

1 **RODNEY S. DIGGS (SBN 274459)**

2 rdiggs@imwlaw.com

3 **JACK F. ALTURA (SBN 297314)**

4 jaltura@imwlaw.com

5 **YALDA PAYDAR (SBN 326081)**

6 ypaydar@imwlaw.com

7 **IVIE McNEILL WYATT PURCELL & DIGGS**

8 444 S. Flower Street, Suite 1800

9 Los Angeles, California 90071

10 Tel. (213) 489-0028

11 Fax (213) 489-0552

12 Attorneys for Real Party in Interest

13 **COUNTY OF LOS ANGELES**

14 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

15 **JUVENILE DIVISION**

16 On behalf of:

17 **ALL YOUTH DETAINED IN JUVENILE**
18 **HALLS AND CAMPS IN LOS ANGELES**
19 **COUNTY,**

20 Petitioners,

21 vs.

22 **SUPERIOR COURT OF LOS ANGELES**
23 **COUNTY JUVENILE DIVISION, et al.,**

24 Respondents;

25 **THE PEOPLE OF THE STATE OF**
26 **CALIFORNIA; THE COUNTY OF LOS**
27 **ANGELES,**

28 Real Parties in Interest.

CASE NO.: JW2020-01

[Assigned to Hon. Brett Bianco, Dept. 416]

REAL PARTY IN INTEREST COUNTY
OF LOS ANGELES' RETURN TO
PETITION FOR WRIT OF MANDAMUS

Petition filed: April 15, 2020

OSC issued: April 28, 2020

Hearing: May 11, 2020 at 1:30 p.m.

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I.
INTRODUCTION

The Los Angeles County Probation Department (“Probation”) is the largest probation services agency in the United States, supervising 556 youth¹ in 8 juvenile facilities around Los Angeles County. Through the careful planning and tireless efforts of Probation staff and their partners at the Department of Mental Health (DMH), Department of Public Health (DPH), and Juvenile Court Health Services (JCHS), no youth at any Probation facility has tested positive for COVID-19. Probation, in coordination with its partner agencies, is ensuring that detained youth have access to medical and mental healthcare, to educational material, and to telephone videoconferencing with their families and legal counsel. Starting on May 4, 2020, all newly admitted youth will be tested for COVID-19 before assignment to a housing unit.

Following the CDC’s and DPH’s health guidelines, social distancing has been implemented at all Los Angeles County juvenile facilities. All facilities have distributed masks to youth, have installed hand sanitizer stations, and regularly disinfect all frequently touched areas. Probation has installed new computers and other infrastructure to enhance remote learning and to minimize COVID-19’s effect on youth education. These new capabilities will also allow youth to have visual mental health therapy sessions with DMH doctors and counselors and will facilitate videoconferencing with their families, their attorneys, and the court.

¹ As of May 4, 2020.

Nonetheless, Probation recognizes that more needs to be done. Probation continues to work closely with justice partners at the District Attorney's Office, the Public Defender's Office, the Alternative Public Defender's Office, and the Defense Panel to identify youth for early release when safe and ordered by the juvenile court. Probation is in daily consultation with DMH, DPH, JCHS, the Los Angeles County Office of Education (LACOE), and other agencies to minimize disruption COVID-19 has on detained youths' lives.

Probation agrees that youth should be evaluated on an expedited basis for early release, and Probation has already released several hundred youth from its facilities. However, the Welfare & Institutions Code (“WIC”), the California Rules of Court (“CRC”), and case law uniformly require any determination about youth detention, release, or modification of a court order be made on an individualized basis. “Juvenile courts and other public agencies charged with enforcing, interpreting, and administering the juvenile court law [are mandated] to consider the safety and protection of the public, the importance of redressing injuries to victims, and the best interests of the minor in all deliberations” made under the Code. WIC § 202(d).

To that end, Probation is prepared to assist justice partners and the court in making those determinations.

II. DISCUSSION

A. Current Conditions in Los Angeles County Juvenile Halls and Camps

No youth currently detained in any facility operated by Probation has tested positive for COVID-19. (**Exhibit A**, Declaration of Jennifer Kaufman (“Kaufman Decl.”) ¶ 5.) As of May 4,

1 2020, 21 youth have been tested for COVID-19, with 19 negative results and 2 pending. (*Id.*)
2 Following DPH guidelines, any youth with a fever or who presents COVID-19 symptoms
3 outlined by DPH are immediately tested. (*Id.*) Probation is working with DPH and JCHS to test
4 more youth, and starting May 4, 2020, all new juvenile hall admits are being tested before
5 assignment into a housing unit. (**Exhibit B**, Declaration of David Oh, M.D. ("Oh Decl.") ¶ 4.)
6

7 DPH maintains an updated list of youth whom a physician has determined needs closer
8 monitoring (Fragile Youth list). There are currently no detained youth who have a compromised
9 immune system because all such youth were already released. (Kaufman Decl. ¶ 5.)

10 As of May 4, 2020, nineteen Probation staff members have tested positive for COVID-
11 19, although two of these staff members were on leave and were not at work when they tested
12 positive, and ten were working in the field. (Kaufman Decl. ¶ 6.) All nineteen staff members are
13 on medical leave and receiving medical care. (*Id.*) Following DPH guidelines, any youth who
14 may have been exposed to COVID-19 was immediately quarantined in separate housing units.
15 (*Id.*) There are currently two youth in quarantine, and are closely monitored by medical staff
16 who perform health checks twice a day. (*Id.*) All youth currently in quarantine appear healthy
17 with no COVID-19 symptoms. (*Id.*)
18

19 **1. Probation's COVID-19 Operations Plan**

20 On March 11, 2020, Probation activated the COVID-19 Operations Plan (Plan)
21 that set forth guidelines on reducing the risk of spreading COVID-19 to youth. (Kaufman
22 Decl. ¶ 7.) The Plan directed Probation staff returning from travel overseas and staff
23 exhibiting symptoms common to COVID-19 to self-quarantine. (*Id.*)
24

25 All Probation staff were provided with a copy of the Plan, which included
26 information explaining how COVID-19 is commonly spread and informing staff how to
27
28

1 reduce the risk of spreading the virus. Specifically, the Plan directed staff to maintain
2 social distancing, avoid touching one's face, wash their hands with soap and water for at
3 least 20 seconds, and disinfect frequently-touched surfaces with approved biocide. The
4 Plan also instructed staff how to identify and quarantine potentially sick youth.
5

6 The Plan also enhanced inventory management for important items such as paper
7 towels, soap, alcohol-based sanitizer, personal protective equipment (PPE), and food
8 stocks. (Kaufman Decl. ¶ 8.) All facilities are required to maintain at least a ten-day supply
9 of food, but Probation's management services has made sure each facility has three
10 weeks' worth of food. (*Id.*) Probation has ensured all juvenile halls and camps maintain
11 adequate supplies in order to further facilitate the Plan.
12

13 Under the Plan, new youth are administered an enhanced admission screening
14 examination. (Kaufman Decl. ¶ 9.) No new youth are allowed into any Probation facility
15 until they are assessed and cleared by medical staff. (*Id.*) All movement between the
16 halls and camps has been temporarily suspended to prevent potential cross-infection with
17 COVID-19. (*Id.*) Currently, only youth arrested for crimes that require mandatory
18 detention are being admitted and held at juvenile halls. (*Id.*) All other youth are being
19 screened by the District Attorney and Public Defender prior to their detention hearings.
20
21 (*Id.*)
22

23 **2. Probation is Educating Youth about How to Stay Safe**

24

25 Probation and JCHS have instructed all youth currently detained in a hall or camp
26 about the risks of COVID-19 and on how to stay safe. (Oh Decl. ¶ 10.) At each facility,
27 Probation staff have verbally instructed youth and have played a video presentation about
28

1 social distancing, maintaining proper hygiene, and recognizing the symptoms of COVID-
2 19. Probation documents instruction on COVID-19 precautions in every youth's online
3 probation record.
4

5 On March 12, 2020, Probation, in consultation with JCHS, posted signs at each
6 facility that advise youth on daily practices to avoid transmission of COVID-19. (*Id.*)
7 Probation staff conduct daily inspections to ensure the signs remain intact and legible.
8 These signs are posted in living units, office space, and at all entry and exit points.
9

10 **3. Probation Follows the Guidelines of CDC and DPH to Protect Detained Youth from**
11 **COVID-19**

12 Probation closely follows the guidelines of the CDC and DPH to reduce the risk of
13 exposing detained youth to COVID-19. The CDC Guidance on Management on COVID-19 in
14 Correctional and Detention Facilities recommends that the guidelines be tailored to each
15 facility.² The guidelines recommend increasing the space between people in holding cells, lines,
16 and waiting areas; and recommend staggering time in recreation spaces and meal times and
17 rearranging seating in dining halls so that youth can maintain social distancing. Group sizes for
18 activities should be reduced, but suspending all outdoor activities has not been recommended. In
19 housing units, youth are to sleep head to foot and bunks are to be spread out. The CDC
20 recommends designating rooms near each housing unit to evaluate youth with COVID-19
21 symptoms. Reducing or avoiding youth from different facilities mixing and potential cross-
22 contaminating is also recommended.
23

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25
26
27 ² CDC guidelines are available at: [https://www.cdc.gov/coronavirus/2019-ncov/downloads/managing-COVID19-in-](https://www.cdc.gov/coronavirus/2019-ncov/downloads/managing-COVID19-in-correctional-detention.pdf)
correctional-detention.pdf.

28 DPH guidelines are available at:

<http://publichealth.lacounty.gov/media/coronavirus/docs/facilities/GuidanceCorrectionalDetentionFacilities.pdf>.

1 As described below, Probation has implemented or is implementing each of these
2 recommendations. (See **Exhibit C**, Declaration of Lello Tesema, M.D. (“Tesema Decl.”) ¶ 6.)

