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**MOTION BY SUPERVISORS LINDSEY P. HORVATH
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**Care First, Jails Last: Holding the Probation Department Accountable and Advancing
Youth Justice Reimagined**

The Los Angeles County Board of Supervisors (Board) has done everything in its power to improve youth justice outcomes within the boundaries of the Los Angeles County Probation Department (Department). In performing its executive function, the Board has negotiated some of the state's most favorable terms with its labor partners; invested in providing the Department a model facility in Campus Kilpatrick; allocated increasing budgets to the Department (even as youth populations shrank); and demanded accountability from leadership by hiring and firing Chief Probation Officers with more regularity than it would prefer.

From its position as developer of policy, the Board worked to change a deep-rooted culture by moving the Department away from its historical focus of enforcement and punishment to a model of rehabilitation and youth development. In doing so, the Board did not act in a vacuum. It applied a measured and deliberative approach over many years that included studies, audits, reports and recommendations from experts, lawyers, researchers, staff, leadership, community stakeholders, and advocates. The Board entered into wide-reaching settlement agreements with the Department of Justice (on more than one occasion) designed to address deficiencies in Probation facilities; it hired consultants with differing perspectives to conduct studies; it leaned on internal County experts to perform audits and produce reports; and it listened to staff and labor in

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their requests for specialized training, caseload reviews, and other necessities to support them in their jobs and careers.

Although the County saw incremental improvements in its youth justice system, the transformative change sought by the Board, for the benefit of the young people in its care, did not materialize. In 2019, the Board took the bold step of asking a group of stakeholders to develop a plan to transition the County's juvenile justice system to an agency that is based on a rehabilitative and care-first model of youth justice. At the close of 2020, the Board voted to establish a Department of Youth Development (DYD) and to take concrete steps to move the County's youth justice system away from the Probation Department and into the DYD. The DYD was officially established as a County Department in 2022 and is now ready, under the direction of a newly hired leader, to do the work the Board envisioned in creating DYD.

Meanwhile, the Probation Department continues to struggle to deliver quality and care-based services to young people. Over the last several years, the Department could have doubled down and set out to demonstrate its youth justice expertise. Instead, the County finds itself in yet another consent decree, facing unsuitability findings by the Board of State and Community Corrections (BSCC), without a plan for a new state population, and the subject of front-page news detailing horrific incidents of abuse in the halls and camps. Department leadership consistently attributes ongoing challenges to staffing shortages. The Board authorized new staff. The Board approved bonus pay to recognize those who continued to show up and to incentivize those who were calling out to start showing up again. Yet, callouts persist, and

conditions continue to worsen at some facilities. This is detrimental and unfair to the staff who do show up and to the young people whose minimal programming is often suspended when staff do not show up to work.

Even if staffing was not an issue, the Department has failed to provide programming in the juvenile halls. Both Barry J. Nidorf and Central Juvenile Halls are in desperate need of meaningful programming as young people in those facilities spend most of their time watching television or playing video games (and even those devices are supplied, without reimbursement, by department line staff and other volunteers). Except for Board-funded community-based organizations, there are only a handful of Department-contracted service providers in the juvenile halls. Historically, the Department pointed to short stays in the juvenile halls to justify the lack of programming in those facilities. However, lengths of stays are changing and Barry J. Nidorf is now being used as a long-term placement. The justification no longer holds water.

The harm caused by the Department's dogged adherence to structures that do not work is at an all-time high. If the Board does not take a dramatically different approach, the County will continue to sacrifice the rehabilitation of young people who desperately need a care-focused approach for the benefit of adults who have become accustomed and entitled to a culture that does more harm than good.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Reaffirm its intent to transition away from a carceral juvenile system and advise the Chief Executive Officer (CEO) to prepare a proposed budget for the Probation

Department in Budget Year (BY) 2023-24 that reflects the Board's intent by avoiding, to the extent feasible, new investments in juvenile probation which are not directly for the benefit of young people in the care of the Probation Department;

2. Direct the Department of Youth Development (DYD) to take the lead role in establishing programs and services for justice system-impacted youth in the halls and camps, within the confines of existing legal restrictions. Further, direct the Director of DYD, in partnership with the Chief Probation Officer and, in consultation with CEO, County Counsel, and other relevant County Department to report back, in writing in 90 days with:
 - a. An analysis of opportunities for DYD to leverage existing contracts, programs, or relationships with community-based organizations to fulfill this Directive;
 - b. Recommendations on how the contracting process can be improved to allow for smaller community-based organizations to contract with the Probation Department; and
 - c. Recommendations to improve the current process to allow clearance for community-based organizations to provide programming in the halls and camps.
3. Direct the CEO, in consultation with the Probation Department and County Counsel, to report back, in writing, in 90 days with the following:

- a. A completed Probation Department staffing analysis;
- b. A list of Probation Department vacancies and the associated job duties or functions for each vacancy; the specific funding streams, if any, tied to those vacancies; the budget unit in which the vacant positions are budgeted; and the budgeted value of the vacancies;
- c. A list of all funding streams that are currently allocated to the Juvenile operations budget, including Juvenile Institutions Services, Special Services, Care of Juvenile Court Wards, Community-based Contracts, and the portions of Field Services and Support Services associated with juvenile operations. For each funding stream, identify the source, current allocation, unspent balance (if any), method by which future or ongoing allocations are determined, and any restrictions that are tied to the funding stream;
- d. A separate list of all funding streams that are currently allocated to any Probation Department operation that can legally be used to fund programming and services in the halls and camps. For each funding stream, indicate if it is currently being used to fund programming and services in the halls and camps, and if not, indicate its current use;
- e. A list of all contracts that are currently in place to provide services and programming in the halls and camps;
- f. Identification of any unused or underutilized funding allocated to the

Probation Department that can be obligated now for future allocation to the Department of Youth Development. Further, identification of any funding streams allocated to the Probation Department that are not legally prohibited, by the requirements of the originating funding source (including NCC), from being transferred to the Department of Youth Development; and

- g. Identification of any existing funding streams in the Probation Department budget that can be administered by the Department of Youth Development without violating any laws or regulations so long as they are not removed from the Probation Department's budget.

- 4. Direct the Office of Inspector General (OIG), in consultation with the Executive Director of the Probation Oversight Commission, to report back, in writing, in 30 days with recommendations for a communications/reporting process from the Probation Department to the Board, OIG, and POC, that, at a minimum, includes:
 - a. Detailed lists of the types of incidents that the Probation Department should be required to report to: (i) the Board; (ii) the OIG; and (iii) the POC that is reflective of what is legally permissible for each entity;
 - b. A multi-phase communication/reporting process with specific timelines to ensure the Board, OIG, and POC receive initial notifications immediately after a reportable incident takes place, and subsequent reports on a set timeline until the reportable incident reaches a final resolution; and

- c. A process to ensure that the Board and OIG receive a confidential detailed report of any disciplinary decision that is made by the Chief Probation Officer or a Chief Deputy, including whether the final determination made by those individuals differs from recommendations made by other staff and/or counsel.
5. Direct the Chief Probation Officer to report back, in writing, in 45 days with a plan to ensure all young people in custody maintain regular and consistent visitation with their families, including siblings and their own children;
6. Direct the Department of Youth Development, in consultation with the YJAG and County Counsel, to report back in writing in 45 days with a proposed concept for Safe and Secure Healing Centers that serve pre-adjudication and post-disposition youth who would otherwise be detained in juvenile hall and camp, and a first phase of implementation that is feasible and permissible under existing law;
7. Direct the Department of Youth Development, in collaboration with Probation, CEO, PD, APD and DA to develop a longer-term, comprehensive plan to shrink the footprint of probation, especially its facilities and detention populations, and a phased implementation plan to building the capacity to serve all justice-involved youth;
8. Direct the Chief Probation Officer, in consultation with the CEO, the Director of Personnel, and County Counsel, to report back in writing in 90 days with a strategic

staffing plan, to be informed by the Probation staffing study, that focuses on placing the most experienced and qualified staff where they are most needed and fully relies on existing staff before seeking Board approval to hire additional staff.

County Counsel and CEO are further directed to immediately inform the Board if MOU provisions, BSCC regulations, County processes, or other factors become a barrier to implementing a truly strategic staffing plan;

9. Direct County Counsel, in consultation with the Chief Probation Officer, CEO, and DYD (to the extent allowed by law), to prepare an analysis for the Board, to be delivered in a confidential attorney-client protected format, of the County labor contract provisions that are not conducive to implementing the principles of Youth Justice Reimagined, effective management of the Probation Department, or the need to quickly adapt to the needs of the growing SYTF population. The analysis should include comparisons to labor contracts in other jurisdictions and any past attempts to negotiate these provisions with the County's labor partners. Finally, the analysis should include recommendations for areas where support from the Board of Supervisors would facilitate the Probation Department leadership's ability to implement the Board's youth justice priorities and establish a more seamless partnership with the Department of Youth Development that includes sharing resources and responsibility for providing programming to youth in the justice system; and

10. Direct County Counsel to report to the Board, in writing, in 90 days with an analysis of the areas of overlap and/or conflict between the DOJ Consent Decree, BSCC rules and regulations, and the Board's desire to shrink the Probation Department's footprint and authority for the purpose of advancing Youth Justice Reimagined. Further, direct County Counsel to work with the Director of DYD to advise the monitors of the DOJ consent decree, and any other relevant parties, of the details and status of Youth Justice Reimagined, plans to expand DYD's role in youth justice, and any other aspects of DYD that may be relevant to the DOJ Consent Decree. County Counsel is to include an update on this effort in the 90-day report-back.