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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**
16 **THE STATE OF CALIFORNIA,¹**

Plaintiff,

17 v.

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

Defendants

Case No. 21STCV01309

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
MOTION TO ESTABLISH
RECEIVERSHIP AND YOUTH-
SERVING COMPENSATORY FUND**

Date: September 16, 2025
Time: 9:30 a.m.
Dept: 34
Judge: Peter A. Hernandez

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

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INTRODUCTION

In January 2021, following an extensive investigation by the Office of the Attorney General into conditions at the County of Los Angeles’s juvenile halls (the Juvenile Halls), the County agreed to be bound by a comprehensive stipulated judgment (the Judgment) aimed at remedying the unsafe and illegal conditions that the investigation revealed. (See Ex. 3 [Judgment].)² Through the Judgment, which this Court entered on January 21, 2021, the County agreed that “[c]onsistent with statutory and constitutional standards,” it would “maintain safe and secure conditions for youth” at the Juvenile Halls. (*Id.*, ¶ 3.) Unfortunately, despite four and one half years of extensive efforts by the Monitor and the Attorney General’s office to compel the County’s compliance, a motion to enforce granted by the Court, two stipulated remedial amendment orders entered, multiple Board of State and Community Corrections (BSCC) unsuitability findings, a recent court order to depopulate an unsuitable juvenile hall in lieu of shutdown, and 30 indicted Probation staff members later, the County has not done so. The dire state of conditions at the Juvenile Halls, combined with the County’s glacial progress towards complying with the Judgment, have left the Attorney General with no choice but to seek the “drastic but necessary remedy of a Receivership.” (*Plata v. Schwarzenegger* (N.D. Cal. Oct. 3, 2005) 2005 WL 2932253, *1.)

The factors that have historically guided courts in deciding whether to establish remedial receiverships for public institutions—actuality of harm, less extreme remediation proving futile, continued insistence on compliance with court orders being ineffectual, inability of existing leadership to turn the tide, and receivership providing an efficient remedy—overwhelmingly favor the establishment of a receivership for the Juvenile Halls. (See *id.*, at *23.) Indeed, youth in the Juvenile Halls have suffered severe harms during the life of the Judgment—including overdoses on narcotics allowed to enter the facility, youth-on-youth violence facilitated by staff, and significant unmet medical needs—and will continue face those harms if the Juvenile Halls

² All citations to exhibits in this memorandum, unless otherwise noted, refer to the exhibits attached to the concurrently filed Declaration of Christopher Medeiros in Support of Motion to Establish Receivership and Youth-Serving Compensatory Fund (Medeiros Decl.).

1 remain under the County’s authority. Lesser interventions—including enforcement proceedings,
2 stipulated remedial court-ordered amendments, and extensive site visits, assessment, directives,
3 technical assistance, and training from the Judgment’s monitoring team, Board of State and
4 Community Corrections (BSCC), and Office of the Attorney General—have failed to induce the
5 County’s compliance with the Judgment. Currently, the County is not in substantial compliance
6 with 206 of 259 applicable Judgment requirements at Los Padrinos (LP) and 179 of 254
7 applicable requirements at Barry J. Nidorf (BJN); and has reached substantial compliance with
8 only three of 66 requirements of the second amendment to the Judgment ordered by this Court in
9 December 2024. (See Exs. 39, 57.) The Monitor has provided the County with compliance
10 assessments and corrective action in monthly reports issued on key health and safety provisions,
11 such as medical care, outdoor recreation and programming, use of force, and inappropriate
12 isolation, for nearly two years; the County has shown little to no progress and even regression
13 month over month.

14 Continuing to insist on the County itself bringing the Juvenile Halls into compliance would
15 result only in infliction of further harm on youth and further waste of taxpayer dollars. In contrast,
16 establishing a receivership for the Juvenile Halls, naming the Judgment’s existing Monitor—a
17 nationally respected juvenile justice expert with a track record for reforming juvenile facilities—
18 as Receiver, and granting the Receiver the authorities set forth in the proposed order will create a
19 clear path for bringing the Juvenile Halls into compliance. And as concerns the harms and
20 deprivations of rights experienced by youth prior to the establishment of the Receivership, the
21 proposed order also provides for the creation of a youth-serving compensatory services fund that
22 will help repair harm to youth who have been injured by the County’s past noncompliance. The
23 Court should therefore grant the Attorney General’s motion to establish a receivership for the
24 Juvenile Halls and a youth-serving compensatory services fund.

BACKGROUND

I. THE COUNTY'S HISTORY OF NONCOMPLIANCE

A. After The County Failed To Comply With The Judgment For Over Two Years, The Court Granted The Attorney General's Motion To Enforce And Ordered New Compliance Deadlines

On January 21, 2021, the Court entered the Judgment, which requires the County to remedy illegal and unsafe conditions at its Juvenile Halls.³ As part of the Judgment, the County is required to “implement a Detailed Plan,” which is “incorporated into [the] Judgment by reference.” (Judgment, ¶ 7.) For each of the original Judgment’s substantive provisions, the Detailed Plan contains various subtasks—each with its own deadline, outcome metrics, and quality-assurance measures—that the County must complete to achieve substantial compliance with the relevant Judgment provision. (*See ibid.*) The jointly selected Monitor oversees Judgment implementation—gathering evidence and information from the County, assessing compliance with the judgment provisions, and reporting to the parties as to whether the County has reached substantial compliance as to each provision. (*Id.*, ¶ 35; see also Ex. 28 [order amending Judgment], ¶¶ 2, 15.) The County is required to maintain substantial compliance for a year to discharge a Judgment provision. (Judgment, ¶ 56.)

The Monitor’s reports from the first two years of the Judgment illustrated increasing concern with the County’s failure to make meaningful progress towards compliance with the Judgment. (See Exs. 4-8, 10.) In a report issued in February 2023, the Monitor found the County in substantial compliance with only 23 of 196 Detailed Plan tasks. (See Ex. 8.) And in a report issued a month later, the Monitor likewise decried the County’s minimal progress (and in some cases, regression). (Ex. 10 at 500-505.) In the same month, the Monitor also wrote the County’s

³ At the time of the Judgment’s entry, the County’s two Juvenile Halls were Central Juvenile Hall and Barry J. Nidorf Juvenile Hall (BJN). On May 23, 2023, the Board of State and Community Corrections (BSCC) found Central and BJN unsuitable for youth and ordered the removal of pre-disposition youth from those facilities. (Ex. 16 at 591-592.) In response, the County reopened Los Padrinos Juvenile Hall (LP) and had by July 18, 2023 transferred all pre-disposition youth to LP. (Ex. 20 at 623.) This Court held on July 7, 2023 that the Judgment would continue to apply at BJN regardless of whether the County detained any pre-disposition youth there. (Ex. 19 at 604.) Thus, the Judgment presently applies at LP, BJN, and any other facility at which the County is housing pre-disposition youth. (See Judgment, ¶ 8(l).)

1 Board of Supervisors to raise alarm because the conditions at the Juvenile Halls were
2 “deteriorating and becoming increasingly more dangerous for staff and the youth[.]” (Ex. 9 at
3 494.)

4 Faced with this persistent noncompliance, the Attorney General initiated the meet-and-
5 confer process with the County required under Judgment paragraph 34 and ultimately moved on
6 April 12, 2023 to enforce the Judgment. (See Exs. 11, 13.) Among others, the Attorney General
7 moved to enforce basic education, health, and safety Judgment provisions requiring the County
8 to: (1) timely and consistently transport youth to school; (2) afford youth daily access to outdoor
9 recreation; (3) document and review use-of-force incidents; (4) create and implement a positive
10 behavior management program; (5) provide timely medical and mental health care; and (6)
11 maintain sufficient staffing levels to fulfill the Judgment’s terms. (See Ex. 13 at 568.)

