

## ATI Intercept 6 Recommendations

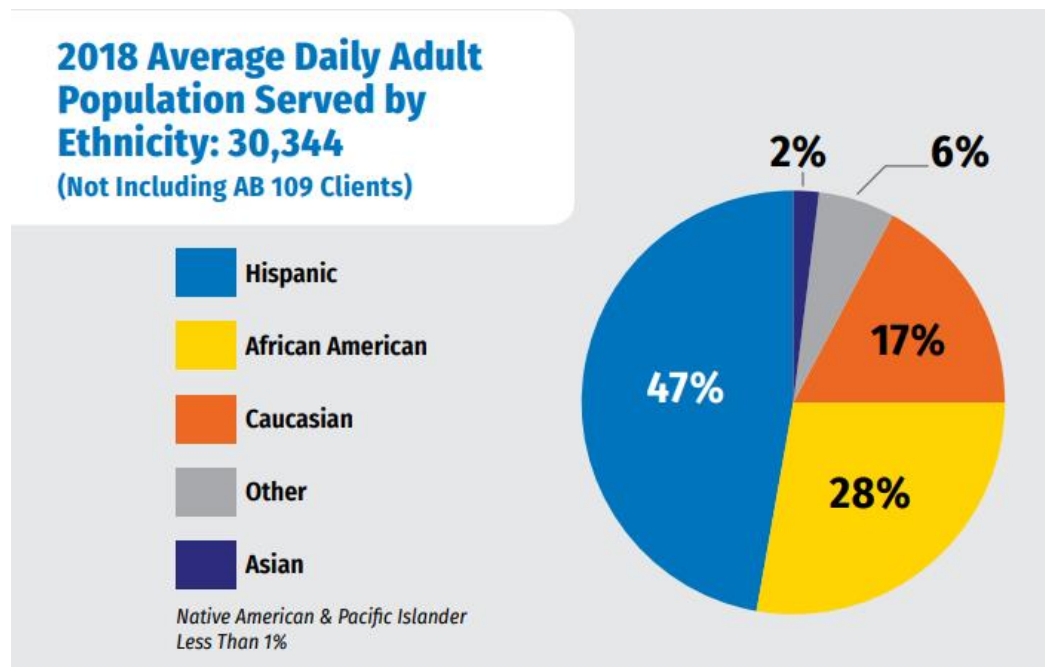
Stakeholder groups who worked on recommendations: A New Way of Life Reentry Project, Just Leadership USA, LA Voice, Los Angeles County Department of Health Services (including Whole Person Care and the Office of Diversion and Re-Entry), Los Angeles County Probation Department, Los Angeles Regional Re-Entry Partnership, Urban Peace Institute, Vera Institute of Justice, Youth Justice Coalition

Recommendation are divided into four major areas:

- Improve Partnerships with CBOs
- Reduce Supervision Violations
- Create Specialized Caseloads for Vulnerable Populations
- Eliminate Fines and Fees

## Background

The LA County Probation Department supervises 12,000 AB 109 parolees and 60,000 adult probationers in 19 area offices throughout the County.<sup>1</sup> Supervision in the community, known as Intercept 6 in the ATI Work Group, is a critical component to reducing the jail population and assuring that vulnerable populations who have been sentenced to jail time and/or Probation supervision are connected to care and needed supports so they can stabilize their lives and achieve success. It is also an essential component to reducing racial disparities in our criminal justice system, particularly for African Americans who are overrepresented in the population under probation supervision. See figure below:<sup>2</sup>



<sup>1</sup> Probation department website, <https://probation.lacounty.gov/about-probation/>

<sup>2</sup> Graph from County of Los Angeles Probation Department 2018 Annual Report, [https://probation.lacounty.gov/wp-content/uploads/AR2018\\_Probation\\_v10M\\_MQ.pdf](https://probation.lacounty.gov/wp-content/uploads/AR2018_Probation_v10M_MQ.pdf)

From September 2016 to February 2018, Resource Development Associates, Inc. (RDA) was retained by LA County to conduct a comprehensive study and analysis of the LA Probation Department that would articulate its strengths and weaknesses and provide recommendations for building the Department into a high-functioning 21st Century agency that models best practices in the field. The report reaffirmed projects and programs already recognized and under development by the Department, energizing broader support for reforms being developed to transform the department and strengthen reentry services and community partnerships.

