

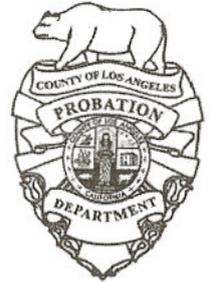


ROBERT B. TAYLOR
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

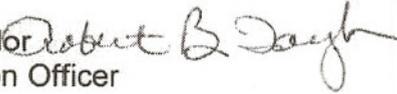
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August 2, 2007

TO: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Robert B. Taylor 
Chief Probation Officer

SUBJECT: DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT – QUARTERLY COMPLIANCE PROGRESS REPORT

On November 23, 2004, the Board instructed the Chief Probation Officer to work with the County Counsel, the Directors of the Departments of Health Services (DHS) and Mental Health (DMH), the Superintendent of the Los Angeles County Office of Education (LACOE), and any other impacted County department or agency, to submit quarterly progress reports to the Board regarding corrective action taken related to the Department of Justice (DOJ) settlement agreement. This quarterly report covers April 1, 2007 through June 30, 2007. The next report will be submitted in October 2007 and will cover July 1, 2007 through September 30, 2007.

During the quarter, the County and LACOE through their counsel, have been working with the DOJ to extend the existing settlement agreement for an additional 27 months. An agreement, in principle, was reached which required the amendment of some of the provisions (also referred to in this document as "paragraphs") in the "Action Plans" which are used by the agencies as a roadmap toward compliance. In accordance with this agreement, LACOE's Special Education Provision (#46) will be separated into five sections and each of these five sections will be monitored separately. On July 24, 2007, the extended settlement agreement was reviewed and approved by your Board. Full compliance with the settlement agreement must be achieved by no later than December 2009. Each of the impacted agencies continues to work with the Monitors and the DOJ to complete the final amendments to their respective Action Plans.

STATUS OF PROVISIONS OVERVIEW

The following is a status of the settlement agreement provisions. Of the 52 provisions:

- 20 (39%) are in compliance with the settlement agreement – these have been in formal monitoring for the required 12 consecutive months, and thus, are no longer required to be under formal monitoring. These provisions are identified in Attachment I.
- 9 (17%) are currently in the 12-month formal monitoring stage. These provisions are identified in Attachment II.
- 13 (25%) are anticipated to be ready to begin formal monitoring during the next reporting period, July 1, 2007 to September 30, 2007, as significant progress towards compliance has been achieved in these areas. These provisions are also identified in Attachment II.
- 10 (19%) are not anticipated to be ready for formal monitoring during the next reporting period, July 1, 2007 through September 30, 2007. These provisions are identified in Attachment III.

SUMMARY OF COUNTY'S PROGRESS: APRIL 1, 2007 – JUNE 30, 2007

PROBATION

The Behavior Management Program was fully implemented at all three juvenile halls. This program encompasses the "Life Excelerator Assessment of Personal Skills (LEAPS) program, the token economy and a rewards program. The provisions relating to Rehabilitation (#33) and Individualized Behavior Modification (#15) will be assessed by the Monitors in August, 2007 for formalized monitoring consideration.

The Department experienced an increase in the incidents of youth-on-youth violence and Safe Crisis Interventions (uses of force) during the first two quarters of this calendar year as compared to the last two quarters of the prior calendar year. However, if the current trends continue, there will still be an overall decrease in the total number of incidents as compared to calendar years 2006 and 2005. The number of incidents of chemical restraint have declined considerably during the first six months of this year (67 incidents for the first six months) as compared to 2006 (131 incidents for the for first six months of 2006). If this trend continues, it is anticipated that OC spray usage will occur approximately 140 times during the year, which will be less than the 151 uses recorded in 2005, which was the lowest usage recorded since the DOJ initiated their investigation.

The Department has contracted with a qualified individual to provide Child Abuse Investigation oversight. It is anticipated that this individual will begin actively participating in the oversight role during the next reporting period. This effort, and a realignment of the Special Investigations Unit, should help bring the Child Abuse Investigation provision

(#31), closer to readiness for substantial compliance consideration during the next two quarterly reporting periods.

