



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



MINUTES OF REGULAR MEETING OF MARCH 28, 2019

The regular meeting of the County of Los Angeles Probation Commission was held on Thursday, March 28, 2019 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 Herbon
Commissioner Caster
Commissioner Swartz
Commissioner Yamashiro
Commissioner Mitchell

The following Commissioners were not present:

Commissioner Martinez
Commissioner Hoover
Commissioner Seaver
Commissioner Kaplan
Commissioner Shutan

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:

Dalila Alcantara, Bureau Chief
Sheila Mitchell, Chief Deputy
Luis Dominguez, Acting Deputy Director
Alex Nieto, Superintendent
Lydia Jurado, Staff Assistant

The following individuals were present and signed in:

Ed Mundo
A.J Young
Christopher Thompson
Saul Sarabia
Cookie Lommel
Felipe De La Torre
Daniel Lichtenstein

II. APPROVAL OF MINUTES

Commissioner Swartz motioned to approve the minutes of January 10, 2019. Commissioner Mitchell seconded the motion and the minutes were approved.

III. LOS ANGELES COUNTY PROBATION DEPARTMENT UPDATE

Update Regarding Probation Reform Implementation Team

Due to the time constraints, the PRIT update was given before items 4-7.

An update on the Probation Reform Implementation Team (PRIT) was provided by Saul Sarabia, serving as the Chair for the PRIT. Mr. Sarabia informed all that PRIT was created by a board motion of May 1st of 2018, with two deliverables to the board. One of the deliverables was to submit a recommended design for a new Probation Oversight Commission (POC). The POC was created to handle the expanding budget, powers, and needs of the Los Angeles County Probation Department (the Department) staffing.

Mr. Sarabia mentioned that upon its inception, union representatives and department representatives are working with the Chief Executive's Office (CEO), on a directive that the POC should be modeled after the Sheriffs Civilian Oversight Commission. Leads have been assigned from the appointee body to begin to research and document topics presented in the (Resource Development Associates) RDA report. A team of consultants referred to as RDA continuity consultants have been brought in to assist the leads in helping organize meetings and move work forward.

Mr. Sarabia stated that out of the 7 topics of the RDA report 4 have been covered in public meetings, the public have had the opportunity to provide input. The remaining 3 topics that need to be covered are the staffing and hiring recommendations, recommendations related to community partnerships and service delivery, and data and IT infrastructure. Mr. Sarabia thanked and acknowledged the Probation Commission for their insight and input along the way.

Commissioner Yamashiro shared his frustration about his inability to commit time to the group and explained that the same person who appointed him to the Probation Commission appointed him to the PRIT, and the PRIT is the Board's priority. Commissioner Yamashiro stated that himself and Alex Sanchez are crafting the best thinking around the powers and the authorities of the new body as well as the staffing structure, which is really an extension of the work that the commission has been doing.

President Gardner stated that the commission is grateful that Commissioner Yamashiro is involved with the PRIT. It is an opportunity to get the Probation Commissions voice in the mix.

Commissioner Levine inquired if there is any motion or resolution that the commission could pass that would be beneficial to the work of the PRIT. Mr. Sarabia reassured the commission that a full-fledged commission action is not required but feels that acquiring input from commissioners and involved parties will help advance the work of PRIT. Commissioner Levine thanked Mr. Sarabia for the report.

Mr. Sarabia stated that a final set of recommendations on the design of the POC and the reform and accountability timeline are expected to be ready by the end of May with and anticipated board action at the end of June.

Mr. Sarabia stated that there was anonymous decision that everyone wants the full amount of independence for the new body. If the majority of the appointees want that to happen and county counsel is essentially instructed to come up with an ordinance that reflects that at the county level. There is a desire for people to say to the board, here is how you can ensure that there is independence and ensure that advisory means having some meaningful way to enforce those things.

Commissioner Levine suggested a cleanup, if you leave that out there when the board changes persuasion, which has changed in both directions, you're giving someone a handle to erode what powers get written in the ordinance.

Mr. Sarabia stated that the PRIT body gets to recommend a resource allocation for a staffing and a funding plan to move the department forward. It would make sense to be able to achieve the ultimate goal to increase accountability and transparency. It can be concerning that the people in the community think that the word advisory means it does not have power. That part is a unique feature that the POC did not have.

Commissioner Meredith asked Mr. Sarabia if the oversight will be for juvenile and adult. Mr. Sarabia stated yes.