12 The Court granted the motion to enforce. (*Id.* at 567.) The Court and the Monitor set new
13 deadlines for the County to comply with the enforced Judgment provisions. (Exs. 17, 21.) Those
14 deadlines required by July 23, 2023 that the County reach compliance with Judgment provisions
15 related to: (1) school transportation; (2) medical and mental health care; and (3) daily access to
16 outdoor recreation. (Ex. 17 at 595-596.) By August 31, 2023, the County was required to obtain
17 Monitor approval of and implement a plan to resolve severe staffing issues contributing to the
18 County’s noncompliance with the Judgment. (Ex. 21 at 627.)

19 **B. The County Failed To Comply With The Court’s Orders And Stipulated**
20 **In November 2023 To Remedial Amendments To The Judgment**

21 In his monthly report for August 2023, the Monitor found that the County failed to meet the
22 Court ordered compliance deadlines and remained out of compliance with the Judgment
23 provisions related to timely medical and mental health care, outdoor recreation, school
24 transportation, and staffing. (See Ex. 22 at 635-637.) The Monitor informed the County that the
25 current staffing situation at the Juvenile Halls was promoting a “chaotic and unsafe environment.”
26 (*Id.* at 635.) Due to the ongoing failure to come into compliance, the Monitor described
27 conditions at the Juvenile Halls as “abusive” and “punitive,” and highlighted “increased incidents
28 of violence [and] youth injuries,” and “pervasive physical plant issues”—including “roaches,

1 water issues, inoperative telephones,” inhospitable “living unit temperature,” and “boarded up
2 windows.” (*Id.* at 633.) And the Monitor also found that the newly reopened LP lacked, in
3 contravention of the Judgment, operable cold-water decontamination showers for youth to use
4 following the deployment of oleoresin capsicum (OC) spray by staff. (*Id.* at 634.) The Monitor
5 enumerated multiple corrective actions necessary to remedy the County’s ongoing noncompliance
6 with the Judgment. (*Id.* at 633-634.)

7 Shortly thereafter, the Attorney General again initiated the meet-and-confer process under
8 Judgment paragraph 34. (See Ex. 23.) During that process, the County agreed to eight of the
9 Monitor’s proposed corrective actions, which became embodied in the stipulated-to remedial
10 amendments (the First Amendment) to the Judgment that the Court ordered on November 13,
11 2023. (See Ex. 25 [First Amendment].) Among other things, the First Amendment required the
12 County to: (1) immediately implement measures in a Monitor-approved staffing plan; (2) have in
13 place by November 1, 2023 “a contract for a private medical transportation provider to help
14 ensure that youth are timely transported to outside medical services”; (3) obtain the monitoring
15 team’s approval of “joint medical transportation plans” (so named because they require the
16 Department of Health Services, Department of Mental Health and Probation Department to
17 jointly provide services); (4) develop and implement by October 31, 2023 an electronic system
18 for collecting data related to paragraph 24(c), which concerns recreation, programming, and
19 religious services; and (5) create and implement a dedicated team responsible for responding to
20 and deescalating adverse behavior events among youth. (*Id.*, ¶¶ 3, 5-6, 13, 17-19.)

21 **C. After Failing To Comply With The Amended Judgment, The County**
22 **Stipulated To Further Remedial Amendments In December 2024**

23 While the County initially showed some brief signs of progress, it ultimately failed to meet
24 the vast majority of the First Amendment’s deadlines, including those discussed above, and its
25 compliance with the Judgment remained dismal throughout 2024. (See Ex. 27.) For example, in a
26 report issued on November 14, 2024, the Monitor found the County noncompliant with, among
27 others, requirements related to staffing, timely use-of-force review, data-collection, timely
28

1 medical care, and timely school transport, implementation of the electronic data-collection
2 system, and use of the de-escalation team. (*Ibid.*)

3 A report from the Office of the Inspector General (OIG)—which is responsible for
4 investigating and reporting on the County’s compliance with certain Judgment provisions—
5 covering the period from January 1 to June 30, 2024 confirmed the Monitor’s bleak assessment.
6 Among other things, OIG found that the County: (1) only submitted timely use-of-force incidents
7 for required secondary review in 3% of cases; (2) only properly decontaminated and documented
8 compliance in 37% of incidents involving the use of OC spray; and (3) failed to even provide data
9 needed to allow OIG to determine whether youth had received adequate programming, recreation,
10 exercise, outside activity, religious services, visitation, and phone calls. (Ex. 30 at 720, 723, 734-
11 735.)

12 The County’s continued noncompliance—and its concomitant impacts on youth
13 wellbeing—led the Attorney General to again initiate the meet-and-confer process. This
14 concluded with the County again stipulating to a further set of remedial amendments to the
15 Judgment to attempt to bring about compliance (the Second Amendment), which this Court
16 ordered on December 11, 2024. (See Ex. 28 [Second Amendment].). Unfortunately, as of the
17 Monitor’s most recent monthly report, the County has achieved substantial compliance with only
18 *one* of the 31 requirements applicable to LP and *two* of the 28 requirements applicable to BJN.
19 (See Ex. 58.)

20 **II. CONDITIONS AT ITS JUVENILE HALLS PERILOUSLY DETERIORATE: 75% OF THE** 21 **JUDGMENT PROVISION REMAIN OUT OF COMPLIANCE**

22 According to the Monitor’s most recent biennial and monthly reports the County is
23 substantially compliant with just 25% of all requirements of the amended Judgment.⁴ (See Exs.
24 39, 58.) Among other concerning revelations implicating youth safety and well-being, these
25 reports document the following violations of Judgment provisions (and state regulations):
26

27 ⁴ At BJN, it is noncompliant with 77 and partially compliant with 101 of the 254
28 applicable requirements. And at LP, it is noncompliant with 97 and partially compliant with 109
of the 259 applicable requirements.

- 1 • **Staffing.** Staffing shortages continue to plague the Juvenile Halls, with excessive callouts
2 and high rates of extended leave among staff requiring the County to rely on mandatory
3 overtime and the deployment of field staff—who “have not been provided sufficient
4 training on facility operations, policies, and procedures/protocols”—to meet minimum
5 staffing requirements. (Ex. 38 at 900.) Insufficient staffing levels have resulted in lost
6 educational minutes for youth, and have impacted youth’s access to medical care,
7 recreation, programming, and attorney visits. (Ex. 39 at 936.) Moreover, “[y]outh idleness
8 due to the lack of meaningful and consistent programming . . . has contributed to
9 increased incidents of violence, use of force, and injuries to youth and staff.” (Ex. 59 at
10 1114.) And although the Monitoring team has consistently offered technical assistance to
11 the County in the development and implementation of a staffing plan, the County has
12 declined to accept assistance since initial meetings in August 2024. (Ex. 51 at 1072.)
- 13 • **Medical transportation.** The County has still failed to develop and implement a Monitor-
14 approved and effective system for tracking and auditing missed medical and mental-health
15 appointments for continuous improvement. (Ex. 58 at 1125.) While the County did enter
16 into a contract with a private medical transportation provider as required by First
17 Amendment paragraph 5, the County failed to actually use that provider during the 2023-
18 24 contract year, and recently informed the Monitor that—in stark violation of paragraph
19 5—it would be cancelling the contract. (*See ibid.*) County data from the first quarter of
20 2025, moreover, reveals that transportation issues resulted in youth missing a significant
21 percentage of off-site medical appointments. (Ex. 51 at 1060.) Moreover, during a site
22 visit to LP on April 21, 2025, staff from the Office of the Attorney General observed and
23 brought to the County’s attention multiple youth with significant untreated medical
24 concerns and delayed follow-up care, as evidenced by deteriorating casts, severe bruising
25 and swelling, and other visible injuries such as missing teeth and black eyes. (Medeiros
26 Dec’l, ¶ 47.) To date, the Office of the Attorney General has yet to receive confirmation
27 from the County that these youth have since received necessary medical attention. (*Ibid.*)
28

