



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



NOTES OF FEBRUARY 14, 2019 MEETING

The regular meeting of the County of Los Angeles Probation Commission was held on Thursday, February 14, 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:

1st Vice President Jan Levine
2nd Vice President Betsy Butler
Commissioner Meredith
Commissioner Shutan
Commissioner Herbon
Commissioner Daniel Seaver
Commissioner Swartz

The following Commissioners were not present:

Commissioner Martinez
Commissioner Yamashiro
Commissioner Hoover
Commissioner Caster
Commissioner Mitchell
Commissioner Kaplan

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, Deputy Director
Dave Mitchell, Deputy Director
Sheila Mitchell, Chief Deputy
Robert Smythe, Administrative Deputy
Dalila Alcantara, Bureau Chief
Lydia Jurado, Staff Assistant

The following individuals were present and signed in:

Christopher "Kip" Thompson
Felipe De La Torre
Ramon Quintana
A.J Young
Lauren Black

II. APPROVAL OF MINUTES

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

III. LOS ANGELES COUNTY PROBATION DEPARTMENT UPDATE

Progress Report from the Probation Department Regarding Bringing Culture Change into Recruitment, Hiring, Training and Retention

Administrative Deputy Robert Smythe presented data on the Probation Department attrition rates.

Attrition rate: 4.4 – 6.0 % on average within the last 3 years. Mr. Smythe stated that the reasons for leaving the Probation Department (department) varies from retirement, seeking education, and seeking another job. Mr. Smythe stated that this is very low in terms of turnover rate. Mr. Smythe stated that the Probation Department conducts an outgoing questionnaire for staff who voluntary to fill it out.

Juvenile hall turnover rate: 7.8%. This is slightly higher than the overall, but still a great turnover rate by any industry standard. Mr. Smythe stated that it varies by hall. Barry J. Nidorf the highest at 12% and Los Padrinos the lowest at 4.3%. Mr. Smythe stated that the attrition rate can include promotions. Staff can promote out of juvenile hall and go into a camp. Mr. Smythe stated that typically the path of promotion for a juvenile hall employee is to go from hall to camp to field.

Commissioner Seaver inquired about information that indicates how long people work at a juvenile hall. Mr. Smythe stated that he has information about the number of people who leave that are new hires, not the actual length of time in juvenile halls. Robert Smythe stated that he is refreshing what Tiana Murillo presented and is building on that

information. Mr. Smythe stated that there is a belief that people are hired and leave right away. The information that is being presented is the hiring and departure information for Group Supervisor Nights (GSN) and Detention Services Officers (DSO).

Mr. Smythe stated that the overall length of service for someone leaving the department is typically between 8 and 9 years. Mr. Smythe stated that if you want to look at only DSOs and GSNs, all 3 halls combined, and including transfers and promotions is 5.9%. Removing promotions, the attrition rate is 4.7% which are generally entry level staff.

Commissioner Swartz inquired about what a GSN is. Mr. Smythe stated that a GSN is a Group Supervisor that works nights typically a 10-6 shift in the juvenile halls and camps. There are 2 shifts during the day in juvenile hall and generally they are entry-level positions. DSO requires 60 units of college including classes in social work. GSN requires high school diploma and DPOs require a bachelor's degree.

Commissioner Seaver inquired about whether GSNs can get promoted. Mr. Smythe stated yes, with the education requirements.

Mr. Smythe stated that without promotions the number of GSNs and DSOs who left the Probation Department during 2017 and 2018 was 46 out of 353 that were hired. 13% of GSNs and DSOs combined left the department. Counting promotions its 16%, 58 people. There were 12 promotions during that period among the 353.

Commissioner Swartz inquired about whether it is typical for entry level employees to leave. Bureau Chief Dalila Alcantara stated that most of the time the employees that are hired are pending a background with the Sheriff's Department. They get hired with the Probation Department, but once they get called from other departments they resign with the Probation Department.

