



**STATEMENT OF PROCEEDINGS FOR THE  
REGULAR MEETING OF THE PROBATION COMMISSION  
LOS ANGELES COUNTY PROBATION TRAINING CENTER**



**WebEx On-line Session  
Thursday, December 10, 2020  
10:00 AM**

Present: President Joe Gardner, Commissioner Swartz 2<sup>nd</sup> Vice President, Commissioner Meredith, Commissioner Butler, Commissioner Seaver, Commissioner Martinez, Commissioner Yamashiro, Commissioner Caster, Commissioner Kaplan, Commissioner Shutan, Commissioner Herbon, Commissioner Zia, Deputy Director Tom Faust, Administrative Deputy Robert Smythe, Ivon Garcia

**Attachment:** [Video Transcript](#)

**I. ADMINISTRATIVE MATTERS**

Commission President Joe Gardner thanked everyone for their participation in this meeting, welcomed all and called the meeting to order. President Gardner announced that meetings are recorded and asked that everyone identify themselves prior to addressing the Commission.

1. Excused Absences: Commissioner Levine, Commissioner Mitchell
2. Roll Call

**II. APPROVAL OF MINUTES**

3. The following minutes were approved by the Commission: None

**The Probation Commission will receive, exchange, distribute information, conduct discussion, and take vote and action relevant to item 3.**

**III. PROBATION DEPARTMENT**

4. Report from the Probation Department regarding funding under the Juvenile Justice Coordinating Council (JJCC).

Deputy Director, Tom Faust reported - The new year JJCC will be meeting on January 14<sup>th</sup>, 2021 when the funding allocations are determined and voted on by the JJCC. There was a meeting on December 3<sup>rd</sup> of the JJCC there were three main agenda items one (1) was a presentation of the final report of the 2021/22 comprehensive multi agency justice plan and that was presented by the CMJJP subcommittee of which Mercedes Santoro is the chair from LA County Parks and Recreation. The comprehensive multi agency justice plan lays out the service strategies, service delivery and outcomes also funding parameters. The subcommittee also within the report lays

out recommendations for the full JJCC for funding allocation by program and project. The full body of JJCC will take up funding allocations at their first meeting of 2021 on January 14<sup>th</sup>. I noted an improvement this year, in prior years, in the subcommittee report and recommendations came out in prior years the JJCC then essentially almost immediately had to consider and report on it without a lot of time for a thorough review of all the proposals. Now they made additional time between the presentation of the comprehensive justice plan and the time they must consider and vote on it, which is January 14<sup>th</sup>. That gives the JJCC voting members now about five weeks where they could thoroughly look at recommendations for funding allocations and in the long run make more complete/better decisions on that. The other main agenda item that took place at the December 3rd meeting was that they are considering and passing a resolution to appoint a juvenile justice block grant ad hoc subcommittee. The reasons that was done is that it is required under SB 823. There's a requirement under SB 823 to create this new subcommittee under JJCC to be eligible for the grant funding from the state on DJJ youth so that creation and resolution to appoint a subcommittee was passed done as requirement under SB 823. I'll have a lot more information after January 14<sup>th</sup>. If it's the pleasure of the Commission when you meet sometime, you're a meeting we can certainly come back and give the commissioners more information on the actual funding allocations. Thank you.

**Action Item(s):** *No action items.*

5. [Report from Probation Department Administrative Deputy Robert Smythe regarding cost per minor under the care of the Probation Department.](#)

Robert Smythe reported - I provided a two-page report that one pages for juvenile halls one pays for juvenile camps the juvenile hall's average cost per youth is rounding up 404,000. per year and for the camps it's \$527,000, I'm rounding up to the nearest thousand and then I wanted to just describe briefly some of the impacts on our budget our juvenile hall and you don't count budgets and then open it up for questions. Four (4) things I'm going to go through. First one (1), I will keep it high level but please ask if you want me to drill down deeper, we have ongoing costs for our juvenile facilities even when those facilities are closed and I'll give you a couple of examples, I may have given to these to you in a prior commission meeting. For example: Los Padrinos Juvenile Hall cost us \$2.1 million dollars just to keep it there with no kids in it and you might ask what is that for, primarily that breaks down into three areas although there are more, but the three big areas are security, maintenance and utilities. We must have security 24/7 or we risk the place being vandalized on the outside and possibly broken into on the inside. We must do regular maintenance on things like plumbing, electrical, mowing the grass, fixing things, water leaks.

Commissioner Kaplan - I just and I wanted you to repeat the cost per juvenile ward in both the camps and halls.

Robert Smythe - For juvenile halls it's roughly I'm rounding off here to there \$404,000 a year the annual cost per youth and for juvenile camps it's \$527,000 per year so 404 or 527 halls camps

Commissioner Kaplan - Thank you

Robert Smythe – OK, no problem. It cost us \$2.1 million dollars and change minimum to keep

Los Padrinos vacant and that's for primarily maintenance security and utilities everything. We have to keep the grass mowed and you have to keep maintaining the pool, two security for vandalism, various maintenance issues, utilities, pest control, all sorts of things. One more example is camps Munz and Mendenhall. If you're not familiar with their side-by-side camps out in the Lake Hughes area, beautiful camps, but they have not been occupied for at least three years as far as I know. It costs us \$730,000 to keep up Munz and Mendenhall because again that's for security, maintenance, a big pest control issue up there with not only rodents and animals but also potential for termites. They also have a swimming pool, etc. those costs are ongoing. So that's one of the four things I wanted to mention.

The second one is between 2017/18 DSB and RTSP that's detention and residential treatment commonly known as halls and camps of cut 671 positions, that's reflective of clearing out positions from prior closed camps and Los Padrinos, quite a bit.

The third thing is we have an ongoing problem with what we call SNS costs, S&S stands for services and supplies, those are the things that we purchased that we need whether we purchase them from a vendor or from another County Department. The reason we have a challenge there is because as costs increase, we don't get budget increases to pay for those costs so the cumulative impact year over year keeps piling up. So for example if a Department like ISD if they get a cost of living raise for their employees, we're required to use ISD for certain services, as their costs go up they pass those costs along to us as higher billing rates, they bill us for their time, we call it interdepartmental billing. We don't get an increase for that, so those are to me, they're like backdoor budget cuts and those costs add up to millions, additional every year. So, it's a few million this year, a few million next year, soon you are into real money. I'm not picking on ISD, that's true of lots of departments, to do interdepartmental billing. In the County there are departments who are rich and Department who are poor. If I can use those phrases, I don't mean to disparage any Department for being rich or poor. But the rich departments are the department's that have one of two attributes, one is they can bill other departments for their costs and that's what ISD and Public Works and some others do. The poor departments have no one to bill, that's probation, the other rich attribute departments have is a guaranteed revenue source like Fire or Public Works they have guaranteed tax assessments to pay for them so probation has no one to pass cost along too but it does get cost passed to it through ISD in public works and Auditor Controller and Treasurer Tax Collector, etc. So, we're gradually sinking services and supplies because the costs keep going up. The cost to repair a car is extremely expensive for us because we must go through ISD. They're a monopoly. If we can't get out from under this monopoly, then there's nothing we can do. And by County policy the monopoly exists. Again, I just use ISD example I'm not picking on them. They do fine work. They're just very expensive at what they do. So that's the third thing. Ongoing cost, the cuts will be made in positions, yes it has cost.

The final thing is, this is more of a big picture issue, budget challenges coming to us in the very near future. There are three of those. One of them is measure J. That just passed. The voter initiative just passed measure J. It requires the transfer of, I believe, 10% of our net County costs. That's the part of our services not funded by revenue. That money is going to be transferred somewhere else to be, I believe, re-distributed to community based services and I may not be describing that completely accurately, I don't have the legislation in front of me, but basically it comes out of our budget and goes to Sheriff's budget another department's budget and goes towards committee based services. That will be a dollar amount we don't know yet,

we're still trying to figure it out. That will be 10s of millions of dollars.

