department.

16 4. I am also a United States Department of Justice certified Prison Rape Elimination
17 Act ("PREA") auditor for jails and juvenile facilities.

18 5. I understand that the BSCC performed a reinspection of Los Padrinos Juvenile
19 Hall ("Los Padrinos") on December 5 and 6, 2024.

20 6. After the reinspection, the BSCC field inspector ("Inspector") who performed the
21 inspection orally reported some of her findings to the County on Monday, December 9, 2024. At
22 this meeting the Inspector stated that she audited 15 days and 45 shifts (3 shifts per day).

23 7. On December 10, 2024, the BSCC issued to the County its written findings
24 explaining why, upon reinspection, the BSCC found Los Padrinos not to be in compliance with
25 Section 1321 of Title 15 of the California Code of Regulations. The letter states that the
26 Inspector audited dates November 19 through December 2, 2024, which is only 14 days. But
27 because Probation provided documentation to the Inspector for dates from November 19 to
28 December 3, which is 15 days, and the Inspector stated that she audited 15 days, I audited through

1 December 3.

2 8. I learned through a conversation with the Inspector and a Probation supervisor
3 who assisted the Inspector during her re-inspection about how the Inspector conducts her audits
4 of staffing, namely that the Inspector calculates staffing numbers as follows: begin with the total
5 number of staff on the shift; then remove the staff with youth at the hospital, staff assigned to
6 movement and control, and all staff supervising one staff to one youth (1:1) or two staff to one
7 youth (2:1) (collectively, “Small Group Staff”); and then apply the Probation-created minimum
8 staffing numbers to determine compliance.

9 9. With this knowledge, and applying my prior experience, I performed an analysis
10 of the staffing and youth population at Los Padrinos in order to evaluate the BSCC’s findings.

11 10. As part of this evaluation, I reviewed the same documents provided to the
12 Inspector on staffing and youth population data from November 19, 2024, through December 3,
13 2024 (collectively, the “Review Period”).

14 11. To accomplish this review, Probation provided me access to the Microsoft Teams
15 folder in which Probation placed its staffing documents for the BSCC Inspector to review.

16 12. I determined, based on the staffing and youth population data in the documents
17 made available to the Inspector for review, that all 45 Los Padrinos shifts from the Review Period
18 complied with the staffing ratio requirements in California Code of Regulations, Title 15, Section
19 1321.

20 13. Additionally, I determined based on the staffing and youth population data in the
21 documents made available to the Inspector for review that for all 21 units for each of the 11 shifts
22 that the BSCC found noncompliant—totaling 231 unit shifts—Los Padrinos’s staff-to-youth
23 ratios complied with Section 1321’s minimum staffing requirements. Los Padrinos’s staff-to-
24 youth ratios also complied with PREA staffing requirements for all shifts that the BSCC found to
25 be in noncompliance.

26 14. In order to better understand the BSCC findings, I then applied the Inspector’s
27 methodology of removing Small Group Staff from the ratio calculation and applied this to the 11
28 shifts that the BSCC found noncompliant. I found that 230 out of 231 units for the 11 shifts that

1 the BSCC found noncompliant were in compliance with Section 1321's minimum staffing
2 requirements when applying the Inspector's methodology at the unit-level.

3 15. Attached as **Exhibit 1** is a chart that displays the staffing and youth population
4 totals across the Review Period on a per-shift basis. The information from this chart was
5 collected from the staffing sheets made available to the BSCC, as referenced above. Column C is
6 the Section 1321 ratio requirement applicable to the shift. Columns D and E, respectively, are the
7 youth-in-detention and on-duty staff totals for each day during the Review Period. Column F
8 calculates the minimum staffing requirement based on the ratio applicable to that shift and the
9 youth in detention at that time on a facility-wide level. It does so by dividing the number in
10 column D by the youth component of the ratio in column C, and rounding up to the nearest whole
11 number. By comparing columns E and F, you can see what the Los Padrinos staffing levels were
12 compared to what Title 15 of the California Code of Regulations Section 1321 required. By
13 comparing columns E and F, you can see that all 45 shifts for all 15 days were sufficiently staffed
14 relative to what Section 1321 requires based on the facility-wide staffing numbers in the
15 documents made available to the BSCC for review. Column G includes the County's Los
16 Padrinos Staffing Assessment Analysis ("Staffing Assessment") goals for that shift. These goals
17 are not required under state regulations but rather were developed in collaboration with the
18 California Department of Justice's Monitor in connection with a stipulated judgment that covers
19 several of the County's youth facilities, including Los Padrinos. This data is included because the
20 Inspector considered it in her analysis. Column H includes the aggregate number of Small Group
21 Staff. This data is included because the Inspector considered it in her analysis. Column I
22 includes the on-duty staff during the shift who were working with the general population of
23 youths in detention, which is calculated by taking the total on-duty staff in column E and
24 subtracting the number in column H. This data is included because the Inspector considered it in
25 her analysis.

26 16. Attached as **Exhibit 2** is a chart that focuses on the eleven shifts that the Inspector
27 concluded were deficient. Whereas the Inspector did not provide information to the County about
28 whether she performed a unit-level ratio analysis, I applied my experience as a PREA certified

auditor to break down the unit-level staffing ratios in the event that the Inspector may have analyzed the staffing numbers that way. Exhibit 2 does not include data from all units for these shifts; rather, it includes data only for units where there was staff working as Small Group Staff, because these were the units where the Inspector was most likely to have determined that there was a deficiency.¹ Column B lists the unit, and column C lists the Section 1321 staff-to-youth ratio applicable to the shift. Columns D and E, respectively, accurately reflect the total number of youth in detention and on-duty staff for each unit, which are based on the same documents that were made available to the Inspector for review. In column F is the unit-level on-duty Section 1321 staffing requirement based on the number of youth in detention per unit. This is calculated by dividing the number of youth in detention in column D by the youth component of the Section 1321 ratio in column C and rounding up to the nearest whole number. Column G is the number of youth receiving small group supervision with Small Group Staff. Column H includes the number of on-duty Small Group Staff in the unit during the shift supervising the youth receiving small group supervision. This data is included because the Inspector considered it in her analysis. Column I is the number of youth in the unit not with Small Group Staff. Column J includes the on-duty staff during the shift who were working with the general population of youths in detention. This data is included because the Inspector considered it in her analysis.

17. One row in Exhibit 2 is highlighted blue. This indicates a unit during the November 23, 2024, shift that was compliant with Section 1321 staffing requirements at both the facility and unit level, but, when applying the Inspector's method of excluding Small Group Staff, the staff-to-youth ratio considering only on-duty staff with the general youth population for that unit falls outside of the 1:10 Section 1321 ratio required for that shift period. This does not mean that this unit was in noncompliance with Section 1321. Rather, Section 1321's 1:10 ratio applicable to this shift period was met because there were 2 on-duty staff for 14 youth in detention in this unit, and Section 1321 does not contemplate the exclusion of on-duty staff working in small groups—e.g., Small Group Staff—for purposes of calculating the staff-to-youth

¹ For all units not reflected in Exhibit 2, I determined based on the documents made available to the Inspector for review that Los Padrinos met Section 1321's minimum staffing requirement.

ratio.

18. Attached as **Exhibit 3** is a true and correct copy of the County's Staffing Assessment. The Staffing Assessment created a goal to have working staff totaling at least 40 during the overnight shift ("EM"), and 60 during each of the morning ("AM") and afternoon/early evening ("PM") shifts. These goals were premised not on Los Padrinos's actual youth population at a given time, but rather on the "Rated Capacity" total at Los Padrinos in October 2024, which was 309, and on the assumption that all beds were filled. By contrast, at the time of the BSCC's reinspection, there were approximately 250 youth housed at Los Padrinos. Column A lists the unit post, column B lists the hours and days of assignment, and column C reflects that for all unit posts referenced in the Staffing Assessment staffing is mandatory. Column D lists the rated capacity, which is the maximum number of youth that could be housed in that unit. Column E lists two sets of staff-to-youth ratios: the ratio to the left is "waking hours" ratio for the AM and PM shifts under PREA, and to the right is the staff-to-youth ratio during "sleeping hours" on the EM shift under PREA. The "1:5/1:8" ratios in column E refer to ratios that go above and beyond requirements in the County's policies, PREA, and Section 1321; these ratios were self-imposed by Los Padrinos leadership based on various factors, including the population and physical layout of the relevant units. (Note that the County seeks to meet the PREA ratio, which is more stringent than Section 1321.) Columns F, G, and H list the minimum number of staff required for that unit to meet PREA's ratio requirement for the EM, AM, and PM shifts, respectively. The 40-60-60 goals discussed above were generated using the following calculation: add the per-unit staffing requirement reflected for each shift in columns F, G, and H to generate a per-shift staffing goal, which is reflected in the row listed as "Totals." Columns I, J, and K relate to the number of full-time employees in a given unit based on the Staffing Assessment goals. Specifically, Column I lists the relief factor, which refers to a value to help determine how many full-time employees should be assigned to that unit. The relief factor considers, for example, staff call-outs, leave, and vacation time in determining how many full-time employees should be assigned to the unit above the minimum number of staff per day required under PREA. Column J refers to the number of staff needed to be assigned to a unit to satisfy the PREA ratio requirement

1 for that unit based on the rated capacity listed in column D. Column J reflects the sum of the
2 values listed in columns F through H. Column K reflects the number of staff in a unit based on
3 Staffing Assessment goals after multiplying the relief factor (column I) by the number of full-
4 time employees required for that unit (column J).


5 19. Four units are greyed out in Exhibit 3. This is because as of December 2024 they
6 were closed for the construction of homelike improvements.

7 20. As Exhibit 3 demonstrates, the County specifically includes within its 40-60-60
8 Staffing Assessment staff included in Small Group Staff, specifically, movement and control
9 (rows 28 and 29) and 1:1 and 2:1 supervision (row 30). In other words, these staff contribute to
10 the 40-60-60 goal under the Staffing Assessment.

11 21. Exhibit 3 also contains a separate chart on page 2, which relates to staffing at Los
12 Padrinos for “ancillary posts.” The BSCC did not notify the County that it found any of these
13 posts out of compliance.

14
15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct.

17
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19 Dated: January 8, 2025

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By: 
Tyson Nelson

**FIRST-LEVEL APPEAL
EXHIBIT D1**

A	B	C	D	E	F	G	H	I
Date	Shift	§ 1321 On-Duty Staff:Youth Ratio	Youth in Detention	Total On-Duty Staff	§ 1321 Total On-Duty Staff Required	Assessment Goal for Total Staff	Small Group On-Duty Staff	Remaining On-Duty Staff
11/19/2024	AM	1:10	258	85	26	60	16	69
	PM	1:10	246	113	25	60	14	99
	EM	1:30	247	48	9	40	18	30
11/20/2024	AM	1:10	247	85	25	60	20	65
	PM	1:10	246	106	25	60	23	83
	EM	1:30	248	55	9	40	15	40
11/21/2024	AM	1:10	249	93	25	60	20	73
	PM	1:10	249	118	25	60	23	95
	EM	1:30	249	63	9	40	16	47
11/22/2024	AM	1:10	249	80	25	60	17	63
	PM	1:10	249	108	25	60	24	84
	EM	1:30	246	63	9	40	13	50
11/23/2024	AM	1:10	251	71	26	60	17	54
	PM	1:10	246	87	25	60	21	66
	EM	1:30	246	48	9	40	11	37
11/24/2024	AM	1:10	247	71	25	60	16	55
	PM	1:10	247	108	25	60	21	87
	EM	1:30	248	48	9	40	11	37
11/25/2024	AM	1:10	248	74	25	60	15	59
	PM	1:10	244	92	25	60	21	71
	EM	1:30	246	41	9	40	12	29
11/26/2024	AM	1:10	246	88	25	60	16	72
	PM	1:10	245	105	25	60	21	84
	EM	1:30	245	48	9	40	13	35
11/27/2024	AM	1:10	242	77	25	60	21	56
	PM	1:10	240	100	24	60	20	80
	EM	1:30	242	54	9	40	12	42
11/28/2024	AM	1:10	242	85	25	60	22	63
	PM	1:10	242	94	25	60	20	74
	EM	1:30	243	52	9	40	11	41
11/29/2024	AM	1:10	243	80	25	60	14	66
	PM	1:10	243	84	25	60	22	62
	EM	1:30	245	49	9	40	12	37
11/30/2024	AM	1:10	245	70	25	60	12	58
	PM	1:10	246	84	25	60	20	64
	EM	1:30	252	45	9	40	9	36
12/1/2024	AM	1:10	252	68	26	60	13	55
	PM	1:10	253	92	26	60	16	76
	EM	1:30	255	48	9	40	10	38
12/2/2024	AM	1:10	255	72	26	60	13	59
	PM	1:10	247	86	25	60	15	71
	EM	1:30	250	50	9	40	15	35
12/3/2024	AM	1:10	250	88	25	60	15	73
	PM	1:10	246	108	25	60	20	88
	EM	1:30	246	50	9	40	12	38

LEGEND

Compliant with § 1321 as shown by figures in **bold** in columns in E and F

Shift BSCC Found Deficient

**FIRST-LEVEL APPEAL
EXHIBIT D2**

A	B	C	D	E	F	G	H	I	J
Date	Unit	§ 1321 On-Duty Staff to Youth Ratio	Youth in Detention	Total On-Duty Staff	Unit On-Duty Staff Required Based on Ratio & Population	Youth on Small Group Supervision	Small Group On-Duty Staff	General Population Youth	General Population Staff
11/19/2024	Q	1:30	8	2	1	1	1	7	1
EM Shift	Y2	1:30	14	8	1	7	7	7	1
	MOU	1:30	5	2	1	1	1	4	1
11/23/2024	B	1:10	12	6	2	2	2	10	4
AM Shift	E	1:10	15	4	2	2	2	13	2
	F	1:10	11	4	2	1	1	10	3
	P	1:10	8	4	1	1	1	7	3
	Q	1:10	8	3	1	2	2	6	1
	Y1	1:10	14	2	2	1	1	13	1
	Y2	1:10	12	10	2	3	6	9	4
11/23/2024	P	1:30	8	3	1	1	1	7	2
EM Shift	Q	1:30	8	2	1	1	1	7	1
	Y2	1:30	12	6	1	5	5	7	1
11/24/2024	B	1:10	12	3	2	2	2	10	1
AM Shift	E	1:10	15	4	2	1	1	14	3
	F	1:10	11	4	2	2	2	9	2
	P	1:10	8	4	1	1	1	7	3
	Q	1:10	8	3	1	1	1	7	2
	Y1	1:10	15	4	2	1	1	14	3
	Y2	1:10	12	10	2	6	6	6	4
11/25/2024	Q	1:30	7	2	1	1	1	6	1
EM Shift	R1	1:30	13	2	1	1	1	11	1
	Y2	1:30	13	5	1	4	4	9	1
11/26/2024	Q	1:30	7	2	1	1	1	6	1
EM Shift	R1	1:30	13	2	1	1	1	12	1
	Y2	1:30	13	6	1	4	4	9	2
11/28/2024	Q	1:30	7	2	1	1	1	6	1
EM Shift	R1	1:30	13	2	2	1	1	12	1
	Y2	1:30	13	6	2	4	4	9	2
11/30/2024	F	1:10	11	3	2	2	1	9	2
AM Shift	Q	1:10	8	2	1	1	1	7	1
	R1	1:10	12	4	2	1	1	11	3
	Y1	1:10	15	3	2	1	1	14	2
	Y2	1:10	13	11	2	5	6	8	5
12/1/2024	B	1:10	10	3	1	1	1	9	2
AM Shift	F	1:10	14	4	2	2	2	12	2
	Q	1:10	8	3	1	1	1	7	2
	Y1	1:10	15	3	2	1	1	14	2
	Y2	1:10	13	9	2	5	6	8	3
12/2/2024	B	1:10	10	3	1	1	1	9	2
AM Shift	E	1:10	15	4	2	1	1	14	3
	F	1:10	14	3	2	2	1	12	2
	Q	1:10	8	3	1	1	1	7	2
	Y1	1:10	15	5	2	1	1	14	4
	Y2	1:10	13	8	2	5	6	8	2
12/2/2024	Q	1:30	7	2	1	1	1	6	1
EM Shift	Y2	1:30	13	5	1	4	4	9	1

LEGEND

Compliant with § 1321 at facility- and unit-level as shown by figures in **bold** in columns E and F

Compliant with § 1321 at facility- and unit-level unless you exclude small-group staff

**FIRST-LEVEL APPEAL
EXHIBIT D3**

LPJH STAFFING ASSESSMENT PLAN

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	LPJH Operating Capacity (Long-term Operating Cap)														
2	24-Hour/7-Day Living Unit Posts	Hours/days of assignment	Level	Rated Capacity	Staff:Youth PREA Ratio	Operational Min EM	Operational Min AM	Operational Min PM	Relief Factor	Direct Care FTE's	Assigned to Unit (Direct Care FTE +Relief)				
3	Housing Unit A/MOU overflow w Control Center	24/7	Mandatory	12	1:8/1:16	2	2	2	1.75	6.0	10.5				
4	Housing Unit B	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75				
5	Housing Unit C w Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5				
6	Housing Unit D	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75				
7	Housing Unit E w Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5				
8	Housing Unit F	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75				
9	Housing Unit G w Control Center	24/7	Mandatory	0	1:8/1:16	0	0	0	1.75	0.0	0				
10	Housing Unit H	24/7	Mandatory	0	1:8/1:16	0	0	0	1.75	0.0	0				
11	Housing Unit L w Control Center	24/7	Mandatory	16	1:8/1:16	2	3	3	1.75	8.0	14				
12	Housing Unit M	24/7	Mandatory	16	1:8/1:16	1	3	3	1.75	7.0	12.25				
13	Housing Unit T w Control Center	24/7	Mandatory	0	1:8/1:16	0	0	0	1.75	0.0	0				
14	Housing Unit U	24/7	Mandatory	0	1:8/1:16	0	0	0	1.75	0.0	0				
15	Housing Unit N w Control Center	24/7	Mandatory	16	1:8/1:16	2	3	3	1.75	8.0	14				
16	Housing Unit O	24/7	Mandatory	16	1:8/1:16	1	3	3	1.75	7.0	12.25				
17	Housing Unit P w Control Center	24/7	Mandatory	12	1:8/1:16	2	2	2	1.75	6.0	10.5				
18	Housing Unit Q	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75				
19	Housing Unit R1 w Control Center	24/7	Mandatory	15	1:5/1:8	2	3	3	1.75	8.0	14				
20	Housing Unit R2	24/7	Mandatory	15	1:5/1:8	1	2	2	1.75	5.0	8.75				
21	Housing Unit S1 w Control Center	24/7	Mandatory	15	1:5/1:8	2	3	3	1.75	8.0	14				
22	Housing Unit S2	24/7	Mandatory	15	1:5/1:8	1	2	2	1.75	5.0	8.75				
23	Housing Unit X1 w Control Center	24/7	Mandatory	15	1:5/1:8	2	3	3	1.75	8.0	14				
24	Housing Unit X2	24/7	Mandatory	15	1:5/1:8	1	2	2	1.75	5.0	8.75				
25	Housing Unit Y1 w Control Center	24/7	Mandatory	15	1:5/1:8	2	3	3	1.75	8.0	14				
26	Housing Unit Y2	24/7	Mandatory	15	1:5/1:8	1	2	2	1.75	5.0	8.75				
27	MOU - Medical	24/7	Mandatory	5	1:8/1:16	2	2	2	1.75	6.0	10.5				
28	MC/M	24/7	Mandatory	0	1:8/1:16	1	2	2	1.75	5.0	8.75				
29	MC/F	24/7	Mandatory	0	1:8/1:16	1	2	2	1.75	5.0	8.75				
30	Levels 1:1/1:2 Supervisions	24/7	Mandatory	0	1:1/1:1	6	6	6	1.75	18.0	31.5				
31	Totals			309		40	60	60		160.0	280				

LPJH STAFFING ASSESSMENT PLAN

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
32	Ancillary Posts	Hours/days of assignment	Level	Number of staff to operate daily	Relief Factor	Number of Staff for Operation	Operational Min EM	Operational Min AM	Operational Min PM	Post Responsibilities					
33	GSNs for Breaks	24/7	Mandatory	4	1.44	6	4	0	0	Units & Operations					
34	Booking/Release/Movement & Control	24/7	Mandatory	9	1.75	16	3	3	3	Body Scanner/Escorts, LiveScan/DNA/Property, System Data Entry/Pop Control, Senior, Coordinator, CCTV, Guard One, Schedule/Em Appt update, Data Entry					
35	Intra-Facility Appt Transports (Med/MH/Dental)	12/7	Mandatory	6	1.44	9	0	3	3	Medical, Mental Health					
36	CIT/Recreation/Response Team	24/7	Mandatory	10	1.75	18	0	5	5	Response Team, Recreation, Lead per campus, Support, Documentation					
37	Yard Posts	24/7	Security	0	1.44	0	0	0	0	No. School, Mechanical Gate, J Gate, J Unit, R/S, X/Y field					
38	Sub-Total Number of Staff			29		48	7	11	11						
39															
40	Professional Appts/Visiting	8/7	Mandatory	10	1.44	14	0	4	6	Monitor appt, Escorts, WebEx Court/Remediation Trg, Parent Escorts , Youth Escorts, Youth Supervision, Reconcile Appts, Family Resource Center					
41	Medical Appointment Team	8/5	Mandatory	12	1.44	17	0	6	6	External Medical Appointment Transports					
42	STC/Scheduler	8/5	Admin	0	1	0	0	0	0	Coordinate Staff Trg, Facilitate New Emp Trg,					
43	School Posts	8/5	Security	4	1.44	6	0	4	0	Monitor outside classrooms, reconcile school attendance					
44	Total Number of Staff to Operate Posts			55		85	7	25	23						
45	Total Full-Duty Supervision Staff (Units + Ancillary Assignments)						47	71	71	Note: Weekend Ancillary number will be less based on hours/days of assignment					
46															
47	Non-Sworn Functions														
48	Behavior Management (Non-Sworn)	8/5	Mandatory	0	1.44	0	0	0	0	IHTP/IBMP/IEP/, BMP					
49	DOR (Non-Sworn)	8/5	Admin	0	1	0	0	0	0	Write Court Reports					
50	Quality Control (4-Non-Sworn)	8/5	Admin	2	1	2	0	0	2	Inspections, Youth Rights, Grievance Officer,					

LPJH STAFFING ASSESSMENT PLAN

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
51	Total Number of Staff to Operate Posts			2		2	0	0	2						
52															

**FIRST-LEVEL APPEAL
EXHIBIT E**

December 19, 2024

The Honorable Miguel Espinoza
Supervising Judge, Juvenile Justice Division
Superior Court, County of Los Angeles
East Los Angeles Courthouse
4848 E. Civic Center Way
Los Angeles, CA 90022

RE: CASE NO. FJ57137 BSCC DOCUMENTATION OF UNSUITABLE FINDINGS AT LOS PADRINOS

Dear Judge Espinoza:

The purpose of this letter is to provide the court with relevant and up-to-date information on the Board of State and Community Corrections (BSCC) notice of unsuitability transmitted to Los Angeles County pursuant to Welfare and Institutions Code section 209, subdivision (a)(4). We are submitting this information to assist the Court's deliberations for the hearing scheduled on December 23, 2024.

BSCC is mandated to inspect juvenile facilities across the state for compliance with the minimum standards outlined in California Code of Regulations, Titles 15 and 24, by the California Welfare and Institutions Code, section 209. As such, BSCC has conducted several inspections of the Los Padrinos facility. Enclosed as Appendix A is a timeline of inspections and BSCC meetings related to the findings from those inspections over the last few years.

As that history shows, BSCC's inspections have found the facility continually falling below minimum standards for the detainment of youth. As a result, there is not a juvenile hall within Los Angeles County for which the Board has a current finding of suitability for the confinement of juveniles pursuant to California Welfare and Institutions Code, section 209.

The Board is very concerned about the welfare and safety of the youth detained in the facility given the ample amount of time the county has had to comply with the minimum standards, and the continued inability to meet minimum staffing requirements at Los Padrinos is alarming. The Board also recognizes the important public safety function that juvenile detention facilities

play, especially where a court has found that detention is “reasonably necessary for the protection of the person or property of another.” California Welfare and Institutions Code, sections 635, 636.

The Board, however, has fulfilled its statutory duty related to suitability determinations, operating within the statutory scheme enacted by the Legislature: a binary decision on whether the facility is suitable for the confinement of juveniles or whether it is unsuitable, with the consequence of a finding of unsuitability that, within 60 days of such finding, the facility shall not be used for confinement until found suitable. See California Welfare and Institutions Code, section 209(a)(4).

We appreciate that the court has an obligation to protect public safety, particular in cases where the court has found that detention is “reasonably necessary for the protection of the person or property of another.” California Welfare and Institutions Code, sections 235, 236. We are also sensitive to the impact the Board’s decision has on the Consent Order between the Attorney General’s Office and the Los Angeles County Probation Department, which is under the jurisdiction of another department in the civil division of this Court.

The BSCC stands ready to assist Los Angeles County Probation with identifying other suitable facilities or portions of facilities for use as a juvenile hall. To date, Los Angeles County has not requested the BSCC reclassify any facilities or request technical assistance related to potential pre-opening inspections. As the court considers next steps, we believe it may be helpful for the court to ask Los Angeles County Probation the following questions regarding efforts that have been made to identify alternate suitable placements for youth currently detained at Los Padrinos:

- Are there currently available beds at other facilities within Los Angeles County under Probation’s jurisdiction that the Board has found suitable, including probation camps or Secure Youth Treatment Facilities?
- Has Probation recently contacted neighboring counties to determine availability of beds and willingness to accept placement of youth in a juvenile hall or other facility that the Board has found suitable?
- Has Probation recently explored efforts to place youth currently housed within a Secure Youth Treatment Facility that the Board has found suitable in another placement, such as a fire camp or another county’s Secure Youth Treatment Facility, to open additional beds within Probation’s facilities for possible placement of youth?

We appreciate the opportunity to provide documentation. In reference to the Order to Show Cause hearing scheduled for December 23, 2024, the BSCC is providing the following documentation:

- BSCC Denial of Corrective Action Plan, dated October 11, 2024
- Notice of Facility Unsuitability, dated October 14, 2024
- Los Padrinos Initial Inspection Report, dated October 23, 2024
- Los Padrinos Reinspection Report, dated December 10, 2024
- Los Angeles County Notice of Appeal, dated December 11, 2024
- BSCC Acknowledgement of Receipt of Notice of Appeal, dated December 13, 2024
- Los Padrinos Comprehensive Inspection Report, dated December 19, 2024¹

Finally, we would be remiss if we did not express our concerns of youth being transferred to other facilities without sufficient planning or staff being present to manage a new population based on the past attempts to move youth to the Barry J. Nidorf detention complex.

The Board stands ready to provide any additional information that would be of assistance to the Court in fashioning a remedy that balances the needs of the impacted youth and protecting public safety. Please contact Acting Executive Director Aaron.Maguire@bscc.ca.gov, if you have any additional questions or if we can be of further assistance to the court in this matter.

Respectfully,



LINDA PENNER
Chair

¹ Please note that on December 11, 2024, the County of Los Angeles requested a “stay” pending filing an appeal with the Board pursuant to section 1314 of Title 15 of the California Code of Regulations. (See Notice of Appeal.) However, there is no mechanism for the Board to “stay” its notice of unsuitability; the only way to change the status of the facility is for the county to remedy the items of noncompliance related to its staffing issues. (See BSCC Acknowledgment of Receipt.) Consequently, the position of the Board remains that Los Padrinos Juvenile Hall continues to be unsuitable for the confinement of juveniles under California law.

Appendix A

Appendix A. Timeline of BSCC Activities Involving Los Angeles Juvenile Halls

- During the 2018/2020 Biennial Inspection Cycle, the Central Juvenile Hall and Barry J Nidorf Juvenile Halls were found out of compliance with a number of Title 15 regulations.
- While both facilities were scheduled for a determination of suitability at the **April 2022** BSCC Board meeting, the BSCC Board was unable to make a determination of the Central Juvenile Hall *because the Los Angeles County Probation Department removed youth from the facility in March 2022; youth returned to the Central Juvenile Hall in late May 2022.* The finding of suitability for Barry J. Nidorf Juvenile Hall was continued to the June 2022 BSCC Board Meeting.
- At the **June 9, 2022** BSCC Board Meeting, the BSCC Board found the Barry J Nidorf Juvenile Hall suitable for the detention of minors and the Central Juvenile Hall unsuitable.
- **Between July 18 and 20, 2022**, BSCC Staff conducted a reinspection of the Central Juvenile Hall and found the facility compliant with the remaining item of noncompliance.
- At the **July 25, 2022** BSCC Board Meeting, the BSCC Board found the Central Juvenile Hall suitable. This determination closed the 2018/2020 Biennial Inspection Cycle.
- **November 8 – December 16, 2022:** BSCC staff conducts the 2020/2022 Biennial Inspection of the Barry J Nidorf and Central Juvenile Halls. BSCC staff found 28 items of noncompliance between the two facilities, 13 at Barry J Nidorf Juvenile Hall and 15 at Central Juvenile Hall. BSCC staff provides facility staff with an Initial Inspection Report (IIR) noticing noncompliance on **January 13, 2023** an approved CAP is due to the BSCC on **March 14, 2023**.
- **March 14, 2023:** Los Angeles County Probation Department submits a CAP for both juvenile halls.
- **March 23, 2023:** The BSCC notifies the Department that the CAP is not approved because it does not provide enough detail about the specific plans that will be relied upon to correct the items of noncompliance and does not provide a reasonable timeframe for resolution.
- **April 13, 2023, BSCC Board Meeting:** The county provides testimony outlining the steps they are taking toward compliance. Board defers further action on the determination of suitability to allow the BSCC staff to

take additional time to evaluate whether the county had made any progress toward meeting compliance and could approve the CAP.

- **April 24 — 28, 2023:** BSCC conducts Follow Up Inspection at both facilities to determine compliance with outstanding items of noncompliance and progress towards compliance. BSCC Staff find minimal progress toward compliance. One significant reason for lack of progress toward compliance is because facility directors did not have access to the CAP for which they were responsible for implementing.
 - In total, there remained 18 items of noncompliance between the two facilities, nine (9) items remained at each facility. Items of noncompliance resulted in missed safety checks, youth being forced to urinate in their rooms, youth not attending or late to class, youth not being provided the access to programs, recreation, and outside exercise, staff not being trained in use of force, lack of facility searches, and an unacceptable plan for discipline.
- **May 23, 2023, BSCC Board Meeting:** BSCC Board finds both Central Juvenile Hall and Barry J. Nidorf Juvenile Hall unsuitable pursuant to Welfare and Institutions Code section 209 (a) 4. Unsuitability is based upon the failure of the Los Angeles County Probation Department to file an approved Corrective Action Plan for the remaining outstanding items of noncompliance at both facilities.
- **May 2023 — August 2024:** BSCC staff provides ongoing technical assistance to the county to prepare the Los Padrinis Juvenile Hall for reception of youth transferred from Central and Barry J Nidorf Juvenile Halls.
- **August 14 — 18, 2023:** BSCC inspection of Los Padrinis Juvenile Hall following transfer of all youth from Central and Barry J Nidorf Juvenile Halls. Twelve items of noncompliance with Title 15 were identified, almost all related to deficiencies with staffing. Of concern is noncompliance that results in late and missed safety checks, inappropriate and undocumented use of room confinement, youth not getting to school on time, and youth not having access to recreation or programs. An approved CAP is due to the BSCC on 10/17/2023.
- **October 16, 2023:** BSCC receives approved CAP for Los Padrinis Juvenile Hall; corrective action must remedy items of noncompliance no later than January 10, 2024.

- **January 29 — February 3, 2023:** BSCC follow up inspection to verify that items of noncompliance were remedied by 1/10/24; BSCC staff found that only one of the twelve outstanding items of non-compliance had been corrected. Eleven items of noncompliance were not remedied following 90 days from the date of the approved CAP.
- **April 11, 2024, BSCC Board Meeting:** BSCC Boards makes a determination that the facility is unsuitable because staffing levels continue to impact the provision of adequate services to youth and youth continue to be placed in room confinement inappropriately. The Board allows the county additional time to remedy the items of noncompliance before youth must be transferred out of the facility. The Board directs BSCC staff to conduct inspections of Los Padrinos Juvenile Hall and the Barry J Nidorf Secure Youth Treatment Facility at a minimum of twice a month.
- Between April 2024 and September 2024, BSCC staff conduct a total of nine (9) inspections of the Los Padrinos Juvenile Hall. A portion of the inspections were unannounced.
- **June 28, 2024:** Following the June Targeted Inspection, BSCC staff provides facility staff with an IIR noticing noncompliance with section 1371, Programs, Recreation, and Exercise. During the BSCC staff observed that while facility staff had documented that youth participated in these activities; however, upon review of video of unit activities, BSCC staff found that documented activities were not occurring. Facility staff had been falsifying documentation to indicate that required activities had occurred. A CAP is due to the BSCC by August 8, 2024; the county provided an approved CAP to the BSCC on August 8, 2024.
- **August 12, 2024:** Following the July Targeted Inspection, BSCC staff provides facility staff with an IIR noticing noncompliance with section 1321, Staffing. Many areas of operation continue to be impacted by lack of staffing including education, recreation and medical appointments. Youth continue to be held in their rooms for long periods of time following incidents on the unit. A CAP is due to the BSCC by October 11, 2024.
- **October 1, 2024:** BSCC staff reach out to Los Angeles Probation staff to offer technical assistance prior to anticipated CAP submittal; no response received.
- **October 10, 2024:** Los Angeles provides a draft CAP to BSCC staff in late afternoon. BSCC respond that the draft CAP would not be approvable because there is no detail on what steps will be taken to resolve the item

of noncompliance and many elements that are required by BSCC policy are not included in the CAP.

- **October 11, 2024:** Final CAP is provided to the BSCC. The county is notified that the CAP is denied because it does not adequately outline how the Department plans to correct the issue of noncompliance nor does it provide reasonable timeframes for resolution of the staffing deficiencies, including ensuring that “there are an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations.” The CAP also does not provide information on how it will “ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.”
- **October 14, 2024:** BSCC Board Chair Penner formally noticed Los Angeles that Los Padrinos was unsuitable due to the failure of the county to submit an approved CAP pursuant to Welfare and Institutions Code, Section 209 (d), and that they had 60 days (December 12, 2024) to discontinue using the facility for the confinement of minors until brought into compliance with the law.
- **December 2, 2024:** Los Angeles County Probation requests a reinspection to determine if the facility had come into compliance with section 1321, Staffing.
- **December 5 — 6, 2024:** BSCC staff conducts the reinspection and determines that the Los Padrinos Juvenile Hall remains out of compliance with staffing and that timely delivery to medical programs, attendance at school, and access to program, recreation, and exercise continues to be negatively impacted by the lack of staff.

**FIRST-LEVEL APPEAL
EXHIBIT F**

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 Attorneys for Defendant COUNTY OF LOS ANGELES

(Additional Counsel for LOS ANGELES COUNTY OFFICE OF EDUCATION on Last Page)

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

**THE PEOPLE OF THE STATE OF
 CALIFORNIA, EX. REL. XAVIER
 BECERRA, ATTORNEY GENERAL OF
 THE STATE OF CALIFORNIA,**

Plaintiff,

v.

**COUNTY OF LOS ANGELES AND LOS
 ANGELES COUNTY OFFICE OF
 EDUCATION,**

Defendants.

FILED
 Superior Court of California
 County of Los Angeles

01/21/2021

Sherri R. Carter, Executive Officer / Clerk of Court

By: E. Garcia Deputy

*Exempt from filing fees pursuant to
 Government Code, section 6103*

Case No. 21STCV01309

**STIPULATION FOR ENTRY OF FINAL
 JUDGMENTS**

Dept. 38

Judge: Maureen Duffy-Lewis

1 Plaintiff, the People of the State of California, by and through its attorney, Xavier Becerra,
2 Attorney General of the State of California (the Attorney General), and by Deputy Attorney
3 General Laura L. Faer, and Defendants County of Los Angeles (County) appearing through its
4 attorney Rodrigo A. Castro-Silva, County Counsel, and the Los Angeles County Office of
5 Education (LACOE), appearing through its attorney Vibiana Andrade, General Counsel, stipulate
6 as follows:

7 1. This Court has jurisdiction over the subject matter hereof and the parties to this
8 Stipulation for Entry of Final Judgments (Stipulation).

9 2. The County's Final Stipulated Judgment, a true and correct copy of which is
10 attached hereto as Exhibit 1, and LACOE's Final Judgment, a true and correct copy of which is
11 attached hereto as Exhibit 2, may be entered by any judge of the Superior Court.

12 3. The Attorney General may submit the Judgments to any judge of the Superior
13 Court for approval and signature, based on this Stipulation, during the court's ex parte calendar or
14 on any other ex parte basis.

15 4. The parties hereby waive their right to move for a new trial on the underlying
16 complaint or otherwise seek to set aside their respective Judgment through any collateral attack,
17 and further waive their right to appeal their respective Judgment, except the parties agree that this
18 Court shall retain jurisdiction for the purposes specified in their respective Judgment.

19 5. The parties jointly represent that they have worked collaboratively to come to an
20 agreement as set forth in the Judgments.

21 6. The parties have stipulated and consented to the entry of the Judgments by the
22 Court without the taking of proof and without trial or adjudication of any fact or law, without the
23 Judgments constituting evidence of or an admission by the County or LACOE regarding any
24 issue of law or fact alleged in the Complaint for Injunctive Relief on file herein, and without the
25 County or LACOE admitting any liability regarding allegations of violations that occurred prior
26 to the entry of the Judgments or conceding that they have failed to satisfy legal requirements in
27 the areas identified in the Judgments.
28

1 7. These Judgments are enforceable only by the respective Parties. No person or
2 entity is intended to be a third-party beneficiary of the provisions of these Judgments for purposes
3 of any civil, criminal, or administrative action, and accordingly, no person or entity may assert
4 any claim or right as a beneficiary or protected class under these Judgments.

5 8. The County and LACOE will each accept service of any Notice of Entry of
6 Judgment entered in this action by delivery of such notice by electronic mail to its counsel of
7 record, and each party agrees that service of the Notice of Entry of Judgment will be deemed
8 personal service upon it for all purposes.

9 9. The individuals signing below represent that they have been authorized by the
10 parties they represent to sign this Stipulation.

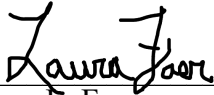
11 10. This Stipulation may be executed in counterparts, and the parties agree that a
12 facsimile signature shall be deemed to be, and shall have the full force and effect of, an original
13 signature.

14
15 [SIGNATURES ON FOLLOWING PAGE]
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1 **PLAINTIFF THE STATE OF CALIFORNIA**

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3 XAVIER BECERRA
4 Attorney General of California

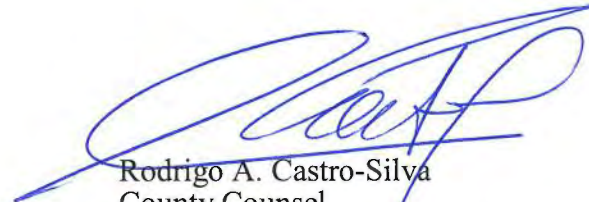
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6 DATED: January 11, 2021

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8 _____
9 Laura L. Faer
10 Deputy Attorney General
11 *Attorneys for Plaintiff*
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1 DEFENDANT COUNTY OF LOS ANGELES

2
3 COUNTY OF LOS ANGELES

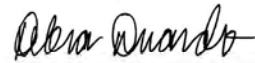
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5
6 DATED: Jan. 11, 2021

7 
8 Rodrigo A. Castro-Silva
9 County Counsel
10 *Attorney for Defendant Los Angeles County*
11
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1 **DEFENDANT LOS ANGELES COUNTY**
2 **OFFICE OF EDUCATION**

3 LOS ANGELES COUNTY OFFICE OF
4 EDUCATION

5
6 DATED: Jan 11, 2021



Debra Duardo, M.S.W., Ed.D.
Los Angeles County Superintendent of
Schools

7
8
9
10 Approved as to Form:

11
12 DATED: Jan 11, 2021



Vibiana Andrade
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Office of Education

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12 COUNTY OFFICE OF EDUCATION

Exhibit 1

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16 ANGELES

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
18 COUNTY OF LOS ANGELES
19

20 **THE PEOPLE OF THE STATE OF**
21 **CALIFORNIA, EX. REL. XAVIER**
22 **BECERRA, ATTORNEY GENERAL OF**
THE STATE OF CALIFORNIA,

23 Plaintiff,

24 v.

25 **COUNTY OF LOS ANGELES AND LOS**
26 **ANGELES COUNTY OFFICE OF**
27 **EDUCATION,**

28 Defendants.

Case No.

**[PROPOSED] STIPULATED
JUDGMENT FOR DEFENDANT
COUNTY OF LOS ANGELES**

1 **I. INTRODUCTION**

2 1. The People of the State of California (People), by and through the Attorney
3 General, and the County of Los Angeles and its Probation Department (Probation), Department of
4 Mental Health (DMH), and Department of Health Services (DHS) (collectively, the County or
5 Defendant), (collectively the Parties) share a mutual interest in treating all youth under the care
6 and supervision of the Probation Department with respect and upholding their statutory and
7 constitutional rights.

8 2. The Attorney General acknowledges that the County has made significant efforts
9 to decrease the use of Juvenile Halls, including the closure of the Los Padrinos Juvenile Hall in
10 2019, and has passed several resolutions committing to juvenile justice reform. This Judgment is
11 intended to ensure and sustain systemic improvements designed to protect youth, promote public
12 safety, improve confidence in the County’s juvenile justice system, and lead to measurable,
13 positive outcomes for justice-involved youth.

14 3. The Parties recognize that the County is committed to improving conditions in the
15 Juvenile Halls. Consistent with statutory and constitutional standards, the County will maintain
16 safe and secure conditions for youth.

17 4. The Parties, having stipulated to the proposed entry of this Judgment by the Court
18 without the taking of proof and without trial or adjudication of any fact or law, without this
19 Judgment constituting evidence of or admission by the County regarding any issue of law or fact
20 alleged in the People’s Complaint for Injunctive Relief (Complaint) on file or any of the
21 allegations or conclusions set forth herein, and without the County admitting any liability or
22 conceding that it has failed to satisfy legal requirements with respect to the areas identified in the
23 Judgment, and with all Parties having waived their right to appeal, and the Court having
24 considered the matter and good cause appearing,

25 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

26 5. This Court has jurisdiction over the allegations and subject matter of the People’s
27 Complaint filed in this action and the Parties to this action; venue is proper in this county; and
28 this Court has jurisdiction to enter this Judgment against the County.

1 6. The County is permanently enjoined from violating any law or regulation,
2 including, but not limited to, Title 15 of the California Code of Regulations sections 1300 et seq.,
3 and the causes of action alleged in the People’s Complaint, at the County’s Juvenile Halls, and
4 any successors and assigns of such Juvenile Halls, as defined in Paragraph 61 of this Judgment.
5 During the compliance period of this Judgment, the County will carry out the terms of the
6 following substantive provisions and provide sufficient resources and staffing necessary to fulfill
7 the terms of the Judgment.

8 **II. DETAILED PLAN AND FOCUS AREAS**

9 7. The County will implement a Detailed Plan as required by this Judgment. All of
10 the provisions of the Detailed Plan are incorporated into this Judgment by reference, and within
11 this Court’s jurisdiction to take any actions consistent with Paragraph 68 of the Stipulated
12 Judgment. The Detailed Plan will include a reasonable timeframe for completing the terms of
13 each substantive provision, responsible person(s), outcome metrics, quality assurance and
14 sustainability measures, and performance indicators for each of the following 12 objectives
15 identified and discussed in detail below:

- 16 (a) Homelike Environment and Operations
- 17 (b) Technology and Data Management
- 18 (c) Use of Force and Youth Safety
- 19 (d) Trauma-Informed and Positive Behavior Approaches
- 20 (e) Room Confinement
- 21 (f) Basic Living Needs and Juvenile Hall Conditions
- 22 (g) Programming, Recreation, Exercise, Religious Services, Visitation, and
23 Telephone Calls
- 24 (h) Mental Health, Medical Care, and Treatment Plans
- 25 (i) Education, Transition, and After-Care
- 26 (j) Staffing, Hiring, and Training
- 27 (k) Oversight and Grievance Systems
- 28 (l) Compensatory Services for Youth

III. DEFINITIONS

8. For the purposes of this Judgment and the Detailed Plan, the following definitions apply:

- (a) “Attorney General” refers to the Attorney General of the California Department of Justice and includes attorneys and agents of the Office of the Attorney General.
- (b) “Beneficiary” is defined as a youth who was detained at the Juvenile Halls from January 1, 2018 through the date of this Judgment’s execution and determined, according to the formula recommended by the Education Subject Matter Expert, to be entitled to compensatory education services.
- (c) “Behavioral Health” is the scientific study of emotions, behaviors and biology relating to a person’s mental well-being that includes mental health and substance abuse.
- (d) “Compensatory education services” is defined as educational hours to which a youth is entitled, based on educational instruction not provided to a youth while detained at the Juvenile Hall, according to the formula developed by the Education Subject Matter Expert.
- (e) “The County” refers to the County of Los Angeles, the Los Angeles County Probation Department (Probation), the Los Angeles County Department of Health Services (DHS), the Los Angeles County Department of Mental Health (DMH), and the agents and employees of the Probation Department, DHS, and DMH.
- (f) “Department of Mental Health” (DMH) refers to the Los Angeles County Department of Mental Health, which is responsible for providing care for the behavioral health needs of youth in the Juvenile Halls.
- (g) “Department of Health Services” (DHS) refers to the Los Angeles County Department of Health Services, which is responsible for providing care for the medical needs of the youth in the Juvenile Halls.
- (h) “Effective Date” means the date the Court enters the signed Judgment as an order of the Court.

