



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

SACHI A. HAMAI
Chief Executive Officer

April 9, 2018

To: Supervisor Sheila Kuehl, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Janice Hahn
Supervisor Kathryn Barger

From: Sachi A. Hamai
Chief Executive Officer

Board of Supervisors
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First District

MARK RIDLEY-THOMAS
Second District

SHEILA KUEHL
Third District

JANICE HAHN
Fourth District

KATHRYN BARGER
Fifth District

REPORT BACK ON OPTIONS FOR AN INDEPENDENT ENTITY FOCUSED ON PROBATION DEPARTMENT REFORM AND PUBLIC ACCOUNTABILITY (ITEM NO. 13, AGENDA OF OCTOBER 17, 2017)

On October 17, 2017, the Board of Supervisors (Board) directed the Chief Executive Officer (CEO) to lead a workgroup to include County Counsel, the Chief Probation Officer, Auditor-Controller, Office of Inspector General (OIG), labor representatives and Board Deputies (Workgroup) and report back in 60 days with "recommendations required to create an independent entity . . . focused on Probation Department reform and public accountability as well as coordination of existing recommendations and efforts produced to date" -- a Probation Oversight Commission or POC. The Board also directed the Workgroup to report back on the feasibility of establishing an investigatory role for the OIG to further the goals of Department reform and accountability. In addition, on February 13, 2018, the Board directed the Workgroup to give consideration to seven primary recommendations contained in a report issued to the Board by Resource Development and Associates (RDA) on February 13, 2018. A visual summary of RDA's recommendations is attached to this memo as Attachment I. In response to the October 17, 2017 and February 13, 2018 Board directives, the Workgroup met four times (and sub-committees met as needed), and the CEO engaged community-based stakeholders to develop recommendations.

RECOMMENDATION SUMMARY

- I. Implement the changes identified below within the Probation Commission, positioning the Probation Commission to serve as the Probation Oversight Commission as desired by the Board:
 - Establish Board policy reflecting the POC's independence and the fact that the POC will serve in an advisory capacity to both the Department and the Board;

- Develop a mission statement which acknowledges that oversight responsibility is a vehicle to: engage the community; monitor the Probation Department's reform efforts; and drive better outcomes for youth and adults;
 - Maintain and expand the current duties of the Probation Commission, including expanding oversight to adults supervised by the Probation Department;
 - Provide the POC with access to information and a vehicle to conduct investigations;
 - Mirror the design, structure, and staffing components of the Sheriff's Civilian Oversight Commission;
 - Require the POC to operate in a transparent manner by embracing robust community engagement; and
 - Require periodic reporting on the status of reform efforts underway in the Probation Department and other matters impacting the Department and/or community.
- II. While the POC is being operationalized, establish a temporary entity called The Reform and Implementation Team and task the team with: 1) completing the necessary administrative tasks to transform the County's Probation Commission into the Probation Oversight Commission; and 2) to coordinate the various recommendations aimed at reforming the Probation Department (including those from RDA) and reduce them to a plan for reform, which can ultimately be reduced to a strategic plan for the Probation Department.
- III. Transfer the Probation-facility inspection function from the Sybil Brand Commission to the POC to eliminate redundancy.

Each recommendation and other relevant information are discussed in Attachment II. Should you have any questions, please contact me directly, or your staff may contact Fesia Davenport, Assistant Chief Executive Officer, at (213) 974-1186 or at fdavenport@ceo.lacounty.gov.