A second budget challenge is reimagining juvenile probation, and these are in no particular order. The second one is reimagining it. That's an initiative or a directive passed by the Board of Supervisors about a week or two ago. That asks or directs \$75 million dollars to be redirected from probation to start a new Department of youth development. The timing of that I don't know but the dollar amount mentioned the goal was \$75 million dollars. It will be phased in over a few years but we're still waiting for clarification from the CEO on how this will be rolled out and the impacts on Probation.

The third of these impacts and then I'll summarize it all is the economically driven reductions at the CEO is now asking for. They've asked all departments in accounting for curtailment scenarios of 3, 5, 7 and 10%. We don't know what level of curtailment will be implemented this is for the coming fiscal year starting July 1, 2021.

So now I'm going to come back and summarize them all measure J re-imagining Juvenile Probation and the economically driven or Covid driven reductions. Those are the three. We don't know whether those are cumulative up on top of one another. In other words, they each pile up. That number, if true, is going to be well over \$100 million dollars. Or if they can count side by side, so to speak, so the same dollar one cut counted the dollars somewhere else, we don't know, probably it's the former not the latter. We're waiting for interpretation. County Council looking at some things but the point being is these could easily pile up to 100 million dollars or more with the \$75 million dollars re-imagining with the measure J 10% of net County cost our net County cost is about \$650 million dollars for 10% of that is \$65 million dollars. And some of that, they can't take because it matches revenue. If you have a revenue stream or a grant that says you put in a dollar; we put in a dollar. If we don't put in our dollar of net County cost the grand total doesn't give us the dollar revenue. That I believe is shielded. There are also ongoing costs that we have that net County cost can't be taken because you got to pay for it. For example: If we have a 10-year lease on a commercial building, we can't take the net County cost that supports that because you got to pay the lease. So ongoing costs where there's a dependency or linkage net County cost they won't take it what's leftover they're going to take 10% and then economic Covid driven reductions coming next fiscal year. We don't know what that dollar amount is going to be yet. But that's what we're planning for.

Commissioner Joe Gardner - Mr. Smythe did you ever put forward any kind of recommendations. You mentioned ISD being very expensive. You mentioned some other things as well. Have you put anything forward about recommendations to cut costs at the County level so that obviously we're not the department's not paying out as much in some of these areas?

Robert Smythe - I'm not shy about sharing my opinion. Yes, I have been a squeaky wheel with the CEO and ISB and others about this, for a long time. I've discussed this with some of my counterparts in other County departments. There's someone in my position in virtually every County Department. And those of us who were on the receiving end of these bills, we're aware of these impacts. I mean, like I said it, for probation it is millions every year, our buying power goes down. The problem is that there's no way to fund these things interdepartmental billing started 20/25 years ago. It's a great concept, if you truly have a free market from which we can shop but when you create monopolies for services like car repairs, carpentry, plumbing or electrical, we're a captive audience for ISD for Public Works. We get charged for use of the

accounting system; we get charged for use of the database that ISD runs. The accounting systems is my former colleagues at the Auditor Controllers, great people, but they build for their services. I don't see a way around this without each Department having its own allocation of net County costs. That the purpose of intermodal billing was to provide accountability, but accountability is not there if I must buy from a monopoly, I have no way around it.

Commissioner Gardner - I certainly would be interested, I don't know about the rest of my commissioners, but anything ask them recently that you may have go out there to the CEO or others that you would be willing to share regarding some budget issues that I would be interested to see those.

Commissioner Kaplan – So Munz/Mendenhall, when you were saying how much it cost and you mentioned swimming pool and like all these things. Has anybody really looked at that to see if there would be some alternatives to those costs? I think the swimming pools been drained. I think the last time I visited, quite a long time ago, was drain. Better fencing perhaps, a secure guard. Have you been looking at ways both in Los Padrinos and Munz/Mendenhall; all those kinds of places to see if there is a way to stop those pretty significant dollar amounts?

Robert Smythe - Yeah let me start with your observations about Munz/Mendenhall and then a little comment about LP. If I can remember here, I don't know if the pool has been drained or not, I personally don't, my house has a pool and I know I can't leave it drained. It will destroy the pump, it'll destroy the plaster, etc. Plaster must be wet, I'm not a chemist, I don't know why, but you must keep water over the plaster. But yeah, we're looking at that. One of the big challenges with Mendenhall is we potentially would have homeless people moving in there and that did happen with Camp Routh. In fact, there was a fire at Camp Routh about three years ago. I'm trying to get Camp Routh demolished because it's in decay position, but they want to charge us about \$200,000 to bulldoze it and then we have to remediate the septic system which is there as well. it's cheap camp Ralph is only about \$7,500 to \$8,000 to maintain per year and if you're going to charge me \$200,000 of demolish it or \$8000 to take care of graffiti and weed abatement, I'll pay the 8000 for the next 20 years. But back to your issue of Munz and Mendenhall. We reduced the cost to as low as we can, but we must have a security guard there or it will be overrun with either paintball wars, which happened at Camp Routh, or homeless people, etc. The pest control is primarily a little rodents and things like termites, so we must do that as well. We're trying to get the CEO to find an alternative use for it. There's been talk of a sober living facility and a Boy/Girl Scout, or scouting type facility; something like that. Get a community-based organization to take it. But one of the County policies that applies to all our facilities is if you vacate facility, whether it's a camp or a hall, you are still responsible for the cost of that facility until you get a new tenant. Coincidentally at Los Padrinos, we have looked at some of the costs there. Supervisor District 4 is putting a program in a portion of Los Padrinos and they have an eye on Los Padrinos for other programs but they are starting off in the hope center for transition age youth, I believe it's for pregnant and parenting females, vocational. I don't claim to be an expert but they're going to put a program in their starting very soon. So, I told them you know if you take this over you must take all the costs and they were not aware of that. And It's 2.1 million, so they're a little shocked by that. There is no solution to that 2.1 million but as they gradually start assuming responsibility for more and more of that facility, we're going to back away, it's not ours at that point. So, they have lots of plans and I admire their ambitious plans and that's great, lots of good intentions, but there's a cost that comes with it. We are working with CEO real estate trying to find alternative uses or in the case of Routh it's so

dilapidated can we just bulldoze it we're working with a fire County Fire they might want Routh so that may be an opportunity, but so far no bites, we've got hooks in the water but no bites, though we're trying.

Commissioner Kaplan - One more comment, not a nice one, but you know you've told us how much a youth cost you and the youth development act and those are significant increases in budget and I understand how that is overwhelming to your Department but as a longtime advocate I just have to say I do not have empathy for this Department because these measures are result of years and years of ineffective programs on the part of our probation Department and we as advocates have worked for decades and decades to try and remedy the situations without something so dramatic as mandatory, giving the community, or a lot of these things that are going to be mandatory for you now. So I think it's been a long time coming and even though it's going to cost a tremendous amount, I'm really happy and thankful that both of these measures have passed and this is not directed at you at all. I'm really trying hard to not directed this at you but you mentioned the CEO several times and I cannot get out of my mind an event that I was at some years ago which I think you were at Mr. Smythe where David Jensen that then CEO of LA County said this is not working what Probation is doing, "They are, to quote someone else, stuck on stupid". I mean that's an astounding quote to come from the CEO of LA County. And I think for years many of us see things that have been going on and it feels like we have been stuck on stupid. I for one am thankful that these two measures, the measure and the youth development act are going to force some movement forward and I wish it could have happened voluntarily. I wish it could have moved forward without these mandatory orders which can make it difficult to you but that didn't happen and that's where we are today. That's my final argument, I probably won't talk much more.

