



**COUNTY OF LOS ANGELES
PROBATION COMMISSION**
9150 EAST IMPERIAL HIGHWAY – DOWNEY – CALIFORNIA 90242
(562) 940-2754



NOTES OF JANUARY 24, 2019 MEETING

The regular meeting of the County of Los Angeles Probation Commission was held on Thursday, January 24, 2018 at the Kenneth Hahn Hall of Administration, 500 West Temple Street, 1st floor, Room 140A, Los Angeles, California 90012.

I. Commission President Joe Gardner welcomed all and called the meeting to order at 10:00 A.M. President Gardner informed the Commissioners and all present that the meeting was being recorded and asked that all identify themselves prior to making any statements.

The following Commissioners were present:

2nd Vice President Betsy Butler
Commissioner Herbon
Commissioner Seaver
Commissioner Kaplan
Commissioner Swartz
Commissioner Caster

The following Commissioners were not present:

1st Vice President Jan Levine
Commissioner Martinez
Commissioner Yamashiro
Commissioner Hoover
Commissioner Meredith
Commissioner Shutan
Commissioner Mitchell

Commissioners

Joe Gardner-President,
Hon. Jan Levine (Ret.)-1st Vice President, Hon. Betsy Butler (Ret.), – 2nd Vice President,
Donald Meredith-Sergeant at Arms, Daniel Seaver, Azael Martinez-Sonoqui, Cyn Yamashiro, Esq.,
Jacqueline Caster, Esq, Jo Kaplan Esq, Olivia E. Mitchell, Peter Shutan,
Rev. Zachary Hoover, Randy Herbon, Gale Swartz

The following staff were present:

Luis Dominguez, Acting Deputy Director
Dave Mitchell, Deputy Director
Jack Sims, Probation Director
Sheila Mitchell, Chief Deputy
Lydia Jurado, Staff Assistant

The following individuals were present and signed in:

A.J Young
Shelby King
Eduardo Mundo
Alisa Williams
Hanu Damerla
Diana Velasquez
Celeste Fremont

II. APPROVAL OF MINUTES

The minutes of January 10, 2019 were tabled due to the absence of a quorum.

III. LOS ANGELES COUNTY PROBATION DEPARTMENT UPDATE

President Gardner stated that items 5 and 6 will be tabled for the next meeting of February 14, 2019. President Gardner stated that clarification is needed for item number 6.

5. Progress report from the Probation Department regarding bringing culture change into recruitment, hiring, training and retention. (Requested by Commissioner Meredith on 7-12-2018)
6. Progress report regarding improving the use of the evaluation process and success data by Deputy Chief S. Mitchell. (Requested by Commissioner Caster on 7-12-2018)

President Gardner stated that there is not a quorum at this point, if it changes an update will be provided.

Deputy Director Dave Mitchell presented the Campus Kilpatrick Outcome Data on the Probation violations and rearrests in the juvenile system, and in the adult system for those who have since reached age 19.

Between September 2017 and September 2018, 43 juveniles have been released, five – or 12% of released juveniles have re-offended as a juvenile. An additional six youth were arrested and convicted as Adults or 14%. A total of 26% of youth were re-arrested and received a sustained petition/conviction. To receive a more complete analysis, the youth exiting Kilpatrick were ran against the Adult Case Management system (APS) to see if they had been arrested and convicted.

Commissioner Seaver inquired about how many youths were released. Mr. Mitchell stated that 6 juveniles were arrested in the adult system, 2 juveniles received sustained petitions, and 15 youth were released in the 1st quarter of 2018.

Commissioner Seaver stated that the numbers are not great and inquired about the time frame for this data. Mr. Mitchell stated that the data is up to date within the last 5 quarters.

Commissioner Caster inquired about the total number of youths released in total. Mr. Mitchell stated that a total 43 youths were released.

Commissioner Swartz inquired about what a sustained petition is. Mr. Mitchell stated that it is when a juvenile is convicted, a petition is sustained, sustained means they found the petition to be true and the individual is dispositioned in the adult system.

