



Robust Independent Oversight of the Los Angeles County Probation Department: A Historical Legacy

A Coalition White Paper

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Executive Summary

Public engagement in independent and robust oversight of the Probation Department in Los Angeles County is older than the County's Probation Department itself or even the formal position of Chief Probation Officer. Debates about the powers of the future Los Angeles Probation Oversight Commission (POC) should draw on this history, which reflects decisions made by the California Legislature to establish substantial oversight powers over all probation departments in California, including in Los Angeles.

The California legislature formally established independent Probation Committees in 1903/1905, and formalized expansive oversight powers over county probation departments in 1961 through the creation of Juvenile Justice Commissions (JJC). While the 1961 legislation did not establish a JJC in Los Angeles County, instead retaining a parallel Probation Committee in accordance with the County Charter, Los Angeles County's Probation Commission and the future POC are vested with all of the powers of a JJC except for those related to the appointment and removal of the Chief Probation Officer.

Legislative history clearly establishes that all JJC and the Los Angeles Probation Committee (later renamed the Probation Commission), must have at least the following investigative and oversight powers:

- Power to conduct public hearings;
- Power to conduct investigations, with the assistance of the power to seek a subpoena from a court requiring attendance and testimony of witnesses and production of papers at commission hearings;
- Power to access all facilities where youth are detained, including all Probation Department halls and camps, or placed in out of home placements, including group homes; and,
- Power to change policy through making public recommendations directed to any and all stakeholders in the justice system.

These functions are the legally-mandated floor for the powers of the POC.

The Los Angeles Probation Reform and Implementation Team (PRIT) and Board of Supervisors (BOS) must ensure that the POC exceeds this baseline and has broad powers in order to ensure the Los Angeles County Probation Department is a model department and to guarantee transparency and accountability to the public.

Introduction

The expansive roles and immense powers of the Los Angeles County Probation Department are at the heart of the effort to establish permanent oversight. The Department has an annual budget of close to \$1 billion, supervises over 40,000 adults and 8,000 youth each year and has more than 80 facilities, including 24 area offices, 3 juvenile halls and 8 camps (including Dorothy Kirby). Probation officers in Los Angeles County make decisions about arrest, diversion, filing juvenile delinquency petitions, detention of children, how long children are detained in county halls and camps and how they are treated when there. They also have tremendous power over adults on probation, including whether to subject them to onerous conditions of supervision and even “flash incarceration” for short periods in jails. The Department is involved with the entire spectrum of actors in the justice system – from police to prosecutors and defense attorneys to courts to jails and juvenile detention facilities to the prison system – as well as with a growing network of community-based service providers. The realignments of both the juvenile and adult criminal justice systems to rely more heavily on local juvenile facilities and jails have only vested more power in the Department; and recently-enacted bail reform legislation may place the Department at the center of an even broader range of life-altering decisions affecting thousands more.

As a matter of law and policy, the vast role and powers of the Department require that POC have broad powers to engage in meaningful oversight. This must include:

- Power to receive complaints and secure information;
- Power to inspect facilities and operations;
- Power to investigate misconduct and make findings and recommendations about individual and pattern and practice issues;
- Power to analyze and make recommendations about budgetary matters; and,
- Power review and make policy.

A copy of a letter outlining more specific recommendations, sent on July 23, 2018 by a coalition of groups to the members of the PRIT, is attached as Exhibit 1.

The PRIT, formed by a May 1, 2018 Motion of the BOS, is currently developing a set of recommendations about the powers of the future POC, set to be established by the BOS in 2019. It is vitally important that the upcoming recommendations of the PRIT and subsequent BOS action reflect the history and legislative intent of robust independent oversight of probation in Los Angeles and California, as well as the recommendations of multiple groups that have analyzed the issue and urged a strong oversight body.¹ The PRIT and BOS should heed the legal and policy mandate of the

¹ The 2016 recommendations of both the Board of Supervisors-created Working Group on the topic (resulting in what is known as the “Chodroff Report”), as well as the recommendations by the existing Los Angeles County Probation Commission to that Working Group, have underscored the importance of a set of core powers, including some that echo the historical role of probation committees in overseeing the work of probation officers. These recommended powers of the POC include having the staff, resources and the power to investigate (to subpoena documents and testimony, to hold hearings, to inspect facilities), to ensure transparency (to receive and make public audits, reports, statistics), to have a role developing policy (to make recommendations, to require a response to recommendations from the Department), to engage in the budgeting process (to review and comment on the proposed budget), to consult with community groups, and to play a role in the selection and continued tenure of the chief probation officer. Recommendations of the Los Angeles

state legislature and ensure that the POC has robust powers. Deliberation should move away from debating certain important powers already guaranteed by law (the powers to conduct hearings and investigate, with the assistance of inspection authority and the power to seek subpoena, the work of the Probation Department, and then make public recommendations) and instead focus on the extent of and relationship between different powers and duties.

The History of Probation Oversight in Los Angeles County and California Shows that Independent Oversight of Probation has Always Been a Pillar of the County Justice System

Since before there was a Chief Probation Officer or Probation Department in Los Angeles County, there was an independent body of community members engaged in oversight of the work of probation. From 1903-1961, California Probation Committees played an oversight role that included a broad range of operational and administrative responsibilities, including running county juvenile halls and hiring and firing probation officers for most of that time. In that same time period, even as county probation departments across the state were created and charged with more powers and responsibilities, the duties and independent oversight powers of Probation Committees grew. Further, despite Los Angeles becoming a charter county and vesting appointment and removal powers over the Chief Probation Officer and Probation Committee in the BOS, the legislature continued to bestow a range of other oversight powers upon the County's Probation Committee. In 1961, the legislature decided to reduce the Probation Committees' day-to-day, operational duties in the juvenile justice system and channel their work into investigation, transparency and policy-making through public recommendations. This history illustrates the extent to which independent oversight of the Los Angeles County Probation Department is part of a rich historical legacy of community involvement in probation and the juvenile justice system in California and that robust powers for such oversight have been legislatively-mandated for more than a century.

Independent Oversight From Probation's Earliest Years

Independent oversight has always gone hand in hand with the juvenile justice system and probation in California. California first created juvenile courts in 1903. In doing so, the legislature empowered those courts to create boards of "reputable [county] citizens" to do two things: investigate the private charitable institutions to which courts at the time committed children who were found delinquent or dependent and investigate any person seeking to be temporarily appointed by the courts as a probation officer.² It wasn't until 1905 that the legislature formally established the office of the county probation officer and gave these boards – renamed county "[P]robation [C]ommittees" – the power to appoint

County Probation Commission (Letter to the Working Group for the Civilian Oversight of the Los Angeles County Probation Department dated April 28, 2016); Recommendations for the Establishment of a Civilian Probation Oversight Commission, dated December 12, 2016. (Community groups, including those directly affected by the probation department, also made comprehensive recommendations to that Working Group; such recommendations by the Youth Justice Coalition are attached as Exhibit 2.)

