



**COUNTY OF LOS ANGELES
PROBATION COMMISSION**
9150 EAST IMPERIAL HIGHWAY – DOWNEY – CALIFORNIA 90242
(562) 940-2754



MINUTES OF REGULAR MEETING OF OCTOBER 11, 2018

The regular meeting of the County of Los Angeles Probation Commission was held on Thursday, October 11, 2018 at the Kenneth Hahn Hall of Administration, 500 West Temple Street, 7th floor, Room 743, Los Angeles, California 90012.

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

The following Commissioners were present:

1st Vice President Jan Levine
2nd Vice President Daniel Seaver
Commissioner Yamashiro
Commissioner Caster
Commissioner Meredith
Commissioner Shutan
Commissioner Butler
Commissioner Mitchell
Commissioner Herbon
Commissioner Hoover
Commissioner Swartz

The following Commissioners were not present:

Commissioner Kaplan
Commissioner Martinez

Commissioners

Joe Gardner-President,
Hon. Jan Levine (Ret.)-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,
Rev. Zachary Hoover, Hon. Betsy Butler (Ret.), Randy Herbon, Gale Swartz

The following staff were present:

Sheila Mitchell, Chief Deputy
Dave Mitchell, Deputy Director
Luis Dominguez, Acting Deputy Director
Stacy Ford, Probation Director
Genesis Cervantes, Staff Assistant

The following individuals were present:

Maureen Pacheco
Natasha Khamashta
Eduardo Mundo

III. APPROVAL OF MINUTES

The minutes of December 14, 2017 were tabled for next meeting.

The minutes of September 27, 2018 were tabled for next meeting.

IV. LOS ANGELES COUNTY PROBATION DEPARTMENT UPDATE

President Gardner stated that the discussion for the rise in the number of minors in the Hope Centers will be tabled for the next meeting of October 25, 2018.

Chief Deputy Sheila Mitchell stated that a report on the number of rearrests and probation violations will be tabled for the next meeting of October 25, 2018.

Chief Deputy Mitchell stated that in responding to requests from the Commission, the Probation Department will need time to give a comprehensive response. President Gardner will work with the Probation Department to coordinate dates for responses on pending items. Commissioner Butler and Commissioner Levine requested an update to concerns addressed in the minutes of December 14, 2017.

Commissioner Caster stated that she is very frustrated that the Probation Department has not given a response on the number of rearrests and probation violations of the youth who have exited Camp Kilpatrick to date. Chief Deputy Mitchell stated that the Probation Department's data is done manually, and the Department needs ample time to provide that information. Chief Deputy Mitchell stated the data would be provided at the next commission meeting of October 25, 2018.

Deputy Director Luis Dominguez gave an update on the Probation Department's implementation to W.I.C 210.6. Mr. Dominguez stated that training began in October and the Probation Department anticipates completing training in mid-November. Mr. Dominguez clarified that the Probation Department will not shackle youth on the way to

court proceedings unless requested by the court. The court cannot make verbal requests and will need to fill out documentation for requests.

Commissioner Herbon inquired on the training Probation staff will receive. Mr. Dominguez stated that Transportation Deputies are receiving 2-hour trainings given by the Supervisors. Deputy Director Dave Mitchell added that Residential Treatment Services Bureau (RTSB) will also be trained.

President Gardner inquired about the number of transportations and about the transportation entity. Deputy Director Mitchell stated that Probation Department has their own transportation entity. Mr. Dominguez stated that there are about 3500 transportations month.

Mr. Mundo inquired if there will be a special incident report to track every time a youth is shackled on the way court. Mr. Dominguez stated that the documentation attached to the W.I.C 210.6. policy will need to be filled out and it will be logged manually by the Probation Department. The data will be housed in folders for the time being.

Maureen Pacheco stated that she is very disappointed in the written policy on, W.I.C 210.6 as she feels it is not complying with the law. Ms. Pacheco asked the Probation Department to revise the policy.

