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August 2, 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 Los Padrinos Juvenile Halls

Dear 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 first quarter of 2024, from January 1, 2024 through March 31, 2024.

Access to Programming, Recreation, Religious Services and Visitation

The Detailed Plan requires that the Probation Department provide youth with programming, recreational activities, religious services, visitation, and phone calls ("required activities") as required by law, regulation, and County policy.¹ The Detailed

¹ Title 15 provides that all youth shall be provided with the opportunity for at least one hour of daily programming to include, but not be limited to, trauma focused, cognitive, evidence-based, best practice interventions that are culturally relevant and linguistically appropriate, or prosocial interventions and activities designed to reduce recidivism. Examples of such activities are (1) Cognitive Behavior Interventions, (2) Management of Stress and Trauma, (3) Anger Management, (4) Conflict Resolution, (5) Juvenile Justice System, (6) Trauma-related interventions, (7) Victim Awareness, (8) Self-Improvement, (9) Parenting Skills and support, (10) Tolerance and Diversity, (11) Healing Informed Approaches, (12) Interventions by Credible Messengers, (13) Gender Specific Programming, (14) Art, creative writing, or self-expression, (15) CPR and First Aid training, (16) Restorative Justice

Plan also prohibits the Probation Department from preventing access to required activities by confining youth to their rooms, unless it determines that a youth poses a threat to the safety or security of the facility or themselves. The Detailed Plan requires that Department staff document and log any denial of required 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 Probation Department must report all denials of required activities to the Office of Inspector General on a weekly basis. For compliance, the Detailed Plan requires that the Probation Department provide required activities each day for at least 93 percent of youth who it has not found pose a threat to the safety or security of the facility or themselves ("eligible youth").³ To determine compliance, the Office of Inspector General reviews written Title 15 programming exception logs, as well as supporting documentation, that are required by the Board of State Community Corrections when youths miss required programming. It was recently determined that for this reporting period, the Department erroneously included schooling as part of the Title 15 log programming documentation. As a result, the Office of Inspector General cannot determine the Department's compliance with the Detailed Plan for this quarter.

Several developments during the quarter related to compliance and monitoring bear mention. First, the Probation Department continues not to provide complete and timely documentation required to monitor compliance with providing required activities. As described in previous reports, the Department failed to provide complete logs and information required to determine compliance in a timely manner until the last quarter of 2023, when the Department provided the exception logs for BJNJH and LPJH. However, the Department did not provide all the supporting documents to the exception

or Civic Engagement, (17) Career and leadership opportunities, and (18) Other topics suitable to the youth population. California Code of Regulations, Title 15, § 1370 provides, "[T]he County Board of Education shall provide for the administration and operation of juvenile court schools in conjunction with the Chief Probation Officer, or designee pursuant to applicable State laws. The school and facility administrators shall develop and implement written policy and procedures to ensure communication and coordination between educators and probation staff." Education provided to the youths by Los Angeles County Office of Education is not considered "programming." 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 Detailed Plan originally applied to BJNJH and Central Juvenile Hall (CJH). However, on July 17, 2023, the Probation Department transferred all youths housed at CJH to LPJH.

logs, such as self-separation documentation for the entire quarter to the Office of Inspector General to audit the exception log for accuracy and to assess compliance as required under the Detailed Plan.⁴ This quarter, the Department only provided the required documentation for January 2024 self-separations, even though it continued to record self-separations on the exception log. The Office of Inspector General raised this omission with the Department, which has commenced providing self-separation information for the second quarter.

Second, the Probation Department and Office of Inspector General have discussed the data used in calculating compliance with required activities requirements of the Detailed Plan. In February 2024, Office of Inspector General staff met with Department staff and discussed adding non-required activities to the exception log to distinguish those programs from the required activities required by law, regulation, and County policy. Commencing next quarter, the Department will use a new exception log to document vendor-provided programs. This will assist in defining the difference between required and voluntary activities and assuring compliance calculations are properly assessed for youths that are able to participate in required activities. In March 2024, the Office of Inspector General met with the Department staff, including the Office of the Chief, to discuss how to calculate compliance for paragraph 24(c) using only required activities for youth, as well as discussing whether to calculate rates of providing activities excluding refusals and self-separations in order to show whether the Department would be compliant if youth did not refuse. The Monitor determined that although programming must be offered to all youth who are not a threat to the safety of the facility, if youth miss required activities for court, medical, refusals, or self-separation this will not be considered for determining the Department's compliance percentage.

The Probation Department also reported on the status of the computerized data system that will automatically generate the required report with compliance information for required activities, to the Office of Inspector General. The Department indicated it has completed the first phase of the project and is currently working on creating an *electronic* Title 15 log that will receive information directly from other Department systems to track a youth's activity for the day. The Department was not able to provide an expected completion date. As noted in the Office of Inspector General's [*Fifth Report on the Probation Department's Compliance with the Department of Justice Settlement Agreement on Juvenile Halls*](#), the Probation Department provided documents to the

⁴ Supporting documentation includes Title 15 programming logs, Self-Separation forms, SIR/PIR forms, court and medical documents.

