

**MOTION BY SUPERVISOR MARK RIDLEY-THOMAS AND
CHAIR HILDA SOLIS**

October 4, 2016

Establishing a Blue Ribbon Commission on Probation Reform

The Los Angeles County Probation Department (Department) is the largest probation department in the world. The Department has an annual budget of over \$880 million, manages over 50 different facilities, 6,500 employees, and the primary obligation for supervision of nearly 12,000 state parolees and 60,000 adult probationers at 19 area offices throughout Los Angeles County (County). Additionally, the Department is responsible for the supervision of approximately 1,000 adjudicated youth in 3 juvenile halls and 13 juvenile camps, with the supplementary duties of transition planning, aftercare services and supervision of thousands more youth in the community. As such, a fundamental part of the Department’s mission is the rehabilitation of its clients utilizing evidence-based practices and policies as a way of ensuring that best efforts are leading to desired outcomes. Given these responsibilities, it is essential the County adequately protects all clients that the Department serves by providing the resources and positive interventions for successful outcomes.

Unfortunately, the Department has struggled for years to fulfill its mandate. The Department has cycled through five Chief Officers in just over ten years. This inability to maintain steady leadership has occurred while abuses and scandals proliferated. In 2000 the Los Angeles County Civil Grand Jury report gave a majority of the County’s probation camps a failing grade, citing a range of problems including unsanitary conditions. A few years later, the United States Department of Justice (DOJ)

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investigation into the County's juvenile justice system began with an investigation of the halls in 2004, and it extended until 2015 when the camps finally came into compliance with the DOJ monitoring conditions. The DOJ cited a range of alleged abuses, including excessive use of force, threatening and intimidating youth who report mistreatment, and inadequate mental health and substance abuse treatment. In 2010, a class-action lawsuit called *Casey A., et. al., v. Jon R.Gundry, et. al.* was filed due to the failure to provide education to youth in the camps, including locking students in solitary confinement for weeks or months without attending school, and led to a multi-year settlement agreement.

The Department's implementation of Assembly Bill (AB) 109 and Proposition 47, which fundamentally changed the County's criminal justice system, has also been far from seamless. The results of Department audits and investigations have revealed staff misconduct and mismanagement of funds. A recent audit, for example, revealed extensive amounts of unspent grant funds: \$140.5 million that had amassed in unspent Senate Bill (SB) 678 funds, and over \$21 million in unspent Juvenile Justice and Crime Prevention Act (JJCPA) funds.

Collectively, this served as the impetus for several Board of Supervisors' (Board) motions this year focused on reform, including exploring permanent Department oversight (Kuehl and Ridley-Thomas, February 2, 2016), changing the Department's structure including a potential split between youth and adults ("Exploring Best Practices in Probation," Ridley-Thomas and Kuehl, February 16, 2016), examining camp closure given the poor shape and high cost of facilities (Solis and Knabe amendment, February 16, 2016), ending solitary confinement in the camps and halls (Solis and Kuehl, May 3, 2016), rolling out a rehabilitative model at the girls camp (Kuehl and Antonovich, July 26, 2016), and strengthening critical incident protocols to prevent and better respond to abuse (Ridley-Thomas, August 2, 2016). These motions, combined with other ongoing efforts around juvenile justice data, camp redesign and staff reorganization, were introduced to expedite change in the Department.

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Tying all these efforts together into a comprehensive vision is a challenge. What has been confirmed is that systematic coordination between ongoing reform efforts is essential and desperately needed to avoid duplication, contradictions and inconsistencies. For example, a report back on the recommendations to improve Department oversight will be completed by the end of this year. The analysis on best practices in service delivery and departmental structure, including a potential split between youth and adult functions, will be forthcoming in late summer 2017. Other efforts focused on analysis and reform of the Department have their own specified timelines and individuals, yet substantive areas of overlap. Significant work is underway with the potential to produce meaningful outcomes; however, there is a deficiency in the synchronization of all the current moving elements. A commitment to existing efforts is critical, but integration is required to ensure that true culture change in the Department can be sustained.

Furthermore, new evidence continues to emerge that the Department is still troubled and that additional strategies are needed. As an example, the Department presented data to the Probation Commission showing that use of force incidents in the juvenile halls had nearly doubled from January to July 2016. Other allegations of misconduct in the camps and halls have also surfaced, indicating systemic issues. Despite years of attempted reform, and a growing price tag of operating the camps and halls (with an estimate from a Department audit of a rate of \$552 per youth per day), there is widespread concern amongst the Board, Department leadership, and community stakeholders that sustainable reform has yet to be realized. Moreover, the current efforts, while bold and important, are not exhaustive. Gaps still remain in what the Board is currently assessing regarding Department reform. These gaps include: the implementation of state mandates aimed at the adult population, including SB 678 and AB 109; communication and coordination with other agencies serving the same youth and families; racial and ethnic disparities in youth detention and incarceration; inadequate high-quality alternatives to incarceration; and a process for calculating the allocation of Department resources, including opportunities for community input.

