



COUNTY OF LOS ANGELES
PROBATION COMMISSION
9150 EAST IMPERIAL HIGHWAY – DOWNEY – CALIFORNIA 90242
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MINUTES OF REGULAR MEETING OF MARCH 9, 2017

The regular meeting of the County of Los Angeles Probation Commission was held on Thursday, March 9, 2017 at the Kenneth Hahn Hall of Administration, 500 West Temple Street, Room 140, Los Angeles, California 90012

I. Commission President Joe Gardner welcomed all and called the meeting to order at 10:05 a.m. He informed the Commissioners and all present that the meeting was being recorded. He asked that all identify themselves prior to making any statements.

The following Commissioners were present:

1st Vice President Jan Levine
2nd Vice President Seaver
Commissioner Shutan
Commissioner Caster
Commissioner Meredith
Commissioner Kaplan
Commissioner Butler
Commissioner Martinez
Commissioner Mitchell

The following Commissioners were not present:

Commissioner Yamashiro
Commissioner Hoover

Commissioners

Joe Gardner-President,
Jan Levine-1st Vice President, Daniel Seaver – 2nd Vice President,
Donald Meredith-Sergeant at Arms, Azael Martinez-Sonoqui, Cyn Yamashiro, Esq.,
. Jacqueline Caster, Esq, Jo Kaplan Esq, Olivia E. Mitchell,
Peter Shutan, Zachary Hoover, Betsy Butler, Bonnie Lowenthal, Rex Richardson

The following staff were present:

Terri McDonald, Chief Probation Officer
Sheila Mitchell, Assistant Chief Probation Officer
Dave Mitchell, Acting Deputy Chief
Sharon Harada, Bureau Chief, Fourth District
Jennifer Kaufman, Director
Dalila Alcantara, Consultant
Vince Yung
Scott Svonkin
Perry Berkowitz
Carrie Clarke
Monica Garcia

The following individuals were present:

Melinda Thomas
Natasha Khamashta
Cesar Sanchez

II. LOS ANGELES COUNTY PROBATION DEPARTMENT UPDATE

Probation Chief Terri McDonald, Assistant Chief Sheila Mitchell, Acting Deputy Chief Dave Mitchell, Bureau Chief Sharon Harada and Director Jennifer Kaufman introduced themselves to the Commission.

Chief Sheila Mitchell introduced Bureau Chief Harada and Director Kaufman to initiate presentation on the **Juvenile Justice Crime Prevention Act (JJCPA), Welfare and Institution Code (WIC) 236 services.**

Bureau Chief Harada informed that she would review a packet consisting of 1) WIC 236 PowerPoint referencing the following handouts: 2) Prevention to Formal Probation Flowchart; 3) Juvenile Justice Crime Prevention Act Training on WIC 236; 4) Juvenile Justice Crime Prevention Act Contracted Community-Based Organizations and 5) School Based Supervision Sites.

Bureau Chief Harada highlighted the code which allows “probation departments may engage in activities designed to prevent juvenile delinquency” based on need. She informed that in the early to mid-1990s, Probation began utilizing WIC 236 to provide prevention services. Acting Deputy Chief Dave Mitchell was one of the people involved with early prevention services. These services were offered in response to requests for help from parents and school officials regarding issues of truancy. These services were provided after receiving consent from the parents. They were voluntary services offered in the family’s own ecology, usually on school campus or community setting. This was an important paradigm shift towards rehabilitation through positive relationships and evidence based practices.

As the Department transitioned to the Juvenile Justice Crime Prevention Act programs, most of the School Based Services were incorporated. Training for Juvenile Justice Crime Prevention Act programs also reflected changes from traditional supervision to greater focus on “service” (see Attachment 3). Youth referred to WIC 236 were not in

violation of the law and Juvenile Justice Crime Prevention Act Deputies were trained on services for both probation youth and services to WIC 236 youth (see Attachment 2).

Criteria for services for WIC 236 youth must have a signed Parental Services Agreement, be at-risk behavior for involvement in the juvenile justice system and a referral for services or request for assistance. Bureau Chief Harada emphasized that any information gathered regarding youth participating in WIC 236 would not be included in their file should they become involved directly with law enforcement/ formal probation. WIC 236 information has been shared by the parent to a deputy probation officer at which point that information can be noted in the formal probation file.

