



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



**MINUTES OF REGULAR MEETING OF FEBRUARY 28, 2019**

The regular meeting of the County of Los Angeles Probation Commission was held on Thursday, February 28, 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:

1<sup>st</sup> Vice President Jan Levine  
2<sup>nd</sup> Vice President Betsy Butler  
Commissioner Meredith  
Commissioner Shutan  
Commissioner Herbon  
Commissioner Daniel Seaver  
Commissioner Kaplan  
Commissioner Caster  
Commissioner Swartz

The following Commissioners were not present:

Commissioner Martinez  
Commissioner Yamashiro  
Commissioner Hoover  
Commissioner Mitchell

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**Commissioners**

Joe Gardner-President,  
Hon. Jan Levine (Ret.)-1st Vice President, Hon. Betsy Butler (Ret.), – 2<sup>nd</sup> 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

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The following staff were present:

Dave Mitchell, Deputy Director  
Dalila Alcantara, Bureau Chief  
Sheila Mitchell, Chief Deputy  
Jessica Herbert,  
Jack Sims, Probation Director  
Luis Dominguez, Acting Deputy Director  
Alex Nieto, Superintendent  
Lydia Jurado, Staff Assistant

The following individuals were present and signed in:

Diana Velasquez  
A.J Young  
Shelby King  
Natasha Khamashta  
Regina Goree  
Christopher Thompson

## **II. LOS ANGELES COUNTY PROBATION DEPARTMENT UPDATE**

### **Discussion Regarding the Probation Department Response to Central Juvenile Hall Inspection Conducted October 2, 2018**

Dalila Alcantara introduced Alex Nieto, Senior Probation Director for Central Juvenile Hall (CJH).

Commissioner Swartz shared her concerns regarding food service within the units. Commissioner Swartz stated that the food was not necessarily hot or cold and inquired if there was some type of food temperature monitoring requirement. Dalila Alcantara stated that there are inspection sheets on the carts and reminders being posted, Management Services Bureau (MSB) also conducts random audits.

Commissioner Caster inquired about how sending out a memorandum to staff helps solve the problem regarding grievances. Mr. Nieto stated that he distributes memorandum and makes it very clear of the importance of following the instructions provided on the memorandum regarding grievances. Mr. Nieto stated that he has 2 administrative assistants that go around making sure the grievance process is being completed and directors sign off on the grievances.

President Gardner inquired if it is a consistent practice through out all facilities. Mr. Nieto stated yes.

Commissioner Caster requested a report back to see how grievances are resolved. Mr. Nieto stated that there is a result on the grievance form. Mr. Nieto stated that himself and the management receive an email with the amount of grievances on a daily basis so that they are constantly in the loop. Mr. Nieto stated that it is a mandate that the youth receive a copy of the grievance form once it is resolved.

Commissioner Caster inquired about why Mr. Nieto thinks there is a snitch culture. Mr. Nieto stated that at times youth get attached to staff and if they see a youth complaining there is some peer pressure, not necessarily in every building.

Commissioner Seaver stated that unfortunately the snitch culture can proceed the youth even before being incarcerated.

Commissioner Herbon inquired if the grievances report can be provided for all 3 of the halls and inquired about a log that contains the final disposition and what the grievance was in the first place. Dalila Alcantara stated that there is a grievance officer designated to each hall. Dalila Alcantara stated that the grievance officer role is to pick up grievances daily, distribute appropriately/or address needs, and log into database. The Probation Departments goal is to complete every grievance on the same day.

Commissioner Seaver stated that it is interesting to hear grievances being spoken as a request for services as opposed to a complaint. Commissioner Seaver suggested changing what the Probation Department call grievances to remove the stigma of filing grievances. Dalila Alcantara stated that when the youth attends orientation they are advised of the different type of grievances and the process for filing each one.

Commissioner Herbon inquired with Mr. Nieto on the amount of days he was on the job before the commission came and met with him. Mr. Nieto stated that he was on the job about 2 months. Mr. Nieto stated that he is very familiar with the layout and staff and felt very confident sliding in.

Commissioner Kaplan inquired about the grievances that are submitted during the weekends and whether those grievances are processed on the same day. Dalila Alcantara stated yes, including holidays.

Commissioner Kaplan stated that the youth attending orientation are scared, traumatized and unable to think clearly, the orientation should be given a second time. Commissioner Kaplan stated that is one of the reasons why she requested signage throughout all the units containing a reminder for the youth that submitting grievances will not go against them and there will not be consequences. Dalila Alcantara stated that there are large bright orange signs posted.

