



COUNTY OF LOS ANGELES
PROBATION OVERSIGHT COMMISSION
STATEMENT OF PROCEEDINGS FOR THE
VIRTUAL REGULAR MEETING



poc.lacounty.gov

THURSDAY, JANUARY 12, 2023, 12:00 P.M.

VIDEO FILE FOR THE ENTIRE MEETING

Attachment: [Video](#)

I. ADMINISTRATIVE MATTERS

1. Call to Order and Roll Call.

Chair Carrillo called the meeting to order at 12:00 p.m. Mr. Steven Edwards from County Counsel introduced himself, and Ms. Wendelyn Julien, Executive Director conducted the roll call:

Present: Commissioner Sean Garcia-Leys, Commissioner Milinda Kakani, Commissioner Samuel Lewis, Commissioner Donald D. Meredith, Commissioner Dominique D. Nong, Secretary Dolores Canales, Vice Chair Esché L. Jackson, and Chair Franky Carrillo

2. Approval of the December 8, 2022 meeting minutes.

No members of the public commented on this item.

On motion of Commissioner Meredith, seconded by Commissioner Garcia-Leys, and unanimously carried (Secretary Dolores Canales being absent), the Los Angeles Probation Oversight Commission (POC) approved the December 8, 2022 meeting minutes:

Ayes: **7 –** Commissioner Sean Garcia-Leys, Commissioner Milinda Kakani, Commissioner Samuel Lewis, Commissioner Donald D. Meredith, Commissioner Dominique D. Nong, Vice Chair Esché L. Jackson, and Chair Franky Carrillo

Absent: **1 –** Secretary Dolores Canales

Attachments: [Approved December 8, 2022 Minutes](#)
Public Comment/Correspondence

II. DISCUSSIONS

3. Discuss and take appropriate action on the Los Angeles County Probation Department's progress on compliance with the December 20, 2022 motion of the Board of Supervisors requiring the phase out of Oleoresin Capsicum (OC) Spray in units housing youth with developmental disabilities, girls, and gender-expansive youth at Central Juvenile Hall.

- Wendelyn Julien, Executive Director, Los Angeles County Probation Oversight Commission
 - Dr. Sarah Gongora, Project Director, Los Angeles County Probation Oversight Commission
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- Eric Bates, Assistant Inspector General, Los Angeles County Office of Inspector General
- Adam Bettino, Chief Deputy, Los Angeles County Probation Department

Ms. Julien gave an overview of the Board motion to phase out OC Spray in certain units at CJH that house youth with developmental disabilities as well as girls and gender expansive (GGE) youth. She explained the process to achieve full phase out in these units by February 27, 2023. She stated that the motion regarding OC Spray elimination focuses on full phase out of OC spray with this as an interim step.

Mr. Bettino shared information on the training mandate within the motion by clarifying that the training component has not stopped but was transformed in congruence with the DOJ Settlement Agreement. He mentioned that prior trainings by the Regional Center are being researched to identify how training was conducted and implemented. Mr. Bettino agreed that the Probation Department needs equip employees with additional tools to enhance supervision and support youth with developmental disabilities.

Mr. Luis Dominguez, Deputy Director for the Los Angeles County Probation Department, was one of the principal authors of the original plan and shared that the plan is still viable and can be a success for the team.

Luis Rodriguez and Jose Osuna addressed the POC.

Commissioner Jackson inquired about progress with staff well-being considerations. Mr. Bettino mentioned that peer support and other direct services are extended to staff. He announced that a new tool will be used for mental health support so staff can learn more about how to manage and handle clients with those challenges.

In response to Commissioner Jackson's inquiry about staff's response to the OC Spray phase out, Ms. Valerie Van Kirk, Bureau Chief for the Los Angeles County Probation Department, explained that an internal meeting was held with supervisors and managers to discuss the motion, staff are being surveyed to generate a list of volunteers who want to work in those units, but many training requests were made.

Commissioner Meredith inquired about alternatives being considered for staff in addition to the de-escalation training and what other agencies have done. Mr. Bettino explained that defensive tactics training has been enhanced and infused into the current training. Mr. Dominquez added that after surveying several alternative de-escalation techniques used by other entities in 2019, it was confirmed that Los Angeles County will have resource teams and additional training through the Los Angeles County Department of Mental Health.