Commissioner Cyn Yamashiro – Mr. Smythe, I have a question about something that we learned this morning that it appears that the Department had revoked out of state placement licenses for all of the out of state placements that the Department contract for youths who don't have a suitable placement facility that is appropriate for them here in Los Angeles County. So, I'm just wondering, was that part of the effort to cut costs because I understand that that there's a fiscal impact of placing youth out of the County if it's not a county facility. I'm just curious whether that was part and parcel of this overall effort to reduce costs of the Department.

Robert Smythe - I can't answer that I think that's really a question for the juvenile folks I don't know if they are on this morning but it's not part of our budget processes put it that way if there is an effort to stop out of state placements I don't know why that would be other than just theoretically so the kids are closer to their community supports and closer to family that sort of things but I don't know.

Commissioner Yamashiro - if there's someone from the Department after that could speak to that question.

Deputy Director Tom Faust - I'm not sure if Deputy Director Felicia Cotton might be on, I did see it earlier, I can get more detailed information but I can't let you know that we just received some information in terms of what you're talking about. It's a decertification of those out of state placements coming from the state, it's not something that we're doing. We're just learning of this. I'll certainly get more details from you but I do want to make it clear that I do know that this is a decertification notice essentially that we're getting from the state for out of state placements

and bringing those youth back to other alternatives within the localities within the counties but it's not something that was precipitated by probation.

Commissioner Yamashiro – Did the state publish any policy, policy rationale or anything in terms of a notification to the Department or through the County at large regarding this change in changing policy.

Tom Faust - Not so much at this point and I believe just off the top of my head I believe there is a virtual meeting that has been scheduled, I think, tomorrow around 4:00 or 5:00 o'clock in the evening. So, I must get more details for you, but it is a state initiative.

Commissioner Caster - I think we're not looking at the elephant in the room here which is the labor cost so when I look at these figures, the halls the labor costs are 68% of the cost per youth and for the camps labor costs are 70% of the cost per youth and I think the question is understand if \$77,000 was spent on labor cost per youth in the halls and \$195,000 spent on labor costs for youth in the camps and I think the big question is what are they getting for that? I think we're spending a lot of time talking about like swimming pools and facilities and certainly that's an issue but I think these labor costs are quite a concern and one reason I bring it up is because I was speaking with a DPO yesterday who told me that at the facility he is at their ration they have is more staff to kids, for staff on the premises to kids. The ratio is kind of upside down. And he said a lot of these people sent there from the bureau offices that are being sent to work in these facilities are not even sure why they're being sent there. But I've also read somewhere that when the new Department is that replaces probation is created that all the people now supposedly that are in the probation Department are going to be guaranteed a job, once the transition takes place, whether that means there will be guaranteed a job in adult probation or I mean I'm not sure but I'm just wondering, what is the purpose of having a workforce of this size when the results are so poor in the Department that you know all five County supervisors are approving a plan to replace it?

Robert Smythe - I can't speak to the ratio to camp on a particular shift, of a particular day, of a DPO. You mentioned the deployment of DPO's which that stopped October 31<sup>st</sup>. That was an effort and in response to Covid to provide for greater social distancing and reduce the number of staff working double shifts, etc. So, there was a reason for that, that reason is dissipated. Those deployed staff are now back to their field offices. Regarding the labor issues again that all of that is speculative, we don't know what's going to happen. All I know is the dollar amount, I mentioned and how this rolls out in the future that's going to be a discussion with the CEO and board and so on and I have mentioned the CEO several times but the reason for that is that the CEO provides us with guidance when it comes to budget issues and issues of money and issues of different funds and other accounting details that all comes from them as the central ringmaster, if you will, the County wide budget in all County Department so we rely on their expertise and we rely on them to advise us on how they want things to look we submit budget documents including when responding to the board. We always coordinate with the CEO.

Commissioner Caster - Is not answering the question. \$277,000 per kid at the halls.

Robert Smythe - How much should it be. How much do you think it should be?

Commissioner Caster - I'm not sure but all I can tell you is that if somebody was spending

\$277,000 per year on my kid in in labor costs, I would expect him/her to come out with you know a stowed education, be in a situation where there's outstanding facilities, have top notch healthcare, have all their mental health needs met, have a plan for them to go forward. He put in a college level track or some kind of career track where their future is looking very bright and I can't say that I see that and also be in physical conditions where they're comfortable an it's amenable, it's a positive atmosphere, it's amenable to learning and good mental health.

Commissioner Swartz - So just a question for Mr. Smythe, glancing at these budgets briefly, I was noticing that there are still charges for food services, health services, phones, those kinds of support on these closed facilities, which are actually significant amount of money. So, if there are no youth there why or who are we feeding and who are we providing mental health to?

Robert Smythe – The costs on these spreadsheets are for 2019-2020, not the current year, so if it's closed there would be minimal costs for phone service, there are maintenance people, there would be no cost for food or clothing, I can't give you 2021 because the costs don't come to us on an even flow basis, so I can't predict what those costs are going to be until the year closes. So, this is as of close of the books when the books closed with the fiscal year ending in July. Camp Onizuka is listed on here and Camp Scott is listed on here, both of those were open for at least part of the prior fiscal year.

Commissioner Swartz – OK, and Los Padrinos too?

Robert Smythe – Yes.

Commissioner Swartz - Because I thought Los Padrinos shut down in July of 2019.

Robert Smythe - I don't I don't know the date and I see the costs that are on here are minimal. This may have also been for the evacuation so will be evacuated those kids from Barry J to Los Padrinos they were there for several months so this may have been the cost for that as well the food provider from Barry J moved over to Los Padrinos and we had to pay also some external food providers, I think, the provider was very innovative and they tapped into their partners at Kaiser hospital nearby Los Padrinos, to get food services started, until we can get the kitchen up and running so that's where that came from.

Commissioner Swartz - A comment to commissioner Caster I did some quick back of the envelope calculations for \$277,000 and it's basically 3 full time employees per year. If it's three (3) eight (8) hour shifts. I don't know \$44 an hour for an employee is unreasonable but it does add up quickly

Robert Smythe - Yeah and keep in mind, an average employee, if you add their benefits in their vacation, there sick time, workers comp, etc., it adds up fast. It is three full time employees per day but remember to 7 day work week so you have what's called a relief factor in there to cover for the 6 to the 7th day of the week so that kind of dilutes that a little bit more. But they are full time employees and benefits workers comp all that sort of stuff retirement it's all in their, 401K, 457 all that stuff.

Commissioner Swartz - I was just kind of doing the back of the envelope reasonableness check and I also know that we don't have one to one staff to youth even though I'm assuming that



those numbers are amortized over the number of youth and in custody sorry in our care, whatever we're supposed to say that is more politically correct than custody.

Robert Smythe - I don't know the replacement factor off the top of my head but it's something like 1.5 which means that you take 1 1/2 people to cover 24/7 shift, 24 hours a day seven days a week it's not 1 to one just one point 5 but again your math is basically correct.

Commissioner Caster - I'm not saying reasonable, or the benefits, whatever but when you allocate 3 full time staff to one youth you think the outcomes would be much better than they are.

Robert Smythe -It's one at a time not three at a time.

Commissioner Caster - But the fact of the matter is their budget is all allocated to the outcome for one youth, that's my point.

Commissioner Zia - Thank you Robert for the presentation. To make sure I understand the totality of the expenditures for years at around \$382 million dollars in total for both.

Robert Smythe - I have that, it was 2019/20, so apples and apples comparison, it was \$397 million dollars.