Commissioner Butler inquired if there was a consistent clear way to handle grievances throughout in addition to making the youth feel comfortable to submit grievances. Not too long ago there was no grievance procedure in place and one year later it was not any different. Dalila Alcantara stated that the process is in place at all 3 halls, it was

poorly organized at one point. Dalila Alcantara stated that the grievances weren't being addressed so the youth were resubmitting grievances. Mr. Nieto stated that there were problems with the grievance process, the problems have since been addressed and cleaned up.

Commissioner Swartz stated that she is working on an action item list and went over the following request:

- Copies of the actual grievances redacted for privacy as advised by County Counsel for Central Juvenile Hall for the months of January and February requested by Commissioner Caster and Herbon.
- Photos of the grievance signage requested by Commissioner Kaplan.
- Commissioner Butler requested a copy of the grievance directive.
- Commissioner Kaplan suggested a repetition of orientation a week after residency.

Luis Dominguez stated that the Probation Department is working towards finding a solution to the grievance process. Mr. Dominguez stated that it is up to County Counsel as to whether or not the Probation Department can satisfy the request.

Chief Deputy Mitchell stated that if the County Counsel sees no issue, the Probation Department will bring January and February redacted documents of grievances.

President Gardner stated that all he would like to see is a tracking document that basically shows when a grievance was filed, when a disposition was achieved, and what the outcome was. This is all that matters to the commission.

Commissioner Kaplan suggested visiting different units to see signs and inquire about the grievances. Commissioner Kaplan stated that a lot of time is being spent on grievances and believes it is the essence of reform and transparency. Commissioner Kaplan stated that visiting the units and speaking with the youth is an absolute invaluable way to find out what is really going on. Grievances are symbolic. Commissioner Kaplan suggested organizing a meeting.

President Gardner stated that it would have to be less than a quorum. President Gardner stated that it can be in the context of an inspection process.

Commissioner Caster stated that she was at Dorothy Kirby recently and the signage is obscure and not well marked. Commissioner Caster suggested having grievance signage at all facilities visible. Dave Mitchell stated that he will make sure there is signage at all the camps and will follow up.

Commissioner Caster inquired about who in the Probation Department is in charge of the grievance process. Commissioner Shutan stated that Residential Treatment Services Bureau (RTSB) is in charge. Commissioner Caster suggested RTSB does an inventory to make sure the forms are well identified at every facility.

Commissioner Caster inquired about whether it was a positive sign that there are so few grievance forms being submitted, perhaps youth are not submitting grievances.

Commissioner Meredith stated that he was at Camp Afflerbaugh and there were 2 kids that knew how to fill out the forms and were not intimidated by the grievance process.

Commissioner Seaver stated that in the 20 years of friendship between himself and Commissioner Kaplan, this has been a concern for her and himself as well. Commissioner Seaver stated that it would helpful to realize that the reason the grievance process does not work is bigger than the department. Commissioner Seaver suggested considering ways of rethinking that process to make it prosocial in a way that the department is moving.

Dave Mitchell stated that the Probation Department has a homeroom at the beginning of school where DMH and the department all come together and go over the grievance process, the schedule for the day, and have a pro social conversation with staff and kids. Mr. Mitchell stated that a lot of the times the youth respond better when it is coming from other youth.

Commissioner Seaver stated that this could lower the amount of grievances being submitted and stated that it is important to standardized things, so it is consistent throughout all the facilities for every child.

Commissioner Butler inquired about the grievance process being online. Chief Deputy Mitchell stated yes, the Probation Department is currently working with Los Angeles County of Education (LACOE) using a portal that the youth can utilize, it will be going live in approximately 2 weeks.

Dave Mitchell stated that it is not the final solution, the goal is to obtain an electronic system that the youth has access to at all times. ISB is currently working on a kiosk where youth can submit grievances at all times.

Commissioner Butler inquired if other states have this issue as an outside body. Chief Deputy Mitchell stated that the Probation Department is one of the sites for the Youth in Custody Practice Model (YICPM) through Georgetown University. There are restrictions and it is up to the county to make that decision.

Commissioner Shutan stated that at one point or another the youth have contact with Department of Mental Health (DMH) personnel. Would it possible to have the grievance box within the privacy of DMH without any risk of the snitch factor?

Commissioner Seaver stated that when he volunteered he was able to receive grievances.

Commissioner Caster stated that the kiosk idea was great and suggested keeping the Ombudsman line in the same area as well. Commissioner Caster stated that on her last visit to CJH she asked staff where the phone was to contact Ombudsman and the staff stated that it was in the office and staff has to call for the youth, which does not meet the confidentiality requirements for the state or the DOJ. Commissioner Caster mentioned that the independent grievance system approach is becoming a national trend and there is a lot of advocacy organizations across the country that are advocating that as the best practice.

