



February 13, 2024

Board of State and Community Corrections
2595 Venture Oaks Way, Suite 200
Sacramento, CA 95833
publiccomment@bscc.ca.gov

Via email only

Re: BSCC Agenda Item – Determination of Suitability – Los Angeles County Juvenile Detention Facilities

Dear Board:

We write in response to the attached correspondence between the Board of State and Community Corrections (“BSCC”) and the County of Los Angeles Probation Department (“Department”), which raises concerns the BSCC might not comply with its statutory duties at the Board’s upcoming February 15th meeting.

The BSCC Must Make a Determination of Suitability at Its February 15, 2024 Meeting and Not at a Subsequent Meeting.

First, the BSCC’s written statements indicate that it may unlawfully delay its suitability determinations as to the Los Angeles facilities. In the attached letters from the BSCC to the Department, BSCC Chair Linda Penner writes, “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.” However, Welfare and Institutions Code section 209 subsection (d) states unequivocally that “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*” (emphasis added).

While the BSCC ordinarily has the discretion to manage agenda and continue items to subsequent meetings, that discretion does not exist where timelines and duties are imposed by statute. When, as is the case here, the Legislature has assigned a duty to an administrative agency in mandatory and unambiguous language with a time certain for performing that duty, it must be performed at that time. On February 2nd and February 7th, the BSCC gave notice to the Department that it had failed to resolve the noncompliance issues which were identified in August 2023 inspection reports and outlined in the Department’s two corrective action plans. As

those notices indicate, the next scheduled BSCC meeting following the Department's failure to timely meet the obligations of its corrective action plans will take place on February 15th. Therefore, *the BSCC must make a determination of suitability at that meeting*. There is no statutory authority that would allow the BSCC to ignore the time-specific requirement imposed by Welfare and Institutions Code section 209 and continue the determination of suitability to a later date. If it were to continue its decision to another meeting it would fail to timely make the determination and fail to meet its legal obligation. No exceptions are permitted under the statute.

Furthermore, there is no need for a continuance since the Department admitted to the BSCC it was not in compliance with minimum standards at the end of the CAP period by admitting to "deficiencies." in its February 10th letter that "[t]he County recognizes the point-in-time deficiencies described by the BSCC field staff." It also impliedly confirmed the BSCC's finding of continued noncompliance when the Department stated in its February 9th letter that "[t]he County has taken immediate action to correct the identified areas of deficiencies." Though the Department goes on to state that the Los Padrinos facility is not unsuitable and the Barry J. Nydorf facility is now compliant,¹ this argument is unavailing; the Department's admissions that it failed to meet its commitment to resolve noncompliance issues before the completion of its corrective action plans are decisive as to the BSCC's duty to make a determination of suitability at its February 15, 2024 meeting.

Also, the Department's appeal for more time rings hollow. The BSCC posts its meeting dates and times months in advance, and so the Department was aware that the upcoming BSCC meeting would be the next scheduled meeting after the deadline for completing its corrective action plans. The Department has known for months that a determination of suitability would be required by law at this upcoming meeting unless it was able to clearly demonstrate its compliance with the minimum standards. Indeed, no agency should be allowed more time to operate an unsuitable facility based on a claim that it cannot quickly demonstrate compliance.

The BSCC May Not Refuse to Accept Its Own Report in Order to Evade Its Statutory Duties

In the Department's February 10th letter, Chief Viera Rosa makes the astonishing request that the BSCC should simply choose "[n]ot accept the report of February 7, 2024, of non-compliance of the Los Padrinos Juvenile Hall." However, there is no minimum notice requirement for the BSCC to accept a report or findings from its own staff, nor a requirement that the BSCC must formally accept a report from its own staff. How else could the BSCC independently verify a facility's compliance or noncompliance with minimum standards after a CAP except through an internal report from staff? There is no reason why the BSCC cannot accept and consider its staff's findings during an informal hearing, provided it grants an opportunity to the other party to

¹ The Department bases its argument on the fallacy that the BSCC can find a facility deficient but suitable or can find deficiencies remedied merely on the claims of the Department without independent verification. It cannot.

offer evidence in rebuttal, which it has done and has indicated it will continue to do at the February 15 hearing.

