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*Exempt from filing fees pursuant to
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9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES

12
13 **THE PEOPLE OF THE STATE OF
CALIFORNIA, EX. REL. XAVIER
14 BECERRA, ATTORNEY GENERAL OF
THE STATE OF CALIFORNIA,¹**

15 Plaintiff,

16 v.

17
18 **LOS ANGELES COUNTY; AND LOS
ANGELES COUNTY OFFICE OF
19 EDUCATION,**

20 Defendants.
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23
24
25
26
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Case No. 21STCV01309

**NOTICE OF MOTION AND MOTION
TO ENFORCE STIPULATED
JUDGMENT**

Date: May 9, 2023
Time: 9:30 a.m.
Dept: 38
Judge: Maureen Duffy-Lewis

28 ¹ The current Attorney General of the State of California is Rob Bonta.

1 PLEASE TAKE NOTICE that on May 9, 2023, at 9:30 a.m., or as soon thereafter as
2 the matter may be heard, before the Honorable Maureen Duffy-Lewis, in Department 38, Stanley
3 Mosk Courthouse, 111 N. Hill Street, Los Angeles, CA 90012, Plaintiff, the People of the State of
4 California, ex. rel. Rob Bonta, Attorney General of the State of California (“the Attorney
5 General”), will and hereby does move for an order enforcing the Stipulated Judgment for
6 Defendant Los Angeles County (the Stipulated Judgment), and granting all relief as set forth in
7 the Proposed Order—which directs Defendant to come into compliance with certain specific
8 provisions of the Judgment, provides for periodic status updates as to Defendant’s progress
9 achieving compliance with those provisions, and if Defendant has not achieved compliance
10 within 120 days, compels Defendant to show cause as to why sanctions should not be ordered.

11 The motion is made pursuant to paragraph 68 of the Stipulated Judgment, which provides
12 that “[t]he Court retains jurisdiction to enforce the portions of this Judgment . . . not already
13 deemed completed . . . for the purpose of enabling any Party to the Judgment to apply to the
14 Court at any time for such further orders and directions, as may be necessary or appropriate, . . .
15 for enforcement of compliance herewith, and violations hereof, if any.” (See also Code Civ.
16 Proc., § 664.6, subd. (a) [providing for courts’ continued jurisdiction over stipulated judgments
17 for purposes of enforcement].) The motion is based on this notice, the concurrently filed
18 memorandum of points and authorities in support of the motion, the supporting declaration of
19 Deputy Attorney General Christopher Medeiros and exhibits attached thereto, the papers and
20 pleadings on file in this action, and such matters as may be presented to the Court at the time of
21 hearing.²

22 The Attorney General understands that Defendant Los Angeles County opposes this
23 motion. The Attorney General and Defendant Los Angeles County have been engaged in a meet-
24 and-confer process regarding the issues underlying this motion since April 24, 2023. Thus, the
25 motion complies with requirement in paragraph 34 of the Stipulated Judgment that—in the event

26 _____
27 ² The Attorney General has also moved to file under seal or redact certain exhibits in
28 support of this motion and references to those exhibits in the memorandum of points and
authorities in support of this motion. The Attorney General has done so out of an abundance of
caution to meet the confidentiality requirements in paragraph 48 of the Judgment.

1 of a “dispute”—the parties “spend no more than 10 working days to meet and confer” before
2 “submit[ting] the matter(s) upon which they disagree to the Court for further proceedings.”

3
4 Dated: April 12, 2023

Respectfully Submitted,

5 ROB BONTA
6 Attorney General of California
7 MICHAEL L. NEWMAN
8 Senior Assistant Attorney General
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*Exempt from filing fees pursuant to
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF LOS ANGELES

13 **THE PEOPLE OF THE STATE OF**
14 **CALIFORNIA, EX. REL. XAVIER**
15 **BECERRA, ATTORNEY GENERAL OF**
THE STATE OF CALIFORNIA,¹

16 Plaintiff,

17 v.

18 **LOS ANGELES COUNTY; AND LOS**
19 **ANGELES COUNTY OFFICE OF**
20 **EDUCATION,**

21 Defendants.

Case No. 21STCV01309

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
MOTION TO ENFORCE STIPULATED
JUDGMENT**

Date: May 9, 2023
Time: 9:30 AM
Dept: 38
Judge: Maureen Duffy-Lewis

28 ¹ The current Attorney General of the State of California is Rob Bonta.

