

This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



# The Probation Department and Our Kids?

This investigation by the Los Angeles County Civil Grand Jury (CGJ) reviews the Los Angeles County Probation Department (LACPD) to assess its administration and how well it handles the oversight of juvenile offenders. The LACPD has a significant role in transforming the lives of troubled youth. This is consistent with the County's Strategic Plan of making investments that transform lives.

## I SUMMARY

The LACPD has been the subject of many news articles. It has also been the subject of specific actions on the part of the Los Angeles County Board of Supervisors (BOS), some of which included proposed blue ribbon commissions.<sup>1</sup> There have been reports of abuse of juvenile detainees by probation officers,<sup>2</sup> as well as fiscal mismanagement.<sup>3</sup> Separately, the LACPD was placed under the direction of the Department of Justice (DOJ) from 2008 to 2015 to correct some practices pertaining to juvenile detainees that the DOJ deemed inappropriate.<sup>4,5</sup> These reports prompted the CGJ to think about an investigation of the LACPD to focus on its supervision of juveniles.

In November 2016, the BOS appointed a new Chief Probation Officer and a new Chief Deputy Probation Officer, who will be in charge of the juvenile side of the LACPD. The CGJ decided to investigate the LACPD to see if there were any recommendations to be made to the new leadership of the LACPD to aid in the needed transformation.

---

<sup>1</sup> Los Angeles Times Editorial Board, Los Angeles Times, Oct. 13, 2016, p. A12.

<sup>2</sup> Los Angeles Times, March 16, 2017, "3 Charged in Beating of Teen Inmate" by James Queally, p. B1; WitnessLA July 27, 2016, "Supes Meeting: Addressing Juvenile Hall Beating, Transforming a Girls' Camp, and Placing a Animal Shelter in a Jail", by Taylor Walker; WitnessLA, July 28, 2016, "A Disturbing Report of Another Assault of a Teenager by a Los Angeles County Probation Staffer", by Celeste Fremon; WitnessLA, March 20, 2017, "LA Probation Chief Says Probe Found 7 Other Force Incidents Against Kids, But Are There More?", by Celeste Fremon.

<sup>3</sup> WitnessLA, November 16, 2016, "Los Angeles County's New Probation Chiefs Must Act to Reform Department" by Madeline Otilie.

<sup>4</sup> Ibid.

<sup>5</sup> "More than six years after agreement, feds say LA probation camps 'in full compliance' with reform", Frank Stoltze, March 09, 2015, <http://www.scpr.org/news/2015/03/09/50250/more-than-six-years-after-agreement-feds-say-la-pr/>

## II BACKGROUND

The LACPD has approximately 6,500 employees and a yearly budget of approximately \$860 million.<sup>6</sup> The LACPD supervises those adults placed on probation in Los Angeles County and also operates facilities for housing juvenile offenders. On any given day the LACPD has supervised 693 youth in juvenile halls, 568 youth in camps, 6,080 youth in the community that are monitored by the LACPD, and an additional 957 youth placed in group homes by the Juvenile Court. (See Exhibit 1.)<sup>7</sup>

## III METHODOLOGY

The CGJ interviewed a wide variety of individuals associated with the workings of the LACPD. Interviewees included personnel with the Los Angeles County Civil Service Commission (CSC); the Office of Independent Monitor; representatives of two county supervisors; a representative of AFSCME Local 685, the union representing deputy probation officers in Los Angeles County; various personnel during inspections of Juvenile camps and a senior official with the LACPD. In addition, the CGJ read many outside articles written about the LACPD. The CGJ also looked at various internal reports put out by or written about the LACPD.

