

1999 - 2000
LOS ANGELES COUNTY
GRAND JURY



Final Report

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COUNTY OF LOS ANGELES
GRAND JURY
13-303 CRIMINAL COURTS BUILDING
LOS ANGELES, CA 90012
213-974-3993

To The Residents of Los Angeles County:

It is neither a duty nor an obligation for any citizen to serve on the Grand Jury. It is, instead, an opportunity to participate in a unique and valuable public service.

In order to avail oneself of this opportunity, interested citizens must exercise personal initiative to volunteer for grand jury service and join other interested people in a pool of applicants from which 23 names will be randomly selected to constitute the Grand Jury.

The time and energy commitment required of grand jurors cannot be overstated. Members of the Los Angeles County Grand Jury essentially work five days a week, fifty weeks a year conducting management/operational investigations of city, county, or special district agencies. In addition, the Grand Jurors participate in criminal indictment and investigative hearings.

The 1999-2000 Grand Jury conducted over 42 criminal hearings involving over 133 individual targets (suspects) and heard testimony from over 325 witnesses.

In exercising our mandate to conduct civil investigations of selected governmental agencies we have, throughout this report, attempted to set forth our findings in an objective and constructive manner.

It is our hope that the agencies identified in this Final Report will use our report for further improvement of their operations, and that Los Angeles County government will exercise the leadership necessary to insure such improvements.

The nature of any civil investigative report is such that the focus is on deficiencies and/or areas of needed improvement. Recognizing this, it is important to point out that we encountered many dedicated and effective employees in county government.

We extend our appreciation to Rand, the Harvey Rose Accountancy Corp., and KH Consulting Group for their valuable assistance in conducting our investigations.

The various committee reports included in the Final Report are the product of the work of the committee members identified at the beginning of each report, and reflect the concurrence of the full Grand Jury.

On behalf of the entire Grand Jury, I thank the Board of Supervisors for providing the resources which enabled the Grand Jury to fulfill its mandate. We also thank Supervising Judge Larry Paul Fidler, Assistant County Counsel Fred Bennett, and Assistant County Auditor-Controller J. Tyler McCauley, all of whom provided essential support to the Grand Jury.

We would like to recognize the grand jury staff who provided the support which is so vital to grand jury operations; Deputy District Attorney Laura Priver, Legal Advisor; Tim Fox, Bailiff; Diana Grace, Court Reporter; and Velma Moore, Secretary.

We extend special thanks on behalf of the 1999-2000 Grand Jury, as well as prior grand juries, to Deputy District Attorney Steve Licker, Legal Advisor and Richard Colby, Court Reporter. Both Mr. Licker and Mr. Colby served with distinction in their respective positions with the Grand Jury prior to their retirement from county service during our tenure.

Speaking on behalf of the 1999-2000 Grand Jurors, it has been an education, a challenge, and an honor to serve our community in this capacity.

Respectfully,

Clayton R. Anderson
Foreman

INTRODUCTION TO THE GRAND JURY

The Los Angeles County Grand Jury is a volunteer body of 23 Los Angeles County citizens charged and sworn to conduct criminal indictment hearings, respond to citizen complaints, and inquire into matters of civil concern within the boundaries of Los Angeles County and incorporated cities within these boundaries. In addition, the Grand Jury is required to inquire into alleged public offenses committed or triable within the County. Grand Jury duties, powers, responsibilities, qualifications, and the selection process are set forth in the California Penal Code §888 *et seq.*

The Grand Jury conducts criminal indictment hearings wherein the Los Angeles County District Attorney's Office presents evidence and witnesses, under oath, in criminal matters. To bring an indictment, the Grand Jury must determine whether there is sufficient evidence to create a strong suspicion that a criminal offense was committed and that the alleged suspects were involved. It requires a vote of 14 members of the Grand Jury to indict.

The Grand Jury reviews and evaluates procedures, methods, and systems used by governmental agencies to determine whether they comply with the stated objectives of the agency and if their operation can be made more efficient and effective. It may inquire into any aspect of county/city government, including special legislative districts and joint powers agencies, to ascertain that the best interest of Los Angeles County residents are being served.

The Grand Jury functions lawfully only as a body. No individual grand juror, acting alone, has any power or authority. Meetings of the Grand Jury are not open to the public. Law requires all matters discussed before the Grand Jury and votes taken, to be kept private and confidential. The end result of inquiries into civil matters are released to the public via a final report which is approved, prior to release, by the Presiding Judge or his designee, the Supervising Judge of the Criminal Division of the Superior Court.

The Penal Code requires the Grand Jury to:

- Inquire into the condition and management of jails within the County.
- Investigate and report on the operations, accounts, and records of county officers, departments, and functions.
- Inquire into the willful or corrupt misconduct in office of public officers.
- Submit a final report of its findings and recommendations, no later than the end of its term, to the Presiding Judge of the Superior Court. Agencies to which these recommendations are directed are required to respond to the Los Angeles County Board of Supervisors within 90 days after the final report is released.

REQUIREMENTS TO BECOME A GRAND JUROR

Grand juror candidates must meet all of the following qualifications:

- Be a citizen of the United States.
- Be at least 18 years old.
- Be a resident of California and Los Angeles County for at least one year immediately prior to selection.
- Possess ordinary intelligence, sound judgment, and good character.
- Must not be serving as a trial juror in any California court.
- Cannot have been discharged as a grand juror in any California court within one year of the beginning date of service (July 1).
- Cannot have been convicted of malfeasance in office, any felony or other high crime.
- Cannot be serving as an elected public official.

JUROR SELECTION PROCESS

In counties over 4,000,000 (such as Los Angeles County) the law states that there shall be 23 members of the Grand Jury with 4 alternates. These 23 members are selected by an application, interview, and random draw process to serve for a term of 1 year that begins July 1 and ends June 30. First, one must apply by early November. All names are put into a selection pool along with other appointees to the pool made by judges. Each Judge in the County may appoint 2 people to the pool. The pool usually has several hundred applicants and appointees. A panel of judges then interviews candidates. By March the pool is reduced to approximately 140. From this list there is a random draw of 40 plus 10 alternates. In May a background check is made of the 40 nominees and the 10 alternates. In early June, a second random draw of 23 plus 4 alternates is made from the pool of 40. The 23 who are selected are sworn in on July 1. Thus, the selection process lasts for about 6 months.

TIME INVOLVEMENT

The Grand Jury convenes Monday through Friday, is paid per diem for the actual 200+ days worked (currently \$25.00 per day), and is provided free parking. Holidays, vacations and other times off are taken without remuneration. Mileage is reimbursed for travel between jurors' residences and the Grand Jury office, and for travel on Grand Jury business (currently 26 cents per mile).

Any interested person who meets the required qualifications should request further information from:

Los Angeles County Grand Jury Services
320 West Temple Street, 15th floor
Los Angeles, CA 90012
213-974-5814

Also one may visit the Grand Jury website - <http://grandjury.co.la.ca.us>



1999-2000 Los Angeles County Grand Jury and staff

Back Row(left-to-right): Velma Moore(*Office Secretary*), Diana R. Grace(*Court Reporter*), Latonia McDaniel, James B. Avery, Sr., Yvonne M. White, Byron Culp, Bud Kennedy, Maurene F. Nelson, Victor McCarty, Rosetta Saunders, Margaret Tucker, Ronald L. Chovance, Timothy W. Fox(*Bailiff*)

Middle Row: Stephen Licker(*Legal Advisor*), Betty Burns, Walter Lowenstein, Tammi Sharp, Richard Niederberg, H. J. Holshuh II, Susie Chapman, Jacquelin McHenry

Front Row: Gunter Altman, Florence L. Davis, Eugene A. Taylor Jr., Honorable Larry Paul Fidler, Inman Moore, Toni Maurer, Clayton R. Anderson

Not Pictured: Laura Priver(*Legal Advisor*), Richard Colby(*Court Reporter*)

1999-2000 LOS ANGELES COUNTY GRAND JURY

GUNTER ALTMAN	Van Nuys	Retired
CLAYTON R. ANDERSON	Agua Dulce	Investigator
JAMES B. AVERY, SR.	Burbank	Postal Instructor (ret.)
BETTY BURNS	Hollywood	Retired
SUSIE CHAPMAN	Carson	Int'l. Records Clerk, USPS
RONALD L. CHOVANCE	Pacific Palisades	Businessman, CEO (ret.)
BYRON CULP	Carson	Divorce Mediator
FLORENCE L. DAVIS	Altadena	Educator (ret.)
H. J. HOLSHUH II	Long Beach	Veterinary Pathologist
BUD KENNEDY	Rowland Heights	LAPD, Pasadena PD (ret.)
WALTER LOWENSTEIN	Los Angeles	Retired
TONI MAURER	Claremont	Paralegal (ret.)
VICTOR McCARTY	Long Beach	Certified Public Accountant (ret.)
LATONIA McDANIEL	Los Angeles	Data Technician, USPS
JACQUELIN McHENRY	Claremont	Community Activist
INMAN MOORE	Pasadena	Businessman/Minister
MAURENE F. NELSON	Sierra Madre	University Professor (ret.)
RICHARD NIEDERBERG	Studio City	Entertainment Lawyer, Producer
ROSETTA SAUNDERS	Inglewood	US Postal Service Supervisor
TAMMI SHARP	Bellflower	Homemaker
EUGENE A. TAYLOR, JR.	Valencia	Colonel, US Army (ret.)
MARGARETT TUCKER	Los Angeles	Retired
YVONNE M. WHITE	Los Angeles	State Dept. Foreign Service Off.

OFFICERS

Foreman	Clayton R. Anderson
Foreperson, Pro Tem	Maurene F. Nelson
Secretary	Florence L. Davis
Secretary, Pro Tem	Latonia McDaniel
Sergeant-at-Arms	Rosetta Saunders
Sergeant-at-Arms, Pro Tem	Bud Kennedy
Treasurer	Richard Niederberg
Parliamentarian	Toni Maurer

ADVISORS

Honorable Larry Paul Fidler

Stephen Licker, Deputy District Attorney
Laura Priver, Deputy District Attorney

STAFF

Court Reporters	Richard Colby Diana R. Grace
Secretary	Velma Moore
Bailiff	Timothy W. Fox

EDIT AND PUBLICATION COMMITTEE REPORT

The law mandates that the 1999-2000 Los Angeles County Grand Jury publish a Final Report prior to the conclusion of their term of office on June 30, 2000. The Final Report consists of the findings, conclusions, and recommendations of the various investigations conducted by the Grand Jury.

Internally, the Grand Jury is divided into a number of committees. Each committee takes responsibility for conducting and/or supervising the investigations within their respective field of interest. To initiate an investigation by any of the committees, the committee must have the approval of the entire Grand Jury. In certain instances, committees are aided in their investigations by the employment of outside auditing firms.

Once the committees have made their investigations and written their reports they are then submitted to the Edit Committee for editing and publication. Prior to publication, all reports must be approved by the Grand Jury as a whole. For legal purposes, the reports are then submitted respectively to: the Grand Jury Foreman, the Grand Jury's Legal Advisor, the County Counsel, and the Presiding Judge of the Criminal Court. After all parties have signed off, the Edit Committee is responsible, working with county procurement, for printing and publishing the Final Report.

1300 copies of the Final Report are distributed. The distribution includes: the County Board of Supervisors, Superior Court Judges, the District Attorney, the Public Defender, the Probation Department, the Sheriff, various county departments, chiefs of police in cities throughout the county, news media, public libraries, public interest groups, and other interested citizens. The Final Report will also be available on the Internet.

<http://grandjury.co.la.ca.us>

Inman Moore, Chairperson

H. J. Holshuh II

Toni Maurer

Richard Niederberg

Maurene F. Nelson

Margarett Tucker

ORIENTATION COMMITTEE REPORT

The purpose of the 1999-2000 Los Angeles County Grand Jury Orientation Committee is to prepare the newly appointed members of the 2000-2001 Grand Jury for their year of service by instilling upon them some of the rules, traditions, and obligations facing them. It is important that the incoming Grand Jury receive a realistic overview of what is expected of them as Grand Jurors. To this end, the Orientation Committee holds two orientation sessions for the incoming Grand Jury.

Jacquelin McHenry, Chairperson
Gunter Altman
James B. Avery, Sr.
Richard Niederberg
Rosetta Saunders
Margarett Tucker

AUDIT COMMITTEE

Victor McCarty, Chairperson
Gunter Altman
Ronald L. Chovance

AUDIT COMMITTEE REPORT

Under the California Penal Code, the Los Angeles County Grand Jury is empowered to investigate the fiscal and operational performance activities of County Departments, City governments and Special Districts. It has the authority to engage outside consultants and audit firms.

The Audit Committee of the 1999-2000 Grand Jury was formed to identify, interview and select an audit firm or firms to assist in the examination of governmental agencies and matters of environmental concern in Los Angeles County.

To start the selection process, eight firms were identified as potential auditors and were contacted personally by the Audit Committee chairperson. Six of these firms expressed interest in working for the Grand Jury and were interviewed by the Audit Committee. In addition to assessing each firm's professional qualifications, the Audit Committee determined the interest level of each in addressing one or more of the four subjects chosen by the Grand Jury.

Following the interview process, the Audit Committee discussed the merits of each firm, prioritizing the Committee's assessment of each firm's strengths. We then proceeded to match firms with audit subjects on a best-fit basis. When the selection process was finalized, the financial resources available for 1999-2000 were allocated to specific audit subjects and contracts were awarded to the selected firms.

RECOMMENDATION

We recommend that the County of Los Angeles continue to take maximum advantage of the unique independence of the Grand Jury. True independence is the cornerstone of any objective analysis and investigation.

CITIZENS' COMPLAINTS COMMITTEE

Eugene A. Taylor, Jr., Chairperson
Gunter Altman
James B. Avery, Sr.
H.J. Holshuh II
Bud Kennedy
Maurene F. Nelson
Yvonne M. White

CITIZENS' COMPLAINTS COMMITTEE REPORT

INTRODUCTION

Ultimately, the Los Angeles County Grand Jury exists to enhance and contribute to better city and County government. Important to the insight needed to accomplish this purpose is communications from the public, both advisory and complaint in form.

The 1999-2000 Los Angeles County Grand Jury received more than 75 citizen complaints and requests during its tenure. These communications included those submitted by prison inmates (14%), allegations of racial discrimination (14%), and charges of the mismanagement of public funds (30%). The remainder of the citizen complaints ranged from alleged city council corruption to medical malpractice.

METHODOLOGY

Upon receipt of a citizen's communication, the Grand Jury legal advisor, an attorney assigned by the District Attorney to assist the Grand Jury, reviews it. Subsequently, a letter of acknowledgement is sent to the complainant. An analysis of the citizen's letter with the legal advisor's recommendations, is then given to the Grand Jury Foreperson. The Foreperson adds remarks and refers the complaint to the Citizens' Complaints Committee. Each Committee member then reviews the file and the Chair recommends appropriate action to the body of the Grand Jury.

Jurisdiction of the Grand Jury is prescribed by statute and limited to:

- Public offenses occurring or triable within the county and presented to the court by indictment.
- Consideration of evidence of misconduct against public officials as a preliminary to formal accusations and possible removal from office.
- Inquiry into the conditions and management of the public detention facilities in the county.
- Investigation and reporting on the operations, accounts, and records of the officers, departments, or functions of the county as well as any special legislative district, or other entity in the county created pursuant to state law for which the officers of the county are serving in their ex-officio capacity as officers of these districts. In addition, the Grand Jury may examine the books and records of incorporated cities or joint powers agencies located within the county.

Predicated upon these statutory guidelines, the Complaints Committee considers the complaint and may send the file to the appropriate Grand Jury committee for action. The complaint can be referred to a relevant county/city department or forwarded to another agency such as children's services or a state prison. The file may also be closed with no further action. Infrequently, additional information will be requested from the complainant.

Following a thorough review, the Complaints Committee's recommendations are presented to the full Grand Jury for that body's decision. Depending upon the Grand Jury's decision, the complaint will be acted upon internally, forwarded to an outside city/county agency, remain open for further investigation, or closed.

COMPLAINTS

Complaints reviewed by the 1999-2000 Grand Jury follow:

97-01	Minority Probationary Discrimination
97-58	State Prison Officer Misconduct
97-58a	State Prison Officer Misconduct-2 nd Complaint
99-21	County Tax Collector
99-46	Prison Guard Misconduct
99-47	Retaliation Against Whistle Blower
99-51	Violation of Speedy Trial Rights
99-56	Privatization to Circumvent Affirmative Action
99-64	Claim For Damages/Late Claim Relief
99-69	Minority Probationary Discrimination
99-71	Hazardous Material Violation
99-74	American Medical Response Practices
00-01	Home Depot Discrimination
00-02	State Prison Practices
00-03	West Hollywood Council Corruption
00-04	Child Support Order and Unjust Circumstances
00-05	Inaccurate/Harmful Credit Reporting
00-06	Alleged Grand Jury Neglect
00-08	Misapplication of Health Dept. Rules
00-09	Church Alleges Misconduct/Non-Accountability
00-10	Alleged Racist Conduct
00-11	Penal Code §147 Hate Crime
00-12	Disputed Cause of Death

00-13 Damaged Books/Forgery in Prison
00-14 Misuse of Public Funds – Sierra Madre
00-15 Juvenile Abuse
00-16 Racist Conspiracy and DA Misconduct
00-17 El Segundo Post Office Irregularities
00-18 County Recorder Delays
00-19 Inmate Alleges Frame-up
00-20 Retirement Board Misconduct
00-21 Care Rates For Foster Youth
00-22 Malfeasance of Long Beach Officials
00-23 County Assessor’s Practices
00-24 Obstruction of Justice
00-25 Police Perjury - Pasadena Police Dept.
00-26 Death at Hands of LAPD
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00-28 Use of Undocumented Workers by County/USC Medical Center
00-29 Improper Imprisonment and Poisoning of Son
00-30 Alleged Court Malfeasance
00-31 Alleged LAPD Theft of Money
00-32 Missing Property File
00-33 DA Family Support Unit Erroneous Claim
00-34 Sheriff’s Department Discrimination
00-35 Mental Health Department Discrimination
00-36 Fatal Fall of UCLA Student
00-37 Alleged Malfeasance by Montebello City Council
00-38 Alleged Child Abuse at Camp Afflebaugh
00-39 Conspiracy to send Complainant to Prison
00-40 Misconduct by District Attorney’s Office
00-41 West Covina City Council Impropriety
00-42 Civil Service Commission Improper Policies / Discipline
00-43 Alleged LAPD Perjury

00-44 Illegal Seizure of Vehicles by City of Pico Rivera
00-45 Purported 5th Amendment Violation
00-46 Building and Safety Violations
00-47 Stolen Property and DA Refusal to Charge
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00-58 Public Projects Not Meeting 'Sustainable Growth' Tests
00-59 'Wrong Name' Citation With No Request for Action
00-60 Police Brutality by LAPD Southwest Division
00-61 Mistreatment of Son at Camp Fred Miller
00-62 Frame-up by LAPD Rampart Division Officers
00-63 Denial of Fair Trial Rights
00-64 False Reports and Misconduct by LAPD Northeast CRASH
00-65 Federal and State Tax Evasion
00-66 Malicious and Unlawful Prosecution and Sentencing

FINDINGS AND CONCLUSIONS

1. While the Complaints Committee recognizes that there is a comprehensive prison system of appeals for inmates, as well as redress in court, there appears to be a need for the Grand Jury to be responsive to prisoner complaints. While this concern would not rise to the level of attempting to resolve personal conflicts a prisoner may allege, it would be concerned with prison conditions and management.

2. During the course of the year it became apparent, as the Committee reviewed the citizens' complaints to the Grand Jury, that there is a large segment of society that is frustrated by its attempt to resolve problems with government agencies. Los Angeles County is a culturally and racially diverse community of over 10 million people. Many are unsophisticated, intimidated by government agencies, or lack English fluency. As a result, citizens do not know where to go to redress actual or perceived disputes and problems involving government and its bureaucracies.

In 1994 the Board of Supervisors, in an attempt to open a line of communication between the Los Angeles Sheriff's Department and the public, established the Office of the Ombudsman. Since its inception the Office of the Ombudsman has demonstrated a constant pattern of proactive, innovative service to the people of Los Angeles County. The Office has been repeatedly praised by professionals and was the recipient of the National Association of Counties award for Distinguished Service in improving county government. The Office of Ombudsman is eminently cost effective and, to date, no litigation against the county has originated from Office of Ombudsman clientele.

San Francisco, with a population of fewer than one million and a more homogeneous demographic profile, budgets five times as much for its ombudsman program as does Los Angeles. New York City, 20% less populous than Los Angeles County, budgets 600% more for its ombudsman program.

With a modest budget increase, The Los Angeles County Office of Ombudsman could begin, on an incremental basis, an expansion of its role to include additional County departments in its program. A budget increase of \$265,237 to be allocated as follows, would provide for the expansion of the Ombudsman Office.

**Office of Ombudsman Estimate of Budgetary Increase
Necessary to Expand the Office (January, 2000)**

Salaries & Employee Benefits:	
2 Community Services Liaison	\$146,000
@\$60,763.68 yearly/person	
2 Community Service Counselors	77,237
@ \$32,182.92 yearly/person	
Subtotal	<u>\$223,237</u>
Services and Supplies:	
Communications	5,000
County Counsel	5,000
Office Furniture	15,000
Office Equipment	7,000
Mileage	3,000
Supplies	7,000
Subtotal	<u>42,000</u>
Annual Net County Cost Increase	<u><u>\$265,237</u></u>

RECOMMENDATIONS

1. The Grand Jury recommends that future grand juries be responsive to inmate complaints related to conditions and management within the prisons in Los Angeles County.
2. The Grand Jury recommends that the Los Angeles County Board of Supervisors provide the resources and a mandate for the Office of the Ombudsman to assist citizens who have complaints or concerns involving other county departments as determined by the Ombudsman.

CRIMINAL JUSTICE COMMITTEE

Rosetta Saunders, Chairperson
Eugene A. Taylor, Jr., Co-Chairperson
Walter Lowenstein
Latonia McDaniel
Yvonne M. White

**A COMPARISON OF
FORMAL AND SUMMARY PROBATION
IN LOS ANGELES COUNTY
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INTRODUCTION

Although the Grand Jury does not have the authority to study and make recommendations about the courts' systems, this report includes information on summary probation, which emanates from the courts.

This Grand Jury report compares:

- The profile of probationers sentenced by the courts to formal and summary probation.
- The costs of supervising formal and summary probationers.
- The rate at which formal and summary probation is revoked.

To accomplish these objectives, various documents and standard data reports produced by the County and the courts were reviewed, and representatives from the Municipal Courts and Los Angeles County Probation Department were interviewed. In addition, we worked with the Municipal Courts, the Probation Department, the Information Systems Advisory Body, and the County Internal Services Department to design and produce special data processing reports on formal and summary probation case profiles and revocation activity, to better define the formal and summary probation populations and probation violation outcomes. To obtain a better understanding of formal probation monitoring effectiveness and the reasons for revocation, a limited sampling of formal probation cases was conducted. All data gathering and sampling activities focussed on probation cases that were active during Fiscal Year 1998-99.

After completing the analysis, a draft report was prepared and a meeting was held with representatives from the Los Angeles Municipal Courts and the Chief Probation Officer and managers from the Probation Department, to discuss the report findings, conclusions and recommendations.

We would like to thank the judges, managers and staff of the Municipal Courts, Probation Department, Information Systems Advisory Board, and Internal Services Department for their assistance throughout this study. Their candor, expertise and willingness to produce various data and special reports were valuable contributions toward the completion of this project.

Description of Probation Services

The California Penal Code authorizes the courts to grant probation as an out-of-custody alternative to jail for less serious offenders, since incarceration is not appropriate, practical or cost effective in all cases. County probation departments are charged with assisting the courts in identifying felony offenders who are suitable candidates for formal probation. Probation departments also may be requested to assist courts with identifying misdemeanor offenders who are suitable candidates for formal probation or conditional release, commonly referred to as "informal probation" or "summary probation."

Formal probation is defined in the Penal Code as:

"the suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community under the supervision of a probation officer." [Penal Code § 1203(a)].

Thus, under the Penal Code, a person who is sentenced by the court to formal probation is referred to the probation officer for the period of the probation grant. The probation officer then supervises compliance with the terms and conditions of the court order.

Conditional sentencing, or summary probation, is also defined in Penal Code §1203(a) as,

“the suspension of the imposition or execution of a sentence and the order or revocable release in the community subject to conditions established by the court *without* the supervision of a probation officer” (emphasis added).

Unless otherwise ordered by the courts, persons granted a conditional sentence report directly to the court, and the county probation department is not responsible for supervising compliance with the terms and conditions of the court order.

By State law, neither formal nor summary probation may be granted to any person convicted of violent or serious felonies such as arson, robbery, burglary, attempted murder, kidnapping, and others, or, a person who was on probation for a felony offense at the time of the commission of a new felony offense. For defendants convicted of felony offenses eligible for probation, State law requires that the probation officer investigate the circumstances surrounding the crime and the prior history and record of the person being considered, before sentencing is imposed. The report must include a recommendation on whether the defendant should be placed on formal probation and if fines and/or restitution payments to crime victims should be paid.

For defendants convicted of misdemeanors, the courts may either refer the matter to a probation officer for investigation, or pronounce summary probation without a probation officer’s investigation. If the case is not referred to a probation officer, the court may, but is not required to, consider the type of information that would have been included in a probation report.

When summary probation is ordered, the courts are authorized to demand reports from the probationers and to establish administrative procedures in the courts necessary to carry out the purposes of probation. This includes requiring probationers to appear in court for progress reports and to provide documentation indicating that they are enrolled in or regularly attending court mandated programs. For most offenses, summary probation can be imposed for a three-year period.

In instances where the terms and conditions of either type of probation are violated, the courts are authorized to revoke, modify, or terminate probation. Rearrest of the probationer by a law enforcement agency or a probation officer, or issuance of a bench warrant for rearrest (e.g., in instances where a probationer has not paid his or her fines) is grounds for revocation and termination. Modification or revocation of formal or summary probation requires a court hearing.

In addition to formal probation and summary probation, California law also allows certain drug, marijuana and narcotics convictions to be suspended and the defendant granted “deferred entry of judgment” (DEJ). Under this program, the court may dismiss the charges against a defendant upon the defendant’s successful completion of a County drug diversion program. The defendant is granted a minimum of 18 months to complete the program, which can be extended by the court to a maximum of 36 months.

If a person granted a deferred entry of judgment fails to comply with the court order, the conviction is entered and the court sentences the defendant. Sentences may include incarceration or probation. Persons may be supervised while in DEJ status by a probation officer, or directly by the court.

Impact on Probation Supervision Practices

As defined by law, there are unique differences in formal probation, summary probation, and the deferred entry of judgment program. These differences are complicated in Los Angeles

County by the characteristics of the criminal justice system, the many viewpoints of elected officials, and the bias of individual justice agencies regarding their respective roles and responsibilities regarding probation.

Judges from the Superior Court and each of the 24 municipal courts, the District Attorney, prosecuting city attorneys, the Probation Department and others all participate in identifying persons who may be eligible for probation, determining the conditions of probation and ensuring that court orders regarding probation are met. These factors, as well as others, have resulted in a system which is fragmented, inconsistently managed, and which lacks a reasonable evaluation system. This report examines these questions, and provides the courts and the County with suggestions for improving the effectiveness of probation, and establishing a system for monitoring the probation process.

Recognition of Court and Probation Changes

While fieldwork for this investigation was being conducted, the Superior and Municipal Courts of Los Angeles County agreed to unify their operations. With unification comes opportunities for restructuring processes, reassigning duties among judges, standardizing procedures across courts, expediting cases, and modifying the manner in which summary probation services are managed. However at this time, there are no official plans for changing the summary probation function in the new court structure from what has existed in the Municipal Courts. All fieldwork and analysis for this audit pertain to Municipal Court operations in place at the time of unification.

This approach was also taken with the Los Angeles County Probation Department. Under current management, the Probation Department is restructuring the processes, systems and priorities of formal probation adult supervision services in the County. Toward these ends, several goals have been established for the immediate future. Specifically, the Department intends to:

1. Ensure risk assessment consistency, by ensuring that at least 60% of all cases have an initial Risk & Needs Assessment completed, and that 35% of all cases be reassessed at the mid-term of probation.
2. Establish mechanisms to ensure that at least 70% of active cases, where probationers have failed to report for orientation, will be reported to the courts within 30 days for violation of probation.
3. Establish mechanisms to ensure that at least 60% of active cases, where probationers have new arrests, will be reported to the courts within 30 days for violation of probation.
4. Ensure that at least 60% of existing cases, where probationers have outstanding financial obligations, will be reported to the courts for violation, at least 90 days prior to the end of the probation term.
5. Establish controls to ensure that 94 percent of all court reports will be submitted to the courts two days prior to scheduled hearing.

In order to achieve these goals, the Probation Department has implemented an Adult Compliance Team (ACT) program, which is designed to ensure that monitoring activities for minimum supervision caseloads are current, the processing of notifications of new arrests on all active probation cases are expedited, and probation officers assigned to certain specialty caseloads are assisted.

In addition, the Department is in the process of modifying its automated probation violation tracking capability within APS. To accomplish this, modifications to the existing system will be implemented, and new functionality will be added. To a large extent, these improvements will automate current manual processes. In addition, new processes will be established to track cases and identify probationers that are in violation of conditions of probation, thus providing probation officers with an added tool for identifying probation violation activity.

These changes are being made possible, in part, because of increases in resources appropriated to the Department in recent years. For example, the Probation Department received funds in FY1999-2000 to lower caseload to probation officer ratios for Domestic Violence, Child Threat and Minimum Supervision case types. Other process improvements, including the establishment of a kiosk system to expand client-reporting tools and validate reporting authenticity, are also being implemented.

It is the hope of the Department to meet or exceed all of these goals within the next 18 months to two years. In addition, the Department would like to receive additional funding for probation officer personnel to further reduce caseload to probation officer ratios. To support continuous process improvement, the Department would also like to establish a Research & Evaluation Unit. We support the Department's goals and objectives, and believe the recommendations contained in this report will enhance management's ability to conduct self-evaluation and improve services to the community.

1. FORMAL AND SUMMARY PROBATION PROFILES

- Nearly 58 percent of the 91,000 formal probationers in FY1998-99 were assigned by the County Probation Department to its minimum supervision caseload, where regular contact with probation officers is conducted by mail and compliance monitoring is automated. The Department determined that the remaining 42 percent posed a greater risk to the community. These individuals were therefore assigned to higher risk and specialty caseloads in which more direct probation officer contact and monitoring occurs.
- The Municipal Courts do not maintain a formalized system for assessing the risk of its summary probation cases and assigning them accordingly to supervision classifications. Instead, the level of supervision and direct contact with summary probationers monitored by the courts is determined primarily by the sentencing judge. Some judges require regular in-court progress reports; others require none unless probation is violated. As a result, it is possible for lower level misdemeanants assigned to summary probation to have more direct contact with justice agency officials than convicted felons assigned to the Probation Department's minimum supervision caseload.
- As allowed by State law, County judges chose to assign 18,491 misdemeanants to formal probation in FY1998-99. Of these, 16,449, or nearly 90 percent, were assigned to a minimum supervision caseload. At the same time, judges chose to assign many misdemeanants with significant criminal backgrounds to summary probation. Case records reveal numerous summary probationers with extensive prior convictions, including some with up to ten prior felony convictions. This points to the lack of clarity regarding the criteria used to determine when one probation system should be used rather than the other.
- The Municipal Courts produced a report identifying its approximately 500,000 summary probation cases per year.

A. FORMAL PROBATION

The formal probation system in Los Angeles County is administered by the County's Chief Probation Officer and the staff of the Probation Department. The primary functions of the department are sentencing investigations; pre-trial services; probation supervision; and juvenile detention. For FY1999-2000, the Department has an annual budget of approximately \$305 million and 4,200 employees.

The Probation Department's Adult Supervision division is staffed by 263 deputy probation officers that supervised 90,968 probationers in FY1998-99. These officers are responsible for orienting new probationers, monitoring probationer compliance with the terms and conditions of probation, and reporting to the courts as required. To accomplish this, the Department has established several supervision categories that are designed to provide the highest level of monitoring and probation officer contact for persons who pose the greatest risk

to the community. Although the Department has established many sub-groupings, the following major categories are currently in use.

- **High Risk Offender (HRO)** – This category includes persons who pose the greatest risk to the community or of violating the terms and conditions of their probation. Typically, the persons assigned to this category have been convicted of more serious felonies, have a prior criminal history which may include assaultive behavior, may have indications of drug and/or alcohol abuse, and may owe large amounts of money for fines and/or restitution (over \$10,000). By policy, the Department has historically assigned an average of 200 HRO cases to each probation officer working this caseload.
- **Specialty Caseloads (Gang, Child Threat, and Domestic Violence)** – Like HRO probationers, persons assigned to other specialty caseloads pose the greatest risk to the community of violating the terms and conditions of their probation. The Gang category (GNG) includes persons who have known gang affiliations. The Child Threat category (CTH) includes persons who have been convicted of misdemeanor or felony crimes against children, or are determined to pose a potential threat to children. The Domestic Violence category (DOM) includes persons who have been convicted of misdemeanor or felony domestic abuse charges. By policy, the Department has historically assigned an average of 50 cases to each probation officer working a Gang caseload, 70 cases to each probation officer working a Child Threat caseload, and 150 cases to each probation officer working a Domestic Violence caseload.
- **Narcotics Testing Unit (NTU)** – This category includes persons who have been convicted of misdemeanor or felony drug charges, and exhibit characteristics of habitual drug use. Depending on the severity of their drug use, these probationers are required to submit to weekly, biweekly, or monthly drug testing designed to closely monitor compliance with court orders. Because defendants move between supervision tiers depending on compliance with the testing order, average caseloads range between 50 and 1,000 cases per probation officer assigned to the NTU.
- **Automated Minimum Supervision (AMS)** – This category includes persons who have been convicted of misdemeanor or felony charges but, because of the nature of the offense, prior criminal history and other factors, are considered to be lower risk to the community. Also referred to as “banked caseloads,” the Department assigns an average of approximately 1,000 cases to each AMS probation officer.

In FY1999-2000, the Probation Department received additional positions and funding which will allow it to reduce the average caseload per probation officer in some of these categories. Based on a September 7, 1999 restructuring proposal, it is the Department’s goal to reduce average Domestic Violence caseloads from 150 to approximately 100 cases per probation officer, and reduce the AMS caseloads from 1,000 to approximately 600 cases per probation officer. The Department believes that these changes, when fully implemented, should increase the ability of the Department to monitor probationers in these areas.

Adult Supervision Classification System

To determine the case category into which a probationer will be placed after sentencing by the courts, the probation officer assigned to the court prepares a risk assessment which attaches a score to various defendant characteristics. Based on the “National Institute of

Corrections Model Probation System,” the case classification system used by the Probation Department measures risk against the following criteria.

1. Whether the individual exhibits behavior suggesting drug or alcohol abuse, or is known to be a drug or alcohol abuser.
2. Whether the individual has known gang involvement or affiliation.
3. The age of the individual at the time of first conviction.
4. Whether the individual has any prior probation grants and revocations.
5. Whether the individual has any history of violent or assaultive behavior, with additional points for possession of a deadly weapon, use of physical force, stalking, or assault with a deadly weapon.
6. The circumstances of the offense for which the individual was placed on probation, including whether the conviction was for a violent crime.

Points are assigned for each characteristic. Any person who scores 15 points or higher will be assigned to one of the more intensive supervision caseloads. If the score is 14 points or less, the person will be assigned to an AMS caseload unless there are factors that suggest a specialized caseload may be more appropriate. In these instances, the risk score of 14 points or less may be set aside by the probation officer, with approval from his/her supervisor, and the probationer may be assigned to one of the Department’s more intensive supervision caseloads.

In FY1998-99, the Probation Department provided services to 90,968 individuals, who were distributed between supervision categories, as shown in Table 1.1 below.

**Table 1.1
Distribution of Misdemeanor and Felony Cases by Case Category – FY1998-99**

CASE CATEGORY	MISD CLIENTS	FELONY CLIENTS	TOTAL CLIENTS	% MISD CLIENTS	% FELONY CLIENTS	% CLIENTS/ CATEGORY
HRO	550	15,891	16,441	3.3%	96.7%	18.1%
DOM	996	2,046	3,042	32.7%	67.3%	3.3%
CTH	245	1,852	2,097	11.7%	88.3%	2.3%
NTU	198	15,488	15,686	1.3%	98.7%	17.2%
GNG	26	716	742	3.5%	96.5%	0.8%
OTH	27	587	614	4.4%	95.6%	0.7%
AMS	16,449	35,897	52,346	31.4%	68.6%	57.5%
TOTAL	18,491	72,477	90,968	20.3%	79.7%	100.0%

HRO = High Risk Offender; DOM = Domestic Violence; CTH = Child Threat;
NTU = Narcotics Testing Unit; GNG = Gang; OTH = Other; AMS = Automated Minimum Supervision

To assess the differences between formal and summary probationers, a profile of formal and summary probationers was requested from the Probation Department and the courts detailing the number of counts per probationer and the number of prior convictions by type of offense. This information was provided by the courts and is presented later in this section. The Probation Department could not electronically compile the information and manual compilation was not feasible. As a result, the only formal probation profile information available is as presented in Table 1.1.

As shown in the table, 52,346 persons, or approximately 57.5 percent of all Probation Department clients were assigned to Automated Minimum Supervision (AMS) caseloads in FY 1998-99. Of these, approximately 68.6 percent had been convicted of felony offenses and 31.4 percent had been convicted of misdemeanor offenses. In the high risk and specialized caseload categories, over 95 percent of all clients had been convicted of felonies, with the exception of domestic violence and child threat categories, which were assigned 67.3 percent and 88.3 percent felons respectively.

Based on a review of the scoring criteria employed by the Probation Department's risk assessment tool, the data included in Table 1.1, interviews with Probation Department and Municipal Court managers and judges, and other factors, the AMS misdemeanant client profile appears to most closely correspond with that of persons who are placed on summary probation in Los Angeles County. Accordingly, the analysis of formal probation caseload and practices focuses on the AMS population rather than the case categories that generally receive more intensive supervision. This is discussed more fully, below.

Probation Department Automated Minimum Service Workload

The Adult Services Field Bureau and Adult Special Services Bureau of the Probation Department operate 14 Area Field Offices which are geographically dispersed throughout the County. The Directors at thirteen of these Area Field Offices manage probation officers who are responsible for HRO, Gang and AMS cases. Also housed at all 13 of these locations are probation officers responsible for Narcotics Testing, Domestic Violence and Child Threat specialty cases. Unlike the other specialty cases, Narcotics Testing is managed centrally. Probation officers at the fourteenth location—the La Madera Office (which recently moved and has been renamed the Riverview Office)—are responsible solely for AMS cases.

During the period of this study, the La Madera Office monitored AMS probationers who resided within the boundaries of the Foothill, Pasadena, Pomona, Rio Hondo and San Gabriel Area Field Offices. In FY1998-99, probation officers at the La Madera Office monitored an average of 16,165 AMS probationers, which was approximately 37 percent of the total County AMS caseload at that time. According to the Director of the La Madera Office, cases are now being accepted from an additional five Area Field Offices: Firestone; South Central; Long Beach; Long Beach-Harbor; and Santa Monica. Once the full transition of these caseloads occurs, the Director anticipates that the La Madera Office will be responsible for a total of 25,000 to 30,000 AMS cases—or up to 70 percent of the County's total AMS caseload. The Field Services Bureau Director has confirmed this estimate.

This is significant because the La Madera Office operates a program that relies heavily on compliance data that is entered into the Department's Adult Probation System (APS) by clerical personnel. This data is monitored by probation officers, who use the information to prepare progress reports for the courts, determine probationer compliance with conditions 90 days prior to the end of their probation term, and report on any other violations which may surface during the period of probation. After initial probationer orientation, there is no requirement that the probationer meet with the probation officer, nor does the probation officer make a field visit to the probationer's home or work location. Instead, the probationers are generally required to report monthly, by mail.

Given the scope of this investigation, it was not practical to evaluate AMS probation monitoring practices at all of the Area Field Offices. Accordingly, the evaluation focussed on the La Madera Office because (a) the probation officers at that location are responsible solely for an AMS caseload, (b) the operation is highly routine, and depends heavily on automated reporting of probationer compliance, and (c) the Department is migrating toward the La Madera Office model for managing AMS cases in the future.

In addition to the review of the La Madera office, also reviewed were AMS case management functions at the Firestone and Pomona Area Field Offices since they have both implemented new procedures that the Department is considering replicating at La Madera and at other offices. A profile of each office follows.

Firestone Area Field Office – The Firestone Office has established an Intake process for all new AMS and NTU cases referred by the courts. Under this new process, an Intake Officer at the Firestone Office performs initial probationer orientation, and may retain supervision over an AMS case for up to 30 days to monitor initial compliance with the court order. If an AMS probationer meets these interim conditions of probation, the Intake Officer then transfers the case to La Madera. If interim conditions are not met, the Intake Officer may report violations to the court.

In other locations, cases are transferred directly to the La Madera Office from the courts, and probation officers at the La Madera Office conduct initial orientation and compliance monitoring. Although it is too early to reach conclusions regarding the effectiveness of the Firestone Area Office model, it is the Department's reported intention to increase probation success by initially providing more intensive supervision of AMS probationers prior to transfer to a banked caseload.

Pomona Area Field Office – The Pomona Area Field Office has developed a computerized AMS case management system known as the Compliance Tracking System (CTS). Every day, the system automatically flags cases where a probationer is out of compliance with the terms and conditions of probation (e.g., financial, program, and community service conditions). This system automatically produces probationer notification letters, instructions, and other correspondence after clerical prompts. Using these features, clerical staff are able to produce packets of documentation for each probation officer which (a) identify non-compliant probationers, (b) provide detailed case information for the preparation of court reports and, (c) supply form letters and other materials that aid with probation enforcement.

However, this system does not automatically interface with the Department's APS system or other supporting data systems relied upon by the Department, so all probationer case data must be independently researched and input into APS by clerical personnel. This is a labor intensive process, which increases the potential for data input error and inconsistencies between the APS and CTS databases. Accordingly, the Department is presently engaged in a project to export CTS to other Area Field Offices, and to implement an automated interface between CTS and APS. When implemented, this effort will provide an enhanced tool for probation officers, and should increase the efficiency and effectiveness of the AMS monitoring process.

Given the complexities of these processes, and the changes being undertaken by the Department, flow charts were prepared of AMS caseload management at four locations:

1. The probation supervision process from court order through case classification, including transfer to the Firestone, La Madera and Pomona Field Offices.
2. The intake and initial supervision process at the Firestone Field Office, through transfer to the La Madera Office or violation.
3. The AMS monitoring process at the La Madera Office through probation termination or revocation.
4. The AMS monitoring process at the Pomona Field Office, using the Compliance Tracking System operated on the Office's computer network.

These flow charts are presented on the following pages as Exhibits 1.1 through 1.4. As shown, case processing differs significantly between the La Madera and Pomona offices. As will be described in later sections of this report, these differences impact staffing requirements and costs, and likely influence program effectiveness.

Exhibit 1.1

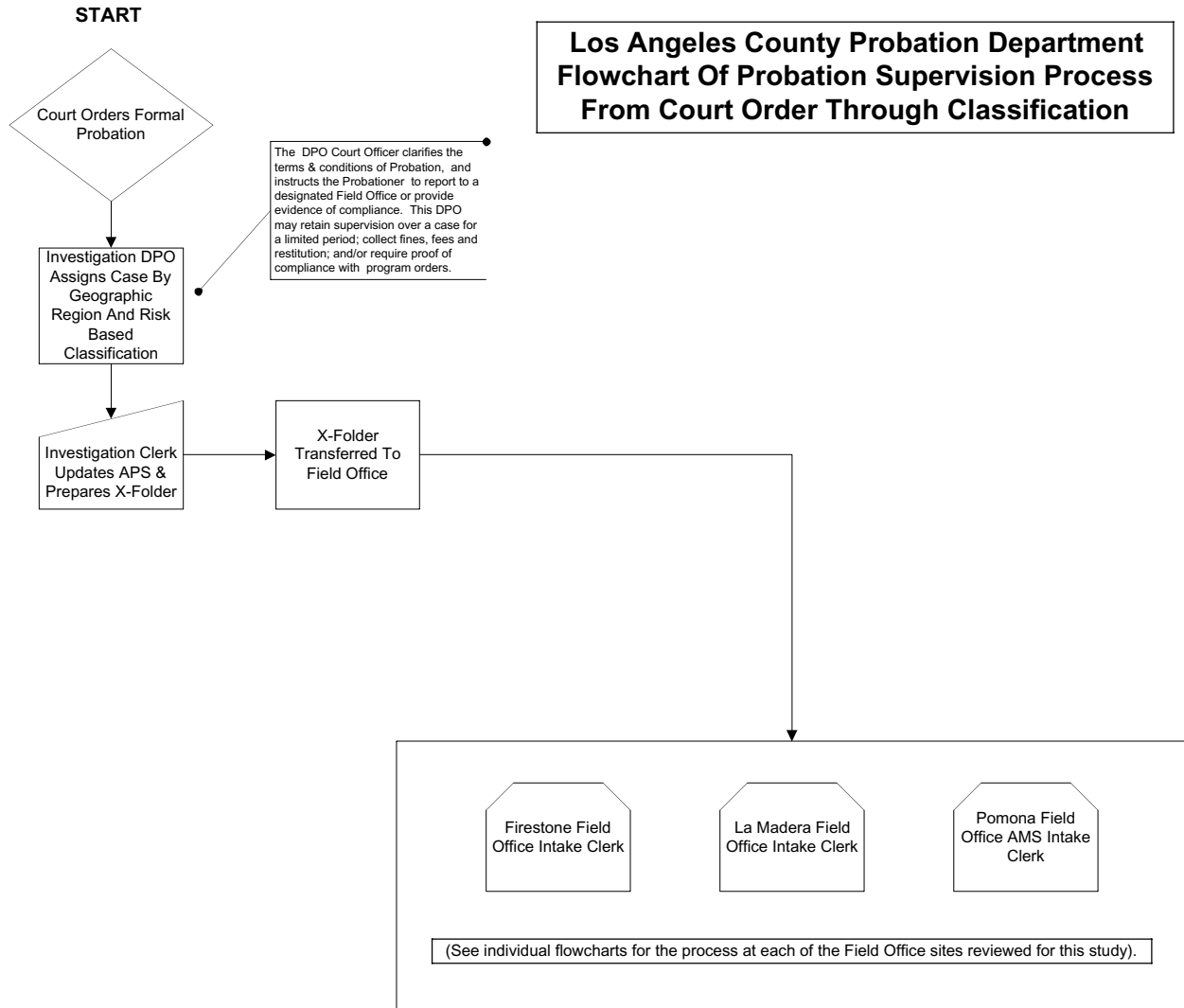


Exhibit 1.2

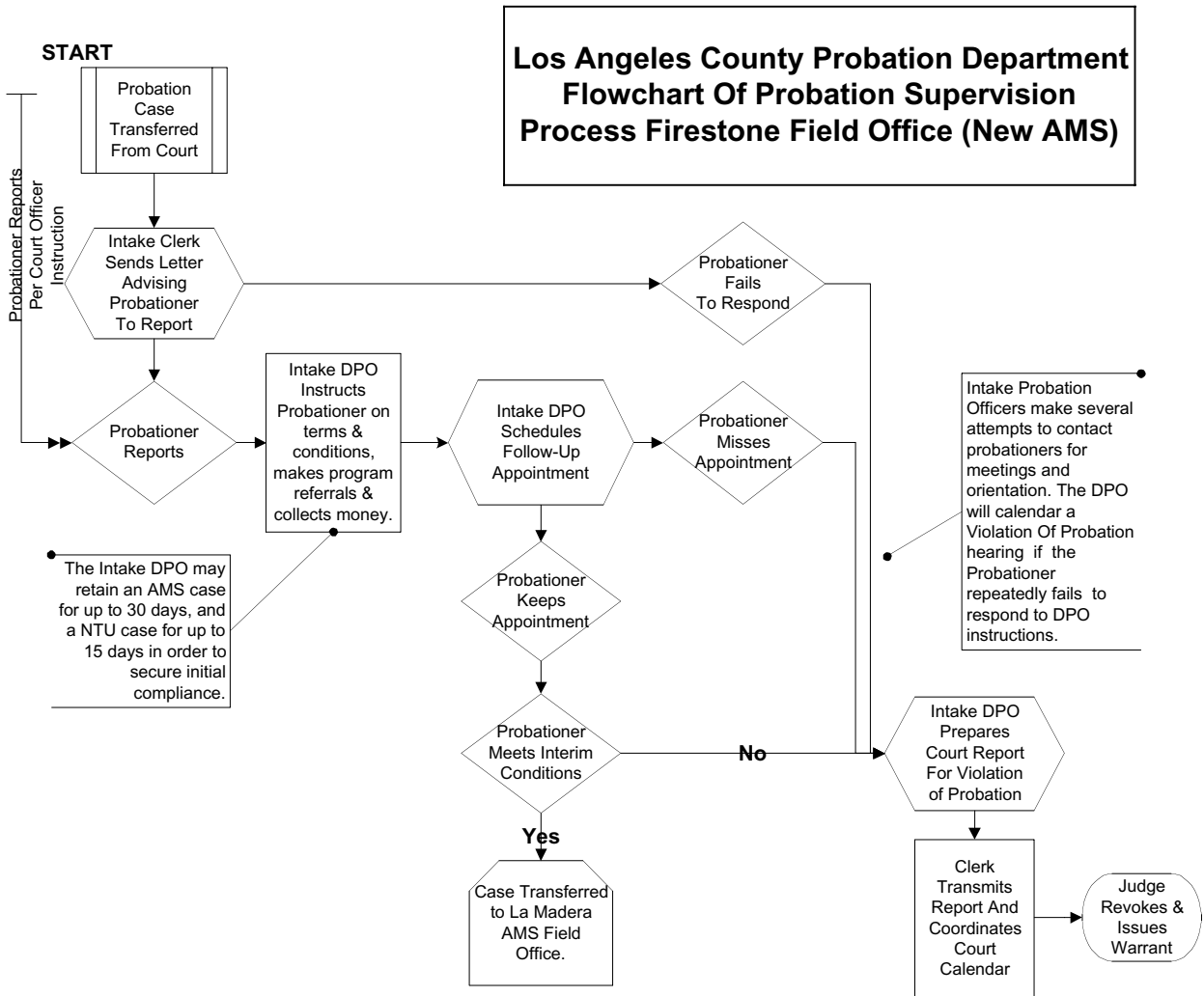


Exhibit 1.3

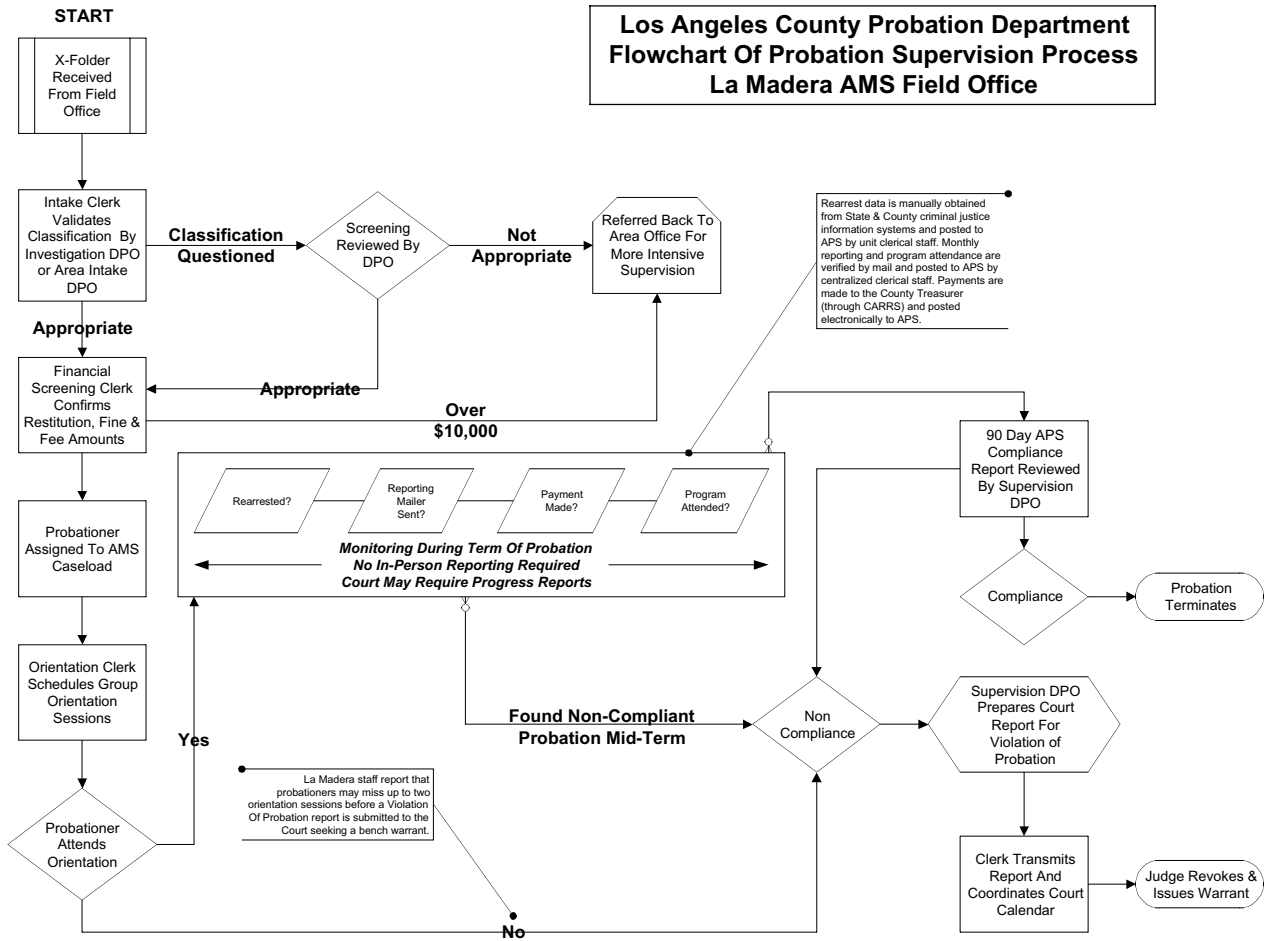
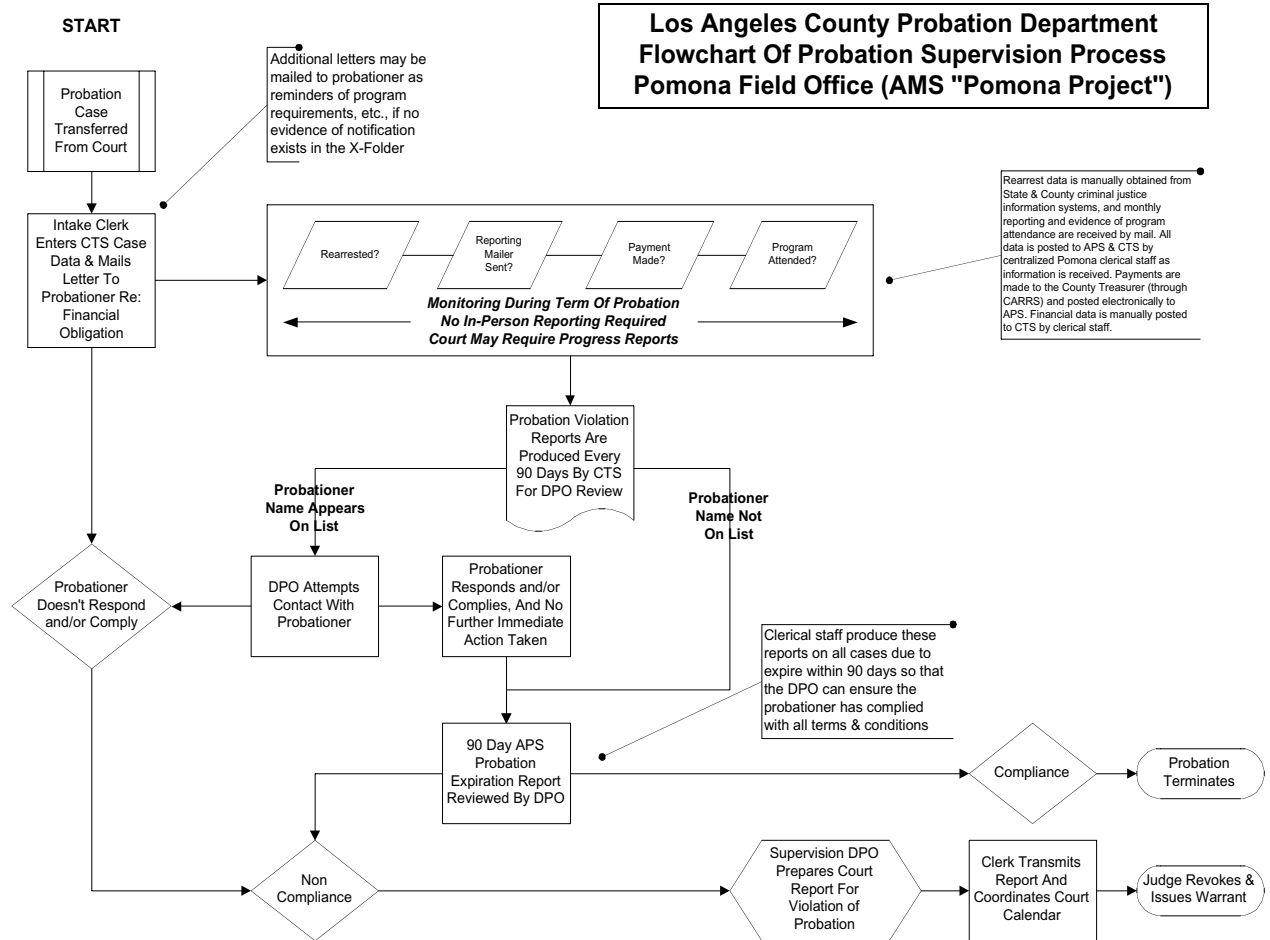


Exhibit 1.4



Observations about formal probation

A number of observations can be made about the formal probation process in the County of Los Angeles. First, approximately 80 percent of probationers sentenced to formal probation for a felony conviction in FY1998-99 were convicted of felonies. State law precludes a summary probation sentence for convicted felons. Further, as required by the Penal Code for each of these persons, the Probation Department prepared a pre-sentence investigation report which provided judges with information regarding the circumstances of the offense, the criminal record of the defendant, a victims' statement, a sentencing recommendation and other information to assist the judges in making their sentencing decisions.

Twenty percent of formal probationers, or 18,491 persons in FY1998-99, were sentenced to formal probation for misdemeanor convictions. Penal Code §1203(4)(d) states, "If a person is convicted of a misdemeanor, the court may either refer the matter to the probation officer for an investigation and report or summarily pronounce a conditional sentence." According to Probation Department management, investigating probation officers prepare pre-sentence investigation reports on a very small proportion of misdemeanor convictions.

While the law states that if a probation report is not requested for misdemeanor offenders, the "court may consider any information concerning the person that would have been included in a probation report," the sources of such information are variable. Based on interviews and observations conducted for this study, the court typically obtains such information from the prosecuting attorney, victims, and the defendant. There are no established guidelines for ensuring that this information is consistently reported, complete or accurate. Accordingly, Municipal Court judges are at a potential disadvantage when sentencing misdemeanor offenders to either formal or summary probation.

Once a probationer is assigned to formal probation, the Probation Department has established a conceptually good system for assessing risk to the community, and determining necessary levels of supervision. Department management reports that it is presently evaluating the Risk Assessment tool. An evaluation of the tool was not part of the scope of this audit.

B. SUMMARY PROBATION

The Municipal Courts of Los Angeles County administer conditional sentences, or summary probations. Though State law provides the courts with the choice of assigning defendants convicted of misdemeanors to either formal or summary probation, most judges choose summary probation for which supervision is provided directly by the courts.

The County's 24 separate municipal court districts and 190 authorized municipal court judicial positions supervised 499,094 summary probation cases in FY1998-99. This represented approximately 96.3 percent of all misdemeanor offenders on either formal or summary probation in that year.

In the Los Angeles Municipal Court, the largest Municipal Court district in the county, there were 163,765 individuals on summary probation in FY1998-99. Table 1.2 presents the FY1998-99 summary probation caseload for the Los Angeles Municipal Court and each of the other Municipal Court districts in the County.

The flow chart on the page following (Table 1.2) outlines the process followed for most summary probation cases. As can be seen, the process begins as it does for formal probation with a judgement of guilt and sentencing by the judge. Unlike a felony sentence to formal probation, though, a sentence to summary probation for a misdemeanor offender is not based on a standardized investigation such as those conducted by the Probation Department. Instead, information about the defendant is presented to the judge by the prosecuting attorney at arraignment. This information is typically not as detailed as Probation Department investigations, but generally includes the current charge(s) and the defendant's criminal history. These two factors, combined with possible victim statements and the defendants' responses to any inquiries made by the court, usually serve as the basis for determining whether placing a defendant on probation would pose any undue risk to the community.

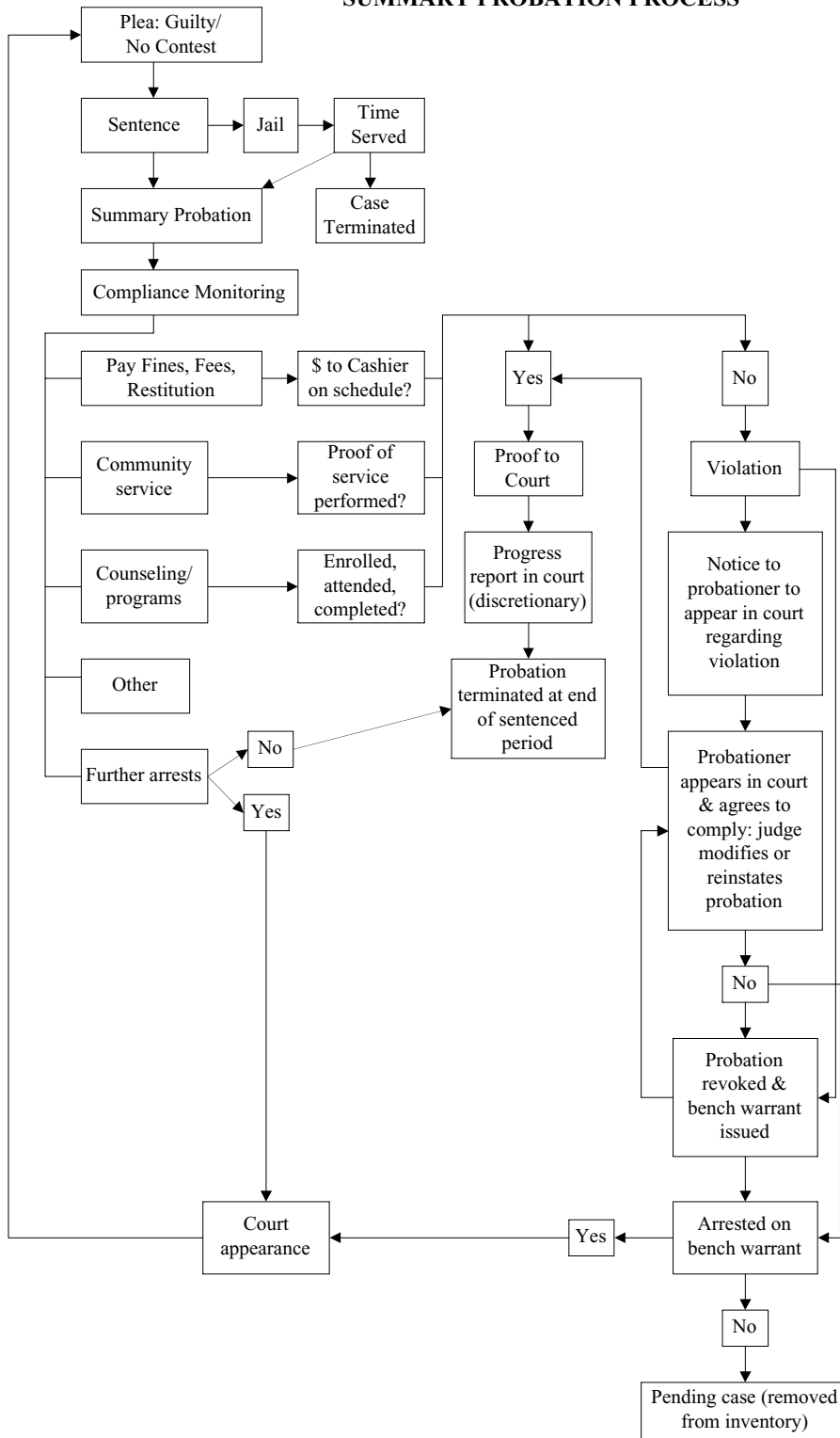
Table 1.2
Summary Probation Caseload
By Municipal Court District - Los Angeles County FY1998-99

Court	Cases
Alhambra	7,121
Antelope	15,622
Beverly Hills	4,106
Burbank	7,731
Citrus	35,425
Compton	17,302
Culver	3,979
Downey	24,091
East Los Angeles	14,753
Glendale	11,489
Inglewood	12,893
Long Beach	30,933
LA: Criminal	1,856
LA: Central Arraignment	45,671
LA: Hollywood	10,873
LA: Metro	43,969
LA: Van Nuys	32,925
LA: San Pedro	10,403
LA: Catalina	297
LA: San Fernando	20,842
LA: West Los Angeles	9,900
<i>Los Angeles Municipal Court</i>	<i>176,736</i>
Los Cerritos	15,202
Malibu	2,959
Newhall	9,878
Pasadena	10,325
Pomona	11,781
Rio Hondo	16,434
Santa Anita	9,048
Santa Monica	5,678
South Bay	21,331
Southeast	20,468
Whittier	13,809
Total	499,094

Source: Special report generated from the Trial Court Information System (TCIS)

Exhibit 1.5

SUMMARY PROBATION PROCESS



Court statistics show that in most instances municipal court judges conclude that defendants convicted of misdemeanors do not pose a risk to the community and assign them to summary probation. In FY1998-99, for example, there were 194,603 new misdemeanor filings in the Los Angeles County municipal courts and 176,736 cases on summary probation for some or all of the year. For summary probation, every judge conducts their own assessment of defendant risk to the community.

The profile of summary probationers from FY1998-99, presented in Table 1.3, provides some key characteristics of Los Angeles County’s summary probation population. Both average and median are presented because the average alone can be non-representative if there are extreme high or low amounts in the population. The median is the point where half of the data points are higher and half are lower. The average data in Table 1.3 indicate that there are some extreme cases pushing the average numbers higher, particularly for total prior convictions and the number of prior non-traffic misdemeanors. The medians support this idea because they are lower for all measures.

Table 1.3
Profile of FY1998-99
Summary Probation Caseload

	Average	Median
Number of counts for which defendants convicted	1.13	1.0
Prior felonies	0.4	0.0
Prior traffic misdemeanors	0.25	0.0
Prior non-traffic misdemeanors	1.22	0.0
Total prior convictions	1.7	1.0

Source: Special report generated by the County Consolidated Criminal History Reporting System (CCHRS) using data extracted from the Trial Court Information System (TCIS) computer system. Total number of cases differs from that reported by the TCIS.

The median data in Table 1.3 indicates that most of the summary probation population is fairly low risk as measured by number of counts on their current conviction and the number of prior convictions. However, the average prior non-traffic misdemeanors and the average and median for total prior convictions indicate that there are individual cases with high numbers in both measures. A review of a sample of individual summary probation case records revealed that there are many cases with a significant number of prior convictions. A selection of 6,911 cases showed that 1,827 cases, or 26 percent, had 3 or more prior convictions and 243 cases had 10 or more prior convictions. 336 cases from the sample had 3 or more prior felony convictions. Defendants with a high number of prior convictions would appear to be candidates for formal probation if it offered a higher level of supervision. However, it appears that some judges prefer the summary probation system and their own supervision of probationers to that provided by the Probation Department even for higher risk misdemeanants.

Summary Probation Monitoring

As shown on the Summary Probation Process flow chart, after a defendant is ordered onto summary probation, the court’s main function is to monitor his or her compliance with

court-ordered terms and conditions. The terms and conditions most typically include one or more of the following:

1. Payment of fines, fees, and restitution.
2. Performing community service.
3. Attendance of counseling or rehabilitation programs.

Judges perform summary probation compliance monitoring and probationer supervision. Court administrative staff performs the tasks associated with monitoring such as reviewing probationers' fine payment, community service, and attendance of rehabilitation and therapeutic programs. There is no risk assessment or classification system such as that used for the formal probation system to determine the level of judicial supervision for the probationer. Instead, the level of supervision is determined at the discretion of the sentencing judge. Some judges choose to have their probationers make regular in-court progress reports as often as once a month. Some require the same type of hearings at regular intervals such as every six months. Still others require no court hearings after sentencing at all unless the probationer violates the terms and conditions of his or her summary probation. One of the impacts of this discretion and the different approaches used by judges is that lower risk misdemeanants could end up having a higher level of supervision and more direct contact with court authorities than a convicted felon assigned to the Probation Department's Automated Minimum Service (AMS) caseload. The convicted felon in that case would only have to mail in a post card to the Probation Department each month and otherwise comply with all conditions of probation.

While there is substantial variation in the level of supervision provided by municipal court judges, the level of review provided by municipal court support staff is fairly consistent at all courts. Payment of fines, fees, and restitution is tracked against court-ordered deadlines in almost all instances by court clerk staff. Verification of court-ordered community service and/or attendance in counseling or therapeutic programs is required by the courts in the form of proof of enrollment, attendance, and completion of the program or service. Depending on the judge, it may be sufficient for the probationer to provide verification documents to a court clerk or the probationer may be required to present this information to the judge directly in a summary probation progress report hearing.

When probationers do not make payments on schedule or do not provide the required program/community service verification documentation, they are classified as being in violation of probation. In some courts, this will trigger a probation violation hearing. In other courts, such a hearing is bypassed and the sentencing judge automatically issues a bench warrant for the probationer's arrest and revokes probation. If the probationer voluntarily becomes compliant before the scheduled violation hearing or before being arrested on a bench warrant, probation may be reinstated, though possibly modified. If a probationer does not appear for a calendared violation hearing, or appears but indicates that he or she cannot or will not comply with the probation terms and conditions, a bench warrant for their arrest will be issued and probation revoked. Any summary probationer arrested on a bench warrant will appear in court and may have their probation reinstated, modified, or terminated and a new sentence issued.

Since the number of summary probationers greatly exceeds the number of formal probationers in Los Angeles County and the judges' summary probation caseloads are much greater than those of the Probation Department's probation officers, the question of what the

courts do differently to manage such large caseloads is raised. Part of the answer is that many probationers have little or no contact with the judges after their sentencing. As mentioned above, some judges require no court appearances after sentencing unless the probationer violates his or her probation terms and conditions. Countywide Municipal Court statistics show a probation revocation rate of approximately 21.1 percent, which translates into 105,308 cases (21.1% x 499,094) with at least one revocation during the year. That leaves approximately 393,786 cases where court appearances may not be required at all depending on the policies of the sentencing judge.

Besides the fact that some judges' policy is to require no or few court appearances, absent any violations, much of the ongoing monitoring of summary probationer conditional compliance is performed by court clerk staff instead of judges. This further reduces the judges' probation supervision workload. With the exception of the La Madera office discussed above, it is more common in the Probation Department for probation officers to perform compliance monitoring rather than clerical staff.

