



**LOS ANGELES COUNTY  
GRAND JURY  
FINAL REPORT  
1995 - 1996**

**FINAL REPORT  
LOS ANGELES COUNTY GRAND JURY  
1995-1996**



**LOS ANGELES COUNTY BOARD OF SUPERVISORS**

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### **THE COVER**

The cover of the 1995-96 Grand Jury Annual Report is a satellite photo of Los Angeles County, supplied through the courtesy of Chevron Petroleum Technology Company. The Grand Jury is most grateful for the use of this photo.



**1995-96 GRAND JURY**

Back row (from left): Daniel Freifeld, John Atkinson, James Sirota, Morton Bernheim, Manning Silver, Oscar Davis, Donald Hinkley, J. David Peters, Marvin Polak, Robert Hoffman.

Front Row (from left): Carolyn McLaurin, David Owen, Irving Martin, Stella Hanover, Loveless Jean Ross, Mary Jean Pew, Roberta Walley, Anna Jaramillo, Nancy Janney, Maria Veronica Magallanes, Irene Dillsworth.  
(Not Pictured: G. Burrola, Benjamin Lench.)

# 1995-1996 GRAND JURY ROSTER

## OFFICERS

Mary Jean Pew, Foreperson  
Donald Hinkley, Foreperson Pro Tem  
Oscar Davis, Secretary  
Carolyn McLaurin, Secretary Pro Tem  
James Sirota, Treasurer  
Anna M. Jaramillo, Sergeant-at-Arms  
Robert Hoffman, Sergeant-at-Arms Pro Tem  
J. David Peters, Parliamentarian

### MEMBER

John O. Atkinson  
Morton Bernheim  
G. Burrola  
Oscar Davis  
Irene Dilsworth  
Daniel Freifeld  
Stella V. Hanover  
Donald Hinkley  
Robert Hoffman  
Nancy Janney  
Anna M. Jaramillo  
Benjamin Lench  
Maria Veronica Magallanes  
Irving Martin  
Carolyn McLaurin  
David Owen  
J. David Peters  
Mary Jean Pew  
Marvin Polak  
Loveless Jean Ross  
Manning Silver \*  
James Sirota  
Roberta Walley

### COMMUNITY

Long Beach  
Brentwood  
Los Angeles  
Altadena  
Wilshire  
Century City  
South Pasadena  
Pasadena  
Rolling Hills Estates  
Downey  
Alhambra  
Rancho Palos Verdes  
Baldwin Park  
Encino  
Inglewood  
West Hollywood  
Beverly Hills  
Sherman Oaks  
Encino  
South Central Los Angeles  
West Los Angeles  
Encino  
Westwood

\* Resigned: 5/10/96

## **GUEST SPEAKERS**

**Michael D. Antonovich, Member, Los Angeles County Board of Supervisors**  
**Frederick R. Bennett, Assistant County Counsel**  
**Sherman Block, Los Angeles County Sheriff**  
**Reverend Greg Boyle, S.J.**  
**Yvonne Braithwaite Burke, Member, Los Angeles County Board of Supervisors**  
**Gil Garcetti, Los Angeles County District Attorney**  
**William Howell, Deputy, Los Angeles County Sheriff's Department**  
**David Horowitz, Municipal Court Judge**  
**Michael P. Judge, Chief, Los Angeles County Public Defender's Office**  
**Bayan Lewis, Deputy Chief, Los Angeles Police Department**  
**Sally Reed, Chief Administrative Officer, Los Angeles County**  
**Lakshmanan Sathyavagiswaran, Chief Medical Examiner,**  
**Los Angeles County Department of Coroner**  
**Fernando Villicana, Los Angeles City Fire Department**  
**Willie Williams, Los Angeles Chief of Police**

## **SITE VISITS**

**Los Angeles County Coroner's Office**  
**Los Angeles County Sheriff's Department Crime Lab**  
**Los Angeles County Museum of Natural History**  
**Los Angeles County Men's Central Jail**  
**Martin Luther King/Drew Medical Center**  
**MacLaren Hall**  
**Peter Pitchess Honor Rancho**  
**Sybil Brand Institute**

## FOREPERSON'S STATEMENT

This 1995-96 Grand Jury Final Report is being presented to the Presiding Judge of the Superior Court, the Los Angeles County Board of Supervisors and to the people of Los Angeles County. While the report deals primarily with the civil oversight responsibilities of the Grand Jury, it is important to realize that approximately 75-80% of the time of grand jurors was spent in criminal investigative or indictment hearings.

Specifically, this year's Grand Jury held 46 hearings, indicted 188 individuals and heard testimony from 627 witnesses. The Grand Jury thus not only facilitated the administration of justice, but also contributed a sizable dollar savings for the county during a time of severe financial constraints. Many of the cases presented to the Grand Jury were complicated multi-defendant cases. If these cases had been processed through the municipal courts by way of traditional preliminary hearing procedures, the case backlog would most certainly have increased dramatically as would commensurate court costs.

It has been suggested in past years that the Grand Jury spend more time on its civil oversight functions. Proposals have been made that a second grand jury be created so that one panel could be devoted to civil oversight exclusively while the other concentrates on criminal investigations and indictments.

While some members of this Grand Jury agreed with these suggestions, I do not. Members of a civil oversight Grand Jury would come from all walks of life, as do all grand jurors. However, these individuals would have little or no training in investigative techniques. Is it realistic to believe that individuals who lack the requisite training and expertise would be skilled enough to uncover wrongdoing in highly complex and technical situations?

There is little doubt that qualified oversight of government operations is beneficial in helping protect

taxpayers' scarce funds. But a Grand Jury of untrained investigators with no investigative staff would, in my opinion, do little to benefit the people, would actually increase government costs, and would make a negligible contribution to the efficient operation of government. If the county could find the funding necessary to create a second civil oversight Grand Jury, I believe the monies would be far better spent creating or adding to qualified impartial investigative bodies.

While a separate civil oversight Grand Jury may not provide the benefits advocates hope for, the time spent this year by Grand Jury members on their civil oversight functions has produced the following reports that illustrate grand jurors' dedication and diligence. Committee chairs and members worked throughout the year to define useful areas of investigation -- a task made very difficult with no staff investigative help. While the contract audit firm provided some useful research, the committee members themselves conducted interviews, made independent inquiries, compiled results, evaluated and made recommendations to the full Grand Jury. These reports are the result of the dedicated, tireless efforts and deep commitment of each and every chair and member.

Whether civil or criminal functions are involved, on some days it seems impossible that a Grand Jury as an institution can function. Twenty-three people with different backgrounds, interests and skills are asked to work together for a year. This in itself, while initially overwhelming, is not the most formidable obstacle to overcome. Combine that, however, with learning the legal responsibilities and limitations of being a grand juror; add the intellectually-defying necessity of mastering the circuitous specifics of applicable statutes; confront the emotional and psychological wrenching of some of the situations with which we deal -- all these realities combine to make the tasks seem insurmountable.

However, amazing as it seemed, the process worked. People of good will and integrity came together, listened to each other (most of the time), and performed superbly in fulfilling the assigned functions. This Grand Jury was a body of citizens willing to think, to listen, to reflect, and to act. Without doubt the people of Los Angeles County gained greatly.

This jury received the highest and best quality staff support. The legal advisor, Stephen Licker, was invaluable in ways too numerous to list. His patience and humor, in addition to his superb intellect were indispensable to the jury's success. Tim Fox, the bailiff, performed with good cheer the many tasks essential to the orderly functioning of the jury. Belia Borrego handled with quiet aplomb the numerous requests for her time and secretarial skills. Richard Colby, the court reporter, managed his impossible job with such skill that one would forget there was in fact a record being documented. To all of these individuals we give a most heartfelt thanks.

And to my colleagues on the Grand Jury I say thanks also. Thank you for your patience, support and good humor through these most interesting, educational and challenging times. I suspect none of us will soon forget our experience as grand jurors.



Mary Jean Pew  
Foreperson  
1995-96 Grand Jury





### **STAFF**

(from left): Richard Colby, Court Reporter; Timothy W. Fox, Bailiff; Belia Borrego, Secretary; Stephen Licker, Legal Advisor.

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# **AUDIT COMMITTEE**

## **MEMBERS**

**James M. Sirotta, Chair**  
**Morton K. Bernheim**  
**Donald R. Hinkley**  
**Robert S. Hoffman**  
**Benjamin Lench**



**AUDIT COMMITTEE**

(from left): Robert Hoffman, James Sirotta, Donald Hinkley, Morton Bernheim.

# AUDIT COMMITTEE REPORT

The Grand Jury derives its responsibility and is empowered by California Penal Code, Sections 925, 925a and 928 to act as the citizens' watchdog with broad authority to investigate and report on the management policies and fiscal needs of county and city departments and special districts. This broad authority has been given to the Grand Jury to act on behalf of citizens at-large since the panel owes no allegiance to elected or appointed officials.

Second, the Grand Jury acts to investigate and indict criminal wrong-doings, especially hearings involving witnesses, events and targets where secrecy and the source of subpoenas are essential.

## Oversight Functions

Shortly after the Grand Jury was sworn in, it selected committees to perform oversight studies. Some committees elected to perform and report on their own investigations. Others requested the services of a contract auditor. The Audit Committee sent invitations to bid to seven firms it considered the most highly qualified. These included Coopers and Lybrand, EDS Management, Ernst and Young, David M. Griffith, Harvey Accounting, KPMG Peat Marwich, Kenneth Levant, and Price Waterhouse. Firms were graded on the quality of their proposals, presentation, personnel proposed for the team, and previous experience in the field of government audits. After studying proposals and interviewing senior partners from each, we selected Ernst and Young. The Audit Committee requested the County Counsel to draw up a contract, which upon approval, was signed by both parties.

## Contract Management

The Audit Committee continued to work closely with each Grand Jury committee and the contract auditors, helping them determine the scope of potential audits and aid the committees in making their Grand Jury presentations, forwarding the approved proposal to the contract auditors, and finally negotiating the contract.

Thereafter, all person-to-person contacts between the committee and the contract auditor were arranged by the Audit Committee chairs. As many members of the Audit Committee as were available attended each meeting. All changes in scope were discussed with the Audit Committee prior to presentation to the Grand Jury for their approval.

## Contract Reports

The following is a list of the completed contract audits for the 1995-96 Grand Jury. The name of the committee sponsoring each audit is in parentheses following the title.

1. Classification of Dependent Children Study (Juvenile Services Committee)
2. Review of Pro Per Defense Program (Jail Committee)
3. Property Tax Process Improvement and Cost Recovery Study (Audit Committee)
4. Evaluation of Teaching Hospital Costs: Los Angeles County/University of Southern California Medical Center (LAC/USC MC) (Health Services Committee)

## RECOMMENDATIONS

1. Members of the 1995-96 Audit Committee have met with potential auditors from non-profit institutions and have found them to be eminently qualified and interested in acting as investigators for the Grand Jury. The following listings should not be considered limiting. We understand that the centers at the University of Southern California and Stanford University might also be helpful.

Rand Corporation  
Domestic Research Division  
1700 Main Street  
Santa Monica, CA 90407  
310-393-0411

For Health Services  
Robert H. Brook, M.D., Sc.D., F.A.C.P.  
Ext. 7368

For Criminal Justice  
Peter Greenwood, Ph.D.  
Ext. 6321

University of California, Los Angeles  
Institute for Social Sciences Research  
405 Hilgard Avenue  
Los Angeles, CA 90024

Marilyn Brewer, Director  
310-825-0712

The Audit Committee is required to interview professional analysts to undertake management audits. The list of potential companies to perform these tasks has been handed down from one jury to its successor for decades. Auditors from nonprofit research organizations, it is anticipated, could add additional perspective to the Grand Jury's oversight responsibilities.

# TAX ASSESSOR COST RECOVERY

## EXECUTIVE SUMMARY

The purpose of this report is to identify cost recovery and reduction, and workflow streamlining in the Los Angeles County Assessor's office.

To this end the Audit Committee has reviewed current cost recovery practices and suggests efforts to further expand cost recovery practices.

The Audit Committee looks forward to reducing the backlog of property assessments under the provisions of Assembly Bill 818, the State-County Property Tax Administration loan program.

The Audit Committee also recommends restructuring the Assessor's information system to help manage the County's tax resources and to keep current with a fast-changing economy.

### **Backlog Reduction**

Assembly Bill 818, the State-County Property Tax Administration provides loans to eligible counties to supplement property tax administration. The bill allocates \$60 million annually to clear a backlog of assessments.

If the Assessor accomplishes the goals of AB 818 by reducing backlog, the County will not have to repay the loan. While it is clearly the State's goal to increase property tax revenue, the Assessor's efforts will not be measured in terms of revenue generated. The five key areas of backlog reduction are new construction, change of ownership, assessment appeals, property statements, and misfortunes and calamities.

The State loan allows the Assessor to add 69 appraiser and clerical positions, and to train a class of 90 appraisers.

### **Property Tax Administration Cost Recovery**

In 1990, Senate Bill 2557 authorized the County to recover from local jurisdictions (cities and special districts), a proportionate share of the property tax for administrative costs. However, school districts, whose usual share of this cost is about 45%, were excluded from the assessment.

Not only have the schools been relieved from payment of their fair share of these costs, but they have benefited, over the past several years, from a drastic shift of tax dollars from the counties to the schools. This leaves the County of Los Angeles with little incentive to spend their remaining discretionary dollars toward the maintenance of the tax collection system. Staffing shortages have created a situation where effective enforcement is impossible.

## RECOMMENDATIONS

### **Automated Permit Data System**

The Assessor, in concert with the City of Inglewood, has developed an effective interface for permit data through a comprehensive automated permit system. Twenty-six other cities in Los Angeles County are participating in the system. The Assessor system captures all permit data provided from the cities. Each city currently not participating in the permit data system has been informed of its availability by the Assessor at no cost to the city. The Assessor also will provide each city the necessary training and support to achieve system implementation and interface for plumbing, electrical, and mechanical permits.

Gathering electronic media permit information has resulted in significant improvements. The elapsed time between when the permits are issued and the Property Data Record forms are sent to the Assessor's field offices for calculation has decreased. Obtaining permit data in electronic form allows new activity to get reported to the field valuation staff so that value changes can be enrolled in a more timely manner, financially benefiting all local governments.

- **Recommendation**

The Grand Jury recommends that the Assessor accelerate the effort to have all cities within Los Angeles County participate in the automated permit data system by the end of 1996.

### **Personal Property Tax**

The Assessor is mandated by law to audit businesses with over \$200,000 in personal property on a four-year rotation basis. Smaller businesses may be audited by the Assessor on a discretionary basis. Past Grand Juries have recommended increases to staff and equipment to accelerate the number of completed mandatory audits. The Assessor has not implemented most of these recommendations because limited departmental resources have been assigned to higher priority activities. Staff increases to perform personal property audits is not cost effective. Values associated with personal property represent only 9.2% of the tax roll valuation. Currently 23% of the appraiser staff is assigned to conduct personal property audits. Assigning more staff resources to increase the timely completion of personal property audits is not cost effective. Besides being a process that is not taxpayer friendly, the amount of additional tax revenue associated with personal property is not significant when compared to other Assessor tax assessment functions.

- **Recommendation**

The Grand Jury recommends that the Assessor pursue the elimination of the personal property tax process because the process is not cost effective.

### **State Loan Compliance**

The existing State-County Property Tax Administration loan program provides the County approximately \$13.5 million in fiscal year 1995-96 to supplement property tax administration funding. If the County reduces the workload backlog, the loan does not have to be repaid.

While it is clearly the State's goal to increase property tax revenue, the County performance towards complying with the loan agreement will not be measured in terms of revenue generated. Backlog reduction in five key functions is the target: new construction, change of ownership, assessment appeals, property statements, and misfortunes and calamities. It is also the intent of the Assessor that all assessment appeals cases will be defended within the statutory limit. Achievement of the backlog goal can accommodate a margin of error without jeopardizing compliance. Achieving 95% of the backlog reduction goal is deemed to be full compliance.

The agreement also requires Auditor Controller verification of Assessor workload accomplishment reports. The County must provide to the State, by August 15 of the following fiscal year, a report listing the actual backlog reductions, and the average increment of assessed value changes associated with the five key targeted functions.

It is recommended that the Assessor and Auditor Controller develop and agree upon a set criteria and evaluation methodology well in advance of the State reporting deadline. It is imperative that the Assessor and the Auditor Controller agree up front to an evaluation methodology to avoid disagreement at the point when verification is required. Disagreements as to compliance with the loan agreement could jeopardize the repaying of the State loan.

- **Recommendation**

The Grand Jury recommends that the Office of the Assessor and the Auditor Controller jointly develop and agree, prior to the end of fiscal year 1995/96, as to the criteria and methodology to



be used to verify whether the County has met the conditions of the State-County Property Tax Administration Program Agreement.

**Information System Plan**

The Information System Plan commits the Assessor to implementing significant information technology projects. Step one of the plan includes re-engineering processes and system applications that support the Assessor’s operations. Development and installation of this phase will result in significant savings to the Assessor. These recovered costs should be applied to finance incremental steps of the Information System Plan. A phased roll-out of the system will also allow the Assessor to develop the system on a step by step basis, testing and enhancing each new part, until all

elements fit and interact in accord with desired goals, objectives, and missions. Key information system managers from the Registrar-Recorder, the Auditor Controller, and the Treasurer and Tax Collector should be participants in the re-engineering program. Coordination will help ensure communication between departments and develop standardized procedures. Interaction will task all resources, provide an overview of County business processes, and define inter-departmental roles

- **Recommendation**

The Grand Jury recommends that the Assessor focus on implementing the Information System Plan.

## Appendix A

### Backlog Reduction Objectives Office of the Assessor

Function	Current Backlog 7/1/95	Backlog Goal 6/30/96	Backlog Reductions
New Construction	37,672	26,500	11,172
Change of Ownership	23,908	21,000	2,908
Property Statement	13,696	11,700	1,996
Misfortune and Calamity	76,419	59,200	17,219

## Appendix B

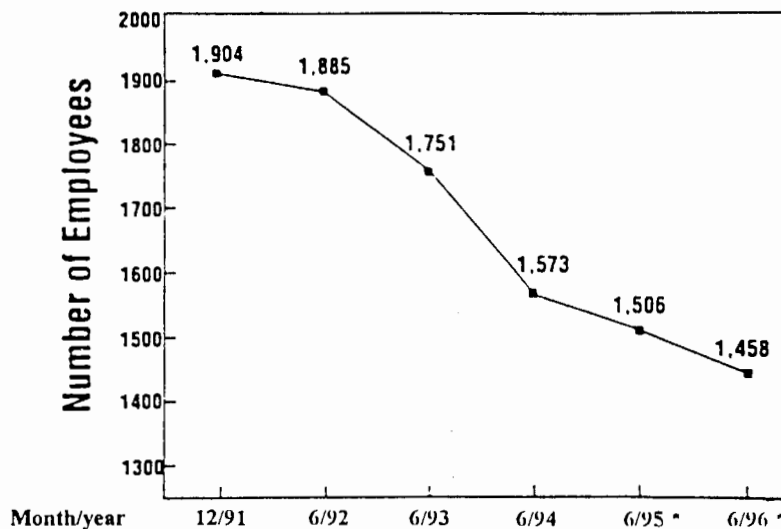
### Revenue Generated Per Workload Unit

Function	Workload Unit * Per \$1 (Est.)	Workload Backlog Reduction	Property Tax Revenue Increment
New Construction	\$250	11,172	\$2,793,000
Change of Ownership	\$300	2,908	\$872,400
Property Statement	\$1,500	1,996	\$2,994,000
Misfortune and Calamity	\$740	17,219	\$12,742,060
<b>Total Revenue Increment</b>			<b>\$19,401,460</b>

\* Special Study of the Assessor's Fiscal Year 1995/96 Budget, Auditor Controller

## Appendix C

### Office of the Assessor Actual Staffing Fiscal Year 1991/92 - 1995/96



\* Denotes projection based on attrition of four employees/month

# **CRIMINAL JUSTICE COMMITTEE**

## **MEMBERS**

**Irving Martin, Chair**

**Daniel B. Freifeld**

**Anna M. Jaramillo**

**Loveless Jean Ross**

**Manning Silver**

**Marvin Polak**



**CRIMINAL JUSTICE COMMITTEE**

(from left): Irving Martin, Manning Silver, Loveless Jean Ross, Daniel Freifeld, Anna Jaramillo, Marvin Polak.

## **CRIMINAL JUSTICE COMMITTEE REPORT**

The investigations covered by the Criminal Justice Committee (CJC) include the following:

- **Domestic Violence**
- **Three Strikes Law**
- **Education in County Jails**
- **Public Defenders Office**

# DOMESTIC VIOLENCE

Domestic violence is abuse committed against an adult or a fully emancipated minor who is a spouse, former spouse, cohabitor, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

When the victim has suffered serious injury, the convicted abuser should be held accountable for his crime and sentenced to a term of incarceration. The goals of sentencing are --

- to stop the violence;
- to protect the victim and other family members;
- to protect the general public;
- to hold the batterer accountable;
- to treat domestic violence as a serious crime
- to provide restitution for the victim; and
- to rehabilitate the batterer.

