
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 695 **Hearing Date:** June 20, 2023
Author: Pacheco
Version: May 18, 2023
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Juvenile Detention Facilities Improvement Grant Program*

HISTORY

Source: Los Angeles County Probation Managers Association, AFSCME Local 1967
Los Angeles County Probation Officers Union, AFSCME Local 685
BU 702- SEIU 721 Joint Council

Prior Legislation: AB 178 (Comm. on Budget), Ch. 45, Stats. 2022
SB 823 (Comm. on Budget & Fiscal Rev.), Ch. 337, Stats. 2020

Support: AFSCME; AFSCME District Council 36; Association of Orange County Deputy Sheriffs; Coalition of County Unions; Los Angeles County Federation of Labor; Los Angeles County Professional Peace Officers Association; State Building and Construction Trades Council of California, AFL-CIO; Supervisor Hilda Solis, Los Angeles County Board of Supervisors

Opposition: ACLU California Action; Arts for Healing and Justice Network; California Coalition for Women Prisoners; Californians United for A Responsible Budget Care First California; Center on Juvenile and Criminal Justice; Children's Defense Fund – CA; Communities United for Restorative Youth Justice; Dignity and Power Now; Immigrant Legal Resource Center; Interfaith Movement for Human Integrity; LA Defensa; Liberty Hill Foundation; MILPA; Sister Warriors Freedom Coalition; Urban Peace Institute; Youth Justice Education Clinic, Center for Juvenile Law and Policy, Loyola Law School; Youth Leadership Institute

Assembly Floor Vote: 72 - 1

PURPOSE

The purpose of this bill is to create, upon appropriation by the Legislature, the Juvenile Detention Facilities Improvement Grant Program, to be administered by the Office of Youth and Community Restoration, to provide grants to a county of the first class to address the critical infrastructure needs of the state's detained and supervised youth in the county.

Existing law requires the board of supervisors in every county to provide and maintain, at county expense, in a location approved by the presiding judge of the juvenile court, a suitable house or place for the detention of wards and dependent children of the juvenile court and of persons alleged to come within the jurisdiction of the juvenile court. Provides that such house or place be known as the "juvenile hall." (Welf. & Inst. Code, § 850.)

Existing law prohibits the juvenile halls from being deemed to be, or treated as, penal institutions. Requires that juvenile halls be safe and supportive homelike environments. (Welf. & Inst. Code, § 851.)

Existing law provides that the juvenile hall is be under the management and control of the probation officer. (Welf. & Inst. Code, § 852.)

Existing law requires the Board of State and Community Corrections (BSCC) to adopt minimum standards for the operation and maintenance of juvenile halls for the confinement of minors. (Welf. & Inst. Code, § 210.)

Existing law establishes the Office of Youth and Community Restoration (OYCR) in the California Health and Human Services Agency. Provides that the OYCR's whose mission is to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support their successful transition to adulthood and help them become responsible, thriving, and engaged members of the community. (Welf. & Inst. Code, § 2200, subds. (a) & (b).)

Existing law requires the OYCR to have an ombudsman who has the authority to investigate complaints from youth, families, staff, and others about harmful conditions or practices, violations of law and regulations governing facilities, and circumstances presenting an emergency. (Welf. & Inst. Code, § 2200, subd. (d).)

Existing law defines "physical confinement" as placement in a juvenile hall, ranch, camp, forestry camp or secure juvenile home, or in a secure youth treatment facility, or in any institution operated by the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ). (Welf. & Inst. Code, § 726, subd. (d)(5).)

Existing law authorizes the juvenile court judge, when a minor is adjudged a ward of the court, to commit the minor to a juvenile home, ranch, camp, or forestry camp. Provides that if there is no county juvenile home, ranch, camp, or forestry camp within the county, the court may commit the minor to the county juvenile hall. (Welf. & Inst. Code, § 730, subd. (a)(1).)

Existing law prohibits a ward of the juvenile court from being committed to DJJ on or after July 1, 2021, except as specified. (Welf. & Inst. Code, § 733.1, subd. (a).)

Existing law defines "secure youth treatment facility" as a secure facility that is operated, utilized, or accessed by the county of commitment to provide appropriate programming, treatment, and education for wards having been adjudicated for specified offenses. (Welf. & Inst. Code, § 875, subd. (g)(1).)

Existing law moves all juvenile justice grant administration functions in the BSCC to OYCR no later than January 1, 2025. (Welf. & Inst. Code, § 2200, subd. (h).)

