




JOHN NAIMO
AUDITOR-CONTROLLER

**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-3873
PHONE: (213) 974-8301 FAX: (213) 626-5427

November 18, 2016

TO: Supervisor Hilda L. Solis, Chair
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: John Naimo 
Auditor-Controller

SUBJECT: PROBATION DEPARTMENT – STRENGTHENING CRITICAL INCIDENT PROTOCOLS TO PROTECT PROBATION YOUTH AND PROMOTE ACCOUNTABILITY (August 2, 2016, Board Agenda Item 7)

On August 2, 2016, the Board of Supervisors (Board) directed the Chief Executive Office (CEO), Probation Department (Probation), Department of Health Services (DHS), and Department of Mental Health (DMH) to report back in 45 days on existing policies and protocols related to critical and non-critical incidents that occur in Los Angeles County juvenile justice facilities, including the probation camps (camps) and juvenile halls (halls). The Board also directed the Auditor-Controller, in coordination with Probation, CEO, Office of the Independent Monitor (OIM), Office of Child Protection (OCP), and County Counsel to report back to the Board within 90 days on the types and prevalence of critical incidents that have occurred over the past three years.

Scope

Our review focused on the critical incidents that occurred at the camps and halls during Fiscal Years (FY) 2013-14, 2014-15, and 2015-16. We reviewed Probation's current policies and procedures for significant and critical incidents, Preliminary Incident Notifications (PINs), and critical incident memos Probation sent to the Board during the same three fiscal years. In addition, we met with staff from Probation, CEO, OIM, OCP, County Counsel, Public Defender (PD), and Alternate Public Defender (APD). We also contacted the State Division of Juvenile Justice, Federal Department of Justice, DMH, Juvenile Court Health Services (JCHS), and Los Angeles County Office of Education

(LACOE). We also contacted the Probation Departments in the Counties of Kern, Orange, and San Diego to compare policies and critical incident definitions.

Results of Review

Our review identified significant issues relating to the reporting, tracking, and maintenance of critical incidents which resulted in the omission of PINs and may have resulted in critical incidents not being reported to the Board as required. Specifically, Probation does not:

- Maintain a centralized tracking system for critical or non-critical incidents. Probation management indicated that some of the critical incident records were lost or misplaced, especially those relating to FY 2013-14, due to the transition of various personnel and the deletion of e-mails.

Probation's attached response indicates that they developed a comprehensive centralized PIN and critical incident tracking system.

- Document the critical incident type being reported to identify systemic patterns that require further review and corrective action. We classified the critical incidents we reviewed and noted that 74 (49%) of the 151 critical incident types reported to the Board related to the hospitalization of youth, with 57 (77%) of the 74 hospitalizations related to a medical condition of the youth, rather than an injury. In addition, reported critical incidents involving only Probation staff were rare, totaling only ten (7%) of the 151 critical incident types. As a result, it is difficult to further evaluate whether the high number of hospitalizations or the low number of critical incidents involving only Probation staff are typical.

Probation's attached response indicates that their new comprehensive centralized incident tracking system documents critical incident types as reported to the Board.

- Perform Critical Incident Reviews to ensure appropriate corrective action is taken to reduce the likelihood of similar incidents from re-occurring. Probation indicated that in 2009 due to staffing reassignments and budget restrictions they discontinued performing Critical Incident Reviews.

Probation's attached response indicates that they have already re-instated a new formal Critical Incident Review process.

- Document their investigation or justification for concluding if incidents are critical or non-critical. Without documentation to support their conclusion, Probation cannot ensure all critical incidents are accurately reported.

Probation's attached response indicates that they are finalizing the changes to their policies requiring the justification for determining whether to document an incident as critical or non-critical.

- Appropriately document the notifications of incidents to the required personnel within four hours of all incidents at the camps and halls. Specifically, we reviewed 30 PINs (ten PINs from each fiscal year) and noted 12 (40%) did not include any indication that the Facility Directors notified key personnel, five (17%) did not include the time key personnel were notified, and one (3%) did not include any indication that the Facility Director notified key personnel within four hours as required.

Subsequent to our review, Probation provided documentation to support key personnel were notified for seven of the 12 PINs, and key personnel were notified within four hours for three of the five PINs reviewed. In addition, Probation's attached response indicates that they will continue to enforce this policy and train management to ensure the policy is adhered to and proper documentation is submitted.

- Notify the youths' legal counsel (i.e., defense attorney, public defender, etc.) when a critical incident occurs. The youths' legal counsel should be aware of all critical incidents that impact their client while the youth is under the care of Probation.

Probation's attached response indicates that they will work with the PD, APD, and Superior Court to establish a process to notify the youths' legal counsel of critical and non-critical incidents involving their clients.

