

# Los Angeles County Grand Jury Final Report 1980 - 81



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#### Cover Photo:

The old Los Angeles County Courthouse and Hall of Records as seen from the portico of the present Los Angeles City Hall, ca. 1930. The Courthouse, erected in 1888-89 at a cost of a little more than \$½ million, was torn down in 1935.

#### Back Cover Photo:

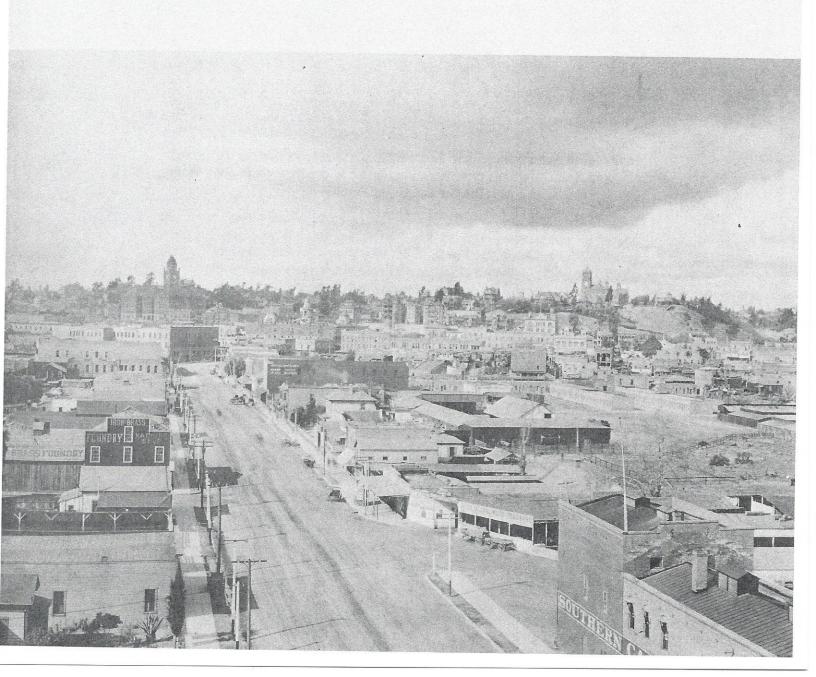
The same view today. The new \$38.2 million Los Angeles County Criminal Courts Building, built in 1972 on the site of the old Courthouse, contains the offices of the Los Angeles County Grand Jury. The Hall of Records has long since been ground to dust by wrecking crews, and Grand Jurors now park their cars on the site.

#### Photos Below:

Panorama of downtown Los Angeles, ca. 1900, looking west from the Aliso Street Brewery. The portion of Aliso Street visible in the picture has been replaced by the Santa Ana Freeway. Prominent towers seen across the horizon from left to right are St. Vibiana's Cathedral and the old City Hall (on the left-hand page) and the old Courthouse and Los Angeles City High School (on the right-hand page).



# Los Angeles County Grand Jury Final Report 1980 - 81



#### **ACKNOWLEDGMENTS**

Printing is by Ideal Printing Company, City of Industry. Photos of Jury members and staff are by Sam Cheney, photographer, CAO, Special Services Division, and by Ted Hon, photographer for the District Attorney's office. Photo of Undersheriff Eugene Biscailuz is courtesy of the Sheriff's Department. All other photographs in this volume, except for those of the judges, are from the collections of the Huntington Library, San Marino, California, and are used by permission of the Librarian, Daniel H. Woodward. Special thanks is extended to Alan Jutzi, associate curator of rare books, and Edwin H. Carpenter, lecturer, of the Huntington Library staff, for their valuable assistance in locating appropriate photographs and for providing historical information. Also greatly appreciated is the review of historical material and assistance in dating pictures provided by Dick Hughes, assistant chief deputy, County Recorder's office.

Descriptions of the red-stone Courthouse and the Old Market House are quoted from Samson and Utie's Elderly Son by Norval Nance Edwards (copyright by Norval Nance Edwards, 1972) and are used by permission of the author.

The Editorial Committee wishes to express its gratitude to the Grand Juries of 1976-77 and 1977-78 for the layouts and designs of their annual reports which provided much of the inspiration for this one.

Finally, a special tribute goes to Joyce Shannon, staff secretary to the Grand Jury, and Sally Wallace, typist, who managed to produce clean copy from horrible scrawls and who tirelessly and uncomplainingly typed and retyped and typed yet again the reports contained in this volume.



The 1980-81 Los Angeles County Grand Jury dedicates its Final Report to the Los Angeles Bicentennial.

# FOREMAN'S STATEMENT

California grand juries have undergone a significant change since the State Supreme Court's November 1978 decision in *Hawkins v. San Francisco*. As a result of that decision any person indicted by a grand jury has the right to a preliminary hearing in municipal court, because grand jury proceedings by their nature abrogate such fundamental due-process guarantees as the right to appear before a legally knowledgeable magistrate, the right to competent counsel, the right to present exculpatory witnesses, and the right to cross-examine accusers.

Some critics decry the reduced role of the Grand Jury in criminal cases as less cost effective, but most agree that this ruling effectively prevents any potential abuse of the system by the prosecution. District Attorney John Van de Kamp has written, "The courts in Los Angeles have adjusted to the procedural change...and the Grand Jury is now using its added time and effort in its civil watchdog function." In this climate, criminal matters come to the Grand Jury only when its unique powers of subpoena, investigation, and wide discretion make it the only practical forum within the criminal justice system.

Nowhere is this change more significant than in Los Angeles County. The Grand Jury now uses roughly 80 percent of its alloted year in fulfilling its charge to guard against improper or inefficient performance in county government. In practical terms, this change of emphasis has increased by two and a half to three months the time available to jurors to study, monitor, evaluate, and make recommendations about the administration of a county containing one-third of California's population and with a budget larger than those of thirty-seven of the fifty states.

The task of funding and managing this budget has become increasingly difficult in the post-Proposition 13 "era of limits". The immense cost of providing necessary protections—sheriffs, district attorneys, public defenders, courts, and jails—against a rising crime rate, the rapidly growing cost of public medical and mental health care, and the need to fund programs mandated by state and federal governments when those bodies are sharply cutting assistance are only three of the many problems bedeviling the Board of Supervisors and the citizen-taxpayers it represents.

The 1980-81 Grand Jury has learned that, on the whole, this County is remarkably well run by dedicated, intelligent, and innovative managers, but inevitably, such a large bureaucratic structure develops soft spots, failures in communication, and various other administrative glitches. Sometimes these are brought to a sharper focus by an independent group of citizens of varied backgrounds, not concerned with preserving empires or seeking political office. Many of the committee reports, approved by the full Grand Jury, were released as interim reports, since it was deemed desirable to have press and public involvement before the end of the Jury's term. The response of the media, the Board of Supervisors, and, especially, the involved county departments has been gratifying. Some of the Jury's recommendations are philosophical in nature and others are very specific. Some recommendations, Los Angeles County grand jury history suggests, will be adopted promptly,

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

This Grand Jury has been guided in both its criminal and civil functions by Judge Richard Schauer and Judge David N. Eagleson, each of whom has been the presiding judge of the Superior Court for Los Angeles during the Jury's term. Judge William Keene and Judge Julius Leetham each served as presiding judge of the Criminal Division and made their advice and counsel available as it was needed. Deputy District Attorney Michael Byrne has served as legal advisor, offering clear, concise explanations of applicable law while scrupulously protecting the independence of each juror. The highly competent daily aid and cooperation of the Grand Jury staff has made the work much easier. To all of the above, on behalf of all twenty-three Grand Jurors, I express gratitude and thanks.

Finally, I salute the judges of the Superior Court for Los Angeles County who selected judiciously from the volunteer list and persuaded, cajoled, induced, and encouraged the other members of this particular panel to serve as the 1980-81 Grand Jury. Their varied skills, intellectual interests, and backgrounds have been employed with diligence and dedication in what, for me, has been a reaffirmation of the ideal of citizen participation in government, making my service as foreman more satisfying than Judge Jerry Pacht promised or than I could have imagined.

Robert M. Segall Foreman

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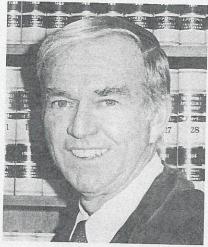
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The Honorable Richard Schauer Presiding Judge of the Superior Court, 1979-80



The Honorable William B. Keene Supervising Judge of the Criminal Division, 1979-80



The Honorable David N. Eagleson Presiding Judge of the Superior Court, 1981-82



The Honorable Julius A. Leetham Supervising Judge of the Criminal Division, 1981-82



Grand Jury Staff
Standing: Jack J. Henri, investigator;
J. Michael Byrne, legal advisor.

Seated: Lois Johnson, court reporter;
Joyce Shannon, staff secretary; Anita



Left to Right Top to Bottom

Charles G. Craddock

Bessie A. Harper

Eileen A. Ryan

Edith Schneider

John B. Yodice

Jacquelin W. Christy

Carol B. Pearson

Mack Blaustein

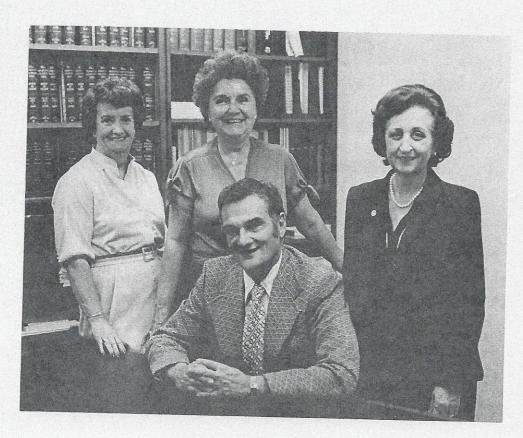
Ruth H. Hanak

Fay Galloway

George H. Wesley

Helen G. Talley





Marian K. Barton Secretary

Annette D. Yancey Sergeant-at-Arms

Robert M. Segall Foreman

Nancy Manners Foreman Pro Tem

Barbara L. Boone
Seymour Kern
Jeanne E. Fujimoto
Ruth A. Kraft
Margie R. Cahn
John Lombardi
Helen C. Pekny



# 1980 - 1981

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Margie R. Cahn	Marina del Rey	Fred Rimerman
Jacquelin W. Christy	La Crescenta	David W. Cunningham
Charles G. Craddock	Pacific Palisades	Thomas T. Johnson
†Frederick J. Dumas	Los Angeles	Ronald M. George
‡Jeanne E. Fujimoto	Santa Monica	Rosemary M. Dunbar
Fay Galloway	Los Angeles	Jack W. Swink
Ruth H. Hanak	Los Angeles	Sara Kleban Radin
‡ Bessie A. Harper	Los Angeles	Alfred L. Margolis
Seymour Kern	Marina del Rey	Jerry Pacht
Ruth A. Kraft	Beverly Hills	Leonard S. Wolf
John Lombardi	Los Angeles	Peter E. Giannini
Nancy Manners	West Covina	Arthur Baldonado
Carol B. Pearson	San Marino	Harry L. Hupp
‡Helen C. Pekny	South Pasadena	Leslie W. Light
†Willo Jean Phillips	Los Angeles	George M. Dell
Eileen A. Ryan	Los Angeles	Edward A. Hinz, Jr.
Edith Schneider	Sherman Oaks	William Drake
Robert M. Segall	Burbank	Jerry Pacht
‡Helen G. Talley	Carson	Norman R. Dowds
‡George H. Wesley	Altadena	Albert D. Matthews
Annette D. Yancey	Long Beach	John A. Arguelles
John B. Yodice	San Pedro	George R. Perkovich, Jr.

† resigned

‡Volunteer

# 1980 - 1981 LOS ANGELES COUNTY GRAND JURY

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# Nancy Manners, Foreman Pro Tem Annette D. Yancey, Sergeant-at-Arms

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#### Ad Hoc Committee on Elections

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## Ad Hoc Committee on Fire Safety

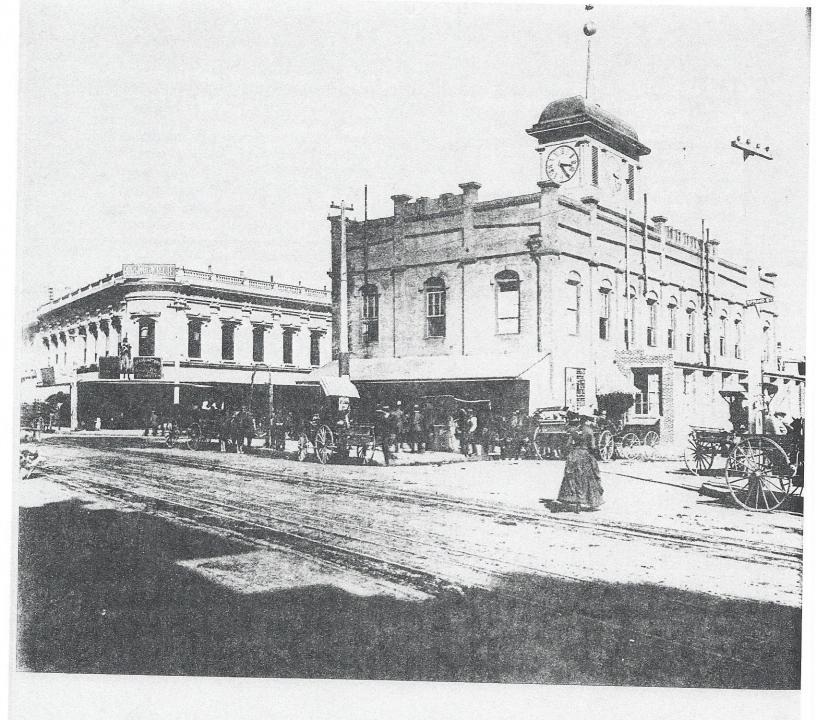
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John Lombardi
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Edith Schneider
Helen G. Talley
George H. Wesley
John B. Yodice



The Old Market House, ca. 188?, was described vividly by Norval Nance Edwards in his Samson and Utie's Elderly Son: "The courthouse, a conspicuous eyesore, was a rectangular, two-story, brick edifice, erected in 1858 as a public market and upstairs theater. Convenient to attorneys in the Temple Block, the courthouse stood directly south of that building in an 'island' surrounded by Market, Court, Main and Spring streets [the present site of City Hall tower]. A white clock tower rose from the center of the structure's flat roof. The clock could be seen on all four sides but it seldom ran, and the chimes that were supposed to bong out the hours of the day, rarely did. The building was in an obvious state of neglect [in 1884], and leaked badly. The Times called it 'an old rat trap,' 'weeping for repairs.'"

# **AUDIT COMMITTEE**

#### **PURPOSE**

Under the provisions of the California Penal Code, Section 928, the Audit Committee is granted the authority to examine the fiscal records and management needs of all Los Angeles County officers and departments, joint powers agencies, and special districts, as well as the fiscal records and accounts of any incorporated city. Under a recent revision of the law, the Grand Jury is also mandated to perform such a review of each department of county government at least once every eight years.

# METHODS OF INVESTIGATION

In July 1980, the Audit Committee mailed letters to all firms of certified public accountants which had indicated an interest in performing the examination of county departments for the fiscal year 1980-81. Ten firms were contacted; and six responding firms presented their qualifications to members of the Audit Committee. On September 16, 1980, the firm of Arthur Young & Company, certified public accountants, was selected to be the contract auditor.

# AREAS OF CONCERN

In selecting departments for review, the Committee had three criteria in mind: first, to make a start at fulfilling the eight-year mandate by auditing some smaller departments which had not been reviewed for a number of years; second, to audit departments where potential dollar savings would be the greatest; third, to study areas of county government where new approaches could lead to improved public service. After careful study by the Committee and by the contract auditor, specific departments were chosen for audit. A summary of the recommendations of the contract auditor is included in this report for:

- A. Agricultural Commissioner
- B. Department of Animal Care and Control
- C. Department of Parks & Recreation

In addition, audits were made of the Department of Adoptions and of a specific matter involving the Board of Public Works. The report on Adoptions is not completed as of this printing, and the report on the Board of Public Works is not included in this volume. However, these and all other reports prepared for the 1980-81 Grand Jury by its contract auditor will be gathered into bound volumes and will be available for reference at the Grand Jury office.

Besides the major new audits initiated by the Audit Committee, there were a number of follow-up reports on audits performed by previous grand juries. In some instances, the 1979-80 Grand Jury specifically requested that the new Jury follow up on previous recommendations and in other instances the 1980-81 Grand Jury took it upon itself to request such a follow-up by the contract auditor. A summary of the findings of these follow-up reviews is included in this report for:

- D. Automotive Crafts Services Division of the Mechanical Department
- E. Probation Department

- F. Regional Planning Department
- G. Road Department
- H. Sheriff's Department
- I. Small Craft Harbors Department

# FINDINGS AND RECOMMENDATIONS

# A. OFFICE OF THE AGRICULTURAL COMMISSIONER

### 1. Background

The office of the Agricultural Commissioner (OAC) is a county department. The Agricultural Commissioner is a department head and not a commissioner in the usual sense. The title stems from a long tradition originally based on state legislation.

The Department's responsibilities focus on protecting the health, safety, and environment of the County's 7 million residents by maintenance of produce and egg quality standards, abatement of hazardous weeds and rubbish from vacant lots, regulation of pesticide use, prevention of pest infestations harmful to food crop and ornamental plantings, and eradication and control of noxious weeds.

The responsibilities of the OAC are unique, diverse, and complex because Los Angeles County is the largest wholesale produce distribution center in the nation, the leading County in the nation in the production of ornamental nursery stock and horticultural specialty crops, the largest import-export distribution terminal on the West Coast, and the largest tourist debarkation and transfer point on the West Coast, making it the most likely point of new pest introduction.

The Department has seven divisions. Most employees are classified as inspectors and are required to hold at least two state-issued certificates related to specific agricultural and environmental inspections skills.

#### 2. Areas of Concern

- a. General
- b. Weed Abatement Division
- c. Pesticide and Pest Management Division
- d. Noxious Weed and Vertebrate Pest Division
- e. Fruit, Vegetable & Egg Standardization Division
- f. Business Management Division
- g. Pest Prevention Division

# FINDINGS AND RECOMMENDATIONS

#### a. General

The Commissioner, Assistant Commissioner, and first-line management personnel are currently required to file economic disclosure statements. The Department should expand the number of positions required to submit such statements, identifying those positions most vulnerable to the appearance of conflict of interest. This would include employees with direct public and vendor contact but with little or no supervisory control. It should be noted that no evidence of conflict of interest was found in OAC. However, improvement of conflict-of-interest controls would help insure departmental integrity and public credibility.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Department improve conflict-of-interest controls.

The Department currently experiences significant downtime on its vehicles. This situation can adversely affect OAC's weed abatement operation. The Department should attempt to receive higher Mechanical Department priority or should contract with outside repair agencies during the times when brush and weed clearance take place.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Department establish procedures to ensure that adequate preventive maintenance is performed and responsive repair service is available, either through the Mechanical Department or through outside contracts.

Although no direct duplication or competition for service was found, OAC performs two functions also handled by other county departments, i.e., large animal control and weed clearance. The Jury believes inefficiency often exists when more than one department performs the same function.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Department determine where increased coordination with other departments could reduce duplication of services, consequently lowering costs while increasing the performance of all involved departments.

### b. Weed Abatement Division

About 70 percent of all weed abatement work is in areas accesssible to heavy equipment. This clearing is contracted out to private firms. However, all hand clearing of weeds is done by OAC employees The Department should consider contracting out *all* weed clearance work. This would reduce the inefficiencies caused by staff shortages, transportation problems, and inadequately trained personnel.

The Department must rely on the County Assessor for parcel boundaries and ownership records. The need for timely maps and legal descriptions is critical to the accurate determination of areas needing weed and brush clearance and of ownership of such property. Billing procedures are presently hampered because nearly 6 percent of the 33,000 parcels needing weed clearance have incorrect owner records.

Under state law, the amount due the County for weed clearance becomes a lien against the property, and the Department bills owners through the property tax bill. State law mandates that certain procedures be followed for billing. In some instances, these procedures could delay billing more than one year. OAC should study the feasibility of implementing a direct billing system to replace the process of billing through property tax bills. If direct billing is feasible, the Board of Supervisors should pursue an amendment to state law to permit it.

Property owners requesting services are billed directly by the Department. These billings are also often delayed up to a year because the billing rate is established by the Auditor-Controller several months after the end of each fiscal year. A current billing rate, usable for immediate billing, would be most practical.

Although the Department has a Business Management Division, the Weed Abatement Division does its own billing. This Division should be responsible only for weed abatement. Work orders should be processed and approved, with paperwork being sent on to the Business Division for billing and collection.

County-owned unimproved property, although subject to the same fire-hazard potential as privately owned land, is generally not cleared because funds are not budgeted. To comply with county ordinance and reduce county liability, the County must include its own land in the clearance program and provide funding for it.

## RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That the Department determine the feasibility of contracting out hand weed-clearing services.
- 2. That the Agricultural Commissioner discuss the means of obtaining up-to-date parcel information with the County Assessor.
- 3. That the Department determine the feasibility of a direct billing system and arrange with the Auditor-Controller for current billing rates to be readily available.
- 4. That the Department consolidate all billing functions within the Business Management Division.
- 5. That the Board of Supervisors provide funding for the clearance of county-owned land.

c. Pesticide and Pest Management Division

This year about 1,000 persons will be required to register with OAC, either as applicators or distributors of pesticides. In addition, each time one of these registrants plans to apply a pesticide, the Department must be notified in advance. The amount of clerical time and paperwork involved in this mandated effort is overwhelming.

The Division also maintains many records of its operations. The Grand Jury believes that improved statistical summaries and analyses would better inform management and improve overall division operations. An automated data processing system would be beneficial for both registration and statistical-gathering functions.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Department consider automating pesticide registration activities and develop an improved management information system.

d. Noxious Weed and Vertebrate Pest Division Government agencies outside the County control, restrict, and mandate the use of specific substances within the Los Angeles area. In recent years, there has been a significant decrease in the number and strength of herbicides and poisons which may be used. This reduction has decreased the effectiveness of weed, pest, and brush control, while the County's cost of providing this service has gone up. The Department should develop contingency plans for control of noxious weeds and vertebrate pests, taking into consideration the continued restrictions and banning of poisons and herbicides.

Until the early 1970s, the County effectively controlled bubonic plague by minimizing contact between humans and ground squirrels. The current approach monitors ground squirrel populations for incidence of bubonic plague through periodic blood samples. When tests are positive, the squirrels are destroyed. This approach appears to be more costly and less effective than the previous method. Since bubonic plague is a deadly and highly infectious disease, the Department's method of plague control should be reexamined in light of recent experience, overall effectiveness, and total cost.

This Division provides unique services not readily available from private industry, but the County's current freeze on hiring has resulted in short staffing. Since the demand for services is great and 85 percent of the Division's revenue is from direct charges for these services, an exemption from the hiring freeze would appear to be logical. The Department should prepare a study outlining the potential market, the number of employees required to serve it, and the cost effectiveness of hiring additional personnel. If additional workers prove to be revenue supported, the employment of these persons should be exempted from the countywide hiring freeze.

Also, in view of its tightening budget, this Division has virtually eliminated any inspection activities supported by the General Fund. An ounce of prevention in reinstating these general inspections could be worth a pound of cure when the costs of eradication and increased herbicide usage are forestalled.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That the Department develop contingency plans for pest, weed, and brush control, as the authorized usage of herbicides and poisons continues to decline.
- 2. That the Department reexamine its present approach to bubonic plague control.
- 3. That the Division study the cost effectiveness of exempting revenuesupported employees from the County's hiring freeze.
- 4. That the Department reconsider its decision to discontinue its General Fund supported inspections.
- e. Fruit,
  Vegetable &
  Egg Standardization Division

Inspectors in this Division are responsible for produce standardization, both at the Central Market and at retail establishments. In general, it appears that inspector accountability is lax and that inspector productivity is not closely managed. Inspector workloads should be established, and reports and summaries of data should be improved. The approach to retail inspections appears to be fairly informal, and uniform enforcement may be lacking.

Since relatively few inspectors must cover the entire County, it is important to maintain constant communication between supervisors and inspectors. The current Division policy is for inspectors to phone in frequently. Additional remote pagers issued to inspectors might provide a better means of locating inspectors in the field at a relatively low cost to the County.

The major wholesale activity at the Central Market locations lasts from about 1:00 A.M. to 10:00 A.M., while the earliest county inspector shift begins at 5:00 A.M. Some means of providing for inspections during the period before 5:00 A.M. must be established, even on an irregular and random basis. Vendors should become aware that the early market hours are not a period free from inspection.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That the Department develop inspector workload standards and improve reporting and data analysis.
- 2. That retail establishment inspection activities be structured to insure uniform enforcement.
- 3. That the Division conduct a study of requirements for remote pagers and, if necessary, issue additional pagers.
- 4. That an early morning Central Market shift be established.

f. Business

Management

Division

Considering the large amount of revenue received in the Department, the contract auditor found the existing billing and financial reporting systems to be outdated and/or inadequate. The Department has little computer support, depending excessively on manual preparation of bills. In addition, a substantial amount of cash is received over the counter, by mail, and by inspectors out in the field. Cash control procedures should be reviewed regularly and in depth to assure proper cash accountability by all employees.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That the Department improve business systems, particularly by the use of computers.
- 2. That current cash control procedures be reviewed.
- g. Pest Prevention
  Division

In addition to routine duties, inspectors in this Division respond to requests for inspection in order to issue perishable goods certificates. These requests are informally logged by the office and relayed to inspectors when they call in. In order to improve record keeping, a work order system should be initiated. Data recorded on these work orders could be used to expand and improve present information reporting by management. This would be useful in developing budget objectives and in comparing personnel data.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That a work order system for inspectors be established.
- 2. That management information reporting be improved.

#### B. DEPARTMENT OF ANIMAL CARE AND CONTROL

## 1. Background

The Department of Animal Care and Control (DACC) has four principal areas of responsibility. They are:

- 1. Licensing of all dogs in the unincorporated portion of Los Angeles County and in cities contracting with the County for animal control services;
- 2. Operation of six animal shelters throughout the County;
- 3. Enforcement of the County Animal Control Ordinance (#4729) and city animal control ordinances in contract cities;
- 4. Operation of low-cost spay/neuter clinics at each of the six county animal shelters.

In implementing these responsibilities, fees are charged to dog owners, but these revenues are far exceeded by costs. This fiscal year, the cost of providing animal control services exceeds total animal license revenues by approximately \$1.5 million, which is made up from the County General Fund. One of the purposes of the audit of DACC was to find ways of reducing the General Fund subsidy, either by increasing revenues or by reducing departmental costs.

# 2. Areas of Concern

- a. Business operations
  - 1. Billing policy
  - 2. Fees
  - 3. Management practices
  - 4. Animal disposal
  - 5. Shelter security
- b. Licensing procedures and policies
- c. Contract cities
- d. Veterinary services
- e. Horse licensing fees

# FINDINGS AND RECOMMENDATIONS

## a. Business operations 1. Billing Policy

In addition to selling licenses, the County receives revenue from the spay/neuter clinics operated at each shelter and from shelter impound and boarding fees. The County also receives revenue from unclaimed animals sold to new owners.

The California Penal Code, Section 597J, requires that emergency veterinary services be provided to any sick or injured animal impounded by the Department. In most cases, the animals are taken to private veterinarians at a fixed charge of \$20 per animal. It is DACC's practice to charge the owner of the animal this \$20 fee. Occasionally, however, emergency treatment is provided by a county veterinarian. No charge is made to the owner in this instance. This policy is inconsistent.

## RECOMMENDATION

Therefore, the Grand Jury recommends that the Department establish a policy of charging owners for all veterinarian services provided to animals at animal shelters.

#### 2. Fees

The County currently charges a \$7 impound fee, raised from \$5 in 1976. Most cities within the County charge \$10 or more. Increasing the impound fee would not even approach a full-cost recovery level, but the fee should be high enough to serve as an incentive to owners to control their animals.

# RECOMMENDATION

Therefore, the Grand Jury recommends that the Department review impound fees and consider raising them.

3. Management practices

The Director of DACC appears to be spending considerable time on day-to-day operations and animal welfare. While these must be dealt with, broader business issues must also be addressed. Animal care and control is a service that is currently provided by numerous organizations throughout the County. Since the County does not provide a monopoly-type service, the Director should concentrate on formulating goals and objectives for providing service to contract cities while remaining competitive with other animal control agencies. To implement these changes, a restructuring of the Department's organization is necessary. Elimination of two top-level positions would make line managers responsible for daily operations and directly answerable to the Director.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That the positions of Chief Deputy Director and Assistant Director be eliminated.
- 2. That the Director improve communication and cooperation with contract cities and other animal care agencies to provide better services and reduce costs.
- 4. Animal disposal

Animals destroyed by DACC are picked up under contract by a rendering company at a cost to the County of \$30,000 per year. At the request of the Director, several alternative methods of disposing of destroyed animals were studied. It was found that ground burial and cremation would be too costly.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Department continue to dispose of animals by the current method.

5. Shelter security

The Baldwin Park Shelter appears to have significant problems with thefts during nonbusiness hours. Animals as well as equipment have been taken. In addition to the potential revenue lost by having animals stolen instead of being purchased by new owners or being redeemed by their current owners, the County is liable if owners can prove that the animals were lost by the shelter. The use of effective locks on all kennels and angled barbed wire along the top of fences surrounding the shelter would be deterrents to thieves and would also provide added security for the night kennel attendants.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that security be improved at county shelters.

b. Licensing procedures and policies

Dog licenses are required by Los Angeles County to offset the cost of providing animal control services as well as to ensure that all dogs are vaccinated against rabies. The Department employs twenty-eight Animal License Inspectors (ALI) to ensure that licenses are issued. ALI I's are assigned to canvass

neighborhoods, developing a list of dog owners and addresses, including information on rabies vaccination and spay/neuter status of the animals. ALI I's also sell licenses, collect money, and issue "A" receipts as provisional licenses for dogs that have not yet received rabies vaccinations. To obtain an actual license, the owner's dog must be vaccinated within thirty days of issuance of an "A" receipt. At present, there is no follow-up by DACC to assure that the dog has been vaccinated. The current method of canvassing is costly and inefficient. Canvassing could be accomplished by part-time summer workers for a fraction of the cost of employing twelve full-time inspectors (ALI I's) for this purpose.

ALIT's conduct follow-up visits to dog owners who are definquent in renewing their licenses. ALIT's also issue licenses at the rabies vaccination clinics held by the Southern California Veterinary Medical Association (SCVMA)

More licenses would be issued if more creative methods of reaching dog owners were employed. If veterinarians, pet store owners, and kennel operators were required to notify DACC of dogs which they sold or vaccinated, DACC could inform the owners of county heensing requirements by mail. If veterinarians were able to issue heenses at the time they administered rables vaccinations, more dog owners would purchase heenses because of the convenience factor. The veterinarians would receive tees from the County for issuing the licenses.

A rabies vaccination is effective for thirty months, while the current licensing period is one year. In addition to the standard one-year license, DACC should offer the option of a thirty-month dog license to coincide with the thirty-month rabies vaccination cycle. Such an option would reduce licensing personnel labor costs by reducing the frequency of renewals as well as provide a convenience to dog owners.

In billing license renewals at the end of each quarter. Licensing Division's clerical personnel request a computer listing, in zip code order, of all licenses that are due. These notices, prepared by the County's Data Processing Department, are delivered to the Licensing Division in computer printout continuous form. The Licensing Division staff their manually bursts the forms and inserts the notice, plus public relations material, into envelopes. The envelopes are then sent to the County Communications Department for sealing, posting, and mailing. This manual system is both costly and cumbersome. In contrast, other county departments contract with the County Tax Collector's office to perform this type of mailing service at a reduced rate.

When annual renewal payments are received by DACC, each dopowner gets a new license tag and number each year. The Department could have many dollars a year if a single tag and number were issued for the life of the dog and if that number were renewed annually, as is the current method for licensing a car.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends that the Department:

- 1. Institute procedures to follow up on "A" receipts to ensure that the dogs were vaccinated.
- 2. Eliminate Animal License Inspector I's and contract out the canvassing function.
- 3. Require veterinarians, pet store owners, and kennel operators to notify the Department of dogs which are sold and/or vaccinated.
- 4. Allow and encourage veterinarians to sell dog licenses for which they would receive fees.
- 5. Issue dog licenses for a thirty-month period to run concurrently with the rabies vaccination period and increase the fees accordingly.
- 6. Determine the feasibility of contracting out renewal mailings.
- 7. Issue one dog license number valid for the life of the animal.

#### c. Contract cities

DACC currently provides animal control services under contract to thirty-two cities. The basic county contract states that the level of service provided to the cities shall be the same basic level of service that is provided for the unincorporated areas of the County. As compensation for all field services, the County retains all license fees collected. The cities pay separately for the care and maintenance of animals that are impounded. Redemption fees collected from dog owners are credited to the individual cities.

Many local jurisdictions prefer a greater range of animal control service options than is presently available from the County. Currently, six cities contract for shelter service only, and others would like to do the same. However, this option was eliminated in 1975.

Overall, the County is losing a significant amount of money in providing patrol and field services. In fact, not one of the contract cities is supporting the services it receives. The County should determine if it wants to continue to provide animal control services to contract cities. If it does, the County should also establish service levels and cost guidelines, in order to reduce or eliminate excessive cost over revenues.