Commissioner Dolores Canales joined the meeting at 12:31 p.m.

In response to Commissioner Garcia-Leys' inquiries, Ms. Julien clarified that the use of OC Spray in the specified unites must be completely phased out within 45 business days (by February 27, 2023), and the POC has been working diligently to gather pertinent information.

Commissioner Garcia-Leys inquired about the consequences for the Probation Department if the OC Spray is not phased out by the February 27, 2023, deadline. Ms. Julien stated that staff in the specified units housing GGE and developmentally disabled youth will no longer carry OC Spray in those units, however, there will be further discussion around managing escalated issues.

Mr. Max Huntsman, Inspector General for the Los Angeles County Office of Inspector General, shared an overview of a 2018 report on OC Spray usage which included a tiered phase out plan that was never implemented.

Commissioner Nong inquired about there being sufficient staff trained in the necessary training modules (particularly Week 2) by the February 27, 2023 deadline. Mr. Bettino expressed the importance of getting staff to return to work since there are multiple trainings happening concurrently with the same pool of staff who are showing up to work. He added that the intent is to have everyone in the applicable units trained by February. Ms. Van Kirk stated that the department is encouraging staff to volunteer for this assignment.

In response to Commissioner Nong's inquiry about a timeline to implement the Early Intervention System, Mr. Bettino stated that the policy has been drafted, but it must be vetted so conversations with labor can begin. He added that the pilot Early Intervention System is expected launch in Spring 2023.

Commissioner Kakani inquired about what the Probation Department is doing to ensure that the correct number of staff are showing up to work to fulfill its legal obligation. In response, Mr. Bettino stated that incentives are being offered, the Probation Department is working closely with the Los Angeles County Department of Human Resources to manage leaves, but there has been a heavy reliance of field deployments.

In response to Commissioner Kakani's question about a target date to have more staff, Mr. Bettino mentioned that 15 (11 assigned to CJH and 4 assigned to BJNJH) new recruits graduated today, the next academy graduation is scheduled in early February, and a new academy starting on January 20, 2023. In the meantime, Mr. Bettino reiterated that credible messengers have been coming in to support youth, there is collaboration with the Los Angeles County Department of Youth Development and the Los Angeles County Chief Executive Office.

When asked how information is being communicated to the staff about the phasing out and elimination of OC Spray, Ms. Van Kirk shared that there has been a meeting regarding this directive with the supervisors and managers, who were expected to relay the message to the line staff. Mr. Huntsman reiterated that the language in the motion is a mandate from the Board, the DOJ Settlement Agreement, and the constitution to safely manage the youth and staff populations.

Commissioner Samuel Lewis left the meeting at 1:00 p.m.

Commissioner Kakani inquired about the accounting for the \$13 million allocated to the Probation Department to phase out OC spray. Mr. Bettino agreed to gather information specific to what the funds have been spent on (if any), and the effectiveness of the expenditures (if any).

In response to Commissioner Kakani's inquiry about consequences if the motion is not upheld by the February 2023 deadline, Mr. Huntsman emphasized that this a Board directive, and the consequences will be up to the Board. He added that the short-term consequence would be the Board taking action, and the long-term consequence would be legal consequences.

Commissioner Jackson inquired about OIG's capacity to review video surveillance for specific cases where it appeared that OC Spray deployments were unjustified. Mr. Huntsman shared

that the OIG is understaffed, so video review of general use of force cases is not being conducted. However, he emphasized that the Probation Department has been completely cooperative and fulfilled requests from the OIG.

Ms. Julien recounted the POC's request to see specific OC Spray deployment data in which the preceding event was a disturbance rather than youth on youth or youth on staff violence. She added that the role of the POC in specific use of force cases within the facilities must be determined by County Counsel and the Board.

Attachments: [Board Motion](#)
[POC/OIG First Report Back](#)
[Media on OC Spray Motion](#)
Public Comment/Correspondence

4. Discuss and take appropriate action on the Los Angeles County Probation Oversight Commission's Sexual Misconduct Ad Hoc Committee including special hearings, research on victims' support fund, and future plans.

