

MOTION BY SUPERVISORS KATHRYN BARGER
AND HILDA SOLIS

December 17, 2024

**PROCLAIMING A LOCAL EMERGENCY RESULTING FROM THE SUITABILITY
ISSUES AT LOS PADRINOS JUVENILE HALL**

The County has worked hard to improve the troubling conditions at the Los Padrinos Juvenile Hall (LPJH). Without a doubt, LPJH has faced, and continues to face, unacceptable and long-entrenched problems in providing appropriate care and services to the youth residing there, and maintaining a safe and supportive environment for youth, Probation staff, County employees, and the valued community partners that provide services within LPJH. This Board has passed numerous motions and otherwise taken action to address these issues including by, among many other things, empowering the Chief Probation Officer to bring in experienced leadership staff from within and outside the County; creating the Department of Youth Development to provide care-focused services including valuable programming and Credible Messenger support to the youth; engaging Probation and the Department of Human Resources to rework and refresh Probation hiring, employee performance management, and Probation's internal affairs capabilities; and, most recently, providing for the appointment of a Probation Compliance Officer with the Chief Executive Office focused exclusively upon raising the quality of care and services at LPJH up to the appropriate legal standards.

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Perhaps equally importantly, the County and Probation worked for years with the California Department of Justice (DOJ) to improve the conditions at its juvenile halls, including LPJH. The County and the DOJ jointly entered a Stipulated Judgment (SJ) in January 2021 specifically focused on their agreement that Probation simply must do better in caring for the youth in its juvenile halls. Recognizing that Probation's problems are chronic and complex, the SJ establishes several legal obligations upon Probation, along with a Monitor and several subject matter experts to oversee Probation's work, provide guidance on solving problems, and report on Probation's progress. While the slow pace of Probation's progress has been frustrating for everyone – including the County, DOJ, Monitor, the youth, and the broader community – the County believes the difficult, time-consuming, structural, and cultural improvements that need to be made are finally beginning to be made.

Unfortunately, recent events primarily outside the County's control have derailed these efforts, slowed if not stopped some of the progress, thrown the youth and staff at LPJH into chaos, and threatened the safety and security of the LPJH youth and the broader community. In summary, the Board of State and Community Corrections (BSCC), which is a California state agency that inspects probation and jail facilities throughout the state, has determined that LPJH must shut down effective December 12, 2024, because, according to the BSCC, Probation failed to appropriately staff LPJH during the month of November and early December. While Probation and the County deeply respect BSCC, and whole-heartedly share its goal of ensuring that youth receive appropriate care, in this case the BSCC's staff conclusion is wrong, lacks due process, and is an inappropriate and harmful response to the BSCC's claimed compliance findings.

Probation has administratively appealed the BSCC's purported findings. Probation's Notice of Appeal reflects its contention that Probation, in fact, did have adequate staffing during the period inspected, and that the BSCC's calculations to the contrary were simply inaccurate. Indeed, the Los Angeles County Superior Court inspected LPJH in May 2024 and, contrary to the BSCC, concluded that Probation actually met all compliance requirements. Probation's Notice also reflects the contention that the BSCC misapplied the governing regulations' inspection criteria to create confusing, unfair, and illegal standards that are essentially impossible to meet, and that the BSCC's process in reaching its purported findings violated its own statutes and regulations, including by improperly changing the cadence of the inspections. Probation further contends the BSCC improperly allowed BSCC staff to make hugely consequential determinations that, by law, only the full BSCC Board can make. Specifically, BSCC documentation appears to indicate the BSCC's determination that LPJH must close was essentially made with no formal input or determination from the full BSCC Board or public comment, in apparent violation of California open meetings laws.