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1 INTRODUCTION

2 This matter was last before the Court in January 2021, when the Court approved a
3 stipulated judgment requiring Defendant Los Angeles County (the County) to take specific steps
4 to remedy dangerous and illegal conditions of confinement at Barry J. Nidorf Juvenile Hall (BJN)
5 and Central Juvenile Hall (CJH) (collectively, “the Juvenile Halls”). (See Ex. A [Stipulated
6 Judgment for Defendant Los Angeles County (the Judgment)].)² An independent monitor (the
7 Monitor) and the Los Angeles County Office of the Inspector General (OIG) are responsible for
8 overseeing the Judgment and assessing the County’s compliance. (Judgment, ¶¶ 17, 35.) To date,
9 their assessment has been dire. According to the Monitor, the County has over the past two years
10 [REDACTED]. (Ex. G,
11 at p. 114.)

12 More specifically, the Monitor and OIG have found that, for more than two years, the
13 County has failed to comply with, among others, critical provisions of the Judgment that require it
14 to: (1) [REDACTED]
15 [REDACTED]; (2) [REDACTED]
16 [REDACTED]
17 [REDACTED]; (3) [REDACTED]
18 [REDACTED]; (4) timely and accurately document and review all use-of-force incidents,
19 following the procedures set forth in the Judgment (*Id.*, ¶ 15); (5) install video cameras at BJN
20 (See *Id.*, ¶ 16(c)); (6) [REDACTED]; and
21 (7) [REDACTED].³

22 The Monitor has stressed that [REDACTED]
23 [REDACTED] (See Ex. O, at p. 260.) And the County of Los
24 Angeles Board of Supervisors (the Board of Supervisors) agrees—lamenting in a recently passed

25 ² All citations to exhibits in this memorandum refer to the exhibits attached to, or
26 conditionally filed under seal as detailed in, the Declaration of Christopher Medeiros in Support
of this motion.

27 ³ These are not the only provisions of the Judgment with which the County is not in
28 compliance. The Attorney General is at present focusing on these provisions because they are
fundamental to restoring safety and ensuring basic provision of education and services to youth in
the Juvenile Halls.

1 motion that the County has failed to “simply meet *basic* standards of care” and that “[t]he young
2 people incarcerated in [the Juvenile Halls] are paying the price for the neglect that gives way to
3 the deteriorating conditions.” (Ex. F, at p. 102.)

4 The Judgment contemplates a role for the Court in the event of such a failure to comply
5 with its requirements. Under Paragraph 68, “any Party to the Judgment [may] apply to the Court
6 at any time for such further orders and directions, as may be appropriate, for . . . the carrying out
7 of this Judgment . . . for enforcement of compliance herewith, and for violations hereof[.]” For
8 over two years, Plaintiff the People of the State of California, ex. rel. Rob Bonta, Attorney
9 General of the State of California (the Attorney General) and the Judgment’s monitoring team
10 have engaged closely and worked cooperatively with the County to try to adhere to the Judgment.
11 The Attorney General has gone to great lengths to bring about voluntary compliance, employing
12 multi-day site visits with follow-up and consultation, meet-and-confers, multiple requests to
13 address violations found from documents reviewed, and detailed reports and correspondence
14 identifying areas of continued noncompliance along with repeated requests to comply. The
15 County has not only failed to comply but is now regressing in areas where some progress had
16 been achieved. Conditions in the juvenile halls are alarming, the violations are severe and
17 ongoing, and youth and staff are at serious risk of harm. The Attorney General now seeks court
18 intervention to enforce the Judgment.⁴

19 The Attorney General therefore asks the Court to grant the motion to enforce the above-
20 listed provisions of the Judgment and order the County to come into compliance with those
21 provisions, respond to periodic status reports to be filed by the Monitor, and, if it has not achieved
22 compliance within 120 days, show cause as to why the Court should not order sanctions—as set
23 forth in the attached Proposed Order.