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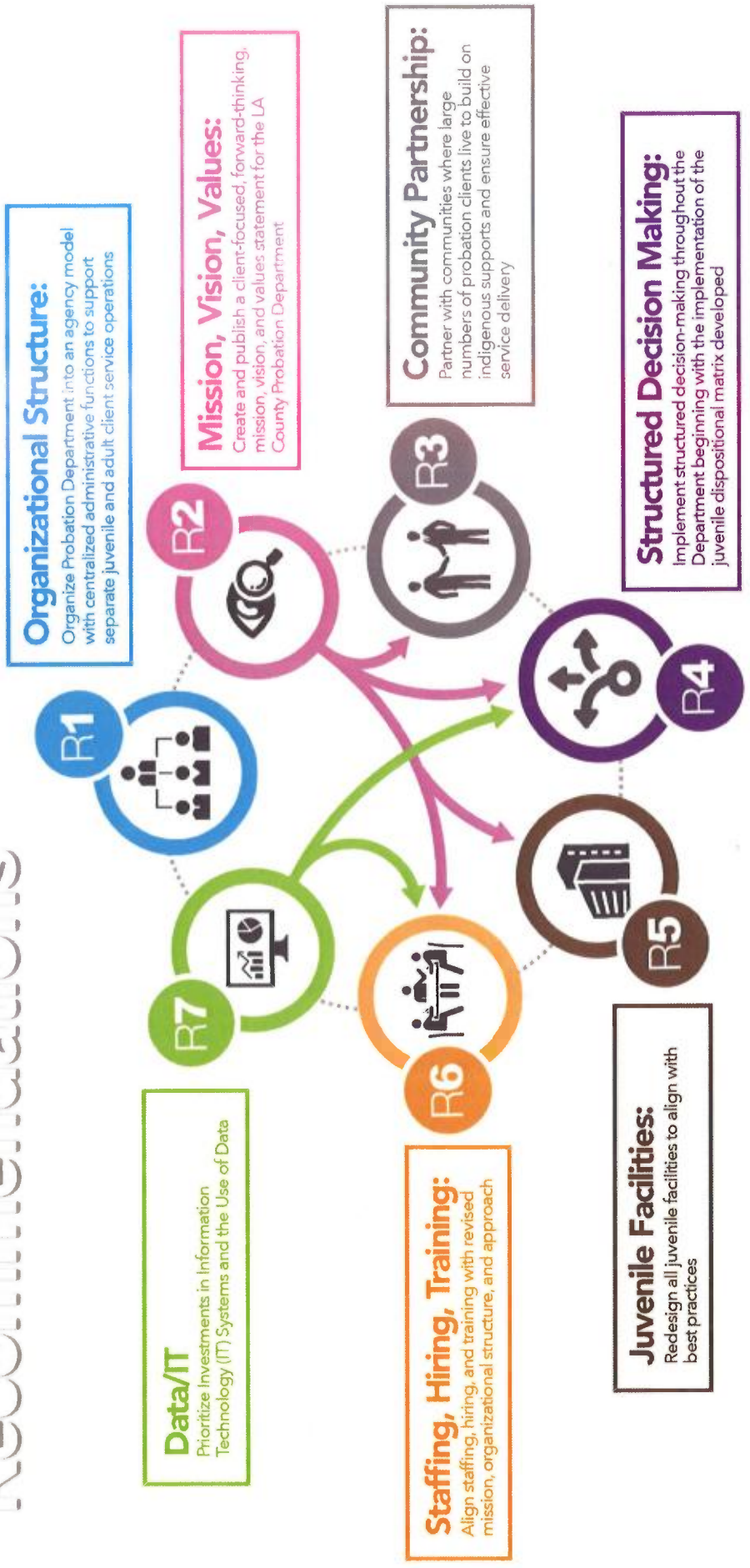
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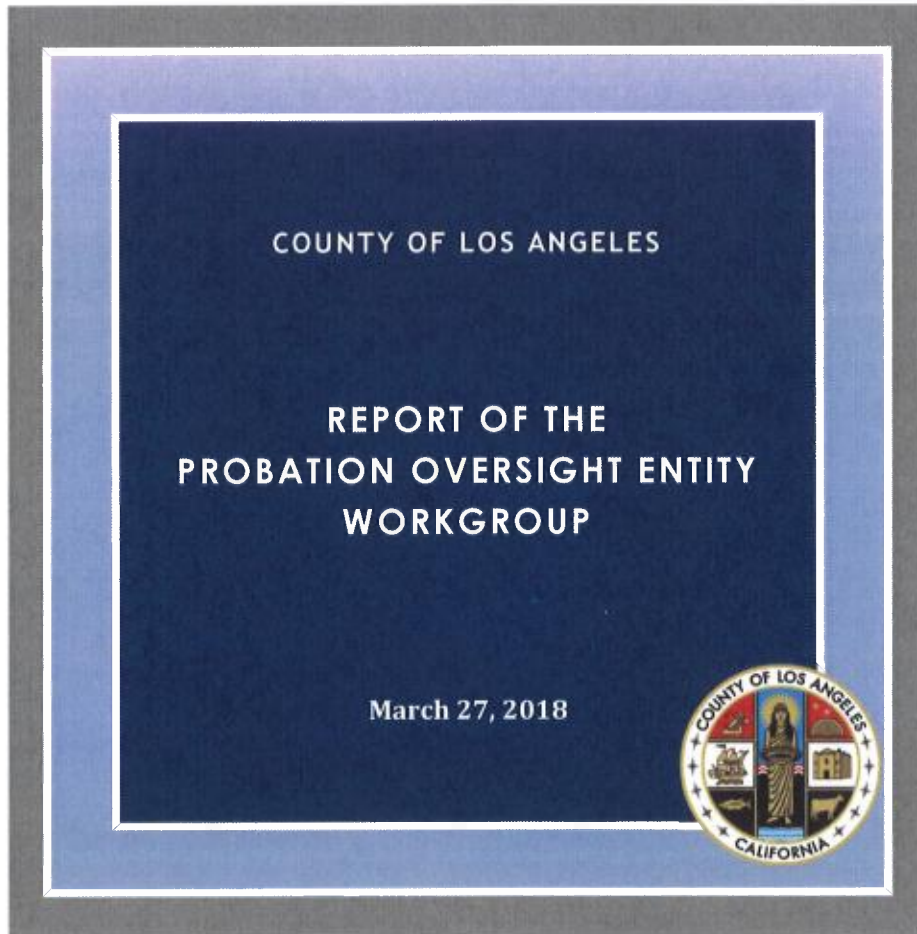
c: Executive Office, Board of Supervisors
County Counsel
Auditor-Controller
Office of Inspector General
Probation

