

MOTION BY SUPERVISORS SHEILA KUEHL AND
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**Safeguarding the Rights of Incarcerated Youth: Support and Implementation of
State Assembly Bill Number 2417**

The Board of Supervisors has adopted a bold vision for youth justice in Los Angeles County. It's a Care First, Jails Last vision that prioritizes equity and accountability, recognizes the need for trauma- and healing-informed responses, and emphasizes healthy youth development as a fundamental objective. The Youth Justice Reimagined model is in development and has great momentum, as demonstrated by the Board's recent action to establish a Department of Youth Development.

As the County, community stakeholders, and advocacy groups work to reimagine youth justice, more than 350 youth remain incarcerated in the County's Juvenile Halls and Probation Camps. With the imminent closure of the State's Division of Juvenile Justice (DJJ), the County will continue to have incarcerated youth in its care and the length of their custody commitments may be longer than those of youth who have historically been held in the County. The County's responsibility to these young people

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cannot be overlooked as we focus on expanding community-based opportunities in the youth justice system.

It should go without saying that being incarcerated should not result in the loss of basic human rights. In fact, when a youth is entrusted to the County's care and custody, the County essentially steps into a parental role. The County becomes responsible for housing, feeding, and protecting that young person. Beyond such basic human rights, incarcerated youth also have the right to receive programming and services (i.e., education, mental health, and health) that are uniquely tailored to their needs. The rights of an incarcerated youth very much mirror the rights of youth in foster care that are widely recognized in the Foster Youth Bill of Rights.

The DJJ has a standing practice, grounded in state law, that recognizes a Bill of Rights for incarcerated youth and ensures that youth are informed of those rights. Though the DJJ does not have an exemplary history of enforcing those rights, it is nevertheless powerful that the Bill of Rights is communicated to the youth and that the State has a mechanism for young people to report violations of those rights. When the DJJ closes next year, there will no longer be a Bill of Rights for incarcerated youth.

[Assembly Bill 2417](#), sponsored by Assemblymember Ting, would re-enact the Bill of Rights for application at the county level by requiring every juvenile justice facility to distribute and post the Bill of Rights. AB 2417 sets forth a comprehensive list of basic human rights which includes the right to live in a safe, healthy, and clean environment that is conducive to treatment, positive youth development, and healing. AB 2417 emphasizes rights we take for granted but, as the Probation Oversight Commission and others have documented, are not automatically guaranteed for incarcerated youth.

Notable examples include the right to receive adequate and healthy meals and snacks, clean water at any time, timely access to toilets, and access to daily showers and sufficient personal hygiene items.

AB 2417 addresses profound rights, all of which exist in state or federal law, that are sometimes ignored because they are not simple to implement. AB 2417 makes sure that young people know their rights, by listing in one place, with language that young people can understand, rights that exist across complex and confusing codes. Some of these are rights that are directly related to successful re-integration into society such as the right to maintain frequent and continuing contact between youth and their parents, guardians, siblings, and extended family members. The bill starts with the language of the existing Bill of Rights and adds provisions from more recently enacted laws and regulations, most notably, in the areas of rights associated with education and parenting rights. The bill includes visitation with children among the enumerated rights and adds the right for young people to receive information about their rights as parents, including available parental support, reunification advocacy, and opportunities to maintain or develop a connection with their children. In the area of education, AB 2417 emphasizes the rights already guaranteed in Welfare and Institutions Code section 858 including, the right to receive a rigorous, quality education, including vocational training and access to postsecondary academic and career technical education courses.

Regardless of whether AB 2417 passes and becomes law or not, youth who are incarcerated in Los Angeles County deserve to have each of these rights acknowledged, communicated to them, and enforced by those who are responsible for their care. This includes County staff, contractors, partners, and others who work within

the County's Juvenile Halls and Probation Camps. Beyond being posted and explained to youth, feedback elicited directly from incarcerated youth should serve as the measure of the County's success in safeguarding the rights afforded to them in the Bill of Rights.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Direct the Chief Executive Office's Legislative Affairs and Intergovernmental Relations Branch to advocate in support of AB 2417;
2. Direct the Chief Probation Officer as follows:
 - a. Collaborate with LACOE, DMH, JCHS, and other relevant stakeholders to proactively implement each of the rights set forth in AB 2417 in the County's Juvenile Halls and Probation Camps, beginning with Barry J. Nidorf Juvenile Hall and one camp selected by the Department, by:
 - i. visibly posting the Bill of Rights, including adding other languages;
 - ii. ensuring that all staff, youth, service providers, and other partners are aware of the Bill of Rights; and
 - iii. identifying how the Probation Department and its partners fulfill, or will fulfill, the mandates of the Bill of Rights.
 - b. Collaborate with the State Office of Youth and Community Restoration to develop policies to ensure that all youth are provided with a copy of the Bill of Rights and informed as to the process for lodging complaints associated with the Bill of Rights;
 - c. Report back in 120 days on the status of implementation of the Bill

of Rights at Barry J. Nidorf Juvenile Hall and the initially selected camp as set forth in directive 2(a) and a proposed timeline for implementing the Bill of Rights at each remaining County facility; and

- d. Report back quarterly thereafter on the ongoing status of implementation at each open Probation facility and any areas of concern identified by the Probation Oversight Commission in the reports referenced below in Directive 3(c).

3. Instruct the Probation Oversight Commission to do the following:

- a. Incorporate the Bill of Rights into its analysis of the Probation Department's grievance process and any associated recommendations the Commission issues to the Board of Supervisors;
- b. Develop a mechanism, in collaboration with the Probation Department, to confidentially survey youth on a quarterly basis to determine whether the Bill or Rights is being appropriately adhered to; and
- c. Develop the results of the survey to the Board on a quarterly basis in alignment with the reports from the Probation Department referenced in Directive 2(d) above.