

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND
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October 3, 2017

**Exploring Protocols and Structures to Actualize Ongoing Probation Reform and
Accountability**

For decades, the Los Angeles County (County) Probation Department (Department) has been challenged to fulfill its mandate of rehabilitating youth and adults under its care. From excessive uses of force, federal monitoring and class action lawsuits, the mismanagement of funds allocated for community support, and the lack of continuity due to a steady change in administration, there are myriad concerns that have needed core correction.

Over the past few years, the Board of Supervisors (Board) has approved a number of motions focused on reforming the Department, including auditing the Department (Ridley-Thomas and Antonovich, April 14, 2015), exploring permanent Department oversight (Kuehl and Ridley-Thomas, February 2, 2016), changing the Department's governance and structure including a potential split between youth and adults (Ridley-Thomas and Kuehl, February 16, 2016), examining camp closures given the poor shape and high-cost of facilities (Solis and Knabe amendment, February 16, 2016), ending solitary confinement in the camps and halls (Solis and Kuehl, May 3, 2016), rolling out a rehabilitative model at the girls camp (Kuehl and Antonovich, July 26, 2016), strengthening critical incident protocols to prevent and better respond to abuse (Ridley-Thomas, August 2, 2016), and ensuring effective use of Department funds (Ridley-Thomas, April 18, 2017).

Connected in part to these motions, the Auditor-Controller (A-C) has conducted sixteen audits of the Department in just over three years, reviewing the following: fiscal policies around cash handling and trust funds (February 19, 2014), cellular phone usage

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(February 3, 2015), Department of Justice (DOJ) monitoring of juvenile halls (February 22, 2015), DOJ monitoring of probation camps (April 6, 2015, June 10, 2016, and December 6, 2016), contracting (May 29, 2015), information technology and security (July 1, 2015), budget including juvenile facilities operating costs and contracting (July 24, 2015), Assembly Bill 109 realignment (October 27, 2015), accounting (December 10, 2015), hiring practices and grant administration (January 22, 2016), interviews of youth (November 15, 2016), critical incident protocols (August 2, 2016), accumulation of Juvenile Justice and Crime Prevention Act and Senate Bill 678 funds follow up (March 31, 2017), and cellular phone usage follow up (May 8, 2017). These audits yielded findings such as deep challenges with hiring staff, over \$150 million in unspent adult funds, and inconsistencies with contracting procedures. As a result of these efforts, there have been numerous reports, analyses and recommendations. Resource Development Associates (RDA), the consultants retained to conduct the Probation Governance Study, noted that its team reviewed over 100 reports previously written on probation reform, many of which were comprehensive, but rarely implemented.

Collectively, these and other issues served as the impetus for the Board to hire new leaders in January 2017 to lead the Department in organizational restructuring and reform. However, new leadership, improved internal infrastructure, and sound reports will not be enough to transform a Department of this size and complexity. To date, the lack of coordination and synthesis of all the analysis and recommendations poses serious challenges for implementation. Various reports conducted by consultants, the Department itself, researchers, and the A-C, overlap but are distinct. In December 2017, RDA will release its final report, including recommendations on governance, staffing, training, facilities, supervision, and community partnerships. Linking this Probation Governance Study with the various other efforts into a comprehensive vision will be critical. As RDA noted in its 120-day report, too often workgroups, consultants or departments have identified problems and offered solutions, but issues remain unresolved. The sheer number of recommendations requires coordination among reform efforts in order to avoid inconsistencies and further inaction. RDA itself has strongly recommended that an implementation plan be developed by the Department and that an oversight body keep the

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Department accountable to its own plan. These recommendations will require not only considerable political will but also fiscal resources to implement.

The County currently has the ingredients necessary to transform the Department. With new Departmental leadership, a dedicated Board, committed Department staff, engaged community-based organizations and advocates, and a wealth of well-researched reports, audits and recommendations, now is the moment to realize sustainable reform. However, neither the Department, nor any one consultant, has the capacity to consolidate all of these reform efforts into a single roadmap and oversee implementation. Continuing to depend so heavily on the A-C to monitor this range of issues has not proven to be effective and exceeds the scope of the A-C's mandate.

Based on the County's prior experiences to effectuate change in other Departments, the Board would be best served by the creation of an independent body of recognized experts, reflecting the views of the individuals and families most directly impacted by the Department, all working in partnership to coordinate the findings and evidence-based best practices to develop strategies for restructuring. In order to succeed, it is important to construct a thorough and vetted implementation plan to adopt necessary policies and procedures for change as well as longer-term metrics for measuring the outcomes of the Department. Such a plan may require ongoing monitoring and oversight by both an external and internal system similar to that provided by the Office of Inspector General and Civilian Oversight Commission for the Sheriff's Department and the Commission for Children and Families and Office of Child Protection as it relates to the Department of Children and Family Services.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Direct the Chief Executive Officer (CEO), in consultation with County Counsel, the Chief Probation Officer, the Executive Officer of the Board of Supervisors (Board), Resource Development Associates (RDA), and other parties deemed appropriate and necessary, to report back in writing within 45 days with recommendations required to create and establish an entity to synthesize existing reports, efforts, and recommendations focused on transforming the Probation Department (Department), develop an Implementation Plan (Plan), and

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monitor ongoing and long-term Department reform efforts and operations. These recommendations should include:

- a. Options for achieving ongoing monitoring, accountability, and transparency through an independent and public body (Taskforce), as well as an analysis for extending and magnifying the responsibilities of the existing Probation Commission (Commission) to accomplish comprehensive oversight of the Department and report findings and/or conclusions of reform efforts regularly to the general public. This review will center on the legal provisions and charter of the Commission in order to determine if and/or how the Commission could be repurposed to fit this function, as well as options for achieving ongoing monitoring internally of the Department;
- b. If feasible, for any newly proposed Taskforce or modified Commission, these recommendations will include the process for selecting membership, term-limits, determining the total number of members, (Taskforce and Commission) composition, proposed ordinances necessary to establish and sustain these operations, with criteria and emphasis for membership eligibility based on the diversification of these entities, which would include, but not be limited to: race, ethnicity, age, geography, gender and/or gender identity, religion, sexual orientation, occupation, national origin and experiences (including lived experience). There will also be special consideration for candidates with expertise and/or a deep knowledge of juvenile justice policy and criminal justice reform efforts targeting adult populations;
- c. Staffing and funding plans for any established Taskforce or expanded Commission, including provisions for office space and equipment. The staffing plan should include dedicated Los Angeles County (County) staff, pro bono professional support, and those already engaged with reforming the Department; and
- d. Incorporating any existing efforts focused on Department reform into a

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new or modified entity's scope of work or structure to minimize duplication.

2. Once established, direct this entity in creating its Plan for Department reform, to address the following issues in collaboration with Department leadership and to report back in 60 days after institution on the following:
 - a. Prioritization of various key objectives, with metrics for each outcome with the bases of data-driven performance, and the establishment of clear timelines and action steps/recommendations for monitoring progress;
 - b. Categorizing managerial, systemic, structural and organizational barriers to implementation, and identifying solutions to address these challenges; and
 - c. Long-term policy and structural recommendations for achieving oversight and accountability of the Department, including the role of the Probation Commission and any other County-related bodies or entities.
3. Direct the entity to provide regular in-person updates to the Board on a quarterly basis or as requested by the Board.
4. Authorize the Department and all relevant County agencies, County commissions, County-appointed consultants, County Counsel, and the Chief Executive Officer to provide full cooperation to any entity tasked with this work, including access to, among other things, personnel records, administrative reviews, and executive meetings to the fullest extent allowed by law.

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