The Department has engaged the Monitors and the DOJ in ongoing discussions concerning what constitutes "substantial compliance" as regards the "Staffing" provision (#27). It is generally understood that ensuring that minors have consistent rehabilitative opportunities (food, clothing, schooling, recreation, access to medical, dental and mental health care) and keeping youth safe by reducing incidents of youth-on-youth violence, reducing incidents where force is utilized and minimizing opportunities for mentally ill minors to engage in self-harming behaviors are critical factors that affect a finding of substantial compliance. The methods by which these issues will be measured and assessed will be addressed during the next quarterly reporting period.

Probation and the Department of Mental Health have identified long-term substance abuse service providers for the three juvenile halls. Funding issues have been resolved and the two Departments are in the process of developing treatment service protocols. Once services are provided on a consistent basis the "Substance Abuse" provision (#16) should be ready for formalized monitoring consideration between August and October, 2007.

DEPARTMENT OF HEALTH SERVICES - JUVENILE COURT HEALTH SERVICES

During the quarterly reporting period, Probation and JCHS have conducted site visits to the Los Angeles County Sheriff Department's Twin Towers facility to review and assess the electronic health record (JHIS) in use by the Sheriff's Department, and have entered into discussions with County Counsel and the JHIS system vendor, Cerner Corporation, including licensing issues. As a part of this assessment process, the Department of Health Services requested an outside independent review of the JHIS system by a consultant. The consultant assessment was favorable regarding utilizing this system. Probation and JCHS will continue their collaborative efforts toward compliance with the "Medical Records" provision (#41). We anticipate this provision will be proffered to the Monitor in November, 2007 for consideration for formalized monitoring status as the development plan should be ready for review.

The Eye Clinic continues in full operation at Central Juvenile Hall. Youth have received in-house eye services since June 2006. The "Eyeglasses" provision (#44) was granted formalized monitoring in September 2006.

DEPARTMENT OF MENTAL HEALTH

Provision 10 - Assessment: This provision is under the Compliance Monitoring Provision of the Memorandum of Agreement (Provision #63), as of February 28, 2007. In addition, a CQI process has been put in place to provide feedback on a more real-time basis. On-site mental health program Quality Assurance Committees have been put in place at each of the juvenile halls. The Monitor has noted that the Mental Health audits are conducted with

a high degree of accuracy and that the compliance standards are comparable to or above community standards.

Provision 11 - Treatment Planning: This provision continues to show improvement. The Monitors noted that the treatment plan that the County has developed is excellent and currently implemented at all facilities. Treatment planning continues to improve due to the implementation of Individualized Behavior Management Planning ("IBMP") at each of the facilities. The Boys and Girls Enhanced Supervision Units are open and house 15 boys and 15 girls on a daily basis. The Enhanced Supervision Units are a significant improvement in the integrated management of mentally ill youth who exhibit aggressive and self-harming behaviors. The Monitor noted that the CARE and ESU units continue to show programmatic maturation and that this is particularly evident in the initiation of an organized discharge planning process. He noted that DMH and Probation should be commended in establishing a position for a Discharge Planner. This provision will be assessed by the Monitor in August 2007 for formalized monitoring consideration.

Provision 12 – Implementation for the Treatment Plan: The Monitors note that treatment plan coordination and case management has significantly improved through the IBMP process. CJH initiated their second IBMP weekly meeting to address the increasing number of mentally ill youth housed in the Enhanced Supervision and CARE Units. BJNJH and LPJH will be initiating the second IBMP meeting in February and March as necessary.

Provision 13 - Counseling Services: The Monitors note that there is considerable evidence that counseling services provided to youth have continued to improve. The IBMP process allows for discussions and implementation of both counseling and case management strategies for youth. DMH continues to work to improve the overall quality of documentation of counseling services. The newly hired QA Auditors are working with DMH and Contract Mental Health staff in this arena. Documentation training was conducted for all directly-operated and contract agency staff. This provision will be assessed by the Monitor in August 2007 for formalized monitoring consideration

Provision 25 - Management of Suicidal Youth and Provision 26, Care for Self-Harming Youth: These provisions will be proffered for formal compliance monitoring during the next monitoring visit. The County continues to make progress in managing and caring for the population of self-harming youth. Enhanced Supervision Units (ESU) were opened at Central Juvenile Hall which provide a higher level of care for self-harming minors. In addition, the improved collaboration on the tracking of youth on high observation has helped to ameliorate concerns previously raised by the Monitors regarding these paragraphs. During this quarter, the overall assessment compliance scores for youth on Level 3 was 98%, and for youth on Level 2 was 96%.