Comparison Of Formal And Summary Probation

There are clear differences in the profile, organization, and processes for formal and summary probation in Los Angeles County. Some of the most significant of these comparisons are:

- While nearly 58 percent of all formal probationers were assigned to minimum supervision caseloads in FY1998-99, the remainder were assigned to various high risk and specialty caseloads because of offense and behavior characteristics that suggested increased risk to the community. Because high risk and specialty caseloads involve a higher level of probation supervision activity, the minimum supervision formal probation caseload is most comparable to summary probation.
- However, out of the formal probation minimum supervision population in FY1998-99, only 31 percent—or 16,449 individuals—had been convicted of misdemeanors. The remainder had been convicted of felonies. In comparison, nearly all summary probationers had been convicted of misdemeanors.
- Misdemeanor offenders sentenced to formal probation represent a small proportion of the total number of defendants sentenced to formal and summary probation. Of the total 500,537 misdemeanor offenders assigned to either summary or formal probation in FY1998-99, approximately 96.3 percent were sentenced to summary probation.
- For convicted felons, the Probation Department is required by law to prepare a detailed pre-sentencing investigation report for the court. These reports include detailed information regarding the charges, circumstances and criminal history of the defendant, as well as victim statements and other information useful to the court when making its sentencing decisions. Municipal court judges do not receive such information on misdemeanor cases unless they request investigation by the Probation Department. Instead, the judges make sentencing decisions based on less information received directly from the prosecuting attorneys, the victims, and the defendant. There are no guidelines or standards on the quality or type of information provided by these individuals to the municipal courts.
- Once a person is sentenced to formal probation, the Probation Department conducts a risk assessment, makes a determination of the appropriate level of supervision required for the

probationer, and conducts an orientation. No such process exists for summary probation cases. Instead, risks to the community and supervision levels are decided by individual judges based on information obtained during the court hearing, and defendants are generally oriented directly by the judge and courtroom clerk.

- The municipal courts have established procedures that provide a high level of assurance that conditional violations of probation will be brought immediately to the attention of the court. Procedures for reporting conditional violations in the Probation Department are more variable. At the La Madera Office, procedures suggest that many conditional violations will not be reported upon until 90 days prior to the expiration date of probation, if at all. At the Pomona Area Field Office, such violations are more regularly flagged for attention by the assigned probation officer.

These differences suggest that opportunities may exist for the courts and the Probation Departments to strengthen (a) the criteria and risk factors to be considered when assigning persons to formal or summary probation; (b) standards and court rules which prescribe the minimum level of information to be provided by prosecuting attorneys on misdemeanor cases where summary probation may be a sentencing option; and, (c) guidelines for determining the level of supervision required for summary probationers, including requirements for reporting.

Although we recognize the independence of the courts and of individual judicial officers, these tools would provide a number of benefits for the bench. For example, formalized criteria and risk factors to consider when sentencing individuals to formal or summary probation would provide the court with standards against which probation effectiveness could be measured. Standards and court rules on the minimum amount and quality of information to be provided prior to misdemeanor sentencing would ensure a greater level of reporting consistency by the various prosecuting attorneys. Lastly, by establishing guidelines for determining optional levels of supervision required for different categories of summary probationers, judges would be assisted in their efforts to ensure that persons assigned to summary probation meet court ordered conditions.

If the courts choose to implement these suggestions, the Probation Department should coordinate the effort and provide technical assistance to the judicial committees charged with the task. If the Probation Department fulfills these roles, consistency between jurisdictions and the quality of published standards would be more assured.

CONCLUSIONS

The profile of the formal probation population differs significantly from that of the summary probation population in Los Angeles County. While nearly 58 percent of all formal probationers were assigned to minimum supervision caseloads in FY1998-99, the remainder

were assigned to various high risk and specialty caseloads because of offense and behavior characteristics that suggested increased risk to the community.

Out of the formal probation minimum supervision population in that year, only 31 percent had been convicted of misdemeanors. The remainder had been convicted of felonies. In comparison, nearly all summary probationers had been convicted of misdemeanors.

These characteristics suggest that the formal probation minimum supervision client population contains persons who pose a greater risk to the community than persons sentenced to summary probation. Yet, this assumption is based solely on the conviction profile of probationers.

For example, Superior Court judges routinely receive detailed sentencing recommendations from Probation Department investigators. However, such services to the municipal courts are limited. Instead, municipal courts must generally rely on information provided by the attorneys from the prosecuting jurisdictions, victims and defendants.

The Probation Department should work with the courts to develop a standardized risk screening tool and judicial guidelines for sentencing persons to formal and summary probation. By implementing such a tool, the courts would also have more assurance that they are making informed sentencing choices.

RECOMMENDATIONS

We recommend that the Los Angeles County Probation Department assist the newly unified Superior Court in establishing the following standards and guidelines:

- 1.1. Regularly produced management reports detailing total summary probation caseload, caseload characteristics and key outcome measurements particularly including the number of cases held in suspense after a bench warrant is issued, by district, for regular review by judges and court managers.
- 1.2. Criteria and risk factors to be considered when assigning persons to formal or summary probation.

- 1.3. Standards and court rules which prescribe the minimum level of information to be provided by prosecuting attorneys on misdemeanor cases where summary probation may be a sentencing option.
- 1.4. Guidelines for determining the level of supervision and direct contact required for summary probationers, including requirements for reporting to the courts.

Costs and Benefits

Costs of implementing these recommendations would include staff time and probably some direct costs for computer programmers may be incurred. The proposed tools would provide the courts with standards against which probation effectiveness could be measured, ensure a greater level of reporting consistency by the prosecuting attorneys from the various jurisdictions around the County, and provide greater assurance that persons assigned to summary probation meet court ordered conditions and limit risk to the community. If the probation Department is requested to assist the courts, consistency between jurisdictions and the quality of published standards would be more assured.

2. PROBATION COSTS AND CHARGES

- The average annual cost per summary probation case in the Los Angeles Municipal Court ranges from \$103 to \$137. The average annual cost per formal probation minimum supervision case ranges from \$153 to \$324 for the two offices reviewed for this study. Because the Probation Department charges its probationers a fee for its services, the net costs of formal probation at these offices can be adjusted to between \$75 and \$247 per case. Though allowed by law, the courts do not charge a fee for summary probation services.
- The wide range of costs for probation services occurs for a variety of reasons, including: (a) differences in the level of probation supervision services provided to formal versus summary probationers; (b) differences in the mix and number of positions allocated to probation functions; and, (c) differences in supervision and compliance monitoring procedures. Given the limited performance and outcome measurements tracked by both systems, it cannot be determined if spending more per case results in better outcomes. To help manage costs, a standardized method is needed to compare costs to outcomes for the two probation systems.
- Although the Probation Department prepares an annual estimate of its average cost per case, the methodology used does not apportion costs within case type and by program. The courts do not prepare annual estimates of their average cost per case at all.
- The Probation Department should refine its analysis of its average cost of providing services by case type and program, so that it may better understand the cost factors associated with its various levels of supervision.

There are no established effective systems to track the average costs per probationer or case. Without this information, it is not possible to compare the outcomes and effectiveness of the two probation systems relative to costs. In addition, the courts do not charge fees for summary probation services, as permitted by State law. The following analyses were conducted as part of this investigation to determine and compare the average cost per probationer for minimum supervision formal probation and summary probation cases. The estimates for formal probation are based on the Probation Department's costs at the La Madera and Pomona area offices, two offices with sizable Automated Minimum Service (AMS) caseloads. Summary probation costs are based on costs at the Los Angeles Municipal Court, the largest municipal court district in Los Angeles County.

How Services Impact Costs

Some of the probation supervision costs incurred by the Probation Department and the Municipal Courts in Los Angeles County are very similar. For example, the court may calendar a progress report on a formal probation matter. In this case, the court hearing consumes approximately the same amount of court staff time for the formal probation matter, as would a

similar hearing for a summary probation matter. In this example, there is no significant court cost difference for formal versus summary probation cases.

However, the cost of other elements of progress reporting for formal and summary probation matters may differ. Based on interviews conducted for this study, the staff resources required for a probation officer to prepare a formal probation report for the court are significantly greater than the resources required for court staff to review records and report to the court on summary probationer compliance. Therefore, for formal probation matters, the cost of Probation Department services can generally be viewed as supplemental to those court costs that are normally incurred for both formal and summary probation hearings (e.g., calendaring, judicial review time, minute recording, etc.).

Other costs may also differ because the level of supervision activity varies between summary and formal probation cases. For example, a person assigned to formal probation will generally be required to attend either an individual or group orientation session at the probation office to which they are assigned. No such orientation process exists for persons assigned to summary probation. When monitoring compliance, probation officers might also make proactive contact with probationers to ensure that conditions are being met. On summary probation matters, no effort is made by court staff to contact probationers to remind them that unless they enroll in a program, or pay their fine, a violation report will be submitted to the court.

The fundamental differences in the way that formal and summary probation cases are supervised can therefore result in very different costs. As will be described in later sections of this report, these cost differences are affected by:

- The types of cases that are assigned to formal versus summary probation. As shown in Section 1, only 31 percent of all Probation Department minimum supervision cases are misdemeanors and approximately 69 percent are felonies. In comparison, nearly 100 percent of summary probation cases are misdemeanors. One would expect that probationers convicted of felonies pose a greater risk to the community, and require a greater level of supervision.
- The practices of individual judges may differ. Some judges order individuals to formal probation and expect the Probation Department to monitor probationer compliance and bring the case back to the court only if there is a re-arrest or conditional violation. Other judges require periodic progress reports and hearings at regular intervals during the term of probation in order to more directly monitor probationer compliance. In summary probation cases, probationer monitoring and progress are generally performed directly by judges.

In order to more fully illustrate these basic differences, Exhibit 2.1 displays a profile of the general manner with which formal and summary probation differs in processing and staff involvement.

A. FORMAL PROBATION COSTS

To analyze the FY1998-99 costs of formal probation services, the AMS case intake function was evaluated at the Firestone Area Field Office, as well as the probation supervision operation at the La Madera Office, to arrive at the total La Madera case cost. In addition, also analyzed was the AMS case supervision function at the Pomona Area Field Office. For both case groupings, the municipal court cost of calendaring and hearing probation violations were added, based on cost estimates prepared for the Los Angeles Municipal Court, and reporting statistics generated by the La Madera Office and the Pomona Area Field Office. In addition, the average cost for each program was compared with the annual Cost Of Probation Services analysis conducted by the Department for minimum supervision probationers in that year. The results of this analysis are displayed in Table 2.1, on the page following Exhibit 2.1.

Exhibit 2.1

Major Activities For Formal And Summary Probation Los Angeles County – FY 1999-2000

Activity	Formal	Summary
1 Conduct Risk Assessment to determine appropriate assignment of case.	Performed by probation officer assigned to the court, or by intake officer at Area Field Office.	No standardized procedures
2 Conduct orientation of new probationers to clarify terms and conditions, and compute restitution amounts (if applicable).	Terms and conditions are pronounced by the judge, and clarified by the court clerk at the time of sentencing. During orientation, restitution computations are performed by probation officers at Area Field Offices.	Terms and conditions are pronounced by the judge, and clarified by the court clerk at the time of sentencing. Restitution amounts, if any, are determined directly by the judge. No orientations are conducted by the courts.
3 Establish accounts, collect and monitor the payment of fines, fees and restitution. Report financial non-compliance to the court.	Collection function performed by County Treasurer-Tax Collector on contract with the Probation Department. Probation Department fiscal staff perform bad debt collection functions for delinquent <u>fees</u> only. Probation officers may work with probationer to comply with other financial conditions (fines/restitution) or report violations to the court.	Court clerks establish accounts based on judicial order, and directly collect payments from probationers. Since summary probationers are not charged fees for the cost of probation, no bad debt collection function is performed. Clerks report any violations directly to the court, and do not work with probationers toward compliance.
4 Monitoring of non-financial terms and conditions of probation.	Performed by AMS probation officers with assistance from clerical staff, based on notification from programs. Probation officers may work with probationer to comply with non-financial conditions, or report violations to the court.	Performed by court clerks based on notification from programs, or proof provided by probationer. Clerks report any violations directly to the court, and do not work with probationers toward compliance.
5 Reporting on non-compliance with terms and conditions.	Performed by AMS probation officer. Reports may be generated on regular intervals defined by the court, or produced on an ad hoc basis by the probation officers when a violation is noted. Progress and violation reports are always considered at a full court hearing.	Performed by court clerks at regular intervals defined by the court. Reports may be informal or be considered at a full court hearing.

An analysis of the cost for formal probation services included the FY 1998-99 direct costs for supervising probation officers, probation officers, supervising clerks, and clerical staff at the La Madera Office and Pomona Area Field Office who were assigned to minimum supervision caseloads. To this amount, Probation Department indirect costs (such as management, administration, services and supplies) and Countywide indirect costs (County

administrative costs) were added. The average cost per case was derived by dividing the average number of active AMS cases for the year, into the total costs that we developed for each location.

Table 2.1

**Comparison of AMS Formal Supervision Costs
FY 1998-99 Per Case Costs and Activity**

COST COMPONENT	LA MADERA	POMONA	SYSTEM WIDE*
Intake Component (Firestone)	\$89.48	N/A	N/A
Supervision Component	197.35	\$130.71	\$120.00
Total Probation Monitoring	\$286.83	\$130.71	\$120.00
Court Component	37.64	21.91	N/A
Total AMS Formal Probation	\$324.47	\$152.62	\$120.00

* Represents a net cost after applying Cost of Probation Services revenue.

As shown in the table, the cost varies considerably in this comparison. The La Madera, program, which is responsible for monitoring approximately 31 percent of the Probation Department’s AMS caseload, has the highest annual Department cost at \$286.83 per case. Pomona, which directly monitored 6,486 cases in FY 1998-99—or approximately 12.4 percent of Department AMS caseload—had a Department cost of \$130.71 per case. The Department’s COPS analysis, which is reportedly used to estimate the system-wide cost of monitoring minimum supervision probationers, was \$120.00 per case in FY1998-99. We were unable to obtain detailed worksheets or documentation supporting the computation of the FY 1998-99 fee. However, we were told during interviews that this figure reflects an estimate of the cost to supervise minimum supervision cases, net of revenue received from COPS fees.

The differences in these costs are explained by several factors, as discussed below.

- ◆ The average FY1998-99 caseload at the La Madera Office was approximately 1,109 cases per probation officer, while at the Pomona Area Field Office, the average caseload was approximately 1,567 cases per probation officer, or 41.3 percent greater than at La Madera. The program differences at these two offices therefore result in a lower cost per case at the Pomona Area Field Office.
- ◆ The probation officers at the La Madera Office are supported by a greater number of clerical personnel than the probation officers at the Pomona Area Field Office. Based on an analysis of current staffing, there are approximately 2.6 clerical workers for each probation officer at the La Madera Office. There are 1.7 dedicated AMS clerical staff for each probation officer at the Pomona Office.

- ◆ The Department is assigning more than twice the staff resources to cases monitored at the La Madera Office than those monitored at the Pomona Area Field Office. On average, the La Madera Office assigns 429 cases per staff position, while the Pomona Office assigns 940 cases per staff position. The La Madera per staff person workload therefore represents only 46 percent of the per staff person workload at Pomona.

Although the Probation Department reports various workload statistics through the APS system and in its monthly “Area Directors Report,” limited data is maintained which demonstrates the operational effectiveness of the different probation supervision approaches used by the Department. Accordingly, no conclusions can be drawn regarding the cost effectiveness of the La Madera approach versus the Pomona Area Field Office approach to AMS case monitoring. Without such data, it is also difficult to determine the effectiveness of formal supervision for minimum risk probationers compared with that of summary probation. This is discussed more extensively in Section 3.

Court Involvement with Formal Probation Supervision

As mentioned previously, the courts also play a critical, ongoing role in the supervision of formal probationers. Based on a review of workload statistics for the La Madera and Pomona offices, probation officers had a report to case ratio of 41.1 percent and 23.9 percent respectively in FY1998-99. In addition, a review of multiple year records for 41 La Madera AMS case files for this study showed that court reports were prepared for 28 cases, or 68.3 percent of the sample cases at some point during the probation term.

This data indicates that the court directly considers periodic progress reports, probation violation reports, and drug diversion termination reports on a routine basis, resulting in further costs for supervising persons on formal probation. Because these costs are comparable to those related to summary probation, they have been included in the analysis. Conservatively, assuming that the court actively participates in the supervision of 41.1 percent of La Madera cases each year, and 23.9 percent of Pomona AMS cases each year, average annual court costs of \$37.64 and \$21.91 per case also should be added to the estimated costs for formal probation. This increases total annual formal probation costs to \$324.47 for a La Madera case and \$152.62 for a Pomona case, as shown in Table 2.1.

Offsetting Revenues

Penal Code §1203.1b (a) states:

“In any case . . . in which a defendant is granted probation or given a conditional sentence, the probation officer . . . shall make a determination of the ability of the defendant to pay all or a portion of the reasonable cost of probation supervision or a conditional sentence . . .” Further, “The probation officer . . . shall determine the amount of payment and the manner in which the payments shall be made to the county.”

Subsection (b) requires the court to “order the defendant to pay the reasonable costs if it determines that the defendant has the ability to pay these costs.” Other sections of the Penal Code permit the court to order that administrative fees be paid for the collection of restitution, managing payment plans, and other programs affecting costs.

In the County of Los Angeles, the Probation Department collected \$7,567,432 in probation supervision fees in FY1998-99. Of this amount, \$4,804,053 is attributed to COPS collections at the Area Field Offices. The balance included collections to support the costs for narcotics testing, work furlough and grants.

The Department does not maintain financial data necessary to segregate the amount of COPS revenue attributable to each Area Field Office or to each probation supervision level (High-Risk Offender cases, Specialty cases, Automated Minimum Supervision cases, etc.). However, an analysis of financial and workload data by Area Field Office for FY1998-99 indicates that an average of \$77.40 was collected for each case in that year. Applying this average to the per case cost in the Pomona and La Madera offices results in a net per case cost of \$75.22 and \$247.07 respectively, as shown in the table below.

Table 2.2
Net County Cost Per AMS Case
Pomona and La Madera Offices
County of Los Angeles – FY1998-99

COST COMPONENT	POMONA	LA MADERA
Total AMS Formal Probation	152.62	324.47
Less Estimated COPS Revenue	(77.40)	(77.40)
Net County Cost	75.22	247.07

Actual per case revenue probably differs significantly by location and type of case. Therefore, applying an average revenue to the La Madera and Pomona per AMS case cost probably does not accurately reflect actual performance. Accordingly, the average offsetting revenue applied in this model can be used as only an indicator of the collection effectiveness of the Department overall.

Methods Used By the Probation Department to Determine Estimated Costs and Revenues

While the Probation Department prepares analyses of the cost of formal probation services, these analyses could be strengthened in several ways. Although no detailed work papers were provided by the Department, which would allow a thorough review of the methodologies used to determine costs, several issues surfaced during a review of the documentation that was available.

- The Probation Department has established a methodology which computes the average cost of probation services system-wide, by case type. While this approach is appropriate for fee development purposes, the methodology would not be effective in determining the cost-effectiveness of one service delivery program versus another. As explained previously, the cost at the La Madera Office is higher than the cost at the Pomona Area Field Office, in part because the clerical staff to probation officer ratio

at that location is more than 1½ times greater than at Pomona (ratios of 2.6:1 versus 1.7:1, clerks to probation officers).

- The method of organizing the Probation Department's formal probation caseload differs significantly by program, and therefore costs should be segregated on this basis. Although determining an average Department-wide cost for minimum supervision cases is appropriate for purposes of analyzing COPS, cost estimates by program would strengthen the Department's ability to evaluate cost-effectiveness. For example, the Pomona Area Field Office AMS case operation, with its higher average caseload and lower clerical ratio per probation officer, is less costly than La Madera on a per case basis. However, no system has been established to evaluate various effectiveness measures against these costs. Therefore, it is uncertain whether the Pomona Office is more cost-effective or merely less costly than La Madera.
- Neither the Probation Department nor the Treasurer-Tax Collector have established the capability to easily segregate fees and collections by case type. Accordingly, the amount of collections attributable to minimum supervision cases versus higher risk cases cannot be determined. Revenue segregated by case type and program also cannot be determined. As a result, the Department does not have the ability to determine collection effectiveness—and therefore, formal probation compliance effectiveness—by caseload or Area Office. This would be a valuable tool for evaluating operational cost effectiveness.

Accordingly, the methodologies for determining costs by case type and location should be strengthened for purposes of improving management's ability to assess the cost-effectiveness of its operations.

B. SUMMARY PROBATION

Each of the County's 24 municipal court districts maintains its own budget. Since a detailed analysis of expenditures was necessary to determine the average cost per summary probation case and it was not practical to obtain and analyze the budgets of each district, one municipal court district was used to determine the average cost per probationer. The district selected was the Los Angeles Municipal Court, the largest municipal court district in Los Angeles County, responsible for approximately half of the total municipal court filings in the county and approximately 36 percent of the summary probation caseload. Since the amount of time spent in direct contact with summary probationers varies significantly among judges, using cost data from the Los Angeles district, which had 94 authorized judicial positions in FY1998-99, provides greater assurance that the different judicial approaches, and their related costs, are accounted for in the estimate.

The method used to determine the average cost per summary probation case for FY1998-99 is described below. The goal was to identify the portion of municipal court and other county costs attributable to the post-sentencing functions associated with summary probation. Post-sentencing functions include compliance monitoring, cashiering, progress report hearings, and probation violation and modification hearings. The decision to use only the costs of post-

sentencing functions was made because pre-sentencing activity (arraignment, pre-trial hearings, trials, etc.) occurs whether the defendant is assigned to formal or summary probation.

The Los Angeles Municipal Court district does not maintain records that distinguish their costs or staff time between pre-and post-sentencing activities for summary probationers. To help determine these costs, we identified an average cost of operating a courtroom and then determined the average amount of courtroom time spent on post-sentencing summary probation activities. Total costs per courtroom include not only direct courtroom costs such as the salaries of judges, court clerks, and court reporters but also the costs of direct support (administrative and office clerical and support staff at each court), indirect court and county-wide costs (District-wide administrative costs and county services such as county counsel, human resources, etc.), other county costs for bailiffs, public defenders, and prosecuting attorneys, and a portion of county-wide court costs such as data processing and jury expenses.

Identifying an average cost per courtroom enabled us to exclude the costs of courtrooms that do not handle post-sentencing misdemeanor activities, primarily the courtrooms or portions of courtrooms (some have a mixture of case types) that hold only small claims, civil, felony arraignment, and felony preliminary hearing and trial proceedings. The portion of the remaining costs attributable to post-sentencing summary probation activities were then identified, as detailed below.

The following approach was used to determine an estimate of the average court cost per summary probationer. FY 1998-99 was used as the base year for this analysis.

- Total Los Angeles Municipal Court FY1998-99 expenditures were identified.
- The costs of public defender, prosecuting attorney, bailiff, interpreter, and centralized data processing were identified and added to total Los Angeles Municipal Court expenditures since these other county and city services are involved in post-sentencing summary probation proceedings (the prosecuting attorney in many misdemeanor and infraction cases is the city attorney, not the district attorney)
- A weighted court filing caseload for FY1998-99 was obtained to determine the proportion of judicial and court staff time allocated to misdemeanors and infractions. These two offense categories generate almost all of the summary probation caseload. The weighted caseload system used was developed and is used by the Judicial Council of California to determine the number of judicial positions needed at each trial court throughout the state. Filings are weighted by type of case (felonies, four categories of misdemeanors, two categories of infractions, small claims, parking etc.) as an indicator of the average level of judicial and other resources necessary to process and dispose of a case.
- Estimates of the amount of courtroom time allocated to post-sentencing summary probation activities such as probation violation hearings and progress reports were obtained from court managers, judges, and other municipal court staff. An analysis of the Los Angeles Municipal Court's Condition of Calendar Summary report, a court

management report that lists all calendared events, was also conducted to assess how courtroom time is allocated.

- The number of cases assigned to summary probation in the Los Angeles Municipal Court in FY1998-99 was determined through a special report generated by the Municipal Court TCIS computer system and the average cost per case was determined.

The results of this cost analysis are as follows:

Table 2.3
Methods for Determining Municipal Court Costs
for Misdemeanor and Infraction Activities
Los Angeles Municipal Court FY1998-99

FY 1998-99 Total LAJD Expenditures ⁽¹⁾	\$111,575,565
Plus Interpreters (funded through Superior Court)	\$ 12,800,000
Plus allocated data processing cost (allocated County-wide)	\$ 8,686,600
Total LAJD Court Expenditures	\$133,062,165
Total number LAJD courtrooms in FY1998-99	117
Cost per courtroom	\$1,137,283
Number of court days in FY1998-99	248
Cost/courtroom/day	\$4,586
# courtrooms dedicated to misdemeanors and infractions ⁽²⁾	x 58.5
Daily court cost of misdemeanor/infraction activities	\$268,281
Plus daily cost of prosecuting attorney/public defender	\$25,910
Total daily court cost for misdemeanor/infraction activities	\$294,191
Total annual court cost for misdemeanor/infraction activities (daily cost x 248 court days)	\$72,959,368

Source: LAMC Management Systems Analysis Unit; Los Angeles County Superior Court (for interpreter costs); Los Angeles County Human Resources Department (salary and benefits information)

- (1) Includes State and County funded direct support, the District's share of indirect County-wide costs, bailiff services provided by the Sheriff's Office, indigent defense services, and the District's allocated cost for county-wide data processing services
- (2) Based on percentage of FY1998-99 weighted caseload attributable to misdemeanors and infractions (2,888,671 out of 5,773,923, or 50% of the total)

The final step in determining the portion of the \$72,959,368 total annual Los Angeles Municipal Court cost for misdemeanor and infraction activities attributable to summary probation post-sentencing activities is presented in Table 2.4. Estimates of the average amount of court time allocated to these functions range from 25 to 33 percent according to a number of municipal court judges and managers interviewed. These estimates were applied to total misdemeanor courtroom costs to determine the average cost per summary probation case as shown in Table 2.4.

Table 2.4
Average Cost per Summary Probation Case
Los Angeles Municipal Court, FY1998-99

	Low	High
Total annual cost for misdemeanor/infraction proceedings	\$72,959,368	\$72,959,368
Staff time allocated to post-sentencing summary probation activities	<u>25%</u>	<u>33%</u>
Post-sentencing summary probation annual costs	\$18,239,842	\$24,076,591
Number of FY1998-99 summary probation cases	176,439	176,439
Average cost per probation case	\$103	\$137

To validate the estimated amount of staff time and resources allocated to post-sentencing summary probation activities, a review of four month's worth of data from the Los Angeles Municipal Court's FY1998-99 Condition of Calendar Summary report was conducted. This analysis showed that approximately 54 percent of all District misdemeanor courtroom events (calendared hearings and case dispositions) are post-sentencing summary probation hearings, mostly probation violation hearings and probation progress reports. However, this percentage cannot be directly applied to total costs to determine the costs of post-sentencing summary probation activities for three reasons.

The first reason the calendared event statistics cannot be applied directly to court staff time allocation estimates is that the statistics include both formal and summary probation violation hearings. Though court staff is supposed to use different codes for the two types of probation when they record case activity in the municipal court computer system, this is not always done. The second limitation of the calendared event statistics is that they are not weighted to account for variations in the time and level of resources needed for different type of court events. For example, probation progress report hearings usually take no more than a matter of minutes compared to felony sentencing hearings that can take substantially more time. Yet both are counted as one event. The final limitation of the calendared event statistics is that progress report hearings calendared and included in the report are waived by some judges if the probationer has appeared at the court and provided sufficient evidence of probation compliance to the court clerk. Since the calendared event report is prepared prospectively and not updated to reflect what actually took place, waived hearings are still recorded on the report as calendared events. When all of these factors are considered, we believe the data in the Condition of Calendar summary report is consistent with the 25 to 33 percent time allocation estimate used to determine the average cost per summary probation case.

The cost-effectiveness of summary probation needs to be measured

While the estimated average cost per summary probation case appears to be lower than the average cost per formal probationer, the conclusion should not be drawn that the municipal court system is more efficient or effective. The important measure for either system is effectiveness. For the summary probation system, the estimated average cost is highly dependent on the assumed allocation of court staff time spent on post-sentencing summary probation hearings and activities. As more court time is spent per case through activities such as more in-court progress report hearings, the average cost per case increases.

From a management perspective, the challenge for court managers is to determine the optimal amount of court staff time and costs to allocate per case to achieve the desired results. At this time, the Municipal Courts do not have systems in place to routinely collect the data needed to help make these decisions. Instead, judges make decisions individually concerning the amount of direct contact they will have with summary probationers without the advantage of system-wide empirical data showing the impact of judicial contact on violations and other probation outcomes. Judges who choose frequent progress reports and contacts generate a higher average cost per case and may or may not produce better results. While individual judges may track their own case outcomes, such information is not available to all judges or court managers throughout the county. Such individual collection methods may be less exact than if the data were collected using a standardized method and centralized system.

Regularly collected court statistics showing the link between frequent in-court progress report hearings and probation violation rates, for example, would help judicial officers assess the benefits and cost-effectiveness of more progress report hearings. The Municipal Courts' TCIS computer system stores data for each probationer on their number of hearings, violations, and revocations. Extracting and linking this data would provide evidence to be used by judicial officers and court managers to determine the optimal cost per case.

Offsetting Revenue

As allowed by State law, the Probation Departments charges a fee known as the Cost of Probation Services (COPS) to probationers who are found to have the ability to pay. The same statute (Penal Code §1203.1b) allows a COPS fee to be charged to defendants given conditional sentences. The Los Angeles County Municipal Courts have not established such a fee.

In FY1998-99, the Probation Department collected \$4.8 million in COPS revenue on an average of 62,000 cases during the year. This equated to an average of \$77.40 per probationer system-wide. Assuming an average cost per summary probation case of \$103 (the low end), total costs would be \$51,406,682 assuming 499,094 cases per year. The Probation Department presently has a cost to collection ratio for its COPS fees of approximately 22.9 percent. Applying that ratio to total court costs would result in net collections of \$11,772,130 per year. This estimate is conservative because (a) it is based on the low-end cost per case estimate; and, (b) the collection ratio for Probation is for all case types. It is probable that the courts would have a higher rate of payment from summary probationers than the Probation Department has from felons and high-risk offenders. The law does specify that the sentencing judge must consider a defendant's ability to pay when setting fees. The Probation Department uses a standardized "ability to pay" matrix when determining fees and the courts would need a similar instrument if such fees were imposed.

The courts are now funded primarily by the State through the State Trial Court Fund which is comprised of a combination of State General Fund and County monies. The County monies consist of revenue from a number of fees charged and collected by the County. By State law, these revenues, which were retained as county revenue prior to implementation of State Trial Court Funding, must be transferred from the County to the State Trial Court Fund. State Penal Code §1203.1b allows for charging probationers fees to cover the cost of formal or summary probation services. The law does not specify that such revenue must be transferred to

the State Trial Court Fund. It would appear then that the County could retain revenues from any fees charged for the cost of summary of probation services. This matter would have to be reviewed by County Counsel and State representatives to determine if that is the correct interpretation and to resolve how such revenues would be treated.

CONCLUSIONS

The average cost per summary probation case ranges between \$103 and \$137 based on costs and caseloads reported for the Los Angeles Municipal Court. The average cost per formal probation minimum supervision case ranges from \$153 to \$324 for the two offices reviewed for this study. Because the Probation Department charges fees for services, the net costs of formal probation at these offices can be adjusted to between \$75 and \$247 per case. The courts do not charge a fee for summary probation services.

The wide range of costs for probation services occurs for a variety of reasons, including: (a) differences in the level of probation supervision services provided to formal versus summary probationers; (b) differences in the mix and number of positions allocated to probation functions; and, (c) differences in supervision and compliance monitoring procedures. For example, the higher costs for formal probation results, in part, because probation officers prepare progress and violation reports for the courts. No such reports are prepared for summary probation cases. Higher costs within the courts occur because some judges require more summary probation progress reports than other judges. Neither the Probation Department nor the courts systematically collect and analyze cost and outcome data to determine if the additional costs produce better outcomes.

Although the Probation Department prepares cost analyses of formal probation services, the methodology does not distinguish between operations with high clerical worker to probation officer ratios.

RECOMMENDATIONS

The Probation Department should:

- 2.1. Develop a cost accounting methodology which provides more accurate estimates of per case costs by program and case type, linked to probation outcomes;
- 2.2. Develop a program evaluation system which fully considers the cost of probation services by program and case type, and which can be used to support resource allocation decisions;
- 2.3. Develop a methodology for allocating actual revenue collections by location and case type, and prepare regular reports on collection effectiveness.

3. REVOCATION AND MEASURES OF PROBATION EFFECTIVENESS

- The Municipal Courts and the Probation Department do not systematically track and report probation violations and revocations, two key measures of probation effectiveness. An analysis of revocations for the two systems revealed that variations in the operations of the Probation Department and the Municipal Courts and weaknesses in their record keeping systems need to be addressed for these key outcome measures to serve as useful management tools.
- The revocation rate for formal probationers does not accurately portray formal probation violation activity. It does not include the large number of violations for narcotics and drugs offenders assigned to the Deferred Entry of Judgment program, for which revocations are recorded differently than for the rest of formal probation. In addition, the Probation Department's violation reporting system and procedures do not fully capture all probation violation and revocation activity.
- Summary probation revocation rates vary considerably between court districts, reflecting variations in procedures for dealing with violations at different courts and inadequacies in court violation reporting systems.
- While uniform approaches are not necessary or desirable, the courts and the Probation Department need a consistent system for measuring and reporting key measures of system effectiveness. Violation rates, methods of dealing with violations, number and reasons for revocations, and revocation outcomes should be tracked and regularly reported to court and Probation Department management to measure and improve effectiveness and to allow for comparisons of the two systems.

As another means of comparing Los Angeles County's two probation systems, data on revocation rates for formal and summary probation were collected and analyzed. Various revocation rates for each system are presented below followed by a comparison of rates for the two systems.

Why revocation rates were evaluated

An assumption was made for this analysis that the more effective the probation system, the lower the number of violations and revocations. Effectiveness in this case means that an appropriate level of supervision is being provided and violations and resultant revocations are minimized. Violations are considered an important measure of effectiveness because as more occur, more court-ordered sentences are not being served and the risk to the community is increased. By analyzing the revocation rates of the two probation systems, it was assumed that comparisons could be made of the relative number of violations and effectiveness of each system. However, differences in procedures and record keeping between the Probation

Department and the municipal courts, as well as between the 24 districts of Los Angeles County's municipal courts demonstrated limitations to using revocation alone as a measure of system effectiveness.

Without reliable record keeping and management systems in place, a low revocation rate could simply mean that violations are going undetected. A high rate without good systems could mean that violations are being detected, but it does not reveal how many revocations result in subsequent compliance.

Why and how probation is revoked

The terms and conditions of formal and summary probation in Los Angeles County usually include one or more of the following: prohibition of further arrests; a requirement to pay fines, fees, penalties, and restitution; participation in a drug and alcohol or domestic violence rehabilitation program; and, participation in a community service endeavor such as trash removal on the highways. Other terms and conditions specific to the offense or case circumstances may also be ordered by the courts such as a restraining order in a domestic violence case.

Under both formal and summary probation, there are wide ranges of sanctions which judges may impose on individuals who have violated the terms and conditions of probation. When a violation notice or report is submitted to the court by the Probation Department or a court clerk, the judge may revoke probation and jail the probationer, or revoke and restore probation as originally granted or with modifications. The judge may also choose to continue the probation without revoking the original grant, or continue the probation with modifications to the original grant.

Under the summary probation system, new arrests and conditional violations are almost always handled and disposed of through the court hearing process. Conditional violations and some probationer re-arrests are tracked by Municipal Court staff with the aid of the court's computerized information systems. As violations are identified, most courts either: 1) notify the probationers that they must appear in court for a possible probation violation hearing; or, 2) issue a bench warrant for the arrest of the probationer, which automatically revokes their probation. Neither judges nor staff in the Municipal Courts contact probationers who have violated their probation to informally work out plans to get them back into compliance. Such arrangements are made only through court hearings for summary probationers.

Under the formal probation system, the probation officer has considerable discretion regarding the types of violations to be presented to the court. Although new arrests are generally brought to the courts' attention quickly, violations of other probation conditions may only be brought to the court after a probation officer's informal attempts at enforcing compliance, or not at all. Instead, probation officers may provide probationers with some flexibility on satisfying probation conditions. For example, Probation Department staff advises that, by policy, probation officers at the La Madera Office allow probationers to miss up to two probation orientation sessions before a violation report is prepared for the court. Therefore, neither the Probation Department nor the courts expect that every conditional violation on a formal probation matter will be brought before the court, or transmitted to the court in a timely manner.

For this investigation, the following data was compiled and analyzed to compare formal and summary probation.

- Felony and misdemeanor revocations by formal probation case type.
- Formal probation violations identified and reported for the La Madera and Pomona Automated Minimum Supervision (AMS) caseloads.
- Summary probation revocations by Municipal Court district.
- Felony and misdemeanor revocations by Department of Justice offense category for formal and summary probation.
- Reasons for revocation for a sample of formal and summary probation cases.

A. FORMAL PROBATION REVOCATIONS

As shown in Table 3.1, approximately 15.3 percent of all misdemeanor defendants and 17.6 percent of all felony defendants assigned to formal probation had their probation revoked at least once during FY1998-99. On average, 17.2 percent of all defendants had their probation revoked at least once. For minimum supervision cases, the misdemeanor and felony revocation rates were 15.1 percent and 11.6 percent respectively, with an overall revocation rate of 12.7 percent.

Table 3.1

**Felony and Misdemeanor Revocations
By Formal Probation Case Category
Probationers with One or More Occurrences
County of Los Angeles – FY1998-99**

CASE CATEGORY	MISD DEFEND	FELONY DEFEND	TOTAL DEFEND	MISD DEF REVOKED	FEL DEF REVOKED	TOT DEF REVOKED	% MISD DEF REVOKED	% FEL DEF REVOKED	% TOT DEF REVOKED
HRO	550	15,891	16,441	93	3,126	3,219	16.9%	19.7%	19.6%
DOM	996	2,046	3,042	175	426	601	17.6%	20.8%	19.8%
CTH	245	1,852	2,097	29	191	220	11.8%	10.3%	10.5%
NTU	198	15,488	15,686	42	4,523	4,565	21.2%	29.2%	29.1%
GNG	26	716	742	4	216	220	15.4%	30.2%	29.6%
OTH	27	587	614	4	143	147	14.8%	24.4%	23.9%
AMS	16,449	35,897	52,346	2,480	4,161	6,641	15.1%	11.6%	12.7%
TOTAL	18,491	72,477	90,968	2,827	12,786	15,613	15.3%	17.6%	17.2%

Additional information derived from the Probation Departments' automated Adult Probation System (APS) indicates that many minimum supervision probationers had their probation revoked more than once. Misdemeanor minimum supervision clients who had their probation revoked in that year averaged 1.92 revocations each, while felons averaged 1.54 revocations each. The entire population of minimum supervision probationers with one or more revocations averaged 1.68 revocations each.

The data above suggests that the Probation Department regularly monitors probation compliance for clients assigned to the Automated Minimum Supervision caseload so that the courts may consider sanctions when the conditions of probation are violated. This conclusion is

also supported by other management data generated by the individual Area Field Offices in the Department's monthly "Directors' Report."

For example, the La Madera Office reported that out of a total average caseload of 16,165 probationers in FY1998-99, 6,419 violations were discovered and reported by the La Madera Office staff (5,202 conditional violations and 1,217 new arrests), or an average of approximately 40 violations for every 100 minimum supervision probationers.

Similarly, the Pomona Area Field Office AMS probation officers identified approximately 31 violations for every 100 probationers over a nine month sample period reviewed for this study (March 1999 through September 1999). Based on data generated from the Pomona Office's Compliance Tracking System (CTS), all but 7.0 percent of these violations were reported to the courts.

This data indicates that the violation reporting rate for these two offices is higher than the 12.7 percent revocation rate for the minimum supervision caseload in the Department overall, as shown in Table 3.1 for FY1998-99. Adjusting La Madera violation data for probationers with multiple revocations, one can infer that approximately 23.6 percent of all La Madera Office clients had violations reported to the court in that year. At the Pomona Area Field Office, an estimated 14.3 percent of AMS probationers had violations reported to the court. This assumes that per probationer violations reported to the courts mirror per probationer revocations

Revocations by Department Of Justice Category

Approximately 68.6 percent of all minimum supervision formal probation cases were for felonies and 31.4 percent were for misdemeanors in FY1998-99. A further evaluation of workload data maintained by the Probation Department indicates that approximately 46.6 percent of all minimum supervision cases were for various drug, marijuana and narcotics offenses.

This is significant for several reasons. California Penal Code §1000.1(a) provides that defendants who plead guilty to certain drug, marijuana and narcotics charges may be granted "deferred entry of judgment" (DEJ). Under this program, the court may dismiss the charges against a defendant upon the defendant's successful completion of a County drug treatment program. The defendant is granted a minimum of 18 months to complete the program, which can be extended by the court to a maximum of 36 months.

Many DEJ cases are referred to the Probation Department for monitoring during this 18-month to 36-month period. Defendants are given this period to comply with any DEJ conditions imposed by the court and generally do not have their DEJ status terminated unless they are rearrested for certain offenses. Instead, the Probation Department is required to provide periodic progress reports, as directed by the Court. Our sample of formal probation cases indicates that these DEJ progress reports are generated approximately every six months.

Accordingly, the nature of this program indicates that very few DEJ participants will have their DEJ status revoked during the initial 18 month or 36 month period. This is borne out by Probation Department statistics for FY1998-99 which indicates that for the three Department of Justice crime categories of Drug, Marijuana and Narcotics offenses, there was a revocation

rate of only 9.1 cases per hundred. This is 28.3 percent lower than the caseload average of 12.7 revocations per hundred cases and, because these cases represent 46.6 percent of total minimum supervision, it skews the overall average for the Department downward.

If a DEJ defendant does not have a new arrest during the 18-month to 36-month program period, their DEJ status will terminate. If the drug program and other conditions have been completed successfully, the charges will be dropped. If the drug program and other conditions have not been completed, the guilty plea is entered and the defendant is sentenced. Sentencing may include a formal probation grant.

The Probation Department does not maintain statistics on the number or percent of DEJ cases which terminate successfully or unsuccessfully. However, the District Attorney's Office advises that Drug Diversion cases had a 62.6 percent failure rate in FY1998-99. This rate was confirmed in discussions with Probation Department managers.

Accordingly, drug, marijuana and narcotics cases were omitted from our analysis of revocation rates by DOJ code. This has the effect of increasing the average revocation rate for all remaining formal probation cases to 15.8 cases per 100 probationers. For misdemeanor cases, the rate increases to 23.9 revocations per 100 probationers. The misdemeanor caseload is most comparable to summary probation, as will be discussed more fully below.

Tables 3.3 and 3.4 illustrate the formal probation minimum supervision revocation rates for misdemeanor cases, and for all cases in FY 1998-99.

Table 3.3
Formal Probation Revocation Rates
For Misdemeanor Category
Minimum Supervision Caseload
Los Angeles County Probation Department – FY 1998-99

CODE	DOJ CATEGORY	MISD DEFEND	MISD REVOC	REVOC RATE/100	CUMU. % REVOC
MT	Misd Traffic	2,258	719	31.8	32.0%
PR	Prostitution	97	28	28.9	33.2%
FO	Forgery	113	32	28.3	34.7%
PT	Petty Theft	564	144	25.5	41.1%
TH	Theft Felony	186	47	25.3	43.1%
VA	Vandalism	343	83	24.2	46.8%
DD	Drunk Driving	3,363	713	21.2	78.6%
AS	Assault	233	49	21.0	80.7%
AB	Assault Battery	422	88	20.9	84.7%
MO	Misd Other	388	76	19.6	88.0%
HR	Hit Run	290	56	19.3	90.5%
	All Other Codes	1,154	213	18.5	100.0%
	TOTAL	9,411	2,248	23.9	

Table 3.4

**Formal Probation Revocation Rate for All Categories
Minimum Supervision Caseload
Los Angeles County Probation Department – FY 1998-99**

CODE	DOJ CATEGORY	TOTAL DEFEND	TOTAL REVOC	REVOC RATE/100	CUMU. % REVOC
MT	Misd Traffic	2,271	720	31.7	16.3%
VA	Vandalism	380	90	23.7	18.3%
PT	Petty Theft	634	148	23.3	21.7%
VT	Vehicular Theft	1,105	243	22.0	27.2%
AB	Assault Battery	444	91	20.5	29.2%
DD	Drunk Driving	3,836	753	19.6	46.3%
BU	Burglary	2,496	414	16.6	55.6%
FO	Forgery	1,169	192	16.4	60.0%
RO	Robbery	828	125	15.1	62.8%
AS	Assault	1,480	194	13.1	67.2%
TH	Theft Felony	8,119	782	9.6	84.9%
	All Other Codes	5,166	667	12.9	100.0%
	TOTAL	27,928	4,419	15.8	

Reasons for Revocations

The Probation Department does not maintain statistics on the reasons that probation is revoked so a statistical profile of revocation by reason could not be provided in this report. Instead, we conducted a detailed review of 41 La Madera Office AMS case files from FY 1998-99 to determine various characteristics about the case population in that year. The results of our sampling are described below.

- Of the 41 files reviewed, probation was revoked a total of 16 times. Therefore, this occurred at a rate of approximately 39 revocations per 100 cases.
- Of these, probation was revoked due to a new arrest in seven cases, or 43.8 percent of the cases with revocations.
- Probation was revoked, or DEJ status terminated, in an additional five cases because the probationer failed to register for a program, as directed by the court. This represented 31.3 percent of sample cases with revocations.
- Probation was revoked in an additional three cases, or 18.8 percent of the cases with revocations, because the defendant failed to appear for a court hearing or Probation Department orientation.
- Revocation occurred in one case, representing 6.3 percent of total revocations, because the defendant failed to pay court ordered fines and fees.

Because of sampling limitations, the distribution of revocation reasons cannot be relied upon for comparison purposes. However, by reviewing detailed case records, we were able to

obtain a flavor for the effectiveness of the formal probation supervision process at the La Madera Office. The following summaries of five of the 41 cases which were reviewed provides some insight regarding probation successes and failures in FY 1998-99.

Sample #1: The defendant was referred to the Probation Department on 2/2/96 after convictions for possession and under the influence of methamphetamine. He had been sentenced to 12-months Drug Diversion, during which time he was required to pay fines and fees and to complete a drug education program. On 2/4/97, the court extended the term of the diversion because the probationer had not completed the conditions of the Drug Diversion. The court then ordered six-month progress reports to be prepared by the Probation Department. Progress reports on 8/4/97, 3/31/98 and 9/30/98 showed continuous progress, except for the payment of fines and fees. On 9/30/98 the Probation Department recommended that the case be terminated once fines and fees had been paid. Because payment was not made, the case was calendared for a violation hearing on 2/2/99. The defendant appeared in court, paid his fines and fees, and the case was dismissed.

This sample suggests that despite regular progress reporting, the courts can be lenient on some cases. Despite an initial 12-month drug diversion referral for the defendant, the court extended the diversion term for an additional 12 months after it became apparent that the defendant would not meet conditions within the initial 12-month period. After a threat of violation, the defendant complied with the final conditions and the case was terminated an additional 12 months later.

Sample #2: The defendant was referred to the Probation Department for a three-year probation term on 11/5/97 after a conviction for felony check fraud. He had no prior criminal history and had clear ties to the community. Although he had a Risk Assessment score of only 4, the investigating probation officer recommended that his case be assigned to a High-Risk Offender caseload. The override was not approved by the supervising probation officer and the case was assigned to an Automated Minimum Supervision caseload. Evidence in the file indicates that the defendant showed continued compliance with conditions during the first six months, and reached full compliance on 5/5/98. Mail-in monthly reporting cards were current at the time of the case review.

In this sample, all defendant characteristics available in the file and the Risk Assessment score suggested that minimum supervision was an appropriate assignment. It is unclear why the investigating probation officer recommended that the case be assigned to a High-Risk Offender caseload. Further, the defendant's full cooperation and continued compliance suggest that, had the conviction not been for a felony, a summary probation sentence may have been more appropriate. The Probation Department has had to do very little to ensure compliance on this case.

Sample #3: The defendant was referred to the Probation Department for a three year probation term on 11/3/97 after a conviction for using false identification during a routine traffic stop. The defendant was an illegal alien. Assigned to an Automated Minimum Supervision caseload, on 4/16/98, the defendant was sent a letter scheduling an orientation session. The defendant failed to

appear on the scheduled orientation date of 5/14/98. There has been no follow-up by the Probation Department since that time, and the court has not been notified of non-compliance.

It is clear that the Probation Department has not performed well on this case. Orientation was not scheduled for nearly six months after referral by the court, which was entirely inappropriate given the fact that the defendant was an illegal alien with weak ties to the community. Further, the Probation Department had not reported to the court that the defendant failed to appear for orientation seven months after the scheduled orientation date.

Sample #4: The defendant was referred to the Probation Department for a three year probation term on 6/19/98 after a misdemeanor driving under the influence conviction. First contact with the Probation Department was three months after conviction, on 3/18/98. The defendant showed initial compliance with conditions by reporting for orientation and enrolling in a drinking driver counseling program. However, on 9/14/98 the Probation Department recommended that probation be revoked because the defendant was not complying with program attendance, had not enrolled in a community service program, and had not paid any fines or restitution. On 9/14/99 the court chose to revert the case to summary probation (there is no explanation of reasoning in the file).

This case is unusual because the court chose to revert the case to summary probation after the defendant displayed continued non-compliance while on a formal probation caseload.

Sample #5: The defendant was referred to the Probation Department for a three year probation term on 2/5/99 after a felony burglary conviction. The defendant was placed on a minimum supervision caseload, in part, because there was no record of prior convictions. There is no evidence in the file of initial compliance with conditions of probation, and within six months the defendant was arrested six more times for various drug and burglary charges. On 9/20/99 the defendant was convicted of a second burglary charge and sentenced to state prison.

This case indicates that even when there is a standardized risk-screening tool, it only provides an indication of the future risk of non-compliance. In addition, because of the rapid and habitual pattern of continued criminal activity, it is uncertain whether this individual should have been a candidate for probation at all.

B. SUMMARY PROBATION REVOCATIONS

Revocation data were collected for summary probation in a special report with data from the Municipal Courts' TCIS computer system. At our request, the following data was extracted from TCIS by County staff for each active summary probation case in FY1998-99:

- Court district.
- Case number.
- Number of defendants associated with case.
- Description of charges and relevant Code section(s).
- Whether probation was revoked.

Analyses of this data were conducted to determine the revocation rates for the summary probation population as a whole, by court district, and by offense. As discussed earlier in this report, common violations leading to revocation include re-arrest, failure to pay court-ordered fines and fees, failure to enroll in or regularly attend a court-ordered program, and failure to perform court-ordered community service.

If a probationer is rearrested, he or she will appear in court to be arraigned, at which time the judge will be informed of the defendant's criminal history and if he or she is already on summary probation for another case. Summary probation may be revoked at that time. Conditional violations other than re-arrest are identified by Municipal Court staff who track each probationer's fee, fine, and restitution payments and enrollment and attendance in court-ordered therapeutic and community service programs.

When probationers are found out of compliance, one of two scenarios occurs in most Municipal Courts. One scenario is that the court will notify the probationer to appear in court for a hearing in which probation may be revoked, modified, or revoked and reinstated. The second scenario bypasses the possible probation violation hearing. Instead, all cases with violations are reported to the sentencing judge who revokes probation and issues bench warrants for the probationers' arrest without a formal hearing. Under the first scenario, probationers who receive notices but do not appear in court will have bench warrants issued for their arrest. For these probationers and all probationers issued bench warrants under the second scenario, a probation violation hearing takes place only if the probationer voluntarily appears in court or is rearrested and the bench warrant is served.

Summary probation revocations by Municipal Court district for FY1998-99 are presented in Table 3.5. As can be seen, probation revocations occurred in 105,210 summary probation cases, or 21.1 percent of the 499,094 total FY1998-99 cases reported from the Trial Court Information System (TCIS). The data extracted from the TCIS system reports all cases in which a revocation occurred during FY1998-99.

As shown in Table 3.5, there is variation in the revocation rates between court districts, ranging from a low of 8.4 percent in the Alhambra district to a high of 38.8 percent in the Citrus district. By comparison, the rate for the Automated Minimum Service (AMS) misdemeanor formal probation caseload, as reported earlier in this report section, was 23.9 percent. The difference in revocation rates between court districts probably reflects the lack of standardization in how probation violations are treated by different municipal court districts. Some districts offer opportunities for probationers to attain compliance before the judge revokes probation. For example, the Los Angeles Municipal Court has one of the higher revocation rates in the County at 26.9 percent, probably due to that District's policy of automatically issuing bench warrants and revoking probation when violations are detected by court staff.

Summary probation revocation data was sorted and analyzed by U.S. Department of Justice (DOJ) offense category to allow for a comparison with formal probation revocations. The Probation Department produces a management report showing its caseload by DOJ offense category. The Municipal Courts do not track revocation data by offense, so this data was extracted and sorted from a County-wide data base which contains approximately 500,000 summary probation records. Because it was not feasible to extract revocation data by offense for

all 500,000 records, the Van Nuys Municipal Court of the Los Angeles Municipal Court was selected for this analysis. This court was selected because it is a large court and is reasonably representative of many courts in the County. Revocations by DOJ offense category for the Van Nuys court are presented in Table 3.5.

Table 3.5

**Summary Probation Cases with One or More Revocations
by Municipal Court District, FY 1998-99**

Municipal Court District	Cases	Revocations	Rate/100 Cases
Alhambra	7,121	595	8.4
Antelope	15,622	3,294	21.1
Beverly Hills	4,106	503	12.3
Burbank	7,731	979	12.7
Citrus	35,425	13,758	38.8
Compton	17,302	1,813	10.5
Culver City	3,979	540	13.6
Downey	24,091	2,756	11.4
East Los Angeles	14,753	1,312	8.9
Glendale	11,489	2,956	25.7
Inglewood	12,893	1,728	13.4
Long Beach	30,933	6,974	22.5
LA: Criminal	1,856	360	19.4
LA: Central Arraignment	45,671	11,879	26.0
LA: Hollywood	10,873	3,586	33.0
LA: Metro	43,969	11,676	26.6
LA: Van Nuys	32,925	9,291	28.2
LA: San Pedro	10,403	3,792	36.5
LA: Catalina	297	61	20.5
LA: San Fernando	20,842	5,040	24.2
LA: West Los Angeles	9,900	1,772	17.9
<i>Los Angeles Municipal Court</i>	<i>176,736</i>	<i>47,457</i>	<i>26.9</i>
Los Cerritos	15,202	2,082	13.7
Malibu	2,959	410	13.9
Newhall	9,878	1,008	10.2
Pasadena	10,325	1,028	10.0
Pomona	11,781	1,581	13.4
Rio Hondo	16,434	3,741	22.8
Santa Anita	9,048	787	8.7
Santa Monica	5,678	1,331	23.4
South Bay	21,331	3,486	16.3
Southeast	20,468	2,679	13.1
Whittier	13,809	2,412	17.5
Total	499,094	105,210	21.1

Source: Special report generated by the Municipal Court TCIS computer system

The data in Table 3.6 shows that the overall revocation rate was 28.2 revocations per 100 probationers for the Van Nuys court, or higher than the Countywide rate of 21.1. Individual offense rates range from a low of 14.5 per 100 cases for Trespassing to a high of 53.9 per 100 cases for Contempt of Court. The data in Table 3.6 also shows the number of cases by offense for summary probationers in that court. As shown, five offense categories comprise the majority of probationers (approximately 67 percent of all summary probation cases for the court): Drunk Driving; Traffic Misdemeanors; Assault/Assault and Battery; Drugs/Narcotics; and, Petty Theft.

Table 3.6

**Summary Probation Cases
with one or more Revocations by Offense
Van Nuys Municipal Court, FY1998-99**

Offense	# Cases	# Revocs.	Rate/100 Cases
Drunk Driving	9,793	2,775	28.3
Misdemeanor Traffic	4,177	758	18.1
Assault/Assault & Battery	3,758	1,650	43.9
Drugs/narcotics	2,454	742	30.2
Petty Theft	1,865	420	22.5
Trespassing	952	138	14.5
Theft-Felony/Petty	890	161	18.1
Hit & Run	884	225	25.5
Prostitution	858	274	31.9
Lewd Conduct	654	134	20.5
Disturbing the Peace	624	136	21.8
Vandalism	491	249	50.7
Misdemeanor Other	359	86	24.0
Other Misdemeanor	338	88	26.0
Weapons	272	78	28.7
Forgery	268	129	48.1
Offense not coded	262	77	29.4
Contempt of Court	102	55	53.9
Subtotal	29,001	8,175	28.2
Other Various (1)	3,924	1,116	28.4
Total Cases	32,925	9,291	28.2

(1) This category is comprised of a variety of offenses, each of which had 50 or less cases per offense category

Attempts were made to obtain data on the reasons for summary probation revocation for all summary probation cases but such information cannot be electronically extracted from court computer systems. Instead, 100 Los Angeles Municipal Court summary probation cases that had been revoked during FY1998-99 were randomly selected and the reason for revocation extracted from the case files. The results are presented in Table 3.7.

Table 3.7

**Reasons for Summary Probation Revocation:
100 FY1998-99 Randomly Selected
Los Angeles Municipal Court Case Files**

Reason	Percent Total
Failure to pay fine	42%
Failure to appear in court	30%
Re-arrest	11%
Failure to register for program	9%
Other	4%
Failure to pay victim	3%
Failed drug test	0%
Case file not found	1%
Total	100%

It is difficult to draw a conclusion about the effectiveness of the summary probation system based on the revocation data presented above. What can be seen is that summary probation is revoked in many cases, that the rate of revocation varies by court district and offense, and that the most common reasons for revocation are failure to pay fines and failure to appear in court. What can't be determined is the frequency of probation violations since some violations do not result in revocation or the frequency with which revocation results in subsequent compliance, modification or termination of probation. It cannot be determined from revocation rates how many cases became inactive after revocation because the bench warrant was issued but never served.

To help assess summary probation effectiveness, it would be useful for court managers to routinely collect this type of outcome and effectiveness data. Many summary probationers who have failed to appear in court for a violation hearing suffer no consequences for violating their probation unless they are stopped or rearrested. The courts do not have information at their disposal about the frequency and eventual outcomes of this common situation.

Comparison of Formal and Summary Probation Revocation Rates

A comparison of revocation rates by offense was compiled for formal and summary probation. For comparability, the Probation Department's lower risk AMS misdemeanor caseload was used because it most closely mirrors the summary probation population that is made up of defendants convicted of misdemeanors and infractions. For summary probation, caseload statistics from the Van Nuys Municipal Court were used. Table 3.8 shows the distribution of cases by DOJ offense category in FY 1998-99 for the two populations.

Table 3.8

**Distribution of Probation Caseload by Offense
AMS Misdemeanant Formal Probationers
and Van Nuys Municipal Court Summary Probationers*
FY1998-99**

Offense	Summary # Cases	Formal # Cases	Summary % All Cases	Formal % All Cases
Drunk Driving	9,793	3363	32.1%	35.7%
Misdemeanor Traffic	4,177	2258	13.7%	24.0%
Assault/Assault & Battery	3,758	655	12.3%	7.0%
Petty Theft	1,865	564	6.1%	6.0%
Trespassing	952	0	3.1%	0.0%
Theft- Felony/Petty	890	186	2.9%	2.0%
Hit & Run	884	290	2.9%	3.1%
Prostitution	858	97	2.8%	1.0%
Misdemeanor Other	697	388	2.3%	4.1%
Lewd Conduct	654	0	2.1%	0.0%
Disturbing the Peace	624	0	2.0%	0.0%
Vandalism	491	343	1.6%	3.6%
Weapons	272	0	0.9%	0.0%
Forgery	268	113	0.9%	1.2%
Not coded	262	0	0.9%	0.0%
Contempt of Court	102	0	0.3%	0.0%
Other Various	3,924	1154	12.9%	12.3%
Total Cases	30,471	9,411		

* Excludes probationers convicted of narcotics, drugs, and marijuana charges due to the different method of recording revocations in the Deferred Entry of Judgement program. In addition, this comparison may not be exactly parallel since the Van Nuys Summary Probation population may differ from the countywide formal probation population for misdemeanor offenders.

As can be seen in Table 3.8, formal probation had a greater concentration of Drunk Driving, Misdemeanor Traffic and Other Misdemeanor cases. Summary probation has a higher concentration of Assault/Assault & Battery, and Trespassing cases than does formal probation. The distribution of cases for all other offenses was not dramatically different between the two systems. It should be noted that the offense categories of Drugs, Narcotics, and Marijuana were removed from this analysis for both summary and formal probation because revocation of these

cases is treated differently due to the Deferred Entry of Judgement program discussed earlier in this section.

Table 3.9 shows the number of revocations for the two populations for FY 1998-99 by offense category for the categories where both systems had 100 or more cases. As shown, revocation rates vary by offense with no clear pattern emerging.

Table 3.9
Distribution of Probation Revocations by Offense
AMS Misdemeanant Formal Probationers
and Van Nuys Municipal Court Summary Probationers*
FY 1998-99

Offense	Summary		Formal		Revocation Rate/100	
	# Cases	Summary # Revocs.	# Cases	Formal # Revocs.	Summary	Formal
Drunk Driving	9,793	2,775	3363	713	28.3	21.2
Misdemeanor Traffic	4,177	758	2258	719	18.1	31.8
Assault/Assault & Battery	3,758	1,650	655	137	43.9	20.9
Petty Theft	1,865	420	564	144	22.5	25.5
Theft-Felony/Petty	890	161	186	47	18.1	25.3
Hit & Run	884	225	290	56	25.5	19.3
Prostitution	858	274	97	28	31.9	28.9
Vandalism	491	249	343	83	50.7	24.2
Misdemeanor Other	359	86	388	76	24.0	19.6
Forgery	268	129	113	32	48.1	28.3
Sample Total	26,547	7,433	8,257	2,035	28.0	24.6

* Excludes narcotics, drugs, and marijuana cases due to the different method of recording revocations in the Deferred Entry of Judgement program. In addition, this comparison may not be exactly parallel since the Van Nuys Summary Probation population may differ from the countywide formal probation population for misdemeanor offenders.

Formal probation revocation rates are higher in some offense categories and lower in others compared to summary probation revocation rates. The overall summary probation revocation rate of 28 revocations per 100 cases at the Van Nuys Municipal Court is higher than the formal probation revocation rate of 24.6 revocations per 100 cases for offense categories with 100 or more cases, excluding narcotics, drugs, and marijuana offenses. This difference probably reflects the greater flexibility and probation officer discretion in how violations are dealt with under the formal probation system.

Long Term Issues

One of the major distinctions the courts make when assigning defendants to summary and formal probation is whether the defendants are convicted of misdemeanors or felonies. As discussed in Section 1, approximately 96.3 percent of convicted misdemeanants assigned to probation are assigned to summary probation. On the other hand, 100 percent of convicted felons assigned to probation are assigned to formal probation.

While the distinction between felons and misdemeanants may provide a good general measure of a defendant's relative risk to the community, it is not conclusive without other information about prior convictions, the number of charges and counts on the sentencing conviction, the defendant's history of drug and/or alcohol abuse, violence, and other factors. The Probation Department's Risk and Needs Assessment tool provides a consistently applied mechanism for defining a formal probationer's relative risk to the community. A convicted felon, for example, may be determined to be low risk based on this assessment and placed on the minimum supervision caseload. A convicted misdemeanor may be assessed as high risk based on their background and placed in a more closely supervised caseload group.

A formalized risk assessment tool is not used by the courts for summary probation defendants; instead, risk levels for these cases are determined at the discretion of the sentencing judge. Judges may make an assessment that a summary probationer needs to make regular in court progress reports regardless of their risk to the community. In such a situation, a convicted felon assigned to the Probation Department's minimum supervision caseload would end up receiving less supervision than the convicted misdemeanor assigned to summary probation.

CONCLUSIONS

The utility of revocations as a measure of probation effectiveness is limited, and statistics such as revocation rates may only be a partial measure of probation system effectiveness. Therefore, violation and revocation rates for both probation systems need to be regularly measured and reported.

A low revocation rate does not necessarily mean that there are few violations. It may mean that the system is ineffective at identifying its violators and that some violations are going undetected. A high revocation rate may indicate that violations are being identified, but it does not reveal whether revocation results in subsequent compliance. For example, probation revocations that result from issuance of a bench warrant that is never served will most likely end up as an inactive case with compliance never achieved, unless the probationer is arrested on other charges. Each year, thousands of bench warrants are issued in Los Angeles County but never served unless the probationer is arrested on other charges.

Unfortunately not even revocation rate data, with its limitations, is systematically collected and reported to court and County managers and decision-makers. Given that there are close to 600,000 defendants assigned to formal and summary probation during a year, the outcomes and effectiveness of both systems need to be maintained and reported to ensure the accountability and continual improvement of both systems.

State law precludes assignment of convicted felons to summary probation and allows assignment of convicted misdemeanants to either summary or formal probation. As a result, convicted felons determined by the Probation Department to be low risk and assigned to the minimum supervision caseload can end up receiving less supervision than misdemeanants

assigned to summary probation who are required to regularly make progress reports in court. Some low risk convicted felons may be better served on summary probation and some high-risk misdemeanants may be better served on formal probation. A consistent approach to risk assessment and determination of supervision requirements by the courts and the Probation Department would allow for a more cohesive probation system. Changes in State law are needed to allow sentencing low risk felons to summary probation.

By State law, summary probation is currently not a sentencing option for convicted felons. Therefore, legislative changes would be necessary for the courts to be provided with this degree of sentencing latitude. Accordingly, as a longer term strategy for developing a risk-based program for assessing and supervising probationers, the Board of Supervisors may wish to direct County Counsel to determine specific changes in law which would be required to provide the courts with the legal foundation for this change. Once the County is confident that a risk-based measurement system has been successfully implemented, it should then advocate to the State legislature for changes in law to provide the courts with broader sentencing alternatives for certain convicted felons.

RECOMMENDATIONS

The Probation Department should:

- 3.1 Collaborate on development of more meaningful measures of probation system effectiveness including:
 - (a) The number and types of violations identified by the Probation Department or the courts.
 - (b) The number or percentage of violations resolved without court intervention or judicial action.
 - (c) The number or percentage of violations resulting in revocation.
 - (d) The reasons for revocation (e.g., re-arrest, failure to pay fines, etc.).
 - (e) The number or percentage of violations for which bench warrants are issued.
 - (f) The number or percentage of probation cases that become compliant after revocation.
- 3.2 Make necessary changes in their computerized information systems to allow the new measures of effectiveness to be regularly recorded and summarized in management reports.
- 3.3 Report this information on a regular basis, such as monthly, to court judicial officers and managers and Probation Department managers.
- 3.4 Report this information on a regular basis, such as annually, to decision-makers such as the Board of Supervisors and relevant court oversight bodies.

The Board of Supervisors should:

- 3.5. Request a report in six months from the Probation Department on their success in collaboratively developing a risk assessment tool for use by the courts similar to what is now used by the Probation Department.
- 3.6. Direct County Counsel to research changes in State law needed to provide the courts with sentencing flexibility between summary and formal probation so that assignment to either system is based on probationer risk, not type of conviction, and develop a plan to advocate the State legislature for changes in State law as appropriate.

Costs and Benefits

The one-time costs for programming and staff time needed to prepare the recommended management reports would be the primary costs of implementing these recommendations. No significant new direct ongoing costs would be incurred. The benefits of the recommendations would include improved management information regarding the effectiveness of the two probation systems that would also enable the Probation Department and the courts to make changes in their procedures and operational policies to realize improved probation outcomes.

USE OF FORCE TRAINING BY LAW ENFORCEMENT AGENCIES IN LOS ANGELES COUNTY

The police are SOME OF the most powerful agents of the state. they can disrupt the daily routines of citizens more than any other public official by deciding who shall be stopped, who shall be detained, who shall be arrested, and who shall go free. Not even the president has their immediate and direct power over life and death.

INTRODUCTION

The Criminal Justice Committee agrees with this characterization of police authority. We would add that law enforcement, ever mindful of this power, must always reach to improve, to engage the community, and to earn and maintain the public trust. It was this observation that prompted our investigation.

Former Vice Chair of the U.S. Commission on Civil Rights wrote that the most common civil rights violation is police abuse and misuse of force. This assertion is reiterated by the media, where instances of unnecessary, inappropriate, and excessive—even lethal—force used by police are alleged.

To determine if training in any manner contributes to this purported abuse, the Criminal Justice Committee assessed the “use-of-force” training conducted by selected police agencies in Los Angeles County. Emphasis was placed on the most commonly used categories.

OBJECTIVES

The Committee focused its study on the following:

1. Academy hours each officer or deputy receives combined with subsequent hours of on-the-job, roll call and refresher training.
2. “Use-of-force” models guiding the departments.
3. Less than lethal force training such as chemicals, bean bags and TASER.
4. Lethal force criteria and guidelines.
5. Canine use.
6. Policies and procedures for police contact with:
 - a. Suspected mentally disordered persons
 - b. Developmentally disabled persons
 - c. Homeless persons
 - d. Domestic disputes
 - e. Fleeing vehicular suspects

METHODOLOGY

Law enforcement training for police departments within Los Angeles County occurs at one of five academies during the officer's probationary period, at roll-call formations, and at annual and semi-annual refresher classes. Los Angeles City Police, the Long Beach Police Department, and the Sheriff's Department have their own academies. The remaining eighty-six cities in L.A. County are trained, in order of frequency, at the L.A. Sheriff's Academy, Rio Hondo Community College and the Orange County Sheriff's Academy, which trained police officers from seven county cities and the L.A. Unified School District in the past year.

To gain insight into the philosophy, policies, and conduct of this training, the Criminal Justice Committee visited and received comprehensive briefings and demonstrations, participated in hands-on activities, role played in one virtual reality scenario, and observed and interviewed trainees, instructors and staff.

These visitations included:

- Los Angeles Police Academy: 2 days
- Los Angeles Sheriff's Academy: 2 days
- Long Beach Academy: 2 days
- Pasadena Police Department: 2 days
- Beverly Hills Police Department: 1 day

These departments provided our Committee with written policies, manuals, instructional materials and videotapes. During briefings and orientations, experts and specialists instructed, demonstrated, and clarified topics such as the use of dogs, weaponry, and tactics utilized in special circumstances.

All departments were cooperative and forthcoming in assisting the development of this report. The Los Angeles Police Department was particularly responsive and thorough, even providing a special briefing at the Grand Jury offices subsequent to our initial visits.

FINDINGS

Police officers and deputy sheriffs in Los Angeles County receive 952 hours at the Sheriff's Academy and 1064 hours at the Los Angeles Police Academy. Long Beach offers 1040 hours; the state of California mandates only 640 hours. California Police Officers' Standards of Training (POST) mandates both the subject matter and minimum hours of instruction academies must offer. The following chart indicates the hours of use-of-force training mandated by POST and those hours offered by the three academies visited.

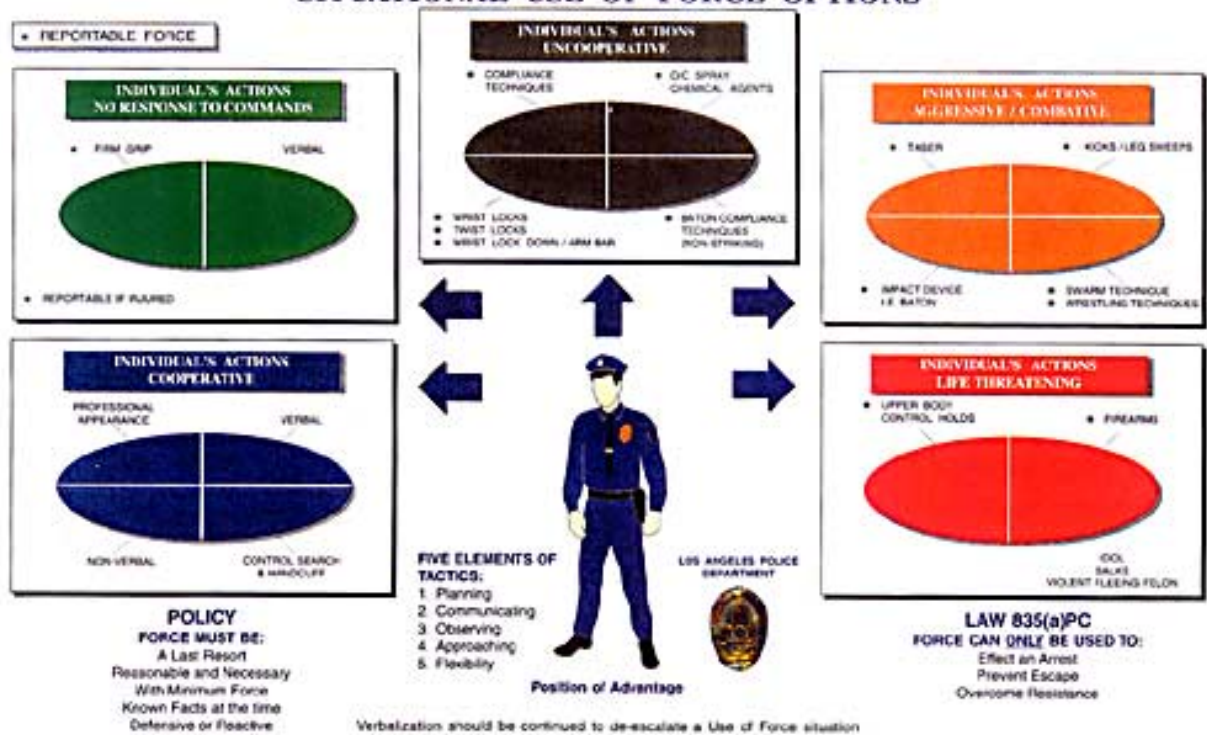
USE-OF-FORCE TRAINING HOURS

	<u>POST</u>	<u>LAPD</u>	<u>Long Beach</u>	<u>Sheriff</u>
Learning Domain #20 ("Use-of-Force")	12	27	14	12
Learning Domain #35 (Firearms/Chemicals)	72	112	88	72
Learning Domain #3 (Arrest/Control)	60	87.5	84	60

Based on departmental culture and the demographics of the law enforcement jurisdiction, additional post-academy training is uniformly viewed by all the departments studied as vital. Sworn enforcement personnel are in a probationary period for 12 to 18 months after leaving the academy. They are teamed during that period with a veteran partner. In cities that do not have their own academy, officers are given an additional 4-5 day orientation/training program reflective of the values and culture of that community's special circumstances and priorities.