In addition, we compared Probation's critical incident definition and policies with the Counties of Kern, Orange, and San Diego, and noted that Probation's definition is consistent with the three other counties. Although Probation is the lead department that reports critical incidents to the Board, Probation, DMH, JCHS, LACOE, PD, and APD do not have consistent definitions among the various entities. As a result, critical incidents may not be consistently reported, and the same types of incidents may be classified differently among the entities. In addition, Probation's policies do not include procedures for handling incidents that Probation does not classify as critical but the referring entity does, nor do they require Probation to report back to the various entities the disposition of the incident including whether it was investigated or reported to the Board as a critical incident.

Probation's attached response indicates that they will work with these partner entities to more uniformly and consistently identify these critical incidents and share information accordingly. Probation will also develop procedures for handling non-critical incidents when the referring entity considers them critical.

Review of Report

We discussed our report with Probation, CEO, OIM, OCP, and County Counsel. Probation's attached response (Attachment III) indicates agreement with our findings and recommendations. Probation, DMH, and DHS will separately respond to the first part of the motion related to their existing policies and protocols.

We thank Probation management and staff for their cooperation and assistance during our review. If you have any questions please call me, or your staff may contact Aggie Alonso at (213) 253-0304.

JN:AB:PH:AA:EB:dc

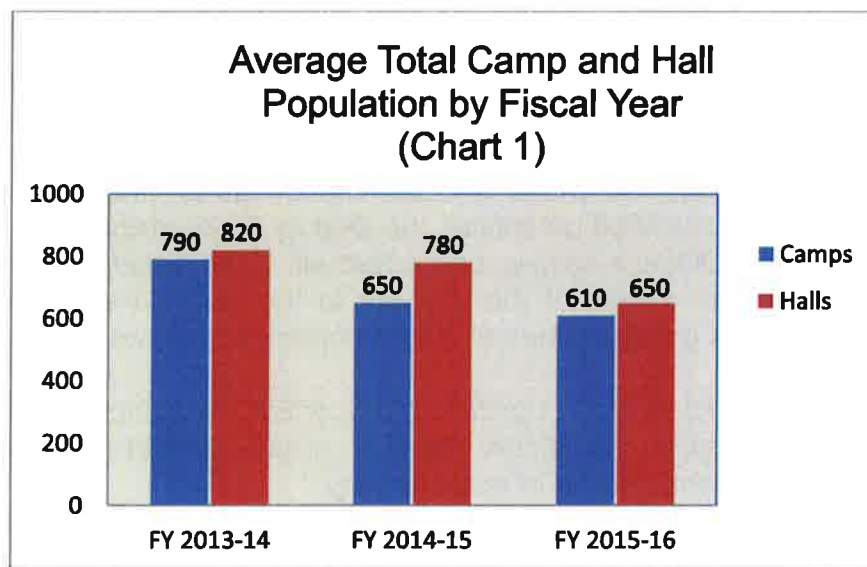
Attachments

c: Honorable Michael I. Levanas, Presiding Judge of Juvenile Court
Sachi A. Hamai, Chief Executive Officer
Calvin C. Remington, Interim Chief Probation Officer
Mary C. Wickham, County Counsel
Mitchell H. Katz, M.D., Director, Los Angeles County Health Agency
Jonathan E. Sherin, Ph.D., Director, Department of Mental Health
Cynthia Hernandez, Chief Attorney, Office of the Independent Monitor
Michael Nash, Executive Director, Office of Child Protection
Lori Glasgow, Executive Officer, Board of Supervisors
Debra Duardo, Ed.D., Superintendent, Los Angeles County of Education
Public Information Office
Audit Committee

**PROBATION DEPARTMENT
STRENGTHENING CRITICAL INCIDENT PROTOCOLS TO PROTECT
PROBATION YOUTH AND PROMOTE ACCOUNTABILITY**

Background

The Probation Department (Probation) operates 11 probation camps (camps), one residential treatment facility, and three juvenile halls (halls). The camps provide housing in a residential setting for youth committed by the Juvenile Court, with an average stay of six months. The halls provide temporary housing for youth detained on an arrest, awaiting a court date, and/or awaiting adjudication. Youth at the camps and halls attend school and engage in recreational activities and also receive health, mental health, educational, family assessment, and transitional community services tailored to meet each individual's needs. The average population for the camps and halls for the last three Fiscal Years (FY) are illustrated in Chart 1 below:



Scope

Our review focused on the critical incidents that occurred at the camps and halls during FYs 2013-14, 2014-15, and 2015-16. We reviewed Probation's current policies and procedures for significant and critical incidents, Preliminary Incident Notifications (PINs), and critical incident memos Probation sent to the Board of Supervisors (Board) during the same three fiscal years. In addition, we met with staff from Probation, Chief Executive Office, Office of the Independent Monitor, Office of Child Protection (OCP), County Counsel, Public Defender (PD), and Alternate Public Defender (APD). We also contacted the State Division of Juvenile Justice, Federal Department of Justice, Department of Mental Health (DMH), Juvenile Court Health Services (JCHS), Los Angeles County Office of Education (LACOE), and the Probation Departments in the Counties of Kern, Orange, and San Diego to compare policies and critical incident definitions.