Commissioner Swartz stated that advisors seem to be a hot topic in the discussion and suggested to change the name or change the word advisors. Mr. Sarabia stated that the May 1st motion lays out the exact language and relationship between the new commission, the department, and the board, and some of that language will not be able to be changed, but it can be defined into an ordinance. Commissioner Swartz stated that you can try and communicate but the perception and opinion will maintain.

Commissioner Caster inquired if there would be a possibility of securing or enforcing implementation, would it be within the realm or would it be too broad. Mr. Sarabia stated that the PRIT is only on the first draft of the document so far and would like to follow up in securing and enforcing.

Commissioner Caster stated that the commission has no ability to require certain reports on a timely basis. Mr. Sarabia stated that is related to accountability. Some of the collection of the data has to do with the systems and mechanisms.

Commissioner Yamashiro stated that in his role as a commissioner, what mechanism, if any will be in place with the POC that will play a role to enforce what the POC has developed.

Mr. Sarabia stated that one of the essential elements of the April motion is to sequence the recommendations and attach a timeline, matrix and indicators. The board is challenging all as a community to use the PRIT process and the PRIT forum to come up with the best thinking and use the public process to obtain subject matter expertise and public input. This is the time for all to do the work, specifically in the areas that everyone has expertise, to come up with the best thinking.

Commissioner Levine congratulated Mr. Sarabia on how the PRIT has functioned and the involvement of the community, department and union. Mr. Sarabia stated that he appreciates the acknowledgement.

President Gardner thanked Mr. Sarabia and Commissioner Yamashiro for the presentation.

Mr. Sarabia thanked all for the work and services for all these years and stated that he has a deep appreciation for everything that the Probation Commission is doing.

Chief Terri McDonald concurred with Commissioner Levine regarding the outcome that Mr. Sarabia created with the POC. Chief McDonald stated that it will be interesting to see what the board decides what that the powers of the oversight committee are going to be. Chief McDonald stated that at times there is no trust in the department's response and it creates tension with well-intended people. The decision of the allocation of

funding is a Board and CEO choice and agrees with Mr. Sarabia that there be a representative from the CEO at the table. Chief McDonald stated that the policies are 12 and 13 years old and that is structural problem that must be fixed.

Commissioner Caster inquired about the riot that recently occurred at Camp Rockey. Chief Deputy Sheila Mitchell stated that there was a major disturbance at Camp Rockey which involved 14 minors. Chief Deputy Mitchell thanked Mr. Dominguez on addressing this issue and his leadership. The incident resulted in one of the youths having a black eye and 2 staff having minor injuries. Staff did an exceptional job on handling the major disturbance, with minor injuries.

Commissioner Caster stated that perhaps the lack of programming at Camp Rockey is what led to this riot. Chief Deputy Mitchell stated that the Department is currently looking into ways to enhance programs throughout all camps.

Chief McDonald stated that there is no doubt that there is a need for more programming and training at all facilities. The physical design of the dorms needs to be looked into as well to break them into smaller groups, so they are not setting each other off. They are a high need complex group. Department of Mental Health has a higher presence there. Chief McDonald visited the camp and noticed a lot of gang activity.

Commissioner Meredith stated that he was frustrated that there was a youth that tied up staff for 5 hours, which creates problems, and the youth feel empowered, and may feel that they can act out and get away with it.

Mr. Sarabia stated there are 2 PRIT members that were formally gang members, and one of the clear things that was stated is that staff feel disempowered but when there are staff that can identify with the youth it brings a different tool into a situation.

Commissioner Meredith shared that a lot of the camp staff do not know what is going on the streets or how to identify gang members and that is part of the underlying problem. Facilities are not designed to house all of the population that are being sent from all the closing camps.

Commissioner Butler inquired about whether the ratio of 14 youth to 11 staff is normal.

Chief McDonald stated that it is a rich ratio, but a difficult ratio when there is 14 youth fighting. Chief McDonald stated that you can not wrestle your way into safe facilities, you have to build rapport and communicate your way. It is not a one on one approach; it is a group approach.

Commissioner Hebron stated that the lack of staffing is the symptom of the problem; why staff do not want to come to work, why staff are being held over against their will, why vacancies are not being fulfilled, and why staff on internment family leave. That part of the problem needs to be looked into.

Commissioner Caster stated that it comes to the lack of programming and inquired on the reason for the lack of programming.

Commissioner Swartz inquired if there was a correlation between the light staffing and the opportunity for the youth to cause some trouble. Commissioner Herbon stated that the youth are very sophisticated. They youth know the staff better than the staff know the staff. Commissioner Herbon stated that one of the youths mentioned that the camp was really short on staff one day.

