



County of Los Angeles GRAND JURY

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May 7, 2018,

Pursuant to California Penal Code section 933 and 933.05 all agencies and elected officials are required to respond to the recommendations documented in the 2016-2017 Los Angeles County Civil Grand Jury Final Report published on June 30, 2017. The 2017-2018 Los Angeles Civil Grand Jury captured these responses and they are provided herein for review.

The 2017-2018 Los Angeles Civil Grand Jury

A handwritten signature in cursive script, reading "Linda Cantley".

Linda Cantley, Chairperson, Continuity Committee
2017-2018 Los Angeles County Civil Grand Jury

A handwritten signature in cursive script, reading "Ted Smith".

Ted Smith, Foreperson
2017-2018 Los Angeles County Civil Grand Jury

AFFORDABLE HOUSING



Douglas Benedict **Chair**
Alice Beener
Gerard Duiker
Faramarz Taheri

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE FOR THE BOARD OF SUPERVISORS

CED-1505

2016-2017 GRAND JURY RECOMMENDATIONS FOR AFFORDABLE HOUSING ✓

RECOMMENDATION NO.1.1

✓ The County of Los Angeles Board of Supervisors should formally declare the Los Angeles County housing shortage a crisis.

RESPONSE

✓ Agree. The recommendation has been implemented. The Board of Supervisors has declared homelessness a crisis, and on February 9, 2016, approved 47 Homeless Initiative (HI) Strategies to combat homelessness. Strategy F7 (Preserve and Promote the Development of Affordable Housing for Homeless Families and Individuals) is dedicated to preserving and increasing affordable and homeless housing. Further, in several Board motions and in public comment, the Board has acknowledged the affordable housing shortage in Los Angeles County.

RECOMMENDATION NO.1.3

✓ The County of Los Angeles Board of Supervisors should form a County-wide Affordable Housing Crisis Joint Powers Authority (AHCJPA) as follows:

- a) The AHCJPA is charged to increase the affordable housing stock in the County as rapidly as possible.
- b) The AHCJPA will define methods and plans to achieve 3.a.
- c) The AHCJPA has the authority within the participating jurisdictions to implement the measures necessary to achieve 3.a.
- d) The current Community Development Commission/Housing Authority is folded into the AHCJPA to provide initial staffing and apply their experience. The AHCJPA may consider launching an affordable communities design competition, encouraging the exploration of a wide variety of lower cost building approaches and arrangements including House Parks and multi-family manufactured housing.
- e) AHCJPA may restrict, by law, conversion of housing to short term rentals.

RESPONSE

Agree in concept. This recommendation requires further analysis, to be completed by December 31, 2017. The Chief Executive Office would need to convene the Affordable Housing Coordinating Committee to consider this recommendation as a matter of public policy, and then recommend an approach and framework for Board consideration and approval. Further, the County would need to consider new ways to work with our regional partners to effectuate an Affordable Housing Crisis Joint Powers Authority (AHCJPA).

Notwithstanding, the Community Development Commission (CDC) issues tax exempt single-family mortgage revenue bonds through the Southern California Home Financing Authority, a joint powers authority between Los Angeles and Orange Counties to provide homeownership opportunities to low- to moderate-income first-

BU S

1.7

RESPONSE

Agree. The recommendation has been implemented. In October 2015, the Board established an Affordable Housing Trust Fund. The Board committed to raising funds for the support and development of Affordable Housing, to reach \$100 million in funding by 2021. The County's Affordable Housing Coordinating Committee makes recommendations to the Board as to how to spend the funds, and will evaluate housing acquisitions as part of this process. The ultimate allocation of funds is a matter of Board determination.

RECOMMENDATION NO.1.8

The County of Los Angeles Board of Supervisors should lobby the California State Governor and Legislature to prevent the misuse of CEQA to delay and kill projects beyond its legitimate purpose.

RESPONSE

Agree. This recommendation is already being implemented. The County supports CEQA reform. The County has been working to sponsor legislation, AB 239, which amends CEQA to provide more accessibility of affordable housing and infill CEQA exemptions to the unincorporated areas.

RECOMMENDATION NO.1.9

The County of Los Angeles Board of Supervisors should restrict, by law, conversion of housing to short term rentals.

RESPONSE

Agree in concept. This recommendation requires further analysis, to be completed by December 31, 2017. The Department of Regional Planning is evaluating this concept as part of its development of a Countywide Affordable Housing Action Plan for presentation to the Board of Supervisors. The estimated timeframe for this presentation is also by December 31, 2017.

DEPARTMENTAL RESPONSES TO FINDINGS AND RECOMMENDATIONS OF THE
2016-2017 CIVIL GRAND JURY FINAL REPORT

Chief Executive Office For the Board of Supervisors – Affordable Housing	
Recommendations	Responses
1.1 The County of Los Angeles board of Supervisors should formally declare the Los Angeles County housing shortage a crisis.	Agree. The recommendation has been implemented. The Board of Supervisors has declared homelessness a crisis, and on February 9, 2016, approved 47 Homeless Initiative (HI) Strategies to combat homelessness. Strategy F7 (Preserve and Promote the Development of Affordable Housing for Homeless Families and Individuals) is dedicated to preserving and increasing affordable and homeless housing. Further, in several Board motions and in public comment, the Board has acknowledged the affordable housing shortage in Los Angeles County.
1.3 The county of Los Angeles Board of Supervisors should form a County-wide Affordable Housing Crisis Joint Powers Authority (AHCJPA) as follows: a. The AHCJPA is charged to increase the affordable housing stock in the County as rapidly as possible. b. The AHCJPA will define methods and plans to achieve 3.a. c. The AHCJPA has the authority within the participating jurisdictions to implement the measures necessary to achieve 3.a. d. The current Community Development Commission/Housing Authority is folded into the AHCJPA to provide initial staffing and apply their experience. The AHCJPA may consider launching an affordable communities design competition, encouraging the exploration of a wide variety of lower cost building approaches and arrangements including House Parks and multi-family manufactured housing. e. AHCJPA may restrict, by law, conversion of housing to short term rentals.	<p>Agree in concept. This recommendation requires further analysis, to be completed by December 31, 2017. The Chief Executive Office would need to convene the Affordable Housing Coordinating Committee to consider this recommendation as a matter of public policy, and then recommend an approach and framework for Board consideration and approval. Further, the County would need to consider new ways to work with our regional partners to effectuate an Affordable Housing Crisis Joint Powers Authority (AHCJPA).</p> <p>Notwithstanding, the Community Development Commission (CDC) issues tax exempt single-family mortgage revenue bonds through the Southern California Home Financing Authority, a joint powers authority between Los Angeles and Orange Counties to provide homeownership opportunities to low- to moderate-income first-time homebuyers. The program provides a competitive interest rate first mortgage loan and a grant for down payment and closing cost assistance.</p> <p>Further, Homeless Initiative Strategy F7 includes a one-time Housing Innovation Grant that will fund proposals which expedite the development process and/or lower the cost of constructing affordable and homeless housing. The CEO is currently developing the parameters of the solicitation and considering a design competition approach.</p>

<p>1.4 The County of Los Angeles Board of Supervisors should adopt a “shelter first/housing next” extension to “housing first” paradigm to speed eliminating street homelessness.</p>	<p>Agree in concept. This recommendation requires <u>further analysis</u>, to be completed to be completed by December 31, 2017. Through the Homeless Initiative, the County has adopted a Housing First model as part of the effort to eliminate street homelessness. The consideration of a “shelter first/housing next” extension of “housing first” would be a matter of Board determination. The Board has adopted Homeless Initiative Strategy E6 to Expand the Countywide Outreach System and E7 to Strengthen the Coordinated Entry System. Both strategies aim to eliminate street homelessness.</p> <p>Additionally, as part of the Homeless Initiative, the Department of Health Services’ Housing for Health model has undertaken a significant expansion of recuperative care and stabilization beds available to DHS hospitals such that the beds will be immediately available to those homeless individuals who are the highest users of the health system. The Homeless Initiative has endeavored to increase the number of shelter beds for homeless individuals through the 47 strategies as approved by the Board, and \$56 million has been allocated in FY 2017-18, increasing in FY 18-19 and 19-20, to enhance the emergency shelter system.</p>
<p>1.6 The County of Los Angeles Board of Supervisors should develop a plan to educate/incentivize against “NIMBY – ism.”</p>	<p>Agree. The recommendation <u>has been implemented</u>. On December 20, 2016, the Board approved a motion directing the CEO to hire a communication firm to assist the County in conducting research and developing strategic communications materials for community support of permanent supportive housing sites. The CEO entered into a contract with a consultant in May 2017 to develop a messaging campaign that addresses opposition to permanent supportive housing. One element of a successful plan to develop more affordable housing in the County is to foster increased community support and a streamlined regulatory process for affordable housing projects. A plan to educate or incentivize against a “no-growth” or “slow-growth” sentiment would be a matter of Board determination.</p>
<p>1.7 The County of Los Angeles Board of Supervisors should consider early purchase of land around proposed transport facilities, as defined by METRO, to reserve it for affordable housing.</p>	<p>Agree. <u>The recommendation has been implemented</u>. In October 2015, the Board established an Affordable Housing Trust Fund. The Board committed to raising funds for the support and development of Affordable Housing, to reach \$100 million in funding by 2021. The County’s Affordable Housing Coordinating Committee makes recommendations to the Board as to how to spend the funds,</p>

	and will evaluate housing acquisitions as part of this process. The ultimate allocation of funds is a matter of Board determination.
1.8 The County of Los Angeles Board of Supervisors should lobby the California State Governor and Legislature to prevent the misuse of CEQA to delay and kill projects beyond its legitimate purpose.	Agree and this is already being implemented. The County supports CEQA reform. The County has been working to sponsor legislation, AB 239, which amends CEQA to provide more accessibility of affordable housing and infill CEQA exemptions to the unincorporated areas.
1.9 The County of Los Angeles Board of Supervisors should restrict, by law, conversion of housing to short term rentals.	Agree in concept. This recommendation requires further analysis, to be completed by December 31, 2017. The Department of Regional Planning is evaluating this concept as part of its development of a Countywide Affordable Housing Action Plan for presentation to the Board of Supervisors. The estimated timeframe for this presentation is also by December 31, 2017.
Chief Executive Office For the Board of Supervisors – Hiring Issues in the Coroner's Office	
Recommendation	Response
2.1 The BOS should commend the partners of the Work Group formed to ameliorate the myriad issues related to the DMEC. The three partners, DMEC, DHR, and the CEO, use open dialogue and effective problem-solving approaches in identifying issues. The Work Group has made significant progress in obtaining resources for the DMEC.	Agree. This recommendation has been implemented. The Work Group (Coroner Support Team), including the DMEC, DHR, and CEO is commended for working collaboratively using open dialogue and effective problem-solving to identify and implement solutions to address DMEC's issues.
Chief Executive Office – Hiring Issues in the Coroner's Office	
Recommendations	Responses
2.3 The CEO should implement "Alternative Banding" for the DMEC to fill budgeted positions.	Agree. This recommendation has been implemented. The Department of Human Resources implements alternative banding working with the respective departments. The CEO is not involved in the hiring of DMEC staff and would not implement alternative banding for the DMEC to fill budgeted positions. The DMEC works with DHR to ensure adherence to County hiring practices and procedures and they will implement alternative banding when appropriate.
Chief Executive Office For the Board of Supervisors – Schools of the Future	
Recommendations	Responses
4.1 The County of Los Angeles Board of Supervisors should formally identify the Los Angeles County Office of Education as the lead organization responsible to implement and maintain the California School Dashboard within the County.	Disagree. This recommendation will not be implemented. The California Department of Education (CDE) maintains the California School Dashboard on its website at cde.ca.gov as part of the state's accountability system. The Los

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE FOR THE BOARD OF SUPERVISORS

2016-2017 GRAND JURY RECOMMENDATIONS FOR AFFORDABLE HOUSING

Done RECOMMENDATION NO.1.1

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RESPONSE

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time homebuyers. The program provides a competitive interest rate first mortgage loan and a grant for down payment and closing cost assistance.

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RECOMMENDATION NO.1.4

Done

The County of Los Angeles Board of Supervisors should adopt a "shelter first/housing next" extension to "housing first" paradigm to speed eliminating street homelessness.

RESPONSE

Agree in concept. This recommendation requires further analysis, to be completed by December 31, 2017. Through the Homeless Initiative, the County has adopted a Housing First model as part of the effort to eliminate street homelessness. The consideration of a "shelter first/housing next" extension of "housing first" would be a matter of Board determination. The Board has adopted Homeless Initiative Strategy E6 to Expand the Countywide Outreach System and E7 to Strengthen the Coordinated Entry System. Both strategies aim to eliminate street homelessness.

Additionally, as part of the Homeless Initiative, the Department of Health Services' Housing for Health model has undertaken a significant expansion of recuperative care and stabilization beds available to DHS hospitals such that the beds will be immediately available to those homeless individuals who are the highest users of the health system. The Homeless Initiative has endeavored to increase the number of shelter beds for homeless individuals through the 47 strategies as approved by the Board, and \$56 million has been allocated in FY 2017-18, increasing in FY 18-19 and 19-20, to enhance the emergency shelter system.

RECOMMENDATION NO.1.6

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The County of Los Angeles Board of Supervisors should develop a plan to educate/incentivize against "NIMBY – ism."

RESPONSE

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RECOMMENDATION NO.1.9

Done The County of Los Angeles Board of Supervisors should restrict, by law, conversion of housing to short term rentals.

RESPONSE

Agree in concept. This recommendation requires further analysis, to be completed by December 31, 2017. The Department of Regional Planning is evaluating this concept as part of its development of a Countywide Affordable Housing Action Plan for presentation to the Board of Supervisors. The estimated timeframe for this presentation is also by December 31, 2017.

**RESPONSES OF THE LOS ANGELES MAYOR'S OFFICE TO THE CIVIL
GRAND JURY FINAL REPORT**

SUBJECT: 2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR
Affordable Housing

MAYOR ERIC GARCETTI, CITY OF LOS ANGELES

RECOMMENDATION NO. 1.2 – The City of Los Angeles Mayor and City Council, should formally declare that the Los Angeles City housing shortage is a crisis.

RESPONSE TO RECOMMENDATION NO. 1.2

Agree. This recommendation has been implemented.

The Mayor issued Executive Directive 13 on October 23, 2015 in which he stated that "the shortage of affordable housing is an ongoing crisis in the City of Los Angeles." In order to address the housing shortage crisis, Executive Directive 13 directs the General Managers of the Department of City Planning, the Department of Building and Safety, and the Housing and Community Investment Department to develop and implement policies to streamline and prioritize the development of housing in the City of Los Angeles, with a goal of 100,000 permitted units by 2021. The City is on track to meet this goal and is ahead of schedule.

RECOMMENDATION NO. 1.5 – The City of Los Angeles Mayor and City Council should adopt a "shelter first/housing next" extension to the "housing first" paradigm to speed eliminating street homelessness.

RESPONSE TO RECOMMENDATION NO. 1.5

Agree. This recommendation is being implemented.

In 2016, the City adopted a Comprehensive Homeless Strategy. As part of the strategy, the City has adopted a number of policies to increase access to shelter for the homeless. This includes an update to the Zoning Code that, during a shelter crisis, enables shelters to be established on any City owned land in any zone by-right (LAMC 12.80) and enables religious, non-profit, or charitable organizations to establish shelters by-right when the institution is located in the R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2 or M3 zones (LAMC 12.81). Additionally, the City has piloted a Safe Parking Program to impart legal protections to individuals dwelling in vehicles and is looking into expanding a similar program across the City. The City has also recently released a draft Permanent Supporting Housing Ordinance that would streamline the process for the development of permanent supportive housing.

RECOMMENDATION NO. 1.10 – The City of Los Angeles should restrict, by law, conversion of housing to short term rentals.

RESPONSE TO RECOMMENDATION NO. 1.10

Agree. *This recommendation is being developed.*

The City issued a recommendation report and associated draft ordinance known as the Home-Sharing Ordinance in early 2016. The proposed ordinance aims to establish a regulatory framework for an individual to host short-term rental or home-sharing uses at his or her property. The ordinance imposes regulations to allow a property owner to use his or her primary residence for home-sharing, except units subject to the Rent Stabilization Ordinance (RSO), for no more than 180 days a year. Additionally, the ordinance would establish an application fee, a registration requirement, and an administrative fine for home-sharing uses occurring that are not compliant with the proposed ordinance. Funds accumulated from a proposed Transient Occupancy Tax would be directed to the Affordable Housing Trust Fund and a new Short-Term Rental Enforcement Trust Fund. The draft ordinance is pending review by the City Council.

HIRING ISSUES IN THE CORONER'S OFFICE



Joanne Saliba Chair
Regi Block
Sharon Muravez

	and will evaluate housing acquisitions as part of this process. The ultimate allocation of funds is a matter of Board determination.
1.8 The County of Los Angeles Board of Supervisors should lobby the California State Governor and Legislature to prevent the misuse of CEQA to delay and kill projects beyond its legitimate purpose.	Agree and this is already being implemented. The County supports CEQA reform. The County has been working to sponsor legislation, AB 239, which amends CEQA to provide more accessibility of affordable housing and infill CEQA exemptions to the unincorporated areas.
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Chief Executive Office For the Board of Supervisors – Hiring Issues in the Coroner's Office	
Recommendation	Response
2.1 The BOS should commend the partners of the Work Group formed to ameliorate the myriad issues related to the DMEC. The three partners, DMEC, DHR, and the CEO, use open dialogue and effective problem-solving approaches in identifying issues. The Work Group has made significant progress in obtaining resources for the DMEC.	Agree. This recommendation has been implemented. The Work Group (Coroner Support Team), including the DMEC, DHR, and CEO is commended for working collaboratively using open dialogue and effective problem-solving to identify and implement solutions to address DMEC's issues.
Chief Executive Office – Hiring Issues in the Coroner's Office	
Recommendations	Responses
2.3 The CEO should implement "Alternative Banding" for the DMEC to fill budgeted positions.	Agree. This recommendation has been implemented. The Department of Human Resources implements alternative banding working with the respective departments. The CEO is not involved in the hiring of DMEC staff and would not implement alternative banding for the DMEC to fill budgeted positions. The DMEC works with DHR to ensure adherence to County hiring practices and procedures and they will implement alternative banding when appropriate.
Chief Executive Office For the Board of Supervisors – Schools of the Future	
Recommendations	Responses
4.1 The County of Los Angeles Board of Supervisors should formally identify the Los Angeles County Office of Education as the lead organization responsible to implement and maintain the California School Dashboard within the County.	Disagree. This recommendation will not be implemented. The California Department of Education (CDE) maintains the California School Dashboard on its website at cde.ca.gov as part of the state's accountability system. The Los

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE FOR THE BOARD OF SUPERVISORS

2016-2017 GRAND JURY RECOMMENDATIONS FOR HIRING ISSUES IN THE CORONER'S OFFICE

RECOMMENDATION NO. 2.1

Done The BOS should commend the partners of the Work Group formed to ameliorate the myriad issues related to the DMEC. The three partners, DMEC, DHR, and CEO, use open dialogue and effective problem-solving approaches in identifying issues. The Work Group has made significant progress in obtaining resources for the DMEC.

RESPONSE

Done Agree. This recommendation has been implemented. The Work Group (Coroner Support Team), including the DMEC, DHR, and CEO is commended for working collaboratively using open dialogue and effective problem-solving to identify and implement solutions to address DMEC's issues.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE

2016-2017 GRAND JURY RECOMMENDATIONS FOR HIRING ISSUES IN THE CORONER'S OFFICE



RECOMMENDATION NO. 2.3

The CEO should implement "Alternative Banding" for the DMEC to fill budgeted positions.

RESPONSE

Agree. This recommendation has been implemented. The Department of Human Resources implements alternative banding working with the respective departments. The CEO is not involved in the hiring of DMEC staff and would not implement alternative banding for the DMEC to fill budgeted positions. The DMEC works with DHR to ensure adherence to County hiring practices and procedures and they will implement alternative banding when appropriate.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
DEPARTMENT OF HUMAN RESOURCES

**2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR
HIRING ISSUES IN THE CORONER'S OFFICE**

RECOMMENDATION NO. 2.2

The DHR should implement "Alternative Banding" for the DMEC to fill budgeted positions.

RESPONSE

The Department of Human Resources (DHR) agrees with this recommendation and will implement "Alternate Banding" where appropriate. The conditions for imposing alternate banding are described in Civil Service Rule 11.01(D), *Certification and Appointment from Eligible List*, which states in part:

"In instances where the director of personnel has established through a validation or other special study prior to the examination that another grouping procedure should be employed, the alternative procedure so defined may be used."

DHR will continue to review and approve studies that determine sufficient justification exists to implement alternate banding. The analysis required for such studies is not explicitly prescribed by the Civil Service Rules; however, DHR has historically conducted such analyses using a variety of methods. Notably, DHR has been able to justify alternate banding for several examinations where special studies indicate that the number of vacancies exceeds the number of applicants, and in cases where there are no significant differences between test scores. As the former condition is not applicable for all Department of Medical Examiner-Coroner (DMEC) exams, DHR will conduct statistical analyses on historical DMEC test results to determine whether there are significant differences between banded scores. Where appropriate, DHR will recommend that DMEC use alternate banding for the identified classifications.

DHR has already initiated collaboration with DMEC to determine the means and methods that would support alternate banding for specific classifications.

RECOMMENDATION NO. 2.4

The DHR should decrease the timeframe of the hiring of DMEC personnel, currently at six to eight months.

RESPONSE

DHR agrees with, and has implemented, this recommendation. In collaboration with the Department of Medical Examiner-Coroner (DMEC), several strategies have been utilized to reduce DMEC's time to hire personnel by approximately two-thirds. DHR will continue to collaborate with DMEC to ensure its hiring of personnel continues to improve.

In January 2016, DHR began a focused effort on examinations and recruitment for DMEC and since that time has completed 13 examinations that resulted in the hiring and promotion of 38 individuals. Currently, DHR

administers all of the DMEC's examinations and implemented a number of hiring process improvements and, as noted in the Civil Grand Jury report, reduced the time to hire by more than half. Improvements to the hiring process designed to enhance the quality of candidate pools and speed up the processes included:

- Allocation of specific DHR resources to expedite DMEC recruitments and exams.
- Review and revision of the Coroner Investigator Trainee exam interview questions to more effectively screen out candidates who are not well-suited to the position.
- Implementation of physical agility testing to the Coroner Investigator Trainee and Forensic Attendant positions following consultations with DMEC hiring managers.
- Implementation of enhanced recruitment efforts, which included a significant expansion of the use of targeted recruitment sites.
- Implementation of the use of external private recruitment services for hard to fill mission critical positions.
- Implementation of advance notification informing applicants of process for creating a NeoGov profile to facilitate the submission of applications.
- Implementation of advanced bulletin posting procedures to allow time for distribution of examination bulletins to professional organizations and schools, thereby enhancing candidate sourcing.
- Revision of the job bulletin for positions requiring peace officer background checks to include more descriptive language about background requirements and included a link to the POST background questionnaire.
- Increase in the volume of candidates in the Coroner Investigator Trainee process by increasing the applications cap from 400 to 1000.
- Rental of large testing facilities and administered on-line tests to expedite exams.
- Redefining of the Coroner Investigator Trainee as a classification that requires a medical review consistent with an arduous classification.
- Implementation of a realistic job preview process that included a workplace tour and subject matter expert departmental overview to allow candidates to understand the true nature of the work of the department that is not filtered through the lens of the media. This gives candidates the opportunity to self-select in or out of the process.
- Facilitation of human resources staff participation in selection interviews to identify and address HR related issues early in the process and to facilitate quicker movement on job offers and disqualifications.
- Imposition of a two week limitation on the completion of background packets by candidates. Previously there were no timeframes and candidates often took months to complete packets requiring significant follow up effort by the department.
- Implementation of the use of supplemental questionnaires to allow candidates to self-select out of the process.
- Expansion of the utilization of contractors to conduct background screenings.
- Revision of the scheduling process used for contractors to conduct psychological screenings to better facilitate timely completion and eliminate lag time between completion of the background check and medical examination.

The reduction of time in the hiring process will continue to be realized as the process improvements already implemented are refined. Currently, DHR is working with DMEC on:

- Process mapping to further identify opportunities for improvement in the hiring process.

- Evaluating the timing of certain components of the process, such as the physical testing, to determine whether it can be completed concurrently with other process components.
- Evaluating candidates who are not successful in the background check or selection interview processes to determine whether refinements to the minimum requirements are warranted.
- Creating tracking mechanisms and performance metrics to monitor progress and identify potential problems before they arise.

DHR is committed to the success of the DMEC and expects to see additional results within six months.

RECOMMENDATION NO. 2.5

The DHR should assign a Human Resources Manager to the DMEC with a higher classification level.

RESPONSE

DHR respectfully disagrees with, and will not implement, this recommendation. The responsibility for determining the level of positions allocated to County departments rests with the CEO Classification and Compensation Division.

Nevertheless, DHR will work closely with CEO to fully assist in the assessment of the current allocation of Departmental Human Resources Manager I to the DMEC, and is prepared to do so with other similarly situated smaller County departments.

MENDING THE SAFETY NET



Lucy Eisenberg
Shelley Strohm
Joyce Simily

Co-Chair
Co-Chair

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR
MENDING THE SAFETY NET

10/5/17

RECOMMENDATION NO. 3.1

The DCFS should prepare and implement a new Management Directive for Supervising Social Workers which would require that Supervising Children's Social Workers have hands-on supervision of their assigned Children's Social Workers in the field and on home visits, at least twice yearly.

RESPONSE

This recommendation has already been implemented by DCFS. A DCFS "Standards for Supervising Children's Social Workers (SCSW)" Management Directive workgroup was established and met in May and June 2017. This workgroup is developing tools for SCSWs to use in the supervision of Children's Social Workers (CSW) and includes instructions requiring the SCSWs to have hands-on supervision of their assigned CSWs in the field and on home visits, at least twice yearly. Upon completion, this Management Directive will be presented to the DCFS Labor Management/SEIU-721/535 Legacy committee for review and comment and then to DCFS Executive Operations for final approval.

RECOMMENDATION NO. 3.2

The DCFS should make finding a relative to care for a child that has been removed from his or her home a first priority, and ensure that a search for relatives is initiated within 30 days following a child's detention.

RESPONSE

This recommendation has already been implemented by DCFS. Please refer to **Policy Guide 0300-508.30, Identifying and Notifying the Court of Recurring Efforts to Locate Relatives and Non-Relative Extended Family Members (NREFMs)**. The following text is an excerpt from the above referenced policy regarding the 30 day requirement and the efforts that must be made by the CSW. Relatives and Nonrelated Extended Family Members (NREFMs) are the preferred placement resource and must be considered first for all children who are in need of out-of-home care services.

Within thirty (30) days of a child's removal from his/her home, CSWs must, by law, conduct an investigation to identify and locate all of the child's adult relatives and non-relative extended family members (NREFMs), regardless of their immigration status.

A relative includes the following:

- Grandparents;
- Adult siblings; and
- Other legally specified adult relative of the child, including:
 - Any adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, step siblings, and all relatives whose status is preceded by the words "great", "great-great", or "grand", or the spouse of any of these persons, even if the marriage was terminated by death or dissolution;

- Any other adult relatives suggested by the parents or children. A non-relative extended family member is defined as an adult caregiver who has an established familial relationship, a relative of the child or a familial or mentoring relationship with the child.

The CSW must use diligent efforts in investigating the names and locations of the relatives, including but not limited to:

- Asking the child in an age-appropriate manner about relatives important to the child, consistent with the child's best interests; and
- Asking the parents and anyone with familial knowledge as to the names, addresses, and any identifying information of adult relatives of the child.

For each relative identified for whom there is no contact information, the CSW must conduct a search to locate the relatives that includes:

- Internet search using Google and other search engines, websites, and social media;
- CLEAR (search engine) search;
- Review child's case file for any information regarding relatives;
- Review of phone directory;
- Telephone or mail contact, if telephone or mailing address is known;
- Email contact, if email address is known; and
- Search of jails/prisons.

Locating relatives as a placement resource is a process that does not stop until a permanent plan is made for the child. CSWs must contact all known relatives and NREFMs even after a different relative has been identified and that relative's home has been approved for the child's placement to determine how they might be involved with the child.

All newly identified relative and NREFMs will be assessed to see how they can be involved in the child's life and how they can support the child's placement and Case Plan. If needed, a Child and Family Team (CFT) meeting can be used to identify and to determine a relative's willingness to provide care for the child.

All interested relatives and NREFMs will be assessed for possible placement of the child. A relative or NREFM is not appropriate and is not eligible to be assessed if they have previously been assessed as a possible caregiver and had a criminal conviction that an exemption cannot be granted.

Currently, DCFS, in conjunction with the OCP, is conducting a two office Pilot Plan that moved family finding efforts upfront to the child's first point of entry into the system, usually at the time they are removed from their home. Findings from this Pilot have been very promising, reflecting that when there is a focus on finding family at the outset, the Department is very successful in having a vast majority of youth placed with family immediately. The Pilot will be expanding to two additional offices in the very near future.

RECOMMENDATION NO. 3.3

The DCFS should keep records of missed Hub appointments, and when an appointment is missed, require that the Supervising Social Worker ensures that the appointment is rescheduled and that the child is taken to the Hub.

RESPONSE

25 In addition, DCFS, along with the OCP, the Department of Mental Health (DMH), the Department of Health Services (DHS), Probation, the Juvenile Court, Children's Law Center (CLC), Court Appointed Special Advocates (CASA) and the TSC providers currently have a workgroup that works to identify high needs youth at the TSCs who are in need of intensive services to stabilize placements. The workgroup currently has a pilot project that works to ensure that a team of necessary mental health providers and others follow a youth to placement.

Based on a review of the Final Civil Grand Jury report, we have identified some factual inaccuracies that we would like to correct.

Page 31, paragraph 3, states that *"...The centers were initially licensed for only a 24-stay. A licensing process was begun to extend the stay to 72 hours. But in 2016 state regulators recommended that the centers be closed. The State then brought a lawsuit, alleging that the children were staying for more than the allowed 72 hours and that the centers amounted to illegal foster care facilities."* The CWC and the YWC were never licensed since they were essentially "waiting rooms" for a period not to exceed 24 hours. The State later brought a lawsuit due to the children being in an unlicensed facility. In response, we established, in conjunction with the State, our licensed 72-hour TSC program for children and youth who are newly detained or have suffered a placement disruption. There are a total of five sites (one group home has two sites.) that are currently serving as TSCs.

The Katie A. lawsuit mentioned stems from 2005 when the California Department of Social Services (CDSS) found that children and youth stayed more than 24 hours at either a Regional office or ERCP. In response to this lawsuit, a corrective action plan was instituted and several years later, the resolution was a settlement agreement that allowed DCFS to either license the Welcome Centers or contract the services out.

On Page 35, paragraph 3, states that *"...The APT is currently staffed by nine SCSWs and two Eligibility Social Workers."* Actually, APT is staffed by five SCSWs, 26 CSWs, three Eligibility Supervisors, and nine Eligibility Workers.

RECOMMENDATION NO. 3.6

The OCP should define and adopt measures of success for the performance of DCFS, and require quarterly reports from DCFS on its performance with respect to those measures.

RESPONSE

This recommendation is in progress in conjunction with the OCP. The Department currently collects, analyzes and reports on Federal and State measures regularly as demonstrated by the recent submission of the County Self-Assessment (CSA) and System Improvement Plan (SIP) reports to the Board and to the California Department of Social Services (CDSS).

- In 2001, AB 636 enacted the Child Welfare System Improvement and Accountability Act in an effort to develop, monitor and improve outcomes for children in the child welfare and Probation systems.
 - In 2004, the California-Child and Family Services Review (C-CFSR) process was developed focusing primarily on measuring outcomes in Safety, Permanency and Child and Family Well-Being. The four key components of the C-CFSR included the following mandates: (1) quantitative quarterly reports (provided on a quarterly basis by UC Berkeley's Center for Social Services Research Center), (2) qualitative case reviews, (3) County self-assessments, and (4) County System Improvement Plans.
- The findings from the CSA guide the development of the SIP and the improvement goals that the County proposes to achieve within a five-year period.

- The SIP is the operational agreement between the County and the State in which the plan outlines the improvement plan for child welfare services with DCFS and Probation and quarterly reports are provided to the CDSS.

The OCP and DCFS have agreed that DCFS currently collects significant data in accordance with federal, state and Katie A. requirements. That data includes most, if not all, of the measures of success noted in the Blue Ribbon Commission on Child Protection's report of April 18, 2014 in Section III, page 14. That information is available to the OCP on request. The OCP will work with DCFS to ensure that it is routinely provided to the OCP. In addition, the OCP will engage DCFS in discussions on collecting data on other potential measures of success.

This recommendation has already been implemented by DCFS. Please refer to Policy Guide 0600-500.00, Medical Hubs reflects that, when an appointment is missed, cancelled or needs to be rescheduled, an alert is sent to the CSW and SCSW via the e-mHub system. E-mHub is a web-based system used by the Department of Health Services (DHS) medical hubs to track the health status of children in the child welfare system and facilitate the provision of quality medical care. It is a joint effort between DHS and DCFS. It accepts the electronic transmission of the DCFS medical hub referral form and returns appointment status alerts and completed examination forms to DCFS via an email notification.

The DCFS uses a department-wide tracking mechanism for all required medical appointments. This tracking mechanism is available to managers in order to ensure that discrepancies, including but not limited to, lack of a timely completed appointment and no appointment completed are brought to the attention of the SCSW and CSW for follow up.

Additionally, DCFS, together with the OCP and the Health Agency, partner in a workgroup that focuses on the following acute priorities: all children entering foster care to be assessed in their regional medical hubs; all children with forensic, medical or mental health needs to be immediately screened/assessed at detention; initial medical and mental health exams, to include FASD evaluation and substance abuse assessment be completed within 30 days of detention; full fee-for service Medi-Cal support for all foster children; DCFS regional office training to clarify Hub usage and advantages; assess community resources such as mental health services, dental care and the community resource advisory board; and create standardized trauma-informed care screenings and interventions to be replicated at all HUBs and participating community providers.

RECOMMENDATION NO. 3.4

The DCFS should require that each Children's Social Worker, prior to his or her first three visits to a child or a child's home, read the child/family file and sign off that the file has been read. DCFS should track and enforce compliance with this rule.

RESPONSE

This recommendation requires further analysis. DCFS agrees with this recommendation in concept but needs to further consider the issue of requiring "sign off" of the review. Children's Social Workers (CSW) assigned a case should have knowledge of all the available historical information about the involved family. The Department strongly supports that review of case files and available historical information available to inform better decision should be clearly supported by both policy and the Department's Core Practice Model. To ensure this message is emphasized, DCFS has begun review of departmental documents to identify where this concept is currently reflected or where changes need to be made. However, it is important to note that the circumstances under which a new CSW becomes involved in a case are extremely varied and complex and compliance in this area is not easily addressed with a uniform requirement for a "sign-off" or requirements to read the entire case file. And doing so, potentially leads to "compliance based" cursory reviews rather than the meaningful analysis needed to understand important foundational information for case work. Accordingly, DCFS will develop an alternative approach which recognizes the important objective identified by the Grand Jury, ensuring familiarity with family history, but balances this with the potential draw-backs of a uniform "sign off" approach. We anticipate this analysis will take six months to assess the feasibility of a "sign-off" requirement and to address any potential resulting labor issues.

In general, numerous policies instruct the CSW to review the online case record, but do not state which documentation is required nor provide a clear specific timeframe for such review. The DCFS Individualized Investigation Narrative form captures a summary of the assessment, finding and reason for recommendation, including information obtained from various reports, but there is no sign-off required.

Policy Guide 0070-548.05, Emergency Response Referrals Alleging Abuse in Out of Home Care Regarding Children Who are Under DCFS Supervision instructs CSWs to review all prior referrals/cases on the Child Welfare Services/Case Management System (CWS/CMS) involving the caregiver and alleged perpetrators listed on the current referral. SCSW/CSW must use professional judgment to determine if additional review of the referral/case is necessary.

Policy Guide 0070-548.10, Disposition of Allegations and Closure of Emergency Response Referrals instructs CSWs to:

- Review CWS/CMS for prior history including the results of any prior investigations when investigating a referral.
- "Request all available written reports, photos and other documents that will assist in determining whether child abuse or neglect occurred. Document all attempts to obtain these reports in the Contact Notebook and document the results of any criminal check (including dismissal, conviction or release) on the Demographics Page of the Client Notebook in the Arrests section."
- "Determine with the SCSW if additional review of the referral/case is necessary, e.g. reviewing contacts, reports, hard copy of the referral/case, etc.,"
- Instruct the CSW to Review the Family & Children's Index (FCI) Report and document that the FCI record was reviewed.

Policy Guide 0080-502.25, Family Maintenance (FM) Services for Court and Voluntary Cases instructs CSWs to:

- Upon receipt of the case, review the case specifically SDM Assessment Tools completed SDM Safety Plan and Initial Case Plan).
- Conduct regular first face-to-face contact with the family as required for FM cases.
- Conduct the first face-to-face contact within ten (10) calendar days of receiving the electronic assignment of the case

Policy Guide 0300-503.10, Writing the Jurisdiction/Disposition Report, applicable to Dependency Investigator (DI) positions instructs DI's to:

- Review the online case record.
- Review the SDM Safety Assessment, Risk Assessment, and Family Strengths and Needs Assessment
- Conduct face-to-face interviews with all the children named on the WIC 300 petition and all parent(s) whose whereabouts are known.

RECOMMENDATION NO. 3.5

The DCFS should develop a plan to ensure that all children in Transitional Shelter Care receive mental health screening, and if appropriate, receive continuing mental health care.

RESPONSE

This recommendation has already been partially implemented. Emergency Response Command Post (ERCP) ensures that the high needs youth it serves receive mental health screenings through the Senate Bill (SB) 82 program associated with Transitional Shelter Care (TSC). The current Transitional Shelter Care program will be ending in the near future and DCFS is in the midst of submitting a new Shelter Plan to the State. In addition, Child Welfare is undergoing a significant change in the residential care system which will transform both the way we place children and the way we assess their mental health needs. We anticipate addressing many of these concerns in our implementation.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
OFFICE OF CHILD PROTECTION

2016–2017 CIVIL GRAND JURY RECOMMENDATIONS FOR
MENDING THE SAFETY NET

RECOMMENDATION NO. 3.6

The OCP should define and adopt measures of success for the performance of DCFS, and require quarterly reports from DCFS on its performance with respect to those measures.

RESPONSE

Agreed. This recommendation has been implemented. DCFS already collects significant data in accordance with federal, State, and Katie A. requirements. That data includes most, if not all, of the measures of success noted in the Blue Ribbon Commission on Child Protection's report of April 18, 2014, in Section III, Page 14. That information is available to the OCP on request. The OCP will work with DCFS to ensure that it is routinely provided to the OCP. In addition, the OCP will engage DCFS in discussions on collecting data on other potential measures of success.

SCHOOLS OF THE FUTURE



Gloria Garfinkel Co-Chair
Thomas Kearney Co-Chair
Hilda Dallal
Marilyn Gelfand

	and will evaluate housing acquisitions as part of this process. The ultimate allocation of funds is a matter of Board determination.
1.8 The County of Los Angeles Board of Supervisors should lobby the California State Governor and Legislature to prevent the misuse of CEQA to delay and kill projects beyond its legitimate purpose.	Agree and this is already being implemented. The County supports CEQA reform. The County has been working to sponsor legislation, AB 239, which amends CEQA to provide more accessibility of affordable housing and infill CEQA exemptions to the unincorporated areas.
1.9 The County of Los Angeles Board of Supervisors should restrict, by law, conversion of housing to short term rentals.	Agree in concept. This recommendation requires further analysis, to be completed by December 31, 2017. The Department of Regional Planning is evaluating this concept as part of its development of a Countywide Affordable Housing Action Plan for presentation to the Board of Supervisors. The estimated timeframe for this presentation is also by December 31, 2017.
Chief Executive Office For the Board of Supervisors – Hiring Issues in the Coroner's Office	
Recommendation	Response
2.1 The BOS should commend the partners of the Work Group formed to ameliorate the myriad issues related to the DMEC. The three partners, DMEC, DHR, and the CEO, use open dialogue and effective problem-solving approaches in identifying issues. The Work Group has made significant progress in obtaining resources for the DMEC.	Agree. This recommendation has been implemented. The Work Group (Coroner Support Team), including the DMEC, DHR, and CEO is commended for working collaboratively using open dialogue and effective problem-solving to identify and implement solutions to address DMEC's issues.
Chief Executive Office – Hiring Issues in the Coroner's Office	
Recommendations	Responses
2.3 The CEO should implement "Alternative Banding" for the DMEC to fill budgeted positions.	Agree. This recommendation has been implemented. The Department of Human Resources implements alternative banding working with the respective departments. The CEO is not involved in the hiring of DMEC staff and would not implement alternative banding for the DMEC to fill budgeted positions. The DMEC works with DHR to ensure adherence to County hiring practices and procedures and they will implement alternative banding when appropriate.
Chief Executive Office For the Board of Supervisors – Schools of the Future	
Recommendations	Responses
4.1 The County of Los Angeles Board of Supervisors should formally identify the Los Angeles County Office of Education as the lead organization responsible to implement and maintain the California School Dashboard within the County.	Disagree. This recommendation will not be implemented. The California Department of Education (CDE) maintains the California School Dashboard on its website at cde.ca.gov as part of the state's accountability system. The Los

	Angeles County Office of Education (LACOE) uses their dashboard to support schools and districts upon request with technical or differentiated assistance.
4.5 The County of Los Angeles Board of Supervisors should aid teachers in acquiring real-world experiences by instructing all County departments to make a certain number of compensated internships (summer position or long-term sabbatical) available to teachers within the County. For example: Department of Public Health could offer positions associated with environments science; Department of Child and Family Services could offer positions associated with sociology and psychology; and Department of Public Works could offer positions in engineering.	Disagree. This recommendation will not be implemented. LACOE is the Lead Educational Agency in the County. They support partnerships and resources that promote models of excellence in the areas of internships. They can support school districts interested in pursuing this type of support for teachers with resources and models of effective practices. Further, such initiatives should be the purview of each district's administration and governing board.
4.6 The County of Los Angeles Board of Supervisors should provide teachers working within the County free access to all County museums to encourage their attendance and enable them to share their experiences with their students, and/or help them arrange potential field trips.	Agree. This recommendation has been implemented. County museums, as well as privately administered museums, offer free and reduced entrance and professional development to teachers in the County. The Natural History Museum provides free admission to all teachers in Los Angeles County and has a school visitation program that welcomes over 200,000 students a year free of charge. The Museum of Art provides free school tours to County schools and professional development programs at the museum and on site at the schools to teachers in the County. The La Plaza de Cultura y Artes offers free admission to all County residents. In addition, museum free days are regularly updated at http://www.socalmuseums.org/free/ . Further, the Los Angeles County Arts Education Collective connects school districts, educators and students to the County's cultural resources through professional development, online resources and research.
4.10 The County of Los Angeles Board of Supervisors should request a prioritized listing of projects under the five categories of funding available under Proposition 51 from the USD's with new facilities or any modifications or upgrades focused on enhancing learning.	Disagree. This recommendation will not be implemented. Neither the County Board of Supervisors nor LACOE have oversight responsibility related to district facilities projects or funding. Proposition 51 funding is controlled by the California Department of Education and the State Allocation Board.
Chief Executive Office For the Board of Supervisors – Polling Place Host Facilities	
Recommendations	Responses



Los Angeles County Office of Education

Serving Students • Supporting Communities • Leading Educators

Debra Duardo, M.S.W., Ed.D.
Superintendent

August 24, 2017

Los Angeles County
Board of Education

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Monte E. Perez

Presiding Judge Daniel J. Buckley
Los Angeles Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street, 11th Floor, Room 11-506
Los Angeles, CA 90012

Re: 2016-2017 Los Angeles County Civil Grand Jury Final Report

Dear Judge Buckley:

On behalf of Dr. Debra Duardo, Superintendent of the Los Angeles County Office of Education (LACOE), attached are the responses to the 2016-2017 Los Angeles County Civil Grand Jury Final Report. The report, *Schools of the Future*, pages 39-51, requires a response from LACOE. The report references LACOE as the responding agency for the following recommendations 4.2, 4.3, 4.4, 4.7, 4.8, 4.9, and 4.11.

Sincerely,

Joseph Ybarra Jr., Ph.D.
Executive Deputy Superintendent

JY:ws

RECOMMENDATION NO. 4.2

The Los Angeles County Office of Education should form a task force to focus on the local indicators to include within the Dashboard. This task force should include representatives from those Unified School Districts (USD's) known to be implementing leading edge programs and those with exceptional student performance, local education experts knowledgeable in state and county operations, and educational advocates who are knowledgeable and focused on open education.

RESPONSE

Disagree. The recommendation has been implemented. LACOE already has in place various forums for highlighting districts that have developed and sustained exceptional practices to improve student achievement. These efforts include the annual Student Achievement Symposium and quarterly online meetings with district and charter school leaders where best practices are shared. Currently, LEA (Local Educational Agencies) representatives collaborate through various COE (County Office of Education) facilitated networks specific to their roles in order to understand and use information from the Dashboard to improve school and district-level practices. District participants represent a variety of performance ranges, perspectives, and expert levels. Using the information in the Dashboard to identify exceptional performance in a valid and reliable manner requires multiple years of trend data, which is not yet available for all indicators, and a significant analysis of those data sets.

At the state level, the California Department of Education's (CDE) Gold Ribbon Schools Program recognizes outstanding educational programs and practices. These schools' signature practices are shared via the CDE (California Department of Education) website.

RECOMMENDATION NO. 4.3

The Los Angeles County Office of Education should develop an "Experience Map" that identifies recommended types of engagement activity, and include performance in the local indicators. For example, 4th graders study California history. A school would obtain a top rating for 4th grade history if they visit a California mission.

RESPONSE

Disagree. The recommendation has been implemented. LACOE already offers training and technical assistance to the 80 school districts in practices to enhance rigorous student engagement across all subject areas. The Office also shares resources to support student engagement in classroom, school, community, state and national initiatives.

LACOE's Educational Services provides the most current research based professional learning and resources to schools and districts in Los Angeles County. With the advent of the Local Control Funding Formula (LCFF), local school boards develop local indicators to measure progress on

specific priorities of the Eight (8) State Priorities. These local indicators are unique to each district and local school boards adopt and monitor them. Those local indicators include:

- Appropriately Assigned Teachers, Access to Curriculum-Aligned Instructional Materials, and Safe, Clean and Functional School Facilities (Priority 1)
- Implementation of State Academic Standards (Priority 2)
- Parent Engagement (Priority 3)
- School Climate – Local Climate Surveys (Priority 6)

LACOE's Educational Services offers technical assistance to districts seeking resources to implement each individual district's local indicators. However, LACOE cannot impose or dictate these indicators as they are at the purview of local governing boards.

The Division of Curriculum and Instructional Services offers a variety of Professional Development opportunities that support student engagement. These include but are not limited to Project Based Learning, Civic Learning Initiative, Science, Technology, Engineering and Math (STEM), Technology Enhanced Arts Learning (TEAL), AVID/College and Career Readiness, the Outdoor Science School and the Marine Science Floating Lab. Each of these initiatives as well as all professional learning opportunities across all programs employ 21st century skills that model and promote deep and active student engagement in school, community, state and national actions. A more complete list of offerings can be found in the link provided <http://www.livebinders.com/play/play?id=1951934>.

The California Department of Education (CDE) recognizes exemplary schools each year. The Gold Ribbon Award (Distinguished Schools Program) recognizes exemplary practices in schools across the state. Traditionally, Los Angeles County has the most schools recognized for exemplary and promising practices now aligned to the eight state priorities in which schools have demonstrated improved educational quality. The rubric is extensive and looks to recognize schools for instructional practices that employ 21st century learning strategies that are integrated, demonstrate effective communication, collaborative efforts, critical thinking and creativity. A list of schools receiving this prestigious award can be found at the link provided <http://www.cde.ca.gov/ta/sr/gr/>.

An additional statewide initiative that LACOE is participating in is the Scaling Up Multi-tiered Systems of Support Statewide (SUMS) Initiative. SUMS is an 18-month initiative that will bring to the forefront schools that are implementing either fully or partially the Multi-tiered System of Support (MTSS) Framework. LACOE is part of this statewide initiative and is working with pilot districts across the county to develop models of implementation of MTSS that will support all students. The vision of the framework is to ensure that ALL MEANS ALL. It is an initiative of "inclusive practices" that will support the active and deep engagement of all students. These pilot schools will then become models by which other schools can look to as they also are implementing the MTSS Framework. As Educational Services works through this process, schools will be identified and can receive support through a regional network approach.

RECOMMENDATION NO. 4.4

✓ The Los Angeles County Office of Education should actively monitor the Dashboard with the following goals: inform USD's, educators, and parents of best practices within the County, and implement a community of practice to share successes. This forum should promote the exchange of information and practices and enable each USD to determine those best practices, which can be brought into their own district to improve student learning.

RESPONSE

Disagree. The recommendation has been implemented. LACOE actively reviews and monitors the Dashboard as part of the LCAP (Local Control and Accountability Plan) review and approval process. As part of supporting improved student learning, LACOE provides technical and differentiated assistance to the 80 school districts in Los Angeles County. Assistance is offered to districts in developing communities of practice that support actions and services detailed in the district's LCAP. In 2016-17, COE facilitated networking opportunities were provided for districts during the Dashboard rollout and will continue in the coming year.

RECOMMENDATION NO. 4.7

✓ The Los Angeles County Office of Education should foster collaborative relationships with industry partners and County agencies to encourage establishment of internships for students and teachers and announce openings on their websites or publish links.

RESPONSE

Disagree. The recommendation has been implemented. LACOE already undertakes such activities through its Career Technical Education (CTE) unit, which supports charter schools and districts in the county. The CTE unit offers professional development and technical assistance on request to schools and districts as they develop and implement their career pathways for the 21st century. The CTE web pages on www.lacoe.edu offer a wealth of resources, including models of excellence, that districts can use as they develop CTE activities and programs.

RECOMMENDATION NO. 4.8

✓ The Los Angeles County Office of Education should, in coordination with the Department of Consumer & Business Affairs, inform USD's about Life Smarts program and encourage them to bring the course to their campuses. This is a course that could be offered either after school, on weekends, or during summer break.

RESPONSE

Disagree. The recommendation will not be implemented because it is not warranted. LACOE offers multiple resources to support financial and economic literacy for students, and provides technical assistance to districts that request support in this content area. The Office can share

models of excellence, but each district and its elected Board of Education are responsible for the curriculum delivered to their students.

RECOMMENDATION NO. 4.9

The Los Angeles County Office of Education should investigate the establishment of a formal community of volunteers who could provide life-skills education (including teaching of Life Smarts program) and mentoring of students, similar to the services offered to small businesses by the Service Corps of Retired Executives.

RESPONSE

Disagree. The recommendation will not be implemented because it is not warranted. LACOE believes such initiatives should be under the purview of each district's administration and governing board to ensure alignment with the LCAP and district's Strategic Plan.

RECOMMENDATION NO. 4.11

The Los Angeles County Office of Education should identify various ways to monetize school property to support implementation of changes as described in this report. For example, renting out parking lots and play fields for events like farmers markets or renting auditoriums for local events. Revenues from these rental activities should be specifically earmarked for implementing educational improvement projects.

RESPONSE

Disagree. The recommendation will not be implemented because it is not warranted. The Civic Center Act-EC Section 38130 et seq. states that every public school facility is considered a civic center where citizens, school-community councils and clubs as well as other organizations may meet. The school district may grant the use of school facilities and grounds upon certain terms and conditions, including fees deemed proper by the school district governing board. In addition, LACOE cannot dictate to districts that they raise funds other than what is received from the State for general purposes, nor, if a district raises local funds can LACOE dictate how those funds are spent.

POLLING PLACE HOST FACILITIES



**Alice Beener
Dorothy Brown
Patrick Lyons**

Chair

Polling Place

ATTACHMENT R

5.1 The BOS should increase the stipend paid to polling place hosts from \$25.00 to \$150.00.

Partially agree. This recommendation requires further analysis, to be completed by December 31, 2017. The Registrar-Recorder/County Clerk (RR/CC) is currently in the process of developing a new vote center model for implementation in March of 2020, and the current polling place stipend structure may not be commensurate with the new model. This will bring significant changes to the way that voters cast their in-person ballots across Los Angeles County. Currently, voters cast their ballot at a specifically assigned polling place on election day, vote by mail, vote at the RR/CC Headquarters at Norwalk or one of a handful of early vote locations on select days. Under the new vote center model, voters will have a host of new options. Voters may continue to choose to vote by mail or at the Norwalk Headquarters or they may choose to vote in person at any vote center, anywhere across the county. About 1/4 to 1/3 of the vote centers will open starting 10 days prior to the election, with the bulk of the locations opening the Saturday prior to election and staying open through Election Day. The number of voter centers is yet to be determined but will exceed the legal minimum of 173 for the full 10 days and 692 for the last 4 days. The final number of locations will be based on extensive community input and geospatial analysis ensuring that vote centers are placed where people conduct their everyday activities.

The new vote center model requires sites to provide a significantly larger space than the traditional 400 square feet, to accommodate the extra foot traffic and larger voting machines. Other requirements include meeting facility and parking accessibility standards and electrical capacity to support the electronic voting system and electronic voter rosters. Because of the increase in the number of days and the added requirements, the ability to secure the sites will require changing the way we contract with and compensate host facilities and flexibility in payment options.

Consequently, the stipend structure of a \$150 hosting fee for one day may not be the best pricing structure for the new vote center model. Further analysis will be required to determine the most appropriate and fair pricing structure based on these factors.

	However, for elections taking place prior to the vote center model implementation in 2020, the County can review the stipend for polling place hosts and consider funding opportunities through the budget process along with all other high priority funding needs throughout the County.
5.2 The BOS should implement the recommended action by the CEO to create a policy to periodically review the stipend for polling place hosts.	Agree. This recommendation will be implemented. As the requirements for the vote center sites are finalized and approved, the County will re-evaluate the payment structure and determine a process for periodic review by March 2020.
Chief Executive Office For the Board of Supervisors — Neighborhoods At Risk From Toxins	
Findings	Responses
6.1 The Board of Supervisors has taken the first steps to address environmental oversight and monitoring by convening a task force to review oil and gas facilities compliance to regulations and requesting the Chief Executive Officer to prioritize needs in environmental health oversight and monitoring. The County will benefit from an environmental oversight and monitoring strategy that coordinates federal, state and county agencies responsible for environment oversight.	Agree. The current regulatory system designed to protect the environment and public health is spread across multiple State, regional and local agencies. Regulatory decisions, databases and emissions inventories maintained within each agency must be compiled and analyzed comprehensively to determine the health impact made by all pollution sources in a given area.
6.3 Enforcement agencies have a need for more and better evidentiary data as described in the section Data and Monitoring.	Agree. The collection of environmental and health data is necessary to quickly assess hazardous materials stored at regulated facilities, community air monitoring data, or health status of residents living near industrial areas is necessary. Data gaps often delay or halt the health protective decision-making process.
6.8 Environmental justice community based organizations (CBOs) provide a counter balance to industry and government agencies. Through their investigative work and extensive local knowledge, they provide evidentiary environmental data and speak on behalf of people who live and work in high health risk communities. CBOs have views and recommendations and they need to be heard and given the opportunity to be a stakeholder partner with governmental agencies.	Agree. Successful implementation of measures to improve environmental conditions must be community centric and require culturally sensitive solutions. Participation of community members in environmental oversight and monitoring activities is key to improving environmental conditions and decreasing health inequities. The County will encourage community engagement through well-established methods, such as maintaining relationships with community leaders or civic organizations, holding public meetings; and involving community members in data collection and focus groups.
6.9 The opportunity to provide environmental justice to the 28 gateway cities is dependent on the outcome of the proposed I-710 Corridor Environmental Impact Report (EIR). The EIR	Agree. Studies indicate that residing near sources of traffic pollution is associated with adverse health effects, such as exacerbation of asthma, onset of childhood asthma, non-asthma respiratory symptoms, impaired lung function, reduced lung

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE FOR THE BOARD OF SUPERVISORS

2016-2017 GRAND JURY RECOMMENDATIONS FOR POLLING PLACE HOST FACILITIES

RECOMMENDATION NO. 5.1

✓ The Board of Supervisors should increase the stipend paid to polling place hosts from \$25 to \$150.

RESPONSE

~~Partially agree.~~ This recommendation requires further analysis, to be completed by December 31, 2017. The Registrar-Recorder/County Clerk (RR/CC) is currently in the process of developing a new vote center model for implementation in March of 2020, and the current polling place stipend structure may not be commensurate with the new model. This will bring significant changes to the way that voters cast their in-person ballots across Los Angeles County. Currently, voters cast their ballot at a specifically assigned polling place on election day, vote by mail, vote at the RR/CC Headquarters at Norwalk or one of a handful of early vote locations on select days. Under the new vote center model, voters will have a host of new options. Voters may continue to choose to vote by mail or at the Norwalk Headquarters or they may choose to vote in person at any vote center, anywhere across the county. About 1/4 to 1/3 of the vote centers will open starting 10 days prior to the election, with the bulk of the locations opening the Saturday prior to election and staying open through Election Day. The number of voter centers is yet to be determined but will exceed the legal minimum of 173 for the full 10 days and 692 for the last 4 days. The final number of locations will be based on extensive community input and geospatial analysis ensuring that vote centers are placed where people conduct their everyday activities.

The new vote center model requires sites to provide a significantly larger space than the traditional 400 square feet, to accommodate the extra foot traffic and larger voting machines. Other requirements include meeting facility and parking accessibility standards and electrical capacity to support the electronic voting system and electronic voter rosters. Because of the increase in the number of days and the added requirements, the ability to secure the sites will require changing the way we contract with and compensate host facilities and flexibility in payment options.

Consequently, the stipend structure of a \$150 hosting fee for one day may not be the best pricing structure for the new vote center model. Further analysis will be required to determine the most appropriate and fair pricing structure based on these factors.

However, for elections taking place prior to the vote center model implementation in 2020, the County can review the stipend for polling place hosts and consider funding opportunities through the budget process along with all other high priority funding needs throughout the County.

RECOMMENDATION NO. 5.2

The BOS should implement the recommended action by the CEO to create a policy to periodically review the stipend for polling place hosts.

NEIGHBORHOODS AT RISK FROM TOXINS



Henry C. Guerrero Chair
Douglas Benedict
Thomas Kearney
Sharon Muravez



BARBARA FERRER, Ph.D., M.P.H., M.Ed.
Director

JEFFREY D. GUNZENHAUSER, M.D., M.P.H.
Interim Health Officer

CYNTHIA A. HARDING, M.P.H.
Chief Deputy Director

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July 21, 2017

TO: Sachi A. Hamai
Chief Executive Officer

FROM: Barbara Ferrer, Ph.D., M.P.H., M.Ed.
Director *Barbara Ferrer*

**SUBJECT: RESPONSES TO THE 2016-17 LOS ANGELES COUNTY CIVIL
GRAND JURY FINAL REPORT**

As directed by your memorandum dated June 30, 2017, the Department of Public Health (DPH) has prepared responses to the 2016-17 Los Angeles County Civil Grand Jury Final Report.

The attached document provides responses from DPH on Findings 6.5 and 6.7, and Recommendations 6.6, 6.7, 6.8, and 6.9 cited in the Investigative Committee Report, "Neighborhoods at Risk for Toxins."

Should you have any questions, please let me know.

BF:cc

Attachment

c: Cheri Thomas
Vincent Amerson
Cynthia Harding
Angelo Bellomo

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC HEALTH

2016-2017 CIVIL GRAND JURY FINDINGS FOR
NEIGHBORHOODS AT RISK FROM TOXINS

FINDING NO. 6.5

The myriad of federal, state, and local regulatory agencies have compartmentalized authority be air, water or soil resulting in a silo approach to enforcement. Enforcement authority within the County is mostly uncoordinated but the DPH is trying to change that. The DPH is piloting a promising model that identifies high health risk areas using CalEnviroScreen data, identifying clusters of industrial facilities that use or generate similar toxin materials. It then conducts inspection with the appropriate County, State or Federal partner agencies. A recent example of action taken by the DPH pursuant to Section 11.02.190 of the Los Angeles County Code, they exercised its' authority to abate operations of an industrial facility that endangered public health by emitting hexavalent chromium in the city of Paramount.

RESPONSE

The DPH agrees with this finding. We wish to clarify the DPH approach to working with the appropriate regulatory agencies to ensure their actions are health protective. The DPH has a general duty provision in County code that provides general authority to protect public health. This authority is used when necessary, however our primary focus is to better inform and support action by the appropriate regulating agencies.

FINDING NO. 6.7

The CGJ found that citizens needing to report toxic conditions affecting them had to navigate through a maze of government agencies to find the correct department with the right regulatory authority to take action. Because enforcement is fragmented by toxin or jurisdiction there currently is no central place to direct citizens to the proper regulatory authority.

RESPONSE

The DPH agrees with this finding.

RECOMMENDATION NO. 6.6

The DPH should conduct a regular occurring forum of County, State, and Federal environmental oversight agencies and other interested parties to include Community-Based Organizations.

RESPONSE

The recommendation will not be implemented because it is not warranted. Community Based Organizations and the regulatory agencies currently convene periodic enforcement forums, and the DPH will continue to actively participate in these events.

RECOMMENDATION NO. 6.7

The DPH should create an Environmental Pollution Ombudsman function. This Ombudsman function would provide a single point of contact between any person believing they are experiencing an environmental pollution event and a County entity able to take immediate, informed action to document and investigate the facts of the event and resolve it.

RESPONSE

This recommendation will not be implemented because it is not warranted. The responsibility to receive, document, investigate, and resolve environmental pollution events belong to the respective Federal, State and local regulatory agencies. Through the pilot model, DPH is working with the regulatory agencies to be more effective and responsive to the needs of the public.

RECOMMENDATION NO. 6.8

The DPH should establish the scripting to enable "211 LA County" call center representatives to make referrals to the appropriate group within DPH.

RESPONSE

This recommendation requires further analysis. Analysis is needed to understand existing available channels for community members to report environmental conditions they are experiencing. Examination of how regulatory agencies address or refer citizen complaints is necessary in order to determine if "211 LA County" is feasible as the call center and has the capacity to provide such a function. A report on findings will be available for discussion in December 2017.

RECOMMENDATION NO. 6.9

The DPH should implement a case management system to track case incident reports of suspected hazardous environmental air, ground or water conditions and make the system visible to the public.

RESPONSE

This recommendation will not be implemented because it is not reasonable at this time. This is a function that is maintained within the respective regulatory agencies and DPH receives only a small fraction of the information generated by the regulatory agencies.

Physically
Entered

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE

CEO

2016-2017 GRAND JURY RECOMMENDATIONS FOR NEIGHBORHOODS AT RISK FROM TOXINS

FINDING NO. 6.1

The Board of Supervisors has taken the first steps to address environmental oversight and monitoring by convening a task force to review oil and gas facilities compliance to regulations and requesting the Chief Executive Officer to prioritize needs in environmental health oversight and monitoring. The County will benefit from an environmental oversight and monitoring strategy that coordinates federal, state and county agencies responsible for environment oversight.

RESPONSE

Agree. The CEO assisted the DPH with identifying funding within existing resources to fund the environmental oversight and monitoring program titled Building Capacity to Address Environmental Health Threats as part of the Fiscal Year 2017-18 Adopted Budget. If there is a need for additional funding, the request will be evaluated in future budget phases.

FINDING NO. 6.2

The CGJ found that environmental experts we interviewed recognize health to be a factor that needs to be included in defining many regulations. Health risk enforcement requires the expanded role and authority for public health analysis in the permitting process of land-use planning, zoning, business license, and building permits. The DPH should participate in recommending health components in compliance regulations and participating in the approval process.

RESPONSE

Agree. The DPH approach is to work with the appropriate regulatory agencies to ensure their actions are health protective. The DPH has a general duty provision in County code that provides general authority to protect public health and the primary focus is to better inform and support action by the appropriate regulating agencies.

FINDING NO. 6.3

The myriad of federal, state, and local regulatory agencies have compartmentalized authority be air, water or soil resulting in a silo approach to enforcement. Enforcement authority within the County is mostly uncoordinated but the DPH is trying to change that. The DPH is piloting a promising model that identifies high health risk areas using CalEnviroScreen data, identifying clusters industrial facilities that use or generate similar toxin materials. It then conducts inspection with the appropriate County, State or Federal partner agencies. A recent example of action taken by the DPH pursuant to Section 11.02.190 of the Los Angeles County Code, was they exercised their authority to abate operations of an industrial facility that endangered public health by emitting hexavalent chromium in the city of Paramount.

RESPONSE

✓ Agree. The DPH approach to working with the appropriate regulatory agencies is to ensure actions are health protective. The DPH has a general duty provision in County code that provides general authority to protect public health. This authority is used when necessary, however, their primary focus is to better inform and support action by the appropriate regulating agencies.

FINDING NO. 6.8

Environmental justice community based organizations (CBOs) provide a counter balance to industry and government agencies. Through their investigative work and extensive local knowledge, they provide evidentiary environmental data and speak on behalf of people who live and work in high health risk communities. CBOs have views and recommendations and they need to be heard and given the opportunity to be a stakeholder partner with governmental agencies.

RESPONSE

✓ Agree. Successful implementation of measures to improve environmental conditions must be community centric and require culturally sensitive solutions. Participation of community members in environmental oversight and monitoring activities is key to improving environmental conditions and decreasing health inequities. The County will encourage community engagement through well-established methods, such as maintaining relationships with community leaders or civic organizations; holding public meetings; and involving community members in data collection and focus groups.

RECOMMENDATION NO. 6.2

✓ The CEO should adequately fund the needed improvements to County preparedness, response and recovery efforts outlined in the DPH proposed environmental oversight and monitoring program titled *Building Capacity to Address Environmental Health Threats*.

RESPONSE

Agree. This recommendation has been implemented. The DPH identified funding within existing resources to fund the environmental oversight and monitoring program titled Building Capacity to Address Environmental Health Threats as part of the Fiscal Year 2017-18 Adopted Budget. If there is a need for additional funding, the request will be evaluated in future budget phases.

RECOMMENDATION NO. 6.4

✓ The CEO in collaboration with the DPH should review and propose revision of the regulatory authority for the DPH with regard to business licensing and building and safety permitting related to industries or projects handling toxin elements.

RESPONSE

Disagree. This recommendation will not be implemented. It is beyond County's authority to shift and/or expand regulatory responsibilities already delegated to State and Federal government agencies. CEO, in collaboration with the DPH, will work with the regulatory agencies to ensure these agencies improve their oversight of businesses and appropriately sanction businesses that contribute to hazardous environmental conditions affecting nearby communities in Los Angeles County.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES CHIEF EXECUTIVE OFFICE FOR THE BOARD OF SUPERVISORS

2016-2017 GRAND JURY RECOMMENDATIONS FOR NEIGHBORHOODS AT RISK FROM TOXINS

FINDING NO. 6.1

The Board of Supervisors has taken the first steps to address environmental oversight and monitoring by convening a task force to review oil and gas facilities compliance to regulations and requesting the Chief Executive Officer to prioritize needs in environmental health oversight and monitoring. The County will benefit from an environmental oversight and monitoring strategy that coordinates federal, state, and county agencies responsible for environment oversight.

RESPONSE

Agree. The current regulatory system designed to protect the environment and public health is spread across multiple State, regional and local agencies. Regulatory decisions, databases and emissions inventories maintained within each agency must be compiled and analyzed comprehensively to determine the health impact made by all pollution sources in a given area.

FINDING NO. 6.3

Enforcement agencies have a need for more and better evidentiary data as described in the section Data and Monitoring.

RESPONSE

Agree. The collection of environmental and health data is necessary to quickly assess hazardous materials stored at regulated facilities, community air monitoring data, or health status of residents living near industrial areas is necessary. Data gaps often delay or halt the health protective decision-making process.

FINDING NO. 6.8

Environmental justice community based organizations (CBO's) provide a counter balance to industry and government agencies. Through their investigative work and extensive local knowledge, they provide evidentiary environmental data and speak on behalf of people who live and work in high health risk communities. CBOs have views and recommendations and they need to be heard and given the opportunity to be a stakeholder partner with governmental agencies.

RESPONSE

Agree. Successful implementation of measures to improve environmental conditions must be community centric and require culturally sensitive solutions. Participation of community members in environmental oversight and monitoring activities is key to improving environmental conditions and decreasing health inequities. The County will encourage community engagement through well-established methods, such as maintaining relationships with community leaders or civic organizations; holding public meetings; and involving community members in data collection and focus groups.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES REGIONAL PLANNING

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR NEIGHBORHOODS AT RISK FROM TOXINS

FINDING 6.2

Response from CEO -

The CGJ found that environmental experts we interviewed recognize health to be a factor that needs to be included in defining many regulations. Health risk enforcement requires the expanded role and authority for public health analysis in the permitting process of land-use planning, zoning, business license, and building permits. The DPH should participate in recommending health components in compliance regulations and participating in the approval process.

RESPONSE

DRP agrees with Finding 6.2, which identified that DPH needs to be involved in the land use permitting and planning process. Land use permits are sent from DRP to DPH as part of the review process and DPH has the ability to recommend conditions of approval in the area of health impacts. For planning projects, such as new long range plans, Recommendation 6.3, responds to this finding with specific recommendations that are explained with the response to Recommendation 6.3.

6.3 - WILL BE IMPLEMENTED, NEW PLAN

RECOMMENDATION NO. 6.3

The County of Los Angeles Department of Regional Planning in collaboration with DPH should revise land-use plans and zoning code as necessary to implement environmental health prevention measures.

RESPONSE

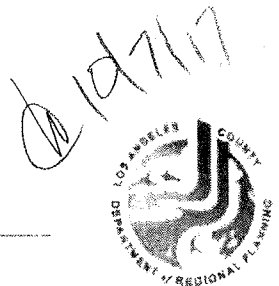
Recommendation 6.3 will be implemented through the programs mentioned below:

In 2015, the County adopted its updated General Plan. The new General Plan contains equity and environmental justice goals and a specific implementation program. Work on the implementation program began in 2016 when the Department of Regional Planning (DRP), in cooperation with DPH and other County departments, began collecting federal, state, and local data to map toxic hotspots throughout Los Angeles County. The effort, now known as the Green Zones Program, aims to promote healthy communities and reduce and mitigate environmental impacts in disproportionately burdened unincorporated communities. Through the program, staff is exploring ways to further develop the draft toxic hotspots map and utilize land use tools to reduce and prevent emissions from local sources of pollution, especially in areas where cumulative impacts of pollution on residents are greatest. The program will also identify opportunities to enhance coordination between County departments and with State agencies, increase local business support, promote community engagement with residents and community-based organizations, and incorporate environmental health and justice goals in the land use permitting and planning process. Ultimately, the program seeks to achieve reduced emissions from industry as well as the risk of exposure to unincorporated communities.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

July 13, 2017

TO: Sachi A. Hamai
Chief Executive Officer

Attention: Cheri Thomas

FROM: Richard J. Bruckner
Director

2016-2017 LOS ANGELES COUNTY CIVIL GRAND JURY FINAL REPORT

As requested in your memo dated June 30, 2017, attached is our response to the 2016-2017 Civil Grand Jury Report. The Department of Regional Planning was identified to respond to recommendation number 6.3 in the Neighborhoods At Risk From Toxins Section of the Final Report.

If you have any questions regarding this matter, please contact Mark Child at (213) 974-6457 or via email at mchild@planning.lacounty.gov.

RJB:DS:MC:ia

Attachment

S_EO_071317_Response To 2016_2017 Grand Jury Final Report

FINDING NO. 6.9

The opportunity to provide environmental justice to the 28 gateway cities is dependent on the outcome of the proposed I-710 Corridor Environmental Impact Report (EIR). The EIR review is scheduled to be completed in the spring of 2018. Several alternative plans in the EIR require the use of zero emission trucks. These trucks would be powered by electric motors or will receive electric power while traveling along the freight corridor via an overhead catenary distribution system.

RESPONSE

~~Agree.~~ Studies indicate that residing near sources of traffic pollution is associated with adverse health effects, such as exacerbation of asthma, onset of childhood asthma, non-asthma respiratory symptoms, impaired lung function, reduced lung development during childhood, and cardiovascular morbidity and mortality. Schools, housing, and other sensitive land-uses near freeways may increase public exposure to harmful pollutants.

RECOMMENDATION NO. 6.1

The BOS should adopt the framework described within the document *Environmental Oversight and Monitoring: Building Capacity to Address Environmental Health Threats* proposed by the Los Angeles County Department of Public Health (DPH) in December 2016.

RESPONSE

Agree. This recommendation has been implemented. On June 27, 2016, the Board of Supervisors recognized the need for the County to have a more significant and proactive role in environmental health oversight and monitoring and approved it as a fifth priority. The DPH has updated the Board of Supervisors on implementation with Semi-Annual reports dated January 4, 2017, and July 5, 2017.

RECOMMENDATION NO. 6.5

The BOS should implement a system that provides measured pollution data, accesses, records, creates warning alarms, and reports the levels of environmental pollution throughout the County in real time.

RESPONSE

Disagree. This recommendation will not be implemented. Development and implementation of such a real-time data system is not possible with the available technology at this time. Additionally, information on measurements of environmental pollutants is generated and maintained within the respective regulatory agencies and would require additional cooperation from these agencies to share data with DPH.

RECOMMENDATION NO. 6.11

The BOS should annually conduct an environmental justice grant competition for each of the supervisors' district open to community based organizations.

RESPONSE

Disagree. This recommendation will not be implemented. While community based organizations could benefit greatly from additional resources to support their community organizing efforts, BOS is not well-suited to take on this task. A better solution is to seek public-private partnerships with philanthropic organizations that have the capacity to quickly fund agencies on an ad hoc basis when the need arises. This is a more efficient strategy to target funds where and when they are critically needed.

RECOMMENDATION NO. 6.12

The BOS should select a zero emission design for the I-710 Corridor Project as the best option to protect people from pollution who live and work in proximity of the I-710 corridor and set a new standard for similar future development.

RESPONSE

Disagree. This recommendation will not be implemented. This authority falls under the purview of Metropolitan Transportation Authority, the County-level transportation planning agency responsible for the preparation of the Long Range Transportation Plan (LRTP).

Keep

<p>a task force to review oil and gas facilities compliance to regulations and requesting the Chief Executive Officer to prioritize needs in environmental health oversight and monitoring. The County will benefit from an environmental oversight and monitoring strategy that coordinates federal, state and county agencies responsible for environment oversight.</p>	<p>Building Capacity to Address Environmental Health Threats as part of the Fiscal Year 2017-18 Adopted Budget. If there is a need for additional funding, the request will be evaluated in future budget phases.</p>
<p>6.2 The CGJ found that environmental experts we interviewed recognize health to be a factor that needs to be included in defining many regulations. Health risk enforcement requires the expanded role and authority for public health analysis in the permitting process of land-use planning, zoning, business license, and building permits. The DPH should participate in recommending health components in compliance regulations and participating in the approval process.</p>	<p>Agree. The DPH approach is to work with the appropriate regulatory agencies to ensure their actions are health protective. The DPH has a general duty provision in County code that provides general authority to protect public health and the primary focus is to better inform and support action by the appropriate regulating agencies.</p>
<p>6.5 The myriad of federal, state, and local regulatory agencies have compartmentalized authority be air, water or soil resulting in a silo approach to enforcement. Enforcement authority within the County is mostly uncoordinated but the DPH is trying to change that. The DPH is piloting a promising model that identifies high health risk areas using CALEnviroScreen data, identifying clusters industrial facilities that use or generate similar toxin materials. It then conducts inspection with the appropriate County, State or Federal partner agencies. A recent example of action taken by the DPH pursuant to Section 11.02.190 of the Los Angeles County Code, was they exercised their authority to abate operations of an industrial facility that endangered public health by emitting hexavalent chromium in the city of Paramount.</p>	<p>Agree. The DPH approach to working with the appropriate regulatory agencies is to ensure actions are health protective. The DPH has a general duty provision in County code that provides general authority to protect public health. This authority is used when necessary, however, their primary focus is to better inform and support action by the appropriate regulating agencies.</p>
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communities. CBOs have views and recommendations and they need to be heard and given the opportunity to be a stakeholder partner with governmental agencies.	established methods, such as maintaining relationships with community leaders or civic organizations; holding public meetings; and involving community members in data collection and focus groups.
Recommendations	Responses
6.2 The CEO should adequately fund the needed improvements to County preparedness, response and recovery efforts outlines in the DPH proposed environmental oversight and monitoring program titled Building Capacity to Address Environmental Health Threats .	Agree. This recommendation has been implemented. The DPH identified funding within existing resources to fund the environmental oversight and monitoring program titled Building Capacity to Address Environmental Health Threats as part of the Fiscal Year 2017-18 Adopted Budget. If there is a need for additional funding, the request will be evaluated in future budget phases.
6.4 The CEO in collaboration with DPH should review the propose revision of the regulatory authority for the DPH with regard to business licensing and building and safety permitting related to industries or projects handling toxin elements.	Disagree. This recommendation will not be implemented. It is beyond County's authority to shift and/or expand regulatory responsibilities already delegated to State and Federal government agencies. CEO, in collaboration with the DPH, will work with the regulatory agencies to ensure these agencies improve their oversight of businesses and appropriately sanction businesses that contribute to hazardous environmental conditions affecting nearby communities in Los Angeles County.
6.10 The CEO should assign a County office with the responsibility to prepare and conduct grant writing training to CBOs focused on environmental justice. Training should enable CBOs to solicit grants from local, State, or Federal programs for their local environmental pollution research projects.	Disagree. This recommendation will not be implemented. CEO and County departments do not have the resources to prepare and conduct grant writing training for community based organizations (CBOs) at this time. The County will explore future funding opportunities to procure training consultants with the ability to build grant writing capacity among CBOs involved in environmental justice work.
Chief Executive Office For the Board of Supervisors – Transforming the Lives of Homeless Veterans Living in Los Angeles County	
Recommendations	Responses
8.1 The County Board of Supervisors should increase the time period for services allocated to the HV for dental, medical, and psychiatric evaluation for a period of not less than two years for each application approval.	Disagree. This recommendation will not be implemented. We are not aware of any current time limit on dental, medical, and psychiatric evaluation services for homeless veterans.
8.3 The County Board of Supervisors should establish a system of temporary storage facilities for HV to enable them to safeguard their possessions while they conduct their business affairs.	Partially agree. This recommendation requires further analysis to be completed by December 31, 2017. Currently, the County's Department of Public Works provides temporary storage for up to 90 days for personal belonging of homeless individuals resulting from cleanup efforts of homeless encampments within the County's jurisdiction.

communities. CBOs have views and recommendations and they need to be heard and given the opportunity to be a stakeholder partner with governmental agencies.	established methods, such as maintaining relationships with community leaders or civic organizations; holding public meetings; and involving community members in data collection and focus groups.
Recommendations	Responses
6.2 The CEO should adequately fund the needed improvements to County preparedness, response and recovery efforts outlines in the DPH proposed environmental oversight and monitoring program titled <i>Building Capacity to Address Environmental Health Threats.</i>	Agree. This recommendation has been implemented. The DPH identified funding within existing resources to fund the environmental oversight and monitoring program titled Building Capacity to Address Environmental Health Threats as part of the Fiscal Year 2017-18 Adopted Budget. If there is a need for additional funding, the request will be evaluated in future budget phases.
6.4 The CEO in collaboration with DPH should review the propose revision of the regulatory authority for the DPH with regard to business licensing and building and safety permitting related to industries or projects handling toxin elements.	Disagree. This recommendation will not be implemented. It is beyond County's authority to shift and/or expand regulatory responsibilities already delegated to State and Federal government agencies. CEO, in collaboration with the DPH, will work with the regulatory agencies to ensure these agencies improve their oversight of businesses and appropriately sanction businesses that contribute to hazardous environmental conditions affecting nearby communities in Los Angeles County.
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8.3 The County Board of Supervisors should establish a system of temporary storage facilities for HV to enable them to safeguard their possessions while they conduct their business affairs.	Partially agree. This recommendation requires further analysis to be completed by December 31, 2017. Currently, the County's Department of Public Works provides temporary storage for up to 90 days for personal belonging of homeless individuals resulting from cleanup efforts of homeless encampments within the County's jurisdiction.