Reporting

Within four hours of the occurrence of a significant incident, Facility Directors at the camps and halls (or their designees) are responsible for completing a PIN and sending the PIN to key personnel including their Bureau Chief, Regional Director, and the Bureau Consultant. Probation is required to complete PINs for the following types of incidents:

- An escape.
- Any major disturbance at the facility.
- Any other situation endangering wards, staff, or the facility.
- Any medical incident or serious injury requiring transport to an off-site medical facility.
- Any incident or situation which may generate media interest or come to the attention of the Board.
- Any incident or situation in which it is likely that the Chief Probation Officer may be contacted.

Not all types of incidents reported on a PIN result in a reportable "critical" incident. The camp or hall's Deputy Chief, Bureau Chief, and Bureau Consultant review the PIN. The Deputy Chief is then required to make a determination as to whether the incident is critical. If the incident is classified as critical, the Deputy Chief prepares a Board memo for the Chief Probation Officer's review and approval. The Chief Probation Officer's designee then e-mails the details of the incident to the Board via a Critical Incident Board memo. Probation's policy defines a critical incident as follows:

"An occurrence (incident) of significant proportion involving actual or potential liability, serious injury, significant loss or major conflict occurring with the Probation Department's arena of responsibility."

Probation reports the following nine types of critical incidents to the Board:

- Major disturbance (ten or more youth involved).
- Escape from camps or halls.
- Situation endangering probationers, staff, or the facility.
- Significant medical incident or serious injury requiring admission to an off-site medical facility.
- Incident or situation that may generate media interest, may result in litigation, or is likely to come to the attention of the Board.
- Incident or situation in which it is likely that the Chief Probation Officer may be contacted.
- Act of violence resulting in serious injury to, or the death of a probationer.
- Suicide attempts.
- Suicides.

It should be noted that not all critical incidents have a corresponding PIN. For incidents that may generate media interest or where the Chief Probation Officer may be contacted, Probation may not prepare a PIN. Rather, if Probation determines the incident to be critical, Probation may immediately send the Board a Critical Incident Board memo.

As previously indicated, we compared Probation's critical incident definition and policies with the Counties of Kern, Orange, and San Diego, and noted that Probation's definition is consistent with the three other counties. Specifically, all four definitions are generally broad and allow their departments the discretion to determine whether an incident is critical. In addition, neither the State Division of Juvenile Justice nor the Federal Department of Justice provides any guidance in regards to critical incident reporting.

Notification

We reviewed 30 PINs (ten PINs from each fiscal year) to determine whether the camps and halls Facility Directors appropriately notified the required personnel within four hours of the incident. We noted:

- Twelve (40%) PINs did not include any indication that the Facility Directors notified key personnel. Subsequent to our review, Probation provided documentation to support key personnel were notified for seven (58%) of the 12 PINs. However, four (57%) were submitted an average of one day late.
- Five (17%) PINs did not include the time key personnel were notified. As a result, we could not determine whether the Facility Directors notified the key personnel within the required timeframes. Subsequent to our review, Probation provided documentation to support that key personnel were notified within four hours for three PINs.
- One (3%) PIN, the Facility Director notified key personnel two hours after the required timeframe.

In addition, according to the OCP, PD, and APD, the youths' legal counsel (i.e., defense attorney, public defender, etc.) should be aware of all critical incidents that impact their clients while the youth is under the care of Probation. However, Probation's current policies do not require them to notify the youths' legal counsel when a critical incident occurs.

Recommendations

Probation Department management:

1. **Ensure Facility Directors (or their designees) at the probation camps and juvenile halls send Preliminary Incident Notifications to their Bureau Chief, Regional Director, and the Bureau Chief's secretary**

within four hours of the incident, and appropriately document the time notification was made.