- 1 (i) “Force Intervention Response Support Team” (FIRST) refers to the Probation staff
2 team responsible for providing secondary review of use of force incidents in the
3 Juvenile Halls. Such review will be conducted by staff who are independent of the
4 Juvenile Hall command structure and who report directly to the Chief of Probation
5 or a Probation executive designee, who is at the level of Deputy Director or above.
- 6 (j) “Grievances” refers to the process by which any youth, their family member(s),
7 legal guardians, and/or their attorney(s) can file complaints relating to the youth’s
8 stay at the Juvenile Halls and excludes any request forms that do not contain a
9 grievance.
- 10 (k) “Implement” or “implementation” means putting a remedial measure into effect,
11 including informing, instructing, or training impacted personnel as required by this
12 Judgment, and ensuring that policies or procedures are, in fact, followed.
- 13 (l) “Juvenile Halls” refers to the Los Angeles County Juvenile Halls system and its
14 facilities, and includes Barry J. Nidorf Juvenile Hall, Central Juvenile Hall, and
15 any other locked detention facilities that operate and function like a juvenile hall
16 and that house youth prior to court adjudication or who are awaiting placement to,
17 transition to, or transportation to, a post-adjudication facility or location, or youth
18 who are temporarily there while they await services. Juvenile Halls excludes
19 community care facilities as defined in Health and Safety Code section 1502,
20 subdivision (a) and acute psychiatric hospitals as defined in Health and Safety
21 Code section 1250, subdivision (b). If the County decides to permanently house
22 post-disposition youth at a Juvenile Hall, the Judgment also covers such youth, but
23 does not include youth transferred from the California Department of Juvenile
24 Justice.
- 25 (m) “LACOE” refers to the Los Angeles County Office of Education, which is
26 responsible for providing education for the youth in the Juvenile Halls.
- 27 (n) “Medical Staff” refers to DHS staff that include physicians, physician assistants,
28 nurse practitioners, registered nurses, certified nursing assistants, and licensed

1 vocational nurses, and others who by virtue of their education, credentials, and
2 experience are permitted by law to evaluate and care for the medical needs of the
3 youth in the Juvenile Halls.

4 (o) “Mental Health Staff” refers to DMH staff that includes psychiatrists,
5 psychologists, psychiatric social workers, psychiatric nurses, and others who by
6 virtue of their education, credentials, and experience are permitted by law to
7 evaluate and care for the behavioral health needs of the youth in the Juvenile Halls.

8 (p) “Monitor” refers to the individual selected by the Parties whose duties,
9 responsibilities, and authority are set forth in this Judgment and Detailed Plan.

10 (q) “Non-Compliance” means that the County has not achieved compliance with most
11 or all of the material components of a substantive provision of this Judgment.

12 (r) “OIG” means the County of Los Angeles Office of Inspector General.

13 (s) “Partial Compliance” means that the County has achieved compliance on some,
14 but not all, of the material components of a substantive provision of this Judgment.

15 (t) “POC” means the County of Los Angeles Probation Oversight Commission.

16 (u) “Policy” or “Policies” mean regulations, directives, or manuals, regardless of
17 name, that have been approved by a senior executive within the Probation
18 Department, DHS, or DMH and that describe the duties, functions, or obligations
19 of Probation, DHS, or DMH staff and provide specific direction on how to fulfill
20 those duties, functions, or obligations. References to “existing” policies mean
21 those policies in effect on the Effective Date of this Judgment, and include any
22 subsequent revisions or changes made to those policies after the Effective Date of
23 this Judgment.

24 (v) “Probation Staff” refers to Probation staff employed in the Juvenile Halls,
25 including but not limited to detention services officers, supervising detention
26 services officers, and group supervisor nights.

27 (w) “Room Confinement” as defined in Welfare and Institutions Code section 208.3,
28 subdivision (a)(3), refers to the placement of a youth in a locked sleeping room or

cell with minimal or no contact with persons other than correctional facility staff and attorneys.

(x) “Staff” refers to the DHS, DMH, and Probation employees responsible for the care, management, and supervision of youth in the Juvenile Halls.

(y) “Subject Matter Experts” (SME) refers to the individuals selected by the Parties whose duties, responsibilities, and authority are set forth in this Judgment and Detailed Plan.

(z) “Substantial Compliance” means that the County has achieved compliance with all of the material components of a substantive provision of this Judgment in accordance with the Detailed Plan. Non-compliance with mere technicalities, or temporary failure to comply coupled with prompt and appropriate remedial measures during a period of otherwise sustained Substantial Compliance, will not constitute failure to maintain Substantial Compliance.

(aa) “Unit” refers to the housing area or living area to which youth are assigned or in which youth are housed, on a temporary or permanent basis, in the Juvenile Halls.

(bb) “Youth Council” refers to a body of youth assigned to the Juvenile Halls that includes a representative from each housing Unit.

IV. HOMELIKE ENVIRONMENTS AND OPERATIONS

9. Within the timeframe set forth in the Detailed Plan, and as further described in the Detailed Plan, the County will ensure the Juvenile Halls meet Welfare and Institutions Code sections 851 and 202 requirements to provide a homelike environment and not be deemed to be nor be treated as penal institutions. As further described in the Detailed Plan, the County will:

(a) Implement a mission statement and vision for creating a homelike, rehabilitative, and therapeutic system specifically for detained youth;

(b) Make necessary improvements to create a warm, welcoming, homelike environment at the Juvenile Halls and not house youth in areas identified by the County to be unfit for housing youth;

- 1 (c) Assess the space needed to provide required programming and therapeutic
2 services, including space for confidential individual and group behavioral health
3 counseling and crisis intervention services, and develop and implement a plan to
4 provide adequate space;
- 5 (d) Evaluate, and revise, if determined by the Monitor, Probation's procedures at
6 intake related to Probation's decision-making as to whether to exercise its
7 discretion to detain youth, which will include a validated risk assessment tool with
8 appropriate procedures to address over-detention of youth; and
- 9 (e) Implement weekly Unit meetings coordinated by Unit supervisors for each Unit
10 that consist of frontline staff, clinical personnel, and education staff, when
11 available, to discuss youth needs and treatment.

12 **V. TECHNOLOGY AND DATA MANAGEMENT**

13 10. Within the timeframe set forth in the Detailed Plan, and as further described in the
14 Detailed Plan, the County will maintain, and revise as needed, an electronic information
15 technology and data management system or systems (hereinafter Electronic System(s)) to
16 facilitate the data collection and analysis, real-time reporting, and analytical outputs required to
17 demonstrate compliance with this Judgment.

18 11. The County will create and maintain procedures to ensure the tracking and
19 accuracy of data to meet the monitoring requirements herein, as well as maintain a process to
20 assess and review the data collected.

21 **VI. USE OF FORCE AND YOUTH SAFETY**

22 12. Within the timeframe set forth in the Detailed Plan, and as further described in the
23 Detailed Plan, each Unit in the Juvenile Halls will maintain a functioning cold water shower for
24 the purposes of decontamination after the use of Oleoresin Capsicum (OC) spray. The Monitor
25 will confirm such during his or her first visit and on an ongoing basis while OC spray is utilized.
26 The County will maintain eyewash stations in the event of a temporarily non-functioning cold
27 water shower.
28

1 13. Within the timeframe set forth in the Detailed Plan, and as further described in the
2 Detailed Plan, the County will: (a) provide and maintain sufficient DMH and Probation staff
3 necessary to comply with this Judgment and to maintain the safety of youth in the Juvenile Halls;
4 (b) train Probation staff assigned to the Juvenile Halls who are authorized to use force, as well as
5 those assigned to review use of force incidents, which will include de-escalation techniques with
6 respect to all uses of force and alternatives to the use of OC spray; and (c) train DMH and DHS
7 staff with respect to timely reporting of suspected child abuse as required by law.

8 14. In accordance with the Board of Supervisors' Motion unanimously approved on
9 February 19, 2019, the County is in the process of implementing a policy to eliminate the use of
10 OC spray in juvenile facilities, including Juvenile Halls. Within the timeframe set forth in the
11 Detailed Plan, and as further described in the Detailed Plan, and until OC spray is eliminated by
12 the County for use in Juvenile Halls, the County will maintain a process and procedure to: (a)
13 document whether decontamination after the use of OC spray is in compliance with State law and
14 current Probation policy; (b) monitor and review weekly use of OC spray and engage in
15 continuous improvement efforts; and (c) identify any needs for training and support to Probation
16 staff and provide the same, if identified. While this Judgment remains in effect, the County will
17 inform the Attorney General at least six days prior to any Board consideration to reverse its
18 February 19, 2019 decision to phase out the use of OC spray in its Juvenile Halls.

19 15. Within the timeframe set forth in the Detailed Plan, and as further described in the
20 Detailed Plan, the County will ensure that all use of force incidents are accurately reported and
21 documented, and that all uses of force not accepted by Internal Affairs for review are timely
22 reviewed by FIRST for compliance with State law and Probation policy.

23 16. Within the timeframe set forth in the Detailed Plan, and as further described in the
24 Detailed Plan, the County will: (a) improve the system to ensure regular review of policies
25 regarding use of force, including, as needed, timely revision, approval, and implementation of
26 revised policies; (b) review and revise elements of the data gathering and reporting processes
27 regarding use of force, as determined to be necessary by the Monitor after review, to ensure
28 accuracy, completeness, and integrity of data gathered; (c) establish deadlines and a plan to install

1 video cameras throughout the Juvenile Halls, with exceptions to preserve youth and staff privacy
2 (e.g. bathrooms); and (d) regularly monitor whether cameras provide sufficient coverage, are
3 operational and in use, and whether recordings are being reviewed by Probation supervisors.

4 17. OIG will review compliance with Probation's use of force policy in the Juvenile
5 Halls, including by conducting a random review of a representative sample of use of force
6 incidents and assessing whether cameras provide sufficient coverage, are operational and in use,
7 and whether recordings are being properly used in relation to use of force incidents, and report its
8 general findings two times a year, in a public written report to the Board of Supervisors, copied to
9 the Monitor during the term of this Judgment, to evaluate Probation's decision-making and
10 oversight processes.

11 18. The County will provide to the Monitor and the Attorney General Probation's
12 policies, procedures, and directives pertaining to use of force, including the use of physical and
13 mechanical restraints that reflect compliance with law. The policies will be revised, as needed,
14 to: (a) require de-escalation prior to the use of force unless immediate use of force is necessary to
15 respond to a situation or circumstance that constitutes an imminent threat to facility security or
16 the safety of persons; (b) require that staff use the least restrictive techniques necessary to control
17 the situation and restore order; (c) limit use of force for youth with disabilities; (d) prohibit the
18 use of prone restraints and limit the use of supine restraints on pregnant youth; (e) prohibit use of
19 force in response solely to suicidal ideation; (f) limit the use of force to the minimum necessary to
20 prevent self-harming behavior; (g) prohibit the use of force for youth who do not present a risk to
21 the safety and security of himself or herself, youth, staff, or others, or physical destruction to the
22 Juvenile Hall(s); (h) maintain consequences for Probation staff, up to and including termination,
23 for substantiated out-of-policy use of force cases, fraudulent reporting, or failure to cooperate
24 with an investigation; (i) strengthen the anti-retaliation policy related to reporting of use of force
25 incidents to include required training on the prohibitions and consequences for staff and youth,
26 measures designed to ensure reliability of the complaint investigation process, and assignment of
27 a Bureau Chief to address the need for interim protections for those who report, such as Unit
28 changes, safety plan updates, and protection orders; (j) ensure effective training regarding

1 accurate documentation of use of force, including staff and youth behavior that precipitated the
2 event; (k) strengthen the oversight and quality improvement process; (l) ensure that use of
3 mechanical restraints during transport is compliant with State law; (m) prohibit Probation staff
4 from permitting or encouraging youth to engage in physical fights or assaults; (n) require close
5 supervision by Probation staff to prevent youth-on-youth conflict; and (o) specify affirmative
6 steps to mediate conflict between youth.

7 **VII. TRAUMA-INFORMED AND POSITIVE BEHAVIOR APPROACHES**

8 19. Within the timeframe set forth in the Detailed Plan, and as further described in the
9 Detailed Plan, the County will:

- 10 (a) Review and evaluate the existing process to inform youth of the objectives and
11 purposes of the positive behavior management program and the rewards involved,
12 and make necessary improvements to effectively inform youth of the program;
 - 13 (b) Work in collaboration with LACOE to strengthen and integrate the County's and
14 LACOE's positive behavior management programs and trauma-informed
15 strategies to provide for a consistent and coordinated approach;
 - 16 (c) Maintain in County policies and directives the prohibition of: (1) group
17 punishment as defined in California Code of Regulations, title 15, section 1302,
18 and prohibited by California Code of Regulations, title 15, section 1390; (2) denial
19 of the basic rights listed in California Code of Regulations, title 15, section 1390,
20 for punitive and disciplinary purposes; and (3) use of Room Confinement for
21 punishment, coercion, convenience, or retaliation as prohibited by Welfare and
22 Institutions Code section 208.3, subdivision (b)(2), and California Code of
23 Regulations, title 15, section 1354.5, subdivision (a)(2);
 - 24 (d) Enhance the plan to train all Juvenile Hall staff in the County's positive behavior
25 management program; and
 - 26 (e) Enhance the plan to train Probation staff to respond to non-compliance in a
27 proportionate, trauma-informed, and equitable way.
- 28

1 **VIII. ROOM CONFINEMENT**

2 20. Within the timeframe set forth in the Detailed Plan, and as further described in the
3 Detailed Plan, the County will review, revise, approve, and implement its policy related to Room
4 Confinement in the Juvenile Halls pursuant to the law. (See Welf. & Inst. Code, § 208.3; Cal.
5 Code Regs., tit. 15, § 1354.5). The policy will include the means to maintain and improve
6 documentation related to and monitoring of youth who are placed in Room Confinement with the
7 following required metrics: (1) time in room per youth, including the date and time the youth was
8 first placed in Room Confinement and the date and time the youth was released; (2) reasons for
9 placement and basis for extension of Room Confinement beyond four hours, if applicable; (3) the
10 date and time Probation staff consulted with mental health or medical staff, if applicable; and (4)
11 review by a Juvenile Hall Superintendent or their designee, including any required authorizations.
12 The policy will also require: (1) an individualized plan to reintegrate youth held more than four
13 hours into the general population as required by Welfare and Institutions Code section 208.3,
14 subdivision (d)(2); and (2) the provision of programming, recreation, exercise, religious services,
15 and education as required by law, except as specified in California Code of Regulations, title 15,
16 sections 1370 and 1371, and documentation of the same. The Detailed Plan will include
17 mechanisms for providing prompt notice to the Juvenile Hall Superintendent of instances of
18 Room Confinement that do not comply with the requirements of Welfare and Institutions Code
19 section 208.3 and for developing and implementing subsequent remedial measures in response to
20 such instances. Aggregate data and any necessary subsequent remedial measures will be
21 reviewed on a quarterly basis by the OIG.

22 **IX. BASIC LIVING NEEDS AND JUVENILE HALL CONDITIONS**

23 21. Within the timeframe set forth in the Detailed Plan, and as further described in the
24 Detailed Plan, the County will make necessary revisions to its policies and practices to ensure
25 youth are provided with the following, in compliance with California Code of Regulations, title
26 15: (1) adequate bedding, including access to additional blankets upon request; (2) regular and
27 prompt access to drinking water and the toilet during both daytime hours and the hours that youth
28 are confined to their room for the purpose of sleeping; (3) personal hygiene items that are

1 culturally appropriate, and clean, reasonably fitted clothing; (4) full nutrition and adequate
2 portion size as discussed in California Code of Regulations, title 15, sections 1460 and 1463,
3 including a variety of foods considering the cultural and ethnic makeup of the facility, snacks
4 available between meals, and alternative options available at meals; and (5) clean and sanitary
5 living conditions.

6 22. Within the timeframe set forth in the Detailed Plan, and as further described in the
7 Detailed Plan, the County will:

8 (a) Use OIG's Prison Rape Elimination Act (PREA) certified auditors to monitor
9 compliance on the following: (i) Ensuring that privacy curtains are properly
10 installed and consistently maintained in the bathrooms of all Units; and (ii)
11 Ensuring that staff of the opposite gender announce their presence when entering a
12 housing Unit; and

13 (b) Provide to the Monitor and Attorney General for comment any reports developed
14 by Just Detention International or public reports provided to the Board of
15 Supervisors by the County regarding implementation of steps necessary to prevent
16 sexual assault, sexual harassment, and sexual abuse, including voyeurism as
17 defined in California Code of Regulations, title 15, section 1302.

18 23. Within 180 calendar days of the effective date of this Judgment, the County will
19 provide a report or reports to the Monitor and the Attorney General for review demonstrating that
20 the Juvenile Halls meet fire and safety codes, and have properly functioning temperature controls,
21 lighting, and ventilation and identifying any areas of deficiency and where improvements will be
22 implemented. In addition, the County will provide an enhanced evacuation and evacuation-
23 related transportation plan. Unless a shorter time frame for correction is required by law, within
24 180 calendar days of the issuance of the written reports, the County will address any identified
25 deficiency and report on any subsequent remedial measures.

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27 //

1 **X. PROGRAMMING, RECREATION, EXERCISE, RELIGIOUS SERVICES,**
2 **VISITATION, AND TELEPHONE CALLS**

3 24. Within the timeframe set forth in the Detailed Plan, and as further described in the
4 Detailed Plan, the County will:

- 5 (a) Ensure quality weekly programming is available in each living unit, and such
6 programming is based on the youths' individual needs, reflects consideration of
7 health care treatment plans, and includes, but is not limited to, trauma focused,
8 cognitive, evidence-based, best practice interventions that are culturally relevant
9 and linguistically appropriate, and pro-social interventions and activities designed
10 to reduce recidivism (Cal. Code Regs., tit. 15, §§ 1371, 1413). The programming
11 may include cognitive behavioral interventions, management of stress and trauma,
12 anger management, conflict resolution, juvenile justice system, trauma-related
13 interventions, victim awareness, self-improvement, parenting skills and support,
14 tolerance and diversity, healing informed approaches, interventions by credible
15 messengers, gender-specific programming, art, creative writing, self-expression,
16 CPR and first aid training, restorative justice, civic engagement, career and
17 leadership opportunities, and other topics suitable to the youth population;
- 18 (b) Develop and implement a Youth Council within the Juvenile Halls;
- 19 (c) Review and revise current policies, procedures, and practices to: (i) ensure and
20 maintain access to programming, recreation, exercise, outside activity, religious
21 services, visitation, and phone calls, as required by law and regulation; (ii) prohibit
22 the denial of programming, recreation, exercise, outside activity, religious
23 services, visitation, or phone calls as a form of punishment, discipline or
24 retaliation; (iii) prohibit Room Confinement on the basis of a youth's refusal to
25 participate in programming, recreation, exercise, outside activity, religious
26 services, or visitation; and (iv) document the provision or denial of programming,
27 recreation, exercise, outside activity, religious services, visitation, and phone calls,
28 and the reason(s) for any denials. Weekly reports regarding the aforementioned

1 provision or denial will be signed and validated by the Unit supervisor and
2 Juvenile Hall Superintendent or their designee and submitted to the OIG for
3 review;

4 (d) Review the current policies and procedures to allow visits by parents, guardians, or
5 persons standing *in loco parentis*, and children of youth, in compliance with
6 California Code of Regulations, title 15, section 1374. The review will ensure
7 policies include a protocol by which grandparents, siblings, and supportive adults
8 may be allowed to visit, with the approval of the Juvenile Hall Superintendent or
9 designee, when such visits are in conjunction with the youth's case plan or in the
10 best interest of the youth;

11 (e) Evaluate the feasibility of visits longer than two hours and/or outside of regular
12 visiting hours, including the possibility of access to technology as an alternative,
13 as described in California Code of Regulations, title 15, section 1374;

14 (f) Maintain meaningful and effective translation and interpretation services for youth
15 whose primary language is not English, as required by law; and

16 (g) Maintain a log provided to the Monitor and Attorney General on a monthly basis
17 identifying the date and time of announced or unannounced visits or phone calls
18 from youth's legal counsel along with the time that the youth was permitted to
19 receive the call or visit and documenting the reason for any delay in providing the
20 youth with access to legal counsel. For announced and unannounced visits, the log
21 will include a place where the youth's legal counsel can sign off on the date and
22 time of arrival at the facility and date and time of when visit occurred, and make a
23 notation regarding delay, if any, related to the visit. If determined by the Monitor,
24 the County will create a committee consisting of, at minimum, the Monitor, and a
25 representative of the County, the Attorney General, and the POC for the purpose of
26 recommending any improvements to the County's policies and practices to better
27 ensure youth receive access to announced and unannounced visits or phone calls
28 from counsel during reasonable waking hours.

1 **XI. MENTAL HEALTH, MEDICAL CARE, AND TREATMENT PLANS**

2 25. Within the timeframe set forth in the Detailed Plan, and as described in the
3 Detailed Plan, the County will:

- 4 (a) Maintain and revise as needed policies and procedures for a documented intake
5 health screening procedure to be conducted immediately upon entry into the
6 facility and for a health assessment of youth and timely identification of conditions
7 necessary to safeguard the health of the youth, in accordance with California Code
8 of Regulations, title 15, section 1430;
- 9 (b) Review and revise, as needed, its policies and practices to ensure that detained
10 youth are provided with timely medical and mental health care and treatment
11 planning that is compliant with law and regulations;
- 12 (c) Use the current electronic medical record system, which will be accessible by
13 Probation, as appropriate and consistent with law, to improve and sustain prompt
14 individualized tracking of timely service(s) and to assist with quality health care
15 measurement and evaluation;
- 16 (d) Ensure that for each youth with significant medical or behavioral/mental health
17 care concerns, individualized treatment plans are developed, as described in
18 California Code of Regulations, title 15, section 1413, which will address:
19 (i) pre-release and discharge planning for continuing medical and
20 behavioral/mental health care, including medication, following release or transfer,
21 which may include relevant authorization for transfer of information, insurance, or
22 communication with community providers to ensure continuity of care; (ii)
23 participation in relevant programs upon return into the community to ensure
24 continuity of care; (iii) youth and family participation (if applicable and available);
25 (iv) cultural responsiveness, awareness and linguistic competence; (v) physical and
26 psychological safety; and (vi) traumatic stress and trauma reminders when
27 applicable. The County will ensure that a staff person responsible for coordinating
28 implementation is assigned for each youth and that relevant health care treatment

plan information is shared with youth supervision staff for the purposes of programming, implementation, and continuity of care, as allowed by law;

- (e) Implement multi-disciplinary teams, meeting at least twice per month, chaired by a senior health or mental health clinician to discuss complex case management that include partners from Probation, DMH, DHS, LACOE, and, as appropriate, the youth and family;
- (f) Develop a plan for sufficient mental health staff to be assigned to and integrated into Units to meet youths' needs on a 16-hour-a-day basis and available in the remaining hours to provide therapeutic interventions, including crisis de-escalation, to youth according to any identified behavioral health needs;
- (g) Ensure DMH, DHS, and Probation collaborate to reassess and update guidelines and protocols for the use of enhanced supervision, including other less-restrictive strategies to provide needed supervision of youth;
- (h) Ensure DMH, DHS, and Probation collaborate to maintain and revise as needed a process to identify youth with severe mental health, developmental, or medical needs, and to ensure youth receive the appropriate level of care and timely transport for outside services; and
- (i) Require DMH and DHS staff to cooperate with investigations into use of force incidents and to provide accurate reports regarding observed or reported use of force.

XII. EDUCATION, TRANSITION, AND AFTER-CARE

26. Within the timeframe set forth in the Detailed Plan, and as further described in the Detailed Plan:

- (a) The County will ensure that youth are immediately available for LACOE to conduct educational evaluations and enrollment, except when there is an immediate threat to the safety of the youth or others;

- 1 (b) The County and LACOE will work together to ensure that youth are being
2 immediately enrolled within 24 hours of arrival or the next regularly scheduled
3 school day;
- 4 (c) LACOE will continue to operate an Electronic System to document that youth are
5 transported for and receiving educational evaluation and instruction. LACOE will
6 make the Electronic System available to relevant County employees. LACOE and
7 the County will establish a process for timely and continuous review and analysis
8 of the aforementioned Electronic System data to assess for compliance and
9 implement subsequent remedial measures, as needed, to ensure compliance;
- 10 (d) LACOE will provide sufficient staffing to ensure that youth are enrolled in
11 educational instruction and receiving instruction within the period of time required
12 by law, and are provided with the required 240 minutes of education per day,
13 except when there is an immediate threat to the safety of the youth or others, or
14 unless LACOE authorizes an excused absence based on categories recognized by
15 state law;
- 16 (e) The County will ensure that all youth are timely transported to and attending class
17 on a daily basis, except when there is an immediate threat to the safety of youth or
18 others, or unless LACOE authorizes an excused absence based on categories
19 recognized by state law;
- 20 (f) The County will ensure that education services are provided in the classrooms by
21 LACOE and not in the day room on the living Units, except where necessary due
22 to a particularized and documented risk of harm;
- 23 (g) The County will maintain policies and training to ensure youth are not denied
24 school time as punishment for behavior outside of the classroom, and youth are
25 provided the opportunity for at least one hour of quiet time daily for the principal
26 purpose of engaging in reading, writing, and class or homework assignments;
- 27 (h) The County will maintain policies and training to ensure staff are aware of their
28 responsibility to ensure attendance at school;

- 1 (i) When youth refuse to go to school, the County will invite LACOE educators to
2 participate, and LACOE educators will participate, in a joint meeting to assess the
3 reasons for the youth's refusal and both the County and LACOE will make and
4 document efforts to send youth to the classroom that same day, except when there
5 is an immediate threat to the safety of the youth or others;
- 6 (j) LACOE will maintain policies and training to ensure: (1) services required in the
7 youth's Individualized Education Program or Individualized Program Plan
8 continue without interruption, except when there is an immediate threat to the
9 safety of the youth or others; (2) youth have access to quality, differentiated
10 instruction, books, tutoring, academic counseling, preparation for higher
11 education, and credit recovery during the school day, except when there is an
12 immediate threat to the safety of the youth or others;
- 13 (k) The party making the decision, either LACOE or the County, will document any
14 instances where education and education instruction has been denied due to an
15 immediate threat to the safety of the youth or others ("immediate threat"), along
16 with the facts supporting the decision that an immediate threat existed at the time
17 of the education denial and the amount of education instruction time denied during
18 the pendency of the immediate threat;
- 19 (l) LACOE will review and revise the orientation process during enrollment to ensure
20 meaningful receipt of education-related information by students and to develop a
21 preliminary education plan in accordance with California Code of Regulations,
22 title 15, section 1370, subdivision (e)(3);
- 23 (m) LACOE and the County will explore alternatives with the Education SME for
24 maximizing the number of youth assigned to school rooms based on their assessed
25 academic need, while taking into account identified safety and security needs, and
26 implement those recommendations agreed to by LACOE and the County;
- 27 (n) The County and LACOE will develop an education and transition plan that must
28 include needed academic and rehabilitation supports, and a plan for accessing

1 those supports upon the youth's return to the community, pursuant to Education
2 Code section 48647, for any youth detained in a Juvenile Hall for more than 20
3 consecutive schooldays;

- 4 (o) The County and LACOE will maintain a joint transition planning policy that
5 complies with the requirements of Education Code section 48647;
- 6 (p) LACOE will develop career exploration and/or job readiness curriculum programs
7 for youth over whom LACOE has jurisdiction;
- 8 (q) The County will provide regular access to the career exploration and/or job
9 readiness curriculum programs developed by LACOE, except when there is an
10 immediate threat to the safety of the youth or others. The County will also re-
11 assess its process for identifying and enrolling students who have graduated from
12 high school or who are otherwise not eligible for LACOE career exploration
13 and/or job readiness curriculum programs to ensure maximum enrollment in post-
14 secondary, career exploration, and job readiness programs offered by the County;
15 and
- 16 (r) The Attorney General, LACOE, and the County recognize that temporary
17 suspension of education for a limited duration may be necessary due to an act of
18 nature, such as a fire or earthquake, which is outside of human control.

19 27. Within the timeframe set forth in the Detailed Plan, and as further described in the
20 Detailed Plan jointly developed by the County and LACOE:

- 21 (a) LACOE and the County will create and implement a process for education staff
22 participation in a County multi-disciplinary team meeting, as defined in Paragraph
23 25(e), to discuss youth needs and treatment, and an assigned LACOE and/or
24 County staff member responsible for coordinating implementation;
- 25 (b) LACOE will define its responsibilities and duties with respect to the least
26 restrictive educational placement of youth with disabilities, the LACOE offer of
27 Free Appropriate Public Education and alternatives placements for students who
28 may need a more restrictive educational setting in accordance with law;

- 1 (c) LACOE and the County will establish a process for gathering information from
2 LACOE's Electronic System described at Section XII, Paragraph 26(c), to be
3 included in a monthly report detailing enrollment, attendance, and daily
4 educational minute information for youth placed in a Juvenile Hall for the prior
5 month, including the reasons provided for any loss of education and an
6 aggregation of educational minutes lost due to delays in enrollment, failure to have
7 a teacher for the class, and/or failure to timely transport youth to school on a daily
8 basis ("School Attendance and Enrollment Report"). The School Attendance and
9 Enrollment Report will redact identifying information for youth and set forth
10 proposed remedies and requests for immediate action to address any loss of
11 education to youth, including the number of total minutes of education time lost
12 for the month and any compensatory education services needed to make up for the
13 loss, the cost of compensatory services, and a proposed provider. To the extent
14 there is a dispute about whether LACOE or the County will fund the compensatory
15 education services, the dispute and any supporting documentation will be
16 submitted to the Education SME, who will make a determination, which will be
17 final and binding upon the parties, within 10 business days; and
- 18 (d) The School Attendance and Enrollment Report shall be provided to the County
19 Board of Education, the Attorney General, the Education SME, County Counsel,
20 and the POC 70 days after entry of this Judgment and to the same entities on the
21 day of the monthly mailing to the County Board of Education every month
22 thereafter.

23 **XIII. STAFFING, HIRING, AND TRAINING**

24 28. Within the timeframe set forth in the Detailed Plan, and as further described in the
25 Detailed Plan, the County will:

- 26 (a) Update the Probation recruitment plan(s) and materials to target candidates who
27 understand and support best practices in juvenile supervision, support, and services
28 and who have an interest in working with youth;

- 1 (b) Provide and maintain sufficient staffing to ensure youth receive programming,
2 recreation, exercise, outside activity, religious services, and visitation as required
3 by California Code of Regulations, title 15, section 1321 and this Judgment; and
4 are immediately available to LACOE for enrollment and evaluation, and timely
5 transported to and attending class on a daily basis;
- 6 (c) Outline and implement a training and policies and procedures notification process
7 for Probation staff assigned to Juvenile Halls, including but not limited to
8 Detention Services Officers, Senior Detention Services Officers, supervisors, and
9 managers, on the new policies and practices set forth and developed in accordance
10 with this Judgment. At minimum, the Detailed Plan for training will include: (1) a
11 method for providing notice and updates to relevant staff (i.e. directives, electronic
12 postings, etc.); (2) frequency of training, where applicable; (3) annual review of
13 training needs and effectiveness; and (4) the following training topics, as relevant
14 to job duties:
- 15 i. Conflict resolution and individual and crisis de-escalation;
 - 16 ii. Childhood and adolescent development and positive, developmental,
17 strength-based approach to treatment;
 - 18 iii. Age appropriate responses to youth conduct;
 - 19 iv. Disability and special education issues;
 - 20 v. Implicit bias and cultural competence;
 - 21 vi. Responses to trauma;
 - 22 vii. Restorative justice techniques;
 - 23 viii. Development and implementation of individualized treatment plans, as
24 described in Section XI, Paragraph 25(d); and
 - 25 ix. Facilitation of group activity.
- 26 (d) Outline its training for and/or notice to DMH and DHS staff on the updated
27 clinical policies and procedures set forth and developed in accordance with this
28 Judgment including training on trauma informed care and approaches; and

- 1 (e) Collaborate with LACOE to discuss which of the trainings in Paragraph 28(c) can
2 be coordinated or offered jointly to provide training to both County and LACOE
3 staff working in the Juvenile Halls.

4 29. Within 30 calendar days of entry of this Judgment, the Chief Probation Officer
5 will inform all employees at the Juvenile Halls in writing of the existing County policies that
6 establish requirements for attendance and on-time reporting to work, the existing consequences
7 for the failure to follow those policies, and how the failure to attend and arrive on-time impacts
8 other employees, climate, and facility conditions.

9 30. Within the timeframe set forth in the Detailed Plan, and as further described in the
10 Detailed Plan, the County, working in collaboration with the Monitor, will evaluate and
11 implement strategies using existing staff resources to address climate, staff attendance and
12 culture, and safety in the Juvenile Halls.

13 **XIV. OVERSIGHT AND GRIEVANCE SYSTEMS**

14 31. Within the timeframe set forth in the Detailed Plan, and as further described in the
15 Detailed Plan, the County will:

- 16 (a) Implement a revised grievance policy to provide: (i) additional avenues and means
17 for youth and families to submit grievances, including through secure online
18 portals; (ii) tracking of grievances for responses and appeals in compliance with
19 California Code of Regulations, title 15, section 1361, with oversight by OIG; and
20 (iii) a process for prompt review of and response to grievances alleging physical or
21 sexual abuse of youth and documentation of referral to the appropriate
22 investigating agency[ies];
- 23 (b) Revise youth orientation and parent handbooks in collaboration with youth to
24 provide any updated information about the grievance processes, the Office of the
25 Ombudsman, and other changes required by this Judgment and to ensure language
26 accessibility to non-English speaking youth and parents as required by law, and
27 create a process for timely dissemination to parents, guardians, and youth upon
28

1 entry into the Juvenile Hall, through Probation's website and, if available,
2 electronic mail;

3 (c) Ensure that grievance forms are consistently available in all Units and that youth
4 may access a grievance form without the need to request a form from staff; and

5 (d) During orientation and meetings on the Unit with youth, educate and remind youth
6 on how to access the grievance system and their associated rights.

7 **XV. COMPENSATORY SERVICES FOR YOUTH**

8 32. The Education SME has devised a formula to calculate the compensatory
9 education services to which Beneficiaries are entitled based on a random sampling of the
10 education-related records of no more than 15 youth detained at each Juvenile Hall (no more than
11 30 youth total) from January 1, 2018 through the date of the Judgment's execution and the
12 duration of the Beneficiaries' confinement at the Juvenile Halls. The factors the Education SME
13 evaluated included the frequency and duration of late arrival to class, the number of days a youth
14 was not enrolled in school and missed school after arriving at the facility, and other factors
15 necessary to determine the quantity of education hours not received, if any. Excused absences
16 pursuant to Education Code section 48202 were not included in the calculation. LACOE
17 provided the Education SME with the data and information necessary to conduct the random
18 sample.

19 33. Within 90 calendar days of the effective date of this Judgment, as further described
20 in the Detailed Plan:

21 (a) The County will use the formula established by the Education SME to calculate
22 the compensatory education service package for each Beneficiary, provide the
23 Education SME access to the records used to calculate each compensatory
24 education service package to verify the accuracy of the calculations, and provide
25 notice to the Beneficiaries of the award, which shall be approved by the Attorney
26 General, translated into Spanish, and sent to each Beneficiary indicating the
27 specific compensatory education service package to which they are entitled and
28

1 providing contact information for the third-party partner(s) that they can contact to
2 access the compensatory education services.

3 (b) The process will allow for the Beneficiaries to have two years from the date the
4 County mails and, if available, e-mails the notices to the Beneficiaries to use the
5 hours included in their compensatory education service packages, and thereafter,
6 any unused balance of hours included in the compensatory education service
7 packages for a Beneficiary will expire. This two-year period will be tolled for the
8 duration of any delay in provision of services to a Beneficiary that is solely
9 attributable to the County or the third-party partner(s) with whom they contract,
10 and the Beneficiary and the Education SME will promptly notify the County of
11 any issues related to interruption in services as soon as they are aware of such
12 issues. The process will include a toll-free hotline with operators who can provide
13 assistance in English and Spanish in place for a minimum of six months after
14 notices are sent to Beneficiaries to assist Beneficiaries with accessing the
15 compensatory services.

16 (c) LACOE will collaborate with the County and provide assistance with respect to
17 the County's duty to contract with qualified third-party partner(s) that utilize
18 research-based education interventions to satisfy the compensatory education
19 services for any Beneficiary. LACOE may assume the role of the contracting
20 agent for education entities for which LACOE already has or may have had
21 contracts in order to facilitate the process and ensure qualified third-party
22 partner(s) can provide services.

23 **XVI. DISPUTE RESOLUTION PROCESS**

24 34. It is the intent of the Parties to work collaboratively to address any disputes or non-
25 compliance with this Judgment. Unless a different timeframe is specified in this Judgment,
26 should a dispute arise or should a Party raise an objection, the Parties or the objecting Party will,
27 within 5 working days, initiate the meet and confer process in good faith. The parties will spend
28 no more than 10 working days to meet and confer. If after the 10 working days the Parties are

1 unable to reach resolution, the objecting Party may thereafter submit the matter(s) upon which
2 they disagree to the Court for further proceedings.

3 **XVII. MONITORING TEAM**

4 35. This Judgment will be overseen by a Monitor who will be provided timely access
5 to information and documents to ensure compliance with this Judgment and whose reasonable
6 costs and expenses, as set forth in Paragraph 37, will be paid by the County. The Monitor will
7 oversee conditions of confinement, as well as compliance with and implementation of this
8 Judgment. The Monitor will be assisted by two Subject Matter Experts (SME) who will evaluate
9 provisions related to their expertise and advise the Monitor. The first SME will be an expert in
10 the areas of behavioral health services and medical access (hereinafter, Health and Behavioral
11 Health SME). The second will be an expert in the area of education, educational transition and
12 after-care services, and career technical and post-secondary education programming in the
13 juvenile hall context (hereinafter, Education SME). The Monitor will be Michael Dempsey. The
14 Health and Behavioral Health SME will be Renée Marquardt. The Education SME will be Peter
15 Leone. The Monitor, in consultation with the appropriate SME, will review and approve the
16 policies, procedures, and protocols specified in the substantive provisions of this Judgment and
17 the Detailed Plan.

18 36. The Monitor and Health and Behavioral Health SME will be selected by mutual
19 agreement of the Parties. The Education SME will be selected by mutual agreement of the Parties
20 and LACOE.

21 37. The total costs for the Monitor, SMEs, and any specialized experts or others to be
22 paid by the County will not exceed \$500,000 for the first year, and \$375,000 for the second year
23 and each year thereafter. Costs for the Education SME will be divided equally between the
24 County and LACOE for the first three years and paid solely by the County for the fourth year and
25 any year thereafter. The Monitor will provide a justification for exceptional circumstances that
26 require additional expenditure of funds. In such case, the Monitor will provide the Parties with a
27 written request for the additional funds at least 14 calendar days prior to expenditure. The Parties
28 will have 14 calendar days to object in writing to such expenditure, or as extended by agreement

1 of the Parties. If no Party objects, the County will approve the additional expenditure. If a Party
2 objects, the Parties will engage in the dispute resolution process described in Section XVI of this
3 Judgment.

4 38. In the first year, the Monitor or a SME will visit each Juvenile Hall a minimum of
5 12 days. In the second year and each year thereafter, the Monitor or a SME will visit each
6 Juvenile Hall a minimum of seven days. The Monitor will coordinate with the SMEs to
7 determine whether one or more members of the team will attend each visit and may subcontract
8 with specialized experts to assist in the monitoring duties with pre-approval from the Parties. To
9 the extent the Monitor, in his or her sole discretion, seeks assistance with data analysis, document
10 review, or report writing, the Monitor will obtain assistance from Kelly Dedel unless another
11 individual is approved by the Parties. Any assistance provided by Dr. Dedel, or any other expert,
12 will not supplant the Monitor's responsibilities under this Judgment, which are his or hers alone.
13 Only the Monitor can determine the County's compliance with the substantive provisions of this
14 Judgment, except as provided in Paragraph 58. The Parties will have 14 calendar days to object
15 for cause in writing to the subcontracting of experts, or as extended by agreement of the Parties.
16 Should a Party object to the Monitor's selection of a specialized expert, the Parties will engage in
17 the dispute resolution process described in Section XVI of this Judgment. Any subcontracts will
18 not serve to increase the total costs in Paragraph 37 absent mutual agreement.

19 39. The Monitor, SMEs, and their staff, if any, will be permitted to initiate and receive
20 ex parte communications with all Parties.

21 40. If at any time the Monitor or SMEs are no longer able to serve, they will inform
22 the Parties in writing as soon as possible prior to ending services. Within 14 calendar days of
23 receiving notice, the Parties will meet and confer regarding a replacement. The replacement will
24 be selected by mutual agreement of the Parties no later than 60 calendar days after written notice
25 is received, or as extended by agreement of the Parties. If a Party objects, the Parties will engage
26 in the dispute resolution process described in Section XVI of this Judgment.

27 41. Should all Parties agree that the Monitor, a SME, or a member of their staff, if any,
28 has exceeded his or her authority or is not fulfilling his or her duties in accordance with this

1 Judgment, the Parties may replace the Monitor, a SME, or staff person, if any, using the process
2 in Paragraph 40. After good faith attempts to resolve such issues informally, the Parties may also
3 agree to remove the Monitor, a SME, or any member of their staff, if any, for good cause, which
4 may include: gross neglect of duties; willful misconduct; inappropriate personal relationship with
5 a Party, any Party employee, or youth; conflicts of interest; any criminal conduct; or any
6 significant violations of security protocols during the pendency of this Judgment.

7 42. LACOE is considered a Party for purposes of implementing Paragraphs 40 and 41
8 as they pertain to the replacement of the Education SME.

9 43. For the duration of this Judgment and a period of five years following its
10 termination, unless such conflict is waived in writing by all Parties, the Monitor, SMEs, and their
11 staff, if any, will not accept any new employment or retention for consulting services regarding
12 alleged actions or inactions by the County or any County employee, including being retained (on
13 a paid or unpaid basis) by any current or future litigant or claimant, or such litigant's or
14 claimant's attorney, in connection with a claim or suit against the County or its departments,
15 officers, agents, or employees.

16 **XVIII. REPORTS**

17 44. The County will produce documents as permitted by this Judgment and identified
18 in the Detailed Plan on a quarterly basis. The Attorney General and the Monitor may make
19 reasonable requests to the County for supplemental information when necessary to assess
20 compliance with a provision of this Judgment. The County will furnish such information within a
21 reasonable time, not to exceed 10 working days, unless exceptional circumstances exist, the
22 response to the request is unusually voluminous, or another date is agreed upon by the Parties.

23 45. The Monitor will provide the Parties with a report on the status of compliance with
24 the Judgment on a quarterly basis during the first two years following the entry of this Judgment.
25 During the first two years, these reports shall consist of two full reports and two status updates,
26 which shall be alternating. The status updates will report on progress meeting the actions as
27 specified in the Detailed Plan, including steps completed, and provide direction regarding steps
28 needed for timely implementation of substantive provisions. The two full reports will include any

1 other recommendations, directions, evidence, data, or information that the Monitor deems
2 necessary to include related to each of the substantive provisions in the Judgment. After the two
3 years, the Monitor will provide reports on a semi-annual basis until termination of the Judgment.
4 The reports will include a finding of Substantial Compliance, Partial Compliance, or Non-
5 Compliance on each substantive provision of this Judgment. For any provision with a finding
6 other than Substantial Compliance, the Monitor will provide detailed written direction, consistent
7 with this Judgment and Detailed Plan, to the County to achieve Substantial Compliance. At least
8 60 days before the anticipated filing of each report, the Monitor will provide the Parties with a
9 draft copy and a reasonable opportunity to respond within 30 days. The Monitor will consider the
10 Parties' responses and make appropriate changes before submitting a final report to the Parties.

11 46. The Monitor will provide the Parties and the Board of Supervisors with a semi-
12 annual confidential informational report regarding staffing, including day-to-day staffing ratios,
13 attendance, and hold-overs, in the Juvenile Halls and any resulting impacts on the County's
14 ability to achieve Substantial Compliance with this Judgment.

15 47. For any substantive provision subject to review or oversight by the POC or OIG as
16 delineated herein, the Monitor's compliance role will be focused on reviewing the reports
17 provided by such agencies as described in this Judgment. If the Monitor disagrees with any of
18 POC or OIG findings, the Monitor may conduct his or her own assessment pursuant to the
19 Detailed Plan.

20 **XIX. CONFIDENTIALITY**

21 48. Other than as expressly provided in this Judgment, the Monitor, the SMEs, their
22 staff, if any, and the Attorney General will maintain confidential all, and will not distribute or
23 disclose any, non-public information provided by the County and/or any report(s) produced
24 pursuant to this Judgment, including reports produced pursuant to Section XVIII above, unless
25 ordered by the Court or otherwise required by law. This Judgment will not be deemed a waiver
26 of any privilege or right the County may assert, including those recognized at common law or
27 created by statute, rule, or regulation, against any other person or entity with respect to the
28 disclosure of any document or information.

1 49. Except as required by the terms of this Judgment, an order from the Court, or the
2 express written agreement of all Parties, the Monitor, SMEs, and their staff, if any, will not make
3 any public or press statements (at a conference or otherwise), issue findings, offer expert opinion,
4 or testify in any other litigation or proceeding regarding any matter or subject that he or she may
5 have learned as a result of his or her performance under this Judgment. If the Monitor, SMEs, or
6 their staff, if any, receives a subpoena, he or she will promptly notify the Parties and thereafter
7 advise the subpoenaing court of the terms of this Judgment.

8 50. The Monitor, SMEs, and their staff, if any, are not a State, County, or local
9 agency, or an agent thereof, and accordingly, are not subject to the Public Records Act (Gov.
10 Code, § 6250 et seq.). If the Monitor, SMEs, or their staff, if any, receives a request for
11 inspection of their records related to this Judgment, he or she will not produce the records and
12 promptly notify the Parties of the request.

13 51. In the event either Party or the Monitor files documents with the Court, any
14 documents covered by the protective order filed concurrently with this Judgment or otherwise
15 required to be filed under seal by court rules, will be filed under seal.

16 **XX. ACCESS**

17 52. Unless an exigent circumstance, such as a natural disaster or medical quarantine,
18 occurs that necessitates a short delay, the Attorney General, the Monitor, and the SMEs will have
19 prompt access to the following to assess implementation with this Judgment:

- 20 (a) Access to the grounds of the Juvenile Halls including the ability to observe living
21 units, programming, movement to and from classes and activities, and classes and
22 activities;
- 23 (b) After reasonable notice, ability to talk with, consult with, and interview
24 supervisory and line staff. All such staff will be informed that their participation is
25 voluntary and that they will have the option to request the presence of a person of
26 their choice;
- 27 (c) Ability to interview youth detained at the Juvenile Halls individually, with
28 Probation responsible for timely notifying the Public Defender, Alternate Public

Defender, and Independent Juvenile Defender Panel's offices. Youth shall be informed that their participation is voluntary. Youth represented by individual private counsel will not be interviewed without consent of the individual private counsel;

(d) Access to those portions of juvenile case files that directly relate to the County's implementation of and compliance with this Judgment, as permitted by law;

(e) Access to records and logs including, but not limited to, daily log books and schedules, training schedules, and any similar data or documents that may replace these documents, as permitted by law; and

(f) Access to County records and reports from Probation including, but not limited to, incident reports, physical intervention, supplemental intervention, or special or security incident reports, internal affairs reports, investigation documents, FIRST and any similar committee reports, video recordings, and grievance procedure documents, as permitted by law.