24
25
26 ⁴ Paragraph 34 of the Judgment establishes a meet-and-confer process to exhaust before a
27 party to the Judgment may seek the Court’s intervention. The Attorney General has exhausted
28 that process prior to bringing this motion. The Attorney General initiated the meet-and-confer
process on March 24, 2023. (Medeiros Decl., ¶ 3; see also Ex. D.) After ten working days and
four collaborative meetings with counsel, the Attorney General and the County were unable to
reach resolution. (Medeiros Decl., ¶ 3.)

1 **BACKGROUND**

2 **I. THE ATTORNEY GENERAL INVESTIGATES CONDITIONS AT THE JUVENILE HALLS**
3 **AND, AFTER NEGOTIATIONS BETWEEN THE ATTORNEY GENERAL AND THE**
4 **COUNTY, THE COURT APPROVES THE JUDGMENT**

5 In October 2018, the Attorney General opened an investigation under Government Code
6 section 11180 into potential violations of state and federal law at the Juvenile Halls—which are
7 operated by the Los Angeles County Probation Department (Probation), an agency of the County.
8 (Ex. C, ¶ 6.) After the investigation found multiple violations of law, the Attorney General and
9 the County began negotiating an agreement aimed at remedying those violations. (See *id.*, ¶¶ 15-
10 139.) The negotiations culminated in the settlement agreement embodied in the Judgment, which
11 the Court approved on January 21, 2021. (See *id.*, ¶ 140; Judgment, ¶ 4; see also Code Civ. Proc.,
12 § 664.6, subd. (a).)

13 Under the Judgment, the County is “permanently enjoined from violating any law or
14 regulation” at the Juvenile Halls. (Judgment, ¶ 6.) The Judgment also mandates improvements in
15 conditions of confinement across twelve substantive areas. (*Id.*, ¶ 7.) And it requires the County
16 to implement a “Detailed Plan” setting forth a “timeframe for completing the terms of each
17 substantive provision [of the Judgment], responsible person(s), outcome metrics, quality
18 assurance and sustainability measures, and performance indicators[.]” (*Ibid.*) “All of the
19 provisions of the Detailed Plan are incorporated into [the] Judgment by reference[.]” (*Ibid.*)

20 The Monitor is responsible for overseeing the Judgment, with the assistance of two subject
21 matter experts (SME) in behavioral health services and education, respectively. (*Id.*, ¶ 35.) The
22 Monitor is to provide periodic reports on the status of compliance with the Judgment, in addition
23 to semi-annual confidential reports on staffing at the Juvenile Halls, and its impact on the
24 County’s compliance with the Judgment. (*Id.*, ¶¶ 46, 45.) If the Monitor concludes that the
25 County has achieved and maintained substantial compliance with a substantive provision of the
26 Judgment—as outlined in the Detailed Plan—for 12 consecutive months, “that provision will be
27 deemed completed and the Monitor will no longer assess or report on that provision.” (*Id.*, ¶¶ 56-
28 57.) By its own terms, the Judgment is to terminate four years after its effective date, unless there

1 [REDACTED]
2 [REDACTED]. (*Ibid.*; Ex. G, at p. 115.) According
3 to the Monitor, [REDACTED]

4 [REDACTED]
5 (Ex. G, at p. 142.) And they [REDACTED]
6 [REDACTED] because [REDACTED]
7 [REDACTED] (*Id.*, at p. 117.) [REDACTED]

8 [REDACTED]
9 [REDACTED] (Ex. H, at p. 151; see also
10 Ex. V, ¶ 63 [“[D]uring an unannounced inspection of BJN on March 8, 2023, BSCC staff found
11 that there had been no progress towards provision of required daily outdoor exercise and
12 programming for youth, and that youth were eliminating urine in receptacles in their rooms
13 during the night shift due in part to continued lack of staffing.”) Testimony from Probation staff
14 before the Probation Oversight Committee and a recent OIG report have also revealed that
15 staffing shortages and lax security procedures have permitted an influx of narcotics, including
16 fentanyl, into the juvenile halls—with two youth at BJN requiring the use of Narcan following
17 three separate overdose incidents thus far in 2023. (Ex. S, p. 358; Ex. W, pp. 466-467.)