2. Revise their policies to require notification of critical incidents to youths' legal counsel.

Determination

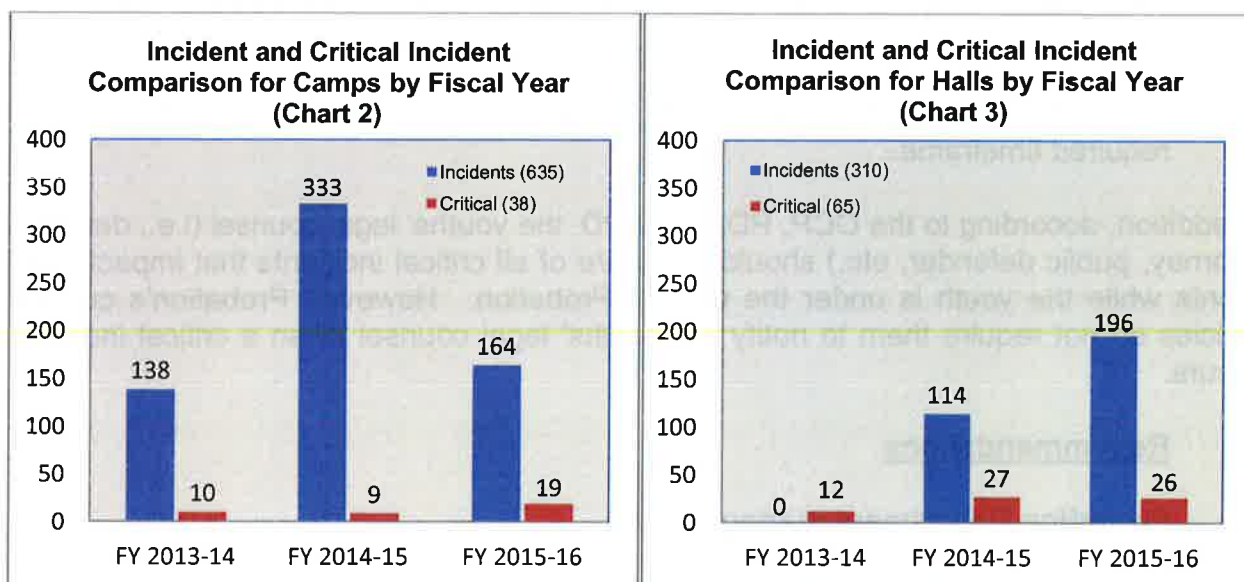
Probation's policies include criteria for critical incidents along with notification requirements, but do not require Probation to document the investigation or justification for concluding if incidents are critical or non-critical. Currently, each camp or hall's Bureau Chief and Bureau Consultant discuss and make a collaborative determination of whether the incident is critical. Without documentation to support their conclusion, Probation cannot ensure all critical incidents are accurately reported.

Recommendation

3. Probation Department management revise their policies to ensure that the justification for determining whether an incident is critical or non-critical is adequately documented.

Tracking

For the period between July 1, 2013 through June 30, 2016, Probation provided a total of 945 documented incidents on PINs and 103 critical incident memos. Charts 2 and 3 below show a comparison of the total documented incidents versus critical incidents by fiscal year and by facility type.



We reviewed all 945 PINs Probation provided and noted that Probation staff adequately reported critical incidents to the Board when required. However, we noted significant

weaknesses in Probation's tracking of critical incidents. Specifically, Probation does not maintain a centralized tracking system for critical or non-critical incidents. As a result, we could not confirm whether Probation provided us all PINs and critical incident memos. Currently, the Chief Probation Officer's secretary is the custodian of Critical Incident Board memos, with no centralized tracking system or unique tracking identifier assigned to each incident. In addition, Probation management indicated that they could not locate any of the halls' FY 2013-14 PINs, and some of the critical incident records for FYs 2014-15 and 2015-16 were lost or misplaced, due to the transition of various personnel and the deletion of e-mails.

In addition, Probation did not always have a corresponding PIN for each critical incident reported to the Board. Out of the 103 critical incidents during the period, ten related to incident types that may generate media interest or where the Chief Probation Officer may be contacted. As previously indicated, those two incident types do not require a PIN. However, for the remaining 93 critical incidents that required PINs, Probation could not locate 42 (45%).

Probation indicated that their record keeping has improved since FY 2013-14. However, without a centralized tracking system in place to comprehensively track and maintain PINs and critical incidents, Probation cannot guarantee that the information provided is comprehensive or that all critical incidents were appropriately tracked, investigated, and reported to the Board.

Recommendations

Probation Department management:

- 4. Develop a comprehensive centralized incident tracking system using unique identifiers for each Preliminary Incident Notification and critical incident.**
- 5. Ensure critical incidents are adequately supported with a Preliminary Incident Notification, when applicable.**

Coordination

Several County entities come into contact with youth in the juvenile justice facilities such as DMH, JCHS, LACOE, PD, and APD. Each of these entities has their own definition for critical incidents and their own reporting requirements which are not always consistent with Probation's. For example, the PD defines a critical incident as:

"Incidents [that] include but are not limited to physical abuse, verbal abuse, and emotional abuse including threats or intimidation and denial of access to necessary medical and mental health treatment and services."

However, Probation's definition takes into account the severity of the incident. As a result, a youth can assault a Probation Officer with a weapon and the incident could potentially not be classified as critical depending on the extent of the injury and if staff or youth were admitted to a medical facility. Although this example would meet the criteria of a critical incident using PD's definition, it may not be considered critical using Probation's definition. Without consistent definitions among the various entities, critical incidents may not be consistently reported, and the same types of incidents may be classified differently among the entities.