The BSCC should see the Department's complaints regarding notice and timing for what they are: not a request for time to gather evidence of compliance with the standards, but rather time to become compliant with the standards. Indeed, it should not be hard for the BSCC to see the request as a mere delay tactic because the Department has said the quiet part out loud. In the letter, Chief Viera Rosa states that the purpose of asking the BSCC to refuse to acknowledge receipt of the February 7th letter is delay. Chief Vera Rosa does not base the Department's request on any perceived inaccuracies in the reports but asks for the BSCC to refuse the report solely for the purpose of postponing the determination of suitability past the date mandated by statute. This request is a blatant effort to manipulate the law and evade accountability.

WIC § 209's Timelines Must Be Met, Regardless of any Continuing or Newly Launched Reform Efforts

The Department's request to assemble an "Operational Reconstruction Strike Team" would have no bearing on the statutory deadlines that arise from a determination of unsuitability. According to Welfare and Institutions Code section 209 (a) (4), once a determination of unsuitability is made and notice sent, a facility has 60 days to remedy the conditions that rendered the facility unsuitable or to stop using the facility to confine minors. There is no provision for extending statutory deadlines to assemble a "strike team," develop another corrective action plan, or execute that plan.

Additionally, we have concerns regarding the lawfulness of a contract between the Department and the BSCC for a joint strike team to bring LA's juvenile detention facilities into compliance with minimum standards. Such a joint contract would put the BSCC in the position of partnership and privity with the Department it oversees, which raises serious conflict of interest questions. It is worth noting that the Placer County example the Department provides dates all the way back to the time of the Board of Corrections and can be seen as an example of why the legislature created the BSCC as an independent agency that would not repeat mistakes like the arrangement with Placer County. At the same time that the Placer County arrangement took place, the Board also entered into a number of related agreements including an agreement to appoint an interim Chief Probation Officer, under which it appointed one of its own field representatives. One might look to such agreements as examples of why the legislature believed an independent agency was required and why such conflicts should not be repeated.

The BSCC Must Consider the Suffering of Youth Confined in Unsuitable Facilities

Noticeably missing from these attempts to evade the timelines expressly mandated by the Legislature in Welfare and Institutions Code section 209 is any mention of the fact that children have already languished in these unsuitable facilities for months and will continue to suffer until

the BSCC fulfills its duties. Many of these youth were moved to these unsuitable facilities from other unsuitable facilities. Already, there are youth who have suffered under unlawful conditions for well over a year. Continuing or postponing a determination of suitability will mean hundreds of youth suffering under unlawful conditions for still more months. While the BSCC may see itself as a partner to the Department and empathize with county staff who want to protect their county's institutions, the Legislature has made it the BSCC's duty to protect children from exactly the type of punishment they are currently experiencing in LA's juvenile facilities. When the interests of those children and the BSCC's duty to protect those interests are properly acknowledged, the result is clear. There can be no continuance, no further delay, no creative addition of time. The BSCC must "make a determination of suitability" as to both Los Padriños and Barry J. Nidorf at its February 15, 2024.

Sincerely,



Sean Garcia-Leys, Esq., Co-Executive Director
Peace and Justice Law Center
323-490-2412, sean.garcialeys@gmail.com



Erin Palacios, Staff Attorney
Youth Law Center
415-413-4127, epalacios@ylc.org

Cc: Linda Penner, Chair, linda.penner@bscc.ca.gov
Kathleen T. Howard, Executive Director, kathkeen.howard@bscc.ca.gov

Attachments



February 2, 2024

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

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

Dear Chief Viera Rosa:

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 Secure Youth Treatment Facility (BJN SYTF) at its next scheduled board meeting on **February 15, 2024** 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 facilities and conducts biennial inspections of those facilities. (Welf. & Inst. Code, §§ 209, 210, 875, & 885.) Regulations setting forth these minimum standards can be found in Sections 1300-1511 of Title 15 of the California Code of Regulations.