	However, for elections taking place prior to the vote center model implementation in 2020, the County can review the stipend for polling place hosts and consider funding opportunities through the budget process along with all other high priority funding needs throughout the County.
5.2 The BOS should implement the recommended action by the CEO to create a policy to periodically review the stipend for polling place hosts.	Agree. This recommendation will be implemented. As the requirements for the vote center sites are finalized and approved, the County will re-evaluate the payment structure and determine a process for periodic review by March 2020.
BOS Chief Executive Officer For the Board of Supervisors – Neighborhoods At Risk From Toxins	
Findings	Responses
6.1 The Board of Supervisors has taken the first steps to address environmental oversight and monitoring by convening a task force to review oil and gas facilities compliance to regulations and requesting the Chief Executive Officer to prioritize needs in environmental health oversight and monitoring. The County will benefit from an environmental oversight and monitoring strategy that coordinates federal, state and county agencies responsible for environment oversight.	Agree. The current regulatory system designed to protect the environment and public health is spread across multiple State, regional and local agencies. Regulatory decisions, databases and emissions inventories maintained within each agency must be compiled and analyzed comprehensively to determine the health impact made by all pollution sources in a given area.
6.3 Enforcement agencies have a need for more and better evidentiary data as described in the section Data and Monitoring.	Agree. The collection of environmental and health data is necessary to quickly assess hazardous materials stored at regulated facilities, community air monitoring data, or health status of residents living near industrial areas is necessary. Data gaps often delay or halt the health protective decision-making process.
6.8 Environmental justice community based organizations (CBOs) provide a counter balance to industry and government agencies. Through their investigative work and extensive local knowledge, they provide evidentiary environmental data and speak on behalf of people who live and work in high health risk communities. CBOs have views and recommendations and they need to be heard and given the opportunity to be a stakeholder partner with governmental agencies.	Agree. Successful implementation of measures to improve environmental conditions must be community centric and require culturally sensitive solutions. Participation of community members in environmental oversight and monitoring activities is key to improving environmental conditions and decreasing health inequities. The County will encourage community engagement through well-established methods, such as maintaining relationships with community leaders or civic organizations; holding public meetings; and involving community members in data collection and focus groups.
6.9 The opportunity to provide environmental justice to the 28 gateway cities is dependent on the outcome of the proposed I-710 Corridor Environmental Impact Report (EIR). The EIR	Agree. Studies indicate that residing near sources of traffic pollution is associated with adverse health effects, such as exacerbation of asthma, onset of childhood asthma, non-asthma respiratory symptoms, impaired lung function, reduced lung

review is scheduled to be completed in the spring of 2018. Several alternative plans in the EIR require the use of zero emission trucks. These trucks would be powered by electric motors or will receive electric power while traveling along the freight corridor via an overhead catenary distribution system.	development during childhood, and cardiovascular morbidity and mortality. Schools, housing, and other sensitive land-uses near freeways may increase public exposure to harmful pollutants.
Recommendations	Responses
6.1 The BOS should adopt the framework described within the document <i>Environmental Oversight and Monitoring: Building Capacity to Address Environmental Health Threats</i> proposed by the Los Angeles County Department of Public Health (DPH) in December 2016.	Agree. This recommendation has been implemented. On June 27, 2016, the Board of Supervisors recognized the need for the County to have a more significant and proactive role in environmental health oversight and monitoring and approved it as a fifth priority. The DPH has updated the Board of Supervisors on implementation with Semi-Annual reports dated January 4, 2017 and July 5, 2017.
6.5 The BOS should implement a system that provides measured pollution data, accesses, records, creates warning alarms, and reports the levels of environmental pollution throughout the County in real time.	Disagree. This recommendation will not be implemented. Development and implementation of such a real-time data system is not possible with the available technology at this time. Additionally, information on measurements of environmental pollutants is generated and maintained within the respective regulatory agencies and would require additional cooperation from these agencies to share data with DPH.
6.11 The BOS should annually conduct an environmental justice grant competition for each of the supervisors' district open to community based organizations.	Disagree. This recommendation will not be implemented. While community based organizations could benefit greatly from additional resources to support their community organizing efforts, BOS is not well-suited to take on this task. A better solution is to seek public-private partnerships with philanthropic organizations that have the capacity to quickly fund agencies on an ad hoc basis when the need arises. This is a more efficient strategy to target funds where and when they are critically needed.
6.12 The BOS should select a zero emission design for the I-710 Corridor Project as the best option to protect people from pollution who live and work in proximity of the I-710 corridor and set a new standard for similar future development.	Disagree. This recommendation will not be implemented. This authority falls under the purview of Metropolitan Transportation Authority, the County-level transportation planning agency responsible for the preparation of the Long Range Transportation Plan (LRTP).
Chief Executive Office – Neighborhoods At Risk From Toxins	
Findings	Responses
6.1 The Board of Supervisors has taken the first steps to address environmental oversight and monitoring by convening	Agree. The CEO assisted the DPH with identifying funding within existing resources to fund the environmental oversight and monitoring program titled

review is scheduled to be completed in the spring of 2018. Several alternative plans in the EIR require the use of zero emission trucks. These trucks would be powered by electric motors or will receive electric power while traveling along the freight corridor via an overhead catenary distribution system.	development during childhood, and cardiovascular morbidity and mortality. Schools, housing, and other sensitive land-uses near freeways may increase public exposure to harmful pollutants.
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Chief Executive Office – Neighborhoods At Risk From Toxins	
Findings	Responses
6.1 The Board of Supervisors has taken the first steps to address environmental oversight and monitoring by convening	Agree. The CEO assisted the DPH with identifying funding within existing resources to fund the environmental oversight and monitoring program titled

	However, for elections taking place prior to the vote center model implementation in 2020, the County can review the stipend for polling place hosts and consider funding opportunities through the budget process along with all other high priority funding needs throughout the County.
5.2 The BOS should implement the recommended action by the CEO to create a policy to periodically review the stipend for polling place hosts.	Agree. This recommendation will be implemented. As the requirements for the vote center sites are finalized and approved, the County will re-evaluate the payment structure and determine a process for periodic review by March 2020.
Chief Executive Office For the Board of Supervisors – Neighborhoods At Risk From Toxins	
Findings	Responses
6.1 The Board of Supervisors has taken the first steps to address environmental oversight and monitoring by convening a task force to review oil and gas facilities compliance to regulations and requesting the Chief Executive Officer to prioritize needs in environmental health oversight and monitoring. The County will benefit from an environmental oversight and monitoring strategy that coordinates federal, state and county agencies responsible for environment oversight.	Agree. The current regulatory system designed to protect the environment and public health is spread across multiple State, regional and local agencies. Regulatory decisions, databases and emissions inventories maintained within each agency must be compiled and analyzed comprehensively to determine the health impact made by all pollution sources in a given area.
6.3 Enforcement agencies have a need for more and better evidentiary data as described in the section Data and Monitoring.	Agree. The collection of environmental and health data is necessary to quickly assess hazardous materials stored at regulated facilities, community air monitoring data, or health status of residents living near industrial areas is necessary. Data gaps often delay or halt the health protective decision-making process.
6.8 Environmental justice community based organizations (CBOs) provide a counter balance to industry and government agencies. Through their investigative work and extensive local knowledge, they provide evidentiary environmental data and speak on behalf of people who live and work in high health risk communities. CBOs have views and recommendations and they need to be heard and given the opportunity to be a stakeholder partner with governmental agencies.	Agree. Successful implementation of measures to improve environmental conditions must be community centric and require culturally sensitive solutions. Participation of community members in environmental oversight and monitoring activities is key to improving environmental conditions and decreasing health inequities. The County will encourage community engagement through well-established methods, such as maintaining relationships with community leaders or civic organizations; holding public meetings; and involving community members in data collection and focus groups.
6.9 The opportunity to provide environmental justice to the 28 gateway cities is dependent on the outcome of the proposed I-710 Corridor Environmental Impact Report (EIR). The EIR	Agree. Studies indicate that residing near sources of traffic pollution is associated with adverse health effects, such as exacerbation of asthma, onset of childhood asthma, non-asthma respiratory symptoms, impaired lung function, reduced lung

OUT OF YOUR CAR AND ONTO THE METRO



Douglas Benedict Chair
Ronnie Dann-Honor
Lucy Eisenberg
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✓
Q 10/20/17

September 26, 2017

Presiding Judge
Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street Eleventh Floor-Room 11-506

Los Angeles, CA 90012

Re: Civil Grand Jury Report "Out of Your Car and Onto the Metro"

Honorable Presiding Judge:

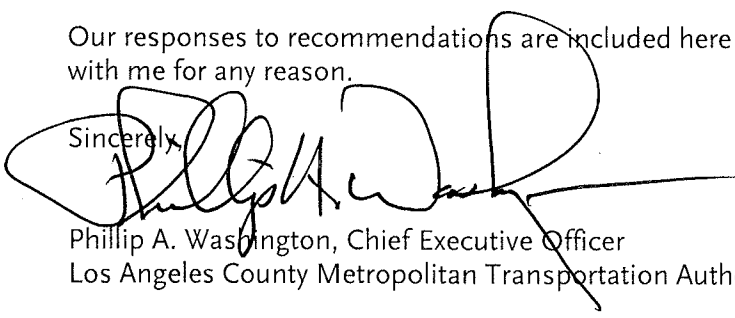
This letter is in response to the above titled Civil Grand Jury (CGJ) report investigating the Los Angeles County Metropolitan Transportation Authority's (Metro) First/Last Mile Program. We specifically note and appreciate the intent and tone of the report to highlight good work done by our agency in support of ridership, safety, sustainability and other goals, and further appreciate your intent in alleviating or removing obstacles in achieving those goals.

As noted in your report, Metro's First/Last Mile program is built from our award winning First/Last Mile Strategic Plan and Planning Guidelines, adopted by the Metro Board of Directors (Metro Board) in 2014. The program further takes shape through Metro Board direction in May 2016 and June 2016 to prompt specific, ambitious and coordinated activity to plan and implement first/last mile improvements throughout the County. Of note, these Board actions (Motion 14.1, May 2016 and Motion 14.2, June 2016) direct the implementation of First/Last Mile components and part of future transit capital projects and further prompts creation of station area plans to improve and retrofit 254 locations on the existing transit network county-wide. Finally, Measure M, approved by voters in November 2016, provided substantial resources to Metro and its local and sub-regional partners to fund the implementation of our First/Last Mile Plans.

We also wish to express our appreciation for the members of the Civil Grand Jury that contributed to the report including interviewing our staff and touring Metro facilities. We enjoyed our interactions with the jurors and commend them for their dedication to beneficial public policy in Los Angeles County.

Our responses to recommendations are included here as an attachment. Please feel free to follow up with me for any reason.

Sincerely,


Phillip A. Washington, Chief Executive Officer
Los Angeles County Metropolitan Transportation Authority

Attachment – Responses to Recommendations

ATTACHMENT

LA METRO RESPONSES TO 2016-2017 LOS ANGELES COUNTY CIVIL GRAND JURY
REPORT: "OUT OF YOUR CAR AND ONTO THE METRO – CAN FIRST/LAST MILE HELP"

FINDINGS

Findings 1 Metro system transit has not captured enough riders to reach its sustainability and traffic decongestion goals. First/Last Mile implementations shares in the responsibility for this.

Metro agrees with the finding.

Findings 2 The so-called "triple-convergence" phenomena (see "A Promising and Difficult Situation" in section II, above) may be contributing to decreasing ridership.

Metro agrees with the finding.

Findings 3 Metro's First/Last Mile Strategic Plan and various associated planning documents are of high quality.

Metro agrees with the finding.

Findings 4 Treatment of some specific site details is missing from First/Last Mile Strategic plan.

Metro agrees with the finding.

Findings 5 Historically, First/Last Mile implementations have depended upon cooperation of local governmental entities and local funding. This has resulted in some sub-optimum results.

Metro agrees with the finding.

Findings 6 Metro's new policy assuming more responsibility for First/Last Mile implementations is a better approach toward high quality First/Last Mile implementations.

Metro agrees with the finding.

Findings 7 Metro has made a smaller relative investment in First /Last Mile implementations than other comparable systems in other California metropolitan areas.

Metro disagrees with the finding. We are not especially aware of more aggressive investment by other agencies, and would note that most transit agencies are subject to the same limitations with limited funding and authority over the public right-of-way that we have impacted our efforts historically. A citation to any specific efforts by our peers would be appreciated, and would help in identifying best practices.

Findings 8 Current First/Last Mile implementations show a wide spectrum of quality.

Metro agrees with the finding.

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LA METRO RESPONSES TO 2016-2017 LOS ANGELES COUNTY CIVIL GRAND JURY
REPORT: "OUT OF YOUR CAR AND ONTO THE METRO – CAN FIRST/LAST MILE HELP"

Findings 9 Existing First/Last Mile implementations have shown improvement based on experience gained from previous implementations.

Metro agrees with the finding.

Findings 10 Exactly how First/Last Mile designs interact with the prime railway design is unclear.

Metro agrees with the finding. The precise interaction of First/Last Mile and transit capital projects will be determined further in the upcoming Guidelines. Please see response to Recommendation #8.

Findings 11 Proposed First/Last Mile implementations/improvements are not reviewed by actual users.

Metro agrees with the finding. However, all upcoming First/Last Mile planning and implementation will include evaluation and potentially user feedback. Please see response to Recommendation #8.

Findings 12 Safety statistics for existing terminals are critical for their refurbishment.

Metro agrees with the finding.

Findings 13 Pedestrian and bicycle safety has deteriorated recently in the County of Los Angeles; First/Last Mile bears some responsibility for this.

Metro disagrees with this finding as written. The first/last mile planning process will give us a more fine-grained understanding of the state and cause of bicycle and pedestrian conditions throughout Los Angeles County.

Findings 14 Policy for bicycle usage to/on/from Metro is not completely developed.

Metro disagrees with the finding; please see response to Recommendation #12 for a list of policies.

Findings 15 Automotive interactions with pedestrians and bicyclists within First/Last Mile zones are not well controlled.

Metro partially disagrees with the finding. Some stations do address the interface between automobiles and pedestrians and bicyclists using first/last mile tools.

Findings 16 New passenger accessories and assists will affect First/Last Mile planning and implementations.

Metro agrees with the finding.

Findings 17 Uber/Lyft/autonomous car support is not included in First/Last Mile plans to date.

Metro agrees with the finding.

RECOMMENDATIONS

Recommendation 1 Metro should consider strategies that are effective against "triple-convergence" in support of its ridership goals.

The recommendation has been implemented with recent activities outlined below to address the concern.

We are aware of triple-convergence, otherwise known as "induced demand," which is when adding a lane or implementing other traffic-reduction measures has the effect of actually increasing congestion due to apparent reduced congestion. In other words, if people believe the freeways are less congested and easier to use, they will be more inclined to use them, which results in increasing congestion.

Metro is charged with congestion reduction responsibilities that can take the form of auto capacity oriented projects, often in partnership with Caltrans. Metro's recent policy direction has moved towards placing this role in a broader context that balances auto oriented mobility with the needs of all roadway users. Current and recent activities that seek to address induced demand include:

- Implementation of tolled facilities (ExpressLanes) using congestion pricing, and consideration of future expansion of an ExpressLanes network.
- Adoption of a Complete Streets Policy (2014) that requires all Metro projects to be planned to serve all users.
- Elimination of auto Level of Service as a performance measure for Measure M funded highway programs.
- Funding for various Transportation Demand Management (TDM) programs that serve to reduce demand for trip-making.

Recommendation 2 Metro should continue producing high-quality First/Last Mile planning documents.

The recommendation is in the process of being implemented. First/last mile plans are currently in development and will continue to be completed throughout the coming years.

Metro is committed through Board policy enacted in 2016 to prepare first/last mile station area plans for newly built transit lines as well as for the existing system. Over time, this will result in hundreds of planning documents aimed at improving conditions around stations throughout Los Angeles County. First/Last Mile planning

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LA METRO RESPONSES TO 2016-2017 LOS ANGELES COUNTY CIVIL GRAND JURY REPORT: "OUT OF YOUR CAR AND ONTO THE METRO – CAN FIRST/LAST MILE HELP"

work proceeds through a set of established steps rooted in the First/Last Mile Strategic Plan, but also subject to continual improvement through lessons learned from one project to the next.

At this stage, the Blue Line First/Last Mile planning work is concluding its community outreach with final first/last mile plans anticipated in December 2017.

Recommendation 3 Metro should take responsibility for the quality of the resulting (from 2. above) First/Last Mile implementations.

First/last mile improvements will be implemented in the future in collaboration with local jurisdictions.

Metro will take responsibility to the best of the organization's abilities for the quality of First/Last Mile implementation resulting from Metro planning documents. Our current efforts involve creating consistent standards for First/Last Mile projects that are intended to foster greater consistency and improved outcomes.

These standards will always incorporate best practices from our own work and as observed from peer agencies; however, actual implementation is a complex process, often requiring the cooperation of local jurisdictions and multiple sources of funding. While we will exert as much influence as possible when it comes to conforming to the high standards developed through our process, there are aspects of implementation which may be dependent on forces beyond Metro's control.

Recommendation 4 Metro should deal with more site-specific design problems in their First/Last Mile planning documents.

The recommendation has been implemented as part of Metro's first/last mile planning approach and methodology which specifically call for extensive, site-specific analysis and design. This is evidenced by prior and current work as described here:

Background and Context

The First/Last Mile Strategic Plan and the Active Transportation Strategic Plan (ATSP) were specifically designed with flexibility in mind, given that each station area has its unique conditions or issues and a "one size fits all" approach would not work.

The First/Last Mile Strategic Plan is a foundational document that makes the case for first/last mile improvements and outlines an approach and methodology for doing so.

The ATSP takes this a step further, providing a roadmap for stakeholders and partners to help identify transportation concepts and changes they'd like to see in their communities, and how all partners can work together to make that a reality.

The ATSP has not identified specific first/last mile access routes to each station area location, as this should be done on a station-by-station basis and with applicable stakeholder effort and through our subsequent station-specific planning efforts. However, the ATSP Volume II: Case Studies companion document used the step-by-step process established in the First/Last Mile Strategic Plan to highlight potential first/last mile improvements around 20 different study areas throughout LA County. These Case Studies can serve as guides to similar areas.

Additionally in the ATSP, Existing Conditions Analyses were completed for 661 transit stations and stops. These analyses, which are contained in ATSP Volume III: Appendices, may be accessed by the public through the ATSP online portal at <http://gis.fehrandpeers.com/metroatstp>.

Current Work

Metro is in the process of preparing a Blue Line First/Last Mile Plan, which builds on the Existing Conditions analyses from the ATSP for all 22 Blue Line stations and follows the First/Last Mile planning methodology including: walk audits, draft Pathway Network development, 11 community outreach events designed to get feedback from local stakeholders, and final Pathway Networks. The resulting Plan for the Blue Line station areas will address site-specific design problems around each station.

Metro will also prepare first/last mile plans for 4 station areas in the City of Inglewood, inclusive of three new Crenshaw/LAX Line stations (Fairview Heights, Downtown Inglewood, Westchester/Veterans) and one existing Green Line station (Crenshaw). This is the first set of plans that takes advantage of Board Motion 14.2, which allows cities to direct their 3% local contribution to new rail projects towards first/last mile improvements in their jurisdictions.

For the Purple Line, Metro will plan and implement first/last mile improvements for the Purple Line Section 2 and Section 3 stations, including Westwood/VA Hospital, Westwood/UCLA, Century City/Constellation and Wilshire/Rodeo.

Additionally, Metro is in the procurement phase of a project for station areas on the Foothill Gold Line Extension Phase 2B to develop First/Last Mile Pathway Maps and suggested improvements. The five station areas include Glendora, San Dimas, LaVerne, Pomona and Claremont. Metro will utilize the first/last mile methodology for these station areas resulting in first/last mile recommendations.

Longer Term Efforts

Per the Metro Board's May 2016 adoption of Motion 14.1, Metro has been charged with the countywide effort of conducting first/last mile studies and preliminary design for first/last mile facilities for all MTA Metro Rail stations (existing, under construction, and planned), all busway stations, the top 100 ridership Los Angeles County bus stops, and all regional rail stations.¹

Recommendation 5 Metro should further extend its influence over communities for first/last mile implementations with more extensive collaboration and funding.

Metro will continue to implement the recommendation.

Metro will continue to work closely with communities regarding First/Last Mile implementation and expand this partnership when possible. The adoption of the First/Last Mile Planning and Implementation Policy (Board Motion 14.1) by the Metro

¹ Metro Board Motion 14.1. May 2016. Accessed at:
http://boardarchives.metro.net/Items/2016/05_may/P&P%20Item%2014.1.pdf

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LA METRO RESPONSES TO 2016-2017 LOS ANGELES COUNTY CIVIL GRAND JURY REPORT: "OUT OF YOUR CAR AND ONTO THE METRO – CAN FIRST/LAST MILE HELP"

Board on May 26, 2016, potentially gives us more opportunities to extend influence, specifically through the Board's directive to Metro staff to "Facilitate first/last mile improvements initiated by local jurisdictions through technical and grant assistance."

² Specifically, as described in the Motion, this includes:

- Technical and grant-writing support for local jurisdictions wishing to deliver First/Last Mile projects on the Countywide First/Last Mile Priority Network.
- Prioritizing funding for the Countywide First/Last Mile Priority Network in Metro grant programs, including, but not limited to, the creation of a dedicated first/last mile category in the Call for Projects.
- Creating and identifying funding for a Countywide First/Last Mile Priority Network Funding Match Program, separate from existing Metro funding and grant programs, for local jurisdictions wishing to deliver first/last mile projects on the Countywide First/Last Mile Priority Network.
- To support the Active Transportation Strategic Plan (ATSP), dedicating funding for the Countywide First/Last Mile Priority Network in the ongoing Long-Range Transportation Plan update, including a review of First/Last Mile project eligibility for all Prop A, Prop C, and Measure R capital funding categories.

Additionally, as mentioned in our response to Recommendation #4, the adoption of Board Motion 14.2, First/Last Mile Local Funding, states that "up to 100% of a local jurisdiction's 3% local contribution can go towards underwriting ATP, First/Last Mile, bike and pedestrian and street safety projects that contribute to the accessibility and success of the stations in the respective jurisdictions."³

Recommendation 6 Metro should budget more of its funding stream to First/Last Mile implementations (see 5. above).

The recommendation has been implemented.

Our budget for the current year includes the following first/last mile implementations, as described in detail in our response to Recommendation #4:

- Purple Line First/Last Mile planning – Sections 2 and 3
- Blue Line First/Last Mile Plan
- Crenshaw/LAX Line First/Last Mile planning for the City of Inglewood stations
- Foothill Gold Line Extension Phase 2B First/Last Mile planning

Motion 14.1 mandates that first/last mile planning now must be included in the scope of work for all future transit projects, and that it cannot be value engineered out of said projects as projects progress.

More significantly, Measure M, recently approved by voters, makes First/Last Mile implementation explicitly eligible within a number of project and program categories. Pending future consideration on program guidelines and project funding plans, this creates a potentially substantial funding stream for First/Last Mile implementation.

² First/Last Mile Motion Response. Page 2. Accessed at <https://boardagendas.metro.net/board-report/2016-0615/>

³ Metro Board Report. Planning and Programming Committee. May 18, 2016. Accessed at: <http://metro.legistar1.com/metro/attachments/3d3490bd-8aec-471d-bbab-fced8b15141f.pdf>

Recommendation 7 Metro should explicitly include First/Last Mile design considerations beginning at the earliest stage of its system expansion designs.

Metro is actively working to implement the recommendation.

First/last mile plans will be part of design considerations in future transit system expansion projects, per the Metro Board policy (First/Last Mile Planning and Implementation Policy, Board Motion 14.1). Specifically, this includes the directive to "Incorporate Countywide First/Last Mile Priority Network project delivery into the planning, design, and construction of all MTA transit projects. These Countywide First/Last Mile Priority Network elements shall not be value engineered out of any project."⁴

Metro staff are to "establish first/last mile improvements into the project delivery process for future transit capital projects." This is being operationalized through a set of project planning and delivery guidelines to be developed in 2018.

Recommendation 8 Metro should formalize actual user reviews for refurbishments and new developments.

The recommendation has not yet been implemented, but will be implemented in the future.

The upcoming guidelines development process will include an evaluation component and likely will include feedback from Metro riders. Metro routinely surveys its customers on a broad range of issues related to use of the transit system.

Recommendation 9 Metro should use safety data from existing terminals as the highest priority consideration terminal.

The recommendation requires further analysis.

Metro will prioritize planning work based on a variety of factors, with systemwide safety included, but also considering differences between ridership and station boardings, implementation funding opportunities, and the engagement/interest of the local jurisdiction among other factors.

Recommendation 10 Metro should expand and make consistent the pedestrian and bicycle facilities at each terminals.

Implementation of the recommendation is ongoing.

Metro is dedicated to creating a transit system that is accessible and safe for pedestrians, bicyclists, and those who use other transportation modes. Thus, the expansion of facilities that support active transportation will continue to be a priority in First/Last Mile improvements. Metro recognizes that the communities served by each station are unique and may have different needs therefore, facilities may differ at each station by necessity.

⁴ Motion 14.1. Page 2-3. Accessed at:
<http://metro.legistar1.com/metro/attachments/530ed98d-323a-49de-a509-1bb581aeb1db.pdf>

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LA METRO RESPONSES TO 2016-2017 LOS ANGELES COUNTY CIVIL GRAND JURY REPORT: "OUT OF YOUR CAR AND ONTO THE METRO – CAN FIRST/LAST MILE HELP"

Metro provisions bicycle parking at all new stations and works to improve conditions at existing stations. There are free to use bike racks at 86 out of 120 Metro rail and bus rapid transit stations. Secure bike parking in the form of bike lockers are at 54 stations out of 120 stations. Another form of secure bike parking is known as a Metro Bike Hub, which is Metro's branded name for a bicycle commuter station. Metro Bike Hubs provide indoor, high-capacity bike parking with options to offer bike commuter support such as bike repairs and sale of bike parts, and provide bike education and tips. These are located and planned at key stations where demand, transit station development opportunities, and system-wide bike facility strategies occurred or have been identified.

Currently operating Metro Bike Hubs are at El Monte and Hollywood/Vine stations. The Union Station Metro Bike Hub is currently under construction and there is planned construction of a Culver City hub in 2018. Future locations in the Design phase include the Willowbrook/Rosa Park and future Airport Metro Connector stations; the North Hollywood station is also a planned future location.

Metro deals with challenges to bicycle facilities in different ways, depending on the specific station. There are 17 stations where ROW is limited and non-Metro bike parking facilities are provided. For example, some Blue Line stations in Long Beach are within the median and the City has provided bike racks along the sidewalk near the station. Metro grant programs have helped fund similar bicycle commuter stations for the City of Long Beach and Santa Monica targeting Metro downtown Blue and Expo line stations, respectively. In addition, 17 stations with no bike parking facilities exist where Metro has no surface property such as at 7th and Metro. To address this Metro encourages local cities to provide bike parking and/or include as mitigation measures for developments that are near Metro stations.

Bike Facility	# of Stations
Bike racks	86
Bike lockers	54
Metro Bike Hub	2
Metro (future)	5
Non Metro Bike facilities	17
No bike facilities	17
TOTAL Rail/BRT Stations	120

The need and cost for implementing each facility type varies. Bike racks should be provided at the very minimum for all stations due to low cost, however, bike theft is a major concern. Bike lockers are a moderate capital cost that does increase security for bikes, but additional space and management becomes an operational burden when property is limited and demand is high. A Metro Bike Hub is more costly, particularly with support services, but allows efficiency to accommodate secure bike parking demand within a smaller footprint. However, a self-serve Metro Bike Hub can be a moderate cost similar to bike lockers. Metro's secure bike parking requires usage fees to help manage the program, where bike lockers are \$24 for every six months with a refundable \$50 key security deposit. Metro Bike Hubs have three user rates at \$60/year, \$12/month, and \$5/week. Metro is working on updating a study to

evaluate Metro's overall system to strategize the planning and implementation of existing and new bike parking improvements.

Bike share facilitates also promote first/last mile connectivity to Metro stations. However, planning and implementation are based on specific study factors such as land-use, density, and more to ensure usage and effectiveness.

Recommendation 11 Metro should encourage or require First/Last Mile design that constrain automobile speeds and maximally separate vehicle routes and pedestrian and bicycle paths in terminal footprint areas.

The recommendation requires further analysis in order to balance all transportation modes in a given station area.

Safe access for people walking and biking to Metro stations underpins the First/Last Mile Strategic Plan and toolkit of improvements. One challenge of first/last mile planning is balancing the interests and priorities of all road users, such as transit users and movers of commercial goods. Safety is a top priority for Metro, therefore, we will encourage First/Last Mile designs that facilitate the safety of people walking and biking and separate vehicles from pedestrians and bicyclists, while at the same time taking into account the entire ecosystem of transportation users in a given station area.

Recommendation 12 Metro should further develop bicycle usage policies to/on/from Metro and First/Last Mile support for bicyclists.

The recommendation has been implemented.

As stated earlier, Metro is dedicated to providing a transit system that is safe and accessible for bicyclists. Current and past Metro programs and planning initiatives that support this include:

- In 2011 Metro removed peak hour restrictions allowing bicycles to be brought on board rail vehicles.
- In 2012 Metro implemented procedures for counting customers using bike racks.
- 2014 Countywide Sustainability Policy
- 2014 First Last Mile Strategic Plan
- In 2015 Metro installed 3-position bike racks on new 40 foot buses
- 2015 Completes Streets Policy
- 2016 Active Transportation Strategic Plan
- Bicycle Traffic Safety Classes
- Bike Week programs
- Bike Share pilot program
- Metro's Open Streets grant program, which funds events such as CicLAvia, 626 Golden Streets and many other events that close streets to motor vehicles and open to people walking, biking, or skating.
- Projects that build regionally significant paths for walking and biking on the same scale as Metro's transit projects, such as the Rail-to-Rail/River project and Metro's L.A. River Bike Path Gap Closure Project

LA METRO RESPONSES TO 2016-2017 LOS ANGELES COUNTY CIVIL GRAND JURY
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For more information on these initiatives, please see the Bike Metro section of the Metro website, which can be accessed at <https://www.metro.net/riding/bikes/>.

Recommendation 13 Metro should explicitly provide for the use of accessory items on trains - rolling carts, baby carriages, etc.

The recommendation has been implemented.

Metro's rules regarding the use of accessory items are broadly permissive except as necessitated by space and safety concerns.

Metro's rules regarding the use of accessory items are laid out in the *Metro Customer Code of Conduct* (Amended 5/1/2017). Section "6-05-070 carts, strollers, and luggage" details out requirements such as the fact that large size carts and dollies must be collapsed while on Metro vehicles and that in all Metro facilities, these items must be transported via elevator or ramp instead of escalator.

The document can be accessed here:

http://media.metro.net/about_us/ethics/images/codeofconduct_customer.pdf. Section 6-05-070 appears on page 5.

Recommendation 14 Metro should anticipate the development of potential new accessories and assists within First/Last Mile plans and implementations.

The recommendation requires further analysis for effective development of new accessories and assists.

As new accessories and assists develop, Metro will consider incorporating these new developments within First/Last Mile plans.

In an effort to anticipate the development of potential new accessories and how they might best be utilized, Metro and Coro Fellows in Public Affairs (CORO) produced the study *Personal Electric Transporters (PETs): Preparing for emerging transportation technology* in March 2016. The purpose of the study was to explore and assess the compatibility of integrating private sector PET technology as a means to ease first/last mile access to the LA County public transportation system.

Additionally, the Unsolicited Proposal process, which is run through Metro's Office of Extraordinary Innovation (OEI), is uniquely suited to help the agency stay abreast of new accessories. Unsolicited proposals allow private-sector companies working on transportation innovations to present new ideas directly to Metro for review and evaluation, jump-starting the traditional public procurement process. The most exciting proposals could lead to a demonstration, a pilot project, or in the most successful cases, full deployment across Metro's system.⁵ More details about the Unsolicited Proposal process can be found at

<https://www.metro.net/projects/oei/partnerships-ups/>.

The Board also recently created a Customer Experience Committee, which is tasked with helping to find ways to continue making the Metro experience safer, more predictable and more enjoyable. Five of the seven members are not elected officials

⁵ <https://www.metro.net/projects/oei/>

– they are members of the public who have dealt with transportation and other related issues.⁶ This Committee is another policy creation mechanism that opens up a communication channel for information about new and developing assists and accessories, which may eventually find their way into future first/last mile plans.

The ADA provides definitions for things like mobility aids (wheelchairs, scooters, etc.), and Metro is committed to serving customers with disabilities using mobility aids (current and future) that meet ADA guidelines. An example of Metro's dedication is the addition of a "Securement" competition section to Metro's annual prestigious Bus Rodeo event. This is a competition in which Metro's best operators qualify and then compete in an obstacle-style driving course. In 2016, a wheelchair securement segment was added to the Rodeo; operators must board, secure and alight a wheelchair as quickly as possible, while following all safety rules. The operators are scored on their effectiveness in securing the mobility device; adherence to ADA-related rules, policies, and procedures; and their customer service skills during the Securement competition by members of the Metro Accessibility department, thus ensuring adherence to ADA standards.

Recommendation 15 Metro should plan for Uber/Lyft/A-Car ports at Metro terminal.

The recommendation has been implemented with anticipation of developing new partnerships and demonstration projects tailored to station-level demands.

Drop off areas, also referred to as "kiss and ride," will be considered at Metro transit stations. These will benefit not only Uber/Lyft/A-Cars but regular patron drivers. Metro is currently developing a partnership with Lyft on a pilot demonstration at select stations, including enhancing/clarifying space designation for pick-up/drop-off.

On Tuesday, August 29, 2017, Metro participated in a pre-proposal Industry Forum for Metro's innovative MicroTransit Pilot project. The MicroTransit Pilot project seeks to design and test a new complementary transit service which will dynamically route vehicles to pick-up and drop-off customers at virtual stops within Los Angeles County. Implementation of this Uber-like service demonstrates Metro's willingness to adapt, change and innovate in order to meet customer demands and stay relevant.⁷

Future first/last mile planning work will consider standard approaches to right-size pick-up/drop-off space according to demand.

⁶ <http://thesource.metro.net/2017/07/21/new-metro-board-committee-focuses-on-the-customer-experience/>

⁷ Washington, Philip A. "CEO Brief: Every Voice Counts. 9/1/17. Accessed at: <https://t.e2ma.net/message/jiki6/z6htdz#4>"

TRANSFORMING THE LIVES OF HOMELESS VETERANS



Reuben P. Santana Chair
Joyce Simily Co-Chair
Marcie Alvarez
Dorothy Brown
London Jones
Faramarz Taheri

communities. CBOs have views and recommendations and they need to be heard and given the opportunity to be a stakeholder partner with governmental agencies.	established methods, such as maintaining relationships with community leaders or civic organizations; holding public meetings; and involving community members in data collection and focus groups.
Recommendations	Responses
6.2 The CEO should adequately fund the needed improvements to County preparedness, response and recovery efforts outlines in the DPH proposed environmental oversight and monitoring program titled <i>Building Capacity to Address Environmental Health Threats</i> .	Agree. This recommendation has been implemented. The DPH identified funding within existing resources to fund the environmental oversight and monitoring program titled Building Capacity to Address Environmental Health Threats as part of the Fiscal Year 2017-18 Adopted Budget. If there is a need for additional funding, the request will be evaluated in future budget phases.
6.4 The CEO in collaboration with DPH should review the propose revision of the regulatory authority for the DPH with regard to business licensing and building and safety permitting related to industries or projects handling toxin elements.	Disagree. This recommendation will not be implemented. It is beyond County's authority to shift and/or expand regulatory responsibilities already delegated to State and Federal government agencies. CEO, in collaboration with the DPH, will work with the regulatory agencies to ensure these agencies improve their oversight of businesses and appropriately sanction businesses that contribute to hazardous environmental conditions affecting nearby communities in Los Angeles County.
6.10 The CEO should assign a County office with the responsibility to prepare and conduct grant writing training to CBOs focused on environmental justice. Training should enable CBOs to solicit grants from local, State, or Federal programs for their local environmental pollution research projects.	Disagree. This recommendation will not be implemented. CEO and County departments do not have the resources to prepare and conduct grant writing training for community based organizations (CBOs) at this time. The County will explore future funding opportunities to procure training consultants with the ability to build grant writing capacity among CBOs involved in environmental justice work.
Chief Executive Office For the Board of Supervisors – Transforming the Lives of Homeless Veterans Living in Los Angeles County	
Recommendations	Responses
8.1 The County Board of Supervisors should increase the time period for services allocated to the HV for dental, medical, and psychiatric evaluation for a period of not less than two years for each application approval.	Disagree. This recommendation will not be implemented. We are not aware of any current time limit on dental, medical, and psychiatric evaluation services for homeless veterans.
8.3 The County Board of Supervisors should establish a system of temporary storage facilities for HV to enable them to safeguard their possessions while they conduct their business affairs.	Partially agree. This recommendation <u>requires further analysis</u> to be completed by December 31, 2017. Currently, the County's Department of Public Works provides temporary storage for up to 90 days for personal belonging of homeless individuals resulting from cleanup efforts of homeless encampments within the County's jurisdiction.

	The County needs to work with the Los Angeles Homeless Services Authority in determining the feasibility of offering this service to homeless veterans, including looking at such issues as available funding, suitable locations, and legal issues. In addition, the County must consider the limitations on its authority to site storage facilities in cities' jurisdictions.
8.4 The County Board of Supervisors should establish a task force with the explicit goal being to identify facilities that are vacant and suitable for use as shelter for homelessness, within the County. Specifically, buildings that can be converted and used as transitional and permanent housing for HV.	Partially agree. The recommendation requires further analysis, to be completed by December 31, 2017. A task force is not required; however, the County agrees there should be a concerted effort to identify facilities that are vacant or suitable to shelter homeless veterans under Homeless Initiative Strategy E8: Enhance the Emergency Shelter System. This strategy allocates \$10 million to develop homeless shelters throughout the County. As part of the competitive bidding process, the County will assess the feasibility of developing shelters for all homeless populations, including veterans.
8.7 The County Board of Supervisors should set aside a portion of funds under Measure H for HV and include nontraditional service providers (i.e. Missions) as recipients to effectively deliver permanent housing solutions and supportive services.	Disagree. This recommendation will not be implemented. There will be funding opportunities available through Measure H to fund non-traditional service providers to effectively deliver permanent housing solutions and supportive services. With the revenue generated by Measure H, the County is committed to expanding and supporting the pool of service providers for all homeless populations, including veterans.
8.9 The County Board of Supervisors should form an Independent Oversight Commission to oversee the implementation of projects and expenditures of funds under Measure H.	Agree. This recommendation has been implemented. The Measure H ordinance passed by the voters of Los Angeles County requires a Citizens' Oversight Advisory Board to oversee the implementation of projects and expenditures of Measure H Funds. On June 13, 2017, the Board appointed five members to the Measure H Citizen's Oversight Advisory Board. In addition, the Measure H ordinance requires that the County annually conduct an independent audit of Measure H expenditure and outcomes.
Chief Executive Office – Transforming the Lives of Homeless Veterans Living in Los Angeles County	
Recommendations	Responses
8.5 The County Chief Executive Office should review and revamp their procurement process, as it relates to the Home for Heroes Program, to enable expedited placement of service contracts for housing and supportive services.	Disagree. This recommendation will not be implemented. The Homes for Heroes programs are implemented with one-time funding and all components have been implemented. There is no need to review or revamp the procurement process.

RESPONSES OF THE LOS ANGELES MAYOR'S OFFICE TO THE CIVIL GRAND JURY FINAL REPORT

SUBJECT: 2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR
Transforming The Lives of Homeless Veterans

MAYOR ERIC GARCETTI, CITY OF LOS ANGELES

RECOMMENDATION NO. 8.8 – The Mayor of the City of Los Angeles should set aside a certain percentage of funds under Measure HHH strictly for HV and their families to help with their transition, and to accommodate first and last month rent payments.

RESPONSE TO RECOMMENDATION NO. 8.8

Disagree. *This recommendation will not be implemented.*

Multiple efforts are underway to help end veteran homelessness in the City of Los Angeles. Allocating a specific percentage of funds under Measure HHH for homeless veterans is not necessary at this time, in part, due to the California Proposition 41, the California Veterans Housing and Homeless Prevention Bond Act of 2014 (VHHPA).

Proposition 41 amended the Veterans' Bond Act of 2008 to reduce the amount of authorized bonds from \$900 million to \$300 million. It also enacted the Veterans Housing and Homeless Prevention Bond Act of 2014 to authorize \$600 million in bonds to provide multifamily housing, such as apartment complexes, to low-income veterans and supportive housing for veterans.

Proposition 41 also imposed reporting requirements on the Department of Housing and Community Development and the Department of Veterans Affairs to evaluate any program established by the VHHPA. Furthermore, it authorized the Department of Housing and Community Development to provide specified assistance to veterans.

Proposition 41 also authorized the state to provide local governments, nonprofit organizations and private developers with financial assistance, such as low-interest loans, so that they may construct, renovate and acquire affordable multifamily housing for low-income veterans and their families. At least one-half of the funds is to be used to build supportive housing for homeless veterans.

Since its implementation, the Veterans Housing and Homeless Prevention Program (VHHP), has awarded \$104,824,684 to organizations based in Los Angeles County region, with approximately \$57,923,170 of the total amount distributed to organizations within the City of Los Angeles.

VHHP expects \$75 million will be released annually until all Proposition 41 funds are exhausted, with a goal of providing quality housing for approximately 7,000 people. Geographic distributions intend to focus on areas with the largest concentrations of veterans in need. Additionally, the Department of Veterans Affairs has approved the Greater Los Angeles Area V.A. Medical Center's master plan, which will provide an additional 1,200 housing units for veterans within the V.A. campus in Los Angeles.

RECOMMENDATION NO. 8.10 – The Mayor of the City of Los Angeles should form an Independent Oversight Commission to oversee the implementation of projects and expenditures of funds under Measure HHH.

RESPONSE TO RECOMMENDATION NO. 8.10

Agree. This recommendation has been implemented.

The City has established a Measure HHH Citizens Oversight Committee, an administrative council that plays a vital role in developing housing for homeless Angelenos funded through Measure HHH. Specifically, the Measure HHH Citizens Oversight Committee provides input, reviews plans, and makes recommendations on bond proceed expenditures and proposed projects to the Proposition HHH Administrative Oversight Committee. In January 2017, Mayor Eric Garcetti announced four appointees to the Committee: Kerry Morrison, David Ambroz, Miguel Santana, and Beatrice Hsu. The other three members of the Citizens Oversight Committee have been appointed by the City Council: Blair Besten, Tiffany Boyd, and Tunua Thrash-Ntuk.

The City has also established a Measure HHH Administrative Oversight Committee — which is comprised of members of Offices of the Mayor, the City Administrative Officer, and the City Legislative Analyst.

⑩
10/4/17

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE FOR THE BOARD OF SUPERVISORS

2016-2017 GRAND JURY RECOMMENDATIONS FOR TRANSFORMING THE LIVES OF HOMELESS VETERANS LIVING IN LOS ANGELES COUNTY

RECOMMENDATION NO. 8.1

The County Board of Supervisors should increase the time period for services allocated to the HV for dental, medical, and psychiatric evaluation for a period of not less than two years for each application approval.

RESPONSE

✓ Disagree. This recommendation will not be implemented. We are not aware of any current time limit on dental, medical, and psychiatric evaluation services for homeless veterans.

RECOMMENDATION NO. 8.3

The County Board of Supervisors should establish a system of temporary storage facilities for HV to enable them to safeguard their possessions while they conduct their business affairs.

RESPONSE

✓ Partially agree. This recommendation requires further analysis to be completed by December 31, 2017. Currently, the County's Department of Public Works provides temporary storage for up to 90 days for personal belonging of homeless individuals resulting from cleanup efforts of homeless encampments within the County's jurisdiction.

The County needs to work with the Los Angeles Homeless Services Authority in determining the feasibility of offering this service to homeless veterans, including looking at such issues as available funding, suitable locations, and legal issues. In addition, the County must consider the limitations on its authority to site storage facilities in cities' jurisdictions.

RECOMMENDATION NO. 8.4

The County Board of Supervisors should establish a task force with the explicit goal being to identify facilities that are vacant and suitable for use as shelter for homelessness, within the County. Specifically, buildings that can be converted and used as transitional and permanent housing for HV.

RESPONSE

✓ Partially agree. The recommendation requires further analysis, to be completed by December 31, 2017. A task force is not required; however, the County agrees there should be a concerted effort to identify facilities that are vacant or suitable to shelter homeless veterans under Homeless Initiative Strategy E8: Enhance the Emergency Shelter System. This strategy allocates \$10 million to develop homeless shelters throughout the County. As part of the competitive bidding process, the County will assess the feasibility of developing shelters for all homeless populations, including veterans.

1044/17

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE (OFFICE OF HOMELESSNESS)

2016-2017 GRAND JURY RECOMMENDATIONS FOR TRANSFORMING THE LIVES OF HOMELESS VETERANS LIVING IN LOS ANGELES COUNTY

RECOMMENDATION NO. 8.5

The County Chief Executive Office should review and revamp their procurement process, as it relates to the Home for Heroes Program, to enable expedited placement of service contracts for housing and supportive services.

RESPONSE

✓ Disagree. This recommendation will not be implemented. The Homes for Heroes programs are implemented with one-time funding and all components have been implemented. There is no need to review or revamp the procurement process.

RECOMMENDATION NO. 8.6

The County Chief Executive Office should ensure all contracts with service providers under the Home for Heroes Program and the HI Strategies C-5 Program provide transparency on administrative cost expenditures so as to ensure that contractors are not in violation of CA Military & Veterans Code 927.

RESPONSE

✓ Disagree. This recommendation will not be implemented. The Home for Heroes programs are funded from \$5 million of one-time County General Funds, and HI Strategy C-5 will be funded by Measure H quarter-cent sales tax, both of which are not being dispersed under CA Military & Veteran Code 927.

10/4/17

RECOMMENDATION NO. 8.7

The County Board of Supervisors should set aside a portion of funds under Measure H for HV and include non-traditional service providers (i.e. Missions) as recipients to effectively deliver permanent housing solutions and supportive services.

RESPONSE

✓ Disagree. This recommendation will not be implemented. There will be funding opportunities available through Measure H to fund non-traditional service providers to effectively deliver permanent housing solutions and supportive services. With the revenue generated by Measure H, the County is committed to expanding and supporting the pool of service providers for all homeless populations, including veterans.

RECOMMENDATION NO. 8.9

The County Board of Supervisors should form an Independent Oversight Commission to oversee the implementation of projects and expenditures of funds under Measure H.

RESPONSE

✓ Agree. This recommendation has been implemented. The Measure H ordinance passed by the voters of Los Angeles County requires a Citizens' Oversight Advisory Board to oversee the implementation of projects and expenditures of Measure H Funds. On June 13, 2017, the Board appointed five members to the Measure H Citizen's Oversight Advisory Board. In addition, the Measure H ordinance requires that the County annually conduct an independent audit of Measure H expenditure and outcomes.



**HOUSING AUTHORITY
of the County of Los Angeles**

700 W. Main Street • Alhambra, CA 91801

Tel: 626.262.4510 • TDD: 855.892.6095 • www.hacola.org

Already Responded ✓

**Hilda L. Solis
Mark Ridley-Thomas
Sheila Kuehl
Janice Hahn
Kathryn Barger**
Commissioners

Sean Rogan
Executive Director

September 21, 2017

Presiding Judge
Los Angeles Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Eleventh Floor – Room 11-506
Los Angeles, California 90012

RE: RESPONSE TO 2016-2017 CIVIL GRAND JURY REPORT

Dear Presiding Judge,

The letter is in response to the Section 8 report prepared by the Los Angeles County Civil Grand Jury (CGJ) on transforming the lives of homeless Veterans in the County. Within this report, the CGJ details various aspects of the plight of homeless Veterans, including a review of the housing resources provided by the Housing Authority of the County of Los Angeles (HACoLA). While HACoLA appreciates the time, attention, and effort the Grand Jury put into examining the crisis of homeless Veterans, we feel it necessary to provide an accurate synopsis of the Veterans Affairs Supportive Housing (VASH) program and the Veteran Incentive Program (VIP) implemented under the County's Homes for Heroes initiative.

VASH Program

The VASH program provides Housing Choice Voucher (HCV) rental assistance administered by Public Housing Agencies (PHAs) such as HACoLA, and pairs the assistance with case management and clinical services by the Department of Veterans Affairs (VA). Each Year since 2008, the Federal government has awarded VASH vouchers based on geographic need and PHA performance.

Given that VASH vouchers are essentially HCV (commonly referred to as Section 8) vouchers, they may only be used for permanent housing in the private rental market that is selected by the individual or family based on their needs and preferences. These vouchers would not be usable in shelters or transitional housing settings. The CGJ report suggests that many Veterans are using their "vouchers" in shelters, missions, transitional housing, and tenement buildings. Perhaps the report should further define the type of voucher that is being referenced here, as there are subsidies for transitional or emergency housing that are also referred to as vouchers. Given that "voucher" is a generic term that

could represent several subsidy types, HACoLA believes that clearly identifying the type of assistance in place is key to accurately assessing areas in need of improvement.

HACoLA and VASH

There are approximately 6,400 VASH vouchers currently allocated to the County, of which HACoLA administers less than 1,800 or roughly 30%. The CGJ report states that most VASH vouchers are not used, become void, and ultimately reassigned to other homeless Veterans. This assertion is factually untrue. While HACoLA recognizes that other housing authorities that operate within the County may have unused vouchers, we can confirm that HACoLA leased 100% of its voucher utilization in June of 2016, and is currently assisting homeless Veterans as VASH vouchers become available through routine turnover. This clarification was provided to members of the Grand Jury on several occasions and we offered to meet with them to walk them through how VASH vouchers are allocated within the County.

To further support Veterans and increase their chances of successful housing placement, HACoLA has implemented several measures such as:

- **Interagency agreements with other PHAs:** HACoLA has entered into agreements with neighboring PHAs to offer more options for Veterans to search for housing outside of HACoLA's jurisdiction, bypassing the cumbersome "portability" process, which is a formal transfer of a Veteran's voucher from one PHA to another.
- **Regulatory waivers:** HACoLA successfully petitioned HUD for a waiver to implement a separate payment standard for the VASH program, and an additional waiver to increase the payment standard well above the Fair Market Rent standards for LA County. The current payment standard for the VASH program is approximately 28.6% higher than the HCV payment standard, giving homeless Veterans more money in housing subsidy to secure a permanent home.
- **On the spot voucher issuance:** As a solution to the unique geographical challenge in Los Angeles County, HACoLA implemented a streamlined process of determining eligibility for the VASH program "on the spot". With this new grassroots approach, HACoLA is equipped to take the "office" to the Veterans, approving applications for assistance in the field and issuing vouchers on the spot, allowing Veterans to immediately begin their housing search.

The combination of these innovative approaches to housing homeless Veterans has been very successful for HACoLA and have garnered numerous national awards by housing industry organizations.

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SHERIFF'S INMATE WELFARE FUND



Sharon Muravez	Chair
Gerard Duiker	Co-Chair
Dorothy Brown	
Gloria Garfinkel	

SHERIFF'S INMATE WELFARE FUND



Sharon Muravez	Chair
Gerard Duiker	Co-Chair
Dorothy Brown	
Gloria Garfinkel	

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
Department of Military and Veterans Affairs

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR Transforming the Lives of Homeless Veteran

RECOMMENDATION NO. 8.2

The County Department of Military and Veterans Affairs should establish a mobile outreach service and set up operations at the various missions on a regular scheduled basis.

RESPONSE

Pursuant to California Penal Code §933.05, the Department of Military and Veterans Affairs agrees with the findings.

The recommendation has not yet been implemented, but will be implemented in the future as resources are identified and developed.

The Department of Military and Veterans Affairs (DMVA) will partner with the Department of Veterans Affairs' Homeless Patient Aligned Care (HPAC) teams to provide services to veterans throughout the skid row community.

All 20 field offices currently provide services to homeless veterans. Though referrals to Department of Mental Health, U.S. Veterans, Inc., Volunteers of America, People Assisting the Homeless (PATH) and other community partners, DMVA has connected more than 200 homeless veterans to transitional and bridge housing in fiscal year 2016-2017.

DMVA chairs the Homeless Initiative C-5 (Establish a Countywide Veterans Benefits Advocacy Program for Veterans Experiencing Homelessness or At Risk of Homelessness). Partnering with the C-4 and C-6, DMVA has contracted Homeless Veterans Benefits Specialist Resource Teams to provide assistance to eligible homeless veterans in applying for and obtaining income and/or health benefits from the Department of Veterans Affairs.

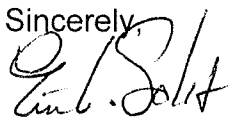
Homes for Heroes / Veteran's Incentive Program

In February of 2016, HACoLA implemented the Landlord Veteran's Incentive Program (VIP) to increase the pool of available housing for homeless Veterans with a voucher. This was accomplished by offering a robust suite of incentives to persuade property owners to remove their units from the open market while eligible individuals and families were referred to them. VIP also assisted homeless Veterans with funds for the security deposit, utility connection fees, and other move in costs. VIP was implemented as an 18-month program using funds from the Homes for Heroes Initiative, running from February 2016 to June 2017. While the CGJ report provides some preliminary results of the program, HACoLA would like to share the final program data. During the 18-month program, VIP ultimately led to the permanent supportive housing placement of 370 homeless Veterans. Although VIP has ended, HACoLA's commitment to housing homeless Veterans remains, as new clients are still being assisted under VIP's sister program, the Homeless Incentive Program (HIP). With HIP, which is funded by Measure H, HACoLA will continue to help homeless individuals and families, including homeless Veterans for the next 10 years. Measure H funding even provides for the possible expansion of HIP into all 19 PHAs in the County, affording homeless Veterans across the County access to these valuable resources.

In conclusion, the CGJ report sheds light on a number of issues facing our homeless population, specifically homeless Veterans. However, the report drew conclusions about access to decent housing which we do not believe accurately reflect the results of the VIP program. Moreover, the report mixes apples and oranges when describing Veteran program requirements and program outcomes. Given our Veterans' brave commitment to our Country, we understand that providing access to basic needs and services like housing is the least we can do to thank them for their valiant service. HACoLA remains committed to the charge of ending Veteran homelessness, and will continue to implement innovative approaches to realize this goal. Should the CGJ wish to engage in further dialog with HACoLA, we welcome the opportunity to share our experiences in helping homeless Veterans.

Should you have any questions, you may contact Margarita Lares, Director, Assisted Housing Division at 626-586-1670 or Margarita.Lares@hacola.org.

Sincerely,



EMILIO SALAS

Deputy Executive Director

8.6 The County Chief Executive Office should ensure all contracts with service providers under the Home for Heroes Program and the HI Strategies C-5 Program provide transparency on administrative cost expenditures so as to ensure that contractors are not in violation of CA Military & Veterans Code 927.	Disagree. This recommendation will not be implemented. The Home for Heroes programs are funded from \$5 million of one-time County General Funds, and HI Strategy C-5 will be funded by Measure H quarter-cent sales tax, both of which are not being dispersed under CA Military & Veteran Code 927.
Chief Executive Office For the Board of Supervisors – Sheriff's Inmate Welfare Fund	
Recommendation	Response
9.12 The BOS should require LASD to implement greater public transparency of the Sheriff's Inmate Welfare Fund.	Agree. This recommendation will be implemented, anticipated by mid-year of Fiscal Year 2017-18. On June 26, 2017, the Board introduced a motion directing the Chief Executive Office (CEO) and Auditor-Controller (A-C), in consultation with the Sheriff's Department, to provide periodic financial status reports on the Department's budget to the Board. The CEO will recommend that the following information regarding the Department's Inmate Welfare Fund be included in those reports: how much money is in the Inmate Welfare Fund; the revenue sources of the Fund; a line-item budget for the Fund; a description of the programs solely dedicated to inmate education, benefits, and welfare; and an outline of expenditures related to the maintenance of the Department's facilities. Transparency and accountability is not limited to the Department's operating budget but should also extend to the special revenue funds for which the Department administers or oversees.
Chief Executive Office – When Are Landlines A Government Waste?	
Findings	Responses
10.4 Internal Services Department's (ISD) Expense Management System (EMS) reduces the disarray associated with handling, reviewing and approving monthly paper telephone bills that were previously delivered by telephone service providers. This system can handle both cellular and landline phone bills.	Agree.
10.5 Subscription to EMS is currently voluntary by each department. By having all departments subscribe to this system	Agree.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
SHERIFF

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS AND FINDINGS FOR SHERIFF'S INMATE WELFARE FUND

RECOMMENDATION NO. 9.1

✓ The LASD should require the IWC Strategic Planning Committee to adhere to the timeline spelled out in the Commission Bylaws to produce and submit a spending plan by August in order to determine the funding priorities for the coming fiscal year.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The recommended timeline will be implemented in the 2017 Inmate Welfare Commission Bylaws.

RECOMMENDATION NO. 9.2

✓ The LASD should require the IWC to complete an assessment of program performance by March 1 of each year.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The IWC has oversight of all IWC funded programs, which includes the Five Keys Charter School, Career Technical Education (CTE) contract, the HealthRight 360 contract, and the Harriet Buhai contract. The Department will provide quarterly reports to the IWC for the above listed vendors. The Department and the IWC will work together on conducting the assessment. This recommendation will be implemented by the end of the first quarter for year 2018.

RECOMMENDATION NO. 9.3

✓ The LASD should annually receive measurable program and financial objectives from the Strategic Planning Committee of the IWC.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Department will implement the recommendation by annually informing the Strategic Planning Committee of the IWC of the Grand Jury's recommendation.

RECOMMENDATION NO. 9.4

✓ The LASD should establish such methods and procedures to identify expenditures and enable respective Fiscal and Facilities program managers to clearly identify which expenditures have been encumbered for their area of responsibility and what is unencumbered to date.

RESPONSE

The Department agrees with the Civil Grand Jury's finding, but believes proper methods and procedures are currently being practiced. The Department currently provides a specific code to each expenditure as

"Programs (designated by a P)" or "Facilities (designated by an F)" in addition to a specific project code to the individual projects. Therefore, no further action on this recommendation will be implemented.

RECOMMENDATION NO. 9.5

The LASD should implement IWC program priorities set forth in their annual strategic planning process.

New technology will provide a Dashboard where programs can be tracked for effectiveness much like "institutional research." Institutional research informs decision-making and planning in areas such as curriculum, enrollment management, staffing, space, and community relationships. The Dashboard will assist the IWC to support and collaborate with stakeholders in making data-informed decisions related to Department priorities and strategic planning. The Dashboard will provide the IWC and therefore the Department data and related analytic tools.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Department requires further analysis and will research options available and funding requirements/availability to determine if implementation is possible.

RECOMMENDATION NO. 9.6

The LASD should make a presentation to the IWC on the LASD's Strategic Plan and related programs in order for the IWC to have sufficient relevant information in setting their priorities.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Department will schedule a LASD Strategic Plan presentation for the IWC. This recommendation will be implemented by the end of this calendar year.

RECOMMENDATION NO. 9.7

In the event of potential loss of revenue from telephone provider(s), the IWC should review and refrain from committing funds to expensive and long-term programs until the FCC case is resolved and new phone contracts are issued.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The IWC is aware of the potential loss in revenue. Financial systems/records currently in place account for this recommendation. Further review and analysis of the FCC ruling is needed.

RECOMMENDATION NO. 9.8

The LASD staff should report regularly to the IWC on the weekly Town Hall meetings with inmates, in soliciting inmates' comments regarding IWC expenditures and/or programs.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Department will report the top five inmate concerns, regularly to the IWC. This recommendation will be implemented by the end of this calendar year.

RECOMMENDATION NO. 9.9

The LASD should clarify and implement, after IWC approval, the methods and procedures used to identify expenditures by purpose and the inter-fund transfers between the Program and Facilities funds.

RESPONSE

The Department agrees with the Civil Grand Jury's finding, but believes proper methods and procedures are currently being practiced regarding the tracking of expenditures by "Programs (designated by a P)" or "Facilities (designated by an F)" in addition to a specific project code to the individual projects. There are no inter-fund transfers between the Program and Facilities funds as they are both funded within the IWF. Therefore, no further action on this recommendation will be implemented.

RECOMMENDATION NO. 9.10

The LASD should practice transparency of the Inmate Welfare Fund by posting IWC meeting agendas and minutes.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation, however further analysis needs to be conducted to determine which sections of the IWC's agenda and minutes should be released.

RECOMMENDATION NO. 9.11

The LASD should post an annual itemized report of IWF expenditures in each LASD jail facility and make it available to the public for greater transparency.

RESPONSE

The Department disagrees with the Civil Grand Jury's finding. The Public Records Act process ensures that the information is available to the public. Therefore, the recommendation will not be implemented.

RECOMMENDATION NO. 9.13

Per the IWC Bylaws, the LASD should appoint an individual to the IWC who has successfully reentered society after incarceration.

RESPONSE

Per the IWC Bylaws, the Sheriff of Los Angeles County shall appoint IWC members. Appointed Commissioners shall serve at the will of the Sheriff during his/her term, unless a Commissioner chooses to step-down. Due to this authority, the Sheriff requires further analysis of this recommendation.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE FOR THE BOARD OF SUPERVISORS

10/4/17
Q

2016-2017 GRAND JURY RECOMMENDATIONS FOR SHERIFF'S INMATE WELFARE FUND

RECOMMENDATION NO. 9.12

The BOS should require LASD to implement greater public transparency of the Sheriff's Inmate Welfare Fund. (Findings 1, 6, 7, 10, 12)

RESPONSE

✓ Agree. This recommendation will be implemented, anticipated by mid-year of Fiscal Year 2017-18. On June 26, 2017, the Board introduced a motion directing the Chief Executive Office (CEO) and Auditor-Controller (A-C), in consultation with the Sheriff's Department, to provide periodic financial status reports on the Department's budget to the Board. The CEO will recommend that the following information regarding the Department's Inmate Welfare Fund be included in those reports: how much money is in the Inmate Welfare Fund; the revenue sources of the Fund; a line-item budget for the Fund; a description of the programs solely dedicated to inmate education, benefits, and welfare; and an outline of expenditures related to the maintenance of the Department's facilities. Transparency and accountability is not limited to the Department's operating budget but should also extend to the special revenue funds for which the Department administers or oversees.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
COUNTY COUNSEL

2016-2017 CIVIL GRAND JURY RECOMMENDATION FOR
SHERIFF'S INMATE WELFARE FUND

RECOMMENDATION NO. 9.14

The Los Angeles County Counsel should provide LASD with a legal opinion on the definition of "not needed" as stated in §4025. (Finding 20)

RESPONSE:

The County of Los Angeles Office of the County Counsel will provide the LASD with this legal opinion. Any further details regarding the substance and timing of the opinion are protected by the attorney-client privilege.

WHEN ARE LANDLINES A GOVERNMENT WASTE?



Henry C. Guerrero	Chair
Regi Block	Secretary
Hilda Dallal	
London Jones	
Patrick Lyons	

8.6 The County Chief Executive Office should ensure all contracts with service providers under the Home for Heroes Program and the HI Strategies C-5 Program provide transparency on administrative cost expenditures so as to ensure that contractors are not in violation of CA Military & Veterans Code 927.	Disagree. This recommendation will not be implemented. The Home for Heroes programs are funded from \$5 million of one-time County General Funds, and HI Strategy C-5 will be funded by Measure H quarter-cent sales tax, both of which are not being dispersed under CA Military & Veteran Code 927.
Chief Executive Office For the Board of Supervisors – Sheriff's Inmate Welfare Fund	
Recommendation	Response
9.12 The BOS should require LASD to implement greater public transparency of the Sheriff's Inmate Welfare Fund.	Agree. This recommendation will be implemented, anticipated by mid-year of Fiscal Year 2017-18. On June 26, 2017, the Board introduced a motion directing the Chief Executive Office (CEO) and Auditor-Controller (A-C), in consultation with the Sheriff's Department, to provide periodic financial status reports on the Department's budget to the Board. The CEO will recommend that the following information regarding the Department's Inmate Welfare Fund be included in those reports: how much money is in the Inmate Welfare Fund; the revenue sources of the Fund; a line-item budget for the Fund; a description of the programs solely dedicated to inmate education, benefits, and welfare; and an outline of expenditures related to the maintenance of the Department's facilities. Transparency and accountability is not limited to the Department's operating budget but should also extend to the special revenue funds for which the Department administers or oversees.
Chief Executive Office – When Are Landlines A Government Waste?	
Findings	Responses
10.4 Internal Services Department's (ISD) Expense Management System (EMS) reduces the disarray associated with handling, reviewing and approving monthly paper telephone bills that were previously delivered by telephone service providers. This system can handle both cellular and landline phone bills.	Agree.
10.5 Subscription to EMS is currently voluntary by each department. By having all departments subscribe to this system	Agree.

	For personal cellphone devices, the recommendation will not be implemented because it is not warranted. Departments will be the ones to track, monitor and provide cost-control. The EMS can only provide an inventory and must depend on Departments for updated information. Once the Data Stipend Program is implemented and Bring Your Own Device policy has been approved, Departments would be responsible for tracking and closely monitoring the number of users they have authorized to participate in the Stipend Program as well as the financial impact of the program.
10.5 The Chief Executive Office should seek approval of the Board of Supervisors to implement a County Cellular Phone and Data Stipend Program and associated Bring Your Own Device (BYOD) policy.	Agree. The recommendation will be implemented during FY 2017-2018. The Internal Services Department-Information Technology Service is implementing a CEO-solicited and funded Enterprise Mobility Suite for mobile device and application management solution for all County issued mobile devices, including cellular phones. Concurrently, the Chief Information Officer is working with the CIO Council to prepare a BYOD policy for Board approval in September 2017. The County Cellular Phone and Data Stipend Program will include a reference to the BYOD policy as part of its implementation.
10.6 The Chief Executive Office should require that cyber security and information subject to the California Public Records Act be addressed in a stipend phone policy.	Agree. The recommendation will be implemented FY 2017-2018. Board policy # 6.101 – Use of County Information Technology Resources, which includes the use of County issued cellular phones has been revised to include references to the California Communications Privacy Act. The revised policy was scheduled for review by the Audit Committee on July 20, 2017, and will be submitted for Board approval in August 2017. The stipend phone policy will include a reference to the revised Board policy #6.101.
10.7 The Chief Executive Office should initiate a project to determine how to track stipend phones.	Disagree. The recommendation will not be implemented. The Bring Your Own Device policy is expected to require that Enterprise Mobility Suite (EMS) be installed on any personal devices accessing County resources to protect County data and applications. Installation of EMS on all personal devices used in the Stipend Program would eliminate the need for any addition tracking of stipend phones. Departments would be responsible for closely monitoring the number of users they have authorized to participate in the Stipend Program and the financial impact of the program.
Chief Executive Office For the Board of Supervisors – Los Angeles River Revitalization	
Recommendation	Response

the County will possess a centralized inventory for cellular phones. EMS can be modified to track stipend phones.	
10.8 Implementation of a stipend program can reduce cellular phone costs for the County based on the results of Phase I and II pilot programs. A stipend program allows employees to use a personal cellular device in lieu of a County-issued device as a cost-effective option. The Phase II pilot demonstrated savings of up to 25% when compared to the cost of a cellular phone purchased from a telephone carrier approved by the County.	Partially agree. We agree that a stipend program has the potential for savings. We are unsure of the demonstrated savings percentage across the County. Actual costs of wireless service vary by vendor and usage of the subscriber and will impact the savings potential. An in-depth analysis of vendor and subscriber costs would be required to determine a savings percentage.
10.9 Security concerns regarding County data residing on private devices and the County's ability to wipe data remotely due to a device being lost or stolen is to be addressed. The storage and retrieval of information subject to the California Public Records Act should be addressed. Implementation of a Bring Your Own Device (BYOD) policy and associated technical solution is in development and is a prerequisite to rolling out a stipend program.	Agree.
10.12 There is no centralized procurement policy for cellular phones. Some departments negotiate their own agreements though this service is available from the County ISD. This is permissible providing they acquire services at rates available through County master agreements negotiated by ISD.	<p>Agree. ISD's Expense Management System (EMS) currently provides the ability to include stipend phones in the EMS inventory. No modification is required as the capability already exists in EMS.</p> <p>In order for ISD to include stipend inventory, each County Department would need to provide ISD with their current stipend inventory and then provide monthly updates for any additions or deletions. The quality of this inventory in EMS would be based on the information provided.</p>
Recommendations	Responses
10.4 The Chief Executive Office should require all departments to use the Internal Service Department Expense Management System (EMS) to ensure all cellphones are tracked, monitored and cost-controlled.	Agree. The recommendation will be implemented during Fiscal Year (FY) 2017-2018. Internal Services Department plans to inform other County departments about the Expense Management System (EMS) at an Administrative Deputies meeting within the next three months. Depending on departmental feedback, the Chief Executive Office may consider a policy on the above recommendation for cellphones issued by the County.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR WHEN ARE LANDLINES A GOVERNMENT WASTE?

FINDING 10.1

The CGJ's study is only an approximate gauge but the resulting numbers are found to be significant enough to justify a formal audit.

Potential County Annual Savings

Percent of cellular users who have a desk phone and relinquish it.	Annual Savings from relinquishing desk phone
20% relinquishment	\$480,000
33% relinquishment	\$792,000
50% relinquishment	\$1,200,000

RESPONSE

We partially disagree with the finding. Although we agree that discontinuing desk phones would achieve a certain level of savings, we are not sufficiently familiar with the data obtained, and assumptions made, by the Civil Grand Jury to express our concurrence with the amounts of savings cited in the report.

FINDING 10.2

Given the growth trend in the use of mobile telephone technology, guidelines for managers would be advantageous to help them decide whether there is no longer a need for a landline when an employee has been issued a cellular phone.

RESPONSE

We partially disagree with the finding. Until the County has had the opportunity to evaluate the elimination of landlines and determine its feasibility, it is premature to consider developing guidelines in this area.

RECOMMENDATION NO. 10.1

The Auditor-Controller should conduct an audit to quantify cost savings from eliminating cellular/landline redundancy, where possible, when these devices are assigned to the same person.

RESPONSE

We disagree with the recommendation to conduct an audit. The County has not sufficiently analyzed the merits of, and opportunities for, eliminating landlines. There are significant telecommunications issues within, and among, County departments and affiliated entities. The variability in landline needs and costs is substantial, given the various uses and service impacts that would need to be studied. Therefore, Departmental management are best suited to evaluate circumstances and make those decisions.

The Auditor-Controller is an available resource to assist departments in computing potential cost savings from the elimination of their landlines. We would also consider performing an audit of a dedicated program to eliminate landlines, once it is established and becomes operational.

RECOMMENDATION NO. 10.2

The Auditor-Controller should recommend guidelines for determining when a landline should be eliminated or shared by two or more employees.

RESPONSE

We disagree with the recommendation that the Auditor-Controller should establish and recommend guidelines. There are complex operational issues that factor into deciding to eliminate landlines. These issues include routine, unique, and unanticipated service needs within County departments and affiliated entities. While we would be agreeable to assist in developing new guidelines and policies related to landlines, ultimately it is the Departmental management more closely aligned with the services who are best positioned to evaluate operations and establish County-wide policies and guidelines.



JOHN NAIMO
AUDITOR-CONTROLLER

**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-3873
PHONE: (213) 974-8301 FAX: (213) 626-5427

July 21, 2017

TO: Sachi A. Hamai
Chief Executive Officer

ATTN: Cheri Thomas

FROM: John Naimo 
Auditor-Controller

SUBJECT: **RESPONSE TO THE 2016-17 LOS ANGELES COUNTY CIVIL GRAND
JURY FINAL REPORT—REVISED**

This replaces our transmittal dated July 14, 2017.

In consultation with your office, attached are revised responses to the Fiscal Year 2016-17 Los Angeles County Civil Grand Jury Final Reports entitled *When Are Landlines a Government Waste?* and *Civil Grand Jury Space*. Per the Grand Jury's request, the Auditor-Controller is responding to Findings 10.1 and 10.2 and Recommendations 10.1, 10.2, and 19.2.

If you have any questions, please call me at (213) 974-8302.

Attachment

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR
WHEN ARE LANDLINES A GOVERNMENT WASTE?

FINDING 10.1

The CGJ's study is only an approximate gauge but the resulting numbers are found to be significant enough to justify a formal audit.

Potential County Annual Savings

Percent of cellular users who have a desk phone and relinquish it.	Annual Savings from relinquishing desk phone
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33% relinquishment	\$792,000
50% relinquishment	\$1,200,000

RESPONSE

We partially disagree with the finding. Although we agree that discontinuing desk phones would achieve a certain level of savings, we are not sufficiently familiar with the data obtained, and assumptions made, by the Civil Grand Jury to express our concurrence with the amounts of savings cited in the report.

FINDING 10.2

Given the growth trend in the use of mobile telephone technology, guidelines for managers would be advantageous to help them decide whether there is no longer a need for a landline when an employee has been issued a cellular phone.

RESPONSE

We partially disagree with the finding. Until the County has had the opportunity to evaluate the elimination of landlines and determine its feasibility, it is premature to consider developing guidelines in this area.

RECOMMENDATION NO. 10.1

The Auditor-Controller should conduct an audit to quantify cost savings from eliminating cellular/landline redundancy, where possible, when these devices are assigned to the same person.

RESPONSE

We disagree with the recommendation to conduct an audit. The County has not sufficiently analyzed the merits of, and opportunities for, eliminating landlines. There are significant telecommunications issues within, and among, County departments and affiliated entities. The variability in landline needs and costs is substantial, given the various uses and service impacts that would need to be studied. Therefore, Departmental management are best suited to evaluate circumstances and make those decisions.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES INTERNAL SERVICES DEPARTMENT

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR WHEN ARE LANDLINES A GOVERNMENT WASTE

FINDING NO. 10.3

The County employee population is approximately 100,000 and it operates 140,000 landlines. There is a potential for part of the 40,000 hard-wired miscellaneous functions to shift to wireless communication.

RESPONSE

Internal Services Department (ISD) partially agrees with the finding. The Grand Jury's conclusion that there are 40,000 hard wired landlines with miscellaneous functions is incorrect. The identification of the function/assignment of a landline is determined by County departments as is the disposition of the landline to be retained or disconnected. The hard-wired landlines are not candidates to shift to wireless communication.

FINIDING NO. 10.4

Internal Services Department's (ISD) Expense Management System (EMS) reduces the disarray associated with handling, reviewing and approving monthly paper telephone bills that were previously delivered by telephone service providers. This system can handle both cellular and landline phone bills.

RESPONSE

ISD agrees with the finding.

FINDING NO. 10.5

Subscription to EMS is currently voluntary by each department. By having all departments subscribe to this system the County will possess a centralized inventory for cellular phones. EMS can be modified to track stipend phones.

RESPONSE

ISD agrees with the finding.

RECOMMENDATION NO. 10.3

The Internal Services Department should modify the inventory process for tracking 40,000 landlines dedicated to miscellaneous functions like elevators, alarms and facsimile to flag devices that will be converted to wireless communication.

RESPONSE

ISD disagrees partially with the recommendation.

Landlines used for miscellaneous functions, are not candidates to be converted to wireless communication, therefore flagging those landlines is unnecessary. ISD's Expense Management System (EMS) currently provides the ability to identify the function/assignment of landlines, including landlines used for miscellaneous functions. No modification is required as the capability is available in EMS.

Since 2010, ISD has coordinated with County departments to identify landline inventory and to determine if a landline should be retained or disconnected. This is an iterative process to ensure ongoing accuracy of the County's landline inventory. ISD is reliant upon input from County departments regarding identifying the functionality and assignment of their landline inventory. ISD does not have visibility into the classification of the business use of County departments' landlines, therefore cannot quantify the number of landlines with miscellaneous functions without input from County departments. ISD proactively seeks County departments' involvement in reviewing inventory. Most recently, the ISD Director issued a memorandum dated March 9, 2017 to Department Heads requesting their assistance in reviewing telecommunications services. Since inception, the established inventory review process has yielded an aggregate savings to the County of over \$34 million dollars. The identification and decision to retain or disconnect is unrelated to miscellaneous function landlines candidacy for conversion to wireless communication.

The Grand Jury's recommendation is not warranted and for this reason should not be implemented. The Grand Jury's conclusion that there are 40,000 landlines with miscellaneous function is incorrect. The existing EMS system does not require modification as its functionality already allows for flagging of a landline's functionality/assignment. The County's inventory of landlines with miscellaneous functions are not candidates to be converted to wireless communication.

RECOMMENDATION NO. 10.8

The Internal Services Department should modify the Expense Management System to track and inventory stipend phones.

RESPONSE

ISD agrees that the Expense Management System (EMS) could be used to track and inventory stipend phones but the functionality already exists and therefore no modification is needed.

In order for ISD to include stipend inventory, each County Department would need to provide ISD with their current stipend inventory and then provide monthly updates for any additions or deletions. The quality of this inventory in EMS would be based on the information provided.



SCOTT MINNIX
Director

County of Los Angeles
INTERNAL SERVICES DEPARTMENT

1100 North Eastern Avenue
Los Angeles, California 90063

"To enrich lives through effective and caring service"

Telephone: (323) 267-2101
FAX: (323) 264-7135

July 20, 2017

To: Sachi A. Hamai
Chief Executive Officer

From: Scott Minnix
Director

A handwritten signature in cursive script that reads "Scott Minnix".

RESPONSE TO THE 2016-17 LOS ANGELES COUNTY CIVIL GRAND JURY FINAL REPORT

As requested, attached is the Internal Services Department's response to the findings and recommendations from the 2016-17 Los Angeles County Civil Grand Jury Report.

If you have any questions, please contact me at (323) 267-2101, via email: sminnix@isd.lacounty.gov, or your staff may contact Dave Chittenden at (323) 267-2103, via email: dchittenden@isd.lacounty.gov.

SM:DC:et

Attachment

Attachment J

Internal Services Department

When are Landlines A Government Waste?

ATTACHMENT E

The Auditor-Controller is an available resource to assist departments in computing potential cost savings from the elimination of their landlines. We would also consider performing an audit of a dedicated program to eliminate landlines, once it is established and becomes operational.

RECOMMENDATION NO. 10.2

The Auditor-Controller should recommend guidelines for determining when a landline should be eliminated or shared by two or more employees.

RESPONSE

We disagree with the recommendation that the Auditor-Controller should establish and recommend guidelines. There are complex operational issues that factor into deciding to eliminate landlines. These issues include routine, unique, and unanticipated service needs within County departments and affiliated entities. While we would be agreeable to assist in developing new guidelines and policies related to landlines, ultimately it is the Departmental management more closely aligned with the services who are best positioned to evaluate operations and establish County-wide policies and guidelines.

9/10/4/17

FINDING NO. 10.12

NO RECOMMENDATION WAS MADE FOR THIS FINDING.

There is no centralized procurement policy for cellular phones. Some departments negotiate their own agreements though this service is available from the County ISD. This is permissible providing they acquire services at rates available through County master agreements negotiated by ISD.

RESPONSE

✓ Agree. ISD's Expense Management System (EMS) currently provides the ability to include stipend phones in the EMS inventory. No modification is required as the capability already exists in EMS.

In order for ISD to include stipend inventory, each County Department would need to provide ISD with their current stipend inventory and then provide monthly updates for any additions or deletions. The quality of this inventory in EMS would be based on the information provided.

RECOMMENDATION NO. 10.4

The Chief Executive Office should require all departments to use the Internal Services Department Expense Management System (EMS) to ensure all cellphones are tracked, monitored and cost-controlled.

RESPONSE

✓ Agree. The recommendation will be implemented during Fiscal Year (FY) 2017-2018. Internal Services Department plans to inform other County departments about the Expense Management System (EMS) at an Administrative Deputies meeting within the next three months. Depending on departmental feedback, the Chief Executive Office may consider a policy on the above recommendation for cellphones issued by the County.

For personal cellphone devices, the recommendation will not be implemented because it is not warranted. Departments will be the ones to track, monitor and provide cost-control. The EMS can only provide an inventory and must depend on Departments for updated information. Once the Data Stipend Program is implemented and Bring Your Own Device policy has been approved, Departments would be responsible for tracking and closely monitoring the number of users they have authorized to participate in the Stipend Program as well as the financial impact of the program.

RECOMMENDATION NO. 10.5

✓ The Chief Executive Office should seek approval of the Board of Supervisors to implement a County Cellular Phone and Data Stipend Program and associated Bring Your Own Device (BYOD) policy.

RESPONSE

Agree. The recommendation will be implemented during FY 2017-2018. The Internal Services Department-Information Technology Service is implementing a CEO-solicited and funded Enterprise Mobility Suite for mobile device and application management solution for all County issued mobile devices, including cellular phones. Concurrently, the Chief Information Officer is working with the CIO Council to prepare a BYOD policy for Board approval in September 2017. The County Cellular Phone and Data Stipend Program will include a reference to the BYOD policy as part of its implementation.

RECOMMENDATION NO. 10.6

✓ The Chief Executive Office should require that cybersecurity and information subject to the California Public Records Act be addressed in a stipend phone policy.

10/4/17

10.6

RESPONSE

Agree. The recommendation will be implemented FY 2017-2018. Board policy # 6.101 – Use of County Information Technology Resources, which includes the use of County issued cellular phones has been revised to include references to the California Communications Privacy Act. The revised policy was scheduled for review by the Audit Committee on July 20, 2017, and will be submitted for Board approval in August 2017. The stipend phone policy will include a reference to the revised Board policy #6.101.

RECOMMENDATION NO. 10.7

The Chief Executive Office should initiate a project to determine how to track stipend phones.

RESPONSE

✓ Disagree. The recommendation will not be implemented. The Bring Your Own Device policy is expected to require that Enterprise Mobility Suite (EMS) be installed on any personal devices accessing County resources to protect County data and applications. Installation of EMS on all personal devices used in the Stipend Program would eliminate the need for any addition tracking of stipend phones. Departments would be responsible for closely monitoring the number of users they have authorized to participate in the Stipend Program and the financial impact of the program.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES INTERNAL SERVICES DEPARTMENT

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR WHEN ARE LANDLINES A GOVERNMENT WASTE

FINDING NO. 10.3

The County employee population is approximately 100,000 and it operates 140,000 landlines. There is a potential for part of the 40,000 hard-wired miscellaneous functions to shift to wireless communication.

RESPONSE

Internal Services Department (ISD) partially agrees with the finding. The Grand Jury's conclusion that there are 40,000 hard wired landlines with miscellaneous functions is incorrect. The identification of the function/assignment of a landline is determined by County departments as is the disposition of the landline to be retained or disconnected. The hard-wired landlines are not candidates to shift to wireless communication.

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Internal Services Department's (ISD) Expense Management System (EMS) reduces the disarray associated with handling, reviewing and approving monthly paper telephone bills that were previously delivered by telephone service providers. This system can handle both cellular and landline phone bills.

RESPONSE

ISD agrees with the finding.

FINDING NO. 10.5

Subscription to EMS is currently voluntary by each department. By having all departments subscribe to this system the County will possess a centralized inventory for cellular phones. EMS can be modified to track stipend phones.

RESPONSE

ISD agrees with the finding.

RECOMMENDATION NO. 10.3

The Internal Services Department should modify the inventory process for tracking 40,000 landlines dedicated to miscellaneous functions like elevators, alarms and facsimile to flag devices that will be converted to wireless communication.

RESPONSE

ISD disagrees partially with the recommendation.

ATTACHMENT J

Landlines used for miscellaneous functions, are not candidates to be converted to wireless communication, therefore flagging those landlines is unnecessary. ISD's Expense Management System (EMS) currently provides the ability to identify the function/assignment of landlines, including landlines used for miscellaneous functions. No modification is required as the capability is available in EMS.

Since 2010, ISD has coordinated with County departments to identify landline inventory and to determine if a landline should be retained or disconnected. This is an iterative process to ensure ongoing accuracy of the County's landline inventory. ISD is reliant upon input from County departments regarding identifying the functionality and assignment of their landline inventory. ISD does not have visibility into the classification of the business use of County departments' landlines, therefore cannot quantify the number of landlines with miscellaneous functions without input from County departments. ISD proactively seeks County departments' involvement in reviewing inventory. Most recently, the ISD Director issued a memorandum dated March 9, 2017 to Department Heads requesting their assistance in reviewing telecommunications services. Since inception, the established inventory review process has yielded an aggregate savings to the County of over \$34 million dollars. The identification and decision to retain or disconnect is unrelated to miscellaneous function landlines candidacy for conversion to wireless communication.

The Grand Jury's recommendation is not warranted and for this reason should not be implemented. The Grand Jury's conclusion that there are 40,000 landlines with miscellaneous function is incorrect. The existing EMS system does not require modification as its functionality already allows for flagging of a landline's functionality/assignment. The County's inventory of landlines with miscellaneous functions are not candidates to be converted to wireless communication.

RECOMMENDATION NO. 10.8

The Internal Services Department should modify the Expense Management System to track and inventory stipend phones.

RESPONSE

ISD agrees that the Expense Management System (EMS) could be used to track and inventory stipend phones but the functionality already exists and therefore no modification is needed.

In order for ISD to include stipend inventory, each County Department would need to provide ISD with their current stipend inventory and then provide monthly updates for any additions or deletions. The quality of this inventory in EMS would be based on the information provided.

LOS ANGELES RIVER REVITALIZATION



Douglas Benedict
Gerard Duiker
Gloria Garfinkel
Shelley Strohm

Chair

**RESPONSES OF THE LOS ANGELES MAYOR'S OFFICE TO THE CIVIL
GRAND JURY FINAL REPORT**

SUBJECT: 2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR
Los Angeles River Revitalization

MAYOR ERIC GARCETTI, CITY OF LOS ANGELES

RECOMMENDATION NO. 11.5 – The Mayor of the City of Los Angeles, working with the County of Los Angeles Department of Public Works and the Lower Los Angeles River Working Group should identify priorities and funding opportunities for river development for incremental River revitalization within the overall plan developed in 2 above.

RESPONSE TO RECOMMENDATION NO. 11.5

Agree. *This recommendation is being implemented through the City's Los Angeles River Revitalization Master Plan (2007), including through goals that are common to the County of Los Angeles LA River Master Plan (1996).*

RECOMMENDATION NO. 11.8 – The Mayor of the City of Los Angeles should include the agreed upon public interest catalog as a requirement for revitalization plans.

RESPONSE TO RECOMMENDATION NO. 11.8

Disagree. *This recommendation will not be implemented.*

The City expects that a revised Los Angeles County Master Plan would recognize and promote the priorities of existing adopted plans, including the City's Los Angeles River Revitalization Master Plan (2007), and that the City and County would share well-aligned goals for Los Angeles River revitalization. In fact, the City and County have forged a strong partnership while working together on many Los Angeles River projects and planning efforts and in the ongoing Los Angeles River Cooperation Committee, for which the County and City are co-chairs. Thus, the City expects to be consistently able to fully support the County's Los Angeles River goals and expects the same in return. However, the City would not understand adherence to the County's Los Angeles River Master Plan to be a requirement for further planning or continued implementation of existing goals.

RECOMMENDATION NO. 11.9 – The Mayor of the City of Los Angeles should include a specifically-native flora and fauna riparian experience section within its "Alternative 20" implementation emulating the original Los Angeles River ecology.

RESPONSE TO RECOMMENDATION NO. 11.9

Agree. *This recommendation is being implemented.*

The Los Angeles River Ecosystem Restoration Recommended Plan (developed by the United States Army Corps of Engineers with the City of Los Angeles as its Non-federal Sponsor), also known as "Alternative 20" or "ARBOR," intends to restore and rehabilitate key sections and areas along an 11-mile segment of the river with native riparian habitat, as should any future plan regarding Los Angeles River revitalization.

✓
10/4/17

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE FOR THE BOARD OF SUPERVISORS

2016-2017 GRAND JURY RECOMMENDATIONS FOR
LOS ANGELES RIVER REVITALIZATION

RECOMMENDATION NO. 11.6

The County of Los Angeles Board of Supervisors should include the agreed upon public interest catalog as a requirement for revitalization plans.