Most officers receive 15-30 minutes training at daily roll-call, bi-monthly or monthly range firing and additional training such as self-defense, CPR, driver training, and use of chemical agents at both monthly and alternate year Advanced Officer Training (AOT), which can be a week in duration.

SITUATIONAL USE OF FORCE OPTIONS



The Use-of-Force Continuum model, so critical to the role of law enforcement, is best illustrated in the above “Situational Use of Force Options” chart of the Los Angeles Police Department. While not precisely reflective of all police entities in the County, the principles and force increments necessary are essentially compatible. Illustrative of this:

1. The primary goal of the officer or deputy is control of the subjects.
2. Most subjects will respond in a positive manner to the mere presence of the officer and his request.
3. It may be necessary to move immediately from an initial “cooperative” posture to an “Immediate Defense of Life” (IDOL) posture.
4. Verbalization should continue as a possible basis for de-escalation of what could become a confrontation. Officers use “Background, Age, Last Resort, Knowledge of the Total Circumstances, and Seriousness of the Crime” (BALKS) in their evaluations of the incident.
5. Force of any kind must be reasonable and necessary.

The use of force by law enforcement is significantly less frequent than sensationalized media reports leads one to expect. The Los Angeles Police Department, for example, used some degree of force only 1% of the time in the past decade, or one in every one hundred stops necessitated some force. Indeed, in 1999 this ratio dropped to eight tenths of one-percent, or once in every 125 contacts.

Each use of force must be reported with a detailed description of exactly what happened. The Los Angeles County Sheriff policy, for example, mandates that any use of force exceeding unresisted Department-approved searching or handcuffing must be reported immediately to one’s supervisor with a minimum rank of sergeant. The witnessing of force must also be reported to the supervisor. That supervisor is required to notify the watch commander or supervising lieutenant.

Depending upon the degree of force, Internal Affairs may become involved and a shooting response team may be sent. With a shooting resulting in death or serious injury, the officer is automatically reassigned to non-field duties for a minimum of five days.

The following more specialized categories of use of force were reviewed in more depth by the Committee.

A. Less Than Lethal Force

Less than lethal force options begin with the voice and demeanor of the officer/deputy, progressing to the application of chemical agents, physical restraints, the baton, the TASER gun, sting balls, stinger shot, bean bag shot and the Anti-Riot Weapon Enfield (ARWEN) rifle that uses rubber bullets.

Underlying a determination by law enforcement to use less than lethal force is the constant awareness that the officer must match the awesome power he/she has with awesome respect. Officers may use whatever force is reasonable and necessary to protect others or

themselves from bodily harm and necessary to effect an arrest, prevent escape, or overcome resistance.

1. Chemical Agents

All officers are trained in the use of chemical agents, which can cause serious allergic reactions in some individuals. Pepper spray (OC) is carried by all sworn persons in uniform and is used to subdue an individual who is resisting or interfering with an arrest, or to prevent injury, and has been found to be effective about 80 percent of the time. It is a highly concentrated form of peppers or related synthetics and when applied topically, it can cause gagging, coughing, an intense sense of burning, and other debilitating symptoms. Deployment of OC requires a "Use of Force" report and examination by a physician at a contract hospital or jail dispensary.

Tear Gas (CS) is employed for crowd control and hostage/barricade instances. An example of its recent application was seen in Seattle, during the World Trade riots.

2. Physical Restraints

Handcuffing, kicks, carotid neck restraint (sides of neck only), team take-down (formerly known as "swarming"), firm grip, wrist twist locks, leg restraints and hobbling are additional techniques that have "minimal" chance of causing injury. These weaponless techniques are routinely taught and employed. Although non-lethal, a "Use of Force" report is required.

While seemingly less lethal than firearms, the Los Angeles Police Department categorizes Upper Body Control Holds as a use of force option in circumstances considered "life threatening." Upper Body Control Holds include the modified carotid, full carotid, and locked carotid neck restraints. If applied with maximum effort, these techniques can render the suspect unconscious within eight to ten seconds and he will remain unconscious for up to eight to fourteen seconds. These holds can be lethal and, in extreme circumstances, should the suspect fail to regain consciousness, an ambulance will be requested. In all instances of Upper Body Control Hold application, the suspect will be examined by a physician at a contract hospital or jail dispensary. "Use of Force" reports are required.

3. Impact Weapons

These include the baton, impact weapons, bean bags, TASER, and sting balls. They are used to control aggressive and combative suspects in situations where lethal force seems unjustifiable or unnecessary; where other attempts to subdue the person have been or will likely be ineffective, and where there is the belief it is unsafe to have contact with the subject. It is considered unsafe to use beanbags against a suspect less than thirty feet away. Reports are filed in these circumstances, and whenever the TASER is used, medical personnel (defined as a nurse or doctor at a contract hospital, jail dispensary, or a paramedic) will immediately examine the suspect.

Flashlights, batons, and saps are other impact weapons considered non-lethal when normally employed in a display of force, in a come-a-long mode, or for blocking. These devices will not be used, except in a lethal mode circumstance, to strike the suspect's head. With the

exception of crowd control, employing these weapons requires a “Use of Force” report. Should the officer/deputy use the baton in a crowd control situation against an individual in an isolated incident, a report is then required.

B. Lethal force

Lethal force is authorized whenever it reasonably appears necessary to:

- Protect against immediate threat of death or serious bodily harm.
- Prevent a crime which threatens life or serious bodily harm.
- Stop/apprehend a fleeing suspect which the officer has reason to believe has committed a violent felony, including murder, mayhem, rape, robbery, and in some cases of assault with a deadly weapon. Further, the officer has reason to believe that the escape of this felon will constitute a continued threat to the community, and if apprehension is delayed, serious bodily injury or death could result.

The Los Angeles Police Academy provides trainees with 72 hours of handgun use and 14 hours with a shotgun. The Los Angeles Sheriff’s Academy offers 74 hours in firearms training. Both academies base their programs on the assumption that trainees (including armed service veterans) have no prior experience with firearms.

In addition to range firing, students participate in live fire, virtual reality, and other “real world” scenarios. All LAPD officers must successfully accomplish four Fire Arms Training Simulations (FATS) and seven other situational tests, concluding with a written exam.

The handling and use of firearms by sworn personnel is strictly defined in both policy and training. Characteristically, the following are the criteria:

- Officers/deputies will not unnecessarily draw, display, or handle a firearm.
- Warning shots will not be fired except as a preliminary to shooting to kill.
- Handguns will not be cocked except when imminent use is anticipated.
- Before using a handgun, if feasible, a verbal warning will be given.

Weapons may be fired:

- To prevent serious injury or death when lesser force is impracticable.
- To capture or stop a fleeing felon (as described above).
- To kill an animal that poses a danger, if no other means are practicable.
- During lawful firearms training and practice.

Officers must consider their surroundings and the possible danger to bystanders prior to discharging a firearm.

The use by criminals of increasingly deadly firearms such as machine guns, assault rifles, large caliber handguns and armor piercing ammunition has forced police departments to respond; for example, by the acquisition of the Urban Police Rifle (UPR). This modified M-15 military long gun is now available to most departments and selected personnel. Training with this rifle tends to even the odds. Additionally, the shotgun slug can now be used with the shotgun.

Officer/deputy-involved shootings and Upper Body Control Holds are subject to strict investigation. Depending upon the department, a senior officer or deputy will determine whether a Response Team or a Roll Out Team is appropriate. A careful, exhaustive investigation and review is undertaken to determine if the tactics and actions were appropriate.

C. Use of Canines (K9s)

The prompt and correct use of a trained canine team has proved a unique and valuable law enforcement resource. Properly deployed, a canine team significantly increases the degree of safety to citizens, enhances officer safety, and greatly increases the likelihood of suspect apprehension, while dramatically reducing the time necessary to conclude the search.

Dogs can be utilized in a wide range of circumstances including varied tasks such as: searching for lost children and adults; building intrusion searches; locating, overtaking and/or capturing fleeing or barricaded persons or fugitives (Pasadena Police Department guidelines). However, the Los Angeles County Sheriff's Department Manual is more restrictive, limiting their 8 dogs to deployments to "Searches for felony or armed misdemeanor suspects, who are wanted for SERIOUS crimes and present a clear danger to personnel conducting a search without a canine." The LAPD uses dogs more frequently than most law enforcement agencies. The Department believes dogs should:

- Mainly be used to locate.
- "Find and bark," almost never bite.
- Reduce the incidence of use of force by officers.
- Be used with suicidal suspects, hostage situations, and even assist in team takedowns.

In a briefing provided to the Criminal Justice Committee, an LAPD canine use expert offered statistics confirming police enthusiasm for dog deployment. Their fourteen certified dogs participate in 700-750 searches each year, finding 50% of the subjects. The Dutch Shepherds and Belgian Malinois Dogs, exclusively used by LAPD, make contact (some form of bite) about 14%-16% of the time.

The Long Beach Police Department also is enthusiastic about the use of canines and utilizes 16 dogs: 12 for search, 2 bloodhounds and 2 dogs for narcotics detection.

All departments agree that a loud warning will be given before releasing the dog. Dogs should not be utilized for crowd control, except in imperative instances. Drug detection and searches are secondary uses and dogs are exclusively teamed with one officer/handler.

D. Mentally Disordered

Perhaps no aspect of police use of force has received more notoriety, and more censure, than that used against the perceived mentally ill. Widespread reaction is almost unanimous in decrying what seems to be unreasoned, inappropriate violent treatment of the mentally ill by law

enforcement personnel. The mortality rate, 26 fatal LAPD shootings of the mentally ill in one six year period, sustains this public dismay.

It may not be that L.A. City and County law enforcement is insensitive to the problem, but the absence of comprehensive academy and new officer training on this issue is not reassuring. In curricula of more than 1,000 hours, an otherwise impressive and most competent LAPD Academy provides fewer than a dozen hours (six classroom, five in scenario) directly aimed at coping with this growing problem. The Academy director points out that virtually everything taught at their Westchester facility helps officers cope with the mentally ill; however, many media reports would seem to suggest otherwise.

Law enforcement policies and guidelines throughout the County of Los Angeles do not ignore this growing crisis. It has been observed that the dismantling of the mental health system and the closing of the mental hospitals have turned our streets into *de facto* mental wards. This may well have turned police officers into involuntary custodians of the mentally ill. Yet a review of the current Pasadena Police Department Advanced Officer Training (AOT) program, required in alternate years, reveals not a single hour of instruction relevant to this need.

The L.A. Sheriff's Department's Field Operations Directive 92-2 dated August 27, 1997, clearly recognizes the growing mental health issue, yet Academy training has not responded with significantly expanded class hours.

Unique to the Sheriff's Department, newly graduated deputies are assigned custodial duties for at least a two-year period in one of the County jails. Additional custodial training of 80 hours at this time includes instruction on under-the-influence and disabled persons. Still later in his/her career, the deputy attends a three-week patrol school with further training in these areas.

Long Beach Police with support from the Mental Evaluation Team (MET) appear to expand upon the limited mental illness training provided at their Academy. Their creed is to separate dangerous criminals from the mentally ill and to decriminalize these sick people. Initiated approximately five years ago, the MET team, in concert with the LA County Department of Mental Health, is composed of one Long Beach police officer and one mental health clinician. This team monitors calls, and can respond where needed, with the objective of providing intervention, referral or placement for those mentally disordered persons, allowing field officers to return to other duties. The MET program in Long Beach made approximately 580 calls in 1999, with nearly half of the subjects being hospitalized. The Department estimates that, in addition to helping people, MET responses saved hundreds of field officer hours and at least \$182,000 in hospital admission costs (average admission: \$2,200). Additional savings can be realized when factoring in hospital costs that may be avoided subsequent to admission.

Police and deputy Academy training related to mental illness, while augmented in the field, appears to have lagged behind a growing need.

E. The Homeless

It is generally recognized that many homeless people suffer from mental illness or infirmities. Law enforcement in Los Angeles County has recognized problems associated with the homeless. While the academies offer few hours specifically aimed at homeless issues, there is training regarding the handling of under-the-influence conduct and drug-induced behavior which are also commonly found among the homeless. In the LAPD Academy twelve hours of training are offered, along with scenarios in which homeless or under-the-influence suspects are encountered.

Subsequent to academy graduation, departments tailor their homeless policies to the needs of their community and place emphasis on contact and knowing the individuals. Beverly Hills has a Recovery Outreach Program. This program has three bicycle patrols, two vehicles for transport, and social service workers who combine to assist the homeless. In three years of operation, the program has emphasized personal contact, assistance and referrals.

Police receive relatively few direct class hours aimed at the homeless and deputies receive none. However, they do have ongoing training throughout their career with initial orientation, roll call and advanced officer classes. This post-academy instruction should be based upon the principles that the homeless are troubled, need help, and that helping them helps the community.

F. Domestic Disputes

Underlying law enforcement training in domestic violence are countywide standards based upon “Zero Tolerance,” which requires an arrest in all instances where evidence of violence exists. This philosophy derives from the training provided in the academies— training predicated upon the concept that while domestic disputes frequently necessitate victim assistance, they also can be volatile and life-threatening to both the subjects and the responding police.

Los Angeles Police Department officers receive 14 hours of class instruction in domestic disputes and they receive an additional 8 hours in handling related conflicts such as landlord, business, and neighbor disputes.

Each of the Pasadena AOT modules provides 8 hours in “Family Violence” and the Beverly Hills Department requires a minimum of one 2-hour domestic violence telecourse and 2 hours in elder abuse annually. Additionally, a special 8-hour course, “Dispatcher’s Role in Domestic Violence” is now given, with one supervisor attending an 8-hour CD-ROM augmentation meeting.

The Sheriff’s Academy provides an 8-hour block for deputies in domestic violence emphasizing such events as family disputes, “screaming woman”, domestic violence, rape and violations of restraining orders. Deputies may also receive up to 10 additional hours depending upon rank and assignment. The Long Beach Academy offers 9 hours in domestic violence training, with an additional 5 hours in scenarios and report writing.

Particularly noteworthy is the concept of, and training incident to, the LAPD Domestic Abuse Response Team (DART) program, begun in 1994 in Van Nuys with the assistance of the Domestic Abuse Center. DART's basic premise is to relieve the patrol officers who initially respond to the scene, while DART team members remain on the scene to provide support and assistance to the victim. Specially chosen by the Area Commanding Officer, the DART officer and one or two trained community volunteers deploy in a plain-unmarked vehicle to the domestic crime scene. DART officers receive their training by working in the Domestic Abuse Section of the Major Assault and Crime (MAC) Unit. Civilian Volunteers complete 40 hours of domestic violence training including history, profiles, current law, law enforcement role in domestic violence, restraining orders, victim crime programs, housing, support, and crisis intervention.

The concept and training for DART encompasses all domestic violence circumstances, including homicides, "unknown trouble" calls, and child and elder abuse. DART presently is operational in eleven of the LAPD's 18 divisions.

G. Fleeing Vehicular Suspects

Despite the frequency of live local television news coverage of dramatic auto chases by police, the actual number of such occurrences has remained constant, or even declined in some areas. Police and deputy training in this area can be summarized by stating that the use of firearms against fleeing or approaching vehicles has proved to be generally ineffective and inherently dangerous. Deputies/officers shall not fire at a moving vehicle, whether to disable the vehicle or to stop the suspect, unless they have probable cause to believe the suspect represents an immediate threat of death or serious physical injury to the deputies or others. Personnel shall take into account the location, vehicular and pedestrian traffic and any hazard to innocent persons before firing at moving vehicles. Law enforcement officers shall not place themselves or remain in the path of a moving vehicle. Local police policy is generally to avoid high-speed pursuit and ramming.

The Beverly Hills Police Department recently sent officers to an innovative driving school in Camarillo, California, where the school trains officers to "outperform their cars (not the other way around)" and, foremost, stresses safety. As an example, The Colorado Highway Patrol reported a \$100,000 saving in tires by the end of the first year after their officers applied the techniques learned at the Camarillo school. Applied training in pursuit and related vehicular tactics ranges from 24 hours at the Sheriff's Academy to 40 hours at both LAPD and Long Beach Academies.

CONCLUSIONS

Members of the Criminal Justice Committee undertook the audit "Use of Force Training by Law Enforcement Agencies in Los Angeles County", based upon a sense of urgency and concern over police violence and excessive use of force. These concerns were based on citizen and media complaints, anger and hostility, motivated by the many reports of police use of force. We asked, "Is this pattern the result of training?" Using this premise, our study was undertaken, leading to the following observations.

1. The academies are staffed with highly qualified, motivated, dedicated professionals committed to excellence; their leadership adds to this excellence.
2. The curricula in the academies significantly exceeds the required California Peace Officers' Standards and Training (POST) hours and in spirit clearly exemplifies the goals of POST.
3. Emphasizing contemporary techniques and concepts, the academies subject the students to rigorous standards combining learning with the imperative that today's peace officers are dedicated to becoming part of the community and share with that community the responsibility of crime prevention.
4. Academy and subsequent law enforcement training and policy consistently recognizes that peace officers are confronted daily with the necessity of using force to effect arrests and protect the public safety. Nevertheless, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective. Force must be reasonable and necessary, remembering that the sanctity of life is uppermost.
5. Doctrine additionally provides that any force used must be the minimum necessary, and that verbalization should be continued at all times in an effort to defuse the circumstance.
6. Despite Use-of-Force training, there have been lapses and serious failures by individual officers in the field that have led to the deaths of some mentally disturbed persons. In part, the committee attributed this to:
 - a. Insufficient training designed to equip officers to respond to a growing mental crisis.
 - b. The absence of meritorious programs such as the Long Beach MET program in other police agencies. Both the Los Angeles Police Department and the Sheriff's Department have specially trained officers who work with mental health clinicians qualified to identify and respond to the complex needs of the mentally ill. But, in Los Angeles City, for example, only one team went to just one of thirty-seven shootings involving the mentally ill.
7. The homeless, while understandably irritating to many and an embarrassment to society, are apparently being treated with understanding by Los Angeles County law enforcement. Volunteer organizations agree that the police are very helpful, compassionate, and they even volunteer for special programs such as "Thanksgiving in the Street" and the "Christmas Carnival."
8. The use of canines is a police tactic that reflects credit on the departments. The few earlier complaints are no longer heard. The K9s in all departments are now trained to "find and bark". Money and time are saved and criminals are apprehended.

9. Domestic disputes continue to represent troubling, and at times, highly dangerous police calls. Increased awareness and efforts are being made in LA County. However, the meritorious DART program is only operational in about 50% of Los Angeles City. While supported by the Chief of Police, it has not been uniformly mandated. Thus, it largely is dependent upon individual division commanders to implement. Moreover, DART depends upon quality shelters which may have a variety of priorities and goals. Fortunately, there are many highly motivated police in the program, but there is a shortage of resources.

Ancillary to training related to domestic violence, sworn officers receive guidance related to their own possible family violence. Guidelines and departmental standards are reflected in both roll call and advanced training. LASD Family Violence policy for deputies extends to 5 pages. Noteworthy is the Beverly Hills Chaplaincy Program that utilizes civilian volunteers, who are able to provide guidance and counseling to department members.

10. There are consistent policies and guidelines stating that “bullets do not stop cars” and, in most instances, vehicles are not used to ram. According to one expert, “police are asking for more power from their cars, not more skills from the officers.” While numerous car chases are shown on television, the good news is that the incidence of these cases is not increasing.

RECOMMENDATIONS

1. Continued emphasis on the use of less-than-lethal force is necessary.
2. The use of dogs should be funded at a higher level by the Sheriff’s Department and by appropriate police departments where a viable program is not in place.
3. The five training academies utilized by LA County law enforcement should provide increased instruction concerned with mentally disordered persons.
4. The use of the Mental Evaluation Teams (MET), so well utilized in Long Beach, should be greatly expanded.
5. Each law enforcement agency should create a cadre of trained personnel as an alternative or an augmentation to MET, which could recognize and diffuse situations before they become deadly.
6. Require that “roll-out” teams (a team of prosecutors and investigators from the DA’s office) automatically respond to each officer-involved shooting.

7. The Sheriff's Department should ensure that the Personnel Performance Index (PPI) not be diminished. This is a risk management tool used for tracing use-of-force cases and citizen complaints of departmental misconduct system. The PPI monitors the disposition of administrative investigations within the Department and has significantly reduced excessive force litigation.
8. The LAPD should provide the necessary resources to its Community Affairs Group to establish and fully implement a DART academy to ensure standardization of DART training. This academy would enhance and facilitate increased effectiveness of DART, combined with an improved domestic violence tracking system and meaningful, consistent volunteer training. The Grand Jury strongly suggests that the DART concept should be promoted throughout Los Angeles County law enforcement agencies.
9. Law enforcement should develop alternatives to high-speed chases.

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WELFARE FRAUD REPORT

INTRODUCTION

The Government Services and Education Committee decided after a thorough review of the Welfare Fraud Audit Report prepared by the 1998-1999 Grand Jury that it would be prudent to continue to focus on this subject, but with a narrow and deep approach.

A review of prior Grand Jury Final Reports led the committee to the conclusion that early welfare fraud was all too pervasive and persistent. We also realized that we as a committee should not continue to study the entire subject. Further study convinced us that early fraud detected concurrent with the application for benefits was both easy to identify and had a high potential for saving significant amounts of public money. Whereas detection of welfare fraud in Los Angeles County has historically lagged from the onset of benefit payments, it seemed obvious that if fraud were identified before benefit payments commenced, major savings could be effected.

A project that was identified is the Home Call Visit Program. The Home Call Visit Program should envision a field call by an investigator from the District Attorney's office to the residence of every applicant for aid to verify eligibility. The "home call" identifies individuals who are ineligible for aid before cash payments or other benefits are issued.

The purpose of the home visit is to corroborate the information provided on the aid application. Investigators look for evidence that the applicant is residing at their reported address, that there are no unreported adults living in the home, that children listed on the application are living with the applicant, and for evidence of unreported income or major assets such as vehicles. Home calls are made during normal business hours, Monday through Friday. In addition to meeting with the applicant, an investigator checks school records for children listed on the application, contacts the landlord, and speaks with neighbors if necessary to verify eligibility.

Although applicants are not told the date or time that a home visit will occur, all applicants are informed by the Eligibility Worker (EW) at the time of application that a home call visit will take place. In addition, each application form has a large printed notice informing applicants that an investigator will make a home call to verify the information reported on the form. Also, notices are posted in each office lobby.

In order to stay within constitutional bounds, investigators may not enter a residence without the express voluntary consent of the applicant. Investigators must identify themselves, state the purpose of their visit, and conduct the visit in a professional and respectful manner. Consent to enter must be given freely by the applicant, under no coercion or unlawful assertion of authority or intimidation. During the investigation of the home, the applicant, not the investigator, leads the search through rooms and is the one who opens doors and drawers. Applicants may refuse to meet with an investigator, but those who refuse are denied aid due to non-cooperation.

The above description of the Home Call Visit Program is the way it must be applied to the Los Angeles County Home Call Visit Program.

In various parts of the state of California, given the proper protocols, focus, tools, people, and education, this program has been performing with a high degree of efficiency. However, for this approach to become successful in Los Angeles County, a disciplined and unselfish mentality would be required by the Department of Public Social Services (DPSS).

OBJECTIVES

Home Call Visits – Pilot Program

To ensure the development of an effective protocol by the Los Angeles County DPSS for the Home Call Visit Program.

Follow up of the 1998-1999 Grand Jury Recommendations on Welfare Fraud

To review the points agreed to by the DPSS that were recommended after an exhaustive study by the 1998-1999 Grand Jury.

FINDINGS

Home Call Visits

Due to advocacy group litigation aimed at blocking the Home Call Visit pilot program, on advice of County Counsel, the 1999-2000 Government Services & Education Committee opted not to continue its evaluation of the DPSS pilot program. However prior to being informed of this litigation, the Committee did considerable research and review.

The visits to the home of each applicant as a condition precedent to benefit payments is both logical and fair to all concerned. Home visits can and should be conducted in an unobtrusive way by trained professionals. Properly done, the visit can provide information that assesses data provided by the applicant at the time of application. DPSS is involved in a pilot home visit project that we hope continues smoothly to a successful conclusion.

Our research has indicated that home visits, because they are fact finding and investigative by nature, should be performed by professionals with backgrounds in investigation. The District Attorney's office is the organization best equipped to manage the Home Call Visit Program. The DPSS eligibility worker (EW), by nature is motivated to qualify deserving persons for benefit payments. Verification of information provided by applicants is more appropriately performed by individuals with an investigative background rather than the more accommodating perspective of EWs.

The importance of having well trained experienced investigators became apparent when two members of our committee participated as "ride alongs" on actual home visits in San Diego County's "Project 100%". What could have turned into very awkward situations, was handled

with consummate skill by the members of the San Diego County District Attorney's Welfare Fraud Unit.

A home visit investigator makes no determination on the basis of discoveries made during the visit. The findings are reported to the EW who is handling the particular application and is the sole judge of eligibility for benefits.

Frequently, benefits beyond the determination of eligibility can result from home visits. Observation of additional family needs can be much better ascertained than simply in an office interview between the EW and applicant.

Follow up of 1998-1999 Grand Jury Final Report

We have focused on monitoring the prior Grand Jury Welfare Fraud Audit Final Report, which was released on June 30th, 1999. On July 8th the Board of Supervisors instructed the DPSS to respond to this audit within 30 days. The DPSS responded on August 2nd, agreeing with 26 recommendations and setting their own target dates for implementation of these 26 recommendations. It should be noted that one recommendation might include more than one item. Under the headings of the 26 recommendations were 48 items to be implemented by October 30, 1999, according to the DPSS timing and action calendar of August 2, 1999.

Equally significant was the quarterly report due back to the Board of Supervisors on September 9, 1999. The DPSS failed to submit the report on time and failed to submit the report on four successive dates, all of which were selected by the DPSS. As of December 7, the report had still not been submitted to the Board of Supervisors. Due to the non-responsiveness of the DPSS, the work of the Grand Jury has been severely impeded. The committee requested the Department of Auditor–Controller to assist in obtaining responses to the recommendations, as well as auditing ten items selected from the 1998-1999 Grand Jury Final Report.

Following are the 10 issues and our findings:

Issue 1: In collaboration with the L.A. Sheriff's Department and the District Attorney's Bureau of Investigation, Welfare Fraud Prevention and Investigation (WFP&I) staff will provide fraud related training to EWs working on the Home Call Visitation Pilot to ensure that fraud referrals are made when appropriate.

Target Date for Implementation: 9/99. Implementation Status: Implemented.

Discussion: On September 15, 1999, DPSS began a Home Call Pilot Project in four District offices to verify eligibility of CalWorks applicants and assess for social services needs. Beginning on August 30, 1999, Home Call Eligibility Workers received two weeks of special training in the areas of potential fraud identification (one week) and applicable social services (one week).

Issue 2: WFP&I will provide district managers with a monthly report of cases where fraud is found but the EW has not responded timely regarding the case disposition (denial/termination/reduction).

Target Implementation Date: 9/99. Quarterly summary reports will be provided to the Internal Security Task Force. Target Implementation Date: 10/99. Implementation Status: In Progress.

Discussion: DPSS' "Welfare Fraud Referral and Disposition Report" (discussed at length under Issue 3) lists "Pending Dispositions Over 45 Days". This data was consolidated in this report to preclude the need for a separate report for this information. Upon completion of an investigation, the WFP&I Early Fraud Investigator will forward the results of his/her investigation to the responsible Eligibility Worker. The EW must then review the results, resolve any inconsistencies, review the eligibility factors for the case and take the appropriate action on the case. Once action has been taken, the EW is required to notify the investigator of any negative action taken, or if it was determined that no action was required, the reasons for this decision.

Investigations included in the "Pending Dispositions Over 45 Days" section of the "Welfare Fraud Referral and Disposition Report", reflect complete investigations whose results have been forwarded to the EW. However, a response has not yet been received from the EW indicating what, if any, action was taken on the case in response to the findings of the investigation and 45 days or more has elapsed since findings were forwarded to the EW. The first report covering the period September 1999 was provided to the Department's District Directors on October 29, 1999.

Issue 3: WFP&I will produce and distribute a monthly report on fraud referrals received from each district office. The report will be evaluated by DPSS executive staff to identify those districts with referral rates substantially above or below the norm in order to identify problems, or "best practices".

Target Implementation Date: 9-99. Implementation Status: In Progress.

Discussion: DPSS is producing a "Welfare Fraud Referral and Disposition Report" which groups DPSS District Offices by Division and provides data on caseload volume, fraud referrals generated by EWs and forwarded to WFP&I, Early Action/Early Fraud referrals and the percentage of fraud referrals made in relation to the District's average caseload.

To increase the effectiveness of this report, WFP&I is also producing a "spin-off" report on the number of applications for assistance taken at CalWorks District Offices and for Non-Assistance Food Stamp applications taken in General Relief Districts in a given month, the number of Early Fraud Detection and Prevention (EFDP) referrals made in the month and the percentage of EFDP referrals made in comparison to applications taken. DPSS is also considering generating a second spin-off report on Early Action (EA) fraud referrals. EA referrals occur when potential fraud is identified as part of the redetermination/recertification process on approved cases. Of the 3,974 EA/EFDP referrals made during September 1999, 997 were EA referrals, so this is a significant activity for the Department. The spin-off report would likely compare the number of redeterminations/recertifications completed during the month to the number of EA referrals made during the month.

The first report covered the month of September 1999 and this information was transmitted to the Department's District Directors on October 29, 1999. The more specialized report comparing applications to EFDP referrals was released on November 18, 1999. According

to WFP&I management, the time period at this point is insufficient to analyze the data contained in the reports to identify those Districts whose performance is consistently better, or worse than that of other Districts.

Issue 4: Eliminate banked caseloads in all districts consistent with the ten-month phase-in plan for LEADER (an automated information system).

Target Implementation Date: begin by 8-99. Implementation Status: Implemented (based on DPSS' response).

Discussion: Given the timeframe for performing our review, we were unable to assess the implementation status of this measure. However, in its response, DPSS indicated, "All districts began unbanking caseloads in August 1999. However unbanking of caseloads has been expedited and all districts had eliminated banked files by November 1, 1999".

Issue 5: Assign high priority ("Category A") referrals (e.g., multiple aid, conspiracy, household composition, and alleged overpayment over \$ 5,000) within 3 days of receipt.

Target Implementation Date: 8-99. Implementation Status: In Progress.

Discussion: DPSS indicated that the referral process was revised effective August 31, 1999. The Department provided us with statistics reflecting new referrals received during the month of October 1999. This data shows that on average a "Category A" fraud referral is being referred to a WFP&I investigator within 2.16 days of its receipt, with the majority of the cases being assigned the same day that they are received.

On December 3, 1999, five cases were selected from the listing of new cases referred for investigation during October to validate the receipt and referral dates. In addition, the status of the investigation on each of these cases was reviewed to determine if the investigation had been started, whether it was in progress, or it had been completed. An error was noted in the assignment date included on the case listing for one of the test items. Despite this error, four of the five cases were referred to a WFP&I investigator within the three-day time frame. Four of the five cases reviewed were assigned to a WFP&I investigator between October 4th and October 15th, with the fifth being assigned on October 29th. As of December 3rd, the investigation of one referral had been completed and it appeared that substantial progress had been made on investigations of two other referrals. Investigations on the final two referrals appeared to have either recently been initiated or still pending.

Copies were obtained of the "Fraud Investigation Activity Report"(DPA 266) for the months of June through September 1999. These reports, which are submitted to the State Department of Social Services are prepared monthly and show the status of the WFP&I caseload at the end of each month. The reports indicate that for the month of September (the first month that the new prioritization guidelines became effective) new referrals were higher, and completed investigations were lower than the preceding three-month period. However, the overall caseload remained consistent throughout the four-month period. WFP&I management believes that the impact of the new changes on caseloads cannot be determined yet.

While it appears that DPSS has reduced the timeframe for making referrals to its investigators, the effectiveness of this change can only be evaluated if the timeframe for process and disposition of these referrals is also being reduced. This issue needs to be reevaluated once additional historical performance data becomes available.

Issue 6: Assign lower priority (“Category B”) referrals (e.g., statewide computer matches, and alleged overpayment under \$ 5,000) within 30 days of receipt.

Target Implementation Date: 8-99. Implementation Status: In Progress.

Discussion: DPSS indicated that the referral process was revised effective August 31, 1999. The Department provided statistics reflecting new referrals received during the month of October 1999. This data shows that on average, a “Category B” referral is being referred to a WFP&I Investigator within 19 days of its receipt.

Seven Category B referrals were selected for evaluation. There were apparent errors in the referral dates for two of the seven test items and in these instances, the timeframe between receipt and assignment could not be determined. For the remaining five referrals, three were assigned within the 30-day timeframe.

For two of the seven referrals, investigations were in progress at the time of the review, while it appeared that an investigation had been initiated on two other referrals. For the remaining three referrals, the investigation was still pending at the time of the interview. To evaluate the effectiveness of this change, it is necessary to accumulate additional historical information to determine not only that referrals to WFP&I Investigators are occurring more quickly, but that the investigation and disposition of referrals is also timely.

Issue 7: Expedite hiring to fully staff the Internal Affairs (IA) Unit, increasing the number by 100%, from 4 to 8 IA Unit staff recently authorized for FY 99-00.

Target Implementation Date: 9-99. Implementation Status: Implemented.

Discussion: DPSS provided us with the documentation indicating that four additional investigators were hired to work in the Internal Affairs Unit, bringing the total number of investigators assigned to the unit to eight. Of the four newly hired investigators, one was hired in early August 1999, while the remaining three were hired in late September 1999. Three of the four new investigators were formerly WFP&I investigators with four to seven years experience. According to Human Resources Division management, two of the new investigators joined the existing four investigators to perform Internal Affairs investigations. The remaining two investigators have been assigned the responsibility of conducting random audits (discussed at more length in issue 9).

Issue 8: Implement revised criminal conviction guidelines.

Target Implementation Date: 3-99. Implementation Status: Implemented. Discussion: In March 1999, DPSS revised their criminal guidelines used to screen applicants for employment. DPSS indicated that these changes were made to lessen the risk of employing persons having a propensity toward criminal behavior. The key changes in the guidelines were the addition of bribery, burglary, grand theft, and robbery to the group of prior offenses that would result in an

applicant being classified as not acceptable to hire. Formerly, an applicant convicted of one or more of these offenses could be acceptable to hire after a stipulated timeframe had elapsed from the date of the applicant's completion of probation/parole.

In addition to the above, the timeframe from completion of probation/parole before an applicant would be deemed acceptable was extended from one to five years for the offenses of petty theft, receiving stolen property and shoplifting.

A listing of employees hired by DPSS between March and July 1999 was obtained along with the "Completed Discipline Cases List" covering the same period. Appropriate personnel documentation was reviewed to determine whether or not the department had been applying its new criteria. Of the 33 applicants, new hires and rehires reviewed, six instances were noted where there had been conviction for a criminal offense. In only one of these instances was the offense a category IV offense, "Not Acceptable to Hire". In that instance, the applicant was not hired.

The remaining five instances involved either Category 1 offenses "Acceptable to Hire", or Category II offenses "Acceptable to Hire After Stipulated Time". For one new hire with a category II offense, it was noted that the applicant provided documentation, which showed that probation had been revoked by the Court in June 1993, and a bench warrant issued. There did not appear to be any documentation on file establishing what the ultimate resolution of this issue was. Despite this, the applicant was hired. Subsequently it was learned from the Department that the bench warrant issued in June 1993 is still outstanding.

In the case of one of the new hires with a Category 1 offense, it was subsequently determined that the employee had also been previously convicted of a Category II offense. However, the employee had not disclosed the previous conviction. While disclosure of this conviction would not have affected the applicant's eligibility for employment, DPSS management indicated that the employee would probably be suspended for failing to make full disclosure to the County.

Based on test results, it appears that generally DPSS is applying its new criminal conviction guidelines in the screening of new employees.

Issue 9: Issue WFP&I/IA Alerts to inform departmental employees of potential fraud indicators, and to encourage continued reporting of potential employee fraud.

Target Implementation Date: 7/99. Implementation Status: In Progress.

Discussion: DPSS has taken a number of steps to implement this recommendation. Most notably, the Department developed a video on Welfare and Employee Fraud, along with a companion guide. This material was released under Human Resources Memo 99-121 on October 19, 1999. According to the memo, training was to begin in October 1999 and is to be completed by December 31, 1999. Thereafter, training would be conducted on an annual basis. Further, the memo indicated that viewing was mandatory for all staff. As of November 18, 1999, DPSS reported that training has just begun for its existing staff; however, 94 newly hired employees have received training.

DPSS has also released an Employee Fraud Poster which office managers were instructed to post in high visibility areas on September 9, 1999. The poster states that “Fraud is Everyone’s Problem” and encourages staff to “Join the Team and Report Employee Fraud”. The poster also lists two telephone numbers that will connect the reader with the Auditor-Controller’s Employee Fraud Hotline.

Four DPSS offices were selected for site visits to determine if these posters were conspicuously displayed. The posters were not displayed at two of the four sites visited and, at a third site, the number of posters displayed appeared inadequate. At one of the two sites where no posters were displayed, it was stated that a movie production company had filmed at the facility the previous day and that the production company had taken down all the material on the District bulletin boards. The site displaying an inadequate number of posters is a four-floor facility. The only Employee Fraud Poster displayed was located on the elevator door on the second floor of the facility.

Finally, it was noted that effective with the release of Internal Affairs Alert 99-01 on July 8th, the Internal Affairs Section of DPSS’ Human Resources Division (HRD) began conducting random audits of district operations as they related to potential employee fraud issues. The DPSS has indicated that they had performed ten of these random audits during October and November 1999. However, no formal reports had yet been issued.

After reviewing the list of procedures used by the Internal Affairs auditors in conducting their reviews, it was noted that the procedures included are designed to detect various types of employee fraud. For example, the auditor is required to examine the Caseload Activity Report (CAR) of Intake Eligibility Workers to identify cases that have been in intake for more than 90 days. Similarly, the auditor should be reviewing the CAR to determine if there are any approved cases in an intake EW file. Both of these conditions are abnormal and may be an indicator of improprieties on the part of an EW.

Upon request, a listing of draft findings was provided from four of the five random audits conducted during October. In each case the findings noted were consistent with the types of findings that would be disclosed by performing the procedures included in the Internal Affairs auditor work plan.

Issue 10: WFP&I will release posters reporting on prosecution of recipient fraud for posting in employee work areas to show staff that their referrals bring results and to inform them of investigative activities.

Target Implementation Date: 9/99. Implementation Status: In Progress.

Discussion: DPSS’ Welfare Fraud Prevention and Investigation (WFP&I) section has developed a series of posters that report on the prosecution of a recipient fraud. The first series, which consists of three posters, includes a “mug shot” of a recipient convicted of welfare fraud, along with information such as:

- Case name.
- District office where fraud occurred and was detected.
- Date convicted.

- Type of fraud.
- Amount of cash overpayment/food stamps over-issuance.
- Amount of Medi-Cal benefits recipient was not entitled to.

In addition to the above, a description of the offender's sentence is included, along with the slogan, "Your Fraud Referrals Do Make a Difference." According to WFP&I, they did distribute the first series of posters on November 19, 1999 with instructions to post them through February 2000, at which time a new series of posters will be distributed.

On November 24, 1999, unannounced site visits were made to three DPSS offices to determine if the Recipient Fraud Posters had in fact been displayed. As previously discussed, one of the offices indicated a movie production company had come in and removed all of the posters from the bulletin boards, etc. At a second location, management indicated that they had only received the posters on the previous day and had not yet had an opportunity to display them. At the third location, the posters had been displayed; however, the posters were only exhibited on two of the four floors of the facility.

CONCLUSIONS

Home Call Visits

1. In the latter part of September 1999, the DPSS started a pilot Home Call Visit program in Belvedere, East Valley, Exposition Park, and Lancaster. The results in these four districts effectively show a marked increase in denials of aid in spite of the fact that the program didn't start until October 1, 1999. For the months of September, October, & November 1999 versus the same months of 1998, denials increased by 165 cases (22%). Of that number, 98 cases (59%) were denied based upon the Home Call Visit program.

Using the following statistics that have been provided and agreed to by the DPSS, if the Home Call Visit program were expanded to the entire 23 districts of Los Angeles County, substantial savings would occur.

Assuming an average of three people on aid at a grant of \$626 monthly would equal for 12 months \$7,512 and assuming that life on aid averages 30 months in Los Angeles County, the grant amount equals \$18,780 for 30 months.

The pilot program which has been initiated in the above mentioned 4 districts has accounted for approximately 100 denials for a 2 month period. This would equate to 600 denials in a 2 month period for the 23 districts, which would result in 3600 cases being denied annually as the result of home call visits.

Translating this into dollars, those 3600 home call visit denials multiplied by the average applicant grant of \$18,780 for 30 months would equate to savings of \$67,608,000 for that period. This is just a beginning. The program should produce far greater savings as it matures.

2. The following conditions must be incorporated into the program.

- Welfare Fraud Investigators must be under the operational control of the District Attorney's office.
- Welfare Fraud Investigators must make the Home Call Visits.
- Welfare Fraud Investigators are limited status peace officers within Penal Code §830.35.
- All applicants for welfare must have a home call visit prior to approval.
- The EW has final control of the decision reached on each applicant, but confers with the Investigator in reaching the proper conclusion.
- The EWs and Investigators should occupy the same offices and/or buildings.
- Each EW and each Investigator must have their own computer. The automated, integrated information system (designated by DPSS as LEADER) needs to be fully implemented at the time Home Call Visits go into effect.

Follow up of Grand Jury 1998-1999 Welfare Fraud Audit Report

1. There has been extreme weakness in developing a strong monitoring plan to allow the agreed upon recommendations to be implemented and updated in a timely and effective manner.
2. The organizational structure necessary to communicate performance goals is ineffective.
3. Major philosophical differences become apparent when systems proven in other jurisdictions are rejected outright or not given serious consideration.
4. Taking into consideration economic variations, long range planning is required to ensure the resources necessary for future DPSS operations.
5. The tardiness as detailed in Issue 2 is reflective of the DPSS resistance to change. This tardiness by the DPSS is totally unacceptable.

RECOMMENDATIONS

1. The Board of Supervisors of Los Angeles County should direct DPSS to fully implement the Home Call Visit Program.

2. The Board of Supervisors should provide the necessary resources, as detailed on pages 10-11, for the DPSS and the DA to ensure success of the Program.
3. The Board of Supervisors should instruct the Chief Administrative Officer (CAO) to hire an outside firm as long as necessary to perform the management and administrative duties necessary to move the Department of Public Social Services forward in the accomplishment of its targeted goals. This assignment must encompass organizational restructuring, automation, benchmark objectives and management principles. This task should be given to a totally independent management firm that will report directly and exclusively to the Board of Supervisors.
4. The Board of Supervisors must place a higher priority to the oversight of the DPSS.

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**THE FOSTER FAMILY AGENCY MODEL
WITHIN LOS ANGELES COUNTY,
DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

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LIST OF ACRONYMS

ACSA	Association of Child Service Agencies
AFCS	Administration for Children's Services (Child welfare dept. in NYC)
CASA	Court-Appointed Special Advocate
CCL	Community Care Licensing (State of California)
CDSS	California Department of Social Services
CPW	Children's Protective Worker (social worker job title in NYC)
CWS/CMS	Child Welfare System/Case Management System, the State of California computer-based database for information on children in the child welfare system
CSW	Children's Social Workers at DC&FS
DC&FS	County of Los Angeles Department of Children and Family Services
FCRB	Foster Care Rates Bureau (State of California)
FFA	Foster Family Agency
FFABCK	Foster Family Agency Better Care for Kinds, steering committee representing many Los Angeles area foster family agencies
FTE	Full-time equivalent, term commonly used to describe full-time employees or the number of employees combined to make a full-time employee
ITRAK	Name of the computer system used by the Department of Children and Family Services to track information on foster family investigations
MAPP	Model Approach to Partnership and Parenting, a training program
MFCC	Marriage, Family, and Child Counseling, a common certification for students who have completed a master's degree
MSW	Master of Social Work, a common master's level degree for social work
OHCEU	Out-of-Home-Care Evaluation Unit, the organization unit at the DC&FS charged with investigating complaints at foster homes
PRIDE	Parent Resource Instruction, Development, and Education, a training program for foster parents provided by many Foster Family Agencies
SIRs	Special Incident Reports, the reports filed to report any incident involving a foster child
SPA	Service Provider Area, the name of regional centers in the County of Los Angeles designed to provide a variety of social services from a single, regional location
STEP	Systematic Training for Effective Parenting, a training program for foster parents provided by many Foster Family Agencies
TA	Technical Assistant, the clerical support staff who assist DC&FS CSWs with finding appropriate foster homes for children
WIC	Women, Infants, and Children, a social service agency providing nutritional guidance, education, and food stamps to qualifying pregnant women and women with young children

THE FOSTER FAMILY AGENCY MODEL LOS ANGELES COUNTY, DEPARTMENT OF CHILDREN AND FAMILY SERVICES

INTRODUCTION

The 1999-2000 Grand Jury performed a management audit of the Foster Family Agency (FFA) model within the County of Los Angeles Department of Children and Family Services (DC&FS). This first chapter outlines the study objectives and scope, methodology, documents reviewed, and other agencies or organizations contacted.

OBJECTIVES AND SCOPE

The objectives of the study were to evaluate:

- ❑ **Recruitment and selection of FFA foster parents.** How do FFAs recruit and select foster parents for certification? What criteria and processes do they use to screen out unqualified FFA foster parents from those with potential to become caring foster parents who are willing to comply with the rules and regulations? What are the expectations of potential foster parents?
- ❑ **Training of FFA foster parents.** What kind of training are foster parents required to attend? What standards for completion and achievement exist? What training do they receive prior to certification? What kind of training do they receive on an annual, ongoing basis? How effective and relevant is the training?
- ❑ **Investigation of complaints and abuse.** What steps are taken by the FFAs and by DC&FS to investigate complaints or allegations of abuse? When are on-site investigations undertaken? What kind of follow-up and actions are taken to resolve complaints and abuse? How are repeated complaints of a particular foster parent tracked?
- ❑ **Monitoring of DC&FS Children's Social Workers.** How does DC&FS ensure that Children's Social Workers (CSWs) complete their monthly visits to foster children? How does the Department ensure that CSWs work effectively with FFA social workers?
- ❑ **Monitoring of FFA foster parents.** How is the compliance with State rules and regulations (e.g., California Code of Regulations Title 22 – Welfare and Institutions Code) and contract program statements monitored? What standards for performance quality or outcomes exist? How is the performance of FFAs and foster parents monitored and measured? What information is collected and tracked?

- q **Information and Communication.** What information and results are shared between DC&FS, the FFAs, FFA foster parents, Community Care Licensing-the State agency responsible for regulating foster care (CCL), and other counties and agencies (e.g., Department of Probation, Department of Mental Health, etc.)?

Furthermore, the Grand Jury considered the overall continuum of care provided to children in the County of Los Angeles foster care system. In other words, any findings regarding FFAs must be considered in the context of the entire child welfare system, given the:

- q Bifurcated system, offering both CCL-licensed foster homes and FFA certified foster homes.
- q Shifting priorities and policies at the State and local levels.
- q Recent trends to emphasize family preservation, family reunification, and adoption in lieu of long-term foster care.
- q Recent trends to emphasize natural, home settings in lieu of group homes or residential treatment centers.
- q High caseloads of DC&FS CSWs.
- q Internal management and organizational problems at DC&FS.

METHODOLOGY

This management audit differs from previous studies and audits of child welfare in the County of Los Angeles. Rather than focusing solely on auditing FFA operations, the Grand Jury considered how FFAs fit into the overall continuum of care for children in the child welfare system and their interactions with DC&FS. Furthermore, through focus groups, questionnaires, and home visits, the opinions and concerns of foster parents themselves were obtained.

In completing this study, the Grand Jury undertook and accomplished the following tasks:

- 1. Document Review.** The Grand Jury collected and reviewed documents related to DC&FS and FFAs.
- 2. DC&FS Interviews.** Thirteen interviews were conducted with DC&FS management and staff.
- 3. External Interviews.** Eleven interviews were conducted with individuals and groups involved in the child welfare system as advocates and professionals external to DC&FS.

4. FFA Site Visits. Site visits were conducted with 25 FFAs randomly selected from the approximately 76 currently under contract with DC&FS. A court order was obtained to facilitate the site visits with the following randomly selected FFAs:

- | | |
|---|------------------------------|
| ☐ Alpha Treatment Centers | ☐ Harbor View |
| ☐ America Care | ☐ Holy Family |
| ☐ Aviva Center | ☐ Homes of Hope |
| ☐ Beta Foster Care FFA | ☐ Inner Circle |
| ☐ Bienvenidos Children's Center | ☐ Koinonia |
| ☐ Children of the Village | ☐ Linden Center |
| ☐ Children's Institute International | ☐ McKinley Children's Center |
| ☐ Children's Way | ☐ Nuevo Amanecer Latino |
| ☐ Dangerfield Institute of Urban Problems | ☐ Optimist Youth Homes |
| ☐ Drew Child Development Corp. | ☐ The Sycamores |
| ☐ Excel Intervention Program | ☐ Walden Environment |
| ☐ Florence Crittenton FFA | ☐ Wings of Refuge |
| ☐ Futuro Infantil Hispano | |

The three-to-four hour site visits typically included a group interview with agency management (e.g., the agency executive director, the program manager, recruitment staff, and intake administrators), followed by an informal focus group with agency social workers. 235 FFA social workers completed the survey and the survey results are in the Appendix. The site visits were confidential – neither positive nor negative findings are attributed to specific FFAs. Rather, the findings focus on identifying typical or common practices, best practices, and practices to avoid in the following areas:

- ☐ Philosophy or approach to providing foster care.
- ☐ Foster parent recruitment process and standards.
- ☐ Foster parent orientation and training practices.
- ☐ Relationships with foster parents.
- ☐ Placement philosophy and practices.
- ☐ Relationship and interactions with DC&FS.
- ☐ Quality assurance and problem-solving approaches and practices.

5. Foster Parent Focus Groups. 300 foster parents (whom DC&FS randomly selected from all FFA foster families) were invited to attend one of eight focus groups held in locations throughout the County. Six FFAs provided conference rooms for the focus groups, including Bienvenidos, Koinonia, McKinley, Optimist, Personal Involvement Center, and Walden Environment. These were located in the following regions: Antelope Valley, Carson/Long Beach, Los Angeles/Glendale/Pasadena, San Fernando Valley, San Gabriel Valley, and South Central Los Angeles. Fifty-seven foster parents participated in the two-to-three hour sessions and completed a survey. The focus group participants were from a cross-section of FFAs:

- q 88% of the foster parents who completed the survey have been foster parents for two or more years.
- q 22% have only one foster child currently in their homes; 55% have two to three foster children currently in their homes; and 22% have four or more children in their homes.
- q 89% have been with only one FFA.
- q 89% have only worked as FFA-certified foster parents and have never been a foster parent licensed by the State.

6. Review of Investigation Files. Twenty-five randomly selected files documenting investigations were reviewed.

7. Foster Parent Site Visits. Five foster families, selected from among the 25 files reviewed, were visited (see #6 above). One of the selected families was not home; another family did not have the child we had asked to visit. Consequently, interviews were conducted at only three of the sites visited.

8. Other Jurisdiction Comparisons. Child welfare agencies were contacted in Cook County, Illinois, New York City, and St. Louis, to obtain comparable data. The following agencies provided information:

- q New York City Administration for Children Services
- q Illinois Department of Children and Family Services
- q Missouri Division of Family Services
- q St. Louis Child Services

FINDINGS: CURRENT SITUATION

This chapter presents an overview of the child welfare system in the County of Los Angeles, as well as the current situation at DC&FS and the role of FFAs.

OVERVIEW OF CHILD WELFARE

Children in the child welfare system in the County of Los Angeles are under the supervision of DC&FS. As of July 1999, approximately 66,000 children are under the supervision of DC&FS. Placement of these children depends on numerous factors, beginning with the severity of the problems in the children's homes. Nearly 20% of the children are not removed from their parents' homes. The majority of children who are removed from their homes (nearly 35%) are placed with relatives; an additional 15% are adopted. The remaining approximately 30% are placed in out-of-home care, including State-licensed foster homes; FFA-certified foster homes; group homes; shelters; and other facilities (e.g., MacLaren, medical facilities, etc.). This study focuses on the 7,126 children (nearly 11%) who are placed in FFA-certified foster homes, as shown in Exhibit 1.

Exhibit 1
Distribution of Children under DC&FS Supervision

Out-of-Home Care	Number of Children	Percent of Children
Licensed foster homes (CCL)	3,408 (5,265)	5.1%
FFA certified foster homes	7,126 (8,232)	10.8%
Group homes	2,284	3.4%
Placed with relatives	22,893 (25,755)	34.6%
Placed with legal guardians	1,207	1.8%
Adoptions	9,819	14.8%
Shelter care	3,733	5.6%
Court-specified home (60 day visit)	1,571	2.4%
Other (MacLaren, medical facility, etc.)	269	0.4%
Out-of-State Placements		
Placed with relatives	850	1.3%
Placed with legal guardians	150	0.2%
Not removed from own homes	12,897	19.5%
Total Children under DC&FS Supervision	66,207 (65,996)	100.0%

Numbers in parentheses indicate the figures reported in the December 23, 1999, report to the Los Angeles County Foster Care Task Force.

To put DC&FS in context, comparative information was obtained from New York City, New York; Cook County, Illinois; and St. Louis, Missouri. These statistics are presented in Exhibit 2.

Exhibit 2
Comparative Child Welfare Statistics

Comparative Child Welfare Statistics	New York City, New York	Cook County, Illinois	St. Louis City and County
Total number of children in foster care	34,800	24,544	3,661
Number of children in:			
§ Privatized care	27,800	18,830	N/A
§ County/Public	7,000	5,714	N/A
§ Relative Placement (included in above numbers)	6,200	12,522	1,288
Approximate caseload (Note: For NYC, numbers are for Social Workers with children in foster care for less than 90 days.)	12 (down from 27 in 1996)	20-24	23-26
Adoptions			
§ 1997	3,800	2,229	N/A
§ 1998	3,848	4,293	
§ 1999	4,009	7,315	

The most striking differences between foster care in Los Angeles County and other jurisdictions include:

- The higher number of foster children in Los Angeles County (66,207 children in foster care in Los Angeles County versus 34,800, 25,544, and 3,661 for New York, Cook County, and St. Louis, respectively).
- The smaller number of children in privatized foster care in Los Angeles (7,126 in Los Angeles versus 27,800 and 18,830 in New York and Cook County, respectively).
- The higher volume of case loads for CSWs in Los Angeles (45-50 in Los Angeles versus 12, 20-24, and 23-26, in New York, Cook County, and St. Louis, respectively).

Certified versus Licensed Homes

The State CCL Division is responsible for licensing and monitoring foster homes throughout the State. Children placed in licensed homes are visited monthly by their assigned Children’s Services Worker (CSW) from DC&FS. Prior to July 1999, CCL delegated the authority to license foster homes to DC&FS. In July 1999, DC&FS lost the right to license foster homes, due to ongoing Department problems.

In contrast, the State licenses FFAs, who in turn certify foster homes. Children placed in FFA-certified foster homes are visited weekly by FFA social workers, in addition to the monthly CSW visits. FFA social workers have dual roles: to support the family (foster parents and foster children) and to monitor and ensure compliance with Title 22 and contract rules and regulations.

Rate Structure

In addition to the increased number of visits and foster home oversight provided by certified foster homes, the cost is also higher. (Note: Rates for foster care in both licensed and certified homes are set by the State CCL.) Monthly rates for children in licensed foster homes are based on the complexity of the case, but are in the range of \$400 per month. For example, children requiring medication or ongoing medical attention command higher rates than children without such problems do. Monthly rates for children in FFA certified foster homes are based exclusively on the age of the child. The rate structures for licensed and certified homes are compared in Exhibit 3.

**Exhibit 3
Comparison of Licensed and Certified Foster Home Rates**

Age	Licensed Foster Home Rates							FFA
	Rate “B”	Rate “D”	Rate “F-1”	Rate F-2”	Rate “F-3”	Rate “F-4”	Rate “P”	Rate
0-4 years	\$393	\$1,078	\$718	\$847	\$1,078	\$1,273	\$668	\$1,362
5-8 years	\$434	\$1,064	\$702	\$832	\$1,064	\$1,257	\$709	\$1,416
9-11 years	\$481	\$1,066	\$705	\$835	\$1,066	\$1,260	\$756	\$1,458
12-14 years	\$522	\$1,065	\$704	\$834	\$1,065	\$1,260	\$797	\$1,537
14+ years	\$573	\$1,068	\$705	\$835	\$1,068	\$1,259	\$848	\$1,607

The monthly rate is paid to the FFA, who then distributes about \$500 to the foster family to reimburse them for such expenses as food, clothing, allowance, etc. The rest of the monthly rate goes toward the overhead payroll of the FFA, including intake, recruitment, training services, social workers, and other ancillary services provided by the FFA (e.g., emancipation programs, etc.). The base percent of the rate paid to foster families is set by the State, although FFAs can pay more than the base rate.

Origins of FFAs

Per DC&FS documents, FFAs evolved out of Home Finding Agencies licensed by the California Department of Social Services in 1980 to provide pre- and post- adoptive homes for children in their care. In 1983-84, Home Finding Agencies were changed to Foster Family Agencies, creating another level of care as an alternative to group homes. FFAs are private non-profit agencies that recruit, certify, train, and provide support to foster parents. Despite this official background, management audit interviews revealed little consensus regarding why FFAs were established. Some of the perceptions include an increase in the:

- Number of drug-exposed infants requiring foster care.
- Number of teenagers requiring foster care in non-group home settings.
- Overall demand for foster care.

Regardless of the origins, most agree that FFAs meet a critical need for placements and provide much-needed additional oversight and the County needed greater capacity to handle the demand for foster family placements.

Treatment versus General Demand

The widely acknowledged cost-related placement hierarchy is in direct contrast to one DC&FS document that indicates that the needs of the child determine the type of placement:

- Licensed homes are intended for children with normal needs; D and F rates for special needs
- FFA-certified homes are intended for “special needs children” with emotional problems requiring structure within family home structure.
- Group homes are intended for children with severe behavior issues, necessitating specialized treatment services.

Another DC&FS document describes the target population of FFAs as “...children with special and unique needs that cannot be serviced in a licensed foster home. Children that are severely emotionally disturbed usually ranging in age from 6 to 18 years of age required additional services and staff to monitor development and progress.”

Interviews with CSWs, and with FFA administrators, social workers, and foster parents indicate that treatment needs are not routinely considered when making placements:

- q CSWs report that they prefer FFAs because of the more frequent FFA social worker contact with the child.
- q FFA administrators report they must make placements based on minimal information about the child.
- q FFA social workers report that information regarding the child's medical, psychological, and behavioral status is routinely withheld or unavailable.
- q Foster parents are not expecting "severely emotionally disturbed" children.

FFA Contracts

To obtain a contract with the County, FFAs complete the following steps:

- q Submit a concept paper describing their programs and the target population they plan to serve.
- q If DC&FS determines there is a need for such programs and services, FFAs submit program statements to both DC&FS and CCL. DC&FS is in contact with the California Department of Social Services (CDSS) regarding the applicants' licensing status.
- q Upon approval of the program statement, a letter of support is issued and mailed to the CDSS, Foster Care Rates Bureau (FCRB), in Sacramento.
- q Upon FCRB approval of rates, a meeting is scheduled with the DC&FS Contract Section to begin the contracting process.
- q DC&FS reviews the license, rate letter, and insurance. If everything is in order, the FFA and the Director of DC&FS sign the contract.

DC&FS currently has contracts with approximately 76 FFAs. It was not possible to obtain a current, accurate count of the FFAs, with reported numbers ranging from 76 to 79.

CURRENT SITUATION AT DC&FS

DC&FS is a large department dealing with some of the County's most difficult problems – the safety and well-being of the 66,000 children in the system. The Department has been hampered in fulfilling its mandate by a history of internal organizational and management problems, as well as public scandal, specifically the abuse and death of children in out-of-home care (CCL-licensed and FFA certified foster care and group homes) as well as those reunified with their biological parents.

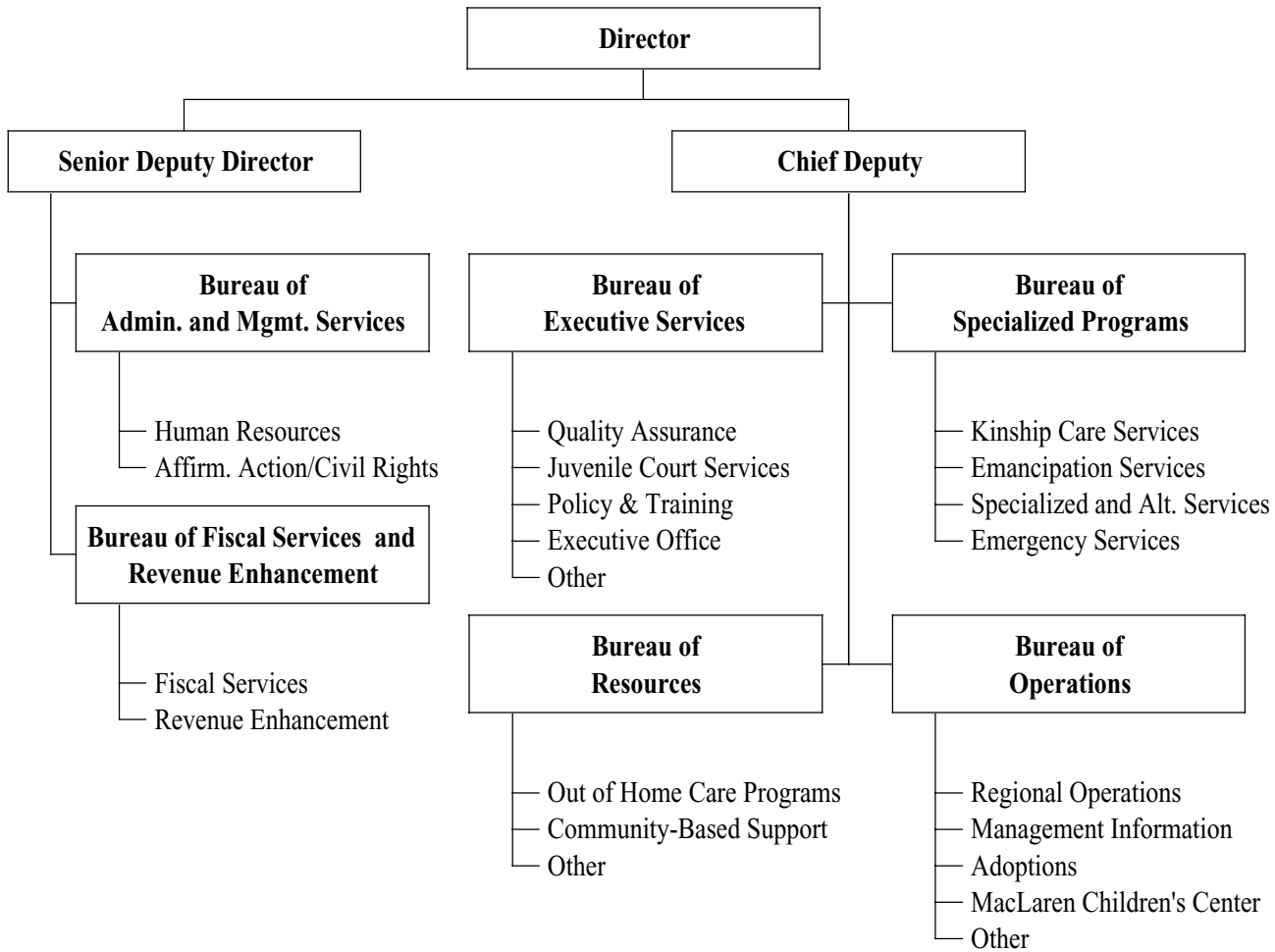
Because of the high profile nature of DC&FS problems, the Department has been under considerable scrutiny for several years, resulting in the resignation of the last director in July 1999. Several studies and audits have been conducted in recent years, including a Grand Jury investigation of group homes; a management audit by PriceWaterhouse/Coopers; an assessment by the DC&FS Interim Director; an FFA Blue Ribbon Task Force; and a Little Hoover Commission report. This management audit by the 1999-2000 Grand Jury is also in response to ongoing concerns about the Department, specifically the children in FFA certified foster homes.

As of December 1999, the Department has new leadership – newly appointed Director Anita Bock – who is poised to make substantive changes internally as well as in how it delivers and monitors foster care for the children of Los Angeles County.

Organizational Structure

DC&FS is currently organized in six bureaus, including Administration and Management Services, Executive Services, Specialized Programs, Operations, Fiscal Services/Revenue Enhancement, and Resources, as shown in the organizational chart in Exhibit 4. Approximately 2,500 CSWs carry cases out of eight regional offices within the Bureau of Operations, while the Out-of-Home Care Programs division, which recruits FFAs and monitors their contracts, is in the Bureau of Resources. Quality Assurance, which investigates complaints in certified foster homes, is in the Executive Services Bureau. Finally, services directly related to children in foster care, such as Emancipation Services (for foster children who are 14 years old or older and are unlikely to return to their biological parents) are in another bureau, Specialized Programs.

**Exhibit 4
Current DC&FS Organizational Chart**



RECRUITMENT AND SELECTION OF FFA FOSTER PARENTS

FFAs recruit foster parents from a variety of sources, including family or home-oriented magazines, “Penny Saver” flyers, and other print media; local religious institutions; word of mouth; and referrals from other foster parents. The selection process has two distinct stages: initial screening and orientation. Most FFAs indicate they continue to screen and reject potential foster parents throughout the pre-certification training, as additional information becomes available.

Initial Screening. Initial screening is usually by telephone, with FFA staff asking such basic qualifying questions as the number of bedrooms, the number of biological children in the home, whether anyone in the household has a criminal background, primary source of income, and prior experience. FFA staff will also explain basic requirements, including:

- Number of children per bedroom (a maximum of two).
- Training requirements for both parents (if a two-parent household).
- Fingerprinting of both parents.
- The scrutiny to which foster parents are subjected – weekly social worker visits, monthly CSW visits, home inspections, etc.

At this point in the screening process, many potential foster parents self-select out of the process; the FFA turns others down when they clearly will not be able to comply with the stringent rules and regulations. FFAs report that only 10% to 25% of initial screenings result in certified foster parents.

Following the initial screening, foster parent candidates come to the FFA office for a more thorough orientation followed by a home visit. Some FFAs combine the orientation with the first home visit to provide a more immediate sense of whether the home will be appropriate. In contrast, some combine the orientation meeting with initial training, although the FFA will continue to weed out inappropriate foster parent candidates.

The foster parent candidates who are eligible and complete the initial 8 to 12 hours of training will be certified by the FFA prior to receiving their first placement. Foster parents must complete the FFA’s pre-certification training even if they have previously been trained and certified by another FFA.

Training of FFA Foster Parents. Foster parents are required to complete 8 to 12 hours of initial training, and 12 hours of additional training every year. FFAs provide mandatory training for foster parents, but have the flexibility to use one of a number of programs, including MAPP, PRIDE (Parent Resource Instruction, Development, and Education), and STEP (Systematic Training for Effective Parenting). Others combine various aspects of all three or develop their own curricula.

Foster parents receive certificates for attending and completing courses, but there are no tests or other assessments to determine understanding of concepts, retention of material, or whether the material is relevant to the children currently placed in their homes.

PLACEMENT OF CHILDREN INTO FOSTER CARE

Children are removed from their homes (or their current foster home) and enter the foster care system as a result of:

- An ongoing investigation of the child's home situation, ultimately indicating that the home or foster home environment is not safe. In this situation, a CSW has already been assigned to the family or child.
- Mandatory reporting (e.g., via the Child Abuse Hotline) or response to an emergency situation (e.g., physical or sexual abuse), in which a child is immediately removed from the home, pending substantiation of the allegations.
- Response to an emergency situation, such as the arrest, incapacitation, or death of the parent, in which there is no one to care for the child.

Before placing a child into foster care, the CSW must first ascertain that there are no related family members with whom the child can be placed (e.g., grandparents, aunts or uncles, etc.). Even if family members are located, they must be fingerprinted and have clean criminal background checks prior to receiving the child. In this case, the child may stay temporarily at a shelter or the MacLaren Center.

If no relatives are available, an appropriate out-of-home care placement must be found. CSWs provide Technical Assistants (TAs) with such basic information as the child's age and gender. If the child is already in the system (e.g., is being moved from one foster home to another), the CSW may be able to provide additional information, such as the nature of the child's problems, whether the child requires medication, why the child is being removed from the current foster home, what is the child's race/ethnicity, etc. TAs then access the State Child Welfare System/Case Management System (CWS/CMS) to find an appropriate placement, following the established hierarchy of placement options:

- State licensed foster home (least expensive).
- FFA-certified foster home (more expensive, with more social worker support and access to therapeutic services).
- Group home (even more expensive, in a more restrictive environment, with more supervision and more therapeutic intervention).
- Residential treatment center (most expensive, with the greatest level of supervision and therapeutic intervention).

Furthermore, CSWs reported varying degrees of compliance with a policy (allegedly discontinued in April 1999), stating that a minimum of 30 licensed homes must be contacted prior to contacting an FFA-certified foster home. CSWs also reported that a given child must be rejected for placement by five FFAs before placing the child in a more restrictive group home. As soon as the TA locates a home (licensed or certified) willing to take the child, the TA informs the CSW (who may or may not contact the licensed home or FFA directly) who then delivers the child to the home.

At the time of placement, the CSWs are responsible for providing the FFA with:

- A complete assessment of the child.
- All required information related to the child.
- Review and discussion of the child's needs.
- The complete placement packet, which includes the Needs and Services Plan, all medical information and reports, and all educational information and records at the time of placement.

CSW CASE MANAGEMENT

CSWs self-reported average case loads range from 45 to 60. DC&FS provided the following scale for average caseloads.

**Exhibit 5
CSW Average Case Loads**

Type of Cases	Approximate Average Case Load
Emergency response	30
Family maintenance and reunification	38
Permanency plan	54
Adoption	70 to 80

Per CCL, CSWs are required to visit each child assigned to them once a month. Furthermore, they maintain the child's file, which includes the case plan, minute orders from the Dependency Court, and other relevant information. CSWs may also be required to attend court. The CSW is the primary link between the child, his or her biological parents and siblings, and the Dependency Court. A single CSW may be assigned to children placed in diverse parts of the County, resulting in extensive periods of unproductive time driving to different, distant locations throughout the County. The DC&FS maintains that the CSW is the primary case manager for the child and retains the following tasks and responsibilities: accesses FFA homes through FFA Intake Workers; develops the care plan for the child; determines the case and visitation plan; provides the FFA with background information, health history, and Medi-Cal card; makes face-to-face contacts with child/foster parent as required by CDSS Division 30, Visitation Regulations; prepares all court documents; keeps the FFA advised of all changes in the case plan; and consults with the FFA social worker as needed.