Natasha Khamashta inquired if County Counsel has reviewed the policy. Mr. Dominguez confirmed that the policy was reviewed by County Counsel. Based on the conversation between the Probation Department and County Counsel the W.I.C 210.6 policy does not include the use of handcuffs as mechanical restraints. Ms. Khamashta stated that in her notes. Mr. Dominguez stated on the record that County Counsel determined handcuffs being included as mechanical restraints. Mr. Dominguez clarified that the policy was reviewed with County Counsel and it was determined that handcuffs are not included as mechanical restraints.

Chief Deputy Mitchell stated that the Probation Department is willing to work with the Public Defender's Office to revise the W.I.C 210.6 policy with the court system's partnership with the judges.

Commissioner Yamashiro requested that the Probation Department define "shackles" for the record. Mr. Dominguez clarified that shackles are chain restraints between the feet and belly chains are restraints that include handcuffs and the chain wraps around the body

Commissioner Yamashiro asked the Probation Department for written documentation of County Counsel's determination of handcuffs not being included as mechanical restraints. County Counsel Lauren Black asked the Commission to focus on their concerns rather than the confidentiality of communication to ensure their concerns are being addressed by the Probation. Chief Deputy Mitchell stated that she will consult with County Counsel on what can be shared with the Commission.

Commissioner Levine requested that the Probation Department revise the W.I.C 210.6 policy and clarify the use of handcuffs. Chief Deputy Mitchell stated the Probation Department will revise the policy. Commissioner Herbon inquired if the policy is implemented. Mr. Dominguez confirmed that it is, but staff training is pending.

Mr. Mitchell asked the Commission to take into consideration the safety of staff and stated that in the past there have been AWOL attempts and incidents. The Probation Department will follow the law as they must balance the safety of their staff and the youth. Mr. Mitchell discussed that the Probation Department has taken their best-behaved youth on field trips with limited restraints and hopes to continue in the right direction without jeopardizing the safety of the community.

Commissioner Butler inquired if the youth that were taken to the Staples Center for the Sparks game were shackled. Mr. Mitchell stated they were not shackled but were handcuffed.

Commissioner Herbon inquired if the Probation Department has had any incidents or AWOL attempts in the last 2 years. Mr. Mitchell stated that they have not had one on an outing.

Commissioner Herbon inquired if the Transportation Deputies receive Security Information Report (SIR) and Probation Information Reporting System (PIRS) training and inquired if there is tracking data on transportation incidents. Mr. Dominguez stated that Transportation Deputies receive documentation training. Incident report data stays in the youth's file, to retrieve data on transportation incidents the Probation Department would have to create an isolated data base.

Commissioner Seaver requested from the Probation Department how the W.I.C 210.6 policy is implemented and requested data on the use of handcuffs.

Commissioner Levine requested a progress update on the implementation of the W.I.C 210.6 policy.

Minors Obtaining Identification through DMV

Commissioner Butler asked what can be done to aid the youth exiting camps in obtaining identification from the Department of Motor Vehicles (D.M.V). Mr. Mitchell stated that the Probation Department can aid the youth in filling out the appropriate paperwork to renew their identification, however, if the youth did not previously have an identification card from the D.M.V paperwork cannot be submitted because the youth must be present. The D.M.V is not willing to travel to camp facilities at the moment.

Commissioner Butler suggested a fieldtrip to the DMV so youth can obtain identification. Chief Deputy Mitchell stated that Probation Department is working on obtaining identification for youth entering camps. Chief Deputy Mitchell stated that the Probation

Department will provide the Commission with a comprehensive plan on obtaining identification for the youth in custody in the next 45 days.

Commissioner Seaver asked the Probation Department to provide youth with birth certificates and social security cards.

Commissioner Levine stated that Probation Officer Gonzalez at Dorothy Kirby Center provided youth leaving camp with these documents.

Commissioner Caster inquired if the youth's attorney can help aid youth in obtaining documentation. Ms. Pacheco stated that there can be training for advocating to obtain the documentation needed.

