

11/13/2023

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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
EDUCATION,**

20 Defendants.

Case No. 21STCV01309

**[PROPOSED] ORDER GRANTING
MOTION FOR APPROVAL OF JOINT
STIPULATION FOR ADDITIONAL
JUDGMENT TERMS TO ADDRESS
NONCOMPLIANCE**

Date: November 6, 2023

Time: 8:30 AM

Dept: 34

Judge: Hon. Michael P. Linfield

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

1 Having considered the motion brought by Plaintiff, the People of the State of California, and on
2 other papers on file in this matter, it appears to the satisfaction of the Court that this is a proper
3 case for granting the motion and stipulation to add the following Judgment terms:

4 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

5 **I. Introduction**

- 6 1. This Order is entered pursuant to Paragraph 68 of the Judgment in this matter and
7 pursuant to Paragraph 65 of the Judgment in this matter, which states that “[t]he
8 Attorney General and the County may jointly agree to make changes,
9 modifications, and amendments to the Judgment in writing, and changes the Parties
10 deem to be material revisions will be effective after a joint motion is filed by the
11 Parties with the Court.” (See Stipulated Judgment for Defendant County of Los
12 Angeles (Jan. 21, 2021).)
- 13 2. All provisions of that final Judgment remain in full force and effect, and the
14 provisions of this Order are in addition to the County’s existing obligations under
15 the Judgment and the Detailed Plan incorporated by reference into the Judgment.
16 The provisions of this Order are incorporated into the Judgment and are subject to
17 sections XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII, and XXIV of the
18 Judgment. The definitions contained in Paragraph 8 of the Judgment and in the
19 preamble to the Detailed Plan also apply to this Order.

20 **II. Staffing Plan**

- 21 3. Under Judgment Paragraph 13(a) and this Court’s July 7, 2023 order, by August 1,
22 2023, the County was required to provide the Monitor with a Staffing Plan
23 (“Staffing Plan”) to be completed by dates certain that (a) addresses the current
24 staffing shortages at the Juvenile Halls, (b) contains long-term measures to address
25 staff recruitment, retention, wellness, safety, leave, attendance, and accountability,
26 and (c) includes a tracking document that, for each element of the Staffing Plan,
27 identifies responsible individuals and tasks to be completed by dates certain. A
28 draft of the Staffing Plan was provided to the Monitor for review and approval on

September 11, 2023, and, after further revisions, the Monitor approved the Staffing Plan on September 27, 2023.

- a. The County shall immediately implement the measures in the Staffing Plan.
- b. If the Monitor reasonably requests that the County utilize any member of the Subject Matter Expert (SME) team to address recruitment, retention, attendance, leave, wellness, or safety, the County shall promptly consult with that SME to obtain their input regarding any of those issues.
- c. The County shall provide the Monitor with staffing outcome data, as identified by the Monitor, on a monthly basis.
- d. Substantial Compliance requires: (1) Monitor approval of any revisions to the Staffing Plan; (2) Monitor verification that the County is implementing the Staffing Plan; and (3) monthly reporting to the Monitor on staffing, including but not limited to: (a) call outs, (b) number of staff on light duty, (c) number of staff returning from light duty or leave, and (d) number of staff resigning or terminated.

III. Compliance Team

4. On or before September 22, 2023, the County will create and staff a team to assess and oversee the County's compliance with the Judgment and to devise and implement strategies for addressing areas of Non-Compliance or Partial Compliance ("Compliance Team"). The Compliance Team will include a leader ("Compliance Team Leader") with the authority to approve and implement measures to comply with the requirements of the Judgment, the Detailed Plan, and this Order, as well as corrective actions and policy changes to address Non-Compliance or Partial Compliance with those requirements. The Compliance Team Leader will report directly to the Chief Probation Officer and have direct compliance authority over the Juvenile Halls, facility superintendents, and facility maintenance, and will work directly with the Monitor and SMEs. The Compliance Team Leader will work directly with the County's Internal Services Division as

1 needed to ensure that the physical plants of the Juvenile Halls comply with the
2 Judgment and the Detailed Plan. The Compliance Team will also include
3 individuals assigned to oversee each Judgment and Detailed Plan provision and to
4 provide compliance direction to corresponding operational and administrative
5 personnel at Probation, including but not limited to Chief Deputies, Deputy
6 Directors, and Bureau Chiefs.

