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Robert Taylor, Chief Probation Officer
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9150 E. Imperial Highway
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Re: Illegal Conditions of Confinement in the Barry J. Nidorf Juvenile Hall

Dear Chief Taylor:

We write to voice our concerns about policies, practices and conditions of confinement that violate the rights of youth detained in the Barry J. Nidorf Juvenile Hall ("Nidorf") in Sylmar. Many of our concerns are not new to you, as they echo some of the communications you have had over the last year from other concerned community members and agencies regarding visitation, recreation and education issues. We are particularly concerned with the conditions imposed on the approximately 250 youth who are detained within Units W, X, Y, and Z, commonly referred to as the "Compound."

As you know, the youth housed in the Compound are awaiting trial. These young men have not been convicted of any violation of the law. Indeed, they are presumed innocent of the offenses charged, a presumption to which they are entitled until proven otherwise in a court of law. Nevertheless, the conditions that the Compound youth currently endure are dehumanizing, abusive, and, in many ways, worse than those experienced by convicted adult prisoners.

Although many of these youth will be tried in adult criminal court, they have the same rights with respect to conditions of confinement as all other youth detained at Nidorf or any other county juvenile facility in California. State law requires that a county juvenile facility be administered in a manner designed to provide a "safe and supportive homelike environment" for the youth under its supervision. The law is clear that such a facility is "not to be deemed to be, nor treated as, a penal institution."

The youth detained in the Compound are regularly subjected to illegal and improper treatment. Among other things, the youth are denied access to school, outdoor recreation and other programming and are denied meaningful access to visitation with their families. This treatment is of even

greater concern given that the typical duration of confinement in the Compound is over one year.

Although others have previously raised concerns about many of the conditions discussed below, there has been no marked improvement in any of these areas. These conditions are too onerous, too debilitating and too severe to remain unaddressed any longer. We urge you to give these matters your immediate attention. If that does not happen, we will have no choice but to pursue our available legal remedies to address these issues.

1. Denial of Sufficient Recreation, Exercise and other Programming for Compound Youth.

Youth must be provided with an opportunity for recreation and exercise a minimum of three hours a day during the week and five hours each Saturday, Sunday and other non-school days. Such exercise must include an opportunity for at least one hour of outdoor physical activity each day and at least one hour each day of exercise involving large muscle activities. Despite this clear legal mandate, prior to September, Compound youth were confined to their units and were not allowed to go outside for months at a time. Even now, Compound youth are allowed to go outside for only one hour per week.

The facility schedule provides for one hour of outdoor recreation three times per week, but youth are not provided with even this (insufficient) amount of outdoor recreation. In fact, there is no organized exercise program, of any kind, for Compound youth.

To the extent there is any recreational or rehabilitative programming available to Compound youth, it is provided on an ad hoc basis depending on the unit and is primarily dependent upon the availability of outside volunteers to provide programming. Although a gym, grassy playing fields and an outdoor pool exist at Nidorf, within viewing range of the Compound, these youth are denied access to them.

2. Unreasonable Visitation Practices.

Under state law, Nidorf is obligated to "preserve and strengthen family ties whenever possible" and to uphold family preservation and reunification. Visitation should be encouraged in juvenile facilities "because strong family and community ties increase the probability of success for a minor after release." Nidorf's visitation practices are fraught with unreasonable restrictions, are arbitrarily implemented and serve to discourage, not encourage, visitation.

- Nidorf does not follow any written policies concerning visitation. Although "Visiting" is referenced in the handbook of rules and rights posted on the Los Angeles County Probation web-site, parents and their detained children are not

generally aware of this "Rights Handbook," copies of the handbook are not made available to them, and the handbook is only available in English. The only written notice that parents receive concerning visitation rules and procedures is the notice posted outside the visitor door to the facility on Sundays.

