



LINDA M. PENNER
Chair

KATHLEEN T. HOWARD
Executive Director

STATE OF CALIFORNIA

BOARD OF STATE AND COMMUNITY CORRECTIONS

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GAVIN NEWSOM
Governor

August 19, 2021

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

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

Dear Chief Gonzales:

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 **September 16, 2021** 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 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:

Summary of 2018-2020 Biennial Inspection

On February 11, 2021, following the inspection of the county's juvenile facilities, we notified your agency of several items of noncompliance with the Board's 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.

A copy of the inspection report can be found here:

https://drive.google.com/drive/folders/1Vqe3goCNKm461_osebBmHFnsb055Do4M

Pursuant to Welfare and Institutions Code section 209, the agency was required to submit a corrective action plan (CAP) to the BSCC within 60 days or by April 12, 2021.

On April 12, 2021, we received the agency's corrective action plan. This corrective action plan required the agency to outline how they intended to correct the issues of noncompliance and to come into compliance within a reasonable timeframe, not to exceed 90 days or by July 11, 2021. As of July 12, 2021 and following a series of site visits to the facilities to review progress on the corrective action, the agency remained out of compliance with the regulations indicated below and as set forth in the attachments to this letter. The agency continues to make significant progress towards coming into compliance with the Board's regulations. As of the date of this letter, however, the county's juvenile halls remain out of compliance with the following Title 15 regulations²:

Barry J. Nidorf Juvenile Hall

- § 1313, County Inspection and Evaluation of Building and Grounds
- § 1352, Classification
- § 1353, Orientation
- § 1354.5, Room Confinement
- § 1355, Institutional Assessment and Plan
- § 1358.5, Use of Restraint Devices for Movement and Transportation within the Facility
- § 1371, Programs, Recreation, and Exercise

Central Juvenile Hall

- § 1313, County Inspection and Evaluation of Building and Grounds
- § 1321, Staffing
- § 1352, Classification
- § 1354.5, Room Confinement
- § 1355, Institutional Assessment and Plan
- § 1358.5, Use of Restraint Devices for Movement and Transportation within the Facility
- § 1371, Programs, Recreation, and Exercise

We are unable to make a final determination of compliance for 1058, Use of Restraints at the Barry J. Nidorf facility; the agency has updated policy and trained staff to be in compliance with this regulation. However, there have not been uses of restraints at the facility so we have not had the opportunity to determine compliance due to there being no documentation.

² The underlying factual bases for these items of noncompliance are provided in the attachments.

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).)

AGENCY RESPONSE

The agency may, but is not required to, participate at the September 16, 2021 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 September 3, 2021 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 on September 6, 2021. The response may include any evidence or testimony rebutting staff's preliminary findings of noncompliance.

Due to the ongoing pandemic, the Board meeting will be held on Zoom in compliance with Executive Order N-29-20. 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 September 3, 2021.

While participation is not mandatory, the Board formally requests that you 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
The Honorable Eric C. Taylor, Presiding Judge Los Angeles County Superior Court

Central Juvenile Hall
 Outstanding Items of Noncompliance
 2018/2020 Biennial Inspection

Applicable Title 15 Section + Subsections		Compliant	Comments from July-August 2021 Follow Up Site Visit
1313	County Inspection and Evaluation of Building and Grounds	(c) local health officer, inspection in accordance with Health and Safety Code Section 101045;	No Local Health Officer noted outstanding items in the 2019 medical/mental health inspection that have not been corrected.
1321	Staffing	(a) have 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;	No The staffing schedules that we reviewed were not completed consistently; we were unable to determine if staffing was adequate.
		(c) have a sufficient number of supervisory level staff to ensure adequate supervision of all staff members;	No The staffing schedules that we reviewed were not completed consistently; we were unable to determine the number supervisors assigned to the facility and were therefore unable to determine compliance.
1352	Classification	(d) provide for periodic classification reviews, including provisions that consider the level of supervision and the youth's behavior while in custody; and,	No No documentation of periodic reviews provided.