- 7 a. On September 15, 2023, the County provided the Monitor with an
8 organizational chart and structure identifying each member of the
9 Compliance Team, along with the Judgment and Detailed Plan provisions,
10 for which each team member is responsible, in addition to the general
11 responsibilities, duties, and authority of the Compliance Team Lead and
12 members for review and approval.
- 13 b. The Compliance Team will meet on a weekly basis to address and resolve
14 areas of Partial Compliance or Non-Compliance, and will provide the
15 Monitor with biweekly updates.
- 16 c. Substantial Compliance requires: (1) Monitor approval of the Compliance
17 Team organizational charts, structure, and responsibilities, duties, and
18 authority of the Compliance Team Lead and members; (2) that the
19 Compliance Team meet on a weekly basis at least 95% of the time; (3) that
20 the Compliance team provide biweekly updates to the Monitor at least 95%
21 of the time; and (4) that the County provide assurance under penalty of
22 perjury to the Attorney General that: (a) the Compliance Team and the
23 Compliance Team Lead have the authority to (i) approve and implement
24 measures to comply with the requirements of the Judgment and the Detailed
25 Plan; and (ii) implement corrective actions and policy changes to address
26 Non-Compliance or Partial Compliance with those requirements; and (b)
27 the Compliance Team will be in place for the duration of the Judgment.
28

IV. Medical Transportation

5. By November 1, 2023, the County will have in place a contract for a private medical transportation provider to help ensure that youth are timely transported to outside medical services.
 - a. Substantial Compliance requires that: (1) the Monitor review and approve the statement of work for the contract to confirm it reasonably covers the required services, including sufficient transportation services to ensure timely transportation of youth to services for mental health, developmental, and medical, including dental and ophthalmological, care, treatment, and services, and (2) data provided on a monthly basis to the Monitor and the Health and Behavioral Health SME show and the Monitor and the Health and Behavioral Health SME verify that youth are timely transported to outside medical services 93% of the time.
6. On October 2, 2023, the County provided the Monitor with a draft joint plan from its Department of Health Services, Department of Mental Health, and Probation Department for ensuring timely transportation to mental health, developmental, and medical, including dental and ophthalmological, care, treatment, and services for Los Padrinos Juvenile Hall (“Joint Medical Transportation Plan”) for review and approval. A Joint Medical Transportation Plan for Barry J. Nidorf Secure Youth Treatment Facility will be provided to the Monitor by October 20, 2023. The Joint Medical Transportation Plans shall include a quality-assurance review process and weekly collection and review of data in a form that shall also be provided to the Monitor and the Health and Behavioral Health SME on a biweekly basis.
 - a. Substantial Compliance requires that: (1) the Monitor and the Health and Behavioral Health SME approve the Joint Medical Transportation Plans, and (2) monthly data provided by the County to the Monitor and the Health and Behavioral Health SME show and the Monitor and the Health and Behavioral Health SME verify that youth are timely transported to medical

services 93% of the time and the Monitor and the Health and Behavioral Health SME verify the data provided.

V. Cold Water Showers – OC Spray

7. By February 29, 2024, and as required by Paragraph 12 of the Judgment, the County will maintain in each Unit in the Los Padrinos Juvenile Hall a functioning cold water shower for the purposes of decontamination after the use of Oleoresin Capsicum (OC) spray. The County will also maintain eyewash stations in the event of a temporarily non-functioning cold water shower. The Monitor will confirm that cold water showers are maintained at each Juvenile Hall during his first visit following the effective date of this Order and on an ongoing basis so long as OC spray is utilized at Los Padrinos Juvenile Hall.
8. On September 21, 2023, the Monitor approved the County using portable showers in each Unit as a temporary measure until permanent showers are installed, and, on October 10, 2023, the County issued a one-page directive requiring Probation to immediately use these portable cold water showers for youth decontamination following exposure to OC spray, in addition to utilizing on-Unit eye wash stations as appropriate, and requiring that portable cold water showers are refilled only with cold water.
9. Probation shall document the time of decontamination in relation to the use of OC spray and verify during the review process conducted by the FIRST Team whether the decontamination occurred, including the date, time, and place of decontamination.
 - a. Substantial Compliance requires that: (1) all Units have a functioning cold water shower installed, and 93% of the Units visited by the Monitor have either functioning cold water showers or a functioning temporary eye wash station available, and (2) verification by the Monitor that, until the installation of cold water showers in each Unit at Los Padrinos Juvenile Hall, the County has either ceased use of OC Spray or established a cold

1 water shower in a Unit approved by the Monitor and implemented the
2 requirements in paragraph V.8.