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED] (Ex. G, at p. 115.) [REDACTED]
22 [REDACTED]
23 [REDACTED] (*Ibid.*) The Monitor’s most recent
24 report also criticizes [REDACTED]

25 [REDACTED]
26 [REDACTED] (*Id.*, at p. 146.)

27 Given these issues, it is not surprising that the Monitor and OIG have both found the
28 County non-compliant with multiple provisions of the Judgment. (See generally, *id.*; Ex. Q.)

1 More troubling still, the Monitor’s most recent report concludes [REDACTED]
2 [REDACTED]. (Ex. G, at
3 p. 114) In February, the Monitor wrote directly to the Board of Supervisors to inform it of
4 “deteriorating” conditions in the Juvenile Halls and of Probation’s “fail[ure] to meet even the
5 most basic and fundamental responsibilities.” (Ex. E, at pp. 99-100) And while the Board of
6 Supervisors has not responded to the Monitor’s correspondence, it has demonstrated awareness of
7 the gravity of the situation at the Juvenile Halls through a recently passed motion decrying
8 Probation’s failure to “meet *basic* standards of care” there. (Ex. F, at p. 102.)

9 ARGUMENT

10 I. THE COURT HAS THE AUTHORITY TO ENTER AN ORDER ENFORCING THE 11 JUDGMENT AT THE JUVENILE HALLS AND THEIR SUCCESSORS AND ASSIGNS

12 The Court has the authority to enter the Proposed Order enforcing the Judgment. Consistent
13 with Code of Civil Procedure section 664.6—which provides for continued jurisdiction over
14 stipulated judgments for purposes of enforcement—paragraph 68 of the Judgment establishes that
15 the court retains jurisdiction to enforce any provision of the Judgment that the Monitor has not
16 deemed completed, “for the purpose of enabling any Party to the Judgment to apply to the Court
17 at any time for such further orders and directions, as may be necessary or appropriate, . . . for
18 enforcement of compliance herewith, and for violations hereof, if any.” Courts hearing section
19 664.6 motions, moreover, are empowered to craft “any appropriate equitable remedy.” *Lofton v.*
20 *Wells Fargo Home Mortgage* (2014) 230 Cal.App.4th 1050, 1062, quoting *In re Marriage of*
21 *Adkins* (1982) 137 Cal.App.3d 68, 77.

22 Faced with the County’s failure to comply with the Judgment for more than two years, the
23 Court therefore has authority to enter the Proposed Order requiring the County to come into
24 compliance, respond to periodic status reports from the Monitor concerning the County’s efforts
25 to achieve compliance, and—in the event that the County fails to achieve compliance within 120
26 days—show cause as to why sanctions or other appropriate equitable remedies should not be
27 ordered. (See Code. Civ. Proc., § 128, subd. (a)(4) [“Every court shall have the power to . . .
28 compel obedience to its judgments [and] orders[.]”]; *Lofton, supra*, 230 Cal.App.4th at p. 1062.)

1 Additionally, the Court’s order should also, like the Judgment itself, apply at “any successors and
2 assigns of the Juvenile Halls,” as well as at any “locked detention facilities that operate and
3 function like a juvenile hall” that the County may operate.⁶ (Judgment, ¶¶ 6, 8(l), 61.) The order
4 should likewise apply to any “post-disposition youth” permanently housed at any juvenile hall
5 operated by the County (with the exception of “youth transferred from the California Department
6 of Juvenile Justice”). (*Id.*, ¶ 8(l).)

7 **II. THE COUNTY’S FAILURE TO COMPLY CALLS FOR AN ORDER ENFORCING THE**
8 **JUDGMENT**

9 Over the course of the last two years, the Monitor and OIG have consistently found that the
10 County has failed to comply with numerous provisions of the Judgment—including, but not
11 limited to, those discussed below. In light of those findings and ongoing violations, the Court
12 should now order the County to comply with the Judgment.