Commissioner Zia – \$397 million dollars. Approximately, its \$400 million dollars a year is what it's costing.

Robert Smythe - Then the source you mentioned that Public Works, there's no revenue source, so how is this being funded, the \$400 million?

Robert Smythe – We will round up to \$400 million for discussion purposes. The \$400 includes IDC, Transportation anything else that is not in the Juvenile Hall as well. We have five budget units, one of those budget units is for halls and camps and it includes IDC and Transportation CCTP or something like that. How is it funded? During this same fiscal year there was about \$90 million in revenue, the rest of it, is net County cost, so roughly \$310 million in net County cost and \$90 million in revenue adds up to \$400 give or take a couple million, I think I'm off \$3 million.

Commissioner Zia - Where is the revenue source?

Robert Smythe - It's state funding there's something called JPF funding it comes from the state JPF stands for juvenile probation funding

Commissioner Zia - And the \$310 million, is that taxpayer funded?

Robert Smythe - It's all taxpayer funded, included the revenue. In the camps there's another funding source called JPCF (Juvenile Probation Cap Funding) those are primarily the two revenue sources for halls and camps.

Commissioner Zia - And then what has been the trajectory have we had an increased in justice

involved youth and accordingly our costs have gone up? What's the correlation with the justice involved youth population and the funding?

Robert Smythe - I'm going to make a statement, agree or not, when you say justice involved use you mean detained youth, not those in the community? Because this is only detained youth.

Commissioner Zia – Right, in our custody and care.

Robert Smythe – Yes, in our custody and care in a camp or Hall. If they are in the community that's a separate budget unit. That's not part of this.

Commissioner Zia – OK, but that's still costing the taxpayers, right?

Robert Smythe- Yes, Probations total budget, again I try to stay away from numbers because I lose people early or they get bored, understandably so.

Commissioner Zia - I'm fascinated, I don't get bored and I don't mean speak for anybody else, but I think these are good for us to unpack.

Robert Smythe - Yeah stop me anytime. The total budget Probation, it's about \$975 million using a round. So, when you're talking about a budget here of \$397 million, that's out of \$975 million roughly. So, I think halls and camps and everything that goes with it is about 40% of the department's budget.

Commissioner Zia - Which is roughly a billion dollars?

Robert Smythe - It used to be a billion we took some budget cuts in and went under but I'm actually trying to look it up while we're sitting here, but it might, it will take me a minute to get it but I can get it, but keep asking questions.

Commissioner Zia - And how is that related to the population that was in our custody and in the community and how does that look at the population we're serving?

Robert Smythe - Basic math is that if the population were serving those down the detained position goes down and your costs are fixed and the average cost per youth goes up because you have less youth and it works the other way as well its population builds up the average cost goes down because you're deluding the costs with more kids or you're enriching the cost with less kids. It's basic math. I don't mean it other meaning just as a simple math problem.

Commissioner Zia - That seems to me that it's like a wrong incentive. In other words, the more youth that are going to be populating these facilities; it's going to cost us less?

Robert Smythe – Less per kid because you can have three staff supervising eight kids, you can have three staff supervising 15 kids. If you do this, the math, it dilutes the costs for three staff again 15 kids versus 8. It's going to be almost half of the 15 kids. So, the ratio is in the large part with drives the average cost per kid, but total cost stays the same it's the average that goes up or down based on the number of kids.

Commissioner Zia - OK so can you answer my question, on how we've been doing on that trajectory? How were we trending based on previous years?

Robert Smythe - Well the budget for juveniles and camps hasn't changed a whole lot. In the last three years it has gone up an average of about 2% per year. Almost all of that is S&S (Services & Supplies) not staffing.

Commissioner Swartz - Let me help, our average population has been declining and our trajectory is declining, and the significant cost is because there's so much overhead to maintain the facilities.

Commissioner Zia- Thank you Commissioner Swartz, I appreciate that Answer.

Jennifer Kaufman- I think it is important to realize though that the unfunded mandates have increased I don't think the budget the revenue has changed but the new title 15 requirements has a lot more significant impact of paperwork of competencies and all of this are why the budget increased. To meet those all those new regulations.

Commissioner Zia – OK, thank you Jennifer. That makes sense. We're dealing with it at the state and local level. That's a very prudent point. So, pensions and service providers those things are being also accounted for. OK, that's all.

Commissioner Herbon - You're amazing to work with? Do you have comparable figures from the state? I know there's no other counties even close to similar as ours in California or across the United States but do you have any other comparable figures because you know we're mandated to have a certain amount of staff and that staff has to be supervised and you know, I don't it doesn't seem that out of line to me but do you have any other figures?

Robert Smythe- The budgets for all counties are available and other publicly available documents, like the budget for LA County. You go to [LACounty.gov](http://LACounty.gov), click on the CEO, click on budget and there they are, alphabetically. It's four clicks of a mouse and you're there. That's what I just did. I've got our probation budget up on my screen now. But Randy to answer your question, I don't have other figures from other counties, it's certainly something that we can get but I don't happen to have it and then when you ask for figures you have to tell me what you mean by figures. I can give you their total budget, but I don't know how they break it down publicly. Ours is in I mentioned five budget units one of which is call Juvenile Institution Services that is just halls and camps and those things that relate to halls and camps like Transportation and IDC, so I don't know whether they have the same breakdown. I also don't know if it's an apples and oranges comparison. Some counties don't have halls they rent space in halls from a neighboring County. Another problem primarily would be the smaller ones and they have different programs and different criteria, so it's hard to compare across lines but it's possible it's just that you don't know if you're comparing apples and apples.

Commissioner Herbon - What about the state though Robert? Because it seems like the state, with the closing of DJJ and everything else seems like they would have something that we could at least compare, as I'm sure they're trying to say it's cheaper to pawn it off to the counties and it is to keep it at the state so they must be justifying their decisions.

Robert Smythe- Just going off what I hear in the media in state prison guards are, they are not cheap, they do cost something and I don't know if it's the same prison union that handles the juvenile facilities as well and again it's a different conditions apples and oranges but yes we can get the state figures. As well, but it's a matter of going on the Internet and looking up and you probably have to make some phone calls to each of those agencies whether it's a County or state and say how do you do this to how do you do that because everybody does it differently and the way you ask the question determines the way I answer it. So, the same goes for me asking them a question. You're asking me how much something costs. I can give you 10 different figures depending on what you want in that cost including, as someone mentioned, overhead. There are three levels of overhead in accounting so depending on what level you want or all it can change the figures.

Commissioner Martinez - Good morning, I have a brief question. Of the 671 positions closed where all those positions closed out of one place Los Padrinos?

Robert Smythe - Those are all from halls and camps. So, when halls and camps were closed, we grab those positions and we put them away, sort of speak, we call it putting them in the bank. So that they can't be filled. The people who were on those positions were moved to vacancies elsewhere. In some cases, do not transfer positions are put in the bank and that way they can't be filled and then we hold those and then we cash them into sort of speak we return them to the CEO. The board really. The CEO is just the liaison, so to speak. So no, none of those are from one place, they're from all the facilities that closed. But all those 671 are camps and halls. They're not elsewhere in the Department.

Commissioner Martinez - Were there any plans for more positions closing?

Robert Smythe - well we've got some big budget cuts as I mentioned and yeah we're going to have to make some tough decisions about positions and facilities and offices and again we're seeking clarity from the CEO and how this rolls out and when it rolls out so that's what we have to submit to the CEO but as soon as they give us clarity on how to do it. They ask a broad question, then we start asking questions like, give me detail, how do you want to look? So, we haven't decided that. But the general answer to your question is yes. There will have to be additional cuts to make, millions of dollar cuts.