3 **VI. Use of Force**

4 10. In accordance with Paragraph 15 of the Judgment and this Court's June 20, 2023
5 order, the County was required to provide the Monitor with a written plan for
6 maintaining timely review of use of force incidents and for addressing the backlog
7 of use of force incidents ("Written Use of Force Plans") that had not been timely
8 reviewed. On September 6, 2023, the Monitor received a written plan for
9 addressing the backlog of un-reviewed use of force incidents, and approved the
10 plan on October 5, 2023. On September 21, 2023, the Monitor received a written
11 plan for addressing ongoing timely review of use of force incidents for review and
12 approval, and the Monitor approved the plan for Los Padrinos Juvenile Hall on
13 October 10, 2023. A written plan for addressing ongoing timely review of use of
14 force incidents at Barry J. Nidorf Secure Youth Treatment Facility will be provided
15 to the Monitor for review and approval by October 13, 2023.

16 a. Under these plans, the County has agreed to contract with outside experts to
17 review backlogged use of force incidents, and, on September 20, 2023, the
18 Monitor reviewed and approved the qualifications for such experts.

19 b. Substantial Compliance requires that:

20 i. By October 1, 2023, the County has trained all experts using the
21 training that the County provided the Monitor with on or about
22 September 12, 2023, and that the Monitor approved.

23 ii. Any revisions to use of force review policies and training materials
24 for both staff and outside experts reviewing use of force incidents be
25 provided to the Monitor for review and approval.

26 iii. If additional or different experts are contracted with by the County
27 to review use of force incidents, the County provide the resumes and
28

1 qualifications of such experts to the Monitor for review and
2 approval prior to those experts conducting any reviews.

3 11. The Monitor will evaluate the County's compliance with the approved Written Use
4 of Force Plans for timely review of use of force incidents. By September 26, 2023,
5 the County will develop, for review and approval by the Monitor, a case
6 assignment log for the un-reviewed use of force backlog incidents and a monthly
7 use of force review tracking log that includes, at a minimum: (1) name and ID
8 number of involved youth, (2) date of incident; (3) location of incident; (4) primary
9 staff involved; (5) type of force employed; (6) date and time that incident was
10 reviewed; and (7) findings and final disposition of review, a reason for the
11 disposition, and, if the use of force was non-compliant with policy or law or
12 otherwise inappropriate or unjustified, corrective actions and the timeline for their
13 implementation. Upon approval by the Monitor, the County shall provide the
14 Monitor with the log on a monthly basis. Substantial Compliance requires that the
15 Monitor find that 90% of use of force incidents are timely reviewed by the County
16 consistent with its Use of Force policy and the Written Use of Force Plans.

17 **VII. Tracking Provision of Required Outdoor Recreation, Programming, Exercise,**
18 **Religious Services, Visitation, and Phone Calls**

19 12. On October 4, 2023, the County provided the Monitor, for the Monitor's review
20 and approval, a draft activity log template to track and substantiate compliance
21 with Paragraph 24(c)'s requirements for access to daily programming, recreation,
22 exercise, outside activity, family visitation and calls, and religious services as
23 required by the Judgment, law, and regulation. Upon Monitor approval, the County
24 shall provide the Monitor with a completed log reflecting its compliance with
25 Paragraph 24(c)'s requirements on a weekly basis until the full implementation of
26 the electronic information technology and data management system ("Electronic
27 Data System"), at which time the County shall provide the Monitor with weekly
28 reports as to the same information from that system.

