



PROBATION
OVERSIGHT
COMMISSION
OF LOS ANGELES COUNTY

WENDELYN JULIEN
EXECUTIVE DIRECTOR

COUNTY OF LOS ANGELES PROBATION OVERSIGHT COMMISSION

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, SUITE 383
LOS ANGELES, CALIFORNIA 90012
(213) 633-5777 • www.poc.lacounty.gov

MEMBERS OF THE BOARD

HILDA L. SOLIS
HOLLY J. MITCHELL
LINDSEY P. HORVATH
JANICE HAHN
KATHRYN BARGER

April 20, 2023

TO: Supervisor Janice Hahn, Chair
Supervisor Hilda L. Solis
Supervisor Holly J. Mitchell
Supervisor Lindsey P. Horvath
Supervisor Kathryn Barger

FROM: Wendelyn Julien 
Executive Director

SUBJECT: REPORT BACK ON ENSURING THE USE OF LEAST RESTRICTIVE PLACEMENTS FOR YOUNG PEOPLE IN THE PROBATION DEPARTMENT'S CARE AND CUSTODY (ITEM NO. 2, DIRECTIVE 6, AGENDA OF MACH 21, 2023)

On March 21, 2023, through a [motion](#) by Supervisors Mitchell and Horvath, the Board of Supervisors (Board) directed the Probation Department (Probation) and other county entities to take steps to ensure the use of the least restrictive placements for young people in Probation's care and custody.

Directive 6 instructs the Probation Oversight Commission (POC), in collaboration with the Office of Inspector General (OIG), and in consultation with the Office of the Public Defender (PD), Alternate Public Defender (APD), and other relevant stakeholders, to report back in 30 days with relevant feedback about progress on Directives 1, 2, and 4, including any comments on the quality of collaboration with the relevant stakeholders; the status of necessary data sharing to inform collaborative decision-making for release and reentry planning; the strength of the Interim Chief Probation Officer's (CPO) recommendations; an assessment of the steps the Interim CPO is taking to achieve the goal of safely depopulating the camps and halls as quickly as possible; and any recommendations about priority next steps needed to ensure the County is equitably moving towards the goal of safely depopulating the camps and halls.

In summary, Probation made significant and reportable progress in collaboration with the PD, APD, the Independent Defender Program, the District Attorney's (DA) Office, the Department of Mental Health (DMH), and the Department of Children and Family Services (DCFS) on Directives 1 and 2 and completed the plan required by Directive 4. Probation's collaboration with the POC, OIG, and the Department of Youth Development (DYD) was delayed and partially completed but recent steps indicate significant progress toward the goals of the Directives. Probation leadership shared that recent changes in leadership and numerous other challenges led to this issue and they have indicated a firm and measurable plan to comply with the directives.

Directive 1.

Instruct the Interim Chief Probation Officer (CPO), in collaboration with the Public Defender (PD), Alternate Public Defender (APD), and the Independent Defender Program; in close consultation, as legally permissible, with the Director of the Department of Youth Development (DYD), Executive Director of the Probation Oversight Commission (POC), Inspector General (IG), County Counsel, and other relevant stakeholders, potentially including any retained or contract lawyers as needed; and request the participation of the District Attorney (DA) and the courts; to collaborate on a weekly basis with relevant stakeholders to identify young people who are appropriate candidates for safe and early release from the Probation Department's (Department) camps and halls; take steps that are necessary to secure their appropriate release and, if the identified youth is not released, confidentially notify the Board and the IG in writing of the reason within 10 days of the decision to deny release. In addition, instruct the CPO to meet with the above-named stakeholders within 10 days of the Board's approval of this motion; and report back in writing in 30 days, and every 15 days thereafter on such efforts to implement this directive.

The POC confirmed that Probation has collaborated pursuant to Directive 1 with the PD, APD, Independent Defender Program, DA, DMH, DCFS and Children's Law Center to agree on a framework to facilitate a structured review of individual youth's cases through Multi-Disciplinary Team (MDT) discussions. The team is meeting weekly to hold up to four MDTs a week during and after which they determine options for release based on criteria identified by the team.

County Counsel determined that the POC and DYD cannot be included in the MDT meetings because of laws restricting access to confidential information from juvenile cases. Both could, presumably, be involved in discussions about the formulation of the criteria and plans but that did not occur. Probation also failed to include OIG in the original meeting or in the "plan for collaboratively and proactively developing re-entry plans" as required by Directive 4, as well as failed to include OIG in the "weekly meetings to identify young people who are candidates for safe and early release from the Probation Department's camps and halls" pursuant to Directive 1. That issue has been addressed and OIG has now been included both in process discussions and in meetings directly related to the potential release of youth. DYD and other service providers have now been included in discussions as well, as legally permissible.

At a meeting on April 19, 2023, Probation leadership informed the Executive Director of the POC of the process and criteria being utilized to select youth for the MDTs and determine their options for release. OIG also met with the PD to confirm and further understand the criteria and process. The result of those conversations, in addition to a review of Probation's report back as required by Directive 4 (discussed below), the process is understood as follows.

With support from Probation, defense attorneys identify youth for the MDTs from the first cohort - a pool of over 50 pre-adjudicated youth who are charged with non-707(b) offenses and who are currently incarcerated in Barry J. Nidorf Juvenile Hall and Central Juvenile Hall. Each young person's case is analyzed individually, first by the defense attorneys and then by the service providers (DMH, DCFS, CLC, as applicable), Probation and the DA. Previous efforts and various individualized options are presented through the MDT discussions, with recommendations for release whenever possible. Taking into consideration that each case is unique, the criteria most utilized to identify youth for MDT discussions include:

- Youth who have been detained in the Halls the longest
- Youth with identified special needs
- Youth pending competency determinations

- Youth with an upcoming court date
- Youth charged with non 707(B) offenses
- Youth with a viable placement option outside the juvenile hall

In addition to the formal MDT meetings and team debriefs, the process has lent itself to increased behind-the-scenes collaboration focused on expediting and facilitating early release where possible. Probation leadership indicates high levels of optimism about the project related to the required and regular collaboration and the process by which youth are being selected for the MDTs. Representatives from the defense bar expressed similar optimism, expressing satisfaction about how the Probation Lead Bureau Chief has efficiently and effectively coordinated the collaboration and MDTs.