Commissioner Swartz - I just googled this and Randy, I'm going to put a link in the chat, I was able to find the daily cost per youth incarceration for every County in the California. Now it's, I think, it's 2017/18 so it's a little bit lower than our 2019/20 numbers, but then I'll post the link and you'll be able to at least go and see it for California

Robert Smythe - Yeah but the Chief Probation Officers of California organization, they do a survey, I think, it's every other year but again it's an apples and oranges thing. You don't know what each Department does is loading into their costs or not loading into their costs and you don't know what kind of services they provide. What level of service they provide and of course there are regional cost of living differences as well? Cost of land and salaries. Salaries is obviously the biggest one whenever you're talking about a public service agency.

Commissioner Caster - Can I just ask why it took so long for us to get this?

Robert Smythe – Sure, right, I think what we had said earlier is we were working on the budget and the supplemental budget which ended in late September so then as soon as that was done we put the cost together in October and an here we are. But I also remind you that I asked for this in writing and never got it, under the Brown Act you're supposed to give it to me in writing, so I know what I'm responding to. I never got that. So, I just gave you what I thought you wanted. But again, Brown Act requires you to give it to me in writing.

Commissioner Caster - It wasn't given in writing Jack?

Commissioner Gardner - It was, perhaps it didn't filter down to Mr. Smythe, but we did submit that. And, we also had some discussions within the minutes.

Robert Smythe - The minutes are not a request, you have to give me a formal request According to the Brown act and I responded anyway and I did tell you that last time I came before this board. When the Board of Supervisors issues a directive they follow in in verbally it goes into the minutes and then they send a written notice the board's executive office sends a written notice of what they want that way we know we're responding to because I may respond in a way that it wasn't your thought but it's I'm interpreting it so the clarity is really important again I can give you cost so lots of different numbers depending on how much overhead I put in what I add or don't add into it. In this case I made sure it reconciled to water annual, but it is.

Commissioner Caster- Well I mean I think you know I'm sure you saw the minutes you know meeting after meeting and that just kept coming up and it would have been helpful had you told us that we needed to submit it in this format if we hadn't.

Robert Smythe - It would have been helpful if you put it in writing, it's a two-way street.

Commissioner Caster - I can't, you know, I don't run the Commission, I would I assume that in order to...

Commissioner Meredith - As the sergeant at arms, I think can be pretty much that this discussion now we're getting into some superfluous areas that we need to move on from

Commissioner Herbon - Agreed.

Commissioner Gardner - I agree as well.

Commissioner Smythe - Thank you.

Commissioner Gardner - Mr. Smythe, I appreciate you finally providing this information to us and I'm grateful for your time today. We are going to move on to item number six of the agenda.

Robert Smythe – Thanks everyone.

6. Discussion of response from Deputy Chief Faust regarding letter sent to Probation Chief Leyva regarding staff deployments during the pandemic. [Letter from the Commission sent 11-1-2020](#), [Response from Commission request 12-2-2020](#)

Commissioner Gardner- Item number 6 is discussion of the response from Deputy Chief Faust regarding the letter sent to Probation Chief Ray Leyva regarding staff deployments during the pandemic and just for clarification Deputy Chief Faust responded to this letter which was really sent to the Chief because the Chief is currently on medical leave. So, I appreciate him taking the time and initiative to respond to this letter. I would have hoped it would have come from the Chief himself.

Tom Faust - Commissioner Gardner thank you for providing me a copy of the letter that was sent to Chief Leyva so that I could try to be responsive to the request. As I mentioned the Adult and Juvenile Field Deployments at this point have ended as of the 31st of October. I can certainly say that it's been a deployment unlike any other circumstance, in terms of the scope of the deployment and the need. Just to give you a little background, shortly after the pandemic hit and all the requirements that came, to begin with the institutions, in terms of everything we had to do, to try to keep our youth and our staff safe and all the measures around social distancing and all those other requirements. Chief Leyva issued an emergency order in keeping with the emergency order from Public Safety that the County had to be essentially all hands-on deck. Certainly, over these months we've learned a lot. We've continued to refine a lot of our operations under the Covid situation. Operationally, we were literally learning and implementing new things on a weekly basis, much less, say a monthly basis. So, it's been quite a learning experience. The level of what the staff have done has been really a herculean effort. In terms of continuing to work under the pandemic conditions and continuing to show up day after day. We continue to improve on a more systematic approach, but I think a lot of credit is deserving of both staff, management, and the youth. Particularly in our facilities in terms of how the youth have been a part of this process.

Just a few other more general comments most of you may have seen that you know there's a nationwide Covid surge right now. I saw yesterday that there was a new single day record of, I think, over 3000 deaths due to Covid in the United States. As we all know the Governor of California recently has issued the surge response stay at home order in addition to the stay at home order, centered locally here in the in the County. Just as we're seeing in the general community, LA County, and the state, we are also seeing some surges, so to speak, of positive tests within some of our staff numbers. So, where the community sees some surges, we've seen some recent spiking in staff positive testing too. I think all of you get our daily Covid updates, where you may see numbers that reflect within particular units or particular facilities within our institutions where those quarantine numbers have been going up, but to give you a little more behind what that number is, in a really abundance of caution and working very closely with JCHS Dr. O, and our Health Services in terms of let's say a particular unit, within a hall or camp, if it's quarantined, number one it's mainly based on a staff member coming down where we've learned of a positive result. Much more so than a youth. But if we find that a staff member has worked a particular unit, for example, we are again working with JCHS as a precautionary measure, precautionary quarantine, so to speak, where we quarantine that unit. The youth are tested again because again as you know all youth upon initial admittance into our halls are tested but if we find a unit that quarantined in an abundance of caution we then retest the youth and we also monitor them through the] through the nurses and the medical staff. Just to give you an example at Berry J, over about the last 30 days where there been various again corn teams that have been put in various units, to be precautionary, we have re-tested about 100 youth and of those hundred youth that were retested only 3 out of 100 had a positive retest and

of those 3 they were asymptomatic. But again, we want to make sure that, in an abundance of caution, that we're going to quarantine those units anytime we have any possibility where there might have been some exposure. I just point that out so when you do look at the daily Covid numbers that's kind of a little bit more what's behind the units or buildings that are under quarantine. Director Deanna Carlisle, whose heads up our human resources, has been really doing great work. She and her team do most of the communication and following of the Covid measures. She's in constant communications with our staff and with the unions, in fact just yesterday, I believe it was we received a communication from Don Washington with the 685 Union, thanking Deanna Carlisle and her team. In terms of the level of communication that she's had with unions, union membership and our deputy director's, on a weekly basis which is probably, I doubt any other agency has the constant communication that we're keeping with our union. Every single week we have a weekly virtual call with the union and members of the union, because you know obviously their members are also welcome to participate and most of the time they questions, so we have a weekly Covid meeting with the unions to make sure that we're constantly and collaboratively working together to continue the Covid measurements that are necessary and I think it's been a very positive collaborative effort between the unions and between management in terms of, again, having weekly discussions on issues such as deployment, Covid measures, medical issues, etc. So, you know one of the things we're having been continually doing and have a great cooperation from the union is to guard against Covid fatigue. All of us may have a little bit of Covid fatigue and it's just incumbent upon management and again a collaborative effort with the union that we continue to make sure that that code fatigue does not affect operations and it continues to be at the forefront of everyone's mind. But I can assure you it certainly continues to be a priority and a deep priority in terms of operational measures on our end.

Commissioner Meredith - I read Commissioner Herbon's report and it did raise red flags with me one of which is it talks about staff having to use their own sick leave which I'm not sure exactly how that's coming about because under Senate bill 1159 there is rebuttable presumption for Covid for peace officers and I want to make sure that they are being provided the opportunity to make sure they're getting workman's comp and not having to use their own time number one that also keeps them for probably trying to show up to work if they're sick that's my question is: Are we following SB1159?

