Los Angeles County Probation Oversight Working Group

Working Document of Recommendations, version 7-13-16

AUTHORITY OF THE COMMISSION

1. **An Oversight Commission Should Have the Authority to Streamline Information, Recommendations, and Requests to Probation**
   There is a significant need to streamline the process by which oversight bodies (and Board offices) request information from Probation to avoid duplication and the unnecessary expenditure of Probation time and resources spent responding to multiple agencies, generating reports, and repetitive questions. There should be a mechanism by which a single oversight body has the authority to compile inquiries and requests for information; receive information and reports from all citizen oversight or advocacy groups; evaluate information; and, synthesize duplicative requests and/or repetitive concerns. This Oversight Commission should be the sole oversight entity to which Probation must respond with requests for information. Such streamlining might also save County resources. (Note: it is important that the Board of Supervisors buys into the value of and this responsibility of the Commission, so that individual offices do not interject and impose their own time-consuming requests on Probation.)

2. **An Oversight Commission Needs "Teeth" and an Enforcement Mechanism**
   The Oversight Commission must have sufficient authority or "teeth" - perhaps even the ability to weigh in on Probation's budget requests prior to approval. The Commission must have a meaningful enforcement mechanism to hold the Probation Department accountable. The Commission also needs the ability to respond in a timely fashion (or generate a timely response from the appropriate party) to concerns and issues raised. Several existing oversight bodies currently face constraints that prohibit the ability a timely response (e.g., being limited to the "power of the pen" or the ability to generate an annual report as a response).

3. **Capacity for Budget Oversight**
   Financial issues and questions present ongoing concerns. The Oversight Commission should have some oversight and ability to weigh in on budget issues. Probation's budget proposals should come to the Oversight Committee for approval before going to the Board of Supervisors.

4. **The Oversight Commission Must Have Access to Complete Files to Conduct Its Oversight Work.**
   A single person's report does not paint the entire picture. Commissioners and teams conducting oversight must be able to assess issues that involve multiple agencies (e.g., probation, education, mental health, etc.), and gather information to collect data and look for trends.

5. **Clarity around Legal Implications of an Oversight Commission**
   We need greater clarity with respect to the legal implications of creating a new, separate oversight probation commission. We will enlist the help of County Counsel and the CEO's office to assist with that effort.

6. **The Oversight Commission Must Have Resources**
   A permanent oversight commission must have resources, staff, and support to be effective and have the ability to get things done. Oversight Commissioners should be compensated for their time and work.

RESPONSIBILITIES OF THE COMMISSION

7. **An Oversight Commission Should Carefully Review the Mission and Directives of all Entities with Oversight Authority**
   A comprehensive Probation Oversight Commission should review the mission and directive for other entities that have oversight responsibilities for Probation, and include reporting responsibilities and the chain of command based on the entity's actual role and responsibilities, as well as the roles and responsibilities dictated by the BOS or state statute. The Commission's greatest role might be to facilitate meaningful collaboration, coordination, and sharing of information between these bodies to create comprehensive oversight.

8. **There is a Need for Greater Oversight over Probation's Compliance with a Clear Mission**
   Probation seems to lack a clear mission that drives its practice (aside from laws and mandates). This void can be felt throughout the department; as a result, Probation ends up getting pushed and pulled in different directions, and being reactive, as opposed to working proactively towards clear, well-understood department goals. Even the most well-meaning probation officers seem to lack an overarching philosophy (and certainly lack one shared by others throughout the Probation Department) that guides their decisions and actions. An Oversight Commission should work to ensure development of and compliance with a clear mission and strategic plan that is felt throughout the department. On the juvenile side, there must be a strong juvenile justice commission with key stakeholders knowledgeable about the field to help implement a clear, sound mission statement.

9. **Need for a "Live" and Current Database**
   The Commission should maintain a live database to house all reports; recommendations; status updates on corrective actions plans; inspection results; etc. This database should include links to the various reports and be available and easily accessible by the public, county departments, citizen oversight entities, advocacy groups, etc. to promote transparency.

10. **Need to Streamline Recommendations and Monitor Compliance**
    This Commission should streamline the flow of information, reports, and recommendations into a comprehensive system that addresses and responds to concerns. This entity should then be responsible for ensuring a process by which corrective actions are followed and monitored by citizen oversight groups on an ongoing basis.

11. **Need for Improved Communication Between Oversight Entities.**
    The Commission should promote improved communication between and among existing probation oversight entities. The current lack of coordination and clear lines of communication makes the Probation Department susceptible to critiques, and even lawsuits.

12. **Importance of Collaboration**
    A chief goal of the Probation Oversight Commission should be effective, meaningful, and ongoing collaboration/integration.