Existing law establishes the Regional Youth Programs and Facilities Grant program, which appropriates \$9,600,000 to award one-time grants to counties for the purposes of providing resources for infrastructure related needs and improvements to counties. (Welf. & Inst. Code, § 2250, subd. (a).)

Existing law establishes the Juvenile Justice Realignment Block Grant program for the purpose of providing county based custody, care, and supervision of youth who are realigned from DJJ or who were otherwise eligible for commitment to DJJ prior to its closure. (Welf. & Inst. Code, § 1990.)

Existing law designates counties containing a population of 4,000,000 and over as counties of the first class. (Gov. Code, § 28022.)

This bill establishes, upon an appropriation by the Legislature, the Juvenile Detention Facilities Improvement Grant Program within the OYCR.

This bill requires the OYCR to provide grants to a county of the first class, as defined, to address the critical infrastructure needs of the state's detained and supervised youth in the county.

This bill provides that it is the intent of the Legislature that a county of the first class meet the preliminary performance outcomes for infrastructure improvements of their juvenile detention facilities as developed by the OYCR.

This bill requires the OYCR to award grants based on the priorities for infrastructure improvement. Requires the OYCR to establish minimum standards, funding schedules, and procedures for awarding grants that prioritize projects with the highest critical infrastructure need.

This bill requires a county of the first class to prepare a juvenile detention facilities improvement plan for the expenditure of funds for capital improvements that are necessary to preserve and protect the county's juvenile detention facilities to enhance each facility's rehabilitation function to be eligible for grants from the program.

This bill requires the plan to include a description of how it will contribute to the county's ability to provide trauma-informed, culturally appropriate programming in a homelike environment.

This bill provides that funds shall only be used for newly constructed living space for youths, projects that would modernize housing units and sleeping rooms to comply with existing building standards and achieve a homelike environment, or space to provide rehabilitative or educational programming for youths.

This bill prohibits facility improvements made as part of this grant program from resulting in a net increase in county rated capacity.

This bill requires the plan to be submitted to, and approved by, both the OYCR and the governing body of the county. Requires the OYCR to disburse awarded funds to the governing body of the county.

This bill requires the OYCR to submit a report to the budget and public safety policy committees of the Legislature, on or before January 1, 2025, detailing the grants awarded and the projects funded through the program.

This bill includes several legislative findings and declarations.

COMMENTS

1. Need For This Bill

According to the author:

Los Angeles Probation Department is staffed by thousands of dedicated public servants who have committed their professional lives to achieving successful outcomes for the youth they serve. However, with independent reports dating back ten years outlining the critical need for major infrastructure improvements and current research forming the bases of a true trauma-informed care model, it is well past the time to make substantial renovations.

The Los Angeles Probation Department's juvenile detention facilities are badly outdated and in need of critical renovations with almost all of its physical plants in significant dilapidation. In their current state, LA Probation facilities are not adequate to meet the basic state law requirement of a "homelike" environment much less meet the current care-first, intensive rehabilitation model that juvenile justice requires.

It is our responsibility to ensure that every possible effort is made to provide a positive outcome for youth that have been remanded to the care of our probation department. This measure exposes an honest and blunt truth: the tools and facilities are hindering the ability to provide the care these kids deserve.

Assembly Bill 695 will ensure that our justice-involved youth have the tools needed for their rehabilitation – they deserve no less.

2. Los Angeles County Juvenile Halls

There are currently two juvenile halls operating in Los Angeles County, Central Juvenile Hall and Barry J. Nidorf. In 2013, the Los Angeles County Civil Grand Jury inspected the conditions of the facilities at the county's juvenile halls. (Los Angeles County Civil Grand Jury, *Maintenance Issues and Living Conditions at Juvenile Halls*, 2013-2014 Los Angeles County Civil Grand Jury Final Report (hereinafter CGY Report) available at <grandjury.co.la.ca.us/pdf/2013-2014_Final.pdf> [as of Jun. 14, 2023].)

The Central Juvenile Hall is the oldest of the juvenile facilities operated in Los Angeles County. The Central Juvenile Hall complex was originally established in 1912 as the first juvenile detention facility in Los Angeles County. (CGY Report, *supra*, p. 183.) An inspection of the girls secured housing unit, revealed:

[C]eiling tiles in the corridor had been removed and not replaced. One cell in the Girls SHU [special handling unit] was uninhabited due to leaking pipes that seeped water into the corridor. Bath towels and duct tape were used in a futile attempt to repair broken pipes and prevent seepage. There was an indistinct foul odor in the hallway suggesting that sewage or stagnant water was present. (*Id.* at pp. 183-184.)

