



**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

JOHN NAIMO
ACTING AUDITOR-CONTROLLER

April 30, 2014

TO: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

FROM: John Naimo
Acting Auditor-Controller

A handwritten signature in black ink that reads "John Naimo".

SUBJECT: **PROBATION DEPARTMENT JUVENILE CAMPS – DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT MONITORING FOR JUNE 1, 2013 THROUGH NOVEMBER 30, 2013 – ELEVENTH STATUS REPORT**

We completed a monitoring review of the County's juvenile camps for the period of June 1, 2013 through November 30, 2013. The monitoring reviews are used to measure the Probation Department's (Probation) progress in implementing 23 of the 42 provisions included in the Department of Justice (DOJ) settlement agreement. This is our eleventh status report.

Background and Scope

On August 17, 2010, your Board instructed the Auditor-Controller to monitor Probation's progress in implementing the provisions of the DOJ settlement agreement. The settlement agreement requires the County to fully implement all of the provisions by December 2014.

We are responsible for monitoring the status of 23 of the 42 provisions included in the DOJ settlement agreement. We evaluate Probation's progress in implementing each provision using monitoring tools developed by Probation and the DOJ Monitor. The monitoring tools include specific criteria, which results in a precise score. A score of 90% or higher means that Probation has achieved "substantial compliance" with the requirements of the provision. If the DOJ Monitor determines that Probation maintains "substantial compliance" with the requirements of the provision for 12 consecutive months (14 consecutive months for Provisions 10 and 19), the DOJ Monitor will

consider Probation to have “fully implemented” that provision. Formal monitoring is not applicable to Provision 73.

During this status report, we reviewed the 20 provisions that the DOJ Monitor determined to be fully implemented. We continue to periodically review fully implemented provisions to ensure that Probation maintains compliance with the requirements of those provisions. Also, during the period covered by this review, Probation and the DOJ Monitor had not developed monitoring tools for three provisions that we are responsible for monitoring.

Results of Review

Our review indicated that Probation maintained “substantial compliance” with 17 (85%) of the 20 DOJ settlement agreement provisions reviewed. For the remaining three provisions, Probation’s compliance rate ranged from 65% to 88% which is less than “substantial compliance”. The compliance rates for the three provisions are as follows:

- Provision 18 Staff Training and Supervision of Youth – 65%
- Provision 29 Documentation of Suicide Precautions – 88%
- Provision 45 Staff Understanding of Mental Health and Developmental Disability Needs – 86%

The following are examples of the areas of non-compliance noted in our review that resulted in Probation not maintaining “substantial compliance” with Provisions 18, 29, and 45:

- Probation management did not ensure that Probation Officers completed annual training covering de-escalation techniques, crisis intervention, and youth development. Specifically, Probation camp training records indicated that 306 (42%) of the 724 Probation Officers assigned to the 15 camps/units did not complete the annual training as required. At the time of our review, some of the 306 Probation Officers had not received the annual training in over three years. (Provision 18)
- Probation staff at six (43%) of the 14 camps/units did not always review mental health logs to confirm that they were aware of updates reported by the Department of Mental Health (DMH) regarding minors’ mental health needs. (Provision 29)
- DMH staff at three (21%) of the 14 camps/units did not always provide Probation supervisors with the required housing recommendations for each minor placed on an enhanced level of supervision. In addition, Probation staff did not follow-up with DMH staff to ensure housing recommendations were provided. (Provision 29)
- Probation management at 11 (73%) of the 15 camps/units did not ensure that staff completed the required training to work with youth with mental illness and

developmental disabilities. Specifically, 13% of Probation Officers and 24% of non-peace officer staff (from Probation, Los Angeles County Office of Education, and Juvenile Court Health Services) did not complete the required training. (Provision 45)

Probation and DMH management have indicated that they will take the necessary corrective actions to address the areas identified above, to ensure substantial compliance is maintained for these provisions.

Attachment I is a summary of our monitoring results for this review period that lists the compliance rate for each provision reviewed. Attachment II is a description of each of the provisions we are responsible for monitoring.

Additional Update

As previously noted, Probation and the DOJ Monitor had not yet developed monitoring tools for three provisions (Provisions 17, 43, and 73). However, based on their observations, the DOJ Monitor determined that Probation achieved "substantial compliance" with Provisions 17 and 43 requirements, and placed the Provisions in "formal monitoring." In addition, subsequent to our review, Probation and the DOJ Monitor developed monitoring tools for Provisions 17 and 43. We will utilize these monitoring tools during our next review and will report on Probation's efforts to maintain "substantial compliance" with these two provisions. We will begin reviewing Probation's compliance with Provision 73, when Probation and the DOJ Monitor finalize the monitoring tools for this provision.