² STATUTES OF CALIFORNIA 1903, 44 *et seq* §§ 6, 10 (1903). Los Angeles was at the vanguard of this, with an active group referred to as the "juvenile board.." *See* Letter of from Curtis D. Wilbur to the Governor of California Concerning the Juvenile Court Law of 1903 dated May 3, 1904 in REPORT AND MANUAL FOR PROBATION OFFICERS OF THE SUPERIOR COURT ACTING AS JUVENILE COURT 4-6 (1912).

each county [chief] probation officer and deputy probation officers.³ The legislature also expanded the Probation Committees' duties to require an annual report on the charitable institutions that detained and cared for children and to "make such suggestions or comments" as they saw fit.⁴ In other words, before there were probation departments, there was independent oversight and governance of what is now the work of probation departments in California counties.

Continued Expansion of the Powers of Probation Committees

Between 1903 and 1961, Probation Committees gained power and importance in their oversight and governance of many core functions now centralized under county probation departments.⁵ Over the course of that period, the legislature vested Probation Committees with:

- Power to control and manage county detention homes (only later called juvenile halls⁶), including to select their leadership and to remove them at any time;⁷
- Oversight responsibilities for dependent and delinquent children under the jurisdiction of the juvenile court (including duties of visitation when detained or placed and "friendly supervision") and the power to advise and recommend changes to the disposition of juvenile cases ordered by the court;⁸
- Power, not just to nominate the chief probation officer and deputy and assistant probation officers, but also to sign off on any decision to remove them for good cause;⁹

³ STATUTES OF CALIFORNIA 1905, 780 *et seq* §§ 5, 7 (1905). The statute appears to have given these probation officers, appointed by the probation committee, the power to serve as probation officers in all courts – i.e., to also serve as probation officers for adults in criminal court. STATUTES OF CALIFORNIA 1905, 780 *et seq* §§ 11-13 (1905).

⁴ STATUTES OF CALIFORNIA 1905, 780 *et seq* § 4 (1905).

⁵ It is clear that there was variation in the role of and power exercised by Probation Committee in various counties, but also that they were a significant force everywhere. For example, a 1940 edition of Probation News, a publication of the then-Department of Social Welfare, suggested that "one of the distinguishing features of the Juvenile Court Law of California is the inclusion of the Probation Committee as a necessary element in the Court organization." 74 PROBATION NEWS 1 (California Department of Social Welfare) (July 1940). The newsletter also noted that "Probation Committees function in practically all of the counties of California and by their active interest in probation procedure give to the courts and to probation officers the support that is needed in the administration of the law . . . [a]s the use of probation spreads in this state the probation committees will shoulder increased responsibility. The future of probation rests to a large extent on their continuing interest and enthusiasm." *Id.* at 2. Accord 88 PROBATION NEWS 2 (California Department of Social Welfare) (September 1941) ("We are again calling attention to the importance of the Probation Committee as a necessary and important feature of the juvenile court law.").

⁶ This did not include similar powers over county forestry camps, which were first authorized by statute in 1937. STATUTES OF CALIFORNIA 1937, 1121 *et seq* §§ 900-902 (1937) (while counties could create forestry camps "in conjunction with the probation committee" the counties could also create camps "in any manner determined by the county board[s] of supervisors").

⁷ STATUTES OF CALIFORNIA 1909, 213 *et seq* §§ 9, 25 (1909) (initial grant of appointment authority); STATUTES OF CALIFORNIA 1915, 1225 *et seq* §§ 5, 7 (1915) (initial grant of removal power).

⁸ STATUTES OF CALIFORNIA 1911, 658 *et seq* § 8 (1911).

⁹ STATUTES OF CALIFORNIA 1913, 1292 *et seq* § 13 (1913). The legislature also restricted the appointment of probation officers to prohibit the appointment of individuals with close relationships with juvenile court judges or probation committee members. STATUTES OF CALIFORNIA 1913, 1292 *et seq* § 13 (1913).

- *De facto* power to end further commitments of children to any particular private charitable institution in which juveniles were placed;¹⁰ and,
- Power to create a public council or committee focused on the prevention of juvenile delinquency.¹¹

As the 1958 standards for the administration of juvenile halls put it, “the [P]robation [C]ommittee should be concerned with the total function and responsibility of the probation department.”¹²

1961: Formalizing Oversight Powers of Probation Committees, Diminishing Administrative Duties

In 1961, the legislature formalized the oversight powers of these independent county entities and eliminated their role in operating parts of the juvenile justice system. The primary goals of these reforms were drawn from a Governor's Special Study Commission on Juvenile Justice, which urged the legislature to “provide these [bodies] with broad[er] powers [than the existing county probation committees] to investigate, study, and issue annual reports and recommendations on the administration of juvenile justice.”¹³ The overall intention was to transform community oversight to give the bodies “broader investigative powers and no administrative duties.”¹⁴ The Governor’s Commission’s report noted that the reformed bodies “c[ould] become an effective force in improving juvenile justice administration in each of California’s 58 counties.”¹⁵

¹⁰ First by empowering the probation committees to report on the qualifications of such institutions and then by specifying that any such institution that refuses the probation committee (or probation officer) access in connection with this power shall no longer receive commitments from the court. STATUTES OF CALIFORNIA 1915, 1225 *et seq* § 17(b) (1915).

¹¹ STATUTES OF CALIFORNIA 1937, 1121 *et seq* § 606 (1937).

¹² *California Youth Authority, STANDARDS FOR JUVENILE HALLS* 7 (1958). These standards further stated that “[i]n addition to responsibilities established by law, [the Probation Committee’s] functions properly include (a) advising the judge and probation officer on broad policies for operation of the probation department, juvenile hall, and all facilities administered by the probation officer. (b) Visiting and observing the facilities of the department. (c) Public interpretation and intercommunication between the department and the public. (d) Leadership in the community on development of needed personnel, services, and facilities for the department, as well as for the development of casework, out-of-home care, diagnostic and treatment resources outside the department. (e) Advice and assistance in setting standards, preparation and presentation of budgets and program development”). In addition, Probation Committees across the state exercised a range of other powers in relation to probation departments that were not specifically mandated by statute. A 1957 report of the Special Study Commission on Correctional Facilities and Services and the State Board of Corrections surveyed county chief probation officers and reported that Probation Committees did the following in California Counties: Assist in or formulate policy; Prepare and/or approve budget and staff requests; Inspect camp and juvenile hall facilities; Support budget proposal before board of supervisors; Advise the chief probation officer on fiscal matters; Play an advisory role in staff size and recruitment; Suggest administrative standards for department; Provide advice on maintenance and operations; Review probation department activities; Check on officers’ caseloads; Serve on oral boards for civil service interviews; Perform general public relations activities Serve as an advisory board to the juvenile court; Play an advisory role on development of new facilities. *Special Study Commission on Correctional Facilities and Services and the State Board of Corrections, PROBATION IN CALIFORNIA* 120 (1957).

¹³ REPORT OF THE GOVERNOR’S SPECIAL STUDY COMMISSION ON JUVENILE JUSTICE 50 (1960).