Commissioner Seaver stated that the information is great. Commissioner Seaver inquired about how the information compares to the other facilities. Mr. Mitchell stated that more time is needed. About 2 years of data would be required to compare to other camps. Mr. Mitchell stated that there is a research study that is going on to review data as well.

Commissioner Herbon stated that the fact that 6 adults that had convictions, found guilty in the adult court this soon is amazing. Commissioner Herbon stated that from the time of arrest to the time of conviction it normally takes 1-3 years in the adult process. Commissioner Herbon stated that the data does not show how many kids have charges that are currently pending before the courts. Commissioner Herbon stated that a lot of data is missing on the adult end. Commissioner Herbon stated that he understands the process because he used to have to research these statistics. Commissioner Herbon stated that one of the Board of Supervisors needs to provide a database to the Probation Department, so this type of data can be answered at the push of a button. Mr. Mitchell stated that the Probation Department was looking and reporting on the outcomes for youth with a sustained petition and convicted.

Commissioner Kaplan stated that she is concerned with the adult convictions and would like to see more statistics. Commissioner Kaplan stated that in her opinion the District Attorney in Los Angeles has been known to overcharge, especially juveniles. Commissioner Kaplan stated that the data doesn't reflect what the charge was, and what the plea was. Commissioner Kaplan stated that there is an enormous amount of

the juveniles that were offered a plea-bargain, between 95% and up, and the justice system for juveniles in Los Angeles is unfortunate.

Commissioner Caster stated that the data is meaningless without the comparison group from the NCCD (National Council on Crime & Delinquency). Commissioner Caster stated that the outcomes don't mean anything if the model hasn't been implemented with fidelity and it is not a true measure of how well the LA Model is doing. Commissioner Caster inquired about whether the numbers were gathered at Campus Kilpatrick or Challenger. Commissioner Caster stated that there is no data on probation violations, it is an outcome the Probation Commission would like to know.

Mr. Mitchell stated that the data does indicate that 3 out of the 43 juveniles that were released went back to court for probation violations total. Mr. Mitchell stated that as part of the NCCD study there is a comparison group of kids who are eligible for Kilpatrick, but due to population control they go to other camps. Those kids will be studied as well. Mr. Mitchell stated that the NCCD will also be studying the fidelity to the model and a lot of the research is going to be process driven. Mr. Mitchell stated that the data that was provided is what the Probation Commission requested about how well the youths have done that left Kilpatrick. Mr. Mitchell stated that the data is simply on the sustained petitions in juvenile, the probation violations, and juvenile and adult convictions. Mr. Mitchell stated that this is not a comprehensive or longitudinal study.

Chief Deputy Sheila Mitchell suggested a formulation of data of what the Probation Commission would like to see comprehensively so the Probation Department can respond accordingly. Chief Deputy Mitchell stated that perhaps Angela Wolf, who is the consultant overseeing the evaluation project, may be able to attend a meeting as well.

Commissioner Seaver stated that it appears that resources to obtain this data would be credibly useful to all. Commissioner Seaver suggested a proposal for the Board of Supervisors. Commissioner Seaver stated that to know how all the people are being served in the criminal justice system it is very important to have that information.

President Gardner stated that Chief Deputy Mitchell is concerned about not having the data base resources that she needs. Chief Deputy Mitchell was going to propose that issue with the Board of Supervisors to request funding to receive those 3 or 4 key essential data bases. President Gardner inquired about the progress on that effort.

Chief Deputy Mitchell stated that is not so much the concern. Chief Deputy Mitchell stated that Chief McDonald requested an accountability project to the Board of Supervisors, part of that project asked for some data systems and the establishment of positions in the quality assurance bureau to conduct analysis. In phase one of accountability, two positions were provided across the Probation Department and that request is still pending. Chief Deputy Mitchell stated that it is all a manual pull at this time and for the Probation Department to safeguard their resources it would be great if the Probation Commission could tell the Probation Department what information they

would like to know comprehensively, versus request upon request. Chief Deputy Mitchell stated that would be helpful.

President Gardner agreed with Commissioner Seaver to advocate as a commission to have a more robust collection of data analysis, it is a reoccurring thing and it would be more valuable for the Probation Department to have that.