Probation reports that once the team completes the process with the youth identified in this first cohort, the next cohort will involve a similar process for post-adjudicated youth to determine the legal and practical possibilities for their release.

The required exchange of information between Probation leadership, the POC and OIG occurred and will continue to occur, allowing for improved review from the POC and OIG on the issue of whether the process is allowing the County to “equitably mov[e] towards the goal of safely depopulating the camps and halls” in future reports as required by Directive 6. For purposes of this report, communication with POC and OIG occurred too late to conduct a full analysis because of challenges being faced by Probation and the failure to include OIG in the initial meeting and in the subsequent weekly meetings. However, the information that was provided was forthright and thorough and provides a sense of optimism about the success of this initiative. The POC, in collaboration with OIG, will provide a subsequent report with a more complete analysis once more of the MDTs have been conducted, data has been fully provided, and outcomes can be measured.

From the perspective of the POC, a number of similarities and shared goals exist between the efforts under this motion to examine the least restrictive placements and the efforts under the previous two [motions](#) related to the decarceration of girls and gender expansive youth. Initial review indicates that some of the differences may provide insight into potential improvements in measurable success in the decarceration of girls and gender expansive youth initiative. Probation leadership also astutely noted that the availability of viable alternatives to incarceration are a key element to the success for these efforts.

Directive 2.

Instruct the Interim CPO to share timely and complete data on detained youth with PD; APD; and, as legally permissible, with DYD; POC; County Counsel; and other relevant stakeholders as described in subsequent directives. Data should be shared on a weekly basis at minimum and should include individualized data on demographic characteristics, underlying offense (with data broken down by charge and/or violation), basis of detention, length of stay, release date if applicable, participation and performance in programs, and any other information deemed necessary by the partners developing release or reentry plans.

Probation has shared the data as required with PD and APD.

According to the ordinance that created the POC and County Counsel’s legal opinion, the POC cannot receive confidential information. However, the POC can receive non-confidential information and can compel Probation to provide non-confidential information. The data listed in Directive 2 mirrors in many ways specific data that the POC has requested over the course of

more than year that is needed to also support previous Board motions including maintaining the low census and examining release opportunities for girls and gender expansive youth. The lack of access to this data has been an ongoing issue and brought up formally in many POC meetings. In January 2023, the Inspector General wrote a letter to then Chief Gonzales officially requesting the information but no data had not been provided until this week. The most recent communication from Probation said that County Counsel was weighing in on the request and that the POC would receive an answer by March 28, 2023.

On April 19, 2023, as a result of a meeting with Probation leadership, Probation provided the POC with an aggregate data set describing the juvenile hall and camp populations for April 3, 2023, and including much of the information required by Directive 2. The data provided does not include data on length of stay or information about program participation. Probation agreed to work internally to confirm availability of additional data in their automated systems and the POC will again respond and explain the needed data and format. The data received this week represents a very positive step forward and the POC hopes and expects to continue to receive this data and the additional data requested that will allow for proper analysis of the incarcerated population.

Directive 4.

Instruct the Interim CPO, in collaboration with the PD, APD, County Counsel, and, as legally permissible, Director of the DYD, Executive Director of the POC, IG, and other relevant stakeholders; and request the participation of the DA and the courts; to report back in writing in 15 days with, and implement, a plan for collaboratively and proactively developing reentry plans, including alternative housing and supportive services as needed, for young people who are candidates for early release from the Department's camps and halls, to be conducted on an ongoing basis at least until the Department achieves full compliance with Title 15 and 24. When appropriate, these plans should also consider facilitating access to programs that generally support young people in reentry, such as vocational skills training, higher education, and life skills training. In addition, the above-named stakeholders should collaboratively develop these plans regardless of whether the Interim CPO can or intends to release a young person in order to proactively prepare for an opportunity to secure a young person's release by order of the court.

The Interim Chief Probation Officer submitted and implemented a plan as required by Directive 4.

Probation and the PD, APD, and County Counsel expressed that they collaborated on creation of the plan and that implementation launched quickly and effectively.

The turn-around for this plan was purposely short, due to the urgent need to get to implementation. As a result, all relevant stakeholders including POC, DYD, and OIG were not fully included. Probation leadership indicated that they are continuing to work to develop the elements of this plan and to work collaboratively with all partners. In particular, Probation intends to include DYD in the elements of the plan that involve programming and services to prepare youth identified for release as well as reentry services, where legally permissible. Additionally, for pre-adjudicated youth specifically, the defense attorneys are taking the lead to bring in various service providers, including DYD, to the MDT discussions as a part of the reentry planning and to provide options as well as to expedite access to these services/resources upon the youth's release.

Please feel free to contact Executive Director Wende Julien at wjulien@poc.lacounty.gov with any questions.

The Honorable Board of Supervisors

April 20, 2023

Page 5

c: Fesia Davenport, Chief Executive Officer
Dawyn R. Harrison, County Counsel
Celia Zavala, Executive Officer
Karen Fletcher, Interim Chief Probation Officer
Max Huntsman, Inspector General
Justice Deputies, Board of Supervisors