¹⁴ REPORT OF THE GOVERNOR’S SPECIAL STUDY COMMISSION ON JUVENILE JUSTICE 55 (1960) (emphasis added).

¹⁵ REPORT OF THE GOVERNOR’S SPECIAL STUDY COMMISSION ON JUVENILE JUSTICE 50 (1960) (emphasis added). Importantly, Los Angeles County was represented by two superior court judges, the Chief Probation

The legislature did this by creating county Juvenile Justice Commissions (JJC).¹⁶ Consistent with the recommendations of the Governor’s special study, the 1961 reforms vested the JJC with broad oversight powers and duties and significantly reduced the administrative role of the transformed probation committees. These powers derive from the JJC’s overarching “duty to inquire into the “administration of juvenile court law in the county”¹⁷ and include the:

- Power to access all publicly-administered juvenile institutions – including both Probation Department halls and campus – in the county or region and the obligation to inspect such institutions at least once per year (including any jail or lockup that was used for confinement of a child for more than 24 hours in the preceding year);¹⁸
- Power to hold hearings;¹⁹
- Power to seek a subpoena from the juvenile court requiring attendance and testimony of witnesses and production of papers at commission hearings;²⁰
- Duty to report the results of its inspections each year;²¹
- Power to issue and publicize recommendations to any person charged with the administration of any aspect of state law related to juvenile justice;²² and.
- Power to select the chief probation officer and to play a role in their removal for good cause.²³

Since 1961, the JJC have only been modified by statute to clarify investigatory power and expand community membership.²⁴ While the Los Angeles County Charter preempts an independent body from selecting and potentially removing the Chief Probation Officer, the county’s Probation Commission was vested with all of the remaining powers of a JJC, as shown below.

Officer, the District Attorney, the Sherriff, and several other local officials and attorneys. *See County of Los Angeles Probation Department, ANNUAL REPORT / 1957-1958 2* (1958). Thus the Governor’s Special Commission’s members would have been well acquainted with the practice of the Los Angeles Probation Committee, making it clear that when recommending changes for all of California’s 58 counties, the study’s authors did not see any diminished role for community oversight of probation in Los Angeles and intended to recommend that the legislature vest a Los Angeles oversight body with the same powers as a JJC.

¹⁶ STATUTES OF CALIFORNIA 1961, 3459 *et seq* §§ 525, 529-30 (1961).

¹⁷ STATUTES OF CALIFORNIA 1961, 3459 *et seq* §§ 529-30 (1961).

¹⁸ STATUTES OF CALIFORNIA 1961, 3459 *et seq* §§ 529-30 (1961). Importantly, in providing this broad power, the legislature expanded and made uniform the role of civilian oversight bodies in relation to county halls *and* camps.

¹⁹ STATUTES OF CALIFORNIA 1961, 3459 *et seq* §§ 529-30 (1961).

²⁰ STATUTES OF CALIFORNIA 1961, 3459 *et seq* §§ 529-30 (1961).

²¹ STATUTES OF CALIFORNIA 1961, 3459 *et seq* §§ 529-30 (1961).

²² STATUTES OF CALIFORNIA 1961, 3459 *et seq* §§ 529-30 (1961).

²³ STATUTES OF CALIFORNIA 1961, 3459 *et seq* §§ 575-76 (1961).

²⁴ These included reforms to expand its membership no less than 7 and no more than 15 community members (STATUTES OF CALIFORNIA 1971, 1481 *et seq* § 525 (1971)), to clarify the JJC’s power to investigate group homes (STATUTES OF CALIFORNIA 1987, 1207 *et seq* § 229.5 (1987)) and to clarify that state law juvenile confidentiality provisions permit members of the JJC to inspect individual juvenile case files (STATUTES OF CALIFORNIA 2000, 6637 *et seq* § 827 (2000)).

The Los Angeles County Probation Commission has all the Key Oversight Powers of a Juvenile Justice Commission, Including Subpoena Power

The 1961 state law establishing JJC's and subsequent amendments specify that Los Angeles County retains a Probation Committee (later renamed Probation Commission²⁵) “in lieu of” a JJC. Instead of enumerating powers, however, the law provides that the probation committee/commission “shall function in an advisory capacity to the probation officer”.²⁶ A thorough historical and statutory analysis – done in this White Paper for the first time – reveals that “in lieu” and “advisory” should only be read to affirm that the Los Angeles County Probation Commission is vested with all of the powers of JJC's *except* appointment and removal powers. This interpretation of the 1961 statute reflects both the important powers reserved for the Los Angeles BOS by the County Charter and the historical use of the work “advisory” in the Welfare and Institutions Code to emphasize the Probation Committees’ shift away from the day-to-day operations of county juvenile halls to the oversight role envisioned by the legislature.

The Los Angeles County Charter

That the 1961 legislature retained the Los Angeles County Probation Committee but vested it with all of the powers of a JJC is consistent with the requirements of the California Constitution, the Los Angeles Charter, and the statutory history of the Welfare and Institutions Code. The Los Angeles Probation Committee was created pursuant to a state statutory mandate in 1903/1905, years before the County Charter was approved in 1912. In 1912, LA County voters gave the Board of Supervisors the power to appoint and determine compensation for the County “probation officer” as well as members of the County “probation committee.”²⁷ Two years later a Court ruled that the Charter vested in the *County* the power to appoint, remove for cause and set the salary of the chief probation officer, while the powers and duties of the probation officer “remained subject to and controlled by the general laws,”²⁸ i.e., the laws set by the state. Consistent with this, subsequent amendments to the juvenile court law prescribed the general law powers for Probation Committees statewide, while noting

²⁵ STATUTES OF CALIFORNIA 1987, 1207 *et seq* §§ 240-243 (1987). Oddly, while the legislature in 1987 changed the 1961 mandate such that Los Angeles was no longer required to have a probation committee but rather a probation commission, the LA County Charter was not amended and, then and still, lists probation committee as an appointive office. *See* Section 14 of the Los Angeles County Charter as approved by the freeholders in 1912. *See also*, footnotes 44-45 below.

²⁶ STATUTES OF CALIFORNIA 1961, 3459 *et seq* §§ 540, 43 (1961) (“In counties having a population in excess of 2,000,000 [i.e., at that time, in Los Angeles only] in lieu of a county juvenile justice commission, there shall be a probation committee consisting of not less than seven members who shall be appointed by the same authority as that authorized to appoint the probation officer in such county.”) The statutory minimum was increased to 6,000,000 in 1980, presumably to ensure that only Los Angeles remained covered by this special provision. STATUTES OF CALIFORNIA 1980, 411 *et seq* § 240 (1980).

²⁷ Section 14 of the Los Angeles County Charter as approved by the freeholders in 1912. *See generally*, Lewis Works, *County Home Rule in California: The Los Angeles County Charter*, 47 ANNALS OF THE ACADEMY OF POLITICAL SCIENCE 229, 229-236 (1913).