The contract also outlines that CSWs and FFAs work together to accomplish the objectives of the child's care plan, care plan updates, and Needs and Services plan.

Monitoring of FFA Foster Parents

The quality and performance of foster parents are monitored by FFA social workers and administrators who have weekly contact. CSWs are assigned to a specific child (or siblings) in a foster home and typically have children in numerous homes throughout the County. In contrast,

FFA social workers are assigned to the foster parents and, by extension, to the children placed in that home.

FFA INTAKE AND PLACEMENT

As described earlier in this chapter, FFA intake staff are typically contacted by DC&FS TAs or CSWs to verify placement availability. CSWs typically have no direct contact with the foster parent until after the placement decision has been made and they deliver the child. FFAs will make the best placement possible, based on the information provided to them by DC&FS and balancing it with the strengths of the foster parents with available space, as noted in Exhibit 6. Nevertheless, FFAs report that the quality of the information provided is frequently inaccurate or incomplete, making optimal placements problematic.

Exhibit 6
Information about Children and Foster Parents

Information about the Child (Provided by DC&FS)	Information about the Foster Family (Provided by FFA)
<ul style="list-style-type: none"> • Age • Single child or sibling placement • Ethnic or racial background • Language needs (e.g., Spanish-speaking only) • Behavioral or emotional problems or issues 	<ul style="list-style-type: none"> • Age preferences • Number and age of children already placed • Prior success or failure with children with similar profiles • Willingness to take emergency or middle-of-the-night placements

INVESTIGATIONS INTO COMPLAINTS AND ALLEGATIONS OF ABUSE

The investigation unit is part of the Out-of-Home Care Evaluation Unit (OHCEU) in the Quality Assurance Division of the Bureau of Executive Services. OHCEU is responsible for conducting audits of out of home care facilities, including licensed homes, FFAs, and institutional placement facilities. In addition, the unit investigates those facilities after allegations of child abuse arise, when a complaint not associated with child abuse indicates a need to conduct an inquiry, and when a pattern that indicates underlying problems is identified in incident reports. Over the past 8 months, investigators have been trained to the same level as CCL investigators.

OHCEU Audits

OHCEU established new comprehensive audit guidelines in mid-1999 for the review of FFAs, which represent much of the unit's audit workload. The new standards require:

- q Visiting 15% of children placed in FFA facilities
- q Visiting 15% of the facilities themselves
- q Reviewing 15% of the personnel records
- q Reviewing 127 elements of the contracts with FFAs.

OHCEU discusses the findings twice with an audited FFA before the findings are included in its final report, and corrective action plans are developed and monitored. There are currently five investigative staff in OHCEU dedicated to audits of the approximately 76 FFAs. Because all of the contracts last three years and expire at the same time, audits are of limited value during the last full year of the contract.

OCHEU Investigations

Unscheduled investigations conducted as a result of incident and child abuse reports are significantly more voluminous. Approximately 40 calls per week are generated from the Child Abuse Hotline, which generates most of this workload. Fewer than 11 full-time equivalents (FTEs) respond to those calls, and the average caseload is 73, not including the backlog. New cases are added at the rate of approximately one per day per worker. CSWs and FFA social workers report that an investigation may not be initiated until six months to one year after the original incident has been reported. By this time, the child may have long been removed from the home, and the home may have been decertified.

At the time of this management audit, OHCEU staff were undertaking a major effort to clean up the backlog, which amounted to more than 700 active cases, and 900 inactive cases (in which the investigation was complete, but the final reports and approvals had not been finished). At the same time, new procedures were put in place to assure more rapid and consistent investigations.

The major tasks of OHCEU in response to the calls and incident reviews include:

Initial Incident Response. OHCEU’s response to the reported incident includes the following steps:

- Establish the level or priority of the alleged incident, which is determined by the duty worker, verified by the investigator, and reconfirmed by the unit supervisor. The priorities range from one to four as follows:

**Exhibit 7
Incident Priorities**

Priority	Nature of Incident
1	Sexual abuse, oral sex, rape, sodomy, or physical abuse; great bodily injury or death; severe neglect results in child suffering ulcers, malnutrition.
2	Sexual abuse (e.g., masturbation, inappropriate sexual touching), physical abuse that results in injury or bruises, felony record of staff, ritualistic abuse.
3	Shoving and pushing; no injury or bruises; misuse of medication (missed a dosage, not pick up prescription); lack of supervision; licensing issues (house dirty, lack of bedding, etc.) CCL can review and impose financial sanctions.
4	Verbal abuse; name calling, etc.; lack of supervision, physical spanking reprimand; no bruises or injury.

- q Determine the responsible CSW for the alleged victim and notify the CSW of the complaint.
- q Follow up to determine whether the allegation has been substantiated and whether the child has been relocated.
- q Determine whether other foster children are placed at the same facility.
- q Notify the CSWs of the other foster children in the facility of the complaint, and, if available, the findings of the initial investigation.
- q Determine whether the County should temporarily refrain from placing children at that facility until the investigation is completed.
- q Determine whether the subsequent investigation can be “downgraded” to a five- or ten-day response. This is proposed by the duty worker and verified by the unit supervisor.

Investigation. OHCEU investigation staff follows these steps:

- q Interview the alleged victim and other children in the facility.
- q Interview the facility staff and other involved professionals.
- q Inspect the home and interview neighbors or collaterals.
- q Review relevant reports regarding the facility to detect patterns.

Conclusion and Follow-up. Once the investigation has been conducted, OHCEU investigation staff completes these steps:

- q Complete the investigation report and associated paperwork
- q Determine whether allegations are substantiated; if so, instigate a *Corrective Action Plan*, a *Do Not Refer* status, or a *Do Not Use* status on the facility
- q Develop, if necessary, a *Do Not Refer* or *Do Not Use* request for the Director’s approval
- q Notify all parties with regard to the disposition of the investigation
- q Collect and file documentation from involved parties, including the CSWs and the FFAs.

The investigator assigned to that duty, called the “duty worker”, typically reviews a case first. Responsibility for being duty worker rotates among the available investigators. The duty worker handles the initial incident response, and refers each case to an investigator who is geographically assigned. In that manner, investigators become familiar with the FFAs in their areas and are exposed to patterns in complaints through their regular investigation duties. In addition, they establish relationships with the staff at the FFAs in their regions. The unit supervisor reviews all priority assignments and referrals.

The Grand Jury reviewed 25 investigative files from the 24-month period of January 1998 through January 1999. All files indicated that the initial incident response was prompt, that the CSW conducted an immediate evaluation of the allegations, and that corrective action, where necessary, was taken immediately. Exhibit 8 shows a recent improvement in the time it takes for cases to be reviewed.

Exhibit 8
OHCEU Investigation Time Line

Cases	Initial review by CSW	Weeks until subsequent OHCEU follow-up review	Weeks until report completed
Cases for 24 months	Immediate	Two months Longest: 18 months	Six months
Cases since 6/20/99 (when new guidelines went into effect)	Immediate	Three weeks	N/A

FFA Investigations of Complaints and Abuse

Because of their more frequent contact with foster parents, FFA social workers and administrators are in the best position to observe the warning signs of problems in a foster home. As a result, FFAs self-report Incidents at a higher rate than CSWs report for licensed homes. Furthermore, FFAs report trying to work with foster parents informally and formally (through correction plans) to address problems prior to making a Special Incident Report (which automatically alerts OHCEU and the CSW assigned to the case). In some cases, FFAs take the initiative to decertify homes with unresolved problems. Serious allegations, such as Priority 1 violence or sexual abuse, result in removing the child from the home. Children may stay in the home for other, less serious incidents while OHCEU determines whether the complaint is substantiated or not.

As of July 1999, FFAs are not permitted to be actively involved in ongoing investigations and are not allowed to inform foster parents regarding ongoing investigations. Nevertheless, 80% of Special Incident Reports result in unsubstantiated complaints, according to a review of DC&FS records.

CONCLUSIONS: OPPORTUNITIES FOR IMPROVEMENT

This chapter outlines the key conclusions, including strengths and opportunities for improvement, of the management audit.

CONTEXT FOR CHANGE

Despite the best intentions and tremendous efforts of many DC&FS employees, FFAs, foster parents, and other children's advocates (e.g., attorneys, CASA volunteers, the Los Angeles Commission for Children and Families, etc.), the child welfare system in Los Angeles County is characterized by numerous problems and flaws.

The appointment of a new Department Director provides a timely opportunity to implement system-wide changes, make internal DC&FS improvements, and enhance the overall continuum of care for foster children in the system.

From a system-wide perspective, there is general agreement that the child welfare system is broken in these areas:

- Organizational and management problems of DC&FS impact the system overall.
- The continuum of care model does not thoroughly address or meet needs of families and children.
- High caseloads impact the ability to make the thorough assessments required for making optimal foster placements.
- The lack of systems hinders the ability to evaluate and track foster family quality and other relevant data.
- The lack of outcome measures for DC&FS, FFAs, foster parents, and children results in a lack of accountability and hinders the evaluation of performance and progress.

Despite systemic problems in child welfare overall, FFAs provide numerous benefits to children in the system, including:

- More frequent observations of how children are faring in foster care.
- More feedback to other professionals, including CSWs, Dependency Court (judges and attorneys), psychologists, educators, etc.
- More frequent observations of foster home physical conditions and social/psychodynamics.
- Increased and consistent support to foster parents.
- Opportunity to evaluate the performance of foster parents and recommend training in specific areas.
- FFA social workers are required to have master's level education (e.g., MSW, MFCC, counseling, psychology, etc.) while CSWs are only required to have bachelor degrees.
- More oversight than licensed homes.

Additionally, the survey results of the 57 foster parents who attended eight focus groups indicate significant strengths. Overall, 96% reported that their FFAs gave them a clear and accurate idea of what it means to be a foster parent. In terms of orientation and training:

- q 98% had attended training programs before children were placed with them.
- q 87% reported that the training prepared them for their first months as foster parents.
- q 96% reported that their FFAs gave them a clear and accurate idea of what it means to be a foster parent.
- q 84% found that the quality of pre-certification training was good or excellent.
- q 81% reported that the quality of annual training was good or excellent.
- q 98% found the training to be very or somewhat useful/relevant.
- q 73% feel they have all the information they need to be able to take care of the foster children in their homes all or most of the time.
- q 87% believe they get the support and information they need from their FFAs for routine problems all or most of the time.
- q 75% believe they get the support and information they need from their FFAs for serious problems all or most of the time.

The opportunities for improvement presented in this section are grouped according to these major categories:

- q Current delivery of care and services to children in the child welfare system, including outcome measures, initial assessment and placement of children, and understanding of the role of FFAs.
- q DC&FS operations, including the organizational structure, systems infrastructure, role of CSWs, and working relationships with FFAs.
- q FFA operations, including recruitment and selection of foster parents, orientation and training, intake, and placement.
- q Foster parent roles and responsibilities.
- q OHCEU monitoring and investigations.

CURRENT DELIVERY OF CARE AND SERVICES TO CHILDREN IN THE CHILD WELFARE SYSTEM

The best interests of the child are rarely paramount in considering the placement options for children in the system.

The structure of child welfare in Los Angeles County has built-in conflicts making it difficult to support and implement programs and practices designed to meet the best interests of the children in the system. Despite a widely stated child-first philosophy, decisions made throughout the system – by DC&FS and by FFAs – appear to be motivated primarily by cost considerations and secondarily by shifting policies and politics. Furthermore, the high volume of cases together with CSW understaffing and turnover result in a system built on a warehousing, “board and care” model, not on treatment and services to improve children’s lives.

- A cost-driven approach to placing children in foster care by definition does not put the specific interests or needs of the child first. The cost of each tier of placement drives the placement decision, more than the needs of the child. For example, group homes are considered to be the least natural environment (as well as the most expensive), yet some children cannot function in a less structured environment. As a result, children with disruptive behavioral or severe emotional problems are placed in foster homes, although the CSWs and FFA social workers would agree the children belong in group homes. Then, the children “fail” multiple times in foster homes before they are placed in a group home.
- Although the majority of CSWs prefer the additional oversight provided by FFA foster homes, they feel pressured to place children with licensed foster homes. Nevertheless, some CSWs appeal directly to FFAs and bypass licensed homes because of their desire for additional oversight.
- CSW use of Technical Assistants (TAs) results in clerical staff with little information or training having delegated responsibility to make placements, especially when CSWs lack the necessary time to do thorough follow-up themselves prior to a placement.
- Shifting policies –family reunification versus adoption, or adoption versus long-term foster care – may result in moving children who are thriving in their current situations.
 - § The court, against the judgment of CSWs, FFA social workers, and the foster parents may recommend family reunification themselves.
 - § Adoptions may be favored over long-term foster care in a stable environment. For example one foster parent focus group participant reported she had to decide whether to adopt or give up a child who had been in her home for four years within 30 days.
- The financial incentives of FFAs pressure FFA administrators and social workers to accept children for placement even when they cannot make an optimal placement. FFAs have established capacity levels (whether they are large or small) which they must maintain to continue to offer their range of services.
 - § FFA administrators who want to provide customer service to DC&FS by accommodating their placement needs and maintain viable business operations, make sub-optimal placements. There is little incentive to refuse a placement on the grounds that the FFA does not have an appropriate family for the child, because such responses can backfire if CSWs perceive that a given FFA repeatedly cannot help out with placements.
 - § Despite the stated intentions of FFA administrators to the contrary, most FFA social workers report they are pressured periodically to make sub-optimal placements (the pressure ranges from subtle to direct). In other words, they will place a child in a home, which is not a good match according to their professional judgment to maintain placement levels desired by FFA management.

- § Foster parents who work most successfully with a specific age group or gender are pressured to take other children, who then may ultimately fail (or the foster parent fails).

It is a crisis-driven process: Finding a bed is critical, so there is no time for thorough assessments.

The high caseloads of CSWs and financial incentives for FFAs combine to make thorough initial assessments of children virtually impossible.

CSWs are unable to meet basic job requirements because of the high volume of cases.

DC&FS is required to supervise FFAs, monitor FFA contract compliance, and provide services to children, but lacks the resources to do these tasks thoroughly.

- CSWs spend a minimal amount of time (15 to 30 minutes per month) with assigned children, limiting their ability to make thorough clinical observations or recommendations. Additionally, medical and psychological treatment services must be approved by CSWs who may not process the required paperwork in a timely manner, resulting in children not getting required treatment. As a result, foster parents reported that children were uncomfortable with their CSWs, whom they barely know and whom they associate with being removed from their homes or foster homes.

The lack of visits is also noted in the 1996-1997 Grand Jury Management Audit of Group Homes.

- According to FFA social workers, foster parents, and some CSWs, CSWs do not make the mandated monthly visits to their assigned children. FFA social workers and foster parents both reported that some CSWs never visit while a child is placed with them (ranging from four months to two years). CSWs do contact the children prior to court appearances, when they must prepare the paperwork and update their reports.
- FFA social workers and foster parents report that CSWs move children to more convenient locations, even when the children are thriving in their current placements. While this may be to move a child closer to his or her own community, FFA social workers and foster parents perceive it in terms of the CSWs' convenience.

High turnover and ineffective training undermine CSW performance.

There has been reported a high turnover of CSWs. High turnover of CSWs has a negative impact on the continuity of care for the children:

- 60% of CSWs have been with DC&FS for less than five years.
- Foster parents report turnover as high as eight CSWs assigned to a single child in two months (though most report a lower level).

**Exhibit 9
CSW Turnover Rates**

Year Hired	Turnover Rate
1996	25%
1995	40%
1994	40%
1993	40%

It is also reported that the DC&FS CSW Core Academy Training is sub-optimal, with more time on application oriented as opposed to fundamental type of knowledge. The high rate of attrition among recently hired CSWs may be due, in part, to insufficient mentoring and coaching in training units.

Neither DC&FS nor FFAs are held accountable for outcomes – the improving quality of life for children in foster care.

The child welfare system lacks standard measures for a variety of outcomes, including well-being of the child; compliance of all out-of-home care facilities (e.g., licensed foster homes, certified, foster homes, group homes, etc.); FFA performance; and DC&FS performance.

In the survey distributed to FFA social workers at the 25 FFAs randomly selected for site visits, 235 FFA social workers ranked nine outcome measures for children in order of importance, as shown in Exhibit 10.

**Exhibit 10
Ranked Importance of Nine Outcome Measures**

Rank	Outcome Measure
First	Nurturing, loving environment
Second	Safety
Third	Food, shelter, clothing
Fourth	Related social services (e.g., mental health, counseling, special education)
Fifth	School enrollment and attendance
Sixth	Continuity of relationship between the FFA social worker and child
Seventh	Continuity of relationship between DC&FS CSW and child
Eighth	Extracurricular activities (e.g., scouts, sports, arts)
Ninth	Staying in the same community

Currently, however, there are no outcome measurements, other than paper audit trails. Contracts for FFAs are renewed based on the current proposal, instead of being linked to performance during the term of the preceding contract (e.g., how many complaints, how many homes decertified, etc.). (Note: New bids must be issued every three years, per State guidelines.) Basically:

- Treatment plans may not be updated to reflect the changing needs of the child.

- “Politically” promoted outcomes, such as increased rates of reunification or adoption, may or may not be in the best interest of the child. For example, the rate of reunification with parents is not a good measure if the child dies in their care or ends up back in foster care.
- Prior to recent improvements, made since mid-1999, quality assurance processes had been primarily based on compliance with established checklists, not on actual observation.

There is inconsistent understanding and implementation of the role of FFAs in the care of foster children.

While DC&FS documents clearly specify the role of FFAs in terms of meeting the needs of children with special and unique needs that cannot be serviced in a licensed foster home, the actual use of FFAs is considerably different.

- CSWs report preferring certified foster homes over licensed foster homes, primarily due to the additional oversight and services, regardless of the child’s needs.
- CSWs’ placement of children who have just been removed from their homes will have insufficient time to learn about special needs or conditions.
- High caseloads force CSWs to focus on finding a bed – not on a careful clinical assessment of a child’s special needs or problems.
- TAs who make the initial calls typically lack complete information about the child and have no way of knowing whether the child has special needs or is severely emotionally disturbed.
- Because so much information about the child is withheld, FFA administrators and social workers frequently accept placements without knowing the scope of a child’s condition or problems.
- DC&FS states that the majority of FFAs are “treatment FFAs” that are required to provide any therapeutic treatment within the monthly rates. In contrast, most FFAs interviewed did not define themselves in terms of providing direct psychological or related services and state they are not allowed to conduct independent evaluations or provide psychological or other related treatment.
- § FFA social workers integrate application of their skills and expertise – all FFA social workers are required to hold master’s degrees – when working with foster parents and foster children. Although they may be trained to conduct clinical assessments and make recommendations, they do not provide “therapy” in the traditional sense of spending 45 to 50 minutes in a confidential session with a patient. Indeed, their primary job is to provide support for foster parents.

- § While some FFAs have psychologists on staff, most rely on local community agencies to provide the treatment specified in the child's Needs and Treatment Plan.
- § One of the 25 FFAs interviewed has alternative staff who support and monitor foster parents, which permits the FFA social workers to provide treatment directly to the children in their assigned homes.
- None of the foster parents who participated in the eight focus groups indicated they had been recruited specifically to provide homes for severely emotionally disturbed children.

DC&FS OPERATIONS

DC&FS has numerous organizational and management problems, exacerbated by the sheer volume of work and understaffing in such critical areas as Operations (CSWs) and Quality Assurance (OHCEU investigators). Although many of the Department's internal problems have been described in detail in the 1998 Management Audit and are also addressed in the DC&FS Management Transition Assessment submitted by the Interim Director in November 1999, organizational structure, systems, and DC&FS-FFA communication and information flow merit emphasis in this report.

The current DC&FS organizational structure does not support internal collaboration or communication.

DC&FS is currently organized in six bureaus, including Administration and Management Services, Executive Services, Specialized Programs, Operations, Fiscal Services/Revenue Enhancement, and Resources. Approximately 2,500 CSWs carry cases out of eight regional offices within the Bureau of Operations, while the Out-of-Home Care Programs Division, which recruits FFAs and monitors their contracts, is in the Bureau of Resources. Quality Assurance, which investigates complaints in certified foster homes, is in the Executive Services Bureau. Finally, services directly related to children in foster care, such as Emancipation Services (for foster children who are 14 years old or older and are unlikely to return to their biological parents) are in another bureau, Specialized Programs.

As a result, the current organizational structure of the Department does not support collaboration and communication among the various bureaus and divisions providing direct services to children. The new Director has indicated that a reorganization to meet the needs of the children more effectively is a high priority.

DC&FS lacks a systems infrastructure to maintain and track data.

DC&FS lacks both computer-based and manual systems to maintain even the most basic data, such as up-to-date lists of certified foster families and their addresses. As a result, the Department does not know in aggregate where all the children in its care are on any given day. **In other words, every caseworker knows where his or her assigned children are, but a centralized, accurate, and complete list of children in aggregate does not exist.**

In the course of this management audit, the Grand Jury reviewed and compared documents in which significant numbers were inconsistent or inaccurate. Specifically:

- q The number of FFAs varied (from 76 to 79).
- q The number of children in FFA foster care varied, according to various undated documents.
- q Lists of current FFAs varied, with the result that some lists were incomplete or inaccurate.
- q Telephone numbers were wrong, primarily because area codes had not been updated.
- q The names of FFA directors or other administrators had changed and not been updated.

Furthermore, DC&FS was unable to produce a complete listing of certified foster homes (to use as a base document for randomly selecting 300 foster parents to attend focus groups):

- q Initial requests at the beginning of the management audit, in October 1999, resulted in being told “they were working on it.”
- q Follow-up requests (throughout November and December 1999) resulted in being told the information was unavailable. Subsequent follow-up revealed that DC&FS’s County Counsel recommended against providing the data.
- q Finally, on January 20, 2000, once a supportive letter was obtained from the FFABCK Steering Committee, the Department provided a list of 300 randomly selected foster parents that had been produced on December 21, 1999.
- q When invitations to participate in the voluntary focus groups were mailed, the FFAs informed us that invitations had been sent to foster parents that had been decertified or had moved out of the County. Of the 300 mailed invitations to FFA foster families, 22 or 7% were sent to wrong addresses or to decertified foster homes:
 - § Nine were returned by the U.S. Post Office due to incorrect addresses.
 - § Ten of the families had been decertified.
 - § Three were not current (e.g., had moved out of the area or were no longer foster parents).

The Grand Jury was able to conduct only three of five foster family visits coordinated by DC&FS Special Programs staff and CSWs:

- q The fourth family was not at home on the day selected for the visit. There is no way of knowing if the CSW contacted the family ahead of time and the family was not responsive or if the CSW never contacted the family.
- q The fifth family had not been correctly identified, and although at home, had no knowledge of the case being tracking.

Data on ongoing investigations for OHCEU were lost when the system went down (due to a “Y2K” computer breakdown). The lack of taped backups (per the contract) was a surprise to OHCEU, due to ineffective contract monitoring.

DC&FS may pay FFAs for non-current placements.

Although a financial audit of DC&FS and FFAs was not conducted, it is possible that DC&FS may be paying for non-existing or non-current placements. Given the lack of up-to-date and accurate information regarding the placement of children and the status of FFA foster parents, DC&FS has no way of knowing whether FFAs are purposely or inadvertently billing the Department for children no longer placed in their foster homes.

The relationship between DC&FS and FFAs is largely uncooperative and adversarial, with frequently adversarial relations between CSWs and FFA social workers.

From the CSW perspective, FFAs may be too close to the foster parent and unable to evaluate the child’s needs objectively. In social work, CSWs or FFA social workers may become overly emotionally involved with foster parents or foster children, inhibiting objective evaluation and decision-making. From the perspective of FFA social workers, FFA input is not valued and child safety concerns may be ignored by the CSW. According to FFAs, going up the DC&FS chain of command to resolve such problems frequently results in blanket supervisor support of the CSW and subsequent informal “blacklisting” of the FFA. For example, FFAs report that in some cases CSWs will help foster parents get an emergency CCL license when the FFA recommends moving the child and decertifying the home against the CSWs wishes.

- Information, including the children’s Needs and Treatment Plans and medical history, is routinely withheld from FFA social workers, making it difficult for them to make optimal placements, provide appropriate psychological or medical treatment, or ensure compliance with Needs and Treatment Plan objectives. As a result, they cannot provide the foster parents with complete information.
 - § 47% and 48% of the foster parents who completed the survey report they get the support and information they need from their CSWs all or most of the time for routine and serious problems, respectively.
 - § 59% believe that DC&FS withholds information most of the time or sometimes compared to 46% who believe that FFAs never withhold information.
- A lack of understanding regarding the legal nature of client confidentiality and an apparent lack of familiarity with contract and DC&FS policies results in CSWs using “confidentiality” as an excuse to withhold critical information from FFAs.
 - § Treatment services must be approved by CSWs who may not process the required paperwork in a timely manner, resulting in children not getting the treatment they require. For example, prescriptions for psychotropic medications (e.g., anti-

depressants) do not follow children who change homes, thereby causing them to be abruptly taken off their medication.

- § Foster parents are not informed if children are (or potentially are) HIV positive, have Hepatitis C, or other highly contagious diseases that can be handled with appropriate information.
- § Foster parents are not informed about significant behavioral problems, such as sexualized behavior or extreme oppositional or violent behavior.
- § Foster parents report that children are aware of and exploit the lack of teamwork among CSWs and FFA social workers.
- CSWs may bypass the FFA and contact preferred foster parents directly, thereby undermining the terms of the contract.
- Despite a colorblind policy regarding the race or ethnicity of children, CSWs and FFA social workers make placements based on their own biases and preferences.
- FFA social workers report frustration when they do much of the legwork, prepare the reports, turn them over to the CSWs, and are not acknowledged for their efforts or expertise.

FFA OPERATIONS

Despite the DC&FS contractual standards, the quality of FFAs varies significantly in these key areas:

- Recruitment and selection practices and processes.
- Orientation and training.
- Quality of foster parents.
- Quality assurance practices and processes.

The quality and thoroughness of foster family recruitment and selection varies considerably from FFA to FFA and is ultimately a subjective process.

Despite similar guidelines for the recruitment and selection of foster parents at most FFAs, deciding which foster parents to certify is largely subjective. Furthermore, some base their outreach efforts on a limited perspective:

- Some limit their outreach to a single method (e.g., the Penny Saver or a particular church).
- One FFA recruits only Hispanic families (“because they make the best foster parents”).

- Another FFA reports a preference for single welfare mothers (“because they’re always home and it’s what the children are accustomed to”).

Combined orientation and training programs may be less effective than separate processes.

FFAs that combine orientation programs with initial training may be less willing to continue the “weeding out” process, despite assurances to the contrary.

Initial training and ongoing training are not standardized.

Training programs are not standardized, so there is no assurance that training is equally rigorous. Furthermore, FFAs lack testing or assessment processes to gauge the extent to which foster parents understand or retain the material presented. Furthermore, the 1998 management audit of DC&FS supports our finding that there is no standardized curriculum or approach to DC&FS parenting classes.

Because of differing recruitment, orientation, and training approaches and standards, the quality of foster parents varies significantly.

Some foster parents are much better than others are in terms of attitude, understanding of their roles and responsibilities, understanding of child development, mastery of “parenting skills,” and ability to cope with difficult situations. The “worst” FFAs are those which do not decertify the “worst” foster parents. In the focus groups, certified foster parents described the following situations:

- Teenage children who sneak out of the house repeatedly, indicating a lack of supervision.
- Keeping their knives “in a box on a high shelf” versus under lock and key, indicating lack of compliance with established rules.
- Putting the needs of biological children ahead of foster children, indicating the potential for emotional neglect.

FFA social workers described these less-than-optimal foster home situations:

- Children who are “too” well-behaved, indicating an over controlling and fearful environment.
- Children who are frequently truant from school, indicating a lack of supervision.
- Children who spend too much time watching television or playing video games, indicating an unstimulating home environment that lacks adequate emphasis on reading, education, physical activities, music, and other forms of entertainment.

FFAs are in the difficult position of finding the correct balance among their conflicting needs:

- Recruiting an adequate supply of foster parents to meet DC&FS demand versus recruiting the most qualified foster parents available.

- Providing support for foster parents who have an admittedly difficult job versus advocating for foster children whom may be very difficult.
- Providing support for foster parents versus monitoring foster parents to ensure compliance with rules and regulations.

In theory, all FFAs believe they certify high quality foster parents, provide the support and training required, and move quickly to resolve problems, either by recommending removal of the child or decertification of the home. In practice, FFAs may keep sub-standard foster parents because they are willing to work with difficult-to-place children, to meet DC&FS demand, or the FFA has low quality standards.

FOSTER PARENT ROLES AND RESPONSIBILITIES

Foster parents have perhaps the most demanding role within the child welfare framework. Foster parents must:

- Provide a safe and nurturing environment for children who may be emotionally fragile or have severe problems.
- Open their hearts, yet not get “too” attached.
- Modify their daily routines to comply with extremely stringent rules and regulations
- Open their homes to intrusive scrutiny and examination.

Nevertheless, foster parents have the fewest rights or protections and often have the least amount of information about the children in their home and about the system overall, despite mandatory training. FFAs and foster parents report the following situations:

- Foster parents are typically left out of critical decision-making processes (e.g., they are not allowed in court), although they spend the most time with the child.
- While only 28% of foster parents who completed the survey agree that complaints about the condition of their homes or treatment of the children in their care were legitimate:
 - § 66% report they are informed quickly and completely about the nature of the problems.
 - § 65% report that they have adequate time to resolve the problems.
 - § 76% agree they get the help and support they need to solve the problems.
- Nearly 80% of surveyed foster parents believe they are treated fairly by their FFAs all or most of the time. In contrast, only 60% believe they are treated fairly by DC&FS all or most of the time.
- CSWs and FFAs are not allowed to inform foster parents when they are under investigation. Once completed, foster parents who have been investigated are stigmatized, even if the investigations ultimately reveal they are not to blame for a child being removed from their homes.

- A child may go to court and be reunified with his or her biological parents, but foster parents are not notified – the child simply never comes home.
- Biological parents may encourage their children to lie about their foster parents, in the mistaken belief that they will get their children back. This strategy backfires – the foster parents may be investigated, and the children will be moved to another foster home.

The CWS/CMS system does not differentiate between foster homes decertified for non-compliance and those foster parents who decided to “take a break” from fostering.

Foster parents operate in a “zero tolerance” environment in which there are no “time outs” to evaluate issues before taking the drastic step of removing the child from the home.

While the safety of the child is paramount, every tragedy spawns a new regulation. While no one denies that foster parents should be held to a higher standard, foster parents also have no opportunity to use their common sense or judgment for specific children.

- If all knives have to be locked up, how will teens learn to cook for themselves and be more independent?
- If there are only infants in the home, why can't knives be placed out of the way instead of being locked up?
- If a teen isn't suicidal, why can't she have regular access to a razor to shave her legs?
- If a teen is well behaved and attends school regularly, why can't he or she attend a prom unescorted by his or her foster parents?

Although one goal of foster home placement is to provide a more normal, day-to-day life for foster children (versus group home or institutional living), many regulations make normal life nearly impossible:

- Spending the night at a friend's home would require the friend's parents to be fingerprinted.
- Shopping with friends at the mall would require the foster parent to be present at all times.

This lack of flexibility discourages many potential foster parents or encourages others to comply only superficially.

Emancipation programs are not universally available.

Teenagers in foster care face special problems. If they have been in the system a long time, it is unlikely they will ever return to their biological parents. Emancipation services are designed to assist these children to prepare for independent, adult living; however, all FFAs do not provide such services. Furthermore, within DC&FS, Emancipation Services is not in the same bureau as case-bearing CSWs. As a result, both teenagers and their foster parents may not get the information or support they need.

Because Title 22 regulations are extremely restrictive, foster parents may not be permitted to provide the opportunities to build confidence or prepare children for the transition to independent living. Furthermore, teenagers who by nature are testing their abilities (and the world around them) are increasingly likely to test the limits of foster family rules and regulations (which are significantly more restrictive than those in a “normal” home). Foster parents of teenagers report high turnover, due to the difficulty in ensuring compliance. In contrast, foster parents of teenagers participating in Emancipation Programs report a greater ability to keep the children in their home.

OHCEU MONITORING AND INVESTIGATIONS

OHCEU is charged with auditing FFA compliance and investigating allegations of abuse of children in FFA certified foster homes, as well as licensed and group homes. Formal monitoring is required because:

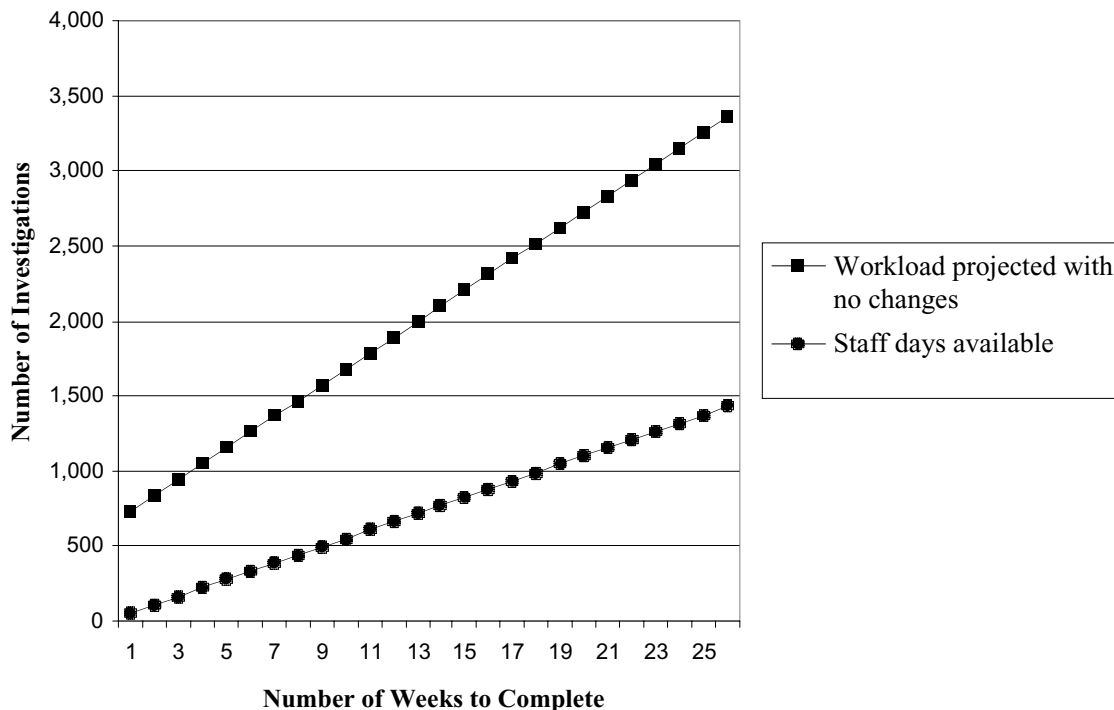
- CSWs may not have the time or opportunity to observe subtle problems through informal, on-the-job monitoring.
- FFAs have financial and “customer service” incentives to maintain placements and may overlook or discount the severity of problems.

Staffing is inadequate to handle the workload as it has been defined by the OHCEU.

Formal monitoring is hindered by inadequate staffing as well as the lack of effective policies and procedures to ensure that allegations of complaints and abuse in FFA-certified homes are monitored and investigated thoroughly and on a timely basis. Investigations that begin much later than four weeks after the alleged incident diminish in importance, reliability, and effectiveness. (CSWs and FFAs reported that investigations might take up to six months to initiate.)

Although the estimates should be verified by a complete workload study, we estimate that it takes approximately 2.5 days per case to complete an investigation cycle, including all major tasks already described under Findings: Current Situation. Exhibit 11 dramatizes the gap between work coming in and the available staff days to handle it.

**Exhibit 11
OCHEU Projected Workload**



Each week the unit will fall 60 workdays farther behind. While it is possible to use tools, such as overtime and suspension of vacation authorization, to overcome a temporary backlog, they are not effective long-term strategies to handle a significant gap between ongoing workload and available staff days.

Investigator efficiency can be improved through improving the databases and system resources of OHCEU.

Access to reliable and accurate databases with interfaces designed to reduce multiple entries of the same data could significantly reduce the amount of the time spent on the initial incident response.

In most cases, the information gleaned by the investigators is largely consistent with the information gathered by the CSWs and FFA social workers during their initial reviews of the allegations to assure child safety. Nevertheless, case notes and a final investigation report prepared by the OHCEU investigator are typically typed separately, largely duplicating records already available in the file.

OHCEU staff spend a great deal of time entering Special Incident Reports (SIRs) into the ITRAK system (OHCEU’s data-tracking database). The system was intended to help identify patterns of problems at foster care homes. All historical data in that system were lost because of a Y2K problem. At the time of the management audit, OHCEU staff was working with vendors to correct the problem. Although senior staff states that they were assured that back-ups were in

place and restoration was possible, this was evidently not the case. The incident has sensitized OHCEU senior staff to the importance of data security and restoration protocols. The operation of the unit is hampered by the lack of access to the data, and efforts to assure rapid restoration or data re-entry should be negotiated with the vendor.

Beyond this problem, there is an additional statewide data system, the CWS/CMS system that also provides current and historical data on foster care facilities and children. Included in most of the case files was a copy of the CWS/CMS system report associated with the subject facility. Particularly for the earlier cases, some of the information included in the system did not seem to be reliable. For example, there is a report listing all current and historical child placements in the subject facility. In earlier cases, that listing usually did not list any children in the home. OHCEU often had to rely on FFA files to determine who was placed in the home. Because of these issues of reliability, duty workers still verify placements by contacting staff at the FFAs to assure that all involved children are accounted for and their CSWs are notified.

DC&FS monitoring is limited to FFA administrative offices.

While the State regulations specify CSW visits for children, DC&FS is not required to monitor FFA-certified homes for Title 22 compliance. As a result, DC&FS FFA monitoring has been limited to FFA administrative offices.

The CCL and OCHEU are responsible for investigating allegations, yet there are no processes or systems in place to facilitate coordination or collaboration (e.g., a cross-referenced list of certified homes under investigation by either CCL, OCHEU, or both). In short, DC&FS lacks both the tools and the information to determine the level of care foster children actually receive, the full extent of harm children may face in foster care, and how to prevent children from harm in the future.

RECOMMENDATIONS

OVERALL

Recommendation 1: DC&FS should work collaboratively and cooperatively with FFAs and other child welfare advocates to address the complex issues facing child welfare in a major urban environment such as the County of Los Angeles.

- q The combination of the organizational, management, and systems problems of DC&FS and the high number of cases and investigations has resulted in a child welfare system that does not meet the needs of the children under its care, and undermines compliance with contracts, regulations, and safety guidelines.
- q Inherent conflicts of interest in the structure of FFAs and the poor relationship between FFAs and DC&FS also contribute to substandard care for children.

As such, this recommendation is presented with the understanding that no single entity involved in child welfare can address or solve any of the issues single-handedly. The various organizations and agencies directly involved in child welfare have interdependent roles and responsibilities. DC&FS should collaborate with all the following:

- q The State of California Department of Social Services Community Care Licensing Division (CCL).
- q Foster Family Agencies (FFAs).
- q Dependency Court judges and attorneys.
- q The County of Los Angeles Children and Family Commission.
- q CASA volunteer program administrators and volunteers.
- q Foster parents.
- q Biological parents and other relatives.
- q Schools.
- q Task forces, associations, and other agencies or organizations.

A holistic approach to child welfare based on collaboration, cooperation, and flexibility will be critical to implementing the following recommended changes, as well as making other system-wide improvements.

The remaining recommendations are presented in five major categories:

- q The overall model of child welfare.
- q Outcomes and performance measures, including contract monitoring, quality assurance, and investigations.
- q DC&FS organizational and management issues
- q FFA operations.
- q Roles and responsibilities of foster parents.

CHILD WELFARE MODEL

Recommendation 2: Make the best interests of the child paramount in all aspects of placement in FFAs and, by extension, in child welfare overall.

The best interests of the child must drive decisions regarding placement in foster care instead of the cost factors and need for expedience that currently shape placement decisions.

Clarify the role of FFAs within a continuum of care model. DC&FS should evaluate whether the County's children are best served by two competing foster care systems or whether the benefits and strengths of FFAs are better for all children in foster care:

- Outcomes from both systems must be evaluated and compared. The benefits to children as well as the cost of providing additional supervision must be considered:
 - § Do children placed in licensed homes have better outcomes versus those in FFA certified homes – are there fewer placement failures in one model versus the other?
 - § Would all children fare better with the additional supervision provided by FFA social workers, or are 15 to 30 minutes per month adequate for some children?
 - § Is the quality of foster parents measurably better in one model versus the other – do FFAs do a better job of recruiting and training foster parents than the County and the State?
- A rationale for maintaining both must indicate how children's needs will be best met. For example:
 - § Only children assessed as "severely emotionally disturbed" (or having other serious behavioral or emotional problems) could be placed in treatment FFA homes; children with ordinary problems would always be placed in licensed homes.
 - § Children who "fail" in a licensed home would automatically be placed in an FFA certified home.

DC&FS should clearly define the differences between licensed homes, certified homes, group homes, and residential treatment centers, working with representatives from those organizations to ensure clarity, consensus, and consistency. The role of FFAs should be clearly explained to all organizations and individuals involved with children placed in foster care. Training for CSWs should include information on all placement options.

Define child-centered rationales for each placement option. Child-centered rationales for each placement option should be developed and widely communicated among all interested parties. The differences between all placement options, and the corresponding rationale, must be

clarified and consistently communicated and implemented by DC&FS. Bias, preference, or cost should not influence CSW decisions.

OUTCOMES AND PERFORMANCE MEASURES

Recommendation 3: Develop child-centered outcome standards and measurements for children, CSWs, FFAs, and foster parents.

The County of Los Angeles Board of Supervisors adopted five specific outcome measures for children:

- ☐ Economic well-being.
- ☐ Education/workforce readiness.
- ☐ Good health.
- ☐ Safety and survival.
- ☐ Social and emotional well-being.

DC&FS and FFAs should jointly develop tools and measures to evaluate specific outcomes in the five areas, and consider outcomes-based models in other jurisdictions. For example, in Cook County, the Illinois Department of Children and Family Services has recently established performance measures in the contracts with the service providers. Specific targets are included in the annual contracts for both resource allocations (e.g. no more than 25 cases per caseworker) and “positive outcomes” (e.g., “x” number of children in your care will be returned to parents, adopted, or placed under guardianship). Results are audited, and contracts are not renewed for agencies that do not meet their targets. This has been significant in increasing adoptions of foster children.

Economic well-being. Children in foster care should expect to have their basic economic needs addressed, including:

- ☐ Do children have clean clothing and shoes that fit and do not make them stand out significantly from their peers?
- ☐ Do they receive age-appropriate allowance or spending money?
- ☐ Have they had the opportunity to accumulate personal possessions that are “theirs” and accompany them if they leave a given foster home?
- ☐ Are they allowed to participate in family outings and vacations?

FFA social workers can readily observe the condition of clothing, disbursement of allowance, and participation in family outings and vacations, with back-up confirmation provided by CSWs, teachers, CASA volunteers (if assigned), and interviews with the child.

Education/workforce readiness. Attending school, graduating from high school, and being prepared for further education or employment is critical to the long-term life success of children in foster care. Outcome measures for school success could include:

- ☐ Are children’s educational records complete and included in their package?

- q Are there established educational goals for the child? Are “good” grades maintained? Are “poor” grades improving?
- q Do teacher conferences indicate progress toward established goals?
- q Are recommended educational interventions implemented and successful?

Additionally, CSWs and FFA social workers should encourage and train foster parents to have education-friendly homes. For example:

- q Do foster parents attend “back to school night” and school open houses?
- q Are there age-appropriate books in the home?
- q Is television watching or video game playing limited?
- q Do children have quiet, well-lighted areas for homework and studying?

Good health. Poor health will undermine a child’s ability to function at optimal levels. DC&FS and FFAs must ensure that foster children receive appropriate health care, on a “well-child” basis, as well as for the treatment of illnesses or injuries. DC&FS must fully disclose a child’s medical history and treatment needs to the FFA and to the foster parents to monitor:

- q Is the child thriving, gaining weight and height in accordance with child development guidelines? Does the child receive routine “well-child” check-ups?
- q Are illnesses or injuries dealt with promptly?
- q Are chronic illnesses or conditions treated?
- q Does the child report that appealing and nutritious food is available?
- q Does the child receive adequate dental care and instruction in oral hygiene?
- q Are children who take medications for behavioral, emotional, or psychological needs routinely assessed for progress, dosage requirements, or side effects? Are the associated problems treated appropriately through therapy, behavior modification, or other appropriate intervention? Are pre- and post-assessments conducted as part of the child’s Needs and Services Plans?

Safety and Survival. Title 22 provides many rules and regulations to ensure the safety and survival of children in foster care. To ensure understanding, compliance, and rapid correction of problems, DC&FS and FFAs should implement the recommendations (presented later in this chapter) related to FFA quality assurance, CSW and FFA social worker communication, and effectiveness of audits and investigations. Appropriate outcome measures include reduction in the number of complaints and allegations overall, as well as the number of substantiated allegations.

Social and Emotional Well-Being. The social and emotional well-being of children in foster care are the most neglected of the five measures due to:

- q The lack of thorough initial assessments.
- q High CSW work volume.
- q Lack of in-depth and problem-specific foster parent training.
- q CSW and FFA acceptance of foster parents who are either unable or unwilling to support the child’s social and emotional well-being.

In addition to the recommendations related to initial assessments, CSW work volume, and foster parent training, all parties in the child welfare system need to make the social and emotional well-being of foster children as high a priority as health and safety.

- Thorough psychosocial assessments made at the time of the initial assessment would provide the baseline data to set objectives and measure progress.
- Psychosocial post assessments at routine intervals would monitor progress in such areas as self-esteem, depression, and other psychological or emotional areas.
- Periodic status reports prepared by teachers and therapists as well as by the CSW and FFA social worker assigned to the child would provide more perspectives and detail to determine the child's progress.

Recommendation 4: Develop and implement a new assessment model.

DC&FS should develop and implement a child-centered assessment model to ensure thorough assessments of children as they enter the child welfare system and at established check-points during their time in the system.

Children should be assessed with minimal disruption to their lives, particularly important given the major disruption of being removed from their parents' home. For example, the New York City Administration for Children's Services (AFCS) has established a new program to minimize the disruption in children's lives. For severe cases of abuse and neglect in which a child is not hospitalized, AFCS coordinates their initial response with the New York City Police Department and the five borough District Attorneys. Police summon a caseworker and the district attorney when a minor is involved and is severely abused or neglected. Within 3 to 4 hours, the child is escorted to a Child Advocacy Center, where trained staff can calm and reassure the child. It avoids the distress that children often feel when brought to a precinct station, which had been the police's only option. Furthermore, the child is questioned once with both social workers and attorneys present. This minimizes the repetition of questions, which can be grounds for eliminating the testimony of young children. Placement decisions and immediate care can be handled simultaneously with the investigation.

The County of Los Angeles should establish assessment facilities that can provide a variety of services on both an out-patient and in-patient basis, including:

- Background check and fingerprinting of relatives (which must be completed before a child can be placed with relatives).
- Explanation to the children regarding why they are being removed from their homes, what is happening to their parents, and what they can expect next.
- The opportunity to compile all important information and files related to the children, including:

- § Educational records (grades, school-related problems, etc.)
- § Behavioral and medical background and records health records (e.g., chronic conditions, prescription medications, etc.)
- § History and reason for past placement failures, such as oppositional, violent, or sexualized behavior; manipulative behavior; run-away patterns; etc.
- § Family history, etc.

□ Complete and thorough psycho-educational assessments.

The benefits of such thorough initial assessments include:

□ Maintaining a complete package of information.

□ Allowing all care providers to start “on the same page” by providing a complete package of information to CSWs, FFA social workers, and other professionals involved with the child. Then, as a team, these professional can meet to:

- § Develop thorough and appropriate Needs and Services Plans for the children.
- § Establish reasonable treatment objectives and milestones.
- § Agree on outcome measures.

□ Making the best placement decisions possible by providing a complete package of information to CSWs, FFA social workers, and other professionals involved with the child to ensure optimal placement.

The child should return to the assessment facility per an established schedule – at least annually – to monitor progress toward established objectives. A child should automatically be reassessed when a second placement results in a failure. A placement is considered to fail when the child does not thrive in that environment; when there is behavior that the foster parent cannot or will not tolerate; or when there are allegations of abuse and the child is moved, pending an investigation.

Given the criticality of sound initial assessments and monitoring, the County of Los Angeles should aggressively pursue Federal, State, and local funding to implement such an effort immediately. The aim should be to use assessments to make more thoughtful placements that should increase the success in terms of reunification, reduced recidivism, fewer changes in foster home placements, etc.

DC&FS should increase involvement of biological parents when possible in the initial assessment and monitoring of the child. Specifically, DC&FS should also implement a holistic approach by involving the biological parents as much as possible to increase the likelihood of successful and lasting reunifications. Providing equal access to resources (e.g., therapy, parenting classes, etc.) should help to break the cycle of entry and re-entry into foster care. Biological parents should understand why successful placements and treatment will benefit them and their children.

Recommendation 5: Build child-centered teams to assess and monitor foster children.

DC&FS should lead the effort to develop child-centered teams to oversee children in foster care. Such teams would include CSWs, FFA social workers, mental health workers, health care workers (if required), educators, foster parents, and biological parents (when possible) to assess each child thoroughly as he or she enters the system. These professionals would have the expertise to develop thorough, outcomes-based Needs and Treatment Plans that focus on the five outcome measures adopted by the County of Los Angeles Board of Supervisors: economic well-being, education/workforce readiness, good health, safety and survival, and social and emotional well-being.

DC&FS should examine the program recently implemented by the Missouri Division of Family Services (as well as the similar effort being piloted in New York City):

- After a successful pilot program, Missouri introduced statewide an intensive and front-loaded team effort designed to address the problems that caused a child's removal from his or her home immediately.
- Within 72 hours of the removal from home, the Division of Family Services worker calls a meeting including:
 - § Biological parents.
 - § Foster parents.
 - § Court personnel (where applicable).
 - § Any person the biological parents wish to include as part of their network of support (including clergy, relatives, friends, attorneys, advisors, school personnel, etc.)
 - § Other significant people in the child's life (teachers, clergy, etc.).

There is an open atmosphere, and the conditions or actions that led to the removal of the child are discussed.

- A plan is developed to correct those conditions so that the child can be restored to his or her family. Unless that happens, follow-up meetings with the same participants are called after 30 days, 60 days, 90 days, and 6 months to discuss progress.
- The meetings are documented, and information gained there is used, if no progress is made, to document later applications for the termination of parental rights. The effort has been effective in speeding up a child's return to family.

DC&FS ORGANIZATIONAL AND MANAGEMENT ISSUES

Both a 1998 management audit and the 1999 DC&FS Management Transition Assessment identified many of DC&FS's organizational and management problems in significant detail, along with specific, detailed recommendations for improvement.

Recommendation 6: Review and implement recommendations detailed in previous reports pertaining to DC&FS and FFAs.

DC&FS should use the existing studies and audits as a point of departure for addressing organizational and management problems. The new Department Director should review the documents thoroughly and select those recommendations which support her overall goals for the Department. The Department should not use its limited resources to “reinvent the wheel” – rather it should test the viability of assumptions underlying existing recommendations, modify them as necessary, and implement them on either an overall or pilot basis.

Once the most feasible recommendations for improvement have been selected, the Director should develop an action plan, assigning priorities, accountability, time frames, and milestones for measuring progress.

Recommendation 7: Decentralize the DC&FS organizational structure.

To meet the needs of children throughout the County, DC&FS should be decentralized to put the services it provides closer and to be more responsive to those who rely on them, including foster children, their biological parents, and their foster parents. Furthermore, the decentralized Department should link its eight regional Operations offices with the Service Planning Areas (SPA) centers that offer related County services (e.g., mental health).

CSWs currently do not have the opportunity to get to know their assigned children – 15 to 30 minutes once a month is not enough time to establish a trusting relationship. Therefore, having the CSW “follow” the child through placements in various County locations is not the best use of the CSW’s time. DC&FS should assign CSWs to a specific SPA and limit the distances they must drive to see their assigned cases. CSWs should be assigned to children placed with foster families (in a given SPA region), who are affiliated with various FFAs. Regular interaction with a variety of FFAs will provide multiple opportunities for different CSWs to observe and monitor the differences among FFAs.

A similar model is being implemented in the five boroughs of New York City (The Bronx, Brooklyn, Manhattan, Queens, and Staten Island) – namely, foster care will be handled within the borough where the child’s family lives. Without this program, children could be placed miles from their home, school, and friends. It has been adopted in the Bronx, and contracts are being reviewed for the other boroughs with a June 2000 target date.

Recommendation 8: Enhance the CSW work environment.

CSWs are currently unable to deliver the expected level of services to the children assigned to their care, despite their best efforts:

- CSWs do not provide FFA social workers with complete and accurate Needs and Treatment Plans on a timely basis.

- CSWs do not spend enough time with their assigned cases to form significant bonds, observe problems, or apply their clinical knowledge.
- CSWs do not routinely consult with FFA social workers on the progress or treatment plans of their assigned cases.

Because of the high caseload and inability to meet expectations, DC&FS has an ongoing problem in recruiting and retaining CSWs. The most logical solution (and based on other states' best practices) is to reduce CSWs' caseloads.

- DC&FS should decrease the average case load of CSWs, based on best practices in other regions:
 - § The New York City average caseload is 12, down from 27 in 1996. In June 1996, the average caseload for Child Protective Workers (CPWs) in New York City was greater than 26. An intensive program to bring on new workers with greater training and offer advanced training to caseworkers was coupled with a privatization effort. That has brought the caseload down as of February 1999 to 12 cases per CPW. In addition, salaries for CPWs had been capped at about \$30,000 -- that has been increased to just under \$50,000 for workers with more than 10.5 years of service.
 - § The Cook County, Illinois, average caseload ranges from 20 to 24.
 - § The St. Louis, Missouri, average case load ranges from 23 to 26.
- DC&FS should provide more initial and ongoing training, with as much emphasis on child development and foster-care related problems as on program compliance.
- DC&FS should provide mentors to CSWs – experienced CSWs who work side-by-side with new CSWs for at least one year. Alternatively, DC&FS should consider permanent partnerships between CSWs.

In the short term, until needed funding is available, DC&FS should implement an immediate stop gap, realizing that such actions are not an ongoing solution. Rather than being in a constant state of “catching up” and “making do,” in the short term, DC&FS should redefine the roles of CSW from a case manager to a contract monitor for FFAs. The CSWs' primary role should be to represent the State and the County on the child-centered team (as described in Recommendation #5 above) with the principle goal of providing the FFA social workers with the most complete and accurate information available. Complete and accurate information would enable FFAs and FFA social workers to perform the full scope of their contracts, including clinical assessments and treatment. Furthermore, the CSW would be expected to:

- Furnish complete and accurate Needs and Treatment Plans on a timely basis.
- Meet regularly with FFA administrators and FFA social workers to discuss assigned children.
- Monitor FFAs, providing feedback to DC&FS.

- Act as the liaison between the child, the biological parents, Dependency Court, the FFA foster parents, and others involved in the child's care (e.g., teachers, therapists).

This redefinition of the CSWs' roles should be viewed as a temporary measure until caseloads can be reduced.

Recommendation 9: DC&FS–FFA should improve communications processes and information flow.

DC&FS must improve its relationship with FFAs and FFA social workers. The Department should demonstrate its commitment by:

- Embracing and implementing the child-centered team assessment model.
- Encouraging collaboration and teamwork.
- Ensuring that all relevant information is made available to all member of the team, especially FFA social workers, on a timely basis.
- Providing mandatory, joint CSW/FFA social worker team-building to decrease the “us versus them” environment reported by CSWs, FFA social workers, and foster parents.
- Developing a problem resolution and follow-up process to help CSWs and FFA social workers resolve their differences in the best interest of the child.

DC&FS SYSTEMS

All aspects of the child welfare system require rapid access to and processing of complete and accurate information about children.

Recommendation 10: Develop comprehensive DC&FS systems and infrastructures to collect, update, track, and report updated, timely, complete, and accurate information.

As elaborated in the 1998 management audit, DC&FS should develop comprehensive, integrated, on-line computer-based systems to collect, update, track, share, and report all information related to children in foster care:

- Current and prior placements.
- History of problems for a given child.
- History of problems for a given FFA.
- History of problems for a given foster family.
- Complete database of licensed and certified foster parents, as well as group homes and residential treatment centers.
- Special programs and resources database, (e.g., emancipation programs, teen parent programs).
- Audits and investigations.

- q Contract status and billings.

Integrated databases will:

- q Minimize the need to enter the same data numerous times, increasing the likelihood of accurate data. Furthermore, updates such as changes in area code, newly certified or decertified foster parents, will not have to be entered repeatedly in different systems.
- q Allow multiple users to access and update information about the child, including results of court appearances, school records, incident reports, etc.
- q Facilitate better identification, tracking, and follow-up of problem patterns with:
 - § Foster children.
 - § Foster parents.
 - § Specific FFAs.
- q Increase the likelihood of correct FFA billings and DC&FS payments for actual placements and services provided.

On-line systems will allow CSWs and OHCEU investigators to comment on or add to existing records. The system could be configured to generate appropriate documentation and reports automatically, as well as “tickler” reports to remind staff to follow-up on specific issues.

With appropriate and secure access to protect the integrity of the data (e.g., such as limiting access to data based on the role of the user), FFAs and FFA social workers should also be able to access the system to review the history of a new placement (in real time) or update records with new information electronically.

To further relieve some of the paperwork burden of the case management (for CSWs and OHCEU investigators), DC&FS should provide CSWs with laptop computers to facilitate data entry while they are in the field. The input could be downloaded electronically at the office or via modem on a daily basis.

OUT-OF-HOME CARE EVALUATION UNIT (OHCEU) INVESTIGATIONS

In light of the ongoing and growing backlog in the OHCEU unit, the need for investigations to continue is debatable, especially considering that the immediate safety of the child is addressed by the responding CSW. Nevertheless, the benefits of investigations include the ability to:

- q Monitor the evaluations made by CSWs through comparison of alleged versus substantiated allegations.
- q Assist CSWs and FFAs in evaluating whether a home should continue to be certified.

- Observe and track patterns in abuse accusations, either by children as they move from home to home, or by foster parents, as children placed with them report the same problems repeatedly.
- Reduce the County's liability exposure and provide expert witnesses in court proceedings.

DC&FS must develop strategies to maintain the benefits in the face of an ever-increasing gap between workdays available and workload generated, as described in Recommendation 11.

Recommendation 11: Address the gap between OHCEU workload and available staff.

DC&FS should address the gap between workload and available staff by:

- Increasing the efficiency of investigators through increased systems and administrative support.
- Decreasing the number of new investigations.
- Increasing the number of investigative staff.

Increase the efficiency of investigators by providing improved systems support. DC&FS should design or improve systems to facilitate development of final reports and implementation of recommendations. A computerized case management system that imports data from current systems and simplifies the reporting and follow-up will enhance the ability of investigators to focus on the substance of their investigations. (Note: This system enhancement should be done in conjunction with Recommendation #10.)

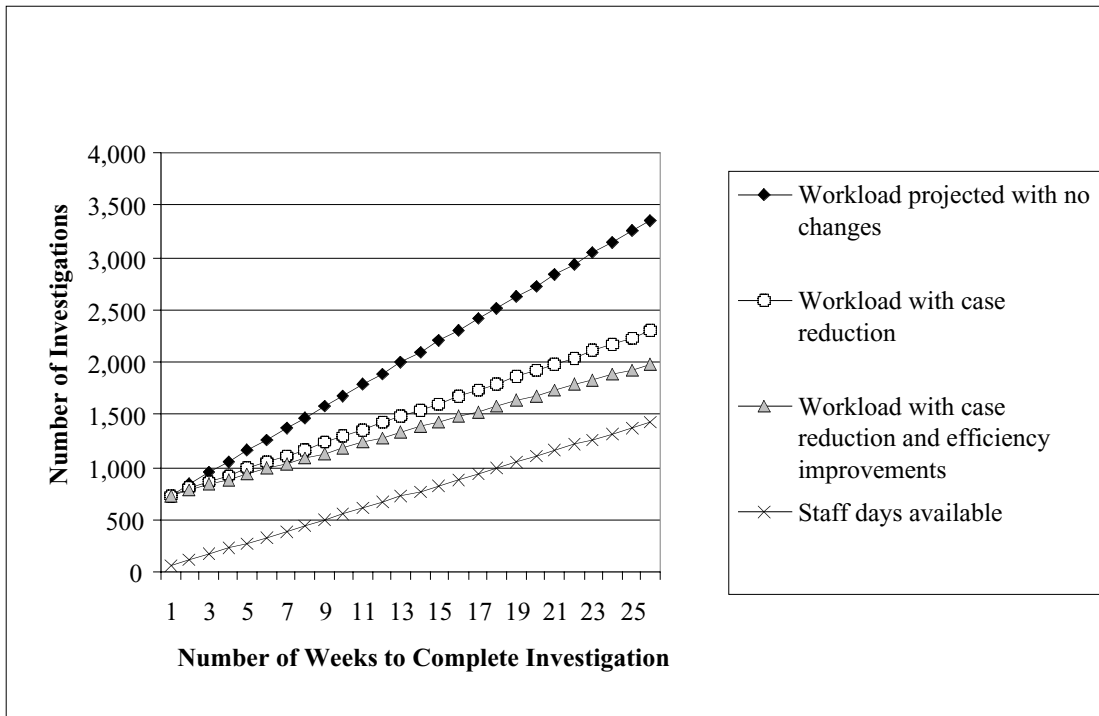
Increase the efficiency of investigators by providing effective administrative and other support staff. Much investigator time could be saved if administrative support staff handled all clerical-related duties, including scheduling meetings, coordinating a "tickler" file for reminders, researching and presenting information from data bases, screening calls, gathering required documentation, and typing final reports. The current allocation of three staff members is inadequate, especially because they also enter Special Incident Reports (SIRs) into the database system. At a minimum, one clerical worker per SPA in support of the investigators would permit prioritization of support efforts, and enhance the ability to develop a team approach to conducting investigations.

Decrease the number of new investigations that staff is required to absorb every week. Investigative resources should be devoted to those cases in which there is the greatest likelihood of uncovering significant problems with the foster home. Under the current system, all Child Abuse Hotline calls receive an investigation. The only difference between calls alleging priority 3 or 4 abuses and those alleging priority 1 or 2 abuses is that the higher priority calls are to be investigated five days sooner. It is likely, however, that investigating the higher priority cases would be more productive in addressing the purposes of the unit. The duty worker involved in the call should be permitted to exercise judgment regarding whether a full-scale investigation is called for in priority 3 or 4 cases, particularly when the responding CSW does not substantiate the allegation. OHCEU should consider a complete investigation only for repeat instances or

patterns, or when the responding CSW replaces the affected child. New cases referred would be reduced by about 40%.

Increase the number of investigators in the unit. The highest priority in reassignment of resources is in areas providing direct services to children. Because OHCEU investigations are indirectly beneficial (since the responding CSW resolved the reported problem immediately and investigations occur after-the-fact), other recommendations of direct benefit to children should be implemented before adding staff to the OHCEU unit. Additional staff should be added after a thorough workload evaluation and process improvement effort has been completed. Exhibit 12 depicts the potential implication of the staffing recommendations.

**Exhibit 12
Workload for OHCEU Investigations**



Staffing decisions should also consider the different skill sets required to conduct the three groups of tasks outlined in the investigations. The initial incident response requires staff with the clerical, research, analytical, and communications skills to:

- Assess the breadth of the report.
- Conduct searches of databases to identify additional at risk foster children.
- Track down the involved parties, including FFA personnel and the CSW for each child placed in the home.
- Follow up to ensure that the matter has been resolved.

The investigation phase requires analytical, oral communication and interviewing skills, along with the ability to exercise considerable independent judgment associated with the recommended outcome. In some instances, negotiation skills are called for.

The conclusion phase requires organizational skills and writing ability, oral communication skills, and the ability to coordinate the implementation of recommendations generated during the investigation phase. While it is neither practical nor desirable to have different staff perform each of these three steps for each investigation, it may be possible to reassign some of the steps to specialists to improve efficiency.

Monitor investigator caseload, and use pre-determined criteria to eliminate or defer investigations when caseloads become excessive. The investigative caseload could become unacceptable due to position shortages or a dramatic increase or peak in referrals. Requested investigations should be triaged and, if necessary, some requests eliminated or deferred, thereby avoiding ever-growing delays in the instigation of investigations. Hard-working staff becomes overwhelmed with the volume and backlog. This option should be done as infrequently as possible, with predetermined criteria for those to be deferred. One method in place before mid-1999 was to skip investigations if the FFA decertified the home after the CSW replaced the minor. Considering whether a home has been decertified could become an effective temporary triage mechanism to reduce workload. There may be other criteria to consider, including repeat allegations, age and number of involved children, or a pending audit.

Use the audit staff as reviewers of all investigative outcomes for a single FFA. Because auditing staff is not regionally based, their perspective is sometimes not that of an entire FFA. Using the auditors in this manner could help them uncover potential problems, patterns, or opportunities as they approach an audit of the FFA. It could also serve as a way to identify patterns of problems that investigators could pursue.

Stagger the termination of the FFA contracts, so that only one-third of them are up for renewal in any given year. This will permit the auditing staff to conduct the reviews during the first year of each contract, ensuring that problems or confusion will be cleared up early in the contract period. Additional benefits include permitting contract preparation staff to continually reflect most recent improvements in contract terms and conditions, and include spreading the contract preparation and issuance workload more evenly.

FFA OPERATIONS

While the privatized model of FFAs is indispensable to meeting the demand for foster care in the County, FFA operations can be improved in these areas:

- Recruitment standards.
- Training content and assessment.
- Compliance with rules and regulations.

Recommendation 12: Standardize FFA practices based on identified best practices to improve performance at all FFAs, including recruitment of consistently high quality foster parents.

DC&FS and FFAs should consider the best practices identified throughout the course of the management audit – as well as typical practices and those to avoid – presented in Exhibit 13.

Exhibit 13
Best Practices Identified at 25 FFAs

Practice Aspects of FFA Operations	
Philosophy	
Typical	§ FFAs make a strong commitment to serving children “in the system” despite pressure to make placements without adequate information.
Best	§ “Accountability is a key value.” § “Child welfare comes first.” § “We have higher expectations (of our foster parents) than other FFAs.” § Consider development of standards and accreditation with Council on Accreditation – similar to JCAHO hospital accreditation organization.
Avoid	§ FFAs’ primary goal is to meet needs of DC&FS versus the needs of children or the skills or limitations of specific foster parents by placing the majority of intake requests.
Recruitment/Initial Screening	
Typical	§ FFAs certify 25% of telephone inquiries. § Typical red flags include: <ul style="list-style-type: none"> • Primary concern is financial remuneration. • Foster parenting would be sole source of income. • Unwillingness to forgo corporal punishment. § FFAs reject foster parent candidates if housing is inadequate (e.g., number of bedrooms, number of children already in home) § FFAs reject foster parent candidates if they do not attend initial screening meetings.
Best	§ FFAs certify 10% or fewer of telephone inquiries. § FFAs limit the number of children they will place in a home to four (with exceptions made for siblings). § FFAs have dedicated recruitment staff (in some cases, social workers are expected to share in recruitment responsibilities).
Avoid	§ FFAs certify 50% to 100% of the telephone inquiries. § FFAs prefer single mothers on welfare because they make the best foster parents because they are home with the children and most similar to what children are accustomed to. § FFAs do not limit the number of children placed in a home (e.g., single mother with 6 foster teenagers). § FFAs use only one promotional/outreach tool (e.g., Penny Saver or churches).

Recruitment/Orientation	
Typical	§ FFAs conduct orientation at FFA office after initial telephone screening.
Best	§ FFAs combine orientation with initial home visit. § FFAs evaluate existing family psycho-dynamics.
Avoid	N/A

Initial Training	
Typical	<ul style="list-style-type: none"> § Foster parents complete MAPP training. § FFAs provide additional, customized training program, such as PRIDE (Parent Resource Instruction, Development, and Education) or STEP (Systematic Training for Effective Parenting). § Foster parents complete 12 to 30 hours of pre-certification training. § FFAs do not test or otherwise assess what foster parents have retained.
Best	<ul style="list-style-type: none"> § Foster parents complete 30 hours of pre-certification training. § Training focuses on family dynamics, not just on the child. § FFAs stress accountability for training material through follow-up discussion with foster parents who must demonstrate what they understand and how they can apply course content. § FFAs include pre- and post-testing for STEP training. § FFAs continue to screen and weed out potential foster parents during and even upon completion of training. § FFAs require foster parents – even if they have been previously certified by another FFA – to complete all the training again. § FFAs provide information about community resources such as WIC (Women, Infant, and Children nutrition program), suitable after-school programs, etc. § FFAs provide foster parents with complete documentation of Title 22 rules and regulations, FFA standards and expectations, and DC&FS standards and expectations.
Avoid	<ul style="list-style-type: none"> § Combine orientation with initial training. § Conduct training in short class periods over a 10- to 12-week period, minimizing retention of course content.

Practice Aspects of FFA Operations	
Follow-up Training	
Typical	<ul style="list-style-type: none"> § FFA leaves the choice of annual training topics up to foster parents. § Foster parents attend 12 hours per year. § FFAs do not test or otherwise assess what foster parents have retained.
Best	<ul style="list-style-type: none"> § Foster parents complete 20 hours of annual training. § FFAs provide interactive training versus a lecture format. § FFA training includes role plays to explore various difficult situations. § FFA social workers help foster parents access training for specific issues, such as sexual acting out or extreme oppositional behavior. § FFAs host monthly support groups for foster parents or informs foster parents of such groups as ChildShare.
Avoid	N/A
Placement	
Typical	<ul style="list-style-type: none"> § FFAs make placements with minimal information. § FFA social workers insist on talking to CSW – not just the TA – prior to making a placement.
Best	<ul style="list-style-type: none"> § FFA social workers will decline placements if the FFA does not have the appropriate home.
Avoid	<ul style="list-style-type: none"> § FFA social workers are pressured to make placements, regardless of information or availability of appropriate placement. § Most FFA social workers reported some pressure to make sub-optimal placements, despite assurances by administrators that this does not happen. § FFAs accept “D” rated children for foster home placement rather than encouraging group home placement. § FFAs place children based primarily on ethnicity of child.
FFA Social Worker Visits	
Typical	<ul style="list-style-type: none"> § FFA social workers visit their assigned homes once a week.
Best	<ul style="list-style-type: none"> § Foster parents have 24-hour access to their assigned social workers via pager. § FFA social workers are in regular telephone contact between weekly visits. § FFAs are small enough to ensure that FFA administrators – not just the assigned social workers – know each family individually. § FFA social workers visit with and observe children in their foster homes as well as in neutral environments, such as schools or after-school programs.
Avoid	<ul style="list-style-type: none"> § FFA social workers visit their assigned homes every other week, per the “old” contract. § FFA social workers do not spend “quality” time with foster parents. § FFA social workers only visit with and observe children in the foster home environment

Practice Aspects of FFA Operations	
DCFS/FFA Relationship	
Typical	§ CSWs and TAs routinely withhold information about children they are trying to place: <ul style="list-style-type: none"> • They may not have the information, especially TAs. • They may not want to provide the information because “difficult” children are harder to place. § Neither FFAs nor foster parents have the information to make appropriate placements: <ul style="list-style-type: none"> • Either they do not have qualified parents for a given type of child or the qualified parents already have enough children placed in their homes. • Foster parents accept children whom they would not if they had complete information prior to the placements.
Best	§ CSWs work constructively and collaboratively with FFA social workers. § CSWs provide all information (e.g., court-related, medical, psychological, educational, etc.) on a timely basis to FFA social workers.
Avoid	§ FFAs treat CSWs with excessive deference. § FFA social workers are instructed to give presents regularly to their CSWs (e.g., gourmet coffee, muffins, etc.). § FFAs are informally “blacklisted” by CSWs when they disagree about how a case is handled.
CSW Visits to FFA-Certified Foster Homes	
Typical	§ CSWs make monthly visits to their assigned foster children and visit with them for 15 to 30 minutes.
Best	N/A
Avoid	§ CSWs never visit the child. (Most experienced foster parents reported that one or more of the CSWs assigned to children placed in their homes <i>never</i> made a single visit.) § CSWs visit their assigned children sporadically. § CSWs wait until the end of the month, then demand inconvenient visits (e.g., keep the child home from school, bring to DC&FS office with less than one day notice, etc.). § CSWs only contact foster parents when there is a court date and the CSW is required to prepare and submit a report.