## Introduction

In investigating domestic violence the CJC met with municipal court judges who have heard and are concerned with domestic violence. To get a better handle on this problem, the Los Angeles Municipal Court held a two-day seminar for a judicial education program on domestic violence with many of the municipal court judges attending. The focus of this seminar was on handling misdemeanor domestic violence cases.

Domestic violence, it was noted, is the leading cause of injury to women between the ages of 15 to 44. In the United States, nine out of ten women murdered are killed by men and one-half of these are killed by male partners. Los Angeles Police Department statistics show an increase from 19,418 in 1986 to 42,498 in 1993 in domestic violence incidents. Currently, the caseload is reaching 65,000. Approximately one-third to one-half of battery injuries result from domestic violence and account for the second most common charge filed in the municipal courts.

A Los Angeles Police Department deputy updated the judicial seminar on the department's new guidelines. Working with community groups the LAPD now follows up on spousal violence within two days of the incident and checks the record of the batterer to see if he has been involved in other battery incidents. The deputy told the audience that the police are developing a broader response to the problem, working in close cooperation with prosecutors, doctors and counselors. And at the same time the program includes ongoing training for police officers.

## Expert Advice

The question was asked why don't battered women just leave an abusive relationship? Why tolerate such an appalling level of violence? Do they believe it is okay for a man to discipline physically his companion? These questions and how the courts should respond were the main concerns of the seminar.

Also, too often when the abuser/batterer is incarcerated, the victim decides to drop the charges. Therefore, enforcement personnel must do all in their power to change the batterer/abusers' behavior. If this is not accomplished with all the firmness possible, the perpetrator will not view incarceration with great concern, and the victim will receive no protection or justice.

The experts described characteristics of victims and some of the factors that keep the survivors of domestic violence in abusive relationships:

- Battered women choose to leave many times before they perceive it is safe enough, and they have sufficient resources to make the break
- Batterer is most violent when he thinks his victim is going to leave
- Fear of violence to others and death
- Fear of being alone
- Fear of losing children
- Dependency on batterer financially and emotionally
- “Any parent is better than no parent” belief (not realizing that a violent environment is much more destructive to children)
- Victims are made to believe that violence is their fault

## **Practical Training**

The seminar closed with a training program that offered a hypothetical case which demonstrated to the bench officers how to intervene effectively and to prevent further injury to the victim and other family members. They also learned how to become more sensitive to the barriers facing victims, and how their actions on the bench impact the abused and the abuser.

The Los Angeles County Municipal Court Judges Association is currently planning to extend the training to other municipal court judges and commissioners in Los Angeles County. Two LAMC judges and two judges representing the 23 other judicial districts, and who attended the LAMC program, will act as facilitators. The insight gained in this program will serve as a model for other Los Angeles County programs as well as courts throughout California to improve their handling of domestic violence cases.

## **RECOMMENDATION**

The Grand Jury was impressed by the work accomplished in the Domestic Violence Planning Group seminar and urges that the program be pursued vigorously.

# THREE STRIKES LAW

## Introduction

On March 7, 1994, AB 971 (Jones-Costa), also known as the “Three Strikes Law” was signed by Governor Pete Wilson. The law was subsequently reaffirmed by a ballot initiative which won voter approval in November 1994. The bill and the initiative increased the penalties for second felony offense convictions to twice the term provided in current law as punishment and increased the penalty for a third felony conviction to 25 years to life in state prison. The law requires defendants convicted under it to serve 80% of their time before release.

## Purpose

The stated intent of the “Three Strikes Law” is to ensure longer prison sentences and greater punishment for those who commit a felony and have one or more qualifying prior-felony convictions, known as “strikes.” **In order to qualify as a strike, the prior conviction must be for a “serious” or “violent” felony, as defined in the Penal Code.** Certain juvenile adjudications also qualify as strikes.

The two major sentencing provisions of the law are as follows:

- **Double the term for second strike defendants:** A defendant who has one prior serious or violent felony conviction and is convicted of a new felony must be sentenced to twice the term otherwise required by law for the new offense, regardless of whether the new offense is a serious or violent felony.
- **Minimum of 25 to life for third strike defendants:** A defendant who has two or more prior serious or violent felony convictions and is convicted of a new felony must be sentenced to

an indeterminate life term. The minimum term shall be the greatest of the following: (a) 25 years; (b) three times the term otherwise required by law; or (c) the term computed by the court pursuant to Penal Code Section 1170. Again, the three strikes sentence must be imposed regardless of whether the new felony is serious or violent.

Other significant provisions of the “Three Strikes Law”:

- Plea bargaining is prohibited.
- Probation cannot be granted.
- A state prison sentence is required. The court cannot commit a defendant to diversion or placement in an alternative punishment or treatment program.
- Prison custody credits are limited to 20% of the total term, instead of the usual 50%.

## Impact of Three Strikes

The County-wide Criminal Justice Coordination Committee (CCJCC), which meets monthly, drafted a report on the impact of the “Three Strikes Law” on the criminal justice system in Los Angeles County. The report was published November 1995. The study provides a comprehensive and objective discussion of how the “Three Strikes Law” changes the criminal justice system. The main issues and findings are as follows:

- Total felony filings have remained relatively constant.



- In approximately 75% of the two and three strike cases, the current offense is not a serious or violent felony.
- In third strike cases, over 50% of the oldest alleged priors are over ten years old.
- Over 85% of the defendants charged with two and three strike cases are represented by some type of court-appointed counsel at County expense.
- Three strike cases are seven times less likely to result in a certified plea at an early stage.
- Criminal jury trials in Superior Court have increased 25% and strike cases accounts for 44% of all felony trials.
- Strike cases are **three** times more likely to go to trial than all felonies and **four** times more likely than the same type of case prior to the implementation of the “Three Strikes Law.”
- Three strike cases are remaining in the court system 41% longer than before the effect of the “Three Strikes Law.”
- The high security jail population has increased from 36% to approximately 62%.
- The average three strike inmate length of stay is 177 days in pre-adjudicated cases.
- The “Three Strikes Law” has resulted in a significant increase in costs for the entire criminal justice system.
  - For FY 1994-95 the County’s costs for the “Three Strikes Law” was over \$101 million.
  - By FY 1996-97 projected costs will be \$309 million - a 306% increase over 1994-95.

## Legal Issues

A number of significant legal issues have arisen since the enactment of the “Three Strikes Law.” As of the end of October 1995, approximately 30 Court of Appeals opinions relating to the law have been published (excluding cases depublished or granted review). California Supreme Court review has been sought in many of these cases. The law, therefore, is in constant flux and many issues remain unsettled. Some major issues are summarized below.

### Dismissing Prior Felony Convictions

Perhaps the most significant issue which has yet to be resolved is whether a trial court has the authority to dismiss a qualifying prior felony conviction. If the court dismisses a prior conviction, it can avoid imposing a three strikes sentence for the current offense. The issue is frequently framed in terms of a separation of powers argument. **Prosecutors argue that the “Three Strikes Law” limits the court’s authority to dismiss, while defendants contend that if the law does impose such limitations, it violates the separation of powers doctrine.** The issue has been raised in numerous three strikes cases, and is currently before the California Supreme Court in *People v. Superior Court (Romero)* (No. S045097) and *People v. Glaster* (No. S048283).

The separation of powers argument centers around the fact that Penal Code Section 1385(a) authorizes judges to dismiss an action in the furtherance of justice. **The “Three Strikes Law”, however, states that the prosecution may move to dismiss a prior conviction in the interest of justice or if there is insufficient evidence to prove the prior; it does not explicitly state that the court has the same power.** Therefore, relying largely on *People v. Tenorio* (1970) 3 Cal.3d 89, defendants have argued that the law violates the separation of powers doctrine because it requires **the court to obtain the prosecutor’s approval** before exercising Penal Code Section 1385(a) authority to dismiss a prior conviction.

Prosecutors argue, among other things, that the holding of *Tenorio* has been undermined by subsequent legislation and case law which have limited the court's section 1385(a) discretion; **that the specific prohibition in the "Three Strikes Law" against granting probation takes precedence over the general section 1385(a) power to dismiss;** and that allowing the trial court to dismiss prior convictions would frustrate the intent of the "Three Strikes Law."

## Other Issues

- Whether a three strikes sentence of 25 years to life constitutes cruel and unusual punishment. This issue is often raised in conjunction with the separation of powers argument. A number of Court of Appeals decisions have rejected this contention.
- Whether convictions incurred before passage of the "Three Strikes Law" qualify as strikes for sentencing purposes. Several decisions have held that such convictions qualify as strikes.
- Whether the "Three Strikes Law" is an unlawful ex post facto law because it uses convictions incurred prior to enactment of the law in order to increase the current sentence. Several decisions have held that there is no ex post facto problem.

Another component of the analysis is case backlog. A significant proportion of strike cases has not reached disposition. An assessment of pending cases and the age of these cases is being conducted. A related analysis is the measure of time spans between major court events. These time frames are then compared and contrasted to the baseline.

**We have a justice system that, in terms of its financial, physical and human resources has been stretched to the limit. And, without some level of relief in the immediate future, we will continue to see a rapid decline in both the quantity and quality of justice system services.**

## RECOMMENDATIONS

- That the Board of Supervisors continue its aggressive efforts at the State and federal levels to recover the additional costs that have been incurred by the County justice system due to the "Three Strikes Law."
- We endorse the position taken by some of the Superior Court judges that they have the discretion to dismiss a prior strike or a third strike if the court deems the third strike is non-violent or serious.

# EDUCATION IN COUNTY JAILS

## Introduction

The Criminal Justice Committee conducted a study on the rate of recidivism of the more than 230,000 inmates that are booked into the nine Los Angeles County Jails (LACJ) each year, who are awaiting hearings, trial, or who have been convicted of a crime.

Numerous interviews were conducted with various officials and individuals who would be most qualified in estimating the rate of recidivism of those convicted of a crime.

Today jails are overcrowded far beyond capacities, so much so that inmates are being released early to make room for new arrestees. Many of those released early will be back on the streets committing new crimes, rearrested and back in jail (recidivism).

Studies have been made on the effectiveness of correctional education in reducing recidivism in our nation's prisons, but none were made as to the effect of correctional education in reducing recidivism in county jails. Consequently all findings quoted in this report are estimates by those individuals interviewed who are most knowledgeable in making these estimates.

Approximately 75-85% of male inmates and from 80-90% of female inmates in the Los Angeles County Jails become repeat offenders.

## Purpose

This study explores possible methods to reduce recidivism and increase rehabilitation of those individuals incarcerated.

## Correctional Education Division

Nationwide 15% of American adults are illiterate. It is estimated that 65% of the inmates in LACJ are functionally illiterate. Developing programs and policies to improve the education levels of felony offenders is critical to rehabilitative efforts, especially given evidence that lack of education and problem-solving skills contribute to criminal behavior.

The Correctional Education Division (CED) provides opportunities for inmates to participate in a comprehensive educational program to help make positive and productive changes in their lives.

In 1973 the Adult Division began providing academic classes at select jail facilities in Los Angeles County. Within four years this program expanded to become CED and has continually renewed its contract with the Los Angeles County Sheriff's Department, providing a complete package of educational services at all jail facilities located throughout Los Angeles County.

Correctional Education course offerings may lead to a high school diploma or GED certificate. In addition, a wide range of vocational courses are offered as well as a selection of support instructional programs unique to the needs of student inmates. Some of these courses include Job Search Skills, AIDS education, substance abuse programs and parenting classes.

The CED maintains a staff of 180 administrators, teachers and support personnel. The Division holds charter membership in the Correctional Education Association and is fully accredited by the Western Association of School and Colleges. All instructors hold valid California teaching credentials.

Records indicate that more than 230,000 inmates are booked into the county's nine independent jail facilities each year. Only 400 GED certificates and 60 high school diplomas are awarded annually as well as approximately 2,000 academic and vocational certificates.

Now in its 23rd year, the CED is the largest provider of correctional education services for jail facilities in the United States.

The CED has received national recognition for the development of innovative programs and services for the incarcerated. Among these programs are:

- **TALK**

*TALK* is the division's nationally recognized visitation program created for the children of an incarcerated parent enrolled in a parenting class.

The format is a child centered "hands-on" laboratory where the youngster and parent interact within a sequential series of communication exercises and rebonding activities specifically designed to facilitate family reunification.

*TALK* was created in order to address the damaging effect that parental incarceration placed on the children of the inmate. The program's emphasis is centered on the child and is a major contributor to its success and is the only such program in the nation to incorporate this design.

- **REACH**

*REACH* is a voluntary, substance abuse education program developed for incarcerated addicted substance abusers and multiple-offense drunk drivers. It is a three-phase project designed to reduce the high rate of recidivism among this group. The program provides individual and peer counseling as well as

strategies to support the process of "remaining clean". *REACH* assists each participant in the development of achievable goals designed to prevent substance abuse and criminal activity that accompanies it. The final portion of the program prepares participants for success in gainful employment.

- **Prison Recidivism**

Most recent studies of educational and vocational programs in prison report lower recidivism rates, lower parole revocation rates, better post-release employment patterns, and better institutional disciplinary records for participants compared to non participants.

- **Jail Recidivism**

The Correctional Education employees estimated the same results apply to inmates of the Los Angeles County Jails -- reduced recidivism rates are prevalent among those inmates taking vocational and educational classes.

Of these 400 inmates voluntarily enrolled in educational and vocational classes in the North County Correctional Facility (NCCF) 50% are not repeat offenders. This figure of 400 represents only 10-11% of the 3,600-4,000 inmates at NCCF.

- **Some Alternate Opportunities**

Sybil Brand Institute for Women has a class in cosmetology. Only ten women inmates can take this class at a given time because of limited work areas. Almost all go on to receive their licenses as cosmetologists. It was noted that less than 20% of these inmates have recidivated in the past ten years.

The *offset printing* class at NCCF also had a very high rate of rehabilitation indicating that high profile vocational classes do work.

## RECOMMENDATIONS

It is time methods improve to start the process of rehabilitation. This takes more money than is now available to implement but must be done as a chaotic situation exists and will worsen if there are not improvements.

Tremendous sums are being expended incarcerating thousands of felons and we will be spending more as this revolving door situation increases.

- Correctional education does more to rehabilitate inmates than any other process. Methods to explore increasing correctional education should be done at once.

Substance abuse treatment, continued education and vocational training and job placements are needed to help rehabilitate the released inmate. Each rehabilitated individual saves the County \$35,000 per year (incarceration costs and court costs). Multiply this figure by thousands and the figures become staggering.

## WORK-FURLOUGH AT SCAPULAR HOUSE

Upon being found guilty defendants can be given a work-furlough sentence to be served at Scapular House in place of a jail or prison term. Scapular House is run by the Probation Department.

- **Qualifying for a Job**

A high percentage of inmates, who are eligible for work-furlough, are given jobs to report to daily. In the instance that a prisoner needs literacy instruction to qualify for employment, he/she will receive 30 hours of instruction per week with up to three hours per day of homework until a satisfactory level is attained. After gaining employment, all inmates continue with educational classes when not at work.

- **Transportation**

Work-furlough inmates may use public transportation to be driven to and from work, some may even use their own cars, but all must return to Scapular House immediately at the end of their workday. As incarcerated inmates, they are locked in when not at work.

- **Rules**

Inmates who break any rules, such as not reporting to work, not returning immediately after work, substance abuse, intoxication, or any other violation will be returned to the courts for resentencing to jail or prison. Only a small percentage ever violate probation. There are no second chances.

- **Paying the Way**

Each work-furlough inmate pays Scapular House \$10 to \$35 per day based upon ability to pay. When an inmate cannot afford to pay, the job-training placement agency pays \$15. Most inmates receive low paid \$5 to \$8 per hour jobs, however, some who are skilled earn considerably more.

- **Why not Scapular House?**

Scapular House can handle as many as 227; however, its current inmate population is only 65, five female and 60 male. In contrast, Ventura County has a similar facility that houses 250 inmates out of 350 available spaces. There are two main reasons why Scapular House is not used more frequently.

One primary reason those sentenced do not use work-furlough is that time served in jail awaiting judgment and the remaining time to be served are less than the time required for work-furlough. Defendants have the right to refuse the work-furlough process and serve the remainder of their sentence in jail or prison.

Another reason is that many in the court system are not familiar with the Scapular House option.

## **RECOMMENDATIONS**

- Because of Scapular House's high record of reduced recidivism, all personnel concerned with justice should be advised of its services and successes. Whenever possible the Scapular House option should be encouraged and exercised.
- When Scapular House is filled to capacity, the County should investigate more of this type of facility.
- Work-release inmates under Probation Department supervision should be assigned to Scapular House or a similar facility as long as beds are available. Full-time work-furlough inmates should have preference over work-release individuals.
- Scapular House now houses both male and female inmates. Although the Probation Department reports they have had no problems with this situation, it is recommended that when this program expands separate facilities be provided.

# PUBLIC DEFENDERS

The CJC visited the office of the Public Defender and was given an overview of its functions.

The Public Defender provides constitutionally mandated legal representation to indigent criminal defendants in the Superior, Municipal and Juvenile courts of Los Angeles County. Los Angeles County Public Defender is the oldest governmental defender office in the United States. The main function of the Department is to provide competent legal representation to indigents accused of criminal behavior. The office strives to maintain quality representation in a cost-effective manner.

The workload of the office is approximately 650 thousand cases annually with a total budget of approximately \$80 million. The budgeted staff of 851 is composed of 562 trial attorneys, supported by paralegals, investigators, social workers, secretaries and clerical staff. The Department has offices in 40 separate locations throughout the County.

## Budget

The Public Defender's 1994/95 budget was \$81.4 million. Despite a request for an increase of approximately \$10 million to handle the increased workload as a result of the new "three strikes" law, the budget was reduced to \$77.7 million. The Department's 1994/95 budget was devoted almost entirely to salaries of direct service providers. Prior to the reduction the management and administrative staff were lean at 4% and 2.7% respectively. The curtailments resulted in a further reduction of 44 line positions, 21 attorneys and 22 support staff, (two management positions were also lost). These reductions were achieved through attrition.

## Workload

A 1994/95 study conducted by the Santa Barbara Public Defender revealed that the Los Angeles

County Public Defender caseload was by far the highest per attorney in the State and 56% above the State mean average.

Strike cases have had a dramatic effect on the workload. Felony cases which were not serious or violent offenses take on serious consequences when prior strike convictions are included. These cases are four times more likely to go to trial, an increase of 25% in the number of jury trials. The average trial has gone from four days to six, and strike cases remain in the system much longer before being resolved. This has resulted in a substantial increase in attorney workload.

The high number of cases going to trial has increased preparation and investigation time by more than 20%. Case support requires paralegals to research prior convictions and court records. Without time limits for prior convictions archived records must be accessed, some of which are stored outside Los Angeles County or even in another state. This has resulted in a 15% increase in the paralegal workload, as well as requiring substantially more secretarial and clerical time, often on a rush or expedited basis.

## Unavailability

California statutes and case law, national and state guidelines, and ethical considerations mandate a level of competency from the Public Defender. The reduction of 21 attorneys leaves the office with no feasible alternative but to declare itself unavailable for 125 new misdemeanor cases per month for each of the lost attorneys, or a total of 2,625 cases per month. The Supervising and Presiding Judges of the Superior Court find that the Public Defender's inability to handle the workload will leave the county with an immense backlog of felony cases pending trial. This compels the courts to appoint private counsel at a much higher cost.

## Cost of Plugging the Gap

Outside defense counsel is procured either on a contract basis or an hourly basis. The contract rate for misdemeanors starts at \$210 per case as compared with the Public Defender's cost of \$60. Therefore, unavailability of the Public Defender costs the county \$551,250 at the lowest contract rate. The Public Defender could handle the same cases for \$181,125. Obviously the Public Defender provides the most cost-effective defense for indigent criminals.

In felony cases the cost differential is even greater. The Public Defenders cost \$716 per case while outside appointed counsel, usually on an hourly rate, averages \$1500 per case.

## RECOMMENDATION

- By law all criminals are entitled to adequate legal representation. Under the three strike law more will demand trials. It is recommended that the Public Defender be funded sufficiently to avoid forcing the courts to require outside counsel support.
- **This is an election year. Los Angeles County must publicize and lobby the state for the funding of the courts as promised.**



# **EDIT COMMITTEE**

## **MEMBERS**

**Morton K. Bernheim, Chair**  
**Donald Hinkley**  
**Maria Veronica Magallanes**



**EDIT COMMITTEE**

(from left): Donald Hinkley, Morton Bernheim, Maria Veronica Magallanes.