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More importantly, the BSCC's determination triggered a BSCC-imposed deadline of December 12, 2024, for LPJH to no longer house youth. This apparently results from the BSCC's interpretation of its governing statute, which effectively imposes a 90-day deadline for probation departments to correct any compliance problems BSCC identifies – no matter how complex or long-standing the problem – and, if the problem is not resolved to 100% perfection within that time, the facility must be vacated. It is literally an "all-or-nothing" approach, in which either the facility is 100% perfect, or it must be closed and the youth moved elsewhere or released. The harm and disruption to the youth from such a closure is simply not a factor considered by the BSCC because of how it is structured. The BSCC's model unfortunately fails to recognize that many problems simply cannot be 100% solved in that 90-day time period – particularly when many of the underlying problems are personnel-related and must, by law, be resolved in compliance with civil service and collective bargaining rules that usually operate under timelines that vastly exceed 90 days.

Not only does this all-or-nothing, inflexible "quick-fix" approach actively hamper true reform, it unfortunately compounds a broader underlying problem resulting from the State's closure of the Department of Juvenile Justice (DJJ). The DJJ, which was previously known as the California Youth Authority, housed and provided treatment for California's most serious juvenile offenders. As part of the State's "juvenile justice realignment," however, effective July 1, 2023, all youth formerly housed in DJJ were transferred to counties for housing and treatment, and the DJJ itself was closed. This resulted in the County having to invest massive resources to locate and modify appropriate facilities for these youth, to address the higher security needs of this youth population, staff it with appropriately trained Probation employees, and otherwise arrange for the significant care needs of this new influx of serious youth offenders. These former DJJ youth now are housed in two County facilities – the Barry J. Nidorf Secure Youth Treatment Facility (BJN) and Campus Kilpatrick – and the BSCC explicitly has found BJN unsuitable to house pre-disposition youth such as those in LPJH. This transition of the State's youth offenders to two separate facilities has exacerbated an already strained staffing problem for Probation and made the work more difficult for the other County departments providing critical services to the youth.

The BSCC's impossibly short deadlines, all-or-nothing system, and inflexibility, do not take these real-world factors into account despite some of the challenges were due to changes in State law.

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It bears repeating that the County respects the BSCC and its staff, and shares its goal of ensuring youth in Probation custody receive appropriate care. But regardless of the County's disagreement with the merits of the BSCC's findings and how it is structured, The fact remains that the BSCC appears to be demanding the closure of LPJH and appears poised to support legal action to shut it down. The County must act urgently to address the resulting grave safety and security perils to the youth and the public. The County has no other place to house these youth – particularly given that, among other things, BSCC itself has not approved any other County facilities to do so. BJN is not available because it is used to house former DJJ (State) youth and other youth who, prior to realignment, would have gone into State custody. And even if some other facility were available, it is simply not the case that moving approximately 250 youth from one facility to another will "solve" the staffing and other problems. Those problems generally exist independent of whatever facility the youth and staff are in, and the County – working alongside the DOJ – is working diligently to solve them. Merely moving youth to another facility would only harm them by limiting or eliminating their ability to receive programming and school instruction, impeding medical and mental health treatment, and thoroughly disrupting their lives for an extended period of time. The chaos such a move would cause would harm the youth, not help them. It would slow or even preclude the County's ability to solve the problems it needs to solve, not lead to more solutions.

Further, juvenile criminal defense counsel already have begun filing writs seeking release of youth from LPJH, and civil counsel for the youth housed in LPJH have been indicating they will file similar civil motions. While this Board has for years strongly advocated a Care First, Jails Last approach, a very high percentage of the youth in LPJH have a history of serious, violent offenses – such as murder, attempted murder, sexual assault, kidnapping, robbery, and carjacking – and/or are facing such charges now, and were ordered to be housed in Juvenile Hall by the Court. Some of the youth also have serious mental health issues. All the youth were ordered to LPJH due to court orders that took into account the threat to public safety and other issues, which the Board and the BSCC cannot countermand. And even if it were possible for some youth to be returned home, numerous youth would remain. If LPJH is closed, there is nowhere for them to go, except back into the community. Probation has asked if any other Probation Department across the state can house the LPJH youth, and they all indicated an inability to help. This unfortunately creates extreme and imminent risks to the safety and security of the youth themselves, and of the community more broadly. These youth need focused, professional support; mental health and medical care; structured programming and interaction with DYD and other County and community partners; and a structured, care focused-environment. The County wants these youth to succeed; they cannot be cast out of LPJH onto the streets of Los Angeles County and no other suitable facilities exist.

