SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

JUVENILE DIVISION

On behalf of: The Board of Supervisors and Probation, Petitioners	ORDER RE: INTERVIEWING, AND VOICE RECORDING OF DELINQUENT CHILDREN

Pursuant to a "Request for Interviewing, Photographing, Videotaping, or Voice Recording of Dependent/Delinquent Children" submitted on January 8, 2016, the Board of Supervisors and the Department of Probation ("Petitioners") request a limited waiver of confidentiality to allow the Auditor-Controller to interview approximately 101 wards of the Juvenile Justice System housed in Probation Camps throughout the County of Los Angeles.

On April 14, 2015, in a Board Motion, the Los Angeles County Board of Supervisors ordered the Auditor-Controller to conduct an audit of the Probation Department, including obtaining "feedback from the youth under the [Probation] Department's supervision, utilizing appropriate subject matter experts to conduct the interviews."

On July 14, 2014, Los Angeles County entered into a contract with the Violence Intervention Project (VIP). The interviewer, VIP, is a multidisciplinary family advocacy center that provides medical, forensic, mental health, advocacy, and ca~~se management~~ services to victims of child abuse, neglect, sexual assault, domestic violence, and elder abuse. VIP was

awarded the contract due to its partnership with LAC+USC Medical Center and the exemplary work it performs as a contractor for the Department of Mental Health. Dr. Astrid Heger, the founder and executive director of VIP, is overseeing the project, including a program manager, a data analyst, and an interview team of eight people, many of whom are recent college graduates in social science disciplines.

On September 15, 2015, the court granted a similar request filed by Probation and the Board of Supervisors to interview approximately 300 juvenile wards. This order, set forth below, is an extension of the petitioner's original request, which now allows VIP to interview a random sample of approximately 101 juvenile wards housed in Probation Camps throughout the County.

UPON CONSIDERATION of the request and response thereto, the Juvenile Court hereby grants to Petitioner a limited waiver of confidentiality, pursuant to Welfare and Institutions Code section 827 and California Rule of Court 5.552, to allow VIP to conduct its interview, subject to the following limitations:

1. VIP may only interview those minors who received notice of the media petition and had the opportunity to object to the request. The court shall give Probation the names of those minors who may be interviewed. Those not on the list may not be interviewed by VIP.

2. The court has read and considered the proposed interview questions and has decided the following:

    a. VIP may ask the following questions:

        i. <u>Background/General Information:</u>

            1. How old are you?
            2. How do you define your race/ethnicity? Gender?
            3. How long have you been on probation?
            4. How long have you been at this camp/hall?
            5. How has your experience been in the camp/hall?
            6. Describe a typical day for you.

        ii. <u>Living Conditions:</u>

            1. What are your living conditions like at the camp/hall?
            2. Rooms, bathrooms, living spaces, sleeping conditions, etc?
            3. How often are you outside?

4. Do you feel that it is enough time? What kinds of activities do you do?
5. How is the food?
    a. What are your favorite meals? What meals do you dislike?

iii. Support:
1. What types of support have you received while in the hall/camp?
    a. Does anyone visit you?
    b. If so, how are the visits?
    c. Have you made friends here?
    d. What are those relationships like?

iv. Services
1. Since entering the hall/camp, how has your education been?
    a. What is school like? What are your educational plans once released?
2. What services or programs have you participated in while in the hall/camp?
3. What programs have you found to be helpful? What programs have been unhelpful?
4. What is your relationship like with your probation office?
    a. How often do you see them?
5. What do you talk about in your meetings?
6. What are your plans after being released?
7. Have you spoken with others about your plans? How have they been helpful?
8. How have they been unhelpful?
9. What services would you want offered while in the hall/camp?
    a. If offered, would you want to be a part of a mentoring program?

v. General – Summary
1. What has been the best part of probation?
2. What has been the worst part of probation?
3. If you were in charge, what would you change about the probation system?

