

**2002-2003  
LOS ANGELES COUNTY  
CIVIL GRAND JURY**



**FINAL REPORT**





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**"FOREPERSON'S STATEMENT"**

# **LOS ANGELES COUNTY GRAND JURY**

**210 W. Temple St. Suite 11-306  
Los Angeles, CA 90012**

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Harry Weed  
Henry Zaragoza**

**June 27, 2003**

**To the Citizens of Los Angeles County:**

With nearly 10 million residents, Los Angeles County is, by far, the most populous county in the nation and its government is large and complex. Within the County are 88 incorporated cities, each with its own government, plus a multitude of special districts (such as school districts) with separately elected boards. The Civil Grand Jury, established under the California Penal Code, is charged with studying and reporting its findings to the public on all of these.

Obviously, the Grand Jury cannot deal with every governmental body every year. Each year the Grand Jury decides, for itself, which ones it will investigate in depth. The Grand Jury invites experts in government to speak, visits governmental operations in the field, and pays close attention to the issues of the day, as reported in the news media. It then combines all of these with the wide range of backgrounds and experiences of its own members to make the final decision.

For 2002-2003, this resulted in major studies in three areas: the effectiveness of services for senior citizens provided by the County's Community and Senior Services Department; the handling of citizen complaints by the Sheriff's Department and by the police departments in several of the larger cities; and the handling of workers' compensation programs by the Sheriff's Department, both the County and City of Los Angeles Fire Departments, and MTA. Smaller studies were conducted in other areas and a review of the conditions in all the public jails in the County, as mandated by the Penal Code, was completed.

The Civil Grand Jury is made up of ordinary citizens of Los Angeles County who have volunteered to devote a year of their lives to the study and improvement of government services for all of the residents of the County. The members of the 2002-2003 Civil Grand Jury represent not only a large geographical cross-section of the County (from Long Beach to Granada Hills and Claremont to Pacific Palisades and West Hills), but also its cultural diversity. They are a hard working and thoughtful group.

This experience of serving for the past year has been exhilarating, humbling, and occasionally frustrating. We have learned more about the operations of government in Los Angeles than we ever thought possible. We have been impressed with the quality and breadth of experience of our top public officials who must operate within the highly complex system. We strongly recommend that interested citizens continue this tradition of service by applying to serve on future Grand Juries. It is an experience not to be forgotten.

In accordance with its charge, the 2002-2003 Los Angeles County Civil Grand Jury is proud to submit this Final Report to the people of Los Angeles.

A handwritten signature in cursive script, appearing to read "Ira Thierer".

Ira Thierer  
Foreperson  
Los Angeles County 2002-2003 Civil Grand Jury

## "WORKERS COMPENSATION"

## WORKERS COMPENSATION STUDIES

Workers' compensation costs have nearly doubled in the last five years, resulting in fewer dollars for vital services at a time when local and state governments are facing serious financial shortfalls. The City of Los Angeles estimates that workers' compensation payouts will reach \$129 million in 2002-2003 and the County of Los Angeles projects payouts will reach \$304 million. The causes of the sharp increases in costs range from State legislation mandating increased disability payments to skyrocketing medical costs to fraudulent claims to lax administration of the programs.

Initially, the Grand Jury researched published data, including an excellent series of articles from the *Daily News* and studies done previously by the County of Los Angeles, Los Angeles Unified School District, and the Metropolitan Transit Authority. We also met with officials from various City and County offices and asked them about the current status of workers' compensation programs.

Based on the results of the preliminary investigations, the Grand Jury decided to conduct a formal investigation into four government entities: Los Angeles County Fire Department, Los Angeles County Sheriff's Department, City of Los Angeles Fire Department, and the Metropolitan Transit Authority. We had intended to broaden our study to include the Los Angeles Unified School District and the City of Los Angeles Internal Services Division, but we did not have the resources to support this breadth. We engaged an audit firm to conduct the investigation of the public safety departments and opted to conduct the study of the Metropolitan Transit Authority with our own personnel.

The overall objective of our study was to determine and understand the culture and operations of each organization with regard to workers' compensation. We were also interested in the involvement of agency executives in promulgating and enforcing policies and procedures. In addition to the administration of the programs, we looked at early-return-to-work programs, medical provider practices, safety/loss-prevention programs, training programs, incentives to improve the system, and fraudulent practices and litigation.

We were particularly impressed with the practices and plans of the Metropolitan Transit Authority whose management has put into place a comprehensive and effective program that is beginning to show bottom-line results. We include an overview of their program with the hope that their work will become a model for other government agencies struggling with this problem.







# WORKERS' COMPENSATION STUDY OF THE METROPOLITAN TRANSIT AUTHORITY

## Executive Summary

The management of the Metropolitan Transit Authority (MTA) recognized the need to control the escalating costs of their workers' compensation program covering their 9000 employees. The MTA had an average of 176 claims each month at an annual cost of \$6,500 per worker for a total cost of \$58 million in 2001-2002. This was double the cost of other transit agencies in California and the highest cost of any transit agency in the nation.

In the fall of 2001, the MTA initiated an aggressive comprehensive program to prevent industrial injuries, reduce lost time due to injuries, and control associated costs. The Civil Grand Jury set out to assess the progress of this program by conducting interviews with MTA executives as well as conducting interviews with various categories of employees during on-site visits to several MTA divisions. In addition the Grand Jury reviewed MTA reports and other documents relating to the new strategic plan.

## Findings

### 1. General

In the course of interviews with employees from management down to linemen, Members of the Grand jury noted and observed the excitement about MTA's New Strategic Safety Management Plan.

### 2. Safety

- a. The MTA management organization was realigned to emphasize safety and risk management. This reorganization of MTA management played a key role in the development of the safety management plan called *Safety's First*.
- b. MTA management developed and distributed a strategic Safety Management Plan requiring each department to develop and monitor their safety progress with individual Departmental Safety Action Plans.
- c. MTA management took a "personal and collective responsibility" for the administration of the workers' compensation program with emphasis on safety and prevention of accidents.
- d. MTA brought in Dupont Safety Resources (a division of Dupont Corporation) to assist in developing an overall strategic Safety Management Plan and then negotiated a performance-based contract.

- e. Dupont's role was also to implement a strong training component. All 9000 employees are to be trained by December 31, 2003. According to MTA management, as of March 1, 2003, 4500 employees have completed at least one phase of the training program.
- f. Extensive site visits and interviews with employees and supervisors confirmed MTA management's contention that workers generally have a positive attitude regarding the overall Safety Management Plan. Most employees feel that they are working in a safe environment with management taking the initiative in promoting safety. All supervisors interviewed were aware and involved in safety concerns. MTA line employees verified that executive management is visible and active in promoting this program.
- g. MTA's program is already showing significant improvement in costs and in reduction of lost workdays. The number of lost workdays per 100 employees declined 7.5% in the first two quarters of FY 2003 (p. 5, *MTA Operations Committee Report*, March 20, 2003).

### 3. Risk Management

Risk Management – Risk management covers a broad range of activities. The focus of the Grand Jury's investigation was confined to the workers' compensation program.

- a. MTA has reorganized its workers' compensation department. MTA is now self-insured and self-administered. In MTA's view, this provides a more efficient claims process. MTA has also implemented a case management system to facilitate solving problems and monitoring trends.
- b. MTA also has a new procedure to closely monitor long-term medical claims as well as the medical fee schedule and billing of medical providers. For example, in one month MTA saved half a million dollars using this new monitoring process.
- c. MTA is currently setting medical standards as guides for assessment of cases. The goal is to process cases more quickly.
- d. As an important component of the plan, MTA has implemented an aggressive Transitional Duty Program (TDP). This program provides for early assessment for vocational rehabilitation needs, staff to expedite return to work, and temporary work for employees who qualify while in their recovery stage.

- e. The MTA has established partnerships with the County Counsel and the District Attorney's office who provide specialized services. These agencies have provided assistance in monitoring legal services, establishing hiring standards for workers, providing seminars, identifying and prosecuting fraud, and development of legislation.
- f. Unions and MTA management mutually agreed to hire a neutral Injured Worker's Advocate (IWA) to assist workers in receiving and utilizing benefits and following proper procedures of the workers' compensation program. During the course of the Grand Jury investigation, this position was reassigned within the MTA organization to provide more visibility and accessibility.

## Conclusions

1. MTA management has created an excitement within the organization about its Strategic Safety Management Plan. They have created a culture which emphasizes safety as part of every employee's daily practice.
2. Policies and Procedures are being revised in all areas with *Safety's First* as the underlying philosophy.
3. MTA's objectives are specific, measurable, realistic, time-sensitive and performance-based.
4. Procedures have been created to insure that all systems connected to administering workers' compensation will be more closely monitored.
5. MTA has created an innovative position called Injured Workers Advocate (IWA) to assist workers in the process of receiving workers' compensation benefits.
6. The most recent data secured from MTA administrators and their written reports indicate that there has been a decrease in the cost of claims, number of accidents, and a significant reduction of lost workdays.
7. We commend the MTA management for recognizing the need for change in policy and implementing their *Safety's First* program with the goal of achieving 100% safety awareness for all employees and reducing the accident and injury rate by 51% or greater in five years.
8. We urge other public agencies to use MTA's program as a model for future planning to address similar problems associated with workers' compensation.

## Introduction

MTA's workers' compensation costs historically were the highest of any transit agency in the nation. MTA averaged 176 industrial accidents per month. Their workers' compensation cost was \$6,500 per employee, with a total cost of \$58 million in FY 2001-2002. To address this growing problem, MTA's Board of Directors and the CEO implemented a strategic plan designed to reduce the accident and injury rate by 51% or greater in 5 years and insure 100% safety awareness by all employees.

The management of MTA hired Dupont Safety Resources (a division of Dupont Corporation) to institute the awareness program, negotiated an innovative and groundbreaking performance-based contract with Dupont, and recruited and hired a nationally recognized leader in risk management administration. MTA management took a "personal and collective responsibility" for the administration of the workers' compensation program with emphasis on safety and prevention of accidents.

In order to assess the effectiveness of the MTA's strategic plan, the Grand Jury interviewed MTA's administrators, visited work sites, interviewed various levels of employees at the work site and studied the numerous documents that incorporated MTA's philosophy: written procedures, training manuals, assessment tools, health and safety guides and guidelines, reporting procedures for accidents and injuries, job descriptions, and performance evaluations – to name a few.

Site visits were designed to

- Assess whether the work environment reflected management's safety concerns;
- Assess employee awareness and involvement in the new safety plans;
- Assess whether members of management were visible to the general employee population.

## Findings

### 1, General

In the course of interviews with employees from management down to linemen, Members of the Grand jury noted and observed the excitement about MTA's New Strategic Safety Management Plan.

### 2. Safety

At the Metropolitan Transit Authority, safety is more than a word; it is a guiding principle, which is endorsed by executive management and disseminated throughout the organization as follows:

- a. In 2001, MTA hired a new CEO who contacted Dupont and negotiated a performance-based contract which expires in 2005. Dupont's role is to assist MTA in developing an overall strategic safety management plan and implementing a strong training component.
- b. The MTA management organization was realigned to emphasize safety and risk management.
- c. MTA's executive leadership adopted a safety policy as follows: *Safety's First* for their customers, employees, and business partners as they plan, construct, operate, and maintain the region's transportation system. In addition the agency adopted the following six guiding principles:
  - Safety is a 24/7 priority
  - Safety is everyone's responsibility
  - Accidents and injuries are preventable
  - Working safely is a condition of employment
  - Training is essential for good safety performance
  - Management is accountable for safety
- d. MTA management has taken a "personal and collective responsibility" for the administration of the workers' compensation program with emphasis on safety and prevention of accidents. MTA believes that "reducing injuries and preventing accidents is the best method of controlling claims." They say they can handle fraud, but it is not the main problem. They know there is some fraud, and they have a special investigative unit to try to control it.
- e. MTA management has developed and distributed a Strategic Safety Management Plan (SSMP). The SSMP requires each department to develop and monitor their safety progress through individual Departmental Safety Action Plans. The MTA also has an agency-wide Injury and Illness Prevention Plan (IIPP) covering OSHA requirements. Management has also developed and implemented a Safety and Health Assessment Review Program (SHARP). These documents entail safety compliance reviews at operating locations. They are periodically reviewed, updated, and revised.
- f. The goal is to train all 9000 employees by December 31, 2003. At the time of this report, 4,500 employees had completed the four-hour Safety Training Program.
- g. Employees were interviewed concerning their knowledge of the program. Staff interviews covered a variety of personnel, ranging from supervisors to line workers. Staff was aware and involved in safety concerns. All employees are attending a four-hour training class on safety and weekly on-site safety meetings.

- h. Other observations at the work place included: Workers were observed to be wearing orange safety vests; personal protective equipment was in evidence where required; work places inspected were observed to be clean and well marked; appropriate and catchy posters were noted at division sites as well as at MTA headquarters.
- i. Members of MTA's management were observed and recognized at division sites and in the field, which substantiates management's claim that they are visible and active with line people.
- j. MTA's program is already showing significant reduction of lost workdays. "The number of lost workdays paid declined 8.3%, the number of lost work days per 100 employees declined 7.5% and the number of new workers' compensation claims reported declined 28.5% compared to the same quarter in Fiscal Year 2002." (p. 5, MTA Operations Committee Report of March 20, 2003)
- k. Rail accidents remain low. While bus traffic accident rates are higher than rail, they are showing a downward trend. (Attachment B, MTA Operations Committee Report, March 20, 2003)
- l. A coordinating committee made up of representatives from each division meets regularly to share problems and solutions relative to safety. An interview with a member of this committee verified that it is functioning.
- m. A monthly scorecard, which reports claims, accidents, and injuries by division, is published and posted.
- n. All workers interviewed were aware of the reporting procedure for an accident or injury.
- o. By July 1 of this year, MTA will be using an automated accident and injury management system called *Transitsafe*™.
- p. MTA management incorporated safety accountability into employee performance-based compensation reviews for FY 03.

### 3. Risk Management

Risk Management covers a broad range of activities. Workers' compensation is one component of risk management and includes medical invoice reviews, recovery programs, expanded transitional duty programs, litigation management, claim investigations, interdisciplinary audits, medical case management, preferred provider diagnostic testing, pharmaceutical provisions, and medical supplies.



- a. Although MTA has a history of self insurance, in 2002 it became both self insured and self administered for workers' compensation claims processing. Their goal was to facilitate a more efficient and personable process for processing claims.
- b. Processing claims in-house allows MTA management greater control of costs and fee schedules for medical providers. Examples of improvements include:
  - In one month MTA saved a half million dollars when they undertook with a detailed medical invoice review of a preferred provider.
  - The costs associated with medical, indemnity and all related claim expenses in the first two quarters of FY 03 have decreased \$997,645 (5%) compared to the same two quarters in FY 02.
  - Several new contracts for medical services, prescriptions, and durable medical products have been awarded which should save the MTA \$500,000 to \$1,000,000 this fiscal year.
- c. MTA reorganized staff and job descriptions of the in-house workers' compensation claims unit. They implemented a case management system to monitor trends, problems and process. Case managers meetings are held regularly and follow-ups are conducted. One of management's goals is to facilitate all transactions relative to processing workers' compensation claims in a more respectful manner.
- d. MTA management negotiated and signed a contract (August 1, 2002) with the Health Net Plus (HNP) group to provide ancillary health care services which include:
  - assessing for vocational rehabilitation
  - reviewing bills to take advantage of the Preferred Provider Organization (PPO) discounts
  - using registered nurses as medical case management specialists to expedite return to work
  - using three registered nurses to review all long-term medical claims. Plans are underway to hire a total of six by the end of the year.
- e. MTA is currently setting medical standards as guides for assessment of cases. The goal is to provide medical personnel with job descriptions and other pertinent data that will facilitate and expedite the disposition of the case and the speedy return to work of employees. Regular medical review of cases assures that employees will not be off work for long periods of time but will be placed temporarily and returned to work

expeditiously or go on permanent disabled status. Whatever the result, the process has been modified to process cases more quickly.

- f. Health and wellness programs are offered to employees. We observed many brochures, publicizing the availability of these programs.
- g. Transitional Duty Programs have been developed, procedures written, and a manual distributed to provide modified temporary work while employees are recovering from injury or illness. Placing disabled workers on temporary jobs relieves the overtime burden of regular employees.
- h. MTA has established a contract relationship with the County Counsel's Office to
  - monitor legal services,
  - work with unions through a Safety Oversight Committee made up of management and union leadership, and
  - establish hiring standards for workers
- i. In addition, the County Counsel's Office has developed a partnership with the District Attorney's Office to conduct proactive seminars on fraud. Twenty-six of these agency-wide seminars have been conducted for MTA.
- j. The County Counsel's Office established a pilot program with the District Attorney's office, the California State Department of Insurance, and MTA which is aimed at preventing fraud and, when appropriate, processing workers' compensation fraud.
- k. MTA has established a Specialized Investigative Unit (SIU) to work on selected fraud claims. The target cases represent 1% of all claims filed.
- l. MTA, with the help of the County Counsel's representative, develops and lobbies for better legislation with state legislators to reduce the cost of workers' compensation.
- m. A neutral Injured Workers' Advocate (IWA) was hired by mutual agreement between MTA management and their unions. While this position was originally funded by a federal grant for one year, MTA management has committed to funding and supporting the continuation of this position. Not all workers interviewed were aware of the existence and availability of the IWA.

## Conclusions

1. MTA management has created an excitement within the organization about *Safety's First* and instilled a sense of purpose within the administrative leadership. They have created a culture which emphasizes safety as a part of every employee's daily practice. Management is accountable, and managers are committed to a hands-on approach to managing the workers' compensation and safety programs.
2. Policies and procedures are being revised in all areas with *Safety's First* as the underlying philosophy.
3. MTA's objectives are specific, measurable, realistic, time sensitive and performance based.
4. Computer systems have been created to insure that all processes associated with administering workers' compensation will be more closely monitored. For example:
  - Assessing and evaluating workplace safety
  - Documenting behavioral changes in the individual for better health and safety practices
  - Processing claims more efficiently
  - Producing statistical data reports for trends in number of accidents
  - Reducing number of claims and lost work days
  - Improving ergonomics for the working environment
  - Coordinating lobbying efforts for better state legislation
5. MTA has created an innovative position called the Injured Worker's Advocate. While creating this position is a positive move, employees in general seem to be unaware of its existence and have not availed themselves fully of this service. Greater visibility for this Advocate position is needed.
6. MTA is well on its way to achieving the goals and objectives for the next five years. The results for year one are encouraging, and MTA has statistical data that supports a downward trend. We commend the MTA management for recognizing the need for a change in policy and implementing their *Safety's First* program with the goal of achieving 100% safety awareness for all employees and reducing the accident and injury rate by 51% or greater in five years.
7. We urge other public agencies to use MTA's program as a model for future planning to address similar problems associated with workers' compensation.





**WORKERS' COMPENSATION REVIEW FOR THE  
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT  
LOS ANGELES COUNTY FIRE DEPARTMENT  
CITY OF LOS ANGELES FIRE DEPARTMENT**

## Acronyms and Abbreviations

§3212	Labor Code Section 3212
§4850	Labor Code Section 4850
AOE	Arises out of employment
ASP	Application service provider
Cambridge	Cambridge Risk Services
CAO	Chief Administrative Office, Risk Management Branch
City	The City of Los Angeles
COE	Course of employment §4850
COUNTY	The County of Los Angeles
CT	Continuous trauma
EDW	Enterprise data warehouse
EHS	Employee Health Services
EIM	Enterprise information management
EMT	Emergency medical technician
ERTW	Early return to work
FCM	Field case management
FMIS	Financial accounting and payment system
GUI	Graphical user interface
HCO	Health care organization
IIPP	Injury and Illness Prevention Program
MLU	Medical Liaison Unit
OLAP	Online analytical processing
PPO	Preferred provider organization
TCM	Telephone case management
TPA	Third-party administrator

## Executive Summary

The last few years have shown dramatic increases in the cost of California workers' compensation claims in all areas of activity, but particularly in government services. Because both the County of Los Angeles (County) and the City of Los Angeles (City) are legally uninsured for workers' compensation risks and claims, these costs represent a direct loss of funds which might otherwise be available for other high priority government services. Due to the nature of their work and to specific legislation relating to them, public safety officers contribute disproportionately to these costs. Therefore, the Grand Jury decided to examine how workers compensation is handled by the County Sheriff's Department, by the County Fire Department, and by the City Fire Department. In FY 2002 workers' compensation claims paid by these three departments amounted to \$134.9 million—and this cost can be expected to increase dramatically due to legislation which took effect on January 1, 2003.

Any significant study of workers' compensation involving public safety officers must consider the impact of Labor Code §4850 and other applicable Sections. §4850 provides that certain public safety employees "who sustain an injury or illness arising out of and in the course of his or her duties is entitled to a leave of absence of one year without a loss of salary in lieu of disability payments." Another, §3212, provides that certain injuries or illnesses of public safety employees are presumed to be work-related. This usually includes stress-related illnesses, heart disorders, and some types of cancer. These provisions have been embodied in the Labor Code since the early 1960's. Thus, under §3212, a public safety officer who suffers cardiac arrest or incurs a certain type of illness is presumed to have incurred the disorder in the course of his or her employment. The Code puts the burden of proof on the employer to show, through medical evidence, that the problem is not work-related. Even if the injured employee presents no evidence that the injury or illness is work-related, the presumption is still in favor of the employee.

Because of the favorable nature of the workers' compensation laws toward disability benefits and presumptions of injuries due to medical conditions such as cancers and internal disease, we believe some injured officers seek to extend benefits in preparation for retirement or to protest policies or procedures they do not want to follow, such as performing light-duty jobs under Early-Return-to-Work (ERTW) programs. The result of these factors and attitudes is that many sworn officers view workers' compensation as a discretionary program to be used in anticipation of retirement.

Without doubt, legislation such as §4850 and §3212 has a significant impact on the cost of workers' compensation benefits. On the other hand, the Grand Jury recognizes that some higher level of costs must be associated with public safety employees. Any comparison to non-public safety employees will almost certainly reveal a wide discrepancy in costs biased against public safety employees. Firefighters and police are expected by the nature of their work to enter unsafe environments and, on occasion, to perform inherently unsafe acts. The burden thus thrust upon management



at all levels is to balance the need for aggressive public safety performance with the ability to pay for that service.

This Grand Jury study resulted in 77 specific recommendations which we believe, if implemented, would result in savings in excess of the dollars spent to implement them and would materially diminish workers' compensation costs, while at the same time providing more effective workforce management and insuring the interests of the officers concerned. Summarized below are the conclusions and recommendations that we feel should be implemented.

The chart below shows five-year changes for key workers' compensation financial and other data for each of the departments studied. Although there was a relatively small increase in number of claims, employees, and available payroll, there has been a dramatic increase in paid benefits. The major contributors to these increases are skyrocketing medical costs, §4850 benefits escalation and abuse, and Legislative increases in permanent disability benefits.

#### **Workers' Compensation Five-Year Financial Summary**

	<b>FY 1998</b>	<b>FY 2002</b>	<b>% Five-Year Increase (Decrease)</b>
<b>County Fire Department</b>			
Number of claims	1,421	1,491	4.93
Number of employees	3,446	3,884	12.71
Claims per 100 employees	41.2	38.4	(6.8)
Payroll (\$ millions)	270.4	342.3	26.59
Paid amounts on all claim years (\$ millions)	12.7	22.0	73.23
<b>County Sheriff's Department</b>			
Number of claims	3,436	3,912	13.85
Number of employees	12,582	14,601	16.05
Claims per 100 employees	27.3	26.8	(1.83)
Payroll (\$ millions)	720.0	927.6	28.83
Paid amounts on all claim years (\$ millions)	48.6	93.4	92.18
<b>City Fire Department</b>			
Number of claims	1436	1598	11.28
Number of employees	*	3,707	*
Claims per 100 employees	*	43.1	*
Payroll (\$ millions)	**	**	**
Paid amounts on all claim years (\$ millions)	11.3	19.5	72.57

\* Because of data discrepancies, we only show 2002 figures for the City Fire Department.

\*\* Payroll not available from City at time report prepared.

## Availability and Accuracy of Data

Much of the unaudited information provided to us by the City and the County is unreliable and not sufficient to permit accurate trending and other data analysis, such as comparisons between entities.

## Recommendations

### County

- Enhance the system's reporting capabilities and increase capability and accuracy of data capture.
- Correct problems with implementation of the new County claim software system.

### City

- Promptly replace the existing inadequate and obsolete claims software system.

## Medical Cost Containment

Medical costs are skyrocketing. Claims with open medical issues are not being resolved in a timely manner by defense attorneys and claim administrators. Surgery-center costs are rapidly expanding, because they are not subject to the State fee schedule.

### Recommendations

- Within the budget, reserve funds to settle more claims with open medical issues.
- Take the most aggressive position possible in disputing surgery-center bills. Lobby the legislature to add surgery centers to the fee schedule at reasonable rates.

## Early Return to Work (ERTW)

Many studies have shown that effective ERTW programs can significantly lower workers' compensation costs. Our study indicates that the ERTW programs for all three departments could and should be improved. The following approximate rates of return of injured employees to modified work positions are: Sheriff's Department 25–30%, County Fire Department 5–10%, and City Fire Department 40%.

If the treating physician approves an injured firefighter or Sheriff's deputy for light or modified duty and a reasonable job is available, the entity does not have to pay \$4850 benefits should the claimant refuse the offered light-duty job. Non-network

physicians, who treat claimants and often do not understand the ERTW program, need to be trained to submit appropriate reports of physical restrictions.

## Recommendations

- Enforce ERTW programs and terminate §4850 benefits for injured sworn officers who refuse reasonable modified work.
- Appropriate staff from the County and the City should visit the more-important non-network physicians to explain the ERTW program and the need to submit reports on work restrictions.
- Each of the three departments need to emphasize creation of suitable modified positions located reasonably near the injured employee's regular workplace.

## Litigation Management - Recommendations

### County

- To allow the CAO to exercise greater oversight of the workers' compensation litigation process, shift claim settlement authority from County Counsel to the third-party administrators (TPAs) for claims up to \$20,000 and to the CAO for all other claims.
- Change the fee structure of outside defense attorneys from a flat fee to fees based on services provided.

### City

- Increase oversight of the litigation process by adding staff to the City Attorney's Office.

## Safety and Loss Prevention - Recommendations

### County and City

- Expand staffing of departmental Safety/Loss-Prevention units to include a permanent safety officer position (non-rotational).
- The Sheriff and Fire Chiefs should issue statements of safety/loss prevention policy to include improved loss-prevention manuals, and an explanation of the importance of the programs to the Sheriff and Fire Departments.
- Because of an aging workforce and the frequency and high cost of disability claims, immediate attention should be given to establishing

fitness standards, annual physical exams, and the feasibility of eliminating certain types of sports activities.

#### County Claim Monitors - Recommendation

Resolve the current dispute between County claim monitors and the TPAs over penalties and excess costs. Then change the role of the claim monitors to include greater emphasis on claim outcomes. Change the relationship between the claims monitors and the TPAs from adversarial and negative to cooperative and positive.

#### Accountability and Incentives for Improving Performance

Holding managers at the highest levels responsible and accountable for the various aspects of workers' compensation program-performance is a key element to controlling costs. The County has a budgetary workers' compensation cost-allocation system that bases charge-backs to the departments on their past three years' paid losses and related expenses, averaged and trended for the forthcoming fiscal year. The City does not identify workers' compensation costs in its annual budgetary allocation to departments.

Equitable and easy-to-understand departmental workers' compensation cost allocations are fundamental tools for holding department managers responsible for workers' compensation costs. But it is not enough just to charge back costs based on some loss-sensitive formula. To be effective, the charge-back system must be accompanied by timely and accurate statistics showing the nature and causes of loss, practical recommendations for loss-prevention and cost-control measures, and policy statements promulgated at the highest level of management within the County and the City.

#### Recommendations

- The City should develop and implement a system to charge back to departments all of their workers' compensation costs.
- Greater support should be given by all management levels to ERTW programs.
- Senior management should ensure that supervisors at all levels understand both the critical need for the proper, timely implementation of the workers' compensation system provisions and the negative impacts upon their own operations of any failure on their part to do so.

## Legislative Reform

No matter how well the three departments manage their loss-prevention, ERTW, and other cost-control measures, the primary problem will continue to be existing legislation, particularly §4850 of the Labor Code and other sections of the Labor Code dealing with medical treatment, permanent disability, legal penalties, and the litigation process.

## Recommendation

- The County Board of Supervisors and the City Council and Mayor, as well as department heads, must actively lobby for legislative reform. Without such top-management support, there is little possibility of achieving the legislation changes needed to control skyrocketing workers' compensation costs.

## Introduction and Background

For a variety of reasons, which are detailed in the body of this report, the last few years have shown dramatic increases in the cost of California workers' compensation claims. Because both the County of Los Angeles (County) and City of Los Angeles (City) are legally uninsured for workers' compensation risks and claims, these rising costs must be paid directly by the County and the City.

Injured worker salary-replacement costs, benefit costs, medical costs, litigation costs, and administration costs increased at rates in excess of normal inflation. For example, the County paid a total of \$156,586,405 on claims, claims administration, and overhead for year ending 6/30/99, and only three years later paid a total of \$257,633,461 for year ending 6/30/02, an increase of 65%. During that same period, the number of employees increased only 4.4% and payroll increased only 36%.

Workers' compensation rules and regulations are enacted by the California State Legislature. Effective January 1, 2003, the legislature increased temporary and permanent disability benefits to injured workers, which industry experts such as the California Workers' Compensation Institute forecast will increase benefit costs by 6% this year and by a total of 20% over the next four years.<sup>1</sup>

Combined with other inflationary factors as shown in the body of this report, it appears that workers' compensation costs will continue their dramatic rise. These cost increases have additional impact on sworn public safety officers, who are entitled to special legislative benefits of full salary continuance for up to one year after injury, and statutory presumptions that certain medical conditions are work-related disabilities, such as heart and cancer conditions, which are not available to non-safety-officer employees.

In addition to the direct cost of workers' compensation, there are many hidden costs from work injuries. Additional staff must replace injured workers missing time from work or existing staff must work additional overtime (especially true of police and fire work), causing increased costs and stress on current resources. Industry experts estimate that such costs can be 80% (or more) of direct costs.

Because treatment of injuries and payment of workers' compensation benefits can go on for many years (up to the lifetime of the employee), actuarial analysis indicates the County's and City's future obligations to pay workers' compensation benefits are in the billions of dollars. Given the high cost of these obligations, it is cost-prohibitive for the City or County to return to insured programs because insurance companies would require this tail-claim obligation to be paid up front or the City and County would have to continue to pay uninsured claims while also paying to insure new claims. The City and County will continue to be responsible for their own claims, making it critical that the workers' compensation programs be as effective as possible in preventing injuries and controlling claim costs.

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<sup>1</sup> Another estimate by an actuary predicted 7% increase in 2003, rising to a total of 22.8% increase in 2006.

## **Objectives and Scope**

Considering the high costs involved, the Grand Jury evaluated the workers' compensation programs of the County of Los Angeles Fire Department (County Fire Department), County of Los Angeles Sheriff's Department (Sheriff's Department), and the City of Los Angeles Fire Department (City Fire Department). This study was to determine what is contributing to the high costs of these programs, what trends are driving cost increases, what programs are in place to combat cost increases, and to make recommendations to help control or lower costs.

We looked at specific factors and programs, such as early return-to-work (ERTW) programs, medical providers, loss-prevention programs, departmental supervisory training, case management, work culture, organizational processes, and fraud or abuse by program participants.

## **Methodology**

The investigation included:

- Interviews with more than 50 people involved with County and City workers' compensation programs and various personnel of other public entities with similar programs.
- Review of organizational charts, position descriptions, operating manuals, policies and procedures, labor code provisions, safety and loss-prevention material, prior reports, information system material, and a host of other materials and documents pertinent to the County and City workers' compensation programs.
- Analysis of extensive loss data and structure from the County and City workers' compensation programs and from four other public agencies with similar exposures.
- Comparison of the County and City workers' compensation structure and experience with four other public agencies.
- Review and consideration of City and County department input regarding our preliminary draft report.

## Findings

The following specific questions were the focus of our work under this project and form the basis of our findings.

### Contributing Factors to the High Cost of Workers' Compensation

Direct costs of workers' compensation for the departments studied have grown dramatically over the last five years. For the County Sheriff's Department, payments on workers' compensation claims have gone from \$48,577,000 in year ending 1998 to \$93,440,000 in year ending 2002, a 92% increase. For the same period, the number of employees increased from 12,582 to 14,601, a 16% increase, and payroll increased from \$720,000,000 to \$927,567,000, a 29% increase.

For the County Fire Department, total payments on workers' compensation claims have gone from \$12,736,607 in year ending 1998 to \$21,964,201 in year ending 2002, a 73% increase. For the same period, the number of employees increased from 3,446 to 3,884, a 13% increase and payroll increased from \$270,442,000 to \$342,288,000, a 27% increase.

For the City Fire Department, direct payments on workers' compensation claims have gone from \$11,315,171 in year ending 1998 to \$19,527,193 in year ending 2002, an increase of 73%. During the last three years, the number of sworn employees has gone from 3,329 in 2000 to 3,707 in 2002, an 11% increase. Payroll data is not available.

These payments represent a cost to the County Fire Department of \$7.76 per \$100 of payroll, and a cost to the County Sheriff's Department of \$10.07 per \$100 of payroll. For all County departments, the rate was \$4.99 per \$100 of payroll; excluding the Sheriff's Department and the Fire Department the rate was \$3.44.

Basic claim and loss information regarding the departments studied is summarized in the following table. This information was provided by the City's Personnel Office and by the County's CAO. For reasons discussed in detail in this report, the reliability and accuracy of data presented cannot be verified. We based our findings on paid loss<sup>2</sup> information because case reserving has proven to be inaccurate, making analysis based upon incurred losses<sup>3</sup> of questionable value.

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<sup>2</sup> Paid loss means only paid benefits.

<sup>3</sup> Incurred loss means paid benefits plus future reserves.



## CLAIM SUMMARY INFORMATION BY DEPARTMENT

	1997/98	1998/99	1999/00	2000/01	2001/02
<b>County Fire Department</b>					
Number of claims	1,421	1,626	1,464	1,484	1,491
Number of employees	3,446	3,471	3,535	3,392	3,884
Claims per 100 employees	41.24	46.85	41.42	43.75	38.39
Payroll	270,442,000	295,021,000	311,284,000	330,274,000	342,288,000
Paid amounts on all claim years	12,737,606	15,078,737	17,065,959	17,436,064	21,964,201
<b>County Sheriff's Department</b>					
Number of claims	3,436	3,683	3,812	3,912	3,912
Number of employees	12,582	13,082	13,517	13,606	14,601
Claims per 100 employees	27.31	28.15	28.20	28.75	26.79
Payroll	720,000,000	781,149,000	832,846,000	897,639,000	927,567,000
Paid amounts on all claim years	48,576,592	46,756,208	64,685,838	76,029,366	93,439,862
<b>City Fire Department</b>					
Number of claims	1436	1360	1576	1600	1598
Number of employees	N/A	N/A	3329	3629	3707
Claims per 100 employees	N/A	N/A	47.34	44.09	43.11
Payroll	N/A	N/A	N/A	N/A	N/A
Paid amounts on all claim years	11,315,171	10,514,920	11,673,000	14,161,822	19,527,193

Overall, workers' compensation costs for both County and City departments studied are composed of a variety of factors. The most significant include workforce variables, inflation, benefit levels, medical practices, litigation practices, and claim factors.

### Workforce, Demographics, and Claim Variables

Changes to the size and composition of the workforce have a direct impact on ultimate claim costs. In general, increases in staffing will increase risk exposure and the number of claims filed. Lack of or insufficient job and safety-awareness training of new employees also can increase risk of injury and claim frequency. Although reductions in workforce reduce the number of persons that could potentially file workers' compensation claims, such reduction may actually lead to increased claims prompted by disability retirement issues.

The preceding chart shows that for the period 1998 to 2002, staffing levels have increased about 13% for County Fire Department and 16% for County Sheriff's Department. For the three-year period 2000 to 2002 staffing levels for sworn officers increased about 11% for the City Fire Department.<sup>4</sup>

<sup>4</sup> Employee data not available for 1998 and 1999.

Demographic factors commonly trended include injured employees' age, length of employment, and occupation. Limited information was available from the City and County in these areas, but for those factors where data was available, age appeared to be a key factor. County Fire Department employees aged 45 or older accounted for 48% of reported claims in 2002 and 65% of incurred losses. County Sheriff's Department employees aged 45 and over accounted for 31% of claims and 44% of incurred losses. Not only are these incident rates high, but the severity of the injuries increased as well.

Although the high frequency of claims by older workers may be partly a reflection of deterioration of physical capabilities and the often dangerous nature of sworn-officer job duties, the age statistics reviewed may also result from abuse of §4850 by older sworn officers in preparation for filing disability retirement claims.

Claim factors usually trended include time of injury, cause of injury, nature of injury, part of body, and severity of injury. Inconsistencies in data reporting makes analysis difficult, but it appears that an increase in the severity of claims is the leading contributor to rising costs. This makes sense with the claims being reported staying almost flat over time but the cost of claims escalating. For example, for the City Fire Department's 1998 claims with a reported liability of more than \$50,000, there are currently 16 claims with a total incurred value of \$1,343,885. Already in 2002 there are 27 reported claims, each in excess of \$50,000 and a total incurred value of \$2,903,284.

### Wage Inflation

Wage inflation increases salary continuance, temporary disability payments, permanent disability payments, and vocational rehabilitation benefits because these benefits are all based on a worker's salary at the time of injury. Also, temporary disability benefits are adjusted for benefit increases every two years.

For County Fire and Sheriff's departments, disability benefits account for more than 50% of all workers' compensation benefit payments. During the last three years, total payrolls increased by 16% for the Fire Department and 19% for the Sheriff's Department while staffing levels increased by 8% for the Sheriff's Department and only 3% for the Fire Department.

Payroll information was not available for the City Fire Department at the time this report was prepared.

### Benefit Levels

Workers' compensation benefits, which are established by the California State Legislature, are subject to revision at any time. Although benefit levels have remained constant over the last three years, on January 1, 2003, the legislature raised temporary

disability and permanent disability benefits substantially, with such benefit increases to be phased in over the next three years. Cost of these benefit increases are estimated to be up to 7% in 2003, rising to a cumulative increase of 22.8% in 2006.

In addition to newly injured workers, these increases also apply to deputy sheriffs and fire fighters who have been off work from injury more than two years. During the last three years, paid disability benefits have increased 86% for the County Fire Department claims and by 69% for the Sheriff's Department, while payrolls increased by 16% for the Fire Department and 19% for the Sheriff's Department.

### Medical Practices

Medical cost inflation and changing treatment patterns also have contributed to cost increases at County and City departments, including those studied. Medical inflation continues at a much higher rate (currently about 12% per year) than other types of inflation, in part because of treatment and testing advances and higher costs in goods and services, especially prescription drugs.

Because workers' compensation is a full-pay and total-benefit system for medical costs, without deductibles, such increases in medical costs show up first in the workers' compensation system. Even though the cost of many medical procedures are subject to a state fee schedule, newly developed treatments and testing are not subject to the fee schedule. For example, surgery centers are not subject to the state fee schedule, although medical clinics are.

Another important factor contributing to rising medical costs is that most serious workers' compensation injuries involve the injured worker being awarded future medical benefits for the affected part of the body. When such injuries involve vital body parts such as the heart or back, there is a high probability of future problems (sometimes many years into the future) that remains the employer's responsibility. The costs for future medical benefits can escalate substantially over time.

Medical expenses account for about 35% of total benefit costs for County Fire and Sheriff's departments. In just the last three years, medical costs have increased 58% for the County Fire Department claims and 76% for the Sheriff's Department claims.

For the City Fire Department, medical expenditures in 2002 were about 59% of costs and were up 19% in just the one-year period, 2001 to 2002.

### Litigation Practices

Litigation costs continue to be a significant workers' compensation cost component. Because applicant attorneys receive a percentage of unpaid future disability benefits, any benefit increase results in higher attorney fees. Litigation is

common in serious injury claims as well as stress and continuous trauma (CT) claims, such as claims involving the heart or cancer.

Because there are special presumptions for sworn personnel under California workers' compensation laws, sworn officers have more CT claims and more litigation than non-sworn employees. Over the last three years, the cost of defending workers' compensation claims has increased 173% for the County Fire Department claims and 133% for the Sheriff's Department claims.

## Trends in Claims

Trending analysis is a measurement of changes in claim-payment factors and exposure over time. Shifts in claim factors are important in designing cost-control and loss-prevention programs to combat specific areas of rising costs and injuries. Changes in claim factors include not only the who, what, why, and where of injuries, but also changes in the types and amounts of benefits paid, types and amounts of medical treatment, and use of medical providers and litigation techniques.

Workers' compensation standard-measurement tools track workers' compensation claim trends. These standards apply to both insured employers and legally uninsured employers and are expressed as:

- Cost per hundred dollars of payroll
- Losses per 200,000 man-hours worked
- Claim-incident rate per 100 employees
- The mix of lost-time claims and medical-only claims
- The ratio of litigated claims to lost-time claims

Tracked data includes claims and losses broken down by occupation or job coding, losses broken down by various reporting levels within the organization, average cost per claim, average cost per employee, and percentage of claims paid by major pay types (medical, indemnity, and legal/expense). Certain demographic and causation factors usually are also compared. These factors include the injured worker's age, sex, part of body, time of injury, cause of injury, nature of injury, type of injury, and severity of injury. Most claim software programs track and report on these factors as part of their standard reporting packages.

With the importance of ERTW programs, computer information systems can now track how quickly claims are reported to the claims processor by the employee and the employer, how fast the employee was treated, how quickly the claim was paid, and specific case-management services provided. Lost days from work due to injury are tracked and measured per-claim and per-employee.

Because medical costs have become so expensive, more measurement tools should be in place in a good information system to measure bill-review savings per provider, savings and usage penetration from using PPO and HCO providers, and the monetary savings on using disability and treatment-plan protocols.

## Availability and Accuracy of Data

Much of the unaudited data we received from the City and the County are unreliable. Because of the data limitations, the accuracy or reliability of the data cannot be assured.

### County Data

Available claim information from the County included paid amounts, reserves, types of claims, litigation coding, limited demographic information, and reporting dates, by department. The County also is able to provide payroll, employee count and program-cost information from other sources. The County's bill-review provider, CorVel Corporation, was able to provide basic bill-review and medical-management statistics, by department; however, such statistics go back only to 1998, making useful trending analysis difficult. In addition, certain critical data elements are not tracked, such as lost days and total savings, including permanent disability impacted.

Because the County is legally uninsured and operates on an unfunded pay-as-you-go basis, there has been little attention given to having full case reserves. The result is that the County consistently understates each year's claim reserves as they develop over time.

Under-reserving will always happen because some claims will become more costly over time due to unforeseen circumstances. Thirty percent under-reserving the first year and 50% over the life of the claim is typical. However, the under-reserving at the County has been much more dramatic.

With claim case reserves understated and no recent actuarial analysis to show the true expected claim costs, any analysis of cost factors based on case reserves is flawed. Wherever possible, we used actual payment numbers for comparison purposes because paid figures are much more reliable. However, future liability is growing and needs to be better identified and measured so that effective cost-containment programs can be developed and implemented.

Los Angeles County is now upgrading its claim-software program to a more current Windows-based version with improved reporting capabilities. Although the County did not purchase the more sophisticated reporting analysis tools available from the vendor, the users (including the sworn officer departments and the TPAs) should have the ability to run basic trending reports on their own, as should the CAO's staff in charge of monitoring and helping with the workers' compensation programs.

However, information is only as accurate and useful as the data entered. There are serious shortcomings in the available data that must be addressed for future use.

There is also a shortage of systems experts in the County to assist in report trending and analysis. Currently only one staff member has the expertise to run all the reports required by departments, TPAs, and the risk management staff. Upon the successful implementation of the new system, additional staffing needs should be promptly determined.

In addition, a major claim-cost element is not captured by the claims information system. Salary continuance and Labor Code §4850 benefits for sworn officers are paid through the payroll system, which is not integrated with the claims system. Although the County is doing a better job of tracking this benefit today, historical data are suspect, which makes all the total paid and incurred numbers suspect. For example, data shows that the Sheriff's Department paid \$11.1 million in §4850 benefits in year ending 1998; the amount fell to under \$6.0 million in year ending 1999, increased to more than \$11.5 million in year ending 2000, and has continued to increase to more than \$24.6 million last year. The dip in 1999 appears to be based upon inaccurate data, given the overall increases in other categories and the continued increases in §4850 benefits thereafter.

Other data concerns regarding County-provided data include missing data and the frequent use of "Unknown" or "Other" data fields. For example, the leading cause of injury last year for the County Fire Department was "Other" (with more than 50% of the costs), while "Other" accounted for 10% of the Sheriff's Department cause-of-injury claims. The large number of "Other" and "Unknown" cause-of-injury classifications from County-provided data indicate that the TPAs are not properly entering cause-of-injury information when inputting claim data. Internally produced claim summaries recently produced by the County Fire Department staff showed much lower use of these classifications.<sup>5</sup>

Given these data shortcomings, we were able to analyze data provided in the following areas (all years are fiscal years ending 6/30 of each year):

1. Claim counts/employee counts per year

Sheriff's Department: For the last five years, reported claims have increased from 3,436 in 1998 to 3,912 in 2002, a 14% increase. However, of those claims, lost-time claims have stayed almost flat, with 2,322 reported in 1998 and 2,335 in 2002. During the same period, employee counts went from 12,582 in 1998 to 14,601 in 2002, an increase of 16%.

County Fire Department: For the last five years, reported claims have increased from 1,421 in 1998 to 1,491 in 2002, a 5% increase. However, of those claims, lost-time claims have stayed almost flat, with 1,119 reported in 1998 and 1,136 reported in 2002. During the same period, employee counts went from 3,446 in 1998 to 3,884 in 2002, an increase of 9%.

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<sup>5</sup> These data were not available in time to include in our analysis of claims.

2. Payroll per year

Sheriff's Department: During the last five years, payroll increased from \$720,000,417 in 1998 to 927,566,861 in 2002, an increase of 29%.

County Fire Department: During the last five years, payroll increased from \$270,442,065 in 1998 to 342,288,219 in 2002, an increase of 27%.

3. Litigation rates per year

Sheriff's Department: Because of the statute of limitations on filing proceedings on workers' compensation claims (one year after the last provision of benefits), it takes many years for all litigation in a given year's claims to be filed. Looking back at the 1995 claims year, there have been 764 litigated filings. For 1999, filings increased to 991, and the 2002 year already shows 794 filings with many more expected.

County Fire Department: For the 1995 claims year, there were 201 litigated filings. For 1999, filings are up to 353, and the 2002 year already has 177 filings, with many more expected.

4. Payments by pay type - Pay type refers to the further breakdown of payments into various categories, such as temporary disability, salary continuance, and permanent disability, instead of the broad classification of disability and medical and expense payments.

Sheriff's Department: During 1998, the leading pay types were:

Medical treatment	32%
\$4850 benefits	24%
Permanent disability	23%
Temporary disability	6%

During 2002, the leading pay types were:

Medical treatment	33%
\$4850 benefits	26%
Permanent disability	21%
Temporary disability	5%

County Fire Department: During 1998, the leading pay types were:

Medical treatment	35%
\$4850 benefits	36%
Permanent disability	20%
Temporary disability	3%.

During 2002, the leading pay types were:

Medical treatment	37%
\$4850 benefits	28%
Permanent disability	21%
Temporary disability	4%

5. Age of the Claimant:

Sheriff's Department: During 1998, employees over 45 years old filed 40% of reported claims, representing 63.9% of incurred losses. During 2002, employees over 45 years old reported 30.7% of claims reported, 44.1% of incurred losses. The incurred percentages may change over time as reserves increase substantially over time.

County Fire Department: During 1998, employees over 45 years old filed 56% of reported claims, representing 87.7% of incurred losses. During 2002, employees over 45 years old filed 48% of reported claims, 65.2% of incurred losses.

6. Severity of claims: The purpose of severity tracking is to determine if cost increases are coming from claims of a certain dollar level. The first consideration is the impact of high-dollar claims. The problem with this analysis for County is that severity is based on claim reserves and County has been slow to place adequate reserves on files, especially new files. We analyzed claims with incurred values over \$50,000.

Sheriff's Department: During the last five years, 9.3% of claims (1,797 out of a total of 19,269 claims) had an incurred value of more than \$50,000.

County Fire Department: During the last five years, 10.8% of claims (825 claims out of a total of 7,666 claims) had an incurred value of over \$50,000.

7. Part of body

Sheriff's Department: For 1999, the four leading part-of-body injuries were:

Multiple parts	37.1%
Backs	14.3%
Hearts	11.1%
Knees	10.2%

For 2002, the four leading part-of-body injuries were:

Multiple parts	30.2%
Backs	14.2%
Hearts	11.1%
Knees	13.2%

Because these numbers are based on incurred losses, they may change over time as claim reserves are adjusted.



County Fire Department:

For 1999, the four leading part-of-body injuries were:

Multiple parts	41.9%
Backs	19.2%
Hearts	6.1%
Knees	12.8%

For 2002, the four leading part-of-body injuries were:

Multiple parts	29.8%
Backs	14.2%
Hearts	3.8%
Knees	12.8%

Because these numbers are based upon incurred losses, they may change over time as claim case reserves are adjusted.

8. Cause of injury

Sheriff's Department: The leading cause-of-injury factors during 1998 were:

Overexertion	32.4%
Other	14.3%
Continuous trauma	12.8%
Cardio	9.1%
Fall	7.8%

In 2002 the leading injury factors were:

Overexertion	40.8%
Continuous trauma	13.3%
Other	10.1%
Fall	6.9%

Fire Department: The leading cause-of-injury factors during 1998 were:

Overexertion	54.6%
Continuous trauma	17.5%
Fall	10%
Struck	4.2%
Other	4.4%

In 2002, the leading injury factors were:

Other	55.1%
Overexertion	24.1%
Struck	6.3%
Continuous trauma	4.8%

With the majority of claims being entered as "Other" and the dramatic shift from 1998, it is clear that the data-entry process is flawed.

9. Lost days: Tracking lost days from work shows the effectiveness of the ERTW programs. County data are available for the last four years.

Sheriff's Department: During 1999, the total lost days were 83,670, or a rate of 6.4 days per employee. During 2002, the total lost days were 143,820, or a rate of 9.85 days per employee. However, the year 2002 shows a reduction in days and rate from the prior two years.

County Fire Department: During 1999, the total lost days were 27,108, or a rate of 7.81 days per employee. During 2002, the total lost days were 35,111, or a rate of 9.04 days per employee.

The County is required to file annual reports with the State of California, showing the number of reported claims for each of the last five years and the amounts paid and amounts forecast as reserves for those claims. This report is County-wide and not by department.

Reported liability of each year's claims over a five-year period illustrates reserve trending. For the year ending 1998, the County reported its total incurred liability (paid amounts plus future reserves) at about \$83.7 million. One year later, those same incurred claims were reported at about \$132 million, a 58% increase. At the end of the following year, incurred liability had increased to over \$176 million, and by year ending 2002, the amount had increased to more than \$225.5 million, a 169% increase from 1998.

Incurred claims (paid amounts plus future reserves) for the year ending 1999 of \$90.2 million rose to almost \$152 million at year-end 2000 and more than \$227 million at year-end 2002. This is a 152% increase in just three years.

The year ending claims for 2000 of \$103 million increased to \$166 million in 2001 and to over \$227 million in 2002, a 120% increase in just two years.

The year ending 2001 claims of \$118 million increased to over \$176 million at year-end 2002, a 50% increase in just one year. This shows a consistent pattern of under reserving.

If these trends remain consistent, at the end of the fourth year the 2001 claim year will be in the area of \$300 million and year 2002 claims will increase to about \$340 million.

Analyses comparing costs with payroll or by claim or employee will be distorted unless these reserve trends are taken into account. This is why it is recommended that results be based upon actuarial analysis to estimate expected values.

Historically the County has not performed regular actuarial analyses. The last report was completed in 1998. It is our understanding from the CAO that an actuarial analysis is now being competitively bid. We recommend that an actuarial analysis be performed every two or three years. Much more accurate forecasting and trending analysis can be developed upon completion of the actuarial study.

#### City Data

The City's claim-reporting system collects even less data than the County's system. Many key data components, such as claims in litigation, date claim was reported to TPA, date employee was treated by doctor, date of doctor's report, and lost days from work are not tracked in the system, making accurate and meaningful reporting impossible. The administration of the City Fire Department's claims is split between a TPA, which handles the sworn officers, and the City Personnel Department, which handles the civilian employees. While the sworn officers account for more than 90% of the employees and 95% of the losses, it is difficult to get consolidated Fire Department data out of the system.

The bill-review vendor, Diversified, was able to provide similar bill-review savings reports as those received from the County, but not the medical-management statistics for lost-day savings. Those services are provided by Cambridge Risk Services (Cambridge). Cambridge is required to use the City's software system, which does not track the necessary lost-time data.

The City does not integrate salary-continuance payments into the claims system, making those numbers unreliable. Like the County, the City is on an uninsured pay-as-you-go basis, with little emphasis on establishing accurate case reserves, although they are doing a better job of reserving than the County. The practice of under reserving distorts trending analysis based upon incurred losses.

Given the City's limited data resources, we were able to analyze trending in the following areas:

1. Claim counts/employee counts per year: For the last five years, claims reported have increased 11% from 1,436 in 1998 to 1,598 in 2002. During the same period, employee counts went from 3,329 in 2000 to 3707 in 2002, an increase of 12%.
2. Severity of Claims: During the last five years, claims with an incurred value each of more than \$50,000 have increased from 16 claims with a total incurred value of \$1,343,885 in 1998 to 27 claims with a total incurred value of \$2,903,284 in 2002.
3. Paid and case reserve development over time: Information regarding paid and case-reserve development was not available at the time this report was prepared.
4. Cause/nature of injury The City has a data-entry problem with this field. For each year, the leading nature/cause of injury field was "Unknown," with around 50% of the losses identified with an unknown nature/cause of injury. On the claims for which data was collected, in 1998 the leading cause of injury were:

Strain	21%
Multiple injures	10%
Sprain	2%
Cancer	1%
Hearts	1%

During 2002 on collected data, the leading cause-of-injury types were:

Strain	17%
Multiple injures	10%
Sprain	2%
Cancer	3%
Hearts	3%

5. Part of body: The City has a data-entry problem with this field. For each year, the leading body part was "Unknown," with around 50% of the claims with an unknown body part. On the claims for which data was collected, in 1998 the leading body-part injury types were:

Multiple parts	17%
Backs	7%
Knees	5%
Hearts	4%

During 2002, on claims where the data was entered, the leading body-part injury types were:

Multiple parts	18%
Backs	9%
Knees	5%
Hearts	5%

6. Source of injury: The City has a data-entry problem with this field. For each year, the leading source of injury was "Unknown," with around 50% of the claims with an "Unknown" source code. During 1998, the leading source of injury factors other than "Unknown" were:

Continuous trauma	16%
Overexertion	15%
Trip	4%
Disease	2%
Struck	2%

During 2002, the leading source-of-injury factors other than "Unknown" were:

Continuous trauma	19%
Overexertion	19%
Trip	4%
Disease	3%
Struck	2%

#### Availability of Data from Other Public Agencies

Given the limitations of the City's and the County's data-reporting systems, we asked other public agencies to share high-level data with us in order to perform basic statistical benchmarking. This information included number of claims, employees, payroll, litigated claims, paid amounts, reserves, lost days, timely reporting of claims, losses by pay type, nature of injury, part of body, source of injury, and cause of injury. We also comment on any noticeable claim trends. The following organizations responded and have been included in our analysis:

1. Orange County, CA
2. Ventura County, CA
3. Maricopa County, AZ
4. Arizona Counties Workers' Compensation Pool

## PEER COMPARISON — OTHER PUBLIC AGENCIES

	1997/98	1998/99	1999/00	2000/01	2001/02
<b>County of Orange (Sheriff's Department Only)</b>					
Number of claims	248	229	229	252	141
Number of employees	1,555	1,654	1,689	1,713	2,276
Claims per 100 employees	15.9	13.8	13.5	14.7	6.2
Payroll	86,275,134	98,203,934	100,470,510	112,858,949	155,454,957
Paid amounts per claim year	4,123,699	5,837,490	4,697,662	4,849,421	3,912,311
<b>County of Ventura Fire Department</b>					
Number of claims	229	226	240	272	244
Number of employees	454	463	490	539	542
Claims per 100 employees	50.4	48.8	49.0	50.5	45.0
Payroll	42,556,000	41,471,000	46,862,000	49,507,000	52,917,000
Paid amounts per claim year	2,087,288	1,452,664	1,404,072	2,158,337	1,064,907
<b>County of Ventura Sheriff's Department</b>					
Number of claims	314	353	289	294	291
Number of employees	1,261	1,329	1,395	1,421	1,426
Claims per 100 employees	24.9	26.6	20.7	20.7	20.4
Payroll	87,660,000	89,555,000	99,752,000	106,392,000	112,850,000
Paid amounts per claim year	3,039,000	3,174,000	2,260,000	1,254,000	1,705,000
<b>Maricopa County (all employees)</b>					
Number of claims	105	122	138	143	141
Number of employees	13299	14534	14321	15207	15627
Claims per 100 employees	.8	.8	1	.9	.9
Payroll	25,719,000	26,187,000	32,021,000	34,836,000	35,051,000
Paid amounts per claim year	1,660,627	2,944,973	2,720,607	2,327,697	2,762,148
<b>Arizona Counties Workers' Compensation Pool (Sheriff's Department only)</b>					
Number of claims	236	243	242	304	257
Number of employees	1,152	1,241	1,250	1,277	1,252
Claims per 100 employees	20.5	19.6	19.4	23.8	20.5
Payroll	41,946,000	46,154,000	48,466,000	49,540,000	51,564,000
Paid amounts per claim year	665,000	565,000	496,000	817,000	884,000

Governing Policy of Each Unit.

### General

Workers' compensation is highly regulated, taking up more than 1,000 pages of the State Labor Code. In addition, other state and federal laws require employers to follow numerous safety rules and regulations. These occupational safety and health laws are administered by Cal/OSHA and require employers to establish and maintain safe work practices and a safe work environment.

All employers are required to either purchase workers' compensation insurance or be approved for a self-insurance program or legally uninsured program covering all

employees. Employers who fail to purchase insurance or to legally self-insure for workers' compensation benefits are subject to civil and criminal penalties from the state.

Both the County and the City are approved by the State of California to be legally uninsured. The City and County are subject to audit and penalties from the state for failure to properly or timely pay benefits to injured workers. The County and the City must submit annual reports to the state, identifying the number of reported claims, amounts paid, and the estimated future payments on reported claims. After five years, only the remaining open claims are reported.

## County

It is the governing policy of the County that responsibility for workers' compensation is shared among the County departments, the CAO risk management office and County Counsel (for litigated claims). The County Fire and Sheriff's departments have dedicated staff to assist in the reporting and investigation of claims, liaise with medical providers and the operating units on returning injured workers to modified or full duties, and handle disability retirement issues. Safety and loss-prevention staff ensure safety compliance and help develop loss-prevention programs.

## Department Management

The County Fire and Sheriff's Departments have dedicated sworn management and supervisory staff overseeing various workers' compensation functions; however, these sworn officers are rotated to other assignments every two to three years. Because workers' compensation is complex, it takes a couple of years to learn what to do and how to do it right, making the departments' managerial efforts inefficient. The County Fire Department is trying to stabilize this situation and has added a civilian risk manager to perform the workers' compensation functions previously performed by sworn officers. Effective July 1, 2002, the County Fire Department created a Risk Management Division under the direction of a civilian division chief. This position is responsible for ERTW, which also is under the direction of a civilian supervisor.<sup>6</sup>

## County Risk Management

The County Board of Supervisors approved a plan to consolidate workers' compensation with all other risk management functions under a risk manager reporting directly to the CAO.

This new structure allows for a unified effort under strong leadership with the political clout necessary to enforce industry best practices in all areas of risk management. The CAO plays a support role for the departments in providing loss-prevention services and specialized cost-control programs, such as ERTW, unless a department elects to run its own specialized programs (such as the Sheriff's

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<sup>6</sup> Prior to this reorganization, the ERTW Section was in the Administrative Bureau under the direction of a civilian manager and supervisor.

Department). It is the CAO Risk Manager's responsibility to conduct audit and actuarial analyses of the program and to ensure that the departments and the claim processors are performing properly.

The CAO takes an active role in selecting and contracting for TPA claim-handling services and medical-management and bill-review services for the County workers' compensation claims. The CAO also handles budgeting for and payment of claims, including oversight of TPAs, bill-review vendors, medical-management services, vocational-rehabilitation services, computer services, fraud prevention, and return-to-work and other specialized programs.

Under the new structure, the CAO also oversees all other workers' compensation program areas, including litigation and loss prevention. A new risk manager was hired January 1, 2003, and is working to control costs.

#### County Counsel

County Counsel handles litigated claims, including approving and contracting with outside attorney firms to defend workers' compensation litigated claims. Depending on whom you talk to, County Counsel handles 30–50% of the litigated claims with in-house attorneys and uses outside law firms for the remainder of the litigated claims. County Counsel has assigned in-house attorneys to oversee outside law firms. All the County departments, except the elected Sheriff, are held accountable by the Board of Supervisors, which approves service contracts, audits and reports, and program changes, and exercises settlement authority on high-value cases (over \$100,000).

#### Third-Party Claim Administrators

TPA contracts are specific and detailed. Many written directives augment the contracts and numerous compliance logs and reports are maintained to evaluate contract compliance.

The TPAs have extensive procedure manuals and directives for their staffs to follow. The bill-review and medical-management vendor works from written procedures and guidelines and uses industry-established disability and treatment protocols in working with medical providers and injured workers. The medical community has developed these protocols as guidelines for appropriate levels of treatment and disability based upon injury diagnosis. Exceptions to the protocols are reviewed with the health-care provider to develop more effective plans and to prevent runaway disability or treatment.



## City

It now is the governing policy of the City that workers' compensation claims administration is under the direction of the Personnel Department. Safety and loss-prevention activities are the primary responsibility of the individual departments and are supported by the Risk Management & Safety Division of the Finance Department. It is our understanding that the Personnel Department has requested that the City move the safety department to the Personnel Department, which will partially consolidate the program. We support consolidation of all risk management functions, including workers' compensation, into the department best suited to create and direct the best-managed program.

## Personnel Department

The Personnel Department's in-house staff handles the workers' compensation claims for all City personnel except sworn officer personnel in the Fire and Police departments. A TPA, Cambridge Risk Management Services, administers the claims for the sworn office personnel. The Personnel Department has oversight authority over the TPA, including settlement authority on all claims. The Personnel Department's staff monitors activities of the TPA and bill-review vendors.

## City Attorney

Litigated claims for the City are handled by the City Attorney's Office or by outside counsel approved and overseen by the City Attorney's Office. Only outside law firms are used for the City Fire Department. The City Attorney's Office has an attorney assigned to oversee outside firms, but large caseloads do not allow much oversight.

## Chief Administrative Office (CAO)

Budget oversight of the Personnel Department's workers' compensation activities comes from the CAO. Workers' compensation costs for all departments is paid from the Personnel Department's budget. City departments are not accountable for their claims costs. It is the CAO's responsibility to ensure that the Personnel Department is performing properly. Little direct oversight is being accomplished. Although independent claim audits and actuarial studies have been done, budget increases for increased workers' compensation expenses are routinely approved, apparently without review. The Mayor's Office has executive authority over the workers' compensation program and may issue directives to the departments on structure and accountability for the program.

## Fire Department

The City Fire Department has assigned staff in the areas of workers' compensation claims and loss-control services. The Fire Department Medical Liaison Unit assists all units in the reporting of claims, liaisons with medical providers, and the operating units on returning injured workers to modified or full duties. The Unit also handles disability-retirement issues.

The current early-return-to-work (ERTW) programs.

A primary cost factor for workers' compensation claims is the length of time off from work due to disability. Lost time is especially critical for sworn personnel, who receive up to one year of full salary per injury while on workers' compensation disability. Not only does lost time increase salary continuation and temporary disability costs, it increases the likelihood of permanent disability and increases the amount of any permanent disability benefit based upon the injury. Injuries that cause extensive temporary disability are more likely to have long-term complications than injuries that involve minimum or no temporary impairment.

There also is a direct correlation between the amount of lost days from work and medical treatment costs. To combat rising costs, employers have discovered the merit of ERTW programs. These programs are begun as early as possible and are temporary, usually for up to 90 days.

Under ERTW programs, the employee's job is modified or changed to meet the medical restrictions imposed by the treating physician. Studies of ERTW programs suggest that employees returning to modified duties have less temporary and permanent disability, and resulting lower medical costs. This is especially true with sworn public safety officers, as they would have received their full salary whether working or staying at home during this period. The employer receives not only the advantage of lower claim costs, but also the value of the work performed. For sworn officers, returning injured workers to modified duties will free other officers to do the more strenuous jobs or reduce the need for existing staff to work overtime to complete all work duties.

The success of an ERTW program is dependent upon several factors. The treating facility must be willing to allow the employee to return to restricted work and clearly set out those restrictions to avoid aggravation of the injury.

Because police officers and firefighters perform arduous duties under stressful circumstances, many treating medical providers are reluctant to approve returning these

injured workers to modified duties. Additional work and training are needed to convince the treating providers to use the program. This process is aided by the employer having medical control for the first 30 days after injury, unless the employee has pre-designated a physician who meets certain standards. The employer may establish a network of treating facilities that understand and support the employer's ERTW program. Because of this short time frame for medical control, it is imperative that ERTW be implemented as soon as possible after the injury.

ERTW programs require the employer to provide modified jobs or other jobs that meet the injured employee's work restrictions. If the employer fails to provide a job within the work restrictions, the employer remains responsible for whatever temporary disability benefit is available. The modified job also must not be a form of punishment, such as lower wages, unreasonable hours or working conditions, or outside the employee's work restrictions. Unreasonable modified jobs may include those that require the employee to travel much longer distances to work than their regular job assignment. It is the best policy to require the injured worker to return to their place of regular employment to do modified duties.

#### County Fire Department ERTW Program

The County has an ERTW program for all departments other than the Sheriff's, which has its own program. The County Fire Department's ERTW program uses a combination of department personnel under the new County Fire Department risk manager, CAO personnel, the medical-management personnel from an outside vendor, and the TPA's claims adjusters.

The County Fire Department's personnel are charged with reporting industrial injuries to the CAO and TPA personnel, directing the injured employee to the proper treating facilities, making sure the treating facilities know of the department's use of a modified work program, and working with the injured employee and treating facility to obtain the proper documentation on work restrictions and availability of work assignments within those restrictions. They also work with the units to accommodate injured workers and do periodic follow up with workers and providers until an injured worker has returned to full duty. They assist nurses and adjusters in obtaining information required to defend and process claims. On serious claims, they make personal visits to the injured workers at home or in the hospital.

The CAO has oversight personnel for medical managers and claims adjusters, fraud, and other investigators, and vocational rehabilitation personnel if the injured employee requires a modified job or a change in job.

Cases in which an employee loses seven or more days of work are referred to medical-management nurses. The medical managers do telephonic medical management, which includes discussing the case with the injured worker and physician to resolve any problems or disputes. The nurses use their medical backgrounds and

established treatment and disability profiles to better obtain the cooperation of the treating facility and the injured worker.

The nurses also inform adjusters of the appropriateness of the provider's proposed treatment plan and the expected length of disability. They may also recommend alternative solutions, such as referral to a medical specialist.

Upon approval of the CAO, field case managers may be assigned to more serious injuries or complex medical issues. Field case managers visit the medical providers and injured workers and help all parties ensure the injured worker receives all the proper treatment needed to effect the best possible recovery. Field-case management is used only on a small number of cases. As of December 31, 2002, there were 35 open claims under field-case management for the County Fire Department and only 15 for the Sheriff's Department.

The TPA claims adjuster is responsible for determining the acceptance or denial of the claim and, if accepted, to pay timely and accurate benefits according to the statutes. To be legally excused from paying, the adjuster must determine if the employee is working or is capable of working and has been properly offered modified work.

#### County Sheriff's Department ERTW Program

The County Sheriff's Department handles its ERTW program with its own staff of employee-relations specialists in the Health and Safety Unit. In addition to ERTW duties, these specialists assist the units with claim reporting, assist the TPA in obtaining needed information to defend claims, and work with employees who have non-industrial disability issues or problems. They also work with employees on retirement issues (including disability retirement) and on vocational-rehabilitation issues. Their role in ERTW includes monitoring the employee's work status, working with the provider on modified work duties and restrictions, and interfacing with medical-management personnel. They also handle death-related issues and make personal visits when needed on severe-injury cases.

#### City Fire Department ERTW Program

The City Fire Department assists in the handling of its ERTW program with its own dedicated staff in the Medical Liaison Unit. Using its own database system, the City Fire Department tracks and works with every injured worker who loses time from work. (This database does not interface with the claims system database.) The City Fire Department staff assists the TPA's adjuster, the medical provider, and any assigned medical-management nurse to ascertain an injured employee's work restrictions and provide a temporary modified job (up to 90 days) within the Department.

Staff also assist the employee, the injured employee's unit staff, and the TPA with any questions or information requests. If needed, they also provide information on

appropriate treating facilities and medical specialists. Should the injured employee's unit not have an available position, they actively contact the departments' units to establish a job bank of available modified duties. Approximately 40% of injured Fire Department employees with work restrictions now are receiving modified duties under the program.

## Policy Concerning Medical Providers

### General

Medical providers play a critical role in any workers' compensation claims program. Workers' compensation rules and regulations are structured so that issues of causation of injury, nature and extent of temporary and permanent disability, and need for vocational rehabilitation benefits are based on medical evidence and not the opinion of the injured employee or the employer.

Legislative changes in 1994 led to the treating doctor's opinion on medical and disability issues being presumed to be correct. Many industry experts believe these changes have caused increases in medical usage and increased disability as providers not familiar with workers' compensation or providers selected by the injured employee became the provider of record. Legislation effective in 2003 attempts to restrict these presumptions and to allow for other medical options, but it is too soon to determine what the impact such changes will have on long-term program costs.

Employers usually have medical control of claims for 30 days after the date of injury. It is important that during this control period for the employer to direct the injured worker to medical facilities best equipped to handle the employee's medical condition. Such facilities should have personnel experienced in the treatment and reporting of workers' compensation claims, share the employer's philosophy regarding ERTW programs, abide by medically established standards for disability and treatment protocols, and provide services at competitive rates.

It is best if the medical provider is part of a PPO network that accepts discounts to the state-regulated fee schedule and communicates with the employer, TPA and medical-management staff to ensure best claim outcomes and the timely provision of all benefits. The use of PPO networks extends to other medical services, including hospitals, physical therapy, drugs, testing, medical equipment, and referral to medical specialists.

There are various PPO networks that compete for business. PPOs are typically evaluated on size, geographical strength, and competence of their providers. Because County and City facilities and workforce are spread out geographically, there must be a choice of providers over a wide area. Networks typically charge a percentage of savings under the fee schedule, making it attractive for both parties. There can be secondary

and tertiary networks under contract. Should the provider not be a member of the primary network, it may be a member of another network offering discounted rates.

The goal is to promptly provide the best and most-effective medical treatment in order to minimize the amount of disability and reduce long-term medical costs. If an employee is satisfied with the medical treatment provided, they tend to stay with the provider past the employer's period of medical control.

There are a variety of obstacles to employer control of medical treatment for injured workers. The law provides that employees may get immediate treatment with their own choice of provider should such provider meet certain conditions (including having previously treated the injured worker and having the medical expertise to treat the specific injury). For example, if an employee designates a chiropractor as his or her treating doctor but suffers an eye injury, the employee may not use the chiropractor and must go to the employer-selected facility.

Although little pre-selection is used by employees, pre-selection is used by employees who have had previous injuries and through litigation or other means have used other providers. Other examples include the employee not knowing that an injury is a work-related problem and going to the family doctor for treatment, or having a medical condition whose work relationship is questionable, such as a heart condition. Employees who go to their union or an attorney first to discuss their medical problems are allegedly often directed to providers other than those recommended by the employer.

In cases of severe injury, the employee will be taken to the nearest appropriate medical facility without regard to employer control or network affiliation. There may also be instances when the department supervisor is not familiar with workers' compensation procedures and allows an injured employee to go to the employee's selected facility. Although it is possible to assume medical control within the time period, from a practical standpoint, changing from a current care provider should be done only when the employee is dissatisfied or already needs a change of provider. Disputes over medical care are a leading cause of litigation and increased claim costs.

Another critical area is referral to a medical specialist. When the medical condition becomes too complex for the treating physician, referral to a specialist may be required. It is important to have the injured employee referred to a specialist who is part of the PPO network with a proven record of successfully treating similar injuries. Because TPAs and managed-care firms keep a panel of specialists with which they are familiar, they are responsible in the selection and oversight of the specialists. Early referral is important to prevent medical conditions from escalating into more serious problems.