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

[a] juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, law enforcement facility, or jail shall be unsuitable for the confinement of juveniles 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, 210.2, 875, 885, or subdivision (e) of Section 207.1, 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, camp, ranch, secure youth treatment facility, 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, camp, ranch, secure youth treatment facility, 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, camp, ranch, secure youth treatment facility, 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.

On August 11, 2023, the BSCC notified the Los Angeles County Probation Department that BJJ SYTF was noncompliant with the following sections of Title 15 of the California Code of Regulations:

1. § 1321, Staffing
2. § 1322, Youth Supervision Staff Orientation and Training
3. § 1324, Policy and Procedures Manual
4. § 1328, Safety Checks
5. § 1353, Orientation
6. § 1357, Use of Force
7. § 1360, Searches
8. § 1370, Education Program
9. § 1371, Programs, Recreation, and Exercise
10. § 1390, Discipline

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

During January 18 and 25, 2024, BSCC staff conducted a follow-up inspection at the BJJ 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 BJJ SYTF is in compliance with the following sections of Title 15:

1. § 1328, Safety Checks
2. § 1360, Searches
3. § 1370, Education Program

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

1. § 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.

Because staffing is a critical component in evaluating whether a facility is “suitable” within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4), compliance with section 1321 will be part of the Board’s discussion.

2. § 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 the facility have not received this training as outlined in the CAP.
3. § 1324, Policy and Procedures Manual
The facility provided an updated policy and procedure manual for review. We received no documentation of staff review or acknowledgement of this document as required by regulation. There are several areas that remain inconsistent in the direction to facility staff and we are unable to determine if this document is the SYTF-specific procedure guide or a hybrid document.
4. § 1353, Orientation
A review of the orientation manual indicates that the manual is missing several areas required by regulation and some areas have not been implemented.
5. § 1357, Use of Force
A review of documentation indicates that not all staff assigned to the facility have received the required training per agency policy and the CAP.
6. § 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.
7. § 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.²

Because BJN SYTF remains out of compliance 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).)

² The BSCC has received no information indicating that the approval could not have been obtained at an earlier date.

* * *

Please note that if the Board finds that the BJN SYTF is not being operated and maintained as a suitable place for the confinement of juveniles, 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 facility] shall not be used for confinement of juveniles until the time the Board finds, after reinspection of the [juvenile facility] that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of juveniles. (Welf. & Inst. Code, § 209, subd. (a)(4).)

Agency Response

The agency may, but is not required to, participate at the February 15, 2024 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 February 9, 2024 to Adam.Lwin@bscc.ca.gov. If the agency anticipates that the facilities will be in compliance prior to the Board meeting, or soon thereafter, please include in the response specific facts articulating to what extent the facilities are, 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 10-day agenda, which will be posted prior to the start of the February 15, 2024 board meeting.

The Board meeting will be held in-person in Sacramento, California at the BSCC office, as well as on Zoom. A link to the meeting will be available at the Board's website 10 days prior to the meeting 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 February 8, 2024.

While participation is not mandatory, the Board formally requests that you or designee appear 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:

Board Members, Board of State and Community Corrections
Kathleen T. Howard, Executive Director, Board of State and Community Corrections
Aaron R. Maguire, General Counsel, Board of State and Community Corrections
Allison Ganter, Deputy Director, Board of State and Community Corrections
Lisa Southwell, Field Representative, Board of State and Community Corrections
Los Angeles County Board of Supervisors
Fesia Davenport, Los Angeles Chief Executive Officer
Wendelyn Julien, Executive Director, Los Angeles Probation Oversight Commission
The Honorable Samantha P. Jessner, Presiding Judge Los Angeles County Superior Court
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

February 7, 2024

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

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

Dear Chief Viera Rosa:

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 Los Padrinos Juvenile Hall (LPJH) at its next scheduled board meeting on **February 15, 2024** 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 facilities and conducts biennial inspections of those facilities. (Welf. & Inst. Code, §§ 209, 210, 875, & 885.) Regulations setting forth these minimum standards can be found in Sections 1300-1511 of Title 15 of the California Code of Regulations.