- Wendelyn Julien, Executive Director, Los Angeles County Probation Oversight Commission
- Esche Jackson, Vice Chair, Los Angeles County Probation Oversight Commission

Ms. Julien reported on how the POC plans to move forward with the sexual misconduct hearings and provide an opportunity for healing and reconciliation. She shared that the POC will ensure that all its Staff and Commissioners are trained on the Prison Rape Elimination Act (PREA), the prevention of sexual misconduct, and how to report potential concerns while at in the facilities. Ms. Julien mentioned that the Michigan State Fund is different than expected, but the POC will compose a list of existing community-based and governmental organizations that offer resources to help survivors.

James Maddox, Thomas Bell, Daniel Bisuano, and an anonymous public commenter addressed the POC.

Commissioner Jackson reiterated the importance of letting the process unfold organically so the collaborative process and participation is deliberative, positive, and impactful.

Chair Carrillo encouraged victims, especially boys, to come forward and make reports regardless of gender.

Attachments: [Media on Sexual Misconduct](#)
Public Comment/Correspondence

5. Discuss and take appropriate action on the Los Angeles County Probation Oversight Commission's annual inspections of Central Juvenile Hall (CJH), Barry J. Nidorf Juvenile Hall (BJNJH), and Campus Kilpatrick and the full 2022 annual inspection report for presentation to the State of California Board of Safety and Community Corrections (BSCC) and the Board of Supervisors. The Los Angeles County Probation Department will report on progress the department has made with physical improvements to units at CJH and "homelike environment" improvements at BJNJH including costs and timelines.

- Wende Julien, Executive Director, Los Angeles County Probation Oversight Commission
- Jennifer Ochoa-Garcia, Management Analyst, Los Angeles County Probation Oversight Commission
- Adam Bettino, Chief Deputy, Los Angeles County Probation Department
- Valerie Van Kirk, Bureau Chief, Los Angeles County Probation Department
- Jennifer Kaufman, Bureau Chief, Los Angeles County Probation Department

Ms. Julien and Mrs. Ochoa-Garcia presented an overview of the annual inspections of CJH, BJNJH, and Campus Kilpatrick.

Ms. Jennifer Kaufman explained that the Office of Youth Community Restoration is expected to finalize regulations specific to SYTF sometime in January 2023, but the Probation Department was instructed to continue to follow Title 15 for juvenile facilities in the interim. Ms. Kaufman explained how the formal grievances are handled and highlighted that there are youth councils and other groups where youth can share their concerns.

Ms. Van Kirk highlighted the programming issues and announced that the Probation Department is working with a monitor to build a robust behavior management program with an implementation timeline.

Ms. Julien shared that many Probation employees have vocalized the dire need for additional tools such as programming, recreation, and positive behavioral intervention strategies to encourage better rapport and safety.

No members of the public commented on this item.

In response to Commissioner Jackson's request for repair updates on the physical "homelike" conditions of the units, Mr. Bettino listed all the things that have been repaired in specific units at BJNJH and CJH and expects the pending repairs to be completed by December 2023. He distinguished the Homelike Improvement project management document, managed by the Internal Services Division, from the general work order repair tracking sheet, both of which can be provided to the POC.

Commissioner Jackson inquired about the amount of time that youth are spending outside on the grass. Ms. Van Kirk mentioned that movements, including supervising youth during grass time, has been hindered by staffing shortages, holidays, and the overtime for deployments.

Commissioner Kakani inquired about how the Probation Department is meeting the needs of the youth and identifying the underlying issues. Ms. Kaufman responded by explaining that the goal for youth substance abuse prevention and control treatment services, including the client engagement navigation services assessment, was expected to begin January 1, 2023.

In response to Chair Carrillo's concern about shortening the approval and waiting period, Ms. Kaufman mentioned that she is reaching out to partners and Juvenile Court Health Services to collaborate on retraining staff in narcotics testing as well as NARCAN training at facilities.

Chair Carrillo proposed a motion, seconded by Commissioner Meredith, to move that the Probation Department provide the POC with a concrete plan on addressing the issues of contraband by facility within 30 days that will include the following:

- A description of the preventative measures directors are taking at each facility to mitigate the risk of contraband;
- Details about the resources that are allocated to address this problem;
- Details about the instruction staff members are given and steps that are to follow-up on when finding or witnessing contraband.

Commissioner Dolores made a friendly amendment to the second bullet point to specify a rehabilitative process, and not a punitive approach.

