

MEETING DATE: June 9, 2022

AGENDA ITEM: F

TO: BSCC Chair and Members

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SUBJECT: Reinspection of Los Angeles County Juvenile Hall – Determination of Suitability – (Welf. & Inst. Code, § 209, subd. (a)(4) & (d))
Barry J. Nidorf Juvenile Hall, Los Angeles County
Central Juvenile Hall, Los Angeles County
Requesting Approval

Summary

This report provides an update on the ongoing monitoring of the Los Angeles County Juvenile Halls and requests the Board to make a determination of suitability within the meaning of Welfare and Institutions Code section 209, subdivision (d) for the Barry J. Nidorf Juvenile Hall and the Central Juvenile Hall in the County of Los Angeles with respect to the status of corrective action plans involving noncompliance with Title 15, California Code of Regulations.

Background

On November 15, 2021, the Barry J. Nidorf Juvenile Hall and Central Juvenile Hall in the County of Los Angeles were notified that they were out of compliance with the regulations detailed below. The Los Angeles County Probation Department provided a Corrective Action Plan on December 10, 2021; the facilities were to be reinspected for compliance in March 2022, and the facilities were scheduled for discussion before the BSCC Board on April 7, 2022 for a determination of suitability.

BSCC staff conducted an inspection at the Barry J. Nidorf Juvenile Hall between March 14 and 29, 2022. At the April 7, 2022 BSCC Board meeting, the BSCC Board continued the determination of suitability and directed BSCC staff to reinspect the facility within 30 days, in part because the facility had demonstrated a positive shift and trend toward corrective action and compliance.

The Los Angeles County Probation Department moved youth out of Central Juvenile Hall prior to the March inspection and the Board declined to take further action while the facility was not being operated as a juvenile hall. BSCC staff informed the Probation Department that they would conduct a reinspection of the Central Juvenile Hall when youth returned to the facility. Youth returned to the Central Juvenile Hall between May 18 and 25, 2022 and BSCC staff completed an inspection of the facility on June 1, 2022.

Information specific to each facility is outlined below:

Barry J. Nidorf Juvenile Hall**§ 1354.5, Room Confinement**

BSCC staff inspected the Barry J. Nidorf Juvenile Hall on May 6, 2022, and between May 18-20, 2022. The issue of noncompliance cited in November 2021 related to youth being locked in their rooms for longer than “brief periods necessary for institutional operations” during shift change.¹ As part of their corrective action for a previous finding of noncompliance, Los Angeles County Probation Department issued an internal memo on November 16, 2021, which provided that youth shall be placed in their rooms only for the amount of time necessary for shift change, “but no more than 30 minutes at the end of AM shift and beginning of PM shift” (one hour total).

During inspection, BSCC Field Representative Lisa Southwell spoke with nearly all of the youth housed at the facility, reviewed documentation related to shift change and room confinement, and conducted a review of a random sampling of video footage to determine if the facility was complying with its policy of placing youth in their rooms for only the amount of time necessary for shift change, no more than one hour, and in compliance with the regulation.

The youth who were interviewed reported an overall improvement in the use of room confinement. Youth were asked specifically about being placed in their rooms during shift change, periods of time during incidents, and during showers. Most youth reported they were out of their room for the full day and were only going to their rooms during unit shower times or if there was an incident; however, they noted that they were brought back out onto the unit in a reasonable amount of time.

Based on the evidence staff reviewed, the Probation Department has corrected this issue, and there are no outstanding items of noncompliance at the Barry J. Nidorf Juvenile Hall remaining from the 2018-2020 inspection cycle.

BSCC staff will continue to monitor this issue going forward. The Barry J. Nidorf facility is operating with a new leadership team; the current senior director and directors have accomplished many positive actions since coming to the facility five weeks ago.

Based on the foregoing, BSCC staff recommends that the BSCC Board find the facility suitable within the meaning of Welfare and Institutions Code section 209, subdivision (d).

Central Juvenile Hall

§ 1327, Safety Checks

§ 1354.5, Room Confinement

§ 1371, Programs, Recreation, and Exercise (added 2/08/2022)

¹ The definition of “room confinement” excludes “confinement of a youth in a locked single person room for brief periods as may be necessary for required institutional operations.” (Cal. Code Regs., tit. 15, § 1302.)

On March 10, 2022, the BSCC was notified by the Los Angeles County Probation Department that they intended to suspend operations at the Central Juvenile Hall for 90 days and transfer youth from the facility to the Barry J. Nidorf Juvenile Hall to “assist in facilitating leadership changes, training for staff and needed repairs to the facility.” (Attachment F-1) The BSCC reinspection for the above noted items of noncompliance was scheduled to begin on March 14, 2022. (Attachment F-2) On March 14, 2022, the BSCC was informed that there were no longer youth housed in the facility, which BSCC confirmed when they conducted a site visit at the Central Juvenile Hall on March 17, 2022. BSCC notified the Probation Department that reinspection would commence when youth returned to the facility.