RESPONSE

✓ Agree. This recommendation ~~will be implemented~~ by June 2020 provided the public interest catalog is prepared and supported by the stakeholders involved in the development of the Master Plan for Los Angeles River Revitalization.

VEHICLE PURSUITS INVOLVING LAW ENFORCEMENT



Marcie Alvarez	Chair
Alice Beener	Co-Chair
Faramarz Taheri	Secretary
Patrick Lyons	
Reuben P. Santana	
Joyce Simily	

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE FOR THE BOARD OF SUPERVISORS

10/4/17

**2016-2017 GRAND JURY RECOMMENDATIONS FOR
VEHICLE PURSUITS INVOLVING LAW ENFORCEMENT**

RECOMMENDATION NO. 12.4

The County of Los Angeles Board of Supervisors (BOS) should call on all police authorities within the County to adopt the best practice for pursuit policies defined in 1 and 2 above.

RESPONSE

✓ Partially agree. This recommendation requires further analysis, to be completed by December 31, 2017. This analysis is pending the outcome of the Sheriff's Department (Department) review of their internal pursuit statistics along with an examination of LAPD and CHP pursuit policies, which is also tentatively scheduled for completion in this calendar year.

RECOMMENDATION NO. 12.8

The BOS should upgrade the County's vehicle pursuit facility to a standard similar to the LAPD's facility.

RESPONSE

✓ Agree. This recommendation has been implemented. The BOS approved \$10.5 million in FY 2015-16 Recommended Budget to design and construct a replacement Emergency Vehicle Operations Center. The project plan includes costs for a Sheriff's Deputy vehicle driving / training track, emergency maneuver skid pad, motorcycle training area, a new office and parking area, and survival tactics role play facility.

12

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
SHERIFF

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS AND FINDINGS FOR VEHICLE PURSUITS INVOLVING LAW ENFORCEMENT

✓ **RECOMMENDATION NO. 12.1**

The County of Los Angeles Sheriff's Department (LASD) should work with the Los Angeles Police Department (LAPD) to establish a task force to define/update sheriff pursuit policies that are likely to result in fewer civilian casualties and less property damage.

RESPONSE

This recommendation requires further analysis. A review of Department pursuit statistics needs to be completed along with an examination of LAPD and CHP pursuit policies. Completion of this analysis will be completed in September 2017.

✓ **RECOMMENDATION NO. 12.5**

The LASD should increase the required training hours for vehicle pursuit training.

RESPONSE

This recommendation requires further analysis. A review of Department pursuit statistics needs to be completed along with an examination of LAPD and CHP pursuit policies. Completion of this analysis will be completed in September 2017.

✓ **RECOMMENDATION NO. 12.6**

The LASD should require re-certification of vehicle pursuit skill.

RESPONSE

This recommendation requires further analysis. A review of Department pursuit statistics needs to be completed along with an examination of LAPD and CHP pursuit policies. Completion of this analysis will be completed in September 2017.

RECOMMENDATION NO. 12.9

The LASD's vehicle pursuit trainers should investigate injuries involving vehicle pursuits at the scene.

RESPONSE

This recommendation requires further analysis. A review of Department pursuit statistics and policies needs to be completed along with an examination of LAPD and CHP pursuit policies. Completion of this analysis will be completed in September 2017.



LOS ANGELES POLICE DEPARTMENT

W
10/20/17
L

CHARLIE BECK
Chief of Police



ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, Calif. 90030
Telephone: (213) 486-0150
TDD: (877) 275-5273
Ref #: 1.14

September 28, 2017

The Honorable Daniel J. Buckley
Presiding Judge of the Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Eleventh Floor – Room 11-506
Los Angeles, California 90012

Dear Judge Buckley:

This correspondence will serve as the Los Angeles Police Department's (LAPD) response to the Los Angeles County Civil Grand Jury (CGJ) report dated June 21, 2017, Vehicle Pursuits Involving Law Enforcement. The CGJ requested that the LAPD respond to its recommendations by September 30, 2017 (i.e., ninety days from the release of the report to the public).

RECOMMENDATION 12.2:

The Los Angeles Police Department should work with the Los Angeles Sheriff's Department to establish a task force to define/update police pursuit policies that are likely to result in fewer civilian casualties and less property damage.

RESPONSE TO RECOMMENDATION 12.2:

The Los Angeles Sheriff's Department (LASD) was contacted and advised that Lieutenant John Wolack has been directed to draft a response to the CGJ report. A copy of the LASD's Pursuit Policy was obtained to determine the criteria utilized to pursue vehicles. It was revealed that their pursuit policy is much more restrictive than the LAPD Pursuit Policy. It is the LASD's policy to only pursue verified stolen vehicles and drivers driving under the influence of any intoxicant that were already driving recklessly prior to any enforcement action taken. Lastly, LASD does not utilize the Pursuit Intervention Technique (PIT). Collaborating with LASD to define, update, and adopt identical pursuit policies is a challenging recommendation as both agencies are held accountable for the totality of their policing by separate bodies of oversight.

RECOMMENDATION 12.7:

The Los Angeles Police Department should require regular re-certification of vehicle pursuit skill.

RESPONSE TO RECOMMENDATION 12.7:

Currently, there is no Department-mandated re-certification for pursuit driving skills. All officers are required to review the Department's pursuit policy annually, as detailed in the Vehicle Code Section 17004.7. This requirement is accomplished through the Department's E-Learning Management System. The recommendation is sound. However, due to current staffing, it is not feasible at this time to offer such a program to train thousands of officers each year.

RECOMMENDATION 12.10:

The Los Angeles Police Department's vehicle pursuit trainers should investigate injuries involving vehicle pursuits at the scene.

RESPONSE TO RECOMMENDATION 12.10:

The recommendation for LAPD pursuit trainers to investigate injuries involving vehicle pursuits at the scene is neither feasible nor practical for several reasons. The responsibility for training pursuit driving is assigned to a small unit at Training Division (TD) who operate the Emergency Vehicle Operations Course (EVOC). This small unit is responsible for providing practical and instructional vehicle pursuit training to recruits. The instructors' expertise lies with teaching the fundamentals of vehicle control to ensure the safe handling of a police vehicle during routine and stressful situations. It would be impractical and inefficient for EVOC personnel to leave TD to investigate injuries involving vehicle pursuits on a Citywide basis. Furthermore, this recommendation would require this small unit to make themselves available for 24-hour call out responses and weekend stand-by.

In 2016, the Department was involved in 624 pursuits, of which 86 pursuits resulted in injury. When a traffic collision occurs during or after a pursuit, the following LAPD entities become involved:

- Bureau Traffic Divisions investigate traffic collisions involving property damage, complained of injury, or visible injury; or,
- Multi-Disciplinary Collision Investigation Team (MCIT) will investigate traffic collisions in a verified critical ("A") or fatal ("K") injury involving a City-owned or City-mileage vehicle or influenced by City property or a City employee acting within the scope of his/her employment.

The Pursuit Review Unit is responsible for reviewing Vehicle Pursuit Reports and capturing and retaining vehicle pursuit data. The pursuit injury data can be provided to TD upon request for their review.

The Honorable Daniel J. Buckley

Page 3

1.14

Should you have any questions or require further information, please contact Mr. Arif Alikhan, Director of the Office of Constitutional Policing and Policy, at (213) 486 8730.

Very truly yours,

A handwritten signature in black ink, appearing to be 'C. Beck', written over a horizontal line.

CHARLIE BECK
Chief of Police

Enclosures



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



September 29, 2017

RECEIVED
OCT 25 2017
OFFICE OF
PRESIDING JUDGE

The Honorable Daniel J. Buckley
Presiding Judge, Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street, 11th Floor, Room 11-506
Los Angeles, California 90012

Dear Judge Buckley:

RESPONSE TO THE 2016-2017 LOS ANGELES COUNTY CIVIL GRAND JURY FINAL REPORT

Attached is the Los Angeles County Sheriff's Department's response to recommendations contained in the 2016-2017 Civil Grand Jury Report regarding vehicle pursuits involving law enforcement.

Should you have any questions, please contact Chief Karyn Mannis, Professional Standards and Training Division, at (323)720-6832.

Sincerely,

JIM McDONNELL
SHERIFF

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES – Sheriff's Department

SUBJECT: 2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR
SECTION TITLE- Vehicle Pursuits Involving Law Enforcement

The Los Angeles County Sheriff's Department (LASD) agrees with the members of the Los Angeles County Civil Grand Jury that police pursuits are inherently dangerous; however, some of the analysis used in the report led to several erroneous findings and instances of inaccurate data being reported. The author of the report utilizes national and state vehicle pursuit data to draw conclusions about pursuits involving the LASD. Because of vastly varying pursuit policies, these comparisons are not valid. It appears the Jury may have published the report without ever reviewing the LASD pursuit policy or inquiring about the Department's efforts to build a new Emergency Vehicle Operations Center (EVOC) facility. We will attempt to clarify and correct those errors before addressing the Jury's recommendations below.

Under the **"Background"** section of the report, the Jury uses a definition of a vehicle pursuit from the uslegal.com website and not the definition from the LASD Manual of Policy and Procedures. The report then footnotes the uslegal.com definition saying, "Although frequently pursuits are conducted with flashing lights and sirens, these signaling devices are not required to define a pursuit according to the LASD driving policy." Without providing the full LASD definition, this footnote could leave a reader with the impression that the LASD condones, trains, and allows vehicle pursuits without the use of lights and sirens, which is clearly not the case. The LASD vehicle pursuit definition is, *"A pursuit is an active attempt by the driver of a departmental vehicle to stop a moving vehicle whose driver is attempting to avoid apprehension through evasive driving tactics or, after a reasonably short period of time, fails to stop after red light and siren have been activated. Following a vehicle whose driver is attempting to evade, or has failed to yield, after a reasonably short period of time, whether accomplished with or without red lights activated and siren sounding, and regardless of the terminology used to describe these acts, is also a pursuit."* The inclusion of the language "accomplished with or without red lights activated and siren sounding" is for the LASD to hold their personnel to a higher standard and to prevent our personnel from attempting to apprehend a fleeing suspect and then claiming that it was not a pursuit just because their lights and siren were not activated.

Under the **"Elevated Risk Justified?"** section, the report cites national pursuit data from the International Association of Chiefs of Police and the National Institute of Justice stating that 42 percent of police pursuits were initiated for a simple traffic infraction. The report goes on to state that, "Similar statistics are expected for the County." Many police agencies across the country have more permissive vehicle pursuit criteria than the LASD, making the broad-brush comparison made above invalid.

In fact, the LASD vehicle pursuit policy expressly prohibits deputy personnel from initiating a pursuit of a vehicle wanted only for a traffic infraction. LASD personnel can only engage in a vehicle pursuit of a suspect wanted for a serious felony, a confirmed stolen vehicle, or a drunk driver who is driving in such a flagrantly reckless manner that it would be dangerous to the public for deputies not to pursue.

Under the “**Pursuit Success**” section, the author of the report utilizes pursuit data from the California Highway Patrol (CHP) for a period of October 1, 2015 - September 30, 2016. Again utilizing pursuit data from an agency with a much more permissive pursuit policy to draw conclusions about LASD pursuits is faulty analysis and will lead to inaccurate conclusions. This is further compounded by the extremely different missions of the two police agencies. The primary mission of the CHP is traffic enforcement. The mission of the LASD is general law enforcement where deputy personnel respond to calls for service involving serious violent crimes at a much higher rate than the CHP. The report shows that the CHP captures suspects in 67 percent of its pursuits and that 17 percent of pursuits end in a collision that could lead to “death, injury and certainly property damage.” Utilizing LASD pursuit data for the same time period, the LASD has a 73 percent success rate in capturing suspects that it pursues and a lower collision rate of 13.5 percent.

This section ends posing the valid question, “Is this the best balance that can be realized between law enforcement goals and the risk of unintended consequences?” This simple question is the foundation of the LASD pursuit policy and can be best answered by the number of pursuits that are aborted by the police agency in favor of public safety. The report shows that the CHP disengaged in 15.7 percent of the pursuits that its officers initiated. In comparison, the LASD disengaged in 31.4 percent of pursuits. The decision to disengage can be made by the pursuing deputy, the field sergeant or the watch commander. The need to capture the suspect is constantly being weighed against the danger to the public.

Under the “**Vehicle Pursuit Training for the LASD**” section, the report states that there are 16 vehicles assigned to the Emergency Vehicle Operations Center (EVOC) and that “none of these vehicle types are used in the field.” There are actually 35 vehicles assigned to EVOC. These vehicles consist of 31 Crown Victorias and 4 Ford Explorers. Both of these types of vehicles are the primary vehicles used in the field and are almost exclusively what are used by patrol deputies.

The report claims that the LASD has a budget of \$40,000 a year for EVOC. This \$40,000 is for annual resurfacing of the vehicle track. The actual budget that includes salary and benefits for instructors, vehicle costs, and fuel expenditures puts the EVOC budget well in excess of \$2.75 million annually.

The report claims that only 40-hours of training per officer is allocated for LASD vehicle pursuit driving. The 40-hours of training referred to in the report is the training recruits receive in the academy. The 40-hours is an overall emergency vehicle operations course and is not dedicated exclusively to pursuits. The Commission on Peace Officer

Standards and Training (POST) set this standard and views the academy as providing the fundamentals to a recruit so that they can be successful in a "field training program." The training is meant to provide a recruit with the fundamentals of vehicle handling and police pursuits. The LASD field training program is typically a six-month program where new field deputies are assigned a field training officer who continues their training, ultimately certifying the deputy as competent to work in the field. A large portion of this training includes the operation of a police vehicle in a public setting. Additionally, all Department personnel are required to be trained annually on the Department's pursuit policy. This annual training is conducted utilizing an on-line learning management system. Furthermore, those personnel assigned to patrol, traffic or investigations are also required to receive four hours of vehicle operations training every two years as part of POST's Perishable Skills Program. Due to the restricted availability of the current EVOC facility, this training is conducted solely in a classroom setting.

The report says that the collision avoidance exercise conducted in driver's training is "only" given at a speed of 35 mph, implying that the test should be given at a higher speed. The exercise actually begins at lower speeds and works up to 35 mph. The purpose of the exercise is to demonstrate to students how the vehicle handles at varying speeds and how much more difficult it is to react as speeds increase and not necessarily teach them to react quicker. The 35 mph maximum speed is the industry standard.

RECOMMENDATION NO. 12.1

The County of Los Angeles Sheriff's Department should work with the Los Angeles Police Department (LAPD) to establish a task force to define/update sheriff pursuit policies that are likely to result in fewer civilian casualties and less property damage.

RESPONSE

The LASD ~~disagrees~~ with this recommendation. It is the current practice of the Department to regularly consult with and review the policies and procedures of police agencies from across the country in an effort to establish best practices for our own agency. In addition to this partnership with police agencies, the LASD is active in setting and reviewing policies from professional organizations such as the International Association of Chiefs of Police and Police Executive Research Forum. Formalizing a task force with LAPD would add a layer of bureaucracy that could hinder the Sheriff's ability to set policies that best fit his organization and serve our communities. We will continue our already established partnerships with the LAPD and other organizations without the unnecessary step of establishing a task force.

RECOMMENDATION NO. 12.5

The LASD should increase the required training hours for pursuit training.

RESPONSE

At this time, the LASD disagrees with this recommendation. The Department is adhering to the training requirements established by law and set by POST. Limitations of the current EVOC facility as well as staffing levels preclude an increase in pursuit training. However, the LASD is in the process of building a new EVOC facility (see Recommendation number 12.8 for further) that will allow the opportunity for an increase in pursuit training in the very near future.

RECOMMENDATION NO. 12.6

The LASD should require regular re-certification of vehicle pursuit skill.

RESPONSE

The LASD agrees with this recommendation. However, implementation of this recommendation is not feasible until the completion of a new EVOC facility that the Department has exclusive use of (see Recommendation number 12.8 for further).

RECOMMENDATION NO. 12.8

The BOS should upgrade the County's vehicle pursuit facility to a standard similar to the LAPD's facility.

RESPONSE

While this is not a recommendation directed at the LASD, a response from the Department seems appropriate. The structural components of the current EVOC facility, while not state-of-the-art, accomplish the training needs. The bigger issue is that it is a shared use facility with the Los Angeles County Fairplex (Fairplex). The joint use agreement gives priority to Fairplex events over Department training needs. There are annual events at the Fairplex that prevent the Department from training at the facility for multiple weeks at a time.

Shortly after his election, Sheriff Jim McDonnell recognized the challenges of the current EVOC facility and made the construction of a new facility one of his top priorities, and much progress has been made. Work began with the BOS, and funding in the amount of \$9.925 million has been allocated. A location on LASD's property has been selected for construction and a preliminary track design has been approved. The Department of Public Works is finalizing the scoping documents to allow the project to go into a design-build procurement process.

The construction of an EVOC facility for exclusive LASD use will allow the Department an opportunity to provide more pursuit and general driver's training to our personnel.

RECOMMENDATION NO. 12.9

The LASD's vehicle pursuit trainers should investigate injuries involving vehicle pursuits at the scene.

RESONSE

The LASD disagrees with this recommendation. The LASD utilizes highly trained traffic investigators to investigate traffic collisions involving vehicle pursuits. Typically at the scene of these rare occurrences, information is much too preliminary for a driver instructor to take away any "lessons learned." As the investigation progresses over time, following interviews, vehicle computer downloads, and possible collision reconstructions, a much clearer picture of the collision develops. LASD has a process in which these incidents are reviewed (the Executive Risk Review Committee). EVOC trainers are involved in these meetings to provide technical expertise and evaluate the incident to develop further training.



5-09/210.00 PURSUITS

The Sheriff's Department's pursuit policy is a comprehensive plan to ensure that pursuits, when necessary, are managed as safely as possible and adhere to all applicable State laws. Because the policy is comprehensive, sworn personnel must understand it in its entirety. This will ensure proper coordination between Units, Bureaus, supervisors and managers. Pursuant to state law, all sworn members shall certify, in writing, that they have received, read, and understand this policy. In addition, the Department shall provide regular and periodic training regarding this policy. The Training Bureau, Administrative and Training Division, shall ensure that appropriate records of this certification and required training are maintained.

Definition of a Pursuit

A pursuit is an active attempt by the driver of a departmental vehicle to stop a moving vehicle whose driver is attempting to avoid apprehension through evasive driving tactics or, after a reasonably short period of time, fails to stop after red light and siren have been activated. Following a vehicle whose driver is attempting to evade, or has failed to yield, after a reasonably short period of time, whether accomplished with or without red lights activated and siren sounding, and regardless of the terminology used to describe these acts, is also a pursuit.

Policy Governing Pursuits

It is the policy of the Sheriff's Department that pursuits are permitted only when the necessity of immediate apprehension outweighs the degree of danger created by the pursuit, and only when in compliance with this policy and applicable state laws.

The purpose of this policy is to secure a balance between protecting the public against personal injury, death, or property damage and law enforcement's duty to enforce the law and apprehend violators. It is also intended to provide guidance for the management, control, and tactics associated with pursuit operations as required by state law. Since there are numerous situations which arise in law enforcement that are unique, it is impossible for this policy or any standard operating procedure to anticipate all possible circumstances. Therefore, this policy is intended to direct as well as guide a sworn member's discretion in matters of vehicular pursuits.

Initiating Deputies, Supervisors, and Watch Commanders engaged in any pursuit operation will be responsible for providing the Unit Commander objective reasons for initiating, continuing, and terminating a vehicle pursuit. Consideration must be given to the extent of danger the suspect poses to the public beyond the act of evasion itself.

Revised 12/12/13

Revised 06/24/07 (Implementation July 1, 2007)

Revised 02/22/99

04/01/96 MPP



5-09/210.02 INITIATION OF A PURSUIT

Deputy personnel are authorized to initiate a pursuit only when the driver of a motor vehicle clearly exhibits an intention to avoid apprehension or detention by using the vehicle to flee, or fails to stop, and only after careful consideration of the following:

- the seriousness of the known or suspected offense;
- the need for immediate apprehension of the suspect compared to the risks to the public and persons engaged in the pursuit;
- the speeds involved;
- the safety of uninvolved bystanders and motorists in the area;
- pedestrian and vehicular traffic volume;
- the time of day;
- weather and road conditions;
- familiarity with the area of the pursuit;
- the quality of radio communications;
- the need for and availability of air support;
- the capabilities of the police vehicle involved; and
- any other factor that would indicate that the interests of public safety and effective law enforcement would not justify initiation of a vehicle pursuit.

A pursuit may be initiated under the following conditions:

- known or suspected serious felony suspect(s).

NOTE: "Serious felony" as used in this section includes: the attempt or act of murder, mayhem, serious or violent sex crimes, robbery, arson, kidnapping, car jacking, assault with a deadly weapon, first-degree burglary, major narcotics violations, and terrorist acts.

NOTE: Possession of narcotics/drugs in amounts associated with common personal use or street-level sales does not warrant the initiation of a vehicular pursuit.

- a confirmed Grand theft, vehicle; or
- misdemeanor suspects only in the following situations:
 - where the suspect(s) has been observed by a Deputy or reliable witness(s) to be displaying a firearm in an assaultive manner reasonably contemporaneous to the initiation of the pursuit; or
 - where there is reasonable suspicion to believe the suspect is driving under the influence of alcohol or drugs, or is otherwise impaired, and the suspect's driving prior to the attempted stop is so flagrantly reckless that he presents a clear and present danger to other users of the highway, and failure to apprehend the violator would likely pose an imminent and life threatening danger to the public.

NOTE: Examples of such flagrantly reckless driving include, but are not limited to, collisions with other vehicles or objects, forcing other vehicles to take evasive action to avoid collision, failure

to stop at controlled intersections without slowing, or driving on the wrong side of the highway. Following the pursuit, personnel shall provide the Watch Commander with a full and specific explanation of the hazardous acts that led to the decision to pursue.

A pursuit shall not be initiated or continued:

- once it has been determined that the driver of a vehicle is refusing or failing to yield and the only known reason for the intended stop is:
 - an infraction or misdemeanor crime (including CVC violations), except as provided above;
 - any crime not classified as a serious felony, as described in this section; or
 - a possible grand theft, vehicle.

There are few law enforcement operations that require a higher degree of common sense and sound judgment than sustained high-speed vehicle pursuits. Deputies must effectively perform in an atmosphere where long-range consequences may hinge upon the soundness of split-second decisions.

The immediate apprehension of the violator is not more important than the safety of uninvolved bystanders, other motorists, or the Deputy. When it becomes apparent that the immediacy of apprehension is outweighed by unreasonable danger to the Deputy or others, the pursuit must be terminated.

While engaged in a pursuit, Deputy personnel are exempt from the rules of the road only if they are operating their vehicle Code 3. However, the law does not excuse or exempt from civil liability an abuse or arbitrary exercise of this privilege, nor does it provide exemptions from criminal and civil liability when the vehicle is being driven without due regard for the safety of all persons using the highway (21056 CVC).

The keys to a successful conclusion of a pursuit are proper self-discipline and sound professional judgment.

Revised 12/12/13

Revised 06/24/07 (Implementation July 1, 2007)

Revised 07/06/06

Revised 04/15/02

04/01/96 MPP



5-09/210.04 PURSUITS INVOLVING POLICE MOTORCYCLES, NON PURSUIT-RATED POLICE VEHICLES OR VEHICLES NOT EQUIPPED WITH OVERHEAD EMERGENCY LIGHTS, OR UNMARKED POLICE VEHICLES

Pursuits involving police motorcycles, non pursuit-rated police vehicles, vehicles not equipped with overhead emergency lights, or unmarked police vehicles expose personnel to an increased possibility of injury and are generally prohibited. Personnel driving these vehicles shall carefully weigh all options before initiating or entering into a pursuit. Supervisors shall exercise prudent judgment in allowing their involvement to continue, and be prepared to explain why the risks were outweighed by the benefits of such vehicles' involvement.

Manufacturers of police vehicles designate some models as "pursuit rated." Such a rating indicates the manufacturer certifies the vehicle to be generally suitable for high-speed police pursuits. Authorized emergency vehicles that are not "pursuit rated," including various SUV's, vans, pick up trucks and service vehicles shall not be used during a pursuit except under the most compelling circumstances and shall not be driven beyond the vehicle's normal performance capabilities. Personnel initiating a pursuit using a vehicle that is not pursuit-rated shall immediately advise the Watch Commander so that a pursuit-rated vehicle can be dispatched to replace them.

Deputy personnel riding motorcycles or driving vehicles that are not pursuit rated or equipped with overhead emergency lights, or driving unmarked vehicles with lights and siren shall terminate their involvement in a pursuit when a marked black and white unit equipped with overhead emergency lights joins the pursuit unless otherwise directed by a supervisor. They may participate as a secondary unit only after receiving specific approval from a supervisor.

Vehicles without red lights and siren shall not initiate or join in a pursuit under any circumstances.

Revised 06/24/07 (Implementation July 1, 2007)



5-09/210.05 TERMINATION OF A PURSUIT

The decision to pursue is not irreversible and it is the prudent Deputy who knows when to terminate the pursuit. Deputies must constantly evaluate whether the seriousness of the crime justifies continuing the pursuit. Consideration must also be given to the extent of danger the suspect poses to the public beyond the act of evasion itself.

A pursuit shall be terminated:

- when there is an unreasonable danger to the Deputy or other users of the highway. An unreasonable danger exists (but is not limited to) when a Deputy's and/or suspect's speed dangerously exceeds the normal flow of traffic, when the suspect enters a one-way street or highway the wrong way, or when the existence of other vehicular or pedestrian traffic necessitates dangerous maneuvering;
- when weather conditions, visibility, road conditions, traffic conditions, including the volume of pedestrian and vehicular traffic or other factors, such as the availability of air support and the quality of radio communications, indicate unwarranted risk to uninvolved bystanders, other motorists or personnel engaged in the pursuit;
- when the violator can be identified to the point where apprehension may be more safely made at a later time;
- when the primary unit has lost sight of the pursued vehicle and visual contact is not immediately regained. This does not include the momentary loss of visual contact caused by the pursued vehicle turning a corner;
- when action is taken by another police department traversing our jurisdiction and our assistance is no longer needed;
- after a reasonably short period of time when it has been determined that the only reason for the pursuit is a known reported stolen vehicle. The term "reasonably short period of time" applies only to those pursuits wherein the driver is not driving dangerously. If the suspect is driving recklessly or at excessive speeds the pursuit shall be terminated immediately; or
- when there is insufficient objective information to indicate that the suspect(s) is wanted for any crime inclusive of the approved felonies and misdemeanors described in MPP section 5-09/210.02.

An evaluation of the risks posed to uninvolved bystanders and motorists, suspects and those Deputies engaged in the pursuit shall be ongoing by all participants, particularly supervisors, throughout the duration of the pursuit.

When a pursuit is terminated, all units shall discontinue their Code 3 operation and obey all rules of the road. Unless otherwise directed by the Watch Commander, Deputies are to immediately return to normal activities in their assigned area(s) and cease attempts to pursue or follow the vehicle; except as provided in this policy.

All personnel involved in any aspect of a vehicular pursuit will be held accountable for their role in the continuation of the pursuit when circumstances indicate that it should have been terminated.

Any doubt concerning the propriety of a pursuit should be resolved in favor of the safety of Department members and other users of the highway by terminating the pursuit.

Speeds

Due to wide variations in roadways and conditions, speed limits cannot be established that will apply to all pursuits. Consideration should be given to terminating a pursuit or initiating "surveillance mode" as described in MPP section 5-09/210.15, when the Deputy's and/or suspect's speed becomes unreasonable. On urban or suburban surface streets, speeds in excess of 20 miles per hour over the posted or prima facie speed limit would normally be considered unreasonable and shall require termination of the pursuit absent an articulable need to continue the pursuit. An exception to this criteria may include rural, unpopulated areas devoid of vehicular and pedestrian traffic.

Additional factors to be considered by pursuing Deputies and supervisors to determine reasonable speeds should include:

- public safety, including uninvolved bystanders, other motorists and persons in the pursued vehicle;
- officer safety;
- need for immediate apprehension vs. risks to the public, officers, and suspect(s);
- seriousness of the known offense;
- duration of the pursuit;
- location of pursuit (i.e., rural, residential, commercial, freeway, open highway, etc.);
- familiarity with area of pursuit;
- quality of radio communications;
- availability of air support;
- weather conditions and visibility; and
- type of vehicles involved in pursuit.

Revised 12/12/13

Revised 06/24/07 (Implementation July 1, 2007)

04/01/96 MPP



5-09/210.10 CONTROL OF A PURSUIT

Primary Unit Responsibility

The Deputy initiating a pursuit is the primary unit and shall, in all cases, immediately provide the Station/Unit Watch Commander with the following information through the Sheriff's Communications Center (SCC):

- unit identification;
- location, speed and direction of travel;
- the specific reason for the pursuit, including known laws violated;
- vehicle description, including license number, if known;
- number of occupants; and
- traffic conditions, including the description of any hazardous driving by the suspect.

Failure to immediately volunteer the above information shall be cause for the Station/Unit Watch Commander to order termination of the pursuit.

The primary unit shall maintain field command and bears operational responsibility for the pursuit unless relieved by a supervisor.

The authority of the primary unit pertains to the immediate field operation and is, at all times, subordinate to the command of the Field Supervisor and Station/Unit Watch Commander.

Any time a pursuit is initiated due to a "possible" crime, including reckless DUI, personnel shall be required, subsequent to the pursuit, to articulate to the Watch Commander the objective criteria which led them to believe the suspect(s) was involved in criminal activity which warranted initiation of a pursuit under this policy. During the pursuit the Watch Commander may solicit sufficient information from the initiating unit, via radio, to justify continuation of the pursuit.

Personnel who participate in a pursuit, or are present at the termination of a pursuit, shall immediately report their involvement to the on-scene field supervisor.

Assisting Unit Responsibility

Assistance will be coordinated by the SCC dispatcher who will immediately activate the duplex patch and advise the primary unit of the identity and location of back-up units in the immediate vicinity to assist in the pursuit and any subsequent tactical operation.

The active pursuit shall normally consist of no more than three units: the primary vehicle unit and two back-up units. A Field Supervisor's vehicle, if involved in the pursuit, is not counted toward the three-unit limit. If additional assistance is specifically requested, the level will be determined by:

- nature of crime;
- number of suspects;

- whether participating units are one or two-person cars; and
- other clear and articulated facts that would warrant the increased number of units.

Only a Field Supervisor or Watch Commander may authorize more than three units to engage in a pursuit. All other units will remain aware of the direction and progress of the pursuit, but shall not actively participate and shall not respond Code 3 unless specifically authorized. No unit shall parallel the pursuit on adjacent streets, Code 3 or otherwise.

NOTE: A Field Supervisor is expected and authorized to respond Code 3 toward the pursuit operation to enable the supervisor to be present for any post-pursuit tactical operation.

Assisting units, upon joining a pursuit, shall notify the SCC dispatcher of their presence and identity. If the primary unit is a one-person unit, the Deputy can request the first assisting unit to assume radio broadcast responsibility, allowing the primary unit to devote full attention to driving. The third, and any additional authorized units are back-up units intended to be available to provide tactical assistance at the terminus of the pursuit.

If the primary unit becomes disabled, the first assisting unit will then become the primary unit. The SCC dispatcher will advise field units that a new back-up unit is needed and the next unit to join the pursuit will be designated the back-up unit as authorized by the Watch Commander or Field Sergeant.

Personnel who participate in a pursuit, or are present at the termination of a pursuit, shall immediately report their involvement to the on-scene field supervisor.

SCC Responsibility

Pursuit operations shall be conducted on the initiating unit's home frequency. The SCC dispatcher will immediately activate the duplex patch and advise the primary unit of the identity and location of back-up units in position to assist. SCC shall immediately request an Aero unit. When the pursuit approaches or traverses another Station's/Unit's area, that Station's/Unit's frequency will be patched with the frequency upon which the pursuit is being broadcast, unless another emergency or other significant circumstance(s) indicates otherwise. This procedure is intended to enhance officer safety.

NOTE: The broadcast of a pursuit on any frequency shall not, by itself, be considered authorization for other units' participation in the pursuit.

Supervisory Responsibility - Field Sergeant

The Field Sergeant of the initiating unit, or the unit assisting an outside agency, shall acknowledge and actively monitor the pursuit. If there is no Field Sergeant, the Watch Commander shall deploy the Watch Sergeant, or request the assistance of the Field Sergeant of the Station/Unit nearest the pursuit. If necessary, the Sergeant shall assert control of the pursuit by directing specific units into or out of the pursuit, re-designating primary and/or back-up responsibilities or by terminating the pursuit. The Field Sergeant shall also ensure that the Watch Commander's orders are strictly followed. As with any tactical operation, it is not necessary that the Sergeant be physically present to begin coordination.

The Sergeant shall respond to the terminus of the pursuit, oversee post-pursuit tactics, and assert control when warranted. The Sergeant will ensure compliance with all Department policies, specifically as they relate to the use of force and field tactics. The Sergeant shall also identify all Department personnel who participated in, or responded to, the terminus of the pursuit. Personnel who participate in a pursuit, or are present at the termination of a pursuit, shall immediately report their involvement to the on-scene field supervisor. The Field Sergeant may respond Code 3.

Supervisory Responsibility - Watch Commander

The Watch Commander of the patrol unit initiating the pursuit shall maintain overall command of the operation. This command responsibility shall include all Department units involved in the pursuit.

NOTE: If a Deputy from a Unit other than a Patrol Station, in transit from one assignment to another or from their headquarters to an assignment, or assigned to Community Colleges Bureau, initiates a pursuit, the SCC Watch Sergeant shall notify the Watch Commander of the nearest Station, who shall assume immediate command of the operation.

NOTE: If a Deputy assigned to Transit Services Bureau initiates a pursuit, the TSB Watch Commander shall assume immediate command of the operation.

The Watch Commander shall respond to the desk area and immediately take command. In order to maintain operational command and control, the Watch Commander, either directly or through subordinate personnel, shall establish "cold line" communications with the SCC Watch Sergeant, who shall immediately and directly carry out the orders of the Watch Commander. If necessary to assert operational control, the Watch Commander may communicate with field units using Station/Unit transmitting capabilities. This should rarely be necessary.

The Watch Commander shall make a decision regarding the continuation or termination of the pursuit based upon the information received, including weather and traffic conditions. In the absence of immediate information from the field, the Watch Commander shall order termination of the pursuit.

Should the Watch Commander be in the field during a pursuit, his/her duties and responsibilities shall be accomplished by use of the Sheriff's radio system. If the Watch Commander is not immediately available, the Watch Sergeant shall assume operational responsibility for the pursuit.

NOTE: For purposes of clarification, references to the Watch Commander throughout this policy will apply to the Watch Sergeant and/or Field Sergeant in those instances wherein the Watch Commander is not immediately available to assume command of the pursuit operation.

Watch Commanders shall ensure that adjacent jurisdictions or Station/Unit areas are notified of any public or officer safety concerns following the termination of a pursuit by this Department when the suspect vehicle is known or believed to be traveling into the other agency's or Station's/Unit's area. If the Watch Commander authorizes an Aero unit to continue monitoring a vehicle whose pursuit has been terminated, the Watch Commander may direct the Aero unit to make that notification via radio.

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Revised 06/13/05

Revised 07/12/02

Revised 02/22/99

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**5-09/210.12 AERO BUREAU RESPONSIBILITY**

An Aero Bureau unit shall attempt to become involved in every pursuit initiated by this Department or conducted in the Sheriff's Department's patrol jurisdiction. This Aero unit shall be under the command of the Station/Unit Watch Commander, who has overall responsibility for the pursuit. The Aero unit shall follow the directions of the Watch Commander, unless these directions jeopardize the safety of the Aero unit or ground units involved in the pursuit. In the event the Aero unit receives a directive which they cannot respond to or complete for reasons of safety, they shall immediately advise the Station/Unit Watch Commander.

At the time of initial visual contact and before engaging in the vehicle pursuit, the Aero unit shall broadcast:

- the total number of ground units visibly involved;
- the estimated vehicle speeds and traffic conditions; and
- when conditions permit, the Aero unit shall broadcast the rooftop numbers of all involved units.

Once the Aero unit is in a position to maintain visual contact with the pursued vehicle, they shall notify SCC. Radio broadcast responsibility and coordination of law enforcement activity on the ground then shifts to the Aero unit. All ground units, except the primary pursuit vehicle, and two back-up units, shall terminate all Code 3 operations and obey the rules of the road. If it is not immediately clear which units are primary and back-up, the Aero unit shall designate the primary unit and the back-up units by rooftop numbers. All other units will immediately disengage from the pursuit unless specifically authorized to remain in the pursuit by the Field Supervisor or Watch Commander. It is recognized that sufficient personnel should be available to handle any tactical incident if the pursuit suddenly terminates. Although radio broadcast responsibility and tactical coordination have shifted to the Aero unit, overall command continues to rest with the Station/Unit Watch Commander.

In addition to Aero Bureau's responsibility to broadcast rooftop number of vehicles engaged in the pursuit, the Watch Commander may direct the Aero unit to broadcast this information when appropriate and feasible throughout the pursuit operation. Any non-designated unit which does not immediately disengage from the pursuit shall be identified by rooftop number and broadcast to the Watch Commander.

The Aero unit will broadcast the location of the suspect vehicle and advise ground units of upcoming traffic congestion, road hazards, or any other information which may increase the margin of safety. This will not alleviate participating ground units from exercising due regard for the safety of themselves and the public.

The Aero unit shall remain with the pursuit operation, whether surveillance mode or actual pursuit, to its terminus, and shall adhere to the instructions of the Watch Commander and Field Sergeant. If the Aero unit is required to disengage, ground units shall reassume radio broadcast responsibilities for the pursuit and reassess the need to continue or terminate the operation.

Immediately upon conclusion of the operation, and when conditions permit, the Aero unit shall provide rooftop numbers for all Sheriff's vehicles in the immediate vicinity of the pursuit terminus. Authorization from either the Watch Commander or Field Sergeant shall be sought by the Aero unit prior to departing the scene.

If a Watch Commander or Field Sergeant orders the termination of a pursuit, the involved Aero unit shall discontinue further broadcasts of the pursued vehicle's location on any Sheriff's frequency. However, the Aero unit may request permission from the originating Station/Unit Watch Commander to continue monitoring the vehicle's location and notify adjoining Sheriff's Stations/Units and agencies that the previously pursued vehicle is entering their jurisdiction. Under MPP section 5-09/210.10 this notification is required of the Watch Commander; however, this task may be delegated to the Aero unit by the Watch Commander. If specific permission to follow the vehicle is not granted by the Watch Commander, the Aero unit shall terminate further attempts to follow or surveil the pursued vehicle. In no event shall the Aero unit begin rebroadcasting the location and direction of travel of the pursued vehicle without specific authorization from the originating Station/Unit or originating outside agency Watch Commander.

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5-09/210.15 PURSUIT - VEHICLE OPERATION AND TACTICS

In order to minimize the likelihood of a pursuit, Deputies intending to stop vehicles shall, when practical and safe, be within close proximity to the vehicle prior to activating their red light and/or siren. Some individuals, who would not otherwise flee, may attempt to evade law enforcement when given several blocks warning of an intended stop. Deputies shall use red lights and siren as required by law to close their distance to a vehicle they are attempting to stop if necessitated by law, traffic, or road conditions. Unless the intended stop becomes a pursuit as described in MPP section 5-09/210.00, notification to SCC is not required (refer to MPP section 5-09/200.00).

Offensive Tactics

There shall be no attempt to stop the suspect vehicle by boxing in, heading off, ramming, or driving alongside of the pursued vehicle while it is in motion. Pursuits shall be primarily following actions. However, a patrol car may be used to block a suspect vehicle which has stopped or is nearly at rest when injury is unlikely and property damage would be minimal. If, during a prolonged slow-speed pursuit, it is apparent that the pursued vehicle may be safely "boxed in," the Watch Commander may authorize this maneuver. Personnel involved must not use this maneuver if there is a likelihood that the suspect may have a firearm and a "cross-fire" or other hazardous situation may occur. Should a suspect evade a "boxing in" maneuver, it should not generally be attempted again.

Roadblocks

Unless absolutely necessary, and then only in the absence of another viable alternative, Deputy personnel shall not use their vehicles or place anything else in the roadway as roadblocks, since this tactic has generally been found to be ineffective and counter-productive.

Pursuit Termination Technology/Devices

Department members are authorized to deploy pursuit termination technologies (e.g., spike strips) in an attempt to terminate a pursuit; when appropriate and upon notification to the primary unit (prior to the Watch Commander taking command) or Watch Commander. Only Department-authorized pursuit termination technologies may be used by qualified Department members. Assisting agencies may deploy pursuit termination technology approved by the agency in accordance with that agency's policy, if requested by the Watch Commander. The Training Bureau shall maintain records of any training required by this section. A list of approved pursuit termination technologies shall be maintained by Field Operations Support Services.

Passing

There shall be no attempt by Deputies to pass other field units involved in the pursuit unless the passing Deputy receives specific permission from the unit to be passed.

Surveillance Mode

Surveillance Mode is the authorized aerial surveillance of a suspect vehicle by an Aero unit after ground units have ceased their vehicle pursuit operation. Surveillance Mode is a separate tactical operation from the preceding ground pursuit and is not considered a continuation of the pursuit. However, it must be managed with the same diligence and priority as a pursuit. The duration of surveillance mode must be constantly evaluated against the reason for the pursuit and the resources committed to the operation.

In pursuits involving an Aero unit, wherein the pursuit becomes unreasonably dangerous because of the Deputy's speed, the suspect's speed or other factors, the Watch Commander shall order all ground units to discontinue their pursuit. The primary unit in the pursuit, the Aero unit, or any supervisor may order Surveillance Mode. The Aero unit shall follow the vehicle until it stops and the suspect exits the vehicle or the operation is terminated by the Watch Commander.

Once Surveillance Mode has been established, all vehicles involved in the pursuit shall cease their pursuit, discontinue their Code 3 operation, reduce their speed, and allow the Aero unit to monitor the suspect vehicle. It is the intent of Surveillance Mode operations that no ground police vehicles be visible to suspect vehicle occupants, and that the suspect(s) is unaware of the Aero unit's presence. The Aero unit shall advise the Watch Commander of the rooftop number of any unit that does not immediately reduce its speed and disengage from the pursuit. If the suspect vehicle does not slow to normal traffic speeds after a reasonably short time during Surveillance Mode, the operation shall be discontinued. If the suspect vehicle stops, ground units will be advised and a tactical containment may be initiated unless prohibited by the Watch Commander. Refer to MPP section 3-10/150.00, Tactical Incidents. Once the suspect vehicle has stopped, the Watch Commander may allow a primary and one or more back-up units to respond to the terminus Code 3.

The Watch Commander, Aero unit, Field Supervisor, or primary unit is encouraged to employ Surveillance Mode as an operational tactic to allow termination of a pursuit, whether or not "unreasonably dangerous" conditions exist.

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5-09/210.16 POST PURSUIT TACTICS

Once the pursued vehicle has stopped, for whatever reason, the previous tactical operation of a vehicle pursuit is immediately replaced by a new tactical operation involving suspect containment and arrest. It is essential that all personnel involved in the pursuit recognize this transition from vehicle pursuit to containment and arrest. The handling Deputy remains the Incident Commander, unless relieved by the Field Sergeant.

At the termination of a pursuit, safety is critical. At no time will the need for decisive action and strict personal and collective self-control be more essential. If, at the pursuit terminus, any occupant of the pursued vehicle fails to obey commands to exit and remains in the vehicle, the situation shall be treated first as a felony stop and with continued non-compliance, a barricaded suspect incident. If the suspect is believed to be armed, a special weapons team shall be requested in accordance with MPP section 5-06/110.65.

Unless relieved by a supervisor, the primary pursuit unit retains the responsibility, as the Incident Commander, for maintaining control and directing activities at the terminus of a pursuit, specifically as it relates to the apprehension of the suspect and the use of force. All personnel involved in suspect containment and arrest shall adhere to the fundamental tactical principles outlined in MPP section 3-10/150.00, including the development of a tactical plan, the use of less lethal weapons, assignment of designated shooters, fire discipline and shooting backdrop. Unless specifically requested, once a Code 4 has been broadcast, no other Deputies will respond to the terminus of a pursuit. Assisting units already present shall immediately vacate the area once their specific mission has been completed.

The Field Sergeant shall respond (Code 3 if necessary), to the terminus of the pursuit and oversee post-pursuit tactics and assert control when warranted. The Sergeant shall further ensure compliance with all Department policies, specifically as they relate to the use of force and field tactics.

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**5-09/210.20 USE OF FIREARMS DURING PURSUITS**

The use of firearms against moving motor vehicles is inherently dangerous and almost always ineffective. Personnel engaged in pursuits shall conform to the policy regarding use of firearms against motor vehicles as described in MPP section 3-10/220.00, Assaults by Moving Vehicles - Firearms Policy.

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5-09/210.25 INTER-AGENCY PURSUITS

Notification by another law enforcement agency of a pursuit in progress shall not be construed as a request to join the pursuit. The caller from the outside agency shall be specifically asked if they are making a request for assistance or merely making a notification.

Deputies shall not become involved in another agency's pursuit unless specifically authorized by their Watch Commander through SCC, unless it is clearly demonstrated that a lone unit from an outside agency is unable to request our assistance, or the emergent nature of the situation dictates the need for assistance by this Department. In these instances, all departmental pursuit and Code 3 policies, including the requirement to immediately notify SCC, are in effect.

The Department member (SCC or Department Unit) receiving notification of a pursuit by an outside agency shall carefully assess the circumstances to determine whether the pursuit is likely to enter Sheriff's jurisdiction. Prior to making any radio broadcast, the person (SCC or unit) will obtain from the notifying department, the same information our primary pursuit unit is required to provide. It is recognized that, especially in smaller agencies, this information may not be immediately available.

NOTE: It is this Department's policy to provide the requested assistance immediately while continuing to seek the remaining information.

When an outside agency or a Unit Watch Commander notifies SCC of its agency's pursuit and our assistance is not required, SCC shall immediately make an "information only" broadcast on the appropriate Sheriff's Department frequency to alert otherwise unsuspecting field personnel of the potential dangers of an approaching pursuit. The "information only" broadcast shall advise units that our Department's assistance is not being requested and not to become involved in the pursuit. Any personnel who join in such a pursuit are in violation of this Department's pursuit policy.

Requests by other agencies for pursuit assistance will likewise be broadcast by SCC and the first Sheriff's unit to join will be designated as the back-up unit. Any additional assistance by this Department will be specifically authorized by the Station/Unit Watch Commander. All Department procedures shall be in effect.

The Sheriff's Department recognizes that there are differences between the pursuit policies of various agencies. Should a circumstance arise wherein Sheriff's personnel are requested to assist a lone or outnumbered officer(s) from another agency and the pursuit does not conform to Sheriff's Department policy, the Watch Commander shall attempt to contact the agency and advise them that the pursuit is not within this Department's policy and that Sheriff's Department personnel will disengage as soon as sufficient initiating agency personnel can arrive. The Sheriff's Department will, under these circumstances, provide only such assistance as is reasonable and specifically requested and will disengage as soon as possible without sacrificing the safety of another agency's personnel. All other elements of this policy remain in effect.

The Sheriff's Department will provide necessary assistance at the terminus of another agency's pursuit. The other agency remains in command of any ensuing tactical operation, unless they specifically request the Sheriff's Department to take command. All Sheriff's Department personnel involved in these operations shall comply with existing Department policies.

When an LASD pursuit enters an outside jurisdiction, the Unit Watch Commander will ensure that the outside agency is immediately notified and will ensure that the operation is appropriately coordinated with that agency. This notification may be done by phone or radio, and by personnel from the concerned Station/Unit, SCC, or an Aero unit via the Watch Commander.

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**5-09/210.30 PURSUIT EVALUATION AND REPORTING**

Following a pursuit, it shall be the responsibility of the Watch Commander supervising the pursuit to ensure that the pursuit operation is fully debriefed. This debriefing will be conducted to assess the performance and tactics utilized, strategies which may be improved in future pursuits, and create training materials for other personnel. This debriefing may be conducted by the Field Sergeant and discussed with the Watch Commander, who shall document the debriefing in a memorandum to the Unit Commander. Efforts should be made, whenever possible, to include Aero Bureau participants in the debriefing.

- the Watch Commander shall also complete the Department Pursuit Evaluation Form and immediately submit the form to the Unit Commander for review;
- the Unit Commander charged with command responsibility for the Sheriff's vehicle engaged in the pursuit shall review the Department Pursuit Evaluation Form. The purpose of the Unit Commander's review is to determine if the pursuit was within Department policy and whether the pursuit was properly managed. If the pursuit involved personnel not assigned to a Patrol Station, a copy of the completed form shall be sent to the involved personnel's Unit Commander for review;
- if the vehicle pursuit is an integral part of a force or shooting incident being handled by the Internal Affairs Bureau (IAB) Force and Shooting Team, then the Executive Force Review Committee (EFRC) will be responsible for determining whether or not the vehicle pursuit was within policy. The Watch Commander shall complete the Department Pursuit Evaluation Form and immediately submit the form and other pertinent documents and audio files to the IAB Force and Shooting Team handling the incident;
- in all cases, the Unit Commander shall cause the Department Pursuit Evaluation Form to be submitted to the Traffic Services Detail within 15 business days; and
- Traffic Services Detail shall complete the California Highway Patrol, CHP-187, form and forward the form to the State as required by law.

The Department Pursuit Evaluation Form is available on the Sheriff's Data Network.

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Revised 05/17/09

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Los Angeles Police Department's Pursuit Policy

555. PURSUIT POLICY. The Department Pursuit Policy is comprised of Manual Volume 1/555, Volume 3/201 and Volume 4/205. Refer to all listed Manual Volumes and Sections for policy, procedures, and administrative review of the Department Pursuit Policy.

555.01 VEHICLE PURSUIT DEFINED. The California Highway Patrol defines a vehicular pursuit as, "An event involving one or more law enforcement officers attempting to apprehend a suspect operating a motor vehicle while the suspect is attempting to avoid arrest (or detention) by using high speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a *legal* manner but **willfully failing to yield** to the officer's signal to stop" (emphasis added).

555.05 DRIVER RESPONSIBILITY. Section 21055 of the California Vehicle Code (CVC) specifies that in emergency situations the driver of an authorized emergency vehicle is exempt from the "Rules of the Road" as specified in Division 11 of the Code, when the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front. Section 21056 CVC, however, specified that this exemption "...does not relieve the driver from the duty to drive with due regard for the safety of all persons using the highway, nor does it protect him from the consequences of an arbitrary exercise of the privileges granted in that Section (21055)."

555.10 INITIATION OF A VEHICLE PURSUIT. Officers shall not initiate a pursuit based only on an infraction, misdemeanor evading (including failure to yield), or reckless driving in response to enforcement action taken by Department personnel.

Officers may pursue felons and misdemeanants, including law violators who exhibit behaviors of illegally driving under the influence of drugs or alcohol. If reasonable suspicion or probable cause exists that a misdemeanor (with the exception of misdemeanor evading or reckless driving in response to enforcement action by Department personnel) or felony has occurred, is occurring or is about to occur, employees may pursue a suspect vehicle.

Note: Unmarked units shall not engage in a pursuit. Dual-purpose, hybrid vehicles, and motorcycles may engage in a vehicle pursuit, however, the unit shall relinquish the role of primary unit when a marked black and white vehicle arrives on scene.

In order to diminish the likelihood of a pursuit, officers intending to stop a vehicle shall, when practicable, be within close proximity to the vehicle before attempting the stop. When circumstances indicate a high potential for a pursuit, e.g., felony want on vehicle, possible stolen vehicle, felony suspect, officers shall determine the availability and estimated time of arrival of an air unit and, if tactically possible, wait for its arrival prior to initiating the vehicle stop. Additionally, officers should request a back-up unit.

Whenever possible, air units shall assume responsibility for **tracking** a suspect vehicle. During this tracking mode, authorized ground units shall continue their Code Three response, but should reduce their speed and, if reasonable, maintain a position out of the line-of-sight of the suspect's vehicle to maximize public safety. The Department shall make every effort to provide immediate

Los Angeles Police Department's Pursuit Policy

supervisory oversight at the beginning of the pursuit and through its termination.

Factors In Initiating a Pursuit. Officers must also weigh the seriousness of the offense against the potential dangers to themselves or members of the community and should consider the following factors when assessing whether to initiate a pursuit:

- Whether there is an unreasonable risk to the public's safety, to the pursuing officers' safety or the safety of the occupant(s) in the fleeing vehicle;
- The speed of the fleeing vehicle, relative to other roadway conditions and factors;
- Whether vehicular and/or pedestrian traffic safety is unreasonably compromised;
- The traffic conditions: volume of vehicular traffic, volume of pedestrian traffic, and road conditions;
- Nature of the area of the pursuit: residential, commercial, or rural;
- Whether the suspect can be apprehended at a later time;
- If weather conditions such as rain, fog, snow, etc., create an unreasonable risk of injury to the public or the pursuing officers;
- The seriousness of the crime and its relationship to community safety;
- Whether the lack or quality of communication between the primary unit and Communications Division or the primary unit and a supervisor causes an unreasonable risk to the public; and,
- The familiarity of the primary pursuing unit with the area of the pursuit.

The same liability and potential danger inherent in a vehicle pursuit is also present when following a vehicle. Officers shall not violate the rules of the road, e.g., Division 11 of the California Vehicle Code, when following a vehicle. Exemption from provisions of the Vehicle Code (Division 11) is granted only when officers sound a siren as may be reasonably necessary and the officer's vehicle displays a lighted red lamp visible from the front. The decision whether or not to initiate a pursuit should be made as soon as it is clearly evident that the law violator is intending to flee. Officers shall not use "following" as a substitute for initiating a pursuit.

205. VEHICLE PURSUIT PROCEDURES.

205.01 NOTIFYING COMMUNICATIONS DIVISION. When a unit goes in pursuit, it shall advise Communications Division that it is "in pursuit" and give the unit's identification, location, a description of the pursued vehicle and/or suspects, directions taken, and reason for pursuit. Communications Division will be responsible for requesting and assigning to the pursuit a back-up, air unit and an available uniformed supervisor in close proximity to the pursuit. The pursuing unit shall give frequent and comprehensive progress reports.

Any unit having pertinent information regarding the pursuit may advise Communications Division. The secondary unit shall also notify Communications Division, as soon as possible, of the secondary unit's involvement in the pursuit by stating that it is "in pursuit" and its unit identification and location. Once a supervisor is assigned to a pursuit, he/she shall respond immediately and upon arrival, declare himself/herself as Incident Commander via broadcast to Communications Division.

Unmarked Units. Unmarked units without emergency equipment shall not engage in a pursuit. However, officers in unmarked units without emergency equipment may become involved in emergency activities involving a serious crime or a life-endangering situation. In those rare instances, it may be necessary to follow a suspect vehicle while summoning assistance from a black-and-white, four-wheeled unit equipped with external roof-mounted emergency lights. Officers in an unmarked unit without emergency equipment shall not violate the rules of the road as defined in Division 11 of the California Vehicle Code.

When officers in an unmarked unit without emergency equipment become aware that a unit with emergency equipment has arrived and will attempt to stop the suspect vehicle, the unmarked unit shall disengage.

Note: A hybrid unit is a marked, emergency-equipped vehicle and may engage in vehicular pursuit. However, a hybrid is bound by the same restrictions as a motorcycle unit or a dual-purpose unit.

205.10 CONTROL OF A VEHICLE PURSUIT.

General Guidelines. Communications Division will be responsible for requesting and assigning to the pursuit a back-up unit, air unit and an available uniformed supervisor in close proximity to the pursuit. Responding back-up units may respond "Code Three." However, once all authorized units have joined the pursuit, all other units shall discontinue their "Code Three" response. Officers in all other units shall stay clear of the pursuit, but remain alert to its progress and location.

Note: When available, any unit in a pursuit should be a two-officer unit. Tactically, two officers (driver and passenger) are better able to evaluate and control activities in a pursuit.

If the unit initiating the pursuit cannot continue as the primary unit, the secondary unit shall become the primary unit. The secondary unit shall advise Communications Division that it is the

primary unit. Another unit may then enter the pursuit and shall advise Communications Division that it is the secondary unit.

In the event a pursuit is initiated by an officer on a motorcycle or in a hybrid or dual purpose vehicle, the pursuing motor officer or driver of the hybrid or dual purpose vehicle shall relinquish the role as the primary unit when a four-wheeled, black-and-white unit equipped with external roof-mounted emergency lights has joined the pursuit. Absent exigent circumstances, officers on a motorcycle or in a hybrid or dual purpose vehicle shall not become a secondary unit after they become aware of the arrival of a secondary black-and-white, four-wheeled unit equipped with external roof-mounted emergency lights.

Primary Unit's Responsibilities. The responsibility of the officers in the primary unit is the apprehension of the suspect without unreasonably endangering themselves or others. The senior officer of the primary unit shall be the Incident Commander and will be responsible for maintaining management and control of the pursuit until a supervisor arrives.

The senior officer's responsibilities also include the decision to become involved in a pursuit, whether more than two units should join the pursuit, and whether the pursuit should be terminated.

Secondary Unit's Responsibility. The secondary unit shall be responsible for backing up the primary unit and broadcasting pertinent information at the termination of the pursuit.

Supervisor's Responsibilities. Once a supervisor is assigned to a pursuit, he/she shall respond immediately and upon arrival, declare themselves as Incident Commander via broadcast to Communications Division. As Incident Commander, he/she shall be responsible for the management and control of the pursuit and post incident management.

The Incident Commander shall monitor the pursuit and continuously assess the situation and ensure that the pursuit is conducted within Department guidelines. If necessary, the supervisor shall direct specific units out of the pursuit, reassign the primary or secondary units, assign an available air unit, terminate the pursuit, or determine the necessity of employing a VIT. Code Three vehicle operation is authorized for the supervisor, at the supervisor's discretion, to properly monitor and direct the pursuit.

Watch Commander's Responsibility. The watch commander of the primary unit has the authority to assume incident command or transfer command of a pursuit at any time. If that watch commander transfers command of a pursuit (e.g., to another Area watch commander, the California Highway Patrol, etc.), he/she shall immediately notify Communications Division, other involved units, and any on-scene air unit of the transfer of command. If he/she assumes incident command, the Watch Commander shall immediately notify Communications Division and the involved field supervisor of his/her assumption of command. The involved supervisor and all concerned units shall be guided by the Incident Commander's direction.

Communication Division's Responsibility. Upon notification of a unit going in pursuit Communications Division shall ensure that an air unit, back-up (secondary) unit, and any

available uniformed supervisor in close proximity to the pursuit are assigned to the pursuit. When an outside pursuing agency requests assistance, Communications Division **shall** contact the requesting agency to determine the nature of the pursuit (i.e., traffic infraction, felony evading, wanted for robbery, driving under the influence, etc.).

205.15 AIR SUPPORT/TRACKING A PURSUIT. The use of an air unit to track a suspect vehicle is a valuable law enforcement tool intended to enhance public and officer safety by encouraging a fleeing suspect(s) to operate his/her vehicle responsibly and/or terminate the pursuit.

Note: Upon the air unit's arrival at the scene of a pursuit, the air unit will assess the situation, advise the Incident Commander of the number of police units in the pursuit, and request if tracking should be initiated. Exigent circumstances may preclude tracking.

Whenever possible, air units shall assume responsibility for tracking a suspect vehicle. In the absence of exigent circumstances (e.g., armed suspect, murder suspect, hostage situation, etc.), which may require pursuing units to remain in pursuit of the suspect's vehicle, authorized ground units shall continue Code Three, and attempt to remain out of the suspect's line of sight, but remain in close proximity to the suspect's vehicle. Authorized ground units shall broadcast whatever information is necessary to assist the air unit.

To assist the Incident Commander in controlling the pursuit, the air unit shall:

- Assume pursuit broadcast responsibilities during the tracking mode;
- Advise the Incident Commander regarding suspect actions and applicable tactical considerations;
- Identify all law enforcement vehicles involved in the pursuit and record the corresponding shop numbers (or vehicle descriptions when shop numbers are not available); and,
- Respond, as practicable, to any other requests from the Incident Commander.

Note: An air unit assigned to the pursuit shall, if necessary, advise non-Department aircraft monitoring the pursuit that the Department's air unit is in tracking mode.

Re-engaging a Pursued Vehicle. When tracking does not produce the desired result of slowing the suspect's driving or the suspect's driving actions are contributing to an increasingly hazardous situation, the Incident Commander, at his/her discretion may direct units to re-engage the suspect vehicle. Absent exigent circumstances, Incident Commander approval during the tracking mode is required by the primary and/or secondary unit to re-engage the pursuit of the vehicle. Should the situation dictate the air unit's discontinuance of the tracking mode, (e.g., visibility, restricted air space, aircraft mechanical issues, etc.), the air unit shall notify Communications Division and the Incident Commander of the circumstances.

205.17 CONTINUATION/TERMINATION OF THE PURSUIT. Officers involved in a pursuit shall continually evaluate the necessity for continuing the pursuit. Officers must determine whether the seriousness of the initial violation or any subsequent violations reasonably

warrants continuance of the pursuit. The following factors should be considered when evaluating speeds throughout a pursuit and assessing whether to continue or terminate a pursuit:

- Whether there is an unreasonable risk of injury to the public's safety, the pursuing officers' safety or the safety of the occupant(s) in the fleeing vehicle;
- Whether speeds dangerously exceed the normal flow of traffic;
- Whether vehicular and/or pedestrian traffic safety is unreasonably compromised;
- Whether the suspects can be apprehended at a later time;
- If the weather conditions such as rain, fog, snow, etc., create an unreasonable risk of injury to the public or the pursuing officers;
- The suspect is not responding to the emergency equipment, e.g., siren and red lights of the police vehicle; is not accelerating to get away from the officer; and the only known reason for initiating a pursuit is a minor traffic infraction;
- The seriousness of the crime and its relationship to community safety;
- The traffic conditions: Volume of vehicular traffic, volume of pedestrian traffic and road conditions;
- Nature of the area of the pursuit: Residential, commercial, or rural;
- Whether the lack or quality of communication between the primary unit and Communications Division or the primary unit and a supervisor causes an unreasonable risk to the public;
- The familiarity of the primary pursuing officer with the area;
- The availability of an air unit; and,
- The loss of the pursued vehicle, or unknown location of the pursued vehicle.

All officers involved in a vehicle pursuit will be held accountable for the continuation of a pursuit when circumstances indicate it should have been discontinued. Since driver officers are usually concentrating on the safe operation of the police vehicle, passenger officers are particularly responsible for advising drivers when they feel the pursuit is exceeding reasonable limits.

205.18 LOSS OF PURSUED VEHICLE. When a pursued vehicle is lost, officers in the primary unit shall immediately broadcast the necessary information to Communications Division. The primary unit shall broadcast supplemental information on the appropriate tactical frequency and coordinate the search as needed. When an air unit is assisting, descriptive and directional information shall be specifically broadcast to the air unit. If it is determined that the location of the pursued vehicle is unknown or the vehicle has been lost, the pursuit shall be discontinued.

205.19 VEHICLE PURSUIT DRIVING TACTICS. During the course of the pursuit, officers shall continuously assess the road conditions and the actions of the suspect. Primary responsibility for pursuit activities shall be restricted to the primary unit, secondary unit, and assigned supervisor. All other units **shall remain clear of the pursuit**, but shall remain alert to the location and progress of the pursuit. Units remaining clear of the pursuit shall follow the rules of the road and shall not drive Code Three. Units other than the primary unit, secondary unit, or assigned supervisor shall not become involved in the pursuit unless requested by officers

in the primary unit or directed by a supervisor.

Paralleling. Units shall not parallel nor pass units engaged in the pursuit and shall follow the rules of the road as required by Section 21052 V.C. for purposes of this order, paralleling is defined as any law enforcement vehicle positioned alongside a pursued or pursuing vehicle, or along an adjacent street so as to be parallel to the suspect's or pursuing vehicle's position.

Tactics employed to stop a pursued suspect, such as establishing a physical barricade (road block), boxing in, heading off, ramming, or driving alongside the pursued vehicle are strongly discouraged. These tactics are extremely hazardous and should only be considered in those rare instances when warranted to save a life, and then only as a last resort.

Wrong-way Traffic. Generally, officers shall not pursue a vehicle the wrong way on a freeway, nor shall officers pursue the wrong way on a one-way street. In the event a pursued suspect enters the freeway the wrong way, the following options should be considered:

- Requesting an air unit to assist and coordinate field activities;
- The Estimated Time of Arrival (ETA) of the air unit;
- Maintaining visual contact with the suspect vehicle by driving on the correct side of the freeway;
- Requesting other units to observe the exits available to the suspect vehicle; and,
- Notifying the California Highway Patrol and other police agencies as appropriate.

205.20 VEHICLE INTERVENTION TECHNIQUES. Officers should obtain Incident Commander approval prior to employing a Vehicle Intervention Technique (VIT). In rare instances where exigent circumstances exist that require immediate action and preclude officers from seeking prior supervisor approval, a VIT may be employed. The Incident Commander or the Watch Commander of the primary unit may authorize a pursuit's termination by employing a VIT. The decision to employ a VIT shall be based on careful consideration of the situation, while maintaining a significant regard for public and officer safety.

A VIT may be employed when the officer believes that the continued movement of the vehicle would place persons in imminent danger of great bodily harm or death and/or the risk of harm to persons outweighs any risks created by the application of a VIT.

Only officers who have successfully completed Department approved training are authorized to employ these methods.

Currently, the Department has authorized the following Vehicle Intervention Techniques:

A. Tire Deflation Devices. A Tire Deflation Device (commonly referred to as a "Spike Strip") is used to impede or stop movement of vehicles by deflating the tires.

Note: This does not apply to tactical, non-pursuit fixed post sites (e.g., LAX or the Academy Awards).

The tire deflation device normally should not be deployed for a pursued vehicle traveling at

speeds in excess of 65 mph.

Absent exigent circumstances, the tire deflation device should generally not be used in adverse terrain or where geographic configurations increase the risk of injury to the suspect (e.g., on roadways bounded by steep descending embankments, curves, etc.), or at any location where safety of proceeding or opposing traffic cannot be assured.

Absent exigent circumstances where lethal force is authorized, officers shall not use tire deflation devices on two wheeled vehicles.

B. Pursuit Intervention Technique (PIT). The PIT is designed to be executed by a pursuing police vehicle. The PIT is a technique in which the officer's vehicle makes contact with the rear quarter panel of the suspect's vehicle, causing it to rotate and come to a stop. If the technique is properly executed, damage to the officer's vehicle should be minor or negligible.

The location chosen to implement a PIT is of paramount importance. The area should be clear of pedestrians and other occupied vehicles, and road conditions should be in good condition (e.g., free from loose gravel, significant road repair, etc.). Unless exigent circumstances exist, the PIT **should not** be attempted when the following exists:

- The pursued vehicle is traveling in excess of 35 mph;
- The size of the pursued vehicle is significantly heavier than the primary unit's police car (e.g., buses, motor homes, semi-trucks, dual-rear-wheel pickup trucks, etc.);
- The pursued vehicle is transporting hazardous material;
- Since employing the PIT will cause officers to be in close proximity to the suspect, a PIT should not be used on a suspect who is known to be armed; and,
- Any motorcycles, motor scooters or three-wheeled cycles.

205.21 HOSTAGE - INVOLVED VEHICLE PURSUIT. It must be emphasized that the safety of the hostage must be the primary consideration in determining the tactics that will be employed to effect the release of the hostage and apprehend the suspect(s).

Initial Notification. When a member of the Department becomes aware that a hostage is, or may be, in a pursued vehicle, Communications Division shall be advised immediately. All available information shall be reported, including a physical description of the hostage, manner of dress, and the exact location of the hostage within the vehicle (when known).

Communications Division's Responsibility. Communications Division shall ensure all hostage-related information is immediately broadcast. The fact that a hostage may be involved in a pursuit shall be periodically transmitted during the subsequent pursuit status broadcasts. In instances where the taking of a hostage has not been confirmed, Communications Division shall attempt to obtain additional information from the original reporting person via telephone. If a callback number is not available, or the reporting person cannot be contacted, Communications Division shall assign a specific unit to respond to the scene of the initial occurrence to verify the taking of a hostage.

Primary Unit's Responsibility. The primary unit shall broadcast any known information regarding the hostage's position within the vehicle, a description of the hostage, suspect information, and information regarding the suspect's weaponry. The presence of a hostage in the pursuit magnifies the importance of the primary unit maintaining maximum control and ensuring that nonessential units do not become involved in the pursuit.

205.25 PURSUITS REQUIRING OUTSIDE RESPONSE. When a pursuit leaves the primary unit's Area of assignment, the primary unit shall:

- Notify Communications Division that the pursuit is entering another geographic Area; This assists Communications Division in broadcasting pursuit information on the appropriate radio frequencies; and,
- Notify Communications Division when the pursuit is entering another city. This assists Communications Division in contacting the appropriate agency to coordinate the exchange of information between involved agencies.

The primary unit shall notify Communications Division of the presence of other law enforcement agencies and relay any request for assistance from or to another law enforcement agency unit through Communications Division.

205.30 VEHICLE PURSUITS BY OTHER LAW ENFORCEMENT AGENCIES. When a pursuit initiated by another law enforcement agency occurs in the City, the initiating unit and jurisdiction shall be responsible for the progress of the pursuit. The Los Angeles Police Department (LAPD) units shall not attempt to assist with the pursuit unless specifically requested to do so by the pursuing agency or unless it is clearly demonstrated that assistance from this Department is required. Officers shall seek approval from their watch commander prior to becoming involved in another agency's pursuit. In the event an LAPD unit becomes involved in another agency's pursuit, this Department's vehicle pursuit policy shall apply.

Generally, it is a poor practice to co-mingle ground units from different agencies during a pursuit. Therefore, when the Department accepts responsibility for a pursuit initiated by another agency, the other agency should be directed to completely disengage from the pursuit. Similarly, when a Department pursuit is turned over to another agency, LAPD ground units should completely disengage. The Incident Commander shall verify control of the pursuit by requesting, via Communications Division, that the appropriate agency units disengage from the pursuit.

Trailing a Department-initiated pursuit which has been turned over to another agency is a decision to be made by the Incident Commander and is usually based upon the necessity for the Department to accept custody of the offender at termination. However, distance from the City is a factor to be considered in the decision to trail. The Incident Commander shall make appropriate notifications to officers to ensure effective post-pursuit discipline and avoid co-mingling different agency ground units at the termination of the pursuit.

205.35 POST - PURSUIT DISCIPLINE. Safety is critical at the termination of a pursuit, therefore, the need for decisive action, self-control, and strict personal discipline is essential. The responsibility for maintaining control and directing activities at the termination point of a vehicle

pursuit must remain with the senior officer in the primary unit unless relieved by a supervisor. The officers in the secondary unit shall be responsible for backing up the primary unit and broadcasting pertinent information at the termination of the pursuit. Unless summoned to the scene, officers in all other units shall remain **clear** of the pursuit termination point.

Note: Responding plainclothes personnel shall ensure that they are readily identifiable as police officers by affixing proper identification on their outer garment.

When the pursuit is terminated and the suspect(s) flees on foot, the air unit, when involved, shall broadcast any information which may assist in the deployment of ground units.

When Communications Division broadcasts the location and other information indicating that the vehicle pursuit is terminated, involved units shall temporarily switch their radios to the appropriate tactical frequency. The tactical frequency shall be used to coordinate the search for a suspect(s) fleeing on foot.

205.40 APPREHENSION OF THE SUSPECT AT PURSUIT TERMINATION. At the end of a pursuit, officers shall rely on Department approved tactics and training in taking the suspect(s) into custody, and shall abide by the Department's Use of Force Policy if force is necessary to effect the arrest.

Note: Officers shall take special note and be familiar with Section 1/556.40, *Shooting At Or From A Moving Vehicle*.

205.45 VEHICLE PURSUIT REPORT GUIDELINES. In the event that a PIT or deployment of a tire deflation device is **attempted**, the Vehicle Pursuit Report shall include the heading, "**Pursuit Intervention.**" It shall be included in the report immediately following the, "Circumstances of Pursuit Termination" section. Additionally, the following information shall be provided:

- Who authorized the deployment;
- The date and time of the deployment;
- The specific location of the deployment;
- The direction of the suspect's travel;
- The estimated speed of the suspect's vehicle at the time of deployment;
- The results of the deployment;
- Any damage to any vehicle resulting from an intervention;
- A description of where in the roadway the deflation device was placed;
- Any unintended traffic collisions that occurred; and,
- Any injuries observed or complained of that are or could be related to the intervention.

Note: Since the PIT maneuver is an intentional act, it is not considered a traffic collision unless a third party is struck in the process.

Supervisor's Responsibility. The Incident Commander controlling the pursuit is responsible for managing, and when possible, approving a PIT or the deployment of a tire deflation device. In

the event a VIT is employed, the controlling supervisor shall ensure that a detailed description of the method used is contained in the Vehicle Pursuit Report, Form 01.14.00.

- Photographs shall be taken of all vehicles affected by any intervention attempt;
- Photographs and/or the original floppy diskette containing digital images shall be attached to the Vehicle Pursuit Report. Photographs are intended to show any damage resulting from the intervention or the lack thereof; and,
- In the event damage occurs to Department vehicles, it shall be recorded in accordance with establish guidelines.

Note: Photographs of the injuries shall be obtained and medical treatment shall be provided to the injured parties.

205.50 TRAFFIC COLLISION REPORTING GUIDELINES. The application of a PIT or tire deflation device is not a traffic collision. However, in the event that either of these causes an *unintended* collision between any vehicle and any other object or person, it is reportable as a traffic collision.

- The geographic bureau in which the pursuit was initiated shall be contacted to conduct the investigation and prepare the appropriate reports; and,
- The Department's Special Collision Investigation Detail (SCID) shall be contacted in the event of any fatal or serious injury related to the deployment of a tire deflation device or PIT.

205.55 SUPERVISOR'S RESPONSIBILITY AT TERMINATION OF PURSUIT. When a supervisor from the pursuing officer's Area or division of assignment has not responded to the termination point of the pursuit, Communications Division shall dispatch a supervisor from the primary unit's Area or division of assignment to the location. Upon arrival at the termination point, the supervisor shall immediately assume responsibility for controlling police action at the scene and ensuring adherence to Departmental policies. The supervisor shall retain these responsibilities until the suspect is booked or released and all reports are completed. The supervisor shall also submit a Vehicle Pursuit Report, Form 01.14.00, and a California Highway Patrol Pursuit Report, Form CHP 187, to the involved officer's commanding officer.

All Vehicle Pursuit Reports require a DR number. If a pursuit results in the completion of other related reports the DR number for the related reports shall also be used for the Vehicle Pursuit Report. Copies of all related reports shall be distributed with the Vehicle Pursuit Report. If a pursuit is terminated without police action that requires other reports, a miscellaneous DR number shall be obtained for the Vehicle Pursuit Report. Only Section I of the Form CHP 187 shall be completed by a supervisor. The DR number shall be placed in the lower box in the upper right hand corner of the Form.

A supervisor from the Area in which the pursuit terminates, or a supervisor from the closest Area if the termination point is outside the City, shall respond immediately to the scene and remain in charge until relieved by a supervisor from the pursuing officers' Area or division of assignment. When a supervisor from the pursuing officers' Area or division is unable to respond, the

supervisor-in-charge at the scene shall assume all the prescribed responsibilities.

Supervisory personnel shall take appropriate action when they become aware of violations of the Department's pursuit policy. The supervisor-in-charge shall contact Air Support Division (ASD) to identify all vehicles in the pursuit. The name of the ASD officer contacted and the identity of all officers in the pursuit shall be included in the Vehicle Pursuit Report, Form 01.14.00. When it is determined that unauthorized units are involved, corrective action shall be recommended in the Form 01.14.00.

205.60 REQUIRED ADMINISTRATIVE NOTIFICATION OF PURSUIT. Only vehicle pursuits amounting to an Unusual Incident, as outlined in Manual Section 4/214.50, require an administrative notification to Communications Division, Real-Time Analysis and Critical Response Division (RACR).

205.65 VEHICLE PURSUIT - REPORTING.

Supervisor's Responsibility. The supervisor completing the Vehicle Pursuit Report shall include an attached narrative using the following headings:

- Incident Overview;
- Tracking;
- Supervisory Oversight;
- Reason for Initiation;
- Circumstances of Pursuit Termination;
- Pursuit Intervention (if applicable);
- Additional Units in Pursuit;
- Hostage Information;
- General Route of Pursuit;
- Outside Areas/Agencies Involved;
- Injuries/Medical Treatment (to include how the injuries were sustained); and,
- Arrest Information.

The supervisor conducting the investigation shall not include an opinion or a policy recommendation in the Vehicle Pursuit Report.

Watch Commander/Officer in Charge's Responsibility. The involved officer's watch commander/officer in charge shall include his or her insight and a policy recommendation at the end of the supervisor's narrative under a separate heading of "Watch Commander/OIC Evaluation and Insight."

205.70 DOCUMENTATION REQUIREMENTS. In an effort to accurately assess the potential impact of the proposed changes to our pursuit policy, Department personnel shall document their findings in the following manner:

Loss of Pursued Vehicle. An assigned supervisor handling a lost pursued vehicle shall, when completing a Vehicle Pursuit Report, Form 01.14.00, include any insight into what caused the

Department to lose the suspect (e.g., distance too great between patrol and suspect vehicle, etc.) under the Incident/Overview heading.

Failures to Yield. If a unit attempts to stop a vehicle for an infraction, misdemeanor evading, or reckless driving in response to enforcement action taken by Department personnel, and the driver fails to yield, a pursuit shall not be initiated.

Instead, officers shall generate an incident number and complete a Investigative Report (IR), Form 03.01.00, titled, *Failure to Yield*, listing the City of Los Angeles as the victim and the involved officer(s) as a witness. Additionally, officers shall indicate under the "MO" section of the IR what served as the basis of their decision not to pursue (i.e., infraction, misdemeanor evading, or reckless driving in response to enforcement action taken by Department personnel).

Note: Officers may, with supervisory approval, conduct a limited follow-up investigation (e.g., to the registered owner's residence).

205.75 COMMANDING OFFICER, CONCERNED BUREAU TRAFFIC DIVISION, RESPONSIBILITY. All *Failure to Yield* reports shall be forwarded to and investigated by the Bureau Traffic Division, Area of occurrence. Commanding officers shall ensure that each *Failure to Yield* case is investigated with due diligence.

205.80 AREA RECORDS PERSONNEL RESPONSIBILITY. *Failure to Yield* reports shall be processed and investigated similar to *Misdemeanor Hit and Run* reports, but with an assigned class code of 890. Additionally, Area records personnel shall review the MO section of the report and assign the appropriate code to each report, as follows:

MO Code

- | | |
|-----------------------|------|
| • Infraction | 1315 |
| • Misdemeanor Evading | 1316 |
| • Reckless Driving | 1317 |

All *Failure to Yield* reports shall be distributed as follows:

- 1- Original, Investigating Traffic Division
- 2- Copy Emergency Operations Division
- 3- **TOTAL**

205.90 VEHICLE PURSUIT SAFETY INSPECTION. Officers involved in a vehicle pursuit shall notify the appropriate Motor Transport Division facility for a required vehicle inspection after the pursuit. The primary vehicle involved in the pursuit shall be taken out of service until such an inspection has been performed.

POLICE RIDE-ALONG



**Alice Beener
Dorothy Brown
Ronnie Dann-Honor
Gerard Duiker
Marilyn Gelfand
Thomas Kearney
Patrick Lyons
Shelley Strohm**

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
Los Angeles Homeless Services Authority

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR
Police Ride-Along ?

12
10/5

RECOMMENDATION NO. 13.1

The Los Angeles Homeless Services Authority should review the specialized care units within the Long Beach, Pasadena, and Santa Monica Police Departments to identify best practices to incorporate into first responders training materials as an overall part of the County's Continuum of Care.

RESPONSE

The Los Angeles Homeless Services Authority (LAHSA) agrees with the findings of the Grand Jury relating to our organization and the 47 comprehensive strategies to combat homelessness created by the County Board of Supervisor's County Homeless Initiative and the recommendations are being implemented.

As a collaborating agency on County Strategy E4 - First Responders Training, LAHSA worked with the Los Angeles Sheriff's Department (LASD) and the Los Angeles Police Department (LAPD) to review best practices and existing training protocols currently used by law enforcement agencies. In the review of this material, we specifically looked at the training and procedures used by the Santa Monica Police Department (SMPD). After extensive review, LASD and LAPD adopted a training program called CA POST HOMELESSNESS AND POLICING: A COLLABORATIVE APPROACH, which is certified by the California Commission on Peace Officer Standards and Training and which includes all of the major topics contained in SMPD's training protocol.

Since May, 2016, LAHSA has also been involved in a collaborative project with LAPD called the HOPE Project, which partners law enforcement officers with homeless outreach workers. In this project, LAHSA's Emergency Response Team's outreach staff work hand-in-hand with officers from four different bureaus across the City of Los Angeles to address the needs of our homeless citizens. Staff from each agency meet monthly to review what is working and what challenges may have arisen with a goal of documenting best practices for such collaboration.

LAHSA has been awarded funding through Measure H for nine LAHSA outreach teams (18 staff) to partner with law enforcement agencies across the county. We work with law enforcement but do not fund that portion of the effort. Part of our goal in deploying these teams is to bring the lessons learned through our partnership with LAPD to other law enforcement agencies and to assist in the implementation of best practices identified through the research used in the determination of the training protocols for LAPD and LASD.

LOS ANGELES POLICE DEPARTMENT



CHARLIE BECK
Chief of Police

ERIC GARCETTI
Mayor

10/20/17
P. O. Box 30158
Los Angeles, Calif. 90030
Telephone: (213) 486-0150
TDD: (877) 275-5273
Ref #: 1.14

will not

September 28, 2017

The Honorable Daniel J. Buckley
Presiding Judge of the Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Eleventh Floor – Room 11-506
Los Angeles, California 90012

Dear Judge Buckley:

This correspondence will serve as the Los Angeles Police Department's (LAPD) response to the Los Angeles County Civil Grand Jury (CGJ) report dated June 21, 2017, Police Ride-Along. The CGJ requested that the LAPD respond to its recommendations by September 30, 2017 (i.e., ninety days from the release of the report to the public).

RECOMMENDATION 13.2:

The Los Angeles Police Department should increase manpower in the Rampart Division.

RESPONSE TO RECOMMENDATION 13.2:

The Evaluation and Administration Section, Office of Operations, closely examined the staffing levels of Rampart Area. As part of the investigation into the personnel resources at Rampart Area, an additional inquiry was conducted into neighboring Areas.

- As a Geographic Area, Rampart has uniformed police officers providing services through its patrol function as well as officers working specialized units (e.g., Gang Enforcement Detail). Rampart is required to have a minimum of five units working during each of the primary day and night watches, and an additional two units working on each of the mid-watches, or those that overlap with the busiest hours of the primary watches. For each unit, two officers are deployed, totaling a minimum of 28 officers per day.

Notably, Rampart's required minimum staffing level matches that of its neighboring Areas of Newton and Olympic Divisions. Rampart's minimum level differs from Central Division's staffing figures by only one unit, and only one shift. In totality, Rampart is comparatively well-staffed among Areas.

Deployment concerns have been an increasing area of focus over the course of the last two years based, in part, on increasing call loads and reported crime. The Department has already promulgated numerous directives to redeploy sworn personnel into patrol. These directives were designed to maintain emergency response times and ensure the Department deploys sufficient officers to Geographic Areas to meet the staffing levels necessary to achieve the Department's goals. These directives included the following:

- The Chief of Police directed each command, outside of the Office of Operations, to review their current deployment numbers and identify approximately 10 percent of their sworn work force to return to patrol, and placed a restriction on transferring personnel out of the Office of Operations;
- The Director, Office of Operations, directed each bureau (Central, South, West, and Valley) to review all Fixed Post positions and loans to the bureaus, and, out of these positions, identify personnel that can return to patrol;
- The Director, Office of Operations, directed Area Commanding Officers to exhaust all reasonable efforts to meet Patrol Plan mandates through resource allocation including realigning police officers within their command from specialized units and Fixed Post positions (e.g., vice, narcotics, community relations, etc.) to patrol; and,
- Area Commanding Officers were also encouraged to utilize uniformed personnel that would not ordinarily be assigned to patrol (e.g., Senior Lead Officers, Gang Enforcement Detail officers, officers working the desk or kit room, etc.) to backfill patrol positions if short-term events required additional measures to fulfill operational needs.