Tom Faust - Yeah there was a question that I responded to that asked, "What proof must a staff member provide in order to be eligible for workers comp pay" and they would file a claim and the administrator would review to determine if they meet the criteria and workers comp claims are handled not within the Department by the Department staff but by handled by Sedgwick but let me call on Deanna, I believe she's on the line, she might be able to give some more detailed information specific to workers comp or sick leave.

HR Director Deanna Carlisle - We're following all of the Labor Code changes in California as well as the Federal Labor Code changes the issue is the majority of our stuff not reporting they've been exposed in the workplace, if they're exposed outside of the workplace, at family gatherings and things like that which unfortunately they are not eligible for workers comp. They are eligible for the 80 hours of Covid leave. However sometimes people go a lot longer than 80 hours, sometimes people already exhausted the 80 hours. So with the rebuttable presumption what that means is that if somebody tells us I was exposed at my grandmother's over Thanksgiving then we determine that's not a workplace a workplace exposure and we have to

report all of this per one of the new labor codes, we have to report all of our information to the workers comp provider Sedgwick within three days. So, we give them all of the information that the staff is shared with us so to say that they're covered, I don't want to give false information. In some cases, they're not covered and, in some cases,, they've exhausted that 80 hours of coverage because they can go out for a long time. They do have still all their County benefits which are generous and if they have to go out longer they can utilize their sick time, their partial pay sick time, their vacation, and other accruals.

Commissioner Meredith - If I had been, rebuttable presumption , yeah, if I was exposed that's one thing, but if I don't know where my exposure is that becomes the presumption, number 1. Number 2 if I have a long term illness under 4850 that's to be extended out to not just the 80 hours currents just looking at where the welfare of the staff because I don't want them showing up to work if they're still sick.

Deanna Carlisle - I didn't want to give us black and white answer because it's on a case by case basis and it really depends on what that individual information they provide to us you're absolutely correct if they don't know where they're exposed that that falls under that rebuttable presumption and Sedgwick then takes the appropriate steps to basically do their own contact tracing.

Commissioner Herbon - I want to start off by saying you keep saying the staff are not deployed but that's totally incorrect. You have all the transportation all CCTP plus all of CDP still diploid. They're all still working shifts that should be assigned to the regular staff , you've got people have been forced to work from 10 at night till 6:00 in the morning when they have children at home, they weren't given any kind of a choice in that. They were just said OK you are going 10:00 at night till 6:00 in the morning from now on. You're also going to work on Friday and Saturday because that's the time when most of our regulars call out sick, so we have them cover for that. What really bothered me Mr. Faust and you said that you have they quarantine the unit out of abundance of caution for the kids and you tested 100 kids but yet there is no help with the staff as far as testing them. I ask if Health Services could be contacted to talk about testing staff when they come on duty at the beginning of the week and was told that was out of the question, which I just don't understand. If you can test 100 kids, you can certainly test you know 10-20 staff when they come on duty each week. Where's the abundance of caution for the staff. I'm not saying you personally the Department has deployed or ordered a lot of staff to be quarantined but some of them have been quarantined two and three times and that 80 hours is gone and different locations camps, field, juvenile Hall. The morale and the way they have reacted to how staff was diploid is, to me, it's been deplorable. It takes it few staff members as parts of a machine that can be easily be replaced. I'll tell you what, they are human beings, they have families, they have responsibilities, and I think none of that was taken into consideration with the deployment. I think the Department started off, ready shoot aim mentality and now you're trying to correct the mistakes. I'm hoping that they can be corrected and I'm hoping that you and I can sit down next week to go over some of these things because I know that Deanna Carlisle has the information available that we asked for in that letter. I know that she knows how many staff have been deployed. I know she knows how many staff requested exemptions that information is all readily available but yet in the letter that we received back it was said gee we can't find it, we're going to approximate at 650 staff deployed and I know it's much higher than that. So, I would like for some of my other commissioners to voice their opinions because right now. I'm just not real happy with the Department in the way



they've treated the staff the kids and I would also like to know with is their contact tracing for the parent because you say all this is coming in from staff but we've continued visitation and we reopened visitation during the pandemic. Have we been in contact tracing with the kids to find out; are we going back to see which of the kids tested positive? Visitors? There's a lot of things that need to be done and I don't think they've been done. I turn the floor over to whoever else would like to speak.

Deanna Carlisle- Can I just respond that you had quite a few comments to state, but I do want to let you know that I'm not involved in the deployment or the deployment numbers. I don't have those numbers. That's withing the bureaus. You would have to ask others. As far as the IPM's (Interactive Process Meetings) meetings held between a supervisor and staff (employees) to say I need an accommodation. Those go into their return to work file but we don't have a mechanism to track each and every one of them, we have a log, we could get him but we have to do it by hand manually and since we are absolutely overwhelmed trying to track everything having to do a code it, it would take longer than normal for us to find somebody in return work unit that could go through hand by hand file but file and find that. So, I'm not trying to put a barricade, not in anyway. It's just because that is a process that happens at the supervisor level once we get the documents, we will put them in their file but it's not something we track.

Commissioner Meredith – I want to follow up on Commissioner Herbon. He raised a couple of good points. I really see as a positive solution. One is why can't we test staff at the beginning of the week when they come in, for their safety and the safety of the people in the facility. Especially when testing kids follow it by testing staff. Number two is a good point. If the kids tested positive that means if they came in the facility positive are his parents going to be allowed to visit him? Does that increase the risk to the staff in the facility? Those is kind of two good relevant points he made, that should be followed up on.

Commissioner Martinez - Thank you Chief Faust for your information, my question is about the meetings that you're having on a weekly basis with the union in regard to Covid testing. What exactly, and I'm going to ask this because I've I met with so many probation officers in the fields and during my visits to central well none of them are happy to be there and they have all these complaints about that they are funded for a certain task and now are there doing something else. A lot of them claim that they have no training to sit with a kid on 1 to 1. I mean that question has already been answered by Bureau Chief Kaufman who mentioned that they are all trained to work but they also but another staff mentioned that there is a lot of staff that didn't get deployed from their field offices. That's my question.

Tom Faust - Not sure exactly about the question but let me just hit a couple items here. First visiting was mentioned several times. I do want to let you know that because of the recent stay at home order that went out this weekend and in consultation with Public Health and others. I did issue cancellation of outdoor in person visiting during this current stay at home order, which I believe will be about a three-week period. So right now, we are as of this week and coming up we will not be having the outdoor visiting available due to the again due to the additional lockdowns. However, I would say in terms of when visiting both when it starts up again and prior to this current suspension we have put in, I believe, excellent measures in terms of keeping those visiting safe. We work very closely with Dr. \_\_\_\_ in public health and a doctor at JCHS in terms of how those outdoor visiting's work. Making sure that visitors, all visitors, are screened. Making sure that social distancing is maintained, etc., And I continue to want to push to have

the in person visiting because it's very important to the families and to the youth but at the same time we are making sure that we're implementing that safely both for staff and for the visitors and the youth.

Commissioner Martinez - Can you hear me I know confused you. What my question really was is that, you're having meeting with union representatives or even union members. I haven't been able to find a field probation officer that wants to be there; that's what I'm saying.