Commissioner Nong made a friendly amendment to the first bullet point to include the type of policies or procedures in place when youth or staff are identified as potentially using substances, and identify the types of services and supports that are being offered to youth around substance abuse issues.

Chair Carrillo and Commissioner Meredith accepted the friendly amendments.

Commissioner Garcia-Leys made a friendly amendment to include a description on how the contraband data and information was collected, how much contraband is coming in, and where it is coming from.

Commissioners Canales and Kakani emphasized the importance of developing tools for youth to make different choices and identifying the underlying issues and addressing the healing that needs of the youth.

Chair Carrillo clarified that the intent of the motion is to focus on the contraband coming into the facilities and how the Probation Department is handling contraband.

Commissioner Kakani made a friendly amendment to include a spectrum of resources that young people have access to during incarceration and upon release.

Chair Carrillo expressed the importance of the amended motion and its intent.

Chair Carrillo read the amended motion, seconded by Commissioner Meredith, to move that the Probation Department provide the POC with a concrete plan on addressing the issues of contraband by facility within 30 days that will include the following:

- A description of the preventative measures directors are taking at each facility to mitigate the risk of contraband;
- Details about the resources that are allocated to address this problem including the accessibility of rehabilitative and trauma-informed programming consistent with the Youth Justice Re-Imagined approach as well as identify the types of services and supports that are being offered to youth around substance abuse and addiction issues;
- Details about the instruction, policies, and procedures staff members are given and steps that are to be followed when finding or witnessing contraband;
- An inventory of contraband with descriptions on how the contraband data and information was collected, how much contraband is coming in, and where it is coming from.

On motion of Chair Carrillo, seconded by Commissioner Meredith, and unanimously carried (Commissioner Lewis being absent), the POC approved the motion to request the Probation Department to provide the POC a concrete plan on addressing contraband issues within 30 days as amended:

Ayes: 7 – Commissioner Sean Garcia-Leys, Commissioner Milinda Kakani, Commissioner Donald D. Meredith, Commissioner Dominique D. Nong, Secretary Dolores Canales, Vice Chair Esché L. Jackson, and Chair Franky Carrillo

Absent: 1 – Commissioner Samuel Lewis

Commissioner Meredith shared his observations from recent visits to the facilities and urged the Probation Department to use additional security tactics to monitor the perimeter of the facilities. Mr. Bettino agreed to provide a detailed analysis on what is happening and how the searches are currently being conducted. Ms. Van Kirk explained that the perimeter checks have been increased before movements and the Special Enforcement Officers (SEO) periodically come in to perform a stop and sniff search with the dogs.

In response to Commissioner Canales' inquiry on how the dogs are used, Ms. Van Kirk explained that the dog would be assigned to a trained handler around the parameters of the facilities and would not be around the youth.

Commissioner Jackson proposed a motion, seconded by Commissioner Kakani, to approve the POC's 2022 Annual Inspection Report as presented for submission to the BSCC and the Board of Supervisors.

On motion by Commissioner Jackson, seconded by Commissioner Kakani, and unanimously carried (Commissioner Lewis being absent), the POC agreed to present the POC's 2022 Annual Inspection Report as presented for submission to the BSCC and the Board of Supervisors:

Ayes: 7 – Commissioner Sean Garcia-Leys, Commissioner Milinda Kakani, Commissioner Donald D. Meredith, Commissioner Dominique D. Nong, Secretary Dolores Canales, Vice Chair Esché L. Jackson, and Chair Franky Carrillo

Absent: 1 – Commissioner Samuel Lewis

Attachments: [PowerPoint Presentation](#)
[2022 Facility Inspection Report - BJNJH, CJH, Camp Kilpatrick](#)
[2022 Annual Inspection Report](#)
Recommended Motions
Probation Response (if any)
Public Comment/Correspondence

6. Discuss and take appropriate action on reports from the Los Angeles County Office of Inspector General (OIG) about progress the Los Angeles County Probation Department has made towards compliance with the Department of Justice (DOJ) settlement agreement and the movement of youth from CJH.

- Eric Bates, Assistant Inspector General, Los Angeles County Office of Inspector General
- Adam Bettino, Chief Deputy, Los Angeles County Probation Department

Mr. Bates highlighted areas of the OIG's attached reports on the Probation Department's compliance with the DOJ Settlement Agreement including lack of proper documentation and adequate camera surveillance coverage. He reported that the decision to transfer the youth from CJH to BJNJH was not a surprise based on OIG's investigation.