While the Department can always make productive use of additional officers (and currently has several plans in place to bolster patrol officer deployment Department-wide), Rampart Area is currently staffed in an optimal manner given the employee resources available to the Department.

Should you have any questions or require further information, please contact Mr. Arif Alikhan, Director of the Office of Constitutional Policing and Policy, at (213) 486 8730.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Charlie Beck', with a stylized, flowing script.

CHARLIE BECK
Chief of Police

THE PROBATION DEPARTMENT AND OUR KIDS?



Gloria Garfinkel Chair
Hilda Dallal
Ronnie Dann-Honor

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT

2016-2017 CIVIL GRAND JURY FINDINGS AND RECOMMENDATIONS FOR THE PROBATION DEPARTMENT AND OUR KIDS REPORT

FINDING NO. 14.2

Disciplined employees of the LACPD have the assistance of an advocate, an attorney who works with AFSCME 685, the union representing the Los Angeles County Deputy Probation Officers. This advocate represents LACPD employees in 80% of the disciplinary proceedings. The CGJ was interested in the promotion practices within the LACPD. The advocate confirmed that "all other things being equal, promotions are based primarily on seniority and that this is a long-time understanding with the County".

RESPONSE

The Probation Department agrees with the advocate's confirmation as described above. Article 16, Section 2 of the AFSCME Local 685 Memorandum of Understanding (MOU) states, "In the selection of employees for promotion to classifications within the Unit, if the skill and ability of the employee within each group eligible for promotion are relatively equal, the senior employee will be appointed". Please refer to response to finding 14.1 for further detail.

RECOMMENDATION NO. 14.1

The County Board of Supervisors should ensure the LACPD includes a new promotional process that removes the seniority-based promotion system in the Memorandum of Understanding (MOU) with the AFSCME Local 685, upon the expiration of the current MOU.

RESPONSE

The Probation Department disagrees with the recommendation without first conducting a full evaluation of the promotional process and obtaining direction by the Board. This recommendation requires further analysis. The current ASFCME Local 685 MOU expires in February 2018. The Probation Department is conducting an evaluation of the promotional process and depending on direction from the Board of Supervisors will include discussion during union negotiations in the summer of 2018, when negotiations with all County Unions are expected to commence.

RECOMMENDATION NO. 14.2

The County Board of Supervisors should task the LACPD to identify excess capacity that may be used to house the homeless.

RESPONSE

The Probation Department disagrees with the recommendation. This recommendation requires further analysis. Although the Probation Department recognizes that homelessness is a County priority, the Chief Executive Office (CEO) is in a better position to make such space utilization recommendations. Therefore, this recommendation has not been implemented. The Department is participating in ongoing strategic discussions with the CEO on how to best utilize the Department's vacant facilities.

RECOMMENDATION NO. 14.3

The LACPD, in conjunction with the other county partners, such as the Metropolitan Transit Authority, should develop a transportation plan to transport families from central locations within the city to the various halls and camps.

RESPONSE

The Probation Department agrees with this recommendation. This recommendation has been partially implemented as the Department of Mental Health currently assists with transporting families to Probation facilities. However, the capacity is not large enough. We can benefit from initiating collaborations with other County agencies to enhance transportation efforts for family engagement and will proceed accordingly.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE FOR THE BOARD OF SUPERVISORS

2016-2017 GRAND JURY RECOMMENDATIONS FOR THE PROBATION DEPARTMENT AND OUR KIDS

RECOMMENDATION NO.14.1

The County Board of Supervisors should ensure the LACPD includes a new promotional process that removes the seniority-based promotion system in the Memorandum of Understanding (MOU) with the AFSCME Local 685, upon the expiration of the current MOU.

RESPONSE

✓ Agree. This recommendation requires further analysis, to be completed by December 31, 2017. The implementation of this recommendation is subject to the bargaining process. The removal of the seniority-based promotion system is a negotiable item in the AFSCME Local 685 MOU.

RECOMMENDATION NO. 14.2

The County Board of Supervisors should task the LACPD to identify excess capacity that may be used to house the homeless.

RESPONSE

✓ Partially agree. This recommendation requires further analysis, to be completed by December 31, 2017. The LACPD is in the process of examining the Department's operational needs to determine whether there may be excess capacity in the system, and whether consolidations and closures of camps may be feasible. In conjunction with this, the CEO Asset Management is analyzing various County properties in an effort to find suitable locations to develop facilities to serve the homeless, as well as other County needs. If a probation camp is found to no longer be needed, it would be evaluated for potentially housing homeless services.

THE SUSTAINABILITY PRINCIPLE IN GOVERNANCE



Douglas Benedict Chair
Gerard Duiker
Henry C. Guerrero

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE -CHIEF SUSTAINABILITY OFFICE



2016-2017 GRAND JURY RECOMMENDATIONS FOR THE SUSTAINABILITY PRINCIPLE IN GOVERNANCE

RECOMMENDATION NO. 15.1

✓ The City of Los Angeles Chief Sustainability Officer and the County of Los Angeles Chief Sustainability Officer jointly should continue to build upon sustainability success examples by creating and leading a countywide Sustainability Working Group (SWG), including all governing entities of the County.

RESPONSE

Agree. This recommendation will be implemented in Fiscal Year 2017-2018. Key to the County's Chief Sustainability Officer's (CSO) goal for the County's Sustainability Plan (Plan) is creating regional metrics, goals, and initiatives that are developed in coordination with all of the cities in the County. To this end, the CSO maintains regular contact with cities and Councils of Governments (COGs), including monthly meetings with the City's Chief Sustainability Officer, to build awareness of the County's efforts and foster support for a regional approach to sustainability. The County CSO will continue and increase this engagement throughout the Plan's development and implementation through both formal and informal mechanisms.

RECOMMENDATION NO. 15.2

✓ The City of Los Angeles Chief Sustainability Officer and the County of Los Angeles Chief Sustainability Officer jointly leading the SWG should complete the set of governing entity-specific sustainability plans covering the entire County.

RESPONSE

Agree. This recommendation will be implemented in Fiscal Year 2017-2018. The County CSO intends to design the County's Plan so that it may serve as a model that may be adopted outright or customized as appropriate by each city to create city-specific sustainability plans. This will be achieved through a baseline data collection effort that will produce datasets that are dis-aggregable to the individual city level, as well as by developing metrics and targets that are either regional, or which may be tailored to the city-level. The County's Plan will also review and incorporate best practices from existing city sustainability plans.

RECOMMENDATION NO. 15.3

✓ The City of Los Angeles Chief Sustainability Officer and the County of Los Angeles Chief Sustainability Officer jointly leading the SWG should identify interdependencies between plan elements and working group member entities.

RESPONSE

Agree. This recommendation will be implemented in Fiscal Year 2017-2018. The County CSO recognizes that many elements of sustainability are interrelated and that an effective sustainability plan must recognize these interdependencies and tailor strategies and initiatives accordingly. Further, the County recognizes that many resources, such as watersheds, air, and our transportation system, are not bound by municipal

boundaries, and require a regional solution involving multiple governmental entities. As such, the County CSO intends to closely coordinate with cities in the region on these issues.

RECOMMENDATION NO. 15.4

✓ The City of Los Angeles Chief Sustainability Officer and the County of Los Angeles Chief Sustainability Officer jointly leading the SWG should use existing plans to create reusable plan templates.

RESPONSE

Agree. This recommendation will be implemented in Fiscal Year 2017-2018. As part of the development of the County's Plan, the County CSO conducted an assessment of sustainability-related plans from jurisdictions within the County, as well as nationally and internationally, to identify common elements and best practices. These plans will be incorporated into the County's Plan, as appropriate. The County CSO's goal for the Plan is that it is designed in such a way that it may serve as a template for the individual cities within the County to create city-specific plans.

RECOMMENDATION NO. 15.5

✓ The City of Los Angeles Chief Sustainability Officer and the County of Los Angeles Chief Sustainability Officer jointly leading the SWG should create a public awareness campaign demonstrating the practical value of the sustainability principle in governance.

RESPONSE

Agree. This recommendation will be implemented in Fiscal Year 2017-2018. As part of Plan development and implementation, the County CSO intends to employ a robust stakeholder engagement program that touches communities across the entire geographic and demographic scope of the County. This program will be used to shape the Plan and also to spread awareness of sustainability practices, and their importance to the long-term well-being of the region.

Prepared
10/13

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT
COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE FOR THE BOARD OF SUPERVISORS

**2016-2017 GRAND JURY RECOMMENDATIONS FOR
THE SUSTAINABILITY PRINCIPLE IN GOVERNANCE**

RECOMMENDATION NO. 15.6

The County of Los Angeles Board of Supervisors should fully exploit California State resources supporting sustainability by coordinating their sustainability plans with State guidance.

RESPONSE

✓ Agree. This recommendation will be implemented in Fiscal Year 2017-2018. As an initial step in Plan development, the County Chief Sustainability Officer (CSO) performed an assessment of existing sustainability frameworks created by entities external to the County, including by State agencies, as well as California state legislation that had been passed that set standards, goals, or funding sources related to sustainability initiatives. The County CSO intends to align the Plan with these standards and goals except in instances where the County may seek to exceed State standards. A key goal of the Plan is also to make the County competitive for relevant funding sources, such as the Greenhouse Gas Reduction Fund, to ensure that the Los Angeles region gets an appropriate share of these resources to implement sustainability goals.

RECOMMENDATION NO. 15.8

The County of Los Angeles Board of Supervisors should lobby the State for additional sustainability support.

RESPONSE

✓ Agree. This recommendation will be implemented in Fiscal Year 2017-2018. The County develops a legislative agenda each year outlining priorities for lobbying on the State level, often with a focus on how the County might best make use of State funds. As part of Plan development and implementation strategies, the County Board of Supervisors will ensure that seeking State funding to support sustainability efforts is a part of the County's legislative lobbying program.

RECOMMENDATION NO. 15.10

The County of Los Angeles Board of Supervisors should strengthen the sustainability principle in governance in law, standards, and policies and with suitable enforcement mechanisms.

RESPONSE

✓ Agree. This recommendation will be implemented where feasible, based on analyses which will be completed in Fiscal Year 2017-2018 as part of the development of the Sustainability Plan. In addition to setting sustainability metrics and targets for the County, the Plan will outline clear, and actionable initiatives to achieve these goals. These initiatives will be designed to maximize the potential for successful implementation, and where possible, will be codified with appropriate enforcement mechanisms. One route for this is through the adoption of enforceable ordinances, which the Board of Supervisors has done previously, with examples including the ban on expanded polystyrene food containers at County facilities, and the Cool Roofs Ordinance.

RECOMMENDATION NO. 15.11

The County of Los Angeles Board of Supervisors should adopt strategies in combination with the State and other agreeable governing entities to ensure sustainable practices despite uncertainties in sustainability support from the Federal government.

RESPONSE

✓ Agree. This recommendation will be implemented in Fiscal Year 2017-2018. The County develops a legislative agenda each year to outline priorities for lobbying and support and will work with State legislators to support measures to backfill any potential gaps in federal support for sustainability initiatives. Examples of this include support to continue California's waiver that allows the State to enact stricter vehicle emission standards than those on the federal level.

RECOMMENDATION NO. 15.12

The County of Los Angeles Board of Supervisors should pursue policies that reduce the total greenhouse gas emissions in the County given the global climate change risks. For example, specify electric vehicles and renewable-based charging infrastructure whenever feasible and require renewable energy sources for government consumption.

RESPONSE

✓ Agree. This recommendation will be implemented in Fiscal Year 2017-2018. Reduction of total greenhouse gas emissions in the County is a key priority for the County Board of Supervisors, and will be a vital element of the Sustainability Plan developed by the County CSO. The County CSO has been charged with developing a Climate Action and Adaptation Plan which will form the climate chapter of the Sustainability Plan. This plan will contain concrete recommendations for initiatives such as those mentioned above (i.e., increased EV procurement and charging infrastructure). In addition, the County CSO is now leading the effort to establish a Community Choice Energy (CCE) program for the County and any cities in the region that choose to participate, which will increase options for purchasing of renewable energy. The goal is that through establishment of the CCE, the County's facilities will be largely powered by renewable energy sources by mid-2018.

RECOMMENDATION NO. 15.14

The County of Los Angeles Board of Supervisors should continue water conservation measures put in place for recent drought as a sustainable long term policy for the semi-arid Southern California climate.

RESPONSE

✓ Agree. This recommendation will be implemented in Fiscal Year 2017-2018. Water resources management is a key focus of the County's Sustainability Plan, and the County understands that conservation targets are a critical tool in achieving sustainable water management. At the Board of Supervisors' direction, the County is currently developing a Net Zero Water ordinance to address water usage for new development, and will continue to investigate other strategies to continue to reduce water usage throughout the County.

RECOMMENDATION NO. 15.16

✓ The County of Los Angeles Board of Supervisors should minimize dependence on imported and/or desalinized water because of the large amounts of energy they require.

✓ RESPONSE

15.16 Agree. This recommendation will be implemented to the extent feasible, based on results of analyses which will be completed in Fiscal Year 2017-2018 as part of the development of the Sustainability Plan. The County understands that local water resource development, which provides multiple benefits, is cost and energy effective and does not unduly contribute to greenhouse gas emissions is the best approach to sustainable water resource management. Neither imported water, nor desalinated ocean water fit well into these parameters, and should be deprioritized as water supply sources.

These issues will be discussed in further detail in the County's Sustainability Plan which may include targets for local water resource development.

RESPONSES OF THE LOS ANGELES MAYOR'S OFFICE TO THE CIVIL GRAND JURY FINAL REPORT

SUBJECT: 2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR
The Sustainability Principle in Governance

MAYOR ERIC GARCETTI, CITY OF LOS ANGELES

RECOMMENDATION NO. 15.7 – The City of Los Angeles Mayor and City Council should fully exploit California state resources supporting sustainability by coordinating their sustainability plans with State guidance.

RESPONSE TO RECOMMENDATION NO. 15.7

Agree. This recommendation is being implemented.

Mayor Garcetti works closely with state elected officials and regulatory agencies on aligning goals and programs on sustainability initiatives. Specifically, Sustainable City pLAn targets on climate, transportation, affordable housing, water and energy efficiency are aligned with California state legislation and regulatory frameworks. As recommended, this approach is important in order to secure state financing and grants from sources such as the Greenhouse Gas Reduction Fund and Proposition 1, and has proven successful for local investments.

RECOMMENDATION NO. 15.9 – The City of Los Angeles Mayor and City Council should lobby the State for additional sustainability support.

RESPONSE TO RECOMMENDATION NO. 15.9

Agree. This recommendation is being implemented.

The City develops a legislative agenda each year outlining citywide priorities, including sustainability initiatives. Funding for sustainability initiatives, including water, climate, renewable energy, transportation and affordable housing, will continue to be included in these priorities and communicated to the City of Los Angeles' representatives in Sacramento.

CHIEF SUSTAINABILITY OFFICER, CITY OF LOS ANGELES

RECOMMENDATION NO. 15.1 – The City of Los Angeles Chief Sustainability Officer and the County of Los Angeles Chief Sustainability Officer jointly should continue to build upon sustainability success examples by creating and leading a countywide Sustainability Working Group (SWG) including all governing entities of the County.

RESPONSE TO RECOMMENDATION NO. 15.1

Agree. This recommendation is being implemented.

Regional collaboration is a key component in the implementation of the Sustainable City pLAn. Mayor Garcetti co-chairs a regional Sustainability Leadership Council with UCLA Chancellor Gene Block. The Council currently includes two LA County Supervisors and the County of Los Angeles Chief Sustainability Officer (CSO) as well as leaders from the academic, regulatory and private sector communities. The City CSO also meets regularly with the County CSO to discuss regional metrics, goals and initiatives.

RECOMMENDATION NO. 15.2 – The City of Los Angeles Chief Sustainability Officer and the County of Los Angeles Chief Sustainability Officer jointly leading the SWG should complete the set of governing entity-specific sustainability plans covering the entire County.

RESPONSE TO RECOMMENDATION NO. 15.2
Agree. This recommendation is being implemented.

The City CSO is working closely with the County CSO to ensure that elements and best practices of both the City and County Sustainability Plans can be tailored to meet other cities' needs and objectives. Specifically, the CSOs will coordinate on metrics and targets so that there is consistency regionally in sustainability initiatives, priorities and funding needs.

RECOMMENDATION NO. 15.3 – The City of Los Angeles Chief Sustainability Officer and the County of Los Angeles Chief Sustainability Officer jointly leading the SWG should identify interdependencies between plan elements and working group member entities.

RESPONSE TO RECOMMENDATION NO. 15.3
Agree. This recommendation is being implemented.

A regional approach to sustainability challenges and solutions is necessary because of the interconnectedness of the entities and issues involved. For example, although the City has its own Sustainable City pLAn, the pLAn recognizes that transportation, stormwater management and air quality require a much larger regional effort. Working towards pLAn targets and outcomes on these issues requires coordination among cities, the county and regional agencies.

RECOMMENDATION NO. 15.4 – The City of Los Angeles Chief Sustainability Officer and the County of Los Angeles Chief Sustainability Officer jointly leading the SWG should use existing plans to create reusable plan templates.

RESPONSE TO RECOMMENDATION NO. 15.4
Agree. This recommendation is being implemented.

During development of the Sustainable City pLAn, the City CSO surveyed plans from other cities across the county and the City's pLAn is now available as a template for other cities. The City CSO will coordinate with the County to ensure that other cities in the region have access to data and strategies used by the City and County.

RECOMMENDATION NO. 15.5 – The City of Los Angeles Chief Sustainability Officer and the County of Los Angeles Chief Sustainability Officer jointly leading the SWG should create a public awareness campaign demonstrating the practical value of the sustainability principle in governance.

RESPONSE TO RECOMMENDATION NO. 15.5
Agree. This recommendation is being implemented.

The City CSO meets with a Sustainability Stakeholder Group quarterly that was intimately involved in the development of pLAn. The group is comprised of leaders from the environmental, environmental justice, business and academic community and is intended to both inform sustainability practices regionally and champion efforts in their various sectors. The City is also interested in expanding its efforts to encourage all Angelenos to "Adopt the pLAn" and to communicate the importance and real-life benefits to living and working sustainably.

Los Angeles



Department of Water & Power

10/20/17 ✓
DA

ERIC GARCETTI
Mayor

Commission
MEL LEVINE, *President*
WILLIAM W. FUNDERBURK JR., *Vice President*
JILL BANKS BARAD
CHRISTINA E. NOONAN
AURA VASQUEZ
BARBARA E. MOSCHOS, *Secretary*

DAVID H. WRIGHT
General Manager

September 26, 2017

The Honorable Presiding Judge Daniel J. Buckley
Los Angeles Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple St
11th Floor, Rm 11-506
Los Angeles, CA 90012

Dear Judge Buckley:

Subject: Response to The Sustainability Principle in Governance: Pre-release of a
Report by the 2016-2017 Los Angeles County Civil Grand Jury

Summary

The Los Angeles Department of Water and Power (LADWP) agrees with the findings outlined in the County of Los Angeles' Report entitled *The Sustainability Principle in Governance*. This report provides an overview of current LADWP Sustainability Principles and provides responses to three items outlined in Recommendations Section that specifically require action from LADWP.

LADWP's Sustainability Principles

LADWP is committed to promoting sustainable water and power resources. For water, we are expanding the local water supply and promoting conservation. For power, we are reducing greenhouse gas emissions, expanding renewable energy and energy efficiency to create a clean energy future. LADWP is unique in that it has both water and power operations under one roof, which allows us to drive innovative and sustainable water-energy nexus solutions for our customers.

In addition, LADWP also has robust Sustainability Operations program that ensure our offices, yards and industrial plants optimize energy efficiency and water conservation. Highlights including retrofitting our headquarters – an 880,000 square feet historic mid-century office tower – to LEED gold standard, establishing a green procurement policy, and participating in the United States Department of Energy's "Better Plant" program where we pledged to reduce our energy consumption in our water filtration plants by

Putting Our Customers First Three circular icons: a water drop, a power plug, and a group of people.

25% over a 10-year period. Moreover, all of our sustainability plans are centrally organized by our Office of Sustainability.

Overall, LADWP's environmental policies are driven by the City of Los Angeles' (City) Sustainable City Plan. This plan focuses on ensuring that Los Angeles is an environmentally healthy, economically prosperous and equitable in opportunity for all residents. For water initiatives, the plan focuses on increasing local water supply, enhancing water conservation and increase greenspace that also reduces stormwater runoff with groundwater recharge. Some of the key aspects of the plan for LADWP's water system include:

- Reduce purchases of imported water by 50% by 2025, and source 50% of water locally by 2035;
- Provide 150,000 acre-feet per year of stormwater capture by 2035;
- Reduce average per capita water use by 22.5% by 2025 and 25% by 2035; and
- Reduce operational water use by at least 25% for 2025 and 30% by 2035.

As a result of these efforts, by the end of 2016, LADWP has reduced City water consumption by 20% and has begun to lay the foundation for increased stormwater capture, recycled water and improved local groundwater storage. LADWP is focusing on promoting water conservation for landscapes and has a number of incentives that promote California-friendly plants over traditional lawns and turf. Moreover, LADWP is making significant effort to balance landscaping that promotes water conservation and protects against heat island effect by promoting drought tolerant trees that offer optimal shading.

On the power side, LADWP is creating a clean energy future for Los Angeles that provides more efficient use of energy, greater reliance on renewable energy, zero coal and increased reliability. Also grounded by the Los Angeles' Sustainable City Plan, some of the major initiatives include the following:

- Ending LADWP's use of coal by 2025 by divesting coal resources;
- End the use of once-through cooling, improve efficiency and incorporate advanced technologies for in-basin natural gas power plants;
- Increasing investments in renewable energy, currently at approximately 25% to 55% in 2030 and 65% in 2036;
- Supporting distributed, local solar through solar incentive payments, the feed-in tariff and community solar;
- Budgeting nearly \$180 million per year through 2020 for energy efficiency to reach LADWP's goal of 15% energy savings by 2020;
- Investing in energy storage with a goal of 178 megawatts by 2021; and
- Offering generous rebates for electric vehicle chargers and special rates for electric vehicle charging.

LADWP has reduced its greenhouse gas emissions by roughly 42% from 1990 levels, exceeding California's 2030 target of reducing greenhouse gas emission by 40% from 1990 levels. The 2016 LADWP numbers were recently submitted to the California Air Resources Board for verification. Moreover, in 2016, LADWP reached its goal of 25% renewables and has established a community work group to examine a 100% renewable future for Los Angeles. In addition, LADWP paused the rebuilding of in-basin natural gas generating units to better assess required local fossil fuel generation demand requirements.

LADWP will also increase efforts around electrification of the transportation sectors, one of the biggest contributors to greenhouse emissions. LADWP is supporting a comprehensive strategy to make electricity the transportation fuel of choice for light-duty and heavy-duty vehicles and equipment in California, therefore driving demand for clean passenger to heavy-duty electric vehicles across the nation.

Additional Sustainability Measures

In addition, LADWP is committed to promote Los Angeles' green economy through our La Kretz Innovation Campus. A fully renovated 60,000 square foot building, the campus is designed to foster creativity and collaboration in kind, and comes complete with resources to accelerate the adoption and growth of Los Angeles green technology sector. Working with cleantech companies in areas has a triple benefit to the LADWP: it creates jobs in the City of LA, it increases LADWP's customer base, and it engages the private sector in helping provide solutions to LADWP's environmental and sustainability mandates.

To ensure our environmental objectives balance with our social objectives, LADWP established an equity metrics initiative that provide residents, policymakers and LADWP program managers with data to assess how well programs, services and resources are distributed and utilized geographically and demographically. This program assists us to: 1) identify disparities in water services and reliability by location throughout the City of Los Angeles, 2) support contracting with diverse local constituencies for goods and services and 3) promote gender equity and access to training programs and employment.

Finally, while LADWP is focused on delivering environmentally friendly local initiatives to our customers, we are also an international leader in the field. Recently, LADWP was recognized as one of the world's top water utilities at the 11th Global Water Summit 2017. We also support international efforts to limit the impacts of climate change. In June of 2017, LADWP adopted the principles of the Paris Climate Agreement as its official policy – committing to reduce our carbon footprint, promote the development of clean technologies, provide public reporting on our environmental progress, and support international efforts to reduce climate change.

Response to Specific Recommendations

The Los Angeles County's *Sustainability Principal in Governance* Report provided three recommendations for LADWP. The below provides a summary of LADWP's actions for each recommendation.

13. City of Los Angeles Department of Water and Power should pursue policies that reduce the total greenhouse emissions in the City given the global climate change risks. For example, specify electric vehicles and renewable based charging infrastructure whenever feasible and require renewable energy sources for government consumption.

LADWP has a number of programs and policies in place to promote renewable energy and reduce greenhouse gas emissions (GHG). Attachment 1 contains an overview of LADWP's clean energy future. In addition, Attachment 2 contains an overview of LADWP's Electric Vehicle programs offered to City of Los Angeles customers. For more detail of these programs, LADWP's Integrated Resource Plan (Plan) provides detailed planning efforts that incorporate these goals. The Plan can be accessed from www.ladwp.com.

The City of Los Angeles's Sustainable City Plan also outlines goals for how City operations can "lead by example" in reducing greenhouse gas emissions with the goals to reduce energy use by 18% for 2020 and 35% by 2035. In addition, the Sustainable City Plan sets to reduce municipal government GHG emission by at least 55% by 2035 from a 2008 baseline with an interim goal of 35% by 2025. LADWP is collaboratively working with the City Mayor's Office and other City departments including the Port of Los Angeles and Los Angeles World Airport to ensure these goals are met.

15. The City of Los Angeles Department of Water and Power should continue water conservation measures put in place for recent drought as a sustainable long term policy for the semi-arid Southern California climate.

As an industry leader in water conservation, LADWP has always been on the cutting edge of water use efficiency strategies and will continue to remain in the forefront for water conservation. This commitment is anchored by LADWP's Water Conservation Potential Study completed in September 2017. This study examines current water use efficiency among customer sectors and establishes a course for enhanced water conservation. The full report is included in Attachment 3.

17. The City of Los Angeles Department of Water and Power should minimize dependence on imported and/or desalinized water of the large amounts of energy they require.

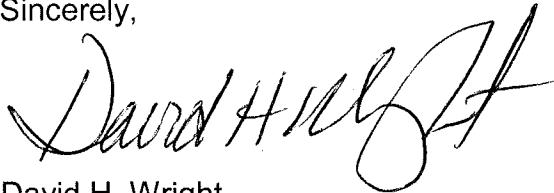
September 26, 2017

As outlined in the Sustainable City Plan, LADWP is committed to reduce energy intensive imported water. As stated above, the Plan requires LADWP to reduce purchases of imported water by 50% by 2025, and source 50% of water locally by 2035. To ensure LADWP meets these goals, LADWP established an Urban Water Management Plan which forecasts water demand and examines local and imported water supplies to meet these goals. Attachment 4 provides a brief synopsis of this plan. The complete plan can also be accessed from www.ladwp.com.

To meet local water supply goals, LADWP will use recycled water, stormwater capture, San Fernando Groundwater basin remediation and water conservation to meet water demands. LADWP's current or future water planning does not include desalinized water.

Should you have any questions about this response, please feel free to contact me at (213) 367-1338 or LADWP's Chief Sustainability Officer, Ms. Nancy H. Sutley at (213) 367-0133.

Sincerely,

A handwritten signature in black ink, appearing to read "David H. Wright". The signature is fluid and cursive, with a large, stylized "D" and "W".

David H. Wright
General Manager

SB:ls

c: Ms. Joanne D. Saliba, Foreperson
Los Angeles County Civil Grand Jury

Ms. Nancy H. Sutley

ATTACHMENT 1

Power System Major Initiatives

- Expansion of Renewable Generation Portfolio
- Expansion of the Electric Vehicle Charging Infrastructure
- Expansion of Energy Storage
- Grid Modernization/Smart Grid
- 100% Renewable Energy Study (Stakeholder Engagement and R&D)
- Energy Efficiency, Community Solar, and DER Integration Pilot
- Exploring New Hydro Pumped-Storage Power Plant Opportunity

Study Timeline and Associated Impacts

Timeline:

- Anticipated Completion No Later Than Early 2018

Approved Study Recommendations and Findings:

- Will be incorporated in future Integrated Resource Plan (IRP) documents

Budget Activity:

- No funds will be expended for repowering projects until the system-wide study is completed and final recommendations are approved
- All repowering projects require Board and City Council approval
- Fiscal Year 17/18 Power System budget includes \$61.5 million to complete demolition projects at Scattergood and Haynes Generating Stations and prepare the site for future energy projects

Potential Alternatives may Include...

- Repowering of OTC Units at a Reduced or Requisite Capacity
- Renewable Energy Resources with Energy Storage System
- Transmission Line(s) Improvement Only
- Repowering of OTC Units as Originally Planned
- Transmission Line(s) Improvement with Energy Storage System
- Deployment of Distributed Energy Resources
(Energy Efficiency, Demand Response, PV solar, Electric Vehicle Charging, Energy Storage)
- Combination of Any of the Above *or* Any Other Viable Alternatives

System-wide Study

The study will:

- Analyze the reliability of local generation and transmission systems during planning period 2017 through 2030 (Will consider all units that were scheduled for repowering)
- Evaluate Green House Gas (GHG) levels of each alternative
- Include high penetration of renewable resources based on LADWP RPS targets
- Provide qualitative, quantitative, and comparative analysis of all alternatives
- Recommend the most practical mitigation solutions

Study results will be used to:

- Develop Scope of Work, Procurement Strategy, and Impact on Rates
- To determine optimal solutions, technologies, and projects to maintain and improve the reliability of LADWP's local electric system

Reassessment of Repowering Projects

LADWP has *put on hold* all planned local repowering projects until a system-wide, in-depth, and independent study/analysis is conducted to:

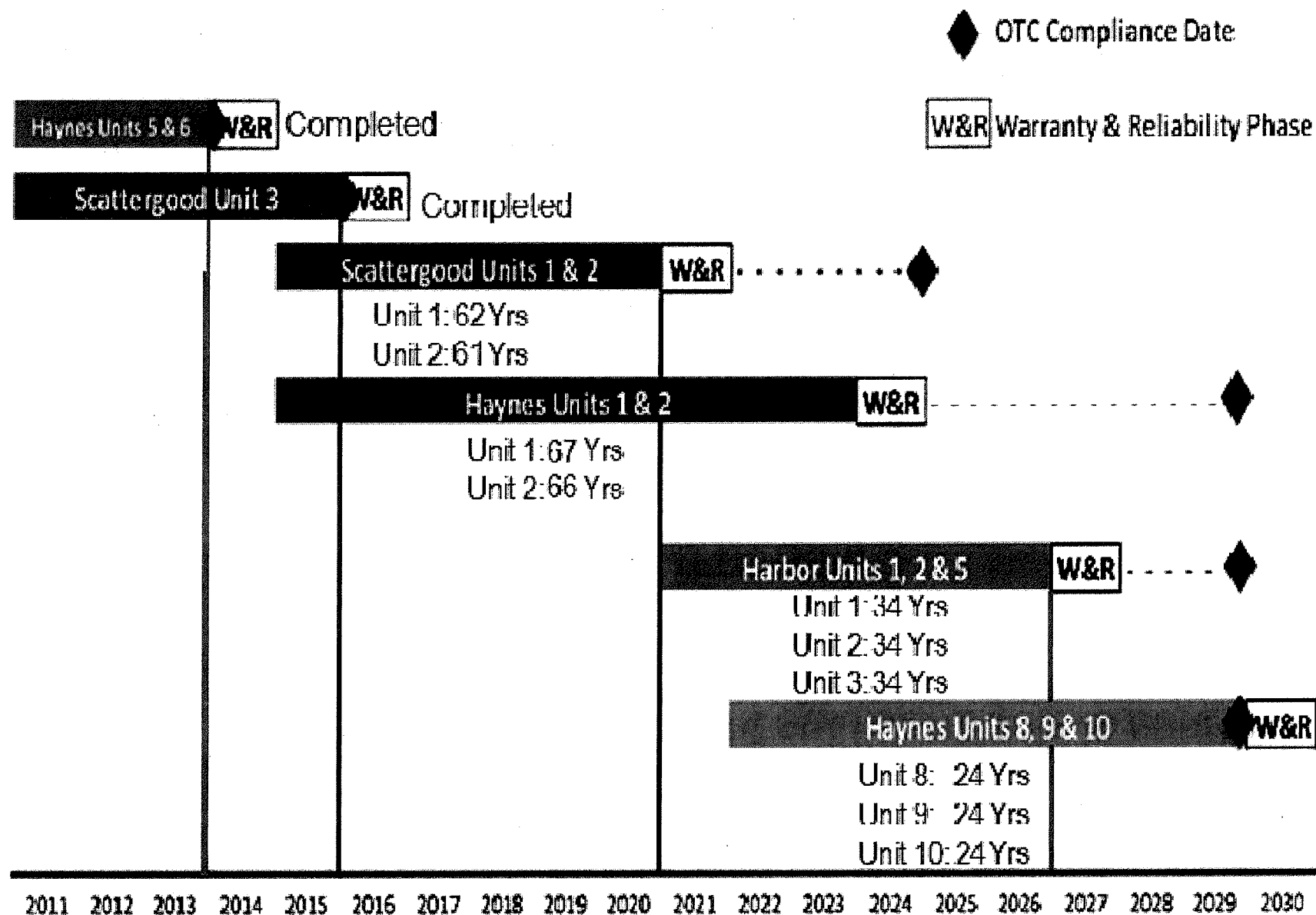
- Analyze the necessity for repowering
- Identify all viable alternatives to repowering

Key Components of the System-wide Study are:

- Meet all NERC/WECC Reliability Standards;
- Local Transmission System Reliability;
- Resource Adequacy Requirements;
- Local Generation Balancing and System Reliability; and
(Ramping *and* Integration of Renewables)
- Mitigation Solutions, Practical Alternatives, and Impact on Environment



Originally Proposed Repowering Schedule of OTC Units



Replacing Aging Infrastructure

LADWP is committed to replace and upgrade its aging infrastructure in all functions of the Power System:

- Distribution System Reliability Program
- Substation System Reliability Program
- Transmission System Reliability Program
- Generation System Reliability Program

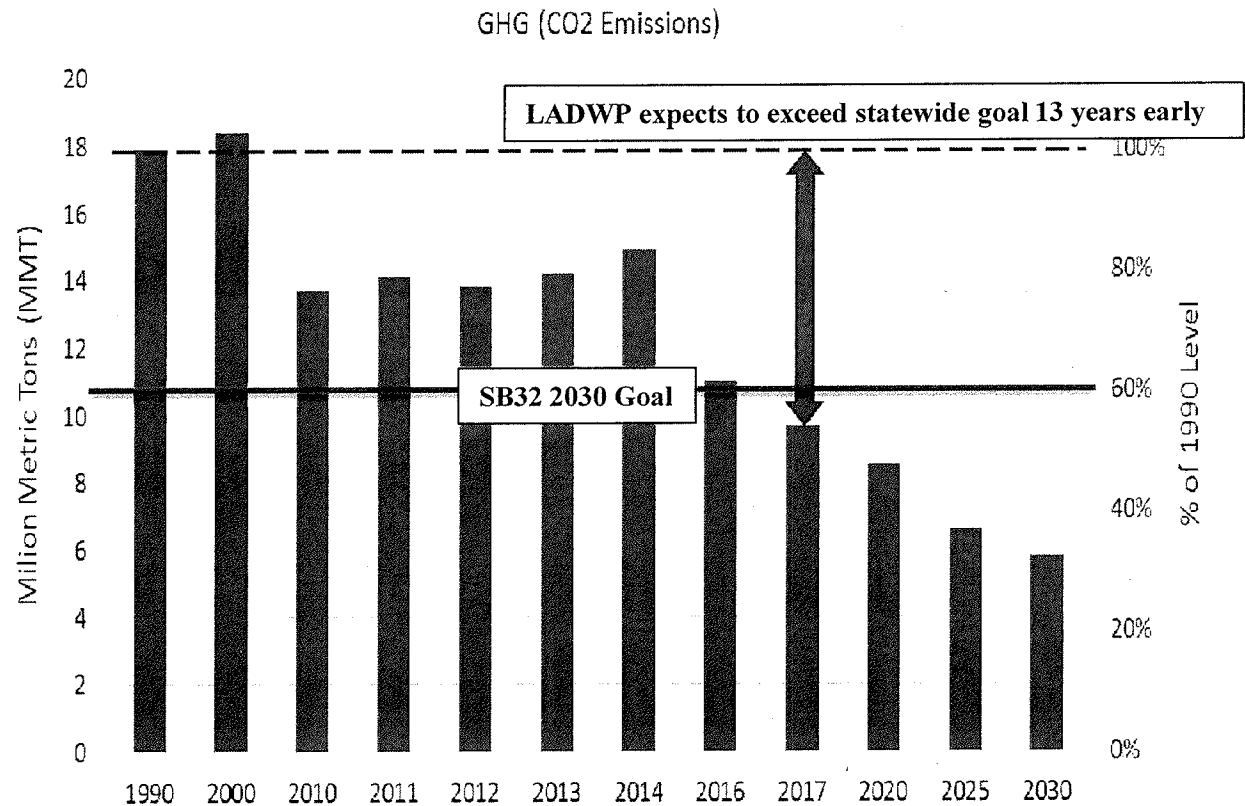
LADWP Accomplishments

Year	2006	2010	2016	2020	2025	2030	2036
California RPS	-	20%	25%	33%	45%	50%	-
LADWP'S RPS Target	6%	20%	29%*	39%	50%	55%	65%

*estimated

Renewable Progress:

- 930 MW large solar
- 221 MW BTM solar
- 996 MW Wind
- 384 MW planned



LADWP GHG (CO2) Reductions Exceed State Mandates

Mission and Priorities

Power System is committed to provide:

- Safe and reliable electric service
- High-quality service in an environmentally responsible manner
- Competitive rates

Power System key priorities Include:

- Replacing aging infrastructure
- Meeting and exceeding renewable energy mandates
- Improving customer service

L.A.'s Clean Energy Future

Board of Water and Power Commissioners
June 6, 2017

Putting Customers First 

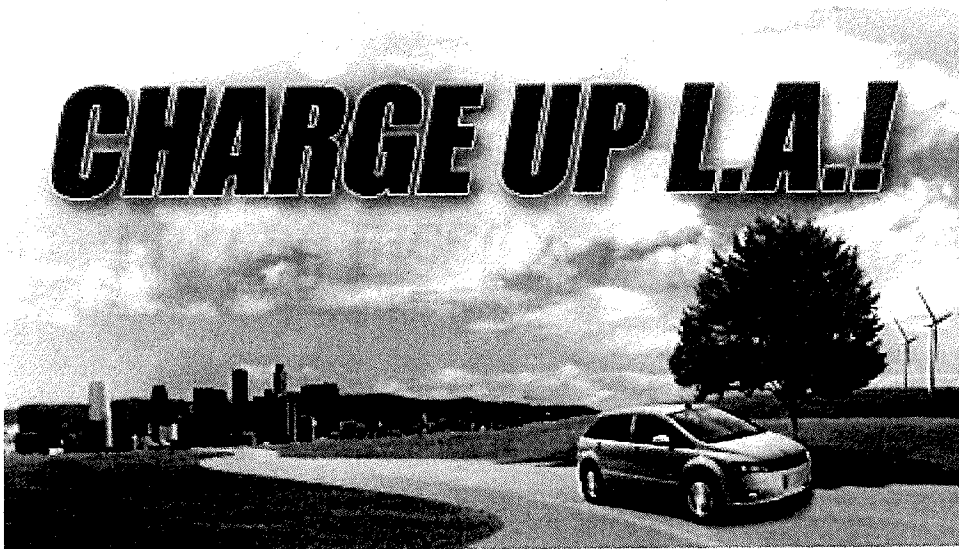
Next Steps

- Collaborate with other utilities to solve common challenges
- Increase reliance on renewables and energy storage
- Explore viable technologies/programs to reduce GHG emission
- Partnership with research institutions such as NREL
- Taking steps to participate in CAISO's Energy Imbalance Market (EIM)
- Expand public outreach
- Work closely with other City Departments/Bureaus
- Present study results and findings to Board of Commissioners

ATTACHMENT 2

LADWP Transportation Electrification Program Enhancements

CHARGE UP L.A.!



LADWP Board Meeting
September 19, 2017

Putting Customers First 

Five-Year Goal:

Drastically Increase the Adoption of Electric Transportation in Southern California

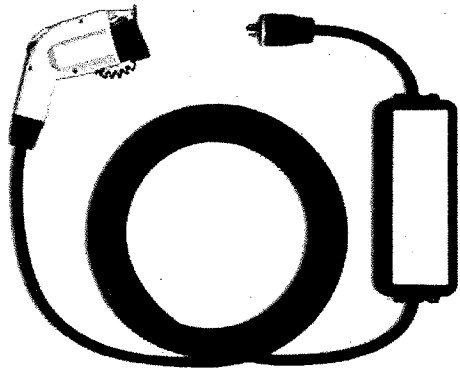
145,000 Electric Vehicle Equivalents in Los Angeles (IRP)
3.5 Million Estimated Vehicles in Los Angeles

EV Infrastructure: 10,000 commercial EV chargers
(4,000 of that on City-owned property)

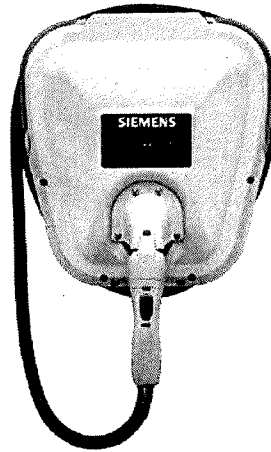
Strategy:

- EV Adoption to be 15% of new car purchases
- Count Public and Workplace chargers as EV equivalents
- Consider non-light-duty vehicles as EV equivalents

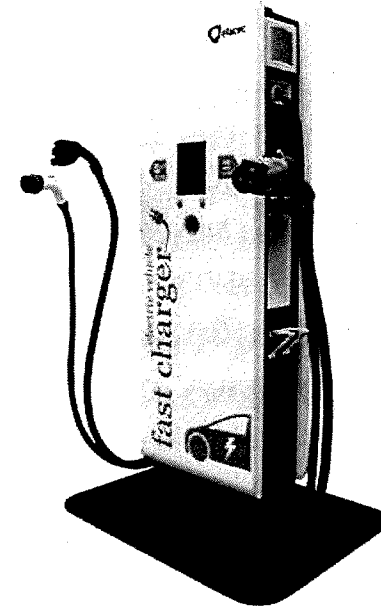
Key Definitions



Level 1
(120V)



Level 2
(240V)



Level 3/DCFC
(600V DC)

LCFS = Low Carbon Fuel Standard

CARB Program. Proceeds can only be used for EV Education and to benefit present and future EV drivers.

EV Business Plan Summary

Education and Outreach:

Goal: 15% of all new vehicle purchases in LA are plug-in by 2021.

70K registered EVs in City of LA

Programs: Drive, Social , HOA, etc.

Med and Heavy-Duty Fleet:

Includes POLA, LAWA, Forklift, Rail, Buses. Incentive toward charging infrastructure (Proportional to Commercial). Goals: 586 DCFC

Commercial Charging:

Charge-Up LA! ,Workplace ,Public EVSE
\$4000 rebates, (5,236 EVSE)

Phase II: Direct Install/Green Building Ordinance.

LADWP & LA City Fleet:

LADWP 100%, City 50% New Cars

1,600 vehicles. — No Program Cost

Residential Charging:

Charge-Up LA! Rebate:\$500

Phase II: Smart Charger Rate

City Owned EV Chargers Throughout City of LA:

1,850 Curbside/Parking Lot Public

1,600 City Fleet Chargers,

728 City Workplace Chargers

4,178 Total Chargers



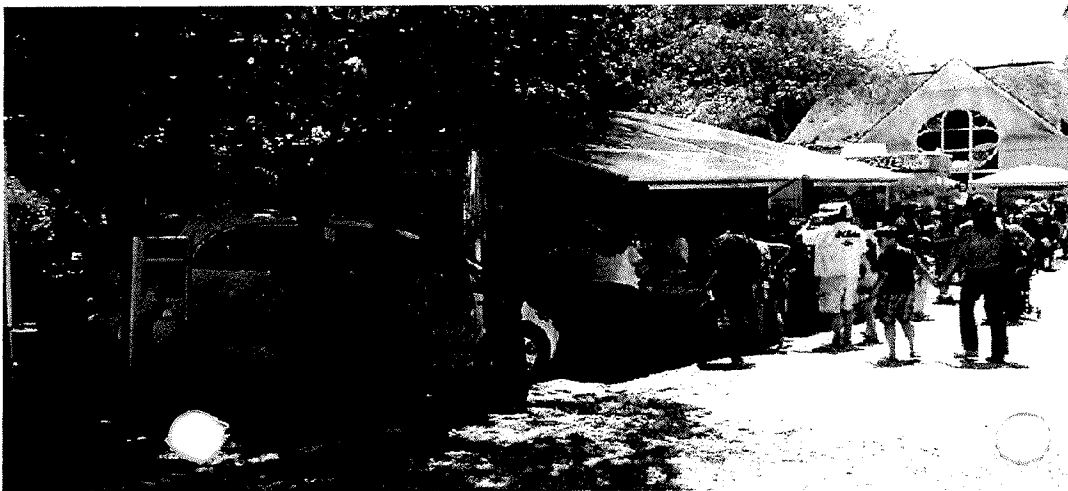
Foundation Principles of the Program

- ***All Customers Participate:*** New/Used car, bus riders
- ***City-installed Infrastructure:*** Equitable including disadvantaged neighborhoods.
- ***Multi-Unit Dwelling Residents:*** Workplace chargers and DC fast chargers support drivers that cannot charge at home.
- ***Low-Income Car Sharing:*** For those without a car in disadvantaged City communities.
- ***Charging Hubs:*** Support for buses and EV Taxis

Education and Outreach

Enhancements:

- LADWP Web-based EV Dashboard
- Expanded Presentation Frequency
- Car Dealer Program--Joint Program w/other Utilities
- Quarterly Ride and Drive for Customers
- Pilot an EV Carpool Program at LADWP



Residential EV Charging

Existing Rebate Program: \$500 for 240V charger
(2,945 Rebates Since 2011)

- **New: Develop Residential Smart Charging Program:**
 - Up to \$750 toward Smart Home Charger
 - Investigate annual incentive for Off-Peak Charging
 - Funded with LCFS
- **New: Used EV Rebate:**
 - \$450 for up to 2,000 EVs (one-time campaign)

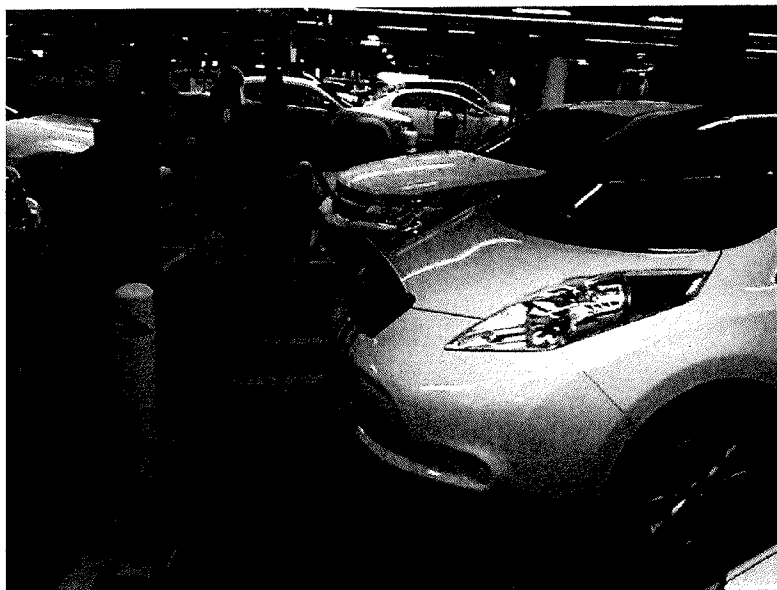
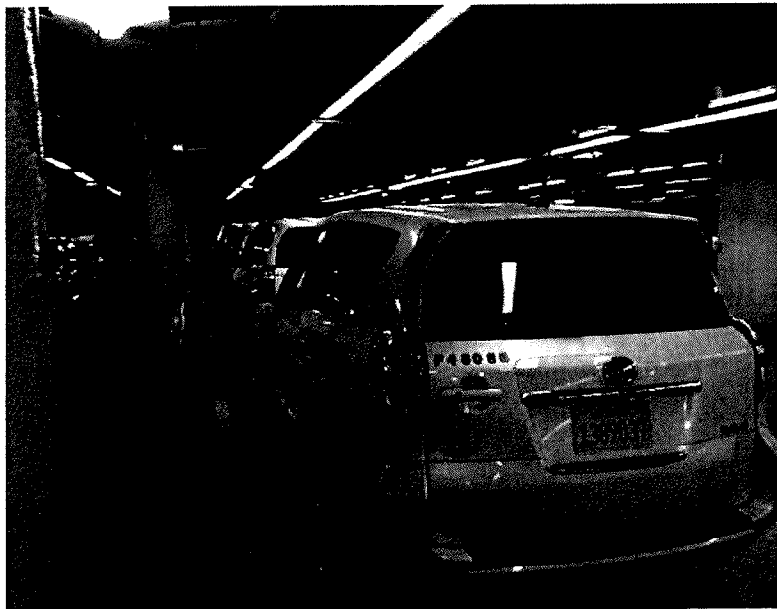


City-Owned EV Infrastructure

5 Year Goal: 4,000 on City-owned property

- ***Other City Departments***, Goal: 200/yr commercial chargers on City parking lots (public and workplace)
- ***Curbside Chargers***: Goal 200/yr (50 this FY) curbside chargers (pole and vault vent). BSL 50/yr
- ***DC Fast Chargers*** 16 installed to date

City Chargers



Commercial Charging

Existing Program: Rebates up to \$4,000/charger
(up to 20 rebates/site)

Enhancements:

- Front Funding Rebates for Non-Profits/Agencies
- DC Fast Charging/Charging Hubs
- Direct Install (similar to Energy Efficiency).
- Other City Departments use SCPPA contractors.

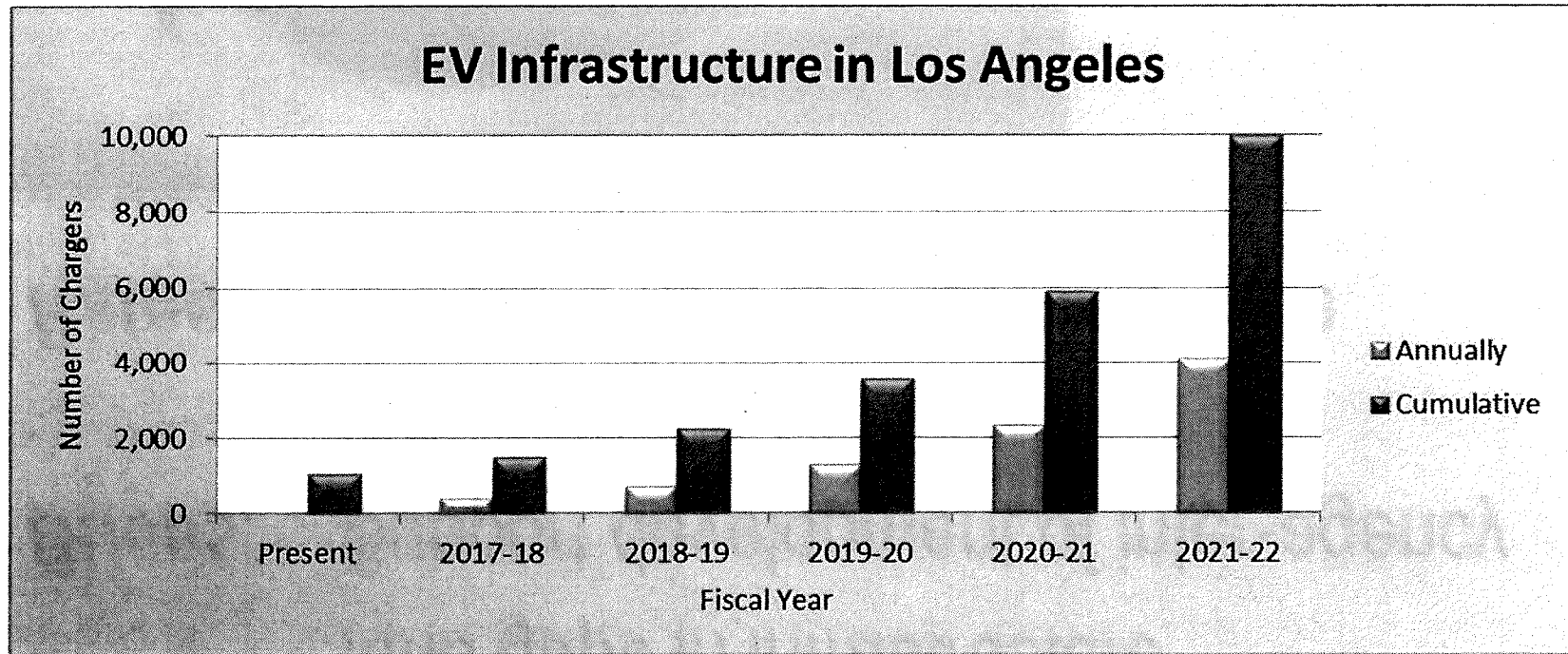


Medium- and Heavy-Duty EV

- ***Rebates:*** Develop rebate schedule
- ***LCFS:*** Use Low-Carbon Fuel Standard to fund gaps in infrastructure
- ***Buses:*** Support development of inter-agency bus charging facility
- ***Rates:*** Create a new EV “anytime” rate



Summary EV Infrastructure Goals



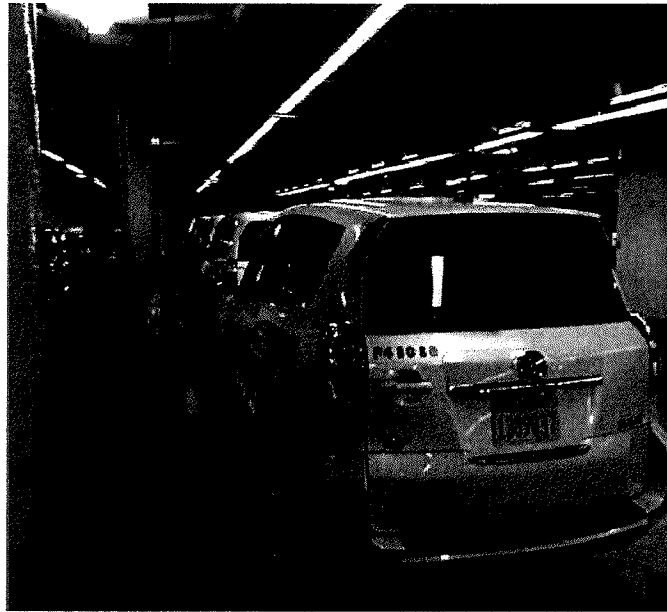
Description	Present	2017-18	2018-19	2019-20	2020-21	2021-22	Total
Commercial Chargers - Customer Owned	550	225	395	695	1,222	2,149	5,236
Commercial Chargers - City Owned	431	180	316	556	977	1,718	4,178
DC Fast Chargers	65	25	44	77	136	239	586
Annually		430	755	1,328	2,335	4,106	10,000
Cumulative	1,046	1,476	2,231	3,559	5,894	10,000	

Est. Additional (\$)

\$2.4M \$5.9M \$7.5M \$16.1M \$16.1M



Questions?



ATTACHMENT 3



Los Angeles
Department of
Water & Power

INFORMATIONAL BOARD LETTER

A handwritten signature in black ink, appearing to read 'R. Harasick', is positioned above a horizontal line.

RICHARD F. HARASICK
Senior Assistant General Manager
Water System

A handwritten signature in black ink, appearing to read 'M. Adams', is positioned above a horizontal line.

MARTIN L. ADAMS
Chief Operating Officer

A handwritten signature in black ink, appearing to read 'David H. Wright', is positioned above a horizontal line.

DAVID H. WRIGHT
General Manager

DATE: August 23, 2017

SUBJECT: Water Conservation Potential Study

This report provides a summary of the Water Conservation Potential Study (WCPS), which evaluates current saturation levels of water efficient fixtures in the City of Los Angeles (City) and uses the data to determine the remaining potential for water conservation programs and devices. A robust Water Conservation Model (WCM) was developed to project water conservation potentials up to the year 2035.

The WCPS will help LADWP develop its long-term strategy to meet the City's aggressive conservation goals of reducing the City's gallons per capita per day (GPCD) 22.5 percent by 2025 and 25 percent by 2035.

BACKGROUND

LADWP has made tremendous achievements in water use efficiency since its Water Conservation Program started in the late 1970's. Through LADWP's rebates and incentives program, over 128,000 acre-feet of water is saved each year. This water savings has kept the City's water demand flat for 40 years, despite an increase of over one million residents.

The recent drought, considered one of the worst in California's history, prompted a renewed commitment by the City to conserve water. In October 2014, Mayor Eric Garcetti issued Executive Directive No. 5: Emergency Drought Response – Creating a

Water Wise City (ED5). One of the main ED5 goals was to reduce the City's water use to 104 GPCD by January 1, 2017. LADWP's water use efficiency accomplishments through the last several decades put the City on a strong foundation, and with the help of Angelinos the Mayor's ED5 goal was met.

Building on the ED5 momentum, the Mayor released the Sustainable City pLAn (pLAn) on April 8, 2015. In addition to incorporating the ED5 goals, the pLAn includes additional long-term water conservation goals of reducing GPCD 22.5 percent by 2025 and 25 percent by 2035. These goals have been incorporated by LADWP into its 2015 Urban Water Management Plan (UWMP).

LADWP's historic Water Conservation Program achievements have incorporated much of the high return and low cost conservation potentials. Therefore, it was important for LADWP to complete the WCPS to analyze the City's remaining water conservation potentials achievable by 2035 and determine where the remaining opportunities exist. In summary, WCPS evaluated the current saturation levels of water efficient hardware devices, analyzed the remaining conservation potentials, and conducted an economic assessment for each customer sector.

WCPS Highlights

WCPS focused heavily on gathering City-specific data on each of its customer sectors. A diverse approach to data collection was employed consisting of literature review, phone surveys, and in-person audits to ensure that reliable data was gathered for each sector.

As a starting point, LADWP reviewed past Southern California saturation studies of water end uses, many of which included LADWP as a participating water supplier. The relevant data obtained from this literature review provided base estimates of saturation levels that were further refined with data collected through customer surveys.

Single and Multifamily Homes

Single-family homes represent LADWP's largest customer sector with over 450,000 of approximately 700,000 water accounts. Telephone surveys were conducted in English and Spanish of a statistically representative random selection of single-family customers to gain a better understanding of the sector. Customers were surveyed about household characteristics, presence of water efficient fixtures, and landscape size and type. Furthermore, the phone responses were validated with 72 onsite home audits performed by trained water auditors to verify the phone survey dataset.

For the multifamily sector, an online survey was sent to LADWP multifamily customers, of which 4,000 surveys were completed. Surveys targeted property owners, landlords,

and property managers in order to reach individuals with knowledge of the water using fixtures in the multifamily properties.

City-owned Facilities

The City provides a wide range of services, and thus, has many different end uses of water. LADWP approached the challenge of estimating the saturation levels of water efficient devices at city facilities by conducting onsite water audits for a sample set of 100 facilities as shown in the table below:

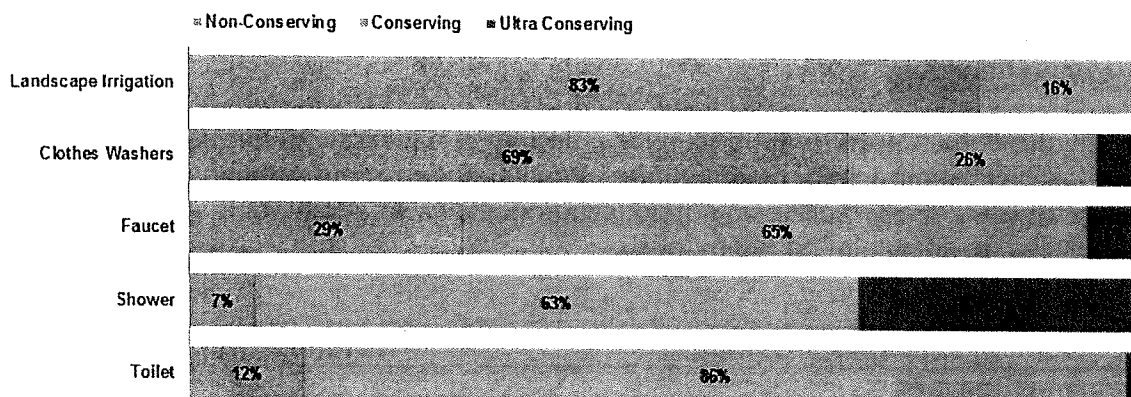
Property Category	Number of Audits
Animal Shelters	4
Community and Youth Centers	20
Harbors, Airports	1
Industrial	8
Parks and Medians	12
Maintenance, Service Yards	19
Office, Admin, Libraries	19
Police, Fire	13
Golf Courses	4
Total Number of Onsite Audits Completed	100

Water Conservation Model (WCM)

WCM was created to analyze all the data gathered and then accurately project long-term conservation potentials for water savings for various programs and devices. In addition, WCM estimates the economic benefits associated with varying scenarios. The WCM will be used to assist LADWP in the next step of developing a long-term strategy to meet the City's 2025 and 2035 water use reduction goals.

Data collected for each of the customer sectors provide the saturation information needed by the WCM to project water conservation potentials. The following bar chart shows the single-family saturation levels as an example:

Single-Family Residential Efficiency of End Uses

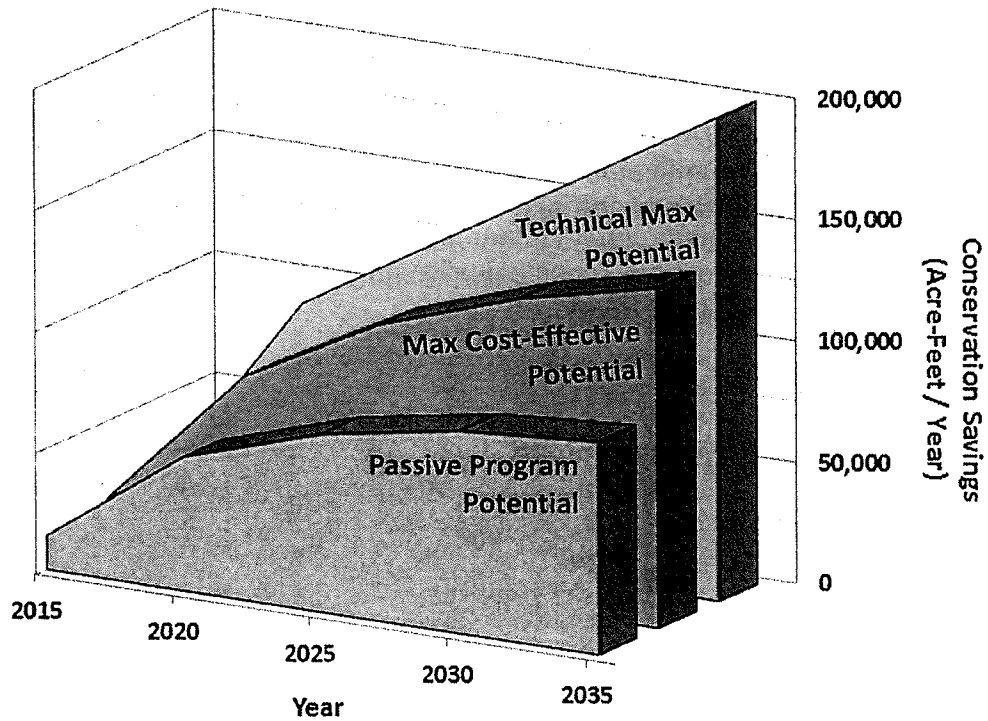


WCPS Findings

The following graph shows the City's water conservation potential as projected by the WCM to the year 2035. There are three conservation levels: Passive Program Potential, Maximum Cost-Effective Potential, and Technical Maximum Potential.

- **Passive Program Potential** – Level of conservation achievable with programs aimed at maximizing current plumbing codes and landscape ordinances, public messaging and outreach, and maintaining behavior-change savings from past customer efforts.
- **Maximum Cost-Effective Potential** – Level of conservation achievable through cost-effective conservation programs implemented by LADWP, although it would require greatly expanding current financial incentives in order to increase customer participation.
- **Technical Maximum Potential** – Level of conservation achievable by going beyond voluntary customer participation and mandating efficiency through stricter codes, ordinances, and enforcement. This level of conservation potential is logistically unenforceable.

Water Conservation Potentials



As a result of this WCPS, the Maximum Cost-Effective Potential shows there is still water conservation potential available to meet the water reduction goals, 22.5 percent by 2025 and 25 percent by 2035.

Cost/Benefit Analysis

The economic assessment of the Maximum Cost-Effective Potential also shows this option is financially achievable. However, it will require expansion of LADWP's current water conservation budget.

Sector	Net Present Value (\$M)	Benefit-Cost Ratio	Internal Rate of Return
Residential	\$219	1.9	12%
CII	\$140	2.6	17%
City-Owned	\$14	3.6	34%
Total	\$373	2.1	13%

Next Steps

WCPS shows that the City's long term water efficiency goals can be met with careful planning and investment. Going forward, the study's findings will be used to help LADWP develop its long term water conservation plan. To select the best approach, LADWP will be evaluating various conservation potential strategies, which include collaborations with other City Departments, investigating new water efficient technologies, and implementing new conservation programs. LADWP's long-term strategy will include a balanced portfolio of passive and active conservation programs that meet the 2025 and 2035 water conservation goals cost-effectively. The water conservation budget will require modification to fund a long-term strategy based on the Water Conservation Potential Study.

ATTACHMENTS

- Water Conservation Potential Study

Los Angeles



Department of Water & Power

Water Conservation Potential Study

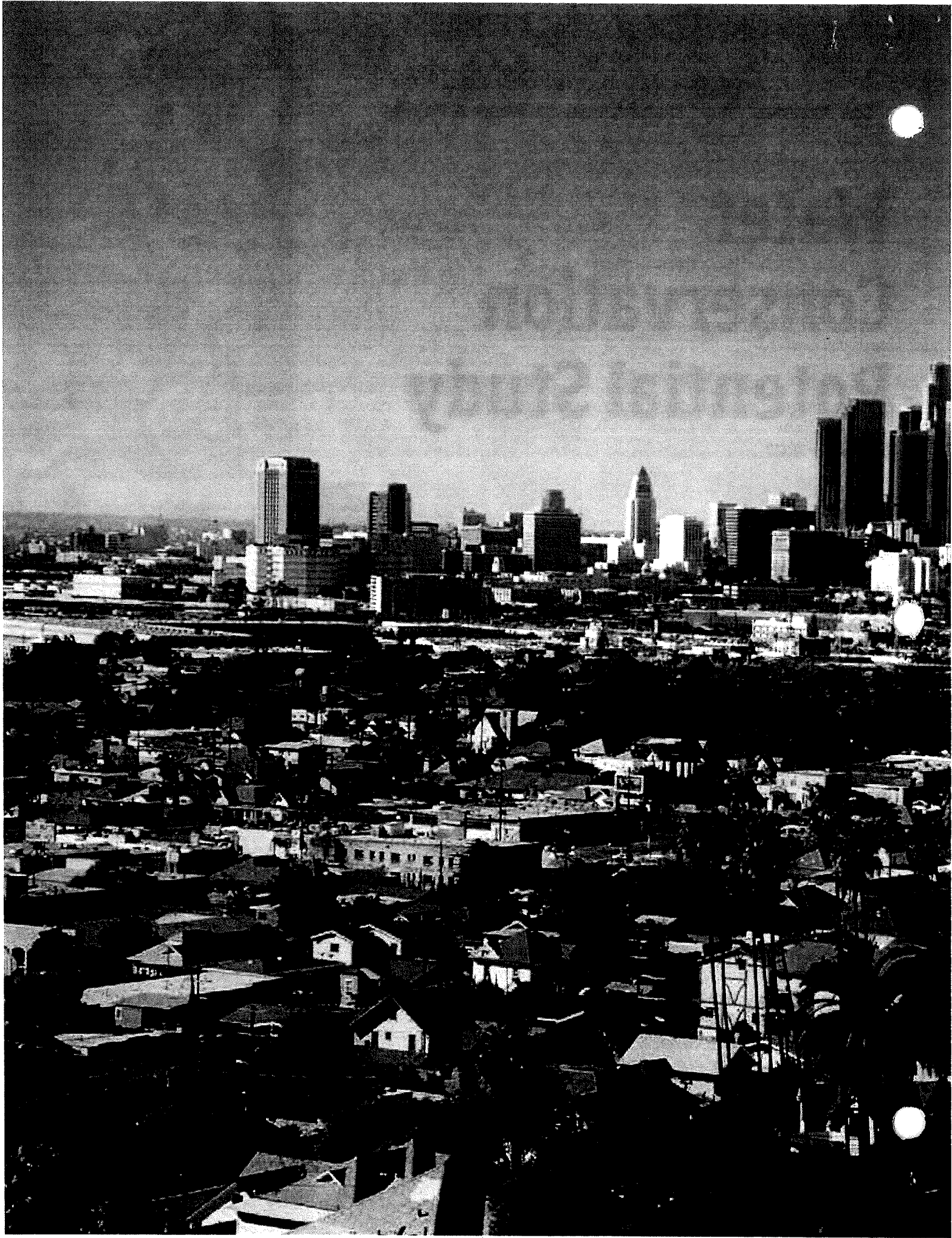
September 2017

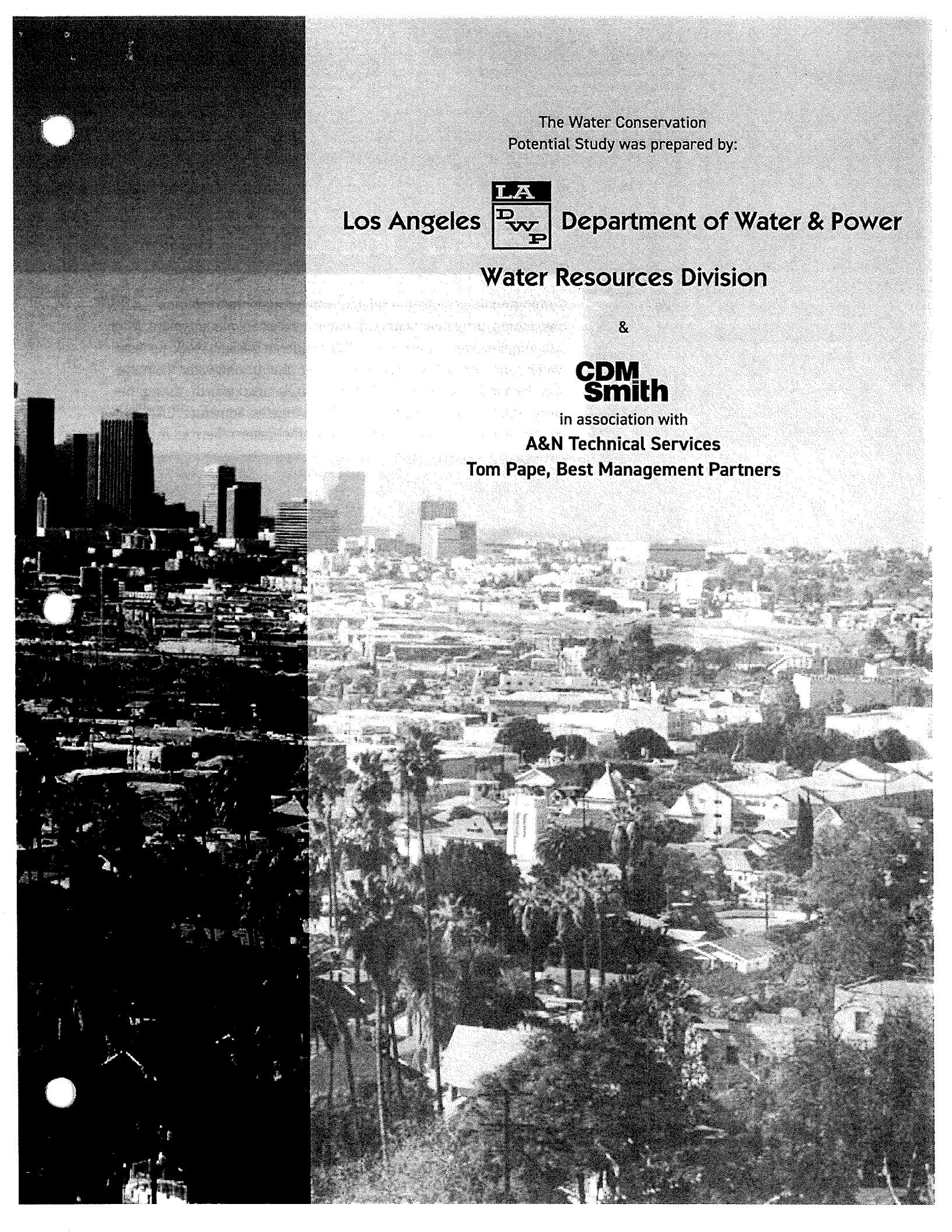


Executive Report


As an industry leader in water conservation, the Los Angeles Department of Water and Power (LADWP) has always been on the cutting edge of water use efficiency strategies. To plan for the future, LADWP needs to develop an improved understanding of current water use efficiency among its customer sectors. Developing this understanding will allow LADWP to determine the City of Los Angeles' (City) remaining water conservation potential, and effectively develop strategies to meet the long-term water resource goals established in LADWP's 2015 Urban Water Management Plan (2015 UWMP).

This Executive Report summarizes LADWP's multi-year effort to develop its comprehensive *Water Conservation Potential Study* (WCPS) for the City. The full WCPS report can be obtained from LADWP on its website at www.ladwp.com/waterconservation.



An aerial photograph of Los Angeles, California, showing a dense urban landscape with numerous skyscrapers in the downtown area and residential neighborhoods with palm trees in the foreground. The image is split vertically: the left half is in black and white, and the right half is in color.

The Water Conservation
Potential Study was prepared by:

Los Angeles  Department of Water & Power
Water Resources Division

&

**CDM
Smith**

in association with

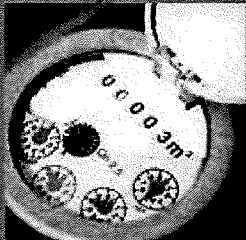
A&N Technical Services

Tom Pape, Best Management Partners

Section 1 - Introduction

Committed to providing a reliable water supply to Angelenos, LADWP has a long, proactive history of water resources management. When Los Angeles was a town of 142,000 residents back in 1902, surface water came from the Los Angeles River and groundwater from the San Fernando Basin. To address the City's rapid growth during the early 1900's, LADWP built the first Los Angeles Aqueduct (LAA) to import additional water supplies from the Eastern Sierras in 1913.

Early 1900's



LADWP Fully Meters
Its Water Customers

1913



1st Los Angeles Aqueduct
Completed

1930's and 1950's



In Partnership with MWD,
LADWP Helped Fund
the Colorado River Aqueduct
and State Water Project

1900

1910

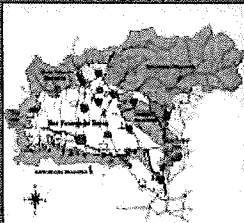
1920

1930

1940

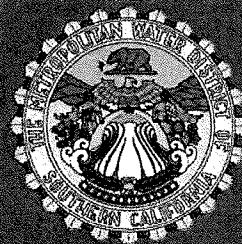
1950

Pre-1900's



Pueblo Rights to
San Fernando Basin
Reaffirmed in 1979

1928



Founding Member of
Metropolitan Water District

As the City and the Southern California region continued to grow, LADWP was instrumental in the creation of the Metropolitan Water District of Southern California (MWD), the regional wholesale water provider for Southern California. In partnership with MWD, LADWP helped fund the Colorado River Aqueduct in the early 1930's and the State Water Project in the late 1950's. The LAA's supply capacity was also expanded with the completion of the second Los Angeles Aqueduct in 1970.

But from the 1970's, as droughts became more frequent and severe, LADWP has been focusing its efforts on increasing drought-resilient local water supplies by investing in water conservation, recycled water, groundwater recovery, and stormwater capture.



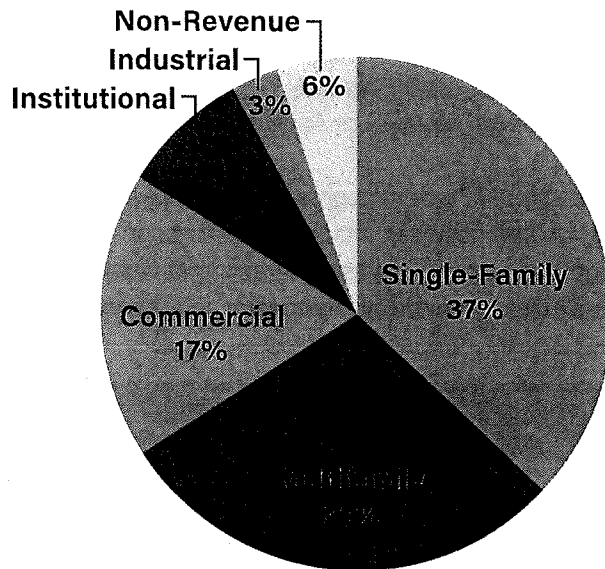
LA's Water Demand Breakdown

Water use in LADWP's service area is divided into five main customer sectors: (1) single-family residential; (2) multifamily residential; (3) commercial; (4) industrial; (5) institutional. Commercial, industrial, and institutional sectors are often referred to by LADWP and other water utilities as CII. In addition to these customer sectors, non-revenue water makes up the remainder of potable water use and consists of authorized uses such as firefighting as well as system losses. The residential sectors make up about two-thirds of the City's potable water demand.

Fun Fact: An acre-foot of water can serve 3 average-sized LA homes for a year.

Average Demand = 536,000 Acre-Feet/Year

LADWP's Water Usage by Major Sector (Fiscal Year Ending [FYE] 2012 to 2016)

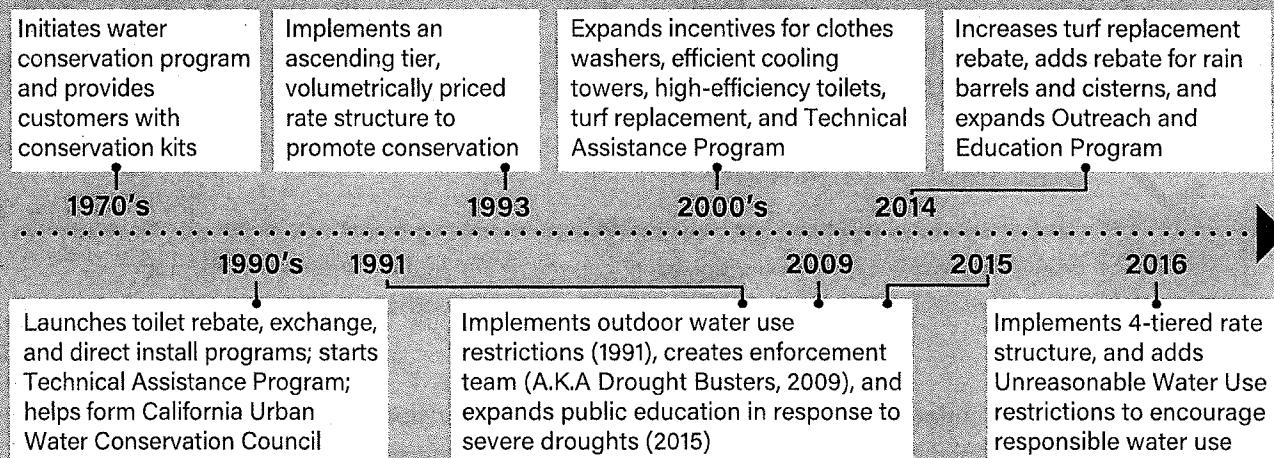


LADWP's Water Conservation Program

Los Angeles has long recognized that water conservation should be at the core of multiple strategies to improve overall water supply reliability for its residents. Water conservation has numerous benefits for the City, such as

reduction in costs associated with water and wastewater treatment, reduction in energy and greenhouse gas emissions, monetary savings for customers who reduce water consumption, and improved water supply reliability.

LADWP has embraced water use efficiency since our customers became fully metered back in the early 1900's. A few key milestones demonstrate LADWP's conservation leadership throughout more recent years as shown in the timeline below.



EVERY DROP OF WATER COUNTS



**SAVE
the
DROP**

LADWP's Water Conservation Program consists of three main components:



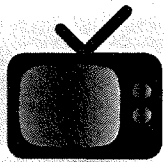
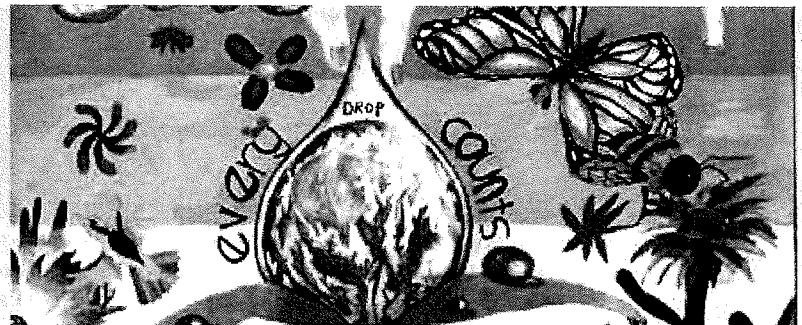
Outreach & Education



City Ordinances



Rebates & Incentives



Outreach & Education

LADWP employs multiple outreach and education strategies to encourage Angelenos to improve their water use efficiency and instill an understanding that water conservation is the cultural norm in Los Angeles. These strategies include:

Outreach

■ Earned Media Opportunities:

Through the distribution of regular and timely news releases, the LADWP Communications Team generates broadcast interviews and print articles in various media outlets about water conservation and available rebate and incentive programs.

- **Social Media:** Program facts, web links, reminders, videos, photos, and other water conservation relevant information shared regularly via Twitter, Instagram, Facebook, Vimeo, and YouTube.

- **Print Materials:** Branded print materials including flyers, Frequently Asked Questions, and fact sheets available for distribution at all relevant venues, such as community fairs.

■ Media Advertising Campaign:

Campaign messages broadcasted and displayed using paid advertising in television, radio, newspapers, magazines, bus tails, movie screens, and online ads.

Education

■ Los Angeles Times in Education:

In partnership with LA Times, newspapers are provided to students in grades 4-12 and lesson packages are provided for teachers on water supply sources and conservation. Students are encouraged to illustrate concepts they have learned by participating in an annual art contest.

■ "Thirsty City" Live Performances:

Plays are presented on school campuses to introduce students to water supply sources, water supply challenges, and conservation.

■ Los Angeles Outdoor Landscape Academy

(LAOLA): LAOLA is LADWP's training academy to help inform the community on how to remove turf and switch to sustainable, water efficient landscaping. A combination of classroom training and hands-on-workshops are provided to inform customers, gardeners, and design professionals on turf removal, garden design, irrigation, and garden maintenance.



City Ordinances

The City has been a leader in using codes and ordinances to drive conservation and has helped shape many of the state plumbing codes and landscape ordinances that are in place today. The following is a list of City Ordinances aimed to improve water use efficiency:

■ Emergency Water Conservation Plan

Ordinance: The ordinance contains six phases of water restrictions to address water shortages. Water waste prohibitions steadily increase by phase, which includes a progressive reduction in allowable outdoor watering days per week.

■ Retrofit-On-Resale Ordinance:

First adopted by the City in 1988 as its plumbing retrofit ordinance, an amendment was made in 1998 to require the installation of efficient toilets and showerheads in single-family and multifamily properties prior to close of escrow.

