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November 22, 2023

TO: Mike Dempsey
Monitor for California Department of Justice

FROM: Eric Bates *EB*
Assistant Inspector General

SUBJECT: Quarterly Report on Programming, Room Confinement, and Grievances at Barry J. Nidorf and Central Juvenile Halls for the Second Quarter of 2023

Mr. Dempsey,

This quarterly report reviewing the Los Angeles County Probation Department's (Probation Department) compliance with the access to programming, grievance process, and room confinement mandates outlined in the Detailed Plan for the Barry J. Nidorf Juvenile Hall (BJNJH) and the Central Juvenile Hall (CJH) covers the second quarter of 2023 from April 1, 2023 through June 30, 2023.

Access to Programming, Recreation, Religious Services and Visitation

The Detailed Plan requires that the Probation Department provide youth with programming (school and exercise), recreational activities, religious services, visitation, and phone calls (collectively "Activities"). The Detailed Plan also prohibits the Probation Department from confining youth to their rooms, thus preventing access to Activities, unless it determines that a youth poses a threat to the safety or security of the facility. The Detail Plan requires that Department staff document and log any denial of Activities by providing the staff member's reason for denial, the signature of the staff member,

and the validation of the superintendent of the facility.¹ The Probation Department must report all denials of Activities to the Office of Inspector General on a weekly basis.

The Detailed Plan requires that the Probation Department provide Activities for at least 93% of youth at BJNJH and CJH who it has not found pose a threat to the safety or security of the facility. To determine compliance, the Office of Inspector General reviews programming exception logs, which require accurate and complete documents specified by the Board of State Community Corrections that note when youths miss school or other required programming.

No timely reporting on BJNJH. As described in [the Office of Inspector General's quarterly report for the first quarter of 2023, issued on August 21, 2023](#), (First Quarterly Report), although the Office of Inspector General worked with the Probation Department at the beginning of the implementation of the Detailed Plan to create logs for the Department to use to report the information necessary to determine compliance, the Department has failed to provide those logs in a timely manner. Again, in this reporting period, the Probation Department did not provide complete information for BJNJH in the deadlines required for this review, so that the Office of Inspector General could not determine compliance with the Activities requirements for that facility.

In April 2023, the Office of Inspector General contacted the Probation Department regarding its deficiencies in the collection and reporting of Activities information and provided the Department with a streamlined information request to assist in the production of the information needed for this review.² While the Office of Inspector General has not completed our compliance analysis for the third quarter of 2023, our initial review suggests that the Probation Department is now submitting timely and complete information using the streamlined form.

Inaccurate reporting on CJH. The Probation Department's logs for CJH showed persistent errors in reporting self-separations. The logs should distinguish between self-separations, in which youth take themselves completely out of a block of activity and

¹ The Office of Inspector General interprets "validation" under Paragraph 24(c) to mean a signature on the log by a supervisor and superintendent.

² The new log streamlines the tracking process by tracking each youth who missed any programming activity on a given day as one event, rather than logging separate events for every activity missed. For example, if a youth missed school, recreation, and exercise due to self-separation or refusal, the program tracking for that youth indicates the youth missed programming that day rather than three individually missed events.

provide a reason for their non-participation (for example, by staying in their room to sleep rather than attending school), and refusals, where youth attend a block but simply refuse to participate in one or more activities. The Office of Inspector General's review and subsequent communications with the Probation Department show that Department staff often failed to make this distinction, sometimes by reporting self-separations incorrectly as refusals or and other times by failing to report them at all. The Office of Inspector General has raised this issue with the Department, which must report accurately reporting in order for this office to accurately assess compliance.

Based on the information the Probation Department provided, the Office of Inspector General calculated that, on average, the Probation Department provided Activities each day to only 62% of youths who were not found to be a threat. Conversely, 38% of youths who were eligible did not attend some type of programming on those days.³ This falls far short of the 93% required for compliance with the Detailed Plan. However, the documents the Probation Department provided indicate that staff in CJH made Activities available to youth 100% of the time and followed its policies in identifying youths who chose to self-separate or refused participation in the Activities provided. As in the previous quarter, CJH records listed refusals (including erroneously categorized self-separations) as the most common reason given for missed participation in Activities, followed by the balance for "excusable reasons" (such as court, medical, released, special visit).