Contract cities' most common criticisms against DACC are: lack of data on DACC's monthly reports to the cities; lack of flexibility regarding service levels; and DACC's apparent concern for increasing revenues to offset increasing costs rather than reducing costs through department streamlining or reverse contracting. In addition, the contract period is the County's fiscal year, whereas adjustments to the contract rate are made by the Auditor-Controller during midyear. This creates budgetary problems for the contract cities. The Auditor-Controller could estimate costs for the coming fiscal year and

establish an estimated rate, as is already being done for police and fire services provided by the County to contract cities. Any differences in actual rates would be adjusted and refunded to the contract cities.

In August 1979, the Los Angeles City-County Consolidation Commission in its report to the County Board of Supervisors stated that "current jurisdictional boundaries and shelter duplication cause inefficient delivery of service and lead to considerable citizen confusion." The Commission recommended a program of organizational modifications, including the use of such concepts as reverse contracting by the County "to authorize other agencies to provide animal control services to urban unincorporated areas where greater efficiency and effectiveness may be achieved." DACC, however, should be cautioned to examine carefully both the contract and the contracting facility to be sure that costs and services are comparable to those currently provided by the County.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That the Department make policy determinations regarding the provision of animal control services to contract cities.
- 2. That the Department be competitive with other providers of animal care and control services.
- 3. That the Department provide more complete management information to the contract cities.
- 4. That the Auditor-Controller determine rates for the coming fiscal year, and advise the cities of these rates prior to the start of the contract year.
- 5. That the Department, before entering into any reverse contracts for animal control services, conduct a thorough financial and management audit of the animal control organization that would be taking over the service.
- d. Veterinary services

The Department of Health Services provides three types of veterinary services to DACC:

- 1. Emergency veterinary services to any injured or sick animal impounded by DACC;
- 2. Low-cost spay/neuter clinics at each shelter, operated by DACC, but staffed by six full-time veterinarians;
- 3. Two veterinarians, who travel to five of the six shelters primarily to look for rabies and also to provide routine veterinary care to the animals when requested to do so by the shelter staff.

The veterinarians assigned to the spay/neuter clinics should have the responsibility of conducting preliminary examinations of all sick and injured animals brought to the shelters. The veterinarians should then determine

whether these animals need to be sent to private veterinarians or whether they can be treated at the animal shelters. Implementation of this policy would significantly reduce the number of injured animals sent to private veterinarians, but this in turn would cause a reduction in the spaying and neutering productivity of the county veterinarians. It might be advantageous for the County to contract out the spay/neuter clinics, but no cost-effectiveness studies have been made to date.

Since the county veterinarians are employed by the Department of Health Services and not by DACC, there are communication problems between staff members of the two departments. Regular meetings between the Director of DACC and the County Veterinarian would address the problems and complaints of both departments and could lead to more congenial working relationships at the shelters.

The Grand Jury has recommended that private veterinarians be allowed to sell licenses. It also stands to reason that county shelters should be allowed to administer rabies shots, if they are needed to obtain a license. This would not only facilitate the sale of dog licenses, but would be a good public-relations tool for the Department.

DACC provides the advertising and employees to staff rabies clinics and to sell licenses at rabies clinics sponsored by SCVMA. SCVMA-member veterinarians donate their personal time to the clinics. The revenue from the clinics pays for the vaccine, with the balance going to the SCVMA treasury. Since DACC employees are active in these clinics, some form of reimbursement to DACC should be provided by SCVMA.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That the Department formally request the Department of Health Services to instruct veterinarians assigned to the spay/neuter clinics to examine impounded sick and injured animals during the hours that spay/neuter clinics are open.
- 2. That the Department solicit proposals from private veterinarians to operate the spay/neuter clinics at the shelters to determine if contracting out would be cost effective.
- 3. That the Director of the Department establish regular meetings with the County Veterinarian.
- 4. That the Department allow rabies shots to be obtained at county shelters if needed for a new or current dog license.
- 5. That the County seek reimbursement from SCVMA for the cost of county staffing of the rabies clinics.

# e. Horse licensing fees

In the course of an audit of the Department of Parks & Recreation, the feasibility of a horse license fee to cover the costs of maintaining county equestrian trails was discussed. Because DACC is currently equipped to license animals, a horse licensing program could be incorporated into the County Animal Control Ordinance (#4729) and would apply to all horses kept in the DACC service area.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Department, in conjunction with the Department of Parks & Recreation, implement a horse license program.

#### C. DEPARTMENT OF PARKS & RECREATION

## 1. Background

The contract auditor did a major review of the Department of Parks & Recreation (P & R) in two phases. The following is a summary of Phase I; Phase II was not completed in time for inclusion in this volume.

The Department has the dual responsibility of providing regional recreation programs to all residents of Los Angeles County and local recreation programs to residents of unincorporated areas of the County. It also maintains all landscaped areas at 40 civic centers and approximately 200 county buildings. In addition, it is charged with the care of 7 regional recreational facilities, 73 local and community parks, 8 wildlife sanctuaries, 39 swimming pools, 18 golf courses, 2 theaters, and 5,000 miles of public thoroughfare. Moreover, P & R is responsible for tree planting, landscaping, and maintaining 214,000 trees located in the unincorporated county areas and 3 contract cities. P & R has a current operating budget of \$836,000,000 and is assigned 1,134 permanent employees, 181 temporary positions, and 270 CETA workers.

The Department is divided into four major functional areas: Administrative Services Agency, Facility Services Agency, Planning Services Agency, and Recreation Services Agency. Within each of these areas are major divisions handling various specific operations of the Department. The objectives of this audit were to gain information on (1) ability of P & R to plan and control the productivity of its personnel; (2) use of management reporting systems for evaluating operations; (3) procedures for resource allocation and control; (4) procedures for determination of feasibility of contracting for selected services with the private sector; and (5) identification of areas for more in-depth analysis that may result in greater efficiency or cost reduction. The specific areas used as subjects for this review included two entire agencies and several major divisions of the other two.

#### 2. Areas of Concern

- a. Golf Division
- b. Regional Parks Division
- c. Grounds Maintenance Division

- d. Roadside Tree Division
- e. Construction Division
- f. Community Recreation Division
- g. Park Patrol Division.
- h. Administrative Planning and Services agencies

#### FINDINGS AND RECOMMENDATIONS

#### a. Golf Division

The Golf Division maintains 18 golf courses and has 163 permanent employees, but its greens fees are significantly below those charged at neighboring public facilities. The current accounting practices of the County do not provide for equipment depreciation allowance. If P & R golf fees were increased to market level, the additional revenue could be used as a reserve for future equipment purchases.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that golf course fees be increased to market level and provisions be made to adjust them automatically prior to the start of the fiscal year. The increases should reflect the weighted averages of fees charged at comparable facilities and increases in the Consumer Price Index for the metropolitan area.

Since county golf courses are maintained only for the pleasure of those who use them, and since they offer services also provided by the private sector, fees received from users should cover all costs reasonably borne by the Department in providing that service. Under Proposition 4 (Gann) spending limits, the County can *only* raise fees to cover costs. However, current county accounting methods do not show all golf course operating costs, thus restricting future ability to raise fees and receive additional income. Enterprise accounting would force capital costs to be identified and expensed along with operating costs.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that county golf courses become enterprise operations.

In recent months P & R has contracted out golf starter responsibilities at many facilities, but this has led to multiple contracts with vendors at each site for a variety of services. P & R should continue efforts to consolidate all contracts at golf sites into one master contract with necessary provisions to require the lessee to assume all existing contract services upon their respective expirations. By using enterprise-fund cost-accounting standards, P & R should be able to determine the feasibility of contracting out the entire operation of golf courses.

This would reduce P & R's operating costs and permit additional revenue from franchise fees. The Department has developed a pilot program of five courses which will be put out to bid. If this program proves successful, additional courses should be included next year.

# RECOMMENDATION

Therefore, the Grand Jury recommends determination of the feasibility of establishing master leases for county golf facilities.

# b. Regional Parks Division

This Division has 122 permanent employees and is responsible for the operation and maintenance of seven widely scattered regional facilities, each organized up to a point to be a self-contained unit providing grounds maintenance, security, and recreational services. However, this Division depends upon Construction Division to supply all skilled craftsmen activities and upon Roadside Tree Division for tree-related maintenance and spraying. Staffing levels at the parks are dictated by budgetary constraints. If current levels of park maintenance are to be continued, existing personnel must become more productive. Only through a systematic and scientific method of updating work standards can existing resources be maximized.

# RECOMMENDATION

Therefore, the Grand Jury recommends the development of work simplification techniques and measurement standards for maintenance personnel.

Public use of regional parks and the costs of maintaining and operating them increase each year. However, park revenues are not increasing at a sufficient rate to meet the higher costs of operation. One method of increasing revenues might be through contracts with private vendors wherein the County provides the land and the private vendors construct and operate the facilities. This type of contract should not only result in additional recreational opportunities (skateboard parks, slip and slides, tennis clubs, etc.),but also should provide the County with revenue from the use of the land.

### RECOMMENDATION

Therefore, the Grand Jury recommends that the Department explore the feasibility of contracting with private vendors for selected recreational activities in regional parks.

### c. Grounds Maintenance Division

Grounds maintenance consists of two major districts—north and south. It was reorganized recently, and responsibility for local and regional park maintenance was transferred to the Community Recreation and Regional Parks divisions. Responsibility for maintenance of equestrian trails, as well as all grounds and landscape areas in parkways, civic centers, and public buildings or facilities under county jurisdiction (a total of over 300) remains with Grounds Maintenance

Division staff levels are based on facility size and budgetary constraints, and there are no work standards used to determine staffing levels. Charges for overtime and material usage expended at the facilities are recorded by each facility and sent to the Budget Division, but there is no system requiring field supervisors to validate these charges on a regular basis. A system of work measurement standards is essential for the determination of appropriate staffing levels and to maximize employee productivity.

#### RECOMMENDATION

Therefore, the Grand Jury recommends development of work measurement standards for grounds maintenance personnel.

The Grounds Maintenance function is divided among three divisions: Grounds Maintenance, Community Recreation, and Regional Parks, and many of the sites maintained are geographically isolated, requiring extensive crew travel and less than a full day's work. Centralization of all grounds maintenance responsibilities should prove more economical.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Department determine the feasibility of consolidating all grounds maintenance into one division.

Centralization of management responsibility would increase the Division's accountability and result in more efficient use of existing personnel. P & R has recently contracted out grounds maintenance of many parkways and land-scape districts previously serviced by the Division. Additional study should be given to the possibility of expanding this to include all facilities or selected groupings of sites as a means of attracting additional bidders.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that P & R review the feasibility of contracting out the maintenance of county facilities.

Under Proposition 4 spending limits, the County is prohibited from imposing new taxes without voter approval. However, equestrian trails, even more than golf courses, are for the use of a select few. It seems appropriate that a user fee be imposed upon owners of horses kept for recreational purposes to support the cost of proper trail maintenance. Also, for public health and safety measures, it appears that horses should be licensed like other animal pets.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Department investigate feasibility of a horse license fee to cover the cost of maintaining equestrian trails.

#### d. Roadside Trees Division

This Division has 88 permanent employees and is divided into three sections: tree trimming, tree farming, and tree spraying. It plants, trims, sprays, and removes trees at county recreational areas, county buildings, unincorporated areas, and contract cities.

The tree farm and tree spraying operations are responsible for growing, transplanting, and spraying trees, as well as for the removal of tree stumps. The farm's staff consists of two senior grounds maintenance workers who supervise work performed by Probation Department and Juvenile Court wards.

Tree trimming crews, consisting of a tree trimmer working supervisor, a tree trimmer, and a tree trimmer assistant, are assigned to one of six roadside tree maintenance facilities located throughout the County. Each of the six service districts is under the direction of a tree trimmer district supervisor responsible for investigating requests for service, completing work orders, and assigning crews. There are no formal documented work standards. However, the trimmer crews perform tasks that can be quantified and measured.

#### RECOMMENDATION

Therefore, the Grand Jury recommends the development of formal documented work standards for Roadside Tree Division crews.

Most of the work performed by crews is routine maintenance that can be planned in advance, yet there is no preventive maintenance program currently in effect for the 214,000 trees maintained by the Division. Clearly, deferred preventive maintenance will result in an increase of fallen limbs from street trees, and it may be less costly in the long run to initiate a preventive maintenance program than to pay claims for damages that could have been prevented.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the CAO and the Board of Supervisors review the fiscal impact of reinstating the preventive maintenance tree-trimming program.

Current county policy requires contractors to plant fifteen-gallon trees when completing road widening projects or new subdivisions. Tree-lined streets may be aesthetically desirable, but they also present an additional maintenance cost to the County. If this policy is continued, proper maintenance of street trees could be provided by the homeowner, either through an assessment or by direct responsibility.

The County should also change its tree placement specifications for developers and require trees to be planted away from the roadway. In addition, the deposit required of developers for tree planting appears to be too low. Developers are forfeiting deposits, and in the end the County is putting in trees at a cost well in excess of the amount deposited.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Board of Supervisors reconsider current tree-planting requirements for land developers.

#### e. Construction Division

This Division maintains, repairs, and makes alterations to the Department's physical plant facilities and equipment. Its maintenance services include renovations, building alterations and repair, vehicle coordination, and off-highway equipment operations and repair. Each of its 171 permanent employees is assigned to one of three districts and operates out of a maintenance facility located in each one.

Emergency work, mostly done by one-man crews, represents 30-40 percent of all work done. This work is given first priority, whereas routine work is scheduled as workloads permit. The district coordinator evaluates requests for alteration and estimates the cost of the projects. Estimates under \$1,000 can be approved by the Supervisor, projects between \$1,001 and \$5,000 must be approved by the Agency Head, and those over \$5,000 must be approved by the Department's Director. These maximum dollar limits are established on the basis of the previous year's volume of work orders in each category. Government code currently requires new construction projects over \$10,000 be awarded on the basis of competitive bid. However, repair projects of existing facilities, regardless of dollar amount, can be done by in-house departmental personnel.

There are no formal work measurement standards used by the Division, the district supervisor being responsible for evaluating the efficiency of the crews. Staffing levels are determined by budgetary constraints. Workloads vary significantly among the various crafts—carpentry, locksmithing, plumbing, and electrical services accounting for 75 percent of all the work orders completed. Both emergency and routine tasks can be and should be quantified and measured. The Department should also review the feasibility of contracting out the less frequently used or the more time-consuming crafts and should reallocate any potential savings to a preventive maintenance program.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Construction Division of Parks & Recreation develop formal work measurement standards and that the Department determine the feasibility of contracting out selected craft services.

In addition to maintenance functions, the Division oversees construction of capital projects that are part of the County's Capital Improvement Program. These projects are for the most part under \$10,000 and usually are completed within two months. The contract auditor suggests that the CAO should seek revision of the state code to raise the dollar limit on new construction that can be done by department personnel. A more appropriate limit would be \$50,000, and the figure should be adjusted annually according to the Building Trade Price Index.

Unfortunately, the Division is seriously understaffed to meet daily operating maintenance requests. As a result there is very little, if any, preventive maintenance work being done. The Division may improve efficiency by staffing only for ongoing routine maintenance projects and by contracting out all other projects.

## RECOMMENDATION

Therefore, the Grand Jury recommends that Parks & Recreation determine the feasibility of contracting out to the private sector all capital improvement project work.

The County Engineer is currently required to review all new P & R construction projects over \$10,000 prior to their submittal for public bid. However, due to inflation in construction costs, even minor construction projects exceed \$10,000, thereby requiring County Engineer approval. Since the County Engineer charges P & R for its review services, the project's ultimate cost is further inflated and implementation is delayed until the review is completed.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that until the government code is amended, the CAO, the County Engineer, and the Department determine the financial practicality of required reviews by the County Engineer.

Construction Division crews perform work at both P & R facilities and at other county departments. The requesting department or P & R facility is charged for work performed. There are no month-end financial reports presented to the Construction Division that reconcile charges made to P & R facilities or other county departments. Such reports should be furnished to the Division, so that it can reconcile crews' activities and determine whether appropriate charges have been made.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Department develop financial reporting systems for the Construction Division.

f. Community Recreation Division

This Division is responsible for delivery of recreational services and maintenance of county facilities in 73 local parks in unincorporated areas of the County. Each of the Division's 195 permanent employees is assigned to one of nine community recreation districts, each of which has its own headquarters and administrator. Staffing levels at local parks are based on budgetary constraints and physical size, with smaller parks sharing personnel with other parks within the district.

Maintenance activities are coordinated by a maintenance supervisor. Custodial crews are responsible for sweeping, washing of windows and floors, litter pickup, and limited grounds maintenance. (Grounds Maintenance Division still provides mowing assistance to local parks.) District crews consist of a Senior Grounds Maintenance Worker and Grounds Maintenance Worker I and II classifications. CETA personnel are also used to supplement crew staffing levels.

Review of the grounds maintenance function in the local parks disclosed that there are no work standards used to evaluate crew efficiency or staffing levels. At present, the district maintenance supervisor relies on visual observations and past experience to evaluate productivity of the assigned crews. However, the maintenance activities at the local parks are labor intensive activities that can be quantified and measured.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Department develop work standards for the Community Recreation Division.

It was not possible, using the Division's records, to determine whether fees charged for recreation classes at the local parks cover the Division's costs. Contract recreation classes are intended to be supported totally by user fees and charges. The Division should recover all the costs reasonably incurred, including indirect expenses and overhead.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Department review fees and charges for recreation services.

Like golf, tennis is an activity that should be supported by fees paid by users who receive direct benefit from P & R's services. Most surrounding public agencies require a court user fee, and these charges range from a low of \$2.00 in Los Angeles City to a high of \$5.00 in Beverly Hills. P & R could realize a \$350,000 increase in revenue from fees charged at the twenty-seven different sites located throughout the County. These fees should cover all departmental costs for providing this leisure service where the number of courts make it practicable.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Department implement tennis fees at Park & Recreation facilities where the number of courts makes this practicable.

#### g. Park Patrol Division

The responsibilities of the Park Patrol Division include providing safe conditions, preventing vandalism, making arrests, and issuing citations for law

violations in the County's park and recreation areas. It uses fifty permanent employees who are divided among three patrol districts. Park Patrol officers are either stationed at a park or patrol multiple parks by using a patrol car. The Park Patrol is provided backup assistance by the Sheriff's Department.

The Park Patrol was created in 1971 by the Board of Supervisors in an effort to stem the rising crime rate in county parks. Initially, 101 officers were trained by the Sheriff's Department and assigned to the parks. Federal and state funding for the program has decreased over the years, requiring a corresponding decrease in personnel. The County has recently contracted out the Park Patrol services at Whittier Narrows and Hollywood Bowl, permitting an additional reduction of personnel.

In 1979, Park Patrol responsibility was divided between regional and local parks. It was intended that regional parks would be self-contained units providing their own security services, with the Park Patrol Division continuing to provide backup assistance. It appears that this is an unnecessary segregation of duties and may result in inefficient use of personnel.

The limited scope of this review makes it impossible to determine whether there is opportunity for savings by transferring Park Patrol Division to the Sheriff's Department. Park Patrol performs two functions—security of park facilities and protection of park users. The former is an appropriate responsibility of P & R, but the latter may be a more appropriate responsibility of the Sheriff's Department. Park Patrol officers are not trained police officers and should not be expected to perform peace-keeping functions. The CAO, P & R, and the Sheriff's Department should review the Park Patrol responsibilities and determine the appropriate levels of staffing to meet P & R's security needs and to maintain public safety in the parks. The feasibility of contracting out the security service should also be considered.

Provision of park safety is a problem faced by park departments throughout the nation. There is no simple uniform method of achieving it. Therefore, it is essential that P & R select a sample of park areas and experiment with various safety service alternatives, including using a private firm and/or the Sheriff's Department. After a one-year trial period at these sites, the Department would be better prepared to determine the impact of this recommendation.

## RECOMMENDATION

Therefore, the Grand Jury recommends that the Department review the feasibility of private sector contracting or transferring some or all of the Park Patrol functions to the Sheriff's Department.

h. Administrative Planning and Services agencies

The Administrative Services Agency, with 56 permanent employees, is responsible for delivery of internal support systems to P & R. Assigned functions include budget, accounting, procurement and stores, warehousing, printing, data processing, personnel recruitment, payroll, and personnel safety.

The Planning Agency, with 21 permanent employees, is responsible for negotiation and administration of concession contracts at P & R facilities. This agency also coordinates the P & R Capital Improvement Program and the future planning of park development and potential funding sources. Since all of the Planning Agency functions are essentially financial and administrative in nature, a minimum savings of \$40,000 can probably be achieved by consolidation with the Administrative Services Agency, thus eliminating the need for a fourth agency director position. Additional savings may result through more efficient use of existing personnel and an increase in accountability for the financial administration of the Department.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Department review the feasibility of consolidating the Administrative Services and Planning agencies or of establishing other alternative organizational structures.

The Department's computer capabilities are limited and many of the tasks that could be automated are done manually. Management information reports produced by P & R's computer involve only budget and expenditure control information. There are no automated systems that enable measurement of crew activity and productivity. Line supervisors receive no financial reports that would enable them to monitor their respective crews' expenditures, and the payroll operations do not make efficient use of computer capabilities.

Significant savings will result from improving the Department's computer capabilities. Current computer applications are inflexible, cumbersome to maintain, and incapable of providing the needed level of detail. The Department has done some preliminary analysis which determined that the costs to install and implement the necessary hardware and software for a more responsive computer system would be approximately \$300,000. Due to budget constraints and the County's desire to centralize computer operations, this alternative was dropped. The Grand Jury believes the initial cost—which represents less than 1 percent of the Department's operating budget—would be more than offset by increased accountability and efficiency within the Department.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the CAO and the Department reconsider the implementation of a more responsive computer system.

## D. AUTOMOTIVE CRAFTS SERVICES DIVISION

#### 1. Background

In the follow-up report on the Automotive Crafts Services Division (ACSD) of the Mechanical Department made by the 1980-81 Grand Jury's contract auditor, it was reported that of the sixty-four recommendations made in the 1979-80 audit twelve have been fully implemented, eighteen are currently

being reviewed or have been partially implemented, and the remaining thirty-four recommendations have not been considered.

Though the ACSD has implemented some of the recommendations relating to its internal operations, in the opinion of the contract auditor the major issues have not been properly addressed by the Mechanical Department, the County Administrative Office (CAO), or the Board of Supervisors.

Much ACSD staff time and effort have been expended in reviewing possible implementation of recent technological advancements in the areas of fleet management. However, implementation of such technology would require large expenditures of funds not available. The Grand Jury believes the staff would better expend time and effort in mastering the basic skills of effective fleet management.

#### FINDINGS AND RECOMMENDATIONS

## 2. Status of prior recommendations

Though all of the thirty-four recommendations by the contract auditor which were not implemented are important, this report will concentrate on a few key recommendations that are critical.

There seems to be a general reluctance to centralize management responsibilities for County equipment. Neither the CAO nor the department heads show any inclination to give up their authority over the assignment and replacement of vehicles and equipment. A centralized fleet-management system will not require additional personnel and will more accurately reflect each department's actual costs of providing services. The Jury feels that this change to a fleet-management system may assist the County and the Department to recognize, control, and reduce the costs of this major item.

The Jury believes that the work standards currently employed by the ACSD, where a "flat rate" is used for measuring and evaluating employees' productivity, results in a lower level of performance. Commercial garages require mechanics to better the "flat rate" by 25 percent, resulting in a higher level of productivity. Higher work standards should be developed to improve and maintain employee productivity in ACSD.

In a desire to effect less downtime of vehicles, ACSD has recently begun contracting out much of the work previously performed by county personnel. The Grand Jury believes that an additional amount of work should be contracted out and that this would prove cost effective. Unfortunately, there is little operational data available, and proper analysis is impossible because computer capabilities are lacking. However, it appears that the CAO, the ACSD management, and the County's Data Processing Bureau are making little or no effort to rectify this situation.

The Auditor-Controller should conduct a vehicle/equipment audit, but has left the responsibility of verifying inventory to the Department. In most instances, this procedure would be acceptable. However, since the contract auditor and the Department cannot reconcile existing inventory records, the Auditor-Controller

should take immediate action to correct this problem. The inability to reconcile an inventory that has a replacement value of \$240,000,000 is a major concern to the taxpayers, and the Grand Jury demands that the Auditor-Controller rectify this deplorable situation without further delay. The contract auditor has recommended that ACSD initiate a systems analysis of the workflow process within the vehicle shop, and the CAO agreed in the fall of 1980 to assist the Mechanical Department in implementing this recommendation. At this writing there has been no sign that the CAO has made any attempt to honor this agreement.

# 3. 1980-81 Recommendations

In addition to reviewing the sixty-four recommendations made to the 1979-80 Grand Jury, the contract auditor made the following additional recommendations to the 1980-81 Grand Jury.

The Department has stated that 85 percent of the 1979-80 Grand Jury's recommendations should be implemented and would result in considerable increase in efficiency and cost savings. However, although almost a year has elapsed since the initial audit was completed, little has been done to implement these recommendations.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the CAO and the Department follow up and implement the 1979-80 recommendations.

The contract auditor indicated that the department employees are taking as many sick leave days as vacation days. This is the result of overgenerous sick leave benefits.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Board of Supervisors revise the sick leave benefits and equate them to those in the private sector.

Currently the shop management uses flat-rate work standards as the method of measuring employee productivity. Commercial garages require shop personnel to better the flat-rate by a minimum of twenty percent.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that work measurement standards be developed for mechanical shop personnel comparable to those used in commercial garages.

At present, fuel is dispensed from 247 different sites throughout the County. Since private vendors charge four to six cents more per gallon on fuel delivered to sites that have less than 8,000-gallon tank capacity, it would reduce costs considerably if the fuel dispensing facilities were consolidated.

## RECOMMENDATION

Therefore, the Grand Jury recommends that the County consolidate its fuel dispensing areas.

At the present time, a manual system is used to dispense fuel. This leads to fuel waste through lack of control. An Automatic Fuel Dispensing system would result in considerable cost savings. However, only after a number of sites are consolidated would this plan be practical.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that an Automatic Fuel Dispensing System be installed only after sites have been consolidated and the Department has a vehicle maintenance system capable of interfacing with the Fuel Dispensing System.

The County has agreed to participate in gasahol experiments, but currently there is a diversity of opinion concerning the cost effectiveness of this fuel. Also, there are many problems in testing new fuels and new equipment. The Department has its hands full at present wrestling with fuels and systems with which it is familiar.

## RECOMMENDATION

Therefore, the Grand Jury recommends that the Department cancel plans to test gasahol vehicles for the federal government.

Next to personnel costs, the purchase, maintenance, and operation of vehicular equipment is the County's single largest annual expenditure. The 1979-80 contract auditor's report indicated many deficiencies exist in the management of county equipment. The dollar savings that could be achieved through better management are large enough to warrant the Jury's continued attention until the problems are rectified.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the 1981-82 Grand Jury authorize its contract auditor to conduct a follow-up review of the status of the 1979-80 and 1980-81 Grand Jury recommendations regarding the Automotive Crafts Services Division.

## E. PROBATION DEPARTMENT

#### 1. Background

The 1979-80 Grand Jury, with the assistance of its contract auditor, did a limited study of the Probation Department. The focus was primarily on the service levels which could be provided by the Department immediately and

over the next few years. The Audit Committee of the 1980-81 Grand Jury directed its contract auditor to review the status of the four recommendations offered by the 1979-80 Grand Jury.

The Probation Department, like many other county agencies in recent years, has experienced a decrease in personnel, a limit in growth of expenditures, and an increase in clients. The 1979-80 Grand Jury study of the Probation Department recommended the imposition of user fees and charges for client-related services as a means of achieving long-term financial stability for the Department. It also recommended that innovative management techniques be implemented that would maximize the efficiency and effectiveness of the Department's existing personnel.

During the course of the present year's review, the contract auditor and members of the Grand Jury discussed the current status of the recommendations with the Acting Chief Probation Officer, judges of the Superior and Municipal courts, and deputy probation officers and studied materials developed by the Department.

## FINDINGS AND RECOMMENDATIONS

2. Status of Prior Recommendations

The review indicated that the Department has made a significant effort to implement all of the recommendations. However, the extent to which the Department is ultimately successful in implementing the 1979-80 recommendations and those of this year's Grand Jury depends upon the Board of Supervisors' success in obtaining amendments to legislation currently governing adult and juvenile probation services. The Probation Department has developed amendments to existing legislation that would, if adopted by the state legislature, result in increased revenue for the Department.

3. 1980-81 Recommendations

As a result of the 1979-80 recommendation that the Board of Supervisors draft and support legislation to permit imposition of user fees and charges for all probation services, the 1980-81 Grand Jury has made the following two recommendations.

The newly enacted and implemented section of the Penal Code (1203.1 b) permits the court to impose fees and charges, but there is a legal question as to whether such an imposition may be made a *condition of probation*. The Probation Department at the Jury's urging has developed a proposed revision to the adult fee law to make the imposition of user fees and charges a condition of probation and more practical to enforce.

## RECOMMENDATION

Therefore, the Grand Jury recommends that the Board of Supervisors seek legislation amending the adult probation law in accordance with the Probation Department's proposal.

The 1979-80 Grand Jury and this year's Grand Jury found that the courts have

declined to exercise their authority to impose fees and charges for juvenile supervision under WIC 903.2. This legislation differs from the adult legislation in that it does not allow the monthly amount collected to be the *average cost* of probation, nor does it make such collection a condition of probation.

The Probation Department has not been enthusiastic about revised legislation to improve the collection of such fees. However, the Grand Jury feels that many juvenile offenders (as well as their parents) may better understand the significance of their behavior if such fees are imposed from the first time they enter the juvenile justice system.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Board of Supervisors seek legislative action amending juvenile probation regulations to conform with the Probation Department's proposed revisions for adult probation.

#### F. DEPARTMENT OF REGIONAL PLANNING

#### 1. Background

The Department of Regional Planning was studied in depth by the 1978-79 Grand Jury, and this study was reviewed by last year's jury. The 1979-80 Grand Jury's contract auditor, Arthur Young & Company, found that the Department had substantially complied with forty-two of the fifty-four recommendations made by the previous contract auditor, Ernst & Ernst. As a result of this review, the 1979-80 Grand Jury formulated nine new recommendations for future action by the Department of Regional Planning. The ninth recommendation was that the 1980-81 Grand Jury review the status of the current recommendations and the comprehensiveness of conflict of interest controls within the Department. The 1980-81 Grand Jury accepted this mandate and has reviewed in depth the eight remaining recommendations. Its contract auditor reports that all eight recommendations have received active management attention, that five of the recommendations have been substantially implemented, and that the other three are in process of implementation.

#### FINDINGS AND RECOMMENDATIONS

## 2. 1980-81 Recommendations

Although the contract auditor did not make any new formal recommendations, the Department was encouraged to continue revisions of the time accounting system as a basis for project management, employee performance, and productivity reporting. It was suggested by the contract auditor that all project, program, and activity work be associated with man-hour budgets. The system should produce reports enabling management most effectively to balance personnel resources and assess personnel utilization against budget and output. Furthermore, top management should make its performance and cost objectives known.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that estimated man-hours be projected over the fiscal year and that all estimates should be integrated with the time accounting system.

The CAO has made a comprehensive study of the relationship between the Department and the Regional Planning Commission. However, the role of the Board of Supervisors as compared with that of the Regional Planning Commission has not been addressed.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the CAO study the roles of the Board of Supervisors and the Regional Planning Commission vis-à-vis each other.

The contract auditor found that appropriate conflict-of-interest policies and guidelines have been developed by the Department of Regional Planning in response to the recommendations of the Grand Jury. However, although everyone holding the position of section head or higher is required to submit an economic disclosure form, a number of employees below the section-head level find themselves in potential conflict-of-interest situations.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends that the Department of Regional Planning carefully scrutinize the functional responsibilities of each position below the section-head level, identify those positions which have the greatest potential for generating conflicts of interest and require personnel in those positions to file annual economic disclosure forms.

The Grand Jury further recommends that all personnel in the Department of Regional Planning be formally reminded of the Department's conflict-of-interest policy annually.

#### G. ROAD DEPARTMENT

#### 1. Background

The Road Department has responsibility for maintenance and construction of all roads in unincorporated areas, and for maintenance of roads in contract cities. It also has a role in planning for maintenance and construction of masterplan roads which are of "general County interest." Of the total road construction budget, 42 percent is allocated to cooperative projects in incorporated areas (except City of Los Angeles).

Last year's contract auditor's report on the Road Department covered two major areas:

- 1. Establishment of priorities for road construction;
- 2. Procedures for conflict-of-interest reporting.

The Department made considerable effort toward implementing the conflictof-interest recommendations, but made little effort to implement the establishment of priorities in road construction recommendations.

#### FINDINGS AND RECOMMENDATIONS

2. Status of Prior Year's Recommendations

Of the nine recommendations in the first group, the Department has implemented one, partially implemented two, and has not implemented six. Of the three recommendations most critical to the process of prioritizing road construction, one has been partially implemented and two have not been implemented. The contract auditor notes that the negative response of the CAO and the Department to last year's Grand Jury report "reflects the Department's attitude that the current procedures for establishment of priorities for road construction are adequate and cannot be improved."

Of the nine recommendations involving conflict-of-interest, four have been implemented, two have been partially implemented, and three have not been implemented. The contract auditor notes that "the Department has made a conscientious effort to implement [its] recommendations on conflict-of-interest reporting." The contract auditor identified three of last year's recommendations as "most critical to the process of prioritizing road construction projects" as follows:

a. Broaden and formalize the approach to identifying potential projects.

The Department was commended for developing a good system of evaluating projects and maintenance activities and not expending effort on unnecessary projects. However, the auditor believes the system can be improved by identifying projects to ensure that both major and limited projects are judged on an equal basis. The evaluation process should include standard descriptive reports on monthly road inspections by road superintendents; review of classification of road-surfaces reports to determine which roads need attention; on-site inspection of roads; review of traffic flow and accident patterns; and extension of road inspections to include master-plan routes in cities.

b. Include sealing and resurfacing in the road construction program.