## IV FINDINGS

1. The Civil Service Commission is the appellate body for County employees who have received disciplinary actions. The CSC is a County Charter-mandated independent commission and serves as a quasi-judicial appellate body for classified employees who received a formal hearing and have been disciplined.<sup>8</sup> The disciplined employee may file an objection with the CSC. In 2014 (the last year that figures were available), the CSC sustained 56% of the LACPD's decisions, sustained in-part 31% of the decisions and did not sustain 13% of the decisions.<sup>9</sup>
2. Disciplined employees of the LACPD have the assistance of an advocate, an attorney who works with AFSCME 685, the union representing the Los Angeles County Deputy Probation Officers. This advocate represents LACPD employees in 80% of the disciplinary proceedings.<sup>10</sup> The CGJ was interested in the promotional practices within the LACPD. The

---

<sup>6</sup> Los Angeles County Probation Department-News Room-Media Information website, Jan. 10, 2017.

<sup>7</sup> County of Los Angeles Probation Department, Juvenile - # of Youth on Active Probation Supervision by Age (Snapshot Data – as of October 3, 2016).

<sup>8</sup> County of Los Angeles Civil Service Commission 2014 Annual Report.

<sup>9</sup> Ibid.

<sup>10</sup> Meeting at AFSCME 685, Dec. 12, 2016, 3701 Wilshire Blvd., #501.

advocate confirmed that “all other things being equal, promotions are based primarily on seniority and that this is a long-time understanding with the County.”

3. In a meeting with staff from the offices of two members of the Board of Supervisors, the CGJ was told that there was a recent motion passed by the BOS to determine if a formal Probation Oversight Commission should be established. The BOS hired Resource Development Associates (RDA) to conduct an assessment of best practices in criminal and juvenile justice and the optimal organizational structure. This would include a potential split between youth and adults and how to best serve the Transitional Aged Youth (ages 18-24) population. (The RDA report will not be completed prior to the publication of this CGJ Final Report.)<sup>11</sup>

Additional findings from this meeting were:

- a. Diversion programs for youth are a major focus. These programs are to help youth avoid a life of crime and to avoid going to jail when a minor crime is committed.
  - b. It is believed that new progressive leadership is needed in the LACPD and the newly appointed executives are the right people to implement necessary changes.
  - c. The current promotional policy within the LACPD is based on seniority. The BOS are looking into this policy; however, there is a concern about keeping turnover to a minimum.
  - d. The Alternate Public Defender’s Office now represents juveniles in court when there is a conflict of interest with the Public Defender’s Office.<sup>12</sup>
  - e. As of May 2016 solitary confinement was eliminated in juvenile detention facilities.<sup>13</sup>
  - f. A redesigned juvenile facility, Camp Kilpatrick, is scheduled to be re-opened in April 2017. This camp will feature a cottage-type organization that focuses strongly on rehabilitation and not punishment.
4. In an interview with a senior official at the LACPD the CGJ learned of changes the LACPD feels will benefit the juvenile offenders it serves. This official feels that treating the youth in custody with respect is of the utmost importance.

Points discussed were:

- a. Every job in the LACPD is an important job. Working in a juvenile hall should not be considered a stepping-stone to a job in the field. An employee working in a hall should be able to hone skills and remain as an experienced, valued employee.
- b. Recruitment of employees is important, as is retention. It is very important to have the right staff in the right places.

---

<sup>11</sup> Meeting in the Hall of Administration, Jan. 5, 2017.

<sup>12</sup> WitnessLA, Oct. 12, 2016, Alt Public Defenders Before Panel Attorneys for Juvenile Defendants by Taylor Walker.

<sup>13</sup> WitnessLA, Nov. 16, 2016. Board of Supervisors action.

more offenses. Often children start out as victims and then become offenders. The CBOs work with juvenile offenders under the supervision of the LACPD to aid in their re-entry to society.

- d. The goal of the organization of new camps is to create “campuses” and not “camps.”
  - e. RDA is looking at whether to separate the areas of adult and juvenile probation. These two branches are currently separate in San Francisco. RDA’s report will be looked at by the LACPD and the BOS.<sup>14</sup>
5. As part of the CGJ’s mandate to inspect detention facilities within Los Angeles County each year, members of the CGJ visited all the juvenile camps and halls within the County. These inspections revealed the low number of detainees and empty areas in all the facilities.

