



COUNTY OF LOS ANGELES PROBATION COMMISSION
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JOE GARDNER
PRESIDENT

To: Ray Leyva
Interim Chief Probation Officer
County of Los Angeles Probation Department
9150 E. Imperial Hwy.
Downey, CA 90242

From: Joe Gardner, Probation Commission President
Randy Herbon, Commissioner, representing the 4th Supervisorial District

CC: Probation Commissioners, Board of Supervisors, Inspector General and Probation Oversight Commission

Hello Chief Leyva,

We are writing you regarding our facilities and staff deployments at our juvenile halls and camps during the pandemic.

As you know, the Los Angeles County Probation Commission has a duty to serve as an advisory oversight body to the Chief Probation Officer and the Probation Department under Article IV, Section 14 of the Los Angeles County Charter. We are fulfilling our duty through this official correspondence to address the conditions of concern.

Many months have passed since a health emergency was declared. Unfortunately, there is renewed concern that there will be a second wave in our winter months that will include the annual flu outbreak. We should now take the opportunity to review our response(s) to keeping our facilities safe. This report is not meant to be a criticism of the Department's response to date, but rather provide questions and suggestions to ensure the safety of staff and wards during the possible second wave.

Members of the Commission have received information that field office staff were being deployed two days per week at either a camp or a juvenile hall. We also know the special deployment is still in effect. We expect there will be a need to continue this deployment.

The details we learned are field office staff generally settled into a regular shift at the same facility. We were also informed some staff would work at a different facility each day they were deployed. In a recent Probation Department COVID-19 Weekly Update, it was reported 100 field and administrative staff tested positive for COVID-19 since the pandemic began. Although the numbers seem low, deploying field staff to various camps and halls would seem likely to spread the virus between facilities.

Commissioners

Joe Gardner-President, Hon. Jan Levine (Ret)-1st Vice President, Gale Swartz, 2nd Vice President,
Donald Meredith, Daniel Seaver, Azael Martinez-Sonoqui, Cyn Yamashiro, Esq., Jacqueline Caster, Esq.
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"In pursuit of reforms and accountability for better outcomes through oversight, transparency and community engagement."

We recommend that individual field staff working future assignments at camps and halls be designated to work only at one specific location when feasible. Complaints were heard from field office senior staff that they were expected to work late into evenings and return to their regular field office assignment early the next morning. Some endured long commute times and shortening shift turn-around times. Other field office staff found it necessary to cover caseloads for staff deployed at camps and halls. *Our second recommendation would be to accommodate senior staff and their requests to work at facilities close to their home and field office assignments when possible.* It would deter cross-contamination between facilities, improve field office operations and efficiency, not to leave out a boost to employee morale.

We received information that when someone tests positive for COVID-19, it is not clear who the infected person is. Staff are left to wonder and quarantine even though they may not have had direct contact with the infected person.

What is the department's position on contact tracing? Has the department offered any program to regularly test staff? Health Services has the capacity to test and the staff available and capable of testing staff regularly.

What happens to staff when they are quarantined? Are they forced to use their personal sick and vacation time? What about passing of infection to their families? One wonders how many family members test positive...

Some senior field office staff have said they are Individuals who are in the high-risk category. They also expressed some in their household are also in the high-risk category. Statements we heard were some sought exemptions from deployment from the department only to be denied. *Our questions are how many staff were exempted from deployment and how many were denied?*

Aren't mandatory deployments based on seniority? Don't those with the least seniority get deployed to those assignments? It stands to reason that those with least seniority are younger and able to endure those assignments.

Several field office staff gave accounts of being placed with the most difficult kids in a unit with no familiarity with the minor. Unit staff used field staff to avoid having to deal with violent recalcitrant youth. One Deputy conveyed an account of being stabbed by a minor with a history of assaultive behavior during a one-on-one monitoring with no knowledge or warning of the propensity for violence. It was said deployed staff never received safe crisis management technique training and were fearful of being involved in a restraint and not using "approved" methods.

Several Field Deputies have reported that they are often assigned the least favorable assignments in the institutions such as late dorm while regularly assigned staff are given preferential treatment. *We are requesting that the Department produce the "Monthly Schedules" from each facility for the month of September 2020.* This should indicate the status of each staff member permanently assigned to that facility as well as the assigned work location for staff scheduled for deployment. *In addition, we are requesting that the Department provide the Commission with the Daily staff schedule from Camp Rockey and Barry J. Nidorf for the week of September 6, 2020 through September 12, 2020.* Deployed Staff should be highlighted to confirm their status.

An older female staff member reported that when she was at Camp Rockey, she was assigned to monitor 6 young men in an enclosed classroom with no radio communication.