Deputy Director Dave Mitchell stated that the Probation Department hires internally before going outside the department.

Commissioner Seaver inquired about how much investment and training is being done with staff that leave the department and go somewhere else. Mr. Smythe stated that the numbers show that not a lot of them are leaving, and those that are leaving are returning to school full time. Mr. Smythe stated that as far as training goes all the peace officer candidates need to go to the core academy classes before they start in juvenile halls and attend the annual Standard & Training for Corrections (STC) training.

Commissioner Shutan inquired about whether DSOs are peace officers. Mr. Smythe stated yes, DSOs and GSNs are peace officers.

Chief Deputy Mitchell inquired about what the industry standards are for entry level positions in terms of turnover. Mr. Smythe stated that he has not considered the other industries or counties.

President Gardner stated that he is interested in recruitment and retention efforts of the Probation Department. Robert Smythe stated that the Probation Department is cautious about recruitment due to the budget challenges. Mr. Smythe stated that the Probation Department reaches out to local colleges and attends job fairs. The Probation Department also combines forces with some of the local counties such as Riverside and Orange County. Mr. Smythe stated that there is a recruitment unit and an eligibility list.

Chief Deputy Mitchell stated in addition to the budget challenges there has been facilities closing as well and staff is moving to other vacant positions. Robert Smythe stated that there is a staffing meeting regularly to see if there is a landing spot for each one of those people, so they have a job to move to if their facility closes.

Commissioner Swartz inquired about the vacancies rate. Robert Smythe stated that there are 167 vacancies within the juvenile halls. Mr. Smythe stated that there are some positions that are being kept vacant due to the budget challenges. Robert Smythe stated that the population is dropping, the Probation Department is considering an effective way to deploy staff.

President Gardner inquired about the amount of training hours per year. Dave Mitchell stated that it varies from 40-80 hours, majority of staff averages to about 60 hours a year. Mr. Smythe stated that there is also staff that receive certified training programs sponsored by the state.

Commissioner Herbon inquired about the current amount of staffing for Central Juvenile Hall. Deputy Director Luis Dominguez stated approximately 300 staff as of last week.

Commissioner Herbon inquired on the amount of staff that are out on IA, light duty, FMLA, or investigation. Mr. Dominguez stated approximately 60 staff fall within those categories, including intermittent FMLA.

Chief Deputy Mitchell that the requested info is not on the agenda and that information can be brought up at the next meeting. Commissioner Herbon stated that he requested this back in July 2018 and it has been on as a follow up item in the past.

Commissioner Herbon inquired about what steps were taken in the last year to reduce the number of staff that were out on light duty. Chief Deputy Mitchell stated that the item is not on the agenda, the Probation Department would be more than happy to present that information at the next meeting.

Commissioner Swartz inquired if there is any action taken place to retrieve data that is being requested from the Probation Department.

Commissioner Herbon stated that the Probation Commission can recommend issues to the Probation Reform & Implementation Team (PRIT) and take the information to the Board of Supervisors (BOS) to come up with solutions due to the high number of staffs within the department that are requesting light duty from their doctors. Commissioner

Herbon stated that he is concerned with the instability within the ranks of the department.

President Gardner stated that the item will be added to a future agenda.

Commissioner Butler suggested attending PRIT meetings and interacting with the PRIT is very helpful, because staffing is a massive discussion.

Commissioner Meredith stated that the commission has the authority to share any concerns with the Board of Supervisors to address problems that are not getting addressed.

Commissioner Seaver stated that Commissioner Herbon and Commissioner Swartz are identifying issues that are longer, and there are other things that the commission can focus on and thanked the department for sharing the information.

Probation Department Response to Central Juvenile Hall Inspection

Tabled for next meeting until the return of Commissioner Levine.

IV. NEW BUSINESS

JJCPA & 678 Quarterly Progress Reports

President Gardner advised all to review documents for a future discussion.