²⁸ *Gibson v. Civil Service Commission of Los Angeles County*, 27 Cal. App. 396, 398-401 (2nd District, 1915) (quoting the California Constitution, Art. XI). *See also* *Anderson v. Lewis*, 39 Cal. App. 24 (2nd District, 1915) (Considering demand for salary by Los Angeles deputy probation officer appointed pursuant to juvenile court law and holding, citing to *Gibson v. Civil Service Commission*, that Charter vested authority in the Board of Supervisors to prescribe the manner of such appointments by ordinance).

that any county charter that vested appointment and removal power in a Board of Supervisors would prevail over the appointment and removal provisions of state statute.²⁹

Against this background, it would have violated the California Constitution and the Los Angeles County Charter had the legislature in 1961 mandated the creation of a Los Angeles County JJC with a role in the appointment and removal of the Los Angeles County Chief Probation Officer.³⁰ In this context it makes sense for the 1961 legislature to have retained the Los Angeles County Probation Committee “in lieu of” a JJC and to specify that it was “advisory” to the chief probation officer in order to avoid a conflict with Los Angeles County Charter provisions governing appointment and removal in Los Angeles while still directing that the Probation Committee would have all the remaining powers of a JJC as specified by the general laws.

Shifting Control over Juvenile Detention

The statutory history of Probation Committees’ responsibility for detention is likewise consistent with reading “in lieu” and “advisory” as vesting uniformly broad oversight powers in JJC’s and the Los Angeles County Probation Commission while reserving operational duties to County Probation Departments. In particular, the statutory history shows that “advisory” was historically used in the statute to emphasize that a Probation Committee did not have day-to-day *administrative* responsibilities over the internal affairs of county juvenile halls when such responsibilities were shifted to the county probation officer.

Before 1909, there was no statutory authority for the creation of government-run county detention facilities for juveniles. Rather, the juvenile court would commit juvenile to facilities (homes, etc.) run by private charities. As one of the earliest and most important oversight responsibilities of county Probation Committees was to investigate and make recommendations about such charitable institutions, it is perhaps not surprising these committees were vested by statute with the duty to run the first county detention homes (only later called juvenile halls).³¹ The Los Angeles County Probation Committee thus had the responsibility of running the county’s juvenile hall starting in 1909.³²

²⁹ See STATUTES OF CALIFORNIA 1927 716 *et seq* § 1(18) (1927) (providing for the appointment of the offices of probation officer and assistant probation officer and that “in counties having charters providing a method of appointment and tenure of office for probation officers and members of the [P]robation [C]ommittee, such charter provision shall control as to such matters”); STATUTES OF CALIFORNIA 1937 1005 *et seq* § 600 (1937) (providing for the appointment of the Probation Committee and that “in counties having charters which provide a method of appointment and tenure of office for members of the probation committee, such charter provisions shall control as to such matters”).

³⁰ Cf. *Superior Court for the State of California in and for the County of Alameda v. Civil Service Commission of the County of Alameda*, 257 Cal. App. 2d 632, 635 (1st Dist. 1968) (interpreting the provisions of the 1927 Alameda Charter related to the appointment of members of the probation committee to apply to the appointment of members of the juvenile justice commission – because the charter provides that members of the probation committee “shall be appointed in the manner and for the terms now or hereafter provided by general law”). It likewise would have been unlawful to charge the juvenile court in Los Angeles County with appointing members of a Los Angeles County JJC because the Los Angeles County Charter specified that membership in the Probation Committee was an appointive office.

³¹ STATUTES OF CALIFORNIA 1909, 213 *et seq* §§ 9, 25 (1909) (mandating that counties create and maintain a county detention home and vesting the probation committee with the control and management of the internal affairs of the detention homes, including the duty to nominate its superintendent or matron).

³² STATUTES OF CALIFORNIA 1909, 213 *et seq* §§ 9, 25 (1909).

In 1957, for the first time, the legislature shifted responsibility for the operation of juvenile hall from the Los Angeles County Probation Committee to the Los Angeles County Probation Officer. In doing so the statute provided that, “the probation committee shall function in an advisory capacity to the probation officer” in relation to the internal affairs of juvenile hall.³³ This is the first time the term “advisory” was used specifically in relation to the Los Angeles County Probation Committee³⁴ – emphasizing that the Committee no longer held the operational responsibilities that it had held while running juvenile hall from 1909-1957.³⁵

In this context, “advisory” in the 1961 statute is consistent with a legislative intent to vest the Los Angeles County Probation Committee with all of the powers of a JJC (except, per the above,

³³ STATUTES OF CALIFORNIA 1957, 2116 *et seq* §§ 641, 662 (1957). This advisory role of the Los Angeles Probation Committee was addressed by the Department in the year before the 1961 reform again modified its oversight authority, describing this “advisory capacity” to include “[c]ounsel[ing] with and assist[ing] the [Chief] Probation Officer in the discharging of his [her, or their] responsibilities in studying and providing service to minors in juvenile halls” and “maintain[ing] contact through regular meetings and subcommittee [projects with the Juvenile Court Judges and the Probation Officer in order to have an awareness of the nature and scope of the functions of the Juvenile Court and the Probation Department.” LOS ANGELES COUNTY PROBATION DEPARTMENT POLICY MANUAL Chart A (December 19, 1960)

³⁴ The discretion to elect to and/or the duty to control of juvenile halls shifted back and forth between probation committees and probation departments in this period. In 1941, the legislature gave each county Probation Committee the discretion to direct the county probation officer to administer the county juvenile hall in lieu of the Probation Committee, subject to the continued supervision and direction of the probation committee. STATUTES OF CALIFORNIA 1941, 1361 *et seq* § 633 (1941). In 1949, the legislature amended the statute to require that all probation officers other than in Los Angeles County manage and control the internal affairs of the county detention home, in which case the probation committee was charged to function in an “advisory capacity” to the probation officer in relation to such internal affairs. STATUTES OF CALIFORNIA 1949, 2834 *et seq* §§ 641, 662 (1949). This is the first time “advisory” was used in the juvenile court law in relation to the Probation Committees. However, the statute continued to give the Los Angeles County Probation Committee the discretion to either directly administer the county’s juvenile hall or direct the probation officer to do so. STATUTES OF CALIFORNIA 1949, 2834 *et seq* §§ 641, 662 (1949). This structure was maintained as the juvenile court law was amended in 1951 and 1955, though in 1951 the legislature returned discretion to every county except Los Angeles (in Los Angeles, the discretion remained – unexercised – in the County’s Probation Committee (The Probation Committee never exercised this discretion and thus directly administered the Los Angeles County Juvenile Hall during this period. *Los Angeles County Probation Committee*, ANNUAL REPORT OF THE LOS ANGELES COUNTY PROBATION COMMITTEE 1956 2 (1956) (noting that “Juvenile Hall would come to be administered by the County Probation Officer with the Probation Committee serving in an advisory capacity in accordance with an amendment to the W. I. & Code enacted by the State Legislature” effective September 11, 1957))), vesting in the juvenile court the authority to vest the management of the county juvenile hall in the Probation Committee (except in Los Angeles County). STATUTES OF CALIFORNIA 1951, 1745 *et seq* § 662 (1951); STATUTES OF CALIFORNIA 1955, 1361 *et seq* § 633 (1955) (further providing that in counties in which the Probation Committee was responsible for the internal affairs of juvenile hall the county board of supervisors could provide for their remuneration beyond the reimbursement of expenses). This earlier statutory history likewise underscores that the word “advisory” had repeatedly been used in the statute before 1961 to emphasize a Probation Committee shift away from operational responsibilities for juvenile hall.

