

**LOS ANGELES COUNTY
GRAND JURY**



**FINAL REPORT
1981-82**

Los Angeles County Grand Jury Final Report 1981-82



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ACKNOWLEDGEMENTS

Printing is by Ideal Printing Co., City of Industry. Photos of Grand Jurors are courtesy of John Dokken of General Telephone Co.; of legal advisors by Grand Juror Gilbert Burrola, Jr.

The Editorial Committee owes special thanks to Bridget Hana, Shellie Gilmore, Josephine German, and Veronica Robinson of Office Services for their help and diligence in preparation of copy for printing, and for their patience in initiating the Committee's Chairperson into the mysteries of word processing and the composing machine.

FOREMAN'S STATEMENT

The final report of the 1981-82 Los Angeles County Grand Jury is the product of 22 diverse citizens chosen to inquire into and study selected operations of County government, report on special projects, and determine indictments in certain criminal matters. Despite the 1978 *Hawkins* decision by the California Supreme Court regarding preliminary hearings, the Grand Jury continues to be an important legal tool in the judicial system. This Grand Jury held 17 hearings for a total of approximately 47 days.

The subjects discussed in this final report are, first, in areas mandated by law under the "watch dog" function of grand juries; and second, in areas selected by the members of the Grand Jury as affecting a major segment of the population.

Three matters stand out as highlights during our tenure. First is the report of the contract auditor on the Grand Jury itself and the procedures used in the selection of grand jurors. This is the first time a Grand Jury has authorized such an audit and made available the findings and recommendations to those who select and work with grand juries. Second is the audit of Chief Medical Examiner-Coroner's Department which came under the "watch dog" function of the Grand Jury and was coincidental to the controversy over the performance of the present coroner. Third is the hearing conducted before the Grand Jury by the District Attorney's Office into the well-publicized death of Ron Settles in the Signal Hill City Jail and the operation of that jail.

I have held that the final report is only one method whereby the Grand Jury reports on its activities and findings. Grand juries have been autonomous bodies, in the main, without clout. I believe a Grand Jury can be more effective by expressing its concerns to the public at various times of the year as events occur and not waiting to report its findings, conclusions and recommendations only through the issuance of its final report. And I have endeavored in these 12 months to speak out through the news media on important issues before the Grand Jury. Also it was discovered that the readership of the Grand Jury final report is very limited and perfunctory by those to whom it is addressed. In a county government where the executive and legislative powers are held in one body, the Grand Jury is a vital independent body of citizens with an important check and balance role.

The issue of one Grand Jury continuing studies or audits started by a previous Grand Jury was brought up in discussions with County officials, past Grand Jurors, judges, Grand Jurors from other counties, and with the contract auditor. Some feel that the continuity into important areas and the effectiveness of a Grand Jury are lost because each new jury faces the questions of what previous Grand Jury recommendations should be followed up, what departments of County government have been overstudied, or not studied enough, and what special projects continue to be of significance.

Others hold that each new Grand Jury must bring a vital fresh approach to County or public issues and that the idea of continuity or overlapping interests from one Grand Jury to the next could result in stagnation and some duplication. Personally, I don't subscribe to this opinion. We had too much "down time" in our first three months when we could have been more productive.

Some of our recommendations, as our Grand Jury history suggests, will be adopted promptly, saving money or improving services. Others will be modified by time and changing conditions and will be adopted eventually in altered form. Still others will languish until, perhaps, their time has come. It is to be hoped that, with press help, public involvement and debate, departmental concern, supervisorial interest, and the continuing attention of grand juries, none will be ignored.

These 12 months have not gone by without controversy or dissension within the Grand Jury itself. Our discussions and deliberations have been candid and thorough, and have reflected the differences in experience, education and interests of the diverse members of this Grand Jury.

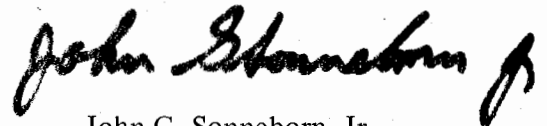
Let me recognize the valuable assistance given by members of the Grand Jury Association in guiding my early efforts in this unique experience. This association is a thriving reservoir of thought and experience in Grand Jury matters. Also, the conference of active Southern California grand juries reinforced my ideas that some issues are regional and beyond the scope or authority of any one county.

At the conference we discovered that some grand juries open their meetings to the public. Our Grand Jury was not able to start this type of meeting but we hope that future grand juries see this as a possibility.

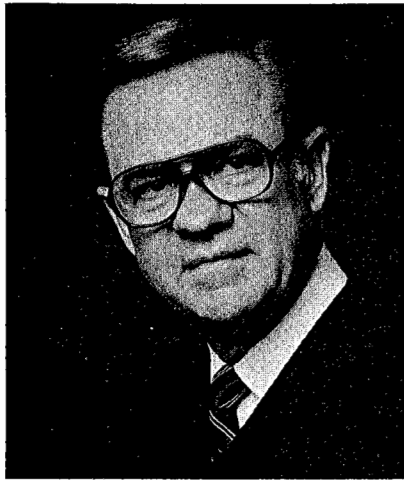
The operations of the Grand Jury have been ably assisted by the assigned secretarial staff, the District Attorney's investigator, the deputy district attorneys assigned as legal advisors, and the staff of the Superior Court Administrative Office headed by Frank Zolin. Our thanks goes to them all.

We want to acknowledge the great service made by the public and private employers who graciously allowed six employed citizens to participate in the Grand Jury. More of this should be done.

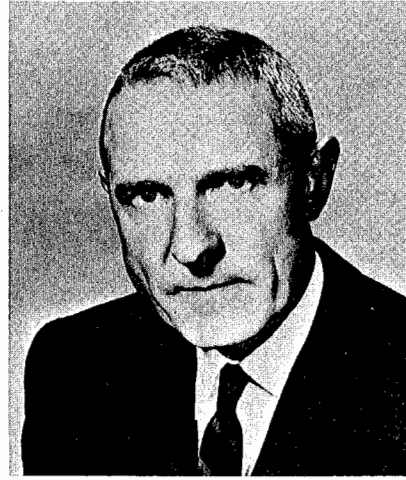
Our special appreciation goes to Judge Julius Leetham and Judge David Eagleson who gave unhesitatingly when their counsel and guidance was sought.



John G. Sonneborn, Jr.
Foreman



(Left)
The Honorable David
Eagleson, Presiding Judge,
Superior Court



(Right)
The Honorable Julius
Leatham, Supervising Judge,
Criminal Division

Legal advisors Francis
Hourigan (left) and J.
Michael Bryne (appointed
Municipal Court judge
March, 1982).



Gil Burrola



Grand Jury Staff
(From left) Lois Johnson,
court reporter; Joyce Shannon,
staff secretary; Al Tomich,
investigator; Anita Williams,
bailiff. Not shown: Margaret
Tahan.



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Catherine Mc Adoo
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Warren Bosley, Anita Martinez, Jennifer Clark, Alexander Madrid, Susan Dixon, Pina Fisher.



Frances Courtney, Richard Halpin, Barbara Lurvey, Roxanne Oliver, Rebecca Allen, Patsy Edwards.

Not shown: Gilbert Burrola, Jr.

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Carmelita V. West	Los Angeles	Mario L. Clinco
James B. Wilcott	Pasadena	Robert M. Olson

*Resigned, December 1981

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CRIMINAL JUSTICE COMMITTEE

PURPOSE

The Criminal Justice Committee is charged with the examination of operations and administration of the criminal justice system within Los Angeles County, and with conducting studies for its improvement. A second function is to review complaints made to the Grand Jury which allege criminal violations of law, or misconduct on the part of public officials.

METHOD OF INVESTIGATION

The Committee examined the County's criminal justice system by visiting detention facilities, attending court proceedings, and speaking with judges, attorneys, law enforcement officials and other people working within the system. In addition three subcommittees were formed: one to study a merger of the Sheriff's and Marshal's responsibility for bailiff services and the serving of legal process; another to look into problems relating to juvenile delinquency; and a third to research the serious problem of gang violence in the County.

The Criminal Justice Committee also reviewed other topics referred to it by the Grand Jury, County officials, and citizens, and made recommendations to the Grand Jury.

AREAS OF CONCERN

- A. Grand Jury Hearings
- B. The Ron Settles Investigation
- C. Citizens Complaints
- D. Alleged Election Irregularities
- E. Sirhan Sirhan Parole
- F. Senate Constitutional Amendment No. 7
"The Exclusionary Rule."

A. **Grand Jury Hearings:** In 1978 the State Supreme Court ruled in the *Hawkins* case that all persons indicted by grand juries were entitled to request and receive a preliminary hearing. This ruling has resulted in fewer requests for indictments from the District Attorney. However, the Grand Jury is also requested, at times, to assist the District Attorney in the purely investigative process because of its unique powers incidental to investigation, i.e., the power to subpoena witnesses and documents and to facilitate the granting of immunity to witnesses.

The Grand Jury voted to accept all requests for hearings made by the District Attorney which totalled 17. Eight of these were for investigative purposes only; four have been concluded and four remain open. In nine other hearings indictments were returned, while in one instance the Jury determined that there was insufficient evidence to indict.

In all, 47 days were devoted to hearings. In three instances the Jury considered major fraud cases with numerous witnesses, suspects and exhibits. Indictments were returned in all three matters and all of the accused were named in a single pleading under one case number, thus facilitating further proceedings. It is estimated that a significant amount of court time, money, and time and effort on the part of attorneys, investigators and witnesses was saved because the Grand Jury indictment process was used in this type of complicated and lengthy case.

B. The Ron Settles Investigation: On June 2, 1981, Reginald Ronnel Settles died while in custody of the Signal Hill Police Department. The circumstances surrounding his death became a focus of public concern and Grand Jury attention because of the controversy over the cause of death. During the months of July and August 1981, the Grand Jury received over 50 letters, numerous phone calls and a petition with 250 signatures requesting a Grand Jury investigation.

The Grand Jury was aware of an ongoing investigation of this incident by the District Attorney's Office and also a Coroner's inquest scheduled for September 1981. The Jury therefore concluded that it should take no action until the course of justice required it. Two members of the Grand Jury attended the inquest at which the coroner's jury reached a verdict by a vote of 5-4 of death at the hands of another. In October, after receipt and study of the transcript by the District Attorney's Office, the matter was referred to the Grand Jury for assistance in the investigation through use of its subpoena power.

The Grand Jury conducted hearings and heard testimony from the Chief Medical Examiner-Coroner and two of his deputies. Personnel from the Signal Hill Police Department testified after they were granted immunity. The Grand Jury also visited the Signal Hill Police Department, inspected the jail, and interviewed the Chief of Police and other officers.

The Grand Jury reviewed the report prepared by the District Attorney's Office, discussed the testimony and evidence developed during its own investigation and concurred with the District Attorney's conclusion that at that time there was insufficient evidence of criminal conduct to warrant the filing of criminal charges. The investigation remains open, as more evidence may become available after publication of the final results of a second autopsy performed in New York at the request of the family of Ron Settles. The District Attorney has periodically updated the Grand Jury as findings have been released.

C. Citizens' Complaints: During the first ten months of its term, the Grand Jury referred to the Criminal Justice Committee 115 letters from citizens alleging criminal activity, or misconduct by public officials. Many alleged prisoner mistreatment, fraud, voting irregularities, conflict of interest or misuse of County and State funds. The Committee attempted to ascertain the facts of each complaint within its jurisdiction. In others, the writer was directed to the appropriate agency. A number of these related to agencies of city government over which the Grand Jury has no jurisdiction unless they involve alleged felonies, or alleged malfeasance of elected officials.

The Committee was assisted by its legal advisor and investigator in reviewing complaints. As of June 7, no formal hearings had been instituted by the Grand Jury as a result of complaints received, but a number of Grand Jury investigations were opened on recommendation of the Committee.

D. Alleged Election Irregularities: Two complaints received involved alleged irregularities in the conduct of municipal elections. Because of the importance of preserving the integrity of the election process, the Committee considered them of paramount importance.

In one instance, discrepancies in initial and final tallies of the votes, and improper handling of write-in ballots were alleged. It was found that difficulties had been experienced in tallying because a substantial number of ballots had been defectively prepared by the printer, requiring a complicated recount process. It was acknowledged that write-in ballots had not been preserved in the manner required by law, but the only remedy is judicial invalidation of the election if it is found that failure to follow the prescribed procedure might have influenced its outcome. This was not alleged by the complainant nor was there any indication that sufficient write-ins could have been cast to make a difference. Since the responsible city clerk was not an elected official, the Grand Jury referred the matter with its findings to the city's mayor, so that he could assure compliance with requirements in future elections.

A second complaint alleged possibility of fraud in the casting of absentee ballots in a recall election in a small municipality. The tally of votes showed a greatly disproportionate number of absentee ballots cast in favor of the recall, and certain names on the list of absentee voters were questioned, in particular a substantial number showing the address of a home for the retarded.

At the Committee's request, the investigator assigned to the Grand Jury interviewed the city clerk and other parties who might have knowledge of the events, and examined relevant papers. At the conclusion of its investigation, the Committee determined that the available evidence was insufficient to establish a violation of law or misconduct by a public official. However, the facts brought to light raised serious questions relative to the possibilities of fraud inherent in postcard registration together with the now unrestricted use of absentee ballots which, in a small municipality, might well determine the outcome of an election.

E. Sirhan Sirhan Parole: Early in its term, the Grand Jury became aware of widespread public concern about the parole of Sirhan Sirhan, convicted assassin of Robert Kennedy, scheduled for 1984. Members of the District Attorney's staff presented to the Criminal Justice Committee evidence discovered since that parole date was initially set by the California Board of Prison Terms. The Committee made its report to the Grand Jury which also reviewed the contents of a petition prepared by the District Attorney's Office requesting the granting of a hearing to consider vacating the current parole date.

The Grand Jury recommended in a letter to the Board of Prison Terms that a hearing date should be scheduled so that alleged new evidence of Sirhan Sirhan's desire to carry out violent acts could be considered in an open forum. The Jury believes that to ignore public concern over the pending release of the murderer of Senator Robert Kennedy, without consideration of new evidence pertaining to his state of mind, would cause deterioration of respect for the effectiveness of our criminal justice system and encourage further acts of political terrorism.

F. Senate Constitutional Amendment No. 7 (SCA-7) -- "The Exclusionary Rule": On December 3, 1980, Senate Constitutional Amendment No. 7 was introduced in the state legislature and later was passed by the Senate. The purpose of this bill was to give the voters an opportunity to amend the State Constitution to limit the California Supreme Court's exclusion of evidence to only those instances required by the United States Constitution, or as provided by statute

enacted by the California Legislature. The District Attorney recommended this measure for consideration by the Grand Jury.

The Criminal Justice Committee studied SCA-7 and met with attorneys to hear the pros and cons of the bill. The Committee concluded that the rulings of the California courts relative to admissibility of evidence in criminal trials should not go beyond United States Supreme Court decisions, or restrictions enacted into California law, and that the voters should have an opportunity to express themselves on this issue.

In February 1982, the Grand Jury, after receiving the Committee's report, urged the Board of Supervisors to direct its legislative advocate to support passage of SCA-7 so it would appear on the ballot. Letters were also sent to the members of the Assembly Criminal Justice Committee and all Assembly members from Los Angeles County asking them to vote in favor of SCA-7. The bill, however, did not move out of the committee, and therefore did not appear on the June ballot.

RECOMMENDATIONS:

The Grand Jury therefore recommends that, since the current legislature failed to place SCA-7 on the ballot, the Board of Supervisors take all measures within its powers to obtain passage by the legislature of a similar Constitutional Amendment at an appropriate time in the future.

The Grand Jury further recommends to the 1982-83 Grand Jury that it make a thoroughgoing investigation of the possibilities of fraud inherent in the system of postcard registration combined with extension of the use of absentee ballots.

James Wilcott, Chair
Frances Courtney, Chair Pro Tem
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Subcommittee on Gang Violence

PURPOSE

The purpose of the Gang Violence Study Subcommittee was to research and evaluate public and private agencies in Los Angeles County dealing with problems relating to gangs, and to explore and evaluate the methods they use in attempting to reduce gang violence.

BACKGROUND

Responding to growing concern over increasing gang violence in Los Angeles County, the Criminal Justice Committee formed a subcommittee to study gang violence. The focus was primarily on efforts being made to bring it under control. The causes, while certainly of deep concern, were not addressed in this study. The study entailed learning about agencies, their purpose, their structure, their function, the extent of their success, and how well integrated the entire County effort is.

The Committee agreed to use the definition of gangs given by Walter B. Miller, a recognized authority on gang violence:

“A gang is a group of recurrently associating individuals with identifiable leadership and internal organization identifying with or claiming control over territory in the community and engaging either individually or collectively in violent or other forms of illegal behavior.”

In an article, “Getting Away with Murder,” which appeared in a recent issue of *California Magazine*, Peter Collins and David Horowitz stated that the 1950s was the first decade in which juvenile delinquency was recognized as a major social program. In the early 1970s, Walter Miller wrote of Los Angeles, “The Los Angeles metropolitan area is at present experiencing what is the most serious youth gang problem of any major U.S. city.” In the past decade, gang violence has increased at an alarming rate, involving not only the gangs but innocent victims. “Today brutal, senseless, wanton acts of violence are becoming a daily occurrence rather than the exception,” said Peter J. Pitchess, former Sheriff of Los Angeles County.

In June 1981, a report on Youth Gang Violence in California was prepared by the Attorney General’s Youth Gang Task Force. The report stated that “Southern California agencies seem to experience the highest degree of youth gang activity involving resident gangs and roving gangs from outside their jurisdiction.” It also stated that the problem of gang violence cannot be effectively dealt with by any single element of government or community. The answers to this problem require a coordinated effort by the community, the criminal justice system and the legislature.

METHODS OF INVESTIGATION

Committee members interviewed public and private agency heads, gang members, public officials, judges, school administrators, and community resource people.

The Committee studied government publications, other literature on the subject, Interagency Task Force (IATF) minutes, and correspondence from officials in order to gain a working knowledge from experts in the field and those directly involved at the local level. Proposed and present legislation concerning gangs was reviewed. Members attended the monthly meetings of the Interagency Task Force. Two members were "ride-alongs" with the Los Angeles Police Department (LAPD) and Sheriff's teams involved in street patrols.

The Committee participated in the sixth annual In-Service Workshop on Crime, Violence and Vandalism Affecting Schools, sponsored by the Los Angeles County Schools and cooperating agencies. Members also attended other conferences and community meetings.

FINDINGS

Three hundred and fifty-one people died in gang violence in Los Angeles County in 1980.

During the first seven months of 1981, gang-related homicides in the City of Los Angeles were up more than 10 percent over the same period in 1980 (*Los Angeles Times*, November 22, 1981).

The Board of Supervisors reported that in 1980, 88 youth gangs in four areas accounted for about half the County's gang violence.

According to an LAPD estimate, there are now 9,300 street gang members in the City alone.

In October 1980, the Board of Supervisors agreed to fund certain agencies in an anti-gang program. The programs and agencies funded included the Sheriff's Operation Safe Streets, the District Attorney's Operation Hardcore, the Probation Department's Specialized Gang Supervision Project, and the Community Youth Gang Services Project (run independently but monitored by Probation). The programs of these agencies are:

Operation Safe Streets (OSS): Utilizes specialized investigative teams in six Sheriff substation areas with the highest level of gang violence. The teams target specific gangs and individuals within them.

Operation Hardcore: Provides aggressive and "vertical" prosecution of juvenile and adult gang members involved in homicides and other serious gang crimes.

Specialized Gang Supervision Project (SGSP): Consists of five probation supervision units. Each unit is responsible for supervision of about 400 gang-oriented offenders. This allows for a caseload of approximately 50 cases for each Deputy Probation Officer involved. The caseloads include both adults and juveniles. The program encourages close coordination between probation staff, law enforcement and other community agencies.

Community Youth Gang Services (CYGS): Deploys highly mobile street teams, 16 hours a day, seven days a week. The teams, consisting of former gang members employed as street counselors, mediate gang-on-gang conflicts in conjunction with parent-youth councils. They also observe targeted gang areas and attempt to ward off trouble. The street teams are coordinated by a centrally located communication center which maintains radio contact with project vehicles. There is high visibility of street teams, and the teams are coordinated with community groups (PTA, schools, churches, etc.).

The Los Angeles Police Department's unit on gangs is known as CRASH. It provides surveillance of gangs within the City of Los Angeles and is funded by the City.

The Interagency Task Force was formed to coordinate activities of the various agencies involved in attempting to reduce antisocial gang activity. Initially, participants were primarily County agencies; however, it was recognized early that other public agencies with similar concerns needed to be involved. Consequently, IATF is now composed of OSS, Operation Hardcore, SGSP, CYGS, California Youth Authority Parole Service and its Gang Project, Los Angeles City Schools Security Unit, Los Angeles County Schools, and CRASH.

IATF is the "glue" which enables the various agencies to work together on a close, coordinated basis. Information and planning is coordinated on a monthly basis during the meetings, and there is daily contact and communication between members. IATF has proved highly effective in enabling them to take quick concerted action. What once took weeks to coordinate among agencies now occurs within hours. The "glue" provided by this group serves as the key to effective reduction of antisocial gang behavior.

Communication between the major County-funded agencies is functioning well. Quite naturally there are differences of opinion as to the comparative effect of the various agencies. The County agencies' view of their own operational quality differs, sometimes quite widely, from that of the community resource agencies, though perhaps not so much as might be expected. Operation Hardcore and Operation Safe Streets were highly regarded by most officials contacted. The Los Angeles Police Department's CRASH program came in for considerable criticism from many areas. Reasons cited were lack of sensitivity to unique community customs and concerns, and the use of "strong-arm" tactics in dealing with offenders.

The 1981-82 budget for Los Angeles County included a Violence Reduction Program, a plan to protect witnesses and victims in juvenile court, a pilot program for violent offenders, and a probation/school crime suppression program. Funding for after-care units has been eliminated. The present limited and reduced County budget is having a serious and stymieing effect on all County programs.

Coordinated efforts of the Sheriff's Department Operation Safe Streets, the District Attorney's Hardcore, and the Probation Department's SGSC programs resulted in a 69 percent reduction of gang violence in two target communities, while there was only a 28 percent decrease Countywide. Robberies, however, continued to increase in all areas.

In November 1981, an agreement including funding was entered into between the County of Los Angeles and the City of Los Angeles, which authorized expansion of the CYGS Project to City areas, under administration of the Probation Department.

Since 1978, the Board of Supervisors has supported Operation Hardcore. The Board recognized the effectiveness of the Hardcore "vertical" prosecution process, a unique concept whereby each case is handled by the same attorney from beginning to end. The 98 percent rate of convictions in recent years justifies this support. Since January 1982, there has been a 28 percent decrease in gang-related homicides, with a 56 percent decrease in the "target areas." However, due to recent severe budget cuts in this program, as of April 1, 1982, the District Attorney has not been able to open one new case within a two-month period.

Special training is necessary to successfully prosecute such cases. The training makes it possible for the prosecutor to obtain the cooperation of witnesses, without whom most cases would fail. It also enables him to present his cases more effectively to juries because he has been made aware of the often unrecognized fact that the gang subculture, gang values, the gang way of life are completely alien to most people; that the average person has extreme difficulty in understanding that a crime can be committed for no reason at all.

Gang homicides are of a most difficult, time-consuming nature, and staff reductions have brought about a greater than 125 percent increase in caseloads, with many cases representing multiple defendants. There is general agreement among those in the field that it is cost effective to prevent gang warfare rather than to prosecute.

To quote the Honorable H. Randolph Moore, presiding judge of the Juvenile Court of Los Angeles County, "Law enforcement is the front end of the criminal justice system and must ensure quality of output." Judge Moore continues:

"Gang activity is ruled by terror, fear, anxiety, absenteeism in school, violence, extortion, and carrying of weapons for threat and/or defense. California is the youth crime and punishment capital of the nation. There is three times as much youth crime here than in any other state in the nation. The California Youth Authority is acknowledged to be the agency of last resort for 'dangerous young criminals.' New legislation is needed to deal with the type of juvenile offenders accused of certain serious crimes, with those whose behavior in the facility results in gang violence that attempts to dominate the institution and with those who are being held for a 'scandously brief period.'"

A Repeat Offenders Court (ROC) is now being used in Cook County, Illinois. The program addresses the problem of crowded court dockets. Special courts are reserved exclusively for repeat felons. Recidivist defendants are flagged for ROC at arraignment. Every case is treated with the urgency and importance formerly restricted to crimes such as rape and murder. ROC judges rarely set low bail, and prosecutors rarely agree to reduce a charge. Disposal of a case has been reduced from as long as eight months to an average of less than six months. The courts have established credibility quickly in the criminal world. Criminologists believe these special courts' effectiveness is due to the certainty of punishment rather than the severity.

The Grand Jury, on the Committee's recommendation, supported the 1982 Gang Anti-terrorism Act, introduced by Assemblyman Art Torres, and a letter was sent to the Board of Supervisors requesting its support.

When being interviewed, gang members admitted that media coverage enhances their feelings of prestige. They also say that if this effect is to be avoided, the press should leave out the names when reporting, as well as keeping a gang violence story out of print until it is resolved. Weekly account-

ing of gang-related violence in the same location in the newspaper without identification of gangs or persons would enhance public awareness and encourage community participation in its control. It would inform without sensationalizing.

A common comment by judges was that the press does not provide the public with sufficient information concerning plea bargaining or sentencing of crimes of gang violence. The public should be made aware that judges are not directly involved in plea bargaining. The press should state the maximum time allowed by law for such crimes when reporting the length of the sentences. It often appears to the public that the courts are "soft" on the defendants when the reality is that the sentence often is the maximum time the law allows for that particular offense. Making available this information in the news stories would help add credibility to the court system which often seems lacking to the readers.

There has been a significant increase in the number of gangs within the area of the Los Angeles Unified School District. It has been established that there are about 309 identified gangs, up from about 207 reported in the 1978-79 school year.

Hispanic gangs are rapidly spreading into the San Fernando Valley and into the once predominantly Black gang areas of the inner city. In addition, Black gangs are increasing in number and size. These changes may lead to more confrontations between Hispanic and Black gangs and among Black gangs themselves. A report made by the Los Angeles Unified School District in 1981 states that the solution to juvenile crime, including gang violence, lies on the school campus, and that diversionary counselors on campus are vital.

George J. McKenna, III, principal of Washington High School in Los Angeles, has initiated several new programs attempting to deal with gang problems on and off campus. One of these is the "We Care" program, in which teachers identify hardcore students and work with them individually. It also works closely with Operation Safe Streets and Operation Hardcore. Another program, Business United for School Improvement (BUSI), encourages employers to give one paid working day off per month to parents of children from kindergarten through the 12th grade so that they may visit their children's schools during school hours. Attendance would be monitored. Since the government employs large numbers of parents of public school children, the local, state and federal agencies could begin to implement this plan. Hopefully, private industry would follow suit.

Good communication and mutual confidence between representatives of law enforcement agencies and youths who live in high crime areas are considered essential to the control of increasing antisocial gang activity. Reading deficiencies are frequently noted as being a common problem to many members of gangs.

An innovative program called Project Power, initiated by Gloria Cox, principal of Stevenson Junior High School in Los Angeles, which is aimed at improving reading skills, also helps improve understanding between youth and law enforcement officers. Since weight lifting was found to be of particular interest to the youthful gang members, 45-minute periods of weight lifting instructions are alternated with 45 minutes of reading instruction relating to the subject of weight lifting. Through an arrangement with California State University at Los Angeles, law enforcement officers assist in the training program and receive university credit for their participation.

The possession of weapons in schools has increased 21 percent over the previous year. Guns have increased by 8 percent and knives by 13 percent. "Possession of firearms has more than doubled in the last five years," said Jim Bascue, the District Attorney's Hardcore division chief. "We're seeing an increasing number of weapons on high school campuses. Gangs have turned schools into war zones with allocated territorial areas. How can education go on in such an environment?" he concluded.

