



March 29, 2022

Dr. Adolfo Gonzales
Chief Probation Officer
Los Angeles County Probation Department
1601 Eastlake Avenue
Los Angeles, California 90033

*****PLEASE TAKE NOTICE*****

Dear Chief Gonzales:

This letter is to provide you with written notice that the California Board of State and Community Corrections will make a determination of suitability of the Barry J. Nidorf Juvenile Hall at its next scheduled board meeting on **April 7, 2022** pursuant to Welfare and Institutions Code section 209, subdivision (d).¹

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

Status of December 10, 2021 Corrective Action Plan

In October and November 2021, following inspection of the county's juvenile facilities, we notified your agency of noncompliance with section 1354.5 of Title 15 of the Board's regulations. A summary can be found in the Supplemental Board Report submitted to the Board for its November 18, 2021 meeting.²

¹ Welfare and Institutions Code section 209, subdivision (d), provides:

[A] juvenile hall, special purpose juvenile hall, law enforcement facility, or jail shall be unsuitable for the confinement of minors 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](#) or [210.2](#), 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, 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, 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, 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.

² <https://www.bscc.ca.gov/wp-content/uploads/Supplemental-Report-to-Board-Suitability-of-LA-County-Juvenile-Facilities-FINAL-11-17-21.pdf>. (Pages 19-20.)

Pursuant to Welfare and Institutions Code section 209, the agency was required to submit a corrective action plan (CAP) to the BSCC within 60 days.

On December 10, 2021, we received the agency's corrective action plan, which was approved. This corrective action plan required the agency to outline how they intended to correct the issues of noncompliance and to come into compliance within a reasonable timeframe, not to exceed 90 days or by March 10, 2022.

Barry J. Nidorf Juvenile Hall

§ 1354.5, Room Confinement

After March 10, 2022, BSCC staff began to review and inspect the Barry J. Nidorf Juvenile Hall to determine compliance with the county's December 10, 2021 corrective action plan. Following inspection, which included reviewing unit documentation and supervisory review of video, interviewing youth housed in the facility, and reviewing video from 10 randomly selected dates from February 2, 2022 through (and including) March 10, 2022, it appears that Barry J. Nidorf remains out of compliance with section 1354.5, Room Confinement. Specifically, during the referenced time periods, youth were placed in their rooms for periods of time exceeding what the Los Angeles County Probation Department has determined is necessary for required institutional operations.³ This is based on the November 16, 2021 Los Angeles Probation Department memo, which provides that youth shall only be placed in their rooms for the amount of time necessary for shift change, "but no more than 30 minutes at the end of AM shift and beginning of PM shift." Based on our review of 80 shift changes across eight units, these time limits were exceeded over 50% of the time. Consequently, because the juvenile hall has not fully resolved the issues of noncompliance, the Board will make a determination of suitability at its next scheduled meeting pursuant to Welfare and Institutions Code section 209, subdivision (d).

Please note that if the Board finds that the juvenile hall is not being operated and maintained as a suitable place for the confinement of minors, the Board shall give notice of its findings to all persons having authority to confine youth pursuant to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code and commencing 60 days thereafter the juvenile hall shall not be used for confinement of minors until the time the Board finds, after reinspection of the juvenile hall, that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of minors. (Welf. & Inst. Code, § 209, subd. (a)(4).)

³ Pursuant to regulations, "Room confinement does not include confinement of a youth in a locked single person room for brief periods as may be necessary for required institutional operations." (Cal. Code Regs., tit. 15, § 1302.)

AGENCY RESPONSE

The agency may, but is not required to, participate at the April 7, 2022 Board meeting as part of the Board's determination of suitability. If the agency wishes to respond in writing, we request that a response be submitted no later than April 5, 2022 to Adam.Lwin@bscc.ca.gov. If the agency anticipates that the facility will be in compliance prior to the Board meeting, or soon thereafter, please include in the response specific facts articulating to what extent the facility is, in fact, in compliance with the Board's regulations and estimated dates of compliance. This response will be included as part of the Board's agenda. The response may include any evidence or testimony rebutting staff's preliminary findings of noncompliance.

Although the Board will be meeting in-person, due to the ongoing pandemic, the Board is allowing public participation via Zoom. A link to the meeting is available at the Board's website at: www.bscc.ca.gov. If you, your staff, or any other agency representative will be participating, please contact Adam.Lwin@bscc.ca.gov and provide the names and contact information of those participating no later than April 5, 2022.

While participation is not mandatory, the Board formally requests that you appear in-person or via Zoom to discuss any outstanding issues of noncompliance.

DETERMINATION OF SUITABILITY

The determination of suitability is a quasi-judicial process in which the Board will determine whether the facilities are or are not in compliance with the Board's regulations. The proceeding is part of the Board's meeting agenda and is not a formal adversarial hearing. Oral testimony, if provided, will not be subject to cross-examination. Board staff will present its findings and recommendations to the Board, which will be followed by questioning by board members through the Chair. The agency will be given the opportunity to provide rebuttal evidence or testimony followed by questioning by board members through the Chair.

Following the presentation of the staff report and agency response, the Board will issue a written decision regarding any items of noncompliance with the Board's minimum standards and the suitability of each juvenile facility. If the Board is unable to make a determination of suitability based on the information provided, the Board may, in its discretion, continue the proceedings to a future board meeting.

The proceedings will be open to the public and is subject to the Bagley-Keene Open Meeting Act. (Gov. Code, §§ 11120-11132.)

If you have any questions about this process, please contact our general counsel,
Aaron.Maguire@bscc.ca.gov.

Sincerely,



LINDA PENNER
Chair

cc:

Kathleen T. Howard, Executive Director
Aaron R. Maguire, General Counsel
Allison Ganter, Deputy Director
Lisa Southwell, Field Representative, Board of State and Community Corrections
Honorable Eric C. Taylor, Presiding Judge Los Angeles County Superior Court
Honorable Akemi Arakaki, Presiding Judge of the Juvenile Court
Fesia Davenport, Chief Executive Officer, Los Angeles County
Rodrigo Castro-Silva, County Counsel, Los Angeles County
Wendelyn Julien, Executive Director, Probation Oversight Commission