The Department rejected this recommendation because the Department makes a distinction between construction and maintenance of roads based both on the funding and the characteristics of the projects. However, the Grand Jury believes the differences between sealing and surfacing projects and construction projects are not as significant as the Department contends, because both are necessary for the maintenance of the road system. Moreover, the focus of the Road Department has changed from the construction of new roads to maintenance of the existing road system. Including sealing and resurfacing of roads in the construction program will allow for the development of a program that is focused on maintaining the current system in good repair at the least cost.

c. Develop a documented comparison basis for evaluating the need for a project.

When evaluating the need for each major category of projects (reconstruction, resurfacing, traffic signals), the Department should use weighted factors such as road condition, traffic flow and usage, accident history, estimated cost, etc. Factors and weights will vary and should be judged againt a standard. The Grand Jury believes these weighted averages will make possible more objective decisions. Cited às an example are the national standards used for justification of traffic control devices.

## 3. 1980-81 Recommendations

Two new recommendations are made by the contract auditor. One is designed to resolve an impasse between the contract auditor and the Department on developing an objective basis for evaluating and prioritizing road construction projects. The other is to aid the Department in further implementing last year's conflict-of-interest recommendations by providing additional background information and clarifying or modifying its previous recommendations where appropriate.

In response to last year's recommendations, the Department alleges that any system of weighting the criteria used in evaluating road construction projects is cumbersome and impractical. The Grand Jury points out, however, that the Department now uses criteria, some objective and some subjective, but it does not do so systematically. Therefore, the contract auditor suggests in the first 1980-81 recommendation that a study of alternatives to the cumbersome methods now used be made. These alternatives include: ranking of projects based on subjective evaluation; ranking of projects based on weighted values of components; weighting of components of evaluation; standardization of evaluation approach and documentation; and a combination of the above alternatives or others.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Department study various alternatives for evaluation and prioritization of road construction projects.

In the second recommendation, the contract auditor elaborates on the 1979-80 recommendations which were not implemented. For example, the present rationale for requiring conflict-of-interest reporting is based on the responsibility for decision making (mainly at the administrative level). Other activities performed by lower echelon employees may also involve conflict of interest. These other activities may include contact with outside contractors, involvement in the preparation and awarding of bids, involvement in the procurement process, and others. The contract auditor provided the Department with a copy of the Department of Community Development's conflict-of-interest policy prepared as a response to a 1978-79 Grand Jury report.

In addition, the contract auditor also listed five divisions and many subdivisions that have the potential for conflict of interest, as well as a list of other functions performed by non-decision-making employees that should be covered by conflict-of-interest reporting.

Another classification relates to the distribution of conflict-of-interest guidelines to all organizational units. The guidelines should include the actions which constitute conflict of interest, how to avoid potential conflicts, and how to report any potential conflicts. Employees should be required to acknowledge receipt of these guidelines.

The contract auditor responded to the Department's objection that the preparation of a list of all contractors and vendors would be too extensive and difficult to maintain by offering an alternative suggestion: restrict the list to primary vendors which have the closest contact with the Department. This list, periodically updated, should be distributed to all employees who may be potentially involved in conflict-of-interest relationships.

The Grand Jury commends the Road Department for its efforts to implement the recommendations relating to conflict of interest. The 1980-81 recommendation and the clarifications on the last year's recommendations will enable the Department to establish a model conflict-of-interest policy.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Department continue to implement all recommendations for conflict-of-interest reporting.

#### H. SHERIFF'S DEPARTMENT

#### 1. Background

The 1979-80 Grand Jury requested its contract auditor to conduct a review of the Los Angeles Sheriff's Department (LASD). This review focused on Department organization with special emphasis on allocation and duplication of functions, span of control, and delegation of authority within the Department. Nineteen recommendations were made.

This year's contract auditor was authorized to follow up on these recommendations. Of the nineteen recommendations made last year, LASD concurs with fourteen and disagrees with three. Of the remaining two recommendations, one is under review by LASD, and the contract auditor concurs with the LASD viewpoint on the other. Several recommendations have not been implemented because of funding problems. In general, the Grand Jury believes the Department has exhibited an extremely positive attitude and a high level of competence in assessing its problems and in moving toward orderly solutions.

#### FINDINGS AND RECOMMENDATIONS

2. Status of Prior Recommendations

The following recommendations, made by the 1979-80 Grand Jury, are repeated with updated comments, since the current Grand Jury feels that additional attention needs to be focused on these matters.

a. That the Sheriff's Department analyze all work schedules currently in use and place effective management controls over the future use of any work schedule other than a basic five-day, 40-hour week.

Although LASD concurs, no formal effort is currently under way to develop specific scheduling policies. At present, unit managers are authorized to develop work schedules, and there are a number of schedules being used throughout the Department. Any of these schedules would be appropriate if they achieved the best match of staffing and workload. Unfortunately, the contract auditor found only a few cases where this match existed, or even where it was considered, in establishing scheduling plans. Poor scheduling decisions could result in delayed response, employee fatigue, and unnecessary overtime. The Grand Jury suggests that all work schedules, other than a basic five-day, 40-hour week, be formally reviewed and approved at the Division level.

b. That the Sheriff's Department develop a new organization structure that deletes the position of Inspector as it currently exists and that results in a realignment and overall reduction in the number of positions in the current ranks of Captain and above.

This recommendation was made because last year's Grand Jury felt that the Inspector's position was inadequately utilized and because the span of control at that level was too narrow. If this position were eliminated, Captains would be directly responsible to Chiefs. In fact, this is often the way the "informal" organization presently operates.

No specific decisions or recommendations regarding this matter have been made by the Department. The Department is reviewing the role and duties of Inspectors and Division Chiefs. Results of the review are not anticipated before the next fiscal year. While the issues remain unsettled, the Department's approach appears to be directed towards expansion of Inspector responsibilities rather than elimination of that position. The belief generally expressed by LASD personnel is that the Inspector's rank still represents a viable position within the Department. The Grand Jury believes that the Inspector's rank could be made viable, but only with a negative impact on the Division Chief level.

c. That the Sheriff's Department evaluate alternative approaches for alleviating the problems it has experienced and anticipates with civilian position classifications, and that it subsequently develop and implement a plan for the expanded use of civilian position classifications.

The Department has reclassified at least five sworn positions to civilian classification. Several other potential reclassifications have been identified, indicating LASD's continued support of this concept.

The present Grand Jury notes that caution must be exercised with respect to this recommendation and its implementation. As the disability claims of sworn personnel skyrocket, some of the positions staffed by civilians may also be filled by partially disabled sworn personnel who can no longer function in their sworn capacities. The County must absorb the cost of disabled personnel regardless of whether they work or not. Therefore, assuming that sworn personnel are capable of performing "civilian" functions if positions are available, a potential for considerable savings may exist where such flexibility in the use of sworn personnel is maintained.

The County anticipates disability losses in the range of \$8 million annually because of on-duty injuries. Approximately 60 percent of these losses may be recoverable through reassignment of disabled personnel to positions typically reserved for civilian classification. A net savings of over \$3 million annually can be realized through civilian position cost avoidance.

d. That the Sheriff's Department establish more definitive policies concerning cases which should be referred to the Internal Investigations Bureau.

The Sheriff disagrees with this recommendation since he believes that Unit Commanders should retain the latitude necessary to consider each complaint individually. There was some confusion regarding the handling of internally generated complaints. The Sheriff's response stated that internally generated complaints are handled in the same manner as complaints received from citizens, i.e., the Internal Investigations Bureau looks into such matters at the request of Division Chiefs.

The Grand Jury reaffirms that LASD needs a department-wide policy that defines which cases should be referred to the Internal Investigations Bureau. This formal, written policy should contain (a) procedures for notification of and monitoring by the Internal Investigations Bureau of all personnel complaints involving violation of Department policy or law, and (b) specific guidelines regarding the types of complaints which may be investigated at the Division level versus those which must be referred to the Internal Investigations Bureau.

3. 1980-81 Recommendations

Two of the 1979-80 recommendations dealt with the difficulties the Department is having with recruitment and retention of deputies. These recommendations suggested analyzing recruiting practices and retaining the Corrections Officer position, enabling new deputies to spend less time in the Custody Division before going out into the field. Currently, virtually all new deputies are assigned to the Custody Division directly after graduation from the Academy. This assignment can last up to four or five years. LASD agrees that the prospect of such a long time spent in the Custody Division is often a deterrent in recruitment of new deputies. If LASD is to recruit new personnel, it should consider spreading out custody service over a deputy's entire career. This would be advantageous for recruiting, for accommodating older officers who wish to get off the street, and for creating a better learning environment for new deputies through the presence of a greater number of seasoned officers. An eighteen-month initial service period would be adequate for training purposes for new deputies.

At the conclusion of this eighteen-month training period, the Department should consider paying a "less attractive duty" bonus in order to make additional custody service more appealing. While the problems of creating a premium pay category are recognized, this is preferable to continuous manpower shortages throughout the Department. In October 1980, there were 72 fewer deputies than in October 1979, despite an increase of 241 budgeted positions.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That a new policy for custody service be adopted which requires new deputies to spend minimal time in the Custody Division before reassignment and which offers mature officers opportunities to return to custody service.
- 2. That premium pay for custody service, after minimum training time, be considered, if positions in the Custody Division cannot be staffed otherwise.

The 1979-80 Grand Jury report recommended specific consolidation of positions in the Department. Only one of the 24-hour desk functions suggested for consolidation was considered to be economically and operationally feasible by LASD. This was the consolidation of the Public Information and Detective desks at the Hall of Justice. Implementation was pursued to the point of facility design and a capital budget request for \$110,000 for required structural modifications to the lobby. However, the Department was unable to obtain approval of requested funds. Clearly, it is false economy to deny a \$110,000 one-time expenditure when the ongoing cost of providing five deputies to staff a 24-hour, seven-day-a-week position could be saved.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Board of Supervisors provide capital funding to implement 24-hour position consolidations where it makes economic sense.

#### I. SMALL CRAFT HARBORS DEPARTMENT

1. Background

The 1980-81 Grand Jury requested its contract auditor to make a follow-up report on the recommendations made to the 1979-80 Grand Jury. A summary of the disposition of the important recommendations made to the 1979-80 Grand Jury follows.

#### FINDINGS AND RECOMMENDATIONS

2. Status of Prior Year's Recommendations

It was recommended by the contract auditor that the Small Craft Harbors Department (SCHD) limit its review of rents to boat slips only. The present Grand Jury disagrees and feels that it is the obligation of the County to

continue to review rental rates of apartments built upon land leased from the County where such rates are no longer under rent control. Section 16 of the lease states clearly that all prices charged by lessees should be "fair and reasonable." With the current housing shortage, it is necessary to see to it that landlords do not exceed "fair and reasonable" in charges for housing.

The price of boat-slip rentals has been one of the most controversial issues in Marina del Rey. The recommendation of the 1979-80 Jury was that priorities be redefined in determining comparable prices and permissible rental rates. This has been implemented by arriving at a mean average rate for all anchorages in the Southern California area. The present Grand Jury feels that a rate thus established would be fair to both dock owners and boat owners.

The contract auditor recommended to the 1979-80 Grand Jury that the County consider selling the Marina and using the proceeds for recreational areas in other parts of the County. The present Grand Jury feels that under existing conditions the County *should not* consider a sale of the Marina. The reasons for this decision are extensive and will be found in detail in the report of the Subcommittee on Marina del Rey contained in this volume.

On February 21, 1981, the Board of Supervisors established an Ad Hoc Task Force to develop guidelines for determining future operations at Marina del Rey. This Task Force includes representatives of the leaseholders, the tenants, the boat owners, the boating industry, and the community. Apparently, its report, due by the end of June 1981, will not be prepared before the current Grand Jury is replaced by the 1981-82 Grand Jury. The present Grand Jury suggests that the incoming Grand Jury review the report of the Ad Hoc Task Force and make recommendations to assure that all principals involved are treated in a fair and reasonable manner and that the interests of the entire population of the County are protected.

The Revenue Bond Resolution for Marina del Rey called for rents to be maintained at the minimum level for satisfying the revenue bond requirements. Since these bonds will be paid in full by December 1981, this will not be an issue beyond that date. The SCHD has stated that it will consider a varying schedule of minimum rents instead of a constant figure during the ten-year renegotiation cycle which will commence in 1982. It is the opinion of the contract auditor and the present Grand Jury that minimum rents established in the process of renegotiation should be based on the market value at the time of renegotiation. In conversation with the SCHD, the present Grand Jury was informed that in the renegotiation process its policy will be to establish minimum rents to the master lessees, based on the market value.

3. 1980-81 Recommendation

In the course of the follow-up review for the 1980-81 Grand Jury, the contract auditor found that percentage rentals are below average for boat slips, restaurant beverages, and miscellaneous sales and above average for the overall combination of apartments, hotels, and offices.

## **RECOMMENDATION**

Therefore, the Grand Jury recommends that all percentage rentals be brought in line with comparable leases elsewhere, which will result in a substantial increase in total annual rentals to the County.

Mack Blaustein, Chairman Marian K. Barton Margie R. Cahn Bessie A. Harper Seymour Kern

Nancy Manners Carol B. Pearson Helen C. Pekny Eileen A. Ryan



The building here occupied by the Office of the County Assessor (ca. 1887) was originally St. Athanasius Episcopal Church, the first Protestant church in Los Angeles. The City and County Directory of 1872 indicates that the church was built in 1854 and that in 1872 it had 100 members. The site of the church was on the corner of New High and Temple streets. Thus, its present location would be right in the middle of Spring Street, just north of Temple, between the present Criminal Courts Building and the City Hall. Originally, New High and Spring streets paralleled each other at an angle to Main Street. When Spring Street was straightened in 1928 to allow for construction of the City Hall, it swallowed up most of New High Street. Since the church occupied a portion of the land selected as the site of the new Courthouse, the County purchased the church and frugally used it as the Tax Assessor's office until construction was begun on the Courthouse in 1888.

Visible in the background to the left of the church is the Jail, which shows more clearly in the 1904 photograph of the Courthouse found on page 72 of this volume.

# SUBCOMMITTEE ON CIVIL SERVICE RULES

The following report was presented to the Board of Supervisors on December 2, 1980.

**PURPOSE** 

Because of the timeliness of the question of the proposed Civil Service rule changes, now scheduled for a hearing before the Board of Supervisors on December 2, 1980, the Audit Committee of the Grand Jury appointed a Subcommittee on Civil Service Rules to undertake an immediate study of this issue.

BACKGROUND

In November 1978, the electorate of Los Angeles County was asked to consider Proposition B, a revision of the County Charter, which reads as follows:

# PROPOSED COUNTY CHARTER AMENDMENT NO. B CIVIL SERVICE REVISION

To separate the legislative and executive power from the judicial power in the County civil service system, the Charter is amended to transfer the present rule making and administrative powers of the Civil Service Commission to the Board of Supervisors. The Commission would continue to hear appeals of permanent employee discharges and demotions, discrimination charges, and other matters provided in rules adopted by the Board of Supervisors. The term of the Commissioners would be reduced from six to four years and their number increased from three to five.

Proposition B was approved by the electorate, causing some significant changes in the Civil Service Commission. First, the position of the Director of Personnel was removed from the jurisdiction of the Civil Service Commission. Second, the Commission was provided with an executive director and a staff of seven people. Third, the Commission was increased from three members, appointed by all five Supervisors, to a total of five members to serve four-year overlapping terms, each appointment to be made by one Supervisor with approval of the rest.

The rules governing the revisions are still to be adopted, however, and the Commission is presently operating under interim rules. The Department of Personnel (DOP) has drafted a set of proposed rules and has been involved in meet-and-confer sessions with a coalition of labor unions representing county employees. This is in compliance with a California Supreme Court decision which found that rules governing layoffs and mandatory reductions in lieu of layoff were subject to the provisions of the Meyers-Milias-Brown Act.

It is now two years since the approval of Proposition B, and rules to implement its intent have as yet to be adopted. The matter was to be heard by the Board of Supervisors in July, but was postponed until November. With the recent election of two new Board members and the need to give the new members time to study the issues, it is quite unlikely that the matter will be heard this year. However, the Grand Jury presents its findings and recommendations as an interim report to the Board of Supervisors in the hope that such recommendations will prove of some value to the Board in making its determination.

#### APPROACH

As a county watchdog institution, the Los Angeles County Grand Jury's primary imperative is the welfare of all the citizens of this County. The Jury believes the best interests of the citizens are served by a personnel system operating efficiently and economically and a work force unhampered by morale problems.

The Subcommittee on Civil Service Rules approached its task in the spirit of investigative curiosity, with open minds and a willingness—even eagerness—to listen to all sides of the question in an effort to arrive at what it hopes is an impartial and valid conclusion. To this end the Subcommittee interviewed representatives of many departments, commissions, employee groups, and individuals. A complete list of those interviewed appears at the conclusion of this report.

The stated purpose of Proposition B was to streamline and update the personnel function of the County, to create a more flexible and responsive system for staffing county government and for delivering county services, while still preserving the essential principles of the merit system.

All to whom the Subcommittee spoke agree that the purpose for which the Civil Service Commission was set up in 1913—to protect against excesses of the spoils system—is as valid today as it was then. Disagreement arises over the claim that the growing complexity of county government, the need for greater economy and efficiency (especially in the wake of Proposition 13), the advent of active employee organizations and collective bargaining rights, the outlawing of discrimination in employment, as well as other safeguards to employee rights, have all worked to render the Civil Service Commission anachronistic. Some believe employees enjoy ample protection without it, and it is time to protect management and the public from inflexible rules that often operate to perpetuate waste and inefficiency.

Employee groups tend to see the matter differently and look upon the Commission as a necessary safeguard against gross errors and excesses of management. Each group has valid concerns, and it was the Subcommittee's aim to see the broad picture from the point of view of what is best for all involved—management, labor, and the taxpaying public.

# AREAS OF CONCERN

- A. Restructuring the role of the Civil Service Commission (CSC)
  - 1. Background
  - 2. Findings
- B. Banding concept
  - 1. Background
  - 2. Findings
- C. Form of adoption
  - 1. Background
  - 2. Findings
- D. Secondary issues
  - 1. Posting of examination announcements
  - 2. Weighting of the A.P.

- 3. Response of DOP to employee appeals
- 4. Qualifications for members of the CSC
- 5. CSC members as hearing officers
- 6. Publication of findings of the CSC
- 7. Management training and employee training

## FINDINGS AND RECOMMENDATIONS

A. Restructuring the role of the Civil Service Commission (CSC) 1. Background Under the new rules the Civil Service Commission will be limited to hearing appeals in matters involving discharges, reductions in rank, charges of discrimination, and suspensions of five days or more. Those favoring restructuring urge that the problems of county government are far more complex than when the current rules were designed to restrict management prerogatives in the interest of curtailing political patronage. The Civil Service Commission was set up as the guardian of the public trust to protect both employees and the public by removing, hiring, promoting, and firing from the prerogative of elected officials. The lack of a professional career service and of highly developed personnel principles made the protections essential.

Some feel, however, that the system that has evolved under Civil Service has tended to foster mediocrity. According to one manager, what was devised to prevent patronage and encourage good performance has become a system that "chokes our ability to operate efficiently," because of the very cumbersome rules. Managers often put up with incompetent employees rather than fight the long and tedious battle required for removal or discipline. The hiring and firing process limits a manager's ability to run an effective department, and managers cite numerous cases of fruitless effort to fire incompetents.

"Management accountability," then, is one of the crucial issues involved in the rule changes. If we are to improve productivity, it is claimed, we must improve the ability of officials to hold people accountable for their performances and in turn hold the managers accountable for the overall performance of their departments.

The system of negotiations with union representatives makes the "safeguards that prompted the concept of the Civil Service Commission no longer a factor," and "under true collective bargaining with the right to strike, the Civil Service Commission could be eliminated altogether," stated one official. This would make for more responsible unions. He added that, as it is now, unions are forced to handle frivolous employee complaints simply to prove themselves. There is so much emphasis on individual rights that it is almost impossible to discharge for incompetency. This results in a situation where "95 percent of the County employees are fine, but the Civil Service Commission is overprotective of the other 5 percent. This is the basic cause of morale problems," according to this official. There is no argument that we must protect employee rights, but "as the pendulum has swung too far in protecting them, too much time is spent on the 'system.' We can't get rid of incompetents and we waste valuable production time in the effort," a manager stated.

Some managers felt, in fact, that the "changes don't go far enough" in

suspensions to keep employees out of the appeal process. The possibility of this abuse was brought up by a surprising number of people, including members of the Civil Service Commission, some other commission representatives, and all the union people.

The Department of Personnel's answer to this concern is that such flagrant abuse in sidestepping the process would soon be evident and would not be tolerated. The Director of Personnel would have to be blind, stupid, and callous to uphold such a departmental ploy, they say. And in the remote possibility of such abuse, word would soon reach the Board of Supervisors. "If we abuse the rules, we lose them," stated one departmental aide.

#### 2. Findings

With some reservations, which are detailed at the conclusion of this report, the Grand Jury concurs with the proposed restricting of appeals before the Civil Service Commission to matters affecting discharges, demotions, and charges of discrimination.

Discharge is the most severe penalty an employee can suffer in the county service. It is a deprivation of "property rights" as defined by law. There is no argument on this score by any of the parties interviewed. Demotion, while not as severe as discharge, also deprives an employee of an essential right and should be appealable to the Commission.

There is some question of interpretation of the term "discrimination," but the Jury believes the definition is clearly broad enough to encompass any discriminatory act and is not limited to any specific form of discrimination. Clearly it is the intent that rule 25.01 be all encompassing, and the Department of Personnel should take necessary steps to prove this point to those who question it.

The Jury does not believe there is any intention on management's part to use the five-day suspension rule to harass an employee with successive four-day suspensions in order to prevent use of the appeals process, nor does the Jury believe the Department of Personnel would uphold such suspensions. However, to preclude the possibility of future abuse, the Jury suggests that a total of more than nine days' suspension within a six-month period be appealable.

## RECOMMENDATIONS

Therefore, the Grand Jury recommends the adoption of the rules pertaining to the restructuring of the Civil Service Commission's role as an appellate body. The Grand Jury further recommends that rule 4.03 be amended to include a statement that a total of more than nine days' suspension in a sixmonth period be appealable before the Civil Service Commission.

# B. Banding concept1. Background

The introduction of a system of "banding" would allow for a grouping of test results in ranges, rather than the use of the traditional "rule of three." This proposal to establish grouping of test scores to establish eligibility lists and permit greater managerial flexibility in hiring and promoting also came in for

criticism. Although most parties agreed in principle (with varying degrees of conviction) that the state of the art of testing is far from perfect and recognized the limitations involved in devising and administering examinations to predict success potential accurately, some were reluctant to give up the traditional approach—appointment of one of the three top scorers.

Those favoring the concept of banding stated that often, especially when large numbers of people compete, the percentages scored result in a differential of perhaps only one or two points, or even tenths or hundredths of a percentage point. By the current system, three people could score virtually the same percentage, but the fraction would determine who was listed (and hired) first. To assume that Candidate A is superior to Candidate B or C because of a fraction or even a few points difference is placing too heavy a reliance on the accuracy of the testing process, they stated.

The proposal is to establish five or six groupings:

Group 1	95-100
Group 2	89-94
Group 3	83-88
Group 4	77-82
Group 5	70-76

The sixth group would occur where, as a result of veteran's preference points (10 percent), a person would score over 100 percent. In that case a sixth group would be created to precede Group 1. In any case the appointing authority could hire anyone in the first band (provided there were at least five names), thus giving more flexibility to appoint the persons who they feel are best qualified, based on factors beyond the examination itself. Banding would also allow greater flexibility in meeting affirmative action goals, said the proponents.

However, the idea of "banding" has not met with universal approval. The unions unanimously reject it as just another management ploy to subvert the system and promote favorites. They do not oppose it for entry-level positions, however, mainly because unions do not represent *candidates*, only *employees*. But they are most concerned with promotional examinations, where the competition among county employees for advancement is very keen.

A representative of the fire fighter's union stated that their employees prepare many, many months in anticipation of a promotional examination. Resulting scores are often close. Union members feel that those who study and work diligently should be recognized, even if the differentials between scores are fractional. The County Fire Chief seemed to support this position, adding that there are so few men in his department involved in promotional examinations that there would not, as a practical matter, be five people in a band. He supported the banding system for entry levels, where large numbers are involved and where it would be an aid to affirmative action, but he preferred the traditional approach for promotionals in the fire service.

One employees' group representative cautiously stated that he approves of the

banding system, "if it is actually used to achieve affirmative action goals." Other union representatives objected strongly, pointing out that since many classes have only four, five, or six people taking the test, the result would be the department head "hand-picking people." Morale is already low, they said, because there is currently ample room for "manipulation" due to the supervisor's rating of performance and other factors. "Management always pick whom they want," these union representatives stated.

Representatives of both the Civil Service and the Economy and Efficiency commissions favor the banding system since it is more in keeping with the "fundamental principle of managerial accountability," will facilitate affirmative action goals, and will take into account the limitations of test reliability factors. The Status of Women Commission expressed doubt as to whether the banding system would be of help to women, mainly because of the veteran's credit point advantage "which prevents women from competing on an equal footing." They recommended that Group 1 have twelve names, rather than five, to help overcome this defect. "Since veteran's credit points will create a sixth group, this will automatically eliminate women candidates who score in the 95-100 percentile. By increasing the number to twelve, the opportunity to select women is greater," they stated.

#### 2. Findings

The system of banding or grouping of test scores is not a new concept. It is one that seems to be working fairly well in some local governments, particularly for entry-level positions. The Grand Jury recognizes there may be some resistance toward, and some justified concerns with, its use for promotional examinations, but on balance the Jury feels that the advantages outweigh the disadvantages. The Jury would recommend that fractions not be dropped from the various portions of the examination before the total score is computed. The final or total score can then be rounded, in accordance with normal practice. Rounding out the scores for each portion of the examination, where there may be as many as three or four parts, may work to lessen the final score considerably, to the candidate's disadvantage, or may artificially raise the score of one candidate to the disadvantage of others.

The Grand Jury is concerned with the proposal to establish a sixth band where veteran's preference points make it necessary. The Jury strongly recommends that thought be given to amending the Charter provisions that mandate the granting of 10 percent veteran's points for each open and competitive examination, as this works to the disadvantage of others, particularly women. At the very least, consideration should be given to limiting the veteran's preference point advantage to a period of ten years after completion of military service. Disabled veterans, wives of disabled veterans, and widows of men killed in action would be excepted from this limitation.

Since the County is now willing to embark on some drastic changes in the concepts of Civil Service appeals, it would do well to question the practice of granting veteran's preference points twenty, thirty, and forty years after their military service. It is time to consider a ballot proposition to revise the Charter on the question of veteran's preference points.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends the adoption of rule 11.01 concerning banding, with the above reservations. The Grand Jury further recommends that a study of veteran's preference points be undertaken in the light of today's affirmative action goals with an eye toward developing a Charter amendment to deal with this problem.

# C. Form of adoption1. Background

The last major contention evolves around the form in which the rule changes shall be adopted. The Department of Personnel favors adoption by ordinance. The unions prefer adoption by memorandum of understanding.

An ordinance would involve a hearing or series of hearings before the Board of Supervisors, and the rules, if adopted, would become a local law which could be amended or repealed by another action of the Board of Supervisors after further hearings. This form of adoption allows participation by any interested party or parties, who could be heard at the public hearings.

A memorandum of understanding is an instrument that results from a meetand-confer process between management and labor. The memorandum is generally adopted for a specified time and renegotiated periodically. There is no public input in this process; it is strictly a bargaining item. Either party could delay adoption or make any proposed change the subject of lengthy, even unending, negotiations. This process could also have some effect on other matters of negotiation. Therefore, the manner of adoption is a most important point.

## 2. Findings

In the Grand Jury's opinion, adoption of the rules by ordinance would provide greater flexibility in making any necessary changes. Since this entire matter of the Civil Service changes is new and the rules will have to meet the test of time in their implementation, the Jury feels it is wise to maintain flexibility should the need for revision become necessary or desirable.

The proposed rules have been the subject of lengthy discussion between the unions and management already. Further negotiations to incorporate the new rules in a memorandum of understanding seem to the Jury unnecessary. The opportunity that such additional negotiations provides for endless debate and continuous renegotiation would be unproductive.

In addition, and most important, is the fact that Proposition B, approved by the voters, states that "...the charter is amended to transfer the present rule making and administrative powers of the Civil Service Commission to the Board of Supervisors" (emphasis added).

Therefore, it is clear, there is no choice; the Board of Supervisors must adopt the rules through the normal legislative process—a process which permits a public hearing at which interested citizens may have a voice.

#### RECOMMENDATION

Therefore, the Grand Jury recommends adoption of the new Civil Service rules by ordinance.

- D. Secondary issues
  - 1. Posting of examination announcements

Rule 7.03 states:

A written notice of each examination shall be posted prior to the opening of the filing period on the official County recruitment bulletin board in the Department of Personnel. For promotional examinations, such posting shall be for at least five days.

The union representatives, as well as a random sampling of employees, objected to this provision as being much too limited. With nearly 80,000 employees throughout this County, and most of them not located in the Hall of Administration but in far-flung offices from Valencia to San Dimas, it is literally impossible for posting in this single location to be adequate. Even for those who work in the Hall of Administration, it would prove impractical, if not impossible, to check the bulletin board periodically for possible promotional opportunity. Those in distant locations are out of luck, union representatives pointed out.

The Department of Personnel indicated that this provision is not intended to limit posting to the one location—but only to specify that examination notices *must* be posted there. Notices will be sent to other locations as deemed proper by the Department of Personnel. In order to alleviate employee concern and to ensure that notices are available as a matter of *stated policy*, such wording should be added to rule 7.03.

Concern was also expressed over the short posting period required for promotional examination notices. Five days was viewed as too short when the number of areas the notices must reach is considered. Ten days seems to the Grand Jury a more realistic period and should not overly encumber the process.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends that rule 7.03 be amended to state that examination notices shall be sent to all departments, thus ensuring that promotional information reaches all interested and qualified employees. The Grand Jury further recommends that the posting period for examination notices be not less than ten working days prior to the filing period.

2. Weighting of the A.P.

Rule 7.13 (c) states that unless otherwise specified, examinations will include an Appraisal of Promotability (supervisor's evaluation) based on employee records and other considerations. Currently the A.P. carries a weight of 25 percent, which is part of the total test score. The new rule states that the weight of such evaluation "shall be determined by the Director of Personnel after consultation with the appointing power." In effect, therefore, the A.P. may

carry the entire 100 percent of the test value, and the unions, in particular, especially object to this. They feel such discretionary power in the hands of the Director of Personnel leaves the door open for the appointing powers to promote whomever they choose and that the results of other portions of the examination can be discarded in favor of the 100 percent A.P. if the results are not to their liking.

The Department of Personnel vehemently denies these charges, saying that all portions of the test will be assigned values *before* the test is given and *before* scores are known. The decision as to how much weight to apply will be determined beforehand. Additionally, the 100 percent A.P. value would be applied only for high level managerial positions where written examinations are of little value. The unions fear the possibility of tampering with the process by the Department of Personnel unless the terms are spelled out more carefully in rule 7.13 (c). They said, if the Department of Personnel means management-level examinations only, then why shouldn't the rule say so?

To allay the concern that the Department of Personnel has the authority to set criteria and weights *after* the test has been given, some clarification should be added to rule 7.13 (c). However, the above recommendation should not be interpreted as an intention to inhibit the use of the flexible passing point. This is a legitimate tool in the testing process to allow for adjustment in cases where the written test has proven invalid, with either too many or too few people passing the examination. Scores may be adjusted to lower or raise the number of correct answers needed to establish a passing point. This is a proper procedure according to accepted personnel practices, *provided identity of the candidates has not been determined beforehand.* 

## RECOMMENDATIONS

Therefore, the Grand Jury recommends that rule 7.13 (c) be amended to identify those positions or position levels that are intended to be covered by the 100 percent A.P. evaluation procedure. If that is not practical, then at least the rule should specify that it applies only to the managerial levels. The Grand Jury further recommends that 7.13 (c) be additionally amended to include the fact that the weights for each portion of the examination process shall be defined before the examination is given.

3. Response of DOP to employee appeals

As the Subcommittee studied the proposed new rules, it found numerous instances of specific time periods with which employees have to comply in filing appeals. However, there seemed to be no corresponding time periods with which the Department of Personnel has to comply in responding to such appeals. For example, old rule 8.21 required the Department of Personnel to respond to an examination appeal within sixty (60) days (and the Subcommittee was told by several people that response often came on the fifty-ninth day). However, under the new rules there will be no time limit at all. This lack of a specific time frame for response seems particularly serious in areas of appeal where the employee will no longer be able to go to the Civil Service Commission for a final decision and where, seemingly, the Department of Personnel could hold up a decision indefinitely.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that a specific time limit be added throughout the new rules within those rules that specify the Department of Personnel as the final hearer of appeals.

4. Qualifications for members of the CSC

The question of standards for selection of the Civil Service Commissioners came up repeatedly in the Subcommittee's discussions with various groups, and, as might be expected, perceptions differed as to the requirements for this office.

An ad hoc committee of the Grand Jury has been formed to study specifically the entire question of appointments to county Boards and Commissions, including standards and related matters. Therefore, this question will be explored fully at a later time and covered in another report.

#### RECOMMENDATION

The Grand Jury will postpone any recommendation on this question pending further study by the Subcommittee on Boards and Commissions.