³⁵ The Probation Department described the statute as having charged it with running Juvenile Hall and as having “[c]hanged the function and the authority of the Probation Committee from an administrative to an advisory capacity,” further emphasizing that the 1961 legislature’s use of the term “advisory” was in contradistinction to the administrative role formerly played by the committee in running juvenile hall. *County of Los Angeles Probation Department*, ANNUAL REPORT / 1957-1958 2 (1958).

appointment and removal powers specifically vested in the Board of Supervisors by the County Charter and California Constitution) in order for it to play the same oversight role as all JJC's statewide over the work of Probation Departments. In fact, California's state Legislative Counsel has taken the position that the Los Angeles County Probation Commission established by statute has "all the duties and powers of [a] juvenile justice commission" under the statute.³⁶

A full accounting of the legislative history of the Los Angeles County Probation Commission, including the use of the term "advisory", clearly shows the legislature's intent for independent oversight of probation departments statewide: that there be a body of neutral appointees in each county empowered to conduct hearings and investigate, with the assistance of inspection authority and the power to seek a subpoena, the work of probation officers, and then make public recommendations to advise all stakeholders – including county probation departments and county boards of supervisors.

The Los Angeles County Probation Committee After 1961

Perhaps the most compelling confirmation of the fact that the 1961 legislative reforms indeed transformed oversight in all 58 of California's counties, including Los Angeles, comes from a contrast of the activities of the Los Angeles County Probation Committee in the 1950s and 1960s. Before 1957, the annual reports of the Probation Committee exclusively focus on the administration of the Los Angeles Juvenile Hall, including publicly reporting data on population, budgetary and capital expenditure and needs, and policy.³⁷ Following the 1957 legislative reforms vesting control of the Los

³⁶ Legislative Counsel Opinion #0619191 provided to Assembly member Karen Bass (August 16, 2006). The Legislative Counsel further opined that the section of the statute making the Los Angeles Probation Commission "advisory" did not supplant the powers and duties conferred on the Los Angeles Probation Commission by operation of the statutory powers and duties conferred on a juvenile justice commission because there were no specific powers or duties vested in a Probation Commission. Legislative Counsel Opinion #0619191 provided to Assembly member Karen Bass (August 16, 2006). The Los Angeles County Counsel, however, has previously taken the position that "the Probation Commission's sole duty is to function in an advisory capacity to the Probation Officer" and therefore "[i]ts powers are limited to those necessarily required to perform that duty" and "the Probation Commission does not have the powers and duties of a Juvenile Justice Commission." County Counsel Letter to Gabriella Holt, President, County of Los Angeles Probation Commission (August 4, 2006). County Counsel's interpretation is primarily grounded in a canon of statutory construction, arguing that in contrast to the listed duties and powers of the JJC to advise all persons associated with the administration of Juvenile Court Law, its directive to the Probation Commission to be advisory must mean that it is not vested with the powers of a JJC (and thus that it has no statutorily-specified powers). County Counsel Letter to Gabriella Holt, President, County of Los Angeles Probation Commission (August 4, 2006). Notably, County Counsel previously relied on an incomplete reading of the statutory history of the juvenile court law from 1945 to 1961, (therefore, as shown below, wrongly) opining that "the legislature has consistently treated the Los Angeles County Probation Committee or Probation Commission differently than Probation Committees and Juvenile Justice Commissions in all other counties." County Counsel Letter to Gabriella Holt, President, County of Los Angeles Probation Commission (August 4, 2006).

³⁷ See *Los Angeles County Probation Committee*, ANNUAL REPORT OF THE LOS ANGELES COUNTY PROBATION COMMITTEE 1952 1-3 (1952); *Los Angeles County Probation Committee*, ANNUAL REPORT OF THE LOS ANGELES COUNTY PROBATION COMMITTEE 1953 2 (1953); *Los Angeles County Probation Committee*, ANNUAL REPORT OF THE LOS ANGELES COUNTY PROBATION COMMITTEE 1954 2 (1954); *Los Angeles County Probation Committee*, ANNUAL REPORT OF THE LOS ANGELES COUNTY PROBATION COMMITTEE 1955 2 (1955); *Los Angeles County Probation Committee*, ANNUAL REPORT OF THE LOS ANGELES COUNTY PROBATION COMMITTEE 1956 2 (1956) (noting that "Juvenile Hall would come to be administered by the County Probation Officer with the Probation

Angeles County Juvenile Hall in its Probation Department and charging its Probation Committee with exercising an advisory role, but before the 1961 reforms, the Los Angeles County Probation Committee seems to have focused almost exclusively on providing advice related to the administration of Juvenile Hall.³⁸ The activities of the Probation Committee in the decade following the 1961 reform, however, show a Committee exercising oversight powers granted by statute to JJC's, including:

- Power to visit detention facilities – including halls and camps;³⁹
- Power to hold hearings,⁴⁰ and,

Committee serving in an advisory capacity in accordance with an amendment to the W. & I. Code enacted by the State Legislature” effective September 11, 1957).

³⁸ While a complete copy of the bylaws of the Probation Committee in force in 1957 appears to be unavailable, the Committee apparently rewrote its bylaws to refer to itself at the time as “a group of citizen advisors” that will “maintain contact with the probation officer to have an awareness of the nature and scope of the responsibility of the probation department and of plans and facilities which are available or needed for the discharge of this responsibility.” *County of Los Angeles Probation Department*, ANNUAL REPORT / 1957-1958 5 (1958). The Probation Committee of the post-1957 but pre-1961 era apparently created subcommittees focused almost exclusively on topics related to their past activities in administering Juvenile Hall – personnel, religion, clinic, buildings, grounds and equipment, problems of girls [sic], gift fund, doll party, budget, new juvenile halls, girls’ school, legislation and public relations. *Compare County of Los Angeles Probation Department*, ANNUAL REPORT / 1957-1958 5 (1958) *with Los Angeles County Probation Committee*, ANNUAL REPORT OF THE LOS ANGELES COUNTY PROBATION COMMITTEE 1956 (1956).