13 **A. The County has Failed to Ensure that Youth are Timely Transported to**
14 **and Attending Class on a Daily Basis**

15 The County is not in compliance with provisions of the Judgment that require it to bring
16 youth to school in a timely and consistent fashion. Under Paragraph 26(e) of the Judgment, the
17 County must “ensure that all youth are timely transported to and attending class on a daily basis,
18 except when there is an immediate threat to the safety of youth or others, or unless LACOE
19 authorizes an excused absence based on categories recognized by state law.” Paragraph 28(b), in
20 turn, requires that the County “[p]rovide and maintain sufficient staffing” to be able to comply
21 with Paragraph 26(e). (See also Judgment, ¶ 13(a) [the County shall “provide and maintain
22 sufficient . . . Probation staff necessary to comply with [the] Judgment”].) And under the Detailed

23 ⁶ The Board of State and Community Corrections (BSCC) will meet on April 13, 2023
24 regarding a determination of suitability for BJN and CJH. (Ex. V, ¶ 65.) In the event of an
25 unsuitability finding, the County will, after 60 days, be prohibited from confining youth at the
26 facility or facilities found unsuitable and—unless the BSCC conducts a reinspection and
27 determines that the unsuitable conditions have been remedied—will thus be required to transfer
28 youth to alternative juvenile halls, ranches, camps, forestry camps, or secure youth treatment
facilities. (See *id.*, ¶¶ 65-66, 72.) Conditions akin to those at BJN and CJH may similarly render
those alternative facilities unsuitable, but the BSCC’s ability, under its statutory mandate, to
expeditiously guarantee the safety and well-being of youth transferred from CJH and BJN has
limits. (See *id.*, ¶¶ 71-73; see also *id.*, ¶ 74 [“Robust oversight is critical to ensure that youth in
Los Angeles County are detained in safe, secure, and supportive conditions.”].)

1 Plan, substantial compliance with that provision requires that: (1) [REDACTED]
2 [REDACTED]
3 [REDACTED], and (2) [REDACTED]
4 [REDACTED]
5 [REDACTED] (Ex. B, at p. 41.)

6 The County has failed to comply with both Paragraph 26(e) and 28(b) by failing to timely
7 transport students to class on a daily basis, due at least in part to its failure to provide and
8 maintain sufficient staffing. Again, the most recent report from the Monitor indicates that [REDACTED]
9 [REDACTED]—which is often—[REDACTED]
10 [REDACTED] (Ex. G, at p. 17.) And that echoes findings by the Monitor and Education SME in prior
11 reports. (See Ex. I, at p. 167; Ex. K, at p. 210; Ex. O, at p. 260)

12 Data provided by LACOE further bear this out. Under paragraph 27(c) of the Judgment,
13 LACOE is to prepare monthly School Attendance and Enrollment Reports (SAER) tracking
14 “daily educational minute information” and “the reasons provided for any loss of education and
15 an aggregation of educational minutes lost due to,” among other things “failure to timely transport
16 youth to class.” These reports are also transmitted to the LACOE Board and County Board of
17 Supervisors. (Judgment, ¶ 27(d).) According to the SAER for January 2023, students at BJJ lost
18 100 hours of education and students at CJH lost 74 hours of education during that month for
19 reasons attributable to Probation. (Ex. T, at p. 372.) And the SAER for February 2023 reports
20 that, during that month, Probation was responsible for students at BJJ and CJH losing 617 and
21 174 hours of education, respectively. (*Id.*, at p. 374.)

22 Preliminary data from LACOE, moreover, shows that these issues have persisted in March
23 and April 2023. Indeed, [REDACTED]
24 [REDACTED]
25 [REDACTED]. (See generally, Ex. U.) [REDACTED]
26 [REDACTED] (See *id.*) These
27 reports also show that [REDACTED]
28 [REDACTED]. (See *id.*) In addition to deprivations of students’ right to

1 education, [REDACTED]
2 [REDACTED]
3 [REDACTED] (Ex. G, at pp. 119, 135.) [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED] (*Id.*, at p. 122.) Thus, the Monitor has concluded that it is
7 [REDACTED] (*Ibid.*; see also Judgment, ¶ 26(e)
8 [requiring the County to “ensure that all youth are timely *transported to* and attending class”],
9 emphasis added.)