LOS ANGELES COUNTY OFFICE OF EDUCATION

Paragraph 46 – Special Education: The Student Records Acquisition Unit (SRA) provides consistency for all three Juvenile Hall Schools in making timely requests for students' previous schools records. The centralized student records request system is expediting retrieval of school records from local districts. Additionally, the SRA Unit conducts follow-up communications with students' previous schools if records are not received within pre-established timeframes. The initial contacts and follow-up efforts conducted by the SRA staff are documented in LACOE's student information database.

All special education teachers in the three Halls have the appropriate credentials to provide instruction for students who have Individual Education Plans (IEPs). General education teachers who work with special education students are provided the necessary sections (e.g., goals and accommodations, present levels of performance, positive behavior support plan, transition plan, if applicable) of the IEPs to accommodate the learning needs of the special education students in their classes. Additionally, paraeducators work collaboratively with credentialed teachers in the classrooms to provide quality learning experiences for special education students.

To ensure that special education students receive the services they are entitled, staff are contacting (or attempting to contact) every parent for involvement, requesting vision and hearing reports from Health Services, completing assessments/reports, conducting IEP meetings within the legal timelines, and including regular education teachers and other necessary agencies (e.g. Probation, Mental Health) in students' IEP meetings. LACOE continues to maintain a continuum of placement options for special education students in the three Halls that include resource specialist services, special day classes, general education courses with designated instructional services support, language and speech services, and counseling services.

LACOE's Special Education Local Plan Area (SELPA) staff have drafted comprehensive standard processes/protocols for the Student Planning Team (SPT) process, which will be consistently utilized among the three Halls. Training on this standard SPT process for administrators responsible for coordinating the SPT process at each of the three Halls has been conducted. The Assistant Principals of Special Education at each of the three Halls are collecting data weekly on the percentage of students in the halls who have IEPs.

Paragraph 47 – Related Services: LACOE continues to identify students who qualify for special education related services. These service needs are documented in the students' IEPs. LACOE has a variety of ongoing trainings for staff to identify and address the various related services needs of students. LACOE has also developed a standard procedure for documenting instances in which students did not receive a portion or all of the services listed in the IEP. This includes documenting acceptable reasons (e.g., medical, court, safety) why students did not receive the services listed in the IEP. Staff at the three Halls are ready, willing, and able to provide services to all students who are brought to school.

LACOE and Health Services have reinforced the process for the school obtaining vision and hearing screening information from Health Services. An official form for requesting this information has been agreed upon by both agencies. LACOE continues to participate in the Individual Behavior Management Program (IBMP) meetings weekly with Probation and Mental Health at each juvenile hall to identify and address students' social, emotional, and academic needs. Staff at the three Halls are provided ongoing guidance and resources to assist them in developing and implementing Behavior Support Plans for students who exhibit a pattern of emotional or behavioral problems.

Paragraph 48 – Parent Participation: The staff at the three Juvenile Halls continue to involve students' parents (guardians, or surrogate parents when applicable) in their child's education. These stakeholders are consistently invited to their child's IEP meetings. LACOE has done an efficient job of providing parents a ten-day notice prior to the IEP meeting to ensure their availability to attend. If parents inform staff that they are not available for the IEP meeting on the scheduled date, the opportunity to participate via teleconference or a different date is discussed with the parent and mutually agreed. LACOE has a systematic process for documenting contacts, attempts to contact, parents' availability, and parents' refusal to participate. At the three Halls LACOE consistently requests that parents are given an opportunity to meet with their child for at least 15 minutes prior to or after the IEP meeting.

Paragraph 49 – Transition Planning and Services: Staff at the three Juvenile Halls have been very effective in providing Individual Transition Plans (ITPs) for special education students who are 16 years or older. LACOE Internal Auditors noted in a recent review that 100% of students reviewed had an ITP. Additionally, the Auditors noted that staff at the three Halls have consistently invited the appropriate agencies who are responsible for providing transition services to participate in IEP meetings.

The Assistant Principal of Special Education at each Hall is responsible for performing periodic quality performance reviews of ITPs to ensure they contain the following elements: instruction, related services, community experiences, development of employment and other post-school adult living objectives. Ongoing ITP trainings and resources are made available for staff to better facilitate transition planning and services for special education students.