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

[a] juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, law enforcement facility, or jail shall be unsuitable for the confinement of juveniles 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, 210.2, 875, 885, or subdivision (e) of Section 207.1, 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, camp, ranch, secure youth treatment facility, 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, camp, ranch, secure youth treatment facility, 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, camp, ranch, secure youth treatment facility, 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.

On August 18, 2023, the BSCC notified the Los Angeles County Probation Department that LPJH was noncompliant with the following sections of Title 15 of the California Code of Regulations:

1. § 1321, Staffing
2. § 1322, Youth Supervision Staff Orientation and Training
3. § 1324, Policy and Procedures Manual
4. § 1325, Fire Safety Plan
5. § 1328, Safety Checks
6. § 1354.5, Room Confinement
7. § 1357, Use of Force
8. § 1358.5, Use of Restraint Devices for Movement and Transportation Within the Facility
9. § 1360, Searches
10. § 1370, Education Program
11. § 1371, Programs, Recreation, and Exercise
12. § 1390, Discipline

On October 16, 2023, the BSCC received an approved Corrective Action Plan (CAP) for all outstanding items of noncompliance at LPJH. The CAP indicated a completion date of January 10, 2024 for corrective action and compliance with all outstanding items of noncompliance.

On January 10, 2024, the Los Angeles County Probation Department provided written verification that the corrective action had been completed for all areas.

During January 29 and February 3, 2024, BSCC staff conducted a follow-up inspection at LPJH to verify completion of the CAP and compliance with the remaining above noted sections of Title 15.

Our review of policy, processes, and documentation indicates that LPJH is in compliance with the following section of Title 15:

1. § 1358.5, Use of Restraint Devices for Movement and Transportation Within the Facility

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

1. § 1321, Staffing
During the inspection, it appeared that there were 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. However, documents reviewed indicate that the reassigned field staff, who were assigned to bolster staffing, were removed from

the facility schedule. 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.

Because staffing is a critical component in evaluating whether a facility is "suitable" within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4), compliance with section 1321 will be part of the Board's discussion.

2. § 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 the facility have not received this training as outlined in the CAP.
3. § 1324, Policy and Procedures Manual
The facility provided an updated policy and procedure manual for review however, we did not receive a facility specific procedure guide as identified in the CAP. We received no information on a formalized training for the updated manual as noted in the CAP, nor were we provided with documentation of staff review or acknowledgement of this document as required by regulation.
4. § 1325, Fire Safety Plan
The facility has provided a fire safety plan that includes the Department's three (3) East Region Camps as the emergency evacuation; however, these camps collectively have a current bed capacity that is less than the total population of Los Padrinos, rendering this plan insufficient.
5. § 1328, Safety Checks
A review of safety check documentation between January 11 and January 18, 2024 indicates that many safety checks were not completed in compliance with regulation or policy. Specifically, safety checks are not being conducted within 15 minutes of one another and are not random and varied.
6. § 1354.5, Room Confinement
There was no room confinement documentation available for our review for the dates between January 11 and 18, 2024. Through observations and interviews with youth and staff, we found that room confinement continues to occur, although it is not documented and remains out of compliance.
7. § 1357, Use of Force
A review of documentation indicates that not all staff assigned to the facility have received the required training per agency policy and the CAP.

8. § 1360, Searches

The documentation that we reviewed indicates that youth rooms and unit searches are not consistently occurring.

9. § 1370, Education Program

Documentation of current attendance records from both Probation and Los Angeles County Office of Education indicates that youth are still routinely late to class and missing instruction time.

10. § 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.

11. § 1390, Discipline

While the facility has implemented a new Behavior Management Process, not all aspects of the program are in place.

Because LPJH remains out of compliance 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).)

* * *

Please note that if the Board finds that the LPJH is not being operated and maintained as a suitable place for the confinement of juveniles, 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 facility] shall not be used for confinement of juveniles until the time the Board finds, after reinspection of the [juvenile facility] that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of juveniles. (Welf. & Inst. Code, § 209, subd. (a)(4).)