- Limiting visitation to only one day per week (Sundays) forecloses the opportunity for visitors who work on the weekends, attend religious services, cannot afford or have limitations on child care or who have difficulty securing transportation to the facility.
- Youth and their parents are not able to use the full allotted three hour visitation time period to visit because of processing time and facility visitation practices. Visitors begin to stand in the visitation line as early as 7:00 a.m., but the one staff person screening visitors does not begin to process them until visiting hours begin at 1:00 p.m. Processing all the visitors can take hours; visitation time can be cut by 50% or more for families at the end of line. In the Compound, parents have been asked to leave early to make room for other visitors, when additional chairs could easily have been brought in to accommodate everyone. No accommodations are made for parents who have to go to the bathroom during their visits. They are not allowed to use the facilities in the units and, once they leave the units, they are not allowed to return.
- In the Compound no effort is made to provide any privacy or reasonable space for family visits. All visitors and youth must sit at metal picnic tables on attached metal seats. Visitors and youth must sit side by side on each side of the table. Some accommodation could be made to provide greater privacy for family visits, as is done in the non-Compound units.
- Restricting visits to only parents and "legal" guardians is not only inconsistent with state regulatory provisions which require conduct that "preserve[s] and strengthen[s] family ties whenever possible", but also unreasonable and arbitrary. The policy effectively ensures that youth who do not come from "traditional" families, who may be unaccompanied immigrants, or who are estranged from their families, will never receive visitors. Individuals seeking to visit other than parents or legal guardians are not provided with a process through Probation but are required to seek court approval for the visitation. This is a costly and time-consuming process for most families. It is unconscionable that no effort has been made to either encourage or facilitate visits by grandparents, other relatives, siblings, or other family members for youth detained at Nidorf.
- Visitors are required to produce a current California Driver's license, California ID, or passport. This requirement directly forecloses visitation by some immigrant or other transient families. Many of the youth detained at Nidorf are limited English proficient (LEP) and children of immigrants. This requirement

may prevent these children from ever seeing their parents or other family visitors while at Nidorf.

- Parents are not apprised of the dress rules prior to their first visit and have been turned away because they have worn prohibited items. The clothing restrictions are overly broad, do not further any legitimate facility concerns, and invite arbitrary enforcement. Additional dress code restrictions are often imposed on an ad hoc basis and without any notice at all, depending on the staff in charge that particular day. One staff member informed visitors that they had to remove all of their jewelry; another would not allow open toed shoes. None of these items are listed as prohibited clothing in the handbook.
- The visitor search practices are arbitrary and unreasonable. There is no written policy or notice informing visitors of any search procedures. Women visitors have had their bra straps snapped, their breast area patted down and have been told by staff (including male staff) to lift up their blouses. Visitors are also subject to the "Vapor Tracer," a device designed to detect if a person has had any contact with certain illicit drugs. Visitors with a "positive" trace result are denied visitation, though positive traces may be the result of contact with people or objects (including paper currency) that have had contact with traces of an illicit drug. There are no guidelines or written procedures guiding the imposition of these searches, which are imposed on all visitors. The searches are unreasonable, unnecessarily intrusive and abusive and do little to further any reasonable or legitimate security or safety concerns.

3. Failure to Provide Privacy for Toilet Areas in the Compound.

By law, toilet areas in juvenile facilities must provide modesty for minors. There has been no effort to address modesty concerns in the Compound with respect to the toilet areas, which are in full view of all visitors (teaching staff, parents, volunteers, etc.) and staff, both male and female, on the unit. Some accommodations must be made to address the modesty and privacy concerns of these youth in the toilet areas.

4. Failure to Address Language Access for Youth in the Compound.

A significant number of youth detained at Nidorf are LEP (approximately 121, with 116 Spanish-speakers). Under law, vital written materials made available to English speaking youth in the facility must be translated into appropriate languages for LEP youth including the rights handbook that is now only available in English.

5. Denial of Educational Opportunities for Compound Youth.

Probation and the Los Angeles County Office of Education are equally responsible for ensuring that all Compound youth have access to all the educational programming and services mandated under law. These youth should not be denied any educational

services or programming simply because they happen to be housed in the Compound. In sum, our concerns regarding education are as follows:

- a) Educational services and programming are not made available to youth who are confined to their cells. These youth are denied access to school for a significant portion (if not all) of each school day in a variety of circumstances, including: 1) when they are locked in their rooms for disciplinary reasons; 2) when entire units are placed on "lock-down" status for extended periods; 3) when units do not have sufficient probation staff to meet the state required 1:10 supervision ratio and so staff only allow one-half or one-third of the unit to attend class at a time; 4) when sufficient teaching staff are not made available to the units. As you know, educational instruction must be provided even to youth restricted to high security and other special units and it is against the law to deprive youth of education as a punishment for misbehavior.
- b) Youth are not provided with a full instructional day. The impact of this lack of instruction, especially on those already at risk of academic failure, can be devastating. For some at the secondary level, it may result in their failure to graduate from high school because (i) they have not received sufficient credits; (ii) they have not had access to a full course of study, including access to accredited physical education classes; or (iii) they were precluded from taking state mandated tests, including the CAHSEE, that are required for graduation. The lack of a high school degree will further handicap their ability to function in society as productive adults.
- c) Classes for Compound youth are conducted in the unit dayrooms, which is totally inappropriate. There is dedicated classroom space available for these students that remains unused. These classrooms should be made available to Compound youth without delay.
- d) Parents are denied access to their children's educational records which they have an absolute right to inspect and review.
- e) Parents of Compound youth do not receive all the required notices regarding the educational status of their children. These include, at a minimum, notices concerning: (i) absences from school; (ii) grades or academic progress in school; (iii) the parents' right to have access to student records; (iv) disciplinary rules and procedures, attendance policies, and procedures for visiting the school; (v) suspension or recommendation for expulsion; and (vi) parent participation in parent advisory committees and/or the school-site council.
- f) Compound parents have not been given the opportunity to participate on any parent advisory committees established at Nidorf, nor have they been given the opportunity to participate on Nidorf's school-site council.

6. Strip Search Policies

Finally, we recently learned of a newly promulgated Nidorf strip search policy for all male youth needing the highest level of supervision because of suicide risk, serious mental health issues, risk of harm from other youth or other safety reasons. The policy requires these youth, designated as "Level 3," to be strip searched at the beginning of each shift change and whenever the youth leaves his assigned living unit. The new strip policy is patently illegal, contrary to accepted professional juvenile detention facility practice and creates more risk of harm than greater protection. Strip searches should be conducted only when there is an articulated, documented reasonable suspicion that the youth may have acquired a weapon or contraband. No rational reason exists for routinely and repeatedly strip searching youth who have been under the constant heightened supervision of facility staff, have had no contact with anyone other than facility staff and have not left the secure confines of their room, unit or facility.

The Youth Law Center is committed to ensuring that these illegal practices and policies are corrected as expeditiously as possible. We believe that all of these deficiencies can be easily remedied. Some can be remedied almost immediately, while others may take up to ninety (90) days to resolve. We ask that you give us assurances within the next ten (10) days that you are committed to implementing the following changes in the specified time frames:

Recreation: Within 30 days, the Probation Department will comply with state law and provide recreation for three hours a day during the week and five hours each weekend day or non-school day to every youth detained in the compound. This will include at least one hour of exercise involving large muscle activities. Within 60 days, Nidorf will provide each youth with daily access to at least one hour of outdoor recreation

Visitation: The Probation Department will immediately adopt and implement written, language accessible (available in the primary language of parents and youth served) visitation policies and procedures to govern acceptable visitation practices and rules of conduct. These documents will be provided to parents and youth and will include the following provisions:

1. Regular visitation will be scheduled at least three (3) days each week, at least one weekend day, one period during non-school daytime hours and one during evening hours.
2. Grandparents and other family members (siblings, children, aunts and uncles) are allowed to visit as part of the regular visitation that is currently limited to parents/legal guardians.
3. Elimination of the "Vapor Tracer" screen and of cross gender and inappropriate pat down searches of visitors.

4. Arrangements that allow visitors to use the restroom during the visit without having to terminate the visit.

Language access: Within 90 days, Nidorf will ensure that LEP youth have access to vital facility information in their primary language, including providing LEP youth with written materials made available to English speaking youth in the facility translated into appropriate languages for LEP youth.

Toilet privacy: Within 90 days, a modesty shield will be installed in the Compound toilets.

Education:


1. Within 30 days, you will provide every youth, regardless of classification or disciplinary status, with access to a full school day (at least 240 minutes of instruction) and all of the educational programming and services to which he is entitled by State and federal law.
2. Within 30 days, you will cease using the Compound day rooms for regular classrooms and use the available dedicated classroom space instead.

Strip Searches: You will immediately rescind the strip search policy which requires that every male Level 3 youth detained at Nidorf be strip searched at the beginning of every shift and after each movement outside of the youth's assigned living unit.

We are hopeful that you will take this letter seriously and correct these issues as we have requested. We are willing to discuss plans to implement the foregoing changes and any real barriers that might make compliance with these time frames impossible, if you commit to taking the actions described above. If you cannot make such a commitment, despite the fact that you have known about these problems for months, we will have no choice but to immediately seek to enforce these remedial actions.

Thank you for your prompt consideration of these urgent issues. We look forward to hearing from you soon.

Sincerely,



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