Commissioners expressed concern that this “firewall” of information is not or has not been protected consistently and has been used on occasion against a youth. Commissioner Seaver asked if there was data that informed as to whether participation in WIC 236 youth had greater representation in formal probation or data that shows WIC 236 deters future involvement.

Bureau Chief Harada shared that a consultant has been hired to review current Juvenile Justice Crime Prevention Act program. Of the data, available now, the Department knows that 14% of WIC 236 youth do become system involved youth in Probation.

Referrals for WIC 236 services come from schools, parents/guardians. School Attendance Review Teams, staff from parks or housing services, and sometimes self-referrals. Most WIC 236 services are provided to youth through Juvenile Justice Crime Prevention Act programs and examples of these are gender specific, educational pathways/vocational opportunities/ gang intervention. substance abuse, family preservation (See Attachment 4). Many of these services are provided at the following sites: 103 high schools, 38 middle schools, 5 housing sites and 3 parks. (see Attachment 5).

Outcomes and reporting are monitored through monthly reports from service providers and Juvenile Justice Crime Prevention Act deputies. The Juvenile Justice Crime Prevention Act evaluation per legislation, measures the “big 6” which include: arrests, incarcerations, probation violations, restitution, community service and successful completion of probation.

As of February 28, 2017, 3,518 youth are participating in WIC 236; 1,919 males and 1,599 females. Services are based on need and on consent of parent. While most services are provided from 6 months to one year, they could be terminated at any time. For Fiscal Year 2015-16, 14% of the youth receiving services were arrested and placed on formal probation.

The number of youth receiving WIC 236 services has increased each year from 2010 to 2014: 3,210 in 2010, 3,783 in 2011, 3,794 in 2012, 4,534 in 2013 and 5,874 in 2014.

Commissioner Seaver sought possible explanations for the rise in participation of WIC 236 youth such as additional funding or change in policy. Bureau Chief Harada informed that fewer youth have been arrested. Director Kaufman shared that most school based services support schools in the Los Angeles Unified School District which has adopted Restorative Justice programs and practices. These efforts have reduced

suspensions and expulsions and have resulted in fewer arrests. In some cases, such as fighting or first incident with marijuana possession, school officials have opted for WIC 236 services.

Commissioner Seaver asked if outcomes are measured because of services provided. Director Kaufman shared that in the supplemental outcome report, educational indicators of attendance, graduation and course completion are tracked. Bureau Chief Harada agreed to share the link for the supplemental outcome report.

Commissioner Caster encouraged a control group be established so that comparisons made can inform practice with respect for outcomes. She also asked about the kind of time invested in each student by service. She was referred to review the supplemental outcome report.

Commissioner Yamashiro inquired about the assessment that was conducted on the youth and the criteria used to determine if it was appropriate for the youth to receive services or if the department had the appropriate services for a youth. He wondered if the Department had a process to determine if resources and services were necessary and available. Director Kaufman explained that no request for help is turned away and that general indicators for need involved truancy, poor academic performance or behavioral issues. Some issues such as mental health or drug abuse can also trigger services.

Director Kaufman explained that there is Los Angeles Risk Assessment Check Up that is a criminogenic risk assessment and allows for review of domains and services.

Commissioner Yamashiro remarked that the Departmental of Mental Health at camp is an example of a strong firewall to protect a youth from any negative impact of receiving services on their petition. His experience is that the information needs greater protection. He has seen reports with a red 236 stamp on them. Chief Sheila Mitchell states that the Department will confirm that that is not happening in current practice. He questions if the Department should be using this assessment and if Probation should be engaged in using this program. He asks for a review of the policy to accept all youth who are referred and who are the people who make the assessment about whether a youth should be involved in WIC 236.

Bureau Chief Harada explains that WIC 236 services were developed as a response to a school employee or parent/guardian asking for help from the Probation Dept. The philosophy is one where the opportunity for services in the youth's environment with the support people who exist for that youth was a prevention effort to deter greater involvement in the juvenile justice system or expulsions proceedings. Many times, engagement does allow for youth to stay on campus and in the community. She understands the concern about potentially increasing involvement of that youth in the system, however the intention of providing services is not at all about increasing or fostering prolonged engagement.

Chief Sheila Mitchell emphasizes that the program is under review and that the Department is interested in learning about its own effectiveness with youth in deterring their involvement with juvenile justice. She identifies that the core issue is whether a youth benefits or not by this program. Commissioner Yamashiro urges the leadership to

consider the investment of this program and the need to review if it is appropriate to take all referrals and if the criminogenic assessment is necessary and valid.

