



March 23, 2023

Karen Fletcher, Interim 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 BARRY J. NIDORF AND CENTRAL JUVENILE HALLS**

Dear Interim Chief Fletcher:

The Board of State and Community Corrections (BSCC) is in receipt of the Corrective Action Plan (CAP) submitted by the Los Angeles County Probation Department for the items of noncompliance identified in the January 13, 2023 initial inspection report that was part of the 2020/2022 Biennial Inspection of the Central and Barry J. Nidorf Juvenile Halls. After careful review, we have determined that this CAP is inadequate to address the ongoing and serious items of noncompliance at both facilities. Consequently, this CAP cannot be approved and the Board will make a determination of suitability at the next scheduled board meeting on April 14, 2023.

Pursuant to Welfare and Institutions Code section 209, subdivision (d), the County of Los Angeles was required to "file an approved corrective action plan" with the BSCC within 60 days following the notice of noncompliance. This corrective action plan was required to "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 [BSCC] shall either approve or deny." (Emphasis added.) On March 14, 2023, the BSCC received the department's corrective action plan. As explained in more detail below, the information provided in the corrective action plan 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.

It is important to note at the outset that many of the items of noncompliance at the juvenile halls can be directly linked to issues with staffing. Both facilities are currently out of compliance with Section 1321<sup>1</sup> of Title 15 of the California Code of Regulations, Staffing, due to the inability to carry out the overall facility operation and programming and provide for the safety and security of youth and staff.<sup>2</sup> Moreover, youth are regularly

<sup>1</sup> All citations are references to Title 15 of the California Code of Regulations unless otherwise noted.

<sup>2</sup> Section 1321 provides, in pertinent part,

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;

not being provided with required services because of insufficient numbers of staff on duty. This ongoing and consistent lack of staffing also contributes to the noncompliance with several other sections of Title 15, including the following:

1. Section 1354.5, Room Confinement
2. Section 1357, Use of Force
3. Section 1360, Searches
4. Section 1370, Education
5. Section 1371, Programs, Recreation and Exercise

To resolve the issues of inadequate staffing, the CAP indicates that the department is working to expedite the completion of Juvenile Correctional Officer Core academies for deployment of up to an additional 43 staff through May. In addition, the CAP references additional incentive pay, which, the CAP also notes, expires in April 2023. Finally, the CAP references the temporary reassignment of a minimum of 100 staff from the field to the juvenile halls through December 31, 2023. Unfortunately, even if we could assume the full deployment of these staff into the juvenile halls, some of which we note are not trained as juvenile correctional officers, there is insufficient information to determine what staffing plan would be in place to address the items listed above. Nor do we believe this staffing will be sustainable given the short term, emergency measures involved. Without additional details describing staffing levels across the units for which we can then inspect for compliance, this plan cannot be approved.

In addition to providing an inadequate plan to resolve the issues involving staffing, there are several places in the CAP where Probation notes that a plan has been developed and will be in place, but there is no detail of these plans included. For example, on page 5 of the CAP, there is a description of a plan developed in collaboration with the California Department of Justice that was implemented on March 5, 2023 to “address processes specific to the use of force reviews” as it relates the findings of noncompliance with Section 1357, Use of Force. However, the CAP does not describe specifically what the plan entails or how compliance with Section 1357 is supported by this plan. Likewise, the details for correcting the deficiencies noted in implementing Section 1390, Discipline, are also lacking. As such, the CAP for these sections cannot be approved.

At the BSCC’s February 2023 board meeting, the Board considered the county’s initial inspection report and, given the seriousness of the items of noncompliance, had approved a motion to invite Chief Gonzales to the April board meeting to provide an interim update on what had been expected to be the implementation of the county’s corrective action plan. Given that the department has failed to provide a corrective action plan that can be approved within the timeframe specified in Welfare and Institutions Code section 209, the Board will now be required to make a formal determination of suitability for both juvenile halls at the April 13, 2023. Please consider this letter as the preliminary notice for a determination of suitability; a second notice will

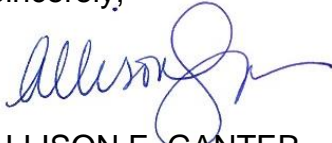
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(b) ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances;

follow. As a reminder, if the Board determines that the facilities are not suitable for the confinement of youth, the county must vacate the juvenile halls within 60 days following the determination.

If you have any questions regarding the disapproval of the county's corrective action plan, please feel free to contact me at [Allison.Ganter@bscc.ca.gov](mailto:Allison.Ganter@bscc.ca.gov).

Sincerely,



ALLISON E. GANTER  
Deputy Director

Cc:

Fesia Davenport, Chief Executive Officer, Los Angeles County  
Honorable Eric C. Taylor, Presiding Judge Los Angeles County Superior Court  
Honorable Akemi Arakaki, Presiding Judge of the Juvenile Court  
Celia Zavala, Executive Officer, Board of Supervisors  
Dawyn R. Harrison, County Counsel, Los Angeles County  
Max Huntsman, Office of Inspector General, Los Angeles County  
Wendelyn Julien, Executive Director, Probation Oversight Commission