5. CSC members as hearing officers

Ideally the Commissioners should sit as a body to hear appeals and decide matters together, rather than relying on another level of the appeal process. The use of outside hearing officers to assist the Commission arose from the overwhelming caseload backlog which made it impossible for the Commissioners to sit on all cases. With the adoption of the new rules as presented by the Department of Personnel, the Grand Jury envisions a considerable reduction in the number of appeals to the Civil Service Commission, since the subject for appeals will be so greatly limited. If so, the Jury sees no reason why the Commissioners could not serve as hearing officers themselves with appropriate compensation, and it suggests that this be considered by the Board of Supervisors and the Civil Service Commission.

The Grand Jury is aware of and understands the abuses that gave rise to the elimination of compensation for Commissioners serving as hearing officers and would not wish to see that kind of situation recur. With proper safeguards and overview, this could be prevented. The Jury supports the Economy and Efficiency Commission's recommendations of a ceiling on the total annual compensation for a Civil Service Commissioner as one way to prevent abuse.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that when practicable Commissioners serve as paid hearing officers, but that no Commissioner receive total compensation of more than \$12,000 per year for service to the Civil Service Commission.

6. Publication of findings of the CSC

As the Subcommittee understands it, the Commission is not required to publish its decisions. Perhaps the Civil Service Commission is overlooking an opportunity to inform county employees and management of the Civil Service Commission viewpoint on various types of issues. Published decisions of the Civil Service Commission could serve as guidelines, so that employees would understand their own appeals better in light of previous decisions. Though rarely are two cases precisely parallel, publication of decisions would nevertheless serve to clarify what the Commission views as *compelling eircumstances*. This should cut down on "frivolous" appeals and also put the Commission on public record.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the public decisions of the Civil Service Commission be published and made available for employee review.

7. Management training and employee training

Employee training at all levels should be a major concern of county government. As the proposed rule changes give new authority to line managers, by limiting appeals before the Commission, it is imperative that managers' ability to deal with subordinates effectively be developed. One of the complaints of many employees and employee groups is that managers are often inept, lack the proper initiative to deal with disciplinary matters, cannot evaluate subordinates, are afraid to hurt feelings, and lack basic management skills. Many have "come up from the ranks," without the additional education and training, and are merely technicians grown into management positions without the basic management tools.

Skills in performance evaluations and Appraisals of Promotability are particularly singled out as inadequate. One union official cited a case where a supervisor gave everyone an A.P. score of 95 percent! Managers need to learn to criticize constructively and evaluate realistically in order to improve productivity in their departments and to prepare employees for promotional opportunities. They need to develop more backbone for making hard decisions. It is "penny-wise and pound-foolish" to economize on management training. By far the greatest part of the budget is spent on personnel, and efficient utilization of employee power is a critical factor in county operation.

## RECOMMENDATION

Therefore, the Grand Jury recommends that new training programs be developed both for management and for employees and that these programs be paid for out of the General Fund.

CONCLUSION

During its many discussions throughout this study, the Subcommittee on Civil Service Rules sensed a strong distrust of management. Union people said that, "based on past performance," they do not trust management's motives. They, therefore, are suspicious of the proposed new rules which effectively limit the powers of the Civil Service Commission and delegate some awesome responsibilities to the Director of Personnel as the agent for the Board of Supervisors.

Review of past records reveals that previously this mistrust was also directed at the Civil Service Commission, with the allegation that most of its decisions—95 percent at least—were promanagement. Now, faced with the dilution of the Commission's power, employees see it as a lesser evil, and, in fact, as a needed check on management. They now see the Commission as a neutral, impartial body which serves an important function in management-employee relations.

Transfer of power to the Department of Personnel is viewed as dangerous and as undermining the merit principles, since those who make the rules will also interpret and enforce them. These are legitimate concerns which merit serious pondering. There is certainly the possibility for abuse, and it is incumbent upon the powers in county government to be ever aware and alert to this potential.

This Subcommittee has found a high degree of professionalism in the Personnel Department, as well as in many other departments of county government. The Subcommittee does not believe there will be a conscious or concerted effort to undermine the merit principles by the Department of Personnel. The Subcommittee also sees a number of available appeals processes. Besides the Civil Service Commission, there is the Employee Relations Commission, the Affirmative Action Compliance Board, the Status of Women Commission, the many employee organizations and unions, the Grand Jury, the press, the Board of Supervisors, and the courts. Additionally, as an Economy and Efficiency Commission report correctly points out, there is great influence upon county operations by federal and state governments:

The Federal government promulgates rules governing the implementation of merit principles in the County's employment system and enforces them through its role in financing County programs. The State government regulates collective bargaining and employee relations systems with statutes defining State-wide systems. The Courts have imposed requirements and limitations guaranteeing individual and collective employee rights, particularly the right to due process in disciplinary actions.

These factors combine to assure this Subcommittee of the Grand Jury that the worst doubts expressed by employee groups are at least partially the result of fear of change—of going from the known to the unknown.

The Civil Service Commissioners also expressed some of these same concerns. "The examination is the heart of the merit system," they said, "because it's what gets you in and up the county ladder." They don't feel the body that sets up the process should be the one that adjudicates complaints on that process. Yet, until 1978, that is just what the Civil Service Commission did, when the Department of Personnel was under its jurisdiction and the Commission was both the official examination promulgator and the appeals body. It seemed able to handle both responsibilities then and to trust the Department of Personnel expertise in the matter. Therefore, it might be assumed that the Department of Personnel could function properly under the new rules in its role as examination promulgator and appeals body.

"It is the old question of efficiency vs. democracy. Yes, the procedure is ponderous, but so is democracy," the Commissioners said. Besides, they added, letting "bureaucratic department heads run the show isn't necessarily going to get you efficiency—they are not that competent or that good." Concluded one Commissioner, "A Civil Service Commission that is manipulated can be the worst system in the world—worse than the political patronage it was designed to correct. Political power changes, but the bureaucratic machinery goes on and on—and they can do their damage in the name of efficiency, which is the crime of crimes."

The Grand Jury was impressed with these statements and it quotes them to impress upon the Department of Personnel, the department heads, and the Board of Supervisors that it shares these concerns and urges alertness and sensitivity in dealing with these matters.

With the exceptions noted in this report, the Grand Jury essentially concurs with the intent behind the proposed new rules. The citizens have spoken. Their keynote: "County government must be more responsive." Part of that responsiveness must include accountability of county management for the functioning of county departments. The CAO and the Board of Supervisors must hold management accountable both directly and through the budget process. The new rules should remove some of the obstacles to productivity that managers have complained of. It is with this anticipation that this report is presented.

Nancy Manners, Chairman Bessie A. Harper Carol B. Pearson

#### **APPENDIX**

People interviewed by the Subcommittee on Civil Service Rules in connection with compiling information and background for this report:

Bruce Beardsley, director, Fire Fighters Local 1014

Clyde Bragdon, Los Angeles County Fire Chief and member Management Council

John Caccavale, executive director, Center for Negotiations in the Public Interest

Francis Ching, director, Los Angeles County and State Arboretum

Civil Service Commissioners: John Bollens, Louise Frankel, James Kenney, Alban Niles, George Nojima

Steve Cooney, general manager, S.E.I.U. 660

Ralph Cryder, director, Department of Parks & Recreation

Lois Danes, director, Fire Fighters Local 1014

Walt Daugherty, executive officer, Employee Relations Commission

Toni della Quadri, Los Angeles Health Planning and Development Agency

Larry Dolson, assistant manager, CAPE

Edward Faunce, attorney, Lemaire, Faunce and Katznelson

Kenneth Hahn, supervisor, Los Angeles County

Joseph Halper, chief deputy, Department of Parks & Recreation

Harry Hufford, chief administrative officer

Michael Ishikawa, executive officer, Affirmative Action Compliance Commission

Andre Jackson, attorney, Black Employees Association

Herbert Kaplan, director, Department of Personnel

Barbara Klein, chairperson, Status of Women Commission

Stephen Koonce, president, County Management Council, and County Engineer

William Lee, director, Museum of Natural History

Elliot Marcus, division chief, Department of Personnel

Ed McLean, general manager, CAPE

James Okimoto, administrative deputy, Department of Parks & Recreation

Gene Pomeroy, executive officer, Civil Service Commission

Carmen Scott, assistant executive officer, Civil Service Commission

Peter F. Schabarum, supervisor, Los Angeles County

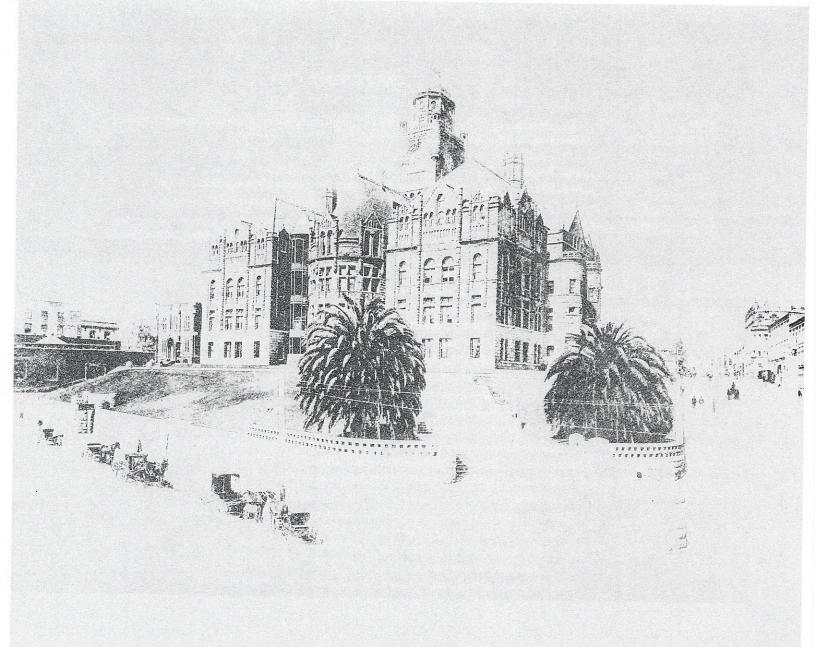
Phil Stone, employee relations officer, Department of Personnel

Bob Tyre, Arthur Young & Company, Grand Jury contract auditor

Stacie Wooten, Arthur Young & Company, Grand Jury contract auditor

Frank Work, former president, Civil Service Commission

Random sampling of rank-and-file employees



Los Angeles County Courthouse, ca. 1904, as seen from the corner of New High and Temple streets. Norval Nance Edwards in his Samson and Utie's Elderly Son provides this description: "The county's new courthouse, 'the finest west of the Rockies,' was opened to the public in 1891. The red-stone edifice, costing over a half million dollars, stood on Pound Cake Hill [site of the present Criminal Courts Building].... The structure's main tower, with its prominent four-faced clock, rose 312 feet above Spring Street, the highest point in downtown Los Angeles. Surrounded by terraced grounds and a retaining wall of rough-hewn stones, the building (torn down after the 1933 earthquake) was, for over 40 years, one of the city's most showy landmarks." Edwards also talks about "the honeymoon tower," which was popular with lovers and tourists. This is the open-work structure on the outside of the Courthouse, just to the left of the left-hand palm tree, and was Los Angeles's first outdoor elevator — a forerunner of the present-day elevators at the Bonaventure Hotel. It was reached either through the Spring Street tunnel, visible on the left-hand side of the picture, or from within the Courthouse itself. In the far distance, on the right side of Temple Street, is the famous WCTU Building, while the two-story brick building to the left of the Courthouse is the Jail.

## SUBCOMMITTEE ON COUNTY LEASING

**PURPOSE** 

The purpose of this Subcommittee was to study several aspects of Los Angeles County policy concerning real estate owned and/or leased by the County. This study does not include Marina del Rey which will be dealt with in a separate report.

BACKGROUND

The Department of County Engineer-Facilities (DCEF) is in charge of the real estate owned and/or leased by the County. The Department functions effectively in administering a vast operation encompassing buildings, airports, and recreational facilities such as golf courses, beaches, and parks (including concessions). In addition, the Department also supervises the county-granted franchises involving public utilities, pipelines, cable TV, and spur tracks. DCEF is a well-organized entity comprised of a property management division, escrow unit, engineering facility, and appraisal unit, together with all other divisions necessary. As of June 1980, the County of Los Angeles occupied 39,472,882 square feet of building space. Of this total 20,879,966 square feet are owned by the County, 14,068,446 square feet are leased from nonprivate owners (i. e., institutions, pension funds, and other government agencies), and 4,524,470 square feet are leased from private owners. In all 3,816 structures are involved.

In its investigation the Grand Jury received complete cooperation from DCEF and more particularly from Phil A. Pennington, Jack R. Hibbs, Heyward W. Allen, John E. Anderson III, and Bruce W. Edson. Attendance at a meeting of the County Committee on Real Estate Management (CCREM) was also very informative and enlightening.

AREAS OF CONCERN

- A. Exercise of purchase options
- B. Federal/State Subvention Program
- C. Term served by members of CCREM

### FINDINGS AND RECOMMENDATIONS

A. Exercise of purchase options

Over the years, in accordance with good business practice, the County has had "option to purchase" clauses included in its leases wherever possible. Prior to the rise in real estate prices, these purchase options had limited value. However, under present conditions, it becomes financially judicious to exercise such options. In one recent case, the present-day value exceeded the option price by several million dollars. All indications for the foreseeable future are that rents will continue to rise and space will remain scarce. Thus, the County will be better served to acquire ownership, wherever possible, of the buildings it occupies.

Prior to Proposition 13, when County funds were more easily available, there were no serious problems in exercising these options as the opportunities arose. Now, however, when the County is hard pressed to take care of its financial obligations, it may be difficult to raise funds to purchase real estate regardless of the long-term financial advantages. On the other hand, prudent

fiscal policy and planning make it mandatory that the County exercise all of its rights under these options in cases where the purchase prices are far below the present market values.

### RECOMMENDATIONS

### The Grand Jury recommends:

- 1. That the County be consulted as to legal means of financing either through a bond issue or by other methods of creative financing that can be utilized to effect these purchases.
- 2. That, where none of the above is possible, the County sell its rights under the "option to purchase" to a third party, with the profit going into the General Fund. (Most of these options give the County the right to sell to a third party.)
- B. Federal/State Subvention Program

In addition to solving the financial problems discussed above, a method needs to be developed to acquire properties where "subvention" is involved. The County receives federal/state assistance for payment of rent in connection with certain of its agencies. This aid is substantial: 96 percent for Department of Adoptions, 77.6 percent for Department of Public Social Services, 75 percent for District Attorney (child support), 11.74 percent for Probation Department, and 100 percent for Mental Health Department. One of the conditions of subvention is that the facility housing the agency be *leased* property. It is the policy of governmental agencies to limit subvention to a very small percentage of rental costs where the facility is owned by the County. Efforts have been made and are continuing to be made to change this policy.

### RECOMMENDATIONS

### The Grand Jury recommends:

- 1. That, where the funds available for subvention would be virtually eliminated if the County purchases a property that was formerly leased, the County enter into negotiations with the lessor to renew the lease for a long term at a rental below the present high market price and to extend the option-to-renew date. The lessor would surely find this more desirable than being forced to sell his property at a figure far below the market.
- 2. That, in cases where the lessor refuses to consider a new lease at a low rental, the County attempt to find a buyer who is willing to purchase the property at the low option price and then execute a long-term lease with the County at the lower rent.

- 3. That, in cases where neither of the above is possible, the County exercise its rights under the option to purchase and move the agency operating under subvention to a leased facility, replacing it with an agency not a recipient of the benefits of subvention. Although this is an expensive process, and might not be practical in all cases, there are instances where it would be financially judicious.
- 4. That the DCEF notify the Chief Administrative Officer (CAO) of the options to purchase well in advance of any budgetary period. The Grand Jury further recommends that the CAO urge the Board of Supervisors to provide funds in forthcoming budgets for these important purchases which the County must make if it is to maintain intelligent fiscal responsibility.
- C. Term served by members of CCREM

The Citizens Committee on Real Estate Management (CCREM) was created by ordinance in 1961. It is comprised of five members, each appointed by a member of the Board of Supervisors to serve for three years. The ordinance calls for CCREM to review all leases for terms of ten years or longer or with a total rental of more than \$250,000.

### RECOMMENDATION

The Grand Jury recommends:

That the length of time CCREM members serve be limited to two terms (six years), with terms rotating so that two or three experienced members are on the Committee at all times. Experience is desirable, but new ideas and fresh insight are important ingredients for objective and wise decision making.

Seymour Kern, Chairman Mack Blaustein



Another view of the Los Angeles County Courthouse, ca. 1917, again as seen from the corner of New High and Temple streets. Changes worth noting when compared with the 1904 picture include the increase in the number of power lines (though the visible power poles seem to be the same), the growth of the palm trees, and the switch from horses and buggies to automobiles. The County Hall of Records, just south of the Courthouse, was torn down in 1973 as part of the modernization plan for the Civic Center. The new Hall of Records is found a block away, on the corner of Broadway and Temple streets.

### SUBCOMMITTEE ON MARINA DEL REY

### **PURPOSE**

Controversy has been the lot of Marina del Rey from the day it was conceived out of the Ballona swamps. In the lean years, when it struggled to be born and finally took shape, only to be plagued by engineering errors and economic instability, it appeared that a grave error in judgment had been made by all involved. Boat slips were considered unsafe, lessees did little business, the few apartments that had been constructed were mostly vacant, and some of the lessees were forced into default. Accusing fingers wagged at engineers, county planners, and all those who had anything to do with the "disaster".

It is now realized that those who dreamed of a small-crafts harbor, providing boating facilities for thousands and a myriad other recreational facilities, had true vision. Marina del Rey is a success; the dream has become a fat and sleek reality. However, instead of controversy and dissension dissipating, they still persist; only their nature has changed.

Prosperity is visible everywhere in Marina del Rey—restaurants are full, with few exceptions merchants are thriving, vacancies in apartments are practically nonexistent and, most of all, there are long waiting lists for every boat slip that might become available. Facilities that in the beginning were begging to be utilized are now at a premium. Slip owners want higher rentals, boat owners are demanding that the County control their rents, and apartment dwellers whose housing has not yet been decontrolled are asking for a ceiling on rents. In one case, there is a request for conversion from apartments to condominiums. Amidst it all, a few voices have been raised suggesting the County sell its land and put the money into recreational areas elsewhere. The issues are many, and so are the viewpoints and suggested solutions. The Grand Jury has investigated and will deal with current problems that it considered most important.

## METHODS OF INVESTIGATION

In conducting this investigation, the Subcommittee met many times with Victor Adorian, Eric Bourdon, and Stan Wisniewski of the Small Craft Harbors Department (SCHD), all of whom were cordial and completely cooperative in supplying valuable information. The Subcommittee also met with Supervisor Deane Dana and his Assistant Chief Deputy Bob Lovellette, who cooperated fully in expressing their views on Marina del Rey and its problems. A meeting with Harry L. Hufford, chief administrative officer of Los Angeles County, where the problems of Marina del Rey were discussed, proved very informative. A long telephone conversation with Chief Deputy County Counsel Robert Rodolf on condominum conversions in the Marina clarified the County Counsel's opinion on conversion.

The Subcommittee also attended a meeting of the Small Craft Harbor Commission (SCHC) where a hearing was conducted on boat-slip rentals, at which testimony was heard from lessees as well as boat owners. Another meeting was attended, called by Wrather-Daon Corporation, where plans for condominum conversion and construction of a new hotel were discussed. This meeting was attended by over 200 tenants and was also conducted by SCHC. The Subcommittee met with John Rizzo, representative of Marina Tenants Association, and his successor, June Michaels, and their attorneys, David Naftalin and Judith Levitt, who presented the tenants' points of view. Attempts

made to meet with various lessees were unsuccessful, and the Subcommittee had to rely on meetings attended and on media reports to garner expression of lessees' positions.

## AREAS OF CONCERN

- A. Rent control
  - 1. Residential rents
  - 2. Boat-slip rentals and allocations
- B. Condominium conversion
- C. Sale of Marina del Rey
- D. Renegotiation of leases

### FINDINGS AND RECOMMENDATIONS

## A. Rent control 1. Residential rents

Until 1976 the apartment rental vacancy factor in Los Angeles County was such that the supply and demand were fairly well balanced. Soon, however, apartment construction slowed and finally stopped, when it became evident to builders that the profits derived from building condominiums far surpassed any they had ever enjoyed in apartment construction. An added factor in discouraging apartment construction was, and still is, the high cost of land, building, and financing.

At present the apartment vacancy factor in the County, especially in areas as desirable as Marina del Rey, is practically nil. As a result, rents have been and are still rising in Marina del Rey, as well as in all other areas of the County. When Proposition 13 was passed in June of 1978, decreasing real property taxes as much as 75 percent, the Los Angeles Apartment House Association promised the public that landlords would pass some of these savings on to the tenants and urged landlords to do so. During the first year after Proposition 13, the landlords in Marina del Rey did pass on some of their tax savings to their tenants. However with the passage of county rent control in July of 1979, the practice ceased; the magnanimity was brief, never munificent, and soon forgotten. In the meantime, rents continued to rise in the Marina until over 50 percent of Marina apartments are no longer under the jurisdiction of county rent control.

Section 16 of the lease the County has with all lessees states:

Said prices shall be fair and reasonable based on the following two (2) considerations: First, that the property herein demised is intended to serve a public use and to provide needed facilities to the public at fair and reasonable cost; second, that Lessee is entitled to a fair and reasonable return upon his investment pursuant to this lease.

This clause in all leases has been subject to contradictory interpretations.

During the period when supply and demand were reasonably balanced, the marketplace dictated "fair and reasonable". Now, a seller's market prevails. It

appears that the acute housing shortage in the County will continue in the foreseeable future, allowing landlords extravagent rents for their apartments. What is "fair and reasonable" begs for a Solomon's interpretation. The apartment rents not under county rent control, the so-called luxury apartments, are reviewed by SCHD according to Section 16 of the lease. When a leasehold is sold, SCHD investigates the buyer as to his financial stability and his costs after acquiring the leasehold, and then sets guidelines for rents, which is in effect another form of price and rent control. It appears that an important consideration to SCHD is a "fair and reasonable" return to the new investor, along with rentals commensurate with the marketplace for comparable apartments. With the higher costs to the new buyers of the leaseholds, this necessarily calls for higher rentals. Though this is not the intention of SCHD, who must conform to "fair and reasonable" return as called for in Section 16, the net result is that when a leasehold is sold, at times bringing enormous profits to former owners, it is the tenant who suffers. This, of course, is regrettable, but SCHD has no alternative.

## 2. Boat-slip rentals and allocations

The shortage of boat-slip rentals is greater than that of apartments. There is a long waiting list for every one of the nearly 6,000 slips in Marina del Rey. The dock lessees are enjoying the prosperity this shortage engenders. In the meantime, furious infighting prevails in connection with the allocation of slips as they become available. Boat brokers find it difficult to sell a boat without a slip, which means that boat owners also are having a hard time finding a buyer without delivering a slip with the sale. Dock owners are besieged, and there is no doubt that the policy of vacated slips being given to the next in line is difficult to maintain. SCHD is doing all in its power to see that this policy is carried out. However, it would have to employ a small army of sleuths to trace the labyrinth that leads to the final allocation of a slip. There is no way of knowing how much the rule of "first come, first served" is violated.

### RECOMMENDATIONS

The Grand Jury recommends:

- 1. That SCHD continue to explore methods of enforcing the "first come, first served" rule as applied to allocation of boat slips.
- 2. That the Director of SCHD continue to maintain all boat-slip rental rates in the middle range of rates charged by small craft harbors in Southern California.
- 3. That, at the time of renegotiations with boat-dock lessees, the current percentage of the gross being paid to the County be increased. (According to Arthur Young & Company, the 1980-81 Grand Jury contract auditor, the current percentage for this type of lease is low when compared with rates at comparable marinas.)

## B. Condominium conversion

The Marina City Club asked SCHD for permission to convert 394 apartments and 30 hotel rooms in their high-rise towers to condominiums and to build a new hotel. This report will deal only with the request for conversion to condominiums.

On October 28, 1980, Robert Rodolf, principal deputy county counsel of Los Angeles, wrote a letter to Victor Adorian, director of SCHD, a portion of which is reproduced below, advising Adorian that in the opinion of the County Counsel it would not be possible under present laws to permit conversion to condominiums in Marina del Rey.

We have previously advised you that condominium and/or long term apartment usage within the harbor is to be prohibited in order to preserve public use of this land. This advice has been challenged by the lessee and optionee of parcel 125 on the basis of a legal opinion furnished by their attorneys in which they are advised that: "(1) the Board of Supervisors has authority to amend the Lease; (2) amending the Lease to provide for implementation of the Plan is within the scope of authority conferred upon the Board of Supervisors; and (3) a California court would uphold a determination by the Board that the Plan constitutes a public use of the Property."

We have reviewed the opinion and memorandum of law upon which it is based. While we agree with the general proposition of law that a county board of supervisors has authority to amend a previously executed agreement, we cannot agree that the scope of this amendatory authority can be viewed as a matter of law as encompassing the implementation of the Wrather-Daon plan for the development of Parcel 125. The plan calls for the conversion of approximately 400 existing apartment units and 30 hotel rooms to condominium use. This use of the parcel raises a serious public use question that we fail to find as predictable of judicial affirmation as is expressed in the opinion.

In summary we remain to be convinced that the legislative prerogative on the implementation of the Wrather-Daon Plan is unrestricted by the requirement for retention of public use controls thereover especially in view of the condominium conversion element. The distinction between apartments and condominiums for purposes of assuring the public use thereof is valid and apparent. As we have previously stated, the only

apartments and condominiums for purposes of assuring the public use thereof is valid and apparent. As we have previously stated, the only aspects of residential use within the harbor which can be considered subject to public control are the price and availability. The creation of condominiums and/or long term apartment leases will effectively deprive the county of the power to control both aspects of residential use. It is this loss of control and the resulting loss of public accessibility to the residential units to be converted that in our opinion is irreconcilable with the preservation of public use within the Marina del Rey.

The Chairman of this Subcommittee spoke at length with Mr. Rodolf, who stated there is little doubt in his mind, after checking all relevant laws and opinions, that the use of public lands for condominiums would be illegal. In spite of this, the Wrather Corporation, potential buyer of Marina City Club, is talking about taking the request for conversion into the courts.

In addition to the legal hurdles, there is the matter of the obligation of the County. Marina del Rey was created with the goal of providing boat slips and recreational facilities, as well as housing, for the citizens of Los Angeles County. To permit the Marina City Club to convert to condominiums would open the floodgates, and all other lessees could justifiably demand the same

rights. The County would be hard pressed to grant rights to one lessee and deny them to others. Marina City Club stated that, if the conversion became a reality, the units would sell in the neighborhood of three hundred dollars a square foot. Three hundred thousand dollars for a thousand-square-foot apartment! The Marina would become a playground for the very rich; all others would be priced out.

### RECOMMENDATION

The Grand Jury recommends:

That the Board of Supervisors use all its power to prevent the conversion of any Marina del Rey apartments to condominiums, so that the present housing in the Marina remains reasonably affordable to as large a segment of the county population as possible.

## C. Sale of Marina del Rey

The 1979-80 Grand Jury and Arthur Young & Company, its contract auditor, recommended that the County consider the sale of Marina del Rey and use the proceeds to provide other recreational facilities for the County. A sale of the property encumbered with rental and other restrictions imposed by the County would hardly bring an equitable price. On the other hand, if the Marina were sold without restrictions, therefore commanding a much higher price than suggested by the contract auditor, there could be wholesale conversion to condominiums, much higher boat-slip rates, and the original concept of the Marina would be destroyed.

This Grand Jury is unalterably opposed to the sale of the Marina. Marina del Rey is the most valuable and profitable property the County owns. On December 1, 1981, the remaining revenue bonds will be paid in full and the County's income will increase materially. Also, starting in 1982 and continuing thereafter, additional renegotiation of leases will take place in accordance with terms of the leases. Out of this renegotiation will come higher rentals and much higher income for the County. In the original lease agreements, the first round of renegotiation varied from five to twenty-five years. So far, seventeen of the fifty-six leaseholds have been renegotiated. From 1982 on, there will be a constant ten-year cycle for the second round.

Selling the Marina would be like New York City selling Central Park or the City of Los Angeles selling its harbor. Marina del Rey should be maintained as a legacy for future generations of citizens of Los Angeles County and not be put into the hands of private entrepreneurs. It is one of the few properties the County owns that can provide recreational facilities for its citizens and return a profit at the same time.

### RECOMMENDATION

The Grand Jury recommends:

That the Board of Supervisors stand firm in opposing the sale of countyowned land in Marina del Rey.

## D. Renegotiation of leases

As stated earlier, all of the leases in Marina del Rey contain clauses that call for renegotiation. When the County first solicited bids for leases in Marina del Rey, not only was the economy at a low ebb compared to today, but the future of the entire project was questionable. Under such conditions, the county negotiators did an outstanding job in securing the highest possible rents. However, what looked then like a sterile goose turned out to be the one that hatched golden eggs. Although the vast majority of the lessees are paying rentals far in excess of their minimum guarantees (due to percentage clauses in their leases), even those higher rents are below what the current market would dictate. For example, one lease made on a commercial property was at the rate of two cents a square foot per month as a minimum guarantee. Three years later, when the success of the Marina seemed assured, a lease was made on another commercial parcel of equal value at the rate of thirteen cents per square foot per month. This situation prevailed in most, if not all, of the early leases. This point is being made to indicate that the County can look forward, through the process of renegotiation, to a substantial increase in its income from Marina del Rey.

Since 1976, when real estate prices turned around and the values increased geometrically, the rentals of boat slips, apartments, and office and commercial space went up accordingly. With shortages of all facilities in Marina del Rey promising to continue in the foreseeable future, it would seem fair to assume rents will continue to rise. Most of the lessees are now enjoying an income from subtenants that would justify the higher rentals the County will no doubt seek and secure in future renegotiations.

Opinions have been expressed that county government is not in business to make a profit. However, when County funds are invested in land that is being leased to private enterprise for its profit, the County is entitled to a fair return on the *current* market value of its investment.

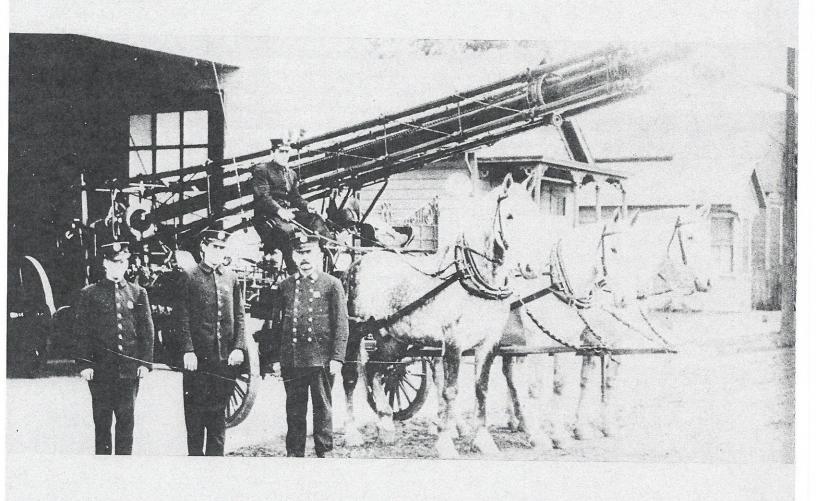
### RECOMMENDATIONS

The Grand Jury recommends, concerning lease renegotiation:

- 1. That the county appraiser evaluate the county-owned land at the then current market value, taking into consideration the use thereof.
- 2. That the minimum guaranteed land rentals be based upon the market value arrived at by the appraiser.
- 3. That, if the lessee can show that the renegotiated minimum guaranteed rental asked by the County does not produce a fair and reasonable return on his investment (such investment defined as the appraised market value of his improvements), further negotiations be conducted to arrive at a reasonable determination in accordance with Section 16 of the lease.
- 4. That the renegotiation include a clause which provides that every three years the minimum guaranteed rental be the greater of

- (a) 75 percent of the total rental paid by the lessee in the prior lease year, or
- (b) the minimum guaranteed rental as called for in the lease, plus an increase equal to the Consumer Price Index over the past three years.
- 5. That percentage rent clauses in leases be adjusted to conform to percentages in comparable leases elsewhere. These adjustments of rentals through renegotiation will substantially increase future income from county-owned Marina del Rey property and will keep future adjustments current with changing economic conditions.

Seymour Kern, Chairman Mack Blaustein



Los Angeles firemen and three faithful steeds, ca. 1913.

### CRIMINAL JUSTICE COMMITTEE

### PURPOSE

Traditionally the Criminal Justice Committee has performed three essential functions for the Grand Jury. The Committee is responsible for screening criminal cases to be presented by the District Attorney before the Grand Jury for indictment or investigation. It must also arrange the scheduling of these hearings. A second function of the Committee involves reviewing all correspondence to the Grand Jury from private citizens alleging criminal misconduct. The third and broadest mandate of the Committee is to examine the County's criminal justice system and to conduct studies to improve that system.

In addition, a subcommittee was formed to study the question of consolidating the bailiffing and process serving performed by the Sheriff's Department and by the Marshal's Office. Its report follows the report of the Criminal Justice Committee.

## AREAS OF CONCERN

- A. Criminal cases
- B. Correspondence
- C. Gun control
- D. Outstanding wants and warrants
- E. Regional justice centers

### FINDINGS AND RECOMMENDATIONS

### A. Criminal cases

The Criminal Justice Committee screens all cases presented to it by the District Attorney to determine whether the cases should be heard by the full Grand Jury. Among the types of cases recommended for hearing by the Jury are: cases involving highly publicized crimes; cases where misconduct by public officials and public figures has been alleged; cases where witnesses reside outside the County or state; cases in which witnesses lives may be threatened; and cases in which the statute of limitations must be tolled.