10 **B. The County has Failed to Provide Compensatory Education Services to**
11 **Youth who are Entitled to Them.**

12 The Judgment also requires the County to provide “[c]ompensatory education services”
13 when, as discussed above, it fails to transport youth to school and, thereby, deprives them of
14 required education and special education services. Compensatory education services are “defined
15 as educational hours to which a youth is entitled, based on educational instruction not provided to
16 a youth while detained at the Juvenile Hall, according to the formula developed by the Education
17 [SME].” (Judgment, ¶ 8(d).) Under paragraph 27(c), the monthly SAERs that LACOE is
18 responsible for preparing must include—in addition to the number of educational minutes lost and
19 the reason for those losses—a description of “any compensatory education services needed to
20 make up for the loss, the cost of compensatory services, and a proposed provider.” Additionally,
21 “[t]o the extent there is a dispute about whether LACOE or the County will fund the
22 compensatory education services, the dispute and any supporting documentation will be
23 submitted to the Education SME, who will make a determination, which will be final and binding
24 upon the parties, within 10 business days.” (Judgment, ¶ 27(c).)

25 Although numerous lost hours have been attributed to the County, the County has failed, to
26 date, to fund any compensatory services under Paragraph 27. Indeed, the most recent SAERs
27 confirm that no compensatory time was provided at all in January or February 2023. (Ex T., at pp.
28

1 372, 374.) This failure to comply with the Judgment deprives youth of their right to education and
2 contributes to increased youth idleness.

3 **C. The County has Failed to Ensure that Youth Receive Outside Activity.**

4 The County has likewise failed to comply with provisions of the Judgment mandating that
5 youth be permitted to spend time outdoors on a daily basis.

6 Paragraph Six of the Judgment provides that the County is “permanently enjoined from
7 violating any law or regulation, including, but not limited to, Title 15 of the California Code of
8 Regulations sections 1300 et seq.” Under Title 15, section 1371 of the California Code of
9 Regulations, “[j]uvenile facilities shall provide the opportunity for programs, recreation and
10 exercise a minimum of three hours a day during the week and five hours a day each Saturday,
11 Sunday or other non-school days, *of which one hour shall be an outdoor activity*, weather
12 permitting.” (Emphasis added.) Those activities “may be suspended *only* upon a written
13 finding . . . that a youth represents a threat to the safety and security of the facility.” (*Ibid.*
14 [emphasis added].) Additionally, Paragraph 28(b) dictates that the County shall “[p]rovide and
15 maintain sufficient staffing to ensure youth receive,” among other things, “outside activity . . . as
16 required by California Code of Regulations, title 15, section 1321 and [the] Judgment.”⁷ Section
17 1321, subdivision (a), in turn, requires that each juvenile facility shall “have an adequate number
18 of personnel sufficient to carry out the overall facility operation and its programming . . . and
19 meet established standards and regulations.” And section 1321, subdivision (b) provides that each
20 juvenile facility shall “ensure that no required services shall be denied because of insufficient
21 numbers of staff on duty absent exigent circumstances.”

22 Since year one of the Judgment, [REDACTED]
23 [REDACTED] (See, e.g., Ex. L, at p. 215; Ex. J, at p. 207.) For
24 example, [REDACTED]
25 [REDACTED] (Ex. G, at p. 123.) The Monitor’s most recent report [REDACTED]

27 ⁷ See also Judgment, ¶ 24(c) [The County shall “[r]eview and revise current policies,
28 procedures, and practices to . . . ensure and maintain access to . . . outside activity . . . as required
by law and regulation[.]”]

1 [REDACTED] (*Id.*, at p. 136.) And the BSCC shares
2 these concerns. (Ex. V, ¶ 63.) The failure to comply deprives youth of this most basic right.

3 **D. The County has Failed to Ensure that all Use of Force Incidents are**
4 **Properly Reported, Documented, and Reviewed**

5 Paragraph 15 of the Judgment requires the County to ensure that: (1) “all use of force
6 incidents are accurately reported and documented”, and (2) all use of force incidents not accepted
7 for review by Probation’s Internal Affairs Office (Internal Affairs) are “timely reviewed” by
8 Probation’s Force Intervention Response Support Team (FIRST) “for compliance with State law
9 and Probation policy.”⁸ Under the Detailed Plan, for the County to achieve substantial
10 compliance with Paragraph 15, OIG must find—and the Monitor must agree—“that the County is
11 accurately reporting and documenting use of force incidents, and that all use of force incidents
12 not accepted by [Internal Affairs] for review are timely reviewed by FIRST for compliance with
13 State law and Probation policy in 90% of the cases[.]” (Ex. B., at p. 38.)

