



**STATEMENT OF PROCEEDINGS FOR THE
REGULAR MEETING OF THE PROBATION COMMISSION
LOS ANGELES COUNTY PROBATION TRAINING CENTER**



**WebEx On-line Session
Thursday, November 12, 2020
10:00 AM**

Present: President Joe Gardner, Commissioner Levine 1st Vice President, Commissioner Swartz 2nd Vice President, Commissioner Meredith, Commissioner Butler, Commissioner Seaver, Commissioner Martinez, Commissioner Yamashiro, Commissioner Caster, Commissioner Kaplan, Commissioner Shutan, Commissioner Herbon, Commissioner Zia, Deputy Director Felicia Cotton, Deputy Director Dalila Alcantara, Ivon Garcia

Attachment: [Video Transcript](#)

I. ADMINISTRATIVE MATTERS

Commission President Joe Gardner thanked everyone for their participation in this meeting, welcomed all and called the meeting to order. President Gardner announced that meetings are recorded and asked that everyone identify themselves prior to addressing the Commission.

1. Excused Absences: None
2. Roll Call

II. APPROVAL OF MINUTES

3. The following minutes were approved by the Commission:
 - September 24, 2020
 - October 8, 2020

The Probation Commission will receive, exchange, distribute information, conduct discussion, and take vote and action relevant to item 3.

III. PROBATION DEPARTMENT

4. Legislative update by Elizabeth Calvin, Senior Advocate, Children's Rights Division of Human Rights Watch to discuss current and new legislation. Bio of Ms. Calvin on the Human Rights Watch website: <https://www.hrw.org/about/people/elizabeth-calvin>

Ms. Calvin shared a PowerPoint presentation with the Commission on new Legislations for year 2020. The following is a recap of her presentation.

Due to Covid-19 many legislations were dropped this year 2020. Several bills related to youth justice that were enacted.

SB823 is the budget bill that will close DJJ (Division of Juvenile Justice) state youth prisons and give substantial funds to the counties to meet the needs of youth that are adjudicated of serious crimes and creates a new State Office of Youth and Community Restoration. DJJ under this law will close intake generally July 1st of 2021. After July 1st youth who have a case in which a motion for transfer to the adult system has been filed, can still be committed to DJJ and that'll be true until DJJ closes, youth who are most at risk of being sent to Adult system can still go to DJJ until it closes and youth who are at DJJ now or who's later committed will serve out their terms at DJJ until it's closed; no closure date has been set. That will change in the coming months.

The next key thing about SB823 is there is state funding. The state is going to pay counties roughly 225 thousand per youth per year. The block grant funding formula takes into consideration several factors and it's really designed to not punish counties that were already keeping most youth out of DJJ. The funding targets youth who were eligible for commitment to DJJ prior to its closure. In Los Angeles it includes a lot of youth who were not sent to DJJ. The funding is intended to be generally for youth who were adjudicated of serious crimes. The total amount of the block grant once it's completely realized will be over 200 million annually and counties receiving block grant funds must apply data an outcome measures for the programs that are going to be funded. The funding will gradually increase up to the 208 million in the fiscal year 2024/2025 and the formula that was mentioned looks at a county's average daily population of youth at DJJ and uses that factor as a 30% weight. It looks at the number of youths adjudicated for certain violent offenses according to the Department of Justice data and gives weights back by 50% and then it looks at the county's youth population. These factors are all considered. This formula it's intended to make sure the counties that are already keeping youth out of DJJ are not dinged. The crucial aspect of this is that counties are required to submit a plan about how they're going to spend the funding. That plan is to be created by a subcommittee of the Juvenile Justice Coordinating Council (JJCC). The plan must include things like a description of the programs and placements that are going to be used with the target population. It must show how the plan will help keep youth in the juvenile system as opposed to being transferred to the adult system. It must talk about any regional agreements and the focus is how this realignment is going to promote healthy adolescent development and connection to families and communities.