The CGJ was informed of the change from a philosophy of punishment to one of rehabilitation. Retraining will need to be implemented to bring all employees up to date on these changes.

Most camps are in remote areas of the County. It is very important that juvenile offenders be able to keep in contact with their families and vice versa. This will keep the families bonded so there will be mutual support upon the release of the juvenile offender.

The CGJ witnessed improvements within these facilities. During the unannounced CGJ visits to these camps and halls, members witnessed many positive activities. While we noted that some of the facilities are old and in need of repair or replacement, the educational programs at the halls and camps were functioning very well with dedicated staffs. Many of the staff members have been on the job for quite a few years and are dedicated to helping these youth succeed.

In talking to several officers at the facilities we found that while many are long-term employees, working between 20-30 years, there has been a frequent turnover in LACPD leadership in the last several years. In the last 10 years, there have been five Chief Officers of the LACPD.

## **V RECOMMENDATIONS**

1. The County Board of Supervisors should insure the LACPD includes a new promotional process that removes the seniority-based promotion system in the Memorandum of Understanding (MOU) with the AFSCME Local 685, upon the expiration of the current MOU.

---

<sup>14</sup> Interview at LACPD headquarters, 9150 Imperial Highway, Downey, CA, on Feb. 2, 2017.

2. The County Board of Supervisors should task the LACPD to identify excess capacity that may be used to house the homeless.
3. The LACPD, in conjunction with the other county partners, such as the Metropolitan Transit Authority, should develop a transportation plan to transport families from central locations within the city to the various halls and camps

**VI REQUIRED RESPONSES:**

California Penal Code Sections 933(c) and 933.05 require a written response to all recommendations contained in this report. Such responses shall be made no later than ninety (90) days after the Civil Grand Jury publishes its report (files it with the Clerk of the Court). Responses shall be made in accord with Penal Code Sections 933.05 (a) and (b).

All responses to the recommendations of the 2016-2017 Civil Grand Jury must be submitted on or before September 30, 2017, to:

Presiding Judge  
 Los Angeles County Superior Court  
 Clara Shortridge Foltz Criminal Justice Center  
 210 West Temple Street  
 Eleventh Floor-Room 11-506  
 Los Angeles, CA 90012

Responses required from:

<b>Responding Agency</b>	<b>Recommendations</b>	<b>Findings</b>
Los Angeles County Probation Dept.	14.1, 14.2, 14.3	14. 2
County of Los Angeles Board of Supervisors	14.1, 14.2	

**VII ACRONYMS**

- AFSCME** American Federation of State, County & Municipal Employees  
**BOS** Los Angeles County Board of Supervisors  
**CBOs** Community-based organizations  
**CGJ** 2016-2017 Los Angeles County Civil Grand Jury  
**CSC** Los Angeles County Civil Service Commission  
**DOJ** U.S. Department of Justice.  
**LACPD** Los Angeles County Probation Department  
**RDA** Resource Development Associates

## **VIII COMMITTEE MEMBERS**

Gloria Garfinkel      Chair

Hilda Dallal

Ronnie Dann-Honor

## Exhibit 1<sup>15</sup>

### County of Los Angeles Probation LACPD

#### Juvenile - # of Youth on Active Probation Supervision by Age

(Snapshot Data – as of October 3, 2016)

		Youth by Age					
Supervision	# of Youth	<11	12-14	15-17	18-20	21-23	24>
Field	6,080	15	524	3,497	1,788	147	109
Placement	957	0	68	725	163	1	0
Camp	568	0	26	355	170	15	2
Hall	693*						
<b>Total</b>	<b>8,208</b>	<b>15</b>	<b>618</b>	<b>4,577</b>	<b>2,121</b>	<b>163</b>	<b>111</b>
Percentage of Youth		0%	8%	60%	28%	2%	1%

\* Breakdown by age not available at time of report.