These recommendations seek to affirm positive changes that have already been initiated in the Department, address ongoing issues based on community feedback, and tailor recommendations to best serve the vulnerable populations that have been the focus of the ATI Work Group.

## Recommendations

### Improve Partnerships with CBOs

**Issue:** Increase and improve partnerships between LA County Probation Department and community-based organizations to provide more effective services to people under probation supervision, especially those with serious mental illness (SMI), substance use disorder (SUD), or co-occurring disorders (COD).

While community-based services are vital to recovery and success, the intensive study conducted by RDA found that the relationship between the LA County Probation Department and community-based service providers is strained due to mistrust, a lack of an effective service referral system, and a burdensome process for contracting, billing, and auditing. Stakeholders feel that programming provided by Probation is often-times not rehabilitative nor in line with best practices.

State and County funds may not be leveraged to the fullest extent to provide the maximum amount of services possible, especially for those with SMI, SUD, and COD as well as for cisgender women, TGI, and trans gender people.

Changing employee performance metrics to incorporate measurable manifestations of quality, evidence-based services delivery to adult probationers would support existing efforts to transform the focus of adult supervision to a more rehabilitative and supportive approach.

1. Continue to intentionally foster relationships between Probation and the communities they serve—particularly in neighborhoods with the highest number of people on Probation supervision—through structured and sustainably funded partnerships with community-based organizations and stakeholder engagement. Stakeholder engagement should include community advisory panels, with consistent representation of people with lived experience of incarceration, including cisgender women, TGI and LGBTQ+ community members, and stakeholders with expertise in working with people with serious mental illness (SMI), substance use disorders (SUD), co-occurring disorders (COD).
2. Evaluate funding access and reporting requirements for community-based service providers receiving funding from DMH, DHS, DPH SAPC and/or the Probation Department to address major barriers to flexibility in contracting and optimized disbursement and community-based programming for people on community supervision. Expand efforts that expedite payment and

increase access to funds for CBOs, especially smaller organizations, such as master service agreements and partnerships with foundations.

3. Promote and incentivize a culture change among probation officers to encourage greater support for people on supervision and increase collaboration between probation officers, relevant County departments, and community-based providers to increase referrals to community-based services for people on probation and their families. Develop probation outcome measures that focus on the quality of engagement between probation officers and clients and the application of evidence-based, effective practices, in addition to traditional probation outcome measures involving successful reentry.

### **Reduce Supervision Violations**

**Issue:** Data published by Million Dollar Hoods shows that supervision violations were the largest driver of single-charge bookings to LA County jail from 2010-2016, accounting for an average of 13% of single-charge bookings. “Persons solely booked for a supervision violation spent an average of 32 days and a median of 19 days in custody at the L.A. County Jail.”<sup>3</sup> This median is substantially longer than the overall median for jail terms in that time period, which was 13 days in 2010 and 10 days in 2016.

Better data collection practices are needed to understand how supervision violations lead to jail incarceration (especially for those with clinical behavioral health needs), and why the length of time spent in jail is longer than the median. This will help to identify solutions to reduce incidence of supervision violations and length of time spent in jail.

In the recent public process to create a Probation Oversight Commission, community recommendations included reducing Probation’s harmful impacts on individuals, including long and burdensome Probation terms and conditions, and the role of Probation in conducting pre-trial assessment. LA County can better meet the needs of both individuals and public safety by following the lead of evidence-based programs and promising practices to limit the length and conditions of Probation terms.