The third primary thing that SB823 does is create a state office about youth justice and it will be called The Office of Youth and Community Restoration. It is going to be based in the state's agency on Health and Human Services. It will have an ongoing support person who will be authorized to investigate and resolve complaints of abuse or any other violation that occur in County facilities or programs. It will also take over the management of all state juvenile justice grants that are now administered by the Board of State and Community Corrections (BSCC). Something that was in the original draft presented by a legislature to the governor's office and was removed through the negotiations process was to transfer from the BSCC the regulatory authority for controlling and overseeing the standards set out in regulations for County youth facilities. For now that's going to stay at the BSCC but that was the legislatures both houses had a clear desire to transfer that and basically push everything into the State Office of Youth and Community Restoration so that it becomes the central state office of youth justice. The

hope is that this office will be a way to bring together people across the state and basically creates a learning community of best practices helping counties share what they are doing right, looking to national and international methods of dealing with crime, youth and reentry.

AB823 also changes juvenile court jurisdiction and raises from in current law age 21 to age 23 for most youth adjudicated of the most serious offences and it raises the age of jurisdiction for juvenile court to age 25 for the 707(b) offenses (more serious offences) that could have resulted in a lengthy adult sentence. This is done in part to make it a viable option to keep youth in the juvenile system and not send them to the adult system. It mirrors what the jurisdiction was when a child was sent to DJJ. It also changes the law regarding when a youth can be kept in a local juvenile facility. Under existing law youth can stay at a facility up until age 19. It can be up to age 21 in juvenile facilities the new law requires that any youth whose case started in juvenile court will remain in the juvenile facility until age 21 if detained on their case. It can only be removed to a jail if the probation Department petitions are juvenile court and there's a hearing held, and criteria is met for that movement.

AB823 also originally in its legislator's version envisioned a secure commitment track that gave guidance to judges about which youth, under what circumstances a young person could be put into a secure facility. That was removed from the ultimately signed into law. However, AB823 requires that by March 1st, 2021 a commitment track be established. There will be quick movement in the next few months to create something that both gives guidance to judges and tries to balance between not putting too many youth into secure confinement settings but being clear about the settings and the times that that does make sense.

Finally, AB823 requires the California Department of Justice to create a new plan for the collection of youth justice data by January 2023. The California Department of Justice report has a lot of important data points in it and several them are inaccurate, so this has been something California has needed including better data collections.

Other bills that have passed enacted is SB203. Generally, when somebody is in custody police interrogation cannot occur unless that person is given up their Miranda rights. In 2017 California passed a law requiring that youth under age 16 must consult with an attorney prior to giving up their rights. The law that was passed SB203 expands up to age 18. Now all youth underage 18 when they are in the custody of police must consult with an attorney before they waive their rights and are subjected to interrogation. Both the 2017 law and this are the first laws of this type in the country there is. As of last week, federal legislation that is being introduced is basically lifting the California language and congress person Cardenas is introducing the bill and there are other states that are emulating it as well.

SB1126 was also signed into law and what it does is amend the existing process in law for automatic sealing of juvenile records when a youth completes probation. This law has an exception to that and allows courts and other system actors to access the records if competency is at issue in a new case. And that information can only be used for the evaluation of a youth's competency so it can't be used build up a case against him.

SB1290 allow vacating of orders to pay juvenile justice fees. In 2017, California eliminated it fees imposed on youth for case processing. This new law circles back and eliminates remaining orders that were in existence prior to the effective date of the 2017 law.

AB901 started out as a bill to eliminate juvenile court authority status offenses but it was amended and ultimately only eliminated court jurisdiction for refusal to obey school authority and it left intact jurisdiction for beyond control curfew and other violations. It requires a law enforcement officer, prior to issuing a notice of appeal to appear, to first refer a youth to a community-based resource like Probation Department, Health agency, local education agency or other governmental agencies to provide services. It also requires that cities and counties work closely with youth parents and others to try to avoid contact with the juvenile justice system.

AB1950 is not about juvenile justice rather about Adult Probation. This new law limits for misdemeanor offense probation to one year for adults and it also limits suspended sentences in the adult system for misdemeanors to two years. It is an interesting development that could affect things in terms of attitudes towards juvenile length of probation.