Commissioner Swartz inquired about the reports being available on a quarterly basis. Chief Deputy Mitchell stated that these reports are completed on a quarterly basis.

Commissioner Seaver inquired about whether the reports are identical. Chief Deputy Mitchell stated that one is adult side and the other is juvenile.

Office of Inspector General Report on Ensuring Safety and Humane Treatment in the County's Justice System

President Gardner stated that there is a presentation and discussion by the Board of Supervisors regarding the Office of Inspector General (OIG) report. President Gardner shared a link to the report and video and stated that it is available online for the public to view. President Gardner suggested that each member of the commission review report and video.

Commissioner Seaver inquired about the status of pepper spray reports from the Probation Department. Chief Deputy Mitchell stated that the Probation Department has reported data on the use of pepper spray and assaults and would be more than happy to share any updated information.

President Gardner stated that he would like to see a monthly reporting that takes place on a routine basis about the use of force. President Gardner stated that his interests are to identify trends to see if other elements are working such as training. That is the idea behind this requested data.

Commissioner Herbon inquired if it would be possible to request the quarterly camp report. Chief Deputy Mitchell stated the Probation Department would be more than happy to produce that data in a redacted form.

President Gardner stated that it has been a topic with the Probation Commission and Probation Department. Generally, the report contains a good synopsis every month.

Commissioner Seaver stated that the Probation Commission is interested in data and statistics. Commissioner Seaver stated that it is deeply discouraging, as the commission sits during the PRIT process and goes over what kind of oversight is needed. Commissioner Seaver stated that the commission has been deeply concerned since staff mention the lack of resources after the closure of the Special Housing Units (SHU).

Deputy Director Luis Dominguez stated that if you view the video from the board session, the Chief has agreed to post the data to the website. There is an internal conversation on whether it will be happening monthly or quarterly. Commissioner Seaver stated that he appreciates that, and he does not know what the purpose of the commission is. The commission is concerned and has been concerned.

Chief Deputy Mitchell stated that the Probation Department would be more than happy to provide a redacted report. Chief Deputy Mitchell suggested the commission request a recurring report.

President Gardner stated that he would like to see that report on a reoccurring basis whether it is monthly or online. That would be great to see.

Lauren Black suggested including this issue on the next agenda, so it will be on record.

Chief Deputy Mitchell stated that reoccurring can mean monthly, weekly or quarterly. Commissioner Butler stated probably monthly.

Commissioner Herbon stated that he would volunteer to come up with a list of potential reoccurring report items that can help look at the symptoms of the problem and come up with a cure for the disease.

Commissioner Butler stated that she is interested in how the training mechanism is and whether staff is being trained enough.

Commissioner Herbon stated that spontaneous uses of pepper spray need to be considered. In a major incident people don't have time to think about it. Commissioner

Herbon suggested differentiating between the different uses of pepper spray. Commissioner Herbon stated that it seems as if everyone is lumping everything into the guy who is shaking it and there are other issues that are hard to believe in the report.

Commissioner Meredith stated that in following up with the Afflerbaugh incidents, there was one individual who assaulted staff on 5 occasions and he was a good sized 19-year-old. Another guy who was about 6ft 4 with about 240lbs of solid muscle and most of the staff is petite. Commissioner Meredith stated that he has carried pepper spray for most of his career and only time he used it was for a rattle snake. Commissioner Meredith stated that people in the department are afraid of going hands on for fear of being investigated and thinks the culture needs to be investigated. If there is a need to do a choke hold, that would be fine, if it is documented. In the case of the 19-year-old, he wanted to have a child abuse report made on him which does not apply to him. Commissioner Meredith stated that there could be a need for OC and there are several factors that can influence the use of OC spray. Commissioner Meredith stated that it is a complicated situation especially without having the SHU.

President Gardner stated that he agrees with Commissioner Meredith, as a commission it is important to investigate the underlying reasons why the staff is resorting to use pepper spray.