4. Improve data collection and sharing practices in the Probation department and other relevant justice and health service agencies to understand how supervision violations lead to jail time, particularly for people with serious mental illness (SMI), substance use disorders (SUD), and co-occurring disorders (COD). Data collection should identify the reason for the violation, length of stay in jail and what services they are connected to through Probation and should also align with best practices for data collection for cisgender women, TGI, and LGBTQ+ individuals as well as capture data on race and ethnicity to reduce disparities. Aggregated data reports should be reviewed regularly to improve practices and be made public.
5. Explore ways to reduce technical violations for people on Probation supervision through increased accessibility of probation check ins through:
  - a. increased use of mobile resource centers, in partnership with community service providers, in areas without accessible Probation field offices

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<sup>3</sup> Direct excerpt from the report: <http://milliondollarhoods.org/wp-content/uploads/2019/06/LA-County-Jail-Report-2010-2016-Final.3.pdf>

- b. appropriate use of technology for check ins, such as videoconferencing
  - c. Probation colocation in other partner county department offices
  - d. Probation colocation in partner community-based provider sites
  - e. expanded opportunities to check in during weekends and after regular work hours
  - f. cooperation between the Probation Department and the courts to reduce the issuance of bench warrants.
6. The Probation Department, in collaboration with the Courts, should continue to work to reduce the length and intensity of probation terms through regular reviews of probation cases, to assess the effectiveness of supervision terms on people’s successful reentry, positively motivate compliance, and reduce caseloads.
  7. Los Angeles County should assess probation terms, conditions, and length of supervision to assess effectiveness in promoting public safety and successful re-entry. The assessment should create recommendations to align probation terms conditions, and length of supervision with evidence-based practices and promote harm reduction strategies and referral to culturally humble services.

### **Create Specialized Caseloads for Vulnerable Populations**

**Issue:** There is strong empirical support for the use of specialized caseloads and evidence-based screening tools for people with SMI, SUD, and COD. While the Probation Department has some level of specialized caseloads through the ODR housing program, this is not a formalized practice and probation officers do not receive specific training for the populations they serve. To identify who those with SMI, SUD, or COD, Probation currently uses information from the courts, or they make referrals to DMH and/or SAPC based observation or reports from friends or family members of the person who is under supervision.

Despite limited research on best practices for community corrections supervision and mental health treatment, in 2008 the Council of State Governments Justice Center conducted extensive research and found that specialized probation caseloads were the only model strongly supported by evidence at the time of the study.<sup>4</sup> They found that people with SMI or COD on specialized caseloads were less likely to have their sentence revoked and more likely to receive mental health treatment and other services. Similar findings were published in *The American Journal of Drug and Alcohol Abuse* in 2017. Other promising practices include using multi-disciplinary teams for people under supervision who have SMI and COD, based on the Assertive Community Treatment (ACT) and the Forensic Assertive Community Treatment (FACT) models, such as the Connections program in San Diego.<sup>56</sup> Specialized caseloads or

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<sup>4</sup> Seth Jacob Prins and Laura Draper. “Improving Outcomes for People with Mental Illness under Community Corrections Supervision: A Guide to Research-Informed Policy and Practice.” *Council of State Governments Justice Center*. 2009. <https://csgjusticecenter.org/wp-content/uploads/2012/12/Community-Corrections-Research-Guide.pdf>

<sup>5</sup> Roger H. Peters, M. Scott Young, Elizabeth C. Rojas & Claire M. Gorey “Evidence-based treatment and supervision practices for co-occurring mental and substance use disorders in the criminal justice system.” *The American Journal of Drug and Alcohol Abuse*. April 2017.

<sup>6</sup> “A Checklist for Implementing Evidence-Based Practices and Programs for Justice-Involved Adults with Behavioral Health Disorders,” published by SAMHSA’s GAINS Center for Behavioral Health and Justice Transformation is another great resource for assessment. <https://csgjusticecenter.org/wp-content/uploads/2013/04/SAMHSA-GAINS.pdf>

tailored training and services could also serve as a promising model to better address the unique needs and challenges of cisgender women, TGI, and trans gender people. While specialized caseloads are a promising practice, smaller caseloads can lead to more scrutiny and, therefore, an increase in violations.<sup>7</sup> So, training and program design should focus on decreasing violations through a “supportive versus punitive approach that focuses on problem-solving and engagement in treatment services.”<sup>8</sup>