AB2321 amends access to sealed records when a crime victim, who's been a witness or is otherwise been helpful in a case is attempting to apply for a visa protection, they need to prove that they've been helpful but it does limited to the judge and the prosecutor and viewing it and its limited only this purpose.

AB2425 has to do with sealing of records for youth who have completed diversion first. It prohibits law enforcement agencies from releasing police records involving a youth who's been counseled and released, who's completed a diversion program or aged out of juvenile court jurisdiction, it requires law enforcement agencies to seal an arrest record within 60 days of being notified by probation that the youth has finished the diversion program and only requires probation departments and divergent agencies to seal the juvenile records so this puts requirements on law enforcement agencies to do the same.

AB2542 the Racial Justice Act is an incredible attempt to address discrimination in prosecution and convictions so it creates rights for people who were prosecuted for or convicted of crimes based on race ethnicity or national origin and it does that by defining acts of racial bias that are presumed to establish a violation some of those being kind of obvious if a judge or prosecutor defense attorney or making statements or doing actions that are clearly biased but it also raises the idea that racial bias can be seen in excessive sentences so an individual can show that sentence is excessive as compared to race for other racial groups they are on their way to showing that this is a racial bias and this bill creates multiple remedies for addressing situations where racial bias has been shown. This applies to juvenile court as well as adult Criminal Court proceedings.

President Gardner inquired: How many DJJ youth will be coming into our County with its closure? Has the funding per youth amount of 225,000 for SB823 been codified?

Ms. Calvin responded: This formula is based on your county's average daily population at DJJ, your general youth population and the population of youth that have these crimes. If I remember correctly your amount is close to 40 million. You're already taking many youths who are eligible for DJJ and you have already created pathways for addressing those youth's needs. That money can be used to continue to build up those programs and others it doesn't have to be used just for the youth who were at DJJ.

Commissioner Caster inquired: When you're talking about SB823 and you said counties must provide outcome data and submit a plan. What happens if they don't follow through with the plan they submit? Or if their outcome data is very poor?

Ms. Calvin responded: The block grants will be renewed on a regular basis and I would assume that the State Office of Youth and Community Restoration would raise those issues. The County can ask to see changes. The original legislative intent on this was paired back in the negotiations with the governor's office and so the accountability measures are not as strong in terms of what you're raising. One of the concerns that the probation Chiefs raised was a concern about too much oversight and I think that's maybe a longer discussion for another day whether there's too much oversight in this though. I don't believe there is, and I believe that the way that the bill was paired back actually is dramatically limited oversight. This is the beginning, and this is going to transform the youth justice system in California. There's a lot that needs to be done to make this this new law really do what it needs to do and so I would anticipate changes in the next few years.

Commissioner Caster: Campus Kilpatrick which is supposed to adopt the California model based on the Missouri model has been very poorly executed with very little fidelity to the model. That's the sort of thing that happens with the plans they submit. So, this could be very concerning without adequate follow-up.

Ms. Calvin agreed.

President Gardner asked if Ms. Calvin had any other concerns. Anything that gives you great concern?

Ms. Calvin: Well I mentioned even though there's years and years of work that went into the ultimate creation of what became SBA 23. It also was done through the budget process and what that means is that there should be some ongoing examination of things that need to be refined in as counties begin to set this in motion we're going to learn from people from community based groups, from probation, from youth, from parents, from other governmental and nongovernmental entities in counties about things that need to be tweaked or refined or changed to make this really work and so my concern is that I my hope is that we're all going into this with a recognition that this is the first chapter of the book that's being written and it's not the last chapter and that we have to just recognize that we need to edit this chapter before we're done with it and there's a number of other things that we really need to set in motion to make this work.

Commissioner Kaplan: Thank you so much. We also have to be aware that this was Human Rights Watch that took this major neglected issue on by hiring Elizabeth and giving her this position and it really all started in our own Central Juvenile Hall when the president of Human Rights Watch came and visited Central Juvenile Hall and saw the immigrant kids locked up in terrible conditions the kids had been separated from their parents and this lit the spark where Human Rights Watch, they wouldn't do things locally, they had just come back from Africa and they said wow this is going on in our own backyard and soon after Elizabeth was hired and I just I'm so pleased to have an organization like Human Rights Watch focus on what's been happening in Los Angeles. So, thank you so much for that.