14 OIG has found that the County is far from meeting that benchmark. In its first report on the
15 County’s Judgment compliance, OIG reviewed a “statistically valid sample of use of force
16 incidents” from BJN and CJH. (Ex. P, at p. 291.) It found that “*none* of the use of force incidents
17 in the sample were timely submitted.” (*Ibid.*) At CJH, one incident had not been reported for 181
18 days, and at BJN, another incident had gone 114 days without being reported. (*Ibid.*)

19 OIG’s second report on compliance shows that these issues have persisted. For that report,
20 OIG reviewed the 36 use-of-force incidents from both Juvenile Halls between January 1 and June
21 30, 2022 that were declined for review by Internal Affairs. (Ex. Q, at pp. 320-321.) Of those
22 incidents, the OIG found that “although all of the incident reports accurately documented the uses
23 of force, *none* of the cases were timely submitted . . . to FIRST for its independent review.” (*Id.*,
24 at p. 320.) At the time of the report’s publication, the longest current delay was “275 days from
25 the date of the incident.” (*Ibid.*) This utter failure to comply with this requirement in the

26 ⁸ The FIRST is “the Probation staff team responsible for providing secondary review of
27 use of force incidents in the Juvenile Halls.” (Judgment, ¶ 8(i).) It is to be made up of “staff who
28 are independent of the Juvenile Hall command structure and who report directly to the Chief of
Probation or a Probation executive designee, who is at the level of Deputy Director or above.”
(*Ibid.*)

1 Judgment is, according to OIG, due in part to the “misconception that FIRST must delay its
2 review of the incident until [IA] has made a determination on whether potential staff misconduct
3 warrants an investigation.” (*Id.*, at p. 321) Making matters worse, “FIRST is not always aware of
4 [Internal Affairs’s] decision to decline an investigation and therefore may not be reviewing cases
5 even when an [Internal Affairs] decision to decline has already been made.” (*Ibid.*)

6 The County’s non-compliance here shows no signs of abating. [REDACTED]

7 [REDACTED]
8 [REDACTED]. (See Ex. R.) [REDACTED]
9 [REDACTED]. (*Id.*, at p. 353.) This noncompliance
10 threatens grave consequences for youth safety, as the provisions of the Judgment concerning the
11 documentation and review of use-of-force incidents were put in place to remedy “the well-
12 documented issues regarding use of force and accountability in the Juvenile Halls.” (Ex. C, ¶ 45.)

13 **E. The County has Failed to Install Cameras Throughout BJN**

14 Paragraph 16(c) of the Judgment provides that the County shall “establish deadlines and a
15 plan to install video cameras throughout the Juvenile Halls.” By the time of the Monitor’s first
16 report—for the period from January to June [REDACTED]
17 [REDACTED]. (Ex. N, at p. 254.) [REDACTED]
18 [REDACTED] (*Ibid.*) The Monitor’s second
19 report—covering July to December, 2021—[REDACTED]
20 [REDACTED]
21 [REDACTED] (Ex. L, at p. 213.) The
22 Monitor’s third report—covering January to June, 2022—stated only that [REDACTED]
23 [REDACTED]
24 [REDACTED] (Ex. J, at p. 205.) And although the Monitor’s most recent report—for
25 June to December 2022—indicates that [REDACTED]
26 [REDACTED]
27 [REDACTED] (Ex. G, at p. 122; see also *ibid.* [REDACTED]
28 [REDACTED].) Meanwhile, BJN [REDACTED]

1 [REDACTED] an issue which further implicates youth
2 and staff safety and the reliability of use of force review. (*Id.* at p. 121-122.)

3 **F. The County has Failed to Implement a Positive Behavior Management**
4 **Program**

5 Paragraph 19(a) of the Judgment requires the County to “[r]eview and evaluate the existing
6 process to inform youth of the objectives and purposes of the positive behavior management
7 program and the rewards involved, and make necessary improvements to effectively inform youth
8 of the program.”⁹ Paragraph 19(b) directs the County to “[w]ork in collaboration with LACOE to
9 strengthen and integrate the County’s and LACOE’s positive behavior management programs[.]”
10 And Paragraph 19(d) requires the County to “[e]nhance the plan to train all Juvenile Hall staff in
11 the County’s positive behavior management program.”