Commissioner Meredith stated that he was impressed with staff, and Mental health did a great job walking the youth around the track. Commissioner Meredith stated that there were two types of kids, one youth who obviously had some faculty difficulties, the other youth was a defiant gang member. Staff stated they didn't want to go hands on in fear of being put under investigation.

Commissioner Caster asked why there is not enough programming. Chief Deputy Mitchell stated that there is currently an assessment at all the camps in place to make sure there is adequate programming. The assessment should be complete with the next 45 days and a report is due to the board May the 14 or 19th. Commissioner Caster requested a copy of that report.

Probation Department To Distribute List Of Agencies Receiving JJCPA Funds

Chief Deputy Mitchell stated that the report is fiscal year 2018/2019, and the department is currently working on fiscal year 2019/2020 which is effective July 1. The JJCC is currently looking at the funding in terms of the various strategies that are going to be put in place.

Commissioner Levine stated that it would be helpful to see the differences in the two proposals along with the amounts given to agencies.

Chief Deputy Mitchell stated that there is a body called the Juvenile Justice Coordinating Council (JJCC) which oversees and recommends to the department the strategies for the comprehensive plan. The board directed the department to make sure the plan going into effect 2019/2020 reflects the overall strategies that were developed by this plan, working through the JJCC and task force. Probation will bring the recommendation to an agenda review on April 17 back to the task force. The commission will be included in terms of the report.

Commissioner Caster inquired if county counsel is challenging the JJCPA plan. Chief Deputy Mitchell stated that County Counsel is not challenging the plan itself. The question is the level of responsibility and oversight the JJCC has in terms of recommending specific budgets.

Commissioner Yamashiro inquired if there is data that shows recommendations that officers made that were not followed through. Chief Deputy Mitchell stated that there is no report available on that information.

Due to Commissioner Hebron not being present, item 6 was given before item 5.

Grievance Log Data and Sample of Grievance Notice Signage

Dalila Alcantara presented the signage and stated that they are posted in every unit in the day room. The signage states that no negative consequences will occur due to submitting grievances. Grievance forms are located everywhere where the youth congregate.

Commissioner Caster inquired if the sign can be posted and identifiable wherever the grievance forms are available. Ms. Alcantara stated that the signage is too large to post in the medical unit and there is limited space, but the department will definitely try to post the signs wherever the grievance forms are available.

Commissioner Swartz inquired about what will be the verification back to the commission that the sign has been posted. Mr. Dominguez stated that he would have to complete an assessment to see if signs are up at every camp. Signs are posted up everywhere, but the concern was that the signs were too small. A 30-day update will be provided by the department on the existing signage and 60-day update for the smaller signage.

Chief Deputy Mitchell stated that the department has been piloting the electronic grievance system at Dorothy Kirby and the department can provide an update.

Grievance Log Data

Commissioner Caster inquired about the reason why there was 12 complaints in February in the facility. Dalila Alcantara stated that there were electrical problems that led to not having hot water. This only lasted about 2 hours. 6 of the grievances were related to the phones not working which was repaired on March 13, 2019.

Commissioner asked about the 7 complaints in November 2018. Dalila Alcantara stated that a lot of the times it is youth complaining about other youth being in their unit.

Commissioner Swartz inquired with Commissioner Caster if she is satisfied with the data request. Commissioner Caster stated that she is satisfied with the data request and will have further questions at the next meeting.

Commissioner Caster inquired if the commission can get actual copies of the grievance forms redacted. Chief Deputy Sheila Mitchell stated that it was agreed that it would be

on a log and the commission has access to the grievance forms when conducting inspection reports in the facilities.

Probation Department Response to Commissioner Herbon's Inspection of Camp Paige

President Gardner inquired with Commissioner Herbon if there were any further questions.

Commissioner Herbon stated that he has not seen the response to the inspection on Camp Paige. The only issue is the number of staffs that are on the books but not working. Commissioner Herbon stated that as he expressed earlier, there is 25-30% of staff on FMLA and injury and we need to start working on the disease rather than the symptom. Commissioner Herbon stated that the holdovers are an issue as well, that is why there is staff on FMLA.

Commissioner Levine agreed with Commissioner Herbon. There are too many people out on various types of leave. Something is wrong. Commissioner Levine inquired on whether there has been a survey as to why employees are not showing up and suggested that the department conduct a survey. Commissioner Levine suggested talking with the district offices regarding a motion or an order because these issues seem to be occurring at several facilities.

Commissioner Meredith stated that the staff feel exhausted and overworked. Systematically there is a bigger problem. Commissioner Meredith stated that the underlying issue is the morale issue which seems to be the underlying problem, possibly because of the work conditions. Commissioner Meredith stated that it goes back 3 chiefs at the least.