53. The Health and Behavioral Health SME will have access to observe individual behavioral health or health treatment sessions that directly relate to the County's implementation of and compliance with this Judgment, only with the express permission of the youth and/or the youth's parent or guardian as required by law.

54. The Health and Behavioral Health SME, who is a licensed medical provider, will be permitted to observe group facilitation and therapy sessions for the purpose of advising DMH staff and providing technical assistance and direction with reasonable notice in advance.

55. The Health and Behavioral Health SME will have access only to de-identified health records for purposes of assessing compliance with this Judgment, unless there is a particularized need related to an individual youth.

XXI. TERMINATION OF JUDGMENT

56. Upon the Monitor's conclusion that the County has achieved and maintained Substantial Compliance with any substantive provision(s) of this Judgment for a period of 12 consecutive months ("Compliance Period"), that provision will be deemed completed and the

1 Monitor will no longer assess or report on that provision. Where the Monitor concludes that the
2 County has achieved and maintained Substantial Compliance with a substantive provision of this
3 Judgment, as described immediately above, at one Juvenile Hall but not another, the Monitor will
4 no longer assess or report on that provision for the Juvenile Hall where Substantial Compliance
5 has been achieved.

6 57. The Monitor will determine Substantial Compliance based on the County's
7 performance as described in the Detailed Plan. Alternatively, the Monitor may determine that the
8 County has achieved Substantial Compliance when the overall objectives of this Judgment have
9 been met, even where the specific requirements of substantive provisions of this Judgment may
10 only be in partial compliance.

11 58. If a Party objects to the Monitor's determination as to whether the County has
12 achieved Substantial Compliance, the Parties shall engage in the dispute resolution process
13 described in Section XVI of this Judgment.

14 59. This Judgment and the Court's jurisdiction will automatically terminate four years
15 after the effective date of this Judgment, unless the County has not achieved Substantial
16 Compliance for any substantive provisions of this Judgment. For those provisions, the Monitor
17 will meet with the parties semi-annually to discuss what is necessary to achieve Substantial
18 Compliance. After such meeting, the Monitor will provide a written report to the Parties
19 providing clear direction on remaining obligations, consistent with this Judgment.

20 **XXII. DEFENDANTS' INDEPENDENT OBLIGATIONS**

21 60. Each of the respective Defendants to this action, LACOE and the County, shall not
22 be liable for, and no enforcement action pursuant to this Judgment shall lie against, either
23 respective Defendant for an alleged failure by the other Defendant to comply with this Judgment.
24 For any provision under this Stipulated Judgment or in the Detailed Plan that requires the County
25 to rely on LACOE's obligations for performance, the County cannot be held liable for, and no
26 enforcement action pursuant to this Judgment shall lie against the County, for LACOE's failure to
27 perform its obligations under that provision. If LACOE is no longer under the jurisdiction of the
28 Court in its Stipulated Judgment with the Attorney General's Office in this matter, the County

1 cannot be held liable for, and no enforcement action pursuant to this Judgment shall lie against
2 the County, under those provisions in which LACOE's participation is required or necessary for
3 the County to perform in the County's Stipulated Judgment or in the Detailed Plan, and which
4 LACOE is failing to perform. The failure of any respective Defendant to perform its obligations
5 under this Complaint and the Judgments or the Order entered herewith shall not impact the full
6 force and binding effect of this Judgment as it relates to any Party. No Defendant will be held
7 liable for any aspect of the performance, or lack of performance, by any other Defendant of the
8 other Defendants' obligations under this Judgment.

9 **XXIII. SUCCESSORS AND ASSIGNS**

10 61. The provisions of this Judgment will apply to the County, including the Probation
11 Department, DMH, and DHS, as well as their successors, directors, officers, employees, agents,
12 and assigns, which or who may oversee, direct, treat, or supervise youth in the Juvenile Hall(s).

13 **XXIV. JURISDICTION OF THE COURT, IMPLEMENTATION, AND ENFORCEMENT**

14 62. This Judgment is enforceable only by the Parties. No person or entity is intended
15 to be a third-party beneficiary of the provisions of this Judgment for purposes of any civil,
16 criminal, or administrative action, and accordingly, no person or entity may assert any claim or
17 right as a beneficiary or protected class under this Judgment.

18 63. Nothing in this Judgment limits the powers vested in the Attorney General by the
19 California Constitution and state statutory law, including Government Code section 11180 et seq.,
20 to oversee and enforce any California laws and regulations, which he or she may use to monitor
21 the County's compliance with the terms of this Judgment.

22 64. Unless otherwise provided in a specific provision of this Judgment, the
23 implementation of this Judgment will begin on the Effective Date.

24 65. The Attorney General and the County may jointly agree to make changes,
25 modifications, and amendments to the Judgment in writing, and changes the Parties deem to be
26 material revisions will be effective after a joint motion is filed by the Parties with the Court.
27
28

66. Any time limits for performance imposed by the Judgment and/or Detailed Plan may be extended by the mutual agreement, in writing, of the Attorney General and the County, and/or by order of the Court for good cause shown.

67. The Parties agree to defend the provisions of this Judgment. The Parties will notify each other of any court or administrative challenge to this Judgment.

68. The Court retains jurisdiction to enforce the portions of this Judgment, which have not already been deemed completed as described in Section XXI, Paragraphs 56 and 59 of this Judgment, for the purpose of enabling any Party to the Judgment to apply to the Court at any time for such further orders and directions, as may be necessary or appropriate, for the interpretation or the carrying out of this Judgment, for the modification of any of the injunctive provisions hereof, for enforcement of compliance herewith, and for violations hereof, if any.

69. Nothing in this Judgment alters the requirements of federal or state law. It is the intent of this Judgment to align with such relevant laws. To the extent laws cited in this Judgment change to provide additional protections for youth or to prohibit the County from complying with any provision of this Judgment, this Judgment should be modified by the Parties in accordance with the new law.

The clerk is ordered to enter this Judgment forthwith.

DATED:

JUDGE OF THE SUPERIOR COURT

**FIRST-LEVEL APPEAL
EXHIBIT G**

Electronically Received 12/05/2024 10:18 AM

12/11/2024

David W. Slayton, Executive Officer / Clerk of Court

By: R. Navarro Deputy

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*Exempt from filing fees pursuant to
Government Code section 6103.*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

12 **THE PEOPLE OF THE STATE OF**
13 **CALIFORNIA, EX. REL. XAVIER**
14 **BECERRA, ATTORNEY GENERAL OF**
15 **THE STATE OF CALIFORNIA,¹**

Plaintiff,

v.

17 **LOS ANGELES COUNTY; AND LOS**
18 **ANGELES COUNTY OFFICE OF**
19 **EDUCATION,**

Defendants.

Case No. 21STCV01309

**~~[PROPOSED]~~ ORDER AMENDING
STIPULATED JUDGMENT**

Date: November 21, 2024
Time: 8:30 a.m.
Dept: 34
Judge: Hon. Peter A. Hernandez

¹ The current Attorney General of the State of California is Rob Bonta.

1 Having considered the Ex Parte Application for Entry of [Proposed] Order Amending
2 Stipulated Judgment of January 21, 2021 (the Judgment) brought by Plaintiff, the People of the
3 State of California, and Defendant, the County of Los Angeles, and other papers on file in this
4 matter, the Court grants the motion as follows.

5 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

6 **I. INTRODUCTION**

- 7 1. This Order is entered pursuant to the Court’s continuing jurisdiction under Judgment
8 paragraph 68 and Code of Civil Procedure section 664.6, and pursuant to Judgment
9 paragraph 65, which provides that that “[t]he Attorney General and the County may
10 jointly agree to make changes, modifications, and amendments to the Judgment in
11 writing, and changes the Parties deem to be material revisions will be effective after a
12 joint motion is filed by the Parties with the Court.” (See Stipulated Judgment for
13 Defendant County of Los Angeles (Jan. 21, 2021).)
- 14 2. All the provisions of the Judgment remain in full force and effect, except that
15 Judgment paragraphs 35, 36, 45, 53, 54, 55, 56, 58, and 59 are amended as described
16 in paragraphs 5 through 13 of this order.
- 17 3. The provisions of this Order are in addition to the County’s existing obligations under
18 the Judgment, the Detailed Plan incorporated by reference into the Judgment, and the
19 Stipulated Additional Judgment Terms to Address Noncompliance that the Court
20 approved on November 13, 2023 (“First Amendment”). The provisions of this Order
21 are incorporated into the Judgment and are subject to sections XVI, XVII, XVIII, XIX,
22 XX, XXI, XXII, XXIII, and XXIV of the Judgment. The definitions contained in
23 paragraph 8 of the Judgment and in the preamble to the Detailed Plan also apply to
24 this Order.
- 25 4. As used in this Order, “Los Padrinos Juvenile Hall” includes Los Padrinos Juvenile
26 Hall and any successors or assigns of Los Padrinos Juvenile Hall, including any
27 successor or assign facility or facilities as defined in paragraph 8(l) of the Judgment.
28

- 1 5. The effective date of this Order is the date that the joint stipulation is signed by the
2 parties.

3 **II. AMENDMENTS TO JUDGMENT PARAGRAPHS 35, 36, 45, 53, 54, 55, 56, 58, AND 59**

- 4 6. Judgment **Paragraph 35** is amended such that it now provides, in its entirety, as
5 follows: “This Judgment will be overseen by a Monitor who will be provided timely
6 access to information and documents to ensure compliance with this Judgment and
7 whose reasonable costs and expenses, as set forth in Paragraph 37, will be paid by the
8 County. The Monitor will oversee conditions of confinement, as well as compliance
9 with and implementation of this Judgment and any subsequent Amendments. The
10 Monitor will be assisted by at least three Subject Matter Experts (SME) who will
11 evaluate provisions related to their expertise and advise the Monitor. The first SME
12 will be an expert in behavioral health services (hereinafter, Behavioral Health SME).
13 The second SME will be an expert in medical access (hereinafter, Medical Access
14 SME). The third will be an expert in education, educational transition and after-care
15 services, and career technical and post-secondary education programming in the
16 juvenile hall context (hereinafter, Education SME). The Monitor will be Michael
17 Dempsey. Effective September 1, 2024, the Behavioral Health SME will be Dr.
18 Monique Khumalo. Effective September 1, 2024, the Medical Access SME will be Dr.
19 Khandra Tyler-Beynum. The Education SME will be Dr. Peter Leone. The Monitor, in
20 consultation with the appropriate SME, will review and approve the policies,
21 procedures, and protocols specified in the substantive provisions of this Judgment and
22 the Detailed Plan.”
- 23 7. Judgment **Paragraph 36** is amended such that it now provides, in its entirety, as
24 follows: “The Monitor, Behavioral Health SME, and Medical Access SME will be
25 selected by mutual agreement of the Parties. The Education SME will be selected by
26 mutual agreement of the Parties and LACOE.
- 27 8. Judgment **Paragraph 45** is amended such that it now provides, in its entirety, as
28 follows: “The Monitor will provide reports on the status of compliance with the

Judgment on at least a semi-annual basis until termination of the Judgment. The reports will include a finding of Substantial Compliance, Partial Compliance, or Non-Compliance on each substantive provision of this Judgment, Detailed Plan task, and First and Second Amendments to the Judgment, to the extent these provisions remain subject to reporting under Judgment paragraph 56. For any provision or task with a finding other than Substantial Compliance, the Monitor, after consultation with the County, will provide detailed written direction, consistent with the Judgment, Detailed Plan, and any Amendments to the County to achieve Substantial Compliance. At least 60 days before the anticipated filing of each report, the Monitor will provide the Parties with a draft copy and a reasonable opportunity to respond within 30 days. To the extent the County believes that any information in the report is confidential, the County may provide the Monitor and the Attorney General with information about the specific language that it believes should be redacted in the final report along with its response above. For purposes of this paragraph, confidential information is information that would disclose the identity of a youth. The Monitor will consider the Parties' responses and make appropriate changes before submitting a final report to the Parties. The Attorney General shall file the Monitor's reports with the County's redactions under this paragraph with this Court but will not file the document under seal. If the Court requests or orders the Parties to file an unredacted report, the Attorney General shall do so on behalf of the Parties. For any provision or task within the Detailed Plan that received a finding other than Substantial Compliance, the Monitor may in his discretion require that the County provide the Monitor, within 60 days of the Monitor's request or at such other later time as the Monitor deems appropriate, a Corrective Action Plan for Monitor review and approval for any such provision or task, addressing the County's plans to come into Substantial Compliance, including a timeline, and incorporating or otherwise addressing any applicable direction the Monitor provided in his report."

- 1 9. Judgment **Paragraph 53** is amended such that it now provides, in its entirety, as
2 follows: “The Behavioral Health SME will have access to observe or review
3 individual behavioral health treatment sessions, and the Medical Access SME will
4 have access to observe and review health treatment sessions, that directly relate to the
5 County’s implementation of and compliance with this Judgment, only with the express
6 permission of the youth and/or the youth’s parent or guardian as required by law.”
- 7 10. Judgment **Paragraph 54** is amended such that it now provides, in its entirety, as
8 follows: “The Behavioral Health SME, a licensed mental health professional, will be
9 permitted, with reasonable notice in advance, to observe group facilitation and therapy
10 sessions for the purpose of advising DMH staff and providing technical assistance and
11 direction.”
- 12 11. Judgment **Paragraph 55** is amended such that it now provides, in its entirety, as
13 follows: “The Medical Access SME will have access to only de-identified medical
14 records, and the Behavioral Health SME will have access only to de-identified
15 behavioral health records, for purposes of assessing compliance with this Judgment,
16 unless there is a particularized need related to an individual youth.”
- 17 12. Judgment **Paragraph 56** is amended such that it now provides, in its entirety, as
18 follows: "Upon the Monitor's conclusion that the County has achieved and maintained
19 Substantial Compliance with any substantive provision(s) and/or individual task from
20 the Detailed Plan for a period of 12 consecutive months ("Compliance Period"), that
21 provision or task will be deemed completed and the Monitor will no longer assess or
22 report on that provision, and the County will no longer be required to provide
23 compliance or proof of practice documentation after a provision or task is no longer
24 being assessed. Where the Monitor concludes that the County has achieved and
25 maintained Substantial Compliance for the entirety of the Compliance Period with a
26 substantive provision or task of the Judgment or the Amendments, as described
27 immediately above, at one facility but not another, the Monitor will no longer assess
28

or report on that provision or task for the Juvenile Hall where Substantial Compliance has been achieved."

13. Judgment **Paragraph 58** is amended such that it now provides, in its entirety, as follows: "If a Party objects to the Monitor's determination as to whether the County has achieved and maintained Substantial Compliance as set forth in Paragraph 56, the objecting party shall provide its rationale for that objection in writing to the other Party and the Monitor. If the Monitor does not agree with the objection, the Parties and the Monitor shall engage in the dispute resolution process described in Section XVI of the Judgment."

14. Judgment **Paragraph 59** is amended such that it now provides, in its entirety, as follows: "This Judgment and the Court's jurisdiction will automatically terminate once all substantive provisions of the Judgment have been deemed complete as set forth in paragraphs 56 and 57. The Attorney General will file a joint order to terminate jurisdiction within 10 business days of the automatic termination."

III. COMPOSITION AND AUTHORITY OF MONITORING TEAM

15. The Monitor shall continue to issue monthly reports to the Parties as to compliance with the First Amendment until the County reaches Substantial Compliance with those provisions and their corresponding Detailed Plan tasks. The County shall be required to consider any written guidance contained in the monthly reports to remedy the County's noncompliance or partial compliance with those provisions or their corresponding Detailed Plan tasks, and incorporate or otherwise address such guidance in any Corrective Action Plan the County submits in response to the Monitor's semi-annual reports pursuant to Judgment paragraph 45, as amended above, for the Monitor's review and approval.

16. The County shall continue to work with the Data SME to develop data systems that will effectively support the County's compliance efforts and operations, including adopting the Guard1 system or an equivalent system for tracking data related to paragraph 24(c) of the Judgment by December 31, 2024, and working on the

1 development of monthly reports containing data sufficient to assess the County's
2 compliance with the Judgment, consistent with the requirements of and compliance
3 measures set forth in the Detailed Plan and Amendments, and as directed by the
4 Monitor.

5 17. If, by June 30, 2025, the County has not achieved Substantial Compliance with the
6 Judgment provisions and corresponding Detailed Plan Tasks identified in the
7 Probation Department DOJ Compliance Action Plan attached hereto as Exhibit A, the
8 monitoring team shall—without further order of this Court—expand to include one
9 Deputy Monitor for Los Padrinos Juvenile Hall. The parties will meet to discuss
10 whether a Deputy Monitor is necessary for Barry J. Nidorf Secure Youth Treatment
11 Facility prior to June 30, 2025. The Monitor will make final decision whether a
12 Deputy Monitor is necessary for Barry J. Nidorf Secure Youth Treatment Facility. The
13 Deputy Monitors shall be selected by the Monitor subject to mutual agreement of the
14 Parties and will report directly to the Monitor. If practicable, the Deputy Monitors
15 shall reside in the Los Angeles area and, if they do not, the County will not be
16 obligated to pay for their lodging expenses. The hourly rate of the Deputy Monitors
17 will not exceed the rate paid by the County to the Monitor. The Deputy Monitors shall
18 have a collaborative relationship and ongoing communication with facility
19 superintendents and the Compliance Team Lead, and shall engage in daily check-ins
20 and joint problem-solving to address identified issues with facility leadership. The
21 Deputy Monitors shall be on site no less than four days per week, at varying hours of
22 the day so that they can see the operations of different shifts, and shall provide direct
23 reports weekly to the Monitor and the County. The County shall be provided the
24 Deputy Monitors' weekly schedule at least one week in advance. The County is not
25 responsible for providing any equipment or electronics to the Deputy Monitors. The
26 parties agree that the Deputy Monitors will be onsite for six months and, during that
27 time, will focus on the County's compliance with the Detailed Compliance Action
28 Plan elements and any other Judgment provisions or Detailed Action Plan tasks the

1 Monitor deems necessary. Due to the expected cost to the County, after six months,
2 the Monitor will re-assess, with input from the parties, whether continued use of the
3 Deputy Monitors is necessary and/or helpful. The Monitor's determination is final.

4 **IV. USE OF FORCE AND YOUTH SAFETY**

5 18. By January 30, 2025, the County shall review and amend all relevant policies to
6 address excessive force and youth-on-youth violence either instigated or tolerated by
7 staff and provide such revised policies to the Monitor for review and approval. The
8 County's review will consider whether existing policies contain appropriate protocols
9 to expeditiously investigate allegations of such misconduct and place staff on leave
10 during such investigation, and appropriately provide that any staff found to be
11 involved in such an incident shall be subject to discipline up to and including
12 discharge, shall be reported to child abuse and outside law enforcement agencies as
13 required by law, including the Child Abuse and Neglect Reporting Act, Penal Code
14 section 11164 et seq., and that Probation shall consider referral for prosecution.

- 15 a. On August 12, 2024, the Attorney General's office provided revisions to
16 DSB 609/SYTF 609 (Reduction of Youth-On-Youth Violence (YOYV)),
17 DSB 1000/SYTF 1000 (Physical Interventions), DSB 1500/SYTF 1500
18 (Prison Rape Elimination Act), DSB 1917/SYTF 1917 (Child Abuse
19 Reporting), DSB 2341/SYTF 2431 (Staff Investigations), and the
20 Supplemental Disciplinary Guidelines to implement paragraph 15. The
21 County shall consider these proposed revisions when conducting its review.
- 22 b. The County's Office of Inspector General (OIG) will report to the Monitor,
23 on a monthly basis, the number of new Internal Affairs referrals, number of
24 open cases, and aggregate data on investigation outcome.
- 25 c. Substantial Compliance requires: (i) email distribution list shows that 98% of
26 staff were sent notice of any revised policies by November 30, 2024; (ii)
27 Monitor approval of training, including a training schedule, on revised
28

1 policies; (iii) Monitor verification that the County is implementing the
2 approved policies; and (iv) monthly reporting to the Monitor.

3 19. The County has provided the Monitor the plan for camera installation at Los Padrinos
4 Juvenile Hall, and the Monitor previously approved it. The Monitor shall again review
5 the plan and provide the County with any comments he has regarding camera
6 coverage, as reflected in this plan, by no later than November 20, 2024. The County
7 will consider any comments the Monitor has provided, and revise the installation plan
8 as appropriate. Once the plan has been implemented and cameras installed, the
9 Monitor may conduct an in-person "blind-spot" analysis of Los Padrinos Juvenile Hall
10 to determine whether video camera coverage is not available in certain locations,
11 including youth cells and the medical unit, and provide his findings to the County
12 within two weeks thereafter. The County shall consider the Monitor's comments,
13 discuss any concerns and requests for revision with the Monitor, and add additional
14 cameras per the Monitor's final direction.

15 20. The County has previously provided the Monitor a CCTV Review Protocol. By
16 December 30, 2024, the County shall provide the Monitor a finalized CCTV Review
17 Protocol for Monitor review and approval. The County shall implement the protocol
18 and take steps to ensure sufficient staff is assigned and appropriately trained to
19 conduct this review.

- 20 a. OIG will select two random days a month to audit compliance with
21 Probation's CCTV Review Protocol. The audit shall include review of the
22 random days' paperwork and video footage, and assessment of whether
23 footage has been tampered with and whether incidents that may violate the
24 law, Judgment, and/or policy have been properly identified and elevated.
- 25 b. Substantial Compliance requires OIG verification to the Monitor, on a
26 monthly basis, that the County is compliant with the protocol. Systemic
27 findings and recommendations from OIG's reports to the Monitor under this
28

1 paragraph will be included, as appropriate, in OIG's existing reports required
2 by the Judgment.

3 21. By October 31, 2024, the County will create a stand-alone "anti-retaliation" policy and
4 provide to the Monitor for review and approval. By November 15, 2024, the Monitor
5 will provide any feedback. By January 1, 2025, the County will issue the anti-
6 retaliation policy. The policy shall be aligned with best practice and the County shall
7 consider, at a minimum, requirements that all staff who are under investigation for
8 credible allegations of abusive or unlawful conduct be immediately removed from the
9 facility pending the outcome of the investigation and interim protections for youth that
10 include ensuring that youth have no contact with such staff are implemented. The
11 County also shall consider the Attorney General's office comments provided on DSB
12 1000/SYTF 1000 (Physical Interventions), DSB 1500/SYTF 1500 (Prison Rape
13 Elimination Act), DSB 1706/SYTF 1706 (Ombudsman), and DSB 1917/SYTF 1917
14 (Child Abuse Reporting) in drafting its anti-retaliation policy.

15 a. Substantial Compliance requires: (i) email distribution list shows that 98% of
16 staff were sent the stand-alone anti-retaliation policy within 10 days of
17 issuance of the policy; and (ii) Monitor approval of training, including a
18 training schedule, on the policy.

19 22. By November 15, 2024, the County shall employ at each facility under this Judgment
20 an onsite Ombuds staff person from Probation's Office of the Ombudsman. The Office
21 of the Ombudsperson shall report to Probation executives independently from the
22 operational chain of command. The County shall provide the Monitor by November
23 15, 2024, the duties and responsibilities of the onsite Ombuds staff person(s) for the
24 Monitor's review and approval.

25 a. The County has confirmed that the Ombuds staff persons will attend the
26 United States Ombudsperson Association's New Ombudsman Training on
27 November 18-22, 2024.
28

- 1 b. A Senior Probation Director shall assume the duties of the Bureau Chief as
2 described in Judgment paragraph 18.
- 3 c. Substantial Compliance requires: (i) Monitor confirmation that approved
4 individuals have been hired; (ii) Monitor approval of job duties; (iii) Monitor
5 confirmation that the Ombuds staff persons have received the necessary
6 training; (iv) Monitor approval of an infographic with information about the
7 Ombuds staff persons, including all contact information, and it is posted in
8 each Unit and in the orientation and intake area; (v) information regarding
9 and contact information for the Ombuds staff persons is included in the youth
10 handbook; and (vi) verification that the onsite Ombuds staff person is present
11 and appropriately performing their duties during three consecutive separate
12 in-person visits to the facilities.

13 23. By October 31, 2024, for Monitor review and approval, the County shall revise its
14 Juvenile Hall DSB 700 - Searches policy regarding room searches to set forth
15 requirements to ensure that youths' belongings that are not contraband or otherwise
16 inconsistent with County policy are maintained in a secure bag marked with the
17 youth's name, not destroyed or removed from the Juvenile Halls, and returned to the
18 youth upon release. The County shall continue to require that all searches of youths'
19 persons or belongings, regardless of the individual or team conducting the search,
20 comply with the County's Juvenile Hall policies, procedures, and directives pertaining
21 to searches of youths' persons and belongings and with the law.

22 24. All staff assigned to supervise youth at Los Padrinos Juvenile Hall and Barry J. Nidorf
23 Secure Youth Treatment Facility, including any Special Enforcement Operations
24 (SEO) staff, shall have completed Juvenile Corrections Officers Core (JCOC) course
25 as required under Penal Code Section 6035 and Title 15 section 1322. The JCOC
26 Course is approved by the State and includes searches. The County will ensure any
27 SEO staff working or providing support in the facilities will have the JCOC course
28 training which includes searches prior to working inside the facilities. All staff

1 assigned to search youth in the Juvenile Halls shall be required to annually review and
2 follow the County's Juvenile Hall policy DSB 700 – Searches, which pertains to
3 searches of youths' belongings and persons.

4 25. OIG will review compliance with Probation's search policy in the Juvenile Halls,
5 including by conducting a random review of a representative sample of searches and
6 assessing whether searches were conducted within policy and consistent with law and
7 were fully and accurately documented. OIG will report its findings to the Monitor and
8 include them, as appropriate, in OIG's existing reports required by the Judgment
9 during the term of this Judgment.

10 a. Substantial Compliance requires OIG determines that 90% of searches
11 reviewed are in compliance with policy and law.

12 26. By November 30, 2024, the County shall hire and maintain any additional outside
13 contractors necessary to supplement those required by paragraph 10 of the First
14 Amendment. Any new outside contractors shall be reviewed and approved by the
15 Monitor, receive the Monitor-approved training, and be employed until such time as
16 the County can demonstrate to the Monitor that it has adequate staff with appropriate
17 training and expertise to conduct the initial review and staff its Internal Affairs unit.
18 The parties have agreed that backlogged use of force incidents need not be subject to
19 secondary review by attorneys.

20 a. By October 15, 2024, the County will submit to the Monitor the County's
21 Chief Executive Officer's analysis for the creation of new Internal Affairs
22 (IA) classification for the Probation Department.

23 b. Substantial Compliance requires: 100% of the backlog is eliminated by
24 December 15, 2024.

25 27. By November 15, 2024, the County shall provide to the Monitor for review and
26 approval a plan for ensuring that all use-of-force incidents are timely reviewed and
27 appropriately investigated, such that backlogs of un-reviewed incidents do not
28 continue to accumulate. The County will identify any staff (a) still employed as of

1 October 9, 2024, and (b) involved in a use of force policy violation incident between
2 2022 through the present, which was (c) referred to IA by first level reviewers or an
3 independent committee; and (d) yet declined by IA for review. All such incidents shall
4 be re-referred to IA and IA shall review. Any future incidents involving the same staff
5 will be assessed by the FIRST Team for patterns or repeat behaviors that require
6 corrective or disciplinary action.

- 7 a. Upon the Monitor's approval, the County shall implement the plan within 30
8 days. Until such time as the Monitor confirms that the plan is fully
9 implemented and the backlog is eliminated, the requirements of Paragraph 25
10 remain in effect.
- 11 b. Substantial Compliance requires: (i) Monitor approval of the plan; (ii)
12 Monitor verification that the County is implementing the plan; (iii) 90% of
13 use of force cases will be reviewed to determine if an Internal Affairs referral
14 is necessary within 90 days unless good cause exists for an extension of time;
15 and (iv) monthly reporting by the County to the Monitor on the number of
16 Juvenile Hall use-of-force incident investigations.

17 28. The County has provided the Monitor for a plan, including a training video, for
18 training staff on the use of the temporary cold-water decontamination showers
19 described in paragraph 8 of the First Amendment. The Monitor has reviewed and
20 approved the plan and the training video. The Compliance Team shall conduct
21 monthly compliance checks to assess whether the temporary cold-water
22 decontamination showers are charged, whether staff have been properly
23 decontaminating youth for all O.C. spray incidents. As of September 27, 2024, the
24 County has installed eye wash stations in the sinks in each unit at Los Padrinos. The
25 County will continue to explore all humane alternative decontamination avenues
26 pending the completion of cold water shower installation. The County shall verify
27 alternative decontamination avenues with the Monitor prior to usage.
28

- 1 a. Substantial Compliance requires monthly audits by the Compliance Team
2 provided to the Monitor, and Monitor verification that youth are timely and
3 properly decontaminated in at least 93% of instances in which youth are
4 exposed to OC spray.

5 29. By November 15, 2025, the County shall complete the installation of functioning cold-
6 water decontamination showers in all living units of the Juvenile Halls.

7 30. By December 13, 2024, the County will provide an enhanced CIT² team plan, which
8 shall include all of the elements required by Paragraphs 17 and 20 of the First
9 Amendment and mechanisms for increasing the use of the CIT team to reduce
10 incidents of violence.

- 11 a. Substantial Compliance requires: (i) Monitor approval of the plan; (ii)
12 Monitor verification that the County is implementing the approved enhanced
13 CIT team plan; and (iii) Monitor review of random sample of use of force
14 incidents demonstrates that in 90% of instances in which the CIT team was
15 not employed, there was not sufficient time for the CIT team to be called to
16 prevent escalation of the incident.

17 31. By November 30, 2024, the County shall develop and issue a post order documenting
18 enhanced security at Juvenile Hall entries, including use of canines, pat-downs where
19 probable cause exists, use of security specialists to conduct entry searches, and
20 consideration of the implementation of low-radiation body scanners, and a timeline for
21 implementation of enhanced security measures.

- 22 a. The County shall submit its proposed post order to the Monitor for review
23 and approval by November 30, 2024.
24 b. Upon the Monitor's approval, the County shall issue the post order within
25 one business day.
26

27 ² The First Amendment provide for the creation and implementation of a "CARE team."
28 The County, with Monitor approval, has renamed the CARE team the "Critical Incident Team" or
"CIT."

- c. Substantial Compliance requires: (i) Monitor approval of the post order and any updates the County makes to it thereafter; (ii) email distribution list shows that 98% of current staff were sent notice of the post order by December 20, 2024; and (iii) Monitor verification that the County is implementing the post order.

V. JOINT MEDICAL TRANSPORTATION PLAN

32. By November 30, 2024, the County shall provide to the Monitor for review and approval a revised draft of the Joint Medical Transport Plans for Barry J. Nidorf Secure Youth Treatment Facility and Los Padrinos Juvenile Hall required under paragraph 6 of the First Amendment. As required by paragraph 6 of the First Amendment, the Joint Medical Transport Plans shall be developed jointly by the heads of the Probation Department, the Department of Mental Health, and Juvenile Correctional Health Services, shall be in writing, and shall incorporate a quality-assurance review process and weekly collection and review of data in a form that shall also be provided to the Monitor, the Behavioral Health SME, and the Medical Access SME on a biweekly basis.
33. The County acknowledges that it remains out of compliance with paragraph 6 of the First Amendment, which required the implementation of Joint Medical Transportation Plans. If the County fails to provide the Monitor with its revised proposed Joint Medical Transport Plans by November 30, 2024, or if the Monitor determines that the County has failed to implement the Joint Medical Transport Plans within 30 days of approval, the County shall deposit \$100 into an interest-bearing account for each additional day that it fails to provide the Monitor with its proposed Joint Medical Transport Plans or fails to implement the approved proposed Joint Medical Transport Plans.
- a. Upon the Monitor's approval, the County shall fully implement the Joint Medical Transport Plans within 30 days.

- 1 b. Substantial Compliance requires: (i) Monitor approval of the Joint Medical
2 Transport Plans; (ii) Monitor verification that the Joint Medical Transport
3 Plans are being implemented; (iii) biweekly data provided by the County to
4 the Monitor, the Behavioral Health SME, and the Medical Access SME; and
5 (iv) Monitor finds that sufficiently reliable data provided by the County
6 establish that youth receive timely medical services 93% of the time.
- 7 c. Any money deposited shall be used for youth focused incentives or wellness
8 items for youth housed at Los Padrinos Juvenile Hall with a plan approved
9 by the Monitor.

10 **VI. STAFFING**

11 34. By January 30, 2025, the County shall provide an updated plan to the Monitor for
12 review and approval, which shall address staff recruitment and retention, staff
13 wellness, minimum staffing levels and regular adjustment of such levels to ensure it is
14 balanced and adequate for actual daily population consistent with the staffing relief
15 plan attached hereto as Exhibit B, and a plan for addressing callouts and other abusive
16 leave practices. The County shall also provide, for review and approval by the
17 Monitor, daily staffing data sheets that include the number of staff assigned to each
18 unit, the number of youth on each unit, the minimum mandatory and full staffing
19 numbers for each unit, and the number of call-outs, no-call no-shows, and staff on
20 light duty. Upon the Monitor's approval of the form of the daily data sheets, the
21 County shall provide the daily staffing data sheets on a weekly basis to the Monitor
22 and to the Attorney General's office.

- 23 a. Substantial Compliance requires: (i) Monitor approval of the updated plan,
24 the updated recruitment materials to reflect youth rehabilitation focus, and
25 the daily staffing data sheet; (ii) Monitor verification that the County is
26 implementing the updated plan; (iii) continued monthly reporting to the
27 Monitor on staffing, including but not limited to: (a) call outs; (b) number of
28 staff on light duty; (c) - (d) number of staff resigning or terminated; (e)

1 number of staff on leave by position, leave type, and length of leave; (f)
2 number of new staff hired, if any; and (g) vacancy numbers; and (iv) the
3 Monitor and the Attorney General's office are provided with the daily
4 staffing data sheets on a weekly basis.

5 35. The County shall consult with the Monitor and any SMEs or specialized experts
6 designated by the Monitor prior to and during negotiations with labor partners to
7 renew or update memoranda of understanding that will impact staff employed in the
8 Juvenile Halls.

9 **VII. DEVELOPMENT OF SMALL, HOME-LIKE FACILITIES**

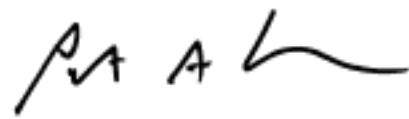
10 36. By March 1, 2025, the County shall provide the Monitor for review and approval
11 plans to renovate and/or reconstruct Los Padrinos Juvenile Hall and Barry J. Nidorf
12 Secure Youth Treatment Facility (or another juvenile facility[ies]) to create small,
13 homelike facilities that employ a care-first model that includes evidence-based
14 practices and a youth development, education, and mental health-focused approach to
15 rehabilitation and which have a range of security levels to house and step-down youth.
16 Upon Monitor approval, the County shall brief the Board of Supervisors within 60
17 days. Upon Board approval, the County shall make all best efforts to implement the
18 Monitor-approved plans within the timelines set forth in the approved plans.

19 a. Substantial Compliance requires: (i) Monitor consultation and input provided
20 to County and any designer or architect early in the process; (ii) Monitor
21 approval of the plans; and (iii) Monitor verification that the County is
22 making best efforts to implement the Monitor and Board-approved plans
23 within the timelines set forth in the approved plans.

24 **IT IS SO ORDERED.**

25
26 DATED: 12/11/2024



27
28 

Peter A. Hernandez / Judge
JUDGE OF THE SUPERIOR COURT

**FIRST-LEVEL APPEAL
EXHIBIT H**



Initial Inspection Report 2023-2024 Biennial Inspection Cycle

Date of Exit Briefing: 8/18/2023**Inspection Type:** Targeted**County:** Los Angeles**Facility Name(s):** Los Padrinos Juvenile Hall**BSCC #(s):** 7201**BSCC Type:** Juvenile Hall**Facility Representatives:** Albert Banuelos, Steven Cuevas, Edie Thompson, several Directors**BSCC Field Representative:** Lisa Southwell**Corrective Action Plan Required?** YES**DATE CAP DUE TO BSCC:** 10/17/2023

Current Items of Noncompliance

Title 15. Section	Description
§ 1321. Staffing.	<p>Facility shift staffing forms were provided for the week of July 20-July 27, 2023. While on paper, staffing schedules appear to be adequate, we observed lack of staffing and staff who appear non-engaged with the youth. When asked, some line staff appear to be unaware of who is in charge of the shift or have clear direction during their shift. Staffing documents are unclear regarding supervisors present and onsite in the building and their hours.</p> <p>Staff are routinely held over without notice to cover shifts or to cover call outs; some report this occurs multiple times a week. Staff report that they are exhausted as a result. Most staff believe the unscheduled, mandatory holdovers negatively impact good attendance. Additionally, there is a significant number of 1:1's that impact staffing.</p> <p>Some youth also reported not feeling safe due to the lack of staff or more specifically due to the lack of "their staff." Those we spoke to spoke highly of most staff but noted "we need more staff" and we want "this staff" or "that staff." It was clear through our conversations that youth were more at ease on certain shifts. Most rooms are wet rooms at Los Padrinos; however, there were some youth who reported urinating in their room at night.</p>

Title 15. Section	Description
§ 1322. Youth Supervision Staff Orientation and Training.	<p>Training documentation provided for all new staff who have recently been assigned to the facility and are new to the agency.</p> <p>No training records were provided for staff who are currently assigned or who may be assigned to the facility; we are unable to confirm that they have been trained accordingly. Any staff member regardless of assignment or rank, if tasked with child supervision, must be trained accordingly.</p>
§ 1324. Policy and Procedures Manual.	The Detention Services Bureau (DSB) Manual was provided as requested. The manual has not yet been updated to reflect the actual operations as Los Padrinos Juvenile Hall. This includes Section 1327, Emergency Procedures.
§ 1325. Fire Safety Plan.	Current fire safety plan is not complete; facility managers are working on finalizing their fire safety plan, including manual updates, evacuation plans, emergency housing, and final fire suppression with Downey Fire.
§ 1328. Safety Checks.	A review of the Guard 1 system report indicates that safety checks regularly exceed 15 minutes.
§ 1354.5. Room Confinement.	At inspection, no documentation was provided as we were informed that room confinement was not occurring. Throughout the process of inspection, including during conversations with youth and staff, we became aware that room confinement is indeed occurring. We have no documentation to determine compliance with this section.
§ 1357. Use of Force.	<p>The Use of Force directive/policy was implemented despite actual practices not being implemented. Staff have not been trained for Use of Force, including the use of OC; training requires initial training and an annual refresher. We are aware that training has been developed and scheduling is being planned.</p> <p>There were packets with several debriefs completed that only addressed injuries and trauma and lacked information regarding training.</p>
§ 1358.5. Use of Restraint Devices for Movement and Transportation Within the Facility.	Several reports were reviewed that did not have required assessments prior to the utilization of restraints for movement within the facility.
§ 1360. Searches.	Room and facility searches are not being completed as required.

