COUNTY OF LOS ANGELES
PROBATION COMMISSION

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MINUTES OF REGULAR MEETING OF NOVEMBER 8, 2018

The regular meeting of the County of Los Angeles Probation Commission was held on Thursday, November 8, 2018, 2018 at the Kenneth Hahn Hall of Administration, 500 West Temple Street, 1st floor, Room 140A, Los Angeles, California 90012.

I. Commission President Joe Gardner welcomed all and called the meeting to order at 10:03 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:

2nd Vice President Daniel Seaver
Commissioner Yamashiro
Commissioner Caster
Commissioner Meredith
Commissioner Shutan
Commissioner Mitchell
Commissioner Herbon
Commissioner Martinez

The following Commissioners were not present:

1st Vice President Jan Levine
Commissioner Butler
Commissioner Kaplan
Commissioner Hoover
Commissioner Swartz

The following staff were present:

Dave Mitchell, Deputy Director
Luis Dominguez, Acting Deputy Director
Felicia Cotton, Deputy Director
Jack Sims, Probation Director
Genesis Cervantes, Staff Assistant
Lydia Jurado, Staff Assistant

The following individuals were present and signed in:

Regina Goree
Saul Sarabia
A.J Young
Eduardo Mundo
Diana Velasquez
Sheila Williams
Daniel Aroll
Maureen Pacheco
Alisa Williams
Cookie Lommel
Robert Battles
Alex Sanchez
Lauren Black

II. PROBATION REFORM AND IMPLEMENTATION TEAM INTRODUCTION

President Gardner welcomed the members of the Probation Reform and Implementation Team (PRIT).

The Commission had a moment of silence for all of those affected by the shooting that took place on November 7, 2018 in Ventura County.

Saul Sarabia, serving as the Chair for the Probation Reform and Implementation Team (PRIT), introduced himself and went over the Probation Reform and Implementation Team. Mr. Sarabia stated that the Board of Supervisors approved a motion on May 1, 2018, the motion accepted a recommendation from the CEOs office that was included in a memorandum dated April 9, to establish a temporary body (P.R.I.T) to carry out the Board's vision for reform designed to increase transparency and accountability with the Probation Department and Los Angeles County.

Mr. Sarabia stated that the within the 6-9 months PRIT is to deliver the following two things:

- First, the task of transforming the existing Probation Commission into the new Probation Oversight Commission (POC), which will be responsible from the board's perspective and ensure those reforms lead to increased accountability, transparency and better outcomes for the youth and adults served by the Probation Department.

- Second, to deliver an integrated, comprehensive reform plan for the new Probation Oversight Commission (POC) to ensure efforts towards reform are implemented at the various areas that have been identified throughout the years.

Mr. Sarabia stated that the Board of Supervisors instructed PRIT to focus on existing recommendations that are embodied in a series of reports, including the Resource Development Associates (RDA) recommendations that the Board also adopted in the April 9th report and May 1st memorandum. The charge is very specific; to look at the R.D.A recommendations and anchor it into the current framework. Mr. Sarabia shared the public website link: prit.lacounty.gov. Mr. Sarabia added that the website contains documents in a library and encompasses all reports that PRIT must consider in coming up with a reform plan.

Mr. Sarabia stated that PRIT commenced public meetings at the Hall of Administration and are rotating meetings at each of the districts. Meetings are currently structured around the topics on the reform plan, RDA, and the May 1st motion.

Mr. Sarabia added that the PRIT has been deliberating on the following task:

- Recommending to the Board of Supervisors and the scope of the powers of the Probation Oversight Commission (POC).

- Criteria and duties of the Commissioners.

- Making recommendations regarding staffing of the Commission.

Mr. Sarabia emphasized that this is the first part of the process and moving into the middle part of process and although all aren't present to be part of discussion, this will not be the last opportunity to share their perspective. Mr. Sarabia added that it has been useful for community members in the community meetings to join the general discussions and he appreciates it.

Mr. Sarabia stated that PRIT meetings are projected and posted on Facebook live. Recordings and minutes are available at the public meetings sections of the website. Mr. Sarabia inquired about the Probation Commission's main concerns based on their experience, staffing level and criteria to achieve the Supervisor's mission.

Mr. Sarabia introduced the following departments that have seats on the PRIT:

Sheila Williams, Chief Executive Office

Rodrigo Castro-Silva, LA Office of County Counsel
Carrie Clark, LA Office of County Counsel
Dave Mitchell sitting in for Tiana Murillo, LA County Probation Department
Alex Sanchez, First District
Jose Surna, Fourth District
Mack Jenkins, Fifth District
Sheila Balkan, Third District

Commissioner Seaver inquired about the Chodroff report being available on website, Mr. Surna replied that the report is currently available on the PRIT website.

President Gardner went over the following 3 important documents:

- August 11, 2018 letter containing the tasks, duties, issues and concerns that the Probation Commission has.
- Addendum to the August 11, 2018 letter containing material resources and personnel.
- Supplemental statement authored by Jan Levine.

