



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



MINUTES OF REGULAR MEETING OF DECEMBER 13, 2018

The regular meeting of the County of Los Angeles Probation Commission was held on Thursday, December 13, 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 10:13 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 Caster
Commissioner Meredith
Commissioner Shutan
Commissioner Mitchell
Commissioner Herbon
1st Vice President Jan Levine
Commissioner Butler

The following Commissioners were not present:

Commissioner Kaplan
Commissioner Swartz
Commissioner Martinez
Commissioner Yamashiro
Commissioner Hoover

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:

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

The following individuals were present and signed in:

A.J Young
Eduardo Mundo
Maureen Pacheco
Alisa Williams
Lauren Black
Ramon Quintana
Chris Ahsan
Victor Noem

II. LOS ANGELES COUNTY PROBATION DEPARTMENT UPDATE

Chief Deputy Sheila Mitchell stated that item number 7 came out after the draft agenda was sent out, last week and that didn't allow the Probation Department enough time to respond back to the request. Chief Deputy Mitchell stated that the Probation Department is prepared to present items 4, 5, and 6. President Gardner stated that item number 7 will be tabled for the next meeting of January 10, 2019.

Chief Deputy Mitchell stated that herself and Deputy Director Luis Dominguez had the opportunity to meet several times with County Counsel, Alternate Public Defender (APD), several public defenders and Commissioner Yamashiro approximately 3 weeks ago. The Probation Department provided a revised draft of the mechanical restraint policy and modified the attachments. Chief Deputy Mitchell stated that everyone was pleased with the revisions to the Probation Department Directive. Commissioner Seaver requested a summary of the changes that were addressed. Chief Deputy Mitchell stated that the policy was modified to reflect that when mechanical restraints are being used the reason must be documented. Mr. Dominguez stated that the word "handcuffs" was added to the Probation Department Directive. Commissioner Seaver inquired about the reason why it was helpful to the Public Defenders to add the word "handcuffs". Chief Deputy Mitchell suggested inquiring with the Public Defender.

Commissioner Seaver inquired with Commissioner Levine if the concerns that were raised on the Probation Department Directive were being addressed. Commissioner Levine stated that it wasn't a matter of adding one word, there were several problems.

Chief Deputy Mitchell stated that when the Probation Department met with the attorneys and Public Defenders they felt there could be clarification in the Probation Department Directive. The Probation Department Directive reflects everything that was requested from the attorneys, Public Defenders and Commissioner Yamashiro.

Commissioner Meredith inquired about whether the vehicles are secured with cages during transportation. Mr. Dominguez stated that not all vehicles are caged. Commissioner Meredith stated that the youth could be sitting in the back of a vehicle unrestrained, with no secure cage, which exposes the Probation Department to significant liability with the wards and citizens if an incident occurred.

Commissioner Levine apologized for being tardy and inquired about whether the discussion covered the report from APD on Maureen Pacheco's experience. Chief Deputy Mitchell stated that the Probation Department met up with Cesar Sanchez and she's sure he was representing Maureen Pacheco's concerns. Commissioner Levine stated that Maureen Pacheco represented a minor that was in shackles coming into the courtroom and not in transport.

Commissioner Meredith is concerned that there are unrestrained youth being transported in unsecured vehicles. This poses significant hazard to youth and staff. Chief Deputy Mitchell stated that in terms of Commissioner Meredith's concerns, the issues are reflected in the Probation Department Directive. Chief Deputy Mitchell stated that the Probation Department met with the appropriate parties and an agreement was made on the Probation Department Directive.

Chief Deputy Mitchell suggested tabling the discussion. Commissioner Seaver stated that it would be helpful for the Probation Department to provide information. Chief Deputy Mitchell stated that an agreement was made with the attorneys and given the way that attachment A is formatted, data will be easy to retrieve. Chief Deputy Mitchell stated that data will be provided when available. Mr. Dominguez clarified that data does not exist related to the old policy of handcuffing during transportation.

Commissioner Butler inquired about whether Commissioner Yamashiro has seen the Probation Department Directive or signed off on it. Mr. Dominguez replied yes, he was part of the meeting.

Commissioner Butler inquired about how the youth were transported at Campus Kilpatrick during the evacuation. Commissioner Butler also inquired on what the county was doing on implementing a plan for evacuations. Commissioner Meredith suggested tabling this for future discussion.

