



February 2, 2024

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

CORRECTIVE ACTION PLAN – VERIFICATION OF COMPLIANCE – BARRY J NIDORF SECURE YOUTH TREATMENT FACILITY

Dear Chief Viera Rosa:

The 2023-2024 Comprehensive Inspection of the Barry J Nidorf Secure Youth Treatment Facility (BJN SYTF) was conducted between August 18 and August 25, 2023. On August 11, 2023, the Board of State and Community Corrections (BSCC) provided you with an Initial Inspection Report (IIR) notifying you of the following items of noncompliance with Title 15, California Code of Regulations at the BJN SYTF:

- § 1321, Staffing
- § 1322, Youth Supervision Staff Orientation and Training
- § 1324, Policy and Procedures Manual
- § 1328, Safety Checks
- § 1353, Orientation
- § 1357, Use of Force
- § 1360, Searches
- § 1370, Education Program
- § 1371, Programs, Recreation, and Exercise
- § 1390, Discipline

On October 10, 2023, the BSCC received an approved Corrective Action Plan (CAP) for all outstanding items of noncompliance at BJN SYTF. The CAP indicated a completion date of January 5, 2024, for corrective action and compliance with all outstanding items of noncompliance.

On December 15, 2023, we conducted an unannounced inspection at the facility to follow up on a concern presented to the BSCC Board related to the lack of programming. We met with a facility Director and Supervisor and reviewed available documentation. We focused on the Visitor Entry Logs which note every person who enters the facility, including outside program providers. We were able to observe that Community Based Organizations, Credible Messengers, and other various visitors were routinely in the facility to provide programming; however, the logs did not consistently document where in the facility the visitors provided programming. While these logs did not indicate noncompliance, we discussed this issue with facility management; it is difficult to discern

Chief Viera Rosa
Page 2
2/2/24

which units receive adequate programming if there is no record of where the people providing the programming go when they enter the facility.

On January 5, 2024, the Los Angeles County Probation Department provided written verification that the corrective action had been completed for all areas except section 1390, Discipline.

During January 18 and 25, 2024, BSCC staff conducted a follow-up inspection at the BJN SYTF to verify completion of the CAP and compliance with the remaining above noted sections of Title 15.

Our review of policy, processes, and documentation indicate that the BSJ SYTF is **in compliance** with the following sections of Title 15:

§ 1328, Safety Checks

A review of safety check documentation between January 6 and 13, 2024 indicates compliance with this regulation.

§ 1360, Searches

A review of Special Incident Reports (SIR), documenting unit and youth room searches, and strip search logs between January 6 and 13, 2024 indicates compliance with this regulation.

Policy sections 716 and 717 are inconsistent and unclear and should be updated to provide consistency and clarity; however, the documentation provided indicates that staff comply with the higher standard and conduct daily room and common area searches.

Policy also requires that facility perimeters (inside and outside), the school, and other areas of the facility shall be routinely searched for any contraband, including weapons, as directed by the Assistant Superintendent. The Daily Facility Report notes staff are assigned each shift to complete a perimeter/security check which includes the field area.

The Special Enforcement Unit (SEO) K9 officers search the facility twice a day as part of their regular duties and includes the school. If any contraband or other items are found this information is captured on an SIR. We did not view any SIR's noting any contraband was found during this timeframe.

§ 1370, Education Program

A review of current attendance records from both Probation and Los Angeles County Office of Education (LACOE) was reviewed; LACOE has been providing weekly attendance records by email for our review. Bridget Whitaker, the school Principal, confirmed youth attendance; all youth we spoke with noted they were attending class on time and in compliance with regulation.

Our review of policy, processes, and documentation indicates that the BJN SYTF remains **out of compliance** with the following sections of Title 15:

§ 1321, Staffing

A staffing analysis was provided to BSCC staff, which indicated the minimum staffing required 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. Our review of documentation indicates that these minimum staffing numbers were not consistently met. Additionally, we observed that the reassigned field staff who were assigned to the facility to bolster staffing were removed from the facility. The facility's CAP, correction of the noncompliance, and continued compliance is dependent on these staff to meet minimum staffing requirements; without this complement, we are unsure how compliance will be achieved and be maintained.

§ 1322, Youth Supervision Staff Orientation and Training

A review of documentation indicates that while Youth Supervision Staff assigned to the facility have received appropriate facility specific orientation and training, the reassigned and deployed field staff assigned to provide youth supervision in the facility have not received this training as required by regulation and as outlined in the CAP.

§ 1324, Policy and Procedures Manual

The facility provided an updated policy and procedural manual for review. We received no documentation of staff review or acknowledgement of this document as required by regulation. We noted areas in which policy is inconsistent in the direction to staff which is confusing and can lead to non-compliance. The facility CAP states that the facility will provide a SYTF-specific procedure guide and continue to use the DSB manual in areas that have not changed. We are unable to determine if this document is the SYTF-specific procedure guide or a hybrid document.