Paragraph 50 – Materials, Space and Equipment: LACOE has re-examined the textbook sufficiency survey conducted at the three Juvenile Halls to confirm that all classes have the appropriate materials for classroom instruction. According to the survey, all halls have the sufficient number of LACOE Board approved textbooks and instructional materials. There is also a procedure for each Hall to replenish textbooks and instructional materials to remain sufficient. Students whose IEPs designate additional specific instructional material support are provided the necessary materials as described in the IEPs. An annual review of instructional materials and supplies is conducted at each of the Juvenile Hall schools.

The English Learner (EL) Program at the three Halls remains in substantial compliance. The staff at each Hall are doing an efficient job of quickly identifying students who qualify for EL services and appropriately placing students in EL courses. The number of credentialed teachers and paraeducators is adequate to provide the necessary services for these students. There is weekly monitoring of the program services for EL students and ongoing resources are made available for teachers.

LACOE and Probation continue to collaborate on facility and space issues to resolve problems that are pertinent to education. Probation has made significant progress in reconfiguring Barry J. Nidorf to ensure educational services are provided to High Risk Offender (HRO) youth. It is anticipated that the reconfiguration of Nidorf will be completed during July 2007 and LACOE will immediately begin providing the appropriate educational services to the HROs in the new classrooms. The Education Monitor will review Paragraph 50 during his July visitation and it is LACOE's expectation that the Monitor will determine that LACOE is in substantial compliance for Paragraph 50.

LACOE General Comments: LACOE's Internal Auditors, under the supervision of LACOE management, audit Paragraphs 46 through 50. On June 12, 2007, LACOE reassessed their progress on Paragraphs 46 through 50 and revised the anticipated formal monitoring dates of their paragraphs as indicated below. LACOE management has been working closely with the DOJ Monitors and has reached a mutual understanding of the definition of substantial compliance. LACOE modified the audit tools to capture the information needed to document progress toward substantial compliance. The DOJ Monitors will provide details of LACOE's progress toward substantial compliance in their upcoming semi-annual report. LACOE management has also received indication from the primary DOJ Monitor for Paragraph 50 that formal substantial compliance monitoring will be granted for Paragraph 50 in July 2007 provided that the new HRO classrooms at Barry J. Nidorf are in operation.

Anticipated Dates for Requesting Formal Monitoring

Paragraph 46: Special Education	August 2007
Paragraph 47: Related Services	August 2007
Paragraph 48: Parent Participation	July 2007
Paragraph 49: Transition Planning and Services	July 2007
Paragraph 50: Materials, Space and Equipment	July 2007

AUDITOR-CONTROLLER'S OVERSIGHT OF THE QUALITY ASSURANCE TEAM

The Auditor-Controller continues to provide oversight of the Quality Assurance (QA) Team, which consists of representatives from DHS, DMH and Probation. The QA Team is responsible for monitoring the County's implementation of the settlement agreement provisions.

As of June 30, 2007, 20 of the 52 paragraphs have been fully implemented. Since January 2007, the DOJ began formal monitoring on nine paragraphs (10, 18, 22, 23, 24, 44, 52, 53, and 54). Before a paragraph is considered implemented, it must undergo formal monitoring by the Monitors for one year. During the formal monitoring period, the Monitors evaluate the County's compliance with the paragraphs' provisions. The DOJ will classify paragraphs as implemented if the County maintains substantial compliance with the paragraphs' provisions during the formal monitoring period.

For five of the remaining 23 paragraphs, LACOE staff monitor the implementation status. For the remaining 18 paragraphs, we noted the following:

- 2 paragraphs showed a 90% or above compliance rate.
- 9 paragraphs showed an 80% to 89% compliance rate.
- 5 paragraphs showed a 70% to 79% compliance rate.
- 2 paragraphs showed a less than 70% compliance rate.

If you have any questions, please contact me or your staff may contact Ron Barrett, Los Angeles County DOJ Project Manager at (562) 940-2754.