■ 2015 State Model Water Efficiency Landscape Ordinance (MWEL0):

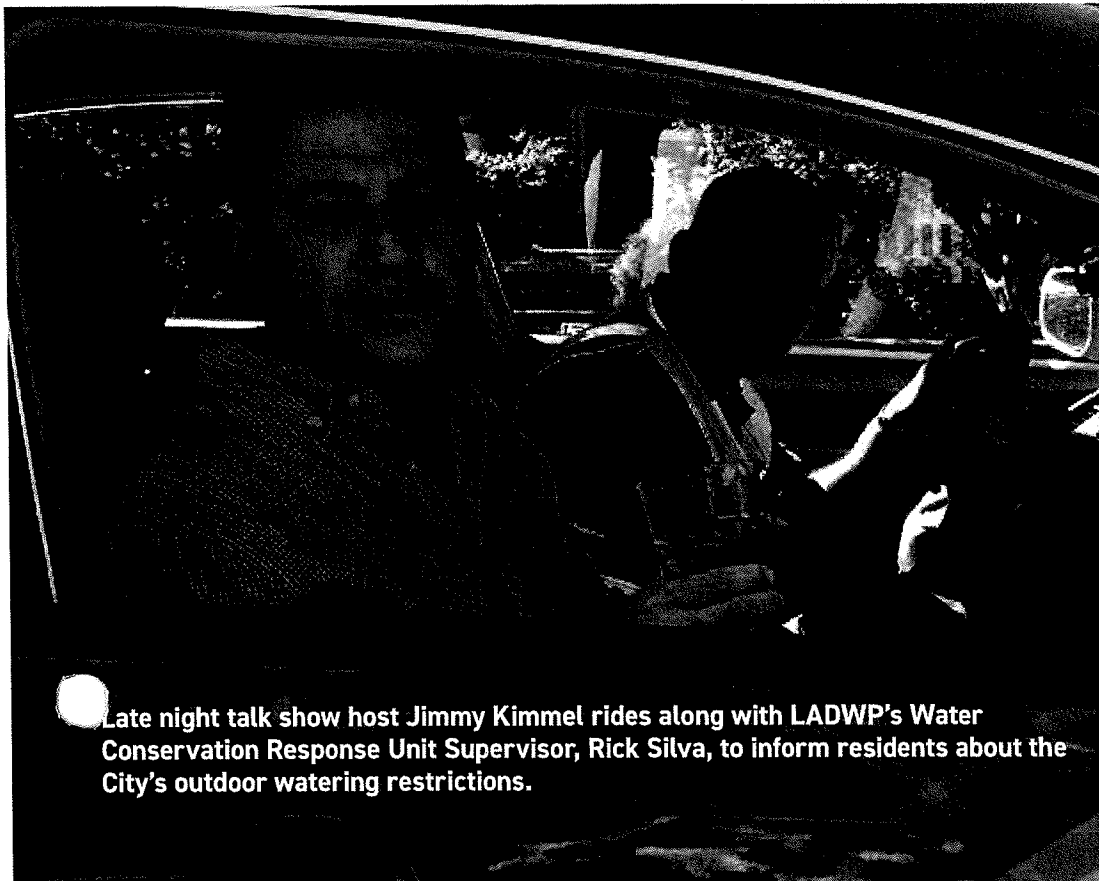
In May 1996, the City's Landscape Ordinance was passed to improve efficiency in outdoor water use. Since then, the State has updated its landscape ordinance, setting very high efficiency standards for outdoor water use, which the City has adopted.

■ 2009 Water Efficiency Requirements and 2016 Citywide Water Efficiency Standards

Ordinances: These two ordinances require installation of high efficiency plumbing fixtures in new development and major renovation projects for residential and CII customers.

**Water Your Lawn 3X A Week Max**

ODD Addresses	Mon Wed Fri	EVEN Addresses	Tue Thu Sun	LADWP.com/WaterConservation
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In 2017, total water use in Los Angeles is lower than it was in 1970, despite over one million more Angelenos. Significant gains in water use efficiency from plumbing codes & landscape ordinances and LADWP's Rebate Programs have helped reduce today's per capita water use 40% lower than 1970 levels.

Late night talk show host Jimmy Kimmel rides along with LADWP's Water Conservation Response Unit Supervisor, Rick Silva, to inform residents about the City's outdoor watering restrictions.



Rebates & Incentives

LADWP provides its residential and CII customers with an extensive choice of rebates and incentives for installing high efficiency water fixtures that include:

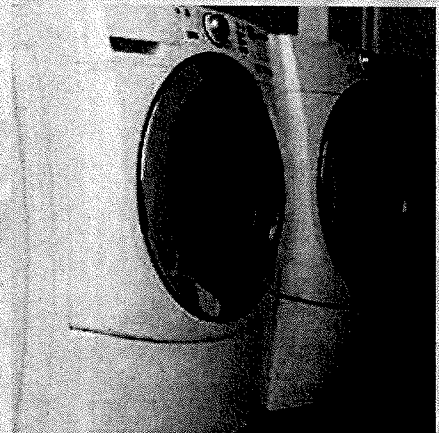
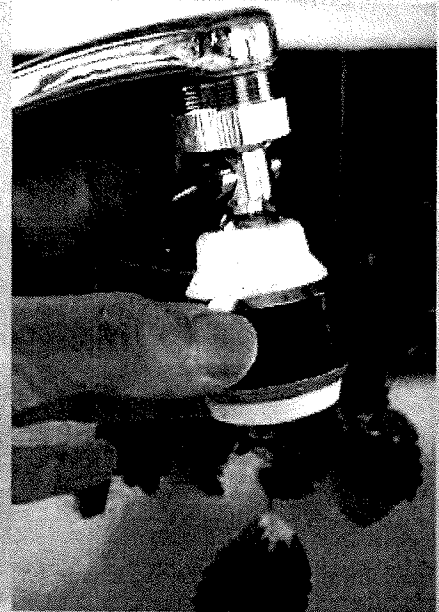
- Up to \$1.75 per square foot (sq. ft.) of turf removed
- \$100 for premium high-efficiency toilets
- \$200 for weather-based irrigation controllers
- \$300 for high-efficiency clothes washers
- \$500 for zero and ultra low flush urinals
- \$3,000 for cooling tower pH controllers
- Up to \$250,000 per CII project through LADWP's Technical Assistance Program (TAP)

In addition to partnering with MWD on water conservation rebate programs, LADWP also partners with the Southern California Gas Company and LADWP Efficiency Solutions to offer Direct Install Programs. The partnerships achieve multiple benefits by helping residential and small business customers replace fixtures to save gas, energy, and water.

Recent achievements are shown in Table 1 (Residential Rebates) and Table 2 (CII Rebates).

Since 2010, LADWP's conservation program has saved roughly 25,000 acre-feet of water per year (or 22 million gallons per day) by incentivizing Angelenos to:

- Replace over 48 million sq. feet of turf with California-Friendly landscaping (since the program started in 2009)
- Install over 400,000 high-efficiency toilets
- Install over 44,000 high-efficiency clothes washers
- Install over 55,000 high-efficiency showerheads
- Install over 95,000 faucet aerators
- Install over 4,800 zero or ultra low flush urinals
- Install over 15,000 weather-based irrigation controllers



**Table 1. Residential Rebates
(FY 2010/11 - 2015/16)**

Device Type/Program	Devices Installed	Water Savings (Acre-Foot/Year)
Customer Rebates		
High Efficiency Toilets	124,583	3,194
High Efficiency Washing Machines	44,968	1,511
Sprinklerhead Rotating Nozzles	26,961	118
Weather Based Irrigation Controller and Soil Moisture Sensors	1,840	77
Rain Barrels and Cisterns	44,079	84
Turf Replacement (sq. ft.)	32,562,898	4,396
Residential Free Device Program		
High Efficiency Showerheads	40,182	662
Residential Faucet Aerators	65,497	183
Drip Irrigation Starter Kits	431	3
Direct Install Partnership Programs		
Home Energy Improvement Program - Showerheads	7,729	128
Home Energy Improvement Program - Faucet Aerators	9,829	27
Home Energy Improvement Program - High Efficiency Toilets	2,715	100
Total Residential Rebate Water Savings		10,483



**Table 2. Commercial (CII) Rebates
(FY 2010/11 - 2015/16)**

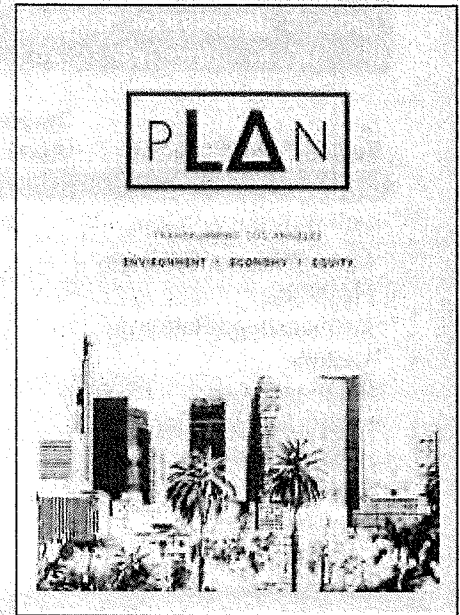
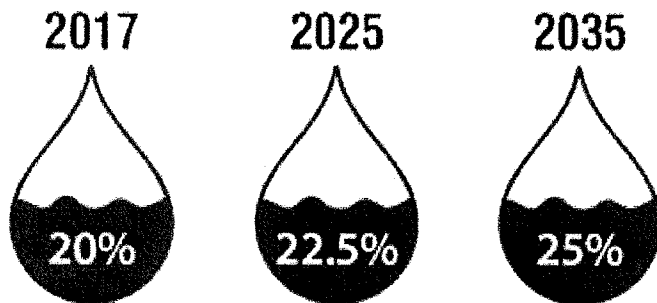
Device Type/Program	Devices Installed	Water Savings (Acre-Foot/Year)
Commercial (CII) Customer Rebates		
High Efficiency Toilets	302,967	7,450
Premium High Efficiency Toilets	56,841	1,656
Zero and Ultra Low Water Urinals	4,884	597
Cooling Tower pH Controller	96	186
Cooling Tower Conductivity Controller	30	19
Weather Based Irrigation Controller and Soil Moisture Sensors	17,931	235
Large Rotary Nozzle	1,290	46
Rotating Nozzles for Pop-up Spray Heads	44,983	198
In-stem Flow Regulator	12,911	39
Plumbing Flow Control Valve	343	3
Laminar Flow Restrictor	926	22
Technical Assistance Program	--	1,778
Turf Replacement (sq. ft.)	12,254,668	1,122
Commercial (CII) Free Device Program		
Commercial Showerheads	9,554	157
Commercial Faucet Aerators	19,754	91
Water Brooms	59	9
Pre-Rinse Spray Nozzles	296	45
Direct Install Partnership Programs		
Multifamily Direct Thermal Savings Program	149,618	1,124
Small Business Direct Install Program	6,732	94
Total Commercial (CII) Rebate Water Savings		14,871

Mayor's Executive Directive No. 5 and Sustainability pLAn Goals

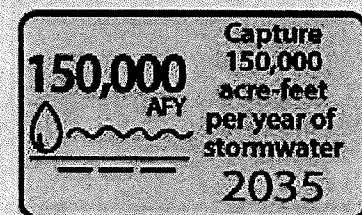
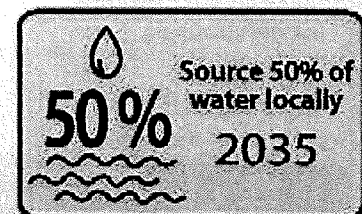
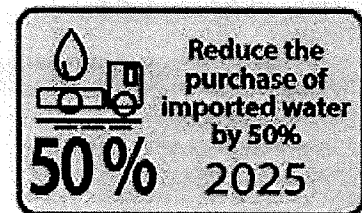
In October 2014, Mayor Eric Garcetti established Executive Directive No. 5: Emergency Drought Response – Creating a Water Wise City (ED5) in response to one of the most severe droughts in California's history. On April 8, 2015, the City released the Sustainable City pLAn (pLAn), which incorporates ED5's goals and adds additional long-term goals to serve as a road map towards sustainability.

Through multiple conservation strategies implemented by LADWP and the strong conservation efforts by Angelenos, the City was able to meet the Mayor's January 1, 2017 goal by reducing per capita use to 104 gallons per capita per day, which equates to a 20 percent reduction compared to the FYE 2014 baseline. Going forward, LADWP has incorporated the remaining pLAn goals into its 2015 UWMP and has committed to meeting these goals through the development of additional water conservation, recycled water, and stormwater capture along with remediating the San Fernando Groundwater Basin.

pLAn Long-Term Per Capita Water Use
Reduction Goals



Additional pLAn
Water Supply Targets



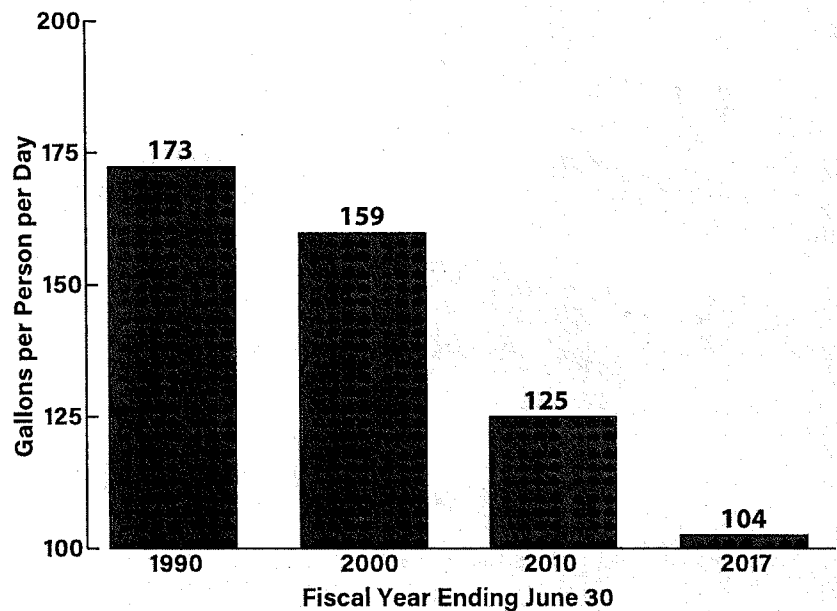


The Need to Understand the City's Remaining Conservation Potential

LADWP has made tremendous achievements in water use efficiency since its Water Conservation Program started in the late 1970's. As of FYE 2017, water savings from LADWP's rebates and incentives total over 128,000 acre-feet per year. These savings, along with water use efficiency from plumbing codes and landscape ordinances, have contributed to significant reductions in the City's per capita water use.

The historical water conservation achievements clearly demonstrate LADWP's wide influence in encouraging water efficiency upgrades by its residential and CII customers. Recognizing that a significant percentage of customers have likely already been reached, it's important for LADWP to understand the current saturation levels of fixtures and the remaining conservation potentials for LADWP's customer sectors. The results from the WCPS will help LADWP develop a long-term plan for its Water Conservation Program that cost-effectively achieves the 2025 and 2035 per capita water use reduction goals set in the 2015 UWMP.

LADWP's Per Capita Water Use





Section 2 - Water Conservation Potential Study Approach

WCPS Water Conservation Levels

The WCPS analyzes four different types of water saving levels.

Theoretical Ceiling:

This represents the water savings that could be achieved if all LADWP customers were instantaneously at the most theoretically efficient levels of water usage. This Theoretical Ceiling is **not achievable** regardless of LADWP's investment levels. While unachievable, this Theoretical Ceiling does help by setting a reference point for other conservation potentials analyzed in the WCPS.

Technical Maximum Conservation Potential:

The level of conservation achievable by going beyond voluntary customer participation and mandating efficiency through stricter codes, ordinances, and enforcement. This level of conservation potential is **logistically unenforceable**.

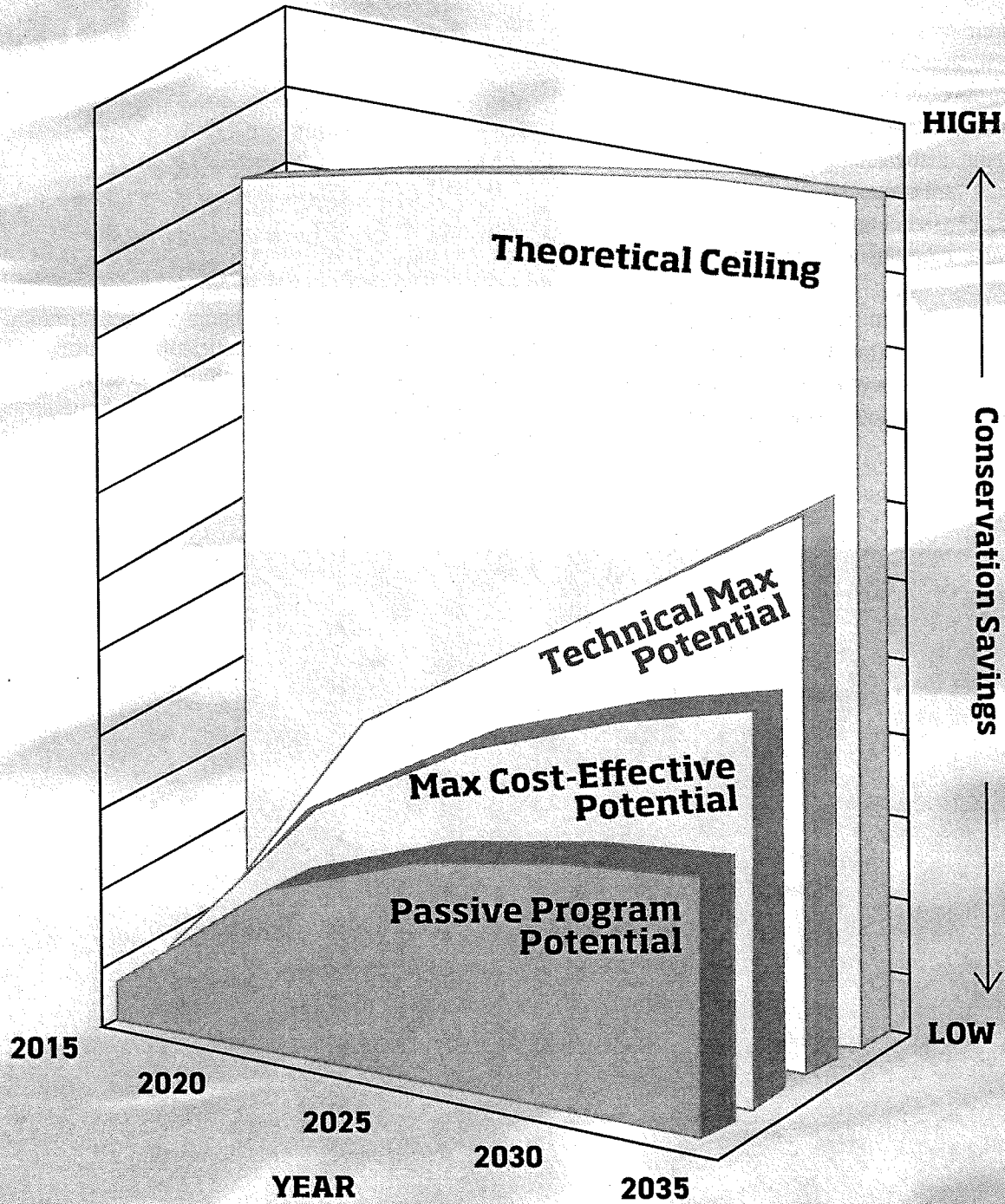
Maximum Cost-Effective Conservation Potential:

The level of conservation achievable through **cost-effective** conservation programs implemented by LADWP, although it would require greatly expanding current financial incentives in order to increase customer participation.

Passive Program Conservation Potential:

The level of conservation achievable with programs aimed at maximizing current plumbing codes and landscape ordinances, public messaging and outreach, and maintaining behavior-change savings from past customer efforts.

WCPS Water Conservation Levels





Method of Measuring Conservation Potential

For each customer sector (i.e., single-family, multifamily, CII, and City-owned Facilities), water is used for various "water end use" categories. Water end uses include: toilet flushing, showers, clothes washing, dishwashing, faucets, car washing, pools, landscape irrigation, commercial/industrial cleaning, cooling towers for commercial/industrial users, manufacturing, and many more.

To determine the different levels of water conservation potential, current and future water end uses for each measure are estimated for each customer sector using the following formula:

$$\text{GPD} = \text{P} \times \text{E} \times \text{S} \times \text{I}$$

Where for each water end use:

GPD = Gallons per day

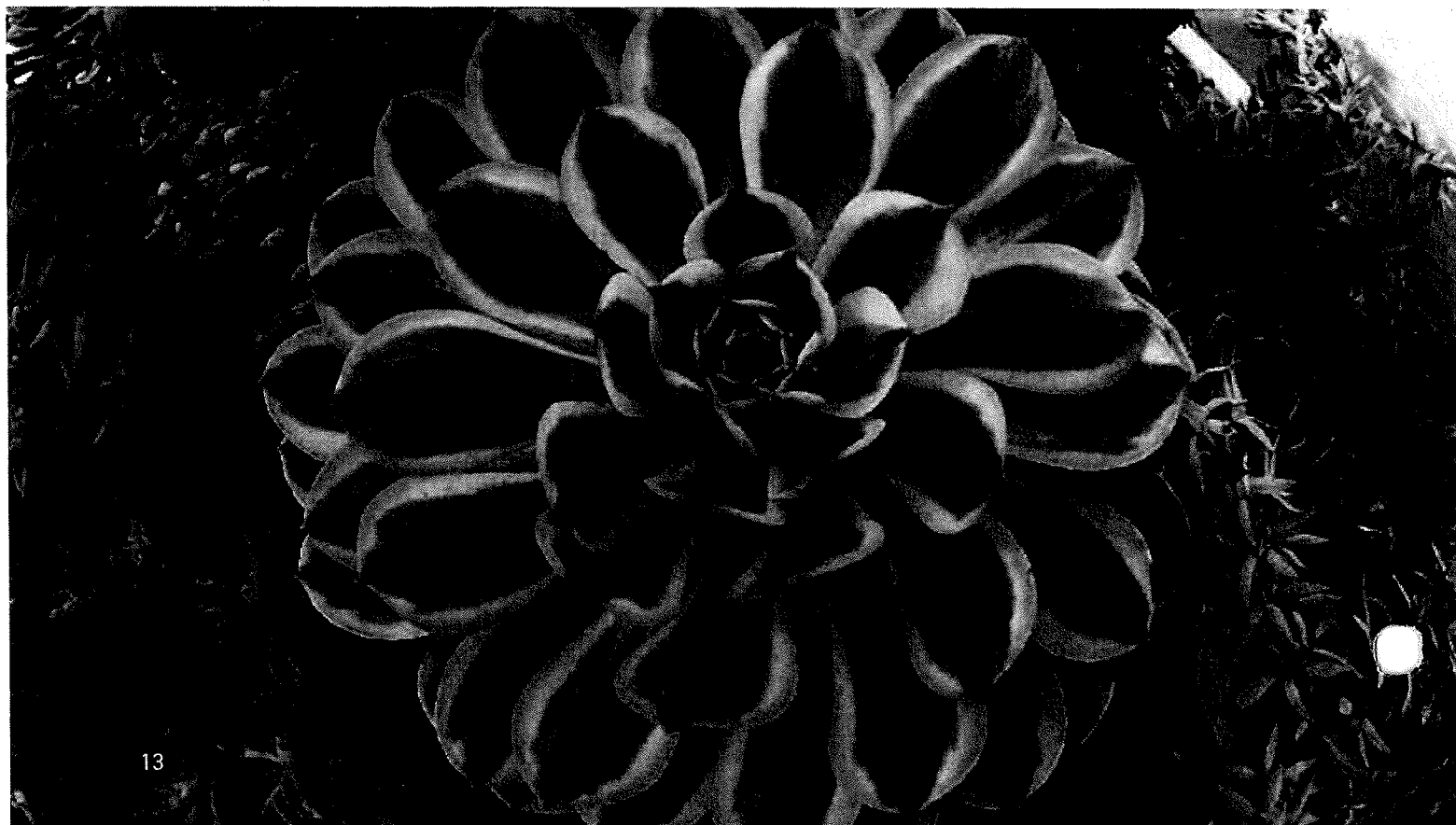
P = Presence

E = Efficiency Level

S = Saturation Level

I = Intensity

Over time, the water end uses change as the saturation levels shift from non-efficient to efficient. This provides the estimate of water savings for the Water Conservation Potential Study (WCPS) and forms the basis for determining cost-effectiveness.



WCPS Terms

Water End Use:

Water use isolated to a specific purpose, such as toilet flushing, landscape irrigation, and industrial cooling.

Presence (P values):

The percentage of customer properties in the City where the water end use is present.

Efficiency Level (E values):

Appliance efficiency levels for the water end use (example: toilets in the City can range from older 3.5 gallons per flush models to newer, efficient models that need less than 1.0 gallons per flush)

Saturation Level (S values):

The percentage of appliances in a customer sector at a specific efficiency level for the water end use.

Intensity (I values):

Average daily water end use habits per customer sector unit (ex: # of flushes per day per multifamily unit)

Water Savings:

Represents the gallons per day reduction in any future year's water end use as compared to the baseline.





Determining Cost-Effectiveness of Water Conservation

There are many ways to assess the cost-effectiveness of a single water conservation measure or a group of measures in a customer sector. While there are many additional benefits to increased water conservation that can be included, the WCPS focused its cost-effectiveness analysis on the cost savings from reducing purchased imported water from MWD. Cost-effectiveness for the WCPS was determined using a variety of economic metrics defined below.

Economic Metric	Definition
Present Value Cost (PV Cost)	Total future costs adjusted by the discount rate into present value costs (cost in today's dollars).
Present Value Benefit (PV Benefit)	The volume of water saved for a measure (over its replacement life) is multiplied by projected increases in MWD's treated water rate. This avoided cost in future dollars is then adjusted by the discount rate into present value benefit.
Net Present Value (NPV)	The PV Benefit minus the PV Cost. While a large NPV indicates that more benefits are produced than costs, NPV does not always indicate the relative cost-effectiveness of the investment, when compared to other investments.
Benefit-Cost Ratio (BCR)	The PV Benefit divided by the PV Cost. A BCR greater than 1.0 is deemed cost-effective, with larger BCR values indicating greater cost-effectiveness. BCR is also useful in terms of assessing the value for each dollar invested. For example, a BCR of 2.0 means that for each dollar invested, two dollars are generated as a return.
Internal Rate of Return (IRR)	The annualized effective rate of return that would make the NPV for the investment from a measure equal to zero (break even). IRR values that are greater than the discount rate used for NPV are generally considered to be good investments, with higher IRR values indicating more desirable investments.

Main Components of the Water Conservation Potential Study

The formulas for determining water end uses, water conservation savings at different potential levels, and cost-effectiveness are relatively straightforward; however, they require massive amounts of data and valid assumptions in order to be implemented. To meet this challenge, LADWP split the WCPS work into three main components.

Research/Data Collection 1

- Literature review
- Single-family telephone survey
- Single-family onsite home audits
- Multifamily owners online survey
- Interviews with CII Audit Experts
- • City-owned facilities audits ○



Saturation Levels/Baseline Water Use 2

- 4 main water sectors
- Over 15 water end uses
- Baseline efficiency saturation levels
- Water end use calibration



Water Conservation Model 3

- Passive Program Conservation Potential
- Max Cost-Effective Conservation Potential
- Technical Max Conservation Potential
- Conservation and economic projections to 2035





Section 3 - Baseline Water End Uses

To estimate the baseline, or initial, water end uses by customer sector, a variety of approaches were utilized to collect data including conducting surveys & audits, researching past studies, and making professional engineering judgment/assumptions.

Single-Family Residential Sector

Single-family homes represent LADWP's largest customer sector with over 450,000 out of approximately 700,000 water accounts and is over one-third of overall water demand. Accordingly, it was important for LADWP to get a deeper understanding on water use and efficiency for this sector.

LADWP conducted telephone surveys in English and Spanish of a statistically representative random selection of single-family customers. Questions were asked about household characteristics, presence and efficiency levels of plumbing fixtures, landscape size and type, and irrigation systems.

LADWP Survey of Single-Family Homes

Random Telephone Surveys = 615
Onsite Audits = 72

In addition, a sub-sample of customers surveyed by telephone volunteered for an onsite home audit to help validate the results of the phone survey. The onsite home audit involved inspection and measurement of plumbing fixtures, landscapes, and irrigation systems by trained water auditors.

Onsite home audit findings were compared against the customers' phone survey responses. Phone survey responses that closely match with in-person inspections are validated as accurate survey findings.

Generally, for similar questions asked between the telephone survey respondents and onsite audit, there was good agreement between the two. Table 3 shows an example where the telephone survey and onsite audit match well in terms of types of landscaping.

Table 3. Survey Responses on Single-Family Landscape Type

Landscape Type	Telephone Survey Respondents as a Whole (615 Responses)	Telephone Survey Respondents Participating in Onsite Audit (72 Responses)	Onsite Audit (72 Responses)
Front Yard			
Mainly Turf with Trees and Shrubs	73%	71%	79%
CA Friendly/Drought Tolerant	13%	15%	15%
No Landscaping/No Plants	12%	15%	6%
Back Yard			
Mainly Turf with Trees and Shrubs	60%	68%	74%
CA Friendly/Drought Tolerant	13%	10%	16%
No Landscaping/No Plants	24%	18%	10%





There were some instances when the telephone survey and onsite audit differed, particularly when the telephone survey question was not clear enough but the onsite inspection was able to gather the correct information (see Table 4).

When compared against onsite audit findings, results showed that more than 50 percent of telephone respondents answered the high-efficiency washer question incorrectly. Since the vast majority of front loading washers are high efficiency units,

the WCPS used the data on front loading washers as a good proxy for high efficiency washers.

The results of these single-family residential surveys, along with information on existing plumbing codes and ordinances,

Table 4. Survey Responses on Clothes Washer Type

Attributes of Clothes Washer	Telephone Survey Respondents as a Whole (615 Responses)	Telephone Survey Respondents Participating in Onsite Audit (72 Responses)	Onsite Audit (72 Responses)
Percent with Clothes Washer	91%	94%	96%
Percent Front Loading Washers	36%	34%	38%
Percent High- Efficiency Washers	62%	65%	30%



were used to determine the baseline water end uses and efficiency saturation levels.

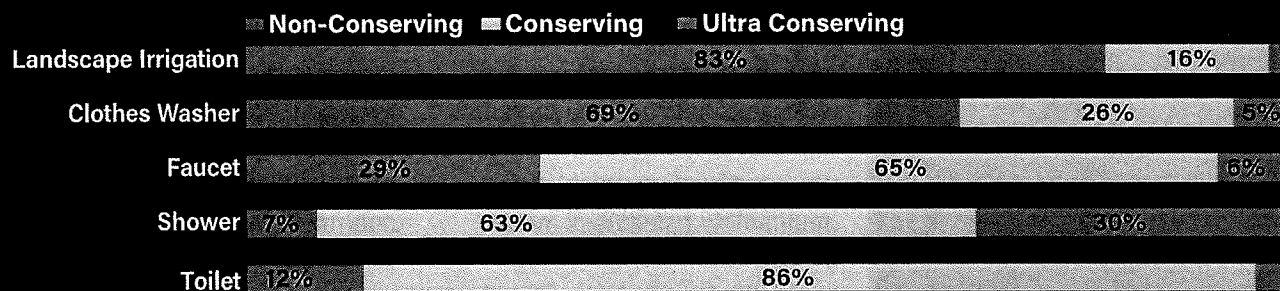
The single-family baseline water end use data reveals that the largest conservation potentials

are in landscape irrigation and clothes washers, while the least potential is in bathroom fixtures.

Over 83 percent of homeowners have turf-heavy landscapes, and 69 percent of single-family

washers are using more than double the amount of water compared to the efficient models that qualify for LADWP rebates.

Single-Family Residential Efficiency of End Uses





Multifamily Residential Sector

The multifamily residential sector in LADWP's service area represents the second largest water use and is very diverse in nature—representing townhomes with as few as two units on a lot, all the way up to 100 or more apartments/condominiums on a single property. While there have been many single-family water surveys conducted throughout the United States, assessing the conservation potential for multifamily residents is more difficult as most multifamily residents do not receive a water bill and thus are unable to be

identified for a survey. In addition, most multifamily residents are not able to change out water using fixtures and appliances without permission from landlords.

To address these challenges, the WCPS collected primary data by developing an online survey targeting the multifamily property owners, landlords, and property management companies. The collected data was analyzed to determine the presence of water using fixtures, outdoor water use, and efficiency and saturation levels of water end uses.

Table 5. Survey Responses from Multifamily Property Types

Multifamily Property Type	Percent of Responses
Apartment Building	44.2%
Duplex, Triplex or Fourplex	43.2%
Condominium Complex	4.1%
Mixed Apartment / Condos	1.3%
Mobile Home Park	0.3%
Townhomes	3.5%
Other	3.4%

LADWP Online Survey of Multifamily

Water Customers (who pay the water bill)

Number of survey mailers = Over 86,000

Number of completed surveys = 4,025

Below are some information collected from the online multifamily survey:

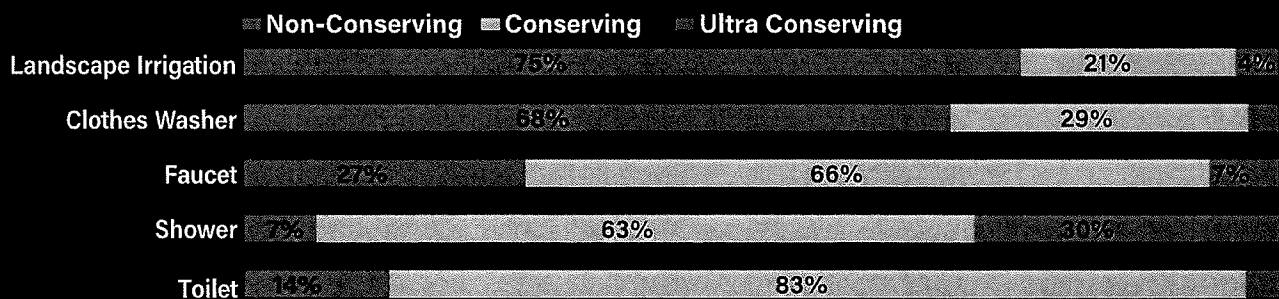
- Property Information: Type of property, Number of units, Occupancy rate, Age of units
- Presence of water using fixtures and appliances within the housing unit, including dishwashers and clothes washers
- Presence of common laundry facilities and pool/spa
- Landscape size, type, and method of irrigation

In terms of property types, the majority of the multifamily respondents were apartment buildings (44%), followed by a

combination of duplex/triplex/fourplex homes. The results of the online multifamily residential survey, along with implementation dates of new plumbing codes and ordinances were used to determine the baseline water end uses and efficiency saturation levels.

The multifamily baseline water end use data aligns closely with the single-family findings. The results show that the largest conservation potentials are in landscape irrigation and clothes washers, while the least potential is in bathroom fixtures. This is not surprising since customer incentives have historically focused most heavily on residential bathroom fixtures.

Multifamily Residential Efficiency of End Uses





Commercial/Industrial/Institutional Sector

The commercial/industrial/institutional (CII) sector in Los Angeles is very diverse in nature with over 896 different business types in the City. Given the wide range and high variability of water uses for the CII sector, it was not feasible to gather primary data that would adequately represent the sector. Instead, the WCPS developed a methodology to estimate CII baseline water end uses by drawing from data sources.

Standard Industrial and North American Industrial Classification System

In the United States, data on commercial and industrial businesses is collected to provide information at the property level on business type and number of employees. Previously, the Standard Industrial Classification (SIC) coding system was the standard used to provide a uniform method for identifying types of businesses. In 1997, the SIC system was replaced by the North American Industrial Classification System (NAICS).

The US Census Bureau publishes its County Business Patterns database, which provides data on the number of business establishments and employees by NAICS code. In addition, LADWP's billing database maintains a field for identifying the SIC code of CII customers. The SIC code information was matched to its corresponding NAICS code, so the two databases could be used to help estimate the CII sector's baseline water end uses.

Comparing the two databases, LADWP selected the following 9 major business types in LA to represent the CII sector:

- Offices
- Restaurants
- Schools
- Hospitals
- Fitness and recreation centers
- Hotels
- Grocery stores
- Gas stations
- Industrial

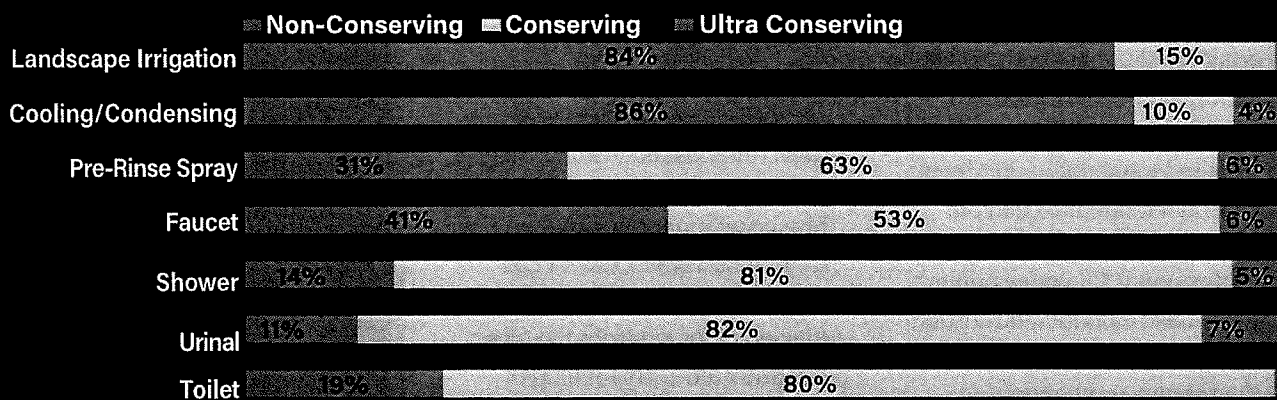
Literature Review

To understand CII water end uses, the following studies were researched:

- **American Water Works Association Research Foundation (2000):** Commercial and Institutional End Uses of Water
- **Metropolitan Water District of Southern California (2012):** Market Study Among Commercial Businesses
- **LADWP (2009):** Opportunities to Conserve Water in Los Angeles Schools
- **LADWP (2010):** Indoor Water Conservation Potential in CII Sector, which utilized data from a number of additional studies in California and other parts of the U.S.

Data from the studies and interviews with CII industry experts were used to estimate the baseline water end uses and efficiency saturation levels. The estimates suggest that the sector's highest conservation potentials are likely in cooling/condensing and landscape irrigation.

CII Efficiency of End Uses



City-Owned Sector

City-owned sector represents facilities that are owned and/or maintained by the City of Los Angeles. Much like the CII sector, there is a wide range of water end uses for this category making it challenging to determine a baseline water use and potential for future conservation. And while the overall water use for this sector is small compared to other water sectors in the City, it is important to the City that it leads by example when it comes to improving water use efficiency in its facilities. This is especially important given the Mayor's ED5 goals of increasing water conservation efforts for all City departments.

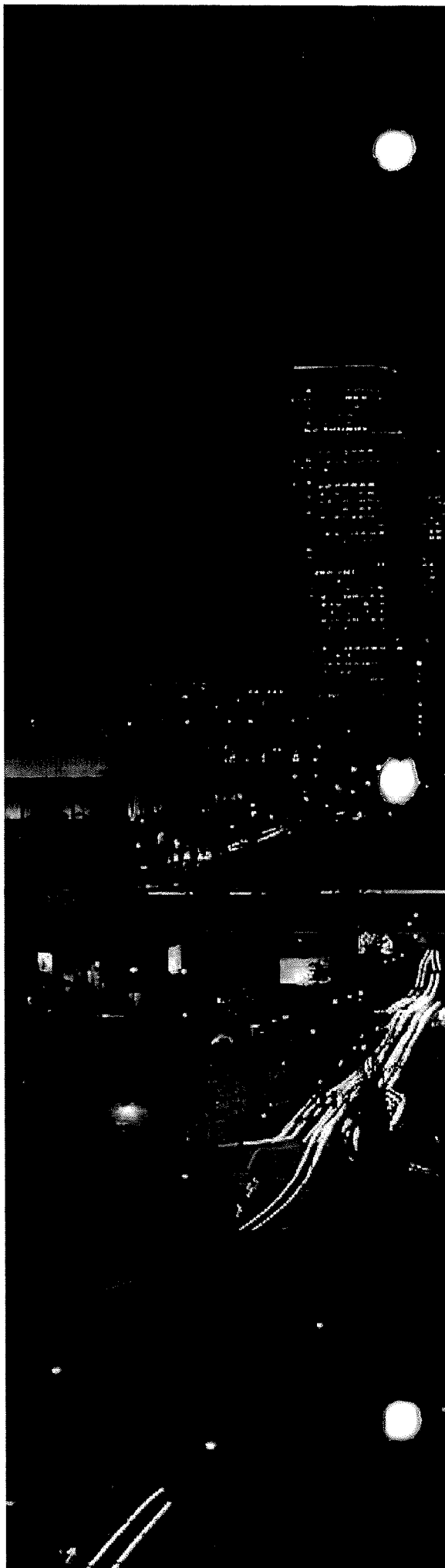
Therefore, robust primary data was gathered through detailed onsite water audits for a sample set of 100 facilities representing the major types of facilities in the City-owned sector. The table on the next page presents the number of onsite audits conducted by major facility type for this study.

Detailed individual audit forms were developed for each of the property categories by a professional CII water auditor. Audits were conducted through scheduled visits with building maintenance managers to

assist with gathering end use information. Onsite audits examined the following:

- Bathrooms and plumbing fixtures, including flow rates
- Kitchens and breakrooms, including inspection of pre-rinse spray valves, dishwashers, and food preparation
- Vehicle-washing facilities, and other areas where water is used for cleaning
- Cooling towers/condensation equipment, including inspection of tags indicating cycles of concentration
- Landscape area, landscape type, and irrigation systems
- Decorative fountains, ponds and other water features, including assessment of recirculation systems

All of the information from these detailed onsite audits were entered into a comprehensive database to determine baseline water use for the City-owned sector. The assessment of baseline City-owned water use in Los Angeles reveals that water use efficiency for restroom fixtures are saturated. This matches LADWP's initial expectations,



City-Owned Facility Onsite Audits

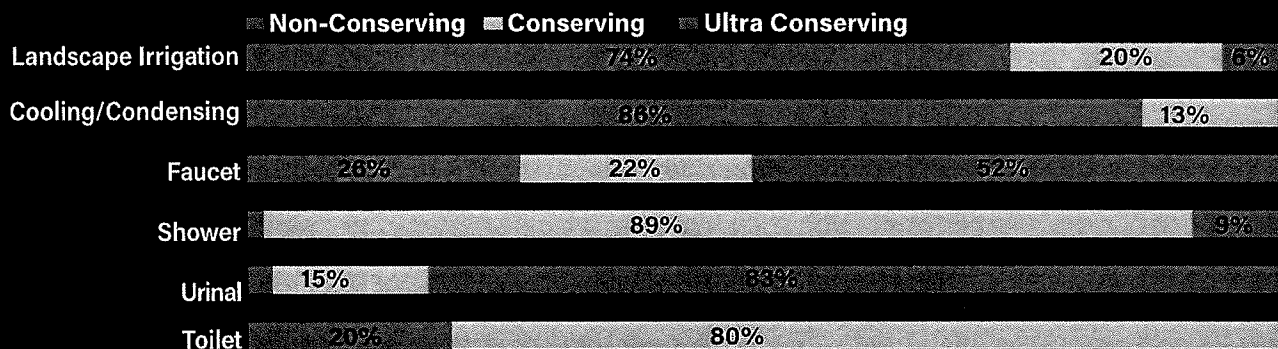
Code	Property Category	Number of Audits
AS	Animal Shelters	4
CCC	Community and Youth Centers	20
HA	Harbors, Airports	1
IND	Industrial	8
LIP	Parks and Medians	12
MS	Maintenance, Service Yards	19
OAL	Office, Admin, Libraries	19
PF	Police, Fire	13
GC	Golf Courses	4
Total Number of Onsite Audits Completed		100

since a lot has been done in the past to improve restroom efficiency in City facilities.

Similar to the CII sector, the City-owned facilities baseline end use data reveals that the largest conservation potentials are in cooling/condensing and landscape irrigation. Over the

last decade, City Departments have made a strong effort to retrofit its facilities with efficient bathroom fixtures. Currently, the City has refocused its efforts towards replacing turf with sustainable landscaping to improve outdoor water efficiency.

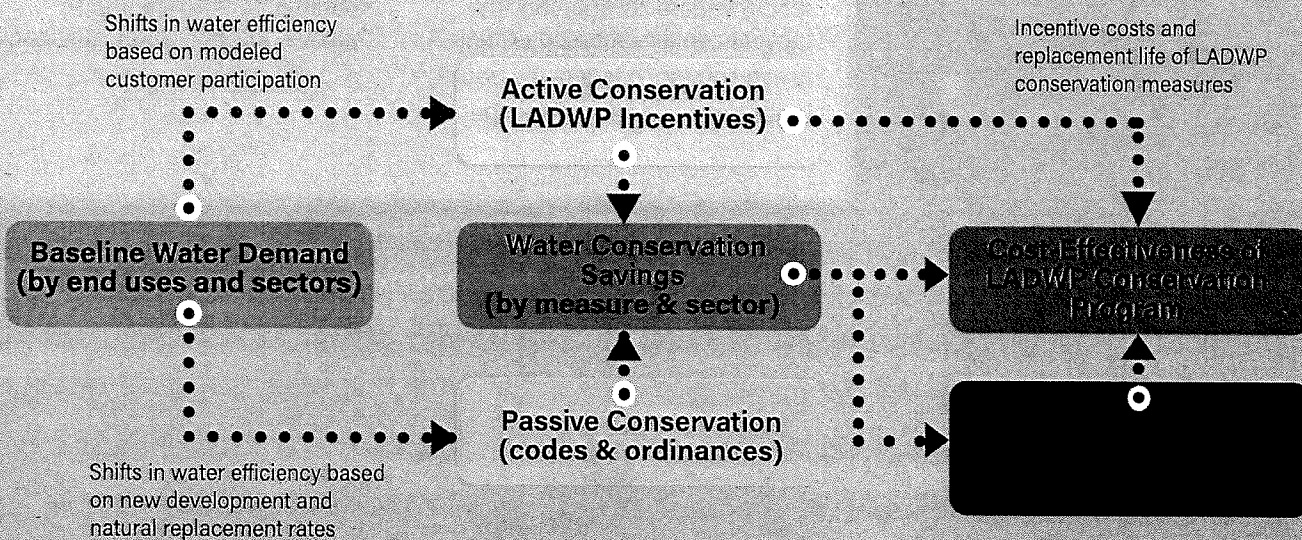
City-Owned Facilities Efficiency of End Uses



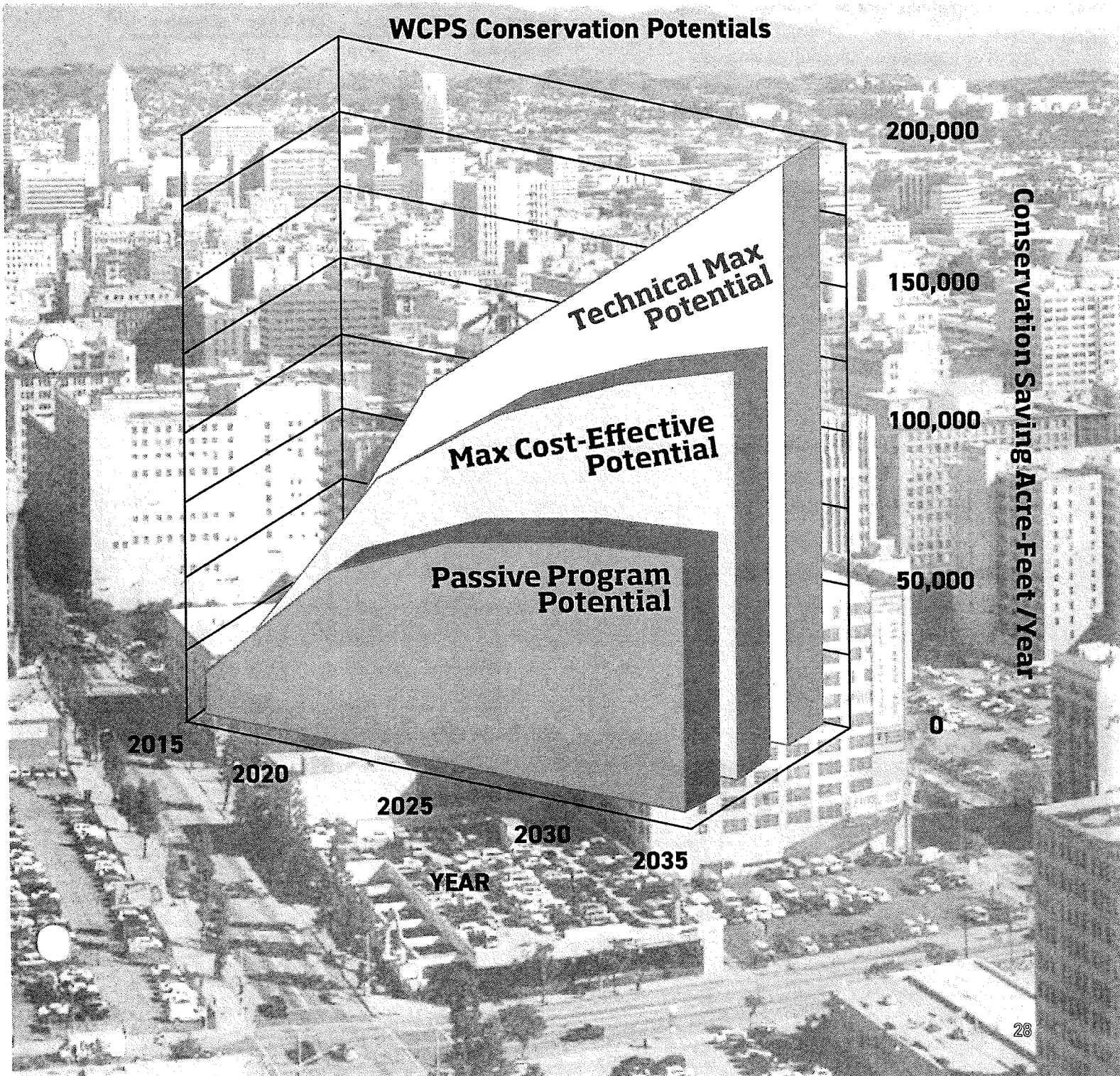
Section 4 - Water Conservation Potential

To estimate the water conservation potential and cost-effectiveness of water conservation measures, a sophisticated water conservation model was developed for the WCPS to ensure that all of the calculations were handled properly. The model estimates the shift in water use efficiency levels for each end use in the four sectors as a result of both passive conservation (driven by plumbing codes and landscape ordinances) and LADWP's active conservation (driven by LADWP's incentives). Based on the replacement life of conservation measures, the model estimates water savings and cost-effectiveness. Model results for each of the customer sectors were aggregated to determine the total remaining conservation potentials in the City.

LADWP's Water Conservation Model



	Acre-Feet / Year			
	2020	2025	2030	2035
Technical Maximum Potential	96,000	132,000	168,000	204,000
Maximum Cost-Effective Potential	77,000	107,000	127,000	140,000
Passive Program Potential	55,000	74,000	84,000	88,000



Water Conservation Savings and Cost-Effectiveness

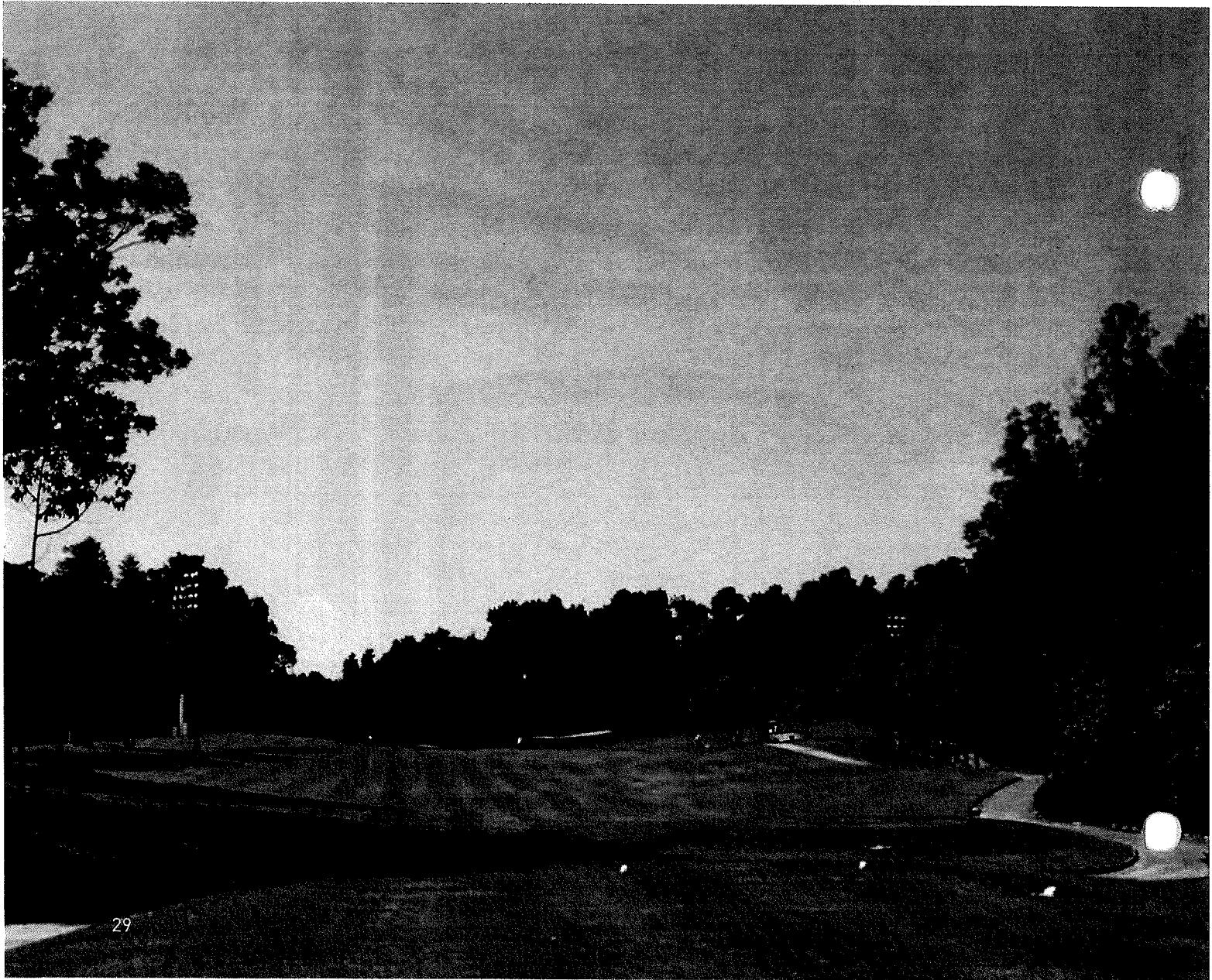
As defined in Section 2, the Maximum Cost-Effective Conservation Potential represents the level of savings achievable through cost-effective programs implemented by LADWP. To model this potential, increased residential and CII rebate incentive levels were set. The higher investment levels represent the maximum participation levels achievable through the influence of conservation programs.

By 2035, total potential water savings are approximately 140,000 acre-feet per year for the Maximum Cost-Effective Conservation Potential. Economic assessments of the potential confirmed

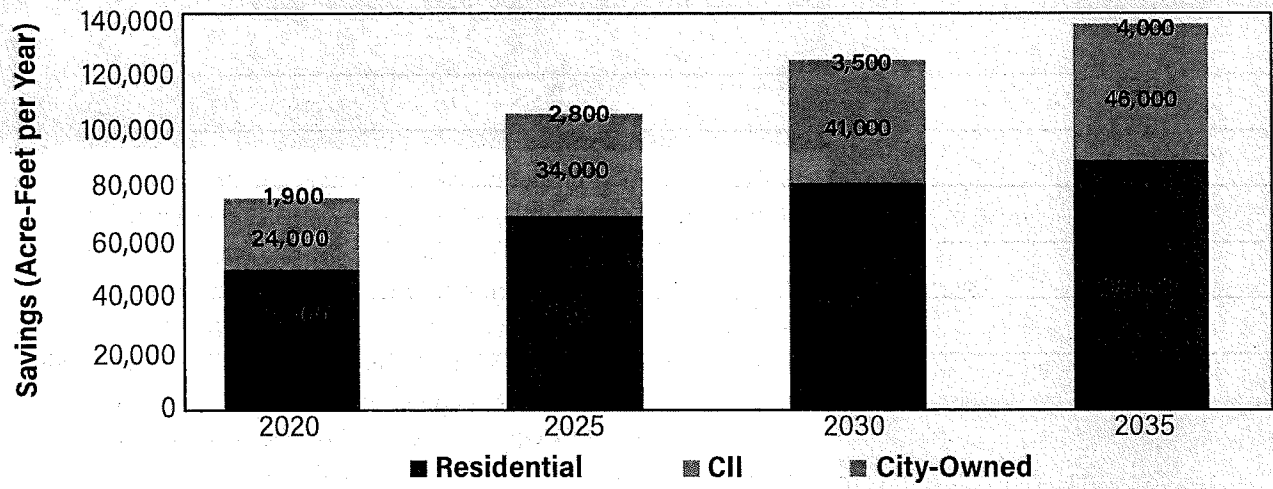
that all individual rebates and customer sectors were cost-effective compared to projected increases in MWD's treated water rate.

Overall Economic Analysis of Maximum Cost-Effective Conservation Potential

Sector	Net Present Value (\$M)	Benefit-Cost Ratio	Internal Rate of Return
Residential	\$219	1.9	12%
CII	\$140	2.6	17%
City-Owned	\$14	3.6	34%
Total	\$373	2.1	13%



WCPS Maximum Cost-Effective Conservation Potential





Section 5 – Study Conclusions and Next Steps

LADWP's WCPS represents one of the most comprehensive assessments of the potential for future water conservation ever taken by a municipal water utility. The WCPS conducted detailed single-family and multifamily surveys, single-family onsite verifications, completed comprehensive onsite audits of City-owned facilities, and developed a sophisticated water conservation model to project future conservation potential. The WCPS also used robust economic evaluations to determine the cost-effectiveness of the conservation measures at each of the sector levels.

2015 UWMP Long-Term Goals

As part of its 2015 UWMP, LADWP set ambitious long-term goals to reduce per capita water usage 22.5 percent by 2025 and 25 percent by 2035. These goals were adopted to secure water reliability for LA's future and will be achieved by expanding water conservation, recycled water, groundwater recovery, and stormwater capture. During the recent drought years, LADWP customers have greatly reduced their water use in response to the Mayor's call to conserve. With the help from planned local supplies and sustained water savings achieved from existing conservation measures, **LADWP has determined that there will be enough remaining conservation potential to help meet the 2025 and 2035 per capita water use reduction goals.**



Next Steps: Long-Term Water Conservation Program Planning

The WCPS Maximum Cost-Effective Conservation Potential helped determine that it will be feasible to meet the City's long-term conservation goals within cost-effective investment levels. WCPS findings also show that a large portion of the remaining conservation potential will come from new passive water savings. **Achieving these savings will depend on developing City-wide strategies to maximize water savings from ordinances, code compliance, and behavior-change.**

Diversifying investments to strike a good balance between active and passive programs will help increase the cost-effectiveness of LADWP's Conservation Program. Going forward, LADWP will use the WCPS findings and conservation model to develop a balanced long-term conservation plan that achieves the City's 2025 and 2035 water use reduction goals. **In addition, to boost customer participation, active conservation programs will require additional funding to increase existing rebates and add new incentives.**

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ATTACHMENT 4



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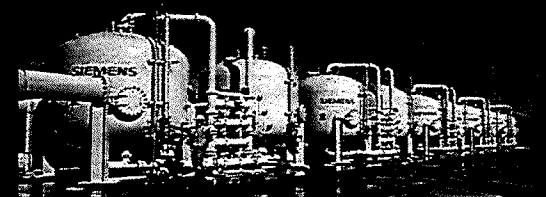
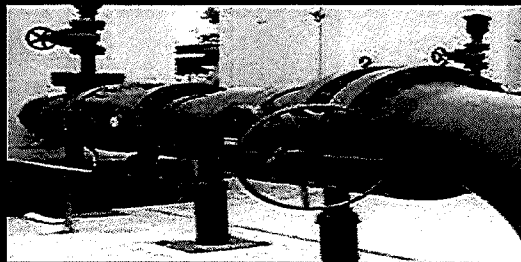
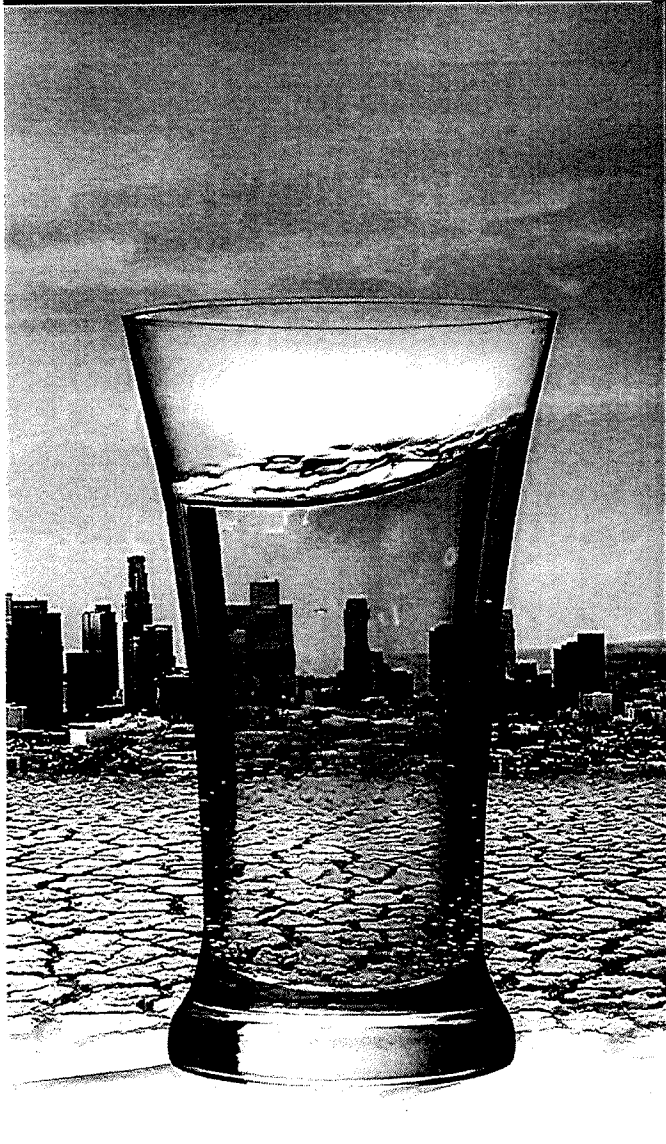
2015 Urban Water Management Plan

Board of Water and Power
Commissioners Meeting

May 17, 2016

John Ferraro Building

Los Angeles Department of Water and Power

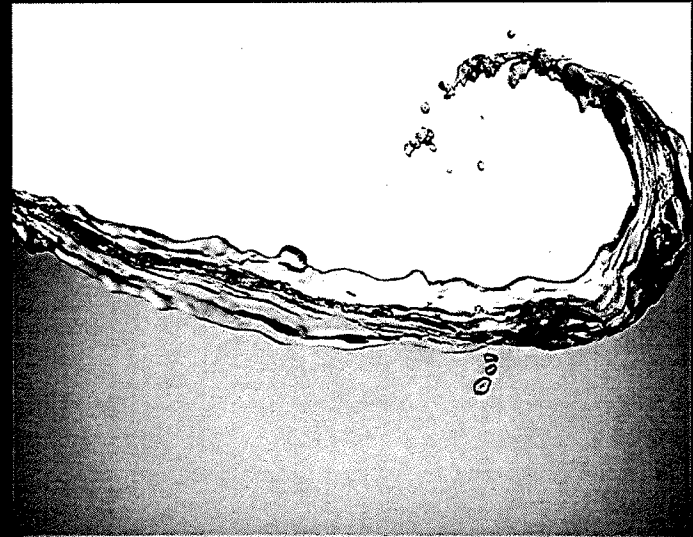




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Presentation Overview

- **Urban Water Management Plan (UWMP)**
- **Forecasted Water Demand**
- **Local and Imported Water Supplies**
- **Reliability Assessment**

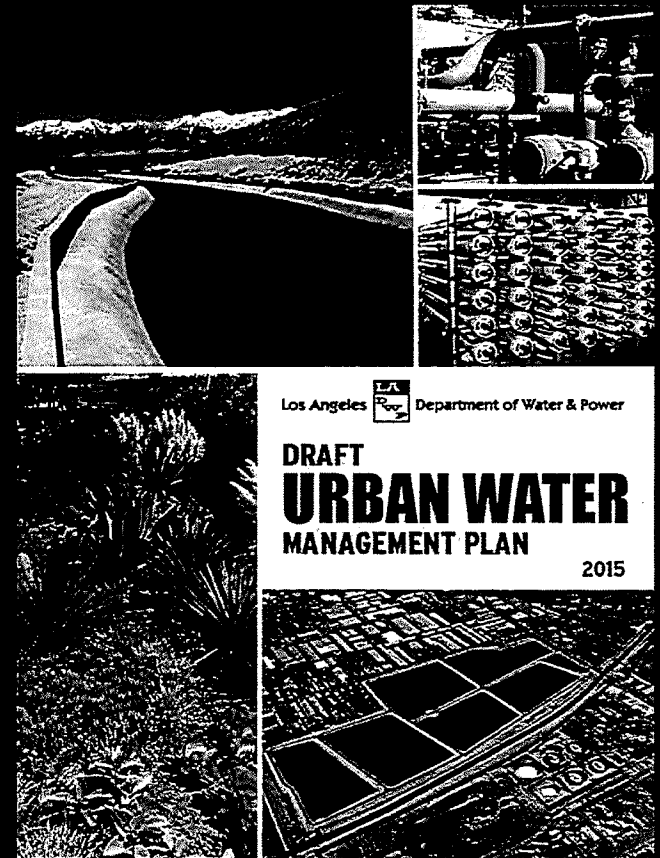




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Background

- **Urban Water Management Planning Act (1984)**
 - Required for agencies serving more than 3,000 customers or 3,000 AFY
 - Plan must be filed with the State every 5 years
- **Water Supply Reliability to Year 2040**
 - Draft 2015 UWMP available for download at:
www.ladwp.com/UWMP
- **State Grant/Loan Eligibility**
- **Compliance with the Act for process and content requirements for UWMP preparation**

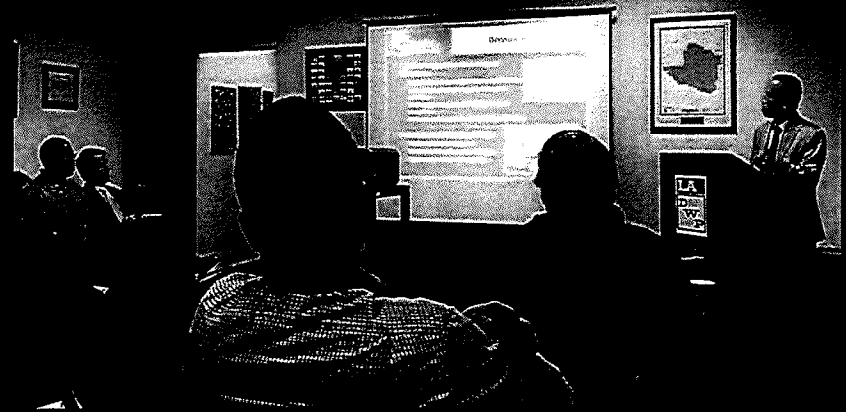




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Public Outreach Efforts

- Nov. 2015 – Feb. 2016
 - 6 Informational Bulletins emailed to 1,672 recipients
- Jan. 2016
 - 4 Public Outreach Meetings
- Feb. 2016
 - 2 Neighborhood Councils Presentations
 - Draft 2015 UWMP posted for review/comments
- Mar. 2016
 - 2 Public hearings





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Milestones Accomplished

Items	Date
<input checked="" type="checkbox"/> 6 Informational Bulletins	Nov. 2015 – Feb. 2016
<input checked="" type="checkbox"/> Notice to Cities and County served by LADWP	December 2015
<input checked="" type="checkbox"/> 4 Public Outreach Meetings	January 2016
<input checked="" type="checkbox"/> Public Review Draft Release	Feb. 12 th , 2016
<input checked="" type="checkbox"/> Newspaper Print Ads	February 2016
<input checked="" type="checkbox"/> 2 Public Hearing Meetings	March 2016
<input checked="" type="checkbox"/> Received Public Comments	March 16 th , 2016
<input type="checkbox"/> Board Presentation	May 17 th , 2016
<input type="checkbox"/> Board Adoption	June 2016
<input type="checkbox"/> Submit to DWR	by July 1 st , 2016



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UWMP Elements

Water Resources Management and Planning for the next 25 Years

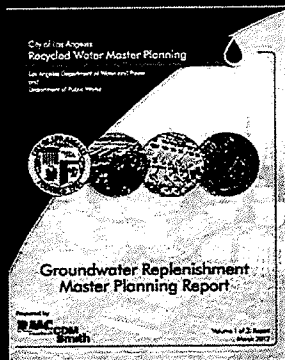
- Water Demand Forecasting
- Existing and Planned Sources of Water
- Water Use Efficiency and Conservation Efforts
- Assessment of Water Supply Reliability and Vulnerability
 - Average, Single Dry, and Multiple Dry Years
- Water Shortage Contingency Analysis
- Voluntary Reporting
 - Climate Change
 - Energy Intensity of Water Supply



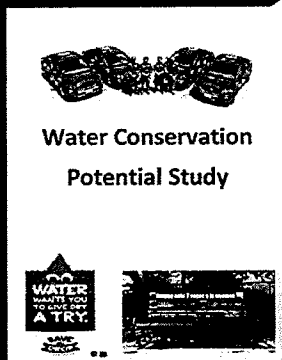


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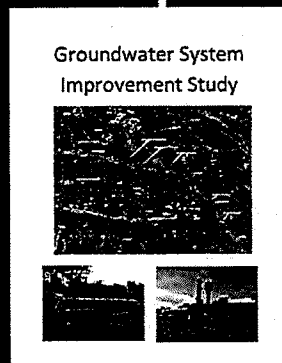
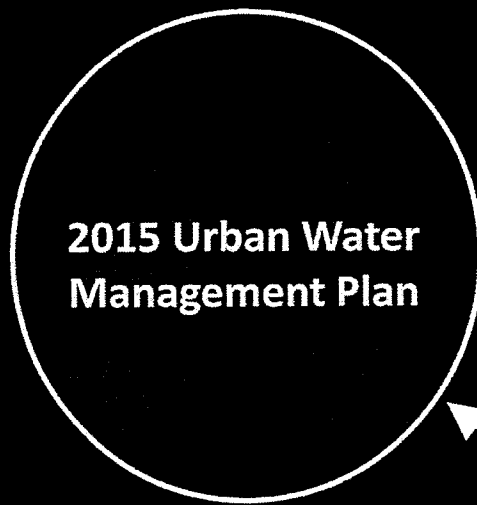
UWMP Planning Efforts



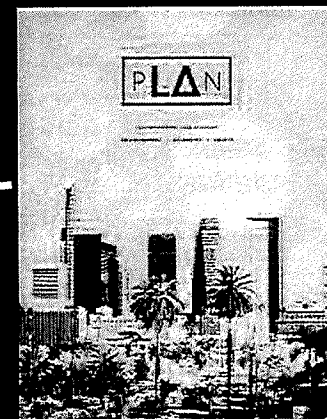
**Recycled Water
Master Planning
Documents (2012)**



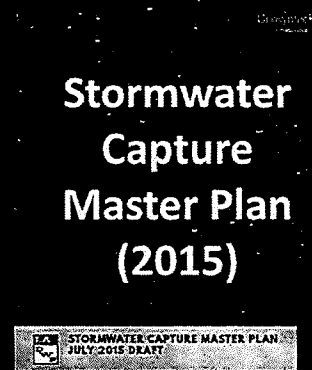
**Water Conservation
Potential Study (on-
going)**



**GSIS Remedial Investigation
Update Report (2015)**



**Mayor's ED5 &
Sustainable City
pLAN (2015)**



**Stormwater
Capture
Master Plan
(2015)**

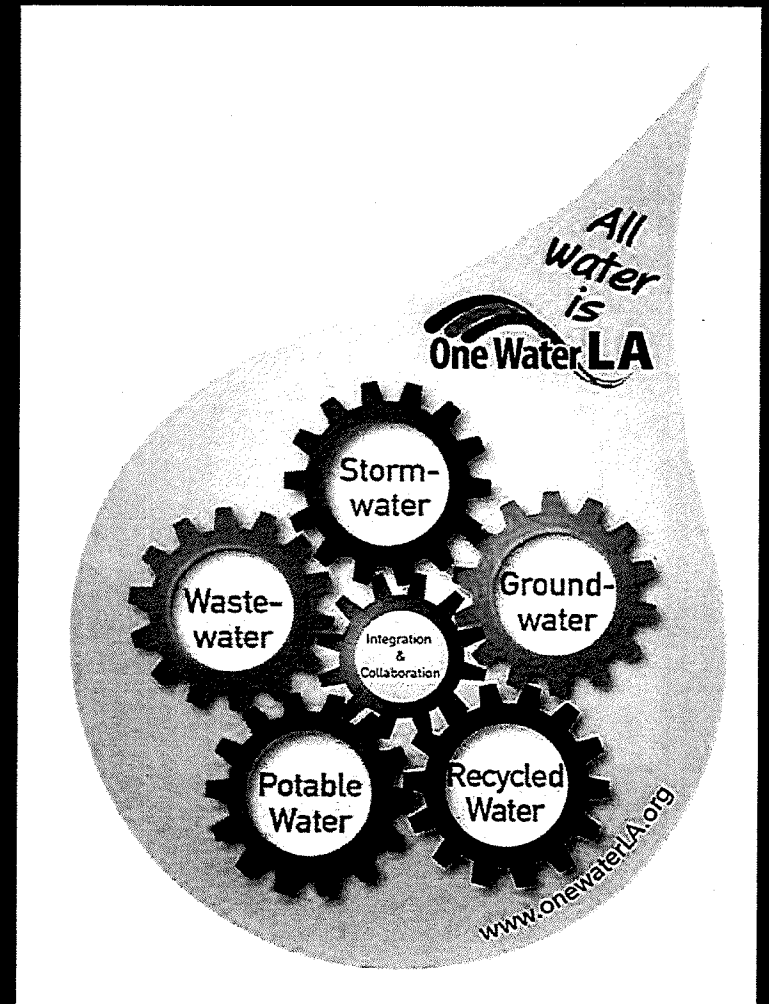


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One Water Approach

LADWP's 2015 UWMP Update in coordination with:

- City's One Water LA 2040 Plan
- Public, Individual Stakeholders, and NGOs
- Integrated Regional Water Management Plan (IRWMP)
- Metropolitan Water District of Southern California (MWD)





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Local and State Drought Responses

- **Mayor's Executive Directive Order #5**
 - Reduce GPCD 20% by 2017
- **LA's Sustainable City pLAn**
 - Reduce GPCD 20% (2017), 22.5% (2025), 25% (2035)
 - 50% Reduction of imported purchased by 2025
 - 50% of water locally sourced by 2035
- **Governor's Executive Order**
 - Mandates 25% Conservation Statewide
- **State Emergency Conservation Regulations**
 - SWRCB adopted 25% statewide conservation
- **Extension of Existing State Emergency Conservation regulations**
 - Executive Order B-37-16 issued to update existing restrictions and transition to permanent, long-term improvements in water use



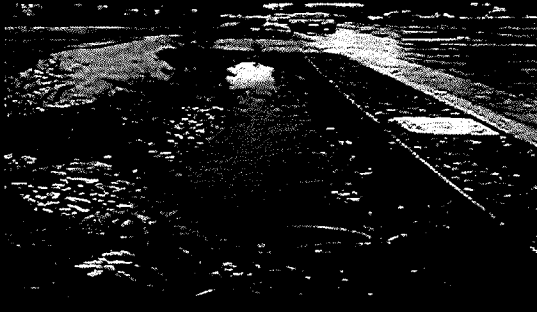


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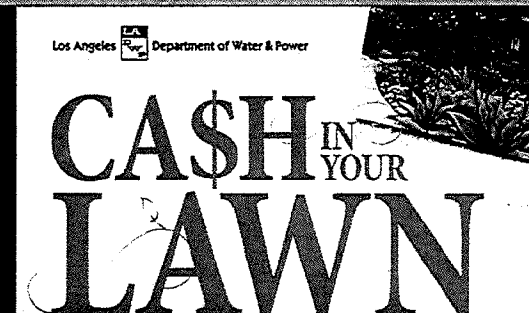
Local Water Supply Program



Recycled Water



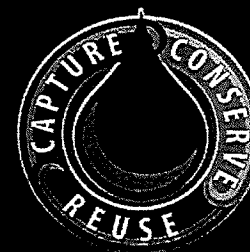
Stormwater Capture



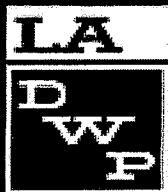
Water Conservation



SF Groundwater Basin Remediation



Local Water Supply Reliability



Los Angeles
Department of
Water & Power

Local Supply Development Conservation

Goal: 110,100 AFY – 143,900 AFY

CONSERVE

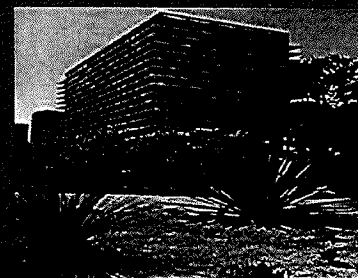
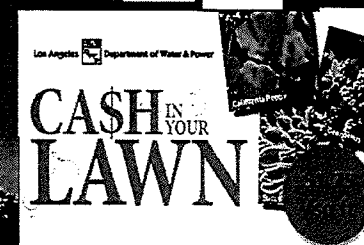
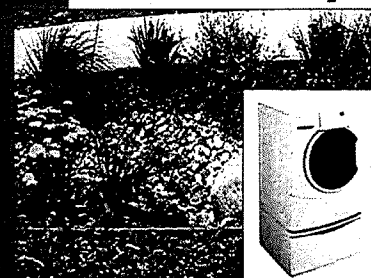
Local City Ordinances

Commercial Programs

Residential Programs

Public Outreach & Education

Partnerships





Los Angeles
Department of
Water & Power

Local Supply Development Recycled Water

Goal: 75,400 AFY

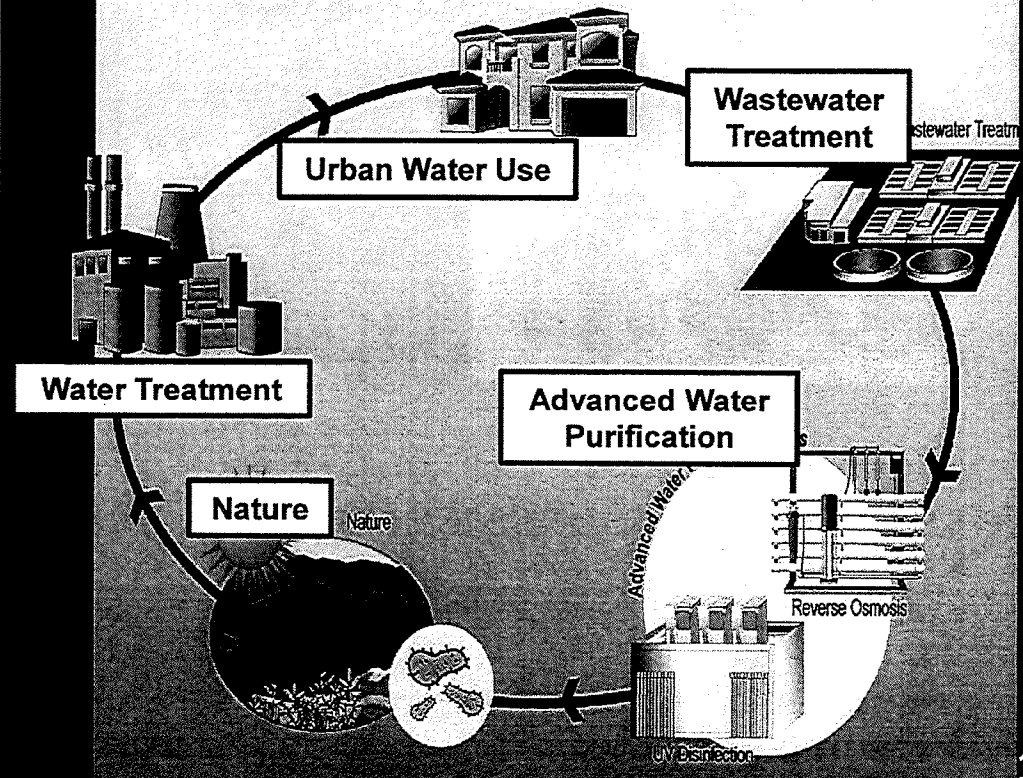
NPR: 45,400 AFY

Non-Potable Reuse



IPR/GWR: 30,000 AFY

Indirect Potable Reuse





Los Angeles
Department of
Water & Power

Local Supply Development Stormwater Capture

SW Capture Potential: 68,000 – 114,000 AFY

Dam Improvements

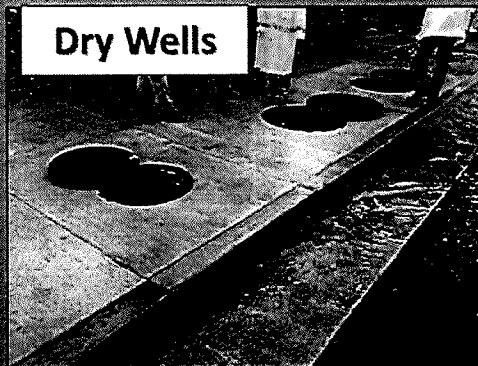


Centralized

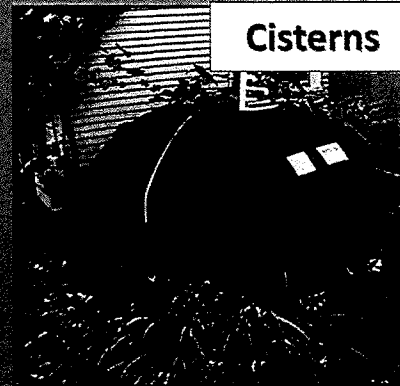


Spreading Basins

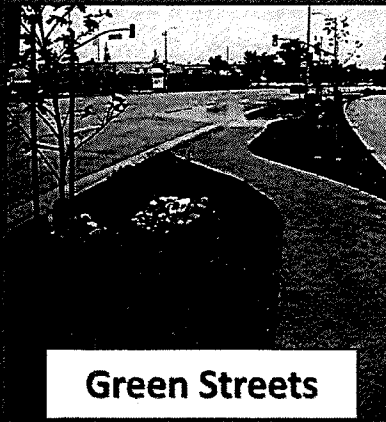
Dry Wells



Cisterns



Distributed



Green Streets



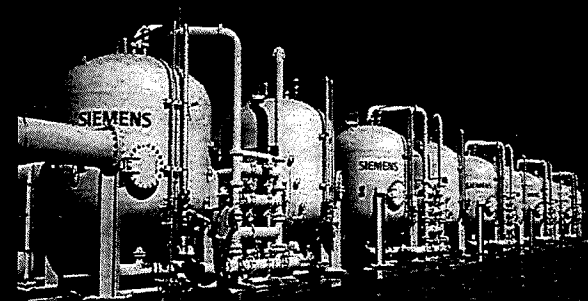
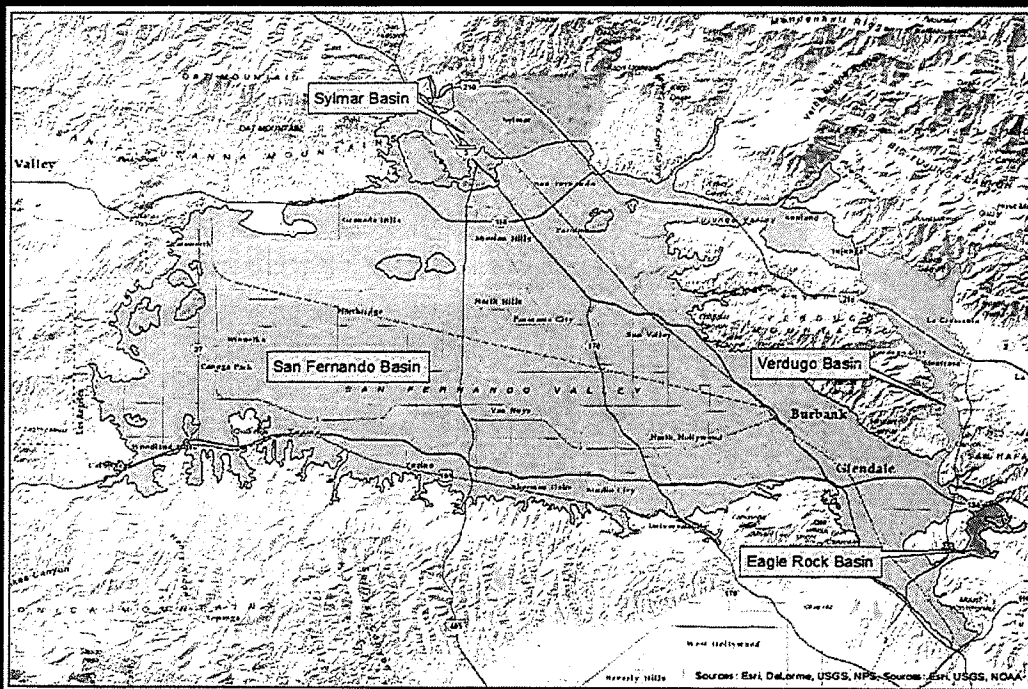
Rain Barrels