## EDIT COMMITTEE

The several committees of the Grand Jury have been diligently at work serving their unique and important role as watchdogs for the citizens of Los Angeles County. Committee findings have been studied in depth, carefully developed, and recommendations have evolved from their observations and experiences. All of us have recognized the critical need for credibility and independence in decision-making.

After all was said and done, the Edit Committee provided final touches here and there but always mindful not to change or distort the intent of the report. Ultimately that is each committee's purpose and function.

It was the Edit Committee's good fortune that most of the reports were submitted on schedule in time to meet deadlines for the absolute publication date of June 30th.

The effectiveness of this year-long task is now ready for publication and distribution to the Board of Supervisors. The report of the 1995-96 Grand Jury of Los Angeles County will now be available and on file at the office of the Grand Jury, the City of Los Angeles Public Library, the Los Angeles County Law Library, and at various university libraries.

One of the reports, "The Evolution of Quality Control in Rail Construction" was released early in the term since it covered a subject significant to the work of the Metropolitan Transit Authority.

The Edit Committee decided to have a full-color photo of Los Angeles County taken from a space satellite. Thanks to the contacts of one of the Grand Jury members the print was made available to us by the Chevron Petroleum Technology Company.

# **ENVIRONMENT COMMITTEE**

## **MEMBERS**

**Donald R. Hinkley, Chair**  
**Maria Veronica Magallanes**  
**Marvin Polak**  
**Manning Silver**



**ENVIRONMENT COMMITTEE**

(from left): Donald Hinkley, Manning Silver, Maria Veronica Magallanes, Marvin Polak.

## ENVIRONMENT COMMITTEE

The 1995-96 Grand Jury Environment Committee reviewed the needs of the Los Angeles County residents for a permanent and reliable water supply. In its review it considered the 1993-94 Grand Jury comprehensive audit, with the help of an outside audit firm, which asked and answered many critical concerns about many aspects of our water supply and the whys and hows of necessary changes to accommodate future water needs. It was noted in the 1994-95 Grand Jury Report that on July 1, 1995, Metropolitan Water District (MWD) increased the wholesale water rate by 6% over the previous year. If this portends a trend, the County's water bill will nearly double by the year 2005. The report also stated these interesting items.

- The County uses less than half its local water resources. For instance, the County Flood Control District reports that 280,000 acre feet per year of rainwater is allowed to flow uncaptured down the Los Angeles River to the sea.
- Waste water treatment plants are producing far more reclaimed water than is being used. The claim is made that despite public calls for action, there is no coherent water policy in Los Angeles County.

Some of the 1993-94 Committee findings and recommendations dealt with the management of four dams under the control of the Army Corps of Engineers (C.O.E.). Unlike the Department of Public Works (DPW) County dams, the C.O.E. does not manage its dams for water storage during the rainy season. The C.O.E. is conducting a feasibility study which may address this problem but unfortunately it will not be completed until 1998 at the earliest. This delay could cost the County a water loss of 48,000 acre feet of water with a current value of \$13.8 million. The Secretary of the Army supports the proposition that the County take control of these dams and coordinate them

with its other dam operations to maximize rainwater conservation.

The 1994-95 Final Report admonished future Grand Juries to obtain assurances that MWD pursue the announced commitment to local water conservation. It is important to learn whether DPW's feasibility study of the Freshwater Harbor Project (to capture and store Los Angeles River runoff in a reservoir in Long Beach Harbor) has borne fruit.

The agency responsible for supplying the bulk of wholesale water in Southern California and the primary planning agency is the MWD. MWD planners have developed a document said to be the most ambitious water planning document in agency history. It is called the Integrated Resources Plan (IRP) and is the blueprint for water resource allocation for the next 25 years. The plan evaluates projected demand, alternate resource strategies as well as water conservation, aqueduct improvements, regional storage, costs, risks, the need for flexibility and many other aspects of the plan.

MWD is making a strategic shift from being a water supplier to a water manager. This reflects the size and breadth of MWD's resources, its political leverage and the need for more sophisticated water planning to address impending shortages. MWD, in response to a letter from the 1995-96 Grand Jury asking numerous questions, sent volumes of information outlining the IRP, including the ambitious East Side Reservoir Project in Southeast Riverside County, desalinization plans, reclamation projects, etc. The 1996-97 Grand Jury may well wish to investigate these further.

We, on the Environment Committee of the 1995-96 Grand Jury have found objections to some aspects of suggested methods of curing the water shortage. For instance, it is possible that people living below the dams, reservoirs and spreading grounds would loudly object to increasing the capacity of these entities because of potential flood damage. Possibly, the

Coastal Commission or environmentalists would claim that the rainwater runoff is needed to replenish the beaches and should not be captured. Many unknowns make conclusions difficult. The MWD's stated efforts and plans seems forthright, logical and well-stated. Perhaps more visits to facilities and conversations with MWD officials would be of value.

The Los Angeles County Department of Public Works explained the reason for the seemingly excessive delay in resolving the transfer of control of C.O.E. dams

to Los Angeles County. These included many studies, necessary environmental reports required by the numerous entities involved, and the availability of funds. But it stated that the project is still alive. It was encouraging also to hear that the Freshwater Harbor Project (Long Beach) is still alive and that the study probably will be finished this coming October.

It is gratifying to be able to report after investigating a County agency that a positive, optimistic report regarding the health of the agency is possible.

**GOVERNMENT OPERATIONS  
COMMITTEE**

**MEMBERS**

**J. David Peters, Chair  
G. Burrola  
Stella V. Hanover  
David J. Owen**





**GOVERNMENT OPERATIONS COMMITTEE**

(from left): J. David Peters, Stella Hanover, David Owen.

# GOVERNMENT OPERATIONS COMMITTEE

The Government Operations Committee met soon after the Grand Jury had convened in July and discussed which county agencies the Committee should study.

## **Sheriff**

The Committee visited with the Director of Administration, the Chief Custodial Officer of the Men's Central Jail and toured the Twin Towers. The Committee limited its interviews to the fiscal operations only. The Jails Committee and the Criminal Justice Committee were doing their own studies of the other aspects of the criminal justice system.

In its review of the fiscal conditions the Committee found that the Sheriff's Department was being hampered, as were all other county agencies, by the budget cuts. The Committee then discovered that the KOLTS Commission had done studies of the Sheriff's Department and, further, that its recommendations were being monitored by a Special Counsel. The Committee decided to limit its review rather than duplicating work already done.

The Committee therefore recommends to the 1996-97 Grand Jury, that it review the "Kolts" Report and visit with the Special Counsel before studying the Sheriff's Department.

## **Department of the Coroner**

The Committee turned its attention to the Coroner's Department and the report follows:

### **Purpose**

The purpose of this study was to evaluate the current operations of the Los Angeles County Department of the Coroner in order to assess the Department's fiscal and program capabilities to provide efficient, qualitative, and cost effective services.

### **The review included:**

- An assessment of the Department's workload, staffing, revenue and expenditure trends over the last five fiscal years.
- An assessment of the Department's facility, equipment, space needs and deficiencies.
- Recommendations as to the resource allocation and prioritization for the services and programs of the Department.

### **Study Approach**

In conducting this assessment of the Department, and to address the purpose of this study as stated above, the following steps were taken:

- interviews with key officials within the Department and other appropriate Department Heads;
- review of financial, program, and other relevant reports on Department operations;
- identification of workload volumes and trends;
- identification of historical staffing trends;
- tour of Department facilities;
- review of Department facility evaluation and assessment reports, and
- review of the stated goals, performance standards, and service levels of Department operations.

## Background

The Department is mandated under Government Code Section 27941 to inquire into and determine the circumstances, manner, and cause of all violent, sudden, or unusual deaths occurring within Los Angeles County. This includes all homicides, suicides, accidental deaths, and natural deaths where the decedent had not been seen by a private physician within 20 days. The Department's programs are structured specifically to facilitate this mandate and to ensure that appropriate interface with various law enforcement agencies, courts, health agencies, and mortuaries is maintained. The objective is accomplished through the physical investigation of the decedent, the death scene, witness interrogation, and the collection of evidence and decedent property. A medical inquiry is also conducted which may include a full autopsy, other varying degrees of body examination and forensic laboratory studies to assist in the determination of the cause of death.

In December 1990, an ordinance approved by the Los Angeles County Board of Supervisors created a new Department of Coroner under the direction, management and control of a nonphysician director. The ordinance repealed and reenacted the County Code to create the Department, with specific new directives and duties for the nonphysician Director, while redefining the duties of the Chief Medical Examiner-Coroner to include State mandated functions.

Under the ordinance, the nonphysician Director is given specific authority to manage and direct all nonphysician operations and staff within the Department, subject to the general directions of the Board of Supervisors. The ordinance places the responsibility for all physician staff under the control of the Chief Medical Examiner-Coroner, subject to the general directions of the Board of Supervisors.

The Department has a net operating budget of \$11.9 million and 166 authorized positions for fiscal year 1995-96.

## The Department performs the following major functions:

- the Executive Branch is responsible for the overall direction, management, mission goals, and coordination of various programs;
- the Administration Division is responsible for all departmental financial operations, departmental budget planning and control, personnel, procurement, contract administration, facilities management, and legal services;
- the Public Services Division is responsible for handling public inquiries, death certificates, autopsy transcript preparations, decedent property services, subpoena activities, revenue collection and case file management;
- the Forensic Data Information Division is responsible for the development and maintenance of the Department's case tracking/management information system;
- the Forensic Science Laboratories Division conducts all scientific analyses toward determining cause and manner of death;
- the Forensic Medicine Division is responsible for the medical investigation and determination as to the cause, circumstances and manner of death.

## Other Functions

- Contract Programs.
- Drug/Gunshot Testing Services.
- HIV Blood Testing.
- ICAN. Interagency Council on Child Abuse and Neglect.

- SB90. Participates in State-mandated program to examine dental records for the identification of John and Jane Does.
- Residency Program. The Medical Division has an Accreditation Council for Graduate Medical Education approved forensic pathology residency program. Preparation for Board Certification. Residents from university affiliated hospitals train in forensic pathology.
- Tissue Harvesting/Organ Transplantation.

**The Operations Bureau is responsible for the following:**

- Investigations which handle scenes, hospital and mortuary investigations, evidence collection, decedent identification, next of kin notification, law enforcement agency interface, and court testimony.
- Forensic support which provides direct autopsy support functions to the Forensic Medicine Staff.
- Morgue Management which provides transportation, processing, storing and releasing of bodies.
- Disaster Services, Youthful Drunk Driving Program fleet management, and other operational functions.

**Findings**

**Assessment of Department Funding and Staffing:**

The fiscal year 1995-96 Department total budget is \$13.7 million which represents a net County General Fund cost of \$11.9 million (see Exhibit A). Since fiscal year 1991-92 systematic curtailments of the Department of Coroner have resulted in \$2.5 million or a 17.3% reduction in net county cost.

The reductions have affected all staffing and functions across the board (see Exhibit B).

Increases in departmental revenue result from additional reimbursement for state mandated programs, and the implementation of beneficiary based user charges for certain Coroner services.

Since 1991-92 criminal justice system departments have experienced staffing level reductions compared to the Coroner as follows:

**Department                      % of Reduction**  
(See Exhibit C)

Coroner	13%
District Attorney	6%
Sheriff	5%
Probation	0.3%
Public Defender	2%

The Coroner has endured significant losses in funding and personnel over the last five years. In fiscal year 1991-92, the Department maintained a budget of \$14.4 million in net county cost with 191 employees to handle a workload of approximately 18,000 cases. On average, one out of every four deaths occurring within Los Angeles County is handled by the Coroner. In fiscal year 1995-96, the Department is budgeted for \$11.9 million in net county cost, a staff of 166 and a workload which has exceeded 19,000 cases. Understaffing and increased workloads have undercut the Department's level of service to the public while compromising the Department's mission. Forensic pathologists perform on the average of 360 autopsies per year, 110 over the national standard set by the National Association of Medical Examiners. Each division of the Department has inadequate levels of personnel.

In addition to the understaffing, present employee classification levels no longer meet the expanded responsibilities and increased requirements of certain positions. Job duties have far exceeded the scope of present positions. This has forced the Department to

pilfer budgeted positions from one division to another in certain classes to avoid litigation and/or union intervention. Each and every division suffers from this anomaly noting that the hiring of these positions at the existing budgeted levels could not possibly provide for the elevated requirements and complexities of the affected jobs.

Fiscal cutbacks in the Department since fiscal year 1991-92 have resulted in the following program impacts:

- 76% of all cases are released for services after a four to five day waiting period. Only the remaining 24% fall within the Coroner's standard of a two day turnaround.
- The hours of body release to the funeral directors is now limited to the hours of 12:00 noon to 6:00 p.m. Monday through Saturday, with no releases on Sundays and holidays.
- The hours of operation of all the present regional facilities were reduced, including the temporary closure of the San Gabriel Valley regional facility. Regional facilities services are now limited to investigative and transportation functions only. Autopsies are no longer performed in the High Desert and Olive View regional offices.
- The Department has deferred health and safety facility improvements, as well as equipment replacements.
- A 180-day clearance program has been implemented which allows the Coroner to "clear" natural cases that have not been seen by a doctor for a period of 180 days. This process avoids the need to bring the body into the central facility for any further Coroner inquiry.
- The Department has had the need to utilize sheriffs' deputies to assist in investigative functions.

- Department revenues have increased substantially, which are a critical link to the Coroner's survivability. These include State mandated reimbursement for Sudden Infant Death Syndrome, billing of law enforcement agencies for autopsy reports, expansion of grant applications for various functions such as HIV testing program, autopsy Saw safety training video, Tissue Bank International tissue grant for the collection of tissues for the living, and a marketing effort designed to raise revenues for the Youthful Drunk Driver Visitation Programs.

### **Assessment of Department Facilities and Equipment**

The Department is housed in two side-by-side buildings, 1102 and 1104 North Mission Road in the City of Los Angeles. These buildings were built in the early 1960s.

In September 1995, the County of Los Angeles Department of Public Works conducted an assessment of the existing facilities' heating, ventilation, and air conditioning (HVAC) equipment system which was prompted by an 18% positive conversion on tuberculosis testing of Coroner autopsy staff. (Report on file at the Department of the Coroner).

The report also cites the need to have HVAC equipment seismically braced and/or restrained. These assessments indicate that the HVAC system has major deficiencies and no longer provides airflow as it was originally designed. The deficiencies include equipment and system leakage, malfunctions, deterioration, and the lack of seismic protection for the HVAC system.

The Department of Public Works concluded that:

"It appears the daily Coroner's operation has outgrown the capabilities of the facility. The original HVAC air changes per hour (AC/H) throughout the service floor is insufficient. To compound the situation, the entire system in its present state cannot meet the design. The design required 12 AC/H for the sensitive general autopsy, decomposed autopsy,

and embalming areas. The system serving these areas should be designed to provide 30 AC/H with the ability to increase to 60 AC/H.”

“A new facility with state of the art HVAC systems large enough to accommodate the Coroner’s increasingly demanding workload should be seriously considered as a viable solution to the existing deteriorated under-capacity HVAC at the CME building.”

In addition, a review of the Department’s vehicle inventory indicates that many of the vehicles are outdated, have extensive mileage, and are in need of replacement (see Exhibit D). Many vehicles, especially transportation vans, exceed 100,000 miles. An accumulation of high-mileage vehicles could create a situation where many vehicles become inoperable at the same time.

### **Recommendations**

1. *The Grand Jury recommends that the Board of Supervisors augment the Department of the Coroner by \$3.5 million to ensure that every division and function is appropriately funded and specific job classes are elevated in accordance with the Department’s fiscal year 1996-97 official budget request.*

The Department is faced with reduced funding and staffing coupled with an increase in workload and intense media and public scrutiny. Unless the Board of Supervisors provides adequate funding to the Department and raises classification levels, further deterioration of service levels to the public and the criminal justice system is imminent, regional offices will provide little or no outlying area support, and revenue will be lost resulting in the inability of the Coroner to fulfill its mandate.

2. *The Grand Jury recommends that the Board of Supervisors take corrective action to implement the Public Works Report recommendations and ensure that the facilities meet all health and safety, and seismic requirements.*

In addition to funding recommended in No. 1 above, the Board of Supervisors needs to set aside sufficient funding to replace or substantially rehabilitate the Department’s facilities and HVAC support systems. Inadequate space and a deteriorating building environmental system affects the quality of services, staff morale, and the responsiveness of the Department to the Public.

3. *The Grand Jury recommends that the Board of Supervisors set aside sufficient funding in the vehicle replacement fund to begin the gradual replacement of existing aged vehicles.*

The Department’s vehicle inventory includes many vehicles with high mileage and the potential for breakdown, high maintenance costs, and inefficient use. An immediate gradual replacement program is needed to assure that the Department has adequate operable transportation equipment to meet its service mandate.

A Workload/Budget Comparison of Los Angeles County Department of the Coroner and Dade County, Florida, Department of the Coroner is herewith submitted. (See Exhibit E).

**EXHIBIT A**

**DEPARTMENT OF CORONER  
FINAL ADJUSTED BUDGET STATISTICS**

FISCAL YR	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96
Gross Appropriation	13,054,000	15,242,000	14,950,000	13,289,000	14,498,000	13,736,000
Revenue	(559,000)	(754,000)	(1,451,000)	(1,826,000)	(2,788,000)	(1,776,000)
Net County Cost	12,240,000	14,414,000	13,448,000	11,388,000	11,665,000	11,915,000
Employees	176.4	191.4	182.4	145.2	166.0	166.0
Caseload	18,068	18,377	18,603	18,749	19,224	19,300

Estimated

**EXHIBIT B**

**BUDGET STATISTICS  
DEPARTMENT OF CORONER**

FISCAL YR	1990-91	1991-92	1992-93	1993-94	1994-95
Net County Cost	\$12,191,082	\$14,250,863	\$12,913,545	\$11,188,000	\$11,896,000
Employees	172	191	182	145	166
Revenue	\$607,918	\$917,137	\$1,513,213	\$1,911,138	\$2,310,000
Caseload	18,068	18,377	18,603	18,995	19,304 *

(\*Estimated)

**EXHIBIT C**

**BUDGETED POSITIONS**

<u>Fiscal Year</u>	<u>Coroner</u>	<u>District Attorney</u>	<u>Sheriff *</u>	<u>Probation</u>	<u>Public Defender</u>
1991-92	191.4	1,804.2	13,448.2	4,195.6	871.6
1992-93	182.4	1,719.2	12,942.0	3,571.2	871.6
1993-94	145.2	1,612.2	12,721.1	4,298.6	853.5
1994-95	166.0	1,669.2	12,909.9	4,340.5	897.6
1995-96	166.0	1,687.2	12,812.0	4,180.5**	851.0
Reduction	13%	6%	5%	0.3%	2%

\* Includes Marshal

\*\* Reflects continuation of Juvenile Probation Camps

## EXHIBIT D

### TRANSPORTATION VEHICLES

A review of the vehicle inventory shows many vehicles are outdated, have mileage over 100,000 and need replacement. With such an inventory many vehicles could become inoperative at the same time.

This list includes all vehicles assigned to the department in the entire county, not counting the field command post trailer (1) or the disaster crash trailers (12).

#### TRANSPORTATION VEHICLES

#### INVESTIGATION VEHICLES

#### SPECIAL PURPOSE VEHICLES

##### 1990 Chevrolet Series 20 Van

34691	Salvaged
34692	96,371 mi
34693	102,369 mi
34694	141,095 mi
34695	149,642 mi
34695	189,465 mi
34697	Salvaged
34698	Salvaged

##### 1988 Chevrolet Caprice

58388	160,899 mi
58389	159,488 mi
58390	137,405 mi
58391	149,123 mi
58392	104,249 mi
58393	98,499 mi

##### 1985 Chevrolet K-5 4x4

55848	48,224 mi
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##### 1978 Jeep Pick-up 4x4

59127	150,981 mi
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##### 1991, GMC Suburban 4x4 (Mobile Command Post)

##### 1989 Chevrolet Astro Van

34136	56,537 mi
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31023	76,341 mi
31024	89,333 mi
31025	55,107 mi
31026	62,577 mi

30833	8,307 mi
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##### 1989 Chevrolet Astro Van (PAX)

34137	61,083 mi
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##### 1994 Ford E-150 Van

31993	14,799 mi
31994	12,802 mi
31995	14,436 mi

##### 1991 Chevrolet Lumina

30804	83,568 mi
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##### 1983 Chevrolet Malibu

54088	157,182 mi
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##### 1995 Chevrolet Multi-Decedent Recovery Vehicle

33065	179 mi
33066	419 mi

#### ASSIGNED VEHICLES

1991 Chevrolet Caprice  
(Chief, Operations/  
14-hour on-call)

31051	38,243 mi
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1991 Chevrolet Lumina  
(Asst Chief/Operations/  
24-hour on-call)

30803	41,469 mi
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1988 Buick Century  
(Director, Dept. of Coroner)

58225	106,981 mi
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## EXHIBIT E

### WORKLOAD/BUDGET COMPARISON

#### LOS ANGELES COUNTY vs DADE COUNTY, FLORIDA

	<u>Los Angeles County</u>	<u>Dade County</u>
1995-96 Net Budget	\$11.9 Million	\$6.1 Million
Positions	166	64
<hr/>		
<u>1994-95</u>		
Bodies brought into facility:	10,586	2,397
Outside Cases: (Includes Mortuary Signouts & Clearances)	8,638	974
TOTAL CASES:	19,224	3,371
Includes:		
A. Homicides	1,753	310
Excludes:		
A. Cremations Approved		
B. Tissue Bank and Non-Human Cases		

#### OBSERVATIONS

1. While Los Angeles County Coroner has nearly six times the total caseload of Dade County, it only has twice the budget of Dade County.
2. Accordingly, Dade County maintains nearly 40% of Los Angeles County's staffing level. Medical Examiners in Dade County perform 250 autopsies a year, while Los Angeles County Medical Examiners perform 360 autopsies a year, 110 above the national average recommended by the National Association of Medical Examiners.
3. Los Angeles County Coroner handles nearly six times as many more homicides as Dade County. Homicides are the most complex and time consuming cases investigated by the Department.