Practice Aspects of FFA Operations	
Quality Assurance and Problem-Solving	
Typical	§ FFA social workers make weekly visits to their assigned foster homes. § FFAs maintain an informal network to inform each other regarding decertified foster families.
Best	§ FFA social workers make weekly visits and monthly home inspections at every foster home. § FFA social workers look for signs of emotional neglect, not just rules compliance. § FFA social workers look at the parent and the level of supervision, and do not focus solely on a specific incident. § FFA administrative staff randomly and routinely checks foster parent files.
Avoid	§ FFA social workers limit their contact to the minimum required by the contract. § FFA social workers ignore potential problems if CSW indicates it is not a problem.

Recruitment Standards. While selection of foster parents is an inherently subjective process, the more similar guidelines and training FFAs implement the more objective the process. DC&FS should identify the FFAs with the best track records of capable foster parents, and then work with them to develop consistent guidelines for all FFAs to follow. Some of the best practices identified through the FFA site visits include:

- Using multiple outreach vehicles – print media, radio, religious organizations, etc.
- Establishing standards in compliance with the State and DC&FS regarding financial stability, race or ethnicity, etc.
- Combining the initial orientation with the first home visit.

Training Programs. DC&FS should work with FFA representatives to evaluate the various training programs and select the best components of each. With some flexibility to meet unique FFA needs, FFAs should offer the same initial and ongoing training programs to foster parents.

Training Assessment. Foster parents should be evaluated to determine how well they are mastering the material presented in training programs. Extreme caution should be used, however, to avoid a stringent testing atmosphere, which would undoubtedly discourage many from becoming foster parents. Nevertheless, if foster parents are being held to a higher standard, they should demonstrate mastery of basic childhood development and parenting concepts. FFA training staff should also use class participation as a way to gauge understanding and retention – simply attending a course should not result in automatic credit.

Compliance with Rules and Regulations. DC&FS and FFAs must agree on the rules and regulations to be enforced in every certified foster home. Any exceptions to established rules should be made based on a formal request (e.g., “Title 22 Compliance Exception Request”) by

the foster parent and the FFA and must be reviewed and approved by DC&FS. Foster parents should not be “shopping” for lax FFAs, and lax CSWs should not be considered “good.”

ROLES AND RESPONSIBILITIES OF FOSTER PARENTS

Foster parents need and deserve training, support, and respect for the difficult tasks they undertake. They are blamed for continuing the same abuse or neglect that forced many children into foster care in the first place, but seldom receive praise for nurturing these children during difficult periods of transition and leading them toward successful futures.

Recommendation 13: Develop foster parenting as a legitimate and valued profession.

The State CCL, DC&FS, and FFAs must work together to cultivate foster parenting as a legitimate and valued profession and to help change the negative attitudes toward foster parenting. Rather than being tainted by “doing it for the money,” foster parents deserve remuneration for providing important child-care services.

Recommendation 14: Provide more comprehensive and consistent training and support to foster parents.

All foster parents, whether they are licensed by the State or certified by FFAs, should have the same opportunities to receive training; receive the same information about Title 22; and be held accountable for understanding the same material, rules, and regulations. Such consistency would increase the quality of foster care across the County, and facilitate the evaluation and tracking of foster family quality.

Training. DC&FS and FFAs should work together to develop more comprehensive and consistent training for foster parents to provide the support foster parents need and deserve and to increase the quality of foster parents overall.

- MAPP, PRIDE, and STEP training programs should be compared and evaluated. The best features of each should be integrated into standardized training materials required for all foster parents. At the same time, FFAs should have the flexibility to develop additional materials to reflect the needs of their foster parents.
- DC&FS and FFAs should design (or obtain) and deliver problem-specific training at the time a child with such problems is placed in a home. Foster parents should be forewarned about a child’s specific issues and receive problem-specific training. Foster parents with advance knowledge and training should have more success coping with children who may have problem behaviors and be more effective in helping the child. For example:
 - § Understanding the differences between age-appropriate and inappropriate sexual behavior.
 - § Setting limits for children at different ages.
 - § Understanding emancipation guidelines for working with teenagers.

§ Working with depressed, withdrawn, oppositional, or hyperactive children.

- q FFA social workers should make more frequent visits and phone calls when an especially difficult child has been placed.

Title 22 (Welfare & Institutions Code) Compliance. DC&FS, FFAs, and CCL should work together to determine standards for increased flexibility in foster home rules and regulations to increase:

- q Overall compliance by allowing foster parents to exercise common sense.
- q Consistency of compliance across FFAs (to deter foster parents looking for “easy graders”).
- q Consistency of compliance across CSWs (to deter FFAs looking for “easy graders”).
- q Safety and security of the child.

ISSUES BEYOND THE SCOPE OF THIS REPORT

- q Financial audits of DC&FS payments to FFAs should be preformed. There is concern that payments could be inaccurate, given the incomplete information available on DC&FS databases.
- q The amount of money paid to State-licensed versus FFA-certified foster families should be reviewed. There should be increased flexibility in both economic incentives and reimbursements for State-licensed and FFA-certified foster families for working with children with more complex problems.

PROPOSED ACTIONS

This final section outlines a systematic approach for reviewing and implementing the recommendations set forth in this management audit. The first section addresses general actions steps that the different involved organizations and agencies should take to effect the recommended changes. The second section is an outline, listing the time frame, priorities, and accountabilities for implementing the recommendations.

ACTION STEPS

Because the recommendations represent systemic changes to the FFA model, DC&FS, FFAs, and the other stakeholders should implement the recommended changes, using a multi-step approach, as outlined next. An organization such as ACSA or the FFABCK Steering Committee should be involved with review and implementation of recommendations to represent the interests of FFAs. Many of the recommendations complement and build on each other. Therefore, they should be implemented systematically and not “piecemeal”.

Action Step 1: Review and Accept the Recommendations in Principle.

First, the DC&FS and representative FFAs should review the recommendations one by one, and accept them in principle. Recommendations should be modified as suggested by group consensus or as required to meet specific constraints, such as State laws and codes, County codes, legal requirements, or availability of resources. All recommendations should be accepted, rejected, or modified; none should be ignored. At this point, the final priorities, timelines, and accountabilities can be set.

In most areas, this report has presented the intended thrust of proposed improvement in the recommendations without trying to be too prescriptive regarding the details. Most important is the commitment of the FFAs and DC&FS to improvements in the FFA model and to child welfare overall.

Action Step 2: Assign a Project Team to Supervise Implementation.

Second, the importance, scope, and interrelationships of the recommended changes require centralized attention and monitoring to ensure a successful outcome. Consequently, a project team, reporting to the DC&FS and representative FFAs should be appointed to handle day-to-day supervision, coordination, and monitoring of implementation efforts.

Action Step 3: Develop Activity Plans with Assigned Accountabilities.

Third, for each recommended change, DC&FS and FFAs in consultation with the project team should identify the appropriate manager (at DC&FS) or other individual (at FFAs) with responsibility for it. The intent is to suggest ultimate responsibility; certain aspects may be delegated to individuals below the level of the assigned recommendation manager. Moreover,

the individual with lead accountability may have to coordinate cross-functionally with other DC&FS or FFA executives and managers.

As a starting point, we propose where such responsibility might generally be placed for each recommendation. We also note the relative priority and timing for implementing each recommendation.

The assigned recommendation managers should prepare an Activity Plan for each recommendation. Cost implications should be refined at this point, depending on the specific course of action. Each Activity Plan also should contain a statement of each recommendation with the identified manager and defined performance objective. The performance objective is a statement of the expected situation or condition after implementation of the recommendation. This objective should serve as a benchmark to measure accomplishment of the associated recommendation. The Activity Plan should detail the sequential action steps required to enact the recommendation, the assignment of responsibility for completing each step, and the start date and duration of each step. The project team should review and approve each Activity Plan.

Action Step 4: Begin Implementation and Monitor Progress.

Fourth, once the Activity Plans are approved, the action steps should begin. Each assigned recommendation manager should prepare a quarterly, one-page report concerning the progress of each Activity Plan (i.e., recommendation) for the project team and DC&FS Director. In turn, the project team should summarize these reports for the Department and the FFAs. As recommendation managers identify adjustments necessary to the Activity Plans, they should consult with the project team and note the needed adjustments on their progress reports.

The project team should give a quarterly oral report to DC&FS and the FFAs regarding progress to date in implementing the recommendations. Optimally, project teams should share with the Grand Jury progress made, “lessons learned,” adjustments made, and overall successes and setbacks.

RECOMMENDED ACTIONS

As a starting point, each recommendation is listed in the order they are discussed in this report, noting:

- ☐ Relative importance — high, medium, low.
- ☐ Timing for implementation — immediate, near term, long term, and ongoing.
- ☐ Complexity of the recommendation — easy, moderately difficult, or hard to implement.
- ☐ Suggested DC&FS or FFA accountability for implementing the recommendations.

The symbols for each of these considerations are defined in Exhibit 14.

**Exhibit 14
Legend for the Recommended Actions**

Considerations for Each Recommendation	Legend for Information Provided
Relative importance	■■■■ = High priority ■■ = Medium priority ■ = Low priority
Timing	= Immediate = FY 1999-2000 = Near term = FY 2000-2001 and FY 2001-2002 = Long term = FY 2002-2003 and thereafter ... = Ongoing = Once implemented, maintained on an ongoing basis
Complexity	4 = Easy to implement 44 = Moderately difficult to implement 444 = Hard to implement
Accountability	First listed incumbent has lead responsibility for implementation. Others listed where cross-functional accountabilities are necessary.

Detailed descriptions of each recommendation are contained in the section titled "Recommendations". Exhibit 15 recaps the recommendations set forth in this report.

**Exhibit 15
Recommended Actions**

	Recommendation	Relative Importance	Timing	Complexity	Accountability
1	DC&FS, FFAs, and other child welfare advocates should work collaboratively and cooperatively to address the complex issues facing child welfare in a major urban environment such as the County of Los Angeles	■■■■	...	444	DC&FS Director, FFAs
2	Make the best interests of the child paramount in all aspects of placement in FFAs and, by extension, in child welfare overall.	■■■■	...	444	DC&FS, FFAs
3	Develop child-centered outcome standards and measurements for children, CSWs, FFAs, and foster parents.	■■■■	...	444	DC&FS, FFAs
4	Develop and implement a new assessment model.	■■■■	...	444	DC&FS

	Recommendation	Relative Importance	Timing	Complexity	Accountability
5	Build child-centered teams to assess and monitor foster children.	444	...	444	DC&FS, FFAs
6	Review and implement recommendations detailed in previous reports pertaining to DC&FS and FFAs.	444	...	44	DC&FS, FFAs
7	Decentralize the DC&FS organizational structure.	444	...	4	DC&FS
8	Enhance the CSW work environment.	44	...	4	DC&FS
9	Improve DC&FS-FFA communication processes and information flow.	444	...	44	DC&FS, FFAs
10	Develop comprehensive DC&FS systems and infrastructures to collect, update, track, and report updated, timely, complete, and accurate information.	444	...	444	DC&FS
11	Address the gap between OHCEU workload and available staff.	44	...	4	DC&FS
12	Standardize FFA practices based on identified best practices to improve performance at all FFAs and to recruit consistently high quality foster parents.	44	...	4	FFAs
13	Develop foster parenting as a legitimate and valued profession.	44	...	44	DC&FS, FFAs
14	Provide more comprehensive and consistent training and support to foster parents.	44	...	4	FFAs

REDUCING THE HEALTH RISKS OF SWIMMING AT LOS ANGELES COUNTY BEACHES

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LIST OF ACRONYMS

BMP	Best Management Practice
CDS	Continuous Deflective Separation
DBH	Los Angeles County Department of Beaches and Harbors
DHS	Los Angeles County Department of Health Services
NPDES	National Pollutant Discharge Elimination System
RCD	Resource Conservation District
RWQCB	Regional Water Quality Control Board
SCAQMD	South Coast Air Quality Management District
SIC	Standard Industrial Classification
SMURRF	Santa Monica Urban Runoff Recycling Facility
SMBRP	Santa Monica Bay Restoration Project
TMDL	Total Maximum Daily Load
TWC	Topanga Watershed Committee
WDR	Waste Discharge Requirements
WHO	World Health Organization

SUMMARY

This report examines the health risks of swimming (and water-contact recreation more generally) at the beaches in Los Angeles County and the policies and programs in place to reduce these risks. Health risks are of concern first because of the negative effects on the swimmers who contract illnesses. They are also of concern because the perception or reality that beach waters are not safe for swimming has negative effects on the economies of beach communities and perhaps even on the economy of the county as a whole. Finally, health risks are of concern because they limit an important recreational opportunity and reduce the well-being of the citizens of L.A. County.

Based on the findings of our investigation, we believe there are important areas where policies and programs to clean up beach waters can be improved. Therefore, we make recommendations to the Los Angeles County Board of Supervisors, various departments in the County and in the cities within the County, that address:

- the process for monitoring water quality at the beaches, assessing swimming risks, and communicating these risks to the public.
- efforts to improve the water quality during dry weather at seven problem beaches.
- policies and procedures for improving the quality of rivers, creeks and storm drains that flow into the ocean.

The objectives of our recommendations are to reduce the health risks of swimming at beaches in L.A. County and to ensure that the programs in place to reduce risks are sensible in terms of cost. Our recommendations also aim to establish programs that accurately communicate the health risks of swimming at L.A. beaches to the citizens of the County. Many of our recommendations are addressed to government entities other than the Board of Supervisors or County departments. However, in the interests of the residents of L.A. County, the Board of Supervisors should take an aggressive leadership role to ensure that all these recommendations are carried out.

In the remainder of this summary, we present our key findings and recommendations on (1) water quality at Los Angeles County beaches; (2) health risks of swimming at the beach; (3) improving the public understanding of beach water quality; (4) improving water quality at seven problem beaches in L.A. County; and (5) improving the water quality in the rivers, creeks, and storm drains that flow into the ocean. We conclude with a table listing the government agencies responsible for key recommendations.

WATER QUALITY AT LOS ANGELES COUNTY BEACHES DURING DRY AND WET WEATHER

Most of the beaches in L.A. County meet health standards during dry weather. Heal the Bay, an environmental group based in Santa Monica, grades beaches based on water quality data provided by city and county agencies. Over the last five years, slightly over two-thirds of the beaches monitored received annual grades of A or better during dry weather. Roughly speaking, an A grade means that water quality meets health standards in more than 90 percent of the samples taken during the year. Even during dry weather, however, there are a number of

beaches in the County with persistent pollution problems. The water at Cabrillo Beach, considered the dirtiest in the County, exceeded health standards in more than two-thirds of dry-weather samples over the last year.

Water quality is poor at almost all L.A. County beaches during wet weather--defined as periods during and for the three days following rain. It rains more than 0.01 inches an average of 36 days per year in Los Angeles. Over the last 5 years, less than 20 percent of beaches on average received grades of A or better during wet weather.

HEALTH RISKS OF SWIMMING AT THE BEACH

Studies have shown higher rates of fever, chills, ear discharge, vomiting, phlegm, highly credible gastroenteritis, and significant respiratory disease among those swimming in beach waters that do not meet health standards. The increases in illness rates are not large, however, rising to roughly 4 percent in people swimming in water with elevated pollutant levels from 2 percent in those swimming in clean water.

Severity of these illnesses has not been well studied, either in L.A. County or marine water elsewhere, but there have not been reports of life threatening illness associated with swimming in the County, despite the large number of beachgoers. There has also been little study of long-term health effects of repeated exposure to elevated pollution levels in beach waters. But again, the lack of reports of chronic effects suggests that such risks are not substantial.

Even though demonstrated health effects of swimming in L.A. County beach water do not appear substantial, uncertainties remain both about health effects and how well current water-quality monitoring techniques protect the public. We thus recommend additional research on health risks and on the most effective way to detect water quality problems (see Section 3.1).

IMPROVING THE PUBLIC UNDERSTANDING OF BEACH WATER QUALITY

We are concerned that the public has an inaccurate and overly negative impression of beach water quality. Beach attendance fell by 32 percent between 1983 and 1997. This decline could have been due to many factors, but increasing concern about water quality may have played a role. Ongoing research on perceptions about L.A. County beaches suggests that people think that some beaches are dirtier than others but are confused about which ones have the worst water quality. We also suspect that the public has very little understanding of the types of illnesses that are associated with swimming in polluted water.

We make two recommendations aimed at improving the public's understanding of water quality at County beaches. (The recommendation numbers correspond to section numbers in the full report.)

Recommendations

3.2-A The L.A. County Department of Health Services should develop a grading system

for beaches similar to that used at L.A. County restaurants and post these grades at sampling locations and in other highly visible locations at the beaches.

3.2-B The L.A. County Department of Health Services should initiate a public information campaign to accurately communicate to L.A. County residents the health risks of swimming at L.A. County beaches. The message should be that:

- **Beaches in L.A. County are among the best monitored in the nation.**
- **Swimming is safe during dry weather at the vast majority of beaches, although a few problem areas remain.**
- **Water quality standards are typically exceeded during rainstorms and beachgoers should not swim during or in the three days following significant rain (i.e. greater than 0.1 inch).**

The campaign should also provide accurate information on the types of illnesses and the chances of contracting them from swimming at beaches that violate health standards.

IMPROVING WATER QUALITY AT SEVEN PROBLEM BEACHES IN L.A. COUNTY

We examined the specific problems at seven beaches: Surfrider, Topanga Canyon, Santa Monica Canyon, Santa Monica Pier, Pico-Kenter, Mother's Beach in Marina del Rey, and Cabrillo Beach (See Figure 4.1 for a map of their locations). The beaches were chosen based on their consistently poor water quality. With only a few exceptions, these beaches are the only beaches in the County with consistent dry-weather problems.

Our investigation of these seven beaches uncovered two major issues. The first is what should be done about the septic systems in Malibu. The second is how to handle conflicting uses at some beaches.

Septic Systems in Malibu

Most of the stakeholders we interviewed outside the City of Malibu think that septic systems are a major source of pollution in the Malibu Lagoon and Surfrider Beach and think that a sewer system should be installed. Most in Malibu think that there is not clear evidence that septic tanks are a problem and vigorously resist sewers. We see the need for independent, objective information on the scope of the problem and, given the power of vested interests, believe that Malibu cannot be left to resolve this issue on its own. We thus recommend that the Regional Board take the lead to resolve this issue.

Recommendations

4.1-A Commercial and multi-family residential septic system owners in Malibu should obtain waste discharge permits from the Regional Board and comply with the terms of those permits.

This type of permit is required of anyone discharging waste that could affect the quality of water resources in the State of California. Septic system owners in Malibu should not be exempted from this requirement. The groundwater monitoring information collected under the

terms of these permits is needed to resolve the issue of whether or not septic systems are a problem.

4.1-B Groundwater levels in residential areas with a high water table, especially residential properties near the Malibu lagoon, should be monitored.

The City of Malibu has found it difficult to access private residential properties for monitoring.

Competing Uses

The second major issue we found is the existence of competing uses at three of the seven problem beaches investigated. The minimal success of the City of Santa Monica's substantial efforts to improve water quality south of Santa Monica Pier raises the concern that a heavily-visited pier and an adjacent swimming area are not compatible uses. Similarly, swimming may not be an appropriate use at Mother's Beach, a beach that has limited water circulation, is populated by birds, and that is located adjacent to a marina. Cabrillo has limited circulation, is located adjacent to a wildlife refuge, and is heavily populated with birds. The competing uses at Cabrillo Beach are swimming and bird habitat.

Society's resources are scarce, and there is no point in spending money to try to meet health standards for swimming when the efforts will be frustrated by other uses. At each of these three beaches, we thus recommend that the responsible authorities (the City of Santa Monica for the Santa Monica Pier, the County of Los Angeles for Mother's Beach, and the City of Los Angeles for Cabrillo Beach) regularly reassess their water quality goals for these beaches. It may not make sense to spend large amounts of money to meet the swimming standards at these beaches.

Recommendations

4.4-E, 4.6-C, 4.7-C The responsible authorities at Santa Monica Pier, Mother's Beach, and Cabrillo Beach should continue with some of the modest programs that are in place or planned to improve water quality. However, before moving on to very expensive solutions they should reconsider the water quality goals for these beaches.

Given the relatively modest health risks of swimming at these beaches, we do not believe that they should be closed if water quality does not improve. Rather we make the following recommendations:

Recommendations

4.4-D, 4.6-B, 4.7-B Until water quality improves, the responsible authorities should permanently post signs at Santa Monica Pier, Mother's Beach and Cabrillo Beach that warn beachgoers of consistently poor water quality and briefly describe the health risks associated with swimming in polluted waters.

IMPROVING THE QUALITY OF URBAN RUNOFF

The water in the rivers, creeks, and storm drains that flow into the ocean carries pollution that causes a large majority of beaches to exceed health standards during wet weather and that causes violations at some beaches during dry weather. The Regional Board has ambitious plans to improve the water quality of these watercourses in L.A. County. However, we are concerned that the institutions, programs, and resources in place may not be up to the job. We make recommendations for improving the system in seven different areas (numbered according to where they appear in the full report):

- 5.1 - Setting goals for the uses of rivers, creeks, estuaries, and beach waters.
- 5.2 - Identifying pollution sources.
- 5.4 - Enhancing incentives to improve water quality.
- 5.5 - Matching authority with responsibility.
- 5.6 - Policies for diverting urban runoff into the sewer system.
- 5.7 - Monitoring and enforcement.
- 5.8 - Funding for water quality programs.

Here we discuss the four most important.

Setting Goals for the Uses of Rivers, Creeks, Estuaries, and Beach Waters

The Regional Board has designated beneficial uses for specific water bodies in L.A. County. These designated beneficial uses drive the water quality goals for these water bodies and thus the cleanup costs. There is a great deal of controversy over these beneficial uses. Several important stakeholders feel that some of the designated beneficial uses are inappropriate and that the process through which beneficial uses were designated (mainly in the 1970s) was inadequate. Their lack of support stops many of them from fully supporting and contributing to efforts to improve the quality of urban runoff and may lead to lawsuits that can further slow the process.

Our examination of the beneficial uses in L.A. County also suggests that there are conflicts among the beneficial uses that have been designated for some water bodies. Examples include the three beaches discussed above. The inconsistencies between some beneficial uses and the lack of support for others lead us to the following recommendation.

Recommendation

- 5.1 A meaningful process to prioritize the beneficial uses for the water bodies in L.A. County should be created. Near-term water quality programs should attempt to achieve the high-priority beneficial uses. Programs required to achieve lower priority beneficial uses should be deferred.**

Matching Authority with Responsibility

There are several important sources of pollution in urban runoff that neither the Regional Board nor the cities, County, and businesses it regulates have the power to reduce at the source.

For example, automobile and truck brake pads are thought to be a significant source of the copper that winds up in urban runoff, but neither the Board nor the regulated entities can require that brake pads contain less copper. Current institutional boundaries also restrict the types of remediation strategies that can be considered. Natural attenuation of some pollutants in stream beds and wetlands may make a lot of sense and create multiple benefits, but the Regional Board and regulated entities often do not have the authority to restore stream channels that are encased in concrete to more natural states or to build or restore wetlands.

The lack of authority over important sources of pollution or the ability to implement certain treatment strategies means that certain types of solutions are not even considered, and even if considered, are quickly taken off the table. As a consequence, cities and others may be forced into expensive end-of-the-pipe treatment when other approaches are more sensible. This is not a desirable outcome. We as a society should not let institutional boundaries get in the way of the best solutions.

Recommendation

5.5 The County should lead an effort to identify what additional powers are needed by the Regional Board, the cities, and the County pertaining to water quality control, determine who should have these powers, and then obtain them.

Monitoring and Enforcement

No matter how good they may look on paper, efforts to clean up the rivers, creeks, and ocean in L.A. County are only effective to the extent that the responsible organizations translate the words into action. To make sure that our pollution control system is more than a paper tiger, additional resources need to be spent on auditing the activities that actually reduce pollution. In addition, our investigation found overlap and lack of coordination between enforcement efforts of the Regional Board and the county and the cities in the County. We also found that current requirements in most jurisdictions to prosecute violations of urban runoff ordinances as criminal violations hinders the enforcement process. These findings led us to the following recommendations.

Recommendations

5.7-A Programmatic audits of city and County storm water programs should be conducted. These audits should verify whether programs outlined in the permits are being implemented and assess their adequacy and effectiveness.

5.7-B The cities and County should coordinate and consolidate as appropriate their inspection programs of industrial and construction sites, with the Regional Board. This program should increasingly focus on the adequacy of the storm water management plans and the extent to which they are being implemented.

5.7-C More generally, the cities and County should clarify the division of enforcement responsibilities between them and the Regional Board. Enforcement should be delegated to the cities and County, whenever possible.

5.7-D The County of Los Angeles Department of Public Works should investigate the advantages and disadvantages of ticketing authority for runoff violations. Based on a review of experiences in the City of Los Angeles and other jurisdictions that have the ability to issue tickets for infractions, the Department should make a recommendation to the Board of Supervisors on whether the County code should be amended to allow such ticketing.

Funding for Water-Quality Programs

To be effective, there must have adequate resources to carry out the permitting, monitoring, and enforcement responsibilities. Recommending additional funding for a public agency is often not popular, but we believe that the benefits from potential improvements in programs and enforcement are likely to outweigh the costs.

Recommendation

5.8 The Board of Supervisors should lead an effort to increase funding for the Regional Board.

Potential funding sources include increased permit fees from the municipalities and businesses in L.A. County and the State General Fund. The Supervisors should appeal to the governor and the State Water Resources Control Board directly as well as enlist the support of the L.A. delegation to the State legislature.

AGENCIES RESPONSIBLE FOR KEY RECOMMENDATIONS

Table S.1 summarizes the most important recommendations by the government entity responsible for implementation.

**Table S.1
Agencies Responsible for Key Recommendations**

Number	Recommendation to:
Los Angeles County	
3.2-A	Department of Health Services should develop a grading system for beaches.
3.2-B	Department of Health Services should initiate a public information campaign to communicate health risks of swimming.
4.6-B,C	Department of Beaches and Harbors should continue modest programs to improve water quality at Mother’s Beach, but reconsider water quality goals before moving on to expensive solutions. Permanently post Mother’s Beach until water quality improves.
5.7-D	Department of Public Works should investigate advantages and disadvantages of ticketing authority for runoff violations.
5.8	Board of Supervisors should lead an effort to increase funding for the Regional Board.

City of Los Angeles

- 4.7-B,C Continue with modest programs to improve water quality at Cabrillo Beach, but reconsider water quality goals before moving on to expensive solutions. Permanently post Cabrillo Beach until water quality improves.

City of Santa Monica

- 4.4-D,E Continue with modest programs to improve water quality at Santa Monica Pier, but reconsider water quality goals before moving on to expensive solutions. Permanently post Santa Monica Pier until water quality improves.
-

Regional Water Quality Control Board –

As a State agency, the Board is beyond the purview of the Grand Jury; however, it is an integral part of waste water control in Los Angeles County, and may want to consider the following:

- 4.1-A Issue waste discharge permits for commercial and multi-family residential septic systems in Malibu.
- 4.1-B Require monitoring of groundwater levels in residential areas in Malibu.
 - 5.1 Create a meaningful process to prioritize beneficial uses and defer programs required to achieve lower priority uses.
 - 5.3 Focus more on setting limits on contaminants than on requiring implementation of prescribed programs.
 - 5.5 Lead efforts to identify what additional powers are needed by the Regional Board, the cities, and the County and to obtain them.
- 5.7-A Conduct programmatic audit of city and County storm-water programs.
- 5.7-B Coordinate and consolidate inspection programs with the County and cities; increasingly focus inspections on adequacy of storm-water management plans.
- 5.7-C Clarify division of enforcement responsibilities between Regional Board, cities, and County.

SECTION 1. INTRODUCTION

This report examines the health risks of swimming (and water-contact recreation more generally) at the beaches in Los Angeles County and examines the policies and programs in place to reduce these risks. Health risks are of concern first because of the negative effects on the swimmers who contract illnesses. They are also of concern because the perception or reality that beach waters are not safe for swimming has negative effects on the economies of beach communities and perhaps even on the economy of the county as a whole. And finally, health risks are of concern because they limit an important recreational opportunity and reduce the well-being of the citizens of L.A. County.

Improving water quality at L.A. beaches is part of a larger effort to clean up the rivers, creeks, groundwater basins, and ocean in the region. Substantial resources have been spent on this effort, and significantly greater amounts would be required by some additional programs under consideration. The scope of this effort has been likened to the long-running campaign to clean up the region's air. We in the county need to make sure that the resources spent on this effort are spent wisely, both because society's resources are limited and because there are many benefits to be gained by cleaning up the county's beaches and waters.

1.1 SCOPE OF THIS REPORT

We examine the policies and procedures in place for monitoring water quality at beaches in L.A. County and assessing the health risks of swimming. We also assess programs to communicate these risks to the public. We examine the sources of and efforts to reduce pollution at seven of the beaches in the county with the worst pollution problems. As will be discussed below, one of the major sources of beach water pollution is polluted discharge from the rivers, creeks and storm drains that flow into the ocean. We thus also examine policies and programs to improve the quality of waters that discharge to the ocean.

We investigate efforts to improve water quality both during dry weather and during wet weather. Water quality and health risks are of primary concern during the dry, summer months when beach attendance is highest. However, even though beach attendance is lower during wet weather, there are still some who swim at the beach (e.g., surfers). Water quality during wet weather may also affect overall perceptions about the attractiveness of the beaches and their use during dry weather. Investigation of policies to improve water quality during wet weather is also important because of the large amount of resources that will potentially be required by the programs currently under consideration.

We use the information gathered in our investigation to make recommendations on:

- The process for monitoring water quality at beaches, assessing swimming risks, and communicating these risks to the public;
- Efforts to improve water quality during dry weather at seven problem beaches;

- Policies and procedures for improving the quality of rivers, creeks and storm drains flowing to the beach.

The objectives of our recommendations are to reduce the health risks of swimming at beaches in L.A. County and to ensure that the programs in place to reduce risks are sensible in terms of cost. Our recommendations also aim to put in place programs to accurately communicate the health risks of swimming at the beaches to the citizens of the county.

1.2 EVALUATION APPROACH

Our evaluation and recommendations are based on a review of relevant literature and interviews with 26 experts on water quality programs and policies in L.A. County. The experts interviewed spanned the many agencies and organizations involved in water quality issues in L.A. County. Appendix A lists the organizational affiliations of those interviewed.

Most of the interviews were conducted in person, although a few were done over the telephone. Interviews typically lasted two to three hours and were usually done at the interviewee's place of employment. The interviews were conducted between October and December 1999. To encourage candor, interviews were conducted on a confidential basis. Thus, we do not identify the people interviewed nor attribute statements to them in this report. A semi-structured interview format was used. Questions were prepared in advance, but both the interviewers and interviewees were free to pursue topics not on the list.

1.3 ORGANIZATION OF THE REPORT

Section 2 sets the stage for our review of beach water pollution issues. It provides background on water quality at the beaches in L.A. County, the health risks of swimming, and the potential sources of pollution. It also provides an overview of the roles and responsibilities of the agencies and organizations involved in beach water quality issues. Sections 3, 4, and 5 each examine a different set of issues surrounding beach water quality. For each issue area, we first define the issue and why it is important. We then present the findings of our investigation of the issue and conclude with recommendations to improve policies in the issue area. Section 3 examines the policies and procedures in place to assess the risks of swimming at the beaches in L.A. County and the procedures for communicating these risks to the public. Section 4 assesses efforts to reduce pollution at seven of the most polluted beaches in the county and makes suggestions for improvements. Section 5 evaluates and makes recommendations about efforts to improve the water quality of the rivers, creeks and storm drains that flow into the ocean. A review of the literature on the health risks of swimming in marine water is contained in Appendix B.

SECTION 2. BACKGROUND

Most beaches in L.A. County are considered safe for swimming and other forms of water recreation when the weather is dry. Unfortunately, there are several beaches with persistent

pollution problems even when the weather is dry, and almost all beaches have high pollution levels when it rains. In this section we characterize the water quality at L.A. County beaches and review the health risks of swimming. We also provide brief overviews of the potential sources of pollution and of the agencies and organizations involved in beach water quality issues.

2.1 WATER QUALITY AT LOS ANGELES COUNTY BEACHES

The California Department of Health Services has established water quality standards for swimming at public beaches. The standards are based on three indicator bacteria: total coliform, a group of bacteria that can originate from soil, plants, and human and animal waste; fecal coliform, a group of bacteria found in the intestinal tracts of humans, mammals, and birds; and *Enterococcus*, a bacterium that is part of the normal flora found in human and animal waste. These bacteria do not necessarily cause illness in humans themselves, but are thought to be good indicators of the presence of human pathogens (see Section 3.1 for a discussion of their effectiveness as indicators). The single-sample water quality standards for bacteria established by state are:

- 10,000 or fewer total coliforms per 100 ml.
- 400 or fewer fecal coliforms per 100 ml.
- 104 or fewer enterococci per 100 ml.
- 1,000 total coliforms per 100 ml, if the ratio of fecal to total coliforms exceeds 0.1.

Heal the Bay, an environmental group based in Santa Monica, provides readily accessible information on beach water quality. It develops annual grades for 61 beaches throughout the county based on weekly or daily water quality monitoring data provided by the Los Angeles County Department of Health Services (DHS), the City of Los Angeles, and the County Sanitation Districts of Los Angeles County.¹ Grades run from A+ through F. A grade of A or better means that (1) *Enterococcus* exceeded 104 per 100 ml in less than 10 percent of samples taken during the year, (2) total coliform exceeded 10,000 per 100 ml in less than 1 percent of samples, and (3) the ratio of fecal to total coliform exceeded 0.1 (when total coliform were greater than 1,000 per 100 ml) in less than 5 percent of samples. The beaches monitored by the City and County of Los Angeles are not randomly selected along the coast and, if anything, are more likely to be in areas with the greatest pollution problems. Factors including beach attendance, distance from storm drains or sewage outfalls, and the existence of known pollution problems were used to select the beaches monitored. (See the Heal the Bay website for the locations of the 61 beaches in L.A. County for which it issues grades.)

Most of the beaches in L.A. County meet health standards during dry weather. Over the last five years, slightly over two-thirds of the 61 beaches monitored received grades of A or better during dry weather. In contrast, water quality is poor during wet weather which is defined as periods during and for the three days following rain. Over the last five years, less than 20 percent of beaches on average received grades of A or better during wet weather.

¹ More detailed information regarding California's sampling requirements can be found in Title 17 of the California Code of Regulations, Group 10, Sanitation, Healthfulness, and Safety of Ocean Water-Contact Sports Areas.

Even during dry weather there are a number of beaches throughout the county with persistent pollution problems. Figure 2.1 shows the percent of sampling days during which three water-quality thresholds were exceeded during the 1998-1999 monitoring year at seven problem beaches (a map with the location of these beaches is included in Section 4). At least one of the bacterial indicators was exceeded in more than 10 percent of the dry-weather samples at each of the beaches, and the Enterococcus standard was exceeded over two-thirds of the time at Cabrillo Beach.

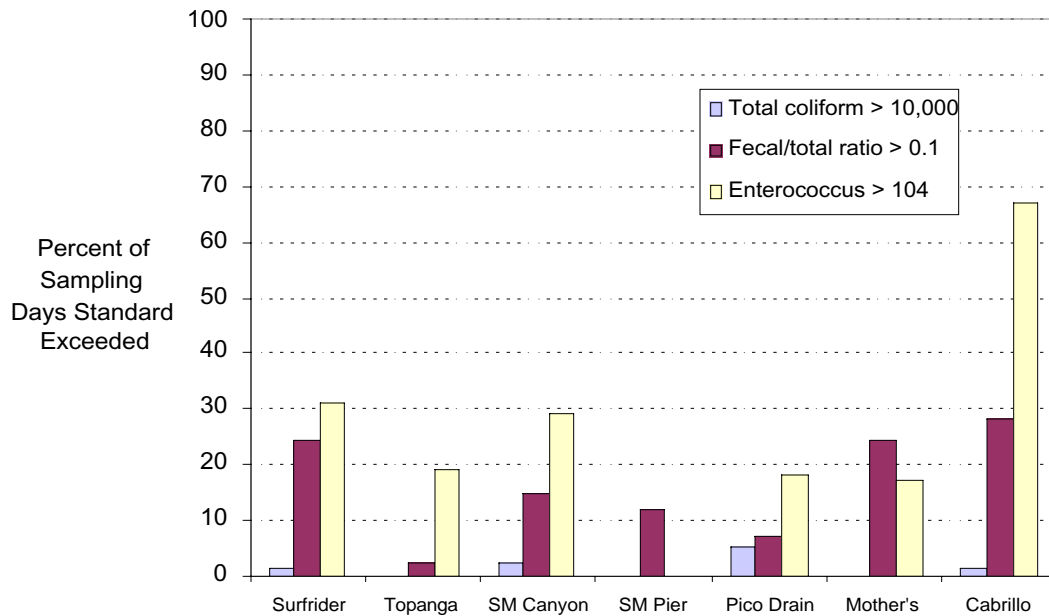


Figure 2.1—Percent Sampling Days That Water Quality Standards Were Exceeded At Seven Problem Beaches During Dry Weather in 1998-1999

The State Water Resources Control Board has established water quality requirements for discharges to the ocean for a number of contaminants other than bacteria. Many of the requirements are aimed at protecting human health and include restrictions on heavy metals and organic chemicals. Public health officials have paid the most attention to bacteria levels, however, in part because their main concerns historically have been about the spread of infectious diseases in waters contaminated with human sewage. Monitoring data on bacteria are much more extensive for bacteria than other contaminants, and we focus our characterization of beach water quality in L.A. County on them. We discuss the health risks imposed by contaminants other than bacteria below.

2.2 EXTENT OF HEALTH RISKS OF SWIMMING AT THE BEACH

A large number of people are exposed to the waters at L.A. County beaches every year (see Figure 2.2 for annual beach attendance). The most extensive study of the health risks of swimming in the beach waters of L.A. County was released by the Santa Monica Bay Restoration Project (SMBRP) in 1996. The study compared the incidence of illness among people who swam at various distances from three flowing storm drains and correlated illness rates with bacteria levels. It found that illness was higher among people who swam right in front of storm drains (where the pollution levels are the highest) than among people who swam 400 yards away. They also found that illness rates were correlated with bacteria levels in the water. This study provided the first scientifically-documented evidence that swimming at L.A. County beaches increases illness rates when bacteria levels are high.

Figure 2.2—Annual Attendance at Beaches in Los Angeles County, 1983-1997

Source: Compiled by Linwood Pendelton and Miwa Tamanaha, Department of Economics, USC,



based on data provided by Los Angeles County Lifeguards.

The SMBRP study found higher rates of fever, chills, ear discharge, vomiting, phlegm, highly credible gastroenteritis, and significant respiratory disease among those swimming in front of storm drains than those swimming 400 yards away.² Even though the differences were statistically significant, the increase in illness rates was not large. Illness rates were generally one to two percentage points higher among those who swam in front of the drain than those who swam 400 yards away. Rates for the individual illnesses named above ranged from one to five percent for those farthest from the drain versus two to seven percent for those swimming in front of the drain.

² Highly credible gastroenteritis is defined in the SMBRP study as (1) vomiting, (2) diarrhea and fever, or (3) stomach pain and fever. Significant respiratory disease is defined as a complex of symptoms that include (1) fever and nasal congestion, (2) fever and sore throat, and (3) cough with sputum.

The SMBRP also found higher rates for some illnesses when bacteria levels exceeded the standards listed above than when bacterial levels met the standards. Again, the increases were not large, ranging from one to two percentage points from the same low baseline levels.

The SMBRP study is part of a larger literature on the health effects of swimming in beach waters. Our review of this literature (see Appendix B) reveals that a great deal of uncertainty about the health effects of swimming remains. But given what is known, we make the following observations. First, the acute illnesses (those coming on quickly and lasting a short time) associated with swimming in beach waters contaminated at the levels found in L.A. County do not appear very severe (see list of illnesses found by SMBRP study above). We did not hear of or find studies reporting life threatening or other serious illnesses from swimming at L.A. County beaches. Given the large number of beachgoers, one would expect some such reports if serious illnesses were occurring.

Second, most of the studies on risks of swimming in marine waters focus on acute illnesses. The SMBRP study focused on illnesses coming within one or two weeks of swimming. It also restricted its attention to one-time exposure to water, and did not examine the effects of repeated exposure. This opens up the possibility that there may be chronic effects of repeated exposure to the heavy metals and organic chemicals sometimes found in ocean water. However the lack of reports again suggests that these risks are not substantial.

Finally, while there is evidence that exposure to human sewage causes illnesses, there is little information on whether exposure to water contaminated with the feces of other animals (such as birds) causes problems. Most studies that have found increased illness rates have supposed human fecal contamination. The storm drains in the SMBRP study were found to contain human viruses (indicating the presence of human sewage). It is unknown whether there are similar health effects at other beaches where the source of contamination is not human sewage but, say, bird feces.

2.3 CAUSES OF BEACH WATER POLLUTION

This section provides an overview of the many potential sources of bacteria and other pollutants that sometimes contaminate the beaches in L.A. County. As we will see in subsequent sections, there is a great deal of controversy over which of these sources are most important.

Point Sources

Twenty years ago, discharges from municipal sewage treatment plants and industrial facilities were the largest sources of water pollution in the beaches and ocean off L.A. County. Much progress has been made since then in reducing pollutants from these so-called point sources, although occasional problems crop up. Now that emissions from these point sources have been reduced greatly, pollutant loads from diffuse, non-point sources have become the focus of attention.

Non-Point Sources

Urban runoff. Urban runoff refers to the water that collects on hard, impermeable surfaces, such as streets and rooftops and flow into the county's storm drain system. Runoff is caused by rain and dry-weather sources such as over-irrigating landscaping. As runoff flows through urban areas it picks up pollutants and becomes contaminated with high levels of bacteria, metals and chemicals. Pet waste (including cats, dogs, and horses) and the homeless are potential sources of bacteria, as are restaurants that wash floor mats covered with food into the gutter. Oil and grease from trucks and cars, copper from brake pads, and the components of tail-pipe exhaust that have settled to the ground can be picked up by rain and other flows. Sediment may erode from construction sites, and fertilizers and other nutrients can be carried from residential yards, parks and commercial landscaping. Section 5.2 discusses the sources of pollution in urban runoff in greater detail.

Sewage spills and leaks. Blockages in sewers or very high flow levels can cause sewage to rise up through manhole covers and then flow into the storm drain system and out to the ocean.³ Some also believe that leaks in the sewer pipes allow sewage to migrate underground into the storm drain system.

Illegal connections and discharges to the storm drain system. Sewage lines can be mistakenly hooked up to the storm drain system or pollutants can be illegally discharged to the storm drain system. Discharges of recreational vehicle sewage tanks or used engine oil into the storm drain system are examples of illegal discharges.

Septic systems. Septic systems that are not properly functioning may be the source of bacteria and high nutrient levels in groundwater, rivers, creeks, and the ocean.

Direct sources of beach pollution. Excrement from birds and other wildlife at beaches can cause high bacteria levels. Litter can create a medium for the growth of bacteria and can attract birds and other wildlife that leave droppings. High nutrient levels near storm drain outfalls can attract aquatic wildlife, which can also attract birds. Bathers may also use the ocean as a toilet (sometimes referred to as bather loading).

Natural sources. Runoff from undeveloped land can also contain substantial levels of bacteria (from the wildlife that live there), nutrients, and other contaminants.

2.4 OVERVIEW OF THE MAJOR AGENCIES AND ORGANIZATIONS INVOLVED IN WATER QUALITY ISSUES

A complex web of agencies and organizations is involved in water quality issues in L.A. County. Brief descriptions of the most important local agencies and organizations follow.

³ The sewer and storm drain systems are separate in L.A. County. Sewers flow to sewage treatment plants that then discharge treated effluent to the ocean (or in some cases to rivers). The storm drain system discharges to the ocean without treatment. Rainwater is not supposed to enter the sewer system, and sewage is not supposed to enter the storm drain system.

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board). The Regional Board develops and implements water quality control plans that specify beneficial uses for the water bodies (which include the oceans, rivers, creeks, lakes, and groundwater) in the Los Angeles region, the water quality objectives that must be achieved to protect the beneficial uses, and describe implementation programs to protect all waters in the Region. The Regional Board is the regulator for water quality issues in the region with broad powers to achieve its goals.

The Regional Board is governed by nine board members who are appointed by the governor and confirmed by the State Senate. Members serve part-time for staggered four-year terms and represent the following interest groups: water quality (two members); irrigated agriculture; industrial water use; public; county government; municipal government; recreation, fish and wildlife; and water supply. Currently, one of the water quality positions and the industrial water use position are vacant. As of October 1999, the Regional Board staff included 112 positions – 92 technical, 5 administrative support, and 14 clerical. The technical staff consists primarily of engineers, geologists and biologists.

The primary mechanism used by the Regional board to regulate water quality is the National Pollutant Discharge Elimination System (NPDES) permit. NPDES permits are issued to both point and non-point dischargers. Point discharges, such as the City of Los Angeles Hyperion wastewater treatment plant, are issued NPDES permits that set effluent standards and require monitoring. Non-point dischargers, such as the County of Los Angeles, are issued municipal storm water NPDES permits that require the permittee to implement various programs designed to improve water quality.

Los Angeles County and the Cities in Los Angeles County. The Regional Board regulates local government agencies in Los Angeles County in a number of different ways. The sewage treatment plants of the City of Los Angeles and the County Sanitation Districts of L.A. County are regulated by point-source permits. Both these agencies are required under the terms of their permits to monitor water quality at many different locations in San Pedro and Santa Monica Bays.

The county and the cities in Los Angeles County are responsible for the urban runoff that originates in their jurisdictions and are subject to Regional Board regulations on storm water quality. Responsibility for urban runoff usually falls in public works departments, which, in the case of the County and the City of Los Angeles, also have responsibility for parts of the sewer system.

Independent of Regional Board requirements, the Los Angeles County Department of Health Services collects water quality data, sets health standards for swimming in beach waters and issues beach closures and warnings when pollution levels are high.

There are four cities in L.A. County whose jurisdiction abut the coast: Los Angeles, Long Beach, Malibu, and Santa Monica. These four, in addition to L.A. County which also controls areas that abut the coast, have particular interest in and enhanced roles in beach pollution issues.

Businesses. Businesses are required to have permits from the Regional Board to discharge “process water” (water from manufacturing or other business activity) into the waters of L.A. County. Certain types of industrial facilities and construction sites must also have storm water permits. Several business groups are involved in the policy debate over water quality in Southern California. Examples include the Southern California Coalition for Pollution Prevention and the Western States Petroleum Association.

Environmental Groups. A number of environmental groups are active in water quality issues in the region. Located in Santa Monica, Heal the Bay has been a strong advocate of efforts to clean up Santa Monica Bay. The Natural Resources Defense Council and Santa Monica Baykeeper have also been very involved in the policy debates and have initiated, and won, several lawsuits against the Regional Board, the county, cities, and businesses to implement clean water programs.

Joint Powers Research and Planning Organizations. The Santa Monica Bay Restoration Project was formed in 1988 under the National Estuary Program and charged with assessing the Bay’s problems, developing solutions and putting them into action. It is funded by the state and federal governments and views itself as a partnership of governments, environmentalists, scientists, industry, and the general public. The Southern California Coastal Water Research Program is a joint powers agency focused on conducting research and gathering information necessary to protect the Southern California marine environment. Its commission includes representatives of city, county, state and federal agencies with authority over and responsibility for coastal waters.

University Researchers. There are several researchers at UCLA and USC who have worked on water quality issues and been involved in the policy debate to varying degrees.

SECTION 3. IMPROVING WATER QUALITY MONITORING AND RISK COMMUNICATION

In this section we first evaluate and make recommendations about policies and procedures in place to assess the risks of swimming at the beaches in L.A. County. We then turn to the policies and procedures for communicating these risks to the public.

3.1 BEACH MONITORING AND RISK ASSESSMENT

Issue

As discussed in Section 2, the levels of three different types of bacteria are used to indicate the health risks of swimming at L.A. County Beaches. These bacteria are not necessarily harmful to humans in themselves but are presumed to indicate the presence of

pathogens that are harmful to humans. How effectively do the current bacterial tests indicate human health risks? How might monitoring procedures be improved?

Findings

Water quality standards for swimming at the beach are based on the levels of three indicator bacteria (total coliform, fecal coliform, and *Enterococcus*) because it is too difficult, time-consuming, and expensive to test for the huge array of potential pathogens themselves. Although numerous studies have shown various degrees of correlation between these bacterial indicators and illnesses such as gastroenteritis, use of such indicators immediately raises the question of how closely associated the indicators are with the actual health risks of swimming. (See Appendix B for a review of studies that address the correlation between indicator bacteria and illness.)

High bacteria levels may overstate health risks to humans in some cases. As discussed in Section 2.2, the health effects of fecal contamination from non-human sources are unknown. The bacteria tests used to monitor beach water do not distinguish between bacteria from different types of animals. Thus, high bacteria levels may be due to birds, for example, but not cause increased illness in humans.

The bacterial indicators may also miss some important human pathogens. There is a great deal of uncertainty in the scientific community over how well the indicators predict the presence of human viruses and illness due to viruses. Several studies have shown that certain types of viruses are not well correlated with bacterial indicators, and what is more, no studies show that bacterial indicators are well correlated with particular viruses. This raises the possibility that harmful viruses may be in the water even when bacterial levels are low.

Of course, the possibility that viruses may be present when bacterial indicators are low does not mean that viruses are actually a problem. For example, viruses may not be present or the viruses that are present may be dead. More information is needed to determine whether the bacterial indicators fail to capture an important human health risk.

Also, the bacterial indicators may not be well correlated with heavy metals and organic compounds that could possibly result in chronic illness. As discussed in Section 2.2, there is currently no evidence of such effects, but more information is needed to make sure the risks are small and to better understand how bacterial indicators are correlated with any risks should they exist.

The lag between taking a water sample and the availability of test results raises some public health concerns. At present, testing for the bacterial indicators takes about 24 hours. The turnaround time from water sampling to reporting a violation to health officials and notifying the public is about 30 hours. The process in L.A. County is smooth and as timely as possible given existing monitoring technology. However, it means that the public cannot be assured at any given moment that the water at a given beach meets health standards. Public health officials and researchers are interested in finding testing methods that would drastically reduce the turnaround time for results. Some promising methods are being tried in other parts of the country and the world, but their usefulness in Southern California waters is yet to be determined.

Water quality monitoring along the beaches is done by three different agencies: the County Department of Health Services (DHS), the County Sanitation Districts of L.A. County, and the City of Los Angeles. The latter two agencies are required to do monitoring as part of their permits to discharge from waste sewage treatment plants into the Bay. Different laboratory procedures for measuring bacteria levels are used by these agencies, and results from the different procedures are not well correlated in wet weather (in dry weather the correlation is strong). Several of the experts we interviewed thought it important to understand the discrepancies between the two procedures and to understand which procedure, or combination of procedures, gives the most accurate count of bacterial levels.

Uncertainties in how well the current bacterial tests measure the risks of swimming at L.A. County beaches lead us to the following recommendations.

Recommendation

- 3.1 The Board of Supervisors should direct the L.A. County Department of Health Services to assemble a panel of experts to evaluate the efficacy of current procedures for assessing the health risks of swimming at L.A. County beaches. The panel should include representatives of the L.A. County Department of Health Services, the City of Los Angeles, the Regional Board, the Southern California Coastal Water Research Project, the Santa Monica Bay Restoration Project, and experts within the academic and environmental communities.**

The panel should be charged to assess and recommend research to better understand the effectiveness of current bacterial tests and to ultimately suggest, as appropriate, changes in tests and testing procedures. In particular, the panel should examine:

- **The extent to which viruses pose a threat to swimmers.**
- **The extent to which bacterial indicators can be used to indicate the presence or absence of viruses.**
- **The threat of non-human bacteria, viruses and other organisms to humans.**
- **The long-term health risks of regular swimming or surfing at L.A. County beaches and the relationship of near term-indicators to chronic diseases, if any.**
- **The availability of tests that more rapidly indicate the presence of pathogens in beach waters.**
- **Inconsistencies between the different bacterial measurement procedures currently used.**

The panel should leverage ongoing work by the Santa Monica Bay Restoration Project on several of these topics.

3.2 RISK COMMUNICATION

Issue

The citizens of L.A. County and the region more broadly will be best served if they can make informed decisions about whether or not to swim at the beach. To make informed decisions, they need to have an accurate picture of the water quality and health risks of beach waters. They need to know if the water is contaminated and where it is contaminated. If water quality is indeed good, they need to know it is good.

How effective are current programs and policies for communicating the health risks of swimming at L.A. County beaches to the public? How might risk communication be improved?

Findings

Currently there are two main sources of information on water quality at the beaches. As discussed in Section 2.1, Heal the Bay issues grades that are posted on its web site as well as at some surf shops. Grades are updated weekly, are up-to-date, and are based on samples taken during the most recent four-week period. A history of weekly grades, in some cases going back over a year, is available for each beach. The Heal the Bay web site and grading system is a useful resource, but does not reach people who do not have internet access or who do not frequent the participating surf shops. Some of the public may also distrust or discount Heal the Bay grades because they are not government sanctioned.

The DHS is the second main source of information available to the public. DHS alerts the public of beach warnings and closures through warning signs posted at affected beaches, news releases to the media, and a telephone information hotline (800.525.5662). DHS posts warnings when bacterial levels exceed state health standards and closes beaches if there is a sewage spill that is known to have reached beach waters. The DHS is a useful and important source of information, but its public notification protocols have some shortcomings. First, the presence, or absence, of warnings may not provide an accurate picture of current water quality. People will have swum at a beach for one or two days (or longer if the beach is sampled weekly) before a test sample comes back from the lab showing that the bacterial levels are high. And, by the time the sample comes back, water quality may have improved. Second, the information hotline has not been adequately publicized so that it is well known by all potential beach-goers. Third, it is not clear how much attention people pay to posted warning signs, or really understand what they mean.

We are concerned that the public has an inaccurate and overly negative impression of beach water quality. Beach attendance fell by 32 percent between 1983 and 1997 (see Figure 2.2). This decline could have been due to many factors, including increasing traffic congestion, more limited or expensive parking, or growing concern about skin cancer, but increasing concern about water quality may have also played a role. The Los Angeles Times ran a series of articles on beach and ocean pollution last November that focused on beaches where there are pollution problems. Missing from the article was the message that the water quality at most beaches in

L.A. County is good the vast majority of the time. One of the experts we interviewed who is

doing work on public perceptions of water quality in Southern California said that his research shows that people generally think that water quality is poor and getting worse. (No studies have shown that water quality is in fact getting worse in recent years.) People think that some beaches are dirtier than others, but most are confused about which ones have the worst water quality. For example, most think the water in Malibu is clean, even though some beaches in Malibu (e.g., Surfrider) have poor water quality.

We also suspect that the public has very little understanding of the types of illnesses that are associated with the high bacterial levels found at some beaches (refer to Section 2.2 and Appendix B). Before our inquiry began, we at the Grand Jury had little idea of what types of illnesses are associated with swimming at the most polluted beaches in L.A. County. The public likely does not know that demonstrated risks are not life-threatening diseases, but rather an increase in earaches, runny noses, and gastrointestinal problems from a background rate of 2 percent when swimming in clean water to 4 percent.

We make two recommendations aimed at improving the public's understanding of water quality at County beaches. The first attempts to create a more accurate, visible method for communicating water quality conditions at individual beaches. The second is aimed at better informing the public about water quality at L.A. County beaches more generally.

Recommendations

3.2-A The L.A. County Department of Health Services should develop a grading system for beaches similar to that used at L.A. County restaurants and post these grades at sampling locations and in other highly visible locations at the beaches.

The current Heal the Bay grading system provides a good model for the new program. The new grading system would be most effective if groups such as Heal the Bay participate in developing it and endorse it.

Because of uncontrollable delays in the testing process, the best such grades can do is measure the likelihood, or probability, that the water is clean. Accordingly, the grades should be based on average water quality over the past several months to one year, although a second grade based on the most recent weekly sample might also be posted.

Grades should be posted at locations where sampling occurred (e.g., near storm drain outlets) and beach entrance points as well as on a county web site and telephone information line (the current County environmental phone line might be expanded to include the beach grades). The grading system and the type of health risks associated with each grade should also be posted and clearly explained.

3.2-B The L.A. County Department of Health Services should initiate a public information campaign to accurately communicate to L.A. County residents the health risks of swimming at L.A. County Beaches. The message should be that:

- **Beaches in L.A. County are among the best monitored in the nation.**
- **Swimming is safe during dry weather at the vast majority of beaches, although a few problem areas remain.**

- **Water quality standards are typically exceeded during rainstorms and beachgoers should not swim during or in the three days following significant rain (i.e. greater than 0.1 inch).**

The campaign should also provide accurate information on the types of illnesses and the chances of contracting them from swimming at beaches that violate health standards.

An effective way to engage the public in water quality issues might be to develop and publicize an overall measure of beach water quality. A weekly report on the percent of beaches meeting water quality standards is one possible method.

The media should be used to convey the message as appropriate, and the information should be available in written form and on a county web site. The campaign will be most effective if it is developed in partnership with and endorsed by local environmental groups.

SECTION 4. RECOMMENDATIONS FOR IMPROVING WATER QUALITY DURING DRY WEATHER AT SEVEN PROBLEM BEACHES

In addition to looking at regional issues related to water quality in Los Angeles County, we examined the specific problems at seven beaches: Surfrider, Topanga Canyon, Santa Monica Canyon, Santa Monica Pier, Pico-Kenter, Mother’s Beach in Marina del Rey, and Cabrillo Beach. (see Figure 4.1) The beaches were chosen based on their consistently poor water quality, according to the Heal the Bay grading system.

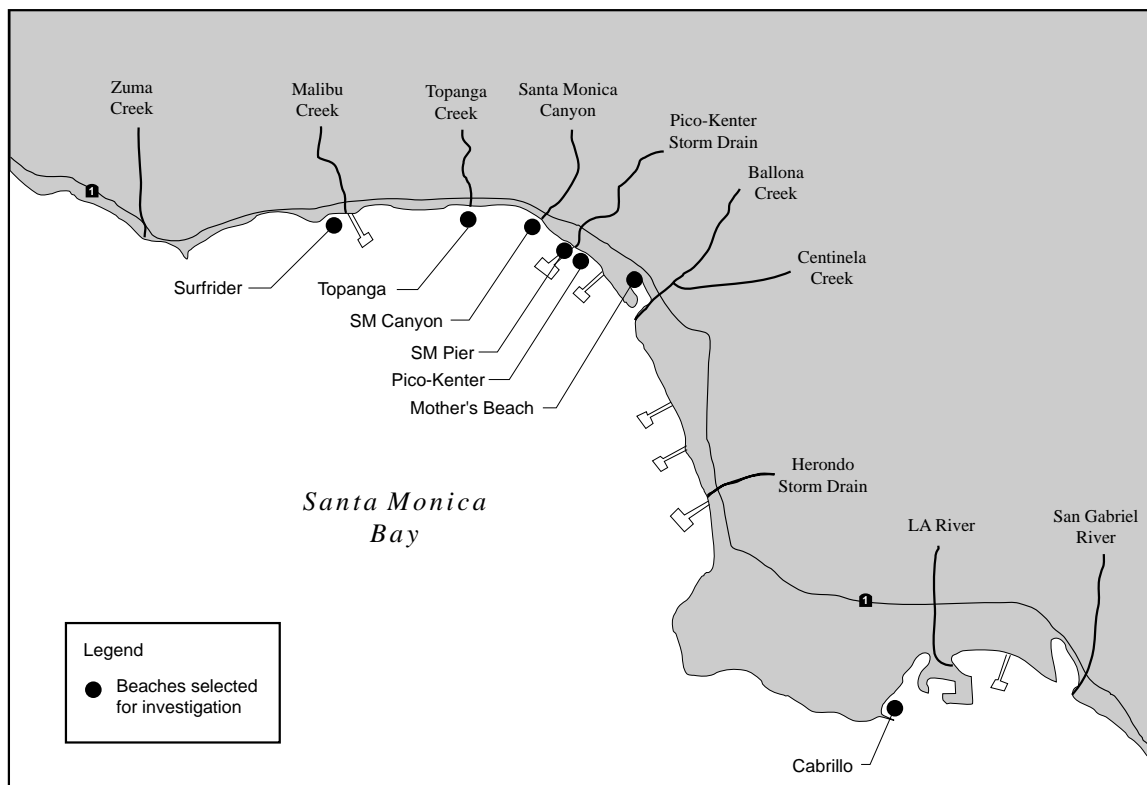


Figure 4.1 Location of the Seven Problem Beaches Chosen for Individual Examination

With only a few exceptions, these seven beaches are the only beaches in the county with consistent dry-weather problems. The exceptions include other beaches that face similar problems as the ones selected, but which have generally better water quality. For example, the beach in front of the Ashland Avenue storm drain in Santa Monica has had water quality problems similar to, but not as extensive as, those experienced at the beach in front of Pico-Kenter.

Some of the beaches have unique problems, such as low tidal circulation, and some have problems similar to beaches throughout the county, such as receiving urban runoff. In this section we focus on the specific problems at these beaches and examine local solutions. Solutions to the regional urban runoff problem are discussed in the following section. This approach allows us to get away from generalities and better understand the real-world problems and potential solutions. Studying individual beaches provides the opportunity to see which pollution-reduction strategies have worked, and which have not.

The issue addressed in this section is what progress has been made in making these beaches safer for swimming and what further should be done. We focus on bacterial indicators only in this section. We do not consider metals or toxic substances or other materials that might be harmful to the ecosystem, but not acutely harmful to humans. *Clean water* in this context thus means low levels of bacterial indicators. In this section, we also focus only on attempts to improve water quality during *dry* weather. In addition to being much more difficult to address, wet weather causes problems at most beaches in the county, not just the seven studied here. Wet weather problems are primarily caused by contaminated urban runoff, which we consider in Section 5.

4.1 SURFRIDER

Findings

Surfrider is a popular surfing beach located in front of Malibu Lagoon in the City of Malibu. Malibu Lagoon is an estuary at the bottom of Malibu Creek, the second largest watershed draining to Santa Monica Bay, after Ballona Creek. The watershed drained by Malibu Creek is 110 square miles, 88 percent of which is undeveloped.

Malibu Lagoon is usually separated from Surfrider Beach during dry weather by a sand berm. However, when water levels in the lagoon rise, either due to increased flows from Malibu Creek or other sources, the berm can breach. When the lagoon is closed, the water quality at Surfrider is very good. But when the lagoon is breached, the water quality at Surfrider quickly degrades as polluted lagoon water spills out into the ocean. As shown in Table 4.1, the water quality grades at Surfrider have been consistently Ds and Fs over the last 6 years.

There are numerous potential sources of pollution to Malibu Creek and lagoon. Wildlife, including birds, and urban runoff, including runoff from areas inhabited by horses, are two important sources. The most contentious potential sources of pollution to the lagoon are the city's commercial and residential septic systems.

In the late 1980s, before Malibu was incorporated, the County of Los Angeles decided that the area should be connected to a regional sewer because of septic system failures observed during county surveys. Locals disagreed and fought to keep the regional sewer out of Malibu. The residents finally won when they incorporated in 1991 and gained control over their wastewater systems. A consent decree between the City of Malibu and the County Board of Supervisors was signed in 1993. This document required that the County “stop work towards constructing a regional sewer system and to relinquish jurisdiction of wastewater disposal and management to the City of Malibu” (Los Angeles County Department of Public Works, 1993). The consent decree required that Malibu assume responsibility for the city's wastewater disposal practices. Thus the city took over the problem and the county stepped out of the picture.

Table 4.1
Heal the Bay Annual Grades
for Seven L.A. County Problem Beaches

Beach	Weather	1994	1995	1996	1997	1998	1999
Surfrider – breach location	Dry	D	F	F	F	D	F
	Wet	F	F	F	F	F	F
Topanga Canyon	Dry	A	B	F	C	C	C
	Wet	F	F	F	F	F	F
Santa Monica Canyon	Dry	C	F	C	B	D	D
	Wet	D	F	D	F	D	F
Santa Monica Pier	Dry	B	F	F	F	F	F
	Wet	D	F	F	F	F	F
Santa Monica Pico-Kenter	Dry	B	F	D	C	D	C
	Wet	F	F	F	F	F	F
Mother's Beach, Marina del Rey	Dry	A	A	A	C	C	F
	Wet	A	F	F	F	F	F
Cabrillo –harborside at lifeguard tower	Dry	*	F	D	F	F	F
	Wet	*	F	F	F	F	F

Source: Heal the Bay's Ninth Annual Beach Report Card, May 26, 1999, Tables 6 and 6a.

* Data not available

Since the City took over responsibility for the management of septic systems, a number of studies and reports have been prepared which address, in various ways, the pollution in the lagoon, possible causes of pollution, and the possible contamination from septic systems. Most of the stakeholders we interviewed outside the City of Malibu think that the studies have not provided convincing evidence that septic systems are not a source of pollution in the lagoon. Most in Malibu think that the studies have provided no solid evidence that septic systems are a problem.

In June of 1998, the Regional Water Quality Control Board (Regional Board) ordered the City of Malibu to develop a plan to assess whether the septic systems were contributing to contamination of the groundwater and/or lagoon. After a year of extended deadlines, lack of agreement on strategy, and issued and subsequently rescinded fines, the city and the Regional Board agreed upon a comprehensive monitoring investigation that was begun in the latter part of 1999. Although the results of this study have not yet been released, some stakeholders in the county are already skeptical about the reliability of the results.

The concern stems from the way the monitoring locations were chosen, especially those in front of the Malibu Colony. The city monitored at eleven locations, at every sixth lot along the coast (resulting in monitoring locations separated by distances of 300 to 800 feet). Because the city was not able to access public property in front of the Colony, the monitoring was conducted along the beach at the mean high tide line, on public property. Distances from the monitoring locations to homes ranged from 40 feet to 200 feet.

Critics of the study think that the monitoring locations should have been placed closer to individual leach fields, thus providing a better indication of whether individual septic systems are contaminating groundwater. Not having access to the study or the results, we cannot assess whether or not the monitoring locations were appropriate. This disagreement, however, illustrates the ongoing battle surrounding the septic system issue in Malibu, and the difficulty of coming to a consensus about what should be done. The dispute also touches on another relevant item: the city cannot monitor in many important locations because it cannot gain access to private property.

Groundwater levels are a critical issue in Malibu. A report prepared in 1999 indicated that when the groundwater level in the Malibu lagoon area is at least two feet below the bottom of a septic tank's leach field, pathogen transport to the Creek or lagoon is unlikely. However, when the groundwater rises closer to the leach field, pathogen transport is possible, though it is not known how far the pathogens can travel. One study found that groundwater levels in the Cross Creek Plaza commercial area, located adjacent to the lagoon, were 1.5 to 4 feet below the bottom of the leach fields, suggesting there may be problems in portions of this area. Groundwater levels in most residential areas of the City are not known; it is known, however, that the groundwater level in the Malibu Colony area is very shallow during periods of extended lagoon closure.

The Regional Board is responsible for regulating septic systems (Single family residences are specifically excluded from Regional Board septic system regulations). Owners of commercial and multi-family residences are required to apply for coverage under either an individual permit or the Regional Board's general Waste Discharge Requirement (WDR) for Domestic Wastewater Treatment Systems. Single family residences are excluded from the general WDRs. However, according to the Basin Plan, "the Regional Board retains jurisdiction over ... any situation where septic systems are creating or have the potential to create a water quality problem."

In 1999, the Regional Board began sending letters to commercial and multi-family residential septic system owners in Malibu requiring them to file for coverage under either an individual permit or a general WDR for septic systems. Coverage under both an individual

permit and a general WDR would require complying with numerous requirements relating to proper maintenance and operation of the septic system, including groundwater monitoring requirements.

A confounding element in the Malibu lagoon pollution problem is the Tapia wastewater treatment plant. Tapia discharges tertiary-treated water to Malibu Creek. A 1999 UCLA study found *Giardia* and *Cryptosporidium* in Tapia effluent, but not at levels which are considered hazardous. More importantly, Tapia's effluent affects the water level of the lagoon, causing it to breach more frequently than under natural conditions. Last year the Regional Water Quality Control Board prohibited Tapia from discharging to the Creek during the summer. Without the Tapia effluent (and without rain) the lagoon did not breach this summer, and the water quality at Surfrider was good. The City of Malibu has been very active in pursuing strategies to reduce pollution in the lagoon that do not involve eliminating septic systems or monitoring existing septic systems. In addition, when failing septic systems are brought to its attention, the city takes action to ensure that the problems are remedied. A handful of the city's proposed solutions to the pollution problem include the following:

- Pumping water from Malibu Creek to a constructed wetlands to provide dry-weather flows with biological treatment.
- Construction of a spillway to control lagoon water levels in dry weather.
- Installation of disinfection equipment at storm drains discharging into the lagoon.
- Requiring that new developments and remodels have advanced treatment septic systems and maintenance contracts.

The septic system issue is enmeshed in politics. The Regional Board has been accused of backing down from issuing fines to Malibu in the face of strong political and financial support for the city. The predominant response the Regional Board has received to letters requesting application for WDRs has been letters from attorneys asking for extensions, although some commercial dischargers have been cooperating and are supportive of the Regional Board's efforts. The mixed response to the Regional Board's action foreshadows the fight that lies ahead if the Board pursues requiring these permits. A by-product of the struggle between the county and Malibu is the deterioration of the relationship between the city and county. Because Malibu does not have its own health department, the County Department of Health Services (DHS) is responsible for protecting the health of the citizens of Malibu. Therefore, residents reporting septic system failures in Malibu might call either the DHS or an agency within the city. Currently, the city notifies the county when it responds to a septic system complaint, but the city does not hear about problems attended to by the county.

Given the contentious nature of the septic system problem in Malibu and given that the city is pursuing several strategies to curtail pollution from other sources, the following recommendations focus only on reducing contamination from septic systems.

Recommendations

4.1-A Commercial and multi-family residential septic system owners in Malibu should obtain waste discharge permits from the Regional Board and comply with the terms of those permits.

This type of permit is required of anyone discharging waste that could affect the quality of water resources in the State of California. Septic systems operators in Malibu should not be exempted from this requirement. The monitoring information is needed to resolve the issue of whether or not septic systems are a problem.

4.1-B Groundwater levels in residential areas with a high water table, especially residential properties near the Malibu lagoon, should be monitored.

Everyone agrees that in order for septic systems to function properly, there needs to be adequate distance between the bottom of the leach field and the water table. Therefore, establishing the height of the water table is the first step in determining whether or not there may be septic system problems. Because of the difficulty the City of Malibu has gaining access to residential properties, the Regional Board should be requested to take the lead in this effort.

Although single family residences are generally exempted from Regional Board regulation, the unique situation in Malibu deserves a unique response. If problems are found with single-family septic systems, the Regional Board should be asked to re-examine this exemption. Los Angeles County should assist this effort. The County could provide technical and laboratory assistance to the Regional Board such as help with groundwater sampling and laboratory analysis of water samples.

4.1-C The Los Angeles County Department of Health Services should inform the City of Malibu when it responds to a septic system complaint.

In addition to allowing Malibu to keep better track of septic system problems within the city, such notification would facilitate coordination and communication between the two agencies.

4.2 TOPANGA CANYON BEACH

Findings

Topanga Beach is at the foot of Topanga Creek, which drains a watershed covering approximately 18 square miles. The Topanga watershed consists of predominantly undeveloped lands, much of which is held by state and federal park agencies as part of the Santa Monica Mountains National Recreation Area.

Water quality at the Topanga Canyon Beach is generally mediocre in dry weather and poor in wet weather, earning Fs in wet weather for the last six years in a row. Recent annual dry weather grades have been mixed, ranging A to F in the past six years (See Table 4.1).

Possible sources of pollutants within the Topanga watershed include wildlife, horses, urban runoff and septic systems. However, a lack of baseline data prevents further speculation about the extent of the contributions of each.

