



LINDA M. PENNER
Chair

KATHLEEN T. HOWARD
Executive Director

STATE OF CALIFORNIA

BOARD OF STATE AND COMMUNITY CORRECTIONS

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EDMUND G. BROWN, JR.
Governor

October 1, 2021

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

***** NOTICE OF FACILITY UNSUITABILITY***
Barry J. Nidorf and Central Juvenile Halls
Welf. & Inst. Code, § 209, subs. (a)(4) & (d)**

SENT VIA ELECTRONIC EMAIL AND VIA UNITED STATES POSTAL SERVICE

Dear Chief Gonzales:

This letter is to provide you with written notice and findings that on September 16, 2021, the California Board of State and Community Corrections determined that the **Barry J. Nidorf Juvenile Hall** and the **Los Angeles County Central Juvenile Hall** are not suitable for the confinement of minors pursuant to Welfare and Institutions Code section 209, subdivisions (a)(4) and (d).

A facility is considered “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...” (Welf. & Inst. Code, § 209, subd. (d).) For each of the minimum standards listed below, the Board of State and Community Corrections found the county facility to be “not in compliance” with the standard.

Please note that pursuant to Welfare and Institutions Code section 209, subdivision (a)(4), commencing **60 days** following this notice or by **November 30, 2021** the facilities shall not be used for the confinement of minors until the Board finds, after reinspection of the facilities, that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of minors. The Board will consider whether the items of noncompliance have been remedied at its next scheduled board meeting on **November 18, 2021**. Please contact BSCC Field Representative Lisa Southwell at your convenience to schedule a reinspection, which we recommend should occur no later than November 12, 2021.

Items of Noncompliance

Barry J. Nidorf

§ 1402. Scope of Health Care

Regulation: When health services are delivered within the juvenile facility, staff, space, equipment, supplies, materials, and resource manuals shall be adequate to the level of care provided. (Cal. Code Regs., tit., 15 § 1402, subd. (b).)

Findings: Based on 8/31/2021 Addendum to Medical/Mental Health Evaluation (attached). Real time medication documentation remains as a deficiency. Psychotropic PMA status record remains as a deficiency.

§ 1432. Health Assessment

Regulation: The health assessment shall be completed within 96 hours of admission, excluding holidays, to the facility and result in a compilation of identified problems to be considered in classification, treatment, and the multi-disciplinary management of the youth while in custody and in pre-release planning. It shall be conducted in a location that protects the privacy of the youth and conducted by a physician, or other licensed or certified health professional working within his/her scope of practice and under the direction of a physician. (Cal. Code Regs., tit., 15 § 1432, subd. (a).)

Findings: Based on 8/31/2021 Addendum to Medical/Mental Health Evaluation (attached). Health appraisals were still exceeding the 96 hours requirement.

§ 1434. Consent and Refusal for Health Care

Regulation: All immunizations, examinations, treatments, and procedures requiring verbal or written informed consent in the community also require that consent for confined youth. (Cal. Code Regs., tit., 15 § 1434, subd. (a).)

Findings: General consents are generally not available in the Probation Electronic Medical Record System (PEMRS) immediately upon incarceration.

§ 1438. Pharmaceutical Management

Regulation: For all juvenile facilities, the health administrator, in consultation with a pharmacist and in cooperation with the facility administrator, shall develop and implement written policy, establish procedures, and provide space and accessories for the secure storage, controlled administration, and disposal of all legally obtained drugs. Such policies, procedures, space and accessories shall include, but not be limited to, documenting that prescribed medications have or have not been administered, by whom, and if not, for what reason. (Cal. Code Regs., tit., 15 § 1438, subd. (a)(5).)

Findings: Administration and delivery of medications were not consistently documented and missed medications have been noted as a systemic issue by the local health officer.

§ 1439. Psychotropic Medications

Regulation: Psychotropic medications shall not be administered to a youth absent an emergency unless informed consent has been given by the legally authorized person or entity. (Cal. Code Regs., tit., 15 § 1439, subd. (b).)

Findings: Consent for use of psychotropic medication is not being documented accurately for use of psychotropic medication, which remains deficient.

Central Juvenile Hall

§ 1402. Scope of Health Care

Regulation: When health services are delivered within the juvenile facility, staff, space, equipment, supplies, materials, and resource manuals shall be adequate to the level of care provided. (Cal. Code Regs., tit., 15 § 1402, subd. (b).)

Findings: Based on 8/31/2021 Addendum to Medical/Mental Health Evaluation (attached). Real time medication documentation remains as a deficiency. Psychotropic PMA status record remains as a deficiency.

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Regulation: The health assessment shall be completed within 96 hours of admission, excluding holidays, to the facility and result in a compilation of identified problems to be considered in classification, treatment, and the multi-disciplinary management of the youth while in custody and in pre-release planning. It shall be conducted in a location that protects the privacy of the youth and conducted by a physician, or other licensed or certified health professional working within his/her scope of practice and under the direction of a physician. (Cal. Code Regs., tit., 15 § 1432, subd. (a).)

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§ 1354.5. Room Confinement

Regulation: Room confinement shall not be used for the purposes of punishment, coercion, convenience, or retaliation by staff. (B) Develop an individualized plan that includes the goals and objectives to be met in order to integrate the youth to general population.

§ 1358.5. Use of Restraint Devices for Movement and Transportation within the Facility

Issue: An individual assessment of the need to apply restraints for movement or transportation that includes consideration of less restrictive alternatives, consideration of a youth's known medical or mental health conditions, trauma informed approaches, and a process for documentation and supervisor review and approval. (Cal. Code Regs., tit., 15 § 1358.5, subd. (c).)

Findings: BSCC staff reviewed incident reports in which restraints were used for movement within the facility between the dates of 08/20/2021 and 9/10/2021. The documentation reviewed does not contain the specific detail for BSCC staff to identify regulatory requirements. Facility staff must consider the youth's known medical or mental health issues and consider trauma informed approaches before placing them in restraints for movement or transportation; this intent is not captured in the documentation.

Sincerely,



LINDA PENNER

Chair

cc:

All BSCC Board Members

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

Los Angeles County Board of Supervisors

Fesia Davenport, Chief Executive Officer, Los Angeles County

Rodrigo Castro-Silva, County Counsel, Los Angeles County

Christina R. Ghaly, Director, Department of Health Services, Los Angeles County

Jonathan E. Sherin, Director, Department of Mental Health, Los Angeles County

Barbara Ferrer, Director, Department of Public Health, Los Angeles County

Sheila Williams, Senior Manager, Chief Executive Office, Los Angeles County

Wendelyn Julien, Executive Director, Probation Oversight Commission Justice Deputies

Attachments:

Barry J. Nidorf Medical/Mental Health Evaluation

Central Juvenile Hall Medical/Mental Health Evaluation