On May 16, 2022, having learned that Los Angeles County Probation Department intended to return youth to Central Juvenile Hall on May 18, 2022, the BSCC notified the department that it would reinspect the facility for the outstanding issues of noncompliance. (Attachment F-3) The final group of youth returned on May 25, 2022. BSCC staff were onsite on May 20, May 23, and May 25, 2022; the final reinspection for the above noted items of noncompliance was conducted on June 1, 2022.

During this inspection, BSCC staff spoke with all available youth housed at the facility and reviewed documentation related to the items of noncompliance that had been generated since the facility resumed operations on May 18, 2022.

§ 1327, Safety Checks

To determine compliance with § 1327, Safety Checks, BSCC staff reviewed 80 percent of the individual room safety checks between May 18 and May 29, 2022. To verify compliance, BSCC staff conducted a video review of randomly selected dates between those times. While paper safety check logs indicated compliance, video review did not support a finding of compliance. Several incidents on the video recording indicate that while staff wrote down that they had completed safety checks within the 15 minutes required by regulation, several of those safety checks were not actually completed. In addition, there were several incidents in which staff documented that a room was “closed,” which signals that youth are outside of their room; however, video recordings showed that youth remained in their room after the time “closed” was documented on the safety check log. In multiple incidents, more than 15 minutes went by without documented or observable safety checks. These patterns occurred in multiple units across different shifts.

In the December 10, 2021 Corrective Action Plan (Attachment F-4), the Probation Department indicated that it would have managers conduct random reviews of video and in-person safety checks, documenting their findings on the Video and In-Person Observation Logs and providing immediate correction and instruction when they observed noncompliance. The Probation Department has not demonstrated evidence that this review is occurring. However, it should be noted that the entire administrative team at the Central Juvenile Hall is new to the facility, beginning work with the youth housed at the facility on May 18, 2022. Although the new administrative team has not yet implemented this managers’ review, they have begun to address issues related to the noncompliance of safety checks.

Based on the information reviewed during inspection, BSCC staff recommends finding the Central Juvenile Hall out of compliance with Title 15, § 1327, Safety Checks.

§ 1354.5, Room Confinement

To determine compliance with section §1354.5, Room Confinement, BSCC staff spoke with youth about their experience with being placed in their rooms and reviewed all available documentation. Based upon this information, BSCC staff determined that the issue has been corrected and that youth are not held in their rooms longer than “brief periods necessary for institutional operations” during shift change.

It is important to note that there were several disruptions involving youth at the Central Juvenile Hall during the phased return to the facility. The leadership team and facility staff have minimized the use of room confinement in comparison to the past. BSCC provided technical assistance to the facility staff related to the use of room confinement and will closely monitor this issue in the coming months.

§ 1371 Programs, Recreation, and Exercise (added 2/08/2022)

To determine compliance with § 1371, Programs, Recreation, and Exercise, which was added on February 8, 2022, BSCC staff reviewed available schedules for activities at the facility, reviewed activity logs, and spoke with youth. The information we reviewed indicates that the facility has corrected this issue.

Improvements to programs, recreation, and exercise have been made at both the Central Juvenile Hall and the Barry J. Nidorf Juvenile Hall. Schedules are developed weekly and are posted prominently in the staff areas, senior staff are updating this schedule, and program leads in each unit are ensuring that daily activities are scheduled and occurring. Line staff have begun taking ownership of activities and ensuring youth participation; the Probation Department has also purchased new recreational equipment for youth.

Recommendation/Action Needed

Staff recommends that the Board:

1. Find the Barry J. Nidorf Juvenile Hall suitable within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4).
2. Find the Central Juvenile Hall compliant with § 1354.5, Room Confinement and § 1371, Programs, Recreation, and Exercise.
3. Find the Central Juvenile Hall noncompliant with § 1327, Safety Checks and make a determination of the suitability of the Central Juvenile Hall within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4).
 - Welfare and Institutions Code section 209, subdivision (a)(4), provides: “If... the board, after inspection of a jail, juvenile hall, special purpose juvenile hall, or lockup, finds that it is not being operated and maintained as a suitable place

for the confinement of minors, the... board shall give notice of its finding to all persons having authority to confine minors pursuant to this chapter and commencing 60 days thereafter the facility shall not be used for confinement of minors until the... board, as the case may be, finds, after reinspection of the facility that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of minors.”

- if the Board determines Central Juvenile Hall is not suitable for the confinement of youth, they may wish to consider whether to establish a timeline to give Los Angeles County the opportunity to be reinspected prior to the expiration on the 60-day time limit. If so, staff would recommend scheduling a board meeting on July 28, 2022 to make a further determination of suitability.

Attachments

F-1: Corrective Action Plan from LA County to BSCC dated March 10, 2022

F-2: Response from BSCC to LA County dated March 11, 2022

F-3: BSCC to LA County: Letter re: Occupancy of Central Juvenile Hall – May 16, 2022

F-4: Corrective Action Plan from LA County to BSCC dated December 2021

F-5: Notice from BSCC to LA County dated May 31, 2022