Acknowledgement

We thank Probation and DMH management and staff for their cooperation and assistance during our review. Please call me if you have any questions, or your staff may contact Don Chadwick at (213) 253-0301.

JN:AB:DC:AA:gh

Attachment

c: William T Fujioka, Chief Executive Officer
Jerry E. Powers, Chief Probation Officer
Marvin J. Southard, D.S.W., Director, Department of Mental Health
Mitchell H. Katz, M.D., Director, Department of Health Services
Arturo Delgado, Ed.D., Superintendent, Los Angeles County Office of Education
Public Information Office
Audit Committee

**DOJ Settlement Agreement for Probation Juvenile Camps
Provisions Monitored by the Auditor-Controller
Summary of Monitoring Results
June 1, 2013 through November 30, 2013**

Twenty Provisions Monitored During This Review Period

Provision	Description	Fully Implemented (a)	Auditor-Controller Results (b)
10	Use of Force	12/31/2012	96%
11	Oleoresin Capsicum (OC or Pepper) Spray	2/27/2012	98%
12	Use of Force Review	10/30/2012	94%
14	Consumption of Alcohol by Staff	2/27/2012	93%
16	Orientation	11/29/2011	99%
18	Staff Training and Supervision of Youth	10/30/2012	65%
19	Reduction of Youth-on-Youth Violence (YOYV)	12/31/2012	94%
20	Child Abuse Reporting	10/30/2012	91%
21	Child Abuse Investigation	10/30/2012	97%
23	Grievance System	2/27/2012	97%
24	Youth Movement Between Probation Camps and/or Halls	10/30/2011	94%
25	Development and Implementation of Suicide Prevention Policy	10/30/2011	97%
27	Management of Suicidal Youth	10/30/2012	96%
29	Documentation of Suicide Precautions	10/30/2012	88%
30	Supervision of Youth at Risk of Self-Harm	10/30/2012	98%
31	Suicide Precautions for Youth Awaiting Transfer to Another Facility	10/30/2012	98%
32	Training (Suicide Prevention)	10/30/2012	90%
34	Screening	2/27/2012	100%
45	Staff Understanding of Mental Health and Developmental Disability Needs	10/30/2012	86%
46	Discharge Summaries	2/27/2012	96%

Three Provisions Without Monitoring Tools (c)

Provision	Description	Entered Formal Monitoring (d)	Auditor-Controller Results
17	Rehabilitation & Behavior Management	11/1/2013	N/A
43	Substance Abuse	6/13/2013	N/A
73	Increased Access to Community Alternatives	TBD	N/A

Footnote Legend

- (a) The DOJ Monitor indicated that Probation fully met the requirements of this provision by maintaining "substantial compliance" with this provision for 12 consecutive months (14 consecutive months for provisions 10 and 19).
- (b) For purposes of our review, we consider provisions not in substantial compliance with a less than 90% result.
- (c) At the time of our review, Probation and the DOJ Monitor had not finalized the monitoring tools needed to measure compliance with these provisions.
- (d) The DOJ Monitor indicated that Probation achieved "substantial compliance" with the requirements of the provision as of the formal monitoring date. For provisions 17 and 43, Probation must maintain compliance with these provisions for 12 consecutive months to fully meet the requirements of these provisions. For provision 73, Probation must achieve "substantial compliance" with the requirements of this provision at any time before December 31, 2014, and is not required to maintain substantial compliance for 12 consecutive months.

Los Angeles County Probation Department
Juvenile Camps
DOJ Settlement Agreement Provisions
June 1, 2013 through November 30, 2013

Twenty Provisions Monitored During This Review Period

Provision 10 – Use of Force: The County shall develop and implement a comprehensive policy and accompanying practices governing use of force, ensuring that the least amount of force necessary for the safety of staff, youth residents, and visitors is used on youth.

Provision 11 – Oleoresin Capsicum (OC or Pepper) Spray: The County shall develop and implement policies, procedures, and practices to restrict the use of OC spray to appropriate circumstances; enable supervisors to maintain appropriate controls over spray use and storage; restrict the carrying of OC spray to only those individuals who need to carry and use it; prevent, wherever possible, the use of OC spray on populations for whom its use is contraindicated or contrary to doctors' instructions; and ensure that decontamination occurs properly.

Provision 12 – Use of Force Review: The County shall develop and implement a system for review of use of force and alleged child abuse by senior management so that they can use the information gathered to improve training and supervision of staff, guide staff discipline, and/or make policy or programmatic changes as needed.

Provision 14 – Consumption of Alcohol by Staff: The County shall ensure that staff at the Probation camps do not maintain or consume alcohol at the camps.