Commissioner Meredith stated that his biggest concern is that the Probation Commission's focus are the juvenile halls and juvenile camps and have not looked at the broader picture of the Probation Department, which any oversight committee should do. Commissioner Meredith added that the majority of operations are outside halls and camps.

Commissioner Seaver shared that the last session he attended was great, and it was fantastic to hear from the two staff that were present. Commissioner Seaver stated that if adult and juvenile are combined its going to be very busy and suggested the Probation Commission conducts inspections to see what is going on and suggested it could possibly be a staff person. Mr. Seaver suggested the Probation Commission of the future have an annual review of the Chief Probation Officer. Commissioner Seaver stated that he appreciates and respects the Probation Department for what they are trying to do.

Commissioner Caster stated that the Probation Department has two key goals for the youth in custody; first, proper protection of their well-being and, second, prevention of further contact with the criminal justice system. Commissioner Caster added that transparency is key to make a difference, and the Probation Department lacks transparency when it comes to data. Commissioner Caster added that for progress to be made there needs to be improvement on data collection, preservation, and availability. Commissioner Caster recommended that an outside entity collect and monitor data, perhaps a university or a professional firm with an expertise in that area.

Commissioner Yamashiro encouraged the Probation Commission to share specific incidences where challenges were faced so PRIT members have concrete examples.

Commissioner Yamashiro stated that there are no opportunities to weigh in on proposed policies or bring in experts.

Maureen Pacheco stated that a law was in effect dating January 1st, 2017 and stated she does not understand how it has taken ten months for the Probation Department policy change in the W.I.C 210.6 policy. Maureen Pacheco added that the Probation Commission and the Probation Department need to work together.

Commissioner Shutan shared some concerns that can be investigated by the PRIT, first the supplemental note from Jan Levine containing County Counsel's consistent position on the Brown Act. Commissioner Shutan stated that Probation Oversight needs to access information and confidential documents on investigations to be an effective oversight commission. Commissioner Shutan also considered accessing legal advice outside the Commission. Commissioner Shutan also agreed with Commissioner Seaver on inspections of camps and halls and stated it would be best if the Commission had staff responsible for conduction inspections.

Mr. Sarabia provided clarification on concerns and stated that the April 9th memorandum does contemplate the possibility of Office of Inspector General (OIG) serving as the investigation arm for the PRIT body. Mr. Sarabia stated that the memorandum also specifies that inspections will be consolidated once the body transitions into the POC.

Commissioner Seaver shared that it is important for the Probation Commission to communicate with the people, staff, and youth they serve. Commissioner Seaver stated that the Commission should have access to all facilities.

Commissioner Sarabia inquired on whether it is recommended to have some hybrid that will allow the Probation Commission to have the staffing support required to deal with labor costs while still giving the Probation Commission the opportunity of direct communication. Commissioner Seaver responded yes and suggested trained inspector staff.

Commissioner Meredith stated that in his prior time as Chair he dealt with Department of Corrections on the inspection issue. California Department of Corrections and Rehabilitation (CDCR) directed that the Probation Commissioners conduct inspections on camps be made annually, if not a penalty would be made to the Probation Department. Commissioner Meredith advised that it be investigated.

Commissioner Caster suggested hired staff be assigned to conduct inspections of facilities in addition to the members of the POC, that way all facilities can be visited at some point by someone. Commissioner Caster stated that she is concerned that the Commissioners may not be able to visit all the juvenile facilities and any adult-related visits that may be required.

Rodrigo Castro-Silva stated that there are no probation adult facilities, there are only field offices.

Commissioner Yamashiro stated that the Probation Department contracts with third party service providers which are the same type of contractual relationship that the Probation Department has with group homes. If there's oversight over the Probation Department and the choices it is making about third party service providers one would think that it would extend to anyone the Probation Department is contracting with. Commissioner Yamashiro added that to do a competent job, POC must have technical expertise in the staffing.

Commissioner Mitchell suggested sharing the Probation Department with the community, so the community is aware of who the Probation Department is and what they do. The Probation Commission must have their own staff and experts and cannot be dependent on the Probation Department to provide information. Commissioner Mitchell added that community education, community outreach, and ongoing education for the Probation staff is critical. Commissioner Mitchell stated that there must be a stop-gap between the Probation Department and the Board of Supervisors.

President Gardner stated that one of the greatest challenges was obtaining detailed and confidential information from the Probation Department. President Gardner stated that the POC requires a memorandum of understanding (MOU) to perform its tasks of oversight and inspections. President Gardner added that tracking access is required to measure outcomes on the adult side as well.

Commissioner Martinez stated that he joined the Probation Commission in 2011 and stated that he is excited about the transition from commission to oversight. Commissioner Martinez provided numbers of less than 40 youth per camp, in juvenile halls less than 300 youth at a time, and less than 1500 youth in custody. Commissioner Martinez stated that due the fact that the population of youth incarcerated has declined, now would be a great opportunity to implement policies. Commissioner Martinez stated that he was mentored and supervised by an outstanding probation staff member. Commissioner Martinez stated that aftercare is the most important part and added that with the budget provided, the youth should have the best care of any other department.