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The BSCC's current order, however, is not the core problem. The BSCC is obligated to continue its inspections and enforcement, so ultimately the County must work to simply solve its compliance problems immediately. Emergency measures must be taken now to allow the County – using all available resources, within and outside the County – to entirely resolve all compliance problems once and for all. This has been the County's goal all along, and we believe it is a goal the BSCC shares.

Los Angeles County may proclaim a local emergency when there is the “existence of conditions of disaster, or of extreme peril to the safety of persons and property within the territorial limits of the County,” and when these conditions “are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the County and require the combined forces of other political subdivisions to combat.” The LPJH crisis brought on by the BSCC's actions meets these requirements. As discussed throughout this motion, conditions of extreme peril to the safety of persons exist in that the release of the LPJH youth will cause extreme peril to the youth themselves, based on the level of care and support they need. It also will cause extreme peril to the community, as demonstrated by – among other things – the serious and violent criminal histories and/or pending charges these youth face, along with court orders requiring youth to be housed in juvenile hall based potentially on findings of “immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another.” Additionally, County resources alone are insufficient to solve this crisis, so it is necessary to harness State and other resources. While we have many solutions that are working, the scale and speed at which these solutions are being implemented need to be expanded and expedited, respectively. Proclaiming a local emergency to address this critical crisis will provide the County with additional tools to accelerate and expand its response in collaboration with our State partners and others.

WE, THEREFORE MOVE, that the Board of Supervisors:

1. Proclaim a local emergency within Los Angeles County (County) for the conditions of extreme peril to the safety of persons and property caused by the efforts of the BSCC and others to close Los Padrinos Juvenile Hall (LPJH), which is the County's only juvenile hall, and their efforts to release the youth who are alleged to have committed serious crimes into the public. This proclamation of local emergency shall remain in effect until its termination is proclaimed by the Board of Supervisors (Board).
2. Approve and execute the attached proclamation of existence of local emergency within the County for the conditions of extreme peril to persons and property caused by the threatened closure of, and release of the youth housed in, LPJH.

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3. Direct County Counsel to pursue all legal strategies to prevent the youth housed in LPJH from being released into the public.
4. Direct all County departments who provide services in LPJH to implement any and all policy direction provided by the Chief Probation Officer (CPO) for LPJH.
5. Instruct the CPO, CEO, and all other County Departments to take necessary steps for the protection of life, health, and safety of people living or working at LPJH, including:
 - a. Disaster Services Workers: Direct the Department of Human Resources and relevant County Departments to implement Disaster Services Worker (DSW) protocols to enable, among other things, DSWs to be used within LPJH, consistent with the DSW's skills and training.
 - b. Contracting and Procurement: Leveraging the lessons learned during the COVID-19 pandemic, direct the CEO and relevant County Departments to take appropriate steps to expedite the procurement and contracting processes for materials, equipment, and services necessary to respond rapidly to the LPJH crisis.
 - c. Hiring: Direct the Department of Human Resources and relevant County Departments to expedite recruitment and hiring for positions necessary to respond to the LPJH crisis including any actions needed to quickly reduce vacancy levels for positions providing supervision, medical and mental health, programming, substance use disorder, religious, and case management services directly to youth housed at LPJH. This includes, but is not limited to, funding and other appropriate authorization for lateral hiring (with a \$24,000 financial or other bonus as appropriate) and use of any qualified peace officer in the State of California, including reserve peace officers and 120-day retirees.
 - d. Return to Work: Direct the Department of Human Resources and relevant County Departments to immediately convene a task force to expeditiously process all pending return-to-work matters for existing LPJH employees, so that these matters can be resolved as soon as possible consistent with applicable law.
 - e. HR Support: Authorize County departments who employ staff assigned to LPJH to delegate to the Director of Personnel the authority to take administrative actions with respect to such staff, including but not limited to discipline under the Los Angeles County Civil Service Rules.