Key Findings &

RDA

Recommendations





Overview

This report was prepared in response to two motions adopted by the Board of Supervisors (Board) on October 17, 2017 and February 13, 2018, respectively. The report contains recommendations for consideration by the Board as it moves forward with reform efforts for the Probation Department. In the October 17, 2017 motion (October Motion), the Board directed the CEO to submit a report containing recommendations for the creation of a permanent independent oversight entity. This permanent independent entity will be referred to in this report as the Probation Oversight Commission or POC.

FUNDAMENTAL RESPONSIBILITIES AND ESSENTIAL ATTRIBUTES OF AN EFFECTIVE OVERSIGHT ENTITY

Fundamental Responsibilities

In the October Motion, the Board identified four focus areas of the oversight entity. They are: reform, coordination of recommendations, tracking/coordinating efforts made to date, and public accountability. The focus areas are explained below.

Monitoring and Supporting Reform

The Probation Department (Department) is the subject of numerous recommendations aimed at: improving Departmental operations (administrative and programmatic); realizing better outcomes for the youth and adults served by the Department; and enhancing community relations. On the issue of reform, the Department must implement, and in some cases, continue to implement, multiple, large-scale, and complex changes.

One function of the POC is to ensure that reform efforts are initiated and institutionalized throughout the Department. The POC should periodically provide oral and written reports detailing the status of Departmental reform efforts. These reports should recognize accomplishments as well as identify areas where efforts have fallen short of pre-identified targets.