The water quality at Topanga Beach and sources of contamination have not received much scrutiny from environmental groups and government agencies. A group called the Topanga Watershed Committee (TWC) is taking the lead at addressing the problem. The TWC is an all-volunteer, community-based, coordinated resource management and planning group, established through a grant from the California Department of Conservation. Participants in the TWC include community members, landowners, government agencies, environmental groups, and other interested parties.

One of the goals of the TWC is to improve water quality in Topanga Canyon. To achieve that goal, TWC has developed the following actions designed to identify the degree and extent of the water quality problem:

- Monitor sites, identify existing regulations and possible solutions.
- Assess septic system function and impacts.
- Assess livestock waste/corral impacts.
- Assess homeless encampment impacts.
- Assess graywater disposal impacts.
- Determine water quality in drinking water wells.
- Assess impacts due to use of fertilizers, pesticides, herbicides, etc.
- Assess source standards.

Another group with a role in the Topanga watershed is the Santa Monica Mountains Resource Conservation District (RCD), which oversees natural resource conservation within the Santa Monica Mountains, and is closely linked with the TWC. The RCD received a grant from the State Water Resources Control Board to fund a two-year study designed to examine the relationship between water quality and land use in the Topanga watershed. Working with the TWC, the RCD began work on the study in July 1999. The study involves water quality sampling at various locations along the creek in order to establish baseline water quality data. Results of the study will be used by the TWC and RCD to identify strategies for pollution reduction in the creek and at the beach. For example, data collected during the study could help identify where along the stream pollutants are introduced. This information would be used to narrow down the possible sources of pollutants to the water body.

Recommendation

4.2 The County Board of Supervisors should ensure that the county continues to participate in and have an active voice in the Topanga Watershed Committee. The Board of Supervisors should require that representatives of appropriate departments (e.g., Department of Beaches and Harbors, Department of Health Services, Department of Public Works) regularly attend TWC meetings and facilitate TWC's goal of improving water quality in the canyon. The county should continue to make available to the TWC the skills, expertise and experience of its staff to provide, as appropriate and as requested by the TWC, technical assistance, advice and guidance.

4.3 SANTA MONICA CANYON

Findings

The Los Angeles County-owned storm drain at Santa Monica Canyon discharges at Will Rogers Beach in the City of Los Angeles. The watershed contributing to this storm drain includes primarily residential and open space land uses. Roughly half of the watershed is open space owned by the state. The annual dry weather grades at Santa Monica Canyon for the last six years have been poor (see Table 4.1).

The City of Los Angeles, County and Heal the Bay conducted a study to determine the sources of pollution in the Santa Monica Canyon storm drain. The study identified no primary source. Instead, the study pointed to many different sources, including horses and septic systems. Other potential sources include wildlife and pet droppings. A study conducted in 1991 found live viruses in Santa Monica Canyon, indicating that other possible sources of pollution in this drain are leaks or spills from the sewage system, private septic systems, or homeless populations.

A plan for diverting low flows at Santa Monica Canyon into the sewer system between April and September is currently under consideration by the Los Angeles City Council. This would solve the summer pollution problem at the Santa Monica Canyon beach. A year-round diversion is not under consideration at this time because the receiving wastewater treatment plant could not accommodate flows resulting from heavy rains, and the problem of ensuring that the diversion would be by-passed during storms has not yet been resolved. Most people we interviewed believe that this project will go forward, but a decision has not yet been finalized. Many issues have arisen in the debate over whether to proceed:

- The pros and cons of diversion as compared with source reduction.
- Liability associated with flows directed to the Hyperion wastewater treatment plant.
- Cost sharing.
- Prioritizing which flows to divert.

The City and County of Los Angeles would share the costs of the diversion. Funds from Proposition A in the amount of one million dollars have been earmarked for this project.

Recommendation

4.3 The County and City of Los Angeles should proceed with the planned construction of a seasonal diversion project.

Although there are some unresolved issues related to diversion policy more generally, we believe that it makes sense to go ahead with the diversion at this beach. It is a popular beach and the dry-weather urban runoff is substantial. A source investigation has been done, and no particular sources stood out. It is almost certain that efforts to reduce pollution sources will not yield results any time soon. Small-scale, local treatment is a conceivable alternative to diversion, but the real-world feasibility and cost-effectiveness of these systems has yet to be demonstrated.

Diversion is the only way to ensure that water quality at this beach will be good in the near

future. Issues relating to low-flow diversions are discussed in more detail in Section 5.6 of this report.

4.4 SANTA MONICA PIER

Findings

Santa Monica Pier is a recreational destination attracting large numbers of tourists with its amusement park rides, games and food, as well as nearby parking and hotels. It is also a popular destination for recreational fishermen.

A storm drain located under Santa Monica Pier discharges runoff from a small drainage area of 0.13 square miles. The predominant land uses are commercial and retail; other land uses include restaurants, hotels and high-density apartments. The Los Angeles County Department of Public Works monitors the water quality in the Santa Monica Pier storm drain as part of its Municipal Stormwater Permit. Monitoring data reveal that water in this drain contains minerals, solids, metals, and pesticides. Tests were not done for hydrocarbons or bacteria.

The beach monitoring station is located 50 yards south of the pier. Both dry and wet weather annual grades at the pier have been almost exclusively Fs over the past 6 years, with the exception of 1994, when the location received a B in dry weather and a D in wet weather (See Table 4.1). Fortunately, the water quality problems at Santa Monica Pier are not characteristic of the other piers in L.A. County. Water quality near these other piers is not consistently poor.

The pollution problem at this location has received much attention over the past several years. Attempts at eliminating sources of pollution have thus far been unsuccessful. The first attempt at reducing pollution was when the City of Santa Monica diverted low flows from the storm drain under the pier to the Hyperion treatment plant during summer months. Flow from the pier storm drain was periodically diverted to Hyperion in 1996. In 1997, a permanent diversion system was installed.

The City of Santa Monica, with funding from the City of Los Angeles and Proposition A, is constructing the Santa Monica Urban Runoff Recycling Facility (SMURRF) just south of the pier and north of the Pico-Kenter storm drain. When the SMURRF is operational, flows from both the pier and the Pico-Kenter storm drains will be diverted to this treatment facility. Low flows from both storm drains will be treated year round. During storm events, flows over the facility's capacity will be discharged to the ocean.

Roughly a year ago, a City of Santa Monica investigation of the sewer lines running underneath the pier resulted in the discovery of several leaks that were subsequently repaired. Birds were also suspected to be a large part of the problem, so a bird entrapment program was launched by the city, resulting in a perceived decrease of the bird population. None of these actions has significantly improved grades south of the pier.

The most recent strategy to reduce pollution has been the placement of signs along the pier warning visitors to avoid littering and improperly disposing of food waste. Mostly by process of elimination, it is thought that littering by pier visitors (including improper disposal of fishing waste), is the primary source of pollution – both the litter itself, and waste from the birds it attracts.

The attempt to track down and eliminate sources of pollution at the pier is ongoing. Recent strategies have focused on ensuring that garbage cans are not leaking polluted water into the ocean.

A Continuous Deflective Separation (CDS) unit was recently installed in the pier storm drain. This device filters out trash and sediment thereby reducing the amount of pollution reaching the beach (when the drain is not diverted). Visual inspections of the unit have revealed that it is operating properly and has been effective at removing most trash and sediment from the storm drain flow.

Recommendation

4.4-A The City of Santa Monica should regularly inspect the sewer lines under the pier.

4.4-B The City of Santa Monica should continue to educate pier visitors about the harmful effects of littering, feeding the birds, and improper disposal of fishing waste.

4.4-C The City of Santa Monica should continue to scrutinize the water quality monitoring data at this location.

4.4-D Until water quality improves, the City of Santa Monica should place permanent warning signs along the beach within 50 yards south of the pier. The signs should warn swimmers that this beach has consistently poor water quality and they should briefly describe the health risks associated with swimming in polluted water.

4.4-E Before moving on to very expensive solutions, the City of Santa Monica should reconsider the water quality goals for this beach.

The minimal success of the city's substantial efforts to improve water quality south of the pier raises the concern that a heavily-visited pier and an adjacent swimming area are not compatible uses. Therefore, if the recent educational efforts do not result in improved water quality, the City of Santa Monica should reconsider its water quality goals for this beach and evaluate whether further efforts to meet the bacteria standards make sense. If the city does decide to relax its water quality goals at this beach, it should make sure that the public is adequately warned about the poor quality of the water and associated health risks. Issues relating to conflicting uses are further discussed in Section 5.1.

A more cautious alternative to posting warning signs would be to close the beach immediately south of the pier altogether. We do not think this is warranted. As discussed in Section 2.2, the demonstrated health risks of swimming in water contaminated at the levels

observed are not severe (incidence rates of gastrointestinal problems, earaches, etc. rose from two to four percent), and the risks of swimming in water contaminated with bacteria coming from birds rather than human sewage may be even less. We do think, however, that the persistent nature of the problem south of the pier and the lag time between monitoring and posting discussed in Section 3.1 does warrant permanent posting.

There are a number of strategies that could be considered by the city if current efforts fail and it decides to make further efforts to improve water quality south of the pier. One suggestion is to eliminate bird roosting nests under the pier. Another strategy would be to hire personnel to walk the pier and enforce anti-littering policies. However these approaches are costly, and there is no guarantee that they will work.

4.5 PICO-KENTER

Findings

The Pico-Kenter storm drain is located in the City of Santa Monica, one half mile south of the Santa Monica Pier. This facility drains portions of Santa Monica and Los Angeles. This drain has been diverted in summer months to the Hyperion wastewater treatment facility since the early 1990s. Instances of problems with the diversion system, including leaks and breaks, have prevented this beach from receiving good grades even when the diversion has been in place.

The beach at the foot of this storm drain has received Fs for the past six years during wet weather. During dry weather, the annual grades for the past six years have been poor (see Table 4.1). It is important to remember that the dry weather annual grade takes into account months in the winter when the drain is not being diverted, as well as summer low flows that are diverted. A closer look at the Pico-Kenter monitoring data reveals that when the diversion is in place and functioning properly, the water quality at this beach is very good.

Human enteric viruses have been found in the runoff from Pico-Kenter storm drain, indicating that sewage has infiltrated the storm drain system. Other potential sources of pollution include those typical of most storm drains such as illicit connections, homeless and pet droppings. The City of Santa Monica and the City of Los Angeles share ownership of and maintenance responsibilities for the storm drain.

As discussed above, the City of Santa Monica is constructing a water treatment facility (SMURRF) just south of the pier and north of the Pico-Kenter storm drain. When the SMURRF is operational, flows from the Pico-Kenter storm drain will be diverted to this treatment facility year round. A CDS unit is being installed at Pico-Kenter; flows from the storm drain will be routed through the CDS before being diverted to the SMURRF. Once the SMURRF is operational, dry weather water quality is expected to be good year round.

Recommendation

4.5 No recommendation is required. This storm drain is currently being diverted in the summer and will be diverted year round (low flows only) to the SMURRF.

4.6 MOTHER'S BEACH, MARINA DEL REY

Findings

Mother's Beach is a popular family beach located at the end of one of Marina del Rey's eight basins. Marina del Rey is a man-made marina, housing 6,000 boat slips, numerous restaurants and over 10,000 residents. It is maintained by the Los Angeles County Department of Beaches and Harbors (DBH).

Water quality at Mother's Beach is inconsistent and often very poor. Wet weather grades at the playground monitoring station have been poor during the past six years while annual dry weather grades have been mixed (See Table 4.1).

A major cause of poor water quality at this beach is limited tidal circulation. The breakwater that protects the marina from potentially damaging waves also inhibits tidal flushing in the entire marina. The far reaches of the marina, such as the end of Basin D, are subject to very little flushing action at all. Therefore, when pollutants are introduced into the water at Mother's Beach, they are likely to remain.

Speculation about and investigation into the sources of pollution at Mother's Beach have been ongoing since the 1970s. In the past few years, attention has been directed towards the large bird population that frequents Mother's Beach. The DBH has made several improvements aimed at reducing the bird population. A grid of thin braided nylon lines (often inaccurately referred to as mono-filament lines) has been strung above the beach and is thought to interfere with the birds' flight patterns, thus deterring them from landing at the beach.

Another improvement directed towards bird reduction was the installation of roost-proof buoys. The previous buoys proved an attractive roosting location for birds as they are adequately sized (roughly 36 inches in diameter) and constructed from a black neoprene which absorbs the sun's heat and becomes enticingly warm. The birds would roost and pollute the buoy and surrounding water with bird feces. The new buoys are small on the top and lighter weight and tip over when birds land on them.

The new buoys were installed in the beginning of last summer and the braided nylon grid was upgraded in the spring. The grades at Mother's Beach last summer were much better than in the previous summer, suggesting that the recent strategies may be working. Grades at the beach from April through early November of 1999 were As and A+s. However, the beach has received Fs since the end of November, so it is not clear that the problem has been solved.

Other possible sources of pollution at Mother's Beach are the Oxford Creek storm drain, which discharges to the basin adjacent to Basin D, pollution from the boats in the marina, and improper urban runoff practices by restaurants in the marina. It is not known to what degree these sources contribute to the pollution problem at Mother's Beach.

The DBH has considered other options for Mother's Beach which have been put on the back burner both in light of the recently improved grades and due to cost and technological

constraints. One such option is the installation of a filter technology at Mother's Beach to reduce pathogen flow from sources outside the beach. The filter allows water to flow through, but prevents particles larger than 20 microns from passing. Pathogens attached to larger particles could not pass through the screen. The filter would be installed in the water between Mother's Beach and the remainder of Basin D. The drawbacks of the filter technology are that: 1) it is expensive; 2) it would further hinder circulation; 3) whether the pollution is coming from the marina as opposed to the shore is unknown; and 4) even if the pollution is coming from the marina, its effectiveness is uncertain.

Another option that has been considered but is not currently being pursued is the construction of a swimming-pool-like structure, similar to the plunge in Redondo Beach. The facility would be carved out of the beach, enclosed with a sand bottom and filled with salt water. Construction of a bathing pool would allow control of the water quality, thus reducing health risks to swimmers.

Recommendations

4.6-A The County Department of Health Services (DHS) and County Department of Beaches and Harbors (DBH) should continue monitoring to determine whether the recent improvements (additional braided nylon lines, roost-proof buoys) are effective at reducing pollution at Mother's Beach.

4.6-B Until water quality improves, the DBH should place permanent warning signs along this limited-circulation beach. The signs should warn swimmers that this beach has inconsistent and often poor water quality and they should briefly describe the health risks associated with swimming in polluted water

4.6-C Before moving on to very expensive solutions, the DBH should reconsider the water quality goals for this beach.

This beach may be another example of inconsistent land uses. Perhaps a limited circulation beach located adjacent to a marina is not an appropriate swimming beach. The issues at this beach are similar to those discussed under Recommendation 4.4 (Santa Monica Pier). Again, the responsible agency, in this case, Los Angeles County, needs to decide how much money it wants to spend to ensure low bacterial indicator levels at this beach.

If the DBH decides that getting high grades at Mother's Beach is a fiscal priority, options that have been put on the back burner because they are prohibitively expensive or because of technological barriers could be reconsidered. In addition to the options mentioned above, the DBH could consider engineering solutions to improve tidal circulation, such as pumping water into the beach from other, cleaner areas of the marina or ocean. Such enormous expenditures would require a strong mandate that safe swimming at Mother's Beach is a priority to be achieved at even high cost.

4.7 CABRILLO BEACH

Findings

Cabrillo Beach is located on the east side of the Palos Verdes Peninsula, within the San Pedro Breakwater. This is a limited circulation beach, protected from ocean currents by the breakwater and bordered by two jetties. Circulation is also inhibited by eelgrass growing in the water in front of the beach. A portion of the beach is marked by buoys as a swimming beach. Cabrillo Beach is heavily used by an economically diverse population.

Cabrillo Beach is considered the most polluted beach in the county. It has received annual grades of Fs for both dry and wet weather for the past five years (with one exception – it received a dry weather grade of D in 1996).

In November of last year, the City of Los Angeles launched an intensive investigation at Cabrillo Beach to determine the source of the pollution. Possible sources considered were leaks from the sewer lines running to the restrooms on the beach, storm drains, the adjacent marina and pier, the Dominguez Channel, bather loading, and birds.

The study allowed the city to eliminate several possible sources and come to the conclusion that the problem is the birds. Off-shore sources (such as pollution from the marina) were eliminated because bacteria levels were higher at ankle depth than at knee and chest depths. Leaks from the restroom were ruled out by groundwater sampling between the shore and the facilities. Storm drains were eliminated because they do not flow unless it rains, and the problem persists in dry weather. Also, groundwater sampling along a line between the beach and the storm drain outlet did not reveal that the storm drain was a source of contamination. The Dominguez Channel was excluded because bacterial levels were not high in water samples taken at the mouth of the Dominguez Channel.

Humans are not thought to be the primary cause of the problem because bacteria levels are higher in the winter, when there are fewer people and more birds. That is not to say that humans do not contribute to the problem. People leave trash and even diapers along the beach. To ensure that humans are not the source of the problem, human virus testing will be done by the City of Los Angeles on low-use and high-use days.

The eelgrass contributes to the problem both because it inhibits tidal circulation and because it washes up on the beach and captures organic matter such as bird feces.

The city's options at this beach are limited. They sweep the beach daily to remove eelgrass and all the ensnared organic matter. They are planning on replacing the buoys marking the swim area with a roost-proof model. Installation of a braided nylon grid, such as that the one at Mother's Beach in Marina del Rey, is not an attractive option because this beach is considered a bird habitat.

One option suggested in the city's review is to install a fence between the area where the

birds tend to sit and the swimming area. Some believe this might inhibit the birds' movement into the bathing area, reducing pollution in this area.

This issue is currently under consideration by the Los Angeles City Council.

Recommendations

4.7-A The City of Los Angeles should take the measures to limit seagull use of the beach in front of the swimming area (including the fence solution) identified in their recent investigation of Cabrillo Beach.

4.7-B Until water quality improves, the City of Los Angeles should place permanent warning signs along this limited-circulation beach. The signs should warn swimmers that this beach has consistently poor water quality and they should briefly describe the health risks associated with swimming in polluted water.

4.7-C Before moving on to very expensive solutions, the City of Los Angeles should reconsider the water quality goals for this beach.

This beach, again, brings up the question of having two competing uses at one beach – in this case, bird habitat and swimming. Therefore, if measures to limit seagull use of the beach are ineffective, the City of Los Angeles should reconsider its water quality goals for this beach and evaluate whether further efforts to meet the bacteria standards make sense. If the city does decide to relax its water quality goals at this beach, it should post permanent warning signs about the poor water quality and the risks of swimming. Again, the issues discussed for Santa Monica Pier (see Section 4.4) apply also at this beach. How important is it to us as a society to ensure low bacteria levels at this beach? A costly solution could include running a pipe from outer Cabrillo Beach (outside of the breakwater) to inner Cabrillo Beach to improve tidal circulation.

Cabrillo is one of the few beaches in L.A. County in close proximity to lower income neighborhoods. It thus provides an easily accessible recreation opportunity for low-income families. This feature should be kept in mind when determining how much to spend to reduce bacteria levels at this beach.

SECTION 5. RECOMMENDATIONS FOR IMPROVING THE QUALITY OF URBAN RUNOFF

This section evaluates and makes recommendations about efforts in Los Angeles County to improve the water in the rivers, creeks, and storm drains that flow into the ocean. Urban runoff and other non-point sources cause bacteria levels to exceed health standards at almost all L.A. County beaches during wet weather (defined as the period during and the 3 days following rain). Urban runoff also causes high bacteria levels at some beaches during dry weather. In addition, urban runoff contains other contaminants such as metals and organic chemicals (e.g., pesticides) that may pose health risks to swimmers.

As previously mentioned, the Grand Jury cannot investigate nor make recommendations to the Los Angeles Regional Water Quality Control Board; however, recommendations to Los

Angeles cities and Los Angeles County must be viewed within the context of Regional Board public programs and policies.

The Los Angeles Regional Water Quality Control Board is responsible for setting water quality standards and issuing permits aimed at reducing pollution in L.A. County's rivers, creeks, and beach waters. Thus, this section is largely about the Regional Board's programs and policies. It also addresses the policies and programs of the County and the cities in L.A. County.

The Regional Board, prodded by several lawsuits by environmental groups, has ambitious plans to improve the water quality of urban runoff in L.A. County. However, we are concerned that the institutions, programs, and resources in place may not be up to the job. Below we make several recommendations for improving the system and urge the Board of Supervisors and city governments to take steps necessary to implement them. At stake is both the speed with which the benefits of cleaner rivers, creeks, and beach waters will be realized and the effectiveness of the billions of dollars that may well be spent by public and private organizations in the cleanup effort.

The following issue areas are examined in this section:

- 5.1 Setting goals for the uses of rivers, creeks, estuaries, and beach waters.
- 5.2 Identifying pollution sources.
- 5.3 The Regional Board's role in designing programs.
- 5.4 Enhancing incentives to improve water quality.
- 5.5 Matching authority with responsibility.
- 5.6 Policies for diverting urban runoff into the sewer system.
- 5.7 Monitoring and enforcement.
- 5.8 Funding for water quality programs.

5.1 SETTING GOALS FOR THE USES OF RIVERS, CREEKS, ESTUARIES, AND OCEAN

Issue

The Regional Board specifies beneficial uses for the rivers, creeks, estuaries, and beach waters in L.A. County. Different beneficial uses imply very different water quality objectives and potentially very different compliance costs. What should these beneficial uses be? Are the currently listed beneficial uses appropriate?

Findings

The Regional Board has designated beneficial uses for specific water bodies in L.A. County. These water bodies include rivers, creeks, estuaries, lakes, and beach waters. There are 24 possible beneficial uses, ranging from water-contact recreation, shellfish harvesting, and freshwater habitat to uses of water for municipal drinking water systems. Varying combinations of the 24 beneficial uses have been designated for each of the water bodies in the county.

Many experts we talked to feel that some of the designated beneficial uses are inappropriate. For example, contact recreation is listed as a beneficial use in many of the channelized sections of the L.A. River, even though access to the concrete-lined channels is prohibited. Cleaning water up in Ballona Creek so that shellfish at the mouth of Ballona Creek are safe for human consumption does not seem like a sensible goal to many. And many feel that reducing pollution in the L.A. River so that it can be used in domestic water systems (after standard treatment) is a poor use of society's resources when it is not clear that the State Department of Health Services would ever allow flow in many reaches of the L.A. River to be used directly for drinking water.

Some stakeholders feel that the process through which beneficial uses were designated (mainly in the 1970s) was inadequate. They think that the designations were done haphazardly, without proper quality control on the data and analysis. We have not been able to assess whether the process was really lacking, but regardless of the answer, it is clear that there is not widespread support among the experts we interviewed for many of the beneficial uses. This lack of support stops many from fully supporting and contributing to efforts to improve the quality of urban runoff and may lead to lawsuits that can further slow the process.

Others, mainly from environmental groups, that we talked to feel that most beneficial uses are appropriate. They criticized efforts by the County Sanitation Districts of L.A. County that used taxpayer dollars to try to "delist" drinking water as a beneficial use in several rivers and creeks. Even those that supported most beneficial uses, however, think there are probably some situations where the designated uses do not make sense.

It is very difficult to delist a beneficial use once it has been listed. By design, the barriers are high to discourage backsliding on water quality goals. Supporting the County Sanitation Districts' efforts, the Regional Board submitted a petition to delist drinking water on several reaches, but the petition was denied by California's Office of Administrative Law (the agency responsible for ensuring that proposed regulations comply with required formats and legal standards) in the summer of 1998 as insufficiently documented. We observe that while it may make a great deal of sense to create high barriers to delisting thoughtfully listed beneficial uses, it may not make sense to impose such high barriers if the original listing process was flawed.

Our examination of the beneficial uses in L.A. County also suggests that there may be conflicts among the beneficial uses that have been designated for some water bodies. For example, both water-contact recreation and wildlife are designated as beneficial uses in Malibu Lagoon, but the presence of birds may make it very difficult to meet the bacteria standards for swimming. Similarly, contact recreation and wildlife are listed at Cabrillo Beach, and we have seen how these two uses may not be compatible.

Recommendation

- 5.1 A meaningful process to prioritize the beneficial uses for the water bodies in L.A. County should be created. Near-term water quality programs should attempt to achieve the high-priority beneficial uses. Programs required to achieve lower priority beneficial uses should be deferred.**

The resource costs of the process itself and likely legal challenges make delisting an unattractive way at this point to resolve the inconsistencies between some listed beneficial uses and the lack of support for others. A phased approach leaves the beneficial uses in place, but focuses attention on the most important beneficial uses first. It means that instead of installing treatment technologies or developing pollution prevention strategies that meet the most stringent water quality objectives all at once, goals would at least initially be less ambitious. Decisions to pursue lower-priority beneficial uses would be made once there is more real-world experience with the costs and effectiveness of different pollution reduction technologies and when spending on the high-priority beneficial uses begins to wind down. It may ultimately make sense to delist some beneficial uses if certain water quality objectives are unattainable or attainable only at very high cost. However, we do not need to make the decision to delist now.

When prioritizing, it may make sense to consider beneficial uses separately during wet and dry weather. For example, water-contact recreation may be sensible in dry weather when flows in rivers and creeks are low, but not in the relatively few days of wet weather in Southern California. High flows during wet weather are dangerous, and it will likely be very expensive to reduce the contaminant levels in such large runoff volumes.

The Regional Board is beginning to issue so-called Total Maximum Daily Loads (TMDLs). TMDLs allocate pollutant loads to the different sources on a particular water body and provide the basis for pollution reduction requirements from the various sources. Leaving all beneficial uses on the books will likely mean that Total Maximum Daily Loads (TMDLs) will have to satisfy all beneficial uses, but the decisions to implement the load reductions can still be phased.

A meaningful process to prioritize beneficial uses would involve the participation of the various stakeholders—the county, the cities, industry, and environmental groups—and would create a process and decision-making criteria that all can support and abide by.

5.2 IDENTIFYING POLLUTION SOURCES

Issue

An effective and cost-conscious program for reducing pollution in urban runoff must be based on a solid understanding of the sources of pollution. Without this understanding, the right activities may not be targeted and resources may not be spent in the most effective manner. For example, if leaking sewers are the main source of the bacteria in urban runoff, resources should focus on detecting and fixing leaks. If sewers were not a major problem, investing resources on leak detection would not yield many payoffs. Do we have a good understanding of the sources of pollution in urban runoff?

Findings

Measurements show that urban runoff contains high levels of bacteria and other contaminants both in wet and dry weather. But there is little agreement on the relative

importance of the potential sources of pollutants (see Section 2.3 for discussion of possible sources).

There is particular controversy over the source of bacteria. Some (often the people responsible for the city and county storm water programs) put the majority of the blame on the sewer system. Noting that much of the sewer system in the City of Los Angeles is over 50 years old and, in their view, poorly maintained, they believe that blockages or capacity limits frequently cause sewage to come up through manhole covers and then flow into storm drains. Some also believe that leaks in the sewer pipes allow sewage to migrate underground into the storm drain system.

Others (usually people responsible for the sewer system) put the blame for high bacteria levels on contaminants picked up by water running over the surface on its way to storm drains and on illegal discharges and connections to the storm drain system. In their minds, sewers are not the main problem, and resources should be spent reducing these other sources of pollution. Sources of bacteria in surface runoff include pet and bird droppings, the homeless, and food waste washed off restaurant mats. Fertilizers and food from restaurant mats in surface runoff can also provide nutrients that allow the bacteria to multiply.

The lack of agreement reflects a lack of solid information on pollution sources. Even basic characteristics of the system are not well understood. For example, many experts think that there is a “first-flush” effect, that is, that pollution is highest during the first rainfall of the season. However, recent monitoring data suggest that the first-flush effect does not apply to bacteria: bacteria densities observed during the first storm of each rainy season were not necessarily higher than during consecutive storms.

While the beaches and Bay are extensively monitored, there has not been much monitoring inland. L.A. County is required by its storm water permit to collect water quality data at a number of inland sites, but the scope of this effort is limited.⁴ Several cities in L.A. County, researchers at UCLA and other organizations, and some environmental groups have analyzed inland water samples, but the efforts are scattered.

There does not appear to be much communication or coordination among the organizations that are doing sampling. There is no well-thought-out division of responsibilities or allocation of costs. Indeed, some organizations are not aware of the sampling other organizations are doing. Sampling procedures and test protocols are not always consistent, making it difficult to compare results (see Section 3.1). There is no central inventory or repository of existing data, making it difficult to know what has been done or learn from the experience of others either in L.A. County or in other parts of the state.

⁴ During the 1998-99 storm season, L.A. County collected wet weather data at 5 “mass”-monitoring stations, 8 land-use sites, and 9 critical source sites (along with 9 control sites). The mass-monitoring stations sample water that drains from large, or massive, drainage areas; the land-use sites are chosen to be representative of particular land uses; and the critical source sites are chosen to test the effectiveness of BMP implementation at industrial sites thought to generate substantial pollution. Some dry-weather sampling is also done at the mass-monitoring sites.

The importance of solid information in designing cost-effective pollution control strategies leads us to recommend that inland monitoring efforts be expanded and coordinated.

Recommendation

5.2 Efforts to identify the sources of the pollution in urban runoff should be coordinated and expanded. In particular:

- **An inventory and assessment of the comprehensiveness and quality of existing water quality data should be compiled.**
- **Water quality monitoring should be expanded to fill gaps in our understanding of pollution sources.**
- **Monitoring efforts should be coordinated and sampling procedures and testing protocols standardized.**
- **A rational formula for sharing costs between the county the cities in the county, and other involved parties should be developed.**

Because human sewage is thought to pose the greatest threat to swimmers, particular attention should be paid to the contribution of the sewer system, the homeless, and illegal connections and discharges to the high bacteria levels in urban runoff. A joint powers authority whose mission is to collect standardized monitoring data both inland and along the shore should be considered. The mission of the Southern California Coastal Water Research Project (SCCWRP), which has been involved in evaluating shoreline monitoring procedures, might be expanded to take on these responsibilities.

5.3 THE REGIONAL BOARD'S ROLE IN DESIGNING PROGRAMS

Issue

The Regional Board can take two fundamentally different approaches to reducing the pollution in urban runoff. It can specify performance standards, say in terms of the concentrations of bacteria and other contaminants in discharges to surface waters, and then leave it to the cities, county, and businesses responsible to figure out how to meet them. Or it can require the cities, counties, and businesses to adopt particular pollution reduction programs, the implementation of which will satisfy their responsibilities to reduce pollution. What mix of approaches should L.A. County support?

Findings

As far as urban runoff is concerned, the Regional Board is very much in the business of requiring permittees to develop programs to reduce pollution, approving them and then requiring that they be implemented. It does not write permits in terms of the concentrations or pollutant loads that permittees are allowed to discharge to the storm water system.⁵ The Board requires

⁵ The L.A. County urban runoff permit says "Timely and complete implementation by a Permittee of the storm water management programs prescribed in this Order shall satisfy the requirements of this section and constitute compliance with receiving water limitations." If the programs are inadequate to achieve water quality

the county and cities to develop storm water management programs and submit them to the Board for approval. The Board reviews and may modify the proposed programs. Once approved by the Board, the programs are then incorporated into NPDES permits.

The current urban runoff permit for the county and cities requires them to develop and implement programs to:

- Eliminate illicit connections and illicit discharges to the storm drain system.
- Control pollution both during and after construction from new development.
- Reduce the impact of public agency activities on urban runoff quality.
- Raise public awareness of urban runoff quality issues.

In all but a few instances, the county and cities are not held directly accountable for the quality of the urban runoff that flows from their jurisdictions into the rivers, creeks, and ocean of L.A. County. Rather, implementation of the Board-approved programs satisfies their responsibilities.

The recently adopted requirement to restrict runoff from new development is an example of a program developed to control pollution. As principal permittee for the municipal urban runoff permit, L.A. County developed (and has implemented in its own jurisdiction) a program that requires certain categories of new development to retain or treat runoff from the first three-quarters of an inch of rainfall on their properties. The county developed the requirement as part of a legal settlement with environmental groups, and the program is very contentious. Even though the county considered a wide range of input in developing the program, many cities and developers think it much too costly. The Regional Board approved the rule with some modifications, and the program is now mandatory for all the cities and unincorporated areas of the county.

Requiring programs has some advantages. It creates an even playing field across the county and consistency of regulations. It also eliminates the need for water-quality monitoring to measure compliance with a performance-based permit.

The Board's focus on requiring programs rather than setting performance standards raises several concerns, however. First, because the cities, county, and industrial sources do not have direct responsibility for meeting water quality standards, their focus becomes designing and implementing approvable programs, whether or not they are effective. While some agencies and businesses will undoubtedly take their responsibilities very seriously, others will likely try to get by with the least effort possible. Second, the structure and condition of the economy, the types of pollution sources, and geography vary a great deal across the county, and region-wide programs are unlikely to work equally well in all areas. For example, it may be that treatment makes much more sense in some areas, while prevention is the best approach in another. Third, as discussed more below, the Regional Board is very resource constrained. Reviewing, modifying as necessary, and then approving these programs is staff-intensive, as is monitoring

objectives, the permittees "shall submit revised storm water management programs ... that will increase the likelihood of preventing future exceedances of water quality objectives".

whether the programs are actually being implemented as designed.⁶ Finally, we are concerned with the focus on programs rather than standards because there seems to be little attention being paid among the regulated as to how well the programs that are approved and implemented really work. This does not bode well for a cost-effective pollution reduction strategy.

These concerns motivate our recommendation that the cities and County agencies focus more on setting limits on the contaminants in effluent and fixing responsibility for meeting them rather than designing programs.

Recommendation

5.3 Los Angeles cities and the County should focus more on setting limits on the contaminants in discharges to surface waters and fix responsibility for meeting them.

Holding cities, the county, and certain types of businesses responsible for numerical water quality objectives will make them very much interested in the design and implementation of water quality programs in their areas. Setting goals will allow regulated entities to design the programs that best fit their situation and encourage them to carefully evaluate the programs' effectiveness.

As discussed above, requiring programs has certain advantages, but, particularly in the coming world of TMDLs, we believe that defining compliance in terms of effluent limits is the better approach.

A focus on meeting water quality objectives requires comprehensive monitoring of the water that leaves each regulated entity (the cities, the county and regulated businesses). The intermittent and variable nature of urban runoff creates some difficulties in monitoring, but we are confident that modern automated sampling equipment can be effectively used. Increased monitoring will mean increased costs, but savings from a more efficient program will offset these increased costs.

Because of uncertainties in the sources of pollution and in the cost and effectiveness of different control strategies, some cities will undoubtedly prefer that compliance be defined in terms of implementation of a set of programs rather than in terms of meeting water quality objectives. However, the Regional Board can set or phase in water quality objectives taking into account these uncertainties.⁷ There is a movement away from centralized, command-and-control regulations in the United States and toward policies with more flexibility and dispersed

⁶ U.S. EPA has criticized the Regional Board for delays in reviewing the model programs submitted under the L.A. County municipal storm water report. EPA has noted that there was a significant lack of overall progress in implementing the terms and conditions of this storm water permit. The Board had not reviewed and approved the model program components submitted by Los Angeles County, the lead permittee. Five major model programs had been submitted by the county but had not been reviewed and/or approved by the Board. EPA's concern was so great that it recommended that neither it nor the Regional Board issue permits which rely on actions by a regulatory agency before requirements can go into effect.

⁷ By determining what sets of programs are adequate to meet water quality responsibilities, the Regional Board in effect sets interim water quality objectives in the current system.

responsibility. While some may be comfortable with the old system, the new system promises better results at lower costs.

5.4 ENHANCING INCENTIVES TO IMPROVE WATER QUALITY

Issue

The previous section urged the responsible agencies broad discretion in designing programs to achieve objectives. This section addresses the character of these programs. In particular, it examines the role of incentives for voluntary actions to improve water quality. What mix of incentives versus required programs makes sense in L.A. County?

Findings

The current system relies very little on financial, market, or other incentives to improve water quality. Programs adopted by the cities, county, and Regional Board are in the form of regulatory programs with penalties (at least in principle) for noncompliance. Programs that rely on voluntary response to individual or organizational incentives are being used to address many other resource and environmental problems and could be applied here.

Some incentives that have been used are financial: for example, financial incentives to install low-flow toilets or energy-efficient refrigerators. Sometimes the incentives are reputational. EPA's Green Star program, for example, acknowledges businesses with model environmental programs. These awards can help improve perceptions of the companies in the communities in which they operate or with regulators or consumers. Market incentives have also been used in several areas. The South Coast Air Quality Management District's RECLAIM program assigns rights to emit certain amounts of pollutants which can then be bought and sold on the open market. Such markets provide incentives for firms to reduce emissions beyond their assigned limit (by allowing them to sell their unused emission rights) and encourage the firms that can reduce emissions most cheaply to make the greatest emissions reductions. Incentive-based programs have been successful in other areas and may well make sense in the water-quality area.

Recommendations

5.4-A The L.A. County Department of Public Works and the appropriate city departments should explore programs that rely on incentives for voluntary actions that improve the quality of urban runoff. Approaches that should be explored include:

- **Financial incentives for businesses and homeowners to reduce runoff flows or improve runoff quality. The cities and county should consider imposing storm water fees that could fund such programs.**
- **A county-wide awards program that acknowledges business or government agencies that have adopted exemplary programs to improve urban runoff.**

The City of Los Angeles already has a storm water fee in place that could be used to fund incentive programs. This fee system should serve as a starting point for discussions in other cities and the county for adopting storm water fees.

5.4-B The setting up a market for water quality pollutants should be explored. Dischargers would be assigned pollution limits and could buy rights to emit pollutants if it were too difficult to reduce their own pollutants or sell rights if they reduced pollutants below their cap.

The participants in a market for pollutants would include the cities and county responsible for controlling discharges of urban runoff into the rivers, creeks, and oceans. Businesses with point-source discharge permits or general industrial storm water permits and publicly owned treatment plants would also be included.

There are several important issues that need to be investigated before setting up a market for water pollutants. First, trading raises the concern that pollutants will be concentrated in certain areas. Trading may thus have to be restricted to certain zones (e.g., within defined drainage basins). Second, systematic monitoring will be required to verify that emissions do not exceed the rights to discharge held by the firm. Highly variable urban runoff flows make this a challenge. It is not obvious that a market system will work in the water quality area, but the potential benefits of such a system warrant its consideration.

5.5 MATCHING AUTHORITY WITH RESPONSIBILITY

Issue

The Regional Board is embarking on an ambitious effort to clean up urban runoff. It is unclear, however, that it or the cities, county, and businesses that it regulates have the authority to control some significant pollution sources or adopt some of the more innovative types of treatment technologies, such as in-stream bio-remediation. The result may be reliance on end-of-the-pipe treatment solutions that are more expensive than necessary. Are the authorities of the Regional Board and the entities it regulates properly matched with their responsibilities? Are additional authorities needed? Who should have them?

Findings

There are several important sources of pollution in urban runoff that neither the Regional Board nor the cities, county, and businesses it regulates have the power to reduce at the source. For example, automobile and truck brake pads are thought to be a significant source of the copper that winds up in urban runoff, but neither the Board nor the regulated entities can require that brake pads contain less copper. Likewise, oil leaks and grease drippings from cars and trucks are likely a significant source of the oil and grease that ends up in urban runoff, but the Board, cities, County, or Caltrans (which has its own urban runoff permit) do not have the power to require that oil systems be checked for leaks during vehicle inspection programs or to set standards for the formulation and application of grease on tractor-trailer bearings. Pollutants from vehicle exhaust (which then settle out of the atmosphere) are another example of a

potentially important source of pollution over which the water-quality regulators and regulated have no direct control. Chain link fences may be the major source of the zinc that shows up in urban runoff, but controlling the zinc-content of chain link fences is out of reach of the agencies responsible for pollution reduction programs.

Current institutional boundaries restrict the types of remediation strategies that can be considered. Natural attenuation of some pollutants in stream beds and wetlands may make a lot of sense and create multiple benefits, but the Regional Board and regulated entities often do not have the authority to restore to more natural states stream channels that are encased in concrete or to build or restore wetlands.

The lack of authority over important sources of pollution or the ability to implement certain treatment strategies means that certain types of solutions are not even considered, and even if considered, are quickly taken off the table because of the inability to implement them. As a consequence, cities and others may be forced into expensive end-of-the-pipe treatment when other approaches are more sensible.⁸ This is not a desirable outcome. We as a society should not let institutional boundaries get in the way of the best solutions.

Recommendation

5.5 The County should lead an effort to identify what additional powers are needed by the Regional Board, the cities, and the County pertaining to water quality control, determine who should have these powers, and then obtain them.

It may make sense for the Regional Board to be the lead agency for regulations on consumer products such as brake pads or chain link fences. The South Coast Air Quality Management District (SCAQMD) might provide a model to follow. SCAQMD regulates many consumer products sold in its jurisdiction (paint and barbecue lighter fluid, for example) in an effort to reduce air pollution.

The authorities that result from such a process should be well aligned with the responsibility for reducing particular pollution sources. For example, if the Regional Board has authority and takes responsibility for the copper in brake pads and the zinc in chain-link fences, then removing the pollutants from these sources should not be the responsibility of the cities, the county, or Caltrans. Such exemptions are analogous to current exemptions for runoff from agricultural lands or exemptions for runoff from public schools and universities, which are outside the jurisdiction of cities and the county.

⁸ The Regional Board acknowledges that certain pollutants present in storm water and/or urban runoff may be contributed by activities which the Permittees cannot control but Permittees can implement measures to minimize entry of these pollutants into storm water.

5.6 POLICIES FOR DIVERTING URBAN RUNOFF INTO THE SEWER SYSTEM

Issue

Diversion of low volumes of urban runoff into the sewer system is one of the many policy options being considered as a solution to the beach water pollution problem. Many of those involved in water quality issues consider diversions to be the best way to guarantee clean water in the short term. Others have reservations about the costs and potential liability for failure of sewage treatment plants. Does the current diversion policy in the county make sense? What improvements might be made?

Findings

We first present some background on the advantages and disadvantages of diversions. We then describe current diversion programs in the City of Los Angeles, where the debate over diversions is perhaps the most intense, and in Los Angeles County. We conclude by describing the issues that remain unresolved in developing a sensible diversion policy for the county.

Background. Diversions send polluted urban runoff into the municipal sewer system. Sewer system capacity constraints limit the amount of runoff that can be diverted to the sewers. The chief benefit of diversions is that they immediately eliminate polluted urban runoff from beaches, at least when flows are sufficiently low.

Source reduction is an alternative to diversions, but as we have seen (see discussion of Santa Monica Canyon in Section 4.3), eliminating the causes of the pollution in urban runoff is difficult. Source identification is costly and often unsuccessful. There is not much evidence so far that regulations (Best Management Practices) to reduce pollution in urban runoff are very effective. Public education campaigns that focus on changing people's behavior may ultimately have an effect, but it is likely that this is a long-term solution that may take a generation to yield tangible results.

Small treatment devices are also an alternative to diversions in some locations. We have not been able to compare their costs with those of diversions, but the innovative approaches that have recently been developed are still largely untested in the real world. Siting such facilities may also be a problem. Malibu is currently experimenting with some innovative small-scale treatment devices, and Santa Monica is building a moderate-sized water reclamation facility.

Cost is, of course, a drawback of diversions. The types of diversions under consideration by the City of Los Angeles typically cost \$300,000 to \$1 million to build and tens of thousands of dollars a year to maintain and operate (including sewage plant treatment costs). Construction costs for the projects undertaken by the County Department of Public Works typically range from \$150,000 to \$200,000. Some of the experts interviewed question spending scarce resources on diversions when there are so many other pressing social problems and when a simple solution to the health risk might be to prohibit people from swimming right in front of the storm drain.

Diversions are also not feasible or desirable in some situations. For example, Ballona Creek, a large source of pollution to the Santa Monica Bay, cannot be diverted because the flow is too large. Diversion at the bottom of Topanga Canyon is not attractive because existing flows create wildlife habitat.

The potential to cause sewage treatment plants to fail to meet water quality standards is a third drawback of diversions. While there are stringent regulations to control what enters the sewer system from standard connections, there is much less control of what ends up in storm drains. Diversions may allow toxic substances to enter the sewer system that in turn cause the sewer treatment plant to malfunction or that cannot be removed by the installed treatment process. The result may be a violation of the plant's NPDES permit, resulting in fines by the Regional Board.

Diversion Programs in the City of Los Angeles. Diversion policy came to the forefront in Los Angeles when, in conjunction with the release of the Santa Monica Bay Restoration Project epidemiological study in 1996, Mayor Richard Riordan announced that Los Angeles would investigate diverting up to 12 storm drains on city property along Santa Monica Bay.

In response to this announcement, the city's Stormwater Management Division in the Department of Public Works released a low-flow diversion report. The 1996 report presented a prioritized list of low-flow diversions. The report was received with some skepticism because many thought that proposed locations were prioritized according to what was easiest from an engineering perspective, as opposed to where the health risks were the greatest. In light of the criticism, the Stormwater Management Division re-addressed the issue, preparing another report that ranked the 12 storm drains according to pollutant concentrations, flow rates, and beach attendance. This report is currently in committee, and city policy on diversions is still in flux.

The city has proceeded with two of these diversions, one at the Bel Air Bay Club and the other at Thorton Avenue in Venice. The rationale for proceeding with these diversions in advance of a more general diversion strategy is unclear. For example, flows from the Bel Air Bay Club storm drain were not large and attendance at this beach is not high relative to other beaches where urban runoff is not diverted.⁹ As discussed in Section 4.3, the city has secured Proposition A funds for the Santa Monica Canyon diversion, but the final decision to proceed with this diversion has not been made.

Diversions Programs in the County of Los Angeles. Five diversion projects by the county are underway: Herondo St., Ashland Ave., Brooks, Ave., Pershing Ave., and Alamitos Bay. With the exception of Alamitos Bay, construction costs of these projects are funded by Proposition A. The county has also agreed to fund half of the annual maintenance cost of the Santa Monica Canyon diversion up to \$50,000, should it proceed. Currently, the County does not have plans for additional diversions. It believes, and at least some environmental groups concur, that the next set of candidates for diversion does not justify the cost.

Issues Outstanding. There are a number of important issues related to diversions that remain outstanding. First, there is little coordination between the City of Los Angeles, the

⁹ Perhaps this drain was diverted because it was easy from an engineering perspective.

county, and other cities in choosing how many and which storm drains to divert. The county is going ahead with its own program, and Los Angeles is considering how to proceed with its diversion plan. A more regional approach to prioritizing and allocating scarce resources would make sense.

Second, there is no systematic approach to sharing the costs of diversions. In most cases the urban runoff in a storm drain comes from a combination of jurisdictions that can include multiple cities, unincorporated areas of the county, and the state. Now cost sharing is done on an ad-hoc basis with the hope that over the long run, costs will balance out. Many of the experts we interviewed do not think the current approach to cost allocation is equitable, however. Several we interviewed in the City of Los Angeles feel that the city will end up paying more than its fair share, questioning why other cities in the county and the state do not pay more. Talks between the city and the county on cost sharing are underway, and, according to those we interviewed in the city, progress is being made. Efforts are also being made to bring the state and other cities into the discussions.

Third, liability issues remain. Fears that diversions will cause water-quality violations at sewage treatment plants have yet to be realized, but may be real. The agencies that run the sewage treatment plants do not want to bear this risk, but principles for sharing risk have not been developed. Some have suggested that the Regional Board should waive fines for violations that are related to diversions, but it will undoubtedly be difficult in many cases to verify that a diversion is responsible.

Recommendation

5.6 The Departments of Public Works in the City and County of Los Angeles should develop a coordinated policy and strategy on storm water diversions. Criteria for approving diversions should be developed as well as an equitable funding strategy. Potential impacts on sewage treatment plants and consequent financial liabilities should be addressed.

The city and county should work together to create a master list of diversion projects. Projects should be prioritized according to an agreed-upon formula considering factors such as degree of problem, risk of exposure (i.e. proximity of the storm drain to a populous beach), potential for successful source identification, potential for successful implementation of BMPs, and feasibility from an engineering perspective.

The County and the City of Los Angeles should continue their efforts to develop a cost-sharing formula that considers both the area of origin of the runoff and the incidence of the benefits from the diversion. The state and other cities that contribute to flows in the drains subject to diversion should be also be pulled into the discussions.

Efforts should be made to reduce the possible impacts of the diversion on sewage treatment plants and to clearly assign (and share as appropriate) liability for violations that do occur. One approach that should be considered is to install automatic monitoring stations just

upstream of diversions. Readings from the stations could be used when treatment plant permit limits are exceeded to determine the appropriate fine and its allocation.

5.7 MONITORING AND ENFORCEMENT

Issue

No matter how good they may look on paper, efforts to clean up the rivers, creeks, and oceans in L.A. County are only effective to the extent that the responsible organizations translate the words into action. Many of the experts we interviewed are concerned that the Regional Board is not adequately monitoring whether the cities, county, and industries that contribute to pollution in urban runoff are complying with their permit requirements and that the Regional Board does not issue strong enough penalties when they fail to comply. Many are similarly concerned about efforts by the cities and county to enforce municipal ordinances related to urban runoff. How effective are the compliance monitoring and enforcement programs in the county? How might they be improved?

Findings

The L.A. Regional Board regulates urban runoff in L.A. County through a municipal storm water permit (L.A. County is the principal permittee with 86 cities as co-permittees) and approximately 2,600 industrial and 600 construction permits. Regional Board enforcement programs are in four areas: the industrial storm water program, the municipal storm water program, spills, and point source permits. We then examine the monitoring and enforcement programs in the City and County of Los Angeles and their coordination with Regional Board programs.

Industrial Storm Water Program. Some analysts believe that there are many industrial facilities that are required to obtain storm water permits but have failed to do so. For example, based on its own research and that done by UCLA, a report by Heal the Bay concludes that there are 5,000 to 10,000 facilities in the region that have failed to obtain the required permits. While recognizing that increased efforts are underway, U.S. EPA also believes that non-filing is an important issue.

In response to this concern, the Regional Board has mounted an intensive effort to identify non-filing facilities. Preliminary results show that there are fewer non-filing facilities than previous estimates suggested and that the non-filing issue is well on its way to being resolved.

Monitoring for compliance with existing industrial storm water permits consists, first, of checking whether the required annual reports have been submitted and, second, of conducting about 100 or so inspections per year.¹⁰ Compliance with the reporting requirement is not very good. One report states that 29 percent of the firms required to submit annual reports under the

¹⁰ EPA reports that 50 sites were inspected in 1996/97. Regional Board staff confirmed that inspections were currently running about 100 a year.

terms of their storm water permit failed to do so in 1995/96 and that roughly three-quarters of these were more than one year late. The results of inspections also do not suggest a very effective program. There is evidence that many firms are not doing what is in their storm water plan. Also, at this point, there has been very little assessment of the efficacy and appropriateness of the storm water management plans themselves.

Municipal Storm Water Program. As principal permittee, L.A. County coordinates the annual reporting required of the county and the 86 cities that are co-permittees. Problems with reporting did not come up during our investigation. There is, however, little in-field monitoring of compliance with the terms of the permit or the efficacy and appropriateness of the programs in the various cities. There have been no substantive audits of city programs, and that the review that does exist focuses on reporting and procedural requirements. Programmatic audits of the city and county programs are necessary to ensure that the municipal storm water program is more than a paper program.

Spills. Every day in L.A. County there are several sewage spills. Most of these are small and probably do not reach the storm drain system. A system of permits and reporting requirements enables the Regional Board to monitor the performance of the system at a basic level and provides incentives for system maintenance through fines. It also allows the County Department of Health Services to issue swimming health advisories as appropriate. There is an important gap in this system, however. The county and the cities that have permits with the Board to operate sewage treatment facilities or that hire the county to run their sewage collection systems are required to report spills to the Regional Board, the County Department of Health Services, and the State Office of Emergency Services. The cities that run their own sewage collection systems¹¹ are required by their municipal storm water permits to report spills to the County DHS, but DHS receives no such reports. There is thus a general lack of information on the performance of these systems and no mechanism in place to issue beach closures if the spills are a threat to public health.

Environmental and public interest groups have raised concerns that the Regional Board is not tough enough on the cities, county, and businesses that spill sewage or water tainted with other contaminants. CalPirg reports that of the 1,857 spills in the L.A. Region in 1997 and 1998, only 46 triggered formal action and only 10 resulted in fines.

According to Heal the Bay, only 4 of the 2,194 spills between 1992 and 1997 resulted in penalties or referrals to the attorney general. Many of these spills do not reach waterways and the Board has a progressive enforcement policy that starts with warnings and culminates with fines for repeat violators. Over the last two years or so the frequency and size of fines for spills, particularly on municipal sewage systems, have increased. This may have been in part due to increased spills during wet El Niño winters, but it also suggests that the Board decided that its past enforcement policies were too lax and is moving to remedy the situation.

¹¹ About one-half of the cities in L.A. County are not members of the county's consolidated maintenance district and either run their own sewage collection systems or hire private vendors to maintain their sewage collection systems.

A state law that took effect on January 1 indicates more general dissatisfaction with the enforcement policies of water quality regulations across the state. SB709 requires mandatory penalties for serious and chronic violations. For better or worse, it severely limits discretion in imposing fines.

Point Sources. We have focused on monitoring and enforcement for urban runoff policies in this section, but one issue of concern arose during our investigation of the water quality monitoring associated with point source permits—permits that regulate discharges from municipal sewage and industrial process-water treatment plants. There is general satisfaction among those we interviewed with the frequency of inspections of the 44 major dischargers and 260 minor dischargers throughout the region. However there is concern that the water samples used to monitor compliance with the permit are not representative of the flows from the facilities. Dischargers are required to collect samples and report results of lab analyses to the Board. Some we interviewed felt that dischargers “game” the system, taking samples during periods when the treatment plant is known to be working well or when inflows into the plant are low or have low pollution levels.

Enforcement in the City and County of Los Angeles. The County visits all restaurants and other businesses in selected Standard Industrial Classification (SIC) codes to inform them of their responsibilities related to urban runoff under municipal codes and the county’s municipal storm water permit. Under the terms of the county permit, two such educational visits per site are required between 1996 and 2001. The County has responsibility for businesses in unincorporated areas and in cities that have contracted with the county for this service. Consistent with the education mission, not a large number of citations for runoff-related violations have been issued since the program began.

The City of Los Angeles is also conducting educational visits at approximately 15,000 businesses under its jurisdiction. The city is currently finishing up the second round of visits. In recent months, it has been issuing 10 to 15 notices to comply with urban runoff regulations a month and is gearing up for a greater emphasis on enforcement.

Several issues arose in our investigation of city and county enforcement programs. First, we found little coordination between county and city programs and the Regional Board’s industrial storm water permit enforcement program (see above). The county or city staff also separately visits most firms visited by Regional Board staff. There is also an overlap at construction sites. The City and County of Los Angeles inspect construction sites for compliance with runoff requirements. There do not appear to be plans to coordinate visits by the city and county with the Regional Board. Duplication between the cities and county and state programs increases the regulatory burden on the businesses in the county and wastes scarce enforcement resources.

Second, we found that there is an ongoing debate over the division of enforcement responsibilities between the Regional Board and the cities and the county. Negotiations during the last renewal of the municipal storm water permit (which went into effect in 1996), illustrate this tension. The Regional Board wanted the local agencies to enforce the runoff provisions. The cities balked, and the requirement for educational visits, without inspection and enforcement

responsibilities, was the compromise. The allocation of enforcement responsibilities will undoubtedly be a topic of debate during the 2001 permit renewal negotiations.

The third issue that arose in our investigation of the enforcement programs of L.A. City and County is whether local agencies should have the power to issue non-criminal infractions or tickets, with associated fines, for urban runoff violations. The city and county have the power to issue notices of noncompliance and notices of violation but have to submit these to the district or city attorney for enforcement. The violations fall under criminal codes and are usually prosecuted as misdemeanors, but can be felonies. The City of Los Angeles has recently approved non-criminal fines for runoff violations. The details are currently being worked out, but plans are for fines to start at \$50 for the first violation, increase to \$100 for the second, and rise to \$250 for the third, along with a notice to comply. Failure to comply can lead to criminal referral to the city attorney at any step of the process. The city plans to start issuing tickets within the next six months. Los Angeles County currently does not have ticketing authority.

Some we interviewed thought that ticketing authority is an important addition to the enforcement tool chest. City and district attorneys are very busy and usually do not view runoff violations as a high priority. Evidentiary requirements for criminal prosecutions are high, increasing the cost of enforcement. Criminal prosecution also seems inappropriate for all but the most flagrant violations. The result, advocates for ticketing authority argue, is not much enforcement. Others we interviewed were leery of ticketing authority. They worry that it would be abused as a way to generate revenue and that it would turn inspections into a much more adversarial process. They worry that the educational element of inspections would be compromised and that voluntary compliance with runoff regulations will decline.

Recommendations

- 5.7-A Programmatic audits of city and County storm water programs should be conducted. These audits should verify whether programs outlined in the permits are being implemented and assess their adequacy and effectiveness.**
- 5.7-B The cities and County should coordinate and consolidate as appropriate their inspection programs of industrial and construction sites, with the Regional Board. This program should increasingly focus on the adequacy of the storm water management plans and the extent to which they are being implemented.**
- 5.7-C More generally, the cities and County should clarify the division of enforcement responsibilities between them and the Regional Board. Enforcement should be delegated to the cities and County, whenever possible.**
- 5.7-D The County of Los Angeles Department of Public Works should investigate the advantages and disadvantages of ticketing authority for runoff violations. Based on a review of experiences in the City of Los Angeles and other jurisdictions that have the ability to issue tickets for infractions, the Department should make a recommendation to the Board of Supervisors on whether the county code should be amended to allow such ticketing.**

5.7-E The Board of Supervisors should insist that cities that operate their own sewage collection facilities should report spills to the Regional Board and the County Department of Health Services.

To make sure that our pollution control system is more than a paper tiger, additional resources need to be spent on auditing the activities that actually reduce pollution.

5.8 FUNDING FOR WATER QUALITY PROGRAMS

Issue

Many believe that the Regional Board is severely underbudgeted and, as a result, progress in cleaning up the waters in the County has lagged.

Recommendation

5.8 The Board of Supervisors should lead an effort to increase funding for the Regional Board.

Potential funding sources include increased permit fees from the municipalities and businesses in L.A. County and the State General Fund. The Supervisors should appeal to the governor and the State Water Resources Control Board directly as well as enlist the support of the L.A. delegation to the state legislature. While increased funding for the Regional Board means more outlays for a public agency, the savings from better-designed and more effective water quality programs will far outweigh the costs.

DISABLED ACCESS TO PERFORMING AND VISUAL ARTS FACILITIES IN LOS ANGELES COUNTY

This report relates to the assessment of Disabled Access by patrons to performing and visual arts facilities owned by the County of Los Angeles and cities within the County of Los Angeles.

Of particular interest were barrier-free paths of travel, the availability of Telephone Devices for the Deaf (TDD) phones and Assistive Listening devices for patron use, and appropriate Braille signage.

Technical compliance with the Americans With Disabilities Act (ADA) and the Uniform Building Code (UBC) were not considered conclusive evidence of accessibility, and non-compliance with the ADA or the UBC were not considered conclusive evidence of non-accessibility.

This report does not rely upon ADA or UBC regulations, codebooks, test apparatus, or tape measures. Rather, the committee looked at the practical aspects of handicapped access. The committee did not explore whether persons with visual, hearing, or mobility impairments are reluctant to patronize City and County facilities because of the extra effort involved; we just explored whether an equivalent experience was available. No subterfuge or policy utilized to defeat or circumvent the legislative intent of providing effective access for patrons with disabilities to public venues used for the performing or visual arts was found, and both effective and ineffective attempts of attaining equal, or at least equivalent, access were noted. The fact that certain historical structures are legally exempt from ADA compliance should not prevent the curators of those buildings from making a legitimate effort to provide at least limited access.

Types of Venues:

Theaters: Patron access only was audited; not employee access. Theaters must have fixed or portable seating, a performance area, and must be actually used as a theater to be considered for this audit.

Museums: Must be enclosed, have items on display, and actually be used as a museum to be considered for this audit.

Other Venues: Those where plant, animal, or marine life are present; must have controlled access to be considered for this audit.

FINDINGS

- African American Firefighter Museum **Fully accessible.**
- Ahmanson Gallery **Fully accessible.**
- Ahmanson Theatre **Fully accessible.**
- Anderson Galley **Fully accessible.**
- Angels Flight **No accessibility. The wheelchair entrance on the car is blocked with plywood.**
- Anna Bing Theatre **Fully accessible.**
- Armand Hammer Gallery **Fully accessible.**
- Arroyo Seco Art in the Park **Adequate; needs handicap signs, ramps and parking.**
- Atwater Village Library Auditorium **Fully accessible.**
- Autry Wells Fargo Theatre **Fully accessible.**
- Autry Western Heritage Museum **Fully accessible.**
- Autry Western Legacy Theatre **Fully accessible.**
- Avalon Library storytime areas **Full accessibility through side entrance.**
- Banning Residence Museum **Adequate; no access to second level, videotape available.**
- Bedwell Hall Theatre **Fully accessible.**
- Beverly Hills Library Theatre **Fully accessible.**
- Bilingual Foundation for the Arts **Adequate accessibility.**
- Bixby Park Bandshell **Fully accessible.**
- Board of Supervisors Hearing Room **Adequate accessibility but very long path of travel.**
- Bolton Hall Museum **Adequate accessibility but very long path of travel.**
- Brand Park Art Gallery **Adequate Accessibility except as to restrooms, signage, and TDD.**
- Brand Park Recital Hall **Adequate Accessibility except as to restrooms, signage, and TDD.**
- Burbank Art Museum **Fully accessible.**
- Burbank Center Theatre [former site of Museum of Natural History- Burbank] **Fully accessible.**
- Burbank Little Theatre **Fully accessible.**
- C. Robert Lee Community Art Center **Fully accessible.**
- Cabrillo Marine Aquarium **Fully accessible.**
- Cahuenga Library multipurpose room **Fully accessible, call first to get the key to the elevator.**
- Camera Obscura-Los Angeles **Adequate to whom can make one step from their wheelchair.**
- Camera Obscura-Santa Monica **Inaccessible to those with a serious mobility impairment.**

Campo de Cahuenga Museum **Adequate accessibility.**

Carson Community Center **Fully accessible but needs Braille signage on restrooms.**

Caruthers Park Stage **Fully accessible.**

Center Theatre **Fully accessible, except for no TDD machines.**

Centinela Adobe. **Adequate; exterior inspection only, appears accessible.**

Cerritos Center for the Performing Arts **Fully accessible.**

Cerritos Park East **Fully accessible.**

Chamlee Nature Center **No manmade barriers or ramps and limited natural accessibility.**

Cirque du Soleil **Full accessibility, wheelchair lift to box office windows was unique.**

Clifton Brakensiek Library **Adequate accessibility.**

Clover Park Recreation Center **Adequate accessibility.**

Compton Auto Plaza concert area. **Large flat accessible area used seasonally.**

Compton Library **Very good accessibility.**

Craft and Folk Art Museum **No access to balcony, video presentation provided.**

Cypress Auditorium **Adequate accessibility.**

David Henry Hwang Theatre **Adequate accessibility but requires elevator key and attendant.**

Descanso Gardens **Fully accessible. Eleven wheelchairs available free to patrons.**

Don Tuttle Park stage **Adequate accessibility.**

Dorothy Chandler Pavilion **Unsafe wheelchair access. See recommendations.**

Dorothy Collins Brown Amphitheater **Fully accessible.**

Downey Historical Society **Adequate accessibility, except for balcony.**

Downey Museum of Art **Fully accessible.**

Downey Theatre **Fully accessible; excellent multiple access points, needs Braille signage.**

Drum Barracks Museum **Fully accessible except for balcony, video presentation available.**

Eaton Canyon Nature Center **Fully accessible.**

Echo Park Library multipurpose room **Fully accessible but door openers do not function.**

Echo Park Recreation Center **Adequate accessibility.**

El Dorado Nature Center **Fully accessible paved path nature trail with rails. Exemplary.**

El Dorado Regional Park West Bandshell **Fully accessible.**

Elysian Park Adaptive Recreation Center Arboretum **Not accessible by public transportation.**

Elysian Park Adaptive Recreation Center Auditorium **Interior fully accessible. Poor lighting.**

Encino Media Center **Adequate accessibility.**

Equestrian Center arena **Adequate accessibility to some parts of the arena seating area.**

Fairfax Branch Library **Adequate accessibility.**

Fairfax Senior Citizens Center stage **Fully accessible.**

Fairplex Building Four Stage **Fully accessible.**

Fairplex Grandstand **Fully accessible, but limited selection of locations for wheelchairs.**

Felipe de Neve Library multipurpose room **Fully accessible by ramp and separate entrance.**

Field of Dreams Stage **Fully accessible outdoor area, wheelchairs mix with other seating.**

Fiesta Hall **Adequate accessibility.**

Fletcher Bowron Square **Accessible only by unreasonably long path of travel.**

Fort MacArthur Military Museum **Poor, almost no accessibility for wheelchairs.**

Francis Howard Goldwyn Hollywood Library gallery **Fully accessible.**

Francis Howard Goldwyn Hollywood Library storytime area **Adequate accessibility.**

Frank Bonelli Park Amphitheater **Fully accessible, long path over grass, stage brought in.**

Friendship Auditorium **Fully accessible but needs Braille signage.**

Gallery Theatre **Fully accessible.**

Gardena Community Center **Fully accessible, including Assistive Listening devices.**

Geffen Museum **Fully accessible has interior ramps to displays.**

George S. Page Museum Dinosaur Theatre **Adequate accessibility.**

George S. Page Museum Discovery Theatre **Adequate accessibility.**

George S. Page Museum **Fully accessible except for interactive tar viscosity display.**

Getty Photo Gallery of the Central library **Fully accessible.**

Glendale Civic Auditorium-lower venue **Adequate accessibility.**

Glendale Civic Auditorium-upper venue **Adequate accessibility.**

Greek Theatre **Good wheelchair seating locations, adequate access, should install a TDD.**

Hansan Dam Amphitheater **Wheelchair access across steep grass. Restrooms inaccessible.**

Hawthorne Memorial Center **Fully accessible. Separate restrooms for the disabled.**

Heritage Square **Exteriors only of the historic houses collected there are accessible.**

Hermosa Beach Civic Theatre **Adequate accessibility.**

Hermosa Beach Playhouse **Adequate accessibility.**

Highland Park Recreation Center Auditorium **Adequate accessibility.**

Hilltop Park Stage **Adequate accessibility, including to telescope.**

Hinds Pavilion **Fully accessible when wheelchair seating area is not blocked by tables.**

Hollenback Recreation Center **Restrooms inaccessible; no designated handicap parking.**

Hollyhock House **First floor only access is reasonable as no change in architecture possible.**

Hollywood Bowl **Exceeds highest standards except for TDD. See recommendations.**

Hollywood Bowl Museum **Fully accessible.**

Hollywood Recreation Center **Fully accessible.**

Hollywood Studio Museum **Fully accessible by ramp access available to all areas.**

Huntington Park Civic Theatre **Fully accessible needs listening devices and signage.**

Huntington Park Community Center **Fully accessible needs Braille signs at the right height.**

Inside the Taper **Adequate accessibility when there are open disabled parking spaces.**

Japanese American Historical Pavilion **Fully accessible.**

Japanese American National Museum **Fully accessible.**

Japanese Gardens **Poor accessibility for wheelchairs; impassible bridges, uneven walkways.**

Japanese Pavilion **Fully accessible.**

Jim Gilliam Recreation Center **Adequate accessibility; no ramps or disabled parking spaces.**

John Anson Ford Theatre **The inaccessible box office is being moved. See recommendations.**

John C. Fremont Library multi-purpose room **Fully accessible, flat, no fixed seating area.**

Joslyn Center-Burbank stage **Fully accessible.**

Joslyn Center-Manhattan Beach **Fully accessible.**

Joslyn Center-Santa Monica stage **Fully accessible.**

Junior Arts Center Gallery **Fully accessible, turn at top of ramp hard for some wheelchairs.**

Ken Edwards Center **Fully accessible.**

Lafayette Community Center auditorium **Fully accessible, including signage.**

Lancaster Library multipurpose room **Fully accessible but needs Assistive Listening devices.**

Lancaster Performing Arts Center **Fully accessible.**

Lankershim Arts Center Gallery/ Dance Theatre **Adequate, but see recommendations.**

Lankershim Arts Center Theatre **Fully accessible; uninstalled Assistive Listening devices.**

Leland Weaver Library **Adequate parking and accessibility. Needs Braille signage.**

Liberty Park Amphitheater **Adequate accessibility.**

Lincoln Heights Library multipurpose room. **Adequate accessibility.**

Lincoln Heights Senior Citizen Center **Poor accessibility.**

Lincoln Park Recreation Center auditorium **Fully accessible.**

Long Beach Aquarium **Fully accessible.**

Long Beach Aquarium Honda Theatre **Fully accessible.**

Long Beach Arena **Adequate accessibility.**

Los Angeles Children's Museum **Fully accessible but entrance by wheelchair cumbersome.**

Los Angeles City Council Chambers **Fully accessible but sightlines are poor due to flat floor.**

Los Angeles City Fire Station Museum **Fully accessible first floor, second floor will be soon.**

Los Angeles Convention Center Theatre **Fully accessible.**

Los Angeles County Arboretum **Access limited by terrain but tram can carry wheelchairs.**

Los Angeles County Fair temporary galleries **Fully accessible, yearly pre-fair re-inspections.**

Los Angeles County Fair temporary stages **Fully accessible, yearly pre-fair re-inspections.**

Los Angeles County Museum of Art West **Adequate, unisex restroom needs Braille signage.**

Los Angeles County Planning Commission Auditorium **Wheelchairs in center of seating OK.**

Los Angeles Municipal Art Gallery **Long path of travel to front door, very slippery floors.**

Los Angeles Observatory Museum **Small part of Museum up marble steps not accessible.**

Los Angeles Observatory Telescope **Not accessible to wheelchairs due to narrow stairs.**

Los Angeles Photography Center Gallery **Adequate except as to restroom access and signage.**

Los Angeles Planetarium Theatre **Fully accessible, provides special wheelchair headrests.**

Los Angeles Sports Arena **Fully accessible.**

Los Angeles Theatre Center- Theatre #1 **Accessible only as long as the elevators work.**

Los Angeles Theatre Center- Theatre #2 **Accessible only as long as the elevators work.**

Los Angeles Theatre Center- Theatre #3 **Accessible only as long as the elevators work.**

Los Angeles Theatre Center- Theatre #4 **Accessible only as long as the elevators work.**

Los Angeles Zoo **Adequate accessibility for this type of venue. Long, steep path to entrance.**

Los Feliz Branch Library multipurpose room **Fully accessible.**

MacArthur Park Bandshell **No wheelchair spaces. Removing one bench would be adequate.**

MacArthur Park Long Beach **Adequate accessibility. No barriers or improvements built.**

MacArthur Park Senior Citizen Center **No Braille, TDD, or assistive listening devices.**

Madrid Theatre **Caution; wheelchair users may roll off the sides of elevated wheelchair area.**

Marine Park Recreation Center **Fully accessible, inadequate signage if restroom doors open.**

Maritime Museum **Fully accessible has TDD, no Braille signage.**

Mark Taper Auditorium **Fully accessible.**

Mark Taper Forum **Fully accessible; has wheelchair lift, TDD, and assistive listening devices.**

McGroaty Cultural Center **Fully accessible, long ramp to front. See recommendations.**

Memorial Coliseum **Fully accessible with over fifty wheelchair spaces.**

Memorial Park Auditorium **Fully accessible.**

Merry-Go-Round-Los Angeles **Long, steep path of travel. A removable ramp would not help.**

Merry-Go-Round-Santa Monica **Not accessible. A removable ramp would make it accessible.**

Metrorail Stations having art **Fully accessible.**

Miles Playhouse **Fully accessible, TDD device would be desirable.**

Museum of Flying **Fully accessible.**

Museum of Natural History Exposition Park Auditorium **Fully accessible but cramped.**

Museum of Natural History Exposition Park **Fully accessible to all areas and exhibits.**

NHRA Museum **Fully accessible but has an unmarked bump in the middle of the main aisle.**

North Hollywood Library performance area **Fully accessible for stories and classical concerts.**

North Hollywood Recreation Center stage **Fully accessible.**

North Hollywood Senior Citizen Center stage **Fully accessible.**

North Weddington Rec. Ctr. auditorium **Wheelchair accessible only after long path of travel.**

Oakwood Recreation Center **Adequate accessibility except as to restrooms and signage.**

Odyssey Theatre #1 **Fully accessible, except for no TDD or Assistive Listening device.**

Odyssey Theatre #2 **Same as above, plus requires removal of floor section for wheelchairs.**

Odyssey Theatre #3 **Same as above, plus requires unbolting of floor section before removal.**

Olive View Medical Center Auditorium **Fully accessible.**

Olvera Street Plaza Historical Fire Station #1 **Fully accessible by nature of original use.**

Olvera Street Plaza Stage **Fully accessible.**

Palmdale Playhouse **Fully accessible, but TDD is at City Hall, one building West.**

Palms Recreation Center **Adequate accessibility.**

Pan Pacific Holocaust Memorial **Fully accessible.**

Pan Pacific Park Amphitheater **Adequate accessibility, steep wheelchair access over grass.**

Pan Pacific Park indoor stage **Fully accessible.**

Pan Pacific Senior Center Auditorium **Fully accessible.**

Parker Center Auditorium **No wheelchair seating area, aisles are too steep for wheelchairs.**

Pasadena Civic Auditorium **Fully accessible.**

Pasadena Playhouse **Fully accessible except for historic cobblestone forecourt.**

Pat Nixon Park Senior Center **Excellent accessibility.**

Patasouras Plaza **Full accessibility through side door.**

Patriotic Hall **Adequate accessibility.**

Penmar Community Center **Poor accessibility; No restrooms, signage, or disabled parking.**

Pershing Square Concert Area **Fully accessible.**

Pershing Square Ice Show rink **Fully accessible, seasonable.**

Peterson Automotive Museum **Fully Accessible.**

Plummer Park Dance Area **Adequate accessibility using park facilities.**

Poinsettia Recreation Center Auditorium **Fully accessible except for no disabled parking.**

Polliwog Park Amphitheater **Fully accessible.**

Queen Anne Recreation Center **Poor accessibility for all patrons, with or without disabilities.**

Queen Mary Museum **Accessible to the extent logically possible for a historic cruise ship.**

Queen Mary Theatre **Adequate accessibility. Read-along books for the hearing impaired.**

Recreational Park Bandshell **Adequate accessibility; needs Braille signs and closer parking.**

Redondo Beach Performing Arts Center **Fully accessible.**

Redondo Beach Playhouse **Adequate access to entrance, inside uninspected.**

Rose Bowl **Excellent access in every category.**

Rose Parade Temporary Bleachers **Fully accessible.**

Rosemont Pavilion **Fully accessible.**

Roxbury Park Auditorium **Fully accessible.**

Saint Andrews Recreation Center Auditorium **Fully accessible.**

San Dimas Canyon Nature Center **Not accessible to those with serious mobility impairments.**

San Gabriel Civic Auditorium **Fully accessible in every category.**

Santa Monica Civic Auditorium **Fully accessible.**

Santa Monica Library Theatre **Fully accessible.**

Shatto Recreation Center stage **Adequate accessibility, signage legible only with doors closed.**

Sheriffs Academy Museum **Fully accessible.**

Signal Hill Park Bandshell **Fully accessible.**

South Bay Botanical Gardens **Adequate accessibility needs solid pathways.**

South Gate Art Gallery **Adequate accessibility found in partial inspection.**

South Gate Auditorium **Fully accessible.**

Staples Center **Excellent accessibility, very innovative approaches, State-of-the-Art.**

Starlight Bowl **Fully accessible. Bus transports the mobility impaired near to their seats.**

Studio City Park multipurpose room stage **Adequate accessibility.**

Sycamore Grove Park Bandshell **Adequate accessibility; long, bumpy path to entrance.**

Teatro Grupo Singria theatre **Fully accessible; needs signage. See recommendations.**

Terrace Theatre **Fully accessible.**

Town Center Performance Area **Fully accessible.**

Travel Town Museum **Adequate accessibility except long path of travel for wheelchairs.**

Tremont Hall stage **Fully accessible but no handicap parking or assistive listening devices.**

Tujunga Library multi-purpose room **Fully accessible.**

Tujunga Municipal Auditorium **Fully accessible.**

Tujunga Ponds Wildlife Area **No manmade barriers or improvements, inaccessible to all.**

Virginia Ave Park Auditorium **Adequate accessibility, changeable 'stage' location.**

Virginia Robinson Gardens **No access to those with mobility impairments.**

Warner Center Concert Area **Adequate accessibility, outdoor, seasonal.**

Warner Grand Theatre **Partially accessible historic theatre, now being handicap-retrofitted.**

Watts Towers Arts Center museum **Fully accessible.**

West Hollywood Park Auditorium **Fully accessible.**

Westchester Sr. Cit. Center **Fully accessible but needs Braille signage on restroom doors.**

Western Museum of Flight **No disabled parking or accessibility.**

William Bristol Civic Auditorium **Fully accessible.**

William Grant Still Art Center **Fully accessible, exterior door should open easier.**

William S. Hart Bunkhouse and livestock area **Accessibility limited by historic original use.**

William S. Hart multipurpose room **Fully accessible.**

William S. Hart Museum **Adequate accessibility, wheelchairs enter at rear of second floor.**

Wilshire West Senior Citizens Center performance area **Adequate accessibility.**

Wright Auditorium **Fully accessible but needs restroom handicap access signage.**

Wrigley Stage **Fully accessible masonry stage with flat viewing area.**

CONCLUSIONS

On the basis of the above findings, the Committee on Health and Human Services concludes that there is a growing number of fully accessible performing and visual arts venues owned by the County of Los Angeles and the various cities within the county. Since Congress passed the Americans with Disabilities Act ten years ago, there has been much greater sensitivity by public officials to the issue of making public buildings more accessible to employees by providing 'reasonable accommodations'. Although there is an improvement, the same level of sensitivity is sometimes not displayed to patrons of City and County performing and visual arts facilities. Patrons normally do not complain about the City or County owned venue in those cases where there is a lack of parity of access to the venue, thus there is less incentive for the City or County to make these venues accessible.

