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August 21, 2023

TO: Mike Dempsey
Monitor for California Department of Justice

FROM: Eric Bates 
Assistant Inspector General

SUBJECT: Quarterly Report on Programming, Grievances and Room Confinement at Barry J. Nidorf and Central Juvenile Halls

Mr. Dempsey,

This is the Office of Inspector General's Quarterly Report on the access to programming, room confinement and grievances at Barry J. Nidorf Juvenile Hall (BJNJH) and Central Juvenile Hall (CJH) as required by the Detailed Plan. This report is based on the review of information provided by the Los Angeles County Probation Department (Probation Department) for the period of January 2023 through March 2023.

Access to Programming, Recreation, Religious Services and Visitation

The Probation Department is required to provide youths programming (school and exercise), recreational activities, religious services, visitation, and phone calls (collectively the Activities). The Probation Department is required to document and log any denial of Activities stating the Probation Department staff member's reason for not allowing a youth to participate, signed, and validated by the superintendent and provided weekly to the Office of Inspector General unless a youth is determined to be a threat to the safety or security of the facility. The Probation Department is prohibited from confining youths to their rooms thereby preventing access to Activities. The Detailed Plan requires that 93% of these youths who were not found to be a threat have been provided Activities.

The Office of Inspector General requested the necessary information to determine the Probation Department's compliance with the Detailed Plan. However, the Probation Department delayed providing the logs regarding the Activities, and the logs provided contained inaccurate information for CJH and incomplete information for BJNJH.¹ In April 2023, the Office of Inspector General staff discussed with Probation Department staff the collection of Activities information and sent to the Probation Department a more streamlined log to assist in reporting the necessary information.² However, the Activities information was not returned in a timely manner to determine the Probation Department's compliance with the Detailed Plan.

Based on the incomplete information provided by the Probation Department regarding the youths' participation in Activities, the Office of Inspector General cannot determine if BJNJH was in compliance with the Detailed Plan. Although the initial information for CJH was inaccurate, the Office of Inspector General subsequently received information from the Probation Department which indicated that at CJH only 76% of youths who were not found to be a threat, were provided Activities. This is less than the 93% compliance required in the Detailed Plan, causing CJH to be out of compliance with the Detailed Plan.

Grievance Logs

As stated in our last report, the Probation Department is in the process of implementing its new grievance management system, kiosk and tracking system. The Probation Department reported that the system was implemented on February 6, 2023, but the kiosks still have not been procured. The Probation Department is still utilizing grievance logs until the kiosks are in use.

The Office of Inspector General reviewed the grievance logs to measure the frequency with which youths complained that they were not provided telephone calls, family visitation, recreation and religious services to determine the percentage of grievances relating to denial of Program Activities.

¹ The programming exception logs rely on accurate and complete documents as required by the Board of State Community Corrections, which note when youths miss school and/or other required programming. That information has been delayed and/or inaccurate causing a delay in assessing compliance.

² The new log references and tracks programming activity missed per youth per day as one event to help streamline the tracking process. For example, if a youth missed school, recreation, and exercise due to self-separation/refusal, the program tracking for that youth will indicate the youth missed programming that day rather than the three individually missed events.

For CJH, the Office of Inspector General found that of the total 104 grievances documented in the first quarter of 2023, 0% percent related to visitation or programming, 9% (9 of 104 grievances) related to phone calls, and 3% (3 of 104 grievances) related to clothing, food, and safety. It was also determined that none were related to religious services. The balance of the grievances addressed areas that are not subject to the Detailed Plan.

For BJNJH, the Office of Inspector General found that of the total 121 grievances documented in the first quarter of 2023, 1% (1 of 121) related to visitation, 7% (8 of 121) related to phone calls, 9% (11 of 121) related to general programming such as wanting better programming or complaints about missing programming because of medical visits. None of the reviewed grievances were related to religious services. The balance of the grievances addressed areas that are not subject to the Detailed Plan. The review of the grievances indicated that generally youths were being provided access to telephone calls, family visitation, and religious services.

Room Confinements

As required in the Detailed Plan, the Probation Department is mandated to create an internal process to better identify and track room confinement, promptly notify the superintendents of the juvenile halls of instances of room confinement of youths that are outside of policies and state law, and implement remedial measures as needed. It is further required to develop an internal process to provide the Office of Inspector General data and documentation of subsequent remedial measures taken in response to room confinement incidents that were determined to be in violation of the Probation Department's policies or the law.