3 **a. Social Distancing**

4 In accordance with the CDC and DPH guidelines, Probation has adopted the following
5 practices in order to safely practice social distancing:
6

- 7 (1)rearranging scheduled movements to minimize mixing of youth from different housing
8 areas within the same facility;
- 9 (2)limiting the congregation of youth to small groups of six or fewer;
- 10 (3)educating youth about proper social distancing and proper hand washing procedures;
- 11 (4)requiring youth to shower individually and staggering showers throughout the day to
12 allow for cleaning;
- 13 (5)maximizing outside recreation space;
- 14 (6)staggering meals and requiring youth to sit at different tables from one another;
- 15 (7)staggering when youth are allowed to watch television and play games;
- 16 (8)limiting group exercise to six youth at a time, sanitizing all sporting equipment after
17 each use, and requiring youth to wash their hands after recreation (youth are permitted to
18 decline exercise if they choose); and
- 19 (9)instructing staff to comply with social distancing when coming on and off duty.
20
21 (Kaufman Decl. ¶ 10.)
22

23 **i. Probation has Modified Sleeping Arrangement to Limit**
24 **Exposure to COVID-19**

25 Probation has modified sleeping arrangements to limit potential exposure to COVID-19.
26 In juvenile halls, youth have been assigned their own room. (Kaufman Decl. ¶ 11.) In juvenile
27 camps, youth reside in dormitory-style housing. (*Id.*) In accordance with the recommendation of
28

1 DPH, youth in juvenile camps are instructed to sleep head to toe to maximize the distance
2 between each youth. (*Id.*) Each bed is spaced four feet apart, and Probation is increasing the
3 distance by placing a vacant bed in between sleeping youth when possible. (*Id.*)

4 **ii. Probation Never Practices Solitary Confinement**

5 It is against Probation policy to place a youth in solitary confinement. If youth are
6 exposed to COVID-19, they are quarantined as recommended by JCHS and DPH. Youth are
7 quarantined in accordance with Juvenile Title 15 CCR § 1354.5, which requires Probation staff
8 to ensure quarantined youth are not isolated from peers.
9

10 Section 1354.5, subsection (b)(9) states:

11 This section does not apply when a youth is placed in a locked cell
12 or sleeping room to treat and protect against the spread of a
13 communicable disease for the shortest amount of time required to
14 reduce the risk of infection, with the written approval of a licensed
physician or nurse practitioner, when the youth is not required to
be in an infirmary for an illness.

15 Probation recognizes that youth are particularly vulnerable to long periods of quarantine.
16 Probation and DMH carefully monitor youth in quarantine and make every effort to avoid
17 significant quarantine periods. Youth on quarantine are still provided indoor and outdoor
18 recreation.

19 **b. Soap and Hand Sanitizer**

20 Probation distributed 1,500 bottles of hand sanitizer to all facilities on March 24,
21 2020 and during the week of April 6. (Kaufman Decl. ¶ 12.) Each facility is inspected
22 daily to ensure there are sufficient quantities of soap and hand sanitizer. (*Id.*) Probation
23 has installed hand sanitizer stations throughout facilities and will install 75 additional
24 hand sanitizing stations by May 8, 2020 to supplement existing stations. (*Id.*)
25

26
27 ///

1 **c. Protective Gloves**

2 Probation follows the CDC and DPH guidelines that gloves should only be
3 distributed to youth handling food or cleaning as excessive use of gloves can cause cross-
4 contamination. (Kaufman Decl. ¶ 13.) As a precaution, youth have been removed from
5 kitchen work during this crisis. (*Id.*) Janitorial services clean high-touch areas at least
6 twice per shift using an EPA-approved anti-viral agent. (*Id.*) In accordance with DPH
7 guidelines, Probation staff are required to wear gloves when touching a youth and the
8 gloves are thereafter discarded. (*Id.*)
9

10 **d. Masks**

11 As of April 7, 2020, Probation staff are required to wear masks while interacting
12 with youth, and Probation maintains more than a two-week supply of N-95 masks.
13 (Kaufman Decl. ¶ 14.) Initially, youth were not recommended to wear masks to preserve
14 limited supplies for first responders and medical staff. However, that recommendation
15 has changed. Now, youth in juvenile camps have been provided with several cloth masks
16 to ensure that the masks are washed regularly. (*Id.*) Youth in juvenile halls are provided
17 with a surgical mask that is replaced daily. (*Id.*)
18

19 **e. Sanitation with Anti-Viral Disinfectants**

20 Probation uses PURE, a non-caustic disinfectant agent that the Environmental
21 Protection Agency lists as effective at destroying SARS-CoV-2.³ (Kaufman Decl. ¶ 15.)
22 PURE is maintained at each facility and stocks are checked daily. (*Id.*) All facilities are
23 sanitized daily and high-contact areas are sanitized at least twice per day. (*Id.*) Common
24
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26
27

28 ³ <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>

1 areas with regular foot traffic such as restroom facilities, lobby areas, break rooms, kiosk
2 machines, doorknobs, and handles are cleaned more frequently. (*Id.*)

3 **4. Ensuring Probation's Compliance with CDC and DPH Guidelines**

4 While Probation carefully follows CDC and DPH guidelines on limiting exposure to
5 COVID-19, it recognizes the ongoing and continuing need to ensure compliance. Probation has
6 implemented internal controls specifically to address this issue. Manager Inspection Reports
7 (MIR) are completed daily by both the morning and evening managers for each facility.
8 (Kaufman Decl. ¶ 16.) These reports track compliance with social distancing protocols, the
9 frequency of sanitization of frequently-touched objects and surfaces, supplies of sanitizer and
10 PPE, and other important criteria. (*Id.*) If an MIR shows that a facility is not in compliance with
11 the Plan, the manager of the facility develops a corrective action plan. (*Id.*)

12 On March 26, 2020, DPH conducted a multi-point inspection of all of Probation's
13 juvenile facilities and provided an assessment to the heads of each facility. (**Exhibit C,**
14 Declaration of Dr. Lello Tesema ("Tesema Decl.") ¶ .) These assessments showed Probation's
15 compliance with the guidelines and provided vital external feedback on how well Probation was
16 complying with DPH guidelines. DPH found compliance with availability of adequate hand
17 washing supplies, maintenance of cleaning schedules, and sanitization of frequently touched
18 surfaces.

19 On April 2, 2020, the DPH inspected Barry J. Nidorf and Camp Joseph Scott. The
20 inspection noted compliance with recommended safety precautions, including portable hand-
21 washing sinks at each entrance, screening questions upon sign-in, and the availability of masks
22 and hand sanitizer for visitors.

23 ///

1 **5. Probation in Collaboration with DPH, DMH, JCHS, and LACOE Continues to**
2 **Provide Medical, Mental Health, Security, and Educational Services to Detained**
3 **Youth**

4 On April 10, 2020, the State of California Board of State and Community Corrections
5 approved the emergency suspension of Juvenile Title 15 CCR § 1370 (Education Program), §
6 1371 (Programs, Recreation, and Exercise), § 1372 (Religious Program), § 1373 (Work
7 Program), § 1374 (Visiting), and § 1488 (Hair Care Services). These suspensions were
8 continued through May 11, 2020. Despite the suspension of these programs, youth still have
9 access to these vital services modified in accordance with DPH guidelines. Probation is working
10 with its agency partners to enhance services through use of videoconferencing and other
11 technologies.

12 **a. Youth have Direct Access to Medical Care**

13 As of May 4, 2020, there has been no meaningful reduction in the provision of
14 medical care to detained youth at Los Angeles County Probation facilities. (Oh Decl. ¶
15 3.) All youth are provided with medical care, treatment, and evaluations per Juvenile
16 Title 15 of the California Code of Regulation. (*Id.*)

17 Starting on May 4, 2020, all youth admitted to a juvenile facility will be
18 quarantined and tested for COVID-19. (Oh Decl. ¶ 4.) Youth testing negative for
19 COVID-19 will be assigned to a housing unit. (*Id.*) Youth testing positive will remain in
20 quarantine and will be provided with the appropriate medical treatment. (*Id.*)

21 Upon admission to a juvenile facility, Probation conducts an initial screening to
22 assess for potential exposure to COVID-19 and for COVID-19 symptoms. (Oh Decl. ¶
23 5.) If this initial screen is positive, the Probation officer is instructed to immediately
24 contact a nurse. (*Id.*) If this screen is negative, a nurse will provide a medical screening
25

1 within a few hours of admission. (*Id.*) Within 96 hours of admission, all youth have had
2 a physical examination by a medical doctor. (*Id.*) If any medical issues are discovered
3 during an assessment, the youth is sent to the medical unit for further evaluation. (*Id.*)
4

5 As required by Juvenile Title 15 CCR § 1433, Probation has implemented
6 procedures for youth to request medical care. Juvenile halls maintain 24-hour medical
7 care, which includes doctors and nurses. (Oh Decl. ¶ 6.) If a youth is feeling ill, the nurse
8 will contact the 24-hour doctor to determine whether the youth needs to be transported to
9 the juvenile hall or local hospital for observation and medical care. (*Id.*) The juvenile
10 camps maintain onsite nurses from 6 a.m. to 10 p.m. (*Id.*) If a youth develops an illness
11 at a juvenile camp after 10 p.m., Probation staff will call the 24-hour doctor at a juvenile
12 hall for consultation, unless there is a medical emergency, which requires staff to call
13 911. (*Id.*) If a youth displays COVID-19 symptoms, he or she is immediately quarantined
14 and evaluated by a nurse at least twice a day. (Oh Decl. ¶ 9.) Because the populations in
15 halls and camps are currently so low, residential units, not individual rooms, are being
16 used as quarantine facilities. (*Id.*)
17
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19

20 As of May 4, 2020, JCHS is in the process of establishing video conferencing
21 capabilities at 19 locations throughout the halls and camps. (Oh Decl. ¶ 8.) The hardware
22 is installed, and medical professionals are being trained on how to operate software.
23 JCHS expects telemedicine to be operational within one or two weeks of this filing. (*Id.*)
24

25 **b. DMH Continues to Provide Mental Health Treatment and Therapy**

26 During the COVID-19 crisis, DMH is still providing in-person mental health
27 evaluation, treatment, and therapy at juvenile halls and camps. (**Exhibit D**, Declaration
28