The objective is to provide the best care up front to prevent the need for long-term care or a less-than-optimum medical result. The departments also have input into

the chosen specialists because they also have knowledge of prior results from similar employee injuries.

### County Fire Department

The County Fire Department uses a panel of medical providers composed of facilities that have treated injured workers in the past and providers recommended by the TPA and the medical-management firm, CorVel Corporation, which provides the networks. They use multiple networks and have a penetration rate<sup>7</sup> of about 40%. This low percentage is mostly attributable to (1) the use of hospitals for emergency treatment, (2) the use of employees' health care providers, and (3) the long-time use of providers that do not want to join the network.

The leading providers not in the network were County's health-plan providers, Kaiser Permanente and Southern California Permanente. The next largest group of non-network providers came from doctors used by applicants' attorneys to support legal filings.

The use of PPO networks extends to other medical services, including hospitals, physical therapy, drugs, testing, medical equipment, and referral to medical specialists. These network providers are not only familiar with workers' compensation issues and reporting, but also accept discounts to the California workers' compensation fee schedule.

The network providers were able to generate total network savings of over \$1.8 million for the first 11 months of 2002. For the same 11-month period, they reduced providers' billed amounts to the fee schedule, saving the Fire Department more than \$8.4 million. Total savings of more than \$10.2 million were generated on \$23.6 million in billings, a savings of 44% before fees and 39% after fees.

### County Sheriff's Department

County Sheriff's Department uses a panel of medical providers that is a combination of facilities that have treated injured workers in the past and providers recommended by the TPA and medical-management firm, CorVel Corporation, which provides the networks. The Sheriff's Safety and Health Unit takes an active role in the selection and review of the treating facilities. Because the County Sheriff's Department uses the same vendor as the Fire Department, CorVel Corporation, they use multiple networks and also have a penetration rate of about 40%. While this number is low by

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<sup>7</sup> Number of network providers providing first treatment divided by the total number of first providers.

industry standards, it is mostly accounted for by the same reasons as the Fire Department; use of health care providers, applicant doctors, and facilities that do not want to join the network.

The use of PPO networks extends to other medical services, including hospitals, physical therapy, drugs, testing, medical equipment, and referral to medical specialists.

The network providers were able to generate additional total network savings of more than \$3.3 million for 2002. For 2002, they reduced providers' billed amounts to the fee schedule, saving the Sheriff's Department more than \$24.9 million. Total savings of over \$28.2 million were generated on \$65 million in billings, for savings of 44% before fees and 41% after fees.

The County Sheriff's Department also has developed a specialist panel and works with the TPA on selection of medical specialists.

#### City Fire Department

The City Fire Department takes an active role in the selection of medical providers through its Medical Liaison Unit (MLU). The MLU uses a panel of medical providers composed of treating facilities that have successfully treated injured workers in the past and providers recommended by the TPA and the medical-management firm, Diversified Risk Services, which provides the networks. Although only one network is used, it is the largest in California, and the penetration rate for first providers was around 50%. Reasons given for not using network providers were emergency treatment, healthcare providers, and legal representation.

The use of PPO networks extends to other medical services, including hospitals, physical therapy, drugs, testing, medical equipment, and referral to medical specialists.

The network providers were able to generate network savings of more than \$1.7 million for the period June 2002 through December 2002. For the same period, they reduced providers' billed amounts to the fee schedule, saving the City Fire Department almost \$5.4 million. Total savings of almost \$7.1 million were generated on \$12.9 million in billings, for savings of 55% before fees and 52% after fees.

The City Fire Department also has developed a specialist panel and works with the TPA on selection of medical specialists.

#### Current Safety/Loss-Prevention Programs

All departments have published guidelines and manuals for their employees on how, when, and where to report claims; how and where to obtain proper medical treatment for injured workers; and how to assist off-work and disabled workers. These guidelines outline the responsibilities of the various departments and vendors in charge



of the workers' compensation program. Safety and loss-prevention guidelines also are provided on a consultative basis by the County and City safety personnel.

## County Fire Department

Effective July 1, 2002, a Risk Management Division headed by a civilian chief was created to consolidate and coordinate risk management activities. A captain is assigned as the Safety Officer reporting to the Risk Management Division Chief. In addition, each of the three Operations Bureaus has a Safety and Training Captain assigned. Many of the Training Captains in the Training Bureau also are incident safety officers.

Other units such as Technical Operations, EMS Section, Training Services Section, Visual Education Section, and Health Program Coordinator perform a variety of safety and safety-related functions.

Although the Fire Department currently has a written safety program that details a command structure for loss-prevention response, it does not address the delivery of loss-prevention activities. A safety committee chaired by a battalion chief is updating the Fire Department's safety program and developing a strategy for coordinating and improving loss-prevention efforts in the Department. This committee consists of firefighters, EMTs, paramedics, officers, civilian employees, and the recently appointed Fire Department Risk Manager.

Firefighters state that this new written safety program, in addition to effecting compliance with all rules and regulations for the Department, will serve as a guide to safety and loss-prevention training. It is anticipated that the new safety program will describe procedures for workers' compensation as well as liability claims handling and specific training to reduce the frequency and severity of claims.

## Sheriff's Department

Loss-prevention activities at the Sheriff's Department are the responsibility of its Risk Management Bureau for which primary responsibilities include:

- Employee safety
- Administration of the formal ERTW program
- Claim and litigation coordination with County's TPA

The workers' compensation section of the Risk Management Bureau is supervised and managed by a lieutenant on an assignment that typically runs for only two years. The primary function of the workers' compensation section is to manage the ERTW program for the approximate 8,000 open claims. The ERTW program is administered by a staff of six senior employee representatives. Staff also meets monthly

with the Sheriff's workers' compensation TPA and County Counsel to review claim status.

In addition to managing the ERTW program, the Risk Management Bureau's workers' compensation section is responsible for employee safety. A sergeant sworn officer is assigned to work in an advisory capacity with the various Sheriff's bureaus and safety coordinators and maintains the Cal/OSHA log of accidents.

There is no single loss-prevention program adopted for the Sheriff's Department as a whole; each Sheriff's unit is responsible for developing and implementing its own program. We were told that the Department requests and receives training and support from Employee Support Services (ESS) loss-prevention personnel.

### City Fire Department

Safety and loss-prevention functions and activities at the City Fire Department currently consist of the following:<sup>8</sup>

- A single City Fire Department Safety Officer reporting to the Human Resources Bureau.
- A Medical Liaison Section consisting of two captains assigned to the Operations Bureau. The primary function of this section is to perform workers' compensation claims case management and administration of the City Fire Department ERTW program.
- A Wellness/Fitness Program consisting of a captain (kinesiologist) and a professor of exercise physiology contracted by City Fire Department, assigned to the Operations Bureau. The primary purpose of the Wellness/Fitness Program is to prevent accidental injuries and reduce the severity of work-related injuries through a program that strengthens mental and physical well-being.
- A Stress Management Section consisting of a civilian part-time psychologist assigned to the Human Resources Bureau. The Stress Management Section is charged with responding to individual members' needs regarding occupational stress. In addition to the civilian part-time psychologist, City Fire Department contracts with private-practice mental health providers on an as-needed basis.
- A Quality Improvement Section composed of three Divisional "Quality Units," each staffed with a captain/paramedic and supervised by a battalion chief.

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<sup>8</sup> Some sections, such as the Medical Liaison Unit (MLU), perform functions that are not pure safety and loss-prevention functions, such as claims case management and administration of the ERTW programs, which are more closely identified as a claims management function.

This section monitors the delivery of paramedic and EMT services, investigating complaints and reviewing procedures.

- Commanders and safety coordinators at the fire station level who are responsible for completing first report of occupational injury forms and coordinating safety activities with the Safety Officer
- An Injury and Illness Prevention Committee focusing primarily on personal-protective and security equipment.
- Recruit and in-service training addressing a variety of occupational and third-party safety and loss-prevention issues, including driver safety training.

Other related non-departmental activities include:

- The Workplace Safety Section of the Risk Management & Safety Division coordinates citywide safety and loss-prevention activities and provides technical assistance on a consultative basis to City Fire Department
- The City Attorney's Office, which handles third-party claims and litigation.
- The City Personnel Department, which processes workers' compensation claim payments and maintains information about workers' compensation injuries and claim payments.

Training for internal supervisors of individual units.

## County

County operating unit supervisors are provided procedure manuals that cover the basic requirements for reporting workers' compensation claims, processing all paperwork, including supervisory injury reports, and the on-going monitoring of injured worker requirements.

For County departments, besides the department's staff dedicated to the program, the various monitors from the CAO are available to assist the units, as is the staff at the TPA and County Counsel. On occasion the CAO's staff or the monitor will conduct training sessions on various aspects of the program. The TPA staff and County Counsel have given special classes as well, but on an infrequent basis. However, none of this is done in a formal process or on a regularly scheduled basis.

Although law-enforcement and firefighter recruits receive intensive training regarding policy and procedures, there is little formal loss-prevention or safety-management training for the Sheriff and County Fire Department managers and

supervisors. As part of Sergeants' Supervisory School, newly promoted County Sheriffs sergeants do receive three hours of training in workers' compensation claims reporting and related issues.

## City

The same process is followed by the City; however, both the Personnel Department and City Attorney have less staff than the County to assist the departments and there are no regularly scheduled training sessions.

In addition, the management of some of the Fire Department's units are rotated every couple of years to new assignments. This means that the managers and supervisors familiar with the intricacies of workers' compensation and in the position to affect the program are regularly replaced with those who lack the knowledge and skills necessary to best run the program. The specialized departments that oversee workers' compensation need stable civilian oversight to ensure program continuity and to provide a consistent training program for supervisors.

Although firefighter recruits receive intensive training regarding policy and procedure, there is no formal loss-prevention or safety-management training for City Fire Department managers and supervisors.

## Case Management

In the last decade, industry best practices have been developed in the field of medical management, especially case management, where medical professionals (usually nurses) use their professional training to help the claims adjuster, the medical provider, and the employer deal with increasingly complex medical claims.

Among the duties performed by case managers are steering the injured worker to the best medical providers, authorizing appropriate treatment and testing using medically established guidelines, coordinating ERTW programs using medically established guidelines, contracting for reduced rates with providers, and assisting the injured worker with medical treatment and return-to-work issues.

Effective medical management is done by assigning medical management as early as possible on those cases with potential for serious disability and extended or expensive medical care. Medical management is not needed on cases that fall within industry established medical and disability protocols. For routine cases, medical management may be done telephonically. On the more serious injuries, such as hospitalizations and surgeries, field-case management may be required.

Usually standard injury and diagnostic profiles are created that determine what type of cases should be given to medical management. Once the treatment plan and

the employee are working, medical management is no longer needed until medical disputes arise that cannot be routinely handled.

Medical management may be integrated within the TPA where adjusters and nurses work together to obtain the best outcomes. These services may be built into the TPA's fees or priced separately. Independent vendors also may provide medical management on a flat-fee, fee-per-claim, or hourly basis. They work with the employee, employer, and adjuster per specific guidelines.

#### County Fire and Sheriff's Departments

The County contracts for case management with an outside vendor, CorVel Corporation, for medical case management. CorVel also performs the County's bill-review services. County pays on a fixed-fee basis for telephonic case management and on an hourly fee basis for field-case management. They use pre-designated protocols for what cases will be assigned to case management and must obtain County approval to use field-case management. Field-case management is limited to up to 20 hours of work without additional approval being required from County.

The effectiveness of and savings from medical management are hard to measure because they result from subjective elements such as treatment and disability, which may have been avoided or modified by the actions of the nurse. In addition, on activities such as ERTW, other individuals are working with the injured employee and medical provider to return the employee to work. These include the claims adjuster from the TPA, the County monitors, and the department's own return-to-work staff. This overlap of services and contacts can lead to work duplication and confusion among providers and employees as to whom they are to report.

CorVel Corporation provided statistics on the success of its medical-management program. For the County Fire Department, these statistics showed 198 files currently open for telephone case management (TCM) and 35 for field-case management (FCM). The average TCM file was open for 3.6 months and generated fees to CorVel of \$634 and savings to County of \$10,550. The average FCM file was open for nine months and generated fees of \$2,290 and savings of \$9,261.

For the Sheriff's Department, as of December 31, 2002 CorVel reported only 12 files currently open for TCM and 15 for FCM. The average TCM file was open for 6.3 months and generated fees of \$975 and savings of \$12,697. The average FCM file was open for 9.4 months and generated fees of \$2,622 and savings of \$8,750. The County Sheriff's Department takes a more active role in ERTW and uses less medical management.

For the County Fire and Sheriff's departments combined, the ERTW outcome of closed cases that received medical-management services was 84% returned to full

duty, 5% returned to modified duties, 6% received vocation rehabilitation into a new job, 2.5% retired, and 2.5% remained on temporary disability.

## City Fire Department

The City contracts with its claims TPA, Cambridge, including fees for telephonic medical case management. Cambridge has two nurses on staff who provide these services for the Fire and Police departments. The nurses use pre-designated protocols to determine which cases will be assigned to case management and must obtain City approval to use field-case management on a claim. Field-case management is provided by an outside vendor, approved by the City, and billed at approved hourly rates.

Because the City's software system (which the TPA must use) does not track medical-management statistics such as lost days, diagnosis code, or even cases assigned to medical management, no medical-management statistics are available.

## Incentives to Improve the System

### County Fire and Sheriff's Departments

Currently there are limited incentives for the Fire or Sheriff's Department to improve their workers' compensation loss exposure. Although these departments are charged for program costs in their budgets, it is unclear whether the departments fully understand the process and as a result may feel somewhat powerless to control or contest the cost allocations.

The County Sheriff's Department has taken a more active role in handling certain areas of the workers' compensation program, such as ERTW program issues, subrogation, fraud, and vocational rehabilitation, but has obtained mixed results. While there have been improvements in fraud investigation, the costs of the vocational rehabilitation program have increased. Other results, such as ERTW, do not have sufficient data to compare, but the payment of \$4850 benefits has increased.

The County Fire Department has relied more on other County departments (such as the CAO and County Counsel) and the TPA to control costs, but it has begun a risk management program to achieve better cost controls.

## Incentives for County TPAs

There are now some incentives (positive and negative) in the TPA contracts for meeting negotiated claim-handling objectives. Performance above contract standards results in a percentage increase of fee. Below-standard performance results in a fee decrease. Although we support this general strategy, results are being offset by the County's zero-tolerance policy regarding penalties and excess costs. This unrealistic

standard negates the benefits of an incentive-based program and has created an adversarial working relationship between County and the TPAs. The resulting poor working relationship is counterproductive to promoting beneficial claims outcomes.

The TPAs should be encouraged to develop cost-control programs for which they can share in the savings with the County. Because any added TPA compensation would result from additional savings to the County, it would be a win-win situation for all parties. Although the County's monitoring program has remained fairly static over many years, the TPAs have had experience with other cost-saving programs and clients that could benefit the County.

#### Incentives for County Bill Review and Medical Management

The bill-review vendors are not paid by incentives for all services they perform. If the provider is part of the Preferred Provider Organization (PPO) network, the organization also receives a percentage-of-savings discount between the reduced, fee-schedule payment and the negotiated network discount.

One way to further expand savings is to allow the bill-review firm to negotiate quick-pay discounts to non-network providers. Some providers will discount their fees if they are paid quickly. Savings can be as high as 10–20% compared to current practices where the provider has to wait for its bill to be approved and paid in the normal course of business. A quick-pay system requires a guaranteed fast approval and turnaround of the payment from the County Finance Department, which may not be possible using current procedures.

Another method to increase savings would be to expand the use of PPO networks. Although providers may not be members of certain networks, they may be a member of others. Besides using the bill-review companies' PPO networks, it also may be possible to use the TPA's negotiated PPO networks to improve discounts.

If the County changes the way it compensates outside law firms from a flat fee to a per-hour basis or per-task basis, a more formalized legal-bill-review process needs to be set up. The bill-review company may then be paid incentives for lowering legal bills. There are vendors that specialize in this area of cost control.

#### Incentives for County Litigation Cost Control

Because outside law firms are paid on a flat fee-per-claim basis, their financial incentive is to close claims as soon as possible with the least amount of work.<sup>9</sup> Under such an arrangement, the longer a file is open and work performed, the less profitable the case becomes to the attorney. In practice, this problem is compounded by the fact that the attorneys have the authority to settle the claims without approval of the TPA or

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<sup>9</sup> This information obtained from the TPAs and the CAO claim monitors.

CAO. It is in the law firms' best financial interest to settle the claim and not necessarily to improve the outcome of the claim. This fee-structure program for outside law firms is currently under review by County Counsel.

Subrogation is an area that the County has incentives for outside law firms to collect monies from negligent third parties by sharing in the recovery with the County. These firms take over the handling of potential subrogation claims when more than \$3,000 has been spent on the injured employee's claim. On claims with less than \$3,000 in expenditures, the TPA is to reclaim the money from the third party as part of its servicing fees. Because there is incentive to pursue the collection, the TPA adjuster often perceives it as more burdensome than productive.

#### Incentives for City Fire Department

There are no direct financial incentives for the Fire Department to improve its workers' compensation exposure. City departments, including the Fire Department, are not charged for workers' compensation program costs, which come out of the Personnel Department's budget. City Fire Department personnel do not fully understand the process and feel somewhat powerless to control costs.

#### Incentives for City TPAs

Currently there are no incentives in the TPA contracts for meeting claim-handling objectives. The TPA should be encouraged to develop new cost-control programs for which they share in the savings. Because any additional compensation to the TPA would be out of additional savings to the City, it would be a win-win situation for all parties. Although the City's monitoring program has remained fairly static over many years, the TPA will have had experiences with other cost-saving programs and clients that would benefit the City.

#### Incentives for City Bill Review and Medical Management

The bill-review vendor is paid on a flat-fee basis for bill-review services, not by incentives.

#### Incentives for City Litigation Cost Control

No incentives are currently in place because the City Attorney's Office handles subrogation recoveries.



## **Culture of the Workplace toward Workers' Compensation**

Any discussion of work culture is inherently subjective and this is true of our comments regarding the Sheriff and Fire departments included in this study. Historically, however, for large public agencies, police, fire, and sheriff's departments have a paramilitary culture with operating systems and attitudes different from other departments without sworn staff. Such departments tend to follow a stricter chain of command, adhere to more rigid job duties and job functions, but receive more in the way of benefits (especially workers' compensation benefits) than other departments. Given the more strict work framework and work schedules, sworn officers are more actively unionized than workers in other departments.

In general, sworn officers pride themselves in performing high-risk, high-stress emergency-service jobs, with many officers shrugging off minor injuries in favor of continuing to work. When officers are seriously injured and unable to perform their normal duties, some officers resist ERTW positions. Because of the favorable nature of the workers' compensation laws toward disability benefits and presumptions of injuries due to medical conditions such as cancers and internal disease, we believe some injured officers seek to extend benefits in preparation for retirement or to protest policies or procedures they do not want to follow, such as performing light-duty jobs under ERTW programs.

The result of these factors and attitudes is that many sworn officers view workers' compensation as a discretionary program to be used in anticipation of retirement. Because there is little accountability for workers' compensation injuries and costs, some field officers and managers may become indifferent to program performance. These attitudes of some officers and the inherently dangerous work environments show up in the high incident rates for reporting injuries.

In 2002 the County Fire Department had an incident rate of 38 reported claims per 100 employees; the County Sheriff's Department had an incident rate of 27 reported claims per 100 employees in 2002, and in 2002 the City Fire Department had a rate of 48 reported claims per 100 employees. This compares with the County as a whole (including the County Fire and Sheriff's departments) of 12 reported claims per 100 employees in 2002.

As previously reported, there is a high percentage of older employees reporting claims in these departments and they are costing more money per claim than claims by younger workers.

## **Process Used to Identify and Evaluate Fraudulent Claims.**

### **Abuse by the Medical Community**

Under the California Labor Code, it is the employer's responsibility to provide all medical treatment necessary to return injured employees to their pre-injury condition or to a state of maximum medical improvement. Because workers' compensation is the last (nationwide) full-pay medical system without overall dollar limits, deductibles, or co-pays by employees, abuse by medical providers falls into the areas of over-treating, over-testing, unnecessary procedures, extending the periods of disability, and inflation of the extent of disability.

Because the state legislature has never approved standard treatment or disability protocols, disputed issues of appropriateness and necessity of medical care are resolved in litigation by workers' compensation judges. The judges have the power to penalize the employer up to 10% of the cost of all medical treatment, not just the treatment objected to, if the judge finds a failure of the employer to provide reasonable care.

Because employees have the right to choose their own medical provider, either through pre-designation or after the statutory period of employer medical control (30 days for the County and the City), medical providers that specialize in treating injured workers for unions, applicant attorneys, and disgruntled employees have flourished. The majority of litigation against the City and the County for sworn officer workers' compensation claims is by these law firms.

Typically these law firms refer the injured employee to doctors with whom they have close rapport. This referral makes implementing ERTW and medical-management treatment plans much more difficult. Once an injured employee has litigated claims or goes to their own selected doctor, they generally will do so again if they have another injury. They also provide more treatment, driving up medical costs. The state legislature is trying to add surgery centers to the fee schedule, but has been unsuccessful to date.

Historically medical abuse is shown by the differences in the cost to treat the same medical condition under work-related injuries versus non-work-related injuries.

### Abuse by Individual Managers

There is not much opportunity for financial abuse by managers because the workers' compensation programs are so divided between the organizations' various departments, TPAs, bill-review companies, and medical-management personnel that no one person has much control over the overall process although there may be the possibility of collusion.

Although the TPAs are responsible for authorizing and issuing payments, checks are approved by one department in the organization and printed in another. There are financial audits to determine if payment guidelines are followed, and there are claim monitors to review the activities of the TPAs. There is, however, little oversight of what the CAO is doing at the County or what the Personnel Department is doing at the City level.

Because unit managers are not held accountable for their unit's workers' compensation costs, abuse, if any, stems from neglect or indifference rather than direct financial abuse.

### Abuse by Individual Claimants

For both the County and City departments studied, there does not appear to be evidence of significant direct fraud involving fabricated claims. Both City and the County workers' compensation program TPAs have written anti-fraud procedures and guidelines and staff are trained to investigate potential fraud cases and to refer such cases for legal prosecution if fraud is suspected. However, because of the difficulty in proving fraud, the total number of fraud cases referred to the District Attorney's Office for prosecution is fewer than 20 per year for the three departments studied and most are not pursued.

However, the structure of the workers' compensation system that rewards time off from work and provides for disability for permanent residuals based upon the employee's objective and/or subjective complaints can contribute to claim abuse. Such abuse takes the form of exaggeration of need for disability and medical treatment, staying off work when able to work, adding other medical and psychological conditions to existing injuries, exploiting injuries for disability retirement purposes, and avoiding limited duty to collect additional disability benefits.

These factors may be contributing to the dramatic increase in §4850 and medical benefits documented in this report.

Because §4850 benefits allow injured sworn officers to make their full salary tax-free for up to one year post injury, there can be an incentive for some employees to

remain off work on disability rather than returning to regular or limited duty. Because §4850 applies to all injuries, employees are able to report new claims if medical problems to the same part of body arise, as opposed to reopening the old claim.

Because permanent disability is available for subjective complaints without objective findings, some injured employees abuse the system by reporting continuing complaints from their injury. This phenomenon is almost non-existent on non-work-related injuries where treatment generally results in improvement. The method of obtaining these additional benefits comes from findings contained in the treating doctor's reports. When such abuse occurs, the medical system also suffers the cost of unnecessary treatment and testing. This may partially account for the dramatic rise in medical payments in the last year with the County Sheriff's Department up 24% and the County Fire Department up 52%.

Workers' compensation abuse also can occur when employees with job-performance problems file workers' compensation claims as an excuse for poor work performance or in retaliation for actual or pending employer discipline. Because the litigation process favors the employee, such abuse is a way for the employee to combat job-performance issues or enhance or speed up retirement benefits.

Such abuse is extremely difficult to detect and prevent, and because the system favors injured workers and rewards disability in ways described above, abuse will continue to be a major contributor to workers' compensation costs.

### Action by Unions

Tracking data from TPA's shows that in the majority of all litigated cases unions refer injured workers with workers' compensation issues to one or two law firms that specialize in sworn officer cases. Although the unions probably will continue to support the expansion of benefits to injured workers, they should support programs to prevent industrial injuries.

### Plans Are In Place to Address the Problem

#### County

##### County-wide Plans

Based on recommendations contained in recent risk management organizational studies,<sup>10</sup> the County has consolidated risk management, claim administration, and loss prevention/safety functions under the direction of a recently appointed the County risk

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<sup>10</sup> Evaluation of Risk Management Program, May 22, 2001, Warren, McVeigh & Griffin, Inc. Evaluation of Risk Management Role of The County Counsel's Office, November 9, 2001, Warren, McVeigh & Griffin, Inc.

manager reporting to the Chief Administrative Officer. The new risk manager is in the process of reviewing the existing program elements, recommendations for change, and developing strategies to improve performance. The County is in the process of upgrading the workers' compensation claim software system which will allow for better data tracking and trending. The new system also will allow for the departments and the TPAs to generate and print standard and ad hoc reports and to perform their own trending analyses. We understand there have been some delays in the implementation of the new system and it is unclear when full implementation will be complete.

The CAO Risk Management Branch recognizes that much of the increase in the County's workers' compensation costs has come from the legislature in the form of additional and expanded benefits. With the legislature's passage of AB 749, the latest mandated benefit increases took effect on January 1, 2003, and provides for additional benefit increases to take effect over the next three years.

The CAO has staff working with other public agencies and industry organizations in trying to obtain workers' compensation legislative reform.

The CAO is attempting to negotiate settlement of the disputed penalty and excess cost issues with the various TPAs.

Although there has been extensive oversight of the TPA function by internal CAO staff, there has been limited oversight as to how the County Counsel's Office and outside law firms have performed.

The CAO is in the process of obtaining bids for an actuarial analysis of its workers' compensation claim payment obligations, but needs to make such analysis a regular process. The last actuarial study was performed in 1998.

The CAO is working on improving cooperation between the staff that handle workers' compensation claims and those that handle other disability and benefit programs, such as short- and long-term disability and healthcare benefits. An integrated approach could protect against employees obtaining an overlap in benefits and brings medical and case-management principles to help control costs to the other program areas.

The CAO is currently competitively bidding bill-review and medical-management services and will look at alternatives to improve these programs.

#### Department Plans

The County is implementing numerous organizational changes to improve and coordinate risk management activities. For example, the County Fire Department has created the position of risk manager to better evaluate risk factors and develop loss-prevention programs and procedures to reduce risk exposure. We think this is a step in the right direction.

The departments are working to implement a more aggressive ERTW program to return injured workers to temporary, modified duties while they recover from work injuries. This approved plan needs full support of top management to reduce both disability and medical costs while increasing work productivity.

To obtain better outcomes, the departments have expanded the communications process on workers' compensation issues to include scheduled meetings and expanded use of email with other County departments, the TPAs, and law firms. Joint meetings are now scheduled to discuss claims and other open issues. The development of a team approach with integrated information is critical to maximizing results.

A key element in the communication, tracking, and analysis of claim and loss data is the pending implementation by the CAO of an upgraded claim software system for use by all departments. It is anticipated that once department staff are properly trained, the various departments will be able to access the system and run their own management and trending reports. Although there have been some problems and delays in rolling out this system, it is possible that the departments eventually will be able to replace or integrate their own separate reporting and tracking programs with the new claims system.

The County has increased its fraud-prevention awareness and investigation activities. The Sheriff's Department now has staff that investigates and prepares potential fraudulent claims for prosecution. The CAO does the same for the County Fire Department.

The County is increasing its training efforts for the TPAs and departments on industry, legal, technology, and procedural issues. We encourage training and recommend a formal, scheduled training policy be implemented.

The CAO is analyzing how it selects and assigns outside claim investigators to provide claim investigation and claimant-surveillance services. Currently the investigators are assigned on a rotational basis without consideration of expertise, ability, or geographical location.

#### Plans for County TPAs

Current plans for the TPAs include resolution of contract issues and deployment of the upgraded computer-software system. The TPAs will then be able to run their own management and trending reports. The TPAs are also part of the increased meeting and communication procedures now in place. The TPAs are also part of the expanded training process and should add their expertise to the training of the departments.

More emphasis is now placed on resolving cases with potential future medical costs. With medical inflation and new, costly treatment and testing procedures entering the marketplace, it is crucial to finalize medical expenses wherever possible.

During the past year, increases in medical payments exceeded all other categories, with the County Sheriff's Department payments going from \$27,991,329 in 2001 to \$34,689,023 in 2002, a jump of 24%. An even more dramatic increase was at County Fire Department, with medical payments increasing from \$8,759,810 in 2001 to \$13,289,887 in 2002, a 52% increase.

Formal procedures have been implemented to actively defend claims that have the potential for 100% permanent disability awards. These are the most costly claims because instead of an injured employee collecting a weekly permanent disability rate for a scheduled period of time (which has a maximum benefit payout of \$230 per week for 2003 injuries, rising to a \$270 per-week maximum for 2005 injuries) in 100%-permanent-disability cases the injured employee is entitled to their temporary disability rate for life. The current maximum temporary disability rate is now \$602 per week for 2003 injuries and is going up to \$840 per week in 2005. It will adjust each year thereafter for inflation, based on average weekly wage.

#### Plans for County Bill Review and Medical Management

The CAO is currently out to bid for bill-review and medical-management services and will look at alternatives to improving those programs. We encourage that analysis be based upon claim outcomes and not based solely on fees of the service providers.

The CAO has extended its meeting-and-review process to include the bill-review and medical-management provider. The County also is trying to analyze the use of providers to develop better treatment and costing patterns. This analysis also will be used to add and remove providers from the PPO network, lowering overall program costs.

The CAO currently is trying to evaluate the effectiveness of the nurse-case-management program. An objective part of the CAO's review of bill-review services is to expand the computer system reporting capabilities and its integration with the bill-review/medical-management vendors reporting system.

#### Plans for County Litigation

County Counsel controls the litigation program and has issued new operating instructions to both outside law firms and in-house attorneys on the handling of litigated County workers' compensation claims. Part of this process included the assigning of in-house attorneys as liaisons with outside firms and with the TPAs to resolve litigation, communication, and procedural issues. We support this process.

Included in the new litigation procedures is expanded use of email and other means of documented communication to help all parties better defend claims against the County. County Counsel has become more active in meeting with departments, the TPAs, and other interested parties in developing defense strategies and plans of action

to best defend cases. County Counsel conducts training sessions on changes in the law and defending claims. We endorse these efforts.

County Counsel is currently reviewing its method of compensating outside legal firms as part of a trial program to handle some claims on fee-for-service basis and compare the results with the current flat-fee basis.

## City

### City-wide Plans

Although this study did not include an overall risk management organizational review, we support the consolidation of all risk management functions (safety, risk management, claims administration, etc.) to the department best able to manage the workers' compensation program and all other risk management functions.

The Personnel Department has put forward a 10-step plan to upgrade the workers' compensation program. Included in the plan are:

1. Preemployment safety standards, such as good driving records
2. Safety issues added to employment testing
3. More safety-specific policy-level directives
4. Merit pay at General Manager level for lowering claim and improved reporting
5. Improve data sharing and evaluation with departments
6. Consolidate safety personnel with claims personnel
7. Contract sharing for safety services
8. Increase training on workers' compensation issues to the various departments
9. Change personnel policy to punish safety violations
10. Improve accident investigations

To implement this plan, Personnel must work closely with Risk Management in areas relating to risk identification, safety, and loss prevention, which are the responsibility of the Risk Management and Safety Division of the Finance Department. In addition, the Mayor's Office will have to issue new directives to City departments on the importance of loss-prevention and cost-containment issues, as well as give approval to consolidate all risk management functions in the department or office best suited to manage all aspects of risk management, including workers' compensation.

The City is working to upgrade its computer software reporting and interfacing capabilities to better report, track, and trend work-related injuries. The system should be replaced with a state-of-the-art system. The cost of the new system will be offset by improved performance and efficiencies for the users and lower maintenance and upkeep costs for the software and hardware.



## Department Plans

The Personnel Department and City Fire Department have expanded the communications process on workers' compensation issues with other City departments, the TPA, and law firms to obtain better claim outcomes. Joint meetings are now regularly scheduled to discuss claims and other open issues to achieve better program results.

The City Fire Department is building a website to better track and investigate its injuries. It is studying the possibilities of better integrating computer-software systems currently in use to track the injuries with the claims system used by the TPA and the Personnel Department. It also is working to expand training on the current City claim-reporting system so that the Department can run its own management and trending reports.

The City Fire Department is working to improve its medical panel, add network providers, and gain approval for implementing wellness-and-fitness programs. Problems associated with sports injuries are also under review.

The City Fire Department also is working on more supervisory training and increasing communication with the TPA, City Attorney, and other City departments. We encourage pursuing these goals.

## Plans for City TPAs

The TPA is being scheduled for additional computer training to allow it to run its own management and trending reports. Training in other areas is being scheduled and there is greater emphasis on communication and meetings between the Fire Department and the TPA personnel. The contract for TPA services is coming up for renewal, at which time additional options and programs will be explored.

## Plans for City Bill Review and Medical Management

The City is working on improving the quality of providers in the network, expanding the use of network providers by adding frequently used out-of-network providers to the network, and expanding the range of providers into other areas such as specialists. They also are exploring the quick-pay option to reduce payments to non-network providers and ways to legally challenge more bills, especially surgery-center bills and other litigation-related bills.

The bill-review and medical-management contracts are also up for renewal and the vendor should be selected based upon its ability to achieve lower program costs as opposed to lower fees.

## Plans for City Litigation Management

The City Attorney's Office is responsible for the oversight of the outside law firms that represent the Fire Department's workers' compensation claims. The City needs to upgrade its oversight of the litigation process. Currently it does not have the resources necessary to closely monitor the outcomes of outside law firms. It is hindered in this process by an ineffective computer-software system.

The City Attorney's Office has taken over responsibility from the Personnel Department and TPA for handling fraud claims against the City. It has expanded resources to work on cases and to refer appropriate cases to the District Attorney's Office for prosecution.

The City Attorney is working to upgrade the computer-software system and access to the City claims system to increase communications with the TPA and the departments.

Other planning required

## Plans for County

The CAO Risk Management Branch is proceeding to complete the staffing and implementation of a new consolidated risk management structure. Concurrently with the reorganization it must address the following: upgrading the computer-software-reporting system to enhance report generation, claim tracking, and trending capabilities for all interested parties and includes the integration of the various systems into one reporting database. This enhancement will require the adding and upgrading of resources devoted to technology and forecasting issues.

A key component of reorganization should be changing the role and direction of the CAO claim monitors. Although the monitors currently track the TPA's performance against contract standards, provide authority for procedures under established guidelines, and audit for violations from the standards, the monitors do not concentrate on achieving the best claim outcomes. Instead the claim monitors concentrate primarily on the underlying claim processes such as timeliness of payment, accuracy of payments and referral for legal representation.

In cooperation with the TPAs and other vendors, the monitors should develop action plans for all lost-time injuries. The monitors should take over the settlement responsibilities from the attorneys and oversee activities of the attorneys and adjusters. The monitors should use their County experience to institute formal training programs for the departments, attorneys, and TPAs where needed.

The monitors should work to develop new cost-savings programs in all areas including claim management, litigation , investigations (including fraud), subrogation, vocational rehabilitation, loss prevention, ERTW, bill review, and medical management. Although they should continue to maintain their claims oversight function, much of this activity can be part of the computer system upgrade process.

## Plans for Departments

The departments need to make ERTW programs mandatory and to enforce these policies. Department heads should make it known that unit managers and supervisors will be held accountable for ERTW program results in their performance reviews, promotions, and disciplinary procedures.

The new loss-prevention and safety programs will require the same commitment from the departments as the ERTW program. Making these programs work will require management commitment, the integration of the various County and department claim-tracking and accountability systems, and the expansion of the claim-trending and analysis-reporting system to help design effective programs.

Programs that the departments are not effectively handling or do not have adequate resources to perform properly should be returned to the CAO or to the TPA for handling.

## Plans for TPAs

The TPA should be given incentives to create and implement new cost-savings programs. These changes should be reflected in a new agreement between the City and the TPA, which will be out to bid.

With the changing role of County monitors, the TPAs must be given a more responsible role in generating better program outcomes. The TPAs should be given more authority for settling claims and resolving claim issues but still be held accountable for their decisions. They should be provided incentives to create and implement new cost savings programs.

The TPAs need to begin a grading system for attorneys and other vendors. The grades should be communicated to County Counsel and the CAO for oversight. The inclusion or deletion of the firms from the approved panel should be based on the quality of their actual file-handling performance.

The TPAs need to be held more accountable for claim-reserving practices and the early identification of serious injuries and high dollar claims. A formal review of future medical cases should be completed with the goal of settling or resolving as many cases as possible. The adding of special resources to this project should be considered.

Improvement in the understanding and handling of subrogation and rehabilitation claims is needed.

## Plans for Bill Review and Medical Management

The CAO needs to evaluate the effectiveness of the nurse case management program and consider changing the protocols to concentrate on resolving problem cases and the earlier identification of problem cases. Concentrating resources on problem cases is more effective than a policy of working all cases which may not need specialized nursing services.

A more active policy to expand existing networks and to include TPA networks is required. Increases in network penetration rates should reduce both disability and medical costs. Part of the network evaluation process should be to weed out poor performing providers while adding more effective providers.

Because the bill-review and medical-management vendor's software system has important data not captured in the claim software system, a better method of software integration is needed. This will allow for better analysis and cost trend forecasting.

The bill-review firm should be able to negotiate quick-pay discounts to non-network providers which offer discounts when payments are received within a specified period. Savings can be as high as 10–20% compared to current practices that currently offer no discount. Although a quick-pay system requiring fast approval and turnaround of payment from the County Finance Department may not be possible using current procedures, it should be explored.

## Plans for Litigation Management

With the concurrence of County Counsel, outside law firms that represent County on workers' compensation claims are paid on a flat-fee basis and given authority to settle claims up to 100% disability. This policy promotes a lack of aggressive defense work-up and creates an incentive to settle claims as quickly as possible. A prior study recommended a trial program to handle some claims on fee-for-service basis and compare the results with the current method of payment. While that program was not instituted, County Counsel is now considering a change to the way it compensates law firms.

The legal software system needs to be interfaced with the other claim systems to generate better data and information to the affected parties.

Cases of questionable origin or levels of disability are referred to outside investigation vendors by the TPA with County's approval from a County-approved list of

vendors. Currently the investigators are assigned on a rotational basis without consideration of expertise, ability or geographical location, except for the Sheriff's Department which uses a limited number of investigation firms.

## **Plans for City**

The City needs to change how the workers' compensation program is structured. Because workers' compensation program costs are the responsibility of the Personnel Department and not the operating units, the management and supervisors of the departments and units are not held accountable for their own program results.

The City needs to implement a charge-back program wherein the costs of the workers' compensation program are identified and become the responsibility of the departments. Such charge-back system, if properly designed, will encourage the departments to better enforce workplace-safety rules, comply with the ERTW Program, and become more active participants in controlling costs and working with the Personnel Department and the Risk Management and Safety Division (Finance) to develop new cost-saving programs.

## **Conclusions**

### **Organizational Issues**

#### **All Units**

Although there was a relatively small increase in number of claims, employees, and available payroll for the departments studied, there has been a dramatic increase in paid benefits. The major contributors to these increases are skyrocketing medical costs, \$4850 benefits escalation and abuse, and increases in permanent disability benefits.

Many of these increases have been due to benefit increases passed by the legislature. Legislative changes are needed to stem the dramatic cost increases faced by the departments

#### **County**

The County recently reorganized its risk management functions to consolidate responsibilities for workers' compensation claims administration, safety/loss prevention, and all other risk-related functions under the jurisdiction of a newly created Risk Manager position reporting directly to the CAO.

This organizational structure is expected to result in a more unified strategy for managing County's workers' compensation and other risk management programs. The CAO plays a support role for the departments in providing loss-prevention services and

specialized cost-control programs unless the department elects to implement its own specialized program such as the Sheriff's Department does with ERTW.

## City

Workers' compensation claims administration is the responsibility of the Personnel Department with city-wide risk-management and loss-prevention units (which serve in an advisory capacity to the departments) reporting to the Finance Department. Primary safety and loss-prevention activities are the responsibility of the individual departments. However, there is little independent oversight of any of these functions.

This current structure does not support effective management of the overall workers' compensation program because responsibilities for various elements of the program are fragmented. Workers' compensation costs are the responsibility of the Personnel Department and not the individual departments. There is no accountability of departmental management for workers' compensation performance. Workers' compensation claims administration and loss-prevention programs have not been a priority item for the Mayor and department heads.

Implementing the Personnel Department's cost-containment plans will require close cooperation with the Risk Management and Safety Division of Finance and the Mayor should communicate the importance of loss-prevention and cost-containment issues to the City departments. Because of current fragmentation of functions, we support consolidation of workers' compensation, safety, risk analysis, insurance, and all other risk management functions with organizational placement in the most influential City department or office.

There is no City policy or procedure to identify and allocate specific workers' compensation costs back to the departments. Appropriately designed charge-back (cost-allocation) systems are important because they encourage the departments to place far greater emphasis on workplace safety rules, to comply with ERTW program goals, and to become more active participants in controlling costs and working to develop new cost-saving programs.

## Work Culture

Most sworn officers pride themselves in performing high-risk, high-stress emergency-service jobs, with many officers shrugging off minor injuries in favor of continuing to work. When officers are seriously injured and unable to perform their normal duties, some officers resist ERTW positions. Because of the favorable nature of the workers' compensation laws toward disability benefits and presumptions of injuries due to medical conditions such as cancers and internal disease, some injured officers

seek to extend benefits in preparation for retirement or to protest policies or procedures they do not want to follow, such as performing light-duty jobs under ERTW programs.

All the three departments reviewed would benefit by attempting to change the work cultures and attitudes toward workers' compensation through more aggressive education of the purpose of workers' compensation, department policies, goals, rules, and programs. Because it is easier to educate and train new employees than longer-tenured employees whose work ethics and culture have already formed, an opportunity to change the culture is in developing new programs for the recruits.

## **ERTW Programs**

All three departments would benefit from more aggressive leadership in the administration of the ERTW programs. The Fire Department Chiefs and the Sheriff should place greater emphasis on enforcing mandatory ERTW programs, making it clear that unit managers and supervisors will be held accountable for ERTW program results in their performance reviews, promotions, and disciplinary procedures.

## **Claim Administration**

### **General**

The City and County are legally uninsured and operate on a pay-as-you-go basis. Although the City appears to be doing an acceptable job in setting claim reserves, County has consistently understated each year's claim reserves as they develop over time.

### **County**

It is our understanding that an actuarial analysis will be conducted soon after a vendor is selected. There is no recent actuarial analysis available to assist in trending payments and reserves. Trends from the data we were provided revealed that workers' compensation program expenses for County Fire and Sheriff's departments continue to increase at high levels in excess of increases in payroll, employment, and other inflation factors. These workers' compensation cost increases come primarily from increases in §4850 benefits, medical benefits, permanent disability benefits and in the costs to defend claims.

The CAO TPA's incentive results are offset by County's overemphasis on the penalties and excess costs charged to the TPAs and not on claim outcomes and developing a positive relationship with the TPAs. The TPAs are not encouraged to develop cost-control programs for which they could share in County savings and where

any added TPA fees would be out of additional savings to County. The TPAs are not financially challenged to do their own trending analysis to identify new or potential problem areas and are not developing programs to counteract the trends.

Although financial audits are performed to determine if payment guidelines are followed, and CAO claim monitors review TPA activities, there is little independent oversight of what the CAO is doing at County or what the Personnel Department is doing at the City level. The level of independent oversight and tracking of data from the software systems is inadequate.

The best-run workers' compensation programs involve all participants working together as a team to achieve the best outcomes on each individual case. An area adversely affecting this is the CAO TPA contracts that have created disputes between County and the TPAs as to responsibility for penalty and claim-error issues. Attempts to resolve these disputes continue, but all parties have been diverting much time and resources away from obtaining beneficial claim outcomes. The CAO needs to expand the cooperation between the departments that handle and oversee workers' compensation claims, the operating departments, the TPAs, and County Counsel with regularly scheduled meetings.

The CAO needs to work on increasing cooperation between the staff that handle and oversee workers' compensation claims and those that handle other disability and benefit programs, such as short- and long-term disability and healthcare benefits. More coordination is needed regarding overlapping fraud and abuse issues as well as methods for applying medical-management cost-control principles to the other programs.

The structure of the workers' compensation system, which rewards time off from work and provides for disability salary continuance for permanent residuals based upon the employee's objective and subjective complaints, creates opportunities for claim abuse.

Because §4850 benefits allow injured sworn officers to receive their full salary tax-free for up to one-year post injury, there is an incentive for staying off work on disability rather than returning to regular or limited duty, especially for employees with work-performance issues or who are approaching retirement age. To obtain additional or prolonged benefits requires the approval of the treating doctor, leading to abuse of the medical system with requests for more treatment, testing and medical aids required for industrial injuries than for non-industrial injuries.

Too many claims are left open for future medical treatment or unresolved medical issues.

State-mandated benefit increases will drive up the cost of 100% permanent disability claims, making them an attractive target for applicant attorneys. The CAO needs to strengthen procedures to defend these claims.



The CAO monitors are not responsible for the resolution of litigated claims nor do they oversee the activities of the attorneys. The monitors do not have a formal training program for the departments, attorneys, and TPAs. The monitors have not developed enough new cost-savings programs in all program areas, including claim management, litigation, investigations (including fraud), subrogation, vocational rehabilitation, loss prevention, return to work, bill review, and medical management. Although the monitors should maintain their oversight function, much of this activity can be generated from enhanced computer reporting, which should be part of the computer system upgrade process.

The TPAs do not have a responsible role in generating better program outcomes. The TPAs lack authority over settling claims and resolving claim issues. The CAO does not provide adequate oversight of the litigation program. The lack of a grading system for attorneys by the TPAs or the monitors has led to the inclusion or deletion of the panel firms not being based solely on their file-handling performance. TPAs are not held accountable for claim-reserving practices and the early identification of serious injuries and high-dollar claims. Lack of formal review of future medical cases has resulted in too many claims requiring extensive medical payments in future years that could have been resolved more reasonably and much earlier. The TPAs lack a complete understanding of handling subrogation and rehabilitation claims. They need more training and an incentive program. Because the Sheriff's Department is not doing an adequate job of handling vocational rehabilitation claims, the program should be handled by the CAO.

Analysis of data given to us reveals that workers' compensation costs for the Sheriff's and Fire departments continue to increase far in excess of increases in payroll, employment, and other inflation factors.

The workers' compensation department units, the TPA staff, and County Counsel give department personnel special training classes on a variety of workers' compensation-related matters, but such training is inadequate.

## City

Because the TPA is not offered incentives to pursue subrogation collection, the TPA adjusters are not aggressively pursuing subrogation recoveries. There are no incentives now in the City TPA contracts for meeting negotiated claim-handling objectives. The City TPA should be encouraged to develop cost-control programs for which they can share in the savings with the City.

Trends from the data we were provided revealed that workers' compensation program costs for the City Fire department continue to increase at significant levels in excess of increases in payroll, employment, and other inflation factors.

## **Medical Management**

### **All Organizations**

Medical case management is needed on selected cases where the injured employee is not returning to work in a reasonable amount of time or whose injury has the potential for significant medical treatment or expenses. The three departments' methods of providing case management for specific types of injuries or cases that exceed a set period of disability from work needs to be changed. Only claims that are potential problem cases or claims that are not within accepted disability and treatment protocols should be addressed.

Savings from case-management efforts are difficult to measure because they result from the actions of the claims adjuster from the TPA, County monitors, and the departments' own ERTW staff including the nurses. This overlap of services and contacts can lead to a duplication of work effort and confusion of providers and employees as to whom they are to report.

The departments do not have effective working relationships with many treating physicians. Some of the panel doctors need to be trained on the departments' ability to provide modified jobs under the ERTW program and on the disability and treatment protocols to be followed.

The departments are inconsistent in enforcing the use of medical-treatment panels as allowed by statute.

Not all providers on the medical panels are in the PPO networks.

The departments are not removing providers that are not following the ERTW or other protocols from the approved medical panel.

Surgery centers are not subject to the state fee schedule.

Additional cost savings are possible by implementing a discounted, quick-pay program for non-network providers and by contesting more medical liens not supported by the medical evidence.

### **County**

Vendors should be evaluated on their ability to generate cost savings for County, on their ability to create additional cost-savings programs, and not solely on their fees for services.

## City

The bill-review and medical-management vendor's software system has important data not captured in the City claim software system. The bill-paying process is inefficient. The bill-review and medical-management contracts do not include cost-savings incentives.

## Litigation Management

### County

The departments often take a passive role in the litigation process. Litigated cases are not now subject to regularly scheduled meetings among the departments, counsel, the TPAs, and the monitors to develop case strategy and settlement solutions.

County Counsel has assigned in-house attorneys as liaisons with outside firms and with the TPAs to resolve litigation, communication, and procedural issues. Although this practice is an improvement over past practices, there still is insufficient oversight of the litigation process. County's method of paying outside law firms a flat fee promotes a lack of aggressive defense work-up and an incentive to settle claims too quickly. Attorneys are not being held accountable by the departments, the CAO, or the TPAs for the outcome of the cases.

With County Counsel's concurrence the attorney's settlement authority, without any oversight or approval of the TPA or the CAO required, allows the attorneys to agree to awards of up to 100% disability. This authority should be given to CAO monitors and the TPAs. This transfer of authority will require expanding the authority and responsibilities of the TPAs, which should be done only under strict CAO-established protocols.

The CAO (except for the Sheriff's AOE/COE investigations) assigns claim investigators on a rotational basis without consideration of expertise, ability or geographical location. This assignment basis drives up costs on claims and does not allow for special handling based upon the expertise of the investigator. There is no formal evaluation process for investigation firms.

### City

The City Attorney's Office does not have the resources necessary to perform adequate oversight and communications with the outside law firms. The City Fire Department has cooperated with outside counsel and others, but has not taken an active role in the litigation process on most cases.

The City Attorney's Office also is limited in its oversight role because of limitations in its computer-software system, which is not integrated with the Personnel Department's claim software system.

## Computer Systems

### County

The TPAs are required to use the County claims software which is inadequate by industry standards. The CAO has contracted to upgrade the current software system for use by all four TPAs and all County departments. The new system-modification implementation is underway but has developed operating problems at the TPA level. The CAO lacks the technology resources to implement and maintain a system of this size.

Implementations of this magnitude require a detailed plan with sufficient technology resources and expertise. A proper plan was not undertaken and a lack of resources has led to breakdown in the planned system roll-out to the TPAs.

Even the new version of the County system does not track or integrate all the information needed to properly analyze and trend losses and risk factors. There is no interface with the payroll system to accurately track salary continuance and Labor Code §4850 benefits.

The crucial loss-tracking data elements missing in the system include lost days from work, various medical-management details, and other statistics on case-management performance. The current computer system is not user-friendly and does not allow the departments and the TPAs to run their own reports. The TPAs and departments have not received adequate training in this area.

### City

Although the City is working to upgrade its computer software reporting and interfacing capabilities, the system is inadequate and should be replaced. The cost of a new system would be more than offset by the productivity efficiencies gained by the City Fire Department, City Personnel Department claim processors, TPA claim processors, and bill-review and medical-management processors. At the same time the new system would cost less to maintain; it would provide integrity to the financial accounting system and would provide greater accuracy of the claims data.

## Safety and Loss Prevention County

### County

The CAO's safety and loss-prevention activities are primarily consultative. Although safety and loss-prevention training and model safety programs are offered to the departments, the model safety program is inadequate as a practical guide to the departments. The County provides no central directive for departments to adopt any particular program or service.

Effectiveness in preventing accidents could be improved by augmenting the ability to train and assist departments with routine safety matters by adding trained safety staff under the direction of an experienced safety and loss-prevention manager.

### County Fire Department

The County Fire Department Safety Officer is a highly trained firefighter, not a loss prevention professional. As a captain, this position does not have sufficient rank to interact and effect changes with battalion chiefs. In addition, the Safety Officer position is subject to routine rotation every few years. Such rotation creates continuity problems because new staff are rarely experienced in safety management issues and must learn on the job, which takes time. There is little proactive loss prevention taking place because of understaffing. In addition, training officers do not receive regular safety and loss-prevention training nor participate in safety-committee meetings; they should receive such training.

The County Fire Department has an injury-incidence rate of nearly 40% which is very high (see Appendix 1 for comparative data). In part this may be the result of inadequate physical fitness, performing inherently dangerous and physically demanding job functions, but also probably the result of some abuse of the §4850 statute. In response to this problem, County Fire Department has developed a voluntary wellness-and-fitness program; however, this program has not yet been fully implemented nor tested. In addition, the wellness-and-fitness program does not have a mandatory physical-exam element and fitness standards.

The County Fire Department incurs a large number of sports and exercise-related injuries. More evaluation of this problem, including better identification of what differentiates sports and exercise-related injuries, is needed to determine appropriate corrective actions.

## Sheriff's Department

The primary role of the Sheriff's Safety Officer position is managing ERTW activities and general safety and claim issues. At the level of sergeant, the Safety Officer does not have sufficient rank necessary to achieve appropriate command authority. We believe the Safety Officer position should be staffed by a Lieutenant, a rank more commensurate with the importance of department safety and loss prevention activities. Also, we believe the current Risk Management Officer position, now a lieutenant, should be elevated to the rank of captain.

Because the Safety Officer position is subject to rotation every two to three years), achieving consistent program management with sworn staff is difficult. A trained civilian safety professional reporting to the Safety Officer could alleviate these problems by ensuring that at least one key staff knowledgeable in safety and loss-prevention operations is in place during rotation. Such staffing should help ensure consistent management of safety-related programs over time.

Although overall safety and loss prevention is the responsibility of the Sheriff with assistance from the CAO Safety Unit, each watch commander is responsible for developing and implementing safety programs. Because we did not conduct an audit of all field operations, it is uncertain whether and to what extent safety and loss-prevention activities are performed at these levels. An audit of station commander safety and loss-prevention activities is needed to determine whether changes are needed to improve performance.

## City

The City Safety unit (which is in the Finance Department) functions in a capacity similar to County in that its activities are consultative in nature. With only three safety consultants, effectiveness of the Safety Unit is limited.

## City Fire Department

In 2001, a detailed audit of City Fire Department safety and loss-prevention activities was conducted. This department still suffers from the following problems:

- 40% of the City Fire Department workforce continues to have back and other soft-tissue injuries annually. We believe this is because many officers are unfit to perform inherently dangerous and physically demanding job functions and that some officers abuse the \$4850 benefits in preparation for a disability retirement.

- Overall management of City Fire Department safety and loss-prevention efforts is fragmented and inadequately coordinated and staffed. Safety and loss-prevention staff have inadequate command authority.
- The City Fire Department uses a safety manual, known as *Book 75*, which is out of compliance with Cal/OSHA safety requirements, overly detailed, and difficult to apply in practical use. *Book 75* does not follow the City-developed safety and injury and illness prevention program model.
- Although there is a formal protocol for investigating occupational injuries for the purpose of developing policy and procedures to prevent accidents, only the most serious accidents are actually investigated.
- The wellness/fitness program is not mandatory nor is there a mandatory requirement for physical examinations to ensure that firefighters are physically fit for duty.

## **Recommendations**

These recommendations are for all organizations (County Board of Supervisors, Los Angeles City Council, County Departments, Sheriffs' Department, City Departments, County Fire Department, and the City Fire Department)

1. Greater support be given by the highest management levels to Early-Return-To-Work (ERTW) programs.
2. Require top management review and approval for any employee exceptions to the ERTW programs.
3. Explore the possibility of interdepartmental light-duty assignments where departments cannot accommodate an injured worker on a short-term basis.
4. Departments establish and expand a network of treatment facilities that understand and support the employers' ERTW program.
5. Implement ERTW as soon as possible after the injury, because of the short time frame for medical control.
6. Continue to lobby for legislative reform of the California Workers' Compensation system.

## **County (Recommendations 7 thru 39 below)**

### **Management and Organization**

7. The CAO should conduct periodic independent audits and actuarial analyses of the workers' compensation program as a further measurement against how the County program compares with industry standards and other California governmental programs.
8. The CAO Risk Management Office should take steps to enhance communications regarding workers' compensation with the various County departments.
9. Integrate other absence programs with the workers' compensation program to bring cost savings and medical-management principles to the other programs.
10. Establish a formal program for CAO claims monitors and County Counsel to train the departments on workers' compensation claim procedures, claim reporting, claim investigations, loss-prevention techniques, and usage of the computer-software system.



## **Claims Administration**

11. Resolve the current disputes with the TPAs over penalties and excess costs.
12. Perform an actuarial analysis of workers' compensation costs at least every three years.
13. The TPAs and CAO claim monitors should establish reserves for expected ultimate claims costs as early as possible in the life of the claim.
14. Create and implement a performance-incentive program to encourage CAO claim monitors to develop new cost-savings programs.
15. The CAO should actively solicit cost-saving ideas from the TPAs and reward them on results using a percentage-of-savings formula.
16. The CAO claim monitors and TPAs should develop a formal process to review all cases with lifetime medical awards or high-dollar medical exposure.
17. Designate funds for the prompt settlement of as many lifetime or open medical cases as possible.
18. Change the primary role of CAO claims monitors to responsibility for claims outcomes.
19. Establish a baseline of current subrogation recoveries and then provide incentives to the TPAs to share in recoveries over the baseline.
20. Return responsibility for vocational rehabilitation at the Sheriff's Department to the CAO Risk Management Branch.
21. Require the TPAs to implement a grading system for attorneys and other vendors.

## **Medical Management**

22. For the case-management program, the CAO should consider changing the assignment protocols to concentrate on problem cases, including earlier identification of these cases
23. For expiring CAO bill-review and medical-management contracts, select vendors primarily on their ability to lower program costs.

24. In addition to using the bill-review companies' PPO networks, the CAO should determine feasibility of also using the TPAs' negotiated PPO networks.
25. Bill-review vendors should be required to aggressively review surgery-center bills and discount them to the lowest allowable industry standard.
26. Consider litigating more medical liens using the recommendations and expertise of the bill-review vendor.
27. Arrange for the bill-review firm to negotiate quick-pay discounts from non-network providers.
28. Include the TPAs as participants in all scheduled CAO and department meetings with the bill-review team.

### **Litigation Management**

29. Change the fee structure of outside defense attorneys from a flat fee to fees based on services provided.
30. The CAO should exercise greater oversight of the litigation process, including the current workers' compensation litigation program.  
claim monitors should be required to review all cases at time of resolution
31. The TPAs and CAO to evaluate and grade the legal handling and to report findings to County Counsel and the CAO for appropriate action.
32. Shift claim settlement authority from County Counsel to the third-party administrators (TPAs) for claims up to \$20,000 and to the CAO for all other claims.
33. Settle more cases with open medical issues and those that are not settled should have awards that are carefully worded restricting the nature and scope of further care based upon the injury.
34. Base selection of claim investigation firms on ability to produce the best possible outcomes for County as opposed to selection on a rotational basis.

### **Computer System**

35. Provide increased data-input training and tracking of claim-data elements by the TPAs and the claims monitors to ensure that meaningful data is available for future analysis.
36. Train TPA and medical-management claims-input staff on proper data entry protocols to eliminate or reduce missing data.

37. Add additional technology resources to fix the problems in the system-conversion process from a character-based system to a Windows-based information system. These resources will then be available for enhanced data reporting.

### **Safety and Loss-Prevention**

38. Develop a more comprehensive and user friendly safety/loss prevention program, including an Injury Illness Prevention Program (IIPP), to serve as a template for all County departments. Help the departments to tailor the IIPP to their own specific circumstances and needs.
39. Augment the ability to train and assist departments with routine safety matters by adding trained safety staff under the direction of an experienced CAO safety and loss-prevention manager.

### **County Fire Department Safety and Loss Prevention**

40. Elevate the Safety Officer position to Battalion Chief to emphasize importance of safety and loss-prevention and to aid in acceptance and implementation of safety and loss-prevention policy.
41. Require all training safety officers to undergo basic safety and loss-prevention training administered by the County Fire Department Safety Officer.
42. The proposed wellness-and-fitness program should be tested, adjusted, and fully implemented as soon as possible to prevent or reduce severity of injuries caused by poor fitness and inadequate conditioning.
43. Make annual medical examinations of all sworn officers mandatory to ensure they are physically fit to perform job functions.
44. Because of the high frequency of injuries attributable to sports activities and exercise programs at station houses, these activities should be investigated to identify appropriate corrective actions.

### **Sheriff's Department Safety and Loss Prevention**

45. Elevate the Safety Officer position to the rank of Lieutenant to be more commensurate with the importance of safety and loss-prevention activities of the department.
46. Add at least two Sergeants to assist the Safety Officer in general loss-prevention activities including training, accident investigation, compliance monitoring, and communications.

47. Because of regular rotation of the current Safety Officer position, a permanent civilian safety professional, reporting to the Safety Officer, is needed to ensure continuation and consistency of loss-prevention objectives during rotation.
48. Elevate the Risk Management Officer position to the rank of Captain to emphasize the importance of and commitment to safety and loss prevention.

#### **City (Recommendations 49 thru 71 below)**

##### **Management and Organization**

49. To achieve best results, the City should consolidate all claim-administration, risk-management, and safety/loss-prevention functions into a single high-level department.
50. Until this consolidation is achieved, the City Personnel Department, in conjunction with City Risk Management, should obtain the Mayor's approval and funding to implement the 10-step plan for workers' compensation cost containment.
51. The City should implement an easy-to-understand and equitable system to charge departments for some or all of their workers' compensation costs.

##### **Claims Administration**

52. Implement a workers' compensation cost charge-back plan. In developing this plan, the Personnel Department should build incentives into the plan for managers based upon ERTW compliance, including creation by Fire Department units of light-duty jobs for employees of other units.
  53. The Personnel Department should establish standards based on industry best practices for any renewing TPA contract, such standards to include both performance incentives and penalties.
  54. The Personnel Department should actively solicit cost-saving ideas from the TPAs and reward them on results using a percentage-of-savings formula.
  55. Create incentives for the TPA to develop cost-control programs for which they can share in the savings with the City.
  56. The Personnel Department and TPA should develop a formal process to review all cases with lifetime medical awards.
  57. Designate funds to settle as many lifetime or open medical cases as possible
- Medical Management

58. Upon renewal of the bill-review vendor's contract, convert from a flat fee to an incentive fee based upon actual savings.
59. In addition to using the bill-review companies' PPO network, consider using the TPA's negotiated PPO networks to improve discounts.
60. The bill-review vendor should continue to aggressively review surgery-center bills and discount them to the lowest allowable industry standard.
61. Litigate more medical liens found unreasonable or not supported by the medical record by the bill-review provider's expert staff.
62. Determine the feasibility of using a quick-pay system for non-network medical providers.

#### Litigation Management

63. The City should increase oversight of the litigation process by adding staff in the City Attorney's Office.
64. The City should review its payment structure for outside law firms.
65. The City Attorney's computer system is inadequate and should be replaced or upgraded and integrated with the City claims reporting system.

#### Computer Systems (Personnel Department)

66. Take immediate steps to obtain funding to develop and implement a state-of-the-art claim software and reporting system.
67. Increase data-input personnel training and tracking of claim data elements by the TPAs and the monitors to ensure that meaningful data is available for future analysis.

#### Safety and Loss Prevention

68. Hold managers and supervisors responsible for workers' compensation and safety programs and accountable for results.
69. In conjunction with the Finance Department Risk Management & Safety Division, develop and implement loss-prevention programs based upon lowering the number of new injuries in specified high-loss areas or conditions.
70. Investigate the feasibility of a merit-pay (or other incentive) system for the Fire Department program staff to reward outcomes in the ERTW and loss-prevention programs.

71. Add additional safety professionals to perform field inspections, accident investigations and training of department staff.

#### City Fire Department Safety and Loss Prevention

72. The Safety Officer position should be elevated to Battalion Chief to emphasize importance of safety and loss-prevention and to aid in acceptance and implementation of safety and loss-prevention policy.
73. Add three Captain positions (one for each Division), reporting to the Safety Officer.
74. Move the Safety Officer position from Human Resources to the Operations Bureau to achieve better command and control with other units performing safety and loss-prevention-related functions.
75. Establish fitness standards and perform annual medical examinations of all sworn officers to ensure they are physically fit to perform job functions.
76. Implement the wellness-and-fitness program as a mandatory program.

**APPENDIX 1**  
**Supporting Data**

## Payments by Pay Category

	1997/98	1998/99	1999/2000	2000/01	2001/02
<b>Key County Paid Data — Fire Department</b>					
Medical Treatment, M.O. claims	169,744	158,308	172,443	151,480	195,360
Medical Treatment, LT claims	5,898,000	7,066,000	8,296,000	7,871,000	11,251,000
TD	580,000	789,000	756,000	905,000	1,164,000
PD	3,080,000	3,435,000	5,405,000	6,480,000	6,470,000
Salary continuance	142,497	131,322	105,803	84,256	77,659
Penalties	18,222	70,181	38,799	92,533	138,959
§4850	6,134,000	3,021,000	9,847,000	7,296,000	8,789,000
VRTD	199,371	302,253	425,579	441,286	490,080
Contract Legal	158,568	202,879	561,625	472,502	553,688
Legal					
Total	17,203,000	16,522,000	27,456,000	25,393,000	31,304,000
<b>Key County Paid Data — Sheriff's Department</b>					
Medical Treatment, M.O. claims	414,761	482,575	730,056	762,832	971,066
Medical Treatment, LT claims	15,085,000	17,471,000	23,412,000	24,490,000	30,257,000
TD	3,039,000	3,241,000	3,866,000	5,004,000	5,113,000
PD	11,088,000	12,795,000	15,942,000	16,656,000	20,003,000
Salary continuance	671,000	382,000	590,000	1,146,000	1,174,000
Penalties	291,000	346,000	744,000	480,000	257,000
§4850	11,471,000	5,985,000	11,515,000	17,955,000	24,676,000
VRTD	1,994,000	1,407,000	1,922,000	1,944,000	1,852,000
Contract Legal	1,201,000	1,030,000	1,773,000	2,583,000	2,404,000
Legal	N/A	N/A	N/A	N/A	N/A
Total	48,577,000	46,756,000	64,686,000	76,029,000	93,440,000



### Data Summary Sheet

Entity	1997/98	1998/99	1999/2000	2000/01	2001/02
<b>County —All departments</b>					
Number of claims	10,832	11,219	11,584	11,685	11,655
Cost per claim	21,889	21,944	20,029	17,472	12,740
Number of lost time claims	7,607	7,748	8,171	8,295	7,751
Cost per claim	31,066	31,654	28,276	24,480	18,706
Number of litigated claims	2,825	2,895	2,795	2,612	2,273
Cost per claim	72,859	72,705	67,567	57,770	36,783
Number of employees	81,573	84,645	87,863	88,482	94,220
Claims per 100 employees	13.28	13.25	13.18	13.21	12.37
Payroll	3,428,880,000	3,646,398,000	3,937,813,000	4,436,392,000	4,759,389,000
Cost per \$100 of Payroll	6.91	6.75	5.89	4.60	3.12
Paid amounts	155,362,000	149,431,000	130,239,000	90,817,000	42,432,000
Total incurred	237,099,000	246,194,000	232,020,000	204,160,000	148,488,000
<b>County Fire Department</b>					
Number of claims	1,421	1,626	1,464	1,484	1,491
Cost per claim	24,220	26,798	27,724	21,659	15,592
Number of lost time claims	1,119	1,293	1,170	1,234	1,136
Cost per claim	30,668	33,612	34,605	25,948	19,887
Number of litigated claims	272	353	292	253	177
Cost per claim	99,197	94,879	98,396	74,084	41,488
Number of employees	3,446	3,471	3,535	3,392	3,884
Claims per 100 employees	41.24	46.85	41.42	43.75	38.39
Payroll	270,442,000	295,021,000	311,284,000	330,274,000	342,288,000
Cost per \$100 of Payroll	12.73	14.77	13.04	9.73	6.79
Paid amounts	19,130,000	23,342,000	17,502,000	11,857,000	5,924,000
Total incurred	34,417,000	43,574,000	40,589,000	32,141,000	23,247,000
Number of lost days		27,109	43,410	34,157	35,111
Lost days per employee		7.81	12.28	10.07	9.04
Leading cause of injury by year by % of cost	N/A	N/A	N/A	N/A	N/A
Overexertion	54.60%	44.60%	55.40%	33.80%	24.10%
CT	17.50%	22.70%	24.10%	17.60%	4.80%
Struck	4.20%	3.50%	3.30%	2.10%	6.30%
Fall	10.00%	13.20%	5.40%	15.80%	2.50%
Exposure	6.00%	8.20%	3.30%	2.80%	3.00%
Other	4.40%	5.50%	8.60%	25.10%	55.10%
<b>County Sheriff's Department</b>					
Number of claims	3,436	3,683	3,812	3,912	3,912
Cost per claim	22,000	21,866	18,840	15,430	9,453
Number of lost time claims	2,322	2,479	2,608	2,557	2,335
Cost per claim	32,431	32,345	27,373	23,407	15,307
Number of litigated claims	924	991	952	867	794
Cost per claim	71,707	72,059	63,196	53,230	30,120
Number of employees	12,582	13,082	13,517	13,606	14,601
Claims per 100 employees	27.31	28.15	28.20	28.75	26.79
Payroll	720,000,000	781,149,000	832,846,000	897,639,000	927,567,000

<b>Entity</b>	<b>1997/98</b>	<b>1998/99</b>	<b>1999/2000</b>	<b>2000/01</b>	<b>2001/02</b>
Payroll	720,000,000	781,149,000	832,846,000	897,639,000	927,567,000
Cost per \$100 of Payroll	10.50	10.31	8.62	6.72	3.99
Paid amounts	51,811,000	50,799,000	44,019,000	29,144,000	12,032,000
Total incurred	75,591,000	80,534,000	71,819,000	60,361,000	36,978,000
Number of lost days	N/A	83,670	124,879	154,292	143,820
Lost days per employee	N/A	6.40	9.24	11.34	9.85
<b>City Fire Department</b>					
Number of claims	1,436	1,360	1,576	1,600	1,598
Cost per claim	17,208	17,540	19,645	19,691	21,963
Number of lost time claims	928	899	957	1,085	1,076
Cost per claim	N/A	N/A	N/A	N/A	N/A
Number of litigated claims	160	97	69	101	139
Cost per claim	N/A	N/A	N/A	N/A	N/A
Number of employees	2,854	2,918	3,019	3,053	3,334
Claims per 100 employees	50.32	46.61	52.20	52.41	47.93
Payroll/% change	N/A	N/A	N/A	N/A	N/A
Cost per \$100 of Payroll	N/A	N/A	N/A	N/A	N/A
Paid amounts	16,118,395	12,814,756	14,911,307	14,161,822	19,527,193
Total incurred	24,710,000	23,855,000	30,960,000	31,505,000	35,097,000
Number of lost days	N/A	27,108	43,410	34,157	35,111
<b>County of Ventura Fire Department</b>					
Number of claims	229	226	240	272	244
Cost per claim	11,893	9,796	7,701	11,126	8,216
Number of lost time claims	N/A	N/A	N/A	N/A	N/A
Cost per claim	N/A	N/A	N/A	N/A	N/A
Number of litigated claims	N/A	N/A	N/A	N/A	N/A
Cost per claim	N/A	N/A	N/A	N/A	N/A
Number of employees	454	463	490	539	542
Claims per 100 employees	50.40	48.80	48.98	50.46	45.02
Payroll	42,556,000	41,471,000	46,862,000	49,507,000	52,917,000
Cost per \$100 of Payroll	6.40	5.34	3.94	6.11	3.79
Paid amounts	2,087,288	1,452,664	1,404,072	2,158,337	1,064,907
Total incurred	2,723,602	2,213,947	1,848,234	3,026,187	2,004,615
Number of lost days	2,451	4,539	6,072	4,799	3,142
Lost days per employee	5.40	9.80	12.39	8.90	5.80
<b>County of Ventura Sheriff's Department</b>					
Number of claims	314	353	289	294	291
Cost per claim	12,936	9,785	9,201	6,667	10,969
Number of lost time claims	N/A	N/A	N/A	N/A	N/A
Cost per claim	N/A	N/A	N/A	N/A	N/A
Number of litigated claims	N/A	N/A	N/A	N/A	N/A
Cost per claim	N/A	N/A	N/A	N/A	N/A
Number of employees	1,261	1,329	1,395	1,421	1,426
Claims per 100 employees	24.90	26.56	20.72	20.69	20.41
Payroll	87,660,000	89,555,000	99,752,000	106,392,000	112,850,000
Cost per \$100 of Payroll	4.63	3.86	2.67	1.84	2.83
Paid amounts	3,039,000	3,174,000	2,260,000	1,254,000	1,705,000
Total incurred	4,062,000	3,454,000	2,659,000	1,960,000	3,192,000

Entity	1997/98	1998/99	1999/2000	2000/01	2001/02
Number of lost days	10,204	7,144	5,482	2,794	5,412
Lost days per employee	8.09	5.38	3.93	1.97	3.80
<b>Key County Paid Data — All Departments</b>					
Medical M.O. claims	1,346,000	1,227,000	1,549,000	1,537,000	1,927,000
Medical LT claims	54,181,000	57,977,000	71,407,000	78,741,000	103,499,000
TD	10,473,000	13,712,000	16,386,000	20,292,000	24,376,780
PD	37,633,000	41,317,000	45,128,000	49,303,000	54,024,000
Salary continuance	9,087,000	9,113,000	9,604,000	9,556,000	9,821,000
Penalties	967,000	1,440,000	1,573,000	2,326,000	2,488,000
\$4850	18,542,000	9,496,000	21,661,000	27,562,000	40,607,000
VRTD	4,585,000	4,281,000	5,435,000	5,243,000	6,178,000
Contract Legal	4,247,000	3,756,000	4,913,000	6,886,000	6,701,000
Legal	7,451,000	7,957,000	9,008,000	10,852,000	19,081,000
Total	166,689,000	167,491,000	209,154,000	232,207,000	297,243,000
<b>Key COUNTY Paid Data — Fire Department</b>					
Medical M.O. claims	169,744	158,308	172,443	151,480	195,360
Medical LT claims	5,898,000	7,066,000	8,296,000	7,871,000	11,251,000
TD	580,000	789,000	756,000	905,000	1,164,000
PD	3,080,000	3,435,000	5,405,000	6,480,000	6,470,000
Salary continuance	142,497	131,322	105,803	84,256	77,659
Penalties	18,222	70,181	38,799	92,533	138,959
\$4850	6,134,000	3,021,000	9,847,000	7,296,000	8,789,000
VRTD	199,371	302,253	425,579	441,286	490,080
Contract Legal	158,568	202,879	561,625	472,502	553,688
Legal	N/A	N/A	N/A	N/A	N/A
Total	17,203,000	16,522,000	27,456,000	25,393,000	31,304,000
<b>Key County Pay Data — Sheriff's Department</b>					
Medical M.O. claims	414,761	482,575	730,056	762,832	971,066
Medical LT claims	15,085,000	17,471,000	23,412,000	24,490,000	30,257,000
TD	3,039,000	3,241,000	3,866,000	5,004,000	5,113,000
PD	11,088,000	12,795,000	15,942,000	16,656,000	20,003,000
Salary continuance	671,000	382,000	590,000	1,146,000	1,174,000
Penalties	291,000	346,000	744,000	480,000	257,000
\$4850	11,471,000	5,985,000	11,515,000	17,955,000	24,676,000
VRTD	1,994,000	1,407,000	1,922,000	1,944,000	1,852,000
Contract Legal	1,201,000	1,030,000	1,773,000	2,583,000	2,404,000
Legal	N/A	N/A	N/A	N/A	N/A
Total	48,577,000	46,756,000	64,686,000	76,029,000	93,440,000
<b>Key County Paid Data</b>					
Benefits Paid on all year claims	120,320,000	134,117,000	155,590,000	170,551,000	211,076,000
Loss Expense to outside firms	18,694,000	16,801,000	22,582,000	27,392,000	37,452,000
In-house Admin expense*	7,176,000	5,669,000	7,166,000	6,819,000	9,105,000
	146,190,000	156,586,000	185,338,000	204,761,000	257,633,000
* none for Sheriff					
<b>Total paid amounts</b>					
Number of claims	236	243	242	304	257

<b>Entity</b>	<b>1997/98</b>	<b>1998/99</b>	<b>1999/2000</b>	<b>2000/01</b>	<b>2001/02</b>
Cost per claim	3,172	2,761	2,377	3,796	4,087
Number of lost time claims	39	27	39	58	51
Cost per claim	7,134	13,038	4,179	11,167	3,312
Number of litigated claims	N/A	N/A	N/A	N/A	2
Cost per claim	N/A	N/A	N/A	N/A	N/A
Number of employees	1,152	1,241	1,250	1,277	1,252
Claims per 100 employees	20.49	19.58	19.36	23.81	20.53
Payroll	41,946,000	46,154,000	48,466,000	49,540,000	51,564,000
Cost per \$100 of Payroll	1.79	1.45	1.02	1.65	2.04
Paid amounts	665,000	565,000	496,000	817,000	884,000
Total incurred	749,000	671,000	575,000	1,154,000	1,050,000
Number of lost days	3,192	1,944	1,989	4,176	2,805
Lost days per employee	2.8	1.6	1.6	3.3	2.2





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## TABLE OF ACRONYMS AND ABBREVIATIONS

AAA	Area Agency on the Aging in CSS (also referred to as CSS/AAA) <sup>2</sup>
AARP	American Association of Retired Persons
AB 764	Disabled Parking Violation Fund
APS	Adult Protective Services in CSS (also referred to as CSS/APS) <sup>2</sup>
ADCRC	Alzheimer's Day Care Resource Centers <sup>2</sup>
BOS	Board of Supervisors of the County of Los Angeles <sup>1</sup>
CDA	California Department of Aging
CSS	Community and Senior Services <sup>1</sup>
CBO	Community-Based Organizations
CBSP	Community Based Service Provider
CDC	Community Development Commission <sup>1</sup>
DHS	Department of Health Services <sup>1</sup>
DPSS	Department of Public Social Services <sup>1</sup>
ENHANCE	Effective Nutritional Health Assessments and Networks of Care for the Elderly <sup>2</sup>
FAST	Fiduciary Abuse Specialist Team <sup>2</sup>
FY	Fiscal Year
GENESIS	Geriatric Evaluation Networks Encompassing Services, Information Support <sup>2</sup>
HICAP	Health Insurance Counseling and Advocacy Program <sup>2</sup>
HMO	Health Maintenance Organization
ICM	Integrated Care Management <sup>2</sup>
ICMDP	Integrated Care Management (ICM) Demonstration Project <sup>2</sup>
ISD	Internal Services Department <sup>1</sup>
IT	Information Technology
ITS	Information Technology Service <sup>1</sup>
King-Drew	Martin Luther King-Charles Drew Medical Center
LAC-USC	Los Angeles County-University of Southern California
MC	Matching Contributions
MTA	Metropolitan Transportation Agency
MIS	Management Information Systems
NM	Non-Matching Contributions
NORC	Naturally Occurring Retirement Community
OAA	Older Americans Act
OTO	One-time-Only Funds
RFP	Request For Proposal
SCSEP	Senior Community Senior Employment Program <sup>2</sup>
SPA	Service Planning Areas
USDA	United State Department of Agriculture
WLCAC	Watts Labor Coalition Action Committee
WISE	Well-Being, Independence, Self-Esteem, and Education Program

<sup>1</sup> Governing boards, organizations, or departments in the County of Los Angeles government.