#### Definitions:

Field: Youth is receiving probation supervision in the community

Placement: Youth is in placement with a group home, foster home or relative/non-relative

Camp: A Probation LACPD-run facility for secure confinement

Hall: A Probation LACPD-run facility that is a holding facility

#### Juvenile - # of Youth on Active Probation Supervision by

#### Supervisorial District

Supervisorial District	% of Youth
District 1	21%
District 2	31%
District 3	10%
District 4	20%
District 5	17%
Other **	1%
<b>Total</b>	<b>100%</b>

\*\* Other = Youth resides out of County

<sup>15</sup> County of Los Angeles Probation Department, Juvenile - # of Youth on Active Probation Supervision by Age (Snapshot Data – as of October 3, 2016), provided by the LACPD.

**THIS PAGE INTENTIONALLY LEFT BLANK.**

# THE SUSTAINABILITY PRINCIPLE IN GOVERNANCE



**Douglas Benedict**      **Chair**  
**Gerard Duiker**  
**Henry C. Guerrero**

# THE SUSTAINABILITY PRINCIPAL IN GOVERNANCE

This investigation endorses the 2016-2021 County of Los Angeles Board of Supervisors Strategic Goal II.3: “Make Environmental Sustainability Our Daily Reality: ....Envision and implement a comprehensive and integrated approach to improving the environmental, economic, and social well-being of our communities now and into the future.”

## I SUMMARY

For this report sustainability is defined as the planned balancing of critical resource consumption with assured, long-term resource supplies. In the best case, this commitment is captured in wide-scope, documented Sustainability Plans with metrics defined to measure success. Achieving sustainability for the region requires that all of our local governmental functions embrace the sustainability principle.

Some consequences that have arisen from violations of the sustainability principle are identified in this report: climate change, potable water shortages, and environmental pollution. The County of Los Angeles Chief Sustainability Officer (CountyCSO) and the City of Los Angeles Chief Sustainability Officer (CityCSO) are in unique positions to lead the effort to bring the principle to all governmental entities within the County of Los Angeles. They can provide consistency across the County in this effort.

## II BACKGROUND

### Defining Sustainability

The concept of sustainability is straightforward: consume fewer critical resources than can assuredly be supplied in the future.<sup>1</sup>

Critical resources are those that are required to sustain the Earth’s biosphere.

- A life sustaining atmosphere
- Potable water
- Survivable weather
- Food
- Energy
- Raw Materials
- Cultures
- Economies
- Sustainable population levels

---

<sup>1</sup> <https://www.mcgill.ca/sustainability/files/sustainability/what-is-sustainability.pdf>

Sustainability for these items must be achieved over the entire Earth.<sup>2</sup>

Governments are the logical mechanisms for managing sustainability.<sup>3</sup>

Overconsumption of a critical resource by one generation will result in a critical resource shortage to following generations. Failure to practice sustainability may do harm to future generations.<sup>4</sup>

Each level of government is responsible for assuring the balance of consumption/production for its governed entity. Local sustainability is guided by Federal and State goals and policies.

### **Sustainability as a Principle in Governance**

Sustainability as a principle in governance means that each governing entity, including the County of Los Angeles and the municipalities and agencies with governing responsibilities within the County, should consider the sustainability consequences for all the actions it takes.<sup>5</sup> As an example, consider the long-term drought that threatens Los Angeles County's water supply. A set of water use restrictions was formulated by water agencies and passed on to water consumers.<sup>6</sup> The restrictions were largely followed and water use was reduced by about 20%.<sup>7</sup> This was effective in making the available water supply sufficient for critical needs. The water agencies' actions and the public's cooperative response reduced consumption and balanced water demand and supply, a positive example of the sustainability principle in governance.

Governing entities can directly implement this principle by the actions they take. For example, if a police department needs to purchase a fleet of cars, they could decide that electric cars would be a more sustainable choice than gasoline-powered cars. Federal Corporate Average Fuel Economy (CAFE) standards encourage similar sustainability for the individual or business purchaser of cars.

