

MEETING DATE: April 7, 2022 **Agenda Item H**

TO: BSCC Chair and Members

FROM: Allison Ganter, Deputy Director, Allison.Ganter@bscc.ca.gov
Lisa Southwell, Field Representative, Lisa.Southwell@bscc.ca.gov
Aaron Maguire, General Counsel, Aaron.Maguire@bscc.ca.gov

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: **Requesting Approval**

Summary

This report provides information regarding 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 in the County of Los Angeles with respect to the status of its corrective action plan involving noncompliance with section 1354.5 of Title 15, Room Confinement.

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 following items of noncompliance:

Barry J. Nidorf Juvenile Hall

§ 1354.5, Room Confinement

Central Juvenile Hall

§ 1327, Safety Checks

§ 1354.5, Room Confinement

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

On December 10, 2021, we received the agency's corrective action plan, which was approved. 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 March 10, 2022 (Attachment H-1).

On March 10, 2022, the BSCC was notified by Los Angeles County Probation that they intended to suspend operations at the Central Juvenile Hall and transfer the youth housed there to the Barry J. Nidorf Juvenile Hall for 90 days to "assist in facilitating leadership changes, training for staff and needed repairs to the facility." (Attachment H-2) The BSCC reinspection for the above noted items of noncompliance was scheduled to begin on March 14, 2022. (Attachment H-3) On March 14, 2022, the BSCC was informed that there were no

longer youth housed in the facility, which BSCC confirmed when BSCC staff conducted a site visit at the Central Juvenile Hall on March 17, 2022.

Because youth were no longer being housed at the Central Juvenile Hall at the time of reinspection, an inspection for the above noted items of noncompliance was not conducted at the facility. When youth are returned to the facility following the 90-day suspension of operations, BSCC staff will conduct a reinspection.

Between March 14 and March 29, 2022, Field Representative Lisa Southwell conducted an inspection of Barry J. Nidorf Juvenile Hall to determine compliance with the agency's corrective action plan related to Title 15, § 1354.5, Room Confinement. 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 issued an internal memo on November 16, 2021, which provides 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 this inspection, Ms. Southwell reviewed documentation including unit logbooks, unit status sheets, self-separation logs, supervisor review of video logs and list of corrective action, and supervisor meeting minutes. She also reviewed video from 10 randomly selected days between February 2 and March 10, 2022 and spoke with more than 110 youth housed in the facility 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, and no more than one hour, according to the facility policy.

Based on the information reviewed during inspection, it appears that Barry J. Nidorf remains out of compliance with section 1354.5, Room Confinement. Specifically, youth were placed in their rooms for periods of time exceeding what Los Angeles County Probation Department has determined is necessary for institutional operations. This is based on the November 16, 2021, Los Angeles Probation Department memo, which provides 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." (Attachment H-4) Based on our review of 80 shift changes across eight units, these time limits were exceeded over 50 percent of the time. It should be noted that several shift changes exceeded limits by only a few minutes.

Although the facility appeared to be out of compliance with section 1354.5, Room Confinement through March 10, 2022, the Los Angeles County Probation Department has made significant strides in overall corrective action and system improvement since March 10. When the Central Juvenile Hall suspended operations after March 10, several transitions in leadership were made at both juvenile halls, and an early review of documentation and conversations with youth currently housed at the facility indicate that corrective action and system improvement continue to be made.

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.)

Youth interviewed during the inspection reported that room confinements at the facility were improved and have not been excessive; youth stated they were out of their rooms for most of the day, with the exception of shift change, and that staff members were removing them from their rooms as soon as the next shift was ready. This is a marked shift from previous reports from youth at the facilities.

Based on the information we have reviewed demonstrating a positive trend toward corrective action, including the temporary suspension of the use of Central Juvenile Hall, BSCC staff is recommending a continuance of the determination of suitability. BSCC staff will reinspect the Barry J. Nidorf Juvenile hall within 30 days to determine compliance with regulations and the agency's corrective action plan.

Recommendation/Action Needed

Staff recommends that the Board:

1. Continue the determination of suitability within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4), for the Barry J. Nidorf Juvenile Hall to the June 9, 2022 board meeting.
2. Direct staff to conduct a reinspection within 30 days to determine compliance with the December 10, 2022 corrective action plan and Title 15 § 1354.5, Room Confinement.

Attachments

H-1: BSCC Corrective Action Plan: December 2021

H-2: Corrective Action Plan March 10, 2022

H-3: Response to Los Angeles County 3-11-2022

H-4: Memo – BSCC Section 1354.5 Room Compliance Guide

H-5: Notice of Determination of Suitability Letter to Los Angeles 3-29-2022