<sup>2</sup> Agencies, programs, or services made possible through CSS.

# **LOS ANGELES COUNTY DEPARTMENT OF COMMUNITY AND SENIOR SERVICES**

## **EXECUTIVE SUMMARY**

The 2002-2003 Civil Grand Jury investigated senior programs and services available through:

- The Los Angeles County Department of Community and Senior Services (CSS). The Area Agency on the Aging in CSS (CSS/AAA) and the Adult Protective Services in CSS (CSS/APS) and other related senior services and programs account for approximately 10% of the CSS Department's responsibilities.
- Community-based organizations (CBOs) that are funded by CSS
- Local cities in the County (but excluding the City of Los Angeles, which is funded separately from CSS).

In addition, the Civil Grand Jury considered the needs of the County's senior population as a whole. The County's senior population, age 65 or older, is 926,673 or approximately 10% of the total population.

The general question the Grand Jury considered: Is the County reaching all of the right people at the right time with high quality, effective services that are reasonably priced?

The investigation involved extensive CSS interviews, document reviews, data analysis, a survey of cities regarding their senior programs, site visits to 15 senior centers with interviews with CBOs and city representatives, and input from more than 4,000 seniors in response to written surveys:

- Survey of the General Senior Population – a written survey (in both English and Spanish) mailed to a stratified, random sample of 17,000 County seniors with 15% or 2,601 responding. These seniors reside in the County, but not the City of Los Angeles.
- Survey of Seniors Currently Using Services – a written survey distributed on site to 1,770 current users of senior services offered by the County, CBOs, or the cities.

As a result of these efforts, the Grand Jury found dedicated CBOs, creative senior programs and services in the cities and unincorporated areas, and a desire for continual improvements in meeting the needs of seniors.

Some of the Grand Jury recommendations are consistent with planned improvements that CSS is undertaking. The recommendations cluster into three areas:

## **Rising Demands and Needs for Senior Services and Programs**

- Rising demand for senior services with the need for collaborative approaches to address senior needs: Seniors make up 27% of the County residents, including 10% who are age 65 or older and 17% who are between the ages of 55 and 64<sup>11</sup>. Within the next 5 to 10 years, the expected growth of seniors is at least 73% in the County. The County is not positioned to address the burgeoning needs of its seniors, particularly in the areas of health care, housing, transportation, and recreational and social programs. Adequately addressing seniors' needs will require the coordination of many County services, but no formal mechanism is in place to ensure that this happens.
- Continue efforts to implement innovative senior programs and services: In the past few years, CSS has begun to design, pilot, and implement innovative programs, such as the Integrated Care Management (ICM) programs, Fiduciary Abuse Specialized Team (FAST), and Effective Nutritional Health Assessments and Networks of Care for the Elderly (ENHANCE). Such innovations require ongoing improvements and such innovative thinking should be applied to future program planning efforts across the breadth of the senior program.
- Throughout the County, naturally occurring retirement communities (NORCs) are emerging in areas with an aging population and limited mobility because of the cost of real estate. In the next decade, these NORCs may become focal points for organizing senior services.
- Innovations in meal programs: CSS must work within strict Federal and State regulations that may prohibit desired innovations. The congregate and home-delivered meal programs require enhanced improvements, coupled with maximum use of funding available. To preserve the dignity of seniors and address their diverse tastes, greater flexibility in menus and venues, cultural preferences, and other innovations would be beneficial.
- Promotion of senior programs and services: Although large numbers of seniors may take advantage of the County's congregate meal, home-delivered meals, and senior center programs, most seniors are unaware of what services are available. Overall, senior survey respondents rate senior services as effective (54%) but are unaware of most senior services or programs. Fifty percent or more respondents were not aware of 9 of the 11 services offered through CSS funding. In turn, senior programs are not aggressively advertised because of an inability to meet potential demand.

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<sup>11</sup> Excluding the City of Los Angeles.

## **Improved Accountability: Fiscal and Outcomes-Oriented**

- Fiscal efficiency and effectiveness, resulting in streamlined and innovative senior programs and services: Cities and CBOs often supplement the County's CSS/AAA funds to deliver senior programs and services to its residents. CSS must continually ensure that all of the available funding is effectively used. Additional funding is also required to meet seniors' needs in the short and longer term. As such, the County should lobby and approach its State and Federal funding sources to: 1) overhaul the current rigid, categorical funding formula and 2) solicit support for piloting innovative and streamlined approaches for meeting the County's diverse senior population needs.
- Results driven and outcomes oriented: CSS is developing outcome measurements that assess the results achieved with longitudinal improvements in seniors' quality of life, physical and mental, independent living, or longevity by July 1, 2004. While the Grand Jury applauds the department for their planning efforts, we recommend that the department begin the implementation phase as soon as possible.

## **CSS Organizational Change**

- Organizational transformation to achieve CSS's proposed strategic directions: To achieve its long-term care strategies, CSS will need to transform its internal work culture to become more results driven, innovative, and financially accountable, offering internally integrated programs with solid internal communications among its Area Agency on the Aging (AAA), Adult Protective Services (APS), and administrative functions. This transformation is not a simple process and can take 3 to 5 years to achieve.

## **Major Recommendations**

1. The Community and Senior Services Department should move from planning to implementation of their *Long-Term Care Strategic Plan*. An outside agency should monitor this transition and progress.
2. Los Angeles County should ensure that its strategies address the full extent of County seniors' needs.
3. Community and Senior Services/Area Agency on Aging must take the lead to ensure effective coordination of services to deliver senior services via CSS's strategic collaborative departmental approach.
4. Given its recently adopted *Long-Term Care Strategic Plan*, Community and Senior Services/Area Agency on Aging is in a period of transition and CSS should develop a funding strategy.

5. Community and Senior Services should be restructured to support the Service Planning Area framework.
6. The Board of Supervisors should lobby for an overhaul of the funding categories developed at the State and Federal levels.
7. Community and Senior Services/Area Agency on Aging should continue to build on the Integrated Care Management experience to implement innovations in other program areas.
8. Formal communication channels should be developed and implemented for Community and Senior Services internal mid-management.
9. Community and Senior Services/Area Agency on Aging should develop more sophisticated systems and staff capabilities to manage and monitor program funding
10. Community and Senior Services/Area Agency on Aging and Community and Senior Services/Adult Protective Services should continue to develop a more qualitative and quantitative approach to tracking, managing, and measuring program and population-based outcomes.

The full report also contains Recommendations 11 through 24 which build on these initial 10 recommendations but address specific CSS programs for seniors.

## Introduction and Background

The 2002-2003 Civil Grand Jury investigated senior programs and services available through:

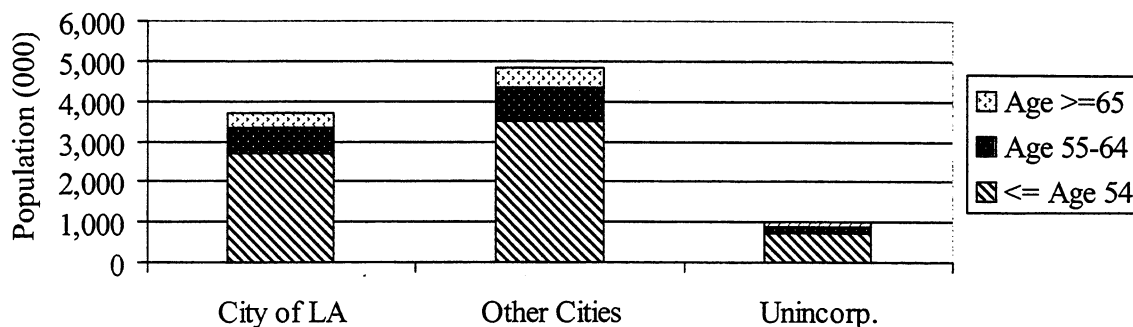
- The Los Angeles County Department of Community and Senior Services (CSS). The Area Agency on the Aging in CSS (CSS/AAA) and the Adult Protective Services in CSS (CSS/APS) and other related senior services and programs account for approximately 10% of the CSS Department's responsibilities.
- Community-based organizations (CBOs) that are funded by CSS
- Local cities in the County (but excluding the City of Los Angeles, which is funded separately from CSS).

## Senior Demographics

According to the Census 2000 data, the County's total population is 9.5 million. The County's seniors, age 65 or older, number 926,673 or 10% of the population. If you include the 17% of the population which is between the ages of 55 and 64, the total percentage of seniors increases to 27%. Approximately 50,000 or 5% of the County's seniors, age 65 or older, are at the poverty level.

The senior population is spread geographically into 3 segments: 39% residing in the City of Los Angeles, 51% in one of the other 87 incorporated cities, and 10% in unincorporated areas, as shown in Exhibit 1. CSS/AAA is responsible for serving seniors in the areas of the County outside of the City of Los Angeles. The City of Los Angeles receives its funding for senior programs directly from the State and is therefore excluded from this study. The focus of this investigation is on seniors residing outside of the City of Los Angeles in either the County's incorporated areas or one of its other cities.

EXHIBIT 1  
COUNTY OF LOS ANGELES:  
POPULATION, BY SENIOR AGE GROUPS AND  
INCORPORATED VS. UNINCORPORATED AREAS



Compiled from Census 2000 data furnished by the Service Integration Branch, Office of the CAO to CSS

During the next decade, the number of County residents will increase dramatically, as will average ages and ethnic diversity. According to the Board of Supervisors' mandated report, *Preparing for the Future: A Report on the Expected Needs of the County's Older Population*,<sup>12</sup> the service demands for older adults will increase from 9.6% in 2002 to 18.6% by 2030. This projected increase was attributed to:

- The growing population of older adults (e.g. "baby boomers" becoming seniors)
- Increased survivorship – i.e., more people living beyond age 85.

As a result, more older adults will require more complex assistance and will likely demand increased services – medical, personal care, and financial assistance – over a longer time period. The report, which was jointly prepared by CSS and the Department of Health Services cautions that the County has only 10 years to prepare for such anticipated needs.

The current unmet needs of seniors, coupled with the large segment of the population age 55 to 65, indicates that the rising demand for senior services is already a reality in the County's local cities and unincorporated areas. On the basis of current indicators, the County's ability to meet the potential needs of this senior population is severely limited.

- Increases of the senior population in the incorporated areas.<sup>13</sup> Projections for the incorporated areas indicate a pending growth rate of 73% – a current senior population, age 65 or older, of 751,835 and an additional population of residents, age 55 to 65 years of age, of 598,348.
- Increasing number of seniors in unincorporated areas. The 2000 census information shows that the number of County residents, 65 years or older, in unincorporated areas is 87,419 but the number of County residents, between 55 and 65 years of age, is an additional 73,936 – a pending growth rate of 85%.

The burden in the unincorporated area falls to the County since there is no "city" to pick up the slack in providing senior services.

Neither CSS nor the census estimates factor in death rates or net immigration trends but, with increasing longevity, the estimates represent a staggering potential increase to the service population. On the basis of these growth rates, the previous assumption by CSS that they have 10 years to prepare for the services required by this senior population bulge is unrealistic.

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<sup>12</sup> Jointly prepared by the Community and Senior Services (CSS) (Aging and Adult Services Branch) and the Department of Health Services (DHS) in the County of Los Angeles. Adopted by the Board of Supervisors, October 1999.

<sup>13</sup> Based on data for the 87 incorporated cities but excluding data for the City of Los Angeles.

## **CSS Mission, Programs, and Funding Sources**

CSS's overall mission is to "provide comprehensive human services to residents of Los Angeles County in partnership with communities, businesses, and public and private agencies."

CSS provides an array of "safety net" social and human services to County residents through 28 different programs. The Grand Jury's investigation focused on only those programs aimed at the senior population administered and funded by the CSS Area Agency on Aging (CSS/AAA) and the Adult Protective Services (CSS/APS). CSS services are broad and varied, involving:

- Group meals or home-delivered meals
- Nutrition counseling
- Senior centers and recreational programs
- Adult day care or Alzheimer's day care centers
- Health insurance counseling
- Adult protective services to investigate physical abuse, neglect, self-neglect, or financial abuse
- Job training and placement for seniors
- Care managers or social workers to assist in obtaining community resources
- In-home care services (housekeeping, personal care)
- Help in finding in-home workers
- Family caregiver or respite services
- Legal assistance

In addition, CSS provides some programs which are not primarily targeted to seniors but which are available to them.

- Domestic Violence
- Workforce Investment Act
- Refugee Program
- Dispute Resolution
- Community Action Agency

Exhibit 2 highlights the key funding sources for CSS/AAA and CSS/APS programs.



Exhibit 2  
FEDERAL AND STATE FUNDING SOURCES FOR SENIOR PROGRAMS  
(TOTAL = \$53.4 MILLION FOR FY2001-2002)

FUNDS	BUDGET (\$000s)	PROGRAMS
<b>AAA</b>		
Older Americans Act, Title III-B	\$ 6,670	<input type="checkbox"/> Personal Care <input type="checkbox"/> Respite Care <input type="checkbox"/> Housekeeping <input type="checkbox"/> Registry <input type="checkbox"/> Minor Home Modification <input type="checkbox"/> Telephone Reassurance <input type="checkbox"/> Legal Assistance <input type="checkbox"/> Outreach/Mentor <input type="checkbox"/> Senior Centers <input type="checkbox"/> Alzheimer's Day Care Resource Center <input type="checkbox"/> ICM <input type="checkbox"/> Ombudsman
Older Americans Act, Title III C1-C2	\$10,432	<input type="checkbox"/> Home-Delivered Meals <input type="checkbox"/> Congregate Meals <input type="checkbox"/> Dietary Support Services
USDA	\$ 1,845	<input type="checkbox"/> Congregate/Home-Delivered Meals
Older Americans Act, Title III-D	\$ 436	<input type="checkbox"/> Effective Nutritional Health Assessments and Networks of Care for the Elderly (ENHANCE) <input type="checkbox"/> Disease prevention or health promotion <input type="checkbox"/> Related nutrition support
Older Americans Act, Title III-E	\$ 3,070	<input type="checkbox"/> Family Caregiver Programs <input type="checkbox"/> Family Caregiver Support Services <input type="checkbox"/> ADCRC <input type="checkbox"/> ICM
Older Americans Act, Title V	\$ 2,203	<input type="checkbox"/> Senior Employment Program
CBSP	\$ 1,845	<input type="checkbox"/> ADCRC; HICAP; ICM
AB 764 DMV Disabled Parking Violation Fees	\$ 700	<input type="checkbox"/> ICM
Older Americans Act, Title VII	\$ 272	<input type="checkbox"/> Ombudsman <input type="checkbox"/> Elder Abuse Prevention
<b>APS</b>		
APS	\$27,742	<input type="checkbox"/> APS <input type="checkbox"/> ICM <input type="checkbox"/> Inter-Agency with: <ul style="list-style-type: none"> <li>• District Attorney</li> <li>• Health</li> <li>• Mental Health – Public Guardian and GENESIS</li> <li>• Consumer Affairs</li> </ul>
Older Americans Act, Title VII-B	(refer to the Title VII budget above under AAA)	<input type="checkbox"/> Elder Abuse and Dependent Adult Abuse Prevention <input type="checkbox"/> Fiduciary Abuse Specialist Team (FAST) program (coordinated by a CSS/AAA contractor or CBO)

Source: Compiled from data collected from CSS

## CSS's Contracting Networks and Revenues

To deliver its programs, CSS works with various partners and partner networks, involving other County departments, cities, and community agencies and organizations, representing 59 community-based organizations (CBOs) or contractors in FY2002 and 50 CBOs in FY2003. The breakdown of CBOs for FY2003 is:

- 25 CBOs for nutrition
- 25 CBOs for the ICM program
- 44 CBOs in Supportive Services (Title III-B, CBSP, Title III-E, including the ADCRC, HICAP, and Caregiver Support Services
- 110 Senior Employment Program (Title V) host agencies.

CSS has more than 100 contracts with its CBOs. For Fiscal Year (FY) 2003, CSS's budget of \$185.3 million came from three key funding sources. Less than one-third of the \$185.3 million is allocated to senior programs:

- Non-County government sources – Federal and State sources, license and permit fees, court filing fees, parking fines, and local sources, representing 62% of the budget or \$114.8 million
- Intra-fund transfers from other County departments – Collaboration with other County departments, representing 36% or \$66.2 million
- General Fund – The County General Fund, representing only 2% or \$4.4 million.

## Methodology

The general question the Grand Jury considered: Is the County reaching all of the *right* people at the *right* time with high quality, effective services that are reasonably priced?

- We reviewed an extensive collection of documents, including CSS's *Strategic Plan*, CSS/AAA's *Long-Term Care Strategic Plan*, financial data, AAA report on *Preparing for the Future: A Report on the Expected Needs of Los Angeles County's Older Adult Population* (1999), contracts, delivery measurements, organizational charts, etc.
- Interviews were conducted with CSS executives and key program managers in charge of
  - Adult Protective Services (APS)
  - Supportive services, including the In-home Registry
  - Senior Employment Program

- Alzheimer's Day Care Resource Centers (ADCRC)
  - Health Insurance Counseling and Advocacy Program (HICAP)
  - Congregate Meals and Home-delivered Meals
  - Effective Nutritional Health Assessments and Networks of Care for the Elderly (ENHANCE)
  - Fiduciary Abuse Specialist Team (FAST)
  - Integrated Care Management (ICM)
  - Geriatric Evaluation Networks Encompassing Services, Information Support (GENESIS)
- A written survey (in English and Spanish) was designed and mailed to 17,000 households with seniors – stratified, by zip code, and randomly selected. This sample is representative of the general senior population in the County of Los Angeles. More than 2,600 seniors – a 15% response rate – completed this survey.
  - Copies of the written survey and a website version of the survey (in English and Spanish) were made available to all senior sites. The surveys were distributed to users of senior services and senior center staff. In total, 1,770 seniors and staff completed this survey at senior service sites.
  - A written survey (also available on a website) was sent to 257 mayors, city managers, and interested department heads or managers involved with senior programs in the 87 cities in the County, except the City of Los Angeles. In total, 51 surveys were returned.
  - Public service announcements about the surveys were distributed to 11 radio stations and 9 newspapers, including publications in Spanish, Korean, and English.
  - During site visits at 15 randomly selected community senior centers, the Grand Jury:
    - Interviewed the onsite managers, CBOs, and staff
    - Observed services provided on site
    - Requested that the seniors using the site complete the written survey
    - Conducted information interviews with selected seniors.
  - Standard AAA contracts and selected case files were also reviewed.

## GENERAL PROGRAM FINDINGS AND RECOMMENDATIONS

### Department Overview

In terms of CSS, the investigation focused on the programs and services offered to seniors through the Area Agency of Aging (AAA). AAA's mission is to "identify unmet needs of older adults and functionally-impaired adults as well as planning, coordinating, and implementing programs that promote the health, dignity, and well-being of the County's residents."

CSS, its senior center staff, its CBOs, and its cities have been very cooperative during the conduct of this investigation and view the nature of this inquiry as timely. Since CSS embarked on its strategic planning efforts, it has been developing many initiatives that will better position the Department in the longer term. Among these initiatives are:

- **Strategic Plan:** During the past two years, CSS embarked on an extensive and collaborative strategic planning process, involving CBOs, cities, and other senior stakeholders. CSS's strategic plans build on the County's Strategic Plan's goals and associated strategies.

In addition, CSS/AAA has developed a comprehensive *Long-Term Care Strategic Plan for the Aged and Disabled of Los Angeles County*. The *Strategic Plan* covers a three-year planning effort that draws on the collaboration of multiple County and municipal agencies and addresses both short-term and long-term goals for the aging community.

- **Information technology (IT) future development:** CSS has identified both technical and program areas where the current IT system does not meet the Department's needs. Recognizing this shortcoming, CSS has contracted with the County's Information Technology Service (ITS) in the Internal Services Department (ISD) to develop a comprehensive system. The system is in its early design stages and is expected to be implemented by 2004. According to CSS, the new system will be updated daily, web-based, Windows application, CSS-LAN connected, Internet available, user-friendly, centralized, and comprehensive; it will track:
  - CSS clients by programs so CSS can identify what services clients are receiving at any given time
  - Data for the generation of reports, including performance measurements and outcomes
  - Contractor expenditures as CBOs submit performance data

An added benefit is that the system will link the CSS branches into one automated system (currently APS and AAA have different computer programs).

- Involvement in the County initiative for developing performance measures: CSS is participating in the County's performance measures pilot, "Performance Counts!" The purpose of the pilot is to: a) develop a County performance measurement framework within which different departmental methodologies may co-exist and b) ensure consistency with the County's Strategic Plan and other related measurement efforts. The proposed framework for building a County system of performance measurements is guided by the following principles: simplicity, appropriate priorities, flexibility, and consistent with the County's mission and Strategic Plan.
- Partner network: CSS/AAA has established a network of service providers and meets regularly with them. Within the network, certain agencies have formed their own consortia, such as the Asian-Pacific Islander agencies collaborating on case management. In other instances, community colleges offer classes and health maintenance organizations (HMOs) bring screening programs to seniors at sites.
- Establishment of a new Quality Assurance and Fiscal Accountability Section to enhance contract review and oversight: In response to a recent Auditor-Controller audit findings and recommendations, CSS established the Quality Assurance and Fiscal Accountability Section comprised of staff with financial and auditing expertise. To ensure that contracting through CSS meets with local, State, and Federal regulations, CSS has: 1) established a set of standard contract monitoring tools and standardized contract documents; 2) developed standardized reports that provides the contractor under review the objectives, scope and methodology of the monitoring and clearly states the findings, recommendations and corrective action plan as needed; and 3) centralized Departmental and contractor inventories to maintain control. CSS/AAA has developed a new manual for their monitors to use. The manual should streamline and make the monitoring process consistent.
- Inter-agency agreements: CSS/APS has formalized a team of County agencies and providers to address the issue of Elder Abuse. The other County agencies include the District Attorney, Consumer Affairs, Department of Health Services (DHS), and Department of Mental Health, including the Public Guardian program, discussed later. Later recommendations address how to strengthen these inter-agency relationships.
- Integrated Care Management (ICM) model: Discussed in greater detail later, CSS designed and implemented the three-year Integrated Care Management (ICM) demonstration project to show the effectiveness and cost-efficiency of providing care management and service coordination. CSS's design involved the use of five Federal and State funding sources

for ICM. The ICM demonstration project ended in 2002. ICM is now a permanent CSS program for functionally impaired seniors. Federal and State categorical funding requirements, however, limit the potential for fully integrating services for seniors.

- Strengthening of the RFP process: CSS/AAA is implementing new contracting procedures to use funds more effectively. This includes distributing funds more equitably among the SPAs and requiring CBOs to now meet specific program targets and clients for Title III-B funding.
- CSS's strategy to align services to complement the 8 County SPAs: The County's departments and agencies that are involved with human and social service programs have adopted 8 geographic regions (called SPAs) for aligning their services and functions in a cohesive and collaborative way. Exhibit 3 displays these 8 SPAs and the geographic areas they encompass. CSS plans on aligning its programs and services to be consistent with the County's strategic thrust for SPAs.

EXHIBIT 3  
COUNTY OF LOS ANGELES:  
GEOGRAPHIC AREAS OF THE SERVICE PLANNING AREAS (SPAs)

SPA	TITLE	GEOGRAPHIC AREA
1	ANTELOPE	Antelope Valley
2	SAN FERNANDO	Greater San Fernando Valley (SFV) and Santa Clarita Valley (e.g., La Canada Flintridge, Westlake Village, Glendale, Burbank)
3	SAN GABRIEL	San Gabriel Valley (e.g., Monterey Park, Pasadena, Claremont, Rowland Heights, Pomona, Diamond Bar)
4	METRO	Downtown and north environs (e.g. Silverlake, Los Feliz, Echo Park)
5	WEST	West of downtown (e.g., Marina del Ray, Santa Monica, West Hollywood, and Malibu)
6	SOUTH	South of downtown (e.g., Florence, Compton, Willowbrook, Paramount, Lynwood)
7	EAST	East-southeast of downtown (e.g., East Los Angeles, South Gate, Cerritos, Whittier, Montebello)
8	SOUTH BAY/ HARBOR	South Bay/Harbor (e.g., Long Beach, San Pedro, El Segundo, Redondo Beach, Inglewood, Lennox, Carson)

Source: Compiled from data collected from CSS

## General Recommendations

Recommendation 1: The Community and Senior Services Department should move from planning to implementation of their *Long-Term Care Strategic Plan*. An outside agency should monitor this transition and progress.

Recommendation 2: The County should ensure its strategies address the full extent of County seniors' needs.

The County has an aging population, which will become a stronger senior advocacy group in the next 3 to 5 years. No single agency, however, is addressing the full extent of the County's senior needs as the survey shows. CSS's focus is on the target population defined in the Older Americans Reauthorization of 2000, namely, previously targeted groups<sup>14</sup>.

During its strategic planning process, CSS embarked on a collaborative process involving many departments and stakeholders to begin to coordinate services for seniors across the County. CSS funding, however, addresses about 10% of the senior population needs. Except for the APS's ongoing education campaign (which includes billboards, promotional merchandise, etc.), local cities, CBOs, and CSS/AAA programs generally maintain low profiles and seldom advertise the services available. Some are concerned that, if advertised, the likely demand for services would far exceed the capacity of the system. Keeping the programs "a secret" is in some ways an implicit rationing device. As a result, many seniors do not know of the programs and services available and their needs may go unmet. Compounding the situation is the lack of information on the senior demographics, ethnicities, and diverse needs, making it difficult to estimate unmet needs.

To understand the real needs of seniors, use resources appropriately, and set priorities across programs, CSS needs to systematically update demographic projections and routinely survey seniors. By conducting surveys, CSS will be better informed in making decisions, given their limited budget, and become more effective senior advocates. Only with clear, irrefutable information on the extent of seniors' needs and corresponding cost-benefit arguments to support program expansion will CSS be able to better serve their clientele.

Recommendation 3: Community and Senior Services/Area Agency on Aging must take the lead to ensure effective coordination of services to deliver senior services via CSS's strategic collaborative departmental approach.

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<sup>14</sup> That is, those in greatest social and economic need with particular attention to low-income and minority elderly, Native Americans, and persons with Alzheimer's disease and related disorders (and their families).

Seniors (both the senior population at large and users of senior services) have consistently expressed their top concerns in the survey as:

- Health care
- Housing, including assisted living
- In-home services (housekeeping, personal care)
- Safety and security
- Transportation

Their preferred social or recreational programs include:

- Field trips or travel
- Exercise classes
- Walking or hiking
- Plays, music, or other performance arts
- Companionship or social visits

These concerns and interests overlap with other city and County departments services, including:

- Department of Health Services (DHS) for public health and health care
- Community Development Commission (CDC) for housing
- Metropolitan Transportation Agency (MTA), CDC, and Public Works for transportation
- Sheriff and police for safety and security
- Parks and Recreation for recreation, exercise, walking, and hiking activities
- Libraries, parks, and related human services activities in the 87 cities in the County.

The basic service delivery conundrum is whether to have: a) traditional departments provide programs in their “areas of expertise,” tailored to the specific needs of this demographic segment, or b) CSS/AAA provide these services with programs that are sensitive to seniors’ requirements. From a review of the data collected, two major problems have emerged:

- Seniors have insufficient information about what services are available. As a result, there is substantial hidden demand that is not being reported or serviced.
- Depending on their mobility, health, or financial means, many seniors need help accessing a coordinated set of services designed specifically to meet their needs.

A reasonable “hybrid” model would be to have CSS act as a strong advocate for and coordinator of senior services. For example, CSS and the Library currently collaborate in one SPA by having a home-delivered meals program bring books with



their meals to seniors in their homes. The Board of Supervisors and CAO should continue to stimulate collaboration between County departments and CSS in meeting the needs of the County's seniors.

Other involved County departments should be given a mandate to work closely with CSS who will take the lead in coordinating senior services across departments. CSS should also coordinate services to deliver a comprehensive package of senior services tailored to seniors' needs, as discussed in later recommendations. For many seniors, this type of support will allow them to maintain a high quality, independent life style for a number of additional years.

Recommendation 4: Given its recently adopted *Long-Term Care Strategic Plan*, CSS/AAA is in a period of transition and CSS should develop a funding strategy.

Current resource levels (e.g., funding, staffing, facilities) appear insufficient to achieve these goals in a reasonable time frame.

Seniors have not been a focus of County government. Given the aging population and significant demographic shift, the County must focus more attention on and re-allocate resources to deal with the needs of these residents. Two resource issues that need to be addressed are funding to help CSS accomplish the organizational change implied in the *Long-Term Care Strategic Plan* and program funding to meet the growing needs for services to seniors.

Historically, CSS has been a fiscal conduit for distributing Federal and State monies to service providers. Its new strategy is to become more directly involved with senior issues and service delivery. But CSS's past, work culture, areas of expertise, and systems, including human resources and legal capabilities, will constrain CSS in achieving its new strategic directions.

Structure follows strategy. The organizational culture must be significantly revamped to achieve the *Long-Term Care Strategic Plan*. This revamping involves a dramatic shift from allocating Federal and State funds to a client-focused or senior-focused approach. Normally, organizational development programs of this magnitude take 3 to 5 years to develop and implement. Given the population growth of seniors, this implementation will need to be accelerated (implying additional costs) to meet the new mandate. The current proposal by CSS to self-fund the reorganization is probably unrealistic unless the time frames and expected performance goals are seriously relaxed.

An even more fundamental question for the County, given our findings regarding current service levels and future population growth, is the need for a funding strategy to address senior needs. This funding strategy should consider:

- Allocation of County funds to this social policy area for new programs or growth of existing programs
- Advocacy for more Federal and State funding
- Potential pursuit of bond measurements for senior centers
- Support or pursuit of proposed legislation that addresses senior funding issues, program delivery innovations, and streamlining of senior services.

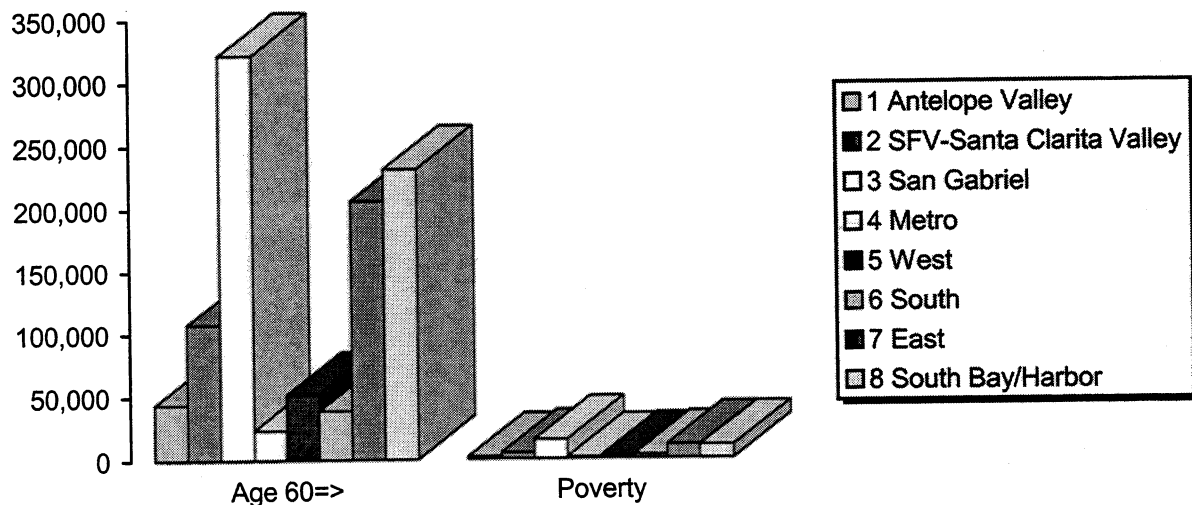
**Recommendation 5:** CSS should restructure itself to support the SPA framework.

Senior services and programs are not currently aligned with the SPAs. While there is a list of the CBOs, by SPA, and the supervisory areas they serve, it is not clear that there has been any needs assessment done for any particular area. The overall CSS goal directed at the CBOs is to serve a fixed percentage (45%) of clients who are minority and low income (as per the OAA Reauthorization of 2000).

CSS plans to realign the funding allocations based on the SPA population, beginning in the next fiscal year. Exhibit 4 displays the current proportion of the senior population by SPA, by age and poverty status. SPA 3 (San Gabriel Valley), SPA 7 (East), and SPA 8 (South Bay/Harbor) have the largest number of seniors residing with proportionately higher levels of seniors living at or below the poverty level. Appendix A contains further breakdown on the general senior population survey findings, by SPA.

**EXHIBIT 4**  
**COUNTY OF LOS ANGELES:**  
**SENIOR POPULATION, BY SPA AND POVERTY LEVELS**

#### Senior Population



Source: Compiled from Census 2000 data furnished by Service Integration Bureau, CAO's Office to CSS

Recommendation 6: The Board of supervisors should lobby for an overhaul of the funding categories developed at the State and Federal levels.

Given its size, national prestige, and diverse challenges facing its senior population, the County should lobby for changes in the Federal and State categorical funding approaches that currently lack the necessary flexibility to use the dollars effectively and efficiently. Several of the programs have inconsistent age eligibility. Funding must be used for specific programs and not general senior programming.

Examination of the current programs and legislation reveals that the categorical funding is a major impediment to effective use of resources. Except for the Integrated Care Management (ICM) Program, a pilot project involving the use of five Federal and State funding sources (and discussed later), little integration among programs occurs. CSS management, however, recognizes this limitation and designed the ICM pilot program in an effort to meet unmet needs and build the case for greater integration to its funding sources at the Federal and State levels.

Most providers find the multitude of Federal and State rules and audits to be onerous and an ineffective diversion of time and resources from service delivery with minimal improvements in quality. Even in the ICM, service providers are required to maintain and code costs against the five funding programs.

This is an area where the County and California could take a leadership role, perhaps by negotiating pilot programs with the U.S. Federal Government. The goal of the pilot programs is to demonstrate the advantages in terms of:

- Service improvements
- Quality of life for seniors
- Economies generated by the reduction of red tape
- Streamlining of the bureaucratic infrastructure needed to support the current hodgepodge of programs, reporting rules, and differing access criteria.

Recommendation 7: CSS/AAA should continue to build on the Integrated Care Management experience to implement innovations in other program areas.

The CSS management team should continue to: a) ensure the County gets its fair share of Federal and State programs and b) meet all Federal and State criteria to ensure that the funding is maintained. Clearly, attention to legislative requirements is prudent. But the management team must learn to address both areas more effectively. Balancing the compliance requirements against customizing programs to meet seniors' needs is a difficult challenge.

Greater attention to and a solid investment in "market research" of their clients' needs/wants will put CSS in a better position to negotiate changes in ineffective rules

and programs. Similarly a clearer focus on meeting the needs of seniors will be an impetus to building new goals and appropriate information systems to measure how well CSS is achieving its overall mandate as discussed here and in its *Long-Term Care Strategic Plan*.

**Recommendation 8:** Formal communication channels should be developed and implemented for CSS internal mid-management.

Historically, CSS's program managers and staff members have worked within their own "organizational silos" with minimal contact with their peers in other areas. Limited internal management communications cause breakdowns in program management, administration, contract monitoring, and fiscal issues.

AAA and APS – both dedicated to senior-related initiatives – have maintained separate goals and objectives, and primarily work independently of each other. Within the senior programs specifically, there are different computer systems, reporting mechanisms, and operating procedures between AAA and APS. It appears information is only shared when necessary or required by State or Federal reporting requirements. In addition, the bifurcated method of delivering services to seniors – by contracting-out on one hand and in-house staff on the other – lends to this division of communication. As a result, there does not appear to be any bridge to analyze and assess both areas under the mantle of senior programs.

This situation is further complicated with a breakdown in communications of AAA and APS program coordinators and CSS staff performing the administrative functions (e.g., budgeting, accounting).

### **Fiscal Recommendation**

**Recommendation 9:** CSS/AAA should develop more sophisticated systems and staff capabilities to manage and monitor program funding.

During the mid-year evaluations of meal programs, CSS determines such items as: a) number of meals served by CBO to determine if 95% of the targets are met; if not, CSS reallocates the dollars from low-performing CBOs to high-performing CBOs. Several shortcomings in fiscal operations limit the ability of CSS/AAA staff to manage and monitor programs from a fiscal accountability perspective.

- CSS/AAA staff should track budget versus actual expenditures, by program. The current fiscal reports check only if the monthly expenses are within the budgeted amounts. CSS/AAA performs little analysis of actual units or service levels provided, comparing the budgeted level or the monthly expenses to the units of service. The contract monitor completes the only service-oriented evaluation, which covers only a two-month period of the previous fiscal year. The

measurements for checking the program achievements, however, appear insufficient, as discussed later.<sup>15</sup>

- CSS's MIS Division should develop user-friendly reports and facilitate access to needed databases to analyze and manage programs. In general gathering meaningful performance statistics on CSS/AAA programs is an arduous task. Senior CSS management does not routinely use the best-designed report (identified during the investigation) to determine yearly units of service delivered. In fact, the numbers were viewed as dubious due to malfunctions in the reporting mechanism.
- Program staff should be trained in analyzing and tracking fiscal, operational, and performance data. The kinds of data that staff should routinely assess are: caseloads, financial data, cost per case, percentages of need met, and program outcomes. There is little awareness at even the manager level that cost and units of service should be identified and analyzed regularly. Reporting of measurements is done for the State and Federal reporting requirements but minimal reporting occurs for internal productivity or assessment purposes. The State and Federal requirements, however, primarily request only funding levels and not units of service – a critical factor of potential impact on seniors.
- CSS/AAA should analyze the causes for CBOs who have costs that routinely exceed allocated levels. CSS/AAA's fiscal policy is not to pay any amounts above the budgeted amount. The contract monitors, however, compare the actual service level to the original performance indicators even if the units of service have increased because of budget increases during the year. Moreover, CSS/AAA cannot readily determine if the CBO's cost overruns occurred because of increased service levels or problems in its reporting system. Even though CSS/AAA does not pay for cost overruns, it should analyze the causes for such discrepancies between planned and actual units of service.

Deficiencies in such analytical capabilities handicap CSS/AAA staff from carrying out their day-to-day management responsibilities, monitoring programs, evaluating program outcomes, planning for future needs, and fulfilling public accountability.

## **Provider Relations, Contract Monitoring, and Outcome Measurements**

During 2002, the Auditor-Controller identified contract monitoring as an area warranting improvements within CSS. In response, CSS/AAA management took the following actions to improve the contract monitoring function:

- The Department developed a new manual for CSS/AAA's contract monitors, who oversee more than 100 contracts, with approximately 59 different CBOs. The

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<sup>15</sup> Based on a review of selected contracts.

manual streamlines different monitoring procedures used in different programs to ensure both program and fiscal integrity to the CSS/AAA programs.

- In addition, CSS has developed a second manual for the CBOs to streamline the procedures for site visits; this second manual complements what the contract monitors are assessing.
- CSS hired management personnel to oversee the CSS/AAA's entire contract monitoring process.
- CSS created a new unit, the Quality Assurance Unit, to orchestrate a CSS-wide uniform contract monitoring process.
- CSS is furnishing department-wide training, in collaboration with the Auditor-Controller, for its contract monitors to ensure program and fiscal integrity.

Recommendation 10: CSS/AAA and CSS/APS should continue to develop a more qualitative and quantitative approach to tracking, managing, and measuring program and population-based outcomes.

CSS/AAA and CSS/APS acknowledge the need for a formal measurement system of program outcomes and are currently working with the County's "Performance Counts!" Program. In the interim, the contract-monitoring unit measures CSS's performance, the most thorough of which is the nutrition assessment program but it also has limitations:

- CSS/AAA lacks an overall quantitative report that compares all funding (original budget and one-time only (OTO) funds) and compares these dollars against units served. (Note: OTO funds are from two sources: 1) dollars the State gives back to an agency from the previous year's surplus and 2) dollars CSS takes from low-performing CBOs after completing its mid-year check on performance levels. CSS can reallocate available OTO funds to high performing CBOs.)
- The number of users (as recorded on sign-in sheets) of congregate meals is monitored and the nutritional value of the planned menu is assessed; other measurements of success are not. The evaluation report used by the contract monitor for Title III-B programs is a report page with the titles "reported," "contracted," and "verified" on it and the CSS monitor has essentially agreed with the reported number.
- CSS/AAA knows the number of meals served but does not know the number of individuals served. They estimate that approximately 18,000 seniors are served meals, averaging 105 meals per person per year – or approximately 2 meals per week. The CBOs do report on the number of duplicated and unduplicated clients

but it is not clear how these numbers are to be interpreted. In addition, CSS does not seem to indicate this number in any clear fashion.

- CSS/AAA conducts annual assessments with each CBO; an assessment consists of a site visit that usually takes up to four days. The contract monitor reviews two months of data. Our review of three contracts found:
  - The contracts lacked specifics on the collaborative outreach.
  - The monitoring tool to check on units of service provided was unclear as to how the measurements were taken and what the findings determined.
  - A CBO was commended for performance but some programs appeared to compare monthly to yearly figures, inflating the CBO's overall record.
  - There is a lengthy checklist for the contract monitor to mark off, but the back-up material to the responses to many questions was not apparent.
  - One of the contracts contained three amendments, adding OTO funds to that year's contract. This was the one CSS/AAA analysis that indicated funding and units of service together.
  - The Appendices in the contract include unit value and number of units but there is no reference to the number of clients or how often a client would receive 'Housekeeping' services, for example.
  - It was unclear what the total amended package ultimately was for the CBO due to the number of amendments and appendices in addition to the original contract.
  - The calculations were not always accurate from page to page, making it difficult to understand how much the CBO was responsible for.

In addition to the many information systems problems encountered in most CSS programs during the investigation, CSS/AAA and CSS/APS lack a set of unifying goals for seniors that are outcome oriented. In addition, we did not find outcome goals that applied within programs or across programs. Frequently, the "goals" are process measurements, such as number of meals per client, per meal costs, aggregate nutrition versus the impact on specific seniors' needs (i.e., outcomes). Many of these goals are actually rules laid down by the Federal or State entities and have deflected CSS from focusing on outcome-related goals or results.

In the context of the new *Long-Term Care Strategic Plan*, CSS needs to develop a clear set of desired outcomes that they are attempting to achieve for each program. Such outcome measures should be linked to the County's priorities for fiscal

responsibility, service excellence, workforce excellence, and organizational excellence. The types of goals that are more outcome or results oriented cluster into five areas:

- Quality of life (e.g., the ways in which the intervention has improved seniors' quality of life)
- Physical health (e.g., mobility)
- Mental health
- Increased independent living
- Longevity.

## Specific Program Recommendations

The remaining recommendations build on the initial 10 recommendations discussed above, but are focused on specific CSS programs for seniors. For each senior program or service, some background information is presented first (description of the services, eligibility criteria, and funding sources), followed by the specific recommendations

### Integrated Care Management (ICM) Program

The Integrated Care Management (ICM) Program was a three-year demonstration project to show the effectiveness and cost-efficiency of providing care management and service coordination. The demonstration ended in 2002 and the program is now a permanent program for functionally impaired seniors. Exhibit 5 displays the ICM funding and caseload, by funding source.

EXHIBIT 5  
COUNTY OF LOS ANGELES, COMMUNITY AND SENIOR SERVICES:  
ICM FUNDING<sup>16</sup> AND CASELOAD  
(FY2001-2002)

SOURCE	BUDGET (\$000s)	CLIENTS PER YEAR	COST PER CLIENT
APS	\$1,800	4,076	\$442
Title III-B Supportive Services	\$1,800	9,896	\$182
Community Based Service Programs	\$ 618	4,154	\$149
AB764 Disabled Parking Violation Fees	\$ 468	4,483	\$104
Family Caregiver	\$1,076	N/A	N/A
<b>Total</b>	<b>\$5,762<sup>17,18,19</sup></b>	<b>22,609</b>	

Source: Compiled from data collected from CSS.

<sup>16</sup> Represents Federal and State funds only; no matching funds included.

<sup>17</sup> The Federal Title III-E Family Caregiver is not an intake point for ICM.

<sup>18</sup> Client numbers include City of Los Angeles data for APS and AB 764 as do their respective budgets.

<sup>19</sup> ICM budget represents 10% of the entire Senior Services budget



- ICM involves a full range of senior services. Using 26 CBOs, ICM links clients with appropriate services including: intake screening, in-home assessment, care planning, case management, and case monitoring. Instead of a client receiving intake from one specific program, the client can now be referred to other CSS programs. To be eligible, the client must be functionally impaired. ICM serves functionally impaired adults, age 18 years and older. To access Title III-B funds, though, clients must be 60 years or older. All functionally impaired County residents, including those in the City of Los Angeles, are potentially eligible for this program.
- In FY2002, ICM served 22,609 clients, including those from the City of Los Angeles. The population of seniors served is approximately 18,700 based on a senior rate formula of 70% for senior/dependent adult programs. Funding for ICM from APS and AB 764 also includes services for clients in the City of Los Angeles; the number of clients served in FY2002 were 1,539 and 1,305 respectively.

Recommendation 11: CSS/AAA should enhance management oversight for ICM to ensure cohesive implementation, monitoring, and program coordination.

Because of other internal CSS commitments, the current ICM manager is not actively engaged in overseeing, assessing, and evaluating the implementation of the project; it is primarily CBO-driven.

ICM warrants more CSS management oversight. To obtain information or answers on ICM, multiple managers must furnish input, making accountability for ICM almost impossible to identify. The ICM Evaluation Report of the ICM Demonstration Project (ICMDP) also cited these concerns.

- Because of Federal and State requirements, ICM is subject to complicated accounting of fund use to balance dollars available to meet client needs. Although a network of services is now available to the client, there has been little reduction in administrative work for the CBOs. The CBOs<sup>20</sup> receive funds from either all or the majority of the five funding sources, which allows them to provide the client services associated with each funding source. Because no mingling of funds can occur, a client whose intake area is APS, for example, must be charged for services to the APS account until the case is disposed. This is complicated and confusing because the CBO must balance the needs of the client against availability of funds and eligibility for funds.
- ICM program evaluation is cumbersome. ICM lacks integration or synthesis of caseload data and uses the same evaluation methods as designed for the individual programs. Other shortcomings identified are: a) possible duplication

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<sup>20</sup> 24 CBOs in FY2001-2002 and 25 CBOs in FY2002-2003.

in the client counts and b) lack of a program reporting structure to evaluate services most needed, timelines, intake pattern. This critical issue was raised in the ICM Evaluation Report as well:

The ICMDP was not originally designed to measure specific clinical or financial outcomes. This evaluation, therefore, was not able to measure Logic Model client outcomes directly due to the absence of longitudinal clinical data particularly in the MIS database. Current data available does not measure ADL, IADL or cognitive functioning over time, institutionalization (hospital, nursing home) or re-referral to APS within a given time frame. Without accessible, longitudinal data, the question of the cost-effectiveness of this innovative model cannot be truly addressed. Source: *Integrated Care Management Demonstration Project – Evaluation*, prepared by Partners in Care, January 2002.

CSS/AAA should ensure the administrative capacity to:

- Oversee the policy implementation of ICM
- Identify and analyze the productivity of the CBOs
- Establish cost-benefit and cost-effectiveness targets
- Expand the current multi-funding model into a client-centered model, which could track clients on a longitudinal basis.

### **Congregate Meals and Home-Delivered Meals**

The purpose of congregate and home-delivered meals is to maintain or improve the physical and social well being of mobile and homebound seniors through nutrition services.

The criterion for eligibility is based solely on age, not need. Any Los Angeles County resident, age 60 years or older, is eligible. Some centers and CBOs request a donation to assist with their subsidization of the meal costs; suggested donation amounts vary from approximately \$1 to \$4.

- CSS/AAA serves meals to a large number of seniors, compared to other senior programs. Last year, 18,808 individual seniors regularly received congregate meals and 7,165 regularly received home-delivered meals.
- CBOs supplement the CSS/AAA funding with their own fund-raising capabilities to better meet the needs of the seniors they serve. As shown in Exhibit 6, CSS/AAA receives funding from the Older Americans Act (OAA), Title III-C1 (\$5.64 million including State funds) and Title III-C2 (\$4.15 million including State

funds) for this program. CSS/AAA distributes these monies to 25 contracted service providers, which serve meals at 100 congregate meal sites, operating up to 5 days per week, and 5 to 7 meals per week for an additional 40% to 55% of the total budget. (CSS CBOs receive approximately \$2.9 million in donations per year.)homebound seniors. The contracted service providers often supplement these dollars from other revenue sources. Contributions, grants, in-kind services, and donations account

EXHIBIT 6  
COUNTY OF LOS ANGELES, COMMUNITY AND SENIOR SERVICES:  
TITLE III – C1 AND C2 – CONGREGATE AND HOME-DELIVERED MEALS  
(FY2002)

	FEDERAL/ STATE*	NM/M* CONTRIBUTIONS	GRANT INCOME	IN KIND	TOTALS*
Congregate Meals (\$000s)					
Budget	\$5,643	\$1,471	\$1,960	\$3,625	\$12,700
Actual	\$5,298	\$2,792	\$2,106	\$3,967	\$14,163
Difference	(\$345)	\$1,321	\$146	\$342	\$1,463
Home-Delivered Meals (\$000s)					
Budget	\$4,156	\$698	\$1,008	\$870	\$6,732
Actual	\$3,823	\$701	\$837	\$837	\$6,192
Difference	(\$333)	(\$3)	(\$171)	(\$33)	(\$540)

( ) Represents less than budgeted amount.

\* Federal/State includes USDA funding.

\*\* Includes Non-Matching (NM) and Matching (M) contributions.

Source: Compiled from data collected from CSS

Recommendation 12: CSS/AAA should monitor its meal-related budgets more closely to ensure that it is taking advantage of all available monies.

The data seem to indicate that CSS/AAA serves fewer congregate meals than budgeted for but deliver more in-home meals than budgeted for. Since the only fiscal check done is to ensure service providers have not overspent their contracted amounts, there is no program fiscal analysis to assess the overall budget for Title III-C1 funds. Moreover, there is no analysis for congregate meals to determine the administration expenses versus CBO costs.

Exhibit 7  
COUNTY OF LOS ANGELES, COMMUNITY AND SENIOR SERVICES:  
CONGREGATE AND HOME-DELIVERED MEALS,  
BUDGETED AND ACTUAL MEAL COSTS  
(FY2002)

	TOTAL (\$000s)	FEDERAL/ STATE (\$000s)	TOTAL MEALS	TOTAL COSTS PER MEAL	FEDERAL/ STATE COSTS PER MEAL
Congregate Meals					
Budget	\$12,700	\$5,643	1,975,758	\$6	\$3
Actual	\$14,163	\$5,298	1,582,613	\$9	\$3
Home-Delivered Meals					
Budget	\$6,732	\$4,156	938,108	\$7	\$4
Actual	\$6,192	\$3,823	998,587	\$6	\$4

**Data source:** Amended Budget FY2001-2002 and Financial Close-Out for FY2001-2002.  
Meal numbers based on Budget and Close Out Reports for FY2001-2002; USDA Senior Meals.  
Source: Compiled from data collected from CSS

In addition, when comparing actual costs per meal versus budgeted costs per meal, total actual costs for congregare meals are \$9 each and \$6 each for home-delivered meals (versus total budgeted costs of \$6 per congregare meal and \$7 per home-delivered meal). CBOs must raise a substantial amount of funds to operate the meal programs, yet more than \$650,000 in Federal and State funds were not exhausted during the FY2001-2002 contract period.

**Recommendation 13:** Working with the CBOs for meals, CSS/AAA should develop a new model for food services that permits greater flexibility to meet the needs of the seniors in the diverse communities of Los Angeles County.

The number of meals served via CSS funding is impressive; CSS's involvement of community advisory groups to plan meal programs is also noteworthy. Current Federal and State regulations restrict some desired innovations in congregare meal programs. Grand Jury members visited 15 sites where they observed the following:

- There is little ability to change a menu for weather or other purposes
- There are few creative ideas with respect to leftovers (a health and safety issue), resulting in wasted food and seniors stowing extra food for use later at home.
- If a hot meal was planned three months in advance, a hot meal is served on the specified day, even if there's a heat wave.
- There is little choice of food items. As a result, a lot of the food ends up in the garbage, particularly spinach and broccoli.
- Centers "invent" birthdays and various celebrations to get around the limited number of days a sweet dessert can be on the menu.

- The food services offer little choice and dignity (seniors are treated like adolescents).
- The annual re-contracting is a cumbersome and time-consuming process.
- The monitoring program is ineffective, time consuming, and capricious, focusing on counting signatures of seniors.
- One center reportedly turns seniors away for meals if they have not made a donation or purchased a meal ticket.

Meal programs are typically offered 3 to 5 times a week. Most seniors express genuine gratitude about the current program. They are frequently reluctant to convey any concerns for fear that they might “bite the hand that feeds them.” So, ratings of the program tend to be much higher than the impression obtained when discussing the programs directly with them. Two elements of this program are probably of equal importance to the overall health and quality of life of the seniors who use this service, namely:

- Nutrition – Basic nutrition is a key to good health, both mental and physical. This program is an important component of any portfolio of services to be provided to seniors.
- Socialization – In most cultures, meals are also a social occasion: a time to get together, share information, and enjoy each other’s company – a constant theme in discussions with seniors at congregate meals. Many came 1 to 2 hours before the meal to socialize with other seniors.

The limited budget requires low-cost food/ingredients and minimal preparation time to serve the numbers that require this service; however, the importance of the social contact, the need for regular high quality nutrition, and the importance of the dignity of seniors served cannot be minimized.

Therefore, CSS/AAA should embark on a comprehensive rethinking of this program. The new model should balance nutrition needs (and advice) with client choice that is culturally sensitive to the seniors being served. The model should involve designing more innovative approaches and obtaining the needed funding; potential ideas are:

- A 7-day per week plan with appropriate hygiene and packaging to deal with spoilage issues
- A computer-based modeling system that helps seniors choose a nutritionally balanced diet (for their specific medical conditions, weight, mobility, circumstances, etc.), while monitoring their food preferences
- Volunteer time with homebound seniors who are lonely
- Special transportation to congregate meals
- Incentive programs for local restaurants to offer senior discounted meals in a festive, social setting
- A voucher system with restaurants

- Increased integration of congregate meal kitchens with the Meals-on-Wheels programs to effect the appropriate economies and avoid waste.

Some of these ideas may require improved food preparation and delivery services that will likely require retrofits at centers providing such programs. The overall concept of the model is to give seniors nutritious choices (with the emphasis on choice) that fit their palates and food (nutrition) needs every day while also paying attention to opportunities for increasing social contact.

**Recommendation 14:** CSS/AAA should work with its CBOs to ensure there is adequate oversight of the meal programs by nutritionists but minimize the current amount of duplicated efforts – by the CBOs and by CSS/AAA.

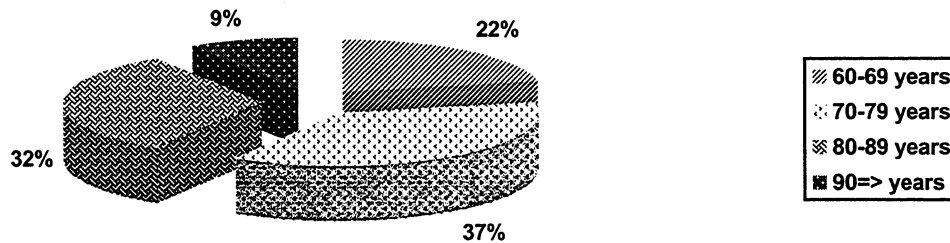
CSS, CBOs, cities, and the senior sites pride themselves on their health and safety standards and track record, including “A” ratings by the County’s Public Health Unit in the Department of Health Services. The Federal and State rules require that CSS dietitians review the menus being offered by the service providers. Some service providers also have dietitians on staff for their own internal quality assurance, resulting in duplication of such expertise. During our interviews, CBOs identified this issue as one that could result in time and cost savings by reducing the dual-levels of dietary oversight. Consequently, CSS should work with the involved Federal and State agencies to see if such redundancies can be minimized without compromising the health, nutrition, and safety of seniors.

### **Effective Nutritional Health Assessments and Networks of Care for the Elderly (ENHANCE)**

ENHANCE provides registered dietitians who administer nutrition screening, counseling, and intervention services at congregate meal sites or homes of older adults. One CBO, Food Nutrition Management Services, provides this service. The goal of the program is to identify, prevent, and treat nutrition related health problems for older persons.

- Age 60 is the only criterion for eligibility. In FY2001-2002, 987 seniors received one-on-one consultation; 262 preventive clinics were offered to 6,526 participants. ENHANCE receives referrals through the congregate and home-delivered meal programs and ICM. The majority of clients are ages 70-79 (37%), followed by 80-89 (32%), 60-69 (22%), and the remaining 9% were 90 years old and above, as displayed in Exhibit 8.

EXHIBIT 8  
COUNTY OF LOS ANGELES, COMMUNITY AND SENIOR SERVICES:  
ENHANCE CLIENTS, BY AGE GROUPING



Source: Compiled from data collected from CSS

- The nutritional levels of participating seniors improved. Each client is given a Nutrition Screening Initiative test. Those who score 6 or above are considered to be at high risk for nutrition-based illnesses. The average score for the seniors receiving consultations (987 seniors) was 10.6. Nutritionists provided follow-up visits with 41% or 404 of these clients. The follow-up risk score was 8.9, a decrease of 16%.
- The nutritional levels of congregate meals, home-delivered meals, and ICM clients are tracked. On the basis of the findings of the ENHANCE Program and the clients served during the FY2001-2002 year, congregate meal participants had the lowest average scores, followed by home-delivered meal clients and then ICM clients.
- The Older Americans Act (OAA) funds ENHANCE. Funding is provided through OAA's Title III-D – Disease Prevention/Health Promotion. The total budget was \$528,816, of which \$410,015 was Federal and State funds.

### Senior Community Senior Employment Program (SCSEP)

As part of the Federal Older Americans Act and Public Law 89-73, the Senior Community Senior Employment Program (SCSEP) promotes training opportunities in community service employment for older workers and assists in the transition to other job placements.

- The criteria for eligibility are based on age and income. Los Angeles County residents, age 55 years and older with an annual income no greater than 125% above the poverty level, are eligible. 5% or 50,005 of the County's seniors live at the poverty level. Although the Federal and State government has no time

limits for the program, CSS has implemented a two-year duration policy to help meet the growing demand for SCSEP.

- Although not widely advertised, interest in the program is growing among seniors. For FY2003, CSS/AAA is authorized a maximum of 275 enrollees. As of February 2003, 232 enrollees have been served (year-to-date). Approximately 300 seniors are on the waiting list. Exhibit 9 displays the increased interest in the Senior Employment Program over FY2002.

**EXHIBIT 9**  
**COUNTY OF LOS ANGELES, COMMUNITY AND SENIOR SERVICES:**  
**SENIOR EMPLOYMENT PROGRAM APPLICANT STATISTICS**  
**(JULY 2001 THROUGH DECEMBER 2002 FOR FY2002 AND FY2003)**

Seniors	FY2002		FY2003			CHANGE	
	7/01-6/02	AVERAGE MONTHLY	YTD (DEC.)	PROJECTED YEARLY	AVERAGE MONTHLY	CLIENTS	+/-
APPLICANTS	434	36.2	306	612	51.0	178	41%
ENROLLEES <sup>21</sup>	198	16.5	232	275	22.9	77	39%
PLACEMENTS	76	6.3	48	96	8.0	20	26%

Source: Compiled from data collected from CSS

- Funds cover the wages for seniors to work at nonprofit and government host agencies. CSS/AAA receives \$1.8 million from Title V Employment Services, which are administered through the California Department of Aging, and supplemented with State funds. The budget for the Senior Employment Program is \$2.44 million. CSS uses available funds to pay the mandated minimum wages for senior workers at 110 nonprofit and government host agencies.

During FY2000-2001, CSS did not receive supplemental funding from the State in time to meet the California minimum wage requirements, so the program was frozen in terms of bringing in new enrollees until funds were freed.

**Recommendation 15:** Although CSS/AAA meets or exceeds Federal Government targets, it should advocate for a redesign of the Senior Employment Program to benefit more seniors more cost-effectively.

The Federal Government requires that 25% of the authorized enrollees be placed in permanent work sites. For the County of Los Angeles, this requirement translates into 69 placements per year. During FY2002, CSS/AAA placed 76 seniors, exceeding the Federal requirement. These numbers seem particularly small, however, when compared to the statement in the Senior Employment Program's brochure: "The nearly

<sup>21</sup> Authorized maximum.



two million people age 55 and older living in Los Angeles County are a tremendous resource to the community.”

As an investment in improving seniors’ employability and employment opportunities, this \$2.44 million program is extremely costly, given the small number of seniors benefiting. On average, the per-unit costs are:

- \$12,365 per enrollee per year (Assuming they earn minimum wage and work 4 hours per week for a year, the base cost of the enrollee is \$7,020.)
- \$32,214 per placement – comparable to the annual cost of tuition at a four-year, private university.

Although restricted by the Federal Government regarding program design features, the County should explore more innovative approaches with the Federal and State governments for using these dollars to reach larger numbers of seniors at a reduced cost. For example, CSS/AAA could establish a pilot initiative that involves partnerships with community colleges to customize vocational education programs for seniors. The recruitment of more employers, representing both the public and private sectors and who are willing to match dollars and invest in training for seniors, should also be explored.

Recommendation 16: CSS should improve its record-keeping and monitoring of Senior Employment Program enrollees.

Several problems pertaining to the record keeping and monitoring of the Senior Employment Program were identified:

- CSS/AAA has been tracking senior employees’ timesheets in pencil. In the past, these manual timesheets were kept in a log although a CSS/AAA computer administrator is currently inputting the information.
- More than 60 seniors – more than 25% of the enrollees – have been enrolled with the program for at least two years. This violates CSS’s time restriction for participation. These individuals are taking up allotments that could benefit new enrollees. (CSS/AAA reported that they recently focused on this problem and had eliminated enrollees who had been in the programs for 10 or more years.)
- Enrollees work part-time – 4-hour days, 5 days a week – and receive sick time and annual leave. In a sample review of 10 enrollees, eight were still enrolled, and their average sick leave taken during the calendar year was 50 hours, indicating an absentee rate of more than 12 days per year. CSS/AAA does not have intervention programs to determine the cause for such high absentee rates.

## **Adult Protective Services (APS)**

The Adult Protective Services (APS) program is a State-mandated Title XX program, which investigates all situations involving any person(s) reported to be endangered by physical, financial, or sexual abuse; abandonment; isolation; abduction; or neglect or self-neglect. This year, APS is launching emergency shelters by contracting with a network of providers.

- Criteria for eligibility are based on age (any senior age 65 or older) and dependent adults (ages 18 to 64). The total County population meeting these criteria is approximately 920,000.
- 2% of the total eligible population uses this service; of this eligible population, 70% are seniors. In FY2001-2002 APS had a client caseload of 14,648, of whom 10,244 were seniors.
- This State-funded program covers a variety of services, including CSS social workers for the seniors. CSS/APS receives \$27.7 million dollars from the State of California through the County Department of Public Social Services (DPSS) as an intra-fund transfer. There are 12 district offices throughout the County and CSS has more than 230 people assigned to the various APS programs, the majority of which are social workers.

The average cost for services to an APS client is \$1,894. Approximately 22% of new cases are closed in the same month. Close to 50% of all cases are closed in two months. Criteria for closing a case include: providing proper services to the client, a clearly defined decrease in risk to the senior, or assignment of the case to an appropriate agency. The average caseload is approximately 18.1 clients per social worker per month. The CSS/APS social workers are required to make a minimum of one visit or phone call per month to the client.

Recommendation 17: CSS should continue to strengthen the linkages between APS and AAA.

APS accounts for approximately one-half of the funds available for senior services. It has a more integrated reporting system but the linkages with CSS/AAA are not well defined.

- APS and AAA programs and services are not well integrated. APS services are critical to those they serve; however, this program is considered a separate entity within CSS and separate from AAA. Because of different funding sources and different responsibilities, APS has different salary structures, a separate computer system, and different reporting methods than AAA programs. The

most obvious difference is the staffing. APS has its own in-house staff; in contrast, AAA contracts out almost all its programs. This often leads to separate planning and implementation methods for APS and AAA. CSS does have plans for an integrated computer system. CSS should carefully evaluate how the two programs can complement each other and strengthen the overall goal of the senior programs.

- APS and ICM linkages are stronger but still not optimal. APS and AAA programs do intersect within the ICM Program, which – as already discussed – blends different programs and funding sources to provide a more holistic program for seniors in need. On the basis of APS clients served within the ICM program (18 percent of the total number of clients), APS provides 38% of the ICM funding. APS clients tend to be needier and more complex, resulting in a higher cost per APS client. APS stated that there is no specific number of clients to be referred to the ICM program. The cost per client is considerably higher for APS than the AAA programs that contribute to ICM as well. Considering the size of APS's budget versus all other AAA budgets, there is an opportunity for an expanded role in funding and service delivery by APS in joint programs with AAA.

### **APS'S Inter-Agency Elder Abuse Prevention Programs**

The purpose of the Inter-Agency Elder Abuse Prevention Program is to assist in the prevention of elder abuse and to help prevent loss of financial or physically independent living for seniors.

- The criteria for eligibility are the same as the other APS programs, except for GENESIS, which requires clients to be age 60 or older. For all programs, except GENESIS, eligibility is open to Los Angeles County residents, who are APS recipients and at least 65 years of age or dependent adults who are between the ages of 18 and 64 years.

Because of the complexity of elder abuse, CSS/APS has five inter-agency agreements with other County departments to address this issue.

- District Attorney – Elder Abuse Prosecution Support Program: In coordination with CSS/APS, the District Attorney's Office provides the investigative and prosecutorial resources to protect the senior population from abuse, including: a) consulting with APS and other County and municipal law enforcement agencies on case prosecution and preparation, and b) developing procedures for victim preparation in courtrooms.
- Consumer Affairs – APS/Fraud Protection Program: In coordination with CSS/APS, Consumer Affairs provides fraud prevention services to APS clients whose financial safety and protection would be jeopardized. Consumer Affairs provides problem assessment and evaluation, counseling, information and

assistance, consumer complaint investigations, and training to APS staff in common consumer real estate and financial fraud methods.