1 of Christopher Thompson, M.D. ("Thompson Decl.") ¶ 8.) DMH staff remain onsite at
2 all halls and camps, and are available 12 hours a day, seven days a week. (*Id.*) In-person
3 initial evaluations are conducted for all newly detained youth to evaluate and determine
4 the appropriate level of mental health care. (Thompson Decl. ¶ 9.) Youth who are on an
5 enhanced level of supervision or who are in crisis are also evaluated in person by DMH
6 staff and doctors. (*Id.*) Youth for whom mental health treatment is essential will not
7 experience a different level of treatment. (*Id.*) Additionally, many follow up psychiatry
8 appointments are in person. DMH staff are instructed to maintain social distancing
9 protocols during all in-person meetings. (*Id.*)

12 For less urgent appointments, remote treatment and therapy is being conducted
13 telephonically. (Thompson Decl. ¶ 10.) Some psychiatric medication management
14 appointments are also done telephonically. (*Id.*)

16 Additionally, DMH is expanding its capabilities to provide mental health
17 treatment by videoconference and expects these capabilities to be operational by May 6
18 or May 7, 2020. (Thompson Decl. ¶ 11.) There are four video kiosks at Barry J. Nidorf
19 Hall and two video kiosks at Central Juvenile Hall. (*Id.*) Staff are currently being trained
20 on how to operate the software. (*Id.*)

22 DMH clinicians, including psychiatrists, carefully examine how best to deliver
23 appropriate mental health services by balancing the youth's need for mental health
24 treatment with the potential risk that in-person evaluations may pose to youth's, staff's,
25 and the public's health, as well as other factors. (Thompson Decl. ¶ 12.) With the
26 enhanced videoconference capabilities that will be operational soon, DMH anticipates
27

1 that it will be able to provide more routine services via this modality (versus
2 telephonically) and will continue to provide the appropriate level of mental health care to
3 detained youth. (*Id.*) Importantly, for youth on an enhanced level of supervision, the
4 level of treatment has not changed substantively during this crisis. (*Id.*) Relatedly, the
5 number of youth on an enhanced level of supervision for mental health reasons decreased
6 45% from February 17, 2020 to April 14, 2020. (*Id.*)

8
9 **c. Probation is Ensuring Minimal Disruption to Youth Education**

10 Probation agrees that ensuring detained youth continue their education is a
11 paramount concern. In accordance with Juvenile Title 15 CCR § 1370, subdivision (a),
12 youth have been provided educational packets, which are reviewed by LACOE and
13 Probation staff. (Kaufman Decl. ¶ 17.) LACOE alerts Probation if a youth has not
14 completed his or her coursework after reviewing the youth's student portfolio. (*Id.*) If
15 the youth did not earn credits for completion, the youth's case manager will provide
16 counseling. (*Id.*) Probation may also conduct a multidisciplinary team meeting with
17 DMH and LACOE to discuss the youth's issues and ways to support him or her.⁴ (*Id.*)
18 Probation, DMH, and LACOE provide individualized solutions to address the youth's
19 particular concern and collaborate with the youth to develop strategies to improve
20 progress. (*Id.*) When appropriate, Probation can also take away merit points and notify
21 the court. (*Id.*)

22
23
24
25 Nonetheless, Probation agrees that the education packets are a temporary solution.
26 Most youth come to juvenile facilities disconnected from school, and credit deficient, so

27
28 ⁴ Examples that Probation, DMH, and LACOE address are youth stopping medication, youth receiving bad news, youth needing tutoring, and need to revise the youth's Individualized Educational Plan.

1 Probation recognizes the need to improve educational outcomes to improve self-
2 sufficiency long term. However, Probation notes that all students who attend LACOE
3 schools or other school districts within Los Angeles County have shifted to in-home
4 learning for the remainder of the school year.⁵

6 To address the special educational needs of detained youth, Probation, in
7 collaboration with LACOE, began testing online remote learning at Campus Kilpatrick,
8 one of Probation's camps. Online remote learning went live at all facilities on April 25,
9 2020, with the exception of Barry J. Nidorf Juvenile Hall which went live on May 1,
10 2020. (Kaufman Decl. ¶ 18.) Through online remote learning and educational packets,
11 Probation will ensure that section 1370, subdivision (b)'s minimum standards that
12 "[y]outh shall be provided a rigorous, quality educational program that responds to the
13 different learning styles and abilities of students and prepares them for high school
14 graduation, career entry, and post-secondary education" are met.

17 **i. Additional Programming Provided by Probation**

18 Probation is providing other programming during this crisis. As of April 23, 2020,
19 Probation licensed clinical social workers started dialectic behavior therapy⁶ within all camps.
20 (Kaufman Decl. ¶ 19.) Probation officers are facilitating cognitive behavioral youth
21 development—"Youth Engaged in Leadership and Learning (YELL)." (*Id.*) Probation is
22 training facilitators to run live stream equipment for religious services, college courses, and
23 workforce development and resiliency training. (*Id.*)

27 ⁵ Los Angeles County Office of Education, *Los Angeles County District School Closure List*,
28 <https://www.lacoe.edu/Home/News-Announcements/Coronavirus-School-Closures> (April 17, 2020).

⁶ Dialectic behavior therapy is an evidence-based psychotherapy to treat borderline personality disorder.

1 At Central Juvenile Hall, the chapel is being used for religious services. Up to 30 youth
2 can be present at a time while maintaining social distancing. (*Id.*) There will also be
3 videoconference based religious services, and the hardware needed to support this service is
4 being finalized for each hall and camp. (*Id.*)

5
6 **d. Probation has Increased Youth Telephone Access to Their Families**

7 At the direction of DPH and JCHS, Probation has suspended in-person visitations
8 until further notice. (Kaufman Decl. ¶ 20.) Juvenile Title 15 CCR § 1311 states, in relevant
9 part, that the facility administrator may "...temporarily suspend any standard or
10 requirement herein prescribed in the event of any emergency which threatens the safety
11 of a local juvenile facility, youth, staff, or the public..."

13 Given the suspension of family visits, youth have been given extended telephone
14 privileges to maintain contact with family and loved ones. (Kaufman Decl. ¶ 21.) At a
15 minimum, youth are allowed three free telephone calls per week to their family, and have
16 the ability to make additional collect calls. (*Id.*)

18 As of May 3, 2020, Google Duo, a free video-calling application which will allow
19 youth to have virtual visits with their families, has been installed on desktop computers at
20 juvenile halls and camps. (Kaufman Decl. ¶ 22.) The hardware needed to run Google Duo
21 was installed in April 2020 and underwent testing to ensure it works properly but also to
22 satisfy the unique security and privacy concerns in juvenile facilities. (*Id.*) Effective April
23 30, 2020, parents of detained youth are being notified how to download and install the
24 program on their computers or laptops. (*Id.*) Probation has also ordered 43 iPhones for
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1 each facility to offer youth another option for virtual visits. (*Id.*) Probation will distribute
2 10 iPhones per hall and 4 iPhones per camp. (*Id.*)

3 Probation staff are trained that Juvenile Title 15 mandates that youth have access
4 to telephone communications. Restricting access to telephones because of bad behavior
5 is prohibited by Probation policy. Reports that Probation staff are deviating from the
6 mandates of Juvenile Title 15 and Probation policy are swiftly investigated.
7

8 Probation staff carefully monitor youth, and in appropriate cases, or as
9 recommended by DMH staff, allow for enhanced access to telephone communication.
10 (Kaufman Decl. ¶ 23.) Generally, disabled youth who are not able to communicate by
11 telephone are handled on a case-by-case basis by Probation. (*Id.*) However, as of April
12 20, 2020, there are no non-verbal or hearing-impaired youth at any Probation facility.
13 (*Id.*) If new youth with such disabilities are admitted to Probation facilities, Probation
14 have the capabilities to ensure those youth has the ability to communicate with their
15 families. (*Id.*)
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18 **e. Youth Continue To Have Access to Their Legal Counsel and Access to**
19 **the Court**

20 All required legal visits and all court-ordered visits are held as scheduled.
21 (Kaufman Decl. ¶ 24.) Additionally, in accordance with Probation policy, all youth are
22 provided secure and confidential no-cost phone calls with their attorneys. (*Id.*) Any
23 report that youth are not being permitted access to their legal counsel is swiftly
24 investigated. Video court for the juvenile halls continues to operate effectively. (*Id.*)
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1 **B. Court's Authority and Jurisdiction to Grant the Relief Requested by Petitioners**

2 Much of the relief requested by Petitioners in paragraph B of the Prayer for Relief has
3 already been implemented or will soon be implemented. Specifically, the population of juvenile
4 facilities has already been reduced significantly, and Probation will work with justice partners to
5 release more youth when a determination is made that release is in the best interest of the youth
6 and the community. (*See* Pet., p. 38, ¶ B(i).) Social distancing can already be maintained, and is
7 maintained, at all facilities. (*See id.*)

9 Probation already follows the CDC's and DPH's guidelines on managing coronavirus in
10 correctional and detention facilities. (*See* section II.A.1; Pet., p. 38, ¶ (B)(ii).) Nonetheless,
11 Probation acknowledges that compliance with these guidelines requires regular maintenance and
12 Probation provide regular reports on its website: <https://probation.lacounty.gov/coronavirus>.
13

14 Youth access to telephones, video visitation and online access to educational, physical,
15 and mental health services has already been addressed in Section II.A.2. (*See* Pet., p. 38, ¶
16 (B)(iii).)

