STATEMENT OF PROCEEDINGS FOR THE REGULAR MEETING OF THE PROBATION OVERSIGHT COMMISSION WORKING GROUP
SOUTH L.A. PROBATION ADULT DAY REPORTING CENTER
236 E. 58th STREET
LOS ANGELES, CALIFORNIA 90011

Wednesday, August 17, 2016

9:30 AM

AUDIO LINK FOR THE ENTIRE MEETING. (16-4392)

Attachments: Audio 1
Audio 2

Call to Order.

Chair Chodroff called the meeting to order at 9:52 a.m.

Present: Chair Carol Chodroff, Vice Chair Alex Johnson, Gabriella Holt, Don Meredith and Jose Osuna

I. ADMINISTRATIVE MATTERS 9:30 A.M.

1. Approve Minutes for the meeting of August 3, 2016. (16-4012)

On motion of Member Holt, seconded by Member Meredith, the Probation Oversight Commission Working Group approved the August 3, 2016 Minutes.

Attachments: 08-03-16 Minutes

2. Meeting Schedule and Location Update. (16-4013)

Chair Chodroff informed the Working Group that Father Greg Boyle, Founder and Executive Director of Homeboy Industries, is unable to attend the next meeting on September 14, 2016.

Attachments: Meeting Schedule 08-17-16

3. Town Hall Meetings - Schedule and Location. (16-4014)

Vice Chair Johnson informed the Working Group that the tentative Town Hall Meeting scheduled for the Second District on September 29, 2016 will need to be rescheduled. Commission Staff indicated that they will work with Vice Chair Johnson in rescheduling.

Attachments: Town Hall Schedule

II. OVERSIGHT ASSESSMENT: Review of Previous Presentations

4. Discussion of the information obtained from last meeting's Presentations, pending reports and next steps. (16-3493)

Chair Chodroff highlighted the various points brought forward by Dr. Debra Duardo, Superintendent of the Los Angeles County Office of Education (LACOE). Chair Chodroff commended Dr. Duardo's willingness to collaborate with the Probation Department relative to the educational needs of Probation youth and her responsiveness to resolving problem-areas expeditiously. Chair Chodroff referenced the various ideas and recommendations provided by Judge Michael Nash, Director, Office of Child Protection, and suggested that his viewpoints should be revisited by the Working Group during their recommendation discussion.

Member Holt voiced her concerns regarding the judiciary disconnect in regards to the Probation camp inspections addressed by Judge Nash and the lack of follow through upon youth re-entry into the community.

III. PRESENTATIONS 10:00 A.M.

5. Presentation by Reaver Bingham, Chief Deputy, Probation Department. (16-4015)

Reaver Bingham, Deputy Chief Probation Officer, Randall Pineda, Probation Director, and John Baima, Supervising Program Manager of the Probation Department presented a PowerPoint presentation addressing the questions prepared by the Working Group beforehand and provided a general overview of the Probation Department functions and processes.

Chief Bingham discussed the various services available to adult probationers while in custody including the "Back on Track" Program developed by Attorney General Kamala Harris. Chief Bingham also discussed the partnership with the Departments of Health Services, Mental Health and Public Health which aid both adult and juvenile probationers

upon re-entry into the community. Chief Bingham discussed re-entry preparation, community services, and the types of client-paid services available through the stated County Departments.

Chief Bingham also explained how AB 109 has changed adult probation in the County and its impact on resources and funding. Chief Bingham informed that $14 million has been dedicated to homelessness efforts and $18 million has been dedicated to diversion/re-entry. Chief Bingham discussed the use of flash incarceration for AB 109 probationers which consists of immediate short-term incarceration for those probationers who are continuously non-compliant and explained that it is utilized as a last resort. Chair Chodroff inquired as to the legality of flash incarceration and Chief Bingham indicated that the practice is written into the AB 109 statute and, therefore, the use bypasses the judicial system. He further explained that there are approximately 100 – 150 flash incarcerations to every 10,000 cases.

Chief Bingham also discussed the enhanced collaboration between Probation and other County Departments as they work together to bring services to probationers such as health, mental health, housing and employment services.

The meeting was recessed at 11:14 a.m. and reconvened at 11:23 a.m., with all Members present.

Upon reconvening, Chief Bingham continued his presentation. Chief Bingham responded to the question posed by the Working Group, specifically if the Probation Department should be divided into two separate departments, i.e., adult and juvenile. Chief Bingham indicated that such a model may not be cost effective. However, an alternative would be to have two separate divisions within the one Probation Department where there could be a focus on defined strategic priorities by each division overseen by the Chief Probation Officer.

Chief Bingham also presented an overview of the adult court and probation process highlighting various statistical data for the adult probation population by demographics. Chief Bingham stated that Probation is a data driven Department which relies on measurable outcomes to determine best practices and adheres to programs that are conducive to a continuous process of improvement.

Attachments: Questions for Reaver Bingham

PowerPoint Presentation

The meeting recessed at 12:11 p.m. and reconvened at 1:02 p.m., with all Members present.

6. Presentation by Max Huntsman, Los Angeles County Inspector General. (16-4016)

Max Huntsman, Inspector General, responded to questions provided by the Working Group beforehand. Inspector General Huntsman provided background as to how the Sheriff's Civilian Oversight Commission accomplished their charge by the Board of Supervisors. Inspector General Huntsman reviewed the various avenues that provided oversight to the Sheriff's Department such as the Office of Independent Monitoring, the Office of Independent Review, and the Ombudsman. Inspector General Huntsman indicated that these investigative mechanisms functioned very close to the internal structure of the Sheriff's Department and had no real authority to make appropriate changes within the Department. Inspector General Huntsman also referred to Special Counsel Merrick Bobb, who served as an outside investigator and prepared reports for the Board of Supervisors. However, Inspector General Huntsman stressed that without a strident emphasis on follow-through, many of Mr. Bobb's recommendations were delayed or shelved.