### **Current Sustainability Issues**

While a sustainability principle of governance would apply to all critical resources, at this moment there are three especially critical issues.<sup>8,9,10</sup>

---

<sup>2</sup> <https://www.thebalance.com/SustainabilityResourcesandInformation>

<sup>3</sup> [https://en.wikipedia.org/wiki/Sustainable\\_Development\\_Goals](https://en.wikipedia.org/wiki/Sustainable_Development_Goals)

<sup>4</sup> <https://stats.oecd.org/glossary/detail.asp?ID=820>

<sup>5</sup> [www.huffingtonpost.com/steven-cohen/the-role-of-government-in\\_b\\_4759621.html](http://www.huffingtonpost.com/steven-cohen/the-role-of-government-in_b_4759621.html)

<sup>6</sup> [www.waterboards.ca.gov/water\\_issues/programs/.../emergency\\_regulation.shtml](http://www.waterboards.ca.gov/water_issues/programs/.../emergency_regulation.shtml)

<sup>7</sup> <http://www.drought.ca.gov/>

<sup>8</sup> [www.globalstewards.org/issues.htm](http://www.globalstewards.org/issues.htm)

<sup>9</sup> [www.latimes.com/local/lanow/la-me-g-california-drought-map-htmlstory.html](http://www.latimes.com/local/lanow/la-me-g-california-drought-map-htmlstory.html)

<sup>10</sup> <https://www.epa.gov/environmentaljustice/los-angeles-area-environmental-enforceme...>

## Climate Change/Global Warming

Climate change (or global warming), caused by accumulating human-caused greenhouse gases in the atmosphere, is the most threatening sustainability issue worldwide. This has been agreed to by the United Nations.<sup>11</sup> The US military has stated that climate change is the most likely future cause of security threats to the United States.<sup>12</sup> Global average temperature has risen in 16 of the last 17 years.<sup>13</sup>

According to the science, limiting climate change to a tolerable level requires a drastic reduction of manmade greenhouse gases, mainly carbon dioxide and methane, in the atmosphere.<sup>14</sup> <sup>15</sup> There is an excess of these pollutants arising from the production and use of fossil fuels. Our ecological system can absorb and process a limited amount of carbon dioxide before its concentration becomes problematic.<sup>16</sup>

The effects of climate change are expected to be more severe than our recent experiences.<sup>17</sup> Some effects are already present or can be predicted: sea level rise, longer and hotter summers, spreading of tropical weather areas, more and hotter forest fires, and Arctic/Antarctic/Greenland ice melting, etc.<sup>18</sup>

The sustainability principle applied to climate change requires a reduction in the amount of fossil fuels burned, in the amount of methane (natural gas) produced, and in methane-producing agriculture. This implies the adoption of more sustainable sources of energy and food.<sup>19</sup> <sup>20</sup>

## Long-Term Drought in Southern California

The potential for long-term drought is a sustainability issue for Southern California. Historically, this has been dealt with by a program of “water sharing,” with Northern California sharing its relative water abundance with Southern California and Owens Valley

---

<sup>11</sup> UN Document: Sustainable Development – <http://www.un.org/sustainabledevelopment/climate-change-2>

<sup>12</sup> “Military experts say climate change poses ‘significant risk’ to security”, the Guardian – <https://www.theguardian.com/environment/2016/sep/14/military-experts-say-climate-change-poses-significant-risks-to-security>

<sup>13</sup> “U.S. scientists officially declare 2016 the hottest year on record. That makes three in a row.”, Chris Mooney, The Washington Post, January 18, 2017.

