

DATE: April 10, 2025 **AGENDA ITEM:** F

TO: BSCC Chair and Members

FROM: Eloisa Tuitama, BSCC Legal Counsel

SUBJECT: Board Decision of April 9, 2025 Appeal Hearing: **For Discussion**

Summary

This agenda item seeks adoption of the April 9, 2025 Appeal Panel’s recommendation.

This matter arises from the Executive Director’s denial of Los Angeles County’s first level appeal, which disputed the findings of BSCC staff’s reinspection of Los Padrinos Juvenile Hall on December 5 – 6, 2025.

On April 9, 2025, the three-member Appeals Panel for the Board considered the County’s appeal and unanimously recommended that the Board deny the appeal. The recommendation from the Appeals Panel is attached for the Board’s consideration.

Background

Section 1314 of the Title 15 California Code of Regulations provides for an appeal process where a county may appeal “on the basis of alleged misapplication, capricious enforcement of regulations, or substantial differences of opinion as may occur concerning the proper application of regulations or procedures.”

If a county is dissatisfied with an action of the Board staff, it may appeal to the Executive Director. (*Id.* at subd. (b).) Thereafter, if a county is dissatisfied with the decision of the Executive Director, it:

- (1) . . . [M]ay file a request for an appeal hearing with the Board. Such appeal shall be filed within 30 calendar days after receipt of the Executive Director's decision.
- (2) The request shall be in writing and:
 - (A) state the basis for the dissatisfaction;
 - (B) state the action being requested of the Board; and,
 - (C) attach any correspondence related to the appeal from the Executive Director. (*Id.* at subd. (e).)

The following is a summary of the most recent actions taken by the Board:

On April 11, 2024, the Board deemed that Los Padrinos is suitable for the confinement of youth based on the prior items of noncompliance. The Board also directed staff to conduct inspections of Los Padrinos at a minimum of twice a month to monitor compliance.

Between April 2024 and September 2024, BSCC staff conducted a total of nine (9) inspections, the majority of which were unannounced.

In July 2024, BSCC staff conducted a targeted inspection, and on August 12, 2024, BSCC staff provided county staff with another initial inspection report, finding continued noncompliance with section 1321 (staffing), noting many areas of operation continued to be impacted by lack of staffing including education, recreation and medical appointments, and stating that a CAP was due to the BSCC by October 11, 2024.

On October 10, 2024, the County provided a draft CAP; however, BSCC staff informed the County that the draft CAP would not be approved as drafted because there was no detail on what steps would be taken to resolve the item of noncompliance and many elements that were required by BSCC policy were not included.

On October 11, 2024, the County submitted a final CAP, which the BSCC denied because it did not adequately outline how the Department plans to correct the issue of noncompliance nor does it provide reasonable timeframes for resolution of the staffing deficiencies, including ensuring that “there are 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.” (Cal. Code Regs., tit. 15, § 1321, subd. (a).) The CAP also does not provide information on how it will “ensure that no required services shall be denied because of insufficient numbers of staff on duty absent exigent circumstances.” (Cal. Code Regs., tit. 15, § 1321, subd. (b).)

On October 13, 2024, the County submitted a revised, untimely CAP, which was denied both on procedural grounds and on the merits.

On October 14, 2024, BSCC Board Chair Linda Penner formally noticed Los Angeles County Probation Department that Los Padrinos Juvenile Hall was unsuitable to do the failure to submit an approved CAP under Welfare and Institutions Code, Section 209(d), and that they had 60 days to discontinue using the facility for the confinement of youth.

On December 2, 2024, the County requested a reinspection of Los Padrinos to determine compliance with section 1321.

On December 5 – 6, 2024, BSCC staff reinspected Los Padrinos and determined that the facility remained out of compliance and that timely delivery to medical programs,

attendance at school, and access to program, recreation, and exercise continued to be negatively impacted by the lack of staff.

On January 8, 2025, Los Angeles County submitted a first level appeal to the BSCC Executive Director concerning the findings of the December 2025 reinspection.

On February 18, 2025, Executive Director Maguire denied the County's appeal, finding that the county was correctly assessed as being out of compliance with Section 1321 (Staffing).

On March 20, 2025, Los Angeles County filed a second level appeal to the Board and requested an appeal hearing.

On April 9, 2025, a 3-member appeal hearing panel appointed by Board Chair Linda Penner held a hearing regarding the timely appeal filed by the Los Angeles County Probation Department challenging the decision made by the Executive Director on February 18, 2025. Attached, please find the recommendation by the 3-member appeal hearing panel to deny Los Angeles County's appeal (Attachment F-1), and copy of the full record of appeal (Attachment F-2).

Recommendation/Action Needed

Pursuant to Regulation 1314, subdivision (g), the Board may take one of the following three actions:

- (1) Adopt the proposed decision;
- (2) Amend the decision with or without taking additional evidence into consideration; or,
- (3) Order a further hearing to be conducted if additional information is needed to decide the issue.

Staff recommend that the Board adopt the Appeal Panel's recommendation to deny Los Angeles County's appeal.

Attachment

F-1: Decision of April 9, 2025 Appeal Hearing Panel

F-2: Appeal Record