In addition, DMH, JCHS, LACOE, PD, and APD do not separately track the critical incidents they refer to Probation. Rather, they report the incident based on their own definition to Probation and rely on Probation to track and report the incident. However, as previously mentioned, Probation does not have a centralized tracking system for critical incidents. In addition, Probation's policies do not include procedures for handling incidents that Probation does not classify as critical but the referring entity does. Probation's policies also do not require them to report back to the various entities the disposition of the incident including whether it was investigated or reported to the Board as a critical incident.

To ensure critical incidents are consistently and accurately reported, Probation should work with DMH, JCHS, LACOE, PD, and APD to develop comprehensive critical incident definitions and reporting policies that include procedures for handling incidents that Probation does not consider critical but the referring entity does. In addition, Probation should revise their policies to require that they communicate with the referring entity the disposition of each incident including whether an investigation was performed and any corrective action taken.

Recommendations

Probation Department management:

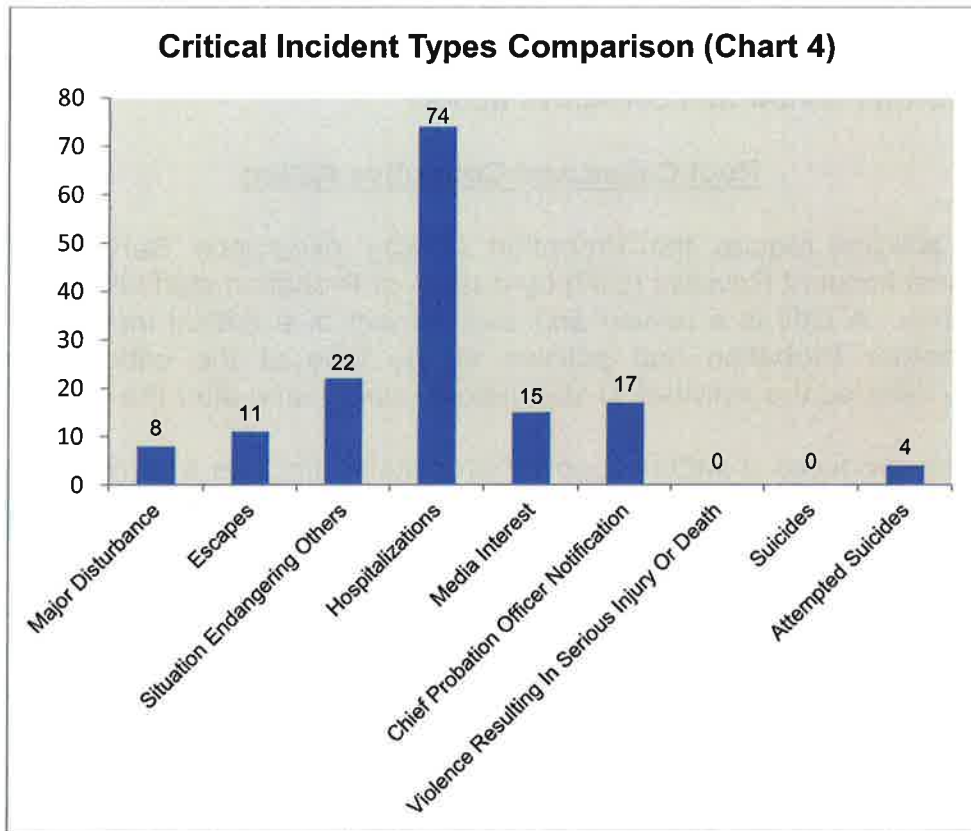
- 6. Work with the Department of Mental Health, Juvenile Court Health Services, Los Angeles County Office of Education, Public Defender, and Alternate Public Defender to develop comprehensive critical incident definitions and reporting policies that include procedures for handling incidents that Probation does not consider critical but the referring entity does.**
- 7. Revise their policies to require Probation to communicate with the referring entity the disposition of each incident including whether an investigation was performed and any corrective action taken.**

Critical Incident Types

As indicated in the Reporting section, Probation reports critical incidents to the Board based on nine critical incident types. However, Probation does not track the critical

incident type being reported. In addition, Probation does not track the results of the information to identify systemic patterns that require further review and corrective action.

We categorized the 103 critical incidents reported by Probation based on Probation’s policies. Of the 103 critical incidents, we identified 151 critical incident types. The total number of critical incident types exceeds the total amount of critical incidents reported because some incidents include multiple critical incident types. For example, a minor may have been hospitalized and the incident may generate media interest (see Chart 4 below or Attachment II for additional details broken out by fiscal year).



