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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

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**Bill No:** AB 898                      **Hearing Date:** July 11, 2023  
**Author:** Lackey  
**Version:** June 29, 2023  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** SJ

**Subject:** *Juvenile halls*

## HISTORY

**Source:** State Coalition of Probation Organizations

**Prior Legislation:** AB 2321 (Jones-Sawyer), Ch. 781, Stats. 2022  
SB 1143 (Leno), Ch. 726, Stats. 2016

**Support:** Deputy Sheriffs' Association of Monterey County; Placer County Deputy Sheriffs' Association; Riverside Sheriffs' Association

**Opposition:** (unless amended) Alameda County Youth Advisory Council; California Alliance for Youth and Community Justice; California Public Defenders Association; Center on Juvenile and Criminal Justice; Communities United for Restorative Youth Justice; MILPA; Silicon Valley De-Bug; Young Women's Freedom Center; Youth Law Center

**Assembly Floor Vote:** 78 - 0

## PURPOSE

***The purpose of this bill is to require every juvenile probation department to annually report injuries to juvenile hall staff and residents resulting from an interaction with a resident to the Board of State and Community Corrections (BSCC).***

*Existing law* authorizes the court to place a ward of the court in physical confinement, as specified. (Welf. & Inst. Code, § 726.)

*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* provides that juvenile halls shall not be deemed to be, nor be treated as, penal institutions. Provides that juvenile halls shall be safe and supportive homelike environments. (Welf. & Inst. Code, § 851.)

*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* provides that when a battery is committed against a custodial officer, as defined, and the perpetrator knows or reasonably should have known that the victim is a custodial officer in the performance of their duties, the offense is punishable as a felony. (Pen. Code, § 243.1.)

*This bill* requires every juvenile probation department to annually report to the BSCC all injuries to juvenile hall staff and residents resulting from an interaction with a resident.

*This bill* requires the following information for each injury reported:

- The age of the resident or residents involved.
- The extent of injuries to staff and residents.
- Whether the agency filed a report with the district attorney’s office.
- Whether the district attorney’s office filed a criminal charge against the resident.
- The staffing ratio at the time of the incident.
- The location of the incident.
- Whether the incident took place in a secure youth treatment facility.
- A statement or statements from any residents involved.

*This bill* prohibits a statement from a resident regarding an injury to a juvenile hall staff member or resident from being taken by any custodial staff in any position of power or influence over the resident providing the statement.

## COMMENTS

### 1. Need For This Bill

According to the author:

Assembly Bill 898 requires more detailed and stringent reporting regarding violent encounters in juvenile facilities across the state. We must do more to understand and address the troubling experiences of both probation officers and youth residents, and we must make well-informed decisions about how to make these facilities safer for all parties.

By mandating and standardizing these reporting requirements, AB 898 will allow the Board of State and Community Corrections to evaluate how well probation departments are able to handle this transitional period. By obtaining this information, we can work toward achieving much-needed accountability within these facilities.

## 2. Reports of Violence in Los Angeles County Juvenile Halls

In November 2022, the Los Angeles Times reported on increased violence in Los Angeles County juvenile halls:

In the first six months of 2022, the number of times officers used force on youths jumped by 50% compared to the first half of 2021, according to data provided by the probation department in response to a public records request. The number of times that youths were pepper sprayed quadrupled in the same time frame, records show.

Attacks on officers and fights among youths have also increased dramatically. As of Oct. 9, the number of assaults on staff in the halls was already higher this year than the total alleged in all of 2021, according to probation department data. There had been 1,268 fights in the halls as of Oct. 9 this year, compared to 794 in all of 2021, a spike of 60%, records show. (James Queally, *Inside Months of Chaos at L.A. County's Juvenile Halls* (Nov. 28, 2022) available at <<https://www.latimes.com/california/story/2022-11-28/la-county-juvenile-halls-inside-chaos>>.)

Accompanying the increase in violence and contributing to it are significant staffing shortages:

Of the roughly 1,200 jobs available in L.A. County's two juvenile halls, 40% are filled by "able-bodied" probation officers, people who can physically interact with kids, according to the department. Roughly 27% of juvenile hall employees, or 329 officers, are out on leave or on "light duty."

Between 30 and 50 officers are calling out per shift, according to a letter [then-Chief Probation Officer] Gonzales wrote to the L.A. County Board of Supervisors in September. The situation is so desperate that the department in October began offering increased base and overtime pay for any officer who simply shows up for work. (*Id.*)

Additional impacts of staffing shortages on those housed in the county's juvenile facilities, some of which increase the likelihood of violence, are further outlined:

An acute staffing crisis has meant not enough officers working to let youths out of their rooms, much less outside into fresh air. Those same limitations have led to cancellation of family visits, limited or nonexistent schooling or even stalled access to therapy — all issues that advocates, staff and juveniles in custody have said lead to additional fights and deteriorating mental health conditions for detainees. (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 increase in violent incidents coincided with findings by the BSCC that Los Angeles County's juvenile halls were unsuitable to house minors. (Queally, *Inside Months of Chaos, supra.*) When Central Juvenile Hall was scheduled to be re-inspected by the BSCC, there was

concern that they would fail the inspection, and so the hall was temporarily shut down without notice and all the residents were transferred to Barry J. Nidorf Juvenile Hall. (*Id.*) When all the youth were placed into a single building, violence ensued resulting in injury to both staff and residents. (*Id.*)

On May 23, 2023, the BSCC again found the county's juvenile halls unsuitable and gave the county sixty days to move approximately 280 youths out of the halls. (Ellis and Queally, *State Orders L.A. County to Move Nearly 300 Youths, supra.*)

This bill requires probation departments to annually report on injuries to juvenile facility staff and residents resulting from an interaction with a resident, including the extent of the injuries, location of the incident, staffing ratios at the time of the incident, whether the incident was reported to the district attorney's office and whether the district attorney filed charges.

