

**REVISED MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND October 17, 2017
JANICE HAHN**

Exploring Protocols and Structures to Actualize Ongoing Probation Reform and Accountability

For decades, the Los Angeles County (County) Probation Department (Department) has been challenged to fulfill its mandate of rehabilitating youth and adults under its care. From excessive uses of force, federal monitoring and class action lawsuits, the mismanagement of funds allocated for community support, and the lack of continuity due to a steady change in administration, there are myriad concerns that have needed core correction.

Over the past few years, the Board of Supervisors (Board) has approved multiple motions focused on reforming the Department, including auditing the Department (Ridley-Thomas and Antonovich, April 14, 2015), exploring permanent Department oversight (Kuehl and Ridley-Thomas, February 2, 2016), changing the Department’s governance and structure including a potential split between youth and adults (Ridley-Thomas and Kuehl, February 16, 2016), examining camp closures given the poor shape and high-cost of facilities (Solis and Knabe amendment, February 16, 2016), ending solitary confinement in the camps and halls (Solis and Kuehl, May 3, 2016), rolling out a rehabilitative model at the girls camp (Kuehl and Antonovich, July 26, 2016), strengthening critical incident protocols to prevent and better respond to abuse (Ridley-Thomas, August 2, 2016), and ensuring effective use of Department funds (Ridley-Thomas, April 18, 2017).

Connected in part to these motions, the Auditor-Controller (A-C) has conducted sixteen audits of the Department in just over three years, reviewing the following: fiscal policies around cash handling and trust funds (February 19, 2014), cellular phone usage

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MOTION

SOLIS _____

KUEHL _____

HAHN _____

BARGER _____

RIDLEY-THOMAS _____

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(February 3, 2015 and May 8, 2017), Department of Justice (DOJ) monitoring of juvenile halls (February 22, 2015), DOJ monitoring of probation camps (April 6, 2015, June 10, 2016, and December 6, 2016), contracting (May 29, 2015), information technology and security (July 1, 2015), budget including juvenile facilities operating costs and contracting (July 24, 2015), Assembly Bill 109 realignment (October 27, 2015), accounting (December 10, 2015), hiring practices and grant administration (January 22, 2016), interviews of youth (November 15, 2016), critical incident protocols (August 2, 2016), and accumulation of Juvenile Justice and Crime Prevention Act and Senate Bill 678 funds follow up (March 31, 2017).

These audits yielded findings such as deep challenges with hiring staff, over \$150 million in unspent adult funds, and inconsistencies with contracting procedures. As a result of these efforts, there have been numerous reports, analyses and recommendations. Resource Development Associates (RDA), the consultants retained to conduct the Probation Governance Study, noted that its team reviewed over 100 reports previously written on Department reform, many of which were comprehensive, but recommendations were rarely implemented. As RDA noted in its 120-day report, too often workgroups, consultants or departments have identified problems and offered solutions, but issues remain unresolved.

To date, the lack of coordination and synthesis of all the analysis and recommendations pose serious challenges for implementation. The sheer number of recommendations requires coordination among reform efforts to avoid inconsistencies and further inaction. Neither the Department, nor any one consultant, has the capacity to consolidate all of these reform efforts into a single roadmap and ensure effective implementation. Continuing to depend so heavily on the A-C to monitor this wide range of issues has not proven to be effective and exceeds the scope of the A-C's mandate. An independent entity, working in partnership with the Department, to coordinate the various findings and develop a thorough implementation plan would help move the County from analysis of the Department to meaningful adoption of policies and procedures.

The need for reform and accountability is underscored by troubling events over the past several weeks. On September 20, 2017, a County probation officer was sentenced for

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sexually assaulting girls as young as 15 at Camp Scudder; a related civil lawsuit filed in federal court alleged that multiple staff knew about this behavior and did nothing to intervene. Also on September 20, 2017, the Board approved a \$3.9 million settlement pertaining to a 15-year-old youth who suffered severe brain damage and became a quadriplegic after being assaulted at Sylmar Juvenile Hall. Lastly, it was reported that on September 27, 2017, three Probation Commissioners visiting Central Juvenile Hall uncovered that several youth may have been held for days in solitary confinement, without attending school, receiving appropriate mental health evaluations, or being closely monitored by the Department. If these allegations are confirmed, this would be a violation of the Board's directive, adopted on May 4, 2016, to end the use of solitary confinement for youth in the County's juvenile detention facilities. These events demonstrate the need for urgent action.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Direct the Chief Executive Officer (CEO), in collaboration with County Counsel, the Chief Probation Officer, the Auditor - Controller, at least one staff member from each Supervisorial district, Resource Development Associates (RDA), labor representatives and other parties deemed appropriate and necessary by the CEO, to report back in writing within 60 days with recommendations required to create an independent entity (Entity) focused on Probation Department (Department) reform and public accountability as well as coordination of existing recommendations and efforts produced to date. This report should incorporate input from relevant stakeholders, including community advocates, and include:
 - a. Research and analysis of the legal status and charter of the existing Probation Commission (Commission) to determine if and how the Commission could be modified to serve as the Entity referenced in directive 1 above;
 - b. Other options for creating the Entity referenced in directive 1, in the event the Probation Commission is determined to not be appropriate;
 - c. Recommendations on structure, membership, term limits, and proposed ordinances necessary to establish and sustain the operations of the Entity

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with diverse representation including lived experience, and content expertise related to the Department, juvenile justice policy and criminal justice reform efforts targeting adult populations.

- d. Staffing and funding plans for the Entity, including provisions for office space and equipment. The staffing plan should include dedicated Los Angeles County (County) staff, pro bono professional support, and those already engaged with reforming the Department and consider reallocation of resources from existing oversight efforts where appropriate; and
 - e. Recommendations for incorporating any existing or previous efforts and groups focused on Department reform into the Entity's scope of work or structure to avoid duplication; and
2. Direct the CEO and County Counsel, in consultation with other parties deemed appropriate, to report back in writing in 60 days on the feasibility of establishing an investigatory role for the Office of the Inspector General (OIG) to further the goals of Department reform and accountability.

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(DJJ/MN)