Title 15. Section	Description
§ 1370. Education Program.	<p>BSCC receives daily attendance reports from LACOE. Youth are late to school. We also noted that several youth refuse school which requires more staff to remain in the unit with them. We noted some high school graduates do not attend college as space has still not been allocated but with the number of youth returning, there are no staff to supervise them.</p> <p>We will continue to review LACOE reports; if attendance improves this item will be removed from section 1370. It will, however, continue to be noted as contributing to noncompliance for 1321, Staffing.</p>
§ 1371. Programs, Recreation, and Exercise.	<p>Recreation: The facility does not provide youth with age-appropriate, stimulating recreational activities to engage in during recreation. Youth do not have access to television or age-appropriate movies or entertainment.</p> <p>Programs: Programs are not consistently being provided or in some cases at all. Staff are not provided with resources to provide programming.</p>
§ 1390. Discipline.	<p>The facility lacks a suitable discipline process. The facility must develop a suitable and age-appropriate incentive-based program to encourage positive behavior that includes disciplinary actions as appropriate.</p>

**FIRST-LEVEL APPEAL
EXHIBIT I**

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§ 1321. Staffing.	<p>Each juvenile facility shall: (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations;</p> <p>(b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances;</p>	<p>Facility shift staffing forms were provided for the week of July 20-July 27, 2023. While on paper, staffing schedules appear to be adequate, we observed lack of staffing and staff who appear non-engaged with the youth. When asked, some line staff appear to be unaware of who is in charge of the shift or have clear direction during their shift. Staffing documents are unclear regarding supervisors present and onsite in the building and their hours.</p> <p>Staff are routinely held over without notice to cover shifts or to cover call outs; some report this occurs multiple times a week. Staff report that they are exhausted as a result. Most staff believe the unscheduled, mandatory holdovers negatively impact good attendance. Additionally, there is a significant number of 1:1's that impact staffing.</p> <p>Some youth also reported not feeling safe due to the lack of staff or more specifically due to the lack of "their staff." Those we spoke to spoke highly of most staff but noted "we need more staff" and we want "this staff" or "that staff." It was clear through our conversations that youth were more at ease on certain shifts. Most rooms are wet rooms at Los Padrinos; however, there were some youth who reported urinating in their room at night.</p>	<p>Los Padrinos Juvenile Hall (LPJH) staffing numbers are slowly increasing as more full-time staff are reporting to work with more frequency. Youth are regularly attending school, programming, exercise and recreation, however consistency in documentation needs to be improved.</p> <p>Since September 2023, staffing levels have increased significantly with the deployment of field staff to cover shifts. Since that date, staffing ratios have remained regularly within minimum ratios. Educational services, recreation, visitation, religious services, and programming have not been negatively impacted as a result of staffing shortages at LPJH, but timely attendance and proper documentation is still lacking.</p> <p>As a measure to ensure that programing, education, and other essential functions take place, some field officers were temporarily reassigned to the facility. In addition, the Chief Probation Officer reimplemented field officer deployment with the mandate to work 1-2 days a week at LPJH.</p> <p>Facility management monitors staffing each shift and ensures that ample staffing are present to provide opportunities to recreation, education and other programs, if not, a call for deployment to assist with staffing ratios is requested.</p> <p>Further, to address the highlighted issue of staff holdovers, the Department has created and will soon pilot test a scheduling application to ensure deployed staff see their deployment schedule for a month in advance with the intent to have the staff be assigned to the same unit.</p> <p>The Department will do a staffing analysis to determine the minimum number of staff needed at LPJH since the move of the pre-disposition youth. This analysis will include physical plant considerations and the relief factor.</p> <p>The County recognizes the need for additional staff and not rely on deployment of field staff long term. ATTACHMENT 1 is the Department's strategic staffing plan that addresses the recruitment of staff, retention of staff and overall staff wellness. Whereas, this is a long-term, multiple year approach, staff are being</p>	Banuelos / Director on Duty / Dominguez / Williams / HR / LPJH Quality Assurance Team (QA) / Compliance Team	January 10, 2024

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			<p>hired at increasing numbers. Probation recently contracted with a recruitment consulting firm that specializes in law enforcement recruitment.</p> <p>Department and facility management regularly monitor staffing numbers and continue to readjust strategies for staffing when necessary.</p> <p>The Compliance Team in the Office of the Chief monitor educational minutes, recreation, programming and exercise to ensure any staffing issue does not interfere with the requirements of Title 15.</p> <p>The completion of this corrective action is January 10, 2024.</p>		

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§ 1322. Youth Supervision Staff Orientation and Training.	(b) Prior to assuming any responsibility for the supervision of youth, each youth supervision staff member shall receive a minimum of 40 hours of facility-specific orientation, including: (1) individual and group supervision techniques; (2) regulations and policies relating to discipline and rights of youth pursuant to law and the provisions of this chapter; (3) basic health, sanitation and safety measures; (4) suicide prevention and response to suicide attempts (5) policies regarding use of force, deescalation techniques, chemical agents, mechanical and physical restraints; (6) review of policies and procedures referencing trauma and trauma-informed approaches; (7) procedures to follow in the event of emergencies; (8) routine security measures, including facility perimeter and grounds; (9) crisis intervention and	<p>Training documentation provided for all new staff who have recently been assigned to the facility and are new to the agency.</p> <p>No training records were provided for staff who are currently assigned or who may be assigned to the facility; we are unable to confirm that they have been trained accordingly. Any staff member regardless of assignment or rank, if tasked with child supervision, must be trained accordingly.</p>	<p>ATTACHMENT 2 staffing records for assigned staff at LPJH. The Department is taking a multiple-step approach to training staff on "facility-specific" requirements. LPJH has identified the staff that have received the Juvenile Corrections Officer Core Course (JCOCC), but not the "facility-specific". A training schedule will be created to ensure the facility-specific training will occur and completed prior to January 10, 2024. The training schedule will be provided to the BSCC.</p> <p>Second, the Department will identify staff deployed to LPJH who have not received the JCOCC nor the facility-specific training. The Department will prioritize the 40-hour facility specific training and develop a training schedule for the facility specific, then develop a training schedule for these individuals in the JCOCC.</p> <p>Third, the Department will ensure all newly-assigned staff received the 40-hour course. As the Department trains all newly hired juvenile institutions staff on the § 1322 topics in the academy, the Department will ensure all requirements of § 1322 are met in the academy, and ensure all facility-specific information is included, or taught onsite at the facility.</p> <p>The Department, under separate cover, will provide the detailed training plans and data to the BSCC for review.</p> <p>The completion date for this corrective action is January 10, 2024.</p>	Training Unit / Falcon / Williams	January 10, 2024

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	<p>mental health referrals to mental health services; (10) documentation; and (11) fire/life safety training.</p> <p>(c) Prior to assuming sole supervision of youth, each youth supervision staff member shall successfully complete the requirements of the Juvenile Corrections Officer Core Course pursuant to Penal Code Section 6035. (d) Prior to exercising the powers of a peace officer youth supervision staff shall successfully complete training pursuant to Section 830 et seq. of the Penal Code.</p>				

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§ 1324. Policy and Procedures Manual.	All facility administrators shall develop, publish, and implement a manual of written policies and procedures that address, at a minimum, all regulations that are applicable to the facility. Such a manual shall be made available to all employees, reviewed by all employees, and shall be administratively reviewed at a minimum every two years, and updated, as necessary. Those records relating to the standards and requirements set forth in these regulations shall be accessible to the Board on request.	<p>The policy has not been updated to reflect policy or procedural changes or operations specific to Los Padrinos (LP). Forms have also not been updated.</p> <p>Multiple directives and full DSB policy sections have been approved and released to facility staff as recently as July 25, 2023; however, there is no consistency between these documents and actual practice, nor are staff required to sign-off when a new policy update or directive is released to be sure it has been received, read, and understood by facility staff, or that they have been trained on the new policy or directive.</p> <p>This section will remain out of compliance until the current policy and procedure manual is updated and available to all employees and the manual is specific to Los Padrinos Juvenile Hall. We will continue to provide Technical Assistance as requested and assist with reviewing the individual sections as they become available and upon request.</p>	<p>The Department is re-organizing and re-drafting policies department-wide, which will include the creation of an "institutional policy manual" for use at the juvenile hall, camps and SYTF, and the different facilities will have their own procedure manual.</p> <p>In the interim, the Department will continue to utilize the Detention Services Bureau (DSB) Manual at LPJH and the Department will develop an LPJH-specific procedure guide. Additionally, the DSB manual references only Barry J. Nidorf (BJN) and Central Juvenile Hall. The DSB manual will be updated to include references to LPJH; any policy in the DSB manual that is non-applicable to LPJH, or conflicts with an LPJH procedure will be taken out of the manual. The procedure guide for LPJH will be effective be effective January 10, 2024. Finally, the Department will create a training plan and schedule to training LPJH on the procedures.</p> <p>The completion date for this corrective action is January 10, 2024.</p>	Banuelos / Falcon / Harabid	January 10, 2024
§ 1325. Fire Safety Plan.	The facility administrator shall consult with the local fire department having jurisdiction over the facility, or with the State Fire Marshal, in developing a plan for fire safety which shall include, but not be limited to: (f) a written plan for the emergency housing of youth in the case of fire;	Current fire safety plan is not complete; facility managers are working on finalizing their fire safety plan, including manual updates, evacuation plans, emergency housing, and final fire suppression with Downey Fire.	<p>ATTACHMENT 3 is the Fire Suppression Plan approved by Probation and Downey Fire on June 22, 2023.</p> <p>The Department will update its emergency evacuation policy – that addresses the evacuation procedures for BJN-SYTF and Central Juvenile Hall to now address the emergency evacuation of LPJH. In drafting the policy, the Department will consider rated capacity of the facilities in which youth will be evacuated, necessary bed and mattress availability at those facilities, and other logistical issues.</p> <p>The completion date for this corrective action is January 10, 2024.</p>	Banuelos / Harabid	January 10, 2024

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§ 1328. Safety Checks.	<p>The facility administrator shall develop and implement policy and procedures that provide for direct visual observation of youth at a minimum of every 15 minutes, at random or varied intervals during hours when youth are asleep or when youth are in their rooms, confined in holding cells or confined to their bed in a dormitory.</p> <p>Supervision is not replaced, but may be supplemented by, an audio/visual electronic surveillance system designed to detect overt, aggressive or assaultive behavior and to summon aid in emergencies. All safety checks shall be documented with the actual time the check is completed.</p>	<p>A review of the Guard 1 system report indicates that safety checks regularly exceed 15 minutes.</p> <p>DSB Manual Section 209: Duty Statement-Senior Detention Services Officer</p> <p>DSB Manual Section 210: Duty Statement-Detention Services Officer</p> <p>DSB Manual Section 211: Group Supervisor Nights</p> <p>DSB Manual Section 630: Safety Checks</p> <p>Safety checks were reviewed for July 23, 2023 - July 26, 2023, for Units L/M, MOU, N/O, T/U, R/S and X/Y. This review consisted of reviewing electronic records of the Guard 1 System.</p> <p>Our review indicates that safety checks exceed 15 minutes.</p> <p>We noted that staff rarely record late checks in the system, as required by policy, nor are there any audits or reviews being completed by seniors or supervisors as required by Directive 1490.</p>	<p>Measures will be implemented as a solution to the Safety Check deficiencies identified by BSCC during the inspection. Effective September 18, 2023, dedicated Guard 1 devices have been programmed to monitor the safety checks in all units where young adults are housed. The LPJH Quality Assurance (QA) team will remotely monitor the dedicated Guard 1 devices.</p> <p>The dedicated Guard 1 devices now ping five (5) minutes before a safety check is due and when the safety check is late. The QA team will contact the unit when a ping is received to ensure the safety check is completed as required or justification is entered in the device when late. The current Security Check Accountability Log will remain in place and track deficiencies with late or missing safety checks. If the late or missing safety check results from a policy violation, corrective action must be taken with the staff(s) involved (i.e., training, Supervisor Conference, etc.).</p> <p>Further, the Department has created a new Compliance Team in the Office of the Chief. ATTACHMENT 4 is the compliance unit directive detailing everyone persons role in the safety check system. This corrective action aims to ensure compliance with the safety checks policy and preserve the safety and security of the young adults in our care, and hold accountable staff who do not follow policy.</p> <p>The completion date for this corrective action is January 10, 2024.</p>	Banuelos / QA Team / Compliance Team	January 10, 2024
§ 1354.5. Room Confinement .	(a) The facility administrator shall develop and implement written policies and procedures addressing the confinement of youth in their room that are	<p>At inspection, no documentation was provided as we were informed that room confinement was not occurring. Throughout the process of inspection, including during conversations with youth and staff, we became aware that room</p>	<p>An instructional email was sent to all staff and supervisors reminding staff on the room confinement procedures and policy. The email is attached as ATTACHMENT 5.</p>	Banuelos / Unit Directors / Compliance Team	January 10, 2024

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	consistent with Welfare and Institutions Code Section 208.3.	confinement is indeed occurring. We have no documentation to determine compliance with this section.	<p>Further, the unit directors will ensure that any youth on room confinement inside their unit has appropriate documentation, and to educate staff in real time when appropriate documentation is not created for a youth on room confinement.</p> <p>The Department will create an updated instructional memo to include examples of room confinement, and ensure staff, supervisors, directors, and facility management are aware of room confinement and the procedures.</p> <p>Further, the Department will utilize – either by the Compliance Team, light duty DSB staff, or facility staff – audits of the CCTV system in real time to ensure if any youth is on room confinement the staff are preparing the necessary documentation and following procedures.</p> <p>Facility leadership will review room confinement paperwork to ensure all staff are compliant in properly completing the necessary paperwork and are following the policy.</p> <p>The Compliance Team will review confinement paperwork to ensure all staff and directors are completing necessary paperwork.</p> <p>A training will be considered if the above steps do not address room confinement procedures and process.</p> <p>The completion date for this corrective action is January 10, 2024.</p>		
§ 1357. Use of Force.	The facility administrator, in cooperation with the responsible physician, shall develop and implement written policies and procedures for the use of force, which may include chemical agents. Force shall never be applied as punishment, discipline, retaliation or treatment.	<p>Directive 1477: Detention and Residential Treatment Services Bureaus Manual-Physical Intervention Policy (DSB Manual Section DSB-1000/RTSB-1700) Issued 06/22/2022. Policy 1000 was issued July 25, 2023, and approved by DSB Bureau Chief Kevin Woods. Policy Section 1000 was reapproved from previous Directive 1477.</p> <p>All staff, including those deployed or reassigned to the facility, have not been</p>	<p>The Department has developed a training plan to comply with this section. A Train for Trainers course on the use of force policy will be scheduled shortly to train necessary staff at LPJH to train the remaining staff.</p> <p>The updated training will conform to policy requiring a 24 hour training – 8 hours on the policy and 16 hours of hands-on techniques. The Department will determine that all staff have had appropriate training on use of force either the initial or refresher that conforms to the policy and § 1357.</p> <p>The Department will also implement a 2-hour training on the appropriate use of OC Spray for all staff that have previously not had the training.</p>	Banuelos / Falcon / Compliance Team	January 10, 2024

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	<p>(a) At a minimum, each facility shall develop policies and procedures which: (5) define a standardized reporting format that includes time period and procedure for documenting and reporting the use of force, including reporting requirements of management and line staff and procedures for reviewing and tracking use of force incidents by supervisory and or management staff, which include procedures for debriefing a particular incident with staff and/or youth for the purposes of training as well as mitigating the effects of trauma that may have been experienced by staff and /or the youth involved.</p> <p>(b) Facilities that authorize chemical agents as a force option shall include policies and procedures that:</p> <p>(1) identify who is approved to carry and/or utilize chemical agents in the facility and the type, size and the approved method of deployment for those chemical agents.</p> <p>(2) mandate that chemical agents only be used when there is an imminent threat to the youth's safety or the safety of others and only when de-escalation efforts have been unsuccessful or are not reasonably possible.</p>	<p>trained as required in Use of Force, including the use of OC, despite the original directive being approved in June 2022. Training requires initial training and an annual refresher. We understand that training has been developed and scheduling is in progress.</p> <p>The agency has yet to meet certain areas identified in their policy due to lack of staffing or other resources. The policy lacks clarity and does not provide clear procedural direction in some areas; for example, policy identifies secluding the situation/youth from the rest of the group utilizing the youth's room for a cool-down period where officers provide continued direct observation after a use of force. Policy is not specific to whether the door remains open or is closed. If the door is closed, this becomes room confinement. Since policy is not specific, we are unsure what the actual procedure is.</p> <p>The policy notes the availability of resource teams comprised of mental health, nursing, and probation staff to respond to situations to defuse and de-escalate crisis. There were no such teams at the facility at the time of inspection. We noted debriefs are being conducted by supervisors; however, there were packets with several debriefs completed that only addressed whether or not there were injuries and/or trauma and lacked information regarding any training needs or issues.</p>	<p>In the interim, an instructional memo was issued to all Supervisors on September 29, 2023, as it relates to debriefs and parent contact per policy. See ATTACHMENT 6. The Department will ensure that supervisors are using the moments to train staff in real time after a use of force to ensure compliance with policy and highlight appropriate techniques as well.</p> <p>The Department has also obtained portable showers and wipes to utilize until permanent cold water showers can be installed in all units.</p> <p>The Department, with assistance from the California Department of Justice monitor, has developed a CARE team model that will assist in lowering the need for use of force. The DRAFT directive for the CARE team approach is attached as ATTACHMENT 7. Further, as discussed under Discipline, LPJH has trained staff on a new Behavior Management Program that will also assist in lower use of force.</p> <p>The completion date for this correction action will be January 10, 2024.</p>		

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	<p>(3) outline the facility's approved methods and timelines for decontamination from chemical agents. This shall include that youth who have been exposed to chemical agents shall not be left unattended until that youth is fully decontaminated or is no longer suffering the effects of the chemical agent.</p> <p>(4) define the role, notification, and follow-up procedures required after use of force incidents involving chemical agents for medical, mental health staff and parents or legal guardians.</p> <p>(5) provide for the documentation of each incident of use of chemical agents, including the reasons for which it was used, efforts to de-escalate prior to use, youth and staff involved, the date, time and location of use, decontamination procedures applied and identification of any injuries sustained as a result of such use.</p> <p>(c) Facilities shall develop policies and procedure which require that agencies provide initial and regular training in use of force and chemical agents when appropriate that address: (1) known medical and behavioral health conditions that would contraindicate certain types of force; (2) acceptable chemical agents and the methods of application. (3) signs or symptoms that should result in</p>	<p>The First Team reports that they are not receiving timely reports.</p> <p>At the time of opening, staff at the facility were prohibited from using OC; however, OC was reauthorized for use after a large-scale emergency event occurred. Two OC incident reports were provided for review.</p> <p>Agency policy requires that any youth be immediately decontaminated after being sprayed with a chemical agent. Policy also notes that youth should not be confined to a room without running water and should not be left unsupervised until the effects are no longer felt. In both incidents, youth were held in their rooms for approximately 7 minutes before decontamination. It is unknown if the youth had running water or if they were supervised as it was not noted in the incident report.</p> <p>The facility also does not have cold water showers in each unit as identified in the policy. Youth use the sinks to rinse their eyes or body parts affected by the spray. We discussed purchasing Sudecon wipes to provide to the youth to assist in the decontamination process. As of the writing of this report, facility management is working on getting the Sudecon Wipes and we will be reviewing the current unit showers for installation of a cold-water shower.</p>			

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	immediate referral to medical or behavioral health. (4) instruction on the Constitutional Limitations of Use of Force. (5) physical training force options that may require the use of perishable skills. (6) timelines the facility uses to define regular training.				
§ 1358.5. Use of Restraint Devices for Movement and Transportati on Within the Facility.	(c) an individual assessment of the need to apply restraints for movement or transportation that includes consideration of less restrictive alternatives, consideration of a youth's known medical or mental health conditions, trauma informed approaches, and a process for documentation and supervisor review and approval.	Several reports were reviewed that did not have required assessments prior to the utilization of restraints for movement within the facility.	An instructional memorandum or email will be sent to all staff outlining the requirements of section 1358.5 and Department policy. Additionally, the form utilized by staff will be reviewed to determine if it can be updated to better reflect the requirements of the section. The Unit Directors will review reports to ensure it includes discussion of all required topics. The Compliance Team will audit to ensure reports are in compliance.	Banuelos / Sheilds / Unit Directors / QA Team / Compliance Team	January 10, 2024
§ 1360. Searches.	The facility administrator shall develop and implement written policies and procedures governing the search of youth, the facility, and visitors. Policies and procedures shall provide that: (a) Searches shall be conducted to ensure the safety and security of the facility, public, visitors, youth, and staff. (b) Searches shall be conducted in a manner that preserves the privacy and dignity of the person being searched and shall not be conducted for harassment or as a form of discipline or punishment.	DSB Manual Section 701: Introduction By policy, room searches and unit area searches are required daily, and two thorough contraband searches are required weekly. Room and facility searches are not being completed as required. Documentation was requested and provided for July 20 - 27, 2023. Four buildings did not provide documentation of any searches. We have provided technical assistance on several occasions regarding the searches and how they are conducted. We will continue to follow up with facility managers and seek to be present during unit searches in the future. This section is left blank as we did not observe a search.	An informational memo will be provided to all staff instructing the need to comply with the policy and completing the necessary forms. The Unit Directors shall instruct staff in accordance to policy to ensure compliance. The QA team will compile the search logs and upload to a Teams folder for the Compliance Team to further review to ensure the facility is meeting the policy. The completion date for this correction action will be January 10, 2024.	Banuelos / Unit Directors / QA Team / Compliance Team	January 10, 2024

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§ 1370. Education Program.	(b)(6) The minimum school day shall be consistent with State Education Code Requirements for juvenile court schools. The facility administrator, in conjunction with education staff, must ensure that operational procedures do not interfere with the time afforded for the minimum instructional day. Absences, time out of class or educational instruction, both excused and unexcused, shall be documented.	<p>This section was reviewed for attendance only. All other sections in 1370 have been deleted as they were not reviewed during this targeted inspection.</p> <p>Daily attendance reports have been received directly from LACOE. While attendance has improved since past inspections, and youth are attending class in the classrooms, these reports continue to indicate that youth are arriving late to school. Probation must focus on getting youth to school on time.</p> <p>Youth enrolled in college courses are also reporting having daily access to their courses. Documentation of sign-in sheets was provided for review along with a schedule of courses.</p>	<p>Measures have been put in place where daily attendance and timely arrivals to school are monitored. The arrival times and number of youth attending school is documented on a school attendance log at the morning and afternoon school drop times. The Facility Superintendent is to ensure that the Director on Duty monitors the attendance and drop off times for quality assurance. Probation and Los Angeles County Office of Education (LACOE) will reconcile the attendance log daily, to ensure that youth are in attendance and in school on time and that information is accurately reported. Probation has created its independent tracker for school attendance and start times to ensure any issues are immediately addressed by management, staff, and LACOE.</p> <p>The Department will provide the school attendance logs, including arrival times, for BSCC review to establish the youth are arriving to school on time. The Department continues to meet with the LACOE regularly to reconcile school attendance data.</p> <p>The Compliance Team will be onsite all weekdays to track the arrival times of each unit to independently track times. The Compliance Team will work with the Department executives and the facility if youth are not arriving to school, or not arriving on time in developing a corrective action plan if needed. The regular meetings with LACOE will also include any corrective action plans to ensure teachers are present on time and Probation may need to stagger arrival times of youth requiring LACOE to provide Probation access to classrooms prior to 8:30 am.</p> <p>If any issues are spotted in school attendance, drop off times, or anything else that may interfere in school minutes for youth, the Department will immediately address the issue and create any necessary corrective action plan – with appropriate monitoring and accountability – to ensure school attendance is a priority.</p> <p>Further, the Department recognizes youth in its care have missed school hours. The Department has contracted with an agency that provides tutoring services for youth at LPJH who have missed instructional minutes. The services began in September 2023. The Department will complete a monthly check of the roster of youth at LPJH and refer any youth that has missed one hour of instructional minutes. The agency will then connect with youth onsite at LPJH and conduct</p>	Banuelos / Unit Directors / Compliance Team / Education Team	January 10, 2024

**LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
CORRECTIVE ACTION PLAN – OCTOBER 16, 2023
FINAL**

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
			<p>an educational assessment and plan for their tutoring hours. This is not a substitute for instructional minutes going forward, but a step to assist the youth in the Department's care who have missed minutes.</p> <p>The Department recognizes that it needs to continue to closely monitor school attendance and will continue to audit the attendance daily to ensure on-going compliance.</p> <p>The completion date for this correction action is January 10, 2024.</p>		
§ 1371. Programs, Recreation, and Exercise.	<p>The facility administrator shall develop and implement written policies and procedures for programs, recreation, and exercise for all youth. The intent is to minimize the amount of time youth are in their rooms or their bed area.</p> <p>Juvenile facilities shall provide the opportunity for programs, recreation, and exercise a minimum of three hours a day during the week and five hours a day each Saturday, Sunday or other non-school days, of which one hour shall be an outdoor activity, weather permitting.</p> <p>(a) Programs. All youth shall be provided with the opportunity for at least one hour of daily programming to include, but not be limited to, trauma focused, cognitive, evidence-based, best practice interventions that are culturally relevant and linguistically appropriate, or pro-</p>	<p>Programs: Programs are not consistently being provided or in some cases at all. Staff are not provided with resources to provide programming.</p> <p>DSB Manual Section 622: Programs</p> <p>DSB Manual Section 623: Recreation and Exercise</p> <p>Based upon a review of documentation and conversations with youth, it is apparent that youth do not receive their full complement of Title 15 requirements for programs, recreation, and exercise consistently.</p> <p>The documentation we reviewed indicates that programs are not consistently being provided. In some cases, the program provider keeps sign-in sheets of youth attendance, but facility documentation does not consistently match sign-ins. We suggest that staff be retrained in how the BSCC Section 1371</p>	<p>The Department is compliant in this section in ensuring youth are provided the requirements of exercise and programming, however, the Department must ensure participation is accurately tracked. Further, the Department must better document appropriate recreation for the youth and ensure recreation is provided in alignment with Departmental policies.</p> <p>A review of programming was conducted on September 27, 2023, which indicated most youth were attending programming services. See ATTACHMENT 8. The Department recognizes it must ensure tracking of the youth's recreation times, exercise time, and programming times separately and not mix an activity into the wrong category and has developed a form – currently called the "programming log" but will be renamed the "activity log" to not confuse programming, recreation and exercise. The Department will work with the BSCC field representative to ensure activities are appropriately classified.</p> <p>Further, the Department is exploring adding cable television into the units and gaming systems as recommended by the BSCC field representative. The QA team will compile the activity logs and update to Teams for the Compliance Team to review to ensure adherence to policy.</p> <p>The completion date for this corrective action is January 10, 2024.</p>	Banuelos / Unit Directors / Roman / Compliance Team	January 10, 2024

**LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
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	<p>social interventions and activities designed to reduce recidivism. These programs should be based on the youth's individual needs as required by Sections 1355 and 1356. Such programs may be provided under the direction of the Chief Probation Officer or the County Office of Education and can be administered by county partners such as mental health agencies, community based organizations, faith-based organizations or Probation staff.</p> <p>Programs may include but are not limited to: (1) Cognitive Behavior Interventions; (2) Management of Stress and Trauma; (3) Anger Management; (4) Conflict Resolution; (5) Juvenile Justice System; (6) Trauma-related interventions; (7) Victim Awareness; (8) Self-Improvement; (9) Parenting Skills and support; (10) Tolerance and Diversity; (11) Healing Informed Approaches; (12) Interventions by Credible Messengers; (13) Gender Specific Programming; (14) Art, creative writing, or self-expression; (15) CPR and First Aid training; (16) Restorative Justice or Civic Engagement; (17) Career and leadership opportunities; and, (18) Other</p>	<p>activity form should be completed to ensure compliance going forward.</p> <p>Recreation: The facility does not provide youth with age-appropriate, stimulating recreational activities to engage in during recreation. Youth do not have access to television or age-appropriate movies or entertainment.</p> <p>DSB Manual Section 623: Recreation and Exercise</p> <p>Youth are not provided with age-appropriate, stimulating recreational activities to engage in during their recreational period. Youth do not have access to other entertaining or recreational activities such as television with sports and age-appropriate programs.</p> <p>Staff provide youth with game consoles in some units as they are not provided by the agency. It has been repeatedly noted that, "they (the youth) break them or take them apart", which is why they are not provided by the agency. This is a supervision issue.</p> <p>It was also noted there is no consistency between units in what types of recreation is offered. We understand there are different units and different phases to the facility; however, recreation and related activities should be provided to all youth consistently. Moreover, Probation</p>			

**LOS ANGELES COUNTY PROBATION DEPARTMENT
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Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
	<p>topics suitable to the youth population.</p> <p>(b) Recreation. All youth shall be provided the opportunity for at least one hour of daily access to unscheduled activities such as leisure reading, letter writing, and entertainment. Activities shall be supervised and include orientation and may include coaching of youth.</p> <p>(c) Exercise. All youth shall be provided with the opportunity for at least one hour of large muscle activity each day.</p>	<p>Managers should have access to replacement items. Youth must have age-appropriate, suitable, engaging recreation and recreational activities.</p> <p>DSB Manual Section 623: Recreation and Exercise</p> <p>Documentation reviewed and interviews with youth and staff indicated that youth are receiving outdoor exercise except for during inclement weather (too hot) or if a youth or a group of youth refuse to participate. If the youth refuses exercise, it is documented and captured by the youth's signature.</p>			

**LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
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FINAL**

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
§ 1390. Discipline.	The facility administrator shall develop and implement written policies and procedures for the discipline of youth that shall promote acceptable behavior; including the use of positive behavior interventions and supports. Discipline shall be imposed at the least restrictive level which promotes the desired behavior and shall not include corporal punishment, group punishment, physical or psychological degradation. Deprivation of the following is not permitted:	<p>DSB Manual Section 1103: Discipline Guidelines</p> <p>DSB Manual Section 1104: Corporal Punishment</p> <p>The facility continues to operate with no contemporary behavior management process or disciplinary process for negative behavior including assaultive behavior.</p> <p>A suitable, age-appropriate incentive-based program to encourage positive and proactive behavior and includes disciplinary actions as appropriate must be developed and implemented.</p> <p>This section also impacts 1391 and Due Process forms. We strongly suggest reviewing both for implementation purposes and to ensure consistency between the two regulations.</p>	<p>A mandatory LA Model, Development Stage System (DSS) training for staff occurred in August and September with make up dates in October. Sign in sheets for all the sessions are available for review for the BSCC field representative. The training will cover BSCC Title 15 regulations as it relates to incentive-based programs that will encourage positive behavior. The DSS provides a new framework to enhance the traditional compliance-based behavior management approach by creating a strength-based developmental system that supports skill building and positive behavioral change. Through a tri-responsive approach and a brand-new stage system, the DSS serves as a roadmap to the young person's program with benchmarks, goals to keep themselves accountable, and incentives as they advance through the stages.</p> <p>The treatment component of the DSS drives this process forward with an evidence-based program that is in alignment with the risk and needs assessment. Through cognitive behavioral interventions (CBI), specifically Interactive Journaling and Dialectical Behavior Therapy (DBT), and the appropriate level of CBI dosage, young people are guided through a treatment process where they can self-reflect and elicit positive changes to their thoughts, feelings, and behaviors, helping to drive transformation.</p> <p>ATTACHMENT 9 is the DSB BMP Manual that details the entirety of the program.</p> <p>Further, the Department will ensure the sanctions and appeals rights of youth under section 1391 are reviewed with the new BMP program. If any changes are necessary, the Department will update policy and procedures to reflect the youths rights.</p> <p>Whereas staff will be trained in October, proof of practice of the new BMP model is vital to its success, and there must be a youth buy in period, therefore, the completion date considers this buy in period.</p> <p>The completion date for this correction action is January 10, 2024.</p>	Banuelos / Unit Directors / Roman	January 10, 2024

**FIRST-LEVEL APPEAL
EXHIBIT J**

October 17, 2023

Guillermo Viera Rosa, Chief Probation Officer
Los Angeles County Probation Department
1601 Eastlake Avenue
Los Angeles, California 90033

**SUBJECT: RESPONSE TO LOS ANGELES COUNTY'S CORRECTIVE ACTION PLAN
FOR LOS PADRINOS JUVENILE HALL – WELFARE AND INSTITUTIONS CODE
SECTION 209(d)**

Dear Chief Viera Rosa:

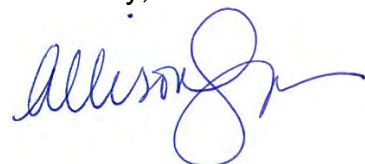
The Board of State and Community Corrections (BSCC) is in receipt of your Corrective Action Plan (CAP) dated October 16, 2023, for the items of noncompliance found during the August 18, 2023 targeted inspection of the Los Padrinos Juvenile Hall. This letter provides notice that this CAP has been approved as required by Welfare and Institutions Code section 209, subdivision (d).

Pursuant to section 209(d), an approved CAP was required by October 17, 2023. Section 209(d) also requires that the CAP give a reasonable timeframe to come into compliance, not to exceed 90 days. Your CAP indicates that all corrective action will be complete by January 10, 2024.

BSCC staff will verify completed corrective action after January 10, 2024. BSCC is available for technical assistance throughout the CAP period.

Please let me know if you have any questions.

Sincerely,



ALLISON GANTER
Deputy Director
Facilities Standards and Operations

Cc: Presiding Judge, Los Angeles County Juvenile Court
Chair, Juvenile Justice Commission, Los Angeles County
Chair, Board of Supervisors, Los Angeles County
County Administrator, Los Angeles County
Tyson Nelson, Senior Deputy County Counsel, Los Angeles County Counsel's
Office

**FIRST-LEVEL APPEAL
EXHIBIT K**



Initial Inspection Report 2023-2024 Biennial Inspection Cycle

Date of Exit Briefing/Notice of Noncompliance: 6/28/2024

Inspection Type: Targeted

County: Los Angeles

Facility Name: Los Padrinos Juvenile Hall

BSCC #: 7201

BSCC Type: Juvenile Hall

Facility Representatives: Kim Binion, Superintendent

BSCC Field Representative: Lisa Southwell

CAP Day 60 – Maximum Statutory CAP Due/Approval Date: 8/27/2024

Maximum Statutory Resolution Date: 11/25/24

Current Items of Noncompliance

Title 15. Section	Description
§ 1371. Programs, Recreation, and Exercise.	<p><i>(a) Programs. All youth shall be provided with the opportunity for at least one hour of daily programming to include, but not be limited to, trauma focused, cognitive, evidence-based, best practice interventions that are culturally relevant and linguistically appropriate, or pro-social interventions and activities designed to reduce recidivism.</i></p> <p>A review of video on randomly selected days in June indicates that many programs indicated on the facility schedule and documented on facility activity logs and program provider youth signoffs did not occur. Additionally, when a scheduled and documented program was observed on video, there were many times that the duration of the program did not match the time indicated on documentation.</p> <p>Discussions with youth indicate that units are not receiving consistent opportunities for programs. Some units receive more robust programming than others. Many youths report that they are not interested in the programs that are being offered on their unit and they prefer to engage in free time activities such as phone calls, movies, and video games instead. Some programs will only accept a limited number of youths, so if there is not an</p>

Title 15. Section	Description
	additional hour of programming scheduled for that day, some youth will not get their one hour of programming. Corresponding documentation will not always indicate when youth refuse or are not able to participate in programming. Reviews of video show youth not engaging in programs; in non-compound units, where there is less space for youth, they are laying on benches or on the floor rather than engaging in any activity.

**FIRST-LEVEL APPEAL
EXHIBIT L**

**LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
CORRECTIVE ACTION PLAN – AUGUST 8, 2024 – FINAL**

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
§ 1371. Programs, Recreation, and Exercise.	(a) Programs. All youth shall be provided with the opportunity for at least one hour of daily programming to include, but not be limited to, trauma focused, cognitive, evidence-based, best practice interventions that are culturally relevant and linguistically appropriate, or pro-social interventions and activities designed to reduce recidivism.	A review of video on randomly selected days in June indicates that many programs indicated on the facility schedule and documented on facility activity logs and program provider youth signoffs did not occur. Additionally, when a scheduled and documented program was observed on video, there were many times that the duration of the program did not match the time indicated on documentation.	<p><u>Summary:</u> The Department will ensure youth have the required programming time each day at Los Padrinos Juvenile Hall (LPJH) by, among other steps, instituting an Activities Block in the afternoons at the facility. Unit supervisors will do rounds during this block to ensure youth receive programming, and if outside organization is not available or did not complete the full required time, the supervisor or probation staff will fill in the gaps of any missing programming time. Further, the Department will assign staff – Activities and Program Coordinator (APC) -- specifically for programming and accountability of outside providers. The Department will also focus on accuracy of paperwork and staff accountability, review of paperwork and CCTV, and staffing trainings/briefings.</p> <p>The Corrective Action Plan is divided into three sections: 1. Ensuring Youth Receive Programming, 2. Programming Enrichment and Youth Engagement, and 3. Quality Assurance and Staff Accountability. More details for each step is provided below.</p> <p><u>1. ENSURING YOUTH RECEIVE PROGRAMMING</u></p> <p><u>a. Create an Activities Block:</u> The facility will create an Activities Block throughout the facility that schedules recreation, exercise and programming. The Activities Block will create a facility monthly schedule that weaves together the exercise, programming, and recreation to maximize the facility space and time. This allows for the facility to better track programming throughout the facility and allow for supervisors, directors and executive facility staff to observe units – remotely (see below) or in person.</p> <p>Unit staff will provide a standardized program sign-in sheet for the programming and it will be signed by the youth in attendance and the CBO staff.</p> <p>The unit supervisor will verify that the programming is occurring during rounds or through communication with the unit staff, collect the sign in sheet at the end of the programming, and sign the programming sheet as acknowledgment. The current programming sheet will be updated to ensure space for supervisor signature.</p>	<p>Kim Binion, Facility Head</p> <p>Marshe' Marshall, Probation Director</p> <p>Mozella Evans, Probation Director</p> <p>Loyda Duckett, Assistant Probation Director</p>	10/15/24

**LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
CORRECTIVE ACTION PLAN – AUGUST 8, 2024 – FINAL**

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
			<p>The officers will conduct a life-skills circle or other program with the youth when regularly scheduled programming is unavailable. The sign in sheet (with the updated program), and written documentation why a scheduled program did not occur – via memo or report to be determined by facility -- will be collected by the supervisor and provided to their director, and scanned to the BSCC unit, Behavioral Management Program (BMP) unit, LPJH Directors.</p> <p><u>PROOF OF PRACTICE:</u> 1. Programming monthly calendars; 2. Programming sign-in sheets</p> <p style="text-align: right;">to be completed by August 10, 2024</p> <p><u>b. Incentivize Programming Participation:</u> The APCs will develop an incentive matrix for youth participating in programs and reconcile with the BMP with engagement from Youth Council. Premium program participation will be tied in with the behavior modification plan, and violence reduction plan.</p> <p>A reward system will also be developed for a certain level of whole unit programming participation.</p> <p><u>PROOF OF PRACTICE:</u> 1. APC Roles and Responsibilities; 2. Incentive matrix; 3. Notice of assignment memorandum to BSCC on staff assigned as APC</p> <p style="text-align: right;">to be completed by August 12, 2024</p> <p><u>2. PROGRAM ENRICHMENT AND YOUTH ENGAGEMENT</u></p> <p><u>a. Programming-related Positions:</u> LPJH has created the positions of an Activities and Program Coordinator (APC). Two APCs have been identified and will split the units at LPJH. Their role and responsibilities are attached.</p> <p><u>PROOF OF PRACTICE:</u> 1. APC Roles and Responsibilities; 2. Unit Log sheets; 3. Programming sign in sheets</p> <p style="text-align: right;">to be implemented by August 12, 2024</p>		

**LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
CORRECTIVE ACTION PLAN – AUGUST 8, 2024 – FINAL**

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
			<p><u>b. Stakeholder Engagement:</u> Probation is not the only entity providing programming inside the juvenile hall and throughout this process, the Department will engage with its stakeholders to ensure effectiveness of the programming.</p> <p>APCs will work with Probation Education Services to host a quarterly Program Provider Meeting.</p> <p><u>PROOF OF PRACTICE:</u> 1. Meeting agendas, sign-in sheets, and/or minutes</p> <p style="text-align: right;">to be completed by September 1, 2024</p> <p><u>c. Community Advisory Group</u> The LPJH Community Advisory Group will review minutes from quarterly townhalls with youth on Programming (see below for more details). The goal is to improve existing programs and to ensure programs are gender responsive, age specific, and being provided to youth.</p> <p><u>PROOF OF PRACTICE:</u> 1. Minutes from townhalls with youth</p> <p style="text-align: right;">to be completed by August 30, 2024</p> <p><u>d. Youth Engagement:</u> Executive-level (Chief Deputy, Deputy Director over Juvenile Services, Superintendent, or Assistant Superintendent) townhall quarterly with youth discuss effectiveness of programming offered to youth.</p> <p><u>PROOF OF PRACTICE:</u> 1. Minutes from townhalls with youth</p> <p style="text-align: right;">to be implemented by August 30, 2024</p> <p><u>3. QUALITY ASSURANCE AND STAFF ACCOUNTABILITY</u></p> <p><u>a. Facility Leadership:</u> A bi-weekly meeting has been set between the Superintendent and Probation Director who oversees facility programs (Program Director). The meetings will include:</p> <ul style="list-style-type: none">• Review of all program providers and compare it to the youth's interest.• Reconcile duration, with Activity Logs, ensuring accuracy of paperwork.		

**LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
CORRECTIVE ACTION PLAN – AUGUST 8, 2024 – FINAL**

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
			<ul style="list-style-type: none"> Ensure appropriate tracking of attendees and refusals for programs. <p><u>PROOF OF PRACTICE:</u> 1. Meeting agendas</p> <p style="text-align: right;"><i>(Completed; assessments & meetings on-going)</i></p> <p><u>b. Staff Accountability:</u> An LPJH Probation Director reviewed the activity logs in comparison with CCTV, listed all names of staff and supervisors, and is being administratively addressed in accordance with holding staff accountable for such violations.</p> <p style="text-align: right;"><i>(Completed)</i></p> <p><u>c. Director Access to CCTV</u> All LPJH Probation Directors will have the CCTV program accessible from their desktop computers. LPJH Probation Directors assigned to facility buildings will conduct three CCTV random reviews weekly, coinciding with the dates and time of programming documented as having occurred for each unit in which they oversee. The Director will review the activity logs in comparison with CCTV and address documentation errors with staff.</p> <p><u>PROOF OF PRACTICE:</u> 1. Weekly Director CCTV Review form</p> <p style="text-align: right;">to be implemented August 10, 2024</p> <p><u>d. Staff Briefing:</u> Starting July through August staff meetings, Supervisors and Directors will review policy, activity log documentation, give expectations, and remind staff that we inspect the integrity of our work to ensure compliance with minimum standards. The meeting minutes will reflect this agenda item.</p> <p><u>PROOF OF PRACTICE:</u> 1. Meeting agendas and/or minutes</p> <p style="text-align: right;">to be completed by September 1, 2024</p> <p><u>e. Trainings:</u></p> <ul style="list-style-type: none"> <i>Train staff in absence of CBOs</i> – At times when our Community-Based Organizations cannot attend their scheduled programming hours, or when there is a gap in the programming schedule, specific Probation staff will be trained to provide necessary programming. 		

**LOS ANGELES COUNTY PROBATION DEPARTMENT
LOS PADRINOS JUVENILE HALL
CORRECTIVE ACTION PLAN – AUGUST 8, 2024 – FINAL**

Title 15. Section	Regulation	BSCC Preliminary Finding	Probation's Corrective Action Plan	Assigned To	Completion Date
			<p><u>PROOF OF PRACTICE:</u> 1. Training rosters</p> <p style="text-align: right;">to be completed by September 21, 2024</p> <p><u>EVALUATION PERIOD:</u> To ensure the fidelity and integrity of the corrective actions, the Department will continue to closely monitor and immediately correct any deficiencies discovered after the above steps have been implemented prior to seeking reinspection. During this time, the Department will also seek any needed technical assistance and welcomes the BSCC staff on-site to review and provide on-the-ground assistance during the corrective action period.</p> <p>Implementation Dates: July 8, 2024 and progressive implementation through September 21, 2024</p> <p>Evaluation period: September 1 – October 15, 2024</p>		

Activities and Program Coordinator: Roles & Responsibilities



Los Padrinos Juvenile Hall

7/30/2024

The role of Activities and Program Coordinators (APC) assigned to Los Padrinos Juvenile Hall (LPJH) will include but is not limited to working with key community-based programs and county partners (Department of Youth Development, Public Health, Parks & Recreation, etc.) to identify suitable programs for LPJH youth. One APC will be assigned to North LPJH units, and one APC will be assigned to Southern LPJH units.

The APCs are non-sworn staff, and they will be assigned to the Probation Education Services Division under the supervision of a Supervising Program Analyst. They will be located onsite at LPJH.

GENERAL DUTIES

- Coordinators will liaison with community program providers to support the planning of programs, special activities, and events for the facility.
- Develop and maintain relationships with local community, non-profit and faith-based organizations, including e.g. law enforcement, colleges and universities, community and faith-based agencies, county agencies Department of Youth Development, Public Health, Parks and Recreation, and community stakeholders.
- Determines what programs are needed and make the necessary connections to work with partners or collaborators to establish programs for LPJH.
- Track the progress of program Memorandums of Understanding, contracts, provisional clearances, background clearances, etc. for providers.
- Conducts a minimum of one random unit round during scheduled program times and documents their completed rounds in the unit log, noting the date, time, and an observation note.
- Recruit youth participants for LPJH Youth Council and serve as the staff advisor for LPJH Youth Council.
- Coordinate Townhalls with youth to discuss programming effectiveness and create and distribute surveys, if necessary.

- Participate in community, multi-agency and other meetings representing Probation to discuss Probation programs, service gaps, etc. with outside agencies.
- Develop and update biannually an incentive matrix, separate from the Behavioral Management Program (BMP) incentives to recognize youth participating in surveys, Youth Councils, and ongoing involvement with unit programs.
- Work with Probation Youth Education Services to host a quarterly LPJH program providers meeting to present survey outcomes, LPJH Advisory group recommendations, and receive program provider input.
- Develop, maintain, and distribute monthly program and activities calendar for LPJH and ensure most current calendars are posted in all living units.
- Other duties as assigned.

Los Angeles County Probation Department
Programs & Activities Incentives Matrix

LPJH Activities & Program Coordinators provide youth participating in LPJH Youth Councils, completing facility surveys, and/or youth completing three or more 1-hour programs each week with incentives to recognize their participation or achievements. Units may earn group incentives when their unit remains "Code Free" for two weeks or longer; or more than half of their unit completes at least 5 hours of programming or activities.

Levels of Engagement	Suggested incentives to recognize youth participation, engagement, or completion. Pick one or more, as appropriate
<p style="text-align: center;">Level I Minimal Participation Minimal progress by attending or participating in programs or activities partially or sporadically</p>	<p>Common examples:</p> <ul style="list-style-type: none"> • Always recognize efforts to participate, showing up • Verbal praise for most routine accomplishments • Small Tangible Rewards, e.g. <ul style="list-style-type: none"> ✓ Paperback books ✓ Bookmarks ✓ Small denomination gift cards for food ✓ Healthy snacks foods (e.g., juice, tea, granola bars, fruit, trail mix) ✓ Birthday or holiday cards ✓ Writing journals ✓ Toiletries ✓ Early to Program Certificate ✓ Best Participation Certificate ✓ Great Question Certificate ✓ Recognition in Court, e.g. Kudos Notice ✓ Round of applause from facility Supervisors and Directors ✓ Cards of encouragement from unit DPO, Senior, Supervisor, Assistant Director, or Director
	<p>Common examples:</p>

<p>Level 2 Moderate Progress</p> <p>Attends program and activities regularly but may have some behavior issues by not cooperating or participating. May be used in conjunction with Level I</p>	<ul style="list-style-type: none"> • Always recognize efforts to participate, showing up • Certificate of accomplishment for achieving an important Program or Activities milestones • Cupcake • Symbolic rewards, e.g. fabric medals, Kudos Tiny Certificate • Copies of teen specific addiction readings such as the AA “Big Book” • Posted Accomplishments, e.g. Unit Youth of the Month, Unit Youth of the Week • Display their artwork or writing essays on unit bulletin board. • Letters of recognition from program providers, teachers
<p>Level 3 Moderate Progress</p> <p>Youth does not have any pattern of peer behavior. Participating in programming, following directions, and receiving kudos, certificates, etc. for positive participation and progress. May be used in conjunction with Level I & 2</p>	<p>Common examples:</p> <ul style="list-style-type: none"> • Always recognize efforts to participate, showing up • Moderate Tangible Rewards, e.g. <ul style="list-style-type: none"> ✓ Special order book or magazine 1x ✓ Earn special activities for your unit. <ul style="list-style-type: none"> • Cornhole tournament • Indoor bowling • Movie Pass: Movie night, popcorn, & concession stand pick one item. • Mani/Pedi Night • Rap Battle Karaoke • Let’s Get Cooking • Kick It, Sip & Paint • Art & Crafts Night • Spa Night • Makeover ✓ Soft blankets • Reduced Unit Restrictions, e.g. <ul style="list-style-type: none"> ✓ Later return to room time ✓ Extra phone time • Enhanced Program Status <ul style="list-style-type: none"> ✓ Appointment as in-unit peer mentor ✓ Assistant group leader ✓ All-Star Superintendent List -lunch with the Assistant Superintendent, Superintendent, or Chief Deputy
<p>Level 4</p>	<p>Common examples:</p> <ul style="list-style-type: none"> • Always recognize efforts to participate, showing up

Advance Progress

The youth has regularly participated in unit programming or activities, has not been removed from programs or has no incomplete programs or activities, engages in programs, and demonstrates positive progress through unit recognitions and/or successful completion of multiple program hours within the month, completed during every week of the month. May be used in conjunction with all other levels.

- Fishbowl Drawings
- Special order book or magazine 2x
- Youth completing high number of program or activity hours earn chances to draw paper slips from a bowl. The slips award a combination of some tangible prizes and a greater percentage of non-tangible incentives, such as certificates of accomplishment. There may also be 1 or 2 prizes of value (\$25 to \$50), but the odds of drawing them are small.
- Family picture during visiting – digital and printed before end of visit.
- Picnics or parties
- Sober dances
- Activity pack with up to five items selected by youth.
- Completion Ceremony participation
- Ambassadorships typically reserved for youth making stellar progress toward completing program hours. This status enables participants or alumni to represent the facility as presenters for dignitaries or outside agencies, such as the public, legislators, or the media.

Draft I – July 30, 2024

**FIRST-LEVEL APPEAL
EXHIBIT M**

August 8, 2024

Guillermo Viera Rosa, Chief Probation Officer
Los Angeles County Probation Department
9150 E. Imperial Hwy.
Downey, CA 90242

RE: APPROVAL OF CORRECTIVE ACTION PLAN PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 209 (d)

Dear Chief Viera Rosa:

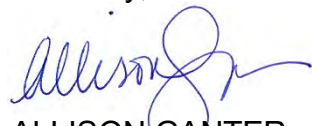
The final Corrective Action Plan (CAP) for the Los Padrinos Juvenile Hall has been received and is approved effective **August 8, 2024**.

In your CAP, you note that the County Resolution Date for the outstanding item of noncompliance is **October 15, 2024**. Please notify Field Representative Lisa Southwell by email no later than October 15, 2024 when the department has completed the CAP and is in compliance with Section 1371 of Title 15: Programming, Exercise and Recreation as referenced in the Initial Inspection Report (IIR) and CAP.

BSCC staff will verify resolution of corrective action, effective **October 15, 2024**, on or after that date.

Please let us know if you have any questions.

Sincerely,



ALLISON GANTER
Deputy Director
Facilities Standards and Operations Division

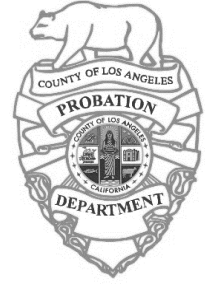
- c: Kimberly Epps, Deputy Chief Probation Officer, Los Angeles County Probation Department
Sheila Williams, Deputy Chief Probation Officer, Los Angeles County Probation Department
Kim Binion, Superintendent, Los Padrinos Juvenile Hall
Tyson Nelson, Senior Deputy County Counsel, Office of the County Counsel, County of Los Angeles
Nicole Rommero, Deputy County Counsel, Office of the County Counsel, County of Los Angeles
Lisa Southwell, Field Representative, BSCC

**FIRST-LEVEL APPEAL
EXHIBIT N**



COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY – DOWNEY, CALIFORNIA 90242
(562) 940-2501



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

Rebuild Lives and Provide for Healthier and Safer Communities

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 Padrinós. 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.

Board of State and Community Corrections

February 15, 2024

Page 4 of 4

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 "Guillermo Viera Rosa".