Chief Deputy Mitchell stated that she certainly wants to accommodate and provide what the Probation Commission is requesting.

Commissioner Butler stated that to be able to analyze means that there needs to be a system where the Probation Commission can ask for anything at any time and it is unacceptable. Commissioner Butler stated that it is unbelievable.

Chief Deputy Mitchell stated that the staff spends a lot of time manually pulling information. IT infrastructure is not set up in a way it could be set up. Chief Deputy Mitchell stated that the Chief is fully aware of the struggle that the Probation Department has in this regard.

Commissioner Herbon stated that Luis Dominguez is great at excel spreadsheets. Commissioner Herbon suggested it can be a clerical function to enter 777s in an excel or access spreadsheet, for 43 people the data can be input quickly.

Mr. Mitchell stated that you must be able to interpret the data, it could not be done with a clerical position. Commissioner Herbon inquired on how many DPOs, Supervisors, and Directors that are on administrative leave that could enter that data.

Commissioner Kaplan stated that is an amazing idea.

Chief Deputy Mitchell stated that the Probation Department has provided data that was requested on the agenda, and now there is question about additional ways to look at this data. It is not about staffing at home looking at it, it is about requesting what the Probation Commission is seeking so the Probation Department can provide the information on a timely basis.

Commissioner Caster stated that it did take a long time to receive this data. Commissioner Caster inquired about the DOJ report that required improving data collection systems. Chief Deputy Mitchell stated that it is priority with Chief Terri McDonald.

Commissioner Kaplan stated that 777 is a significant number for purposes of statistics. That is when the minor is failed with in the disposition that the court gave. A lot of the 777s are not always sustained. When you hear 777 it sounds like a brand-new crime, but it is often something that happens in the camp and it is used as a severe slap on the wrist.

Mr. Mitchell stated that there is also a legal responsibility to report to the court when a kid is in violation. Mr. Mitchell stated that the Probation Department has a moral and legal obligation to advise to the court of the behavior in the facilities. Mr. Mitchell stated that 95% stay in the camp. Commissioner Kaplan stated that they are counted as a sustained petition.

Commissioner Herbon stated that this not necessarily accurate. It is hard to come up with accurate statistics on anything. Commissioner Herbon stated that there are a lot of variables and it is hard to keep track of.

Commissioner Swartz stated that there is a struggle with developing or having insight into measures on how effective the programs are. Commissioner Swartz inquired about 777s being internal.

Commissioner Herbon stated that some of the 777s are still in juvenile, they have been released from camp or enrolled into programs.

Mr. Mitchell stated that the stats that were presented are post release. Mr. Mitchell stated that what Commissioner Kaplan was referring to is the tool to violate a juvenile while they are in camp under the 777. Normally 95% of the youth stay in camp and may get added time., Often it is a tool that the staff utilizes to get the kid's attention.

Commissioner Swartz stated that she is struggling to understand what it is the Probation Commission is trying to measure and what specific goals and outcomes are trying to be evaluated. Commissioner Swartz suggested putting down and defining the goals that the Probation Commission is looking to measure against.

Commissioner Caster stated that she has trouble with the word "outcomes" being applied on the report because the word can be misused and misinterpreted. It must be implemented with fidelity and there must be a good comparison group. The word shouldn't be tossed around on data reports.

Chief Deputy Mitchell agreed. The Probation Commission asked specifically for this information and the department didn't want to call it recidivism because it has only been 6 months after the youth left the facility. That is the reason why the Probation Department is currently working with NCCD to do a comprehensive evaluation.

Commissioner Caster inquired on the status of the NCCD evaluation. Chief Deputy Mitchell stated that the NCCD is currently collecting data. Their contract was executed approximately 6 months ago.

President Gardner stated that it is important that if there are going to be any more questions it would be best to spend some time and formulate. Commissioner Seaver stated that he does not think additional questions are being asked. The Probation Commission is advocating on behalf of the Probation Department for

data analysis. Chief Deputy Mitchell stated that there were additional questions from Commissioner Herbon regarding a deeper dive in terms of the adult system. Commissioner Kaplan mentioned not understanding the nuances of how youth's plea. President Gardner stated that as advocates of the Probation Department there must be better data systems and analysis should be high on the list.