Coordination of Recommendations and Tracking Efforts Made

The October Motion calls for the POC to coordinate existing Probation-related recommendations. The February 13, 2018 (February Motion) requires that seven primary recommendations issued by Resources Development Associates (RDA), also be considered in this work. Together, these two motions require the POC to identify, review, de-duplicate, synthesize, and sequence all recommendations from RDA, and from other entities or consultants. This work should be done in partnership with the Department. This process should lead to the development of a comprehensive plan for reform reflected in a Departmental strategic plan.

It will be difficult for the POC to determine whether meaningful reform is occurring without a tool to assess whether the Department's efforts represent progress. A quality plan contains timelines, desired outcomes, metrics, and key performance indicators. These plan components serve two purposes. First, they provide the POC with tools to adequately assess the Department's progress in implementing reform. They also serve as a guide for the work of the POC itself. As such, the coordination effort should occur at the front end of the POC's tenure to ensure that the

POC remains focused on one of its basic functions, as well as assess the Department's progress on reform.

Public Accountability

Public accountability will be a critical responsibility of the POC. It is important that the POC be a Brown Act body committed to proactive, robust community engagement and communication to enhance transparency of the Department. This level of engagement and communication includes, but is not limited to:

- Serving as liaison and mediator between the Department and residents, and/or community-based stakeholder organizations to address issues impacting Departmental policy/practice or the impacts of those policies/practices on the community;
- Ensuring public access to information by hosting periodic community forums or townhalls to address issues, concerns, and incidents of a sensitive nature or to simply provide updates and other information regarding the Department;
- Providing a forum for community residents and stakeholders to present complaints suggesting systemic issues driven by Departmental policy or practice; and
- Periodic reporting to the Board regarding progress on reform efforts, recommendations, and/or other areas of interest to the Board.

Essential Attributes

An effective POC should possess those essential characteristics that enable its long-term success. The October Motion includes specific language as to the foundational characteristics of the desired oversight entity. Above all else, the Board seeks an entity that is independent. As such, the POC must have direct access to (i.e., report to) the Board, clearly establishing its role as an advisor to and monitor for the Board.

Clear and Well-Defined Mission

The POC should have a mission statement which specifies its ultimate goals in supporting reform of the Department, and its charter or authorizing ordinance must identify the methods by which the POC can carry out its work. The mission should include three themes: 1) ongoing oversight of Probation operational policies and procedures and their collective community impact; 2) supporting systemic reform resulting in better outcomes for juveniles and adults under the Department's supervision; and 3) improving transparency and public accountability of the Department. The work and activities of the POC should be driven by these themes incorporated into its mission.

Expand Population Monitored

The POC's purview must include adults and juveniles if it is to holistically assess and monitor progress of comprehensive reform.

Access to Information and Ability to Conduct Investigations

The POC must have access to information related to, impacting, and resulting from, the policies, processes, conditions and activities for which it will have oversight. Additionally, it must also have the ability to conduct thorough investigations. Failure to provide this access would stunt the desired effectiveness of the newly established POC.

Dedicated Staff Support

The POC must have permanent staff to support its operations. The breadth of issues the POC will address requires a complement of capable staff able to complete tasks, engage in all forms of communication (written reports, social media), compile, review and analyze data and other information, convene large and small group meetings, draft reports, support the POC Commissioners in carrying out their duties, and complete all other necessary daily tasks.

PROBATION COMMISSION SERVING AS THE PROBATION OVERSIGHT ENTITY

The Office of the County Counsel has analyzed the legal status of the Probation Commission and has determined that the Commission can serve as the Probation Oversight Commission described in the October Motion. County Counsel's analysis is based on the following findings:

- Although the Probation Commission's sole express statutory duty is to "function in an advisory capacity to the probation officer," the commission also has implied duties, such as collecting

information and conducting public meetings that are necessary to advise the probation officer.

- The Board has the authority to define the Probation Commission's specific duties by ordinance, provided the duties contained in the ordinance are advisory in nature.
- Because the Board appoints and oversees the Chief Probation Officer, the Probation Commission may also advise the Board on matters relating to this oversight.
- Pursuant to the County Charter and County ordinance, the Board may remove Probation Commissioners at its discretion, with or without cause.