Guillermo Viera Rosa

Chief, Los Angeles County Probation Department

**FIRST-LEVEL APPEAL
EXHIBIT O**

Initial Inspection Report
2023-2024 Biennial Inspection Cycle

Date of Exit Briefing/Notice of Noncompliance: 8/12/2024

Inspection Type: Targeted

County: Los Angeles

Facility Name: Los Padrinos Juvenile Hall

BSCC #: 7201

BSCC Type: Juvenile Hall

Facility Representatives: Kim Binion, Superintendent, Steven Cuevas, Assistant Superintendent

BSCC Field Representative: Lisa Southwell

CAP Day 60 – Maximum Statutory CAP Due/Approval Date: 10/11/2024

Maximum Statutory Resolution Date: January 9, 2025

Current Items of Noncompliance

Title 15. Section	Description
<p>§ 1321. Staffing.</p> <p>Each Juvenile Facility shall:</p> <p>(a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.</p> <p>(b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.</p>	<p>During our inspection, we reviewed daily facility reports and daily schedule from July 1-29, 2024, for a cumulative total of 87 shifts. Seven (7) AM shifts and eight (8) EM shifts (17 % of shifts overall) did not meet the Department's required minimum staffing.</p> <p>The continued lack of staffing continues to impact delivery of required services and compliance with additional regulations. Section 1321 requires adequate staffing for all operations, programming, activities and functions of the facility to occur and to ensure the safety and security of youth and staff.</p> <p>The following areas of concern were noted while onsite and confirm a lack of staff during the July 2024 visit:</p> <ul style="list-style-type: none">• Education Program: Youth continue to be late to class. During our review of documentation, we note that youth were late to class due to both LACOE (Teacher being late due to lack of facility keys to access facility gates) and Probation issues (movement, late breakfast, etc.). We noted some classes were held in the units due to lack of staff.

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| | <ul style="list-style-type: none">• We noted instances where outdoor recreation (LME) has been cancelled or modified to indoor recreation due to lack of staff.• We noted some medical appointments had been cancelled or rescheduled due to lack of staff.• We noted during video review some instances in Unit Y1 where youth dined in their rooms.• Youth are being held in their rooms for long periods of time beyond what policy allows for after incidents (brief institutional operation) due to lack of staffing available to transport to the medical module or medical staffing not capable of seeing youth in medical module.• While conducting video review, we were unable to confirm the “constant visual” as required by Use of Force policy. According to policy, if youth are in their room awaiting transport to medical, staff should be standing outside the room. In cases where multiple youth were involved in an incident, we could not confirm that staff were conducting constant visuals. |
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**FIRST-LEVEL APPEAL
EXHIBIT P**

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
October 11, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Superintendent K. Binion/ S. Arrington Systems Accountability Director T. Quesada	Short Term 1 -Developed a new staffing assessment plan that corrects an error of higher staffing ratios required in the current staffing plan.	-A revised staffing assessment plan which establishes staffing minimums for fluctuating detention populations -Drafted a revised Master Schedule that will support facility operations -Non-sworn staff will replace some sworn staff currently assigned to ancillary posts. Those posts will remain non-sworn.	11/15/2024	10/10/2024 reformatted the revised		
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Superintendent K. Binion/ S. Arrington Systems Accountability Director T. Quesada	Short Term 2 -Centralized Staffing outside of the facility, now under System Analysis Bureau	-Reports from SAB analyzed the -ongoing monitoring of deployment numbers -increased accountability with who reports to work, call outs, no call no shows	completed			
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Superintendent K. Binion/ S. Arrington Systems Accountability Director T. Quesada	Short Term 3 -The department agreed to have eight units staffed at a 1:5 staffing ratio, due to the programming and security needs of the youth. In a prior staffing analysis we practiced a 1:3 staffing level versus the 1:8 PREA staffing level. -All general living units are staffed at the PREA standards of a 1:8 staffing ratio	- In order to provide a continuity of care the schedules have been balanced with assigned DSOs in each living unit. The remaining open schedules will be open for the deployed DPOs to fill.	10/30/2024			

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
October 11, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Superintendent K. Binion/ S. Arrington Systems Accountability Director T. Quesada	Short Term 4 -The revised staffing plan allows us to appropriately staff units according to our unit housing capacity, and best operational practices therefore BSCC can inspect staffing levels for compliance.	-Move to set schedules that support unit operations to include the relief factor to operate 24/7 for each shift: AM (6a – 2p), PM (2p – 10p), EM (10p- 6a). Comply with settlement agreements, monitoring agency requirements, and partner agency needs and staff ancillary posts	01/05/2025 (phase 1)			
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Asst Superintendent D. Warren	Short Term 5 -Implement Proactive Supervision, a curriculum designed to train staff to provide consistent and routine unit structure to maintain a safe environment	- Train all incoming staff (new and deployed).	01/05/2025 (ongoing due to deployments, and new hires)	Began in late September, have trained four units.		
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	IDC Director J. Vest	Short Term 5 -Reduce LPJH population	- Continue to implement strategies to decrease Juvenile Hall population thus decreasing staffing numbers required 1)Detention Reduction Plan, 2)Continue to increase referrals to community detention programs, 3) Stop accepting cite & release offenses for intake, 4)Increase use of structured release program as appropriate, 5)Established and implemented intake criteria for bookings, 6)Deputy District Attorney	Ongoing	Began 10/01/2024		

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
October 11, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
				assigned at LPJH to review applications for filings				
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Chief Deputy S. Williams Chief Deputy K. Epps	Long Term 1 LA County is taking steps to finalize approval to offer a lateral recruitment bonus would be offered to Detention Officers, Probation Officers, and supervisors willing to laterally transfer into detention assignments with Los Angeles County.	-Work with Human Resources to complete the applicable recruitment exam	Ongoing	Job posting		
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Chief Deputy S. Williams Chief Deputy K. Epps	Long Term 2 LA County is in the process of collapsing classifications, Detention Services Officers into the Deputy Probation Officers classification to make our positions more competitive in our profession.	-Work with Human Resources to complete collapsing classifications	Ongoing	June 2024		
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Chief Deputy S. Williams Chief Deputy K. Epps	Long Term 3 Probation conducted an analysis, identified the funding source, and is actively recruiting for DPOIs pre-licensed and Licensed Marriage Family Therapist, Licensed Clinical Social Worker, Licensed Professional Clinical Counselor, and Clinical Psych	-Recruitment exam completed, HR has reviewed applicants and eligibility for hire list has been established	1/05/25 (phase 1)	June 2024		
§1321. Staffing.	§1321. Staffing.	Probation Education	Long Term 5	Continue to sustain the programming corrective action plan	Ongoing, from Programming CAP	September 2024		

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
October 11, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
(a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	(a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	Services Director J. Corral EdD Probation Education Services Supervisor R. Williams	-Activities, Programming and recreation scheduling oversight given to Education Services to oversee and coordinate programs with CBOs, program providers. They also organize and keep our documentation of the facility's programs.					
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Education Program: Youth continue to be late to class. During our review of documentation, we note that youth were late to class due to both LACOE and Probation issues (movement, late breakfast, etc.	Superintendent K. Binion/ S. Arrington	Defined Operation assignments: - Revised the daily staffing schedule to specifically note each post assignment.	Log has been developed	11/15/2024	October 2024		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Education Program: Youth continue to be late to class.	Superintendent K. Binion Systems Accountability Director T. Quesada	-Shared the staffing assessment plan with the Centralized staffing unit so they assign staff to each post necessary to operate the facility (living units and operations ancillary assignments). -School movement starts at 8am to ensure timely class attendance	-Centralized Facility Staffing was created to optimize sworn personnel in needed positions	completed	October 2024		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	We noted some classes were held in the units due to lack of staff.	Prob Director J. Piñon Prob Director R. Sanchez	-Director on Duty reviews the AM & PM class reconciliation of school movement	Updated Logs and required information to note	11/1/2024	October 2024		
§1321. Staffing. (b) ensure that no required services shall	Teacher being late due to lack of facility keys to access facility gates)	MSB Director R. Martinez/F. Oliver	-LACOE will be issued keys specific to their classrooms	Confirmation work order from MSB	11/30/2024	September 2024		

Los Angeles County Probation Department
Los Padriños Juvenile Hall §1321-Staffing Corrective Action Plan
October 11, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
be denied because of insufficient numbers of staff on duty absent exigent circumstances.								
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Instances of outdoor recreation (LME) being cancelled or modified to indoor recreation due to lack of staff.	Systems Accountability Director T. Quesada	- A recreation team has been placed on the daily staffing schedule so Centralized Staffing knows to fill the post.	Copy of Daily Staffing Schedule template	12/01/2024	10/15/2024 – next deployment cohort will fill the operations assignments		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Instances of outdoor recreation (LME) being cancelled or modified to indoor recreation due to lack of staff.	Asst Superintendent G. Ford	-Though we meet recreation space requirements, LPJH has a limited individual unit recreation space which creates time constraints to coordinate among 20 units. A recreation yard for each building has been proposed which will allow all units to extend outdoor activities or programming simultaneously.	-Recreation Yard proposal to be submitted to BSCC for review -gym floor repairs	01/05/2024 (phase 1, obtain BSCC TTA and approval of renderings)	Concept was provided to BSCC Inspector – final renderings		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Some medical appointments had been cancelled or rescheduled due to lack of staff.	Systems Accountability Director T. Quesada	-LPJH has now designated specific transport assignments within the facility that will be staffed	Daily Staffing Schedule template	12/01/2024	9/29/2024- staffing assessment plan was provided to Centralized Staffing 10/15/2024 – next deployment cohort will fill the operations assignments		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Some medical appointments had been cancelled or rescheduled due to lack of staff.	Asst Superintendent A. Brooks	-The Medical Appointment Team (MAT) handles the external medical follow-up appointments. The OD is given the appointments for the following day to assess the MAT staffing requirements	Daily Staffing Schedule template	11/30/2024	October 2024		

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
October 11, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	During video review some instances in Unit Y1 where youth dined in their rooms. Youth are being held in their rooms for long periods of time beyond what policy allows for after incidents (brief institutional operation) due to lack of staffing available to transport to the medical module or medical staffing not capable of seeing youth in medical module.	Probation Director D. Gonzalez	-Probation has requested JCHS to come to the living units to triage youth after an incident, to no avail -Probation is assessing available space on the units where medical can store equipment necessary to perform aftercare evaluations for youth's medical needs -OD will utilize ancillary staff to assist unit staff to return the unit back to regular program status -JCHS also has experienced staffing shortages which delays how many youth that can be evaluated	11 non-sworn professional support staff will be reassigned to LPJH.	12/01/2024	10/28/2024 – professional support staff reassigned to LPJH in the following posts: 5 to quality assurance team, 2 movement control, 2 projects tracking, 2 professional appointment registration		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	While conducting video review, we were unable to confirm the “constant visual” as required by Use of Force policy. According to policy, if youth are in their room awaiting transport to medical, staff should be standing outside the room. In cases where multiple youth were involved in an incident, we could not confirm that staff were conducting constant visuals.	Asst Director D. Gadie Asst Director R. Estrella	-In multi-youth fight incidents OD will utilize ancillary staff to assist unit staff to return the unit back to regular program status	-Observe the youth in the dayroom -Supervisors add 1:1 supervision in the incident debrief	11/30/2024	Implement October 2024		

**FIRST-LEVEL APPEAL
EXHIBIT Q**

October 11, 2024

Guillermo Viera Rosa, Chief Probation Officer
Los Angeles County Probation Department
1601 Eastlake Avenue
Los Angeles, California 90033

SUBJECT: DENIAL OF CORRECTIVE ACTION PLAN (WELF. & INST. CODE, § 209, SUBD. (D))

Dear Chief Viera Rosa:

The Board of State and Community Corrections (BSCC) is in receipt of the final Corrective Action Plan (CAP), dated October 11, 2024, for the item of noncompliance with section 1321, Staffing, of Title 15 of the California Code of Regulations at the Los Padrinos Juvenile Hall.

On August 12, 2024, the BSCC issued a notice of noncompliance that the Los Padrinos Juvenile Hall was out of compliance with section 1321, Staffing, of Title 15 of the California Code of Regulations. Specifically, we noted that that the facility did not meet the Department's minimum staffing from July 1, 2024 through July 29, 2024. This was evidenced by a lack of services being consistently provided, including education, outdoor recreation, youth being confined in rooms, and youth missing medical appointments.

Pursuant to Welfare and Institutions Code section 209, subdivision (d), an approved corrective action plan (CAP) needed to be filed with the BSCC no later than October 11, 2024.

On August 20, 2024, BSCC staff met with county counsel staff, probation leadership, and facility leadership at Los Padrinos Juvenile Hall to discuss and offer technical assistance for the impending CAP; we understood that a draft CAP was forthcoming from that meeting. We did not receive a draft CAP following that meeting.

On October 1, 2024, Field Representative Lisa Southwell contacted county counsel, probation leadership, and facility leadership by email to determine if technical assistance was needed on reviewing a draft CAP. We did not receive a response to that correspondence.

At 4:30PM on October 10, 2024, we first received a request for technical assistance on the CAP. Field Representative Southwell responded that the document we received was not formatted as an approvable CAP.

At 7:17PM on October 10, 2024, we received a new document with information displayed in a draft corrective action plan format, with a request for additional technical assistance in completing the CAP.

The final Corrective Action Plan (CAP) for the Los Padrinos Juvenile Hall was received at 11:20AM on October 11, 2024.

After reviewing the CAP, we have determined that the CAP is not approvable. It does not adequately outline how the Department plans to correct the issue of noncompliance nor does it provide reasonable timeframes for resolution of the staffing deficiencies, including ensuring that “there are an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations.” (Cal. Code Regs., tit. 15, § 1321, subd. (a).) The CAP also does not provide information on how it will “ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.” (Cal. Code Regs., tit. 15, § 1321, subd. (b).)

For example, we find the following non-exhaustive list of deficiencies:

- 1) “Reduce LPJH Population” as an action plan has no completion date. Moreover, the CAP did not provide information as to what the current population of LPJH is or what the targeted population will be following the population reduction plan.
- 2) One long term plan is to offer “lateral recruitment” with a bonus. There is also no completion date; just an indication that the plan is to work with Human Resources to complete the applicable recruitment exam.
- 3) The plan for ensuring youth make it to medical appointments is to provide the Officer of the Day with the appointments that are scheduled. The target date for completion is November 30, 2024. We find this target date to be unreasonable. It should not take approximately 50 days from today to resolve this urgent issue.
- 4) The CAP indicates a revised staffing plan will not be implemented until January 5, 2025. We also find this target date to be unreasonable. If the revised staffing plan is not implemented until January, youth will continue to be denied required services.

Therefore, based on the reasons set forth above, this plan is **DENIED**.

In the absence of an approved CAP, pursuant to Welfare and Institutions Code section 209 (d):

“a juvenile hall, . . . 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, . . . 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.

BSCC staff will send formal notice of unsuitability pursuant to Welfare and Institutions Code section 209, subdivision (a)(4), on Monday, October 14, 2024.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven Wicklander", with a long horizontal flourish extending to the right.

STEVEN WICKLANDER
Acting Deputy Director

- c: Kimberly Epps, Deputy Chief Probation Officer, Los Angeles County Probation Department
 Sheila Williams, Deputy Chief Probation Officer, Los Angeles County Probation Department
 Kim Binion, Superintendent, Los Padrinos Juvenile Hall
 Tyson Nelson, Senior Deputy County Counsel, Office of the County Counsel, County of Los Angeles
 Nicole Rommero, Deputy County Counsel, Office of the County Counsel, County
 Linda Penner, Chair, BSCC Board
 Aaron Maguire, Acting Executive Director, BSCC B
 Lisa Southwell, Field Representative, BSCC

**FIRST-LEVEL APPEAL
EXHIBIT R**



COUNTY OF LOS ANGELES PROBATION DEPARTMENT


9150 Imperial Highway
Downey, CA 90242
(562) 940-2501



Guillermo Viera Rosa
Chief Probation Officer

October 13, 2024

To: Steven Wicklander, Acting Deputy Director
Board of State and Community Corrections

From: Guillermo Viera Rosa, 
Chief Probation Officer

**Subject: COUNTY OF LOS ANGELES PROBATION DEPARTMENT'S REVISED BSCC
CORRECTIVE ACTION PLAN – STAFFING AT LOS PADRIOS JUVENILE
HALL RESPONSE**

The Los Angeles County Probation Department acknowledges receipt of your letter dated October 11, 2024, which communicated the denial of the Correction Action Plan (CAP) for Los Padrinos Juvenile Hall (LPJH). This correspondence serves as the County's formal response.

Enclosed, you will find a revised CAP that focuses on immediate solutions to address our staffing shortages, as highlighted in the Board of State and Community Corrections (BSCC) inspection report from August 12, 2024.

We have taken your feedback into account regarding the timeline for resolving various issues within our CAP, particularly the concern that many of these matters cannot be addressed within the 60-day corrective action window. It is important to note that the BSCC may not fully recognize the broader national staffing crisis that complicates our ability to quickly hire sufficient personnel to alleviate our staffing challenges. All correctional facilities are currently facing similar staffing shortages, which necessitate reliance on overtime and staff deployments. According to data from the Peace Officers Research Association, law enforcement staffing levels are at a 30-year low. This, combined with recruitment difficulties, compels Los Angeles County to implement both short-term and long-term strategies to enhance staffing levels. Additionally, the County is aware that a significant number of staff members are not reporting to work, exacerbating the situation.

The assumption that a 60-day CAP can satisfactorily resolve staffing challenges is erroneous. Instead, the County is implementing temporary measures while actively recruiting and training new personnel as part of a comprehensive long-term strategy. This strategy also includes addressing staff absenteeism and prioritizing the overall well-being and safety of our employees to stabilize the Probation Department.

While the following strategies and action plans may take longer than 60 days to execute, it is essential to inform the BSCC of our ongoing, long-term recruitment efforts:

1. The County is in the process of securing approval from the Chief Executive Office to initiate lateral recruitment from external agencies. A recruitment bonus will be offered to Detention Officers, Probation Officers, and supervisors who are willing to transition laterally.
2. The County is in the process of collapsing classifications of Detention Services Officers into the Deputy Probation Officers (DPO) classification to make our positions more competitive in our profession.
3. Probation conducted an analysis, identified the funding source, and is actively recruiting for DPOs pre-licensed and Licensed Marriage Family Therapist, Licensed Clinical Social Worker, Licensed Professional Clinical Counselor, and Clinical Psychologists.

Further, the County recognizes the need for better allocation of recreation space throughout LPJH. The Department has submitted a preliminary proposal to the BSCC for review on dividing up the recreation space throughout the facility to allow for multiple units to conduct recreation time at the same time safely.

LA County Probation has developed a phase 1 detention reduction plan to decrease the number of youths in custody at LPJH. Based upon our plan we have implemented four (4) immediate strategies to decrease the population.

- First, the department has implemented a standardized intake detention criteria.
- Second, we have prohibited intakes and overrides to allow intakes of youth involved in cite and release offenses.
- Third, LA County has increased the number of youths being released to our Community Detention Program, CDP (electronic monitoring), under the agreement of a promise to appear in Court.
- Lastly, through an agreement with the District Attorney Office a Deputy District Attorney (DDA) has been assigned to LPJH. The role of the DDA is to assess petitions for criminal filing and to determine if an offense lesser than what is being alleged may be filed. Based upon the outcomes of their assessment youth may be eligible for release to their parent/guardian pending adjudication, or release to CDP pending adjudication.

LA County is confident in the strategies outlined in our staffing corrective action plan. We are extremely optimistic that our plan with strategies and goals outlined will effectively address our staffing barriers. We appreciate your consideration of the reassessment of our Staffing Corrective Action Plan.

C: Linda Penner, Chair, BSCC Board
Aaron Maguire, Acting Executive Director, BSCC B
Lisa Southwell, Field Representative, BSCC

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
REVISED - October 13, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	During our inspection, we reviewed daily facility reports and daily schedule from July 1-29, 2024, for a cumulative total of 87 shifts. Seven (7) AM shifts and eight (8) EM shifts (17 % of shifts overall) did not meet the Department's required minimum staffing.	Superintendent K. Binion/ S. Arrington Systems Accountability Director T. Quesada	1 – Create Revised Staffing Assessment & New Master Schedule - Developed a new staffing assessment plan that corrects an error of higher staffing ratios required in the current staffing plan. Assessment considers the fluctuating youth population. - Revised Master Schedule based on new staffing assessment - A new deployment strategy begins October 23 rd to ensure the staff who are deployed fills open vacancies at the facility. Goal - Previous staffing assessment allocated staff ineffectively based inaccurately calculating LPJH's operational needs. - Identifying the miscalculations now will right-size staffing allocations to ensure correct ratios in the Master Schedule in the housing units and ancillary posts. - Revised Master Schedule now schedules regularly assigned DSOs to each side of a unit to cover shifts under the best operational practices. - Having regularly assigned staff to units improves operational practices by	- Revised staffing assessment plan - Revised Master Schedule	11/15/2024	On October 9, 2024, LPJH Supervisors completed assigning anchor DSOs on each unit, each shift. October 10, 2024, finalized the revised staffing assessment plan. The revised plan received technical assistance from DOJ monitor. Inpur received and necessary edits made. October 23, 2024, Centralized Staffing will coordinate deployments according to the revised staffing plan and requests from the facility's office of the Superintendent (proactively planning for holiday coverage and other special facility needs and events).		

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
REVISED - October 13, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
			standardizing housing unit supervision routines.					
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	During our inspection, we reviewed daily facility reports and daily schedule from July 1-29, 2024, for a cumulative total of 87 shifts. Seven (7) AM shifts and eight (8) EM shifts (17 % of shifts overall) did not meet the Department's required minimum staffing.	Systems Accountability Director T. Quesada	2 – Create Centralized Staffing unit - Effective August 5, 2024, the Department established a Centralized Staffing unit - The Centralized Staffing Unit is maintained under the guidance of the System Accountability Bureau (SAB) - SAB conducted an analysis of scheduling trends and identified ways to reallocate existing staffing resources to ensure adequate staff ratios for each unit. Goal - Centralized Staffing will result in strategies that more efficiently deploy field officers. - Efficiently deploying field officers will improve unit staffing ratios by better allocating staffing resources. Centralizing staffing allows the SAB team to continually analyze staffing resources and trends. - SAB's ongoing analysis of staffing trends allows for LPJH making data informed decisions.	- SAB trend analysis reports which include recommended outcomes to adjust and improve staffing ratios - Increase accountability with tracking staff attendance	Completed	- Strategies have been implemented to appropriately balance leave approvals for staff vacations, single days off, and higher leave request times such as for holidays. Strategies are as follows: establishing a leave approval cap for each day/shift, establishing tracking to identify of leave requests, proactively planning for high interest leave days (holidays, special events – Superbowl, Mother's Day etc), establishing protocols to obtain interest leave requests in advance of holidays,		

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
REVISED - October 13, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
						establishing a leave committee to approve grouped requests for high interest leave days.		
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	During our inspection, we reviewed daily facility reports and daily schedule from July 1-29, 2024, for a cumulative total of 87 shifts. Seven (7) AM shifts and eight (8) EM shifts (17 % of shifts overall) did not meet the Department's required minimum staffing.	Superintendent K. Binion/ S. Arrington Systems Accountability Director T. Quesada	3 – Reassignment of Staff on Fixed Schedules - To improve the stability of higher risk/needs housing units, LPJH will continue to staff eight LPJH units will be staffed at a 1:5 staffing ratio. - All other units will continue to be staffed at the PREA ratio of 1:8. - Effective Jan 1, 2025, create new set schedules that all sworn staff (with exception of ancillary posts) assigned to work in LPJH work on three shifts only: AM (6a – 2p), PM (2p – 10p), EM (10p-6a). Goal - Improve facility wide staffing and operations, through appropriate assignment of staff to units -Staff assignments to be balanced with assigned DSOs in each living unit. The remaining open schedules will be filled by deployed DPOs. - With all sworn staff on one of three shifts, this allows Centralized Staffing and facility leadership to better allocate	- Master Schedule - Daily Staffing Sheets - Directive re: Scheduling of Shifts at LPJH	10/30/2024			

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
REVISED - October 13, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
			staff and move staff around to fill any opening and/or cover any call outs.					
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	The continued lack of staffing continues to impact delivery of required services and compliance with additional regulations. Section 1321 requires adequate staffing for all operations, programming, activities and functions of the facility to occur and to ensure the safety and security of youth and staff.	Asst Superintendent D. Warren	4 – Proactive Supervision to Establish Consistent Foundational Unit Operations - Implement Proactive Supervision, an operational strategy designed to train staff to provide consistent and routine unit structure to maintain a safe and environment. Goal - Consistency of supervision throughout LPJH will improve youth and staff safety in all units. - To foster a safe and secure environment that improves youth engagement in education, recreation and exercise activities. - Foster consistent operational routines that promote a safe and secure environment. - Consistently utilized proactive supervision as a uniform way of setting operational expectations and standards. -Implement a Detention Training program to provide coaching mentoring and support to new and deployed staff.	- Proactive Supervision PowerPoint - Copies of post-course evaluations - Unit logs to establish compliance with Title 15	01/05/2025 (ongoing due to deployments, and new hires)	Began in late September, have trained four units.		
§1321. Staffing. (a) have an adequate number of personnel sufficient to carry out the	The continued lack of staffing continues to impact delivery of required services and	IDC Probation Director J. Vest	5 – Reduce Population of LPJH - LPJH has had populations well above 300 with a peaked population of 326 in	- Daily Population Reports Emails from September 2024, outlining the plan to increase		Began October 1, 2024, within a few week we have experienced a reduction in		

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
REVISED - October 13, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.	compliance with additional regulations. Section 1321 requires adequate staffing for all operations, programming, activities and functions of the facility to occur and to ensure the safety and security of youth and staff.		<p>July). LPJH has developed a population reduction plan</p> <p>-In July 2024, LPJH implemented a standardized intake criteria and prohibited the intake of youth involved incite and release offenses</p> <p>-In September, we implemented a strategy to increase the number of referrals to community detention programs, electronic monitoring.</p> <p>- Population reduction will increase the ability to support greater safety measures as it reduces tensions among the youth. (Note: the pending election will impact our ability to achieve this goal.)</p> <p>Goal</p> <p>- Reduce the population by 10% by Jan 1, 2025, to maintain an ongoing strategy of identifying and implementing alternatives to detention incrementally.</p> <p>- Whereas this action step will be ongoing, the County includes it in the Corrective Action Plan to establish the County's increased efforts to keep a reduced population at LPJH allowing for less staff to meet the ratios.</p>	referrals to Community Detention Program (CDP)		population by over 7%		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of	Education Program: Youth continue to be late to class. During our review of documentation, we note that youth were late to	Superintendent K. Binion/ S. Arrington	<p>6 – Defined Operation assignments</p> <p>- Revised the daily staffing schedule to specifically note each ancillary assignment, including movement teams, recreation, etc.</p>	<p>- School movement schedule</p> <p>- Master Schedule</p> <p>- Daily Staffing Sheets</p>	11/15/2024	August 5, 2024, a revised daily schedule was implemented to better track all		

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
REVISED - October 13, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
staff on duty absent exigent circumstances.	class due to both LACOE and Probation issues (movement, late breakfast, etc.		<p>- Effective October 28, 2024, Probation will assign 11 non-sworn professional support staff to LPJH to assist in operational support. The individuals will be assigned as to quality assurance team, movement control, projects tracking, professional appointment monitoring</p> <p>Goal</p> <p>- With the ancillary posts listed on the staffing schedule, Centralized Staffing will ensure the post is filled each shift.</p> <p>- With posts filled, there will be sufficient staff each shift to allow for movement to school each day.</p> <p>- Assignment of support staff will</p>			scheduled shift assignments.		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	We noted some classes were held in the units due to lack of staff.	Prob Director J. Piñon Prob Director R. Sanchez	<p>7 – Quality Control of School Location</p> <p>- Director on Duty reviews the AM & PM class reconciliation of school movement and addresses with units why youth were not moved to classroom.</p> <p>Goal</p> <p>With Director on Duty specifically addressing the units that do not transport will ensure accountability for lack of school movement.</p>	Updated Logs and required information to note	11/1/2024	October 2024 the reconciliation log was created to keep a running centralized tracking workbook for the year.		

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
REVISED - October 13, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Teacher being late due to lack of facility keys to access facility gates)	MSB Director R. Martinez/F. Oliver	8 – LACOE Keys -LACOE will be issued keys specific to their classrooms. Outcome - With keys, LACOE staff will not have to wait for Probation staff to unlock doors.	- Confirmation with LACOE keys issued	11/30/2024	September 2024 the first request was submitted. Compatible keys were made available for various partner agencies.		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Instances of outdoor recreation (LME) being cancelled or modified to indoor recreation due to lack of staff.	Systems Accountability Director T. Quesada	9 – Recreation Teams - As discussed under Action Plan #6, recreation teams are including on the staff schedule to ensure Centralized Staffing fills that post. Outcome - With staff specifically identified as recreation staff, monitoring activities has greater safety supports.	- Master Schedule - Daily Staffing Schedule	12/01/2024	October 23, 2024, Centralized Staffing will start deploying staff based on the needs of the facility		
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	Some medical appointments had been cancelled or rescheduled due to lack of staff.	Systems Accountability Director T. Quesada Asst Superintendent A. Brooks	10 – Medical Movement Posts - As with Action Plan #6, the staffing schedule will include medical movement posts for Centralized Staffing to fill. -The Medical Appointment Team (MAT) handles the external medical follow-up appointments. The Officer of the Day is given the appointments for the following day to assess the MAT staffing requirements for the next day. - As discussed in Action Plan # 6, effective October 28, Probation added 2 civilian positions to track medical appointments to allow for better	- Master Schedule - Daily Staffing Schedule	11/01/2024	September 29, 2024- staffing assessment plan was provided to Centralized Staffing October 15, 2024 – next deployment of DPOs will fill the operations assignments		

Los Angeles County Probation Department
Los Padrinos Juvenile Hall §1321-Staffing Corrective Action Plan
REVISED - October 13, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
			tracking and accountability of appointments. Outcome - With assigned staff, youth will be transported timely throughout the facility and to external facilities.					
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	During video review some instances in Unit Y1 where youth dined in their rooms. Youth are being held in their rooms for long periods of time beyond what policy allows for after incidents (brief institutional operation) due to lack of staffing available to transport to the medical module or medical staffing not capable of seeing youth in medical module.	Probation Director D. Gonzalez	11 – Post Incident Medical Assessments - With assigned medical movement posts, staff will respond to assist in the transportation of youth to the medical module. Outcome - Timely medical attention post incident with specifically assigned staff assisting with movement.	- Safety Checks post-incident - Incident reports	12/01/2024			
§1321. Staffing. (b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.	While conducting video review, we were unable to confirm the “constant visual” as required by Use of Force policy. According to policy, if youth are in their room awaiting transport to medical, staff should be standing outside the room. In cases where multiple youth were involved in an incident,	Asst Director D. Gadie Asst Director R. Estrella	12 – Post Incident Observation - In multi-youth fight incidents OD will utilize ancillary staff to assist unit staff to return the unit back to regular program status. - Supervisors add 1:1 supervision in the incident debriefs -Staff to observe youths in dayroom, if appropriate - By November 15, 2024, Probation will assess if policy changes are necessary	- Incident reports	11/30/2024	Implement October 2024		

Los Angeles County Probation Department
Los Padrios Juvenile Hall §1321-Staffing Corrective Action Plan
REVISED - October 13, 2024

Regulation	Deficiency	Responsible Party	Action Plan	Proof of Practice	Date To Be Completed	Implementation Status/ Date	Comments/Ongoing Monitoring	Final Approval
	we could not confirm that staff were conducting constant visuals.		to ensure youth are appropriately observed post-incident. Outcome - A better organized response post incident will allow for appropriate observation of youth.					

**FIRST-LEVEL APPEAL
EXHIBIT S**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Wicklander, Steven@BSCC <steven.wicklander@bscc.ca.gov>
Sent: Monday, October 14, 2024 4:30 PM
To: Zulema Arzaga <Zulema.Arzaga@probation.lacounty.gov>
Cc: Guillermo Viera <Guillermo.Viera@probation.lacounty.gov>; Kimberly Epps <Kimberly.Epps@probation.lacounty.gov>; Sheila Williams <Sheila.Williams@probation.lacounty.gov>; Sanford Rose <Sanford.Rose@probation.lacounty.gov>; Kim Binion <Kim.Binion@probation.lacounty.gov>; Penner, Linda@BSCC <Linda.Penner@bscc.ca.gov>; Maguire, Aaron@BSCC <Aaron.Maguire@bscc.ca.gov>; Southwell, Lisa@BSCC <lisa.southwell@bscc.ca.gov>; Marisa Ron <Marisa.Ron@probation.lacounty.gov>
Subject: RE: RESPONSE LETTER - FINAL REVISED CORRECTIVE ACTION PLAN FOR LOS PADRINOS JUVENILE HALL

CAUTION: External Email. Proceed Responsibly.

Chief Viera Rosa:

The BSCC is in receipt of your “revised” corrective action plan, which was sent two days after an approved corrective action plan needed to be filed with our office pursuant to Welfare and Institutions Code 209, subdivision (d). Because this new corrective plan is late, it is denied. However, even if I were to consider this plan on its merits, I would not approve it.

The BSCC is aware of staffing shortages affecting local detention facilities, including the factors affecting the staffing deficiencies and inability to meet department minimum staffing numbers in Los Angeles County Probation. Lack of staffing has been central to the repeat

cycles of noncompliance and suitability for the Department for nearly five years.

Both Corrective Action Plans fail to address how youth will continue to receive required programs and services that are compliant with all related Title 15 regulations. Your revised plan focuses on prioritizing absenteeism and well-being of your employees, and only addresses services to youth by recognizing “the need for better reallocation of recreation space throughout the facility.” There is no clear plan on how to ensure access to services for youth. Even the plan for the “phase 1 detention plan” fails to outline the targeted number for reduction of population and how the reduced population affects the issue of noncompliance with staffing and the adequate delivery of required programs and services to youth.

Thank you,
Steven

Steven Wicklander
Acting Deputy Director – Facilities Standards & Operations Division
BOARD OF STATE AND COMMUNITY CORRECTIONS
2590 Venture Oaks Way, Suite 200, Sacramento, CA 95833
<http://www.bscc.ca.gov>
email Steven.wicklander@bscc.ca.gov
LEADERSHIP ★ EXCELLENCE ★ SUPPORT

From: Zulema Arzaga <Zulema.Arzaga@probation.lacounty.gov>
Sent: Sunday, October 13, 2024 4:34 PM
To: Wicklander, Steven@BSCC <steven.wicklander@bscc.ca.gov>
Cc: Guillermo Viera <Guillermo.Viera@probation.lacounty.gov>; Kimberly Epps <Kimberly.Epps@probation.lacounty.gov>; Sheila Williams <Sheila.Williams@probation.lacounty.gov>; Sanford Rose <Sanford.Rose@probation.lacounty.gov>; Kim Binion <Kim.Binion@probation.lacounty.gov>; Penner, Linda@BSCC <Linda.Penner@bscc.ca.gov>; Maguire, Aaron@BSCC <Aaron.Maguire@bscc.ca.gov>; Southwell, Lisa@BSCC <Lisa.Southwell@bscc.ca.gov>; Marisa Ron <Marisa.Ron@probation.lacounty.gov>
Subject: RESPONSE LETTER - FINAL REVISED CORRECTIVE ACTION PLAN FOR LOS PADRINOS JUVENILE HALL

On behalf of Guillermo Viera Rosa, Chief Probation Officer

Good afternoon, Mr. Wicklander,

Please see attached response letter regarding the Los Angeles County Probation Department’s Revised Corrective Action Plan for Los Padrinos Juvenile Hall.

Thank you,
Zulema Arzaga,

Office of Guillermo Viera Rosa, Chief Probation Officer

County of Los Angeles, Probation Department

9150 Imperial Highway, Downey, CA 90242

Office: 562-940-2502: Email: zulema.arzaga@probation.lacounty.gov



**FIRST-LEVEL APPEAL
EXHIBIT T**

October 14, 2024

Guillermo Viera Rosa
Chief Probation Officer
Los Angeles County Probation Department
1601 Eastlake Avenue
Los Angeles, California 90033

***** NOTICE OF FACILITY UNSUITABILITY*****
Los Padrinos Juvenile Hall
7285 Quill Drive, Downey, CA 90242
Welf. & Inst. Code, § 209, subds. (a)(4) & (d)

SENT VIA ELECTRONIC EMAIL AND VIA UNITED STATES POSTAL SERVICE

Dear Chief Viera Rosa:

This letter is to provide you with written notice and findings that the **Los Angeles County Los Padrinos Juvenile Hall** is not suitable for the confinement of juveniles pursuant to Welfare and Institutions Code section 209, subdivisions (a)(4) and (d).

A juvenile hall "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 ... 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." (Welf. & Inst. Code, § 209, subd. (d) [emphasis added].)

On August 12, 2024, the BSCC issued a notice of noncompliance that the Los Padrinos Juvenile Hall was out of compliance with section 1321, Staffing, of Title 15 of the California Code of Regulations (Attachment). Specifically, we noted that the facility did not meet the Department's minimum staffing for the majority of July 2024, and that the continued lack of staffing continues to negatively impact delivery of required services and compliance with additional regulations, including education, outdoor recreation, youth being confined in rooms, and youth missing medical appointments.

On October 11, 2024, we received a Corrective Action Plan (CAP) submitted by the Los Angeles County Probation Department for the item of noncompliance with section 1321, Staffing, of Title 15 of the California Code of Regulations at the Los Padrinos Juvenile Hall. This CAP was denied.

The October 11, 2024 CAP was not approved, in part, because we determined that the CAP did not adequately outline how the Department plans to correct the issue of noncompliance, nor did it provide reasonable timeframes for resolution of the staffing deficiencies, including ensuring that “there are an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations.” (Cal. Code Regs., tit. 15, § 1321, subd. (a).) More importantly, the CAP did not provide information on how the plan would “ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.” (Cal. Code Regs., tit. 15, § 1321, subd. (b).)

Pursuant to section 209, subdivision (d), because Los Angeles County failed to file an approved corrective action plan, the facility is considered unsuitable. Pursuant to Welfare and Institutions Code section 209, subdivision (a)(4), commencing **60 days** following this notice or by **December 12, 2024** the facility shall not be used for the confinement of juveniles until the Board 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.

Sincerely,



LINDA PENNER
Chair

cc:

All BSCC Board Members

Aaron R. Maguire, Executive Director (A)

Steven Wicklander, Deputy Director (A)

Lisa Southwell, Field Representative, Board of State and Community Corrections

Honorable Samantha P. Jessner, Presiding Judge Los Angeles County Superior Court

Honorable Akemi Arakaki, Presiding Judge of the Juvenile Court

Honorable Miguel Espinoza, Los Angeles County Superior Court

Los Angeles County Board of Supervisors

Celia Zavala, Executive Officer, Board of Supervisors

Dawyn R. Harrison, County Counsel, Los Angeles County

Fesia Davenport, Chief Executive Officer, Los Angeles County

Max Huntsman, Office of Inspector General, Los Angeles County

Wendelyn Julien, Executive Director, Probation Oversight Commission

Kimberly Epps, Chief Deputy Probation Officer, Los Angeles County Probation

Sheila Williams, Deputy Director, Los Angeles County Probation

Tyson Nelson, Senior Deputy County Counsel, Office of the County Counsel, County of Los Angeles

Initial Inspection Report
2023-2024 Biennial Inspection Cycle

Date of Exit Briefing/Notice of Noncompliance: 8/12/2024

Inspection Type: Targeted

County: Los Angeles

Facility Name: Los Padrinos Juvenile Hall

BSCC #: 7201

BSCC Type: Juvenile Hall

Facility Representatives: Kim Binion, Superintendent, Steven Cuevas, Assistant Superintendent

BSCC Field Representative: Lisa Southwell

CAP Day 60 – Maximum Statutory CAP Due/Approval Date: 10/11/2024

Maximum Statutory Resolution Date: January 9, 2025

Current Items of Noncompliance

Title 15. Section	Description
<p>§ 1321. Staffing.</p> <p>Each Juvenile Facility shall:</p> <p>(a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff and meet established standards and regulations.</p> <p>(b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.</p>	<p>During our inspection, we reviewed daily facility reports and daily schedule from July 1-29, 2024, for a cumulative total of 87 shifts. Seven (7) AM shifts and eight (8) EM shifts (17 % of shifts overall) did not meet the Department's required minimum staffing.</p> <p>The continued lack of staffing continues to impact delivery of required services and compliance with additional regulations. Section 1321 requires adequate staffing for all operations, programming, activities and functions of the facility to occur and to ensure the safety and security of youth and staff.</p> <p>The following areas of concern were noted while onsite and confirm a lack of staff during the July 2024 visit:</p> <ul style="list-style-type: none">• Education Program: Youth continue to be late to class. During our review of documentation, we note that youth were late to class due to both LACOE (Teacher being late due to lack of facility keys to access facility gates) and Probation issues (movement, late breakfast, etc.). We noted some classes were held in the units due to lack of staff.

- | | |
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| | <ul style="list-style-type: none">• We noted instances where outdoor recreation (LME) has been cancelled or modified to indoor recreation due to lack of staff.• We noted some medical appointments had been cancelled or rescheduled due to lack of staff.• We noted during video review some instances in Unit Y1 where youth dined in their rooms.• Youth are being held in their rooms for long periods of time beyond what policy allows for after incidents (brief institutional operation) due to lack of staffing available to transport to the medical module or medical staffing not capable of seeing youth in medical module.• While conducting video review, we were unable to confirm the “constant visual” as required by Use of Force policy. According to policy, if youth are in their room awaiting transport to medical, staff should be standing outside the room. In cases where multiple youth were involved in an incident, we could not confirm that staff were conducting constant visuals. |
|--|---|

**FIRST-LEVEL APPEAL
EXHIBIT U**

November 5, 2024

VIA E-MAIL

Eloisa Tuitama
Staff Counsel
Board of State and Community Corrections
2590 Venture Oaks Way
Sacramento, CA 95833
Eloisa.Tuitama@bscc.ca.gov

Re: **Response to October 14, 2024 Notice of Facility Unsuitability Regarding Los Padrinos Juvenile Hall**

Dear Ms. Tuitama:

I am outside counsel for the County of Los Angeles and the Los Angeles County Probation Department (collectively, the “County”) in connection with various matters relating to oversight of the County by the Board of State and Community Corrections (“BSCC”). I write in response to the October 14, 2024 Notice of Facility Unsuitability concerning Los Padrinos Juvenile Hall from BSCC Chair, Linda Penner.

The October 14 Notice states the BSCC denied the County’s October 11, 2024 Corrective Action Plan and, accordingly, states Probation must vacate Los Padrinos by December 12, 2024, unless after re-inspection the BSCC determines Probation has come into compliance.

I ask that a decision of this consequence not be reached without giving Probation an opportunity to be heard at a public hearing. As I think you are aware, Probation, and the County more broadly, have undertaken numerous and impactful efforts to address the staffing and other issues that have plagued Probation for decades.

We are confident that these efforts will have both short and long-term impact, and will address the staffing non-compliance forming the basis of your October 14 notice - in this regard, we are encouraged that BSCC’s October 23, 2024, report of its

comprehensive inspection of Los Padrinos *did not* state that Probation was out of compliance with staffing.

More importantly, Los Padrinos currently houses over 300 youth and the County has no other juvenile hall in which to place them. Forcing them to vacate the facility, with no other alternative, would be tremendously disruptive and harmful to the youth. We believe an opportunity to share these issues with the full Board, and the public, is the right thing to do when the potential impacts of the BSCC's order to vacate are so severe.

We respectfully further contend that having a hearing is consistent with the law, which requires that CAPs be approved or rejected by the full BSCC Board. See Welf. & Inst. Code § 209(d) (the CAP "shall outline how the juvenile hall . . . 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*") (emphasis added).¹ This Board approval or denial, of course, must be done pursuant to a public hearing.²

We recognize Probation has numerous chronic, longstanding, and complex issues, including regarding staffing. I and my staff are deeply committed to resolving them, and we respect and appreciate the BSCC's commitment to helping us do so. We both want Probation to better serve its youth. I look forward to discussing this with you.

Sincerely,



ANDREW BAUM
of GLASER WEIL FINK HOWARD JORDAN & SHAPIRO LLP

¹ We are of course aware of the BSCC's self-published guidance regarding the CAP approval process, but believe that, to the extent it purports to eliminate the board approval requirement, it is contrary to law and therefore not controlling. Welfare and Institutions Code section 209 (d) Corrective Action Plan Submission, Review, and Approval Process Outline - BSCC

² See Gov't Code §§ 11120-11132 (Bagley-Keene Open Meeting Act); see also <https://www.bscc.ca.gov/wp-content/uploads/A-Handy-Guide-to-the-Bagley-Keene.pdf>

**FIRST-LEVEL APPEAL
EXHIBIT V**

November 8, 2024

Andrew Baum
Glaser Weil Fink Howard Jordan & Shapiro LLP
10250 Constellation Blvd. 19th Floor
Los Angeles, CA 90067

Dear Mr. Baum,

We are in receipt of your letter requesting that the Los Padrinos Juvenile Hall Corrective Action Plan be placed on the Board of State and Community Correction's agenda for its November 21, 2024 board meeting. I am writing to inform you that I have directed staff not to place this item on the board's agenda.

The Board specifically delegated authority to the Deputy Director of the Facility Standards and Operations Division at its May 2023 board meeting to approve and deny submitted corrective action plans. The Board reaffirmed that delegation when it approved the corrective action plan process at its July 2024 meeting. As such, the Acting Deputy Director appropriately exercised his authority when reviewing and denying the county's first corrective action plan submitted on October 11, 2024, which was deficient and the county's second corrective action plan submitted on October 13, 2024, which was untimely and deficient. Having appropriately exercised that authority, it is unnecessary for the Board to reopen the matter at the November meeting.

You also noted in your letter that you were "encouraged that BSCC's October 23, 2024, report of its comprehensive inspection of Los Padrinos **did not** state that Probation was out of compliance with staffing." [Emphasis in original.] To clarify, the items of non-compliance included in the initial inspection report were *in addition* to the item of staffing, which was the basis for the October 14, 2024 Notice of Facility Unsuitability. Los Padrinos remains noncompliant with Section 1321.

I am aware that it is challenging for the county to resolve the ongoing staffing issues at Los Padrinos. However, the Board is required to follow the timelines and process set forth in Welfare and Institutions Code section 209 when determining the suitability of a facility. As such, the county's remedy to address the Notice of Unsuitability is to come into compliance with section 1321 of Title 15 of the California Code of Regulations.