vi. Safety and Discipline
1. Is there anyone in probation that you feel safe talking to?
    a. If so, who? What is that relationship like?

vii. Juvenile Court
1. What was your court experience like?
2. Number of lawyers, public defenders v. contract attorney

b. VIP may not ask the following questions because they are likely to elicit incriminating, highly confidential, and/or irrelevant information unless the minor signs a waiver after being instructed by his or her attorney of any possible adverse consequences:

i. Services

1. Have you spoken with a counselor or therapist while in the hall/camp?
    a. If so, how was that experience?
2. If you are feeling upset, can you see a counselor that day?
    a. If not, what is the process to see one?
3. Have you seen a doctor or nurse while in the hall/camp?
4. If so, how was that experience?
5. If female, was birth control available?
6. If you feel sick, can you see a doctor or nurse that day? If not, what is the process to see one?
7. Have you ever taken medication for depression or anxiety?
8. What was that like? How often were/are you given the medication?

ii. Safety and Discipline

1. Has anyone harmed you while in the hall/camp?
    a. If so, tell me about that experience?
2. Have you ever been in solitary confinement?
    a. If so, what was that experience like? How long did you spend there?
3. Are the rules enforced fairly?
    a. Can you give an example of when they were enforced fairly? Can you give an example of when it was not enforced fairly?

c. VIP may not ask the following questions because they are likely to elicit incriminating, highly confidential, and irrelevant information:

i. Juvenile Court

1. How did your lawyer(s) explain the process to you?
    a. Charges, consequences, options?
2. What did your lawyers do for you?
    Make and return calls, make visits, talk with family, etc.

3. VIP may not interview the minor unless minor's attorney (e.g. Public Defender's Office and/or Alternate Public Defender's Office) is also present.

4. The interview is voluntary. VIP may not interview a minor unless the minor signs a consent form, which shall be provided prior to the interview. VIP shall send a copy of the consent form to the minor's attorney for approval of the form prior to contacting minor. VIP may not interview the minor without the approval.

5. Minor must receive an explanation of the interview process and the consequences of answering the questions.

6. For questions involving psychotherapist-patient and physician-patient privileges, minor must sign a waiver form after being instructed by his or her attorney of any possible adverse consequences before answering those questions.

7. Minor may refuse to answer any or all questions, and VIP shall proceed to another question or end the interview entirely.

8. Petitioner shall take the following steps to ensure the confidentiality of the minors' identity:

    a. Interviewers from the VIP will visit certain Juvenile Camps, and the Probation Department will ask only those youths who are on the list on Exhibit A of the Probation Department's petition if they want to volunteer to interview with the VIP;
    b. Probation Department will refer the youths who volunteer to be interviewed to the VIP interviewers;
    c. Probation Department will not disclose youth's names and instead they will be assigned an identifying number (e.g., youth A,B) to the VIP interviewers;
    d. The VIP interviewers will not ask for the youth's name during the interview and will only identify them by their identifying number, and the VIP interviewers will explain to the youth that the interview will be confidential, except if the youth discloses child abuse or neglect or threat of harm to themselves or others.
    e. No identifying information of a youth will be included in the final report being submitted to the Board of Supervisors;
    f. Probation Department may not participate in the interviews, and may not overhear the information elicited during the interviews;
    g. Probation Department will provide interview rooms for use by VIP. The interview rooms will be located at the Probation Camp where the minor is housed. The interview rooms will be equipped with viewing windows;
    h. Probation staff will stand outside of the interview rooms and will have visual access to the minors but will not be privy to the interviews themselves; and,
    i. The interviewer may voice record the interview, but may not photograph or videotape the interviewees.

9. If the Petitioner or Probation Department becomes aware of any violation of the court order, the Petitioner or the Department shall inform the Juvenile Court immediately.

A true copy of this order is sent this date to Petitioner via electronic mail.

IT IS SO ORDERED.

DATE: 2-11-16

Michael Levanas
Presiding Judge of the Juvenile Court