Commissioner Caster stated that she is not sure what item number 6 refers to, and she will review the notes to see what the context is for this. President Gardner stated that it was from the minutes on July 12, 2018.

Report on Pregnant Minors

Deputy Director Luis Dominguez provided information on the report of incarceration on pregnant minors. Mr. Dominguez stated that the report is a result of a board motion, a request was made on what services were provided. Mr. Dominguez stated that there is another motion that recently came out that requires the Probation Department to conduct an in-depth study.

Chief Deputy Mitchell stated that there is a motion from Supervisor Solis in looking at the incarceration of pregnant girls and to do a report back on what the Probation Department can do to end the incarceration of pregnant girls. The report is due back next month.

President Gardner inquired about whether the report will be available to the Commission. Chief Deputy Mitchell stated yes.

Commissioner Butler inquired about what happens if there is a need for lactation accommodations. Luis Dominguez stated that information is addressed in the report.

IV. NEW BUSINESS

President Gardner proposed to consider providing an evaluation to the Probation Department, so they can propose some of those concepts to the Board of Supervisors for funding. President Gardner stated that he would like to move to the next step to fulfill the mandate and be an advisory body to the Chief.

President Gardner stated that some of the hot topics for the Probation Department and the minors in the community are mental health treatment and trauma. The Probation Department has been working very diligently to address those issues. President Gardner stated that the Probation Commission can weigh in to provide the Chief a good concept to improve how minors are treated in and out of custody as well as in the community. President Gardner stated that he is opening the table for discussion about what the Probation Commission should do in the coming months. With the time left the Probation Commission can be working diligently to review the problems that face the

community and the department and come up with some solutions or at least some advice.

Commissioner Kaplan inquired about the spokesperson for sex trafficking attending the meetings. Mr. Mitchell stated that they have attended. Chief Deputy Mitchell stated that it has been a while since they have attended the meetings. Commissioner Kaplan stated that their tracking of the kids is invaluable. Commissioner Kaplan stated that she is shocked by the amount of sex trafficking minors that are pregnant, and it is shocking because they are so young. Commissioner Kaplan stated that they are often crossover kids. Commissioner Kaplan suggested involving them in the next set of questions on pregnant girls and what the statistics are. Commissioner Kaplan stated that it is the same kid in a different system.

Commissioner Seaver inquired if those children were in probation custody. Commissioner Kaplan stated that the youth are not in probation custody, they are in children services custody, but their profile is the same as a probation kid. Commissioner Kaplan stated most of those kids are wounded and damaged. Most started off as foster kids and they have lifetimes of trauma; the bare statistics don't show their history.

Commissioner Caster stated that Missouri has low recidivism rates for their model and they are working with the same types of kids. There is evidence that if you have the right model it can be effective, and they seem to have the data to back it up.

Mr. Mitchell stated that it is important to note that in Missouri a lot of those kids that fail the program go to juvenile hall and Missouri does not consider that as part of their data. The Probation Department philosophy is for the kids to stay in the camp and give them another try. The model must be a side by side comparison.

Chief Deputy Mitchell stated that Missouri has indeterminant sentencing so the youth stay in that program for 2-3 years. Dr. Denise Herz' report states that most of the youth are part of the child welfare system. Chief Deputy Mitchell stated that the Probation Department provides an intervention to support the youth in and out of custody.

Commissioner Caster stated that she spoke with Mark Steward in Missouri and he felt that the length of stay in the LA model is too short and that could be one of the issues.

President Gardner stated that in either case, there are many topics that were covered during the year and maybe it is time to work on creating a prioritized list. In doing so the Commission can decide which ones are issues that can be added to a letter of recommendation and concepts of proposals to the BOS and Chief to fulfill mandates. President Gardner inquired with the Probation Commission to move forward.

A discussion was made on what would be the best way for the commission to create a prioritized list. Commissioner Seaver suggested meeting and sitting in a room to formulate everything that worked very well. It would be helpful to have a different set of eyes and perspective. Commissioner Herbon inquired about how many can join a

teleconference and could it be considered. President Gardner suggested discussing this at the next meeting for further discussion.