BSCC staff remain ready to provide technical assistance and reinspect Los Padrinos when it has resolved the noncompliance with Section 1321.

Sincerely,



LINDA PENNER
Chair

cc:

Aaron Maguire, Executive Director (A), Board of State and Community Corrections
Steven Wicklander, Deputy Director (A), Board of State and Community Corrections
Eloisa Tuitama, Staff Counsel, Board of State and Community Corrections

**FIRST-LEVEL APPEAL
EXHIBIT W**

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY APRIL 11, 2024
10:00 A.M.
BOARD MEETING

Meeting Held In-Person, Zoom & Teleconference

2590 Venture Oaks Way
BSCC Board Meeting Room
Sacramento, California 95833

The full recording of the meeting can be viewed here:
https://www.bscc.ca.gov/s_boardmeetingscheduleagendasminutes/

I. Call Meeting to Order

Chair Linda Penner called the meeting to order at 10:00 a.m. and welcomed the Board Members and the public to the meeting.

Chair Penner announced that the Governor appointed San Benito Sheriff Eric Taylor to the Board and administered the Oath.

Board Secretary Adam Lwin called roll and announced that there was a quorum.

The following members were in attendance:

Chair Penner	Mr. Budnick*	Ms. Chavez*	Ms. Cumpian
Mr. Dicus*	Ms. Gaard	Mr. Haynes	Mr. Johnson
Mr. Macomber	Mr. Mills*	Mr. Richart	Mr. Taylor
Ms. Zaragoza*			

* Board members participated remotely through Zoom.

II. Information Items

- 1. Chair's Report**
- 2. Executive Director's Report**

Executive Director Kathleen Howard reported on the following:

- Howard said that the BSCC, in collaboration with Sacramento State University, has released the Youth Reinvestment Grant Round 1 (2019-2023) and Round 2 (2020-2023) statewide evaluation reports to the Legislature and the Governor. The reports can be found at the links below:
 - [Youth Reinvestment Grant: Final Evaluation Report Round 2 - 2020-2023](#)
 - [Youth Reinvestment Grant: Final Evaluation Report Round 1 - 2019-2023](#)
- In addition, Howard said that she has participated in several Legislative budget hearings and discussed programs administered by the BSCC including the Public Defense Pilot Project, the transfer of Juvenile Grants, and the Proposition 47 Evaluation Report.
- Finally, Howard said the BSCC received a Notable Achievement Award at the 24th annual State Agency Recognition Awards. This nomination is a testament to the BSCC's collective hard work, dedication, and exceptional leadership to advance the state's small business and Disabled Veteran Business Enterprise programs.

3. Legal Update

Chief Deputy Director & General Counsel Aaron Maguire reminded Board Members to review the Agenda Items and recuse themselves from items that may have potential conflicts of interest pursuant to Government Code section 1091.

4. Legislative Update

Executive Director Howard referred the Board to their reading materials.

III. Action: Consent Items

A. Minutes from the February 15, 2024, Board Meeting: [Requesting Approval – PDF](#)

B. Senate Bill 823: Youth Programs and Facilities Grant Program, six-month, no-cost extension: [Requesting Approval - PDF](#)

This agenda item requested the Board’s approval of a six-month, no-cost grant-term extension for the Youth Programs and Facilities Grant Program (YPFG) portion of Senate Bill 823 through December 1, 2024. Grantees experienced implementation delays and supply chain issues obtaining requested purchases. The extensions would allow for additional time to operate programs and spend down grant funds in accordance with grant agreements.

C. Section 1046 (Death in Custody) of Title 15 of California Code of Regulations Final Approval of Proposed Regulations for Submission to Office of Administrative Law: [Requesting Approval - PDF](#)

This agenda item requested the Board’s approval of the final regulation revisions to Title 15, Section 1046, requiring facility administrators to provide reports of deaths in custody to the BSCC pursuant to specified time frames; and to direct staff to complete the rulemaking activities for adoption of the regulation revisions, pursuant to the Administrative Procedures Act.

The statement of reasons and the proposed revisions to Title 15, Section 1046 is listed below:

- [Proposed Revisions to Title 15, Section 1046, Death in Custody](#)
- [Final Statement of Reasons](#)

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: https://www.youtube.com/watch?v=emX1v8J_7ml. Public comment for consent items Start: 16:31; End: 18:40.

Ms. Cumpian moved approval. Mr. Johnson seconded. Mr. Taylor recused for Agenda item A. The motion was approved by all other Board members for Agenda item A (except for Mr. Richart and Mr. Haynes who had recused pursuant to Section 1091 due to Item B.).

Action: Discussion Items

D. Proposition 47 Grant, Cohort 2: Statewide Evaluation Findings 2019 - 2023: Information Only

- Statewide Evaluation Findings 2019-2023 PowerPoint presentation
- Statewide Evaluation Report

Research Specialist Stacy Riley presented this agenda item and summarized the following:

- Grantees were awarded \$92.8 million
- 95% of grantees provided mental health services
- 91% provided substance use disorder treatment
- 62% provided diversion programs
- 21,706 participants received services of which 72% were male with a median age of 38.
- 40% of participants exited prior to completing the requirements.
- 19.2 % completed program requirements.
- Out of 33.9% of unhoused population, 13.4% completed the required programs
- Out of 70.5 % unemployed 34.1% completed the required programs
- Overall recidivism rate was 15.3%
- The benefits of the Proposition 47 grant include lower recidivism rates and increased positive outcomes in housing and employment.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: https://www.youtube.com/watch?v=emX1v8J_7mI. Public comment for Agenda D Start: 40:06; End: 57:20.

This item did not require a vote.

E. Proposition 47 Grant, Cohort 4, Release of Requests for Proposals: Requesting Approval

Field Representative Dameion Renault presented this agenda item, which requested Board approval of the release of the [Request for Proposals \(RFP\)](#) for the Proposition 47 Cohort 4 grant in the amount of \$143 million. Eligible applicants are California public agencies. Staff also requested the Board to delegate authority to staff to establish a scoring panel.

Ms. Gaard moved approval. Mr. Taylor seconded. Mr. Richart, Mr. Mills, Mr. Budnick, and Ms. Cumpian recused pursuant to Government Code section 1091. The motion was approved by all other Board members for Agenda Item E.

F. Medication-Assisted Treatment Grant Program, Funding Recommendations: Requesting Approval

This agenda item was presented by Field Representative Timothy Polasik, which requested Board's approval of the Medication-Assisted Treatment Grant program awards to applicants recommended by the scoring panel.

Staff recommended fully fund the top [seven ranked proposals](#) full amount of \$1,250,000 and partially fund one proposal \$44,348 for a total of \$10 million. Staff also requested the Board to authorize staff to make awards from the rank-ordered list if an applicant relinquished, is unable to accept, or becomes ineligible to be funded. Project summaries for each ranked proposal can be found [here](#).

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: https://www.youtube.com/watch?v=emX1v8J_7mI. Public comment for Agenda F Start: 1:08:30; End: 1:20:40.

Mr. Haynes moved approval. Mr. Dicus seconded. Ms. Gaard recused pursuant to Government Code section 1091. The motion was approved by all other Board members for Agenda Item F.

G. Residential Substance Abuse Treatment Grant, Funding Recommendations: Requesting Approval

This agenda item was presented by Field Representative Timothy Polasik, which requested Board's approval to fully fund [five](#) (5) proposals for the federally funded Residential Substance Abuse Treatment (RSAT) grant for a total amount of [\\$6,997,277](#). This is a three-year grant starting July 1, 2024 through June 30, 2027.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: https://www.youtube.com/watch?v=emX1v8J_7mI. Public comment for Agenda G Start: 1:25:35; End: 1:32:20.

Mr. Dicus moved approval. Mr. Budnick seconded. Ms. Gaard abstained. The motion was approved by all other Board members for Agenda Item G.

H. Opioids in Local Detention Facilities - Review of Survey: Requesting Approval

- Draft Survey of Opioid Antagonists in Local Adult Detention Facilities
- Draft Survey of Opioid Antagonists in Local Juvenile Detention Facilities
- Survey Overview: Opioid Antagonists in Local Detention Facilities

This agenda item was presented by Executive Director Kathleen Howard. Ms. Howard requested approval of the Survey of Opioid Antagonists in Local Detention Facilities and direct staff to begin collecting information in May 2024 and another collection in July 2024. The survey was requested by Board members at the June 2023 meeting after discussion of the increasing incidence of overdoses in both adult and juvenile local detention facilities at the June 2023 meeting.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: https://www.youtube.com/watch?v=emX1v8J_7ml. Public comment for Agenda H Start: 1:44:00; End: 1:58:07.

Mr. Budnick moved approval. Mr. Dicus seconded. The motion was approved by all other Board members for Agenda Item H.

I. Local Detention Facilities Inspection Update: Requesting Approval

Deputy Director Allison Ganter presented on the current findings of adult and juvenile detention facility inspections. Ganter stated that there are no items of noncompliance that require immediate attention, and staff did not recommend a formal action at this time. Items of noncompliance may be found respectively here. [Adult and Juvenile Facilities \(Updated 4/10/24\)](#)

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on

here: https://www.youtube.com/watch?v=emX1v8J_7mI. Public comment for Agenda I
Start: 2:03:21; End: 2:09:20.

This item did not require a vote.

The Board recessed at: 12:10 p.m.

The Board returned at: 12:28 p.m.

J. Determination of Suitability – Los Angeles County Juvenile Detention Facilities – (Welf. & Inst. Code, § 209, subds. (a)(4) & (d).): **Requesting Approval**

1. Barry J. Nidorf Secure Youth Treatment Facility
2. Los Padrinios Juvenile Hall

Chair Penner stated that BSCC inspectors have been consistently visiting the facility every week since February. The FSO team spent a total of 13 days at the facility, conducting reviews, providing training, and offering technical assistance. Ongoing briefings to BSCC leadership and continuous review of documents have been part of the process.

New evidence emerged on Monday, Tuesday, and Wednesday of the current week.

There have been extensive discussions on the ongoing issues, which are complex and difficult. Based on the information and reinspection reports, a staff recommendation is presented.

Penner said despite the recommendation to find these facilities suitable, it's essential to acknowledge the longstanding and serious problems in LA. The recommendation wasn't easy to formulate and shouldn't be considered as "mission accomplished." The focus now shifts to sustainability and durability. Continued compliance is crucial, aiming not just for minimum standards but consistency and suitability.

Penner noted that doubts exist about LA's ability to sustain compliance, which is a grave concern. The time it took for LA to meet minimum requirements is concerning, and a comprehensive inspection is scheduled for 2024. Going forward, targeted and unannounced inspections will continue at least once a month. The Board emphasizes the seriousness of the issue and the need for durability.

J- 1 Los Padrinos Juvenile Hall:

- [April 10, 2024 Inspection Report of the Los Padrinos Juvenile Hall](#)

Deputy Director Allison Ganter presented this item and said she will discuss Los Padrinos juvenile hall first. Ganter said for Los Padrinos Juvenile Hall, several sections of Title 15 regulations were found to be out of compliance during previous inspections. However, during the recent reinspection, it was found that several of these issues have been addressed. Summary of the findings:

1. Staffing (Section 1321): A staffing plan has been implemented, and staffing ratios are being met. The facility is currently meeting the minimum standards for staffing, but efforts must continue to ensure sustained compliance.
2. Fire Safety Plan (Section 1325): The emergency housing plan now contains enough beds to safely house all evacuees in the event of an emergency.
3. Safety Checks (Section 1328): Safety checks have improved, with documentation confirming compliance with Title 15 standards.
4. Room Confinement (Section 1354): Efforts have been made to address issues related to room confinement, including reviewing video feeds and ensuring compliance with statutory requirements.
5. Use of Force (Section 1357): Training on the use of force is being conducted as required, and staff are following debriefing procedures and notifying parents or guardians after use of force incidents.
6. Searches (Section 1360): Department policy has been updated, and searches are being conducted according to policy.
7. Education Program (Section 1370): Collaboration with the Los Angeles County Office of Education has improved school attendance, and documentation indicates that youth are attending school on time.
8. Recreation and Exercise Programs (Section 1371): Programs have been impacted by staffing but have improved. Efforts are ongoing to ensure programs meet youth interests and needs.
9. Discipline (Section 1390): A new behavior modification process has been implemented, providing incentives for positive behavior.

Based on the findings, staff recommended that the Board support the findings of compliance and determine the Los Patrinos Juvenile Hall suitable for the confinement of youth. Staff also recommended that the Board direct staff to begin regular targeted and unannounced inspections to ensure sustained compliance.

Representative Kimberly Epps, Chief Deputy Probation Officer and Deputy Director Sheila Williams answered questions from the Board.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on

here: https://www.youtube.com/watch?v=emX1v8J_7ml. Public comment for Los Padrios Juvenile Hall Start: 3:47:11; End: 4:39:15.

The Board determined that Los Padrios Juvenile Hall had remedied the items of noncompliance as stated under staff's recommendation and is suitable to house youth within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4).

The Board directed staff to conduct with targeted and unannounced inspections on at least a monthly basis until a comprehensive inspection is complete as part of ongoing review and accountability.

Ms. Haynes moved approval. Ms. Cumpian seconded. Board Members voted as follows:

	Member	Vote
1	Penner	Yes
2	Macomber	Yes
3	Johnson	Abstained
4	Taylor	Yes
5	Dicus	No
6	Chavez	No
7	Haynes	Yes
8	Richart	No
9	Gaard	Recused
10	Mills	Yes
11	Budnick	Recused
12	Zaragoza	Recused
13	Cumpian	Yes

The motion was approved for Barry J. Nidorf Secure Youth Treatment Facility.

J-1: Barry J. Nidorf Secure Youth Treatment Facility

- April 10, 2024 Inspection Report of the Barry J. Nidorf Secure Youth Treatment Facility

Deputy Director Allison Ganter presented the inspection findings of Barry J. Nidorf SYTF highlighting areas of non-compliance and progress made towards remedying them. Ganter said the facility was found to be out of compliance with sections of Title 15, including staffing, orientation, use of force, programs, recreation and exercise, and discipline. During the inspection period from March 29th to April 9th, 2024, the board reviewed documentation, observed operations, and engaged with both youth and staff to assess compliance.

Ganter said the following:

1. Staffing (1321): A staffing plan effective from April 2nd, 2024, was received, and staffing numbers were reviewed through April 9th, indicating improvement.
2. Orientation (1353): Updated information was added to the Youth Handbook, and reorientation was provided to all housed youth.
3. Use of Force (1357): The facility was on track for completing required training by June 30th, 2024.
4. Programs, Recreation, and Exercise (1371): A new activity tracking form was implemented, ensuring youth receive required activities. However, efforts are ongoing to offer more varied activities.
5. Discipline (1390): The new developmental stage system is being implemented, and staff have been trained. The incentive program has been updated, and canteen point sheets have been revised.

Based on the evidence presented, staff recommended that the board support findings of compliance and determine the facility suitable for the confinement of youth. Regular targeted inspections were also recommended to ensure sustained compliance.

Representatives Kimberly Epps, Chief Deputy Probation Officer and Sheila Williams Deputy Director answered the Board's questions on behalf of Los Angeles County probation. Epps and Williams said Chief Viera Rosa is committed to ensuring compliance.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: <https://www.youtube.com/watch?v=pz3H3viAl2M>. Public comment for Barry J. Nidorf SYTF Start: 24:22; End: 36:32.

The Board determined that Barry J. Nidorf SYTF had remedied the items of noncompliance as stated under the staff's recommendation and is suitable to house youth within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4).

The Board directed staff to conduct targeted and unannounced inspections on at least a monthly basis until a comprehensive inspection is complete as part of ongoing review and accountability.

Mr. Macomber moved approval. Mr. Mills seconded. Board Members voted as follows:

	Member	Vote
1	Penner	Yes
2	Macomber	Yes
3	Johnson	Abstained
4	Taylor	Yes
5	Dicus	No
6	Chavez	No
7	Haynes	Yes
8	Richart	No
9	Gaard	Recused
10	Mills	Yes
11	Budnick	Recused
12	Zaragoza	Recused
13	Cumpian	Yes

The motion was approved for Barry J. Nidorf Secure Youth Treatment Facility.

~~K. Corrective Action Plan Process – Welfare and Institutions Code Section 209 (d):~~
Requesting Approval

Agenda item K was removed for further development and discussion.

IV. Closed Session – Consultation with Legal Counsel Regarding Pending Litigation (Gov. Code, § 11126, subds. (e)(1), (e)(2)(B), & (e)(2)(C).)

Counsel Maguire said that the Board did not need to meet in Closed Session.

V. Public Comments

Chair Penner called for general public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed here by turning closed captions on here: <https://www.youtube.com/watch?v=pz3H3viAl2M>. Start: 59:55; End: 1:23:10.

VI. Adjourn

The meeting adjourned at: 4:36 p.m.

ATTENDANCE ROSTER

BSCC BOARD MEMBERS:

1. Chair Penner, Chair, Board of State and Community Corrections
2. Ms. Cumpian, Director, Women's Department, Anti-Recidivism Coalition
3. Ms. Gaard, Retired Judge, Yolo County
4. Mr. Haynes, Chief Probation Officer, Fresno County
5. Mr. Johnson, Director, California Department of Corrections & Rehabilitations - Division of Adult Parole
6. Mr. Macomber, Secretary, California Department of Corrections & Rehabilitations
7. Mr. Richart, Chief Probation Officer, El Dorado County
8. Mr. Taylor, Sheriff, San Benito County

Participated Remotely:

9. Mr. Budnick, Founder of Anti-Recidivism Coalition
10. Ms. Chavez, Santa Clara County Supervisor
11. Mr. Dicus, Sheriff, San Bernardino County
12. Mr. Mills, Chief of Police, City of Palm Springs
13. Ms. Zaragoza, Attorney, Los Angeles County Alternate Public Defender's Office

BSCC STAFF:

Kathleen T. Howard, Executive Director
Aaron Maguire, Chief Deputy Director & General Counsel
Adam Lwin, Board Secretary
Stacy Riley, Research Data Specialist III, Research
Damieon Renault, Field Representative, Corrections Planning and Grant Programs
Timothy Polasik, Field Representative, Corrections Planning and Grant Programs
Collen Curtin, Deputy Director, Corrections Planning and Grant Programs
Allison Ganter, Deputy Director, Facility Standards and Operations
Lisa Southwell, Field Representative, Facility Standards and Operations

ADDITIONAL GUESTS & PARTICIPANTS

Kimberly Epps, Chief Deputy, Los Angeles County Probation Department
Sheila Williams, Deputy Director, Los Angeles County Probation Department

**FIRST-LEVEL APPEAL
EXHIBIT X**

MOTION BY SUPERVISORS KATHRYN BARGER
AND HILDA SOLIS

December 17, 2024

**PROCLAIMING A LOCAL EMERGENCY RESULTING FROM THE SUITABILITY
ISSUES AT LOS PADRINOS JUVENILE HALL**

The County has worked hard to improve the troubling conditions at the Los Padrinos Juvenile Hall (LPJH). Without a doubt, LPJH has faced, and continues to face, unacceptable and long-entrenched problems in providing appropriate care and services to the youth residing there, and maintaining a safe and supportive environment for youth, Probation staff, County employees, and the valued community partners that provide services within LPJH. This Board has passed numerous motions and otherwise taken action to address these issues including by, among many other things, empowering the Chief Probation Officer to bring in experienced leadership staff from within and outside the County; creating the Department of Youth Development to provide care-focused services including valuable programming and Credible Messenger support to the youth; engaging Probation and the Department of Human Resources to rework and refresh Probation hiring, employee performance management, and Probation's internal affairs capabilities; and, most recently, providing for the appointment of a Probation Compliance Officer with the Chief Executive Office focused exclusively upon raising the quality of care and services at LPJH up to the appropriate legal standards.

-MORE-

MOTION

SOLIS	_____
MITCHELL	_____
HORVATH	_____
HAHN	_____
BARGER	_____

Perhaps equally importantly, the County and Probation worked for years with the California Department of Justice (DOJ) to improve the conditions at its juvenile halls, including LPJH. The County and the DOJ jointly entered a Stipulated Judgment (SJ) in January 2021 specifically focused on their agreement that Probation simply must do better in caring for the youth in its juvenile halls. Recognizing that Probation's problems are chronic and complex, the SJ establishes several legal obligations upon Probation, along with a Monitor and several subject matter experts to oversee Probation's work, provide guidance on solving problems, and report on Probation's progress. While the slow pace of Probation's progress has been frustrating for everyone – including the County, DOJ, Monitor, the youth, and the broader community – the County believes the difficult, time-consuming, structural, and cultural improvements that need to be made are finally beginning to be made.

Unfortunately, recent events primarily outside the County's control have derailed these efforts, slowed if not stopped some of the progress, thrown the youth and staff at LPJH into chaos, and threatened the safety and security of the LPJH youth and the broader community. In summary, the Board of State and Community Corrections (BSCC), which is a California state agency that inspects probation and jail facilities throughout the state, has determined that LPJH must shut down effective December 12, 2024, because, according to the BSCC, Probation failed to appropriately staff LPJH during the month of November and early December. While Probation and the County deeply respect BSCC, and whole-heartedly share its goal of ensuring that youth receive appropriate care, in this case the BSCC's staff conclusion is wrong, lacks due process, and is an inappropriate and harmful response to the BSCC's claimed compliance findings.

Probation has administratively appealed the BSCC's purported findings. Probation's Notice of Appeal reflects its contention that Probation, in fact, did have adequate staffing during the period inspected, and that the BSCC's calculations to the contrary were simply inaccurate. Indeed, the Los Angeles County Superior Court inspected LPJH in May 2024 and, contrary to the BSCC, concluded that Probation actually met all compliance requirements. Probation's Notice also reflects the contention that the BSCC misapplied the governing regulations' inspection criteria to create confusing, unfair, and illegal standards that are essentially impossible to meet, and that the BSCC's process in reaching its purported findings violated its own statutes and regulations, including by improperly changing the cadence of the inspections. Probation further contends the BSCC improperly allowed BSCC staff to make hugely consequential determinations that, by law, only the full BSCC Board can make. Specifically, BSCC documentation appears to indicate the BSCC's determination that LPJH must close was essentially made with no formal input or determination from the full BSCC Board or public comment, in apparent violation of California open meetings laws.

-MORE-

More importantly, the BSCC's determination triggered a BSCC-imposed deadline of December 12, 2024, for LPJH to no longer house youth. This apparently results from the BSCC's interpretation of its governing statute, which effectively imposes a 90-day deadline for probation departments to correct any compliance problems BSCC identifies – no matter how complex or long-standing the problem – and, if the problem is not resolved to 100% perfection within that time, the facility must be vacated. It is literally an "all-or-nothing" approach, in which either the facility is 100% perfect, or it must be closed and the youth moved elsewhere or released. The harm and disruption to the youth from such a closure is simply not a factor considered by the BSCC because of how it is structured. The BSCC's model unfortunately fails to recognize that many problems simply cannot be 100% solved in that 90-day time period – particularly when many of the underlying problems are personnel-related and must, by law, be resolved in compliance with civil service and collective bargaining rules that usually operate under timelines that vastly exceed 90 days.

Not only does this all-or-nothing, inflexible "quick-fix" approach actively hamper true reform, it unfortunately compounds a broader underlying problem resulting from the State's closure of the Department of Juvenile Justice (DJJ). The DJJ, which was previously known as the California Youth Authority, housed and provided treatment for California's most serious juvenile offenders. As part of the State's "juvenile justice realignment," however, effective July 1, 2023, all youth formerly housed in DJJ were transferred to counties for housing and treatment, and the DJJ itself was closed. This resulted in the County having to invest massive resources to locate and modify appropriate facilities for these youth, to address the higher security needs of this youth population, staff it with appropriately trained Probation employees, and otherwise arrange for the significant care needs of this new influx of serious youth offenders. These former DJJ youth now are housed in two County facilities – the Barry J. Nidorf Secure Youth Treatment Facility (BJN) and Campus Kilpatrick – and the BSCC explicitly has found BJN unsuitable to house pre-disposition youth such as those in LPJH. This transition of the State's youth offenders to two separate facilities has exacerbated an already strained staffing problem for Probation and made the work more difficult for the other County departments providing critical services to the youth.

The BSCC's impossibly short deadlines, all-or-nothing system, and inflexibility, do not take these real-world factors into account despite some of the challenges were due to changes in State law.

-MORE-

It bears repeating that the County respects the BSCC and its staff, and shares its goal of ensuring youth in Probation custody receive appropriate care. But regardless of the County's disagreement with the merits of the BSCC's findings and how it is structured, The fact remains that the BSCC appears to be demanding the closure of LPJH and appears poised to support legal action to shut it down. The County must act urgently to address the resulting grave safety and security perils to the youth and the public. The County has no other place to house these youth – particularly given that, among other things, BSCC itself has not approved any other County facilities to do so. BJN is not available because it is used to house former DJJ (State) youth and other youth who, prior to realignment, would have gone into State custody. And even if some other facility were available, it is simply not the case that moving approximately 250 youth from one facility to another will "solve" the staffing and other problems. Those problems generally exist independent of whatever facility the youth and staff are in, and the County – working alongside the DOJ – is working diligently to solve them. Merely moving youth to another facility would only harm them by limiting or eliminating their ability to receive programming and school instruction, impeding medical and mental health treatment, and thoroughly disrupting their lives for an extended period of time. The chaos such a move would cause would harm the youth, not help them. It would slow or even preclude the County's ability to solve the problems it needs to solve, not lead to more solutions.

Further, juvenile criminal defense counsel already have begun filing writs seeking release of youth from LPJH, and civil counsel for the youth housed in LPJH have been indicating they will file similar civil motions. While this Board has for years strongly advocated a Care First, Jails Last approach, a very high percentage of the youth in LPJH have a history of serious, violent offenses – such as murder, attempted murder, sexual assault, kidnapping, robbery, and carjacking – and/or are facing such charges now, and were ordered to be housed in Juvenile Hall by the Court. Some of the youth also have serious mental health issues. All the youth were ordered to LPJH due to court orders that took into account the threat to public safety and other issues, which the Board and the BSCC cannot countermand. And even if it were possible for some youth to be returned home, numerous youth would remain. If LPJH is closed, there is nowhere for them to go, except back into the community. Probation has asked if any other Probation Department across the state can house the LPJH youth, and they all indicated an inability to help. This unfortunately creates extreme and imminent risks to the safety and security of the youth themselves, and of the community more broadly. These youth need focused, professional support; mental health and medical care; structured programming and interaction with DYD and other County and community partners; and a structured, care focused-environment. The County wants these youth to succeed; they cannot be cast out of LPJH onto the streets of Los Angeles County and no other suitable facilities exist.

-MORE-

The BSCC's current order, however, is not the core problem. The BSCC is obligated to continue its inspections and enforcement, so ultimately the County must work to simply solve its compliance problems immediately. Emergency measures must be taken now to allow the County – using all available resources, within and outside the County – to entirely resolve all compliance problems once and for all. This has been the County's goal all along, and we believe it is a goal the BSCC shares.

Los Angeles County may proclaim a local emergency when there is the “existence of conditions of disaster, or of extreme peril to the safety of persons and property within the territorial limits of the County,” and when these conditions “are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the County and require the combined forces of other political subdivisions to combat.” The LPJH crisis brought on by the BSCC's actions meets these requirements. As discussed throughout this motion, conditions of extreme peril to the safety of persons exist in that the release of the LPJH youth will cause extreme peril to the youth themselves, based on the level of care and support they need. It also will cause extreme peril to the community, as demonstrated by – among other things – the serious and violent criminal histories and/or pending charges these youth face, along with court orders requiring youth to be housed in juvenile hall based potentially on findings of “immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another.” Additionally, County resources alone are insufficient to solve this crisis, so it is necessary to harness State and other resources. While we have many solutions that are working, the scale and speed at which these solutions are being implemented need to be expanded and expedited, respectively. Proclaiming a local emergency to address this critical crisis will provide the County with additional tools to accelerate and expand its response in collaboration with our State partners and others.

WE, THEREFORE MOVE, that the Board of Supervisors:

1. Proclaim a local emergency within Los Angeles County (County) for the conditions of extreme peril to the safety of persons and property caused by the efforts of the BSCC and others to close Los Padrinos Juvenile Hall (LPJH), which is the County's only juvenile hall, and their efforts to release the youth who are alleged to have committed serious crimes into the public. This proclamation of local emergency shall remain in effect until its termination is proclaimed by the Board of Supervisors (Board).
2. Approve and execute the attached proclamation of existence of local emergency within the County for the conditions of extreme peril to persons and property caused by the threatened closure of, and release of the youth housed in, LPJH.

-MORE-

3. Direct County Counsel to pursue all legal strategies to prevent the youth housed in LPJH from being released into the public.
4. Direct all County departments who provide services in LPJH to implement any and all policy direction provided by the Chief Probation Officer (CPO) for LPJH.
5. Instruct the CPO, CEO, and all other County Departments to take necessary steps for the protection of life, health, and safety of people living or working at LPJH, including:
 - a. Disaster Services Workers: Direct the Department of Human Resources and relevant County Departments to implement Disaster Services Worker (DSW) protocols to enable, among other things, DSWs to be used within LPJH, consistent with the DSW's skills and training.
 - b. Contracting and Procurement: Leveraging the lessons learned during the COVID-19 pandemic, direct the CEO and relevant County Departments to take appropriate steps to expedite the procurement and contracting processes for materials, equipment, and services necessary to respond rapidly to the LPJH crisis.
 - c. Hiring: Direct the Department of Human Resources and relevant County Departments to expedite recruitment and hiring for positions necessary to respond to the LPJH crisis including any actions needed to quickly reduce vacancy levels for positions providing supervision, medical and mental health, programming, substance use disorder, religious, and case management services directly to youth housed at LPJH. This includes, but is not limited to, funding and other appropriate authorization for lateral hiring (with a \$24,000 financial or other bonus as appropriate) and use of any qualified peace officer in the State of California, including reserve peace officers and 120-day retirees.
 - d. Return to Work: Direct the Department of Human Resources and relevant County Departments to immediately convene a task force to expeditiously process all pending return-to-work matters for existing LPJH employees, so that these matters can be resolved as soon as possible consistent with applicable law.
 - e. HR Support: Authorize County departments who employ staff assigned to LPJH to delegate to the Director of Personnel the authority to take administrative actions with respect to such staff, including but not limited to discipline under the Los Angeles County Civil Service Rules.

-MORE-

- f. Communication and Outreach: Direct the CEO, Probation, OEM, and Countywide Communications to develop and implement a communication plan to interact with Los Angeles County cities and the public on the local emergency proclamation, including how the County will coordinate and work with cities, and how solutions will be implemented.
 - g. Mutual Aid: Direct Probation and other relevant County Departments to make any Mutual Aid requests to the California Office of Emergency Services necessary to obtain assistance in addressing this emergency.
- 6. Direct the CPO and the CEO to jointly lead the overall coordination of the emergency response and to coordinate efforts with the State and Federal governments, and the cities within the County.
- 7. Direct the CEO and CPO to report back before the Board's next regularly scheduled meeting with any authorities needed, and requisite changes to implement the foregoing.

#

KB:scem

**PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY FOR THE SUITABILITY EMERGENCY AT
LOS PADRINOS JUVENILE HALL BY THE
LOS ANGELES COUNTY BOARD OF SUPERVISORS**

WHEREAS, Chapter 2.68 of the Los Angeles County Code provides that the Los Angeles County Board of Supervisors (Board) may proclaim the existence of a "local emergency," as defined in Government Code section 8558(c)(1), in pertinent part, as follows: "'[l]ocal emergency' means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county . . . caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, deenergization event . . . plant or animal infestation or disease . . . or an earthquake, or other conditions . . . which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat . . ."; and

WHEREAS, as of December 12, 2024, conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the County of Los Angeles (County) exist at Los Padrinos due to conditions at Los Padrinos that have been caused and/or exacerbated by the Board of State and Community Corrections' ("BSCC") order to immediately shutter Los Padrinos Juvenile Hall, the only available juvenile hall in the County of Los Angeles ("Los Padrinos Suitability Emergency"). Compliance with the BSCC's order will mean the immediate release of minors accused of serious and violent crimes, including murder, robbery, and rape, and will, therefore, put the community in extreme peril. In addition, the release of Los Padrinos youth will cause extreme peril to the youth themselves, based on the level of care and support they need. The County must act urgently to address the resulting grave safety and security perils to the youth and County community; and

WHEREAS, the BSCC is obligated to continue its inspections and enforcement, so ultimately the County must work to simply solve its compliance problems immediately. Emergency measures must be taken now to allow the County – using all available resources, within and outside the County – to entirely resolve all compliance problems once and for all; and

WHEREAS, the mobilization of local resources, and the ability to coordinate interagency response, accelerate procurement of vital supplies, and use mutual aid, will be critical to successfully responding to the Los Padrinos Suitability Emergency; and

WHEREAS, these conditions warrant and necessitate that the County proclaim the existence of a local emergency.

NOW, THEREFORE, THE BOARD FINDS THAT conditions of disaster or of extreme peril to the safety of persons and property exist in the County on the basis of the Los Padrinos Suitability Emergency within the meaning of Government Code section 8558(c)(1), and such conditions are or will likely be beyond the control of the services, personnel, equipment, and facilities of the County, and require the combined forces of other political subdivisions to combat; and

IT IS FURTHER ORDERED AND PROCLAIMED that, during the existence of said local emergency, the powers, functions, and duties of the emergency organization of the County shall be those prescribed by State law, by ordinances, and resolutions of the County.

The foregoing proclamation was, on the 17th day of December 2024, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.



EDWARD YEN, Executive Officer-
Clerk of the Board of Supervisors
of the County of Los Angeles

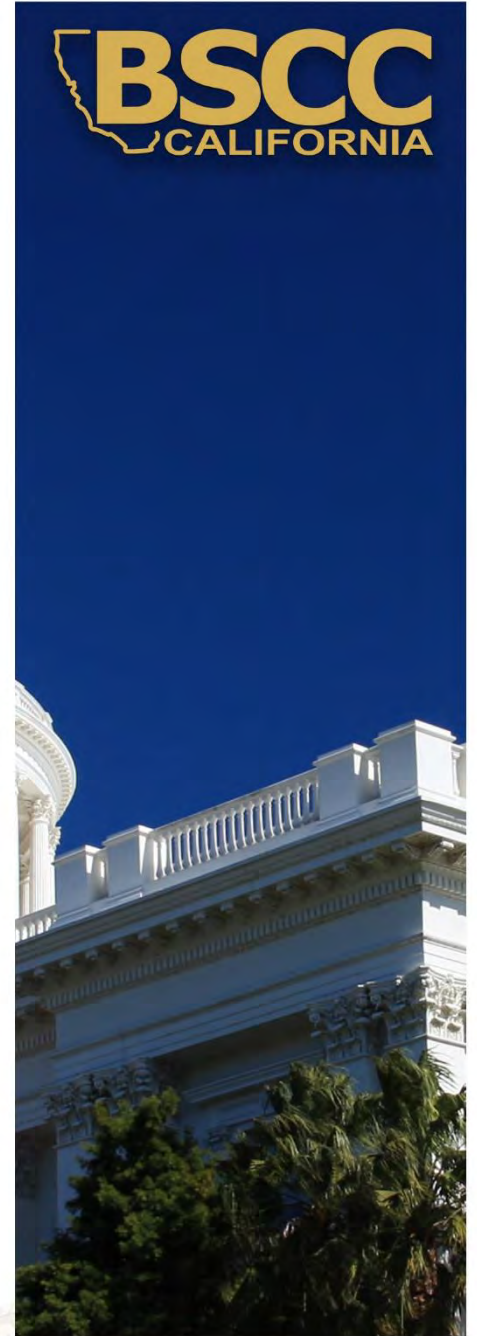
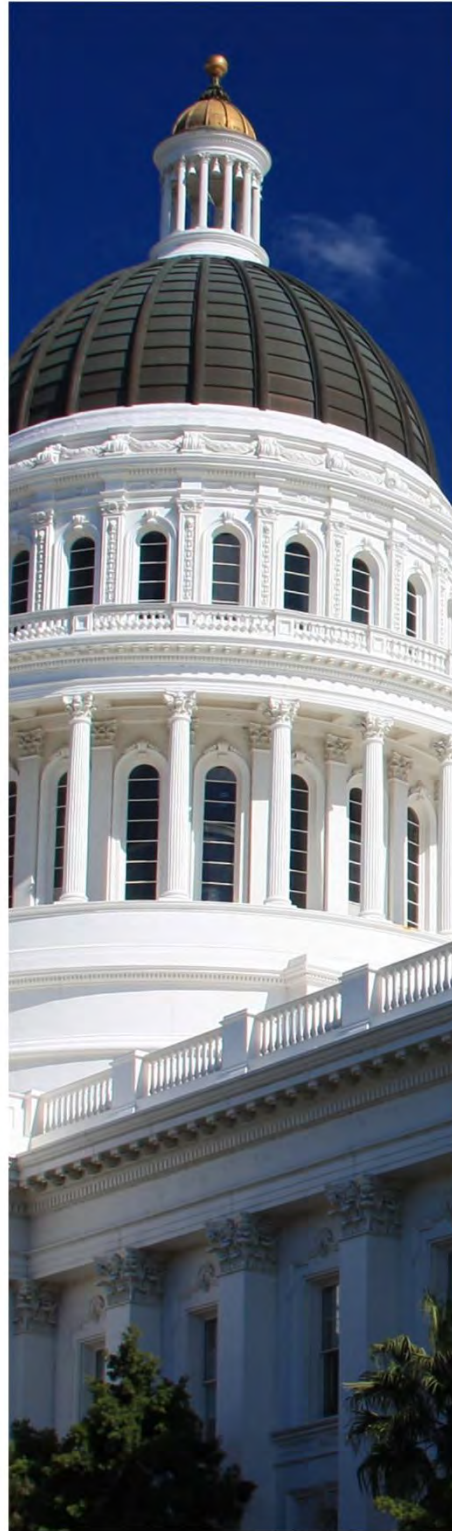
By
Deputy

APPROVED AS TO FORM:

DAWYN R. HARRISON
County Counsel

By
Deputy County Counsel

**FIRST-LEVEL APPEAL
EXHIBIT Y**



BSCC
CALIFORNIA

JULY 11
2024

BOARD MEETING AGENDA & REPORTS

STATE OF CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS

WWW.BSCC.CA.GOV

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Executive Director, BSCC

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ANGELES D. ZARAGOZA
Attorney
Los Angeles County Alternate
Public Defender

VACANT
Licensed Health Care Provider

VACANT
Licensed Mental/Behavioral
Health Care Provider

****PLEASE NOTE: ****
BYRNE STATE CRISIS INTERVENTION PROGRAM
Advisory Board Meeting Will Begin at 9:30 a.m.

BOARD MEETING AGENDA

Thursday, July 11, 2024

10:00 a.m. or Upon Adjournment of the Byrne SCIP Meeting

**2590 Venture Oaks Way
Board Meeting Room, First Floor
Sacramento, California 95833**

Zoom link & instructions appear at the end of the Agenda.

Instructions for remote attendance appear on the last page of this agenda.

Remote Public Participants:

*To request to speak on an agenda item during the Board meeting,
please email publiccomment@bscc.ca.gov*

Please state in the subject line on which item you would like to speak.

*To submit written public comment on an agenda item, please email
publiccomment@bscc.ca.gov*

Routine items are heard on the consent calendar. All consent items are approved after one motion unless a Board member asks for discussion or separate action on any item. Anyone may ask to be heard on any item on the consent calendar prior to the Board's vote. Members of the public will be given the opportunity to give public comment during the Board's discussion of each item. There is a two-minute time limit on public comment unless otherwise directed by the Board Chair.

I. Call Meeting to Order

II. Information Items

1. Chair's Report
2. Executive Director's Report
3. Legal Update
4. Legislative Update

III. Action: Consent Items

- A. Minutes from the April 11, 2024, Board Meeting: **Requesting Approval**
- B. Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Small Jurisdiction Allocation Recommendation: **Requesting Approval**

IV. Action: Discussion Items

- C. Adult Reentry Grant Program – Appointment of a Chair and Establishment of an Executive Steering Committee: **Requesting Approval**
- D. California Violence Intervention and Prevention Grant Program – Appointment of a Chair and Establishment of an Executive Steering Committee: **Requesting Approval**
- E. Missing and Murdered Indigenous People Grant Program – Cohort 2: Funding Recommendations: **Requesting Approval**
- F. Local Detention Facilities Inspection Update: **Requesting Approval**
- G. Corrective Action Plan Process - Welfare and Institutions Code Section 209 (d): **Requesting Approval**

V. Closed Session – Consultation with Legal Counsel Regarding Pending Litigation (Gov. Code, § 11126, subds. (e)(1), (e)(2)(B), & (e)(2)(C).)

VI. Public Comments

Public comment about any other matter pertaining to the Board that is not on the agenda may be heard at this time.

VII. Adjourn

Next Board Meeting: September 12, 2024

Instructions for Attending Zoom / Teleconference Board Meeting

Use Zoom to both view and hear the Board meeting. Join by phone for audio only. If you do not have Zoom, [download](#) to your device before the meeting.

Join Zoom:

July 11, 2024, BSCC Board Meeting

Webinar ID: 857 9269 5703

Or join by phone: Dial:

Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 9128 or +1 669 444 9171

Webinar ID: 857 9269 5703

For additional information about this notice, agenda, to request notice of public meetings, to submit written material regarding an agenda item, or to request special accommodations for persons with disabilities, please contact:

Adam.Lwin@bscc.ca.gov or call (916) 324-2626.

*For general information about the BSCC visit www.bscc.ca.gov, call (916) 445-5073 or write to:
Board of State & Community Corrections,
2590 Venture Oaks Way, Ste 200, Sacramento CA 95833*

Agenda Item G

MEETING DATE: July 11, 2024**AGENDA ITEM:** G**TO:** BSCC Chair and Members**FROM:** Allison Ganter, Deputy Director allison.ganter@bscc.ca.gov**SUBJECT:** Suitability and Corrective Action Plan Process - Welfare and Institutions Code Section 209 (d): **Requesting Approval**

Summary

The Board of State and Community Corrections (BSCC) is required by Welfare and Institutions Code section 209, subdivision (d) to make a determination of suitability of any juvenile detention facility that is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the BSCC. Subdivision (d) also sets forth a process requiring a facility to file an “approved corrective action plan” with the BSCC within 60 days after receiving notice of noncompliance.

At the May 2023 Board Meeting, the Board directed staff to outline a process for receipt and approval of corrective action plans (CAPs) from affected probation departments, to include final review and approval by the Facilities Standards and Operations (FSO) Deputy Director. At the September 2023 Board Meeting, staff provided the Board with a draft outline of the timetable for the draft CAP review and approval process, and informed the Board that staff would continue to refine the draft and recommend a proposed CAP process at a future Board meeting. This report and attachment summarize this proposed process.

Background

Welfare and Institutions Code (WIC) section 209, subdivision (d) requires the BSCC to make a determination of suitability for a juvenile detention facility if the facility is found noncompliant with Title 15 minimum standards and fails to meet the requirements outlined in this statute.

Section 209, subdivision (d), provides:

Except as provided in subdivision (e), a juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, 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, or 885, 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 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.

Section 209(d) does not describe a process for receipt and approval of a CAP. To provide consistency in receipt and approval, the Board first delegated approval of CAPs to the FSO Deputy Director and directed staff to outline a process for receipt and approval of CAPs.

The draft process is found in Attachment G-1.

Recommendation/Action Needed

Staff recommends the Board approve the suitability and corrective action plan process as outlined.

Attachments

G-1: Welfare and Institutions Code section 209, subdivision (d) Corrective Action Plan Review and Approval Process

Attachment G-1

DRAFT
Welfare and Institutions Code section 209 (d)
Corrective Action Plan Submission, Review, and Approval Process Outline

1. Notice of Noncompliance.

The Initial Inspection Report (IIR) is the notice to the Chief Probation Officer that noncompliance has been identified during inspection; the IIR Issuance Date starts the 60-day Corrective Action Plan (CAP) Development process.

- a. An IIR will be electronically provided to the Facility Manager and Chief Probation Officer at the conclusion of the inspection at the Exit Briefing.
- a. The IIR Issuance Date is the date the IIR is electronically provided to the Chief Probation Officer and the Facility Administrator.
- b. Each facility will receive a separate IIR.
- c. In addition to information on each item of noncompliance, the IIR will indicate:
 - i. IIR Issuance Date.
 - ii. Maximum Statutory CAP Due/Approval Date
 1. This date is 60 days from the IIR issuance date.
 - iii. Maximum Statutory Resolution Date
 1. This date is 90 days from the CAP Due/Approval date.

2. Corrective Action Plan (CAP) Development Process.

Agencies must develop and submit their CAP to the BSCC within 60 days of the IIR Issuance Date. If the item of noncompliance has been corrected prior to submittal of the CAP, the CAP shall indicate the date the corrective action was completed.

- a. The final CAP shall outline how the agency plans to correct the item(s) of noncompliance within a reasonable timeframe not to exceed 90 days from the date the CAP is submitted.
- b. The final CAP shall contain the following information:
 - i. The date for proposed resolution of the item(s) of noncompliance, indicating either the:
 1. **County Resolution Date:** A reasonable date for correction that is earlier than the Maximum Statutory Resolution Date.
If an agency indicates a County Resolution Date, verification of the correction will be based on this date.
 2. **Maximum Statutory Resolution Date:** A reasonable date for correction that is no later than 90 days from the CAP Due/Approval date.
 - ii. A detailed description of each of the steps that will be taken to correct the item of noncompliance and when each step will be implemented, such as updates to policy, training, county counsel approval, County Board of Supervisors approval, procurement of materials, scheduling work orders, meet and confer timelines, etc.
 - iii. A description of how each of the steps that will be taken will remedy item(s) of noncompliance and how they provide a durable and sustainable remedy.

- a. If short-term or interim remedies are proposed, indicate what the long-term remedy is and when implementation is expected.
 - iv. A brief explanation as to why the proposed resolution date is reasonable.
- c. Draft CAP submission.
 - i. Agencies are encouraged to submit a draft CAP to the BSCC; when requested, BSCC Field Representatives can provide technical assistance regarding whether the steps outlined in the CAP are likely to be approved or identify any missing items.
 - ii. Agencies may submit draft CAPs at any time during the CAP Development Process and may submit more than one draft.