- **Mental Health – Geriatric Evaluation Networks Encompassing Services, Information, and Support (GENESIS) Program:** In coordination with CSS/APS, the GENESIS Program provides geriatric-psychiatric and health assessments for APS clients 60 years and older, who exhibit mental health problems or symptoms and appear to jeopardize their safety or the safety of others. The Department of Mental Health provides mobile mental health, health screening and comprehensive assessment services for APS referred clients.
- **Department of Mental Health – Public Guardian – Enhancement Program:** In coordination with CSS/APS, the Public Guardian's Office provides probate conservatorship investigation services to clients, including those with dementia, who are referred to that office by APS or indirectly through the GENESIS Program.
- **Department of Health Services (DHS) – Services Intervention Program:** In coordination with APS, DHS provides a hospital-based elder/dependent adult abuse assessment and intervention program at Los Angeles County-University of Southern California (LAC-USC) Medical Center and Martin Luther King-Charles Drew (King-Drew) Medical Center. Services include medical treatment, forensic services, discharge planning care, community outreach, home health services, and community-based medical assessments to maximize the safety of victims of elder abuse. The program is an expansion of two independent programs, already in existence at the two medical centers.

An overview of the funding sources, criteria for eligibility, population served, and outcomes conveys the complexity of such collaborative arrangements:

- CSS/APS distributes a total of \$2.27 million to four County departments: District Attorney (\$344,000), DHS (\$912,000), Mental Health (\$852,000 – GENESIS and Enhancement), and Consumer Affairs (\$162,000). During FY2003, funds have been significantly reduced for the District Attorney's Office and Mental Health – their budgets are now \$150,000 and \$200,000 respectively.

**Recommendation 18:** CSS/APS should evaluate the cost-effectiveness of County inter-agency programs with an aim to improving their efficiency.

In comparison to the County's senior population, only a small number of senior residents receive APS services. According to CSS/APS monthly reports, the breakdown of the number of seniors served is as follows:

- District Attorney – The District Attorney visits and provides training sessions to police bureaus, and handles cases on elder abuse, as highlighted in Exhibit 10.

EXHIBIT 10  
COUNTY OF LOS ANGELES  
DISTRICT ATTORNEY'S APS WORKLOAD INDICATORS

WORKLOAD INDICATORS	PER MONTH
Training sessions for law enforcement staff	2 sessions
Trainees attending above training sessions	32 trainees
New cases involving elder and dependent abuse	10 new cases
Cases filed involving elder and dependent abuse	3 cases filed
Visits to law enforcement agencies regarding elder and dependent adults	5 visits

Source: Compiled from data collected from CSS

- Consumer Affairs – The Fraud Protection program assesses 172 new clients per year, an average of 14.3 clients per month; 142 investigations were completed and closed during the same time period. The average cost per client is \$942. In addition, 6,814 Tip Sheets – information fliers designed to inform seniors of different types of consumer fraud – were distributed during FY2001-2002.
- Within Mental Health, the Public Guardian – Enhancement Program received only 7 to 10 referrals per month for client services during FY2001-2002. In at least one case, a client's assets were frozen pending the outcome of the investigation. GENESIS receives approximately 303 referrals per year or 25 per month. Overall, the average cost is approximately \$640 per referral for Mental Health.
- At the Department of Health Services (DHS), service levels and workload vary between LAC-USC Medical Center and King-Drew Medical, as shown in Exhibit 11.

EXHIBIT 11  
COUNTY OF LOS ANGELES, COMMUNITY AND SENIOR SERVICES:  
DHS APS SERVICES, BY MEDICAL CENTER  
(FY2001-2002)

APS-RELATED SERVICES	LAC-USC MEDICAL CENTER	King-Drew MEDICAL CENTER
Number of referrals	182 or 15.1 per month	319 or 26.5 per month
Physical assessments	1,681	1,246
Mental health assessments	549	517
Counseling information and referrals	4,190	131

Source: Compiled from data collected from CSS

Consistent with this recommendation is the need for inter-agency APS agreements that focus on clearly defined, meaningful workload and outcome measurements. The inter-agency agreements that set the parameters for these programs are for the most part loosely defined in terms of specific targets and outcomes. The targets that are set are often minimal compared to the funds provided the partner agency. The District Attorney's Agreement (for \$344,000) established a target of 15 site visits to local law enforcement stations during the fiscal year, but the DA's Office averages 5 visits per month.

In contrast, the DHS Agreement (for \$915,000) established 27 points of service delivery, and has no quantitative targets. This partially accounts for the discrepancy in clients between the two medical centers. Originally, this agreement focused on DHS serving APS clients through outreach via in-home physical assessments. Since then, it has become an effort to identify eligible APS clients from the patient population before they are released from the medical centers; approximately 10% of those screened are referred to APS.

The required monthly reports for these programs have the ability to be very productive and efficient in capturing the various agencies involved in the identification, investigation, prevention, and eradication of senior abuse. APS does not use the reports for assessments. When assessed, however, the reports reveal discrepancies; for example:

- The Consumer Affairs reports were only partially completed. In addition, the number of fliers passed out in a given month was the same for five months in a row without indicating where the fliers were passed out.
- The GENESIS reports from the Department of Mental Health only cite the names of persons referred to the GENESIS program; there is no other information on the follow-up status or why the individuals were referred.

### **APS'S Fiduciary Abuse Specialist Team (FAST)**

Part of the Elder Abuse Program of APS, FAST is a multi-disciplinary team created to assist APS and the Long-Term Care Ombudsman staff in the investigation, resolution, and prevention of cases of elder financial abuse. Professionals from the public and private sectors meet monthly through the coordination of WISE Senior Services in conjunction with CSS/APS.

- The FAST criteria for eligibility are similar to the other APS programs. Any APS client who may need financial assistance and intervention from abuse or fraud is eligible. An APS client must be a dependent adult, between the ages of 18 and 64 years, or a senior, 65 years of age or older.

Approximately 24 case consultations occur each year; 1,725 seniors and caregivers attend information sessions on fiduciary abuse. Two new cases are brought to the FAST panel every month the FAST team meets; 12 case consultations occurred during FY2001-2002. The District Attorney's office is required to send staff to attend the monthly FAST meetings but a Consumer Affairs (Fraud Prevention Program) representative is not required to attend.

- More than 1,725 seniors and caregivers received information on fiduciary abuse in public forums or at senior fairs. Volunteers (often attorneys) provide emergency telephone consultations at a maximum of two phone consultations per month per volunteer. FAST conducted 5 educational presentations on elder abuse for professionals at conferences.
- FAST is funded through Title VII of the Older Americans Act (OAA). FAST is funded from the Elder Abuse program, which received \$103,959 in FY2002

Recommendation 19: The Fiduciary Abuse Specialist Team (FAST) makes good use of volunteers, including attorneys, but more formal documentation of target service levels and expected outcomes should be defined.

Better collaboration of existing FAST services and tracking of clients and services provided are needed. FAST uses the services of many attorneys working *pro bono* to assist and resolve fiduciary cases. In 1994, FAST received the Los Angeles County Quality and Productivity Grand Prize. How this program is used in conjunction with the other APS fraud programs is not clearly articulated, however.

In addition, APS does not collect information on the FAST cases. There are no formal reporting requirements although APS is a primary participant in the program. Because of the informal nature of the arrangement with WISE Senior Services, it is not clear what the budget is for FAST as opposed to the other Elder Abuse programs undertaken with the funds provided.

A better tracking system of clients and services provided as well as improved management and coordination of existing resources would allow CSS to expand the client base.

### **Elder Abuse and Ombudsman**

The Ombudsman program receives, investigates, and resolves complaints made by or on behalf of residents of long-term care facilities. This is done through regular facility visits, identifying and investigating complaints, and making appropriate referrals. The Ombudsman program also provides advocacy and education of seniors through community meetings and in-house staff presentations. The Elder Abuse program improves the protection of older persons who are in danger of abuse and neglect through education and outreach. The Elder Abuse program also coordinates FAST.

Both programs – FAST and Elder Abuse/Ombudsman – are contracted out to Wise Senior Services, which is the sole licensed provider for Ombudsman programs in the County, including the City of Los Angeles. WISE has nine regional offices throughout the County and each office has a staff of three plus volunteers. In total, 180 volunteers work in these programs.

- Criteria for eligibility differ for the Ombudsman Program versus the Elder Abuse Program. For the Ombudsman Program, the client is a nursing home or relative or assistant to someone in a nursing home; in contrast; the Elder Abuse Program targets seniors 60 years or older.
- The Ombudsman Program clients are residents of skilled nursing facilities in the County of Los Angeles. Two months of data were analyzed for July 2001 and November 2001 to obtain a perspective on the number of clients served, and are displayed in Exhibit 12.

EXHIBIT 12  
COUNTY OF LOS ANGELES, COMMUNITY AND SENIOR SERVICES:  
OMBUDSMAN PROGRAM WORKLOAD INDICATORS  
(JULY 2001 AND NOVEMBER 2001)

WORKLOAD INDICATORS	JULY 2001	NOVEMBER 2001	ANNUAL (PRORATED)
Cases opened	496	519	6,090
Cases closed	434	463	5,382
Complaints received	643	800	8,658

Source: Compiled from data collected from CSS

The Elder Abuse program is integrally tied to the FAST program – its outcomes are listed under FAST as well (e.g., 2 Senior Action Fairs, 1 public forum for 1,725 seniors and caregivers; 5 educational presentations on elder abuse at professional conferences).

- Multiple funding sources are used for these programs. The Ombudsman Program received OAA's Title III-B and Title VII-A funds of \$1,126,592, of which \$984,109 were Federal funds. The Elder Abuse program received Title VII-B funding of \$100,291, of which Federal funds comprised \$85,845. The Elder Abuse program is contracted out to provide 2,770 hours of services at an hourly rate of \$37.53.

**Recommendation 20:** CSS should more closely monitor the outcomes of the Ombudsman and Elder Abuse Programs.



In the Ombudsman Program, cases closed are a subset of complaints received for the month; however, it is unclear from a review of the contract files, how many of the cases opened come from that month's complaints as well. Using the data from the two months (July 2001 and November 2001), pro-rated yearly figures were calculated and are displayed in the prior Exhibit 12. On the basis of these prorated data, the following assumptions are posed:

- An average of 62% of the complaints each month are closed at the end of the same month. (A closed case can mean case resolved, referred to another agency, insufficient information, etc.)
- Well-being, Independence, Self-esteem, and Education (WISE) program receives 24 complaints each day from nursing homes across the County.

According to WISE's compilation of complaints for July 2001 and based on a total of 636 complaints, the types of complaints were primarily about the care of the resident, followed by the environment and autonomy or choice issues, as highlighted in Exhibit 13.

EXHIBIT 13  
COUNTY OF LOS ANGELES, COMMUNITY AND SENIOR SERVICES:  
TYPES OF SENIOR COMPLAINTS VIA THE OMBUDSMAN PROGRAM  
(JULY 2001)

TYPES OF COMPLAINTS	PERCENT
Care of resident – request for assistance, medications assistance, hygiene issues	26%
Environment – cleanliness, temperature, maintenance of equipment	15%
Autonomy or choice issues	12%
Dietary issues, such as menus	8%
Staffing issues	7%
Financial or property issues, such as billings (but not financial abuse)	6%
Other complaints, such as admission or discharge, neglect, quality of life, access to information, etc.	25%

Source: Compiled from data collected from CSS

Several shortcomings were identified when reviewing CSS/AAA's files for their contract with the WISE Senior Services. For example, the contract monitoring report "Supportive Services Program Performance Test Work" was missing. In addition, the "Supportive Services Provider Performance Report" showed several problems in its data collection and it was unclear how this could be used to account for services provided. There is no section for the Ombudsman program. The Elder Abuse tabulation only registered budgeted monthly clients; no actual data were identified. CSS/AAA and CSS/APS confirm that Wise Senior Services is a qualified CBO and that Wise sends most of their analytical data directly to the State Ombudsman Office. Since

the funding comes through CSS, however, it is important that CSS knows what the program expenses and outcomes are.

Regarding the Elder Abuse program, there is insufficient documentation of the outcome of the program or the difference between the Elder Abuse advocacy and the FAST programs to make an evaluation.

## **Supportive Services**

The County's Support Services program is one of the largest in the nation. It provides seniors and caregivers assistance with many of the day-to-day routines of daily living, allowing seniors to maintain or improve the quality of life in their own home.

- The primary criterion for eligibility is age 60 years or older. Clients receiving Telephone Reassurance must be homebound.
- The Supportive Services provided are broad and varied, involving:
  - Personal Care – provides for assistance with bathing dressing, grooming, feeding, and toileting
  - Housekeeping – provides assistance with housework such as laundry, shopping etc.
  - Respite Services – provides temporary replacement for the caregiver
  - In-Home Registry –screens and matches in-home workers with functionally impaired older persons
  - Legal Assistance – assists seniors with legal needs, such as housing, estate, or financial documents
  - Minor Home Modification – offers one-time assistance to install access devices to help with mobility of daily tasks, i.e. hand bars for bathtub, widening of doorways, new shelving, etc.
  - Telephone Reassurance – phone calls placed to those receiving home-delivered meals (and those on the waiting list) to ensure their safety
- Because of the nature of the referral services, larger numbers of seniors can be served. CSS/AAA contracts with 34 CBOs Countywide for Supportive Services. Because of reporting deficiencies, client caseload information is limited to the following:
  - Personal Care – 1,346 clients per year
  - Housekeeping – 2,126 clients per year
  - Minor Home Modification – 294 clients per year
  - Legal Assistance – 1,194 clients
  - In-Home Registry – 5,762 client referrals<sup>22</sup>

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<sup>22</sup> Source: SPR Annual Report of FY2002; CSS In-Home Services Summary Report on Referral Activity.

- Two funding sources are used for Supportive Services, namely, 1) OAA Title III B Support Services – Total Budget of \$3.88 million and 2) Title III-E Family Caregiver Total Budget of \$130,000. Funding from Family Caregiver funds supports the Personal Care, Respite, and In-Home Registry services. Federal and State funding for the indicated Title III-B programs is \$2.34 million or 60% of the overall budget.

Recommendation 21: CSS/AAA should clearly link Supportive Services' budgeted dollars with service levels.

Because CBOs provide these Supportive Services, CSS/AAA has established set rates, as shown in Exhibit 14.

EXHIBIT 14  
COUNTY OF LOS ANGELES, COMMUNITY AND SENIOR SERVICES:  
SUPPORTIVE SERVICES UNIT RATES AND CLIENTS SERVED  
(FEDERAL AND STATE ONLY FOR FY2001-2002)

SUPPORTIVE SERVICE	UNIT RATES	CLIENTS SERVED
Personal Care, Housekeeping, Respite	\$12.70/hour	1,346
Legal Assistance	\$28/hour	1,194
Telephone Reassurance	\$1.90/call	N/A
Minor Home Modification	\$185/client	94

CSS should apply the unit rates and the clientele numbers (Columns 2 and 3 in Exhibit 14 above) to compute the calculated costs vis-à-vis the budgeted amounts.

Without detailed program budgets, the cost per client per service is difficult to estimate. According to the Federal budget reports, the Personal Care budget, which includes Respite Services, is \$1.4 million or (\$991,890 in Federal dollars only). It is unclear, however, if the client caseload count of 1,346 (which comes from a different report) represents the combination of Personal Care and Respite Services. A similar situation occurs with the Housekeeping and Registry, where there is also a combined budget but two separate client counts, making it difficult to extrapolate the true cost of the program.

The report that is used to track the clients for Supportive Services is not considered to be accurate by CSS/AAA staff. Yet it is the only report that furnishes yearly client data. This situation inhibits CSS/AAA from knowing how many clients are being served for policy planning purposes. Even when factoring in the budget, the hourly rate, and clients served (where numbers are available), it is difficult to gauge the level of service for the programs.

A review of the budgets for these programs and actual expenditures reveals a trend of under spending. In the area of Personal Care alone, a surplus of \$273,965 was

left over at the end of the Fiscal Year. In total, there was a surplus of \$379,425 from the Supportive Service programs in FY2001-2002.

CSS/AAA identified problem areas in the Supportive Services model and is currently implementing a new approach in its most recent RFP process for the home-based care program, which will give the CBOs more flexibility in spending dollars to better meet client needs.

### **Alzheimer's Day Care Resource Centers (ADCRC)**

Patients with the Alzheimer's disease can attend one of the County's 7 Alzheimer's Day Care Resource Centers (ADCRCs) where activities and meals are provided during the day. Centers are open at least 3 times a week and most clients come every day the centers are open.

- The criterion for eligibility is being a County resident with Alzheimer's disease or related dementia.
- Although a small number of individuals with Alzheimer's disease or related dementia are served, the ADCRCs benefit from many volunteer hours. Persons assisted (unduplicated) in FY2002 numbered 357 with 15,224 volunteer hours logged. In addition, CSS/AAA logged 304 hours for volunteers attending in-service training sessions, 73 hours in on-site training sessions conducted, and 214 hours in caregiver support sessions.
- ADCRCs supplement the County funding of \$0.5 million with additional fundraising activities totaling \$1.1 million. The State General Fund provides funding of \$526,928 through the Community Based Service Provider (CBSP) Program. CSS/AAA provides approximately \$80,000 to each CBO for the program. The CBOs raise additional funds, including donations, for an additional \$1,119,937, bringing the total expenditures to \$1.65 million dollars in FY2002.<sup>23</sup> The Alzheimer's Program also receives some funds from Title III-B – Supportive Services (\$56,220) and Title III-E – Family Caregiver (\$80,000) to offer such services where applicable. *The average cost per Alzheimer's client is \$4,613 per year, based on the total budget.*

Recommendation 22: CSS should assess potential need and locations for ADCRCs.

ADCRC is a relatively new program in uncharted territory. CSS should monitor and identify, by SPA:

1. The size of the population that may be in need of such services

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<sup>23</sup> The CSS budget did not identify other funding sources. (Source: Compiled from data collected from Community and Senior Services (CSS), County of Los Angeles, FY 2001-2002 Budget and Expenditure Reports.)

2. The optimal number of such centers to meet the needs.
3. Optimal geographic location of the centers.

On the basis of this needs assessment, CSS can justify and seek the additional funding based on senior demographics and needs.

### **Family Caregiver—Caregiver Support Services National Family Caregiver Support Act**

Title III-E funds support existing programs and services in CSS/AAA, such as Title III-B for Respite, Registry, Personal Care; ADCRC; and ICM, and provide eligibility for caregivers. In addition, CSS offers new Family Caregiver Supportive Services: a) community education and outreach and b) caregiver support in terms of counseling, training, and support group access.

- Criteria for eligibility have been broadened. Two types of individuals are eligible: 1) caregivers of any age who care for frail adults aged 60 and over (family caregivers) and 2) older adult caregivers (age 60+) of minor children, who are 18 and under (relative caregivers).
- Because of the newness of the program, data are only available on the population served for the third quarter but covers the entire III-E Family Caregiver program. These data require some further analysis on the part of CSS to ensure their validity.
- Funding Sources: The total budget from the Older American Act Title III-E – Family Caregiver Act was \$4.2 million with a Federal budget of \$3.0 million. Family Caregiver Support Services alone had a budget of \$.5 million in FY2001-2002; such funding was received in the middle of the FY2001-2002 fiscal year. Full year implementation will occur in FY2002-2003.

Recommendation 23: CSS/AAA should design an evaluation tool to assess outcomes of the Family Caregiver Program over time, ensuring reliable data and better tracking.

The Supportive Services area of the Family Caregiver Program cannot be assessed due to the short time the program has been in operation. CSS/AAA, however, should consider designing an evaluation tool that assesses the strength of the entire Family Caregiver Program. Title III-E funds are provided to ICM, Respite, Registry, ADCRC, Personal Care, and Senior Centers, yet there is no yearly data identified that targets the units of service provided by these funds. Particularly because Title III-B provides funding to these same programs as well, a more comprehensive understanding of clients, units of service, and need is essential for the long-term development and accountability of the program.

## **Health Insurance Counseling and Advocacy Program (HICAP)**

The Health Insurance Counseling and Advocacy Program (HICAP) provides education sessions to seniors through community presentations and senior center programs on Medicare, managed care, and other private health insurance issues. HICAP is conducted through one organization, the Center for Health Care Rights, which contracts with CSS/AAA.

- Medicare beneficiaries or individuals soon to be eligible for Medicare can take advantage of HICAP.
- Larger numbers of County seniors have attended counseling sessions and presentations, involving volunteer Registered Counselors. The number of persons counseled was 5,076; number of community presentations was 167; and number of attendees at presentations was 1,000 in FY2001-2002. One of the goals of the HICAP program is to recruit, train, and support volunteers to become health insurance counselors. CSS/AAA does not allow anyone to counsel on health insurance issues unless the person has registered with the California Department of Aging (CDA). To this extent, there were an average of 40 Registered Counselors during the FY2001-2002 period.
- Funding for this program comes from the State with some supplement private funding. The State General Fund provides funding through the Community Based Service Provider (CBSP) Program. The total Budget is \$586,082, including private funding of \$80,000.

Recommendation 24: The HICAP requires better information to track service levels, number of clients, and per-unit costs to set proper goals and budgets.

The average cost per counseled client is \$115 per year; however, the cost of presentations is unknown. Due to the minimal amount of reporting data, it is not clear whether these clients were counseled on an individual basis or as part of a group training session. Moreover, reports do not describe how services are being delivered. On the basis of the number of presentations (167), and the number of attendees, (1000), the average number of attendees was 6 per presentation. Further information is needed to assess the effectiveness of this program.

## Recommendations – Summary

### General Recommendations

1. The Community and Senior Services Department should move from planning to implementation of their *Long-Term Care Strategic Plan*. An outside agency should monitor this transition and progress.
2. The County should ensure its strategies address the full extent of County seniors' needs.
3. Community and Senior Services/Area Agency on Aging must take the lead to ensure effective coordination of services to deliver senior services via CSS's strategic collaborative departmental approach.
4. Given its recently adopted *Long-Term Care Strategic Plan*, CSS/AAA is in a period of transition and CSS should develop a funding strategy.
5. CSS should restructure itself to support the SPA framework.
6. The Board of Supervisors should lobby for an overhaul of the funding categories developed at the State and Federal levels.
7. CSS/AAA should continue to build on the Integrated Care Management experience to implement innovations in other program areas.
8. Formal communication channels should be developed and implemented for CSS internal mid-management.

### Fiscal

9. CSS/AAA should develop more sophisticated systems and staff capabilities to manage and monitor program funding.

### Provider Relations, Contract Monitoring, and Outcome Measurements

10. CSS/AAA and CSS/APS should continue to develop a more qualitative and quantitative approach to tracking, managing, and measuring program and population-based outcomes.

### Integrated Care Management

11. CSS/AAA should enhance management oversight for ICM to ensure cohesive implementation, monitoring, and program coordination.

## Congregate Meals and Home-delivered Meals

12. CSS/AAA should monitor its meal-related budgets more closely to ensure that it is taking advantage of all available monies.
13. Working with the CBOs for meals, CSS/AAA should develop a new model for food services that permits greater flexibility to meet the needs of the seniors in the diverse communities of Los Angeles County.
14. CSS/AAA should work with its CBOs to ensure there is adequate oversight of the meal programs by nutritionists but minimize the current amount of duplicated efforts – by the CBOs and by CSS/AAA.

## Senior Community Senior Employment Program (SCSEP)

15. Although CSS/AAA meets or exceeds Federal Government targets, it should advocate for a redesign of the Senior Employment Program to benefit more seniors more cost-effectively.
16. CSS should improve its record-keeping and monitoring of Senior Employment Program enrollees.

## Adult Protective Services

17. CSS should continue to strengthen the linkages between APS and AAA.

## APS'S Inter-Agency Elder Abuse Prevention Programs

18. CSS/APS should evaluate the cost-effectiveness of County inter-agency programs with an aim to improving their efficiency.

## APS'S Fiduciary Abuse Specialist Team (FAST)

19. The Fiduciary Abuse Specialist Team (FAST) makes good use of volunteers, including attorneys, but more formal documentation of target service levels and expected outcomes should be defined.

## Elder Abuse and Ombudsman

20. CSS should more closely monitor the outcomes of the Ombudsman and Elder Abuse Programs.



## Supportive Services

21. CSS/AAA should clearly link Supportive Services' budgeted dollars with service levels.

## Alzheimer's Day Care Resource Centers (ADCRC)

22. CSS should assess potential need and locations for ADCRCs.

## Family Caregiver—Caregiver Support Services National Family Caregiver Support Act

23. CSS/AAA should design an evaluation tool to assess outcomes of the Family Caregiver Program over time, ensuring reliable data and better tracking.

## Health Insurance Counseling and Advocacy Program (HICAP)

24. The HICAP requires better information to track service levels, number of clients, and per-unit costs to set proper goals and budgets.

## Survey Findings

This investigation involved extensive surveys and site visits to solicit first-hand information about senior issues. This information has been supplemented by the traditional fact-finding methods (management interviews, document reviews) of management audits. These large-scale data-gathering efforts involved:

- Surveys sent to 17,000 stratified, randomly selected seniors in the County. 2600 responses were received.
- More than 1,700 seniors who are current users of CSS/AAA services,
- 51 city leaders regarding seniors' needs and services
- 15 site visits to review various programs

These surveys and site visits resulted in useful findings that should benefit the County, CSS/AAA, CSS/APS, involved CBOs, and others involved with seniors (such as AARP and other advocacy groups) in understanding seniors' needs and concerns in the County of Los Angeles.

### Senior Survey of the General Population

This survey reflects the views of the general senior population of the County of Los Angeles because 17,000 households were randomly selected from a database of households with seniors residing, stratified by zip code. This sample size is 17,000 or .7% of the senior population (age 55 and older). The response rate of more than 2,600 or 15% is sizable, thereby indicating the level of interests of County seniors in the survey. All 17,000 households received two versions of the survey – one in English and another in Spanish. Addressed and postage paid envelopes were also enclosed for their convenience. A number of seniors called in their responses. The identities of all participating seniors have remained confidential.

### Overview of Survey Respondents – County Seniors

Overall, 66% of the survey respondents were in the 60-to-75 year old age range. An additional 31% indicated they were in the 76-or-older age range. 5% of the respondents were adult relative caretakers; 4% were paid caretakers; and 3% were concerned individuals. Respondents were nearly equally divided between males and females, 48% and 52%, respectively.

As shown in Exhibit 15, survey respondents were typically: 60-to-75 years old, living with family or friends, physically and economically independent, and not dependent on public assistance for housing or food. *61% reported they required no public assistance*, with approximately one-third (30%) indicating they required medical assistance.

Exhibit 15  
COUNTY OF LOS ANGELES, GENERAL SENIOR POPULATION:  
Profile of Survey Respondents

SURVEY ITEM	NUMBER OF RESPONDENTS	PERCENT OF RESPONDENTS
<b>CURRENT LIVING ARRANGEMENTS</b>		
A senior living alone	898	36%
A senior living with a spouse, significant other, children, grandchildren, relatives, or friends	1,544	62%
A senior living in a retirement community or assisted living arrangement	39	2%
<b>DAILY LIVING NEEDS</b>		
Needs <u>no</u> assistance. Is independent.	1,701	69%
Requires <u>some</u> assistance with laundry or light housework, preparing meals, using the telephone, shopping, driving, or moving about outside.	631	26%
Requires <u>significant</u> assistance in eating, bathing, getting in/out of bed/chair, getting to the bathroom on time, managing medications, or dressing/undressing.	121	5%
<b>HOUSEHOLD INCOME</b>		
The senior's household income adequately covers <u>all</u> needs.	1,042	41%
The senior's household income covers <u>most</u> needs.	962	38%
The senior's household income covers <u>some</u> needs.	525	21%

Survey respondents' primary ethnicity generally reflected the senior population in the County's unincorporated and incorporated areas<sup>24</sup>. As compared with the general population, White/Caucasians and Black/African Americans were slightly over-represented, while Hispanic/Latinos and Asian/Pacific Islanders were slightly under-represented, as displayed in Exhibit 16.

<sup>24</sup> Excluding the City of Los Angeles.

**EXHIBIT 16**  
**COUNTY OF LOS ANGELES, GENERAL SENIOR POPULATION:**  
**SURVEY RESPONDENTS BY ETHNICITY (TOTAL = 2,601)**

ETHNICITY	SURVEY RESPONDENTS	GENERAL SENIOR POPULATION	DIFFERENCE
Hispanic/Latino	11%	17%	-
Black/African American	9%	6%	+
White/Caucasian	69%	65%	+
Asian/Pacific Islander	8%	10%	-
Other, including American Indian, Alaskan/Aleut	3%	2%	=

Respondents indicated their area of residence in the County, aligned with the 8 SPAs. As indicated in Exhibit 17, 2 of the 8 SPAs had lower representative response rates: SPA 3 (San Gabriel Valley) and SPA 7 (East)); and, 2 had higher response rates: SPA 2 (SFV-Santa Clarita Valley) and SPA 5 (West) in comparison to the general senior population. The largest groups of respondents were from:

- SPA 2 (SFV-Santa Clarita Valley (498 respondents or 20%))
- SPA 3 (the San Gabriel Valley (565 respondents or 23%))
- SPA 8 (South Bay/Harbor area (533 respondents or 21% of the sample)).

**EXHIBIT 17**  
**COUNTY OF LOS ANGELES, GENERAL SENIOR POPULATION:**  
**SURVEY RESPONDENTS, BY SPA (TOTAL = 2,495)**

COUNTY SPAS	Survey Respondents		GENERAL SENIOR POPULATION	
	NUMBER	PERCENT	PERCENT	DIFFERENCE
SPA 1 – Antelope Valley	92	4%	4%	=
SPA 2 – SFV-Santa Clarita Valley	498	20%	11%	+
SPA 3 – San Gabriel Valley	565	23%	31%	-
SPA 4 – Metro	58	2%	2%	=
SPA 5 – West	335	13%	5%	+
SPA 6 – South	99	4%	4%	=
SPA 7 – East	315	13%	20%	-
SPA 8 – South Bay/Harbor	533	21%	23%	=

**Key Survey Findings**

Seniors generally do not distinguish between senior services and programs offered by the County in unincorporated areas or by their local cities in incorporated

areas. Overall, senior survey respondents rate senior services as effective (54%) but are not aware of most senior services or programs. Fifty percent or more respondents were not aware of 9 of the 11 services offered through CSS funding. Of those aware of the services, 6 of the 11 services were rated as “Effective” or “Very Effective” by 50% or more of the survey respondents.

Senior respondents reported they were primarily aware of 2 of the 11 senior services: senior centers and recreational programs (78% awareness level) and group meals or home-delivered meals (70% awareness level), as listed in Exhibit 18.

**Exhibit 18**  
**COUNTY OF LOS ANGELES, GENERAL SENIOR POPULATION:**  
**SURVEY RESPONDENTS’ EFFECTIVENESS AND AWARENESS RATINGS**  
**OF SENIOR SERVICES AND PROGRAMS**

SENIOR SERVICES	VERY EFFECTIVE/ EFFECTIVE	SOMEWHAT/ NOT EFFECTIVE	DON'T KNOW THIS SERVICE
Group meals or home-delivered meals	73%	28%	30%
Nutrition counseling	50%	50%	66%
Senior centers/recreational programs	76%	24%	22%
Adult day care of Alzheimer’s day care centers	57%	43%	58%
Health insurance counseling	46%	55%	71%
Adult protective services to investigate physical abuse, neglect, self-neglect of financial abuse	46%	55%	60%
Job training and placement for seniors	40%	60%	72%
Care managers or social workers to assist in obtaining community resources	48%	52%	64%
Services for the hearing or visually impaired	53%	47%	60%
In-home care services (housekeeping, personal care)	62%	38%	54%
Help in finding in-home workers	45%	56%	71%
Senior Services and Programs Overall	54%	46%	

When asked how frequently they use various senior programs and services, two programs stood out: 1) group meals or home-delivered meals and 2) the senior centers

and recreational program, as shown in Exhibit 19. Between 87% and 96% of the respondents had never used 10 out of 11 of the senior programs and services.

**EXHIBIT 19**  
**COUNTY OF LOS ANGELES, GENERAL SENIOR POPULATION:**  
**FREQUENCY SURVEY RESPONDENTS USE SENIOR SERVICES AND PROGRAMS**

SENIOR SERVICES	OFTEN (AT LEAST WEEKLY)	SOMETIMES/ RARELY*	NEVER
Group meals or home-delivered meals	4%	6%	90%
Nutrition counseling	2%	9%	89%
Senior centers/recreational programs	9%	23%	67%
Adult day care of Alzheimer's day care centers	1%	3%	96%
Health insurance counseling	2%	10%	87%
Adult protective services to investigate physical abuse, neglect, self-neglect of financial abuse	1%	4%	95%
Job training and placement for seniors	1%	3%	96%
Care managers or social workers to assist in obtaining community resources	2%	9%	89%
Services for the hearing or visually impaired	2%	8%	91%
In-home care services (housekeeping, personal care)	5%	7%	88%
Help in finding in-home workers	2%	7%	91%

\* Rarely defined as "once a year".

Overall, 82% of respondents selected health care as their greatest concern for seniors in the coming ten years. Furthermore, the selection of healthcare was consistent across the various demographic factors, such as age, gender, or income level.

After healthcare, housing (including assisted living), in-home services (such as housekeeping, personal care), safety and security, and transportation were selected by 43% to 37% of respondents. Among the 8% who listed "other," survey respondents are also concerned about the cost of prescription drugs, the need for affordable housing, long-term care, and the gap between Social Security and the cost of living.

The favorite social or recreational programs reported by survey respondents are: field trips or travel (48%), exercise classes (41%), walking or hiking (27%), and plays, music programs, or other performances (27%). Twenty-one percent or fewer selected the other programs among their three favorite, including social activities (20%), volunteer programs (19%), games (19%), arts and crafts (18%), and book clubs (including reading groups, speaker programs, or lecture series) (17%). Among the 8% who listed "other," survey respondents also enjoy adult education, computers and

computer classes, attending religious gatherings and associated activities, fishing, sports (golf, swimming, skiing, tennis), spending time with their families, and watching movies and television.

Although survey respondents have mixed responses regarding the role of government in senior services, they agree on a number of senior policy issues.

Survey respondents were asked to respond to some key policy issues relating to government and seniors. They had divided opinions on one issue:

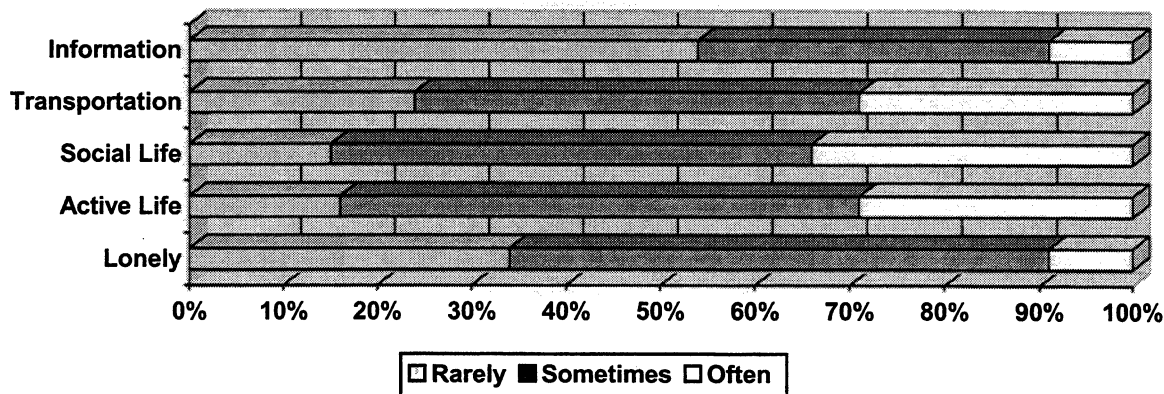
- Almost one-half of the senior stakeholders (49%) agree or somewhat agree that government services should only address basic needs (housing, food, medical) versus recreational or social needs of seniors. About 45% disagree or somewhat disagree with the same statement. (6% were undecided.)

Survey respondents, however, do share common viewpoints regarding these senior policy issues:

- The majority (79%) agree or somewhat agree that people should qualify for services based on their physical needs rather than when they reach a specific age.
- The majority agree or somewhat agree (58%) that, regardless of income, everyone should be entitled to services.
- The majority of survey respondents (62%) disagree or somewhat disagree that government should only help the poor and elderly.
- The majority (59%) disagree or somewhat disagree that the government should get out of the business of delivering services to seniors and offer tax credits to allow seniors to buy the services they need or want. While 30% agreed or somewhat agreed with this statement, another 11% were undecided.

Quality-of-life issues affect most seniors at least some of the time, as shown in Exhibit 20.

**EXHIBIT 20**  
**COUNTY OF LOS ANGELES, GENERAL SENIOR POPULATION**  
**SENIOR QUALITY OF LIFE**  
(TOTAL = 2,476)



**Legend:**

Senior Information	=	Seniors have enough information about senior programs.
Transportation Difficulties	=	Seniors have difficulties arranging transportation.
Social Life	=	Seniors attend social or religious/spiritual gatherings.
Active Life	=	Seniors have a full and active life.
Lonely	=	Seniors feel lonely even when with other people.

The majority of respondents are affected by three out of five of these issues "Sometimes."

- Seniors feel lonely even when with other people (57%).
- Seniors have a full and active life (55%).
- Seniors attend social or religious/spiritual gatherings (51%).

There is mixed agreement regarding transportation: 47% believe that seniors sometimes have difficulty arranging transportation and 29% find they often have difficulty. A difficulty milestone in a senior's life is often when he/she can no longer drive a car. 24% believe they rarely have difficulty.

Survey respondents agree that seniors rarely have enough information about senior programs (54%). In contrast, 37% of the senior respondents reported they sometimes have enough information. Only 9% reported having enough information.

#### Users' or Seniors Currently Using Services Survey

CSS supplied all of its service providers and senior centers with an original copy of the survey (in both English and Spanish) for ease in distribution to users of services. In addition, Grand Jury members distributed more than 700 copies of the surveys during their 15 site visits. Therefore, this survey represents the senior subpopulation, which actively uses senior services. In total, 1,770 users completed the survey.



## Profile of Senior “Users”

The senior stakeholders or users tend to be:

- Seniors themselves (94%); others were caregivers to seniors or concerned citizens or residents
- Female (68%)
- Live alone (50%) or with others (e.g., a spouse, significant other, children, grandchildren, relatives, or friends) (46%). (The other 4% live in retirement communities or assisted living arrangements.)
- Between the ages of 60 and 75 years (56%) and age 76 or older (41%). (The other 2% were under the age of 60.)
- Active and independent (49%) or require some assistance to perform their daily living needs (45%). (The other 6% required significant assistance in eating, bathing, getting in/out of bed/chair, getting to the bathroom on time, managing medications, or dressing/undressing.)
- White/Caucasian (45%), followed by Hispanic/Latino (29%), Black/African-American (14%), Asian/Pacific Islander (9%), and other (3%).

Senior stakeholders’ answers were split in terms of their income being adequate to cover all, most, or just some of their needs.

The detailed summary of the senior stakeholder survey is in Appendix B. In almost all instances, the senior stakeholders had similar concerns as the general senior population. The most notable findings are:

- Senior stakeholders more frequently use and rate highly the meal programs and senior centers but many are unaware of the other senior services and programs. Overall, 81% of the senior stakeholders rated the senior services and programs as “Effective” or “Very Effective,” with an overall rating of 3.2 (with “4” being “Very Effective”).
- One-half or more of the senior stakeholders are unaware of 8 of the 11 senior programs and services. This finding confirms the finding of the general senior population (mailed survey) where respondents also reported a lack of knowledge of senior services and programs available.
- Senior stakeholders take advantage of the group meals, home-delivered meals, and the senior centers and recreational programs most often. Between 52% and 82% of the seniors had never used 8 out of 11 of the senior programs and services. As one senior wrote: “There may be services out there but seniors either don’t know about them or use them.”
- Seniors were unaware of the Senior Employment Program but are interested in job opportunities. Senior stakeholders wrote in: Need for “job opportunities for

seniors” and “job training for seniors.” “Keep employment a priority even if at part-time working schedules.”

- The greatest concern for senior stakeholders in the next decade is healthcare (85%), followed by transportation (45%), safety and security (43%), in-home services (43%), nutrition (35%), and housing, including assisted living (34%). The CSS/AAA programs that are best known and most frequently used by the senior stakeholders are those ranked lower in terms of concerns. Specific senior stakeholder comments about their concerns are:
  - Housing: “Need more senior housing.” “[need for] retirement places to live at reasonable rates.” “Low cost rentals.” “Cost of living on a fixed income.” “Need Section 8 to help with rent.” “Cost of assisted living facilities.” “Financing rest home care.” “Going to be evicted. Can’t pay rent increase.”
  - Health care: “High cost of medication.” “Prescription drug coverage.” “Long-term care/costs.” “Long-term care. Many are lonely.” “Seniors should be taught proper nutrition instead of using drugs.” “Offer the ‘12 step program’ for individuals with alcoholism.”
  - Transportation: “If I become unable to drive, I would need above services.” “More light rail transportation.”

As some senior optimists wrote: “So far so good. Don’t have [any] concerns yet.” “I’m going to take one day at a time. Thank you.” From the many comments, however, it is clear that even the housed, healthy, and mobile seniors are concerned about their long-term needs and care. Many wrote about the desire for a “family to look after them.”

- The favorite social or recreational programs among the senior stakeholders are: field trips or travel (57%); exercise classes (54%); games (e.g., Bingo, board games, cards) (40%); social activities (e.g., dances teas) (32%); and plays, music, and other performances (24%). In the written survey, the senior stakeholders expanded extensively on these possibilities, citing: line dancing, square dancing, bird watching, yoga, bowling, Chinese calligraphy, sports (e.g., softball), gardening, bird watching, hobbies, library outings, tennis, films, boating, fishing, camping, dog or horse shows, swimming, golf, bicycling, and community college classes.
- Although most senior stakeholders have full and active lives (84%), many seniors struggle with periods of loneliness (65%), obtaining information about senior programs (70%), arranging transportation (69%). As one senior stakeholder wrote: “I live alone and I am concerned I could die and not be found for a week.”

## City Stakeholder Survey

257 customized surveys, focusing on specific information about cities' services for their senior residents, were mailed to the mayors and city managers of the 87 incorporated cities (all but the City of Los Angeles) in the County. The detailed summary of the city stakeholder survey is in Appendix C.

### Overview of City Survey Participants

The mayors and city managers had the option of having their department heads in charge of senior programs complete the surveys. In total, 51 surveys were completed, representing 19.8% of the surveys mailed and at least one-third of the cities. In some cases, two or more individuals completed a survey jointly.

### Profile of City Populations Served

The primary ethnicities of the constituents served by the survey participants are White/Caucasian and Hispanic/Latino, followed by Asian/Pacific Islander and Black/African American. The answers were split in terms of their senior constituents having adequate income to cover all, most, or just some of their needs. The cities responding are representative of the different size cities in the County, as shown in Exhibit 21:

EXHIBIT 21  
COUNTY OF LOS ANGELES, INCORPORATED AREAS:  
SURVEY PARTICIPATING CITIES, BY POPULATION SIZE (TOTAL = 51)

POPULATION	NUMBER OF CITIES RESPONDING	PERCENT OF TOTAL CITIES RESPONDING
Less than 25,000	14	28%
26,000-50,000	9	17%
51,000-75,000	9	17%
76,000-100,000	6	12%
More than 100,000	13	26%

The key survey findings from the city leaders' perspectives regarding senior issues are:

- Incorporated areas invest additional dollars in senior programs; such additional investments are not options in the unincorporated areas. In contrast, CSS/AAA operates three senior centers in unincorporated areas, which are staffed and funded through Title III-B and Title III-E. Approximately 1,514 seniors use these County senior centers.
- Meals and senior centers with their recreational programs are the most prevalent senior services.

- Overall, the senior services and programs were rated as effective (3.1 on a 4.0 scale). Other senior services rated highly were: senior centers and recreational programs (3.7), group meals or home-delivered meals (3.5), and care managers or social workers to assist in obtaining community services (3.1). No services were rated less than “somewhat effective.”
- Cities rate the effectiveness of their own staff higher than others but all were rated as being effective, including working relationships with CSS/AAA. The only exception was in the area of CSS/AAA’s role in monitoring, which was only rated “Somewhat Effective.”
- City leaders are most concerned about housing, health care, and transportation for seniors in the next 10 years.
- City leaders expressed high levels of agreement on many policy issues relating to seniors.
  - 83% of the city leaders agree/somewhat agree that government is the most effective and efficient means for helping the elderly.
  - 60% agree/somewhat agree that the County system (via CSS/AAA) is the most effective and efficient means for helping the elderly.
  - 60% agree/somewhat agree that people should qualify for services based on their physical needs rather than when they reach a special age.
  - 67% disagree that government services should only address basic needs (housing, food, medical) versus recreational or social needs of seniors.
  - 67% disagree (and another 17% somewhat disagree) that the government should get out of the business of delivering services to seniors and offer tax credits to allow seniors to buy the services they need or want.
- Opinions were split on whether everyone should be entitled to services regardless of income: 44% disagree/somewhat disagree and 56% agree/somewhat agree.”

## Site Visits

Grand Jury members visited 15 sites where CSS/AAA programs were delivered. Many of these sites delivered congregate meals along with other senior services. On the table below are observations of the best practices, typical practices, and practices to be avoided.

Best Practices
<ul style="list-style-type: none"> <li>▪ Small, dedicated, and welcoming centers (versus impersonal, large, shared institutions) seem to be the preference of seniors – places where seniors feel comfortable to “drop by.”</li> <li>▪ CSS/AAA, the service providers, and senior center staff recognize that socialization is the number one need of many seniors.</li> <li>▪ When available, fitness programs that are geared to a wide range of physical health are beneficial and desired by many seniors.</li> </ul>
Typical Practices
<ul style="list-style-type: none"> <li>▪ Most programs need volunteers and subsidies to function.</li> <li>▪ Most programs are City supported.</li> <li>▪ The community-based organizations (CBOs) do most of the delivery of services.</li> <li>▪ There is no serious marketing or outreach because of the inability to cover the costs of seniors’ needs and demand for services.</li> <li>▪ Most programming is passive.</li> <li>▪ People show up long before the scheduled activity (reinforcing the desire for socialization, already cited).</li> </ul>
Practices to Avoid
<ul style="list-style-type: none"> <li>▪ The congregate meal programs have little flexibility to make last-minute changes, address cultural preferences in foods, reduce food waste, offer menu choices, etc.</li> <li>▪ The annual re-contracting is a cumbersome and time-consuming process.</li> <li>▪ Monitoring programs is time-consuming and ineffective in measuring quality and meaningful outcomes. When the person who is monitoring changes so does the process and what they are looking for.</li> <li>▪ Providers do not have strong financial incentives to increase programs to meet the demand.</li> </ul>
MISCELLANEOUS OBSERVATIONS
<ul style="list-style-type: none"> <li>▪ Keeping various counts because the dollars come from a variety of sources with different rules is difficult for most agencies</li> <li>▪ The County does not adequately monitor the quality of case management.</li> <li>▪ There is a “chicken-and-egg” problem with determining the demand for senior’s services. The sense is that ‘if you build it (a dedicated seniors center), they will come.’ There is also the sense that seniors shy away from large, multipurpose centers because of safety concerns or discomfort in such settings.</li> <li>▪ Volunteers (medical doctors, nurses, social workers, etc.) are fairly easy to come by for this sector.</li> </ul>

In addition, CSS/AAA program managers do not fully appear to be versed in best practices in other parts of the nation, particularly municipalities and county agencies with similar policies, programs, and operations. Such lack of a national perspective makes it difficult to adapt “lessons learned” elsewhere to the County of Los Angeles and to plan for emerging needs.

## **SUPPORTING DOCUMENTATION**

**APPENDIX A – GENERAL SENIOR POPULATION  
SURVEY**

**APPENDIX B – SENIOR STAKEHOLDER SURVEY**  
**APPENDIX C – CITY SURVEY ON SENIOR ISSUES**

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**Overview of Survey Exhibits**

<b>Exhibit A Profile of Survey Respondents</b>	This exhibit breaks out the type of respondent by age/status, gender, living arrangements, daily living needs, level of household income, ethnicity, and area of residence in the County. (1 page)
<b>Exhibit B Question 1: Senior Services-All Responses</b>	Exhibit B presents the aggregate responses to Question 1 on eleven different services provided to seniors. Results include the level of awareness, frequency of use, and effectiveness of each service. (2 pages)
<b>Exhibit C Question 1: Senior Services-Detail</b>	Exhibit C presents the responses to Question 1 broken out according to age, gender, living arrangements, daily living needs, and level of household income. (12 pages)
<b>Exhibit D Question 2: Greatest Concerns</b>	Exhibit D presents the responses to Question 2 in which respondents selected their three greatest concerns for seniors in the next 10 years. Aggregate responses and a breakdown by age, gender, living arrangements, daily living needs, and level of household income are presented. (2 pages)
<b>Exhibit E Question 2: Greatest Concerns Text</b>	Exhibit E presents the verbatim transcription of written text provided by survey respondents who listed "other" as their response. (5 pages)
<b>Exhibit F Question 3: Social and Recreational Programs</b>	Exhibit F presents the responses to Question 3 in which respondents selected their three favorite social or recreational programs. Aggregate responses and a breakdown by age, gender, living arrangements, daily living needs, and level of household income are presented. (2 pages)
<b>Exhibit G Question 3: Social and Recreational Programs Text</b>	Exhibit G presents the verbatim transcription of written text provided by survey respondents who listed "other" as their response. (5 pages)
<b>Exhibit H Question 4: Role of Government</b>	Exhibit H presents the extent to which all respondents agree or disagree with the role of government in providing services for seniors. (1 page)
<b>Exhibit I Question 8: Quality-of-Life Issues</b>	Exhibit I presents respondents' attitudes toward a variety of quality-of-life issues. (1 page)
<b>Exhibit J Question 11: Public Assistance</b>	Exhibit J reports the types the public assistance used by survey respondents. (1 page)

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**2002-2003 Grand Jury Investigative Audit  
of the County of Los Angeles  
Department of Community and Senior Services (CSS)**

**Exhibit A  
Profile of Survey Respondents**

This survey was mailed to 17,000 seniors in the County of Los Angeles, excluding the City of Los Angeles. Altogether, 2,601 completed surveys were returned for data entry. This profile describes the individuals who completed and returned the surveys by several different factors.

**Total Number of Returned**  
2,601

Please note: Not all respondents answered all questions, while others checked more than one response. As a result, total responses for each question may differ from the total number of surveys returned.

#5: Status of Survey Respondents		#9: Daily Living Needs		#12: Ethnicity	
60 to 75 Years Old	1,715 66%	Needs No Assistance	1,701 69%	Hispanic/Latino	289 11%
76 Years or Older	800 31%	Requires Some Assistance	631 26%	Black/African American	225 9%
Adult Relative Caretaker	139 5%	Requires Significant Assistance	121 5%	White/Caucasian	1,757 69%
Paid Caretaker	101 4%			Asian/Pacific Islander	215 8%
Concerned Individual	77 3%			American Indian/Alaskan/Aleut	17 1%
				Other	46 2%
<b>All Respondents*</b>	<b>2,832</b>	<b>All Respondents</b>	<b>2,453 100%</b>		
<b>Did Not Indicate</b>	<b>26</b>	<b>Did Not Indicate</b>	<b>148</b>		

**All Respondents** 2,549 100%  
**Did Not Indicate** 52

\*Please note: Respondents checked more than one option so total is greater than total surveys returned.

**#10: Household Income**

Adequately covers all needs 1,042 41%  
Covers most needs 962 38%  
Covers some needs 525 21%

**#6: Gender of Survey Respondents**

Female 1,229 52%  
Male 1,130 48%

**All Respondents** 2,359 100%  
**Did Not** 242

**#13: Senior's Residence by SPA**

SPA 1: Antelope Valley 92 4%  
SPA 2: Greater San Fernando Valley 498 20%  
SPA 3: San Gabriel Valley 565 23%  
SPA 4: Metro 58 2%  
SPA 5: West of Downtown 335 13%  
SPA 6: South of Downtown 99 4%  
SPA 7: East-Southeast of Downtown 315 13%  
SPA 8: South Bay/Harbor 533 21%

**All Respondents** 2,495 100%  
**Did Not Indicate** 106

**#7: Current Living Arrangements**

Living Alone 898 36%  
Living with Family/Friends 1,544 62%  
Retirement or Assisted Living 39 2%

**All Respondents** 2,481 100%  
**Did Not Indicate** 120

\*Please note: Respondents checked more than one option so total is greater than total surveys returned.



**2002-2003 Grand Jury Investigative Audit  
of the County of Los Angeles  
Department of Community and Senior Services (CSS)**

**Exhibit B  
Question 1: Senior Services-All Responses**

In Question 1, survey respondents considered several senior services in terms of frequency of use and effectiveness.

Senior Services	Do you know about this service?			How often do you use this service?					How effective is this service?				
	Total Response	Yes	No	Total Response	1	2	3	4	Total Response	1	2	3	4
1 Group meals or home-delivered meals	2,496	1,759 70%	737 30%	1,886	1,705 90%	63 3%	51 3%	67 4%	568	100 18%	54 10%	170 30%	244 43%
2 Nutrition counseling	2,417	812 34%	1,605 66%	1,384	1,234 89%	73 5%	52 4%	25 2%	361	117 32%	62 17%	98 27%	84 23%
3 Senior centers and recreational programs	2,461	1,908 78%	553 22%	1,953	1,306 67%	258 13%	204 10%	185 9%	738	87 12%	87 12%	222 30%	342 46%
4 Adult day care or Alzheimer's day care centers	2,443	1,026 42%	1,417 58%	1,480	1,422 96%	23 2%	14 1%	21 1%	342	111 32%	39 11%	74 22%	118 35%
5 Health insurance counseling	2,424	707 29%	1,717 71%	1,317	1,149 87%	94 7%	44 3%	30 2%	341	116 34%	71 21%	84 25%	70 21%
6 Adult protective services to investigate physical abuse, neglect, self-neglect, or financial abuse	2,444	980 40%	1,464 60%	1,445	1,376 95%	43 3%	11 1%	15 1%	323	119 37%	56 17%	71 22%	77 24%
7 Job training and placement for seniors	2,444	686 28%	1,758 72%	1,323	1,269 96%	30 2%	13 1%	11 1%	285	121 42%	51 18%	56 20%	57 20%
8 Care managers or social workers to assist in obtaining community resources	2,436	883 36%	1,553 64%	1,409	1,247 89%	91 6%	42 3%	29 2%	357	110 31%	74 21%	73 20%	100 28%
9 Services for the hearing or visually impaired	2,443	966 40%	1,477 60%	1,430	1,296 91%	67 5%	36 3%	31 2%	355	102 29%	63 18%	90 25%	100 28%

**2002-2003 Grand Jury Investigative Audit  
of the County of Los Angeles  
Department of Community and Senior Services (CSS)**

**Exhibit B  
Question 1: Senior Services-All Responses**

In Question 1, survey respondents considered several senior services in terms of frequency of use and effectiveness.

Senior Services	Do you know about this service?		How often do you use this service?				How effective is this service?			
	Total		Never <-----> Often				Total			
	Response	Yes No	1	2	3	4	Response	Not <-----> Very	1	2 3 4
10 In-home care services (housekeeping, personal care)	2,462	1,126 46% 1,336 54%	1,499	1,317	64	42	76	410	105	54 93 158
				88%	4%	3%	5%		26%	13% 23% 39%
11 Help in finding in-home workers	2,439	702 29% 1,737 71%	1,285	1,173	49	34	29	312	117	55 62 78
				91%	4%	3%	2%		38%	18% 20% 25%
12 Please rate the effectiveness of senior services and programs overall			752						142	203 263 144
									19%	27% 35% 19%

**2002-2003 Grand Jury Investigative Audit  
of the County of Los Angeles  
Department of Community and Senior Services (CSS)**

**Question 1: Senior Services-Differences by Type of Respondent**

**Exhibit C**

In Question 1, survey respondents considered several senior services in terms of frequency of use and effectiveness. This report breaks out the responses by age, gender, current living arrangement, level of assistance required, and level of household income.

Senior Services	Do you know about this service?			How often do you use this service?				How effective is this service?						
	Total Response	Yes	No	Total Response	Never <----> Often				Total Response	Not 1	2	3	4	Very <-----> Very
					1	2	3	4						
1 Group meals or home-delivered meals	2,496	70%	30%	1,886	90%	3%	3%	4%	568	18%	10%	30%	43%	
Age														
60 to 75 years old	1,658	68%	32%	1,248	92%	3%	2%	2%	1,422	79%	2%	8%	11%	
76 years or older	761	76%	24%	580	87%	3%	3%	6%	732	79%	2%	8%	11%	
Gender														
Male	1,081	62%	38%	770	91%	4%	2%	3%	867	77%	3%	11%	9%	
Female	1,194	77%	23%	950	90%	3%	3%	4%	1,149	80%	2%	5%	13%	
Living Arrangement														
Living alone	864	75%	25%	687	88%	3%	3%	6%	806	80%	3%	6%	11%	
Living with family or friends	1,492	67%	33%	1,099	93%	3%	2%	2%	1,278	79%	2%	8%	11%	
Retirement community or assisted living	38	89%	11%	31	87%	---	6%	6%	49	69%	6%	8%	16%	
Daily Living Needs														
No assistance	1,648	72%	28%	1,277	94%	2%	2%	2%	1,459	81%	1%	7%	10%	
Some assistance	607	70%	30%	461	84%	5%	5%	6%	569	74%	5%	8%	13%	
Significant assistance	115	71%	29%	81	79%	9%	4%	9%	112	73%	4%	10%	13%	
Income														
Adequately covers all needs	1,007	75%	25%	810	94%	2%	1%	3%	918	82%	2%	7%	9%	
Covers most needs	935	72%	28%	703	89%	4%	4%	4%	856	78%	2%	7%	12%	
Covers some needs	502	59%	41%	341	85%	6%	4%	5%	413	72%	5%	10%	14%	

**2002-2003 Grand Jury Investigative Audit  
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**Question 1: Senior Services-Differences by Type of Respondent**

**Exhibit C**

In Question 1, survey respondents considered several senior services in terms of frequency of use and effectiveness. This report breaks out the responses by age, gender, current living arrangement, level of assistance required, and level of household income.

Senior Services	Do you know about this service?			How often do you use this service?				How effective is this service?					
	Total Response	Yes	No	Total Response	Never <----> Often				Total Response	Not 1	2	3	4
					1	2	3	4					
2 Nutrition counseling	2,417	34%	66%	1,384	89%	5%	4%	2%	361	32%	17%	27%	23%
Age													
60 to 75 years old	1,622	32%	68%	929	91%	5%	3%	2%	676	76%	5%	9%	10%
76 years or older	719	38%	62%	415	87%	6%	5%	2%	344	79%	8%	8%	5%
Gender													
Male	1,063	27%	73%	555	91%	5%	3%	1%	384	73%	8%	11%	7%
Female	1,139	38%	62%	696	87%	6%	5%	2%	562	78%	5%	9%	8%
Living Arrangement													
Living alone	833	35%	65%	496	88%	6%	3%	3%	378	78%	7%	7%	8%
Living with family or friends	1,450	31%	69%	815	91%	5%	4%	1%	601	76%	5%	11%	8%
Retirement community or assisted living	33	52%	48%	22	73%	5%	18%	5%	23	74%	4%	13%	9%
Daily Living Needs													
No assistance	1,599	33%	67%	926	92%	3%	3%	1%	666	79%	5%	8%	8%
Some assistance	589	35%	65%	342	82%	9%	6%	3%	293	71%	8%	13%	9%
Significant assistance	109	37%	63%	58	83%	9%	5%	3%	49	82%	6%	10%	2%
Income													
Adequately covers all needs	986	33%	67%	585	94%	3%	2%	1%	405	81%	5%	7%	6%
Covers most needs	897	35%	65%	518	86%	6%	5%	2%	418	75%	6%	10%	9%
Covers some needs	483	31%	69%	259	86%	8%	4%	2%	209	71%	8%	12%	9%

**2002-2003 Grand Jury Investigative Audit  
of the County of Los Angeles  
Department of Community and Senior Services (CSS)**

**Question 1: Senior Services-Differences by Type of Respondent**

**Exhibit C**

In Question 1, survey respondents considered several senior services in terms of frequency of use and effectiveness. This report breaks out the responses by age, gender, current living arrangement, level of assistance required, and level of household income.

Senior Services	Do you know about this service?				How often do you use this service?				How effective is this service?					
	Total		Yes	No	Total		Never <----> Often		Total		Not <-----> Very			
	Response				Response	1	2	3	4	Response	1	2	3	4
3 Senior centers and recreational programs	2,461	78%	22%		1,953	67%	13%	10%	9%	738	12%	12%	30%	46%
Age														
60 to 75 years old	1,637	76%	24%		1,304	72%	12%	8%	8%	1,663	75%	3%	8%	13%
76 years or older	747	80%	20%		591	54%	17%	15%	13%	818	73%	4%	9%	14%
Gender														
Male	1,068	71%	29%		819	73%	13%	8%	6%	1,025	74%	5%	11%	11%
Female	1,173	83%	17%		968	62%	13%	12%	12%	1,305	75%	2%	7%	16%
Living Arrangement														
Living alone	855	80%	20%		686	62%	13%	14%	11%	905	75%	4%	8%	13%
Living with family or friends	1,468	76%	24%		1,168	70%	13%	8%	8%	1,509	74%	3%	9%	14%
Retirement community or assisted living	37	89%	11%		31	58%	19%	16%	6%	44	75%	---	7%	18%
Daily Living Needs														
No assistance	1,632	78%	22%		1,319	69%	12%	10%	9%	1,685	76%	3%	8%	13%
Some assistance	598	78%	22%		475	60%	17%	13%	9%	660	71%	4%	10%	14%
Significant assistance	111	74%	26%		82	74%	12%	4%	10%	110	75%	4%	10%	12%
Income														
Adequately covers all needs	999	82%	18%		843	71%	12%	9%	8%	1,057	78%	3%	8%	11%
Covers most needs	916	79%	21%		727	62%	16%	11%	11%	996	72%	4%	10%	14%
Covers some needs	495	67%	33%		347	66%	12%	12%	10%	460	72%	4%	7%	17%

**2002-2003 Grand Jury Investigative Audit  
of the County of Los Angeles  
Department of Community and Senior Services (CSS)**

**Question 1: Senior Services-Differences by Type of Respondent**

**Exhibit C**

In Question 1, survey respondents considered several senior services in terms of frequency of use and effectiveness. This report breaks out the responses by age, gender, current living arrangement, level of assistance required, and level of household income.

Senior Services	Do you know about this service?			How often do you use this service?				How effective is this service?					
	Total Response	Yes	No	Total Response	Never <----> Often				Total Response	Not <-----> Very			
					1	2	3	4		1	2	3	4
4 Adult day care or Alzheimer's day care centers	2,443	42%	58%	1,480	96%	2%	1%	1%	342	32%	11%	22%	35%
Age													
60 to 75 years old	1,634	40%	60%	984	96%	1%	1%	1%	807	81%	3%	6%	10%
76 years or older	734	46%	54%	450	96%	2%	1%	2%	404	83%	3%	6%	8%
Gender													
Male	1,069	31%	69%	571	96%	1%	1%	1%	419	78%	4%	9%	9%
Female	1,159	51%	49%	764	96%	1%	1%	1%	716	83%	3%	5%	10%
Living Arrangement													
Living alone	844	45%	55%	530	96%	2%	1%	2%	449	84%	2%	5%	8%
Living with family or friends	1,462	39%	61%	867	97%	1%	1%	1%	714	80%	3%	7%	10%
Retirement community or assisted living	37	70%	30%	27	93%	---	---	7%	35	74%	6%	6%	14%
Daily Living Needs													
No assistance	1,619	44%	56%	1,001	98%	1%	1%	1%	843	85%	2%	6%	8%
Some assistance	591	37%	63%	353	94%	2%	1%	3%	290	75%	6%	7%	12%
Significant assistance	112	47%	53%	67	90%	4%	1%	4%	70	76%	6%	3%	16%
Income													
Adequately covers all needs	992	45%	55%	641	98%	1%	1%	1%	524	86%	1%	6%	7%
Covers most needs	909	41%	59%	534	96%	1%	1%	1%	459	81%	3%	4%	11%
Covers some needs	490	38%	62%	281	91%	4%	2%	3%	252	73%	8%	8%	11%

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**Question 1: Senior Services-Differences by Type of Respondent**

**Exhibit C**

In Question 1, survey respondents considered several senior services in terms of frequency of use and effectiveness. This report breaks out the responses by age, gender, current living arrangement, level of assistance required, and level of household income.

Senior Services	Do you know about this service?			How often do you use this service?				How effective is this service?					
	Total Response	Yes	No	Total Response	Never <----> Often			Total Response	Not 1	2	3	4	
					1	2	3						4
5 Health insurance counseling	2,424	29%	71%	1,317	87%	7%	3%	2%	341	34%	21%	25%	21%
Age													
60 to 75 years old	1,622	28%	72%	889	88%	7%	3%	2%	612	74%	8%	9%	9%
76 years or older	724	32%	68%	392	87%	7%	4%	2%	290	80%	7%	9%	4%
Gender													
Male	1,064	24%	76%	529	89%	6%	3%	2%	353	73%	9%	10%	8%
Female	1,148	33%	67%	660	85%	8%	4%	2%	489	76%	7%	10%	7%
Living Arrangement													
Living alone	834	31%	69%	476	86%	7%	4%	3%	332	77%	8%	8%	7%
Living with family or friends	1,456	28%	72%	766	89%	7%	3%	2%	536	76%	8%	9%	7%
Retirement community or assisted living	36	56%	44%	25	88%	8%	4%	---	27	74%	---	15%	11%
Daily Living Needs													
No assistance	1,604	29%	71%	877	90%	6%	2%	2%	602	78%	6%	9%	7%
Some assistance	590	29%	71%	327	82%	10%	5%	3%	239	72%	10%	8%	9%
Significant assistance	111	33%	67%	59	78%	12%	7%	3%	52	71%	13%	13%	2%
Income													
Adequately covers all needs	987	29%	71%	555	93%	4%	2%	1%	347	82%	6%	7%	6%
Covers most needs	895	30%	70%	473	85%	9%	4%	3%	356	75%	7%	10%	8%
Covers some needs	490	29%	71%	267	81%	10%	5%	4%	209	67%	11%	12%	9%

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Senior Services	Do you know about this service?			How often do you use this service?				How effective is this service?					
	Total Response	Yes	No	Total Response	Never <----> Often				Total Response	Not <-----> Very			
					1	2	3	4		1	2	3	4
6 Adult protective services to investigate physical abuse, neglect, self-neglect, or financial abuse	2,444	40%	60%	1,445	95%	3%	1%	1%	323	37%	17%	22%	24%
Age													
60 to 75 years old	1,636	41%	59%	983	95%	3%	1%	1%	818	82%	5%	6%	7%
76 years or older	730	38%	62%	412	96%	3%	0%	1%	315	87%	5%	5%	3%
Gender													
Male	1,069	33%	67%	582	96%	2%	1%	1%	446	80%	5%	8%	7%
Female	1,159	46%	54%	728	95%	3%	1%	1%	636	84%	5%	5%	6%
Living Arrangement													
Living alone	838	41%	59%	504	95%	3%	1%	2%	408	84%	5%	4%	6%
Living with family or friends	1,468	39%	61%	862	96%	3%	1%	1%	696	82%	5%	7%	6%
Retirement community or assisted living	39	54%	46%	23	91%	---	4%	4%	25	84%	4%	8%	4%
Daily Living Needs													
No assistance	1,616	42%	58%	979	96%	2%	1%	1%	801	85%	4%	6%	5%
Some assistance	592	36%	64%	339	93%	4%	1%	2%	271	78%	6%	7%	10%
Significant assistance	112	45%	55%	66	92%	3%	2%	3%	61	82%	7%	7%	5%
Income													
Adequately covers all needs	992	42%	58%	619	97%	2%	0%	0%	486	87%	4%	4%	6%
Covers most needs	904	41%	59%	530	95%	2%	1%	1%	445	83%	4%	8%	6%
Covers some needs	496	35%	65%	276	91%	5%	1%	3%	234	75%	8%	8%	9%



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Senior Services	Do you know about this service?			How often do you use this service?				How effective is this service?					
	Total Response	Yes	No	Total Response	Never <----> Often				Total Response	Not 1	2	3	4
					1	2	3	4					
7 Job training and placement for seniors	2,444	28%	72%	1,323	96%	2%	1%	1%	285	42%	18%	20%	20%
Age													
60 to 75 years old	1,637	26%	74%	891	96%	2%	1%	1%	552	78%	7%	7%	9%
76 years or older	729	33%	67%	393	95%	3%	1%	1%	269	88%	4%	6%	3%
Gender													
Male	1,070	24%	76%	540	96%	2%	1%	1%	333	77%	7%	8%	8%
Female	1,156	31%	69%	655	96%	2%	1%	1%	431	83%	5%	6%	6%
Living Arrangement													
Living alone	842	30%	70%	469	95%	3%	1%	1%	311	82%	5%	6%	7%
Living with family or friends	1,465	26%	74%	779	96%	2%	1%	1%	473	80%	7%	7%	7%
Retirement community or assisted living	36	56%	44%	25	96%	---	4%	---	26	77%	8%	12%	4%
Daily Living Needs													
No assistance	1,615	29%	71%	887	97%	2%	0%	1%	567	82%	6%	6%	6%
Some assistance	600	25%	75%	318	93%	3%	2%	2%	195	78%	6%	7%	9%
Significant assistance	110	33%	67%	58	90%	5%	3%	2%	44	82%	11%	5%	2%
Income													
Adequately covers all needs	993	30%	70%	561	99%	1%	0%	1%	354	84%	5%	5%	5%
Covers most needs	911	28%	72%	479	96%	3%	1%	1%	321	80%	7%	7%	7%
Covers some needs	488	23%	77%	259	91%	5%	3%	1%	155	74%	6%	12%	8%

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**Exhibit C**

In Question 1, survey respondents considered several senior services in terms of frequency of use and effectiveness. This report breaks out the responses by age, gender, current living arrangement, level of assistance required, and level of household income.

Senior Services	<u>Do you know about this service?</u>		<u>How often do you use this service?</u>				<u>How effective is this service?</u>					
	Total Response	Yes No	Total Response	Never <----> Often				Total Response	Not <-----> Very			
				1	2	3	4		1	2	3	4
8 Care managers or social workers to assist in obtaining community resources	2,436	36% 64%	1,409	89%	6%	3%	2%	357	31%	21%	20%	28%
Age												
60 to 75 years old	1,628	35% 65%	955	90%	6%	3%	1%	743	77%	7%	6%	9%
76 years or older	730	37% 63%	402	86%	7%	4%	3%	332	82%	5%	6%	7%
Gender												
Male	1,070	30% 70%	573	92%	4%	2%	2%	420	77%	8%	7%	8%
Female	1,150	41% 59%	705	86%	8%	4%	2%	606	78%	6%	6%	10%
Living Arrangement												
Living alone	839	36% 64%	494	87%	7%	2%	3%	381	78%	8%	4%	10%
Living with family or friends	1,460	36% 64%	836	91%	5%	3%	1%	664	79%	6%	6%	9%
Retirement community or assisted living	36	56% 44%	25	72%	12%	12%	4%	30	67%	3%	27%	3%
Daily Living Needs												
No assistance	1,610	36% 64%	933	94%	3%	2%	1%	714	82%	5%	6%	7%
Some assistance	594	34% 66%	343	81%	11%	5%	4%	282	72%	9%	7%	12%
Significant assistance	110	51% 49%	74	68%	19%	7%	7%	81	69%	12%	7%	11%
Income												
Adequately covers all needs	992	39% 61%	606	94%	4%	2%	1%	455	85%	5%	4%	6%
Covers most needs	906	36% 64%	517	87%	8%	3%	3%	425	76%	6%	7%	11%
Covers some needs	488	31% 69%	262	81%	9%	6%	4%	226	68%	11%	10%	12%

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**Question 1: Senior Services-Differences by Type of Respondent**

**Exhibit C**

In Question 1, survey respondents considered several senior services in terms of frequency of use and effectiveness. This report breaks out the responses by age, gender, current living arrangement, level of assistance required, and level of household income.