A study of Los Angeles County gang violence would be incomplete if confined to law enforcement agencies. The positive influences on gang members are the family and local community agencies. Teen Post, El Centro del Pueblo, Sey Yes, Victory Outreach, and the Juvenile Justice Connection Project are agencies that sprang from the grassroots in areas of high intensity crime. The members of these organizations, mostly area residents, joined forces in efforts to protect their own "nests." None of these agencies is funded by the County at this time, nor did any receive State subvention funds in 1980-81. In May, only Sey Yes and El Centro del Pueblo were promised funds from this source for 1982-83; El Centro del Pueblo is to receive \$20,000 and Sey Yes \$25,000.

Today most of the gangs are "turf" gangs, whereas before 1965 they were mostly "name" gangs. Gang members told the Committee that only 25 percent are what they consider hardcore, with the remainder being fringe members and not really active. They feel that few law enforcement agencies show any real understanding of gang activity. They also put the blame for much of the violent behavior on a few older members who have deep resentments and hostility toward authority. One member said that the TV program "Scared Straight" had strong impact, though temporary, on gangs.

The Committee interviewed a Teen Post director, former gang member, who feels that good cooperation has been received from Operation Hardcore. He also reported good rapport with Operation Safe Streets but feels a higher degree of visibility by its officers on the streets, as they had previously, is desirable. He believes that CYGS is too new to be evaluated; however, he hopes it succeeds. He is gratified to see the County try something new but stated that there are problems with the people they hire because, at this time, the agency is very political. He said, "Every time they stub their toe, an item appears in the media."

Almost every interview with law enforcement, judges, school administrators, probation officers, and others made it clear that high on their list of recommendations for the reduction of gang violence is community involvement, i.e., schools, churches, residents and parents. An outstanding example was the successful School Violence Working Towards a Solution workshop. It was sponsored by the Los Angeles Unified School District (LAUSD) on March 6, 1982. Three hundred parents were paid \$25 each (from Federal funds for disadvantaged students) to attend a parent training program called "Parents in Service." Among the agencies involved in the workshop were LAPD, Southeast Division, Probation Department, Specialized Gang Supervision Program, District Attorney's Hardcore, Sheriff's Department, Sey Yes, Inc., and the Crime Prevention Unit of LAUSD. Parents attending affirmed that the programs were so helpful that they would have attended without being paid.

Activities such as this have positive potential, and repeat programs have been requested, but the coordinator of Gang Violence Reduction, LAUSD, said that the office lacks the staff to continue them.

Efforts are also being made to educate the community in all the target areas of CYGP on youth crime through the use of billboards in both English and Spanish. The Grand Jury applauds Norman Lear, television producer, who donated the funds for these billboards, and suggests study of their impact.

According to the Board of Supervisors, innovative programs such as Neighborhood Watch, a community participation effort, must be expanded. Victory Outreach, sponsored by a religious organization in East Los Angeles, has been called by the Los Angeles City Council one of the outstanding anti-gang and anti-drug abuse ministries, noting its 40 percent success rate in freeing young people from the gang-trap syndrome. Victory Outreach is committed to work with neighborhood agencies and families.

RECOMMENDATIONS

The Grand Jury therefore recommends:

1. That a committee be formed and legally defined, composed of the Mayor of the City of Los Angeles, the Chairman of the Board of Supervisors, elected officials from contract and independent cities, and heads of all criminal justice agencies and the courts for the purpose of providing a united front to secure state legislation and action relating to gang activities, and to develop funding priorities.
2. That sufficient funding be restored to the target areas of Pico Rivera, Lynwood, East Los Angeles, Lennox and Norwalk to allow the addition of 10 deputy district attorneys to Operation Hardcore.
3. That the Board of Supervisors support legislation which would amend sections of the Welfare and Institutions Code relating to sentencing and court jurisdiction to provide for placement in the state prison system of violent young offenders for whom jurisdiction of the Youth Authority is inappropriate.
4. That a study be made by a task force appointed by the Board of Supervisors of the Repeat Offenders Court Program in use in Cook County, Illinois, with the possibility of adopting it in Los Angeles County for prosecution of gang violence cases.

Frances Courtney, Chair
Rose Black
Susan Dixon
Pina Fisher
Richard Halpin

Mildred Light
Barbara Lurvey
Carmelita West
James Wilcott

APPENDIX

Sources of Material Used by Committee on Gang Violence Study

Persons interviewed:

Sylvia Alatore, L. A. Mayor's Office of Youth Development
Judge Robert T. Altman
Sonny Arguinizoni, Victory Outreach
Deputy D. A. James Bascue, Operation Hardcore
Lt. Charles Bradley, Operation Safe Streets (L. A. County Sheriff's Department)
Tommy Chung, Community Youth Gang Services Project
Diane Clark, Director El Centro Pueblo
Kathy Clark, Member, Board of Directors, Victory Outreach
Louis Duran, Probation Department
Mike Duran, Probation Department
Rory Elder, Consultant, Education Specialist Office, Attorney General of California
Judge Richard A. Gadbois
Robert Gahagan, Deputy, Supervisor Edelman's office
V. G. Guinses, Sey Yes
Judge Gabriel A. Gutierrez, Juvenile Justice Center
Judge David A. Horowitz
Al Irving, Principal, Granada Hills High School
G. J. Liotta, Vice Principal, Toll Jr. High, Glendale
Mark Maestas, Gang Violence Reduction Project
George Margolis, Adm. Dean Records & Attendance, Birmingham High, West Van Nuys
Eugene McAdoo, Principal, Curtiss Jr. High
Terry McConville, attorney, coordinator, L. A. City Schools
George McKenna, III, Principal, Washington High, L. A.
Judge H. Randolph Moore, Jr., Presiding Judge, Juvenile Court
Superior Court Judge Irwin J. Nebron, Juvenile Justice Connection Project
John Northmore, Resources Coordinator of Teen Post
Ride-Along, Lt. Bob Ruch
Rosemary Sleet, Sey Yes
Sgt. Joe Suarez, LAPD Unit on Gangs
Judge Diane Wayne
Carl Worthman, Ph.D., Sociologist, USC (Consultant, Sey Yes)
Robert Aguayo } El Centro Del Pueblo
Mickey Naranto } Former gang members, now counselors
Robert Alvarado } Former drug addict and gang members, now ordained ministers in
Saul Garcia } Assembly of God Church
Mitchell Peterson }

Meetings attended:

Interagency Task Force
Seventh Annual L. A. City Youth Advisory Council

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Subcommittee on Juvenile Concerns

PURPOSE

The Juvenile Concerns Subcommittee sought to identify problems that lead to delinquent and antisocial behavior of certain juveniles and chose to focus its attention on agencies and programs that have proven to be effective in modifying it.

BACKGROUND

Juvenile crime and delinquency have escalated throughout the State and are of a vastly different character today than 20 years ago when a Statewide commission developed and supported enactment of the Arnold-Kennick Juvenile Court Law.

The Supreme Court decision, *In re Gault*, granted juveniles certain rights to due process of law and the California Juvenile Justice Act of 1976 extended them, though the right to a jury trial is still withheld. These time-consuming changes in court procedures came in a period when inadequate juvenile facilities, shrinking staffs, and unmanageable caseloads of Probation Department counselors, plus social and economic pressures, have contributed to an increasing incidence of juvenile crime and delinquency.

AREAS OF CONCERN

- A. Juvenile Courts and Probation Department
- B. Truancy and Juvenile Crime
- C. Nutrition and Delinquency

METHODS OF INVESTIGATION

Members of the Committee visited several juvenile detention facilities, including Central Juvenile Hall, San Fernando Juvenile Hall, Camp Afflerbaugh, and Los Padrinos Juvenile Hall, all operated by the Los Angeles County Probation Department, and MacLaren Hall, operated by the Department of Public Social Services. The first four of these are custodial facilities for delinquent children. MacLaren Hall is a multipurpose residential facility for nondelinquent, dependent children.

Jurors also conferred with officials of youth servicing agencies funded from sources other than Los Angeles County, and visited with Juvenile Court Judges Irwin Nebron, Sylmar, and Diane Wayne, Criminal Courts Building, Presiding Judge Randolph Moore, Los Angeles County Juvenile Court, and Judge David Horowitz, former Juvenile Court judge, now in Van Nuys Adult Superior Court.

FINDINGS AND RECOMMENDATIONS

A. JUVENILE COURTS AND PROBATION DEPARTMENT

Juvenile Courts: All judges interviewed stressed the fact that juvenile crime, violence and vandalism have been increasing at an alarming rate, especially over the past five years. Recognizing that present law enables many juveniles and their parents to evade the consequences of the juveniles' actions, the legislature in 1982 enacted AB 419 aimed at improving the effectiveness, efficiency and fairness of the juvenile justice system. It provides for a commission composed of nine persons with broad experience as juvenile justice practitioners to submit a written report to the governor and legislature, detailing its recommendations for revisions of the juvenile court law by January 1, 1984. The Grand Jury is pleased that this long overdue action has been taken.

RECOMMENDATION

The Grand Jury recommends to succeeding grand juries that they follow up on the work of the Commission.

Judges were in agreement that primary factors leading to delinquency and crime among juveniles are neglect of the teaching of values in the home and schools, along with lack of counseling. They were very much aware that the juveniles' experiences outside of the formal juvenile justice system have, in the long run, the most influence on the course of their lives.

Juvenile Halls: Jurors were favorably impressed with the educational and vocational training programs at Camp Afflerbaugh, the Career Assessment Center and school at San Fernando Juvenile Hall, and with the two schools at Los Padrinos. The high quality of both the facility and staff of teachers and psychologists at MacLaren Hall was apparent. All of these school programs are under the Office of Los Angeles County Superintendent of Schools, Division of Special Schools; all are operating at capacity and all are facing reductions in staff due to budget cutbacks at a time when they are faced with overcrowding because of an increasing influx of juveniles.

Staff Cuts and Increased Caseloads: Commencing in 1974, the County Probation Department has been systematically decimated by reductions in staff while, over the same period, the number of juvenile (and adult) offenders referred to the Department for supervision from the courts has increased steadily. The effects of these reductions upon the juveniles themselves and upon the morale of the Deputy Probation Officers (DPOs) has become particularly evident in the last two to three years. Juvenile halls and camps have become overcrowded and field supervision caseloads have more than doubled, resulting in almost no effective supervision or counseling of probationers in the community.

Each of the four judges interviewed referred to the disastrous effects of reductions in staff in the Probation Department in these times of escalating juvenile delinquency and psychological problems. Judge Horowitz stated that "there are not enough DPOs out there" and "there is a lack of community support" (of the DPOs). He said also that "the Probation Department IS law enforcement where juveniles are concerned," since juveniles go from apprehension to

court, thence (usually) to probation officers for either supervision at home or incarceration in camp.

Judge Wayne commented that probation officers are very important in meeting the needs of juveniles, and that coordinated efforts among police, probation, schools and communities are helpful and should be expanded. Judge Richard Byrne, who served recently as Supervising Judge of the Juvenile Court, stated in an article in the *Santa Monica Evening Outlook* (October 7, 1981) that "cutting probation is cutting the heart out of the juvenile justice system."

After-care Program: In addition to the negative impact of budget-related staff reductions on field supervision caseloads, another casualty of budget cuts was the after-care program of the Probation Department. Staffed by specially trained deputy probation officers, it provided counseling for juveniles returning to the community after having served a period of time in camp or other penal facility. These DPOs helped young people with vital problems, such as finding a place of residence, continuing education, acceptance into school or work community and, possibly, family support. Under this program, the DPO made a minimum of four contacts a month with the juvenile for the first three months, with reduced contacts thereafter until the end of the probation period, assuming no arrests or other violations of probation.

The 1980-81 Grand Jury Report reflected an optimistic projection of continuation and expansion of the after-care program, which had demonstrated a 73 percent success rate. One of the recommendations of Supervisor Edelman's "14 Point County Action Plan," dated March 2, 1981 and aimed at reducing violent crime was restoration of two after-care units, bringing the County total to five. The Board of Supervisors funded two additional after-care units, which provided after-care to everyone released from camp. However, the success of after-care was short-lived as it was eliminated entirely from the 1981-82 budget for the Department. Ironically, the 1980-81 Grand Jury had recommended: "That the Board of Supervisors provide additional funds to allow for a more effective after-care program for young delinquent juveniles returning to society."

Supervisor Edelman recommended two other juvenile crime related programs -- Points 9 and 10 under his 14-point plan -- which have been implemented with funds provided by the legislature for special programs. Point 9 provides for reduced DPO caseloads of violent offenders, under the supervision and control of specially trained probation officers. Point 10 provides for close supervision of violence-prone juvenile probationers while attending school. The Grand Jury commends Supervisor Edelman for having worked for the implementation of these and other crime suppression measures.

Management Review Proposals: In mid-1981 Chief Probation Officer Kenneth Kirkpatrick submitted a list of proposals designed to effect cost savings in both juvenile and adult areas. Those in the juvenile area already implemented consist of:

- Revision of several report forms, streamlining of reporting requirements and making use of certain forms optional.

- Elimination of requirements for personal contacts by DPOs with minors, except in "high risk" cases.
- A diversion program, initiated by the Probation Department, under which minors and their families are now referred to community-based agencies, and juveniles' DPOs are no longer required to provide direct supervision to minors.

So great is the number of community-based organizations which can play a role in the recommended diversion program that it would be impossible to describe them all. When Judge Nebron went to the San Fernando Valley four years ago, he soon learned that there were over 400 youth-serving agencies, organizations and individuals operating in the area. Because there was a total lack of coordination of their activities, he set up a committee which established the Juvenile Justice Connection Project with headquarters in Van Nuys. Its purpose is to put juvenile offenders in contact with appropriate agencies able to offer jobs, crisis housing, counseling, and other assistance as an alternative to incarceration. This project, which has become very effective in diverting juveniles into productive ways of life, has been funded entirely from small institutional grants and donations from the public.

One of the youth services agencies visited by the Committee was the Youth Gang Violence Reduction Project, operated and funded by the California Youth Authority (CYA) with offices in East Los Angeles. This project employs former gang members and others who serve as liaisons with gang members in efforts to divert them from criminal activity, drug abuse, etc., and into constructive projects such as graffiti removal and sponsorship of school baseball teams. Two others were Teen Post, serving Chinatown, Venice and mainly the southern portions of Los Angeles City and County, and El Centro del Pueblo which serves Echo Park and adjacent areas. Teen Post is funded by the City of Los Angeles; El Centro del Pueblo is supported mainly by community fund-raising projects, local businesses, private foundations and religious groups.

A different approach to dealing with gangs and drug-related crime and violence is employed by Victory Outreach in Boyle Heights. "During its 14 years of service, more than 5,000 former drug addicts and gang members have come to know and accept Christianity as a new way of life. Most of these men and women are employed and are functioning in society. Many are now part of Victory Outreach ministries," according to Sonny Arguinzi, former drug addict and gang member who founded Victory Outreach. Its annual budget of more than \$500,000 is raised through contributions from church members and other supporters. Mr. Arguinzi has refused offers of government grants, which would have entailed restrictions on religious aspects of the program.

The Grand Jury commends Judge Nebron for establishing the Juvenile Justice Connection Project, the activities and successes of CYA's Youth Gang Violence Reduction Project, the City-funded Teen Posts, and especially the many privately funded youth-serving agencies such as El Centro del Pueblo and Victory Outreach.

Another proposal that specially trained non-professionals be employed as staff at juvenile halls under the supervision of experienced DPOs is under consideration by the Board of Supervisors. The Grand Jury sent letters to the Board in substantive support of the proposal and two members gave testimony before the Board on the Jury's position.

RECOMMENDATIONS

The Grand Jury therefore recommends:

1. That the Board of Supervisors reinstate the five units of after-care deleted from the Probation Department's 1981-82 budget.
2. That the Probation Department take the lead in developing programs similar to the San Fernando Valley Juvenile Justice Connection Project in other juvenile court areas.
3. That the Board of Supervisors adopt the recommendation that specially trained non-professionals under the supervision of experienced DPOs be employed as staff in juvenile halls, thus making released DPOs available for work in the field.

B. TRUANCY AND JUVENILE CRIME

Causes and Effects of Truancy: The Committee heard several speakers and attended a full-day seminar conducted by Los Angeles County schools which dealt with problems of juveniles as related to schools, read numerous articles on this subject, heard several speakers and conducted a number of selective interviews.

The Committee found that a primary cause of truancy is lack of success in school caused by various factors, including learning disabilities, language problems, lack of parental concern and peer pressure. Lack of understanding between teachers and pupils can also be a factor. Truancy problems usually start at elementary school level and continue through high school, resulting in failed courses and consequent ineligibility for a diploma. Truancy patterns have a high correlation with daytime burglaries, shoplifting and vandalism.

Reduction of Truancy/Crime: Reductions in criminal activities have been effected in several communities by police programs which take into custody youths who are found on the streets during school hours. Parents are usually required to pick up their children; this has resulted in a significant reduction in truancies because, in many instances, the child has been a habitual truant and this is the first time the parent learns about it.

Many school districts require that parents be called when a student has been absent three days; if a parent cannot be reached, a school attendance officer investigates. Recurring truants are referred to the local School Attendance Review Board (SARB). The boards' effectiveness had been somewhat limited, but through legislation which became effective on January 1, 1981, they now have more authority to intervene to resolve problems for the benefit of both students and the school.

School attendance is often a condition of probation for juvenile offenders. Some Los Angeles schools and the Inglewood schools employ full-time coordinators between the schools and juvenile courts. These coordinators have a good record of success in achieving compliance with the school attendance condition of probation.

The court/school coordinator program was initiated under Judge Nebron's direction at Sylmar Juvenile Court more than two years ago with the employment of school teacher-administrator-

lawyer, Terry McConville, whose salary is paid by the Los Angeles City School Board. Mr. McConville's function is to follow up on juveniles on probation who have returned to school to ascertain if they are obeying conditions of probation relative to school attendance, conduct, associations, etc., as prescribed by the court. Mr. McConville's program, which serves the north County area, has proven to be so successful that similar programs have been introduced into the Inglewood, Watts and Eastlake areas of the County.

C. NUTRITION AND DELINQUENCY

Dr. William Hudspeth, researcher at the University of Nevada, Reno, together with the American Health Association and the U.S. Department of Agriculture's Human Nutrition Center, have demonstrated that sugar intake can cause a wide range of symptoms, including depression, hyperactivity, and "acting out" behaviors that can be extremely asocial.

Other studies have revealed that serious adverse effects on the body and the nervous system can be attributed to the use of food additives, artificial colorings and preservatives. These substances are now known to cause unruly and hyperkinetic behavior and to contribute to learning disabilities in some children. Some experts claim that three-quarters of all juvenile delinquents have learning disabilities, many of which are diet-related, and that these disabilities lead to frustrations and rebellious attitudes.

Public and private school teachers can -- and should -- be trained to recognize the symptoms of learning disabilities in the early school years. Once recognized, the teacher should discuss the symptoms with the parent(s) of the child and suggest that they consult with the school nurse-nutritionist or, possibly, with their family doctor.

The Los Angeles County Task Force on Nutrition and Behavior, chaired by a member of the 1980-81 Grand Jury, recently issued its second progress report to the Board of Supervisors.

Contained in the report are the results of a preliminary study of a nutritional assessment of 140 juveniles made at the time of their admission into Juvenile Hall. This study, conducted by Task Force member Jerzy Meduski, M.D., indicated that all of the juveniles showed some form of malnutrition.

The report also makes reference to a medical study, aimed at determining the incidence of hypoglycemia among juveniles at Central Juvenile Hall, that is being conducted by the Probation Department's Health Services Division. Forty-one randomly selected juvenile wards have been tested to date, and the study is expected to be completed and reported in July 1982.

The Task Force looked into progress being made in implementation of diet modifications in juvenile halls and camps, as ordered in 1981 by the Board of Supervisors. The order specified the exclusive use of whole grain wheat bread at those facilities; however, the Task Force found that the bread being supplied to the halls and camps by the contracted food services company contains only 35 percent whole wheat with the remaining 65 percent white flour.

In its report the Task Force commends the County's Food Service Department on its efforts to upgrade nutrition at Probation facilities in compliance with the Board's order. Examples of these efforts include the serving of sugarless desserts when fresh fruits are not available, and the use of honey, molasses or raisins in hot cereals in place of sugar.

The Task Force's report contains several recommendations relating to diet modifications in Probation Department facilities and in MacLaren Hall. In addition, there are two recommendations regarding dietary education of juveniles, their parents and the public. One of these is that a brochure be prepared by the Probation Department explaining the nutrition program at Probation facilities and the importance of good nutrition. The brochure would be given to each juvenile and his family at the time of his admittance to juvenile hall. The second is that the Probation Department prepare a written directive, to be given to all volunteer organizations and other visitors who bring food into Probation facilities, explaining the nutrition program and suggesting wholesome items which are allowed.

The Task Force feels that education of juveniles (and their parents) on the importance of diet to their well-being and behavior is vital to the success of the Diet Modification Program, and that the special schools in Juvenile facilities are the best places for this instruction.

A final recommendation of the Task Force is that a study be made of the effectiveness and necessity of use of a catering company by the Probation Department. Observations by members of the Task Force indicate that nutritional policies adopted by the Board of Supervisors might be better implemented by a return to preparation of food in each detention unit.

The Task Force's recommendations resulted from investigations, interviews and studies involving information from USC's Nutritional Research Laboratory, with help from the medical and probation staffs at Central Juvenile Hall, the County's Food Service Department, Health Services Division of the Probation Department, medical doctors, and the County-contracted Szabo Food Service Company.

RECOMMENDATIONS:

Therefore the Grand Jury recommends that the Board of Supervisors:

1. Continue support of the Task Force on Nutrition and Behavior.
2. Give consideration to the recommendation by the Task Force that a study be made of the effectiveness and necessity of using a catering company in Probation facilities.
3. Encourage the Probation Department to expedite preparation and distribution of nutrition education brochures for the benefit of juvenile wards, their parents and visitors to halls and camps.

The Grand Jury further recommends that the 1982-83 Grand Jury:

1. Follow up on the study on the incidence of hypoglycemia among juveniles at Central Juvenile Hall that is being made by Health Services Division of the Probation Department.
2. Establish and maintain contact with the Task Force on Nutrition and Behavior in order to keep informed on results of its studies and recommendations.

Richard Halpin, Chair
Rose Black
Frances Courtney
Susan Dixon

Mildred Light
Barbara Lurvey
Linda Smith
Carmelita West

Subcommittee on Sheriff-Marshal Court Services Consolidation

PURPOSE AND BACKGROUND

Early in its term, the 1981-82 Grand Jury formed a subcommittee to study the long unresolved question of duplication of bailiffing and process serving by the Marshal's Office and the Court Services Division of the Sheriff's Department.

The Committee knew that it would be proceeding down a trail well worn by previous grand juries, commissions, and special study groups. The Grand Jury, however, believes that any reorganization which can effect savings is more appropriate now than ever before, when reduced revenue has forced Los Angeles County government to make cutbacks in services viewed generally as vital to the community.

METHOD OF INVESTIGATION

The Committee included in its study reports of past grand juries and Supervisors' replies, reports of the County Commission on Economy and Efficiency and of the Chief Administrative Office, interviews with the Marshal, representatives of the Sheriff's Department, the presiding judge of a municipal court, various other superior and municipal court judges, the chairperson of the 1980-81 Grand Jury's Sheriff-Marshal study and a County Supervisor's deputy assigned to monitor proposed legislation on this subject. Supervisors, speaking to the entire Grand Jury, were questioned on their position relative to consolidation. Field trips were made to training facilities for both Sheriff's and Marshal's deputies. The Committee also reviewed recently enacted legislation as well as pending bills relating to mergers in various California counties.

FINDINGS

Almost all of the previous studies by grand juries recommended some form of consolidation. In 1980 the electorate of Los Angeles County overwhelmingly approved an advisory proposition placed on the ballot by the Board of Supervisors recommending that the Board be authorized by law to consolidate Sheriff's and Marshal's court-related services into a single agency.

Both Sheriff and Marshal presented figures to support potential savings. The figures, however, are not comparable since they are not based on an independent audit establishing relative savings.

Certain advantages which would result from assigning all the services in question to one or the other of these agencies are cited by Sheriff, Marshal and others.

The Sheriff emphasizes his department's ability to readily absorb all court-related services, and the advantage of having a single administrative structure. He points to the comprehensive

training of Sheriff's personnel, efficient use of equipment and communications, importance of visibility of law enforcement, continuity of custody in handling prisoners, and an efficient supervisor to personnel ratio.

On the other side, it is argued that there are clear advantages in having court services performed by the Marshal's specialized personnel, rather than by Sheriff's deputies who may regard it as only an interim assignment in a law enforcement career. Some believe it is more appropriate that officers associated with the judicial process not be identified as part of the law enforcement apparatus. The Marshal suggests that the more than 200 deputy sheriffs now used in bailiffing and process serving could be better utilized on the streets to combat ever increasing crime.

Two major factors in preference expressed by some judges for Marshal's bailiffs appear to be that judges have a voice in their selection and retention, and that the courts have jurisdiction over the Marshal.

It has been the position of the Supervisors that the Board is responsible for overall management and funding of County operations, and that any decision relative to consolidation is a managerial one, properly made by the Board, using the expertise of its staff of experienced and professional managers.

LEGISLATION

In February 1982, Assembly Bill 2784 was introduced. This legislation would authorize the Board of Supervisors to determine whether cost savings could be realized through the consolidation of court-related services now provided by the Marshal's Office and the Sheriff's Office and, if they so determine, to appoint an advisory committee to formulate a plan for consolidation. The Board of Supervisors would then be authorized to consolidate these services by ratifying the plan adopted by the advisory committee.

CONCLUSION

The County would realize substantial savings if the court-related services now provided by both the Marshal's Office and the Sheriff's Office were consolidated into one agency. The Committee makes no recommendation as to whether the services should be delivered by the Marshal or the Sheriff; this decision rests with the Board of Supervisors. AB 2784 gives the Board the authority to act on this important issue that has consumed so much time and effort on the part of prior grand juries, commissions and interested citizens.

RECOMMENDATIONS

Therefore, the Grand Jury recommends that the Board of Supervisors:

1. Direct its legislative advocate to actively support AB 2784 or similar legislation which will give the Board authority to consolidate the court-related services provided by the Marshal's Office and the Sheriff's Department.
2. Establish a court-related services consolidation committee including representatives of the Board of Supervisors, the Chief Administrative Officer, the Superior Court, the Municipal Court, the Sheriff's Department, and the Marshal's Department to formulate a plan for consolidation of court-related services now provided by the Marshal's Office and the Sheriff's Department.

3. After considering the plan formulated by the aforementioned committee, consolidate the court-related services provided by the Marshal's Office and the Sheriff's Department within either the Marshal's Office or the Sheriff's Department.

Frances Courtney, Chair
Carmelita West
Richard Halpin

Roxanne Oliver
Susan Dixon

Rose Black
James Wilcott

ENVIRONMENTAL CONCERNS COMMITTEE

PURPOSE

The Committee on Environmental Concerns was formed to focus public attention on the complex problems that beset Los Angeles County in the area of solid and toxic wastes, and the need to develop and implement definitive programs for their containment. Part of the Committee's concern involved continuation of studies conducted by previous grand juries. The Committee sought to ascertain the current status of waste accumulation and to assess the progress being made in management of waste by means which are more efficient, safer, and less wasteful of resources.

BACKGROUND

Scarcely a day goes by that we do not see accounts in the press of the closing of landfills, of explosions, toxic leakages, dangerous spills, polluted water, harmful effluvia, or other kinds of contamination. It is safe to say that today no area is immune to the risk of exposure to the destructive effects of the processes that go on in the waste we produce.