3. Final CAP Submission.

- a. No later than 12:00 PM on the 60th day from the IIR, agencies shall submit a final CAP to the BSCC for approval.
- b. Agencies may submit a CAP for approval at any time during the 60-day CAP Development Process.

4. CAP Approval.

- a. By close of business on the day the final CAP is received by the BSCC, which is no later than 60 days from the issuance of IIR, the FSO Deputy Director will approve or deny the final CAP. The BSCC will provide written notice of approval or denial to the Chief Probation Officer.
 - i. If a CAP is not received by the 60th day from the IIR, the facility shall be deemed unsuitable for the confinement of juveniles pursuant to WIC 209 (d). Notice of unsuitability (WIC 209(a)(4)) shall be issued within three days to the Chief Probation Officer, County Board of Supervisors, County Executive Officer, County Counsel, and Presiding Juvenile Court Judge.
 - ii. If the final CAP is denied, the facility shall be deemed unsuitable for the confinement of juveniles pursuant to WIC 209 (d). Notice of unsuitability (WIC 209(a)(4)) shall be issued within three days to the Chief Probation Officer, County Board of Supervisors, County Executive Officer, County Counsel, and Presiding Juvenile Court Judge.
- b. The following will be considered by BSCC staff when approving a CAP:
 - i. The CAP contains all the required elements outlined in Section 2 (b) above.
 - ii. The timeframe for resolution of the item(s) of noncompliance are reasonable. When determining if the timeframe for resolution is reasonable, the following factors will be considered:
 - a. Severity of item(s) of noncompliance. Does the item of noncompliance pose immediate risk to the safety and health of youth or result in a deprivation of constitutional rights?

- b. Likelihood of continued risk or harm to youth if the item of noncompliance is not addressed within this timeframe.
 - c. Do the steps outlined in the CAP align with a reasonable timeframe? Will planning and implementation take the stated amount of time, or can it be accomplished in less time? Are there other measures that can be taken in the short term to ensure that youth are not at risk of harm?
 - d. Resources required to correct the issue. Can the agency allocate resources immediately or does implementation and planning require acquiring additional resources?
- c. A CAP may be denied if:
 - i. CAP does not contain all required elements outlined in Section 2 (b) above.
 - ii. The proposed corrective action, if completed as described, will not result in compliance.
 - iii. The timeframe for correction is not reasonable.
 - iv. The timeframe for correction exceeds the Maximum Statutory Resolution Date.

5. 90 Day CAP Implementation Period and County Verification of Correction of Item(s) of Noncompliance.

Agency implements CAP during the 90 days following CAP approval.

- a. On or before the resolution date indicated on the final CAP, the Chief Probation Officer must send written verification to the FSO Deputy Director that the corrective action is complete, and the item(s) of noncompliance have been remedied.
 - i. This written verification of correction does not clear the item of noncompliance; BSCC staff must verify the corrective action through follow up inspection or document review before the item is considered corrected.
- b. If an agency's approved CAP indicates a County Resolution Date, and during the 90 day CAP implementation time, the agency determines that the Maximum Statutory Resolution Date is a more reasonable timeframe, the agency must submit a written request to the Deputy Director of the Facilities Standards and Operations Division to change the resolution date. The agency's request must include why the Maximum Statutory Resolution Date is reasonable and necessary.

6. BSCC Verification of Corrective Action.

- a. Following receipt of the County Verification of Corrective Action, BSCC staff will verify the corrective action by conducting an on-site follow up inspection or requesting documentation.
 - i. If the follow up inspection or document request is after the resolution date indicated in the CAP, BSCC staff will verify corrective action beginning on the resolution date going forward.

- b. When BSCC staff has verified corrective action and compliance, the agency will be notified in writing that the items of noncompliance have been corrected and BSCC data reporting systems will be updated.
- c. If corrective action has not been completed and/or the facility remains out of compliance following the resolution date, the agency will be given notice for determination of suitability for the next scheduled board meeting.

DRAFT

**FIRST-LEVEL APPEAL
EXHIBIT Z**

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY JULY 11, 2024
10:00 A.M.
BOARD MEETING

Meeting Held In-Person, Zoom & Teleconference

2590 Venture Oaks Way
BSCC Board Meeting Room
Sacramento, California 95833

The full recording of the meeting can be viewed here:

<https://youtu.be/RJ4Axr4edic>

I. Call Meeting to Order

Chair Linda Penner called the meeting to order at 10:00 a.m. and welcomed the Board Members and the public to the meeting.

Board Secretary Adam Lwin called roll and announced that there was a quorum.

The following members were in attendance:

Chair Penner	Mr. Haynes	Ms. Chavez*	Ms. Gaard
Mr. Macomber	Mr. Taylor	Mr. Richart	Mr. Mills
Mr. Johnson			

Absent Board Members:

Mr. Dicus, Ms. Zaragoza, Mr. Budnick, and Ms. Cumpian

* Board Members participated remotely through Zoom.

II. Information Items

1. Chair's Report

None to report.

2. Executive Director's Report

Executive Director Kathleen Howard reported on the following:

Acknowledgments:

Welcome Kasey Warmuth, who was promoted to Deputy Director over the Standards and Training for Corrections (STC) and Research Division. Howard acknowledged Greg Hosman and thanked him for serving as Acting Deputy Director in STC.

Board Updates:

Howard said that effective July 1, 2024, two new positions will be added to the Board membership per [Assembly Bill 268](#) by Assemblymember Weber. These positions included a Licensed Healthcare Provider and Licensed Mental or Behavioral Health Provider, both appointed by the Governor. Howard reported that recruitment is actively underway, and appointments are expected soon.

Senate Bill 519 Updates:

Howard reported the following:

- The In-Custody Death Review Division (ICDR) is in the early stages of implementation.
- Regulations to support the effort have been adopted, with further updates to follow.
- The responsibilities for the Director of In-Custody Death Review took effect on July 1st.
- The Governor proposed \$3.3 million in funding and 15 positions to support the ICDR in the final budget.
- Staff recruitment is ongoing.
- The BSCC has begun receiving reports of deaths in custody and established an online web portal for local detention facilities.
- Training has been provided to local data reporters in detention facilities.

Budget Updates:

Howard reported the following on the Governor's final budget:

- The Missing and Murdered Indigenous People (MMIP) Grant received an additional \$13.25 million, with a third RFP to be released later this year. The BSCC will continue the outreach to tribal communities and local law enforcement to ensure awareness of available funding.
- Juvenile Justice Grants: Transfer of all juvenile justice-related grants from BSCC to the Office of Youth and Community Restoration (OYCR) as per [SB 823](#) the DJJ realignment bill from 2020.
 - Grants affected: Title II grant program, including the SACJJDP, Juvenile Reentry Grant, and reporting on YOBG and JJCPA State grants.

Grant reductions included:

- Eliminations: Proud Parenting, Community Corrections Partnership Plan and Reporting (\$7.9 million), and Medication Assisted Treatment Grants.
- Prop 64 Loan: \$150 million loan (temporary reduction in available funding).
- CalVIP Program: The Violence Intervention and Prevention Program will now be funded through excise tax revenue on firearms and ammunition as per AB 28, estimated to generate \$75 million in the first year.

Improving Outreach to Underserved Communities in the Proposition 47 Grant Program: Engaging Hispanic and Latino Participants:

Howard provided an update on a recent project initiated by the Research Division related to the Prop 47 Grant program. The project focused on evaluating the engagement of Latino participants in mental health and substance use disorder treatment programs funded under Prop 47.

Details of the Project:

- Qualitative Review: Initiated to evaluate the experiences of Prop 47 grantees in engaging Latino participants.
- Methodology: Included focus groups and interviews with program participants and agency representatives.

Key Findings:

- Two primary themes emerged from the evaluation
 - The importance of hiring culturally competent staff, particularly those who are bilingual.
 - Establishing trust and providing a safe space for participants.
- Emphasized its potential impact on improving service delivery.
- A comprehensive report detailing these findings is available on the [BSCC website](#).

Opioids Antagonist Survey

Director Howard presented the preliminary findings of the Opioid Survey which was approved at the April 2024 meeting. The first round of data, covering January 1st to March 31st, was due to the BSCC on June 10th. Howard said the research team is still clarifying certain numbers with reporting facilities, and that a detailed analysis will be provided after the second quarter of data is received.

Findings are as follows:

Adult Detention Facilities:

- **Response Rate:** 90% (108 out of 120 facilities responded)
- **Key Findings:**
 - 99% (107 facilities) have opioid antagonists available.
 - 207 unique incidents of opioid antagonist use were reported.
 - 99% of facilities have antagonists accessible to custodial staff.
 - 66% have antagonists on the duty belts of custodial staff.
 - All facilities provide training and education on antagonist administration.
 - 27 facilities have antagonists accessible to detained people, with training provided.

Opioid Introduction Methods:

- **Total Incidents:** 655 known instances
- **Methods:**
 - 51% through mail or package deliveries.
 - 43% on the individuals being detained.
 - Less than 1% through sworn custodial staff.

Juvenile Detention Facilities:

- **Response Rate:** 98%
- **Key Findings:**
 - 100% of responding facilities have opioid antagonists available.
 - 4 unique incidents of opioid antagonist use were reported.
 - 67% have antagonists accessible to youth supervision staff.
 - 40% have antagonists on duty belts.
 - 94% report antagonists accessible to medical staff.
 - All provide training similar to adult facilities.

Opioid Introduction Methods:

- **Total Incidents:** 19 known instances
- **Methods:**
 - 63% through youth being detained.

- 21% through mail or package deliveries.
- 11% through visitors.

The board discussed the preliminary data and its implications and questions were raised about the accuracy and completeness of the data and the need for continuous improvement in data collection and reporting was emphasized.

Howard said more detailed information will be provided at the next Board meeting after the second quarter of data is received.

3. Legal Update

Chief Deputy Director & General Counsel Aaron Maguire reminded Board Members to review the Agenda Items and recuse themselves from items that may have potential conflicts of interest pursuant to Government Code section 1091.

4. Legislative Update

Chair Penner referred the Board to their reading materials.

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: <https://www.youtube.com/watch?v=RJ4Axr4edic>. Public comment for Information Items Start: 21:12; End: 23:28.

Before the start of the Action items, Chair Penner requested that Agenda Item G be discussed before Agenda Item F.

III. Action: Consent Items

- A. Minutes from the April 11, 2024, Board Meeting: **Requesting Approval**
- B. Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Small Jurisdiction Allocation Recommendation: **Requesting Approval**

This agenda item requested Board authorization to award the “Less Than \$10,000 Allocation” for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program to the California Department of Justice to fund its specialized task forces for Federal Fiscal Years 2023-2027. Specifically, this will authorize \$1,100,600 for FY 2023 and then future “Less Than \$10,000 Allocations” for the FFY 2024-2027 JAG awards, consistent with the timeframe of the current JAG Multi-Year State Strategy.

Mr. Mills moved approval. Mr. Macomber seconded. The motion was approved by all other Board members for Agenda item A and B.

IV. Action: Discussion Items

- C. Adult Reentry Grant Program – Appointment of a Chair and Establishment of an Executive Steering Committee: **Requesting Approval**

Field Representative Ian Silva presented Agenda item C which requested the Board’s approval to establish an Executive Steering Committee (ESC) to develop a Request for Proposals (RFP) for Cohort 4 of the Adult Reentry Grant Program (ARG). Staff requested that the Board designate a Chair to oversee the grant-development process, authorize staff to work with the ESC Chair to establish a diverse ESC with relevant subject-matter expertise, and delegate authority to the Chair to modify ESC membership if needed.

Chair Penner nominated Board Member and Director of Adult Parole Operations Jason Johnson to Chair the ESC.

Mr. Taylor moved approval. Mr. Richart seconded. The motion was approved by all other Board members for Agenda item C.

D. California Violence Intervention and Prevention Grant Program Appointment of a Chair and Establishment of an Executive Steering Committee: Requesting Approval

Field Representative Michael Martinez presented Agenda item D which requested the Board's approval to establish an ESC to develop a RFP for the California Violence Intervention and Prevention Grant Program and to implement the significant changes brought with the enactment of [Assembly Bill 762 \(Chapter 241, Statutes of 2023\)](#) and [Assembly Bill 28 \(Chapter 231, Statutes of 2023\)](#). Staff also requested that the Board designate a Chair to oversee the RFP development process, authorize staff to work with the ESC Chair to establish a diverse ESC with relevant subject matter expertise, and delegate authority to the Chair to modify ESC membership if needed.

Chair Penner nominated Board Member and Retired Judge Janet Gaard to Chair the ESC.

Mr. Mills moved approval. Mr. Johnson seconded. Mr. Haynes and Ms. Chavez recused pursuant to Section 1091. The motion was approved by all other Board members for Agenda item D.

E. Missing and Murdered Indigenous People Grant Program – Cohort 2: Funding Recommendations: Requesting Approval

This agenda item requested Board approval of the Missing and Murdered Indigenous People (MMIP) Grant Program Cohort 2 awards as recommended by the ESC. With the Board's approval, 18 federally recognized Indian tribes in California will receive \$19.58 million. Proposals selected for funding will be under agreement from August 1, 2024 through June 1, 2028. The recommended proposals and its project summaries are linked below:

- [MMIP Applicants Recommended for Funding](#)
- [MMIP Proposal Summaries](#)

Chair Penner thanked Board Member Norma Cumpian, the ESC, and staff for the work on this grant.

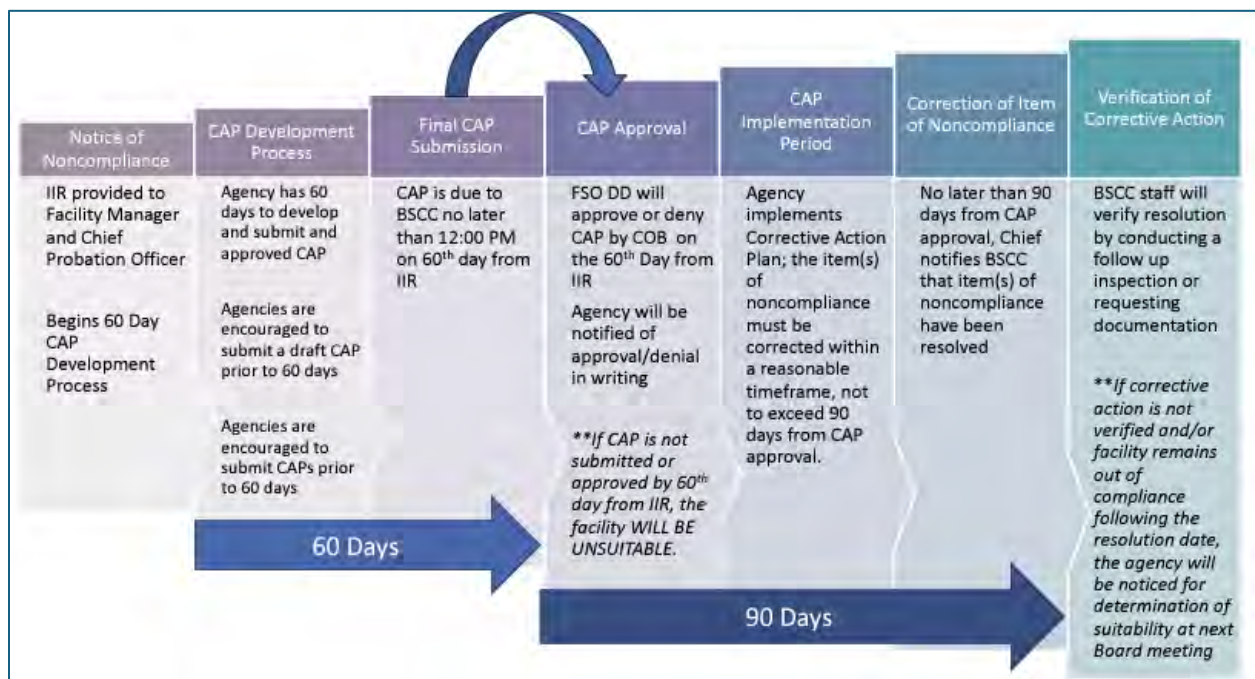
Mr. Haynes moved approval. Mr. Richart seconded. The motion was approved by all other Board members for Agenda item E.

Chair Penner requested that Agenda Item G be discussed before Agenda Item F.

G. Corrective Action Plan Process – Welfare and Institutions Code Section 209 (d): Requesting Approval

Deputy Director Allison Ganter presented this Agenda item. Ganter said that the BSCC is required by Welfare and Institutions Code section 209, subdivision (d) to make a determination of suitability of any juvenile detention facility that is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the BSCC. Subdivision (d) also sets forth a process requiring a facility to file an “approved corrective action plan” with the BSCC within 60 days after receiving notice of noncompliance.

Ganter said after working with stakeholders and community advocacy groups a proposed timeline for the corrective action plan submission, approval, and resolution was developed. Ganter presented a timeline of the corrective action plan process as displayed below:



Board Members had a lengthy discussion on the interpretation of the statute regarding the timing of Corrective Action Plans and clarification of the public comments

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: <https://www.youtube.com/watch?v=RJ4Axr4edic>. Public comment for Agenda G Start: 1:34:45; End: 1:44:20.

- o Written [Public Comment: The Peace and Justice Law Center](#)

Mr. Mills moved approval. Mr. Richart seconded. Ms. Chavez voted No. Ms. Gaard recused. Votes: (Ayes 7; Noes 1) The motion was approved by all other Board members for Agenda item G.

F. Local Detention Facilities Inspection Update: Requesting Approval

Deputy Director Allison Ganter provided an update on inspections in adult and juvenile detention facilities. Ganter stated that there are no other items of noncompliance that require immediate attention, and staff did not recommend a formal action at this time. Items of noncompliance may be found here: [Outstanding Items of Noncompliance Juvenile & Adult Detention Facilities](#)

Chair Penner called for public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed by turning closed captions on here: <https://www.youtube.com/watch?v=RJ4Axr4edic>. Public comment for Agenda G Start: 2:07:41; End: 2:10:03.

This item did not require a vote.

The Board went into closed session at 12:23 pm

V. Closed Session – Consultation with Legal Counsel Regarding Pending Litigation (Gov. Code, § 11126, subds. (e)(1), (e)(2)(B), & (e)(2)(C).)

The Board returned to the public meeting at: 12:56 pm

VI. Public Comments

Chair Penner called for general public comment. Public comment was heard; the full recording of the public comment and its transcription may be viewed here by turning closed captions on here: <https://www.youtube.com/watch?v=pz3H3viAl2M>. Start: 59:55; End: 1:23:10.

VII. Adjourn

The meeting adjourned at: 1:00 pm

ATTENDANCE ROSTER

BSCC BOARD MEMBERS:

1. Chair Penner, Chair, Board of State and Community Corrections
2. Mr. Macomber, Secretary, California Department of Corrections & Rehabilitations
3. Mr. Johnson, Director, California Department of Corrections & Rehabilitations - Division of Adult Parole
4. Mr. Haynes, Chief Probation Officer, Fresno County
5. Mr. Taylor, Sheriff, San Benito County
6. Mr. Richart, Chief Probation Officer, El Dorado County
7. Ms. Gaard, Retired Judge, Yolo County
8. Mr. Mills, Chief of Police, City of Palm Springs

Participated Remotely:

9. Ms. Chavez, Santa Clara County Supervisor

BSCC STAFF:

Kathleen T. Howard, Executive Director
Aaron Maguire, Chief Deputy Director & General Counsel
Adam Lwin, Board Secretary
Ian Silva, Field Representative, Corrections Planning and Grant Programs
Michael Martinez, Field Representative, Corrections Planning and Grant Programs
Eddie Escobar, Field Representative, Corrections Planning and Grant Programs
Collen Curtin, Deputy Director, Corrections Planning and Grant Programs
Allison Ganter, Deputy Director, Facility Standards and Operations
Kasey Warmuth, Deputy Director, Research and Standards & Training for Corrections

**FIRST-LEVEL APPEAL
EXHIBIT AA**

December 13, 2024

Esteban Rodriguez
O'Melveny & Myers LLP
400 South Hope Street Suite 1900
Los Angeles, California 90071-2811

**SUBJECT: RESPONSE TO NOTICE OF APPEAL LOS ANGELES COUNTY
PROBATION DEPARTMENT – LOS PADRINOS JUVENILE HALL**

Dear Mr. Rodriguez,

The Board of State and Community Correction is in receipt of the “Notice of Appeal” dated December 11, 2024. I understand that you will be filing a “letter brief and associated exhibits” in support of your clients’ appeal at a future date and within the deadlines set forth in Section 1314 of Title 15 of the California Code of Regulations. As such, I will not treat your letter as a first level appeal within the meaning of Section 1314. I would note, however, that one of the issues you raised deals with the denial of the county’s corrective action plans on October 11, 2024 and October 13, 2024. Because an appeal under Section 1314 “shall be filed within 30 calendar days of the notification of the action with which the county or city is dissatisfied,” I will not consider that issue once your appeal is filed.

You have also requested a “stay” of the enforcement of the October 14th Notice of Unsuitability pending appeal. The only basis to rescind the Board’s Notice of Unsuitability is for the county to remedy the conditions that rendered the facility unsuitable. (Welf. & Inst. Code, § 209, subd. (a)(4).) As noted in the detailed reinspection report from Field Representative Lisa Southwell, Los Padrinos remains out of compliance with the Board’s regulations regarding staffing (§ 1321). The probation department has had over 120 days to improve conditions at Los Padrinos since the initial inspection report was issued and the Welfare and Institutions Code does not provide for additional delays. Los Padrinos remains unsuitable for the confinement of juveniles.

Sincerely,



AARON R. MAGUIRE (A)
Executive Director

**SECOND-LEVEL APPEAL
EXHIBIT B**

February 18, 2025

Esteban Rodriguez
O'Melveny & Myers LLP
400 South Hope Street Suite 1900
Los Angeles, California 90071-2811

**SUBJECT: RESPONSE TO LOS ANGELES COUNTY PROBATION DEPARTMENT
APPEAL – LOS PADRINOS JUVENILE HALL**

Dear Mr. Rodriguez,

This letter is in response to the appeal filed by Los Angeles County pursuant to Section 1314 of Title 15 of the California Code of Regulations concerning the Board of State and Community Corrections' (BSCC) finding of unsuitability for Los Padrinos Juvenile Hall (Los Padrinos). Although the appeal raises several issues, only one is timely: whether BSCC staff correctly assessed the County's compliance with Section 1321 of Title 15 of the California Code of Regulations (Staffing) during the reinspection conducted on December 5 and 6, 2025. As explained below, I find that BSCC staff correctly assessed that Los Padrinos is out of compliance with the Board's regulations regarding staffing.

Specifically, I find that staff correctly assessed that, at the time of inspection, Los Padrinos did not have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations. (Cal. Code Regs., tit. 15 § 1321, subd. (a).) In addition, the facility did not have sufficient staff to ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances. (Cal. Code Regs., tit. 15 § 1321, subd. (b).)

Procedural Background

Section 1314 provides an appeal process on the basis of "alleged misapplication, capricious enforcement of regulations, or substantial differences of opinion as may occur concerning the proper application of regulations or procedures." If a county is dissatisfied with a BSCC action, it may appeal that action to the Executive Director. Such appeal "shall be filed within 30 calendar days of the notification of the action with which the county or city is dissatisfied." (Cal. Code Regs., tit. 15 § 1314, subd. (b)(1).)

Factual Background

Findings of noncompliance and unsuitability at Los Angeles County's juvenile detention facilities have been ongoing since June 2022. The following is a summary of the most recent actions taken by the Board leading to this appeal:

- **August 14 — 18, 2023:** BSCC inspected Los Padrinos following transfer of all youth from Central and Barry J. Nidorf Juvenile Halls due to both facilities being found unsuitable due to multiple violations of Title 15, including section 1321

(Staffing). Twelve items of noncompliance with Title 15 were identified, almost all related to deficiencies with staffing. Staff documented late and missed safety checks, inappropriate and undocumented use of room confinement, youth not getting to school on time, and youth not having access to recreation or programs. An approved corrective action plan (CAP) was due to the BSCC on October 17, 2023.

- **October 16, 2023:** BSCC received approved CAP for Los Padrinos; corrective action must remedy items of noncompliance no later than January 10, 2024.
- **January 29 — February 3, 2024:** BSCC conducted a follow-up inspection to verify that items of noncompliance were remedied by January 10, 2024; BSCC staff found that only one of the twelve outstanding items of non-compliance had been corrected. Eleven items of noncompliance were not remedied, including section 1321 (Staffing), following 90 days from the date of the approved CAP.
- **April 11, 2024, BSCC Board Meeting:** BSCC Board made a determination that Los Padrinos is suitable for the confinement of youth based on a finding of compliance with the prior items of noncompliance. However, the Board directed BSCC staff to conduct inspections of Los Padrinos and the Barry J. Nidorf Secure Youth Treatment Facility at a minimum of twice a month to monitor compliance.
- Between **April 2024 and September 2024**, BSCC staff conduct a total of nine (9) inspections of Los Padrinos. A portion of the inspections were unannounced.
- **June 28, 2024:** Following the June Targeted Inspection, BSCC staff provided facility staff with an Initial Inspection Report (IIR) noticing noncompliance with section 1371 (Programs, Recreation, and Exercise). BSCC staff observed that while facility staff had documented that youth participated in these activities, review of video of unit activities demonstrated that activities were not occurring. Facility staff had been falsifying documentation to indicate that required activities had occurred. A CAP was due to the BSCC by August 8, 2024; the County provided an approved CAP to the BSCC on August 8, 2024.
- **August 12, 2024:** Following the July Targeted Inspection, BSCC staff provided facility staff with an IIR noticing noncompliance with section 1321 (Staffing). Many areas of operation continued to be impacted by lack of staffing including education, recreation and medical appointments. Youth continued to be held in their rooms for long periods of time following incidents on the unit. A CAP was due to the BSCC by October 11, 2024.
- **October 1, 2024:** BSCC staff reach out to Los Angeles Probation staff to offer technical assistance prior to anticipated CAP submittal; no response was received.

- **October 10, 2024:** The County provided a draft CAP to BSCC staff in late afternoon. BSCC responded that the draft CAP would not be approved as drafted because there was no detail on what steps would be taken to resolve the item of noncompliance and many elements that were required by BSCC policy were not included in the CAP. For example, the plan lacked completion dates and did not adequately explain how proposed corrective actions would ensure compliance with section 1321.
- **October 11, 2024:** The County's final CAP was provided to BSCC. The County is notified that the CAP is denied because it does not adequately outline how the Department plans to correct the issue of noncompliance nor does it provide reasonable timeframes for resolution of the staffing deficiencies, including ensuring that "there are an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations." (Cal. Code Regs., tit. 15, § 1321, subd. (a).) The CAP also does not provide information on how it will "ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances." (Cal. Code Regs., tit. 15, § 1321, subd. (b).)
- **October 13, 2024:** The County submitted a revised, untimely CAP, which was denied both on procedural grounds and on the merits.
- **October 14, 2024:** BSCC Board Chair Penner formally noticed the County that Los Padrinos was unsuitable due to the failure to submit an approved CAP pursuant to Welfare and Institutions Code, Section 209(d), and that they had 60 days (December 12, 2024) to discontinue using the facility for the confinement of youth until brought into compliance with the law.
- **December 2, 2024:** Los Angeles County Probation requested a reinspection to determine if the facility had come into compliance with section 1321 (Staffing).
- **December 5 — 6, 2024:** BSCC staff reinspected and determined that Los Padrinos remained out of compliance with staffing and that timely delivery to medical programs, attendance at school, and access to program, recreation, and exercise continued to be negatively impacted by the lack of staff.

Section A: Reinspection of Los Padrinos on December 5-6, 2024

The County asserts that the BSCC applied the wrong standard to assess staffing levels, specifically noting that Los Padrinos was in compliance with required staffing ratios at the time of inspection. The County misunderstands how BSCC evaluates compliance with section 1321.

BSCC has never asserted that Los Padrinos was out of compliance with section 1321 based on the facility not meeting the required staffing ratios. Ratios are just one

component of section 1321 (see § 1321, subd. (h)); a facility must comply with all the factors outlined in subsections (a) through (h) in order for a facility to be compliant with section 1321.

The December 2024 reinspection was requested because of the facility's status as being "unsuitable." The facility became unsuitable because it did not file an approved CAP in response to an Initial Inspection report issued on August 12, 2024. (Welf. & Inst. Code, § 209, subd. (d).) As such, for the facility to be considered suitable, it must remedy the conditions that rendered the facility unsuitable. (Welf. & Inst. Code, § 209, subd. (a)(4).) Los Padrinos was specifically notified that it was noncompliant with subdivisions (a) and (b) of section 1321, which provides:

Each juvenile facility shall:

(a) have an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations;

(b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances;

[...]

The reasons below were noted as evidence of noncompliance as noticed in the Initial Inspection Report issued on August 12, 2024:

"During our inspection, we reviewed daily facility reports and daily schedule from July 1-29, 2024, for a cumulative total of 87 shifts. Seven (7) AM shifts and eight (8) EM shifts (17 % of shifts overall) did not meet the Department's required minimum staffing.

The continued lack of staffing continues to impact delivery of required services and compliance with additional regulations. Section 1321 requires adequate staffing for all operations, programming, activities and functions of the facility to occur and to ensure the safety and security of youth and staff.

The following areas of concern were noted while onsite and confirm a lack of staff during the July 2024 visit:

- Education Program: Youth continue to be late to class. During our review of documentation, we note that youth were late to class due to both LACOE (Teacher being late due to lack of facility keys to access facility gates) and Probation issues (movement, late breakfast, etc.). We noted some classes were held in the units due to lack of staff.

- We noted instances where outdoor recreation (LME) has been cancelled or modified to indoor recreation due to lack of staff.
- We noted some medical appointments had been cancelled or rescheduled due to lack of staff.
- We noted during video review some instances in Unit Y1 where youth dined in their rooms.
- Youth are being held in their rooms for long periods of time beyond what policy allows for after incidents (brief institutional operation) due to lack of staffing available to transport to the medical module or medical staffing not capable of seeing youth in medical module.
- While conducting video review, we were unable to confirm the “constant visual” as required by Use of Force policy. According to policy, if youth are in their room awaiting transport to medical, staff should be standing outside the room. In cases where multiple youth were involved in an incident, we could not confirm that staff were conducting constant visuals.”[

(The County did not appeal the findings of the August 12, 2024 inspection.)

In a December 10, 2024 letter, BSCC notified the County that, as part of the December 5-6, 2024 reinspection, BSCC staff found, among other things that “of the 45 shifts reviewed, (5) AM shifts and (6) EM shifts (24% of shifts overall) did not meet the Department’s required minimum unit staffing requirements. BSCC found Monday, Tuesday, and Saturday Early Morning shifts and Saturday, Sunday and Monday AM shifts were below the identified minimum staffing numbers. There were 11 occurrences where youth identified as a “Level” youth did not have a “Level” staff assigned per the documentation provided; this highlighted that minimum staffing numbers continued to not be met and/or were inadequate to meet the needs of the facility.”

In the Appeal, the County asserts that BSCC “applied the wrong standard to assess staffing levels” and that “[t]he BSCC instead applied the County’s own Staffing Assessment, an internal plan that the County developed in October 2024 in consultation with the DOJ’s Monitor as part of its efforts to comply with the Stipulated Judgment.”

BSCC did use the County’s staffing assessment as a tool to help determine whether the facility had “an adequate number of personnel sufficient to carry out the overall facility operation and its programming...” in August 2024 and again in November/December 2024. Each probation department must determine the minimum number of staff needed to operate each facility, which can change depending on the number of youth, type of programming, and facility size and layout. BSCC does not set a minimum number per facility. Using the County’s own staffing plan as one piece of evidence to determine compliance was not a misapplication of the regulation. Nor was it the only tool used in assessing compliance. BSCC staff also reviewed the Daily Facility Reports, Shift Staffing Schedules, incident reports, unit documentation, activity logs, medical appointment logs, Los Angeles County Office of Education documentation, video

recordings, and interviewed youth and staff to get a complete and total assessment of compliance with all applicable requirements of section 1321.

After reviewing this other evidence, BSCC further determined that programs, recreation, and exercise were not consistently occurring, that youth continued to be held in room confinement without documentation and held in their locked rooms for excessive periods of time, that youth continued to be late to school, and that youth were not getting to medically necessary appointments due to lack of staffing. These factors, combined with staffing falling below the County's own staffing assessment plan, led to the finding that the facility remained out of compliance with section 1321, subdivisions (a) and (b). It is important to note that this finding is not an outlier—Los Angeles County's juvenile halls has been found out of compliance with section 1321 multiple times since the 2018/2020 Biennial Inspection Cycle.

In short, because the finding of continued noncompliance was based on a reasonable application of Section 1321 to the evidence of noncompliance, this claim is denied.

Section B – Other Alleged Errors by BSCC

The County also raises several additional legal issues related to the process by which the facility became unsuitable: (1) BSCC lacked statutory authority to conduct targeted monthly inspections; (2) BSCC abused its discretion in denying the October CAP; (3) BSCC Board erred when it delegated authority to the deputy director to approve/deny CAPs and failed to place the item on the November agenda; and (4) the issuance of the 60-day notice of unsuitability itself was an unreasonable application of the Board's regulations and the law. As noted in the prior response to the December 13, 2024 Notice of Appeal, these claims are untimely and are therefore all denied on that basis. However, as further explained below, even if these claims were timely, they would still be denied as explained below.

1. The BSCC may inspect local detention facilities more frequently than once every two years.

At the April 11, 2024 BSCC board meeting, BSCC determined that Los Padrinos was suitable. However, the Board expressed concerns regarding the sustainability of the facility and its ability to adhere to the Board's minimum standards. As such, the Board directed staff to continue monitoring the conditions at Los Padrinos. Thereafter, BSCC staff conducted monthly targeted inspections. The County contends that the BSCC lacked statutory authority to do so, citing Welfare and Institutions Code section 209(a)(3)(A), which mandates the Board conduct biennial inspections, but this is not the only authority that allows BSCC to conduct inspections.

Penal code sections 6030 and 6031 are among BSCC's enabling statutes that establish the BSCC's powers, duties, and authority; in particular, the sections bestow power on the BSCC to conduct biennial inspections of local detention facilities in the state "*at a minimum*." (Pen. Code, § 6031.) The County argues that juvenile facilities cannot be inspected more than once every other two years because the "at a minimum" language

does not appear in the Welfare and Institutions Code, which separately authorizes inspections for juvenile facilities. This is contrary to the overall inspection authority of BSCC and framework the Board adopted as part of the Enhanced Inspection Process in 2020, which provided for Targeted Inspections during the biennial cycle. These are not separate and independent inspections, but rather provide for follow up inspections on items of noncompliance identified in the biennial inspection.

An agency's administrative rulemaking, such as its interpretation of a statute that is authorized to administer, is entitled to consideration and respect to the extent that they have the "power to persuade." (*Family Health Centers of San Diego v. State Dept. of Health Care Services* (2023) 15 Cal.5th 1, 13; *Prang v. Los Angeles County Assessment Appeals Bd.* (2024) 15 Cal.5th 1152, 1186-87.) Deference is appropriate under certain circumstances, such as when the statute is complex or technical. (*Sutter's Place, Inc. v. California Gambling Control Com.* (2024) 101 Cal.App.5th 818, 832.) BSCC's interpretation of the biennial inspection and its approval of the Enhanced Inspection process, which includes Targeted Inspections, is proper and based on the accumulated experience of the BSCC in ensuring compliance with the Title 15 minimum standards for juvenile facilities. If BSCC was not able to conduct follow-up or multiple inspections, it would be unable to determine whether the County followed through with its CAPs or make a suitability finding.

2. The BSCC did not abuse its discretion by disapproving the County's October CAP.

The County asserts BSCC abused its discretion when it rejected the County's CAP. The County is incorrect. The October 11, 2024 CAP was not approvable because it failed to outline how the County planned to correct the issue of noncompliance nor provide reasonable timeframes for the resolution of staffing deficiencies. Both the draft October 11 plan and the final October 13 plan failed to address how youth will continue to receive required programs and services that are compliant with all related Title 15 regulations. It should also be noted that the maximum time to correct the issues of staffing was 90 days following the submittal of the CAP or no later than January 9, 2025. As of January 9, the County had not resolved the issues of noncompliance. Because the County was unable to correct the items of noncompliance within the maximum time allowed under the law, BSCC correctly assessed that the County would be unable to do so and appropriately rejected the CAP.

3. BSCC Appropriately Delegated Authority to the Deputy Director to Approve or Deny CAPs

In the County's appeal, it asserts BSCC improperly delegated authority to the Facilities Standards and Operations (FSO) Deputy Director to approve or deny CAPs, and the approval or denial should have been determined by the Board in an open meeting. In general, a government officer may delegate its powers and duties to their subordinates. Government code section 7 states that "[w]henver a power is granted to,

or a duty is imposed upon, a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this code expressly provides otherwise.”

BSCC staff, such as Deputy Directors, are expressly authorized delegates. In addition, BSCC, as the successor entity to the Board of Corrections, “may delegate any ministerial authority or duty conferred or imposed upon the board to a subordinate officer subject to those conditions as it may choose to impose.” (Pen. Code, § 6025.6.)

On May 23, 2023, the Board formally delegated authority to BSCC staff pursuant to section 6025.6 until a process was finalized. On July 11, 2024, the Board approved the finalized CAP process, which included continued delegation of authority to FSO Deputy Director. Therefore, the delegation of authority was proper.

The County also argues that “the board” approval, referenced in Welfare and Institutions Code section 209, only refers to the board members based on a plain reading of section 209. However, this interpretation is misplaced. When interpreting statutes, courts will begin their analysis with the plain meaning of the language; however, a plain reading of a statute applies only where the law is clear and unambiguous. (*Doe v. Marysville Joint Unified Sch. Dist.* (2023) 89 Cal. App. 5th 910, 915 [When interpreting statutes, we begin with the plain, commonsense meaning of the language used by the Legislature. If the language is unambiguous, the plain meaning controls].) If the language is ambiguous, a court can consider the law’s legislative history and rules or maxims of construction to resolve the ambiguity. (*Id.*) The statutory language is not considered in isolation, but in context of the statutory framework. (*Sutter’s Place, Inc. v. California Gambling Control Com.* (2024) 101 Cal.App.5th 818, 832 - 833.)

In the context of the statutory framework surrounding BSCC, which is predominantly found in the California Penal and Welfare and Institutions codes, the term “board” is used interchangeably to refer both to the body of appointed board members responsible for governing mandated duties and obligations, and to the state agency and its staff, who perform the daily operations and tasks.

There are several examples where the term “board” is charged with ministerial or administrative tasks. For example, the board must conduct biennial inspections, notify facilities, collect data, prepare reports and notices, and develop guidelines. (Welf. & Inst., § 209.) Moreover, the “board” must advise each law enforcement agency and provide technical assistance, shall verify information submitted in reports, and provide forms and instructions. (Welf. & Inst. Code, § 207.) Additionally, the “board” must administer grant programs, collect data, develop efficient and fair grant procedures, disburse funds, and develop minimum standards. (Pen. Code, §§ 6027, 6030, & 6046.) It is neither reasonable nor practical to expect that the appointed board members, who have other full-time jobs and, except for the Chair, serve on the Board without compensation, are performing these duties themselves. Instead, it has been long-established practice and understood that that these tasks are performed by the agency

staff. The County provides no authority that the “board” referenced in Welfare and Institutions Code section 209 means the appointed body.

4. Notice of Unsuitability is Unreasonable

The County also asserts that “BSCC’s insistence on vacating Los Padrinos constitutes an unreasonable decision that should be overturned.” The County then describes the potential negative impacts on closing Los Padrinos. BSCC has not and cannot order Los Padrinos closed; the Welfare and Institutions Code provides for no alternative remedy when a facility is deemed unsuitable for the confinement of juveniles. As such, this contention must be rejected.


Conclusion

For all the reasons stated above, the appeal is denied.

Sincerely,

Aaron R.
Maguire

AARON R. MAGUIRE (A)
Executive Director

 Digitally signed by Aaron R.
Maguire
Date: 2025.02.18 16:46:43
-08'00'

**SECOND-LEVEL APPEAL
EXHIBIT C**

December 10, 2024

Guillermo Viera Rosa, Chief Probation Officer
Los Angeles County Probation Department
9150 Imperial Highway
Downey CA 90242

**SUBJECT: UNREMEDIED NON-COMPLIANCE WITH TITLE 15 § 1321: STAFFING
– LOS PADRINOS JUVENILE HALL, LOS ANGELES COUNTY PROBATION
DEPARTMENT**

Dear Chief Viera Rosa:

I am writing to inform you that following reinspection of Los Padrinos Juvenile Hall (Los Padrinos) conducted on December 5 and 6, 2024, Los Padrinos remains out of compliance with Section 1321 of Title 15 of the California Code of Regulations. This inspection was conducted in response to your request for reinspection dated December 2, 2024. During our inspection, we found that effort has been made to address and mitigate the issues that led to noncompliance with Title 15, section 1321, Staffing; however, the county has failed to remedy the conditions that rendered the facility unsuitable.

Scope of Reinspection

During our inspection, we reviewed the following documentation from November 19-December 2, 2024:

- Facility Staffing Reports, Staffing Sheets and Updated Staffing Plan
- Program, Recreation and Exercise Logs
- School Movement Documentation Sheets/LACOE Movement Documents
- Medical Appointment Transportation Team (External)

Facility Staffing Reports/Staffing Sheets/Updated Staffing Plan

The facility continues to be minimally staffed; the county provided us with an updated staffing plan on December 4, 2024. This updated plan, similar to previous plans, does not provide background analysis of the staffing plan that takes into account how the minimum staffing numbers were determined. It appears the county has not undertaken a proper staffing analysis to adequately determine minimum staffing numbers; there is no analysis of posted positions, physical plant limitations, planning for contingencies, etc. The only information available is minimum numbers for staffing, and versions of a staffing plan that includes minimum/mandatory, baseline, program minimum, and operational minimums. The county continues to staff the facility at operational minimums, which negatively impacts the facility's ability to meet required minimum standards.

Since the last inspection, the county has implemented a population reduction plan and has made strides in reducing the number of youth being placed in the facility; however, there is no analysis that indicates that the staffing numbers should be commensurately decreased. In this latest staffing plan, however, the county has further decreased already low staffing minimums.

We found of the 45 shifts reviewed, (5) AM shifts and (6) EM shifts (24% of shifts overall) did not meet the Department's required minimum unit staffing requirements. We found Monday, Tuesday, and Saturday Early Morning shifts and Saturday, Sunday and Monday AM shifts to be below the identified minimum staffing numbers. There were 11 occurrences where youth identified as a Level youth did not have a Level staff assigned per the documentation provided; this highlights that minimum staffing numbers continue to not be met and/or are inadequate to meet the needs of the facility.

We found that the current staffing numbers do not allow for all required activities, operations, programs and facility functions, and to ensure the safety of youth and staff.

Program, Recreation and Exercise Logs

The findings of noncompliance with staffing are also linked to the inability of the facility to provide programs, recreation, and exercise in compliance with minimum standards due to the lack of staff. During our review of activity logs, we found two (2) instances where the lack of staff was specifically noted as the cause for the units to cancel outdoor exercise. We also found a significant number of documented occurrences of youth not being provided with the opportunity to go outside for exercise or for outdoor activity due to "darkness," despite the facility having lighted areas.

When we discovered documentation of modification of outdoor recreation to indoor recreation, we verified those activities on video review. What we observed was that in most cases, youth did not participate in exercise, but rather engaged in recreation activities in the dayroom, such as, TV, phones, video games etc.

School Movement

The finding of noncompliance with staffing was also based on the inability of facility staff to get youth to school on time due to lack of staff available for supervision within the classroom. While the facility has improved in this area, youth continue to be late to school, due to operational issues that occurred within the units, such as late medical rounds, restructuring of youth, or unit incidents that occurred. We also found a noteworthy number of late starts due to the teachers being late to the classroom, which were confirmed to be educators being late to the facility.

Medical Appointment Transportation Team (External)

To determine if issues with youth getting to medical appointments have been remedied, we met with the Juvenile Court Health Services AM and PM shift supervisors and Probation to determine the status of outside medical appointments and to discuss process. While both healthcare supervisors noted an improvement in getting youth to appointments, there continues to be cancellations as need exceeds the resources allocated/available for getting youth to appointments.

Conclusion

Based on the foregoing, our reinspection findings indicate that the Los Angeles County Probation Department has not remedied the noncompliance with Section 1321 (Staffing) at the Los Padrinos Juvenile Hall.

* * *

If you have any questions, please contact Field Representative Lisa Southwell at lisa.southwell@bscc.ca.gov or (916) 322-1638.

Sincerely,



LISA SOUTHWELL
Field Representative
Facilities Standards and Operations Division

Cc:

Kimberly Epps, Chief Deputy Probation Officer, Los Angeles County Probation
Sheila Williams, Deputy Director, Los Angeles County Probation
Vicky Waters, Director of Communications, Los Angeles County Probation
Sanford Rose, Deputy Director, Los Angeles County Probation
Honorable Samantha P. Jessner, Presiding Judge, Los Angeles County Superior Court
Honorable Akemi Arakaki, Presiding Judge of the Juvenile Court
Honorable Miguel Espinoza, Los Angeles County Superior Court Los Angeles County
Dawyn R. Harrison, County Counsel, Los Angeles County
Fesia Davenport, Chief Executive Officer, Los Angeles County
Max Huntsman, Office of Inspector General, Los Angeles County
Wendelyn Julien, Executive Director, Probation Oversight Commission
Tyson Nelson, Compliance Monitor, County Executive Office, County of Los Angeles
All BSCC Board Members
Aaron R. Maguire, Executive Director (A) Board of State and Community Corrections
Steven Wicklander, Deputy Director (A) Board of State and Community Corrections

**SECOND-LEVEL APPEAL
EXHIBIT D**

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Attorneys for County of Los Angeles

CALIFORNIA BOARD OF STATE AND
COMMUNITY CORRECTIONS

In re: Appeal of December 10, 2024
Reinspection Findings and Determination of
Facility Unsuitability at Los Padrinos Juvenile
Hall

Appeal to BSCC Board

**DECLARATION OF TYSON NELSON IN
SUPPORT OF COUNTY OF LOS
ANGELES'S APPEAL TO THE BSCC
BOARD IN CONNECTION WITH THE
BSCC'S DECEMBER 10, 2024
REINSPECTION FINDINGS AND
DETERMINATION OF FACILITY
UNSUITABILITY AT LOS PADRINOS
JUVENILE HALL**

1 I, Tyson Nelson, declare and state as follows:

2 1. I have personal knowledge of the matters stated herein. All of the facts set forth
3 herein are known to me personally and, if called as a witness, I could and would testify
4 competently to them.