Senior Services	<u>Do you know about this service?</u>		<u>How often do you use this service?</u>				<u>How effective is this service?</u>			
	Total		Total				Total			
	Response	Yes No	Response	1	2	3	Response	1	2	3
9 Services for the hearing or visually impaired	2,443	40% 60%	1,430	91%	5%	3%	355	29%	18%	25%
Age										
60 to 75 years old	1,636	37% 63%	952	93%	4%	1%	776	79%	5%	8%
76 years or older	730	44% 56%	436	86%	6%	5%	395	81%	5%	6%
Gender										
Male	1,072	32% 68%	576	92%	4%	2%	452	76%	6%	9%
Female	1,156	46% 54%	718	90%	5%	3%	657	80%	5%	7%
Living Arrangement										
Living alone	847	42% 58%	506	90%	5%	3%	432	82%	5%	6%
Living with family or friends	1,462	38% 62%	851	92%	4%	2%	701	78%	5%	8%
Retirement community or assisted living	35	66% 34%	24	75%	13%	8%	35	66%	6%	20%
Daily Living Needs										
No assistance	1,617	40% 60%	956	94%	4%	1%	793	82%	4%	6%
Some assistance	596	37% 63%	345	85%	7%	5%	291	76%	5%	8%
Significant assistance	112	48% 52%	69	78%	9%	6%	80	68%	10%	14%
Income										
Adequately covers all needs	992	43% 57%	620	94%	3%	1%	511	84%	4%	5%
Covers most needs	908	38% 62%	520	88%	6%	3%	441	78%	5%	8%
Covers some needs	491	35% 65%	265	89%	4%	4%	238	71%	7%	11%

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**Exhibit C**

**Question 1: Senior Services-Differences by Type of Respondent**

In Question 1, survey respondents considered several senior services in terms of frequency of use and effectiveness. This report breaks out the responses by age, gender, current living arrangement, level of assistance required, and level of household income.

Senior Services	Do you know about this service?			How often do you use this service?				How effective is this service?				
	Total	Yes	No	Total Response				Total Response				
				1	2	3	4	1	2	3	4	
10 In-home care services (housekeeping, personal care)	2,462	46%	54%	88%	4%	3%	5%	410	26%	13%	23%	39%
Age												
60 to 75 years old	1,644	44%	56%	91%	3%	2%	4%	929	79%	4%	6%	12%
76 years or older	741	47%	53%	85%	6%	4%	5%	434	80%	3%	8%	9%
Gender												
Male	1,073	37%	63%	92%	4%	2%	2%	513	77%	4%	8%	10%
Female	1,171	53%	47%	85%	5%	3%	7%	787	79%	3%	6%	12%
Living Arrangement												
Living alone	851	49%	51%	86%	4%	3%	7%	530	79%	4%	6%	11%
Living with family or friends	1,470	43%	57%	90%	4%	2%	4%	811	78%	4%	7%	11%
Retirement community or assisted living	38	61%	39%	67%	8%	4%	21%	29	79%	---	10%	10%
Daily Living Needs												
No assistance	1,622	44%	56%	95%	2%	2%	1%	863	83%	3%	6%	8%
Some assistance	602	48%	52%	77%	10%	4%	10%	397	73%	5%	7%	16%
Significant assistance	112	63%	38%	52%	9%	12%	27%	100	70%	6%	8%	16%
Income												
Adequately covers all needs	997	47%	53%	93%	3%	2%	2%	562	83%	3%	6%	8%
Covers most needs	918	44%	56%	86%	5%	4%	5%	516	79%	3%	7%	11%
Covers some needs	496	46%	54%	81%	6%	3%	10%	321	71%	6%	7%	16%

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**Exhibit C**

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Senior Services	Do you know about this service?				How often do you use this service?				How effective is this service?				
	Total		Yes	No	Total		Never <----> Often		Total		Not <-----> Very		
	Response				Response		Response		Response				
11 Help in finding in-home workers	2,439	29%	71%	1,285	91%	4%	3%	2%	312	38%	18%	20%	25%
Age													
60 to 75 years old	1,634	28%	72%	864	93%	3%	3%	1%	587	77%	7%	7%	9%
76 years or older	728	30%	70%	373	90%	5%	2%	3%	269	83%	4%	7%	7%
Gender													
Male	1,067	22%	78%	508	94%	2%	2%	1%	307	76%	7%	8%	9%
Female	1,158	34%	66%	650	89%	5%	3%	3%	506	79%	5%	7%	9%
Living Arrangement													
Living alone	842	30%	70%	456	90%	3%	3%	4%	317	80%	5%	5%	9%
Living with family or friends	1,462	27%	73%	757	93%	4%	2%	1%	518	78%	7%	8%	8%
Retirement community or assisted living	37	43%	57%	24	71%	13%	13%	4%	23	70%	4%	17%	9%
Daily Living Needs													
No assistance	1,609	28%	72%	848	97%	1%	1%	1%	550	82%	5%	6%	7%
Some assistance	597	27%	73%	305	85%	7%	4%	4%	220	73%	8%	7%	11%
Significant assistance	111	47%	53%	74	62%	11%	14%	14%	74	70%	5%	15%	9%
Income													
Adequately covers all needs	985	28%	72%	539	96%	2%	2%	1%	331	84%	4%	5%	7%
Covers most needs	911	30%	70%	472	91%	4%	3%	2%	348	78%	6%	8%	8%
Covers some needs	493	27%	73%	251	84%	7%	4%	6%	196	69%	9%	10%	13%

In Question 1, survey respondents considered several senior services in terms of frequency of use and effectiveness. This report breaks out the responses by age, gender, current living arrangement, level of assistance required, and level of household income.

	How effective is this service?				
	Total	Not	<-----> Very		
	Response	1	2	3	4
12 Please rate the effectiveness of senior services and programs overall	752	19%	27%	35%	19%
Age					
60 to 75 years old	473	20%	30%	33%	17%
76 years or older	242	17%	22%	40%	21%
Gender					
Male	310	26%	29%	28%	17%
Female	378	13%	25%	43%	20%
Living Arrangement					
Living alone	263	15%	27%	37%	22%
Living with family or friends	446	22%	27%	34%	17%
Retirement community or assisted living	18	6%	22%	50%	22%
Daily Living Needs					
No assistance	422	19%	26%	37%	18%
Some assistance	222	16%	27%	36%	21%
Significant assistance	68	26%	28%	34%	12%
Income					
Adequately covers all needs	246	17%	28%	38%	17%
Covers most needs	306	18%	25%	36%	20%
Covers some needs	186	23%	29%	30%	18%

In Question 2, survey respondents selected their three "greatest concerns" for seniors in the County in the next 10 years. They are listed below in order of frequency of selection. (Please note: Some respondents selected more than three items.)

Concerns	Number/Percent of Times Selected
Health care	2,141 82%
Housing, including assisted living	1,114 43%
In-home services (housekeeping, personal care)	1,065 41%
Safety and security	997 38%
Transportation	961 37%
Nutrition (group meals, home delivered meals, counseling)	473 18%
Mental health	422 16%
Adult day care	411 16%
Recreation or social activities	364 14%
Money management	355 14%
Other	215 8%

### How to Interpret this Exhibit

1. Survey respondents selected their three top concerns (a few selected more than three).
2. The percentages indicate the percent of all respondents who selected each concern among their top three.
3. The percentage is based on the total number of survey respondents, not on the total number of responses for each selection.
4. The percentages will not add to 100% due to the multiple selections.
5. The total number of responses is greater than the total number of surveys returned due to the multiple selections.

In Question 2, survey respondents selected their three "greatest concerns" for seniors in the County in the next 10 years.

Differences in Responses by

Concerns	All Respondents	Age		Gender		Current Living Arrangement		Assistance Required			Level of Household	
		60 to 75 Yrs	76 Yrs or Older	Female	Male	Living Alone	Family/Friends	Ret/Ass't	None	Some	Significant	All Needs
		85%	78%	81%	85%	81%	84%	82%	82%	84%	88%	80%
Health care	82%	85%	78%	81%	85%	81%	84%	82%	82%	84%	88%	80%
Housing, including assisted living	43%	45%	38%	45%	42%	43%	43%	49%	41%	46%	55%	38%
In-home services (housekeeping, personal care)	41%	38%	49%	48%	34%	48%	38%	26%	38%	49%	48%	42%
Safety and security	38%	39%	38%	37%	40%	36%	41%	21%	38%	38%	32%	36%
Transportation	37%	33%	47%	41%	32%	42%	35%	38%	36%	40%	35%	36%
Nutrition (group meals, home delivered meals, counseling)	18%	17%	22%	19%	18%	20%	17%	18%	16%	22%	18%	16%
Mental health	16%	17%	16%	15%	17%	15%	17%	28%	14%	19%	20%	14%
Adult day care	16%	14%	19%	16%	15%	14%	16%	21%	15%	18%	17%	15%
Recreation or social activities	14%	15%	13%	14%	14%	15%	13%	23%	14%	12%	8%	14%
Money management	14%	16%	10%	13%	15%	12%	15%	18%	14%	12%	15%	12%
Other	8%	9%	7%	9%	7%	9%	7%	10%	7%	9%	10%	5%
<b>Totals</b>	<b>2,601</b>	<b>1,715</b>	<b>792</b>	<b>1,229</b>	<b>1,130</b>	<b>898</b>	<b>1,544</b>	<b>39</b>	<b>1,701</b>	<b>631</b>	<b>121</b>	<b>1,042</b>
												<b>962</b>
												<b>525</b>

How to Interpret this Exhibit

1. In the first column, the percentage of all responses is shown.
2. The concerns are listed in order of the total number of responses.
3. In the following columns, differences in responses are shown by age, gender, current living arrangement, level of day-to-day assistance required, and level of household income.
4. For each breakout, the percentage of the total of that type is shown. For example, under Female, the percentage indicates the percent of female respondents who checked each concern.
5. Percentages will not add to 100% due to the multiple selections.
6. The total number of responses is larger than the total number of surveys returned due to the multiple selections.



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**Exhibit E  
Question 2: Greatest Concerns for Seniors "Other" Text Responses**

A number of survey respondents entered text responses under "Other." This exhibit presents the verbatim transcription of these additional

"Other" Senior Concerns	"Other" Senior Concerns
<p>\$\$\$ Take care of Americans: not illegal aliens! Care for war veterans, me</p> <p>911 - only transportation to Marina, need Santa Monica, UCLA</p> <p>Access to affordable prescriptions.</p> <p>Access to social services welfare, food stamps, SSI, etc.</p> <p>Adult day care.</p> <p>Affordable drugs - better public transportation.</p> <p>Affordable housing - rent is horrific! Buying even worse.</p> <p>Affordable prescriptions</p> <p>Affordable prices on all medications especially on non-generic medicine.</p> <p>Aid w/section - etc for the comparable rental costs</p> <p>All-important - balance</p> <p>All of the above</p> <p>All of the above are important</p> <p>All of the above.</p> <p>All of the above.</p> <p>All of these are important if a person needs them.</p> <p>All the above</p> <p>All very important - can't be one without the other</p> <p>Animal care - pets</p> <p>Art living money - taxes health home &amp; car insurance. Everything going up in</p> <p>California in need of money. Many of us lost money in investments - can't make it up.</p> <p>At the present time I don't need any of the above services.</p> <p>Be alive at the end of 10 years.</p> <p>Being a Parkinson's disease support group coordinator. These are all important issues!</p> <p>Buying power, higher taxes</p> <p>Checks on the person every day - phone call</p> <p>Children's neglect, seniors left by children permanently to other care.</p> <p>Family involvement and support! (including church).</p>	<p>Clean air (or the current lack thereof) freedom from carbon monoxide poisoning, auto exhaust diesel exhaust, gas fumes from blowers, movers, weeders, trimmers &amp; vroom vroom vroomers</p> <p>Cooperation of all organizations (including doctors &amp; hospitals) for the good and interest of elderly people. I would encourage assisted living or board &amp; care to meet needs.</p> <p>Cost of assisted living facilities.</p> <p>Cost of living and price of medication.</p> <p>Cost of living expenses - utilities - gasoline etc</p> <p>Cost of living on a fixed income - especially with property tax rising every</p> <p>Cost of medication.</p> <p>Cost of medicine</p> <p>Cost of medicine out of pocket.</p> <p>Cost of prescriptions for the elderly! No generic for Aricept &amp; much too expensive. 2002 taken off Secure Horizons list!</p> <p>Cost of taxes and insurance</p> <p>Covered prescription drugs</p> <p>Dental care</p> <p>Drug costs</p> <p>Drugs</p> <p>Elder abuse</p> <p>Employment</p> <p>Erosion of health services by illegal aliens.</p> <p>Exercise classes could be part of health care.</p> <p>Excessive taxes</p> <p>Excessive taxes</p> <p>Excessive taxes</p> <p>Extended health care &amp; living.</p> <p>Family should take care of its members. Relief checks shouldn't be mailed.</p> <p>They should have to be picked up for less fraud.</p>

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**Exhibit E  
Question 2: Greatest Concerns for Seniors "Other" Text Responses**

A number of survey respondents entered text responses under "Other." This exhibit presents the verbatim transcription of these additional

**"Other" Senior Concerns**

Family to look after them  
Financing rest home care  
Finding full time work  
Flu shot  
For any who have no help. All of the above. I am fortunate to have children to help me.  
Free prescription drugs or greatly assisted prescription costs -- way, way too high.  
Funding for the home repairs etc. Low to no cost programs to meet these  
Getting in touch with a live person to talk to w/o the recordings.  
Gov should check on senior apt advertising 55 or over instead they are full of young adults w/children & hire people that know how to run senior apt.  
Handicapped  
Health care & mental health go together  
Health care, in-home services (housekeeping, personal care) assisted living.  
Help in food shopping, transportation & particularly when senior is forced to shop in certain markets carrying their allowed food (to stay alive).  
Help to pay high rents \$850 per month & to obtain money to move into a low rent apt. Going to be evicted, can't pay rent plus utilities. Can't find any help!!  
Help to take care of my back yard.  
Help with prescriptions for cost.  
High cost of pharmaceuticals  
High cost of prescriptions - medicine - social security  
Higher cost of medication  
HMO insurance has none of the above except one.  
Home delivered meals are very difficult to get now. The waiting list is a very long time. What will it be 10 yrs. From now?  
Home delivery meals  
Homeless.

**"Other" Senior Concerns**

Housing including assisted living.  
Housing may be a concern. Healthcare maybe a concern if HMOs keep raising their premiums.  
How can I comment when I did not know about these recreational programs.  
How to get affordable & reliable information on losing money of annuities.  
I am 93 years old and have excellent care at Pilgrim Place.  
I am concerned about all of the above. All of the programs are needed for senior citizens.  
I am going to take one day at a time. Thank you.  
I am not qualified to answer above questions.  
I don't go out, because I take care of my mom.  
I don't have concerns at the present time.  
I have no idea.  
I live alone & I am concerned I could die & not be found for a week as I hvae a small family & they are too busy to check daily.  
I need a bookkeeper porque me canzo cuando muchas papeles.  
I need help for my husband, I have a full time help here at house.  
I need to go fishing.  
ID theft through computer reporting agencies.  
If I become unable to drive, I would need above services.  
If Medicare has enough money.  
I have never used them.  
Illegal immigration diluting county, state, and U.S. resources.  
I'm recently retired so am not familiar with services available.  
In how often used in referring to counseling & getting help for others. All are important and must be matched to the individual.  
Income  
Income

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**Exhibit E  
Question 2: Greatest Concerns for Seniors "Other" Text Responses**

A number of survey respondents entered text responses under "Other." This exhibit presents the verbatim transcription of these additional

<b>"Other" Senior Concerns</b>	<b>"Other" Senior Concerns</b>
Independent living	Lower taxes 1. Real estate tax 2. Income tax 3. Sales tax
Inflation and its effect on our financial stability.	Many of our parks and recreation facilities monopolized by Armenians. They seemingly squeeze us out.
Information given out to older citizens. Where does one find out about programs? Services? Help when needed?	Medical insurance - medications and cost
Infringe of gov't in my independent life.	Medicare upgrading
Isolation.	Medication cost
Job	Medication cost
Job opportunities for seniors.	Medicines & doctors, dentists too expensive for low-income seniors. Hands off social securities. Government should not change or touch!! Never!!
Job training for seniors & senior centers.	Medicines.
Job.	More light rail transportation
Just wasting the government money.	My unsanitary house need handyman(owner of a truck) service.
Keep employment a priority even if at part time working schedules. Idleness is detrimental to the health & mental attitude of elderly persons. Co-workers are essential to people	Need for social workers who have a helpful and caring attitude for a difficult job. There are too many who are burned out or do not like their job or the people they help.
Legal advice - fraud protector	Need more senior housing
Legal representation	Need Section 8 to help with rent
Long-term care	Neglect - self neglect
Long term care	Never think about it
Long term care	No concern for seniors.
Long term care - many are lonely	None for me
Long-term care.	Nutrition
Long term health care insurance	Only private health (HMO) insurance has been used. Co-payment is too high & premium keeps going up
Long term health care. Cost prohibitive for mentally impaired, i.e., dementia or Alzheimer's.	People who live alone should have a check-in number. No one looked for Dr. Laura's mother, not even the neighbors. Two-months dead in her home (condo at that).
Long-term health care	Pharmacy costs
Low cost rentals	Police response is too slow - 2 hr wait for a burglary and the other night, an intruder - I don't feel protected at all.
Low rents on apt. For seniors in Glendale.	
Lower sales tax, lower real estate tax.	

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**Exhibit E  
Question 2: Greatest Concerns for Seniors "Other" Text Responses**

A number of survey respondents entered text responses under "Other." This exhibit presents the verbatim transcription of these additional

<b>"Other" Senior Concerns</b>	<b>"Other" Senior Concerns</b>
Politically connected contractors who exploit senior assistance program by doing shoddy, substandard work.	Seniors need tax relief
Prescription coverage	Seniors should be taught proper nutrition instead of using drugs.
Prescription drug costs	Service for disabled.
Prescription drug coverage. Long-term care/costs.	Since I don't use them I cannot rate their effectiveness. They don't really provide proper information.
Prescription drug legislation passed!	Single payer medical insurance with choice of doctors and medicine chosen by doctor rather than by being restricted by insurance. Availability of medicines from any country when less expensive.
Prescription drugs.	So far have not had to use these services.
Prescription help	So far so good - don't have concerns yet
Prescription needs & cost	Social needs
Prescriptions of medicine, money help	Social security
Prescriptions, medication	Social security
Prescriptions, social security medical care	Social Security
Property tax special assessments are outrageously too many	Social security - will it still be valid?
Reading, family and movies.	Social security & Medicare. Also church services for Christian faiths.
Reduce taxes on senior - like SS	Social Security payments
Relief care giving.	Some people need most of these services at sometimes safety
Rent control for seniors. This year 1.4% increase in SS 6% increase in rent.	Sorry I checked too many but they are all important to me.
Rent to high. S.S.R. practically will not cover it soon.	SS & SSI payments
Retirement places to live at reasonable rates	Stroke association
Rising taxes, corrupt government.	Surveys like this
Rx costs-very high, high with no Rx benefit.	Tax relief
S. S. Not enough to meet needs.	Taxes, taxes, taxes
Safety of nursing homes for elders	Taxes
Scam artists who prey on seniors.	That programs my brother earned are there for him as a vet.
Self employment	The current national administration.
Send information on housing, send all benefits	The poor quality of care & facilities of convalescent homes & other housing licensed by the city & county.
Senior center needs upgrade! It is old & depressing.	
Senior housing is presently ignored.	
Seniors have different needs. It's your problem to help them	

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**Exhibit E  
Question 2: Greatest Concerns for Seniors "Other" Text Responses**

A number of survey respondents entered text responses under "Other." This exhibit presents the verbatim transcription of these additional

**"Other" Senior Concerns**

**"Other" Senior Concerns**

The service that has helped me most is the property tax assistance (state – LA County)

There may be services out there but seniors either don't know about them or how to get them.

To be able to afford these services

To fund cheaper ?

To protect us from the stealing of money and properties of thieve people.

Too much taxes levied on seminars especially social security

Traffic congestion.

Transportation to doctor

Transportation.

Transportation. I have not tried meals on wheels. Have macular degeneration legally blind. Can still paint would like classes.

War economy and taxes

Yard & gardening dog & horse shows

Younger people have to learn about what to expect as they grow older. That way would know what to do for seniors. I didn't learn until my mom broke her arm and went to help her.

In Question 3, survey respondents selected their three favorite social or recreational programs for seniors. They are listed below in order of frequency of selection.

Concerns	Number/Percent of Times Selected
Field trips or travel	1,254 48%
Exercise classes	1,067 41%
Walking or hiking	703 27%
Plays, music programs, or other performances	698 27%
Companionship or social visits	555 21%
Social activities (e.g., dances, teas)	523 20%
Volunteer programs	496 19%
Games (e.g., Bingo, board games, cards)	485 19%
Arts and crafts (e.g., pottery, quilting, painting, sculpting,	456 18%
Book clubs, reading groups, speaker programs, or lecture series	449 17%
Other	214 8%

### How to Interpret this Exhibit

1. Survey respondents selected their three favorite programs (a few selected more than three).
2. The percentages indicate the percent of all respondents who selected each program among their three favorites.
3. The percentage is based on the total number of survey respondents, not on the total number of responses.
4. The percentages will not add to 100% due to the multiple selections.
5. The total number of responses is greater than the total number of surveys returned due to the multiple selections.

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**Exhibit F**

**Question 3: Social and Recreational Programs -Differences by Type of Respondent**

In Question 3, survey respondents selected their three "favorite" social or recreational programs. They are listed below in order of frequency of selection. (Please note: Some respondents selected more than three items.)

**Differences in Responses by**

Concerns	All Respondents	Age		Gender		Current Living Arrangement			Assistance Required			Level of Household		
		60 to 75 Yrs	76 Yrs or Older	Female	Male	Living Alone	Family/ Friends	Ret/ Ass't	None	Some	Significant	All Needs	Most Needs	Some Needs
Field trips or travel	48%	50%	45%	49%	49%	100%	100%	54%	50%	47%	41%	49%	49%	50%
Exercise classes	41%	44%	37%	44%	39%	90%	83%	36%	41%	41%	41%	39%	41%	46%
Walking or hiking	27%	29%	23%	23%	32%	53%	58%	21%	30%	22%	17%	28%	26%	28%
Plays, music programs, or other performances	27%	26%	30%	30%	25%	62%	53%	41%	28%	26%	24%	30%	25%	25%
Companionship or social visits	21%	19%	24%	24%	19%	52%	40%	33%	17%	29%	36%	18%	24%	24%
Social activities (e.g., dances, teas)	20%	21%	17%	19%	21%	46%	39%	26%	18%	24%	30%	18%	20%	25%
Volunteer programs	19%	20%	17%	21%	17%	41%	38%	26%	19%	19%	19%	21%	18%	19%
Games (e.g., Bingo, board games, cards)	19%	18%	21%	22%	14%	41%	36%	31%	17%	21%	23%	15%	21%	23%
Arts and crafts (e.g., pottery, quilting, painting, sculpting, crocheting)	18%	18%	16%	23%	12%	39%	34%	33%	16%	20%	23%	14%	19%	21%
Book clubs, reading groups, speaker programs, or lecture	17%	17%	18%	20%	15%	42%	34%	15%	18%	17%	17%	20%	16%	16%
Other	8%	8%	9%	6%	10%	20%	16%	3%	8%	7%	6%	9%	7%	7%
Totals	2,601	1,715	792	1,229	1,130	414	769	39	1,701	631	121	1,042	962	525

**How to Interpret this Exhibit**

1. In the first column, the percentage of all responses is shown, with programs listed in order of the total number of responses.
2. In the following columns, differences in responses are shown by age, gender, living arrangement, level of assistance required, and level of income.
3. For each break-out, the percentage of the total of that type is shown. For example, under Female, the percentage indicates the percent of female respondents who checked each concern.
4. Percentages will not add to 100% due to the multiple selections.
5. The total number of responses is larger than the total number of surveys returned due to the multiple selections.

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**Exhibit G  
Question 3: Social and Recreational Programs "Other" Text Responses**

A number of survey respondents entered text responses under "Other." This exhibit presents the verbatim transcription of these additional

**"Other" Social and Recreational**

**"Other" Social and Recreational**

I am still active as an individual.  
12 step program  
Adult class  
Adult education (computer classes)  
Adult schools keep canceling fun classes.  
All are good for those who want them.  
All-important mind/body  
All is good here  
All of the above.  
All the above  
All these are good & appropriate for certain groups and individuals. None would be appropriate for all seniors.  
American legion - VFW functions.  
Anything that encourages mental, physical  
Assisted living money management.  
Attending religious events (Hindu festival).  
Available transportation to attend activities above set forth.  
Bicycle riding  
Bicycling  
Big bands dancing (oldies)  
Bike riding  
Billiards  
Birds  
Boating, fishing, camping  
Bowling  
Bowling.  
Bridge games with friends.

Bus trips to Las Vegas & other locations.  
Can't afford any of them, have to work.  
Can't do much away from home.  
Chinese calligraphy  
Church  
Church  
Church  
Church  
Church  
Church  
Church activities  
Church activities.  
Church and worship fellowship  
Church fellowship  
Church groups once a week  
Church-singing in the choir & with my group Choral Belles.  
Classes - computer  
Community college classes  
Companionship with my pets.  
Computer class.  
Computer classes  
Computer classes  
Computer classes.  
Computer, internet, email classes  
Computers, sex  
Contract bridge (card games)  
Crossword books & word search books.



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**Exhibit G  
Question 3: Social and Recreational Programs "Other" Text Responses**

A number of survey respondents entered text responses under "Other." This exhibit presents the verbatim transcription of these additional

<b>"Other" Social and Recreational</b>	<b>"Other" Social and Recreational</b>
Daily aerobics	Gardening
Dancing	Gardening
Digital photography, computer games and graphics	Gardening when can
Do not participate	Gardening, home repair/maintenance
Do not participate yet - new area	Going to church.
Do not use any at present	Golf
Dominos, reading, socializing	Golf
Don't need the 10 items.	Golf
Don't attend or do any. 2 am working full time at age 78.	Golf
Don't know - never use	Golf
Don't know about ones not checked	Golf
Don't know of any programs.	Golf
Don't use.	Golf
Eating lunch at senior center.	Golf
Eating out	Golf
Educational programs, classes.	Golf
Educational programs.	Golf
Educational, like learning Spanish	Golf
Enjoy walking at large, indoor pool & water exercise class not restricted to seniors.	Golf (pull a cart)
Films	Golf, church, choir.
Fishing	Golf.
Fishing	Golf.
Fishing.	Golfing, walking out and gym
Fishing.	Golfing.
Free health checkups	Handball, gardening, home maint/remodeling
Free or pay less medication	Have never heard of these.
Full time employment	Health club has discount for seniors. Swimming facilities.

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**Exhibit G  
Question 3: Social and Recreational Programs "Other" Text Responses**

A number of survey respondents entered text responses under "Other." This exhibit presents the verbatim transcription of these additional

**"Other" Social and Recreational**

**"Other" Social and Recreational**

Health conditions restrict participation in most of the above. (blindness & lack of mobility)

Health fair

Health prohibits travel or hiking or I would have checked these.

Help with yard work

Hobbies - modeling - creative arts etc (indoor to outdoor activities)

Home and family visits.

Home improvements - golf

I am a bit of a loner.

I am concerned about all of the above. All of the programs are needed for seniors.

I do not participate in any activities specifically designed for seniors.

I do not use - done on my own

I don't have any favorites.

I have never used any

I have never used any.

I have no need for this & no experience regarding these activities.

I have not gotten into any of the senior programs yet.

I have not used any of the programs

I haven't time for any of these.

I haven't participated in these activities yet.

I haven't tried any of the above and have no knowledge of them.

I really play my games on computer, read at home.

I sew: coats, vests, shirts, shoes, etc.

I work at home, I walk in the clean air.

If used - favorites above

I'm not interested or can't do any of these because of my disability.

I'm still working and not feeble.

Involvement in church activities

Library

Limited golf

Line dancing

Line dancing

Living.

Love to work

Lunchtime companions

Most seniors cannot afford the programs & transportation is a problem.

Mostly TV, reading, cooking

Motor home travel

Movies

Movies - TV

Movies should be \$2.50 for seniors or \$1.50.

Movies.

Music classes (performing)

My favorite programs.

My hobby.

My husband is blind. I do everything, he listens to TV.

My own hobby and woodshop.

Natacion, cine (peliculas en espanol)

Need companionship.

Never knew they existed.

Never participate in these senior activities.

Never used

Never used any.

No need for program at this time.

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**Question 3: Social and Recreational Programs "Other" Text Responses**

**Exhibit G**

A number of survey respondents entered text responses under "Other." This exhibit presents the verbatim transcription of these additional

**"Other" Social and Recreational**

**"Other" Social and Recreational**

No seniors social or recreational programs	Right now I do not have the need of these activities but if I did I would be
None attended	interested in the checked items.
None of the above	Running a drag racing car at a strip w/ son.
None of the above	Sex.
None of the above	Shop
None of these	Si esta saludable, to do
Not familiar w/any	Singing
Not interested	Skiing, motorcycling, hiking, camping
Once again, these are important programs!	Skiing.
Paint. Would like to be able to take classes. Art classes painting oil , watercolor,	Soap opera
acrylic	Social activities
Parks with benches & flowers. Movies.	Spiritual activities
PC classes	Sports
Performance classes (i.e. singing)	Sports
Playing softball.	Sports
Playing with my dogs, watching movies (thrillers & adventure)	Sports (tennis courts)
Please ask them what they like.	Square dancing
Pool cards	Stick to basic needs/health/nutrition/housing.
Prescription drugs	Stop deceiving the society and creating job for your own.
Programs mostly unknown to me.	Surfing, sex
Programs that link old people with young ones: i.e. elders giving homework help & tutoring, or young people teaching old ones how to use computers or foster grandparents.	Swimming
Provision of free computer & internet usage & games	Swimming programs - exercise
Reading	Swimming, athletics. Church - including music program/choir
Reading	Swimming, just talking and people watching.
Reading - TV home & gardening	Taking classes at local schools.
Really not any.	Tennis
	Tennis

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**Exhibit G  
Question 3: Social and Recreational Programs "Other" Text Responses**

A number of survey respondents entered text responses under "Other." This exhibit presents the verbatim transcription of these additional

**"Other" Social and Recreational**

They all sound valuable, but we haven't used them yet.

This I can't answer since I, at this time, would not use any- mostly due to hearing impairment & limited mobility.

To date I have not used any of above.

To obtain dentist's medicine.

To read and pray for the sick.

To work in the garden.

Tours

Traveling

TV

TV

TV, teas & Tai Chi

Unaware of senior programs

Various assistance programs. Most don't know what their benefits are.

View local high school & community college athletic games (football, basketball, baseball).

Volunteer at church programs.

Walking for health.

Waste of money.

We are still independent

We are still independent & I walk in the park every day, very painful

We have a RV

Wheelchair activities movies

Whoa! I may be 63, but I don't lead a senior life. I intend to keep working 40 hrs/wk for a number of years & work in yard & volunteer work etc. Bingo? No!

Work.

Working

Working in my yard

Writing class

Writing groups

Yoga

In Question 4, survey respondents indicated their attitudes regarding the role of government in services for seniors on a scale of 1 to 4 ("1" indicates disagreement with the statement; "4" indicates agreement). Average scores above 3 indicate agreement. Responses are listed below as an average response, the number of responses on each point of the scale, and the number of "Undecided" responses.

Attitudes about the Role of Government	Number/Percent of Times Selected				Number of	
	Disagree	2	3	Agree	Average Response	Total Responses
1 Government should help only the poor and elderly.	1,099 45%	425 17%	328 13%	421 17%	2.2	177 7%
2 People should qualify for services based on their physical needs rather than when they reach a specific age.	259 10%	171 7%	588 23%	1,40 56%	3.4	98 4%
3 Government services should only address basic needs (housing, food, medical care) versus recreational or social needs of seniors.	805 32%	438 17%	470 19%	643 26%	2.6	152 6%
4 Government should get out of the business of delivering services to seniors and offer tax credits to allow seniors to buy the services they need or want.	1,131 45%	342 14%	278 11%	477 19%	2.4	274 11%
5 Regardless of income, everyone should be entitled to services.	580 23%	331 13%	443 18%	1,00 40%	2.9	160 6%
						2,515

In Question 8, survey respondents indicated their reactions to the following statements regarding quality-of-life issues.

Senior Issues	Number/Percent of Times Selected			Total Response
	Rarely	Sometimes	Often	
1 Seniors feel lonely even when with other people.	839 34%	1,422 57%	215 9%	2,476
2 Seniors have a full and active life.	390 16%	1,365 55%	734 29%	2,489
3 Seniors attend social or religious/spiritual gatherings.	374 15%	1,248 51%	842 34%	2,464
4 Seniors have difficulty arranging transportation.	594 24%	1,150 47%	707 29%	2,451
5 Seniors have enough information about senior programs.	1,329 54%	905 37%	229 9%	2,463

In Question 11, survey respondents indicated the types of public assistance they require. The percentages are based on the total number of returned surveys.

Public Assistance	Number/Percent of Times Selected
Housing	386 15%
Food (e.g., Food Stamps)	337 13%
Medical	791 30%
No Assistance Required	1,586 61%

#### How to Interpret this Exhibit

1. Survey respondents selected the types of public assistance they require. Many selected more than one.
2. The percentages indicate the percent of all respondents who selected each type of public assistance.
3. The percentage is based on the total number of survey respondents, not on the total number of responses.
4. The percentages will not add to 100% due to the multiple selections.
5. The total number of responses is greater than the total number of surveys returned due to the multiple selections.





## **APPENDIX B: SENIOR STAKEHOLDER SURVEY**

CSS supplied all of its service providers and senior centers with an original copy of the survey (in both English and Spanish) for ease in distribution to users of services. In addition, Grand Jury members distributed more than 700 copies of the surveys during their 15 site visits. In total, 1,770 users completed the survey and returned it for analysis; not all seniors answered all questions, however. In contrast to the mailed survey, which represents the general senior population in the County, these respondents represent senior stakeholders or individuals, who actively use senior services.

### **Overview of Survey Participants – Senior Stakeholders**

Overall, 94% of the stakeholders were seniors themselves; others were caregivers to seniors or concerned citizens or residents. Approximately 56% were between the ages of 60 and 75 years and 41% were age 76 or older (the other 3% were under the age of 60). Approximately two-thirds (68%) were female and the other one-third (32%) male. Most lived alone or with someone (e.g., a spouse, significant other, children, grandchildren, relatives, or friends), as shown in Exhibit 22.

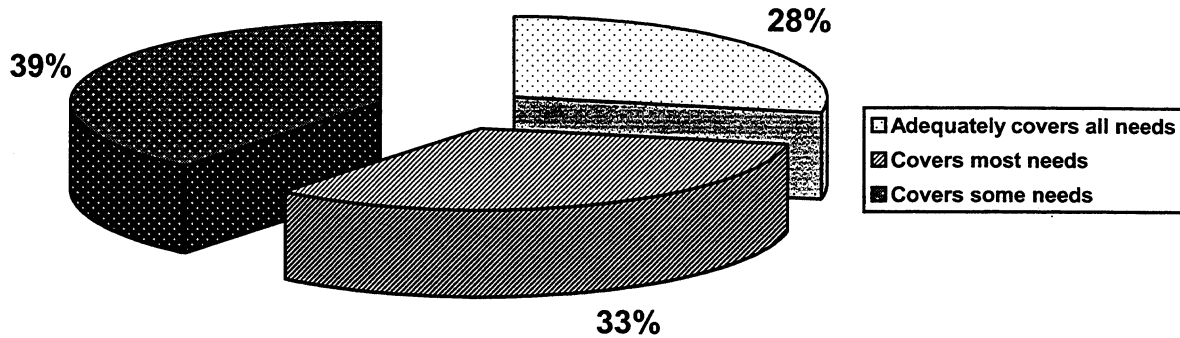
EXHIBIT 22  
COUNTY OF LOS ANGELES, COUNTY SENIOR STAKEHOLDERS:  
Current Living Arrangements (TOTAL = 1,614)

LIVING ARRANGEMENTS	NUMBER OF RESPONDENTS	PERCENT OF RESPONDENTS
A senior living alone	801	50%
A senior living with a spouse, significant other, children, grandchildren, relatives, or friends	742	46%
A senior living in a retirement community or assisted living arrangement	71	4%

Most of the senior stakeholders are active and require no or some assistance in their daily living needs. Most seniors require no assistance and are independent (49%) or require some assistance (45%) with laundry or light housework, preparing meals, using the telephone, shopping, driving, or moving about outside. The others (6%) require significant assistance in eating, bathing, getting in/out of bed/chair, getting to the bathroom on time, managing medications, or dressing/undressing.

In terms of household income, the responses were split regarding its adequacy, as shown in Exhibit 23.

**EXHIBIT 23**  
**COUNTY OF LOS ANGELES, COUNTY SENIOR STAKEHOLDERS:**  
**Household Income (Total = 1,598)**



Although 38% indicated that they required no public assistance to help meet their needs, many required public assistance for: housing (37%), food (e.g., food stamps) (32%), and medical care (49%).

The primary ethnicities of the senior stakeholders are White/Caucasian (45%), followed by Hispanic/Latino (29%), Black/African-American (14%), Asian/Pacific Islander (9%), and other (3%). As a result, a greater proportion of the senior stakeholders are minorities (Hispanic/Latino or Black/African-American) in comparison to the County's general senior population, as shown in Exhibit 24.

**EXHIBIT 24**  
**County of Los Angeles**  
**SENIOR STAKEHOLDERS, BY ETHNICITY (TOTAL = 1,552)**

ETHNICITY	SENIOR STAKEHOLDERS	GENERAL SENIOR POPULATION	DIFFERENCE
Hispanic/Latino	29%	17%	+
Black/African American	9%	6%	+
White/Caucasian	45%	65%	-
Asian/Pacific Islander	9%	10%	=
Other, including American Indian, Alaskan/Aleut	3%	2%	=

The geographic areas surveyed were aligned to reflect the County's new SPA structure. Each of the SPAs were well represented with slightly heavier representation in SPA 1 (Antelope Valley), SPA 2 (SFV/Santa Clarita Valley), SPA 5 (West), and SPA 6 (South), as shown in Exhibit 25.

**EXHIBIT 25**  
**COUNTY OF LOS ANGELES**  
**SENIOR STAKEHOLDERS, BY SPA**  
**(TOTAL = 1,654)**

COUNTY SPAs	Senior Stakeholders		GENERAL SENIOR POPULATION	
	NUMBER	PERCENT	PERCENT*	DIFFERENCE
SPA 1 – Antelope Valley	158	10%	4.3%	+
SPA 2 – SFV-Santa Clarita Valley	235	14%	10.5%	+
SPA 3 – San Gabriel Valley	235	14%	31.4%	-
SPA 4 – Metro*	14	<1%	2.3%	n.a.
SPA 5 – West	186	11%	5.0%	+
SPA 6 – South	250	15%	3.8%	+
SPA 7 – East	294	18%	20.1%	-
SPA 8 – South Bay/Harbor	279	17%	22.6%	-
Other	3	<1%	n.a.	n.a.

\*Source: Census 2000.

\*\* City of Los Angeles, which was not within the scope of this survey.

n.a. = not applicable

### Key Survey Findings

Senior stakeholders more frequently use and rate highly the meal programs and senior centers but many are unaware of the other senior services and programs that are available.

Overall, 81% of the senior stakeholders rated the senior services and programs as “Effective” or “Very Effective,” with an overall rating of 3.2 (with “4” being “Very Effective”), as displayed in Exhibit 26. Specific senior services rated high in terms of effectiveness are: group meals or home-delivered meals, senior centers and recreational programs, and nutrition counseling. The only program rated below a 2.5 was job training and placement for seniors, a program only known by 37% of the senior stakeholders.

**EXHIBIT 26**  
**COUNTY OF LOS ANGELES, COUNTY SENIOR STAKEHOLDERS:**  
**EFFECTIVENESS RATINGS OF SENIOR SERVICES**

**Very Effective = a rating of 4**

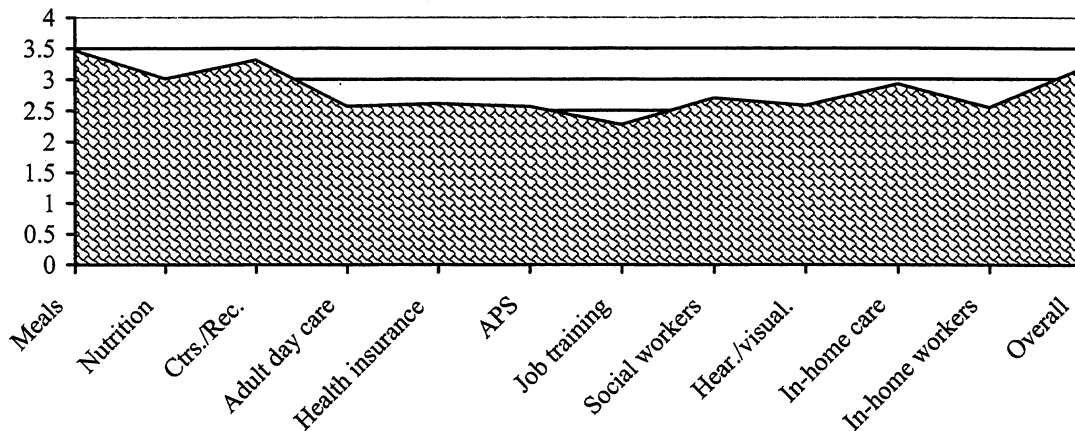


Exhibit 27 displays how effective and how aware senior stakeholders are of available senior services. One-half or more of the senior stakeholders were unaware of 8 of the 11 senior programs and services. This finding confirms the finding of the general senior population (mailed survey) where respondents also reported a lack of knowledge of senior services and programs available.

**EXHIBIT 27**  
**COUNTY OF LOS ANGELES, COUNTY SENIOR STAKEHOLDERS:**  
**EFFECTIVENESS AND AWARENESS RATINGS**  
**OF SENIOR SERVICES AND PROGRAMS**  
**(TOTAL = 1,644)**

SENIOR SERVICES	RESPONSE AVERAGE	VERY EFFECTIVE/EFFECTIVE	SOMEWHAT/NOT EFFECTIVE	DON'T KNOW THIS SERVICE
Group meals or home-delivered meals	3.5	75%	8%	17%
Nutrition counseling	3.0	44%	12%	44%
Senior centers/recreational programs	3.3	70%	13%	17%
Adult day care of Alzheimer's day care centers	2.6	26%	15%	59%
Health insurance counseling	2.6	19%	23%	58%
Adult protective services to investigate physical abuse, neglect, self-neglect of financial abuse	2.6	26%	17%	57%

SENIOR SERVICES	RESPONSE AVERAGE	VERY EFFECTIVE/ EFFECTIVE	SOMEWHAT/ NOT EFFECTIVE	DON'T KNOW THIS SERVICE
Job training and placement for seniors	2.3	16%	21%	63%
Care managers or social workers to assist in obtaining community resources	2.7	23%	23%	54%
Services for the hearing or visually impaired	2.6	19%	23%	58%
In-home care services (housekeeping, personal care)	3.0	34%	15%	51%
Help in finding in-home workers	2.5	18%	24%	58%
Senior Services and Programs Overall	3.2	82%	16%	2%

When asked how frequently the senior stakeholders use various senior programs and services, group meals or home-delivered meals and the senior centers and recreational programs were used the most often, as shown in Exhibit 31. Between 52% and 82% of the seniors had never used 8 out of 11 of the senior programs and services.

EXHIBIT 28  
**COUNTY OF LOS ANGELES, COUNTY SENIOR STAKEHOLDERS:  
 FREQUENCY OF USE OF SENIOR SERVICES AND PROGRAMS**

SENIOR SERVICES	OFTEN (AT LEAST WEEKLY)	SOMETIMES/ RARELY*	NEVER
Group meals or home-delivered meals	50%	17%	33%
Nutrition counseling	15%	43%	42%
Senior centers/recreational programs	35%	40%	25%
Adult day care of Alzheimer's day care centers	6%	12%	82%
Health insurance counseling	10%	38%	52%
Adult protective services to investigate physical abuse, neglect, self-neglect of financial abuse	7%	18%	75%
Job training and placement for seniors	8%	25%	67%
Care managers or social workers to assist in obtaining community resources	13%	35%	52%
Services for the hearing or visually impaired	9%	31%	60%
In-home care services (housekeeping, personal care)	14%	28%	58%
Help in finding in-home workers	11%	30%	59%

\* Rarely defined as "once a year".

### Senior stakeholders identify the key concerns of seniors as healthcare.

The greatest concern for senior stakeholders in the next decade is healthcare (85%), followed by transportation (45%), safety and security (43%), in-home services (43%), nutrition (35%), and housing, including assisted living (34%). The CSS/AAA programs that are best known and most frequently used by the senior stakeholders, however, are those ranked lower in terms of concerns. Areas of concern by less than one-third of the senior stakeholders are: recreation or social activities (18%), mental health (17%), adult day care (15%), and money management (12%).

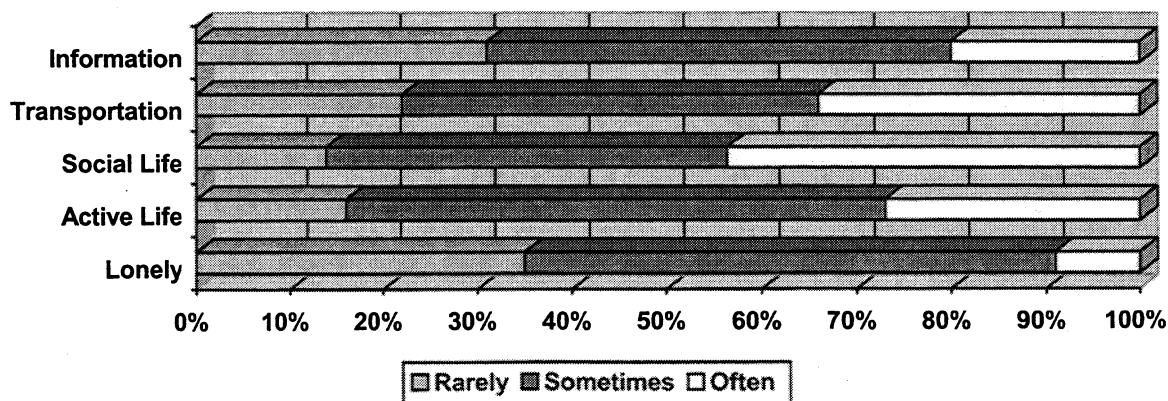
### Senior stakeholders prefer field trips or travel, exercise classes, and games most.

The favorite social or recreational programs among the senior stakeholders are: field trips or travel (58%); exercise classes (55%); games (e.g., Bingo, board games, cards) (41%); and social activities (e.g., dances teas) (32%). The other recreational activities were selected by one-fourth or fewer of the senior stakeholders: plays, music programs, performances, companionship, or social visits (24%); volunteer programs (21%); walking or hiking (19%); arts and crafts (17%); or book clubs, reading groups, speaker programs, or lecture series (14%).

Although most senior stakeholders have full and active lives, many seniors struggle with periods of loneliness, arranging transportation, and obtaining information about senior programs.

Exhibit 29 displays senior stakeholders' reactions to certain statements, indicating that seniors sometimes or often believe they have full and active lives (27% reported often and 57% reported sometimes), attending social or religious/spiritual gatherings (84% citing often or sometimes).

EXHIBIT 29  
COUNTY OF LOS ANGELES, COUNTY SENIOR STAKEHOLDERS:  
SENIOR QUALITY OF LIFE  
(TOTAL = 1,693)



**Legend:**

Senior Information	=	Seniors have enough information about senior programs.
Transportation Difficulties	=	Seniors have difficulty arranging transportation.
Social Life	=	Seniors attend social or religious/spiritual gatherings.
Active Life	=	Seniors have a full and active life.
Lonely	=	Seniors feel lonely even when with other people.

Most disturbing is that more than one-half believe seniors feel lonely even when with other people at least sometimes or often (65%). They also have difficulty arranging transportation (78%) and obtaining enough information about senior programs (69%).

Although senior stakeholders have mixed responses regarding the role of government in senior services, they agree on a number of senior policy issues.

Senior stakeholders were asked to respond to some key policy issues relating to government and seniors. They had divided opinions on two issues:

- ☐ Almost one-half of the senior stakeholders (51%) agree or somewhat agree that government should help only the poor and elder. In contrast, the other one-half (49%) disagree or somewhat disagree with the same statement.
- ☐ Whereas 42% agree or somewhat agree that government services should only address basic needs (housing, food, medical) versus recreational or social needs of seniors, the other 58% disagree or somewhat disagree.

Senior stakeholders, however, share common viewpoints on some senior policy issues:

- ☐ The majority of senior stakeholders (78%) agree or somewhat agree that people should qualify for services based on their physical needs rather than when they reach a specific age.
- ☐ The majority (75%) disagree or somewhat disagree that the government should get out of the business of delivering services to seniors and offer tax credits to allow seniors to buy the services they need or want.
- ☐ The majority agree or somewhat agree (70%) that, regardless of income, everyone should be entitled to services.

## **APPENDIX C: CITY SURVEY ON SENIOR ISSUES**

In addition, 257 customized surveys, focusing on specific information about cities' services for their senior residents, were mailed to the mayors and city managers of the 87 incorporated cities (all but the City of Los Angeles) in the County.

### **Overview of Survey Participants**

The mayors and city managers had the option of having their department heads in charge of senior programs complete the surveys. In total, 51 surveys were completed, representing 19.8% of the surveys mailed and at least one-third of the cities. In some cases, two or more individuals completed a survey jointly. Roles of the respondents in city government are displayed in Exhibit 30

**EXHIBIT 30  
COUNTY OF LOS ANGELES, INCORPORATED AREAS:  
City Leaders Participating in the Survey**

<b>ROLE IN SENIOR PROGRAMS OR ISSUES</b>	<b>NUMBER OF RESPONDENTS</b>
An elected official (e.g., mayor, city council member)	9
A city manager	7
A department head in charge of senior services	11
A manager in a department in charge of senior services	18
A staff member to one of the above	7
Other	3

The primary ethnicities of the constituents served by the participants are White/Caucasian and Hispanic/Latino, followed by Asian/Pacific Islander and Black/African American. The answers were split in terms of their senior constituents having adequate income to cover all, most, or just some of their needs. Their constituents, however, required public assistance for housing (35%), food (e.g., Food Stamps) (39%), and medical care (48%).

The geographic areas surveyed were aligned to reflect the County's new SPA structure and the majority of the participants were from SPA 3 (San Gabriel Valley) (26%), followed by SPA 8 (South Bay/Harbor) (26%), SPA 2 (SFV-Santa Clarita Valley) (16%), and SPA 7 (East) (16%). The other SPAs had small response rates (between 4% and 6%). The cities responding are representative of the different size cities in the County, as shown in Exhibit 31:



EXHIBIT 31  
**COUNTY OF LOS ANGELES, COMMUNITY AND SENIOR SERVICES:  
SURVEY PARTICIPATING CITIES, BY POPULATION SIZE (TOTAL = 51)**

POPULATION	NUMBER OF CITIES RESPONDING	PERCENT OF TOTAL CITIES RESPONDING
Less than 25,000	14	28%
26,000-50,000	9	17%
51,000-75,000	9	17%
76,000-100,000	6	12%
More than 100,000	13	26%
Total	51	100%

### **Key Survey Findings**

Incorporated areas invest additional dollars in senior programs; such additional investments are not options in the unincorporated areas.

On average, according to 34 of the respondents, cities rely on the following funding sources (listed in order of largest to least funding source):

1. The cities' general fund
2. The County's CSS/AAA funding provided directly to the cities
3. Other Federal or State grants
4. Funds provided directly to third-party providers or nonprofit organizations that provide services on behalf of the cities' residents
5. City special funds
6. Other third-party providers or nonprofit organizations that provide services on behalf of residents
7. Private grants
8. Other

In contrast, CSS/AAA operates three senior centers in unincorporated areas, which are staffed and funded through Title III-B and Title III-E. Approximately 1,514 seniors use these County senior centers.

Meals and senior centers with their recreational programs are the most prevalent senior services.

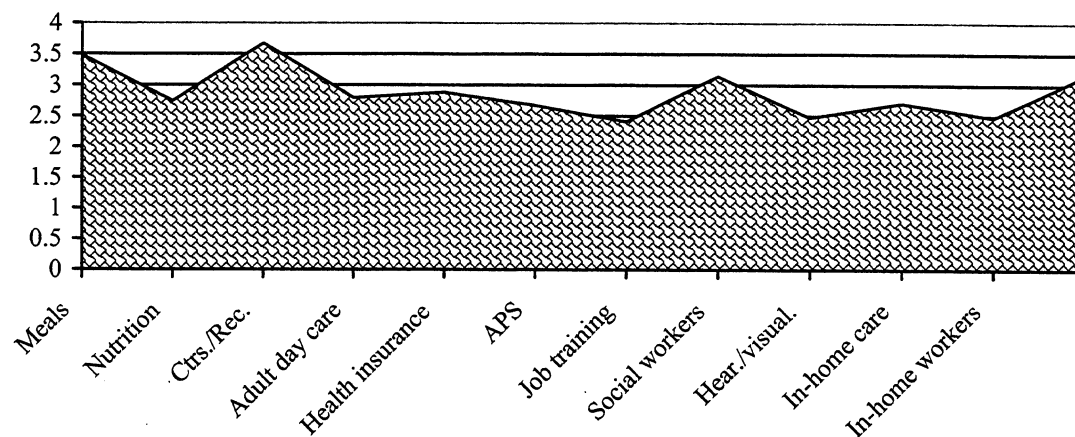
The senior services that are most widely available are: group meals or home-delivered meals (94%) and senior centers and recreational programs (92%). Other senior services are less available, namely, the adult day care or Alzheimer's day care centers (48%), job training and placement for seniors (58%), or services for the hearing or visually impaired (60%).

### The cities rate their services and programs as effective.

Overall, the senior services and programs were rated as effective (3.1 on a 4.0 scale). Other senior services rated highly were: senior centers and recreational programs (3.7), group meals or home-delivered meals (3.5), and care managers or social workers to assist in obtaining community services (3.14). No services were rated less than “somewhat effective,” as show in Exhibit 32:

**EXHIBIT 32**  
**COUNTY OF LOS ANGELES, CITY LEADERS:**  
**EFFECTIVENESS RATINGS OF SENIOR SERVICES**

***Very Effective = a rating of 4***



Except for CSS/AAA's role in contract monitoring, cities rate most of their working relationships as being effective.

When asked to assess the effectiveness of their city's senior service providers and CSS/AAA, they rated the services as effective or higher.

- ☐ The highest rated services were provided by their city staff (3.6), followed by services contracted out to third-party providers but not by CSS/AAA (2.9). Of those cities reporting, 94% indicated that they offered senior services with their own city staff.
- ☐ Also rated as effective are CSS/AAA working relationship with their cities (2.9) and services contracted to third-party providers by CSS/AAA (3.0).
- ☐ CSS/AAA's role in monitoring was rated slightly above "Somewhat Effective" (2.6).

- Overall, 34% said CSS/AAA had no role in monitoring their County-funded services, 29% said they did not receive services contracted out to third-party providers by CSS/AAA, and 24% said they had no working relationship with CSS/AAA.

**City leaders are most concerned about housing, health care, and transportation for seniors in the next 10 years.**

The three greatest concerns for city leaders regarding seniors in the next decade are: housing, including assisted living (64%), health care (60%), and transportation (48%). City leaders likely ranked housing higher than health care because, in their role as local governments, they hear more of the seniors' concerns in these two areas, whereas the County government is responsible for health care.

Although housing, health care, and transportation are ranked the greatest concerns, CSS/AAA's focus has historically been on a health-related area – nutrition (group meals, home-delivered meals, and nutrition counseling), which only 24% rated as a high priority. In-home services were rated as a greater concern (34%) than nutrition and meals. Other areas of concern are: adult day care (20%), recreation or social activities (18%), safety and security (14%), and legal, probate, and estate management (6%).

**City leaders expressed high levels of agreement on policy issues relating to seniors.**

City leaders responded to some key policy issues, highlighted below:

- Overall, 83% of the city leaders agree/somewhat agree that government is the most effective and efficient means for helping the elderly and 60% agree/somewhat agree that the County system (via CSS/AAA) is the most effective and efficient means for helping the elderly.
- Overall, 60% agree/somewhat agree that people should qualify for services based on their physical needs rather than when they reach a specific age. And 67% disagree that government services should only address basic needs (housing, food, medical) versus recreational or social needs of seniors. City leaders report the top favorite social or recreational programs for seniors are: field trips or travel (65%), social activities (e.g., dances, teas) (65%), and exercise classes (49%).
- In addition, 67% disagree (and another 17% somewhat disagree) that the government should get out of the business of delivering services to seniors and offer tax credits to allow seniors to buy the services they need or want.

Opinions were split on whether, regardless of income, everyone should be entitled to services: 44% disagree/somewhat disagree and 56% somewhat agree/agree.”





## Acronyms

**CPCC – Citizen Police Complaint Commission** is an independent oversight fact-finding commission of the Long Beach Police Department.

**ERMS – Employee Risk Management System** is the early-warning system the Long Beach Police Department anticipates to implement in mid-2003 (See EWS).

**EWS – Early Warning System** is a generic term used to explain a computerized tracking system for law enforcement agencies to identify problematic employees and provide corrective action.

**FY – Fiscal Year**

**IAB – Internal Affairs Bureau** is the Sheriff's Department bureau that conducts administrative investigations of Sheriff's Department staff.

**ICIB – Internal Criminal Investigations Bureau** is Sheriff's Department bureau that conducts criminal investigations.

**LASD – Los Angeles County Sheriff's Department** is the agency responsible for public safety in Los Angeles County unincorporated areas and certain contract cities.

**OIR – Office of Independent Review** is an independent oversight body established by the Board of Supervisors, entrusted primarily to review civil claims and civil lawsuits, and to review the thoroughness and accuracy of IAD and ICIB administrative investigations.

**PPI – Personnel Performance Index** is the early-warning system for the Los Angeles County Sheriff's Department (See EWS).

**SCIF – Sheriff's Critical Issues Forum** is the Los Angeles County Sheriff's Department's meeting designed to increase management accountability

**SCR – Service Comment Report** is a Los Angeles County Sheriff's Department form required to be completed during the intake of citizen complaints by Watch Commanders.

# **LAW ENFORCEMENT AND THE CITIZEN COMPLAINT PROCESS**

## **Executive Summary**

California Penal Code §832.5 requires that law enforcement agencies in California establish procedures to investigate complaints by members of the public against their personnel. It also requires that the agencies make a description of the procedures available to the public.

In the Spring of 2002, the *Los Angeles Times* reported that the Inglewood Police Department had a number of complaints for which investigations still had not been completed after two years. This was shortly followed, in mid-2002, by a report from the Los Angeles County Office of Independent Review noting that the Sheriff's Department had 800 claims uninvestigated. While a detailed reading of the report revealed that most of these claims were unrelated to citizen complaints; nevertheless, the issue of law enforcement's dealing with complaints from the public was raised.

In addition, the Civil Grand Jury receives complaints directly from the public in Los Angeles County. During our 2002-2003 term, we received a number of complaints alleging law enforcement's abuse of its powers throughout the County, including its cities. As a result of the above, the Grand Jury examined the whole process of citizen complaints and how they are handled by law enforcement.

There are close to 50 different law enforcement agencies in Los Angeles County ranging in size from the very large Sheriff's Department and the Los Angeles City Police Department to small police departments in cities such as Bell Gardens. For purposes of this study, we chose to review practices in medium to large agencies across the whole County.

The investigation evaluated the citizen complaint processes in three Sheriff's Department stations and four police departments.

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

- East Los Angeles
- Lancaster
- Temple

### **Municipal Police Departments**

- Burbank Police Department
- Long Beach Police Department
- Pomona Police Department
- Torrance Police Department

The Grand Jury selected these jurisdictions based on several general criteria, including: (1) the geographic location of the Sheriff's station or police department; (2) the socio-economic profiles of the populations served by each; and, (3) the sizes of the populations served by each.

The Grand Jury compiled and analyzed certain specific data. These included:

- Obtaining statistics on the number and rate of citizens' complaints received by each Sheriff's station and municipal police department, which were subject to this review;
- Characterizing the complaints received by these departments, including analyzing trends during the years reviewed;
- Evaluating the actual citizen complaint process in each jurisdiction, including receiving (intake), logging and tracking, responding, disposing and following-up on complaints;
- Assessing whether actual citizen complaint processing conforms with each jurisdiction's stated policies and written procedures; and,
- Analyzing the length of time from complaint intake to disposition.

## **Conclusions**

As a result of the investigation, conclusions were drawn in five areas that are critical to successful citizen complaint systems: public access, complaint screening, citizen notification, early-warning systems, and independent oversight.

### **Public Access**

Based on attempts to collect citizen complaint forms and procedures from each of the jurisdictions reviewed during this study, it is clear that public access to citizen complaint forms and procedures varies significantly by jurisdiction, by operating unit within each jurisdiction, by shift, and by time of day. Most of the jurisdictions visited do not consistently make their procedures available to the public, and are technically not in compliance with State law.

Anonymous attempts to obtain citizen complaint forms were unsuccessful in 9 of 16 attempts, or 60 percent of our unannounced visits to Sheriff and police stations. In 7 of these 16 attempts, or 47 percent of our attempts, the departments did not provide citizen complaint procedures. Even when citizen complaint forms and procedures were provided, we were first required to speak with Watch Commanders or other sworn personnel. In most cases, these individuals requested our name and



contact information, the name of the involved officer or deputy and the nature of the complaint before providing any materials. Such inquiries can intimidate or anger complainants when presented as requirements to obtain forms, procedures, or other information, and create an artificial barrier to public access.

Since the citizen complaint process is not made as easy as possible, the departments in the studied jurisdictions have created an inherently adversarial atmosphere and erected a barrier that could impact the public's access to the complaint process. In addition, department management cannot be assured that all citizen complaints are received. By not fully training or monitoring staff on the citizen complaint process, citizens could be discouraged or prevented from filing a citizen complaint.

## **Screening Citizen Complaints**

The law enforcement agencies included in this study have developed definitions of citizen complaints and policies for complaint intake. They define when the departments recognize and accept citizen complaints, whether the department will track some categories of citizen complaints, and the level of investigation the department will conduct. These intake policies, and the level of investigation conducted by each jurisdiction, vary significantly by jurisdiction and division within each jurisdiction.

A review of department procedures, in conjunction with an analysis of the departments' citizen complaint statistics, showed significant inconsistencies in the methods used to count complaints. Practices in many jurisdictions redefine some categories of citizen complaints, or screen out more minor complaints from the process. Accordingly, many complaints go unreported as the departments attempt informal resolution, reclassify the complaint, or, in the case of Pomona, discontinue investigation because of lack of contact with the complainant.

Because of these practices, many departments do not track, fully investigate, or maintain reliable databases for all citizen complaints. Moreover, because of the policies in many jurisdictions, not all citizen complaints are captured. Further, the managers in many jurisdictions are unaware of some citizen complaints and do not have a complete understanding of personnel interactions with the community. These practices result in internal control weaknesses where departments could have an opportunity to disregard legitimate citizen complaints.

## **Citizen Notification**

California Penal Code §832.7(b) requires law enforcement agencies to provide two documents to persons filing a complaint. First, the law enforcement agency must provide a copy of the complaint at the time of filing. Second, the agency must formally notify the complainant of case outcome within 30 days of final disposition. In a sample of records maintained by the departments studied, initial documentation had not been

provided in 37 percent of the cases. In 46 percent of the cases, there was no evidence that the complainant had been notified of case disposition.

Failure to provide required documentation to the complainant is in violation of State law. Moreover, providing a complainant with a copy of his complaint statement is a receipt that also enhances internal controls over the intake process. Notifying the complainant of case disposition provides evidence that the department resolved the citizen complaint.

## **Early Warning System**

To assist managers with monitoring staff performance, many agencies nationwide have implemented early-warning systems. Early-warning systems are computerized management tools that help to identify officers whose behavior may be problematic.

The Los Angeles County Sheriff's Department has an early-warning system in place. The system tracks data regarding individual employee performance so that management can attempt corrective action before significant problem behavior occurs. The Long Beach Police Department hopes to implement a state of the art system this year. The smaller jurisdictions of Burbank, Pomona and Torrance do not have formal early-warning systems and have no immediate plans to implement any.

While the smaller jurisdictions have informal systems, changes in upper management personnel, such as occurred very recently in both the City of Los Angeles and Pomona, renders the informal system ineffective. Without the formal systems, management is less able to effectively monitor employee activity and performance. As a result, department management cannot be assured that employees exhibiting problem behavior are identified before there are inappropriate citizen contacts or significant claims against the city.

## **Independent Oversight**

Independent oversight of the citizen complaint process provides law enforcement agencies with the opportunity to obtain outside input, especially from the community. Commonly, external oversight bodies consist of citizens and/or professional staff who review citizen complaint processes, investigations, and policies and procedures to ensure that allegations of police misconduct are fairly and equitably investigated and resolved. Several effective citizen complaint oversight models are functional throughout the United States.

The Los Angeles County Sheriff's Department receives independent oversight over its investigative processes. This independent oversight is embodied in the Office of Independent Review, the Special Counsel, and the Department of the Ombudsman, each of which has a distinct and separate oversight role. The Long Beach Police Department's citizen complaint process is overseen by the Citizen Police Complaint Commission, an independent review board. The smaller jurisdictions of Burbank, Pomona, and Torrance, have no independent oversight.

## **Recommendations**

Based on the Findings and Conclusions of the study, the Grand Jury has developed thirty-five (35) recommendations.

The key recommendations that apply to the Sheriff's Department and the Police Departments of the cities of Burbank, Long Beach, Pomona, and Torrance are:

- Ensure full and complete access to citizen complaint forms and procedures by implementing a system whereby the forms and procedures are readily available in all department locations with public access, without requiring members of the public to request the documents from department personnel.
- Accept and record the receipt of all citizen complaints regardless of the initial assessment of the seriousness of the allegations.
- Establish formal tracking systems for citizen complaints and forms that are received from citizens. Implement a tracking checklist form in every investigation file that will indicate what forms, letters and paperwork pertaining to the investigation have been completed. The checklist should include: the date of the complaint, date of acknowledgment letter, final disposition date, notification date of disposition to officer/employee, and date of closing disposition letter to the complainant.
- To ensure compliance with State law, develop multi-part citizen complaint forms, so that a copy can be immediately provided to the complainant and distributed to appropriate managers within the department.

In addition, Burbank, Pomona, and Torrance should:

- Establish formal early-warning systems to identify problematic employees. At a minimum, the early warning system should contain the citizen complaints, procedural complaints, internal investigations, civil claims, civil lawsuits, and the results of investigations of use of force incidents.

Finally, the Los Angeles County Board of Supervisors should

- Remove the Office of Independent Review (OIR) budget entirely from the Sheriff's Department's budget and include it directly in the Chief Administrative Office or separately in the County budget.

# Law Enforcement and the Citizen Complaint Process

## Introduction

### Purpose and Scope

California Penal Code §832.5 requires that law enforcement agencies in California establish procedures to investigate complaints by members of the public against their personnel. It also requires that the agencies make a description of the procedures available to the public.

In the Spring of 2002, the *Los Angeles Times* reported that the Inglewood Police Department had a number of complaints for which investigations still had not been completed after two years. This was shortly followed, in mid-2002, by a report from the Los Angeles County Office of Independent Review noting that the Sheriff's Department had 800 claims uninvestigated. While a detailed reading of the report revealed that most of these claims were not due to citizen complaints, the issue of law enforcement's dealing with complaints from the public was raised.

In addition, the Civil Grand Jury receives complaints directly from the public in Los Angeles County. During our 2002-2003 term, we received a number of complaints about law enforcement's abuse of its powers around the County, including within its cities. As a result of the above, the Grand Jury examined the whole process of citizen complaints and how they are handled by law enforcement. There are close to 50 different law enforcement agencies in Los Angeles County ranging in size from the very large Sheriff's Department and the Los Angeles City Police Department to small police departments in cities such as Bell Gardens. For purposes of this study, we chose to review practices in medium to large agencies across the whole County.

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The Grand Jury compiled and analyzed certain specific data. This included:

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- Characterizing the complaints received by these departments, including analyzing trends during the years reviewed;
- Evaluating the actual citizen complaint process in each jurisdiction, including receiving (intake), logging and tracking, responding, disposing of, and following up on complaints;
- Assessing whether actual citizen complaint processing conforms with each jurisdiction's stated policies and written procedures; and,
- Analyzing the length of time from complaint intake to disposition.

### **Definition of Citizen Complaint**

For purposes of this study, the term "citizen complaint" includes all complaints against a public safety agency, whether those complaints are filed by persons legally defined as citizens or not. The term citizen complaint has been used to conform to colloquial use in Los Angeles County and with the official terminology used by many of the jurisdictions that were reviewed. Within the report, the definition is further refined to include complaints of misconduct against personnel, and complaints about service levels, policies and procedures.

### **Project Methodology**

The following principal steps were followed to conduct the investigation.

- Initially, unannounced anonymous visits were made to approximately 100 stations and public buildings (e.g., city halls, libraries, etc.) within the selected jurisdictions prior to formally initiating the study. The purpose for these visits was to determine whether we could obtain copies of citizen complaint procedures and forms, and assess the helpfulness of desk personnel and others with whom we were required to interact, without announcing our association with the Grand Jury.
- An entrance conference with each jurisdiction was conducted by representatives of the Grand Jury. The purpose for these meetings was to explain the study scope,

introduce the management study team, obtain basic documentation regarding the citizen complaint processes in each jurisdiction, and respond to questions.

- Interviews were conducted with Sheriff's Department command and internal affairs staff, and with the Chiefs of Police in each jurisdiction. The purpose for these interviews was to obtain an overview understanding of the citizen complaint process in each jurisdiction, and the perspectives of the respective chiefs of police and other command personnel on policies and process effectiveness.
- Documentation was collected from each jurisdiction on its policies, procedures, complaint activity, organization of functions, management systems and other information critical to evaluating citizen complaint systems. An initial formal request for information was made to each jurisdiction at the scheduled entrance conference. Additional requests were made throughout the investigation.
- Additional interviews were conducted with personnel from each station and police department who are responsible for managing and processing citizen complaints. In addition, interviews were conducted with representatives from the Office of the Los Angeles County Ombudsman, the Los Angeles County Office of Independent Review and the Los Angeles County Board of Supervisors' Special Counsel Merrick Bobb regarding the role of each in relation to the citizen complaint process for the Sheriff's Department; and, with staff representatives from the Long Beach Citizen Police Complaint Commission (CPCC), which has a citizen complaint oversight and independent investigation role in Long Beach.
- Samples of case files were reviewed in each jurisdiction to gauge compliance with State law in terms of citizen notification, timeliness of investigation and disposition, and other similar indicators of performance. Because of scope limitations, the samples were judgmental, and the results cannot reliably be used for statistical purposes. Nonetheless, the results provide clear indications of process weaknesses and areas where each jurisdiction should focus its efforts for improvement.
- A survey was conducted of current literature and best practices in jurisdictions throughout the United States. Our focus was on practices in other California jurisdictions, so that we could obtain an understanding of methods used in other jurisdictions that are subject to the same laws and employee relation issues faced by the agencies that were the subject of this study.
- A draft report was prepared and submitted to the management from each of the participating organizations for review. The Sheriff's Department commanders and the chiefs of police from each jurisdiction were asked to review the draft report for factual accuracy. Exit conferences were then held with each of the jurisdictions to receive comments, suggestions for changes to report language, and any additional information they felt was relevant to our findings.  
Each jurisdiction was invited to submit a written response to the report. This final report was then produced based partly on those responses.

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## **Overview of the Departments**

The jurisdictions selected by the Grand Jury differ in size and complexity, and have all structured their citizen complaint processing systems differently. Most significantly, the jurisdictions range in size from the Sheriff's Department, with a FY 2002-03 budget of approximately \$1.7 billion, to the Burbank and Pomona police departments, each with budgets slightly over \$30 million. While the Sheriff's Department stations that were the subject of this study are more similar in size to the smaller municipal police departments that were reviewed, much of the citizen complaint processing for those Sheriff's stations is either performed or overseen by large centralized investigative and administrative units. Accordingly, the size and complexity of the Sheriff's Department could not be ignored as part of this study

While the relative budgets provide a broad understanding of organizational complexity, the number of authorized or assigned personnel by station or department provides perspective on the operational characteristics of each. As shown in Table 1, the Sheriff's Department stations and the smaller city police departments have similar personnel strength. In this comparison, the Long Beach Police Department stands out as the largest of the individual organizations selected by the Grand Jury.

The Sheriff's Department manages much of its citizen complaint process centrally. Because it is such a large Department, personnel performance information is compiled at satellite locations but managed centrally, more complex citizen complaint investigations are conducted by centralized Internal Affairs investigators, and the process is overseen remotely by department managers at the division and bureau levels of the Department. As a result, much effort was spent reviewing the Sheriff's centralized systems, and assessing involvement with the citizen complaint process by divisions and other entities with broader mandates that are entirely external to the stations being reviewed.