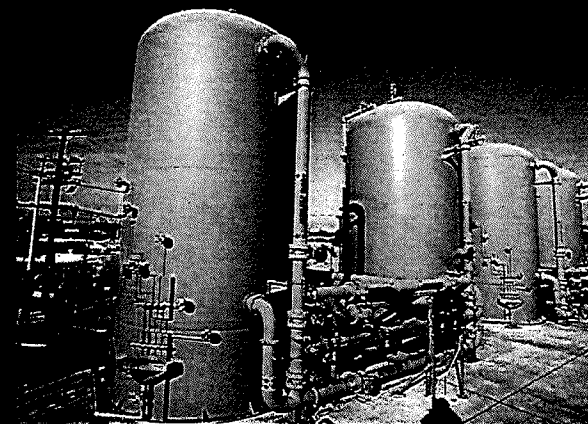
Los Angeles
Department of
Water & Power

SF Groundwater Basin

Planned groundwater basin
remediation will be crucial to restoring
the health and beneficial uses of the
San Fernando Basin



GAC Treatment at Tujunga Well Fields –
Pilot Study



Pollock Water Treatment Facility



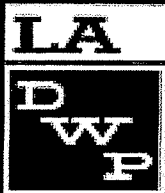
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Department of
Water & Power

Los Angeles Aqueduct Reliability

- **Forecast Model of LAA Deliveries**
 - 1922 to 2015 Hydrology (94 years)
 - Potential Climate Change Impacts
- **Owens Lake Dust Mitigation**
 - Agreement with Great Basin Unified Air Pollution Control District
 - Owens Lake Master Project
- **Projects Enhancing LAA System**
 - Old Top Removal
 - Cathodic Protection
 - Channel Relining
 - Protective Coating
 - Relining Sag Pipe

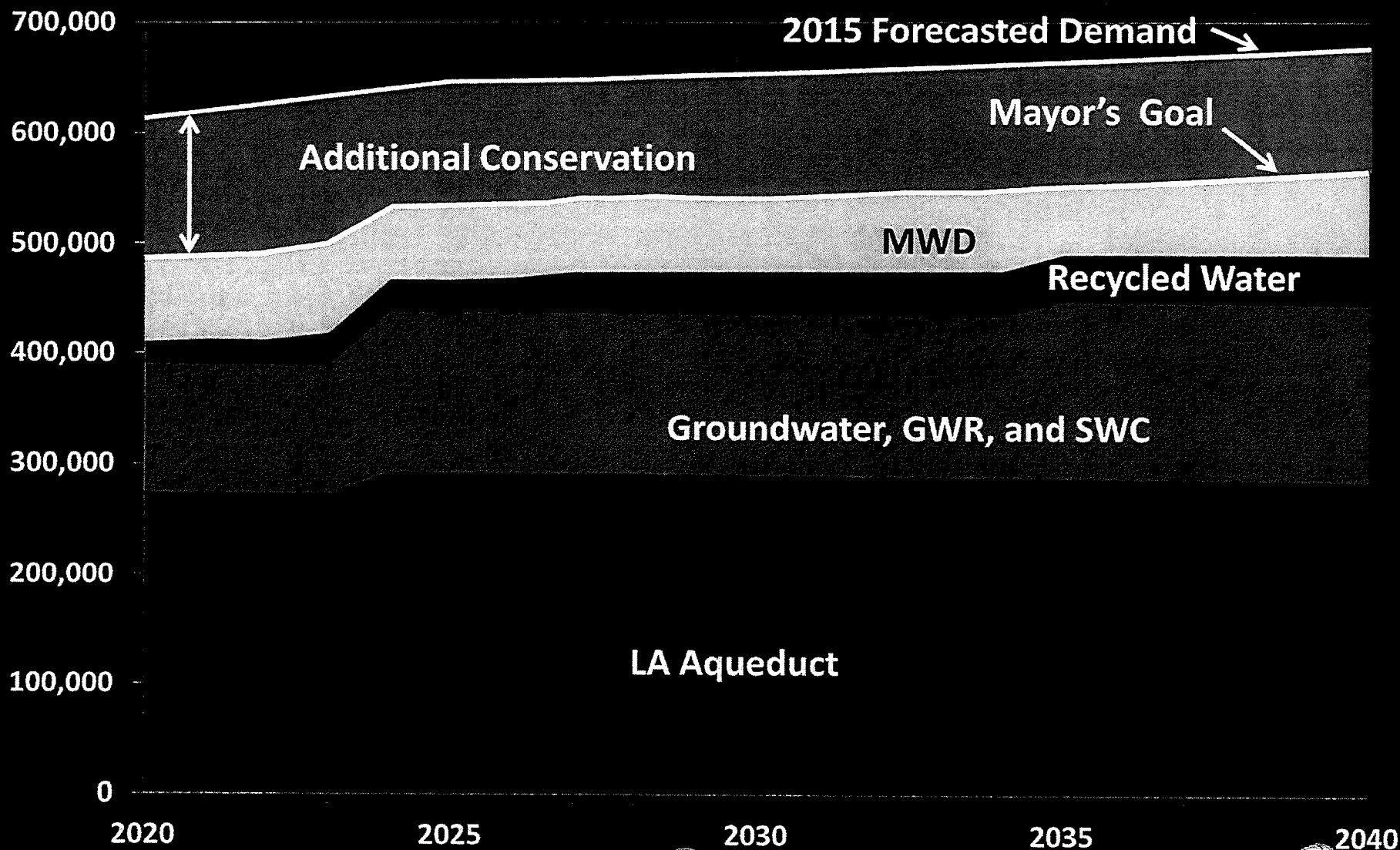


Year Type	2020	2025	2030	2035	2040
Average Year	275,700	293,400	291,000	288,600	286,200
Dry Year	32,200	51,900	51,400	51,000	50,600



Los Angeles
Department of
Water & Power

2015 UWMP Supply Portfolio (Average Years)

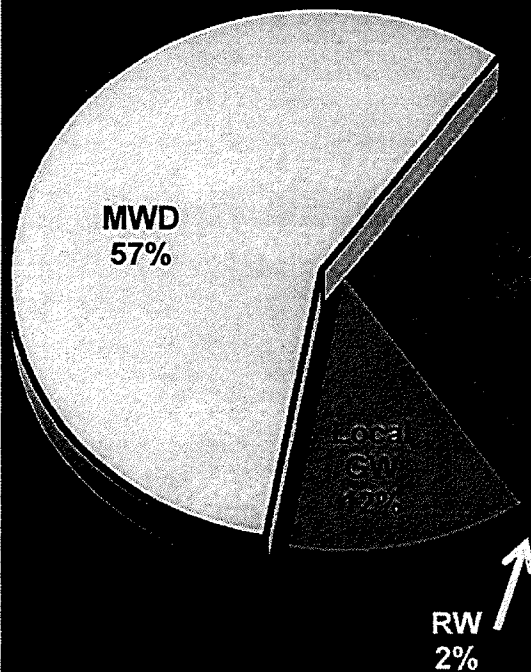




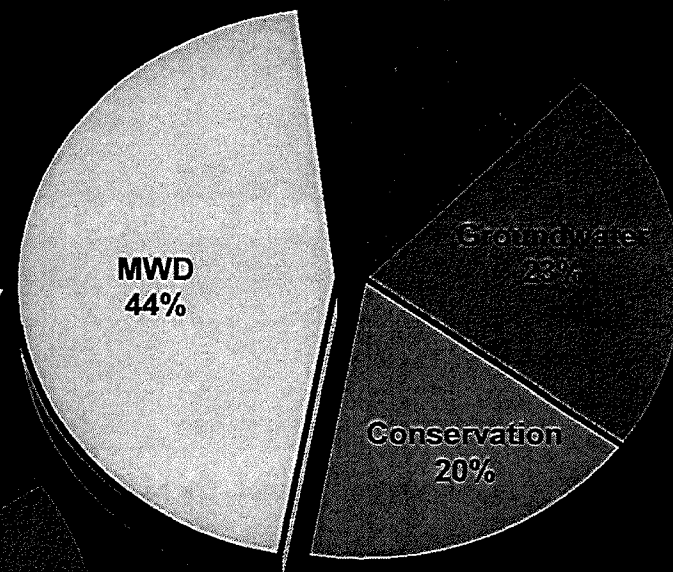
Los Angeles
Department of
Water & Power

Multiple Reliability Planning Scenarios

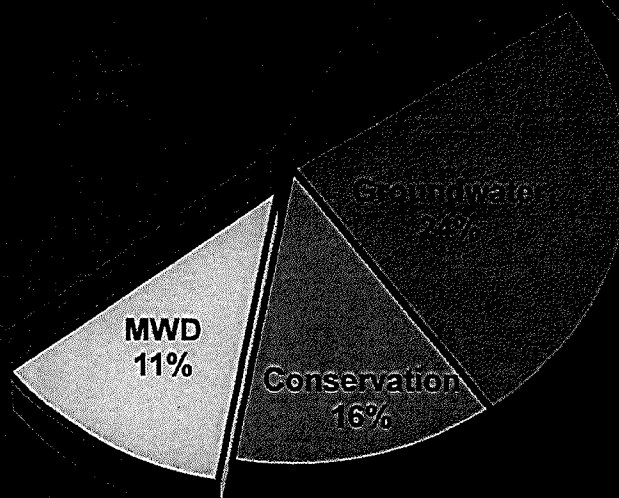
FYE 2011 - 15 Average
Total Demand: 550,130 AF



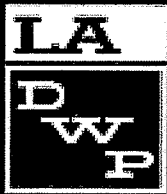
FYE 2039 - 40 Single Dry
Total Production: 709,500 AFY



FYE 2039 - 40 Average
Total Demand: 675,700 AFY



*Does not include 118,034 AF
of historical conservation



Los Angeles
Department of
Water & Power

Public Comments and Feedback

Common Themes:

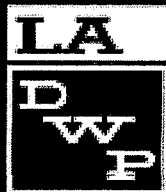
- Risks to future reliability if not successful with local supply goals
- Importance of the groundwater remediation in the San Fernando Basin
- Adequacy of local supply development plans
- How much is local supply program going to cost



Los Angeles
Department of
Water & Power

Next Steps

- **2015 UWMP is in full compliance with Code requirements**
- **No later than 30 days after adoption and by July 1, 2016**
 - **Electronic submittal to DWR**
- **No later than 30 days after adoption:**
 - **Send copy to cities and counties**
 - **Send CD or hardcopy to State Library**
- **No later than 30 days after filing with DWR**
 - **Urban supplier and DWR shall make plan available to the public**



Los Angeles
Department of
Water & Power

Thank You

www.ladwp.com/UWMP

TOWS AND IMPOUNDS

PART A: IMPOUND PRACTICES IN TWELVE SELECT CITIES



Dianne Kelley **Chair**
Sharon Muravez **Co-Chair**
Regi Block
Hilda Dallal
Ronnie Dann-Honor

Baldwin Park
RECEIVED

OCT 10 2017
OFFICE OF
PRESIDING JUDGE



Tafoya &
Garcia
ATTORNEYS AT LAW

316 W. 2nd St., Ste. 1000
Los Angeles, CA 90012
Tel: 213.617.0600
Fax: 213.617.2226

*Put in
motion 11/9/17*

September 29, 2017

Part B attached

*Need response
to 7th - B*

The Honorable Daniel J. Buckley
Presiding Judge
Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Eleventh Floor-Room 11-506
Los Angeles, CA 90012

Re: City of Baldwin Park's Response to the 2016-2017 Civil Grand Jury Report

Dear Presiding Judge Buckley:

The City of Baldwin Park ("Baldwin Park") is in receipt of the Civil Grand Jury Report titled, "Impound Practices in Twelve Select Cities: the Good, the Bad and the Ugly." We appreciate the efforts of the Los Angeles County Civil Grand Jury in examining the policy and practices of towing and impounding automobiles in the twelve selected cities in Los Angeles County. This letter is sent as the City's response under California Penal Code Sections 933(c) and 933.05 to the 2016-2017 Civil Grand Jury Report.

RECOMMENDATION NO. 16A.1.1

The City Manager of Baldwin Park (CMBP) should improve the website to include a source of complete information on the impound procedures required to retrieve and release a vehicle including information on the right to an impound hearing.

Response

The City of Baldwin Park agrees that more information on its website would be of benefit to the community. The City of Baldwin Park will add all information recommended by the Civil Grand Jury to its website.

RECOMMENDATION NO. 16A.1.2

The CMBP should post information on the right to an impound hearing in the city office that accepts impound payments.

TOW P+ A

Response

The City of Baldwin Park agrees that posting this information will be beneficial to the community and will post the information recommended by the Civil Grand Jury.

RECOMMENDATION NO. 16A.1.3

The CMBP should record and track an accurate count of the number of impounds it initiates, and reconcile this count with their tow vendor(s) count.

Response

The City of Baldwin Park agrees with the Civil Grand Jury's recommendation and will investigate how best to implement it.

RECOMMENDATION NO. 16A.1.4

The CMBP should monitor the number of impound hearings and their results as a way to determine if there are trends in the outcomes of hearings that may warrant corrective action concerning police procedures and measuring tow vendor performance.

Response

The City of Baldwin Park agrees with the Civil Grand Jury's recommendation and will investigate how best to implement it.

RECOMMENDATION NO. 16A.1.5

The Baldwin Park Police Department (BPPD) should both record and track the information on the California Vehicle Code violations that result in impounds. This information can assist the police department and the public in assessing the type of violations occurring within the city.

Response

The BPPD agrees that tracking this information will be of benefit to the police department and the community. The BPPD has begun researching additional computerization of its citation production and record keeping. Once implemented, this computerization of records will provide for full implementation of this recommendation.

RECOMMENDATION NO. 16A.1.6

The BPPD should implement a computerized record management system that has the ability to keep, record, track, organize, coordinate and retrieve the number of impounds, impound locations, and specific CVC violations. This is needed to improve the data base and recordkeeping for the police department, as well as making public information accessible to the public.

Response

The BPPD agrees that the more information is computerized the better for both the department and the public. The BPPD already has a records management system (RMS) in operation. The BPPD is actively researching vendors for a computerized solution to its citation production and recordkeeping which will integrate fully into the existing BPPD RMS as well as the Los Angeles County Superior Court's new computerized records system. Full implementation of BPPD's computerization of its citation production and record keeping will provide for full capability to implement all of this recommendation.

RECOMMENDATION NO. 16A.1.7

The BPPD should complete the CHP Form 180 at the time of a vehicle impound, or no later than the end of the initiating police officer's shift, on the day the officer impounded the vehicle.

Response

The BPPD agrees that completion of impound reports in the recommended time is important. The BPPD already has such a practice and procedure in place and has for many years.

In its report, the Civil Grand Jury reports that some of its members were at the BPPD for an inspection of the City Jail when they overheard a conversation between a citizen and a BPPD employee. As a result of overhearing this one conversation, the Civil Grand Jury concluded that the BPPD engages in a behavior of "holding on to vehicles."

The overheard conversation contained information that is incorrect, resulting in an incorrect finding by the Civil Grand Jury. The BPPD employee was heard to say, "The officer was too busy to complete the paperwork." This is factually incorrect. The CHP 180 in question resulted from an impound at a traffic stop which occurred on Aug. 31, 2016, at 7:41 p.m. This CHP 180 was completed by the officer, approved by his supervisor, and delivered to the Records Bureau during the officer's same shift, at 3:38 a.m. The fault, therefore, was not that the officer did not complete the CHP 180 but that the BPPD employee in the Records Bureau failed to locate the report form.

The BPPD recognizes that the effect on the citizen, however, was the same: the vehicle was not released in a timely manner. This was an unfortunate and regrettable failure within the Records Bureau. It was not, however, a practice of holding on to vehicles. The BPPD has retrained Records Bureau personnel in proper procedure and will monitor their performance.

RECOMMENDATION NO. 16A.1.8

The City Council of Baldwin Park (CCBP) should adopt policies that require the cost of administering their towing programs to be reassessed on a periodic basis to ensure that franchise fee and administrative fees are not exceeding the cost of service. Since personnel costs typically adjust annually, this cost assessment should be conducted no less than every two years.

Response

The City of Baldwin Park agrees that regular assessment of personnel costs and fees charged to the public are important to the community and to the City. The City retained a consultancy to conduct such an assessment in 2016 and adjusted fees according to their findings. The City is already in compliance with this recommendation.

RECOMMENDATION NO. 16A.1.9

The CCBP should annually review their city and tow contractor fees charged to vehicle owners, including comparisons with other cities in Los Angeles County, to evaluate and justify the amounts charged, considering the potential hardship on their citizens relative to the policy objectives of the fees including deterring certain types of behavior, as well as considering the fairness of the fees being charged relative to other jurisdictions.

Response

The City agrees that regular review of fees charged is important to the community and the City.

City Fees

City fees were reviewed in 2016 by an independent consultancy and fees were adjusted according to their findings.

Tow Company Fees

The Baldwin Park office of the California Highway Patrol (BP CHP) independently reviews all fees charged by their franchised tow agencies on an annual basis. City tow franchisee(s) are also franchisees of the BP CHP and are included in the annual review conducted by the BP CHP. As part of its annual review the BP CHP reviews and either approves or rejects the suggested tow rates proposed by each franchisee. The City adopts the tow rates for City franchisee(s) which earn the approval of BP CHP each year.

The BP CHP tow rates apply for all local neighboring communities in which the BP CHP operates and in which they conduct vehicle tows. BP CHP last reviewed and approved tow rates in June, 2017, and the City adopted their approved tow rates for City franchisee(s).

Please do not hesitate to contact the Chief Executive Officer, Shannon Yauchzee or me, City Attorney, if the Civil Grand Jury has any questions or needs additional information. Mr. Yauchzee can be reached at (626) 960-4011, Ext. 482 or at syauchzee@baldwinpark.com. And I can be reached at (213) 617-0600 or at Robert@tafoyagarcia.com.

Best regards,

TAFOYA & GARCIA LLP

Robert Nacionales Tafoya
City Attorney

RNT/DJO/tcs

cc: Shannon Yauchzee, CEO
Mayor and Members of the City Council

Mahdi Aluzri
City Manager



10/6/17

September 20, 2017

The Honorable Daniel J. Buckley
Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Eleventh Floor-Room 11-506
Los Angeles, CA 90012

Re: Response to Report from the Los Angeles Civil Grand Jury Regarding Impound Practices in
Twelve Select Cities

Dear Judge Buckley:

In accordance with the request from the 2016-2017 Los Angeles County Civil Grand Jury, the City of Beverly Hills ("City") has prepared the following response to the Grand Jury's report.

The City of Beverly Hills Police Department has contracted with Classic Tow, Inc. DBA Tip Top Tow Service (1654 12th Street Santa Monica, Calif., 90404) for police and city vehicle towing services since October of 2014. The City maintains its own impound lots. One lot is located at 332 N. Foothill and the other at 336 N. Foothill. The police department uses Tip Top Tow Service for impounds related to arrests, vehicle code violations, evidence, traffic collisions and for requests made by a vehicle owner. Tip Top Tow Service maintains its own storage facility in the City of Santa Monica; however, vehicles impounded for violations of tow away zones or other non-investigative matters are temporarily stored in the above referenced city lots. This enhances the City's ability to provide greater customer service as the lots are within walking distance of the police station and a person can avoid a time consuming trip into Santa Monica to retrieve his or her vehicle.

Vehicles stored in the city lots are typically held for 24 hours and if not claimed within that time period, are then transferred to the Tip Top Tow Service facility in Santa Monica.

The City's specific responses to the recommendations listed in the Grand Jury's Report are as follows:

Civil Grand Jury Report Recommendations – Part A:

16A.2.1. "The City Manager of Beverly Hills (CMBH) should improve the website to be clear, user friendly, and provide a source of complete information on the impound procedures required to retrieve and release a vehicle including: identify the city office that accepts payments, hours and days the city office is open, office phone number, required documents to bring to the city office that accepts payment, total city fees required to obtain vehicle release form, tow vendor total fees required to

PL A TOWS

release vehicle, links to the tow vendors site, identify type of payments that are accepted (cash and credit card), and information on the right to an impound hearing. (Findings 3 and 6)"

City Response: The City of Beverly Hills Police Department is committed to informing all persons who have had their vehicle impounded of the process of retrieving the vehicle. The department realizes we live in an internet information age and providing instructions on our website as outlined in recommendation 16A.2.1 above will be implemented. We agree with the Grand Jury's findings and we will work in partnership with City of Beverly Hills Information Technology and ensure these recommendations are put into place and posted on the City's and Beverly Hills Police Department's website and will be easily located by using the search function on the site. This will be implemented on or before October 31, 2017.

16A.2.2. "The CMBH should post information on the right to an impound hearing in the city office that accepts impound payments. (Finding 5)"

City Response: The City agrees with this finding. The Beverly Hills Police Department will revise the current signage posted in the traffic bureau lobby and records lobby, the City's offices that accept impound payments, to include information about the right of an individual to request an impound hearing. We will work in partnership with the City's Graphic Design Department to update our signs with the recommended information. We will have the new signs posted in both lobbies on or before December 31, 2017.

16A.2.3. "The CMBH should record and track an accurate count of the number of impounds it initiates, and reconcile this count with their tow vendor(s) count. (Finding 12)"

City Response: The City of Beverly Hills Police Department understands the Grand Jury's finding and recommendation and continually strives to maintain accurate impound records; however, we don't feel the need to implement a system for comparison as the discrepancies in the numbers presented can be explained by a couple of factors. For example, when a vehicle is repossessed by a finance company, the private towing company notifies the Beverly Hills Police Department and the tow is recorded as an impound in our system. This impound is not recorded with Tip Top Tow Service as they are not notified and their services are not used in these situations. In addition, impounds may be recorded with B.H.P.D. but the vehicle may be immediately released in the field by an officer, without notifying Tip Top Tow Service. This can occur when the vehicle owner shows up at the scene and the officer uses his or her discretion in releasing the vehicle. A field release report is completed by the officer; however, that report does not void the recording of the impound.

16A.2.4 "The City Council of Beverly Hills (CCBH) should adopt policies that require the cost of administering their towing programs to be reassessed on a periodic basis to ensure that franchise fee and administrative fees are not exceeding the cost of service. Since personnel costs typically adjust annually, this cost assessment should be conducted no less than every two years. (Finding 9)"

City Response: The City of Beverly Hills Police Department agrees with the Grand Jury's finding of reassessing, every two years, the cost of administering the towing program. We strive to implement this finding by July 1, 2018 and then every two years thereafter beginning on July 1. It should be noted that the City of Beverly Hills Police Department currently does not collect a franchise fee, but an administrative fee is collected. Currently the City of Beverly Hills Office of Management and Budget

reviews our vehicle release fees. We are committed to working in partnership with them to also include a cost benefit analysis of the program taking into consideration personnel costs.

16A.2.5 "The CCBH should annually review their city and tow contractor fees charged to vehicle owners, including comparisons with other cities in Los Angeles County, to evaluate and justify the amounts charged, considering the potential hardship on their citizens relative to the policy objectives of the fees including deterring certain types of behavior, as well as considering the fairness of the fees being charged relative to other jurisdictions. (Finding 9)"

City Response: The City agrees with this finding. The City of Beverly Hills Police Department is committed to reviewing our city and tow vendor fees that are charged to vehicle owners. We will implement this annual review beginning on July 1, 2018. We will use our neighboring five cities of Los Angeles, West Hollywood, Culver City, Santa Monica and Inglewood for comparative price analysis.

Civil Grand Jury Report Recommendations – Part B:

16B.2.1 "Should identify and prioritize specific contract performance objectives for their tow vendor(s) addressing towing response times, wait times for customer service over the phone and at the counter, customer complaints resolutions, and other city identified objectives. (Finding 7)"

City Response: The City of Beverly Hills agrees with the Grand Jury's finding and we will work in collaboration with the Beverly Hills City Attorney's Office to implement the performance objectives contained in Finding 7. Tip Top Tow Service's contract with the City is set to expire in October of 2017. These objectives will be evaluated as the City reviews its contract with Tip Top Tow Service and contemplates an extension or award of the contract to a new vendor.

16B.2.2 "Should establish contract provisions for meeting, exceeding, or not meeting performance objectives. This should be specific and include:

- a. Imposing liquidated damages against contractors based on the volume and severity of contract violations.
- b. Specifying corrective action steps to remedy contract violations.
- c. Alternatively, if a contractor meets or exceeds service objectives, the contract should require that this performance be used when approving rate adjustments or providing bonuses.
- d. Specifying criteria for contract termination. (Finding 9)"

City Response: The City of Beverly Hills Police Department agrees with the Grand Jury's recommendation and continually strives to maintain a contract that ensures the City of Beverly Hills, its residents and visitors receive the highest level of service. We can ensure this by making specific references as outlined above; however, the City's contract with Tip Top Tow Service does not contain all of the above provisions at this time. We will work in partnership with the City of Beverly Hills City Attorney's Office to include the recommendations in the new contract with Tip Top Tow Service if the City of Beverly Hills renews with them. If the City selects a new vendor, the same criteria will be considered. The contract with Tip Top Tow is set to expire in October of 2017.

16B.2.3 "Should link contractor performance to future procurement decisions including decisions to offer contract term extensions should require that contractor's documented performance against defined service objectives be used in determining whether the contractor deserves a contractor renewal or extension. (Finding 10)"

City Response: The City of Beverly Hills Police Department agrees with the Grand Jury's recommendation. Currently, the City evaluates past performance when considering procurement decisions and contract extensions. We will work in partnership with the City of Beverly Hills City Attorney's Office to implement language for future procurement decisions and contract extensions in any new tow vendor contract as outlined in recommendation 16B.2.3. The City of Beverly Hills' current contract with Tip Top Tow is set to expire in October of 2017.

16B.2.4 "Should incorporate a clause in their towing vendor contracts to require that all donations, gifts, and free services provided by the towing vendor outside of their service agreement to any city official or employee, city department, or city affiliated associations or events be documented and reported to the city. (Findings 12, 13 and 17)"

City Response: City of Beverly Hills Administrative Regulation 3B.3 (copy can be provided upon request) and Title 1, Chapter 9, Article 2 of the Beverly Hills Municipal Code currently govern when and what type of donation, gift, and free service must be documented and reported to the City. Those provisions incorporate recommendation 16B.2.4. Administrative Regulation 3B.3 provides that City employees may not "accept any gratuity, privilege, fee, loan, reward, or gift whatsoever, directly or indirectly from any person as a result of their being employees of the City of Beverly Hills." As a result, the City does not plan to implement such provisions as these findings are already provided within the City's Administrative Regulations and Municipal Code. Further, the City of Beverly Hills Conflict of Interest Code imposes restrictions on accepting donations, gifts, or gratuitous services and requires all managers and council members to report any donation, gift, or gratuitous service from a city vendor per the State of California Fair Political Practices Commission Form 700 disclosure.

16B.2.5 "Should adopt policies that prohibit the sale of lien vehicles to city entities or employees. (Findings 14 and 17)"

City Response: The City of Beverly Hills holds its employees and entities to the highest standards. As a result, the City of Beverly Hills agrees with the Grand Jury's finding and will work with the Beverly Hills City Attorney's Office to implement the recommendation of prohibiting city employees and city entities from purchasing lien vehicles from the tow vendor of the City of Beverly Hills. After consulting with the City Attorney's Office, a determination will be made as to whether this prohibition should be specifically stated in a contract with a tow vendor or if it is better incorporated into the City of Beverly Hills' Administrative Regulations. The City of Beverly Hills' current contract with Tip Top Tow Service expires in October of 2017. This provision will be implemented as the City reviews its contract and contemplates renewal of the contract with Tip Top Tow Service. Should the city enter into a contract with a new tow vendor, the same provision will be implemented.

16B.2.6 "Should adopt policies that prohibit city employees from participating in the procurement or management of contracts of which employees may possess equity in a vendor or of which the vendor may be employing a relative of the city employee. (Findings 14 and 17)"

City Response: The City of Beverly Hills agrees this recommendation. Currently, the City of Beverly Hills has a voluminous set of Administrative Regulations that outline employee conduct and prohibits certain activities and actions. In addition, the City of Beverly Hills Conflict of Interest Code prohibits all designated employees from making, or in any way attempting to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect on the official or a member of his or her immediate family.

16B.2.7 "Should adopt policies that require more than one department be involved in the tow vendor procurement process: developing Requests for Proposals for towing and vendor services, evaluating proposals received, and recommending a contract award to the final decision maker. (Findings 16 and 17)"

City Response: The City of Beverly Hills agrees with the Grand Jury's finding and will work with the City Attorney's Office of Beverly Hills in implementing a procedure for involving different city departments that may be impacted by the police department's tow vendor contract. These departments include, but are not limited to the City's Vehicle Maintenance Shop and City Finance Department. We will work on implementing such a procedure on or before July 30, 2018.

16B.2.8 "Should require that any in-kind gift or contribution by vendors to city management, personnel, city council members, city departments and/or city events be reported to the city and available to the public on the city's web site. (Findings 16 and 17)"

City Response: The City agrees with Recommendation 16B.2.8. The City of Beverly Hills Administrative Regulation 3B.3 (copy can be provided upon request) specifically prohibits employees from soliciting gratuities of any kind. This Administrative Regulation also specifically details what kind of gift can and cannot be accepted as a token of appreciation for exemplary service. Additionally, the City of Beverly Hills requires its managers and council members to report any in-kind gift received from a city vendor as per the State of California Fair Political Practices Commission Form 700 disclosure. That form is subject to public records disclosure and is available online. The purpose of the City of Beverly Hills Administrative Regulations are "to help ensure the highest level of public trust, help eliminate the possibility of conflicts of interest and clearly demonstrate to the public that additional compensation and/or gratuities are not necessary for city services. Employees must represent the city, conduct their work responsibilities, and make decisions in such a way that they are not and do not appear to be improperly influenced in the performance of their official duties."

Sincerely,



Mahdi Aluzri
City Manager

CC: Beverly Hills City Council



CITY OF EL MONTE

CITY MANAGER'S OFFICE

Jesus M. Gomez
City Manager

Alex Hamilton
Assistant City Manager

November 27, 2017

1471-
Rec'd Previously
Pony

Mr. Jeffrey Wallace
Ms. Linda Cantley
Clara Shortridge Foltz Criminal Justice Center
Eleventh Floor Room 11-506
210 West Temple Street
Los Angeles, CA 90012

Dear Mr. Jeffrey Wallace and Ms. Linda Cantley:

Thank you for the opportunity to respond to the recommendations submitted to our City as a result of the County of Los Angeles, Civil Grand Jury report related to towing practices. After careful review and consideration, below please find the City's response to the recommendations put forth by the Civil Grand Jury.

TOWS AND INPOUNDS

PART A: Impound Practices in Twelve Select Cities

Based on the "RECOMMENDATIONS" (Pages 207-208) for the City of El Monte, the following responses have been developed:

16A.3.1 – Already implemented.

A list of the fees associated with the recovery of impounded vehicles is posted in the Police Department Lobby (Police), as well as the Cashier's window (Finance). These two (2) locations are places at which vehicle owners may pay the fees associated with the release of their vehicle. During business hours (Monday – Thursday, 07:30 a.m. to 5:30 p.m.) the City accepts payment, and issues receipts, at the Cashier's Office in City Hall East. After hours, the City accepts payment and issues receipts, at the Police Department Lobby.

16A.3.2 – Already implemented.

The City recently created and launched a new City website. The website has a clear and distinct page dedicated to "vehicle recovery"; complete with fees and instructions. That page can be accessed at: <http://www.ci.el-monte.ca.us/273/Vehicle-Recovery>. The website officially rolled-out on September 7, 2017.

16A.3.3 – No longer valid.

Per recent changes in the law (9th Circuit Court Decision), the City of El Monte, El Monte Police Department no longer impounds vehicles for 30 days. CVC 22852 relates to vehicles impounded for 30 days.

~~PEA~~ 74 A

16A.3.4 – Will Implement.

The El Monte Police Department currently records all vehicles which are impounded. A recent change-over from a legacy system to an updated Spillman records management computer system will allow the Department to track stored/impounded vehicles for reconciliation with our contract tow provider.

16A.3.5 – No longer valid.

Per recent changes in the law (9th Circuit Court Decision) the City of El Monte, El Monte Police Department no longer impounds vehicles for 30 days.

16A.3.6 – Will Implement.

Currently, Police Officers are required to document the reason (Vehicle Code violation) for which they stopped and later impounded a vehicle on their report narratives. In June 2016, the El Monte Police Department implemented a new records management system (Spillman RMS). This system allows for better record keeping monitoring and reporting the number and scope of vehicle code violations that are committed when vehicles are impounded.

16A.3.7 – Will Not Be Implemented

The information requested has no relevance to public safety. Primary collision factors (Vehicle code violations) are captured and used in enforcement to reduce traffic collisions, but not solely as part of the storage process. By law, all traffic collisions and Primary Collision Factors

16A.3.8 – Already implemented.

This is currently being done. It appears that the isolated incident which allegedly occurred on 10/12/16.

16A.3.9 – Already implemented.

The Police Department staff has been trained with regard to the public's access to public information. In addition, the entire City of El Monte, including Police Department civilian and sworn personnel, is in the process of participating in "Customer Service" training conducted by a firm which specializes in private and public sector customer care.

16A.3.10 – Already implemented.

The El Monte Police Department did conduct a Time-Motion study related to the staff time and costs associated with the processing of towed vehicles in 2015. The results of this study were used to justify a modification to the existing Franchise Fee. The City plans to conduct a Time-Motion study in June 2018 based on the terms of the current Vehicle Towing and Secured Storage Services Agreement which was executed in June 2016.

16A.3.11 – Already implemented.

In June 2016, the City of El Monte entered into a Vehicle Towing and Secured Storage Services Agreement which included the following language. In this section, the City

requires the franchisee to charge fees relative to, and not to exceed, those charged by the California Highway Patrol (CHP). This is common industry practice as the CHP has traditionally set the rates for towing and impound services. Therefore the suggestion to consider “the fairness of fees being charged relative to other jurisdictions” has been addressed since the City requires the franchisee to use the “CHP rate” for Los Angeles County.

Section 4. RATES FEES AND OTHER CHARGES CHARGED BY CONTRACTOR TO VEHICLE OWNERS

A. Correspondence with CHP Approved Rates, Fees and Other Charges:

With respect to non-City vehicles which are referred to CONTRACTOR by CITY pursuant to this Agreement for towing or storage, CONTRACTOR may not impose any rates, fees or other charges upon the owners of such vehicles as condition for their release other than those varieties of rates, fees or other charges which CONTRACTOR is authorized to charge under that certain agreement between CONTRACTOR and the State of California, Department of California Highway Patrol (“CHP”) entitled “Tow Service Agreement” which is dated as of June 1, 2016. With respect to non-City vehicles which are referred to CONTRACTOR by CITY pursuant to this Agreement for towing or storage, CONTRACTOR may not impose any rates, fees or other charges upon the owners of such vehicles as condition for their release at rate levels or in amounts that exceed those expressly approved by the CHP for the tow district that includes the territorial boundaries of the City of El Monte. CONTRACTOR shall have an ongoing duty and responsibility to ensure that the CITY is provided with a complete and up-to-date schedule of rates, fees and other charges as approved by the CHP along with true and correct documentation demonstrating that any and all rates, fees or other charges imposed by the CONTRACTOR have been approved by the CHP before being put into effect. Not less than fifteen (15) prior to putting any new, increased or otherwise adjusted rate, fee or other charge into effect, CONTRACTOR shall provide CITY with notice that it has been approved by the CHP along with documentation evidencing such approval. In the event CONTRACTOR ceases to be a party and signatory to a Tow Services Agreement with the CHP, CITY reserves the right to immediately terminate this Agreement upon the issuance of written notice to CONTRACTOR specifying the effective date of such termination. In the event CITY does not exercise its right to terminate the Agreement or delays the exercise of such right, rates, fees and other sums charges by CONTRACTOR shall remain the same as of the date of the most complete and up-to-date schedule of rates, fees and other charges provided to CITY which evidence all CHP approved rates, fees or other charges.

10/20/17

September 27, 2017

Presiding Judge Daniel J. Buckley
LOS ANGELES COUNTY SUPERIOR COURT
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street, 11th Floor, Room 11-506
Los Angeles, CA 90012

**RE: Response to 2016-2017 Los Angeles County Civil Grand Jury Report on
Tow Impound Practices and Tow Vendor Contracts**

Dear Honorable Presiding Judge Daniel J. Buckley:

The following are the responses of the City of Glendale to the findings and recommendations contained in the reports entitled, "Tows Vendor Contracts in Twelve Select Cities" and "Tows and Impounds – Tow Vendor Contracts in Twelve Cities" in the 2016-2017 Los Angeles County Civil Grand Jury Final Report. The responses were approved by the City Council on September 26, 2017 during a regularly scheduled meeting.

Recommendation 16A.4.1: The City Manager of Glendale (CMG) should post all city impound fees in the city office that accepts impound payments. (Finding 2)

Response: The City of Glendale agrees with the finding and has implemented the recommendation. Specifically, a binder containing information on vehicle release procedures including, but not limited to, a schedule of all impound fees and rates is available at the front desk of the Glendale Police Department.

Recommendation 16A.4.2: The CMG should improve the website to be clear, user friendly, and provide a source of complete information on the impound procedures required to retrieve and release a vehicle including: identify the city office that accepts payments, hours and days the city office is open, office phone number, required documents to bring to the city office that accepts payment, total city fees required to obtain vehicle release form, tow vendor total fees required to release vehicle, links to the tow vendors site, identify type of payments that are accepted (cash and credit card), and information on the right to an impound hearing. (Findings 3 and 6)

Response: The City agrees with the findings and the recommendations have been implemented. Vehicle towing and impound information is accessible on the Glendale Police Department website at:

<http://www.glendaleca.gov/government/departments/police-department/towing-impound>

Recommendation 16A.4.3: The CMG should post information on the right to an impound hearing in the city office that accepts impound payments. (Finding 5)

Response: The City of Glendale agrees with the finding and has implemented the recommendation. The City of Glendale complies with Vehicle Code section 22852 regarding post-storage hearings. When a vehicle is stored or impounded pursuant to the provisions of the Vehicle Code by a Glendale Police Department employee, the Glendale Police Department sends the vehicle's registered and legal owners of record a notice regarding the opportunity for a post-storage hearing to determine the validity of the storage or impound. Further, all Official Police Tow Service operators in Glendale are required by contract to post a notice about the hearing rights of a vehicle owner whose vehicle has been impounded. Nonetheless, the City of Glendale has implemented this recommendation. Specifically, a binder containing information regarding vehicle release procedures, including post-storage hearing information, is available at the front desk of the Glendale Police Department.

Recommendation 16A.4.4: The CMG should record and track an accurate count of the number of impounds it initiates, and reconcile this count with their tow vendor(s) count. (Finding 12)

Response: The City of Glendale agrees partially with the finding. Specifically, the City disagrees with the following statement in Finding 12: "Many cities do not track the number of annual impounds, nor the number of impounds at scheduled checkpoints." The City of Glendale included in its response to the Survey vehicle impound statistics for 2015.

Nonetheless, the City of Glendale agrees with the recommendation and will implement a system to reconcile its records with the reports and numbers submitted by the tow operators. The City expects to implement a reconciliation system within two months.

Recommendation 16.B.1: The City of Glendale "[s]hould link contractor performance to future procurement decisions including decisions to offer contract term extensions should require that contractor's documented performance against defined service objectives be used in determining whether the contractor deserves a contractor renewal or extension." (Finding 10)

Response: The City of Glendale agrees with the finding. As noted in the Civil Grand Jury's report, at page 235, "Glendale stood out for requiring their vendors to track and monitor several performance measures including response times for answering city calls, wait times for customers calls, and implementing a Quality Assurance Plan to meet 93 performance standards outlined in their contract." In the past, the City of Glendale has considered contractor performance in decisions to offer contract term extensions. The City will continue to consider contractor performance in determining whether to renew or extend the term of a contract and thus will implement the recommendation for future renewal or extensions of tow contracts.



CITY OF GLENDORA

150 SOUTH GLENDORA AVE.
GLENDORA, CALIFORNIA 91741-3498
LISA G. ROSALES, CHIEF OF POLICE

POLICE DEPARTMENT

(626) 914-8250
FAX # (626) 963-2154

September 27, 2017

Presiding Judge
Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Eleventh Floor-Room 11-506
Los Angeles, CA 90012

Dear Honorable Presiding Judge:

This letter is in response to the 2016-2017 Los Angeles County Civil Grand Jury report on Tows and Impounds. The responses listed below are broken down into two parts:

- Part A: Impound Practices in Twelve Select Cities
- Part B: Tow Vendor Contracts in Twelve Select Cities

Part A

Listed below are the City of Glendora's responses to the recommendations made in the report to Part A - Impound Practices in Twelve Select Cities:

16A.5.1 The City Manager of Glendora (Glendora) should post all city impound fees in the city office that accepts impound payments.

Response: The respondent agrees with the finding. The recommendation was already in place at the time of the Grand Jury inquiry.

Since 2007, the city impound release fee has been posted at the front counter of the police department. The police department is the city office that accepts impound payments.

16A.5.2 Glendora should post information on the right to an impound hearing in the city office that accepts impound payments.

Response: The respondent agrees with the finding. The recommendation has been implemented.

On March 1, 2017, detailed information on vehicle impounds, storage, and the right to an impound hearing was posted at the front counter of the police department. The police department is the city office that accepts impound payments.

16A.5.3 Glendora should record and track an accurate count of the number of impounds it initiates, and reconcile this count with their tow vendor(s) count.

16A.5.4 The Glendora Police Department (Glendora Police) should both record and track the information on the California Vehicle Code violations that results in impounds. This information can assist the police department and the public in assessing the type of violations occurring within the city.

16A.5.5 Glendora Police should implement a computerized record management system that has the ability to keep, record, organize, coordinate and retrieve the number of impounds, impound locations, and specific CVC violations. This is needed to improve the data base and recordkeeping for the police department, as well as, making public information accessible to the public.

Response: The respondent agrees with the above three findings. The recommendation has been implemented.

Previously the police department did not track vehicle impounds separately. There was no statutory requirement to do so and there was not a specific operational need. Impound records were kept with the associated case file which could be a crime report, traffic accident report, etc.

Based upon the Grand Jury recommendation, a computerized record management system has been developed. This system tracks the number of impounds (which can be reconciled with the tow vendor count), the California Vehicle Code section which gave authority for the impound, the location of the impound, and the date/time of the impound.

16A.5.6 The City Council of Glendora (Glendora City Council) should adopt policies that require the cost of administering their towing programs to be reassessed on a periodic basis to ensure that franchise fee and administration fees are not exceeding the cost of service. Since personnel cost typically adjust annually, this cost assessment should be conducted no less than every two year.

Response: The respondent agrees with the finding. The recommendation was already in place at the time of the Grand Jury inquiry.

Towing contracts are governed by existing city policy regarding the awarding of contracts. The City of Glendora requires that contracts in excess of \$25,000 be

awarded through the Request for Proposal (RFP) process. During the preparation of the RFP, city staff will assess staff time needed to administer the contract, operational costs to fulfill the contract, determine additional costs the city's incurs as a result of the contract, assess comparable contracts, legal requirements, industry standards, and best practices. The city then solicits bids that meet the requirements of the RFP.

City staff will review RFP's and make a recommendation to the City Council. During a public meeting, and after the public has the opportunity to share their comments, the City Council may award the contract. This entire process is transparent, fair, and has checks & balances to ensure that the cost of the contract is reasonable based upon the costs incurred by the city. City staff are assigned to implement and manage the contract. Staff continually assess contracts they manage. Since city contracts have a severability clause, staff can recommend a modification of a contract to meet current costs.

16A.5.7 Glendora City Council should annually review their city and tow contractor fees charged to vehicle owners, including comparisons with other cities in Los Angeles County, to evaluate and justify the amounts charged, considering the potential hardship on their citizens relative to the policy objectives of the fees including deterring certain types of behavior, as well as considering the fairness of the fees being charged relative to other jurisdictions.

Response: The respondent agrees with the finding. The recommendation was already in place at the time of the Grand Jury inquiry.

During the annual budget process, city staff reviews the Master Schedule of Fees for Service. Staff makes recommendations on raising or lowering fees. The city council reviews staff recommendations and approves the new fee schedule each year. The city currently charges a \$120 vehicle impound release fee. This fee has not increased in the past five years. This fee is \$1 below the median amount charged by the twelve cities the Grand Jury surveyed.

The contract between the city and the tow vendors mandates that the tow rates and storage fees must not exceed the towing and storage rates established each year by the local California Highway Patrol Station (CHP). The CHP rates are based on the average of 19 CHP authorized local towing company rates. These rates are reviewed annually on June 1 to match any local CHP rate and fee changes. The tow vendor must notify the Chief of Police of any increases who will verify the increases. New rates take effect July 1 of each year.

Part B

Listed below are the City of Glendora's responses to the recommendations made in the report to Part B - Tow Vendor Contracts in Twelve Select Cities:



Huntington Park

Office of the City Manager

November 27, 2017

Presiding Judge
Los Angeles County Superior Court
Clara Shortridge Flotz Criminal Justice Center
210 West Temple Street, 11th Floor, Room 11-506
Los Angeles, CA 90012

Re: Response to 2016-2017 Los Angeles County Civil Grand Jury Final Report

Dear Presiding Judge,

Please accept the City of Huntington Park's ("City") response to the Los Angeles County Civil Grand Jury ("CGJ") recommendations contained in the *"Impound Practices in Twelve Select Cities"* report as required by California Penal Code Sections 933(c) and 933.05.

The City generally agrees with the CGJ's report and has either implemented or is currently in the process of implementing most of the CGJ's recommendations. Attached you will find the City's responses to the CGJ's recommendations.

If you have questions, please contact me Monday through Thursday, during normal business hours at (323) 584-6223.

Sincerely,

CITY MANAGER

A handwritten signature in black ink, appearing to read "Ricardo Reyes", is written over the printed name.

Ricardo Reyes
Interim City Manager

cc: Honorable Mayor and City Council
City Attorney

Enclosures

TOWS P+ A



RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

RECOMMENDATION NO. 16A.6.1

The City Manager of Huntington Park (CMHP) should post all city impound fees in the city office that accepts impound payments. (Finding 2)

CITY'S RESPONSE

This finding is inaccurate. The City does not accept impound payments. Conversely, the Towing Services Provider collects fees and has the fee schedule posted in the lobby portion of their office. However, the City is amenable to posting a fee schedule in the lobby of the City's Police Department.

RECOMMENDATION NO. 16A.6.2

The CMHP should improve the website to be clear, user friendly, and provide a source of complete information on the impound procedures required to retrieve and release a vehicle including: identify the city office that accepts payments, hours and days the city office is open, office phone number, required documents to bring to the city office that accepts payment, total city fees required to obtain vehicle release form, tow vendor total fees required to release vehicle, links to the tow vendors site, identify type of payments that are accepted (cash and credit card), and information on the right to an impound hearing. (Findings 3 and 6)

CITY'S RESPONSE

The City agrees with this finding. This recommendation has not been implemented, but the City intends to implement this recommendation within six months.

RECOMMENDATION NO. 16A.6.3

The CMHP should post information on the right to an impound hearing in the city office that accepts impound payments. (Finding 5)

CITY'S RESPONSE

The City agrees with this finding. This recommendation has not been implemented, but the City intends to implement this recommendation within six months.

RECOMMENDATION NO. 16A.6.4

The CMHP should record and track an accurate count of the number of impounds it initiates, and reconcile this count with their tow vendor(s) count. (Finding 12)

CITY'S RESPONSE

This finding is inaccurate. This recommendation has been implemented by the City. This process is already in place and is standard practice for the City. Monthly, the towing service provider submits a report with their count and the report is verified by the Police Records Supervisor and the Finance Manager.



Presiding Judge

Re: Response to 2016-2017 Los Angeles County Civil Grand Jury Final Report

Page 3 of 3

RECOMMENDATION NO. 16A.6.5

The CMHP should monitor the number of impound hearings and their results as a way to determine if there are trends in themes of hearings that may warrant corrective action concerning police procedures and measuring tow vendor performance. (Finding 7)

CITY'S RESPONSE

The City agrees with this finding. This recommendation has not been implemented, but the City intends to implement this recommendation within six months.

RECOMMENDATION NO. 16A.6.6

The City Council of Huntington Park (CCHP) should adopt policies that require the cost of administering their towing programs to be reassessed on a periodic basis to ensure that franchise fee and administrative fees are not exceeding the cost of service. Since personnel costs typically adjust annually, this cost assessment should be conducted no less than every two years. (Finding 9)

CITY'S RESPONSE

The City agrees with this recommendation. This recommendation has not been implemented, but the City will review fees (such as towing fees) as part of the City's annual budget process.

RECOMMENDATION NO. 16A.6.7

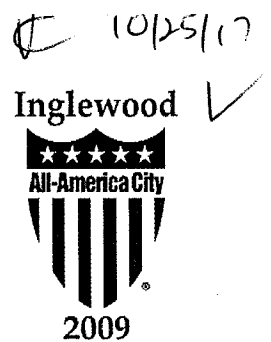
The CCHP should annually review their city and tow contractor fees charged to vehicle owners, including comparisons with other cities in Los Angeles County, to evaluate and justify the amounts charged, considering the potential hardship on their citizens relative to the policy objectives of the fees including deterring certain types of behavior, as well as considering the fairness of the fees being charged relative to other jurisdictions. (Finding 9)

CITY'S RESPONSE

The City agrees with this recommendation. This recommendation has not been implemented, but the City will review fees (such as towing fees) as part of the City's annual budget process, including a comparison with surrounding communities in Los Angeles County.



CITY OF INGLEWOOD
OFFICE OF THE CITY MANAGER



September 26, 2017

The Honorable Daniel J. Buckley
Presiding Judge
Los Angeles County Superior Court
Ciara Shortridge Foltz Criminal Justice Center
210 West Temple Street, Eleventh Floor – Room 11-506
Los Angeles, CA 90012

Dear Honorable Daniel J. Buckley:

Listed below are the City of Inglewood responses to the Los Angeles County Civil Grand Jury Report entitled: *Tows and Impounds - Impound Practices in Twelve Cities: The Good, the Bad and the Ugly*.

Recommendation 16A.7.1: *"The City Manager of Inglewood (CMI) should improve the website to be clear, user friendly, and provide a source of complete information on the impound procedures required to retrieve and release a vehicle including: identify the city office that accepts payments, hours and days the city office is open, office phone number, required documents to bring to the city office that accepts payment, total city fees required to obtain vehicle release form, tow vender total fees required to release vehicle, links to the tow vendors site, identify type of payments that are accepted (cash and credit card), and information on the right to an impound hearing. (Findings 3 and 6)"*

This recommendation has been implemented.

The City's website has been updated as a result of the GJR's recommendation. The website <https://www.cityofinglewood.org/593/Traffic-Division> includes the recommended information on Post Storage Hearings, Vehicle Releases, and Tow Yard information in both English and Spanish translations.

Recommendation 16A.7.2: *"The CMI should post information on the right to an impound hearing in the city office that accepts impound payments. (Finding 5)"*

This recommendation has been implemented.

The information on the right to an impound hearing is currently posted at the Traffic Division's front counter. However, based on the recommendation, information on a right to an impound hearing is now posted at the Records Department counter where impound payments (release fees) are accepted. This is in addition to the current postings.

TOWS 74 A

Recommendation 16A.7.3: *“The CMI should record and track an accurate count of the number of impounds it initiates, and reconcile this count with their tow vendor(s) count. (Finding 12)”*

This recommendation has been implemented.

The Inglewood Police Department currently uses the Versadex Records Management System (RMS) to store all reports written by the officers. All vehicle impounds require a report to be written and electronically submitted by the investigating officer. These reports entered into the Versadex RMS provide the Inglewood Police Department the total amount of vehicles that are impounded, the name of the tow vendor, and reason for the impound. These records allow the Inglewood Police Department to bring together the police departments count versus the tow vendor's count.

These records will be sent to the CMI for review on a bi-annual basis.

Recommendation 16A.7.4: *“The CMI should monitor the number of impound hearings and their results as a way to determine if there are trends in the outcomes of hearings that may warrant corrective action concerning police procedures and measuring tow vendor performance. (Finding 7)”*

This recommendation has been implemented.

The number of Post Storage hearings and the results will be recorded, scanned and sent to the CMI for review on a bi-annual basis.

Recommendation 16A.7.5: *“The Inglewood Police Department (IPD) should both record and track the information on the California Vehicle Code violations that result in impounds. This information can assist the police department and the public in assessing the type of violations occurring within the city. (Finding 15)”*

This recommendation has been implemented.

The Inglewood Police Department currently uses the Versadex Records Management System (RMS) to store all reports written by the officers. All vehicle impounds require a report to be written and electronically submitted by the investigating officer. These reports entered into the Versadex RMS provide the Inglewood Police Department the ability to record and track California Vehicle Code violations resulting in the impound.

Recommendation 16A.7.6: *“The IPD should implement a computerized record management system that has the ability to keep, record, track, organize, coordinate and retrieve the number of impounds, impound locations, and specific CVC violations. This is needed to improve the data base and recordkeeping for the police department, as well as, making public information accessible to the public. (Finding 17)”*

This recommendation is currently in use.

The Inglewood Police Department currently uses the Versadex Records Management System (RMS) to store all reports written by the officers. All vehicle impounds require a report to be written and electronically submitted by the investigating officer. These reports entered into the Versadex RMS provide the Inglewood Police Department the ability to keep, record, track, organize, coordinate and retrieve the number of impounds, impound locations, and specific CVC violations. Reports can be furnished to the public through proper public record requests.

Recommendation 16A.7.7: *“The City Council of Inglewood (CCI) should adopt policies that require the cost of administering their towing programs to be reassessed on a periodic basis to ensure that franchise fee and administrative fees are not exceeding the cost of service. Since personnel costs typically adjust annually, this cost assessment should be conducted no less than every two years. (Finding 9)”*

The City partially agrees with this recommendation.

2 The City currently has policy regarding this recommendation that was adopted in September, 2000. The policy ordinance is listed under Inglewood Municipal Code (IMC) 8-90.6. The policy ordinance outlines the franchise fee collected (a sum equal to seven percent) and an Administrative fee of one hundred fifty dollars. These fees have remained the same for over seventeen years and the City does not charge for recovery fees related to DUI arrests/impounds. Due to this, these fees have not increased relative to annual increases in personnel costs; therefore, the City’s fees are not exceeding the cost of service.

Previously
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is it implemented or?

For comparison, the following tables set forth the administrative costs we base our current Administrative Fee, since 2000.

RANK/ POSITION	AVG. UNIT (HR)	TASKS & OVERHEAD ITEMS
Officer	1	Vehicle stop, Citation completion, CHP 180, standing by for a tow, other relevant paperwork, Vesaterm
Watch Commander	0.085	Approval and review of CHP 180, review of arrest and booking paperwork (if applicable), report review
Dispatcher	0.25	Vehicle stop, Wants & Warrants check, Driver’s license check, Issuance of report number, request for tow
Traffic/Admin. Sgt.	0.25	Conducts post storage hearing
Records Tech	0.5	CLETS entry of CHP 180, processing of relevant paperwork such as citation and report, vehicle release to registered owner, required notification to legal owner and registered owner
Records Mgr.	0.075	Reviews and supervises the entry of all related paperwork which includes reports, CHP 180 entry, and vehicle release
Patrol Vehicle	1.0	Fuel and vehicle usage for stop and transportation,

		monthly fees and overhead
Copy Fees	.10	Copy fees (per copy)
Postage Fees	\$6.59	Current U.S. Post Office rate for certified letters

RANK/ POSITION	FULL COST FEE	AVG. UNIT (HR)	TOTAL FEE	CURRENT FEE
Officer	\$118.51	1	\$118.51	
Watch Commander	\$185.18	0.085	\$15.74	
Dispatcher	\$66.65	0.25	\$16.63	
Traffic/Admin. Sgt.	\$157.97	0.25	\$39.49	
Records Tech	\$58.57	0.5	\$29.28	
Records Mgr.	\$81.93	0.075	\$6.14	
Patrol Vehicle	~\$15.06	1	~15.06	
Copy Fees	\$0.25	10	\$2.50	
Postage Fees	\$6.59	1	\$6.59	
TOTAL			\$249.94	\$150.00

The City will continue to charge the established \$150.00 administrative fee for impounded vehicles even though there may be a justification to increase our administrative fee. Any future increase in the franchise and administrative fees will be in accordance with the actual and reasonable costs.

Regarding the “franchise fee”, the City collects seven cents on the dollar (7%) and is one of the lowest listed in the GJR. The City’s franchise fee (7%) was adopted in September of 2000 and has remained in effect without change even though there may be a justification to increase the City’s franchise fee. The City will conduct a cost assessment every two years.

Recommendation 16A.7.8: *“The CCI should annually review their city and tow contractor fees charged to vehicle owners, including comparisons with other cities in Los Angeles County, to evaluate and justify the amounts charged, considering the potential hardship on their citizens relative to the policy objectives of the fees including deterring certain types of behavior, as well as considering the fairness of the fees being charged relative to other jurisdictions. (Finding 9)”*

This recommendation is currently in use.

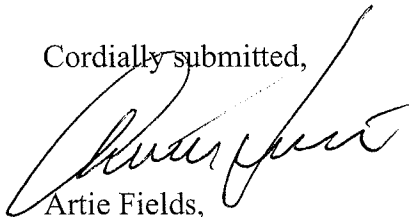
The City currently has policy regarding this recommendation that was adopted in September, 2000. The policy ordinance is listed under Inglewood Municipal Code (IMC) 8-90.5, which gives the Chief of Police the authority, with the consent of the City Council or by resolution of the City Council directly, to establish the maximum rates for referral of towing services for the

City. Under Inglewood Municipal Code 8-90.5 the "maximum rates to be charged for referral towing services shall be those rates established annually by the Chief of Police." The established rates shall equal the average of the maximum rates permitted by the jurisdictions served by the Los Angeles Police Department, Los Angeles County Sheriff's Department and the California Highway Patrol in the Los Angeles Metropolitan area.

The City's rates were below the median average listed in the Grand Jury Report and the City had the lowest rate with regards to a tow vendor's daily storage. These rates were adopted in 2010 and remained in effect without an increase through April, 2017. In May, 2017, the City reviewed the tow and storage rates and noted they were below the jurisdictional average, which implemented an adopted increase. However, the increase is still below the median average listed in the Grand Jury Report in both the "tow fee" and "daily storage" fee.

If any further clarification is needed on the responses that have been provided, please feel to contact my Deputy, Yakema Decatur, directly at 310-412-5282 or via email ydecatur@cityofinglewood.org.

Cordially submitted,

A handwritten signature in black ink, appearing to read 'Artie Fields', written over the typed name.

Artie Fields,
City Manager of the City of Inglewood

11/14/17
Rec'd



10/6/17
D

October 2, 2017

VIA U.S. MAIL

Daniel J. Buckley
Presiding Judge
Los Angeles County Superior Court
Clara Shortidge Foltz Criminal Justice Center
210 West Temple Street
Eleventh Floor-Room 11-506
Los Angeles, CA 90012

RE: City of Irwindale's Response to the 2016-2017 Los Angeles County Civil Grand Jury Report: Tows and Impounds – Impound Practices in Twelve Select Cities

To the Honorable Presiding Judge Buckley:

In response to the 2016-2017 Los Angeles County Civil Grand Jury Report titled Tows and Impounds – Impound Practices in Twelve Select Cities, the City of Irwindale (the "City") has prepared the following responses to the recommendation the report has formulated. More specifically, this letter will address the recommendation provided in both reports titled "The Good, the Bad and the Ugly" as well as Part B "The Gift that Keeps on Giving."

I understand the serious nature of this process and see value in undertaking a move towards greater transparency and accountability for information surrounding the City impound procedures. With the foregoing in mind, the City responds to the Grand Jury's findings and recommendations, per Penal Code section 933.05, subdivisions (a), (b), and (c), as indicated below.

The Good, the Bad and the Ugly

Recommendation No. 16A.8.1: *"The City Manager of Irwindale (Irwindale) should post all city impound fees in the city office that accepts impound payments."*

Response: The City agrees with the finding. The recommendation has been implemented. The City office that accepts impound payments is the Police Department located at 5050 N. Irwindale Ave.

Irwindale, CA 91706. All impound fees are posted at, or near, the office lobby window in the police department. Impound releases are handled and can be obtained twenty-four (24) hours a day, seven (7) days a week.

Recommendation No. 16A.8.2: *"Irwindale should improve the website to be clear, user friendly, and provide a source of complete information on the impound procedures required to retrieve and release a vehicle including: identify the city office that accepts payments, hours and days the city office is open, office phone number, required documents to bring to the city office"*

TOWS PL A

5050 NORTH IRWINDALE AVE., IRWINDALE, CA 91706



PHONE: (626) 430-2200 FACSIMILE: (626) 430-4209

that accepts payment, total city fees required to obtain vehicle release form, tow vendor fees required to release vehicle, links to the tow vendors site, identify type of payments that are accepted (cash and credit card), and information on the right to an impound hearing.”

Response: The City agrees with the finding. The recommendation has been implemented, but for a minor exception. The City already provides the majority of the information identified on a single page, including the office that accepts payments, the hours of operation, office number, and required documents needed to obtain a release. The only exception is an express list of the tow vendor’s fees. The City continues to improve the City’s website and will take the recommendation under consideration. We foresee implementing the appropriate tow-vendor fee schedules on the City’s website soon.

Recommendation No. 16A.8.3: *“Irwindale should post information on the right to an impound hearing in the city office that accepts impound payment.”*

Response: The City agrees with the finding. The recommendation has been implemented. The City office that accepts impound payments is the Police Department located at 5050 N. Irwindale Ave.

Irwindale, CA 91706. The information regarding the right to an impound hearing is located at, or near, the office lobby window located at the police department.

Recommendation No. 16A.8.4: *“Irwindale should record and track accurate count of the number of impounds it initiates, and reconcile this count with their tow vendor(s) count.”*

Response: The City agrees with this finding. The recommendation has been implemented. The City’s Police Department has commenced this practice as of the date of the grand jury audit. The Police Department reconciles records and tracks accurate count of the number of impound vehicles with the tow-vendors as needed.

Recommendation No. 16A.8.5: *“Irwindale should monitor the number of impound hearings and their results as a way to determine if there are trends in the outcomes of hearings that may warrant corrective action concerning police procedures and measuring tow vendor performance.”*

Response: The City agrees with this finding. The recommendation has been implemented. The City has a relatively low number of hearings per year. Since the grand jury audit and the City’s implementation of this practice, the City has received no hearing requests.

Recommendation No. 16A.8.6: *“The City Council of Irwindale (Irwindale Council) should adopt policies that require costs of administering their tow programs to be reassessed on a periodic basis to ensure that franchise fee and administrative fees are not exceeding the cost of service. Since personnel costs typically adjust annually, this costs assessment should be conducted no less than every two years.”*

Response: The City agrees with this finding. This recommendation has been, and is still currently being implemented. The City conducts regular reviews of City-wide fee schedules, including tow fees, to confirm that the fees charged do not exceed the costs of service. The tow vendor franchise agreements have covenants stating that the fee relevant to towing operations

paid to the City does not exceed the amount necessary to reimburse the City for the actual or reasonable costs incurred in connection with the towing program pursuant to California Vehicle Code section 12110. Furthermore, the tow-franchise agreement's approved rate structure for all towing, storage, and related services directly incorporates the rate structure provided in the "Tow Service Agreement, 2016-2017" agreement issued by the State of California Department of California Highway Patrol. Lastly, the tow vendor franchise agreements currently allow the City to renegotiate the fees annually, in good faith, and as necessary, should the actual costs for administration of the towing program exceed or otherwise vary from the estimated administrative costs.

Recommendation No. 16A.8.7: *"The Irwindale Council should annually review their city and tow contractor fees charge to vehicle owners, including comparisons with other cities in Los Angeles County, to evaluate and justify the amounts charged, considering the potential hardship on their citizens relative to the policy objectives of the fees including deterring certain types of behavior, as well as considering the fairness of the fees being charged relative to other jurisdictions."*

Response: The City agrees with this finding. The recommendation has been implemented, in part. The City conducts regular reviews of City-wide fee schedules, including tow fees, to confirm that the fees charged do not exceed the costs of service. Further, the tow vendor franchise agreements currently allow the City to renegotiate the fees annually, in good faith, and as necessary, should the actual costs for administration of the towing program exceed or otherwise vary from the estimated administrative costs. Although not expressly provided for consideration when reviewing the tow fees, the City will begin to consider and compare other cities in Los Angeles County's fees for fairness and evaluate the potential hardships on the citizens of the City relative to the policy of fees to deter certain behavior.

The Gift that Keeps on Giving

Recommendation No. 16B.8.1: *"Should identify and prioritize specific contract performance objectives for their tow vendor(s) addressing towing response times, wait times for customer service over the phone and at the counter, customer complaints resolutions, and other city identified objectives."*

Response: The City agrees with this finding. The recommendation has been implemented, in part, and will be fully implemented in the future. The current tow vendor franchise agreements contain provision that address the towing response times, however, it does not identify other City contract performance objectives based on customer service complaints, resolutions, and wait times. The City intends to implement these objectives in the next round of request for proposal for tow services as well as incorporate the metrics into a new tow vendor franchise agreement. The City will implement this practice upon the conclusion of the current tow vendor franchise agreement. The City awarded the current tow vendor franchise agreement at or near June 2016 for a three (3) year term, with three (3) one-year extensions. Therefore, the earliest this practice may be implemented is in 2019.

Recommendation No. 16B.8.2: *"Should develop a system to collect and analyze tow vendor performance data which requires periodic reporting of performance statistics to assess the impact of their towing vendors on the community. This data should include activity measures,*



Montebello Police Department

CHIEF KEVIN McCLURE

9/22 DATA/RESPONSES ENTERED
ON SPREADSHEET.

September 21, 2017

Presiding Judge
Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Eleventh Floor – Room 11-506
Los Angeles, CA 90012

Re: 2016-2017 Los Angeles County Civil Grand Jury Final Report

To Presiding Judge,

The purpose of this letter is to provide a response to the "Impound Practices in Twelve Select Cities" report, which noted deficiencies in the impound and towing practices of 12 cities including the City of Montebello.

The City of Montebello and Montebello Police Department fully participated and cooperated in the preparation of the report. All of the information that was asked for was provided, however not in the format that was preferred by the consultant conducting the research. Some of the requested information would have required a manual count and would have resulted in pulling a records technician from day to day duties to work exclusively on the request.

The Montebello Police Department offered to make all of the data available for the consultant to review – however this offer was not accepted. In responding to this report, the Montebello Police Department took the time to review all of our practices and made adjustments when appropriate.

Below are the responses to the recommendations made specifically for the City of Montebello and Montebello Police Department – beginning on page 212 and ending on page 213 of the Grand Jury Report.

TOWS PL A

16A.9.1 The City Manager of Montebello (CMM) should improve the website to be clear, user friendly, and provide a source of complete information on the impound procedures required to retrieve and release a vehicle including: identify the city office that accepts payments, hours and days the city office is open, office phone number, required documents to bring to the city office that accepts payment, total city fees required to obtain vehicle release form, tow vendor total fees required to release vehicle, links to the tow vendors site, identify type of payments that are accepted (cash and credit card), and information on the right to an impound hearing. (Findings 3 and 6)

With the exception of “**information on the right to an impound hearing**”, all of the information suggested in this finding has been available to the community via the City of Montebello website. The City of Montebello has added a section within the “retrieve my towed vehicle” section of the City website that explains the impound hearing process and the manner in which to obtain one.

16A.9.2 The CMM should post information on the right to an impound hearing in the city office that accepts impound payments. (Finding 5)

The registered owner of an impounded vehicle is contacted, via U.S. mail and notified of the vehicle impound. Along with information on the process to retrieve their vehicle – information regarding the right to an impound hearing is also provided. This procedure has been in place for years.

Information on the right to an impound hearing has been added to the City of Montebello website in the “retrieve my towed vehicle” section. Information on the right to a vehicle impound hearing has also been added in the Police Department lobby, which is where all transactions for vehicle impounds take place.

16A.9.3 The CMM should record and track an accurate count of the number of impounds it initiates, and reconcile this count with their tow vendor(s) count. (Finding 12)

The Police Department has always maintained an accurate count of all impounded and stored vehicles. All vehicle impounds and storages are documented in a “CHP-180” form and receive a unique report number. CHP-180 reports are completed at the time of the impound and are entered into the Tyler Technologies Records Management System as well as the Laser Fiche system. The City of Montebello Finance Department receives a monthly list from Helms and Hill (the City contractor) on all impounded and stored vehicles. This list can be used by Police Department staff to reconcile impounded vehicles.

16A.9.4 The CMM should monitor the number of impound hearings and their results as a way to determine if there are trends in the outcomes of hearings that may warrant 2016-2017 LOS ANGELES COUNTY CIVIL GRAND JURY FINAL REPORT 213 corrective action concerning police procedures and measuring tow vendor performance. (Finding 7).

All impound hearings are documented on an "impound hearing" form and are attached to the original CHP-180 form for each individual case. At the time of the Grand Jury inquiry, there was not a system in place to immediately count all of the impound hearings. A physical hand count would have been required. The Montebello Police Department had a practice of documenting impound hearings on a unique form at the time of the Grand Jury inquiry however, the Grand Jury report identified a need for a more efficient system to immediately count the number of impound hearings. The Montebello Police Department has created a procedure; utilizing existing systems to more efficiently collect the data on all impound hearings.

16A.9.5 The Montebello Police Department (MPD) should both record and track the information on the California Vehicle Code violations that result in impounds. This information can assist the police department and the public in assessing the type of violations occurring within the city. (Finding 15).

All vehicle impounds are documented on a California Highway Patrol - 180 form (commonly referred to as a CHP-180 form) and receive their own unique report number. The California vehicle code section authorizing the impound of a vehicle is noted on the CHP-180 form. The specific vehicle code section that was involved in the contact with the vehicle has always been recorded in a citation or police report. At the time of this inquiry, a manual count of all CHP-180 reports would have revealed the specific vehicle code section involved for each vehicle.

The information requested in this inquiry has always been recorded and maintained by the Montebello Police Department. The fact that we could not immediately generate a report of the specific vehicle code section violated in relation to each impounded vehicle should not be misconstrued as a failure to document. The specific vehicle code or penal code section associated with each vehicle impound has always been documented in the citation or report written in connection with the vehicle impound.

✓ In response to the findings of the Grand Jury, the Montebello Police Department has made adjustments to the existing Records Management System to make it more efficient to capture the specific vehicle code section associated with the impound. This change will facilitate the retrieval of the California Vehicle Code section that resulted in the impound.

16A.9.6 The MPD should implement a computerized record management system that has the ability to keep, record, track, organize, coordinate and retrieve the number of impounds, impound locations, and specific CVC violations. This is needed to improve the data base and recordkeeping for the police department, as well as, making public information accessible to the public. (Finding 17)

At the time of the inquiry, the vehicle code section associated with each impound was available in each of the CHP-180 forms. However, a manual search would have been required to provide the specific vehicle code for each impound.

The Montebello Police Department offered the consulting group used by the Grand Jury access to the data so that they may retrieve the information in the manner that they preferred it. Due to staffing constraints, the Montebello Police Department was not able to pull a records technician from his/her responsibilities and have that person work exclusively on capturing the data in the manner preferred by the consultant.

✓ The Montebello Police Department utilizes the Tyler Technologies Records Management System. The system accurately captures the number of impounds and impound locations. In response to the findings of the Grand Jury Report, the Montebello Police Department made adjustments to the existing Records Management System to make it more efficient to capture the specific vehicle code section associated with each impound.

16A.9.7 The City Council of Montebello (CCM) should adopt policies that require the cost of administering their towing programs to be reassessed on a periodic basis to ensure that franchise fee and administrative fees are not exceeding the cost of service. Since personnel costs typically adjust annually, this cost assessment should be conducted no less than every two years. (Finding 9).

✓ As part of the City of Montebello annual budget process, fees (such as towing fees) will be reviewed.

16A.9.8 The CCM should annually review their city and tow contractor fees charged to vehicle owners, including comparisons with other cities in Los Angeles County, to evaluate and justify the amounts charged, considering the potential hardship on their citizens relative to the policy objectives of the fees including deterring certain types of behavior, as well as considering the fairness of the fees being charged relative to other jurisdictions. (Finding 9)

As part of the City of Montebello annual budget process, fees (such as towing fees) will be reviewed, including a comparison with surrounding communities in Los Angeles County.

The City of Montebello and Montebello Police Department fully participated with this inquiry and availed itself to telephonic interviews and provided the consultant (used by the Grand Jury), with all pertinent information. No information was withheld and at no time was there a refusal on the part of the Montebello Police Department to cooperate.

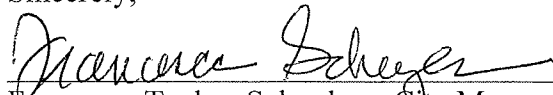
This report did identify areas where systems could be improved to more readily research information on vehicle impounds. However all of the information that was requested was available, although some of the requested data was in raw form. Staffing constraints made it difficult to conduct a manual count to create a report from the raw data. The consultant group was offered the opportunity to view the raw data.

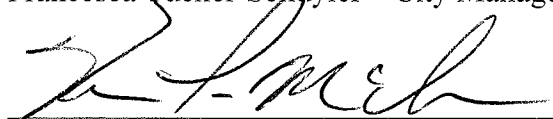
It should be noted that on page 204 of the report, section number 8 references the "like Bell and Maywood, Montebello reaps funds from car seizures" report that was dated April 15, 2011. Section 8 talks about "increased franchise fee triggered by a certain pre-determined number of impounds being achieved; such is the practice in Montebello". The consulting group was provided with the towing contract between the City of Montebello and Helms and Hill.

The original contract between the City of Montebello and Helms and Hill began on August 9, 2009. The original contract did have a fee schedule that was scaled. However the first amendment to the original contract, dated August 13, 2012 changed the original contract scaled fee schedule to a fixed fee of \$ 154.00 per vehicle. At the time that the Grand Jury Report was written, the City of Montebello no longer used a scaled fee schedule and had not for five (5) years. Nevertheless the report specifically mentions that the City of Montebello used a fee schedule that fluctuated – when that is no longer the case. In fact the issue was rectified by Montebello Police Chief Kevin McClure, upon his review of the towing contract. This portion of the report seems to unfairly paint the City of Montebello as "policing for profit", when the City addressed the practice of scaled towing fees several years ago.

If you have any questions, please feel free to contact us, Monday through Thursday, during normal business hours at (323) 887-1290 or via email at kmccclure@cityofmontebello.com / (323) 887-1369 or via email at fschuyler@cityofmontebello.com.

Sincerely,


Francesca Tucker-Schuyler – City Manager


Kevin L. McClure – Chief of Police

THE CITY OF SAN FERNANDO

0/25/17 ✓

CITY COUNCIL

September 28, 2017

MAYOR
SYLVIA BALLIN

VICE MAYOR
ANTONIO LOPEZ

COUNCILMEMBER
ROBERT C. GONZALES

COUNCILMEMBER
JOEL FAJARDO

COUNCILMEMBER
JAIME SOTO

Presiding Judge Daniel J. Buckley
Los Angeles Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street, 11th Floor, Room 11-506
Los Angeles, CA 90012

SUBJECT: Tows and Impounds – Impound Practices in Twelve Select Cities

Honorable Judge Daniel J. Buckley:

The City of San Fernando is in receipt of the Grand Jury report titled, *Tows and Impounds – Impound Practices in Twelve Select Cities* that was issued on June 30, 2017. In accordance with California Penal Code Sections 933(c), 933.05(a), and 933.05(b), please consider this correspondence as the City's response to all recommendations related to the City of San Fernando included in the report.

Finding:	Response:	Action:
16A.10.1 – The City Manager should post all city impound fees in the city office that accepts impound payments.	Agree.	Recommendation has not yet been implemented but will be implemented in the future. The City does not accept impound payments at the tow franchise contract requires the franchisee to collect payment. However, individuals must obtain a release from the Police Department – Detective Division, before the tow franchisee will release the vehicle. All City impound fees will be posted at the Detective Division by 12/31/2017.

FINANCE
DEPARTMENT

117 MACNEIL STREET
SAN FERNANDO
CALIFORNIA
91340

ADMINISTRATIVE
DIVISION
(818) 898-1200

BUSINESS LICENSE
DIVISION
(818) 898-1245

WATER DIVISION
(818) 898-1213

WWW.SFCITY.ORG

TOWS # A

HONORABLE JUDGE DANIEL BUCKLEY

Tows and Impounds – Impound Practices in Twelve Select Cities

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16.A.10.2 – The City Manager should improve the website to be clear, user friendly, and provide a source of complete information on the impound procedures required to retrieve and release a vehicle including: identify the city office that accepts payments, hours and days the city office is open, office phone number, required documents to bring to the city office that accepts payment, total city fees required to obtain vehicle release from tow, tow vendor total fees required to release vehicle, links to the tow vendors site, identify type of payments that are accepted (cash and credit card), and information on the right to an impound hearing.	Agree.	Recommendation has not yet been implemented but will be implemented in the future. The City launched a completely overhauled user-friendly website in 2016. However, there is minimal information available regarding impounded vehicles. The City will endeavor to post impound fees and the process for releasing a vehicle on the Police Department's webpage by 6/30/2018.
16.A.10.3 – The City Manager should post information on the right to an impound hearing in the city office that accepts impound payments.	Agree.	Recommendation has not yet been implemented but will be implemented in the future. The City does not accept impound payments, but information regarding the right to an impound hearing will be posted at the Police Department – Detective Division by 12/31/2017 and on the Police Department's webpage by 6/30/2018.

HONORABLE JUDGE DANIEL BUCKLEY

Tows and Impounds – Impound Practices in Twelve Select Cities

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16.A.10.4 – the City Manager should record and track an accurate count of the number of impounds it initiates, and reconcile this count with their tow vendor(s) count.	Agree.	Recommendation has not yet been implemented but will be implemented in the future. The SFPD's record management system (RMS) tracks the number of impounds that are initiated by the City and receives monthly reports from the tow vendor indicating the number of vehicles towed, stored, and sold every month. Procedures to regularly reconcile this data will be established by 6/30/2018.
16.A.10.5 – The City Manager should monitor the number of impound hearings and their results as a way to determine if there are trends in the outcomes of hearings that may warrant corrective action concerning police procedures and measuring tow vendor performance.	Agree.	Recommendation has not yet been implemented but will be implemented in the future. Records of impound hearings and outcomes are kept by the SFPD. Procedures to regularly review these with the City Manager will be established by 6/30/2018.
16.A.10.6 – The San Fernando Police Department should both record and track the information on the California Vehicle Code violations that result in impounds. This information can assist the Police Department and the public in assessing the type of violations occurring within the City.	Agree.	Recommendation has not yet been implemented but will be implemented in the future. CVC/PC violations are recorded on the hard copy tickets issued by officers, but not currently entered into the RMS. SFPD will identify a field in the RMS to enter the CVC/PC violation by 6/30/2018.

HONORABLE JUDGE DANIEL BUCKLEY

Tows and Impounds – Impound Practices in Twelve Select Cities

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16.A.10.7 – The SFPD should implement a computerized record management system that has the ability to keep, record, track, organize, coordinate and retrieve the number of impounds, impound locations, and specific CVC violations. This is needed to improve the database and record keeping for the SFPD, as well as, making public information accessible to the public.	Agree.	Recommendation has not yet been implemented but will be implemented in the future. The SFPD's computerized RMS currently has the ability to record, track, organize, coordinate, and retrieve the number of impounds and impound locations. A field to record specific CVC/PC violations will be identified and implemented by 6/30/2018.
16.A.10.8 – The San Fernando City Council should adopt policies that require the cost of administering their towing programs to be reassessed on a periodic basis to ensure that franchise fee and administrative fees are not exceeding the cost of service. Since personnel costs typically adjust annually, this cost assessment should be conducted no less than every two years.	Partially disagree.	The full recommendation will not be implemented because it is not reasonable. The City conducts a full user fee analysis every 7 – 10 years, with annual CPI increases, to ensure that the City is recovery the appropriate cost for all fees. This is a costly analysis and would be overly costly and burdensome to conduct every two years.
16.A.10.9 – the City Council should annually review their city and tow contractor fees charged to vehicle owners, including comparisons with other cities in Los Angeles County, to evaluate and justify the amounts charged, considering the potential	Partially disagree.	The full recommendation will not be implemented because it is not reasonable. The City reviews the fees being charge at the beginning of each contract term (i.e. 5 years). An annual review would be administratively

HONORABLE JUDGE DANIEL BUCKLEY

Tows and Impounds – Impound Practices in Twelve Select Cities

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hardship on their citizens relative to the policy objectives of the fees including deterring certain types of behavior, as well as considering the fairness of the fees being charged relative to other jurisdictions.		burdensome and costly. It may also have the effect of increasing the cost of proposals from vendors (and consequently, the cost to individuals whose vehicles are impounded) if the vendor does not have some sort of contractual fee arrangement over the life of the contract. Fees will be reviewed every five years as part of the contract renewal process.
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Please feel free to contact me if you have additional questions or need additional documentation.

Sincerely,



Nick Kimball
Finance Director

cc: Alexander Meyerhoff, City Manager



Rec'd 11/28/17

November 13, 2017

Civil Grand Jury
Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Eleventh Floor-Room 11-506
Los Angeles, CA 90012

Re: Civil Grand Jury Responses - Tows and Impounds Part A: Impound Practices in Twelve Select Cities; Tows and Impounds Part B: Tow Vendor Contracts in Twelve Select Cities

Dear Presiding Judge of the Superior Court,

Pursuant to California Penal Code Section 933(c), the City of West Covina has reviewed the findings and recommendations made by the 2016-2017 Civil Grand Jury. Attached are the required responses as described in California Penal Code Section 933.05. We apologize for the delay, as we had believed the response was made after the City Council approved the response at their September 21, 2017, City Council Meeting.

