



May 22, 2023

Linda Penner, Chair
Board of State and Community Corrections
2595 Venture Oaks Way, Suite 200
Sacramento, CA 95833
linda.penner@bscc.ca.gov
Via email only

Re: Settlement Discussions to Avoid Litigation Regarding the Unsuitability of Los Angeles County's Central and Barry J. Nidorf Juvenile Halls

Dear Chair Penner and Board Members,

As the Board prepares for its May 23, 2023, meeting to address the dire conditions in Los Angeles County's juvenile halls, we want to reiterate the Board's present obligation to declare and immediately issue notice of unsuitability with respect to Central Juvenile Hall and Barry J. Nidorf (BJN) Juvenile Hall.

As we explained in our previous letters of April 12th and April 27th, the Board has a legal duty under Welfare and Institutions Code section 209 to issue notice of unsuitability regarding Los Angeles' juvenile halls because these facilities received notice of noncompliance with minimum standards and failed to submit an approved corrective action plan to the Board within 60 days of that notice. In fact, when the Board meets next Tuesday, 130 days will have elapsed since it provided Los Angeles with notice of noncompliance. In our previous letters we stated we were prepared to litigate the Board's failures to act according to its duty.

We appreciate the time staff and counsel for the Board have taken to meet with us to resolve this matter since our April 27, 2023 letter. Our discussions to date have been productive. We were pleased to see that the recommendations from staff in the May 23, 2023 Board Letter reflected what was represented to us during those discussions. And, as a result, we have delayed commencing litigation to give the Board an opportunity to meet its obligations at the upcoming meeting.

Recently, we learned that at the upcoming May 23 meeting, Los Angeles County's Probation intends to present its most recent plan to bring its facilities into compliance and to request that the Board give Los Angeles a "reasonable deadline extension." Even if circumstances indicated that more time might be reasonable – which they absolutely do not – the Board cannot legally extend the statutory deadlines set for correcting noncompliance.

We ask that the Board fulfill its current obligations as required by law. We are also very interested in continuing to work with staff and counsel to clarify the process for dealing with findings of noncompliance and unsuitability that arise in the future. However, if on May 23, 2023, the Board fails to declare Los Angeles' juvenile halls unsuitable or to immediately transmit notice of unsuitability, we will move forward with commencing litigation.

If you would like to discuss, we can make ourselves available at any point between now and the beginning of the May 23, 2023, meeting. Please feel free to contact us at the numbers below.

Sincerely,



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