Mr. Max Huntsman, Inspector General for the OIG, emphasized that the Probation Department has not shown compliance with the DOJ Settlement Agreement on documenting force in a timely manner.

Mr. Huntsman clarified Commissioner Garcia-Leys' inquiry about an upcoming case by stating that OIG reports to a monitor, and the monitor reports to the DOJ attorney who then decides if any action needs to take place.

Commissioner Kakani expressed her frustration with the lack of accountability within the Probation Department. She requested an explanation from the Probation Department on the extensive delays in filing reports. Mr. Bettino explained that a quality assurance first response team was developed to address the use of force backlog, and the Probation Department is working to address the staff shortage.

In response to Commissioner Kakani's inquiry about staff consequences for incomplete or untimely reporting, Mr. Bettino mentioned that each case must be reviewed individually so consequences can be determined on a case-by-case basis.

James Maddox addressed the POC.

Attachments: [OIG's First Report on Probation's DOJ Settlement Compliance](#)
[OIG's Second Report on Probation's DOJ Settlement Compliance](#)
[OIG Report on Transfer of Youth from CJH to BJNJH](#)
Public Comment/Correspondence

III. REPORTS

7. Report from the Los Angeles County Probation Oversight Commission on progress on the Commission's strategic goals including publishing of a public-facing data dashboard, outstanding requests for information, and a request for survey participation on POC performance and priorities.
 - Wendelyn Julien, Executive Director, Los Angeles County Probation Oversight Commission

Ms. Julien announced that the POC will be launching its public-facing data dashboard with demographics on the camps and halls by the end of March 2023. She explained that the POC will be disseminating a survey to the public on how the POC can revamp its strategic plan by reflecting on past performances and defining initiatives for the 2023 calendar year.

Commissioner Nong proposed a motion to adopt the motion put forth by the POC staff regarding compelling the Probation Department to produce the information outlined in the attached written motion.

On motion by Commissioner Nong, seconded by Chair Carrillo, unanimously carried (Commissioner Samuel Lewis being absent), the POC agreed to adopt the motion put forth by the POC (and attached to the agenda) to compel the Probation Department to produce monthly calendars of programs and services as well as a monthly statistical intake data sheet:

Ayes: 7 – Commissioner Sean Garcia-Leys, Commissioner Milinda Kakani, Commissioner Donald D. Meredith, Commissioner Dominique D. Nong, Secretary Dolores Canales, Vice Chair Esché L. Jackson, and Chair Franky Carrillo

Absent: 1 – Commissioner Samuel Lewis

Attachments: [OC Spray Deployment Report Update Through December 31, 2022](#)
[OC Spray Deployment Reports](#)
[Motion](#)
[Population Statistics – December 2022](#)
Public Comment/Correspondence

IV. MISCELLANEOUS

MATTERS NOT POSTED

8. Matters not posted on the agenda, to be discussed and (if requested), placed on the agenda for action at a future meeting of the authority, of matters requiring immediate action because of an emergency situation or where the need to take action arose subsequent to the posting of the agenda.

Commissioner Meredith requested that Probation's Reserve Program, including training requirements and how employees are assigned, be added to a future agenda.

PUBLIC COMMENT

9. Opportunity for members of the public to address the Los Angeles Probation Oversight Commission (POC) on items of interest that are within the subject matter jurisdiction of the POC.

You may submit public comment by e-mail to info@poc.lacounty.gov.

Written public comment or documentation must be submitted no later than 5:00 p.m. one business day before the scheduled meeting to be included on the agenda. Please include the Agenda Item(s) and meeting date in your correspondence. Correspondence received by 5:00 p.m. the same day of the meeting shall become part of the official record.

Rogelio Posada, Mel Bailey, Thomas Bell, Megan Stanton-Trehan, Kent Mendoza, Yasmine-Imani McMorrin, and Krista Newble addressed the POC.

Attachments: Public Comment/Correspondence

V. ADJOURNMENT

10. Adjournment for the regular meeting of January 12, 2023.

Chair Carrillo adjourned the meeting at 3:24 p.m.