Thus within recent years there has been growing public awareness of environmental problems arising from generation of wastes by the conveniences of modern life. In addition, we have come to realize that the technology which produces these conveniences has introduced such an enormous amount of pollution and hazards into the environment that we are now facing an ecologic crisis.

We have been an increasingly affluent society that has habitually thrown away an enormous variety of solid material with no thought of whether any of it can be reused or what effect it may have on the environment after we get rid of it. The fact is that much of what we throw away can be recycled, and many types of waste have a long life, e.g., plastic bottles and aluminum cans, which are virtually indestructible. The rate of accumulation of these solid wastes is alarming.

Many of the techniques for disposal of wastes have not changed since ancient times. One speaker referred to the landfill system as "stone age technology." As with our ancestors, household waste handling is still the trash can, the contents of which are picked up, dumped into a truck, then hauled away to some landfill. The average person throws away many pounds of waste per day. Now we are running out of usable landfill space. Furthermore, many of today's new types of waste demand special kinds of handling because of the hazards they present to health and to the environment. It is imperative that we dispose of these toxic wastes properly. It is also urgent that the public, already aware of the problems, understand that technological solutions are available, and cooperate by accepting them.

AREAS OF CONCERN

- A. Los Angeles County Solid Waste Management Plan Update
- B. Resource Recovery
- C. Hazardous Waste

METHODS OF INVESTIGATION

Committee members interviewed officials from State, County, and City departments, as well as Assemblywoman Sally Tanner, Chair of the Assembly Committee on Toxic Waste, and also talked with representatives from the County Sanitation Districts, representatives of waste-producing industries, and of various private corporations involved in solid waste management, and with recyclers. Meetings of the County Solid Waste Management Board Update and Southern California Association of Governments (SCAG) were attended, in addition to a community workshop on landfill siting. Visits were made to landfills at West Covina owned by BKK and at Puente Hills, run by the Sanitation Districts; visits were also made to a transfer station in Carlsbad and to the Air Quality Management District. Progress of resource recovery programs underway was monitored in Downey and Santa Monica. The Committee also studied literature on the subject of waste management.

The Appendix presents a list of individuals and groups who were contacted in the course of this Committee's study, and of the publications reviewed.

A. LOS ANGELES COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE

BACKGROUND

In June 1981, the Board of Supervisors contracted with the firm of Brown and Caldwell, consulting engineers, to revise and update the County Solid Waste Management Plan as required every three years by California law. The contract called for developing alternative plans, strategies and organizational structures for resource recovery, safe disposition of hazardous waste, and disposal plans which minimize use of landfills. It allowed a 60-day period during which comments from incorporated cities, State Solid Waste Management Board, and other involved parties were to be received and worked into the final draft which was to be completed in 13 months.

The Department of County Engineer-Facilities was the coordinating agency between the consultant and the County Solid Waste Management Plan Committee (CoSWMP) of which the chairman is the County Engineer. In early 1982, members of the Grand Jury began attending meetings of an advisory committee appointed by CoSWMP from its membership to work with the consultant on the preliminary draft of the updated plan.

FINDINGS

The jurors observed several of these meetings where the advisory committee plowed through the paragraphs of each chapter, commenting on the validity and appropriateness of the material presented. The process was awkward and time-consuming. Advisory committee members repeatedly remarked on inaccuracies, inconsistencies, redundancies and outdated information in the proposed chapters. At all meetings, advisory committee members were requested to put their comments in writing and submit them through the County Engineer for consideration in the rewriting process.

At the April 15 meeting, advisory committee members expected to see their comments reflected in the most recent rewriting. Finding few such inclusions, they questioned whether the comments had been seriously considered and said that, as then written, the plan would not be accepted by the cities and other concerned parties. Other comments were that the prelimi-

nary draft proposed a serious loss of local control, needed better purpose and scope, needed a wider range of solutions and alternatives, did not include private sector input nor "inside" information on siting available to some committee members, did not emphasize enough waste reduction plans, and set cumbersome permit processes which would add another layer of government.

One advisory committee member stated that the plan needed mixed systems able to take on small or large projects, to redirect resources or restructure systems, and to provide for a flexible continuity of communication among the agencies, districts, incorporated cities and the County.

The reaction at this meeting was such that Brown and Caldwell felt it needed direction from the advisory committee on the basic scope and tenor of the plan. The consultant said that an extensive rewriting would require a 60-to-90-day extension for submission of a preliminary draft. Four members of the advisory committee were appointed to write the basic goals, policies and objectives for the County plan.

On May 12, the County Engineer came before the Grand Jury, gave an overview of his department and reported specifically on the progress of the updating of the County Solid Waste Management Plan. At that time, he felt that the consultant was on schedule, having delivered its preliminary draft, and was now incorporating into the plan the comments of the advisory committee. He said that this was the most difficult time in the process because it involves many points of view, and consideration of the numerous incorporated cities in the County, the Sanitation Districts and the private sector. He continued that, although the consultant had already billed the County for 90 percent of the contracted fee, only partial payment had been made. The consultant, he said, was still obligated to deliver a plan acceptable to a majority of the cities which contain a majority of the County population before the balance would be paid.

The County Engineer also reported that Brown and Caldwell had written solid waste plans for other California counties and, during the selection process, was found qualified to fulfill the contract. He reported that in the past the County Engineer's staff had prepared the County Solid Waste Management Plan, but with budget cutbacks and staff reductions, the County had chosen to contract with an experienced consulting firm for update of the plan.

At the following advisory committee meeting, representatives of Brown and Caldwell reported that they had spoken with committee members to obtain their ideas for the plan. Some general observations from those discussions were that Los Angeles County, with its multiple jurisdictions, is the most complex of California counties, and that the plan needs more long range objectives and more inclusion of the private sector.

Brown and Caldwell proposed a work plan to better organize the flow of information and comments between the advisory committee and the consultant. The work plan included a comment log showing comment source, date, the comment, affected section of the County plan, and the action taken. The work plan also included continued individual discussions with advisory committee members, Brown and Caldwell staff working with County Engineer staff, and a list of conflicts between draft and comments. It set a time schedule for receipt of comments on the two separate volumes of the plan.

During one of the meetings of the advisory committee, the representative of the State Solid Waste Management Board said that no city or special district can stand alone in the operation of

a solid waste management policy; that a regional effort must be made if the State is not to step in and take control. According to him, Los Angeles County has good de facto joint powers agencies to work on solid waste policies. He also said that there are problems in handling so many jurisdictions but the development of joint powers agencies is evolutionary in nature and Los Angeles County is on that evolutionary track.

CONCLUSIONS

The problems resulting from the County's contracting with a private firm for such an all-encompassing County Solid Waste Management Plan reflect the complexities of Los Angeles County regarding local jurisdictions, special districts and the involvement of the private sector.

The staff of the County Engineer, which in the past had prepared the plan, appeared unprepared in their efforts to pass on to the consultant the flow of comments and ideas from those involved in shaping goals, policies and objectives. It appeared that the consultant had not been aware of the complexities of the task and the many voices to be heard until the work was well underway.

The Grand Jury, however, recognizes that there is a necessary period of adjustment and learning by County departments contracting for services on complex matters involving detailed interaction with consulting firms.

The process of updating and revising the County Solid Waste Management Plan is in the early stages of its time schedule and it appears that the consultant, County staffs and the advisory committee are adjusting and coordinating their efforts and ideas to reach their objectives.

RECOMMENDATION

The Grand Jury therefore recommends to the 1982-83 Grand Jury:

That the Jury monitor the progress of the updating effort on the County Solid Waste Management Plan and report and comment on the final draft of that plan.

B. RESOURCE RECOVERY

FINDINGS

The amount of solid waste -- some 35,000 tons -- generated daily by the more than seven million inhabitants of Los Angeles County is staggering, and the need to decrease the volume is fast approaching the critical stage, particularly in terms of disposal.

At present, virtually all wastes are disposed of in landfills, the so-called Class I sites for hazardous wastes, the Class II sites which accept organic, decomposable wastes, and the Class III sites to which nondecomposable, solid wastes (e.g., cement) are hauled.

But landfills are either reaching capacity, or their use is being restricted because of public outcry. Traditionally, landfills took care of everything -- they were plentiful, disposal was cheap, and they were far enough away from urban areas to be complacently ignored. However, the rapidly expanding population of Los Angeles County brought attendant problems -- greater need for housing led to urban encroachment upon rural areas, with resulting reduction in land available for fill.

There is no single solution to the problem of waste disposal. Each specific waste or class of wastes needs to be realistically assessed and the most suitable process for disposal selected. Both private and public agencies are involved in disposal, and both groups must be considered if alternate methods of waste management are to be successfully implemented.

One way to deal with the problem of diminishing landfill capacity is source separation and separate collection of recyclables and other household waste. This is not a new concept in the City of Los Angeles, for until the late 1950s all cans and bottles were put in containers for separate collection, and combustibles were separated and burned in backyard incinerators. Backyard burning reduced the solid waste disposal problem, but added to air pollution.

Today, with a diminishing supply of raw materials, valuable resources are being buried. Assuming reasonable public participation, reinstatement of waste separation would be a positive factor in the conservation of energy and materials, and could measurably affect landfill life. According to Sanitation Districts, solid waste produced by the County is projected to increase to 45,000 tons per day by the year 2000. Approximately 30 percent of the total waste in Los Angeles County is household waste, 20 percent of which is readily recyclable.

"Los Angeles County is burying too much good stuff in the landfills," says the president of the Sessler Company in South Gate, which recycles glass and "can't get enough of it." He observed that scrap glass is particularly valuable because, when it is combined with the raw materials needed to make glass, lower temperatures can be used and thus energy is saved. This also results in fewer pollutants being given off.

While the trend towards recycling seems to be gaining favor, more must be done to promote it. Some recovery is already being done through drop-off donations and buy-back centers in shopping plazas and markets where recyclables can be turned in for immediate cash. There also is a network of recycling centers in Los Angeles County operated by private companies, service organizations and public agencies, which accept newspapers, bi-metals, aluminum, glass and some plastics.

Curbside collection of recyclables from single family residences is now in operation in the cities of Downey (DART program) and Santa Monica. A multiple unit residential pilot program is also being tested in Santa Monica under a grant to Ecolo-Haul of West Los Angeles and the City of Santa Monica by the State Solid Waste Management Board. Under this program, Ecolo-Haul also operates a buy-back center. Burbank is working to implement a program by this summer. The City of Claremont is also making changes designed to improve management of solid waste disposal and which are expected to include recycling. These programs are on a voluntary participation basis and are having different levels of success.

Cal-San is the waste hauler in Downey and, according to its president, participation is uneven. All recyclables are placed in a single container, picked up and then separated by hand at a contracted recycling site. This system is used because scavengers were picking up the newspapers. Santa Monica residents, as of this date, are responding in larger numbers. Two containers are provided to householders, one for glass and the other for cans. Newspapers are tied flat or placed in brown paper bags. Individual containers are not provided for apartments; rather, neighborhood boxes are located in appropriate sites. The City of Santa Monica collects and transports waste to a transfer station where nonrecyclable waste is transferred to large capacity trucks and taken to a landfill in the northeast San Fernando Valley. This is now an extra

40-mile haul, a direct result of the recent closure of Mission Canyon. Because of this long haul, disposal fees have more than doubled.

The stronger citizen participation in Santa Monica may be due to the higher socio-economic level of the residents, plus a more aggressive municipal involvement. Results of the multiple-unit collection program are not encouraging as yet, but this may be because containers are not provided for apartments, separation is less convenient and storage may be a problem. Also, apartment dwellers may not have the same sense of community or commitment as those in single family homes.

Perhaps the County could encourage cooperative agreements for waste management between adjoining cities. This might be more effective strategy than each city attempting to implement plans independently, since joint programs would provide haulers with sufficient recyclable materials to make separation economically worthwhile. Private and public refuse collectors would have to be an integral part of the initial planning stages. Citizen input is also a necessity if cooperation is to be achieved. The public's attitude towards a mandatory versus a voluntary system should also be considered. Anti-scavenging laws would need to be enforced to assure that the participating agencies could meet their contractual obligations.

An important aspect to consider for successful recycling, according to the California secondary materials industry, is the stimulation of market consumption of secondary materials.

In other words, guaranteed markets for recycled products are necessary. Unless stability in the marketplace is achieved, the economic risks for private industry's involvement may be too great. Government can and should play a major role in making the whole concept of recycling economically viable by contracting to use recycled materials. Once a market is assured, entrepreneurs will spring up to take advantage of it. Also, business must understand the need for product design which would lend itself to easier recycling.

Recycling facilities should be located as close as possible to producers of recyclable waste since long distance transportation adds greatly to the cost of recycling.

One company actively pursuing this secondary role is the Garden State Paper Company in Pomona, which characterizes itself as "among the first to equate environmental and resource waste with economic waste." It now recycles newspapers, is ready to expand, but lacks the firm market commitment for its product that is necessary to proceed.

Years ago waste paper was carefully saved by most households and sold to the "rag man" for pocket change. Later it was given away to schools or service organization collection drives. Now, most of it is thrown into the trash because no one will cart it away. Why? The demand for waste paper has declined for various reasons: small profit, resistance of large paper users to recycled paper, and financial interests that large newspapers have in virgin pulping operations. However, sharp increases in the cost of transportation and labor, and the materials shortage, now make use of recycled material more attractive. A countywide source separation program would help stabilize the supply side of the recycled materials market.

Another important benefit of resource recovery is that much nonrecyclable solid waste can be used as an energy source. The development of waste-to-energy recovery facilities can also alleviate the strain on landfills. Los Angeles County Sanitation Districts estimate that "approximately 60 percent of the total waste in the County is suitable as feedstock for waste-to-energy

facilities." This translates into approximately 27,000 tons per day of trash that would go into waste-to-energy facilities, and about 7,000 tons per day of residue requiring landfill disposal. This would result in a 50 percent reduction in landfill disposal. In addition, about 500 megawatts of electricity would be generated for in-house use by the facility, or for sale to offset handling and disposal costs.

Waste-to-energy conversion is not cheap, but co-generation can produce enough steam and electricity to become a profit-making venture. Already on target is the Southeast Resource Recovery Facility (SERRF), a waste-to-energy plant that will burn trash to generate both steam and electricity. It is a joint project of the Los Angeles County Sanitation Districts and the City of Long Beach, construction of which will start on Terminal Island in mid-1983. Some 900 tons of refuse per day will be burned and the steam generated will be sold at a profit, thus generating revenue for the City of Long Beach and providing electricity for 30,000 to 40,000 homes.

Unfortunately, there is still much public resistance to expansion of such projects. This was evidenced by the recent defeat of a municipal ballot revenue bond issue for funding a 1,500 ton per day solid waste-to-energy facility in the City of Gardena. It was to have been the largest electricity producing plant in the United States, providing power to 40,000 residences. That this was either an uninformed or a shortsighted decision on the part of the voting public is all too apparent when one considers that one ton of solid waste equals approximately one barrel of oil in fuel replacement value! But approval of SERRF and of plans for similar co-generation facilities in Commerce and South Gate demonstrates that resistance to conversion plants can be overcome if the public is made fully aware of the long-term benefits they can provide.

CONCLUSIONS

In order to achieve an environmental balance we must look to an integrated approach for solutions to our solid waste management problem. This will *include* social, political, and economic changes. Just as living organisms have recycled waste – oxygen and carbon dioxide for billions of years so that nothing is lost – so the materials we use must be recycled.

Recycling provides a way to dispose of trash while saving valuable materials. Pollution results when resources are withdrawn from the environment and returned as waste, not all of which can be recycled by natural processes. Therefore, people must devise and use additional means of recycling to restore resources and remove pollution as rapidly as possible. This kind of positive action can result in cost savings to consumers and industry, provide alternative energy sources, prolong the life of landfills, and preserve the environmental quality of land and air with concomitant reductions of health hazards. Another benefit is energy saving, since recycling often takes less than one-fifth the energy required to manufacture a product from virgin raw materials.

RECOMMENDATIONS

The Grand Jury therefore recommends that the Board of Supervisors:

1. Develop residential resource recovery programs as soon as possible, using techniques that are currently available and adopting more refined processes as they are developed.
2. Encourage local governments to emphasize waste reduction and resource recovery.

3. Help increase and stabilize the secondary materials market by procuring for County use products wholly or partially derived from recycled materials.
4. Support and promote legislation that provides tax incentives to industries for using secondary materials in the manufacturing processes.
5. Conduct a campaign to educate the public to modify its purchasing habits, e.g., avoid buying single-use disposable products, and buy items that are durable, recyclable or repairable.
6. Adopt as policy that Supervisors will encourage planning commissions, city councils and permit issuing authorities in their districts to facilitate siting of resource recovery and recycling centers through appropriate zoning and special simplified procedures for obtaining conditional use permits.
7. Encourage the promotion of waste-to-energy projects within the County, and the development of energy conversion sites wherever feasible.
8. Encourage recycling centers to expand their drop-off and buy-back programs for newspapers, metals, glass, aluminum and plastics.

C. HAZARDOUS WASTE

FINDINGS

Dealing responsibly and effectively with hazardous wastes is of utmost importance in order to minimize danger to both people and the environment. Our entire society produces potentially dangerous wastes, ranging from the person who casually discards used motor oil or a half-empty can of paint into his trash can to thousands of retail firms, hospitals, and schools that toss out potentially harmful wastes without thinking of proper disposal. The problem is compounded by toxic chemical wastes, inevitable by-products of a technological society. Chemicals are of great benefit to mankind, but because they do pose risks, they must be carefully treated throughout their lifetimes if the dangers of Love Canal in New York and Stringfellow Quarry in Riverside, California, are to be avoided.

Highway spills, abandoned dump sites creating environmental havoc (e.g., leaking barrels of dangerous chemicals at the Capri Pumping Services in East Los Angeles, and explosions at Santa Fe Springs), and fear of possible health threats to nearby residents are common knowledge. Disposal sites are viewed by the general public as ticking time bombs, most people reacting with the "Nimby" syndrome (Not in my back yard).

Part of today's problem stems from the fact that wastes have been handled improperly, either through negligence or lack of knowledge. Most municipal dumps are ill-equipped to contain chemical wastes; unscrupulous "midnight dumpers" unload their toxic cargoes surreptitiously onto roads and into sewers or rivers. This practice continues today, as evidenced by County and Los Angeles City-wide suits against haulers charged with violations of local laws.

Some private disposal firms go out of business, leaving untreated waste to slowly deteriorate, eventually leaking through containers, contaminating ground and air. To discourage such

practices in the future and ensure that the public is protected, a recent Environmental Protection Agency (EPA) ruling now requires operators to buy liability insurance or prove they are fiscally able to pay for any injuries caused by seepage or explosions of toxic wastes. However, law suits in areas where accidents have occurred indicate that claims may be far in excess of the required insurance coverage.

Many companies have adopted the safest waste handling techniques possible, but not all have acted responsibly. For that reason, in 1976 the Federal government stepped in with the Resource Conservation Recovery Act (RCRA), to tighten controls and fix accountability; thus today we have "cradle to grave" tracking, that is, hazardous wastes are followed from generator to final disposal through a manifest system. This procedure, if properly followed, enables the waste generator or the government to track every load of hazardous waste sent off the plant premises to its eventual disposal. Each designated person in physical control of the waste is responsible for it while the waste is in his possession. The manifest follows the waste through disposal and is then returned to the generator, with a copy going to the EPA.

Theoretically, this provides tracking of off-site waste shipments from beginning to end. Unfortunately, there is always the possibility that unscrupulous haulers falsify their manifests, or careless waste disposers neglect to check the contents of loads. If the public does not believe that existing or proposed hazardous waste management facilities will be adequately regulated, and violators punished, no amount of information about technical expertise will persuade them to accept a facility. Therefore, adequate enforcement is crucial to public confidence in the regulators.

After RCRA was enacted, the problem of inactive or abandoned hazardous waste disposal sites came to light. Since there frequently was no identifiable owner responsible for clean-up, Congress again stepped in and passed the Comprehensive Environmental Response, Compensation and Liability Act (1980). Known as the Federal "Superfund" bill, it is of great importance because provision is made to contain or clean up toxic waste spills and abandoned chemical waste sites, thereby preventing new releases of hazardous substances that pose a threat to public health or the environment. This is a \$1.6 billion fund, of which 87.5 percent will be collected from chemical companies over a five-year period. In 1981, California also established a \$100 million "Superfund." It goes beyond its federal counterpart by providing for compensation to citizens suffering health problems due to toxic waste exposure.

In Southern California the only existing Class I landfill accepting hazardous wastes is the BKK Corporation site in West Covina where local residents are still pressing for its closure. Two sites to the north remain (Casmalia, 170 miles distant, and Kettleman Hills, 200 miles away); but long distance hauling of toxic wastes must always include the danger of accidents or spills, plus increased transportation and related costs.

Various technologies for recovery, treatment, and reduction of hazardous wastes are currently available and in commercial operation, e.g., the IT Corporation plant in Martinez, California. The Environmental Concerns Committee met with an executive of the corporation and learned that its efforts to site a liquid detoxification plant in Saugus capable of treating and neutralizing one-third of all chemical wastes generated in the Southland have failed because of resistance to accompanying waste disposal by local citizens. The Committee also met with the president of Env., Inc. of Long Beach, who would like to have in operation an on-site toxic waste water treatment system in Carson by mid-1983 to serve most of the small metal plating businesses which cannot afford to treat their own wastes through on-site means. The process, however,

would yield metal hydroxide sludge which would still require Class I disposal. BKK Corporation is finalizing engineering plans to construct (when permitted) a receiving facility for treatment of toxic waste in Wilmington. It is already constructing a similar facility in San Diego.

An official of Chemical Waste Management Company of Torrance met with the Committee to discuss his company's efforts to obtain approval from the Ventura County Board of Supervisors for purchase and reopening of a landfill in Simi Valley which would serve both Los Angeles and Ventura counties. If public resistance is overcome and other problems resolved, this hazardous waste/ solid waste landfill will only partially alleviate the critical need for disposal sites. Also, in order to minimize transportation dangers by reducing the numbers of trucks moving cargo to this site which borders the northwest corner of Los Angeles County, a series of transfer stations will be needed. These are central waste receiving plants which accept the smaller loads of haulers, then transfer them to very large trucks for final disposal. Chemical Waste Management was unable to obtain the necessary zoning change which would have allowed construction of a transfer station in Long Beach.

Landfill sites cannot continue to be the major repository of wastes. Other immediate solutions are necessary. To this end the Governor's Executive Order, issued on October 13, 1981, sets the State's direction toward reducing dependence on land disposal of high-risk wastes through waste reduction, recycling and treatment. The Governor has also established the Toxic Waste Assessment Program within the Office of Appropriate Technology (OAT). Its principle objective is to determine what alternative technologies may be used to safely reduce, recover, treat, and destroy California's hazardous wastes.

Members of the Toxic Waste Assessment Program met with the Environmental Concerns Committee. They stated that while policies and regulatory programs can be established at the state level, it is through regional planning that solutions must be developed to solve waste disposal problems. It was also their opinion that a "system of small specialized treatment facilities, located in existing industrialized areas, close to the sources of waste generation, will be acceptable to citizens and their elected officials, and provide the best service to the waste generating industry." The best way to deal with waste, of course, is to avoid generating it. According to the Governor's special assistant on toxic substances control, the present method of dealing with hazardous waste is unsatisfactory simply because it is a "more mops" approach. "We need to turn off the tap," he said.

There are processes that can be changed to create less waste and some companies are working towards this goal. Others are reclaiming and recycling materials back into their production process. One company's waste can also be another's raw material. The Governor's representative stated that "waste exchanges exist," although they are not being utilized to any great extent in California. The infant field of genetic engineering also holds promise for hazardous waste control by the development of special bacteria to destroy noxious residues.

Safe management and disposal treatments are possible. Proper handling is dependent upon several factors, among which are the chemical characteristics of the waste and its volume. Chevron, USA, Inc., in El Segundo is treating some of its waste by "land farming," a biological degradation process wherein bacteria consume the waste. Incineration can be used for some types of waste reducing them to inert matter of lesser volume which can be trucked to landfills, or in some cases recycled. Properly designed and operated, landfills are safe for waste disposal and when full can be capped, sealed, and then used for golf courses or parks. The Palos Verdes landfill is a good example. Also, energy produced in the form of methane

gas, a byproduct of these landfills, can be recovered and sold. But whatever their advantage, we cannot depend solely on landfills because land is a finite resource.

If technology exists that can reduce hazardous wastes, render them harmless and dispose of them in a sound way, what is Los Angeles County's problem? The realities are that no toxic waste reduction plants are on the horizon sufficient to handle the volume of waste being generated; only one environmentally safe landfill is left in Southern California; "midnight dumping" is on the increase because of high disposal costs, which means our groundwater is in danger of being contaminated.

All the technology that exists is useless if communities refuse to allow waste treatment and disposal sites to be built and developed in their area. Education programs must be expanded to enlighten the public of the critical need for these facilities. People are afraid and uneasy, and therefore need to be made aware of the many positive advances in waste management techniques, techniques which are environmentally sound and non-health threatening and whose implementation imposes minimum economic hardship on industry. In the County Sanitation Districts' *Siting Criteria for Hazardous Waste Treatment Facility*, one criterion reads as follows:

"Properly designed and operated hazardous waste treatment facilities need pose no greater risk to their environs than the manufacturing facilities which produced the waste which they treat. They will probably make a locality safer, due to decreased transportation of wastes and the lessened likelihood of illicit dumping."

Hazardous spills have become a common occurrence, and the lack of an effective coordinated emergency response program is evident. The recent chemical spill at Castaic is a perfect illustration of what can happen at any time. Automatic containment and control of spilled materials cannot occur unless some agency has been trained for this work. Since special equipment, clothing and procedures are necessary at a spill, the logical agency would be the Fire Department, which could provide good response capability. Final cleanup and removal could follow either by a public agency or a private firm.

Members of the Environmental Concerns Committee met with the Department of Health Services hazardous materials coordinator. The Department has proposed a program with emphasis on coordinating all concerned agencies involved in the management of hazardous wastes, with primary focus on inspection of industries which generate toxic waste, and ensuring that all related County ordinances are being observed. The County's position is that the increased use of chemicals by industry has spread known and potential carcinogens from the workplace to almost every niche in our environment. There are no adequate controls in the manufacturing, marketing, use and disposal of such substances, thus aggravating the problem. Reliable data on hazardous material is lacking, no coordination of governmental agencies really exists, not all chemicals can be directly linked to causing health problems and there are no adequate resources for toxic control.

RECOMMENDATIONS

The Grand Jury therefore recommends that the Board of Supervisors:

1. Encourage and assist in the permitting of chemical treatment plants, transfer stations, and waste reduction plants.
2. Promote the siting of treatment facilities in industrial areas close to the waste generators.
3. Undertake a comprehensive public education plan to develop awareness of environmentally acceptable means of hazardous waste management.
4. Seek to develop a comprehensive training program for hazardous spill response and containment in coordination with local municipalities and the State with a single agency responsible for coordinating this system.
5. Support legislation requiring all trucks transporting hazardous materials to prominently display emergency containment procedures for each chemical load being hauled.
6. Facilitate implementation of the Los Angeles County Department of Health's Hazardous Waste Control Program as outlined by the Director of Health Services' letter, dated March 5, 1982.