Commissioner Caster stated for the record that she has reviewed her notes from previous discussions and the new Probation Directive. The Probation Commission's objection was that the use of shackles and handcuffs should be only handcuffs, and the individual factors were too broad. Commissioner Caster added that the new Probation Department Directive does address those issues.

Commissioner Herbon inquired about whether it is probable to have some minors handcuffed and not in the same van. Mr. Dominguez responded yes, based on the assessment of each individual youth. Commissioner Herbon stated that therefore it would be possible to have youth in opposing gangs - some handcuffed and some not handcuffed. Commissioner Herbon stated that leads to question the safety for the staff and the handcuffed minor. Commissioner Herbon requested statistics on any assaultive behavior during transportation after the Probation Department has fully implemented this practice.

Maureen Pacheco wanted to express her thanks to Chief Deputy Mitchell and the rest of the Probation Department for meeting and stated that there are some additional concerns that she would rather not discuss at that moment. Maureen Pacheco shared an incident that occurred in Monterey Park where a youth who was doing so well at Dorothy Kirby and about to be released to her sister, was shackled and handcuffed with no assessment being done. Maureen Pacheco stated that she asked the Probation Officer why the minor was in shackles and the Probation Officer responded, "because she was in jail."

Chief Deputy Mitchell stated that the judicial officer has the authority to shackle youth and suggested that when incidents like that occur to bring it to the Probation Department's attention beforehand, so it can be addressed.

Eduardo Mundo inquired about the reason why the Director is not signing off. Chief Deputy Mitchell stated that the department makes the decision in terms of who signs off. Mr. Mundo suggested using a car to transport higher risk youth and a van to transport lower risk youth.

Ramon Quintana, Division Chief of Juvenile Services, stated that Chief Deputy Mitchell agreed to all requests. Mr. Quintana added that there are a few issues that were raised after the meeting that took place and would be willing to discuss them in the future.

Commissioner Shutan inquired about the individual assessment prior to the transport, and whether gang affiliation is part of that assessment. Mr. Dominguez stated yes, that a review will be made for their safety and the safety of others. Commissioner Shutan inquired about whether the Probation Department keeps track of or is aware of gang rivalries of the youth in custody. Mr. Dominguez stated that there is room for improvement. Commissioner Meredith added that that may be a good discussion for January meeting.

Probation Department Response regarding Nidorf Inspection

Chief Deputy Mitchell presented a response to the inspection that was done at Barry J. Nidorf Juvenile Hall (BJNJH) that took place on October 8, 2018. Chief Deputy Mitchell stated the Probation Department is addressing the immediate things that the Probation Commission has identified, and the Probation Department created a strategic

implementation plan in collaboration with AFSCME Local 685. Chief Deputy Mitchell stated that this plan represents consensus that was reached on how to move forward in doing things at Barry J. Nidorf and other facilities.

Commissioner Meredith shared that on his last visit to Barry J. Nidorf facility, it was a very well-run facility. Staff was on top of everything, and the youth were well maintained. Commissioner Meredith added that the highlight was the college program provided on the campus.

Commissioner Butler inquired about the amount of new staff members starting in January 2019. Mr. Dominguez stated there are 30 new staff members graduating on January 3, 2019. Commissioner Butler stated that there were 16 SSPs who needed one-on-one, and whether it was being evaluated so that its less of a drain on the staff. Mr. Dominguez stated that the minute a child makes a comment that he wants to hurt himself, there is an immediate one-on-one as a precautionary measure. Mr. Dominguez stated that ultimately, it is up to the professionals to determine whether the youth is required to have the one-on-one supervision. Mr. Dominguez added that the Probation Department is currently working closer with the Mental Health Department.

President Gardner asked Commissioner Levine if there were any additional questions since she authored the letter. Commissioner Levine stated that she would like to reserve the right to go over the letter. Commissioner Levine stated that she is happy that the Probation Department has taken each observation seriously and addressed the concerns that the Probation Commission expressed.

Commissioner Herbon shared that as a former officer he is a bit discouraged by the first page that blames the staff for not adapting rather than saying there were some design problems or implementation problems. Commissioner Herbon objects to the fact that all the material is given 5 minutes before the meeting to try to digest. Commissioner Herbon added that he does see value in it, but not until the next meeting in January.