The majority of requests for hearings involve cases where the investigation has been completed by the District Attorney. Once the case is accepted by the Committee for a Grand Jury hearing, the evidence is presented by the prosecuting attorney for the purpose of obtaining an indictment charging specifically named defendants with alleged violations of the Penal Code, Government Code, or Health and Safety Code. These indictment hearings must be distinguished from the investigative hearings conducted before the Grand Jury, where the District Attorney wishes to use the power of the Grand Jury to subpoena witnesses and to review exhibits. Indictment hearings allow the Grand Jury to determine whether sufficient evidence has been developed to identify potential defendants and charges.

Through April, the Committee recommended nine cases for indictment hearings before the full Jury. In addition, the Committee recommended an investigative hearing to be conducted by the District Attorney in eight instances. The indictment hearings involved 22 suspects, all but one of whom were indicted, 251 witnesses, and 402 exhibits. Forty-five days were devoted to hearings by the Grand Jury.

### B. Correspondence

During the first ten months of the 1980-81 term, the Criminal Justice Committee reviewed forty-five complaints by citizens. This included many complaints charging misconduct by law enforcement officers. Other correspondent complaints included allegations of the misuse of county funds, improper courtroom procedures, improper filing procedures, prisoner mistreatment at Central Jail and at other jails in the county system, conflict of interest, fraud, etc. The tenor and substance of these letters ranged from the serious and thoughtful to the frivolous and even the deranged.

Each of the complaints was reviewed by the Committee in an attempt to determine its validity. A full-time legal counsel and a full-time investigator, assigned to the Jury by the District Attorney, assisted the Committee in its work. To date twenty cases have been assigned for investigation and none has been brought to a hearing before the Grand Jury.

### C. Gun control

Statistics provided by the Los Angeles Sheriff's Office indicate that during the first three months of 1981 there were 72 homicides, 39 of which involved the use of handguns. During 1980 there were 424 homicides and 229 cases in which handguns were used. These figures include only the unincorporated areas of the County and cities which contract with the Sheriff for police protection (but *not* the City of Los Angeles). Los Angeles Police Department does not keep statistics involving handguns in the same manner as the Sheriff's Office, but indicates that the Department seizes an average of 25 to 30 firearms in each 24-hour period.

The increase over the past few years in the rate at which firearms are used to inflict bodily injury and cause death is a source of alarm in the community. Unfortunately, the issue of gun control has been used as a political rallying point by conservatives and liberals alike. The two polar extremes of no regulation and total abolition of handguns have been used to obscure the issue of control. The challenge society faces is one of depoliticizing the issue by making proposals that address themselves to reasonable controls that reasonable men of differing philosophies might find acceptable in responding to the public's fears and concerns. While the Jury is aware that any gun control regulation can be perverted by persons with criminal intent, the difficulty of avoiding regulation in and of itself will act to diminish the use of guns. California law presently requires the registration of the purchase of concealable firearms (handguns) with the state and a 15-day waiting period before a purchaser of a handgun may possess the weapon.

### RECOMMENDATIONS

Therefore, fully cognizant of the constitutional right to keep and bear arms without infringement, the Grand Jury recommends:

- 1. That the Board of Supervisors urge the state legislature to enact laws designed to insure stringent gun control.
- 2. That, concerning licensing, buyers be required to obtain a state-issued license to purchase firearms from licensed sellers and that applicants for licenses be screened not only to eliminate known criminals, as under current law, but to show evidence of the ability to safely use the particular weapon which is being licensed.
  - a. That the licensing requirements apply to all firearms, not merely to concealable guns.
  - b. That the license, which gives the purchaser thirty days to buy the gun, be in three parts:

Part 1 to be retained by the seller for his records;

Part 2, bearing the date sold and the signature of the seller, to be retained by the buyer as his temporary 30-day permit for the possession of the gun;

Part 3 to be returned by the seller to the licensing authority as the control for the second stage of the procedure, namely the registration of the weapon.

- 3. That, concerning registration, the gun be registered for possession for a two-year period.
  - a. That the buyer of the gun return to the licensing authority and complete a registration procedure involving the issuance of a document containing a photograph of the registered owner to be carried at all times by the owner while he is in possession of the gun.
  - b. That renewal of this registration not be automatic nor accomplished through the mails, and that the registrant return to the agency for an investigative procedure related to his conduct during the period of ownership before renewal is granted.
- 4. That conviction of a violation of any of these procedures by the buyer, seller, or owner of the gun carry with it a mandatory fine and/or imprisonment, as well as the revocation of the privilege to be a buyer, seller, or owner of a gun for a five-year period.
- 5. That possession of firearms in any public place by anyone other than peace officers or security officers be a felony and thus grounds for immediate arrest, and that exceptions to this rule include the use of firearms on authorized gun and rifle ranges, or by shooting clubs, or for legitimate game hunting, or in the protection of one's home or place of business.
- 6. That ammunition not be available for purchase for any firearm without presentation of a valid gun registration.

# D. Outstanding wants and warrants

It is estimated that there are presently more than a million active warrants for unpaid traffic tickets, or other unanswered citations, outstanding in the City and County of Los Angeles. To permit offenders to ignore these wants and warrants generates disrespect for the law and its enforcement. Such disrespect is often a prelude to further crime. If current fines were collected, assuming that no penalties for failure to appear were imposed by the court, the County would net more than a million dollars.

### RECOMMENDATION

Therefore, the Grand Jury recommends that the Board of Supervisors authorize the expenditures necessary to improve the computer system and increase the manpower, as required, to serve process and collect a greater portion of the monies that are now or will become due from wants or warrants.

## E. Regional justice centers

The Sheriff's Department and prior grand juries have studied the regional justice center concept in depth. Regional jails are built adjacent to or near branch courts in heavily populated areas. The advantages of regional jails are numerous. Inmates are detained close to their homes, resulting in transportation savings for their families and possibly more visits to the inmates. Sheriff's transportation costs to and from Central Jail are reduced. Also, since inmates are housed near the courts, transportation time is shortened.

It has come to the Grand Jury's attention that state funds are now available for use in county jail construction. It is an indisputable fact that Central Jail is presently overcrowded, and indeed, under mandate from the court to reduce its census. With the County's jail population projected to become even larger, the time for planning and building decentralized jails is now, while funding is available.

### RECOMMENDATION

Therefore, the Grand Jury recommends that the Board of Supervisors and the Sheriff take immediate steps to build at least one regional justice center in an appropriate area of the County.

Ruth A. Kraft, Chairman Marian K. Barton Mack Blaustein Jeanne E. Fujimoto Ruth H. Hanak

Eileen A. Ryan Helen G. Talley Annette D. Yancey John B. Yodice

# SUBCOMMITTEE ON SHERIFF-MARSHAL CONSOLIDATION

### **PURPOSE**

The Criminal Justice Committee formed a subcommittee to study the question of Sheriff-Marshal consolidation because for the past fourteen years there has been a publicly expressed concern over duplication and overlap in the services supplied to the Superior and Municipal courts by the Sheriff's Department and the Marshal's Office. It has been assumed that the existence of two organizations doing similar work (i.e., bailiffing and process serving) in the same geographical area has been responsible for inefficiency and waste of taxpayers' money. Despite numerous recommendations by committees on efficiency and grand juries favoring consolidation to effect savings, no change has occurred. The Subcommittee's investigations were directed to the discovery of facts, the gathering of information, and the analysis of past studies of the problem. Its objective was to make informed recommendations that would support the highest quality system of bailiffing, the integrity of the court, and the merger that would be most cost effective.

### BACKGROUND

The functions of providing bailiffs and serving process for the Municipal Court in the County of Los Angeles are mandated by law to the Marshal's Office. There are 624 employees of the Marshal's Office serving 202 courts with a total annual operating budget of \$18,990,530. The budget, which is funded by the County, is established by the state legislature, and administered by the Municipal Court. The Marshal is directly responsible to that court. The function of providing bailiffs and serving process for the Superior Court of Los Angeles County is, and has historically been, the responsibility of the Sheriff's Department. There are 197 budgeted bailiffing positions (not including supervisory personnel or related functions), 53 deputies serving process and special levies, and 36 clerical positions involved in process serving for 249 courts with an annual budget of approximately \$11,700,000. The budget for the Sheriff's Department is established by the Board of Supervisors.

Since 1967 government efficiency groups and grand juries have concluded that some form of consolidation should take place. The consensus of past studies has been that the greatest savings would be accomplished through the consolidation of the Marshal's Office into the Sheriff's Department. The pressure to effect these savings was increased by the passage of Proposition 13. Each of the two government bodies which control budgeting for the separate departments has tried to effect consolidation within its sphere of influence.

The Board of Supervisors placed an Advisory Proposition on the November 4, 1980, ballot. At that time, the voters of Los Angeles County approved this proposition to change the state law to allow the Board to consolidate the duties of the Marshal's and the Sheriff's civil functions. Such legislation, if passed, would probably eliminate the Marshal's Office in Los Angeles County. The legislature presently has alternative legislation before it, i.e., Senate Bill 66, which calls for the following steps to resolve the problem:

1. The Board of Supervisors is to determine whether or not savings can be effected by consolidation;

- 2. If that determination is affirmative, a majority of the judges of the Superior and Municipal courts is to choose which agency should serve the courts;
- 3. The Board of Supervisors would be obliged to effect consolidation consistent with the judges' choice.

This bill is supported by the Marshal's Association.

In the course of investigating this problem, the Committee has read relevant documents supplied by the Sheriff, the Marshal, and past grand juries. It has interviewed Municipal and Superior Court judges, administrative personnel of the Superior Court, and representatives from the Marshal's Office and the Sheriff's Department.

## AREAS OF CONCERN

- A. Savings
- B. Quality of service
- C. Effect on the courts
- D. Manpower utilization

### FINDINGS AND RECOMMENDATIONS

### A. Savings

In the area of savings, the claims and counterclaims create a cacaphony of confusion. The Sheriff's Department asserts consolidation into its department would save \$3,500,000 per annum. The Marshal's Office more modestly claims a saving of \$2,500,000 from a merger into its department, but then assures the taxpayers that the savings suggested by the Sheriff's Department could be matched at the risk of damaging the system. The Marshal's Office asserts that it serves process more efficiently than the Sheriff. The Sheriff disputes that and accuses the Marshal of manipulation and misrepresentation of statistics. Both departments admit the need for an independent, unbiased study of the issue. The Sheriff's Department claims to have a superior administrative operation, a lower supervisor-subordinate ratio, and a better communications center, and points out that Peace Officers' Standards of Training (POST) reimbursement for training is available from the state to the Sheriff and not, under present law, to the Marshal.

Municipal Court Judge Marion Gubler, chairman of the Presiding Judges of the Municipal Court, has said that replacing Municipal Court bailiffs by representatives of the Sheriff's Department might necessitate the employment of additional clerical help at an annual cost in excess of \$2,000,000. At present the Marshal's bailiffs perform clerical and other court-related duties for the Municipal Court not performed by the Sheriff's bailiffs for the Superior Court.

Both courts have made attempts to effect operational economies. For example, the Superior Court has initiated an experimental program which involves the assignment of civilian Court Attendants to civil courtrooms where there is little likelihood of serious disturbances. This program was observed by the

Committee, which found it most promising as well as cost effective. In addition, the Marshal has begun to employ civilian personnel to serve process, also at considerable savings.

A comprehensive report, dated October 15, 1980, prepared by Price Waterhouse for the Marshal's Association concludes, after reviewing all relevant reports compiled since 1968, that,

The financial data included in the evidential material is insufficient to support a financial decision on the direction of consolidation. Although each report we reviewed contained a financial analysis of the savings to be achieved through consolidation, there was not enough supporting detail to allow for an independent evaluation of the extent of potential savings.

Despite all the time and energy devoted to this issue, there has not been a definitive study by the research facilities of the Chief Administrative Officer on the financial and management impact of merging the two departments.

### B. Quality of service

As far as assuring the highest quality bailiffing in the court is concerned, the evidence appears to be consistent. The majority of the judges surveyed by the Los Angeles Journal in 1974 believed that the Marshal's Office provided better support and service than did the Sheriff's Department. When asked whether they preferred Sheriff or Marshal bailiffs, Superior Court judges were almost evenly split, while more than 90 percent of the Municipal Court judges favored the Marshal's bailiffs. Grand Jury interviews suggest that these figures have remained valid, even though bailiffs no longer perform the personal services once afforded Municipal Court judges.

The preference of the judges for the Marshal over the Sheriff appears to be based on the fact that the Marshal's bailiffs are employed by the court and are responsible to the court. The Sheriff's bailiffs are responsible to the Sheriff and are independent of the judiciary.

The Marshal's Office points out and the judges confirm that the variation between Municipal and Superior courts in case load and associated courtroom activities requires different attitudes and responsibilities from the bailiffs and that only the Marshal's men are trained specifically for this bailiffing.

## C. Effect on the courts

It has been suggested that the elimination of the Marshal's Office would compromise the separation of powers in government. This assertion has been stretched to imply a constitutional question requiring a decision by the California Supreme Court. However, legal opinion has also been given that, since the legislature created the Marshal's Office, only the legislature has the power to eliminate it.

The significant question raised by the prospect of consolidation of these services into the Sheriff's Department, with budgeting controlled by the Board of Supervisors, is whether or not a future choice of priorities might adversely affect the court. In the past, the Board of Supervisors has used its fiscal powers to deny clerk hiring to some courts. This resulted in the *Alhambra v*.

**Bloodgood** case, where the courts found against the Supervisors and restored the funding for court clerks. The Price Waterhouse report of 1980 points out that

The Marshals, municipal court judges, and many members of the legislature do not want the Board of Supervisors to have the ability to decide whether the Marshal's priorities are more or less important than the needs for a new park.

## D. Manpower utilization

The Audit Committee of the Grand Jury of 1979-80 did an exhaustive study of employment practices in the Los Angeles County Sheriff's Department. Among its findings was that in October 1980 there were 72 fewer officers than in October 1979, despite an increase of 241 budgeted positions. The difficulties that the Sheriff has had in recruitment are dramatically demonstrated by the fact that these budgeted positions remain unfilled. It seems only logical that relieving the Sheriff's Civil Division of bailiffing duties will free more than 300 Sheriff's deputies for peace officer work that is urgently needed.

### CONCLUSIONS

The Committee concludes the following:

- 1. A merging of the two departments has been called for by the electorate and that expression should be honored.
- 2. There is no definitive study that establishes the single most costeffective way to accomplish this merger.
- 3. It is reasonable to assume that a substantial savings would be effected by a merger.
- 4. The issue of the direction of the merger is weighted with political overtones, which, if perpetuated, do not serve either department in the long run.
- 5. The judges of the Municipal Court system believe that they get better service from the Marshal's bailiffs than they would get from the Sheriff's bailiffs.
- 6. It is desirable to maintain the separation-of-powers doctrine which argues for separation of the court system from the law-enforcement system.
- 7. There is a personnel shortage in the Sheriff's Department that might be met by reassignment of Sheriff's personnel from their present court-related services to the streets.

### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That the Board of Supervisors actively support passage of Senate Bill 66 (Paul Carpenter), including Section 26666 and Section II 72114.
- 2. That, if Senate Bill 66 is not enacted in its present form within one year of the filing of this report, the Board of Supervisors order an independent study to establish the most cost-efficient method of effecting the merger.

In recommending the following, the Grand Jury makes the assumption that Senate Bill 66 will pass in its present form and that the majority of the judges of Los Angeles County will vote in favor of the merger of court-related personnel into the Marshal's Office.

### Therefore, the Grand Jury recommends:

- 1. That the Board of Supervisors request the legislature to increase the Marshal's budget enabling him to hire and train the personnel necessary for the assumption of the responsibility of bailiffing the Superior Court.
- 2. That a program be implemented by the Sheriff to reassign personnel from the courts to the streets, thus filling open, budgeted positions, and that those Sheriff's bailiffs who wish to remain in the courts be absorbed by the Marshal's Office.

Ruth A. Kraft, Co-chairman Eileen A. Ryan, Co-chairman Marian K. Barton Mack Blaustein Jeanne E. Fujimoto Carol B. Pearson Annette D. Yancey John B. Yodice

### APPENDIX A

Material reviewed (in chronological order):

The L.A. Daily Journal, "Report on the Sheriff-Marshal Consolidation Issue," May 24, 1974

Excerpt, Price Waterhouse audit, 1978, p.37.

Excerpt, Los Angeles County Economy & Efficiency Commission Report, August 1978, "Cost Reduction in Los Angeles County Government," pp. 5-6.

Position Paper, "Sheriff-Marshal Consolidation," Los Angeles County Sheriff's Department, Peter J. Pitchess, sheriff, November 1978.

Memorandum to the Judicial Council and Board of Governors of the State Bar of California from Armond M. Jewell, presiding judge, Los Angeles Municipal Court, August 8, 1979.

John J. Stern, "The Judiciary Is Failing to Protect the Courts," *The Judges' Journal*, American Bar Association, Vol. 18, No.1, Winter 1979.

Memorandum by Grover L. Porter. Re: Separation of powers, May 20, 1980.

Price Waterhouse report for the Los Angeles County Marshal's Association, October 15, 1980.

Arthur Young & Company follow-up report on the 1979-80 Grand Jury audit of the Sheriff's Department for the 1980-81 Grand Jury, April 15, 1981.

### APPENDIX B

Persons interviewed:

Sherman Block, undersheriff of Los Angeles County R. E. Castaneda, inspector, Marshal's Office Marion Gubler, judge, Municipal Court John R. Hopson, judge, Municipal Court Charles Hughes, judge, Superior Court Armond M. Jewell, judge, Municipal Court Jack Mahon, marshal of Los Angeles County Kathleen Parker, judge, Superior Court James Satt, judge, Municipal Court Theodore Von Minden, assistant sheriff Nancy Watson, judge, Superior Court Leonard Wolf, judge, Superior Court

## HEALTH AND HOSPITAL SERVICES COMMITTEE

### **PURPOSE**

Deficiencies in county-wide emergency medical services were brought to the attention of the Grand Jury early in its term. Therefore, the Heath and Hospital Services Committee reviewed the operations of selected components of the Los Angeles County health system involved with emergency medical service. The problems of mental health and toxic waste disposal also came under scrutiny and ad hoc committees were formed to study these subjects. The recommendations of these two ad hoc committees are found elsewhere in this final report.

### BACKGROUND

The following background on the Emergency Aid Program (EAP) and its components first appeared in the Interim Report of the Health and Hospital Services Committee to the Board of Supervisors, January 7, 1981. It is based upon examination of numerous official reports, letters, documents, newspaper accounts, and upon interviews with the major administrators of the EAP Program, other physicians, officers of medical and hospital societies, newspaper reporters, and others. Members of the Committee, as a unit and in small groups, visited hospitals, a private ambulance company, and paramedic educational facilities. Following this report is a list of individuals interviewed and hospitals and other facilities visited.

The Emergency Aid Program utilizes seventy-three hospital emergency rooms throughout the County. (For convenience, in this report, these will be referred to as EAP hospitals.) Additional emergency rooms licensed under state regulations are also available. Most of these emergency rooms are in privately owned hospitals. The seventy-three hospitals are linked by an EAP contract which defines the responsibilities of the emergency rooms and the reimbursement for services for which the patient cannot or does not pay. The County assumes the cost at Medi-Cal rates for services (except the physician's) rendered an indigent. The emergency rooms are responsible for making specified efforts to collect payment from the patient or from Medicare, Medi-Cal, or private insurer.

An integral part of EAP is the paramedic and ambulance service which offers aid to the injured victim at the site and, if necessary, transportation to the nearest emergency room. As soon as an indigent patient at an emergency room is stable, he is transferred to a county hospital for definitive treatment. Under similar circumstances other patients may be transferred to hospitals of their choice, including county-sponsored emergency rooms and special facilities. Note is made here that transfer of patients, indigent and otherwise, is often necessary, especially from emergency rooms that do not have the staff or the specialized equipment to provide the services required (e. g., for victims who suffer severe burns, trauma, or sea-diving accidents).

The concept of EAP dates from about 1947 when Medicare, Medi-Cal, and private medical insurance plans were not as widespread as they are today. Since then, paramedic services have been established throughout the County. Additionally, a Medical Alert Center (MAC) has been developed which has the potential of linking the paramedical services with all county hospitals. It is used at present for patient transfer, for disaster coordination, and for some major medical emergencies.

Today, EAP serves more than 7 million people in an area of almost forty-one hundred square miles, and this population includes a much larger number and percentage of illegal aliens, often called undocumented, than it did in 1947. Because these residents are neither eligible for Medicare or Medi-Cal nor covered by medical plans or medical insurance, the County pays the costs incurred under EAP. It is estimated that the annual cost of all medical services to undocumented aliens at county-sponsored medical facilities is in excess of \$120 million, of which a small portion is expended on emergency medical service. The Committee tried but was unable to obtain data on the number of aliens involved in EAP expenses, though several people suggested that about 15 percent of the \$5.6 million 1979-80 budget was spent in treating undocumented aliens.

Because of publicity in certain newspapers (see below), EAP came under public scrutiny during the early months of 1980. The prinicipal charge was that emergency rooms are prone to transfer to a county facility any patient who appears to be indigent, even if transfer endangers the patient's life. Another charge was that some emergency rooms have performed services (including tests of various kinds) that are not necessary, or have failed to transmit records of tests performed to the county hospital, or have billed for services not performed.

An associated problem with the treatment of indigents is the perception by physicians that indigents are more likely than other patients to institute malpractice suits. Here again the Committee was unable to obtain data on the number of such suits. The Committee was told that this perception is partially based on the fact that a large number of indigents are victims of injuries (e.g., to the head or spinal cord) that do not respond satisfactorily to medical service, no matter how qualified the surgeon may be. As a result of this perception, some doctors are reluctant to participate in cases involving head or spinal injuries.

The Grand Jury believes that EAP is one of the most valuable services offered to residents of Los Angeles County. In fact, this County is one of the very few in the nation to offer such services to its residents. EAP touches all people, regardless of socioeconomic status. The review of EAP to follow and the recommendations the Grand Jury makes are to strengthen and improve EAP—to make it more valuable to all who live here by increasing the firm leadership role of the County's Department of Health Services.

## AREAS OF CONCERN

### A. Emergency Medical Service

- 1. "Patient dumping"
- 2. Emergency Aid Program (EAP)
- 3. Emergency room facilities, including MAC and CPCS
- 4. Remedial measures
  - a. Trauma centers
  - b. Modification of EAP and MAC/CPCS
  - c. Emergency Medical Services Commission

- B. Communicable diseases
- C. Home Health Care Program

### FINDINGS AND RECOMMENDATIONS

A. Emergency
Medical Service
1. "Patient
dumping"

In July 1980 the Long Beach Independent, Press-Telegram published a series of articles by reporters Gerald P. Merrell and John F. Fried concerning deficiencies in Los Angeles County's Emergency Aid Program. The study included a retrospective analysis of sixty-three emergency patient deaths within the county medical system. This analysis was reviewed for the newspaper by a panel of emergency medical specialists who found that 59 percent of the deaths could have been prevented by proper and timely diagnosis and treatment, especially by surgical intervention. Most instances involved trauma and a high proportion involved transfer of patients from community hospital emergency rooms to county facilities before indicated life-support therapy was instituted and before the patient's condition was stabilized. A principal factor in several of the transfers was the unavailability of surgical specialists and of activated operating room facilities. Merrell and Fried also found that most of these inappropriately transferred patients were without financial resources and were not insurable under Medicare or Medi-Cal because of their status as illegal aliens.

The Committee began its investigation by interviewing the two reporters and then spent several months visiting various facilities and meeting with many individuals involved in emergency medical service. Meanwhile, in response to the *Long Beach Independent, Press-Telegram* articles, the Board of Supervisors requested the Department of Health Services to analyze inappropriate patient management and transfer ("patient dumping") by the County during the month of August 1980. The Department found an incidence of improper and inappropriate emergency room management and patient transfer of only 0.6 percent during this time period. The difference between the Department's figures and those reported by Merrell and Fried can be explained in part by the fact that the Merrell-Fried data covered a longer period and included only persons who had expired, while the Department's data covered all emergency room patients treated during a one-month period.

To clarify these issues, the Committee arranged a panel discussion on October 20, 1980, involving selected persons from the Department of Health Services, Los Angeles County-USC Hospital emergency room, and reporter John Fried. This discussion, which was held before the Grand Jury, helped the Committee to weigh the strengths and weaknesses of the EAP system and to formulate the material included in its Interim Report which was delivered to the Board of Supervisors in early January 1981.

Following submission of the Interim Report, the Health and Hospital Services Committee continued its studies of this issue and its Final Report is based upon

considerable additional input from the Director of the Department of Health Services, the Chairman of the Los Angeles County Emergency Medical Services Commission, the administrative staffs of LAC-USC Hospital emergency room and the MAC facility, and the Department of Communications.

2. Emergency
Aid Program
(EAP)

The prehospital phase of emergency medical service includes the dispatch of paramedics rendering life support. These paramedics transmit clinical data by radiotelephone to one of the paramedic base hospitals and in turn receive professional medical instructions from this hospital. This element of the prehospital phase is efficient and well coordinated. But ambulance transport to emergency rooms, by public vehicles in the case of the City of Los Angeles and private ambulances in the case of Los Angeles County (at differing billing rates), involves some problems. Under California Administrative Code, Title XIII, Section 1105 (c), the ambulance driver's destination shall be "the most accessible emergency medical facility equipped, staffed and prepared to administer care appropriate to the needs of the patients". In practice, however, because of the aforementioned lack of surgical specialists and activated facilities, patients requiring surgery are too often transported to emergency rooms where needed care is not provided. This is especially so with victims of major trauma.

Emergency medical victims transported to an emergency room are issued an EAP "ticket". This ticket assures the hospital participating in EAP of reimbursement for hospital (not physician) services at Medi-Cal rates (i. e., 80 percent of the amount billed for indicated services). Under the EAP contractual agreement, patients deemed to be indigent (as previously defined) are to be transported to a Los Angeles County medical facility for definitive therapy when and if the patient's condition permits safe transfer. Often, the Committee was told, financial concerns of participating hospitals and physicians, as well as the threat of malpractice suits, combine to promote patient dumping. It is not surprising that this affects the medically uninsurable indigent more frequently.

3. Emergency room facilities, including MAC and CPCS

This County is rich in medical resources and professional talent. The emergency centers of two of the nation's leading medical schools (LAC-USC Hospital, Harbor-UCLA Hospital, Martin Luther King Hospital) are crucial components of EAP. Their emergency room facilities, together with certain others that are state owned or privately owned, are capable of rendering optimal medical care to the most serious and complex emergency medical problems.

However, no matter how qualified an emergency room may be, the following factors must be considered:

Patient load. Utilization of emergency rooms by our society has increased steadily. Most of this use (75-80 percent) involves nonemergency, even nonurgent, complaints. This traffic affects the staff and facilities available to handle serious emergencies.

Physician staffing patterns. "Teaching hospitals," especially those that are a part of a medical school, have emergency rooms staffed round the clock

by salaried physicians in residency or fellowship training. With supervision and backup by faculty, these trainees are capable of handling all types of major medical emergencies, and their income is unaffected by the patient's financial status or insurability.

Few privately owned hospitals, however, have residency training programs covering all medical and surgical specialties, and therefore their emergency services are more limited. Most of these hospitals have an emergency medical director and one or two other specialists in emergency medicine, all of whom are on contract to the hospital. These specialists usually are not qualified to perform major surgery and are not allowed to admit patients to the hospital for additional care. As a result, private hospital emergency rooms, which comprise the majority of EAP-related facilities, depend upon physicians in private practice with staff admitting privileges to render service for major emergency problems. Such physicians may be on the staffs of several hospitals.

A further staffing problem occurs where rare medical skills are needed. Since the demand for such skills (e. g., neurosurgery) is infrequent, a given emergency room may find no specialist available at certain times. This is particularly true in outlying areas of the County where all of these staffing problems are more likely to occur.

Equipment and special in-patient facilities and nursing staff. Availability of sophisticated equipment to handle certain emergency events (e.g., computerized tomography for head injuries) may not be available at the moment it is required. Similarly, there may not be enough intensive care beds or enough technically trained nurses to monitor them.

All the considerations listed—patient load, staffing patterns, equipment and special facilities—affect emergency treatment and hence the appropriateness of transfer of emergency victims to county facilities.

The staff of the Medical Alert Center (MAC) reports that the incidence of patient dumping from community hospitals to LAC-USC Hospital's emergency room has been steadily reduced from 60 percent to less than 10 percent in the five-year period MAC has been in operation. Diagnosis, transfer timing, and life-support procedures en route for patients being transferred have been improved by telephone consultation between the emergency room staffs of the referring hospitals and the MAC staff. Moreover, EAP hospitals are provided by MAC with protocols for optimal medical procedures in various types of emergency problems. Of equal significance is MAC's potential ability to organize the emergency hospital and paramedic response to major disasters.

MAC, as a communication hub, is presently limited to that phase of emergency medical service which involves emergency room care and the transfer of patients to LAC-USC Hospital. MAC is not now equipped to obtain knowledge of prehospital emergency events or the disposition of patients outside of its own area of service. However, the LAC-USC emergency room with which MAC coordinates serves as a base hospital for fifteen fire departments and their paramedics. In other service areas, disposition of emergency victims is directed by the particular base hospital contacted by paramedics.

Los Angeles County Department of Communications is presently implementing a Coordinated Paramedic Communications System (CPCS) which will provide improved radiotelephone communications between the paramedic in the field and the base-hospital physician. This system, which is to be fully developed over the 1980-90 decade, is already largely funded by the federal government, and much of the needed equipment is in place for servicing the base station and EAP hospital network. As a result of the Department of Communication's review of the January 1981 Grand Jury Interim Report, this CPCS computerized radiotelephone system will be coordinated with MAC to provide paramedics in the field with instructions from base stations and MAC concerning the optimal emergency room to receive the particular emergency victim at any given time. This sophisticated communications system will enable the EAP-related hospitals and emergency rooms to provide optimal medical care for all varieties of emergency events and, moreover, will furnish the data required to assess the performance of each component of the county emergency medical service. The Grand Jury believes that this communications capability, involving seventy-three plus EAP hospital emergency rooms, will provide Los Angeles County with an emergency medical service second to none.

4. Remedial measures a. Trauma centers

The Grand Jury has been favorably impressed with most of the components of the complicated emergency medical service of this County and in particular with the capabilities of the Emergency Medical Services Commission. The Jury is aware that the Commission is currently studying the establishment of a selected number of "trauma centers". The Jury is also aware that in certain smaller counties (e. g., Orange and Marin) the trauma-center approach has worked well. However, the Grand Jury believes that the practicability of this approach in a county as vast as Los Angeles must be carefully assessed for its effect on EAP and participating hospitals as well as its effect upon the county budget.

The trauma-center concept of providing round-the-clock surgical, nursing, and anesthesiology staffs, in addition to other required support systems, is enormously expensive for a nonteaching hospital. To provide just one surgical position (three individuals available full time on eight-hour shifts) would require about \$400,000 annually at current rates. Each trauma center would require several such surgical positions, and studies by the Emergency Medical Services Commission indicate that seven to ten trauma centers would be required to provide adequate coverage throughout the County.

b. Modification of EAP and MAC/CPCS

In fact, a number of facilities in Los Angeles County's EAP program are already quite capable of providing optimal care for any emergency event, as long as their emergency rooms and specialist staffs are available at the time required. Consequently, a more practical solution would seem to lie in deployment of emergency victims to the nearest emergency room capable of handling that victim at that time.

To implement EAP in this fashion requires:

Up-to-date knowledge by MAC/CPCS of the capability of each emer-

emergency room at the time of the emergency event. MAC/CPCS should be provided with data concerning the availability of professional staff, operating rooms, special equipment, and intensive care units at each EAP hospital. Since emergency rooms and hospitals vary in composition, some EAP emergency rooms may be judged unsuitable for certain types of emergency events. Under this system, paramedics transporting victims requiring specialized surgical intervention would know in advance which hospital emergency rooms could not handle such a patient. Nevertheless, such hospital emergency rooms would remain in the EAP system to receive other types of emergency events and to provide medical care for the 75-80 percent of patients using emergency rooms for nonemergency matters.

Knowledge by MAC/CPCS of the particular emergency event from the time paramedics arrive at the scene. MAC/CPCS, by having information concerning current emergency room capability and particular clinical findings, would supplement the base hospital's role in directing an ambulance to a particular EAP facility. MAC/CPCS would have the authority to override directions given by the base hospital concerning the patient's destination in order to provide optimal medical service to the patient. Contracts with city and private ambulance services would have to be modified accordingly. Also the communications system should be enlarged and expanded so that MAC/CPCS could monitor communications between paramedics and base hospitals, countywide. Implementation of CPCS must be closely coordinated with MAC, giving the physicians manning MAC control of directions to paramedics and ambulance drivers.

Department of Health Services evaluation of the services by emergency room components of EAP. This departmental function could become an ongoing reality if the centralized MAC/CPCS operation, described above, is implemented. MAC/CPCS would record data concerning each emergency event occurring in the County.

