



March 27, 2023

Karen Fletcher
Interim Chief Probation Officer
Los Angeles County Probation Department
1601 Eastlake Avenue
Los Angeles, California 90033

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

Dear Interim Chief Fletcher:

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 and the Los Angeles County Central Juvenile Hall at its next scheduled board meeting on **April 13, 2023** pursuant to Welfare and Institutions Code section 209, subdivision (d).¹

The Board of State and Community Corrections 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.

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.

Summary of 2020-2022 Biennial Inspection

On January 13, 2023, following the inspection of the county's juvenile facilities, we notified your agency of several items of noncompliance with the Board's regulations. A copy of the initial inspection report and final inspection can be found here:

https://drive.google.com/drive/folders/1W_HwQLU98Q5pgsateq-KBO1ZA5ww3B5h

Pursuant to Welfare and Institutions Code section 209, the county was required to submit a corrective action plan (CAP) to our agency within 60 days or by March 14, 2023.

On March 14, 2023, we received the county's corrective action plan. This 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. Many of the items of noncompliance at the juvenile halls can be directly linked to issues with staffing; in addition to the inability to carry out the overall facilities operations and programming, and providing for the safety and security of youth and staff, youth are regularly not being provided with required services because of insufficient staff on duty. The corrective action plan fails to provide sufficient information that the BSCC would rely on to determine what staffing plan would be in place to address these issues of noncompliance during an inspection.

Corrective action plans for items of noncompliance not directly related to staffing also fail to provide sufficient detail. The corrective action plan does not describe the specific details for correction of other items of noncompliance, including Section 1357, Use of Force and Section 1390, Discipline.

In the absence of an approved corrective action plan, the Board is required to make a determination of suitability at its next scheduled board meeting, April 13, 2023. Based on the final inspection report, the county's juvenile halls remain out of compliance with the following regulations:

Barry J. Nidorf

- § 1321. Staffing.
- § 1325. Fire Safety Plan.
- § 1327. Emergency Procedures.
- § 1328. Safety Checks.
- § 1354.5. Room Confinement.
- § 1357. Use of Force.
- § 1360. Searches.
- § 1370. Education Program.
- § 1371. Programs, Recreation, and Exercise.

- § 1390. Discipline.
- § 1230.2.10 Security glazing
- § 1230.1.7 Single occupancy sleeping rooms
- § 1230.2.6 Lighting
- § 1230.1.5 Living unit.
- § 1230.1.11 Physical activity and recreation areas

Central Juvenile Hall

- § 1321. Staffing.
- § 1328. Safety Checks.
- § 1354.5. Room Confinement.
- § 1357. Use of Force.
- § 1358.5. Use of Restraint Devices for Movement and Transportation Within the Facility.
- § 1360. Searches.
- § 1370. Education Program.
- § 1371. Programs, Recreation, and Exercise.
- § 1374. Visiting.
- § 1390. Discipline.
- § 1230.2.10 Security glazing
- § 1230.1.7 Single occupancy sleeping rooms
- § 1230.2.6 Lighting
- § 1230.1.5 Living unit.
- § 1230.1.11 Physical activity and recreation areas

In addition to the above-items of noncompliance, during an unannounced inspection at the Barry J. Nidorf Juvenile Hall on March 8, 2023, BSCC staff found that there had been no progress made towards access to outdoor exercise and programming pursuant to Section 1371, Recreation, Programs and Exercise and also observed that youth were eliminating urine in receptacles in their rooms during the night shifts due in part to continued lack of staffing.

Please note that if the Board finds that either 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).)

County Response

The county may, but is not required to, participate at the April 13, 2023 board meeting as part of the Board's determination of suitability. If the county wishes to respond in writing, we request that a response be submitted no later than April 3, 2023. This response will be included as part of the Board's 10-day agenda, which will also be posted on April 3, 2023. The response should include specific facts articulating to what extent the county is, in fact, in compliance with the Board's regulations and may include any evidence or testimony rebutting staff's preliminary findings of noncompliance included in the links to the reports above. To the extent you anticipate that the county facilities will be in compliance prior to the board meeting or soon thereafter, please provide estimated dates of completion of any further corrective actions. The Board may also consider additional information submitted as part of a supplemental corrective action plan explaining how the county will come into compliance no later than 90 days, which the Board may also approve or deny.

While participation is not mandatory, the Board formally requests that you appear in person to discuss the corrective action plan and 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 county 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 county 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 county 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
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