As to the boys SHU, the report noted, “The Boys SHU was clean but poorly lighted. Windows were etched so severely that it was impossible to see inside some of the individual cells, none of which had toilets or sinks.” (*Id.* at p. 184.)

The grand jury report called for a new facility to replace the existing one:

Central Juvenile Hall is in severe disrepair. It is a financial drain on the maintenance budget of the Probation Department. Constant need for repairs of basic utilities and infrastructure is costly. Rather than keeping the site operational through on-going remedial repairs, the Probation Department would save money and better serve the minors with a modern facility. Replacing the facility would alleviate safety issues caused by the present dilapidated buildings. (*Id.* at p. 185.)

Barry J. Nidorf Juvenile Hall houses both general population minors as well as minors classified as high-risk offenders. (CGY Report, *supra*, p. 186.) When the Civil Grand Jury inspected the facilities in 2013, it found, “The housing units visited by the sub-committee were clean and sanitary. Showers were operable and void of mold and soap residue. The units that housed minors were configured in a dorm setting with a central intake area where initial processing occurs.” (*Ibid.*) Several of the housing units were being painted at the time and new beds which were constructed without bars to prevent suicides were being installed. (*Id.* at p. 187.) The inspection reported noted that some areas needed attention, including repairs to the flooring in both the girls and boys gyms, as well as holes, erosion, and rust on the roof throughout the facilities. (*Ibid.*)

On May 23, 2023, the BSCC found the county’s juvenile halls unsuitable and gave the county sixty days to move approximately 280 youths out of the halls. (Rebecca Ellis and James Queally, *State Orders L.A. County to Move Nearly 300 Youths Out of “Unsuitable” Juvenile Halls* (May 23, 2023) available at <<https://www.latimes.com/california/story/2023-05-23/la-county-juvenile-halls-unsuitable>>.) The Probation Department announced plans to move the entire population into Los Padornos Juvenile Hall which was closed in 2019. (*Ibid.*) Two months prior to the unsuitability finding by the BSCC, the Chief Probation Officers of California issued a press release asking state and county leaders to put Los Angeles County’s juvenile facilities into a narrowly tailored court receivership. (<https://www.cpoc.org/post/chief-probation-officers-california-call-immediate-limited-court-receivership-los-angeles>.)

3. Juvenile Justice Facilities Requirements

California juvenile facilities must comply with physical plant and facility requirements set forth in California Code of Regulations Title 15 (Minimum Standards for Local Detention Facilities) and Title 24 (Building Standards Code). The physical plant requirements for juvenile halls are dependent on when the facility was activated—some facilities have to comply with the 1998 version of Title 24, others have to comply with more recent versions. Counties that choose to close their halls, even if only temporarily, may have to comply with more updated regulations if they decide to reopen. (See California State Association of Counties, *Juvenile Justice Facilities in California: Report and Toolkit* (Nov. 2019), p. 22 available at <https://www.counties.org/sites/main/files/file-attachments/juvenile_hall_report_and_toolkit_2019.pdf> [as of Jun. 14, 2023].)

The Central Juvenile Hall in Los Angeles was temporarily shut down by the probation department when it was facing a re-inspection by the BSCC that it knew it would fail after reviewing footage from security cameras in the facility. The BSCC had previously made a determination that the hall was out of compliance with several regulations and had been deemed unsuitable for housing youth. (James Queally, *'We're Screwed': L.A. County Empties Troubled Juvenile Hall Ahead of State Board's Inspection* (Mar. 16, 2022) available at <<https://www.latimes.com/california/story/2022-03-16/la-county-empties-central-juvenile-hall-ahead-of-state-inspection>> [as of Jun. 14, 2023].) Beginning in February 2021, Central Juvenile Hall had been found to be out of compliance with regulations, which required development of a corrective action plan. During re-inspection, BSCC investigators found additional areas of non-compliance. The BSCC advised the probation department that it would be conducting another re-inspection in March of 2022. However, before the re-inspection, the probation department told the BSCC that it was suspending operations for 90 days and transferring the youth to Barry J. Nidorf juvenile hall so that it could “assist in facilitating leadership changes, training for staff and needed repairs to the facility.” (See BSCC finds LA Central Unsuitable (Jun. 9, 2022) available at <<https://www.bscc.ca.gov/news/bscc-finds-la-central-unsuitable/>> [as of Jun. 14, 2023].)