# **HEALTH SERVICES COMMITTEE**

## **MEMBERS**

**Nancy L. Janney, Chair**  
**Irene L. Dilsworth**  
**Maria Veronica Magallanes**  
**Marvin Polak**  
**James M. Sirotta**  
**Morton K. Bernheim**



**HEALTH SERVICES COMMITTEE**

(from left): Morton Bernheim, Maria Veronica Magallanes, James Sirota, Nancy Janney, Irene Dilsworth, Marvin Polak.

# HEALTH SERVICES COMMITTEE REPORT

The Health Services Committee of the 1995-96 Grand Jury, as part of its oversight duties, visited the following facilities: County/USC Medical Facility, Martin Luther King/Drew Medical Center, Roybal Medical Clinic, and the Northeast Medical Clinic.

After these visits the committee then decided to conduct a comprehensive audit of County Hospital's relationship with the University of Southern California. A new contract is to be negotiated in 1997 and the committee thought this was an appropriate time for this information.

## Purpose and Scope

The purpose of this study was to evaluate the relationships between the County of Los Angeles and medical schools that operate teaching facilities in County hospitals. The Grand Jury wished to focus especially on the County's arrangement with the University of Southern California (USC) relative to the Los Angeles County University of Southern California Medical Center (called "LAC/USC" or "the Medical Center"). More specifically, the project was intended to:

Develop a better understanding of the nature and magnitude of operating costs at LAC/USC that may be affected by the presence of a medical teaching program.

Develop knowledge regarding the detail and completeness of tracking teaching-related costs by the County Department of Health Services.

Relate the teaching-associated revenue generated by the County-USC relationship to the costs incurred as a result of that relationship.

Summarize findings that may have been reported elsewhere in the United States regarding the incremental costs of medical teaching facilities.

Evaluate the current arrangements between the County and the medical schools in terms of their providing health services appropriate to the needs of the County's client base. In this regard, the study was to address whether the County and the medical schools should be altering the current arrangements to achieve:

- More decentralized as opposed to hospital-based out-patient services.
- Greater ability to render primary care as opposed to specialized care.

Evaluate the current professional services agreement between the County and USC in terms of giving the County adequate means and authority to identify the value it is receiving and to implement changes that will achieve more decentralized and primary care-oriented services.

## Background

The County Department of Health Services (DHS) service system includes six hospitals, three of which operate trauma centers. Services at the hospitals are provided on both in-patient and ambulatory bases. The County also offers ambulatory care at six comprehensive health centers and 39 other health centers.

The County has had long-standing relationships with medical schools to provide services to indigent sick and others lawfully admissible to County facilities. The six hospitals along with some descriptive data are shown below.

Facility	Budgeted Beds *	In-Patient Days **	Out-Patient Visits **	Actual Cost **
LAC/USC	983	324,175	530,580	\$692,212,715
Harbor/ UCLA	394	140,639	261,812	289,712,752
Martin Luther King/ Drew	291	104,229	223,018	271,952,003
Rancho Los Amigos/ UCLA	299	118,795	73,224	170,847,954
Olive View/ UCLA	246	87,832	148,628	180,610,387
High Desert	75	27,653	54,950	45,009,248
TOTAL	2,288	803,393	1,292,212	\$1,650,345,059

\* Post-Curtailment

\*\* Estimated FY 1995-96

LAC/USC, Harbor/UCLA, King/Drew, Olive View/UCLA and Rancho Los Amigos/UCLA are all teaching hospitals. Residents, i.e. graduate medical students, provide a large proportion of direct patient service under the supervision of attending physicians at these hospitals. High Desert is not a teaching hospital, and physician care in that facility is rendered only by County-employed physicians.

At the four teaching hospitals other than LAC/USC, attending physicians are County employees who also hold staff positions in their respective medical schools. Most attending physicians at LAC/USC are USC employees. Under the current professional services agreement which took effect in 1988, County-employed physicians at LAC/USC were given the option to become USC employees. The agreement specified that all new attending physicians would be USC employees.

## County Payments to USC

The County expects to pay USC a net amount of approximately \$68.5 million for providing medical and teaching services at LAC/USC for fiscal year 1995-96. This represents about 10% of the County's total cost of operating the Medical Center. The amount paid to USC is based on formulas, factors and other provisions that were established in the 1988 contract. That document listed approximately 400 full-time-equivalent (FTE), University-employed, attending physician positions and salaries for each of them. Since 1988, the number of attending physician FTEs at LAC/USC has increased to 478 through supplements to the contract. Approximately 550 individual attending physicians make up the 478 FTEs working at the Medical Center.

The contract also requires the County to pay USC an amount which goes into a pool. The pool is distributed by the University at its discretion to doctors in addition to their salaries or used for other personnel or non-personnel expenses. The County also pays an approximately 21% overhead rate on top of salaries to USC.

The current average annual compensation (salary plus benefits) per attending physician FTE paid to USC is approximately \$127,600. Many USC-employed staff physicians also receive amounts out of the pool described above, payments through medical research grants or income from their own private practices or a combination of all three.

The contract provides that each year the total amount paid by the County to USC will be adjusted based on patient load and a cost of living factor. Actual annual payments are based on numerous additional factors, and, according to County officials, are more the result of negotiations than established formulas.

Physician residents at four of the five teaching facilities are County employees. Those at Olive View are employed by UCLA. Referred to as "house staff", residents number approximately 1,000 at LAC/USC. Their average annual compensation is \$40,500 (salary plus benefits). The professional services agreement

between the County and USC recognizes that both parties have significant interests in the arrangement: the County to provide needed services to the public and USC to operate a medical teaching school. The contract acknowledges among other things that being a teaching facility enhances quality of care and that it is common practice for large public hospitals to be affiliated with medical schools.

## Findings

### *Finding No. 1*

*It appears clear, based on previous County studies and on research conducted throughout the nation, that affiliations with medical schools give local government such as Los Angeles County a way of providing health care services that are cost-effective and higher in quality of care than would otherwise be possible.*

One reason for local public agencies to enter into medical school affiliations is that it would be very difficult -- and might be impossible -- for a county such as Los Angeles to recruit enough qualified physicians to provide the wide range of medical care it requires were it not for these affiliations. Specialists in numerous fields are needed with trauma care imposing a particularly heavy requirement for physicians in certain specialties.

Another important and related benefit of the teaching affiliation is the high quality of care resulting from the level of competence of both attending physicians and later-year residents.

The remainder of this section describing Finding No. 1 consists of two parts. The first describes higher cost factors while the second deals with offsetting savings and revenues.

#### **A. Higher Cost Factors**

In conducting this study we reviewed 22 reports and report abstracts from research that looked into the cost of teaching-affiliated health care service. Several

types of costs that may be higher in teaching than non-teaching settings are identified and given various degrees of support in these papers. These cost types include:

1. Physician productivity
2. Number of tests ordered
3. Length of patient stays and visits
4. Types of equipment in use
5. Floor space
6. Non-monetary benefits to residents

#### **1. Physician Productivity**

Lower physician productivity in teaching than non-teaching settings was cited as a finding in several of the research papers and abstracts we reviewed. The terms in which such findings were expressed included reduced productivity per physician, increased time spent per patient, physician cost as a higher percentage of total cost, and increased personnel costs. Only three papers reported no significant difference in productivity at teaching-affiliated clinics.

Nonetheless, taken together, the studies seem to show that greater amounts of physician time are required in teaching settings than non-teaching ones. This finding conforms to common-sense expectations since:

Residents are less experienced than fully qualified physicians

Attending physicians and residents at times see patients together

Attending physicians teach in the classroom as well as see patients

Some attending physicians conduct research

## **2. *Number of Tests Ordered***

The ordering of more tests by residents than by fully qualified physicians was widely cited as a potential increased-cost factor by individuals we interviewed for this study. One possibility mentioned was that of a resident ordering a broader array of tests in his or her attempt to diagnose a condition than would a more experienced doctor.

## **3. *Length of Patient Stays and Visits***

Longer patient hospital stays were cited by two of the individuals we interviewed, but their comments bore on the indigent nature of some County patients rather than on the teaching relationship. They suggested that patients may sometimes be kept longer than reimbursing third parties such as Medi-Cal will pay for because the patient's home condition is not conducive to recovery.

## **4. *Types of Equipment in Use***

One individual we interviewed cited the possibility that medical schools request and sometimes receive payment from the County for newer, more sophisticated, and therefore more expensive medical equipment than would be provided were medical services being provided by a non-teaching cadre of physicians. The 1988 professional services agreement between the County and USC acknowledges that a higher standard relative to equipment is to be followed at LAC/USC.

No comparative data on age or technological status of equipment is available. Sophisticated equipment is needed in medical school settings so that newer technological approaches can be taught. Accordingly, equipment costs can be expected to be higher at teaching hospitals than they would need to be to provide baseline care in a non-teaching facility.

## **5. & 6. *Floor Space and Non-Monetary Benefits to Residents***

Increased floor space requirements for research and teaching add to facility costs. In addition, student dormitories are provided for residents. Also, according to the 1990 DHS report, residents are provided with meals at County expense.

## **B. *Offsetting Savings and Revenues***

### **1. *Offsetting Savings***

Our review of the cost factors described above indicates that there are incremental costs associated with teaching hospital arrangements. On the other hand, a single category of offsetting savings -- low hourly costs for medical services provided by residents -- may very well result in net County savings under the arrangement. Total current average annual compensation paid to residents is about \$40,500 according to DHS. While actual hours worked by residents are not systematically tracked, a survey reported in the 1990 DHS study indicated that residents worked an average of 71 hours per week. Even assuming 71 hours per week, the average salary-plus-employee benefit per-hour cost to the County for residents is less than \$12.

### **2. *Offsetting Revenues***

The County receives Medicare and Medi-Cal reimbursement for services to qualified patients. Medicare specifically recognizes teaching-related costs. Basic payments are determined for each of a number of diagnostic-related groups (DRGs) corresponding to various categories of medical procedures. Such rates are adjusted for local wage rates. Direct and Indirect Medical Education Costs (DRG and IDME) are also paid to teaching hospitals. Medicare also pays

additional amounts to hospitals serving areas with a Disproportionate Share of low income patients. The 1990 DHS study reported that IDME costs for fiscal year 1988-89 were about \$10 million.

The State of California pays the County \$995 per in-patient day. This is a negotiated rather than a calculated Medi-Cal reimbursement rate. That is, rather than building up a rate based on costs reported by the County, the State arrived at an amount through discussions in which cost types and amounts were treated in a give-and-take manner. The current rate is based on an amount negotiated several years ago and adjusted for inflation annually since then. The State implicitly recognized teaching costs in the negotiations, and the rate would be lower if the County did not operate teaching facilities. The difference between a teaching and non-teaching rate, however, cannot be accurately traced to any actual cost basis.

The County also derives some benefit from volunteer work provided by non-compensated physicians. DHS reports that the most recent annual volunteer figures for LAC/USC are approximately 24,700 hours contributed by 2,500 physicians. Multiplied by average compensation rates paid to County-employed attending physicians, the value of the hours contributed is approximately \$1,500,000. In addition, the medical centers receive research grants.

### ***Finding No. 2***

*The County does not attempt to track teaching-related costs separately from non-teaching-related costs or to compare teaching-related revenues with teaching-related costs.*

It would be virtually impossible to separate teaching-related from non-teaching-related costs with any reasonable degree of accuracy. For example, in the case of physician time spent per patient, it would be

necessary to break time spent with patients between the amount actually spent and the amount a fully qualified physician would spend in a non-teaching setting. There is no clear way to determine this. And while it might be possible to use a factor based on the results of research, the research reports we reviewed would be inadequate for application across the broad range of procedures and services performed by doctors at the County hospitals.

It would be similarly difficult to break out teaching-related revenues from all other revenues. The Medi-Cal reimbursement rate described above is a good example of this. No one knows what the Medi-Cal rate would be for the County if the County hospitals were not teaching institutions. Comparisons with other non-teaching hospitals in the County would not produce a satisfactory comparison. In the private hospitals, physicians receive reimbursement that is separate from the amount paid to the hospital.

### ***Finding No. 3***

*The County is making significant progress in achieving greater emphasis on ambulatory services, decentralized access and primary care. It appears that USC and the other medical schools with which the County is affiliated are cooperating with the County in implementing these changes.*

At the beginning of fiscal year 1995-96 the County was faced with a \$655 million deficit in its health care budget. In some respects, this crisis brought to a head mounting problems associated with the County's delivery model and the approaches by which the federal and state governments have funded their shares of costs through Medi-Cal. Medi-Cal accounts for more than 55% of funding for the County's health care system.

Efforts were already under way to revise approaches to providing care when the FY 1995-96 shortfall became apparent. Because the shortfall was imminent and of such great magnitude in terms of its potential impact on the public, the federal, State and County governments were highly motivated to work out a joint approach to avoiding the crisis. The approach is being developed through a project commonly referred



to as the "1115 waiver". This five-year demonstration project is intended to restructure and stabilize the County's health services programs and the State's Medi-Cal funding approach while taking advantage of a \$364 million federal relief plan.

Movement towards ambulatory care and decentralized access through health centers is an important part of the project. One element of the strategic goals of the project is to achieve 50% increase in access to ambulatory services, including preventative care. The restructuring will allow the County to reverse planned closures of clinics that had been identified because of the projected 1995-96 deficit. Another aspect of the project involves plans to increase payments for out-patient hospital services and otherwise emphasize decentralized and ambulatory services.

Among those who stated that the medical schools are cooperating in this change of approach are the Director of Health Services, the Medical Director of DHS, the Executive Director of the North/East Network which includes LAC/USC, and the Chief of Staff of LAC/USC. They cited joint recognition by the medical schools and the County of the need to restructure. It was also noted that some faculty and resident positions have been moved from the Medical Center to comprehensive health centers.

At the same time, no specific performance targets have been set by DHS for the respective numbers of out-patient versus in-patient visits at medical centers or the numbers of visits to decentralized centers and clinics as opposed to medical centers.

***Finding No. 4***

*The County and the medical schools are making progress in improving the availability of primary care in the County system.*

Achieving greater emphasis on primary care in medical schools has met with some resistance. Among the reasons for this are:

Research grants are more frequently awarded for specialty-related projects

Specialists have historically received better pay and higher prestige

Some reported disparagement of primary care by medical school faculty

Need for specialists to meet public teaching hospitals' trauma care requirements

Some of those we interviewed stated there was at least a perception that the medical schools were "dragging their feet" in shifting towards more primary care education and post-graduate student positions.

On the other hand, there is evidence that the percentage of primary care resident positions is increasing somewhat and is likely to continue to do so. This is partially attributable to the University of California's mandating that 50% of its medical schools' post-graduate positions are to be in primary care. Exhibit 1 shows numbers and projected percentages of primary care residents in all of the County's teaching hospitals except Rancho Los Amigos/UCLA for fiscal years 1995-96, 1996-97, and 1997-98. In the exhibit obstetrics/gynecology, pediatrics, internal medicine and family medicine are all categorized as primary care.

It should be noted that USC, while not under State mandate, is projected to increase its percentage of primary care residents from 39.3% currently to 41.9% in FY 1997-98. This may reflect the national move towards more primary care. Several officials indicated that the shift is to the long-term benefit of the medical schools. We were also told, however, that some resistance remains among senior faculty members.

Greater emphasis on primary care is also partially a result of DHS's efforts to effect such a change. Increased primary care is included as an element in the 1115 waiver project.

While DHS is achieving progress in this area, it has not established performance measures specifying annual targets for primary care are in the plan, in its contracts with the medical centers, or elsewhere.

## **Finding No. 5**

*The existing professional services agreement between the County and USC is very broad in setting forth the obligations of USC, especially in terms of attending physicians' hours spent on teaching and with patients. The County-USC contract also differs in significant ways from the contracts with UCLA and Drew.*

The County-USC contract is scheduled to be renegotiated prior to June 30, 1997. At this critical time for the County in terms of ensuring the continuation of sound health services through its affiliation with medical schools, contracts with the schools should be clear in terms of obligations and as straightforward as possible to administer.

We recognize that there is good reason for some of the lack of specificity in the County-USC agreement. It documents a change from pre-1988 arrangements with USC and away from the model used with UCLA and Drew by reassigning attending physicians from County to University employment. In setting forth this arrangement, the contract uses a privatization approach. That is, the University is held primarily to results, e.g. "Provide sufficient qualified professionals to assure a continuation of the level of service...adequate to provide supervision, administration and documentation of patient care." But the University is not required to document and provide the County with hours actually worked by attending physicians and other key figures related to its operations.

In order to ensure maximum possible levels of service, DHS needs to be able to verify the number of hours it is receiving in return for its payments. Such payments are based on FTE levels. However, in many cases, we have been told, there is no verification that such levels are actually being worked. County-employed physicians are required to complete and submit time sheets, but use of time sheets is discretionary with USC medical supervisors. Signed time sheets have been useful to the DHS Inspection and Audit Division in identifying and taking corrective actions in cases in which a physician has not worked his or her required hours on County business. They can

help the County understand and quantify the value of services rendered.

Other important indicators that would be useful to the county in tracking hospital performance were pointed out by the Auditor-Controller and the Chief Administrative Officer in the "Comprehensive Review of the Department of Health Services, Phase 1" dated April 1995. They include admissions, average daily census, average length of stay and others. We understand that LAC/USC is now providing some of these figures and is cooperating in tracking and reporting a range of important statistics. It would be helpful if reporting requirements were detailed in the agreement.

Because of the transition to University-employed instead of County-employed attending physicians, the contract between the County and USC differs considerably from those with other major County hospitals. This is understandable. However, contract administration would be simpler and less expensive if all hospitals had similar agreements with the County.