Based on these findings, the CEO makes the following recommendations regarding specific modifications to the Probation Commission to convert the Probation Commission into the POC envisioned by the Board.

Probation Commission Modifications

Establish Board Policy Reflecting the Probation Commission's Independence and the Duality of its Role

One of the essential attributes of an effective POC is that it is independent and reports directly to the Board. Currently, the Probation Commission serves as an advisor to the Department. The Probation Commission serving as the POC must serve in a dual capacity -- as advisor to the Department, as well as advisor to and monitor for the Board. The POC should be established within the Executive Office which is where the Probation Commission is currently housed.

Develop a Mission Statement for the Probation Commission Serving as the POC

The Probation Commission's mission is to ". . . provid[e] independent, unbiased oversight of the Probation Department." This mission appears too narrowly focused on the act of oversight as an end unto itself. The mission should be broadened to include the most pertinent themes in the October Motion. More specifically, the oversight responsibility is a vehicle to engage the community and to monitor the Department's reform seeking efforts designed to better serve juveniles and adults, and translate into better outcomes.

Expand the Current Duties of the Commission

Currently, the primary function of the Probation Commission is to visit Probation juvenile halls and camps and report findings to the Chief Probation Officer. Its activities are limited to the Probation juvenile population. In order to focus on Departmental reform and monitor implementation of a plan aimed at comprehensive reform, the Probation Commission serving as the POC would need to expand its purview to include adults supervised by the Department. The Office of the County Counsel has determined that this expansion is legally permissible.

Grant Appropriate Access to Information

In order for the Probation Commission serving as the POC to be an effective advisor to the Department and monitor for the Board, it must have access to the information concerning the activities and issues upon which it will advise and monitor. As such, the methods by which the Commission could make itself a knowledgeable advisor should be

articulated in County policy to avoid ambiguity regarding the methods by which the POC can carry out its work.

We recommend that the County's Office of the Inspector General (OIG) serve as the investigative arm of the POC. An explanation of this recommendation is contained in the "*Establishing an Investigatory Role for the Office of the Inspector General*" section of this report.

The benefits of this approach outweigh the benefits of establishing separate investigative capability within the POC. The three material benefits of this approach are: 1) Time savings can be achieved by expanding OIG's structure rather than by developing an entirely new one; 2) The time required to "learn the job" can be reduced since the OIG has the knowledge, skills, and ability to conduct investigations; and 3) The costs associated with establishing a new organizational unit, duplicative of the OIG, can be avoided.

Require Periodic Public Reports Regarding Departmental Performance

The POC should provide the Board with periodic oral and written reports regarding: reform efforts, Departmental performance, its own efforts to enhance community relations and transparency, and other areas of interest to the Board.

Organizational Design of the POC and Staff Support

The design of the POC should mirror that of the County's Sheriff Civilian Oversight Commission (SCOC). The SCOC has nine commissioners (one appointment per board office and four at large members), a full-time Executive Director, a Community Information Officer, analysts, and support staff.

First and foremost, the Executive Director should be charged with ensuring that the Probation Commission serving as the POC adhere to Board expectations of the POC including oversight and monitoring (i.e., that the Commission focuses on those issues, conditions, and activities that have a close nexus to systemic reform and which are aligned with a written plan for reform). In addition, the Executive Director should ensure that the POC's activities are carried out in a way that support the overall goals of reform. Finally, the Executive Director of the POC should serve as the POC's liaison to the community and to the Board.

The Community Information Officer should develop and implement the POC's overall outreach and community engagement strategy. These strategies should include coordinating with the County Public Information Office, Department, advocates, and the community-stakeholders through community convenings, focus groups, and other public forums in various locations throughout the County to provide greater access to the community.