As of this report, the Probation Department is still in the process of designing and implementing the computerized system to track room confinements. Without the implementation of this system, the Probation Department is not in compliance with the Detailed Plan's requirement for the development of the system for internal tracking and reporting to the Office of Inspector General.

In an effort to determine whether the Probation Department is compliant with the requirements as to the metrics relating to room confinement, Office of Inspector General staff conducted a review of the Probation Department's written documentation by requesting and reviewing programming logs and related documentation used by the Probation Department to record the Activities each youth received at both CJH and

BJNJH for the first quarter of 2023. The Office of Inspector General reviewed weekly report logs, initial intake screening questionnaires, Assessment and Classification forms, Detention Adjustment Reports, Self-Separation forms,³ SIR/PIR forms, Enhanced Supervision forms, Readiness for Release forms, Reintegration Plans, Hope Center Bed Charts, Safety Check Sheet, and Room Confinement logs.

For CJH, Activities were offered daily to an average of 190 youths.⁴ However, youths missed 63% of the Activities each day, the most common reason was for self-separations/refusals. The second most common reason was noted as “excusable reasons” (such as court, medical, released, special visit), which accounted for 20% of the missed Activities. Only 5% of the missed Activities were due to a youth being a threat to the safety and security of the facility.

The Detailed Plan requires that 93% of youths who have not been found to be a threat, received Activities. Approximately 76% of youths at CJH who were not found to be a threat to the safety and security of the facility, received Activities due to self-separation or refusals. CJH was not in compliance with the required 93% compliance standard as provided in the Detailed Plan. However, CJH has continued to make Activities available 100% of the time and followed its policies in identifying youths who chose to self-separate or refused participation in the Activities provided. The forms previously used to document the specific reasons the youths self-separated or refused to engage in Activities are no longer utilized by the Probation Department due to implementation of the new electronic grievance system. However, the new grievance system does not identify the specific reasons for youths separating, preventing the determination of whether the staff is attempting to re-engage the youths back into the Activities. The Office of Inspector General recommends the Probation Department modify the new grievance system to allow the determination of reasons for self-separation and staff efforts to re-engage the youths.

During the first quarter of 2023, the Probation Department did not distinguish between “self-separation” and “refusals” on the exception logs and categorized them together as “refusals.” The Office of Inspector General staff asked the Probation Department to include self-separation information commencing July 1, 2023. Informal interviews with Probation Department staff indicated the same reasons as previously reported for

³ Self-separation is when a youth provides a reason for non-participation, such as sleeping or reading.

⁴ At the time of this writing this report, 171 youths were relocated from CJH to Los Padrinos for permanent housing. This report only addresses Program Activities for youths while they were at CJH.

youths' failure to receive Activities, which are predominantly because they choose to sleep or read instead of attending school or other programming.

As previously mentioned, the Office of Inspector General received incomplete information from BJNJH and cannot determine if BJNJH was in compliance with the Detailed Plan for this quarter regarding confinement.

The Detailed Plan also requires prompt notification to the superintendents of CJH and BJNJH of instances of room confinement that do not comply with Welfare and Institutions Code section 208.3. Based on review of the available documents at both CJH and BJNJH, notice was promptly provided to the superintendents of youths being confined to their rooms when the confinement was not in compliance with policies and state law. The Detailed Plan also requires that in 90% of the confinement incidents that are determined to be out of policy or not compliant with the law, subsequent remedial measures were implemented. The Office of Inspector General found that Probation Department staff promptly reported to the superintendents and remedial measures were implemented in 100% of the incidents at both CJH and BJNJH, satisfying the 90% metric in the Detailed Plan. However, the lack of a sufficient internal process as required by the Detailed Plan, including a computerized data base, continues to raise some doubts as to whether all the instances are identified and documented in writing.

The review of the Probation Department for the first quarter of 2023 indicates that it again failed to provide the youths access to programming at CJH and possibly at BJNJH as required by the Detailed Plan. Although, the Probation Department has implemented its electronic grievance system, it still has not established the kiosks for the youths to utilize to log grievances. Furthermore, it failed to develop a system for internal tracking and reporting youths confined to their rooms to the Office of Inspector General for review.

EB:sf

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