- 1 • **Cell room confinement.** While the regulations prohibit cell room confinement “for
2 purposes of . . . convenience,” (Cal. Code Regs., tit. 15, § 1354.5, subd. (a)(2), and best
3 practices prescribe that operational cell room confinement, if necessary, be limited to 10
4 or 15 minutes, video review revealed “youth are often in their rooms for forty-five
5 minutes up to two hours for what the Monitor would term as operational or convenience
6 purposes.” (Ex. 38 at 905.)
- 7 • **Safety checks.** Staff often fail to conduct required safety checks on youth in their cells—
8 which are vital to preventing self-harm and timely detecting medical emergencies,
9 including overdoses. (Ex. 38 at 905.) And when they do conduct safety checks, they often
10 fail to do so correctly. (*Ibid.*)
- 11 • **OC spray.** Staff continue to improperly use OC spray as a first-line response, rather than
12 attempting to de-escalate situations, use OC spray on youth who may have contraindicated
13 medical conditions, and do not consistently follow decontamination protocols. (*Id.* at 902.)
14 And while staff at LP are supposed to use portable shower kits to decontaminate youth
15 pending the installation of cold-water showers there, not all staff are aware of how to
16 operate those shower kits. (Ex. 37 at 881.)
- 17 • **De-escalation teams.** The County deploys the de-escalation teams mandated by the First
18 and Second Amendments at a shockingly low rate. Indeed, between December 2024 and
19 May 2025, the County deployed de-escalation teams at the Juvenile Halls just 54 times,
20 despite 782 documented use-of-force incidents during that same period. (See Ex. 31 at
21 750; Ex. 32 at 733; Ex. 35 at 846; Ex. 37 at 884; Ex. 51 at 1064; Ex. 58 at 1131.) The
22 County’s failure to employ de-escalation teams is especially perplexing in light of their
23 demonstrated success; every one of the ten deployments at LP during this six-month
24 period successfully prevented uses of force, and 39 of the 44 deployments at BJN had the
25 same positive outcome. (See *ibid.*)
- 26 • **Use-of-force review.** After unilaterally disbanding the Judgment-mandated Force
27 Intervention Response Support Team, which was intended to expeditiously review and
28 correct improper uses of force, in July 2024—without providing prior notice to either the

1 Monitor or Attorney General—the County has still not yet put forth a written plan for
2 replacing or reconstituting the FIRST to satisfy the relevant Judgment requirements. (Ex.
3 58 at 1128; see also Judgment, ¶ 15; Second Amendment, ¶ 27.)

- 4 • **Enhanced security.** The County has still not, in contravention of the Second Amendment,
5 developed and implemented Monitor-approved security measures and protocols for
6 preventing the entry of narcotics and other contraband to the Juvenile Halls. And the
7 failure to do so has resulted in more overdoses and continued narcotic flow into the
8 Juvenile Halls (Ex. 58 at 1139; see *infra* pp. 11-12.)
- 9 • **Data collection.** The County’s failure to satisfy the amended Judgment’s requirement that
10 it implement adequate data-collection and -management systems—combined with the
11 County’s failure in some instances to provide any relevant data at all—has resulted in
12 serious obstacles to fully assessing the County’s compliance with many Judgment
13 provisions, including those related to timely medical care. (See, e.g., Ex. 58 at 1125; see
14 Judgment, ¶¶ 10-11; First Amendment, ¶ 13; Second Amendment ¶ 16.) The Monitor is
15 not alone in confronting this issue; the BSCC and OIG have also stressed that inadequate
16 data has stood in the way of an accurate picture of the County’s use of room confinement,
17 provision of recreation and programming, and maintenance of adequate staffing ratios.
18 (See Exs. 40 at 967; Ex. 41 at 978, 981.) Moreover, the Monitor and BSCC have both
19 identified instances in which Probation staff appear to have falsified information in
20 programming-and-recreation and safety-check logs so to make it appear that youth
21 received those activities when they in fact did not. (Ex. 7 at 323; Ex. 58 at 1122.) Despite
22 all of this, and the First and Second Amendment’s requirement that the County work with
23 the monitoring team’s Data Subject Matter Expert (SME) to adopt an adequate data-
24 collection and -management system by December, 2024, the County has failed to take
25 action necessary to come into compliance. (First Amendment, ¶ 13; Second Amendment,
26 ¶ 16; Ex. 58 at 1129.)
- 27 • **Home-like conditions.** The Monitor has recently expressed alarm over the conditions at LP
28 that he encountered during a site visit on June 26, 2025. (Ex. 53 at 1093-1094.) In an

1 email to the parties, he described his observations that “the facility and youth rooms are
2 extremely dirty, unkept, and covered in graffiti,” described these conditions as
3 “shameful,” and explained that some of the living units are “uninhabitable in their current
4 conditions.” (*Id.* at 1094.) These concerns extended even to LP’s medical unit, which
5 according to the Monitor, is “[c]ertainly not a sanitary medical environment.” (*Id.* at
6 1094.)

7 The Monitor’s most recent biennial report also sharply criticizes County leadership for its
8 role in allowing unacceptable conditions at the Juvenile Halls to persist. “Of greatest concern” to
9 the Monitor “is the lack of urgency in developing and implementing a strong strategic plan to
10 address the court-mandated directives outlined in the original Judgment and subsequent
11 [a]mendments.” (Ex. 38 at 930; see also *id.* at 899 [“The absence of a strategic plan for
12 addressing the requirements has caused the approach to compliance to be disorganized and
13 uncoordinated.”].) And that, according to the Monitor, is due in part to the “revolving door” for
14 Probation leadership, which, combined with a “lack of a meaningful transition plan for new
15 leaders[,] creates additional dysfunction within the organization, limiting Probation’s ability to
16 sustain changes over time or continue with progress toward achieving substantial compliance.”
17 (*Id.* at 902.)

18 Recent reporting from OIG on the County’s compliance with the Judgment provides
19 additional cause for concern over the safety of youth at the Juvenile Halls. (See, e.g., Ex. 41; Ex.
20 46; Ex. 60.) As part of its review, OIG randomly samples use-of-force incidents, which includes
21 reviewing video footage and staff reports, to assess their compliance with policy and the
22 Judgment. (Ex. 46 at 1009.) All four sampled incidents from March 2025—two at LP and one at
23 BJN—revealed egregious violations. In the first LP incident, the staff that was directly involved
24 failed to complete multiple necessary post-incident reports, and supervisory staff failed to identify
25 or correct these crucial omissions. (*Id.*, at 1009-1010.) OIG also identified the exact same
26 deficiencies in the second LP incident it sampled. (*Id.*, at 1010.) In the first BJN incident, the
27 youth involved “was merely standing in the living unit” when the involved officer “walked up to
28 him and sprayed him five times in his face.” (*Id.*, at 1011.) OIG concluded that the “youth’s

1 passive resistance to [the officer's] commands was not a sufficient reason to deploy OC spray.”
2 (*Ibid.*) What is more, the officer's report omitted required information and stated that OC spray
3 was deployed only three times, not five. (*Ibid.*) The reviewing supervisor failed to note both those
4 deficiencies in the officer's report as well as the lack of justification for the officer's use of OC
5 spray. (*Ibid.*) Lastly, the second BJN incident involved an officer using OC spray on the same
6 youth three times, the final two of which, OIG concluded, were unnecessary. (*Id.*, at 1012-1013.)
7 That officer submitted an incomplete post-incident report and neglected to mention *any* use of OC
8 spray in that report. (*Ibid.*)

9 Additional facts have recently entered the public record that further highlight the dire state
10 of affairs at LP in particular. First, in March 2025, the Attorney General secured a grand jury
11 indictment of 30 Probation staff for child endangerment and abuse, battery, and conspiracy for
12 permitting, facilitating, and encouraging 69 fights involving 143 different victims between July 1,
13 2023, to December 31, 2023. (Ex. 33 at 782.) The indictment also alleges that certain supervisory
14 employees instructed new officers not to document these instances of organized combat. (*Id.* at
15 820.) Reporting from the Los Angeles Times, meanwhile, describes another convention whereby
16 Probation staff would offer a “bounty”—typically fast food—in exchange for youth assaulting
17 particular other youth. (Ex. 36. at 858.)