These studies also emphasized the importance of screening for SMI, SUD, and COD at various points of entry and transition in the justice system, including initial placement on probation or parole.<sup>9</sup> Screenings should be conducted with evidence-based screening tools to detect and to evaluate mental disorders, PTSD, and substance use disorders, and to use separate tools for mental health and substance use disorder if the tool is not designed to address both issues.<sup>10</sup> Positive screens should be followed up by a comprehensive assessment by a certified behavioral health professional.<sup>11</sup>

8. Use specialized probation caseloads (such as in ODR housing) and multi-disciplinary case conferencing teams, including mental health providers and social workers, to tailor services and supervision for those with SMI and COD. Specialized caseloads should have a focus on engagement with services and treatment, be smaller, provide more intensive services, and be supervised by officers who receive advanced training in COD and behavioral health treatment services. The Probation Department should continue to collaborate with health and community-based agencies to develop best practices for screening and assessing individuals for behavioral health needs through evidence-based tools to identify SMI, SUD, and COD.

## **Eliminate Fines and Fees**

**Issue:** Fines and fees that come along with justice involvement work to further destabilize people’s lives, especially vulnerable populations. While many assessments are state mandated, fees related to Probation supervision and monitoring comprise a large share of criminal justice fees, and they most often hit people who already struggle financially. Despite the Department’s efforts to equitably assess and collect these financial obligation, the added stress of these financial burdens can affect people’s mental and physical wellbeing.

Criminal justice related fines and fees, such as Probation service fees, not only affect the people who are on probation, but also their families. A national study found that family members paid for fines and fees in 63% of cases, and 83% of those responsible for paying were women.<sup>12</sup> People impacted by the justice system, community organizers, and legal advocates report that people resort to potentially harmful lengths to pay criminal justice fees such as payday loans, postponing medical needs, and donating

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<sup>7</sup> Prins et al. “Improving Outcomes for People with Mental Illness under Community Corrections Supervision.” Page 27

<sup>8</sup> Peters et al, ““Evidence-based treatment and supervision practices for co-occurring mental and substance use disorders in the criminal justice system.” Page 478.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ella Baker Center for Human Rights. “Who Pays? The True Cost of Incarceration on Families.” September 2015. <https://ellabakercenter.org/sites/default/files/downloads/who-pays.pdf>

plasma.<sup>13</sup> Because of these harmful effects on families, last year the Board of Supervisors moved to end the collection of fines and fees for juveniles on Probation.

Despite the great lengths taken by people on probation and their families go to make payments, the majority of fees to the probation department go unpaid, presumably because those under supervision are unable to pay them. In January 2019, the Probation Department reported a 3.8% collection rate for fines and fees to the Board of Supervisors.<sup>14</sup> Meanwhile, a study released by the ACLU of Southern California and the Let's Get Free Coalition found that the County spends over \$4 million in staffing to collect Probation fees—more than what the Department collected.<sup>15</sup> This does not include the cost of mailing notices, making collection calls, or using probation officer staff time to try to collect fees and reporting noncompliance to the courts.<sup>16</sup> Nor does it account for the even greater cost of the financial stress and burden placed on low-income people and families, which can work to further destabilize people's lives and lead to poor health outcomes and further involvement in the criminal justice system. In addition to costing the county more than it receives in return, levying probation impedes the ability of probation officers to build relationships with probationers that foster rehabilitation, focusing efforts on collections rather than restoration.

9. Discontinue collection of fees assessed for justice-involved adults, which should include:
  - a. Ending probation-related fees;
  - b. Forgiving outstanding probation-related debt (public and private attempts to collect past debt);
  - c. Collaboration between justice partners (such as LASD, Probation, and the courts) and relevant county agencies to eliminate justice-related fines and fees, including fees for classes and services; and
  - d. Advocating with state officials to end the imposition and collection of fees and fines at the state level including but not limited to supporting SB 144 (Mitchell).

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<sup>13</sup> ACLU of Southern California, "Cost of Injustice: How Criminal System Fees Are Hurting Los Angeles County Families," November 2019. Report, page 13

<sup>14</sup> ACLU of Southern California. "Cost of Injustice," page 19

<sup>15</sup> ACLU of Southern California. "Cost of Injustice," page 19, *from public record requests*

<sup>16</sup> *Ibid*