Provision 16 – Orientation: The County shall ensure that all youth, including those who are disabled or Limited English Proficient, receive orientation sufficient to communicate important information, such as how to access the grievance system, medical care, and mental health services, or report staff misconduct.

Provision 18 – Staff Training and Supervision of Youth: The County shall ensure that staff who work with youth residents have the knowledge and skills needed to effectively manage youth, including de-escalation techniques, crisis intervention, youth development, and supervision.

Provision 19 – Reduction of Youth-on-Youth Violence (YOYV): The County shall develop and implement strategies for reducing YOYV that includes training staff in appropriate behavior management, recognition and response to gang dynamics, and violence reduction techniques.

Provision 20 – Child Abuse Reporting: The County shall develop policies, practices, and procedures to define those circumstances in which staff must report allegations of child abuse or neglect to the appropriate external agencies.

Provision 21 – Child Abuse Investigation: The County shall develop and implement a system for the timely, thorough, and independent investigation of alleged child abuse. Staff who are the subject of an allegation of child abuse shall be removed from direct youth supervision pending the outcome of the referral or investigation.

Provision 23 – Grievance System: The County shall develop an effective grievance system to which youth have access when they have complaints, ensure that grievances may be filed confidentially, and ensure that they receive appropriate follow-up, including informing the author of the grievance about its outcome, and tracking implementation of resolutions. The County shall ensure that the grievance system provides youth with a safe avenue to report abuse, staff misconduct, or unfair treatment.

Provision 24 – Youth Movement Between Probation Camps and/or Halls: The County shall ensure that movement of youth residents between facilities does not interfere with ongoing testing or provision of medical, mental health, or educational services at the Probation camps, unless court proceedings, treatment, or security needs require such movement.

Provision 25 – Development and Implementation of Suicide Prevention Policy: The County shall develop and implement adequate policies, procedures, and practices relating to suicide prevention.

Provision 27 – Management of Suicidal Youth: The County shall develop and implement policies, procedures, and practices to ensure that mental health staff are sufficiently involved with Probation and education staff in the management of youth exhibiting suicidal behaviors, including creation of individual behavior modification programs, and decisions and appropriate clothing, bedding, and housing.

Provision 29 – Documentation of Suicide Precautions: The County shall develop and implement policies, procedures, and practices to ensure that the following information is thoroughly and correctly documented, and provided information to all staff who need to know such information: a) the times youth are placed on and removed from precautions; b) the levels of precautions on which youth are maintained; c) the housing locations of youth on precautions; d) the conditions of the precautions; and e) the times and circumstances of all observations by staff monitoring the youth.

Provision 30 – Supervision of Youth at Risk of Self-Harm: The County shall sufficiently supervise youth newly assigned to a camp, youth in seclusion, and other youth at heightened risk of self-harm to maintain their safety.

Provision 31 – Suicide Precautions for Youth Awaiting Transfer to Another Facility: The County shall develop and implement policies, practices, and procedures to ensure that adequate suicide precautions are provided to youth who are awaiting transfer to another facility for (mental health) assessment.

Provision 32 – Training (Suicide Prevention): The County shall ensure that all camp staff who work with youth are sufficiently trained in suicide prevention so that they understand how to prevent and respond to crises, including practical matters such as the location and use of a cut-down tool in the event of a youth's attempted hanging.

Provision 34 – Screening: The County shall develop and implement policies, procedures, and practices for initial mental health screening to allow the identification of previously diagnosed and potentially existing mental health or substance abuse disorders, including potential suicidality. Such screening shall take place within 48 hours prior to a youth's delivery to a camp, or within 24 hours after a youth's arrival at the camp.

Provision 45 – Staff Understanding of Mental Health and Developmental Disability Needs: The County shall ensure that all staff working with youth residents have the skills and information necessary to understand behaviors of, engage in appropriate interactions with, and respond to needs of, youth with mental illness and developmental disabilities.

Provision 46 – Discharge Summaries: The County shall provide aftercare planning and discharge summaries for youth leaving the facility who have, or have had, open mental health cases at a camp to facilitate treatment in future placements.

Three Provisions Without Monitoring Tools

Provision 17 – Rehabilitation & Behavior Management: The County shall provide adequate rehabilitative programming and gender-specific programming, where appropriate. The County shall provide a facility-wide behavioral management system that is implemented throughout the day, including school time.

Provision 43 – Substance Abuse: The County shall develop and implement policies, procedures, and practices to address substance abuse disorders appropriately.

Provision 73 – Increased Access to Community Alternatives: To ensure that treatment and services referenced in the Memorandum of Agreement are provided in the least restrictive setting, consistent with public safety, the best interests of the youth, and the goal of rehabilitation.