18 Second, a number of overdoses have occurred at LP in 2025, despite the Second
19 Amendment's mandate that the County improve its contraband-screening protocols. (See Second
20 Amendment, ¶ 31.) On April 11, 2025, three youth were rushed to the hospital following apparent
21 drug overdoses. (Ex. 43 at 994.) And on July 2, 2025—just days after a contract tutor was arrested
22 attempting to smuggle dozens of pills into LP—one youth and eight staff were hospitalized
23 following exposure to an unknown narcotic. (Exs. 54, 57.) These incidents mark the latest of the
24 County's ongoing failures to prevent the influx of narcotics into the Juvenile Halls, which has
25 resulted in at least 22 overdoses by youth during the life of the Judgment—one of which was
26 fatal. (See Exs 12-13, 18, 24, 36, 43, 54, 57.) OIG's extensive reporting on the flow of contraband
27 into the Juvenile Halls highlights the role of Probation staff in facilitating youth access to
28 narcotics. (See, e.g., Exs. 12-13, 24, 36.) For example, OIG learned that “for some time, youth

1 orchestrated fake Door Dash food deliveries to bring contraband into the facility,” a scheme that
2 relied on Probation officers accepting, on behalf of youth, deliveries of items such as “pills
3 wrapped inside burritos” from youth’s friends or family members disguised as delivery drivers.
4 (Ex. 12 at 547.) And more concerning still, in June of this year a Probation officer was charged
5 with smuggling drugs into BJN beginning in May 2023, the same month in which a youth died of
6 overdose at that facility. (Ex 50 at 1047.) And, as discussed above, the County has still not, in
7 contravention of the Second Amendment, developed and implemented Monitor-approved security
8 measures and protocols for preventing the entry of narcotics and other contraband to the Juvenile
9 Halls.

10 On June 30, 2025, pursuant to the Second Amendment, because the County failed to
11 achieve substantial compliance with especially critical health, safety, and welfare Judgment
12 provisions and Detailed Plan tasks, “the monitoring team . . . without further order of this Court—
13 [was expanded] to include one Deputy Monitor for [LP].”⁵ (Second Amendment, ¶ 17.) The
14 Deputy Monitor has been onsite four days a week since July 7, and reported to the parties on July
15 17 that conditions remain unacceptable. For example, at LP a number of units remain
16 uninhabitable, unsafe, and unclean, room checks are not being conducted properly, and the
17 County’s inability to prevent illicit, toxic substances from entering the facility places youth at a
18 significant risk of harm. (Medeiros Dec’l, ¶ 66.)

19 **III. IN PARALLEL TO THE ATTORNEY GENERAL’S EFFORTS TO INDUCE THE COUNTY’S**
20 **COMPLIANCE, THE BSCC FINDS LP UNSUITABLE AND THE JUVENILE COURT**
21 **ORDERS IT DEPOPULATED AND THE BSCC THEN FINDS BJN UNSUITABLE**

22 The Attorney General and Monitor are not the only entities concerned with unsafe
23 conditions of confinement at the Juvenile Halls. Following an inspection of LP in July 2024, the
24 BSCC determined that the facility was out of compliance with staffing-related requirements of
25 Title 15 of the California Code of Regulations and that insufficient staffing had impacted youth’s
26 access to education, recreation, and medical care. (Ex. 34 at 824.) After the County failed to
27 obtain the BSCC’s approval of an adequate corrective action plan within the prescribed

28 ⁵ The Second Amendment further provides that “[t]he parties will meet to discuss whether
a Deputy Monitor is necessary for” BJN. (Second Amendment, ¶ 17.)

1 timeframe, the BSCC issued a finding of unsuitability for LP on October 14, 2024. (*Id.* at 825.)
2 Consequently, as of 60 days from that finding, December 14, 2024, the County has been
3 prohibited under Welfare and Institutions Code section 209 subdivision (a)(4) from using LP “for
4 confinement of juveniles.” (See also Ex. 34 at 823 [denial of County’s administrative appeal of
5 finding of unsuitability].) The County has nonetheless continued to detain youth at LP in violation
6 of that prohibition.

7 Meanwhile, on December 13, 2024, Judge Miguel Espinoza of this Court’s Juvenile Justice
8 Division issued an order for the County to show cause as to why, in light of the BSCC’s
9 unsuitability determination, the court should not order the County to: transfer all youth from LP
10 to a facility “deemed suitable by the BSCC” and cease detaining youth at LP “unless or until it is
11 deemed suitable[.]” (Ex. 29 at 705; see also Welf. & Inst. Code, § 209 subd. (a)(4) [giving the
12 juvenile court, along with the BSCC, the authority to make suitability determinations].) After
13 receiving briefing, the court ultimately ordered the County to submit “a proposal and timeline to
14 begin the process of depopulating [LP] by transferring youths . . . to other Probation-run facilities
15 . . . and to continue the process of depopulation until such time as [LP] comes into compliance
16 with state law.” (Ex. 44 at 1000.) The County submitted its plan for doing so on May 2, 2025.
17 (Ex. 47.) Its plan does not contemplate the full depopulation of LP, but rather the transfer of just
18 over one-third of its current population to different County-operated facilities.⁶ (*Id.* at 1028.) The
19 Court approved the County’s plan on May 16, 2025, but indicated that it would order LP fully
20 depopulated if the County failed to meet the plan’s own timeline for transferring youth out of that
21 facility. (Ex. 48 at 1039.)

22 The County plan to satisfy the Juvenile Court’s order and avoid the court-mandated closure
23 of LP has recently met a serious obstacle. Because the County’s plan would involve transferring
24 some pre-disposition youth to BJN, and because the BJN remained subject to the BSCC’s 2023
25 finding of unsuitability with respect to the confinement of pre-disposition youth, the County’s
26 plan hinged on the BSCC, following a request to reinspect BJN, finding that facility now suitable

27 ⁶ Any facilities that, as a result of this plan, begin to house pre-disposition youth would
28 consequently become “Juvenile Halls” within the meaning of the Judgment and thus subject to
the Judgment’s terms. (See Judgment, ¶ 8(l).)

1 for pre-disposition youth. (See Ex. 47 at 1028.) But on July 3, 2025, after a reinspection, the
2 BSCC notified the County that it had found BJN unsuitable for the confinement not only of pre-
3 disposition youth but also of the post-disposition youth currently housed at that facility.⁷ (Ex. 55.)
4 Consequently, in addition to being unable to move pre-disposition youth from LP to BJN to
5 comply with the Juvenile Court order, the County must also submit an adequate corrective action
6 plan to the BSCC within 60 days to avoid losing the authorization to confine post-disposition
7 youth at BJN. (See *id.*) In a press release discussing these findings, BSCC’s chair, Linda Penner
8 explained that “[i]t is clear that it would not be appropriate to move additional youth from [LP] to
9 [BJN] when the facility is unable to meet minimum standards.” (Ex. 56 at 1106.) She further
10 added that “[t]he ongoing and systemic failures at [LP] and [BJN] are unacceptable.” (*Ibid.*)

11 **IV. THE ATTORNEY GENERAL INITIATES ANOTHER MEET-AND-CONFER PROCESS**

12 On June 25, 2025, the Attorney General initiated the meet-and-confer process that, under
13 Judgment paragraph 34, is a necessary predicate to this motion by sending the County a letter
14 notifying it of the Attorney General’s intention to seek a receivership for the Juvenile Halls and
15 youth-serving monetary compensation. (See Ex. 52) The Attorney General has met in good faith
16 with the County on three separate occasions regarding the relief requested and appreciated the
17 County’s thoughtful engagement in those confidential discussions; the period for the meet and
18 confer has expired.