Central Juvenile Hall
 Outstanding Items of Noncompliance
 2018/2020 Biennial Inspection

Applicable Title 15 Section + Subsections		Compliant	Comments from July-August 2021 Follow Up Site Visit
1354.5	Room Confinement	(2) Room confinement shall not be used for the purposes of punishment, coercion, convenience, or retaliation by staff.	No The documentation that we reviewed did not indicate the need for the youth to be placed in room confinement consistently with the regulation's requirements.
		(B) Develop an individualized plan that includes the goals and objectives to be met in order to integrate the youth to general population.	No The documentation we reviewed did not provide enough information about the individualized plan and was not consistent with regulatory requirements.
1355	Institutional Assessment and Plan	(a) Assessment: The assessment is based on information collected during the admission process with periodic review, which includes the youth's risk factors, needs and strengths including, but not limited to, identification of substance abuse history, educational, vocational, counseling, behavioral health, consideration of known history of trauma, and family strengths and needs.	No The assessments and caseplans provided for our review were incomplete and did not contain the elements required by this section of the regulation.
		(B) a plan for meeting the objectives that includes a description of program resources needed and individuals responsible for assuring that the plan is implemented;	No

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 2018/2020 Biennial Inspection

Applicable Title 15 Section + Subsections			Compliant	Comments from July-August 2021 Follow Up Site Visit
1358.5	<p>Use of Restraint Devices for Movement and Transportation within the Facility</p>	<p>(c) 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.</p>	No	<p>We were not provided with documentation that justified the need to place youth in restraints for transportation.</p>
1371	<p>Programs, Recreation, and Exercise</p>	<p>(a) Programs. All youth shall be provided with the opportunity for at least one hour of daily programming to include, but not be limited to, trauma focused, cognitive, evidence-based, best practice interventions that are culturally relevant and linguistically appropriate, or pro-social interventions and activities designed to reduce recidivism. These programs should be based on the youth's individual needs as required by Sections 1355 and 1356. Such programs may be provided under the direction of the Chief Probation Officer or the County Office of Education and can be administered by county partners such as mental health agencies, community based organizations, faith-based organizations or Probation staff.</p>	No	<p>Program activities are either not documented or are inconsistently documented to include the type of program to confirm compliance with regulation.</p>

Barry J. Nidorf Juvenile Hall
 Outstanding Items of Noncompliance
 2018/2020 Biennial Inspection

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1313	County Inspection and Evaluation of Building and Grounds	(c) local health officer, inspection in accordance with Health and Safety Code Section 101045;	No Local Health Officer noted outstanding items in the 2019 medical/mental health inspection that have not been corrected.
1352	Classification	(d) provide for periodic classification reviews, including provisions that consider the level of supervision and the youth's behavior while in custody; and,	No No documentation of periodic reviews provided.
1353	Orientation	The facility administrator shall develop and implement written policies and procedures to orient a youth prior to placement in a living area. Both written and verbal information shall be provided and supplemented with video orientation if feasible. Provision shall be made to provide accessible orientation information to all detained youth including those with disabilities, limited literacy, or English language learners. Orientation shall include information that addresses:	No Based upon a review of sample of orientation packets, orientations of youth are not being completed prior to placement in a living unit.

Barry J. Nidorf Juvenile Hall
 Outstanding Items of Noncompliance
 2018/2020 Biennial Inspection

Applicable Title 15 Section + Subsections		Compliant	Comments from July-August 2021 Follow Up Site Visit
1354.5	Room Confinement	(2) Room confinement shall not be used for the purposes of punishment, coercion, convenience, or retaliation by staff. No	A review of a sampling of individual incident reports did not provide enough information to verify the justification to place a youth in room confinement.
1355	Institutional Assessment and Plan	(a) Assessment: The assessment is based on information collected during the admission process with periodic review, which includes the youth's risk factors, needs and strengths including, but not limited to, identification of substance abuse history, educational, vocational, counseling, behavioral health, consideration of known history of trauma, and family strengths and needs. No	The assessments and caseplans provided for our review were incomplete and did not contain the elements required by this section of the regulation.
		(B) a plan for meeting the objectives that includes a description of program resources needed and individuals responsible for assuring that the plan is implemented; No	
1358.5	Use of Restraint Devices for Movement and Transportation within the Facility	(c) 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. No	We were not provided with documentation that justified the need to place youth in restraints for transportation.

Barry J. Nidorf Juvenile Hall
 Outstanding Items of Noncompliance
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Applicable Title 15 Section + Subsections	Compliant	Comments from July-August 2021 Follow Up Site Visit
1371	Programs, Recreation, and Exercise (a) Programs. All youth shall be provided with the opportunity for at least one hour of daily programming to include, but not be limited to, trauma focused, cognitive, evidence-based, best practice interventions that are culturally relevant and linguistically appropriate, or pro-social interventions and activities designed to reduce recidivism. These programs should be based on the youth's individual needs as required by Sections 1355 and 1356. Such programs may be provided under the direction of the Chief Probation Officer or the County Office of Education and can be administered by county partners such as mental health agencies, community based organizations, faith-based organizations or Probation staff.	No Several units did not provide documentation of programs being provided.