Given the age of Central Juvenile Hall, it is unclear whether that temporary shutdown or suspension in operations by the probation department may have triggered compliance with the more recent version of Title 24's building standards if it is to continue to house minors.

4. Recent Funding Provided to the Counties for Juvenile Facility Improvements

SB 823 (Committee on Budget and Fiscal Review), Chapter 337, Statutes of 2020 began the closure of DJJ, realigning those state functions to county governments. Under SB 823, DJJ intake closed for most youth on July 1, 2021, and counties became fully responsible for housing, programming, and treatment of youth who can no longer be committed to DJJ. Consequently, SB 823 also:

[E]stablishes a Juvenile Justice Realignment Block Grant based on a formula that includes a county's share of the state's total youth population, total youth adjudicated for more serious offenses and prior DJJ usage to allocate funding to counties. Funding is contingent on the submission of a plan by counties as outlined. Juvenile grants will be awarded in concurrence with the Board of State and Community Corrections and the OYCR. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the OYCR no later than January 1, 2025. The bill provides \$9.6 million to establish the Regional Youth Programs and Facilities Grant Program. (Assem. Floor Analysis of Sen. Bill 823 (2019-2020 Reg. Sess.) as amended Aug. 28, 2020, p. 1.)

More recently, the FY 2022-23 state budget allocated \$100 million to county probation departments to be disbursed no later than August 31, 2022, for the renovation, repair, and improvement of county juvenile facilities. (See AB 178 (Committee on Budget), Chapter 45, Statutes of 2022.)

This bill establishes, upon an appropriation by the Legislature, the Juvenile Detention Facilities Improvement Grant Program within the OYCR to provide grants to a county to address the critical infrastructure needs of the state's detained and supervised youth in the county. This bill additionally requires a county to prepare a juvenile detention facility's improvement plan for the expenditure of funds for capital improvements, and requires the plan to include a description of how it will contribute to the county's ability to provide trauma-informed, culturally appropriate programming in a homelike environment. This bill only permits grant funds to be used for newly constructed living space, or projects that would modernize housing units or rehabilitative or educational programming space.

Eligibility for grant funding is limited to counties of the first class, defined as counties with a population of more than 4,000,000 people. Los Angeles County is a county of the first class.

5. Argument in Support

According to the Los Angeles County Probation Officers Union, AFSCME Local 685, Los Angeles County Probation Managers Association, AFSCME Local 1967, and BU 702- SEIU 721 Joint Council, the bill's co-sponsors:

On May 23, 2023, the California Board of State and Community Corrections (BSCC) issued a "Notice of Unsuitability" to the County of Los Angeles requiring that all probation wards be removed from Barry J. Nidorf and Central Juvenile Halls effective July 23, 2023. With a prolonged hiring freeze and more than 40% of staff out on industrial leave, the basis for the BSCC's unsuitability determination is the persistent and unresolved lack of staffing, as well as decrepit and unsafe facilities. ...

The LA County Probation Department is now in the process of readying Los Padrinos Juvenile Hall for the probation wards. ... While this facility may provide a temporary solution to the State's unsuitability determination with the other two juvenile halls, it does not solve the key issue of lack of staffing to provide the required rehabilitative services that our justice-involved youth deserve. Further, this does not resolve the fact that the County's juvenile halls are neither secure nor care-first as required for the Secure Youth Treatment Facilities youth.

The BSCC's action comes after decades of neglect by the Los Angeles County Board of Supervisors and their appointed executives. ... The Board of Supervisors has persistently failed to hire, properly train, and assure a safe environment for youth and staff. There are currently more than 1,000 vacancies in the LA County Probation Department due to the Board of Supervisors' hiring freeze.

Probation-Peace Officers assigned to the juvenile division are faced with daily youth-on-youth and youth-on-staff assaults, and more than 40% of the staff in the juvenile division are now out on injury leave. To make up for the staffing shortfalls, staff have been compelled to work 18- to 24-hour shifts ... We are simply doing the best we can with limited resources and exhaustion.

...[D]espite cries from officers, stakeholders, and even the Grand Jury, the Board of Supervisors has failed to modernize the prison-like juvenile facilities.

...

In May 2023, a California court ruled in favor of CA Attorney General Bonta’s request for enforcement action against the County of Los Angeles to “remedy illegal and unsafe conditions” in the two juvenile halls. ...

...AB 695 aims to address the concerns raised by Probation-Peace Officers regarding the need for rehabilitative programs and safer facilities for youth, officers, teachers, and service providers....Specifically, AB 695—subject to legislative appropriation—would provide the funding and oversight for state-of-the-art, home-like facilities that promote care first treatment, therapeutics, and rehabilitation.