Chief Deputy Mitchell stated that the Probation Department had a second meeting with AFSCME Local 685 on Monday and an agreement was made that until there was consensus they would not make it public. Chief Deputy Mitchell added that the letter is not blaming the staff, it is certainly the responsibility of the management. Chief Deputy Mitchell stated that when the law was changed with solitary confinement the Probation Department complied with that and created Hope Centers.

President Gardner stated that he appreciates the detailed response and the Probation Commission will take some time to review the document and will bring it back for further discussion.

Commissioner Caster stated that it was painfully clear that the staff was not equipped to deal with misbehavior and discipline issues in the absence of using the Special Housing Unit (SHU) and pepper spray. Commissioner Caster stated that she is interested in

knowing if the training has increased and whether training was included in the academy for these types of issues.

Chief Deputy Mitchell stated that there have been shifts in the academy for additional training and during the academy the recruits come out to the facilities. Mr. Dominguez stated that they are in the process of being certified through the state.

Commissioner Caster asked if the trainees would get an opportunity to discuss, as a group, what their experiences are. Mr. Dominguez stated that the management currently started a listening session with the staff, so they can hear what concerns and challenges they are experiencing. Mr. Dominguez shared that a meeting took place at the Los Padrinos Juvenile Hall, so staff could voice their concerns and it went very well.

Commissioner Meredith shared that the group discussions stimulated a lot by prior academy classes. Commissioner Meredith added that there is a continued need for exposure so recruits understand what they are dealing with.

Commissioner Seaver inquired with President Gardner and the Probation Staff if the training update is on the agenda. President Gardner responded "yes." Commissioner Seaver stated that as the population of the camp shifts it is helpful for the Probation Commission to receive regular updates.

Commissioner Butler inquired about what shift the new staff will be assigned to. Mr. Dominguez stated that the staff is placed where there is a need. Staff need to get experience in all 3 shifts due to all the different activities on the 3 shifts. Commissioner Butler inquired if there is mentorship provided for new staff. Mr. Dominguez stated that is the goal with the new training.

Chief Deputy Mitchell stated that this issue will be discussed in the January meeting and if there are any questions please send questions. Commissioner Butler stated that she was at the inspection but was not on the letter, so she may have comments.

Commissioner Levine inquired if the inspection was never done by the Commission how would the issues have been raised. Chief Deputy Mitchell stated that they were in the process of making managerial changes and addressing staffing issues. The visit from the Commission just brought it further attention, but it was already underway. Commissioner Levine suggested thinking systematically about a mechanism for all the detention facilities and suggested an internal inspection. Chief Deputy Mitchell stated that there is a plan currently taking place in Los Padrinos Juvenile Hall and the plan currently taking place at Central Juvenile Hall will eventually come together so that the Probation Department will be able to monitor.

Commissioner Herbon inquired if the Probation Department feels that the staff at Los Padrinos feels secure talking with the group that was mentioned. Is the Probation Department prepared for the whistle blower cases that could possibly come up when someone is placed under investigation after they have spoken at the meetings? Mr.

Dominguez stated that is one of the reasons why the Probation Department went to visit Los Padrinos, to address the issue. Mr. Dominguez added that there was reassurance with staff that they don't have to be afraid of raising concerns, and the Probation Department has been working on changing the culture for years. Mr. Dominguez added that the Probation Department is not retaliating against staff for doing their job the right way.

Commissioner Seaver shared that at his daughters Human Development class they allow for confidential questions. Luis Dominguez stated that there was a confidential box that had only one key., The staff could drop their questions and those questions were pulled randomly. Chief Deputy Mitchell shared that staff acknowledged some of their concerns that were raised.

Commissioner Butler inquired if there would be a way that the newly hired staff can be evaluated by the Probation Department for the first 3, 6, 9 months. Mr. Dominguez stated that the Probation Department is only evaluating their work performance, but it was a good point and the Probation Department would consider it. Commissioner Meredith suggested that 3 to 6 months intervals would be a good opportunity to see where the newly hired staff is and how effective the training was. Deputy Director Dave Mitchell suggested the evaluation starts at the end of the academy.

Commissioner Seaver stated that it would be great if there could be an assessment to see if the numbers dropped as people felt responsive to the training. Commissioner Mitchell stated that they saw the Probation Department as a temporary job, and they are not committed, they are just showing up. Commissioner Meredith suggested the Probation Commissioners periodically visit the academy.