*Anita Martinez, Chair
Rose Black
Gilbert Burrola, Jr.
Edmond Desjardins
Susan Dixon
Patsy Edwards*

*Richard Halpin
Barbara Lurvey
Alexander Madrid
Linda Smith
Carmelita West*

APPENDIX

Sources of information contained in Environmental Concerns Committee Report

Persons Interviewed

Los Angeles County Department of Engineers
Stephen Koonce, County Engineer
Kenneth Kvammen, Assistant Deputy County Engineer
David Yamahara, Engineering and Planning Services

Los Angeles County Department of Health Services
Angelo Bellomo, Manager, Toxic Substances Program
Douglas Steele, Deputy Director

Los Angeles County Sanitation Districts
Kieran Bergin, Supervisor, Hazardous Waste Engineering
Walter Garrison, Chief Engineer and General Manager
William George, Environmental Scientist
Joe Haworth, Jr., Information Service Officer

BKK Corporation
Joe Johnson, Chief Engineer
Ben Kazarian, President
Jack Thompson, Vice President/Landfill Operator
Ernie Winter, Director

Chevron U.S.A., Inc., El Segundo
Kristin Birtwhistle, Public Affairs Representative
J. Edminson, Chief Chemist
Marilyn B. Judson, Environmental Specialist

Garden State Paper Company, Pomona
Alan Crossman
David Watson

South Coast Air Quality Management District
J. Birakos
E. Lemke
J. A. Stuart

Paul W. Abernathy, Chemical Waste Management, Inc.
M. Adnoff, President, Cal-San, Downey
David L. Bauer, Vice President, Environmental Affairs and Engineering, IT Corporation
Dr. Thomas Heinsheimer, Councilman, City of Rolling Hills
Alisa Katz, Deputy, L.A. City Council, Office of Zev Yaroslavsky
Kenneth Landau, Director of Energy, City of Gardena
Ira H. Monosson, M.D., Division of Occupational Safety and Health
Gary Peterson, President, Ecolo-Haul
Karen Rathbun, Recycling Coordinator, City of Santa Monica
Ruth Ray, Board of Public Works, City of Los Angeles
Mark Rodriguez, Sr. Deputy, Office of Supervisor Michael Antonovich
Millard Rosing, The Sessler Company, South Gate
Mark Siegel, Deputy, L.A. City Council, Office of Joel Wachs
M. Robert Speach, President, Env., Inc.
Kent Stoddard, Office of Appropriate Technology
Sally Tanner, Assemblywoman, 60th District, Chair, Assembly Committee on Toxic Waste
Megan Taylor, Office of Appropriate Technology
Peter Weiner, Special Assistant to Governor for Toxic Substances Control

Seminars and Meetings Attended

Hazardous Waste Siting Policy Advisory Committee Meetings, SCAG
Los Angeles County Solid Waste Management Plan Update Meetings
SCAG Hazardous Waste Public Workshop, Thousand Oaks
Southwestern University School of Law, Toxic Waste Symposium, September 19, 1981

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HEALTH COMMITTEE

PURPOSE

The purpose of the Health Committee is to monitor the County health facilities and make recommendations to improve the quality and adequacy of services being provided to thousands of Los Angeles County residents. The committee also investigates and responds to citizen complaints relative to County health service.

BACKGROUND

A combination of factors, including Proposition 13, cutbacks in funding from the State and Federal governments, and decreased tax revenues due to the current recession have had a serious impact on the County budget. Health services, an area which had taken an increasing share of the County budget, was targeted for some of the deepest cuts which the Board of Supervisors made in response to its revenue problems.

The severe budget cuts suffered by the Department of Health Services became of immediate concern to the 1981-82 Grand Jury. These cuts would require a drastic curtailing of County health services. The objective of the Committee was to determine what impact this would have on the thousands of patients who had no other source of medical care.

METHODS OF INVESTIGATION

Investigations by the Grand Jury's Health Committee included visits to three major hospitals – Martin Luther King, Harbor General and County--USC Medical Center, as well as visits to selected health centers and comprehensive health centers. Committee members also held interviews with a broad spectrum of health professionals both in and outside the County structure. Representatives from the three professions most affected by the cuts – nutritionists, social workers and public health workers – were interviewed, as well as union representatives, Supervisors' deputies, professors at the UCLA School of Public Health, members of the Public Health Commission, private physicians, Health Services physicians and staff workers. Two meetings were held with Health Services Director Robert White.

FINDINGS AND RECOMMENDATIONS

Based on the Health Committee's findings, the Grand Jury sent the following report to the Board of Supervisors on December 10, 1981:

The Grand Jury recognizes that the Board of Supervisors is faced with cutbacks in funding. It believes, however, that the Department of Health Services took a disproportionate share of the budget curtailments, especially when one considers that the cost of providing health services nationwide has escalated much faster than the rate of inflation.

The Grand Jury identified a number of areas which it believes the Board should address when considering the consequences of the cuts already made and those anticipated, which many feel will devastate the County's delivery of health services:

1. No specific impact studies regarding the consequences of the intended cuts were made prior to the abrupt curtailment of services in July 1981; only broad, descriptive generalizations of services to be cut were provided. The Grand Jury realizes that the Board was responding to abrupt reductions of funding; however, the Department of Health Services had been warned to prepare projections for various anticipated levels of cutbacks at least six months in advance.

Los Angeles has a large population of immigrants from countries where diseases such as amoebic dysentery, malaria, typhoid and salmonella are endemic. The Jury believes that a curtailment of services could have a serious impact on the health of the entire community. For example, it should be noted that Los Angeles County is experiencing a rise in the rate of tuberculosis while other major urban areas are experiencing a decrease.

2. The CAO has twice recommended elimination of the requirements of the Beilenson Act, which calls for a 90-day notice of hearing and 60 days concurrent waiting period prior to closure or reduction of facilities and level of care. The Act gives those who would be adversely affected an opportunity to give vital input about where and how much the level of services would be decreased. The CAO recommended that the County seek repeal of the Act "so that counties can have needed flexibility in their allocation of limited resources among all service programs," (letter dated December 5, 1980). In another letter dated June 25, 1981, it once again referred to side-stepping the specifics required under the Beilenson notification requirements. The Grand Jury believes the Board must fulfill its legal obligation to the community to provide adequate warning and opportunity for review by meeting the Act's requirements.
3. The Jury has been unable to obtain an explanation of conflicting budget figures. The final budget adopted by the Board on July 3, 1981, shows a final figure of \$4,595,599,459 with 72,300 positions budgeted. Yet in a letter dated July 23, 1981, to Assemblyman Art Torres, the CAO shows 1981-82 adopted figures totaling \$4,717,248,750 with 73,788 positions. This represents an increase of \$121,649,291. Considering that the Health Services budget was cut by \$56 million, to what extent was this additional amount allocated to restore the health cuts?

A document received from the CAO's Office showed the total number of people on the payroll in September 1981 was 74,432. A second document from the Auditor-Controller showed the County payroll for the October accrual was 77,293. Since we understand a freeze had been put on County hiring, we are puzzled by the addition of 2,861 workers in one month's time.

4. Health care is generally considered a right of every citizen, whether privately or publicly rendered. Medi-Cal was supposed to provide equal access for all; however, many private providers are unwilling to accept Medi-Cal patients because they are considered "unprofitable." In the past, the County has filled the gap for those unserved by the private sector. The current trend is to contract out these services in an effort to save money.

The Jury has some serious concerns about the effects of contracting out health services. One university professor of Public Health states, "The history of contracting out has been miserable." He has said the cost of regulating the contract, added to the cost of the contract itself, can cost the County more than providing the services in its facilities. According to him, the cost in California

of delivering services at a private hospital is greater than the cost at a County facility.

The Jury's fundamental concern is: Who will ensure that the private contractor will provide services to those unable to pay, who receive services in County-operated facilities? The Jury believes contracting out health services might make them financially inaccessible for many, and could result in higher costs to the County. As the professor put it, "The overwhelming motive can't be -- what can we get rid of that no one will see. . . County facilities were set up to provide services no one else wants to provide. The people provided for in County facilities are historically those not profitable for the private providers."

5. The Jury believes that certain cutbacks in services could be short-sighted, resulting in increased costs later on.

For example, the elimination of health educators, nutritionists and social workers could pose a serious problem. These three occupations are crucial in helping people learn how to take care of their health problems before they become serious. Preventive medicine is the most cost-effective and efficient way of serving the community. Curtailing or eliminating health prevention programs results in hospitalization later, at much greater cost to the County.

The Jury finds particularly alarming the elimination of pharmacy services at all but the comprehensive health centers. Almost all out-patient pharmacy services have been eliminated at hospitals, and drug dispensing at health centers is now limited to public health drugs only. Medical facilities and physicians serving the poor find it essential to supply medications. A patient with no definite symptoms, such as one with hypertension, is not likely to purchase expensive medication until he becomes acutely ill and requires hospitalization. The Grand Jury has learned the County can provide medication at a *substantially* lower cost than that charged by private pharmacies.

Medication has been provided either in a lump sum Medi-Cal billing (under the Los Angeles County waiver which waives the necessity for itemized billing) or is included in the all-inclusive clinic fee. Rather than eliminating the dispensing of medication, the Jury believes the County should explore the feasibility of charging pharmacy fees somewhere between the actual County cost and the much higher fees authorized by Medi-Cal. The result would be a savings for the taxpayer, and the markup could be used to fund medication for those unable to pay and ineligible for entitlement programs. In addition, the Grand Jury has information that a gap in service has resulted because many medications prescribed at County facilities are not available in community pharmacies. For example, cancer patients cannot get the narcotics they need in many areas of the County because the pharmacies do not stock them.

6. Clinic fees as currently structured are exorbitant and unrealistic. Patients have been billed for later collection with extremely low collection rates. The experimental program of collecting a \$20 up-front cash fee, instituted in April 1981 has reportedly been extremely successful. The vast majority of patients have been willing to pay the fee, and substantially higher revenues are being generated.

Therefore, the Grand Jury recommends:

1. That future Beilenson hearings be held only following appropriate impact studies of curtailment of services.

2. That currently operating clinics remain open until studies have been completed as to adequacy of service throughout the County.
3. That if gaps in service are found, clinics which have been closed be reopened and that all clinics be operated on a reduced hours basis during hours of maximum utilization.
4. That the \$20 up-front clinic fee for those not eligible under other payment methods be vigorously pursued instead of using the cumbersome system of follow-up billing with its very low rate of return.
5. That the impact on patient services resulting from contracting out receive intense scrutiny prior to any implementation (a) to make sure service is not denied to those needing it most and (b) to verify contracting is cost effective.
6. That the feasibility of restoring pharmacy services at all facilities be explored, with medications provided at County cost plus a nominal markup.

The Grand Jury wrote to the Board of Supervisors on February 12, 1982, asking for a response to the above recommendations. As of June 5, 1982, there has been no reply.

The Health Committee has since recontacted the three major hospitals, plus several satellite health centers and comprehensive health centers, and learned that all of the cuts proposed by the Board have been instituted. Several administrators expressed their convictions that any further cuts would completely dismantle health services. Nevertheless, the Board is now considering additional cuts.

The Grand Jury understands the present financial climate, and is aware that health costs continue to spiral upwards. However, the Jury feels that creative ways of maintaining services while generating revenue should be investigated. In the Jury's letter sent to the Board on December 10, 1981, Recommendations No. 4 and No. 6 gave examples of how this could be achieved.

RECOMMENDATION

Therefore, the Grand Jury reiterates the recommendations contained in the aforementioned letter and urges that immediate action be taken on Recommendations No. 4 and No. 6.

Cresia Green, Chair
Anita Martinez, Chair Pro Tem
Rose Black
Frances Courtney
Jennifer Clark

Richard Halpin
Catherine McAdoo
Roxanne Oliver
Linda Smith
Carmelita West

Subcommittee on Mental Health

PURPOSE

The Mental Health Subcommittee was formed to assist the Grand Jury's contract auditor in its Mental Health audit and also to follow up on previous Grand Jury recommendations in the area of mental health.

AREAS OF CONCERN

- A. Movement of the mentally ill to community-based facilities.
- B. Conditions in the Superior Court's Mental Health Department.
- C. Need for psychiatric beds for Sybil Brand Institute inmates who are security risks.

A. MOVEMENT OF MENTALLY ILL TO COMMUNITY-BASED FACILITIES

BACKGROUND

States have historically been responsible for care of the mentally ill. But there has been a growing belief that mentally ill persons are better off in the community rather than being locked away in institutions far away from their homes and families. State officials have indicated for years that California "wants out of the state hospital business," and the state hospital population has been reduced from a high of 37,000 in 1956 to the current population of 5,000. In 1957, the Short-Doyle Act encouraged counties to voluntarily take responsibility by providing matching funds for local mental health programs. The Act, as amended by passage of the Lanterman-Petris Short (LPS) Act of 1968, *mandated* that counties take over local mental health services. LPS also ended open-ended commitments, replacing them with specific guidelines defining the periods of time that a person may be involuntarily detained.

Beginning in 1969, Short-Doyle provided a split funding match, with the State funding 90 percent and counties providing 10 percent of the cost of mental health programs. With the passage of Proposition 13, all county matches were waived but Los Angeles County continued to contribute some program funds. However, in June 1981 the State reinstated the split funding mechanism, increasing the match required from counties for all in-patient care to 15 percent. The State reduced its funding by the amount a county contributed.

Los Angeles County, however, was never given adequate financial resources to pick up the responsibility in terms of developing sufficient alternate treatment and care facilities to supplement or replace the state hospital system. As one facility administrator stated, "Deinstitutionalization without adequate resources is a cruel, political hoax."

The 1980-81 Grand Jury recommended in essence that the County Department of Mental Health (DMH) assess the need for an increase in the number of community acute care psychia-

tric beds, with the assumption that chronic custodial care would be provided in state or federal facilities. This Jury's Mental Health Subcommittee has focused instead on the issues of intermediate care, community-based facilities and problems involved in placing the mentally ill at the appropriate level of care.

DMH has made care of the severely and chronically mentally ill a top priority. At a time when funding and resources are limited, the County must ensure that care is provided for people who are a danger to themselves or others or who, because of their mental disorder, cannot look after themselves. Hospitalization is expensive and so emphasis must be placed on keeping people functioning in the community for both humanitarian and cost effective considerations. According to DMH Director Dr. J. R. Elpers, demand for in-patient care increases in times of economic hardship such as we are now experiencing, which means the system – already strained by cutbacks – has further demands put upon it. In addition, increased Medi-Cal restrictions make private non-Short-Doyle hospitals reluctant to take patients even though they are eligible for Medi-Cal benefits. If patients can't be treated in the private sector the County, with its already limited number of beds, must take responsibility for them.

METHODS OF INVESTIGATION

Committee members were involved in interviewing and assisting in preparation of the contract auditor's review of the Department of Mental Health. (See Audit Committee section of this report.) Interviews were held at both Camarillo and Metropolitan state hospitals, four County-operated hospitals and one private Short-Doyle contract 24-hour in-patient hospital, one private residential contractor, and 20 out-patient and day treatment facilities operated by both the County and Short-Doyle contractors. The Committee also interviewed Dr. Elpers and members of his staff, representatives from the County Counsel, Public Defender's and District Attorney's offices involved in LPS commitment procedures, the Chief Administrative Office, Auditor-Controller, and the Public Guardian, as well as representatives from the State Department of Social Services, Community Care Licensing Division, and the State Office of Mental Health Social Services. Interviews were also conducted with the head of DMH Patients' Rights unit and the Superior Court Counselor in Mental Health. Committee members attended two pre-licensing meetings for board and care operators, two sessions in the Superior Court department which handles LPS hearings and, pursuant to a court order, attended reviews of patients' clinical status proceedings at Camarillo between a County continuing care coordinator and Camarillo staff.

In addition, the Committee reviewed questionnaires obtained by the contract auditor from all 24-hour care Short-Doyle contractors within the County, and the auditor's notes summarizing interviews with various officials in the State Department of Mental Health and other state agencies, officials from other counties, potential and former Short-Doyle providers, and the five DMH regional heads.

FINDINGS AND CONCLUSIONS

Acute 24-hour hospital care is costly; intermediate care and residential placements are less expensive. Patients should be placed in the least restrictive settings possible which are appropriate to their level of functioning. Theoretically, acute patients who can respond quickly in settings which have enriched staff-intensive programs provided by the County's contract and County-operated hospitals are placed there and remain for a short period – perhaps two weeks – at a cost of \$252-\$351 per day. Patients who need care for a longer term are sent to

state hospitals at a cost of \$137-\$147 per day. This policy is more theoretical than actual since, with a shortage of beds, the patient tends to be placed where space is available rather than at the level of care indicated.

Those who need placement because they are unable to function on their own in the community are then transferred to a skilled nursing facility at a cost ranging from \$35 to \$38 per day, or a board and care home which costs \$496 per month. Board and care facilities, however, are not funded through Short-Doyle. Most residents in board and care are supported by Social Security (SSI) monthly benefits of \$496 which include \$438 for the board and care facility plus \$58 for personal expenses.

The theory of placement at the appropriate level of care is excellent. However, in practice there is a severe shortage of intermediate care facilities. As one institution staff member commented, "A lack in any part of the system pushes patients up to the next higher, inappropriate level of care at greater costs." Lack of state hospital beds means costly acute beds are overutilized by chronic patients, which represent a small percentage of the total population of the mentally ill, but a significant absolute number of patients.

Los Angeles County is served by two state hospitals — Camarillo in Ventura County and Metropolitan in Norwalk. There has been an ongoing tug-of-war and litigation between the State and the County concerning how many state hospital beds will be available to County residents.

The County argues, and the Grand Jury agrees, that there will always be patients who will need long-term hospitalization. There is a group of hardcore mentally disordered individuals who are simply too ill to be placed in an intermediate care facility. Even if there were openings in the intermediate care community facility, these facilities refuse to take patients with histories of assaultive behavior, substance abuse, or setting fires. Pregnant women in need of custodial psychiatric care are nearly impossible to place, which forces them to be kept in a County hospital. It took two and one-half years to find placement in the community for one patient with a mixed diagnosis of mental disorder and developmental disability. Board and care facilities simply do not have the staff to provide intense supervision for the actively suicidal patient. They are unwilling to expose their other residents to danger of injury with a subsequent lawsuit when asked to take, for example, a patient with a history of setting fires while in a board and care home. Furthermore, state hospital social workers are no longer allowed to take patients for pre-placement visits to community care facilities; these visits were helpful in getting patients to accept board and care placement and to encourage facilities to take patients they would otherwise not accept.

In addition to the difficult or impossible to place patients, individuals remain in high priced hospital beds after they have reached "maximum benefit" because of the dearth of community facilities. There is an urgent need for locked facilities, therapeutic residential centers, and crisis units for short term acute intervention as an alternative to hospitalization. And, according to one official, "There is an adequate *number* of board and cares, but not enough *adequate* board and cares." At \$438 per month, per resident, board and care homes are not sufficiently compensated to encourage provision of a decent level of care.

According to Dr. Elpers, a recent survey showed 25 percent of patients in state hospitals are not placeable because of behavior problems and 25 percent are there for "administrative reasons"; 10-15 percent of the latter category are there awaiting space in appropriate facilities.

Others remain at a higher level of care than they need, at substantial cost to the County, because they lack a funding source. SSI disability applications once took 30 to 40 days to process; they now take the full 75 days allowed by law, and eligibility has been substantially tightened. Over 90 percent of applications are routinely denied, requiring a lengthy appeals process. People must now have been disabled for two years, eliminating many young people or those who have been able to function in a simple capacity for periods of time in a closely supervised work setting. People not eligible for SSI may remain in the hospital indefinitely. These include illegal aliens, individuals too disordered to provide necessary information, or those whose SSI applications have been denied.

Camarillo estimates that it takes from six weeks to six months to place chronic patients after they have been found ready for placement or have reached "maximum benefit." Worse, patients become anxious while waiting for placement, their acute symptoms return, and they then require additional time spent in the hospital. The County, given an allocation of patient days for which it is eligible, gets financially penalized by the State for overutilization of state hospital beds even though the placement function belongs to other agencies and therefore the County has little control over getting patients out of hospitals.

The question is: Who's in charge here? The answer is: A number of State and County agencies in a poorly integrated system.

The Office of Mental Health Social Services (OMHSS), a state agency, places patients from state hospitals (and, when asked, from community-based hospitals) into community care facilities. It then provides follow-up case management, usually for about a year. Each worker is assigned a facility which he or she visits regularly. Some psychotherapy groups are held in board and care homes for OMHSS clients and other residents who wish to attend. Monthly meetings with board and care providers are also held. OMHSS has 2,500 to 3,000 clients in placement under its jurisdiction, but the agency estimates that a total of between 12,000 to 20,000 people are in placement in Los Angeles County. As OMHSS asks, "Who are they and where are they?"

OMHSS also has a small revolving fund which provides interim money for those whose SSI funding has not yet been approved; this allows patients to be placed more quickly and the fund is repaid when benefits are authorized. OMHSS is the only agency to provide such interim funding. The fund is very limited, however, and restricted to patients who appear definitely eligible for SSI.

The County Public Guardian is responsible for its LPS conservatees who have been certified as gravely disabled. Recertification is required at a hearing each year. The Public Guardian's conservatees represent as a whole a long-term chronically ill population. The agency is responsible for the conservatees' finances, placement, and social and medical care. It has recently signed an agreement with OMHSS for OMHSS to do all the placement and psychiatric case management for new cases, functions previously handled solely by the Public Guardian.

Licensing of community care facilities is handled by the State Department of Social Services, Community Care Licensing Division. Unannounced visits are made to facilities once a year, although complaints are handled by unannounced visits within ten days or on a same-day basis if the situation appears urgent.

In addition, the County Department of Social Services maintains a Central Registry of facilities. The Public Guardian, for example, checks it to make sure a facility is not on the "do not refer" list because of excessive violations. However, the Central Registry Office has lost its only professional worker due to budget cutbacks, and its ability to make meaningful evaluations of facilities has been questioned.

DMH enters the network of responsibility with its continuing care program which is supposed to track patients in the hospital, provide for expeditious placement, and follow their progress in the community. Each of the five DMH regions is responsible for case management within its own area.

Committee members heard repeatedly that the system differs widely in practice and effectiveness among the regions.

According to an official at Metropolitan, each region uses OMHSS and DMH workers differently, and has totally different systems and procedures for case management and continuing care. OMHSS must negotiate its duties vis-a-vis DMH with each region as to which agency will track the patient. This results in situations where different workers follow the same patient after each hospitalization. In the case of the Public Guardian, three agencies may be involved with the same patient. In other cases, no agency may be involved.

OMHSS rather than DMH has the primary responsibility for placement. Workers in state hospitals commented that DMH is isolated and doesn't know the resources, particularly the board and care network. The board and care facilities, licensed by a state agency, operate more or less outside the County's jurisdiction. One of the few incentives to improve board and care homes comes from OMHSS, which can reward good providers with placements and withhold clients from unacceptable or marginal facilities.

The Committee has heard repeated criticisms of DMH for not doing outreach, i.e., it is not developing resources or working with board and care operators to help manage difficult patients and thereby prevent hospitalization which is both costly and traumatic for the patient. Under pressure to see a maximum number of clients, both County and contract clinics complain that staff must stay in the office rather than being able to go out to board and care homes to see residents, work with providers, and organize group meetings. The chronically ill, by the very nature of their illness, require outreach. They often are unwilling or unable to come to a clinic, and traditional psychotherapy is often inappropriate.

The contract auditor recommended that DMH develop a formal relationship with board and care homes, since this is where a great many of the chronically ill reside. Board and care operators tend to be untrained and programs are usually minimal. Very few board and care homes get good marks from any of the agencies that were interviewed by the Grand Jury or the contract auditor.

The one agency providing significant outreach to board and care is OMHSS, but responsibility for board and care residents is split piecemeal between OMHSS, DMH and the Public Guardian. The state encourages counties to "opt out" of OMHSS and DMH, recognizing the need to integrate the system of care, is trying to develop a proposal for an agreement with the State to get OMHSS funds in the DMH budget. It would then contract with the State for services by the existing OMHSS staff and allow a gradual shift of OMHSS responsibilities and staff to DMH's jurisdiction.

The Grand Jury believes strongly that the placement, casework and case management functions should be centralized under one County-operated department, i.e., DMH. It recognizes, however, that OMHSS has been doing an excellent job and is the agency with the greatest expertise in placement, knowledge of community care facilities, and outreach both to facility operators and patients in placement. The Grand Jury therefore recommends that OMHSS functions should be integrated into the County network under the jurisdiction of DMH with no loss of personnel or services.

The overlapping jurisdictions and apparent lack of organization present in the service system for the mentally disordered does not appear to exist within the structure which cares for the developmentally disabled. These people are served by State-funded Regional Centers which provide placement and case management in a unified system. Regional Centers have standards of care for community care facilities which exceed state requirements for licensing, and provide three levels of payment beyond the base SSI rate.

RECOMMENDATIONS

Therefore the Grand Jury recommends:

1. That since DMH is responsible for allocating Short-Doyle resources and is penalized for overutilization of beds, but does not have control over agencies doing placement, DMH should take over the placement and psychiatric case management functions now provided by the Public Guardian and OMHSS if – and only if – the functions now provided by OMHSS are not lost in the process.
2. That the County increase its efforts to develop new intermediate care facilities; if contractors cannot be enticed to manage difficult patients, necessity dictates that the County must take on the responsibility.
3. That additional compensation be offered board and care operators to accept difficult patients; a multi-tiered payment structure parallel to the Regional Center system for the developmentally disabled must augment current levels of payment in order to provide alternatives to hospitalization.
4. That DMH establish a formal relationship with the board and care system, as recommended by the Grand Jury's contract auditor, using and extending the model provided by OMHSS.
5. That DMH maintain and augment the revolving fund now operated by OMHSS to get patients out of institutions providing a higher than necessary level of care when patients are clinically ready but not yet SSI funded.
6. That Short-Doyle monies be provided to fund beds in selected board and care homes and skilled nursing facilities in each region for patients ineligible for SSI, which could save the County up to \$334 per patient day.
7. That the County and State work out a realistic agreement regarding state hospital beds available to Los Angeles County patients, recognizing that some patients are ineligible and not suitable for community placement without substantial additional State funding and resources.

8. That DMH issue Countywide guidelines which would provide more uniformity and continuity of care among its five regions.
9. That DMH work with state hospitals to assist in taking patients for preplacement visits to community care facilities.
10. That DMH take any additional steps possible to move patients into less restrictive, less expensive settings whenever therapeutically appropriate.

B. CONDITIONS AT THE SUPERIOR COURT'S MENTAL HEALTH DEPARTMENT

BACKGROUND

The 1979-80 Grand Jury made a study of conditions at Departments 95 and 95A, the Superior Court's Mental Health Department located in a converted pickle factory overlooking the railroad tracks at 1150 North San Fernando Road. It is both the only court in the world that exclusively handles mental health cases, and the largest and busiest court hearing mental health cases in California. In 1981 it handled 11,357 certifications for involuntary hospitalization for those meeting criteria under the Lanterman-Petris-Short Act (LPS). In addition, it processed 4,097 writs of habeas corpus, 3,762 conservatorships, and 60 matters regarding mentally retarded persons. It also handles Penal Code cases referred from the Municipal and Superior Courts. Some 7,000 of the 8,000 cases heard each year are LPS cases which require legal decisions about the individual's mental competency. The court must determine if the person is a danger to self or others, or gravely disabled.

The 1979-80 Grand Jury was concerned about conditions at the court and made seven recommendations for improvements. The 1981-82 Grand Jury decided to see what action, if any, had been taken on these recommendations.

METHODS OF INVESTIGATION

Committee members made unannounced visits and observed court proceedings in Departments 95 and 95A. The judge and commissioner assigned to the court were interviewed, along with the Superior Court Counselor in Mental Health, representatives from the District Attorney's Office and the Public Defender's Office, and the head of the Department of Mental Health Patients' Rights unit. Contacts were made with Superior Court administrative personnel regarding plans and budget requests made in response to the previous Grand Jury recommendations.

FINDINGS AND CONCLUSIONS

Very little has been done to improve conditions cited by the previous Grand Jury report. Of the seven recommendations, the Committee has concluded that five recommendations have been ignored and two have not been adequately implemented.

