



PROBATION
OVERSIGHT
COMMISSION
OF LOS ANGELES COUNTY

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COUNTY OF LOS ANGELES PROBATION OVERSIGHT COMMISSION

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MEMBERS OF THE BOARD

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August 12, 2024

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

FROM: Wendelyn Julien
Executive Director

SUBJECT: REPORT BACK ON BOARD MOTION PROCLAIMING APRIL 2024 AS SEXUAL
ASSAULT AWARENESS MONTH: BUILDING CONNECTED COMMUNITIES
AND PRISON RAPE ELIMINATION ACT COMPLIANCE FROM MARCH 19, 2024

On March 19, 2024, in a [motion](#) by Supervisor Solis, the Board of Supervisors (Board) directed the Chief Probation Officer to present to the Probation Oversight Commission (POC) on the contents of the Probation Department's report back to the Board on the status of their compliance with the Prison Rape Elimination Act (PREA), within 30 days of its issuance. The motion further directed the POC to review the PREA compliance status report back and provide the Board with a report back, in writing, within 60 days, with recommendations and proposed next steps for the Probation Department to achieve and maintain PREA compliance. Due to scheduling challenges, the POC was granted an extension for the presentation to occur on July 11, 2024, and the report back due by September 11, 2024. This report completes the POC's requirements under the motion, however the POC will continue to track and report to the Board of Supervisors as necessary on the Department's PREA compliance.

Feedback on Probation's PREA Compliance Status Report Back

On April 30, 2024, Probation submitted their [report back](#) to the Board and the POC. On July 11, 2024, Probation Director Nathan Martinez gave a verbal report at the POC's regular meeting and provided a [written presentation](#). Commissioners were able to inquire about details of the report, including the quality of services provided.

The POC provides this formal feedback on the report and presentation to the Chief Probation Officer and the Board pursuant to Directive 2 of the motion. In addition, while beyond the scope of the motion, the report also includes serious concerns that arose during review of the Department's report and encourages the Department to take swift action in altering some of its procedures. It should be noted that neither the staff of the POC nor the POC Commissioners are experts on PREA or PREA compliance, and this review was conducted in the role of a civilian

oversight body reviewing the policy¹ and practices for understandability and a sense that youth are protected from harm by the policy. The Office of Inspector General (OIG) also reviewed and commented on the Department's policy and the POC recommends that the Board and the Department refer to OIG's analysis and recommendations for legal insight into this issue². Following are the POC's concerns:

1. Internal investigators may fail to appropriately respond to allegations of PREA violations.

Probation reported that each facility utilizes their own staff, including supervisors and directors, to oversee PREA investigations, unless the issue is escalated and sent to Internal Affairs or local law enforcement. Commissioners raised concerns that some investigations may be insufficient, comprised of youth signing a paper saying they had not experienced abuse. Probation reported that developing a training for investigators is a next step for the Department. At least one Commissioner suggested that an external agency, such as the Office of Inspector General, should conduct investigations instead of Probation.

2. Probation's standards for responding to alleged PREA violations are perfunctory and may be insufficient.

Probation reported that the current approach to responding to youth who have alleged to have experienced a PREA violation include checking in the alleged victim on a 90-day basis, which in many cases has been increased to a 30-day basis. Probation reported that these discussions focus on whether the reporting individual has experienced retaliation as a result of the allegations and if they feel safe. At intake orientation, all youth are read a script regarding PREA, provided a related notebook, and supporting signage is posted throughout the facility, Commissioners suggested that, at a minimum, more targeted, preventative measures including education on recognizing and reporting grooming, inappropriate behaviors and relationships, and power dynamics should be delivered to all youth and staff on a living unit after critical incidents have occurred or been reported. Commissioners recommend that all trainings and questions posed to youth should use accessible language and the youth's preferred language³. This should be integrated into the policy under **Screenings** in addition to already identified circumstances. Adding periodic refreshers on PREA rights could prevent abuses and encourage reporting.

3. Effectiveness of current PREA policy and trainings are unknown.

Probation reported that some staff within the Department are specifically trained to investigate potential PREA violations but added that this training does not include training on how to interview potential victims of sexual assault. The quality and effectiveness of the offered training is unknown. Probation's compliance with PREA policy standards within interactions with young people is unknown. Maintenance of robust standards and assessment of the effectiveness of the policy and training is critical for the protection of both youth and Probation officers.

¹ [DSB Manual 2024 \(lacounty.gov\)](#)

² [REPORT BACK ON THE PROBATION DEPARTMENT'S COMPLIANCE WITH THE PRISON RAPE ELIMINATION ACT.pdf \(kc-usercontent.com\)](#)

³ PREA Juvenile Facility Standards § 115.316 (b) and § 115.333 (d)

4. Youth are interviewed and participate in investigations without notice to their counsel or legal guardians.

Young people should be presented the option to have their legal guardian present while being interviewed⁴, which is absent in the current policy. For those youth who do not have a legal guardian, PREA Juvenile Facility Standards indicates that the youth's case carrying social worker should be notified⁵. The POC suggests that the youth should also have the opportunity to have their social worker or a victim's advocate present during any interviews⁶. Young people should have the right to have their counsel notified and present for interviews if they choose. In addition, the policy lacks instructions in the **Notification** section to notify parents or legal guardians when an allegation of sexual abuse is made⁷.

Conclusion

The POC appreciates the opportunity to submit constructive feedback on Probation's PREA Compliance Status report back and policy. The POC believes that strengthening Probation's procedures and standards for responding to PREA allegations at its facilities would do much to protect youth, Probation officers, and improve stakeholder and community trust when faced with these critical incidents. The POC will continue to address PREA compliance at our public meetings communicate any further concerns and recommendations directly to the Probation leadership team and the Board.

Please feel free to contact me at wjulien@poc.lacounty.gov with any questions.

WJ:sg:jog

c: Fesia Davenport, Chief Executive Officer
Dawyn R. Harrison, County Counsel
Edward Yen, Executive Officer
Guillermo Viera Rosa, Chief Probation Officer
Lisa Garrett, Director of Personnel
David Carroll, Executive Director, Department of Youth Development
Justice Deputies, Board of Supervisors

⁴ PREA Juvenile Facility Standards § 115.353 (d)

⁵ PREA Juvenile Facility Standards § 115.361 (2)

⁶ PREA Juvenile Facility Standards § 115.353 (a)

⁷ PREA Juvenile Facility Standards § 115.361 (e) (1)