³⁹ *County of Los Angeles Probation Department*, BIENNIAL REPORT 1963-1965 16 (1965) (“During the past year, the Probation Committee arranged trips for educators in supervisory positions with the County Schools to various probation camps in the interest of alleviating the problem of rejection which many boys experience when they return to school after release from probation camp.”). *Cf. County of Los Angeles Probation Department*, BIENNIAL REPORT 1967-1969 13 (1969) (“The Committee was also instrumental in recommending review and further study of a proposed cottage program to house dependent children. This study is now being conducted . . . Among its accomplishments during the past two years, the Committee convinced the Civil Service Commission to rescind a proposed change of category of personnel serving the needs of the children at Lathrop Hall . . . The Committee was also responsible for improving the level of psychiatric care for the children at MacLaren Hall”). Unlike juvenile halls, no county probation committee, including the Los Angeles County Probation Committee was ever mandated by statute to manage county forestry or other camps. Rather, the legislature gave counties the *discretion* to create camps in conjunction with Probation Committees. STATUTES OF CALIFORNIA 1937, 1121 *et seq* §§ 900-902 (1937). The Los Angeles Board of Supervisors never exercised that discretion. By 1959, the Los Angeles County Probation Department operated at least ten camps for wards of the juvenile court. LOS ANGELES COUNTY PROBATION DEPARTMENT POLICY MANUAL Charts B, C (December 19, 1960) (Camp Hondo, Camp Oak Grove, Camp Joe Scott, Camp John Munz, Camp Glenn Rockey, Camp Bouquet Canyon, Camp Malibu, Camp Kenyon Scudder, Camp Karl Holton, and Camp William Mendenhall). That the legislature shifted administrative authority managing juvenile halls to the Los Angeles County Probation Department in 1957 and then gave the JJC (and, therefore, the Los Angeles County Probation Committee) the power, in 1961, to enter and inspect and make recommendations about all publicly-administered institutions, i.e., both Probation Department halls *and camps* (which the Los Angeles County Probation Department appears to have exercised) is consistent with the above account reading “advisory” as synonymous with a grant of independent oversight powers.

⁴⁰ *County of Los Angeles Probation Department*, BIENNIAL REPORT 1963-1965 16 (1965) “A subcommittee of the Probation Committee acted as a hearing body on the grievance of 100 minority group probation officers in the department, and made recommendations to the Department head”; *County of Los Angeles Probation Department*, BIENNIAL REPORT 1971-1973 25 (1973) (“Public hearings have been conducted at various area offices of the Probation Department which provided the citizens with an opportunity to meet with and discuss mutual

- Power to issue and publicize recommendations to those charged with the administration of the juvenile justice system.⁴¹

The Committee also appears to have held meetings to receive complaints from individuals and groups in various parts of the county, to have formulated policy and also to have engaged in some oversight activities related to adult probation.⁴²

While this information comes from annual reports of the Los Angeles County Probation Department, therefore limiting our ability to understand the details of these actions and determine whether other contemporaneous factors were at play, it seems clear that the Probation Committee of the mid-twentieth century did not exercise all the powers of a JJC before 1961 but did exercise such powers after 1961.⁴³ That the Committee was renamed Commission with the support of Los Angeles County

concerns with the Committee . . . Another area which received Committee attention was the proposed consolidation of various County Departments into a super agency structure.”).

⁴¹ *County of Los Angeles Probation Department*, BIENNIAL REPORT 1963-1965 16 (1965) (“A subcommittee of the Probation Committee acted as a hearing body on the grievance of 100 minority group probation officers in the department, and made recommendations to the Department head”); *County of Los Angeles Probation Department*, BIENNIAL REPORT 1965-1967 17 (1967) (“Among its activities, the Probation Committee studied and passed a proposal that the Department utilize a liaison person to handle complaints and interviews with law enforcement departments”); *County of Los Angeles Probation Department*, BIENNIAL REPORT 1967-1969 13 (1969) (“[The Probation Committee] conducted twice-monthly meetings with the Chief Probation Officer and other executive staff to receive reports on major policy matters, program proposals and operating problems of the Department for study and recommendations . . . The Committee [also] actively campaigned for the passage of a Bond Issue in 1968 for the construction of juvenile facilities . . . The Committee was also instrumental in recommending review and further study of a proposed cottage program to house dependent children. This study is now being conducted . . . Among its accomplishments during the past two years, the Committee convinced the Civil Service Commission to rescind a proposed change of category of personnel serving the needs of the children at Lathrop Hall . . . The Committee was also responsible for improving the level of psychiatric care for the children at MacLaren Hall”); *County of Los Angeles Probation Department*, BIENNIAL REPORT 1969-1971 22 (1971) (“The committee . . . has also been concerned with pending legislation pertaining to the Juvenile Court, and has assisted the department in attempting to obtain what it feels is best for juveniles..”); *County of Los Angeles Probation Department*, BIENNIAL REPORT 1971-1973 25 (1973) (“Throughout the year the Committee assists the Department in the formulation of recommendations on major policy matters, program proposals, and the operating procedures or problems in which the Department becomes involved.”).

⁴² *County of Los Angeles Probation Department*, BIENNIAL REPORT 1963-1965 16 (1965) (“The Probation Committee . . . updated their information about adult probation . . . The Committee also acted as a continuing sounding board for complaints from individuals and groups in the community concerning interracial conflict. Many meetings were held in various parts of the city to hear the citizens’ opinions . . . Improving channels of communication with the community is one of the main goals of the Committee.”); *County of Los Angeles Probation Department*, BIENNIAL REPORT 1971-1973 25 (1973) (“Throughout the year the Committee assists the Department in the formulation of recommendations on major policy matters, program proposals, and the operating procedures or problems in which the Department becomes involved.”).

⁴³ That the practice of the Los Angeles Probation Committee was equivalent to that of a JJC is also supported by a 1962 report by the California Department of the Youth Authority, which described the powers of a Juvenile Justice Commission with an asterisk noting that in Los Angeles County a Probation Committee serves in lieu of a Juvenile Justice Commission but then not addressing the Probation Committee further before specifying all the powers and practices of the ideal JJC. *California Department of the Youth Authority*, STANDARDS FOR THE PERFORMANCE OF PROBATION DUTIES 23-24 (1962) (stating that in addition to responsibilities established by law, JJsCs should “(a) Advise the judge and probation officer on broad policies for the operation of the probation department, juvenile hall, and all facilities administered by the probation officer. (b) Advise and

further emphasizes that the Los Angeles County oversight body was and is vested with the same powers as JJC's in other counties beginning in 1961.⁴⁴ As the legislative representative of the Los Angeles BOS put it at the time, “[t]his change would conform to the Juvenile Justice Commissions in other counties.”⁴⁵

As a matter of both legislative history and historical practice, then, it is clear that the legislative changes of 1961 vested the Los Angeles Probation Commission with all of the powers of a JJC (except, as discussed above, those relating to appointment and removal of the chief probation officer) and therefore that the POC to be established in 2019 must have at least those powers.

Conclusion

A strong POC must have, at a *minimum*, powers which reflect the historical legacy of oversight in Los Angeles County and in California. A POC exceeding this floor can play a significant role in establishing the Los Angeles County Probation Department as a model for the rest of the state and country. Independent oversight of the Department is not a panacea. Yet strong leadership at the Board of Supervisors or in the Probation Department, even if consistent for a number of years, cannot guarantee lasting accountability and transparency. Given the history of probation oversight in California, the POC to be created in 2019 will be bestowed by statute with:

- Power to conduct public hearings;
- Power to conduct investigations, with the assistance of the power to seek a subpoena from a court requiring attendance and testimony of witnesses and production of papers at commission hearings;
- Power to access all facilities where youth are detained, including all Probation Department halls and camps, or placed in out of home placements, including group homes; and,
- Power to change policy through making public recommendations directed to any and all stakeholders in the justice system.