While some changes were made in the sound system in response to the previous Jury's recommendations, it still remains wholly inadequate. Carpeting, requested five years ago to help improve acoustics by deadening the echo effect in the courtrooms, has not been installed. Acoustics in the audience section of Department 95A are so poor that members of the

Committee were unable to hear with sufficient clarity to follow the court proceedings. The ability to hear the proceedings when seated in the audience section is of critical importance when one realizes that the patients whose conservatorships are being considered are frequently too frightened or too mentally disordered to sit at counsel table or on the witness stand. Their due process is effectively denied because they can't hear the judge, attorneys or witnesses. Acoustics in Department 95 are not much better; Judge Jess Whitehill reports he has difficulty hearing witnesses seated only two to three feet away.

At best the central lobby, which serves as the main waiting area for patients, relatives, witnesses and visitors, could be described as cheerless. Most patients are brought in early in the morning and remain for the entire day until all cases from their hospital are heard. Space on the wooden benches is limited and inadequate for the number of patients present in the building. The television set (donated by a Department of Mental Health employee) is out of order and, because it is not official County property, the County won't repair it.

The court opens directly onto a very busy street with railroad tracks on the other side. Incidents have occurred where patients have dashed out into the road, narrowly escaping being run over; patients have also been known to cross the road, dive under the trains and disappear.

The Mental Health Court exists outside the ordinary public's attention; however, jurors who are summoned to hear cases have complained about conditions there. A recent letter sent by a juror to the Board of Supervisors states "I am appalled at the conditions that exist in this court," citing inadequate restroom facilities, poor ventilation and lack of public telephones.

Requests for improvements have been repeatedly ignored or sidestepped by the County. In response to the previous Grand Jury recommendations, the Superior Court requested approximately \$20,000 for the 1981-82 budget to improve the waiting area, the acoustics in the court, and interview rooms. The request also included additional working space for public defenders and mental health counselors. The CAO denied the request, suggesting the Superior Court squeeze it out of the court's allotted budget. Nothing happened.

The Grand Jury urges members of the Board of Supervisors, the CAO, and responsible County officials to visit the Mental Health Court and see conditions for themselves.

RECOMMENDATIONS

Therefore the Grand Jury recommends:

1. That the sound system be immediately improved in both Departments 95 and 95A, and that modifications be made to improve acoustics in the courtrooms and interview rooms, including addition of carpeting as needed.
2. That the waiting room areas be improved by adding tables and chairs which can be bolted down and/or soft indestructible chairs such as are used in the mental health forensic in-patient unit at Central Jail.
3. That trees or hedges be planted around the parking lot to act as a fence without creating a prison-like appearance, to prevent patients from dashing out into the road.
4. That an adequate ventilation, heating and air conditioning system be provided.

5. That jurors' facilities be improved.
6. That restroom facilities be improved.
7. That additional office space for the public defenders be developed.
8. That health and safety hazards be cleared up, e.g., poor lighting, a leaking roof, and toxic padding in two of the padded cells which could result in toxic fumes in the event of a fire.

The following letter was sent to the Board of Supervisors on June 24, 1982, in response to the CAO's reply to the above recommendations:

In its letter of May 21, 1982, the Grand Jury called your attention to Department 95 and 95A, the Superior Court's Mental Health Department, and made eight recommendations to improve the deplorable conditions that now exist at this facility.

The Grand Jury has received the analysis of our letter, prepared by the Chief Administrative Officer at the Board's request. In addition, the Grand Jury has studied a draft report prepared by the Sheriff's Department which discusses extensive fire and safety hazards and other deficiencies at the Mental Health Court. A copy of this draft report is attached.

Initially the Grand Jury recommended action which would alleviate some of the problems at Departments 95 and 95A without calling for a transfer of this court to another location. Our careful review of the CAO's analysis, the Sheriff's draft report, and further consultation with court personnel have led us to conclude that the most cost-effective and meaningful answer to these grave problems is relocation of the entire Mental Health Court.

The question of relocation must be addressed immediately so that the Superior Court and Sheriff's Department can make plans and commit funds in an informed manner. A move to another facility would eliminate the need for the Sheriff's Department to make costly, long-range improvements at the current site.

While the search for a new site is progressing, the following action must be taken on an emergency basis to correct serious defects that endanger the safety of the patients and court personnel, increase discomfort for jurors and inhibit the effectiveness of the court in handling the heavy daily caseload:

1. **Removal of the two highly dangerous padded cells. These cells pose an extreme danger to all persons in or around the lock-up. In the event of a fire, the lack of adequate fire systems coupled with the rapid toxic condition that would develop would be lethal. (Excerpt from Sheriff's report.)**

Two of the four padded cells conform to safety standards. The two which do not are "portable" and not being used. They could be removed with the use of a large screwdriver and a few hours of labor, according to a Sheriff's representative. The CAO's unrealistic answer is replacing the padding at a cost of \$45,000.

2. Improve fire security by installing smoke alarms, and sprinklers in the most hazardous areas such as the kitchen; install fire door in the mental health counselors area and crash bar doors as needed.
3. Improve patients' waiting room area.
4. Improve restroom facilities (no accommodations are currently available for handicapped individuals).
5. Remove existing climate control systems from the central control and establish an independent on-site control; provide air conditioning for jurors' assembly room.
6. Improve acoustics in courtrooms through use of carpeting and draperies.
7. Install hedge or fence to prevent patients from dashing out into road.

The Superior Court indicated agreement with the findings relative to deficiencies expressed by both the 1979-80 Grand Jury and our recommendations of one month ago.

We urge the Board of Supervisors to act on our recommendations to ensure that the Mental Health Court be given equal status with other courts in the County and that patients, jurors, court personnel and citizens be given a safe and humane setting in which to conduct the court's sensitive proceedings.

C. NEED FOR PSYCHIATRIC BEDS FOR SYBIL BRAND INSTITUTE SECURITY RISK INMATES

BACKGROUND

The 1972 Grand Jury recommended that psychiatric beds be established for inmates at Central Jail "with an urgency clause for immediate implementation." The 35-bed in-patient unit was opened in Central Jail in November 1979, to provide care for inmates who meet requirements for involuntary hospitalization, but are security risks ineligible for transfer to forensic programs at Camarillo or Metropolitan state hospitals.

Department of Mental Health (DMH) and Sheriff's representatives are pleased with the program; however, no such program is available to female inmates at Sybil Brand Institute. The Grand Jury has been told there is an urgent need for a four or five bed capability for female inmates. Such a program was approved by the County and State Departments of Health for implementation, but passage of Proposition 13 ended any action on the proposal.

METHODS OF INVESTIGATION

The Committee met with the director of the DMH Program Services Bureau, the program director of Central Jail's forensic in-patient psychiatric unit, and a mental health analyst in the Program Services Bureau. The Committee also visited the Central Jail psychiatric unit. The Committee contacted the Sheriff's Department Director of Medical Services, and a visit was made to County-USC Medical Center to explore the potential availability of bed space for a

program at that facility. The Committee also contacted the American Civil Liberties Union (ACLU) and the Center for Law in the Public Interest regarding lawsuits which have been filed in related areas.

FINDINGS AND CONCLUSIONS

The forensic in-patient unit (FIP) at Central Jail handles inmates who need hospitalization but, because they are high risk, are ineligible for transfer to other facilities for security reasons. These include persons charged with murder, mayhem, rape, child molesting, robbery, assault with a deadly weapon, those who are escape risks, and those whose bail is in excess of \$5,000. Inmates at Sybil Brand Institute who meet the above criteria cannot be transferred to other facilities but there is no provision for treatment in the jail. DMH has closely monitored the statistics at Sybil Brand, from which it has been determined there is a need for four to five beds.

One question in planning such a unit is where it should be located. The Sheriff's Department indicates the 40-bed medical unit at Sybil Brand is already overcrowded, and beds would have to be eliminated in order to place the unit there. Medical patients might then end up in the jail ward at County-USC Medical Center at considerable cost to the Sheriff's Department.

If facilities were to be provided at Metropolitan, Sheriff's personnel would have to be provided and considerable remodeling would be required to provide sufficient security.

DMH originally wanted to locate the unit at Central Jail where the FIP is now located. The Sheriff's Department does not support this proposal because it does not want to handle female inmates in an all-male population. The location may be the most cost-effective, but the Sheriff's objections must be taken into consideration.

The fourth possibility appears to the Grand Jury to be a realistic solution: To provide psychiatric beds in the jail ward on the 13th floor at County-USC Medical Center. The hospital has indicated that the Sheriff's Department is underutilizing the space and is threatening to convert some of the area to other uses. It is a secure jail ward served by Sheriff's personnel, and there appears to be adequate space for additional beds in the area which now has "keep-away" holding rooms.

The ACLU has brought two suits against the Sheriff's Department regarding provision of health and mental health services: *Rutherford v. Pitchess* and *ACLU v. Pitchess*. The ACLU has indicated it is deeply concerned about the issue of sex discrimination against women in Sybil Brand because they do not have access to equal facilities provided to men prisoners. Certainly the lack of psychiatric beds for female inmates falls in this category.

The Center for Law in the Public Interest filed an even more relevant suit, *Beltram v. Pitchess*. The suit challenges the backlog of prisoners waiting for transfer to psychiatric beds in other facilities, and the problem of those unable to be transferred due to security problems. Two penal wards have just been added at Metropolitan, giving it a total of 96 penal beds, and 10 additional penal beds are being considered for women. But this still leaves a total of zero psychiatric beds available for high security female inmates.

RECOMMENDATIONS

Therefore the Grand Jury recommends that a psychiatric in-patient facility with four or five beds be established for Sybil Brand inmates who are ineligible for transfer to a hospital because they are high security risks.

Jennifer Clark, Chair
Cresia Green
James Wilcott

JAILS COMMITTEE

PURPOSE

Each Grand Jury is required by Penal Code section 919 to inquire into the condition and management of jails within the County, and is authorized to inquire into the case of persons imprisoned in County jails but not indicted.

BACKGROUND

Detention facilities in Los Angeles County range from "holding tanks" where prisoners may be held for not more than four hours while awaiting booking at a longer term facility, to the Los Angeles County Central Jail where prisoners may be held while awaiting arraignment or trial, or may be serving sentences of up to one year.

In some municipalities, local detention facilities are operated by the city's own police department, while other cities contract with the County Sheriff's Department for all police services.

As a lay body with no experience in evaluating the complex structure and setting found in detention facilities, the Grand Jury not only looked for guidance to requirements in the Penal Code, but also found useful as criteria the *Minimum Standards for Local Detention Facilities* (Title 18, California Administrative Code) issued by the California Board of Corrections, and past Grand Jury findings and recommendations relative to each type of facility. The *Minimum Standards* are guides periodically updated to reflect changing ideas relative to construction and operation of varied detention facilities.

Most of the facilities visited were planned and built prior to the current 1974 revision of the *Minimum Standards*. Because no penalties are provided for failure to meet the standards, it follows, as the Board of Corrections stated in its 1980 report, that compliance must come from the desire of local officials to do what is reasonable and fiscally practical to meet the increased concern of the public for conditions in local jails, and to avoid possible civil rights action or liability which might be caused by substandard conditions.

The Grand Jury believes that its annual evaluations of conditions and practices in detention facilities are helpful in keeping local officials aware of the importance of meeting and maintaining minimum standards to the extent possible.

METHOD OF INVESTIGATION

To carry out its inspection mandate, the Jails Committee asked the entire Grand Jury to participate in making inspections so that each juror would visit several of the total number of jails, holding facilities, camps, and the hospital jail ward. The Grand Jury as a whole inspected Central Jail, Wayside Honor Rancho and Sybil Brand Institute. Jurors were assigned other facilities nearest their homes, and teams of two or three jurors made unannounced visits to each facility. Using an existing checklist, jurors inspected premises and records, and interviewed jail personnel and, in some instances, prisoners. In all, 92 facilities were visited. The Jails Committee reviewed and summarized inspection reports.

Because of increasing public concern over in-custody deaths and allegations of mistreatment of prisoners, the Grand Jury made special inquiry into adequacy, training, and supervision of both civilian and sworn jail personnel, and to steps taken to minimize the possibility of in-custody deaths.

AREAS OF CONCERN

The Grand Jury's inspections concerned themselves with:

Physical facilities and their maintenance

Adherence to legally required procedures and observance of recommended standards

Qualifications and deployment of personnel

Provisions for health and safety of prisoners

FINDINGS AND RECOMMENDATIONS

The findings of the Grand Jury are given in three parts as they relate to the Los Angeles County Sheriff's Department, the City of Los Angeles Police Department, and other municipal jails within Los Angeles County.

SHERIFF'S FACILITIES

BACKGROUND

The Los Angeles County Sheriff operates the huge County Central Jail, often housing more than 5,000 inmates, the Wayside Honor Rancho, the Sybil Brand Institute for Women, Biscailuz Center, the hospital jail ward at County USC Medical Center and 21 substations located throughout the County from Avalon on Catalina Island to Lancaster in the Antelope Valley.

FINDINGS

At all Sheriff's facilities, properly trained sworn personnel were in charge of prisoner custody. Cleanliness and maintenance were good; the jurors found that the use of trustees was a major factor contributing to the maintenance of satisfactory conditions.

Overcrowding was found to be serious at Central Jail. In March of 1982 the Board of Supervisors took steps to renovate and reopen cells in the top floors of the Hall of Justice. This action will provide some immediate relief, but the growing inmate population points to continuing need for expansion of facilities.

Land erosion at the northeast and southeast corners was observed by the Grand Jury on its visit to Sybil Brand Institute. Inquiries were made of the Chief Administrative Officer, who replied on October 19, 1981 that the County Engineer had begun a study of the erosion, and that upon its completion permanent repair will begin. He indicated that no structures were in any immediate danger from the erosion.

A complaint was received from an inmate at Wayside Honor Rancho about thefts and victimization among prisoners. The Grand Jury found that dormitory reassignments had been made in an effort to prevent such incidents. Additional personnel to supervise and provide better control of inmates would also be desirable.

At Biscailuz Center minimum security jail, the original landfill is settling and as a result the central yard is sinking, thus threatening the stability of the surrounding buildings.

Prisoner interview rooms adjacent to some courtrooms at the Criminal Courts Building had not been available to attorneys and their clients following a 1976 escape attempt from one of these rooms. Defense attorneys advised the Grand Jury that lack of facilities for attorney-client conferences lead to costly delays resulting in additional appearances by the prisoner, attorneys and witnesses. The attorneys stated they would have no objection to prisoners being handcuffed to chairs in interview rooms to prevent escapes. A letter was sent to Sheriff Sherman Block, who replied that a six-month trial program was instituted in February 1982. Interviews must be authorized by the judge and must be needed because of special circumstances. The Sheriff's Department remains concerned about security since restraining prisoners in the manner proposed would be feasible only if new bolted-down furniture were provided.

During inspection of the holding areas in the Criminal Courts Building, the Committee found that there is a serious need for additional holding cells, and that space for such cells is available on the fourth, tenth and fourteenth floors. Originally allotted to cells, it was sealed off because it was not needed at the time.

Keeping prisoners separate is a logistical nightmare; men and women must not be mixed; juveniles must be kept separate from adults; the mentally ill must be separated; prison gang members, informants, homosexuals, high risk and newsworthy prisoners -- all must be kept apart to protect them and/or other prisoners. At present there are only five keep-away cells to handle 16 to 18 mandatory keep-away inmates daily. These do not include a variety of "special handling" prisoners, including highly dangerous or escape risks. Two additional keep-away cells are needed on both the tenth and fourteenth floors. An additional large lockup is needed on the fourth floor, which is seriously overcrowded.

It appears that adding cell space would be a cost effective, one-time expense in contrast to the annual expense of adding sufficient deputies to provide proper control under existing conditions.

This Jury agrees with previous Grand Juries that the Sheriff's holding facility on Catalina Island is antiquated and substandard. Plans for a proposed new County building in Avalon include a jail. However, County budget limitations make it appear unlikely that the proposal will be implemented in the foreseeable future.

The Gorman substation has no back-up generator system. This facility is in a relatively isolated location, where weather conditions pose a greater than average risk of power outages.

There are no smoke detectors in the cell area and trustee quarters at the Temple City substation. According to the fire department, there is special need for them where the trustees are housed.

RECOMMENDATIONS

The Grand Jury therefore recommends:

1. That the number of deputy sheriffs assigned to monitor and supervise prisoners at the Wayside Honor Rancho dormitories be increased.
2. That the Sheriff request the County Engineer to begin a study on alleviating the sinking of the central yard at the Biscailuz Center minimum security jail.
3. That four additional keep-away cells and one large holding cell be provided in the Criminal Courts Building by opening up space which is now sealed off.
4. That a back-up generator system be installed at the Gorman substation.
5. That smoke detectors be installed in the cell area and trustee quarters at Temple City substation, and that the Sheriff ascertain that all substations are equipped with smoke detectors in vulnerable areas.

The Grand Jury further recommends to the 1982-83 Grand Jury that it follow up on the six-month trial restoration to service of unused prisoner interview rooms in the Criminal Courts Building.

CITY OF LOS ANGELES POLICE DEPARTMENT

BACKGROUND

The Los Angeles Police Department (LAPD) operates a jail division at Parker Center, and 18 geographical divisional jails or holding cells from San Pedro in the Harbor area to Pacoima in the North San Fernando Valley, all of which were inspected by Grand Jury members.

On March 17, 1981, a letter was sent to LAPD Chief Daryl Gates as follows:

FINDINGS

LAPD jails are the only heavily used municipal jails in the County that do not use trustees.

Cleanliness and maintenance varied with each LAPD division jail. Those with heavy bookings had more graffiti on the walls and ceilings and needed more frequent sweeping. Southeast and Hollywood division jails, both heavy booking facilities but also the most recently built, already have extensive graffiti on walls and ceilings, and stain marks on the padded drunk tank walls and floors from use of dirty mops.

On each of two visits by Grand Jurors to Jail Division at Parker Center, felony cells 201, 202 and 203, and the areas marked 2A, B and C, were in need of sweeping and mopping and had extensive graffiti on walls and ceilings. The Grand Jury is aware that the cells in felony areas 2A, B and C are sometimes used to hold violent arrestees and that cleaning of such cells is done only after the prisoner has been transferred to court; thus, the cells may not be cleaned for up to 48 hours.

The lining in the first floor padded cell at Jail Division is in need of repair.

Bunks at Jail Division have now been bolted down in response to the 1980-81 Grand Jury recommendation.

At Central, Northeast, Hollenbeck, Newton and Rampart divisions, which operate only holding cells, the Detention Tank Logs were only casually used. Holding cells at Northeast Division are antiquated, but the Grand Jury has been informed that this station, built in 1925, is scheduled for replacement within two years.

Rampart and Van Nuys divisions have much unused cell space. The Rampart facilities have never been operated as a jail because of their proximity to Jail Division at Parker Center. The Van Nuys facilities are used for prisoner overflows from various divisions but still have unused space, including a kitchen once intended for trustees but now used for storage.

RECOMMENDATIONS

That the Los Angeles Police Department initiate the use of trustees in maintaining its various jail facilities.

That unused space at Rampart and Van Nuys be used to house trustees, with crews from Rampart servicing jails on the metropolitan side of the city, and trustees from Van Nuys servicing the valley side.

That entries be made promptly on the Detention Tank Log at stations operating holding cells only.

That one-step anti-graffiti type paint such as *Vitracin* now being used in Sheriff's facilities be used in cell areas.

As of June 15, no response had been received.

OTHER MUNICIPAL JAILS

BACKGROUND

Besides Los Angeles City, 46 cities in Los Angeles County operate their own jails. These facilities range from two or three-story structures housing many arrestees to small structures holding a few.

FINDINGS

The Grand Jury used the aforementioned criteria while visiting municipal jails and, if shortcomings were found, sent a letter to the Chief of Police reporting the findings and giving the Jury's recommendations. Recommendations included the furnishing of new mattresses, installation of smoke alarms, posting of telephone and bail rights in English and Spanish, installation of mobile phones, and more frequent monitoring of arrestees in cells.

In some jails, efforts had been made to reduce means of committing suicide by screening bars on cells and furnishing washable mattresses which do not require removable covers.

The Grand Jury found that some of the smaller municipalities would like to be relieved of the jail functions, allowing the Sheriff's Department to take immediate custody of arrestees. These desires stem from drastic cuts in revenue, increased costs in operating police departments where jail functions are an expensive item, the unavailability of sworn personnel to staff a jail, or the necessity to train civilian jail personnel within the guidelines of the Peace Officers Standard Training (P.O.S.T.) requirements, and possible liabilities resulting from altercations or deaths in the jails. On the other side, some prefer to keep the prisoner incarceration close to the arresting agency to minimize officer travel time for booking and interview purposes.

CONCLUSIONS

Based upon the number of in-custody deaths or injuries, the Grand Jury concludes there should be a posted procedural check-off list in all jails for use of jail personnel as to whom to contact and what to do in case of an inmate death or injury.

The Jury also concludes that jail facilities should have portable phones available for use by prisoners. This minimizes physical contact between jailer and prisoner, thus avoiding potential altercations and allowing prisoners to make contact with family, friends and attorneys without being removed from cells.

To minimize possibilities of jail suicides, bars on cells should be covered with screen or gratings where ventilation permits, and mattresses which do not require removable covers should be provided.

This Grand Jury became aware of the importance of jail structure and proper procedures in booking and searching, monitoring arrestees, training and deployment of jail personnel, and availability of portable phones through the extensive investigative hearings surrounding the in-custody death of Reginald Ronnell Settles in the Signal Hill jail. Members of the Grand Jury gained additional insight from the management audit commissioned by the Signal Hill City Council and prepared by Management Assessment Centers, Inc., of San Clemente.

These sources, together with its own inspections, led the Grand Jury to realize that the existing inspection form was not adequate for its purposes; therefore, each juror was asked to submit ideas for its improvement. These suggestions, along with recommendations from the 1981 *National Study of Jail Suicides* of the National Center on Institutions and Alternatives were incorporated into a comprehensive questionnaire. Questions have been organized into areas of jail operations and are intended to be directed to the police administrator or watch commander immediately responsible for jail functions.

The questionnaire is reproduced on the following pages, and is available to other California grand juries which may wish to have the benefit of this Jury's experience. Copies of the questionnaire and of this section of the Jails Committee report are being sent to Police Chiefs and to City Councils of municipalities operating their own jails.

Barbara Lurvey, Chair
Warren Bosley, Chair Pro Tem
Edmond Desjardins
Patsy Edwards
Richard Halpin

Alexander Madrid
Catherine McAdoo
Anita Martinez
Linda Smith
Carmelita West

JAIL INSPECTION QUESTIONNAIRE

JAIL PROCEDURES AND TRAINING OF JAIL PERSONNEL

Have all jail personnel received the minimum 40-hour California P.O.S.T. training in jail procedures? Ask to see confirmation of such training of at least one jail personnel.

Is one person with P.O.S.T. training on duty in the jail on each watch? If not, explain.

Is there any update on the initial training, or other special training on such subjects as suicide prevention, fire evacuation, first aid? Ask to see the Jail Procedures Manual.

Which official(s) has received the 80-hour California P.O.S.T. training in jail management? When?

Are translators available for assistance with non-English speaking arrestees? Who are they and where are they located?

Upon booking, is the arrestee told by the jailer of the charge and bail against him? Are the bail procedures explained? If not at booking, when?

Are phone rights and bail procedures in English and Spanish prominently posted in jail area? If not, explain.

Are arrestees offered use of a phone at time of booking? Are the dates and times of the offer and completion of a call recorded on any booking document?

Are portable phones available to prisoners in the cell area? If not, ask for the procedures on additional phone calls when requested by prisoners. Are phones operative?

MEALS

Number of meals per day and what type – frozen dinners, local caterer, hot food from central facility, sack lunches?

In Type II and III facilities, ask to see the kitchen and ask number of calories served, menu, and if approved by any dietitian.

MAINTENANCE

Does this facility use trustees or civilian maintenance personnel? How many?

How often is the cell area cleaned, swept, mopped?

Is anti-graffiti paint used on the cell walls? If not, is graffiti a problem; how is it handled?

If trustees are used, as in most Sheriff's substations, ask to see their accommodations and dayroom.

HEALTH AND SAFETY

At time of booking, is arrestee asked about any health problems such as heart trouble, hepatitis, VD or TB? What is the policy on arrestees with health problems?

In Type II and III facilities, is there a dispensary with a doctor or nurse on duty?

What is name and address of contract hospital? How far away?

What is location of nearest paramedic unit?

What are the procedures following discovery of a jail death or suicide? What officials are notified? What reports are written?

How often does the jailer check the prisoners? Is a record made of each check? What type of check – face-to-face, T.V. monitor?

Are prisoners isolated for any reason? What are the reasons? Are special precautions made for health and safety of isolated prisoners? Is the facility equipped with a safety/padded cell?

Are clean blankets, and mattress covers if needed, issued to each prisoner? Are soap and towels available?

Are clean jail clothes available? What is procedure on arrestees with unsanitary or contaminated clothes?

AUDIT COMMITTEE

PURPOSE

The California Penal Code, Sections 925, 925a and 928, gives the Grand Jury responsibility and authority to investigate and report on the management policies and fiscal needs of County offices and departments, joint powers agencies and special purpose assessment and taxing districts within Los Angeles County, and to make fiscal audits of cities within the County. Until a recent amendment to the Penal Code, the Grand Jury was charged with responsibility to periodically review each County department. Tasks related to the carrying out of these activities have traditionally been delegated by the Grand Jury to the Audit Committee. This work includes: selection of a contract auditor and of departments for review, consultations during the review process, and recommendations for approval by the Grand Jury. However, the Audit Committee acts only with the advice and consent of the Grand Jury as a whole. The Grand Jury is empowered to engage the services of experts to assist it in its investigations. In Los Angeles County, the Grand Jury has annually contracted with a firm of auditors to provide this service.

SELECTION OF THE CONTRACT AUDITOR

In June of 1981, requests for proposals were sent by the 1980-81 Grand Jury to firms that had expressed an interest in serving the Grand Jury as its contract auditor. The 1981-82 Audit Committee studied the proposals, interviewed representatives from each of the firms submitting proposals, and sought information from previous clients regarding their experience in working with various firms.

Concurrently, the Committee was considering potential subjects for audit, with a view to identifying which firms had locally-based personnel with specialized experience necessary to expeditiously carry out the work of the Grand Jury.

On August 10, 1981, Peat, Marwick, Mitchell and Co. was recommended by the Audit Committee, and was selected by the Grand Jury as its contract auditor.

SELECTION OF DEPARTMENTS FOR REVIEW

The Grand Jury determined that the first County departments to be considered for review should be those which had never been audited by a Grand Jury. The period of time since a previous Grand Jury audit was a second important criterion. Having developed a list of departments using these criteria, the Audit Committee sought information from the Auditor-Controller and the Chief Administrative Officer (CAO) regarding recent reviews of County departments by those offices. In addition, members of the Grand Jury were invited to suggest departments or subjects for audit. The list of tentative audits was reduced to a number which could potentially be completed within the term and fiscal resources of the Jury, and the final list was approved by the Grand Jury August 31, 1981.

AUDIT COMMITTEE REVIEW PROCESS

At least two members of the Audit Committee were assigned to work with the contract auditor on each audit. Audits were begun by consultation with the Auditor-Controller's Office, staff of the Chief Administrative Office assigned to oversee the department, and an entrance interview

within the department. The contract auditor then conducted a preliminary review of the department and reported findings to the Committee. In some cases it was decided that further review should not be conducted by the current Grand Jury. If further review seemed warranted, the Audit Committee and contract auditor agreed upon the focus of the audit. The contract auditor kept the Committee informed of its studies through progress reports and dialogue at regular committee meetings. Through this process Committee members gained an understanding of the materials and recommendations being developed and an opportunity to comment on them.

When the final draft of an audit was complete, the contract auditor, accompanied by one or more members of the Committee, conducted an exit interview, at which time a department official was able to review and comment on the report.