Commissioner Herbon inquired if it would be possible to obtain copies of the database that are submitted to each of the camps and halls every month, from January-December of 2018 and quarterly for 2019.

### **III. APPROVAL OF MINUTES**

The minutes of January 10, 2019 were tabled for next meeting.

### **IV. BUSINESS CONTINUED FROM PREVIOUS MEETING**

#### **Review and Discussion Regarding the Probation Departments Response to Commissioner Levine's letter to Chief McDonald Regarding Nidorf Inspection**

Commissioner Levine stated that she would like the Probation Department to provide an update on the following items:

- Whether there has been a decrease on the incidents that are occurring at BJN.
- Whether there is an increase in the participation of DMH.
- How the new assigned officers are doing.
- Whether the property is still being vandalized.

Commissioner Levine inquired with the department on what the response is on the motion to ban OC spray, in terms of the training with the Probation Officers on maintaining order. Chief Deputy Mitchell stated that the use of pepper spray is not banned as of yet. Chief Deputy Mitchell stated that the board motion directs the probation department provide a 60-day report back on the plan to maintain and phase out pepper spray.

President Gardner thanked the Probation Department for the thorough comprehensive responses to the inspections.

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

Commissioner Levine inquired about the DBT training that was done at the facilities. Mr. Mitchell stated that all of the camps are trained in DBT training now with onsite refreshers.

Commissioner Levine inquired about whether the data of 80% of youth being on psychotropic medications is accurate. Chief Deputy Mitchell stated that it can be Benadryl to the whole spectrum. Dr. Thompson stated that he does not think it is accurate, it may be slightly higher than 25%.

Commissioner Levine suggested that the Probation Department staff be educated about psychotropic medications and possible side effects. Commissioner Levine does not think the Probation Department should be looking over the youth with mental health needs that are so high. DMH should be supervising those youth. Chief Deputy Mitchell stated that the department is seeing more children in juvenile halls, from 2015-2018 are on some type of medication.

Commissioner Levine stated that from her experience with the camps and the halls there are not DMH staff at every unit working the same hours as the probation staff, and there needs to be DMH staff assigned to every facility. Dr. Thompson stated that DMH staff is available until 7pm on the weekends. Dr. Thompson stated that he can talk to Dr. Streich about staff being available at every facility. Dr. Thompson stated that DMH conducts training with the probation staff on an ongoing basis, which includes education on psychotropic medications.

Commissioner Butler stated that although the items state that they are completed and in progress there should be some type of ongoing evaluation or report back. Commissioner Butler inquired about what the status is on the memorandum of understanding with DMH which was supposed to be completed on February 28, 2019. Mr. Mitchell stated that the Probation Department is currently working with DMH, to provide a role that can provide more coverage and be part of all treatment units.

Chief Deputy Mitchell stated that the department is currently working closely with DMH and LACOE in terms of therapeutic issues that are going to take place at all camps and halls.

President Gardner stated that Commissioner Butler brings up a good point; there is a lot of material and does not mind if it is a continuing discussion for other meetings. President Gardner suggested going over document carefully.

Commissioner Levine stated that the items have been ongoing for 2-10 years and there needs to be progress and updates, the burden of the updates should come from the department since they are working with these issues directly.

Commissioner Butler stated that the issues are ongoing and inquired about how they will be monitored and suggested having an update possibly on a quarterly basis. Commissioner Butler stated that she can work on creating a suggestion for all.

Natasha Kamashta stated that she has comments, suggestions and questions. Natasha Kamashta stated that she attended the JJCC Meeting and Kip Fieldman who presented an excellent presentation, did indicate that 80-85% of the youth in custody do have mental health issues but does not recall him stating that 80-85% are on psychotropic medication. Natasha Kamashta stated that she attends the Psychotropic Committee and the numbers are not at 80 or 85%, but it is established that they have some kind of mental health disease disorder, trauma or depression. Natasha Kamashta stated that Benadryl is not considered a psychotropic medication. When youth enter facilities a lot of them start taking Benadryl and become dependent when they exit facilities due to not being able to self-regulate. This is an issue that can be addressed by DMH and Probation to teach sleep training skills, meditation and yoga. Natasha Khamashta shared suggestions regarding alternatives for pepper spray. Natasha Kamashta stated that Los Angeles Unified School District (LAUSD), Compton Unified, and Alhambra Unified offer yoga, mindful meditation, and tai chi in the classrooms, which has reduced the amount of suspensions and expulsion rates. Natasha Kamashta stated that there are many more and she would pass the suggestions in writing soon.