As illustrated in Chart 4, we noted that 74 (49%) of the 151 critical incident types related to youth hospitalizations with 57 (77%) of the 74 hospitalizations related to a medical condition of the youth, rather than an injury. In addition, reported critical incidents involving only Probation staff were rare, totaling only 10 (7%) of the 151 critical incident types.

As indicated in the Tracking section, Probation does not comprehensively track critical incidents including analyzing and investigating the incidents to identify systemic patterns that require further review and corrective action. As a result, it is difficult to further evaluate whether the high number of hospitalizations or the low number of critical incidents involving only Probation staff are typical; or whether additional training, policies, and oversight may be needed.

In order to promote institutional accountability and ensure critical incidents are adequately evaluated, Probation needs to ensure they document the critical incident type and begin conducting trend analysis to identify systemic patterns that require further review and corrective action.

Recommendations

Probation Department management:

- 8. Document the critical incident type(s) reported to the Board of Supervisors.**
- 9. Conduct trend analysis to identify systemic patterns that require further review and corrective action.**

Root Cause and Corrective Action

Probation's policies require the Probation Quality Assurance Services Bureau to conduct Critical Incident Reviews (CIR) by a team of Probation staff whenever a critical incident occurs. A CIR is a review and assessment of a critical incident in order to establish whether Probation had policies at the time of the critical incident that appropriately directed the activities of staff before, during, and after the incident.

The CIR team produces a written report that includes findings and recommendations regarding the root cause of the incident, compliance with policy as it relates to the need to create new policy, modification of existing policy, or determining the appropriate training needs which could reduce the likelihood of similar critical incidents from re-occurring.

Probation did not perform CIRs during the three fiscal years we reviewed. Probation indicated that in 2009 due to staffing reassignments and budget restrictions, they discontinued CIRs. Probation indicated they are revising their CIR Policy and plan to resume conducting CIRs within six months. In order to ensure appropriate corrective action is taken to reduce the likelihood of similar incidents from re-occurring, Probation should reinstate the CIRs.

Recommendation

- 10. Probation Department management reinstate Critical Incident Reviews to ensure appropriate corrective action is taken to reduce the likelihood of similar incidents from re-occurring.**

CRITICAL INCIDENT TYPES REPORTED BY FISCAL YEAR

Critical Incident Types		FY 2013-14	FY 2014-15	FY 2015-16	Grand Total
1	Major disturbance (ten or more youth involved)	3	1	4	8
2	Escape other than those from open placements	4	4	3	11
3	Situation endangering probationers, staff, or the facility (1)				
	A Situation endangering a probationer	-	-	8	8
	B Situation endangering staff	-	-	7	7
	C Situation endangering the facility	-	-	7	7
4	Significant medical incident or serious injury requiring admission to an off-site medical facility (1)				
	A Admission to an off-site medical facility resulting from a physical altercation	1	2	2	5
	B Admission to an off-site medical facility resulting from a medical condition	9	22	26	57
	C Admission to an off-site medical facility resulting from a mental condition	-	3	2	5
	D Admission to an off-site medical facility resulting from an accident	4	2	1	7
5	Incident or situation that may generate media interest, may result in litigation, or is likely to come to the attention of the Board of Supervisors	1	2	12	15
6	Incident or situation in which it is likely that the Chief Probation Officer may be contacted (2)	2	2	13	17
7	Act of violence resulting in serious injury to, or the death of a probationer (1)				
	A Act of violence resulting in serious injury to a probationer	-	-	-	-
	B Act of violence resulting in the death of a probationer	-	-	-	-
8	Suicide attempts	-	3	1	4
9	Suicides	-	-	-	-
Totals (3)		24	41	86	151

Footnote:

- (1) We separated critical incident type numbers 3, 4, and 7 into subcategories to provide additional details.
- (2) We define incidents reported to the Chief Probation Officer as incidents that are detrimental to the Department or may not be captured under the other critical incident categories.
- (3) The total amount of critical incident types exceeds the total amount of critical incidents reported because some incidents include multiple critical incident types. For example, a minor may have obtained a serious injury and the same incident may generate media interest.



COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY
DOWNEY, CALIFORNIA 90242
(562) 940-2501



CALVIN C. REMINGTON
Interim Chief Probation Officer

November 16, 2016

TO: Supervisor Hilda L. Solis, Chair
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM:  Calvin C. Remington
Interim Chief Probation Officer

SUBJECT: RESPONSE TO AUDITOR-CONTROLLERS' RECOMMENDATIONS FOR STRENGTHENING CRITICAL INCIDENT PROTOCOLS TO PROTECT PROBATION YOUTH AND PROMOTE ACCOUNTABILITY

The Probation Department has reviewed the Auditor-Controller's report and recommendations related to strengthening critical incident protocols to protect probation youth and promote accountability, specifically resulting from a review of the Probation Department's types and prevalence of critical incidents that have occurred over the past three years. The report includes significant issues relating to the reporting, tracking, and maintenance of critical incidents. The Department appreciates the opportunity to respond to the recommendations and is grateful to the Auditor-Controller for their review and professionalism. Attached is the Probation Department's response to the Auditor-Controller's recommendations.