MANNER OF CONDUCTING AUDITS

Fiscal realities make it impossible for Grand Juries to conduct full-scale fiscal and/or management audits of departments of the size of most of those in Los Angeles County. Generally, the Grand Jury's objective is to review selected aspects of a department's operations to determine whether it has procedures, personnel and equipment to provide an appropriate level and quality of service, is operating in compliance with applicable laws, and has internal control mechanisms which provide the department's managers with information necessary to identify and correct problems, and to direct and plan so that the department can meet its goals.

In order to increase the number of departments which could be reviewed within the Grand Jury's audit budget, the contract auditor and the Audit Committee devised innovative methods to carry out this work. The reviews done by the current Grand Jury and/or its contract auditor have been divided into three sections to reflect the manner in which they were performed: 1) full-scale reviews conducted by the contract auditor (including the Department of Mental Health review in which two Grand Jurors from the Mental Health Subcommittee assisted the contract auditor) and combined reviews conducted by Grand Jurors with the assistance of the contract auditor; 2) limited reviews conducted by the contract auditor; 3) audits begun by the prior Grand Jury which were completed by the current Grand Jury with the 1980-81 contract auditor, and a follow-up requested by the prior Grand Jury of an audit made of the Department of Consumer Affairs by the Los Angeles County Auditor-Controller. Audits of the Department of Adoptions and the Department of Purchasing and Stores are those initiated in 1980-81.

The reviews conducted by the 1981-82 Grand Jury contract auditor are reported in full in a separate volume which is on file at the office of the Grand Jury, the City of Los Angeles Public Library, the Los Angeles County Law Library and various university libraries. The audits begun by the 1980-81 Grand Jury and completed by the current Grand Jury in conjunction with the 1980-81 Grand Jury contract auditor are on file at the same locations but each as a separate report. Summaries of all reviews follow.

GROUP I - FULL SCALE REVIEWS

GRAND JURY: Role and Effectiveness

The role of California grand juries in criminal indictments has diminished since the California Supreme Court decision in the case of *Hawkins* in 1978. Although the civil responsibility of California grand juries has always been equal in importance to their criminal role, this function

of grand juries is less understood by the public, press, and even by grand jurors coming into office. Such widespread misconception of the authority and responsibility of the Grand Jury to act in a citizens "watchdog" capacity, combined with changes in use of the Grand Jury in criminal proceedings, appears to have prompted discussion in some quarters as to whether grand juries still perform an important role among government institutions.

In fact, the Grand Jury provides a unique service for the citizens of Los Angeles County. Owing no allegiance to any elected or appointed official and having no economic interest in the outcome of its studies, the Grand Jury has credibility as an independent body respected for its independence. However, the size and complexity of departments and governmental units within its jurisdiction led the Grand Jury to conclude that a study should be made to determine the most effective ways of fulfilling its civil role.

OBJECTIVES

The objective of this review was to identify steps which could be taken to improve the effectiveness and efficiency of the Grand Jury.

APPROACH

The Grand Jury's contract auditor interviewed more than 25 public officials, present and previous Grand Jury foremen and members, as well as representatives from grand juries in other California counties. Applicable sections of the Penal Code, prior Grand Jury reports and other documents pertaining to the role and functions of California grand juries were studied. Following the document review and interview process, a "discussion matrix" outlining problems and issues was prepared and was used as the basis for discussion involving the contract auditor, the Audit Committee of the Grand Jury and interested members. It was agreed that the review should develop recommendations regarding qualifications for and selection of grand jurors, methods of providing continuity and follow-up, Grand Jury resources, and Grand Jury reports and their implementations.

FINDINGS

The Grand Jury is highly dependent on the ability and willingness of its members to carry out its civil function. In addition to fairness and sound judgment -- qualities needed to perform its criminal function -- a general understanding of government entities and their responsibilities is extremely helpful. The effective Grand Jury must also have members with research, analytical and writing skills. It appears from interviews conducted by the contract auditor that many judges tend to evaluate potential Grand Jurors much the same as they would trial jurors. Less weight is often given to the potential Grand Juror's ability to understand and evaluate complex organizations and issues than is necessary to provide an adequate pool of nominees with such skills. One University of California at Davis professor who has studied the effectiveness of grand juries has written, "I believe that the future of the California Grand Jury rests almost entirely on one issue -- the selection of grand jurors."

An observation frequently made by those interviewed was that each Grand Jury must basically start anew each year. Since each Grand Jury has only 12 months to complete its work, the necessity to essentially repeat much of the research and analysis done by predecessors before making recommendations of its own on the same subject gives the appearance of duplication of effort. The charge to the Grand Jury makes clear that each jury may follow up recommenda-

Budget reductions made necessary by less revenues available to the County have required more reliance on the Grand Jury members themselves to undertake its substantive work. The amount of time that can be used to address civil matters has increased since *Hawkins*, but the Grand Jury still requires independent experts and an in-house staff to assist it in the performance of its investigations. Outside assistance comes mainly through the use of a contract auditor who should be able to provide experts knowledgeable in specialized areas as well as familiar with general governmental operations.

The Grand Jury receives support from several government agencies within the County, i.e., the District Attorney, the CAO's Special Investigation and Management Services divisions, the County Auditor-Controller's Office, and the Superior Court. The Board of Supervisors appropriates an annual budget for the Grand Jury. Staff provided by the District Attorney represent a substantial contribution to the Grand Jury in terms of legal advice, training, clerical and other work. Other organizations mentioned above provide support on occasion as needed by the Grand Jury.

Areas to be examined with assistance of the contract auditor should be selected as early as possible. Early selection can be expedited by agreeing on certain criteria to measure the need for a Grand Jury review. Length of time since a previous Grand Jury review could be one criterion. Problem areas identified by prior grand juries, the press, or the public at large could be another criterion. A preliminary review by the contract auditor and members of the Grand Jury narrows the subjects to be considered to those which appear to be most productive for the Grand Jury to investigate. The Grand Jury can use its somewhat limited resources most effectively by avoiding open-ended reviews of entire departments or agencies.

The work of the Grand Jury can progress more efficiently if the number of standing committees is limited and membership on committees is restricted to two committees per member. A proliferation of committees and committee assignments can confound scheduling and greatly impede the timely disposition of the Grand Jury's work.

The net amount of time available to the Grand Jury to accomplish its mission could be increased by measures such as instituting a 30-day orientation for incoming grand jurors, development of a procedures manual for use by grand jurors, and by scheduling work so that projects can be completed and reports prepared and released as interim reports throughout the year. Releasing more reports as interim reports would also have a positive effect on the ability of the Grand Jury to follow-up its recommendations. Since the Board of Supervisors is given 90 days to comment on Grand Jury recommendations, responses to reports released after April 30 may come after the Grand Jury that made the recommendation is no longer in office and in an official capacity to respond.

Preparation of the final report now comes mostly in the last two months of the Grand Jury term. The use of more interim reports could simplify preparation of the final report, since much of the typing and editorial work would have been done at the time the interim report was made. Interim reports may be revised based on replies by the Board of Supervisors, but the amount of writing required near the end of the term could be reduced considerably.

Ideally, the final report should be available for presentation to the Board of Supervisors before the Grand Jury leaves office. A formal presentation ceremony could provide an opportunity for a public forum on more important recommendations contained in the report.

CONTRACT AUDITOR'S RECOMMENDATIONS AND GRAND JURY RESPONSES

- ✓ 1. Recommendation: Undertake a program to inform judges of the Superior Court and the public at large of the role and functions of the Grand Jury.

Response: *The Grand Jury agrees.*

- ✓ 2. Recommendation: All persons considered on the list of potential members should be required to complete an application resume and be interviewed by at least one judge of the Superior Court.

Response: *The Grand Jury agrees.*

3. Recommendation: The application resume currently in use should be expanded to include questions regarding the nominee/volunteer's understanding of the functions and structure of local government, the authority and function of the Grand Jury and the amount of time the individual is able and willing to devote to Grand Jury service.

Response: *The Grand Jury agrees in principle, but there was some disagreement as to the type of questions which would be useful.*

- ✓ 4. Recommendation: Members of the outgoing Grand Jury should conduct a briefing for the 40 individuals whose names are drawn from the list of nominees to reiterate the authorities, functions and time requirements associated with Grand Jury service.

Response: *The Grand Jury agrees and the 1981-82 Grand Jury stands ready to implement this recommendation if it is authorized to do so.*

5. Recommendation: An alternative arrangement for Grand Jury terms, preferably overlapping one year terms, should be considered to provide for continuity between grand juries and increased follow-up on recommendations.

Response: *The Grand Jury does not concur in this recommendation. Although aware that overlapping terms are often used to provide desirable continuity, most members believe that a one-year term is too short for overlapping to be used successfully. They believe that problems arising from a 50 percent change in membership every six months would outweigh any expected advantages, and would be disruptive of the Jury's work. Furthermore, this kind of continuity is not necessary to obtain some of the anticipated results if other recommendations are carried out. Among these are a longer period of briefing of the incoming Grand Jury by the outgoing one, (Rec. No. 4) and development of a manual (Rec. No. 8). As to facilitating follow-up of Grand Jury recommendations, this Jury has done a thorough follow-up on last year's recommendations. Also, see comment relative to Recommendation No. 18.*

6. Recommendation: Orientation and training for individuals selected to serve on the Grand Jury should begin approximately 30 days prior to swearing-in on a two or three day per week schedule.

Response: *The Grand Jury agrees and the 1981-82 Grand Jury plans to offer orientation on an optional basis to 1982-83 Grand Jurors.*

- ✓ 7. Recommendation: The number of standing committees, the number of members on those committees, and the number of committees to which any member may belong should be restricted so that committee meetings can be scheduled and conducted on a single day as a rule.

Response: *The Grand Jury agrees.*

8. Recommendation: The Grand Jury should develop a procedures manual for optional use by members of the Grand Jury, to be updated annually.

Response: *The Grand Jury agrees and plans to begin work on such a manual.*

9. Recommendation: The Audit Committee should require attendance by the contract auditor at regularly scheduled meetings and other meetings where planned, current or completed reviews are discussed.

Response: *The Grand Jury agrees. The 1981-82 Grand Jury has been following this practice.*

10. Recommendation: Representatives of the Grand Jury should participate in the early phases of any examination undertaken by the contract auditor in order to gain a first-hand understanding of the issues and the officials involved in the matter being reviewed.

Response: *The Grand Jury agrees. The 1981-82 Grand Jury has been following this practice.*

11. Recommendation: Representatives of the Grand Jury should communicate with representatives of the CAO Management Services Division, Auditor-Controller's Office and Economy and Efficiency Commission early in the year to discuss the schedules of each organization for reviews and examinations during the year and to establish cooperative arrangements for sharing of information.

Response: *The Grand Jury agrees. The 1981-82 Grand Jury's Audit Committee took into consideration work recently done or planned by these offices in developing its list of proposed audits, and representatives of the Grand Jury accompanied the contract auditor on interviews of representatives from the Chief Administrative Office and the County Auditor-Controller as one of the early steps in each audit.*

12. Recommendation: The Auditor-Controller's Office and the CAO's Management Services Division should be consulted as one of the first steps in most reviews.

Response: *The Grand Jury agrees and, as noted in response to Recommendation No. 11, has followed this practice.*

13. Recommendation: Grand Jury examinations should concentrate on the areas outlined in applicable sections of the Penal Code while avoiding detailed department-wide organizational and operational reviews.

Response: *The Grand Jury agrees. The Grand Jury and its contract auditor have conducted preliminary overviews of departments selected for audit to determine which areas of those departments would be most productive to review. Resources have been concentrated on reviewing those areas.*

14. Recommendation: The Grand Jury and its separate committees should focus on areas to be examined and begin work on them as early as possible.

Response: *The Grand Jury agrees.*

15. Recommendation: The Grand Jury should evaluate the appropriateness of receiving full-time legal advice from a Deputy District Attorney and consider the advisability and feasibility of alternatives.

Response: *The Grand Jury does not agree. The Jury agrees that full-time services of a Deputy District Attorney are not now needed, and would point out that at present the Deputy serving the Jury does other work for the District Attorney as well. He estimates that other work has taken approximately 30 percent of his time this year.*

However, the Jury strongly believes it needs an "on site" legal counsel, i.e., stationed in Grand Jury quarters. Questions involving criminal law do not arise solely in connection with indictment proceed-

ings. Of the many communications received from the public, most allege some kind of wrongdoing, and require legal advice before reply can be made. The Jury also needs review by counsel of many outgoing communications to make certain they are legally sound, and of almost all press releases. It is true that not all legal questions involve criminal law, and that some information now obtained from the District Attorney could be provided by the CAO or County Counsel. However, the Jury believes its day-to-day work would be greatly impeded if it did not have a single, readily available source of advice.

Two advantages in having a Deputy District Attorney as the Jury's counsel are that (1) probably the majority of legal questions which arise involve criminal law and (2) it is logistically more efficient, where counsel does not provide full-time service for the Jury, that he be from a department which is housed in the same building. This facilitates his providing service to both his office and the Jury.

- 16. Recommendation: Officials and departments that are the subjects of examinations should be given the opportunity to review draft reports before interim or final reports are issued.**

Response: The Grand Jury agrees. The 1981-82 Grand Jury has been following this procedure.

- 17. Recommendation: Interim reports should be completed and submitted to the Board of Supervisors as early in the Grand Jury's term as possible.**

Response: The Grand Jury agrees.

- 18. Recommendation: The Grand Jury should consider issuing less elaborate final reports than have been prepared in recent years.**

Response: The Grand Jury agrees. The 1981-82 Grand Jury, early in its term adopted a simple, one-color format for the current year's report. In the opinion of the Grand Jury, adoption of a standard format for Grand Jury annual reports would make the reports more identifiable and simpler to prepare.

- 19. Recommendation: Near the end of its term each Grand Jury should schedule a meeting with the Board of Supervisors to present the final report.**

Response: The Grand Jury agrees.

DEPARTMENT OF CHIEF MEDICAL EXAMINER-CORONER

The Chief Medical Examiner-Coroners Office was established in 1956 as an independent County department, with responsibilities previously performed under the Public Administrator. Its duties are prescribed in the Government Code and the Health and Safety Code. The Coroner determines the circumstances, manner, and causes of all deaths other than natural, and has both mandatory and discretionary powers to perform autopsies. The office is required to perform an autopsy when it is requested and paid for by the next of kin, even though the death was not originally a Coroner's case. The Medical Examiner-Coroner also runs alcohol or drug tests on all traffic deaths where the victim is over 15 years of age and dies within 24 hours of the accident. In all cases, the Medical Examiner-Coroner issues a death certificate as soon as possible after examination of a body.

The Department is organized into six separate divisions: Executive Office, Investigations, Forensic Medicine, Forensic Laboratories, Public Services and Inquest.

The Medical Examiner-Coroner's Department had never been the subject of a Grand Jury audit. In 1976 the Department was audited by the Controller's Office and in 1978 its operations were reviewed by the Chief Administrative Officer. On August 31, 1981, the Grand Jury approved the Department of Medical Examiner-Coroner as one of those to be audited.

OBJECTIVES

The objective of this review was to identify areas for overall improvement in departmental operations and to make recommendations necessary for the implementation of improvements. Included was an examination of the general procedures and standards for the investigation of in-custody deaths, the operation of the Coroner's Automated Information System-Data Processing Section (CAIN), and delays in the preparation of transcripts of inquest proceedings which impeded investigations by other County departments and government agencies.

APPROACH

Shortly after finalization of the work plan for a review of the Medical Examiner-Coroner's Office by the Grand Jury's contract auditor in November 1981, the operations of the Department came under increased public scrutiny as a result of a series of articles in the news media. These articles began to appear in December 1981, and focused public attention on the Department. The Board of Supervisors ordered the County's Chief Administrative Officer (CAO) to conduct an in-depth management review of departmental operations. The Grand Jury's contract auditor (Peat, Marwick, Mitchell, & Co.) and the CAO conducted independent reviews of the Chief Medical Examiner-Coroner's Department but met on several occasions to clarify the scope of the respective reviews and to avoid duplication of effort.

The Grand Jury's review was not a result of any adverse publicity about the performance of duties by the Chief Medical Examiner-Coroner or the Department. The Jury did not review issues relating to allegations of the Chief Medical Examiner's absence from his office or regarding his conduct. Nor did the Grand Jury attempt to evaluate his performance as a manager.

RECOMMENDATIONS

The Grand Jury's contract auditor developed 28 recommendations which were evaluated by the Audit Committee and adopted by the Grand Jury. They are:

1. That the Department utilize "daily" transcribing procedures for recording inquest hearings that require immediate transcripts. Such option should be explained to all inquest participants. The additional costs should be charged to the agency requesting the immediate transcript.
2. That the Department develop performance standards for dictating and transcribing inquest hearings. These standards should be consistent with the workload and priorities of the Department and Inquest Division.
3. That the Department develop a reporting system that tracks the workload of the Inquest Division and reports key operating data to management.
4. That the Department conduct a complete review of existing autopsy screening procedures to determine whether or not the number of complete autopsies presently performed needs to be increased. In performing this review, the professional opinions of qualified forensic

pathologists should be sought. Considering existing workloads, if additional autopsies need to be performed, staffing levels should be increased commensurately to maintain/ enhance the quality of autopsies presently being performed.

5. That the Department evaluate the workloads of investigators to determine if such workloads are too heavy in light of the need to conduct thorough investigations and in light of the overall duties performed.
6. That the Department continue to use Coroner's Investigators to conduct inquest investigations. Efforts should be made whenever possible to use the original Coroner's Investigator assigned to the case.
7. That the Department continue to use outside contractors to perform embalming services based upon their evaluation of the most responsible bidder.
8. That the Department enforce the formal personnel evaluation requirements set forth in the Department's Personnel Guidelines.
9. That each Division develop quantitative standards of performance for major staff positions to serve as the basis for budget projection, staffing and performance evaluation. The final standards should continually be available to staff for reference.
10. That the Department assign a Training Officer to develop formal training programs and a training budget for the continuing education of Departmental employees.
11. That the County Personnel Department conduct an overall review/formal survey of positions and salaries within the Department. Such review should focus on the comparability of wages and duties within the overall County personnel structure and considering similar agencies in surrounding counties. The results of such review should be used in setting wages and salaries in the future.
12. That the Department establish a specific retention policy for photographs, x-rays, bullets, death instruments, personal clothes, inquest reporter notes of inquest hearings, and other data and materials created in daily operations.
13. That the Department improve storage practices by consolidating all storage areas of vital evidence into one central area. Storage bins should be secured and inventory records maintained.
14. That the Department develop and submit to the County of Los Angeles Board of Supervisors a request for additional operating space to meet the immediate and long-term requirements.
15. That the Department develop scheduling and parking arrangements for Coroner's vans and mortuary vehicles to accommodate reasonable peak loads.
16. That the Department create and maintain a master log report (management information report) that reports the number of deferred certificates and final death certificates issued by examining pathologists and lists pending deferred death certificates and remaining tests and reports ordered by days outstanding.
17. That the Department develop and implement performance standards for completion of internal medical tests (like histopathology) and, when necessary, secure additional support or overtime work to assure timely performance. Such standards should be developed with the help and input of outside agencies (e.g., law enforcement, hospitals, etc.) to develop mutually acceptable time standards for receipt of their respective reports that are critical to the completion of deferred death certificates.
18. That the Department numerically order death certificates and maintain records to improve internal control procedures.

19. That pathologists review copies of completed death certificates. If discrepancies are identified in reviewing the death certificate, an amendment should be issued.
20. That the Department strive to rigidly enforce the requirement for immediate notification of the Coroner.
21. That the Department accumulate in a single reference book a Departmental Policy and Procedures Manual; such manual should include tasks and standards for Coroner's Investigators and Senior Coroner's Investigators.
22. That the Department develop and monitor an evaluation system that tracks and enforces staff investigating performance against documented policies, procedures and standards.
23. That the Department require payment in full before the preparation of inquest transcripts.
24. That the Auditor-Controller develop a billing rate for first-time requests for inquest transcripts that is consistent with the actual costs of preparation.
25. That the Department work with other County departments requesting autopsy and transcript reports to determine if the volume of reports is excessive and if such volume cannot reasonably be reduced.
26. That the Department's request for \$85,000 in capital expenditures for the forensic laboratory equipment be approved. Such equipment is necessary to assure accurate and timely toxicology test results.
27. That the Department develop a plan to implement the recommendations of this report that specifies objectives, time frame, milestones and required resources.
28. That the Coroner's Office continue with the development of the "CAIN" system and the documentation of its internal operating procedures. The detail design phase of "CAIN" development should be scheduled to begin after management changes in operating procedures resulting from this study have been made.

CONCLUSION

The County of Los Angeles, along with other governmental units in the State of California, is experiencing a decrease in financial resources as a result of sustained high inflation and tax limitation initiatives imposed by the general public. This lack of funds has forced most local and state agencies to reduce their level of service.

The Department of the Chief Medical Examiner-Coroner is experiencing these pressures but it is the opinion of the Grand Jury that a reduction in the level of service of this department is unacceptable. Given the nature of its work, the Department is highly susceptible to public criticism when it fails to deliver timely, accurate service. Budgetary constraints cannot be ignored. Yet, they only reinforce the need to develop objective standards of work measurement to determine whether the efficiency of department operations can be sustained within existing resources or whether additional County resources should be allocated to the Department.

On March 16, 1982, the 43-page report on the Chief Medical Examiner-Coroner Department was forwarded to the members of the Board of Supervisors, the Chief Administrative Officer, Chief Medical Examiner-Coroner, Dr. Thomas Noguchi, and other interested parties. Members of the Grand Jury and the contract auditor reviewed the report with the Chief Medical Examiner-Coroner who substantially agreed with its findings and recommendations.

DEPARTMENT OF THE PUBLIC ADMINISTRATOR-PUBLIC GUARDIAN

The Department of the Public Administrator-Public Guardian (PA-PG) is established pursuant to provisions of the California Government Code and the Charter of the County of Los Angeles. The Department operates three programs:

- Decedent estate administration
- Lanterman-Petris-Short (LPS) Act conservatorships
- Probate conservatorships.

Decedent estate administration involves handling the estates of those who die in Los Angeles County and for whom no private executor can be named. This program includes arranging for funerals and burials, collecting the decedent's assets, paying creditors, preparing tax forms, distributing estate assets and other related functions. The Department investigates over 7,000 decedent estates annually and is named administrator of about 1,300 such estates per year.

The LPS program involves handling the affairs of gravely mentally ill persons for whom the Department is named conservator. In such cases the Department arranges for suitable care for the conservatee, manages all the conservatee's financial affairs and monitors the care provided to the conservatee. Currently the Department serves as conservator of approximately 2,500 estates.

Probate conservatorships involve the estates of individuals who are found by the court to be unable to care for themselves, often as a result of advancing age. The Department provides services for such individuals similar to those provided to LPS conservatees. Currently, the PA-PG administers the estates of about 2,000 probate conservatees.

OBJECTIVES

The Grand Jury undertook the review to evaluate the overall efficiency and effectiveness of the Department, which had not been the object of a Grand Jury audit in over seven years. As a result of a brief initial review of the Department, the Grand Jury identified objectives for the more in-depth subsequent review. Those objectives were to determine:

- The extent to which the Department has taken action to respond to recommendations made by previous grand juries and the Auditor-Controller to enhance day-to-day operations
- Whether contracts are awarded to outside concerns (for drayage, property management, auctions, estate maintenance, and the like) in an equitable manner
- Whether opportunities exist to contract out services currently provided by the Department at a lower cost to the County without compromising service quality
- Whether adequate management information capabilities exist within the Department

- Whether the Department is maximizing the revenue it could potentially receive for the services it provides
- The extent to which the Department monitors its own activities to ensure that estates are closed expeditiously and in keeping with departmental policies and procedures.

APPROACH

The review was conducted by a two-person team over a period of approximately six weeks. The team conducted extensive interviews with numerous officials of the Department as well as representatives of the County Administrative Office, the Purchasing Department, the County Counsel's Office and the Auditor-Controller. The team reviewed numerous previous Grand Jury and Auditor-Controller reports, internal PA-PG reports, case files, budgets, and other documents containing information regarding the areas outlined under "Objectives."

The team reviewed its findings, conclusions and recommendations with Department officials prior to preparation of the final report.

FINDINGS

The Department provides specialized services to specialized groups of clients. In some respects, the work carried out by the Department closely resembles the work of executors and conservators in the private sector. The Department's role, however, differs markedly from that of private executors and conservators in two respects:

- The Department provides services to thousands of clients rather than to one or a few as is the case with private executors and conservators.
- The Department, in addition to having a fiduciary relationship with individual clients, also holds a position of public trust.

These aspects of the PA-PG's role lead to some unusual arrangements and situations. For example, the Department is not required to follow County purchasing procedures in obtaining services for its clients. Considerable discretion is allowed by the courts in how such services are obtained. The discretion allows for a great deal of flexibility in obtaining the best service at the best price, but also allows the Department to operate without the controls imposed by competitive bidding procedures and requirements for written contracts. The Department has developed innovative arrangements for some services, but has not, in some other cases, aggressively pursued competitive bidding to ensure that clients receive the best possible services at the lowest reasonable prices.

From a financial standpoint, the Department has made important strides in improving the portion of expenditures for services which are derived from the estates of clients. Since 1978, the Department has increased the portion of costs covered by client assets by over 70 percent. It is continuing to identify and develop new and increased revenues while maintaining a responsible and compassionate approach to individual clients' conditions.

The Department's existing management information system is outmoded and does not provide the type of data required for efficiently administering estates and managing the Department's workload. The Department is taking steps to replace the existing system with an improved one.

In the important areas of written policies and procedures and development of workload measures and standards, the Department has not developed and maintained adequate manual or automated systems. Policies and procedures, when they exist in written form, are often out of date. Evaluation of employee workload and performance is often subjective and not based on written criteria and records.

CONCLUSIONS

The Grand Jury concludes the following regarding the Department:

- The Department has taken aggressive, imaginative and appropriate steps to increase revenues both in terms of absolute dollar amounts and as a percentage of total departmental expenditures over the past few years. The Department has not, however, developed a systematic means of determining the actual costs of providing extraordinary services and for allocating such costs fully and fairly to estates via the use of extraordinary fees.
- While the Department does not appear to be required to follow County purchasing procedures in obtaining outside services for clients, it does have a fiduciary responsibility to those clients to obtain adequate services at reasonable costs.
- In some aspects and especially with regard to certain services, the Department has not been diligent in assessing the marketplace and establishing adequate contractual arrangements and monitoring procedures. At the same time, it is noted that the current PA-PG has taken several positive steps to improve the performance of some contractors hired to serve the Department's clients.
- The Department has not been aggressive in identifying and analyzing areas for which services currently provided by Department staff might be performed by private contractors more cost-effectively.
- The existing management information system, while adequate in terms of basic accounting functions, does not provide the Department with a sufficiently useful management tool for workload and performance monitoring, case management and other purposes for which it was designed. Needed changes in programs and files have not been made, with the result that certain system capabilities and reports are not used. Instead, the functions for which those capabilities were designed are accomplished manually or not at all. The Department's planned approach for developing a new management information system and for financing it through maintenance of compensating balances at a bank which would in turn provide the system, is appropriate and cost-effective.
- The Department's existing approach to monitoring the workload, performance and productivity of its employees is inadequate. Written policies and procedures in this area are out of date, and there are insufficient reporting mechanisms and performance criteria in place.