13. **Greater Collaboration Between LACOE and Probation Must be Fostered**
    The Oversight Commission should take special care to clarify the role (and overlap) between Probation and LACOE, and help ensure coordination and an effective process for the two agencies to work together, share information, and report regularly (to one another and to the Commission) about the educational progress of probationers. To facilitate this improved collaboration between LACOE and Probation, the reporting authority for Dr. Jesus Corral, the Senior Director of Education Services in the Los Angeles County Probation Department, should be clarified and reflect coordination and collaboration between LACOE and Probation. The Chief Probation Officer and the Superintendent of LACOE should work together on comprehensive education reform. The community college district should be intentionally included in this collaboration, and in a revised reporting structure, as well.

14. **The Oversight Commission Should Facilitate Coordination and Communication about Inspection Results.**
    When a Sybil Brand Commissioner conducts an inspection, and a Probation Commissioner conducts an inspection, the information and findings are currently rarely (or never) shared between commissions. An Oversight Commission should work to ensure that all visits and inspections are coordinated; information is shared; and follow-up is conducted in a timely manner.

15. **Multi-Disciplinary Teams Should Conduct Inspections of Facilities and Group Homes**
    The Commission should work to ensure that interdisciplinary teams of people conduct inspections of facilities. For example, when a judge goes to inspect a juvenile high school, someone from LACOE should accompany him/her to help ensure appropriate educational questions are addressed. The Oversight Commission should help facilitate these interdisciplinary visits that include

individuals from different agencies, disciplines, organizations, and existing oversight entities. All teams should include individuals and agency representatives authorized to make unannounced visits, and to speak with probationers. (When youth are interviewed, counsel should be notified in advance.)

16. **Oversight of JJCPA funding**
    As part of its budgetary oversight responsibilities, the Commission should ensure that JJCPA money is used to provide youth with pre-dispo services as soon as possible to prevent removal from the home and entry / deeper entry into the juvenile justice system. The Commission should also review the number of youth in juvenile hall who should not be there, and who should instead be benefitting from community-based services supported by JJCPA funds.

17. **Oversight over treatment of low-risk youth**
    The Commission should provide/ensure rigorous oversight over the treatment of low risk youth to avoid net-widening, and deeper entry into the juvenile and criminal justice systems. The literature suggests we must be very careful about how we treat "low risk" youth so we do not inadvertently funnel more youth into the juvenile and criminal justice systems. While many youth do need community-based services, Probation needs to improve its ability to identify and access appropriate services tailored to youth at different stages of their development. The Commission must also take care to ensure oversight over the Probation Department's referral system, and ensure that it encompasses the full array of *prevention* as well as intervention and rehabilitation services needed. The Commission should pay special attention to provide oversight over the 236 and active investigation cases.

18. **Oversight over Reentry Services**
    The Commission should work to ensure greater oversight over Probation's use of community-based services, for prevention services as well as for probationers upon reentry.

19. **Oversight over Assessment and Screening**
    The Commission should help ensure adequate oversight over the use of assessments and screening tools, to ensure they are connected, consistent with best practices and a strategic plan (once Probation develops one), and that recommendations are properly implemented.

20. **Capital Improvements**
    Capital Improvements should be included as a part of ongoing oversight.

21. **The CERC Quarterly Report Should Serve as a Model**
    The Commission might look to the CERC quarterly report (including corrective actions plans, recommendations, and follow-up) as a potential model for other/all entities to utilize to stay current with respect to various issues, actions,

recommendations, and status updates. This process was just changed for juveniles, and might be replicated on the adult side (where it currently does not exist), as well.

STRUCTURE OF OVERSIGHT COMMISSION

22. **Need for Independence of an Oversight Commission**
An Oversight Commission should be independent from any county department. This Commission should be interdisciplinary, and have the ability to influence policy, and the requisite support to be effective (a healthy budget, staff, tech support for an interactive database, etc.).

23. **Recommendation for Separate Oversight Commissions**
We should have separate probation oversight commissions – for Juvenile Probation and Adult Probation. (Note: this recommendation would require legislative changes in the Welfare and Institutions Code, as well as the county charter.)

24. **Oversight Should be Divided into two areas: (1) Monitoring and (2) Practice, Development, and Accountability**
A monitoring subgroup of the Oversight Commission could oversee both adult and juvenile monitoring. If this monitoring group discovers any policy violation, it will serve as the ethical group to review, assess, and make a determination. A separate group for practice, development, and accountability, however, should be divided into adult and juvenile divisions. The juvenile subgroup should be well-informed and understand the research and literature around juvenile justice, and partner with Probation to help make the department more responsive to the unique needs of juveniles. The adult division of the practice, development and accountability subgroup will serve the same role for the adult probation population.

25. **Reporting Authority**
The Oversight Commission should report back directly to the Board of Supervisors. If, after corrective actions are recommended (or directed), deficiencies continue or Probation shows a lack of responsiveness, this entity will have direct access to the BOS.

26. **Need for a Juvenile Justice Commission in Los Angeles.**
Los Angeles County should have a juvenile justice commission. In other counties, a juvenile justice commission is established through the county charter. The structure should and could be changed back in Los Angeles County so that we have one, as well.