The PRIT and BOS should thus move past questions about whether the POC should be given these powers and focus discussion of oversight on areas not addressed by these minimum standards.⁴⁶ Community leaders, many of who have been impacted directly by probation supervision, will continue to provide the PRIT and BOS with guidance on these critical questions in order to establish a model department and POC in Los Angeles County.

assist[] in the setting of standards, preparation and presentation of budgets, and development of program. (c) Visit[] and observ[e] the facilities of the department as well as those used by the department. (d) [Provide] [p]ublic interpretation and intercommunication between the department and the public. (e) [Provide] [l]eadership in the community on the development of needed personnel, services and facilities for the department, as well as for the development of casework, out-of-home care, diagnostic and treatment resources outside the department.”).

⁴⁴ STATUTES OF CALIFORNIA 1987, 1207 *et seq* §§ 240-43 (1987).

⁴⁵ Letter from Clancy Leland to Senator Bill Lockyear dated June 23, 1987.

⁴⁶ See Coalition recommendations to the PRIT at Exhibit 1 and Youth Justice Coalition recommendations to the 2016 Working Group for the Civilian Oversight of the Los Angeles County Probation Department at Exhibit 2.

July 23, 2018

Dear RIT Appointee:

Congratulations on your appointment to the Reform and Implementation Team (RIT) created by Los Angeles County Board of Supervisors Motion 18-1865 of May 1, 2018 which adopted the Report of the Chief Executive Office (CEO) of April 9, 2018.

We, the undersigned groups, write to share a set of principles we hope you and the other members of the RIT will reflect in the process and products of your work together in the coming months. We believe that the following principles will ensure that the RIT operates and performs in a manner consistent with the Board's admonition that your work be conducted transparently and consistently with the theme of public accountability and lead to both a plan for transformational reform of the Los Angeles County Probation Department as well as a plan for a truly independent civilian oversight commission.

The RIT Process

The process by which the RIT undertakes its work will be of the utmost importance, both in terms of ensuring that all relevant perspectives are included as well as in garnering the necessary buy-in from all stakeholders in the recommendations that are ultimately produced. Members of our coalition have advocated and will continue to advocate for a probation reform process that is inclusive, securing input and buy in of probation clients, community members, union rank and file and leadership as well as other County stakeholders and one that is also transparent, making what is considered by the committee and actions taken publicly available as well as facilitating broad public engagement and participation. We believe that a process that does these things – in partnership with the department – will lead to a transformative vision for probation.

We urge the RIT to:

- operate and hold its proceedings in a manner that permits true community engagement (i.e., preparing detailed agendas that are made public in advance, holding all meetings open to the public, not holding all meetings during business hours, not holding all meetings at the Hall of Administration, etc.);
- establish specific mechanisms to facilitate deep engagement by youth and adults who have been or currently are supervised or detained by the Probation Department;
- make publicly available the documents it considers and produces or which are produced for its consideration as well as decisions made or proposed (i.e., through posting such documents, detailed agendas, meetings minutes on the web timely and/or in advance, etc.);
- exercise the power to secure documents, input/engagement, and data/information (including soliciting non-privileged/public versions prior or new legal opinions from county counsel) to evaluate the continued relevance of recommendations for reform of the Probation Department as well as the practical and legal complexities involved in the reform and oversight mandate of the RIT;

- include consideration of changes in budget, staff, mission/vision, policies/procedures, and scope of services in the development of a transformative set of recommendations for reform; and
- work to develop a set of recommendations for oversight that is truly independent and robust.

The RIT's Plan for Reform & Strategic Plan

One of the RIT tasks articulated by the CEO's report that was adopted by the Board of Supervisors was to "coordinate the various recommendations aimed at reforming the Probation Department (including those from RDA) and reduce them to a plan for reform, which can ultimately be reduced to a strategic plan for the Probation Department." Members of our coalition have advocated and will continue to advocate for a probation reform process that leads to transformational change and the establishment of a truly model Probation Department. To that end, we believe that it is essential that the RIT prioritize and immediately move forward with the creation of a transformational, forward-thinking mission, vision and values statement for the Probation Department which will both guide and inform the coordination and implementation of all other reform recommendations.

We also urge the RIT to create a vision for reform that reflects a rehabilitative and transformative approach in services provided to juveniles, transitional age youth, and adults, including but, not limited to a vision that:

- incorporates best-practices in youth rehabilitation, trauma informed-care and supervision;
- reduces juvenile confinement to a measure of last resort used for the shortest period possible and in the least restrictive conditions feasible (which will require consolidating and closing camps);
- employs the least restrictive measures of community supervision;
- promotes transparency of the system
- positions the reformed Department as a part of the community and County's efforts to dismantle structural racism rather than perpetuate it

A vision of true, independent oversight, support and accountability

Robust and independent oversight is not only a mandate of the Board of Supervisors, but also a key element to developing and maintaining the trust of the community, as well as a crucial step towards supporting the Department as it works to implement the County's vision for trauma informed care, rehabilitation and supervision for youth and adults impacted by the Department. Members of our coalition have also advocated and will continue to advocate for real, robust and independent oversight of the Probation Department, including its budget, operations and service-delivery but also individual allegations of abuse. A Probation Oversight Commission (POC) should also supervise the transformation and reform of the Department.

POC Membership and Community Engagement

- The POC should include a majority of community representatives who are fully empowered, voting members. This should include at least one person who was in probation custody or under probation supervision as a youth; one person who was in probation custody or under probation supervision as an adult; and one family member of a person formerly or currently in probation custody or under probation supervision.
- The POC should ensure full access for the community through open meetings and community forums (including in camps and halls) and making documents and data received available to the public.
- The POC should create advisory bodies of juveniles, transitional age youth and adults who are or have been supervised or detained by the Department to give input to the workings of the POC.
- The POC selection process for new members should be transparent and accessible.
- POC members and staff should only be removable for cause.
- POC members and staff should exclude current and former City, Probation Department, employees of unions that represent Probation Department employees, and employees of other government entities (including law enforcement agencies).

The Powers of the POC

- The POC should possess the power to recommend to the Board the removal of the Probation Chief for cause (including failure to cooperate with the POC) and be involved in making recommendations for the appointment of future chiefs.
- The Chief Probation Officer should participate personally at each meeting of the POC.
- The powers of the POC should include review, creation and reform of Probation Department policies.
- The POC should play a role in collective bargaining. This can include commenting on any proposed union contract and/or engaging in the collective bargaining process.
- The POC should be involved in oversight of the Department budget and budgeting process. This can include proposing added resources that would permit staff to more effectively discharge their duties. This can also include proposing reducing the budget and recommending the termination of Department functions, including closure of camps and halls.
- The POC should create a new complaint and commendation process for the Department so that the POC can monitor and investigate complaints.
- POC members should be able to investigate and make formal judgments on individual cases and also on pattern/practice issues.
- The POC should play a role in developing findings of fact and recommendations for corrective action following investigations of an individual case or a pattern/practice issue. Findings of fact by the POC should be binding on the Department.
- Outcomes of POC investigations into individual cases and pattern/practice issues should be public and in writing.
- Evidence of criminal activity identified by the POC should be referred for potential prosecution.