Ms. Calvin: This also goes to the question of concerns; the tension with this move is that if the counties do not develop viable alternatives to the adult system then we will lose the progress that the state has done in reducing the number of youth who are tried as adults that is the crux of what is going on here and one of the things that's exciting is that this bill was strongly supported by a wide range of legislators and community based organizations and advocates and other leaders and it speaks to where California is right now in terms of youth justice and we really are on the edge of massive transformation and change in the in the youth justice system and part of that for me is the fact that we are able to, as a broad array of people who are really concerned about what happens to our children who commit serious crimes, able to kind of hold in in our minds to bring youth closer to home and to reduce the reliance incarceration in prison-like environments and make sure that we don't end up sending more youth to the adult system because there aren't viable alternatives. This year we've had more unity and depth of understanding of how important both of those things are than ever before. Los Angeles is helping to lead on this and the work that your Probation is doing is incredibly important.

Commissioner Shutan: Having been a misdemeanor prosecutor was AB1950 and it limits probation to one year in adults; does that include drinking under the influence and domestic violence?

Ms. Calvin: It's limited to one year unless otherwise provided in the statute and I would defer to someone who's a defense attorney or DA who's on the call to answer whether California law for domestic violence and DUI's otherwise states more than a year. I don't know the answer to that.

Commissioner Shutan: Existing laws is three years or five years, but the question is, does 1950 change it to all crimes for one year which means that terminate before many of them are have completed their program?

Ms. Calvin: I don't know the answer about those two specific crimes and because what it says is it changes it but unless it is otherwise stated in the individual Penal Code statutes and I've not practiced in California criminal courts and so I just can't answer that question if there's somebody else here who can. I'd be happy to try to find the answer to that and get it to you.

Commissioner Shutan: Thank you, I appreciate that.

President Gardner: Are there any other questions from the Commission?

Vice President Levine: Your presentation was masterful, and I just want to add my own personal note and say. Ms. Calvin has been dealing with criminal justice issues for close to 10 years and she just keeps going no matter how high the odds are against her and the last couple years we have seen some real meaningful successes and it's been really inspiring to watch you, so thank you. That kind of leads to my question which is: What's left to do?

Ms. Calvin: Thank you all of you for your kind words. I really do think that this AB823 is a huge deal and the details are going to be worked out on a County by County basis and what it does is it provides this funding, it gives authority to counties, and then what the counties do with it is to have guidance to the counties or how they have to shape their plan. But what I hope to

see is, over the next few years, Los Angeles for example moving further and further away from reliance on confining children in any setting and in settings where confinement has to be used that it's finely tuned in terms of having youth in very small house settings even though they are some of them are secure and really just shifting away from a law enforcement focus, really kind of adult framework for how we address the needs of our of our children so going forward there that it's the old like the devil's in the details of how the counties are going to make this happen and really what I hope to see is less and less reliance on incarceration as the go-to way of helping our young people become who they want to be and their best self.

Commissioner Caster: Elizabeth in my eagerness to jump into the details, I failed to thank you also for all your amazing work over the years. I've gotten to see some of it first hand, up close in personal. It's incredible how you changed the whole landscape in this state and for these kids and have even had impacts nationally with California leading the way in many of these reforms. On that note, what is your opinion of the product from the juvenile justice work group that the County authorized to look at how to how to move into a more therapeutic system in our County and eventually phase out probation. Just to disclose, I was part of it and had a small role as there were hundreds of participants, but just want to get your take on that.

Ms. Calvin: I can't speak to it very specifically, I am in awe of it, its great step in the right direction. I am not in the position to speak to the details of it. Los Angeles is really leading the way and there are other changes that are happening. The new District Attorney has promised that he's not going to transfer youth to the adult system. That's going to shift things in a whole another way in terms of what the county, probation and community-based groups are going to be able to do.

President Gardner thanked Ms. Elizabeth Calvin for her participation in this meeting.

Vice President Levine inquired if the PowerPoint presentation will be available to the Commission.

Ms. Calvin will provide the presentation to Commissioner President Joe Gardner.

