



**STATEMENT OF PROCEEDINGS FOR THE  
REGULAR MEETING OF THE  
PROBATION OVERSIGHT COMMISSION  
WORKING GROUP  
KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET, ROOM 374  
LOS ANGELES, CALIFORNIA 90012**

**Wednesday, October 26, 2016**

**12:30 PM**

AUDIO FOR THE ENTIRE MEETING (16-5641)

**Attachments:** [Audio](#)

Call to Order.

**Chair Chodroff called the meeting to order at 12:41 p.m.**

Present: Chair Carol Chodroff, Vice Chair Alex Johnson, Gabriella Holt  
and Don Meredith

Absent: Jose Osuna

**I. ADMINISTRATIVE MATTERS**

1. Approval of the October 19, 2016 Special Meeting minutes. (16-5329)

**On Motion of Vice Chair Johnson, seconded by Member Holt, unanimously carried (Member Osuna being absent), the Probation Oversight Commission Working Group continued the approval of the Minutes for October 19, 2016 to the meeting of November 4, 2016.**

**Attachments:** [Minutes](#)

2. Meeting Schedule. (16-4206)

**The Working Group reviewed the schedule and Members Holt and Meredith indicated that they will not be available at the meeting of November 4, 2016. Commission Staff was requested to inquire if Member Osuna will be available in order to seat a quorum.**

**Attachments:** [Meeting Schedule 11-4-16](#)

## **II. PRESENTATION AND QUESTION AND ANSWER SESSION**

3. Presentation by Vincent Schiraldi, Senior Research Fellow, Program in Criminal Justice Policy and Management, Malcolm Wiener Center for Social Policy Harvard Kennedy School of Government, regarding model jurisdictions relative to oversight, and discussion of the Los Angeles County Probation Department structure.  
(16-5334)

**Vincent Schiraldi, Senior Research Fellow, Program in Criminal Justice Policy and Management, Malcolm Wiener Center for Social Policy Harvard Kennedy School of Government, addressed the Working Group and presented a brief background on his experience relative to juvenile justice. Mr. Schiraldi recalled his experience as the Commissioner of Probation in New York and as the Head of Juvenile Justice in Washington D.C. Mr. Schiraldi stressed the importance of external players before and after the Chief Probation Officer is selected. Mr. Schiraldi explained the formation of a Juvenile Probation Commission in San Francisco by ballot in 1990, and explained the powers of that Commission.**

**Relative to the task of the Oversight Working Group, Mr. Schiraldi informed that there are several oversight bodies currently in existence that monitor and investigate the Probation Department and perhaps the Department may be better served if the entities were consolidated and power is retained in one place. Mr. Schiraldi also explained that commissions tend to move from oversight, guidance, advice and management; he encouraged that the proposed Oversight Commission be one of a guiding force that works with the Chief Probation Officer (CPO) and not one of a manager over the CPO, and that community input is also very crucial.**

**Chair Chodroff inquired as to the membership and structure of the proposed Oversight Commission relative to having current members of law enforcement and the juvenile justice system. Mr. Schiraldi responded that he was more comfortable with a former presiding judge than a current presiding judge. Chair Chodroff inquired as to the number of members. Mr. Schiraldi indicated that 15 members would be an appropriate number if the members were to do all the investigations themselves so that the work could be divided between sub committees. If there were professional staff available to do the monitoring and investigative process, then seven might be appropriate, and discussion ensued.**

In response to Chair Chodroff's inquiry relative to the oversight process if the Probation Department is split between two separate bureaus, i.e., adult and juvenile, Dr. Patricia M. Bennett, CEO and Founder of RDA, responded that it is important not to lose sight of the needs of the probationers no matter what the structure is. Mr. Schiraldi suggested that an option for each structure ought to be provided to the Board for their consideration, or structure the proposed Oversight Commission so that it can be flexible enough to address both structures if the Department is divided. Dr. Bennett encouraged the Working Group to consider models by other states and jurisdiction.