## **Recommendations**

- 1. In working towards more primary care, ambulatory services and decentralized access, DHS should set specific, quantified targets and dates for these objectives. These should be established as performance measures for the Department. The Department should report annually to the Board of Supervisors on achieving its targets.*
- 2. Related to Recommendation No. 1, DHS should establish in its contracts with the medical schools performance measures corresponding to those it sets for itself. The schools should be required to meet targeted annual standards regarding numbers of primary care positions, ambulatory services provided and resident and attending staff physician participation in clinics located outside the medical centers. In particular, with regard to primary care, the County should consider requiring in its contract*

*with USC that 50% of resident positions at LAC/USC be in primary care fields by an agreed-upon date. If adopted as a standard and achieved, this 50% standard would equate to the State's mandate for the University of California. The contracts with all medical schools should include incentives and consequences to ensure as full participation as is feasible by the schools in working with the County to meet its targets.*

3. *As it re-negotiates its contracts with medical schools, DHS should establish specific obligations on the part of the schools regarding the quality and cost of services provided. DHS officials should consider the general approach and specific performance measures described by the Auditor-Controller and the Chief Administrative Officer in their "Comprehensive Review of the Department of Health Services, Phase I" report dated April 1995. Quality of care can be assessed by peer review and patient surveys, among other means. There are many measures of service costs that can be used, including cost per in-patient day, cost per admission, cost per out-patient visit and FTE staff per in-patient day, cost per admission, cost per out-patient visit and FTE staff per in-patient and out-patient visit.*
4. *In re-negotiating its contract with USC, DHS should establish specific means for monitoring the amount of work provided by staff physicians. In the current contract, the number of FTEs is a key element used to determine the annual payment to USC. At the same time, however, the current contract does not specifically require that the University demonstrate or attest to its having provided a minimum of 40 hours per week for each FTE staff physician position. As a public agency, DHS has an obligation to ensure that the County is receiving a targeted level and quality of service.*
5. *The County should attempt to negotiate consistent contracts with all three medical schools. Currently, the agreements with UCLA and Drew are similar to each other, but the contract with USC differs in important ways from the other two. Having similar provisions for payment, standards of performance and other factors would simplify and possibly reduce the cost of contract administration.*

**EXHIBIT 1**  
**RESIDENT POSITIONS IN PRIMARY CARE VERSUS ALL OTHER FIELDS**

	Fiscal Yr. 1995-96	Pcnt. of TOTAL	Fiscal Yr. 1996-97	Pcnt. of TOTAL	Fiscal Yr. 1997-98	Pcnt. of TOTAL
<b><u>LAC/USC</u></b>						
Obstetrics/Gyn.	79	8.7	71	8.2	70	8.0
Pediatrics	34	3.8	60	6.9	60	6.9
Internal Medicine	242	26.8	235	27.0	235	27.0
Family Medicine	0	0.0	0	0.0	0	0.0
Subtotal	355	39.3	366	42.0	365	41.9
Others	549	60.7	505	58.0	506	58.1
Total	904	100.0	871	100.0	871	100.0
<b><u>HARBOR/UCLA</u></b>						
Obstetrics/Gyn.	29	7.1	29	7.5	29	8.1
Pediatrics	33	8.0	33	8.5	33	9.2
Internal Medicine	71	17.3	71	18.3	71	19.9
Family Medicine	29	7.1	29	7.5	29	8.1
Subtotal	162	39.4	162	41.8	162	45.4
Others	249	60.6	226	58.2	195	54.6
Total	411	100.0	388	100.0	357	100.0
<b><u>KING/DREW</u></b>						
Obstetrics/Gyn.	20	6.2	16	5.2	16	5.2
Pediatrics	44	13.7	41	13.4	41	13.4
Internal Medicine	48	14.9	48	15.7	48	15.7
Family Medicine	19	5.9	19	6.2	19	6.2
Subtotal	131	40.7	124	40.5	124	40.5
Others	191	59.3	182	59.5	182	59.5
Total	322	100.0	306	100.0	306	100.0
<b><u>OLIVE VIEW/UCLA</u></b>						
Obstetrics/Gyn.	15	10.3	14	10.9	14	11.4
Pediatrics	17	11.7	16	12.5	15	12.2
Internal Medicine	54	37.2	49	38.3	49	39.8
Family Medicine	6	4.1	2	1.6	0	0.0
Subtotal	92	63.4	81	63.3	78	63.4
Others	53	36.6	47	36.7	45	36.6
Total	145	100.0	128	100.0	123	100.0
<b><u>TOTAL</u></b>						
Obstetrics/Gyn.	143	8.0	130	7.7	129	7.8
Pediatrics	128	7.2	150	8.9	149	9.0
Internal Medicine	415	23.3	403	23.8	403	24.3
Family Medicine	54	3.0	50	3.0	48	2.9
Subtotal	740	41.5	733	43.3	729	44.0
Others	1,042	58.5	960	56.7	928	56.0
Total	1,782	100.0	1,693	100.0	1,577	100.0

# **JAILS COMMITTEE**

## **MEMBERS**

**John Atkinson, Chair**  
**Irene L. Dilsworth**  
**Daniel B. Freifeld**  
**Robert S. Hoffman**  
**Nancy L. Janney**  
**Carolyn L. McLaurin**  
**Loveless Jean Ross**



**JAILS COMMITTEE**

(from left): Robert Hoffman, Nancy Janney, Daniel Freifeld, Irene Dilsworth, John Atkinson, Carolyn McLaurin, Loveless Jean Ross.

# PART I.

## JAILS COMMITTEE REPORT

### Introduction and Summary

The Jails Committee of the 1995-96 Los Angeles County Grand Jury was formed in compliance with Section 919(a) and (b) and 921 of the California Penal Code. Grand Juries are mandated by State law to inquire into the condition and management of the jails within their County, and as necessary into cases of unindicted persons in custody on criminal charges. This report is presented in two parts. Part I covers conditions of housing, safety, and humane treatment in County jails. Part II studies the ability of inmates to exercise their constitutional right to represent themselves -- Pro Per -- in court.

Minimum standards for jail facilities are covered under Title 15 of the California Administrative Code. Each facility maintains manuals and regulations for the operations of the unit. In addition to the Grand Jury inspections of the Los Angeles County jails, the other commissions and bodies concerned with regulations and monitoring of the facilities include the Los Angeles County Institutional Commission, the State Fire Marshal and local fire agencies, and the Department of Health Services.

### Background

The Jails Committee inspected approximately 70% of Los Angeles County Jails in 1995-96.

Jails are confinement facilities for which the custodial authority may range from one to five years. Arrestees are in a holding facility for 48 hours (less weekends and holidays) or less pending arraignment, release adjudication, or transfer to another facility. Jails are operated by the following Los Angeles County departments: municipal police departments, the Los Angeles Sheriff's department, the Los Angeles Police department, municipal court lockups, superior court lockups, and the Juvenile Institutions Bureau.

There are three types of facilities: Type I - used for the detention of arrestees to be arraigned within 48 hours; Type II - used for arrestees pending arraignment, during trial and up to one year on a sentence to commitment; and Type III - used for the detention of convicted and sentenced persons. Los Angeles County jails provide housing for arrestees prior to sentencing and completion of a sentence in a Los Angeles County facility.

### Procedure

The 1995-96 Grand Jury Jails Committee divided itself into three teams. The teams selected jails and holding cells of courts to visit. Each team went to destinations previously selected to make unannounced visits. They would ask to see the Watch Commander or Officer in Charge and inform him that they would like to inspect the facility. The team then would inspect the facility and fill out the questionnaire prepared for that purpose. The team questioned the Watch Commander or appropriate person, i.e., jailer. The team would then rate the facility according to the scale on the questionnaire.

### Condition of Jails

The Jails Committee inspected 121 jails and detention facilities in the county. A new jail questionnaire was formatted for the 1995-96 Grand Jury. Topics on the questionnaire included training for detention officers, foreign language translators on staff, booking and bail procedures, policies on arrestees who might be ill or have a contagious disease, jailer's records of inmates, isolation problems, any prior incidents or problems within the jail, and nearest emergency room and response time of the fire department or paramedics. The jails were also rated according to noise level, sanitation, fire safety, telephone facilities, food, and general appearance.

Management staff of jail detention facilities appeared to be well trained and knowledgeable. The Grand Jury also found that management staff in the jails throughout the county were cooperative and provided records upon request.

### **Jails Inspected**

The following facilities were visited by the Jails Committee:

#### **Los Angeles County Sheriff's Department**

- Altadena
- Antelope Valley (Lancaster)
- Avalon (Catalina)
- Carson
- Gorman
- Lakewood
- Lennox
- Lomita
- Lynwood
- Marina del Rey
- Men's Central Jail\*
- North County Correctional Facility (Pitchess)\*
- Norwalk
- San Dimas
- Sybil Brand Institute\*
- Century Regional Detention Facility

\* Visited by the entire Grand Jury

#### **Municipal Police Departments**

- Alhambra
- Arcadia
- Bell
- Bell Gardens
- Beverly Hills
- Burbank
- Claremont
- Compton
- Culver City
- Downey
- El Monte
- El Segundo
- Gardena
- Glendale
- Hawthorne
- Hermosa Beach

- Huntington Park
- Inglewood
- La Verne
- Long Beach
- Long Beach North Facility
- Manhattan Beach
- Maywood
- Monrovia
- Palos Verdes Estates
- Pasadena
- Pomona
- Redondo Beach
- San Fernando
- San Gabriel
- Santa Monica
- Sierra Madre
- Signal Hill
- South Gate
- South Pasadena
- Torrance
- Vernon
- Whittier

#### **Municipal Court Lockups**

- Alhambra
- Antelope Valley (Lancaster)
- Beverly Hills
- Claremont
- Compton
- Downey
- Glendale
- Hollywood
- Huntington Park
- Inglewood
- Long Beach
- Los Angeles
- Los Cerritos/Bellflower
- Malibu
- Pasadena
- Pomona
- Redondo Beach
- Rio Hondo/El Monte
- San Fernando/North Valley
- San Pedro
- Santa Monica
- South Gate
- South Bay/Torrance
- Van Nuys
- West Los Angeles
- Whittier



### **Superior Court Lockups**

Antelope Valley (Lancaster)  
Compton  
County Courthouse  
Criminal Courts  
Glendale  
Long Beach  
Norwalk  
Pasadena  
Pomona  
San Fernando/North Valley  
Santa Monica  
Torrance/South Bay

### **Los Angeles Police Department**

Central Area  
Foothill Area  
Harbor Area  
Hollenbeck Area  
Parker Center/Jail Division  
Hollywood Area  
LAX Substation  
Newton Area  
North Hollywood Area  
Pacific Area  
Rampart Area  
77th Street Area  
Southeast Area  
Southwest Area  
Valley Jail Section/Van Nuys  
Wilshire Area

### **Juvenile Institutions Bureau - Probation Camps**

Camp Jarvis  
Camp McNair  
Camp Onizuka  
Camp Resnik  
Camp Smith  
Camp Scobee  
Camp Scott  
Camp Scudder  
Los Padrinos Juvenile Hall  
Routh Senior Fire Camp

### **Findings**

The jail committee inspection findings are as follows:

Rating system = 5 - very good, 4 - good,  
3 - acceptable, 2 - poor, 1 - very poor

Cities - 4.0  
Juvenile Bureau - 3.9  
LAPD - 3.8  
Sheriff - 3.6  
Municipal Courts - 3.6  
Superior Courts - 3.3

Of all the jails visited, only six fell below our standard of acceptability. Compton Municipal Court, for one, rated below average due to needed improvements in the following areas:

- 1) window replacements
- 2) inoperative electric gates
- 3) inoperative cell doors and sally port
- 4) emergency lighting
- 5) improved cleanliness

### **Youth Camps**

The youth camps operated by the Probation Department are operated with goals different from the other jails within the county. Their goal is to steer the wards, through age 19, to a productive law abiding life. Methods of strong structure, education, hard work, good food, a program of expectations and rewards which lead to self-esteem are employed. Staff appears to be dedicated and enjoying some success. We were told that a study just completed showed that two out of three released wards are not arrested again after two years. The program appears worthwhile.

### **Letter to Board of Supervisors**

Youth Camps are in danger of closing at the end of 1995 due to lack of funding. The following letter was sent to the Board of Supervisors to express the view of the Grand Jury:

November 21, 1995

Board of Supervisors  
County of Los Angeles  
Room 383, Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**Re: Los Angeles Times, November 17, 1995, " County May Close Probation Camps"**

Dear Members of the Board of Supervisors,

We noted in the referent Los Angeles Times article that the Board of Supervisors is seriously considering the closure of the eighteen juvenile probation camps. We wish to register with you our strong opposition to such a move. We feel the closure of these camps is not in the best interest of the citizens of Los Angeles County.

As you may know, the Los Angeles County Grand Jury is required by State mandate to inspect all of the jails in our county. The juvenile probation camps fall within that mandate. We have conducted such inspections at some of the camps and have others yet to visit during the 1995-96 session. We recently inspected several including the Challenger Camps in Lancaster which include camps Jarvis, McNair, Onizuka, Senior Boys and Reception.

The Probation Department manages these camps without firearms and in a constructive atmosphere which provides for these youths, maybe for the first time in their lives, a positive adult structure, good food and a truly sincere effort to help these boys and girls build self esteem. The staff which we met are sincerely dedicated to the task of saving as many of these youths as possible from a life of crime and incarceration. Their low recidivism rate is an indication of some success. They are working for more.

These camps are a special effort by the citizens of Los Angeles County not copied elsewhere in the state to our knowledge. The camps are one of the few bright spots in law enforcement in the County where real progress is being made. The young people in these camps are in general not suitable for foster homes and if it were not for the camps most of them would end up at the California Youth Authority where their prospects for a productive life would be minimal.

We, at the Grand Jury, are well aware of the financial crisis that faces our County. We are also aware that the Board of Supervisors have their hands full in coping with this crisis. But if there is just a chance of saving the future of some of these children, we must strongly request that the Board of Supervisors find some way to keep these camps open. We can't hope the State will come through and fund the camps. This is too important an issue to leave up to the whim of the folks in Sacramento.

The Probation Department has proved from their track record that they are on the right track. They are dedicated to these children and we must do whatever it takes to keep this important program alive. What better natural resource do we have in Los Angeles County than young people who have been turned into productive citizens and away from a life of crime.

Thank you for your attention to this matter.

Very truly yours,  
Mary Jean Pew, Foreperson  
1995-96 Grand Jury  
John Atkinson, Chairperson  
Jails Committee

## Camp Routh - Special Issue

In our visit to Camp Routh, we found a special problem which to bring to the attention of the Board of Supervisors. Camp Routh is a senior youth camp which is dedicated to fire suppression. It houses approximately 100 wards between the ages of 17 ½ and 19. Started in the 1930s for the Civilian Conservation Corps the camp is old. It was then used as a Sheriff's detention camp and in 1983 became a probation camp. The wards work very hard as firefighters and as fire preventers under the direction of the County Fire Department and the supervision of probation personnel. Their work takes them into the rough mountain terrain surrounding the camp. At night they go to school and live in comparatively primitive conditions. The camp looks run down but it is clean. The results they have achieved at the a camp are first class. According to a recent study, **nine out of ten of the wards that leave Routh are not arrested again within a two-year period.**

A program like this needs support.

During the recent earthquake, the camp dining room and kitchen were damaged. Partly because of the damage and partly because it is old, the building was red tagged by the County and could not be entered. With the help of the Fire Department (tents and mobile kitchen) the camp remained open. Eventually the kitchen was moved partly into the fire station and a temporary trailer was set up as a dining hall over 100 yards from the kitchen. Both the kitchen and the dining hall are substandard. The dispute between the County, State and federal government continues on who and how much should be paid for earthquake damage. No one knows when that will be settled. Meanwhile, the camp limps along in danger of being shut-down due to the substandard conditions.

This is an opportunity for some charitable person, company, labor union, etc., to step in and sponsor meaningful help to these boys who are working hard to become good men. The amount of money needed is around \$500,000. We hope the Board of Supervisors would let it be known that Camp Routh needs a new kitchen and dining hall in case anyone

wants to help. Of course, this is just one need in a county of many needs. But one good deed is better than none.

### **County Courthouse Safety**

The Sheriff's Department of Los Angeles is responsible for maintaining lockup facilities at all Superior and Municipal Courthouses. Another function of the Sheriff's Department is transferring prisoners from lockup to the courtrooms. In most courthouses, the Sheriff's Department maintains intermediate detention areas, while prisoners await court appearances. Not so at the County Courthouse.

Security for both prisoners and Sheriff's personnel at the Los Angeles County Courthouse is of grave concern. Male prisoners are brought from Men's Central Jail to the County Courthouse loading dock where they are unloaded without the aid of a sally port. The prisoners are taken upstairs via the freight elevator to holding cells where they are searched and placed in cells. Again, no sally ports. On heavy volume days some prisoners must be handcuffed to chairs in the cell area. For court appearances, prisoners are taken again by freight elevator to the designated floor and then walked through public hallways to courtrooms.

The County Courthouse has no metal detectors, just five guards. Two guards are stationed at doors, one on the loading dock and two roaming the halls. Visitors may enter the courthouse through 17 entrances, most of which are not covered by security television monitors. Security concerns have intensified since the courthouse has been pressed into handling an overflow of criminal cases. If it were not for the exceptional performance by Deputy Sheriffs there could be serious incidents. This is a problem waiting to explode.

### **RECOMMENDATIONS**

The Grand Jury recommends the Board of Supervisors:

- Stabilize funding and support of the Probation Department's youth camps.
- Let the public know that Camp Routh is in need of a new kitchen and dining hall facility.
- Either close the County Courthouse to criminal trials or implement a safe method of handling prisoners.

## PART II.

# JAILS COMMITTEE REPORT

### Introduction

In response to complaints from inmates in the Los Angeles County jails the Los Angeles County Grand Jury decided to investigate these complaints.

### Purpose & Scope

The purpose of this study was to determine if the Los Angeles County Jail provides sufficient access to legal references to enable individuals to prepare their own defense. "Pro Per" (Properia Persona) describes an inmate who, as allowed by the court, exercises his/her constitutional right to act as his/her own legal counsel in a criminal matter before a recognized court.

The study defines Los Angeles County's legal obligation to Pro Per inmates, surveys the existing Pro Per situation and operating systems, and compares Los Angeles County's law libraries to those of other California counties.

### Background

In 1977, the U.S. Supreme Court stated in *Bounds v. Smith*, "It is now established beyond doubt that prisoners have a constitutional right of access to the courts." The Supreme Court held that prisoners are constitutionally entitled to either access to law libraries or help from persons trained in the law. There is no distinction between pre-adjudicated and sentenced inmates. Each is entitled to access to a legal library or a lawyer.

The Los Angeles County Sheriff's Department operates four inmate law libraries for Pro Per inmates or others with a justifiable need to have an on-going access to a law library. Two libraries are maintained at Men's Central Jail (MCJ), one at Sybil Brand Institute (SBI), and one at the North County Correctional Facility (NCCF).

### Pro Per Population

Los Angeles County Jail, the largest county jail in California, understandably maintains the largest Pro Per inmate population in the state. Of the roughly 20,000 Los Angeles County Jail inmates, approximately 180, or 0.9%, are Pro Per status inmates. The majority, 140 of these inmates reside at MCJ, and the remaining 40 reside at NCCF. SBI, the County's female jail facility, occasionally houses one or two Pro Per inmates.

The number of inmates seeking Pro Per status in California is increasing due to the passage of the "Three Strikes" law. More and more pre-adjudicated felons are residing at Los Angeles County Jail and remain longer than the average 35 day stay in order to fight their cases.

Most people interviewed split the Los Angeles County Jail Pro Per population into two groups. One group, roughly 20%, seeks Pro Per status in order to sincerely prepare their own defense. The remainder, or approximately 80% of the Pro Per population, becomes Pro Per to receive Pro Per privileges, take advantage of the jail system, and run illicit jail activities.

### Pro Per Privileges

Inmates who wish to act as their own attorney must first obtain approval from the judge of jurisdiction. Court approved Pro Per status includes some specific privileges not offered other inmates. These include:

**Law Library** - All Pro Per inmates are given access to the law library up to two hours per day.

**Library Telephones** - All Pro Per inmates are given access to a bank of telephones that are maintained in the law libraries. All phone calls are made collect.

**Legal Forms** - Legal forms are provided to all Pro Per inmates.

**Legal Visits** - Pro Per inmates receive extended visitations to confer with legal runners and witnesses. Pro Per inmates may request one person to act as a legal runner. The legal runner may visit and confer with the inmate during normal visiting hours up to 30 minutes each day. Legal runners receive compensation from the courts. Pro Per inmates may submit a list to the sheriff of prospective material witnesses who may be interviewed during normal visitations.

**Legal Materials** - Pro Per inmates often accumulate a large quantity of legal documents and are entitled to store the materials within their living area.

**Legal Supplies** - Pro Per inmates are entitled to use paper, carbon paper, pencils, and erasers. These items may be purchased from the jail canteen by the inmate or given to the inmate from an outside source.

**Indigent Supplies** - Pro Per inmates are given supplies on a weekly basis. The supplies consist of: one legal tablet, ten sheets of typing paper, one pencil, four sheets of carbon paper, and four envelopes

**Indigent Funds** - An amount of \$40 is deposited into each Pro Per inmate's jail trust account. These funds are used for witness phone calls, postage, additional supplies, or for other needs directly related to the inmate's case.

**Investigators** - Pro Per inmates may retain the services of a state-licensed investigator to assist in the preparation of the case.

**Single or Double-Occupancy Cells** - MCJ Pro Per inmates live in single-occupant cells rather than the general jail population six-man cells. At NCCF Pro Per inmates live in double-occupant cells rather than dormitory-like cells.

## Current Law Library Systems

Law libraries are maintained at MCJ, NCCF, and SBI.

### *MCJ-3rd Floor*

MCJ-3rd floor law library is exclusively for high-security prisoners and serves 20 to 30 inmates. Other than their allotted two-hour blocks in the law libraries, high-security prisoners have no other access to inmates. One deputy supervises up to four high-security inmates in the law library. The deputies attempt to place only compatible high-security inmates in the law library at the same time, though fights occasionally occur.

### *MCJ-2nd Floor*

MCJ-2nd floor law library serves the general jail population. One deputy supervises 16 to 20 inmates at one time in the law library. However, due to additional responsibilities, the library is not under constant surveillance. To date, security issues have not been an issue in the 2nd floor library.

Both MCJ law libraries operate on a self-serve basis. The inmates have direct access to the books, and help themselves to the materials found in bookcases around the room. Many books have ripped out pages and are ruined. Both libraries undergo inventories three to four times a year, but, due to time/staff constraints, no inventory is exhaustive. Rather, the staff monitors the books on a "spot check" basis. Both libraries operate on a rotating schedule to ensure that all Pro Per inmates have access to the law library.