§ 1353, Orientation

A review of the orientation manual indicates that the manual is missing several areas required by regulation; in addition, other areas have not been implemented. The following areas need to be addressed in the orientation manual:

- (a) facility rules
- (b) facility's system of positive behavior interventions and supports, including behavior expectations, incentives that youth will receive for complying with facility rules, and consequences that may result when youth violate the rules of the facility
- (e) the youth's right to be free of retaliation for reporting a grievance
- (h) recreational activities
- (i) housing assignments
- (l) availability of reading materials, and other activities
- (n) immigration legal services
- (r) the process for requesting different housing, education, programming and work assignments

- (s) a process for which parents/guardians receive information regarding the youth's stay in the facility that at a minimum includes answers to frequently asked questions and provides contact information for the facility, medical, school and mental health

§ 1357, Use of Force

A review of documentation indicates that not all staff assigned to the facility have received the required training.

Policy Section 1002 States "All sworn officers that are authorized to utilize physical intervention techniques in the performance of their duties shall receive department-approved training (initial training and annual refresher training) on de-escalation, physical intervention, and chemical intervention/decontamination techniques prior to being authorized to utilize force."

The approved CAP indicated that updated training would conform to policy requiring 24-hour training: eight (8) hours on policy and 16 hours on hands-on techniques, further noting "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." The CAP also stated the Department will implement a two (2) hour training on the appropriate use of OC Spray for all staff that have previously not had the training.

We reviewed documentation on incident debrief and parent contact after use of force; this practice has been corrected.

§ 1371 Programs, Recreation and Exercise

We reviewed the facility program calendar, activity logs for the units, and sign in sheets. While the facility is compliant with the exercise component of this regulation, programs and recreation continue to be noncompliant. Some improvements have been made, and documentation and interviews indicate that Credible Messengers are regularly in the units providing both mentorship and some programming for the youth. Units N and O have been re-designed into a treatment unit and has regular programming from the Tarzana Treatment Center, which also provides programming to other units as well.

Activity logs and sign in sheets lack consistent detail for all units/buildings to discern whether programming that occurs is rehabilitative or pro-social. Unit staff rely on the programming calendar, which does not appear to be consistent with the actual unit activity documented on the logs and sign in sheets. The scheduled dates, time, and length of the program indicated on the programming calendar do not align with documentation of actual programming that occurs. Because of this, it is not possible to determine compliance with this regulation; this is an ongoing issue and remains noncompliant.

There continues to be a lack of availability of recreational activities. While a few activities have been added, the activities offered at the facility appear to be the same as those that were previously offered. We understand that the facility is actively

Chief Viera Rosa
Page 5
2/2/24

working on this issue; however, as of the inspection date, youth do not have access to live or recorded television programming, they cannot watch live sports events or other pro-social television programming. We were told that youth can watch YouTube for educational or other appropriate entertainment material; however, we did not observe this activity occurring while onsite. The agency has implemented game consoles in all units and is in the process of implementing virtual headsets on each unit for youth education and recreation.

We provided technical assistance on the recently implemented activity log; the log does not accurately document compliance with the regulation or align with the programs that are actually occurring. Updating this form will help meet and maintain compliance.

§ 1390, Discipline

On January 5, 2024, the Los Angeles County Probation Department provided written verification that the corrective action had not been completed for section 1390, Discipline due to the delay of the requirement that the California Department of Justice approve the training for the soon-to-be implemented disciplinary process in the detention facilities ¹

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As you are aware, because BJN SYTF remains out of compliance with several items of Title 15 following the corrective action plan period, the BSCC is required to make a determination of suitability at its next scheduled board meeting, February 15, 2024. (Welf. & Inst. Code, § 209, subd. (d).) Notice will be provided under separate cover.

Please email me at lisa.southwell@bscc.ca.gov or call (916) 322-1638 if you have any questions.

Sincerely,



LISA SOUTHWELL
Field Representative
Facilities Standards and Operations Division

Chief Viera Rosa
Page 6
2/2/24

Enclosures

Cc: Chair, Board of Supervisors, Los Angeles County
Fesia Davenport, Los Angeles Chief Executive Officer
The Honorable Samantha P. Jessner, Presiding Judge Los Angeles County Superior Court
Wende Julian, Executive Director, Los Angeles Probation Oversight Commission
Dawyn R. Harrison, County Counsel, Office of the County Counsel, County of Los Angeles
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
Valerie Van Kirk, Bureau Chief RTSB/SYTF, Los Angeles County Probation
Tracy Novak, Senior Director, SYTF, Los Angeles County Probation
Marlin Barbarin, Director, SYTF, Los Angeles County Probation