13. By October 31, 2023, and pursuant to Paragraph 10 of the Judgment, the corresponding Detailed Plan provisions, and the Monitor’s findings that the County’s existing paper tracking is insufficient and inadequate, the County will develop and implement an Electronic Data System for collecting data related to Paragraph 24(c) of the Judgment. Substantial Compliance requires Monitor approval of the Electronic Data System.
14. To ensure proper use by staff of the Electronic Data System, the County will develop a policy, to be reviewed and approved by the Monitor, requiring accurate reporting of the data, supervisor sign-off confirming that data submitted is accurate, and establishing that any falsification of data reported may subject staff to disciplinary action.
15. The Monitor will conduct monthly reviews and audit the data for compliance with Judgment Paragraphs 9, 9(c), 20, 24(a), 24(b), 24(c), 24(d), 24(e), 24(g), 28(b) as set forth in the Detailed Plan.
16. Substantial Compliance requires that: (1) the Monitor review and approve the Electronic Data System and any improvements thereto to address any deficiency or inadequacy identified by the Monitor; (2) the County provide the Monitor with weekly data from the Electronic Data System for the first month of implementation so the Monitor can assess effectiveness; (3) the County develop and implement a staff training to introduce the Electronic Data System to staff, for review and approval by the Monitor and provide such training no later than November 20, 2023; (4) the Monitor conduct a monthly review and verification of the reports provided by the County and determine Substantial Compliance based on the Substantial Compliances measures set forth in the Detailed Plan for Judgment Paragraphs 9, 9(c), 20, 24(a), 24(b), 24(c), 24(d), 24(e), 24(g), 28(b) and all related tasks of the Detailed Plan as incorporated into the Judgment.

VIII. CARE and YES Team

- 1 17. By October 6, 2023, the County will implement a team-based behavior response
2 model approved by the Monitor that focuses on de-escalation of youth when
3 conflict arises. The team responsible for carrying out that model (the “CARE
4 team”) shall incorporate, at a minimum, Mental Health Staff and Probation Staff,
5 and shall include staff members identified as skilled in de-escalation and conflict
6 resolution.
- 7 18. On October 9, 2023, the County provided the Monitor for his review a written
8 directive and notice to all Probation Staff, Medical Staff, and Mental Health Staff,
9 and to LACOE, establishing that direct-care staff are required to utilize the CARE
10 team at the earliest possible opportunity when they observe behaviors escalating.
11 The County shall provide training on utilizing the CARE team as approved by the
12 Monitor by October 27, 2023, and the County has sought the Monitor’s availability
13 to provide such training.
- 14 19. By October 16, 2023, the County will develop and implement a tracking form for
15 the CARE team, with the Monitor’s approval, which will include the date and time
16 of the request for the CARE team, the Unit to which the CARE team is called, and
17 whether the CARE team was able to resolve the situation without use of force or
18 Room Confinement. These forms will be provided to the Monitor on a monthly
19 basis.
- 20 20. By April 1, 2024, the County will implement a team-based model for increasing
21 programming, improving youth/staff interactions, de-escalating situations, reducing
22 use of force incidents, and changing facility culture, which shall include youth
23 intake, individualized case planning and re-entry planning, programming review,
24 use of force debriefs, multi-disciplinary team meetings, data collection,
25 accommodations for youth with disabilities, and strategies to address youth
26 misconduct. The personnel responsible for implementing this model shall be
27 known as the “YES team.”
28

1 21. Substantial Compliance requires: (1) Monitor approval of written directive,
2 training, tracking form, and notice, and that the Monitor verify that all of the
3 aforementioned for the CARE Team have been provided by the deadlines above;
4 (2) that in 93% of instances when staff observe behaviors escalating, the CARE
5 team be utilized at the earliest possible opportunity; (3) that the County develop a
6 YES team implementation and training plan, which shall be provided to the
7 Monitor by January 5, 2023; (4) Monitor approval of the YES team implementation
8 and training plan; and (5) Monitor verification that the County is implementing the
9 approved CARE and Yes team plans.
10

11 GOOD CAUSE APPEARING, the Joint Motion for Additional Judgment Terms to Address
12 Non-Compliance is GRANTED.

13 Plaintiff is to give notice.

14 **IT IS SO ORDERED.**

15
16 DATED: 11/13/2023



A handwritten signature in black ink, appearing to read "Michael P. Linfield".

Michael P. Linfield / Judge

JUDGE OF THE SUPERIOR COURT