17 However, even if the Court finds that Probation is not in compliance with the CDC or
18 DPH guidelines, Petitioners have not established that this Court has jurisdiction to compel the
19 juvenile court to compel Probation to comply with those guidelines. (*See Franklin v. Municipal*
20 *Court* (1972) 26 Cal.App.3d 884, 898 [mandamus will not lie when the relief requested is not
21 within the authority of the party to be compelled].) Petitioners named the Juvenile Division of
22 the Los Angeles Superior Court as the Respondent, meaning that the Petition seeks to compel the
23 juvenile court to perform a mandatory duty. However, that is not the relief Petitioners seek as
24 related to Probation. Petitioners seek an order compelling the Juvenile Division of the Superior
25 Court to compel Probation to perform a mandatory act. Petitioners have not identified any
26 authority authorizing mandamus for this purpose.
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1 Additionally, Petitioners' prayer requests relief that is too vague to reasonably be
2 complied with. Specifically, Petitioners have not identified any objective criteria for determining
3 what qualifies as compliance with the CDC's interim guidelines. Petitioners have also not
4 specified what constitutes "regular access to phones and video visitation." (Pet., p. 38, ¶ (B)(ii).)
5 In order to compel Probation to comply with a mandatory duty, it is important that the duty be
6 sufficiently described. Probation has significant concerns that an order granting the relief
7 requested by Petitioners would be difficult, if not impossible, to comply with because of the lack
8 of objective criteria for determining compliance.
9

10 **1. Currently Detained Youth Must be Evaluated on an Individualized Basis for**
11 **Possible Modification of Their Detention Order**

12 Probation agrees that detained youth should be evaluated on an expedited basis for
13 possible modification of their detention orders. The COVID-19 crisis is unprecedented and
14 special care must be made and is being made to ensure that detained youth are not exposed to an
15 enhanced risk of contracting the virus. And, in some cases, the COVID-19 crisis alone may be
16 sufficient cause to order a detained youth released. However, California Rules of Court, the
17 Welfare & Institutions Code, and case law uniformly require that these determinations be made
18 on an individualized basis.
19

20 "The basic predicate of the Juvenile Court Law is that each juvenile be treated as an
21 individual." (*In re William M.* (1970 3 Cal.3d 16, 31.) The goal is to provide "troubled youth ...
22 with particularized treatment directed toward rehabilitation." (*Id.*) "A mechanized, mass
23 treatment" of youth not only thwarts this legislative objective, but also violates the notion that
24 "each individual should personally obtain the protection of due process of law." (*Id.*) Even
25 during this crisis, presumptive release of youth irrespective of their home conditions violates this
26 basic predicate of the juvenile court law.
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1 The provisions of WIC related to youth detention are part of a “comprehensive statutory
2 scheme governing postarrest juvenile detention that is designed to implement specific policies
3 and procedures deemed to be in the juvenile detainees best interests, while balancing their
4 fundamental constitutional rights against the well-recognized need for ‘informality’ and
5 ‘flexibility’ in juvenile criminal justice systems.” (*Alfredo A. v. Superior Court* (1994) 6 Cal. 4th
6 1212, 1231–32.) This statutory scheme operates in an area of special social interest. (*Savannah*
7 *B. v. Superior Court* (2000) 81 Cal. App. 4th 158, 162.) “[A] routine and fundamental
8 readjustment of a law with such important social implications cannot be undertaken simply
9 because the parties believe it expedient or even useful to the overall goal of the legislative
10 scheme. (*Id.*) Any order of the juvenile court must be for the protection and safety of the public
11 and minor under the jurisdiction of the juvenile court. (WIC § 202(a).)

12
13 As part of this comprehensive statutory scheme, the juvenile court must make
14 individualized determinations whether to order a youth detained in a juvenile hall, WIC § 636, or
15 released from custody, WIC § 635, or to modify a current court order, WIC § 778. WIC § 635(a)
16 requires the court to “examine the minor, his or her parent, legal guardian or other person having
17 relevant knowledge,” and “hear relevant evidence.” In determining whether to detain a youth
18 pursuant to WIC § 636(a), the Court must consider “[t]he circumstances and gravity of the
19 alleged offense...in conjunction with other factors.” WIC § 778(a)(1) requires the petitioner
20 seeking a modification of a juvenile court order to show “change of circumstance or new
21 evidence.” The statute requires the petitioner to “set forth in concise language any change of
22 circumstance or new evidence which are alleged to require such change of order or termination
23 of jurisdiction.” (*Id.*) These statutes clearly contemplate specific, individualized determinations
24 for each youth being detained or released or for the modification of any juvenile court order.
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1 The California Rules of Court (“CRC”) set forth specific procedures that must be
2 followed when a § 778 petition is filed. “Subject to the procedural requirements prescribed by
3 this chapter, an order made by the court may at any time be changed, modified, or set aside.”
4 (CRC 5.560(a).) A court may grant a § 778 petition only after following the procedures set forth
5 in CRC 5.570(f), (g), and (i). (See CRC 5.570(e).) There must be a hearing on the petition,
6 unless the parties stipulate otherwise, CRC 5.570(f), and notice must be given, CRC 5.570(g).
7 The petitioner requesting modification has the burden of proving that youth’s welfare requires
8 modification. (CRC 5.570(i).) While the court may deny a § 778 petition *ex parte*, there is no
9 rule allowing a court to grant a § 778 petition *ex parte*. (CRC 5.570(d).)

11 Probation is unaware of any authority allowing the juvenile court to *sua sponte* modify or
12 terminate a court order pursuant to WIC § 778 and Petitioners have identified none. Probation is
13 also unaware of any rule issued by the Supreme Court or the Superior Court that has suspended
14 WIC §§ 635, 636, or 778 or the California Rules of Court’s requirement for notice, a hearing,
15 and an individualized determination on whether release is in the best interest of the youth. As set
16 forth in the section below, there are important reasons against a presumptive release irrespective
17 of the individualized circumstances of each youth.

19 **C. The Probable Effect or Consequence of Early Release is Unique to Each Youth**

20 The unfortunate reality is that not all youth can be released to safe households, and not all
21 youth are able to care for themselves outside of a juvenile facility. It is imperative that any
22 determination by the juvenile court consider all the circumstances of a youth’s home life.
23 Probation has already received multiple reports of released youth re-violating or failing to follow
24 social distancing protocols after being released from a juvenile facility. (See Kaufman Decl. ¶
25 25.)

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1 **1. The Dire Economic Situation Caused by Stay-at-Home Orders has Increased the**
2 **Strain on Families**

3 As state and local governments ordered people to stay at home and for non-essential
4 business to shutter, many residents of Los Angeles County have unfortunately lost their jobs.⁷
5 Unemployment in California jumped to 5.3% in March 2020,⁸ and in Los Angeles County,
6 unemployment rates climbed to 6.3% for the same month.⁹ Jobless rates in Los Angeles County
7 are even worse, climbing to 11.8%,¹⁰ with some of the hardest hit sectors being person/laundry
8 services, construction, and wholesale trade.¹¹ April data is not yet available, but is expected to
9 be far more dire.¹²

11 Families under monetary pressure due to a lost job or being furlough may struggle to
12 afford food for an additional child. An official in Australia aptly describes the situation: “All the
13 ingredients for a tinderbox situation are there. We’ve seen a rapid increase in unemployment,
14 which creates anxiety and fear amongst the main breadwinner in the home.”¹³

15 Reports of domestic violence have skyrocketed as families are forced to spend more time
16 in close quarters during the lockdown.¹⁴ To make matters worse, victims of domestic violence
17 may not be able to report their abuse because their abusers stay at home with them.¹⁵ Educators
18 normally account for 20% of calls to child protective services nationwide, but with schools
19 closed, teachers are no longer able to witness and report suspected abuse.¹⁶

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23 ⁷ <https://www.latimes.com/california/story/2020-04-17/usc-coronavirus-survey>

24 ⁸ <https://www.edd.ca.gov/newsroom/unemployment-april-2020.htm>

25 ⁹ <https://labusinessjournal.com/news/2020/apr/17/la-county-unemployment-rate-jumped-march-6-percent/>

26 ¹⁰ <https://labusinessjournal.com/news/2020/apr/20/1-countys-jobless-rate-still-118-percent/>

27 ¹¹ <https://labusinessjournal.com/news/2020/apr/17/la-county-unemployment-rate-jumped-march-6-percent/>

28 ¹² <https://www.latimes.com/california/story/2020-04-17/usc-coronavirus-survey>

¹³ <https://www.9news.com.au/national/coronavirus-nsw-domestic-violence-and-covid19-a-tinderbox-situation/495d854d-2986-4b34-a603-682fdb88a5d6>

¹⁴ <https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html>

¹⁵ <https://abcnews.go.com/US/fewer-domestic-violence-calls-covid-19-outbreak-california/story?id=70336388>

¹⁶ <https://abc7.com/domestic-violence-coronavirus-stay-at-home-pandemic/6119703/>

1 **2. Effect on Community of Releasing Youth**

2 The juvenile court must also consider the probable effect of releasing youth on the
3 community. Not all youth will follow social distancing protocols outside of a juvenile facility.
4 Youth released into the community who display a disregard for social distancing and other
5 COVID-19 prevention measures may ultimately increase the spread of the virus. There are
6 reports from a variety of sources that describe parents' struggle to encourage teenagers to social
7 distance.¹⁷ With schools closed county-wide, many parents have difficulty controlling what their
8 teenagers do and where their teenagers go. With this lack of structure, recidivism is a significant
9 risk.
10

11 Additionally, some youth will be released into multi-generational households. Youth
12 who are released, but do not obey social distancing protocols may contract the virus and spread it
13 to elderly or other at-risk members of their household.
14

15 While none of these factors themselves alone counsels the continued detention of a youth,
16 the courts have a statutory obligation to consider the probable effect of releasing a youth on the
17 youth's health and on the community. Individual determinations must be made precisely because
18 each youth's individual circumstances are different.
19

20 **D. Matters Related to the Petition that are Pending in the Supreme Court**

21 As of the date of this filing, Probation is aware of one case filed in the California
22 Supreme Court that is related to the Petition. The case is entitled National Association of
23 Criminal Defense Lawyers et al. v. Gavin Newsom, et al., case number S261827. Governor
24 Gavin Newsom and Attorney General Xavier Becerra are named as respondents. The petition
25 prays for similar, although far broader, relief than in the Petition at bar.
26

