**MINUTES
FOR THE LOS ANGELES COUNTY
PROBATION REFORM & IMPLEMENTATION TEAM**

**PROBATION DEPARTMENT –
STRUCTURED DECISION MAKING**

**Kenneth Hahn Hall of Administration
500 West Temple Street, Room 374A
Los Angeles, California 90012**

**Wednesday, January 9, 2019
2:00 p.m. – 5:00 p.m.**

Members Present: Member Alex Sanchez, Member Cyn Yamashiro, Member Dr. Sheila Balkan, Member Mack Jenkins, Member Sheila Williams

Absent: Chairman Saul Sarabia, Member Jose Osuna, Member Tiana Murillo and Member Carrie Clarke

Others Present: Jeramy Gray, Chief Deputy, Executive Office
　　　　Board of Supervisors
Rodrigo Castro-Silva, County Counsel
Terri L. McDonald, Chief Probation Officer
Sheila E. Mitchell, Chief Deputy, Juvenile Services,
　　　　Probation Department
Reaver E. Bingham, Chief Deputy, Adult Services,
　　　　Probation Department
David Muhammad, Executive Director,
　　　　National Institute for Criminal Justice Reform
John Raphling, Senior Researcher on Criminal Justice,
　　　　US Program, Human Rights Watch

I.   **Welcome and Overview of Objectives**

In the absence of the Chairman, Jeramy Gray, Chief Deputy, Executive Office of the Board of Supervisors, called the meeting to order at 2:10 p.m. and welcomed the Probation Reform & Implementation Team (PRIT) members and constituents. He provided a brief overview of the Executive Office of the Board of Supervisors' (Board) role within the County and assistance with the PRIT. Mr. Gray proceeded by referencing the May 1, 2018 Board motion to establish a POC, comprehensive reform plan for the Probation Department (Probation) and the PRITs' purpose. He also introduced the meeting objectives and engaged constituents to focus on two

(2) questions while the Subject Matter Experts (SME) present their information as it relates to Structured Decision Making (SDM):
1) How do you think SDM can support matching the right services to probationers?
2) How would you like for Probation to implement SDM in their service delivery system?

Member Jenkins reiterated the PRIT's purpose and how the Board has commissioned experienced individuals to assist in the establishment of the POC and reforming Probation. He provided comments on what SDM encompasses as it relates to Probation and expressed that various assessments will be needed relative to SDM. Member Jenkins further elaborated that Probation's role in the justice system is different from other justice systems, such as law enforcement, courts, and corrections.   Member Jenkins highlighted that Probation also has the responsibility to assist the courts in carrying out court orders for both adults and juveniles; and noted that SDM will be helpful in utilizing the risk and needs assessments to help produce the best outcomes and identify the type of services needed to assist juveniles and adults.

Mr. Gray further outlined SDM's objectives in decision theory, risk analysis and how SDM encompasses a simple set of concepts and helpful steps for problem solving.

II.   Subject Matter Experts and Dialogue

David Muhammad, Executive Director, National Institute for Criminal Justice Reform, provided an overview of the SDM section of the Los Angeles Probation Governance Study by Resource Development Associates, Inc. He explained that SDM is about making good sound decisions that are best for youth, adults, families and communities, and avoids individual decisions made by Probation staff. Mr. Muhammad indicated that SDM is reducing the number of adults in the system and identifies quality services and opportunities to provide to youth, adults, families and communities. He commented that SDM is intended to create a more effective, consistent and fair justice system to ensure that justice system agencies make decisions based on data effective practices without bias.

Mr. Muhammad outlined some key SDM tools used by Probation departments for juveniles and that the SDM tools and concepts can be similar for adults: Detention Risk Assessment Instrument; Post Disposition Youth Risk Assessment; Pre-Trial Adult Risk Assessment; Post Sentencing Adult Risk Assessment; Needs Assessment; Asset Assessment; Juvenile Disposition Matrix; Juvenile Response Matrix; and made the following recommendations:

- Adopt and/or improve all SDM tools previously presented as Probation utilizes some key SDM tools, but they require an update, improvement or replacement;
- Tools should be integrated into Probations' electronic Client Management Systems and their use should be part of the training and job descriptions of the staff;
- Probation should take intentional steps to limit the staff's ability to override recommendations;
- Risk tools should be incorporated into Probation's data systems to create dashboards that managers can easily view;
- Probation should take a variety of actions to reduce contact with low-risk clients and clients who are demonstrating success in complying with their supervision terms, which includes:

1) Ending probation services to at-risk youth currently serviced consistent with applicable Welfare and Institutions Code; and
2) Not actively supervising any juvenile or adult clients assessed as low risk; and
3) Reducing supervision terms for successful youth and adult clients by:
   a) stepping down supervision
   b) working with the courts to establish criteria for early termination of probation

Mr. Muhammad voiced concerns involving assessments and emphasized that the best assessment tools and how they are utilized must be determined. He concluded that constant reviews for disparities and goals of the outcome in utilizing the assessment tools should be monitored. Mr. Gray thanked Mr. Muhammad for his presentation and introduced Sheila E. Mitchell, Chief Deputy, Juvenile Services, Probation.