<sup>14</sup> “Climate Change Solutions for Healthcare Professionals to Promote”, - <http://www.climate-change-emergency-medical-response.org/climate-change-solutions-for-healthcare-professionals-to-promote>

<sup>15</sup> “10 Solutions for Climate Change”, Scientific American – <https://www.scientificamerican.com/article/10-solutions-for-climate-change>

<sup>16</sup> Climate Change: What Everyone Should Know. Joseph Romm, Oxford University Press, 2016

<sup>17</sup> Ibid

<sup>18</sup> UN Document: Sustainable Development – <http://www.un.org/sustainabledevelopment/climate-change-2>

<sup>19</sup> Note: The reductions could partially be achieved by conservation measures (e.g. - increasing the efficiency of transport systems) which are almost always more economical than finding and adopting revolutionary technological solutions.

<sup>20</sup> [www.davidsuzuki.org/what-you-can-do/top-10-ways-you-can-stop-climate-change/](http://www.davidsuzuki.org/what-you-can-do/top-10-ways-you-can-stop-climate-change/)

sharing its Sierra runoff with the City of Los Angeles. Historical data has shown that ongoing water shortages can be expected in Southern California.<sup>21</sup>

There have been actions taken to mitigate these shortages. William Mulholland's Los Angeles Aqueduct from the Owens Valley provided enough water to populate the San Fernando Valley and was an engineering "miracle" at the time it was created.<sup>22</sup> The California Water System brings water from the confluence of the Sacramento/American and San Joaquin rivers to Southern California.<sup>23</sup> Each of these projects has had negative environmental consequences. The LA Aqueduct has seriously dried out that environment. The California Water System threatens some endangered species and consumes large amount of electrical power.<sup>24 25</sup>

During the recent drought some water conservation methods have been applied: replacing lawns, using low-flow plumbing, and "waiting to flush". These have been effective, saving about 20% over historical water usage without significantly affecting the quality of life.<sup>26</sup>

These methods could be extended with the following:

- Gray Water reuse
- "Toilet-to-Tap" Sewage Processing
- Aquifer cleaning/recharging
- Seawater to Potable Water Reverse Osmosis Plants<sup>27</sup>

At the time this was written, Northern and Central California had substantial drought relief.<sup>28</sup> However, Southern California potable water shortages are historical and likely to worsen with global warming.

## Environmental Pollution

The health impacts of environmental pollution are a sustainability issue. A separate investigation and report dealing with communities identified as environmental justice areas is contained in this CGJ Final Report.<sup>29</sup>

## Sustainability Efforts within Los Angeles County

The County of Los Angeles Civil Grand Jury (CGJ) has reviewed current examples of the sustainability principle in governance within the County. Appendix 1 contains a table summary of the sustainability plans that were reviewed. The table is an approximation to the actual plans; some terminology has been adapted to improve comparability between the plans.

---

<sup>21</sup> "Droughts in California", Wikipedia – [https://en.wikipedia.org/wiki/Droughts\\_in\\_Caifornia/](https://en.wikipedia.org/wiki/Droughts_in_Caifornia/)

<sup>22</sup> "Los Angeles Aqueduct", Wikipedia – [https://en.wikipedia.org/wiki/Loa\\_Angeles\\_Aqueduct/](https://en.wikipedia.org/wiki/Loa_Angeles_Aqueduct/)

<sup>23</sup> "California Aqueduct", Wikipedia – [https://en.wikipedia.org/wiki/California\\_Aqueduct/](https://en.wikipedia.org/wiki/California_Aqueduct/)

<sup>24</sup> <https://www.wildlife.ca.gov/Conservation/Watersheds/Water-Operations>

<sup>25</sup> <http://www.climatecentral.org/news/california-drought-water-scarce-increasing-energy-demands-18676>

<sup>26</sup> "Southern California: A Leader in Water Conservation"- [PDF] <http://www.SoCalWater.org/>

<sup>27</sup> Note: While reverse osmosis processing of seawater into potable water is proposed for completeness of this list, the power requirements and cost impacts on utility bills probably makes it unaffordable to large portions of the community.

<sup>28</sup> 2016 in Review: California drought eased, but it's not over", San Jose Mercury News – <http://mercurynews.com/2016/12/26/fire-and-rain-in-california...>

<sup>29</sup> See "Community Impacts of Environmental Pollution", in the this Final Report.