19 **ARGUMENT**

20 **I. THE COURT SHOULD ESTABLISH A RECEIVERSHIP FOR THE JUVENILE HALLS**

21 The Court should establish a receivership for the County’s Juvenile Halls and grant the
22 receiver the authority set forth in the proposed order.

23 A receiver “‘becomes an officer of the court to receive, collect, care for, administer, and
24 dispose of the property or the fruits of the property of another or others brought under the orders
25 of court.’” (*Plata, supra*, 2005 WL 2932253 at *22, quoting Clark, A Treatise on the Law and
26 Practice of Receivers (3rd ed. 1959).) “While the historical roots of receivership lie in the

27 ⁷ Unlike at the time of the BSCC’s 2023 unsuitability finding for BJN, the BSCC now has
28 the authority to find secure youth treatment facilities unsuitable for the confinement of post-
disposition youth as well. (See Welf. & Inst. Code, § 209, subd. (a)(3).)

1 protection of property and assets, and at times in the implementation of corporate reorganizations,
2 its usage expanded during the civil rights era.” (*Ibid.*) Hence, “[c]ourts have used receivers to
3 coerce public officials to comply with legal mandates in a number of factual settings, including
4 public schools, housing, highways, nursing homes, and prisons.” (*Dixon v. Barry* (D.D.C. 1997)
5 967 F.Supp. 535, 550; see also *United States v. Hinds County* (5th Cir. 2025) 128 F.4th 616, 636
6 [collecting state and federal cases in which courts have established receiverships for correctional
7 institutions].) Indeed, faced with strikingly similar factual circumstances and protracted failure to
8 adhere to a consent judgment, the United States District Court for the Southern District of New
9 York recently established a receivership for the Rikers Island Jails. (*Nunez v. N.Y.C. Dep’t of*
10 *Corrections* (S.D.N.Y. May 13, 2025) 2025 WL 1374584, *10-14; see also *Plata, supra*, 2005
11 WL 2932253, at *1 [establishing receivership for delivery of medical services at California
12 prisons following longstanding noncompliance with consent judgment].)

13 This Court’s authority to create a receivership for the Juvenile Halls comes from Code of
14 Civil Procedure section 564, subdivision (b)(3), which permits the establishment of receiverships
15 “[a]fter judgment, to carry the judgment into effect.” (See also *id.*, § 564, subd. (b)(9)
16 [authorizing receiverships “[i]n all other cases where necessary to preserve the . . . rights of any
17 party”].) Courts enjoy broad discretion in determining whether the exercise of that authority is
18 warranted. (See *City of Crescent City v. Reddy* (2017) 9 Cal.App.5th 458, 466, citing *City &*
19 *County of San Francisco v. Daley* (1993) 16 Cal.App.4th 734, 744.)

20 Courts weighing whether to establish a receivership for a public institution consider the
21 following factors, the first two of which are typically afforded “predominant weight”: (1)
22 “whether there is a grave and immediate threat or actuality of harm”; (2) “whether the use of less
23 extreme measures of remediation have been exhausted or proven futile”; (3) “whether continued
24 insistence [on] compliance with the Court’s orders would lead only to confrontation and delay”;
25 (4) “whether there is a lack of leadership to turn the tide within a reasonable period of time”; (5)
26 “whether there is bad faith”; (6) “whether resources are being wasted”; and (7) “whether a
27 receiver is likely to provide a relatively quick and efficient remedy.” (See *Plata, supra*, 2005 WL
28 2932253, at *23; see also *Nunez, supra*, 2025 WL 1374584, at *10; *Hinds County, supra*, 128

1 F.4th at 637; *District of Columbia v. Jerry M.* (D.C. Ct. App. 1999) 738 A.2d 1206, 1213, citing
2 *Judge Rotenberg. Education Center, Inc. v. Commissioner of Department of Mental Retardation*
3 (1997) 424 Mass. 430, 464; *Gary W. v. Louisiana* (E.D. La. 1990) 1990 WL 17537, at *32
4 [“Ultimately, the test of whether the appointment of an administrator with authority to carry out
5 court orders is justified is ‘one of reasonableness under the circumstances.’”], quoting *Morgan v.*
6 *McDonough* (1st Cir. 1976) 540 F.2d 527, 533.) These factors all weigh strongly in Plaintiff’s
7 favor and the motion for receivership over the Juvenile Halls should be granted.

8 **A. The Relevant Factors Weigh Heavily In Favor Of Establishing A**
9 **Receivership For The Juvenile Halls.**

10 Courts afford first two receivership factors—risk of harm and futility of alternative
11 remedies—“predominant weight.” (*Plata, supra*, 2005 WL 2932253, at *23.) Here, those factors
12 suffice to demonstrate that the Court should establish a receivership for the Juvenile Halls.
13 Consideration of the remaining factors fortifies that conclusion further still.

14 **1. Youth at the Juvenile Halls are suffering harm and face a grave and**
15 **immediate threat of future harm**

16 Conditions at the Juvenile Halls warrant the establishment of a receivership. Youth at the
17 Juvenile Halls are experiencing severe and intensifying harms of a variety of sorts. And these
18 harms can only be expected to continue without this Court’s further intervention.

19 To begin, the County has failed to guarantee the physical safety of the youth in its care.
20 Earlier this year, 30 Probation officers were indicted for permitting 69 separate instances of
21 youth-on-youth violence in a six-month period. (Ex. 33.) Overdoses, one of them fatal, have also
22 occurred at an alarming rate during the life of the Judgment—with OIG having highlighted the
23 role of Probation staff in the influx of narcotics at the Juvenile Halls. (See Exs. 12-13, 24, 26.)
24 Yet despite the ever-present risk of overdose, the Monitor has found staff routinely fail to
25 properly conduct safety checks on youth in their rooms. (See Ex. 38 at 905; but see Judgment, ¶
26 6; Cal. Code Regs., tit. 15, § 1328.) And, as concerns the entry of narcotics into the Juvenile Halls
27 in the first place, the County remains out of compliance with the Second Amendment’s
28 requirement that it obtain Monitor approval of and implement enhanced security measures to stem
the flow of contraband. (See Ex. 51 at 1070; but see Second Amendment, ¶ 31.)

1 Moreover, the Monitor has consistently stressed that the excessive youth idleness that
2 results from the staffing crisis and training failure in the Juvenile Halls contributes to increased
3 altercations between youth and uses of force against youth by staff. (Ex. 59 at 1114.) But the
4 County has failed to use the Judgment-mandated de-escalation teams consistent with the
5 Monitor’s directives to seek to obviate the need for uses of force. (*Id.* at 1130-1131. But see First
6 Amendment, ¶¶ 17-18; Second Amendment, ¶ 30.) What is more, the Monitor has found that staff
7 do not take account of potential medical contraindications before deploying OC spray, do not
8 ensure that youth receive medical assessments following OC exposure, and are failing to use the
9 temporary cold water shower kits to prevent further eye and skin injuries at LP. (See, e.g., Ex 58
10 at 1131. But see First Amendment, ¶ 8; Second Amendment, ¶ 28.) And youth in the County’s
11 care are endangered further still by the County’s inability to provide timely medical care. (See Ex.
12 51 at 1060. But see Judgment, ¶ 25(b), (h); Ex. 17 at 595-596 [requiring County to provide timely
13 medical care to all youth at the Juvenile Halls by July 23, 2023].)