In carrying out its duties, the POC will need to conduct quantitative and qualitative data analysis. As such, a staff person with this skill set is necessary. This analyst should seek necessary data from County departments and entities to identify and access the right data as needs arise.

Analysts will be necessary to perform research, analysis, and draft documents required for the POC to do its work. Finally, administrative staff will be required to support the work of the Executive Director, Community Information Officer, and analyst.

MODIFY SYBIL BRAND COMMISSION'S RESPONSIBILITY BY ELIMINATING ITS PROBATION FACILITY INSPECTION FUNCTION

The Board further directed the Workgroup to consider options for streamlining responsibility for other County entities with responsibility for monitoring some aspect of the Department's functions. We have identified two County entities that monitor some aspect of the Department's operations. They are: the Civil Grand Jury and the Sybil Brand Commission. The CEO recommends that the Board transfer the Sybil Brand Commission's Probation-facility inspection function to the POC.

The Sybil Brand Commission was given authority by County ordinance 2.82.080 to "inspect each jail or lockup in the County, County probation and correctional facilities...". The duties of the Sybil Brand Commission overlap with the existing investigative duties of the Probation Commission. Once the POC is established, it should maintain and expand its ability to inspect these Probation facilities. Therefore, we recommend modifying the County's ordinance governing the Sybil Brand Commission, limiting its investigative authority to County jail facilities only. This would avoid duplication of effort between the POC and the Sybil Brand Commission and supports the Board's directive to streamline oversight functions when possible.

If the Board adopts the recommendation regarding Probation facility inspections, the CEO suggests that the Board consider transferring the Sybil Brand Commission's jail inspection function to the Sheriff's Civilian Oversight Commission since it currently performs a similar function. In

assuming this function, the Sheriff's Civilian Oversight Commission should ensure that its inspections, at minimum, mirror the breadth, depth, and frequency of the inspections performed by the Sybil Brand Commission. If Probation facility inspections and jail facility inspections are transferred to other entities performing or who can perform the same or similar function, then the Sybil Brand Commission should be decommissioned since the work it does would be performed by other equally capable oversight bodies leaving the Sybil Brand Commission without a purpose.

ESTABLISHING AN INVESTIGATORY ROLE FOR THE OFFICE OF THE INSPECTOR GENERAL (OIG)

Access to information is an essential attribute of an effective POC. County Counsel has conducted a legal analysis and determined that the OIG may serve as the investigative arm of the POC. Based on this determination, we recommend the following roles and relationships be established to approximate the structure between the Board, the Sheriff's Civilian Oversight Commission, the OIG, and the Sheriff's Department.

In adopting this model, the OIG would serve as the agent and special counsel to the Board and to the POC. The OIG's relationship with the Board would be separate and independent of the OIG's relationship with the POC and vice-versa. The OIG would conduct investigations at the request of either the Board or the POC, but not on its own authority. The POC would serve as advisor to the Board and the Board's monitor of the Department. The POC would also serve as the Department's advisor. The relationships and roles are summarized in Attachment III and visually displayed in Attachment IV.

STAKEHOLDERS' MEETING

On March 15, 2018, the CEO held a discussion with community-based stakeholder organizations, County Departments, and Board Offices regarding the POC. The two main themes which emerged from the discussion were: composition of the POC and transparency/accountability.

Composition of the POC

Stakeholders shared that the POC needed to have enough members to enable it to be nimble and work on multiple things simultaneously, but not be so large as to render the body unwieldy. This requires a right mix of expertise cutting across the juvenile, transitional-aged youth, and adult populations, not to mention other areas such as administration (e.g., contracting). There was some sentiment that some commissioners should also have lived experience within the Probation system as either an adult or juvenile to properly understand the work to be done. There were concerns regarding the size of the POC. Some felt a larger body offered the opportunity to secure a wider range of expertise in various disciplines which could then be subdivided into permanent or ad hoc sub-committees. Others felt that a larger body would ultimately prove ineffective due to sheer size and that a smaller number of commissioners would be more effective.

