

February 18, 2025

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**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



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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,

AARON R. MAGUIRE (A)  
Executive Director