14 In addition to youths’ physical integrity, the County’s noncompliance with the Judgment
15 also compromises youth’s most basic rights. Since the Judgment’s inception, the County has
16 struggled chronically to timely and consistently transport youth to school. (See, e.g., Ex. 39 at
17 936. But see Judgment, ¶¶ 26(e), 28(b); Ex. 17 at 596 [ordering the County to timely deliver all
18 youth at Juvenile Halls to school by July 23, 2023].) The County grossly over-relies on room
19 confinement, and also fails to properly document its use—potentially obscuring the full depth of
20 its noncompliance with the Judgment. (See Ex. 38 at 905; but see Judgment, ¶ 20.) And the
21 County’s staffing woes and refusal to implement the data-management upgrades required by the
22 First and Second Amendments have also significantly impacted youths’ access to time outdoors,
23 recreation, programming, religious services, and attorney visits. (See Ex. 58 at 1129. But see
24 Judgment, ¶ 26(c); First Amendment, ¶¶ 12-16; Second Amendment, ¶ 16.) The County has
25 chronically failed to provide adequate medical care, and, after the Office of the Attorney General
26 identified multiple youth with urgent unmet medical needs during a site visit in April 2025—
27 including deteriorating casts, severe bruising and swelling, and missing teeth—the County has
28 still failed to confirm to the Office of the Attorney General whether these youth have since

1 received medical attention. (Medeiros Dec’1, ¶ 47.) And, following a site visit in June 2025, the
2 Monitor recently opined that unsanitary conditions—including in the medical unit—have
3 rendered swaths of LP uninhabitable. (Ex. 53 at 1093-1094.)

4 Courts have not hesitated to establish receiverships when faced with similarly grave factual
5 scenarios. (See *Plata, Supra*, 2005 WL 2932253, at *24 [receivership for delivery of medical
6 services in California state prisons]; see also, e.g., *Nunez, supra*, 2025 WL 1374584 at *10;
7 *United States v. Hinds County* (S.D. Miss. Jan. 30, 2023) 2023 WL 1186925, at *5-8, *rev’d in*
8 *part on other grounds*, 128 F.4th 616, 639; *Shaw v. Allen* (S.D. W. Va. 1990) 771 F.Supp. 760,
9 762-763; *Wayne County Jail Inmates v. Wayne County* (1989) 178 Mich.App. 634, 658.) As the
10 Middle District of Alabama remarked when ordering the appointment of a receiver for Alabama’s
11 state prisons, “[l]iving conditions that constitute an imminent danger to health; inadequate
12 medical care that poses a threat to life; and insufficient security” are “facts [that] describe a state
13 of emergency demanding decisive action.” (*Newman v. Alabama* (M.D. Ala. 1979) 466 F.Supp.
14 628, 635.) Because these facts also describe conditions in the Juvenile Halls, the first factor cuts
15 sharply in favor of establishing a receivership.

16 **2. Measures less extreme than a receivership have been insufficient**

17 This litigation’s procedural history is proof of the necessity of a receivership. Less-
18 intensive interventions have repeatedly failed to bear fruit. And nothing suggests that giving the
19 County more time achieve compliance with the Judgment would result in anything more than
20 needlessly subjecting more youth to the unacceptable conditions at the Juvenile Halls. “In
21 essence, the time has now come when the number of options with any realistic chance of success
22 has dwindled down to a single one—Receivership.” (*Plata, supra*, 2005 WL 2932253, at *21.)

23 Efforts to date by the Court, Attorney General, and Monitor to induce the County’s
24 compliance with the Judgment include: (1) setting updated compliance deadlines in response to
25 the Attorney General’s motion to enforce; (2) two sets of remedial amendments to the Judgment;
26 (3) expanding the monitoring team; (4) numerous offers by the monitoring team to provide
27 technical assistance and training to the County; and (5) the Office of the Attorney General’s
28 extensive engagement with the County regarding areas of noncompliance, including regarding

1 noncompliance observed during site visits to the Juvenile Halls. Despite this concerted focus for
2 over four years on promoting the County’s compliance, the County has achieved substantial
3 compliance with only 23% of its obligations under the Judgment. (See Exs. 39, 57.) And it bears
4 repeating that—all while the Juvenile Halls were subject to court-ordered monitoring—at least 22
5 youth have obtained narcotics and overdosed while in the County’s custody, and at least 30
6 Probation staff have been able to stand by and allow at least 69 different assaults among youth to
7 take place. The County has thus thoroughly demonstrated that extensive monitoring, remedial
8 amendments, and court orders to enforce (and BSCC unsuitability findings) alone are insufficient
9 to protect youth at the Juvenile Halls.

10 Moreover, neither sanctions nor contempt offer promise for bringing the County into
11 compliance, given the entrenched and structural reasons for its failure to comply with the
12 Judgment. (See *Plata supra*, 2005 WL 2932253, at *27 [collecting cases in which courts declined
13 to initiate contempt proceedings prior to establishing a receivership]; see also *Daley, supra*, 16
14 Cal.App.4th at p. 745 [“[T]he availability of other remedies does not, in and of itself, preclude the
15 use of a receivership.”].) Major impediments to the County’s compliance with the Judgment
16 include: (1) the staffing and staff training crisis, which in turn is the result of numerous factors
17 including poor staff wellness, a high rate of staff turnover, and rampant leave abuse; (2) a lack of
18 sustained commitment by Probation leadership—the composition of which is regularly in flux
19 (see *infra*, § I.A.4)—to bring the Juvenile Halls into compliance by the Judgment; and (3) a
20 culture among Probation staff that, for example, gives rise to an indictment of 30 officers in
21 organized youth-on-youth combat. These are precisely the sort of ossified barriers to institutional
22 reform that Courts have found not amenable to repair via monetary sanctions. (See, e.g., *Hinds*
23 *County, supra*, 2023 WL 1186925, at *9; *Plata, supra*, 2005 WL 2932253, at *27-28; see also
24 *Judge Rotenberg Educational Center, supra*, 424 Mass. at p. 464 [“In general, the more indurated
25 the problems and less likely that intermediate steps will work, the greater the justification for a
26 receivership.”])

27 Indeed, as in *Nunez*, “there is nothing in the record to suggest that increasing the financial
28 burden on Defendants, which would in effect be a burden on taxpayers, would secure change.”

1 (*Supra*, 2025 WL 1374584, at *11.) The County already expends hundreds of thousands of
2 dollars per youth detained, and, as in *Nunez*, is currently paying “large sums to individual
3 plaintiffs” to address the harm to many youth who have been injured in the halls, including
4 through staff-on-youth sexual assault and unnecessary use of force.⁸ (*Ibid.*) Unfortunately, these
5 ongoing “financial burdens” are “not effective[]” in helping “to improve conditions in the
6 [Juvenile Halls].” (*Ibid.*)

7 Thus, having “exhausted all reasonable means of compulsion” the Court should establish a
8 receivership for purposes of bringing the Juvenile Halls into compliance with the Judgment.⁹
9 (*Plata, supra*, 2005 WL 2932253, at *27.)