Respectfully,

A handwritten signature in black ink, appearing to read "CF", written over a horizontal line.

Chris Freeland
City Manager

Enclosure: Civil Grand Jury Responses

cc: Corey Warshaw, Mayor of West Covina
Marc Taylor, West Covina Police Chief
Kimberly Hall Barlow, West Covina City Attorney

TOWS P4A

TOWS AND IMPOUNDS PART A: IMPOUND PRACTICES IN TWELVE SELECT CITIES – EXCERPTS TAKEN FROM THE LOS ANGELES COUNTY CIVIL GRAND JURY REPORT

SECTION A: RECOMMENDATIONS FROM THE CIVIL GRAND JURY (CGJ)

16A.11.1 The City Manager of West Covina (CMWC) should post all city impound fees in the city office that accepts impound payments. (Finding 2)

Response: The City Manager concurs with the finding; the recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation of six months or less.

16A.11.2 The CMWC should improve the website to be clear, user friendly, and provide a source of complete information on the impound procedures required to retrieve and release a vehicle including: identify the city office that accepts payments, hours and days the city office is open, office phone number, required documents to bring to the city office that accepts payment, total city fees required to obtain vehicle release form, tow vendor total fees required to release vehicle, links to the tow vendors site, identify type of payments that are accepted (cash and credit card), and information on the right to an impound hearing. (Findings 3 & 6)

Response: The City Manager concurs with the finding; the recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation of six months or less.

16A.11.3 The CMWC should post information on the right to an impound hearing in the city office that accepts impound payments. (Finding 5)

Response: The City Manager concurs with the finding; the recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation of six months or less.

16A.11.4 The CMWC should record and track an accurate count of the number of impounds it initiates, and reconcile this count with their tow vendor(s) count. (Finding 12)

Response: The City Manager concurs with the finding; the recommendation has been implemented. The Police Department currently reconciles towed vehicle reports against revenues received from the respective vendor(s). This change was in progress during the CGJ investigation.

16A.11.5 The CMWC should monitor the number of impound hearings and their results as a way to determine if there are trends in the outcomes of hearings that may warrant corrective action concerning police procedures and measuring tow vendor performance. (Finding 7)

Response: The City Manager disagrees with the finding. The CGJ asserts that citizens have the right to appeal the reason and other factors surrounding an impounded vehicle. The

CGJ cites California Vehicle Code Sections 22659.9 and 22852 as the basis for this assertion. Despite a search through both hardcopy and electronic versions of the Code—including the State Legislature's Code Search site—section 22659.9 does not appear to be a valid code section. The City's response therefore assumes that the Grand Jury meant to refer to Vehicle Code section 22659.5. The City is in full compliance with both section 22659.5 and 22852. The CGJ's position that mail delays or other factors cause a slowdown in the process, infers that the timeliness of the actual hearing will impact whether a citizen pays fees or not. This assertion is unsupported by any evidence in the report and appears to be speculative. As vehicles are towed only under very limited parameters under the Vehicle Code, tracking the number of hearings is unlikely to produce any relevant trends that would be of use to City Management. The recommendation will not be implemented.

16A.11.6 The West Covina Police Department should both record and track the information on the California Vehicle Code violations that result in impounds. This information can assist the police department and the public in assessing the type of violations occurring within the city. (Finding 15)

Response: The Police Department disagrees with the finding. The authority to impound/store vehicles exists within very narrow parameters under the Vehicle Code. Each impound/stored vehicle report is reviewed by a Watch Commander who personally verifies the validity and legality of all impound/storages. Included in each report is the authority from the Vehicle Code which authorizes the towing of a citizen's vehicle.

All towing in West Covina is generated from traffic collisions, calls for service or from proactive enforcement. The Police Department is confident in its practices, safeguards and compliance with the law. Using towing data to identify California Vehicle Code violations that are occurring within the city is duplicative of existing processes. We further expect that little to no additional information would be gleaned that would be of benefit to the management of the Police Department. For these reasons, the recommendation will not be implemented.

16A.11.7 The City Council of West Covina (CCWC) should adopt policies that require the cost of administering their towing programs to be reassessed on a periodic basis to ensure that franchise fee and administrative fees are not exceeding the cost of service. Since personnel costs typically adjust annually, this cost assessment should be conducted no less than every two years. (Finding 9)

Response: The City Council agrees with the finding. The recommendation has been implemented. In the most recent contract executed with a towing vendor, the administrative and franchise fees were eliminated and replaced with a fixed percentage of gross revenues received by the vendor. It is our experience that a fixed percentage of gross revenues paid to the city is no more than the costs of running the program. In all existing towing contracts, the fees and storage costs are defined in the contracts. As towing contracts expire, the City Council intends to incorporate all of these changes into subsequent contracts.

16A.11.8 The CCWC should annually review their city and tow contractor fees charged to vehicle owners, including comparisons with other cities in Los Angeles County, to evaluate and justify the amounts charged, considering the potential hardship on their citizens relative to the policy objectives of the fees including deterring certain types of behavior, as well as considering the fairness of the fees being charged relative to other jurisdictions. (Finding 9)

Response: The City Council partially disagrees with the finding. The City Council does not support annual evaluation of towing fees against other jurisdictions, but rather supports the use of the California Highway Patrol fee structure. This seems to be the fairest and preferred industry standard. This is the fee structure in place in West Covina. The recommendation to annually review fees will be implemented; the recommendation to compare fees against other agencies will not be implemented.

TOWS AND IMPOUNDS PART B: TOW VENDOR CONTRACTS IN TWELVE SELECT CITIES – EXCERPTS TAKEN FROM THE LOS ANGELES COUNTY CIVIL GRAND JURY REPORT

SECTION B: RECOMMENDATIONS FROM THE CIVIL GRAND JURY (CGJ)

The City Council:

16B.11.1 Should adopt policies outlining specific criteria to be used for evaluating towing vendor proposals, create templates to be completed by individuals participating in the proposal evaluation, and maintain historical records to ensure fair and unbiased scoring in the evaluation process. (Findings 2 and 16)

Response: The City Council agrees with the finding. Prior to the conclusion of the CGJ Investigation, an RFP modification was drafted for a new towing contract. Contained in the RFP was an objective scoring system and persons from multiple City Departments participated in the scoring and evaluation of the competing vendors. The recommendation has been implemented.

16B.11.2 Should identify and prioritize specific contract performance objectives for their tow vendor(s) addressing towing response times, wait times for customer service over the phone and at the counter, customer complaints resolutions, and other city identified objectives. (Finding 7)

Response: The City Council disagrees partially with the finding. While towing response times and consumer complaints are currently monitored and evaluated as a performance measure, telephone wait times and 'at-the-counter' wait times are not. The City does not have the resources to effectively monitor the latter functions as second-hand reports of the same would be very subjective and in-person monitoring is unrealistic and expensive. The portion of the recommendation with which the City Council disagrees will not be implemented.

16B.11.3 Should develop a system to collect and analyze tow vendor performance data which requires periodic reporting of performance statistics to assess the impact of their towing vendors

TOWS PT B



Whittier Police Department

Quality People - Quality Service

Serving the Communities of Whittier and Santa Fe Springs

December 12, 2017

Presiding Judge
Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Eleventh Floor – Room 11-506
Los Angeles, CA 90012

Re: Response to Civil Grand Jury Report/Tow and Impounds

To Honorable Presiding Judge,

Pursuant to PC 933(c) and 933.05, please accept this correspondence as an official response to recommendations contained in the Tow/Impound Report completed by the Civil Grand Jury. All responses have been reviewed and approved by Whittier City Manager Jeffrey W. Collier as well as the Whittier City Council:

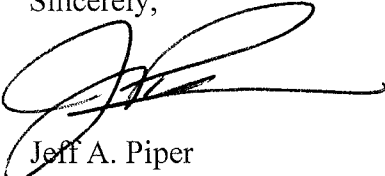
- 16A.12.1: The City will implement this recommendation specifically posting impound fees in the police department lobby as that is the office that accepts impound payments.
- 16A.12.2: The City will implement this recommendation which includes providing specific information on the City/PD's website regarding impound procedures, associated fees, documents to bring, hours of operation, links to tow vendor sites, and impound hearing information.
- 16A.12.3: The City will implement this recommendation specifically posting information on the right to an impound hearing within the police department lobby as that is the office that accepts impound payments and schedules hearings.
- 16A.12.4: The City will implement this recommendation by having the police department reconcile the amount of initiated impounds with tow vendor(s) data to ensure accurate towing numbers bi-annually. This document will be provided to the city manager.
- 16A.12.5: The City will implement this recommendation by having the police department provide the number of impound hearings and outcomes bi-annually to the city manager.

TOWS PA A

16A.12.6: This recommendation is already implemented. Any towing vendor request for increased towing and/or storage fees outside a contract period requires approval from the Chief of Police and City Council. There are no annual franchise fees collected by the City. Administrative costs for all services are audited by an outside company to ensure administrative fees are consistent with the cost of service. This audit generally occurs every two years with the last audit completed and approved by council in 2017.

16A.12.7 This recommendation is implemented. The contractual approval for towing and storage fees are based on current approved rates set by the California Highway Patrol. Generally, increases requested by tow companies outside of a new contract period (3 years) are not approved. Therefore, the police department will continue to compare fees with other local municipalities including the CHP when any request is made by a tow vendor to increase fees. This information is provided to city council during approval of contracts/and or fee increase requests.

Sincerely,



Jeff A. Piper
Chief of Police

TOWS AND IMPOUNDS

PART B: TOW VENDOR CONTRACTS IN TWELVE SELECT CITIES



Dianne Kelley	Chair
Sharon Muravez	Co-Chair
Regi Block	
Hilda Dallal	
Ronnie Dann-Honor	



Tafoya
& Garcia

ATTORNEYS AT LAW

316 W. 2nd St., Ste. 1000
Los Angeles, CA 90012
Tel: 213.617.0600
Fax: 213.617.2226

12/19/17
Duplicity

November 29, 2017

The Honorable Daniel J. Buckley
Presiding Judge
Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Eleventh Floor-Room 11-506
Los Angeles, CA 90012

RECEIVED

DEC 06 2017

OFFICE OF
PRESIDING JUDGE

Re: City of Baldwin Park's Response to the 2016-2017 Civil Grand Jury Report

Dear Presiding Judge Buckley:

The City of Baldwin Park ("Baldwin Park") is in receipt of the Civil Grand Jury Report titled, "Impound Practices in Twelve Select Cities: the Good, the Bad and the Ugly." We appreciate the efforts of the Los Angeles County Civil Grand Jury in examining the policy and practices of towing and impounding automobiles in the twelve selected cities in Los Angeles County. This letter is sent as the City's response under California Penal Code Sections 933(c) and 933.05 to the 2016-2017 Civil Grand Jury Report.

16B.1.1

Should adopt policies outlining specific criteria to be used for evaluating towing vendor proposals, create scoring templates to be completed by each individual participating in the proposal evaluation, and maintain historical records to ensure fair and unbiased scoring in the evaluation process. (Findings 2 and 16.)

Response

The City of Baldwin Park agrees with the findings. The recommendation will be implemented in 2018 when the current Franchise Service Agreement expires and the next Request for Proposals for towing services is issued.

16B.1.2

Should identify and prioritize specific contract performance objectives for their tow vendor(s) including: towing response times, wait times for customer service over the phone and at the counter, customer complaints resolutions, and other city identified objectives. (Finding 7.)

Tows P+B

Response

The City of Baldwin Park agrees with the findings. The recommendation will be implemented in 2018 when the current Franchise Service Agreement expires and the next Request for Proposals for towing services is issued.

16B.1.3

Should develop a system to collect and analyze tow vendor performance data which requires periodic reporting of performance statistics to assess the impact of their towing vendors on the community. This data should include activity measures, such as the volume of vehicles towed, stored, impounded, and lien sales, as well as performance measures to assess compliance with service objectives. Glendale and LASD have good performance data criteria to emulate. (Finding 8.)

Response

The City of Baldwin Park agrees with the findings. The recommendation is already in place.

16B.1.4

Should establish contract provisions for meeting, exceeding, or not meeting performance objectives. This should be specific and include:

- a. Imposing liquidated damages against contractors based on the volume and severity of contract violations.*
- b. Specifying corrective action steps to remedy contract violations.*
- c. Alternatively, if a contractor meets or exceeds service objectives, the contract should require that this performance be used when approving rate adjustments or providing bonuses.*
- d. Specifying criteria for contract termination. (Finding 9.)*

Response

The City of Baldwin Park agrees with the findings. The recommendation will be implemented in 2018 when the current Franchise Service Agreement expires and the next Request for Proposals for towing services is issued.

16B.1.5

Should link contractor performance to future procurement decisions including decisions to offer contract term extensions should require that contractor's documented performance against defined service objectives be used in determining whether the contractor deserves a contractor renewal or extension. (Finding 10.)

Response

The City of Baldwin Park agrees with the findings. The recommendation is already in place.

16B.1.6

Should incorporate a clause in their towing vendor contracts to require that all donations, gifts, and free services provided by the towing vendor outside of their service agreement to any city official or employee, city department, or city affiliated associations or events be documented and reported to the city. (Findings 12, 13 and 17.)

Response

The City of Baldwin Park agrees with the findings. The recommendation will be implemented in 2018 when the current Franchise Service Agreement expires and the next Request for Proposals for towing services is issued. The recommendation will also be implemented within the next quarter in an update to the Finance Department's Purchasing Policy.

16B.1.7

Should adopt policies that prohibit the sale of lien vehicles to city entities or employees. (Findings 14 and 17.)

Response

The City of Baldwin Park agrees with the findings. The recommendation will be implemented in 2018 when the current Franchise Service Agreement expires and the next Request for Proposals for towing services is issued. The recommendation will also be implemented within the next quarter in an update to the Finance Department's Purchasing Policy.

16B.1.8

Should adopt policies that prohibit city employees from participating in the procurement or management of contracts to a vendor in which the employee may possess equity or which employs a relative of the city employee. (Findings 14 and 17.)

Response

The City of Baldwin Park agrees with the findings. The recommendation will be implemented in 2018 when the current Franchise Service Agreement expires and the next Request for Proposals for towing services is issued. The recommendation will also be implemented within the next quarter in an update to the Finance Department's Purchasing Policy.

16B.1.9

Should adopt policies that require more than one department be involved in the tow vendor procurement process: developing Requests for Proposals for towing and vendor services, evaluating proposals received, and recommending a contract award to the final decision maker. (Findings 16 and 17.)

Response

The City of Baldwin Park agrees with the findings. At the last Request For Proposal session, the Baldwin Park Public Works Department conducted the evaluation and award process without any assistance from the Police Department or any other department. At the next Request For Proposal session, the Public Works Department will request the assistance of a City Department other than the Police Department to evaluate proposals received, and recommending a contract award.

16B.1.10

Should require that any in-kind gift or contribution by vendors to city management, personnel, city council members, city departments and/or city events be reported to the city and available to the public on the city's web site. (Findings 16 and 17.)

Response

The City of Baldwin Park agrees with the findings. The recommendation will be implemented in 2018 when the current Franchise Service Agreement expires and the next Request for Proposals for towing services is issued. The recommendation will also be implemented within the next quarter in an update to the Finance Department's Purchasing Policy.

Please do not hesitate to contact the Chief Executive Officer, Shannon Yauchzee or me, City Attorney, if the Civil Grand Jury has any questions or needs additional information. Mr. Yauchzee can be reached at (626) 960-4011, Ext. 482 or at syauchzee@baldwinpark.com. And I can be reached at (213) 617-0600 or at robert@tafoyagarcia.com.

Best regards,

TAFOYA & GARCIA LLP

Robert Nacionales Tafoya
City Attorney

RNT/tcs

cc: Shannon Yauchzee, CEO
Mayor and Members of the City Council

Beverly Hills

reviews our vehicle release fees. We are committed to working in partnership with them to also include a cost benefit analysis of the program taking into consideration personnel costs.

16A.2.5 "The CCBH should annually review their city and tow contractor fees charged to vehicle owners, including comparisons with other cities in Los Angeles County, to evaluate and justify the amounts charged, considering the potential hardship on their citizens relative to the policy objectives of the fees including deterring certain types of behavior, as well as considering the fairness of the fees being charged relative to other jurisdictions. (Finding 9)"

City Response: The City agrees with this finding. The City of Beverly Hills Police Department is committed to reviewing our city and tow vendor fees that are charged to vehicle owners. We will implement this annual review beginning on July 1, 2018. We will use our neighboring five cities of Los Angeles, West Hollywood, Culver City, Santa Monica and Inglewood for comparative price analysis.

Civil Grand Jury Report Recommendations – Part B:

16B.2.1 "Should identify and prioritize specific contract performance objectives for their tow vendor(s) addressing towing response times, wait times for customer service over the phone and at the counter, customer complaints resolutions, and other city identified objectives. (Finding 7)"

City Response: The City of Beverly Hills agrees with the Grand Jury's finding and we will work in collaboration with the Beverly Hills City Attorney's Office to implement the performance objectives contained in Finding 7. Tip Top Tow Service's contract with the City is set to expire in October of 2017. These objectives will be evaluated as the City reviews its contract with Tip Top Tow Service and contemplates an extension or award of the contract to a new vendor.

16B.2.2 "Should establish contract provisions for meeting, exceeding, or not meeting performance objectives. This should be specific and include:

- a. Imposing liquidated damages against contractors based on the volume and severity of contract violations.
- b. Specifying corrective action steps to remedy contract violations.
- c. Alternatively, if a contractor meets or exceeds service objectives, the contract should require that this performance be used when approving rate adjustments or providing bonuses.
- d. Specifying criteria for contract termination. (Finding 9)"

City Response: The City of Beverly Hills Police Department agrees with the Grand Jury's recommendation and continually strives to maintain a contract that ensures the City of Beverly Hills, its residents and visitors receive the highest level of service. We can ensure this by making specific references as outlined above; however, the City's contract with Tip Top Tow Service does not contain all of the above provisions at this time. We will work in partnership with the City of Beverly Hills City Attorney's Office to include the recommendations in the new contract with Tip Top Tow Service if the City of Beverly Hills renews with them. If the City selects a new vendor, the same criteria will be considered. The contract with Tip Top Tow is set to expire in October of 2017.

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TOWS

16B.2.3 "Should link contractor performance to future procurement decisions including decisions to offer contract term extensions should require that contractor's documented performance against defined service objectives be used in determining whether the contractor deserves a contractor renewal or extension. (Finding 10)"

City Response: The City of Beverly Hills Police Department agrees with the Grand Jury's recommendation. Currently, the City evaluates past performance when considering procurement decisions and contract extensions. We will work in partnership with the City of Beverly Hills City Attorney's Office to implement language for future procurement decisions and contract extensions in any new tow vendor contract as outlined in recommendation 16B.2.3. The City of Beverly Hills' current contract with Tip Top Tow is set to expire in October of 2017.

16B.2.4 "Should incorporate a clause in their towing vendor contracts to require that all donations, gifts, and free services provided by the towing vendor outside of their service agreement to any city official or employee, city department, or city affiliated associations or events be documented and reported to the city. (Findings 12, 13 and 17)"

City Response: City of Beverly Hills Administrative Regulation 3B.3 (copy can be provided upon request) and Title 1, Chapter 9, Article 2 of the Beverly Hills Municipal Code currently govern when and what type of donation, gift, and free service must be documented and reported to the City. Those provisions incorporate recommendation 16B.2.4. Administrative Regulation 3B.3 provides that City employees may not "accept any gratuity, privilege, fee, loan, reward, or gift whatsoever, directly or indirectly from any person as a result of their being employees of the City of Beverly Hills." As a result, the City does not plan to implement such provisions as these findings are already provided within the City's Administrative Regulations and Municipal Code. Further, the City of Beverly Hills Conflict of Interest Code imposes restrictions on accepting donations, gifts, or gratuitous services and requires all managers and council members to report any donation, gift, or gratuitous service from a city vendor per the State of California Fair Political Practices Commission Form 700 disclosure.

16B.2.5 "Should adopt policies that prohibit the sale of lien vehicles to city entities or employees. (Findings 14 and 17)"

City Response: The City of Beverly Hills holds its employees and entities to the highest standards. As a result, the City of Beverly Hills agrees with the Grand Jury's finding and will work with the Beverly Hills City Attorney's Office to implement the recommendation of prohibiting city employees and city entities from purchasing lien vehicles from the tow vendor of the City of Beverly Hills. After consulting with the City Attorney's Office, a determination will be made as to whether this prohibition should be specifically stated in a contract with a tow vendor or if it is better incorporated into the City of Beverly Hills' Administrative Regulations. The City of Beverly Hills' current contract with Tip Top Tow Service expires in October of 2017. This provision will be implemented as the City reviews its contract and contemplates renewal of the contract with Tip Top Tow Service. Should the city enter into a contract with a new tow vendor, the same provision will be implemented.

16B.2.6 "Should adopt policies that prohibit city employees from participating in the procurement or management of contracts of which employees may possess equity in a vendor or of which the vendor may be employing a relative of the city employee. (Findings 14 and 17)"

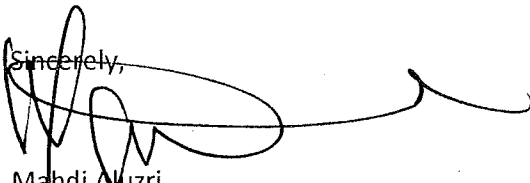
City Response: The City of Beverly Hills agrees this recommendation. Currently, the City of Beverly Hills has a voluminous set of Administrative Regulations that outline employee conduct and prohibits certain activities and actions. In addition, the City of Beverly Hills Conflict of Interest Code prohibits all designated employees from making, or in any way attempting to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect on the official or a member of his or her immediate family.

16B.2.7 "Should adopt policies that require more than one department be involved in the tow vendor procurement process: developing Requests for Proposals for towing and vendor services, evaluating proposals received, and recommending a contract award to the final decision maker. (Findings 16 and 17)"

City Response: The City of Beverly Hills agrees with the Grand Jury's finding and will work with the City Attorney's Office of Beverly Hills in implementing a procedure for involving different city departments that may be impacted by the police department's tow vendor contract. These departments include, but are not limited to the City's Vehicle Maintenance Shop and City Finance Department. We will work on implementing such a procedure on or before July 30, 2018.

16B.2.8 "Should require that any in-kind gift or contribution by vendors to city management, personnel, city council members, city departments and/or city events be reported to the city and available to the public on the city's web site. (Findings 16 and 17)"

City Response: The City agrees with Recommendation 16B.2.8. The City of Beverly Hills Administrative Regulation 3B.3 (copy can be provided upon request) specifically prohibits employees from soliciting gratuities of any kind. This Administrative Regulation also specifically details what kind of gift can and cannot be accepted as a token of appreciation for exemplary service. Additionally, the City of Beverly Hills requires its managers and council members to report any in-kind gift received from a city vendor as per the State of California Fair Political Practices Commission Form 700 disclosure. That form is subject to public records disclosure and is available online. The purpose of the City of Beverly Hills Administrative Regulations are "to help ensure the highest level of public trust, help eliminate the possibility of conflicts of interest and clearly demonstrate to the public that additional compensation and/or gratuities are not necessary for city services. Employees must represent the city, conduct their work responsibilities, and make decisions in such a way that they are not and do not appear to be improperly influenced in the performance of their official duties."

Sincerely,

Mahdi Aluzri
City Manager

CC: Beverly Hills City Council

TOWS AND INPOUNDS

PART B: Tow Vendor Contracts in Twelve Cities

Based on the “RECOMMENDATIONS” (Pages 239-240) for the City of El Monte, the following responses have been developed:

16B.3.1 More Analysis Required

The El Monte City Council is committed to ensuring fair and unbiased scoring of towing vendor proposals. To this end, in the last selection round (2016), a committee of four (4) staff members was convened to oversee the entire Request for Proposals (RFP) process from development to the final recommendation to the City Council. At this time, staff has been directed to research this issue to determine if policies and procedures, beyond those already established, need to be developed and adopted.

16B.3.2 Will Implement

The El Monte City Council will implement this recommendation in the next RFP round. The current Vehicle Towing and Secured Storage Services Agreement is in place for a term of four (4) years. Six months before the expiration of the Agreement, staff will develop the RFP guidelines to include rubrics related to towing response times, wait times for customer service (phone and counter), customer complaint resolutions, and any other objectives deemed necessary based on the performance of the current vendor.

16B.3.3 Will Implement

The El Monte City Council will implement this recommendation in the next RFP round. As stated above, the current Vehicle Towing and Secured Storage Services Agreement has been executed for a term of four (4) years. When staff develops the RFP guidelines for the next round (2019), it will include the collection and required reporting by the vendor to the City of: 1) volume of vehicles towed; 2) volume of vehicles stored; 3) volume of vehicles impounded; and 4) lien sales. City staff will research the practices implemented by the City of Glendale for performance data criteria.

16B.3.4 Already Implemented

Section “J” of the current Vehicle Towing and Secured Storage Services Agreement specifically addresses the provisions for not meeting performance objectives:

- J. Termination / Suspension of Agreement.
 - 1. CITY may terminate this Agreement and the franchise granted hereunder at any time for convenience and without cause by giving CONTRACTOR a minimum of sixty (60) days prior written notice of CITY’s intent to terminate for convenience. The prior or concurrent issuance of a Default Notice by CITY or by CONTRACTOR pursuant to subsection D, below, shall not operate to prohibit or otherwise restrict CITY’s ability to terminate this Agreement for convenience as provided herein.
 - 2. CONTRACTOR may terminate this Agreement for convenience by giving CITY no less than ninety (90) days prior written notice of its intent to

TOWS PT B

terminate this Agreement for convenience. CONTRACTOR shall continue to fully and faithfully perform under this Agreement pending the effective date of any termination for convenience by either CITY or CONTRACTOR.

3. Event of Default; Breach; Termination/Revocation of Franchise for Cause:

a. In the event either Party fails to perform any duty, obligation, service or task set forth under this Agreement (or fails to timely perform or properly perform any such duty, obligation, service or task set forth under this Agreement), an event of default (hereinafter, "Event of Default") shall occur. For all Events of Default, the Party alleging an Event of Default shall give written notice to the defaulting Party (hereinafter referred to as a "Default Notice") which shall specify: (i) the nature of the Event of Default; (ii) the action required to cure the Event of Default; (iii) the date by which the Event of Default shall be cured, which date shall not be later than the period allowed by applicable cure period set forth under subsections J.3.b.i through J.3.b.4, below. The Event of Default shall constitute a breach of this Agreement if the defaulting Party fails to cure the Event of Default within the applicable cure period or any extended cure period allowed under this Agreement.

b. CONTRACTOR shall cure the following types of Events of Defaults within the following time periods:

1. Within twenty-four (24) hours of CITY's issuance of a Default Notice for any failure of CONTRACTOR to allow access to its facilities or to permit any inspection of any records, vehicles or equipment by CITY or CITY's authorized agents as may provide or otherwise authorized under this Agreement. CITY shall be under no obligation to entertain any request by CONTRACTOR for additional time to allow such access to its facilities or to permit any such inspections by CITY or CITY's authorized agents.

2. Within forty (48) hours of CITY's issuance of a Default Notice for any failure of CONTRACTOR to timely pay any monetary sums owed to CITY at the time specified in this Agreement, including but not limited to any fees, interest, penal sums, reimbursements or late charges, provided, however that if the end of the 48-hour cure period falls on a day in which the CITY is not open for business, the deadline for remitting payment shall be extended to the close of business of the next day in which the CITY is open for business. Except as otherwise provided under the preceding sentence, CITY shall be under no obligation to entertain any request by CONTRACTOR for additional time to pay any monetary sums owed to the CITY.

3. Within five (5) days of CITY's issuance of a Default Notice for any failure of CONTRACTOR to provide CITY or CITY's employees or agents with any reports, records, work product, records or information which CONTRACTOR is obligated to provide to CITY or CITY's employees or agents under this under the terms of this Agreement, the El Monte

Municipal Code or any other applicable laws or regulations of the County of Los Angeles, the State of California or the federal government of the United States of America. Prior to the expiration of the 5-day cure period, CONTRACTOR may submit a written request for additional time to cure the Event of Default upon a showing that CONTRACTOR has commenced efforts to cure the Event of Default and a showing that the Event of Default cannot be reasonably cured within the 5-day cure period. The foregoing notwithstanding, CITY shall be under no obligation to grant additional time for the cure such an Event of Default under that exceeds seven (7) calendar days from the end of the initial 5-day cure period.

4. Within fourteen (14) calendar days of CITY's issuance of a Default Notice for any other Event of Default under this Agreement. Prior to the expiration of the 14-day cure period prescribed under this subsection, CONTRACTOR may submit a written request for additional time to cure such other Event of Default upon a showing that CONTRACTOR has commenced efforts to cure the Event of Default and that the Event of Default cannot be reasonably cured within the cure period. The foregoing notwithstanding, CITY shall be under no obligation to grant additional time for the cure of an Event of Default under this subsection that exceeds thirty (30) calendar days from the end of the initial 14-day cure period.

4. In addition to any other failure on the part of CONTRACTOR to perform any duty, obligation, service or task set forth under this Agreement; or the failure to timely perform or properly perform any such duty, obligation, service or task; or the failure to adhere to any performance standard or operating requirements set forth in this Agreement, an Event of Default on the part of CONTRACTOR shall include, but shall not be limited to the following specific varieties of defaults:

a. The initiation of proceedings under any bankruptcy, insolvency, receivership, reorganization, or other similar proceedings as relates to CONTRACTOR, whether voluntary or involuntary; or

b. CITY's discovery that any representation of CONTRACTOR relating to CONTRACTOR's performance under this Agreement or any representation made by CONTRACTOR in the proposal it submitted to secure the award of this Agreement is false, misleading or erroneous in any material respect; or

c. CITY's discovery that contractor is in violation of or is not in compliance with any local, county, State or federal law regulating towing service operations or the operation of vehicle storage facilities, including but not limited to the provisions of Article 1 of Chapter 10 of Division 11 of the California Vehicle Code (Vehicle Code section 22650 et seq.) including but not limited to those operating standards, noticing requirements and service

requirements set forth under Vehicle Code sections 22655.5(c), 22658, and 22699; or

d. Any assignment or transfer of all or any portion of CONTRACTOR's interest in this Agreement to any person or other legal entity (including but not limited to any person or other legal entity of which CONTRACTOR or CONTRACTOR's principals, shareholders or partners hold any type of ownership interest or other controlling interest) that is not first approved by the CITY in writing by action of the City Council; or

e. The sale, conveyance, transfer, hypothecation, leasing, subleasing or licensing to any person or other legal entity of all or any portion of the real property upon which CONTRACTOR's primary or secondary storage facilities are located that has not first been approved by the CITY in writing by action of the City Council, including but not limited to any sale, conveyance, transfer, leasing, subleasing or licensing to a person or other legal entity in which CONTRACTOR or CONTRACTOR's principals, shareholders or partners hold any type of ownership interest or controlling interest in the person or other legal entity to whom the real property is to be sold, conveyed, hypothecated, leased sublet or licensed).

CONTRACTOR shall have seven (7) days from the date of CITY's issuance of a Default Notice for any of the Events of Default enumerated under this subsection, above, to submit a written declaration signed by a duly authorized owner, principal or member of CONTRACTOR under penalty of perjury under the laws of the State of California rebutting the occurrence or veracity of the CITY's findings and/or determinations as set forth in the CITY's Default Notice. The CONTRACTOR's written declaration shall also be accompanied by any and all records, documentation or other tangible evidence which CONTRACTOR may wish to provide in support of its written declaration. CITY shall have sixty (60) calendar days from the date CONTRACTOR submits its written declaration and supporting material to render a final determination on the matter. During this 60-day period, CONTRACTOR shall provide such additional records, documentation or information as CITY may request to render its final determination as to whether or not any one or more of the Events of Default under this subsection has occurred. CITY's second written determination following the submission of CONTRACTOR's written declaration and supporting material shall be final and if CITY upholds its prior determination that any one or more of the Events of Default enumerated under this subsection has occurred, CITY may immediately declare CONTRACTOR to be in breach of this Agreement and pursue any and all remedies available to CITY under this Agreement, including but not limited to the termination of this Agreement. Similarly, if CONTRACTOR fails to timely submit any written

objections to the CITY's Default Notice, such failure shall constitute a waiver of CONTRACTOR's right to object to the CITY's initial findings and determination and CITY reserves the right to immediately declare CONTRACTOR in breach of this Agreement and pursue any and all remedies available to CITY under this Agreement, including but not limited to the termination of this Agreement.

5. CITY shall have forty-five (45) calendar days from the date CONTRACTOR issues a Default Notice to cure any Event of Default, unless the Event of Default cannot reasonably be cured within the 45-day cure period. CITY shall be granted an additional forty-five (45) calendar days to cure any Event of Default upon CITY's written request for such an extension of time and CITY's demonstration that it has commenced the cure of the Event of Default. Alternatively, CITY may at any time during the initial 45-day cure period submit a written objection to the Default Notice along with any written declarations or other evidence which rebut or otherwise disprove the assertions in the CONTRACTOR's Default Notice. In the event CITY and CONTRACTOR are unable to agree as to whether or not an Event of Default on the part of CITY has occurred or whether CITY's proposed cure will adequately cure the Event of Default, CONTRACTOR shall either waive the Event of Default in writing or issue a written notice declaring the CITY to be in breach of the Agreement. CONTRACTOR shall have no authority to issue a breach notice to CITY prior to the earlier of the following: (i) the expiration of CITY's initial 45-day cure period or any additional 45-day cure period invoked by the CITY; or (ii) CITY's issuance of a written objection to the Default Notice. In the event CITY is in breach of this Agreement, CONTRACTOR's sole remedy shall be the suspension or termination of its performance under this Agreement.

6. No waiver of any Event of Default or breach under this Agreement shall constitute a waiver of any other or subsequent Event of Default or breach. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.

7. The rights and remedies available to CITY hereunder shall be in addition to and not a limitation of any rights and remedies available to CITY at law or in equity. In addition to any other remedies available to CITY at law, in equity or under this Agreement in the event of any breach of this Agreement by CONTRACTOR, CITY, in its sole and absolute discretion, may also avail itself of any one or more of the following remedies:

a. The termination of this Agreement and the rights and privileges set forth herein, upon CITY's issuance of written notice specifying the effective date of such termination; and/or

b. Specific performance of any one or more of the provisions of this Agreement, declaratory relief and/or injunctive relief.

8. Concurrent with, or as an alternative to, CITY's initiation of the Default Notice process, CITY may also suspend CONTRACTOR's performance under this Agreement and the rights and privileges conferred hereunder for one (1) or more days, under any of the grounds set forth under subsections C and D of this section, pending the cure of an Event of Default, the termination of this Agreement for cause or convenience or pending CITY's exhaustion of any other rights or remedies available to it under this Agreement, at law or inequity. Nothing in this subsection shall operate to prohibit or otherwise restrict the ability of CITY to commence proceedings to pursue the termination of this Agreement either for cause or convenience during any suspension period.

9. Neither the suspension of this Agreement nor the termination of this Agreement for convenience or cause shall operate to relive CONTRACTOR of its obligation to comply with all applicable laws governing the towing and secure storage of vehicles in its possession, including but not limited to laws relating to the release of vehicles to persons whose vehicles are in CONTRACTOR's possession. This obligation shall survive the termination of this Agreement under any circumstance and shall remain operative during any suspension period

16B.3.5 Already Implemented

The City of El Monte staff will review all contract performance objectives, report on these objectives and present to the City Council and the public at an open meeting of the City Council any recommendations to extend the current Vehicle Towing and Secured Storage Services Agreement based on the satisfactory performance of the contract objectives.

16B.3.6 Will Implement

The City of El Monte will implement this recommendation in the next RFP round (2019). Although all of the proposers were required by the prior RFP guidelines to disclose and gifts, donations, and/or free services to the review committee, the Vehicle Towing and Secured Storage Services Agreement did NOT contain a clause requiring the documentation and reporting of the same to the City. Six months prior to the expiration of the current Agreement, staff work will work with the City Attorney to develop this clause and incorporate it into the future Vehicle Towing and Secured Storage Services Agreement.

16B.3.7 Will Implement

City staff work will work with the City Attorney to develop policy to prohibit the sale of lien vehicles to city entities or employees. This policy will be included into any future version of the Vehicle Towing and Secured Storage Services Agreement.

16B.3.8 Will Implement

City staff work will work with the City Attorney to develop policy to prohibit City employees from participating in the procurement and/or management of contracts of which employees may possess equity in a vendor firm or of which may be employing a relative of the City employee.

16B.3.9 Will Implement/Already Implemented

City staff work will work with the City Attorney to develop policy to require more than one Department be involved in the tow vendor procurement process. It should be noted that during the last RFP/contract development process, the City DID include staff from the: 1) City Manager's Department; 2) Finance Department; 3) Police Department; and 4) Public Works Department, Transportation Division. This core committee worked as a team to: 1) develop the RFP; 2) evaluate the proposals; 3) interview prospective vendors; 4) review the site inspection data (reports and photographs); and 5) recommend contract awards to the City Council.

16B.3.10 More analysis required

City staff will work with the City Attorney to research best practices for this item. This provision is not included in the current Vehicle Towing and Secured Storage Services Agreement; therefore any change that may be enforcement by contract will be based on a future RFP which may be issued as early as 2019.

Once again, thank you for the opportunity to respond to the insightful recommendations of the Civil Grand Jury. If you should have any questions, please contact me via email at msolorzano@elmonteca.gov or by telephone at (626) 580-2278.

Respectfully submitted,



MICHELLE M. SOLORZANO
Grant Administrator

Glendale

Recommendation 16A.4.3: The CMG should post information on the right to an impound hearing in the city office that accepts impound payments. (Finding 5)

Response: The City of Glendale agrees with the finding and has implemented the recommendation. The City of Glendale complies with Vehicle Code section 22852 regarding post-storage hearings. When a vehicle is stored or impounded pursuant to the provisions of the Vehicle Code by a Glendale Police Department employee, the Glendale Police Department sends the vehicle's registered and legal owners of record a notice regarding the opportunity for a post-storage hearing to determine the validity of the storage or impound. Further, all Official Police Tow Service operators in Glendale are required by contract to post a notice about the hearing rights of a vehicle owner whose vehicle has been impounded. Nonetheless, the City of Glendale has implemented this recommendation. Specifically, a binder containing information regarding vehicle release procedures, including post-storage hearing information, is available at the front desk of the Glendale Police Department.

Recommendation 16A.4.4: The CMG should record and track an accurate count of the number of impounds it initiates, and reconcile this count with their tow vendor(s) count. (Finding 12)

Response: The City of Glendale agrees partially with the finding. Specifically, the City disagrees with the following statement in Finding 12: "Many cities do not track the number of annual impounds, nor the number of impounds at scheduled checkpoints." The City of Glendale included in its response to the Survey vehicle impound statistics for 2015.

Nonetheless, the City of Glendale agrees with the recommendation and will implement a system to reconcile its records with the reports and numbers submitted by the tow operators. The City expects to implement a reconciliation system within two months.

Recommendation 16.B.1: The City of Glendale "[s]hould link contractor performance to future procurement decisions including decisions to offer contract term extensions should require that contractor's documented performance against defined service objectives be used in determining whether the contractor deserves a contractor renewal or extension." (Finding 10)

Response: The City of Glendale agrees with the finding. As noted in the Civil Grand Jury's report, at page 235, "Glendale stood out for requiring their vendors to track and monitor several performance measures including response times for answering city calls, wait times for customers calls, and implementing a Quality Assurance Plan to meet 93 performance standards outlined in their contract." In the past, the City of Glendale has considered contractor performance in decisions to offer contract term extensions. The City will continue to consider contractor performance in determining whether to renew or extend the term of a contract and thus will implement the recommendation for future renewal or extensions of tow contracts.

TOWS P + B

Recommendation 16.B.2: The City of Glendale "[s]hould incorporate a clause in their (sic) towing vendor contracts to require that all donations, gifts, and free services provided by the towing vendor outside of their service agreement to any city official or employee, city department, or city affiliated associations or events be documented and reported to the city." (Findings, 12, 13, and 17)

Response: The City of Glendale agrees with the findings. The City has strong policies in place regarding the acceptance of gifts by officials and employees. For example, the City's Administrative Policy 3-11 provides, in part: "No officer or employee shall receive any Gratuity or advantage from any Contractor or person furnishing labor or material for the City." In addition, Chapter 1.10 of the Glendale Municipal Code contains strict laws regarding campaign contributions. Further, the City also vigorously complies with state laws and regulations of the Fair Political Practices Commission regarding the acceptance of gifts by officials and employees. For subsequent procurement processes, the City will give strong consideration to adding a clause to its tow contracts requiring that donations, gifts, and free services by a tow contractor to a city official or employee, city department, or city affiliated association be reported to the city.

Recommendation 16B.4.3: The City of Glendale "[s]hould adopt policies that prohibit city employees from participating in the procurement or management of contracts of which employees may possess equity in a vendor or of which the vendor may be employing a relative of the city employee." (Finding 14 and 17)

Response: The City of Glendale agrees with the findings. The City of Glendale has strong policies in place regarding the procurement or management of contracts. The report of the Civil Grand Jury noted that Glendale is one of only two of the twelve surveyed cities that maintains policies regulating or prohibiting towing vendors from selling auctioned lien vehicles to city officials or employees. The report also noted that Glendale is one of only five of the twelve surveyed cities to have a policy prohibiting the city from contracting with vendors that are owned by city employees.

With regard to procurement of contracts and conflicts of interest, the City of Glendale Administrative Policy 3-11, Section E. provides, in part:

2. No employee, officer, or official, by virtue of his or her position, is entitled to any special consideration from merchants in his or her personal affairs, nor is he or she to attempt to procure goods or services for the personal use of any other person.
3. No officer or employee of the City may make, participate in making or in any way use or attempt to use their official position to influence a governmental decision in which they know or has reason to know they have a disqualifying conflict of interest. An officer or employee has a conflict of interest if the decision will have

a reasonably foreseeable material financial effect on one or more of their economic interests, unless the public official can establish either: (1) that the effect is indistinguishable from the effect on the public generally, or (2) a public official's participation is legally required. Further, no officer or employee shall receive any Gratuity or advantage from any Contractor or person furnishing labor or material for the City. Any Contract of the City in which an officer, official, or employee becomes financially interested may be declared void by the City Council. The City may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Further, the City of Glendale vigorously complies with state law regarding conflicts of interest. When contracts are publicly bid, rules regarding public bidding are strictly followed. When contracts are sole sourced, city employees requesting the contract must certify that neither they nor their immediate family members are employed or have any financial interest in that contract or vendor.

Since the City of Glendale has existing strong policies in place regarding procurement and conflicts of interest, the recommendation has already been implemented.

Recommendation 16B.4.4: The City of Glendale "[s]hould require that any in-kind gift or contribution by vendors to city management, personnel, city council members, city departments and/or city events be reported to the city and available to the public on the city's web site." (Emphasis in original) (Findings 16 and 17)

Response: The City of Glendale agrees with the findings. The City of Glendale already has in place strong laws and policies regarding gifts and campaign contributions. Glendale's Administrative Policy 4-6, Section N deals with gifts and provides as follows:

N. EMPLOYEES RECEIVING GIFTS

On occasion, City employees receive gifts in appreciation of good work or service provided to residents, business people, government officials, and fellow employees. In some instances, accepting a gift can be viewed by the grantor as a means to receive favored treatment that other individuals may not be provided. The following points are to be observed with regard to employees receiving gifts in an effort to avoid such possible misconceptions and problems.

1. Since the acceptance of gifts and/or gratuities can lead to the perception of "free" services, "bribes," or other beneficial inducements, no gifts or favors of any value should be accepted if the grantee or grantor believes it will give the grantor preferential

treatment in one's dealings with the City, or possibly influence the grantee with the discharge of his/her duties.

2. Under no circumstances should cash, gift cards, or alcoholic beverages be accepted as a gift.
3. No gifts or favors with a value over \$25.00 from any one source should be accepted during a calendar year if the gift or favor is connected with the individual's employment with the City. "One source" means any entity, including its officers, employees, consultants, and affiliated organizations. Gifts that are acceptable to receive are those that can be shared among City staff and/or the public. These may include, but are not limited to, cookies, candies, cakes, and flowers. Gifts consisting of perishable goods should be placed in a central location for all department employees to partake of.
4. Inappropriate gifts should be sent back to the grantor with a letter explaining the City's gift-giving policy.
5. Anonymous gifts can be raffled among the employees in the section or division and the proceeds shared for some common or charitable use (i.e., Red Cross donation, office refreshments).
6. All gifts received must be brought to the attention of the section or department head to ensure the spirit of the policy is being carried out.
7. This policy is not intended to prohibit the exchange of gifts among City employees, officers, officials and/or other staff for the celebration of holidays, birthdays, Administrative Professionals Day, etc.
8. The solicitation or acceptance of gifts in violation of the City's policy may be grounds for disciplinary action, up to and including termination of employment.

In addition, Glendale Municipal Code Chapter 1.10 deals with campaign contributions and conflicts of interest. Glendale Municipal Code section 1.10.060 specifically provides, in part:

- B. No person who is a party to a city contract, as defined in subsection A, shall make a contribution to an individual holding city elective office where the city contract has a total anticipated or actual value of fifty thousand dollars (\$50,000.00) or more, or a combination or

series of such contracts or agreements having a value of fifty thousand dollars (\$50,000.00) or more.

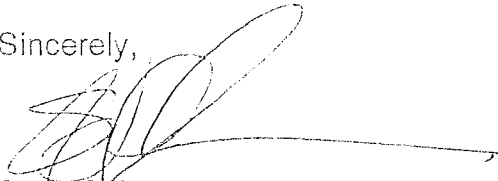
- C. No member of the council, nor the city clerk or city treasurer shall receive a contribution from a person who is a party to a city contract, as defined in subsection A, where the city contract has a total anticipated or actual value of fifty thousand dollars (\$50,000.00) or more, or a combination or series of such contracts, having a value of fifty thousand dollars (\$50,000.00) or more.
- D. No person acting as a subcontractor under a subcontract through a city contract, as defined in subsection A, shall make a contribution to a council member where an individual subcontract has a total anticipated or actual value of twenty-five thousand dollars (\$25,000.00) or more, or a combination or series of such individual subcontracts with the same subcontractor, for the same or different projects with the aggregate value of twenty-five thousand dollars (\$25,000.00) or more.
- E. No member of the council shall receive a contribution from a person who is party to a subcontract under a city contract, as defined in subsection A, where the subcontract has a total anticipated or actual value of twenty-five thousand dollars (\$25,000.00) or more, or a combination or series of such subcontracts having a value of twenty-five thousand dollars (\$25,000.00) or more.
- F. No applicant seeking entitlement, contractor of an applicant seeking entitlement or a subcontractor of an applicant seeking entitlement shall make a contribution to a council member while such application is pending before the council, redevelopment agency, or housing authority and for a period of twelve (12) months after the last and final approval by the council, redevelopment agency, or housing authority has been granted.
- G. A member of the council, successor agency, or housing authority who has received a campaign contribution from an affected party within the twelve (12) months preceding the consideration by the council, successor agency, or housing authority on any of the following matters shall not participate in said matter and shall be considered disqualified from voting on said matter: (1) approval of a city contract, as defined in subsection A; (2) award of a proposal in response to a request for proposals; (3) conditional use permit; (4) variance; (5) approval of architectural or design review (at any stage); (6) award of a franchise; (7) administrative exception; (8) parking reduction; (9) approval of a development agreement; (10)

approval of a disposition and development agreement; (11) approval of an exclusive negotiation agreement; (12) approval of owner participation agreement; (13) approval of an affordable housing agreement; (14) financial assistance for a proposed project; (15) or any other land use. In addition, the member shall not be considered toward reaching a quorum. In the event that a quorum or more are disqualified from voting on a matter covered herein, members will be selected by random draw until there are the minimum number of members of the relevant body to render a lawful decision (e.g., in most cases, a quorum). As used in subsections G and H of this section only, "contribution" shall mean a contribution to the member of council, successor agency or housing authority for any federal state or local elective office. Except for contributions made for city elective office, the provisions of this section pertaining to contributions made by an affected party to any federal or state election campaign shall not apply in the event such contribution was received by the member of the council, successor agency or housing authority on or before October 4, 2016.

Further, the City of Glendale complies with conflicts of interest laws and regulations by requiring city officials and specified city employees to file Fair Political Practices Form 700 regarding statements of economic interests on an annual basis. These forms are available for inspection as public records. The City is currently exploring methods of making Form 700s available on the City's website while complying with state privacy laws.

Finally, the City of Glendale posts on its website the California Form 802 (Agency Report of Ceremonial Role Events and Ticket/Pass Distributions). (<http://www.glendaleca.gov/government/transparency/california-form-802>)

Sincerely,



Scott Ochoa
City Manager

16B.5.1 Should adopt policies outlining specific criteria to be used for evaluating towing vendor proposals, create templates to be completed by individuals participating in the proposal evaluation, and maintain historical records to ensure fair and unbiased scoring in the evaluation process.

Response: The respondent agrees with the finding. The recommendation was already in place at the time of the Grand Jury inquiry.

The City of Glendora awards contracts through the Request for Proposal (RFP) process. Staff creates an RFP by outlining the specific criteria that the contract requires. This criteria is partially based upon the previous RFP (template) for that particular contract. City staff adds any new requirements that are needed to meet the needs of the city, statutory requirements, and best practices. The City Clerk maintains all historical records related to RFPs.

16B.5.2 Should identify and prioritize specific contract performance objectives for their tow vendor(s) addressing towing response times, wait times for customer service over the phone and at the counter, customer complaint resolutions, and other city identified objectives.

Response: The respondent agrees with the finding. The recommendation was already in place at the time of the Grand Jury inquiry.

The City of Glendora has a current contract with a tow vendor that specifies performance standards. The contract includes, in part, the following: a timely and professional towing service; office weekend availability for customers; the office is required to be at the same location as the towing yard to facilitate customer access; a business card must be provided to vehicle owners; towing and service rates are based on a defined criteria so they are not excessive; rates displayed inside tow truck, specific response times are defined based upon the time of day; etc.

16B.5.3 Should develop a system to collect and analyze tow vendor performance data which requires periodic reporting of performance statistics to assess the impact of their towing vendors on the community. This data should include activity measures, such as volume of vehicles towed, stored, impounded, and lien sales, as well as performance measures to assess compliance with service objectives.

Response: The respondent disagrees partially with the finding. However, the data collection component of this recommendation has been implemented.

Tow vendors respond to tow service requests initiated by the police department. A tow vendor's performance in this area is dictated by the demands imposed by the police department. The impact to the community occurs when the police department initiates a tow service request. The tow vendor has no control over

this. However, we agree with the recommendation that the police department needs better data to track this. This was addressed in the Grand Jury recommendations 16A.5.3, 16A.5.4, and 16A.5.5. These recommendations were implemented by the development of a computerized record management system. The current contract also requires that the tow vendor report to the police department the number of lien sales.

16B.5.4 Should establish contract provisions for meeting, exceeding, or not meeting performance objectives. This should be specific and include:

- a. Imposing liquidated damages against contractors based on the volume and severity of contract violations.**
- b. Specifying corrective action steps to remedy contract violations.**
- c. Alternatively, if a contractor meets or exceeds service objectives, the contract should require that this performance be used when approving rate adjustments or providing bonuses.**
- d. Specifying criteria for contract termination.**

Response: The respondent agrees with the finding. The recommendation was already in place at the time of the Grand Jury inquiry.

The City of Glendora has a current contract with a tow vendor. While the contract does not specify specific damages for contract violations, the contract has a severability clause which allows the city to terminate the contract with sixty days notice without cause. In addition, the Chief of Police can immediately suspend the contract for conduct determined to be a danger to the public. These provisions give the city more control over tow vendor performance than the Grand Jury recommendations since the city can terminate the contract without cause.

16B.5.5 Should link contractor performance to future procurement decisions including decisions to offer contract term extensions should require that contractor's documented performance against defined service objectives be used in determining whether the contractor deserves a contractor renewal or extension.

Response: The respondent agrees with the finding. The recommendation has been implemented.

The City of Glendora has a current contract with a tow vendor. The contract allows the city to extend the contract by two separate one year extensions. The city will not extend a contract with a vendor who is not meeting the service objectives defined in the contract.

16B.5.6 Should incorporate a clause in their towing vendor contracts to require that all donations, gifts, and free services provided by the towing vendor outside

of their service agreement to any city official or employee, city department, or city affiliated associations or events be documented and reported to the city.

Response: The respondent agrees with the finding. The recommendation will be implemented prior to the expiration of the current tow contract.

The City of Glendora has a current contract with a tow vendor. Prior to the expiration of the current contract, this recommendation will be implemented.

16B.5.7 Should adopt policies that prohibit the sale of lien vehicles to city entities or employees.

Response: The respondent disagrees partially with the finding. Part of the recommendation will be implemented prior to the expiration of the current tow contract.

We agree that police department employees should be prohibited from purchasing lien sale vehicles from the tow vendor. However, other city employees have no part in the decision making process on whether a vehicle shall be stored or impounded. The storage or impound is what can lead to a lien sale. The city lacks authority to govern the actions of off-duty city employees when those actions present no conflict with their official duties. The City of Glendora has a current contract with a tow vendor. Prior to the expiration of the current contract, the recommendation pertaining to police employees will be implemented.

16B.5.8 Should require that any in-kind gift or contribution by vendors to city management, personnel, city council members, city departments and/or city events be reported to the city and available to the public on the city's web site.

Response: The respondent agrees with the finding. The recommendation was already in place at the time of the Grand Jury inquiry.

City administrative policy 1.16 prohibits all city employees from receiving gifts from vendors. If a gift is dropped off, it must be turned in to city administration who will return the gift.

Please contact us if you require any additional information or have any concerns.

Sincerely,



Lisa G. Rosales
Chief of Police



Marilyn Sanabria, Mayor
Office of the City Council

12/19/17 - Rec'd
Hunt. Park

1420/17 - posted on
matrix

November 27, 2017

Presiding Judge
Los Angeles County Superior Court
Clara Shortridge Flotz Criminal Justice Center
210 West Temple Street, 11th Floor, Room 11-506
Los Angeles, CA 90012

Re: Response to 2016-2017 Los Angeles County Civil Grand Jury Final Report

Dear Presiding Judge,

Please accept the City of Huntington Park's ("City") responses to the Los Angeles County Civil Grand Jury ("CGJ") recommendations contained in the *"Tow Vendor Contracts in Twelve Select Cities"* report as required by California Penal Code Sections 933(c) and 933.05.

The City generally agree with the CGJ's report and has either implemented or is currently in the process of implementing the CGJ's recommendations. Attached you will find the City's responses to the CGJ's recommendations.

If you have questions, please contact me, or Interim City Manager Ricardo Reyes Monday through Thursday, during normal business hours at (323) 584-6223.

Sincerely,

A handwritten signature in black ink that reads "Marilyn Sanabria". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Marilyn Sanabria
Mayor

cc: Honorable City Council
Interim City Manager
City Attorney

Enclosures



Presiding Judge

Re: Response to 2016-2017 Los Angeles County Civil Grand Jury Final Report

Page 2 of 5

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

RECOMMENDATION NO. 16B.6.1

Should adopt policies outlining specific criteria to be used for evaluating towing vendor proposals, create templates to be completed by individuals participating in the proposal evaluation, and maintain historical records to ensure fair and unbiased scoring in the evaluation process. (Findings 2 and 6)

CITY'S RESPONSE

This City disagrees with these findings. The City currently complies with this recommendation. In the documentation submitted to the CGJ, the City provided a document titled "Request for Proposals ('RFP') – Official Police Tow Service" which outlines specific criteria used by the City for evaluating towing vendor proposals. The RFP includes the City's templates to be complete by individuals participating in the RFP process. Furthermore, the City maintains historical records in compliance with the City's established retention schedules for all RFPs.

RECOMMENDATION NO. 16B.6.2

Should identify and prioritize specific contract performance objectives for their tow vendor(s) addressing towing response times, wait times for customer service over the phone and at the counter, customer complaints resolutions, and other city identified objectives. (Finding 7)

CITY'S RESPONSE

The City partially disagrees with this finding. The City has identified and prioritized specific contract performance objectives for the City's tow vendor. Performance objectives for the existing tow services contract, such as response time, complaints, etc., are included in the documentation submitted to the CGJ titled "Request for Proposals ('RFP') – Official Police Tow Service." The "Vehicle Towing and Secured Storage Services Agreement", also provided to the CGJ, incorporates all the services and tasks set forth in the RFP. The addition of customer wait times over the phone and the counter and complaint resolution will be strong considerations for future tow service contracts.

RECOMMENDATION NO. 16B.6.3

Should develop a system to collect and analyze tow vendor performance data which requires periodic reporting of performance statistics to assess the impact of their towing vendors on the community. This data should include activity measures, such as the volume of vehicles towed, stored, impounded, and lien sales, as well as performance measures to assess compliance with service objectives. Glendale and LASD have good performance data criteria to emulate. (Finding 8)



CITY'S RESPONSE

The City partially disagrees with this finding. The collection of data/activity measures is standard practice for the City. Monthly, the towing service provider submits a statistical report to the City. The report is reviewed and verified by the Police Records Supervisor and the Finance Manager. Vehicles sold through the lien sale process are not currently evaluated. However, the City will begin collecting information on the volume of lien sales. Additionally, per the CGJ's recommendation, the City will review the Glendale and LASD performance data criteria as a sample.

RECOMMENDATION NO. 16B.6.4

Should establish contract provisions for meeting, exceeding, or not meeting performance objectives. This should be specific and include:

- a. Imposing liquidated damages against contractors based on the volume and severity of contract violations.
- b. Specifying corrective action steps to remedy contract violations.
- c. Alternatively, if a contractor meets or exceeds service objectives, the contract should require that this performance be used when approving rate adjustments or providing bonuses.
- d. Specifying criteria for contract termination. (Finding 9)

CITY'S RESPONSE

The City disagrees with this finding. The City currently complies with this recommendation. The "Vehicle Towing and Secured Storage Services Agreement", provided to the CGJ, specifies criteria for contract termination. Also, this agreement provides steps for providing notice of contract violations, such as requiring a specification of the violation, requiring a statement of the specific action required to cure the violation, and providing the date by which the violation should be cured. Further, while the City agrees that contractor's performance should be evaluated in approving rate adjustments, it's the City's position that contractor "bonuses" are not a fiscally responsible practice. Lastly, the inclusion of a liquidated damages provision in contracting should not be necessary, but subject to negotiation, and included on a case by case scenario.

RECOMMENDATION NO. 16B.6.5

Should link contractor performance to future procurement decisions including decisions to offer contract term extensions should require that contractor's documented performance against defined service objectives be used in determining whether the contractor deserves a contractor renewal or extension. (Finding 10)

CITY'S RESPONSE

The City disagrees with this finding. The City currently complies with this recommendation.



Presiding Judge

Re: Response to 2016-2017 Los Angeles County Civil Grand Jury Final Report

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RECOMMENDATION NO. 16B.6.6

Should incorporate a clause in their towing vendor contracts to require that all donations, gifts, and free services provided by the towing vendor outside of their service agreement to any city official or employee, city department, or city affiliated associations or events be documented and reported to the city. (Findings 12, 13 and 17)

CITY'S RESPONSE

The City agrees with these findings. The City will implement this recommendation, but the City must first legally strategize the best course to amend the "Vehicle Towing and Secured Storage Services Agreement" to incorporate this recommendation. The City intends to implement this recommendation within six months.

RECOMMENDATION NO. 16B.6.7

Should adopt policies that prohibit the sale of lien vehicles to city entities or employees. (Findings 14 and 17)

CITY'S RESPONSE

The City agrees with these findings. The City will implement this recommendation, but the City must review comparable policies, draft the City's policy, and approve the policy. The City intends to implement this recommendation within six months.

RECOMMENDATION NO. 16B.6.8

Should adopt policies that prohibit city employees from participating in the procurement or management of contracts of which employees may possess equity in a vendor or of which the vendor may be employing a relative of the city employee. (Findings 14 and 17)

CITY'S RESPONSE

The City agrees with these findings. The City will implement this recommendation, but the City must review comparable policies, draft the City's policy, and approve the policy. The City intends to implement this recommendation within six months.

RECOMMENDATION NO. 16B.6.9

Should adopt policies that require more than one department be involved in the tow vendor procurement process: developing Requests for Proposals for towing and vendor services, evaluating proposals received, and recommending a contract award to the final decision maker. (Findings 16 and 17)



Presiding Judge

Re: Response to 2016-2017 Los Angeles County Civil Grand Jury Final Report

Page 5 of 5

CITY'S RESPONSE

The City disagrees with this finding. The City already complies with this recommendation. The City's tow vendor procurement process involves more than one department. The City Attorney's Office, City Manager's Office, and the Police Department are involved in this procurement process. However, the City will further incorporate other departments in future tow vendor procurement processes.

RECOMMENDATION NO. 16B.6.10

Should require that any in-kind gift or contribution by vendors to city management, personnel, city council members, city departments and/or city events be reported to the city and available to the public on the city 's web site. (Findings 16 and 17)

CITY'S RESPONSE

The City disagrees with this finding. The City currently complies with this recommendation. Contributions received by elected officials and public employees by vendors are reported and available to the public through the filing of Statement of Economic Interest-Form 700. Such forms are filed annually and may be requested directly from the City or available online at the California Fair Political Practices website, available at <http://www.fppc.ca.gov/transparency/form-700-filed-by-public-officials/form700-search/form700-new.html>.



Inglewood Police Department



MARK FRONTEROTTA
CHIEF OF POLICE

LOUIS PEREZ
DEPUTY CHIEF
MARIE DIBERNARDO
CAPTAIN
EDWARD M. RIDENS
CAPTAIN
MARK C. FRIED
CAPTAIN

December 7, 2017

Linda Cantley
Chair, Continuity Committee – 2017-2018 Los Angeles County Civil Grand Jury
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street, Eleventh Floor – Room 11-506
Los Angeles, CA 90012

Dear Linda Cantley:

Listed below are the City of Inglewood responses to the Los Angeles County Civil Grand Jury Report entitled: *Tows and Impounds Part B: Tow Vendor Contracts in Twelve Select Cities – The Gift that Keeps on Giving*.

Recommendation 16B.7.1: *"Should adopt policies outlining specific criteria to be used for evaluating towing vendor proposals, create templates to be completed by individuals participating in the proposal evaluation, and maintain historical records to ensure fair and unbiased scoring in the evaluation process. (Findings 2 and 16)"*

Already implemented

The City of Inglewood has policy ordinances (Inglewood Municipal Codes – IMC's) that specifically apply to tow vendors. These ordinances are listed under Inglewood Municipal Code, Chapter 8 (Businesses, Trades and Professions), Article 6 – Towing Business. The city currently issues templates to tow vendor applicants. This includes all the necessary information to complete the proposal.

Recommendation 16B.7.2: *"Should identify and prioritize specific contract performance objectives for their tow vendor(s) addressing towing response times, wait times for customer service over the phone and at the counter, customer complaints resolutions, and other city identified objectives. (Finding 7)"*

Will implement.

The Inglewood Police Department is currently reviewing related material from Glendale and LASD regarding tow vendor performance data. As a result, the City will include a clause in future service agreements regarding performance expectations and service objectives. This clause will be under Article 1 – Scope of Services.

Recommendation 16B.7.3: *“Should develop a system to collect and analyze tow vendor performance data which requires periodic reporting of performance statistics to assess the impact of their towing vendors on the community. This data should include activity measures, such as the volume of vehicles towed, stored, impounded, and lien sales, as well as performance measures to assess compliance with service objectives. Glendale and LASD have good performance data criteria to emulate. (Finding 8)”*

Will implement.

The Inglewood Police Department is currently reviewing related material from Glendale and LASD regarding tow vendor performance data. As a result, the City will include a clause in future service agreements regarding performance expectations and service objectives. This clause will be under Article 1 – Scope of Services.

Recommendation 16B.7.4: *“Should establish contract provisions for meeting, exceeding, or not meeting performance objectives. This should be specific and include:*

- a. Imposing liquidated damages against contractors based on the volume and severity of contract violations.*
- b. Specifying corrective action steps to remedy contract violations.*
- c. Alternatively, if a contractor meets or exceeds service objectives, the contract should require that this performance be used when approving rate adjustments or providing bonuses.*
- d. Specify criteria for contract termination. (Finding 9)”*

Will implement.

With the implementation of recommendation 16B.7.3 regarding performance expectations and service objectives, an additional clause will be added to the service agreement under Article 4 – Termination for specific criteria in regards to contract termination.

Recommendation 16B.7.5: *“Should link contractor performance to future procurement decisions including decisions to offer contract term extensions should require that contractor’s documented performance against defined service objectives be used in determining whether the contractor deserves a contractor renewal or extension. (Finding 10)”*

Will implement.

With the implementation of mentioned recommendations involving performance expectations and service objectives, an additional clause will be added to the service agreement under Article 3 – Term to include language linking extensions and/or renewals based on meeting established performance standards.

Recommendation 16B.7.6: *"Should incorporate a clause in their towing vendor contracts to require that all donations, gifts, and free services provided by the towing vendor outside of their service agreement to any city official or employee, city department, or city affiliated associations or events be documented and reported to the city. (Finding 12, 13 and 17)"*

Will implement.

The recommendation is sound. New contract agreements will have an added clause under "Article 1 – Scope of Services" to include that all donations, gifts, and free services provided by the contractor outside of their agreement to any city official or employee, city department, or city affiliated associations or events shall be documented and reported to the city.

Recommendation 16B.7.7: *"Should adopt policies that prohibit the sale of lien vehicles to city entities or employees. (Findings 14 and 17)"*

Already implemented.

The City currently has policy (IPD General Order 13.0.0 – Professional Conduct and Responsibilities, Sub-Section A – Standard of Conduct) regarding this recommendation that was adopted in March, 2002.

IPD General Order 13.0.0 – A-10, A-13, A-14 and A-15 (Standard of Conduct) reads as follows:

IPD G.O. 13.0.0 (A-10) *"Employees shall not bid on or purchase any item that is auctioned by the City, either by themselves or through another person."*

IPD G.O. 13.0.0 (A-13) *"Employees shall not accept either directly or indirectly any gift, gratuity, loan, fee or any other item of value arising from or offered due to employment with the Department."*

IPD G.O. 13.0.0 (A-14) *"Employees shall not accept any gift, gratuity, loan, fee or other item of value, the acceptance of which might tend to influence directly or indirectly the actions of said employee or any other employee in any matter of police business, or which might tend to cast adverse reflection on the Department or any employee therein."*

IPD G.O. 13.0.0 (A-15) *"Employees shall not buy or sell anything of value from or to any complainant, suspect, witness, defendant, prisoner or other person involved in any case which has come to their attention or which arose out of their employment with the Department, without approval from the Chief of Police."*

Recommendation 16B.7.8: *"Should adopt policies that prohibit city employees from participating in the procurement or management of contracts of which employees may possess equity in a vendor or of which the vendor may be employing a relative of the city employee. (Finding 14 and 17)"*

Already implemented.

The City of Inglewood currently has a Conflict of Interest Code. The Political Reform Act of 1974, Government Code section 81000 et seq., requires state and local agencies to adopt and promulgate a Conflict of Interest Code.

In 2007, the City of Inglewood adopted and promulgated its Conflict of Interest Code, by incorporating by reference the terms of California Code of Regulations section 18730, which sets forth the terms of a standard model conflict of interest code that may be amended by the Fair Practices Political Commission from time to time.

Recommendation 16B.7.9: *"Should require that any in-kind gift or contribution by vendors to city management, personnel, city council members, city departments and/or city events be reported to the city and available to the public on the city's web site. (Finding 16 and 17)"*

Will implement.

The City currently has policy that prohibits any in-kind gift or contribution (gratuities) by contractors. If the policy should ever change, the recommendation will be adhered to regarding the reporting to the city and being made available to the public on the city's web site.

If any further clarification is needed on the responses that have been provided, please contact my Adjutant, Lieutenant Scott Collins, directly at 310-412-8842 or via email scollins@cityofinglewood.org.

Cordially submitted,



MARK FRONTEROTTA
Chief of Police

IRwindale

paid to the City does not exceed the amount necessary to reimburse the City for the actual or reasonable costs incurred in connection with the towing program pursuant to California Vehicle Code section 12110. Furthermore, the tow-franchise agreement's approved rate structure for all towing, storage, and related services directly incorporates the rate structure provided in the "Tow Service Agreement, 2016-2017" agreement issued by the State of California Department of California Highway Patrol. Lastly, the tow vendor franchise agreements currently allow the City to renegotiate the fees annually, in good faith, and as necessary, should the actual costs for administration of the towing program exceed or otherwise vary from the estimated administrative costs.

Recommendation No. 16A.8.7: *"The Irwindale Council should annually review their city and tow contractor fees charge to vehicle owners, including comparisons with other cities in Los Angeles County, to evaluate and justify the amounts charged, considering the potential hardship on their citizens relative to the policy objectives of the fees including deterring certain types of behavior, as well as considering the fairness of the fees being charged relative to other jurisdictions."*

Response: The City agrees with this finding. The recommendation has been implemented, in part. The City conducts regular reviews of City-wide fee schedules, including tow fees, to confirm that the fees charged do not exceed the costs of service. Further, the tow vendor franchise agreements currently allow the City to renegotiate the fees annually, in good faith, and as necessary, should the actual costs for administration of the towing program exceed or otherwise vary from the estimated administrative costs. Although not expressly provided for consideration when reviewing the tow fees, the City will begin to consider and compare other cities in Los Angeles County's fees for fairness and evaluate the potential hardships on the citizens of the City relative to the policy of fees to deter certain behavior.

The Gift that Keeps on Giving

Recommendation No. 16B.8.1: *"Should identify and prioritize specific contract performance objectives for their tow vendor(s) addressing towing response times, wait times for customer service over the phone and at the counter, customer complaints resolutions, and other city identified objectives."*

Response: The City agrees with this finding. The recommendation has been implemented, in part, and will be fully implemented in the future. The current tow vendor franchise agreements contain provision that address the towing response times, however, it does not identify other City contract performance objectives based on customer service complaints, resolutions, and wait times. The City intends to implement these objectives in the next round of request for proposal for tow services as well as incorporate the metrics into a new tow vendor franchise agreement. The City will implement this practice upon the conclusion of the current tow vendor franchise agreement. The City awarded the current tow vendor franchise agreement at or near June 2016 for a three (3) year term, with three (3) one-year extensions. Therefore, the earliest this practice may be implemented is in 2019.

Recommendation No. 16B.8.2: *"Should develop a system to collect and analyze tow vendor performance data which requires periodic reporting of performance statistics to assess the impact of their towing vendors on the community. This data should include activity measures,*

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such as the volume of vehicles towed, stored, impounded, and lien sales, as well as performance measures to assess compliance with service objectives. Glendale and LASD have good performance data criteria to emulate.”

Response: The City agrees with this finding. The recommendation has not yet been implemented, but will be implemented in the future. The City always strives to implement the best practices in its agreements and will look towards and reach out to the City of Glendale and Los Angeles County Sheriff’s Department for performance data criteria to emulate. The City intends to implement these objectives in the next round of request for proposal for tow services as well as incorporate the metrics into a new tow vendor franchise agreement. The City will implement this practice upon the conclusion of the current tow vendor franchise agreement. The City awarded the current tow vendor franchise agreement at or near June 2016 for a three (3) year term, with three (3) one-year extensions. Therefore, the earliest this practice may be implemented is in 2019.

Recommendation No. 16B.8.3: *“Should establish contract provisions for meeting, exceeding, or not meeting performance objectives. This should be specific and include:*

- a. Imposing liquidated damages against contractors based on the volume and severity of contract violations.*
- b. Specifying corrective action steps to remedy contract violations.*
- c. Alternatively, if a contractor meets or exceeds service objectives, the contract should require that this performance be used when approving rate adjustments or providing bonuses.*
- d. Specifying criteria for contract termination.”*

Response: The City agrees with this finding. The recommendation has not yet been implemented, but will be implemented in the future. The City currently only has provisions for contract termination based on violations of vendor’s response time covenants; however, as the City always strives to implement the best practices in its agreements, the City will expressly provide for a contract provision that addresses the identified areas above. The City intends to implement these objectives in the next round of request for proposal for tow services as well as incorporate the metrics into a new tow vendor franchise agreement. The City will implement this practice upon the conclusion of the current tow vendor franchise agreement. The City awarded the current tow vendor franchise agreement at or near June 2016 for a three (3) year term, with three (3) one-year extensions. Therefore, the earliest this practice may be implemented is in 2019.

Recommendation No. 16B.8.4: *“Should link contractor performance to future procurement decisions including decisions to offer contract term extensions should require that contractor’s documented performance against defined service objectives be used in determining whether the contractor deserves a contractor renewal or extension.”*

Response: The City agrees with this finding. The recommendation has not yet been implemented, but will be implemented in the future. The City always strives to implement the best practices in its agreements. The City intends to implement these performance standards in the next round of request for proposal for tow services as well as incorporate the metrics into a new tow vendor franchise agreement. The City will implement this practice upon the conclusion of the current tow vendor franchise agreement. The City awarded the current tow vendor

franchise agreement at or near June 2016 for a three (3) year term, with three (3) one-year extensions. Therefore, the earliest this practice may be implemented is in 2019.

Recommendation No. 16B.8.5: *“Should incorporate a clause in their towing vendor contracts to require that all donations, gifts, and free services provided by the towing vendor outside of their service agreement to any city official or employee, city department, or city affiliated associations or events be documented and reported to the city.”*

Response: The City agrees with this finding. The recommendation has not yet been implemented, but will be implemented in the future. The City always strives to implement the best practices in its agreements. The City intends to implement this documentation and reporting obligation on tow vendors in the next round of request for proposal for tow services as well as incorporate them into a new tow vendor franchise agreement. The City will implement this practice upon the conclusion of the current tow vendor franchise agreement. The City awarded the current tow vendor franchise agreement at or near June 2016 for a three (3) year term, with three (3) one-year extensions. Therefore, the earliest this practice may be implemented is in 2019.

Recommendation No. 16B.8.6: *“Should adopt policies that prohibit the sale of lien vehicles to city entities or employees.”*

Response: The City agrees with this finding. The recommendation has not yet been implemented, but will be implemented in the future. The City is committed to conducting its affairs ethically and in compliance with the law. The City intends to address this recommendation in two methods. First, the City will implement a prohibition on City entities or employees purchasing lien vehicles from the City’s tow vendors by amending the City’s internal Fraud Policy. Second, the City intends to implement a contract provision that prohibits the sale of lien vehicles to City entities or employees in future tow vendor franchise agreements. The City awarded the current tow vendor franchise agreement at or near June 2016 for a three (3) year term, with three (3) one-year extensions. Therefore, the earliest this practice may be implemented is in 2019.

Recommendation No. 16B.8.7: *“Should adopt policies that prohibit city employees from participating in the procurement or management of contracts of which employees may possess equity in a vendor or of which the vendor may be employing a relative of the city employee.”*

Response: The City agrees with this finding. The recommendation has not yet been implemented, but will be implemented in the future. The City is committed to conducting its affairs ethically and in compliance with the law. In the near future, the City will explore a means of incorporating this prohibition into the City’s internal Fraud Policy.

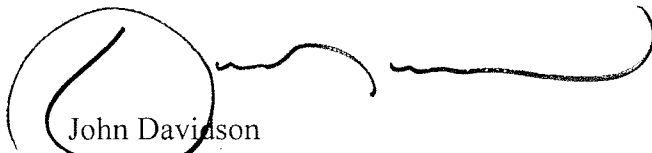
Recommendation No. 16B.8.8: *“Should require that any in-kind gift or contribution by vendors to city management, personnel, city council members, city departments and/or city events be reported to the city and available to the public on the city’s web site.”*

Response: The City agrees with this finding. The recommendation has not yet been implemented, but will be implemented in the future. The City is committed to conducting its affairs ethically and always strives to implement the best practices in its agreements. The City

intends to implement this documentation and reporting obligation on tow vendors in the next round of request for proposal for tow services as well as incorporate them into a new tow vendor franchise agreement. Further, the City will explore methods of implementing such reports onto the City's website and available to the public. The City will implement this practice upon the conclusion of the current tow vendor franchise agreement. The City awarded the current tow vendor franchise agreement at or near June 2016 for a three (3) year term, with three (3) one-year extensions. Therefore, the earliest this practice may be implemented is in 2019.

Please feel free to contact me should you have any questions or wish to discuss this matter further.

Best Regards,



John Davidson
City Manager

THE CITY OF SAN FERNANDO

10/25/17

✓

CITY COUNCIL

September 28, 2017

MAYOR
SYLVIA BALLIN

VICE MAYOR
ANTONIO LOPEZ

COUNCILMEMBER
ROBERT C. GONZALES

COUNCILMEMBER
JOEL FAJARDO

COUNCILMEMBER
JAIME SOTO

Presiding Judge Daniel J. Buckley
Los Angeles Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street, 11th Floor, Room 11-506
Los Angeles, CA 90012

SUBJECT: Tows and Impounds – Tow Vendor Contracts in Twelve Cities

Honorable Judge Daniel J. Buckley:

The City of San Fernando is in receipt of the Grand Jury report titled, *Tows and Impounds – Tow Vendor Contracts in Twelve Cities* that was issued on June 30, 2017. In accordance with California Penal Code Sections 933(c), 933.05(a), and 933.05(b), please consider this correspondence as the City's response to all recommendations related to the City of San Fernando included in the report.

Finding:	Response:	Action:
16B.10.1 – Should adopt policies outlining specific criteria to be used for evaluating towing vendor proposals, create templates to be completed by individuals participating in the proposal evaluation, and maintain historical records to ensure fair and unbiased scoring evaluation in the process.	Agree.	The recommendation has been implemented. The City does make templates available to all city employees to evaluate proposals in a fair and unbiased manner. In this case, evaluation staff all completed an evaluation, which the City has on file, and the Agenda Report awarding the current towing contract on March 24, 2014 went into great detail regarding why City staff recommended the successful franchisee.
16B.10.2 – Should identify and prioritize specific contract performance objectives for	Agree.	Has not yet been implemented, but will be implemented in the

FINANCE
DEPARTMENT

117 MACNEIL STREET
SAN FERNANDO
CALIFORNIA
91340

ADMINISTRATIVE
DIVISION
(818) 898-1200

BUSINESS LICENSE
DIVISION
(818) 898-1245

WATER DIVISION
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HONORABLE JUDGE DANIEL BUCKLEY

Tows and Impounds – Tow Vendor Contracts in Twelve Cities

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their tow vendor(s) addressing towing response times, wait times for customer service over the phone and at the counter, customer complaints resolutions, and other city identified objectives.		future. The current contract expires on 4/1/2019. The City will include performance objectives in the next contract.
16B.10.3 – Should develop a system to collect and analyze tow vendor performance data which requires periodic reporting of performance statistics to assess the impact of their towing vendors on the community. This data should include activity measures, such as the volume of vehicles towed, stored, impounded, and lien sales, as well as performance measures to assess compliance with service objectives.	Agree.	Has not yet been implemented, but will be implemented in the future. The City currently keeps data related to vehicle tow volume, impounds, storage and lien sales. However, there are no performance measures required in the contract to compare the data to. The current contract expires on 4/1/2019. The City will include performance objectives in the next contract.
16B.10.4 – Should establish contract provisions for meeting, exceeding, or not meeting performance objectives. This should be specific and include: a) imposing liquidated damages against contractors based on the volume and severity of contract violations, b) specifying corrective action steps to remedy contract violations, c) alternatively, if a contractor meets or exceeds	Agree.	Has not yet been implemented, but will be implemented in the future. There are provisions in the current contract that meet items b) and d). There are no provisions addressing a) and c). The current contract expires on 4/1/2019. The City will include provisions to meet a) and c) at that time.

HONORABLE JUDGE DANIEL BUCKLEY

Tows and Impounds – Tow Vendor Contracts in Twelve Cities

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service objectives, the contract should require that this performance be used when approving rate adjustments or providing bonuses, and d) specifying criteria for contract termination.		
16B.10.5 – Should link contractor performance to future procurement decisions including decisions to offer contract term extensions should require that contractor's documented performance against defined service objectives be used in determining whether the contractor deserves a contractor renewal or extension.	Agreed.	Has not yet been implemented, but will be implemented in the future. The current contract has provisions for terminating the contract for convenience, fraud, and default, including failure to perform. The current contract expires on 4/1/2019. The City will include specific performance measures at that time.
16B.10.6 – Should incorporate a clause in their towing vendor contracts to require that all donations, gifts, and free services provided by the towing vendor outside of their service agreement to any city official or employee, city department, or city affiliated associations or events be documented and reported to the city.	Agreed.	Has not yet been implemented, but will be implemented in the future. The current contract expires on 4/1/2019. The City will include this language in the next contract.
16B.10.7 – Should adopt policies that prohibit the sale of lien vehicles to city entities or employees.	Partially disagree. Employees should be able to purchase lien vehicles as a member	Has not yet been implemented, but will be implemented in the future. This should be a

HONORABLE JUDGE DANIEL BUCKLEY

Tows and Impounds – Tow Vendor Contracts in Twelve Cities

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	of the public at a public auction. Privately negotiated sales should be prohibited.	contract provision that does not allow the vendor to sell vehicles directly to employees rather than a Citywide policy (as it is too specific to be a Citywide policy). Employees should be allowed to purchase vehicles provided they are participating as a member of the public and the vehicle is being offered during a publicly noticed auction.
16.9.10.8 – Should adopt policies that prohibit city employees from participating in the procurement or management of contracts of which employees may possess equity in a vendor or of which the vendor may be employing a relative of the city employee.	Agreed.	Implemented. Section 2-851 of the City's Municipal Code states, "No employee, elected or appointed official of the City shall be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members or violative of the conflict of interest provisions of the city and/or the Political Reform Act."
16.9.10.9 – Should require that any in-kind gift or contribution by vendors to city management, personnel, city council members, city departments and/or city events be reported to the city and available to the public on the city's website.	Agree.	Has not yet been implemented, but will be implemented in the future. The current contract expires on 4/1/2019. The City will include this language in the next contract.

HONORABLE JUDGE DANIEL BUCKLEY

Tows and Impounds – Tow Vendor Contracts in Twelve Cities

Page 5 of 5

Please feel free to contact me if you have additional questions or require additional documentation.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Kimball". The signature is fluid and cursive, with the first name "Nick" and last name "Kimball" clearly distinguishable.

Nick Kimball
Finance Director

cc: Alexander Meyerhoff, City Manager

16A.11.8 The CCWC should annually review their city and tow contractor fees charged to vehicle owners, including comparisons with other cities in Los Angeles County, to evaluate and justify the amounts charged, considering the potential hardship on their citizens relative to the policy objectives of the fees including deterring certain types of behavior, as well as considering the fairness of the fees being charged relative to other jurisdictions. (Finding 9)

Response: The City Council partially disagrees with the finding. The City Council does not support annual evaluation of towing fees against other jurisdictions, but rather supports the use of the California Highway Patrol fee structure. This seems to be the fairest and preferred industry standard. This is the fee structure in place in West Covina. The recommendation to annually review fees will be implemented; the recommendation to compare fees against other agencies will not be implemented.

TOWS AND IMPOUNDS PART B: TOW VENDOR CONTRACTS IN TWELVE SELECT CITIES – EXCERPTS TAKEN FROM THE LOS ANGELES COUNTY CIVIL GRAND JURY REPORT

SECTION B: RECOMMENDATIONS FROM THE CIVIL GRAND JURY (CGJ)

The City Council:

16B.11.1 Should adopt policies outlining specific criteria to be used for evaluating towing vendor proposals, create templates to be completed by individuals participating in the proposal evaluation, and maintain historical records to ensure fair and unbiased scoring in the evaluation process. (Findings 2 and 16)

Response: The City Council agrees with the finding. Prior to the conclusion of the CGJ Investigation, an RFP modification was drafted for a new towing contract. Contained in the RFP was an objective scoring system and persons from multiple City Departments participated in the scoring and evaluation of the competing vendors. The recommendation has been implemented.