Firm and positive leadership of EAP and emergency medical service by Department of Health Services. County administration must be responsible for realistic assessment of each component emergency room capability and must effectively monitor the performance of emergency medical service. It must move to correct known deficiencies, such as lack of reimbursement for participating private physicians and the absence of malpractice protection for physicians who render service to indigent patients under EAP.

c. Emergency
Medical
Services
Commission

The composition of and charge to the Emergency Medical Services Commission must be geared to develop the highest quality and efficiency of emergency medical service. For example, the City of Los Angeles Fire Department and its paramedics serve about one half of the County's population requiring emergency medical service; it does so by utilizing city dispatching services, city-owned vehicles, and personnel salaried by the City. Yet the City of Los Angeles, which expends some \$10 million annually on emergency medical service, does not always have a representative on the Commission. Furthermore, coordination between the city and county emergency medical service is far from satisfactory.

The Grand Jury believes that countywide emergency medical service will not be optimal without Department of Health Service leadership willing to assess the capability of EAP components and able to monitor their performance. Whether or not trauma centers are implemented, the Jury believes that the EAP concept and system will endure in this County.

### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

1. That the communications and control system now in effect be modified and greatly expanded. This will provide physicians at base hospitals through MAC/CPCS with knowledge of the capabilities and current status of each emergency room qualified to receive a particular victim.

The Grand Jury has learned that this communications capability to direct the prehospital phase of emergency medical service within the EAP network is well under way. However, CPCS must be closely coordinated with MAC. The Grand Jury is confident that the MAC/CPCS system, when fully coordinated, will provide EAP with a capacity for emergency medical service second to none and that, as a result, the incidence of patient dumping will be minimized. The Grand Jury recommends that this matter be given the highest priority.

- 2. That the provisions of Section 1105 (c) of Title XIII of the Administrative Code pertaining to the delivery of an accident victim to the nearest emergency room appropriately staffed and equipped (i.e., the nearest optimal emergency room) be enforced.
- 3. That the County Health Services Department continue the development of its own effective monitoring, assessment, and inspection team to evaluate each EAP hospital's capability for handling various types of medical emergencies. The Grand Jury further recommends that procedures and criteria essential to effective monitoring be developed with the help of the Los Angeles County Emergency Medical Services Commission.
- 4. That the Department of Health Service broaden its base of EAP consultants and advisors through the Emergency Medical Services Commission to include a county fiscal expert in hospital operations, as well as continuing representation of the Los Angeles City Fire Department Paramedic Program. It is important that this Commission have as broad a base as possible in order to fulfill its responsibilities in the continuing development of EAP. Although the Los Angeles County Medical Association and the Hospital Council of Southern California are well represented in connection with EAP, it must be remembered that the primary interests of both of these private organizations are those of their members.

- 5. That there be closer coordination between the Los Angeles County paramedic system, the various local city paramedic systems, and the private ambulance systems. Such coordination could be brought about by a wider representation of various paramedic and ambulance systems on the Emergency Medical Services Commission and by revised contractual arrangements with various ambulance and paramedic services (public and private) to implement delivery of victims to the most suitable emergency room.
- 6. That the County of Los Angeles revise its EAP contracts which are now essentially identical for all participating hospitals and have been little revised since 1947. The Grand Jury further recommends that separate contracts be negotiated with each individual emergency room hospital on the basis of staff, facilities, equipment, and location. Such separate contracts, the Jury believes, are essential for the provision of optimal medical care for different types of emergencies. The Jury further recommends that the Department of Health Services evaluate and designate those hospitals capable of handling major emergencies, as well as those that are not. In the light of this recommendation, it may be necessary to reduce the total number of EAP hospitals to eliminate those whose standards or activities have not been compatible with adequate emergency treatment. Rigid standards should be applied to all contract hospitals, and those that do not comply should have their contracts cancelled. Nevertheless, under the plan proposed, emergency rooms serving the 75-80 percent of nonemergency patients who come to such facilities may remain in the EAP system but be bypassed where major medical emergencies are involved.

In connection with the revision of EAP contracts, the Grand Jury further recommends that provision be included for the payment of medical and surgical specialists (other than those on hospital salary) who assume responsibility for diagnosis and treatment of medically indigent victims and that this payment be made at Medi-Cal rates by the County. The fact that specialists are not now being paid for their services has been cited as one of the causes of inappropriate transfer of patients. The Grand Jury is aware that this matter has been before the Board of Supervisors on numerous occasions since 1972, that the Emergency Medical Services Commission and the Department of Health Services recommend such payment, and that state law prohibits reimbursement of such physicians by hospitals.

7. That doctors who assume responsibility for treating patients on an emergency basis in an emergency room should also be protected by the Good Samaritan Law. The Grand Jury urges the Board of Supervisors to continue its support of proposed legislation to extend the Good Samaritan provisions to doctors working with EAP patients in emergency rooms, so that such physicians may be able to treat all emergency victims without fear of malpractice suits.

8. That the Department of Health Services determine the dollar amount and the proportion of the budget expended for treatment of undocumented aliens. Such information should help resolve the issue of the degree of financial responsibility of state and federal governments. The Grand Jury further recommends that the Board of Supervisors continue its efforts to force the state and federal governments to accept their financial responsibilities. However, the Grand Jury feels that the emergency needs of these aliens must be met regardless of whether or not the County is reimbursed.

The following letter concerning this matter was sent by the Grand Jury to the Board of Supervisors on March 30, 1981:

The Grand Jury is concerned that the Board of Supervisors, in an attempt to force state and federal government to face their responsibilities, has found it necessary to deny nonemergency health services to illegal aliens who refuse to register for Medi-Cal. State and federal government must realize that many illegal aliens are employed, are paying state and federal taxes which support Medi-Cal and Medicare, and that Los Angeles County is thus entitled to reimbursement for health services provided to these aliens. However, the Board of Supervisors must understand that illegal aliens are afraid to claim benefits to which they are entitled, since any information they provide may be turned over to the Immigration Service, resulting in their deportation. A possible solution to this problem might be for Congress to pass a law or for the President to issue an Executive Order making applications for government medical insurance privileged information, not subject to scrutiny by the Immigration Service.

If such action is not forthcoming, the Grand Jury foresees the development of serious health problems throughout the County. Although the treatment of communicable diseases has been exempted from the Board's order, the Jury thinks it unlikely that illegal aliens will seek treatment—thus risking deportation—even if such diseases have reached epidemic proportion. In effect, the order of the Board of Supervisors will expose the larger body of the community to the danger of disease, and the Supervisors must recognize that the cost of controlling such disease could far exceed the present cost to the County of providing medical care to illegal aliens. It seems dangerous to deny health services to any single group of residents, since disease does not stop at immigrants' houses.

However, let the record show that the issue which is being addressed here lies within the province of public health. The Grand Jury is in no way addressing the larger problem of documentation of or citizenship for these aliens, and its recommendations in no way suggest that these aliens are here legally or are entitled to all the rights and privileges of United States citizenship. This larger matter is beyond the scope of the Los Angeles County Grand Jury, whereas the availability of medical treatment for all residents of Los Angeles County at county facilities is very much within its purview.

The Grand Jury believes that there are certain moral obligations inherent in a civilized society. Surely one of these is healing the sick without consideration of the status of the individual. Denying medical care to the poor, for whatever reason, is not consistent with humanitarian concepts and could be fiscally irresponsible.

Therefore, the Grand Jury recommends that the Board of Supervisors urge the President to issue an Executive Order declaring applications for government health insurance privileged and not subject to the scrutiny of the Immigration Service. Failing such executive action, the Jury recommends that the Board of Supervisors urge the California Congressional delegation to introduce legislation for this purpose. The Grand Jury further recommends that the Board of Supervisors, while exploring alternative solutions to this critical problem, rescind its action of March 17 and make health care available to all residents of the County without regard to their willingness to register for Medi-Cal.

## B. Communicable diseases

The prevalence of many varieties of communicable diseases in Los Angeles County has increased, largely because of the greater number of persons from Asia and Central and South Amercia now residing in the County. Moreover, the effects of Proposition 13 have diminished the local and state tax base for funding preventive measures, such as mosquito abatement, vector control, and screening for tuberculosis. Although the Grand Jury has not made a thorough investigation of any of these important areas of public health, it has reviewed news releases and data supplied by the Deputy Director of Preventive/Public Health Services, the Department of Health Services, the Public Health Commission, and others, and wishes to comment on three issues.

At a time when the threat to public health from encephalitis and malaria (two insect-borne diseases) is increasing because of the aforementioned changes in population, the budget for the Southeast Mosquito Abatement District is diminishing on a per-capita basis. This County is fortunate that it has not yet experienced an epidemic of such diseases in view of the limitations on this program.

A similar situation exists concerning the control of vectors of such diseases as bubonic plague, i.e., rats and other rodents. Because of budgetary restrictions, rat control on an organized basis has been largely abandoned, although the County responds to individual complaints. The potential for a serious outbreak of plague exists in some sections, such as the foothills of Pomona and the San Fernando Valley.

Tuberculosis control has been a concern of the Grand Jury since 1978, when it became apparent that, contrary to the national downward trend in the number and the rate of cases, the trend in Los Angeles County was static or increasing. While the number of active cases nationally declined from 30, 145 in 1977 to 7,669 in 1979, the number of cases in Los Angeles County rose from 3,456 to 3,642. The comparable annual rates of new cases reported per 100,000 population were 13.9 and 12.6 nationally to 21.1 and 18.9 locally. The Director of Health Services reported to the Supervisors that for 1980, "Partial data, projected to one year, indicates an 11% rate increase over 1979." The estimated number of cases for 1980 is projected to 1,521 and the rate to 21.0. However, the number of undiagnosed, communicable cases of TB is known to be much higher. These increases are attributed to the influx of immigrants and the increasing incidence of TB among homeless alcoholics and among lowincome persons of all races.

The Grand Jury is aware that the Department of Health Services has recognized the seriousness of this problem. The Department has not only alerted the public, but has taken steps to reduce the incidence of TB through testing, x-ray, school screening, treatment, and other preventive services. The Department's small budget for tuberculosis control, supplemented by limited federal funds, is inadequate to meet the needs of the whole County.

### RECOMMENDATION

The 1980-81 Grand Jury supports the recommendations of previous grand juries that county government give a high priority to programs involving mosquito abatement, vector control, and control of tuberculosis in high-incidence areas of the County.

### C. Home Health Care Program

The Home Health Care Program at LAC-USC Hospital involves physicians in training, nursing personnel, and social workers who supervise the medical needs of persons living at home with illnesses or disabilities. The Home Health Care Program complements hospital-based medical care at a much lower cost than that of nursing home or convalescent hospital confinement. While nursing home care amounts to \$2200 or more per month at facilities providing minimum nursing and medical care, the average cost for home health care is about \$125 per month.

In addition, the practical experience of providing home health care is beneficial to the nurses and physicians involved. The continuity of medical care, supplementing in-patient and out-patient services, has greatly reduced the frequency of repeat hospitalizations and the length of stay. Moreover, the indicated diagnostic studies and treatment procedures are reduced in number and expedited by the continuing monitoring of patients at home. Those in charge of this program have found a high percentage of patients who cooperate, who demonstrate compliance with recommended medical measures, and whose families work with the physicians, nurses, and social service workers for the patients' benefit. A large number of persons presently in nursing homes— 20 to 60 percent depending upon the type of facility—could be better cared for at home, according to those responsible for this program.

### RECOMMENDATION

Therefore, the Grand Jury recommends that this important and innovative program be given the recognition it deserves. The Jury encourages county government to enlarge and extend the Home Health Care Program to other county hospital facilities.

Charles G. Craddock, M.D., Chairman Seymour Kern, Chairman Pro Tem Marian K. Barton Ruth A. Kraft John Lombardi Carol B. Pearson Edith Schneider Annette D. Yancey John B. Yodice

### APPENDIX A

Individuals interviewed by members of the Health and Hospital Services Committee and speakers at meetings of the Health and Hospital Services Committee.

Anthony J. Abbate, vice president, Hospital Association of Southern California

Nilofar Amier, contract administrator, Department of Health Services

Gail V. Anderson, M.D., director, Emergency Services, Los Angeles County-USC Medical Center

Sandra J. Anderson, deputy director, Juvenile and Emergency Programs, Department of Health Services

Lailee Bakhtiar, M.D., president, Bay District, Los Angeles County Medical Association

Jack E. Bamberg, assistant chief, Health Facilities, Department of Health Services

Joseph Bateman, M.D., director, Home Care Services, Los Angeles County-USC Medical Center

Sol Bernstein, M.D., medical director, Los Angeles County-USC Medical Center

Joseph Bogen, M.D., chairman, Emergency Committee, Neurosurgical Society of Southern California

Clyde Bragdon, fire chief, Los Angeles County Fire Department

Warren Calvo, operations manager, Schaefer's Ambulance Service

Truman Chaffin, manager, Emergency Medical Systems Division

Schumarry Chao, M.D., administrator, Medical Alert Center, Los Angeles County-USC Medical Center

David Childress, R.S., health facilities surveyor, Enforcement and Surveillance Unit, Department of Health Services

William Collins, Department of Administration, UCLA Hospital and Clinic

Richard Corlin, M.D., past president, Los Angeles County Medical Association

Gerald Crary, M.D., assistant director, Department of Emergency Medicine, Los Angeles County-USC Medical Center

Ardell Crite, area administrator, Department of Emergency Medicine

Pat Dana, R.N., inspector, Emergency Aid Program Emergency Rooms

Judy Detchmundy, Emergency Aid Program, Department of Health Services

Marian Diamond, chief, Emergency Aid Program, Department of Health Services

Francis J. Dowling, director, Inspector and Audit Division, Department of Health Services

Paul Drozd, executive director, Los Angeles County-USC Medical Center

John J. Fried, medical science writer, Long Beach Independent, Press-Telegram

Frederick W. Furland, head, Fire/Health Services Major Projects Section, Department of Communications

Walter Graf, M.D., chairman, Emergency Medical Services Commission

Clara Haines, administrator, Los Angeles County-USC Medical Center

Johanne E. Hanser, chairman, Health Committee, Grand Jurors Association

Milton D. Heifitz, M.D., former president, Neurosurgical Association of Southern California

Millie Hobbs, director, Paramedic Training, Daniel Freeman Memorial Hospital

Dal Howard, battalion chief, Los Angeles City Fire Department

Joseph Indenbaum, M.D., medical director, Department of Health Services

Ben Jacobowitz, member, Los Angeles Health Planning and Development Agency, a federally funded agency in Department of Health Services

Denis Johnson, associate administrator, Los Angeles County-USC Medical Center

Joe Keyes, Medical Alert Center, Los Angeles County-USC Medical Center

Ralph Lopez, chief, Health Facilities Division, Department of Health Services

Charles Mc Elroy, M.D., director, UCLA Emergency Center

Gerald P. Merrell, reporter, Los Angeles Independent, Press-Telegram

Marshall Morgan, M.D., director, Emergency Room, Santa Monica Hospital and Medical

George Oakes, Medico-Legal Division, District Attorney's Office

David E. Orban, M.D., assistant director, UCLA Emergency Center

Ronald Rich, M.D., neurosurgeon

J. Walter Schaefer, president, Schaefer's Ambulance Service

Evelyn Schreiber, member, Los Angeles County Grand Jury Health Services Committee, 1979-80

Douglas Steele, deputy director, Special Services, Department of Health Services

Evelyn Thompson, director, Medical Social Services, Los Angeles County-USC Medical Center

George Y. Tice, director, Department of Communications

Leonard Tureaud, M.D., medical director, Martin Luther King General Hospital

Robert W. White, director, Department of Health Services

William Wright, M.D., neurosurgeon

#### APPENDIX B

Documents: Reports, letters, laws and ordinances, newspaper and magazine articles, etc.

### I. Orgins and Development of EAP

- A. History of the EAP Program, AL, 3/15/79, 2 pages.
- B. Wedworth-Townsend Paramedic Act (Sections 1480-1485 of California Health and Safety Code).
- C. Senate Bill 125, California State Legislature, 1980.
- D. Contract: "Emergency Hospital and Medical Care Agreement" between the County of Los Angeles and the participating hospitals "for emergency in-patient hospital service and medical treatment for indigent persons who are injured in accidents and for other incapacitated persons unable through themselves to acquire such hospital service and medical treatment." "December 1977 Sample." Adopted, Board of Supervisors, January 3, 1978.
- E. "The Emergency Aid Plan for Emergency Ambulance and Hospital Medical Services," AL/jfb, February 1980, 4 pages.
- F. Robert W. White, director of Department of Health Services, "Proposal: Emergency Aid Plan Program Modifications," presented to the Board of Supervisors, March 13, 1979.
- G. Amendment to Administrative Code provisions relating to the Los Angeles County Emergency Medical Services Commission's composition and duties, address to the Board of Supervisors by the County Counsel, August 4, 1980.
- H. Membership Roster, Los Angeles County Emergency Medical Services Commission, October 21, 1980.
- I. Los Angeles County Department of Health Services, "Survey of Neurosurgical Services," ca. November 1977, 1-page questionnaire. Results (if any) of Survey not available.
- J. LAC-USC Medical Center, "Grand Jury Visit," September 15, 1980, 4 pages. Description of emergency medicine and a 1-page "Capacity and Functional Statistics."
- K. "Disaster Drill," September 15, 1980, 4 pages. Simulated drill by Medical Alert Center.

L. "Last-Minute Ruling by Powell Opens Doors to Texas Schools for Illegal Aliens," Phi Delta Kappa Bulletin, 62 (October 1980), 83.

#### II. Evaluation of EAP

- A. Gerald P. Merrell and John J. Fried, "Patient Dumping," reprint of articles that appeared in the *Long Beach Independent, Press-Telegram*, July 6-16, 1980, 32 pages.
- B. Memorandum from Joseph L. Lim, statistical analyst, to William A. Delgardo, hospital administrator (Martin Luther King General Hospital), September 24, 1980. Re: "Quickie Statistical Data Request".
- C. Robert W. White, Preliminary Report to the Board of Supervisors, "Examination of Emergency Aid Program", August 18, 1980.
- D. Robert W. White, Final Report to the Board of Supervisors, "Examination of Emergency Aid Program," September 16, 1980.
- E. John J. Fried, "County Denies Big EAP Problem", Long Beach Independent, Press-Telegram, September 18, 1980, page 1.
- F. John J. Fried, "'Whitewash' of County Emergency Aid Charged," Long Beach Independent, Press-Telegram, September 21, 1980, page 1.
- G. Anthony J. Abbate, vice president of Hospital Council of Southern California, "Position Statement of the Council Relative to the 1980-81 Emergency Aid Plan (EAP) Budget."
- H. Letter from Robert W. White to Charles G. Craddock, M.D., February 17, 1981.
   Re: Review of and comments on the Grand Jury Interim Report on EMS.
- I. Frederick W. Furland, head, Fire/Health Services Major Projects Section, Department of Communications, "Coordinated Paramedic Communication System," presented to the Emergency Medical Services Commission, March 18, 1981.
- J. Memorandum from Frederick W. Furland to George Tice, director, Department of Communications, and Geoffrey S. Hayes, head, Sheriff's Department Section, Department of Communications, to Charles G. Craddock, M.D., March 24, 1981. Re: Grand Jury Interim Report; comments on recommendations for a briefing of the Grand Jury.
- K. Letter from George Y. Tice to Charles G. Craddock, M.D., March 24, 1981. Re: Grand Jury Interim Report.

#### III. Miscellaneous

- A. Letter from Anna H. Cunningham to the Grand Jury, January 1, 1980. Re: 1979-80 Grand Jury Findings and Recommendations regarding Tuberculosis.
- B. Touche-Ross Management Survey of County Ambulance Services, 1975-76.
- C. Jon Franklin and Alan Doelp, "The World's Best Emergency Room," Family Circle, May 13, 1980, 4 pages.
- D. Letter from Robert T. Riffel to John B. Yodice, November 6, 1980. Re: Deviation from general practice in a "Request for Proposal" by Department of Health Services.

#### APPENDIX C

Visits to government offices, hospitals, paramedic learning centers, ambulance centers, etc.

Board of Supervisors, selected meetings

California Hospital

Harbor-UCLA Medical Center and Emergency Center

Los Angeles County-USC Medical Center

Los Angeles County Emergency Medical Services Commission, selected meetings

Los Angeles Health Planning and Development Agency

Los Angeles County Public Health Commission, selected meetings

Marina Mercy Hospital

Maritn Luther King Jr. General Hospital and Emergency Center

Medical Alert Center

Paramedic Training Center, Daniel Freeman Memorial Hospital

Paramedic Training Center, Harbor-UCLA Medical Center

Rancho Los Amigos Hospital

St. Joseph's Hospital, Burbank

Santa Monica Hospital and Medical Center

Schaefer's Ambulance Service

UCLA Medical Center, Emergency Medical Department



A Los Angeles City ambulance in 1938, operated by the forerunners of today's paramedics.

## **HUMAN SERVICES COMMITTEE**

#### **PURPOSE**

The Human Services Committee was formed to investigate human concerns not dealt with in the mandated committees or in those set up to study specific but broad areas involving many closely related issues. Thus, the areas of concern reported on here reflect the individual committee member's own awareness of community needs. The work of the Committee was divided among a number of subcommittees. The reports of two of these (Beaches and County Marriage Records) follow this report.

# AREAS OF CONCERN

- A. County cultural services
- B. County recreational services
  - 1. Methods of investigation
  - 2. Findings
- C. Senior citizens' affairs
  - 1. Background
  - 2. Findings
- D. County housing needs
  - 1. Background
  - 2. Findings

#### FINDINGS AND RECOMMENDATIONS

## A. County cultural services

County agencies handling cultural services were studied by a subcommittee of members particularly interested in this aspect of the County's services. It was noted by some of the directors of the Art Museum, the Natural History Museum, the Arboretum, and the Music and Performing Arts Commission that these agencies had not been officially visited by a grand jury within their memory.

The methods of investigation used by this Committee and the resulting findings, conclusions, and recommendations are included in the following letter sent to the Board of Supervisors on November 18, 1980:

The Human Services Committee of the Los Angeles County Grand Jury has made a study of departments that serve the cultural and recreational needs of the County. We have visited their administrators, studied their operational structures, noted how they are financed, and, insofar as was feasible, have inspected the physical facilities involved. We have learned that the limitation of operating budgets (a result of the passage of Proposition 13 in 1978), together with the continuing rise of inflation, has meant a greater dependence upon the support of the private sector and some curtailment of services offered.

In the case of the Art Museum, the Natural History Museum, and the Arboreta and Botanical Gardens, where formerly admission was free to the public, fees have had to be imposed. This has meant a considerable reduction in the number of visitors, although attendance has risen somewhat since the first sharp drop after admission fees were instituted.

In exploring ways of increasing service to the public, and particularly of increasing the number of visitors, since by their very nature museums and gardens must render most of their service (and certainly that part most appealing to the general public) on the site, we learned of an idea that had already been discussed to some extent by the directors of the Art Museum and Natural History Museum. This was to institute a common fee that would admit a visitor to both the Art Museum and the Page Museum (a branch of the Natural History Museum), since both are located in La Brea Park quite near each other. The common fee would, of course, be less than the combined separate admissions.

We believe a common fee would have great bargain appeal, especially to young families and senior citizens who might be reluctant to pay two separate admissions. We believe it would increase attendance at both institutions—thus increasing their service to the community—as well as generate more revenue.

#### RECOMMENDATIONS

The Grand Jury recommends that the Board of Supervisors authorize the development and adoption of a common admission fee to the Los Angeles County Art Museum and the Page Museum.

The Grand Jury further recommends that the Board of Supervisors authorize and direct a study of the feasibility of a future common fee plan to include other county-owned and operated facilities such as the main branch of the Museum of Natural History (in Exposition Park) and the several locations of the County Arboreta and Botanical Gardens.

B. County recreational services1. Methods of investigation

The Department of Parks & Recreation, as the County's main recreational agency, was selected for study by a subcommittee, which visited department headquarters on two occasions and conferred with the director and members of his staff. The Committee also reviewed printed materials explaining department organization and functions.

2. Findings

Parks & Recreation is a large organization, with many and diverse functions. It administers and maintains numerous and widely scattered parks, recreation areas, and work locations and employs hundreds of people who must be deployed and supervised. It became clear that this was an agency which showed evidence of problem solving through innovative and constructive procedures and programs. However, it was also obvious that there was great potential for inefficiency and waste. The Committee became convinced that unsolved problems still existed and were probably inherited by the current director, a comparative newcomer to the County.

After consideration of the Subcommittee's findings, the full Committee concluded that it would be desirable to have both the positive and negative aspects of the Department of Parks & Recreation investigated more thoroughly. Therefore, a request for an audit was submitted to the Audit Committee. Coincidentally, the Grand Jury's contract auditor was also prepared to recommend such an audit for the same reasons. The audit was authorized and accomplished, and the results are included in the Audit Committee's report.

One example of outstandingly constructive programming by the Department of Parks & Recreation is described in the final report of the Juvenile Concerns Committee. This program is carried out in cooperation with the Probation Department and operates to the mutual benefit of both departments and juvenile offenders selected to participate in it.

C. Senior citizens' affairs1. Background

Because the elderly are now a large and rapidly growing segment of our population, the problems of the aging are of increasing concern to society. Furthermore, the normal and inevitable problems have been intensified by the pressures of a difficult economy, by changes in family structure, and by the fact that people are not only living long enough to become "senior citizens", but are going beyond that to become what is now being called the "old old."

Services to the aged seemed, therefore, a valid concern of the Human Services Committee, and a subcommittee was formed for the purpose of studying some of the needs of seniors and what the County is doing to meet them. This is particularly fitting in view of the fact that 1981 is the Year of the White House Conference on Aging.

Even the most cursory glance at the concerns of seniors is sufficient to show that safe, decent, and affordable housing, good nutrition, and adequate health care are the basic needs of which society is most aware. But beyond those are others just as important, if the added years are to be worth the struggle of daily living. Since problems of health care and housing were included among the concerns of other committees, the Subcommittee on Senior Citizens' Affairs restricted its investigation to the multipurpose centers that provide thousands of the elderly in Los Angeles County with opportunities for social contact, recreation, physical activity, mental stimulation, group travel, counseling, legal aid, low-cost balanced lunches, and referral to the proper agencies for help in other areas.

Both at the beginning and again near the end of the investigation, members of the Committee visited the offices of the County Department of Senior Citizens' Affairs and talked with the director and members of the staff. This office functions as the Area Agency on Aging (AAA), under the California Department of Aging, and in accordance with the provisions of the Older Americans Act. It mainly administers federal, state, and county funds to agencies who are under subcontract to provide direct services to senior citizens in the County (but excluding the City of Los Angeles). It also coordinates programs and resources and makes referrals for seniors in need of specific services provided by other agencies. In addition, it directly administers a multipurpose center in Antelope Valley, another in south Los Angeles, and is preparing to open a third in Altadena. The Subcommittee also studied printed materials secured from this department and other agencies, as well as various newspaper articles on the problems of aging and what is being done about them.

Members of the Subcommittee visited multipurpose senior citizens' centers in Glendale, Long Beach, Culver City, Santa Monica, San Fernando Valley, and central Los Angeles, as well as the two administered by the County

Department (the Antelope Valley Center and Willowbrook Center in south Los Angeles). All except the Willowbrook Center are extensively used by the seniors in the surrounding communities and offer a great range of activities and services, depending upon the size of each individual facility. Some are quite large, but the larger centers (which serve thousands of people each month) seem even more crowded than the smaller ones. Almost all centers provide space and facilities for low-cost lunch programs.

On its first visit to the Willowbrook Center in south Los Angeles, the Subcommittee learned that this very good physical facility was having difficulty attracting a sufficient number of users. The same situation existed at the time of the second visit a month later. However, a new director, with the cooperation of the County Department of Senior Citizens' Affairs staff and some volunteers, had begun a neighborhood outreach campaign. On its third visit some months later, the Subcommittee noted considerable increase in clientele and evidence of a full schedule of activities.

The main problem encountered by the Subcommittee in most of the centers was overcrowding because of the inability to expand or move from outgrown quarters. A related problem was that there are not enough such senior centers, especially in the more remote areas of the County. Nearly all center directors spoke of classes, groups, and activities they were planning to add or would like to add if they had sufficient space, but problems of finance make physical expansion difficult and undoubtedly limit the establishment of new centers.

The service that most directors would like to add is day care for seniors who are ambulatory and do not need hospital or nursing home care, but are handicapped by medical and/or physical conditions requiring constant supervision. The major difficulty in developing such a program is again one of space. These seniors would need a separate area, so that they could be cared for and involved in their own programs without hampering the activities of the able bodied.

#### 2. Findings

The development of the multipurpose senior citizens' center is one of the best things that ever happened to many thousands of elderly persons. Their lives have been enriched beyond reckoning, senility has been delayed or prevented, and their family relationships have been strengthened because they have found mental stimulation and outlets for their interests and skills and maintained contact with their peers. For those without close family ties, the center may offer the only opportunity for regular human contact and sharing. The Grand Jury commends the Department of Senior Citizens' Affairs on its Area Plan for a comprehensive and coordinated system of services for older people.

However, many elderly people who live within reach of these centers cannot benefit from them because of medical or physical handicaps which require constant supervision, though not hospitalization. Some of these people, of course, can be well cared for at home, but in many other cases it means that a relative who needs to be working must give up employment. There are also situations where a family is paying out more than it can afford for private home care for an aged relative. What often happens, where there is no money for this

sort of arrangement, is that aged people are left in nursing or convalescent homes, long after they should be removed. This is not only to their own physical and mental detriment, but also at great public expense.

Day care programs for seniors are being increasingly examined and advocated as a means of enriching the lives of medically handicapped people, while at the same time freeing relatives from the necessity of either caring for them constantly, paying individually for full-time day care, or placing them in convalescent or nursing homes where they do not really belong. It might be argued that families have the responsibility and obligation of caring for aged relatives both night and day and every day, but many homes and families are limited in the kinds of activities, recreational and otherwise, that can be shared with medically handicapped older people. It is almost impossible for families to offer the kinds of health information, counseling, peer interaction, and recreational opportunity that a day care center, under trained leadership, can incorporate in a five-day-a-week program. Even if fees were charged according to a family's ability to pay, the cost would be less than private full-time day care, and the possibilities for the handicapped senior would be infinitely greater in terms of maintaining social relationships and activities that keep minds functioning.

In preparation for meeting the need for one type of day care, the Department of Senior Citizens' Affairs is working with the County Department of Health Services (specifically, Pauline Roberts, M.D., chief of Geriatric Division) as part of a Planning Council appointed by the Board of Supervisors to establish a public adult day health care program according to state guidelines. This program would offer essentially the same kind of care as nursing homes but on an out-patient basis. Applications for centers (which would be licensed by the state) have been requested and will be reviewed by the Planning Council.

The Grand Jury commends the Board of Supervisors and the Department of Senior Citizens' Affairs for this step toward a system of health day care that should prove both more beneficial and less expensive than nursing homes for people needing a more limited type of care. However, this program seems more medically oriented than that needed by many other seniors who must be supervised, especially with regard to medication at regular hours. These minimally handicapped persons cannot participate in all the activities of more able-bodied people and actually are more in need of social interaction and recreational activity than expert health care. For these people, a program similar to, but more limited than, that of the regular multipurpose center, administered by personnel trained to supervise medication as well as group activities suited to the medically handicapped, would seem preferable. These day care programs would not need as much official supervision and inspection as day health care centers.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Board of Supervisors direct the Department of Senior Citizens' Affairs to develop a plan for

assisting interested multipurpose senior citizens' centers to establish day care programs for the minimally handicapped and secure the additional space, staff, and equipment needed to implement these programs. The Grand Jury further recommends that the Board of Supervisors develop a fee schedule so that individuals or families can pay for day care service according to their financial ability.

# D. County housing needs1. Background

The Subcommittee on Housing was formed to inquire into the housing shortage and to determine what plans are being formed and/or implemented by the County to ameliorate this situation. It soon became evident that this shortage affects primarily low- and moderate-income individuals and families. Housing for high-income people is in plentiful supply.

In studying the housing situation, the Subcommittee concentrated its attention on "affordable" housing for low- and moderate-income families. The term "affordable" is based upon income levels considered as "low" and "moderate" in official Housing and Urban Development (HUD) statistics. For July 1980, low income maximums varied from \$12,000 for a single person to \$17,000 for a family of four and \$21,400 for a family of eight. Moderate income maximums were \$18,000, \$25,650, and \$32,000 respectively. Based upon these figures, affordable housing prices varied from \$30,400 to \$54,000 for low-income families and from \$45,000 to \$81,000 for moderate-income families.

However, because of double-digit inflation and wage indexing, "low" and "lower-middle income" and "affordable" are terms representing figures that become larger each year. The income figures just quoted may have increased by as much as 1.1 percent per month beginning in July 1980. By the time this report is published, affordable housing in the \$81,400 range will probably have risen to \$90,000 or more. Rental figures, compared to income figures, are just as appalling. The human problems reflected in these numbers should be of increasing concern to local government, and governmental agencies must be involved in their solution.

From September 1980 to April 1981, the Subcommittee reviewed more than thirty newspaper articles dealing with the housing situation in Los Angeles County, interviewed Supervisors Edelman and Schabarum, and met with the heads of various housing agencies and other persons directly involved as builders or sellers of homes and apartments, as well as independent lay experts. A selected list of individuals interviewed, official reports examined, and newspaper articles on the housing situation follows this report.

#### 2. Findings

Every sector of government—city, county, state and federal—is involved in efforts to alleviate the housing shortage for those in the low- and moderate-income groups. These efforts take a variety of forms directly or indirectly designed to increase the number of affordable housing units and/or prevent the decrease of affordable units presently available. Illustrative of these efforts is Section 4 of Chapter 1207, State Government Code, which states in part: "The Legislature further finds and declares that the purpose of this act is to bring the supply of housing back into balance with demand as rapidly as possible, and within a predictable future period of time."