Action Item(s): *No action items.*

The Probation Commission will receive, exchange, distribute information, conduct discussion, and take vote and action relevant to Items 3 and 4

PROBATION DEPARTMENT

5. The impacts of transition of DJJ custody services to the supervision of LA County, including recently passed legislation signed by Governor Newsom. To be presented by Deputy Directors, Felicia Cotton, Dalila Alcantara, Scott Svonkin and CEO Manager of Government Relations, Patricia Carbajal.

Legislative Update.pdf

- a. Public Safety Concerns (DJJ ages goes to age 25)
- b. Custody management (Need to increase training from current BCSC Juvenile Core)

- Course?)
- c. Field Supervision (Similar to how PCRS/AB109 is done or like currently done by Juvenile Field Services?)
 - d. Fiscal Impact (any state reimbursement? Cost to county? Revenue source?)
 - e. Facility needs (Upgrades for handling a higher risk population)
 - f. Anticipated numbers - 70+- as stated by Deputy Director Cotton on 6-11-2020
 - g. Types of offenses (Usually very serious felony crimes)
 - h. Mental Health issues
 - i. Alternatives to incarceration

Chief Deputy Probation Officer Sheila Mitchel provided some feedback in this agenda item. Ms. Mitchell thanked Ms. Calvin of explaining the legislation and continued. We are expecting 40 million in funding at the full implementation, it is projected that by 2023-2024 the landscape will be 171 youth. She offered to send the Commission the PowerPoint that shows how we get to that level. One of the things that miss Calvin described is that the legislation requires that convening an establishment of a subcommittee of the juvenile justice commission to develop the plan for an SB823 so we are going to have a motion on The Juvenile Justice Coordinating Council December 3rd, 2020 to look at establishing that subcommittee. The language talks about the composition of the committee. It's community-based organizations justices and departments to develop the plan. I've been sitting on the Statewide level with CPOC and we're developing a template based specifically on the legislation and so that will be useful in helping us develop a plan with the goal of having the plan developed somewhere but by February March 2020 timeframe. On July 1, 2020 the intake stops, and we will not be keeping kids here locally and we've done a really good job of that already. Most of the kids that we might have sent to DJJ in another era have been here in our camps so we're grateful for what we have learned and are looking forward to enhancing service delivery from not just probation but all of our community partners so that the young people that will be under our care will thrive. We are looking at statewide lands like Orange County, one of our neighboring counties, has no women at DJJ we have 6 some others have 5 so we're looking at are there opportunities for us to kind of partner in some of those areas and looking at that is specialized services. So that's happening and our Board was very insightful in terms of passing the motion right while the governor was approving/recommending the DJJ closure. So we've been meeting many of the folks that are on this commission, for the last six or seven months now, talking about the development of the strategy for DJJ and so on we are little bit ahead but still a lot more work to do.

President Gardner thanked Ms. Mitchell and opened the floor to the commission for questions. There were no questions therefore the commissioner moved on to the next agenda item.

Scott Svonkin: My name is Scott Svonkin, I'm director of government intergovernmental affairs for the probation Department and joining me is Patricia Carbajal who's with the CEO's office. I began my political career with mayor Tom Bradley and then worked in the city of West Hollywood for Paul Koretz, I was chief of staff for Paul Koretz, then came to the County family worked with three departments. I've been with the County almost 12 years. Patricia has 22 years of experience with it and she's with the CEO's office.

The probation Department alone advocates for positions that the Board of Supervisors chooses there's a long process and depending on how much time Commissioner you want

Patricia and I can share a little bit more about that, the process, our Department only advocates based on the Board of Supervisors agenda. They go through a long process where department's and the board get input from different parts of the County oftentimes commissions way-in and it goes through a process and is ultimately approved by the Board of Supervisors annually in his recently become a two year process so they and there's a huge County agenda that we can share, if you haven't seen it, Patricia shares it with us it's a really helpful thing because it covers pretty much everything I can think of and it allows the CEO's legislative unit to advocate in Sacramento in Washington DC. I am sort of intermediary for information. I provide information to the CEO's office, board offices, legislators, but I'm not a lobbyist, I'm a long term public servant and my I was chief of public affairs for the County assessor and I've been pleased to work with probation and help legislators get information on things that the Department has been doing to reform itself or to implement reform.