Inspection Task List

President Gardner went over the Inspection Task List. President Gardner stated that the list was distributed and some of the Probation Commission did weigh in, but there are some blank spaces available. President Gardner advised the Probation Commission to be mindful of Camp McNair and Camp Onizuka closing in April of 2019.

Commissioner Seaver stated that every commissioner should be required to inspect at least one facility. President Gardner agreed and stated that it could be helpful to know what is occurring at the facilities.

Commissioner Swartz inquired about whether inspections are conducted on Saturdays. President Gardner stated yes, and he shared that prearranged inspections are better so the Director is present and the ability to access files is likely.

Report on JJCPA & 678 Funds

President Gardner requested to receive copies of the quarterly progress reports from the Probation Department on how the JJCPA and 678 funds are being spent.

Review & Discussion on the Probation Department's Response to Commissioner Levine's Letter to Chief McDonald Regarding Nidorf Inspection

President Gardner opened the floor for discussion to anyone who would like to weigh in. Commissioner Butler suggested holding off until Commissioner Levine returns. President Gardner advised that Probation Commission to review document.

Review & Discussion of Updates from the Probation Department December 14, 2017

Commissioner Butler inquired about how the Probation Department would like to proceed with the requested items. Commissioner Butler inquired on whether it would be helpful if a grid was made with the pending items.

Commissioner Butler stated that on the minutes of December 14, 2017 the first paragraph states that the Probation Department was going to present a report. Commissioner Butler inquired if the Probation Department ever made a presentation regarding visit in September 2018.

Mr. Dominguez stated that there was, and the Probation Department presented the strategic implementation plan and went over the items line by line.

Commissioner Herbon stated that Commissioner Butler is referring to a visit from September 2017.

Commissioner Butler asked the Probation Department if they can resend it to her because she does not recall seeing this report.

Chief Deputy Mitchell stated that the Probation Department is up to date on all the responses to the visits that were made.

President Gardner stated that it is exclusive to the visit to Central Juvenile Hall visit.

Commissioner Caster inquired about whether the presentation on the grievance process is still on track for April. Mr. Dominguez stated that it doesn't solve all the issues and challenges the Probation Department is facing with the grievance process. The Probation Department is currently working with LACOE, where the youth will have access to the grievances on the LACOE computers. Commissioner Caster inquired about iPads. Mr. Dominguez stated that is an alternative until a solution is found.

Mr. Mitchell stated that the advantage with LACOE is that the youth can have access and submit grievances in the privacy of classrooms. The disadvantage is they can only do it online when they are in the classroom. The current manual grievance process is still available to the youth.

Commissioner Caster inquired on whether the grievances go through the same channels. Mr. Dominguez stated that the paper grievances go into a locked box where only one deputy has access to it and it goes straight to the manager. The electronic grievances will go to the administration of the management of the facility and to headquarters.

Commissioner Butler stated that it does not address the problem that kids are afraid to put something in the box.

Mr. Dominguez stated that it doesn't address the concern that the Probation Commission has, but it addresses the issue of the youth being able to submit grievances confidentially with no probation staff.

Commissioner Caster inquired about whether it would be obvious that the youth are filing grievances. Mr. Mitchell stated that there is an educational portal that each youth will have access to that includes their transcripts, education plan, and the grievance process. Mr. Mitchell stated that the Probation Department will check in with LACOE to see when the youth will have access to submit grievances.

Chief Deputy Mitchell expressed her thanks to LACOE for problem solving in terms of grievances. Chief Deputy Mitchell stated that it is not the optimum solution, however LACOE was very cooperative in helping the Probation Department resolve this issue.

Commissioner Caster asked for confirmation that the grievances are still going internally and within the department as opposed to the CEOs office. Chief Deputy Mitchell stated yes.

Mr. Dominguez stated that it is the only thing in place or the youth can ask staff to use the phone. If the youth is speaking to his/her attorney, they have privacy. Mr. Dominguez stated that the youth does have to go through staff to use the county phone.

President Gardner stated that there are additional details on letter G, page 4 if there are any questions or concerns.