27 ¹⁷[https://www.theglobeandmail.com/canada/article-teens-face-fewer-options-for-social-physical-activity-amid-](https://www.theglobeandmail.com/canada/article-teens-face-fewer-options-for-social-physical-activity-amid-covid-19/)
28 [covid-19/](https://www.theglobeandmail.com/canada/article-teens-face-fewer-options-for-social-physical-activity-amid-covid-19/)[https://www.komonews.com/news/coronavirus/local-parents-battling-carefree-youth-struggling-to-follow-](https://www.komonews.com/news/coronavirus/local-parents-battling-carefree-youth-struggling-to-follow-social-distancing-guidelines)
[social-distancing-guidelines](https://www.komonews.com/news/coronavirus/local-parents-battling-carefree-youth-struggling-to-follow-social-distancing-guidelines)

1 On May 4, 2020, the Supreme Court denied the petition without prejudice to the
2 institution of actions raising similar claims in the superior courts of appropriate counties.
3 Probation directs the Court to this second petition, even though it has been denied without
4 prejudice because it is possible that petitioners will file the same or similar petition in this
5 jurisdiction.
6

7 **E. Status of the Parties' Efforts to Review and Present Individual Cases for Release**

8 Probation has screened hundreds of cases in camps to consider early release and has
9 submitted 64 cases to the Court petitioning for release where appropriate. Since March 1, 2020,
10 the population of juvenile halls has dropped from 535 to 374—a decline of more than 35%.
11 Over the same time period, the population of juvenile camps has dropped from 284 to 182—also
12 a 35% decline. (Kaufman Decl. ¶ 5.)
13

14 Each facility has already conducted their review of then-currently detained youth who
15 can be released early. Early release recommendations are made by the Transitional Multi-
16 disciplinary Team (TMDT) which includes DMH, Aftercare Deputy Probation Officer (DPO),
17 Camp DPO, LACOE, JCHS, parents and the youth. All parties must come to consensus that the
18 youth is ready to transition, has a safe home, and that services and medication are in place.
19

20 The following eligibility criteria for release are considered:

- 21 1. Did the youth meet his or her treatment goals?
 - 22 a. Has the youth been participating in programming and school?
 - 23 b. Has the youth been involved in any incidents (contraband, fights, assaults
24 on staff)
- 25 2. Has the youth had their 90-day Transitional Multi-disciplinary Team meeting to
26 ensure school, mental health, community programs are in place?
- 27 3. Does the youth have a place to live?
28

1 a. Was the Home Assessment Completed, and if not acceptable, has
2 Placement or Independent Living Program been identified?

3 b. Is the youth's family prepared for youth's return?

4 4. Will the court support release (some judges order the youth not to be released
5 before a certain date)?

6 5. Does youth have pending charges or violations?

7
8 **F. Existence of Alternative Remedies**

9 Probation is amenable to providing daily updates on the results of COVID-19 testing on
10 new youth admits. Probation will also discuss best practices and recommendations with the
11 Chief Probation Officers of California for a statewide perspective. Additionally, if the need
12 arises, Probation would consider opening a currently closed facility to accommodate the transfer
13 of potentially impacted youth and staff in an effort to prevent the spread of COVID-19. This
14 would include Los Padrinos Juvenile Hall, Camp Scudder, and the use of any units at facilities
15 currently open but not occupied.

16
17 As some jurisdictions around the world have begun easing COVID-19 restrictions,
18 Probation too is making plans for easing the suspension of in-person visitation. While allowing
19 in-person visitation is not currently recommended, Probation is in daily consultation with DPH.
20 When safe and appropriate, Probation will consider easing in-person visitation.

21
22 Probation is prepared to consider other alternative remedies at the hearing.

23 **G. Petitioners do Not Show that Detained Youth are at a Greater Risk of Contracting**
24 **COVID-19 than if Released from Detention**

25 Petitioners have not met their burden to show that youth currently detained are at a
26 greater risk of contracting COVID-19 than if released from detention. Petitioners' constitutional
27 argument is fatally flawed because it relies on cases in which the courts found a concrete, pre-
28 existing risk of future harm. In other words, the risk—disease or toxic chemicals—was already

1 present in the facility. This is contrary to the situation at bar where no youth have tested positive
2 for COVID-19 at any juvenile hall or camp operated by Probation. A constitutional claim must
3 show a “substantial risk of serious harm.” (*Farmer v. Brennan* (1994) 511 U.S. 825, 828.) A
4 speculative risk of future harm is not cognizable under the Fourteenth Amendment. (*See*
5 *Williams v. Wood* (9th Cir. 2007) 223 F. App’x 670, 671.)

6
7 In *Helling v. McKinney* (1993) 509 U.S. 25, 28, the plaintiff alleged he was housed in a
8 cell with another inmate who smoked five packs of cigarettes per day. The risk—second hand
9 smoke—already existed when the plaintiff was assigned to the cell. In *Hutton v. Finney* (1978)
10 437 U.S. 678, 682–683, prisoners were confined in punitive isolation for an indeterminate
11 amount of time with other prisoners some of whom suffered from infectious diseases such as
12 hepatitis and venereal disease. The risk of contracting disease was already present because
13 prisoners were confined with other infected prisoners. Similarly, in *Allen v. Kramer* (E.D. Cal.
14 2016) 2016 WL 4613360, at * 1, 11, a case about the disease Valley Fever, the risk of
15 contracting that disease already existed in the prison because of the prison’s location in Pleasant
16 Valley, California. Valley Fever is caused by a fungus which is hyper-endemic in Pleasant
17 Valley and the fungus is carried into the prison by airborne dust particles. (*Id.* at *1.) The
18 location of the prison itself created a concrete risk of future harm because the prison could not
19 prevent dust carrying the fungus from entering the prison. (*See id.*) Petitioners’ citation to cases
20 about chemical toilets, asbestos, and substandard fire prevention only proves this point. (*See*
21 *Pet.*, p. 48.) In each of these cases, the risk of future injury was not speculative or conjectural,
22 but rather based on concrete, preexisting conditions.

23
24 By contrast, the risk of currently detained youth in Los Angeles County facilities
25 contracting the disease has not yet manifested. No youth currently detained have tested positive
26 for COVID-19. Any youth that was potentially exposed has been quarantined and tested, and so
27
28

1 far all quarantined youth have tested negative. Before any youth is admitted to a detention
2 facility, a battery of tests is run to ensure the youth is not COVID-19 positive. As of May 4,
3 2020, all newly admitted youth will be tested for COVID-19 and will be not sent to their housing
4 location unless the results are negative.

5 In every facility, youth have face masks and access to hand sanitizer stations and soap.
6 Probation has rearranged eating schedules, recreation schedules, and the layout of dormitories to
7 ensure social distancing is maintained. All commonly-touched surfaces are regularly disinfected
8 with approved biocide. Probation and its partner agencies take the risk of COVID-19 deeply
9 seriously, but at this point, the risk posed to detained youth remains speculative.

10 Additionally, the shelter-in-place orders were issued because reducing movement reduces
11 the likelihood of spreading the virus. Probation's juvenile facilities may be one of the safest
12 places for youth to shelter-in-place because it is COVID-19 free. Releasing some youth may
13 increase their overall risk of contracting and spreading the virus. Further, even if detained youth
14 were to contract COVID-19, they would have immediate access to medical care. On the other
15 hand, as described above in section II.C., it is unclear whether released youth would receive the
16 same access to medical and mental health care and educational services. While these factors
17 alone may not justify the continued detention of any particular youth, they are factors the Court
18 must consider when adjudicating any petition to release a detained youth.

19 Because the future risk of contracting COVID-19 remains speculative, the due process
20 clause of the Fourteenth Amendment is not implicated. This is not to suggest, however, that
21 Probation should rest on its laurels. As COVID-19 crisis progresses, Probation and its partner
22 agencies are committed to adapting evidence-based practices that further reduce risk to detained
23 youth.

24 ///

1 **H. Mandamus is not Appropriate Against Probation**

2 Mandamus is not appropriate against Probation because Probation and its partner
3 agencies are exercising their discretion, not a ministerial duty, in implementing the CDC and
4 DPH guidelines on protecting youth from COVID-19. “Mandamus lies to compel the
5 performance of a clear, present, and ministerial duty where the petitioner has a beneficial right to
6 performance of that duty.” (*Carrancho v. California Air Resources Board* (2003) 111
7 Cal.App.4th 1255.) However, “[mandamus] will not be issued to compel the performance of a
8 duty in a particular way; it will issue only to require the performance of ministerial duties, and
9 the exercise of authority by an officer or board will not be interfered with except for arbitrary
10 disregard of the law or flagrant abuse of discretion.” (*Brandt v. Bd. of Supervisors* (1978) 84
11 Cal. App. 3d 598, 600–01.)

13 Further, “mandate will not lie to control a public agency’s discretion, that is to say, force
14 the exercise of discretion in a particular manner.” (*Mooney v. Garcia* (2012) 207 Cal.App.4th
15 229, 232.) “Mandate will not issue if the duty is not plain or is mixed with discretionary power
16 or the exercise of judgment.” (*Id.* at p. 233.) Courts “may not substitute [their] judgment for that
17 of the agency, and if reasonable minds may disagree as to the wisdom of the agency’s action, its
18 determination must be upheld.” (*Klajic v. Castaic Lake Water Agency* (2001) 90 Cal.App.4th
19 987, 995). “Mandamus does not lie to compel a public agency to exercise discretionary powers
20 in a particular manner, only to compel it to exercise its discretion in some manner.” (*AIDS*
21 *Healthcare Found. v. Los Angeles Cty. Dep’t of Pub. Health* (2011) 197 Cal. App. 4th 693, 700–
22 01.)

25 The relief sought against Probation seeks to control the exercise of Probation’s discretion,
26 rather than to compel the performance of a ministerial duty. While Probation is already in
27 compliance with the CDC guidelines, there is no authority to compel Probation to comply with
28

1 those guidelines. (*See* Pet., p. 38, ¶ (B)(ii).) In fact, both CDC and DPH recommend that the
2 guidelines be tailored to each facility. (*See* Tesema Decl. ¶ 7.)