The weaknesses identified in the Auditor-Controller's report have been taken in great stride. We are pleased to report that the Department has initiated the implementation of eight of the 10 (80%) recommendations contained in the report. We anticipate implementation of all the recommendations by March 30, 2017, and will provide an update by April 30, 2017. Consequently, we expect that our reporting, documentation, tracking system, and overall critical incident reviews will be more comprehensive as our process is strengthened.

Please contact me if you have any questions or if additional information is needed, or your staff my contact Dave Mitchell, Acting Deputy Chief, Residential Treatment Services, at (562) 940-2508, or Dennis Carroll, Bureau Chief, Detention Services, at (562) 940-2746.

CCR:DM/DC

Attachment

Rebuild Lives and Provide for Healthier and Safer Communities

ATTACHMENT

**COUNTY OF LOS ANGELES PROBATION DEPARTMENT'S
RESPONSE TO THE AUDITOR-CONTROLLER'S RECOMMENDATIONS FOR
STRENGTHENING CRITICAL INCIDENT PROTOCOLS TO PROTECT
PROBATION YOUTH AND PROMOTE ACCOUNTABILITY**

The Probation Department has reviewed the Auditor-Controller's report related to strengthening critical incident protocols to protect probation youth and promote accountability. The Department has initiated the implementation of eight of the 10 (80%) recommendations contained in the report, and anticipates full implementation of all the recommendations by March 30, 2017. The following provides the Auditor-Controller's recommendations, as well as the Probation Department's corresponding response.

Notification

Probation Department management:

- 1. Ensure Facility Directors (or their designees) at the probation camps and juvenile halls send Preliminary Incident Notifications (PINs) to their Bureau Chief, Regional Director, and the Bureau Chief's secretary within four hours of the incident, and appropriately document the time notification was made.**

Response: Agree (underway). When a significant incident occurs to a youth at any camp or hall, Probation staff are required to complete a PIN within four hours of the incident occurring. However, not all critical incidents have a corresponding PIN as one may not be required. For example, in an incident that may generate media interest, Probation sends a memorandum to the Board. Specifically, Facility Directors at the camps and halls (or their designees), are responsible for completing PINs and sending them to key personnel including their Bureau Chief, Senior Director, and Bureau Consultant (Probation Director) within four hours of the incident.

For the period of July 1, 2013 through June 30, 2016, Probation provided the Auditor-Controller with a total of 945 documented incidents on PINs and 103 critical incident memos sent to the Board of Supervisors. These documents were redacted to protect identifying information related to minors or staff, and were submitted in chronological order, by fiscal year. Of the 945 incidents, 635 (67.2%) were Residential Treatment Services Bureau (RTSB) incidents that occurred in camps, and of those, 38 (5.9 %) required Board notifications. The remaining 310 (32.8%) PINs and 65 Board memos were DSB-related incidents that occurred in juvenile halls.

The submission of the documentation to the Auditor Controller was a challenge as some of the critical incident records, maintained both electronically and as hard copies, were not easily obtainable. For example, some Fiscal Year (FY) 2013-14 documents were deleted as a result of implementing a two-year e-mail retention policy, and the transition of various personnel during the three years. The current e-mail retention period has been extended to five years. When critical incidents are observed by representatives from the Probation Department or any other Department or agency, they are required to report the incident to Probation management or the appropriate agency. As a result,

Probation Department's Response to Auditor-Controller's Report
Strengthening Critical Incident Protocols
November 16, 2016
Page 2 of 4

a memorandum related to the critical incident is provided to the Board. The Department will continue to enforce this policy, and train management to ensure the policy is adhered to and proper documentation is submitted.

- 2. Revise their policies to require notification of critical incidents to youth's legal counsel.**

Response: Agree (pending). The Department currently has an existing policy which requires that the Court be notified of all incidents leading to the creation of a PIN. The Department believes that it would be appropriate in this circumstance, for the Court or an agent of the Courts to act as the lead agency in notifying the attorney. The Department does not have direct access to the most recent information identifying the youth's currently assigned attorney. The Department will work with the office of the Public Defender, the Alternate Public Defender and the Superior Court to establish a process to notify the youth's legal counsel of critical and non-critical incidents involving their clients.

Determination

- 3. Probation Department management revise their policies to ensure that the justification for determining whether an incident is critical or noncritical is adequately documented.**

Response: Agree (underway). Probation routinely monitors and audits policies and procedures that concern youth and staff safety. The Department is in the process of finalizing policy that requires the justification for determining whether an incident is critical or noncritical to be documented. The tracking system has been developed to memorialize the justification and documentation.