Chair Chodroff inquired as to training for commissioners and budget considerations. Mr. Schiraldi indicated that partnering with various foundations to assist with training of commissioners, and indicated that he will reach out to various foundations on behalf of the proposed Oversight Commission. Chair Chodroff inquired as to the essential makeup of the proposed Oversight Commission to ensure that direct community involvement is achieved. Mr. Schiraldi indicated that someone will have to be assigned by the CPO to do either the external or internal management while the CPO takes on the other. The Probation Department needs to be structured and resourced appropriately. Mr. Schiraldi stressed that the proposed Oversight Commission should be the “backstop not the backbone” of the Department. The Department needs to run itself with guidance by the proposed Oversight Commission for egregious and systemic issues. Mr. Schiraldi suggested that the Commission look at the data rather than the philosophical rational; measure the change, measure the outcomes, and know what to watch for to see if change is achieved.

Vice Chair Johnson inquired at to the idea of having an Inspector General for the Probation Department. Mr. Schiraldi indicated that he would not support both the Oversight Commission and an Inspector General. Vice Chair Johnson inquired as to staff positions that are imperative. Dr. Bennett stated that the commission should have a staff that has a clearly defined role and responsibilities, and who are not afraid of pushing back when called for, and especially to have the instincts to know when that is. Dr. Bennett concluded that two individuals will be sufficient for the proposed Oversight Commission

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**Chair Chodroff inquired as to the data system in the Probation Department. Dr. Bennett indicated that data needs to be synthesized on a daily basis and to hold people accountable to enter the data appropriately, and to develop a culture within the Department to use it effectively.**

**Member Holt inquired as to how to include an enforcement mechanism to ensure the Department's compliance whether by an Inspector General or other entity. Mr. Schiraldi indicated that ultimately it would be the Board of Supervisors to make sure that egregious issues were addressed.**

**The Working Group recessed at 1:50 p.m. and reconvened at 2:05 p.m. with all Members being present, except Member Osuna who was absent.**

### **III. OVERSIGHT ASSESSMENT: Review of Previous Presentations**

- 4. Discussion of the information obtained from the Meetings of October 26, 2016 and November 4, 2016, pending reports and next steps. (16-3493)**

**Member Holt spoke to the frustration of the Probation Commission relative to two differing legal opinions relative to juvenile justice, and that the Working Group should review and address that particular issue relative to the proposed Oversight Commission. Chair Chodroff spoke on information received from Dan Seaver, Probation Commissioner, and his thought that the current Probation Commission should be folded into a new commission with greater authority, and how Commissioner Gardner spoke on the need for training the Commissioners. Vice Chair Johnson indicated that he will reach out to various foundations for training for the Commissioners. Member Meredith spoke on the singular focus by the Probation Commission on a very small aspect of the Department, and discussion ensued.**

**Chair Chodroff indicated that the mission statement should be reviewed to ensure that it reflects the overall strategic plan of the Commission so that the Commissioners and staff all work toward a defined goal. Vice Chair Johnson highlighted the need to restructure the Probation Commission with staff that have appropriate qualifications.**

### **IV. STATUS REPORTS/UPDATES AND DISCUSSION ITEMS**

- 5. Review of Los Angeles Probation Department memo dated October 18, 2016 regarding "Flash Incarceration." (16-5331)**

**This item was continued to a future meeting.**

Attachments: [Memo](#)

6. Reports and/or updates by the Interim Chief Probation Officer and/or staff. (16-3142)

**Amalia Lopez, Probation Department, addressed the Working Group, and clarified that relative to the Probation Department's budget, that the proposed Oversight Commission has review ability but not approval authority. Chair Chodroff assured that it is not the intent of the proposed Commission to hinder the process only to review and make recommendations.**

7. Discussion of and processes for review of the "Working Document Recommendations" which contain draft recommendations and/or comments of the Working Group Members and/or other sources relating to the creation of a Probation Oversight Commission. (16-3746)

**The Working Group reviewed the Working Document Recommendations. Chair Chodroff informed the Working Group that the Recommendations have been appropriately renumbered and indicated that the structure now includes Recommendations that are cross referenced with appropriate findings. The Working Group agreed that the Recommendations to the Board of Supervisors should be in an outline format. Vice Chair Johnson suggested that the Recommendations be made more clear and strengthened, and to specify the deficiencies of the current Probation Commission. Relative to sub-committees, it is important that skills and knowledge is not lost on a restructured commission. Member Holt suggested that the responsibilities of the current Probation Commission should be sun-setted concurrently with the formation of a new Oversight Commission with juvenile justice assigned responsibilities. Discussion ensued relative to the delinquency prevention commission, juvenile justice commission and the County Charter. Counsel suggested that the concept be reviewed in greater depth relative to State law. Vice Chair Johnson indicated that he will write some language for the concept which will be presented to the Working Group as a whole at a future meeting.**