### *NCCF*

The NCCF law library serves both high-security and general population inmates. The law deputy supervises 10 to 12 inmates at one time. Inmates fill out slips indicating which books they are requesting and a law deputy hands them the materials. Unlike MCJ, the NCCF law library provides a photocopy machine and several typewriters.

The library is under constant supervision. Because the law deputy is the only person who has direct access to the books, materials are rarely damaged. The library is furnished with several desks and chairs where the inmates can perform their research. Additionally, this system allows the deputy to conduct ongoing audits of the library's inventory and constantly to update the collection with new editions. In the six years the library has been in operation, no security issues have arisen.

### Pro Per Inmate Issues

Information gathered from jail interviews and visits, and returned Pro Per prisoner questionnaires, suggest that certain issues at MCJ prohibit Pro Per inmates from effectively preparing their own defense. These include:

- **Status of books and lack of space.** Of the 30 MCJ inmates who returned a completed questionnaire, 89.2% responded that the MCJ law library did not have the books needed and 96.4% responded that the books were not in good condition and had ripped out pages. In addition, inmates commented that the law library books were "old" and "out of date."

Additionally, MCJ law library system makes an exhaustive inventory infeasible, consequently many books are outdated and obsolete. Finally, the libraries are currently at full capacity, thus adding more books is problematic due to space constraints.

- **Lack of law library constant supervision.** Due to staffing cutbacks at MCJ, the deputy assigned to law library supervision is pulled away from his cage to perform other duties. Hence, the inmates are left unsupervised. Many believe that much of the book destruction occurs during these unsupervised periods. Additionally, when the law deputy is absent from his post, inmates have no access to specialized books and legal forms stored in the deputy's cage.

- **Lack of photocopier machine.** Of the 30 MCJ inmates who returned a completed questionnaire, 50% complained about the lack of a photocopier machine. A photocopier was installed at MCJ to deter inmates from tearing out pages. However, it was removed only three weeks after its installation. The inmates stole the coins, removed the wiring, and damaged the metal guard.

### Comparative Data

To understand alternative methods of fulfilling Pro Per inmates' rights to the legal process, we examined the Pro Per operations of three other California counties: Ventura, San Diego, and Orange. It is important to note that the comparative data is based on significantly smaller jails and Pro Per populations. However, ratios of jail population to Pro Per population compares somewhat with Los Angeles. In addition, interviews with officials suggest that these neighboring counties do not suffer from inmates seeking to manipulate the jail system. Rather, most officials reported that inmates granted Pro Per status are serious and responsible about preparing their legal defense.

#### Ventura County

Ventura County operates two jail facilities: a sentenced facility, Todd Road, and a pre-sentence facility. Out of 1400 inmates, Ventura County currently has four (0.3%) Pro Per status inmates. The greatest number of Ventura County jail Pro Per inmates during the last decade has been eight. The Ventura County law library located across the street from the pre-sentence facility, performs complete inventory audits twice a year. Unlike Los Angeles Pro Per inmates, Ventura Pro Per inmates do not live in separate quarters and do not receive indigent funds. These inmates are given supplies only if they have less than \$15 in their general jail funds. Telephone usage is by court order only.

**Pre-Sentence Facility.** The pre-sentence facility law library operates in a similar manner to Los Angeles MCJ law libraries. Inmates have direct access to the books and pull them off the shelf as needed. Because only one Pro Per

inmate is in the library at a time, and the library is under constant supervision, there is minimal book destruction.

**Sentenced Facility.** The Todd Road facility installed a CD ROM law library system last year in January. The system has never been completely up and running and is due to be removed in 1996. Many of the inmates have never used a computer and no training was planned. The CD ROM system does not include "how-to" legal books. Thus the facility still maintains a hard-covered book system as well. Finally, the CD ROM system led to more claims of denial of access to courts because inmates were unable to use the system.

### **San Diego County**

San Diego County maintains seven jails, and all contain some form of a law library. San Diego currently serves 5,200 inmates, including 20 (0.4%) Pro Per status inmates. The Pro Per inmates, who live with the general jail population, have direct access to the law library books, as in the Los Angeles MCJ system. Four inmates occupy the law library at one time. Phones located in the law libraries are for Pro Per inmates use, but the Pro Per inmates do not receive indigent funds. The law library has no photocopy machine but does maintain typewriters. Deputies do not constantly supervise inmates in the law library, yet there is minimal destruction of books.

Though law library materials suffer little damage, the cost of updating with new editions has become prohibitive, and thus, the libraries are transferring to CD ROM-based systems that are projected to be running later this year. The CD ROM system uses a main server in San Diego's Central Jail and terminals in all seven jail facilities. One deputy will be trained on the CD ROM system and will travel between the jail facilities to aid and train the Pro Per inmates. The law libraries are prepared to keep some hard-cover books especially legal - form books and dictionaries.

### **Orange County**

Orange County maintains five jail facilities and serves a population of approximately 5,000 inmates. Of this population, currently six inmates, or 0.12%, have sought Pro Per status. Orange County Pro Per inmates are housed in the Orange County Men's Central Jail and live in single-occupant cells. The jail law library system works on a check-out basis. The inmates request materials needed and perform research in the privacy of their cells and usually have requested materials in less than a day. The Pro Per inmates do not receive indigent funds or legal supplies and have no access to a photocopy machine or a typewriter unless it is court ordered. Due to the law library's check-out system, the books suffer no destruction and the jail encounters few Pro Per security problems.

As soon as an Orange County Jail inmate is granted Pro Per status, he/she is assigned to a Pro Per sergeant. The inmate directs any questions or concerns regarding the process to his Pro Per sergeant. For example, if an inmate is not satisfied with the books he is receiving, his Pro Per sergeant arranges a meeting between himself, the inmate, and the law specialist to help clarify what the inmate is seeking. Officials report that this Pro Per sergeant system has greatly reduced the number of problems and complaints.

Like San Diego County, Orange County is installing a CD ROM-based system to reduce the costs of updating law books. The system will also have Internet access and terminals in the jail facilities. In addition to the law specialist, Orange County plans to hire three law assistants to help train and aid the Pro Per inmates in their research.

### **Recommendations**

Prisoners within the jail system have a constitutional right to represent themselves in any legal matter before the courts. Implementation of the following short-term recommendations may help the Los Angeles County Sheriff's Department satisfy this requirement in the most efficient, least-problematic manner.

- **Convert MCJ Libraries to Check-Out Basis Operations**

Eliminating direct access to law library books will significantly decrease the current rate of book destruction. Check-out will allow the deputies to inspect the books for damage and keep a running inventory of the libraries' contents, thus ensuring that information needed to satisfy inmates' rights are in stock. As practiced at NCCF, any inmate caught vandalizing a book would have his Pro Per status revoked.

This system requires minimal construction and requires the deputy to stand his post during assigned hours. Though this system requires some initial capital, it is expected to be more cost-efficient than replacing damaged materials.

- **Install Commercial-Type Photocopiers at MCJ**

The problem with MCJ's previous attempt at installing a photocopier was that an on-hand machine was used, a type that exposes wires and hardware to damage.

Installing a commercial-type photocopier, similar to those in photocopying facilities, will reduce the need for ripping pages while avoiding damage to the machine. In addition, Los Angeles County jails use a cashless system, thus avoiding stealing money from the machine. As is practiced at NCCF, the inmates are given a copier key code that correspond to their indigent funds account.

- **Pro Per and Three Strikes**

*Los Angeles's Pro Per population is growing* and is expected to keep growing as long as the "Three Strikes" law stays in effect. Satisfying Pro Per inmates' right to the legal process becomes more and more difficult as the

Pro Per population increases. For example, MCJ is operating its low-security law library 13 hours per day to ensure all Pro Per inmates receive their daily two hours of access. In addition, the cost of updating law books is accelerating and must be considered when looking to the future. The following considerations should be reviewed.

- **Install a CD ROM-based system**

To limit the costs of updating law books, both Orange and San Diego Counties jails are installing CD ROM systems for their Pro Per populations. Unlike Ventura County's earlier attempt, both Orange and San Diego counties are hiring additional staff to train inmates. The returned questionnaires indicate that Los Angeles inmates also would be open to CD ROM training. Training is essential for a CD ROM system to be successful, and to avoid inmate claims of "denial of access to the legal process."

Installing a CD ROM-based system in Los Angeles County jails requires significant hardware purchases and construction. It is unclear whether this endeavor is more cost-effective than replacing obsolete and damaged materials. Los Angeles County officials should observe results in Orange and San Diego Counties to determine if such a system would be appropriate in Los Angeles.

Information learned from interviews and returned surveys indicate that NCCF's Pro Per process is much more efficient and problem-free than MCJ. The Los Angeles County Pro Per Committee has begun transferring all "serious" Pro Per inmates to the NCCF facility due to its higher quality law library facility. In the process they have learned that the notion of transferring dissuades some of the less serious inmates from Pro Per status. Pro Per status at NCCF does not include the same privileges as at MCJ and NCCF operates in a "logistically undesirable" area for many inmates' visitors. Thus, the



practice of sending all Pro Per inmates to NCCF will not only ensure that inmates serious about the Pro Per process have access to the highest quality materials, but it will curtail those less serious inmates from continuing simply to manipulate the Pro Per system.

NCCF currently has the capacity to maintain all of the Los Angeles Pro Per population and would require minimal construction to modify a dormitory like cell to handle additional check-out operations.

### **Study Methodology**

The following activities were performed in the conduct of this study:

- Research to determine Los Angeles County's legal obligation to Pro Per inmates and review local rulings regarding the Pro Per process.
- Review Los Angeles County's Line Procedures for Pro Per operations.
- Interview key officials involved in Pro Per operations from the Los Angeles County Sheriff's Department, the American Civil Liberties Union, and Los Angeles County's Judges Pro Per Committee.
- Visit jail facilities and review law library contents, operations, and supplies.
- Contact other counties and obtain comparative data on their Pro Per operations.
- Circulate and process 180 questionnaires to current Pro Per defendants.

# **JUVENILE SERVICES COMMITTEE**

## **MEMBERS**

**Roberta Walley, Chair**  
**Oscar Davis**  
**Irene L. Dilsworth**  
**Stella V. Hanover**  
**Anna M. Jaramillo**  
**Maria Veronica Magallanes**  
**Loveless Jean Ross**



**JUVENILE SERVICES COMMITTEE**

(from left): Stella Hanover, Maria Veronica Magallanes, Roberta Walley, Irene Dilsworth, Oscar Davis, Loveless Jean Ross, Anna Jaramillo.

# INTRODUCTION

The Juvenile Services Committee of the 1995-96 Grand Jury of the County of Los Angeles was formed out of our concern for children. We believe that children are our future. Seven members of the Grand Jury are members of the committee. We met regularly over a six-month period. As citizens of Los Angeles County we worked very hard gathering information in the field, evaluating what we learned, and pursuing a greater understanding of the impact upon our children.

## Abbreviations Used

CASA	Court - Appointed Special Advocate
CI	Court Intervention
CIS	Children's Information System
CWS	Child Welfare Services
CHOP	Children's Health and Disease Prevention Program
DA	District Attorney
DCC	Deputy County Counsel
DCFS	Department of Children and Family Services
DCLS	Dependency Court Legal Services
DEAR	Dependency Early Alert Reports
DPO	Deputy Probation Officer
JAI	Juvenile Automated Index
ICAN	Inter-Agency Council on Child Abuse and Neglect
JCL	Juvenile Court Liaison
JR	Judicial Review
SSI	Supplemental Security Income
WIC	Welfare and Institution Code

## Definitions

Source: California Welfare and Institution Code (WIC)

### WIC 300

State Welfare and Institutions Code Section describes abuse, neglect, exploitation, and other endangerment situations and conditions whereby a child may be removed from the care and custody of the parents or legal guardians and declared a dependent of the court under DCFS supervision.

### WIC 601

State Welfare and Institutions Code Section describes habitual or persistent behaviors known as "status" offenses whereby a child may be declared a ward of the court under probation supervision. A "status" offense is an act which would not ordinarily be considered against the law if it were committed by an adult. Such offenses include running away, curfew violations, incorrigibility, and/or truancy.

### WIC 602

State Welfare and Institutions Code permits the criminal prosecution of a child suspected of committing a misdemeanor or felony. If the charges are sustained, the child may be declared a ward of the court under Probation or California Youth Authority supervision.

### WIC 241.1

State Welfare and Institutions Code mandates joint Department of Children and Family Services (DCFS) - Probation assessments for children who appear to come within the description of both WIC 300 and WIC 601 or WIC 602. The purpose of this assessment is to determine and recommend to the juvenile court which status would serve the best interests of the children and the protection of society.

## Summary

This final report consists of two parts. Part I, Juvenile Services Committee Report, expresses the members' thoughts about their experiences and how our recommendations can make the system more directly responsive to human needs. The members of our committee had a busy and productive year. We visited the Dependency and Delinquency Courts. We interviewed judges, administrators, attorneys and volunteers, all working to aid children. We spoke with social workers, both on and off the record, asking them how well they felt able to do their job with current caseloads.

Special focus was given to probation camps. This was a year of crisis for the camps. The Grand Jury sent a letter to the Board of Supervisors urging the camps be kept open. We are delighted that the camps will remain open and continue to teach, stressing discipline and helping foster a sense of self-worth to high risk youth.

As our knowledge grew we met with people, who were frustrated by the lack of interagency communications and the lack of complete and up-to-date files on the children they were trying to assist.

We met and spoke with members of the community who have developed an exemplary program to motivate teens and prepare them to become useful

and productive citizens. Our scope broadened, as did our hope, as we spoke to creative people who are trying to make a difference in children's lives in Los Angeles County.

We understand funds are limited, but unless children in need are our highest priority, we have no future. *If money is not spent on the dependent child, it will be spent on the delinquent child.* Answering the call for help early in a child's life is money well invested.

Part II of our report is the Ernst & Young Auditor Report, *Classification of Dependent Children*. This report focuses on when and why children move from dependency status to the juvenile justice system. The purpose of this study was to understand the criteria, practice, and impacts of Los Angeles County's classification of juveniles conducted pursuant to Welfare and Institution Codes WIC 300, 601, and 602. The study also focused on WIC policy section 241.1 that covers children who fall between the dependency and delinquency systems and provides direction for classifying dependents as delinquents.

The policy orders joint Department of Children and Family Services (DCFS) and Probation Department assessments for children to ensure that dependency status children do not move inappropriately into delinquency status.

## PART I.

# JUVENILE SERVICES COMMITTEE REPORT

### Alternatives To Family Care

The Los Angeles County foster care system cannot single-handedly meet the profound needs of children who are abused, abandoned and neglected by their parents. The community as a whole, and the individuals within it, must provide essential conditions of safety, security and love that will allow these children to become productive individuals in their adult lives. The goal is State-mandated family reunification.

Our committee visited dormitory-type group homes that provide long-term care and treatment for children up to age 18. Group homes that handle the more difficult children are paid about \$2,755 a month for the care of an individual child. These homes provide programs and court-ordered therapy for the children and their families. Foster parents, where a parent-child relationship exists are paid an average of \$563 a month per child.

Some group homes offer a caring, supportive and structured environment for children who have experienced the trauma of family turmoil. Some of the children in group homes with severe learning disabilities and/or academic deficiencies attend special needs schools.

Many of the group homes strive to promote the healing and growth of abused, neglected and emotionally disturbed children and their families by:

- helping these children reshape their lives;
- preparing them to live in a healthy family environment;
- training professionals in child and family therapy and counseling services;

- reducing multiple moves of difficult children from one foster parent to another.

We believe the best place for children is in the safe and loving environment of their family homes; however, when this is not possible, residential foster-parent homes are essential and beneficial. We also strongly believe that limiting placements to dormitory type group homes is crucial to a child's self-esteem and well being.

The Department of Children and Family Services is currently conducting an audit on group homes. Recently they have published an excellent handbook, "*Guidelines for Foster Care*"

From a number of reports, the committee found that an estimated quarter of a million children in California under the age of ten will become engaged in crime by the age of 18, the peak age for criminal activity. Many of these children, coming from dysfunctional families, will come under the care of the State.

Because approximately 30 percent of homeless people were once group home children, and 17 percent of America's prison population also were once group home children, the Juvenile Services Committee decided to investigate the level of societal, emotional, economical, and educational skills that foster care offers to youngsters.

The committee learned that children living out-of-home (foster care) were increasing faster than the child population of the State. The better use of foster care funds to break the cycle of child abuse and neglect was determined a primary objective in developing productive human beings. The committee was interested also in the extent that self-reliance, self-responsibility and the importance of education to the minor's future were being stressed.

The committee visited a number of nonprofit group home agencies, including Five Acres, Sycamore, and Hollygrove. Each group home is engaged in providing professional support and care for 15 to 20 children. Because of time constraints the committee did not visit residential foster homes, in which the caregiver and his/her family reside in their private home with their foster children.

The Grand Jury learned that the following circumstances are factors affecting out-of-home children:

- In 1991 there were 75,400 California children in out-of-home care. By 1994 the number had grown to 86,700 or nearly one out of every ten children.
- The end of the road for difficult to handle children are group homes, which are paid about \$2755 per month for a child. Dormitory group-home facilities, the most costly and least effective type of foster care, provide for 17,000 children at a cost of \$564 million a year. There are 51,000 children residing in private homes in a context of foster child/parent relationships at a cost of \$348 million a year.
- Contractors (usually an owner of a three-bedroom single-family home in a residential neighborhood) set up nonprofit organizations to receive payment from the State. The contractor leases the home to the nonprofit organization and takes an administrative salary.
- A three-bedroom home with two children per bedroom would generate \$17,000 a month or \$204,000 per year. By skimping on expenses for staff, clothing and food a group home contractor generates a large base for excessive rent and salary payments, leaving the organization without any net income.
- School districts may prefer not to have potential troublemakers in their classes. Some contractors convert the home's garage into a classroom for additional payments from the local school

district. These conversions may consist only of a large screen television set and a pool table. One foster family agency interviewed found tenth, eleventh and twelfth grade students performing on a fourth grade reading level.

- California state law mandates family reunification. Biological parents, under State law, claiming parental rights, trap tens of thousands of minors in foster care. Many minors under foster care turn eighteen in a foster home.

## RECOMMENDATIONS

To decrease the number of children living out-of-home the Grand Jury makes the following recommendations to the Board of Supervisors:

- *The Department of Children and Family Services (DCFS) should publish a monthly report on the number of children in foster care homes and the number of children available for adoption.*
- *DCFS should allow no more than 12 months for biological parents to get off drugs, find a place to live, go to school, or get a job before terminating parental rights.*
- *DCFS should contract adoptions to private agencies within 30 days of termination of parental rights. At present no penalty exists for DCFS failure to get a child adopted.*

## Early Intervention

*It is a general consensus that Children Should Be In Families, Not Foster Homes.* The committee was impressed with one Center visited that is working with youths "at risk" of self-destructive behaviors, such as drugs and alcohol, family abuse, gangs, violence, teen parenthood, school dropout, truancy, etc.

This Center seeks to assist families (by early intervention) in developing and accessing resources to lower the families at-risk factors. Youngsters are taught

to be adults. Unique among organizations visited, the Center developed a program, to help examine personal values in relationship to life in the United States and promote self-discipline, and taking responsibility for one's actions and choices.

The program formalizes the changes that mark progress from childhood to adulthood by ceremonies, rituals and services.

- **Spiritual** - Youngsters explore the connection between themselves and society; they learn self-esteem begins with a youngster's personal relationship with God.
- **Emotional** - Teenagers deficient in expressing a full range of emotions have to learn that it is not unmasculine or unfeminine to be loving and caring.
- **Social** - The program stresses adulthood as a social function, benefiting family and community.
- **Personal** - The children are taught that life can be hard and unfair, but our ability to love, struggle, and overcome obstacles produces the fruit of our labor and gives us the faith to carry on.
- **Mental** - The program develops a thirst for knowledge as a life-long process.
- **Cultural** - Originally designed for black youngsters, the program is being adapted to include Latino history and culture. Approximately 30% to 40% of participants are Latinos.
- **Political** - The minors learn to take an active role in the community, as well as local state and federal government.
- **Economics** - Training on how to find a job, run a business and open a savings account are offered and related as a basic foundation to becoming an adult and building a family.

## Effects of Three-Strike Law

Child studies recommend early intervention to avoid the risk of future consequences of the three-strike law. To decrease the need for out-of-home foster care, the early intervention study recommends that child care agencies provide care for the child to the extent possible in his or her home.

1. **Early Childhood Home Visits And Day Care** - The homes of children born to crack-addicted mothers or children suffering from neglect are monitored by weekly home visits of the social worker to their second birthday, day care from age two through age five for working mothers and an expenditure up to \$25,000 per child at risk. Of the County's wards 25% would be eligible for this care.
2. **Parent Training** - Parents of the 25% eligible County wards would receive 10 to 20 sessions of counseling and coaching. Up to \$1500 per child at risk would be expended.
3. **Early Intervention With Delinquents** - Judges have found that a group of hard-core delinquents, late in their criminal activity, use up the majority of funds, that would be better expended on a first time, second or third time delinquent juvenile. Potential hard-core youths up to 3% of the delinquents and their family would receive day care treatment and a family program. Expenditures up to \$10,000 was recommended.