Office of Inspector General with room confinement data that conflicted with data published by the Board of State and Community Corrections (BSCC) and Probation Oversight Commission (POC). Recently the BSCC [reported](#) that video evidence contradicted information on youth activity logs and that programming noted as provided was either not provided at all or was of a shorter duration than noted on the log. These inconsistencies, including the possible falsifying of records, underscore the importance of a robust tracking system.

Probation Department staff track the specific reasons why youths self-separate on Special Incident Report (SIR) forms. However, SIR forms do not identify whether the Department staff made any efforts to re-engage the youths. Without this information, the Office of Inspector General cannot determine if staff took all appropriate steps to re-engage self-separated youth and encourage them to resume participation in required activities. Notably, the Department documents room confinement differently, using an electronic safety tracking system and logging re-engagement attempts in the *Notes* field. The Office of Inspector General recommends that the Department use the *Notes* field of the electronic safety tracking system similarly to memorialize staff efforts to re-engage the youth during self-separation, as well as to record the specific reasons for youth self-separation.

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 Department policy or state law. It must also facilitate the swift implementation of remedial measures to address any identified deficiencies. The Detailed Plan further instructs the Department to create a Monitor approved internal 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 Department has not created an approved internal process but is working on creating a computerized data system for which it will seek Monitor approval. The Probation Department therefore remains out of compliance with the room confinement tracking system requirement of the Detailed Plan.

The Detailed Plan requires Probation Department staff to notify superintendents of the juvenile halls promptly when room confinements do not comply with Welfare and Institutions Code section 208.3. Based on the review of the available documents at both

BJNJH and LPJH, during this quarter, the Department imposed 6 room confinements at LPJH and 18 room confinements at BJNJH. All of these confinements were documented with the assertion that they complied with state law and Department policy, so no notifications were required under this provision of the Detailed Plan.

Similarly, because all confinements documented the assertion that they complied with state law and Probation Department policy, no confinement triggered the Detailed Plan's requirement that the Department implement subsequent remedial measures in 90 percent of room confinements determined to be out of policy or not compliant with the law. However, inconsistencies and possible falsehoods noted in Probation Department record-keeping and 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. The requirements of the Detailed Plan rely on the Probation Department accurately reporting when room confinements violate state law or Probation Department policy, the Office of Inspector has no information as to whether these reports are accurate.

Grievance Logs

As described in the previous quarterly and biannual reports, the Probation Department implemented its electronic grievance management system (GMS) in February 2023.⁵ Prior to the implementation, the Department gave the Office of Inspector General staff a presentation on the new system and the Office of Inspector General has requested a status report on its use. The Department reported that it still has not procured the electronic grievance submission kiosks that will allow youth to enter grievances directly into the system, but a kiosk vendor has been selected. When Office of Inspector General staff asked for documentation of the selection, the Department changed its response to say that it had "started talks" with the vendor. As a result, the Department continues to use only paper grievance logs, which it will continue to use as an alternative to the electronic system once that system is implemented.

The Office of Inspector General reviewed the grievance logs to examine how often 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 required activities.

⁵ GMS is an electronic grievance management system used for tracking and distribution system of grievances, which replaced the previous system JIGS that was an email method of distribution that was flawed therefore replaced.

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For BJNJH, the Probation Department received 41 grievances in the first quarter of 2024. Of these, approximately 15 percent (6 of 41) related to denial of required activities: 7 percent (3 of 41) of those related to general programming such as wanting better programming, 7 percent (3 of 41) related to visitation, 2 percent (1 of 41) related to religious services, and none were related to phone calls. The Office of Inspector General observed no grievances related to denials of recreation. The balance of reviewed grievances addressed issues not subject to the Detailed Plan.

For LPJH, the Office of Inspector General reviewed 283 grievances submitted in the first quarter of 2024. Of the 283 grievances, 8 percent (23 of 283) related to denial of required activities: 6 percent (16 of 283) related to general programming, such as wanting better programming, 2 percent (5 of 283) related to phone calls, .4 percent (1 of 283) related to recreation, and .4 percent (1 of 283) related to visitation. The Office of Inspector General observed no grievances related to denial of religious services. The balance of the grievances addressed issues not subject to the Detailed Plan.

Conclusion

Based on the documentation provided by the Probation Department, the Office of Inspector General is unable to determine whether the Probation Department provided required activities necessary to show compliance with the Detailed Plan. The Office of Inspector General continues to stress the importance of developing a computerized data system. The Department also failed to develop an approved internal process to track and report youths' activity or confinement to their rooms to the Office of Inspector General for review. In addition, although the Department has implemented its electronic grievance management system, it still has not procured the electronic kiosks for youths to use to submit grievances and continues to use exclusively paper grievance logs.

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