Staff interviewed acknowledged they are slow to respond to physical altercations after hearing of other staff being terminated by the previous Chief for not following proper procedures. Obviously, you recognize the safety concerns. I think you would agree supervision at the facility should be assigning staff based at the facility, knowledgeable with behaviors and conditions to handle circumstances like these. Doing otherwise places staff in jeopardy of harm and opens the department up to liability based on lack of training. *What is the status of department-wide training on use of force and intervention techniques?*

It was reported masks are “optional”, especially among the wards. Masks at facilities are regularly lost or just not worn. Most staff are following the guidelines, but certain staff do not feel their use is essential. *What are the department requirements for wearing person protective equipment? Is it clear to line supervisors to monitor and enforce those requirements?*

We would like to touch upon the now-closed Los Padrinos. In hindsight, Los Padrinos could have been utilized from the onset of the pandemic. The conditions of dormitory living contributed to outbreaks in prisons and jails throughout the country. Los Padrinos had been utilized just before the pandemic, housing the 300 evacuees from the Saddle Ridge Fire near Barry J. Nidorf Juvenile Hall. The operation of Los Padrinos was praised as a model of efficiency. Minors could have been housed in private rooms while still being grouped by Camp assignment. The central location would have made staffing more viable. Most minors housed in camps live within 20 miles of Downey. It would have been much better for visitation and family engagement. There is also an infirmary on site along with a multitude of unused office space for the Department of Mental Health and casework. The living units at Los Padrinos are equipped with electronic monitoring which would hold both staff and minors accountable for wearing masks and protective gear when necessary.

In summary, the Commission is requesting the Department provide specific responses to the following questions within 30 days of the receipt of this letter:

- How many field staff have been deployed to institutions?
- How many field staff requested exemptions?
- How many were denied?
- Is seniority considered prior to deployment?
- Have deployed staff received current training in:
 - Trauma-Based Treatment?
 - Safe Crisis Management?
 - CPR/First Aid?
 - Suicide Prevention?
 - Use of Force Continuum?
 - De-escalation?
- How many of the 100 field office personnel that have tested positive for COVID-19 have been deployed to an institution?
- How many of those that tested positive for COVID-19 had previously requested an exemption from deployment?
- Is there a risk of litigation from those considered high-risk that were deployed?
- Would it be possible or feasible to deploy field deputies from a specific area to a specific institution to minimize cross-contamination? For example, Rio Hondo/Camp Rockey, Van Nuys/BJN etc.

- How are staff notified when they have been in close contact with a co-worker that has tested positive COVID-19?
- Is every staff member that came in contact with the positive case of COVID-19 placed under quarantine for 14 days?
- What measures determine when staff are quarantined?
- What constitutes “Close Contact”?
- Once a staff member tests positive for COVID-19, what procedures does the Department implement?
- If a staff member tests positive for COVID-19 or is quarantined, are they required to use “Sick Time” or Vacation Pay?
- What proof must a staff member provide in order to be eligible for Workman’s Compensation pay?
- How does the Department facilitate contact tracing?
- Are specific staff assigned to contact trace, and what training have they received from CDC or Johns Hopkins?
- Has there been any follow-up on reviewing any collateral infections among family members of staff that have tested positive?
- Is there a process in place for regular, mandatory, on-site testing of staff?
- Has Health Services been contacted to determine the feasibility of on-site medical personnel conducting routine testing of personnel similar to the testing conducted by professional sports?
- What procedures are in place to hold both staff and minors accountable for wearing masks when necessary?
- Can field office personnel receive mileage for the difference traveled to an institution if that distance is greater than their regularly scheduled commute?
- Has the Department considered “bonus pay” for deployment assignments?

A final and especially important question is: *Why are camps and halls so understaffed that despite low populations they must rely on field staff being forced outside of their comfort zones to adequately staff the facilities?* If you speak with veteran staff, they will tell you the “culture” of the department has been destroyed. Not long ago each Camp or hall had their own culture and team identity. Personnel would come to work sick rather than leave their fellow Deputies short-handed. If someone were sick, other staff members would take turns covering their co-worker’s duties until they were able to return. Now it is every man or woman for themselves.

Many of the training and supervision deficiencies have existed long before your appointment as interim chief. There has been a recurring, systemic cultural problems that has existed long before you took leadership of the Department. Apathy and failures to report or properly supervise were at the core of some of the issues we write to you today. Hopefully, you and your executive staff are working diligently to implement training programs on ethics and supervision that the Probation Commission recommended many months before. We know it will take time and consistency to reach all levels of the Department. The Probation Commission would be interested in progress made.

We continue to recommend that greater consideration and attention be made to require all line supervisors be trained on identifying risk management issues and be cognizant of the liability to the organization for failing to act or use good decision-making.

We would like to thank you in advance for reviewing this letter of concern and recommendations to improve the Department. We know you and your staff may have already considered many of these issues and are working on implementing efforts to resolve them. Please plan to have the heads of these departments prepare a briefing for our commission 30 days after receiving this letter. We welcome the opportunity to meet with you to discuss any of these issues and recommendations.

Respectfully submitted,

Randy Herbon, Commissioner representing the 4th Supervisorial District

Joe Gardner, Commissioner, and Probation Commission president representing the 5th Supervisorial District.