...Urgent action must be taken to establish modern and secure probation facilities...It is imperative that we recognize the pressing need to create a safe environment where young individuals can fulfill court-mandated requirements, while simultaneously accessing the crucial rehabilitative programs necessary to positively transform their lives. Equally important is our commitment to safeguarding the victims affected by their offenses. Assembly Bill 695 (Pacheco), coupled with an aggressive hiring plan to fill vacancies and backfill attrition, accomplishes these critical goals.

...

Investing in these modern and secure probation facilities...signifies an unwavering dedication to LA’s children. It is a step toward creating an environment that empowers young individuals to reclaim their lives, while simultaneously addressing the needs of victims impacted by their actions.

6. Argument in Opposition

The Children’s Defense Fund-California writes:

AB 695 would not address the root cause of the abysmal treatment of young people incarcerated in LA County, it would in fact only further line the pockets of the very department responsible for creating the crisis we see in Los Angeles today. The abuses faced by youth in LA’s halls and camps are not happening because the probation department lacks funds or training; LA County has poured resources into this department for decades, but conditions have only worsened despite year over year increases in funding. AB 695 will only serve to bolster LA County probation’s dysfunction and abuse. ...

The LA County probation department is the largest in the country, if not the world, in size and budget. The county’s FY 2021-22 adopted budget still allots over \$1 billion to Probation, with close to half allocated to the youth division. Despite the decline in youth incarceration and arrests, Probation’s youth division consistently receives greater and greater funding from the county. For the last decade, the youth advocacy community has been fighting to address and highlight

Probation's oversized budget and well-documented abuses related to punishment-based practices. The egregious physical, sexual and emotional abuse committed by Los Angeles County's juvenile probation officers and supervisors has been well documented, including over 300 individuals who have come forward with harrowing allegations of sexual abuse in LA halls and camps, a history of physical abuse and cover ups, and multiple oversight agencies uncovering inappropriate use of force and overreliance on tear gas and solitary confinement by LA juvenile probation.

Starting in 2006 and continuing to the present day, LA County's juvenile probation department has been under the eye of various federal, state, and local bodies. In 2006, the federal Department of Justice began monitoring LA halls and camps due to substandard conditions and remained in an oversight function for a decade. In 2018, the state Attorney General launched an investigation into LA halls and camps and found numerous abuses committed by probation officers – these included officers using tear gas a first resort without any de-escalation, officers using tear gas on youth in mental health crisis, officers violating use of force and solitary confinement policies, and officers ignoring young people's pleas to use the bathroom, resulting in young people urinating into milk cartons and towels in their cells overnight. On April 12, 2023 the Attorney General filed a motion to compel LA County probation to comply with a settlement agreement which LA County probation has been flagrantly violating for several months – the Attorney general noted 'as a result of low staffing levels, youth have been forced to urinate and defecate in their cells overnight' in addition to youth being denied education and fresh air.

On May 23, 2023, the Board of State and Community Corrections found Los Angeles juvenile halls unsuitable for confining youth, citing the following violations of the Title 15 Minimum Standards: "LA County has been unable to correct items of noncompliance that threaten the well-being of youth, including inadequate safety checks,; room confinement that extends beyond what is outlined in regulations; the lack of programs, recreation, and exercise; inadequate staffing; and use of force." These violations were not the result of physical structures within the facilities.

None of the above abuses are the result of a lack of funds or training, and none of these abuses can be addressed with physical improvements to the facilities. These abuses are happening at the hands of individual probation officers and management who are committed to bucking any oversight or consequences. Despite this years-long pattern of abuse, the LA County probation department has received increased funding every year for training and reform – it has made no difference. The abuses are systemic and deep-rooted in the culture of this department. After the horrendous treatment of young people at the hands of LA County probation, a cash infusion of a billion dollars is the last thing this department needs.

LA County has already chartered a path to addressing the decades-long dysfunction in the LA halls and camps – it is called Youth Justice Reimagined and it envisions an eventual phase out of reliance on halls and camps in favor of

community alternatives and safe and secure healing centers. Youth Justice Reimagined is the result of years of collaboration among advocates and impacted communities and the LA Board of Supervisors has approved the plan unanimously. Pouring close to a billion dollars into LA's halls and camps is the antithesis of Youth Justice Reimagined; LA County has already committed to a model that shifts the focus away from youth incarceration facilities and AB 695 is a transparent attempt to undermine the County's vision for supporting young people.

-- END --