The stakeholders also felt the POC needed a knowledgeable, well-respected Executive Director. A person with a diverse set of professional attributes (e.g., diplomatic, knowledgeable, consensus builder, implementer, experienced in reform, etc.) who can serve as a bridge between the Board, the POC Commissioners, the public, and

community advocates. There were differing views on whether the Executive Director should be from Los Angeles County or simply familiar with the reform challenges presented by large, complex, urban systems.

Transparency/Accountability

Transparency and public accountability were topics that resonated with stakeholders. Some made a distinction between public accountability and public engagement. For public accountability, it was important that the POC accurately address the concerns of the public and the agenda of the POC be community-driven. In addition, adequate staffing support was identified as an accountability issue to the extent that it could be representative of the County's commitment to establishing an effective POC.

On the issue of public engagement, the common theme was that the POC should ensure that its meetings are more accessible to members of the public than has been the case with similar meetings in the past. Recommendations to increase accessibility included: leveraging all forms of social media to push content out to the community; periodically rotating meeting venues to increase public access and participation; and selecting meeting venues with free parking.

COMPLETING STEPS NECESSARY TO CONVERT THE PROBATION COMMISSION INTO THE PROBATION OVERSIGHT COMMISSION AND DEVELOPING A PLAN FOR REFORM WITHOUT DELAY

Based on lessons learned from the creation of the Sheriff's Civilian Oversight

Commission, we expect the creation of the POC will take some time. Many tasks must be completed to convert the Probation Commission into the Probation Oversight Commission. These tasks must be completed in an intentional and coordinated fashion. As such, the CEO recommends that a time limited (6 to 9 months) *Reform and Implementation Team* be established to complete all tasks necessary to: 1) convert the Probation Commission into the Probation Oversight Commission; and 2) coordinate recommendations for reform.

Work of the Reform and Implementation Team (a temporary body)

Complete tasks necessary to convert the Probation Commission into the Probation Oversight Commission

Certain tasks must be completed to bring the Probation Oversight Commission into being. These tasks include all steps necessary to implement the recommendations identified in the "Probation Commission Modifications," and the "Recommendations for External Agencies with Probation Monitoring Functions," including, but not limited to: drafting appropriate language for ordinances that will have to be developed or changed; developing guidelines for the qualifications of POC Commissioners and other appointees; drafting necessary agreements between OIG, the Department, and the POC; and drafting job descriptions for POC support staff, etc. This portion of the Team's work should be completed during the earlier portion of the 6 to 9-month period so that tasks requiring formal Board approval can be presented to and acted upon by the Board, before the 6 to 9-month period expires.

Coordinate Recommendations to Develop a Plan for Reform

During the Workgroup meetings and stakeholder meeting, there was universal agreement that the POC should assess progress on reform pursuant to a Board-adopted plan containing timelines, desired outcomes, metrics, and key performance indicators. The work to create the plan for reform should start as soon as is practicable and need not be delayed while the POC is being operationalized. The *Reform and Implementation Team* (Team) should coordinate the recommendations to develop a plan for reform that should ultimately be reflected in a departmental strategic plan.

The Team would be comprised of nine individuals: The Reform and Implementation Team Chair (consultant expert), one appointment per Board Office, the Chief Probation Officer or her designee, and representatives from the Office of the County Counsel and the Chief Executive Office. The Team would expand, when necessary, through sub-committees to include representatives from other Departments, community stakeholders, and probation experts.

The Team should be housed in and supported by the Executive Office with necessary staff. The goal of public accountability discussed in relation to the POC would be equally applicable to the Team and, therefore, the Team's planning process should be open, transparent and inclusive. The CEO should work with Board Offices to develop guidelines for appointments to the Team.

On or before the expiration of the 6 to 9-month period, the Team should present the Board with a plan for reform containing: synthesized and

prioritized recommendations; estimated implementation timelines; identification of specific outcomes, and clear benchmarks for tracking performance.