3 Protecting detained youth from COVID-19 requires Probation, DPH, and JCHS, among
4 other agencies, to exercise a significant amount of discretion. As circumstances change,
5 Probation and these partner agencies must be allowed to make dynamic changes—without prior
6 court approval—to modify the manner in which it provides protection against COVID-19.
7 Mandamus will eliminate the discretion of Probation and partner agencies to tailor the best
8 program to reduce the risk of COVID-19.
9

10 Additionally, the declarations in the Petition by Sean Kennedy and Jerod Gunsberg
11 contain the inadmissible hearsay of their juvenile clients. (*See* Pet., pp. 84–87; Pet., pp. 90–92.)
12 Petitioners do not provide the declarations of their juvenile clients (under seal or otherwise) or
13 any other admissible evidence about the conditions in juvenile facilities for this Court’s review.
14

15 For these reasons, mandamus is inappropriate in this case.

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III.
CONCLUSION

Probation and its agency partners have been working tirelessly to ensure the health and safety of all detained youth. In this regard, County and Petitioners have the same goal. However, any determination to detain or release youth, or modify a court order must follow statutory provisions and rules of court and be made on an individualized basis.

Dated: May 5, 2020

IVIE McNEILL WYATT
PURCELL & DIGGS

By: /s/ Jack F. Altura
RODNEY DIGGS
JACK F. ALTURA
YALDA PAYDAR
Attorneys for Real Party in Interest
COUNTY OF LOS ANGELES

EXHIBIT A

DECLARATION OF JENNIFER KAUFMAN

1. I am the Bureau Chief of the Residential Treatment Services Bureau (RTSB) for the County of Los Angeles Probation Department. I make this declaration based on my personal knowledge and if called upon to testify I could and would testify to the following facts.
2. RTSB is charged with providing juvenile probationers with intervention services in a residential treatment setting. The Probation Department, along with its partner agencies, has created an integrated treatment approach in the camps using evidence-based practices to achieve positive behavior change in youth while endeavoring to ensure the safety and security of probationers, the community and staff. Each camp has an on-site school operated by the Los Angeles County Office of Education (LACOE). The Department of Mental Health (DMH) provides mental health counselors seven days per week. Group and individual substance abuse counseling is offered through DMH and various community-based treatment providers. The RTSB model is predicated on the Principles of Effective Correctional Interventions, Evidence-based Practices in Corrections, and the Causal Model of Delinquency in order to effectuate the Departments mission to Enhance Public Safety, Ensure Victims' Rights and Effect Positive Probationer Behavioral Change.
3. Each camp facility utilizes cognitive-behavioral interventions, such as Dialectical Behavior Therapy (DBT), to teach youth new skills to replace negative thoughts, attitudes and beliefs that will mitigate behaviors that interfere with treatment. Providing youth with the opportunity to develop the social, emotional skills needed to control their own behavior and the intrinsic motivation to help them want to achieve positive goals for themselves is what will create lasting change in our youth and communities. Skill-

1 building programs emphasize the importance of the pro-social relationship between staff
2 and youth in the learning of new skills. Probation and Mental Health staff frequently co-
3 facilitate skills groups and staff focus on engaging and motivating youth to encourage
4 them to commit to working on their behavior. Positive and healthy relationships between
5 staff and youth are the basic building blocks to motivating and engaging youth to make a
6 commitment to change their behavior and to helping youth maintain this commitment.

8 4. As the Bureau Chief for the RTSB, I manage the Countywide operations for RTSB,
9 which includes direct supervision of 2 Senior Directors, and 8 Directors who manage 750
10 operational staff (Supervising Deputy Probation Officers, Deputy Probation Officers,
11 Community Health Workers and administrative staff); oversee the management of
12 Countywide operations for Camp to Community Transition Program (CCTP), comprised
13 of 1 Senior Director, 1 Director, and 67 Deputy Probation Officers upon transfer to
14 RTSB; oversee the management of Countywide operations for Education Support
15 Services that provides college classes, and education support in the institutions; provide
16 consultation and oversight of critical incidents; develop the vision and goals for the
17 implementation of evidence-based practices; delegate priorities to managers to develop
18 action plans to accomplish goals for the Bureau; facilitate the design, implementation and
19 project management for new services or programs; lead the Bureau through crises
20 situations; ensure corrective actions are taken for operational inefficiencies, including
21 performance issues; act as decision maker for all discipline in excess of 5 days; analyze
22 operational data to ensure operational effectiveness and efficiencies; and liaison with
23 other County Departments to maximize and leverage additional resources.

26 5. No youth currently detained in any facility operated by Probation has tested positive for
27 COVID-19. As of May 4, 2020, 21 youth have been tested for COVID-19, with 19
28

1 negative results and 2 pending. There are currently no detained youth who have a
2 compromised immune system because all such youth were already released. Since March
3 1, 2020, the population of juvenile halls has dropped from 535 to 374—a decline of more
4 than 35%. Over the same time period, the population of juvenile camps has dropped
5 from 284 to 182—also a 35% decline.
6

7 6. As of May 4, 2020, nineteen Probation staff members have tested positive for COVID-
8 19, although two of these staff members were on leave and were not at work when they
9 tested positive, and ten were working in the field. All nineteen staff members are on
10 medical leave and are receiving medical care. Following DPH guidelines, any youth who
11 may have been exposed to COVID-19 was immediately quarantined in separate housing
12 units. There are currently two youth in quarantine, and are closely monitored by medical
13 staff who perform health checks twice a day. All youth currently in quarantine appear
14 healthy with no COVID-19 symptoms.
15

16 7. On March 12, 2020, Probation activated the COVID-19 Operations Plan (Plan) that set
17 forth guidelines on reducing the risk of spreading COVID-19 to youth. The Plan directed
18 Probation staff returning from travel overseas and staff exhibiting symptoms common to
19 COVID-19 to self-quarantine.
20

21 8. The Plan also enhanced inventory management for important items such as paper towels,
22 soap, alcohol-based sanitizer, personal protective equipment (PPE), and food stocks. All
23 facilities are required to maintain at least a ten-day supply of food, but Probation's
24 management services has made sure each facility has three weeks' worth of food.
25

26 9. Under the Plan, new youth are administered an enhanced admission screening
27 examination. No new youth are allowed into any Probation facility until they are
28 assessed and cleared by medical staff. All movement between the halls and camps has

1 been temporarily suspended to prevent potential cross-infection with COVID-19.

2 Currently, only youth arrested for crimes that require mandatory detention are being
3 admitted and held at juvenile halls. All other youth are being screened by the District
4 Attorney and Public Defender prior to their detention hearings.

5
6 10. In accordance with the CDC and DPH guidelines, Probation has adopted the following
7 practices in order to safely practice social distancing:

8 (1)rearranging scheduled movements to minimize mixing of youth from different housing
9 areas within the same facility;

10 (2)limiting the congregation of youth to small groups of six or fewer;

11 (3)educating youth about proper social distancing and proper hand washing procedures;

12 (4)requiring youth to shower individually and staggering showers throughout the day to
13 allow for cleaning;

14 (5)maximizing outside recreation space;

15 (6)staggering meals and requiring youth to sit at different tables from one another;

16 (7)staggering when youth are allowed to watch television and play games;

17 (8)limiting group exercise to six youth at a time, sanitizing all sporting equipment after
18 each use, and requiring youth to wash their hands after recreation (youth are permitted to
19 decline exercise if they choose); and

20 (9)instructing staff to comply with social distancing when coming on and off duty.

21
22
23 11. Probation has modified sleeping arrangements to limit potential exposure to COVID-19.

24 In juvenile halls, youth have been assigned their own room. In juvenile camps, youth
25 reside in dormitory-style housing. In accordance with the recommendation of DPH,
26 youth in juvenile camps are instructed to sleep head to toe to maximize the distance
27
28

1 between each youth. Each bed is spaced four feet apart, and Probation is increasing the
2 distance by placing a vacant bed in between sleeping youth, when possible.

3 12. Probation distributed 1,500 bottles of hand sanitizer to all facilities on March 24, 2020
4 and during the week of April 6. Each facility is inspected daily to ensure there are
5 sufficient quantities of soap and hand sanitizer. Probation has installed hand sanitizer
6 stations throughout several facilities and will install 75 additional hand sanitizing stations
7 by May 8, 2020 to supplement existing stations.

8
9 13. Probation follows the CDC and DPH guidelines that gloves should only be distributed to
10 youth handling food or cleaning as excessive use of gloves can cause cross-
11 contamination. As a precaution, youth have been removed from kitchen work during this
12 crisis. Janitorial services clean high-touch areas at least twice per shift using an EPA-
13 approved anti-viral agent. In accordance with DPH guidelines, Probation staff are
14 required to wear gloves when touching a youth and the gloves are thereafter discarded.

15
16 14. As of April 7, 2020, Probation staff are required to wear masks while interacting with
17 youth, and Probation maintains more than a two-week supply of N-95 and surgical
18 masks. Youth in juvenile camps have been provided with several cloth masks to ensure
19 that the masks are washed regularly. Youth in juvenile halls are provided with a surgical
20 mask that is replaced daily.