Tom Faust – My answer to that would be again. We're working very collaboratively, and I'm sure that union leadership would agree with this, Mr. Washington, and others, that we are working very collaboratively with the union. As I mentioned we have since the onset shortly after the onset of the pandemic we have weekly sit-down virtual meetings with the union where things are discussed constantly. Issues may come up on Covid measures, on testing, on deploying, etc. As I said, Deanna Carlisle continues to have constant communications with not only with staff but with other County partners such as Public Health, Department of Health Services, etc. We put out a comprehensive Department workplace protocols for our staff and even in fact have an employee signed acknowledgment form where they acknowledge the importance of things. Again, going back to not having a Covid fatigue. You know, the face mask requirements the requirement to complete daily self-assessments, etc. In terms of saying, well you spoke to some people or a number of staff who you know aren't pleased about it or their assignment, I do have to say that this position as a sworn officer, in an emergency situation, it comes with the position, and I will very clearly say again that when this began Chief Leyva was unwavering in making all hands on deck order that again we are one Probation Department. We can't be a bunch of silos where I'm only Juvenile Field, or I'm only Adult Field and I can't work in an institution. This is an emergency situation and staff are expected to be deployed, that comes along with that badge and you know I would take some exception and I've told Commissioner Herbon. I'm more than happy and look forward to sitting down with you and talking through a lot of these issues and more information that you would like. I'm more than happy to do that. But at the same time, I do believe and strongly feel that we have been very open and very much have listened to staff either both individually, through our weekly meetings with the union and are very cognizant of the safety of the staff and not only the youth or anyone else at those institutions. But the bottom-line answer, somebody saying, well they don't like the fact that they are being taken off a particular assignment in the field to work in the institution. They need to understand that this is an emergency and it's all hands-on deck.

Commissioner Martinez - Thank you so much for that answer, I never addressed it or brought it to the table because I saw that commissioner Herbon had had the same running's or same I don't know how you want to call it but I always directed the staff working in the halls to take it up with their supervisors and their union leaders so that they can voice those concerns.

Tom Faust- And again I can assure you those discussions really are happening on a weekly basis with the officer's union.

Commissioner Martinez- Thank you so much.

Commissioner Herbon – The Directive that everyone is talking about is on November 20, 2020. As far as I can remember the deployment started in March or so. We waited until November, after this letter was received and answered, I find that a little weird. There are so many questions

about how this happened. You say that only 650 people deployed but you also say that we were all hands-on deck. So that would indicate to me that there were only 650 people working in Field Services in which I think is probably an under-estimate. I don't even know how to describe, if all hands are on deck and we are limited, it just seems way out of order.

Tom Faust – Again, I would be more than happy to get with you later further breakdown of any numbers you want if we have the information. But I was attempting to in a timely manner to respond. Mr. Gardner made me aware of this letter to get a response back to you and I think we provided a lot of good information. In terms of the 650 that was an approximate number of field staff per week.

Commissioner Herbon – I'm talking about bodies; I'm talking about people whose lives have been disrupted. I'm talking about 68-year-old people were sent to Juvenile Hall and they received less than, sometimes 30 minutes of training prior to the shift that have been not been involved in any kind of safe crisis management for 30 years. They haven't restrained a kid; they hadn't taken any classes in suicide management, but they were put one on one with kids. None of them had CPR, none of them had any of the training requirements that are normally required from institution staff. So, I think, just the fact that seniority wasn't considered, when suddenly it was an all hands-on deck. If you look at the chart that has been prepared as far as how many people were testing positive in the department. That surge did not happen until June and suddenly, we went from 19 staff and since then it has gone up exponentially to the point where we have almost 300 staff now that have tested positive. And I believe that was unnecessary. We did not have to have that if we had handled this properly since the beginning. So if you put all hands on deck the first week, two weeks, three weeks, people that have heart attacks previously, people that have just returned from shoulder surgery and you send them all out to camps that are 60 miles from their home. And you are sending them to one camp one day then back to their area office then back to the camp the next day. We're contact tracing but we are not doing a good job. We are not tracing the kids. We are not looking at the days before to figure out, ok where did they contact this? Were they working at one of the institutions when they came down with this? So, I mean there are so many problems with the way this was handled with the staff. I like that fact that you are addressing it, but we are addressing it as if they were numbers. Robert Smythe deals in numbers, you should be dealing with human beings that have families and that have other responsibilities other than the Probation Department and they have scheduled things, obligations. Now they are being forced to give up. And not just because of the stay at home order, they have kids that are at home. And we are not accommodating. We are no coming in, in an organized manner. When this first started we should have said a whole priority list, we should have opened it up for volunteers, we have young staff that are more than willing. I talked to ten people that volunteered in the very beginning to go to Dorothy Kirby Center and the Camps thinking that it was going to be a short-term deployment. The curve leveled off and they were still being deployed. October 31, 2020, we ended deployment and we still have people there. I understand that we have staff that are considered RTSB (Residential Treatment Services Bureau) but I believe they are being mistreated. I represent some of the staff members that I've talked with. I've talked with hundredths. The approach has not been people friendly. Mr. Faust, I still would like to meet with you next week because I want to make sure I know we are going to have to deploy again, I want to make sure that its done fair and in an equitable manner and that peoples families, people have been deployed that take care of an 80 year old mother at home. They live with the person and to me that's unfair. So, let's do it in a fair and equitable manner the next time.

Commissioner Gardner – I think that now Deputy Chief Faust, I am grateful that you want to meet with Commissioner Herbon to have a discussion in detail about the response, the letter and all the particulars. And I will look forward for you Commissioner Herbon for you to provide an update after this meeting. I wrote the letter because I share the same concerns that Commissioner Herbon has, some of the concerns regarding the fairness in the deployment and my greatest concern is obviously the cross contaminating between facilities and personnel spreading the Covid from one place to the other creating more of an impact. Commissioner Herbon and I worked collaboratively because we recognize this second wave was going to come and I think we should really tweak the way we did the deployment so that we minimize the impact that this second wave is going to cause to our facilities and our personnel. What I would like to do is close on this. Commissioner Herbon please let me know when you would like to have a follow-up discussion.

**Action Item(s):** *No action items.*

**The Probation Commission will receive, exchange, distribute information, conduct discussion, and take vote and action relevant to Items 3 and 4**

### **PROBATION DEPARTMENT**

7. The impacts of transition of DJJ custody services to the supervision of LA County, including recently passed legislation signed by Governor Newsom. To be presented by Deputy Directors, Felicia Cotton, Dalila Alcantara, Scott Svonkin and CEO Manager of Government Relations, Patricia Carbajal.

*Legislative Update.pdf*

- a. Public Safety Concerns (DJJ ages goes to age 25)
- b. Custody management (Need to increase training from current BCSC Juvenile Core Course?)
- c. Field Supervision (Similar to how PCRS/AB109 is done or like currently done by Juvenile Field Services?)
- d. Fiscal Impact (any state reimbursement? Cost to county? Revenue source?)
- e. Facility needs (Upgrades for handling a higher risk population)
- f. Anticipated numbers - 70+- as stated by Deputy Director Cotton on 6-11-2020
- g. Types of offenses (Usually very serious felony crimes)
- h. Mental Health issues
- i. Alternatives to incarceration

There were no additional comments in this area.