Commissioner Caster inquired on identification for the youth in juvenile halls. Chief Deputy Mitchell stated that due to the short length of stay it is more difficult to obtain identification for the youth in juvenile halls, but it will be something the Probation Department will look at in their comprehensive plan.

V. PUBLIC COMMENT

Eduardo Mundo stated that he is baffled that the Probation Department does not have data on violations. Mr. Mundo stated that when he worked in the gang unit there was always data collected. Mr. Mundo suggested the Probation Department provides the Commission with information and data on violations and stated that he will continue to harp on the issue at every Probation Commission meeting he attends until the Probation Department provides the Commission with this data.

Commissioner Meredith stated that the part of the problem is that the Probation Department's data system is outdated and most of the data provided is done manually.

Commissioner Caster stated that at her last visit to Camp Kilpatrick she asked a number of staff if any request had been made from them to provide any information for any data collection efforts about Campus Kilpatrick, and the staff said there had been none.

Stacy Ford inquired if President Gardner had received any solutions to the concerns addressed on his visit to Barry J. Nidorf Juvenile Hall. President Gardner stated that he has not received any solutions at the moment and is finalizing his inspection report. President Gardner stated that the inspection report will be made available to the public once it has been submitted.

Commissioner Seaver asked for clarification on a letter submitted to Chief Deputy Mitchell. President Gardner clarified that the letter submitted to Chief Deputy Mitchell briefly outlined concerns raised during his visit to Barry J. Nidorf Juvenile Hall and he will submit a full inspection report.

Natasha Khamasta inquired what Commissioners visited BJNH. President Gardner stated the visit was made by Commissioners Levine, Butler, Martinez, Herbon and himself.

VI. OLD AND CONTINUED BUSINESS

President Gardner asked the Commission to inform him of any additions to the memorandum titled "Probation Commission Transition to Probation Oversight Commission." Commissioner Levine had additions to the memorandum regarding budget transparency and closed sessions.

Commissioner Seaver inquired when the meeting with Mr. Sarabia will be taking place. President Gardner is currently coordinating a date for the meeting.

President Gardner stated that he provided the Probation Reform and Implementation Team (PRIT) with important documents from the Commission from the past three years.

Commissioner Yamashiro suggested the Commission schedule a meeting with PRIT sooner rather than later.

President Gardner went over the pending items list which is as follows:

- The Probation Department's 5-year plan.
- Plans for implementing the W.I.C 210.6 policy.
- Progress report on changes to job classification.
- Progress and report back on findings from inspections at juvenile facilities by the Commission.
- Discussion on W.I.C 236, post release, and pre-release process and home visits.

Commissioner Caster requested to add to the pending items list data of rearrests, probation violations, and data on youth who have turned 18 and have been reincarcerated into the adult system.

Commissioner Herbon would also like data on retention and training of probation staff added to the pending items list.

Commissioner Levine requested a report back on how many 777s are filed and the subjects of the probation violations made.

VII. NEW BUSINESS

The Probation Commission discussed moving the meeting time from 10:00 a.m. to 10:30 a.m. After discussion, the Commission decided to leave the 10:00 a.m. scheduled meeting time as is.

Commissioner Seaver moved to not have a Probation Commission meeting on the dates of November 22, 2018 and December 27, 2018. Commissioner Caster seconded the motion and the motion was approved.

President Gardner discussed the draft Confidentiality Agreement and stated that by signing the agreement and submitting it to the Probation Department there is an understanding in the confidentiality of the distribution of Probation Department/Commission documents, and that those documents only be released at a public meeting setting and with the direction of the Commission President. President Gardner wants to ensure the Probation Department feels comfortable sharing their documents with the Commission and prevent confidential documents from being leaked. President Gardner mentioned that there recently was a release of an article containing leaked information.

President Gardner stated that the template was lifted from the Sheriff's Department and Sheriffs Oversight Commission and some words were changed to fit the Probation Commission. President Gardner stated that the confidentiality agreement worked well for the Sheriffs Department and Sheriffs Oversight Commission.