### **3. Discipline and Use of Force in Juvenile Facilities**

The minimum standards applicable to juvenile facilities are outlined in BSCC regulations. Regulations require that discipline in juvenile facilities be imposed at the least restrictive level which promotes the desired behavior and prohibits the use of corporal punishment, group punishment, physical or psychological degradation. (Cal. Code Regs., tit. 15, § 1390.) Additionally, deprivation of the following as form of discipline is prohibited: bed and bedding; daily shower, access to drinking fountain, toilet and personal hygiene items, and clean clothing; full nutrition; contact with parent or attorney; exercise; medical services and counseling; religious services; clean and sanitary living conditions; the right to send and receive mail; education; and, rehabilitative programming. (*Ibid.*) Each facility administrator is required to develop and implement written policies and procedures for the administration of discipline. The regulations also outline what must be included in those policies, including definitions of major and minor rule violations and their consequences, due process requirements, designation of employees who are authorized to impose discipline, and trauma-informed approaches and positive behavior interventions, among other things. (Cal. Code Regs., tit. 15, § 1391.)

Regulations also instruct juvenile facility administrators to develop and implement written policies and procedures for the use of force, which may include chemical agents. (Cal. Code Regs., tit. 15, § 1357.) Regulations prohibit force from being used as punishment, discipline, retaliation, or treatment. (*Ibid.*) The use of force is restricted to force which is deemed reasonable and necessary to ensure the safety and security of youth, staff, others, and the facility. (Cal. Code Regs., tit. 15, § 1357, subd. (a)(1).) Use of force policies must include a description of which types of force are permissible and impermissible, as well as requirements on how to report inappropriate use of force, and having a standardized reporting format. (Cal. Code Regs., tit. 15, § 1357, subds. (a)(2), (a)(3).)

Based on the existing use of force reporting requirements, it appears that some of the information that probation departments would be required to report under the provisions of this bill, at least as it pertains to injuries to the youth housed in the halls, is already being captured under the use of force reporting requirements.

#### 4. Argument in Support

According to the State Coalition of Probation Organizations, the bill's sponsor:

In 2020 the State enacted DJJ realignment placing the complete responsibility of the Juvenile Justice system on County Probation Departments. This year, the State will officially close all their juvenile detention facilities and local County juvenile halls, run by the Probation Department, will be responsible for the housing of all adults up to the age of 25, who are under juvenile jurisdiction, in our detention facilities. This new population of adults are more sophisticated, violent, and physically mature which poses a greater threat to sworn probation employees in the juvenile halls.

As operations and responsibilities shift from the Department of Juvenile Justice to county-operated juvenile halls and secured youth treatment facilities, counties – most notably LA County – have struggled to keep up with standards set by the Board of State and Community Corrections (BSCC), to the detriment of staff and youth residents.

County facilities are facing unsustainable staff shortages across the state. In November of 2022, only 40% of LA County juvenile hall positions were filled and between 30 and 50 probation officers were calling out per shift, leading to frequent mayhem and violence within these facilities.

Facility lockdowns have been frequent both as a result of violent incidents and staff shortages, leading to an increased adversarial and confrontational dynamic between staff and residents. In LA County, the number of assaults on juvenile hall staff in 2022 rose more than 60% compared to the previous year. Similarly, the number of times officers used force on youth residents spiked 50% in the first half of the year relative to the same period in 2021, and the number of times officers used pepper spray during these encounters quadrupled.

It is imperative that from the start, the State collects data regarding assaults and injuries to staff and wards after the introduction of this new population. This data can then be used by lawmakers to help guide future decisions and legislation regarding the housing and rehabilitation of this new population.

#### 5. Argument in Opposition

The Young Women's Freedom Center writes:

This bill has good intentions, but is unbalanced and does not go far enough and can be strengthened by incorporating the following amendments:

1. Reports about incidents of violence should be made to the Office of Youth and Community Restoration (OYCR), in addition to the Board of State and Community Corrections, and should be made on a quarterly basis, instead of annually.

In 2020, the California Legislature committed to supporting California youth with a public health based approach by establishing the OYCR...OYCR also holds the Office of the Youth Ombudsperson, which is responsible for investigating conditions and safety of those inside facilities. ...

2. Whether incidents causing injury are referred to the local District Attorney should be removed from this bill as it could create an inappropriate incentive for District Attorneys to prosecute youth as adults.

Over the last few years, California has witnessed horrifying conditions and treatment of vulnerable youth inside youth facilities. ... To simply request reporting on CA charges against youth, disregarding the historical treatment of those incarcerated in these facilities is biased and creates a power imbalance. ...

3. This bill should require reporting about staff use of force against residents, as well as staff attempts to de-escalate conflicts, for a more holistic understanding of violence and injuries occurring in juvenile facilities.

...

4. This bill should require reporting about characteristics of residents involved in incidents of use of force or injury, including race, ethnicity, gender, age, and disability status, so the state can assess the circumstances of these incidents from an equity lens.
5. This bill should make explicit that data reported to the BSCC is to be made publicly available, to increase transparency about the conditions inside juvenile facilities.

...

6. This bill should apply to all juvenile facilities.

The current bill language specifically requires reporting from juvenile halls; however, Probation departments currently operate camps, ranches, Secure Youth Treatment Facilities (SYTF), and other placements in which youth in custody reside.

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