16B.11.2 Should identify and prioritize specific contract performance objectives for their tow vendor(s) addressing towing response times, wait times for customer service over the phone and at the counter, customer complaints resolutions, and other city identified objectives. (Finding 7)

Response: The City Council disagrees partially with the finding. While towing response times and consumer complaints are currently monitored and evaluated as a performance measure, telephone wait times and 'at-the-counter' wait times are not. The City does not have the resources to effectively monitor the latter functions as second-hand reports of the same would be very subjective and in-person monitoring is unrealistic and expensive. The portion of the recommendation with which the City Council disagrees will not be implemented.

16B.11.3 Should develop a system to collect and analyze tow vendor performance data which requires periodic reporting of performance statistics to assess the impact of their towing vendors

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on the community. This data should include activity measures, such as the volume of vehicles towed, stored, impounded, and lien sales, as well as performance measures to assess compliance with service objectives. Glendale and LASD have good performance data criteria to emulate. (Finding 8)

Response: The City Council partially disagrees with the finding. The City Council specifies vendor performance standards in the towing contract in the areas of response times, minimum standards for equipment and employee licensing, complaint resolution and other areas. The Police Department maintains records on all towed vehicles. These practices had been previously implemented. Monitoring of lien-sales and establishing additional performance measures will not be implemented as it is unrealistic and unwarranted.

16B.11.4 Should establish contract provisions for meeting, exceeding, or not meeting performance objectives. This should be specific and include: a. Imposing liquidated damages against contractors based on the volume and severity of contract violations. b. Specifying corrective action steps to remedy contract violations. c. Alternatively, if a contractor meets or exceeds service objectives, the contract should require that this performance be used when approving rate adjustments or providing bonuses. d. Specifying criteria for contract termination. (Finding 9)

Response: The City Council disagrees with the finding. The City Council has ensured that reasonable contract termination standards exist in all current and future towing contracts, and that sufficient remedies exist for minor violations as well as material violations of the contract(s). The recommendation will not be implemented.

16B.11.5 Should link contractor performance to future procurement decisions including decisions to offer contract term extensions should require that contractor's documented performance against defined service objectives be used in determining whether the contractor deserves a contract renewal or extension. (Finding 10)

Response: The City Council agrees with the finding. Prior to the conclusion of the CGJ Investigation, vendor performance was an existing standard for determining whether to award towing contracts and/or to offer contract extensions. The recommendation was previously implemented.

16B.11.6 Should incorporate a clause in their towing vendor contracts to require that all donations, gifts, and free services provided by the towing vendor outside of their service agreement to any city official or employee, city department, or city affiliated associations or events be documented and reported to the city. (Findings 12, 13 and 17)

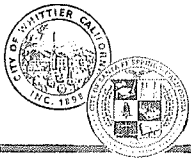
Response: The City Council partially disagrees with the finding. The City Council currently complies with all areas of state and federal law with regards to conflict of interest reporting, including gifts, and requires extensive use of the California Fair Political Practices Commission Statement of Economic Interest reporting for City Executives. The City Council has implemented the suggested reporting requirements, however, will not implement the recommendation that amends existing/future towing contracts as the concept is duplicative of existing state law and the City's own conflicts code.

16B.11.7 Should adopt policies that prohibit city employees from participating in the procurement or management of contracts of which employees may possess equity in a vendor or of which the vendor may be employing a relative of the city employee. (Findings 14 and 17)

Response: The City Council agrees with the finding, to the extent that these acts are already forbidden under the law. As the aforementioned acts are currently illegal and are prohibited by the City's adopted conflicts code, enacting additional policy is duplicative and will not be implemented.

16B.11.8 Should require that any in-kind gift or contribution by vendors to city management, personnel, city council members, city departments and/or city events be reported to the city and available to the public on the city's web site. (Findings 16 and 17)

Response: The City Council partially disagrees with the finding. The City Council currently complies with all areas of state and federal law with regards to conflict of interest reporting, and requires extensive use of the California Fair Political Practices Commission Statement of Economic Interest reporting for City Executives. Required Statements of Economic Interest are already available to the public. Maintaining such records on a website is duplicative and will not be implemented.



Whittier Police Department

Quality People - Quality Service

Serving the Communities of Whittier and Santa Fe Springs

September 28, 2017

Presiding Judge
Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Eleventh Floor-Room 11-506
Los Angeles, CA 90012

Re: Response to Civil Grand Jury Report/Tows and Impounds

To Honorable Presiding Judge,

Pursuant to PC 933(c) and 933.05, please accept this correspondence as an official response to recommendations contained in the Tow/Impound Report completed by the Civil Grand Jury. All responses have been reviewed and approved by Whittier City Manager Jeff Collier as well as the Whittier City Council:

16B.12.1: The City is open to implementing a competitive bidding process for their towing services upon completion of the current towing contract term, but the City is uncertain of the benefits this process would bring to City residents. The City collects no franchise fees from tow operators in the City, and there is no payment of any kind being transferred between the City and the tow company. For these reasons, it is unclear how a competitive bidding process would increase transparency, fairness, or otherwise benefit the public. Further, there are only two tow companies within the City, so contracting with outside tow companies through a competitive bidding process would result in inconvenience to City residents who would have to leave the City to pick up their towed vehicle.

16B.12.2: Again, the City is open to implementing a competitive bidding process, but because the City collects no franchise fees from tow operators in the City, there is no payment of any kind being transferred between the City and the tow companies, and using local tow companies provides convenience to City residents who can retrieve their towed vehicles from a local company, the City is uncertain of the benefits of adopting specific criteria to be used for evaluating towing vendor proposals. Rather, the City generally prefers to use local tow companies to provide this public service that neither costs the City any money nor generates the City any revenue.

16B.12.3: The City has identified and prioritized specific performance objectives for towing services within the City, and these objectives are generally contained in the existing towing

service agreement. These include customer wait times and complaint procedures and can be revised if necessary via an amendment to the existing towing services contract or upon execution of a new contract.

16B.12.4: The City already collects and analyzes general tow vendor performance data, but will begin also collecting data on lien sales of vehicles that were towed from within the City.

16B.12.5: The City is open to amending the current tow services agreement to include provisions for meeting, exceeding or not meeting performance objectives. In the alternative, the City is open to including such provisions as part of a new towing services agreement at the expiration of the current agreement.

16B.12.6: The City is open to amending the current tow services agreement to include provisions that link contractor performance to discretionary Council decisions regarding future procurement of towing services. In the alternative, the City is open to include such provisions as part of a new towing services agreement at the expiration of the current agreement.

16B.12.7: The City is open to amending the current tow services agreement to include a provision that requires all gifts, donations and free services provided by the towing service company to City officials and employees be reported to the City, or in the alternative, to including such provisions as part of a new towing services agreement at the expiration of the current agreement.

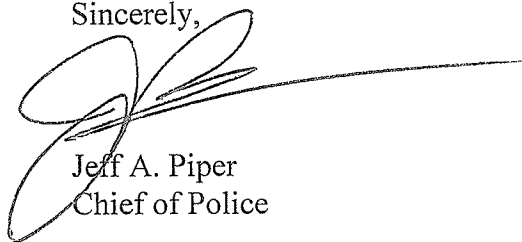
16B.12.8: The City is open to amending the current tow services agreement and the City's conflict of interest code to include language that prohibits lien sales of towed vehicles to City entities or employees.

16B.12.9: The City's conflict of interest code and state law already prohibit City officials and employees from participating in government decisions that involve a prohibited conflict of interest, including those decisions involving the procurement of City contracts where the official or employee or family member has an equity interest in the contractor's business.

16B.12.10: The City currently has a policy and practice of using the City's administrative and police departments to procure towing service agreements, with the final decision on these issues being made by the City Council.

16B.12.11: The City is open to amending the current tow services agreement to include a requirement that any in-kind gift or contribution from towing service providers to City management, personnel, officials, and other affiliates be reported to the City and available on the City's website.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' and 'P' followed by a long horizontal line extending to the right.

Jeff A. Piper
Chief of Police

PRISONER TRANSPORTATION: THE DEVIL IS IN THE DETAILS



Gerard Duiker Chair
Sharon Muravez Co-Chair

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE FOR THE BOARD OF SUPERVISORS

9/10/17

2016-2017 GRAND JURY RECOMMENDATIONS FOR PRISONER TRANSPORTATION: THE DEVIL IS IN THE DETAILS

RECOMMENDATION NO.17.1

The BOS should retain a competent management and consulting firm to implement the 2009-2010 CGJ recommendations to develop a county videoconferencing hub system that could be the platform for video arraignments and appearances. (Findings 1, 10, 19, 20, 21, 14, 21, 22)

RESPONSE

Partially agree. This recommendation requires further analysis, to be completed by December 31, 2017. Various stakeholders each have systems that do not allow interface due to security and proprietary concerns.

RECOMMENDATION NO.17.4

The BOS should recommend the use of videoconferencing court appearances for the mentally ill, "No-Go" medical and physically handicapped inmates. (Findings 10, 22)

RESPONSE

Partially agree. This recommendation requires further analysis, to be completed by December 31, 2017. Various stakeholders each have systems that do not allow interface due to security and proprietary concerns.

RECOMMENDATION NO.17.8

The BOS should recommend the location of a courthouse adjacent to the new MCJ to be completed in 2024-2025. (Findings 2, 3, 4, 6, 8, 11, 12, 13, 18, 22)

RESPONSE

Partially agree. This recommendation will be implemented by first quarter 2028. It's the BOS' understanding that the current planning of the new MCJ complex includes a new central arraignment court to be built at or near the current location. The new central arraignment court will be built with the technology to include video visiting, video arraignment, video conferencing, and the ability to expand upon the technology over time.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
District Attorney's Office



2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR PRISONER TRANSPORTATION: THE DEVIL IS IN THE DETAILS

RECOMMENDATION NO. 17.3

✓ The DA should implement a Swing Shift (Noon to 8:00 pm) within the Charge Evaluation Division to process late case filings, thereby avoiding the release of inmates from court for incomplete filings. (Finding 18)

RESPONSE

Disagree. This recommendation will not be implemented. The Grand Jury erroneously concludes that incomplete filings which result in the release of inmates from court is due to late filings. Law enforcement has 48 hours to prepare and investigate cases and present them for charge evaluation. Frequently, investigating officers work the full 48 hours trying to obtain enough evidence to prove a case beyond a reasonable doubt. At some point an investigating officer comes to the conclusion that more than 48 hours is necessary to present a fileable case. They at that point, notify the LAPD Liaison that they will not be submitting a case to the Charge Evaluation Division. LASD is notified that there will not be a case filing and the defendant is released. A swing shift would not cure these cases where the investigation cannot be completed in the 48 hours as the 48 hours can't be extended by law. In other cases, the Charge Evaluation Division reviews a case and decides that it does not meet felony standards and refers the case to the City Attorney. The Investigating Officer is notified that the case must be presented to the City Attorney. Frequently, the Investigating Officer chooses not to present the case to the City Attorney the same day as the City Attorney has a noon cut off time and seeks a warrant later. In these cases, the inmate is also released not because of an incomplete filing on our part but because LAPD chooses not to present the case to the City Attorney the same day. A swing shift would not resolve these situations either. These are the most common scenarios that result in the 18% released inmates that the Grand Jury refers to.

The Charge Evaluation Division meets all custody filing deadlines usually by 3:00 pm with very few cases presented by 4:00 pm. Anything past 4:00 pm is a RARE exception. Law enforcement is unable to present their custody cases within 24 hours (i.e. the day before the arraignment) as their investigations and completing forensics takes time. Requiring them to do so would lower the quality of investigations resulting in many more rejects and requests for further investigation. Our office conferred with the LAPD Liaison and they advised that almost all detectives work a 4/10 schedule. They start at 6:00 am and end at 4:00 pm. Therefore, working a swing swift would be unproductive as filing detectives would not be available during the evening hours.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORTCOUNTY OF LOS ANGELES
SHERIFF

10/4/17

**2016-2017 CIVIL GRAND JURY RECOMMENDATIONS AND FINDINGS FOR
PRISONER TRANSPORTATION: THE DEVIL IS IN THE DETAILS****RECOMMENDATION NO. 17.2**

The Sheriff should contract with an experienced and competent management consulting company familiar with Law and Justice Practices to review the Sheriff's data collection and management capabilities and its ability to produce a wide variety of management reports quickly. It should also examine means to improve the interface with the LA City and court systems. The review should recommend upgrades and replacement of existing data management programs as well as indicate the necessary time, material and staff resources to accomplish this improvement.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Sheriff's Department recognizes data collection and management for Court Services Transportation (CST), the city of Los Angeles, and Los Angeles Superior Court could be improved upon. Currently, it is time consuming to manually collect specific data related to various aspects of transporting inmates and their court appearances. CST management recognizes that if new software was developed to capture and share data in a timely manner, it could streamline the data collection and review process.

The Department currently has various databases, which are not linked together. If existing databases were linked, or new software was developed to capture additional information, the data could be reviewed and possibly shared, in a more comprehensive manner. LA City and the State Court system each have systems that do not allow interface due to security and proprietary concerns.

Currently, Court Services Division (CSD) is in the process of developing a program to link certain databases and capture specific data by scanning the movement of every inmate from the moment the inmate is transferred into CST custody or to the custody of a Los Angeles Superior Courthouse. CSD plans to pilot this program at Los Angeles Superior Court - Clara Shortridge Foltz Criminal Justice Center later in 2017.

At this time the Sheriff's Department cannot implement the recommendation. The Sheriff's Department's Audit and Accountability Bureau has recently completed an examination of the Department's Information Technology Systems and made numerous recommendations related thereto. The Department is committed to a comprehensive overhaul and update of its information management systems. As with any management system change, the Department's budget as well as that of the other agencies is a concern requiring further analysis and a comprehensive review.

RECOMMENDATION NO. 17.5

The Sheriff should renegotiate its contract with LASD to not transport inmates without proof of a completed case filing with the court.

RESPONSE

✓ This recommendation requires further analysis. The LASD and the LAPD currently have a contract which remains in effect until June 30, 2019. When contract negotiations begin for the next contract period, the Sheriff's Department can address the issue of transporting inmates to court who do not have complete case filings with the LAPD. This provision may have distinct drawbacks, most notably the inability of the court to arraign inmates who are filed upon late in the day and whose arraignment is approaching the critical 48 hour mark.

Contract Law Enforcement Bureau should be consulted regarding the ability to negotiate this provision into our existing contract with LAPD. At this time the Sheriff's Department cannot implement this recommendation.

RECOMMENDATION NO. 17.7

The Sheriff should recommend the location of the courthouse adjacent to the new MCJ to be completed in 2024-2025.

RESPONSE

✓ The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. It's the Department's understanding that the current planning of the new MCJ complex includes a new central arraignment court to be built at or near the current location. The new central arraignment court will be built with the technology to include video visiting, video arraignment, video conferencing, and the ability to expand upon the technology over time.

Facilities Planning Bureau should be consulted in order to provide a more comprehensive response to this particular recommendation. Prior to the recommendation, the Sheriff's Department had already accounted for a court facility within the construction of the new jail complex. Due to the timeline involved in the completion of the jail, it is difficult to determine if the recommendation will be implemented.

LOS ANGELES POLICE DEPARTMENT

10/20/17 ✓



CHARLIE BECK
Chief of Police

ERIC GARCETTI
Mayor

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Los Angeles, Calif. 90030
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September 28, 2017

The Honorable Daniel J. Buckley
Presiding Judge of the Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Eleventh Floor – Room 11-506
Los Angeles, California 90012

Dear Judge Buckley:

This correspondence will serve as the Los Angeles Police Department's (LAPD) response to the Los Angeles County Civil Grand Jury (CGJ) report dated June 21, 2017, "Prisoner Transportation: Devil is in the Details." The CGJ requested that the LAPD respond to the Recommendations by September 30, 2017 (i.e., ninety days from the release of the report to the public).

RECOMMENDATION 17.9:

The Los Angeles Police Department's Chief of Police should implement Recommendation #4 of the 2009-2010 CGJ to facilitate the operation of a videoconferencing program with attention to ensuring privacy for defendant and attorney conferences.

RESPONSE TO RECOMMENDATION 17.9:

Custody Services Division (CSD) command have been meeting with the Los Angeles County Sheriff's Department (LASD) Court Services Bureau in regard to the feasibility of implementing video arraignment. These ongoing discussions are specific to video arraignment between Metropolitan Detention Center (MDC) and Downtown Criminal Courts Building (CCB). The City of Glendale is the only municipality within Los Angeles County currently utilizing video arraignment and is only operational between the Glendale Police Department jail and the Glendale branch of the Los Angeles Superior Court.

Video arraignment was operational at the now closed Parker Center Jail from 1991-1999. During this operational period, Deputy Sheriff's operated the video arraignment program using Department facilities and in coordination with Detention Officer staff. Of note, only male inmates meeting specific criteria were eligible for video arraignment.

In 1999, the Superior Court determined it could no longer bare the sole expense to staff video arraignment at Parker Center Jail with Deputy Sheriff's.

To gain insight on the viability to establish video arraignment, CSD contacted the Department's Detective Bureau, Operations-Central Bureau, and Facilities Management Division as well as the following outside agencies: LASD Court Services Bureau, Criminal Courts Department 30, and the Public Defender.

Direction was sought from LASD because of the lead role it played in the previous video arraignment project and the existing relationships it has with the required stakeholders who are instrumental in the launch and success of video arraignment. Last year, CSD was informed by LASD that a meeting between these stakeholders would be scheduled. Custody Services Division awaits the results of their meeting. Once participation is agreed upon by all involved parties, CSD would then be able to research and purchase equipment capable of communicating with the County's yet to be determined communications system.

In discussion with Criminal Courts Department 30, staff described its 1990 era video arraignment equipment as outdated, unused and the equipment's current functionality is unknown.

Video Arraignment requires a collaboration between several multi-jurisdictional agencies within the criminal justice system. Discussion between these agencies individually has not met with the support necessary to implement a video arraignment system between the MDC and CCB. Video arraignment will only succeed with the active support and investment of all parties. Because of CSD staffing limitations, this would include LASD staffing of video arraignment at the MDC similar to the manner in which it operated in the 1990's. CSD is in support of video arraignment, will provide work and arraignment space and move forward in the purchase and installation of required electronic equipment once the County of Los Angeles identifies the platform to be used.

On July 27, 2017, Edward Eng, Executive Director of the County of Board of Supervisors Economy and Efficiency Commission contacted CSD command regarding video arraignment. Mr. Eng will be serving as the lead representative between all parties to determine if video arraignment has the support and investment to move forward. A meeting between CSD and Mr. Eng is forthcoming.

RECOMMENDATION 17.10:

The Los Angeles Police Department should expedite the discovery process for misdemeanor narcotic cases in order to participate in video arraignments.

RESPONSE TO RECOMMENDATION 17.10:

It should be noted that what the report identifies as "discovery", the Department refers to as "analysis". Narcotic analysis is the testing of a suspected controlled substance to determine its composition. The filing of misdemeanor narcotics cases is a combined undertaking involving: The Gang and Narcotics Division (GND) filing team, the Forensic Sciences Division (FSD), the City Attorney's Office (CA) and the Los Angeles Municipal Court.

With the initiation of California's Proposition 47, the majority of narcotics possession cases which used to be felonies are now misdemeanors. The increased prosecutorial workload now falls under the purview of the CA. The City Attorney's (CA) office requires that evidence be tested prior to reviewing the case for filing consideration on narcotics arrests. The testing is done by FSD Narcotics Analysis Unit, which is comprised of civilian Criminalists.

Pursuant to the filing guidelines set by the CA, all misdemeanor narcotics cases shall be in the possession of the CA no later than 1100 hours on the day of the arrestee's arraignment. This cut off time is established by the CA in conjunction with the misdemeanor arraignment court. Efforts to extend that cut off time have proven unsuccessful.

Note: The District Attorney's cut off time for felony narcotics cases is 1500 hours.

Additionally, the CA requires that all narcotics testing of items deemed necessary for filing have completed narcotics analysis reports from FSD at the time of filing. The time constraints of recovering, transporting, analyzing and returning the completed evidence analysis to the GND filing team for submission to the CA is a significant challenge.

The GND filing team processes approximately 200 custodial misdemeanor narcotics arrests each month. Of those 200 cases, approximately 15 (less than 8 percent) are released due to lack of narcotics analysis. For straight misdemeanor narcotics arrests, the FSD submits narcotics analysis late (after 1100 hours) less than one percent of the time or 2 cases per month. The remaining releases are resultant from felony arrests referred to the CA after 1100 hours with incomplete narcotics analysis.

Note: The FSD and GND filing team are required to prioritize misdemeanor cases ahead of felony cases, due to the filing timelines of the respective prosecutorial agencies.

In each of the cases in which an arrestee is released, the investigation is referred to a GND filing team detective for follow-up and re-filing timelines of the respective prosecutorial agencies.

The Department can expedite the discovery (narcotics analysis) in one of two ways. The first ~~is~~ option would require a significant investment in personnel and funding to the FSD to ensure all misdemeanor and felony narcotics evidence is analyzed by 1100 hours. The second is to continue to work with the CA and Municipal Court for re-evaluation of the 1100 hours filing deadline.

Should you have any questions or require further information, please contact Mr. Arif Alikhan, Office of Constitutional Policing and Policy, at (213) 486 8730.

Very truly yours,



CHARLIE BECK
Chief of Police

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE FOR THE BOARD OF SUPERVISORS

2016-2017 GRAND JURY RECOMMENDATIONS FOR PRISONER TRANSPORTATION: THE DEVIL IS IN THE DETAILS

RECOMMENDATION NO.17.1

The BOS should retain a competent management and consulting firm to implement the 2009-2010 CGJ recommendations to develop a county videoconferencing hub system that could be the platform for video arraignments and appearances. (Findings 1, 10, 19, 20, 21, 14, 21, 22)

RESPONSE

Partially agree. This recommendation requires further analysis, to be completed by December 31, 2017. Various stakeholders each have systems that do not allow interface due to security and proprietary concerns.

RECOMMENDATION NO.17.4

The BOS should recommend the use of videoconferencing court appearances for the mentally ill, "No-Go" medical and physically handicapped inmates. (Findings 10, 22)

RESPONSE

Partially agree. This recommendation requires further analysis, to be completed by December 31, 2017. Various stakeholders each have systems that do not allow interface due to security and proprietary concerns.

RECOMMENDATION NO.17.8

The BOS should recommend the location of a courthouse adjacent to the new MCJ to be completed in 2024-2025. (Findings 2, 3, 4, 6, 8, 11, 12, 13, 18, 22)

RESPONSE

Partially agree. This recommendation will be implemented by first quarter 2028. It's the BOS' understanding that the current planning of the new MCJ complex includes a new central arraignment court to be built at or near the current location. The new central arraignment court will be built with the technology to include video visiting, video arraignment, video conferencing, and the ability to expand upon the technology over time.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES - SHERIFF

SUBJECT: 2016-2017 CIVIL GRAND JURY RECOMMENDATIONS AND FINDINGS
FOR PRISONER TRANSPORTATION. THE DEVIL IS IN THE DETAILS

RECOMMENDATION NO. 17.2

The Sheriff should contract with an experienced and competent management consulting company familiar with Law and Justice Practices to review the Sheriff's data collection and management capabilities and its ability to produce a wide variety of management reports quickly. It should also examine means to improve the interface with the LA City and court systems. The review should recommend upgrades and replacement of existing data management programs as well as indicate the necessary time, material and staff resources to accomplish this improvement.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Sheriff's Department recognizes data collection and management for Court Services Transportation (CST), the city of Los Angeles, and Los Angeles Superior Court could be improved upon. Currently, it is time consuming to manually collect specific data related to various aspects of transporting inmates and their court appearances. CST management recognizes that if new software was developed to capture and share data in a timely manner, it could streamline the data collection and review process.

The Department currently has various databases, which are not linked together. If existing databases were linked, or new software was developed to capture additional information, the data could be reviewed and possibly shared, in a more comprehensive manner. LA City and the State Court system each have systems that do not allow interface due to security and proprietary concerns.

Currently, Court Services Division (CSD) is in the process of developing a program to link certain databases and capture specific data by scanning the movement of every inmate from the moment the inmate is transferred into CST custody or to the custody of a Los Angeles Superior Courthouse. CSD plans to pilot this program at Los Angeles Superior Court - Clara Shortridge Foltz Criminal Justice Center later in 2017.

At this time the Sheriff's Department cannot implement the recommendation. The Sheriff's Department's Audit and Accountability Bureau has recently completed an examination of the Department's Information Technology Systems and made numerous recommendations related thereto. The Department is committed to a comprehensive overhaul and update of its information management systems. As with any management system change, the Department's budget as well as that of the other agencies is a concern requiring further analysis and a comprehensive review.

RECOMMENDATION NO. 17.5

The Sheriff should renegotiate its contract with LASD to not transport inmates without proof of a completed case filing with the court.

RESPONSE

This recommendation requires further analysis. The LASD and the LAPD currently have a contract which remains in effect until June 30, 2019. When contract negotiations begin for the next contract period, the Sheriff's Department can address the issue of transporting inmates to court who do not have complete case filings with the LAPD. This provision may have distinct drawbacks, most notably the inability of the court to arraign inmates who are filed upon late in the day and whose arraignment is approaching the critical 48 hour mark.

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The Sheriff should recommend the location of the courthouse adjacent to the new MCJ to be completed in 2024-2025.

RESPONSE

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RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
District Attorney's Office

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR PRISONER TRANSPORTATION: THE DEVIL IS IN THE DETAILS

RECOMMENDATION NO. 17.3

✓ The DA should implement a Swing Shift (Noon to 8:00 pm) within the Charge Evaluation Division to process late case filings, thereby avoiding the release of inmates from court for incomplete filings. (Finding 18)

RESPONSE

Disagree. This recommendation will not be implemented. The Grand Jury erroneously concludes that incomplete filings which result in the release of inmates from court is due to late filings. Law enforcement has 48 hours to prepare and investigate cases and present them for charge evaluation. Frequently, investigating officers work the full 48 hours trying to obtain enough evidence to prove a case beyond a reasonable doubt. At some point an investigating officer comes to the conclusion that more than 48 hours is necessary to present a fileable case. They at that point, notify the LAPD Liaison that they will not be submitting a case to the Charge Evaluation Division. LASD is notified that there will not be a case filing and the defendant is released. A swing shift would not cure these cases where the investigation cannot be completed in the 48 hours as the 48 hours can't be extended by law. In other cases, the Charge Evaluation Division reviews a case and decides that it does not meet felony standards and refers the case to the City Attorney. The Investigating Officer is notified that the case must be presented to the City Attorney. Frequently, the Investigating Officer chooses not to present the case to the City Attorney the same day as the City Attorney has a noon cut off time and seeks a warrant later. In these cases, the inmate is also released not because of an incomplete filing on our part but because LAPD chooses not to present the case to the City Attorney the same day. A swing shift would not resolve these situations either. These are the most common scenarios that result in the 18% released inmates that the Grand Jury refers to.

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RESPONSE TO THE CIVIL GRAND JURY FINAL REPORTCOUNTY OF LOS ANGELES
SHERIFF**2016-2017 CIVIL GRAND JURY RECOMMENDATIONS AND FINDINGS FOR
PRISONER TRANSPORTATION: THE DEVIL IS IN THE DETAILS** **RECOMMENDATION NO. 17.2**

The Sheriff should contract with an experienced and competent management consulting company familiar with Law and Justice Practices to review the Sheriff's data collection and management capabilities and its ability to produce a wide variety of management reports quickly. It should also examine means to improve the interface with the LA City and court systems. The review should recommend upgrades and replacement of existing data management programs as well as indicate the necessary time, material and staff resources to accomplish this improvement.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Sheriff's Department recognizes data collection and management for Court Services Transportation (CST), the city of Los Angeles, and Los Angeles Superior Court could be improved upon. Currently, it is time consuming to manually collect specific data related to various aspects of transporting inmates and their court appearances. CST management recognizes that if new software was developed to capture and share data in a timely manner, it could streamline the data collection and review process.

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RECOMMENDATION NO. 17.5

The Sheriff should renegotiate its contract with LASD to not transport inmates without proof of a completed case filing with the court.

RESPONSE

This recommendation requires further analysis. The LASD and the LAPD currently have a contract which remains in effect until June 30, 2019. When contract negotiations begin for the next contract period, the Sheriff's Department can address the issue of transporting inmates to court who do not have complete case filings with the LAPD. This provision may have distinct drawbacks, most notably the inability of the court to arraign inmates who are filed upon late in the day and whose arraignment is approaching the critical 48 hour mark.

Contract Law Enforcement Bureau should be consulted regarding the ability to negotiate this provision into our existing contract with LAPD. At this time the Sheriff's Department cannot implement this recommendation.

RECOMMENDATION NO. 17.7

The Sheriff should recommend the location of the courthouse adjacent to the new MCJ to be completed in 2024-2025.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. It's the Department's understanding that the current planning of the new MCJ complex includes a new central arraignment court to be built at or near the current location. The new central arraignment court will be built with the technology to include video visiting, video arraignment, video conferencing, and the ability to expand upon the technology over time.

Facilities Planning Bureau should be consulted in order to provide a more comprehensive response to this particular recommendation. Prior to the recommendation, the Sheriff's Department had already accounted for a court facility within the construction of the new jail complex. Due to the timeline involved in the completion of the jail, it is difficult to determine if the recommendation will be implemented.

ARE YOU GETTING LESS THAN WHAT YOU PAY FOR?



**Regi Block
Dorothy Brown
Hilda Dallal
Ronnie Dann-Honor
Marilyn Gelfand
Dianne Kelley**

Chair

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
AGRICULTURAL COMMISSIONER / WTS. & MEAS.

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR
ARE YOU GETTING LESS THAN WHAT YOU PAY FOR?

- NOTE 1: The Civil Grand Jury's report opens with a misleading statement:
"Los Angeles County does not have a Package Inspection Program in place....." The L.A. County Department of Agricultural Commissioner/ Weights and Measures (ACWM), in fact, has one of the most active package inspection programs in the U.S., albeit staffed with only four (4) inspectors, two (2) assigned to "Retail Quantity Control" (testing packaged commodities packed and sold upon the same retail premises, such as meat and bakery products packed within supermarkets) and two (2) assigned to "Wholesale Quantity Control" (testing packaged commodities in the marketplace from centralized, larger-scale production facilities [e.g., detergents, pet foods, chips & crackers, paints, nuts & bolts, beers/wines/beverages, shampoos and personal care products, and hundreds of thousands of others]). It is believed that this reference to "Package Inspection Program" refers to the lack of a Packer/Distributor Registration Program, through which funding for a more robust, comprehensive inspection program may be generated via assessment and collection of packer/distributor registration fees.
- NOTE 2: A significant error exists in statements made in Section II – Background of the Civil Grand Jury report. Under the portion entitled "Need for an Ordinance," in the seventh paragraph, the report claims: *"From 2003-2013, Weights and Measures performed random spot package inspections on a total of 91 "Lots" of items. This breaks down to less than 10 "Lots" a year."* This is entirely incorrect and stems from a discussion of a limited marketplace survey conducted in efforts to dissuade industry opposition to a legislative bill, AB 2589, pursued in 2014. (Commissioner/Director Floren, attempting to establish legal authority to enact a County ordinance to charge packer/ distributor registration fees, drafted the bill language [and later amendments], obtained sponsorship from the California Agricultural Commissioners and Sealers Association [CACASA], and held numerous meetings with a broad array of industry representatives and Legislators to generate support for the bill, but significant and coordinated opposition from the manufacturing and retailing industry defeated its passage.) In fact, ACWM Inspectors typically test 50,000 or more lots of prepackaged commodities each year, a majority being of the retail variety, but about 1600 wholesale lots are tested annually (Well above the "10" suggested in the report). The fact remains, though, that the existing limitations on resources for Quantity Control (Package Inspection) work, both Retail and Wholesale, prevent adequate staffing necessary to reasonably regulate the hundreds of billions of dollars of commodities passing through the Los Angeles County marketplace annually.

RECOMMENDATION NO.18.2

The County of Los Angeles Board of Supervisors should direct Consumer and Business

18.2 Affairs, after consulting with Weights & Measures, to assume responsibility of oversight for consumer outreach and complaints, relative to quantity control and package shortages. 2-10/1

RESPONSE

The recommendation requires further analysis. ACWM supports coordination with the Department of Consumer and Business Affairs (DCBA) in receiving and routing complaints from the public regarding suspected under-filled or short-content packaged products. However, the assurance of direct responses to, and timely investigations of, such complaints must remain with ACWM. ACWM has an excellent and long-standing reputation of responding to such consumer complaints typically within 24 hours, and nearly always within two days. ACWM staff is greatly experienced and knowledgeable of the population of retailers and common commodity distribution processes in the county and statewide marketplace and, with such experience, is well-trained and skilled in questioning and obtaining from consumers' key information necessary to facilitate a high-quality approach to investigating the allegations. Thus, ACWM disagrees with the portion of the recommendation directing DCBA to "assume responsibility of oversight" regarding relative consumer complaints. ACWM does, though, fully support enhanced coordination with DCBA in appropriately directing complainants to ACWM and welcomes DCBA assistance in outreach to the public to educate residents and business operators of ACWM services that protect consumers and maintain a fair and equitable marketplace for competitors. ACWM recognizes that the departmental title of "Consumer and Business Affairs" provides a likely magnet for public reports and inquiries related to retail and commercial business practices and readily sees the need for increased interaction and cooperation with and from DCBA staff to direct callers to ACWM when appropriate. To that end, ACWM will work with DCBA over the first half of FY 17-18 to provide, to its staff dealing with public inquiries, education and information regarding ACWM services and to analyze and determine the most effective and efficient means to coordinate processes and procedures of DCBA and ACWM in, both, consumer outreach as well as recording and assignment of consumer complaint investigative work.

RECOMMENDATION NO.18.3

Weights & Measures, after consulting with Consumer and Business Affairs, should direct both the County's Help Line 211 and the City of Los Angeles Information Services 311 to include quantity control and package shortages information as part of their database and referral system and supply supporting information.

RESPONSE

The recommendation requires further analysis. ACWM agrees that there could be benefits to consumers in facilitating calls to either County 211 or City 311 being properly referred to ACWM for follow-through and investigation. Further analysis of related costs and cost effectiveness is required. As detailed in the discussion under Recommendation 18.2 above, ACWM has an excellent and long-standing reputation of directly and efficiently responding to such consumer complaints, with investigations being completed typically within 24 hours, and nearly always within two days. Preliminary inquiries, though, indicate that there are costs involved in creating and maintaining referral services through County 211 and, possibly, City 311 operations which may be substantial and which must be researched and evaluated for cost effectiveness. While ACWM Quantity Control (QC) field inspections routinely identify frequent short-quantity violations in packaged goods, consumer recognition and reporting of those shortages is exceedingly rare; in recent years, ACWM has received an average of only six (6) Wholesale Quantity Control complaints and less than fifteen (15) Retail Quantity Control complaints each year. This serves to

18.3 draft
emphasize the criticality of ACWM's QC program to unsuspecting consumers, as very few consumers have the means to weigh or measure the contents of every packaged commodity that they purchase or to visually detect what are often shortages of 10% or less. It also, though, demonstrates that consumer complaints do not tend to be a highly reliable means to monitor and evaluate compliance in the marketplace. ACWM will, in the first half of FY 17-18, investigate the relative costs of County 211 and City 311 engagement, perform a cost-benefit analysis, and determine if implementation of this recommendation is justifiable.

RECOMMENDATION NO.18.6

Weights & Measures should refer cases which grossly violate IRQ Statements to all prosecuting agencies within the County, including all City Attorneys. This allows maximum exposure of consumer fraud and misrepresentation.

RESPONSE

✓ The recommendation has been implemented. ACWM does, routinely, refer cases involving inaccurate quantity statements (and short-content matters) to the L.A. District Attorney and City Attorney offices throughout the county and has done so for decades. County and City prosecutors, in any average year, file and prosecute more than 100 criminal cases for overcharge violations and 40 to 50 cases for short-content violations. Staff of ACWM's Business Practices Investigation Division maintains excellent working relationships with myriad prosecutors who readily accept and effectively prosecute cases resulting from ACWM investigations. Similarly, ACWM enjoys a decades-long, highly-cooperative relationship with the District Attorney's Consumer Protection Division, having brought numerous civil prosecutions of individuals and corporations responsible for short-content packaged goods and overcharge violations, many resulting in multi-million dollar settlements with significantly strict probationary terms.

RECOMMENDATION NO.18.7

Weights & Measures should conduct a cost benefit analysis to ensure and justify the purchase/licensing of a data management system as it relates to their field inspection programs, as this will enhance service delivery and increase efficiency.

RESPONSE

✓ The recommendation has not yet been implemented, but will be implemented in the future. Portions of this recommendation regarding determining and justifying the acquisition and implementation of a data management system have already been undertaken. ACWM has identified the benefits that would be recognized through digitized collection, maintenance, and evaluation of inspection data and has been developing, within its own resources, data collection and management systems of a limited scale for select Weights and Measures programs. Over the past two years, ACWM management has met with each of the developers of the only two off-the-shelf Weights and Measures regulatory data management systems available in the U.S., finding that each existing product has limitations in respect to ACWM's needs and wishes. However, each has indicated great interest in meeting those needs, enhancing the products accordingly, and acquiring the business of L.A. County ACWM. Lastly, ACWM has discussed with the L.A. County Quality and Productivity Commission (QPC), in June 2017, an intended proposal to the QPC to seek a grant from its Productivity Investment Fund to offset the initial costs of development and acquisition of such a system, which ACWM will be pursuing in the third quarter of FY 17-18.

Attachment E

Auditor-Controller

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
DEPARTMENT OF CONSUMER AND BUSINESS AFFAIRS

10/3/17

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR
ARE YOU GETTING LESS THAN WHAT YOU PAY FOR?

RECOMMENDATION NO. 18.2

✓ The County of Los Angeles Board of Supervisors should direct Consumer and Business Affairs, after consulting with Weights and Measures, to assume responsibility for oversight for consumer outreach and complaints, relative to quantity control and package shortages.

RESPONSE

The respondent disagrees partially with the finding. The recommendation requires further analysis.

Analysis:

Consumer and Business Affairs (DCBA) supports collaboration with Agricultural Commissioner/Director of Weights and Measures (ACWM) in regards to outreach and complaints. However, further research needs to be conducted on this matter. LA County is larger than most states and a countywide initiative that includes new ordinances, enforcement, remedies and public education requires more research to determine the best course of action. Before DCBA can agree to implement the actions by the Civil Grand Jury (CGJ), further research must be conducted regarding the legalities, potential conflicts with existing ordinances, enforcement, and funding. DCBA believes that ACWM would be the best agency to assume responsibility for complaints due to their expertise on this subject. ACWM has an excellent reputation for responding to consumer complaints, has well trained staff, and an excellent infrastructure for inspections. Therefore, DCBA disagrees with the recommendation that DCBA should assume responsibility for oversight for complaints.

DCBA has an exceptional infrastructure to conduct education and outreach and has a long history of bringing consumer issues to the forefront of public awareness. Consumer protections are promoted via printed material and advertising, social media campaigns, and in District community forums. DCBA would welcome collaboration with ACWM to conduct consumer education. However, if DCBA is to assume responsibility for the outreach, further research on the scope of the program needs to be conducted. DCBA cannot provide outreach without a thorough understanding of the direction the Board wants, and how the infrastructure of the complaints and investigations will function. DCBA will work with the ACWM to enhance coordination, promote consumer outreach, train DCBA staff on handling commodity packaging inquiries, and establish a cross-referral process.

DCBA will work with ACWM over the first half of FY 17-18 to train staff dealing with public inquiries, education, and information regarding ACWM services specific to commodity packaging shortages. DCBA will also work with ACWM to analyze and determine the most effective and efficient means to coordinate processes and procedures in both consumer outreach, as well as recording and assignment of consumer complaints and investigative work.

RECOMMENDATION NO. 18.3

✓ Weights and Measures, after consulting with Consumer and Business Affairs, should direct both the County's Help Line 211 and the City of Los Angeles Information Services 311 to include quantity control and package shortages information as part of their database and referral system and supply supporting information.

RESPONSE

The respondent disagrees partially with the finding. The recommendation requires further analysis.

Analysis:

DCBA would welcome any collaboration with ACWM in regards to this matter. However, DCBA disagrees partially with the finding to direct the Help Lines of 211 and 311 to include information on quality control and package shortages. Research needs to be conducted by LA County in regards to this matter to analyze the cost and efficiency. This research must include what the best point of contact for consumers who wish to register a complaint will be. ACWM has experience directly fielding consumer complaints, and should be considered as a point of contact. Additionally, DCBA cannot recommend 211 as the LA County help line in this matter until the logistics of the complaint and enforcement process are analyzed and finalized. 211 may not be the best repository of information for this matter. Moreover, it is the understanding of DCBA that the City of Los Angeles' 311 has costs associated with its use and further discussions with the City of LA must be conducted.

DCBA will work with ACWM in the first half of FY 17-18, to investigate the relative costs of County 211 and City 311 engagement, perform a cost-benefit analysis, and determine if implementation of this recommendation is justifiable.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE FOR THE BOARD OF SUPERVISORS

CEV-505

2016-2017 GRAND JURY RECOMMENDATIONS FOR ARE YOU GETTING LESS THAN WHAT YOU PAY FOR?

✓ RECOMMENDATION NO. 18.1

The County of Los Angeles Board of Supervisors should establish an ordinance creating a mandatory "Package Permit Registration." The funds collected will enhance the fiscal strength and long term financing needed to allow Weights & Measures to create a "cost neutral" Package Inspection Program which will allow quantity inspections at regular intervals in order to protect the consumers of Los Angeles County.

RESPONSE

Agree. The recommendation requires further analysis, to be completed by December 31, 2017. Past evaluation of the Government Code §54985(c)(4) resulted in the determination that the authority to establish such an ordinance does not exist. In 2014, a bill was introduced (AB 2589 – Bloom) to create the authorization. Despite support from various agencies, including the California Agricultural Commissioners and Sealers Association, a significant and coordinated opposition from the manufacturing and retailing industry defeated passage of the bill. Further analysis of the Government Code will be revisited to determine the feasibility of seeking authorization to establish an ordinance that would allow for mandatory package permit registration.

✓ RECOMMENDATION NO. 18.2

The County of Los Angeles Board of Supervisors should direct Consumer and Business Affairs, after consulting with Weights & Measures, to assume responsibility of oversight for consumer outreach and complaints, relative to quantity control and package shortages.

RESPONSE

Partially disagree. This recommendation will not be implemented. Oversight for consumer outreach and complaints, relative to quantity control and package shortages should remain with the Department of Agricultural Commissioner/Weights and Measures (Weights and Measures). Weights and Measures staff has the experience and knowledge with the population that is needed to facilitate the investigations. However, we recognize the need for greater coordination between the Department of Consumer and Business Affairs and Weights and Measures; therefore, we will facilitate the collaboration between the two Departments.

RECOMMENDATION NO. 18.4

The County of Los Angeles Board of Supervisors should amend Los Angeles County Code of Ordinances Section 8.08.040(B) to include package shortages in addition to item pricing violations or, in the alternative, create a new ordinance giving consumers a remedy at law to pursue actions on an individual basis for package shortages.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
DEPARTMENT OF CONSUMER AND BUSINESS AFFAIRS

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR
ARE YOU GETTING LESS THAN WHAT YOU PAY FOR?

RECOMMENDATION NO. 18.2

The County of Los Angeles Board of Supervisors should direct Consumer and Business Affairs, after consulting with Weights and Measures, to assume responsibility for oversight for consumer outreach and complaints, relative to quantity control and package shortages.

RESPONSE

The respondent disagrees partially with the finding. The recommendation requires further analysis.

Analysis:

Consumer and Business Affairs (DCBA) supports collaboration with Agricultural Commissioner/Director of Weights and Measures (ACWM) in regards to outreach and complaints. However, further research needs to be conducted on this matter. LA County is larger than most states and a countywide initiative that includes new ordinances, enforcement, remedies and public education requires more research to determine the best course of action. Before DCBA can agree to implement the actions by the Civil Grand Jury (CGJ), further research must be conducted regarding the legalities, potential conflicts with existing ordinances, enforcement, and funding. DCBA believes that ACWM would be the best agency to assume responsibility for complaints due to their expertise on this subject. ACWM has an excellent reputation for responding to consumer complaints, has well trained staff, and an excellent infrastructure for inspections. Therefore, DCBA disagrees with the recommendation that DCBA should assume responsibility for oversight for complaints.

DCBA has an exceptional infrastructure to conduct education and outreach and has a long history of bringing consumer issues to the forefront of public awareness. Consumer protections are promoted via printed material and advertising, social media campaigns, and in District community forums. DCBA would welcome collaboration with ACWM to conduct consumer education. However, if DCBA is to assume responsibility for the outreach, further research on the scope of the program needs to be conducted. DCBA cannot provide outreach without a thorough understanding of the direction the Board wants, and how the infrastructure of the complaints and investigations will function. DCBA will work with the ACWM to enhance coordination, promote consumer outreach, train DCBA staff on handling commodity packaging inquiries, and establish a cross-referral process.

DCBA will work with ACWM over the first half of FY 17-18 to train staff dealing with public inquiries, education, and information regarding ACWM services specific to commodity packaging shortages. DCBA will also work with ACWM to analyze and determine the most effective and efficient means to coordinate processes and procedures in both consumer outreach, as well as recording and assignment of consumer complaints and investigative work.

RECOMMENDATION NO. 18.3

Weights and Measures, after consulting with Consumer and Business Affairs, should direct both the County's Help Line 211 and the City of Los Angeles Information Services 311 to include quantity control and package shortages information as part of their database and referral system and supply supporting information.

RESPONSE

The respondent disagrees partially with the finding. The recommendation requires further analysis.

Analysis:

DCBA would welcome any collaboration with ACWM in regards to this matter. However, DCBA disagrees partially with the finding to direct the Help Lines of 211 and 311 to include information on quality control and package shortages. Research needs to be conducted by LA County in regards to this matter to analyze the cost and efficiency. This research must include what the best point of contact for consumers who wish to register a complaint will be. ACWM has experience directly fielding consumer complaints, and should be considered as a point of contact. Additionally, DCBA cannot recommend 211 as the LA County help line in this matter until the logistics of the complaint and enforcement process are analyzed and finalized. 211 may not be the best repository of information for this matter. Moreover, it is the understanding of DCBA that the City of Los Angeles' 311 has costs associated with its use and further discussions with the City of LA must be conducted.

DCBA will work with ACWM in the first half of FY 17-18, to investigate the relative costs of County 211 and City 311 engagement, perform a cost-benefit analysis, and determine if implementation of this recommendation is justifiable.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
 AGRICULTURAL COMMISSIONER / WTS. & MEAS.

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR ARE YOU GETTING LESS THAN WHAT YOU PAY FOR?

- NOTE 1: The Civil Grand Jury's report opens with a misleading statement:
"Los Angeles County does not have a Package Inspection Program in place...." The L.A. County Department of Agricultural Commissioner/ Weights and Measures (ACWM), in fact, has one of the most active package inspection programs in the U.S., albeit staffed with only four (4) inspectors, two (2) assigned to "Retail Quantity Control" (testing packaged commodities packed and sold upon the same retail premises, such as meat and bakery products packed within supermarkets) and two (2) assigned to "Wholesale Quantity Control" (testing packaged commodities in the marketplace from centralized, larger-scale production facilities [e.g., detergents, pet foods, chips & crackers, paints, nuts & bolts, beers/wines/beverages, shampoos and personal care products, and hundreds of thousands of others]). It is believed that this reference to "Package Inspection Program" refers to the lack of a Packer/Distributor Registration Program, through which funding for a more robust, comprehensive inspection program may be generated via assessment and collection of packer/distributor registration fees.
- NOTE 2: A significant error exists in statements made in Section II – Background of the Civil Grand Jury report. Under the portion entitled "Need for an Ordinance," in the seventh paragraph, the report claims: *"From 2003-2013, Weights and Measures performed random spot package inspections on a total of 91 "Lots" of items. This breaks down to less than 10 "Lots" a year."* This is entirely incorrect and stems from a discussion of a limited marketplace survey conducted in efforts to dissuade industry opposition to a legislative bill, AB 2589, pursued in 2014. (Commissioner/Director Floren, attempting to establish legal authority to enact a County ordinance to charge packer/ distributor registration fees, drafted the bill language [and later amendments], obtained sponsorship from the California Agricultural Commissioners and Sealers Association [CACASA], and held numerous meetings with a broad array of industry representatives and Legislators to generate support for the bill, but significant and coordinated opposition from the manufacturing and retailing industry defeated its passage.) In fact, ACWM Inspectors typically test 50,000 or more lots of prepackaged commodities each year, a majority being of the retail variety, but about 1600 wholesale lots are tested annually (Well above the "10" suggested in the report). The fact remains, though, that the existing limitations on resources for Quantity Control (Package Inspection) work, both Retail and Wholesale, prevent adequate staffing necessary to reasonably regulate the hundreds of billions of dollars of commodities passing through the Los Angeles County marketplace annually.

✓ RECOMMENDATION NO.18.2

The County of Los Angeles Board of Supervisors should direct Consumer and Business

18.2

Affairs, after consulting with Weights & Measures, to assume responsibility of oversight for consumer outreach and complaints, relative to quantity control and package shortages.

RESPONSE

The recommendation requires further analysis. ACWM supports coordination with the Department of Consumer and Business Affairs (DCBA) in receiving and routing complaints from the public regarding suspected under-filled or short-content packaged products. However, the assurance of direct responses to, and timely investigations of, such complaints must remain with ACWM. ACWM has an excellent and long-standing reputation of responding to such consumer complaints typically within 24 hours, and nearly always within two days. ACWM staff is greatly experienced and knowledgeable of the population of retailers and common commodity distribution processes in the county and statewide marketplace and, with such experience, is well-trained and skilled in questioning and obtaining from consumers' key information necessary to facilitate a high-quality approach to investigating the allegations. Thus, ACWM disagrees with the portion of the recommendation directing DCBA to "assume responsibility of oversight" regarding relative consumer complaints. ACWM does, though, fully support enhanced coordination with DCBA in appropriately directing complainants to ACWM and welcomes DCBA assistance in outreach to the public to educate residents and business operators of ACWM services that protect consumers and maintain a fair and equitable marketplace for competitors. ACWM recognizes that the departmental title of "Consumer and Business Affairs" provides a likely magnet for public reports and inquiries related to retail and commercial business practices and readily sees the need for increased interaction and cooperation with and from DCBA staff to direct callers to ACWM when appropriate. To that end, ACWM will work with DCBA over the first half of FY 17-18 to provide, to its staff dealing with public inquiries, education and information regarding ACWM services and to analyze and determine the most effective and efficient means to coordinate processes and procedures of DCBA and ACWM in, both, consumer outreach as well as recording and assignment of consumer complaint investigative work.

RECOMMENDATION NO.18.3

Weights & Measures, after consulting with Consumer and Business Affairs, should direct both the County's Help Line 211 and the City of Los Angeles Information Services 311 to include quantity control and package shortages information as part of their database and referral system and supply supporting information.

RESPONSE

The recommendation requires further analysis. ACWM agrees that there could be benefits to consumers in facilitating calls to either County 211 or City 311 being properly referred to ACWM for follow-through and investigation. Further analysis of related costs and cost effectiveness is required. As detailed in the discussion under Recommendation 18.2 above, ACWM has an excellent and long-standing reputation of directly and efficiently responding to such consumer complaints, with investigations being completed typically within 24 hours, and nearly always within two days. Preliminary inquiries, though, indicate that there are costs involved in creating and maintaining referral services through County 211 and, possibly, City 311 operations which may be substantial and which must be researched and evaluated for cost effectiveness. While ACWM Quantity Control (QC) field inspections routinely identify frequent short-quantity violations in packaged goods, consumer recognition and reporting of those shortages is exceedingly rare; in recent years, ACWM has received an average of only six (6) Wholesale Quantity Control complaints and less than fifteen (15) Retail Quantity Control complaints each year. This serves to

8.4
RESPONSE

Agree. The recommendation requires further analysis, to be completed by December 31, 2017. Weights and Measures will work with County Counsel to determine the feasibility of amending the Los Angeles County Code of Ordinances to include package shortages in addition to item pricing violations.

RECOMMENDATION NO. 18.5

✓ The County of Los Angeles Board of Supervisors should amend Los Angeles County Code of Ordinances Section 8.08.040(B) raising the financial remedy an individual has against an establishment due to a violation of item pricing laws from \$50 to \$150, thereby bringing the 1980 dollar amount in line with 2017 Bureau of Labor Statistics' Inflation Rate.

RESPONSE

Agree. The recommendation requires further analysis, to be completed by December 31, 2017. An enhanced potential penalty under County Code §8.08.040 (B) could serve to stimulate consumers to more diligently observe the transactions in which they engage and encourage their participation in policing the marketplace by adding millions of potential "eyes" to those of Weights and Measures field inspectors in monitoring for unscrupulous business practices. Weights and Measures will work with County Counsel to determine the feasibility of amending the Los Angeles County Code of Ordinances to increase the penalty amount for the violation of item pricing laws.

ARE you getting ~~to~~ Less than what you pay for

ATTACHMENT D

emphasize the criticality of ACWM's QC program to unsuspecting consumers, as very few consumers have the means to weigh or measure the contents of every packaged commodity that they purchase or to visually detect what are often shortages of 10% or less. It also, though, demonstrates that consumer complaints do not tend to be a highly reliable means to monitor and evaluate compliance in the marketplace. ACWM will, in the first half of FY 17-18, investigate the relative costs of County 211 and City 311 engagement, perform a cost-benefit analysis, and determine if implementation of this recommendation is justifiable.

RECOMMENDATION NO.18.6

✓ Weights & Measures should refer cases which grossly violate IRQ Statements to all prosecuting agencies within the County, including all City Attorneys. This allows maximum exposure of consumer fraud and misrepresentation.

RESPONSE

The recommendation has been implemented. ACWM does, routinely, refer cases involving inaccurate quantity statements (and short-content matters) to the L.A. District Attorney and City Attorney offices throughout the county and has done so for decades. County and City prosecutors, in any average year, file and prosecute more than 100 criminal cases for overcharge violations and 40 to 50 cases for short-content violations. Staff of ACWM's Business Practices Investigation Division maintains excellent working relationships with myriad prosecutors who readily accept and effectively prosecute cases resulting from ACWM investigations. Similarly, ACWM enjoys a decades-long, highly-cooperative relationship with the District Attorney's Consumer Protection Division, having brought numerous civil prosecutions of individuals and corporations responsible for short-content packaged goods and overcharge violations, many resulting in multi-million dollar settlements with significantly strict probationary terms.

RECOMMENDATION NO.18.7

✓ Weights & Measures should conduct a cost benefit analysis to ensure and justify the purchase/licensing of a data management system as it relates to their field inspection programs, as this will enhance service delivery and increase efficiency.

RESPONSE

The recommendation has not yet been implemented, but will be implemented in the future. Portions of this recommendation regarding determining and justifying the acquisition and implementation of a data management system have already been undertaken. ACWM has identified the benefits that would be recognized through digitized collection, maintenance, and evaluation of inspection data and has been developing, within its own resources, data collection and management systems of a limited scale for select Weights and Measures programs. Over the past two years, ACWM management has met with each of the developers of the only two off-the-shelf Weights and Measures regulatory data management systems available in the U.S., finding that each existing product has limitations in respect to ACWM's needs and wishes. However, each has indicated great interest in meeting those needs, enhancing the products accordingly, and acquiring the business of L.A. County ACWM. Lastly, ACWM has discussed with the L.A. County Quality and Productivity Commission (QPC), in June 2017, an intended proposal to the QPC to seek a grant from its Productivity Investment Fund to offset the initial costs of development and acquisition of such a system, which ACWM will be pursuing in the third quarter of FY 17-18.

JURY ROOM



Regi Block
Hilda Dallal
Lucy Eisenberg
Marilyn Gelfand

Chair

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICE

2016-2017 GRAND JURY RECOMMENDATIONS FOR CIVIL GRAND JURY SPACE

RECOMMENDATION NO. 19.1

The Los Angeles County Chief Executive Office (CEO) should find space in the Criminal Courts Building (CCB) which will accommodate the needs of the Civil Grand Jury (CGJ) after completing an analysis.

RESPONSE

✓ Agree. This recommendation has been implemented. An analysis of space needs and space availability at CCB has been completed. Per the Joint Occupancy Agreement between the County and the State, the County only has rights to the following spaces inside CCB because the rest of the building belongs to the Superior Court (Court):

Floor Level	Space (Sqft)	Occupant(s) in County Space
Parking (Storage)	564	District Attorney
3	252	Probation
5	240	District Attorney (120 sqft) and Probation (120 sqft)
11	871	Civil Grand Jury. CGJ also occupies 993 sqft Court space on this floor
12	7,008	District Attorney
13	3,644	Criminal Grand Jury
16	20,098	District Attorney
17	42,138	District Attorney
18	43,889	Alternate Public Defender
19	42,420	Public Defender
Total	161,124	

After reviewing existing County space at CCB, we found no available County space within the CCB that could be provided for CGJ's use. However, the County has financial responsibility for CGJ, so we will continue to work with the Court's Grand Jury Administration on a solution that is within the Grand Jury's budget.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

10/6/17

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR
CIVIL GRAND JURY SPACE

RECOMMENDATION NO. 19.2

The Auditor-Controller should provide budget for additional updated computers and workstations in the CGJ budget.

RESPONSE

✓ We disagree and the recommendation will not be implemented as this recommendation is not applicable to the Auditor-Controller. The Los Angeles County Superior Court is responsible for submitting the Civil Grand Jury's budget to the County's Chief Executive Office, in accordance with prescribed guidelines and instructions. The CEO recommends the County's Budget to the Board of Supervisors and the Board is responsible for its approval. However, we will work with the Chief Executive Office to ensure the Grand Jury's intentions are given appropriate consideration as part of the County's budget process.

DETENTION COMMITTEE



Sharon Muravez

Chair

Henry C. Guerrero

Scheduling Coordinator

Faramarz Taheri

Scheduling Coordinator

Marcie Alvarez

Ronnie Dann-Honor

Thomas Kearney

Alice Beener

Gerard Duiker

Dianne Kelley

Douglas Benedict

Lucy Eisenberg

Patrick Lyons

Regi Block

Gloria Garfinkel

Joanne D. Saliba

Dorothy Brown

Marilyn Gelfand

Reuben P. Santana

Hilda Dallal

London Jones

Joyce Simily

Shelley Strohm

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES - SHERIFF

SUBJECT: 2016-2017 CIVIL GRAND JURY RECOMMENDATIONS AND FINDINGS
FOR DETENTION COMMITTEE

RECOMMENDATION NO. 22.11

Most jail cell toilets are porcelain and not stainless steel.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Sheriff's Department's Facilities Services Bureau (FSB) is in the process of implementing this recommendation by replacing porcelain toilets with stainless steel toilets at patrol station jails. East Los Angeles Station is included in this ongoing process. It should be noted, pre-1978 Title 24 allows porcelain toilets.

RECOMMENDATION NO. 22.12

No privacy curtain in shower area.

RESPONSE

The Department disagrees with the Civil Grand Jury's recommendation. The use of shower rods/curtains is not advised by Custody and Facilities Services staff, as they can be a suicide hazard. The use of shower rods in custody facilities was discontinued after an inmate death in 2009, at Men's Central Jail. A resolution to ensure security and privacy concerns has not been identified and requires further analysis.

RECOMMENDATION NO. 22.13

No padding in the sobering cell.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The recommendation has been implemented by the installation of permanent padding on the floor and walls in sobering cells, which was completed in February 2017.

RECOMMENDATION NO. 22.14

Repair, replace, or update Reservation Kiosk software in the MCJ Main Lobby.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The recommendation has been implemented. MCJ submitted a repair request for the Visiting Kiosk. Personnel from the Correctional Innovative Technology Unit arrived on July 10, 2017, and installed needed updates. The kiosk computer was re-imaged pending the arrival of a new computer.

RECOMMENDATION NO. 22.15

Evaluate safety of time delay when Crash Carts are used in a jail emergency.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. Automated External Defibrillators (AEDs) available at key locations throughout the facility would greatly benefit the inmates and staff in cases of medical emergencies. Staff, with proper training, could effectively use the AEDs until medical personnel arrive on scene.

The recommendation requires further analysis. MCJ will evaluate the cost, placement, and training needed to make the devices available to our personnel, and attempt to identify a funding source.

RECOMMENDATION NO. 22.19

Seriously neglected maintenance and repairs in the holding cells.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Department is unable to implement the recommendation. Maintenance and repairs are the responsibility of the Los Angeles Superior Court through ABM Industries. The court has been notified of the Grand Jury's finding.

RECOMMENDATION NO. 22.20

Walls need painting.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Department is unable to implement the recommendation. Maintenance and repairs are the responsibility of the Los Angeles Superior Court through ABM Industries. The court has been notified of the Grand Jury's finding.

RECOMMENDATION NO. 22.21

Floors severely worn.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Department is unable to implement the recommendation. Maintenance and repairs are the responsibility of the Los Angeles Superior Court through ABM Industries. The court has been notified of the Grand Jury's finding.

RECOMMENDATION NO. 22.22

Many plumbing problems.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Department is unable to implement the recommendation. Maintenance and repairs are the responsibility of the Los Angeles Superior Court through ABM Industries. The court has been notified of the Grand Jury's finding.

RECOMMENDATION NO. 22.23

Dirty walls in holding cells.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Department is unable to implement the recommendation. Maintenance and repairs are the responsibility of the Los Angeles Superior Court through ABM Industries. The court has been notified of the Grand Jury's finding.

RECOMMENDATION NO. 22.24

Plumbing in disrepair.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Department is unable to implement the recommendation. Maintenance and repairs are the responsibility of the Los Angeles Superior Court through ABM Industries. The court has been notified of the Grand Jury's finding.

RECOMMENDATION NO. 22.25

Ceiling is damaged because of water leaks.

RESPONSE

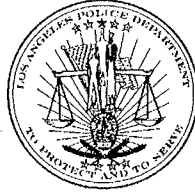
The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Department is unable to implement the recommendation.

Maintenance and repairs are the responsibility of the Los Angeles Superior Court through ABM Industries. The court has been notified of the Grand Jury's finding.

LOS ANGELES POLICE DEPARTMENT

10/20/17

CHARLIE BECK
Chief of Police



ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, Calif. 90030
Telephone: (213) 486-0150
TDD: (877) 275-5273
Ref #: 1.14

September 28, 2017

The Honorable Daniel J. Buckley
Presiding Judge of the Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Eleventh Floor – Room 11-506
Los Angeles, California 90012

Dear Judge Buckley:

This correspondence will serve as the Los Angeles Police Department's (LAPD) response to the Los Angeles County Civil Grand Jury (CGJ) Detention Center Committee report dated June 21, 2017. The CGJ requested that the LAPD respond to its recommendations by September 29, 2017 (i.e., ninety days from the release of the report to the public).

NEWTON AREA STATION RECOMMENDATIONS:

22.6 Reinstall new cameras in Cell Gallery and processing room.

RESPONSE TO NEWTON AREA STATION RECOMMENDATIONS:

22.6. Facilities Management Division has submitted a request for cameras and a security system for Fiscal Year 2018/2019.

NORTHEAST STATION RECOMMENDATION:

- 22.7 Post inmate rules of conduct.
- 22.8 Install first aid kit in jail
- 22.9 Schedule required annual environmental inspections.

RESPONSE TO NORTHEAST STATION RECOMMENDATION:

22.7 Northeast station is equipped with a temporary detention area only. It is not a Type 1 Jail Facility like Metropolitan Detention Center (MDC), which is subject to Title 24 requirements.

LAPD's detention rooms are designed for the temporary holding of arrestees who are then immediately transferred to an LAPD Regional or Area Jail which has both phone services and bedding for extended stays including food service, restrooms, and shower facilities.

The Board of State and Community Corrections which oversees Standards & Training for Corrections (STC), does not require LAPD temporary detention rooms to have posted signs for the use of phones or posted rules of conduct. Therefore, detention rooms are exempt from Title 24 requirements.

Codes of Conduct are required to be posted in Pre-Arrestment Type 1 Jail facilities such as Metropolitan Detention Center, or more permanent housing facilities such as Post Arrestment Type 2 Sheriff & Type 3 State Prisons. Codes of Conduct are posted in LAPD Type 1 facilities for inmates who have gone through the booking process.

The Los Angeles Sheriff's Department (LASD) was contacted and advised they provide phones at their station detention facilities. However, contrary to LAPD practice, LASD processes and books their arrestees at the Sheriff stations and usually maintain custody of them in their detention facility for a full day or overnight, prior to transfer to a Type 1 facility.

22.8. Northeast Division was contacted regarding the concerns about safety equipment. They have three first aid kits currently, and have ordered two more 'large' and ten more 'small' kits to be distributed throughout the station.

The defibrillator in the old Northeast station was misplaced due to the relocation to the new station. They have been in contact with Facilities Management Division for assistance in getting a replacement. The order is not yet placed, but the command is aware of the issue and is working to resolve.

22.9. Northeast Station was opened in January 2016, and the Civil Grand Jury inspection was conducted that same year, prior to the term required for annual inspection. Scheduling future annual inspections will be the responsibility of the Office of Administrative Services, Facilities Management Division.

VAN NUYS AREA STATION RECOMMENDATION:

22.10 Install better ventilation system in jail area.

RESPONSE TO VAN NUYS AREA STATION RECOMMENDATION:

22.10. Facilities Management Division will work with the Department of General Services to evaluate the cause of the odor in the jail. The ventilation filters are changed on a regular cycle every three (3) months to mitigate odor and particulates. In addition, Custody Services Division's Command Staff personally visited the facility in regards to the odor and ventilation concerns on multiple occasions. Facility odor varied from minimal to moderate based on the number of inmates in custody and personal hygiene of each. On a routine basis, the odor was minimal and may not warrant the upgrade of the existing ventilation system.

The Honorable Daniel J. Buckley

Page 3

1.14

Should you have any questions or require further information, please contact Mr. Arif Alikhan, Office of Constitutional Policing and Policy, at (213) 486 8730.

Very truly yours,

A handwritten signature in black ink, appearing to be 'CB' with a stylized flourish extending from the bottom right.

CHARLIE BECK
Chief of Police

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
SHERIFF

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS AND FINDINGS FOR DETENTION COMMITTEE

RECOMMENDATION NO. 22.11

Most jail cell toilets are porcelain and not stainless steel. *ELA*

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Sheriff's Department's Facilities Services Bureau (FSB) is in the process of implementing this recommendation by replacing porcelain toilets with stainless steel toilets at patrol station jails. East Los Angeles Station is included in this ongoing process. It should be noted, pre-1978 Title 24 allows porcelain toilets.

RECOMMENDATION NO. 22.12

No privacy curtain in shower area. *ELA*

RESPONSE

The Department disagrees with the Civil Grand Jury's recommendation. The use of shower rods/curtains is not advised by Custody and Facilities Services staff, as they can be a suicide hazard. The use of shower rods in custody facilities was discontinued after an inmate death in 2009, at Men's Central Jail. A resolution to ensure security and privacy concerns has not been identified and requires further analysis.

RECOMMENDATION NO. 22.13

No padding in the sobering cell. *ELA*

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The recommendation has been implemented by the installation of permanent padding on the floor and walls in sobering cells, which was completed in February 2017.

RECOMMENDATION NO. 22.14

Repair, replace, or update Reservation Kiosk software in the MCJ Main Lobby.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The recommendation has been implemented. MCJ submitted a repair request for the Visiting Kiosk. Personnel from the Correctional Innovative Technology Unit arrived on July 10, 2017, and installed needed updates. The kiosk computer was re-imaged pending the arrival of a new computer.

RECOMMENDATION NO. 22.15

Evaluate safety of time delay when Crash Carts are used in a jail emergency.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. Automated External Defibrillators (AEDs) available at key locations throughout the facility would greatly benefit the inmates and staff in cases of medical emergencies. Staff, with proper training, could effectively use the AEDs until medical personnel arrive on scene.

The recommendation requires further analysis. MCJ will evaluate the cost, placement, and training needed to make the devices available to our personnel, and attempt to identify a funding source.

RECOMMENDATION NO. 22.19

Seriously neglected maintenance and repairs in the holding cells.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Department is unable to implement the recommendation. Maintenance and repairs are the responsibility of the Los Angeles Superior Court through ABM Industries. The court has been notified of the Grand Jury's finding.

RECOMMENDATION NO. 22.20

Walls need painting.

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Department is unable to implement the recommendation. Maintenance and repairs are the responsibility of the Los Angeles Superior Court through ABM Industries. The court has been notified of the Grand Jury's finding.

RECOMMENDATION NO. 22.21

Floors severely worn. ~~Resurface floors~~

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Department is unable to implement the recommendation. Maintenance and repairs are the responsibility of the Los Angeles Superior Court through ABM Industries. The court has been notified of the Grand Jury's finding.

RECOMMENDATION NO. 22.22

Many plumbing problems. ~~Repair plumbing~~

RESPONSE

The Department agrees with the Civil Grand Jury's finding and concurs with their recommendation. The Department is unable to implement the recommendation. Maintenance and repairs are the responsibility of the Los Angeles Superior Court through ABM Industries. The court has been notified of the Grand Jury's finding.

RECOMMENDATION NO. 22.23

Dirty walls in holding cells. Clean and paint walls.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR
JUVENILE DETENTION COMMITTEE

RECOMMENDATION NO. 22.16

Close and relocate Central Juvenile Courthouse.

RESPONSE

The Probation Department does not agree with this recommendation as the determination of closing and relocating the Central Juvenile Courthouse is within the State's jurisdiction. This recommendation will not be implemented.

RECOMMENDATION NO. 22.26

Install permanent padding to gymnasium walls.

RESPONSE

The Probation Department agrees with this recommendation. Although this recommendation has not yet been implemented, the temporary padding at Camp Rockey's gymnasium has been repaired. The Department anticipates the installation of permanent padding by January 2018.

RECOMMENDATION NO. 22.27

Install razor-wire at perimeter block wall.

RESPONSE

The Probation Department agrees with installing security at Camp Rockey's perimeter block wall. The recommendation has been partially implemented. The Department elected to install anti-climb paneling in lieu of razor-wire. Anti-climb paneling is aesthetically preferred as the impacted area is in the patio of the HOPE Center. The anti-climb paneling was ordered and is anticipated to be installed by the end of July 2017.

RECOMMENDATION NO. 22.28

Install sufficient defibrillators at facility and provide adequate training.

RESPONSE

The Probation Department agrees with this recommendation. The recommendation has been partially implemented. The Probation Department has begun the procurement process for the installation of defibrillators at all three juvenile halls. Installation is anticipated to be completed by January 2018. All

deputized detention staff are trained in the use of defibrillators during their annual Cardiopulmonary Resuscitation (CPR) and First Aid trainings. In addition, Juvenile Court Health Services will provide as-needed booster trainings.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
PROBATION

2015-2016 CIVIL GRAND JURY RECOMMENDATIONS FOR
LOS ANGELES COUNTY PROBATION DEPARTMENT AND TECHNOLOGY

RECOMMENDATION NO. 15.1

Los Angeles County and Los Angeles County Probation Department should ensure that laptop computers or tablets are available to probation officers going into the field.

RESPONSE

The Probation Department agrees with this recommendation and it has been implemented. Laptop computers have been and continue to be available to officers going into the field. Many of the field officers have assigned desktop computers in their office locations, and not all officers spend all of their time in the field.

RECOMMENDATION NO. 15.2

Los Angeles County and Los Angeles County Probation Department should ensure that probation officers dealing with California Public Safety Realignment Act of 2011 probationers not have to share an office computer with another officer.

RESPONSE

The Probation Department agrees with this recommendation and it has been implemented. Every cubicle in every Probation facility is either equipped with a desktop computer or a laptop docking station for laptop users. As long as a field officer is assigned to a cubicle, there is no need to share computers. If a field officer is visiting another work location or works on a laptop without a cubicle assignment, he or she can use a laptop docking station in any facility. The Department's Information Systems Bureau will provide additional computers to any Probation Department facility if notified of any cubicle without a desktop computer or a laptop docking station. If unforeseen circumstances necessitate that a computer must be temporarily shared, security is always enforced so that every field officer has a unique User ID to access Probation computers and can only review information within his or her access rights.

RECOMMENDATION NO. 15.3

Los Angeles County and Los Angeles County Probation Department should issue cell phones to probation officers should allow dialing 911 without a ten digit code being entered first.

RESPONSE

The Probation Department agrees with this recommendation and it has been implemented. A ten digit code is not required to access 911 on Probation-issued cell phones. In April 2016, the Probation Department also began the process of upgrading all smartphones issued to field staff from Blackberry devices to iPhone 6 devices. The replacement process is approximately 23% complete. It is currently estimated that the replacement of all smartphone devices will occur by December 2016. The new iPhone 6 devices allow staff

to dial 911 by one touch and dialing the number, and this emergency feature is available while the phone is in lock mode.

RECOMMENDATION NO. 15.4

Los Angeles County and Los Angeles County Probation Department should initiate a study to determine the cost and availability of software that is available or could be developed that would allow probation officers to access both juvenile and adult probationers as well as communicate with other county and state agencies.

RESPONSE

The Probation Department agrees with this recommendation and it has been implemented. The case management systems used to monitor adult probationers (Adult Probation System) and juvenile probationers (Probation Case Management System) can both currently be accessed from the same workstation as long as an employee has a valid login for both systems in accordance with authorized business needs.

The Probation Department is also currently working to develop a strategy for Adult Probation System and Own Recognizance Management System/Pretrial Plus Modernization, and possible integration with the Juvenile Probation Case Management System (PCMS). It is anticipated that a strategy will be developed by August 2017, to plan for common workflow and business rules, reduce operations costs, increase operations efficiencies from system/data consolidation, allow for increased data sharing with County and State agencies, and increase IT agility.

COUNTY OF LOS ANGELES
PROBATION

2015-2016 CIVIL GRAND JURY RECOMMENDATIONS FOR
DETENTION JUVENILE FACILITIES

RECOMMENDATION NO 21.1

Install defibrillators and train personnel to use them.

RESPONSE

The Probation Department agrees with this recommendation and will work in collaboration with Juvenile Court Health Services who provides all medical treatment and responses.

CAMP GONZALES:

RECOMMENDATION NO 21.11

Clean and maintain dining room floor on a regular basis.

RESPONSE

The Probation Department agrees with this recommendation which has been completed. Floors are mopped several times per day and the Camp is in compliance with Title 15 mandates.

RECOMMENDATION NO 21.12

Re-pave basketball courts.

RESPONSE

The Probation Department agrees with this recommendation. The Department submitted a Service Request to the Internal Services Department (ISD) to replace the courts which is pending the Chief Executive Office's review.

RECOMMENDATION NO 21.13

Fill gopher holes with sod.

RESPONSE

The Probation Department agrees with this recommendation. The Camp will be treated for gopher abatement and the holes will be filled-in to eliminate trip hazards.

RECOMMENDATION NO 21.14

Evaluate acoustics in dormitory and address as needed.

RESPONSE

The Probation Department agrees with this recommendation. A request has been submitted to ISD and/or a contractor who will check acoustics and provide an estimate.

CENTRAL JUVENILE HALL:

RECOMMENDATION NO. 21.18

As recommended by the 2013-2014 CGJ and reviewed by the OAC and the Los Angeles Superior Courts, this facility should be replaced.

RESPONSE

The Probation Department agrees with this recommendation. The Board of Supervisors initiated a motion that directed a consultant to review this project.

INGLEWOOD JUVENILE COURTHOUSE JAIL:

RECOMMENDATION NO. 21.42

Floor tiles should be replaced.

RESPONSE

The Probation Department agrees with this recommendation. A request was submitted to ISD to advise them of the loose tiles. The tiles have been sealed with clear coating to prevent them from becoming loose.

RECOMMENDATION NO. 21.43

Allow female detainees to use female staff restroom

RESPONSE

The Probation Department agrees with this recommendation. Female minors are allowed to use the female staff restroom.

RECOMMENDATION NO. 21.44

Paint sally port walls.

RESPONSE

The Probation Department agrees with this recommendation. A work order has been submitted to ISD to have the sally port painted.

RECOMMENDATION NO. 21.45

Provide additional staff as necessary.

RESPONSE

The Probation Department agrees with this recommendation. The Department's Transportation headquarters deploys additional staff when necessary.

CAMP MUNZ:

Camp Munz was closed on October 15, 2015, due to flood damage and remains closed.

RECOMMENDATION NO. 21.52

Install a padded mat below the basketball court to prevent injury.

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT

2016-2017 CIVIL GRAND JURY RECOMMENDATIONS FOR
JUVENILE DETENTION COMMITTEE

RECOMMENDATION NO. 22.16

Close and relocate Central Juvenile Courthouse.

Camp Rockey

RESPONSE

The Probation Department does not agree with this recommendation as the determination of closing and relocating the Central Juvenile Courthouse is within the State's jurisdiction. This recommendation will not be implemented.

RECOMMENDATION NO. 22.26

Install permanent padding to gymnasium walls.

RESPONSE

The Probation Department agrees with this recommendation. Although this recommendation has not yet been implemented, the temporary padding at Camp Rockey's gymnasium has been repaired. The Department anticipates the installation of permanent padding by January 2018.

RECOMMENDATION NO. 22.27

Install razor-wire at perimeter block wall.

RESPONSE

The Probation Department agrees with installing security at Camp Rockey's perimeter block wall. The recommendation has been partially implemented. The Department elected to install anti-climb paneling in lieu of razor-wire. Anti-climb paneling is aesthetically preferred as the impacted area is in the patio of the HOPE Center. The anti-climb paneling was ordered and is anticipated to be installed by the end of July 2017.

RECOMMENDATION NO. 22.28

Install sufficient defibrillators at facility and provide adequate training.

Los Padrinos Juvenile Hall

RESPONSE

The Probation Department agrees with this recommendation. The recommendation has been partially implemented. The Probation Department has begun the procurement process for the installation of defibrillators at all three juvenile halls. Installation is anticipated to be completed by January 2018. All

deputized detention staff are trained in the use of defibrillators during their annual Cardiopulmonary Resuscitation (CPR) and First Aid trainings. In addition, Juvenile Court Health Services will provide as-needed booster trainings.



BELL GARDENS
POLICE DEPARTMENT

7100 So. Garfield Avenue
Bell Gardens, California 90201-3293
Telephone (562) 806-7600

Deterstein

12-05-2017

Dear, Linda Cantley and Valerie Castro,

22.1 **Pattern of inebriated inmates held in sobering cell beyond 6 hours without approval of watch commander or transfer to hospital:**

Inebriated inmates: After the inspection, I instructed the jail staff to closely monitor all inebriated inmates every 15 minutes during their stay and to make sure that no inmate remains in our jail longer than six hours, with the exception of felons or inmates that need to go to court. The staff was also instructed that if inebriated inmates have been here beyond four hours they shall notify the Watch Commander in order to make a determination if the inmate will be released prior to six hours or transferred to another facility. A log sheet (inmate checks) will be posted outside the cell indicating a four hour and a six hour cut-off for inmates that are waiting to be cited out.

Jail log is handwritten, with confusing and unreadable entries:

22.2 Jail logs / conditions: We currently have a log sheet posted outside of each cell and the staff shall log in the cell checks, meals served and document the cell conditions. The log sheet will have a four hour preliminary inmate check to determine if the inmate will be released prior to the six hour maximum cut-off and if not they shall notify the Watch Commander. A jail register is also kept in the jail office documenting inmate arrival, release time, charge(s), and watch commander approval.

22.3 **Pattern of no female jailer(s) or matrons on duty to monitor inebriated females inmates:**

Female jailers: Since the jailer positions are all part-time, except for one full-time positions we have had a difficult time hiring qualified female jailers. The majority of our shifts are now staffed with at least one female jailer. In the event no female jailers are available to assist in searching female inmates we will either have dispatch or records female staff assist in searching female inmates. We have also used outside agency female staff in searching female inmates.

Jail Manual out of date:

22.4 Jail Hardcopy Manual: The jail hardcopy policy and procedures manual was updated and it now reflects the Lexipol manual with a link on how to access it.

Plumbing problem in sink cell:

22.5 Clogged sink: Whenever we have plumbing repairs we call our Public Works Department to have the issues repaired. No work order was generated by the police department for minor plumbing repairs. The department will now keep a paper trail of repairs related to the jail facility.

NOW

Please let me know if anything is needed.

SGT. ALBERT CLARK



BELL GARDENS
POLICE DEPARTMENT

7100 So. Garfield Avenue
Bell Gardens, California 90201-3293
Telephone (562) 806-7600

September 6, 2017

Presiding Judge Daniel J. Buckley
Los Angeles Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street, 11th Floor, Room 11-506
Los Angeles, CA 90012

1016117
*These are independent responses
to the comments shown in
Table under Bell Gardens*

Dear Judge Buckley,

This letter is in response to a Los Angeles County Civil Grand Jury Report with cover letter dated June 21, 2017 regarding the Bell Gardens Police Department detention facility inspection that occurred on September 2, 2016. The Grand Jury report was sent to the Bell Gardens Police Department with the below comments concerning deficiencies. Each deficiency has been addressed and is summarized below.

Item #1: Staffing- 1 sergeant, 1 full-time jailer, 16 part-time jailers (no more than 30 hours per week). No overtime allowed caused staffing issues.

The Bell Gardens Police Department detention facility is staffed with 1 full-time sergeant, 1 full-time jailer, and 15 part-time jailers. The detention facility is usually staffed with two jailers, 7 days a week, 24 hours a day; however, there are occasions when only one jailer is on duty. We are limited on the number of hours that we can offer part-time employees per week. We continuously recruit to fill vacant jailer positions, and strive to have two jailers on duty at all times.

Item #2: Records examination showed a pattern of inmates being held in sobering cells beyond 6 hours without approval of Watch Commander to assess whether an inmate should be transferred to a hospital or kept under observation.

Bell Gardens Police Department Policy 900.8.1- Use of Sobering Cells requires the jailer to conduct a direct visual observation of the inmate to assess the inmate's wellbeing and behavior every 30 minutes, and to make a log entry in the cell log. It requires the Watch Commander to check the cell logs for completeness every two hours. Under no circumstances shall an inmate be left in a sobering cell for more than six hours without being evaluated by qualified medical personnel.

To appropriately address this issue, jailers have received updated training on how to handle an inmate in a sobering cell for at least 4 hours. Training requires a jailer to make contact with the Watch Commander who will then make a determination before six hours have passed, whether to transfer the inmate or release him/her. Watch Commanders were also given supplemental training on this policy to ensure compliance.

Item #3: Vague and confusing handwritten notations in jail logs on condition of inmates and staff coverage.

To remedy this issue, new cell logs were created and training was given to jail personnel on how to properly complete the new cell logs. The Watch Commander and Jail Supervisor were trained to regularly check the cell logs for completeness.

Item #4: Repeated instances where inebriated females were held in sobering cells for many hours with no female jailers on duty.

Bell Gardens Police Department Policy 900.3.2 states that at least one female department member should be present when a female adult is in custody. The issue referred to concerns the police department's inability to have one of six female jailers on duty at all times; however, Bell Gardens Police Department currently has female police officers, dispatchers, records clerks, and community service officers who are all trained as matrons and on duty at any given time to perform matron duties or other responsibilities related to female inmates. Therefore, we have been in compliance with our policy.

Item #5: Inmate grievance forms not readily available.

To remedy this issue, inmate grievance forms have been made readily available.

Item #6: Jail manual confusing and contained out of date material, last revised 10/27/13. LEXIPOL 900 Jail Manual accessible on line, but not in notebook manual.

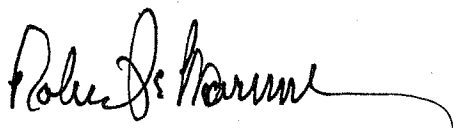
To remedy this issue, a hard copy of LEXIPOL Policy Section 900- Temporary Custody of Adults was placed in the notebook manual inside the jail. The jail policy is updated annually and contains industry standards for maintaining Temporary Custody of Adults in Detention Facilities.

Item #7: One cell had a sink that was not draining and had standing water. No work order issued.

To remedy this issue, the City of Bell Gardens Public Works Department was notified and the problem was corrected.

In closing, I believe that each of the deficiencies identified by the Civil Grand Jury have been appropriately remedied. In the event that you require further explanation or additional remedy of any deficiency, please do not hesitate to contact me at (562) 806-7691.

Sincerely,



Robert E. Barnes
Chief of Police