10 **3. Continued insistence on the County’s compliance with the judgment**
11 **and this Court’s orders would only lead to further delay**

12 It is clear from more than four years of unflagging noncompliance with the Judgment and
13 this Court’s orders that additional motions to enforce or efforts to obtain the County’s stipulation
14 to new remedial amendments are most likely to result only in a greater number of unfulfilled
15 obligations. Underscoring further still the County’s insufficient response to mandates related to
16 the Juvenile Halls, for over seven months now, the County has continued to detain youth at LP
17 after the BSCC declared that facility unsuitable for the confinement of minors. The County’s
18 recently approved plan for reducing the population of LP does not detract from how heavily this
19 factor weighs in favor of establishing a receivership, for numerous reasons. First, many areas of
20 the County’s noncompliance with the Judgment have nothing to do with the population of LP and
21 the County’s struggle to marshal sufficient staff at that facility.

22 _____
23 ⁸ See, e.g., Exs. 45 [reporting on \$4 billion settlement in case involving alleged sexual
24 abuse of youth in custody of the County’s probation department]; 49 [“L.A. County to pay 2.7
25 million to teen assaulted in ‘gladiator fight.’”]

26 ⁹ Because they would be more intrusive than a Receivership, the Attorney General is not
27 at this time seeking the sequestration of funds or an order closing the Juvenile Halls or releasing
28 youth from them. (See *Plata*, 2005 WL 2932253, at *28 [declining to consider these remedies
because they would be “more onerous to defendants than the establishment of a Receivership”];
see also *Nunez, supra*, 2025 WL 1374584 at *11; cf. *Hinds County, supra*, 2023 WL 1186925, at
*9 [noting the possibility of ordering local leadership to “spend a week or more” detained in
facility subject to consent decree, because “[e]xperiencing life at the jail firsthand would surely
motivate the County’s leaders to correct unconstitutional conditions therein,” but ultimately
concluding that this would be too “extreme [a] remedy—at least, at present”].)

1 The County’s extended failure to submit an adequate joint medical transportation plan, for
2 example, has nothing to do with staffing at LP. The same is true of staff’s falsification of
3 programming logs, role in facilitating the influx of narcotics into the Juvenile Halls and allowing
4 youth-on-youth assaults to occur, and the County’s failure to create an adequate electronic data
5 system and collect and provide the Monitor with sufficient data to fully assess Judgment
6 compliance, create and implement enhanced contraband-detection protocols, and update and
7 implement numerous policies as required by the Second Amendment.

8 Second, the County has provided no reason to believe that transferring youth out of LP to
9 other facilities will not have the effect of simply spreading the staffing crisis and other violations
10 across—and thus negatively impacting conditions at—multiple locations. Third, the County’s
11 plan hinges on the BSCC finding a number of additional facilities suitable for the confinement of
12 pre-disposition youth—and is consequently seemingly impossible to legally effectuate now that
13 the BSCC has found BJN unsuitable. The Probation Depopulation Plan approved by the juvenile
14 court provided a population benchmark to reduce the population of LP to 175 youth by August
15 16, 2025. As of July 17, 2025, the population at Los Padrinos was 285, which is higher than the
16 May population of 278 youth. (See Medeiros Dec’;, ¶ 64.)

17 It is resoundingly clear, then, that continuing to insist on the County’s compliance on the
18 Judgment would lead to nothing more than further delay and unnecessary harm to youth.

19 **4. Considerations related to county leadership provide no reason to**
20 **refrain from establishing a receivership**

21 Throughout the life of the Judgment, the Monitor has been candid about the role that
22 County and Probation leadership have played in fostering the current state of affairs at the
23 Juvenile Halls. The Monitor’s February 2023 letter to the Board of Supervisors, for example,
24 stressed that “[i]t is evident in all aspects of facility operations that there is a lack of
25 accountability and what appears to be a lack of desire and commitment by leadership to improve
26 facility conditions as required by the Judgment.” (Ex. 9 at 494) And while those comments
27 predate the tenure of the current Probation Chief—who was sworn in on October 3, 2023 after
28 serving as “Juvenile Chief Strategist” for the County since April 2023—the Monitor’s assessment

1 has not meaningfully improved. Indeed, in April of this year, the Monitor emphasized that he
2 “remains concerned about what appears to be a lack of accountability, leadership, and political
3 will to move forward or hold department and facility staff accountable for the continued
4 deficiencies that plague the [Juvenile] Halls.” (Ex. 38 at 930; see also *id.* at 902 [expressing
5 “concern[s] that the lack of consistent leadership within Probation and at each facility has
6 impeded the County’s inability to make impactful changes and achieve significant
7 compliance[.]”.) As discussed, in the last two years Judgment compliance has stalled or regressed,
8 and both LP and BJN halls have received unsuitability determinations from the BSCC. Hence,
9 because nothing indicates that current County leadership will be able “to turn the tide within a
10 reasonable period of time,” this factor similarly demonstrates why a receivership is necessary.
11 (*Plata, supra*, 2005 WL 2932253, at *23.)

12 **5. The County has not been a responsible steward of the public fisc at**
13 **the Juvenile Halls**

14 While the Judgment does not call for nor has the Court “ordered a detailed accounting, all
15 the evidence” suggests that taxpayer resources continue to be squandered in the mismanagement
16 of the Juvenile Halls. (*Plata, supra*, 2005 WL 2932253, at *31; see, e.g., Ex. 10 at 528
17 [monitoring report decrying “abusive leave practices” among staff]; Ex. 58 at 1125 [monitoring
18 report highlighting that the County has entered into a contract with, but never used, a private
19 medical transportation provider]; Ex. 57 at 1114 [monitoring report explaining that as of May
20 2025, at least 30 staff at BJN and 137 staff at LP were out on leave].) Available public documents
21 show that the County spends hundreds of thousands of dollars per youth in its juvenile facilities.
22 See Ex 2 [reporting that, per a 2016 County audit, the average cost of incarcerating youth was
23 \$233,600 per year].) And the County is statutorily responsible for maintaining a “safe and
24 supportive homelike environment” at the Juvenile Halls, and “provid[ing] appropriate
25 programming, treatment, and education” at its Secure Youth Treatment Facility housed at BJN.
26 (Welf. & Inst. Code, §§ 851, 875, subd. (g)(1).) Given the abysmal outcomes that it is reaping in
27 return, the funds expended are not being used consistent with the most basic statutory and
28 regulatory requirements. The Attorney General, meanwhile, has likewise invested significant

resources in seeking to induce the County’s compliance with the Judgment through site visits, intensive engagement on areas of noncompliance, meet-and-confer processes, and enforcement litigation. Accordingly, this factor also supports establishing a receivership for the Juvenile Halls.

6. The Court need not inquire as to who in the County has acted in bad faith before establishing a receivership

As concerns bad faith, ultimately, “[t]he question of motive is complicated,” and “[a]s in any case dealing with a governmental institution, circumstances are dictated by a combination of individual effort (or lack thereof) and bureaucratic and political forces.” *Plata, supra*, 2005 WL 2932253, at *30.) In light of those observations, although the *Plata* court found that “lack of will” was “a key factor contributing to” conditions in the State’s prisons, it reasoned that it “need not ascribe ill will to defendants as a predicate to appointing a Receiver,” and therefore “decline[d] to do so.” (*Ibid.*; see also *Hinds County, supra*, 2023 WL 1186925, at *12.) Here, the factual record is certainly not devoid of indicia of bad faith by at least some actors. (See, e.g., Ex. 12 [discussing role of Probation staff in facilitating youth access to narcotics]; Ex. 33 [indictment of 30 Probation officers for permitting 69 incidents of youth-on-youth violence during six-month period]; Ex. 34 at 824 [discussing Probation staff’s falsification of logs]. Nonetheless, the Attorney General submits that, particularly given the strength of the other factors, the Court need not consider whether the County has acted in bad faith before establishing a receivership for the Juvenile Halls.