21
22 15. Probation uses PURE, a non-caustic disinfectant agent that the Environmental Protection
23 Agency lists as effective at destroying SARS-CoV-2. PURE is maintained at each
24 facility and stocks are checked daily. All facilities are sanitized daily and high-contact
25 areas are sanitized at least twice per day. Common areas with regular foot traffic such as
26 restroom facilities, lobby areas, break rooms, kiosk machines, doorknobs, and handles are
27 cleaned more frequently.
28

- 1 16. Manager Inspection Reports (MIR) are completed daily by both the morning and evening
2 managers for each facility. These reports track compliance with social distancing
3 protocols, the frequency of sanitization of frequently-touched objects and surfaces,
4 supplies of sanitizer and PPE, and other important criteria. If an MIR shows that a
5 facility is not in compliance with the Plan, the manager of the facility develops a
6 corrective action plan.
7
- 8 17. Youth have been provided educational packets, which are reviewed by LACOE and
9 Probation staff. LACOE alerts Probation if a youth has not completed his or her
10 coursework after reviewing the youth's student portfolio. If the youth did not earn credits
11 for completion, the youth's case manager will provide counseling. Probation may also
12 conduct a multidisciplinary team meeting with DMH and LACOE to discuss the youth's
13 issues and ways to support them. Probation, DMH, and LACOE provide individualized
14 solutions to address the youth's particular concern and collaborate with the youth to
15 develop strategies to improve progress. When appropriate, Probation can also take away
16 merit points and notify the court.
17
- 18 18. Online remote learning went live at all facilities on April 25, 2020, with the exception of
19 Barry J. Nidorf Juvenile Hall which went live on May 1, 2020.
20
- 21 19. As of April 23, 2020, Probation licensed clinical social workers started dialectic behavior
22 therapy within all camps. Probation officers are facilitating cognitive behavioral youth
23 development—"Youth Engaged in Leadership and Learning (YELL)." Probation is
24 training facilitators to run live stream equipment for religious services, college courses,
25 and workforce development and resiliency training. At Central Juvenile Hall, the chapel
26 is being used for religious services. Up to 30 youth can be present at a time while
27 maintaining social distancing. There will also be videoconference based religious
28

1 services, and the hardware needed to support this service is being finalized for each hall
2 and camp.

3 20. At the direction of DPH and JCHS, Probation has suspended in-person visitations until
4 further notice. Juvenile Title 15 CCR § 1311 states, in relevant part, that the facility
5 administrator may "...temporarily suspend any standard or requirement herein prescribed
6 in the event of any emergency which threatens the safety of a local juvenile facility,
7 youth, staff, or the public..."

8
9 21. Given the suspension of family visits, youth have been given extended telephone
10 privileges to maintain contact with family and loved ones. At a minimum, youth are
11 allowed three free telephone calls per week to their family, and have the ability to make
12 additional collect calls.

13
14 22. As of May 3, 2020, Google Duo, a free video-calling application which will allow youth
15 to have virtual visits with their families, has been installed on desktop computers at
16 juvenile halls and camps. The hardware needed to run Google Duo was installed in April
17 2020 and underwent testing to ensure it works properly but also to satisfy the unique
18 security and privacy concerns in juvenile facilities. Effective April 30, 2020, parents of
19 detained youth are being notified how to download and install the program on their
20 computers or laptops. Probation has also ordered 43 iPhones for each facility to offer
21 youth another option for virtual visits. Probation will distribute 10 iPhones per hall and 4
22 iPhones per camp.

23
24 23. Probation staff carefully monitor youth, and in appropriate cases, or as recommended by
25 DMH staff, allow for enhanced access to telephone communication. Generally, a disabled
26 youth who are not able to communicate by telephone are handled on a case-by-case basis
27 by Probation. However, as of April 20, 2020, there are no non-verbal or hearing-

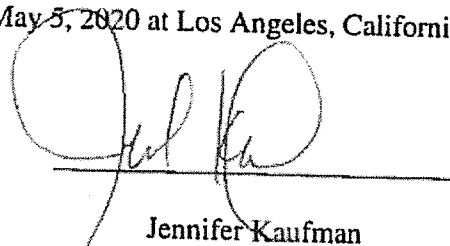
1 impaired youth at any Probation facility. If new youth with such disabilities are admitted
2 to Probation facilities, Probation have the capabilities to ensure those youth has the
3 ability to communicate with their families.
4

5 24. All required legal visits and all court-ordered visits are held as scheduled. Additionally,
6 in accordance with Probation policy, all youth are provided secure and confidential no-
7 cost phone calls with their attorneys. Video court for the juvenile halls continues to
8 operative effectively.

9 25. There are reports that recently released youth re-violating or not abiding by social
10 distancing protocols. For example, on April 17, 2020, a minor was detained near the
11 Pacoima Projects in close proximity to other youth and not maintaining social distancing.
12 On April 12, 2020, a member of the LAPD gang unit arrested a minor who was
13 socializing a park with gang members. The minor was not maintaining social distancing.
14 On March 26, 2020, members of a police gang unit received a call from a minor that he
15 had left his home without his mother's knowledge and met up with his "uncle" until after
16 10 p.m. It is probable that this minor was not maintain social distancing during that
17 encounter. Additionally, that youth was recently arrested for attempted murder.
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21 I declare under penalty under the laws of the State of California that the foregoing is true
22 and correct. Executed on May 5, 2020 at Los Angeles, California.

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Jennifer Kaufman

EXHIBIT B

DECLARATION OF DAVID OH, M.D.


1. I am a physician with a specialty in pediatrics licensed since December 1995 to practice medicine in the State of California. I make this declaration based on my personal knowledge and if called upon to testify I could and would testify to the following facts.
2. I am the current interim medical director for Juvenile Court Health Services (JCHS). Some of my responsibilities as interim director include: collaborating with the Department of Probation regarding the health care for the adolescents at the probation facilities located throughout all of the County of Los Angeles; coordinating and leading various monthly meetings with JCHS Executive staff, Department heads and Physicians for implementation and improvement of policies and procedures; creating and maintaining policies and procedures for the operations of JCHS; supervising and working with the Health Facilities Coordinator to maintain and improve environmental conditions and safety along with implementing quality improvement projects by co-leading the Quality Improvement team (QI) for JCHS; overseeing physician scheduling for coverage of clinics within the juvenile halls and residential camp facilities; and being a representative of the Credentialing Committee for JCHS at the Ambulatory Care Network monthly credentialing meeting and the monthly Department of Health Services Pharmaceuticals and Therapeutic Committee meeting.
3. As of May 4, 2020, there has been no meaningful reduction in the provision of medical care to detained youth at Los Angeles County Probation facilities. All youth are provided medical care, treatment, and evaluations as per Juvenile Title 15 California Code of Regulation.
4. As of May 4, 2020, all youth admitted to a juvenile hall will be tested for COVID-19 and quarantined until the results return. Youth testing negative for COVID-19 will be sent to

one of the regular residential living unit. Youth testing positive will be placed in isolation under observation and will be provided with the appropriate medical treatment.

5. Upon admission to a juvenile facility, Probation conducts a brief initial screening to assess for potential exposure to COVID-19 and for COVID-19 symptoms. If the screen is positive, the Probation officer will immediately contact a nurse for further assessment. If the screen is negative, the usual admission process continues where a nurse will provide a medical screening within a few hours. Youth will typically have a physician assessment within 96 hours of admission. Any medical conditions assessed by the physician will be followed up for observation, evaluation, and treatment as appropriate.
6. Nurses are onsite at the juvenile halls 24 hours a day, seven days a week, and onsite at juvenile camps 16 hours a day, seven days a week. If a youth has a medical issue at a juvenile camp during the night shift when a nurse is not present, Probation contacts a 24-hour nurse at one of the juvenile halls. A physician is available at all times of the day whether at one of the probation facilities or on-call during the night.
7. Youth with a medical complaint may request a confidential request for medical services form or Probation may contact a nurse directly if the matter is urgent. Upon receiving a request for service or notification, the nurse will triage the youth and, if further care is needed, will refer the youth to a physician.
8. As of May 4, 2020, JCHS is in the process of establishing video conferencing capabilities at one of the 19 locations throughout the halls and camps. The hardware is installed, but medical professionals are being trained on how to operate software. JCHS expects telemedicine to be operational within one to two weeks. Consultation is still available by phone during this time and, if necessary, arrangements are made to have the youth be seen by a physician via transportation.

- 1 9. If a youth complains of symptoms likely of a COVID-19 infection, he or she is
2 immediately isolated, triaged by a nurse and seen by a physician. They will be monitored
3 by a nurse at least twice a day and seen by a physician daily. Because of the efforts of
4 the Probation Department to reduce the population of detained youth in a probation
5 facility, the available space has allowed several entire residential units in a hall to be used
6 as a quarantine or isolation unit.
- 8 10. In early March 2020, JCHS installed signage around all facilities that provide information
9 about COVID-19 symptoms and ways to prevent the spread of infections. JCHS also
10 created a video explaining the importance of social distancing, hand washing, covering
11 one's mouth, and other techniques to reduce the risk of infection. This video is shown to
12 all detained youth.
- 14 11. It is my professional opinion, which I state to a reasonable degree of medical probability,
15 that currently detained youth are being provided a level of medical care satisfactory to
16 their needs. It my further professional opinion that the protocols being followed for
17 COVID-19 testing, quarantine, and avoidance are satisfactory to meet the needs of
18 detained youth. JCHS is in constant consultation with Public Health staff and an
19 Infectious Disease specialist to maintain the quality of care necessary for the special
20 needs of these youths.

23 I declare under penalty under the laws of the State of California that the foregoing is true
24 and correct. Executed on May 4, 2020 at Los Angeles, California.

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27 David Oh, M.D.
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EXHIBIT C

DECLARATION OF LELLO TESEMA, M.D., MSPM

1. I am physician with a specialty in Internal Medicine licensed since 2015 to practice medicine in the State of California. I make this declaration based on my personal knowledge and if called upon to testify I could and would testify to the following facts.
2. I am the COVID-19 Corrections Unit Lead for the Los Angeles Department of Public Health (“DPH”). As the Department of Public Health COVID-19 liaison for Corrections, I work with all correctional and detention facilities in LA County and provide resources and support on the management of COVID-19 within their facilities.
3. I am also an Associate Medical Director at DPH, Division of Substance Abuse Prevention & Control.
4. A few of my publications include: Tesema, L. **Juvenile Incarceration and Behavioral Health: A Longitudinal Analysis**. Platform Presentation at Pediatric Academic Society. May 2017; Tesema, L. Abascal P, Castellon-Lopez Y, Castillo EG, Feller S, Greenberg J, Ijadi-Maghsoodi R, Jones L, Kaltman J, Kolhatkar G, Lewis Hunter A, Plaia M, Van Horn R, Wells KB, Community Translational Science Team. **Building a Public Health Model for Emotional Well-being**. Presentation to the Surgeon General, Vice Admiral Vivek Murthy, and the Office of the Surgeon General, Department of Health & Human Services. August 2016; Tesema, L. Diversion Assessment Tool for Los Angeles County, **Presentation to Los Angeles Board of Supervisors**. April 2016.
5. I am a board member of the University of California Criminal Justice & Health Consortium which aims to bridge academia, community and policy to reform criminal justice systems. I am a member of the Lancet Commission on Public Policy and Health representing public health issues on mass incarceration.

