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March 5, 2024

TO: Mike Dempsey
Monitor for California Department of Justice

FROM: Eric Bates 
Assistant Inspector General

SUBJECT: Quarterly Report on Programming, Room Confinement, and Grievances at Barry J. Nidorf and Central Juvenile Halls – July to September 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 Los Padrinos Juvenile Hall (LPJH) covers the third quarter of 2023, from July 1 through September 30.

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"), as required by law, regulation and County policy.¹ The Detailed Plan also prohibits the Probation Department from preventing

¹ The Probation Department provides some optional programming through outside vendors in areas such as substance abuse, music, art, and food. While this programming is not required by law, outside programming may assist the Department with achieving compliance with the metric if *required* programming metrics are also satisfied. In reporting on programming metrics, the Office of Inspector General did not include participation in the outside vendor programming. If the Probation Department has information that inclusion of outside vendor programming would bring the Department into compliance, we will adjust our assessments. Increasing programming whether provided directly by Probation Department or Los Angeles County Office of Education

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access to Activities by confining youth to their rooms, unless it determines that a youth poses a threat to the safety or security of the facility. The Detail Plan requires that Probation 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.² The Department must report all denials of Activities to the Office of Inspector General on a weekly basis. For compliance, the Detailed Plan requires that the Probation Department provide Activities for at least 93% of youth at BJNJH and LPJH 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.

As described in previous reports, during prior quarters, the Probation Department failed to provide complete logs and information required to determine compliance in a timely manner. 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.³ For the current quarter, the Department for the first time provided complete exception logs for BJNJH and LPJH within the deadlines required for this review. Although the logs properly noted self-separation information, the Probation Department did not provide the supporting documents that are required to be provided weekly to the Office of Inspector General.⁴ Office of Inspector General staff met with Probation Department staff and reiterated the importance of submitting the supporting documentation.

During this quarter, the Probation Department's housing of youth underwent significant changes that affected Activities and the monitoring of Activities compliance. After the

staff or outside vendors is imperative. As mentioned in the Monitor/SME Compliance Rating comments on the Detailed Plan, "more needs to be done to improve the overall programming, reduce idleness, and ensure that the programming being provided is based on a youth's individual needs."

² The Office of Inspector General interprets "validation" under Paragraph 24(c) to mean a signature on the log by a supervisor and superintendent.

³ 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.

⁴ This supporting documentation includes Title 15 programming logs, self-separation forms, SIR/PIR forms, court documents, and medical documents.

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Board of State and Community Corrections deemed Central Juvenile Hall (CJH) and BJNJH not suitable for the confinement of minors, the Department transferred all youths housed at CJH to LPJH on July 12 and 13 and transferred all youth housed at BJNJH, except approximately 50 youth housed in the Secure Youth Tracking Facility (“SYTF”), to LPJH on July 17 and 18. The Department no longer houses youth at CJH or BJNJH, except for approximately 50 youth housed at SYTF at BJNJH.

The Detailed Plan requires that the Probation Department provide Activities compliance information. The Probation Department provided Activities compliance information for CJH for the entire month of July, and for other facilities for the quarter, thus meeting its obligation to provide compliance information.

However, the transfer resulted in the restriction of normal Activities at all facilities for the time preceding the move, pending the Department’s re-assignment of staff to the new facility. The Office of Inspector General therefore reviewed Activities compliance only from July 13 through September 30, and only for LPJH and for the SYTF facility at BJNJH. During this period, approximately 72% of youths who were not found to be a threat **did not** receive Activities.⁵ LPJH listed refusals and self-separations as the most common reason for missed Activities, followed by excusable reasons (such as court, medical, released, special visit).⁶ Because only 28% of the youths eligible to participate at LPJH received Activities, LPJH fell far short of the 93% threshold required for compliance with the Detailed Plan.

Based on the information the Probation Department provided, the Office of Inspector General calculated that, on average, 42% of youths at BJNJH who were not found to be a threat **did not** receive Activities. Because only 58% of the youths eligible to participate at BJNJH received Activities, BJNJH did not meet the 93% threshold required for compliance with the Detailed Plan. Refusals and self-separations were noted as the most common reason given for missed Activities, followed by excusable reasons (such as court, medical, released, special visit).⁷

⁵ 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 July 13, 2023, through September 30, 2023.

⁶ A “self-separation” is when a youth misses an entire activity block and provides a reason for non-participation, such as sleeping or reading. A “refusal” involves a youth simply refusing to participate in a particular activity. Informal interviews with Probation Department staff indicated the same reasons as previously reported for youths’ failure to receive Activities, which are predominantly because they choose to sleep or read instead of attending school or other programming.

⁷ Self-separations and refusals accounted for 95% at BJNJH and 71% at LPJH.

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The documents the Probation Department provided indicate that staff at BJNJH scheduled Activities as required under the Detailed Plan and followed its policies in identifying youths who chose to self-separate or refused participation in the Activities provided.

As noted in the quarterly report for the first quarter and the bi-annual report covering the first and second quarters of 2023, the Probation Department's failure to transition to an electronic tracking system has created barriers to transparency and oversight. The Probation Department is still using hardcopy forms to track the specific reasons youth self-separated or refused to engage in Activities. However., the documentation often fails the specific reasons for self-separation, making it difficult to determine whether staff takes all appropriate steps to re-engage with youth and encourage them to resume participation in Activities. The Office of Inspector General again recommends that the Probation Department transition all tracking systems to electronic tracking to ensure thorough and accurate documentation regarding the specific reasons for youth self-separation and refusal and to memorialize staff efforts to re-engage the youth in Activities.

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 BJNJH and LPJH for the third 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 the juvenile halls when room confinements do not comply with Welfare and Institutions Code section 208.3. Based on our review of the available documents, there were 16 room confinements at CJH, 15 at BJNJH and 10 at LPJH, respectively. The Probation Department provided prompt notice to the superintendents when room confinements fell outside of Department policies or state law.⁸

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 BJNJH, CJH and LPJH. 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 report for the first quarter and the bi-annual report covering the first and second quarters of 2023, the Probation Department 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 BJNJH, the Office of Inspector General reviewed 49 grievances documented in the third quarter of 2023. Of the 49 total grievances, approximately 10% (5 of 49) related to

⁸ There were six room confinements at LPJH that exceeded four hours. There were no room confinements at BJNJH and CJH that violated state law or Probation Department policies.

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denial of Activities: 4 of those (or 80% of the total) related to general programming such as wanting better programming, 1 (20% of the total) related to visitation, and none were related to phone calls. 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.

For LPJH, the Office of Inspector General reviewed 127 grievances documented in the third quarter of 2023. Of the 127 grievances, approximately 36% (46 of 127) related to denial of Activities: 22 of those (or 17% of the total) related to phone calls, 21 (17% of the total) related to general programming, such as wanting better programming or complaints about missing programming because of medical visits, 3 (2% of the total) related to visitation. The Office of Inspector General observed no grievances related to denials religious services. The balance of the grievances addressed areas that are not subject to the Detailed Plan.

Conclusion

The Office of Inspector General's review of the Probation Department for the third quarter of 2023 indicates that the Department once again failed to provide the youths proper access to programming at BJNJH and LPJH, as required by the Detailed Plan. As previously noted, although the Probation Department has implemented its electronic grievance system, it still has not procured the electronic kiosks for youth to use to submit grievances, and so continues to use hardcopy grievance logs. The Department also failed to develop a system for internal tracking and reporting participation in Activities or confinement to their rooms to the Office of Inspector General for review.

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