Commissioner what would you want us to cover. The earlier presentation covered 90% of the legislation that we had intended to share and so happy to answer any questions. Patricia has a lot more experience with this process and the Department and if she has anything to add I'm happy to turn it over to her. Having been a chief of staff and an elected official myself, I we're really lucky at LA County to have a tremendous group of professionals in the CEO's office who pushed the Board of Supervisors agenda for the Boards position on a bill the CEO's staff will work that bill through their Sacramento office and their lobbyists and oftentimes they are able to get passed important legislation and give the county's voice on things that impact us like the questions about the bill that was discussed in juvenile justice and how much money would be needed to help juveniles there will be moved to us and that and they weighed in and made sure that we received the funding that we're getting and our Department often will provide input to the CEO so that they can advocate for the County whether its resources, new programs, money for facilities we received grant money inability awhile back when we were working to change one of our facilities and our facilities need a lot of resources to become more like Kilpatrick to become more toward a focus on how to help youth because our facilities are quite old and need a great deal of investment to make them better facilities not only for the youth but for everyone that works there because they are very old and in need of services and the CEO's staff advocates for those kinds of resources and it's all based on the Board of Supervisors legislative agenda.

President Gardner turned it over to Vice President Levine: I know that the JJCC is going to be setting up a sub-committee to work out the plan but I'm truly curious about what cities provide a viable path forward as these kids remain in their custody and just in general in the spirit of further making progress toward less and less confinement of youth what is probation see as important building blocks for that kind of a plan?

Ms. Mitchell: I think what's really critical in a lot of this, in your statement, in the question, we have reflected our comments and our desires in the recommendations that will be submitted to our board in terms of DJJ. First and foremost is having services available for the young people that are in DJJ that will be our kids in our custody. There's a wealth of services in terms of mental health services to housing for when they leave. We're really looking that there may be a short in-custody time which we are working through that with the courts and all of our partners and that there will wraparound services so the partnerships that we have and have to establish with our community partners is now more important than ever. Also, in terms of the population the numbers, some of it was a result of Covid-19, but our population in our juvenile

halls and camps all-time lows. In terms of interpretive discretion with bench warrants. We have been working with the courts in coming up with some discretions versus a youth not meeting all the terms of probation and violations resulting in a bench warrant eventually results in kid being onboard to juvenile hall. The partnerships that we have will be a collective plan based on the inside from all the partners. From the legislation it says it is a community-based organization, the courts, the Public Defenders, District Attorney's Office, and Probation all weighing in and reaching an agreement in development of that plan.

Commissioner Caster: Are you are working your systems for the actual allocation of money because I know a number of community based organizations have just thrown their hands up because of all the road blocks and hoops they have to jump through to actually get their hands on any of the money that you previously been allocated. Is that money going to be allocated and dispersed under the system you currently use or are you looking at new models.

Ms. Mitchell: Our plan will dictate how our allocations must flow. We will use whatever avenues we need to use to expedite funding.

Commissioner Caster:

Ms. Mitchell: One thing we could do is do like the JJCC. Over the years we have made massive improvement in allocating funding by using a lot of different mechanisms. A lot of progress has been made in getting funds out.

Commissioner Caster: Is there any way you can give us a report as to what improvements have been made in terms of actual distribution of the funding. Because many of these groups can't operate properly when funds are allocated but not dispersed.

Ms. Mitchell will inquire with Tom Faust to do a presentation on the distribution of funds. It may happen for the next meeting.

Patricia Carbajal: We are actually currently in the process of putting together which calls a County state legislative agenda which is the platform that the board approves each year in December that allows us advocate at both levels and so we take information from Departments we also work commissions as well in fact I presented in front of your Commission a few years back. One last note that I want to make an SB283 and that Ms. Calvin noted it a little bit is that it's a 90 page document that the County and County Council and probation although Chief Sheila Mitchell really understands the legislation we're still trying to understand it. It was a piece of legislation that was rushed it was really a compromise that was put together within just a couple of weeks and so we do expect to see quite a bit of legislative cleanup language on that particular proposal in the coming legislative session with starting January.