## RECOMMENDATION

The Grand Jury recommends to the Board of Supervisors an approach to juvenile services that leads to increased in-home-care and less out-of-home foster care.

- *DCFS should initiate an early intervention pilot program involving approximately 50 families.*



## **Social Workers**

The Juvenile Services Committee spoke to several children's social workers, both on and off the record. Many felt overburdened by their caseloads, frustrated by the increase in cases, and the restriction on hiring of additional social workers.

Whether children are cared for by parents or foster parents, social workers are required to report evidence of abuse, and document children's medical and dental appointments. When siblings are separated and placed in different homes, social workers' jobs become more difficult, since they must travel from one location to another to visit and report on each child.

## **Courts, Agencies, and Laws**

One of the courts in the juvenile division of the Superior Court is the Edmund E. Edelman Children's Dependency Court. This courthouse is orientated towards accommodating children in court. The court steps in when child abuse either sexual, emotional or mental cruelty is reported.

Following is a list of agencies and organizations used by the court:

*Court Appointed Special Advocate (CASA)* is a program of volunteers that operates out of the courthouse. They assist minors who come to court from shelters or have special needs.

*Alliance For Children's Rights* offers free legal representation.

*Regional Centers* determine whether a person is mentally retarded or developmentally disabled.

*Special Education* provides handicapped children from three years to 22 with supplemental classes.

*Supplemental Security Income (SSI)* provides financial assistance from federal and state government as well as medical assistance.

*Children's Health and Disease Prevention Program (CHOP)* services include physical examination, immunization, vision, hearing, and laboratory tests and annual dental care.

*Indian Child Welfare Act 1978* attempts to redress past wrongs by placing minors in Indian homes to avoid further deterioration of the Indian culture.

*Los Angeles Unified School District Liaison* helps enroll minors in proper schools and obtains school records.

*Courthouse Referral Program* secures counseling, parenting classes and/or drug rehabilitation as required.

Further assistance is provided by:

*Adoption Assistance Benefits*  
*Interstate Compact for the*  
*Placement of Children (ICPC)*  
*Family Preservation*  
*Court Mental Health Unit*

## **Communication**

Communication within the various agencies of the Dependency Court is a major problem. In the past year the Juvenile Task Force was asked to focus attention on ways to improve the exchange of information among these concerned agencies and individuals.

The Grand Jury was particularly concerned about problems in changing a juvenile from a WIC 300 to WIC 601 or WIC 602 status.

## Findings

1. **A WIC 241.1 protocol assessment is made on too few juveniles within the DCFS.**

The DCFS is initiating an audit on the 241.1 protocol, investigating who is initiating the referral and whether the assessments are accomplished in a timely manner.

2. **Inter-Agency communication.**

County and city agencies in February 1996, began using the new centralized \$400,000 computer index to share information between agencies involved in the Inter-Agency Council on Child Abuse and Neglect (ICAN), namely, the Sheriff, Public Social Services, and Children and Family Services.

The true identity of the juvenile is not always known. It is not unusual for juveniles to move from county to county and to have cases pending in various counties simultaneously. The files would be more complete if all juveniles who are arrested were fingerprinted and the record maintained statewide.

The Inter-Agency Council expects that by July 1, 1996 the index would include the departments of Health Services, Mental Health, Probation, District Attorney, Coroner, and the Los Angeles Police. When the system is completed there will be 28 participating agencies. Some will be at city, county, state, and/or federal levels.

Case studies in the Audit Report for this Committee consistently pointed out the problem is not in procedures but the lack of communication between agencies serving the children of Los Angeles County.

## PART II.

# CLASSIFICATION OF DEPENDENT CHILDREN

### Background

DCFS is the largest child protection agency in California, providing numerous child welfare service programs, including Emergency Response Family Maintenance, Family Reunification and Permanent Placement programs, as mandated by federal and state regulations. Approximately 48,000 children a year in Los Angeles County come under the definition of WIC 300 (such children hereinafter referred to as "WIC 300s"). These children are eligible for services to help them deal with their family situation, obtain medical treatment, or meet other critical needs. In the past decade, demands for child welfare services have grown both because the number of dependent children has increased and the children's needs have become more complex. Current DCFS programs are designed to meet the significant family problems associated with children's abuse, neglect, and exploitation.

In order to move from 300 to 602 status, a child must be convicted of committing a 602 misdemeanor or felony. When this occurs, the child becomes a ward of the court and the system's primary focus becomes protecting society, rather than providing services to rehabilitate or reunite the child's family. As such, determining if children are moving inappropriately from 300 to 602 status is critical if the County is to best serve the needs of children.

The WIC also includes a 601 classification intended to deal with status offenders. A "status" offense is an act which would not ordinarily be considered illegal if it were committed by an adult. Such offenses include running away, curfew violations, and incorrigibility. Due to changes both in the federal and State Legislature, probation can no longer maintain these children in locked facilities, and hence the classification is not used very often. Less than several hundred children in Los Angeles County currently come

under the definition of WIC 601, and, due to funding, these children receive little or no services. The WIC 601 classification has emerged as a transition phase which either migrates the juvenile to becoming a WIC 602 or allows the juvenile to fall out of the system.

The WIC does not permit a child to reside in both the dependency and delinquency system at one time, thus preventing any form of concurrent jurisdiction. However, the WIC does recognize that children do move from 300 to 602 status, and the 241.1 Protocol helps to direct this process. The purpose of the 241.1 Protocol is to determine and recommend to the juvenile court which status would serve the best interests of the children and the protection of society.

### Findings and Recommendations

Children's Information System (CIS) documents the "flow" of children from 300 to 601/602 status. The following transition information is based on CIS listings.

DCFS serves approximately 48,000 declared WIC 300s a year. Of this population, roughly 2.5% have contact with law enforcement and are referred for a 602 filing during a one-year period. Of the approximately 48,000 WIC 300 population, approximately .5% actually move from dependency to delinquency status during a one-year period.

Acknowledging that these estimates are based on limited data, the information contradicts some of the Dependency Court attorneys and social workers beliefs. They strongly suspect as many as one-third of the children in the dependency system move to the delinquency system. Because of this perception, most individuals interviewed were not surprised to hear that the Grand Jury was investigating this issue, and many still believe that WIC 300s are in fact being

inappropriately reclassified as children who fall under the definition of WIC 602 (such children hereinafter referred to as "WIC 602s").

Regardless of the actual number of children involved, significant confusion exists surrounding basic dependency - probation procedures. 24 individuals were interviewed for this study. Of the 14 individuals who deal directly with dependency court issues, only four were aware of the existence of weekly Dependency Early Alert Reports (DEAR), which is the only system that effectively tracks children in both the dependency and delinquency system.

Each individual who dealt with the dependency system had a different understanding of when to implement the 241.1 Protocol.

A breakdown in communication exists between DCFS case social workers (CSWs), probation officers, and children's dependency attorneys concerning the child's dependency and placement status.

The following recommendations will facilitate communication among the interested parties as well as help everyone involved work under the same policy/procedure assumptions. Implementation of these recommendations would help to both lessen the perception that children are being inappropriately classified and further protect WIC 300s who may face 602 status. It is important to point out that, due to the time constraints of this study, we were permitted to review only a limited sample of both DCFS and Dependency Court Legal Services (DCLS) cases. Rather than provide statistically significant data, the records reviewed provided anecdotal information used to highlight information learned during the interviews.

It is also important to note that DCFS was able to access only 50% of the requested WIC 300 files. These files had been closed recently and moved to the delinquency system. DCFS cited recent problems with its storage company as explanation for its inability to deliver the files. DCFS recognizes the need to access quickly both current and closed files, and currently is in the process of selecting another storage facility.

## RECOMMENDATION

- *Use the existing DEAR system as a coordinated database to notify DCFS, probation, dependency attorney, delinquency attorney, and the judge when a WIC 300 has contact with law enforcement.*

Currently, no effective interconnected system exists that notifies the above-mentioned agencies/individuals when a WIC 300 has been referred for 602 filing. The Juvenile Automated Index (JAI) uses the DEAR system to document every WIC 300 - law enforcement contact. The reports are intended to alert the court that an active WIC 300 has had police contact. The weekly updates are currently distributed to all juvenile courtrooms in which cases are heard, as well as the DCFS Division Chief of Court Services. According to DCFS protocol, the reports are dispersed to DCFS court officers, who then relay the information to the appropriate CSWs.

In actuality, there is little understanding of what the DEAR system is, and the reports are not being distributed promptly to the appropriate people. Most people interviewed for this study had never heard of DEAR, and if they had, they had never seen one. The dependency attorneys interviewed for this study, both DCLS and panel attorneys, cited their frustration at never being notified as to when 602 charges have been filed against their clients. The attorneys believe that with proper notification they could intervene when appropriate, and provide the minor's background information to the District Attorney and Presiding Judge.

Records reviewed and conversations with others in the system indicate that there is no systematic way of alerting CSWs to the law enforcement contact of their dependents. Subsequently, CSWs are not always aware of when their dependents are being referred for 602 filings. Rather than learn the information from DEAR, CSWs rely on notification from the minor's family, the involved probation officer, or the child itself. Relying on these sources does not always ensure that the CSW learns of the child's whereabouts in the appropriate

timeframe. Of the eight DCFS files reviewed for this study, three cases indicated that the CSWs were unaware that the minor had been declared a WIC 602 for some months. In one case, the CSW did not learn of the child's reclassification until 15 months after 602 charges had been filed. Even if the CSW felt inclined to do so, initiating a 241.1 assessment or providing the delinquency attorney with any useful background information on the child is useless at this point because once 602 charges are filed, a child rarely returns to the dependency system.

DEAR could easily serve as the appropriate notification tool. In order for the DEAR system to effectively alert all the involved parties, DCFS must enter all WIC 300s into the JAI system within 24 hours of the child being taken into protective custody. Accordingly, as soon as a probation officer has contact with a juvenile, the officer must crosscheck the JAI entries with his/her case load to determine if the juvenile is in fact a WIC 300. Also, in order for the DEAR system to alert the appropriate individuals, one agency/person must be designated to distribute the weekly updates to all the involved DCFS CSWs, probation officers, dependency attorneys, delinquency attorneys, and juvenile judges. With these modifications, the DEAR system could serve as an effective coordinated database to interconnect DCFS and Probation and facilitate timely notification of all the parties interested in serving the WIC 300 minor's needs.

## RECOMMENDATION

- *Implement 241.1 Protocol on all active WIC 300 dependents who have been arrested and filed as a WIC 602 with the Delinquency Court. The State WIC mandates joint DCFS-Probation assessments for children who appear to come within the description of both WIC 300 and WIC 601 or WIC 602.*

The purpose of this assessment is to determine and recommend to the juvenile court which status would serve the best interests of the children and the protection of society. Hence, the purpose of the 241.1 protocol is to evaluate the dependent child and

determine which system will best meet the juvenile's needs. A 241.1 assessment can be initiated through three channels: the CSW, the probation officer, the dependency court judge, or the delinquency court judge.

Though most people interviewed applauded the 241.1 protocol's attempt at bridging the gap between DCFS and Probation, many believe that the protocol is not implemented often enough to be of any real help. Of the roughly 1,200 dependents who encounter law enforcement contact during a one-year timeframe, approximately 500, or 42%, receive 241.1 assessments. Of the 500 assessments performed, 71% were initiated by Probation and 29% were initiated by DCFS. Of the eight DCFS files reviewed for this study, one case documented a 241.1 assessment and only four cases revealed why the dependent had been charged with a 602 filing. The remaining four cases terminated abruptly from dependency with no mention of a 602 transfer.

The individuals interviewed for this study cited two main problems with the 241.1 protocol. The first problem is the perception that the assessments are rarely performed and the second problem is the timing of the assessments that are performed. Regardless of how certain or apparent the 602 issue may be, these individuals believe there was value for the court and other participants in better understanding the child's history as a result of a 241.1 process.

The perception that assessments are rarely performed most likely exists because initiation of a 241.1 assessment is very subjective. According to DCFS, the 241.1 assessments are performed only on "questionable" WIC 300s. If a major felony has been committed, the assumption is that there are no extenuating circumstances, no 241.1 assessment is needed, and the child will automatically be charged with a WIC 602 petition. Likewise, if a misdemeanor has been committed by a younger child, presumably no 241.1 assessment is needed, and the child will automatically be referred back to the dependency court. Although there is an attempt to be consistent with when to initiate assessments, referrals for assessments are predominantly based on the CSW's, probation officer's, or judge's discretion.

Performing assessments on all WIC 300s that are filed as WIC 602s will increase communication between DCFS and Probation, a measure everyone suggests must occur if the agencies are to best meet the needs of dependent children. Additionally, performing blanket assessments on all WIC 300s will ensure that a dependent's family background, psychological testing, and placement history will be factored into the court's decision when determining the child's fate. Considering these extenuating circumstances is fundamental when evaluating the child's offense.

It is important to note that DCFS is currently initiating a self-audit of the 241.1 protocol. DCFS will be investigating how the protocol is being implemented, and will be covering issues such as who is initiating the referrals and whether the assessments are being accomplished in a timely manner. The outcomes of this audit should be considered before any implementation of 241.1 protocol recommendations.

## RECOMMENDATION

- *Design new DCFS-Probation protocol. The purpose of the protocol is to establish joint DCFS-Probation assessments as soon as WIC 300s are referred for a 602 filing. We recommend that the presiding judge of the juvenile court, convene a group of DCFS-Probation workers in order to develop a new joint assessment protocol.*

The second perceived major problem with the 241.1 protocol is the belief that even if the assessments are performed, they occur "too late" in the process. This perception most likely exists because the Probation Department can only accept a 241.1 referral from DCFS if the child has been arrested, a law enforcement agency has filed criminal charges against the child, and the district attorney has filed a WIC 602 petition with the court. Once 602 charges have been sustained against a WIC 300 and the child becomes a WIC 602, the CSW closes the dependency file, and there is no chance for an assessment. Many individuals cited the need for joint DCFS-Probation assessments as soon as a WIC 300 dependent is referred for a 602 filing, rather than

waiting until after the District Attorney files a 602 petition.

The purpose of developing a new protocol is to create a mechanism to ensure the exchange of information between DCFS and Probation. Implementing a joint assessment process for WIC 300s who have law enforcement contact but have not yet been filed as a WIC 602 will help to identify and better serve those dependents who are on the verge of being adjudicated for a delinquent act. The DEAR, which currently tracks all WIC 300s who have law enforcement contact, can easily serve as a notification that DCFS and Probation need to communicate regarding an active WIC 300. Performing assessments at this early stage will allow Court Appointed Special Advocates (CASA) representatives and dependency attorneys to intervene on a child's behalf before actual adjudication. This form of joint assessments will ultimately help to better understand and serve the dependent.

## RECOMMENDATION

- *DCFS should continue with Group Home Contract Audits, ensure that CSWs are providing group homes with the child's history and provide a clear set of guidelines indicating when it is appropriate to bring police in on a WIC 300 dependent.*

Roughly 20% of all WIC 300s reside in the 204 group homes serving Los Angeles County children. The cost of group home care is based on a group home's Rate Classification levels. California defines these 14 levels primarily based on a Group Home's clinical staffing and provided services. These classifications and subsequent costs of care apply to children in both the dependency and delinquency systems.

The most prevalent issue raised in the interviews performed for this study concerned the inconsistency of group home care. Of the eight DCFS examples reviewed, seven WIC 300s were last residing in group homes before they became reclassified as WIC 602s. Most people interviewed concurred that children who

transfer from dependency status into delinquency status tend to come from group homes rather than foster homes. This may be due, in large part, to the older age of dependents who are in group rather than foster homes.

Our interviews suggest that group homes operate in a number of different ways: some are quite tolerant of children's misbehavior while others tend to deal with children on a "threatening" rather than "therapeutic" basis. Many individuals believe that group home personnel prefer to have their residents in the probation system rather than the dependency system. The probation system gives the group home personnel more control over the children; for example, when a child who is filed as a WIC 602 is "acting up," Group Home personnel can use the threat of Juvenile Hall.

Visiting and assessing group homes' performance was not within the scope of this study. However, in January of 1995, DCFS began implementing an audit of all Los Angeles County Group Home Foster Care agreements of every Group Home in which DCFS children reside. The DCFS Group Home Audit Section Protocol indicates that the audit is intended to "ensure that out-of-home care providers are providing children with suitable care and a safe environment which includes physical care, emotional support, and other services to protect and enhance their growth and development." This program quality audit is intended to reach 100% of the Group Homes every three years. Any Group Home service that the audit finds to be deficient will be reviewed in six months to ensure the area is corrected.

The audit consists of five parts:

1. A general review of the group homes' compliance with statutory regulation such as safety and health measures and program quality;
2. An assessment of service delivery by interviewing children to ensure that their rights as foster children are being adequately addressed;
3. An assessment of service delivery by interviewing key personnel and reviewing children's case records;
4. Verification of service delivery against CSW case records, such as write quarterly reports and conduct interviews with CSW; and
5. A post-audit child interview focusing on the overall service the child receives from his/her CSW, attorney and group home.

Since January 1995, roughly 10%, or 19 group homes, have undergone the audit. All audits highlighted some deficient areas, demanding all group homes be re-visited within six months. Continuation of this extensive audit is highly recommended.

According to DCFS protocol, CSWs attempt to prepare the group homes as much as possible in terms of what to expect from the child. Any family history and psychological testing, if available, is required to be provided. Implementing a periodic review to ensure that CSWs are providing this information is recommended. Without this history, it is impossible for group homes to adequately serve the children.

A final recommendation concerns providing group homes with a clear set of guidelines outlining when it is appropriate to bring police in on a WIC 300 dependent. While an individual's discretion will factor into this decision, predetermining what constitutes police intervention versus what amounts of "typical teenager" behavior will help to reduce the variance of group home practices.

## **Study Methodology**

The following activities were performed in order to conduct this study:

Reviewed California Welfare and Institution Code regarding statutes 300, 601, 602, and 241.1 (see page 2).

Obtained DCFS and probation department caseload data, including the number of children in each system, the costs of care, the number of WIC 300 dependents who have law enforcement contact, and the number of active WIC 300s who become reclassified as WIC 602s (see Appendices A, B, and C).

Interviewed key officials involved in dependency from DCFS, probation, county counsel, CASA, the juvenile court, DCLS, the district attorney's office, and the public defender's office.

Reviewed sample of DCFS files.



## APPENDIX A

### Department of Children and Family Services Caseload

Averages based on data from Nov. 1, 1994 - Oct. 31, 1995

Source: DCFS

<u>Vendor Facility</u>	<u>Count per month</u>	<u>Total Cost County Shelter or Receiving</u>
Home	59	20,559
MacLaren Children Center	108	0
Non-Relative/Non-Guardian	4,543	2,574,992
Relative Guardian	237	76,519
Non-Relative Guardian	1,629	1,022,362
Relative Non-Guardian	14,376	5,031,583
For Profit Group Home	382	910,219
Non-Profit Group Home	5,250	13,669,231
Small Family Home	99	126,604
<b>Total</b>	26,683	\$23,432,069

## APPENDIX B

### Probation Caseload

Averages based on data from Nov. 1, 1994 - Oct. 31, 1995

Source: Los Angeles County Probation Department

<u>Types of Probation</u>	<u>Orders per Month</u>	<u>Total for Year</u>
Home on Probation	467	5,591
Suitable Placement	115	1,524
Camp	476	6,173
<b>Total Transactions per year</b>		13,288

## APPENDIX C

### WIC 241.1 Relevant Statistics for one year

Averages based on data from Nov. 1, 1994 - Oct. 31, 1995

DCFS population of WIC 300 dependents	48,000
Probation population of 602 wards	13,000
Number of transfer flow (300 to 602)	260
Number of WIC 300 - law enforcement contacts	1,200
Number of 241.1 assessments	500
241.1 assessments initiated by Probation	355
241.1 assessments initiated by DCFS	145

# **TRANSPORTATION COMMITTEE**

## **MEMBERS**

**Robert S. Hoffman, Chair**  
**Benjamin Lench**  
**David J. Owen**  
**Manning Silver**



**TRANSPORTATION COMMITTEE**

(from left): Robert Hoffman, Manning Silver, David Owen.

January 6, 1996  
1995-96 Los Angeles County Grand Jury  
Transportation Committee  
Final Report

Evolution of Quality Control  
Metropolitan Transportation  
Authority  
Rail Construction

Quality Assurance Program

1. Authority for Study

The Superior Court "charge" to the Los Angeles County Grand Jury each year includes the requirement for the Jury to provide civil oversight of County operations with a view toward improving the efficiency and value of those operations for the citizens of Los Angeles County. The Jury has organized itself into committees to allow it to address a number of County areas during its term. One of the constituted committees for 1995-96 is the Transportation Committee. The Transportation Committee was aware of questions raised in the press regarding the quality of construction achieved by the Metropolitan Transportation Authority (MTA). By on-site observation the committee was also aware that significant portions of the new Metro rail system are open to the public and operating in a safe and efficient manner.