Commissioner Martinez expressed concern about the appropriateness of the WIC 236 services for youth who are engaged or associated with gangs. He expressed concern that some providers are restricted by zip code, school, neighborhood. He requested that all commissioners receive a copy of a contract that would be used with a provider. He is concerned that a Juvenile Day Reporting Center in the First District does not serve all by design, so there is a selection process that is not transparent. He has visited some providers that are not being successful with youth and he is concerned that they are on the list of providers for additional kids. He reiterated the concern that WIC 236 programs can increase participation in the justice system.

Chief McDonald restated that the Department is reviewing this program and is interested in improving services for all. She expects that the outside consultant hired to review will provide useful information. She also expressed a belief that the WIC 236 program and services are genuinely provided with the intention of serving youth and families well with quality care. There is a sincere desire to support youth, families and schools.

Commissioner Lowenthal expressed concern that the use of the word "criminogenic" reflects an archaic perspective. She asked that in the future, language is used that reflects the current vision. She requested an assessment be shared with all commissioners. She wants to understand the geographic distribution of services, meaning if a site is designated, are students enrolled. Evaluation must take place and that self-assessments should be used. Chief Sheila Mitchell shared that the new assessments will be strength based.

Director Kaufman confirmed that school based deputies did provide services to both WIC 236 and 602 youth. Additionally, she confirmed that training was provided specifically on the framework and purpose of WIC 236 where there is a focus on rehabilitation and protective factors as well. Commissioner Levine asked if there were cases when a youth is only being supported by the officer instead of a community based organization (CBO) provider and wanted to confirm that the Department of Child and Family Services (DCFS) is a partner when the situation warrants it. Director Kaufman confirmed that as mandated reporters, officers must disclose any abuse or suspected abuse. She also clarified that in some cases, the youth that does not engage with CBO services, may be engaged with a school site service or program.

Commissioner Mitchell shared her perspective of having built a program because there was a need but then the need to close it because people do not use it. She recognizes that this is difficult work, particularly youth who must cross gang territories. She recognizes that anyone who engages with a youth as a provider has a responsibility to know what services are available and how they could make connections. She expressed concern that in the Second District, services are 'funded along the edges' of neighborhoods. She wants to encourage funding to be allocated based on where the youth and families are. She supports what the Department is trying to do and must continue to look for greater effectiveness.

Chief Sheila Mitchell recommended that the draft notification protocol be sent via email for discussion at the next meeting to dedicate time to the discussion of the Grievance procedure.

Commissioner Caster asked what was the cost per child for WIC 236. Director Kaufman responded that the per capita cost was \$1,480.55 and \$4.06 per day. Commissioner Caster followed up with request for what percentage was used to pay for Probation staff cost. This response will be provided via email.

Commissioner Kaplan asked if any information was available to understand what numbers of students were referred to School Based/WIC 236 because of the closing of juvenile traffic court. Director Kaufman did share that LA School Police are capturing data of referrals to Youth Source Centers and back to Health and Human Services at LAUSD.

Acting Deputy Chief Dave Mitchell shared two handouts for review and discussion: **Juvenile Institutions Grievance Flow Chart (Attachment 6) and the Juvenile Institution Grievance Statistics from December 2016- February 2017 (Attachment 7).**

Deputy Chief Mitchell reviewed the Flow Chart. He encouraged Commissioners to report back any issues that are observed during inspections for immediate action. While the process does move it through a process, the intention is for the youth and staff can resolve at the local level. Two days to reconcile grievance and one day to communicate back to the youth.

He reminded all that short stay at the hall and adjudication process is anxiety provoking for a youth and informs all about the number of grievances. His experience is that camps have smaller populations, the setting is more stable and youth know they will be there from 5-9 months. He will further explore the issues being captured in the "other" category at the Halls. He expects that grievances are dealt with in a timely manner.

Acting Deputy Chief Mitchell explained that the recent training that has emphasized proactive supervision and adherence to policy as one strategy that may improve relationship and reduce the number of grievances.

Commissioner Kaplan requested a copy of the new grievance form to be shared with the Commission. She shared the changes that the Commissions urged in the past. She further urged leadership to encourage the grievance process as a healthy communication process not a threatening process for staff or an empty complaint for a youth. She also encouraged that training emphasized that the grievance process is part of the youths' rights.

Commissioner Yamashiro stated that part of the challenge was that the policy and the training have not been consistently applied across the camps and halls. The attitude of the Director and staff has a lot to do with the climate at camp and the relationship with youth.