Agency Response

The agency may, but is not required to, participate at the February 15, 2024 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 February 11, 2024 to Adam.Lwin@bscc.ca.gov. If the agency anticipates that the facilities will be in compliance prior to the Board meeting, or soon thereafter, please include in the response specific facts articulating to what extent the facilities are, 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 10-day agenda, which will be posted prior to the start of the February 15, 2024 board meeting.

The Board meeting will be held in-person in Sacramento, California at the BSCC office, as well as on Zoom. A link to the meeting will be available at the Board's website 10 days prior to the meeting 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 February 8, 2024.

While participation is not mandatory, the Board formally requests that you or designee appear to discuss any outstanding issues of noncompliance.

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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

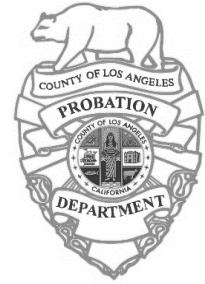
cc:

Board Members, Board of State and Community Corrections
Kathleen T. Howard, Executive Director, Board of State and Community Corrections
Aaron R. Maguire, General Counsel, Board of State and Community Corrections
Allison Ganter, Deputy Director, Board of State and Community Corrections
Lisa Southwell, Field Representative, Board of State and Community Corrections
Los Angeles County Board of Supervisors
Fesia Davenport, Los Angeles Chief Executive Officer
The Honorable Samantha P. Jessner, Presiding Judge Los Angeles County Superior
Court
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



COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY – DOWNEY, CALIFORNIA 90242
(562) 940-2501



GUILLERMO VIERA ROSA

Chief Probation Officer

February 9, 2024

Linda Penner, Chair
Board of State and Community Corrections
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833

Dear Ms. Penner:

RESPONSE TO NOTIFICATION OF IMPENDING DETERMINATION OF SUITABILITY OF BARRY J. NIDORF-SECURED YOUTH TREATMENT FACILITY

This is in response to your February 2, 2024, letter notifying the County of Los Angeles Probation Department (County) that the Board of State and Community Corrections (BSCC) will conduct a determination of suitability hearing for Barry J. Nidorf-Secured Youth Treatment Facility (BJN-SYTF) at its February 15, 2024, Board meeting. The below represents the County's written response to the BSCC findings.

BSCC has informed the County that based on a review of policy, processes, and documentation, BJN-SYTF remains out of compliance with seven (7) sections of Title 15 California Code of Regulations (CCRs) as outlined below.

- § 1321 Staffing
- § 1322 Youth Supervision Staff Orientation and Training
- § 1324 Policy and Procedures Manual
- § 1353 Orientation
- § 1357 Use of Force
- § 1371 Programs, Recreation and Exercise
- § 1390 Discipline

The County has taken immediate action to correct the identified areas of deficiencies. Additional documentation providing proof of practice is included at the link (in the email) for BSCC's review and verification of compliance with Title 15 CCRs. The County is in compliance with the seven (7) areas identified above and we, therefore, respectfully request that BSCC find us in compliance based on the records provided. If the Board is not inclined to do so, we request that this hearing be postponed at a minimum to allow time for your staff to reinspect at their earliest convenience.

Sincerely,

Guillermo Viera-Rosa
Chief Probation Officer

Rebuild Lives and Provide for Healthier and Safer Communities

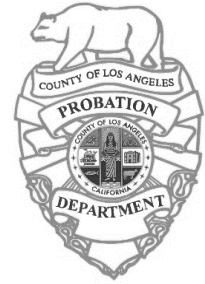


GUILLERMO VIERA ROSA

Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY – DOWNEY, CALIFORNIA 90242
(562) 940-2501



February 10, 2024

Linda Penner, Chair
Board of State and Community Corrections
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833

Dear Ms. Penner:

RESPONSE OF NOTIFICATION OF IMPENDING DETERMINATION OF SUITABILITY OF LOS PADRINOS JUVENILE HALL

IT IS REQUESTED THAT THE BOARD:

1. Not accept the report of February 7, 2024, of non-compliance of the Los Padrinos Juvenile Hall and postpone the hearing on this report.
2. Authorize the creation of an Operational Reconstruction Strike Team, under contract between the Board of State and Community Corrections and the Los Angeles County Probation Department, to assist in an extensive operational reconstruction of its juvenile hall compliance efforts.