Commissioner Seaver requested the percentage of youth on psychotropic medications and differentiating out Benadryl from stronger medicine. Mr. Dominguez stated that himself and Dr. Thompson will work on that.

Commissioner Caster inquired about the motion that was passed by the Board of Supervisors to have a psychiatrist having authority and oversight in the halls. Dr. Thompson stated that he has heard about it but is unaware of the status. Chief Deputy Mitchell stated that the Board passed the motion, the board is deciding in who will be in that position. The Probation Department is in the process of identifying someone with a high-level position to help with the medical challenge.

Commissioner Kaplan stated that from her understanding none of the youth would be on psychotropic medication at the beginning of the LA Model. Mr. Mitchell stated that it is not true. From the beginning the LA Model accepted all youth including the youth that are on psychotropic medications. Commissioner Kaplan inquired about how the youth are adjusting and what happens to the youth that leave camp that are being medicated. Dr. Thompson stated that the clinicians try to help youth with different types of sleep hygiene, relaxation techniques and measures and the youth try those interventions for 2-4 weeks before they are being referred to psychiatrist for an evaluation. Dr. Thompson stated that a majority of the youth discontinue the use of medication because they go back to a different routine and sleep later or don't have the same issues of having to sleep in a dorm setting. Dr. Thompson stated that there can be an improved job of trying the non-pharmacological interventions.



Commissioner Herbon shared information on the Los Angeles Times article regarding the use of OC spray. Commissioner Hebron stated that he is concerned with the removal of pepper spray and that staff is concerned as well. Commissioner Herbon requested an ongoing report on youth on youth and youth on staff incidents. In the month of June 30-40% of staff at CJH were on modified assignments and stated that he is concerned on how the use of pepper spray is going to affect the staff. Commissioner Herbon stated that it is concerning that in the month of June more than 50% of the youth were sent to camp. Commissioner Herbon suggested meeting with the judges at the juvenile hall to figure out how the commission can help to improve the system.

Commissioner Butler inquired about the progress in the Hope Centers. Chief Deputy Sheila Mitchell stated that the policy is under negotiations.

Commissioner Butler inquired if Mr. Hans Liang or any union representative can attend a future meeting and provide update.

Commissioner Swartz clarified Commissioner Herbon's request to provide a monthly report on youth on youth and youth on staff occurrences. Chief Deputy Mitchell stated that the requested information will be available on the website within 30 days.

Commissioner Swartz inquired about the purpose to request this information from the Probation Department. Commissioner Herbon stated that it is very important due to the disconnect. Data could be used to bring the sites together to resolve the issue.

Commissioner Meredith stated that the data would be useful to identify patterns and trends.

Commissioner Meredith stated that a motion was made by Mark Ridley Thomas on February 5, 2019, and in that motion, PRIT was supposed to be designing oversight versus investigating. Commissioner Meredith stated that the Probation Commission has a variety of subject matter of experts from law enforcement, child advocates, juvenile attorneys, prosecutors, and judges that would have been a good body to have that hearing with. Commissioner Meredith inquired on whether PRIT is replacing the Probation Commission.

Commissioner Meredith made a motion for President Gardner to create a letter to the Board of Supervisors regarding status of the Probation Commission, Commissioner Herbon seconded the motion, the motion was approved.

President Gardner stated that he would craft a letter and submit to the commission for review.

Commissioner Butler suggested having Saul Sarabia come in and provide an update.

President Gardner stated that items number 7,8 and 9 will be tabled for the next meeting.

Commissioner Caster suggested having a DMH representative come in and provide an update with the motion to create a new leadership position within DMH to work in collaboration with the Probation Department Juvenile Services Department.

Commissioner Levine stated that her parking pass is expired and requested a new one.

Commissioner Swartz requested all to provide 5 minutes out of each meeting to go over the action list.

Commissioner Seaver suggested circulating the matrix in advance.

## **V. PUBLIC COMMENT**

There were no public comments.

## **VI. ANNOUNCEMENTS**

President Gardner announced that the coffee funds are replenishing.

Commissioner Shutan announced that he attended a graduation at Barry J. Nidorf with the first minor in custody to achieve an AA degree. Commissioner Shutan stated that it is not clear that DJJ is prepared to assist him when this minor receives his bachelor's degree, he is currently working with the staff at Barry J. Nidorf to make sure they are ready for him as much as he is ready for them.

## **VII. ADJOURNMENT**

Commissioner Meredith moved to adjourn the meeting in recognition and honor of Deputy Director Dave Mitchell who is going to retire after 34 years of excellent service to the Probation Department, Commissioner Levine seconded the motion and the meeting was adjourned at 12:14 P.M.