Commissioner Meredith stated that one of the things that the OIG report brought up which was very true, was respecting people and treating them the way you want to be treated. One young man at Camp Afflerbaugh had 37 assaults at Camp Afflerbaugh and 2 at Camp Rockey, the boy stated that the staff respected and cared for the youth at Camp Rockey that was the reason for the low amount of assaults.

Commissioner Seaver stated that the commission advocated for the elimination of the SHU years ago and saw the consequences without the adequate amount of training for the staff and it is hard to imagine that there is going to be one less tool available to the Probation Department.

President Gardner stated that unfortunately there are external forces that are removing that tool without providing the Probation Department resources to compensate for its loss.

Deputy Director Dave Mitchell stated that if it is not done in a meaningful and timely way and slowly eliminate the usage of spray there will be bad outcomes. Commissioner Seaver suggested being prepared, this may happen overnight.

Commissioner Butler stated that to her understanding Probation Officers feel it will be less trouble for the Probation Officer to use OC spray versus use of restraints.

Chief Deputy Mitchell stated that the staff is being asked to use the appropriate use of force to control the situation. Chief Deputy Mitchell stated that the good news is that 38% of the staff are using OC spray. Chief Deputy Mitchell stated that it is more than

training. Chief Deputy Mitchell stated that the length of the academy has been increased and another training is provided once academy training is completed.

Commissioner Butler inquired about an incident that occurred where 2 or 3 staff quit on the spot. Mr. Dominguez stated that the people who left the department were not part of that incident and it was a completely different unit.

Commissioner Meredith stated that staffing levels and tactics contributes to this as well.

Commissioner Herbon stated that the response time from movement control to one of the units is a substantial amount of time at Barry J. Nidorf. By the time they arrive it is no longer an out of control situation. It is controlled and meanwhile someone had to deploy pepper spray. Commissioner Herbon suggested speaking with the staff at Barry J. Nidorf on what they anticipate the response time will be. Commissioner Herbon mentioned the kid who was not immediately decontaminated and stated that the person who wrote the report didn't realize that staff needs to decontaminate first before the youth decontaminates. Commissioner Herbon inquired if staff are being pepper sprayed during training. Mr. Dominguez stated that they are no longer doing that during training anymore.

Business Continued from Previous Meeting

Discussion of Goals for the year 2019

President Gardner stated that it is important to review the video and report of OIG, before discussing recommendation to the Probation Department.

Sign-Ups for 2019 Inspections

President Gardner thanked the Probation Commission for sign ups.

Commissioner Herbon inquired with the Probation Department if it would be possible to have facilities prepare reports when inspections are being done. Chief Deputy Mitchell stated that she will confirm with Robert who oversees Management Services Bureau (MSB).

Commissioner Seaver stated that it isn't fair to have public and staff attend without having a quorum. Commissioner Seaver suggested having the secretary ask the commission whether they are attending or not.

Review and Discussion of Updates from the Probation Department Regarding Items from December 14, 2017 Meeting

Tabled until the return of Commissioner Levine.

V. PUBLIC COMMENT

No public comments.

DISCUSSION REGARDING PROPOSED TOPICS FOR NEXT MEETING SCHEDULED FOR FEBRUARY 28, 2019

Review and discussion regarding the Probation Department's response to Commissioner Levine's letter to Chief McDonald regarding her Nidorf inspection. Deputy Chief Mitchell stated that the Probation Department made a presentation 2 months ago.

VI. ANNOUNCEMENTS

Change of location for March 14th Meeting. Pico Union Project, 1153 Valencia St. Los Angeles, CA 90015.

Commissioner Seaver inquired about the pending items lists status. President Gardner stated that Commissioner Swartz and himself are working on a matrix that will be share once it is updated.

Commissioner Meredith thanked Lydia Jurado for all her hard work, keeping on task and getting things caught up.

Commissioner Meredith wished Mr. Mitchell the best of luck on his retirement.

VII. ADJOURNMENT

The meeting was adjourned at 11:24 A.M.