27. **The Juvenile Reentry Council** should be reinstated. It was disbanded because Probation felt it was too much work to manage. There remains a critical need for it, however, and it should be reactivated.

COMPOSITION AND QUALIFICATIONS OF THE OVERSIGHT COMMISSION

28. **Inclusion of the Courts in Oversight (of adult and juvenile)**
    In the spirit of collaboration and integration, the Courts need to be included in an ongoing and meaningful way as part of all Probation oversight efforts.

29. **Inclusion of the Juvenile Court in Oversight**
    The Juvenile Court should be included and play a greater role in juvenile probation oversight. To avoid any conflict, a juvenile court judge might participate in an advisory fashion, rather than as an appointed member.

30. **There Must be Community Involvement in Oversight.**
    Community-based organizations that serve probationers have tremendous expertise and ideas, and must be invited to the table to help weigh in on the oversight process and recommendations for reform. The CBOs must also be held accountable with respect to the services they provide. CBO representation should be included on the Oversight Commission, and in the discussion about the standards to which CBOs must be held accountable.

31. **DCFS and the Department of Mental Health Should be Included in Collaborative Oversight Discussions**
    The Commission should work to facilitate improved collaboration between and among the departments, and to bring mental health into the discussion. There are too many cases involving crossover youth and youth with mental health issues where everyone thinks someone else (a different department) is handling an issue. As a result, critical needs go unaddressed.

32. **Role of the Ombudsman**
    The Ombudsman should be included as part of the Probation Oversight Commission, and be made completely independent of the Probation Department. Currently, when the Ombudsman makes recommendations, they appear to fall into a "black hole." We need a thorough fiscal analysis to assess the feasibility of a new staffing structure to support the Ombudsman and ensure that her recommendations are carried out.

33. **Qualifications of Oversight Commissioners**
    Oversight Commissioners should have background and experience in a variety of disciplines, including Probation, Rehabilitation, Mental Health, Public Health, Education, Health Care, Social Work, Facilities, Law Enforcement. This body should be an interdisciplinary one.

OTHER: RECOMMENDATIONS FOR THE PROBATION DEPARTMENT AND LA COUNTY (FINDINGS?)

34. **Separate Clearance Process for VISTO**
    There should be a separate clearance process for VISTO (volunteers and interns) from Human Resources Employment processing/clearance. At the same time, we have to take special precaution and measures to screen who can come in to facilities. (Example: we have to ensure we don't allow a pimp in to solicit girls, etc.)

35. **Special Protections for TAY**
    There must be special protections for transition age youth (TAY) – ages 16 – 24 – within the Probation Department. Such protection might come in the form of a special TAY division within the Department.

36. **Recommendation for two separate adult and juvenile divisions within Probation**
    Probation should have two separate divisions for adult and juvenile. The juvenile division should include transition age youth (TAY) ages 18-24.

37. **Need for job readiness/training**
    Vocational training and job readiness, preparation, and training should be prioritized and offered, especially to youth in the juvenile probation camps.

38. **Need for Evaluation**
    There should be a thorough, constructive, "friendly" 360 evaluation of *everyone* – all departments, individuals, and agencies, involved in the probation system. Currently, judges, and many other stakeholders are not evaluated in a meaningful, constructive way, and they should be to promote ongoing improvements of the system.

39. **Substance abuse**
    Substance abuse is a terrible problem for youth in the juvenile and criminal justice systems. All youth in the juvenile justice system should receive the services available to youth in drug court. (There are only drug courts in three of eight locations.) We should take the drug court model and employ it for all kids. Probation must also communicate and work in closer collaboration with substance abuse programs. It is unacceptable that a youth who tests dirty from probation can still graduate from a substance abuse program (which might test the youth at different times).

40. **Families/Relatives**
    There needs to be greater work done to find extended relatives for youth who are frequently sent to juvenile hall for lack of a stable family situation. There is a failure to identify relatives and even fathers who might be available to care for a court-involved youth.

41. **Division of the Department**
For administrative reasons, the Probation Department should stay as one Department, but have separate divisions (either two or three) to include separate juvenile and adult divisions. TAY might be included in the juvenile division, or have their own separate division. (We heard arguments for both; all work group members agree that TAY should be included in the juvenile division.)

42. **Mental health services and counseling**
We need greater services for youth who are deemed "not competent" to stand trial. The court cannot order mental health services for youth who are not under the court's jurisdiction. Mental Health services, restorative justice services, and counseling should all be available for those youth.

43. **Need for a Strategic Plan for Juvenile Justice in Los Angeles County**
To address the current, siloed structure with multiple bodies looking at what probation is doing, we need a new, comprehensive strategic plan for juvenile justice in Los Angeles County. This plan must include collaboration and integration of all involved, and embody multiple, disparate disciplines. All stakeholders need to be represented at the table, including parents and family members of probationers. This plan would be in alignment with the new strategic plan for the County of Los Angeles. Questions about this strategic plan could be great interview questions for candidates for the new Chief of Probation.