Table 1  
Authorized or Assigned Personnel  
For Each of the Law Enforcement Organizations Studied  
FY 2002-2003

Department	Sworn Positions	Civilian Positions	Total
<b>Long Beach Police Department</b>	913	547	1,460
<b>LASD Temple Station</b>	200	55	255
<b>LASD East Los Angeles Station</b>	190	49	239
<b>LASD Lancaster Station</b>	188	76	264
<b>Torrance Police Department</b>	246	100	346
<b>Pomona Police Department</b>	180	139	319
<b>Burbank Police Department</b>	168	112	280

Source: Individual Departments

It is important to note that the County of Los Angeles and the City of Long Beach also fund external independent review organizations for the citizen complaint process. In the County of Los Angeles, this external review is embodied in three entities: the Los Angeles County Ombudsman, the Office of Independent Review and the Special Counsel to the Board of Supervisors. In Long Beach, external independent review is provided by the Citizen Police Complaint Commission (CPCC). The specific roles and functions of each of these organizations are discussed later in this report. In summary, they provide quality assurance, performance review and advisory functions for the elected officials and managers of the departments; and (in some cases), provide an appellate resource for citizens.

The main services provided by each of the law enforcement organizations are similar. Each jurisdiction:

- Operates a station with public counters, where citizens can report crimes, make requests for information, file citizen complaints or conduct other business;
- Provides basic law enforcement and traffic enforcement services;
- Provides directed enforcement to reduce or eliminate high crime activities (e.g., drug enforcement, drunk driving enforcement, burglary prevention);
- Provides crowd control and other similar services during major community events, public gatherings, or disasters;

- Provides assistance to citizens when requested or to persons who may be inadvertently posing a danger to themselves or others (e.g., removing a stalled vehicle from a roadway);
- Provides school resource officers to school districts within the jurisdiction.

In addition, the Sheriff provides major functions that are unique to sheriff's departments in California, including the operations of the County's jails and providing court security. Although these functions do not directly impact the operations of the stations that were studied, it is critical to recognize that virtually every deputy sheriff who is assigned to the Sheriff's Department patrol divisions spends a significant amount of their early career in the jails and possibly in the courts. By the time they enter patrol, they may already have a significant employment history with the Department. Similarly, the Long Beach Police Department operates a city jail, which books approximately 18,000 persons annually who are held until they are released or transferred to a County facility.

Other unique services are provided by some departments and not by others. For example, Long Beach operates a Youth Services Division which serves warrants on runaways, enforces loitering and truancy violations, and performs sting operations to identify businesses selling alcohol to minors. Burbank operates an animal shelter, and we found some citizen complaints related to these services when we conducted our record review. Torrance operates an all-terrain vehicle beach patrol service on City beaches. All of these unique services can be sources of citizen complaints and help to define the character of citizen contact made by each agency's personnel. Accordingly, they can also affect the rate and character of citizen complaints that are made.

## **Best Practices**

As part of this management study, we surveyed other jurisdictions throughout the United States and reviewed available literature on police citizen complaint processes to obtain information on current thinking and recognized best practices in this area. A number of concepts were identified in the literature and the jurisdictions reviewed that are considered to be key to effective citizen complaint processes and enhanced law enforcement agency accountability. These concepts include:

- Removing barriers to filing complaints through techniques such as making complaint forms readily available at all law enforcement stations, other public facilities and web sites; accepting complaints by phone, fax, or e-mail; and accepting anonymous complaints.
- Establishing clear, well defined procedures regarding the intake and investigation processes, including time frames, and communicating such procedures to all staff and the public.
- Accepting all citizen complaints filed, even those considered minor or resolved at the initial point of contact, and reporting such complaints to management.

- Providing timely notification to the officers against whom the allegations have been made, and keeping the officers and complainant apprised of the status of any subsequent investigations.<sup>25</sup>
- Conducting thorough, impartial and timely investigations, whether performed at the unit level, by the internal affairs unit and/or an independent oversight body.
- Establishing policies and procedures regarding file retention and public dissemination of investigation files.
- Establishing formalized use of force reporting and an early warning system to identify potential and recurring problems, by tracking complaints by officer, squad, precinct, type of complaint and other characteristics.
- Preparing regular reports to the governing body and management on the number and type of complaints filed, dispositions, timeliness and other performance measures.
- Consistently applying discipline for similarly sustained complaints.
- Establishing an independent study or independent oversight body to perform one or more of the following roles: receive complaints from the public; review investigations conducted by the law enforcement agency; conduct independent investigations; collect and prepare public reports on all filed complaints, outcomes and related performance measures; and develop policy recommendations for changes in the law enforcement agency's practices and procedures, based on analyses of complaint and other data.

While information was collected for a number of jurisdictions through the literature that was reviewed, specific information was collected and some interviews conducted with the following jurisdictions:

California

Berkeley  
 San Jose  
 Santa Cruz  
 San Diego County

Other States

Boise, ID  
 Minneapolis, MN  
 Portland, OR  
 Reno, NV  
 Paul, MN  
 Tucson, AZ

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<sup>25</sup> This would exclude instances where there have been allegations of potential criminal activity.

Relevant conclusions based on this best practice review have been extracted from our research and included in this report.

## Project Limitations

Each of the departments that were subject to this review were cooperative throughout the study. Nonetheless, we were somewhat hampered in our ability to accomplish the objectives of the study by certain limitations and restrictions that were placed upon us as a result of the variability and condition of records, and concerns initiated by employee groups. These are described below.

### Data Availability

The availability of data from the jurisdictions differed significantly because of (a) inconsistencies in the type of data that is compiled, and (b) each department's data extraction capabilities. It was necessary to expend considerable effort obtaining basic data on citizen complaint activity in many of the jurisdictions.

While the larger jurisdictions of the Sheriff's Department and the City of Long Beach maintain fairly comprehensive databases on citizen complaint activity, neither was able to easily extract the data that was necessary for our review. The Sheriff's Department, in particular, was unable to produce all of our requested data elements in a timely manner; and, there was difficulty compiling some of the requested data despite the significant efforts made by Sheriff's Department personnel. In Long Beach, the implementation of a new computer tracking system has corrected the problems we experienced. In the other jurisdictions, much of the data that we believe are necessary for evaluating the citizen complaint process are not routinely recorded or easily retrievable.

### Employee Organization Concerns

There was concern expressed by virtually all of the jurisdictions, that the departments might be limited in their legal authority to share personnel information for sworn staff. In most instances, these concerns were resolved when the jurisdictions' legal counsel reviewed the California statutes which grant authority to grand juries to investigate citizen complaint systems. However, legal counsel from the Association of Los Angeles Deputy Sheriffs raised concerns about the release of certain information on complaints against deputies, which may legitimately be restricted as a result of case law. Working with the Civil Grand Jury's legal counsel, we were able to obtain access to redacted deputy sheriff personnel records and conduct blind sampling of citizen complaint files. We thank the Sheriff's Department for the extra effort they spent working with our staff to select the sample records and prepare them for our review. Nonetheless, this additional effort increased the amount and duration of time required to conduct the case file review for the Sheriff's Department.

## Case Processing Times

As part of this study, the Grand Jury analyzed the median processing times for complaints within each jurisdiction. While we were able to extract such data from the records and data systems maintained by each jurisdiction, the results cannot be directly compared because of inconsistencies in the way that jurisdictions classify and record complaint activity. This is discussed in Section 2 of this report.

However, within this context, it is interesting to note certain characteristics of the data. East Los Angeles, Lancaster and Temple are all Sheriff's Department stations so one would think that data are treated consistently. Yet there is a considerable range of median times reported for complaint processing among these stations over the five years reviewed, with a low of 26 days for Lancaster to a high of 103 days for East Los Angeles. We are unable to fully explain these variations, but believe they are due to significant inconsistencies in the manner that data were recorded during this period and the considerable absence of data for many cases. Accordingly, we do not believe these results are reliable.

For Long Beach, we have more confidence in the results. However, even within the Long Beach system, data were recorded inconsistently. While not as serious as the data omissions we found in the Sheriff's System, data gaps were still evident and affected the results of this query.

For Burbank, Pomona, and Torrance, the information is probably more reliable for the cases that are tracked. However, as we discuss in the report, these jurisdictions do not collect data on large numbers of the less serious citizen complaints that are received. This practice is inconsistent with that followed in the Sheriff's Department and Long Beach Police Department. Accordingly, the results for these jurisdictions cannot be reliably compared with those for the larger jurisdictions.

**Table 2**  
**Comparison of Median Processing Time of Citizen Complaints**  
**Calendar Years 1998 through 2002**

Jurisdiction	Median Days
East Los Angeles Station	103
Lancaster Station	26
Temple Station	51
Burbank	56
Long Beach	87
Pomona	72
Torrance	98
Average	70

Source: Individual Departments. The Sheriff's Department totals do not include administrative investigations.

### Disciplinary Study Trail

The final decision regarding disciplinary action generally rests with Sheriff's Department command staff<sup>26</sup> or the chief of police. Because of the independent oversight structure in Long Beach, any inconsistencies in disposition (e.g. sustained, exonerated, etc.) between the Citizen Police Complaint Commission and the Police Department is resolved by the City Manager. Each organization contains interim review levels where the findings and disciplinary alternatives of cases are deliberated by progressively higher levels of department management.

During our file review, we found several examples of what appeared to be inconsistent discipline by some of the departments. In most cases, the record was not clear regarding the rationale for the more severe or more lenient discipline that was imposed. Accordingly, we were unable to draw any conclusions from department records to determine whether disciplinary decisions are consistently applied by management.

Moreover, during our file review, we found the Sheriff's Department often negotiates disciplinary decisions with employees during the appeal process. The negotiation generally results in a reduction in discipline and a decision to place the employee on probation for some period. After that period expires, if the officer received

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<sup>26</sup> For the Sheriff's Department, the initial decision on disciplinary action rests with the station captain, subject to review and approval by command staff.

no additional sustained complaints, the discipline remains on the employee record, but the imposition of the sentence is subject to the settlement agreement. This practice was unique to the Sheriff's Department.

### Employee Notification Timelines

The Public Safety Officer Bill of Rights Act<sup>27</sup> defines the rights of peace officers. California Government Code §3304 states that the department must complete its investigation and notify the public safety officer of its proposed disciplinary action within one year. If notification is not made, the department is unable to take disciplinary action with the employee. While there are some minor exceptions to the one-year timeframe, such as when there are multi-jurisdictional investigations, we generally found that the departments did an excellent job of completing the investigation within the one-year time frame required by law.

However, it is necessary to qualify this statement. While our file review for the Sheriff's Department found only one investigation that was not completed in the one-year timeframe, these results cannot be considered conclusive because of delays and other impediments to accessing the Sheriff's Department's complete record.

In Long Beach, staff provided evidence of two cases that exceeded the time frame within the previous five years in response to one of our information requests. Both cases were self-reported by Long Beach and were not discovered by us independently.<sup>28</sup> Because the overdue cases were self-reported and our sampling was limited, we cannot independently verify that all overdue cases were discovered. In Burbank, Pomona, and Torrance, we did not find any investigations that exceeded the one-year investigation limit and none were reported.

A second time frame under Government Code §3304 is that public safety officers must be informed of proposed discipline within 30 days of the department's decision. Based on our file review, in cases where discipline was imposed, we found no instances where notification exceeded 30 days. In some instances, the departments would inform the employee immediately. Accordingly, all departments appear to have done a good job of notifying employees within the timeframes required by law.

Nonetheless, because of the small sizes of our samples, supplemented by our dependence on departments to self-report violations of timeline requirements, we cannot be entirely certain that all violations were discovered. Although our samples were small, we generally believe all of the jurisdictions we studied work diligently toward timely resolution of the complaints but we must qualify our findings in this area.

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<sup>27</sup> California Government Code §3300 – §3312

<sup>28</sup> The cases -- one in 1998 and one in 2001 -- appear to have been caused by a miscommunication between the Long Beach Police Department and the Citizen Police Complaint Commission.

## Personnel Files

As part of this study, we reviewed the personnel files of both public safety officers and civilian employees. We found each department maintains records of discipline in an officer's personnel file in a similar fashion. Moreover, discipline is defined in a similar manner by each of the departments studied. Under the definitions, a formal written reprimand is generally considered discipline, while an informal counseling or verbal training session is not. Therefore, records of informal counseling or verbal training sessions are not included in employee personnel files.

Most jurisdictions maintain evidence of informal verbal training and counseling in employee division or bureau files, but not in the department personnel file. Some jurisdictions, such as the Sheriff's Department, maintain discipline records indefinitely, while many of the smaller jurisdictions purge the documents, as permitted under State law. Long Beach is in the process of modifying this policy to indefinitely retain only the most serious findings of discipline (a suspension in excess of 10 days) and purge less serious discipline after the 5-year statutory period.

In our review, we generally found evidence of discipline in the personnel files for the officer. In addition, the investigation file contained evidence of discipline, including formal discipline and informal counseling. Nonetheless, we did not attempt to evaluate personnel file management in the jurisdictions reviewed.



## **Findings**

As a result of the investigation steps described in the Introduction, we developed findings in five areas that are considered critical to successful citizen complaint systems.

### **Public Access**

Formal and widely disseminated policies and procedures are essential for ensuring that the public understands its rights and responsibilities when filing citizen complaints against police officers. Because law enforcement personnel have significant authority and powers, including the use of force, it is critical that citizens have the unimpeded ability to file complaints when they believe an officer has acted inappropriately or when they perceive a wrongdoing by police personnel. To accomplish this, systems should be established by local jurisdictions that encourage citizen contact and foster perceptions by the public that complaints about law enforcement personnel can be made without fear of retribution.

There are several characteristics of a police complaint system which can provide these assurances to the public:

- Citizen complaint policies and procedures should be clearly communicated to the public in documents that define the legal rights and obligations of the law enforcement agency and the complainant; the process of intake, investigation and resolution; expected timeframes for investigation and outcomes; and, the process for appeal. Such documents should be available in the languages of the community that the law enforcement agency serves.
- Forms that guide citizens through critical elements of the complaint should be developed to ensure that most relevant information is obtained and that the complaint is appropriately documented.
- Policies, procedures and forms should be widely disseminated at the offices or stations of the law enforcement agency, other public offices within the community (e.g., the library or city hall), and other appropriate locations.
- Other access points should be established, such as telephone hotlines or Internet resources.

Many of these attributes were recognized by the State legislature when it enacted laws related to the citizen complaint process. California Penal Code §832.5 requires law enforcement agencies in California to establish procedures to investigate complaints by

members of the public against their personnel. Written descriptions of the procedures are to be made available to the public. Specifically, California Penal Code §832.5(a)(1) states:

Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and shall make a written description of the procedure available to the public.

The citizen complaint process is somewhat characterized by the public's knowledge, understanding and ability to file a complaint with their law enforcement agency. These initial perceptions by members of the public are crucial to the cultivation of a culture where the law enforcement agency is perceived to be receptive to citizen complaints and citizen input in general.

In order to assess how available and accessible procedures and forms were made to the general public, attempts were made to anonymously obtain copies of citizen complaint forms and procedures from each law enforcement agency under review. This test was accomplished by visiting Sheriff and police stations, patrol stations, community policing substations, city halls, libraries, and Department and municipality web sites. Based on this review, we found access inconsistencies and irregularities both between and within departments. In 9 of our 16 unannounced visits to Sheriff and police stations, we were unable to obtain the citizen complaint form and in 7 of the unannounced visits the departments did not provide citizen complaint procedures. Our experiences in each jurisdiction are described below.

#### Sheriff's Department

Based on interviews with Sheriff Department Command staff, citizens making a complaint in person are initially asked to speak with a Watch Commander at the station. This action is taken in accordance with Los Angeles Sheriff Department policy 3-04/010.35, *Public Accessibility to Information About the Complaint Process*, "the Procedures for Public Complaints shall be maintained in a place readily accessible to the public." The procedure further states:

These forms are not to be used or provided to complainants in lieu of the Watch Commander's completing the Service Comment Report. The forms shall not be maintained at public counters at Station, jails, etc., except at Station area storefront sites that do not have a Watch Commander.

The procedure further states that forms shall be given to complainants only when they refuse to speak with the Watch Commander and insist on filing the complaint directly. Sheriff Department command staff expressed concern that providing front desk deputies with forms for the public might encourage frivolous complaints or result in a loss in control over complaint receipt (e.g., deputies might receive complaints at the front desk and not forward them to management personnel).

While these concerns have some merit, on December 5, 2002, the California State Supreme Court reversed a lower Court decision, and reinstated the provisions of Penal Code §148.6, which states:

Every person who files any allegation of misconduct against any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, knowing the allegation to be false, is guilty of a misdemeanor.

Accordingly, the intent of Penal Code §148.6 is to protect the Department from receiving an inordinate number of frivolous filings since the threat of a misdemeanor will deter most disingenuous filers.

The Sheriff's Department procedure specifically recognizes the Watch Commander Service Comment Report (SCR) as being the preferred mechanism to be used for the receipt of citizen complaint filings. By making it mandatory for the complainant to speak with the Watch Commander to file a citizen complaint, some citizens may become discouraged or intimidated, and choose not to file.

To confirm that the practice follows the procedures for the Los Angeles Sheriff Department, we made unannounced visits to the Lancaster, East Los Angeles, and Temple stations, and did not identify ourselves as representatives of the Grand Jury. At the stations visited, the level of cooperation displayed by staff and access to forms varied significantly.

Results of our attempts to collect citizen complaint forms from the Los Angeles Sheriff's Department Stations reviewed during this study are displayed in Table 3.

**Table 3**  
**Los Angeles Sheriff Department**  
**Availability of Citizen Complaint Forms and Procedures**

Sheriff's Station	Forms	Procedures
East Los Angeles Station Visit #1	No	No
East Los Angeles Station Visit #2	Yes	Yes
East Los Angeles Station Visit #3	No	Yes
Lancaster Station	Yes	Yes
Temple Station	No	No

*Source: Study Staff Anonymous Documentation Requests on 12/4/02, 12/5/02, & 12/19/02.*

In accordance with Sheriff's Department policy, 3-04/010.35, we generally found that it was necessary to speak with the Watch Commander to obtain copies of the procedure and the necessary forms to file a citizen complaint. However, even when we agreed to speak with the Watch Commander in order to obtain the forms, they were not always provided.

As Table 3 illustrates, we were able to successfully obtain both the citizen complaint form and citizen complaint procedures in only two of the five visits we made to these stations. In two visits at the East Los Angeles Station and the Temple Station, the Sheriff's Department did not provide either the procedures or forms, which is in violation of Penal Code §832.5. During East Los Angeles Station Visit #3, the procedures were provided but the form was not made available.

In East Los Angeles, three visits were made because during the initial visit, we were informed that the Watch Commander would provide citizen complaint materials. However, the Watch Commander failed to show up, even after an extended period of time. Therefore, a second visit was made to give the station the benefit of the doubt, in case the Watch Commander had been unavoidably distracted during the first visit. Unlike the first day, the Watch Commander provided the citizen complaint form, but only after making persistent inquiries regarding the reason we wanted to make our complaint.

Furthermore, during the second visit the Watch Commander attempted to take our staff into his office to discuss the incident that led to the citizen complaint. We believe this practice creates an artificial barrier to filing a citizen complaint. If a citizen, who may not trust the police, is required to (a) speak with a Watch Commander, and (b) do so in an office behind closed, locked doors, the citizen may be hesitant to file a complaint. Moreover, the East Los Angeles station serves a predominately minority population. Many of the area residents, as indicated by Sheriff's Department management, may be illegal immigrants and already feel some apprehension about filing a complaint against the police. (It should be noted that the Sheriff's Department makes a concentrated effort to address the needs of minorities and non-English speaking residents by staffing the Station with high numbers of Spanish speaking employees and holding community meetings at churches and other similar locations).

There are additional problems that might arise due to the Sheriff's Department's policies and practices related to providing complaint procedures and forms to the public. During our attempt to obtain forms and procedures at the Temple station, the front desk officer would not provide any materials to our staff when requested. The Front Desk Officer informed us that only the Watch Commander would make the forms available. However, the front desk officer would not contact the Watch Commander, even when we specifically made a request that the Watch Commander be contacted. When pressed for the forms, the front desk officer stated that he did not have any forms available at the front desk location.

In Lancaster, the front office clerk contacted the Watch Commander who immediately provided the form. Although the Watch Commander requested some information regarding the nature of the incident, he did not hesitate to provide the documentation even after no information was provided. Furthermore, the Watch Commander provided us with brief information regarding the citizen complaint process.

The forms and procedures developed by the Sheriff Department are excellent and provide the public with a valuable resource when made available. One nice feature is that the forms are produced in both English and Spanish. In addition, the forms include an attached postage paid envelope so the complainant can mail the complaint at no cost. This is an excellent feature, which works to lower any barriers to filing citizen complaints.

#### Long Beach Police Department

Long Beach, the largest municipality in the sample, has more access points for citizens to obtain documentation than any other jurisdiction surveyed. The Department operates a Headquarters Station, four Patrol Bureaus, and four Community Policing Centers. Furthermore, Long Beach is the only jurisdiction that has an independent citizen review board, the Citizen Police Complaint Commission (CPCC), which reviews all citizen complaints against the Department. However, we found during this study that not all locations operated by the Long Beach Police Department provide the same access to citizen complaint forms and procedures

Table 4 shows attempts to acquire citizen complaint forms and procedures from various Long Beach Police Department locations. The Department did a poor job overall of providing us with citizen complaint forms and procedures. Particularly striking is our lack of success in obtaining citizen complaint forms at any of the police facilities. The results were consistent with the Department's stated practice of only providing the department's citizen complaint procedures. However, the department indicated during exit conferences that it will, henceforth, provide forms without requiring citizen contact with the Watch Commander, in compliance with State law.

**Table 4**  
**Long Beach Police Department**  
**Availability of Citizen Complaint Forms and Procedures**

Location	Forms	Procedures
Headquarters	No	Yes
West Patrol Bureau	No	No
East Patrol Bureau	No	No
7th St. Community Policing Center	No	Yes
9th St. Community Policing Center	No	No
CPCC	Yes	Yes

*Source: Study Staff Anonymous Documentation Requests on 12/4/02 and 12/5/02.*

Police Department command staff provided us with a list of locations where citizens can obtain citizen complaint forms and procedures. We found that most of the locations were unable to provide the forms. We found that none of the Patrol Divisions or Community Policing Centers had any citizen complaint forms. Of the four randomly

selected Patrol Divisions and Community Policing Centers, only one--the 7<sup>th</sup> Street Community Policing Center--had citizen complaint procedures readily available for the public. However, the 7<sup>th</sup> Street Community Policing Center provided an outdated version of the Department's Citizen Complaint Procedures. Further, one Community Policing Center--the 9<sup>th</sup> Street Community Policing Center--was unsure of the process for filing a complaint. At that location, we were directed to contact the Headquarters. Based on our attempts to obtain citizen complaint forms and procedures, we believe Department staff is not properly trained to adequately assist citizens in the citizen complaint process

More troubling is that neither of the two Patrol Bureaus that we visited had citizen complaint forms or procedures readily accessible to the public in an information rack or on the counter, nor were bureau staff able to provide us with the documentation when requested. At the East Patrol Bureau, when asked for a copy of the Department's citizen complaint forms and procedures, the officer refused to provide documentation without some information regarding the incident. Moreover, the front desk officer appeared hostile when information regarding the incident was refused. Finally, the officer informed staff to contact Headquarters to file a citizen complaint

The Police Department Headquarters, which was visited during non-business hours in the evening, was very helpful and provided some documentation on procedures for filing a citizen complaint. Along with the 7<sup>th</sup> Street Community Policing Center, the Headquarters had the citizen complaint procedures available for the public on a rack, allowing the public to obtain the documentation without having to speak with police department personnel. This is a commendable practice which should become the standard in all Long Beach facilities and all jurisdictions throughout the County.

When we visited the Citizen Police Complaint Commission (CPCC), a citizen complaint form was readily available in the lobby. The lobby also contained documentation pertaining to the CPCC investigative process and the general citizen complaint procedure in Long Beach. Also, a CPCC special investigator was promptly available to discuss the alleged incident and provide information regarding the process in Long Beach. Of the various municipalities' locations surveyed, the CPCC seemed to make the process much more accessible, explaining how the process works in a non-confrontational environment.

During the study, we received forms and procedures from the CPCC and procedures from the Long Beach Police Department. A review of the forms found that they provide ample space for the complainant to describe the complaint. The procedures provided by the CPCC explain the process in clear and concise, yet detailed language.

### Smaller Jurisdictions

The smaller jurisdictions in our sample, Burbank, Pomona, and Torrance, each had similar procedures for accessing citizen complaint forms and procedures. Pomona and Torrance required that the citizens speak with the Watch Commander or the front

desk officer to obtain citizen complaint forms. However, we also found that attempting to obtain forms in these jurisdictions was not always successful.

## Burbank

The Burbank Police Department's General Orders, which were last revised in 1982, do not explicitly describe how the Department will provide citizen complaint forms and procedures to the public. We found that to get a copy of the citizen complaint procedures and form in Burbank, contact must be made with the front desk officer. Generally, the procedure in Burbank is for the citizen to immediately complete the form and then speak with the Watch Commander. One nice feature of the citizen complaint form is that it includes the procedures directly on the form, including complainant rights and the Penal Code §148.6 admonishment for filing a false citizen complaint.

We heard from command staff that the forms were available from locations outside of the Police Department. However, we found that this was not the case. Burbank has an Office of Community Assistance Coordinator where citizens can file citizen complaints. However, when we attempted to get a copy of the citizen complaint procedures and forms at the Community Assistance Coordinator's Office, we found that he was unfamiliar with the process. He referred us to the Police Department for assistance. The Burbank Police Department has since indicated that the Community Assistance Coordinator's Office and City Clerk have been provided with citizen complaint forms.

The forms in Burbank are the best of the jurisdictions in our sample. The document contains both the procedures and the form on one sheet. Moreover, this is a multi-part sheet, which provides for easy distribution throughout the department and to the complainant. The copy also includes two signature fields, one for the Penal Code §148.6 admonishment, and another to ensure the complainant has read and accepts the written statement of the complaint.

## Pomona

Pomona's General Order 660.5 states only that a copy of citizen complaint procedures shall be given to any person filing a citizen complaint against an employee, or "shall be delivered to any person requesting a copy of the form." During our visit to the Police Department, which was after regular business hours, we were required to speak with the front desk officer to obtain necessary documentation. However, with the exception of the requirement that we speak to the front desk clerk, we found the process in Pomona to be less confrontational. Unlike many of the other jurisdictions reviewed, the Police Department did not attempt to obtain information regarding the incident that would be the subject of the citizen complaint.

Further, this Department was the only department to provide a single, multisided with one side in English and the other in Spanish. Additionally, of all the municipalities in

the sample, the Police Department citizen complaint form is one of the most comprehensive. These are all commendable attributes of the Pomona system.

During the course of this study, the Police Department provided its satellite offices with Citizen Complaint Forms and Procedures, which according to Pomona staff is a change from past practice. We believe that while this is an appropriate first step, the Department should ensure that access to the forms is enhanced further, by making procedures and forms available without having to approach the front desk officer.

## Torrance

During our initial site visits, the Torrance Police Department did not provide us with written procedures describing the citizen complaint process. Although we attempted to obtain forms and procedures from the front desk officer, we were informed that they could only be provided by the Watch Commander.

Furthermore, the Department required that a significant amount of information be given to the Watch Commander prior to providing the citizen complaint form. The specific information included: (a) name, (b) address, (c) nature of the incident, (d) date of incident, and (e) officer's name. When we refused to provide the necessary information, the Department refused to provide us with a citizen complaint form.

This Department was the only jurisdiction where, prior to the announced start of the study, we were unsuccessful in obtaining a copy of the citizen complaint procedures and forms. We also attempted to get documentation at other locations in Torrance. Several visits were made to community policing centers, where we were informed that the forms could be acquired at the Headquarters Station only. We also visited Torrance City Hall to see if documentation could be obtained there. The City Manager's Office was very diligent in trying to assist us with obtaining the documentation. Further, City Manager staff contacted the Police Department and spoke with the Watch Commander regarding the procedures for filing a citizen complaint. The City Manager's staff, as mentioned above, explained that the Police Department's process is to have the complainant provide information regarding the complaint before providing the citizen complaint form and procedures.

The Department has a well laid out, tri-fold *A Guide for Citizens Personnel Complaint Procedures* that was provided to us in response to our formal information request. This indicates that the Department has thought through the citizen complaint process. Nonetheless, it is appropriate to reiterate that we were unable to obtain a copy of this document from the Department prior to identifying ourselves as representatives of the Grand Jury.

In addition to limiting form and procedure access by requiring that they be obtained from the Watch Commander, the Police Department Manual 810.10, *Validity of Personnel Complaint*, states that a "personnel complaint shall only be taken from the



actual party involved in the incident, in person.” Citizen complaints received by telephone, mail, or from someone other than the actual party involved in the incident are filed on a form different than the citizen complaint form. Because we were unable to obtain a copy of complaint forms and procedures, and the procedure described above, we believe the Police Department has established more significant barriers than those in the other jurisdictions reviewed, and that such barriers limit full and immediate access to the citizen complaint process.

## Field Complaints

Many jurisdictions have not established a formal process for receiving citizen complaints in the field. In most jurisdictions, we were advised that the officer will call a supervisor (generally a sergeant) if a person indicates that they want to file a complaint during a field interaction. The supervisor will then take a report, and retrospectively file the complaint for the complaining party. The departments generally do not maintain internal controls to ensure that all citizen complaints are recorded at the scene of an incident or reported to management.

The practice described for the Sheriff’s Department is for a deputy to request a sergeant to respond to the scene when a complainant wishes to file a complaint in the field. According to Sheriff’s Department staff, the sergeant will attempt to mediate any dispute and record the complainant’s information. After arriving at the station, the sergeant will give the complaint information to the Watch Commander, who will complete a Service Comment Report (SCR) Form.

In Long Beach a similar process is followed if the complaint is taken in the field. If a person makes a request to file a complaint in the field, a sergeant will be called to take the complaint. The complaint information would be entered into the Watch Commander log. According to Command staff at the Long Beach Police Department, some sergeants may alternatively choose to record the complaint in their sergeant’s log. In short, there is no consistent policy, and it is up to the sergeant to ensure that the Watch Commander is contacted regarding the citizen complaint.

In Torrance, the sergeant’s responsibilities are to ensure that the statement is obtained and to try to get the person making the complaint to go to the station to officially file the complaint. The Department’s stated practice is that any citizen contact should be recorded in the sergeant’s log. Generally, the citizen is directed to talk with the Watch Commander. If the sergeant is called to the scene, the interaction will be recorded in the sergeant’s log. However, this information is not as easily accessible as it might otherwise be. To reconcile the on-scene calls with actual complaints, a cumbersome and ineffective review of the sergeant logs is required. This is impractical for Department managers, and we were unable to perform such a review in the timeframe of this study.

As in Torrance and Long Beach, Burbank has established a policy of dispatching a sergeant to the scene if someone wishes to lodge a complaint. However, Burbank does not record the incident in a sergeant's or Watch Commander's log, so there is no reconciling record that a complaint has been made. This process provides no assurance that citizen complaints made in the field are filed by the Department or maintained in a central location.

With currently established procedures in these jurisdictions, there is no assurance that field complaints are recorded or filed. We believe that providing citizen complaint procedures and forms to sergeants who have direct interaction with the public would increase the likelihood that citizen complaints are appropriately accepted in the field. Moreover, departments should modify procedures to require sergeants to make such forms available on request in those instances when a citizen wishes to make a complaint immediately.

## **Screening Citizen Complaints**

As described in the previous section, the law enforcement agencies reviewed during this study have different methodologies for providing the public with citizen complaint forms and procedures. Based on our review, these law enforcement agencies also have different definitions of what constitutes a citizen complaint. At the most basic level, a citizen complaint counted in one jurisdiction may not be counted in a second jurisdiction due to the manner in which such complaints are categorized and processed. Additionally, not all citizen complaints are accepted for investigation by the law enforcement agencies in the study. Each department has initial screening and decision points that determine the level of investigation the citizen complaint will receive.

In many jurisdictions, one of the first screening decisions that is made is whether a complaint will be categorized as a citizen complaint. Although differences exist between the departments, generally complaints are broken down into the following categories:

- **Citizen or Personnel Complaints** – These are complaints that are filed by the general public against a law enforcement officer or employee. These complaints generally consist of allegations of misconduct by an officer or employee. Common examples of a citizen complaint are allegations of excessive force, discourtesy, or neglect of duty.
- **Procedural or Service Complaints** – These are complaints filed by the public against a law enforcement officer or employee where, after preliminary review, the department determines that the allegation is not related to personnel performance. Instead, the department determines that the complaint should more appropriately be classified as a complaint about service, policy, or procedure. These are also called service complaints in some jurisdictions. One example of a procedural complaint is

that a member of the public is dissatisfied with police response time. A second example would be that a complainant believes that radar was used inappropriately when a traffic citation was issued, even though the radar use was consistent with department policy. Importantly, many of the jurisdictions reviewed do not count “procedural” or “service” complaints in their citizen complaint statistics.

- Unofficial Citizen Complaints – This is a category we have defined to describe a third group of complaints that are generally not tracked by departments. These include less severe allegations, where the department keeps minimal, if any, record of the complaint, and resolution is not formalized. This category is used primarily by the smaller jurisdictions. An example of a complaint in this category would be a minor allegation of rudeness where the Watch Commander is able to resolve citizen concerns over the telephone.

The definition of a citizen complaint is important when comparing jurisdiction performance, as well as in the determination of the potential impact the decision will have on investigative follow-up. A definition that excludes a significant number of more minor complaints might give the impression that a jurisdiction is performing well, while a definition that includes all levels of complaints might give the impression that a jurisdiction is performing poorly. In fact, the jurisdiction which records and discloses all complaints – no matter how insignificant they might initially appear – may better foster a culture where citizens’ feedback is encouraged. The department that defines complaints very narrowly may be discounting certain problems concerning police community relations and understating the importance of community feedback.

As part of this study, we found that each jurisdiction records, aggregates and tracks citizen complaints differently. As such, the incidence of citizen complaints between jurisdictions cannot be directly compared without making considerable adjustments to the data. Table 5 below shows the total number of citizen complaints, as defined, tracked, and aggregated by the individual law enforcement agencies. From year to year, the number of reported citizen complaints was variable in almost every jurisdiction. Only the City of Long Beach showed a clear pattern of annual increases over the five-year period reviewed.

How a Department classifies and counts a complaint depends on (a) the procedures of the law enforcement agency; (b) the nature of the complaint; and (c) the conditions under which the complaint is received by the Department. Because the data presented in Table 5 provide a statistical profile dictated by each individual Department’s data definition, there is a wide discrepancy in the statistics that are reported. Table 6 attempts to standardize citizen complaint activity between jurisdictions, by counting only those cases that include the possibility of imposing formal discipline on the employee at the conclusion of the investigation (administrative investigation).

**Table 5**  
**Overall Total of Citizen Complaints By Jurisdiction**

	<b>Population</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>Average</b>
<b>East Los Angeles Station</b>	163,600	121	83	99	119	79	100.2
<b>Lancaster Station</b>	167,500	122	85	81	124	121	106.6
<b>Temple Station</b>	186,000	128	121	105	122	119	119
<b>Burbank</b>	100,300	26	25	35	49	53	37.6
<b>Long Beach</b>	461,500	214	314	333	382	478	344.2
<b>Pomona</b>	149,500	37	51	33	28	50	39.8
<b>Torrance</b>	138,000	12	15	17	20	16	16.0

*Source: Respective Law Enforcement Agencies. The source of the Los Angeles Sheriff Department data is Region 1 SCIF Data.*

Perhaps most noteworthy in Table 6 is the extremely low number of administrative investigations conducted by the Sheriff's Department compared to all other jurisdictions. According to Sheriff's Department staff, management has never previously requested information on the number of administrative investigations resulting from citizen's complaints.

During our exit interview, the Sheriff's Department management indicated that the numbers provided in Table 6 are not correct. According to staff, the Department has not been getting internal affairs reports to the Internal Affairs Bureau in a timely manner, so the reported activity is understated. Additionally, staff indicated that the way the PPI counted the number of citizen complaint administrative investigations was failing to capture all administrative investigations. However, the Department was unable to provide correct data. In addition, some of the Sheriff's Department stations in the study performed a hand count to get numbers that are more accurate; but even after these hand counts, the numbers reflected in Table 6 would change only slightly.

The Department has identified problems in this area and is in the process of implementing an automated system that will make the Department's Personnel Performance Index (PPI) more accurate and should make data errors less common in this area. The automated system will link a Service Comment Report (SCR) form to an administrative investigation.

**Table 6<sup>29</sup>**  
**Citizen Complaint Totals Where Formal Discipline**  
**Would Likely Be Imposed If Allegations Were Founded**

	1998	1999	2000	2001	2002	Total	Average
<b>East Los Angeles Station</b>	4	3	1	8	3	19	3.8
<b>Lancaster Station</b>	4	3	1	1	2	11	2.2
<b>Temple Station</b>	3	2	4	1	0	10	2.0
<b>Burbank</b>	26	25	35	49	53	188	37.6
<b>Long Beach</b>	134	130	91	93	116	564	112.8
<b>Pomona</b>	37	51	33	28	50	199	39.8
<b>Torrance</b>	12	15	17	20	16	80	16.0
<b>Total</b>	220	229	182	200	240	1071	

*Source: See Footnote below.*

<sup>29</sup> Based on data compiled by each respective law enforcement agency. This table only includes citizen complaints of personnel misconduct, where at the conclusion of the investigation, the department would likely impose formal discipline against the employee if the allegation is founded. This means the allegation against the employee was of a serious enough nature that, if founded, formal disciplinary action, which could include a written reprimand, suspension, demotion, or termination, would be taken by the Department. Note that the numbers of citizen complaints have not changed from those shown in Table 5 for Burbank, Pomona or Torrance, since all investigations performed by these agencies have the potential of resulting in formal discipline.

However, the number of complaints were adjusted for the Long Beach Police Department, since Long Beach accepts and counts all citizen complaints, no matter how minor the sanctions might be if founded. Accordingly, the Long Beach Police Department numbers reflect the total number of cases transferred for Internal Affairs Division Review, and exclude all service issue complaints, non-misconduct cases, and "No Further Action" complaints, as determined by the Deputy Chiefs Complaint Review Board. According to Long Beach Police Department staff, a very small number of service issue complaints are referred for Internal Affairs Division Review. In addition the statistics for Long Beach include 44 cases that were in the preliminary investigation stage during the period of this study. These cases may later become Internal Affairs Division investigations, or may become service issue or non-misconduct cases, and would not be counted. Therefore, the numbers for Long Beach in 2002 could decrease by, at most, 44.

The Sheriff's Department data reflects the number of citizen complaints that resulted in either a unit level or an Internal Affairs Bureau administrative investigation. The source of the Los Angeles Sheriff's Department data are the Personnel Performance Index (PPI) system that identified all "Community Initiated" administrative investigations, which means the administrative investigation is related to a citizen complaint. According to Sheriff's Department Administrative Investigations Handbook only administrative investigations can result in punitive action, which is defined as ranging from a written reprimand to a discharge.

Internal Affairs Bureau staff confirmed the low number of administrative investigations from citizens' complaints during interviews. During the exit conference, staff indicated that the department uses informal discipline, such as counseling or training, in lieu of formal discipline in a significant number of citizen complaints. Therefore, even with the Sheriff's Department data problems, we feel the numbers of citizen complaints which have the potential to result in formal discipline are significantly lower than in the other jurisdictions.

Torrance had only an average of 16 citizen complaints filed per year. As discussed in the previous section, we were unable to obtain a citizen complaint form in Torrance. If our experience was indicative of normal experience, this could affect the rate of filing in that jurisdiction because the system appears inaccessible to the public. Moreover, the number of citizen complaints per year contrasts markedly with Burbank. This is significant since the two jurisdictions are of similar size and socio-economic status. The rate of complaints in Burbank is more than three times as high as in Torrance. This is inconclusive, and it cannot be determined whether this means that Torrance has excellent officers who generate fewer complaints or a less accessible system.

Accepting and recording every citizen complaint, even if middle management believes some are insignificant or frivolous, should be routine policy in all departments. As a result of an investigation of a minor complaint, a more serious allegation could arise or trends in officer behavior might surface (see below on Early Warning Systems).

### **Administrative Complaints**

In addition to investigating citizen complaints, many investigations are initiated internally by department staff. These investigations, called administrative investigations, are initiated when a staff member becomes aware of a violation of policy or procedure involving a fellow officer or employee. Generally, these allegations are of a nature that would be invisible to the public. For instance, this type of internal complaint might occur when proper investigative procedures are not followed. The public would not know the procedures of the department, so they would have no basis for filing a complaint. The number of administrative complaints reported by each jurisdiction is shown in the following table.

**Table 7**  
**Comparison of Internally Generated Investigation Totals**  
**By Initiating Year**

	1998	1999	2000	2001	2002	Total	Average
East Los Angeles Station	28	41	40	29	36	174	34.8
Lancaster Station	7	33	21	8	47	116	23.2
Temple Station	30	36	26	56	37	185	37.0
Burbank	3	8	6	14	8	39	7.8
Long Beach	104	79	64	79	80	406	81.2
Pomona	7	19	18	18	17	79	15.8
Torrance	29	16	17	11	12	85	17.0
Total	143	122	105	122	117	609	
Average	35.8	30.5	26.3	30.5	29.3	87.0	30.5

*Source: Respective Law Enforcement Agencies. The source of the Los Angeles Sheriff Department data is the Personnel Performance Index (PPI) system.*

As shown in Table 7, the numbers of internally generated complaints are much fewer than citizen complaints, with the exception of the Sheriff's Department and the Torrance Police Department. Often an internal investigation is conducted as the result of a citizen complaint. Although we were unable to reconcile the cases where an internal investigation resulted from a citizen complaint, we did find numerous examples where the allegation by the citizen resulted in an unfounded or not-sustained conclusion, but during the course of the investigation administrative violations were discovered. In some instances the administrative violation was of a serious enough nature that formal discipline, including suspension, was imposed. Therefore, by not accepting or recording all citizen complaints and the results of investigation, the potential exists for management to overlook possible violations of department policies and procedures, and possibly the law.

### **Failure to Track All Citizen Complaints**

As mentioned previously, departments have different criteria for what they consider to be a citizen complaint. Generally, these criteria are applied very early in the citizen complaint process, often by the Watch Commander receiving the complaint. Some jurisdictions have established policies to ensure that all citizen complaints are accepted. Other jurisdictions have procedures which result in an exclusion of some complaints. As a result these jurisdictions have a subset of citizen complaints that are not being recorded.

The largest jurisdictions in our study have good procedures in this area. Both the Los Angeles Sheriff's Department and the City of Long Beach have established systems

which effectively capture all of the citizen complaints that are received. By policy, no citizen complaint is to be resolved unofficially.

#### Los Angeles Sheriff

The Sheriff's Department's statistics count all citizen complaints that are received from the Watch Commander's Service Comment Report (SCR) Form. According to the department's procedures, the department "will accept and review any comment from any member of the public concerning Departmental service or individual performance." Therefore, the department accepts, tracks, and conducts some level of investigation for all citizen complaints that are received by the Department.

#### Long Beach

Similar to the Sheriff's Department, the Long Beach Police Department will accept all citizen complaints. In fact, the policy of the Long Beach Police Department indicates that the department should err on the side of caution and accept all complaints, even when the legitimacy of the complaint is in question. The policies and procedures state that any "doubt about the legitimacy of a complaint shall be resolved by accepting the complaint for further investigation." Therefore, according to policy, all complaints should be formally received and investigated by the department.

These policies are generally confirmed by the statistics reported by these two larger jurisdictions. When factoring in all complaints, Long Beach and the Sheriff's Department received the most complaints, as shown in Table 5.

While there are continuing weaknesses with their automated systems, we are confident that the Sheriff and Long Beach have established policies and procedures that ensure that most citizen complaint activity is captured, even if reclassified or identified as frivolous later in the process. Based on our review, we believe the Sheriff's Department and Long Beach effectively track, and maintain comprehensive databases of all citizen complaints reported in their jurisdictions. As a result, the managers in these jurisdictions have a richer awareness of citizen concerns and the activities of their employees. Further, by accepting all citizen complaints, conducting investigations and closely monitoring disposition, the managers from these agencies have a greater assurance that related, but unreported violations of policy or procedure will be discovered. In fact, we found several examples where this occurred during our file review of Long Beach records.

Burbank, Pomona and Torrance all have policies where department staff, generally the Watch Commander, will make a decision about whether the citizen complaint will be recorded, tracked or investigated by the department. We found that these decisions can have a significant impact on the outcome of a citizen complaint.



## Burbank

The Burbank Police Department has policies that may result in some complaints not being recognized in any reporting system. For instance, department policy explicitly gives the Watch Commander the authority to resolve citizen complaints without making any record of the complaint. The Burbank Police Department General Order 1525, *Complaints Regarding Employee Misconduct*, states:

All complaints of employee misconduct, however received, shall be referred to a supervisor. Complaints alleging acts of moral turpitude or use of excessive force, as well as those which cannot be resolved to the satisfaction of the complaining citizen or employee through initial discussions with the supervisor, shall be reduced to writing.

Therefore, if the supervisor, generally the Watch Commander, and the citizen can work out the complaint and if it is not an act of "moral turpitude or excessive force" it is possible that the complaint will not become a recorded citizen complaint. This can be a tricky situation for the Watch Commander, since we were advised that the complainant is often unclear when explaining the nature of the incident.

Our interpretation of this policy was confirmed during interviews with department staff. Staff indicated that the Watch Commander does not log all criticism calls as citizen complaints. The Watch Commander has the discretion to determine whether a complaint can be resolved informally or through the formal complaint process. If an informal path is chosen, the only record of the complaint would be in the Watch Commander's log. Moreover, no procedure has been established to ensure that the Watch Commander may not totally disregard citizen complaints and not make any note in his daily log. Therefore, the statistics presented in Table 5 and Table 6 only show "formal" complaints, as determined by the Watch Commander. This process filters out some citizen complaints, resulting in fewer citizen complaints than might otherwise be reported.

## Pomona

Some jurisdictions attempt to resolve citizen complaints over the phone or at the counter, so that the citizen will not file a formal complaint. According to Pomona Police Department Procedures, the department uses a narrow definition of what constitutes a citizen complaint. In Pomona, the Watch Commander or the supervisor taking the complaint "shall" attempt to work out the grievance with the complainant. Specifically, as stated in the Department's Administrative Investigation Procedural Manual, subsection 1-101.5, *Citizen Complaint Procedures*, "if unable to resolve the complaint by the supervisors, he/she shall submit the complaint in writing to Administrative Investigations." Therefore, according to the manual, it is policy in Pomona for the Watch Commander to attempt to resolve the citizen complaints informally, turning to the formal

process only after such attempts are unsuccessful. However, staff informed us that this is generally not the practice.

The Police Department's General Orders define a citizen complaint as "any complaint initiated by any person charging an employee of the Pomona Police Department with misconduct." Misconduct is then defined as (a) commission of a public offense, (b) violation of Department Rules and Regulations; (c) neglect of duty; (d) conduct which may tend to reflect unfavorably upon the employee of this Department; and (e) any personnel matter assigned by the Chief of Police for investigation. For a complaint to be counted in Pomona, it must be directly related to one of the reasons identified above.

Additionally, the Police Department defines some complaints as "verbal" citizen complaints. These complaints include minor misconduct complaints "where it is alleged that an officer was abrupt or overbearing, and complainant does not wish to pursue a formal complaint, but merely wants the officer's supervisor to be aware of the situation." If the citizen only wants to make the department aware of the situation and does not want to pursue a formal complaint none is filed. In our opinion, the department should track all of these complaints and conduct some level of inquiry into the incident. While many of these allegations are minor in nature, the potential exists that during the investigation a more serious allegation could arise. Or, patterns of relatively minor behavior by an employee might escalate to more serious incidents at a later time. With procedures currently in force in Pomona, the department is clearly not processing and tracking all citizen complaints.

In Pomona, department policy states that if the department is unable to make contact with the complainant within 10 days, the investigation is stopped. Specifically, the Pomona Procedural Manual states:

Upon receipt of the complaint by Administrative Investigations, the following procedure shall be followed: a) Send letter of Receipt of Complaint to Complainant which must be certified, Return Receipt Requested, asking complainant to contact Administrative Investigations. b) If no response is received within ten (10) days, case to be closed, due to lack of cooperation on the part of the complainant.

If the Department does not obtain a response from the complainant, the case may be closed and either classified as "filed" or "unfounded." Based on analysis of the citizen complaint data of the Police Department, we found that from 1998 through 2002, 23 out of 199 cases, or 11.6 percent of all cases, were listed as filed. Moreover, based on interviews with Police Department staff, in many cases where there is no response from the citizen, the case may be listed as unfounded, even if there is some evidence obtained by the department to support the complaint's merit.

Also, out of the 199 citizen complaints over the previous 5 years, the Police Department did not have any anonymous cases. We understand that the Department

maintains a file where these cases may be reopened once contact is made with a complainant. Furthermore, if the allegation is considered serious, most complaints are pursued regardless of the complainant's availability.

## Torrance

The Torrance policy states that a personnel complaint form "shall not be prepared unless the alleged misconduct is of a nature, which, if true, would normally result in disciplinary action." Torrance considers discipline to be a formal letter of reprimand through termination. Informal counseling or training is not considered discipline. Therefore, the statistics show only the complaints that (a) may result in disciplinary action and (b) are investigated by Internal Affairs. The numbers for other less severe complaints are not compiled. To get an accurate, full count of all citizen complaints, the Torrance Police Department would have to review the daily Watch Commander and sergeant logs to determine the number of citizen complaints.

The procedure manual also states that department policy is that a "personnel (citizen) complaint shall only be taken from the actual party involved in the incident, in person." The policy continues that a third party personnel complaint shall be documented on an "Intra-Departmental Correspondence" form and forwarded to the Personnel Division. According to Torrance staff, most third party complaints will only receive a performance study if the allegation appears to be serious. This could explain the extremely low rate of citizen complaints in Torrance, as shown in Tables 5 and 6, when compared to the other jurisdictions in the study.

The initial decision regarding the category of the complaint by the Watch Commander during citizen complaint intake may be inaccurate without more extensive investigation for verification. Performance studies, which consist of a preliminary investigation by the Watch Commander, are conducted on minor allegations. The nature of this preliminary investigation consists of interviewing the complainant and the officer or employee involved. The outcome of the performance study does not include any formal discipline, but it may consist of counseling. The results of performance studies are kept only in the employee's divisional file and not in their Department personnel file. Unless during the investigation the Department determines that the incident arises to the severity of a personnel complaint, these studies are not counted as citizen complaints. Moreover, statistics are not kept on the total number of performance studies conducted annually.

These procedures can provide mid-level managers with an opportunity to minimize or discount justifiable citizen complaints and may inadvertently result in legitimate complaints going unreported to upper management.

## **Procedural or Service Complaints**

One early decision during the citizen complaint intake is whether the citizen complaint is an allegation of employee misconduct or a complaint about a department policy or procedure. In order to distinguish personnel complaints from procedural complaints, many departments have created systems which segregate the two. The Sheriff's Department, Long Beach Police Department and the Torrance Police Department all separate citizen complaints regarding policies, procedures or service, from complaints against personnel.

While we agree that a clear differentiation should be made between allegations of misconduct and complaints against Department policy and procedure, the potential for abuse can arise if all complaints are not reviewed to ensure that the complaint is categorized properly. Often, the distinction between the two complaints is not clear cut.

### **Sheriff's Department**

According to Procedure 3-04/010.00, the Sheriff's Department defines a service complaint as "external communication of dissatisfaction with department service, procedure or practice, not involving employee misconduct." That same section defines a citizen complaint as "an external allegation of misconduct, either a violation of law or Department policy, against any member of the Department." Therefore, when a citizen complaint arrives at any Sheriff's Department station, the Watch Commander, on the Service Comment Report (SCR) form, must make the initial decision of whether the complaint is a service complaint or a citizen complaint that alleges employee misconduct.

Although we only had limited access to Sheriff's Department files, we found several instances where the distinguishing characteristics between these two types of complaints were unclear. As a result, we were unable to determine if systematic problems exist in distinguishing service complaints from citizen complaints. In Table 8 the data show that the proportion of total complaints for the Sheriff Department that were classified as service complaints averaged 38.4 percent for the previous five years for the entire department. Individual station and year-to-year proportions varied significantly.

According to Sheriff's Department command staff, the distinction between service complaints and personnel complaints is somewhat subjective and has been an issue of concern in the recent past. The service complaint numbers appeared to be moving upward as a proportion of total complaints at some stations. This is of concern because the Watch Commander can protect deputies by classifying a complaint as a service complaint since there will be no personnel repercussions for the employee. After upper management raised this concern with the station commanders, service complaint numbers began to stabilize at lower levels.

Table 8  
Los Angeles Sheriff's Department  
Percent of Complaints Classified as Service Complaints  
Calendar Years 1998 through 2002

	1998	1999	2000	2001	2002	Total
<b>East Los Angeles</b>	21.9%	32.5%	22.7%	29.6%	33.6%	28.1%
<b>Lancaster</b>	55.8%	42.3%	48.7%	30.3%	35.6%	42.6%
<b>Temple</b>	41.8%	25.3%	26.6%	26.5%	17.4%	27.5%
<b>All of Sheriff Stations</b>	46.2%	41.8%	35.6%	34.1%	31.6%	38.4%

*Source: Los Angeles Sheriff Department SCIF Data*

Based on our limited review of service complaint files, we found several examples where the distinguishing characteristics between a citizen complaint and a service complaint were not easily defined. In several instances, we found that the distinguishing characteristics were unidentifiable. Moreover, the most recent Special Counsel Semi-Annual report discovered similar problems. The Special Counsel wrote that a "frequent error is the mischaracterization of citizen's complaints accusing officers of individual misconduct ("Personnel Complaints") as complaints about general LASD policy or practices ("Service Complaints")."

The Sheriff Department policy does not require that division staff at Headquarters review every Service Comment Report (SCR) form to ensure that complaints are properly identified as a personnel or service complaint. Department policy only requires unit commander review. We believe that it would be appropriate for division command staff to review all Service Comment Report (SCR) forms to ensure citizen complaints are properly and consistently classified.

#### Long Beach Police Department

Like the Sheriff's Department, Long Beach differentiates policy or procedure-related complaints from other citizen complaints. As Table 9 indicates, the Long Beach Police Department's percentage of service complaints averaged only 8.3 percent over the previous five years compared to the Los Angeles Sheriff's Department percentage of 38.4 percent.

The comparison between the Sheriff Department and Long Beach is particularly appropriate because the two agencies define service complaints in a similar manner. While we understand these comparisons are limited, they do offer some insight into the treatment of personnel complaints and service complaints in the two jurisdictions. The main difference between the two agencies appears to be the point at which citizen complaints are classified, as well as the level of manager who makes the determination.

Table 9  
Service Complaints Comparison for  
Long Beach Police Department

Calendar Year	Service Complaints	Total Complaints	Percent
1998	22	214	10.3%
1999	25	314	8.0%
2000	39	333	11.7%
2001	36	382	9.4%
2002	21	478	4.4%
Total	143	1,721	8.3%

*Source: Long Beach Police Department*

Generally, citizen complaint allegations are made against patrol officers or deputies, and the Watch Commander could be the employee's immediate supervisor. By having the decision made higher up in the chain of command the complaint classification authority is separated from line supervision authority, encouraging a more objective review. The strengths of the Long Beach model are that the process is open to deliberation with input from the line supervisors; decisions are made by a panel of individuals who have overall organizational perspective; and decisions are made later in the process after the investigation has been completed and the full facts of the case are known. While the Sheriff's Department process provides for a post investigation review by upper command staff, there may be a reluctance to reclassify cases except in the most extreme circumstances.

Burbank, Pomona and Torrance generally do not track and investigate all procedural complaints. Therefore, the departments do not have complete, long-term representation of problematic policies and procedures.

#### Burbank

The Burbank Police Department General Order 1525 describes the process for policy complaints. The policy states:

When the complaint involves a policy or practice and not the conduct of an employee, the supervisor receiving the complaint may either explain the policy or practice to the complainant, or refer the complaint (or complainant) to the Commander of the Bureau having jurisdiction of the policy or practice for the explanation.

The citizen complaint statistics kept by the Police Department do not include the number of complaints that fall under these criteria. Therefore, a subset of citizen complaints are disregarded at the beginning of the process and not represented in the statistics presented in Table 5. Moreover, the Police Department General Orders make no additional reference to these types of complaints. Based on the experience in other jurisdictions, the percentage of cases that are not recorded or counted by the Police Department may range anywhere from 6 percent to as high as 38 percent. As a result, management is unaware of the true number of citizen complaints and may not have a full understanding of policies and procedures which have been called into question by its citizenry.

#### Pomona

The Pomona Police Department is also unable to obtain an accurate representation of citizen complaint activity. As mentioned previously, the department classifies some complaints as verbal complaints. Procedural complaints fall under this definition. The department's policy and procedural manual defines verbal complaints as being complaints where the "complainant seeks clarification of Policies and Procedures where there has been misinterpretation of Department Procedures or matters of law." However, these numbers are not tracked by Internal Affairs or by the Watch Commander. Accordingly, by policy in Pomona, the department does not have information on the nature of complaints about policy or procedural matters.

#### Torrance

According to the Torrance Police Department Manual, a procedure or policy inquiry is defined as "objection to, or request for clarification of, Department procedure or policy (820.05)." The Torrance Police Department reports that it has received only two procedural inquiries over the past five years. The two complaints involved major Department procedural problems, one of which included the transportation of prisoners from the Police Station to jail after an attempted inmate escape.

Department staff indicates that the Watch Commander resolves many procedural inquiries with the complainant over the telephone or in-person and that many such inquiries are resolved without a formal complaint being filed. When the complaint is not filed, the department does not track these inquiries; nor is follow-up or an investigation conducted to ensure that these complaints are correctly identified as procedural in nature by the Watch Commander.

With current procedures, there is no assurance that citizen complaints of a procedural nature will be recorded or filed in any of these jurisdictions.

## **Citizen Notification**

Many aspects of the citizen complaint process are governed by State law, including the requirement that law enforcement agencies provide formal documentation to complainants. At the outset of the citizen complaint process, State law requires law enforcement agencies to provide complainants with a copy of the complaint statement. This document serves as a receipt. Specifically, California Penal Code §832.7(b) states: "A department or agency shall release to the complaining party a copy of his or her own statements at the time the complaint is filed."

Under State law, California law enforcement agencies are also required to notify any citizen filing a complaint of the disposition of the Department's investigation. California Penal Code §832.7(e) states:

The department or agency shall provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition.

## **Notification of Receipt of Complaint**

In order to comply with Penal Code §832.7(b), some jurisdictions have created a citizen complaint form that produces multiple copies for immediate and easy distribution. The Burbank Police Department citizen complaint form is a multi-part form with a copy going to the (a) Division Commander of the officer/employee; (b) Chief of Police; and (c) the complainant. This form offers an effortless tool for complying with State law for all complaints made in-person. Additionally, a useful feature of the form is that it requires two signatures: one for the admonishment against filing a false complaint (§148.6) and a second that states the citizen attests to the accuracy of the statements. Moreover, the Department's General Orders state that when a complaint is received by mail, the "pink copy of the form shall be mailed to the complainant as a record of the filing of the complaint." Therefore, the intake procedures make complaint intake uniform, whether received by telephone or in-person.

The Sheriff's Department Watch Commander's Service Comment Report (SCR) form is also a multi-part form that provides easy notification to the complainant. Copies of the form are distributed to: (a) PTD Headquarters (Leadership and Training Division, formerly the Personnel and Training Division); (b) Unit Commander (Station Captain); (c) Division Headquarters (headquarters of the concerned employee); and (d) the reporting party. Although the SCR is not the department's citizen complaint form, it is a surrogate control document since the Watch Commander who receives the complaint is required to complete the SCR for every citizen complaint that is made. Similar to Burbank, the Sheriff's Department Policies and Procedures Manual contains language that requires that a receipt be provided to complainants if the complaint is made by mail or telephone. The Department's Policies and Procedures state that the commander of



the unit will send a letter to the complainant “acknowledging receipt of the input” and that “the letter should be accompanied by a receipt copy of the Service Comment Report form.”

In the Sheriff's Department procedures, the Watch Commander who processes the citizen complaint will provide the citizen with the number of the Service Comment Report form “prior to the conclusion of the telephone call.” This is another excellent internal control feature of the Sheriff's Department process, since it ensures that the citizen can easily contact the Department to get the status of their complaint using a reference number in the event the receipt copy and SRC copy are not received. These forms are pre-numbered which further ensures internal control and provides a mechanism for tracking the complaint.

### Department Performance

In order to assess compliance with State law, we conducted an analysis of investigation and personnel files. The analysis was based on a judgmental sample of 92 cases.<sup>30</sup> In addition to letters to complainants we assumed notification was made when appropriate copies of multiple copy forms were evident in the files. As shown in the table below, in 34 of the 92 cases examined (37.0 percent), there was no evidence that the Department provided the complainant written evidence of the complaint at the time of filing.

Based these findings, we believe that the law enforcement agencies which we studied are not consistently providing complainants with copies of their statements, as required by State law.

Although the Long Beach Police Department did a good job overall with citizen notification, there are some discrepancies between their procedures and actual practice. The Long Beach Police Department Manual Section 5.2.2, Complaint Procedure – Watch Commander / Any Supervisor states:

The Watch Commander/Supervisor, after receiving a complaint from a citizen, shall complete both portions of the Personnel Complaint and give a copy of only the Personnel Complaint summary to the citizen. The first page of the Personnel Complaint form is designed to record the citizen's complaint briefly and clearly along with other necessary information about the complaint. The form includes a carbonless copy to facilitate giving the citizen a copy of his or her complaint in the field.

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<sup>30</sup> Due to the study scope and timeframe, we were unable to perform a statistical sample for each jurisdiction. Instead, we selected a limited number of cases based on the seriousness of allegations and disposition for each case. Termed a judgmental sample, the results are not valid for estimating the proportion of cases that are out of compliance with State law. Instead, the sample provides a general indication of potential compliance problems for each jurisdiction.

**Table 10**  
**Written Documentation that Complainant's**  
**Statements Were Acknowledged at Time of Filing**

	Cases with Evidence of Notification	Cases without Evidence of Notification	Total Sample	Percent of Cases without Notification
East Los Angeles Sheriff Station	9	3	12	25.0%
Lancaster Sheriff Station	9	3	12	25.0%
Temple Sheriff Station	9	3	12	25.0%
Burbank	10	1	11	9.1%
Long Beach	14	2	16	12.5%
Pomona	7	8	15	53.3%
Torrance	0	14	14	100.0%
Total	58	34	92	37.0%

Source: File Review of Citizen Complaint Investigation Files

The Long Beach manual indicates the Department has a form that includes the ability to immediately provide complainants with copies of their statements and comply with Penal Code §832.7. It appears the Department revised their citizen complaint forms in October 1997, and that revision no longer includes a carbonless copy. Moreover, based on the citizen complaint forms we received during the first phase of the investigation, the forms have not been designed to permit a Department employee to immediately produce a copy for the complaining citizen.

The Department manual further states that "a copy of the complaint shall be sent to the complainant via U.S. Mail when the complaint is not received in person (telephonically or in writing)." Similarly, based on our review of the Department's *Supervisor Procedural Guide for Internal Affairs, Investigative Guidelines and Report Preparation*, we found conflicting policies with regard to complainant notification. According to the Guidelines, Internal Affairs Division staff is instructed to "not give a copy of the Personnel Complaint Form (any page) to the Complainant at the time the complaint is taken." Furthermore, the Guidelines state that Internal Affairs "shall mail the citizen a copy of the first page of the Personnel Complaint Form, which contains a summary of his/her complaint."

Based on our file review of investigative files, the Internal Affairs Division follows the *Supervisor Procedural Guide for Internal Affairs, Investigative Guidelines and Report Preparation*. Long Beach does an excellent job of providing the complainant with a copy of the statement of complaint. However, as shown in Table 10, there were

instances where evidence of a letter and the first page of the Personnel Complaint Form were not found in the investigation file. If the Department's citizen complaint form included the ability to produce immediate multiple copies, this would not be an issue for the Department. Therefore, the department should clarify their policies for consistency.

### **Notification of Case Disposition**

State law also requires that all California law enforcement agencies notify any citizen filing a complaint of the disposition of the Department's investigation. According to State law, this notification must occur within 30 days of disposition. In accordance with State law, some law enforcement agencies have implemented policies and procedures to notify complainants of the disposition of the case. Unlike immediate notification of the citizen complaint, any communication of the disposition with the complainant is much more straightforward. A letter should be drafted informing the citizen if the allegation against an employee was sustained, unfounded or exonerated. For instance, the Sheriff Department Policies and Procedures include language that is consistent with Penal Code language.

In a review of 90 completed case files conducted for this study, approximately 42 percent did not include written documentation sent to the applicant stating the disposition of the case. It appears that a high proportion of complainants do not receive written notice of the disposition of the case, as required by State law. As shown in Table 11, in 40 of 88 cases examined, or 45.5 percent, there was no evidence that the Department provided written notification to the complainant of the disposition of the case.

In Long Beach the situation is different than in other jurisdictions. The Long Beach Police Department has a tracking checklist that is kept in the investigative file. In cases heard before the Citizen Police Complaint Commission, however, the CPCC drafts the outcome letter of the case. The outcome letter is signed by the City Manager and presents the final disposition of the case. Currently, the Long Beach Police Department does not write a closing letter to the complainant when cases are heard before the Citizen Police Complaint Commission.

Therefore, the evidence of a closing letter is the CPCC letter. Out of the nine cases without evidence of a closing letter to the complainant, the Citizen Police Complaint Commission wrote four notification letters. The Police Department recently instituted a policy change to include the CPCC notification letter to the complainant. If the Department had implemented this policy in prior years an additional four cases in Long Beach would likely have contained the closing letter of final disposition.

**Table 11**  
**Written Notification of Disposition**  
**to Complainant**

	Cases with Evidence of Notification	Cases without Evidence of Notification	Total Sample	Percent of Cases without Notification
East Los Angeles Sheriff Station	5	7	12	58.3%
Lancaster Sheriff Station	4	8	12	66.7%
Temple Sheriff Station	6	6	12	50.0%
Burbank <sup>31</sup>	10	1	11	9.1%
Long Beach <sup>32</sup>	7	7	14	50.0%
Pomona <sup>33</sup>	5	8	13	61.5%
Torrance	11	3	14	21.4%
Total	48	40	88	45.5%

*Source: File Review of Citizen Complaint Investigation Files*

## Employee Notification

The Public Safety Officers Bill of Rights Act<sup>34</sup> defines the rights of peace officers. In particular, California Government Code §3303 and §3304, explicitly state that an officer shall be notified when under investigation. We found all departments did an excellent job of notifying employees of the citizen complaint and the corresponding investigation. Further, departments did an excellent job of informing officers of their rights under the Public Safety Officers Bill of Rights Act. Some departments, such as Long Beach and Pomona, require that officers sign a copy of the Public Safety Officers Bill of Rights Act to ensure that officers who are under investigation fully understand their rights.

<sup>31</sup> The sample in Burbank was 12 cases. However, one case that was filed anonymously was dropped from the sample.

<sup>32</sup> The sample in Long Beach was 16 cases. However, two cases are still pending before the CPCC.

<sup>33</sup> The sample in Pomona was 15 cases. However, two cases were not applicable for a closing letter indicating disposition. One complaint was listed as "Filed," where the department was unsuccessful making contact with the complainant. In another complaint, the complainant withdrew the complaint and the investigation was dropped. In addition, subsequent reviews by the department found that in four cases a U.S. Mail certified letter receipt was in the file indicating disposition notification probably occurred.

<sup>34</sup> California Government Code §3300 – §3312

## Early Warning Systems

One of the most important functions in any organization is the monitoring and supervision of its employees. This is especially significant in law enforcement because of the authority and force police officers are required to use. Without adequate controls, law enforcement managers will not maintain the public trust in their organization. It is therefore critical, that police managers be constantly aware of the action of their employees so that officers with patterns of inappropriate behavior can be identified before they become a problem to themselves or to their agency.

The U.S. Department of Justice publication, *The National Institute of Justice* (July 2001), states that "A growing body of evidence indicates that in any police department, a small percentage of officers are responsible for a disproportionate share of citizen complaints. It has become a truism among police Chiefs that about 10 percent of their officers cause 90 percent of the problems."

The behavioral problems of a minority of police officers were also noted in 1971 by Herman Goldstein, a nationally respected scholar at the University of Wisconsin who developed the theory of problem-oriented policing. In a book entitled *Policing a Free Society* (Ballinger Publishing, 1977, p. 171.), he writes that "problem police officers are well known to their supervisors, to the top administrators, to their peers and to the residents of the area they service but little is done to alter their conduct."

In their 1981 publication *Who is Guarding the Guardians?* (Washington, DC, p.81) the U.S. Commission on Civil Rights also noted the problem and recommended that all police departments create a formalized Early Warning System to identify problem officers "who are frequently the subject of complaints or who demonstrate identifiable patterns of inappropriate behavior."

Identifying and pro-actively initiating remedial action toward problem officers is not only necessary for functional purposes but is cost effective. Typically, a significant percentage of police expenditures relate to personnel. Most law enforcement expend a large amount of time and cost screening and training officers during the initial hiring processes. With such a large percentage of the department's budget directly tied to personnel, it is essential that all police departments work to maintain an effective staff, identify problem officers, and seek corrective actions when necessary.

The U.S. Department of Justice (*National Institute of Justice*, July 2001) identifies an early-warning system as "a data-based police management tool designed to identify officers whose behavior is problematic and provide a form of intervention to correct that performance. As an early response, a department intervenes before such an officer is in a situation that warrants formal disciplinary action. The system alerts the department to these individuals and warns the officers while providing counseling, training, or some other remedial action to help them change their problematic behavior."

At a minimum, the basic elements of any effective early warning system should include

- Citizen complaints – Including all citizens' complaints filed for the previous five years. Files for each complaint should address the nature of the allegation, the case disposition, and any disciplinary action if the allegation was sustained,
- Procedural Complaints – Including all procedural complaints to identify patterns of non-misconduct policy violations,
- Use of Force incidents – This category should include all use of force incidents, including the date of the incident, the nature of the force, and the result of the force inquiry,
- Civil Claims – Including the number of claims involving the officer. This data should include the case number, cause of the claim, the recommended action by the department, and the final outcome,
- Civil Lawsuits – This category should include the number of lawsuits involving the officer. This data should include the case number, the nature of the lawsuit, the disposition of the case and the possible award,
- Related data – This category might include traffic accidents or incidents on the job, performance evaluations, attendance patterns, and commendations.

One necessary basic element of any early-warning system is a direct link with supportive training and mentoring programs to improve. Also essential is the need to promptly provide the officer with training courses, formal professional counseling, or a mentoring program before a serious problem arises.

Of the agencies studied by the Grand Jury, only the Sheriff's Department has implemented a formalized, effective Early Warning System. Its system, called the Personnel Performance Index (PPI), works to identify problematic employee behavior. Once employees with such behavior are identified by the system, the Department institutes remedial action through its Performance Review Program.

## Personnel Performance Index

This is a computerized system that logs every incident involving a Deputy Sheriff that can be captured relative to performance and tracks such data over an extended period. This database can be queried to provide managers with analysis and a strong historical perspective on deputy performance. The data points tracked by the system include:

- Citizen Complaints
- Use of Force incidents
- Commendations
- Administrative investigations
- Civil Claims
- Civil lawsuits and
- Operation of vehicle investigations

Once problem employees are identified, management may direct the deputy into a remedial action plan called *Performance Review* which might include a formal performance review, supplemented by training, counseling or formal mentoring.

## Performance Review Program

The Department's program for employees who are directed into Performance Review, or performance mentoring, is explained in Sheriff's Bulletin #443, dated June 3, 1997. This bulletin states the "PPI facilitates the identification of employees who have been involved in disproportionate numbers of (and/or very serious) risk incidents." According to Sheriff's Department staff, Department employees are identified for performance review in several ways:

- The Risk Management Bureau will conduct a scan of the PPI to identify deputies with a high number of citizen complaints, use of force incidents and vehicle investigations.
- Internal Affairs and Internal Criminal Investigations Bureau, upon request of the Performance Review Committee, will identify employees who have had serious discipline outcomes such as demotion or who have received multiple criminal investigations over the past five years.
- Identification by a Unit Commander, Station Captain or other Departmental manager of employees who are exhibiting problematic behavior.

Once the employee is identified, the supervising Captain will provide a memo regarding the identified employee for consideration by the Performance Review Committee, which includes representative managers from the department. This memo will include a three-year history of performance and a chronicle of all incidents for that

period. Then, based on this memo and internal deliberation, the four members of the Performance Review Committee will request a complete profile history to make a final determination of whether the employee should enter the Performance Review Program.