In addition, the Probation Department's transition to an electronic tracking system has created unanticipated barriers to transparency and oversight. The Probation Department replaced hardcopy forms it previously used to track the specific reasons youths self-separated or refused to engage in Activities with the new electronic grievance system. However, the new electronic grievance system does not identify the specific reasons why youths self-separate or refuse Activities. The loss of this information will hinder review of these incidents, making it more difficult to determine whether staff takes all appropriate steps to re-engage with youths and encourage them to resume participation in Activities. The Office of Inspector General recommends that the Probation Department modify the new grievance system to allow for input of the specific reasons for youths' self-separation and refusal and to memorialize staff efforts to re-engage the youths in the Activities.

³ The rate of noncompliance was calculated by taking the average number of youths who missed at least one Activity each day divided by the average daily population for the period of April 1, 2023, through June 30, 2023.

Room Confinements

The Detailed Plan in paragraph 20 requires that the Probation Department create and implement an internal system to better identify and track room confinements. This system must promptly notify juvenile hall superintendents of room confinements that violate Probation Department policy or state law and facilitate the swift implementation of remedial measures to address any identified deficiencies. The Detailed Plan further instructs the Probation Department to create a process to provide the Office of Inspector General with documentation of identified violations of room confinement policy or state law as well as the remedial measures taken in response to these violations. The Probation Department remains in the process of planning these systems, while implementation remains incomplete. The Probation Department therefore remains out of compliance with the room confinement tracking system requirement of the Detailed Plan.

In an effort to determine Probation Department's compliance with the mandates of the Detailed Plan for CJH and BJNJH for the second quarter of 2023, the Office of Inspector General conducted a review of the various Probation Department documents related to room confinement: programming logs, weekly report logs, initial intake screening questionnaires, Assessment and Classification forms, Detention Adjustment Reports, Self-Separation forms, SIR/PIR forms, Enhanced Supervision forms, Readiness for Release forms, Reintegration Plans, Hope Center Bed Charts, Safety Check Sheet, and Room Confinement logs.

The Detailed Plan requires prompt notification to the superintendents of CJH and BJNJH when room confinements do not comply with Welfare and Institutions Code section 208.3. Based on our review of the available documents at both CJH and BJNJH, there were 15 room confinements at CJH, and 12 at BJNJH, respectively. The Probation Department provided prompt notice to the superintendents when room confinements fell outside of Department policies or state law.

The Detailed Plan also requires the implementation of subsequent remedial measures in 90% of room confinements determined to be out of policy or not compliant with the law. According to the documentation provided by the Probation Department, it implemented remedial measures in 100% of the room confinements determined to be out of policy or not compliant with the law at both CJH and BJNJH. However, the lack of a sufficient internal tracking processes, including a computerized database, continues to raise doubts as to whether the Department identifies and properly documents in writing all the instances of violations.

Grievance Logs

As described in the First Quarterly Report, the Probation Department reports that it implemented its electronic grievance tracking and management system on February 6, 2023. However, the Probation Department has still not procured the electronic grievance submission kiosks that allow youth to enter grievances directly into the system. As a result, the Department continues to use hardcopy grievance logs.

The Office of Inspector General reviewed these grievance logs to measure the frequency at which youths reported that facility staff deprived them of telephone calls, family visitation, recreation, or religious services to determine the percentage of all grievances related to denials of Activities.

For CJH, the Office of Inspector General reviewed 50 total grievances documented in the second quarter of 2023. Of the 50 total grievances, 34% (17 of 50) related to denial of Activities: 11 of those (or 22% of the total) related to phone calls and 6 (12% of the total) related to programming. The Office of Inspector General observed no grievances related to denials of visitation or religious services. The balance of reviewed grievances addressed issues not subject to the Detailed Plan.

For BJNJH, the Office of Inspector General reviewed 176 grievances documented in the second quarter of 2023. Of the 176 total grievances, approximately 20% (35 of 176) related to denial of Activities: 23 (13% of the total) related to general programming such as wanting better programming or complaints about missing programming because of medical visits, 7 (4% of the total) related to phone calls, and 5 (3% of the total) related to visitation. The Office of Inspector General observed no grievances related to denials of religious services. The balance of reviewed grievances addressed issues not subject to the Detailed Plan.

Conclusion

The Office of Inspector General's review of the Probation Department for the second quarter of 2023 indicates that the Department once again failed to provide the youths access to programming at CJH as required by the Detailed Plan, and at BJNJH failed to provide timely documentation that allowed the Office of Inspector General to evaluate compliance. Although the Probation Department has implemented its electronic grievance system, it still has not procured the electronic kiosks for youth to submit grievances, and so continues to use hardcopy grievance logs. The Department also

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failed to develop a system for internal tracking and reporting youths confined to their rooms to the Office of Inspector General for review.

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