1 6. I have reviewed section II.A. of County of Los Angeles' response to the Petitioner's writ
2 of Mandate and I am familiar with its contents. It is my professional opinion, which I
3 state to a reasonable degree of medical probability, that the juvenile facilities have
4 adequately implemented both the CDC and DPH guidelines on protecting youth from
5 COVID-19. Specifically, the Los Angeles County Probation Department has
6 implemented adequate social distancing protocols, adequate access to soap and hand
7 sanitizer, adequate access to facial coverings, and adequate sanitation with anti-viral
8 disinfectants.
9

10 7. It is my professional opinion, which I state to a reasonable degree of
11 medical probability, that each juvenile facility must be managed to protect youth from
12 COVID-19 based on the specific conditions present. Each facility must be allowed to
13 make dynamic changes based on changes in circumstances and available evidence. The
14 CDC and DPH guidelines are recommendations, which juvenile facilities should adapt
15 their operations to meet.
16

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18 I declare under penalty under the laws of the State of California that the foregoing is true
19 and correct. Executed on May 4, 2020 at Los Angeles, California.
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23 Lello Tesema, M.D. MSHPM
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EXHIBIT D

DECLARATION OF CHRISTOPHER THOMPSON, M.D.

1. I am psychiatrist licensed since August 2000 to practice medicine in the State of California. I make this declaration based on my personal knowledge and if called upon to testify I could and would testify to the following facts.
2. I have the following current board certifications: Psychiatry (initially certified September 2004); Forensic Psychiatry (initially certified May 2005); Child and Adolescent Psychiatry (initially certified November 2006); Addiction Medicine (initially certified March 2009). I have also been certified by the National Commission on Correctional Health Care as a Certified Correctional Health Professional since July of 2008.
3. I am the current director of the Forensic Psychiatry Division at the Los Angeles County Department of Mental Health ("DMH"). My responsibilities as director include providing leadership, oversight, and direction for all DMH programs designed to address the needs of justice-involved populations across the lifespan; coordinating diversion and re-entry efforts with multiple partners including the L.A. County Departments of Correctional Health, Health Services, Public Health (Substance Abuse Prevention and Control), Office of Diversion and Reentry, Sheriff's, Probation, and Children & Family Services, in addition to the Courts; overseeing DMH programs including: Adult Probation (AB 109), Juvenile Justice Mental Health, Juvenile Court Mental Health Services, LACDMH-UCLA Forensic Fellowship Training, and Mental Health Court Linkage; developing and implementing innovative care pathways for individuals who are diverted from jails, juvenile halls, and juvenile camps into alternative treatment settings; assisting with foundational overhaul of juvenile justice system of L.A. County; managing a diverse team responsible for collaborating closely with other agencies, organizations,

1 academic institutions, groups, and individuals; and working to eliminate unnecessary
2 incarceration of those with serious mental illnesses.

3 4. Prior to my current position, I served as a medical director for the Juvenile Justice Mental
4 Health Program and Director of the Juvenile Court Mental Health Services for the
5 County of Los Angeles. My responsibilities in this position included: supervising
6 psychiatrists providing evaluation and treatment to children and adolescents in the
7 custody of the Los Angeles County Probation Department; interfacing with other County
8 agencies in the delivery of health services to youth in this system; assisting with diversion
9 and re-entry initiatives for delinquent youth; helping with redesign of L.A. County
10 Department of Probation camp system, where juveniles serve their sentences, in order to
11 help improve delivery of psychiatric, educational and other services and reduce
12 recidivism rates; overseeing clinicians advising the juvenile court on appropriateness of
13 particular mental health interventions for youth under delinquency or dependency court
14 jurisdiction; worked with juvenile court judges/commissioners, public defenders, district
15 attorneys, child advocates on developing a new standardized assessment protocol for
16 juveniles' adjudicative competence; also developing/implementing a competence
17 remediation program/paradigm.

18 5. Prior to these positions, I was a Forensic Psychiatry Fellow at the UC Davis Department
19 of Psychiatry. During my time at UC Davis, I served as: a forensic psychiatric evaluator
20 for the Sacramento County Court Panel; a forensic psychiatric consultant for the office of
21 the Federal Public Defender; a forensic psychiatric consultant for the Sacramento County
22 District Attorneys' office; and a staff psychiatric at the Sacramento County Jail to name a
23 few.
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- 1 6. My honors include: in 2015, I was elected by the American Psychiatric Association as a
2 Distinguished Fellow; in 2015, I was awarded the Maier I. Tuchler, M.D. award by the
3 American Academy of Forensic Sciences; in 2012, I was elected by the American
4 Academy of Child and Adolescent Psychiatry as a Distinguished Fellow; in 2012, I was
5 elected as a Fellow to the American Academy of Forensic Sciences.
- 7 7. A sampling of my publications include: Wall BW, Ash P, Keram E, Pinals DA,
8 Thompson CR (members of Update Task Force): AAPL Practice Resource for the
9 Forensic Psychiatric Evaluation of Competence to Stand Trial, Update 2017. *Journal of*
10 *the American Academy of Psychiatry and the Law*, 46(3 Supplement):S4-S79, 2018;
11 Thompson CR: Legal Regulation of Psychiatric Practice (section ed.) in *Principles and*
12 *Practice of Forensic Psychiatry*, 3rd Edition. Edited by Rosner R and Scott CL,
13 Abingdon, U.K., CRC Press, 2016; Fischer C, Thompson CR, Kambam P, Bender HE:
14 Juvenile Adjudicative Competence in *Encyclopedia of Adolescence*. Edited by Levesque
15 RJR. Basel, Switzerland, Springer International Publishing, 2016.
- 17 8. During the COVID-19 crisis, DMH continues to provide in-person mental health
18 evaluation and treatment at juvenile halls and camps. DMH staff remain onsite at all
19 halls and camps, and available approximately 12 hours a day, seven days a week.
- 21 9. At least a portion (if not the entirety) of initial evaluations are done in-person for all
22 newly detained youth in order to evaluate and determine the appropriate level of mental
23 health care. Youth who are on enhanced levels of supervision or who are in crisis are also
24 evaluated in-person by DMH staff. Additionally, many follow up psychiatry
25 appointments are in-person. DMH staff are instructed to maintain social distancing
26 protocols, wear masks, and wear gloves during all in-person meetings.

- 1 10. For some less urgent appointments (e.g., routine therapy), treatment is being conducted
2 telephonically. Some psychiatric follow-up medication management appointments are
3 also done telephonically.
- 4 11. In addition to in-person and telephonic sessions, DMH is also expanding its capabilities
5 to provide mental health treatment by videoconference and expects these capabilities to
6 be operational by May 6 or May 7, 2020. There are four video kiosks located at Barry J.
7 Nidorf Hall and two video kiosks at Central Juvenile Hall. Staff are currently being
8 trained on how to utilize these kiosks.
- 9 12. It is DMH's goal that detained youth receive an appropriate level and type of mental
10 health treatment during the COVID-19 crisis. DMH clinicians, including psychiatrists,
11 carefully examine how best to deliver appropriate mental health services by balancing the
12 youth's need for mental health treatment with the potential risk that in-person evaluations
13 may pose to youth's, staff's, and the public's health, as well as other factors. With the
14 enhanced videoconference capabilities that will be operational soon, DMH anticipates
15 that it will be able to provide more routine services via this modality (versus
16 telephonically) and will continue to provide the appropriate level of mental health care to
17 detained youth. Importantly, for youth on an enhanced level of supervision, the level of
18 treatment has not changed substantively during this crisis. Relatedly, the number of youth
19 on an enhanced level of supervision for mental health reasons decreased 45% from
20 2/17/20 to 4/14/20.

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25 I declare under penalty under the laws of the State of California that the foregoing is true
26 and correct. Executed on May 5, 2020 at Los Angeles, California.
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A handwritten signature in black ink, starting with a large loop and ending with a horizontal stroke.

Christopher Thompson, M.D.

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DECLARATION OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

1. I am an attorney licensed to practice law in the State of California. I am an attorney at the law firm of Ivie McNeill Wyatt Purcell & Diggs, counsel for Real Party in Interest County of Los Angeles in this matter. I make this declaration based on my personal knowledge and if called upon to testify I could and would testify to the following facts.
2. I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 444 South Flower Street, Suite 1800, Los Angeles, California, 90071.
3. On May 5, 2020, I caused the document described as the REAL PARTY IN INTEREST COUNTY OF LOS ANGELES' RETURN TO PETITION FOR WRIT OF MANDAMUS and all exhibits to be served by email to Petitioners' counsel Patricia Soung; to Real Party in Interest's counsel for the People of the State of California, Shawn N. Randolph; to Jane Newman at office of the Public Defender; to Cesar Sanchez at the Office of the Alternate Public Defender; and to Dana Ali at the Office of the Attorney General. (See attached service list). I served these documents prior the 1:30 p.m. deadline set by the Court.
4. My office hired a messenger service to personal delivery copies of the return and exhibits as instructed by the clerks' office. The return and exhibits will be placed in the box outside of the Court with a self-addressed stamped envelope.

I declare under penalty under the laws of the State of California that the foregoing is true and correct. Executed on May 5, 2020 at Los Angeles, California

/s/ Jack F. Altura
JACK F. ALTURA

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SERVICE LIST

Patricia Soung, Esq. Children's Defense Fund-California Email: psoung@childrensdefense.org	Jane Newman Office of the Public Defender Email: jnewman@pubdel.lacounty.gov
Cesar Sanchez Office of the Alternate Public Defender Email: csanchez@apd.lacounty.gov	Dana Ali Office of the Attorney General Email: dana.ali@doj.ca.gov
Shawn N. Randolph Head Deputy District Attorney Email: SRandolph@da.lacounty.gov	