



April 10, 2024

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

REINSPECTION FOR DETERMINATION OF SUITABILITY – BARRY J NIDORF SECURE YOUTH TREATMENT FACILITY

Dear Chief Viera Rosa:

At the February 15, 2024, Board meeting, the Board of State and Community Corrections (BSCC) determined that the Barry J. Nidorf Secure Youth Treatment Facility (BJN SYTF) was unsuitable for the confinement of juveniles pursuant to Welfare and Institutions Code section 209, subdivisions (a)(4) & (d) due to noncompliance with the following sections of Title 15, Minimum Standards for Juvenile Facilities:

1. § 1321, Staffing
2. § 1353, Orientation
3. § 1357, Use of Force
4. § 1371, Programs, Recreation, and Exercise
5. § 1390, Discipline

On April 4, 2024, BSCC staff conducted a reinspection of the Barry J Nidorf Secure Youth Treatment Facility (BJN SYTF) to determine if the conditions that rendered the facility unsuitable had been remedied. (Welf. & Inst. Code, § 209, subd. (a)(4).) During our inspection and in the days following the inspection, we reviewed proof of practice documentation from March 29 through April 9, 2024. We also talked with youth at the facility to confirm practice.

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

§ 1321, Staffing

2/2/24 Findings: 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.

April 4, 2024, Inspection Findings: BSCC staff were provided with a staffing plan for the facility with an effective date of April 2, 2024. We reviewed the Daily Schedule, Shift Report, the Shift Staffing Schedule, and the Daily Facility Report, comparing those numbers with the mandatory minimum numbers in the staffing plan. Our review indicates that almost all shifts are meeting these minimum numbers.

There was some confusion and conflicting information related to staffing during our recent inspection and we encourage Department leadership to ensure that facility management is aware of the Department approved minimum staffing numbers to ensure continued compliance.

In past inspections, other required services and programs were impacted due to lack of staffing, such as education and programs, recreation, and exercise. Our review of documentation and discussions with youth indicate that required services and programs are occurring at levels in compliance with Title 15 and are not being denied due to staffing.

We are aware that field staff continue to be deployed each day to complement assigned facility staff. The Department is continuing to concentrate on recruitment efforts to bolster staff. It is imperative that the Department continue to focus on reasonable and durable solutions to the many issues affecting staffing levels at the facility to maintain delivery of services and programs and ensure safety and security.

§ 1353, Orientation

2/2/24 Findings: 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*

April 4, 2024, Inspection Findings: We reviewed the updated Youth Handbook, which has been updated to include all required items, including the incentives related to the Developmental Stage System (DSS). We also reviewed the one-page addendum highlighting the changes to the Handbook. While newly admitted youth will receive the updated manual, all currently housed youth have been given the addendum.

We spoke with youth and confirmed that youth have been reoriented to the updated Handbook and have been given the addendum. All the youth we spoke with indicated that they understood the changes that were made to the Handbook and the DSS.

§ 1357, Use of Force

2/2/24 Findings: 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.

April 4, 2024, Inspection Findings: To be compliant and consistent with their policy, the Department’s plan is to complete all required training by June 30, 2024. The Department is conducting ongoing Physical Intervention Training (PIT) Day 1 (8 hours) to cover staff who have not taken the refresher since April 1, 2023. The Department intends to have the remaining staff scheduled and trained by April 15, 2024. Day 2 (second 8 hours) of the annual refresher of the PIT Course will begin on or about April 22, 2024 and all appropriate staff will be trained by June 30, 2024.

BSCC staff reviewed records indicating the progress toward completion of training; updated Department policy requires annual training to be complete by the end of each fiscal year (June 30th). The facility is on track to being compliant. Please inform BSCC staff and provide proof of practice when all staff have completed the full 16 hours of training by June 30, 2024.

§ 1371 Programs, Recreation and Exercise

2/2/24 Findings: 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 that 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 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.

April 4, 2024, Inspection Findings: The Department has implemented a new Activity Log to document youths' activities throughout the day. We reviewed Activity Logs, Program/Service Sign in Sheets, and Large Muscle Exercise Refusal Forms and were able to verify that youth are receiving their appropriate programs, recreation, and exercise hours. The Department has updated all related forms and documentation has improved significantly since the August 2023 inspection.

Probation-led programs are more robust and relevant to the program than in past inspections. The youth we spoke with indicated that they are indeed being offered and receiving programming as indicated in the documentation. There are several community and probation-led programs available; however, youth continue to report that they'd like more varied programs and different opportunities during recreation and youth continue to refuse several programs. Youth who have spent longer amounts of time at the facility note that the same programs continue to be offered. Facility staff indicated that they are looking at more opportunities for programs in the future. The Department should continue to review programs for youth interest, participation, and relevance to youths' goals.

§ 1390, Discipline

2/2/24 Findings: 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.

April 4, 2024, Inspection Findings: The new Developmental Stage System (DSS) is being implemented at the facility; while it isn't fully implemented, all appropriate staff have been trained in the DOJ approved 8-hour course, the incentive program has been updated, and youth have been reoriented to the new program.

Program staff continue to refine the incentive program to ensure that youth understand the program and receive appropriate incentives for their behaviors. "Canteen Point Sheets" have been updated to align with the policy and program and to be user-friendly for the youth.

We reviewed the "Canteen Point Sheets" that indicate that youth are receiving their incentives. As mentioned above in Section 1353, Orientation, we also reviewed the updated Youth Handbook to verify that the information is accurate.

Discussions with youth indicate that they understand the DSS system, and the changes made to their "point system." All the youth we spoke with indicated that they are receiving their incentives.

* * *

As you are aware, because BJA SYTF is currently unsuitable for the confinement of youth pursuant to Welfare and Institutions Code section 209, subdivisions (a)(4) & (d), the BSCC Board will review the findings of this reinspection to determine if the conditions that rendered the facility unsuitable have been corrected at the April 11, 2024, meeting. (Welf. & Inst. Code, § 209, subd. (a)(4).)

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

Cc: Lindsay Horvath, 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
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