5 2. I am an attorney admitted to practice in the courts of the State of California. I
6 make this Declaration in Support of the County of Los Angeles's Appeal to the Board of State
7 and Community Corrections ("BSCC") Board in Connection with the December 10, 2024
8 Reinspection Findings and Determination of Facility Unsuitability at Los Padrinos Juvenile Hall
9 (the "Second-Level Appeal").

10 3. I am the Probation Compliance Officer employed by the Chief Executive Office
11 ("CEO") for the County of Los Angeles (the "County"). As the Compliance Officer, I am
12 responsible for, among other things, helping to resolve compliance-related concerns and
13 communications, monitoring compliance timelines, and reviewing corrective action plans for the
14 Los Angeles County Probation Department ("Probation"). I was appointed the Probation
15 Compliance Officer on November 28, 2024. Prior to my current role, I was with the Los Angeles
16 County, Office of the County Counsel and assigned to advise the Probation Department.

17 4. I am also a United States Department of Justice-certified Prison Rape Elimination
18 Act ("PREA") auditor for jails and juvenile facilities.

19 5. I understand that the BSCC performed a reinspection of Los Padrinos Juvenile
20 Hall ("Los Padrinos") on December 5 and 6, 2024.

21 6. After the reinspection, the BSCC field inspector ("Inspector") who performed the
22 inspection orally reported some of her findings to the County on Monday, December 9, 2024,
23 including preliminary reports that Los Padrinos, in her view, had not complied with the Staffing
24 Assessment.

25 7. At this meeting, the Inspector stated that she audited 15 days and 45 shifts (3 shifts
26 per day).

27 8. At the same verbal debrief with the County, the Inspector also explained that she
28 did not have enough time to assess—and did not assess—whether any of the alleged

1 programming shortcomings that the BSCC identified were connected to the BSCC's staffing-
2 ratio-related findings.

3 9. On December 10, 2024, the BSCC issued to the County its written findings
4 explaining why, upon reinspection, the BSCC found Los Padrinios not to be in compliance with
5 Section 1321 of Title 15 of the California Code of Regulations. The letter states that the
6 Inspector audited the dates November 19 through December 2, 2024, which is only 14 days. But
7 because Probation provided documentation to the Inspector for the dates November 19 through
8 December 3, 2024, which is 15 days, and the Inspector stated that she audited 15 days, I audited
9 through December 3, 2024.

10 10. On January 8, 2025, the County appealed the December reinspection findings and
11 determination of Los Padrinios's unsuitability ("Appeal").

12 11. I performed an analysis of the staffing and youth population at Los Padrinios to
13 evaluate the BSCC's findings in connection with the Appeal. This analysis is incorporated here
14 by reference.

15 12. On February 18, 2025, the BSCC Executive Director denied the County's Appeal.
16 The Executive Director concluded that BSCC staff had correctly determined Los Padrinios was
17 out of compliance with Section 1321 at the December reinspection. In his denial, the Executive
18 Director purported to rely on alleged deficiencies in programming and services at Los Padrinios to
19 affirm the December reinspection findings.

20 13. I performed an analysis of school movement and outdoor programming at Los
21 Padrinios in order to evaluate the BSCC's findings.

22 14. As part of this evaluation, I reviewed the same documents provided to the
23 Inspector on school movement and outdoor programming from November 19 through December
24 3, 2024 (collectively, the "Review Period").

25 15. In my review of school movement data, I found that all of the shifts that the
26 Inspector had deemed to be out of compliance in connection with the December reinspection
27 occurred when there was no school programming being provided. Specifically, six of the shifts
28 that were deemed noncompliant were EM shifts, which do not have any activity or programming

1 requirements. And the five other shifts that were deemed noncompliant fell on a weekend.
2 Accordingly, no instances of youth being late to school resulted from staffing deficiencies
3 identified by the Inspector at the December reinspection.

4 16. In my review of the activity logs for outdoor programming, I determined that there
5 was only one instance in which staffing issues were noted as the reason for cancellation of
6 outdoor exercise among the 11 shifts that the Inspector had deemed to be out of compliance at the
7 December reinspection. To the extent there was another shift during which an activity log noted
8 that staffing issues were the reason for cancellation of outdoor exercise, it would not have been a
9 shift that the Inspector deemed to be out of compliance.

10 17. Attached as Exhibit A is a chart that displays outdoor programming activity log
11 notes for the five AM or PM shifts that the Inspector deemed to be out of compliance. The six
12 other shifts that the Inspector deemed to be out of compliance were EM shifts. Because EM
13 shifts do not have any activity or programming requirements, there are no corresponding
14 programmatic deficiencies to consider. Column B lists the shift, Column C lists the unit, and
15 Column D lists the corresponding activity log's notes.

16 18. One row in Exhibit A is highlighted yellow. This identifies the single instance in
17 which staffing issues were noted as the reason for cancellation of outdoor exercise among the 11
18 shifts that the Inspector deemed to be out of compliance at the December reinspection.

19 19. I am aware in my capacity as the Probation Compliance Officer that youth are still
20 afforded an opportunity to exercise when outdoor recreation is modified to indoor recreation.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.

23
24
25 Dated: March 20, 2025

By: 

26 Tyson Nelson
27
28

**DECLARATION
EXHIBIT A**

[illegible]

[illegible]

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U
115	Y1 No AL																				
116	Y2 No AL																				

**Appeal to BSCC Board:
Denial of Jan. 8, 2025, Appeal,
County of Los Angeles,
Los Padrinos Juvenile Hall**



OFFICE OF THE
**COUNTY
COUNSEL**

Since the last inspection, the county has implemented a population reduction plan and has made strides in reducing the number of youth being placed in the facility; however, there is no analysis that indicates that the staffing numbers should be commensurately decreased. In this latest staffing plan, however, the county has further decreased already low staffing minimums.

We found of the 45 shifts reviewed, (5) AM shifts and (6) EM shifts (24% of shifts overall) did not meet the Department's required minimum unit staffing requirements. We found Monday, Tuesday, and Saturday Early Morning shifts and Saturday, Sunday and Monday AM shifts to be below the identified minimum staffing numbers. There were 11 occurrences where youth identified as a Level youth did not have a Level staff assigned per the documentation provided; this highlights that minimum staffing numbers continue to not be met and/or are inadequate to meet the needs of the facility.

We found that the current staffing numbers do not allow for all required activities, operations, programs and facility functions, and to ensure the safety of youth and staff.

Program, Recreation and Exercise Logs

The findings of noncompliance with staffing are also linked to the inability of the facility to provide programs, recreation, and exercise in compliance with minimum standards due to the lack of staff. During our review of activity logs, we found two (2) instances where the lack of staff was specifically noted as the cause for the units to cancel outdoor exercise. We also found a significant number of documented occurrences of youth not being provided with the opportunity to go outside for exercise or for outdoor activity due to "darkness," despite the facility having lighted areas.

When we discovered documentation of modification of outdoor recreation to indoor recreation, we verified those activities on video review. What we observed was that in most cases, youth did not participate in exercise, but rather engaged in recreation activities in the dayroom, such as, TV, phones, video games etc.

School Movement

The finding of noncompliance with staffing was also based on the inability of facility staff to get youth to school on time due to lack of staff available for supervision within the classroom. While the facility has improved in this area, youth continue to be late to school, due to operational issues that occurred within the units, such as late medical rounds, restructuring of youth, or unit incidents that occurred. We also found a noteworthy number of late starts due to the teachers being late to the classroom, which were confirmed to be educators being late to the facility.

“We found of the 45 shifts reviewed, **(5) AM shifts and (6) EM shifts** (24% of shifts overall) **did not meet the Department's required minimum unit staffing requirements.**”

“We found Monday, Tuesday, and Saturday Early Morning shifts and Saturday, Sunday and Monday AM shifts **to be below the identified minimum staffing numbers.**”

- We noted instances where outdoor recreation (LME) has been cancelled or modified to indoor recreation due to lack of staff.
- We noted some medical appointments had been cancelled or rescheduled due to lack of staff.
- We noted during video review some instances in Unit Y1 where youth dined in their rooms.
- Youth are being held in their rooms for long periods of time beyond what policy allows for after incidents (brief institutional operation) due to lack of staffing available to transport to the medical module or medical staffing not capable of seeing youth in medical module.
- While conducting video review, we were unable to confirm the "constant visual" as required by Use of Force policy. According to policy, if youth are in their room awaiting transport to medical, staff should be standing outside the room. In cases where multiple youth were involved in an incident, we could not confirm that staff were conducting constant visuals."

(The County did not appeal the findings of the August 12, 2024 inspection.)

In a December 10, 2024 letter, BSCC notified the County that, as part of the December 5-6, 2024 reinspection, BSCC staff found, among other things that "of the 45 shifts reviewed, (5) AM shifts and (6) EM shifts (24% of shifts overall) did not meet the Department's required minimum unit staffing requirements. BSCC found Monday, Tuesday, and Saturday Early Morning shifts and Saturday, Sunday and Monday AM shifts were below the identified minimum staffing numbers. There were 11 occurrences where youth identified as a "Level" youth did not have a "Level" staff assigned per the documentation provided; this highlighted that minimum staffing numbers continued to not be met and/or were inadequate to meet the needs of the facility."

In the Appeal, the County asserts that BSCC "applied the wrong standard to assess staffing levels" and that "[t]he BSCC instead applied the County's own Staffing Assessment, an internal plan that the County developed in October 2024 in consultation with the DOJ's Monitor as part of its efforts to comply with the Stipulated Judgment."

BSCC did use the County's staffing assessment as a tool to help determine whether the facility had "an adequate number of personnel sufficient to carry out the overall facility operation and its programming..." in August 2024 and again in November/December 2024. Each probation department must determine the minimum number of staff needed to operate each facility, which can change depending on the number of youth, type of programming, and facility size and layout. BSCC does not set a minimum number per facility. Using the County's own staffing plan as one piece of evidence to determine compliance was not a misapplication of the regulation. Nor was it the only tool used in assessing compliance. BSCC staff also reviewed the Daily Facility Reports, Shift Staffing Schedules, incident reports, unit documentation, activity logs, medical appointment logs, Los Angeles County Office of Education documentation, video

“BSCC did use the County’s staffing assessment as a tool to help determine whether the facility had ‘an adequate number of personnel sufficient to carry out the overall facility operation and its programming... ’ in August 2024 and again in November/December 2024. Each probation department must determine the minimum number of staff needed to operate each facility, which can change depending on the number of youth, type of programing, and facility size and layout. BSCC does not set a minimum number per facility.”

LPJH STAFFING ASSESSMENT PLAN													
LPJH Operating Capacity (Long-term Operating Cap)													
24-Hour/7-Day Living Unit Posts	Hours/Days of Assignment	Level	Rated Capacity	Staff:Youth PREA Ratio	Operational Min EM	Operational Min AM	Operational Min PM	Staff:Youth PREA Ratio	Direct Care FTEs	Assigned in the Unit (per shift)			
Housing Unit A/MDU overflow w/ Control Center	24/7	Mandatory	12	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit B	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit C w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit D	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit E w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit F	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit G w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit H	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit I w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit J	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit K w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit L	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit M	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit N w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit O	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit P w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit Q	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit R1 w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit R2	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit S1 w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit S2	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit X1 w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit X2	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit Y1 w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit Y2	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
MDU - Medical	24/7	Mandatory	5	1:8/1:16	2	2	2	1.75	6.0	10.5			
MDU	24/7	Mandatory	0	1:8/1:16	1	2	2	1.75	5.0	8.75			
MDU	24/7	Mandatory	0	1:8/1:16	1	2	2	1.75	5.0	8.75			
Levels 1-1/2 Supervisors	24/7	Mandatory	0	1:1/1:1	6	6	6	1.75	18.0	31.5			
Totals			309		40	60	60		150.0	250.0			

PAGE 1

DECEMBER 2024

Staff:Youth PREA Ratio	Operational Min EM	Operational Min AM	Operational Min PM
1:8/1:16	2	2	2
1:8/1:16	1	2	2
1:8/1:16	1	2	2
1:1/1:1	6	6	6
	40	60	60

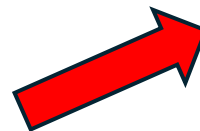


Exhibit D3 to County's 1.8.25 Appeal

15 CCR 1321 Ratio Staff:Youth 1:10/1:30

LPJH STAFFING ASSESSMENT PLAN													A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
LPJH Operating Capacity (Long-term Operating Cap)																											
24-Hour/7-Day Living Unit Posts	Hours/days of assignment	Unit	Rated Capacity	Staff:Youth PREA Ratio	Operational Min CM	Operational Min AM	Operational Min PM	Relief Factor	Direct Care FTE's	Additional Staff (Direct Care) FTE's																	
Housing Unit A/MOU overflow w/ Control Center	24/7	Mandatory	12	1:8/1:16	2	2	2	1.75	6.0	10.5																	
Housing Unit B	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75																	
Housing Unit C w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5																	
Housing Unit D	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75																	
Housing Unit E w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5																	
Housing Unit F	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75																	
Housing Unit G w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5																	
Housing Unit H	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75																	
Housing Unit I w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5																	
Housing Unit J	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75																	
Housing Unit K w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5																	
Housing Unit L	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75																	
Housing Unit M	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5																	
Housing Unit N w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75																	
Housing Unit O	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5																	
Housing Unit P w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75																	
Housing Unit Q	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5																	
Housing Unit R1 w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75																	
Housing Unit R2	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5																	
Housing Unit S1 w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75																	
Housing Unit S2	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5																	
Housing Unit X1 w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75																	
Housing Unit X2	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5																	
Housing Unit Y1 w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75																	
Housing Unit Y2	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5																	
MOU - Medical	24/7	Mandatory	0	1:8/1:16	1	2	2	1.75	5.0	8.75																	
MOU - Mental	24/7	Mandatory	0	1:8/1:16	1	2	2	1.75	5.0	8.75																	
MOU - Supervisors	24/7	Mandatory	0	1:8/1:16	1	2	2	1.75	5.0	8.75																	
Totals			309		40	60	60		160.9	250																	

Staff:Youth PREA Ratio	Operational Min EM	Operational Min AM	Operational Min PM
1:8/1:16	2	2	2
1:8/1:16	1	2	2
1:8/1:16	1	2	2
1:1/1:1	6	6	6
	40	60	60

Exhibit D3 to County’s 1.8.25 Appeal

LPJH STAFFING ASSESSMENT PLAN													A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
LPJH Operating Capacity (Long-term Operating Cap)																											
24-Hour/7-Day Living Unit Posts	Hours/days of assignment	Level	Rated Capacity	Staff:Youth PREA Ratio	Operational Min EM	Operational Min AM	Operational Min PM	Relief Factor	Direct Care FTE's	Assigned to Unit (Direct Care FTE +Relief)																	
1 Housing Unit A/NOJ w/Control Center	24/7	Mandatory	12	1.5/1:15	2	2	2	1.75	6.0	10.5																	
2 Housing Unit B	24/7	Mandatory	15	1.5/1:15	1	2	2	1.75	5.0	8.75																	
3 Housing Unit C w/Control Center	24/7	Mandatory	15	1.5/1:15	2	2	2	1.75	6.0	10.5																	
4 Housing Unit D	24/7	Mandatory	15	1.5/1:15	1	2	2	1.75	5.0	8.75																	
5 Housing Unit E w/Control Center	24/7	Mandatory	15	1.5/1:15	2	2	2	1.75	6.0	10.5																	
6 Housing Unit F	24/7	Mandatory	15	1.5/1:15	1	2	2	1.75	5.0	8.75																	
7 Housing Unit G w/Control Center	24/7	Mandatory	15	1.5/1:15	2	2	2	1.75	6.0	10.5																	
8 Housing Unit H	24/7	Mandatory	15	1.5/1:15	1	2	2	1.75	5.0	8.75																	
9 Housing Unit I w/Control Center	24/7	Mandatory	15	1.5/1:15	2	2	2	1.75	6.0	10.5																	
10 Housing Unit J	24/7	Mandatory	15	1.5/1:15	1	2	2	1.75	5.0	8.75																	
11 Housing Unit K w/Control Center	24/7	Mandatory	15	1.5/1:15	2	2	2	1.75	6.0	10.5																	
12 Housing Unit L	24/7	Mandatory	15	1.5/1:15	1	2	2	1.75	5.0	8.75																	
13 Housing Unit M w/Control Center	24/7	Mandatory	15	1.5/1:15	2	2	2	1.75	6.0	10.5																	
14 Housing Unit N	24/7	Mandatory	15	1.5/1:15	1	2	2	1.75	5.0	8.75																	
15 Housing Unit O w/Control Center	24/7	Mandatory	15	1.5/1:15	2	2	2	1.75	6.0	10.5																	
16 Housing Unit P	24/7	Mandatory	15	1.5/1:15	1	2	2	1.75	5.0	8.75																	
17 Housing Unit Q w/Control Center	24/7	Mandatory	15	1.5/1:15	2	2	2	1.75	6.0	10.5																	
18 Housing Unit R	24/7	Mandatory	15	1.5/1:15	1	2	2	1.75	5.0	8.75																	
19 Housing Unit S1 w/Control Center	24/7	Mandatory	15	1.5/1:15	2	2	2	1.75	6.0	10.5																	
20 Housing Unit S2	24/7	Mandatory	15	1.5/1:15	1	2	2	1.75	5.0	8.75																	
21 Housing Unit S1 w/Control Center	24/7	Mandatory	15	1.5/1:15	2	2	2	1.75	6.0	10.5																	
22 Housing Unit S2	24/7	Mandatory	15	1.5/1:15	1	2	2	1.75	5.0	8.75																	
23 Housing Unit X1 w/Control Center	24/7	Mandatory	15	1.5/1:15	2	2	2	1.75	6.0	10.5																	
24 Housing Unit X2	24/7	Mandatory	15	1.5/1:15	1	2	2	1.75	5.0	8.75																	
25 Housing Unit Y1 w/Control Center	24/7	Mandatory	15	1.5/1:15	2	2	2	1.75	6.0	10.5																	
26 Housing Unit Y2	24/7	Mandatory	15	1.5/1:15	1	2	2	1.75	5.0	8.75																	
27 MCM - Medical	24/7	Mandatory	0	1.5/1:15	2	2	2	1.75	6.0	10.5																	
28 MCM	24/7	Mandatory	0	1.5/1:15	1	2	2	1.75	5.0	8.75																	
29 MCM	24/7	Mandatory	0	1.5/1:15	1	2	2	1.75	5.0	8.75																	
30 Levels 1-1/2 Supervisors	24/7	Mandatory	0	1.1/1:1	6	6	6	1.75	18.0	31.5																	
31 Totals			309		40	60	60		100.0	200																	

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LPJH Operating Capacity (Long-term Operating Cap)

24-Hour/7-Day Living Unit Posts	Hours/days of assignment	Level	Rated Capacity	Staff:Youth PREA Ratio	Operational Min EM	Operational Min AM	Operational Min PM	Relief Factor	Direct Care FTE's	Assigned to Unit (Direct Care FTE +Relief)
Housing Unit R1 w Control Center	24/7	Mandatory	15	1:5/1:8	2	3	3	1.75	8.0	14
Housing Unit R2	24/7	Mandatory	15	1:5/1:8	1	2	2	1.75	5.0	8.75
Housing Unit S1 w Control Center	24/7	Mandatory	15	1:5/1:8	2	3	3	1.75	8.0	14
Housing Unit S2	24/7	Mandatory	15	1:5/1:8	1	2	2	1.75	5.0	8.75
Housing Unit X1 w Control Center	24/7	Mandatory	15	1:5/1:8	2	3	3	1.75	8.0	14
Housing Unit X2	24/7	Mandatory	15	1:5/1:8	1	2	2	1.75	5.0	8.75
Housing Unit Y1 w Control Center	24/7	Mandatory	15	1:5/1:8	2	3	3	1.75	8.0	14
Housing Unit Y2	24/7	Mandatory	15	1:5/1:8	1	2	2	1.75	5.0	8.75

LPJH STAFFING ASSESSMENT PLAN															
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	LPJH Operating Capacity (Long-term Operating Cap)														
2	24-Hour/7-Day Living Unit Posts	Hours/days of assignment	Level	Rated Capacity	Staff/Unit PEA Ratio	Operational PEs EH	Operational PEs AH	Operational PEs PH	Rated Factor	Direct Care FTE's	Assignment with direct Care FTE's				
3	Housing Unit A/MOU overflow w Control Center	24/7	Mandatory	12	1.8/1:16	2	2	2	1.75	6.0	10.5				
4	Housing Unit B	24/7	Mandatory	16	1.8/1:16	1	2	2	1.75	5.0	8.75				
5	Housing Unit C w Control Center	24/7	Mandatory	16	1.8/1:16	2	2	2	1.75	6.0	10.5				
6	Housing Unit D	24/7	Mandatory	16	1.8/1:16	1	2	2	1.75	5.0	8.75				
7	Housing Unit E w Control Center	24/7	Mandatory	16	1.8/1:16	2	2	2	1.75	6.0	10.5				
8	Housing Unit F	24/7	Mandatory	16	1.8/1:16	1	2	2	1.75	5.0	8.75				
9	Housing Unit G w Control Center	24/7	Mandatory	0	1.8/1:16	0	0	0	1.75	0.0	0.0				
10	Housing Unit H	24/7	Mandatory	0	1.8/1:16	0	0	0	1.75	0.0	0.0				
11	Housing Unit L w Control Center	24/7	Mandatory	16	1.8/1:16	2	3	3	1.75	8.0	14				
12	Housing Unit M	24/7	Mandatory	16	1.8/1:16	1	3	3	1.75	7.0	12.25				
13	Housing Unit T w Control Center	24/7	Mandatory	0	1.8/1:16	0	0	0	1.75	0.0	0.0				
14	Housing Unit U	24/7	Mandatory	0	1.8/1:16	0	0	0	1.75	0.0	0.0				
15	Housing Unit N w Control Center	24/7	Mandatory	16	1.8/1:16	2	3	3	1.75	8.0	14				
16	Housing Unit O	24/7	Mandatory	16	1.8/1:16	1	3	3	1.75	7.0	12.25				
17	Housing Unit P w Control Center	24/7	Mandatory	12	1.8/1:16	2	2	2	1.75	6.0	10.5				
18	Housing Unit Q	24/7	Mandatory	16	1.8/1:16	1	2	2	1.75	5.0	8.75				
19	Housing Unit R1 w Control Center	24/7	Mandatory	15	1.5/1:8	2	3	3	1.75	8.0	14				
20	Housing Unit R2	24/7	Mandatory	15	1.5/1:8	1	2	2	1.75	5.0	8.75				
21	Housing Unit S1 w Control Center	24/7	Mandatory	15	1.5/1:8	2	3	3	1.75	8.0	14				
22	Housing Unit S2	24/7	Mandatory	15	1.5/1:8	1	2	2	1.75	5.0	8.75				
23	Housing Unit X1 w Control Center	24/7	Mandatory	15	1.5/1:8	2	3	3	1.75	8.0	14				
24	Housing Unit X2	24/7	Mandatory	15	1.5/1:8	1	2	2	1.75	5.0	8.75				
25	Housing Unit Y1 w Control Center	24/7	Mandatory	15	1.5/1:8	2	3	3	1.75	8.0	14				
26	Housing Unit Y2	24/7	Mandatory	15	1.5/1:8	1	2	2	1.75	5.0	8.75				
27	MOU - Medical	24/7	Mandatory	5	1.8/1:16	2	2	2	1.75	6.0	10.5				
28	MC/M	24/7	Mandatory	0	1.8/1:16	1	2	2	1.75	5.0	8.75				
29	MC/F	24/7	Mandatory	0	1.8/1:16	1	2	2	1.75	5.0	8.75				
30	Levels 1:1/1:2 Supervisions	24/7	Mandatory	0	1:1/1:1	6	6	6	1.75	18.0	31.5				
31	Totals			309		40	60	60		160.9	280				

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Exhibit D3 to County's 1.8.25 Appeal

	A	B	C	D
1	LPJH Operating Capacity (Long-term Operating Cap)			
2	24-Hour/7-Day Living Unit Posts	Hours/days of assignment	Level	Rated Capacity
3	Housing Unit A/MOU overflow w Control Center	24/7	Mandatory	12
4	Housing Unit B	24/7	Mandatory	16
5	Housing Unit C w Control Center	24/7	Mandatory	16
6	Housing Unit D	24/7	Mandatory	16
7	Housing Unit E w Control Center	24/7	Mandatory	16
8	Housing Unit F	24/7	Mandatory	16
9	Housing Unit G w Control Center	24/7	Mandatory	0
10	Housing Unit H	24/7	Mandatory	0
11	Housing Unit L w Control Center	24/7	Mandatory	16
12	Housing Unit M	24/7	Mandatory	16
13	Housing Unit T w Control Center	24/7	Mandatory	0
14	Housing Unit U	24/7	Mandatory	0
15	Housing Unit N w Control Center	24/7	Mandatory	16
16	Housing Unit O	24/7	Mandatory	16
17	Housing Unit P w Control Center	24/7	Mandatory	12
18	Housing Unit Q	24/7	Mandatory	16
19	Housing Unit R1 w Control Center	24/7	Mandatory	15
20	Housing Unit R2	24/7	Mandatory	15
21	Housing Unit S1 w Control Center	24/7	Mandatory	15
22	Housing Unit S2	24/7	Mandatory	15
23	Housing Unit X1 w Control Center	24/7	Mandatory	15
24	Housing Unit X2	24/7	Mandatory	15
25	Housing Unit Y1 w Control Center	24/7	Mandatory	15
26	Housing Unit Y2	24/7	Mandatory	15
27	MOU - Medical	24/7	Mandatory	5
28	MC/M	24/7	Mandatory	0
29	MC/F	24/7	Mandatory	0
30	Levels 1:1/1:2 Supervisions	24/7	Mandatory	0
31	Totals			309

BSCC is mandated to inspect juvenile facilities across the state for compliance with the minimum standards outlined in California Code of Regulations, Titles 15 and 24, by the California Welfare and Institutions Code, section 209. As such,



BOARD OF STATE AND COMMUNITY CORRECTIONS



December 19, 2024

The Honorable Miguel Espinoza
Supervising Judge, Juvenile Justice Division
Superior Court, County of Los Angeles
East Los Angeles Courthouse
4848 E. Civic Center Way
Los Angeles, CA 90022

RE: CASE NO. FJ57137 BSCC DOCUMENTATION OF UNSUITABLE FINDINGS AT LOS PADRINOS

Dear Judge Espinoza:

The purpose of this letter is to provide the court with relevant and up-to-date information on the Board of State and Community Corrections (BSCC) notice of unsuitability transmitted to Los Angeles County pursuant to Welfare and Institutions Code section 209, subdivision (a)(4). We are submitting this information to assist the Court's deliberations for the hearing scheduled on December 23, 2024.

BSCC is mandated to inspect juvenile facilities across the state for compliance with the minimum standards outlined in California Code of Regulations, Titles 15 and 24, by the California Welfare and Institutions Code, section 209. As such, BSCC has conducted several inspections of the Los Padrinos facility. Enclosed as Appendix A is a timeline of inspections and BSCC meetings related to the findings from those inspections over the last few years.

As that history shows, BSCC's inspections have found the facility continually falling below minimum standards for the detainment of youth. As a result, there is not a juvenile hall within Los Angeles County for which the Board has a current finding of suitability for the confinement of juveniles pursuant to California Welfare and Institutions Code, section 209.

The Board is very concerned about the welfare and safety of the youth detained in the facility given the ample amount of time the county has had to comply with the minimum standards, and the continued inability to meet minimum staffing requirements at Los Padrinos is alarming. The Board also recognizes the important public safety function that juvenile detention facilities

Linda M. Penner, Chair
Aaron Maguire, Executive Director (A)

WWW.BSCC.CA.GOV

Gavin Newsom
California Governor

Exhibit E to County's 1.8.25 Appeal

Since the last inspection, the county has implemented a population reduction plan and has made strides in reducing the number of youth being placed in the facility; however, there is no analysis that indicates that the staffing numbers should be commensurately decreased. In this latest staffing plan, however, the county has further decreased already low staffing minimums.

We found of the 45 shifts reviewed, (5) AM shifts and (6) EM shifts (24% of shifts overall) did not meet the Department's required minimum unit staffing requirements. We found Monday, Tuesday, and Saturday Early Morning shifts and Saturday, Sunday and Monday AM shifts to be below the identified minimum staffing numbers. There were 11 occurrences where youth identified as a Level youth did not have a Level staff assigned per the documentation provided; this highlights that minimum staffing numbers continue to not be met and/or are inadequate to meet the needs of the facility.

We found that the current staffing numbers do not allow for all required activities, operations, programs and facility functions, and to ensure the safety of youth and staff.

Program, Recreation and Exercise Logs

The findings of noncompliance with staffing are also linked to the inability of the facility to provide programs, recreation, and exercise in compliance with minimum standards due to the lack of staff. During our review of activity logs, we found two (2) instances where the lack of staff was specifically noted as the cause for the units to cancel outdoor exercise. We also found a significant number of documented occurrences of youth not being provided with the opportunity to go outside for exercise or for outdoor activity due to "darkness," despite the facility having lighted areas.

When we discovered documentation of modification of outdoor recreation to indoor recreation, we verified those activities on video review. What we observed was that in most cases, youth did not participate in exercise, but rather engaged in recreation activities in the dayroom, such as, TV, phones, video games etc.

School Movement

The finding of noncompliance with staffing was also based on the inability of facility staff to get youth to school on time due to lack of staff available for supervision within the classroom. While the facility has improved in this area, youth continue to be late to school, due to operational issues that occurred within the units, such as late medical rounds, restructuring of youth, or unit incidents that occurred. We also found a noteworthy number of late starts due to the teachers being late to the classroom, which were confirmed to be educators being late to the facility.

“We found of the 45 shifts reviewed, **(5) AM shifts and (6) EM shifts** (24% of shifts overall) **did not meet the Department's required minimum unit staffing requirements.**”

“We found Monday, Tuesday, and Saturday Early Morning shifts and Saturday, Sunday and Monday AM shifts **to be below the identified minimum staffing numbers.**”

LPJH STAFFING ASSESSMENT PLAN													
LPJH Operating Capacity (Long-term Operating Cap)													
24-Hour/7-Day Living Unit Posts	Hours/Days of Assignment	Level	Rated Capacity	Staff:Youth PREA Ratio	Operational Min EM	Operational Max AM	Operational Min PM	Staff:Youth PREA Ratio	Direct Care FTEs	Approved In-Unassigned Care FTEs			
Housing Unit A/MDU overflow w/ Control Center	24/7	Mandatory	12	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit B	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit C w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit D	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit E w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit F	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit G w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit H	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit I w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit J	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit K w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit L	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit M	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit N w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit O	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit P w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit Q	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit R1 w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit R2	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit S1 w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit S2	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit X1 w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit X2	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit Y1 w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit Y2	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
MDU - Medical	24/7	Mandatory	5	1:8/1:16	2	2	2	1.75	6.0	10.5			
MDU	24/7	Mandatory	0	1:8/1:16	1	2	2	1.75	5.0	8.75			
MDU	24/7	Mandatory	0	1:8/1:16	1	2	2	1.75	5.0	8.75			
Levels 1-1/2 Supervisors	24/7	Mandatory	0	1:1/1:1	6	6	6	1.75	18.0	31.5			
Totals			309		40	60	60		150.0	250.0			

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Staff:Youth PREA Ratio	Operational Min EM	Operational Min AM	Operational Min PM
1:8/1:16	2	2	2
1:8/1:16	1	2	2
1:8/1:16	1	2	2
1:1/1:1	6	6	6
	40	60	60

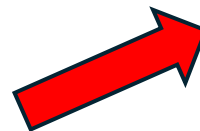


Exhibit D3 to County's 1.8.25 Appeal

A	B	C	D	E	F	G	H	I
Date	Shift	§ 1321 On-Duty Staff:Youth Ratio	Youth in Detention	Total On-Duty Staff	§ 1321 Total On-Duty Staff Required	Assessment Goal for Total Staff	Small Group On-Duty Staff	Remaining On-Duty Staff
11/19/2024	AM	1:10	258	85	26	60	16	69
	PM	1:10	246	113	25	60	14	99
	EM	1:30	247	48	9	40	18	30
11/20/2024	AM	1:10	247	85	25	60	20	65
	PM	1:10	246	106	25	60	23	83
	EM	1:30	240	55	9	40	15	40
11/21/2024	AM	1:10	249	93	25	60	20	73
	PM	1:10	249	118	25	60	23	95
	EM	1:30	249	63	9	40	16	47
11/22/2024	AM	1:10	249	80	25	60	17	63
	PM	1:10	249	108	25	60	24	84
	EM	1:30	246	63	9	40	13	50
11/23/2024	AM	1:10	251	71	26	60	17	54
	PM	1:10	246	87	25	60	21	66
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	PM	1:10	247	108	25	60	21	87
	EM	1:30	248	48	9	40	11	37
11/25/2024	AM	1:10	248	74	25	60	15	59
	PM	1:10	244	92	25	60	21	71
	EM	1:30	246	41	9	40	12	29
11/26/2024	AM	1:10	246	88	25	60	16	72
	PM	1:10	245	105	25	60	21	84
	EM	1:30	245	48	9	40	13	35
11/27/2024	AM	1:10	242	77	25	60	21	56
	PM	1:10	240	100	24	60	20	80
	EM	1:30	242	54	9	40	12	42
11/28/2024	AM	1:10	242	85	25	60	22	63
	PM	1:10	242	94	25	60	20	74
	EM	1:30	243	52	9	40	11	41
11/29/2024	AM	1:10	243	80	25	60	14	66
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	EM	1:30	245	49	9	40	12	37
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	PM	1:10	246	84	25	60	20	64
	EM	1:30	252	45	9	40	9	36
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12/2/2024	AM	1:10	255	72	26	60	13	59
	PM	1:10	247	86	25	60	15	71
	EM	1:30	250	50	9	40	15	35
12/3/2024	AM	1:10	250	88	25	60	15	73
	PM	1:10	246	108	25	60	20	88
	EM	1:30	246	50	9	40	12	35

LEGEND
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Shift BSOC Found Deficient

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Shift BSCC Found Deficient

LPJH STAFFING ASSESSMENT PLAN													
LPJH Operating Capacity (Long-term Operating Cap)													
24-Hour/7-Day Living Unit Posts	Hours/days of assignment	Level	Rated Capacity	Staff:Youth PREA Ratio	Operational Min EM	Operational Min AM	Operational Min PM	Bed/Floor	Direct Care FTE's	Assigned to Unit (Direct Care FTE's)			
Housing Unit A/MOU overflow w/ Control Center	24/7	Mandatory	12	1:8/1:16	2	2	2	1.35	6.0	10.5			
Housing Unit B	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit C w/ Control Center	24/7	Mandatory	18	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit D	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit E w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit F	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit G w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit H	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit I w/ Control Center	24/7	Mandatory	16	1:8/1:16	2	2	2	1.75	6.0	10.5			
Housing Unit M	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit N w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit O	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit P w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit Q	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit R w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit S1 w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit S2	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit T1 w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit T2	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit Y1 w/ Control Center	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
Housing Unit Y2	24/7	Mandatory	16	1:8/1:16	1	2	2	1.75	5.0	8.75			
MOU - Medical	24/7	Mandatory	5	1:8/1:16	2	2	2	1.75	6.0	10.5			
MC/M	24/7	Mandatory	0	1:8/1:16	1	2	2	1.75	5.0	8.75			
MC/F	24/7	Mandatory	0	1:8/1:16	1	2	2	1.75	5.0	8.75			
Levels 1:1/1:2 Supervisions	24/7	Mandatory	0	1:1/1:1	6	6	6	2.75	18.0	31.5			
Totals									100.0	290			

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DECEMBER 2024



24-Hour/7-Day Living Unit Posts	Hours/days of assignment	Level	Rated Capacity	Staff:Youth PREA Ratio	Operational Min EM	Operational Min AM	Operational Min PM
MOU - Medical	24/7	Mandatory	5	1:8/1:16	2	2	2
MC/M	24/7	Mandatory	0	1:8/1:16	1	2	2
MC/F	24/7	Mandatory	0	1:8/1:16	1	2	2
Levels 1:1/1:2 Supervisions	24/7	Mandatory	0	1:1/1:1	6	6	6
Totals			309		40	60	60

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- **October 10, 2024:** The County provided a draft CAP to BSCC staff in late afternoon. BSCC responded that the draft CAP would not be approved as drafted because there was no detail on what steps would be taken to resolve the item of noncompliance and many elements that were required by BSCC policy were not included in the CAP. For example, the plan lacked completion dates and did not adequately explain how proposed corrective actions would ensure compliance with section 1321.
- **October 11, 2024:** The County's final CAP was provided to BSCC. The County is notified that the CAP is denied because it does not adequately outline how the Department plans to correct the issue of noncompliance nor does it provide reasonable timeframes for resolution of the staffing deficiencies, including ensuring that "there are an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for safety and security of youth and staff, and meet established standards and regulations." (Cal. Code Regs., tit. 15, § 1321, subd. (a).) The CAP also does not provide information on how it will "ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances." (Cal. Code Regs., tit. 15, § 1321, subd. (b).)
- **October 13, 2024:** The County submitted a revised, untimely CAP, which was denied both on procedural grounds and on the merits.
- **October 14, 2024:** BSCC Board Chair Penner formally notified the County that Los Padrinos was unsuitable due to the failure to submit an approved CAP pursuant to Welfare and Institutions Code, Section 209(d), and that they had 60 days (December 12, 2024) to discontinue using the facility for the confinement of youth until brought into compliance with the law.
- **December 2, 2024:** Los Angeles County Probation requested a reinspection to determine if the facility had come into compliance with section 1321 (Staffing).
- **December 5 — 6, 2024:** BSCC staff reinspected and determined that Los Padrinos remained out of compliance with staffing and that timely delivery to medical programs, attendance at school, and access to program, recreation, and exercise continued to be negatively impacted by the lack of staff.

Section A: Reinspection of Los Padrinos on December 5-6, 2024

The County asserts that the BSCC applied the wrong standard to assess staffing levels, specifically noting that Los Padrinos was in compliance with required staffing ratios at the time of inspection. The County misunderstands how BSCC evaluates compliance with section 1321.

BSCC has never asserted that Los Padrinos was out of compliance with section 1321 based on the facility not meeting the required staffing ratios. Ratios are just one

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recordings, and interviewed youth and staff to get a complete and total assessment of compliance with all applicable requirements of section 1321.

After reviewing this other evidence, BSCC further determined that programs, recreation, and exercise were not consistently occurring, that youth continued to be held in room confinement without documentation and held in their locked rooms for excessive periods of time, that youth continued to be late to school, and that youth were not getting to medically necessary appointments due to lack of staffing. These factors, combined with staffing falling below the County's own staffing assessment plan, led to the finding that the facility remained out of compliance with section 1321, subdivisions (a) and (b). It is important to note that this finding is not an outlier—Los Angeles County's juvenile halls has been found out of compliance with section 1321 multiple times since the 2018/2020 Biennial Inspection Cycle.

In short, because the finding of continued noncompliance was based on a reasonable application of Section 1321 to the evidence of noncompliance, this claim is denied.

Section B – Other Alleged Errors by BSCC

The County also raises several additional legal issues related to the process by which the facility became unsuitable: (1) BSCC lacked statutory authority to conduct targeted monthly inspections; (2) BSCC abused its discretion in denying the October CAP; (3) BSCC Board erred when it delegated authority to the deputy director to approve/deny CAPs and failed to place the item on the November agenda; and (4) the issuance of the 60-day notice of unsuitability itself was an unreasonable application of the Board's regulations and the law. As noted in the prior response to the December 13, 2024 Notice of Appeal, these claims are untimely and are therefore all denied on that basis. However, as further explained below, even if these claims were timely, they would still be denied as explained below.

1. The BSCC may inspect local detention facilities more frequently than once every two years.

At the April 11, 2024 BSCC board meeting, BSCC determined that Los Padrinos was suitable. However, the Board expressed concerns regarding the sustainability of the facility and its ability to adhere to the Board's minimum standards. As such, the Board directed staff to continue monitoring the conditions at Los Padrinos. Thereafter, BSCC staff conducted monthly targeted inspections. The County contends that the BSCC lacked statutory authority to do so, citing Welfare and Institutions Code section 209(a)(3)(A), which mandates the Board conduct biennial inspections, but this is not the only authority that allows BSCC to conduct inspections.

Penal code sections 6030 and 6031 are among BSCC's enabling statutes that establish the BSCC's powers, duties, and authority; in particular, the sections bestow power on the BSCC to conduct biennial inspections of local detention facilities in the state "at a minimum," (Pen. Code, § 6031.) The County argues that juvenile facilities cannot be inspected more than once every other two years because the "at a minimum" language

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Since the last inspection, the county has implemented a population reduction plan and has made strides in reducing the number of youth being placed in the facility; however, there is no analysis that indicates that the staffing numbers should be commensurately decreased. In this latest staffing plan, however, the county has further decreased already low staffing minimums.

We found of the 45 shifts reviewed, (5) AM shifts and (6) EM shifts (24% of shifts overall) did not meet the Department's required minimum unit staffing requirements. We found Monday, Tuesday, and Saturday Early Morning shifts and Saturday, Sunday and Monday AM shifts to be below the identified minimum staffing numbers. There were 11 occurrences where youth identified as a Level youth did not have a Level staff assigned per the documentation provided; this highlights that minimum staffing numbers continue to not be met and/or are inadequate to meet the needs of the facility.

We found that the current staffing numbers do not allow for all required activities, operations, programs and facility functions, and to ensure the safety of youth and staff.

Program, Recreation and Exercise Logs

The findings of noncompliance with staffing are also linked to the inability of the facility to provide programs, recreation, and exercise in compliance with minimum standards due to the lack of staff. During our review of activity logs, we found two (2) instances where the lack of staff was specifically noted as the cause for the units to cancel outdoor exercise. We also found a significant number of documented occurrences of youth not being provided with the opportunity to go outside for exercise or for outdoor activity due to "darkness," despite the facility having lighted areas.

When we discovered documentation of modification of outdoor recreation to indoor recreation, we verified those activities on video review. What we observed was that in most cases, youth did not participate in exercise, but rather engaged in recreation activities in the dayroom, such as, TV, phones, video games etc.

School Movement

The finding of noncompliance with staffing was also based on the inability of facility staff to get youth to school on time due to lack of staff available for supervision within the classroom. While the facility has improved in this area, youth continue to be late to school, due to operational issues that occurred within the units, such as late medical rounds, restructuring of youth, or unit incidents that occurred. We also found a noteworthy number of late starts due to the teachers being late to the classroom, which were confirmed to be educators being late to the facility.

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A	B	C	D	E	F	G	H	I
Date	Shift	§ 1321 On-Duty Staff:Youth Ratio	Youth in Detention	Total On-Duty Staff	§ 1321 Total On-Duty Staff Required	Assessment Goal for Total Staff	Small Group On-Duty Staff	Remaining On-Duty Staff
11/19/2024	AM 1:10	258	85	26	60	16	89	
	PM 1:10	246	113	25	60	14	99	
	EM 1:30	247	48	9	40	18	30	
11/20/2024	AM 1:10	247	85	25	60	20	65	
	PM 1:10	246	106	25	60	23	83	
	EM 1:30	248	55	9	40	15	40	
11/21/2024	AM 1:10	249	95	25	60	20	73	
	PM 1:10	249	118	25	60	23	95	
	EM 1:30	249	63	9	40	16	47	
11/22/2024	AM 1:10	249	80	25	60	17	63	
	PM 1:10	249	108	25	60	24	84	
	EM 1:30	246	63	9	40	13	50	
11/23/2024	AM 1:10	251	71	26	60	17	54	
	PM 1:10	246	87	25	60	21	66	
	EM 1:30	249	48	9	40	11	37	
11/24/2024	AM 1:10	247	71	25	60	18	55	
	PM 1:10	247	108	25	60	21	87	
	EM 1:30	248	48	9	40	11	37	
11/25/2024	AM 1:10	248	74	25	60	15	59	
	PM 1:10	244	92	25	60	21	71	
	EM 1:30	246	41	9	40	12	29	
11/26/2024	AM 1:10	246	88	25	60	16	72	
	PM 1:10	245	105	25	60	21	84	
	EM 1:30	245	48	9	40	13	35	
11/27/2024	AM 1:10	242	77	25	60	21	56	
	PM 1:10	240	100	24	60	20	80	
	EM 1:30	242	54	9	40	12	42	
11/28/2024	AM 1:10	242	85	25	60	22	63	
	PM 1:10	242	94	25	60	20	74	
	EM 1:30	243	52	9	40	11	41	
11/29/2024	AM 1:10	243	80	25	60	14	66	
	PM 1:10	243	84	25	60	22	62	
	EM 1:30	245	49	9	40	12	37	
11/30/2024	AM 1:10	245	70	25	60	12	58	
	PM 1:10	246	94	25	60	20	64	
	EM 1:30	252	45	9	40	9	36	
12/1/2024	AM 1:10	252	68	26	60	13	55	
	PM 1:10	253	92	26	60	16	76	
	EM 1:30	255	48	9	40	10	38	
12/2/2024	AM 1:10	255	72	26	60	13	39	
	PM 1:10	247	86	25	60	15	71	
	EM 1:30	250	50	9	40	15	35	
12/3/2024	AM 1:10	250	88	25	60	15	73	
	PM 1:10	246	108	25	60	20	88	
	EM 1:30	246	50	9	40	12	38	

LEGEND
Compliant with § 1321 as shown by figures in bold in columns in E and F
Shift BSCC Found Deficient

A	B	C	D	E	F	G	H	I
Date	Shift	§ 1321 On-Duty Staff:Youth Ratio	Youth in Detention	Total On-Duty Staff	§ 1321 Total On-Duty Staff Required	Assessment Goal for Total Staff	Small Group On-Duty Staff	Remaining On-Duty Staff
12/2/2024	AM	1:10	255	72	26	60	13	59
	PM	1:10	247	86	25	60	15	71
	EM	1:30	250	50	9	40	15	35

LEGEND

Compliant with § 1321 as shown by figures in bold in columns in E and F

Shift BSCC Found Deficient