**Action Item(s):** *No action items.*

### **PROBATION DEPARTMENT**

8. Trailing agenda item continued from previous meeting to be addressed as the Probation Department obtains more information. These items will be in future agendas.
- Budgetary cuts by percentage

- Where would cuts be made?
  - Freezing positions?
  - Freezing programs?
  - Delayed procurements?
- The impacts of transition of DJJ custody services to the supervision of LA County.
  - a. Public Safety Concerns (DJJ ages goes to age 25)
  - b. Custody management (Need to increase training from current BCSC Juvenile Core Course?)
  - c. Field Supervision (Similar to how PCRS/AB109 is done or like currently done by Juvenile Field Services?)
  - d. Fiscal Impact (any state reimbursement? Cost to county? Revenue source?)
  - e. Facility needs (Upgrades for handling a higher risk population)
  - f. Anticipated numbers - 70+- as stated by Deputy Director Cotton on 6-11-2020
  - g. Types of offenses (Usually very serious felony crimes)
  - h. Mental Health issues
  - i. Alternatives to incarceration
- SB 889 (Proposed legislation changing minors to youth)
  - a. Makes Juvenile prosecution and juvenile 19 and under
  - b. How to use facilities to keep 18+ separate from those 17 and under
  - c. Fiscal Impact due to adding 18 and 19-year-old the Juvenile System, (any state reimbursement? Cost to county? Revenue source?)
- Education planning for new arrivals from DJJ - high school diplomas for those who have not gotten already; college courses for others.
- Community service providers that they are working with to provide services both within the facilities, and once youth are released:
  - a. Job training/placement.
  - b. Mental health support.
  - c. Drug and alcohol support.
  - d. General re-entry preparation.
- Family counseling

Trailing agenda item continued from previous meeting to be addressed as the Probation Department obtains more information; these items will be on future agendas.

President Gardner asked if anyone from Probation had any comments in this trailing agenda item.

Tom Faust – I just want to make the Commissioners aware that Chief Deputy Reaver Bingham for Adult Services has announced his retirement after 38 years of service to the department. His official retirement date is March 31, 2020. Also, The board of Supervisors had a special closed session yesterday and another memo came out that they will have another special closed session tomorrow Friday on some county special matters, one of them is involving the consideration of candidates for the appointment for Chief Probation Officer and then I saw as part of the close session agenda for tomorrow appointments to CEO and County Counsel but I did want to let you that the process of the consideration of Chief Probation Officer appear to be getting close.

Commissioner Yamashiro – The reports that we have had recently of the number and the percentage of youth that are currently in quarantine is a number close to 60%. So, I was curious if we can just get an update from the department on the quarantine situation. And I know several my colleagues have had question around the extent to which the department has been able to maintain Title 15 requirements and the education requirements given the segregation. So, if we can get some idea on how the department is handling the infection rates and the quarantine in the halls and the camps, that will be an important point for us.

Tom Faust – When you look at the daily Covid report that we put out. When we are putting units on quarantine. We are doing it in collaboration with JCHS and we do that not necessarily that someone is infected within their units but precautionary. If we learn that a staff worked in a particular unit and then we find out that staff member reports us that they tested positive. Along with JCHS, as a precaution we will place that entire unit on quarantine. It doesn't mean that all the people in that unit are at all positive or that anyone in that unit is positive. We quarantine them then JCHS will test the youth within the units and monitor those youth. That is behind the numbers of those that are quarantined.

Bureau Chief Mark Garcia – Education piece in preparation of this day that we did not think would come, we worked closely with Los Angeles County Office of Education (LACOE) extended wireless networks at each of the halls and camps. Units that are not in school are able to do remote learning. Wireless networks are in the living units. So, while they are in quarantine and unable to go to school, they can do remote schooling.

Commissioner Yamashiro – I think what my colleagues and I were wondering is the extent to which the quarantine status, taking Barry J as an example, how the quarantine status looks like. This is something that we really didn't address as a group. At least when the percentage of the population has been quarantined to this extent. Can somebody give us an idea of what the quarantine looks like and what steps the department is taking. Where the youth are, how are they being segregated? And thank you Mark for the update on the education piece. But the Title 15 issues that might arise. For example, if a minor being quarantined must be alone which would run up against being in isolation. If someone can paint a picture for us so we can have an granial understanding of what the quarantine looks like an what efforts the department is taking to ensure all the Title 15 requirements are being met and how the department is essentially handling it from a physical stand point.

Jennifer Kaufman – I wanted to explain the difference between isolation and quarantined. In quarantine the kids are in a living unit, if a kid is in isolation they are sent to a medical unit. All kids are getting a similar program, religious services, virtual education, and haircuts. We are hiring our own internal barbers.

Tom Faust – When we speak of quarantine the kids, they are in their same housing unit. They are not being moved or placed somewhere else. They are not isolated.

Mark Garcia – Quarantined versus medical isolation. Quarantined is a precautionary measure. It does not necessarily mean any of the kids are infectious or Covid positive and then they are check by medical personnel twice daily. During that period of quarantine, they are basically treated like a family living group because they are together. Just as your home would be.

They can go out to do recreation. For example: they stay together, away from other living groups and wearing their masks. They can attend school in their unit, able to attend court within the unit virtually until the time when they are cleared from the quarantine. They get everything they are supposed to get except it's not in person. Visiting, school, church, and court is all virtual and meeting the Title 15 requirements.

Commissioner Caster – Can Probation report back to us their reaction on the reimagining of Juvenile Justice.

*Action Item(s): No action items.*

**The Probation Commission will receive, exchange, distribute information, conduct discussion, and take possible action relevant to items 5 and 6.**

#### **IV. GENERAL PUBLIC COMMENT**

9. No public comments were submitted.

**The Probation Commission will receive, exchange, distribute information, conduct discussion, and take possible action relevant to item 6.**

#### **BUSINESS CONTINUED FROM PREVIOUS MEETING**

#### **V. COMMISSIONER REPORTS AND UPDATES**

10. President Gardner – I submitted reports for Camp Afflerbaugh and Barry J. Nidorf and Commissioner Herbon is currently working on Camps Paige and Rockey. Any feedback you have regarding any reports I submitted; I would be glad to hear them.

*Action Item(s): No action items.*

**The Probation Commission will receive, exchange, distribute information, conduct discussion, and take possible action relevant to COMMISSIONER REPORTS AND UPDATES.**

#### **VI. NEW BUSINESS**

Commissioner Shutan – District Attorney (DA) has been invited to the January 7, 2021 meeting, it looks like, I don't think we have a meeting on January 7<sup>th</sup>, it's on January 14, 2021. I don't want to direct the DA to a meeting we are not having.

Commissioner Gardner – Thank you for pointing that out. It's a typo.

Commissioner Herbon – Been working getting the Inspection Reports and things from Camp Paige and Camp Rockey and I am running into a little difficulty. So, Tom can you send me all the necessary inspections. Because the secretary there has put them all on hold. I thought it was worked out, but I still haven't received the reports. The prior safety inspection so that I can do the reports. Jennifer if you can get with the director there and send them to my attention.

Commissioner Gardner – Jennifer can you confirm if the most up to date 2020 Inspection Reports are available for all Camps?

Commissioner Gardner – We are working on getting LA DA Gascon for the January 14, 2021 meeting

***Action Item(s):** Jennifer Kaufman to obtain the most up to date annual reports to the Probation Commission [Public Health (Environmental, Nutritional, Medical), Fire, Public Works].*

**The Probation Commission will receive, exchange, distribute information, conduct discussion, and take possible action relevant to NEW BUSINESS and proposed topics next meeting.**

**VII. ANNOUNCEMENTS**

Annual election of Probation Commission officers is scheduled for January 14, 2021.

**VIII. ADJOURNMENT**

We will adjourn this meeting in memory of Detention Services Officer Eric Lamont Armstead who passed away on Thursday, November 26.

DSO Armstead proudly served the County of Los Angeles for 12 years. He began his career with the Probation Department in September 2007 at Barry J. Nidorf and then later transferred to Los Padrinos Juvenile Hall in 2014. His last assignment was at Barry J. Nidorf Juvenile Hall.

The Los Angeles County Probation Department acknowledges and appreciates the decades of service and dedication of DSO Armstead as we mourn his passing. As his Probation family, we send our condolences, prayers, and thoughts to his family, friends, and loved ones.

The meeting was adjourned at 12:14 P.M.