

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND
HILDA L. SOLIS**

October 1, 2019

Implementing an Enhanced Structure for Probation Oversight

For more than two years, the Los Angeles County (County) Board of Supervisors (Board) has been on a pathway to create a new oversight body, as well as a comprehensive reform plan, for the Probation Department (Department). On October 17, 2017, the Board authorized the Chief Executive Officer (CEO) to lead a workgroup of key stakeholders to make recommendations for how to transition the existing Probation Commission to a new Probation Oversight Commission (POC), equipped with an investigatory role for the County’s Office of Inspector General (OIG), streamlined oversight efforts, expanded authorities, and sufficient staffing. On April 9, 2018 the CEO delivered a report to the Board outlining a plan to establish an independent entity focused on reform and public accountability.

On May 1, 2018, in a unanimously passed motion by Supervisors Ridley-Thomas and Solis adopting the CEO’s April 9, 2018 report back, the Board created the Probation Reform and Implementation Team (PRIT) to provide direction on the staffing, funding, powers, and commissioner eligibility for a new oversight body, as well as to develop a synthesized reform plan for the Department. Each Supervisor appointed a voting community member to the PRIT, while representatives from the Department, the Office of County Counsel and the CEO all served in an advisory capacity; a consultant, Saul Sarabia, was hired as Chair of the PRIT.

The PRIT launched its work one year ago, in August 2018, and over the course of 10 months held 14 public hearings spanning all five supervisorial districts. Each public

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MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND HILDA L. SOLIS

October 1, 2019

PAGE 2

hearing attracted between 60-200 stakeholders. Attendees and speakers included the Department leadership, Probation union leadership, the Public Defender, the Inspector General, Civilian Oversight Commissioners and Executive Director, the Director of the Department of Mental Health, Probation Commissioners, the Inspector General for the Los Angeles Police Department, youth advocates, reentry specialists, legal analysts, and formerly incarcerated individuals.

On June 5, 2019, the PRIT unveiled its report proposing powers, duties, and a structure to provide oversight of the Department. The PRIT found major structural deficits in Departmental governance that have developed as a result of growing institutional complexity, among other things. Other important findings include deep public mistrust of the Department, concerns around the overuse of a punitive model, failed stewardship of public funds, and dysfunctional relationships among the unions, management and the populations they serve. In addition to concerns raised by community and justice-involved youth and adults, Department staff were vocal in the PRIT meetings about the lack of a process or venue to address their concerns, including around training, operations and facilities. In response, the PRIT recommended a strong and robustly staffed POC, to address the wide-ranging matters that affect the well-being of Department staff and youth and adult Probation clients. Specifically, in “Section V: Proposed Powers and Authorities” of the report, the PRIT recommended powers to include policy and budget review and assessment, facility inspections, an independent grievance process, access to documents and data including the power to compel information as needed, and meaningful public engagement and reporting.

Pursuant to the CEO’s April 9, 2018 report and Board action on May 1, 2018, the PRIT was directed to review, synthesize and prioritize relevant recommendations on the reform of the Department, including Resource Development Associates’ (RDA) 18-month study, and include timelines, desired outcomes, metrics, and key performance indicators in order to assess progress on reform. On August 9, 2019, the PRIT released its systemic reform plan for the Department. Based on its public hearings, combined with recent developments, the PRIT’s most significant findings included egregious problems in the juvenile facilities, the lack of quality community-based services and genuine community

MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND HILDA L. SOLIS

October 1, 2019

PAGE 3

engagement, a toxic organizational culture, several bureaucratic and administrative inefficiencies, and a lack of strategic uses of data and information technologies. As a result, the PRIT made several new and urgent recommendations to effect a positive culture change, further reduce and eventually eliminate juvenile facilities, restructure the Department (which the Board initiated on August 13, 2019), expand and improve community services, and strengthen accountability and performance management.