**The Working Group discussed the desired qualifications of Commission Members. After discussion, the Working Group agreed that the proposed Oversight Commission Members should be selected from a pool of individuals with the following disciplines:**

- **Healthcare and Mental Healthcare**

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- Law Enforcement/Probation (at least separated by 12 months)
  - Formerly Incarcerated Individual
  - Family Member of Formerly Incarcerated Individual
  - Educator with Juvenile Court School or Adult Education (Community College) expertise
  - Former Juvenile Court Judge
  - Academic with subject matter expertise in Probation
  - Individual with specific Juvenile Justice expertise
  - LGBTQ issue expert
  - Individual with expertise in Substance Abuse
  - Substance abuse expert
  - Community Advocate (restorative justice, faith based, Community Based Organization)

Additional discussion ensued relative to the structure of the proposed Oversight Commission based on the stated qualifications and expertise. The number of Commissioners agreed upon at this time is eleven.

The Meeting was recessed at 3:15 p.m. and reconvened 3:20 p.m. with all Members being present with the exception of Member Osuna who was absent.

Attachments: [Working Document Recommendations v. 11-4-16](#)

#### V. PRESENTATIONS - 3:00 P.M.

8. Presentation by Cynthia Hernandez, Chief Attorney, Office of Independent Monitoring. (16-5332)

Cynthia Hernandez, Chief Attorney, Office of Independent Monitoring (OIM), addressed the Working Group and answered questions prepared by the Working Group beforehand. Ms. Hernandez presented background information on the creation of the OIM and the circumstances that was the catalyst for the formation. Essentially, the Board instructed the Office of Internal Review to perform an audit of the administrative processes of the Probation Department. The concluding report included 34 recommendations relative to the deficiencies in the Department and included the recommendation of an oversight group to oversee the administrative processes. The OIM currently resides within the Department. Some issues that have come to light through investigation are deficits in policy, training, and other systemic issues. The OIM continues to conduct oversight of individual cases and other prevalent issues within the Department. The authority comes from the status of an independent contractor. Critical to the role of the OIM is the

unfettered access to people and documents. Ms. Hernandez informed the Working Group that OIM retains an Attorney Client relationship which extends from the Board of Supervisors, and from the Department under work product.

Member Meredith inquired if the OIM works with the Probation Commission. Ms. Hernandez indicated that the OIM does not work with them but has reached out to them on occasion, including the forwarding of reports to the Commission. Ms. Hernandez indicated that the OIM releases an annual report along with individual audits and reviews. Chair Chodroff inquired if there is any follow-up to ensure that deficits are addressed. Ms. Hernandez indicated that there is constant follow up through emails and direct contact with managers one on one, along with delegating the matter up to the Chief Probation Officer and the Board of Supervisors if needed.

Member Meredith inquired as to the placement of an Inspector General for the Probation Department. Ms. Hernandez responded that current oversight should not be diminished until the new model is in place. Ms. Hernandez added that the OIM has been successful in improving the Department's ability to make people accountable and to make reforms when necessary. In addition, if an Inspector General Office was created in lieu of OIM, then the Department must increase in size including adding an audit section, internal review section, and an inspection section.

Vice Chair Johnson inquired as to interaction with the Ombudsman. Ms. Hernandez indicated that the Ombudsman becomes involved on the backend of an incident and the OIM monitors ongoing investigations and that interaction with the Ombudsman is limited. Member Meredith inquired if OIM is timely notified of any incidents. Ms. Hernandez indicated that in most cases yes, however, it is important to keep in mind that the OIM is to review administrative processes. Ms. Hernandez responded to Members Holt's question relative to overall goal of the OIM. Ms. Hernandez informed that the overall arching goal of OIM is to review employee misconduct cases and to address exposed issues due to the investigation and to identify systemic issues. Member Holt inquired as to what were some of the systemic issues that were identified at the inception of the OIM. Ms. Hernandez indicated that from the inception of OIM that the lack of centralized tracking database was addressed, the bottleneck in the processing of investigations, and training in lieu of or in addition to punitive discipline.