Tracking

Probation Department management:

- 4. Develop a comprehensive centralized incident tracking system using unique identifiers for each Preliminary Incident Notification and Critical Incident.**

Response: Agree (underway). In October 2016, a comprehensive centralized PIN and critical incident tracking system was created. This system identifies each PIN and Critical Incident with a unique identifier and is currently being maintained by the Department's Quality Assurance Services Bureau (QASB).

Probation Department's Response to Auditor-Controller's Report
Strengthening Critical Incident Protocols
November 16, 2016
Page 3 of 4

5. Ensure Critical Incidents are adequately supported with a PIN, when applicable.

Response: Agree (underway). Preliminary Incident Notifications are the foundation for the majority of the resulting Board notifications. As previously stated (Recommendation #1), the submission of documentation to the Auditor-Controller was a challenge as some of the critical incident records, maintained both electronically and as hard copies, were not easily obtainable. All RTSB camp-related documentation, such as PINs and Board memos were provided. However, not all DSB PINs have been provided to the Auditor-Controller, and additional time is required to submit all of DSB's juvenile halls-related documentation. While we believe all critical incidents have been reported to the Board, we request the opportunity to submit the remaining DSB documentation by November 30, 2016, to the Auditor-Controller for consideration. As previously indicated, the Department has extended the email retention period to five years and has implemented a CIR tracking system that is being maintained by QASB which will ensure all critical incidents, when applicable, are supported by a PIN.

Coordination

Probation Department management:

6. Work with the Department of Mental Health, Juvenile Court Health Services, Los Angeles County Office of Education, Public Defender and Alternate Public Defender to develop comprehensive critical incident definitions and reporting policies that include procedures for handling incidents that Probation does not consider critical but the referring entity does.

Response: Agree (pending). The Auditor-Controller indicated that a comparison of Probation's critical incident definition and policies was conducted with the Counties of Kern, Orange, and San Diego, and noted that Probation's definition is consistent with these three County Probation Departments. Although Probation is the lead Department that reports critical incidents to the Board, Probation, DMH, JCHS, LACOE, PD, and APD do not have consistent definitions among the various entities. The concern is that critical incidents may not be consistently reported. Under current policy, all partner agencies that are involved in a critical incident provide information that is included in a memo that is sent to the Board. Such agencies are part of the Board memo distribution list. The Court is notified of all critical and non-critical incidents via a Court report. Probation will work with these partner agencies to more uniformly and consistently identify these critical incidents and share information accordingly. Probation will develop procedures for handling Probation non-critical incidents where referring entities consider them critical. However, based on experience, this occurrence is rare.

Probation Department's Response to Auditor-Controller's Report
Strengthening Critical Incident Protocols
November 16, 2016
Page 4 of 4

7. **Revise their policies to require Probation to communicate the disposition of each incident including whether an investigation was performed and any corrective action taken with the referring entity.**

Response: Partially Agree (underway). The Department already communicates with the referring entity that an investigation has been initiated. Although non-confidential information may be disclosed, some administrative actions involving sworn Probation staff may be confidential and protected by statute or other privileges, and as such may not be communicated to the referring entity. The Department is prohibited from disclosing any information that will result in conflicts with laws, Peace Officer Bill of Rights, or Memoranda of Understanding. Through the new CIR process, needed corrective action will be implemented and provided to entities as legally permissible.

Critical Incident Types

8. **Document the critical incident type(s) reported to the Board of Supervisors.**

Response: Agree (underway). The documentation of the critical incident type as reported to the Board has been incorporated in the new comprehensive centralized incident tracking system maintained by QASB.

9. **Conduct trend analysis to identify systematic patterns that require further review and corrective action.**

Response: Agree (underway). A portion of the critical incident review process is dedicated to identify any systematic or policy failures that resulted in the incident and ensures that Department management will take steps to prevent their reoccurrence. This information will be documented and shared between Bureaus to assist with training and heightened awareness.

Root Cause and Corrective Action

10. **Probation Department management reinstate Critical Incident Reviews to ensure appropriate corrective action is taken to reduce the likelihood of similar incidents from re-occurring.**

Response: Agree (underway). Although a formal CIR process was in place and was discontinued due to personnel reassignments and a need for a more efficient review process, the Department conducted critical and non-critical incident reviews on an ad-hoc basis. The Department has already reinstated CIRs via a new, formal CIR process where several CIR Committee meetings have already been held. A parallel process remains regarding the referral of suspected policy violations, child abuse allegations, and misconduct to the Department's Internal Affairs and/or other investigative bodies. The Department, in consultation with OIM and County Counsel, is working to finalize a CIR policy with modifications, to implement a more efficient process. QASB is also now responsible for reviewing all PIN-related incidents and identifying non-critical incidents that may need to be reviewed.