Unlike the private sector, where more paid admissions allow for an expansion of future programming, some of the administrators of the venues studied did not look for a correlation between increased accessibility and increased ticket sales.

There are more disabled members of the community than is commonly realized, as not all disabilities start at birth nor are they all permanent. A drummer from a rock band may have a significant hearing impairment, and may not attend a concert unless there are assistive listening devices available. A skiing accident may confine a patron to a wheelchair for one performance of several purchased. A pregnant patron may be safer when there are handrails available. A teenaged soccer player may be temporarily in a leg cast.

Based upon all the findings presented, it is the conclusion of this committee that the vast majority of the hundreds of venues audited are accessible to persons with visual, hearing, or mobility impairments.

RECOMMENDATIONS

1) Los Angeles County Museum of Art Complex

The City of Los Angeles should vacate and transfer to the Los Angeles County Museum of Art, the one block of Ogden Dr. north of Wilshire Blvd. to where it ends at 6th Street. This will unify both disabled and non-disabled pedestrian access between venues in this area. These venues include the Bing Theatre and Brown Amphitheater, as well as the Anderson, Ahmanson, Hammer, Japanese Pavilion, and Page Museums, which occupy the entire block east of Ogden Dr., with LACMA West and the Museums' parking structure, which occupy the entire block west of Ogden Dr. All the real property on both sides of this block of Ogden Dr. is used for museum purposes.

The vacating of streets between museums has been accomplished with great success in the past, most recently when the one block of Central Avenue north of 1st Street to where it ends at Temple Street was vacated to allow both disabled and non-disabled pedestrian access between the Japanese Historical Museum and The Japanese National Museum and, previously, between the Temporary Contemporary "Geffen" Museum and its parking lot.

2) John Anson Ford Theatre

The Los Angeles County Arts Commission should direct that no personnel or sound equipment be permitted in the area currently designated for wheelchair seating.

3) Dorothy Chandler Pavilion

The Los Angeles County Board of Supervisors should direct that the management of the Dorothy Chandler Pavilion either provide less steep access to the current handicap seating in the last row of the orchestra level, or provide the same amount of handicap seating spaces in a location where the path of travel meets the most recent ADA and UBC standards as to degrees of grade both in the direction of travel and at right angles to the direction of travel.

4) Hollywood Bowl

We recommend that the Los Angeles County Department of Parks and Recreation install a TDD on the underside of the payphone to the left of the Hollywood Bowl box office window reserved for the sale of disabled access seating, to enable hearing impaired customers to make necessary telephone calls.

5) Telephone Devices for the Deaf [TDD]

The Cultural Affairs Department of the City of Los Angeles should direct that all facilities operated by them, or by any community group under contract with them, be equipped with freestanding TDD devices or with computers with appropriate TDD emulating software. These are already installed in some of the facilities, providing a good model for all of the county.

6) Wireless Assistive Listening Devices

The Cultural Affairs Department of the City of Los Angeles should direct that all facilities with fixed seating operated by them, or by any community group under contract with them, be equipped with wireless assistive listening device transmitters and receivers. The headset receivers should be kept recharged and made available for patron use during all programming in the facility after implementation of appropriate security precautions. These devices are already in use at some of these facilities, thus providing an excellent example for all the cities in the County.

JAILS COMMITTEE

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THE INMATE WELFARE FUND IN THE SHERIFF'S DEPARTMENT

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THE INMATE WELFARE FUND (IWF)

LIST OF ACRONYMS

ADA	Average Daily Attendance
AT&T	American Telephone and Telegraph
CAO	Office of the Chief Administrative Officer
ESL	English-as-a-Second Language
GTE	General Telephone and Electronics
HLAPUSD	Hacienda La Puente Unified School District
IS	Information Systems
IWC	Inmate Welfare Commission
IWF	Inmate Welfare Fund
JHIS	Jail Hospital Information System
JTPA	Job Training Partnership Act
LASD	Los Angeles Sheriff's Department
Pac Bell	Pacific Bell Telephone Company
REACH	Drug Treatment Program (Rebuilding, Education, Awareness, Counseling, Hope)
SWOT Analysis	Strengths, Weaknesses, Opportunities, and Threats
TALK	Teaching And Loving Kids, a visitation program
TTCF	Twin Towers Correctional Facility

INTRODUCTION

This first section outlines the study objectives and scope, methodology, documents reviewed, and other agencies or organizations contacted during the course of this management audit of the Inmate Welfare Fund (IWF) of the Los Angeles County Sheriff's Department (LASD).

OBJECTIVES AND SCOPE

The objectives of the study were to determine:

- ☐ **Revenues.** How IWF revenues are generated? By category of revenue, what amount of funds is typically generated in a year? Have amounts varied significantly year to year? Regarding funds generated through collect call telephone services, based on the terms and conditions governing the contracts with the telephone companies, are telephone-generated revenues likely to change during the next few years?
- ☐ **Investments.** How are IWF revenue funds invested? How are interest or other earnings generated by the telephone revenue funds handled? Are the earnings deposited into the County General Fund or are they deposited within the IWF fund?
- ☐ **Expenditures.** How are IWF revenue funds spent? What statutes, regulations, or rules govern the expenditure of these funds? Do governing statutes, regulations, or rules treat different categories of the IWF revenue differently? Have appropriate policies, procedures, and practices been established by the County to implement governing statutes, regulations, rules, etc.?
- ☐ **Practices.** If IWF revenue fund expenditure policies, procedures, and practices have been established, are actual expenditures in compliance with these policies, procedures, and practices? How do expenditures made by the County compare with those types of expenditures made by other jurisdictions (e.g., Sacramento, San Diego, San Francisco, *et al.*)?

Moreover, a strategic approach to assessing the current and potential use of IWF funds was taken. Consequently, this report reflects a strategic and management perspective, and is not a financial audit.

METHODOLOGY

In completing the study, the following tasks were undertaken and accomplished:

1. Document Review. Documents were collected and reviewed related to IWF and its functions. Those included:

- q Inmate Welfare Commission Meeting Agendas, Minutes, and Documents.
- q Minimum Standards for Adult Local Detention Facilities, Titles 15 and 24, May 1998.
- q Board of Corrections.
- q Inmate Welfare Expenditure Plan.
- q Inmate Welfare Fund Handbook.
- q Inmate Services Overview.
- q Inmate Services Unit Files.
- q California Penal Code.
- q California Code of Regulations.
- q Los Angeles County Sheriff's Department (LASD) Documents.
- q Sacramento County Sheriff's Department Documents.
- q San Francisco City and County Sheriff's Department Documents.
- q San Diego County Sheriff's Department Documents.
- q Fresno County Sheriff's Department Documents.
- q Pacific Bell Documents.
- q Canteen Corporation Documents.
- q Inmate Welfare Fund Financial Statements.
- q Department of Auditor-Controller Reports
- q Simpson & Simpson Audit Reports of the Inmate Welfare Fund -1994, 1995, 1996, 1997.
- q Simpson & Simpson Audit Reports of the Jail Stores Fund - 1995, 1996, 1997.
- q Department of the Treasurer – Tax Collector Reports.
- q National Career Assessments Services, Inc. Documents.
- q Assessment Center and Testing Service Documents.
- q Melanie's – A Touch From Above Documents.
- q Hacienda La Puente Unified School District (HLAPUSD) Documents.
- q Web Sites of Various Associations and Agencies, including:
 - u National Institute of Corrections.
 - u American Jail Association.
 - u American Corrections Association.

2. Interviews. There were 39 interviews conducted via in-person, group, and telephone interviews with the following organizations:

- q Los Angeles County Sheriff's Department - 11
- q Inmate Welfare Commission (IWC) - 8
- q Other County Sheriff's Departments - 10
- q California Public Utility Commission - 2
- q Board of Corrections - 1

- q Hacienda La Puente Unified School District (HLPUSD) - 2
- q Pacific Bell - 4
- q Canteen Corporation - 1

3. **Report of Study Findings.** Sheriff's officials reviewed our work plan, initial findings, and recommendations.

FINDINGS

This section presents an overview of the IWF history and current IWF operations within LASD.

IWF HISTORY

This part presents the historical context for IWF and the legislative changes that have affected the use of its funds in recent years.

Inmate Welfare Fund in the State of California

In 1949, California Penal Code, Section 4025, established the Inmate Welfare Fund (IWF). Section 4025 allowed county sheriff's departments to establish Jail Stores to provide certain supplies for sale to their inmates. The profits from the Jail Store operations were to be deposited into an inmate welfare fund and kept in the treasury of the respective counties. As an additional source of revenue for IWF, Section 4025 provided that 10% of the gross sales of inmate hobby crafts could be added to the Fund.

In 1987, Section 4025 was amended to provide an additional source of revenue for IWF from telephone companies or pay telephone providers. This additional revenue source was significant, not only because of the large influx of additional revenue that it would generate but also because it would bring about a significant change in what IWF funds could be used for.

Originally, Section 4025 provided that IWF funds: "... shall be expended by the Sheriff **solely** for the benefit, education and welfare of the inmates confined within the jail." In the early 1990s, the reduction in available State and county funding, combined with the significant increase in fund balances of IWFs, brought about an amendment to Section 4025. The 1993 amendment provided:

"... the inmate welfare fund shall be expended by the sheriff **primarily** for the benefit, education, and welfare of the inmates confined within the jail. Any funds that are not needed for the

welfare of the inmates may be expended for the maintenance of county jail facilities."

Therefore, in the County of Los Angeles, the Sheriff was no longer required to use IWF funds "solely" for the benefit, education, and welfare of inmates; IWF funds could also be used for maintenance of jail facilities. Exhibit 1 contains the current full text of Section 4025.

Exhibit 1
County of Los Angeles, Sheriff's Department
California Penal Code, Section 4025

4025. (a) The sheriff of each county may establish, maintain and operate a store in connection with the county jail and for this purpose may purchase confectionery, tobacco and tobacco users' supplies, postage and writing materials, and toilet articles and supplies and to sell these goods, articles, and supplies for cash to inmates in the jail.

(b) The sale prices of the articles offered for sale at the store shall be fixed by the sheriff. Any profit shall be deposited in an inmate welfare fund to be kept in the treasury of the county.

(c) There shall also be deposited in the inmate welfare fund 10 percent of all gross sales of inmate hobby craft.

(d) There shall be deposited in the inmate welfare fund any money, refund, rebate, or commission received from a telephone company or pay telephone provider when the money, refund, rebate, or commission is attributable to the use of pay telephones which are primarily used by inmates while incarcerated.

(e) The money and property deposited in the inmate welfare fund shall be expended by the sheriff primarily for the benefit, education, and welfare of the inmates confined within the jail. Any funds that are not needed for the welfare of the inmates may be expended for the maintenance of county jail facilities. Maintenance of county jail facilities may include, but is not limited to, the salary and benefits of personnel used in the programs to benefit the inmates, including, but not limited to, education, drug and alcohol treatment, welfare, library, accounting, and other programs deemed appropriate by the sheriff. An itemized report of these expenditures shall be submitted annually to the board of supervisors.

(f) The operation of a store within any other county adult detention facility which is not under the jurisdiction of the sheriff shall be governed by the provisions of this section, except that the board of supervisors shall designate the proper county official to exercise the duties otherwise allocated in this section to the sheriff.

(g) The operation of a store within any city adult detention facility shall be governed by the provisions of this section, except that city officials shall assume the respective duties otherwise outlined in this section for county officials.

(h) The treasurer may, pursuant to Article 1 (commencing with Section 53600), or Article 2 (commencing with Section 53630), of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, deposit, invest, or reinvest any part of the inmate welfare fund, in excess of that which the treasurer deems necessary for immediate use. The interest or increment accruing on these funds shall be deposited in the inmate welfare fund.

(i) The sheriff may expend money from the inmate welfare fund to provide indigent inmates, prior to release from the county jail or any other adult detention facility under the jurisdiction of the sheriff, with essential clothing and transportation expenses within the county or, at the discretion of the sheriff, transportation to the inmate's county of residence, if the county is within the state or 500 miles from the county of incarceration. This subdivision does not authorize expenditure of money from the inmate welfare fund for the transfer of any inmate to the custody of any other law enforcement official or jurisdiction.

Inmate Welfare Commission (IWC) in the County of Los Angeles

In 1951, Sheriff Eugene Biscailuz formed the first Inmate Welfare Commission in the County of Los Angeles. The Commission was established without ordinance or Board of Supervisors' resolution. There is no legal requirement or mention of an Inmate Welfare Commission in any statute. Therefore, the IWC serves at the pleasure of the Sheriff.

Since 1951, Los Angeles County Sheriffs have used IWCs to review requests for uses of the IWF funds. The IWC acts in a strictly advisory capacity to the Sheriff and has no direct responsibility for the approval of disbursements from IWF. The Sheriff is responsible for IWF expenditures. Any influence the IWC has over IWF expenditures is derived solely through the delegation of authority by the Sheriff.

LASD IWF'S CURRENT SITUATION

This part outlines the current organizational structure, the current IWC, the revenue sources for the Fund, and programs funded.

Inmate Services Unit

Within the last year, the Sheriff created the Correctional Services Division, which is responsible for, among other things, correctional services provided to inmates. These services include education programs – both academic and vocational; religious programs; drug and alcohol recovery programs; and other programs routinely funded by IWF. Within the Correctional Services Division, the Inmate Services Unit administers the IWF fund, supports the IWC, and administers other inmate services and programs.

The Inmate Services Unit is staffed with 15 LASD employees whose positions are also funded through IWF. A Lieutenant is responsible for the day-to-day management of the Unit. A Sergeant assists him. The remainder of the staff includes: (1) an Operations Assistant III responsible for special projects and researching possible programs and services; (2) an Operations Assistant II and a Word Processor I responsible for the administrative support of the Unit; (3) two Operations Assistant IIs, a Warehouse Worker Aide, and a Law Enforcement Technician responsible for procurement, warehouse operations, and office support; (4) a Senior Sales Clerk and a Sales Clerk responsible for the sale of vending machine cards; and (5) a Deputy, an Operations Assistant III, a Word Processor II, and a Senior Typist Clerk responsible for the administration and support of the Religious and Volunteer Services program.

Inmate Welfare Commission

Today, the IWC has nine Commissioners, six of them recently appointed by the Sheriff. Prior to the management audit, they were scheduled to meet quarterly. During the management audit, their meeting schedule was changed to monthly meetings.

The Inmate Services Unit provides administrative support to the IWC. In this role the Inmate Services Unit administers the process by which requests for IWF funds are reviewed and approved prior to consideration by the IWC, prepares the agenda and supporting documentation for IWC meetings, schedules and holds the IWC meetings, and prepares meeting minutes and follows up on open items. The review process, which occurs prior to requests being on the IWC's agenda, includes reviews by: (1) the Inmate Services Unit, (2) the Inmate Services Unit Commander, (3) the Inmate Services Unit Chief, (4) the Inmate Services Unit Legal Advisor, and (5) LASD's Budget Authority.

In June 1999, a new "Procedures for Inmate Welfare Fund Expenditures" was established that, among other reviews and approvals, requires a review by the Legal Advisor assigned to support the Inmate Services Unit. The Legal Advisor reviews requests for IWF funds to determine compliance with California Penal Code, Section 4025.

Once the IWC approves a request for IWF funds, the Inmate Services Unit ensures that appropriate documentation is generated by the requesting organization and then monitors the procurement and use of the funds through completion.

Inmate Welfare Fund Revenues

During the last quarter of a century, IWF funds have grown steadily and significantly. In the mid-1970s, IWF had limited funds and periodically overran its budget. This last Fiscal Year (FY) 1998-1999, IWF had revenues of approximately \$43 million. Its FY 1998-1999 Revenues were received from multiple sources, shown in Exhibit 2.

Exhibit 2
County Of Los Angeles, Sheriff's Department
Inmate Welfare Fund Revenue Sources
FY 1998-1999

IWF Revenues Sources	Amount
Telephone Commissions	\$31,473,759
Jail Stores	2,148,115
Interest on IWF	1,945,642
Vending Machines	292,373
Trusty Barbershop	14,893
Vocational Activities	6,360
Other Income	2,572
Due from Other Funds	1,986,976
Hacienda La Puente Refund (FY 1997-1998)	5,580,662
Total	\$43,451,352

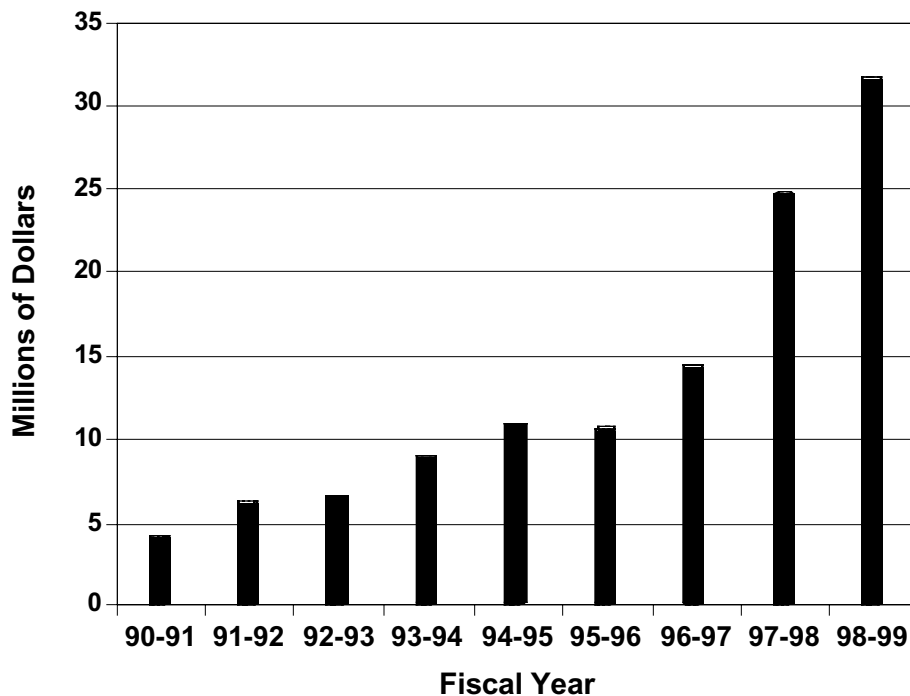
Pricing for telephone calls, commissary items, and vending items are determined in part by the size of the commission paid back to IWF by the service provider. The following paragraphs describe the major sources of IWF revenues:

- α **Telephone Commissions.** Telephone commissions and bonuses are the major source of revenue for the Fund. In FY 1998-1999, collect call telephone usage in County jails generated almost \$31.5 million in revenues for IWF. Contracts for telephone services are in place with American Telephone and Telegraph (AT&T), General Telephone and Electronics (GTE), and Pacific Bell Telephone Company (Pac Bell). Usage commissions are approximately 48% from AT&T, 48% from GTE, and 42% from Pac Bell.

Exhibit 3 shows how IWF telephone revenue has grown from FY 1990-1991 through FY 1998-1999. Telephone revenue increased from about \$4 millions in FY 1990-1991 to almost \$32 million in FY 1998-1999.

Exhibit 3
County Of Los Angeles, Sheriff's Department

IWF Telephone Revenue
1991-1999



Most collect telephone calls made by inmates are local toll calls and are provided by Pac Bell. The rates charged for such calls include a surcharge per call of \$2.65 plus a first minute and additional minute charges that are both time-of-day and distance sensitive. An example of what a 10 minute long call made at 2:00 p.m., with a distance of 25 miles, would cost is provided in Exhibit 4.

Exhibit 4
County Of Los Angeles, Sheriff's Department
Example of a Collect Call Costs
FY 1998-1999

Rate Element	Cost Components
Operator Surcharge	\$.95
Pay Station Surcharge	.25
Inmate Surcharge	1.45
Day Rate – 25 Miles:	
☐ First Minute @ \$.2014	.2014
☐ Each Additional Minute @ \$.1400	1.2600
Total Cost for 10 Minute Call	\$4.1114

- ☐ **Jail Stores.** IWF now contracts its Jail Stores operations with Canteen Corporation (Canteen). Prior to contracting Jail Store operations with Canteen, the Inmate Services Unit had more than 60 employees who sold commissary items to inmates. In FY 1994-1995 and FY 1995-1996, Jail Store profits were approximately \$500,000 each year. Canteen began operation of Jail Stores in fall 1997. More than \$2 million in profits were generated in FY 1998-1999, with Jail Store operations outsourced to Canteen. Canteen pays the IWF a 31% commission on gross sales.

- ☐ **Vending Machines.** Two companies, Burris & Son Vending and MAB Vending, provide vending services in County jails. Commissions from vending machine sales in FY 1998-1999 were \$292,373. Commissions range from 15% to 22%, depending on the products sold.

- ☐ **Interest on IWF Funds.** In accordance with California Government Code Section 53600 and Section 53630, IWF deposits virtually all of its cash in the Los Angeles County Treasury. IWF's deposits, along with funds from other local government agencies, make up a pool that the County Treasury manages for investment purposes. The County Treasury charges a fee of 7 to 9 basis points annually on the funds in the County's investment pool (a basis point is equal to 0.01%). This expense is deducted from pool earnings prior to allocation of interest earned to the individual funds.

In FY 1998-1999, interest earned on IWF balances in the County pool was approximately \$2.5 million, with year-end accruals. Earned interest is deposited into the IWF fund account maintained by the Treasurer. Exhibit 5 shows the interest earned by

IWF for the period July 1998 through June 1999.

Exhibit 5
County Of Los Angeles, Sheriff's Department
Inmate Welfare Fund Interest Allocation
July 1998 Through June 1999

Month Ending	Average Daily Fund Balance (\$)	Allocated Accrued Interest Earned (\$)	Approximate Annual Earnings (%)
July 1998	\$39,913,773.54	\$188,667.70	5.67%
August 1998	\$35,763,016.90	\$168,362.34	5.65%
September 1998	\$36,857,602.51	\$170,132.44	5.54%
October 1998	\$35,000,939.12	\$161,049.09	5.52%
November 1998	\$36,863,769.34	\$162,744.14	5.30%
December 1998	\$38,634,531.03	\$171,869.85	5.34%
January 1999	\$52,555,957.49	\$231,382.18	5.28%
February 1999	\$58,383,525.03	\$240,431.24	4.94%
March 1999	\$60,759,895.64	\$261,111.76	5.16%
April 1999	\$60,011,293.80	\$254,414.70	5.09%
May 1999	\$59,463,475.07	\$258,517.52	5.22%
June 1999	\$57,841,170.74	\$245,992.37	5.10%
Total		\$2,514,765.33	

- **Hacienda La Puente Refund (FY 1997-1998).** Each year, IWF funds HLPUSD educational programs provided to jail inmates. When HLPUSD receives State funding, based on the Average Daily Attendance (ADA) of inmates in classes, HLPUSD refunds the amount of the State funding to IWF. For the 1997-1998 school year, HLPUSD received from the State and refunded to IWF more than \$5.5 million.

Inmate Welfare Fund Approved 1999-2000 Budget

IWF has an approved budget for FY 1999-2000 of approximately \$72,252,000. The budget is divided into three major categories: Total Services and Supplies of \$39,383,000; Fixed Assets of \$3,000,000; and Other Financing Uses of \$ 29,869,000. Available revenues to support the \$72 million budget are generated by the sources of funding, displayed in Exhibit 6.

Exhibit 6
County Of Los Angeles, Sheriff's Department
Sources of Funding
(FY 1999-2000)

Sources of Funds		Amount
Fund Balance on June 30, 1999		\$23,141,000
Canceled Reserves and Designations		12,256,000
Interest		2,000,000
Revenue		34,855,000
	Total	\$72,252,000

Exhibit 7, "Sheriff-Inmate Welfare Fund, FY 1999-2000 Adopted Budget," provides detail at the account code level.

Exhibit 7
County Of Los Angeles, Sheriff's Department
IWF Adopted Budget
FY 1999-2000

IWF Adopted Budget		
Services and Supplies		
	Clothing and Personal Supplies	\$910,000
	Communications	85,000
	Household Expense	270,000
	Maintenance Equipment	610,000
	Maintenance, Building and Improvements	380,000
	Medical, Dental and Lab Supplies	10,000
	Office Expense, Postage	35,000
	Office Expense, Stationary and Forms	75,000
	Office Expense, Other	
	Office Furniture	100,000
	Photocopy Supplies	30,000
	Publications	250,000
	Office Supplies Audio Video	15,000

IWF Adopted Budget		
	Office Supplies	100,000
	Office Equipment	100,000
	Professional and Specialized Service	
	Feed, Permits and Testing	50,000
	Inmate Education	15,000,000
	Other Professional and Specialized Service	1,539,000
	Purchasing Services	25,000
	Inmate Services and Accounting Staff Reimbursements	1,300,000
	Rents and Leases, Equipment	10,000
	Small Tools and Instruments	450,000
	Special Departmental Expense	
	Recreational Supplies	45,000
	Bulletins and Mailings	5,000
	Cable TV Service	60,000
	Outside Training	5,000
	Film, Development and Supplies	10,000
	Miscellaneous Inmate Welfare Programs	13,064,000
	Trusty Barbershop	15,000
	Vocational Supplies	25,000
	Transportation and Travel Traveling Expense	10,000
	Transportation and Travel – Other, Freight	50,000
	Computer Hardware	4,750,000
	Total Services and Supplies	\$39,383,000
	Fixed Assets	3,000,000
	Other Financing Uses	
	Jail Hospital Information System	4,000,000
	Title 15 Staffing Reimbursement	2,200,000
	Sybil Brand Construction Project	10,791,000
	Other Capital Projects	4,112,000
	Custody Facility Maintenance	8,766,000
	Total Appropriation Request	\$72,252,000

Inmate Services Programs

The Inmate Services Unit administers several inmate programs, as outlined next:

- q **Office of Religious and Volunteer Services.** More than 2,000 representatives from the various ministries — Catholic, Protestant, Jewish, Moslem, Christian Scientist, Jehovah Witness, Episcopalian — currently volunteer within the County jail system to provide for the spiritual needs of the incarcerated men and women. Christian Chaplain Services, Inc., under contract with LASD, provides a Chaplain Coordinator, responsible for coordinating the counseling, Bible study, and worship services at each facility. Inmate Services Unit employees coordinate and support the work of these chaplains and volunteers.

Members of self-help organizations also conduct meetings inside the custody facilities, including representatives from Alcoholics Anonymous, Narcotics Anonymous, Cocaine

Anonymous, and the Women's Lawyers Organization.

The Friends Outside program provides direct-client services to inmate families. Friends Outside employees administer the program from offices located at Men's Central Jail and Twin Towers Correctional Facility (TTCF). Visits are made in the attorney's room of the Men's Central Jail or in the modules of TTCF. This program is provided under a Board of Supervisors' approved contract.

- q **Inmate Commissary.** Under contract, the Canteen Corporation (Canteen) operates the Inmate Commissary, also known as the Jail Store. Once each week, inmates may order snacks, toiletry, and other items by completing a Commissary Order Form. Because the jails operate in a "cashless" environment, the cost of ordered items is charged against an inmate's account.
- q **Vending Machines.** Inmates may also purchase certain items made available in vending machines. Vending purchases are paid using a vending card. Purchased and held by inmates, the vending card keeps track of its current value by deducting the costs of purchases when the card is inserted into the vending machine.
- q **Correctional Education.** LASD contracts with the Hacienda La Puente Unified School District (HLPUSD), Correctional Education Division, to provide educational programs at all County jail facilities. During the period July 1998 through June 1999, HLPUSD provided approximately 1.84 million student hours of teaching to 122,140 students in the County of Los Angeles jails. HLPUSD provides academic, special purpose, and vocational classes to interested inmates. Exhibit 8 lists some of the classes provided to inmates.

IWF pays in advance for delivery of the HLPUSD programs. Based on the number of hours of instruction provided, a portion of HLPUSD expenses is reimbursed through grants and State budget monies (i.e., ADA). When received, HLPUSD refunds the reimbursed amount to IWF.

Exhibit 8

Hacienda La Puente Unified School District, Correctional Education Division: List of Classes Offered

Academic Classes

GED Certificate Prep & Test
High School Diploma Track

English-as-a-Second Language (ESL)

Special Classes

Art/Drawing
Domestic Violence Education.
REACH Drug Treatment Program
(Rebuilding, Education, Awareness,
Counseling, Hope)
Graphic Arts
Health and Safety
HIV/AIDS Education
Job Search Skills
Parenting Education
Prenatal Education
Substance Abuse Education
TALK (Teaching And Loving Kids),
a Visitation Program

Vocational Classes

Animal Grooming
Auto Body and Repair
Building Maintenance
Carpentry
Carpet and Floor Laying
Ceramics
Commercial Painting
Cosmetology/Manicuring
Food Preparation and Service
Introduction to Computers
Introduction/Building Traders
Landscaping/Sprinkler Repair
Office Occupations
Offset Printing
Power Sewing
Sign Painting/Graphics
Telecommunications
Welding

Library Services

CONCLUSIONS: STRENGTHS AND OPPORTUNITIES FOR IMPROVEMENT

This section outlines the key conclusions, including strengths and opportunities for improvement, of the study.

MAJOR STRENGTHS

During the course of the study, several observations were made that are clear strengths for LASD as it strives to improve its administration and use of the IWF funds.

With annual revenues of approximately \$35 million, the sheer size of the IWF fund presents opportunities that a smaller fund would not be able to consider.

LASD has aggressively pursued contract negotiations with IWF vendors to maximize available funds through commissions on sales. As a result, LASD is in the enviable position of having an IWF with annual revenues that are greater than many other departments' annual budgets. As a Special Fund, whose purpose is defined in Section 4025 of the California Penal Code, the size of the IWF fund could support significant initiatives that could result in meaningful change in inmate programs. A relatively small amount of the funding, dedicated annually to new program research, development, pilot implementation, and outcome measurement, could enhance and solidify a leadership position for LASD in the nation.

The County and LASD view IWF as an important source of funding.

IWF represents a significant incremental funding source that may be expended primarily for the benefit, education, and welfare of inmates confined in the County jails. If IWF did not exist, efforts to fund inmate programs through the General Fund would be routinely subjected to the realities of limited resources and the competing demands of different programs. The existence of IWF makes support of inmate programs easier. Furthermore, because funds not needed for the welfare of inmates may be used for the maintenance of County jail facilities, IWF can fund jail maintenance programs that may have otherwise been deferred.

The IWC is comprised of committed civilians with diverse backgrounds.

The IWC is made up of a diversified, cross-section of nine civilians, representing a broad range of professional backgrounds, business experience, community leadership, and ethnic diversity. The variety of Commission member professions includes: accountant, architect, banker, businessman, dentist, journalist, law enforcement, and medical doctor. In addition to their professional experiences, Commissioners have been active in their communities.

Commissioners bring their own perspectives and hopes for what the IWC can accomplish and

how they may be of service to the Sheriff. They are sincerely interested in: (1) providing leadership and new ideas in their advisory role to the Sheriff, (2) supporting the Sheriff's efforts to develop effective programs that work toward rehabilitating inmates and reducing recidivism, and (3) serving the Sheriff and the inmates as well as the Los Angeles community at large.

Other California sheriff's departments contacted — Fresno, Orange, Sacramento, San Diego and San Francisco — either have no advisory commission or just a commission comprised of sheriff's department personnel. The fact that the County of Los Angeles IWC is made up of civilians enables it to bring a valuable non-Departmental perspective to the funding requests that it is asked to review and approve. This independent, civilian commission is easily a "best practice" that other sheriff's departments should consider.

The new Sheriff, elected in 1998, prides himself in the important leadership role he has adopted in providing a vision for LASD. The newly created Correctional Services Division (in which the Inmate Services Unit is found) is tasked with placing more focused attention on the breadth of correctional services provided to inmates. The new leadership — starting with the new Sheriff and cascading down through the ranks — brings a commitment to championing new ideas and a willingness to explore new and different ways to do things. A renewed energy and a potential for change has accompanied this new leadership. New approaches and new programs should be considered and adopted before this nurturing environment, full of excitement and hope, is dissipated by the din of daily routines.

LASD has assigned staff to manage and administer IWF.

The Inmate Services Unit is dedicated solely to the management and administration of the IWF. With its clear focus on the IWF funds and the programs funded by it, the Inmate Services Unit can work on programs and operations without distraction. Through the development of internal expertise and the funding of external resources, LASD is well positioned to implement the recommendations outlined in this study, such as measurements of program success and ongoing incremental improvements based on program monitoring. (Note: Much of the staff focus has been on processing payments, accounting for funds, tracking revenues, etc. As discussed later, our recommendations require an additional focus on the strategic use of IWF funds.)

The County Counsel, through its Legal Advisor, assumes an active role in IWF.

The County Counsel's office has assigned a Legal Advisor to LASD to: (1) ensure that requested uses of IWF funds meet the legal requirements of Section 4025 of the California Penal Code, (2) serve as an advocate for LASD in how IWF funds are used, (3) clarify the role and actions of the IWC, and (4) protect the integrity of the process used to determine how IWF funds would be allocated. (Note: With such active involvement, the Legal Advisor will need to take care to focus on giving legal advice versus making business decisions.)

The document flow for processing a funding request for IWC review and approval is well

defined.

In June 1999, the Legal Advisor helped IWF staff to document the workflow for obtaining approval for the expenditure of IWF funds. The procedures detail the document flow and steps to be taken beginning with the submission of a written request to the Inmate Services Unit through review and approval by the IWC. These procedures are an important first step to ensure clear understanding and encourage compliance.

A number of IWF-funded programs are considered excellent models for other law enforcement agencies.

On the basis of interviews within the County of Los Angeles and with other sheriff's departments, a number of IWF-funded programs are referred to as excellence models, including TALK (a visitation program, "Teaching And Loving Kids") and the Biscailuz Recovery Center.

OPPORTUNITIES FOR IMPROVEMENT

In the past, IWF has had financial audits conducted that focused on financial transactions and fund balances. The County's Auditor-Controller and others are comfortable with the integrity of the contracting procedures and financial checks and balances that are in place. Therefore, the focus of this study has been on opportunities for strengthening its management practices.

In identifying the opportunities for improvement, the Grand Jury considered IWF's historical context, the recent growth and use of funds, and the shortcomings for IWF in best using these funds in future years. Therefore, the opportunities are presented as constructive directions for IWF to embark on rather than a report card of its past performance.

There is no formal IWF Strategic Plan in place that provides a long-term vision of how IWF will contribute to the success of LASD.

No Strategic Plan exists for IWF. Because there is no plan, IWF expenditures are made based either on the anticipated needs when the IWF budget is prepared or as individual requests are submitted for consideration to the IWC. During interviews with LASD personnel, none knew of a Strategic Plan for IWF. Although Inmate Services has compiled a "wish list" document, an enumeration of projects that might be funded through IWF, it is not a Strategic Plan.

The lack of a Strategic Plan may be explained by the evolution of IWF. Although in existence some fifty years, revenues for IWF were limited until 1987. Once IWF had access to revenues generated by telephone commissions and bonuses, the size of the fund increased. And with each round of new contracts, the revenue stream has increased. Telephone-based revenue grew from nothing before 1987, to approximately \$4 million in 1991, to about \$11 million in 1995, to more than \$31 million in FY 1998-1999. Total revenues for IWF in FY 1998-1999 were more than \$43 million (including the refund from HLPUSD). The approved FY 1999-2000 budget for IWF is in excess of \$72 million, which includes carryovers from prior years. IWF has changed from a

relatively small fund, to one with a budget substantially larger than whole departmental budgets.

Prior to 1993, the uses of IWF funds were limited to the “benefit, education, and welfare” of inmates. With the amendment of Section 4025 in 1993, maintenance of county jail facilities became an appropriate use of IWF funds. At the same time, the County of Los Angeles was experiencing an economic downturn and funding shortages. Many County departments chose to defer maintenance and facility investments because of these shortages and the need to maintain ongoing operations. Within LASD, competition for available IWF funds increased. Moreover, the Office of the Chief Administrative Officer (CAO) viewed IWF as an important source for funding LASD's needed maintenance efforts. Since 1993, dollar amounts (and the percentage of total IWF dollars) allocated to maintenance-related efforts at LASD have increased significantly.

Without a Strategic Plan, the projects funded by IWF will be determined by “who gets there first”, “who writes a better justification”, “how much money is left”, “what important project can’t get funded through the General Fund”, and a host of other reasons. As a result, funding may or may not be based on LASD’s vision and goals, and how IWF can support that vision and those goals.

The IWC does not review all funding uses of IWF.

LASD divides uses of IWF funds into two general categories: (1) ongoing operational uses and (2) special requests, which are submitted to the IWC for approval. The ongoing operational uses include both routine recurring expenditures (e.g., “admission kits” for newly booked inmates) and larger major renovation, maintenance, data systems, supplies needs, or "Other Financing Uses". For example, Other Financing Uses include such items as funding for the Jail Hospital Information System (JHIS), Title 15 Staffing Reimbursement, or Custody Facility Maintenance.

On the basis of a review of the logs listing items presented to the IWC for review and approval, the dollars approved by the IWC were significantly less than IWF funds expended. After the election of a new Sheriff, the IWC was dissolved. Between October 1998 and July 1999, items requesting IWF funding were reviewed and approved by the LASD Budget Authority. Furthermore, even when the IWC does convene, certain items contained in the IWF Budget are not brought before the Commissioners for review.

Clearly, if no IWC is sitting, it cannot review or approve funding requests; moreover, LASD should not delay requests pending the formation of a new IWC. Because the IWC acts only in an advisory capacity, the approval of requests without its review is well within the authority of the Sheriff. If the IWC is to be effective in acting as a consistent sounding board for the Sheriff, however, the IWC should, if at all possible, review all funding requests.

Having different individuals or groups approve IWF funding requests, especially without the benefit of being able to refer to clearly communicated priorities and guidelines or funding patterns

of the past, will possibly generate the appearance of a capricious and inequitable review process.

As the IWC, or for that matter any other reviewer, considers a request for IWF funding, the following information is lacking: (1) a formal Strategic Plan and (2) written policies that clearly define what types of expenditures are appropriate for IWF funds. Without such information, it will be difficult to ensure that programs funded by IWF will consistently support the vision and goals of LASD.

There is no written documentation that provides clear funding guidance regarding what categories of expenditures — "funding mix" — are appropriate for IWF.

Documentation that provides guidance regarding what are appropriate IWF expenditures is primarily limited to Section 4025 of the California Penal Code displayed earlier as Exhibit 1. The Section 4025 provisions are general in nature, providing the needed flexibility for a state such as California with 58 very different counties, but do little to clarify exactly how a given county might apply it to its particular situation.

In discussions with LASD personnel, Section 4025 was almost always the referenced source for what IWF funds could be used. When asked to clarify how the language in Section 4025 should be applied by LASD, however, there was no uniformity in responses. Title 15, Section 1043, Inmate Welfare Fund — Accounting, was helpful in providing some insight and guidance, but was repealed in 1998. To the best of our knowledge, there is no case law that is applicable to this issue.

The Custody Division Manual, §3-75/020.00 — Inmate Welfare Fund Expenditures, offers some guidance in the following:

"Inmate Welfare Fund monies and supplies shall not be used to offset necessary and required expenses of confinement such as meals, clothing, housing or medical services."

Clarification is needed as to what comprises "required expense of confinement". That clarification does not exist. A draft of a revision to this section, dated January 5, 2000, further dilutes any clarification by using only "meals or housing" rather than "meals, clothing, housing or medical services."

The lack of any clear guidelines can be attributed to many things. Prior to 1993, IWF funds could only be used for the benefit, education, and welfare of inmates. IWF has grown from a special fund with limited revenues and application into one with significant revenues and considerable latitude – maintenance of county jail facilities – as to what expenditures are possible. Indeed, IWF has been cast in the role of provider of substantial incremental funds for jail maintenance. Since 1993, IWF has helped offset a General Fund budget that inadequately addressed the "deferred maintenance" of LASD physical plant and facilities. As a result:

- q The vagueness of Section 4025, coupled with little clarification at the Los Angeles County level, complicates the review and approval process and increases the number of requests submitted for review. Not having a clearly stated policy regarding appropriate uses of IWF funds generates IWF requests that needlessly go through the review process only to be denied. Additional resources are used to respond to questions about what may or may not be acceptable and how to document requests.

Requests submitted and denied are returned, often without a helpful explanation as why the request was denied (e.g., “Not an appropriate request.”). Once denied, however, funding requests can be reworked and resubmitted. With the benefit of some wordsmithing and the addition of appropriate phrases, the re-worked request can end up being approved. With little or no change to the actual project, a project, previously denied, is approved.

Resources, which might otherwise be put to more productive uses, are used to provide individualized request-by-request help, covering appropriate uses of IWF funds and how to document and submit funding requests.

- q Section 4025 is vague regarding projects to be funded by IWF, allowing for broad interpretation. As already discussed, Section 4025 is vague in how IWF funds may be used, and internal IWF documents do little to clarify how Section 4025 will be applied within LASD. As a result, LASD has used IWF to fund a broad range of programs and items.

Although the vagueness of Section 4025 offers LASD significant flexibility in how funds are expended, this flexibility has downside risks. Without clear guidelines, IWF funding decisions are subject to second-guessing by outside agencies. Continued use of IWF funds for certain items, seen as “pet projects” but of little perceived value, subjects LASD to outside pressures. Such outside criticism, justified or not, takes the focus of IWF away from its primary purpose — education, benefit, and welfare — and may needlessly redirect resources that could otherwise be better used.

- q Because of the lack of clear guidelines, IWF-funded projects may come under debate as to whether they meet the spirit of Section 4025. Penal Code Section 4025 was amended in 1993 so that any funds not needed for the welfare of the inmates may now be used for the maintenance of county jail facilities. The statute lists permissive expenditures to include the salary and benefit of personnel used in the programs to benefit inmates, including education, drug and alcohol treatment, welfare, library, accounting, and other programs deemed appropriate by the Sheriff. But the first question would normally be, “Are there programs for the benefit of inmates that should be funded that are not?”

The 1993 amendment gives much wider latitude to the permissive uses of IWF funds. To date, the use of these funds has not been challenged in court. In the event the courts were to determine that funds needed for the inmates’ welfare were instead used for jail

maintenance (or other needs outside this open-ended definition), the remedy could be to replace the wrongfully expended funds. As Penal Code Section 4015 makes most costs associated with jail operations a county charge, the County General Fund would likely be the source for the funds.

Because IWF currently represents a major source of possible funding for large dollar projects, multiple year projects have been funded through IWF. Some may not fully comply with at least the spirit – if not also the letter – of Section 4025. For example, is the development of systems for inmate tracking, inmate property management, and inmate record management for the “benefit” of inmates, a “maintenance” item, or a “necessary and required expense for confinement”? How would an inventory control system for food services be viewed, “a necessary and required expense for confinement”?

Smaller projects are also subject to the gray area of what is appropriate for IWF funds. Would the installation of a new video monitoring and recording system be considered a “benefit” to inmates, or “a necessary expense for confinement”?

Another example of a major project that could be argued from different perspectives is the Jail Hospital Information System (JHIS) – clearly a worthwhile project that needs to be done. Funding through IWF will exceed \$15 million and perhaps it would not have been done without the use of IWF funds. Nevertheless, some could argue that JHIS is potentially “a stretch” to include the design, development, testing, and implementation of the JHIS, including labor costs, as an example of “jail maintenance”. It meets a general test of being for the “benefit and welfare” of the inmate population, but could fail the test of offsetting “necessary and required expenses of confinement,” such as medical services.

In conclusion, without clear guidelines on what are appropriate uses for IWF, justifications becomes labored and further bring into question compliance with the spirit of the fund (see Exhibit 1).

So when funds are used to purchase suicide blankets or concertina wire, is that an example of a required expense of confinement?

There is no formal orientation for new IWC Commissioners.

For many years, the IWC had a fairly stable membership. In 1998, the sitting IWC submitted their resignations and a new IWC was formed. Of the nine sitting Commissioners, only three had previously served on the IWC. The six newly appointed Commissioners have approached their new positions with energy and a desire to contribute, but with no formal training or orientation. Moreover, they are not interested in being “a rubber stamp” for items brought before the IWC for consideration and approval.

All new Commissioners participated in focus groups that addressed various IWF related-topics. The topics of greatest concern to the Commissioners were: IWC orientation; IWF

purpose and mission; and IWC strategic planning, including decision-making criteria, inmate program development, programmatic performance measures, and funding mix.

The reported way to come-up-to-speed regarding the IWC was to attend meetings, listen, and ask questions. Each of the Commissioners reported that they had received a document that provided them an overview of IWF, covering background information about some current programs, vendors, and contracts. But each also thought that a formal orientation would have been valuable.

The Commissioners have been selected, and have so volunteered, because of their desire to serve their community. Their ability to do so is determined by what they know about IWF. Some of the questions that an orientation may address are: What is its purpose, how does it work, what has it accomplished, what is it planning to accomplish, and what is the job of a Commissioner? Commissioners asked about personal liability and insurance. The Commissioners' ability to be effective — to bring to bear their experience, their professional knowledge and judgment, and their position within their community — is diminished, subject to their understanding of the role of the IWC and their role on the IWC.

LASD does not systematically share experiences and successes with other law enforcement agencies.

LASD willingly and routinely shares information about its IWF and its programs when approached. When designing new programs, LASD seeks out "best practices" and successful programs to model from other large law enforcement agencies, such as those found in New York, Chicago, Miami-Dade, etc.

Participation in formal or informal exchanges of information with other sheriff's departments in California on the management of IWF or on programs funded by IWF also occurs, but not in a systematic way. For example, previously more active, LASD has not actively participated in the California Jail Program Association since the mid-1990s. Several of the other counties contacted spoke highly of such LASD programs as TALK, which was well regarded and copied. But LASD was not currently looked to as an active participant, although the smaller State jurisdictions believed they would benefit from LASD's experiences.

The rewards of participation in associations or other groups with similar IWF legal requirements, operational considerations, or programmatic interests are not always easy to define. Participation does, however, help an organization keep from falling victim to the "not invented here" syndrome. Sharing ideas among program professionals brings a new perspective. Moreover, because other sheriff's departments are trying to make improvements, they can benefit from LASD's leadership role in sharing its experiences. In many ways, the size of LASD's IWF permits it to contribute significantly to the development and piloting of innovative programs that can become Statewide and national models. Conversely, LASD can benefit from the successes of other sheriff's departments. At times, smaller sheriff's departments are better positioned to try

and refine innovations on a smaller scale that might then be applied and expanded in the County of Los Angeles.

Financial audits are limited to financial standards and paper trail audits.

The last audit performed on IWF was completed in 1998 for the Fiscal Year ending June 30, 1997. It was a financial audit of the balance sheet, statement of revenues and expenditures, and the statement of changes in the balance fund. The audit looked at the financial operations of the fund.

According to the Los Angeles County Auditor-Controller's office, there is currently no requirement to audit the IWF. With the repeal of guidelines in Title 15, Section 1043, it is not clear if an audit of IWF is even suggested anywhere. As important as financial audits are, more meaningful audits also look at the operation of a function and determine if it is in compliance with the policies, procedures, and practices that govern the function.

Having an outside auditor periodically review both IWF's accounting records and operational activities helps ensure that the pressures of day-to-day operations do not diminish the focus on adhering to IWF's purpose and generally good business practices.

RECOMMENDATIONS

These recommendations are set forth to position IWF for the next three to five years in how it can best strategically use and manage its funds. During the 1950s through the 1970s, the revenues were small and did not require the level of sophistication that a \$35 million fund requires today. What may have been considered innovative a decade ago, may be commonplace today and passé tomorrow. Therefore, LASD and IWF must continually strive to improve and expand its capabilities.

Our recommendations are presented in the context that IWF is today a large fund that has been used for meeting immediate LASD programmatic, infrastructure, and maintenance needs; continuing inmate education and welfare programs of the past; and introducing new programs and initiatives. Our recommendations will help to position IWF so that it can be used more strategically in the future, particularly in terms of meaningful and lasting programmatic outcomes.

STRATEGY

Recommendation 1: The Inmate Services Unit, with the involvement of the IWC, should develop a Strategic Plan for IWF.

As a fund with annual revenues in excess of \$35 million, IWF is at the stage of development

that it requires a Strategic Plan to guide the fruitful use of its funds and programs. Although IWF managers and Commissioners consider each program proposal from a strategic or tactical perspective, LASD has done little in the area of true strategic planning. Strategic planning is both a bottom-up and top-down process.

The Sheriff has the primary responsibility for driving strategic thinking throughout LASD. The Sheriff may delegate the planning process activities to IWF; however, the Sheriff must instill the importance of strategic thinking, business planning, change throughout LASD's work environment, and programmatic innovation within IWF. IWF's Strategic Plan should be congruent with LASD's priorities and goals, the County's mission and expectations, the policies set by the Board of Supervisors, and the California Penal Code.

A Strategic Plan can move IWF away from being simply a funding tool — a bank account. In concert with a clear vision for IWF, a Strategic Plan can ensure that funding is designated for those projects that are important building blocks in getting from today's "here and now" to the future's vision.

Development of a Strategic Plan for IWF should be a joint effort of the Inmate Services Unit and IWC with input, review, and approval of the Sheriff. The planning phases for IWF to consider in preparing a Strategic Plan are:

- q **Phase 1: Articulate a vision for IWF.** IWF should begin with developing a vision about the future of the Fund, including its compatibility with LASD's future directions, strategic uses of available funds for both near- and longer term change and innovation, etc. **The vision is what IWF can be, and considers IWF's future requirements. It describes what IWF could become in the next 5, 10, or more years.** The Sheriff should discuss this vision with the IWF team and Commissioners as a means to further refine it. In moving forward, LASD should revisit its vision and periodically refine and renew its commitment to it.

- q **Phase 2: Conduct an environmental scan.** Next, an objective analysis of the current environment in which IWF operates needs to be undertaken. This analysis should include an assessment of both IWF's external and internal environments; identification of "best practices" in inmate education and welfare programs; related strengths, weaknesses, opportunities, and threats.
 - u **Phase 2a: Analyze IWF's external environment.** The external analysis should include: inmate population demographics; environmental, social, and economic trends; governmental and legislative initiatives; new technology; and related considerations.

 - u **Phase 2b: Analyze IWF's internal environment.** Coupled with the examination of the external environment, IWF should conduct an internal

environmental review, which describes its history, purpose, core programs, operations, facilities, available resources, governance and organizational structure, LASD programmatic and maintenance priorities and previous outcomes, and the County's and LASD's values and expectations.

- **Phase 3: Define IWF's mission.** Based on the vision, LASD should then develop its mission statement, based on the compiled information and consistent with LASD's mission and Section 4025. The mission statement should clearly state what role the Inmate Services Unit will play by asking such questions as: “Who are we?” “Why were we?” “How are we?” “Where are we?” “What leadership role in inmate programmatic innovations do we want to assume in California? In the nation? In the world?” The answers to these questions can serve as a starting point for honing IWF's mission.

IWF should also consider different models. For example, the Inmate Services Unit might define itself as a grant-making organization, which funds programs and projects that are then implemented by either LASD or contractors. (Note: In many ways, this model reflects IWF's current approach.)

Also as part of the mission statement, IWF can also set forth its philosophy or desired values.

- **Phase 4: Develop IWF planning assumptions.** Probably one of the most important next phases is the definition of planning assumptions, including IWF's response to the SWOT analysis of the external and internal environment, its opportunities, and abilities to address potential barriers to change (such as the County's reliance on IWF for maintenance).

In developing the planning assumptions, IWF can consider the “best case,” “most likely case,” and “worst case” scenarios. During these discussions, IWF and IWC should consider the financial and ethical implications of different profit margins. In the context of strategic planning, IWF has the opportunity to explore whether the “most likely case” scenario is desirable and, if not, develop strategies to make the “best case” scenario more likely. Priorities should then be set.

- **Phase 5: Set strategic priorities for IWF.** The mission statement and planning assumptions will form the foundation for establishing priorities. It is typically recommended that agencies limit priorities to the top 3 to 6 priorities to be tackled over the next one to three years. Among the strategic priorities should be the development of "funding mix" strategies. During recessionary times, more IWF dollars may be required for maintenance; during economically better times, more IWF dollars may be devoted to inmate welfare and education programs. In addition, although some initiatives may overlap, IWF should define what criteria determine if a request meets the definition of inmate education, welfare, health, maintenance, etc.

- q **Phase 6: Develop goals and objectives to support IWF strategic priorities.** The first part of the strategic planning process is an outgrowth of research, discussions, meetings, and internal reviews. What is critical is the development of the specific objectives that will forge IWF's future directions and become operational. Therefore, the Commissioners and IWF's managers should set goals and objectives that support IWF's strategic priorities.

These goals and objectives can then be summarized in an Action Plan, which outlines how IWF will implement the newly defined strategic directions. The Action Plan should summarize the Strategic Plan goals and objectives and indicate at a minimum:

- u Activities to be accomplished.
- u Timing.
- u Expected outcomes and performance measurements.
- u Assigned accountability (who is responsible for implementation).

IWF managers will need to balance how they realistically achieve the Strategic Plan while they perform their day-to-day duties or operations.

- q **Phase 7: Link IWF Strategic Plan to IWF's and LASD's budgets.** Too often, Strategic Plans are developed in isolation from an organization's financial reality. When such isolation occurs, the Plans become "wish lists" and little is implemented. Consequently, to ensure that reality checks occur, the goals and objectives of the Strategic Plan must be incorporated into the IWF budgeting process. In some cases, where certain investments may be needed, the target dates for completion may need to be adjusted because of financial constraints. In other cases, new high priority initiatives may receive needed funding over other historically valued activities.

The Strategic Plan should then be the driving factor in developing the portions of the LASD budget that use IWF funds. Other LASD plans, such as Facilities Plans or Information System (IS) Plans, should also reflect approved IWF funding.

- q **Phase 8: Communicate the intent of the Strategic Plan.** Moreover, once developed, the Strategic Plan should be formally communicated to the Board of Supervisors, CAO, Auditor-Controller, IWF staff, involved LASD employees, and other interested entities. Specifically, IWF employees must know:

- u What the goals are and understand how they (or their operations) contribute toward their achievement.
- u How progress and achievement will be reported and monitored.

- q **Phase 9: Monitor, adjust as required, and report progress.** An integral part of the strategic planning process is the ongoing evaluation of progress and results. Evaluation is

critical for furnishing feedback on the implementation process, changes in the external or internal environment; impact on the jails, programs being delivered, maintenance requirements, inmates' needs; etc. Through such evaluation and feedback mechanisms, the Strategic Plan can be refined as warranted and become a useful road map for the future. Moreover, IWF managers should report progress to the Commissioners at least quarterly and summarize achievements at year-end for the Sheriff, Commissioners, CAO, and other interested parties. The Sheriff should hold IWF managers accountable for the achievement of the goals and objectives in the Strategic Plan.

- **Phase 10: Annually refine the Strategic Plan.** Accomplishments from the prior year can be documented and used for redefining the subsequent year's goals and objectives. A strategic-planning calendar should also be part of the evaluation process. In this way, the specific time frames for reviewing accomplishments, reviewing progress toward priorities, and redefining goals and objectives are formally outlined and can become part of routine operations. Through such scheduling, strategic planning becomes an ongoing process.

In summary, developing a Strategic Plan requires that some or all of the following be done: (1) define a strategic planning process and all its stakeholders, (2) have a clearly articulated mission and goals, (3) clearly define the categories or types of projects or programs that will be considered for funding, (4) ensure that the proposed categories are consistent with statutes, regulations, and standing LASD policies, (5) establish criteria for setting funding priorities, (6) set a target mix of projected funding by project type, and (7) develop an operating plan that focuses on how to accomplish the mission.

IWF has made a significant contribution to LASD. Continuing to do business this way, however, begs the questions: "What might have been?" "What can it become?" Without a Strategic Plan and operating guidelines, expenditures become individual efforts, not an LASD-focused effort. Because of the lack of criteria for setting priorities, guidelines regarding the mix of activities to be funded, and measurements for success, LASD will lose out in exploiting the potential of IWF funds. Clear guidelines for IWF expenditures, coupled with a thoughtful Strategic Plan, will help ensure that IWF-funded programs support the Sheriff's vision.

Recommendation 2: IWF should review all funded programs at least annually to assess their overall effectiveness.

As part of the annual planning and budgeting process, the Inmate Services Unit should review current programs funded by IWF. As LASD changes over time, as the amount and sources of funding changes, and as the usefulness of individual programs change, verifying that IWF is maximizing the returns on the investment of its funds is important.

Accurate and timely project tracking and reporting is essential if programs are to be reviewed. As this internal "report card" on the prior year's operation is being developed, it will be necessary to compare the Strategic Plan against the operational reality. What criteria were

established for setting funding priorities? How much got funded in each category? Was the Strategic Plan's target mix for project funding met? Did the programs achieve the desired outcomes? Can those outcomes be measured?

To perform this kind of analysis, the Inmate Services Unit should create a Program Officer position with specialized expertise in program evaluation and independence from the program providers. For stability and given the specialized expertise, this position would probably be a civilian position. (Note: Sworn-officer personnel are routinely reassigned within LASD, which makes the continuity of program development and delivery difficult.) In general, throughout IWF, LASD should consider a mixture of sworn and civilian positions, especially because there are few written guidelines regarding the appropriate uses of IWF funds and because future assignments may be influenced by a sworn officer's decisions in the Inmate Services Unit.

With each cycle of program development and contract extension, the Program Officer should define measurable outcomes that define success. Without this independent review of a program's anticipated outcome, program funds could be spent year after year on a program that "looks good" but makes no contribution to the success of LASD or its inmates. Additionally, it is important that these outcomes be tied to LASD's vision and goals. Programs that do not contribute to LASD's success or the inmates' benefit should be discontinued.

Each year, the Inmate Services Unit should assess the benefits of the Program Officer position and determine whether additional expertise in this area is required.

Recommendation 3: IWF should invest in the future by targeting a percent of available annual funding for innovative pilot programs.

As the environment changes, ways of solving problems change. The "old way" is not the "new way." As problems become better defined, IWF will need to develop innovative and often experimental programs to address these problems. Potential new programs can only be talked about and discussed so much in white papers and trade journals. At some point, they have to be tested in the "real jail world".

LASD is fortunate in that setting aside an amount annually for development of innovative pilot programs is possible, given the annual revenues of IWF. In many respects, such efforts could be considered part of research and development of new innovations. Whether a program is developed internally, through a joint effort of community agencies, or by a contracted specialist, new experimental pilot programs should be developed and tested. The goal of developing and implementing innovative programs, as well as the funding to pilot them, should be part of the Strategic Plan.

The size and diversity of the County of Los Angeles jail system should present fertile grounds for many different types of programs. LASD, in developing and piloting these programs, can gain widespread recognition. Taking the initiative to use the most current thinking

– or in some cases invent new thinking – to develop and implement correctional programs will support and enhance LASD’s leadership within the field of correctional programming.

Programs developed within the Los Angeles jail system, such as the child visitation program called TALK (Teaching And Loving Kids), have been recognized and copied by other jurisdictions. A specific communications plan should be developed for the sharing and publicizing of such programs, which would also support the last recommendation on leadership.

PROGRAM MANAGEMENT AND STRUCTURE

Recommendation 4: LASD should target definable subsets of the inmate population for selection and participation in programs developed specifically for them.

In reviewing possible programs for development, LASD should analyze the demographics of the inmate population to identify target subpopulations and potential common rehabilitative needs within those target segments.

For example, it might be possible to identify a subset of the sentenced inmate population that has more than 90 days of time to serve and similar rehabilitative needs. Participation in these programs may be semi-voluntary — if selected and if accepted, the inmate would need to be willing to accept and live by the program’s rules of behavior. (Note: LASD’s Biscailuz Recovery Center currently has such requirements.) Such a target group could be housed together and provided focused training for substantially the whole 90-day period. If the demographics show a subset of inmates with only 30 days of time remaining, then a program could be modified accordingly (e.g., shorter and simpler interventions with appropriately reduced expectations of what can really be accomplished). In some cases, programs may not be suitable for such adaptation.

In other cases, programs might focus on preparing inmates to take advantage of community resources that support the transition from jail to the community. For example, a program that integrates jail programs with community programs in support of a seamless transition could be offered to inmates scheduled for release within “*x*” days. Opportunities offered by the new Workforce Investment Act [replacing the Job Training Partnership Act (JTPA)] should be investigated as a resource for such transitional community programs.

The targeted programs would have clearly defined expectations as to what should be accomplished. In addition, means of measuring and evaluating the outcome could be designed into the program from the start. As these programs are developed and tested, problems can be identified and resolved. And if the hoped for outcome cannot be achieved, the program would be revamped or dropped.

LASD, however, is currently handicapped in implementing such an approach because of the lack of basic data on inmates, such as: stratification of inmate subpopulations, length of stay

trends (including timing from pre-sentenced to sentenced, sentenced awaiting, transfer to State prisons, time remaining; total time served), or socio-economic, psychological, or demographic profiles of inmates by various variables. For example, during the course of the management audit, LASD was unable to fulfill simple data requests, such as a profile of the length of stay of inmates. LASD is currently designing an assessment "intake-outtake" process that would help to build some of the baseline data on inmates for designing and evaluating targeted programs.

Recommendation 5: IWF should measure and evaluate the success of IWF-funded programs.

A critical component of any program should be its measurement and evaluation. Implementing more programs and having more inmates attend programs does not equate to having successful programs with meaningful outcomes. Program success needs to be defined with respect to how the program supports the overall vision and goals of LASD and meets inmates' welfare, education, and benefit needs.

A critical component of this measurement and evaluation process is a clear statement of the overall mission of correctional programs. Are programs meant to be rehabilitative, providing inmates with values and skills that will enable them to be law-abiding members of their community? Or are they meant to provide time-consuming activities that calm the inmate population, reducing the incidents of disciplinary problems? A clear statement of the desired outcomes is essential if the program's success is to be determined. The challenge is to define what "success" means, and then find a way to measure it.

Programs may be successful in achieving their own internal goals but, if those goals are not clearly linked to LASD's goals, then the program should be reviewed and modified. If the programs' goals cannot be linked to LASD's goals, then the program should be discontinued. Part of a program's development should be a clear definition of (1) how it supports LASD's vision and goals, and (2) how to measure the program's success in support of those goals and inmates' needs.

Hacienda-La Puente Unified School District (HLPUSD) provides academic, vocational, and special subject classes for inmates in the County jails. This partnership has existed since 1973. The statistics are impressive. More than 120,000 inmate students attended classes in FY 1998-1999. Inmate students earned GEDs, High School Diplomas, and Achievement Certificates. Given the short length of stay of most jail inmates, the HLPUSD educational programs appear to be successful. An additional question might be "Are they as successful as they could be?" Working in cooperation with LASD, changes might be made that could increase the availability of interested inmate students, thereby increasing classroom hours. Would that make the program more successful? But without a LASD definition of success, there is no way to assess or measure it.

The additional evaluation question that needs to be asked is, "Do the HLPUSD programs

support LASD's correctional programs goals?" Further, programs need to be measured and evaluated against one another. A particular program may successfully support LASD's goals, but could the funds expended on that particular program be better spent on a different program?

All ongoing programs should be subjected to measurement and evaluation. But it is especially important to focus on new and pilot programs before significant resources are expended in the rollout of the program. The evaluation process allows pilot programs to be expanded if successful, adjusted or modified if necessary, and cancelled if ineffective.

The measurement and evaluation process also allows for the assessment of the program in changing environments. A program designed and implemented 10 years ago may have met all the then-current criteria for success. But with time, needs may change: program content, delivery methods, target inmate population, instructor availability, etc. Periodic evaluation of programs ensures that programs meet inmate needs (as defined by LASD) and support the goals of LASD.

Even if all IWF funds (in excess of \$30 million annually) were dedicated to inmate programs, the question would still be, "Are the programs effective?" Indeed, the challenge is to allocate the IWF funds in the most beneficial manner. If at the end of the day, all the correctional programs do not make any difference in how released inmates behave, then the programs should be discontinued.

Recommendation 6: The Inmate Services Unit should initiate project-tracking procedures for all IWF-funded projects.

The status, progress, completion, and success of IWF-funded projects should be tracked and reported. The Inmate Services Unit does a good job of tracking funding requests through the review and approval process. Once approved, the Inmate Services Unit ensures that the necessary and appropriate procurement documents are initiated and forwarded for processing. Fiscal Administration provides routine accounting reports, which provide some project-based information. But there is no comprehensive project-based tracking and reporting.

All funding for major projects should be tracked from inception through completion under a single project. Requests submitted over a period of time should reference the original project. Additionally, the allocation of labor, administrative overhead, etc., should be charged and tracked by project. At IWF, requests for different phases or parts of a larger project are sometimes logged and tracked individually. Failing to track a major project as a whole prevents the useful and prudent review and approval of individual requests as they relate to the entire project.

Project tracking provides a current view of a project that includes more than expenditures against budget items. Some of the project status information to be monitored and reported involve: project progress (actual versus planned); funding (requested, approved, initiated); activities completed, including percentage of activities completed; vendor evaluations; project operation; project success and benefits received, press releases; budget versus actual performance; "lessons learned"; etc. Each project should offer opportunities to celebrate

successes and learn from experience.

Providing appropriate levels of feedback to the IWC will demonstrate to the IWC that the programs approved and funded by them are more than paper requests; the programs translate into real benefits for the inmate population. Furthermore, project tracking will help focus on the performance of project participants and vendors, providing feedback that should improve the performance of future projects.

FINANCIAL MONITORING

Recommendation 7: The IWC should review and approve all expenditures made through IWF.

As already noted, the IWC acts in an advisory capacity to the Sheriff with regard to the expenditure of IWF funds. If the Sheriff is to benefit from this advice, and if the Commissioners are to provide reasoned and balanced advice to the Sheriff, the IWC must be aware of all items funded with IWF funds.

LASD submits an IWF budget to the Board of Supervisors. The FY 1999-2000 approved budget was for approximately \$72 million. Uses of those funds can be divided into two broad categories: (1) fund expenditures approved by the IWC and (2) fund expenditures based on the prior period operational and maintenance needs, which are not approved by the IWC. Having two different methods of accessing IWF funds could potentially create problems. These problems could be exacerbated because: (1) no clear policies or guidelines detailing what are appropriate IWF fund expenditures exist, (2) the different approval routes may be confusing, and (3) allegations might be made that certain items are deliberately funded in a manner to avoid review by the IWC. It is a matter of appearance. IWF lacks written policy or practice to provide insight or reasons why some projects require IWC review and approval and others do not. Such ill-defined practices may give the appearance of an undependable and discriminatory review process.