Upon Board approval of the plan, the Department would implement the plan, the POC would provide implementation oversight, and both the Department and the POC would report to the Board on progress of the implementation. The Chief Probation Officer would be responsible for making the operational decisions to implement the plan.

FUNDING AND STAFFING

The table below reflects the initial recommended staff positions and their estimated costs for the POC. The staffing allocation should be right-sized once the POC is fully operational and its workload stabilized. Additional support staff for the Board Executive Office may also be necessary to support the POC. The CEO will work with the Board Executive Office and the OIG to determine adequate funding levels and sources to address the need for ongoing and one-time funding for staff, space, and incidentals.

Positions	Number	Estimated Salary and Benefit Costs
Executive Director	1	\$280,000
Community Information Officer	1	\$184,000
Principal Analyst	1	\$173,000
Senior Analyst	2	\$290,000
Board Specialist	1	\$69,000
Data Scientist	1	\$117,000
Paralegal	1	\$155,000
Management Secretary	1	\$128,000
TOTAL	9	\$1,396,000

CONCLUSION

This report contains recommendations in response to two motions adopted by the Board on October 17, 2017 and February 13, 2018, respectively. County Counsel has determined that the Los Angeles County Probation Commission can serve as the Probation Oversight Commission described in this report; that the Probation Commission can expand its purview to include adults; and that the OIG can serve as the investigative arm of the POC.

Certain modifications are necessary to position the Probation Commission to effectively serve as the Probation Oversight Commission. Implementing the recommendations will take some time to complete. However, the work of coordinating the numerous recommendations and developing a plan for reform need not be delayed while the POC is operationalized.

As such, the CEO recommends that a temporary entity called the *Reform and Implementation Team*, be created to complete the administrative tasks necessary to convert the Probation Commission into the Probation Oversight Commission; complete the recommendation coordination effort; and reduce the recommendations into a comprehensive plan for reform.

Upon further direction from the Board, the CEO's Office will work closely with the Executive Office and all other necessary Departments to effectuate the intent of the Board.

Roles and relationships between Board, POC, OIG and the Department

Related Body	OIG's Relationships and Duty Summary	POC's Relationships and Duty Summary
<p>Board of Supervisors</p>	<p>Agent of and Special Counsel of the Board:</p> <p>Conducts investigations when directed by the Board. Legal advisor on matters requiring legal advice. Note: Agency relationship is independent of OIG's agency relationship with the POC.</p>	<p>Advisory:</p> <p>Make recommendations to the Board relating to: the Department's operational policies and procedures; coordinate and prioritize the various recommendations made regarding reform of the Department; keep the Board apprised of status of the implementation of the Department's reform-focused strategic plan; investigate, through the OIG, analyze, solicit input and make recommendations regarding systemic issues in the Department's service delivery or outcomes for juveniles and adults.</p>
<p>POC</p>	<p>Agent of and Special Counsel to the POC:</p> <p>Conducts investigations when directed by the POC. Legal advisor on matters requiring legal advice. Note: Agency relationship is independent of OIG's agency relationship with the Board.</p>	<p>n/a</p>
<p>Probation Department</p>	<p>Investigatory:</p> <p>Conducts investigation of Department's policies, procedures, practices and the impacts thereof when requested by the Board or the POC.</p>	<p>Advisory:</p> <p>Make recommendations to and/or advise the Department on: the Department's operational policies and procedures; coordinate and prioritize the various recommendations made regarding reform of the Department; keep the Board apprised of status of the implementation of the Department's reform-focused strategic plan; investigate, through the OIG, analyze, solicit input and make recommendations regarding systemic issues in the Department's service delivery or outcomes for juveniles and adults.</p>
<p>OIG</p>	<p>n/a</p>	<p>Principal in the POC-OIG relationship: Can direct the OIG to conduct investigations when necessary and appropriate. Shall supervise and evaluate all work performed by the OIG done at the request of the POC.</p>

ATTACHMENT IV