The state legislature has passed measures that will, when accepted and adopted by local communities, bring some relief. Among these are: (1) guidelines for the relaxation of stringent zoning ordinances regarding mobile home parks; (2) density bonus incentives for affordable housing (allowing more units to be built in a specific amount of space than permitted under existing regulations); (3) sale or lease of public lands for low- and moderate-income housing; (4) guidelines to help local government expedite the permit process; (5) selective exemptions from environmental controls (Chapter 1207, State Government Code). Another proposal encourages more building by permitting mixed commercial and residential use zones.

That the electorate has favored an increase in affordable housing is amply demonstrated by its approval of propositions that impose rent control, tax-exempt bonds for construction of low-rent and low-cost housing, moratoriums on conversion of apartments to condominiums, and compensation to tenants when apartments are converted to condominums.

Some officials are saying that because of the shortage of money available for government spending in all areas, the housing problem is going to have to be solved largely by the private sector. Another view, closely allied with this, is that when the market for high-cost housing has reached saturation point, the building industry will then turn its attention to the needs of low- and moderate-income families, but this may not occur for a long time. In the meantime, the tremendous gap between the money builders need to cover expenses and make a profit and the money low and moderate income buyers can afford to pay is too great to be ignored. The majority opinion is that government, especially the federal government, is going to have to find ways of subsidizing housing on a massive scale. The price of not doing so may prove disastrous in terms of human deprivation, crime, racial conflict, and general violent social dislocation.

It is evident that officials are determined to avoid the pitfalls of government-financed housing that prevailed in the post-World War II era. The fear that massive subsidized housing will deteriorate into slums is ever present. The current design preference in government-financed housing in this County, as housing experts advised the Subcommittee, is for not more than two attached units of single-family housing in contrast to the multiple attached units that prevailed and still exist in some eastern and northern cities.

The hope for massive financing is placed on the federal government, the county government, and the state government, in that order of preference. However, at this time (Spring 1981), there is little prospect that in the near future this kind of financing will come from any of the segments of government, unless the public and its elected local officials can convince the administration and Congress that housing budgets should be exempt from its proposed cuts.

A review of the various subsidized programs now in effect and projected will give some indication of how much is being accomplished and how much more needs to be done if adequate and affordable housing is to become a reality for low- and moderate-income households.

The most extensive program is that supervised by the County Housing Authority, under whose jurisdiction federal funds are distributed by HUD. One of its large programs, commonly referred to as Section 8, enables families with annual incomes not exceeding 80 percent of the median income of the community to obtain rentals not exceeding 24 percent of their annual incomes. In addition, Section 8 provides direct subsidies to builders, as well as indirect subsidies through housing finance agencies. Under this program, the County Housing Authority is helping about 8,000 low- and very low-income families to rent subsidized units through federal funds. Another 1,500 rental units will be made available through new construction and rehabilitation program loans to builders and property owners who agree to rent units to this group.

In cooperation with participating cities and assisted by federal funds, the County Department of Community Development enables low- and moderate-income familes to rehabilitate their homes and contractors to rehabilitate boarded-up homes or deteriorated housing units. Through these efforts and those carried on independently by the cities, about 2,000-3,000 units are annually rehabilitated.

Nonfederal financing that is extensively used comes from tax-exempt revenue bonds issued by local jurisdictions. These bonds make possible loans at below-market interest rates to developers and contractors. A \$50 million revenue tax-exempt bond issue is the core of the 1981 Edelman Rental Housing Proposal to finance apartment construction by private developers. Other incentives to builders under the Edelman Plan are density bonuses (more units per development), mixed commercial and residential use zones, fast-tracking of permits, and inexpensive lease or resale of county-owned lands. In return, the developers must agree to build at least 20 percent of the rental units for very low-income households (\$7,500 per year) and at least 10 percent for low-income households (\$12,500 per year).

However, the County Housing Task Force organized early in 1981 has experienced difficulty in attracting builders to submit proposals for such housing projects because of a technicality prohibiting tax-exempt notes for construction loans and because of a scarcity of available land in unincorporated areas. Although the Task Force was confident that these problems could be resolved, the tax-exempt bond proposal has been delayed, thus pointing up the enormous difficulty of finding workable solutions to the whole problem of housing.

The Grand Jury commends the Board of Supervisors for sponsoring a taxexempt bond issue for the construction of low-cost housing and for projecting another issue within a year or so. The Jury hopes that technicalities blocking use of this measure can be disposed of without delay.

One hopeful note is that in the private sector approximately 20,000 single family and 45,000 multi-family units in various stages of construction will be available by the end of 1982. Probably most of these will not be affordable housing, but some of the vacancies created by the purchasers of new homes will

be available to moderate-income families.

Furthermore, some easing of the shortage was evident in the increase of unsold housing reported in a survey by the Real Estate Research Council of Southern California (RERC) (David M. Kinchen,"Unsold New Dwellings in 17.4% Rise from 1980", Los Angeles Times, Section VIII, Col. 1, p. 34, Feb. 22, 1981). In a five-county area in Southern California, unsold homes in the \$50,000 to \$99,000 range increased by 8.5 percent, though this was still overshadowed by the double- or triple-digit increases in unsold housing in the over-\$100,000 ranges. In Los Angeles County, a hopeful sign for those able to meet high-interest mortgage payments was that in January 1981 there were sixty-six unsold housing units in lower-price brackets (under \$50,000). There was no such unsold housing in June 1980 and only thirty-two units in December 1979. Accompanying the trend toward unsold housing, according to the RERC survey, was a reduction in the number of deeds recorded, real estate loans made, and VA applications for appraisal received as compared with fourth-quarter 1979 levels, while foreclosures were up during the same period (loc. cit.).

This latter development *may* help to keep rents and cost of housing down, but it may also have an adverse effect on the construction of new housing. It encourages some to hope that the supply-demand market forces may be pointing toward an easing of the housing shortage. However, the recently announced federal policy which would reduce appropriations for housing may cast a shadow over the few favorable signs mentioned above.

The Department of Community Development found that the rental vacancy rate in 1980 was 2.2 percent in Los Angeles County, a drop of almost 277 percent from the 1974 vacancy rate of 8.1 percent. To bring housing up to an "acceptable" level about 114,200 new rental units are needed. This does not take into account the 86,000 existing units that need replacement and the 243,000 that need rehabilitation. Yet, despite tax-exempt bonds and federal subsidies through Section 8, very little unsubsidized construction of rental housing is being done for low- and moderate-income families. With few exceptions, government and private housing experts emphasized that no such housing can be built at this time without massive government subsidy. Those few convinced that the private sector must ultimately provide the answers could see no such action in the immediate future. Futhermore, this situation will persist as long as the great disparity between rises in cost of housing and rises in income continues. For example, during the decade of the seventies housing costs rose by 285 percent while buyers' incomes went up by 117 percent; rents increased by 138 percent, renters' incomes by 98 percent. As these gaps widen, prospects for nonsubsidized rentals or home ownership by low- and moderate-income people become more and more remote. The 315,000 new housing units needed in Los Angeles County in 1981 are more than twice the 125,000 to 140,000 that will be built.

During the latter part of the Subcommittee's study, the Board of Supervisors began considering whether to extend, change, or abandon rent control in Los Angeles County. A letter, prepared jointly by this Subcommittee and the Subcommittee on Rent Control, was sent by the Grand Jury to the Board of Supervisors recommending extension of the present rent control ordinance without change. This letter was read publicly by the chairman of the Subcommittee on Rent Control during the meeting of the Board on April 14, 1981.

The Board has recommended a phasing out of rent control in two years with increases to landlords during this period. The Grand Jury believes all aspects of this issue should be considered prior to Board action, since thousands of tenants, as well as many landlords, will be affected. There is no question that rights of both landlords and tenants should be weighed. The plight of elderly tenants and others on fixed incomes will become critical if rent control is not extended. On the other hand, if the facts are examined carefully, there is little evidence that landlords have suffered economically during the past two-year period of rent control.

Since Proposition 13, real estate taxes have been cut by as much as 75 percent, the vacancy factor in the County has been practically nil, and though maintenance costs have risen, owners have been compensated by provisions in the present rent control ordinance:

- 1. Landlords are allowed an annual rental increase of 9.5 percent:
- 2. When there is a vacancy, the rent is decontrolled;
- 3. Major capital improvements, such as painting the exterior of a building, adding a new roof, installing a swimming pool, etc., can be amortized over a three- to ten-year period with the cost, plus 7 percent interest compounded, passed on to tenants.

Landlords who have owned their properties for many years are enjoying the prosperity a housing shortage creates. It is true that real estate speculators who purchase buildings, hoping to raise rents and sell at a profit, are at a disadvantage. However, it seems proper to assume that it is not in the province of government, especially during an acute housing shortage, to grant relief to speculators. Moreover, speculation adds to inflation.

Therefore, the Grand Jury recommends that the Board of Supervisors extend the present rent control ordinance, without change.

The Grand Jury notes that the Board of Supervisors subsequently extended rent control for two years at their meeting of May 5, 1981.

#### RECOMMENDATIONS

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

- 1. Make the increase of affordable housing a major priority.
- 2. Reexamine the duties and responsibilities of the various agencies established to solve the critical housing shortage. The Grand Jury believes that the Board must give even greater attention to this matter than it has up to this date. Creating new agencies does not relieve the Board of its ultimate responsibility. The Board cannot assume that once it creates one of these groups, the problem will be solved.

Greater supervision of these groups and insistence on performance are essential if affordable housing is to become a reality during this decade.

- 3. Seek more assistance from HUD and other federal agencies in subsidizing rentals for low- and moderate-income families.
- 4. Implement the sections of AB 1151 which were enacted to encourage construction of low cost housing for low- and moderate-income families.

Bessie A. Harper, Chairman Barbara L. Boone Margie R. Cahn Charles G. Craddock Fay Galloway John Lombardi Nancy Manners Edith Schneider Helen G. Tally George H. Wesley

#### APPENDIX A

The titles of the following selected articles reflect the seriousness of the housing shortage. They are arranged chronologically.

- Jean Merl, "City, County Face Housing Plan Slashes. Federal Policy Change Could Curb Building of 2000 Apartments," Los Angeles Times, February 25, 1981, Part II, p.1.
- David M. Kinchen, "Unsold New Dwellings in 17.4% Rise from 1980," Los Angeles Times, February 22, 1981, Part VIII, p.1.
- 3. Ruth Ryon, "White Edifice Mirrors Idea. New Housing Only for the Rich?," Los Angeles Times, February 22, 1981, Part VIII, p.1.
- 4. Carey Covey and Mary Curtius, "'Inclusionary Zoning' Creates Another Rift," Santa Monica Evening Outlook, February 4, 1981, p. B-1.
- 5. "HUD Chief-Designate Pierce Favors Cuts in Spending, Leaner Housing Programs," Wall Street Journal, January 14, 1981, p. 1.
- 6. Anne Morgenthaler, "Council Adopts Stripped Coastal Zone Plan for SM," Santa Monica Evening Outlook, January 15, 1981, p.1.
- 7. Dick Turpin, "Better News But No Rainbows in Sight," Los Angeles Times, January 11, 1981, Part VIII, p.1.
- 8. "Panel Warns of Severe Housing Shortage Unless Regulations, Tax Laws Are Altered," Los Angeles Times, November 21, 1980, Part IV, p. 2.
- 9. "Mortgage Cost Revive Demands for Simpler Kinds of Housing," *Wall Street Journal*, January 7, 1981, Section 2, p. 25.
- 10. Aric Press, Diane Camper, Emily F. Newhall, "Fairer Fair Housing," *Newsweek*, November 17, 1980, Vol. 96, No. 20, p. 108.
- 11. Terence M. Green, "Manufactured Housing Provides Affordable Homes," Los Angeles Times, November 16, 1980, Part VIII, p. 30.
- 12. "Interest Rate Run-up Expected to Assure a Setback in Housing," *Los Angeles Times*, November 11, 1980, Part VIII, p. 2.
- 13. Barbara Taylor, "Arguments Over Zoning: Property Rights and Freedom Linked," Los Angeles Times, November 9, 1980, Part X, p. 45.
- John Betz, "The Washington Scene: Housing Industry Not Expecting Help," Los Angeles Times, November 9, 1980, Part X, p.8.
- 15. Elizabeth Mehren, "Demolition in Beverly Hills: An Old Neighborhood Loses to Condomania," *Los Angeles Times*, November 7, 1980, Part V, p.1.
- David M. Kinchen, "Urban Panel Seeks Removal of Barriers," Los Angeles Times, November 2, 1980, Part IX, p. 1.
- 17. Robert J. Samuelson, "Stoking the Housing Inflation Fire," Los Angeles Times, October 29, 1980, Part II, p. 5.
- 18. Richard O'Reilly, "Housing Issue: Coastal Panel Rejects Bid to Relax Rules," Los Angeles Times, October 16, 1980, Part II, p. 1.
- 19. David M. Kinchen, "Social Revolution Seen as Result of Home Shortage," Los Angeles Times, September 14, 1980, Part X, p. 1.

- Cary Lowe, "California Housing Crisis Begs for a Cooperative Effort to End It." Los Angeles Times, July 23, 1980, Part II, p. 7.
- Barbara Taylor, "Housing Explosion? Time for Setting Priorities Running Out in California, Authorities Caution," Los Angeles Times, August 24, 1980, Part IX, p. 26.

#### APPENDIX B

Selected documents reviewed by the Committee members. The first five items relate to the proposed tax-exempt revenue bond issue for housing. The other references are in alphabetical order.

Department of Community Development, "Housing for Low and Moderate Income Families and Persons in Los Angeles County," n.d., 4 pages.

Memorandum to Regional Planning Commission from Norman Murdock, Planning Director. Re: Tax-Exempt Revenue Bonds for Construction of Rental Housing, July 24, 1980, 9 pages, including newspaper clippings and the Board of Supervisors' motion approving issuance of bonds.

"Edelman Rental Housing Plan Adopted," *NEWS* "From the Office of Supervisor Ed Edelman, Third District, January 29, 1981." See also *NEWS*, September 26, 1978, for announcement on similar plan.

Regional Planning Commission, Los Angeles County, "Notice to Solicitation of Interest of Developers", February 2, 1981. Notice accompanied by unsigned covering letter from Board of Supervisors, 9 pages.

Memorandum to Supervisor Edmund Edelman, Third District, from Donald G. Galloway, chairman, Los Angeles County Housing Task Force. Re: Tax-Exempt Revenue Bond Program, March 27, 1981, 4 pages.

California Land Title Company, Residential Housing Summary, v. 4, December 1980.

Department of Community Development, Los Angeles County, "Functional Descriptions," n.d.

The HUD (U.S. Department of Housing and Urban Development), Section 8 Program, n.d.

Governor's Office, Office of Planning and Research, "Bonus Incentives for Affordable Housing," c. 1979.

Housing Authority, Los Angeles County, Annual Report, 1978-79.

"How California Builders Battle No-Growth Groups," reprint from McGraw Hill's Construction Contracting, October 1978.

International Mortgage Company, "Mortgage Programs Available", November 6, 1980. Comparisons of Conventional and Federal Government Insured Mortgages.

Kaufman and Broad, Presentation to the Orange County Housing Authority. Affordable Low Income Housing, Cypress Area, July 8, 1980.

Los Angeles City Planning Department, Staff Report, July 31, 1980.

Ordinance No. 12,100, County of Los Angeles, adopted March 4, 1980. Amends the Rent Regulation Ordinance and the Condominium Conversion Ordinance to remedy "unintended hardship on those regulated by the ordinances."

Regional Planning Commission, Los Angeles County, proposed General Plan: Housing Element and Technical Supplement, March 2, 1979.

Report of the Mayor's Ad Hoc Committee on Housing, June 27, 1980.

Assemblyman Mike Roos, letter dated October 31, 1979, summarizing major provisions of AB 1151 "directed toward assisting builders and developers in efforts to increase housing production." Chapter 1207, Government Code (AB 1151), approved October 1, 1979, attached to letter.

Santa Monica, "Rent Control Charter Amendment and Regulations," August 11, 1980.

"The Permit Flow Chart", CEED (Californians for an Environment of excellence, full Employment and a strong Economy through planned Development), Newport Beach, Ca., 1979.

#### APPENDIX C

Members of the Committee interviewed the following individuals:

Rockwell Ames, coordinator, Housing Task Force, Los Angeles County.

Bill Crowe, deputy to Supervior Peter F. Schabarum.

Edmund D. Edelman, chairman, Board of Supervisors.

Howard J. Edgerton, chairman, Mayor's Ad Hoc Committee on Housing.

Donald G. Galloway, director, Community Development, Los Angeles County.

Robert Galloway, senior vice president, director, Technical Services, Kaufman and Broad, Inc.

George M. James, executive director, Housing Authority, Los Angeles County.

Dan Johnson, legislative representative, Retired Classified School Employees Association, Los Angeles City School District.

Thomas Joyce, director, Planning and Research, Housing Authority, Los Angeles County.

Stephanie Klopfleisch, chief deputy director, Department of Community Development, Los Angeles County.

Cary Lowe, director of Public Policy Center.

Carl E. Martin, director, Human Relations Commission, Los Angeles County.

Norman Murdoch, planning director, Department of Regional Planning, Los Angeles County.

Joseph J. New, director, Community Planning and Development Branch, Community Development, Los Angeles County.

Peter F. Schabarum, supervisor, Los Angeles County.

# SUBCOMMITTEE ON BEACHES

#### **PURPOSE**

The Human Services Committee formed a subcommittee to study the Department of Beaches because it supervises activities — bathing, surfing, and boating — which are among the most popular in the recreational area and because it had not been studied in depth by any previous grand jury in the last five years. A third reason for the study was to determine what effect media reports of pollution, the use of drugs, and the drinking of alcoholic beverages was having on the public's use of the beaches.

This report is based on interviews with administrators of the Department of Beaches, including the director, deputy director, assistant director, chief lifeguard, the paramedic coordinator, and with Supervisor Dana's field representative, as well as on visits with maintenance employees and lifeguards at the beach sites, and on official reports and newspaper accounts. Members of the Committee guided by two lifeguard employees visited the beaches from Manhattan Beach, the administrative headquarters of the Department, to Malibu. Other members of the Committee made independent visits to these and other beaches.

# AREAS OF CONCERN

- A. Beach administration
  - 1. Supervision
  - 2. Maintenance
  - 3. Lifeguards
  - 4. Hazards
  - 5. Deficit financing
- B. Baywatch Rescue Operations
- C. Public access to beaches
- D. Renewal of contracts with state
- E Charge to the 1981-82 Grand Jury

## FINDINGS AND RECOMMENDATIONS

# A. Beach administration1. Supervision

As its major function, the Department operates most of the public beaches on the seventy-three-mile coastline from the southern Ventura County line to the northern Orange County line. In each of the last five years more than 55 million people have visited the beaches. Last year the attendance was about 65 million. From 1971 through 1980, the total attendance was more than 466 million. Included in the attendance figures are bathers, surfers, scuba divers, boat owners and their guests, joggers, cyclists, and spectators. All but about twenty miles of the beaches are operated by the Department. Of these, some are owned by the County; others are owned by cities or by the state and are operated by the Department through contractual arrangements.

The beaches vary from those with poor accommodations (limited access, no parking facilities, no toilets, small sand area, poor bathing and swimming conditions) to those with good accommodations (adequate parking, re-

creational and food facilities, lifeguards, wide expanse of sand areas, and reasonably safe surfing and swimming). Because some beaches in the Malibu area have no lifeguards, no parking, and no toilets, access is through controlled gates which are open for a limited period after 9:00 A. M. This safeguard also reduces vandalism of and fire damage to private beach homes.

#### 2. Maintenance

In addition to supervision of beaches and the traffic in the ocean near the beaches, the Department has responsibility for maintenance of equipment, vehicles, lifeguard towers, concrete paths for cyclists, playground areas for children, recreational areas for the general public, sanitary facilities, Baywatch rescue boats, parking areas, etc. The maintenance of heavy equipment and vehicles is done by the County Mechanical Department, while the lifeguards do much of the engine and body overhaul of the Baywatch vessels. For upkeep and maintenance of sanitary facilities, two private contractors were employed to supplement county employees last summer.

To keep the beaches clean, the Department receives help from public spirited groups, welfare recipients, parolees, prison inmates, and until April 1981, CETA (Comprehensive Employment Training Act) workers. From time to time, "Clean the Beach" campaigns are organized by Boy Scouts, Girl Scouts, Chambers of Commerce and other civic groups. Although a good deal of time must be spent by the staff in training and supervising these volunteers and borrowed workers from other county agencies, the Department is grateful for the help, sporadic though it may be. The Department particularly regrets the loss of its CETA employees.

#### 3. Lifeguards

The most visible members of the staff are the lifeguards. A core of 120 full-time lifeguards is supplemented by 550 part-timers selected, as the need arises, from among a list of those who qualify in a test administered each year by the Department. This arrangement of a permanent core and an on-call list of qualified candidates gives the Department flexibility to meet fluctuating demands at minimum cost.

The Department has good reason to be proud of its lifeguards. In 1980 the number of "guarded" drownings (those that occur when lifeguards are on duty) dropped from 14 during the previous year to 8. There were 23 "unguarded" deaths (not attributable to drowning of bathers during hours lifeguards are on duty) plus 19 deaths (accidents, suicides, homicides) that were "not caused by the ocean". Also impressive are the 1,000 rescues, 11,400 medical aids, 2,200 boat rescues, 2,650 lost children returned to parents, and 259 resuscitations.

The problems continue into the night when lifeguard supervision is reduced and visibility is low. As many as 5,000 people may be on a popular beach such as Santa Monica on a warm evening. Some stay through the night. The greatest danger is for drinkers who try to sober up by a dip in the ocean. Some may never return. Those who sleep on the beach, especially away from a large group, may be run over by someone driving (illegally) on the beach. A favorite spot for some is the watch-tower platform, either for a better view of the ocean, for meditation, or for ransacking the tower.

#### 4. Hazards

Policing the beaches involves keeping the sand area free from litter, especially broken glass, and maintaining sanitary facilities, watch towers and other buildings, keeping order among the bathers and visitors, preventing the drinking of alcoholic beverages and the use of drugs, and checking for pollutants in the ocean areas around the beaches. Although lifeguards are authorized to issue misdemeanor citations, the Department depends on the local police and Sheriff's deputies to deal with serious infractions of the law. Radiotelephone communication is maintained between the lifeguards and the local police.

A serious hazard for bathers is the presence of broken glass. Efforts to persuade the Board of Supervisors to enact an ordinance prohibiting the possession or use of glass containers on the beaches have not been successful, probably because of the opposition of soft-drink bottlers.

Drinking of alcoholic beverages and use of drugs are continuing problems. Few preventive measures have been effective in eliminating these activities, even with the cooperation of the various police departments. High visibility of police and media attention to the problem are helpful, while posted signs are not. Some cities (Los Angeles, Manhattan Beach, Redondo Beach, Hermosa Beach, among others) have special patrols for preserving order and safety, as well as for citing drinking violators and confiscating alcoholic beverages.

A temporary problem is caused by the New Americans, especially those from Southeast Asia, who have little experience with the hazards of ocean bathing in the county area. An educational program is being developed to help these New Americans.

An increasing concern of the Department is the level of pollution found in the ocean adjacent to the beaches. Toxic substances are fed into the ocean from creeks, storm drains, or artificial outfalls, and thus daily monitoring of ocean pollution by Department personnel is required. Among identified toxic substances are trash, used automobile oil, pesticides, and other chemicals dumped into the storm drains. The greatest danger is from the large amounts of hazardous waste that get into the drains by accident or design. Whatever the origin, the Department cooperates with the Department of Health Services by notifying it whenever one of the daily checks of an effluent sample indicates the presence of a toxic substance dangerous to bathers. The Department of Health Services has the authority to close a beach if it considers the toxic substance to be dangerous to the health of the bathers.

# 5. Deficit financing

The Department operates under a deficit budgeting program. Its 1980 budget was slightly more than \$9 million, \$6.4 million from the County and \$2.6 million from parking, filming, and concession fees. About \$1.7 million of the county appropriation was not available until the latter part of the year when the Chief Administrative Officer (CAO) determined how much of the appropriations for other departments was not likely to be used (e.g., inability of a department to hire a full complement of employees). For the fiscal year 1981-82, the Department has prepared a budget of \$11 million, of which \$7.7 million is to come from the County and \$3.3 million from fees. The Department does

not indicate the amount of the "deficit" it expects the CAO may incorporate in the budgeting!

#### B. Baywatch Rescue Operations

Another important activity of the Department is the Baywatch Rescue Operations which assist small craft in distress (lost at sea, burning, or drifting for lack of power). Baywatch consists of trained lifeguard personnel who man the Baywatch vessels equipped with radio, radar, VHF/RDF units (triangulation), depth finders, firefighting gear, and salvage pumps. Baywatch also assists in rescue operations, controls the Catalina Island beach area and, in cooperation with the Los Angeles County-USC Hospital, operates the hyperbaric (decompression) chamber for the treatment of diving-accident victims. The lifeguards provide the only paramedic support available to the boating public and residents of Catalina Island. Over 10,000 small boats are berthed in the areas patrolled by Baywatch.

Contrary to popular belief, the Baywatch Rescue Operations, not the Coast Guard Service, perform most of the rescues along the coast. At Catalina and in the northernmost part of the County, only the Baywatch fleet is available for the rescue of small boats in distress. The Coast Guard vessels are mostly concerned with the apprehension of smugglers of drugs and other contraband, although they do cooperate when necessary.

Because of inadequate financing, the Department has had difficulty modernizing its Baywatch fleet and no success in replacing any of the vessels, some of which have been in service for more than twenty years. The "newest" vessels were purchased in 1974. This year, one of the older vessels has been sold and another is in "drydock". Through the ingenuity of the crew members, some modernization has taken place. But this does not obviate the need for newer and more effective equipment, particulary radio, radar, depth finders, firefighting gear, salvage pumps, etc.

Modernization and replacement of vessels of the fleet are becoming more urgent because the proliferation of motorboats, sailboats, and recreational and boating facilities increases the number of accidents requiring rescue operations. Makeshift maintenance, no matter how good it may be, cannot substitute for new equipment. The exasperation of the Department regarding its inability to obtain tax money to modernize its Baywatch vessels may be inferred from the following excerpt from a rough-draft proposal for presentation at a budget hearing.

It is common knowledge that the boat owners pay continuously for all services relative to the use of their vessels...in slip fees, storage fees and guest facilities. The only service available to Los Angeles County boaters which comes from taxation is the rescue boat operations of the Department of Beaches [September 4, 1980].

# C. Public access to beaches

When the state purchases beach-front property, the Department expands public access. However, because of limited financial resources, some state-owned ocean front remains unsuitable for bathing or surfing. In other areas, as

mentioned above, access is limited to a few daylight hours. It is unlikely that large appropriations will be available to develop these areas. Besides, homeowner opposition to public access is a deterrent to beach development.

D. Renewal of contracts with state

As mentioned earlier, the Department of Beaches operates state-owned beaches on contract. These contracts provide no state money for operational purposes. At seven state-owned beaches (Dockweiler, El Porto, Malibu Lagoon, Manhattan, Pt. Dume, Topanga, and Will Rogers), the County receives about \$865,000 from fees for parking, restaurant leases, etc. At the other six state-owned beaches (Corral, Las Tunas, Leo Carillo, Redondo, Royal Palms, Santa Monica), no revenues are available to the County. The net cost to the County for the operation of these state-owned beaches is more than \$5.5 million or 87 percent of the gross operating cost. Revenues cover only 13 percent of this cost.

The 1956 contract, expiring on June 30, 1981, covers six of these state-owned beaches. From three of the six state beaches under discussion for contract renewal the County receives approximately \$154,000 from fees; the net cost to the County is almost \$1.9 million. From the other three the County receives nothing.

Twenty-five years ago, a contract offering valuable beach property in return for providing operating services looked like a bargain to the County. Today, with high costs caused by inflation and restrictions on tax revenues imposed by Proposition 13, the contract appears less enticing. Therefore, the County has asked the governor to include in a new contract state reimbursement for the operation of state-owned beaches. The prospects for the change are dim. Subcommittee members who interviewed county employees involved in the negotiations got the impression that the County will continue to operate the beaches under the terms of the old contract, while pressing the governor for financial reimbursement for at least part of the expenses. The reasons for making the agreement in 1956 still hold today: the beaches are valuable resources for county residents and the replacement value of these resources would be astronomical.

E. Charge to the 1981-82 Grand Jury

Because the Department of Beaches had not been studied in depth by any grand jury between 1975 and 1980, the present Grand Jury urges the 1981-82 Grand Jury to authorize a thorough study of the operations of the Department of Beaches by its contract auditor. The Jury makes this recommendation because of the extensive and grave responsibilities placed on the Department of Beaches. The Department needs the attention that such an audit may bring, and the public needs the assurance that these responsibilities are being met effectively.

**SUMMARY** 

In spite of the many problems connected with the operation of county beaches under the complicated administrative relationships involving county, state, and city governmental agencies and deficit financing, the Department of Beaches is performing outstandingly in making available safe bathing, surfing, and boating activities. The lifeguard services and the Baywatch Rescue Operations are worthy of special mention.

Without minimizing the problems enumerated in this report (pollution, drinking, drugs, broken glass, deteriorating equipment and facilities), the record of service performed is remarkable. Equally noteworthy is the Department's success in containing the incidence of violence on the beaches, due in part to the support it receives from the police and Sheriff's deputies in adjacent communities.

The Department's future is not as bright as it should be in light of its record of accomplishment. Deficit financing has the advantage of assuring the Department of a share of the unexpended funds from other county agency budgets, but it inhibits planning for other than operating functions. Plans for capital oulay cannot be made when the Department is running a deficit for current operations.

Although the opening of beaches formerly closed to the public is a state-initiated policy, the Department of Beaches has been implementing this policy with limited financial resources. Unless more funds are provided, public access will not become a reality in many areas. The beaches are there, but they cannot be used safely without lifeguard services, sanitary facilities, and parking spaces.

The Baywatch Rescue Operations will be seriously curtailed unless the older vessels in the fleet are replaced soon. The removal of two of the vessels for repairs reduces the fleet by 20 percent, while the number of people engaged in boating is increasing, adding to the workload of the remaining Baywatch vessels. At a minimum, the Department should purchase two Baywatch vessels each year during the next three years to replace those built before 1969 and should modernize the four built between 1970 and 1974. Since each vessel costs \$80,000 (Department's estimate), the capital outlay would require only a small portion of the fees and other income received from boat owners if the Department had access to this income.

### RECOMMENDATIONS

## The Grand Jury recommends:

- That the Board of Supervisors allocate to the Department of Beaches a budget that will enable it to carry out its responsibilities without dependence upon deficit financing.
- 2. That the Board of Supervisors provide capital funds for replacing two Baywatch vessels each year during the next five years, thus enabling the Department to dismantle or sell the six vessels bought before 1965 and rehabilitate the four purchased after 1969.
- 3. That the Board of Supervisors adopt an ordinance banning the sale and the use of glass containers on the beaches.

4. That the 1981-82 Grand Jury authorize a thorough study of the operations of the Department of Beaches by its contract auditor.

George H. Wesley, Chairman John Lombardi Edith Schneider



Pershing Square, looking toward the Biltmore Hotel. Designated as an officially dedicated public park on December 11, 1866, Pershing Square has served since that time as a public plaza. It was named Pershing Square on November 18, 1918, following the armistice ending World War I. This picture of the park as it was in the late 1920s or early 1930s is particularly interesting because of the sign reserving certain benches for women and children only.

# SUBCOMMITTEE ON MARRIAGE RECORDS

**PURPOSE** 

In a letter dated February 26, 1981, a complaint was made by a wedding chapel operator alleging mishandling of confidential marriage records by the County Clerk's office. The letter was turned over to the Human Services Committee, and a subcommittee was formed to investigate this charge, which included a statement that the County Clerk's office had lost, within a ninemonth period, 113 records of marriages performed by the chapel. These marriages were all performed under Section 4213, Civil Code, which provides for confidential marriage under special conditions. In the process of investigating the charge, the Committee unearthed several areas concerning the use of confidential marriage that will be examined in this report.

BACKGROUND

In confidential marriages, couples who are living together may marry legally without blood tests or a marriage license from the County Clerk's office. Instead, an agent authorized to perform weddings, who must be a member of the clergy, may have the couple swear by affidavit that they are at least eighteen years old, are male and female, and have been living together. A special 4213 form is then sent to the County Clerk's office which records the marriage. Details of the marriage are confidential and may be secured only by court order. This form of marriage is based on 2 hundred-year-old California statute originally intended to protect from embarrassment people who, having established a long-term cohabiting relationship, later find that they must legalize their arrangement.

AREAS OF CONCERN

- A. County handling of marriage records
- B. Blood test requirement
- C. Multiple marriages
- D. Regulation of marriage chapels

## FINDINGS AND RECOMMENDATIONS

A. County handling of marriage records

John Corcoran, county clerk, considers certain marriage chapel operators to be "the bane of my existence." His office from time to time and over a period of years has been flooded with complaints of lost records for marriages that the chapels allege have been recorded. In one attempt to resolve the complaints of a single wedding chapel, the Clerk's office spent 100 man-hours searching its records. Of 113 marriages claimed to have been performed during one ninemonth period, 98 were not recorded. There was no evidence to support the chapel's contention that it had attempted to record the marriages. No cancelled checks were presented, and no receipts were shown. The Clerk stated that such complaints usually come in groups and coincide with activities in Sacramento on the part of the wedding chapel lobby.