7. The Attorney General’s proposed receivership offers the best prospects for bringing the Juvenile Halls into timely and effective compliance

The receivership that the Attorney General seeks, which is set out in the proposed order, is the remedy that holds the most promise of doing what the County has proven itself incapable of: bringing the Juvenile Halls into substantial compliance with the Judgment. It draws in large part from remedial receiverships that courts have successfully established for other similar institutions. (See Ex. 1 [Agreed to Order Appointing a Transitional Administrator, *Doe v. Cook County* (N.D. Il. Aug. 14, 2007), No. 99-cv-03945, Dkt. 330]; *Nunez, supra*, 2025 WL 1374584, at *27-33; *Hinds County, supra*, 2023 WL 1186925, at *15-20; *Plata v. Schwarzenegger* (N.D.

1 Cal. Feb. 14, 2006) 2006 WL 8563430 [order appointing receiver].) These include that which the
2 United States District Court for the Northern District of Illinois established for the Cook County
3 Juvenile Temporary Detention Center, which, having been dissolved in 2015, is generally lauded
4 as a success (see Roush, *Recalibrating Juvenile Detention Lessons Learned from the Court-*
5 *Ordered Reform of the Cook County Juvenile Temporary Detention Center* (2019)). And they
6 also include the receivership that the United States District Court for the Northern District of
7 California established for the provision of medical services in California’s prisons, which has
8 likewise resulted in significant improvements. (See Petek, Gabriel, *Overview and Update on the*
9 *Prison Receivership*, Legislative Analyst’s Office (Nov. 2023) < <https://tinyurl.com/4n66fkph>>
10 [as of July 22, 2025] [explaining that “[s]ince the establishment of the [*Plata*] Receivership, the
11 Receiver has implemented significant changes in the delivery of prison medical care in order to
12 bring the state into compliance with constitutional standards”].)

13 The Attorney General’s proposed receivership will give the Receiver the tools necessary to
14 address the root causes of the County’s present inability to comply with the Judgment. It will
15 result in the transfer of all powers currently vested in the County with respect to all aspects of the
16 operation, administration, and management of the Juvenile Halls to the Receiver. Hence—and as
17 will be crucial in shepherding the Juvenile Halls towards compliance with the Judgment—the
18 Receiver “shall have the power to hire, fire, suspend, supervise, promote, transfer, discipline, and
19 take all other personnel actions regarding County employees,” and shall also “have the power to
20 establish personnel policies and to create, fill, abolish, or transfer positions at the Juvenile Halls.”
21 The Receiver shall also “have the power to access, acquire, utilize, dispose of, modernize, repair,
22 construct, demolish, remodel, and lease property, equipment, and other tangible goods as is
23 necessary to discharge his duties[.]” And—as is commonplace in both state and federal remedial
24 receiverships—the Receiver may also petition the Court to waive legal, regulatory, or contractual
25 obligations related to the Juvenile Halls upon demonstrating the necessity of doing so. (See, e.g.,
26 *Plata, supra*, 2006 WL 8563430, at *3; Order Granting City’s Motion to Enforce Stipulated
27 Judgment and Permanent Injunction, *City of Rancho Cucamonga v. Soya* (San Bernardino County
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1 Super. Ct. July 28, 2021) 2021 WL 4059331; Order Appointing Receiver, *Joseph v. Giovanni's*
2 *Furniture* (S.F. Super. Ct. Mar. 27, 2007) 2007 WL 7135377.)

3 Lastly, as concerns the identity of the Receiver, the Attorney General is requesting
4 appointment of Judgment's current monitor, Michael Dempsey, as Receiver. Mr. Dempsey is the
5 current Executive Director of the Council of Juvenile Correctional Administrators, a national non-
6 profit organization. (Ex. 61 at 1185.) His past experience includes serving as the superintendent
7 of two juvenile detention facilities in Kansas and Indiana, and as the Executive Director of the
8 Indiana Department of Correction's Division of Youth Services. (*Id.* at 1186.) Mr. Dempsey will
9 accept appointment if the Court so orders and has assured the Office of the Attorney General that
10 if appointed, he would commit to being present at the Juvenile Halls for two weeks out of each
11 month. (Medeiros Dec'l, ¶ 65.) And it also bears noting that the County has already expressed its
12 confidence in Mr. Dempsey expertise and capabilities, having agreed to him serving as Monitor
13 when it stipulated to the Judgment. Moreover, Mr. Dempsey is thoroughly familiar with the
14 County's systems, its struggles, impediments and barriers to compliance, and with California law
15 and regulations, and the parties and is best suited to intervene and immediately move reform
16 forward.

17 Ultimately, as in *Plata*, it may well be that meaningful reform of the Juvenile Halls "will be
18 a monumental task." (*Supra*, 2005 WL 2932253, at *31.) But here too, "steady progress here
19 under the direction of a Receiver is possible" and "gains in" protecting youth and upholding their
20 fundamental rights "will be made along the way[.]" (*Ibid.*) And that is likewise "*far* preferable to
21 the current state of paralysis." (*Ibid.*, emphasis added.) In sum, all of the equitable factors weigh
22 strongly in favor of granting a receivership, and the Court should so order.

23 **II. THE COURT SHOULD ESTABLISH A YOUTH-SERVING COMPENSATORY FUND**

24 In addition to establishing a receivership to bring the Juvenile Halls into compliance with
25 the Judgment, the Court should also order the County to establish a youth-serving compensatory
26 fund to redress and repair the injuries suffered by youth in the County's custody due to its
27 noncompliance with the First and Second Amendments, including medical and education
28 expenses. As is set forth in the proposed order, the Court should order the County to deposit

1 \$500,000 into that fund (approximately \$2,500 per monthly non-compliance finding of the First
2 and Second Amendments in key areas from December 2023 to May 2025 (see Exs. 31-32, 35-36,
3 51, 58) and then delegate to the Receiver, as an officer of the Court, the authority to disperse it in
4 the manner that the Receiver deems sufficient and appropriate in light of the harms and
5 deprivations of rights that youth experienced at the Juvenile Halls due to the County’s failure to
6 comply with the Judgment, including for unnecessary use of force and deprivation of medical
7 services. The creation of such a fund for compensatory services is within this Court’s equitable
8 authority and is commonplace in institutional reform litigation. (See, e.g., *Milliken v. Bradley*
9 (1977) 433 U.S. 267, 279-288; *Pihl v. Mass. Dept. of Educ.* (1st Cir. 1993) 9 F.3d 184, 189
10 [recognizing that the equitable remedy of compensatory educational services “is available to
11 remedy past deprivations”]; *Emily Q v. Bonta* (E.D. Cal. 2021) 208 F.Supp.2d 1078, 1110
12 [explaining that the award of compensatory behavioral health services is “a proper equitable
13 remedy” and is “not transformed into a damages award simply because it will involve the
14 expenditure of state funds”]; see also *Tulare Irrigation Dist. v. Lindsay-Strathmore Irrigation*
15 *Dist.* (1935) 3 Cal.2d 489, 574 [“The equity courts possess broad powers and should exercise
16 them so as to do substantial justice.”].) It would also be in harmony with this Court’s July 7, 2023
17 order requiring the County to implement various aspects of a monitoring-team-crafted plan for the
18 delivery of compensatory education services to youth entitled to those services under the
19 Judgment. (See Ex 19 at 604; see also Judgment, ¶¶ 32-33 [requiring the County to provide
20 compensatory education services to youth].)

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CONCLUSION

The Court should grant the Attorney General’s motion to establish a receivership for the Juvenile Halls and enter the proposed order setting forth the structure of the receivership and authority of the Receiver. The Court should also order the County to create a youth-serving fund and deposit \$500,000 in that fund to be used by the Receiver, as an officer of the Court, to redress injuries suffered by youth in the County’s custody, including for medical expenses.

Dated: July 24, 2025

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