It was also clear to the committee that the MTA rail construction is a massive effort using many technologies and presenting many problems, some of them unique. Incidents will arise from time to time, some getting excessive public attention. The committee decided to ask the Grand Jury for authority to study the quality assurance methods employed by the MTA to assure safe, cost-effective functional construction and operation of the new rail system being created for the citizens of Los Angeles County. Prior to requesting Grand Jury approval for the study, the committee requested the opinion of the Office of the County

Counsel, County of Los Angeles, as to the authority of the Grand Jury to investigate the Metropolitan Transit Authority Light Rail Construction Project. On July 21, 1995, the response to our request read in part, "... It is our opinion that the Grand Jury has the authority to examine the books and records and investigate and report upon the method or system of performing the duties of the MTA. The specific issues you indicate you are interested in are within that authority...."

The Transportation Committee began the prescribed study on August 1, 1995, with concluding information being received in December.

2. Background

The MTA is a consolidation of several predecessor agencies charged with public transportation within Los Angeles County. The MTA operates "The Metro" which includes buses as well as rail. The Blue Line, Green Line and operating first segment of the Red Line are expected to carry nearly 20 million passengers in FY 1995. Cost of rail construction to date for operating segments is in excess of \$3 billion. Cost of rail still under construction is expected to exceed \$4.5 billion, which currently approximates \$3 million per day. While the development of such an extensive rail system is an appropriate topic for Grand Jury oversight, the issue then becomes how to limit the study to an area that can be completed within a reasonable period. In addition, because a significant number of other studies and audits have been accomplished, we had no wish to duplicate these.

We reasoned that impact on the citizens of Los Angeles of the new rail system would be affected by their perception of the quality control and safety of construction of the project. Therefore, *we directed our study to the quality assurance methods employed by the MTA in assuring safe, cost-effective construction and operation of the new Metro rail system.*

Definition of quality assurance for the purposes of this study is those policies, procedures, personnel and activities needed to monitor fully and control the

implementation of the design and engineering of the rail system into a finished project meeting all design, governmental and safety requirements.

Topics considered:

- a. Formal policies and procedures governing quality assurance, quality assessment and inspection of construction.
- b. Lines of authority in the quality maintenance organization to implement policies and procedures.
- c. Relation of quality control issues between projects and sub-projects, Los Angeles County and other government agencies.
- d. Review of confirming documentation, inspection reports and corrective action reports.

### 3. Areas Excluded from Study

MTA is a large organization made up of parts inherited from predecessors as well as parts that have been created by the expansion of function. **However, we excluded all areas not concerned with the quality assurance program being applied to new rail construction.** This excluded such topics as buses, real estate development, office buildings, management organization, technical decisions, cost projections, cost decisions, rail operations, legal and political issues. We had planned originally to study the safety program as well as quality, but narrowed our study to penetrate enough depth and arrive at a reasonable understanding of the status quo and how it came into being. *Note: Even though we did not specifically investigate safety, we did encounter safety issues as part of quality assurance. On every occasion we found safety issues considered and in the field adequate safety procedures in use.*

### 4. Sources of Information

All information was supplied by members of MTA rail construction quality and engineering staff. Information also came from documents in the files of the MTA or prepared by MTA staff to address our questions. We gained further information and understanding through face to face meetings with the staff. In addition, we traveled to a site to view firsthand underground construction at a tunnel face and took a short ride on the Red Line for a taste of the finished product. Our process during the study was to ask questions based upon our understanding of modern quality assurance techniques. Information received raised further questions. We then repeated the process. While this process is not without risk of missing a major point, we believe we have obtained a reasonable understanding of the practices in use by the MTA. We did not attempt to audit the efficacy of the information being supplied.

We wish to thank the MTA staff who provided us with information in an open and straightforward manner. No quality program can ever be successful unless those involved are willing to deal truthfully with the issues involved. The MTA staff who worked with us appeared willing to give us the whole story. Their approach built confidence in their quality and engineering personnel.

### 5. Structure of Report

We present an overview of the rail construction. We follow with a discussion of two diverse types of approach used for major construction projects, both of which have been applied to the evolution of the new rail system. Then we follow with our view of the evolution of the quality assurance program for MTA rail construction from pre-World War 2 methods (based upon limited control of materials and processes and few engineering disciplines involved) for the initial construction through joint MTA/Caltrans quality methods evolving toward post-World War 2 methods (based upon effective control of materials and processes and multiple engineering disciplines involved) to its present state.

To complete our report, we consider existing quality assurance policies and procedures; inspections and inspectors; audits and surveillances; people and organization; reporting of status and trends; and finally the effectiveness of the quality assurance program. We offer some observations and recommendations and make a brief summary.

## **6. Overview of Rail Construction (see Chart 1)**

Chart 1 is an overview of the various Metro segments which have been built or are under construction showing the quality issues for each segment. The chart indicates there has been an evolution from less formal quality assurance to more formal quality assurance with time.

The "quality policy" for the Rail Construction Corporation (RCC), construction subsidiary of MTA, was published April 1991 and confirmed in the November 1993 revision. It provides for strong internal quality assurance management. This policy shifts responsibility for control from management subcontractors to MTA personnel.

## **7. Developing Quality Assurance Construction Methodologies**

### **a. Pre-World War 2 Construction Methodology**

Prior to World War 2, major construction for railroads, bridges, etc., was designed in a manner that took into account the difficulty of getting predictable materials and having predictable construction techniques. Elements such as steel cable strength and rivet temperature were difficult to predict or control. As a result, engineers used large margins of safety to account for these unknowns and then inspected to the extent possible to control process. This method produced successful results, which were often outstanding (the Brooklyn Bridge is an example). But the projects were often more expensive, and rework required late in the project could cause

delays as well as added cost. This process works best for jobs that employ relatively few technologies and that have simple interfaces (such as the Long Beach Blue Line).

### **b. Post-World War 2 Construction Methodology**

After World War 2, technology became more complex and the ability to control materials and processes grew at an incredible rate. This allowed engineers to employ new techniques that included quality assurance steps to verify materials and processes. With design tolerances closer and continuous control of non-conformance, costs and schedules were reduced. This method is best used for complex projects with multiple disciplines (like the Red Line) and requires quality control functions independent of engineering so that construction issues are viewed in real time.

## **8. The Evolution of Quality Assurance for MTA Rail Construction**

Identifying some work on the rail system as pre-war quality assurance and some as post-war quality assurance oversimplifies the issue; however, it does provide a useful framework for analysis.

Construction of the Long Beach Blue Line used pre-war techniques. It has relatively few technical interfaces and relies on proven techniques. Operation of the line shows it to be reliably and competently built. The Green Line started using pre-WW 2 techniques, but since the line was part of a new freeway project, Caltrans requirements were added. This increased the QA requirements significantly and elevated the Green Line above the older methods.

The start of the Red Line also used pre-WW 2 methods, but as a much more complicated project, it required new methods. This became apparent reasonably early, and MTA began moving management contractors toward post-WW 2 quality work plans. Independent quality assurance, audits and surveillances and the ability of anyone to open a nonconformance

report for investigation started in 1990 and have been maturing ever since. This approach appears to be working well. In 1990 MTA also developed a set of quality assurance policies that have since become a standard for the rail construction industry.

From 1990 to 1994 the MTA quality assurance oversight was provided QA by a QA contractor. In 1994 MTA began to establish an in-house QA capability by seconding contractor personnel. In mid-1995 the in-house program was endorsed by the new MTA construction executive. As of September 1995, MTA has 17 quality assurance people on staff. This move strengthens the long-term quality control effort. Since internal buildup has been at the expense of contractor expertise, it will take some time for the contractors to replenish their QA capability. The transition to in-house should be complete and fully effective in a year to eighteen months with continuing MTA management support.

## **9. Quality Assurance Policies**

In 1991 MTA produced a Quality Program Manual which was later revised in 1993. Much of that manual was adopted by the Federal Transportation Administration as a standard for the industry.

The Quality Program Manual is an impressive document, covering policies and procedures for a multitude of disciplines. The manual is conservative and shows real intent to produce and verify quality construction.

## **10. Quality Assurance Procedures**

In our opinion, MTA and their management contractor's procedures are competent, conservative and follow generally accepted Quality Guidelines. A management contractor serving the MTA, Parsons-Dillingham, has developed guidelines for control of nonconforming items. Nonconforming items include such items as bad welds, improper liner installation, tunnel misalignment, electrical work not up to code, out-of-specification materials, etc. The guidelines represent not only an important control manual but also shows general procedure format and content.

## **11. An Example of the Evolution and Use of a Nonconformance Report**

A primary quality assurance control document is the Nonconformance Report (NCR), which documents significant deviations from expected procedure or process. To provide better understanding of the use of the NCR, NCR 95-162 shows the chronology of events that lead up to the report and tracked it to its conclusion as follows:

On January 4, 1995, the Daily Inspection Report (DIR) for the Vermont Tunnel indicated a thin arch in the concrete just poured and a void (5' x 5') in one of the tunnels. The next day NCR 95-162 referenced the DIR. This NCR was created in a timely manner per procedure. On January 9 the NCR was transmitted to the tunnel contractor for analysis and action, again per procedure. On January 13 an appropriate response was received from the contractor. Engineering discussions between January 13 and February 10 followed this report to find the right solution. Then intervening work caused delay in the rework which was not unexpected. The quality assurance control oversight was maintained throughout this process and not closed until the repair work had been accomplished as required by engineering and passed inspection. All of the procedures were standard and effective despite negative publicity surrounding the event.

## **12. Inspection and Inspectors**

Inspection takes place at all levels of construction organization. The contractors have inspectors, the management contractors have inspectors, as does the MTA. There are also independent testing laboratories inspectors both on- and off-site. MTA encourages the education and certification of all of the inspectors working on the rail construction project. MTA's Quality Control Inspector Training Program has been successful in upgrading the expertise of their inspectors.

### 13. Audits and Surveillances

Audits and surveillances are a key part in any post-WW 2 quality assurance effort. Properly done, these methods confirm system quality while at the same time uncover issues that can be dealt with in a timely manner prior to the full review that accompanies final certification for revenue operation. Listed below is the number of audits and surveillances completed from 1985 to October 1995:

<u>Year</u>	<u>Audits</u>	<u>Surveillances</u>	<u>Total</u>
1985	2	0	2
1986	2	0	2
1987	9	12	21
1988	2	33	35
1989	12	40	52
1990	5	41	46
1991	4	6	10
1992	22	42	64
1993	39	35	74
1994	48	17	65
1995	20	103	123

### 14. People and Organization

The MTA has been slowly building an in-house quality assurance staff to balance the construction management contractor's quality control staff. MTA started this effort in 1991. After the change in construction management at MTA in mid-1995, staffing efforts in quality assurance have been stepped up with 17 personnel on board by the end of the third quarter. This increase includes a new Director, Quality Management, who reports directly to the executive in charge of construction. MTA plans to continue to use a significant amount of construction management contractor effort for quality control and inspection throughout all construction. The internal buildup is meant to shift authority for implementation of quality assurance to MTA where the final responsibility already resides. The personnel staffing plan, coupled with the rather impressive internally generated quality policies, gives optimism about the evolution of a disciplined quality assurance program. Now that internal QA staff is on hand, the contractors are rebuilding their quality support staffs and clear lines of authority have been established. The remaining need

is the development of a management tracking system, identifying items in the control system before they erupt into major problems.

### 15. Reporting Status and Trends

We observed that information is being collected and trends measured by computer of the nonconformance reports as well as the audits. However, it is not clear that this information is being produced on a regular basis or that it is being given sufficient attention from MTA construction management.

### 16. Growth of Quality Assurance Program and Effectiveness (see Chart 1)

Our study indicates a growth of both quality assurance awareness and support over the years by MTA management. The rate of this growth has been affected by budgetary issues as well as the evolutionary nature of the MTA itself. Since 1990 a conservative and disciplined program has been growing.

### 17. Observation and Recommendations

**Observation:** *A quality assurance program exists to provide control, independent feedback and timely information to the engineers and managers responsible for the successful, reliable completion of the rail project. To accomplish this purpose, the program is staffed with competent individuals willing to face hard issues with the intent to supply information to those that use it to the best advantage of the system being built. As evidenced by the engineering/management people involved in the project, in our opinion MTA is "on the right track."*

**Recommendation:** *As rapidly as possible, create the final portion of the quality assurance system, the management tracking of unexpected events and open issues. At a spending rate of \$3 million per day, such a system is essential to prevent unwanted and costly surprises.*

**Recommendation:** *Change the tracking system for nonconformance reports such that at specific prede-*



*terminated intervals all reports that are not completely closed are moved to the next higher level of management for visibility. After one year to eighteen months reports will be reviewed by the Executive for Construction and after two years by the CEO of the MTA.*

**Recommendation:** *Consider putting more backing, financial and status, into the inspector certification program to increase the rate of achievement and number of certified inspectors.*

## **18. Summary**

The personnel presently responsible for quality assurance of rail construction for MTA are well-grounded (i.e., in general conformity with U.S. Government quality specifications) in respected quality management techniques and methods. They have the ability to support MTA engineering management in providing a cost-effective, successful, reliable and safe rail system. They are building a competent MTA internal quality management capability. This capability is comprised of quality assurance policies, procedures for implementing those policies, the underlying documentation to implement the procedures, the collection of appropriate data to understand trends and a series of audits to test the application of the policies and procedures. When coupled with the ongoing capability of their construction management contractors and engineering management contractors, this creates an effective quality assurance program. Lines of authority and responsibility are clear. At the present time the balance between internal quality assurance management and contractor-supplied quality assurance management is not optimum since more reliance is placed on external contractors than is desirable. The shift to MTA personnel and restructuring reporting relationships actively addresses this problem. This shift creates a short-term gap in capability from the supporting contractors since most of the new MTA staff were hired from these contractors.

The "Quality Policy" for the Rail Construction Corporation (RCC), the early construction subsidiary of MTA, published in April 1991 and confirmed in the November 1993 revision, provides strong internal

quality assurance management. This policy shifts responsibility for control from management contractors to MTA personnel.

MTA has developed a strong quality assurance program. MTA management believes such a system is necessary. But when a project is spending three million dollars per day, quality assurance management must "go the extra mile" to prevent those costly surprises which can "derail" the project. "Going the extra mile" means establishing a tracking system to detect any item which escapes the controls created.

# **CITIZEN COMPLAINT COMMITTEE**

## **MEMBERS**

**Oscar Davis  
Carolyn McLaurin  
Mary Jean Pew**



## CITIZEN COMPLAINTS

The 1995-96 Grand Jury received over eighty citizen complaints. After being logged in by the secretary the complaint was reviewed and summarized by the legal advisor. The complaint was then forwarded to the Foreperson and reviewed by the Foreperson and an *ad hoc* Grand Jury committee. If the complaint was deemed to require further study, it was referred to the relevant Grand Jury committee, which would then conduct its own inquiries and make recommendations to the full Grand Jury. In determining the action to be taken, the Grand Jury evaluated information from various sources including other government agencies. Due to the statutory requirement of secrecy binding upon grand jurors, communication to a complainant of the resolution of a complaint, whether it was determined to be founded or unfounded, or how a complaint was acted upon by the Grand Jury, could only be made in the final report. Thus, the following listed complaints in this report have been reviewed by the 1995-96 Grand Jury and either discussed elsewhere in the body of the jury's final report, referred to a more appropriate government agency for resolution, deemed not to fall within the scope of Grand Jury activities, or deemed that no further action was warranted.

- |       |  |       |  |
|-------|--|-------|--|
| 95-22 | Misconduct by City Council member                          | 96-06 | Unfair curtailment of father's visitation rights         |
| 95-56 | Theft of documents from police                             | 96-07 | Request to remove a school board member                  |
| 95-63 | Complaint about seizing of grandchildren                   | 96-08 | Complaint about Department of Water and Power            |
| 95-70 | Complaint concerning a Community Redevelopment Agency      | 96-09 | Complaint about words used by judge in sentencing        |
| 95-76 | Request to remove a school board member                    | 96-10 | Grandmother wants custody of grandchildren               |
| 95-85 | Discrimination in city affirmative action program          | 96-11 | Estate tax fraud   |
| 95-86 | Allegation that judicial system caused daughter's death    | 96-12 | Prisoner complaint of mistreatment in Men's Central Jail |
| 95-88 | Unauthorized use of law enforcement vehicles               | 96-13 | Prisoner complaint of being beaten in jail               |
| 95-90 | False arrest allegation against Glendale Police Department | 96-14 | Complaint about City Attorney's office                   |
| 96-02 | Complaint about international terrorism                    | 96-15 | Pro Per library facilities at Men's Central Jail         |
| 96-04 | Complaint regarding land dealings in City of Carson        | 96-16 | Illegal taxation in Pasadena                             |
| 96-05 | Complaint regarding Los Angeles Fire Department Chief      | 96-17 | Pro Per library facilities at Men's Central Jail         |
|       |  | 96-18 | Pro Per library facilities at Men's Central Jail         |

- 96-19 Alleged cover-up of a crime by military police in 1968
- 96-20 Complaint about Bureau of Family Support Operations
- 96-21 Grandmother wants grandchild
- 96-22 Complaint about Los Angeles Police Department officers
- 96-24 Pro Per library facilities at Men's Central Jail
- 96-25 City of Huntington Park's use of eminent domain
- 96-26 Alleged violation of Brown Act
- 96-27 Inadequate medical facilities in Men's Central Jail
- 96-28 Complaints about jail conditions
- 96-29 Jail facilities
- 96-30 Jail medical and library facilities
- 96-31 Jail facilities
- 96-32 Pro Per library facilities at Men's Central Jail
- 96-33 Inadequate representation in spousal abuse proceedings
- 96-34 Person alleging unfair trial
- 96-35 Allegation of unfair treatment of Pro Per prisoners at Men's Central Jail
- 96-36 Allegation of abuse of senior citizen
- 96-37 Complaint concerning Dorothy Kirby Center
- 96-38 Wants a member of Congress removed from office
- 96-40 Allegation of child abduction and abuse
- 96-41 Unjustified removal of children from home
- 96-42 Allegation of unfair judicial processes
- 96-43 Complaint concerning custody proceedings pending in Bellflower Municipal Court
- 96-44 Pro Per library facilities at Men's Central Jail
- 96-45 Complaint about child support payments
- 96-46 Allegation of physical abuse of school child
- 96-47 Allegation by an attorney that his adult client had been abused as a child
- 96-48 Allegation of in-custody beating by sheriff's deputy and no medical treatment provided
- 96-49 Unfair taking of property by Bassett School District
- 96-50 Complaint about electro-magnetic emissions
- 96-51 Complaint about appellate attorney and alteration of transcripts
- 96-52 Complaint of property damage due to collapse of Hollywood Blvd.
- 96-53 Complaint about radios playing all night in jail
- 96-54 Allegation of illegal use of tax dollars in transportation projects
- 96-55 Informant providing material allegedly relevant to unsolved crimes
- 96-56 Questions concerning redevelopment in South El Monte
- 96-57 Allegation that court clerks were illegally making referrals to domestic violence offenders' programs
- 96-58 Request for investigation of psychiatric facilities in San Gabriel Valley

- 96-59 Complaint about legal forms
- 96-60 Complaint about lesbians, politicians, LAPD, judges, and city attorney
- 96-61 Inmate complaint about treatment by a judge
- 96-62 Allegation that Mayor Riordan has conflict of interest
- 96-63 Complaint concerning City of Carson and Community Redevelopment Agency
- 96-64 Complaint concerning deputy's conduct at a state prison
- 96-65 Misappropriation of public funds by Bassett Unified School District
- 96-66 Complaint by an attorney requesting a rape investigation
- 96-67 Complaint about conditions in jail
- 96-68 Complaint about \$740 being confiscated in jail
- 96-69 Complaint concerning District Attorney's family support operations
- 96-70 Complaint about court sentence
- 96-71 Complaint about Bassett School District
- 96-72 Complaint alleging conflict of interest on Bassett School Board
- 96-73 Objection to bonuses given by District Attorney's office
- 96-74 Complaint about unfair trial
- 96-75 Complaint about Santa Monica Police Department
- 96-76 Complaint about District Attorney's handling of three-strike cases
- 96-77 Complaint concerning high prices charged for food at LAX
- 96-78 Complaint requesting murder investigation
- 96-79 Complaint about Santa Monica Police Department
- 96-80 Woman wants custody
- 96-82 Complaint about visitation rights in state prison
- 96-83 Complaint concerning performance evaluation at a state hospital
- 96-84 Complaint about stalking by a telephone repair person
- 96-85 Complainant wants custody of child