Chief Deputy Mitchell stated that Mr. Smythe went over this issue at the last meeting. Department has done an assessment in terms of staffing; all the camps and juvenile halls are appropriately staffed in terms of the budgeted positions. It is not as though some of these issues started within the last year, they are systemic issues and the department is currently looking into resolutions to that. Commissioner Meredith stated that a confidential survey was distributed department wide. Chief Deputy Mitchell stated that the department is currently at a low staffing ratio today. It has been a systemic issue for some time within the department.

Commissioner Swartz suggested looking at the body count rather than paper count. Chief Deputy Sheila Mitchell stated that every single hall and camp has a budgeted allocation for the number of staffs that should be in those camps and halls. Budgetarily each hall is staffed appropriately. Who shows up each day may not be in terms of the positions itself and that is the issue at hand.

Commissioner Meredith inquired if the staffing report reflects daily that there are 14 positions, but 7 call ins were made so 7 people were able to be hired or not able to be hired back.

Commissioner Herbon stated that is one of the reports he has requested in the past, and the issue is the holdovers which has to do with the morale of the facility. Commissioner Herbon inquired with Mr. Nieto about how many staff were held over yesterday. Mr. Nieto stated approximately 3 or 4 out of approximately 70.

Commissioner Herbon inquired on how many of those staff are on some kind of restriction. Mr. Nieto stated that the morale is overall good, there are volunteers who stay overtime.

Commissioner Herbon stated that there is so many factors to look into. There is so much going on at every facility.

Progress Report Regarding The Probation Departments Response Regarding Nidorf Inspection

Commissioner Levine stated that the report looks great, but the department is addressing many issues that are ongoing and pending. Commissioner Levine made a request for the 2nd meeting in April for an update on the first quarter of 2019.

Dalila Alcantara stated that it is ongoing because it is more of a work in progress in terms of continuously enhancing and assessing those areas. Commissioner Levine suggested being specific on the notes on how the work is being done.

Mr. Dominguez stated that part of the ongoing efforts is to increase the number of budgeted items. The goal is to have a supervisor on each shift, which will require additional funding. That is why the items are ongoing and in progress. Items can be fulfilled but the department is far from the actual goal.

Commissioner Levine stated that she would like to be updated on how close the department is to the goal and suggested that there be specific type of training. The new recruits being put into the halls are concerning. Recruits need intensive training to prepare them for what they will face in the halls. Dalila Alcantara stated that there is a new training unit at Barry J. Nidorf where the new recruits are not assigned to units immediately upon reporting to the facility, they are given additional one on one training with coaches. Based on the overall assessment by the trainer, recruits are assigned according to their assessment and based on their interests and strengths.

Commissioner Levine inquired on the number of recruits left, out of the 37 that were hired. Dalila Alcantara stated that she would look into that information.

Mr. Nieto stated that the management team and himself sent some staff to an 8-hour training on Supervision. Mr. Nieto added that himself and Directors discuss staffing on a weekly basis.

Mr. Dominguez stated that a lot of the items that are being requested are currently being worked on at Central and with the success at Central those ideas are being incorporated into other facilities.

Commissioner Levine inquired about the peer support goal on number 8. Dalila Alcantara stated the department is currently working with DMH to identify some of their team players, and it is a matter of getting a timeline together with DMH.

Mr. Dominguez stated that there is currently a collaborative approach to training staff in a team approach as well. The Department is currently working with DMH.

Commissioner Levine inquired about a data report on who is in what positions within department as of today. Mr. Dominguez stated that information is on the website and will check to see if it was updated. Chief Deputy Mitchell stated that there has been a lot of changes.

IV. BUSINESS CONTINUED FROM PREVIOUS MEETING

Item number 9 tabled for a future meeting due to time constraints.

V. PUBLIC COMMENT

There were no public comments.

VI. ANNOUNCEMENTS

President Gardner announced that the next meeting will be held at the East Los Angeles Library, Gloria Molina Community Room, 48367 East 3rd Street, Los Angeles, 90022.

Commissioner Meredith commended the Probation Department Baker to Vegas running team under Russell Hollands leadership. The coed team finished 5th in their category, 66 overall out of 284 teams that competed in this year's race. Probation Department lost to San Diego County Probation Department, but beat Kern County, Orange County, San Bernardino County, and Riverside County Probation Department.

VII. ADJOURNMENT

Commissioner Mitchell moved to adjourn the meeting, Commissioner Levine seconded the motion and the meeting was adjourned at 12:00 P.M.