12 The Detailed Plan sets forth a timeline and various benchmarks for the County’s eventual
13 compliance with those provisions. Within 60 days of the effective date of the Judgment, the

14 County was to: [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED] (Ex. B, at p. 39.)
18 [REDACTED]
19 [REDACTED] (*Id.*, at p. 40.)

20 The County’s efforts to comply with those deadlines have been anemic. While the first
21 monitoring report—covering January to June, 2021—indicated that [REDACTED]

22 [REDACTED]
23 [REDACTED] (Ex. N, at p. 255.) In the second report—covering July to December,
24 2021—the Monitor and SMEs expressed [REDACTED]
25 [REDACTED] (Ex. L, at p. 214.) And in the January to June 2022 report, [REDACTED]

26 _____
27 ⁹ A positive behavior management plan is a system by which positive behavior by youth is
28 reinforced through the provision of rewards. For example, during the week, youth may be
awarded or deducted “points” based on their behavior—with the opportunity to exchange those
points for tangible rewards on the weekend.

1 [REDACTED]

2 [REDACTED] (Ex. J, at p. 206.)

3 The Monitor’s most recent report—covering December to July 2022— [REDACTED]

4 [REDACTED]. According to the

5 Monitor, [REDACTED]

6 [REDACTED] (Ex. G, at p.

7 131.) Moreover— [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] (*Ibid.*) This delay is not without serious

11 consequences. According to the Monitor, [REDACTED]

12 [REDACTED]

13 [REDACTED]¹⁰ (*Ibid.*)

14 **G. The County has Failed to Ensure that Youth Receive Timely Medical Care**

15 Paragraph 25(b) provides that the County shall “[r]eview and revise, as needed, its policies
16 and practices to ensure that detained youth are provided with timely medical . . . care and
17 treatment planning that is compliant with law and regulations.” And under paragraph 25(h), the
18 County must ensure that the Department of Health Services and Probation “collaborate to
19 maintain and revise as needed a process to identify youth with severe . . . medical needs, and to
20 ensure youth receive the appropriate level of care and timely transport for outside services.”

21 The Monitor has found the County out of compliance with this provision. According to the
22 Monitor, [REDACTED]

23 [REDACTED]

24 [REDACTED] (Ex. H., at p. 150.) The

25 Monitor has remarked that [REDACTED]

26 _____
27 ¹⁰ As discussed in the County’s supplemental corrective action report to BSCC related to
28 the pending suitability determination, Dr. Kelly Dedel, who assists the Monitor as an expert under
paragraph 38 of the Judgment met with the County on April 6, 2023, to discuss the draft of a plan
to implement the required revised behavior management program.

1 [REDACTED] (*Ibid.*) And the Monitor has observed that [REDACTED]
2 [REDACTED]
3 [REDACTED] (*Ibid.*) For these reasons, [REDACTED]
4 [REDACTED] (*Ibid.*)


5 * * *

6 The Monitor and OIG have found that, for the two-plus years since this Court entered the
7 Judgment in this matter, the County has not complied with multiple major provisions of the
8 Judgment. The Attorney General now respectfully requests that the Court exercise its authority
9 under Paragraph 68 of the Judgment and Code of Civil Procedure section 664.6 to order the
10 County to comply with the above-enumerated Judgment provisions. Consistent with the Court’s
11 authority to craft “any appropriate equitable remedy” (*Lofton, supra*, 230 Cal.App.4th at p.
12 1062), the Court should—as set for the in detail in the Proposed Order—require the County (1) to
13 comply with the Judgment at BJN, CJH, their successors and assigns, and any other juvenile hall
14 that it may operate; (2) respond to periodic status reports to be provided by the Monitor
15 concerning the County’s efforts to achieve compliance; and (3) in the event that the County fails
16 to achieve compliance within 120 days, to show cause as to why sanctions should not be ordered.

17 **CONCLUSION**

18 For these reasons, the Court should grant the Attorney General’s Motion to Enforce the
19 Stipulated Judgment and grant all of the relief set forth in the Proposed Order.

20 Dated: April 12, 2023

Respectfully Submitted,
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