Scott Svonkin: Thanked the commission for allowing him to be a part of this and praised the commission's work. The board's agenda will be approved in December and will have his staff share this information with the board so that the commission can see the county's legislative agenda is. Because it is the County's road map for how to address any legislature. Healthcare, Juvenile, Adult, Public Safety issues. Some of the legislatures were put off due to Covid so a lot will change in the coming months. He mentioned his appreciation the commissions interest in this.

Action Item(s): Commissioner Caster requested a report that speaks to improvements that have been made in terms of actual distribution of the funding. Ms. Mitchell will inquire with Mr. Faust to present that information to the commission.

PROBATION DEPARTMENT

6. Trailing agenda item continued from previous meeting to be addressed as the Probation Department obtains more information. These items will be in future agendas.
- Budgetary cuts by percentage
 - Where would cuts be made?
 - Freezing positions?
 - Freezing programs?
 - Delayed procurements?
 - The impacts of transition of DJJ custody services to the supervision of LA County.
 - a. Public Safety Concerns (DJJ ages goes to age 25)
 - b. Custody management (Need to increase training from current BCSC Juvenile Core Course?)
 - c. Field Supervision (Similar to how PCRS/AB109 is done or like currently done by Juvenile Field Services?)
 - d. Fiscal Impact (any state reimbursement? Cost to county? Revenue source?)
 - e. Facility needs (Upgrades for handling a higher risk population)
 - f. Anticipated numbers - 70+- as stated by Deputy Director Cotton on 6-11-2020
 - g. Types of offenses (Usually very serious felony crimes)
 - h. Mental Health issues
 - i. Alternatives to incarceration
 - SB 889 (Proposed legislation changing minors to youth)
 - a. Makes juvenile prosecution and juvenile 19 and under
 - b. How to use facilities to keep 18+ separate from those 17 and under
 - c. Fiscal Impact due to adding 18 and 19-year-old the Juvenile System, (any state reimbursement? Cost to county? Revenue source?)
 - Education planning for new arrivals from DJJ - high school diplomas for those who have not gotten already; college courses for others.
 - Community service providers that they are working with to provide services both within the facilities, and once youth are released:
 - a. Job training/placement.
 - b. Mental health support.
 - c. Drug and alcohol support.
 - d. General re-entry preparation.
 - Family counseling

Trailing agenda item continued from previous meeting to be addressed as the Probation Department obtains more information; these items will be on future agendas.

President Gardner asked if anyone from Probation had any comments in this trailing agenda item.

Ms. Mitchell mentioned that Tom Faust oversees some of the day-to-day things on the juvenile

services side of the house. Do you have any comments that you might want to share at this point? Mr. Faust did not respond with any comments.

In reference to budget

Commissioner Caster inquired: I'm waiting to find out from Robert Smythe what the cost per youth are in the facilities currently. We've been asking for this for weeks and weeks and weeks and we still don't have it and there's even reports out that it's something like \$770,000 per youth, per year, to keep a youth in the halls and camps and he said that figure is not correct but we still haven't gotten any information on what the correct figure is. We've been asking for this for a couple months now.

Ms. Mitchell mentioned that she will talk specifically to Mr. Smythe about what the delay is and what is the expected timeline to get back to the commission that data because it was asked for months ago. The request is much overdue.

Commissioner Caster: The request is overdue, I sound like a broken record, I bring this up at every single Commission meeting and we always hear that we're going to get an update and then nothing. We don't have that many meetings left before the end of the year so I would hope that at our next meeting we can get that report because it's inexcusable that we haven't gotten any feedback whatsoever.

Commissioner Kaplan: I think that unfortunately we haven't just been asking for this recently we've been asking for this for years and years and it is difficult for me to believe that Mr. Smythe can't put his finger on this number immediately and get it for us. So I suggest that we want this information or be sent to President Joe Gardner within ten days so if we don't have it three or four days before our next Commission meeting we're able to really go to the next step talk to our supervisors talk to do whatever we need to do and start some type of action. I honestly believe that we're just not getting it for a lot of reasons not that it's not available somewhere on somebody's desk.