JUSTIFICATION FOR REQUESTED ACTIONS

1. Not accept the report of February 7, 2024, of non-compliance of the Los Padrinos Juvenile Hall (Los Padrinos) and postpone the hearing on this report.

The Los Angeles County Probation Department (County or Department) leadership was served the follow-up inspection report and notice of suitability on February 7, 2024, at 5:39 PM via email. The notice provides the County can file a response by Sunday, February 11, 2024. This Board must have the full picture of the tremendous strides the County has made toward compliance with Title 15 and the plan to address its deficiencies. The County has been under external oversight, court-ordered monitoring, prior findings of non-compliance, and an unsuitability finding of its prior detention facilities. This cycle must end, and a sustainable plan must be created. Therefore, due to the lack of time between notice and the hearing and the need for a comprehensive reconstruction plan of

its detention services, the County requests this Board not accept the report for Los Padrinos at this hearing and postpone the hearing on this report until a time the County can adequately respond, and the Board can properly review the findings and evidence.

2. Authorize the creation of an Operational Reconstruction Strike Team, under contract between the Board of State and Community Corrections (BSCC) and the Los Angeles County Probation Department, to assist in an extensive operational reconstruction of its juvenile hall compliance efforts.

The County requests the BSCC's assistance. The County envisions an Operational Reconstruction Strike Team that consists of Probation designated subject matter experts. This group would be made up of statewide experts in the field of juvenile corrections: detention superintendents, safety and security, programming, use of force, and other key areas of facility operations. This team would join our recently formed local strike team. We would deploy target-focused teams to units to provide coaching and training in the fundamental practices essential to meeting and sustaining BSCC Title 15 compliance. Our local resources will benefit from integrating subject matter experts with a pattern of success in meeting Title 15 standards.

This request is not unprecedented. The BSCC's predecessor – the Board of Corrections (BOC) – created a group of BOC experts to work with Placer County's Probation Department to create a Departmental Organizational Assessment in 2003. This assessment was at the request of Placer County for the BOC to address and create a plan of action to address the structural and operational effectiveness of its detention services. Los Angeles County's request is substantially similar. The County would lead this effort in partnership with the BSCC.

The County recognizes the point-in-time deficiencies described by the BSCC field staff, but such deficiencies do not rise to a finding of unsuitability. The County has addressed many of the previous findings of non-compliance and is actively addressing its deficiencies. The new leadership of the Los Angeles County Probation Department recognizes the need to rebuild the culture of its facilities from the ground up – this takes time and expertise – expertise that the BSCC can convene to strengthen our local efforts.

Resources and staffing for probation agencies across the state are limited and they cannot safely absorb nearly 300 youth from our juvenile hall. Therefore, it must be a collective effort to repair the collapsed culture of the largest county's juvenile hall. The County needs help doing this from the experts in this field. Such a transformative change approach does not fit into statutory corrective action periods which gives rise to this unique, but not unprecedented, request. The largest County in the State recognizes it must make transformative change and it wants to make that change, but it cannot do it alone, we need your assistance.

Linda Penner, Chair, BSCC


February 10, 2024

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CONCLUSION

The County requests this Board not accept the report of February 7, 2024, and postpone the hearing on this report because the County recognizes its deficiencies and has been in a long cycle of oversight, court monitoring, and non-compliance that a plan to provide sustainable change is necessary to end this cycle for the benefit of the youth in our care. The County further requests this Board authorize the creation of an Operational Reconstruction Strike Team, under contract between the BSCC and the Los Angeles County Probation Department, to assist in an extensive operational reconstruction of its juvenile hall compliance efforts.

Sincerely,

A handwritten signature in blue ink, appearing to read "Guillermo Viera-Rosa".

Guillermo Viera-Rosa
Chief Probation Officer