In regards to Probation oversight, Inspector General Huntsman acknowledged that the Probation Department already has various investigative bodies such as Internal Affairs, Sybil Brand Commission, the Auditor-Controller, and the Probation Ombudsman. However, each entity is small and they do not necessarily interact with each other in a manner that can remedy findings or move recommendations forward.

Chair Chodroff inquired as to what is the best process to ensure that a centralized and effective oversight commission could be created. Inspector General Huntsman recommended that any oversight commission should consolidate investigative powers under one body with authority to incite change; establish a favorable working relationship with the Probation Department so that information is shared and open dialog is established; and force the improvement of internal mechanisms through external influence by public involvement or political pressure. Inspector General Huntsman suggested that the new oversight commission should mirror a blue ribbon commission and seat individuals who are subject matter experts and highly engaged and motivated.

The question was posed if the Probation Department should have their own Inspector General. Inspector General Huntsman indicated that with additional staff and resources his office could serve in that capacity. Inspector General Huntsman answered additional questions posed by the Working Group.

Following Inspector General Huntsman's presentation, the following members of the public addressed the Working Group: Diwayne Smith, Kim McGill, Edilberto Flores, Francisco Martinez and Juan Pena from the Youth Justice Coalition; and Patricia Soung, Senior Staff Attorney and Senior Policy Associate of the Children's Defense Fund California.

The meeting recessed at 2:47 p.m. and reconvened at 3:00 p.m., with all Members present.

Attachments: Questions for Max Huntsman

7. Presentation by Evonne Garner, Deputy Director and Mary Wakefield, Field Representative, Board of State Community Corrections. (16-4017)

Chair Chodroff informed the Working Group that the representatives from the Board of State Community Corrections were unable to attend the meeting.

On Motion of Member Osuna, seconded by Member Meredith, the Probation Oversight Commission Working Group continued the presentation relative to the Board of State Community Corrections to a future meeting.

Attachments: Questions for BSCC

IV. STATUS REPORTS/UPDATES AND DISCUSSION TIME(S) 2:45 P.M.

8. Review and discussion of the Probation Commission letter to the Board of Supervisors dated April 28, 2016 relating to Probation Oversight. (16-3969)

On Motion of Member Osuna, seconded by Member Meredith, the Probation Oversight Commission Working Group continued their review and discussion of the Probation Commission letter to the Board of Supervisors dated April 28, 2016, to the October 12, 2016 meeting.

Attachments: Probation Commission Letter to Board

9. Discussion of and processes for review of the "Working Document Recommendations" which contain draft recommendations and/or comments of the Working Group Members and/or other sources relating to the creation of a Probation Oversight Commission. (16-3746)

The Working Group revised the Mission and Vision Statement to consolidate wording and reposition concepts that are best suited as recommendations or findings.

The Working Group discussed the concept of two separate Probation Departments, one for adult probation and one for juvenile probation. The consensus was that a separate department for each is the most favorable concept if the budget was available for such a model. In the event the County budget could not support the two-department model, then the next favorable concept would be to create two separate divisions within the existing Probation Department with subject matter experts populating each division. The proposed Oversight Commission would oversee both divisions.

The Working Group also discussed the following issues: Sybil Brand Commission; Civil Grand Jury: Auditor-Controller's DOJ Project; and Ombudsman. Discussion on the Probation Commission was deferred to the meeting of October 12, 2016, and discussion regarding the Services Integration Branch was re-categorized as a finding.

The Working Group continued their discussion relative to the identification of overlaps and gaps in responsibilities, and the need for coordinated oversight efforts for those commissions/agencies which are not to be terminated, including data sharing. Also discussed was the need to strengthen the partnership between LACOE and the Probation Department; the need to identify investigative and monitoring needs for Probation and the structure of the proposed Oversight Commission; the structure of oversight for juvenile and adult probation; special protections for Transitional Age Youth; and the authority and responsibility of the proposed Oversight Commission, including the resources, budget, access to files, and clarity of legal implications.

Chair Chodroff indicated that she will revise the Recommendations based on the Working Group's discussion and will have it disseminated for the Working Group's review and discussion in time for the September 14, 2016 meeting.

Attachments: Working Document Recommendations as of 08-17-16

V. MISCELLANEOUS

10. Matters not on the posted agenda, to be discussed and (if requested) referred to staff or placed on the agenda for action at a future meeting, or matters requiring immediate action because of an emergency situation or where the need to take action came to the attention of the Probation Oversight Working Group subsequent to the posting of the agenda. (16-2018)

Chair Chodroff requested that a presentation be scheduled and an invitation be extended by Commission Staff to the Youth Justice Coalition for the next scheduled meeting of September 14, 2016.

11. Opportunity for members of the public to address the Working Group on items of interest that are within the subject matter jurisdiction of the Working Group. (16-3289)

There was none.

12. Adjournment of the Meeting of Wednesday, August 17, 2016. The next meeting is scheduled for Wednesday, September 14, 2016 at the Kenneth Hahn Hall of Administration, Room 374 at 1:00 p.m. (16-4018)

On motion of Member Osuna, seconded by Member Holt, the meeting was adjourned at 5:12 p.m.