RBT:rb

Attachments (3)

- c: Sachi A. Hamai, Executive Officer, Board of Supervisors
William T Fujioka, Chief Executive Officer
Doyle Campbell, Deputy Chief Executive Officer
J. Tyler McCauley, Auditor-Controller
Raymond G. Fortner, Jr., County Counsel
Dr. Bruce Chernof, Director, Department of Health Services
Dr. Marvin J. Southard, Director, Department of Mental Health
Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education

PROVISIONS IN COMPLIANCE WITH SETTLEMENT AGREEMENT

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Completion Date</u>
#8	Mental Health Staffing	DMH	Nov 30, 2006
#9	Screening	DMH	May 31, 2006
#14	Record-Keeping	DMH & JCHS	Jun 30, 2006
#17	Psychotropic Medications	Probation	Nov 30, 2006
#19	Access to Care for Medical Services	Probation	Nov 30, 2006
#20	Staff Understand Mental Health Needs	Prob, DMH & JCHS	Nov 30, 2006
#21	Housing of Youth with Disabilities	Probation	May 31, 2006
#30	Supervision of Youth	Probation	Oct 31, 2006
#34	Group Punishment	Probation	May 31, 2006
#36	Youth Movement between Halls	Probation	Jun 30, 2006
#37	Orientation to Juvenile Hall	Probation	Dec 31, 2006
#38	Grievance System	Probation	Nov 30, 2006
#39	Youth with Special Needs	JCHS	May 31, 2006
#40	Transportation to Outside Appointments	Probation	Nov 30, 2006
#42	Confidentiality	Prob. & JCHS	May 31, 2006
#43	Access to Care -Mental Health Services	Probation	Nov 30, 2006
#51	Security	Probation	Nov 30, 2006
#67	Consent Forms	Prob. JCHS & DMH	May 31, 2006
#68	Implementation Plan	All	May 31, 2006
#69	Document Review	All	Aug 31, 2006

TOTAL PROVISIONS: 20

**PROVISIONS IN 12-MONTH
FORMAL MONITORING COMPLIANCE STAGE**

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Effective Date</u>
#10	Assessments (initial identification)	DMH	Feb 28, 2007
#18	Restraints	Probation	Feb 28, 2007
#22	Suicide Prevention	Probation	Feb 28, 2007
#23	Sharing of Information	Probation	Feb 28, 2007
#24	Assessment (ongoing evaluations)	DMH	Feb 28, 2007
#44	Eyeglasses	JCHS	Sep 01, 2006
#52	Fire Safety	Probation	Dec 01, 2006
#53	Food Safety	Probation	Dec 01, 2006
#54	Medically-Necessary Diets	Probation	Dec 01, 2006

TOTAL PROVISIONS: 9

**PROVISIONS ANTICIPATED TO BEGIN FORMAL MONITORING
IN THE NEXT REPORTING PERIOD**

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Date</u>
#11	Treatment Planning	DMH	July 2007
#13	Counseling Services	DMH	July 2007
#15	Individualized Behavior Modification	ALL	Aug 2007
#16	Substance Abuse	DMH/Probation	Aug 2007
#25	Management of Suicidal Youth	DMH/Probation	June 2007
#26	Care for Self-Harming Youth	DMH/Probation	June 2007
#28	Chemical Restraint	Probation	July 2007
#29	Use of Force	Probation	Feb. 2007
#33	Rehabilitation	Probation/LACOE	Aug 2007
#45 *	Hygiene	JCHS/Probation	Apr 2007
#48	Parent Participation	LACOE	Aug 2007
#49	Transition Planning and Services	LACOE	Aug-Oct 2007
#55	Youth Hygiene	Probation	Aug 2007

**Granted tentative monitoring status during the Monitor's April, 2007 visit. A final review of continued progress will be made during the Monitor's August 2007 visit.*

TOTAL PROVISIONS: 13

**PROVISIONS NOT ANTICIPATED TO BE READY FOR
FORMAL MONITORING DURING THE NEXT REPORTING PERIOD**

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Date</u>
#12	Case Management	DMH	Sept-Oct 2007
#27	Staffing (Probation)	Probation	Sept-Nov 2007
#31	Child Abuse Investigation	Probation	Sept-Nov 2007
#32	Use of Force Review	Probation	Aug-Oct 2007
#35	Reduce Youth-on-Youth Violence	Probation/LACOE	Aug-Oct 2007
#41	Medical Records Transfer	JCHS	Sept-Nov 2007
#46	Special Education	LACOE	Aug-Oct 2007
#47	Related Services	LACOE	Aug-Oct 2007
#50	Materials, Space and Equipment	LACOE	July 2007
#56	Audit Process for DOJ	ALL	Nov 2007

TOTAL PROVISIONS: 10