

Date of Hearing: April 27, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS  
Chris Holden, Chair  
AB 2321 (Jones-Sawyer) – As Introduced February 16, 2022

Policy Committee: Public Safety Vote: 7 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

**SUMMARY:**

This bill redefines the statutory exception to the definition of “room confinement” necessary for institutional operations in a juvenile facility to mean a brief period lasting no more than one hour. This bill also specifies that minors and wards confined at juvenile facilities be provided reasonable access to toilets at all hours, including during normal sleeping hours.

**FISCAL EFFECT:**

Possibly ongoing reimbursable costs (General Fund (GF) and local funds) in the low hundreds of thousands of dollars to county probation offices in additional staff or overtime costs to supervise and, if needed, transport wards between cells or bathroom facilities after one hour and during normal sleeping hours. The average salary for a probation officer in California is approximately \$70,000 annually. If this bill requires a county to hire one new probation officer to comply with the requirements of this bill, the cost per county would be \$70,000 before benefits. Larger counties may require more additional staff or overtime. Small counties with low juvenile populations may not require any additional staff. If five counties are required to add one new probation officer, the cost statewide would be \$350,000 annually. Costs to the General Fund (GF) will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.

**COMMENTS:**

1) **Purpose.** According to the author:

[The] Board of State and Community Corrections has recommended defining what the ‘brief periods of time’ minors can be confined. Thus, AB 2321 will clarify that the ‘brief periods of time’ minors can be confined in their rooms are no longer than one hour. Additionally, with reports of minors using milk cartons and their towels to urinate, this bill will also ensure that minors and wards have access to toilets at all times, especially those who do not have a toilet in their room.”

2) **Juvenile Confinement.** Existing law states the definition of “room confinement” in a juvenile facility does not include confinement of a minor or ward in a single-person room or cell for “brief periods” necessary for required institutional operations. The phrases “brief period” and “institutional operations” may justify holding a ward in a locked cell for longer

periods of time than otherwise allowable in existing law. Existing law only allows wards to be held in a locked facility for four hours at a time unless necessary for institutional operations. This bill defines the term “brief period” to mean no more than one hour and requires a ward be given access to bathroom facilities even during sleeping hours. If room confinement must be extended beyond four hours, staff is required to, among other things, document the reason for room confinement and the basis for the extension, the date and time the ward was first placed in room confinement and when the ward was eventually released from room confinement.

The Coalition of Los Angeles and Santa Clara County Probation Unions notes many of the problems cited by the author, including the lack of access to bathroom facilities is a product of old, depilated facilities and claims counties need more funds to house juveniles particularly given the impending closure of the Division of Juvenile Justice.

[Several Probation Unions] submitted a State Budget augmentation request of \$1 billion to fund, in part, the construction of a modern, state of the art juvenile facility in the County of Los Angeles. Our existing facilities are old, outdated, and in need of replacement. Individual rooms are not currently plumbed for personal toilets or sinks. Youth are required to be escorted individually to the restrooms, upon request, and require safety protocols for staff and other minors to ensure order.

The Board of State and Community Corrections found, in a 2021 audit, that the Los Angeles County Juvenile Hall failed to provide policies and implementation of health care requirements and insufficient documentation to determine whether the county was justified in placing youths in solitary confinement or restraints within the facility.

- 3) **Department of Justice Litigation.** In 2018, the DOJ filed suit against Los Angeles County alleging the county placed wards in confinement as punishment or discipline without due process of law, the county failed to provide youth in room confinement basic needs such as clean facilities, mental health and medical care, education, phone calls and visitation and failed to properly document use of room confinement in violation of multiple statutes and regulations. The DOJ conducted multiple site visits, interviewed 80 witnesses and consulted multiple juvenile experts. It determined Los Angeles County violated numerous state laws exposing wards to serious physical risk. Wards were held in their cells for hours at time without bathroom access. Wards reported having to urinate in plastic bags, cartons and latex gloves. In March 2022, the Los Angeles County Probation Department quickly moved out all children housed in at the Central Juvenile Hall over the ahead of an inspection by the BSCC. According to the sponsors, this bill is designed to clarify the law and ensure juveniles are not held in locked cells for hours at a time under the guise of “institutional operations” and ensures wards have access to bathroom facilities, even at night.
- 4) **Argument in Support.** According to the California Catholic Conference:

[In] 2018, the California Attorney General’s Office investigated how minors in the Los Angeles County’s two juvenile halls were being treated by staff. Following their investigation, they

discovered several critical issues, including the use of room confinement as punishment. AB 2321 will clarify that these abuses may not continue, and those minors cannot be locked in their rooms for more than an hour at a time and they must be allowed to have access to restroom facilities.

5) **Argument in Opposition.** According to the Riverside County Sheriffs' Department.

In many cases, temporary room confinement provides a place of safety for the juvenile, akin to protective custody. At other times, temporary room confinement is used to protect other juveniles and staff from the dangerous behavior of the confined juvenile. Regrettably, AB 2321 would establish a mandatory 60 minute cap on room confinement without exception and without regard for the circumstances of that placement, the continuing behavior of the offender, or any on-going emergency at the facility.

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