Having all IWF funding expenditures reviewed and approved by the IWC not only guards against such appearances, but also provides the IWC with a thorough and comprehensive knowledge of how all IWF funds are being used. The IWC's ability to provide the Sheriff with fair and objective advice regarding the expenditure of IWF funds is enhanced.

Procedures for the review of all IWF expenditures should be developed that would focus the IWC's time on important and large dollar projects. For example, one criterion might be that all programs with anticipated costs greater than "x" dollars would require IWC review and approval. Further, certain types of projects (e.g., new initiatives or pilot programs) might also require IWC review and approval. But certain routine expenditures (e.g., replacement of recreational equipment or supplies) might be reviewed by the IWC as part of a budgeted amount per facility. Once approved by the IWC, the Inmate Services Unit could be authorized to commit funds for

that purpose up to the budgeted amount per facility.

Recommendation 8: The Inmate Services Unit should schedule annual audits of IWF that are performed by, or under the guidance of, the Auditor-Controller.

The Inmate Welfare Fund, a special fund controlled by the Sheriff, had revenues in excess of \$40 million in FY 1998-1999. It is anticipated that the fund routinely will have revenues in excess of \$35 million. The approved FY 1999-2000 budget for IWF is in excess of \$72 million.

IWF currently has no legal requirement to be audited. Prior to its repeal in 1998, Section 1043, Title 15, recommended that a biennial audit be performed. Furthermore, Section 1043 recommended that an annual itemized report of expenditures be submitted to the Board of Supervisors, posted in each jail facility, and made available to the public.

The size of IWF, the current business practices, the current lack of an operational policy that clearly defines what is and what is not an appropriate expenditure of IWF funds, and the susceptibility to possible claims of misuse, all reinforce the need for an annual audit of IWF. The audit should address (1) compliance with accounting standards and financial reporting, and (2) compliance with newly established IWF guidelines and policies.

LEADERSHIP

Recommendation 9: LASD should proactively pursue a national and international leadership role in inmate programmatic innovations.

In the area of inmate services and programs, LASD, in general, and the Inmate Services Unit, in particular, should continue to work cooperatively with other sheriff's departments in California, the United States, and the world. To date, LASD and IWF track and consider programs delivered by its peers (e.g., other large, urban jail systems such as New York) and are helpful when inquiries are made regarding IWF programs. Part of the Inmate Services Unit's mission and one of its goals should be formally to establish and maintain LASD as a supporting and sharing leader among county jail systems. Efforts to become more involved with professional associations concerned with jail programs at the State, national and international levels should also be encouraged.

LASD should strive to guard against an attitude of superiority. Just because LASD operates one of the larger, if not the largest, jail system in the world, does not mean LASD cannot learn from a smaller county. Many aspects of a jail program developed in a smaller, quieter, county jail may not apply directly to the massive Los Angeles system. But a lot could be learned. Indeed, smaller counties do not have the challenges of Los Angeles County; they do not have to run a major metropolitan transportation system, daily serve more than 70,000 meals, or meet other demands of a jail system with almost 22,000 inmates on any given day. Smaller counties, however, can try innovative programs in a more contained, less hectic environment. LASD

should be prepared to benefit by listening, understanding, and sharing.

Willingness to work with other sheriff's departments should not be determined or influenced by what might be immediately gained. LASD has one of the largest jail systems in the world. It is larger than other jails within California by factors of 4, 10, and more. As LASD develops new or innovative pilot programs, it should willingly disclose its plans to other counties, asking for their thoughts and comments. A collaborative and sharing approach will help develop trust among the counties.

The active participation of LASD with other sheriff's departments and associations should be aggressively supported by a focused public relations effort. Placement of positive articles in local newspapers, publication of jail program articles in trade magazines, posting programmatic developments and results on a Web Site, and other routine outreach efforts should be made to get the positive story out into the community.

PROPOSED ACTION STEPS

This final section outlines a systematic approach for reviewing and implementing the recommendations set forth in this management audit. The first section addresses general actions steps that LASD should take to effect the recommended changes. The second section is an outline, listing the time frame, priorities, and accountabilities for implementing the recommendations.

LASD should implement the recommended changes, using a multi-step approach, as outlined next. Many of the recommendations complement and build upon each other. Therefore, they should be implemented systematically and not piece meal.

Action Step 1: Review and accept the recommendations in principle.

First, the LASD should review the recommendations one by one, and accept them in principle. Recommendations should be modified as suggested by group consensus or as required to meet specific constraints, such as County codes, legal requirements, or availability of resources. All recommendations should be accepted, rejected, or modified; none should be ignored. At this point, the final priorities, timelines, and accountabilities can be set.

In most areas, the intended thrust of proposed improvement in the recommendations has been presented without trying to be too prescriptive regarding the details. Most important is LASD's commitment to continual improvement in its strategic use of IWF monies.

Action Step 2: Assign a LASD project manager to supervise implementation.

Second, the importance, scope, and interrelationships of the recommended changes require centralized attention and monitoring to ensure a successful outcome. Consequently, a project manager, reporting to the Sheriff, should be appointed to handle day-to-day supervision, coordination, and monitoring of implementation efforts.

Action Step 3: Develop Activity Plans with assigned accountabilities.

Third, for each recommended change, the Sheriff in consultation with the project manager should appoint a LASD manager with responsibility for it. The intent is to suggest ultimate responsibility; certain aspects may be delegated to individuals below the level of the assigned LASD manager. Moreover, the individual with lead accountability may have to coordinate cross-functionally with other LASD executives and managers.

As a starting point, we propose where such responsibility might generally be placed for each recommendation. Also noted are the relative priority and timing for implementing each recommendation. In most cases:

- Implementation of the recommendations with immediate priority should commence as soon as possible.
- Intermediate priority recommendations can be deferred until action of the higher priority recommendations is under way.

In some cases, lower priority recommendations may be implemented earlier because they are easy to accomplish and may result in some “quick victories.” Other high priority recommendations may be implemented later once LASD has established more of a foundation for their success.

The assigned LASD managers should prepare an Activity Plan for each recommendation. Cost implications should be refined at this point, depending on the course of action LASD must adopt. Each Activity Plan also should contain a statement of each recommendation with the identified LASD manager and defined performance objective. The performance objective is a statement of the expected situation or condition after implementation of the recommendation. This objective should serve as a benchmark to measure accomplishment of the associated recommendation. The Activity Plan should detail the sequential action steps required to enact the recommendation, the assignment of responsibility for completing each step, and the start date and duration of each step. The project manager should review and approve each Activity Plan.

Action Step 4: Begin implementation and monitor progress.

Fourth, once the Activity Plans are approved, the action steps should begin. Each assigned LASD manager should prepare a quarterly, one-page report concerning the progress of each Activity Plan (i.e., recommendation) for the project manager. In turn, the project manager should summarize these reports for the Sheriff and IWC. As LASD managers identify adjustments necessary to the Activity Plans, they should consult with the project manager and note the needed adjustments on their progress reports.

The project manager should give a quarterly oral report to IWC regarding progress to date in implementing the recommendations. Optimally, LASD should share with the Grand Jury progress made, “lessons learned,” adjustments made, and overall successes and setbacks.

RECOMMENDED ACTIONS

As a starting point, our report has outlined each recommendation, listed in the order they are discussed in this report, and has noted:

- Relative importance — high, medium, low
- Timing for implementation — immediate, near term, long term, and ongoing
- Complexity of the recommendation — easy, moderately difficult, or hard to implement

q Suggested LASD accountability for implementing the recommendations.

Detailed descriptions of each recommendation are contained in the section, Recommendations. Exhibit 9 recaps the recommendations set forth in this report. The symbols for each of these considerations are defined in Exhibit 10.

**Exhibit 9
County of Los Angeles, Sheriff's Department
Recommended Actions**

	Recommendation	Relative Importance	Timing	Complexity	Accountability
1	<i>The Inmate Services Unit, with the involvement of the IWC, should develop a Strategic Plan for the IWF.</i>	¶¶¶	...	44	Sheriff
2	<i>IWF should review all funded programs at least annually to assess their overall effectiveness.</i>	¶¶¶	...	44	IWF
3	<i>IWF should invest in the future by targeting a percent of available annual funding for innovative pilot programs.</i>	¶¶¶	...	44	Sheriff
4	<i>The LASD should target definable subsets of the inmate population for selection and participation in programs developed specifically for them.</i>	¶¶¶	...	444	Sheriff
5	<i>IWF should measure and evaluate the success of IWF-funded programs.</i>	¶¶¶	...	444	Inmate Services Unit
6	<i>The Inmate Services Unit should initiate project-tracking procedures for all IWF-funded projects.</i>	¶¶¶	...	44	Inmate Services Unit
7	<i>The IWC should review and approve all expenditures made through the IWF.</i>	¶¶	...	4	IWC
8	<i>The Inmate Services Unit should schedule annual audits of the IWF that are performed by, or under the guidance of, the Auditor-</i>	¶¶	...	4	Inmate Services Unit

Recommendation		Relative Importance	Timing	Complexity	Accountability
	<i>Controller.</i>				
9	<i>LASD should proactively pursue a national and international leadership role in inmate programmatic innovations.</i>	¶¶	...	44	Sheriff

Exhibit 10
County of Los Angeles, Sheriff's Department
Legend for the Recommended Actions

Considerations for Each Recommendation	Legend for Information Provided
Relative importance	¶¶¶¶ = High priority ¶¶ = Medium priority ¶ = Low priority
Timing	= Immediate = FY 1999-2000 = Near term = FY 2000-2001 and FY 2001-2002 = Long term = FY 2002-2003 and thereafter ... = Ongoing = Once implemented, maintained on an ongoing basis
Complexity	4 = Easy to implement 44 = Moderately difficult to implement 444 = Hard to implement
Accountability	First listed incumbent has lead responsibility for implementation. Others listed where cross-functional accountabilities are necessary.

DETENTION FACILITIES REPORT

INTRODUCTION

The Grand Jury is mandated by California Penal Code §919(b) to inspect all County and Municipal Police Departments, Jails, holding cells in Superior and Municipal Courts, as well as Juvenile Camps and other institutions that are operated by the Los Angeles Probation Department. These inspections will include but not be limited to the inmates housing conditions, telephone calls, medical needs, food served with recommended dietary allowances (RDA), number of personnel and their operations training, policy and procedures manual, yearly fire inspections reports, use of safety and detoxification cells, rules and disciplinary penalties manual, issue of personal care items, showers, and standard bedding and linen issue.

Many of the above items are also minimum standards for adult local detention facilities as required in Titles 15 and 24 as prepared by the California Board of Corrections. There are many other agencies that also conduct annual or semi-annual inspections of all jails and holding cells, including but not limited to the Local or State Health Department, The California Board of Corrections, and the State or Local Fire Departments.

The Los Angeles County jail system is the largest in the United States. The daily inmate population in the County exceeds 22,500 incarcerated men and women. Added to this are approximately 4,000 juveniles being held daily in camps, juvenile halls, or other facilities. Also there is a Sheriff's facility in Lancaster called Mira Loma that houses in excess of 600 Immigration and Naturalization Service (I.N.S.) prisoners waiting to be deported. Directors have indicated these facilities will be expanding to 1100 beds in the near future.

METHODOLOGY OF CAMP INSPECTIONS

For inspections the 1999-2000 Grand Jury Jails Committee divided Los Angeles County into four areas: North, East, South, and West. Each team inspected jails, courthouse holding facilities, juvenile camps, and detention centers in their respective areas. These teams inspected all 201 facilities in the County, including some facilities that had never before been inspected. Unannounced visits in groups of two or three people were made to each facility in each area. At each inspection site a request was made concerning the capacity of the facility, number of people housed that day, the ethnic percentages presently incarcerated, and if the state-mandated 300-minute education program was being followed. Also the directors of all juvenile detention facilities were queried as to their specific needs or requests to enhance programs at their locations. Complete reports were submitted to the chairperson, which included observations, health and safety issues, and information from all sources obtained from directors, teachers, students or inmates.

The camp and detention facilities were rated Excellent, Above Average, Average, and Poor. The chairperson compiled this information, decided on facilities that required second and third visits or exit conferences, and prepared this information for the Final Report.

After an extensive review of various reports and proposals, interviews with facility directors, probation officers, and school personnel, the Committee was able to obtain sufficient information concerning the monies to be made available in the coming year to fund some of the numerous deferred maintenance projects in the juvenile facilities. In many cases it is not a sufficient amount; however, it is a start in the proper direction. There are a few instances in which no money has been allocated.

The report has been divided into the areas of youth camps, juvenile facilities for the mentally challenged, juvenile detention centers, and adult detention facilities, which include court holding cells and jails.

YOUTH CAMPS

Challenger Memorial Youth Center - Facility built 1990
5300 West Ave. I
Lancaster – 661-940-4144

Camp Jarvis-Rated Poor. – Capacity: 110 youth. Found in the barracks area were cut bunk pads, filthy water fountains, vile-tasting water, and graffiti. Bathroom and shower floors were extremely dirty. Wall plugs were broken and unsafe. The tables need to be leveled and floor anchored for safety. Weed abatement is needed.

Camp Scobee-Rated Poor. – Capacity: 110 youth. This camp has a large number of mentally challenged youth and this was used as the excuse for the unsightly situation we encountered. Restrooms and barracks had urine and dirty clothing all over the floors. Bunk pads were all sliced up as if to hide things in them. There were extreme amounts of graffiti, filth was abundant, and it appeared there was little or no discipline. Health Services inspection most likely would have closed the camp. Complete painting, much plumbing and lighting work are needed.

Challenger staffing quarters-Rated Poor. – There is a lack of adequate sleeping quarters for probation staff who are on duty 56 _ hours each week. One gym was lost to make room for the staff to sleep. Teacher computers are second rate, monitoring equipment needs upgrading, and better walkie-talkies are needed. Better interaction is needed between Probation and LA County Office of Education (LACO) teachers.

Challenger Kitchen Facilities–Rated Poor. - Broken steamers need replacement. Inside freezer handles for exit were broken off and needed replacement. Hanging plugs for food cart warmers were broken and some were not safe for use.

Challenger Schools-Rated Poor. – There is a need for closer supervision of the teaching staff. On two separate visits, it was observed that students slept during the lectures. Teachers were watching stock market news on a TV monitor while students drew pictures on paper. One classroom we entered had a teacher at his desk while a VCR video played a movie that had no apparent bearing on the subject being taught.

Probation and child placement personnel gave us an estimate both here and at Sylmar Juvenile Hall that the cost to keep one bed full for one year in the camps, excluding teacher salaries, is in excess of \$29,000 per year.

Comment: If we are not teaching and rehabilitating these juveniles, we are paying a high price for warehousing them.

Challenger Special Housing Unit (SHU)-Rated Poor. – 27 students incarcerated. A special housing unit is used for detention of the youth in need of special control for behavioral modification whether it is for a short or long stay. These facilities have single rooms and an educational program is provided to people incarcerated for more than a few days stay.

Comment: These facilities, as are several others in the camp and detention program, are unsafe. In the event of a major earthquake or fire, the loss of life may be very serious. There are usually

one or two people working these units and, in the event of an earthquake, the question is how fast the supervisors can mobilize and evacuate the units? Each cell must be manually unlocked to release the youth. If there are 30 youths in individual cells, how quickly during a 7.0 earthquake can they unlock the cells before there is loss of life? If they can get to all the cells, can they get them unlocked? If the earthquake were severe enough, it might twist the doorframes so they cannot be opened.

Probation Department Deferred Maintenance Projects for these facilities in FY2000 will be to replace heater/air conditioner controllers. – cost \$641,000.

Youth Camp Rocky – Facility built 1942
1900 North Sycamore Canyon Road
San Dimas – 909-593-2391

Rated Poor. Capacity: 120 – day of inspection: 117. This camp is in need of major maintenance work. No merit or work experience programs are in place so the youth have only mandated academic and physical education programs. The grounds were a disgrace. No fire fighting or earthquake supplies were available, and no evacuation plans were posted. The gym has been red-tagged since the 1994 Northridge earthquake. The security entrance is not available, painting of the complete plant is needed, and there is a need for additional trained staff. Working walkie-talkies are needed, along with someone with computer experience. Brush clearance around the complete camp is necessary. A major item for repair is the gym for the youth.

Probation Department Deferred Maintenance Projects for this camp in FY2000 will be to replace the water and irrigation lines. – cost \$55,000.

Youth Camp Holton – Facility built 1958
12653 North Little Tujunga Canyon Road
San Fernando – 818-896-0571

Rated Poor. Capacity: 120 – day of inspection: 118. The Probation Department, LACO, and Ancillary Support Services are not resolving problems in this camp. It is one of two camps in the hills that depend on a pump flow of water to the camp. The pump and waterlines are old and constantly break down. A complete electrical retrofit is needed as well as repairs to damages from 1994 Northridge earthquake. Security lighting upgrades are needed. Also needed are monitor equipment upgrades. This is another kitchen in need of a new steam pot. The needs of the youth are not being served due to the fact that the Probation Department and the LACO teachers do not communicate well. Interaction is hampered by a provision in the teachers' union contract that creates a safety problem for the Probation Department. Teachers are not required to open their classrooms until 8:30AM, which results in large numbers of students congregating outside with limited supervision.

Comment: The singular action taken by a teacher at this camp to write for grant money is a shining example of what can be done to aid the academic program. She was able to secure enough to supply her class with new computers.

Probation Department Deferred Maintenance Projects for this camp in FY2000 will be exterior painting, heating and air conditioning upgrades as needed. – cost \$705,000.

Camp Miller – Facility built 1962
433 Encinal Road
Malibu – 818-889-0260

Rated Poor. Capacity: 125 – day of inspection: 125. This camp shares a kitchen, nurse, and pool use with Camp Kilpatrick. Camp supplies are inadequate. The plumbing, painting, electrical, grounds, and health and safety are at unacceptable levels. There are no earthquake supplies, fire fighting equipment, or evacuation plans. The nearest hospital, police, or paramedics are 20 minutes away. Office equipment is outdated, and the gym has been red-tagged since the 1994 Northridge earthquake. The kitchen is in need of storage shelving. Bilingual teachers are needed. Also only a minimal amount of sporting goods equipment is available for physical education classes. An extra shift nurse, a lab technician, and more frequent lab specimen pickups are needed. Air conditioning has been installed; however, bathrooms need exhaust fans. The gym needs to be repaired.

Probation Department Deferred Maintenance Projects for this camp in FY2000 will be to repair dry rot, exterior painting, and remove sewage pond waste. – cost \$120,000.

Youth Camp Gonzalez – Facility built 1962
1301 North Las Virgenes Road
Calabasas – 818-222-1192

Rated Poor. Capacity: 125 – days of inspection: 123. Serious contractor problems were discovered here. This is a Probation Department problem we have found in other camps where the Probation Department let contracts for bid. We visited this camp 3 times over a time frame of 4 months and found conditions changed slowly. The sewer and plumbing problems were 90 % resolved after 4 months. There are no work experience or merit programs here, only physical education. There is a desperate need for bilingual teachers here as in other camps. Most camps consist of 50-75% Hispanic youth. Over 50% of the youth in this camp are at 5th grade education level or lower. There are no evacuation plans and no fire or earthquake supplies. The teachers and Probation Department agree that a swimming pool would help to suppress youth anxieties. The major problem here is one of health and safety for the youth of the camp because of sewer and plumbing problems. For the 123 youth in this camp, there are only 6 portable toilets and 6 portable showers. This is not the only camp with this type of problem; however, several others that had the same problems did get them fixed in 6 weeks. There is a definite need to look closer at contract monitoring. The gym is not usable due to earthquake damage.

Probation Department Deferred Maintenance Projects for this camp in FY2000 will be to repair gym and dorm roofs, kitchen and dining hall roofs, exterior painting, heating and air conditioning upgrades, alarm and public address system upgrading. – cost \$415,000.

Youth Camp Scudder – Facility built 1957
28750 North Bouquet Canyon Road
Saugus – 661-296-8500

Rated Poor. Capacity: 125 – day of inspection: 121. The institution of a merit or work experience program could do wonders for this camp. Youth need to spend 10 minutes a day picking up the trash and pulling weeds which would improve camp appearance. There are no earthquake supplies, fire fighting equipment or evacuation plans. All drinking fountains were filthy and the water tasted vile. The plumbing was in poor condition. This camp is one of the four where a specific school principal is in charge and is working with probation so the education needs of the youth are being met. A bilingual teacher would be a major asset. A SHU is needed, as well as an ice machine, new ovens, and a cement mixer to fix the sidewalks. A program of possible merit at this camp would be to utilize the resources of a local dog trainer.

Probation Department Deferred Maintenance Projects for this camp in FY2000 will be to repair hot water tanks, telecommunication upgrading, heating/air conditioning, and roofing of the school, dorms, kitchen, and dining hall. – cost \$1,015,000.

Youth Camp Munz – Facility built 1950
42220 North Lake Hughes Road
Lake Hughes – 661-724-1211

Rated Poor. Capacity: 125 – day of inspection: 123. This camp is completely opposite of its neighbor, Youth Camp Mendenhall, in that there are no work experience, merit programs, or student participation in maintaining the camp facilities. There is abundant trash everywhere, filthy water fountains, vile-tasting water, badly kept dorms, and dirty latrines. There is a need for additional staff, as well as staff sleeping and meeting quarters. School basics are in place at this facility and the teachers understand their role in instruction of the youth. This is another school of the above mentioned principal's domain where her teachers do teach and motivate.

Comment: There is a definite need for better director communication if this camp is to help the youth.

Probation Department Deferred Maintenance Projects for this camp in FY2000 show nothing in the master plan for work or repairs at this camp.

Challenger Memorial Youth Center – Facility built 1990
5300 West Avenue “ I ”
Lancaster – 661-940-4000

Camp Onizuka-Rated Average. – Capacity: 110 youth. The toilet separators are rusting out at the floor level. There are holes in ceramic tile floors, and many cracked windows in the restrooms and barracks. No evacuation route is posted. The plumbing is bad with filthy water fountains and vile-tasting water. The camp needs inside painting and electrical repairs. The mattresses in the barracks are slit.

Camp Smith-Rated Average. – Capacity: 110 youth. There are filthy water fountains with vile-tasting water. There are no posted evacuation routes, and no fire fighting or earthquake

supplies. Barracks conditions were judged fair; however, bathroom and shower areas need to be better cleaned and deodorized. Bunk pads were slit and inside painting is needed.

Camp McNair-Rated Average. – Capacity: 110 youth. This camp is short staffed. There is no sports equipment and no posted evacuation routes. The floors and water fountains were filthy. It appears that better custodial service is needed. New shower barriers are needed. Better cleaning and deodorizing of bathrooms and showers are required.

Fire Camp Routh – Facility built 1958
12500 Big Tunjunga Canyon Road
Tujunga – 818-352-4407

Rated Average. Capacity: 109 – day of inspection: 108. This camp is operated for 16-18 year-old youth for instruction in fire fighting. Some youth have become firefighters in both the County and cities. This camp has been waiting 10 years for a kitchen. The laundry room needs commercial washers and dryers for the heavy loads of fire fighting gear. One restroom wall needs complete replacement and the entire septic system needs to be replaced. Staff quarters are at best minimal and all office equipment is outdated by at least 10 years. There is an urgent need for additional classroom space. All floors in every area of the camp are in need of steam cleaning and polishing; however, the machine for that purpose has been broken for the past two years even though requests for replacement have been made. There is also a need for a new water pump and supply line.

Comment: The youth camps need to teach some trade classes in addition to the mandated programs. The suggestion heard at all camps is that they need some type of academy to train youngsters in trades to prepare them for jobs on the outside when they are released.

Probation Department Deferred Maintenance Projects for this camp in FY2000 will be to connect to the public sewer, shortfall waterline, roadwork, new roof and heating/air conditioning for two dorms, and exterior painting. – cost \$1,775,000.

Camp Kilpatrick – Facility built 1962
427 Encinal Road
Malibu – 818-889-1353

Rated Average. Capacity: 125 – day of inspection: 125. Encountered on our first visit to this sports camp were aides to a US Senator inspecting the camp. Everything was in perfect condition. The grounds were freshly planted, lawns and bushes trimmed, and nothing was out of place anywhere. On our second visit two months later we found, as at all other camps, trash was overflowing and the grounds were not maintained. The gym is in need of earthquake retrofit. Replacement of two grills and a steam pot in the kitchen are needed. Extra security lights and a large light pole in center grounds would enhance night security patrols.

Comment: This camp has all the best athletes from within the system and gets outside support from places such as the NFL. The teachers and probation officers all state that once here, the youth do not wish to leave. This camp has the best computer and motion picture lab to be found in the probation system. Most assuredly this is because of the grant writing work of the computer lab instructor.

Probation Department Deferred Maintenance Projects for this camp in FY2000 will be to remove sewage pond waste and water line replacement for dorms B & C. – cost \$216,000.

Youth Camp Afflerbaugh – Facility built 1962
6631 North Stevens Ranch Road
La Verne – 909-593-4921

Rated Good. Capacity: 120 – day of inspection: 116. The directors have implemented a work experience program. They are attempting to teach a cooking class to the youth. Also they have the youth working on keeping the grounds planted and clean. The discipline is very strict in this camp. This camp would benefit from complete painting, more barrack space, and upgrading of all plant facilities.

Probation Department Deferred Maintenance Projects for this camp in FY2000 will be exterior painting, new roofs and heating/air conditioning in dorms, school, kitchen, dining hall and administration areas, as well as new hot water tanks and plumbing the ward dorm. – cost \$1,014,000.

Fire Camp Paige - Facility built 1962
6601 North Stevens Ranch Road
La Verne – 909-593-4921

Rated Good. Capacity: 120 – day of inspection: 116. This is a camp for youth aged 16-18 that are trained for fire fighting by the county fire department. They are paid for their time at the fire lines. Youth under 18 are no longer allowed to fight fires, but can do “mop up” duties. Upon completion of their time served, some of these young men go on to the County or other fire departments.

Probation Deferred Maintenance Projects for this camp in FY2000 will be exterior painting, new roofs, heating/air conditioning dorms, kitchen, dining hall, and administration areas. - cost \$592,000.

Youth Camp Scott – Facility built 1957
28700 North Bouquet Canyon Road
Saugus – 661-296-8500

Rated Good. Capacity: 125 – day of inspection: 123. This is the only camp for females and it appears to be very crowded. The staff is helping girls with their personal hygiene and grooming needs out of pocket. Probation Department needs to be involved in this situation. There is excellent communication between school and probation staff at this camp and at the other schools run by the above-referenced principal in the 3 other camps. There is a definite need for a new movie screen, large TV and new VCR for ladies who earn the right to use them through the merit program. The auditorium/gym is in need of complete painting and cleaning both inside and out. This camp would also benefit from having some sports equipment.

Comment: It would be of great help if there were a hair style salon on grounds for the girls to help build their self-esteem as young women.

Probation Department Deferred Maintenance Projects for this camp in FY2000 will be the replacement of roofs on dorms, kitchen/dining facility, gym and school, as well as telecommunication upgrades and heating/air conditioning for all rooms. – cost \$1,112,000.

Challenger Memorial Youth Center – Facility built 1990
5300 West Avenue “ I ”
Lancaster – 661-940-4000

Camp Resnick-Rated Good - Capacity: 110 youth. As in most individual camps in the Challenger complex, there is a lack of books and games for youth in their free time. No posted evacuation routes were observed.

Youth Camp Mendenhall – Facility built 1950
42230 North Lake Hughes Road
Lake Hughes – 661-724-1211

Rated Excellent. Capacity: 125 – day of inspection: 124. The camp director, teachers, and probation officers are all working together and seem to know what needs to be done to help the youth. There is a merit and work experience program and they are considering teaching some types of trade classes. Students commented they would learn faster if there were separate grade classrooms. Due to other programs to supplement education the youth here are finding better self esteem and look forward to trying to go back out in the community. All students are involved in the upkeep and maintenance of their camp. Therefore, it is in excellent condition except for plant maintenance of painting and plumbing. This is the third of the four camps that one principal has under her control where the teachers are working with and for the youth and give that extra 10%. Probation & LACO cooperation is excellent at this camp.

Probation Department Deferred Maintenance Projects for this camp in FY2000 will be a school roof replacement and a hillside erosion tank. – cost \$161,000.

JUVENILE FACILITIES FOR THE MENTALLY CHALLENGED

Youth Camp Dorothy Kirby M.H. – Facility built 1960
1500 South McDonnell Avenue
LA (Commerce area) - 323-981-4313

Rated Excellent. Capacity: 100 – day of inspection visit: 98. Although classified as a camp it is an institution for the mentally challenged youth. There is a staff ratio of 1 to 1 for the youth. There is an excellent quality education program and teachers and staff work well together. All furniture in the cottages was being refurbished and repainted at the time of our visit. This facility and its directors should be considered the showplace as to how all camps should look and be run. The facility is almost 40 years old and better maintained than any other facility we inspected, thanks to a very dedicated director. A full time gardener would be beneficial in maintaining the grounds.

Probation Department Deferred Maintenance Projects for this camp in FY2000 will be upgrading the gate hardware in the sallyport and cleaning all duct work. – cost \$28,000.

MacLaren Children's Emergency Shelter – Facility built 1975
4024 North Durfee Avenue
El Monte – 626-455-4501

Rated Excellent. Capacity: 240 - day of inspection visit: 136. There are no probation youth at this center. There are primarily children from broken homes or foster care homes. This is a very well staffed and excellently run facility. 250 supervisors handle the care of the mentally challenged youth here, so there is always a ratio of at least 1:1 and in many cases 2:1. There is a full kitchen to supply any special dietary needs of the youth at any time of the day or night. A complete medical staff is on duty 24 hrs. a day, seven days a week. Facility is divided into units for boys, girls, mothers with or expecting children. Each facility for the youth is called a cottage and holds 16 youth. There is an exceptional education program consisting of 12 different classrooms with aides and special help as needed. The educational facility consists of 1 classroom for elementary, 1 classroom for middle school regular education and 1 classroom for middle school special education. There are 2 high school classrooms for regular education and 2 classrooms for special education. A computer classroom is available for daily use. There are four special classes available for the severely challenged youngsters. We learned that a major problem facing this facility is that when someone leaves to go to a foster care home, they often run away. Within a period of five or six weeks they usually return to the shelter and the process begins all over again with evaluations, medical checkups, and settling them back into the program. While the rated capacity is 240, the shelter is only equipped to handle 100 to 125 youth. There are many times the population goes much higher and it becomes necessary to request special relief to handle the volume. The transitional home Starview is equipped to handle 56 youngsters from MacLaren and accepts only when they have the space. No other foster home is equipped to handle these youngsters with their emotional problems. The next closest home available is Harbor-view; however, they rarely take any of the children from this facility. The average stay at MacLaren is 30 days. The medical staff has a doctor on duty or on call 24 hrs. a day and 15 nurses.

JUVENILE DETENTION CENTERS

JUVENILE COURTS

Barry Nidorf Juvenile Courts - Facility built 1972 (rebuilt 1994)
16350 Filbert Street
Sylmar - 818-364-2035

Rated Excellent. The court holding portion has 2 cells so it is very difficult to segregate as to race, gender, sexual orientation, etc. A busy day for the holding cells is 4 to 6 youth. While the cells are in excellent condition, there is usually a shortage of staff. A sound barrier should be placed between the courts and the railroad tracks approximately 40 yards away. When a train passes, court proceedings must stop until the noise level subsides.

Los Padrinos Juvenile Courts – Facility built 1957
7281 Quill Drive
Downey - 562-922-8861

Rated Excellent. Both the courts and Los Padrinos Juvenile Hall are on the same grounds. This makes it very convenient if someone is remanded directly from court to the juvenile hall. There is also a detention center for adults at this facility.

Eastlake Central Juvenile Courts– Facility built 1906 & 1941
1601 Eastlake Avenue
Los Angeles - 323-226-6601

Rated Excellent. There are five courts, three adult holding cells, one juvenile general holding cell, and a staging area all in excellent condition, well staffed and managed.

JUVENILE HALLS

Eastlake Central Juvenile Hall – Facility built 1906 & 1941
1605 Eastlake Avenue
Los Angeles - 323-226-6601

Rated Poor. Capacity: 420 –day of inspection: 666 youth. The INS section of this facility was well managed; however, there is a need for more bilingual teachers and counselors. The main portion of this very old facility is poor. The facility can best be described as falling apart. The kitchen, medical station, fire equipment and evacuation plans were all below standard. One pool was excellent but it is never used, while the other needs a pool pump and replastering to repair a leak. The balance of the grounds, barracks, bathrooms, plumbing, and windows were all in very poor condition. The SHU at this facility has 60 units, 16 of which were unusable for various reasons. The security phone system and walkie-talkie system are antiquated. The hospital space for the number of students here is inadequate and creates a health and safety hazard. In the classrooms, we observed teachers lecturing to students, teachers reading newspapers while students slept at their desks, and in others the students sleeping while teachers watched the stock market report on the TV monitors. This situation was observed in 9 of the 20 classrooms visited that day.

Comment: The lack of coordination and cooperation between Probation and LACO is detrimental to the educational process and juvenile justice system. This facility is overcrowded, understaffed, and needs to be completely renovated & rebuilt.

Probation Department Deferred Maintenance Projects and master additions for this facility will cover the next 4 years at a cost of \$32,285,954.

Los Padrinos Juvenile Hall – Facility built 1957
7285 Quill Drive
Downey - 562-940-8631

Rated Poor. Capacity: 800 – day of inspection: 759. The average population at this facility is 650 males and 60-80 females. Probation officers have to use pepper spray on a daily basis here to control situations. The entire plant is in need of painting. There is a pool for youth to use but it has had a leak for two years. This facility is without work experience programs, merit programs, and no trade classes are taught. There is a problem in getting students to class. It is difficult to get 700 plus youth ready to go to school at 8:30AM and to have to control them with 60 staff while waiting until the teachers open the classrooms at 8:29AM. The civilian cooking staff and servers do an average job. There are 3 doctors and dentists that share the workweek and duties in a 10-bed nursing care unit. This detention center like others and some camps has a SHU for lockdown of special troubled youth. Personnel must unlock each cell with no master release. We point out the potential for major lawsuits in possible disasters. Each cell is checked and logged constantly.

Comment: The medical staff is to be commended for the excellent job they perform here under the pressures and stress at this facility. These facilities are now 42 years old, and like others in the County, are falling apart due to lack of major yearly upkeep. There is a 27 acre plot of ground that is currently unused and could be developed for sports activities, including football, baseball and soccer. However, we discovered that it is also a breeding ground for Blue Herons.

Probation Department Deferred Maintenance Projects for this facility in FY2000 will be to replace steam lines, install an exhaust fan in the kitchen, rebuild the freezer, replace the heat exchangers, repair sprinklers, and repave the service yard driveway. – cost \$218,000.

Barry Nidorf Juvenile Hall - Facility built 1972 (rebuilt 1994)
16350 Filbert Street
Sylmar - 818-364-2035

Rated Poor. Capacity: 603 – day of inspection: 791. The gym at this facility, as in 5 camps, has been unusable since 1994 earthquake. Security phones positioned on the campus have not worked for three years. Probation personnel carry outdated walkie-talkies. This facility has individual lockup cells that are as clean as can be expected. The grounds are in terrible condition, the pool is barely usable, and plumbing repairs and painting are needed everywhere. Electrical jobs were numerous, and no evacuation plans were observed. Also not found were fire and earthquake supply cabinets. We found that a fire safety violation had not been addressed nor corrected 6 months after fire notice was given. The kitchen was well run and has a large staff of 36. The hospital area is very overcrowded. The staff of 28 is inadequate to properly serve the needs of the youth in this facility. Additional space and help is needed in this infirmary area for youth to receive proper care. Birth control pills are not given nor their use explained to females, even though the charge nurse has suggested it. On the other hand, Camp Scott does supply females with this information and pills to make sure they were better prepared when they leave. There are 385 supervisors split in three shifts, to control the entire complex through all functions. There are a total of 60 teachers in 37 classrooms, all of whom seemed to be working well together. However, Probation, teachers, and Health Services have very poor working and communication skills with one another. There is a need for specialist and bilingual educators.

Also, Probation, teachers, and the nursing staff agree that over 50% of the youth have severe mental problems. Juveniles at this facility range in age from 9 to 21 and are kept from 3 to 48 days. It should be noted that all youth including mentally challenged are tested at Barry Nidorf for classification and assignment to other camps.

Comment: In our opinion, the school system here needs greater attention to helping the mentally challenged youth they encounter. The facility shows an excellent daily schedule as to how the youth will be served; however, it was not what the inspection team observed.

Probation Department Deferred Maintenance Projects for this facility in FY2000 - There are no plans to do any type of work at this facility in the master plan.

CONCLUSIONS – JUVENILE FACILITIES

Most detention facilities, along with the camps in the probation system, are in great need of capital improvements. The camp living conditions for juveniles, when compared to jail or prison facilities, are at best sub-standard. Many small things can be done on a facility by facility basis by the director, teachers, and youth, which would enhance the appearance of their facilities. However, to correct the major problems, it will be up to the Board of Supervisors to invest the money needed for the future of our youth.

Major work needs to be done by LACO as to the manner in which they interact with the Probation Department and Health Services regarding the instruction of youth.

The Probation Department needs to closely monitor the contractors to ensure both the quality and timely completion of repair work at the juvenile facilities.

Most juvenile facilities in the County Probation system are in extreme disrepair. Interior and exterior painting of all facilities need immediate attention.

There are serious general plumbing problems in facility bathrooms and showers.

Those camps that have escape and protection fencing need repairs.

It was noted that the kitchen equipment presently being purchased is breaking within three years of purchase and it is difficult to get repair parts or anyone knowledgeable to do the work.

Safety, health, ground management, and sanitation problems recur throughout this report primarily because there is inadequate custodial and/or gardening services in the facilities.

Security communications concerning campus phones and walkie-talkies are out-dated.

The majority of all camp drinking fountains are filthy and the water is vile-tasting.

RECOMMENDATIONS – JUVENILE FACILITIES

1. The Probation Department should consider developing trade classes and/or special education academies for the advanced students, in addition to mandated programs.
2. The Probation Department should convert Camp Scudder from a juvenile male camp to a juvenile female camp. It is adjacent to Camp Scott which is presently a female facility and a second female camp is necessary.
3. The Probation Department should develop another facility such as “Starview” to operate in conjunction with MacLaren Hall.
4. The Probation Officers serving at juvenile halls should be required to serve a minimum of one year at that facility before transfer.
5. The Probation Department should seek surplus “steam pots” from other County agencies.
6. The Probation Department should hire additional employees for custodial services and gardening work in the camp system.
7. The Board of Supervisors should ensure that LACO and the Probation Department engage in constructive communication at all levels to resolve issues of conflict such as:
 - The safety issue on getting students into class before 8:29AM.
 - A teamwork approach to mutual problems in all facilities.
8. We recommend that the Probation Department give particular attention to the following areas:
 - Perform weed abatement.
 - Repair running tracks, volleyball courts, baseball diamonds, gymnasiums.
 - Weatherproof skylights and buildings.
 - Paint inside/outside all youth facilities.
 - Upgrade plumbing and electrical where needed.
 - Provide additional books and games for leisure time.
 - Solicit the National Guard for all their old uniforms for juveniles.
 - Provide bilingual teachers and GED programs at all juvenile facilities.
 - Petition judges to make juvenile stays a minimum of 12 weeks for educational purposes and rehabilitation.
 - Equip all SHU units with quick-release master cell door openers.
 - Replace all water fountains for health and safety purposes.
 - Maintain teams of plumbers and painters to visit and upgrade each facility.
 - Replace all security phones and walkie-talkies.
9. The Probation Department and LACO management should both employ professional grant writers to take advantage of State and Federal grant fund programs that are available.
10. We recommend that Probation upper management and all members of the Board of Supervisors conduct unannounced visits to youth detention facilities.

ADULT DETENTION FACILITIES

One of the new operations in some of the smaller municipal city jails is a private company being used to staff and manage those jails. This may become the wave of the future for more local cities. This operation will save the cities financial costs as most sworn officers make two or three times the salary of civilian jailers. There possibly would be even further savings, as limited employee benefits need to be paid. There are some problems with the contract jailers, such as sufficient jail performance and supervisory training. Title 15 §1021 and §1023 state that these positions have up to one year of assignment to complete required training. These conditions have been explored and examined by The California Board of Corrections and their results will be included in the next Title 15 revision.

The Los Angeles County Sheriff's lockup facilities all operate the same from facility to facility. Their operation manuals are all updated annually, fire inspection manuals are updated on the same basis and are found in a majority of court lockup facilities. Inspection reports not located on the days of inspection were sent to the Grand Jury. All missing reports were forwarded within two weeks for completion of this report. Most of the Sheriff's Department holding cells require a visual observation of inmates. Inspection logs have been placed on these cells so timed documentation can be noted on the logs. The Sheriff's Department has done an excellent job of all their required documentation to protect the inmates.

Many of the Municipal Jail personnel fail to use this type of documentation log for required observation as stated in §1055, §1056, & §1058 of Title 15. They have stated that, with TV monitors, the logbooks are not needed. The California Board of Corrections is looking into these problems.

Many of the sheriff's court lockups are located in buildings that are over 35 years old. At the time of their construction, the number of inmates being brought to court was between 10% or 15% of today's court appearances. This is a large problem in most of the courts today as there is not enough room to separate all the different classification of inmates as now required due to type of crime, sex of inmate, juvenile, ethnic background, or sexual orientation. Because of these problems, in many circumstances, inmates have to be chained to benches in hallways for their own protection, resulting in a security breach.

Many of the sheriff's stations and court lockups are operating with a shortage in personnel causing many facilities to operate with considerable overtime. At present there is a department-wide push for new recruits, and if enough are hired this problem could be eliminated. Generally most of the court lockups are overcrowded in Los Angeles County. This overcrowding has added to the graffiti that already exists in the cells. Many of these holding cells could have graffiti painted out one day and within the week it would be back again. Many of the deputies stated to us that after inmates had visits with attorneys and had returned to their individual cells or holding facility they found it necessary to do searches for contraband pens, pencils, and markers. Even though the attorneys do not realize it, they are compounding the graffiti problem.

Many sheriff's units, Los Angeles Police Department divisions, and other municipal police departments are having a problem keeping up with the broken windows created by the

inmates. Most cracked or broken windows are repaired within a day or two for safety reasons; however, inmates continue to break windows at will. The older jails have more of a problem with this because they have many more windows than newer jails that were constructed with less windows and better lighting.

After inspecting all the city jails in Los Angeles County, we find that the Pasadena City Jail is an exemplary model. If the Pasadena City Jail could be visited prior to the building of prospective new jails, it would assist in the efficiency of the jails being planned. Additional income for the City of Pasadena Jail System comes from the paying inmates sentenced by local courts to spend an evening or weekend. The Immigration and Naturalization Service is in negotiations with the City of Pasadena to handle up to 50 I.N.S. detainees per day. This is an operation that could bring an estimated one million dollars annually into the jail budget.

The latest modern equipment in the Pasadena jail also makes for a more efficient, safer, and secure jail for not only the jailers but also the inmates. Examples of these items are:

- Dental Hygiene aids, which have a small foam applicator impregnated with the toothpaste on a paper stick. This allows the inmates to maintain dental hygiene without providing them with objects that can be used to harm themselves or to be used to make a shank to harm others.
- An override safety system to open all cell doors at one time or individually with the use of a master switch at the main control desk.
- A computerized jail check-tracking system.
- Detoxification cells fully visible from the intake and office areas.
- An intercom system to allow jailers to communicate with inmates separately or all inmates in the “pod”.
- A control and observation center from which all “pods” can be observed. There are also cameras in each “pod” for observation and safety of all inmates.
- The female cells have smoked-colored glass around the toilet areas for their privacy and can be observed only when the night-light is turned on.
- A new telephone system is being discussed for the detoxification cells that has the earpiece and speaker microphone built into the wall. This will allow the inmate to make phone calls, while deterring them from tearing any portion of the phone from the wall to cause damage or injury.
- A tunnel was dug under the street in the original construction between the jails and courthouse holding area. Due to cost and other conflicting matters, the tunnel was never completed. Should this tunnel be completed, it would add safety and security to inmate transfer between courts and jails. Security cameras could be installed in the tunnel, which could eliminate increased police and/or jailers being sent with inmates going back and forth from court.

One of the sheriff’s newer facilities, Century Regional Detention Facility, built in 1992, is among the finest of facilities this committee visited. Located at 11703 So. Alameda in Lynwood, this facility has a capacity of 1800 inmates, averages 1600 or more a day, and usually has over 250 females a day. All inmates are given a full medical examination upon arrival and inmates with serious health problems are sent to Twin Towers. Each cell has an intercom system so the jailers can communicate one on one with inmates immediately if there is an emergency.

Their kitchens are very large, clean, and operate efficiently. There are four courts at this facility and all women are held here until they have their arraignment hearing, after which they are transferred to Twin Towers. Using all the latest equipment, TV monitors, intercom systems, automatic door openers, and separate pods for 300 inmates each, it is possible to operate with a lower number of sheriff's personnel than would normally be required.

A second facility being operated with minimum jail personnel is the Mira Loma Detention Center in Lancaster. This facility at present has 650 I.N.S. inmates and has the capacity to be expanded to 1100. Remodeled and opened in 1997 by the Sheriff's Department with an agreement with the I.N.S., the facility operates under Federal guidelines and Title 15. They have found by using the best of both sets of laws, they can better provide for the inmates with fewer problems for all concerned. Each prisoner is given a complete physical within 10 days of arrival. There are 3 Federal Courts on site to expedite the processing of inmates who are Federal prisoners. The I.N.S. pays the Sheriff's Department for the incarceration of these prisoners. The I.N.S. has suggested that this facility be upgraded to hold 1100 prisoners by renovation of existing buildings.

The latest Sheriff's facility to be opened for operations is the Biscailuz Recovery Center in East Los Angeles. This facility has been remodeled over the past two years and was opened on July 15, 1999. This is a facility within the jails system that is a rehabilitation program for specific problems of male inmates who are at least eighteen years of age. Their problems may relate to drug abuse and/or domestic violence. The drug rehabilitation program is a twelve-step Impact Program and the Domestic Violence is a separate program. Both programs have dedicated bilingual teachers. The inmates are housed in three dormitories of thirty inmates. Each dormitory has 36 beds, 10 toilets and trough urinals, 6 showers, and 4 wash basins. There is no operational kitchen at this facility; however, all meals are delivered from the Central Regional Facility of the Sheriff's Department. The Hacienda-La Puente Unified School District Correctional Education Division, conducts the Domestic Violence Program. The Pasadena Impact Drug and Alcohol Treatment Center leads classes on habits and attitudes of men convicted of drug abuse. There is one director and two teachers who do an exceptional job servicing these programs.

When initially opened, this facility was equipped to handle 120 inmates, but after four months, the recovery center wishes to increase the capacity by another 120 inmates. Should more money be allocated from the Inmate Welfare Fund, as was the case for the original opening plan, the capacity of this special center could be increased.

The 1999-2000 Grand Jury visited and inspected Biscailuz Recovery Center as a body. The Grand Jury was impressed by the work done to remodel these old buildings and the landscaping job done by the inmates. The results show that much good can and does come from hard work, especially when one takes pride in one's surroundings and living quarters. The grounds are kept up by the inmates and are immaculate. The living quarters of the inmates show the pride these men have in wanting to make new lives for themselves.

In mid-December 1999, the new Airport Court facilities opened near the Los Angeles Airport. These facilities have all the new technology incorporated into the holding facilities for the daily inmates they receive. It is very gratifying to find a facility that the inmates cannot

destroy with graffiti. We believe that it would be in the best interest of all jails, holding facilities, detention centers, and juvenile camps to use the type of paint that was used here (Vetrochem®) that can simply be washed off when inmates attempt to apply graffiti. This would definitely save hundreds of hours of labor and paint expenses.

CONCLUSIONS –ADULT FACILITIES

Our committee visited 201 jails, courts, and holding facilities and found them to be in fair to average condition. A great number, especially under the Los Angeles Police Department jurisdiction, were lacking in space and were unable to separate inmates as required by law. This over-crowded condition caused a number of prisoners to place their mattress on the floor for sleeping purposes, which is against health and safety codes.

Numerous sheriff facilities are also short on space and have similar problems. A major concern is in the court holding areas where, due to lack of space, the Sheriff's Department has inmates handcuffed to benches both inside and outside of the holding cells. This is done to maintain the separation as required by law. Inmates that are handcuffed on benches require more deputies for constant observation, something not needed when they are in holding cells.

With the increased use of civilian jailers to operate the jail facilities, more sworn officers are released to do field work. This is a growing trend, expected to be the wave of the future, to save money for the individual cities.

Most jails and court holding cells are in need of painting to cover graffiti created by the inmates. Also, it would help if the jails and court holding cells would paint exit arrows on the walls and floors when they repaint the walls.

RECOMMENDATIONS – ADULT FACILITIES

- 1.** Funds should be allocated to all Los Angeles County Jail facilities for personnel to operate such facilities without the considerable amount of overtime presently required.
- 2.** Many deferred maintenance problems that exist at almost every facility should be given a high priority.
- 3.** Safety evacuation procedures need to be established.
- 4.** Wherever possible, cell doors should be equipped with safety override systems so that, in the event of an emergency, all cell doors could be opened from a master control switch.
- 5.** Cities and the County should budget a larger amount of money annually for jail repairs and upgrading.
- 6.** Court lockups should be enlarged so that inmates can be separated as required by law as to race, gender, and sexual orientation.
- 7.** The Sheriff's Department should utilize civilian positions in the court lockup system.
- 8.** All non-sworn jail personnel should have their certificates of instruction with their personnel file, at each place they work.

East Facilities	ADDRESSES	CITY	PHONI
Alhambra Court Municipal	150 No. Commonwealth	Alhambra	626-308-531
Alhambra Court Superior	150 No. Commonwealth	Alhambra	626-308-553
Alhambra PD	211 So. First St.	Alhambra	626-570-515
Altadena LASD	780 E. Altadena Dr.	Altadena	626-798-113
Arcadia PD	250 W. Huntington Dr.	Arcadia	626-574-514
Santa Anita Racetrack	285 West Huntington Dr.	Arcadia	626-574-663
Avalon LASD	215 W. Summer Ave.	Avalon	310-510-017
Azusa PD	725 N. Alameda Ave.	Azusa	626-334-294
Baldwin Park PD	14403 E. Pacific Ave.	Baldwin Park	626-960-195
Industry LASD	150 No. Hudson Ave.	City of Industry	626-330-332
Claremont PD	570 W. Bonita	Claremont	909-399-541
Covina PD	444 N. Citrus	Covina	626-331-339
El Monte PD	11323 E. Valley Blvd.	El Monte	626-575-416
Rio Hondo Court	11234 E. Valley Blvd.	El Monte	626-575-416
Glendora PD	150 So. Glendora Ave.	Glendora	626-575-416
Hollywood Park Racetrack	1050 So. Prairie Avenue	Inglewood	310-419-139
Irwindale PD	5050 No. Irwindale Ave.	Irwindale	626-430-224
La Verne PD	2061 Third St.	LaVerne	909-596-191
Biscailuz Center	1060 No. Eastern	Los Angeles	323-881-368
Central Area LAPD	251 E. 6th St.	Los Angeles	213-485-329
Central Arraignment Courts	429 Bauchet	Los Angeles	213-974-628
County Courthouse	111 N. Hill St.	Los Angeles	213-874-480
Criminal Courts	210 W. Temple	Los Angeles	213-974-630
East LA Sheriff	5019 E. 3rd St.	Los Angeles	213-264-415
East Los Angeles Courts	214 So. Fetterly	Los Angeles	213-780-222
Hollenbeck LAPD	2111 E. 1st St.	Los Angeles	213-485-294
LA Coliseum	3939 So. Figueroa	Los Angeles	
LACMC – USC jail ward	1200 No. State St.	Los Angeles	213-226-456
Men’s Central Jails	441 Bauchet St.	Los Angeles	213-974-491
Metropolitan Traffic Courts	1945 So. Hill St.	Los Angeles	213-744-410
Newton Area LAPD	3400 So. Central	Los Angeles	213-846-654
Parker Center LAPD	150 No. Los Angeles St.	Los Angeles	213-485-512
Staples Arena PD	1111 So. Figueroa St.	Los Angeles	213-742-710
Sybil Brand	4500 E. City Terrace Dr.	Los Angeles	213-267-208
Twin Towers Facilities	450 Bauchet St.	Los Angeles	213-687-354
Los Angeles Dodger Stadium	1000 Elysian Park Avenue	Los Angeles	323-224-261
Monrovia Courts	300 W. Maple	Monrovia	626-301-406
Monrovia PD	140 E. Lime Ave.	Monrovia	626-256-800
Santa Ana Courts	300 W. Maple Ave.	Monrovia	626-301-406
Montebello PD	1600 Beverly Blvd.	Montebello	213-887-121
Harbor Patrol		Marina Del Rey	310-823-776
Edelman's Children's Court	201 Centre Plaza Dr.	Monterey Park	213-526-603
Monterey Park PD	320 W. Newmark Ave.	Monterey Park	626-307-124
Pasadena Courts	300 E. Walnut Room # 101	Pasadena	626-356-556
Pasadena Courts	200 No. Garfield	Pasadena	626-356-526
Pasadena PD	207 No. Garfield Ave.	Pasadena	626-405-661
Rose Bowl	1001 Rose Bowl Drive	Pasadena	626-577-311
LAC Fairgrounds	1011 West McKinley	Pomona	909-620-218
Pomona Courts	350 W. Mission Blvd.	Pomona	909-620-325

Pomona Courts	400 Civic Ctr. Plaza Rm. # 705	Pomona	909-620-326
Pomona PD	490 W. Mission Blvd.	Pomona	909-620-215
San Dimas LASD	122 No. San Dimas Ave.	San Dimas	818-913-171
San Gabriel PD	625 So. Delmar	San Gabriel	626-308-282
San Marino PD	2200 Huntington Dr.	San Marino	626-300-072
Sierra Madre PD	242 W. Sierra Madre Blvd.	Sierra Madre	626-355-141
South Pasadena PD	1422 Mission St.	So. Pasadena	626-799-112
Temple LASD	8838 E. Las Tunas Dr.	Temple City	626-285-717
Walnut LASD	21695 E. Valley Blvd.	Walnut	818-913-171
West Covina Courts	1427 W. Covina Pkwy.	West Covina	818-813-325
West Covina PD	1444 Garvey Ave.	West Covina	818-814-858
Whittier Courts	7339 Painter	Whittier	310-907-317
Whittier PD	7315 So. Painter	Whittier	310-945-825

North facilities

	ADDRESS	CITY	PHONI
Lost Hills LASD	27050 Agoura Rd.	Agoura	310-456-665
Burbank PD	200 N. Third St.	Burbank	818-238-100
Burbank Court Municipal	300 E. Olive Ave.	Burbank	818-557-349
Burbank Court Superior	300 E. Olive Ave.	Burbank	818-557-349
Calabasas Courts	5030 N. Calabasas Parkway	Calabasas	818-222-114
West Valley LAPD	21201 Victory Blvd. # 102	Canoga Park	818-887-435
Glendale PD	140 No. Isabel St.	Glendale	818-548-484
Glendale Court Municipal	600 E. Broadway	Glendale	818-500-349
Glendale Court Superior	600 E. Broadway	Glendale	818-500-349
Gorman Sub Station LASD	49819 Gorman Post Rd.	Gorman	661-248-609
Crescenta Valley LASD	4554 Briggs Avenue	La Crescenta	818-248-346
Antelope Valley LASD	1010 W. Ave. " J "	Lancaster	661-948-846
Lancaster Superior Court	1040 W. Ave. " J "	Lancaster	661-945-635
Lancaster Municipal Court	1040 W. Ave. " J "	Lancaster	661-645-634
Lancaster Sheriff Station	501 W. Lancaster Blvd.	Lancaster	661-948-846
Northeast LAPD	3353 San Fernando Rd.	Los Angeles	213-485-256
No. Hollywood LAPD	11480 Tiara Dr.	No. Hollywood	818-756-882
No. Hollywood LAPD	11640 Burbank Blvd.	No. Hollywood	818-623-401
Devonshire LAPD	10250 Etiwanda Ave.	Northridge	818-756-828
Foothill LAPD	12760 Osborne	Pacoima	818-756-886
Palmdale LASD	1020 E. Palmdale Blvd.	Palmdale	661-267-430
West Valley LAPD	19020 Van Owen	Reseda	818-756-854
San Fernando PD	910 First Street	San Fernando	818-898-126
San Fernando Superior Court	900 E. Third Street	San Fernando	818-898-240
San Fernando Municipal Court	919 E. Third Street	San Fernando	818-898-240
Sheriff Parks Sub Station	1000 Universal Center Dr. # M 11	Universal City	818-622-954
Santa Clarita Valley LASD	23740 Magic Mt. Parkway	Valencia	661-255-112
Valencia – Newhall Municipal Court	23747 W. Valencia Blvd.	Valencia	661-253-733
Van Nuys Jails	6240 Sylmar	Van Nuys	818-756-835
Van Nuys Courts	14400 Erwin St. Mall	Van Nuys	818-374-210
Van Nuys Courts	6230 Sylvan	Van Nuys	818-374-200

South Facilities

	ADDRESSES	CITY	PHONI
Bell PD	6326 Pine Avenue	Bell	310-806-457
Bell Gardens PD	7100 So. Garfield Ave.	Bell Gardens	310-806-457
Bellflower Courts	10025 E. Flower St.	Bellflower	310-804-805
Carson LASD	21356 So. Avalon Blvd.	Carson	310-830-112
Compton PD	301 So. Willowbrook Ave.	Compton	310-605-560
Compton Superior Court	200 W. Compton Blvd.	Compton	310-603-738
Compton Municipal Court	200 W. Compton Blvd.	Compton	310-803-715

Downey PD	10911 Brookshire Ave.	Downey	310-861-077
Downey Courts	7500 E. Imperial Highway	Downey	310-803-715
Downey Courts	8206 East 3rd	Downey	562-803-704
Gardena PD	1718 W. 162nd St.	Gardena	310-217-967
Hawthorne PD	4440 W. 126th St.	Hawthorne	310-970-797
Hermosa Beach PD	540 Pier St.	Hermosa Beach	310-318-036
Huntington Park PD	6542 Miles Ave.	Huntington Park	310-584-633
Huntington Park Courts	6548 Miles Ave.	Huntington Park	310-586-639
Lakewood LASD	5130 No. Clark Ave.	Lakewood	310-866-906
Lomita LASD	26123 Narbonne Ave.	Lomita	310-539-166
Long Beach PD	400 W. Broadway	Long Beach	310-570-726
Long Beach Municipal Court	415 W. Ocean Blvd.	Long Beach	310-491-594
Long Beach Superior Court	415 W. Ocean Blvd.	Long Beach	310-491-594
H.R.Moore Community Education	7706 Central	Los Angeles	
Juvenile Justice Courts	7625 So. Central Courts	Los Angeles	310-586-605
Newton Area LAPD	3400 Central	Los Angeles	238-846-654
77th St. Area LAPD	7600 So. Broadway	Los Angeles	213-485-4164
Southeast Area LAPD	145 W. 108th St.	Los Angeles	213-485-693
Southeast Area LAPD	1546 W. Martin Luther King	Los Angeles	213-485-261
Manhattan Beach PD	420 15th St.	Manhattan Bch.	310-545-886
Maywood PD	4317 E. Slauson	Maywood	213-562-500
Norwalk LASD	12335 Civic Center Dr.	Norwalk	310-863-871
Norwalk Courts	12720 Norwalk Blvd.	Norwalk	310-807-728
Pico Rivera LASD	6631 So. Parsons Blvd.	Pico Rivera	310-949-242
Redondo Beach PD	401 Diamond St.	Redondo Beach	310-379-247
Redondo Beach LASD	117 W Torrance Blvd.	Redondo Beach	310-318-870
Harbor Area LAPD	2175 John Gibson Blvd.	San Pedro	310-548-761
San Pedro Courts	505 So. Centre St.	San Pedro	310-519-602
South Gate PD	8620 California Ave.	Southgate	310-563-540
South Gate Courts	8640 California Ave.	Southgate	310-563-403
Torrance PD	300 Civic Center Dr.	Torrance	310-328-345
Torrance Muni Court	825 Maple Ave.	Torrance	310-222-334
Torrance Superior Court	825 Maple Ave.	Torrance	310-533-888
Vernon PD	4305 Santa Fe Ave.	Vernon	213-586-517

West Facilities

	ADDRESS	CITY	PHONI
Beverly Hills PD	464 N. Rexford	Beverly Hills	310-550-495
Beverly Hills Courts	9355 Burton Way	Beverly Hills	310-288-121
Culver City PD	4040 Duquesne Ave.	Culver City	310-837-122
Culver City Courts	4130 Overland Ave.	Culver City	310-202-311
Lennox LASD	4331 Lennox Blvd.	Inglewood	310-671-753
Inglewood Municipal Courts	1 Regent St.	Inglewood	310-419-529
Inglewood Juvenile Courts	1 Regent St.	Inglewood	310-419-527
Inglewood PD	1 Manchester Blvd.	Inglewood	310-412-521
Hollywood LAPD	1358 No. Wilcox Ave.	Los Angeles	213-485-430
Hollywood Courts	5825 Hollywood Blvd	Los Angeles	213-856-573
LAX substation LAPD	802 World Way	Los Angeles	310-646-225
LAX Airport Courts	11701 So. La Cienega	Los Angeles	310-727-618
Pacific Area LAPD	12312 Culver Blvd.	Los Angeles	310-202-450
Rampart Area LAPD	2710 W. Temple St.	Los Angeles	213-485-406
West Los Angeles LAPD	1663 Butler	Los Angeles	310-575-840
Wilshire Area LAPD	4861 W. Venice Blvd.	Los Angeles	213-485-402
Lax-Airport Detail	402 World Way	Los Angeles	310-215-236
WLA Municipal Court	3000 So. Robertson Blvd.	Los Angeles	310-558-775
Century Sheriff Station	11703 S. Alameda	Lynwood	213-567-812

Malibu Municipal Courts	23525 Civic Center Way	Malibu	310-317-132
Marina Del Rey LASD	13851 Fiji Way	Marina Del Rey	310-823-776
Palos Verdes Estates PD	340 Palos Verdes Dr.	Palos Verdes	310-378-421
Santa Monica PD	1685 Main St.	Santa Monica	310-458-848
Santa Monica Courts	1725 Main St.	Santa Monica	310-260-370
Signal Hill PD	1800 E. Hill Street	Signal Hill	310-989-720
West Hollywood LASD	720 No. San Vicente Blvd.	West Hollywood	310-805-885
West L.A. Courts	1633 Purdue Ave.	West L.A.	310-312-650

Special Facilities

	ADDRESS	CITY	PHONI
Camp Miller	433 S. Encinal Rd.	Agoura Area	818-889-026
Camp Kilpatrick	427 S. Encinal Rd.	Agoura Area	818-889-135
Camp Gonzalez	1301 N. Las Virgenes Rd.	Calabasas	818-222-119
Camp Dorothy Kirby M.H.	1500 So. McDonnell Ave.	LA / Commerce	323-981-431
Los Padrinos Juvenile Courts	7281 E. Quill	LA / Downey	310-922-886
Los Padrinos Juvenile Hall	7285 E. Quill		
Camp Rocky	1900 No. Sycamore Canyon Rd.	LA / San Dimas	909-593-239
Camp Afflerbaugh	6631 N. Stevens Ranch Rd.	La Verne	909-593-492
Camp Paige	6601 N. Stevens Ranch Rd.	La Verne	909-593-492
Camp Mendenhall	42230 No. Lake Hughes Rd.	Lake Hughes	661-724-121
Camp Munz	42220 No. Lake Hughes Rd.	Lake Hughes	661-724-121
Mira Loma INS Detention Center	45100 No. 60th St. West	Lancaster	661-949-381
Camp Jarvis	5300 West Ave. " I "	Lancaster	661-940-415
Camp McNair	5300 West Ave. " I "	Lancaster	661-940-414
Camp Onizuka	5300 West Ave. " I "	Lancaster	661-940-414
Camp Resnick	5300 West Ave. " I "	Lancaster	661-940-404
Camp Scobee	5300 West Ave. " I "	Lancaster	661-940-401
Camp Smith	5300 West Ave. " I "	Lancaster	661-940-404
MacLaren Children's Emerg. Shelter	4024 No. Durfee Avenue	El Monte	626-455-450
Mental Health Courts / Holding	1150 No. San Fernando Rd.	Los Angeles	323-226-290
Juvenile Justice Center	7625 Central Avenue	Los Angeles	213-586-605
Eastlake Juvenile Courts	1601 Eastlake Avenue	Los Angeles	323-226-859
Eastlake Detention Ctr.	1605 Eastlake Avenue	Los Angeles	323-226-660
Eastlake Juv. Facilities INS section	1605 Eastlake Avenue	Los Angeles	323-226-874
Juvenile Courts	1945 So. Hill Street # 808	Los Angeles	213-744-415
Camp Holton	12653 No. Little Tujunga Rd.	San Fernando	818-896-057
Peter Pitchess Honor Rancho – So.	29300 The Old Road	Saugus	661-257-488
Peter Pitchess Honor Rancho – No.	29300 The Old Road	Saugus	661-257-488
Peter Pitchess Honor Rancho – E.	29300 The Old Road	Saugus	661-257-488
Peter Pitchess Honor Rancho – W.	29300 The Old Road	Saugus	661-257-488
Peter Pitchess Honor Rancho -- fire	29300 The Old Road	Saugus	661-257-488
Camp Scott (females)	28700 No. Bouquet Canyon Rd.	Saugus	661-296-850
Camp Scudder	28750 No. Bouquet Canyon Rd.	Saugus	661-296-881
Sylmar Juvenile Courts	16350 Filbert	Sylmar	818-364-210
Sylmar Juvenile Court Holding Cell	16350 Filbert	Sylmar	818-364-210
Camp Routh	12500 Big Tujunga Canyon Rd.	Tujunga	818-352-440

RESEARCH AND FOLLOW-UP COMMITTEE

H. J. Holshuh II, Chairperson
James B. Avery, Sr.
Betty Burns
Walter Lowenstein
Victor McCarty

RESEARCH AND FOLLOW-UP COMMITTEE REPORT

INTRODUCTION AND OBJECTIVES

This is the second year that the Grand Jury has formed a research and follow-up committee. Last year, that Committee began the novel task of reviewing the past Grand Jury recommendations and pursued the appropriate responses from the agencies targeted. The 1998-1999 Committee stated that their review of the past 5 years was painfully slow and tedious, but became aware that a vast majority of the recommendations (estimated at 90%) had been eventually considered and implemented by the various agencies.

Based on their experience, the 1998-1999 Research and Follow-up Committee recommended that all future Grand Juries appoint such a committee to monitor the status of at least the past year's Grand Jury recommendations. They also highlighted the need for a computerized tracking system, and indeed the 1998-99 Grand Jury purchased and emplaced a computer system at the end of their tenure.

Unfortunately, last year's Research and Follow-up Committee was unable to document their tracking process and, in spite of their laborious cross-checking, left no working data. It thus fell upon this year's Committee to make sure that a response came back for each of the recommendations of past Grand Juries, and then collate that data on the new computer. A secondary goal was to identify and present to the entire Grand Jury those recommendations that were not fully implemented, and those that would have the most positive impact on the agencies reviewed and the community.

FINDINGS AND CONCLUSIONS

We chose initially to survey and input on the computer all the Grand Jury recommendations of the past three years, identified by year and specific committee or investigation. The Committee then recorded the formal responses to those recommendations, along with any other pertinent data or observations.

Most County agencies, such as the Chief Administrative Officer (CAO), the District Attorney, Health Services, Sheriff's Department, etc. were familiar with the legal requirements to respond promptly to the Grand Jury recommendations. Other agencies did not conform to the 1997 amended provisions of Penal Code §933(c), which requires that the governing body of the public agency "comment" to the presiding judge of the Superior Court on the Grand Jury findings and recommendations within 90 days. Every elected county officer or agency head shall comment within 60 days, as well as the mayor of any city mentioned.

In 1998-99, three agencies did not respond in a timely manner and a letter of clarification was sent to each. On October 22, 1999, the Los Angeles City Department of Animal Services and the Mayor responded to the supervising judge. On January 10, 2000, the Grand Jury received a non-formatted letter of information and response from the Centinela Valley Union High School District, followed on January 19 by a response letter from the Los Angeles County Office of Education. To date, the Los Angeles Coliseum Commission has not responded.

California Penal Code §933.05 clearly defines and indicates the appropriate format for responses to Grand Jury findings expected from the responding person or entity. The respondent can agree with the finding, or wholly or partially disagree. Then the agency will report whether the recommendation has or will be implemented, will not be implemented, or requires more analysis. If more study is needed, the timeframe specified is no more than 6 months from the Grand Jury Final Report.

While the quality and/or usefulness of the formal responses varied widely, over 70% of the recommendations from the Final Report of the 1998-99 Grand Jury received comments from the reviewed agencies. In general, most departments and agencies tended to agree with the majority of the Grand Jury recommendations. Lack of needed increased funding was cited as the main obstacle to implementation of the recommendations. Other reasons cited included that some actions were in planning stages or already in progress. Infrequently, it was unclear where the responsibility rests. Only rarely did the respondent totally disagree with the findings and recommendations.

Historically the responses have been filed with the presiding judge of the Superior Court and/or the Board of Supervisors. The Grand Jury then had to request copies of those formal responses, either from the Board or the agency involved. For most of the Grand Jury civil investigations, the Board of Supervisors would direct the targeted agency to develop the response.

During the course of follow-ups, it became obvious that it was not effective to make recommendations specifically directed toward the Board of Supervisors. These were almost always lost in the Board's delegation of responsibility to a public agency or official under their authority. This Committee made contact with the Records Management Section of the Board of Supervisors in an attempt to learn if the Board had ever acknowledged directly or indirectly approximately 26 pointed recommendations from the past 3 years. The Committee was directed to access the records of Tuesday Board sessions from their County Web site – www.bos.co.la.ca.us/bos.htm. This proved laborious and fruitless, mostly proving the negative; that the Board did not consider those issues. A good example was the 10 directed recommendations of the 1997-98 Health Services Committee on the emergency number 911. No record was found that the Board had ever addressed those issues.

In addition, it was noted that the County Chief Administrative Officer was often the designated responder for the Board. If the CAO writes back for the Board, "Support or sponsorship would be a matter for Board policy determination", that will be the extent

of the response and the matter ends there. This phrase seems to be a euphemism for recognition with a lack of either rejection or implementation of the suggested recommendation.

RECOMMENDATIONS

1. Future Grand Juries should continue to have a Research and Follow-up Committee to monitor civil investigations, as well as maintain the computer database for historical review and prevention of duplication of audits. While the follow-up of criminal indictments might be interesting, that should not be the task of this committee.

2. Grand Jury Committee recommendations should be directed only to the target agency and should be focussed and concise. Sweeping general recommendations directed toward the Board of Supervisors are of little value and should be discouraged. The only recommendations of value for the Board are those dealing with specific backing of needed State or Federal legislation.

SPEAKERS AND EVENTS COMMITTEE

Maurene F. Nelson, Chairperson
Gunter Altman
Jacquelin McHenry
Inman Moore
Richard Niederberg
Margarett Tucker

SPEAKERS AND EVENTS COMMITTEE REPORT

The 1999-2000 Los Angeles County Grand Jury invited 35 speakers to make presentations and answer questions regarding many facets of living and working in the Los Angeles basin. One important aspect of hearing these speakers was the impressive amount of information and understanding we received on how city and county government operates. Information we gained from many of these speakers enabled us to perform at a higher level as members of the Grand Jury.

The speakers included members from the Board of Supervisors and their senior County staff, police agencies, the criminal justice system (both prosecuting and defense attorneys), community groups, school officials, and various other County departments.

The 1999-2000 Los Angeles County Grand Jury visited these locations as a group.

Biscailuz Recovery Center

LAPD Crime Laboratory

Los Angeles Police Department Officer Graduation Ceremony

Los Angeles Processing and Distribution Center - United States Postal Service

Los Angeles Sheriff's Department Deputy Graduation Ceremony

Los Angeles Times

MacLaren Children's Center

North County Correctional Facility

Office of Coroner, County of Los Angeles

Parker Center Evidence Storage Facility

Twin Towers Detention Facility

William S. Hart Museum and Park

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