Commissioner Butler stated that she would like to go back to her concern on how to track some of the issues that have been completed. Chief Deputy Mitchell stated that the Probation Department can go back on anything and consider creating a dashboard, so it is easier to view what is pending, complete or not.

Commissioner Butler inquired about how the audit tools are being evaluated. Chief Deputy Mitchell stated that the Hope Center statistics that are received weekly have information on how long the youth are in their rooms and the units the youth are staying in. Chief Deputy Mitchell stated that the Probation Department can provide that information to the Probation Commission.

Commissioner Butler inquired about whether everyone was trained. Mr. Dominguez stated that only the HOPE center staff is trained. All staff has not been trained. Mr. Dominguez stated that there is a daily report that shows who assessed the youth and whether youth attends school or not. Mr. Dominguez stated that Chief Deputy Mitchell suggested that a dashboard be put together.

President Gardner stated that it is important the commission review this document and if there are unanswered questions that were left over from last year, they should be brought forward to a future meeting.

Commissioner Swartz inquired which future meeting. President Gardner stated that once a full review of the document is made a date will be made.

Commissioner Swartz inquired about the Hope Center policy being distributed. Mr. Dominguez stated that a draft form is currently with the unions.

Commissioner Seaver stated that the Probation Commission has spent various periods with the lack of response from the Probation Department and the presence of the department is very appreciated. It is a different environment than it was 3,4,5 years ago.

V. PUBLIC COMMENT

Eduardo Mundo stated that prop 57, passed in 2016, will have a significant revision regarding the direct filing of minors. It changed the 707b writing and the way a minor is viewed on whether they are fit or unfit to stay from his understanding. There is no directive regarding prop 57 in the transfer hearings and there has not been comprehensive training on the reports. Mr. Mundo stated that if he were a parent of a child in custody he would be very concerned. There were some major changes to 707b, that should be something of concern to the Probation Commission. Mr. Mundo stated that we are in the year 2019 and he is concerned that the advantage is to the minor.

Discussion Regarding Proposed Topics for Next Meeting

President Gardner stated that the issue was discussed on item number 8 and reiterated that the commission needs to be more project orientated to fulfill the mandate to be an advisory body to the Chief.

Commissioner Caster stated that if there is an update on the motion that was filed on Department of Mental Health (DMH) being involved in a cooperative arrangement with the Probation Department. President Gardner stated that item is in number 15 of the announcements.

VI. ANNOUNCEMENTS

President Gardner stated that he spoke with Dr. Christopher Thompson and he agreed to facilitate attendance beginning February 14, 2019.

Mr. Mitchell stated that a DMH representative is present. President Gardner welcomed Hanu Damerla.

Commissioner Caster stated that she would like to hear the department's thoughts on the Governor's new initiative that brings a more rehabilitative approach to juvenile system and how it could affect the County system. Hanu Damerla stated he would like to further discuss with colleagues as well to receive more information.

Hanu Damerla introduced himself and stated that he is a Supervising Mental Health Psychiatrist for Juvenile Justice Camps and Dorothy Kirby.

President Gardner announced that there are empty spaces due to the space in the hall being premium. Commissioner Butler came up with a solution about finding another meeting place. Commissioner Butler stated that the Pico Union Project is nearby and

willing to accommodate. President Gardner stated that is exactly 2 miles away with plenty of parking space.

Commissioner Caster announced Dave Mitchell's retirement and stated that it is a big change for the Probation Department. Commissioner Caster stated that Mr. Mitchell has been phenomenal, and he will be missed greatly.

Dave Mitchell stated that he is planning on attending the next couple of meetings. It has been a pleasure and an experience. Dave Mitchell stated that collaboration with the community is key. There is a lot of experience in this room that can help. Probation has incredible passionate staff in place that want better outcomes for the youth. Process is driven by many factors; however, it has been a great experience.

Commissioner Herbon stated that he has learned so much from Mr. Mitchell over the years. Commissioner Herbon stated that Mr. Mitchell has been a mentor to him and the department is losing a common-sense voice in all that is going on and appreciates all that Mr. Mitchell has done.

VII. ADJOURNMENT

The meeting was adjourned at 11:33 A.M.