Commissioner Levine questioned what the Probation Department considers confidential. Commissioner Levine stated that the Commission is a Brown Act body and should make topics of discussion available to the public and feels that by signing the confidentiality agreement that right will be taken away.

County Counsel Lauren Black stated signing the Confidentiality Agreement wouldn't change the nature of the Commission's obligation to the public. Ms. Black stated that she would like to help the Commission, but it is difficult to assist with this general topic and stated should the Commission have any inquiries to make them as specific as possible.

Commissioner Seaver inquired under what circumstances would the confidentiality agreement be necessary. President Gardner stated that the confidentiality agreement could be used in the situation that the Probation Department releases data (such as Probation Department reports and population in facilities) to the Commission. Commissioners Herbon and Seaver inquired if that data is confidential.

President Gardner stated that the Commission should allow 30 day for the Probation Department to respond. Commissioner Levine stated that she sees no problem in discussing an inspection before a response is given. President Gardner stated that

agreement was made out of courtesy to the Probation Department and there is an appropriate time to release certain information.

Commissioner Caster inquired about who oversees data collection in the Probation Department. Chief Deputy Mitchell stated that it depends on the type of data and mentioned that the Probation Department does not have a way to extract data. Chief Mitchell stated that the Probation Department lack the infrastructure and Chief McDonald is working with Probation's IT Bureau to improve extracting data. Commissioner Caster inquired about the important data the Probation Department needs daily.

President Gardner stated that at his visit to Camp Afflerbaugh there was a significant report provided by the Director of the camp that helped him in completing his inspection report. President Gardner has spoken with Chief McDonald on giving the Commission access to this information and Chief McDonald is working with County Counsel and reviewing the Commission's request. President Gardner added that the intent of the confidentiality agreement is to take an extra step forward in making the Probation Department comfortable to release that information to the Commission.

Commissioner Swartz stated that Confidentiality Agreements are standard, and guidelines can clarify this. Commissioner Swartz inquired if the Probation Department can only release data if the confidentiality agreement is signed.

Chief Deputy Mitchell stated that the report President Gardner is referring to is an elaborate report done by camp headquarters and gives facts on the youth included in the population. The report includes confidential information which is why Chief McDonald must review with County Counsel whether that confidential information can be redacted and provided to the Commission. Chief Deputy Mitchell stated that the confidentiality agreement was not specifically to release the information to the Commission it is a general agreement made due to the leak of confidential information in the past. The Probation Department is not weighing in one way or the other on the confidentiality agreement.

President Gardner asked the Commission to review the Confidentiality Agreement document and to consider signing the document.

Commissioner Seaver asked to table the discussion of the Confidentiality Agreement for the next meeting.

Commissioner Caster stated that the purpose of the Commission is to aid the youth and suggested every meeting begin with rearrest data as she feels it is important to know whether the Probation Department is succeeding or not in keeping the youth out of the system.

Commissioner Butler stated she wonders if each incarcerated youth is still costing Los Angeles County \$233,000 per year.

Commissioner Yamashiro stated that he has learned about abuse allegations youth made on staff at Rite of Passage and mentioned there is an ongoing investigation. Commissioner Yamashiro stated that the findings were shared with Chief McDonald and Chief McDonald stated that because of the ongoing investigation it could not be discussed in a public setting. Commissioner Yamashiro stated that he wanted to make the Commission aware that there is an ongoing investigation. Chief Deputy Mitchell stated that there have been many steps taken in the investigation. The discussion was tabled for a future agenda.

Commissioner Herbon stated that he would like a report on statistics on post-release and pre-releases. Commissioner Hebron also requested home assessment data.

VII. ANNOUNCEMENT

President Gardner announced that inspection reports are due by November 8, 2018.

President Gardner announced that Commission Officers election will take place December 13, 2018

Deputy Director Dave Mitchell stated the Probation Department has found a vender for de-escalation training.

VIII. ADJOURNMENT

Commissioner Shutan moved to adjourn the meeting. Commissioner Seaver seconded the motion and the meeting was adjourned at 12:01 P.M.