Table 12 shows the total number of Sheriff's Department employees that were directed into the Performance Review program during each of the last five years. The total number of employees that were part of the program for the last five years is 90, with an average of 18 per year. This is a remarkably low number for a department the size of the Sheriff's Department, representing less than 0.5% of all Department employees.

**Table 12**  
**Employees in Performance Review**

Year	Employees
1998	7
1999	17
2000	9
2001	24
2002	33
Total	90

*Source: Los Angeles County Sheriff's Department*

Currently, there are 70 employees in Performance Mentoring. Since the inception of the program in 1996, 1,266 employees have been identified for Performance Review. One reason for the low number of employees in the Performance Review program, as identified by the Special Counsel, is that the Department is not conducting performance reviews in a timely manner and there is a backlog of cases. In a Semi-Annual Report, the Special Counsel further indicated the Performance Review Committee is understaffed.

Once an employee is under performance review, that employee will receive mentoring for a minimum of two years. After that time, the supervising Captain of the employee can recommend removing the employee from the program. The Performance Review Committee will make the final decision of whether or not to formally remove the employee from performance review. The Sheriff's Department has established a good system to supervise and monitor problematic employees. Moreover, the Department's system of non-punitive performance mentoring, to assist employees who have been identified with problem behavior, is excellent and works to assist the Department from losing otherwise valuable employees.



## Long Beach Police Department

Based on interviews with command staff, the Long Beach Police Department currently does not have a formal early-warning system. At one time, the Department had a similar system but it fell into disuse in the 1980's because of data problems and a reported lack of attention.

However, the Internal Affairs Division has developed and implemented an excellent computerized case tracking system that provides significant information concerning citizen complaints. One report that the Department creates from this database is the Internal Affairs Early Warning Report, which tracks information pertaining to Internal Affairs investigations, including both citizen complaints and administrative investigations. Currently, any employee with more than two citizen complaints or administrative investigations within six months is identified by this system.

Recently the Department independently identified the need for an expanded early warning capability. Consequently, the Department is in the process of implementing a new Early Warning System and has selected the *Employee Risk Management System* (ERMS). This system is modeled after the Phoenix Police Department's *Personnel Assessment System* (PAS). Both are nationally recognized as effective monitoring systems.

## Smaller Jurisdictions

Burbank, Pomona, and Torrance do not have formal early-warning systems. Managers from each of these agencies have told us that the size of their departments make it possible to identify problematic employees without the expense or work involved with a formal Early Warning System. However, a number of national studies conducted over a number of years suggest that without a formal system, it is difficult to ensure that management is fully cognizant of employee activities or performance. While each of the agencies have some type of informal early warning systems, there is no assurance that employees who exhibit problem behavior patterns are identified or that all agency employees perform uniformly.

In Pomona, in particular, this may create an immediate problem. Pomona has just hired a new Chief of Police from outside the Department. The new Chief will not have the knowledge of individuals on his staff that a formal early warning system would provide.

## Independent Oversight

There were over 100 citizen oversight organizations in the country in the year 2000, according to Police Accountability, a project of the Police Professionalism Initiative, Department of Criminal Justice at the University of Nebraska at Omaha. In

comparison, there were no external oversight organizations prior to 1969. Clearly, independent review is an increasingly accepted method for ensuring that peace officers interact appropriately with society.

Oversight is often embodied in independent review boards of citizens, which may be granted a range of powers that can include simple inquiry, independent investigation, and appeal decision-making. In some jurisdictions, auditors and monitors perform these functions instead of citizen review boards. There are positive and negative attributes to either basic model, but both are typically characterized by structural independence from the police agency for which oversight is being provided.

Within these two basic structures, different models of independent oversight bodies may exist. Oversight functions may include one or more of the following:

- Accepting citizen complaints and conducting full investigations with subpoena authority and/or access to all police records.
- Reviewing investigations conducted by the law enforcement agency.
- Hearing appeals on complaint investigations.
- Auditing or monitoring the law enforcement agency's complaint process.

#### Review of Best Practices

As part of this study, we reviewed practices from across the United States to obtain information regarding the structure and function of external oversight. A review of practices in other jurisdictions suggests that approaches are varied.

Historically, independent oversight of the citizen complaint process consisted of a citizen review body. A majority of such organizations were authorized to conduct independent investigations of citizen complaints and provide recommended dispositions. This is the model frequently seen in the country. Some examples of investigative oversight bodies that have such powers include (a) San Francisco's Office of Citizen Complaints, (b) the Berkeley Police Review Commission, and (c) the San Diego County Citizens' Law Enforcement Review Board (CLERB).

These organizations have some limitations, however. Often they lack the professional support required to conduct full investigations. Generally, they do not conduct audits of policies and procedures of the citizen complaint process, or offer binding recommendations for improvements. In smaller jurisdictions, citizen panels generally do not prepare public reports regarding the police department citizen complaint investigation policies, procedures and practices, nor on overall citizen complaint activity levels.

In the jurisdictions surveyed, citizens generally have a choice of filing their complaints with either the oversight body or directly with the law enforcement agency. This is beneficial, since the complainant may feel intimidated by the law enforcement agency or believe that the review will be investigated more fairly by an organization that

is independent from the law enforcement agency. As discussed earlier, many agencies may also construct barriers to filing a citizen complaint. Independent oversight provides an alternative process for citizens to file a complaint. The San Jose Police Auditor (an independent entity) directly accepts 36 percent of all citizen complaints made against the Police Department. In addition, the oversight agency should receive a copy of all citizen complaints filed directly with the police department. This is currently the practice in Long Beach, where the Citizen Police Complaint Commission receives all complaints filed directly with the Police Department.

For the jurisdictions reviewed, the auditor model generally offers more in the way of law enforcement accountability and system-wide change than does the citizen review board model. In San Jose, the Independent Police Auditor's functions include:

- Accepting complaints from citizens who do not want to file with the Police Department;
- Monitoring and auditing investigations conducted by the Police Department;
- Promoting public awareness of the citizen complaint process; and,
- Making policy recommendations based on analyses of complete complaint system data.

Some believe an agency authorized to independently conduct investigations is the most powerful form of oversight. This perception may be accurate in individual jurisdictions. However, for system-wide change, the auditor model, as established in San Jose, appears to offer more. For instance, the auditor is professionally trained, has expertise in the area of investigations, and possesses the necessary skills to perform systemic audits. Moreover, a benefit of the audit model, unlike many review boards, is that the auditor does more than merely evaluate citizen complaint investigations and outcomes. The auditor, by reviewing policies and procedures, can identify management problems such as insufficient training that result in citizen complaints and offer binding recommendations for improvement.

Moreover, all of the auditor agencies reviewed have complete access to citizen complaint data in their jurisdiction. The San Jose Independent Police Auditor has full access to all of the San Jose Police Department's complaint data. Part of the role of this Auditor's office is to review all complaint statistics, including trends by complaint type, outcomes, timeliness and other factors. This office's annual report is powerful because it provides a full picture of the police department's citizen complaint activity, not just the complaints filed with the oversight agency. Although citizens may file complaints directly with the Independent Police Auditor's office, all investigations are conducted by the Police Department's Internal Affairs Division.

Agencies that are primarily investigative also often make policy recommendations. Even if the police chief rejects some policy recommendations, the policy review process is an important function which maintains the integrity and legitimacy of policies. In fact, some have argued that policy review by an oversight

agency has long-term benefits. As identified in a recent report of the Albuquerque Police Department:

Policy review is designed to serve a preventative function by identifying problems and recommending corrective action that will improve policing and reduce citizen complaints in the future<sup>35</sup>.

Generally, one of the shortcomings of a citizen review board is the inability to implement substantive policy change within the law enforcement agency. Often this change does not happen because it is outside the scope of responsibility of citizen oversight or because the body is created in a manner where expertise does not exist to adequately offer substantive policy changes.

Berkeley's Police Review Commission, however, has made some very useful recommendations. The Commission does not have the same extent of data available to use as a basis for their recommendations as does San Jose. Areas that the San Jose Police Department acted on in the recent past, in response to Independent Police Auditor recommendations, include: (a) officer training in dealing with mentally ill citizens (based on an analysis that identified the high number of officer shootings of the mentally ill); and (b) officer training in courtesy and effective communications with the public (after use of force, a major area of complaint).

The Boise Office of Community Ombudsman appears to combine many of the best characteristics of oversight. The Office conducts independent investigations<sup>36</sup>; reviews investigations conducted by the Boise Police Department to determine if they were fair, impartial, and thorough; is the appeal agency for investigations conducted by the police department; facilitates mediations; makes policy recommendations; and, prepares detailed reports twice a year regarding its activity and that of the Police Department's Internal Affairs Division. The Boise Ombudsman also oversees investigations of officer incidents involving death or bodily injury. It appears to have some of the best features found elsewhere in terms of increased accountability, an alternative forum for citizen complaints, and development of policy recommendations.

The Tucson Independent Police Auditor and Citizen Police Advisory Review Board offer a dual system that encompasses the strength of both citizen oversight and an internal auditor. In Tucson, the independent auditor will accept citizen complaints, review completed cases for thoroughness, perform audits of the citizen complaint process and provide recommendations. A real strength of this system is that if the department fails to accept the recommendations, the auditor can appeal the decision to the City Manager. The City Manager will make the final decision, since both the auditor and the Chief of Police report to the City Manager.

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<sup>35</sup> Eileen Luna and Samuel Walker. "A Report on the Oversight Mechanisms of the Albuquerque Police Department." 1997. p. 128.

<sup>36</sup> Police Department employees are required to cooperate with these investigations as a condition of employment.

The volunteer Tucson Citizen Police Advisory Review Board hears appeals, performs audits, reviews completed investigations, and hears the community's concerns regarding police activity. The City Manager's Office, the police department, and the police union are each permitted to appoint one member to the board. The remaining four members are community members selected by the Mayor and City Council. Both the Independent Police Auditor and the Citizen Advisory Review Board have the ability to make policy recommendations to the Police Department.

The model in Tucson is particularly strong because the system incorporates the benefits of an auditor model, while maintaining citizen input on individual complaints. While the two organizations may have some overlap, they provide checks and balances over each other. This ensures that the auditor, with a more professional perspective, is independent, performs its function, and, provides the Board with training and knowledge to ensure that complaints are properly reviewed and resolved. Moreover, the board provides the public with a forum to express concerns about the department. The board provides citizen involvement in the process, while the auditor acts as an agent for City government. Additionally, this system provides citizens with multiple opportunities to file a citizen complaint. The weakness of the system is that the board does not review or recommend discipline on sustained cases.

Therefore, based on a survey of other jurisdictions and determination of best practices, we believe an adequately structured external oversight body should have the following powers and responsibilities:

- Provide independent oversight of the department practices.
- Directly accept citizen complaints from complainants who choose not to file directly with the police department.
- Receive copies of all complaints filed directly with the police department.
- Conduct quality assurance audits of completed citizen complaint investigations, to ensure fairness and thoroughness by the police department.
- Act as an appellate body and review individual investigations, to ensure investigations are fair and thorough.
- Analyze department policies and procedures and make binding recommendations for improvements when necessary.
- Draft reports to the public regarding the police department citizen complaint investigation policies, procedures and practices, and on citizen complaint activity.

By following these steps, we feel independent oversight is instrumental to establishing a culture where citizens perceive that their voices are heard and feel the process holds the law enforcement agency accountable for the actions of its officers. Moreover, external oversight will provide legitimacy to the citizen complaint process.

## Los Angeles County Sheriff's Department

The oversight of the Los Angeles County Sheriff's Department is unique compared to the other jurisdictions we studied, as well as compared to the State and nationwide models identified during our survey. For the Sheriff's Department, independent oversight is conducted by three organizations: the Department of Ombudsman, the Special Counsel, and the Office of Independent Review. Each of these organizations performs a separate oversight role. The responsibilities of each are presented in Table 13.

**Table 13**  
**Summary of Los Angeles County**  
**Sheriff's Department Oversight**

Oversight Body	Primary Responsibilities
Special Counsel	<ul style="list-style-type: none"><li>• Ensures actual Sheriff's Department practices are consistent with policies and procedures.</li><li>• Recommends new policies to the Sheriff's Department.</li><li>• Reviews individual investigations upon Board of Supervisors request.</li><li>• Examines use of force by the Sheriff's Department.</li></ul>
Office of Independent Review	<ul style="list-style-type: none"><li>• Reviews individual investigations to ensure investigations are thorough and accurate.</li><li>• Recommends specific discipline on sustained cases.</li><li>• Works with the Sheriff's Department executives to improve internal policies and procedures.</li><li>• Reports quarterly to the Board of Supervisors on all cases.</li><li>• Reports monthly to the Board of Supervisors on open excessive force cases.</li></ul>
Department of the Ombudsman	<ul style="list-style-type: none"><li>• Facilitates timely Investigation of complaints.</li><li>• Reviews Complaint Investigations upon complainant request.</li><li>• Selects panel of judges (appellate function) as needed for excessive force cases.</li></ul>

### Special Counsel

The Special Counsel fulfills the policy review and recommendation component identified as critical for thorough and effective independent oversight. Initially the Special Counsel was created to report to the Board of Supervisors biannually regarding the implementation of the Kolts Commission recommendations. Since that time, the Special Counsel has assumed the responsibility of reviewing Sheriff's Department practices compared to policies and procedures and national best practices. Based on

these analyses, the Special Counsel will make policy recommendations to the Board of Supervisors regarding the Sheriff's Department citizen complaint program.

Based on a review of semi-annual reports prepared by the Special Counsel, we feel this office is doing an adequate job of analyzing the activities of the Sheriff's Department. The Special Counsel has discovered many problematic activities by the Sheriff's Department. As the result of outside grant funds, the Special Counsel has been able to review the practices in jurisdictions across the nation and provide recommendations for improvement to the Sheriff's Department. That, combined with unlimited access to Sheriff's Department personnel and records, has permitted the Special Counsel to develop recommendations to improve the practices of the Department.

#### Department of the Ombudsman

As identified above, one type of oversight is hearing appeals of citizen complaint investigations. The focus of the Department of the Ombudsman is to provide independent review of Sheriff's Department citizen complaint investigations for thoroughness, integrity, and fairness. Table 14 below shows the number of reviews performed by the Ombudsman's Office.

**Table 14**  
**Comparison of Total Citizen Complaints to**  
**Appeals to Ombudsman for Additional Review<sup>37</sup>**

	Total Complaints Filed CY 2001	Complaints Appealed FY 2001-02	Percent Appealed
East Los Angeles	119	11	9.2%
Lancaster	188	38	20.2%
Temple	144	12	8.3%
Average	451	61	9.5%

*Source: Department of the Ombudsman and Sheriff's Department SCIF data.*

Table 14 includes only the three stations that were the subjects of our study. The Ombudsman's Office will only review citizen complaints if the citizen is unhappy with the results and appeals the decision. The Ombudsman's Office does not systematically review citizen complaints in a fashion that would ensure a comprehensive review of all citizen complaints. A review of all Sheriff's Department stations found that citizen complaints originating at the Lancaster station were appealed with the most frequency and by the highest percentage. As shown above, the Ombudsman reviewed 38 citizen complaint appeals for Lancaster in FY 2001-2002, which represented over 20% of all complaints filed. However, the overall average for all three stations reviewed was only

<sup>37</sup> The comparison presented in Table 14 is somewhat limited based on the availability of data; the comparison is of fiscal year and calendar year data.

9.5%. While the number of complaints appealed for the three stations in the study ranged between 11 and 38, during the same time period an average of only 9, or 15 percent, of cases were appealed for each of the other stations within the Department.

While we understand that the Ombudsman's Office has additional contacts with citizens, a review of the County Ordinance establishing the office explicitly states the department is to review "complaints concerning the Sheriff's Department." In addition, based on the County Ordinance, the Department of the Ombudsman cannot review citizen complaint investigations unless requested by the Board of Supervisors. The Department of the Ombudsman is only reviewing a small subset of citizen complaints because, as shown in Table 14, only 9.5 percent of citizen complaints were appealed in the three stations reviewed. We believe the Department of the Ombudsman should perform periodic audits of complaints to ensure that that complaints are handled properly by the Sheriff's Department and that citizens are satisfied with the process. The role of the Department of the Ombudsman should be increased to mirror the Boise Office of Community Ombudsman. The increased role should include reviews of all investigations, including preliminary investigations, and remain an appeal agency to review investigations. Therefore, the Department of the Ombudsman should request that the Board of Supervisors amend the County Ordinance to allow the office to include an auditing role and review service complaints.

#### Office of Independent Review (OIR)

The mission of the OIR is to review Sheriff's Department investigations to ensure investigations are balanced, thorough, and accurate. In cases where the investigation finds a sustained allegation the OIR will recommend discipline for the officer. OIR reviews civil claims, civil lawsuits, Internal Criminal Investigations Bureau (ICIB) criminal misconduct cases, the Internal Affairs Bureau's (IAB) investigations, major use-of-force reviews, and deputy-involved shootings. The Office of Independent Review appears to be doing a good job overseeing investigation quality and civil claims, including the discovery of 800 civil claims that the Sheriff's Department did not investigate. In addition, the OIR has implemented a computerized database that tracks its activity overall. However, OIR does not distinguish the activity that is generated from citizen complaints from that which is received from other sources.

Based on discussions with OIR management, citizen complaint generated workload cannot be readily retrieved from its system, requiring extraordinary effort to resurrect data from individual case files and other documents. Accordingly, OIR should implement a computerized database that segregates citizen complaint activity from other activity. These statistics should be presented to the Board of Supervisors as part of the quarterly report to the Board of Supervisors and presented in public reports generated by the office.

While we understand a primary role of the office is to review investigations, the Office of Independent Review should become more involved in the review of citizen complaints that rise to the level of an administrative investigation. OIR should



implement a policy to automatically review a larger number of citizen complaints to ensure a thorough investigation. Moreover, OIR only routinely reviews administrative investigations handled by the Internal Affairs Bureau. We feel the OIR should implement a policy to review unit level administrative investigations that arise from a citizen complaint. OIR should certify that the investigation is thorough and accurate, and provide a recommended discipline in sustained cases.

According to the Office of Independent Review's first report, "...independence is central to its strength." However, the Office of Independent Review budget structure gives the appearance that the office financially depends on the Sheriff's Department. For instance, OIR funding of \$1,267,000 for OIR staff and some minor expenses are contained and managed in the Sheriff's Department's budget. Further, the Sheriff's Department provides OIR with materials and supplies and some support staff from appropriations that are not specified for OIR. While such tools are essential for the effectiveness of OIR, they should be directly funded by the Board of Supervisors and not be incorporated into budget appropriations that are subject to the Sheriff's administrative authority or control.

Although the \$1.2 million allocation is earmarked for OIR, having funds included in the Sheriff's Department raises the appearance of interdependence. This is further compounded by the fact that the Sheriff's Department provides materials supplies and some staffing to OIR. To ensure independence, the Board of Supervisors should establish the appropriation for the OIR in a separate budget, or at minimum as part of the Chief Administrative Office budget. Such a move would ensure proper funding for the agency and remove questions of independence. Moreover OIR's staff have indicated that predating this audit, it independently made similar requests to the County.

#### Long Beach Police Department

The Citizen Police Complaint Commission was created by City Charter Amendment by adding §1150 through §1155, and was approved by the voters of the City of Long Beach on April 10, 1990. The Charter Amendment authorized the Commission "to receive, administer and investigate allegations of police misconduct with emphasis on complaints of Excessive Force, False Arrest, and complaints of Racial and/or Sexual overtones." Specifically, the City Charter empowers the CPCC to:

- Receive and investigate allegations of police misconduct.
- Conduct hearings into allegations of police misconduct.
- Subpoena witnesses, books and papers pertinent to the investigation.
- Make recommendations concerning allegations of misconduct to the City Manager.

One of the strengths of the CPCC is that the organization receives a copy of every citizen complaint immediately upon intake by the Long Beach Police Department. The Executive Director then reviews every citizen complaint and screens out those complaints that he determines to be "frivolous and intentionally misleading complaints of misconduct." In addition, the Commission has authority to hear complaints that are

deemed “service-related” or “no-further-action” by the Internal Affairs Division. The table below compares the number of complaints the Commission heard, with the total number of citizen complaints filed.

**Table 15**  
**Cases Heard before CPCC Commissioners**

	Total Citizen Complaints	Number of Complaints Heard by CPCC <sup>38</sup>	Percent
1998	214	124	57.9%
1999	314	117	37.3%
2000	333	142	42.6%
2001	382	82	21.5%
2002	478	133	27.8%
Total	1721	598	34.7%

*Sources: Long Beach Police Department and Long Beach CPCC*

As shown in the above table, the CPCC heard just over one-third of all citizen complaints filed in Long Beach over the past five years. The CPCC is a true citizen complaint oversight body, where at the hearings the public is invited to speak before the Commission regarding the case. A weakness of the Citizen Police Complaint Commission is that, unlike auditors, the CPCC does not have focused authority to review or make recommendations regarding the policies and procedures of the Long Beach Police Department. However, the CPCC will make informal policy recommendations to the Department, which are usually implemented by the City Manager. The Internal Affairs Division Commander attends the monthly meetings of the CPCC and becomes aware of problems at that time. The City of Long Beach should implement review sessions that include Police Department management, CPCC staff, and Commissioners to discuss concerns with policies and procedures, on an as-needed basis. The Long Beach Police Department already has an annual training session with the CPCC.

Our survey suggested that data collection by oversight agencies and by the police departments they work with are inconsistent. While oversight agencies provide an alternative for citizens who might feel intimidated or uncomfortable filing a complaint at the law enforcement agency with whom they have a complaint, the existence of the dual systems presents some problems assessing overall trends and data. Usually, the oversight agency prepares detailed annual reports on their work including the number and type of complaints filed and investigated, the outcomes of the investigations, and a summary of complaint trends. This can be a useful management tool but it is limited because many lack comparable data on the complaints filed directly with and investigated by the law enforcement agency. In most jurisdictions reviewed, the number

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<sup>38</sup> Represents the cases heard before the CPCC by year. Although cases were introduced in the designated year, some may have been heard in a following year. The cases heard represent the percentage of cases introduced from a particular year and heard in any year. Therefore, the number of 2002 cases heard could increase as complaints filed in 2002 are heard before the Commission in 2003.

of complaints filed and investigated by the law enforcement agencies outnumbered filings with the oversight agency.

We found many of these problems in Long Beach. The coding for the Police Department and the CPCC are different. Therefore, analysis of the two systems proved difficult. The computerized databases and statistical tracking systems between the LBPd and CPCC are different. For instance, for coding purposes the CPCC uses much different classifications for allegations than the police department. For example, the fields used by the CPCC are very broad. One field, such as discourtesy, can include serious allegations (sexual harassment) to the less serious (profanity). Moreover, the database systems, although designed by the same person, are not linked and the fields are different and different data are tracked. Since the databases are not linked, staff must reconcile complaints, which leads to some cases failing to receive proper attention. Accordingly, Long Beach staff informed us of only two citizen complaint cases in the past five years in which the one-year timeline<sup>39</sup> to notify the officer expired. Although this is rare the Department and CPCC should work to make their computer systems more compatible to ensure this does not happen.

#### Smaller Jurisdictions

Burbank, Pomona, and Torrance do not receive any independent oversight of the citizen complaint process. Therefore, there are no external checks of the investigation quality or the equity of the conclusions and the discipline of the department. Moreover, there is no citizen input or external review of the law enforcement agency. While each of the smaller jurisdictions are different, we believe that each jurisdiction should implement independent oversight. Since the jurisdictions are small, with City budgets that cannot provide for large citizen review bodies with staff, we recommend each jurisdiction establish an independent external auditor.

In Burbank, the City Attorney assists the department by providing external oversight of citizen complaints and related matters. In particular, the City Attorney conducts training on civil liability issues and other topics. In addition, the City Attorney formulates and reviews the Department's General Orders on high exposure matters, such as use of force and shootings, which could cause litigation against the Department. Moreover, the City Attorney's Office, which is made aware of the status of citizen complaint cases, reviews and approves proposed discipline and final discipline in sustained cases. This provides some oversight that is unique to Burbank.

Independent oversight will ensure that investigations are thorough and provide citizens with the opportunity to appeal complaint outcomes. Moreover, even in our limited file review, we found examples where the complainant wrote a letter to the department wishing to appeal the decision. We found another example where the complainant felt filing a citizen complaint could result in retribution from the officer.

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<sup>39</sup> California Government Code §3304 requires notification of proposed discipline to public safety officers within one year of the investigation start date.

While the survey of external oversight and review of best practices focused on larger jurisdictions, many smaller municipalities are implementing independent review. The City of Berkley has a Police Review Commission that reviews investigations and can make policy recommendations to the Police Department. Moreover, some smaller jurisdictions are moving to an auditor model of oversight. Currently, the City of Santa Cruz has a Citizen Police Review Board. However, according to City Manager staff, the City is in the process of replacing the citizen board with an external auditor similar to the San Jose model. The external auditor will be a contractor based out of the City Manager's Office. We feel this is a step each of the smaller jurisdictions should take to fully open up their citizen complaint process. Ideally, the Tucson model would be implemented by each of the agencies.

## Conclusions

### Public Access

State law requires police departments to establish procedures for investigating citizen complaints and requires that such procedures be made available to the public. Based on attempts to collect citizen complaint forms and procedures from each of the jurisdictions reviewed during this study, it is clear that public access to citizen complaint forms and procedures varies significantly by jurisdiction, by operating unit within each jurisdiction, and by shift and time of day. Most of the jurisdictions visited do not consistently make their procedures available to the public and are technically not in compliance with State law.

Anonymous attempts to obtain citizen complaint forms were unsuccessful in 9 of 16 attempts, or 60 percent of our unannounced visits to Sheriff and police stations. In 7 of these 16 attempts, or 47 percent of our attempts, the departments did not provide citizen complaint procedures. Even when citizen complaint forms and procedures were provided, we were first required to speak with Watch Commanders or other sworn personnel. In most cases, these individuals requested our name and contact information, the name of the involved officer or deputy, and the nature of the complaint before providing any materials. Such inquiries can intimidate or anger complainants when presented as requirements to obtain forms, procedures or other information, and create an artificial barrier to public access.

All departments should ensure full and complete access to citizen complaint forms and procedures. Since the citizen complaint process is not made as easy as possible, the departments in the studied jurisdictions have created an inherently adversarial atmosphere and erected a barrier that could impact the public's access to the complaint process. In addition, department management cannot be assured that all citizen complaints are received. By not fully training or monitoring staff on the citizen complaint process, citizens could be unknowingly discouraged or prevented from filing a citizen complaint.

### Screening Citizen Complaints

The law enforcement agencies that were the subject of this study have generally developed definitions of citizen complaints and policies for complaint intake. These intake policies and the level of investigation conducted by each jurisdiction vary significantly by jurisdiction and division. They define when the departments recognize and accept citizen complaints, whether the department will track some categories of citizen complaints, and the level of investigation the department will conduct.

A review of department procedures, in conjunction with an analysis of the departments' citizen complaint statistics, also shows significant inconsistencies in the methods used to count complaints. Practices in many jurisdictions redefine some

categories of citizen complaints, or screen out more minor complaints from the process. Accordingly, many complaints go unreported as the departments attempt informal resolution, reclassify the complaint, or discontinue investigation because of lack of contact with the complainant.

Because of these practices, many departments do not track, fully investigate, or maintain reliable databases for all citizen complaints. Moreover, because of the policies in many jurisdictions, not all citizen complaints are captured. Further, the managers in many jurisdictions are unaware of some citizen complaints, and do not have a complete understanding of personnel interactions with the community. These practices result in internal control weaknesses where departments could have an opportunity to disregard legitimate citizen complaints.

The departments should accept and record the receipt of all citizen complaints, regardless of mid-management's initial assessment of allegation seriousness.

### Citizen Notification

California statutes require law enforcement agencies to provide two documents to persons filing a citizen complaint. First, the law enforcement agency is to provide a copy of the complaint at the time of filing. Second, the agency is to formally notify the complainant of case outcome within 30 days of final disposition. In a sample of records maintained by the studied departments, initiating documentation had not been provided in 37 percent of the cases. In 46 percent of the cases, there was no evidence that the complainant had been notified of case disposition.

Failure to provide required documentation to the complainant is in violation of State law. Moreover, providing a complainant with a copy of his complaint statement is a receipt, which enhances internal controls over the intake process. Notifying the complainant of case disposition provides evidence that the department resolved the citizen complaint.

### Early Warning System

To assist managers with monitoring staff performance, many agencies nationwide have implemented early-warning systems. Early-warning systems are computerized management tools that help to identify officers whose behavior may be problematic.

The Sheriff's Department has an early-warning system. The system tracks data regarding individual employee performance so that management can attempt corrective action before significant problem behavior occurs. The Long Beach Police Department hopes to implement a state of the art system this year. Burbank, Pomona, and Torrance do not have formal early warning systems, and have no immediate plans to implement any.

Because these smaller departments do not have systematic early warning systems, management is less able to effectively monitor employee activity and performance. As a result, department management cannot be assured that employees exhibiting problem behavior are identified before there are inappropriate citizen contacts or significant claims against the city. While many of the smaller jurisdictions have informal systems, any changes in upper management personnel will render the informal system useless, until the new managers become familiar with staff.

### Independent Oversight

Independent oversight of the citizen complaint process provides law enforcement agencies with the opportunity to obtain outside input, especially from the community. Commonly, external oversight bodies consist of citizens and/or professional staff who review citizen complaint processes, investigations, and policies and procedures to ensure that allegations of police misconduct are fairly and equitably investigated and resolved. Several effective citizen complaint oversight models are functional throughout the United States.

The Sheriff's Department receives independent oversight over its investigative processes. This independent oversight is embodied in the Office of Independent Review, the Special Counsel, and the Department of the Ombudsman, each of which has a distinct and separate oversight role. The Long Beach Police Department's citizen complaint process is overseen by the Citizen Police Complaint Commission, an independent citizen review board. Burbank, Pomona, and Torrance have no independent oversight.

## Recommendations

### All Jurisdictions

The following recommendations apply to all the jurisdictions included in this investigation: the Los Angeles County Sheriff's Department, the Long Beach Police Department, the Burbank Police Department; the Pomona Police Department, and the Torrance Police Department. Each of these jurisdictions should:

1. Implement a system where citizen complaint forms and procedures are readily available in all department locations with public access, without requiring members of the public to request the documents from department personnel.
2. Provide sergeants with copies of citizen complaint procedures and forms for distribution to the public upon request.
3. Establish formal tracking systems for citizen complaints and forms that are received from citizens. Implement a tracking checklist form in every investigation file that will indicate what forms, letters and paperwork pertaining to the investigation are complete. The checklist should include: the date of the complaint, date of acknowledgment letter, final disposition date, notification date of disposition to officer/employee, and date of closing disposition letter to the complainant.
4. Instruct staff on the importance of accepting citizen complaints in a non-adversarial manner.
5. Instruct all staff involved in the citizen complaint process on the importance of providing citizens with a copy of their statements and compliance with statutory time limit of disposition notification. Revise all application procedures and forms to include a statement informing the complainant that they should receive notification immediately upon filing the complaint and again within 30 days of the disposition.

### Individual Jurisdictions

The recommendations that follow apply only to the individual jurisdiction noted.

The Los Angeles County Sheriff's Department should:

6. Amend Department Policy 3-04/010.35, *Public Accessibility to Information About the Complaint Process*, to require Department stations to provide citizen complaint forms and procedures at public counters.



7. Add a policy that requires Regional Division Command staff to review all Service Comment Report (SCR) Forms and the "Results of Service Review Forms," to ensure that complaints are properly classified as either a personnel or service complaint. As part of this review, the Division Command staff should track whether a citizen complaint or internal source initiated the inquiry that led to the administrative investigation.
8. Request that an external, thorough study be performed to explicitly analyze why the number of administrative investigations deviate significantly from the experience in other jurisdictions. The study should be performed by one of the Department's external oversight organizations or by an outside firm.
9. Conduct periodic training with all management staff who have Watch Commander responsibilities, to ensure the distinction between service and personnel complaints is fully understood.
10. Implement a policy requiring a semi-annual report from the Personnel Performance Index (PPI) of the activity level of substations and squads within the station. This report should be analyzed by Area Command-level staff to identify trends by stations, units and squads.
11. Cease providing materials and supplies or staff to the Office of Independent Review. (See Recommendation 31)

The Long Beach Police Department should:

12. Implement a training session with all staff at Department Division substations and storefront locations to ensure that all Police Department officers are aware of the citizen complaint intake process and to ensure the intake of all complaints, including service and personnel complaints.
13. Develop a multi-part form that will make it easier to provide citizens with a copy of their statement at the time a complaint is filed with the Department. This multiple copy form should allow distribution to the complainant, the Internal Affairs Division, the Chief of Police, and the Citizen Police Complaint Commission.
14. Monitor the early warning system, status of employees in the mentoring program, and staff development activities and report on them to the Chief of Police and City Manager annually.

The Burbank Police Department should:

15. Ensure that non-Police Department city officers, such as the City Clerk and Community Relations Director, have Burbank Police Department citizen complaint

forms available for distribution to the public, and understand the policy so that it can be explained to citizens.

16. Develop a centralized computerized system which tracks procedural complaints and citizen misconduct complaints received by the Department separately. At minimum, the tracking system should include complainant name, name of officer concerned, date of incident, date of complaint, type of incident, Department policy and procedure in question, conclusion date and result of investigation.

17. Revise the Department's procedural manual to instruct staff to accept and record all citizen complaints, whether the complaint is a complaint of misconduct or procedural. The procedure should outline the detailed methodological tracking system used by the Department to quantify the intake, investigation, and conclusion of all procedural based citizen complaints.

18. Implement a training session with all Watch Commanders to make them aware of the policy and to ensure they understand the intake procedures for policy related complaints. This training session should include a detailed explanation of the distinction between procedural and misconduct complaints.

19. Have all complaints reviewed at Captains' meetings to ensure that they are properly distinguished as either a citizen complaint or a policy complaint.

20. Establish a formal early warning system to identify problematic employees. At a minimum, the early warning system should contain citizen complaints, procedural complaints, internal investigations, civil claims, civil lawsuits, and use-of-force incidents.

The Pomona Police Department should:

21. Implement a process where all citizen complaints are formally accepted and recorded, including all verbal complaints and procedural complaints.

22. Develop a centralized computerized system which tracks procedural complaints and citizen misconduct complaints received by the Department separately. At minimum, the tracking system should include complainant name, name of officer concerned, date of incident, date of complaint, type of incident, Department policy and procedure in question, conclusion date and result of investigation.

23. Eliminate the practice of considering a case "Filed" and ceasing the investigation when contact with the complainant is unsuccessful. The Department should direct the Administrative Investigations Division to complete all citizen complaint investigations whether or not successful contact is made with the complainant.

24. Revise all Department citizen complaint forms and printed citizen complaint procedural materials to include a detailed multiple copy form that includes: an immediate copy for the complainant, the Chief of Police, and Administrative Investigations Bureau. This citizen complaint form should be pre-numbered in sequential order to ensure internal controls over the distribution of citizen

complaints. The forms should include wording to identify if anyone has discouraged the complainant from filing the citizen complaint.

25. Establish a formal early warning system to identify problematic employees.

The Torrance Police Department should:

26. Implement a system for accepting all citizen complaints regardless of their nature. The procedures should include a detailed methodology for a tracking system by the Department to quantify the intake, investigation, and conclusion of all procedural based citizen complaints.

27. Eliminate use of performance studies as a technique to conduct preliminary investigations of citizen complaints. In lieu of performance studies, the department should perform a full investigation on all citizen complaints.

28. Develop a centralized computerized system which tracks procedural complaints and citizen misconduct complaints received by the Department separately. At minimum, the tracking system should include complainant name, name of officer concerned, date of incident, date of complaint, type of incident, Department policy and procedure in question, conclusion date and result of investigation.

29. Revise all Department citizen complaint forms and printed citizen complaint procedural materials to include a detailed multiple copy form that includes an immediate copy for the complainant.

30. Establish a formal early warning system to identify problematic employees.

The Los Angeles County Board of Supervisors should:

31. Remove the Office of Independent Review (OIR) budget entirely from the Sheriff's Department's budget, and include its budget directly in the Chief Administrative Office or separately in the County budget.

32. Amend County Ordinance 2.37.010 to allow the Department of the Ombudsman to study citizen complaint cases and review of service complaints.

The Long Beach Citizens Police Complaint Commission should:

33. Implement the substantially identical multiple copy form that is recommended for the Long Beach Police Department in recommendation 13. This will ensure uniformity between citizen complaint forms, which currently does not exist.

34. Implement a classification system for complaints that is compatible with that of the Long Beach Police Departments' system.

35. In cases heard before the Citizen Police Complaint Commission, the Commission should send a closing letter that makes the complainant aware that the Commission has heard the case. The letter should include the City Manager's final decision.





## Acronyms and Glossary

21 <sup>st</sup> CCLC --	21 <sup>st</sup> Century Community Learning Centers. A federally funded partnership between school and communities.
AAP --	Academic Assistance Program. This operates in coordination with all District intervention programs.
API --	Academic Performance Index
BTB --	Beyond the Bell Branch. A LAUSD program conceived in October 2000 to undertake an extensive review and coordination of all the out-of-school programs that exist.
DPSS --	Los Angeles County Department of Social Services (see Y's CARE)
ELAP --	English Language Acquisition Program, 4 <sup>th</sup> & 5 <sup>th</sup> grades
ELP --	Extended Learning Program. An integral part of the LAUSD's Standards-Based Promotion Program.
ESL --	English as a Second Language
GPA --	Grade Point Average
KIDCARE --	After school program
LAUSD --	Los Angeles Unified School District
LA's BEST --	LA's BEST (Better Educated Students for Tomorrow) is a partnership including the city of Los Angeles, the LAUSD and the private sector.
PE -	Para Educators, formerly known as Teaching Assistants (TAs)
PWT --	Permit With Transportation. Permission to transfer to another school with bus transport provided.
SIS --	Student Information System
SLSNPP --	School Learning and Safe Neighborhoods Partnership Program. State funding for schools and community-based organizations to form local collaborative to operate after school programs.
TA --	Teaching assistant.

TAG --- Tutorial Assistance Grant

One-track --- Traditional school calendar

Three-track --- Year round school

Youth Services – LAUSD-funded after-school playground program.

YS CARE -- -After school program provided by the County Department of Social Services.



## Executive Summary

With a reported 83% of parents of elementary school children working outside of the home, the quality, cost, reliability, and fairness of the after-school programs available to children is a major concern. The Grand Jury decided to study the scope, availability and quality of after-school programs on the elementary level (k-5), in selected schools.

Three local Los Angeles Unified School Districts (LAUSD) were selected from which schools were reviewed. All elementary schools in Local District F and a sample of schools from Local Districts C and E were reviewed. Additionally two charter schools were reviewed in the San Fernando Valley.

We found that the elementary school in most neighborhoods is a center of information for the community. In addition to educating the children, the school provides information for health issues, abuse issues, food banks, and directions about where and how to get help for other issues that affect members of the community. The after school programs are varied. A school may have several different programs.

All schools in the districts have the Youth Services program, which is funded by LAUSD. The Youth Services program is a program of sports and playground activities under the supervision of a Youth Services Supervisor. At some schools, Youth Services provides homework time, but all programs have inside activities if weather prohibits outdoor play. Youth Services is a voluntary program, and it is left to the child and its parents to determine participation. There are other programs run by outside contractors and in some cases by teachers or contractors the principal has hired to run a program. These require a fee and the number of spaces is limited and, if the program is filled, the student must go on a waiting list. They also require the parent to sign out when they pick up their child.

The Extended Learning Program frequently has classes after school. This program of academic subjects, with classes of no more than 10 students per teacher, is for children at risk of not being promoted. The classes are staffed and funded by the school.

Club and cultural programs are run by a variety of organizations and include YS CARE, LA's BEST, KIDCARE and YMCA. At some locations contractors and tutors from local colleges and high schools provide specialized programs. YS CARE is a collaborative program with the Los Angeles County Department of Social Services and is available in ten elementary schools in Local District F, in five elementary schools in Local District E, and in two Local District C elementary schools. LA'S BEST, a partnership between LAUSD, Los Angeles City, and the private sector, is in 16 Local District F schools. These two programs provide components of childcare, academic,

and cultural enrichment as well as recreation. Both have activities four or five days a week, from the end of classes until 6:00 p.m. and do not charge a fee.

The principal and the parents are the key components in any after school program. The principal interfaces with the parents and determines through that communication what the needs are for a particular school. The programs service the school with the approval of the principal and according to the needs of the school community. Although parent participation varies from school to school, those parent groups that are active provide funding for needy students through such fund raising activities as selling pizza several days a week after school and school festivals and Friday night movies. The parents involvement has a direct impact on the kinds of after school programs that will be offered at schools.

Two schools in the San Fernando Valley, Blythe and Melvin Elementary, had only Youth Services and did not know about the other programs that might be appropriate for their students. Both of these schools serve many at risk families with a high incidence of poverty. Programs such as LA's BEST and YS CARE would certainly be used if they were available at these schools. LAUSD's beyond the Bell Branch maintains a directory of all after school programs should be able to assist these two schools in expanding their program offerings. Most of these parents are not in a position to pay for services so these programs should be offered for a reduced fee or at no charge.

All school personnel that we spoke with indicated that there needed to be some control by the schools with regard to the coming and going of students. The Youth Services program works well but is a voluntary program, and school officials cannot prevent a child from leaving. The parents who rely upon this service as childcare service cannot be certain that their child is in attendance on a daily basis.

Accommodations have been made at many schools for early morning admission to the school grounds. Some schools have only the custodian on the grounds when children are being dropped off in the morning. Some schools provide breakfast at 7:30 a.m. and classes begin at 8:00 a.m. Some schools have a teacher supervising the early morning drop offs. Some of the fee programs start in the morning, particularly if the student is enrolled in the afternoon kindergarten class.

Many schools have pre-schools for at risk children. These programs are funded by the State, and are not supervised by the principal, the parents are not charged for them. Special Education classes are integrated with regular classes in most of the system; however, some special needs classes are self-contained and use classrooms in the local schools.

Many middle school children return to the elementary school and participate in the Youth Services program or just utilize the basketball courts and other playing fields. The principals welcome these youngsters if space is available and indicate that they have few problems with them.

The Grand Jury visited two charter schools, Fenton Elementary in Lake View Terrace and Vaughn Elementary in San Fernando. Both schools have large student bodies, 1,400 and 1,625 respectively. Fenton is a year round school but Vaughn is a traditional calendar school. Both schools are California Distinguished Schools. Fenton has an after school program that runs from 3:30 p.m. to 6:50 p.m. and includes homework study, drill team, Folkloric dance, chorus, theater arts, games, and Tai Chi. Vaughn has Kids Literature, sports, museum, art, technology, drums, drill team-- a very full program. The cost of these programs is borne by the school. Both of these schools are in at risk neighborhoods but have found that providing these programs enhances the student's education.

## **Methodology**

Grand Jury members made onsite visits to 58 elementary schools in three different school districts to determine what programs are operating and to compare how programs are working. In recent years the LAUSD was divided into 11 local districts. We observed schools in three of these local districts: C, E, and F, each with 35 to 40 elementary schools with a wide variety of ethnicity, cultures, income levels and population density. We interviewed principals or assistant principals and after-school workers in a variety of programs and observed programs in action.

## **Findings**

Local District F school sizes ranged from 250 students to 2,300 students with ethnic and racial populations of Asian, Black, Latino and White (LAUSD categories). When schools are able to accommodate bussed-in students, they are usually from schools in similar neighborhoods. 15 Local District F schools were one track (traditional, September to June schedules), 17 were three-track (120 days of class, 60 days out of class), and three were four-track (those three and four track schools are on year round schedules).

Schools in Local District E serve a geographic area from Hancock Park to Highland Park that includes Hollywood, Silver Lake, and Eagle Rock. Student populations ranged from 300 to 725, with a wide range of income levels and ethnic and racial populations. Students come from the neighborhoods and are neither bussed in or out.

The demographics are similar in Local District C, which covered one part of the San Fernando Valley. Most of the schools in neighborhoods are middle class, with the notable exceptions of Blythe Street and Melvin Street elementary schools.

LAUSD set up the Beyond the Bell Branch (BTB) in 2000 to coordinate the other-than-classes, or "out of school" activities in the local schools over the entire District. BTB objectives are to provide "expanded learning and enrichment programs connecting

the children and youth to their local school and community.” BTB was charged with bringing forward a comprehensive plan that will result in the operation of quality after-school programs in every elementary and middle school within five years. The end of January 2003 BTB added staff to meet the requirements of the new Federal program “No Child Left Behind,” utilizing activities already existing in after school programs.

The parents’ role in the after-school programs varies with the program and in many cases with local school and community situation. Youth Services, an LAUSD program in all elementary schools, is basically playground activities supervision. Parents are responsible for their children’s participation. Extended Learning Program (ELP) is academic intervention for students at risk of failing promotion. Parents are apprised of the child’s need for assistance and their need to attend the ELP sessions. ELP is usually an after-school program, and in rare situations, it is scheduled on Saturdays. Sometimes in year-round schools the intervention classes for off-track students can be held during regular class hours and for those on traditional schedule there may even be summer classes.

All of the principals or assistant principals interviewed are quite positive that the after-school programs at their schools are essential. Also they are confident that the teachers at these schools are very much in favor of the programs. The very few discontented teachers seemed most concerned when their classroom not left in order after use for one of the programs. This feeling is overcome by communication between principal and individual teacher or between classroom teacher and intervention teacher.

The principals with input from the parents are the most important link with the after school programs. They understand their student’s needs and want to implement programs that will serve their students best interests.

The need for after-school programs for individual children varied most often with the home situation, the child’s own interests, and in the case of ELP, classroom performance as measured by periodic tests. Frequently, neighborhood opportunities such as whether or not there are parks and playgrounds, clubs and teams available, determine if a program at school meets a child’s needs.

Student participation varied extensively from program to program, school to school, and in many cases even as to time of day, with Youth Services having the most variation. In Local District F, ten elementary schools had students bussed in for classes while eight schools had students from their area bussed out for classes elsewhere. Students on busses, whether going to or from classes, cannot take part in Youth Services. Consideration is made as to whether off-track students may participate in any of the programs, with Youth Services being the most likely to have playgrounds open to them. Special Education students that are bussed to and from 13 Local District F elementary schools are another category that has restrictions on participation in after-school programs.

Cultural extra-curricular programs are not part of the Extended Learning Program (ELP). Youth Services may include club or activities to note a national or ethnic

celebration. ELP is entirely structured to meet academic needs in the areas of reading, writing, math, and language skills necessary to meet promotional standards. Structured Youth Services activities include training for competitions such as track and field or with teams. Sometimes Youth Services will organize the school's drill team.

Funding for Youth Services is by LAUSD, which provides personnel and training. The staff is usually a supervisor and a playground worker, one male, the other female. Most of the equipment and supplies are also LAUSD funded, using the local school facilities. ELP is part of the local school budget. Determination of costs for these programs was not part of this study.

Administration of Youth Services is by LAUSD through four field offices that recruit, train, and assign personnel. The local school principal works with those who are assigned by the Field Coordinator. ELP is staffed as needed with personnel from the local school with extra pay. Classes are set up with 10 students to one teacher, usually with instruction in a specific subject and for a one-hour period. The classes are generally held two or three days a week, except Tuesdays, and are administered in the local school by the principal or an assistant principal. Youth Services operates daily from the time first classes end until the playground closes at 6:00 p.m. Youth Services has no sign-in or sign-out procedures, and ELP roll is kept as in the regular classroom. Neither programs has a fee nor serves food.

ELP has no parent participation other than to know why their child is in the program and is being kept after school. Youth Services parents seldom are involved, however, at one school the supervisor had a homework club overseen by parent volunteers. Parents attend competitions at the school, often provide transport to off-campus meets, and sometimes observe when calling for students at end of day.

The supervisor handles discipline for Youth Services and only in rare severe cases would it be elevated to the principal. ELP discipline is dealt with the same as in the regular classroom.

Many schools had programs coordinated by BTB, but not funded by LAUSD, and a few schools had locally funded or grant funded after-school programs:

LA's BEST (Better Educated Students of Tomorrow), was created in 1988 as a partnership that includes the city of Los Angeles, the private sector and LAUSD. Presently there are 17 Local District F schools, as well as a number in Local Districts C and E, that have this program. LA's BEST provides a supervisor and staff, often drawn from T.A.'s of the local school, as well as materials and outside resources. Students must sign-in and are signed-out, the program takes place between time classes end until 6:00 pm, Mon. through Fri., and there are no fees. Parents must apply for students to participate, and depending on the school size, a certain number of students are enrolled. If more apply than can be accommodated, a waiting list is created. Children that take part have a safe haven, time blocks for homework assistance, snacks, a variety of educational/cultural enrichments, and recreation activities. Cultural enrichment parts of the program may include art, science, crafts, dance, drill team and animal

education. Parents participate when there is a performance or presentation, and when there is a school open house. Very few discipline problems get to the principals, and teachers at the local schools are in favor of the program, as it is well organized, well led, and meet its goals.

YS CARE is a provider of after-school services with four components: childcare, academic assistance, enrichment, and recreation. County Department of Public Social Services (DPSS) provides funding in collaboration with LAUSD, which provides the facilities. The program meets the childcare needs of welfare and very low-income households. Ten elementary schools in Local District F and two in Local District C, presently have this program. By DPSS regulations, 75% of the participants must be Cal Works families and no more than 25% may be non-Cal Works families. The intention is that an average 100 children may be served at each site, but currently the enrollment varies from 35 up to 100, with six of the ten schools in Local District F having a waiting list.

Children of parents who need this program and the schools and teachers are very much in favor of it. The program starts when classes end and then goes on to 6:00 p.m. or 7:00 p.m. Cultural and enrichment activities may include art, science, crafts, dance and animal education. Children must sign in and sign out. Parents participate when there are presentations or open houses. Principals report few discipline problems and few problems with the program.

Kid CARE is an after-school program at three Local District F elementary schools, providing a safe environment and developmentally as well as linguistically appropriate activities. The program is publicized; parents apply and pay a fee or request a subsidy. There is a supervisor and an assistant, 3:00 pm to 6:00 pm, Mon. through Fri., and the children must sign-in and are signed-out. Homework time, snacks, various activities such as arts, crafts, and recreation, take place in school facilities. Each program can accommodate 30 children, and each has a waiting list.

YMCA activities were available at four Local District F schools and at one in Local District C. Some events are off campus, such as swimming at a Y pool or other field trips, and all require a fee. The field trips accommodate from 25 to 50 on each outing and require parent's permission and sometimes a parent for adult assistance.

Other programs were found at individual schools in Local Districts, varying from one-on-one tutoring by a local high school or college students, to a school-promoted reading/library/homework club. A non profit (Para Los Ninos at 9<sup>th</sup> Street elementary has a program after school on the campus and one school (Castelar) has L.A. Bridges, a middle school program. Others have neighborhood the BTB list that might come under the After School Learning and Safe Neighborhoods Partnership Program/21<sup>st</sup> Century Community Learning Center (ASLSNPP/21<sup>st</sup> CCLC). Several principals in the Local District C San Fernando Valley schools indicated that parents are the primary decision makers concerning the types of programs they offered. Some schools had dance lessons, drama classes, and art sessions, all for a fee paid by the parents.

These programs were contracted from outside vendors approved by the principal and the parents groups. Children whose parents could not afford these programs could apply for a 'scholarship' for a specific program. These were funded by parents or by charging a tuition rate that would leave room for one or two additional participants.

Two charter schools in at-risk neighborhoods were visited in the San Fernando Valley. Fenton Elementary, a California Distinguished School in Lake View Terrace, has 1,400 students. The after school program runs from 3:30 to 6:50 pm and includes homework, drill team, Folkloric dance, sports, chorus, theatre arts, games and Tai Chi. Vaughn Elementary, a California Distinguished School in San Fernando, has 1,625 students. Vaughn's after-school activities include art, sports, museum, technology, and drum and drill team. The schools fund both of these programs.

## **CONCLUSION**

The mission of the after-school programs is to meet the demand for quality childcare, to provide safe places for children at the end of the class day, and to expand learning, enrichment and recreational opportunities. Most of the schools in this study meet this need. Certainly all the schools have a Youth Services program. This has been the mainstay of after school programs in LAUSD for many years. But it has limitations. It is not designed to be a secure childcare program. Younger children (kindergarten through 2<sup>nd</sup> grade) need a supervised program that requires a child to remain in the program until the parent or guardian signs them out. Many working parents are not comfortable with their children being able to leave the playground at any time during the after school hours. Students who are bussed in or out are unable to participate in after school programs.

The principals and assistant principals are the key to having multiple and appropriate programs for their student bodies. They know their students and understand the diversity of their neighborhoods. They do involve parents in the decision process concerning what programs will be active on their campus. They also are key to insuring that children who need certain program regardless of economic circumstances can participate.

There are dozens of different programs operating through out the system. Not all principals are aware of all the programs or their availability for their students. The responsibility for determining what programs should be running at a given school should remain the prerogative of the principals. But information concerning all the various programs that are available should be communicated to the principals.

The Charter schools that we studied were most impressive. They have large student bodies and they have great variety in the after school programs offered and with out cost to the parent.

There are many programs operating throughout the LAUSD after school hours. Other than Youth Services all require fees. But even these programs for the most part do not run when school is not in session. Therefore for parents who are working outside the home these programs do not totally fit the childcare need.

## **RECOMMENDATION**

1. LAUSD should assist schools with minimal participation in the development of vehicles to inform parents of the availability of school programs on their campus.
2. The principals and assistant principals should continue to be the decision makers regarding the after school programs that are available at their schools.
3. LAUSD should look at the two charter schools as models for future development of after school programs.



"CORONER-EMERGENCY PLANNING"

# **Department of Coroner Emergency Response Plans**

## **Executive Summary**

Concerns about terrorism over the past year have resulted in an awareness that the Coroner may have to deal with fatalities caused by chemical, biological, or radiological agents. While an Emergency Management Council (EMC) oversees Los Angeles County planning for responses to these kinds of emergencies, the recovery and identification of bodies is the responsibility of the Department of Coroner. Recoveries under these kinds of emergency conditions would have to be undertaken using personal protective equipment. The Coroner cannot be dependent on local fire departments to perform the recoveries and needs to have the appropriate equipment among its own supplies. The Department of Coroner has applied to the Federal Government for funding to purchase this equipment which costs approximately \$600,000.

The Grand Jury recommends that the Board of Supervisors and the Emergency Management Council actively support the Coroner in obtaining the appropriate personal protective equipment that would be needed to deal with bodies contaminated by chemical, biological, or radiological agents.

## **Introduction**

Los Angeles County and its surrounding areas have experienced a number of incidents over the past half century, both natural and human-initiated, that have required the implementation of emergency response plans by various government agencies. These incidents have included earthquakes, wildfires, and riots, all of which have the potential for multiple fatalities in multiple locations. In addition, the events of September 11, 2001 involving the World Trade Center in New York City and the Pentagon in the Washington, DC area have introduced a new unpredictable aspect of emergencies: response to terrorist attacks, including chemical, biological, or radiological attacks.

The Office of Emergency Management (OEM), an organization within the County's Chief Administrative Office, is charged with coordinating emergency response planning and implementation for Los Angeles County. The Department of Coroner is one of the primary agencies called upon if there are fatalities during an emergency. As such, it must prepare Emergency Response Plans to be reviewed and approved by the OEM.

The Coroner's importance during an emergency response may not be obvious; saving life and ameliorating human suffering are the focus of most post-incident operations. The Coroner's role in accounting for decedents is extremely important, however. Proper accounting for human remains and providing closure for the families

of decedents has been demonstrated to be a valuable mechanism for reinforcing the general morale of the populace.

Because of the importance and timeliness of emergency response planning efforts, particularly during the formative period of the new federal Department of Homeland Security, the Grand Jury evaluated the adequacy of the Coroner's Plans for the Los Angeles of 2003.

## **Methodology**

The Grand Jury visited the Department of Coroner headquarters in Los Angeles, toured the facility, and met with several members of the Coroner's top administrative staff including the Director. In addition, the Grand Jury obtained the most recent versions of the Coroner's Disaster Manual and Mass Fatality Management Program and held discussions with the principal members of the staff responsible for emergency planning: an Assistant Chief in the Operations Bureau and the Chief, Forensic Medicine. Members of the Grand Jury then met with the staff of the Office of Emergency Management, both the Administrator and the staff member responsible for coordinating the Coroner's activities.

## **Findings**

The basis for all Departments' actions related to emergencies is the statewide California Emergency Services Act, as implemented by the Los Angeles County Emergency Services Ordinance (Chapter 2.68). In accordance with this ordinance, an Emergency Management Council (EMC) has been created consisting of members of the various agencies whose services may be needed during an emergency. The Department of Coroner has two seats on this Council; one is held by the Director of the Department who can vote on Council matters and the other, a non-voting seat, is held by the Chief Medical Examiner – Coroner for the County. It is the duty of this Council to oversee the preparedness activities of the various county departments. The EMC meets monthly to coordinate planning and conduct table-top exercises of emergency operations. It is the responsibility of each department head represented on the Council to formulate and maintain plans for departmental operations during emergency conditions. Thus, the Director, Department of Coroner is responsible for the Coroner's plans.

The most recent Coroner's emergency plan is contained in the Disaster Manual dated April 2002. This plan has been reviewed by the OEM and has been approved for use should the need arise.

Under this plan, the Coroner's primary responsibilities during an emergency include:

- identification and protection of the dead,
- identification and designation of a morgue area,
- coordination of removal of bodies to the morgue area, and
- continuation of normal day-to-day operations in unaffected areas.

The plan also contains an "Alternate Site Plan" in case the main Coroner Forensic Science Center becomes unusable. This is particularly important because the main Coroner facility, while not deemed to be unsafe following the 1994 Northridge earthquake, is seismically inadequate. A facilities-needs assessment for a replacement facility has been conducted, but design and construction have not been funded.

In the past year, a greater emphasis has been placed on the possibility of an emergency due to chemical, biological, or radiological terrorism. If there are fatalities from such an incident, personnel involved in the recovery of bodies would have to perform the recoveries while wearing "Level A" protective equipment which includes self-contained breathing apparatus. Deployment of personnel in "Level A" equipment must be tightly controlled: personnel must work in three-man teams, a fully suited standby team must be available to assist, and personnel can only work up to 30 minutes without relief. Minimum requirements thus become 12 trained people and 12 sets of "Level A" equipment plus the time for training.

Currently, in Los Angeles County, fire departments are the primary governmental agencies with the appropriate equipment. The main mission of the fire departments under emergency circumstances, however, is the rescue of people that are still alive. As a simultaneous but competing function, the Coroner must remove the dead fairly quickly so that identification can be made before there is significant deterioration of the bodies. There is an inadequate supply of protective equipment available to the agencies at this time to accomplish both functions safely in a large-scale emergency. The Department of Coroner has applied to the Federal Government to fund the purchase of equipment for 12 workers. The approximate cost of this equipment is \$600,000. In a report to the Board of Supervisors in April, 2003, the County Medical Officer outlined and supported the need for this equipment.

The Department of Coroner has prepared and published a booklet entitled "Mass Fatality Management Program" which is distributed to local agencies and which serves as the basis for a program by the Coroner of educating other agencies in their responsibilities for the safe handling and storage of decedents until the Coroner personnel are available on site.

The Coroner's Disaster Manual (containing the emergency plan) relies in significant measure on mobilizing outside resources to augment Coroner staff. These resources include deputized pathologists, clergy, dental-identification specialists, forensic pathologists, American Red Cross, the Funeral Directors Association, coroner

mutual aid from other counties, and Federal specialists (National Disaster Mortuary Team – DMORT, Centers for Disease Control's Bioterrorism Response, and the National Transportation Safety Board). Use of these resources is requested through the EOC.

Any significant emergency incident could be expected to result in numbers of decedents greatly exceeding the morgue capacity at the Forensic Science Center. The Coroner has two refrigerated tractor-trailers, each capable of storing 20 bodies. For additional storage space, the Coroner would seek to obtain use of larger, commercial refrigerated spaces. The Coroner has not, however, been able to pre-designate any such sites due to owners' qualms about such identification.

In addition to the above, while touring the Coroner's facility, the Grand Jury noted that a portion of the forensic records were kept on slips of paper that were stored, without backup, in the laboratories within the building. It does not appear that these records have been entered into an electronic data base system for long-term storage. In case of damage to the Coroner's main building, these records could be permanently lost.

## **Conclusions**

The Department of Coroner plays a significant role in the ongoing preparations for dealing with emergencies in Los Angeles County. It participates actively on the Emergency Management Council. It has prepared emergency response plans that have been approved by the Office of Emergency Management. In addition to training its own staff, the Department of Coroner continually interacts with other County departments and with the community to enhance awareness of its plans and procedures.

Because of the current seismic status of the Coroner's main facilities on Mission Road, there is a probability that a major earthquake in southern California could cause sufficient damage to the buildings to render them unsafe for occupation during an emergency that would follow. The Coroner's activities would have to be coordinated and administered from alternate locations.

Concerns about terrorism over the past year have resulted in an awareness that the Coroner may have to deal with fatalities caused by chemical, biological, or radiological agents. The recovery and identification of bodies under this condition would have to be undertaken using personal protective equipment. The Coroner cannot be dependent on local fire departments to perform the recoveries and needs to have the appropriate equipment among its own supplies.

In lieu of entering into specific agreements for temporary morgue sites, the Disaster Manual could include a list of facilities meeting minimum criteria which could be contacted immediately when needed.

## **Recommendations**

1. The Board of Supervisors and the Emergency Management Council should actively support the Department of Coroner in obtaining the appropriate personal protective equipment that would be needed to deal with bodies contaminated by chemical, biological, or radiological agents.
2. The Department of Coroner should undertake a program to transcribe all records to electronic data bases and then provide backup for these records at a secure off-site location.
3. The Department of Coroner should develop criteria for temporary morgue sites and establish a listing of sites meeting them.



**"DETENTION INSPECTIONS"**



# ADULT DETENTION FACILITIES

## Executive Summary

The Grand Jury is mandated by the California Penal Code to inspect jails, holding facilities, and court lock-ups. Los Angeles County has 88 cities and an unincorporated area of 2,299 square miles. Some cities have their own police departments. The Los Angeles County Sheriff's Department (LASD) polices the unincorporated areas of the county. They also contract with a number of cities. Some city police departments operate their own jails; some cities contract with private firms.

Most facilities meet the basic minimum requirements. One notable exception is the Long Beach Police Department jail. This facility was filthy and infested by roaches and rodents. The problems were brought to the attention of management. The Grand Jury revisited this facility hoping to find that improvements had been made; nothing had been done.

The larger facilities tended to be in better condition and better managed than many of the smaller facilities. Montebello Police Department does an excellent job. Their facility is well managed, clean, and some inmates pay to stay in jail there. Included in the excellent class are jails in Monterey Park, Alhambra, Pasadena, Glendora, Covina, Redondo Beach, Hermosa Beach, Manhattan Beach, Beverly Hills, Santa Monica and Culver City. Some small cities have contracted this function to outside contractors. Azusa jail is run by Wackenhut Corporation and is well managed and maintained. Baldwin Park Holding Center, Alhambra and Whittier jails have contracted with Correctional Systems, Inc.; all are well managed, efficient, and clean.

The Los Angeles Police Department (LAPD) operates many facilities throughout the city. Most are short term holding facilities (maximum 48 hours). However, LAPD seems unable to maintain oxygen tanks in operating condition.

The Sheriff's Department maintains the largest adult jail system in the nation. LASD operates three separate facilities in the North County: Pitchess Detention Center North and East are maximum-security facilities for men; Pitchess Detention Center East also has a minimum-security facility. All three of these facilities are well managed and maintained.

The Twin Towers facility is one of the newer detention facilities. Men's Central Jail is an older facility. Tower One is used to house male inmates. These inmates have some health or mental health problems. Health care professionals are available to treat these inmates. Tower Two, which houses women, is well managed and offers many programs for them. Special emphasis is given to substance abuse and parenting skills. Men's Central Jail is the largest jail under one roof in the United States.

## **Introduction**

The Grand Jury does not have specific experience concerning detention facilities. Therefore in order for the Grand Jury to carry out its requirement to inspect all of the lockups, holding centers, and detention facilities in Los Angeles County in a reasonable manner, it reviewed criteria set by the State to determine if a facility is maintained in a safe and sanitary manner.

## **Methodology**

Based on our criteria review, a form was developed that addresses these requirements (see attached). In addition to using the specific criteria, the Grand Jury inspected each facility and made comments based upon reasonable expectations of appearance and the safety precautions.

The County was then divided into four geographic areas. Each area was assigned a team, and they inspected the facilities in that area. The teams visited facilities unannounced in these designated areas. A number of facilities were closed and those are not included in this report. All operating facilities were visited by the Grand Jury.

## **Findings**

Detention facilities and holding facilities can somewhat overlap. Most local police departments or branches of police departments have a jail attached to the police facility. Most courthouses have some type of holding unit for detainees to keep them secure while awaiting their court appearance. Some jails are for short term, not overnight detention. Some jails hold detainees overnight for short periods of time but transfers them to the appropriate facility such as Twin Towers or Men's Central Jail unless the court releases them.

LASD manages all court holding units and the large detention facilities: Twin Towers, Men's Central Jail and the Pitchess Centers. Stays at this facility can be up to two years. LASD manages all three of these facilities. Overcrowding is a constant problem and budget constraints will continue to plague the detention system. Work release programs and electronic monitoring devices are used to alleviate some of the overcrowded conditions.

Many detention facilities located throughout the County are managed by police departments. Some of the small cities have contracted with the LASD or private correctional companies.

The large facilities and the activities within are well maintained and varied. These facilities meet the basic criteria for safety and health. The staff is well trained and functions at an acceptable level. Detainees at these facilities have access to physicians and dentists and mental health professionals. Volunteers run several

programs designed to assist the inmates in adjustment issues. Inmates who can work do so in the laundries and kitchens that serve the facility.

LAPD has a number of facilities within the City. Some of these facilities meet all the standards but many of them lack oxygen tanks; specifically, Foothill Division, Central, West Valley, Northridge, Southwest, Harbor, and Hollywood. The 77<sup>th</sup> Regional Division indicated that they had oxygen tanks on order. Those facilities that did have oxygen tanks were well managed: specifically, Newton Area, Southeast and North Hollywood. The smaller facilities run by local police departments vary greatly in their physical plant and their structure for inmates. Some meet high standards such as Montebello, Carson Station, Walnut Diamond Bar, Glendora and Pasadena. The facilities managed by outside contractors are well managed, clean and efficient; they are Azusa, Baldwin Park Holding Center, and Whittier jail.

Some of the facilities have trusties. These are non-violent inmates sentenced to a 12-month or longer stay. They stay at local municipal facilities when appropriate and at larger facilities if that is more appropriate. They do chores within the facility that include clean up of cells and hallways and distribution of food, when appropriate, and in some places laundry. In West Hollywood the trusties were watching television instead of cleaning the debris that was on the floor. Also, this was a problem at the Criminal Courts Building lock ups. They were not watching television but they were not doing chores despite the debris that was in the hallways and cells.

The biggest problem found was in Long Beach. When the facility was visited it was filthy. The facility had roaches and rodents scampering across the floors. All of this was brought to the attention of management. A second surprise visit found that nothing had changed. This facility is in the worst condition of all the facilities visited by the Grand Jury.

Some smaller city jails and short term holding facilities need improvement. Santa Clarita Valley cells are covered with debris, and the staff appears to be short-handed. The Hawthorne jail is being rebuilt. El Monte jail needs painting and debris covers the floor. The West Valley LAPD is rebuilding its jail. This is an old jail, but it does have a separate section for women.

On many visits, staff told us that they would like to paint the walls or redo the floors but they are more concerned with potential staff cuts because of budget constraints.

The outside contractors that provide jail service to the cities are doing a very good job. Their contracted facilities were clean and well managed.

## **Conclusions**

The Sheriff's Department manages the largest detention facilities in the county along with providing services to all of the courts in Los Angeles County. With few

exceptions, they do a very good job. The Sheriff also contracts with many smaller cities in the county to provide police responsibilities to these cities. All Deputy Sheriff's are required to spend at least one year working in a detention facility during their career as deputies.

LAPD has many detention facilities under its supervision most are short term holding for transportation to court and or to larger facilities operated by the Sheriff's Department. The actual managing of these facilities is handled by peace officers with a Watch Commander in charge. Most of these facilities are well managed and meet the standards for safety and health required by the State. However, oxygen tanks were either absent or over due for service in many of the facilities. Overcrowding is a major problem in part because of an increase in non-violent (often substance abuse) crimes and the mentally ill who need to be incarcerated for their own and societies protection.

Long Beach Police have been irresponsible in the maintenance of their jail facility. The health and welfare of the inmates and the staff are in jeopardy in such an unhealthy environment.

We were impressed with those facilities that are managed by outside contractors. They are able to manage with a minimum staff and keep the facility clean and secure. It certainly would be appropriate to investigate the possibility of expanding this type of contractor service to other facilities.

## **Recommendations**

1. Long Beach Police must clean their jail facility, including hiring a pest exterminator company to get rid of roaches and rodents.
2. LAPD needs to buy and install oxygen tanks all of its jails and holding facilities.
3. LAPD should investigate the possibility of hiring outside contractors to manage their jails. This may be cost effective and eliminate the need for staff to supervise the jail operations.
4. The District Attorney should investigate the possibility of expanding the use of work release programs and electronic monitoring for non-violent inmates.

# ADULT DETENTION FACILITIES INSPECTIONS

(Listed alphabetically by operating agency)

NAME OF FACILITY	OPERATED BY	COMPLIANT**	NON-COMPLIANT**	COMMENTS
Arcadia Police Department	Arcadia Police Department	Meets standards		Small holding facility.
Bell Police Department	Bell Police Department	Meets standards		
Beverly Hills Court	Los Angeles County Sheriffs Department	Meets standards		
Beverly Hills Police Department City Jail	Beverly Hills Police Department	Meets standards		A new facility
Burbank Police Department City Jail	Burbank Police Department	Meets minimum standards		New facility well kept up.
California Highway Patrol Headquarters Division	California Highway Patrol	Meets standards		New interview room. No Jail.
Claremont Police Department City Jail	Claremont Police Department	Meets standards		Short-term holding: maximum 48 hours. Very clean.
Baldwin Park Police Department City Jail	Contracted by: Correctional Systems, Inc.	Meets high standards		Neat, clean, and efficient. Well managed.
Alhambra Police Department City Jail	Contracted by: Correctional Systems, Inc.	Meets standards		Clean, well managed and organized.
Whittier Police Department City Jail	Contracted by: Correctional Systems, Inc.	Meets standards		48 hours maximum except weekend booking.

<b>NAME OF FACILITY</b>	<b>OPERATED BY</b>	<b>COMPLIANT**</b>	<b>NON-COMPLIANT**</b>	<b>COMMENTS</b>
Covina Police Department City Jail	Covina Police Department	Meets standards		Facility in top-notch shape.
Downey Police Department City Jail	Downey Police Department	Meets standards		
El Monte Police Department City Jail	El Monte Police Department	Meets minimum standards		Needs painting, debris on floor; wastebasket full.
El Segundo Police Department City Jail	El Segundo Police Department	Meets standards		Very clean facility.
Gardena Police Department City Jail	Gardena Police Department	Meets standards		Small facility.
Glendale Police Department	Glendale Police Department	Meets minimum standards.		
Glendora Police Department City Jail	Glendora Police Department	Meets high standards		One of the best facilities in system. Old but well maintained.
Hawthorne Police Department City Jail	Hawthorne Police Department	Meets minimum standards	Toilet sanitation questionable.	New facility is being built.
Hermosa Beach Police Department City Jail	Hermosa Beach Police Department	Meets standards	No oxygen tanks.	Small facility.
Huntington Park Police Department City Jail	Huntington Park Police Department	Meets standards		
Inglewood Police Department City Jail	Inglewood Police Department	Meets standards		
Inglewood Juvenile Court	Los Angeles County Sheriffs Department	Meets Standards		
La Verne Police Department City Jail	La Verne Police Department	Meets standards		Trusties stay 3 months to 2 years.