Commissioner Caster: I personally feel like we're just being blown-off. It's like our commission is not being respected and isn't worthy of receiving these kinds of pieces of data when we request them.

Commissioner Kaplan: It's the "my dog ate my homework" issue that we've had for a long time and the Commission is not going to be around too much longer. But the next one will have subpoena powers and will be able to do something.

Commissioner Yamashiro: The Department's position was that, that was not something that was either important or necessary. So maybe in a showing of good faith the Department can prove us all wrong that we don't need the subpoena power and that they can be responsive consistent with the expectations of professionals working in an oversight capacity that doesn't seem like it's a heavy lift to deliver that information.

Commissioner Meredith: I'm going to echo Commissioner Yamashiro on this one, this has been a longstanding problem. I have found many times not just with us but within the organization itself, they're trying to outwait the Chief trying to outwait the Commission, they'll go away and

that's not happening we do need a response and I agree with Commissioner Kaplan and it should be within 10 days.

Commissioner Caster: I think we should assume that the cost is \$770,000 per youth until we're proven otherwise. I mean, maybe it's even more than that. I mean there's no reason that we can't quote that figure at this point because the Department has done nothing to disprove it.

Vice President Swartz: Who from the Department that's on this phone call is going to accept the responsibility to either get the data or report back to President Joe Gardner within the 10 days

Sheila Mitchell: I just relayed this information to Mr. Smythe, Tom Faust, and Chief Ray Leyva. The keeper of the data is Tom Faust as he's the Fiscal Director and clearly is the one that should be getting that information to you. So, I've relayed that saying the Commission is upset as you should be in because you repeatedly asked for this information and I would say that you're expecting to get this information within the next 10 days.

Vice President Swartz: You mentioned earlier Sheila that you thought Tom Faust was on the call for this meeting?

Sheila Mitchell: I don't think he is on now, but he was earlier.

President Gardner thanked Ms. Mitchell and looking forward to obtaining the information for this issue.

Action Item(s): No action items.

The Probation Commission will receive, exchange, distribute information, conduct discussion, and take possible action relevant to items 5 and 6.

IV. GENERAL PUBLIC COMMENT

7. No public comments were submitted.

The Probation Commission will receive, exchange, distribute information, conduct discussion, and take possible action relevant to item 6.

BUSINESS CONTINUED FROM PREVIOUS MEETING

V. COMMISSIONER REPORTS AND UPDATES

8. President Gardner turned over the meeting to Commissioner Herbon to share information about his visit to Rio Hondo Area Office.

Commissioner Herbon: We're going to go with the next round of Covid and with the new outbreak at Camp Rocky where a significant number of staff have been infected, the department needs to come up with a real plan for dealing with the situation. One of my main concerns is

coordinating with Health Services for testing of staff. I think that's critical.

President Gardner mentioned that the Commission submitted an official letter to the Chief Probation Officer as well as his command staff regarding the Commission's concerns and are expecting an update at the next meeting December 10th, 2020. We will await the response. He also mentioned that he sent out an inspection report for Camp Afflerbaugh and is currently working on one for Barry J. Nidorf. He is working electronically to acquire the information for the inspection report. He has had email exchanges with Superintendent Sanders, and he will refine and ask questions to obtain clarifications regarding the survey that he provided him. The next step is to conduct the site visit. He will keep the Commission updated on any developments, additional reports, and updates.

Action Item(s): No action items.

The Probation Commission will receive, exchange, distribute information, conduct discussion, and take possible action relevant to COMMISSIONER REPORTS AND UPDATES.

VI. NEW BUSINESS

No new business was discussed.

The Probation Commission will receive, exchange, distribute information, conduct discussion, and take possible action relevant to NEW BUSINESS and proposed topics next meeting.

VII. ANNOUNCEMENTS

The Commission will not meet November 26, 2020 in observance of Thanksgiving. The Next Probation Commission Meeting will take place December 10, 2020.

VIII. ADJOURNMENT

The meeting was adjourned at 11:33 A.M.