Report on Youth Exiting Campus Kilpatrick

Deputy Director Dave Mitchell stated that he handed out a plan for the evaluation of the camps. Before starting with that document, Deputy Director Mitchell stated that the Probation Department ran their 43 graduates in the juvenile and adult system and found a 74% success rate of youth who did not receive a sustained petition or conviction in the adult system. Mr. Mitchell stated that when it was broken down there were 5 youth who were arrested and received a sustained petition in juvenile court and 6 in the adult system. Mr. Mitchell added that it tracks with past recidivism analyses and is in line with what is going on in the other facilities and camps.

Mr. Mitchell stated that this information cannot be considered statistically significant yet because the youth haven't been in the community long enough, and the goal is to track them at 6, 12, and 18 months. Mr. Mitchell stated that most recidivism is highest in the first 6 months then goes down after they've been out for a longer period, whether it's the juvenile or the adult system. Mr. Mitchell stated that the longer the youth are out of custody the probability goes down. Mr. Mitchell stated that the Probation Department plans to continue studying this on an ongoing basis, not only for Kilpatrick but for other facilities as well.

Mr. Mitchell stated that there is also a comparison group in the evaluation - kids who are eligible for Camp Kilpatrick but were placed in other camps - to get a barometer of how everything is going at Kilpatrick. Mr. Mitchell added that the Probation Department is also looking at how well the Probation Department has implemented the new design. Moving from Kilpatrick to Challenger is going to be an added challenge and the Probation Department has decided that the L.A Model can be built anywhere. Mr. Mitchell stated that there is a luxury there that 3 open camps are available that will be made into cottages. Mr. Mitchell stated that there will be no more than 24 kids per camp just as there would not be more than 24 kids in a cottage at Kilpatrick.

Mr. Mitchell stated that if you apply the same tenants of the L.A Model such as training, care and custody and treatment model, it should work at any facility and that is the Probation Department's goal. Mr. Mitchell added that there has been changes along the way with training and staff. Mr. Mitchell stated that the Probation Department is working with the 3 ongoing consultants who coach staff on an ongoing basis.

Mr. Mitchell stated that there is no time table as to when staff will return to Camp Kilpatrick and there is still a full assessment going on of what the damage was and how long it will take to put the camp back together. Mr. Mitchell stated that the Probation Department is unable to provide any information now. Mr. Mitchell shared that the evacuation was very traumatic for the staff. Mr. Mitchell stated that it is a work in progress, but issues are being worked through and there is a great partnership with the National Council on Crime & Delinquency (NCCD).

Commissioner Butler inquired about what physically was affected by the fire. Chief Deputy Mitchell stated that nothing burned at Camp Kilpatrick however there was water damage to the sleeping quarters. The water treatment system is under repair and Department of Public Works has hired a consultant to see how quickly they can assess the overall damage. Dave Mitchell stated that the Probation Department is keeping the rain season in consideration due to mudslides.

Commissioner Caster went back to the data regarding probation violations. Mr. Mitchell stated the Probation Department did run that data but does not have it on hand. Chief Deputy Mitchell stated that data would be sent to Commissioner Caster. Commissioner Caster inquired on the time frame. Mr. Mitchell stated that the time frame is from September 2017-October 2018. Mr. Mitchell stated that there are so many levels to violations and sometimes there is disproportionality. Mr. Mitchell stated that violations are a very tricky number to interpret as far as it being a success or a failure.

Commissioner Caster stated that it would be helpful if the Probation Department is unable to supply names of the individuals, at least the Department can provide an itemization of the crimes that were committed by the youth who were reincarcerated as adults and the youth with probation violations. Commissioner Caster inquired if the contract was signed. Chief Deputy Mitchell stated that it has been fully executed and received approval from the courts to do research. Chief Deputy Mitchell stated that she

met with Jorja Leap who is one of the evaluators with UCLA. Chief Deputy Mitchell stated that Jorja Leap is going to hold off on the qualitative part of evaluation until the kids return to Camp Kilpatrick.

Commissioner Caster finds it problematic that it will be 5 years until the Probation Commission receives data on how its performing. Chief Deputy Mitchell stated that it would be problematic if that were the case however that is not the case. The Probation Department is collecting data and Angie Wolfe agrees that she will be doing the data collection. There has been an implementation advisory team to formulate what to look at and how to look at it in conjunction with the NCCD.