Commissioner Caster expressed a desire for an independent body to review and process grievances. She also encourages a "parents' grievance' process. In the future,

she would like this conversation to include the role and practice of the Ombudsman's office.

Commissioner Seaver seeks a healthier process. He would like to see the youth learn that voicing a concern or complaint will be addressed fairly and that the staff and director are responsive to the youth. He encourages that data reflect the number of unique filers.

Commissioner Levine expressed the need to monitor the process and build acceptance of using the acceptance process. Her observation at Central Juvenile Hall is that youth are discouraged from using the grievance process and that they are intimidated by staff.

Deputy Chief Mitchell shared that he is aware of that concern and that this is something that requires work. He confirmed that town halls were happening and that he was not aware of a concern on grievances. He repeated his invitation for Commissioners to assist in providing feedback from inspection visits.

Chief Sheila Mitchell shared that a draft notification protocol will be shared with the Commissioners for review. This issue has been discussed with Chief McDonald as well. She expressed understanding that the Commissioners want to be prepared to deal with issues related to capital improvements, anything that may be of interest to the media. Commissioners feedback will be welcomed.

Commissioners expressed an understanding the President is the spokesperson for the Commission and confidentiality is important with sensitive information. There was also an understanding that personnel information has limitations and protections. Some Commissioners encouraged the Chief to include in the protocol issues that deal with welfare issues such as violence in the facilities for youth or staff, use of pepper spray and suicide attempts.

Chief Mitchell repeated that the Commission will receive a draft for comment. Commissioners appreciated her presence and willingness to work together.

III. OLD BUSINESS

Commissioner Seaver provided a **Kilpatrick Committee** report. Commissioners Levine, Butler and Seaver visited on March 6, 2017. Overall, the facility was a well-received change from the current practice. The facility reflects the many hours of investment in creating a place of learning and rehabilitation. Mr. Seaver shared that the most institutional area was the staff rooms. Ms. Levine acknowledged that furniture and other items would increase the homelike atmosphere and expressed appreciation for Deputy Jose De La Torre who is a Dialectical Behavior Therapy expert inside of Probation. His narrative of the implementation of the program as we toured the facility was encouraging and inspiring. Ms. Butler shared that the entrance and lobby area also felt very institutional and needed some attention. Commissioner Seaver encouraged all who could to visit. The next opportunity for a visit is March 16, 2017 at 1:30 at Kilpatrick. If other Commissioners are interested, please confirm with Monica Garcia.

Commissioner Caster requested discussion of a **Revised Resolution Relating to Terminating Probation Department's New Directions Diversion Program**. She requested action today but due to posting requirements, the item will be on the agenda for the meeting on March 23, 2017.:

IV. APPROVAL OF MINUTES

With respect to the minutes of February 23, 2017, Commissioner Caster requested that they be adjusted to reflect greater accuracy and detail in the section dealing with the **Resolution Relating to Terminating Probation Department's New Directions Diversion Program**. The suggestion was made to include the original language of the Resolution in the body of the minutes. They will be considered at the meeting of March 23, 2017. Additional changes were made to the Inspection Schedule 2017.

Commission President Gardner welcomed Commissioner Bonnie Lowenthal to the Commission and encouraged her to join another Commissioner to conduct inspections.

V. ANNOUNCEMENTS

President Gardner reminded all to submit items for the **Monthly Recap**. He also asked for all review their biography on the website. Any changes should be directed to Monica Garcia. Commissioner Butler's name needs to be corrected immediately.

There is a Supervisor CORE Graduation on March 10, 2017.

There is an Armed Graduation on March 30, 2017 at 11:00 a.m.

Commissioner Meredith, Mitchell and Lowenthal attended the graduation on February 23, 2017 and it was very inspirational. The speaker Deputy Marks was outstanding.

Commissioner Seaver asked for guidance from County Counsel as to how many people can discuss an item that will be on the agenda. Mr. Espinoza responded that all conversation must stay under quorum which is 7, even if all 15 Commissioners are not appointed.

Commissioner Seaver requested that former Fourth District Commissioners be recognized in some manner by the Commission.

VI. PUBLIC COMMENT

There were no public comments.

VII. ADJOURNMENT

Commissioners Seaver moved to adjourn the meeting. President Gardner seconded the motion and the meeting was adjourned at 11:46 a.m.

DRAFT