

OVERVIEW

PRIT RECOMMENDATIONS FOR THE PROBATION OVERSIGHT COMMISSION

The Probation Reform and Implementation Team's recommendations for the powers and authorities for the Probation Oversight Commission include 10 areas:

- (1) **Advising the Board and the Probation Department**
- (2) **Policy and Practice Review and Assessments**
- (3) **Inspections**
- (4) **Investigations**
- (5) **Independent Grievance Process**
- (6) **Power to Compel (Subpoena)**
- (7) **Public Reporting and Meetings**
- (8) **Public Engagement**
- (9) **Composition**
- (10) **Provisions to Structure and Establish the POC or Miscellaneous Provisions**

- 1) **Advise BOS and Probation Department** and monitor the Department's progress on reforms, on behalf of the Board.

The PRIT recommends that this include:

- a) the authority and duty to review departmental leadership, policies, procedures, practices and workplace culture;
- b) the ability to engage the advice of appropriate subject matter experts;
- c) the ability to provide input into the Board's recruitment and vetting process for the Probation Chief; and
- d) transparency about the recommendations to and decisions by the BOS and Probation Department.

- 2) **Robust Policy and Practice Review and Assessments**

- 1) authorize the POC to review any policy change that the Probation Department wants to make 90 days prior to the proposed change;
- 2) include POC internal research, fact gathering, public testimony, presentations by the Probation Department, and any other relevant source of information;
- 3) authority to coordinate with Auditor Controller to review all funding streams, internal allocations, and procurements by the Department; and
- 4) codifying the juvenile justice funding protocols required by state law requiring community input into JJCPA funding into County ordinance.

- 3) **Inspections** - Closely monitor the conditions of confinement and the quality of treatment and programming offered to probationers through unfettered inspections, without notice, and reported publicly.

- 4) Investigations** – PRIT recommends that the POC have the power to:
- a) monitor investigations on all critical matters;
 - b) have internal, independent capacity to ensure appropriate and full investigation; and
 - c) partner with the OIG in matters that implicate information not suitable for a Brown Act body to consider.

- 5) Independent Grievance Procedure** –for youth and adults under probation supervision in or out of custody.

National best practices, and community feedback, suggest that a meaningful grievance procedure ***should not*** be administered within the Probation Department alone.

- i) Bring the County into compliance by ending the Department’s non-confidential manner of taking grievances from youth in halls and camps and authorizing the POC to administer this function
 - ii) Transferring the Department’s Ombudsman staff handling non-confidential grievance procedures for youth in camps to handle non-confidential service complaints filed with the Department by adult and youth probationers outside of camps
- 6) Power to Compel (Subpoena Power)** – To meet its mandates the POC must have:
- a) broad access to discover an expansive scope of documents, data, real evidence and direct testimony-subject to any existing laws; and
 - b) subpoena power as the only swift, fair and reliable mechanism to ensure the department complies with information requests in a timely and good faith manner.
- 7) Public Reporting and Meetings** – Public accountability and transparency require that the POC:
- i) provide public reports on Department policies and practices;
 - ii) maintain community input through regular community meetings;
 - iii) create an annual ‘Data Statistics and Case Review Town Hall’ and report card to promote problem-solving and innovation; and
 - iv) shall serve as a forum for public discussion of vital labor and finalized collective bargaining agreements material to the delivery of probation services to adults and juveniles
 - (i) POC as a venue for Labor union reps and probation staff to raise critical concerns they feel are unaddressed or feature innovations undertaken with the Administrative leadership
 - (ii) POC as a venue for staff to address concerns with Probation Department internal affairs that are contrary to systemic reform and as a venue for unresolved grievances to be referred to mediation or restorative justice processes.
 - v) the Probation Department and County Counsel provide POC information related to litigation costs and implementation of corrective action plans in lawsuits filed against Probation/County, including:

- (i) Lawsuits and settlements since 2000 and moving forward
- (ii) Implementation of Corrective Action Plans

8) Public Engagement – Per the Board’s directive, the POC serves as “liaison between the department and the community” and shall have the authority to establish a community engagement substructure to fulfill that role.

a) The key elements of a community engagement substructure that can facilitate ongoing positive engagement include: (1) staffing empowered to solve service complaints and increase awareness of the POC’s work; (2) meaningful community engagement functions which bridge the grievance, investigations, and data analysis functions of the POC to identify trends, root causes, and solutions; and (3) a culture of innovation that encourages deeper engagement of the public and the mission of the POC in the stewardship of public funds and promotes healing for systemic failures.

- i) Include 5 Community Probation Liaisons, one per each Supervisorial district who have experience on probation to be the face of the POC in the community and on the Community Advisory Boards established by the Probation Department
- ii) Empower the liaisons to file and resolve service complaints using the current process used by Executive Office, advocates, and residents to file service complaints to dedicated staff in the Probation Department with a 48 hour deadline to solve them
- iii) Require the Liaisons to track complaints and work with the POC data arm to provide reports, identify trends, and solutions and with the investigative arms of the POC to forward matters for investigation, where necessary
- iv) Require the POC to increase transparency for public funds going to the adult division, by administering a pilot program to replicate the JJCPA community budgeting process to some portion of the adult probation budget
- v) Offer restorative justice and mediation services to foster trust and promote healing for systemic failures

b) Establish Youth Councils in the Halls and Camps

Grants the ED of the POC the authority to contract with a non-profit or use its own Community Engagement Staff to administer youth councils independent of the Probation Department to increase youth voice and requires Leadership from the Department’s youth division to attend Council meetings.

9) Composition – The POC’s composition must represent both subject matter expertise and community wisdom, consisting of:

- 9 members,
 - 5 appointed by the Supervisors
 - 4 ‘at large’ members, selected by the Supervisorial appointees to balance the skills on the body and reduce delays.

- Criteria includes:
 - expertise in youth development,
 - adult and juvenile justice, and
 - reflects the diversity of the County.
 - 1 of the 4 at large must be a youth formerly on probation
 - 1 of the 4 at large must be a family member of someone on probation
 - 1 of the 4 at large members must be a member of the civil rights bar, legal academy, or defense bar, such as Public Defender or Alternate Public defender
- Commissioners shall receive ongoing training on critical topics, including:
 - adverse childhood experiences (ACE),
 - trauma-informed practices,
 - the use of force,
 - custody regulations,
 - mental health issues,
 - juvenile justice best practices.

10) Miscellaneous Provisions – The POC shall rely on a robust, professionalized staffing structure that reflects best practices in civilian oversight, comply with all laws, conduct a self-evaluation, produce an annual report, and offer modest compensation to Commissioners for costs associated with their voluntary service.