Sheila Williams, from the Chief Executive Office, stated that the Probation Department is currently working on a consolidation plan for both the camps and halls. Ms. Williams inquired about whether it would be more manageable for the Probation Commission to conduct visits in addition with some staff if the number was reduced to something more manageable like 5 or 6 camps and possibly 2 halls. Commissioner Seaver stated that the places where Probation Officers are working with adult clients need to be inspected as well to see how people interact, are being treated, and how services are being delivered. Commissioner Seaver added that Commissioner Levine stated that the Police Commission and Sheriff's Department currently have independent counsel. Commissioner Seaver stated that was an important point.

Commissioner Herbon shared that independent staffing is most important, and it needs to be independent from the Probation Department. Commissioner Herbon stated that he

was unable to access information regarding staff assaults, youth assaults, major disturbances, and minor disturbances from the Probation Department. Commissioner Herbon suggested having a transcriber on staff to write out reports. Commissioner Herbon stated that he is concerned about valuable staff being eliminated due to time constraints.

Commissioner Meredith addressed the issue of non-disclosure and suggested a conflict of interest policy.

Commissioner Yamashiro stated that there would be a higher performing department if there were more frequent visits to halls, camps, and group homes. Sheila Williams inquired on the ideal frequency on the amount of inspections. Commissioner Yamashiro replied 4 or 5 times a year due to different complexions of work practices. Commissioner Meredith stated that police station and sheriff's station of the county be inspected as well.

Commissioner Caster suggested adult and juvenile be separated and dividing up the workload. Commissioner Caster also suggested dividing responsibility for certain topics for inspection within the Probation Commission, for instance instead of everyone inspecting every aspect of each facility they visit someone would be responsible, for instance in handling the grievance systems everywhere, while another would inspect the food systems at each camp. Commissioner Caster agreed with Commissioner Herbon on the transparency issue within the Probation Department.

President Gardner suggested incorporating a location for training so that staff is up to speed with the current trends and current best practices for inspections. President Gardner added that it would be essential to have access to the California Probation and Parole Association (CPPCA) for annual conferences and information regarding training aspects.

Commissioner Seaver maintains that the Probation Commission should be in facilities. Commissioner Seaver stated that the issues on nature of rehabilitation, grievances, and services should be considered and how to act on them.

Commissioner Caster emphasized the importance of skillful communication with the youth and staff.

Mr. Osuna inquired about whether the Probation Commission has contact with the youth when exiting camps. President Gardner stated that the Probation Commission doesn't formally do that. Commissioner Mitchell stated that there is a limited knowledge of resources for the youth. Commissioner Mitchell added that it is a free public service and the disconnect is concerning. President Gardner stated that the Probation Commission is big on outcomes and the Probation Commission is driven by it.

Commissioner Herbon stated that once the Probation Commission has access to the area offices and can make unannounced visits, you will be able to get a feel for the

interaction between the clients and the deputies. Commissioner Herbon stated that 99 percent of the Probationers would be more than happy to share what is going on.

Commissioner Shutan inquired about County Counsel's opinion. Lauren Black stated that she represents County Counsel and would be more than happy to answer any questions or do research. Commissioner Shutan inquired if a commissioner can listen to or participate in a conversation between a Probation Officer and a minor. Ron Caster Silva stated that he was not sure but can investigate.

Maureen Pacheco suggested that the Probation Commission make a recommendation to A27 for access to information, it appears that every meeting that she has attended there is a lack of transparency.

Ron Caster Silva stated that the Brown Act body cannot function in secret and there is nothing that County Counsel can do to change that. The POC does not have the ability to go into closed session because it is not a final decision maker. Mr. Silva stated that there are no exemptions in the Brown Act that will allow that discussion. Mr. Silva stated that OIG is not a Brown Act body and Civilian Oversite Commission (COC) uses OIG for that purpose. Mr. Silva added that what differentiates the Probation Department from Sheriff's Department is that the Sheriff's Department has an exclusive authority over the jail and Brown Act creates a lot of limitations and it is very complex.

Mr. Sarabia stated that this would be a first conversation of more and would be more than happy to return. Mr. Sarabia added that the access to information and investigation will be available at the first meeting and invited the Probation Commission to future meetings.

III. PUBLIC COMMENT

Eduardo Mundo shared that he has worked with more good Probation staff than bad and hopes that the PRIT body can put the soundbites together and carry on because there are kids out there that the Probation Commission has a privilege to serve. Mr. Mundo stated that the two bodies coming together can be supportive to the Probation Department.

IV. APPROVAL OF MINUTES

The minutes for the month of October were tabled for next meeting, due to the lack of quorum.

V. ANNOUNCEMENTS

President Gardner reminded all present that due to the holidays the Probation Commission is going dark. President Gardner announced that annual election of

Commission Officers is coming up, and there will be discussion of site inspection updates.

Commissioner Caster requested to add a report back from the Probation Department on the number of rearrested, violated probation, and rearrested as adults in Campus Kilpatrick.

VI. ADJOURNMENT

Commissioner Shutan moved to adjourn the meeting. Commissioner Seaver seconded the motion and the meeting was adjourned at 11:49 A.M.