RECOMMENDATIONS

The Grand Jury recommends that:

1. The Department should continue to seek every legitimate means of fully recovering from estates all costs associated with administering them.
2. In developing the proposed new management information system, the Department should ensure inclusion in the system design of a capability to record and accumulate actual costs associated with the provision of all extraordinary services.
3. The Department should enter into formal written contracts with the property insurance broker and all auctioneers, specifying types and levels of service, and appropriate procedural requirements for the provision of services and fee structures. The Department should also consult with County Counsel regarding the advisability of entering into such contracts with the other firms providing services.
4. The Department should either develop and adhere to its own formal bid/proposal procedures or utilize the County Purchasing Department in selecting auctioneers, stockbrokers and real property insurance brokers.
5. The Department should develop specific written procedures for monitoring the performance of contracted services and the accuracy of invoices submitted by contractors providing property cleanup and maintenance services.
6. The Department should develop and adhere to written procedures for evaluating the appropriateness of property insurance coverage. The review of insurance placed should occur within a week to ten days of the broker's placement of such coverage in order to limit potential County loss liability.
7. The Department should undertake detailed analyses of the following service areas for potential contracting out:
 - Warehousing
 - Tax services

The scope of the analyses should include a determination of the:

- Extent of the service to be contracted
- Legal implications of using an outside provider
- Costs to the County of contracting versus using County employees to provide the same service
- Level of contractor performance required
- Manner in which contractor performance will be monitored and frequency of review
- Availability of potential contractors so that the County will not have to rely on a sole source vendor.

The Department should complete its analyses within six months and make a firm determination whether to issue a Request for Proposal (RFP) or recommend against contracting the service out.

8. The Department should seek a County Counsel opinion on the legality of contracting out property management services.

Once a legal opinion has been rendered that the contracting of property management services is not prohibited by the Probate Code or County Charter, ordinances or other operating provisions, the Department should undertake a detailed analysis of this service area and either (a) develop and issue an RFP or, (b) recommend against contracting out the service.

9. The Department should conclude its analysis of the administration of summary estates and adopt a formal position relative to providing the service in-house or contracting it out.
10. The Department should, in selecting a contracting bank to provide the new system, negotiate terms of payment that can be effected through a system of compensating balances, thus avoiding any direct payment out of County funds.
11. The Department should, through contract negotiations, ensure that qualified personnel are made available by the contracting bank to provide required modifications to the system once it is implemented. The contract with the bank should, if possible, require that an analyst capable of designing and implementing system modifications maintain regular office hours at the Department after the system is implemented.
12. In order to provide in-house expertise, the Department should fill its vacant authorized position for a systems analyst. That individual should work with the contractor during system design and implementation.
13. During the early stages of design of the system, the Department should develop a plan for administratively implementing the system. The plan should specify what reports will be used by various employees, what manual functions will be discontinued, who will have access to terminals for what specified purposes, and other matters related to use of the system by employees. In addition, supervisors should be consulted in determining the use and design of system reports.
14. The Department should update its written policies and procedures to include sections on how work is assigned and monitored for both the Public Administrator and Public Guardian divisions. Some good examples of presentation format and level of detail appear in now out-of-date manuals. These should form the basis for the updated, expanded procedural documents.
15. The Department should automate workload reporting. It appears that changes contemplated in the Department's automated management information system will address this recommendation.
16. The Department should require that monthly activity reports be regularly reviewed by supervisors and that identified problem cases be individually reviewed to determine how they may most effectively be resolved.
17. The Department should issue written guidelines on the numbers of investigations or active cases it expects deputies to carry. Expectations noting acceptable time frames for closing estates should also be formalized and incorporated into written policy statements.
18. Workload and productivity yardsticks should be reviewed at least biannually to reconfirm their appropriateness or revise them to more closely reflect current circumstances.
19. Individual employee productivity objectives should be set and monitored as part of the employee's annual performance evaluation review.
20. The Department should be requested to report to the 1982-83 Los Angeles County Grand Jury its progress toward implementing the recommendations contained in this report.

DEPARTMENT OF MENTAL HEALTH

The County is experiencing major difficulties in maintaining mental health care service levels for its residents under current financial conditions. More than 85 percent of the \$142 million 1981-82 budget administered by the Department of Mental Health comes from revenue sources external to the County, including Federal and non-Federal Medi-Cal, Short-Doyle and State General Fund monies.

OBJECTIVE

The audit's objective was to outline the steps that the County Department of Mental Health (DMH) can take to increase and improve the effectiveness of private sector involvement in the County Short-Doyle program. (The Short-Doyle Act of 1957 turned over responsibility for the care of the mentally ill to the counties and encouraged community-based care; it currently funds programs by providing 90 percent state funds with the County matching 10 percent, except for in-patient care, which is split 85 percent-15 percent.)

DMH has actively pursued contracting of services for a number of years, but it has experienced problems finding sufficient numbers of private sector contractors. The review sought to identify and define the reasons these problems exist, and to develop recommendations to assist DMH to use the contracting process more effectively.

APPROACH AND WORK PLAN

The Peat Marwick/Grand Jury team conducted interviews with officials from the State of California, Los Angeles County, other counties, 58 potential, past and current providers, four Los Angeles County hospitals, and officials of two state mental hospitals. It also reviewed relevant documents, including the Los Angeles County Health Systems Plan, DMH's Goals and Objectives, and the State's Model for California Community Mental Health Programs. A comprehensive questionnaire was sent to all 24-hour care Short-Doyle contractors in the County.

FINDINGS

The review revealed several advantages and disadvantages for the County associated with contracting out services to private providers.

Advantages included: potential cost savings; reduction of County staff; increased time available to assure regulatory compliance; reallocation of resources to a uniform case management system. Disadvantages included: potential lower quality of care among contractors compared with County programs; limited control over private providers; selective admissions by contractors; discontinuity of care within the mental health system; increased monitoring requirements; difficulty in terminating contracts; contractor ability to terminate contracts at will.

Concerns identified by the 58 potential, past and current providers interviewed relating to private sector participation in the County's Short-Doyle program included: cumbersome contracting process; excessive monitoring requirements; unfamiliarity with zoning, health and licensing requirements; personnel considerations; inadequate referral network; management problems caused by County patients.

RECOMMENDATIONS

Therefore the Grand Jury recommends that the Peat Marwick recommendations be implemented:

1. That DMH formally examine, program-by-program, the financial feasibility of increased private sector involvement in the Short-Doyle program, and contracting out building maintenance and hospital auxiliary services to private sector businesses.
2. That DMH examine the location, capabilities, quality, number and availability of board and care providers and skilled nursing facilities, and the desirability of establishing a formal patient referral network.
3. That DMH modify its current approach to administration of the Short-Doyle program by streamlining the contracting and monitoring process:
 - Establish a Countywide technical assistance program, including monthly regional contractor meetings in all five regions
 - Modify existing reimbursement policies
 - Locate and/or provide resources to contractors for remodeling facilities.
4. That DMH develop a uniform case management system and create a formal relationship between DMH, board and care providers, and skilled nursing facilities.

(This audit was conducted by the contract auditor with the assistance of Grand Jurors Jennifer Clark, Chair, Cresia Green and James Wilcott. The Mental Health Subcommittee made use of material from this audit which went beyond the audit's scope; results of the further investigation are contained in the Subcommittee's report elsewhere in this volume.)

LOS ANGELES COUNTY MUSEUM OF ART

The Los Angeles County Museum of Art (LACMA), formerly associated with the Los Angeles County Museum of Natural History, was opened in 1965 on five and one-half acres of County-owned land in Hancock Park. The buildings were financed and built by Museum Associates, a private nonprofit organization, and were deeded to the County with a contract providing that the County would fund Museum operations in perpetuity. Operations were defined at the time of ownership transfer to include maintenance and all other operating expenses, excluding acquisition of exhibit pieces and capital expansion expenditures.

Although the County owns the buildings, Museum Associates, under supervision of the Board of Supervisors, controls and regulates all matters connected with the management, operations and maintenance of Museum activities. The Museum's Board of Trustees, comprised of 42 prominent members of the community, selects a director and supervises his duties.

LACMA, the largest general art museum in the Western United States, aspires to be on a par with museums of national renown. It is unique among Southern California art-related institutions in the size and quality of its collections and variety of its programs, its ability to accept traveling exhibitions, to attract donors and maintain large important collections, its position as a major resource for scholars, and its goal to reach all segments of society.

The Museum has been successful since its inception in gaining and maintaining community support in the form of volunteer help, as well as donations of funds and art objects. It currently has 45,000 members, more than one-half million art objects, and a wide variety of program services. Many of the collections are considered among the best of their kind in the United States, and several critically acclaimed collections promised to LACMA will further upgrade the quality and breadth of the Museum's collection.

LACMA offers nearly 30 different programs, including display of the permanent collection, 25 exhibits per year, concerts, film showings, travel programs, broad educational offerings, art and architecture tours, art rental gallery, conservation internship program, reproductions for and loans to other museums, behind-the-scene tours for arts groups, catalogs in English and foreign languages, and the Museum shop.

The Museum, a budgeted department of Los Angeles County, received County funding for fiscal year 1981 of approximately \$4,400,000. Total Museum Associates and public support and revenue for that year approximated \$12,260,000.

In the early 1970s approximately 95 percent of LACMA's operating budget was funded by the County; contributions from Museum Associates accounted for the remaining five percent. At present, County funding comprises approximately 45 percent of the operating budget; the remaining 55 percent is funded through private sources. Federal and State financing sources are also diminishing, thereby increasing competition for these funds.

Museum Associates, which provides significant support to LACMA, is projecting its first operating deficit in 1982. This deficit will be offset by available surplus funds, but surpluses will be exhausted during fiscal year 1982.

OBJECTIVES

The Audit Committee found that there had never been a Grand Jury audit of the Museum. A preliminary review indicated that LACMA faced significant revenue shortfalls starting in fiscal year 1983. The Grand Jury therefore decided to review the Museum's position in and its service to the community with respect to goals, growth strategies, competition, knowledge of its audience, outreach, and the extent of its programs as they related to the projected deficits.

APPROACH

Grand Jury members conducted the review of LACMA, including interviewing, data analysis and report writing. Peat Marwick was utilized to help develop the interview guide and assist jurors in their review.

In carrying out the review, extensive interviews were conducted with Museum trustees, including the president of the Board, Museum officials and staff members, and representatives of the Art Museum Council and Museum Services Council, as well as representatives from the CAO and the County Board of Supervisors.

Documents relating to Museum finances, attendance and membership were reviewed. In addition, laws governing LACMA, and contracts between Museum Associates and the Board of Supervisors were examined.

FINDINGS AND RECOMMENDATIONS

In general, the Museum has operated within its budgetary constraints. This situation, however, appears to be changing. Museum officials forecast an increasingly difficult fiscal situation in future years. This is particularly distressing, considering that if it is to retain its position as a world-class museum, LACMA must maintain high quality services and programs in order to attract and maintain collections, participate in exhibitions, and attract funding.

The LACMA Board of Trustees is deeply involved in formulating future plans and controlling Museum activities. There has been a concerted effort over the last several years to upgrade technology (e.g., security protection, management information systems), skills and organization within LACMA.

Integrated Operations Plan: LACMA has certain elements of a plan to integrate operations. Its current strategy for alleviating the projected deficits includes increasing funding from the County and membership revenues and, to a lesser extent, increasing gift, Museum shop and cafeteria revenues. If the deficits cannot be covered, LACMA must cut back its program schedule; however, specific cuts have not yet been identified.

The environment within which the Museum operates is undergoing tremendous change due to current economic conditions. To operate successfully in the future, LACMA must make a formal, well-researched commitment to understanding and serving present and desired audiences. It now has a well-run, aggressive development office which is concerned with increasing membership and grant funding levels. However, the Grand Jury believes that the Museum must address some additional issues.

RECOMMENDATION

In order to successfully offer Museum services and maximize income to support operations, the Grand Jury recommends that the Museum prepare an integrated operations plan which would include the following elements:

- Market research data on major audiences not yet studied by the Museum. This data would describe the desires, characteristics and attitudes of those audiences
- Detailed income, costs, and contributions of all services to ascertain their net return
- Analysis of competition both from other cultural institutions and from other leisure activities available which substitute for museum visitation
- Opportunity/goal/strategy alternatives
- Formal, integrated program plans addressed to providing service, promotion/advertising, pricing
- Projected statements of revenue, expenses and fund balances based on chosen strategies.

The review of these elements should produce a strategy for accomplishing Museum goals. The plan should then be finalized, communicated to involved parties and periodically reviewed and updated.

Audience Characteristics and Program Evaluation: The Museum desires to appeal to all segments of society. To achieve this goal necessarily means a broad offering to serve many audiences, each with different sets of characteristics and desires. The Museum has valuable data from two studies, one made in 1978 when the "King Tut" exhibit nearly doubled membership, and the other in 1980 when the non-member admission fee resulted in marked visitor drop-off.

LACMA wants to increase membership, non-member audience, and revenues from programs such as the Museum shop and cafeteria. To accomplish these objectives, the Museum must make more use of market research and planning. Data should be gathered on each program now offered and on those who use it. Data should include:

- Price, cost and net return or deficit
- Member/non-member visitors
- Demographic source data on visitors
- Visitor likes, dislikes and preferences for program attributes
- Needs and desires fulfilled by the Museum and substitutes or competitors in use of leisure time
- Promotional material which created awareness of the program
- Key influence, opinion or information in deciding to attend
- Innovative ideas from visitors on ways to generate increased Museum interest, use and eventual membership.

The data should be integrated with program operations, acquisition and other data to produce a comprehensive review of impact, service and achievement of stated goals.

This analysis will yield information relative to how well current services are being utilized, why and by whom. It will enable LACMA to make decisions about adding or deleting programs, or making changes that will make programs more popular or cost effective. The Museum should be selective in offering its services; target audiences should be selected according to accessibility, responsiveness, and significance criteria.

Further, all programs should be scrutinized to assure that the Museum is making best use of its limited human and monetary resources. All programs should have clearly stated objectives and should support the Museum mission and goals.

Admission Fees: After the passage of Proposition 13, the County Board of Supervisors instituted an admission fee at all County museums. The immediate effect was a drastic drop in visitors to LACMA. In the past four years, however, the level of visitors has increased and is close to pre-admission fee levels, but the increase in fees does not alleviate the current fiscal problems of LACMA because all such fees revert to the County general fund.

LACMA currently utilizes public service radio and television advertising, but this type of advertising cannot be completely controlled by the Museum because public service advertisements are often aired in time slots that do not include a high percentage of potential Museum audience. Although LACMA is aware of the potential for attracting more visitors with appropriate promotional activities, it cannot justify promotional expenditures which yield no direct

payback to the Museum. The County does not fiscally support promotion. Therefore, the current County policy in relation to promotion and admission fees is not conducive to the goal of attracting non-member visitors.

LACMA has asked the Board of Supervisors to consider allowing admission fees to accrue to the Museum through a revolving trust fund instead of reverting back to the general fund. The Museum could draw upon the funds (approximately \$400,000 was collected in fiscal year 1982) to advertise and upgrade or expand programs. At the time of this report, no decision had been made with regard to disposition of admission fees.

RECOMMENDATION

The Grand Jury therefore recommends that LACMA receive all or part of admission fee revenues, which would reward the efforts of Museum personnel to attract visitors.

Improving Funding Sources: The Museum must continue to develop alternate sources of funding and improve present sources. Several ideas have been advanced with respect to improving funding sources:

- Increase endowment levels
- Expand the Museum shop and relocate it in the projected new ARCO building. A location closer to Wilshire Boulevard will be more accessible to Museum visitors and will be more visible to foot traffic
- Attract business people from the immediate Wilshire corridor to the cafeteria for lunch
- Upgrade present members to higher dollar level membership categories where the net returns are higher
- Increase membership levels to the 60,000-member range.

All these ideas have the potential to add net funds to the Museum. It would be to LACMA's advantage to continually study the methods used by other cultural institutions to raise money.

Contracts Between LACMA and the County Board of Supervisors: The Museum has grown considerably since it opened, adding many programs as well as objects to the collections. There has been no growth in physical space, however. Over the same time period, County funding has stayed relatively constant in dollar terms, but has shrunk substantially as a percentage of the total LACMA operations and maintenance budget. LACMA accepted the decrease in County funding because of the County's acute fiscal problems after Proposition 13 passed in 1977, but believed the declines would be temporary. A new wing, the ARCO Museum of Modern Art, scheduled for completion in 1984, will entail additional operating expenses. The wing has been accepted by the Supervisors under an extension of the provisions in the original agreement relative to County funding.

It is the Grand Jury's opinion that there is a disparity of interpretation between the County and Museum Associates as to the County's contractual obligation with respect to funding operations. It is apparent there will be a deficit in fiscal years 1983-84 and beyond unless the County increases its funding.

RECOMMENDATION

The Grand Jury therefore recommends that the Museum Trustees and the County resolve the following issues:

- What is an adequate level of funding for both Museum Associates and Los Angeles County with respect to current operations?
- What will be an adequate level of funding for expanded operations resulting when the new ARCO wing is built?
- Which programs should Museum Associates and/or the County fund?
- What is an adequate level of service to the community now and in the future?

These issues affect all Museum programs and form a basis for choosing between funding alternatives. They should be resolved in as much detail as possible and formally agreed upon by both parties.

(This review was conducted by Grand Jurors Pina Fisher, Chair, Rose Black, Frances Courtney and Anita Martinez with the assistance of the contract-auditor.)

DEPARTMENT OF SENIOR CITIZENS AFFAIRS

The Older Americans Act of 1965 and subsequent amendments established Area Agencies on Aging (AAA). Each of the 33 AAAs in the State of California is required to serve a planning and service area designated by the State Department on Aging. Effective January 1, 1974, the Los Angeles County Department of Senior Citizens Affairs was named the AAA for Los Angeles County, excluding the City of Los Angeles, which has been designated a separate AAA.

The major element of the legislation to be implemented by the Department is Title III of the Act. Its purpose is to encourage and assist in the concentration and coordination of resources through cooperative arrangements between public and private nonprofit agencies in order to secure maximum independence and dignity for older individuals capable of self-care with appropriate supportive services.

As the AAA, the Department of Senior Citizens Affairs must:

- Develop and administer an area plan designated to provide a comprehensive and coordinated system of services to senior citizens in the County.
- Serve as an advocate and focal point for older persons in the planning and service area.

The Department administers approximately \$13 million in funding annually, the bulk coming from Federal sources. The annual net cost to the County for departmental operations approximates \$500,000. The Department currently contracts with 46 public and private agencies for the delivery of social services to older persons.

OBJECTIVES

The Grand Jury had not conducted a review of the Department within the last eight years, nor had the CAO reviewed departmental operations. The Auditor-Controller conducted a review of the Department's financial operations in October 1975 and completed a preliminary audit survey of accounting and administrative controls in July 1981.

The Grand Jury undertook to review the Department to ascertain whether senior citizens in Los Angeles County are being equitably served with an appropriate range of services, and to review monitoring activities, the use of volunteers, and the role of advisory bodies. Additionally, the Jury sought to determine whether duplicative services are being provided by the County and the City of Los Angeles.

WORK PLAN

The work plan included reviews of Federal and State legislation and regulations, the Department's goals, objectives, program plans monitoring system, and current list of service contractors. Also, information was obtained to assess the level of duplication of services between City and County and the roles of advisory bodies. Service site visits were made to observe delivery of services and to interview staff and participants.

FINDINGS

Under Title III of the Older Americans Act of 1965 and subsequent amendments, approximately half of the funds must be spent for nutrition. Of the remainder, 50 percent must be used for services to provide access, in-home and legal services. Other social services that meet specified standards may be funded. State agencies are free to take from social service funds an amount necessary to accomplish the intent of the long-term care ombudsman program, which is a responsibility of the State rather than of local area agencies.

The law also states that, to the extent possible, services will be provided by contracting for their delivery by local public or private nonprofit agencies. There is no means test for the receipt of services, but preference must be given to areas with the greatest economic and social need in the siting of projects. In California a formula based on economic, ethnic and language status must be used.

Nutritional Services: Congregate meals were provided in 94 communities by 26 contractors with AAA funding amounting to \$4,523,176. Home delivered meals were available in 85 communities at a funding level of \$754,039. Many of these same contractors also provided shopping assistance at 15 projects costing \$14,764.

An additional source of Federal funding for nutrition programs is the 51.5 cents per meal provided by the United States Department of Agriculture. Donations suggested for meals range from 50 cents to one dollar.

Most staff members agreed that at least 25 percent of their time is taken up by activities required for compliance with the multitude of rules and regulations surrounding nutrition programs. Some of the regulations seemed unnecessarily detailed. More reliance on the comments of participants might be as satisfactory a method to achieve the desired result.

Transportation Services: Transportation services are the most heavily funded (\$1,189,607) and used of the social services. Most projects operate within geographic boundaries and give priority to transportation for medical and nutritional needs. Suggested donations range from zero to 50 cents round trip.

Escort Services: Escort services provide person-to-person travel assistance to seniors who might otherwise be institutionalized. In some contract areas, the same vehicles and drivers are used for nutrition and medical transportation, but this service differs in that each participant has an escort, often a volunteer. Escort service is available in 18 communities at a cost of \$23,437.

Information, Referral and Follow-Up Services: The purpose of information and referral service is to provide information to older persons and refer them to additional sources of help. Follow-up is an important part of the service. Most sites are staffed eight hours a day, Monday through Friday, to answer telephone or walk-in inquiries.

Information and referral is provided directly by the area agency in underserved neighborhoods and by a number of the same local contractors furnishing other services. Services are widely available and were funded at a cost of \$403,121 in fiscal year 1980-81.

Outreach Services: Outreach provided by systematic canvassing or by following up referrals may qualify for AAA funding. Outreach is directed toward seniors who otherwise might not be informed of available services.

The AAA plan for 1981-84 reported 34 outreach projects with a contracted cost of \$199,172 for fiscal year 1980-81.

In-Home Services: The Older Americans Act as amended in 1978 directs that some funds must be allocated to in-home services. Those which provide or assist in securing homemaker, health aide, telephone reassurance, home maintenance or similar services may qualify for funding. Clients are older persons incapable of performing essential household and personal tasks. Presently AAA funds four geriatric aide projects and five telephone reassurance projects within its service area.

Legal Services: Legal services in matters such as consumer problems, housing, simple wills, conservatorships and representation at administrative hearings are available through a County-wide contractor, Grey Law. Three local contractors serve smaller geographic areas. Legal services were funded by the Los Angeles County Area Agency at \$164,038 for fiscal year 1980-81.

Ombudsman Services: Ombudsman service is provided by recruiting, training and supervising volunteers to become independent and objective sources of help in resolving problems with long-term care facilities. The State of California contracts directly with private nonprofit agencies to provide services, but delegates certain other responsibilities to the local area agencies. The State has chosen one contractor for the Los Angeles County AAA and another for the City of Los Angeles AAA. Area agencies have no power to select contractors.

Other Services: Approximately one-fourth of the total funding under Title III may be used for programs not mandated but determined to be needed by the area elderly. As reported by the Department, the discretionary services funded are:

Health Screening	\$282,488
Adult Day Care	27,626
Health and Welfare Counseling	57,659
Case Management	80,549
Social and Recreational	33,588

Volunteers: Volunteers were observed helping with reservations, table setting and cleanup, and acting as escorts or receptionists. Volunteer law students assist in providing legal services. Health screening, telephone reassurance and ombudsman services depend heavily on volunteers.

The Grand Jury observed that there is a correlation between the attitude of the staff towards volunteers and the success of the volunteer program.

Advisory Groups and Coordinating Efforts: In planning and developing an areawide network of comprehensive, coordinated services and opportunities for older persons, the Department works with a number of public and private agencies.

As a matter of Federal, State and/or local law, the Department must cooperate with the Area Agency Advisory Council, the advisory body designated in the Area Plan, and the Los Angeles County Committee on Affairs of the Aging (LACCOAA) established by the Los Angeles County Board of Supervisors in 1949.

There are similarities in the activities of these organizations such as participation in symposia and workshops, advocating legislative solutions, and cooperation with other organizations to help the elderly. However, they differ in that LACCOAA provides a direct avenue of communication to the Board of Supervisors, while the Advisory Council is responsible for linking the public and participants with the Area Agency. In addition, LACCOAA is concerned with matters in the entire County, while the Advisory Council's area of concern generally excludes the City of Los Angeles.

Relationship Between City And County Area Agencies: The Grand Jury found that the Los Angeles County AAA and the City of Los Angeles AAA generally perform complementary functions. There were, however, a few problems with this arrangement. Small areas separated from larger areas served by each of these agencies appear to lack sufficient target population to provide an appropriate range of services. Selected services may be sought by residents of the smaller areas at locations served by an agency other than the agency funded to serve their own communities.

CONCLUSIONS

The Department appears to be performing well in meeting the requirements set forth in the Older Americans Act and the Older Californians Act. Of necessity those activities to provide communication links with senior organizations and to assure that programs are operated in compliance with State and Federal regulations must take priority in allocation of the Department's resources. The staff of the Department is knowledgeable, dedicated, and has a desire to initiate innovative programs to satisfy the stated but unmet needs of the elderly in the area. However, they are hampered by numerous regulations, budget limitations and, at times, political necessity. Despite the substantial amount of effort on the part of the Department to coordinate with other public and private groups, funding for programs comes mostly from public sources.

Approximately half of the funds allocated under the Older Americans Act must be spent to provide nutrition services. It is, therefore, not surprising that programs which provide meals, either in a congregate setting or via home delivery, are the most widely available programs for seniors and seem to be most equitably distributed throughout the County. A successful nutrition project appears to be the base on which to build a system of additional services for seniors.

Ideally, a minimum package of other services available daily at each nutrition site should be information and referral, adult education and/or recreation. In addition, health screening and legal services should be provided at each site periodically. Transportation to the site should be available for the frail or disabled as well as in areas where local street conditions warrant.

Considerable reliance on local organizations and seniors to focus attention on unmet needs in their communities seems to have been intended as part of Federal and State law.

The Grand Jury concluded that it is important to seniors' well-being to provide opportunities for them to feel needed, useful and capable of handling responsibility, particularly in relation to volunteer service.

The Jury also observed that most seniors need the opportunity to talk and share with others. This need knows no economic or ethnic boundaries. Too much of the publicity surrounding senior programs has tried to justify them as ways to help the elderly poor when, in fact, what they do best is that which such programs were intended to do in the first place -- help seniors remain independent and have happier lives.

RECOMMENDATIONS

The Grand Jury therefore makes the following recommendations:

Nutrition

1. Projects should publicize the actual cost of meals served as a means of increasing participant awareness.
2. On a trial basis, and as an alternative to a suggested donation amount, flexibility in donations should be encouraged. Further, donations should not be represented as a charge for the meal.
3. Donations in excess of a predetermined amount should be used to enhance services at the site receiving the donations. This could include the provision of additional meals, such as box lunches to be taken home on Fridays, or better access services to the site.
4. Changes in regulations should be sought so that an acceptable practice would allow seniors to take from the nutrition site those foods which can safely remain unrefrigerated for a few hours.
5. The economic feasibility of having equipment on-site to freeze and safely reheat leftover meals should be explored.

Nutrition centers serving primarily ethnic groups should be reviewed by the Advisory Council to determine whether their diet preferences are being sufficiently considered.

Transportation

6. Donations for transportation should be suggested by all contractors. It should be acceptable to suggest a larger donation for personal needs transportation than for nutrition and medical transportation.
7. Medical transportation should be subject to less stringent geographic limitations than transportation for other services.
8. A carefully controlled pilot project to provide medical transportation by taxi, using scrip purchased at a discount, should be set up and evaluated by the Department.
9. To the extent possible under 1982 changes in the law, transportation for nutrition should be funded by the nutrition project.
10. Leasing should be explored as a possible alternative to owning vehicles where maintenance and lack of backup vehicles affect the reliability of service.

Information and Referral

11. Information and referral should be available at all nutrition sites, preferably on a daily basis, but at least weekly.
12. Information and referral services should actively seek retired or retiring government employees as volunteers so that their knowledge can be used to help seniors.
13. The possibility for involving volunteers in information and referral services should be more thoroughly explored as a means to involve seniors in their own programs.
14. Information and referral workers and volunteers, if used, should have more thorough training in telephone skills, such as probing for the issue, identifying the issue, limiting conversation without seeming to be abrupt and identifying the need for follow-up services.
15. To the extent economically feasible, every local telephone book should have a listing for "Senior Citizen Information" and a local telephone number whether or not that community has its own information and referral service.