- The POC should produce regular public reports and publicly produce data regarding Department policies and practices and outcomes, such as data on conditions of confinement for juveniles and on recidivism and outcomes for those under department supervision, as well as details regarding complaints and settlements.
- The POC should play a role in hiring and training. This can include proposing changes in policies, decreasing or increasing staffing levels, and changing or expanding staff training.
- The POC should have recourse to an independent counsel and/or an independent inspector general.
- The POC should have the power, delegated from the board, to secure documents and testimony from the Department and its employees.
- The POC should have full, unobstructed and unannounced access to all facilities – juvenile halls, camps, courts and area offices – including the ability to speak to any willing probation client, youth, family members, or employee without monitoring.
- The POC should have the power to review and solicit community input through public hearings on the probation annual budget, on policy and practices, as well as solicitation and contracting processes.

We look forward to working with you and to being resources as the RIT takes up its important work.

American Civil Liberties Union
 Anti-Recidivism Coalition
 Arts for Incarcerated Youth Network
 Brotherhood Crusade
 Children’s Defense Fund-California
 Healing Dialogue and Action
 Inner City Struggle
 Khmer Girls in Action
 Life After Uncivil Ruthless Acts (LAURA)
 Social Justice Learning Institute
 Urban Peace Institute
 Youth Justice Coalition

CC: Rohini Khanna, Office of the 1st District
 Michelle Newell, Office of the 2nd District
 Nancy Aspaturian, Office of the 3rd District
 Lauren Black, Office of the 3rd District
 Dana Garcetti, Office of the 4th District
 Stephanie English, Office of the 5th District



September 14, 2016

Recommendations for an LA County Probation Oversight Commission

Presented by: The Youth Justice Coalition – Youth, Adults and Families directly impacted by the LA County Probation System

Presented to: The Work Group appointed by the LA County Board of Supervisors to study and make recommendations on the establishment of a Probation Oversight Commission

COMPOSITION

- No Law Enforcement / Including No Probation (Former or Current)
- Two Youth (14-24) With System Experience
- 1 Parent/Family member with son/daughter system Experience
- 1 Adult former or currently on Probation
- 3 Faith or Community Based Organizations Working with People in the System (Drug treatment, mental health treatment, housing, re-entry, etc.)
- 2 Advocates/Organizers
- 1 Civil Rights Organization
- 1 Person representing immigrant/undocumented community

BALANCE

- Ensure that Commission represents LA County: LGBTQ, Gender, People of Color, Undocumented are at least ¼ of the commission
- **Change culture of vision and change to Rising from the Ground Instead Being Imposed from the Top**
- Hearings with the Community - Hold community hearings at least 5 times a year – one in each Supervisorial District (Co-Sponsored by community based organizations); Hold community hearings at least 2 times a year with union membership (with emphasis on hearing from front-line staff); Hold hearings with youth in custody at least three times a year (at least one for youth in juvenile halls and at least two for camps)
- Contract with community-based organizations to manage Youth and Family Resource Centers at the halls/juvenile courts – (staffed by MSWs, and system-involved youth and families)

POWERS

Vision:

- Review current Department Mission and Vision Statements and ensure true allegiance by Department management, staff, co-located government partners, contractors and volunteers
- Develop future vision and mission for Department
- Oversee Separation – and culture change – of Youth from Adult Probation Department; from punishment to Youth Development

Policies:

- Review, Alter and Set New Policy for the Department
- Ensure Full and Accurate Implementation
- Seek input from – and base policies primarily on – concerns and proposals developed by the community and/or Probation frontline staff



Accountability:

- Independent Investigation of Conditions
- Independent Investigation of Probation Officers Conduct and Use of Force
- Establish independent complaint process / grievance process, monitor implementation *and* review grievances
- Review and Strengthen Internal Discipline Process; Review and have final authority on staff discipline with Chief
- Subpoena Witnesses as needed
- Refer to DA's Office for Prosecution as needed
- Full access to all facilities and area offices without prior notice, and with full access to interview people in custody and/or on Probation and their family members
- Authority to temporarily or permanently close facilities – (with BOS approval)
- Order and review department audits (financial, programmatic and evaluative) including engaging Commission's investigators and contracting with consultants as needed (independent auditors)

Research, Data Transparency and Evaluation:

- Issue requests for Researchers, Recruit and Implement selection process, and Oversee Results to ensure independence and transparency
- Collect, analyze and release data on Probation population, progress, discipline, complaints, use of force, etc.
- Define and release data on key measures of progress (e.g. recidivism)

Budget and Contracting:

- Create final Probation Budget for BOS Review and Approval
- Oversee Probation RFP, Contracting and Evaluation Process (including private, state and federal funds such as JJCPA and Realignment)

Commission Staffing and Support:

- Probation Chief and Assistant Chiefs attend Probation Oversight Commission meetings and report on Department's activities and progress
- Independent Inspector General and Team of Investigators that works for and reports to Commission
- Independent Counsel
- Dismantle Probation's Internal Ombudsmen Department and Replace with Independent Youth and Family Advocates that work for and report to Commission; review and oversee complaint process; and work to improve treatment of youth and families
- Auditor's Office - (financial, programmatic and evaluative with resources to hire consultants as needed)
- Research and Data Collection and Analysis Office – also contracts with and oversees independent researchers; tracks and monitors DMC; reports on and releases data and evaluations to BOS, community and media
- 1 Union Liaison
- 1 Management Liaison
- Contracts to community based organizations for Family Resource Centers at Halls and Courts



- Sybil Brand Commission Reports to Probation Oversight Commission to conduct inspections of facilities and interviews of youth in custody and youth and adults under field supervision OR these powers are transferred to the IG and staff investigators
- Probation Commission reports to and works on behalf of Probation Oversight Commission – Reviews existing, develops new and monitors implementation of Department policies; camps redesign and other ad-hoc committees report and are created by Probation Commission
- Juvenile Justice Coordinating Council reports to and works on behalf of Probation Oversight Commission; is expanded to include community representation; and also receives expanded powers to oversee all Probation contracting and budgeting including finalizing annual budget recommendations that Probation Oversight Commission would present to BOS

PRIORITIES: (NEAR FUTURE) VISION - YOUTH DEVELOPMENT, DOWNSIZING AND DECRIMINALIZATION

- Close at least one juvenile hall
- Close at least half of camps
- Day Reporting Centers contracted for community control
- Separation of youth from adult system and transfer to Youth Development Department
- Transfer 5% of Probation budget and other major law enforcement budgets to establish and fund youth development