Commissioner Caster inquired if anything has improved in data collection. Chief Deputy Mitchell stated that nothing has improved, and data is collected manually which is labor intensive.

Commissioner Meredith stated that when he was in the police department they lost one of their facilities in a wild fire and the Federal Emergency Management Agency (FEMA) funded a complete rebuild. Commissioner Meredith stated that if FEMA can do that with Camp Miller that would be a great opportunity to have Camp Miller come out of it. Chief Deputy Mitchell stated that the CEO is working with FEMA.

Commissioner Seaver stated that he has experience with a qualitative evaluation and understands the methodology. Commissioner Seaver inquired about what Angie's team be collecting as opposed to Jorja's team. Mr. Mitchell replied that one of the things they are trying to measure is how well the youth are doing pre-and post, emotionally and mentally. Mr. Mitchell shared that there is a series of approximately 60 questions, and there will be follow up questions down the road.

Commissioner Herbon inquired if Mr. Mitchell can go over the stats again. Mr. Mitchell stated that 43 kids graduated, total success rate at 74%. Commissioner Herbon stated that shouldn't it be higher since the kids at Kilpatrick are cherry picked to begin with. Mr. Mitchell stated that the kids at Kilpatrick are not cherry picked and every camp takes the same type of youth. Mr. Mitchell stated that Campus Kilpatrick has always been designed to take high risk youth and youth with mental health needs.

Commissioner Herbon stated that he is concerned that there is no data for a couple of years. Mr. Mitchell stated there was data collected in a probation outcome study in 2015 conducted by Dr. Herz. Chief Deputy Mitchell stated that the reports stopped at the juvenile side.

Commissioner Seaver asked for clarification on the 5 sustained petitions and 6 adult convictions and inquired whether that includes arrests. Chief Deputy Mitchell stated that it doesn't include arrests due to counties disproportionately of arresting and detaining people.

Maureen Pacheco commented on the evaluation of re-entry of youth in camps.

Commissioner Shutan inquired about whether the re-entry issues are incorporated into the data when there is re-arrests and subsequent sustained petitions. Mr. Mitchell stated that the youth all receive an intensive supervision re-entry plan. Mr. Mitchell stated that caseloads are low for aftercare and intensive supervision. Mr. Mitchell stated that there is a transition planning process.

Commissioner Shutan stated that Maureen Pacheco raises a good issue and transition has been one of the toughest issues. Transition would be an important aspect of evaluation and the success or lack of success once they leave.

Chief Deputy Mitchell stated that Maureen Pacheco does have an excellent point and the Probation Department will go back and do an evaluation on the 11 young men. Chief Deputy Mitchell stated that the success of the Campus Kilpatrick program isn't just about the residential piece, its also about the youth going back into the community.

President Gardner thanked the Probation Department for the presentation and providing information.

Chief Deputy Mitchell shared that there are holiday celebrations at all 3 juvenile halls next week.

III. APPROVAL OF MINUTES

Commissioner Meredith motioned to approve the minutes of October 11, 2018. Commissioner Shutan seconded the motion and the minutes were approved.

Commissioner Meredith motioned to approve the minutes of October 25, 2018. Commissioner Butler seconded the motion and the minutes were approved.

Commissioner Shutan motioned to approve the minutes of November 8, 2018 with the amendments provided. Commissioner Seaver seconded the motion and the minutes were approved. Commissioner Butler and Caster abstained.

IV. NEW BUSINESS

The following Commissioners were elected to serve the Executive Committee of the Commission. The Commission voted the following officers for 2019;

President:	Joe Gardner
First Vice President:	Jan Levine
Second Vice President:	Betsy Butler
Sargent of Arms:	Donald D. Meredith

V. PUBLIC COMMENT

There were no public comments.

VI. ANNOUNCEMENTS

Commissioner Caster announced that the Juvenile Justice and Delinquency Prevention Act (JJDP Act) just passed, the state will no longer be able to incarcerate minors in adult facilities.

VII. ADJOURNMENT

Commissioner Butler moved to adjourn the meeting. Commissioner Herbon seconded the motion and the meeting was adjourned at 11:37 A.M.