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- f. Communication and Outreach: Direct the CEO, Probation, OEM, and Countywide Communications to develop and implement a communication plan to interact with Los Angeles County cities and the public on the local emergency proclamation, including how the County will coordinate and work with cities, and how solutions will be implemented.
 - g. Mutual Aid: Direct Probation and other relevant County Departments to make any Mutual Aid requests to the California Office of Emergency Services necessary to obtain assistance in addressing this emergency.
6. Direct the CPO and the CEO to jointly lead the overall coordination of the emergency response and to coordinate efforts with the State and Federal governments, and the cities within the County.
 7. Direct the CEO and CPO to report back before the Board's next regularly scheduled meeting with any authorities needed, and requisite changes to implement the foregoing.

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PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY FOR THE SUITABILITY EMERGENCY AT LOS PADRINOS JUVENILE HALL BY THE LOS ANGELES COUNTY BOARD OF SUPERVISORS

WHEREAS, Chapter 2.68 of the Los Angeles County Code provides that the Los Angeles County Board of Supervisors (Board) may proclaim the existence of a "local emergency," as defined in Government Code section 8558(c)(1), in pertinent part, as follows: "'[l]ocal emergency' means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county . . . caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, deenergization event . . . plant or animal infestation or disease . . . or an earthquake, or other conditions . . . which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat"; and

WHEREAS, as of December 12, 2024, conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the County of Los Angeles (County) exist at Los Padrinos due to conditions at Los Padrinos that have been caused and/or exacerbated by the Board of State and Community Corrections' ("BSCC") order to immediately shutter Los Padrinos Juvenile Hall, the only available juvenile hall in the County of Los Angeles ("Los Padrinos Suitability Emergency"). Compliance with the BSCC's order will mean the immediate release of minors accused of serious and violent crimes, including murder, robbery, and rape, and will, therefore, put the community in extreme peril. In addition, the release of Los Padrinos youth will cause extreme peril to the youth themselves, based on the level of care and support they need. The County must act urgently to address the resulting grave safety and security perils to the youth and County community; and

WHEREAS, the BSCC is obligated to continue its inspections and enforcement, so ultimately the County must work to simply solve its compliance problems immediately. Emergency measures must be taken now to allow the County – using all available resources, within and outside the County – to entirely resolve all compliance problems once and for all; and

WHEREAS, the mobilization of local resources, and the ability to coordinate interagency response, accelerate procurement of vital supplies, and use mutual aid, will be critical to successfully responding to the Los Padrinos Suitability Emergency; and

WHEREAS, these conditions warrant and necessitate that the County proclaim the existence of a local emergency.

NOW, THEREFORE, THE BOARD FINDS THAT conditions of disaster or of extreme peril to the safety of persons and property exist in the County on the basis of the Los Padrinos Suitability Emergency within the meaning of Government Code section 8558(c)(1), and such conditions are or will likely be beyond the control of the services, personnel, equipment, and facilities of the County, and require the combined forces of other political subdivisions to combat; and

IT IS FURTHER ORDERED AND PROCLAIMED that, during the existence of said local emergency, the powers, functions, and duties of the emergency organization of the County shall be those prescribed by State law, by ordinances, and resolutions of the County.

The foregoing proclamation was, on the 17th day of December 2024, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.



EDWARD YEN, Executive Officer-
Clerk of the Board of Supervisors
of the County of Los Angeles

By *Maxine Oleson*
Deputy

APPROVED AS TO FORM:

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