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The Department's continued struggle to fulfill its mission of keeping its clients safe, let alone provide for their rehabilitation, underscores that more is still needed and that new approaches should be explored. The time has come for the Board to confirm its commitment to transparency, accountability and sustained transformation. The Board would be best informed by an independent review from an external panel of recognized experts on how, in coordinating the many existing efforts aimed at structural reform and adopting other necessary policy and practice changes, the Department can finally fulfill its mission of protecting, rehabilitating and supervising youth and adults. This type of independent review has been essential in moving forward change in other areas. For example, the Citizen's Commission on Jail Violence was the impetus for creating the Office of Inspector General, which is positioned to play a prominent role moving forward in providing meaningful oversight of and pushing forward improvements in the jails. Additionally, the Blue Ribbon Commission on Child Protection led to the creation of the Office of Child Protection; this type of office is unprecedented in the County's child welfare system and provides the opportunity to implement remaining Blue Ribbon Commission recommendations, lead on a range of reform initiatives, and coordinate across County departments. A panel of independent experts could spur the same type of change that is so badly needed in the Department.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Create a Blue Ribbon Commission on Probation Reform (Commission) housed within the Executive Office. The Commission shall include twelve members: two members shall be appointed by each Supervisor by November 4, 2016 – one member with expertise on juvenile justice / the Probation Department's work with youth, and the other member with expertise on criminal justice / the Probation Department's work with adults. Two additional members shall be selected by the ten appointees from a pool of individuals identified by the Board of Supervisors who have extensive expertise in issues pertaining to the Probation Department.

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2. Direct the Commission to coordinate existing reform efforts aimed at the Probation Department, including:
 - a. Resource Development Associate's (RDA) assessment of best practices in criminal and juvenile justice and the optimal organizational structure, including a potential split between youth and adults and how to best serve the Transitional Aged Youth (ages 18-24) population;
 - b. The Probation Oversight Workgroup's analysis and recommendations around how to improve oversight of the Probation Department, including the potential creation of a permanent Probation Oversight Commission;
 - c. The Probation Workgroup's recommendations on creating a comprehensive juvenile justice strategy and opportunities for improving service delivery, coordination and data-driven efforts;
 - d. Other working groups or efforts, currently operating or created during the time frame of the Commission's work, aimed at addressing Probation Department reform.
3. To aid the Commission in coordinating and integrating these reform efforts, create a Steering Committee, coordinated through the Chief Executive Officer, to meet monthly with the Commission comprised of consultants, workgroups and taskforces currently working on Probation Department reform in the County, including but not limited to representatives from: RDA, the Office of Inspector General, the Probation Oversight Workgroup, the Countywide Criminal Justice Coordinating Committee, the Probation Workgroup implementing the Probation Outcome Study, the LA Model Advisory group, the Permanent Steering Committee for the Office of Diversion and Re-Entry, and any other key stakeholder group deemed necessary.
4. Direct the Commission to assume responsibility for identifying, addressing and proposing solutions for remaining gaps in reforming the Probation Department not currently being addressed, including but not limited to:

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- a. Categorizing systemic, structural and organizational barriers prohibiting the effective protection and rehabilitation of Probation Department-involved youth (particularly in the camps and halls), and effectively providing supervision and rehabilitative services to adult probationers. This assessment should include:
 - i. Gaps and challenges in the Probation Department's processes from initial contact with clients (both youth and adults), to assessment of need, service delivery mechanisms, and reentry / reintegration. This includes communication and coordination within the Probation Department and with external entities like legal counsel, the courts, health and education agencies, and any other providers serving the same clients.
 - ii. Recommendations for improving the Probation Department's implementation of Assembly Bill 109, Senate Bill 678 and Proposition 47, including, as needed, a review of previously delayed or failed efforts to implement these reforms.
 - iii. Developing funding strategies to support collaborative efforts between community and faith-based organizations that provide comprehensive services
- b. Identify any remaining barriers and solutions to providing effective oversight and accountability of the Department's staff, budget, grant programs, contracting and operations that can and should occur by the Department's staff and Internal Affairs unit, the Office of Independent Monitor, the Civil Service Commission, the Auditor-Controller, the District Attorney, and any other investigative entities;
- c. Develop a strategy to reduce racial and ethnic disparities among clients in the Probation Department run adult and juvenile systems;
- d. Identify barriers to and solutions for further reducing youth detention and incarceration in Los Angeles County (County) and effectively

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- redirecting resources to serve more youth in community based alternatives;
- e. Adopt a framework and methodology for calculating the equitable allocation of public safety funds within the Probation Department.
 - i. The methodology should ensure appropriate funds are directed toward community-based violence prevention programs;
 - ii. The methodology should ensure transparency and community engagement in determining priorities for spending allocations;
5. In collaboration with the Steering Committee, synthesize recommendations from existing reform efforts with new Commission-driven analysis into a comprehensive report with recommendations for reforming the Probation Department and a related implementation plan, as well as identify barriers and propose solutions to ongoing coordination of Probation Department and juvenile justice-related efforts after the Commission sunsets.
6. Authorize the Probation Department and all relevant County agencies, County commissions, County-appointed consultants, County Counsel, and the Chief Executive Officer to provide full cooperation to the Commission, including access to personnel records and other records to the fullest extent allowed by law;
7. Direct the Executive Officer of the Board, County Counsel and the Chief Executive Officer to report back in writing to the Board by November 4, 2016 with a recommended staffing and funding plan for the Commission, including provisions for office space and equipment. The staff shall combine dedicated paid staff with pro bono professional support as well assistance from County administrative staff. The Commission members shall serve for six months, or until completion of the written Board report, whichever occurs first, with the request that they submit their recommendations to the Board in writing by the anticipated date of May 4, 2017, after which, the Commission will sunset.