The need for systemic reform is clear and stronger oversight of the Department is critical in order to achieve this. The status quo, particularly in terms of accountability mechanisms, has been inadequate for too long. The PRIT has provided a strong roadmap for oversight which the Board can utilize as it creates a POC with expanded powers and sufficient staffing and resources, aimed at advising the Board and overseeing the Department, achieving key reform objectives, and ultimately restoring the public's trust in the Department.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Establish the Probation Oversight Commission (POC) for the Los Angeles County Probation Department (Department), located under the organizational structure of the Executive Officer of the Board of Supervisors (Executive Officer), endowed with the existing authorities and responsibilities vested in the Probation Commission, and with expanded authority and codified powers, in compliance with all laws and confidentiality protections, including but not limited to the ability to do the following:
 - a. Address wide-ranging matters that affect the well-being of Department staff as well as youth and adults subject to delinquency and criminal court jurisdiction and/or supervision of the Department;
 - b. Advise the Department and the Board regarding the Department's policies, budget and finances, and operations; the Department's progress in implementing Board priorities; and other issues deemed material by a majority of the POC commissioners;
 - c. Utilize the Systemic Reform Plan outlined by the Probation Reform and Implementation Team (PRIT) as guidance in evaluating Department reform;

MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND HILDA L. SOLIS

October 1, 2019

PAGE 4

- d. Conduct unfettered, unannounced, and publicly reported inspections of facilities where youth and adults on probation are held or served, when related to providing oversight of the Department;
 - e. Establish an independent process for receiving and addressing complaints or grievances by members of the public, probation clients, and/or families, as well as a process for hearing and advising on systemic issues raised by Department staff;
 - f. Conduct investigations through the Office of Inspector General (OIG), as outlined in the April 9, 2018 Chief Executive Officer's report;
 - g. Access Department data, documents and direct testimony, and, when necessary, have the authority to compel its production through the OIG as set forth in directive #6 below, when deemed necessary by a majority of the POC commissioners to fulfill its oversight function;
 - h. Establish a community engagement substructure to liaise between the Department and the community, informed by Section #8 of the PRIT Oversight report;
2. Instruct County Counsel to report back to the Board of Supervisors (Board) in writing in 45 days with a draft ordinance and any necessary agreements and policies to establish a POC with the authorities described in directive #1, with the PRIT's Oversight report serving as a reference point;
 3. Instruct County Counsel and the Executive Officer to report back to the Board in writing in 45 days with draft provisions that govern the POC's membership composition, including:
 - a. A membership of nine commissioners, with at least one commissioner who is formerly justice-system involved, at least one commissioner who is a family member of someone who is currently or formerly justice-involved, and at least one commissioner who is a member of the California bar with juvenile or criminal justice expertise, with:
 - i. Five members appointed by the Board, one nominated by each Supervisorial District.

MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND HILDA L. SOLIS

October 1, 2019

PAGE 5

- ii. Four “at large” members, recommended by a majority vote of the five Supervisorial appointees, subject to Board approval;
 - b. Criteria for exclusion from membership including current employees of any law enforcement agency, including the Department and any prosecuting body; current employees of Los Angeles County (County); current contractors of the Department; and individuals residing outside of the County;
 - c. Policies and processes on term limits, filling vacancies and selection of commissioner candidates, as outlined by section #9 of the PRIT Oversight report;
4. Direct County Counsel to report back in writing in 45 days with any additional changes to relevant ordinances or Board policies in order to ensure the newly established POC is the only body overseeing responsibility for these populations, including sunseting the Probation Commission and transferring inspection authority over all facilities housing youth under court supervision from the Sybil Brand Commission for Institutional Inspections to the POC;
5. Direct County Counsel, in consultation with the Chief Probation Officer and CEO, to examine the role of the Department’s Ombudsman and report back to the Board in writing in 90 days with a plan for proper delineation of their duties as to not overlap with the POC and OIG in their roles in addressing grievances;
6. Instruct County Counsel to report back to the Board in writing in 45 days with amending language to the ordinance that established the OIG to enable it to investigate matters involving the Department as outlined in previous directives in this motion, including the ability to issue subpoenas at the direction of and on behalf of the POC or Board;
7. Direct the Executive Officer, in conjunction with the CEO, to report back to the Board in writing in 45 days with a proposed budget for staffing and funding the POC, providing the POC with the capacity to fulfill its role outlined in the above directives and consistent with the types of positions recommended by the PRIT,

MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND HILDA L. SOLIS

October 1, 2019

PAGE 6

as well as a unit within the OIG to investigate matters involving the Department pursuant to the direction of the POC or Board; and

8. Direct the Executive Officer to coordinate the implementation of the above directives set out in this motion, and report back to the Board in writing every 60 days until completion on the progress.

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(MN/CAS)