Ms. Mitchell provided an overview of Probation's current SDM. She emphasized that SDM is a guiding principle on how Probation conducts business in juvenile services and throughout the adjudication process. Ms. Mitchell commented that Probation has been working with experts across the country that understands the best tools and processes involving trauma informed services. Ms. Mitchell emphasized that Probation utilizes several validated tools to evaluate and assess risks and needs of children at each phase, such as: Los Angeles Detention Screener; Post-adjudication risk and needs assessment; dispositional matrix; post-disposition; response matrix; and custody and housing assessments.

Ms. Mitchell informed that Probation is utilizing and continually working to apply the recommended assessment tools as outlined in Mr. Muhammad's presentation.

Reaver E. Bingham, Chief Deputy, Adult Services, Probation, provided an overview of Probation's SDM with the adult probationers and noted that SDM is not similar to juvenile SDM. Currently, Probation utilizes the Wisconsin tool, which has been furthered modified to meet Los Angeles County probationers' needs. Mr. Bingham also informed that Probation has revised its AB 109 Policy to assist Probation Officers in making decisions pertaining to the handling of various violations; and the implementation of an incentive program to provide guidance to Probation Officers in responding to specific behaviors. He concluded that Probation has been using the Alternative Treatment Caseload system and recognize that the assessment tools as recommended are essential to providing services to the adult population.

John Raphling, Senior Researcher on Criminal Justice, US Program, Human Rights Watch, acknowledged the various activists and advocates in attendance and provided a brief background of his 20 years as a criminal defense and civil rights attorney before joining the Human Rights Watch. He highlighted the progress made in reducing the number of individuals entering the Probation system and closures of juvenile halls. Mr. Raphling raised concerns with Probation improvements utilizing the validated risk assessment tools. He provided scenarios where the use of assessment tools does not provide sound reasoning to assist the court's determination for juveniles and adults. He further discussed how the criminal system is dehumanized when decisions are based on profiles compared to what other individuals have done in the past, racial and economic class bias, and the assessment tools do not necessarily lead to a reduction in incarceration.

Mr. Muhammad further explained that the observations made reflected old invalidated assessments, and in some instances, the assessment tools have not been reviewed, updated or validated.

Member Yamashiro commented as to if an algorithm can be used to make decisions on whether or not a youth needs to be sent to camp or placed home on probation. Mr. Muhammad responded that there are no algorithm assessments being used for SDM.

Member Jenkins requested that Mr. Raphling provide additional clarification pertaining to release and detained decisions. Mr. Raphling responded that his knowledge is based on pre-trial scenarios he experienced; however, the same tools with the same logic are being utilized for sentencing. Mr. Raphling recommended finding alternatives to achieve the goals, instead of the assessment forms being utilized.

Member Jenkins referenced that consistent with the applicable Welfare and Institutions Code, Probation has the authority to refer or not to refer as it pertains to custody and inquired if there is SDM to help make the determination to detain or not to detain.

Ms. Mitchell clarified that the Probation Officer has the responsibility at intake, in collaboration with law enforcement, to make the decision as to refer or not to refer. Mr. Muhammad added that the challenge is that during the process, who makes the SDM for the juveniles and adults when law enforcement decides to issue a "Notice to Appear" and does not involve Probation.

Member Yamashiro noted that the modified Wisconsin tool is continuously in use by jurisdictions throughout the country, and questioned why we are using this tool and is the tool helpful. Mr. Bingham informed that the modified Wisconsin tool is an industry standard and it is currently being reviewed in pre-trial instances.

Members of the public provided their input, personal experiences and concerns before the PRIT.

III.   Closing and Next Steps

Mr. Gray announced that the PRIT will host its next community dialogue on Saturday, January 26, 2019 from 11:00 a.m. to 4:00 p.m. at Long Beach City College, Room GG, 1305 East Pacific Coast Highway in the City of Long Beach. Mr. Gray thanked the PRIT members and the community for their participation.

The meeting was adjourned at 4:56 p.m.