**Discussion ensued and Ms. Hernandez spoke to the placement of advisors for the new Chief Probation Officer much like the Constitutional Policing Advisors within the Sheriff's Department, OIM's physical location, and that the current system should not be disregarded.**

**Attachments:** [Questions for OIM](#)

- 9.** Presentation by Max Huntsman, Los Angeles County Inspector General. (16-4016)

**Max Huntsman, Inspector General, addressed the Working Group. Member Meredith inquired as to how the Office of Independent Monitor ought to be blended into a new oversight body. Inspector Huntsman indicated that there are a few options that can be considered: 1) have the Civilian Oversight Commission take on the oversight responsibilities with expansion of staff and resources; 2) strengthen the current Probation Commission with staff, resources and authority; 3) restructure the internal processes within Probation Department with a more internal audit function similar to the Sheriff's Department rather than an HR function. The Sheriff's model has thorough investigative abilities and meets rigorous demands; and 4) adding individuals such as the Constitutional Policing Advisors with the Sheriff's Department to the Probation Department. Inspector Huntsman continued to discuss the structure of the Probation Department and various improvements that can be made to address the big picture systemic issues relative to investigative processes and discipline.**

**Inspector Huntsman spoke about having a strong internal audit operation within the Department staffed with legal advisors and have it run the way administrative or criminal prosecutor's office runs, with an investigative model much like the Sheriff's Department, having a proactive investigative unit with stringent demands. Inspector Huntsman advised that there are sufficient models relative to the disciplinary functions to choose from, however, the overall oversight of the Department will take a visionary leader who is able to hold people accountable.**

**Inspector Huntsman advised that the proposed Oversight Commission ought to have a strong internal legal presence to improve the work product and ensure accountability. Additionally, the Working Group ought to consider the role and responsibility of the proposed Oversight Commission. To be considered is: will the proposed Commission**

function much like the L.A.P.D. Commission whereby the Commission makes the policy for the Department [not personally recommending the concept, just something to consider]. The Working Group must also consider if the proposed Oversight Commission will have an investigative arm and how independent it will be, and also consider what the goal, duties, responsibilities, and legal limits are..

Chair Chodroff inquired as to what an oversight commission can do to make a stronger monitoring and discipline mechanism. Inspector Huntsman indicated that having staff who can do investigations along with the ability to review records, and more importantly getting the public to be engaged and involved will go a long way in ensuring compliance with the discipline policies. With public involvement there can be sustained change. Inspector Huntsman advised that the Working Group has much to consider relative to the internal and external functions and an in-depth analysis needs to be done in order to reach viable recommendations.

The Working Group proceeded to discuss the concept of subpoena power. Inspector Huntsman indicated that the current Memorandum of Understanding with the Sheriff has been sufficient, however, if he needed to subpoena documents he would go to the Board of Supervisors, and discussion ensued. After discussion, County Counsel indicated that the matter would be reviewed and reported on at a future meeting. The Working Group agreed that language relative to subpoena power would be added to the recommendations.

Attachments: [Questions for Max Huntsman](#)

## VI. MISCELLANEOUS

10. Matters not on the posted agenda, to be discussed and (if requested) referred to staff or placed on the agenda for action at a future meeting, or matters requiring immediate action because of an emergency situation or where the need to take action came to the attention of the Probation Oversight Working Group subsequent to the posting of the agenda. (16-2018)

**There were none.**

11. Opportunity for members of the public to address the Working Group on items of interest that are within the subject matter jurisdiction of the Working Group. (16-3289)

**There were none.**

12. Adjournment of the Meeting of Wednesday, October 26, 2016. The next regular meeting is scheduled for Wednesday, November 9, 2016 at the Kenneth Hahn Hall of Administration, Room 374 at 12:30 p.m. Note: A Special Meeting is scheduled for Friday, November 4, 2016 at 9:30 a.m. in Room 372, Kenneth Hahn Hall of Administration. (16-4210)

**The meeting adjourned at 4:50 p.m. The next Regular Meeting is scheduled for Friday, November 4, 2016 at 10:00 a.m. in Room 372 in the Kenneth Hahn Hall of Administration.**