<b>NAME OF FACILITY</b>	<b>OPERATED BY</b>	<b>COMPLIANT**</b>	<b>NON-COMPLIANT**</b>	<b>COMMENTS</b>
Los Angeles Police Department 77 <sup>th</sup> Street Area (12)	Los Angeles Police Department	Meets standards	Oxygen tanks ordered.	Well managed.
Los Angeles Police Department Wilshire Area (7) & Bureau	Los Angeles Police Department	Meets Standards		
Los Angeles Police Department West Los Angeles Area (8)	Los Angeles Police Department	Meets Standards		
Los Angeles Police Department Pacific Area (14)	Los Angeles Police Department	Meets standards		
Los Angeles Police Department Central Area (1) & Bureau	Los Angeles Police Department	Barely meets standards	No oxygen tanks.	Short-term lockup.
Los Angeles Police Department Devonshire Area (17)	Los Angeles Police Department	Meets standards		Video Camera's would improve safety.
Los Angeles Police Department Foothill Area (16)	Los Angeles Police Department	Meets minimum standards	No oxygen tanks.	Under staffed.
Los Angeles Police Department Harbor Area (5)	Los Angeles Police Department	Meets minimum standards	No oxygen tanks.	Plumbing problems.
Los Angeles Police Department Hollenbeck Area (4)	Los Angeles Police Department	Meets minimum standards		

<b>NAME OF FACILITY</b>	<b>OPERATED BY</b>	<b>COMPLIANT**</b>	<b>NON-COMPLIANT**</b>	<b>COMMENTS</b>
Los Angeles Police Department Hollywood Area (6)	Los Angeles Police Department	Barely meets standards	No oxygen tanks.	Breakdown of panic button, speakers, and video cameras; no smoke detectors.
Los Angeles Police Department Newton Street Area (13)	Los Angeles Police Department	Meets standards		Freshly painted.
Los Angeles Police Department North East Area (11)	Los Angeles Police Department	Meets standards		
Los Angeles Police Department North Hollywood Area (15)	Los Angeles Police Department	Meets standards		Fire extinguishers should be relocated to prevent damage by inmates.
Los Angeles Police Department West Valley Area (10)	Los Angeles Police Department	Barely meets standards	No oxygen tanks.	Short-term holding.
Los Angeles Police Department Parker Center	Los Angeles Police Department	Meets standards		Men only lockup.
Los Angeles Police Department Rampart Area (2)	Los Angeles Police Department	Meets standards		Used for booking: no longer holding over inmates.
Los Angeles Police Department Southeast Area(18)	Los Angeles Police Department	Meets minimum standards		
Los Angeles Police Department Southwest Area (3)	Los Angeles Police Department	Meets minimum standards	No oxygen tanks.	



<b>NAME OF FACILITY</b>	<b>OPERATED BY</b>	<b>COMPLIANT**</b>	<b>NON-COMPLIANT**</b>	<b>COMMENTS</b>
Staples Center substation	Los Angeles Police Department	Meets standards		Holding only.
Los Angeles Police Department Van Nuys Area (9) and Bureau	Los Angeles Police Department	Meets high standards		Women have separate section and female jailers. Short-term stays.
Los Angeles Police Department West Valley Area (10)	Los Angeles Police Department	Meets standards	No oxygen tanks	Small and efficient.
Alhambra Court	Los Angeles County Sheriffs Department	Barely meets standards		Needs maintenance.
Antelope Valley Sheriffs Station	Los Angeles County Sheriffs Department			
Avalon Sheriffs Station	Los Angeles County Sheriffs Department	Meets standards		Trustees stay 30-90 days. Other maximum 48 hours.
Bell Gardens Sheriffs Station	Los Angeles County Sheriffs Department	Meets standards	Oxygen tanks not in compliance.	Short-term lockup.
Bellflower Court	Los Angeles County Sheriffs Department	Meets standards		Short-term holding.
Burbank Court	Los Angeles County Sheriffs Department	Barely meets standards	Oxygen tanks empty Temperature gage broken.	Needs attention.
Carson Sheriffs Station	Los Angeles County Sheriffs Department	Meets standards		Clean and well maintained.
Central Arraignment	Los Angeles County Sheriffs Department	Meets standards		Short term holding for Courts.

<b>NAME OF FACILITY</b>	<b>OPERATED BY</b>	<b>COMPLIANT**</b>	<b>NON-COMPLIANT**</b>	<b>COMMENTS</b>
Century Regional Detention Facility	Los Angeles County Sheriffs Department	Meets high standards		Well run facility. Downsizing due to budget cuts.
Citrus Municipal Court	Los Angeles County Sheriffs Department	Bare minimum standards		Short term holding for court. Two cells for inmates one for women and one for men. Do not have enough chains to insure control during movement.
City of Industry Sheriffs Station	Los Angeles County Sheriffs Department	Meets standards		Very clean.
Clara S. Foltz Criminal Justice Center	Los Angeles County Sheriffs Department	Meets minimum standards	Toilets were not operating; keys to equipment box not readily available.	Floor dirty and littered with trash. Trustees should clean. Short-term holding for court appearances. Staffing low.
Compton Court	Los Angeles County Sheriffs Department	Meets standards		Short-term holding for courts.
Manhattan Beach Court	Los Angeles County Sheriffs Department			Refused entry
LA County/ USC Medical Center Jail	Los Angeles County Sheriffs Department	Meets standards		Medical care given.
Crescenta Valley Sheriffs Station	Los Angeles County Sheriffs Department	Meets Standards		Overall good-looking facility.
Downey Court	Los Angeles County Sheriffs Department	Meets standards		Short-term holding.

<b>NAME OF FACILITY</b>	<b>OPERATED BY</b>	<b>COMPLIANT**</b>	<b>NON-COMPLIANT**</b>	<b>COMMENTS</b>
East Los Angeles Court	Los Angeles County Sheriffs Department	Barely meets standards	Oxygen tanks low.	Short-term holding.
East Los Angeles Jail	Los Angeles County Sheriffs Department	Barely meets standards		
Glendale Court	Los Angeles County Sheriffs Department	Meets minimum standards		
Hollywood Court	Los Angeles County Sheriffs Department	Meets standards		Short-term holding for court.
Huntington Park Court	Los Angeles County Sheriffs Department	Meets standards		Short-term lockup for court.
Inglewood Court	Los Angeles County Sheriffs Department			
Lakewood Sheriffs Station	Los Angeles County Sheriffs Department	Meets standards		
Lancaster Sheriffs Station	Los Angeles County Sheriffs Department	Meets standards		Holding short term.
Lancaster Courts	Los Angeles County Sheriffs Department	Meets standards		Holding for court.
Lennox Station	Los Angeles County Sheriffs Department	Barely meets minimum standards	Oxygen tank low.	Cells dirty needs management review.
Lomita Sheriffs Station	Los Angeles County Sheriffs Department	Meets minimum standards		
Long Beach Court (Adult)	Los Angeles County Sheriffs Department	Meets standards		Adult lockup.
Long Beach Court (Juvenile)	Los Angeles County Sheriffs Department	Meets standards		Juvenile Lockup
Malibu Court	Los Angeles County Sheriffs Department	Meets standards		Small holding facility.

<b>NAME OF FACILITY</b>	<b>OPERATED BY</b>	<b>COMPLIANT**</b>	<b>NON-COMPLIANT**</b>	<b>COMMENTS</b>
Malibu/Lost Hills Sheriffs Station	Los Angeles County Sheriffs Department	Meets minimum standards		Grand Jury waited forty minutes to be let in.
Marina del Rey Sheriffs Station	Los Angeles County Sheriffs Department	Meets standards		
Men's Central Jail	Los Angeles County Sheriffs Department	Meets standards		Old building; seems very crowded.
Mental Health Lockup County USC Hospital	Los Angeles County Sheriffs Department	Meets standards		Holding facility.
Metropolitan Court	Los Angeles County Sheriffs Department	Meets standards		Holding for Court only.
Mira Loma INS Detention Center Detention	Los Angeles County Sheriffs Department	Meets high standards		Population: 689
Norwalk Court House	Los Angeles County Sheriffs Department	Meets standards		
Norwalk Sheriffs Station	Los Angeles County Sheriffs Department	Meets standards		
Parks Sheriffs Sub Station	Los Angeles County Sheriffs Department	Meets standards		Short term holding facility.
Pasadena Courts	Los Angeles County Sheriffs Department	Meets standards		Lock up for Court. Inmate may be released directly from the Court.
PDC East Maximum Security	Los Angeles County Sheriffs Department	Meets high standards		Population: 1905
PDC East Minimum	Los Angeles County Sheriffs Department	Meets high standards		Population: 1238. Well managed facility
PDC North Maximum Security	Los Angeles County Sheriffs Department	Meets high standards		3707 inmates: well-managed facility.

<b>NAME OF FACILITY</b>	<b>OPERATED BY</b>	<b>COMPLIANT**</b>	<b>NON-COMPLIANT**</b>	<b>COMMENTS</b>
Pico Rivera Sheriffs Station	Los Angeles County Sheriffs Department	Meets standards		Has a special handling unit. Short-term holding.
Pomona Superior Court	Los Angeles County Sheriffs Department	Meets standards		Short-term holding.
San Pedro Courts	Los Angeles County Sheriffs Department	Meets standards		Plumbing problems.
Santa Clarita Valley Sheriffs Station	Los Angeles County Sheriffs Department	Meets minimum standards		Could be cleaner and they are short staff.
South Gate Court	Los Angeles County Sheriffs Department	Meets standards		Short-term day holding.
South Gate Police Department City Jail	South Gate Police Department	Meets standards		Separate cells for females.
Temple City Sheriffs Station	Los Angeles County Sheriffs Department	Meets standards		Short-term holding.
Torrance Court House	Los Angeles County Sheriffs Department	Meets standards		Short-term holding.
Twin Towers 1	Los Angeles County Sheriffs Department	Meets standards		Large facility population can go to 5000 both towers. Many have mental problems or violent tendencies. Special handling unit.

<b>NAME OF FACILITY</b>	<b>OPERATED BY</b>	<b>COMPLIANT**</b>	<b>NON-COMPLIANT**</b>	<b>COMMENTS</b>
Twin Towers 2	Los Angeles County Sheriffs Department	Meets standards		Women are housed in this facility. Many programs are provided for inmates including access to mental health professionals.
Universal City Sheriffs Substation	Los Angeles County Sheriffs Department	Meets standards		Mostly juvenile detainees.
Valencia Newhall Court	Los Angeles County Sheriffs Department	Meets standards		A holding unit only.
Van Nuys Superior Court	Los Angeles County Sheriffs Department	Meets standards		
Walnut Diamond Bar Sheriff's Station	Los Angeles County Sheriffs Department	Meets standards		Well-managed facility.
West Hollywood Sheriffs Station	Los Angeles County Sheriffs Department	Meets standards		Trustees watching television instead of cleaning cells and hallways.
Whittier Courts	Los Angeles County Sheriffs Department	Meets standards		Short-term holding.
Long Beach Police Department City Jail	Long Beach Police Department		Did not meet standards. Roach infested and toilets stopped up.	Two visits by Grand Jury, facility did not improve.
Manhattan Beach City Jail	Manhattan Beach Police Department	Meets standards	No oxygen tanks	Small facility for short holds.
Maywood Police Department City Jail	Maywood Police Department	Meets standards		Oldest operating Jail.

<b>NAME OF FACILITY</b>	<b>OPERATED BY</b>	<b>COMPLIANT**</b>	<b>NON-COMPLIANT**</b>	<b>COMMENTS</b>
Monrovia Police Department City Jail	Monrovia Police Department	Meets standards		Clean and neat.
Montebello Police Department City Jail	Montebello Police Department	Meets very high standards.		Excellent facility some inmates pay for stay.
Monterey Park Police Department City Jail	Monterey Park Police Department	Meets standards		Some inmates pay to stay.
Pasadena Police Department City Jail	Pasadena Police Department	Meets standards		Some pay to stay and assist with meals.
Los Angeles County Fair Grounds	Pomona Police Department	Meets standards		Short-term holding facility.
Pomona Police Department City Jail	Pomona Police Department	Meets most minimum standards	No oxygen tanks.	Drunk tank needs attention.
Redondo Beach Police Department City Jail	Redondo Beach Police Department	Meets standards	No oxygen tanks.	Small short term holding facility.
San Fernando Police Department City Jail	San Fernando Police Department	Meets mostly standards.	No oxygen tanks.	One pay for stay cell.
San Gabriel Police Department City Jail	San Gabriel Police Department	Meets standards		Temporary Holding. Paint fumes unhealthy for inmates.
San Marino Police Department City Jail	San Marino Police Department	Meets standards		Temporary holding facility.
Santa Monica Police Department City Jail	Santa Monica Police Department	Meets standards		
Sierra Madre Police Department City Jail	Sierra Madre Police Department	Meets standards		Short-term holding only.
Signal Hill Police Department City Jail	Signal Hill Police Department	Meets standards		Very clean.
Torrance Police Department City Jail	Torrance Police Department	Meets standards		Short-term holding.

<b>NAME OF FACILITY</b>	<b>OPERATED BY</b>	<b>COMPLIANT**</b>	<b>NON-COMPLIANT**</b>	<b>COMMENTS</b>
Vernon Police Department City Jail	Vernon Police Department	Meets standards		Short-term holding.
Azusa City Police Department City Jail	Contracted by Wackenhut Corporation.	Meets high standards		Maximum stay is 96 hours.
West Covina Police Department City Jail	West Covina Police Department	Meets standards		96 hour maximum stay.
Whittier Police Department City Jail	Whittier Police Department	Meets standards		









# **JUVENILE DETENTION FACILITIES AND EDUCATION**

## **Executive Summary**

Los Angeles County Probation Department

The Los Angeles County Probation Department provides detention facilities for minors convicted of misdemeanor and felony crimes. These facilities include camps, juvenile halls and a center for minors with mental health problems (see table). These facilities enable juveniles to live in an orderly and structured environment.

The purpose of the camps is to provide a residential incarceration facility that will coordinate a minor's activities to foster a more productive community member. While this system has functioned in the past as a positive method of handling the juvenile criminal, budget constraints and the increasing number of juveniles entering the system has drive up the failure rate. The Probation Department estimates that the recidivism rate of minors is from 30% to 66%. The minors are not exiting the camps with a mastery of the intended skills. Most of these minors are from families who do not monitor their children's activities nor consider education an important element in rearing a child. Some of these minors have a history of gang activity, and they have developed violent lifestyles with their gangs. Most of them are truants and have reading levels below the 4<sup>th</sup> grade. In the camps these minors are exposed to a structured lifestyle, that includes daily school attendance.

Most of the facilities are well managed and maintained. The following facilities need major repairs and new landscaping: Dorothy Kirby Treatment Center, Challenger, Camp Holton, Camp Scudder, and Central Juvenile Hall at Eastlake. All lacked appropriate maintenance and grounds up-keep. Central Juvenile Hall and Camp Scudder have management issues that need to be addressed by the Probation Department.

The theme aspect of the camps has been diluted and should be either restructured or reinforced. The structured environment provided by the camps along with the theme aspect, gives the minors opportunities to explore their abilities.

An important part of detention is education. Every minor under 18 years of age is sent to school. The Los Angeles County Office of Education (LACOE) administers the schools.

The Probation Department and LACOE have worked closely to solve their problems. There is still some tension between the two agencies, but they are aware of the problems and are trying to solve them.

## Recommendations

1. Study and record the recidivism rates of the minors in the camps and juvenile halls.
2. Probation should advocate for longer periods of detention for offenders.
3. Upgrade latrines and bath facilities at Camp Scudder and Camp Holton.
4. Replace toilet fixture in gym at Challenger.
5. Improve the general maintenance of buildings and grounds at Central Juvenile Hall.
6. Replace and upgrade tile floors throughout the cottages at Dorothy Kirby Center.
7. Assess the management team at Camp Scudder.
8. Schedule monthly visits by physicians and dentists at each juvenile hall and each camp. The Probation Department would save considerable time and money by not having to transport minors to medical appointments, and the minors would not lose so much time out of the classroom.

### Los Angeles County Office of Education - Juvenile Court Schools

The State of California requires juveniles in the probation system to be provided with an education. Los Angeles County Office of Education (LACOE) operates the schools at all of the juvenile detention facilities. The daily average for school attendance is approximately 3,645 students, which equates to 34,180 students annually. A review of two studies commissioned by The Board of Supervisors indicated that not all students attended class each day nor all students assessed at the time of entry. Further, the studies found that students with learning disabilities did not have an Independent Educational Plans (IEP) nor were Individual Learning Plans (ILP) implemented for all others. LACOE lacked a central data system to track students in the system. LACOE has done a good job of correcting many of the problems identified in the two studies. However, they have not solved the transitory (overflow) student problem.

The Probation Department must work closely with LACOE to ensure that incarcerated minors are contained and at the same time, receive appropriate educational services. These two public agencies have different philosophies and functions. These differences often create conflict and tension within the system that causes breakdowns in delivery from both departments.

## **Recommendations**

1. Develop a program to educate "overflow" minors.
2. Upgrade and expand the vocational training programs in the camps to include skills and experience that is marketable.
3. Include art and music in the curriculum.
4. Implement daily lesson plans at Dorothy Kirby Center School.
5. Cooperate with adjacent camp/schools to pool resources to insure that minors do not miss school because there is no room in the classroom.

## Introduction

The Grand Jury is mandated by statute to inspect all Jails, lockups and juvenile detention centers. The Grand Jury reviewed two studies previously done about the juvenile detention system. *The Education Task Force Report*, August 14, 2001 requested by the Board of Supervisors and the Rand study, *Delivery of Instruction in Los Angeles County Juvenile Court and Community Schools*, by Abby Robyn, George Tita, Laura Hamilton, November 2001. This preliminary research indicated that there have been serious problems in the detention system specifically in the delivery of educational services to the minors in the system.

The juvenile detention system consists of three juvenile Halls, 17 detention camps, Dorothy Kirby Center (for youth with mental health problems) and until March, 2003 MacLaren Children's Center. The Probation Department manages all of the above except MacLaren. A consortium of four agencies managed MacLaren.

Central Juvenile Detention Center houses minors who will be tried as adults in addition to minors who are arrested in the area for petty crimes. Barry J. Nidorf Juvenile Hall in Sylmar houses the minors who have been to court and are waiting for assignment to a camp, a group home, foster care, or a mental facility. Los Padrinos Juvenile Detention Center has a large number of minors awaiting trial. The outcome of their trial disposition will determine where they will go from there.

The camps are an alternative placement for youth to avoid incarceration in a California Youth Authority facility. The camps are located in mostly wooded and mountainous areas of the County. They are highly structured and are managed by the Probation Department. Some of the camps have a theme such as para-military or sports-oriented or firefighting training. The educational component is delivered by the Los Angeles Office of Education.

## Methodology

Grand Jury members visited each juvenile hall, all of the camps, the Dorothy Kirby Center and MacLaren Hall. Additionally the Grand Jury developed a comprehensive questionnaire to cover the areas identified by the two studies as areas of concern in the schools. An additional form was developed to measure the Probation Department's compliance with State safety and health regulations (see attachment). Almost all of the principals for the juvenile schools in the various facilities were interviewed, as well as teachers and, some students in each facility. Our findings are presented in two parts following: Those on the probation department and those on LACOE.

## THE PROBATION DEPARTMENT

### Findings

The juvenile halls: Los Padrinos (450-500 minors) and Barry J. Nidorf (675-700 minors) are in good condition. These facilities are well cared for and kept clean. They appeared to have sufficient staffing to ensure safety for both the minors and the staff. These facilities have well-equipped assessment centers, using a centralized data system which has been operating at all three halls as well as Kirby Center and all camps.

Eastlake Central Juvenile Hall is an embarrassment; it is the oldest of the halls and lacks appropriate maintenance. The grounds are barren and littered with trash. The building, that houses minors who are being tried as adults, has recently been upgraded and is light and airy unlike other living areas in the Hall.

The Dorothy Kirby Center is a newer facility, but the floors in the both the boys and girls' cottages need to be replaced.

The camps were in fairly good condition throughout the system. The notable exception is Camp Scudder. At Scudder the boys' bathing area smelled so terribly of urine that one choked walking into the area. The dormitory was not well maintained. Many beds had torn mattresses on them and debris was on the floors in the sleeping areas. The Staff indicated that they were understaffed and could not keep the facility clean and keep the minors contained as well.

Challenger had a broken toilet in the gym. Challenger also lacked general maintenance and good grounds upkeep.

At each facility that was visited we asked about recidivism. Most of the staff that we asked this question indicated that it often takes three to five times in camp to turn a minor around. The minors were frank with us about their multiple periods of detention. We asked Probation Management in Downey for recidivism data and were told that they do not track this information.

Minors are still missing more time from classes than they should. The movement of students from camp to a hall for court dates, medical or dental appointments are a very real problem. Such movement of a minor entails an over night stay sometimes more than one night. The minor is not going to class when he is away from his assigned camp and often upon return his place in class has been filled.



## **CONCLUSIONS**

The facilities specifically the camps are in fairly good condition throughout the system. Two of the Juvenile Halls are managed and maintained in good order. Eastlake Central Juvenile Hall definitely needs attention. Maintenance seems not to be a high priority in one of the halls and some of the camps.

The whole subject of recidivism needs to be explored. If minors are going through the camps on a revolving basis, perhaps changes should be instituted to rectify the cycle. The evaluation of the success of the camp programs certainly rests to some extent on the camps rate of recidivism.

Staff indicated that the rise in juvenile crime has increased the need for minors to be sentenced to the camps. Since the need is expanding minors are furloughed and sent back into the very environment that failed to stabilize their participation in anti social activities. The leadership minors at the camps all had fairly long sentences. These minors worked diligently to progress through the ranks and to gain leadership skills that will help them resist the temptations that will persist after they are released. Most of these minors did not want to return to their neighborhoods. Some had relatives in other parts of the State and planned to relocate after they were released.

Camp programs focuses on participants becoming responsible for their decisions and their behavior. Minors must learn and internalize critical character traits and attitudes in order to change their behaviors and actions. Rarely will these changes be internalized in just 12 weeks. The camp experience is only one piece of the intervention necessary to help minors make better decisions concerning their lives. But it should be an important step in strategies to reform the rising rate of delinquency in our community.

Moving minors from camps to halls entails their missing school in some cases for several days. The need to move the minors is for legitimate reasons however greater effort should go into finding a solution for this problem.

## **Recommendations**

1. Study and record the recidivism rates of the minors in the camps and juvenile halls.
2. We recommend that probation staff advocate for longer periods of detention for youth offenders.
3. Upgrade latrines and shower facilities at Camp Scudder and Camp Holton.
4. Replace toilet fixture in gym at Challenger.
5. Improve the general maintenance of buildings and grounds at Central Juvenile Hall.

5. Improve the general maintenance of buildings and grounds at Central Juvenile Hall.
6. Replace and upgrade tile floors throughout the cottages at Dorothy Kirby Center.
7. Assess the management team at Camp Scudder.
8. Schedule monthly visits by physicians and dentists at each juvenile hall and each camp. The Probation Department would save considerable time and money by not having to transport minors to medical appointments, and the minors would not lose as much time out of the classroom.

## **The Los Angeles County Office of Education – Juvenile Court Schools**

### **FINDINGS**

#### **The Education Program**

The LACOE management staff has corrected many of the problems highlighted by previous studies. The schools at all the camps and juvenile halls have implemented the Star Advantage Assessment program for all students entering their system. This allows the students to individually update their progress on a 60-day basis. LACOE has implemented a computerized database that serves the entire detention system to keep track of students, their movement, and their educational needs. Students needing IEPs are having them developed. The school notifies the parent and the parent may participate in the IEPs development. In most cases all other students have a developed ILP.

The schools operate year round and require students to attend for 300 minutes per day. The only exception to this rule is for students who engage in a vocational training module that is considered a work-study program.

Almost all students are going to school on a daily basis. However, at Camp Munz we discovered a minor who had been in school, was taken out to go to Court overnight, and returned. On his return, his space had been taken in the classroom and there was no place for him in school. He spent his days upon return (four days to be specific) in the dormitory. We were told that there was no budget for such “overflow” minors

The “no budget” response comes up routinely. However, the adjacent Camp Mendenhal in fact has an overflow class. Most of the camps are adjacent to another camp. Some actually share services, schools, and/or principals. But some are run separately and seem not to be supportive of one another.

All of the schools except Dorothy Kirby Center require daily lesson plans. Although Kirby is run by the Probation Department, it is designed for minors with diagnosed mental health problems who may benefit from a residential treatment

program. In addition to probation officers, this facility has a staff of social workers that work directly with the minors to develop an appropriate program for their emotional needs. The facility is coeducational.

The honors class is noteworthy, both in structure and accomplishment. This school publishes a facility newspaper, which gives minors an opportunity to participate in the type of activities they would find in a regular high school. Daily lesson plans have not become a routine requirement at this school.

At all of the facilities that had Special Handling Units (SHU), we were told that the Special Education Teacher or the Resource Specialist would work one-on-one with these students most of the time. In some of camps they maintained a contained classroom for SHU minors.

Most of the camps have developed libraries in the dormitory dayrooms. Computers were in all of the camps and in the assessment centers of the juvenile halls. Students learn to use the program for self-assessment, which gives them a better understanding of their strengths and weaknesses. The average stay in the juvenile halls is three weeks and the average stay in a camp is 12 weeks. Most of these minors did not attend school on a regular basis before being incarcerated.

## Teachers

Our inspections included discussions with teachers, observing them in their classroom conducting a class and talking with the students. Overall the creativity of these men and women working with this population is quite impressive. The classrooms are small; only 17 minors per class are permitted. But, within the class there might be 17 different ability levels. Also, this population fluctuates on a daily basis. Students must miss class for court dates and that may entail an overnight at one of the Halls. On occasion, a court appearance may require a student missing two or three consecutive days from school. Medical appointments or dental appointments are other reasons why a minor might be out of a classroom.

Most camps have a system in which the students move from one class to another much like regular high school. However, some of the camps have contained classrooms with one teacher who handles all the subjects.

We found few substitute teachers during our visits. Those we did meet often had years of service with that particular camp or juvenile hall. The longevity of LACOE'S teaching staff was a surprise to us. Most teachers have been working with LACOE for many years, and most of the teachers have been assigned to one particular camp for many years.

The teachers' ability to engage these young students is most impressive. Observation of many classroom sessions provided a window to understand the creative methods used by many teachers to teach these students. The teachers employ a

variety of methods to present the information. They are all using standard textbooks in their classes, but because of the vast differences in educational levels some students will be working with textbooks for a lower grade. These differences also lead to the use of visual, physical, and audio methods to deliver material. Examples: one teacher used a keyboard to teach algebra. The young men in this class responded favorably. A speech teacher used physical descriptions to describe sounds to help students learn to speak correctly. The use of visual overheads seemed to intrigue some classes.

Neither art nor music seemed to be a significant part of the curriculum. However, Barry J. Nidorf had an art teacher assigned to the Hall, and artwork by students was displayed throughout the halls in the school building. They also had a music room that was donated, and a professional musician taught some music classes.

## Curriculum

The curriculum for most of the schools is standard for the grade level. However, the vocational training aspects of the curriculum for the most part amount to only kitchen duty, yard work, and laundry. Young people need to do chores and to help others who provide them with services, but as currently implemented in the camps few of these programs are vocational training that can lead to jobs outside the camps. There are exceptions. At Camps Kilpatrick and Miller there are two programs: a culinary arts program with an outside volunteer who provides the students with instruction and job skills and a landscape gardening and patio construction program that has resulted in two very impressive outdoor areas, all created by camp minors. Camp Affenbach is experimenting with a restaurant server program in cooperation with Citrus College.

Camps Paige and Affenbach had a solid fire training camp and a wood shop and metals shop program until recently. The shop programs were dismantled because they were considered no longer valid, and the fire program was phased out because the new minors being sent to the Camp could not qualify for this program. However, Camp Routh is still a fully utilized fire camp with training by the County Fire Department. The majority of the youth at this camp are 19-20. Only those 17 and under are required to attend school full time. At the time of our visit the Camp had only 9 students young enough to require school.

## The Minors

At all the facilities visited the Grand Jury spent time with the minors. At several we ate lunch with them. We spent time in classrooms observing and asking individual students questions. Although many had complaints about the clothes, or the laundry or other housekeeping issues, most were forthright about what they hoped to accomplish when they depart.

Most had not been attending school on a regular basis prior to being arrested. Many indicated that they did not want to go back to their neighborhoods. Some actually

had plans to go to another part of the State to live with a relative in order to avoid going back to their old neighborhood. Gangs are a big issue with these minors. Some openly bragged about their gang affiliation. Many said they wanted to be a probation officer when they grow up. Some expressed the desire to go to college. Some excel in school and some can barely keep up. Many are below grade level in reading and math. Some wrote poetry and created artwork. Some worked on projects at the various camps that helped them to feel proud about what they were doing.

## **CONCLUSIONS**

The teachers do an admirable job with this population of minors. They have discovered innovative methods to help these minors develop skills needed to function in the community at large. The movement of minors in and out of classes hampers even the best teachers as well as the best students. It is important to note that a student at one of the camps had been in the dormitory for four days after losing his place in a class due to a court date.

By their own admission most minors had not been attending school prior to their arrest. It is our understanding that even those minors who are reading well below their grade level can make extraordinary progress in improving their skills if they are in class on a daily basis. If a minor has a court date it is reasonable that they be moved to the court location. However, if arrangements for medical and dental appointments could be handled at the housing facility, minors would not need to miss a day or more of classes.

It was our impression that for many of the camps the theme aspect was being downplayed. A camp that had been a fire training camp was moving away from that program. In part because many of the minors sent to this camp could not qualify for the fire-training module. The shop programs that had been part of the curriculum of some of the camps have been dismantled. In their place some programs in service oriented fields have been established.

Music and art do not play a significant role in the curriculum. Since music and art have been successfully incorporated into programs for the mentally ill, it would not be an unreasonable to include these art forms in teaching young people who are dealing with antisocial behavior.

## **Recommendations**

1. Develop a program to educate "overflow" minors.
2. Upgrade and expand the vocational training programs in the camps to include skills and experience that is marketable.
3. Include art and music in the curriculum.
4. Implement daily lesson plans at Dorothy Kirby Center School.
5. Cooperate with adjacent camp/schools to pool resources to insure that minors do not miss school because there is no room in the classroom.

## JUVENILE DETENTION FACILITIES INSPECTIONS

NAME OF FACILITY	COMPLIANT**	NON-COMPLIANT**	COMMENTS
<b>HALLS:</b>			
Eastlake (Central)	Meets minimum standards.		Security light and grounds and facility in disrepair.
Los Padrinos	Meets high standards.		Management doing a good job.
Barry J. Nidorf	Meets high standards.		Security tight here. Well managed..
<b>CAMPS:</b>			
Affenbaugh and Paige	Meets standards.		Needs review of vocational themes.
Challenger (6 camps)	Meets minimum standards.		Sense some management problems.
Gonzales	Meets minimum standards.		Need management intervention.
Holton	Meets high standards.		Well managed.
Kilpatrick	Meets high standards.		One of the best.
Mendenhall	Meets high standards.		Well managed.
Miller	Meets high standards.		One of the best.
Munz	Barely meets standards		Needs management intervention.
Rockey	Meets high standards		Well-managed camp.
Routh	Meets high standards		Well-managed camp.
Scott	Meets minimum standards.		Needs management intervention.
Scudder		Does not meet minimum requirements	Some serious management issues.

<b>NAME OF FACILITY</b>	<b>COMPLIANT**</b>	<b>NON-COMPLIANT**</b>	<b>COMMENTS</b>
TREATMENT CENTER:			
Dorothy Kirby Center	Meets standards	Needs floors repaired in Cottages	Well managed treatment facility.









# **JUVENILES BEING TRIED AS ADULTS**

## **INTRODUCTION**

The incidence of serious and violent crimes by juveniles has increased dramatically. The communities' response has been a demand to get these minors off the street. As a result, the legislature has made changes to the penal code, which has increased the number of juveniles who are being tried as adults. But there is a need to determine how and where these juveniles should be incarcerated.

## **FINDINGS**

Los Angeles County has the largest number of juveniles being tried as adults in the State. Some of these juveniles are being held at two of the Juvenile Halls, Barry Nidorf and Eastlake, where upon conviction they will remain in these facilities until they reach the age of 18 at which time they will be transferred to the state prison. These facilities operate in a group environment and are not a maximum-security facility. Other juveniles awaiting trial who cannot be contained in a juvenile environment because they continue to commit violent acts are turned over to the Sheriff's Department for incarceration.

The Civil Grand Jury inspected the cellblock designated for juveniles at Men's Central Jail. All 38 juveniles who are awaiting trial are housed in a cellblock on the second floor. The cellblock is in two tiers and is divided down the middle by the observation module. Inmates are housed in individual cells. One teacher who is their education provider gives them assignments on a one-to-one basis.

Their exercise time is one-half hour a day for 16 to 18 year olds and one hour a day for those under age 16. The minor is escorted from his cell to a cage that is situated on the rooftop of the building adjacent to the exercise yard for general population inmates. These cages are designed for containing maximum-security inmates. The juvenile is placed inside the outdoor cage for the designated period of time. Other than this period of outdoor exercise, these juvenile inmates spend all their time confined to their cell. The only exceptions are for medical/dental treatments and visitors.

In conversations with staff from the Sheriff's Department and the Probation Department they indicated that they were not satisfied with the current arrangement for the incarceration system for these minors.

Our research indicates that "Forty-two jurisdictions require or permit juveniles remanded to adult court for trial to be transferred to an adult facility, pending trial, even though no criminal trial may take place or the juvenile may be acquitted at trial. Juveniles in adult court are five times more likely to be sexually assaulted, twice as likely to be beaten by staff and 50 percent more likely to be attacked with a weapon

than youths in a juvenile facility.” (*League of Women Voters: Juvenile Justice in California: Facts and Issues*, Prepared by the League of Women Voters of California Education Fund, Juvenile Justice Study.)

## **CONCLUSION**

Current incarceration facilities for juveniles are inadequate, do not effectively support their educational or physical development, and probably contribute to the excessive recidivism of this segment of the detainee population.

## **RECOMMENDATION**

The Board of Supervisors should create a maximum-security facility designed for juveniles and managed by the Sheriff’s Department. This facility would house juveniles who are awaiting trial as an adult together with juveniles who have been tried and convicted as adults. This facility would house the violent juveniles in a totally secure environment. Those juveniles who adjust to incarceration would be held in the same facility but in a somewhat less severe manner.

**"PARKS AND RECREATION FUNDING"**

# **PARKS AND RECREATION PROPOSITION "A" GRANT FUND**

## **Executive Summary**

In November 1992, Los Angeles County voters approved Proposition "A". This measure established a \$540 million park and open space property assessment to develop, improve or rehabilitate parks and recreational facilities for the specific purpose of enhancing county parks and other open space recreational areas. This fund is generated by an assessment on all Los Angeles County land parcels. All incorporated cities and unincorporated areas of the County, as well as non-profit organizations who meet the guidelines and who certify that the funds are used only for the intended purposes, are eligible to receive a grant from this fund.

Pursuant to the Grand Jury's mandate to scrutinize local governmental entities, the Grand Jury examined the use of Proposition "A" funds by cities within Los Angeles County. Eight incorporated cities that received funds were chosen because they represented a varied sample. The selected cities were Bellflower, Hermosa Beach, Rancho Palos Verdes, Long Beach, Covina, Glendale, South Gate and Lawndale.

Recommendation: The Los Angeles Grand Jury recommends that the Los Angeles County Parks and Recreation Department initiate a further review of the South Gate library rehabilitation project to determine if South Gate is in compliance with all grant requirements and conditions.

## **Introduction**

In November 1992, Los Angeles County voters approved Proposition "A". This measure established a \$540 million park and open space property assessment to develop, improve or rehabilitate parks and recreational facilities for the specific purpose of enhancing county parks and other open space recreational areas. This fund is generated by an assessment on all Los Angeles County land parcels. All incorporated cities and unincorporated areas of the County, as well as non-profit organizations who meet the guidelines and who certify that the funds are used only for the intended purposes, are eligible to receive a grant from this fund.

To provide further funding through Proposition "A" the electorate again approved a ballot issue in November 1996. This authorized an additional \$319 million to continue park and recreation development.

Pursuant to the Grand Jury's mandate to scrutinize local governmental entities, the Grand Jury examined the use of Proposition "A" funds by cities within Los Angeles County. Eight incorporated cities that received funds were chosen because they represented a varied sample. The selected cities were Bellflower, Hermosa Beach, Rancho Palos Verdes, Long Beach, Covina, Glendale, South Gate and Lawndale.

## **Methodology**

In order to receive Proposition "A" funding for a project, a city must file an application with the Los Angeles County Department of Parks and Recreation describing the details of the project and must receive the Department's approval prior to initiation. Initially, the Grand Jury obtained from the Department copies of the grant files of the cities to be checked. Then members of the Grand Jury visited each of the cities to inspect the project sites. In some cases, the visits were unannounced but an effort was made to meet with the personnel in the city responsible for overseeing the project. During the inspections, the Grand Jury members compared the actual project, as built, to the application. If discrepancies became evident, additional information was obtained from the subject city.

## **Findings**

### **Bellflower**

Bellflower chose to develop a rehearsal hall and lounge in a municipal building. This city filed an application to secure a grant of \$114,250 to be used for the completion of an unimproved room located in the upstairs lobby adjacent to the city's auditorium, located at 16600 Civic Center Dr. After improvement, this room was to be used as an auditorium, reception room, warm-up room, and lounge for performers and their guests.

An unannounced inspection by Grand Jury members confirmed that project was completed and in use for the intended purposes. The Grand Jury members toured the project, termed "the Green Room," and found it to be completed with suspended acoustical ceilings, carpeted floors, with kitchen facilities and all the amenities specified in the grant application.

### **Hermosa Beach**

The grant for Hermosa Beach was to be used to construct a parking structure located at 1301 Hermosa Ave. The entire cost of the project was \$5,838,274. The grant from Proposition "A" was \$4,389,420. The city's portion was \$349,140 and the remaining funds were private funds provided by the Beach House Hotel, which adjoins the parking structure. For their participation in the funding, the hotel would use the first floor of the structure for their guests.

An unannounced visit by Grand Jury members confirmed the parking structure is operational, in apparently good repair and in use by the city. In a later interview with the City's Finance Director, the Grand Jury members were informed that the city and the county equally share the parking revenue generated by the parking structure. The Grand Jury's inspection further confirmed that parking structure has significantly

enhanced the community by substantially increasing accessibility to the beach and commercial area.

#### Rancho Palos Verdes

Members of the Grand Jury made an unannounced visit to the Rancho Palos Verdes park site. The inspection revealed that this park consists of about 160 acres of natural and undeveloped land and wildlife habitat purchased by the city for \$4,300,000 with Proposition "A" funds. The site is located on the north end of Forrestal Dr. north of Palos Verdes South. This habitat is a major recreational site and nature preserve for the bay area with a unique and extraordinary ocean view.

In a later telephone interview, the Finance Director informed the Grand Jury members who toured the site that, although the city owns and manages the habitat, the principal operator is the Palos Verdes Peninsula Conservancy, which uses volunteer docents to conduct tours, to assist visitors and to conduct other community events.

#### Long Beach

Long Beach focused their Proposition "A" grant in a slightly different direction. With a \$11, 457,781 Proposition "A" grant, Long Beach directed the entire amount to enhance the environment and the quality of life of an area near downtown Long Beach populated mainly by low-income families and well known for gang activity.

With planning and preliminary plans starting in 1980, this grant was used to acquire approximately nine acres in downtown Long Beach, located between Broadway and 6<sup>th</sup> street and Golden Avenue and the Long Beach Freeway. The land was combined with the existing Wilmore Park and the temporary Santa Cruz Park to create a park of approximately 11.3 acres. After completion, the new park was named Cesar E. Chavez Park.

After reviewing this grant, members of the Grand Jury toured the park. A member of the Long Beach Park Department staff, the park director, and a member of the city's engineering staff accompanied them. The park grounds include a large community building with an amply equipped gymnasium, a large area for aerobic classes, a computer room, several areas for after-school activities, and other rooms appropriate for small children and for young people's activities. The park also provides qualified staff to supervise all park activities and to assist children and youth with after-school activities and to provide computer training.

The park area also includes a basketball court, a small children's playground area and a large grass area appropriate for outdoor eating and other activities. The park director informed the Grand Jury that the city is in the process of building an outdoor theater in the northern perimeter of the park with grants from civic and charitable organizations.



## Covina

With their \$2,049,999 Proposition "A" grant, Covina was able to develop an overgrown and neglected acreage into an highly functional and appealing city park. The park was named Kahler Russell Park and is located at 735 North Glendora Rd.

Accompanied by the park director and a consultant who assisted in developing the park, members of the Civil Grand Jury toured the park. The most prominent feature of the completed park is the magnificent creek forming the northern perimeter of the park. The director told the Grand Jury that, except for hot summer months, the creek has a beautiful stream flowing through it.

Among the unique features of this park are two roller hockey rinks in addition to a large basketball court and several areas with playground equipment for small children, several hiking trails along the creek and ample grass for picnicking or for playing soccer.

## South Gate

In a 1998 application, South Gate requested and received a Proposition "A" grant in the amount of \$900,000 for the purpose of the rehabilitation and expansion of a former city library building for senior citizen meal programs and senior-related recreational activities such as an art gallery/studio and history museum. In addition, grant funds were to be used for the construction of an outdoor plaza for recreation/social activities. The former library building is located at 8680 California Avenue.

This building, which had previously been used for sporadic performances by community theater groups and for an occasional musical event, is in an optimum location to enhance the quality of community life. It is located in the central part of the city, adjacent to the South Gate City Hall, on a major artery, and contains ample parking.

After reviewing the file, members of the Grand Jury made an unannounced visit to the site of the rehabilitated library. Upon arrival in South Gate, they were escorted by the Director of Economic Development, the acting head of the Department of Public Works, and the South Gate City Attorney for a complete tour of the building.

The rehabilitation process appeared complete. It was immediately apparent, however, that approximately one-fourth of the building was being occupied by the City's Department of Personnel and another fourth of the building was occupied by the City's Department of Public Works. The Grand Jury members observed two employees actively working in each of these departments. Both offices were equipped with business machines and both departments appeared to be engaging in general city business not related to any type of senior citizen function. The remainder of the building was unoccupied.

The City staff responded that the completed project is larger than specified in the original grant request and that the original plan was modified with the knowledge and consent of the County. They furthermore informed the Grand Jury members that the modification should not be a problem as the City is responsible to pay for the entire project and then they can apply to the County for reimbursement pursuant to the grant application. Reimbursement, however, will be calculated using a relative square footage basis.

In a letter to South Gate dated February 19, 2003, the Grand Jury requested that the city provide the documentation demonstrating that the city acquired and used funds other than those from the Proposition "A" grant in completing the portion of the building occupied by the two city departments.

The city responded by providing detailed documentation related to the rehabilitated library. The documentation related the history of the library rehabilitation and how the design and purpose was changed by the City, with the consent of the County on June 17, 2002. The request was based on a larger building cost than had originally been estimated.

#### Glendale

One of most impressive park projects visited by the Grand Jury was in Glendale. With a \$2,523,331 grant, the city erected a sports complex on a 26.5 acre site which included two soccer fields with two overlay soccer fields, two little league softball fields, one baseball field, a concession and meeting facility, an office building, parking for 260 vehicles, field lights and a maintenance building. The facility is located at 2200 Fern Lane.

Members of the Grand Jury toured the sports complex accompanied by the Assistant Director of the Glendale Parks, Recreation and Community Services. The location of this complex is probably the most outstanding aspect of the facility. It is completely surrounded by lush hills and appears to be ideal for multi-purpose use. The complex appeared to be extremely well maintained with all equipment in good order.

#### Lawndale

The final Proposition "A" grant project visited by the Grand Jury was the parks project in Lawndale. With a \$186,719 Proposition "A" grant, Lawndale initiated rehabilitation and improvement to four of the city's parks. This included the acquisition and installation of equipment approved for the handicapped as required, and the replacement and/or restoration of play areas for small children.

Accompanied by the City's Director of Community Services, members of the Grand Jury made an inspection of the four grant sites. The Community Services Director noted that some of the grant funds were used on each park site, but most of the funds were spent on Adams Park, located at 15114 Firmona Avenue.

The Director told the Grand Jury members that the prior park equipment was almost fifty years old and in extremely poor condition. She said all playground equipment was removed and replaced with new equipment; ADA compliant ramps were added; picnic tables and water fountains were installed; handicap parking spaces were assigned; the recreation building was painted and a new fence was built around the park. The Director said all four parks were fenced because most of the playground equipment is geared specially for small children.

In addition to Adams Park, the Grand Jury and the Director toured Anderson Park, 4165 W. Manhattan Avenue; Green Park, 4558 W. 168<sup>th</sup> Street; and Hogan Tot Lot, 4045 W. 167<sup>th</sup> Street. All four sites appeared to have all the equipment funded with Proposition "A" funds in good working condition.

## **CONCLUSIONS**

Grant payments are structured so cities pay for the entire project with reimbursement provided with Proposition "A" funds when the projects have been completed. With the exception of South Gate, all cities have applied for reimbursement. South Gate officials told the Grand Jury members that they have not yet applied for reimbursement because of changes in the project.

The Grand Jury inspections revealed that Grant recipients appeared to have complied with Proposition "A" requirements. Participants appeared to have complied with the intent of providing funds for the benefit of property improvement and for the improvement of the quality of life by preserving or improving recreational facilities and by providing safer and better recreational areas for all residents. All eight cities examined had, in some fashion, enhanced the quality of life of their community to a significant degree with their Proposition "A" grants.

## **Recommendations**

1. The Los Angeles Grand Jury recommends that the Los Angeles County Parks and Recreation Department initiate a further review of the South Gate library rehabilitation project to determine if South Gate is in compliance with all grant requirements and conditions.
2. The Grand Jury further recommends that future Grand Juries consider initiating some type of study relating to the implementation of Proposition "A" funds. With over \$300 million to be distributed by the county, a compelling reason exists to maintain a strong vigilance. The possibility of non-compliance or negligence cannot be dismissed. The integrity and stability of the Proposition "A" grant program may well depend on reliable verification by an independent entity like the Los Angeles County Civil Grand Jury.



# **CITIZEN COMPLAINTS to the GRAND JURY**

## **Executive Summary**

The primary function of the citizen complaint procedure is to provide a means for the general public to submit written complaints relating to local government entities to the Grand Jury. The citizen complaints system is one way for the Grand Jury to become cognizant of areas that merit investigation.

During its tenure, the 2002-2003 Civil Grand Jury reviewed 145 complaints. The nature of the complaints varied, but they fell into the following categories:

Categories	# of complaints
Out of Grand Jury Jurisdiction	56
Law Enforcement Action	31
Children's Welfare	4
Political Corruption	6
Agency Incompetence	16
Other	28

Some of the allegations made in the complaints were of sufficient interest to become the basis for investigations by Grand Jury.

Several recommendations were made to increase the accessibility of the complaint forms.

Although the Grand Jury has a limited statutory ability to provide resolutions, it believes that all Los Angeles County citizens have the right to communicate their grievances relating to local government entities to the Grand Jury. This right should not be compromised.

## **Methodology**

Complaints were received in various manners; frequently the form provided by the Civil Grand Jury was used (attachment #1). For each complaint, the Grand Jury followed a uniform procedure:

- The complaint was received, dated, and acknowledged (attachment #2).
- Each complaint was reviewed, discussed, and a recommendation was formulated.
- The complaint with the recommended outcome was presented to the entire Civil Grand Jury for discussion and disposition of the complaint.

## **Findings**

Several complaints relating to police non-responsiveness were referred to the Government Operations Committee and formed part of the basis for an investigation to determine how police agencies respond to citizen complaints. The results of this investigation are discussed elsewhere in this report.

Several complaints were received relating to malfeasance and mistreatment of inmates at various state prisons in California. The complaints were referred to the Detention Committee for further consideration recognizing that the subject of these complaints was beyond the Grand Jury's jurisdiction.

Clarity and legibility have been a mitigating factor in understanding some of the complaints received.

The Grand Jury revised the complaint form and information sheet, and these two documents have been posted on the Grand Jury's website (see attachment #3 and #4).

**Citizen Complaint Form**

Los Angeles County Civil Grand Jury  
 The Superior Court  
 Criminal Courts Building  
 210 West Temple Street  
 11<sup>th</sup> Floor, room 11-506  
 Los Angeles, CA 90012

See Complaint Form Guidelines  
 opposite side for complete instructions  
 All forms must be signed

**PLEASE PRINT**

1. Who: Your Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip Code: \_\_\_\_\_  
 Telephone: (\_\_\_\_\_) \_\_\_\_\_ Extension: \_\_\_\_\_

2. What: Subject of Complaint. Briefly state the nature of complaint and the action of what *Los Angeles County* department, section, agency, or official(s) that you believe was illegal or improper. Use additional sheets if necessary.

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3. When: Date(s) of incident \_\_\_\_\_

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4. Where: Names and addresses of other departments, agencies or officials involved in this complaint. Include dates and types of contact, i.e. phone, letter, personal. Use additional sheets if necessary.

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5. Why/How Attach pertinent documents and correspondence with dates.

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6. Signed \_\_\_\_\_ 339 Date: \_\_\_\_\_

## Complaint Guidelines

Communications from the public can provide valuable information to the Civil Grand Jury. Receipt of all complaints will be acknowledged. If the Civil Grand Jury determines that a matter is within the legally permissible scope of its investigative powers and would warrant further inquiry, additional information may be requested. If a matter does not fall within the Civil Grand Jury's investigative authority, or the jury determines not to investigate further a complaint, no action will be taken and there will be no further contact from the Civil Grand Jury.

The findings of any investigation conducted by the Civil Grand Jury can be communicated only in a formal final report, which is normally published at the conclusion of the Grand Jury's term of impanelment (June 30<sup>th</sup>).

The Civil Grand Jury has no jurisdiction or authority to investigate federal agencies, state agencies, or the courts. Only causes of action occurring within the County of Los Angeles are eligible for review. The jurisdiction of the Civil Grand Jury includes the following:

- Consideration of evidence of misconduct against public officials within Los Angeles County.
- Inquiry into the condition and management of the jails within the county
- Investigation and report on the operations, accounts, and records of the officers, departments or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts.
- Investigation of the books and records of any incorporated city or joint powers agency located in the county.



Dear \_\_\_\_\_

Your letter to the Civil Grand Jury dated \_\_\_\_\_ has been received. The Civil Grand Jury's review of this matter does not mean that the Grand Jury will conduct a full investigation into your complaint.

You will not receive any further communication from the Grand Jury. By law, the Grand Jury cannot communicate the results of investigations to you personally. Reports of the Grand Jury investigations are available to the general public when published.

Please note that the Los Angeles County Civil Grand Jury has no jurisdiction or authority to investigate Federal agencies, State agencies, or the Courts. Only local governments within Los Angeles County are subject to Grand Jury review.

Staff signature

**COUNTY OF LOS ANGELES**  
**CIVIL GRAND JURY**  
**HOW TO FILE A REQUEST FOR INVESTIGATION**

**How to File a "Request for Investigation" with the Civil Grand Jury:**

Communications from the public can provide valuable information to the Grand Jury. If a matter drawn to its attention is within the legally permissible scope of its investigative powers and would warrant further inquiry, the Civil Grand Jury may request additional information. If a matter does not fall within the Civil Grand Jury's investigative authority, or the panel determines not to investigate a complaint further, no action will be taken.

The Civil Grand Jury has no jurisdiction or authority to investigate Federal or State agencies or the Court. The jurisdiction of the Grand Jury is limited by statute and includes the following:

- Consideration of evidence of misconduct against public officials to determine whether to present formal accusations.
- The investigation and report on the operations, accounts, and records of the officers, departments or functions of the County including those of any special districts in the county and any incorporated city or joint powers agency.

The findings of any investigation conducted by the Grand Jury can be communicated only in a report issued at the conclusion of its study or in its formal final report, normally published at the conclusion of the term (June 30<sup>th</sup>) and presented to the Presiding Judge of the Superior Court.

To obtain the form to request investigation by the Los Angeles County Civil Grand Jury, "[Click Here.](#)" The form must be printed and filled out. It cannot be electronically submitted at this time.

**Los Angeles County Civil Grand Jury**  
**210 W. Temple, Suite 11-506**  
**Los Angeles, CA 90012-3210**

**REQUEST FOR INVESTIGATION  
BY THE LOS ANGELES COUNTY CIVIL GRAND JURY**

**The Civil Grand Jury of Los Angeles County encourages Los Angeles County residents to report concerns relating to local and county government and the conduct of Los Angeles County public officials.**

**Mail this form to: Foreperson of the Los Angeles County Civil Grand Jury  
210 W. Temple, Suite 11-506  
Los Angeles, CA 90012-3210**

Name \_\_\_\_\_ Date \_\_\_\_\_

**Address** \_\_\_\_\_

Telephone Number \_\_\_\_\_

**Give a brief summary of the problem (agency involved, persons to be questioned, dates, etc.) Use the back of this form or another sheet if needed:**

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

(Your Signature) \_\_\_\_\_

**For an investigation to be initiated, the Civil Grand Jury must consider the validity of each request. Therefore, please include any pertinent correspondence, documents, dates, names and facts.**





# **THE LOS ANGELES CIVIL GRAND JURY**

## **What Is The Los Angeles Civil Grand Jury?**

The main function of the Civil Grand Jury is to investigate county, city, and special districts. This is a significant civil function. The Civil Grand Jury acts in a "watch-dog" capacity by examining carefully the operations of various government agencies within Los Angeles County. The Civil Grand Jury cannot investigate state or federal agencies, which lie outside its jurisdiction. Part of the investigation of governmental agencies includes the ability to audit operations, accounts and records of officers and departments within the agency under investigation. The Civil Grand Jury is further charged with investigating individual complaints from citizens. By statute the Civil Grand Jury is to inquire regarding the conditions and management of all public jails within the County of Los Angeles.

The civil, or "watchdog," responsibilities of the Civil Grand Jury encompass the examination of all aspects of the county government, the 88 cities, and any special districts operating within the county. This is to ensure that the county is being governed honestly and efficiently, and that county monies are being handled appropriately. The Civil Grand Jury is mandated by law to inquire into the condition and management of public jails. It may investigate property that might or should escheat to the State of California.

During its term, the Civil Grand Jury selects the government entities it wishes to investigate. These investigations or inquiries are generally conducted by committees, and the Grand Jury may ask for support and advice from the Superior Court and County Counsel. Independent research is conducted by meeting with government and district officials, visiting facilities, and by using the services of outside auditors. The final report is presented to the concerned agencies and the County Board of Supervisors.

The Civil Grand Jury functions only as a body; no individual grand juror, acting alone, has any power or authority. Meetings of the Civil Grand Jury are not open to the public. Law requires all matters discussed by the Civil Grand Jury, and votes taken, be kept private and confidential. Matters before the Grand Jury must never be discussed outside the Grand Jury. The Grand Juror's oath of secrecy is binding for life. It is a misdemeanor to violate the secrecy of the Grand Jury room.

## **What Is The Term Of Service?**

Each July twenty-three citizens of Los Angeles County are sworn in as grand jurors for twelve-month service ending June of the following year. Service is a full-time job with each Civil Grand Jury establishing its own work schedule.

Los Angeles County, with its population approaching 10 million people, its numerous facilities, agencies, and problems, is so big and so complex that the members of the Civil Grand Jury must be prepared to devote their time and energies almost totally to the needs and demands of the Civil Grand Jury. Most Civil Grand Juries meet each Court day in the Clara Shortridge Foltz Criminal Justice Center in downtown Los Angeles. A grand juror receives \$25.00 for each day served, free parking, plus reimbursement for mileage and other expenses. If a grand juror chooses to use public transportation to sessions of the Civil Grand Jury, he or she will be reimbursed for the cost of that transportation in lieu of mileage.

It is essential that all Civil Grand Jurors be in attendance each session. A full body of jurors is essential to productive discussion of issues and decision-making; therefore, only the most pressing emergency or a juror's illness should be reasons for absence.

Anyone who is nominated to serve on the Civil Grand Jury must be fully cognizant of the time involved. Each prospective grand juror should sincerely and thoughtfully weigh any and all family, personal, and business obligations before accepting this appointment.

### **Who May Be On The Civil Grand Jury?**

By law a citizen eighteen years of age or older, who has been a resident of Los Angeles County for one year immediately prior to being selected, who is a person of ordinary intelligence and good character, and who possesses sufficient knowledge of the English language is qualified to be a candidate. A person is not competent to act as a Grand Juror if the person

1. is currently serving as a trial juror,
2. has been discharged as a grand juror in any court within one year,
3. has been convicted of misconduct in office or any felony or any high crime, or
4. is serving as an elected public official.

Those who apply will be interviewed by the Grand Jurors Committee to determine each person's qualifications. The applications of qualified individuals are then made available to all Superior Court judges for possible nomination. It is the goal of the judicial officers to nominate persons representing the diverse cultural, ethnic, and life experiences of the residents in the County of Los Angeles in order that the Grand Jury may reflect the many interests and concerns of its citizens.

From a final list of persons nominated by the judges, a first drawing is held in April to select, by lottery, forty prospective Civil Grand Jurors and 10 alternates from the pool of nominees. After having been screened by law enforcement agencies, a second drawing takes place in June to select the final twenty-three jurors and a designated number of alternates. During the first week of July the twenty-three jurors and alternates are sworn in and given a description of their duties and responsibilities by the Supervising Judge of the Superior Court Criminal Division and County Counsel.

The twenty-three Civil Grand Jurors and alternates are required to complete financial disclosure forms, in compliance with California Government Code §81000-§81015.

Information is also available on the Grand Jury website – <http://grandjury.co.la.ca.us>

### **How is The Civil Grand Jury Organized?**

The Presiding Judge of the Superior Court designates the foreperson to preside over all proceedings of the Civil Grand Jury. The newly formed Civil Grand Jury normally selects the following officers to conduct general business: Foreperson pro-tem, secretary, secretary pro-tem, sergeant at arms, sergeant at arms pro-tem, and parliamentarian. A Deputy County Counsel is assigned as the legal advisor to assist the grand jury on legal questions. In situations where the County Counsel has a conflict of interest, the grand jury may seek legal advice from the State Attorney General.

### **Who May Ask The Civil Grand Jury To Investigate?**

Any person may present a complaint in writing to the Civil Grand Jury. Any request for an investigation should include detailed evidence supporting the complaint. If the grand jurors believe that the evidence submitted is sufficient, a detailed investigation will be held.

### **How Is Local Government Investigated By The Grand Jury?**

The Civil Grand Jury is divided into committees, each of which concentrates its attention on the investigation of certain departments or functions of city or county government. The Audit, Complaints, and Jails Committees are considered essential in order to follow the mandate to investigate government agencies in the county, examine complaints, and inspect the jails. Independent auditors may be employed to examine financial records and the operation for specific departments as selected by the Civil Grand Jury. Members of the Grand Jury visit various county facilities, meet with county officials and develop recommendations for improvement. All jail facilities in the county are inspected. At the end of the Grand Jury's term, a Final Report is prepared, printed, and sent to the concerned agencies and the County Board of Supervisors. Responses to recommendations are requested within sixty or ninety days. Copies of the Final Report are distributed to public officials, libraries, and the news media.











Top Row:

William Wagner, William Selditz, Minnie Jones, William Turner, Ira Thierer, Edwin Isenberg, David Maurer, Hank Zaragoza, Kristine de Queiroz, Robert Manners.

Bottom Row:

Pearl Henderson, Richard Niederberg, Nancy Trask, Harry Weed, Corinne Dela Cruz, Bob Simpson, Laura Holmes, Katherine Todd, Andy Larrigan, Don Plunkett.





## MEMBERS OF THE LOS ANGELES COUNTY CIVIL GRAND JURY

Kristine T. de Queiroz	Los Angeles	Nurse Educator/Administrator, Retired
Corinne Dela Cruz	Los Angeles	Accountant, Retired
Pearl E. Henderson	Pasadena	Attorney, Retired
Laura M. Holmes	Inglewood	Retired
Edwin Isenberg	Pacific Palisades	Industrial Real Estate Brokerage
Minnie Jones	Compton	Medical Technician
Andy A. Larrigan	San Gabriel Valley	Designer
Robert J. Manners	Los Angeles	Bookseller, Semi-Retired
David Maurer	Claremont	Retired
Richard Niederberg	Studio City	Theatrical Attorney and Producer
William Selditz	Los Angeles	Real Estate Consultant
Robert Simpson	Granada Hills	Engineering Manager, Retired
Ira Thierer	Los Angeles	Environmental Consultant
Katherine Todd	West Hills	Writer
Nancy H. Trask	San Gabriel	Retired
William Turner	Van Nuys	Street Maint. Superintendent, Retired
William F. Wagner	Sherman Oaks	Recording Producer
Harry Weed	Long Beach	Lawyer and Producer
Hank Zaragoza	Lakewood	State Investigator

### Partial Term Members:

Patricia Hopkins	Long Beach	Retired
Don Plunkett	Paramount	Retired
Sandra Rendell	Long Beach	Retired



**COMMITTEES**  
**2002-2003 CIVIL GRAND JURY**

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Grand Jury Foreperson and  
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Ira Thierer



“INTERNAL GRAND JURY REPORTS”

## **AUDIT COMMITTEE**

The California State Legislature established Penal Code §888, which states, in part, that each Grand Jury, pursuant to §904.5 through §904.9, shall be charged and sworn to investigate or inquire into county matters of civil concern, such as the needs of county officers, including the abolition or creation of officers for, the purchase, lease, or sale of equipment for, or change in the method or system of, performing the duties of the agencies subject to investigation pursuant to §914.1.

Therefore, in the performance of its duty to inquire into matters of civil concern, the Grand Jury approved the employment of professional consultants to assist in the following matters that are vital to the citizens of Los Angeles County:

- The circumstances surrounding the enormous expense associated with workers' compensation costs for self-insured governmental entities in Los Angeles County.
- The handling of the citizen's complaint process in selected law enforcement departments of Los Angeles County
- The availability and adequacy of senior citizen Services in Los Angeles County

The audit committee of Jury members was established to determine, with the advice and consent of the Jury, a process to select qualified auditors to conduct the investigations and to develop the scope of the audits under consideration.

### **Methodology**

The following audit procedure was established: To start the selection process twenty firms were identified from a list of pre-qualified vendors maintained by the County Auditor Controller. The firms identified were selected based on their expertise in the areas of specific interest to the Civil Grand Jury these firms were invited to express interest in working with the grand jury. Seven firms responded and were interviewed. After assessing each firm's professional qualifications, we directed each firm to meet with the appropriate investigative committee to establish the feasibility of an audit and to discuss the scope. The selected auditor then made a preliminary study of the proposed audit, developed a scope and established a "not to exceed" contract price. Following these meetings the audit committee presented the audit request and the proposed contract price to the full Grand Jury for its approval.

Fiscal realities made it impossible for the grand jury to perform full-scale audits of departments the size of most of those in Los Angeles County. Generally the Grand Jury objective is to review selected aspects of the department's operations, to determine

whether they have policies, procedures, personnel, and equipment to provide an appropriate level of service, are operating in compliance with applicable laws, and have the internal control mechanisms which provide the information necessary to identify and correct any problems in meeting their goals.

The following management audits were approved by the court as required under Penal Code §926 and contracted:

The Citizen Complaint Process In Selected Law Enforcement Departments in Los Angeles County. The contract auditor selected was The Harvey M Rose Accountancy Corporation.

Workers Compensation Review of Selected Public Safety Departments in Los Angeles County. The selected auditor was Warren, Mc Veigh and Griffin, Inc.

Los Angeles County Department of Community and Senior Services CSS. The selected auditor was KH Consulting Group.



## CONTINUITY PROCESS

### Introduction

Each year the Grand Jury provides recommendations to various agencies in Los Angeles County and cities within the County. The agencies are required by California Penal Code §933(c) to respond to these recommendations within a designated time, either 60 or 90 days. The subsequent Grand Jury reviews the responses and initiates further action when appropriate.

According to the Penal Code, the Grand Jury may investigate any local government entity within the County and publish findings and recommendations. The *elected* head of an investigated agency (example: Sheriff or city mayor), must provide the Presiding Superior Court Judge with a written response within 90 days. An *appointed* head of an investigated agency (example: CEO of Metropolitan Water District) must make such response within 60 days.

- Copies of the recommendations and responses are provided the Board of Supervisors when a county agency is involved and provided to the mayor when a city is affected.
- Copies of all responses shall be placed on file with the clerk of the public agency and the county clerk.
- One copy of the responses shall be placed on file with the Grand Jury final report. Copies of responses from the presiding judge are forwarded to and are maintained by the Grand Jury for a minimum of five years.

### Monitoring Responses made to 2001-2002 Final Report Recommendations

Following the 90-day period in which responses to the 2001-2002 Civil Grand Jury were to be made, tracking of these responses was begun. Those requiring further action were referred to the appropriate current committee, as were those that indicated a completion date late in 2002 or early 2003. Only one agency failed to respond to the Final Report, the Los Angeles Unified School District. The 2001-2002 Civil Grand Jury made a total of 150 recommendations with respondents. 22 of these recommendations named more than one respondent. The following chart summarizes the type and quality of responses by agencies named in the 2001-2002 Final Report.

### **SUMMARY OF RESPONSES TO 2001-2002 FINAL REPORT**

Type and Quality of Response	Number of Responses
Implemented, with positive comment	24
Implemented, without comment	25
Implementation in progress	30
To be implemented at stated future date	10
Not implemented, no jurisdiction	8
Not implemented, reason given	15
Not implemented, no reason given	8
No response from the agency	24
Agency agreed with recommendation but facility closed.	28

#### **Responses to 2001-2002 Recommendations Directed to 2002 2003 Grand Jury**

The 2001-2002 Civil Grand Jury had made three recommendations that called for a response by the 2002-2003 Civil Grand Jury.

Recommendation No. 16: The Civil Grand Jury should maintain the established library of important Civil Grand Jury reference documents and reports.

Response: This was implemented by organizing the material consisting of previous Los Angeles Grand Jury Final Reports 1996-1997 through 2001-2002. Also filed are Grand Jury Final Reports from numerous other California counties. In addition there are binder files with recommendations and responses of the 2000-2001 and 2001-2002 Los Angeles County Civil Grand Juries.

Recommendation 17. The Government Operations Committee recommends that subsequent Los Angeles County Civil Grand Juries should place in the permanent library file the list of Los Angeles County Commissions compiled by the Government Operations Committee of the 2001-2002 Civil Grand Jury.

Recommendation 18. The Government Operations Committee recommends that subsequent Los Angeles County Civil Grand Juries should review this list of Los Angeles County Commissions annually and update it as necessary.

Response to Recommendations 17 and 18: An updated list of Los Angeles County Commissions was placed in the permanent library.

### **Conclusion**

A review and summary of the responses made to the preceding Civil Grand Jury indicates where the succeeding Grand Jury might want to follow up. The Detention Committee, for instance, used the responses to do a secondary follow up on corrections made to detention facilities.



## **SPEAKERS AND EVENTS COMMITTEE**

### **Background**

The 2002-2003 Los Angeles County Grand Jury invited 29 speakers to make presentations and answer questions regarding many facets of living and working in the Los Angeles County. One important aspect of hearing these speakers was the impressive amount of information and understanding we received on how the City and County government and special districts operate. The information we gained from each of these speakers enabled each of us to perform at a higher level as members of the 2002-2003 Civil Grand Jury.

### **Objective**

The responsibility of the Speakers and Events Committee was to arrange for speakers, tours and various field trips.

### **Methodology**

A Speaker and Events Committee of the 2002-2003 Los Angeles County Civil Grand Jury was established early in the term of the jury to coordinate educational experiences. These educational opportunities heightened the awareness of the Civil Grand Jury to the challenges facing all citizens of the community.

Suggestions for speakers and tours or field trips for the Civil Grand Jury were submitted for consideration to the committee from the Civil Grand Jury members. Contact with the guest speakers was established and appointments were arranged once the committee approved the suggestions and the Civil Grand Jury members ratified the committee suggestions. Speakers were invited to the Civil Grand Jury chambers. Transportation arrangements to outside events were made through the Los Angeles County Sheriff's Transportation section.

The speakers included members from the County Board of Supervisors, police agencies, the criminal justice system, community groups, school officials and various other County and City Departments.



Educational visits:

California State Prison at Lancaster  
Criminal Courts Building, Inmate Holding Facilities  
DWP Filtration Plant  
Edelman Children's Court  
Federal Reserve Bank of San Francisco, Los Angeles Branch  
Getty Center  
Hyperion Treatment Plant  
Japanese-American National Museum  
Los Angeles City Davis Facility (EVOC)  
Los Angeles City Emergency Operations Center  
Los Angeles City Hall  
Los Angeles City Police Academy  
Los Angeles City Police Department, Canine Training Center  
Los Angeles City Police Department, Crime Lab  
Los Angeles City Zoo  
Los Angeles County Emergency Operations Center  
Los Angeles County Museum of Art  
Los Angeles County Office of the Coroner  
Los Angeles County Sheriff's Department Crime Lab  
Los Angeles County Sheriff's Department Inmate Facilities (Twin Towers)  
Los Angeles North County Correctional Facilities  
Los Angeles Times Newspaper  
Mira Loma INS Detention Center  
Monterey Park Police Department  
Museum of Tolerance  
Port of Los Angeles  
Universal Studios (land use)  
William S. Hart Museum

The Grand Jury attending the following special events:

County Sheriff Academy Graduation	August 30, 2002
County Sheriff Academy Graduation	September 6, 2002
County Sheriff Academy Graduation	April 10, 2003
County Peace Officer Memorial Service	May 1, 2003
County Office of Education Graduation	June 1, 2003
County Board of Supervisor's Meeting	
Recognition of Civil Grand Jury	September 3, 2002

This page is dedicated to the Los Angeles County Sheriff's Transportation Department. The Los Angeles County Civil Grand Jury 2002-2003 wishes to express its thanks for the help, concern, kindness, courtesy and safe driving for the jury throughout its term of service. Thank you to Captain Ron Tardiff, Sergeant Alton Green, and Sergeant David Bossoit and the following drivers for providing a clean, safe and comfortable bus.

Jed Morales

Scott Metcalf

Richard Wilcox

Laurie Silva

Linda Chavez

Paul Ferreira

Maro Chairez

David Koss

James Tipton

Arlene Rogers

Tom Brooks

David Kearney





**"APPOINTMENT TO THE GRAND JURY"**

## **How To Apply For Appointment to The Civil Grand Jury**

Each year, prior to March 1<sup>st</sup>, every Superior Court judge may nominate two persons that he/she deems qualified to serve as Civil Grand Jurors. Any interested citizen who wishes to be considered for nomination may obtain an application from, and submit the application before the deadline in November to:

The Superior Court  
Civil Grand Jury  
210 West Temple Street  
11<sup>th</sup> Floor, Room 11-506  
Los Angeles, CA 90012  
(213) 893-1047



"RESPONSE TO A GRAND JURY REPORT"

## **How to Respond To Recommendations**

### **Responses**

The California Penal Code §933(c) specifies both the deadline by which responses shall be made to Civil Grand Jury Final Report recommendations, and the required content of those responses.

### **Deadlines For Responses**

All agencies to which recommendations are made are directed to respond to the Presiding Judge of the Los Angeles County Superior Court,

- Not later than 90 days after the Civil Grand Jury submits a final report on the operations of a public agency, the governing body of that agency shall respond to the findings and recommendations pertaining to the operations of that agency.
- Not later than 60 days after the Civil Grand Jury submits a final report on the operation of a County agency, the elected head governing that agency shall respond to the findings and recommendations pertaining to the operations of their agency.
- Information copies of responses pertaining to matters under the control of a county officer or agency are to be sent to the Board of Supervisors.
- A copy of all responses to the Civil Grand Jury reports shall be placed on file with the clerk of the public agency and the Office of the County Clerk, or the city clerk when applicable.
- One copy shall be placed on file with the applicable Civil Grand Jury by, and in the control of, the currently impaneled grand Jury, where it shall be maintained for a minimum of five years.

### **Content of Responses**

For each Civil Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame if it is to be implemented later.
- The recommendation will not be implemented because it is unwarranted or unreasonable, with a supportive explanation.



**Responses to the Grand Jury Final Report recommendations should  
be sent to:**

Presiding Judge  
Los Angeles County Superior Court  
111 North Hill Street  
Room 222  
Los Angeles, CA 90012

**California Penal Code §933(c)**

“Not later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of Supervisors on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of, the currently impaneled grand jury, where it shall be maintained for a minimum of five years.”



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This Report may be cited as "2003 Los Angeles County Civil Grand Jury Final Report at page \_\_\_\_"

#### **DISCLOSURE STATEMENT**

The text and charts presented in this report are believed to be true, correct, and complete by the 2002-2003 Los Angeles County Civil Grand Jury but the veracity of the information contained therein has not been independently verified by any governmental agency. The Findings, Conclusions, and Recommendations included in this report do not necessarily represent the official or unofficial positions of any elected or appointed official, government entity, government employee, or government contractor. The Los Angeles County Civil Grand Jury is solely responsible for the content of this report, the selection of the subjects being examined, and the methodologies utilized, all of which were selected pursuant to portions of the California Penal Code and Court established procedures applicable to Grand Juries. Grand Juries consist of randomly chosen adult volunteers who are residents of the County in which they reside and hold no other office. The Los Angeles County Civil Grand Jury is not authorized to inspect, and does not inspect or investigate, State or Federal agencies, including courts, nor do they inspect private property, agencies, or companies; any reference to a private company is merely for clarity in this report: no endorsement is expressed or implied.