Outreach

16. Rather than going door-to-door, outreach workers should be used primarily to follow up on referrals.
17. Periodic inserts in utility bills should be explored as a means of informing senior citizens of available services.

In-Home Services

18. The Department should fund training and referral programs for in-home service workers to help alleviate the critical shortage of qualified workers available for these services. Upon referral of a trained worker, seniors receiving services who have the financial ability to do so could be asked for a suggested donation.

Legal Services

19. The Department should encourage its contractors to seek help from the Los Angeles County Bar Association and local bar associations in recruiting attorneys to volunteer their time.

Advisory Groups and Coordination Efforts

20. The role and membership requirements of LACCOAA should be reassessed.
21. LACCOAA should be asked to conduct a study of services in County or City islands and border areas and to suggest solutions to solve underservice or competing services problems resulting from the existence in Los Angeles County of two AAAs. Determination, mediation and suggestions for the resolution of problems which arise because of the existence in Los Angeles County of two AAAs would also be an appropriate activity to be undertaken by the Los Angeles County Committee on Affairs of the Aging.
22. The Los Angeles County Area Agency Advisory Council should carefully document its efforts to study and evaluate legislation it supports.
23. The AAA Advisory Council should more actively seek to inform participants of its role and to improve its communication with them.
24. The Department should consider reducing the number of senior organizations assigned a staff person as liaison and evaluate the possibility of asking the Advisory Council to perform routine liaison activities and report to the Department.
25. The Department and the Advisory Council should seek changes in the regulations to simplify reporting requirements at all levels and to concentrate compliance activities on the substantive aspects of programs.

Use of Volunteers

26. The Department should consider designating one of its staff members as the Director of Volunteer Services.
27. The Department should consider redefining the duties of a staff person to include responsibility to assess the quality, as well as the quantity, of volunteer services being provided.
28. The Department should develop realizable goals for more effective and meaningful use of volunteers in senior citizen programs.
29. Senior citizens should be provided opportunities for meaningful service commensurate with their skills and experience.

Miscellaneous

30. The Department should consider developing guidelines for its contractors who may be willing to promote shared housing as a means to alleviate the shortage of affordable housing for seniors.
31. The Department should consider requesting each of its contractors to furnish a plan for employing seniors as paid personnel.

(This review was conducted by Grand Jurors Rebecca Allen, Chair, Patsy Edwards, Mildred Light, and Carmelita West with the assistance of the contract auditor.)

GROUP II - PRELIMINARY REVIEWS

DEPARTMENT OF BUILDING SERVICES

The Department of Building Services (DBS) provides custodial and related services to approximately 400 County-owned facilities, including health care facilities.

In 1978 the County electorate passed Proposition A which allowed services being rendered by County personnel to be contracted to private enterprise. It subsequently became the policy of the Board of Supervisors to encourage such contracting.

OBJECTIVES

The objectives of the Grand Jury were to:

- Ascertain the current status of the implementation of the Board's policy re contractual services
- Determine what plans DBS had for additional implementation
- Determine management operational effectiveness.

APPROACH

Interviews were conducted with and documentation was obtained from representatives of the Department of Building Services, Chief Administrative Office and Auditor-Controller's Office.

FINDINGS

In 1981 the DBS in coordination with the CAO developed specifications for custodial services; bids were advertised and contracts amounting to \$471,000 were awarded for custodial services in six facilities.

It was estimated that the cost for the Department to accomplish the same work at these six facilities would have amounted to approximately \$1,051,000. The projected savings of \$580,000 does not take into account the departmental expense of providing supervision of the contractors' work product; however, it is apparent that substantial savings can be realized from the use of private sector contractors to perform custodial services.

The contracts covering the six facilities represented the Department's first attempt at contracting, and resulted in complaints from the building occupants as well as the contractors. Admittedly, DBS personnel are in a learning process and now realize that more specific statements of work and other contractual provisions may be necessary to ensure adequate performance.

The Department has plans for contracting building services at a number of additional facilities, and requests for bids are in various stages of preparation at this time.

Over a period of four years, 1978-82, DBS has assumed responsibility for six hospitals and a number of facilities which were maintained by various departments with their own custodial staffs. In addition to these added responsibilities the Department has been required to absorb budgetary and personnel reductions, but has been performing its function adequately despite increases in workload per employee.

CONCLUSIONS

The limited review made of the Department of Building Services has indicated that relatively recent changes in County policy, an adverse economic climate, added responsibilities plus additional workloads have provided challenges which must be faced and overcome by management. However, a properly phased substantial increase in contracting custodial services to competent private contractors should alleviate many of these problems. It is apparent to the Grand Jury that there is a substantial opportunity for cost savings to the County in this area.

RECOMMENDATIONS

The Grand Jury recommends that the Department of Building Services aggressively seek to contract with outside parties to perform building maintenance services wherever possible.

The Grand Jury further recommends that the 1982-83 Grand Jury ascertain the progress the Department of Building Services has made in reducing the number of facilities serviced and maintained by County employees.

LOS ANGELES COUNTY HOUSING AUTHORITY

The Housing Authority of the County of Los Angeles (HACOLA) assists low-income people within Los Angeles County in obtaining safe, sanitary and affordable housing. The Authority may either place eligible applicants in Authority-owned units, or in privately-owned units that meet minimum standards of the U.S. Department of Housing and Urban Development (HUD). In the case of these privately-owned units, rental subsidies are provided by HUD under its Section 8 Housing Assistance Payment (HAP) Program. The total units which were owned or administered by HACOLA as of June 30, 1981 are shown in the table below.

Units owned -- conventional public housing:		2,053
Units administered:		
Section 23 leased	159	
Section 8 existing	9,059	
Section 8 new construction	226	
Section 8 moderate rehabilitation	322	9,766
Total:		11,819

The Section 8 HAP Program was initiated in the mid-70s and is now administered by local public housing authorities throughout the nation. Under this program, HACOLA facilitates the placement of low-income tenants (as defined by HUD) in privately-owned units. The qualified tenant pays the landlord an amount prescribed by HUD regulations that is not to exceed 25 percent of the tenant's adjusted gross income. The difference between the owner's listed rent (which cannot exceed HUD's fair market limits) and the amount paid by the tenant is paid to the owner by HACOLA, which in turn is reimbursed by HUD.

HACOLA's responsibilities for the Section 8 HAP Program consist of the following elements:

- Screening eligible applicants for the program
- Assisting tenants in finding units
- Inspecting tenant-selected units for compliance with HUD minimum property standards
- Making monthly housing assistance payments to property owners
- Recertifying tenant eligibility annually.

The Audit Committee requested the contract auditor to review the HACOLA Section 8 eligibility criteria, review and control procedures, believing it was possible that HACOLA should be screening its applicants more closely to identify ineligible individuals and remove them from the program to accommodate people who met assistance requirements.

OBJECTIVES

The objectives of the limited review were to:

- Gain an understanding of the scope of services, personnel strength, budget and organization of the Authority
- Review the Authority's administration of the U.S. Department of Housing and Urban Development Section 8 Housing Assistance Payments Program
- Identify the possibility of abuses concerning tenant eligibility for the Section 8 Program.

APPROACH AND WORK PLAN

In performing this review, the contract auditor and members of the Grand Jury interviewed and obtained materials relating to HACOLA from representatives of the CAO, the Auditor-Controller's office and HACOLA management personnel. The contract auditor also reviewed all audit reports of HACOLA by HUD auditors and independent public accountants for the last five years, conducted a telephone interview with HUD's national Section 8 Administrator in Washington, D.C., and conducted follow-up telephone interviews with HACOLA personnel.

FINDINGS

The findings, which were completed in September 1981 revealed that:

- HACOLA's administration of the Section 8 Program is routinely monitored by HUD.
- HUD recognizes that the potential for fraud and program abuse exists due to tenants' unreported incomes, but feels that extensive investigation of this problem is not economically feasible. As a matter of national policy, HUD pursues specific instances that are brought to its attention.
- No County is involved in this Federally-funded program.

- At the outset of the review, it was noted that HACOLA had just undergone a detailed review by HUD and was awaiting delivery of the final report.
- Discussions were being conducted among County officials regarding merging the operation of HACOLA with those of other County departments.

Therefore, based upon the circumstances noted above, the contract auditor recommended to the Grand Jury that additional work within this department would not prove to be productive considering the changes occurring in the Department. The Grand Jury agreed with the recommendation, but suggested that no written report be prepared until the results of the HUD Section 8 audit in progress had been reviewed.

After several months, the HUD report had been issued, and HACOLA had made its response. Specific errors noted by HUD were to be corrected by HACOLA, and increased administrative controls were to be implemented.

In February 1982 the County completed its consolidation study of HACOLA and determined that significant cost savings and improvement in the effectiveness of the HUD Section 8 Program could be achieved through HACOLA's consolidation with an existing department of the County. Such consolidation has been ordered by the Board of Supervisors and is now in effect.

CONCLUSIONS AND RECOMMENDATION

The HUD Section 8 HAP Program has undergone several major changes in the last few months. These changes have been made to improve the operational aspects of the Program, as well as to reduce the overall costs of operation. In view of their recency, the positive effects of such changes will not be fully felt for some time.

Therefore, the Grand Jury determined that no further action should be taken at this time. However, it is recommended that a more detailed review be scheduled by a Grand Jury in the near future.

DEPARTMENT OF COUNTY ENGINEER- FACILITIES

The Department of County Engineer- Facilities (DCEF) is responsible for administration of all real estate owned or leased by the County. This function encompasses the operation of facilities covering approximately 39 million square feet of building space in 3,829 separate structures.

OBJECTIVES

One of the divisions of DCEF is the Property Management Division which has two sections; Leasing and Revenue, and Space Management Services. These were the sections which were selected for review because of their revenue producing function.

APPROACH

Interviews were conducted and management and audit documentation was obtained from representatives of Leasing and Revenue and Space Management Services sections, DCEF, County Economy and Efficiency Commission, Chief Administrative Office and Auditor-Controller's Office.

FINDINGS

The Department generated over \$12 million in concession and franchise income in fiscal year 1981. It is and has been attempting to maximize additional income plus savings through innovations concerning potential additional revenue resources, identification and sale of excess County property, and placing Federal and State subvented program occupants in leased rather than owned space in order to increase lease expense reimbursement.

The Auditor-Controller has the responsibility for auditing the revenue generated by gross revenue percentage leases from concession and franchise holders. Although these audits in the past have produced additional revenue from some concession franchise holders, the Auditor-Controller has not been able to conduct systematic audits because of personnel and budgetary limitations even though it has been shown that the additional revenues produced by the current sporadic audits far exceed the expense to the County.

It was ascertained that some vendors have not been audited since 1976, and some franchises have never been audited.

RECOMMENDATIONS

The Grand Jury recommends that:

1. The Auditor-Controller be provided adequate appropriate personnel to conduct systematic audits of concessions and franchises.
2. New vendor leases contain a condition requiring the annual submission of either a financial statement or income tax return.
3. The present periodic monitoring activities by the DCEF and operating departments be continued.
4. To reduce the administrative effort involved in annually verifying the County portion of gross receipts, an alternative recommendation would be consideration of drafting vendor lease renewals at a fixed fee that is comparable to the gross revenue percentage received over the past years.

GROUP III - HOLDOVERS FROM 1980-81

DEPARTMENT OF ADOPTIONS

The Los Angeles County Department of Adoptions (CDA) Audit was prepared by Arthur Young and Company, the 1980-81 Grand Jury contract auditor. Because the report was undertaken late in the term, it was held over for review and approval by the 1981-82 Grand Jury.

The County Department of Adoptions, the only adoption agency in the state which is not a part of the County's social service agency, was established in 1949. It was separated from Los Angeles County's Department of Public Social Services (DPSS) in order to facilitate the adoption procedure.

According to the staff of CDA, there is a perception on the part of some parents that an agency concerned principally with adoptions is better able to handle care and placement of their children. Thus, those whose children would otherwise remain in long-term foster care arrangements are more likely to relinquish such children for adoption. Providing a more stable family relationship through adoption not only benefits children, but also may save tax dollars that would have been expended to keep them in foster homes.

Several significant events in the last decade dramatically reduced the number of children available for adoption: contraceptive measures became readily available, court decisions legalized abortions, and unwed mothers started keeping their babies. The nature of the Department's caseload also changed from placement of large numbers of Anglo infants to predominant placement of children for whom it was more difficult to find adoptive homes because of ethnicity, age, health or other factors. CDA is about half the size it was in 1970, and 85 to 90 percent of the children referred to the Department are categorized as hard to place.

OBJECTIVES

CDA had not been audited since it was established. The reason for this review was to see how well it serves parents and children. Based on an initial interview by the contract auditors with the Department's director and others, it was determined that the review would focus on four major areas:

- Operations and funding of CDA programs
- Budgeting and control of CDA staffing
- CDA's foster care services
- Data collections, use and storage.

In the course of the study, the auditors met with the Department's director and deputy director, administrative staff members, three district directors, over ten caseworkers, and specialists involved in program services. The Department of Public Social Services, County Counsel, and two Superior Court judges were contacted, and information was obtained from the State Department of Social Services. Visits were made to four private adoption agencies: Latter Day Saints, Holy Family Services, Vista del Mar and Children's Home Society.

FINDINGS

The Department, under the Director of Adoptions, has two branches -- Program and Administration -- which are headed by deputy directors. The Program branch provides professional services before and after adoption. The Administrative branch collects data and compiles statistical reports for the State and internal use. It also performs the personnel and accounting functions. The branches are housed in separate buildings with district and satellite offices in various locations in the County. Each district is fully staffed with a director and deputy director. Reporting relationships are not clearly defined.

Approximately 95 percent of the cost of CDA activities is reimbursed by the State based on time studies performed at State and County offices. In the past 10 years CDA has not consolidated or reorganized the Department. The lack of a suitable building has been the biggest

drawback. Overall staffing has been reduced, but it appears that the ratio of supervisors to caseworkers is too high. The authorized position of program consultant is open and is being filled by the personnel officer.

Children are referred to CDA by DPSS and through direct contact by parents. The Department has a backlog of prospective adoptive parents who are interested only in infants. When the Department has an infant for adoption, it often finds that circumstances have changed for the applicants next on the waiting list, and they are no longer available. Additions to the pool of prospective parents appear to be made without regard to potential need. To provide a workable pool, new applications should be taken only when the pool needs to be replenished, and procedures to keep it up to date by periodic review should be established.

State law requires that the County fund and perform stepparent adoption studies. Stepparent adoptions occur when an individual petitions to adopt the child of his/her spouse. The process does not change the living arrangement of the child, nor does it affect the birth parents' custody of the child if the petition is denied.

The Department is usually designated by the courts to conduct investigations related to independent adoptions, such as those arranged by physicians, attorneys, individuals themselves, or by an agency not licensed by the State. The process includes a petition to the court to adopt the child and relinquishment by the birth parent. Costs of handling responsibilities related to independent adoptions are considerably higher than those related to stepparent adoptions. The responsibility for study and investigation of each petition for adoption which is delegated to the County could be assumed by the courts, rather than the Department of Adoptions. The courts could charge an appropriate fee for such services.

Foster care programs are operated by several County departments, including CDA, DPSS and Probation. The care may be in a foster home, group home, or an institution. Foster care provided by CDA is supposed to be an interim arrangement with the prospective adoptee under the supervision of the Department during the time required to carry out necessary relinquishment and placement proceedings.

Children in foster care under the supervision of DPSS may have been made wards of the court for a variety of reasons or may be those whose parents are unable to care for them for a period of time. Some of these children require foster care for years, but cannot be adopted because the parents do not wish to relinquish them. Others could possibly become available for adoption. Children in this latter category are referred to CDA. Under a contract with DPSS, CDA is reimbursed for services such as visits to the child, counseling, and other services related to the Aid to Families with Dependent Children program. It appears that children not imminently placeable have not been returned by CDA to DPSS. The result has been that the Department of Adoptions has provided foster care after it appears that DPSS would be a more appropriate agency to do so. The majority of the children are cared for under a reimbursement program, most of which comes from Federal or State funding, but the overall cost in tax dollars from all levels of government is less for foster care provided by DPSS.

The foster care program of CDA suffers from lack of a single administrator responsible for its direction. Caseworkers report to a supervisor, but caseloads are integrated so that each caseworker performs a variety of duties. Many reports are required, but consistent criteria to assure that the level of service is uniformly delivered by each caseworker are lacking. Further, documentation of service delivery is insufficient; there is need for an organized and standardized

format for case files. Without these basic tools to adequately review the work of caseworkers, supervisory personnel cannot assure that the children are receiving the required attention.

The filing and record-keeping system used by CDA has become burdensome, with an excessive array of forms, some of which appear to be duplicative. The formation of a committee to study the forms used by the Department does not appear to have resulted in any extensive review nor have steps been taken to make them more effective. A user survey, conducted by the Department, was primarily for the purpose of gaining information which could be used in developing an automated data processing system. Such a system would require additional funding and approval of the Chief Administrative Office. Further study is needed to determine and refine requirements for such a system.

The review of the County Department of Adoptions was completed early in the term of the current Jury. Members of the 1981-82 Grand Jury met with the CDA Director to provide an opportunity for comments from the Department to be considered before releasing the report. Disagreement with the report in many respects was expressed at that time and in a formal response from the Department. The high quality of work done by the Department is recognized by the Grand Jury; but, in the opinion of the Grand Jury, the implementation of the recommendations made by the contract auditor will make possible the delivery of excellent service at a reduced cost.

A response was received from the Chief Administrative Officer subsequent to release of this review. The response indicated that some of the recommendations have been implemented or were in the process thereof. Steps leading to consolidation of offices, which began in 1977, are taking place and are targeted for completion in 1983. The Department has adopted a standardized format for case files and is following up to see that employees are completing required summary forms. The County will consider asking reimbursement for investigative expenses incurred in adoptions if legislation is passed which makes it possible to recover these expenses from natural parent, adoptive parent or stepparent with sufficient financial capability. The CAO supports the recommendation to transfer children to DPSS who are not imminently placeable.

CONCLUSIONS AND RECOMMENDATIONS

Considerable cost savings in operating the Department appear to be achievable. The staff appears to be top-heavy with supervision no longer necessary because of the experience level of most caseworkers. An analysis of the staff should be made to determine whether present staffing levels are necessary. Standardizing of records to reduce duplication, development of improved methods and procedures to carry out mandated programs, consolidation and relocation of offices should be pursued as a means to reduce costs.

The smaller number of infants available for adoption in relation to the number of applicants desiring to adopt an infant should be considered by the Department in planning for the future. In addition, steps should be taken to develop and implement a plan for focusing the activities of the Department toward finding adoptive parents for children not accepted for placement by private agencies.

The Department should categorize the studies and services necessary in independent and stepparent adoptions. It may become apparent that the courts should be asked to assume responsibility for investigative work, while the Department would continue to provide the other services.

The length of time that some children in foster care are supervised by the Department appears to exceed that for which the Department should be providing care. The solution may lie in better communication between DPSS and CDA as to the potential for a particular child for adoption. However, if better screening of children accepted from DPSS does not reduce the number of children in relatively long-term foster care under CDA, the appropriate course would be to return children who have not been placed to DPSS supervision after a determined period of time.

The complete audit report with detailed recommendations and the Department's response are on file in the Grand Jury Office.

DEPARTMENT OF PURCHASING AND STORES

The Department of Purchasing and Stores has several divisions, one of which is responsible for the procurement of the supplies and services required to carry out the duties of agencies of the County of Los Angeles.

The purchasing function includes bid solicitations and negotiations which, in 1980-81, culminated in purchases totaling approximately \$299 million.

On May 5, 1981, the Board of Supervisors approved a motion by Supervisor Antonovich "that the Chief Administrative Office report on County Eyewear Procurement dated April 29, 1981, be referred to the County Grand Jury for their review and subsequent disposition."

The 1980-81 Grand Jury interpreted this motion as a "request to study both the conflict of interest rules governing the operations of the County Purchasing Agent and the issue of appropriate levels of limitation on authority to issue purchase orders on behalf of the County of Los Angeles."

APPROACH

The review of the Purchasing Division focused upon three areas: (1) an assessment of the discretionary purchasing authority of the Department's purchasing agents; (2) a review of the Department's conflict of interest policies and procedures for disclosing interests; (3) a review of the adequacy of financial controls over purchasing against blanket purchase orders and agreements. As this study was not completed prior to July 1, 1981, it fell to the 1981-82 Grand Jury to complete it and forward the results to the Board of Supervisors.

RECOMMENDATIONS

Seventeen recommendations to the Department were submitted by the contract auditor retained to perform this study. Members of the 1981-82 Grand Jury discussed these recommendations with representatives of the CAO and the Purchasing and Stores Department head. The recommendations which follow were subsequently forwarded to the Board of Supervisors by the 1981-82 Grand Jury.

1. Revise and expand reporting to the Board of Supervisors on purchases made.
2. Institute review of purchase orders as a standard procedure.
3. Establish specific guidelines governing deletion of firms from the vendor bid list.

4. Institute a routine consolidation/split contract review.
5. Expand controls over contract extensions.
6. Improve information accessibility on consumption quantity.
7. Improve management control information.
8. Limit use of blanket purchase orders.
9. The Purchasing Agent should authorize departments to issue purchase orders for non-agreement items below \$500.
10. The Purchasing Agent should authorize departments to issue purchase orders without dollar limit for all agreement items.
11. Require departments to document all non-agreement items.
12. Review all disclosure forms.
13. Modify the list of designated employees and disclosures required.
14. Expand the disclosure reporting instructions and guidelines.
15. Continue to issue a consolidated list of vendors.
16. Review and modify policies related to conflict of interest by personnel.
17. Require that all departmental procurement officers file disclosure statements.

The Purchasing Agent generally agreed with the recommendations except Numbers 9, 10 and 11, which he felt should be reviewed by the County Counsel.

The Los Angeles County Counsel reviewed Recommendation Numbers 9, 10 and 11, and on October 20, 1981, advised the Grand Jury that by virtue of provisions in the Government Code and County Charter, the County Purchasing Agent has the exclusive legal responsibility to purchase all equipment, supplies and personal property on behalf of the County, and this exclusive authority is subject only to policies and regulations which may be adopted by the Board of Supervisors. Consequently, these three recommendations could not legally be implemented.

Despite County Counsel's opinion the contract auditor felt the recommendations were reasonable, appropriate and advisable, would contribute to a more efficient, effective operation and suggested the Purchasing Agent seek ways to implement them in a manner not inconsistent with the County Counsel's advice.

DEPARTMENT OF CONSUMER AFFAIRS

The Department of Consumer Affairs was created by the Board of Supervisors in 1975. Most of its funding is from Los Angeles County. The latest available figures show a budget of \$730,000 with a net County cost of \$690,000. The Department has not previously been audited by the Grand Jury.

The 1980-81 Grand Jury took initial steps to audit the Department of Consumer Affairs. However, upon learning that the County Auditor-Controller had scheduled a management audit of the Department, the Grand Jury decided not to proceed until that audit was completed. Time constraints made it impossible for the 1980-81 Grand Jury to follow up the work of the Auditor-Controller. Therefore, this project was taken up by the 1981-82 Grand Jury.

OBJECTIVES

The objectives of this review were to carry forward work begun by the previous Grand Jury and to determine what additional matters in relation to the Department of Consumer Affairs might require the attention of the current Grand Jury.

APPROACH AND WORK PLAN

The report of the County Auditor-Controller on the Consumer Affairs Department and the Department's response were reviewed by members of the 1981-82 Grand Jury Audit Committee. A visit was made to the Better Business Bureau, a privately funded organization with similar concerns. Subsequently, members of the Committee went to the Department where records, procedures, and general flow of work through the department were examined. Observations and concerns were discussed with the Department head and her staff. In addition, the Committee interviewed a representative from the District Attorney's Office and reviewed the Committee's findings with the County Auditor-Controller.

FINDINGS

The Grand Jury found that several recommendations made by the Auditor-Controller appeared to have been implemented and that the Department was moving to comply with others. However, the Department did not agree nor plan to comply with certain recommendations regarding time standards, reporting of restitution amounts, and training.

In addition, the Grand Jury found that training of operators and use of the System 6 word processor should be improved. The Grand Jury also found that job descriptions other than entrance level and clerical do not require specific skills-level training for advancement, the only requirement essentially being length of service within the Department. Entry level positions require volunteer or paid experience in consumer-related matters. Few staff members have previous experience in County government.

The Grand Jury found that volunteers are one of the most important resources of the Department of Consumer Affairs. At present volunteers are assigned to answering walk-in and telephone inquiries, with staff backup on more difficult questions. Occasionally, clerical work or speaking engagements may be assigned to volunteers.

CONCLUSIONS

The Department of Consumer Affairs, a relatively new department, has experienced many successes in resolving consumer problems and in developing programs with considerable potential. Most of its problems appear to be due to inexperience in meeting requirements which are necessary in order for governmental units to document and be accountable for their activities, rather than from inadequate performance in actual delivery of service to the public. However, in

an era of budget tightening, each government employee must not only be doing a given job but must be able to document that the job is being done in the most efficient manner.

The availability of the type of services performed by the Department is an important resource to residents of Los Angeles County and should be continued. The recommendations of the Grand Jury herein are made with a view toward helping the Department and/or its function to survive.

RECOMMENDATIONS

The Grand Jury recommends that:

1. Full capability training on the System 6 should be sought from the equipment lessor.
2. Additional personnel within the Department should be trained for backup on the System 6 so that capable operators are always available.
3. A case-by-case record of time spent in resolving each case should be kept and more specific time standards developed.
4. The Department should verify a sample of restitution amounts reported on each case jacket, using methods recommended by the Auditor-Controller.
5. The Department should seek help from the Chief Administrative Office in training those who supervise the work of others in standard administrative procedures and skills.
6. The Department should seek advice available without charge from the telephone company on the best use of its telephone system, including training of staff and volunteers in efficient use of the telephone. The Grand Jury recommends that modification of the telephone system be made if needed to conserve staff time.
7. In-house training should be systematized.
8. Volunteers with sufficient experience should be trained to initiate mediation on cases involving small dollar amounts.

Rebecca Allen, Chair
Marvin Avery, Chair, resigned 12/31/81
Rose Black
Warren Bosley
Edmond Desjardins

Patsy Edwards
Pina Fisher
Catherine McAdoo
James Wilcott

AD HOC COMMITTEE ON RECOMMENDATION REVIEW

PURPOSE

The purpose of this Committee was to review the comments of the Chief Administrative Officer on the findings and recommendations of the 1980-81 Grand Jury contained in its final report released July 15, 1981. The objective was to analyze the responses and follow up on recommendations which had been neither accepted nor rejected, or which had been accepted but not implemented at the time of the Board of Supervisors' official response issued in October 1981.

FINDINGS

The Committee was satisfied that, in general, the recommendations had received thoughtful consideration. There had been positive response to 65 percent of the recommendations -- i.e., they had been either accepted, partially accepted, or taken under study. As of November 1981, more than one-third of these had been put into effect. Approximately 25 percent of the recommendations had been rejected, the reason in most cases being lack of funds. In the remaining 10 percent, responses were inconclusive or, in three cases, no response was made. This oversight was brought to the Board's attention by letter, and a prompt reply was received. The fact that recommendations could be overlooked points up the value of a review of this kind.

Follow-up was made on 28 recommendations which had not been reported as implemented. Members contacted the departments involved and found that 14 had been adopted in whole or in part. Some were awaiting developments such as expiration of existing contracts; others were under continuing study. The Committee was impressed with the courtesy and cooperation of all the individuals contacted, and the thoroughness of their explanations.

RECOMMENDATION

The Grand Jury recommends to succeeding grand juries that they establish similar review committees to provide continuity and assure follow-up on the work of the preceding Grand Jury.

Mildred Light, Chairman
Lee West, Co-Chairman
Rose Black
Susan Dixon
Patsy Edwards

Pina Fisher
Cresia Green
Anita Martinez
Roxanne Oliver
Linda Smith