During the Committee interview with Leonard Panish, county registrarrecorder, a very interesting fact came to light. There have been no complaints to the Recorder's office from any wedding agency, and before this Committee's inquiry, Mr. Panish had heard absolutely nothing of this problem. Since it is in his office that marriages are finally recorded, it would seem that complaints of missing records would have been made to the Recorder. Mr. Panish and his deputy took the Committee step-by-step through the procedure by which marriages are recorded. Nothing in the process could lead to problems such as those described by the complainants. The only conclusion either the Recorder or the Committee could reach was that, if the allegations have any foundation, the fault probably lies with the record keeping and clerical errors on the part of the chapels.

On March 25, 1981, telephone calls were made in a random check of ten marriage chapels. Their general evaluation of the County Clerk's office ranged from "fair" through "very good" to "super". There were no complaints of any magnitude. Some told of minor clerical errors, long waiting periods, and indifferent service in the Clerk's office, but none had experienced such problems consistently. Some suggested that a few chapels might be pocketing fees and failing to record marriages.

The Committee concluded that, while there may be some grounds for minor complaints, the County Clerk's office is functioning with reasonable efficiency. There is no indication of sloppiness in the processing of the confidential marriage records with the exception of an occasional delay in the mail or in the processing schedule at the County Clerk's office because of unusually heavy workloads.

A letter was sent to the complainant explaining that the Committee had found no adequate support for the complaint and, therefore, no reason for action against the County Clerk's office.

B. Blood test requirement

Los Angeles County marriage and divorce statistics show that, while licensed marriage has declined in recent years, the number of confidential marriages has risen sharply. In 1972, 63,003 marriage licenses were issued and 465 confidential marriages performed; in 1979, 46,306 licenses were issued and 19,311 confidential marriages performed. Most of these confidential marriages were soleminized at marriage chapels. The *Los Angeles Herald Examiner* (January 16, 1981) stated:

The sudden rush for such ceremonies has spawned an entirely new wedding industry and drawn concern about adequate regulation. And questions have been raised about the necessity for current licensed-marriage requirements. A sampling of some Los Angeles marriage services showed that fees ranged from \$40 to \$123 including the \$23 fee which the agency must still pay to the county.

The fees covered the basic ceremony and, among other things, flowers and music provided in the chapel. Most services handle both licensed and confidential marriages though the latter constitutes a healthy chunk of their business.

From this it can be concluded that any new law that might affect this lucrative business would be anathema to the wedding chapel industry. If the blood test were no longer required, those persons who could not qualify for confidential marriage would not have to seek out wedding chapels in order to avoid paying medical fees. The County Clerk is reported to have said he thinks more couples

would apply directly to the County if blood test and medical examination requirements were abolished.

There are those, however, who do not agree with this view. The Los Angeles Times, (March 18, 1974) stated:

To a lot of young couples who desire a fast, trouble-free wedding, it sounds almost too good to be true. Well, it is true, but there are those who think it is not all that good. Dr. Ralph Sachs, community health services deputy for Los Angeles County, is particularly concerned. He believes that in their rush toward marriage, many couples may be overlooking potentially disastrous consequences for themselves and their children.

The object of blood tests, he pointed out, is to reveal either syphilis in the bride or groom and the lack of rubella antibodies in the blood of the female. If syphilis or rubella advance unchecked (in the prospective mother) a newborn infant could be deformed or congenitally diseased.

To support this view, the Wall Street Journal (September 14, 1977) said in part, "... some health authorities believe that its [4213] failure to require a blood test for syphilis may be promoting the spread of that disease."

Dr. Shirley Fanin, currently the chief of Los Angeles County Acute Communicable Disease Control, is in favor of abolishing the blood tests. Of rubella, Dr. Fanin said in a letter to the Subcommittee dated May 15, 1981:

In 1974, a state law went into effect which intended to identify young women at the time of marriage who were susceptible to rubella. These young women then could be counselled to get rubella immunization before getting pregnant.

In 1976, we did a record study of all marriages between January 1 through June 20, for the purpose of surveying them to tell how many susceptible women had, in fact, gotten immunized after being informed of their status. The results were less than reassuring. We found that a significant number of women who were susceptible by their rubella test results were not made aware of that status. Many women were pregnant at the time of marriage, and thus could not receive vaccine; and most notable of all, 37% of marriages recorded at that time were secret marriages where no testing was done.

In my opinion, with more than 60% of women gaining no benefit at all from the testing either by avoiding it or by not being counselled properly, the public health value of the test is seriously in question. Therefore, the test should probably be repealed as a non-productive method of rubella prevention. It also may place an unfair financial burden on persons getting married without fulfilling its original intent of preventing rubella syndrome babies.

The tests for rubella may be costly to the persons getting married, and they do not affect rubella immunity. To produce immunity is expensive and requires ongoing medical care not required by law. Therefore, rubella testing alone is not a factor in public health, even though such testing can lead to measures preventing birth defects.

With respect to premarital blood tests for syphilis, it is argued by some public health officials that since the availability of penicillin treatment has become widespread, syphilis is no longer a serious public health hazard. In addition, doctors recognize that medication with penicillin can cause falsely negative test results. Nevertheless, it cannot be denied that some persons with syphilis detected by premarital serological tests may have the disease cured and prevent its transmission to sex partners or to offspring.

The Committee feels that rubella and syphilis blood testing is of unquestioned benefit to some individuals, but it also believes that the requirement of a blood test for licensed marriage contributes to abuse of the confidential marriage code because it leads people to seek confidential marriage unlawfully to avoid the fees charged for medical testing. However, the question of whether this requirement should be abolished is too complex and important to be decided except on the basis of a study of much greater depth and scope than this Committee has been able to accomplish within the limits of the time allotted for its inquiry.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Board of Supervisors request an analysis by the State Department of Health Services of the need for continuing obligatory blood testing as a requirement for a licensed marriage.

At the present time no records of prior divorces are required of the persons marrying under Section 4213, Civil Code. In one newspaper article, Robert Zumwalt, San Diego county clerk, was reported as saying there were fewer than 100 confidential marriages in his county in 1971, but there were 5,802 in 1978 — 38 percent of the total number of marriages. He said that no fewer than 120 of them involve at least one partner who was already married to someone else.

The Los Angeles County Clerk stated he has received numerous complaints of multiple marriages, and in his files there is documentary evidence to support these complaints. One particular marriage agency has evidently made a practice of marrying certain individuals to different persons, sometimes within six months of the previous marriage.

During the telephone interviews with marriage chapel operators, the suggestion was made by two that underage couples are probably being united by some chapels. The County Clerk also says he is convinced that not all persons performing confidential marriages require proof of age.

There is speculation that Section 4213, Civil Code, is being widely used by illegal aliens making illicit arrangements to obtain United States citizenship. The *Wall Street Journal* (September 14, 1977) discussed the sharp rise in "secret marriage" applications: "This rush to the altar was prompted in part by a change in immigration quotas reducing the number of Mexican aliens eligible for United States citizenship from about 50,000 a year to 20,000. To buttress

C. Multiple marriages

their application for citizenship, Mexican nationals have been marrying Americans as quickly as they can." Although this is a national report, it is particularly applicable to the situation in Los Angeles County where the number of illegal aliens has been tremendously increased during the recent past.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Board of Supervisors seek legislation to rescind Section 4213 of the Civil Code.

# D. Regulation of marriage chapels

From information gathered during its study of the handling of marriage records and confidential marriages, the Committee learned that some marriage chapels are pressuring clients into spending money they do not wish and/or cannot afford to spend on extras such as flowers, rings, music, etc. The Grand Jury believes that there is evidence of the existence of many abuses and that regulatory legislation is long overdue. Illustrative of this problem is the following excerpt from a translation of a letter on file at the County Clerk's office:

...If you will see to it that justice is done, as the law authority, we will send a copy of this letter also to [the newspaper] La Opinion and to [TV] Channel 34, so that these two may learn in which manner the Mexican colony is being swindled.

We sign as some poor Mexicans without money, but honest. This is what they charged us to marry us:

The Wedding	\$35.00
Court Fees	15.00
One orchid	5.00
Plastic bouquet	9.00
Yellow metal rings	12.00
	\$76.00

They told us we had to buy all of this, as it meant good luck, and [if] we did not buy it, the little Virgin would punish us for being misers.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Board of Supervisors encourage strict enforcement of existing laws and where necessary seek further legislation to regulate the marriage service industry.

Helen G. Talley, Chairman Fay Galloway Bessie A. Harper



Undersheriff Gene Biscailuz, foreground, supervising inmates being prepared for transportation from Los Angeles County Jail to the state penal institution in Chino. The picture was taken ca. 1927 when the County Jail was located at 202 North Broadway at the corner of Temple Street, directly across the street from the site of the present Criminal Courts building.

## JAILS COMMITTEE

#### **PURPOSE**

California Penal Code Sections 919 and 921 mandate the Grand Jury to inquire into the condition and management of the public prisons within the County and to inquire into the case of every person imprisoned in the jail of the County on a criminal charge and not indicted. The Grand Jury has delegated these responsibilities to the Jails Committee.

## AREAS OF CONCERN

- A. Jail inspections
- B. Inmates' complaints
- C. Sheriff's Custody Division training
  - 1. Background
  - 2. Emergency Response Teams
  - 3. Training materials
  - 4. Follow-up training
- D. Policies and procedures
  - 1. Riot control plan
  - 2. Use of flashlights

## FINDINGS AND RECOMMENDATIONS

# A. Jail inspections

The Jails Committee visited all ninety-six detention facilities in Los Angeles County at least once. Thirty-one of these facilities are maintained by the Los Angeles County Sheriff's Department, forty-six by various municipal police departments, and nineteen by the Los Angeles Police Department (LAPD). The Committee wishes to thank the officers of the various facilities for their patience and for the courtesy extended to Committee members at the time of the visits.

Members of the Committee were particularly impressed by several facilities which demonstrated high morale on the part of the chiefs, sworn deputies, unsworn personnel, and inmate trusties. To single out one or two examples would slight others equally deserving of praise. However, the Central Jail Mentally III Offenders Unit is an outstanding example of a dedicated treatment staff combined with deputies who show professional and compassionate concern for their charges.

For the most part, detention facilities in the County are adequate and conform to standards set by the State Board of Corrections and to numerous Fire and Health Department regulations. The above-named agencies also inspect all jail facilities on a regular basis. The inspections made by all of these groups, each with its own area of concentration, serve to improve conditions in jails all over the County.

A few isolated exceptions were observed by the Committee:

1. The wall surrounding the outside recreation area at the Sheriff's Sybil Brand Institute can easily be climbed by an athletic inmate.

- 2. The Sheriff's Avalon Station on the island of Catalina has been condemned by fire, safety, and health agencies, as well as by several prior grand juries. The facility is antiquated, outmoded, and undersized and should not be used as a jail. However, the building has historical significance and should be preserved, if possible, as an historical monument.
- 3. The Northeast Station of the LAPD, located in Highland Park, is run-down and dangerous, not only for inmates but for officers who must work in the building. This building, erected in 1925, does not conform to earthquake standards. More than four-hundred officers share cramped quarters, with an unsafe locker area having only one exit, inadequate lunch-room facilities, and old jail cells used as offices.

The inmate holding area is on the upper floor of the facility, reached by a wooden staircase. It consists of two metal boxes, each of which can hold two standing inmates. These boxes are flanked by two wooden benches with handcuff rings for overflow inmates. Although the LAPD uses this facility only as a four hour holding tank, this Committee believes that keeping inmates here, even for a few minutes, is hazardous.

A fire or earthquake striking this building would almost certainly result in a loss of lives. The nickname "Shake and Bake Hellhole" is very aptly applied to this facility.

4. The above facilities are ideal when compared to the inhumane conditions at Parker Center Jail Division of the LAPD. The 1979-80 Grand Jury felt compelled to write to Mayor Bradley on June 25, 1980, after visiting Parker Center:

The Jails Committee of the 1979-80 County Grand Jury will soon issue its report concerning its investigation and inspection of the various jails in the City and County. However, even prior to the issuance of that report, we would like to call to your attention, as the Chief Executive Officer of the City, our concern about the most scrious deficiencies which we found as a result of our inspection of the Parket Center Jail. They are as follows:

- The largest of the dormitories is rated for 41 persons. In actuality double that amount are being housed. Felony tanks 201, 202, and 203 should, due to the limited plumbing facilities, house a maximum of 16 inmates. These tanks are seriously overcrowded.
- 2. The bunks are not bolted either to the floor or to the walls. This allows the possibility of the bunks being used as weapons in the event of a disturbance
- 3. The unsworn personnel have complained that they are not adequately trained to quell a major disturbance.

The guidelines which the Committee has used are those set forth by the State Board of Corrections.

The Committee would respectfully request that you make a personal

visit to the Jail in order to verify for yourself the findings as reported by us, with the hope that you will refer this matter to the proper person or agency in order that the necessary changes might be effected immediately.

We are aware of the limitations placed on jail expenditures by reasons of Proposition 13. However, the conditions at Parker Center are such that some remedy must be found. With the economic situation worsening, it is not unreasonable to expect that the jail population will undoubtly increase in the future. No one wants an "Attica" or a "New Mexico" to happen in Los Angeles. We urge you to give this your immediate attention.

## On July 24, 1980, Police Chief Gates responded to this letter:

In reference to your letter directed to Mayor Tom Bradley expressing concern over three deficiences that were noted during the Grand Jury inspection of Jail Division at Parker Center, the following is a statement of the deficiencies noted and a response to acquaint you with the Department's position:

- Felony cells are seriously overcrowded.
   Since 1963, Jail Division's designated capacity for prisoners in Felony Cells 201, 202 and 203 is 41, 33 and 37, respectively.
   Under extreme circumstances, these cells can house 60 prisoners, but generally average about 40 prisoners. A State Board of Corrections guideline authorizes only 16 prisoners in each cell due to the limited plumbing facilities; however, this guideline is not binding and not practical when considering the number of persons incarcerated daily by officers of this Department. When cells reach their maximum capacity of 60 prisoners, additional bookings would create an overcrowded condition. Therefore, procedures have been established to relieve this condition by transporting prisoners from Jail Division to Van Nuys Jail.
- 2. Bunks are not bolted to the floor or walls. This allows the possibility of them being used as weapons in the event of a disturbance.

Jail Division has made two previous budgetary requests to remedy this situation; however, on both occasions they were denied by the City Administrative Officer. It is my current understanding that this budgetary issue is being received favorably and the bunks should soon be bolted to the floor.

 Civilian personnel assigned to Jail Division complained that they are not adequately trained to quell a major disturbance.

The State Board of Corrections requires that all custodial personnel participate in 40 hours of jail operations training; Department personnel receive 80 hours. In addition, periodic drills are conducted to allow personnel to become familiar with disaster and major disturbance control procedures, as outlined in the Jail Division "Emergency Operations Manual."

Jail Division's record of never experiencing a major disturbance in the 25-year existence of this facility reflects favorably on the tradition of Jail Division's state of preparedness.

I hope these reponses meet with your approval. If we can be of further assistance, please do not hesitate to contact us.

On July 30, 1980, an executive assistant to the Mayor also responded to the Grand Jury letter:

The Mayor is in receipt of your letter dated June 25, 1980 and has referred the matter to me for follow-up.

I have conducted a preliminary investigation of the Parker Center Jail and have requested a report regarding the items contained in your letter. This matter is being given our sincere attention, and as soon as a complete report is available, we will transmit its findings to you.

Thank you for your letter.

In its final report, the 1979-80 Grand Jury recommended that the same issues covered by its letter be resolved by LAPD. More than ten months have elapsed since these letters and that Grand Jury's final report were written. A report is yet to be issued by the Office of the Mayor. The recommendations made by the 1979-80 Grand Jury have effectively been ignored by LAPD. If anything, conditions at Parker Center have become worse since last year.

Members of the Jails Committee of the present Grand Jury visited Parker Center on three different occasions. The following conditions are noted:

- a. Cells, particularly in the felony section, are overcrowded and filthy.
- b. Dormitory cells housing forty to sixty inmates have only four toilets. The ratio of 10 or 15 to 1 is much higher than the 4 to 1 ratio recommended by State Board of Corrections guidelines.
- c. Bunks are still not bolted to the floor or walls.
- d. Inmates shower only when admitted to the jail. Some men can spend four or five days or more at Parker Center without being allowed another shower.

The Grand Jury is shocked that crowded, unsanitary, and inhumane conditions have been allowed to continue in Parker Center's Jail Division. The Grand Jury is also compelled to condemn the cavalier attitude of the LAPD in disregarding Grand Jury and State Board of Corrections recommendations. The intent of these recommendations is not to turn the jail into a luxury hotel, but to bring the jail to a condition acceptable for minimum, human living standards.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That the Sheriff's Department install razor wire on the outside wall of the recreation area at Sybil Brand Institute. This wire, in addition to a projected larger deputy force, will enable the inmates to have more outdoor time in a secured recreation area.
- 2. That a new facility be built to replace the outdated Sheriff's Station at Catalina.
- 3. That the City of Los Angeles and the Los Angeles Police Department begin action to replace the Northeast Station with a safe building immediately.
- 4. That changes be made at Parker Center at once to bring the jail facilities in conformity with State Board of Corrections guidelines and to provide more humane living quarters for inmates.
- B. Inmates' complaints

The Grand Jury received many letters of complaints from inmates. The majority of these letters referred to a disturbance at Central Jail on April 19, 1980. An indictment hearing on this incident was conducted before the Grand Jury in January 1981. As a result of the letters and the information developed from the hearing, the Jails Committee launched an investigation which resulted in recommendations made in other sections of this report.

Inmate complaints were also received when the Committee visited the jails. On many jail visits, Committee members spoke informally with inmates and were told of problems they were having. In most instances a Committee member's discussion with the jailer was sufficient to remedy the problem.

Inmates may also make formal complaints in writing to jail authorities. In spite of a court decision which mandates that complaint forms be made available to inmates, many facilities neither supply nor stock these forms.

## RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That all jail facilities in Los Angeles County make complaint forms available to inmates at all times.
- 2. That an inmate complaint in writing be logged, receipted, and answered in writing by the proper peace officer of the facility.
- C. Sheriff's CustodyDivision training1. Background

On April 19, 1980, an altercation occurred between Sheriff's deputies and inmates in Module 2500 of the Central Jail. The inmates refused to lock down in their cells after the evening meal. Their refusal was an act of protest against alleged conditions in the module. Similar incidents had occurred in the recent past. In those instances a senior officer had listened to the grievances of an inmate committee once the inmates had locked down. On April 19, after the senior officer arrived, inmates still refused to lock down. A series of events rapidly ensued, resulting in a general melee where both inmates and deputies were injured.

The District Attorney's office requested a Grand Jury hearing for possible indictment of nine inmates who were involved in the April 19 riot. Although the Grand Jury returned an indictment as a result of this hearing, the testimony of more than forty witnesses, including inmates and jail personnel, gave rise to serious concerns regarding Custody Division training and Sheriff's Department policy and procedures.

The Jails Committee investigation concentrated on these areas by interviewing Sheriff's deputies at various levels, visiting Central Jail, visiting the Sheriff's Training Academy, reading through training manuals, and reading sections of the State Board of Corrections' Laws and Guidelines for Local Detention Facilities.

Training requirements in general are governed by the State Board of Corrections and Peace Officers' Standards of Training (POST). Sheriff's deputies are given basic training in a sixteen-week course at the Sheriff's Academy. During this time period, three two-hour classes on custody orientation are taught. After the fifth week of Academy classes, all cadets are required to work five weekend shifts at any of the Sheriff's custody facilities under direct supervision of experienced deputies.

After graduation from the Academy virtually all new deputies are assigned to the Custody Division. Before their custody work begins, all deputies are required to attend a forty-hour Jail Operations course. This phase of training relates only to custody matters. Some of the courses include: Supervision of Inmates, Jail Laws and Regulations, Contraband Control, Search Techniques, Emergency Response/Disturbance Training, and Inmate Discipline.

When the Jail Operations course has been completed, the new deputies receive the *Training Program Handout Booklet* and are assigned to training deputies who have been in the custody section for at least one year. Training deputies monitor the progress of the new deputies for a period of about four months. During this time new deputies must pass a series of written tests based upon subject matter covered in the *Handout Booklet*. The new deputies are also evaluated on their job performance.

In addition, the State Board of Corrections requires any person in the Custody Division to have twenty-four hours of training each year. In the Sheriff's Department, this follow-up training consists of a series of training and legal bulletins which are handed out and discussed at the beginning of the watch twice a month.

While the training program as a whole appears to be effective, testimony at the hearing brought to light a number of areas in which there seem to be conflicting opinions regarding certain phases of training. A discussion of these areas follows.

# 2. Emergency Response Teams

In 1977, Emergency Response Teams (ERT) were formed in the Central Jail. They consisted of twelve deputies on each shift who were chosen on the basis of

various criteria including strength, size, and maturity. These deputies were specially trained to handle disturbances in the jail and to conduct cell searches. Once the teams were formed, additional training was required twice a month for four hours.

These teams were extremely effective. Because they worked and drilled together regularly, team members performed their individual tasks efficiently, resulting in well-coordinated total efforts. Since the teams were emotionally removed from potentially violent outbreaks, they were able to move in on tense situations calmly and could contain them with few or no injuries to either side.

As Sheriff's Department manpower decreased, less time became available for continued training of these teams. At present ERT teams are not fully operative. The Sheriff's Department maintains that all personnel now receive the same training once given only to ERT members. However, the Committee feels that part of the teams' effectiveness was contingent upon constant drill and training, and the understaffing situation in the Custody Division permits deputies little or no time for drills. It is difficult for deputies from various parts of the jail to work together for the first time, especially under frenetic circumstances. It is therefore unrealistic to expect them to become an instant team.

The events of April 19 clearly demonstrated the need for thoroughly trained ERT teams available on a constant basis. Furthermore, that incident proved that emergency disturbance training was inadequate. The Grand Jury is alarmed that more adequate training for response to the ever-present threat of riot still has not been initiated for all personnel.

# 3. Training materials

Training materials in general are well written and specific. Deputies can refer to their handouts to clarify policy and procedures and to recall details of their training. Written instructions for Sheriff's Department custody training in disturbance and riot procedures, however, emphasize the use of ERT units with detailed directions for ERT actions in specific situations. A review of all materials supplied to the Jails Committee by the Sheriff's Department uncovered neither directions for deputies who are not members of ERT nor procedures to be followed when there is no ERT, as is the present situation. These two omissions became all too apparent on April 19.

Obeying orders: Since the Sheriff's Department is a quasi-military organization, custody training should stress the chain of command and obedience to orders. This is essential not only in daily operations, but is especially important in an emergency situation. Training should stress practice under a senior officer, and deputies should respond automatically to authority. Except for an organization chart in the *Training Program Handout Booklet* and specific directions for the chain of command in hostage situations, little written emphasis is placed on responding to the orders of the deputy in charge.

Management of Pro Per Inmates: *The Training Program Handout Booklet* refers to handling of inmates housed in specific modules. However, there is no guideline regarding Module 2500, which presently houses inmates

acting in *propria persona*. "Pro pers" act as their own legal counsel. Several decisions affecting rights of pro pers have been handed down by the courts with specific directives for the handling of these inmates. Deputies should have written directions for compliance with these court orders, both for the well being of the inmates and for the legal protection of the Sheriff's Department.

4. Follow-up training

In implementing the twenty-four hour training requirement of the State Board of Corrections for all custody deputies each year, the Sheriff's Department does not include actual drills and training classes to supplement the training and legal bulletins now issued. Under present policy, it is conceivable that a deputy could spend four years or more in the Custody Division without any additional contact training once basic training has been completed.

### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That Emergency Response Teams be made fully operational immediately, with time set aside for drills and training.
- 2. That training materials be updated to include instructions for disturbance and riot procedures for all deputies who are not members of Emergency Response Teams.
- 3. That custody training emphasize obedience to orders at all times, and particularly in emergency situations.
- 4. That training materials include directives regarding handling of proper inmates.
- 5. That annual follow-up training include training classes and drills.

D. Policies and procedures1. Riot control plan

The Custody Division of the Sheriff's Department is an immense organization. Each day an average of 10,000 inmates is under the custody of the Sheriff in thirty-one facilities. The fact that these facilities are well run is attributable in part to the Sheriff's Department adherence to guidelines set forth by the State Board of Corrections and in part to the deputies who see to it that the rules and regulations are carried out.

There have been many creative ideas implemented by the deputies in the Custody Division. For example, a disturbance response cart is currently being designed and built for use in Central Jail, so that deputies responding to an alarm from various parts of the facility will be able to pick up their riot gear in a central location near the area of disturbance. The effectiveness of this concept becomes even more evident when the enormous size of the Central Jail is considered. In a facility housing more than 5,000 inmates, duplication of riot gear in numerous locations could be both cumbersome and costly.

The emphasis of this report has returned again and again to riot procedures. Testimony of witnesses at the Grand Jury hearing and reports of major riots, such as Attica and New Mexico, have caused the Grand Jury to become concerned that a major riot could easily occur at Central Jail.

The relatively minor disturbance on April 19 caused many injuries. Surely an incident of this type is not unique in the jail. Yet some of the actions of the deputies involved would appear to indicate that they had never contained a riot before. The Sheriff's Department should be applying the lessons learned from this altercation to the prevention of another donnybrook. It is disturbing to the Grand Jury that there is no specific plan for cellblock riot control in Central Jail. This type of plan, coupled with riot-trained custodial personnel, would appear to be an elementary consideration in running a jail.

# 2. Use of flashlights

The use of flashlights by deputies in the Custody Division is a study in contradictions. Although the Sheriff's Department does issue a flashlight to each new deputy and although the manual clearly states that *all* deputies must carry flashlights on duty, some do not.

The flashlight issued by the County is plastic and breaks easily. Some deputies, when their county-issued flashlights inevitably break, purchase long, metal, five-cell lights. These lights, in addition to providing illumination, have also been used by both deputies and inmates as weapons. Their use by deputies in this capacity is a very controversial issue. However, if it is true that a baton-type weapon is necessary in the Custody Division, it should be issued by the County to all deputies with specific instructions and regulations for its use as a defensive weapon. Training for this new weapon should be designed by the Custody Division and use of this instrument should be mandatory for all Custody Division deputies. Thereafter, the use of nonregulation flashlights should be prohibited.

### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That a plan for riot control in cell blocks be implemented at Central Jail and, where necessary, at other Sheriff's Department facilities (e.g., Biscailuz Center, Sybil Brand Institute, etc.).
- 2. That the County design and issue a regulation flashlight-baton to all Custody Division deputies, who should be trained in its use as a defensive weapon.
- 3. That regulations for the use of this baton be incorporated in the Custody Division Manual of Policy and Procedures.

Helen C. Pekny, Chairman Barbara L. Boone Jacquelin L. Christy Jeanne E. Fujimoto Ruth H. Hanak

Helen G. Talley George H. Wesley John B. Yodice Annette D. Yancey



Marcos, the leche nevada (ice cream) man, with two satisfied customers. Marcos plied his trade from 1880 to 1900 in downtown Los Angeles.

## JUVENILE CONCERNS COMMITTEE

#### PURPOSE

As the name implies, the Juvenile Concerns Committee has been involved in investigating many aspects of juvenile life. With the increase in crime and the realization that a majority of crimes are committed by juveniles and young adults, the Committee focused its attention on county juvenile facilities and the prevention of delinquency.

#### BACKGROUND

Among the members of the Committee are a retired elementary school principal, a retired school psychologist, and a retired educator. The Committee has visited one or more times the following juvenile facilities: Mac Laren Hall, Central Juvenile Hall, Los Padrinos, San Fernando Juvenile Hall (Sylmar), and camps Afflerbaugh, Mendenhall, Paige, Scudder, Munz, Scott, Gonzales, Kilpatrick, Rockey, Holton, and Kirby. In addition the Committee has visited Kenyon Center, San Fernando Juvenile Court, Metropolitan State Hospital, Los Angeles County-USC Hospital, and has talked with judges, probation officers, school personnel, Department of Public Social Services personnel, psychiatrists, deputy district attorneys, and deputy public defenders.

Through these contacts, it became apparent that many societal conditions contribute to juveniles' problems. Economic pressures often force both parents to work, and many children are unsupervised during the day, some even staying out of school. Continued truancy can mean that young people become involved in malicious mischief, which can escalate into serious crime, i.e., misdemeanors and felonies. Chronic truancy also results in little or no schooling and a lack of marketable skills.

Last year the California Auditor General's report indicated that truancy had increased in both elementary and secondary schools. In certain school areas, the truant rate is as high as 20 percent. The Auditor General's office made a strong recommendation that this problem be attacked and the trend reversed.

The influx of refugees and illegal aliens has intensified the problems of cultural isolation due to language barriers and differences in mores. A common problem for juveniles of ethnic minorities is the difficulty of being accepted into society's mainstream. Joining a gang has been, for a juvenile, one of the few ways to achieve acceptance and support. These gangs often become antisocial and violent.

The juvenile justice system has been in a state of flux for the past ten years. The Supreme Court decision (in re Gault) granted juveniles the right to due process of law. Additional court decisions and the passage of the California Juvenile Justice Bill of 1976 (AB 3121) extended these rights, though the right to a jury trial is still withheld. The above-mentioned court decisions have turned juvenile court into an adversary proceeding as opposed to the previous paternalistic court. These decisions, coupled with the lack of juvenile facilities, have enabled many juveniles and their parents to evade the consequences of the juveniles' actions. Currently, a bill before the State Senate (SB 491) would establish a commission to study revision of juvenile court law. The Grand Jury sees this as a timely and appropriate action and it strongly endorses such legislation.

### RECOMMENDATION

The Grand Jury supports SB 491 which authorizes establishment of a commission to study revision of juvenile court law and urges county government to support this legislation.

# AREAS OF CONCERN

- A. Schools in juvenile facilities
  - 1. Remediation and learning motivation
  - 2. Vocational training and work programs
- B. Probation
  - 1. Aftercare
  - 2. Costs legislation
- C. Mental Health
  - 1. Facilities
    - a. Mac Laren Hall
    - b. Kirby Placement Center
    - c. Sylmar
  - 2. Scope of problem
- D. Early identification and prevention of delinquency
  - 1. Brooks and Fare proposals
  - 2. Nutrition and delinquency
- E. Interdepartmental cooperation

### FINDINGS AND RECOMMENDATIONS

- A. Schools in iuvenile facilities
  - 1. Remediation and learning motivation

The Los Angeles County Schools Division of Special Schools provides the education for all juvenile facilities and camps. The Committee was impressed with the dedication, enthusiasm, and quality of the staff in all of the schools. The majority of students have experienced failure in community schools and as a result are severely deficient in basic skills. The classrooms at the camps are small and the teaching is individualized to meet the needs of each student. Juveniles assigned to a detention camp are given a Comprehensive Education and Vocational Assessment at Sylmar and an individualized prescription for remediation which is intended to follow them to camp. During the short time of their stay in camp, most students experience success, become motivated to learn, and make remarkable progress in the process of remediation. The staff is to be commended for this. A random check of work and records by the Committee confirmed the success of this program.

2. Vocational training and work programs

All the juvenile detention facilities offer career exploration classes. This is important because so many teenagers are unaware of job opportunities and requirements. Some camps offer a 4 on 4 program (4 hours of school, 4 hours of work). The work here involves some kitchen and laundry experience, as well as landscaping and ground maintenance. Some camps offer vocational classes,

such as welding, mold making, and automobile, motorcycle, and bicycle repair. Although these work programs are commendable, they appear to be minimal and need to be expanded so that more graduates of these camps will return to society with marketable skills and a positive work ethic.

Some people interviewed by this Committee stated that union attitudes toward these programs were not enthusiastic. Cooperation of the unions would be an asset in the expansion and development of these programs which have demonstrated such positive results.

One program that has been successful in this area, as well as in reducing recidivism, is the Camp Afflerbaugh Job Finder Program for older camp graduates (17 and 18 years old) who are on probation. Juveniles are selected for this program because of their positive response to the Camp Tree Planting Program. They enter the Department of Parks & Recreation as apprentices and are given on-the-job training, enabling them to become permanent employees of the Department or in the private sector. An integral part of the program is the emphasis on job attitude and skills. Continued monitoring by probation officers of the graduates after their return to the community is crucial.

The following letter was sent to the Board of Supervisors on March 13, 1981, concerning juvenile work programs.

The Probation Department of Los Angeles County has developed a program for rehabilitation of juvenile offenders in detention camps which is receiving state and national attention.

Historically, the juvenile probation camps have had some form of work program in addition to a school program. In its early years, the work program was related to the Los Angeles County Fire and Forestry Warden. An exception was the program at Camp Afflerbaugh, which was operated jointly with the Department of Parks & Recreation and developed a highly successful work training program in conjuction with the Marshall Canyon Tree Farm. In 1979, with the departure of the Fire Department component in several camps, the Department of Parks & Recreation relationship with Probation expanded to include work components at camps Paige, Mendenhall, Scudder, and work squads at camps Holton, Rockey, and Gonzales.

In 1980 another program was added, which implemented the in-camp work program. With the help of the Federal Comprehensive Employment Training Act (CETA), funds became available to employ and train qualified probation camp graduates. Under this program juveniles, immediately upon departure from camp, are employed by the Department of Parks & Recreation in one of its sites in the County. In just one year one hundred graduates from the various work camps, many of whom had been hardcore offenders, have been placed, some in the private sector. Available statistics on seventy of these graduates indicate that all have been or are currently working full time. In a era of alarming criminal recidivism, this record is remarkable.

With the freezing of CETA funds, this crucial follow-up program is in jeopardy. At the present time, it appears that Title II B of the

Manpower Act will still be in effect, though it will fund only the first six months of the program. In the opinion of both the Probation Department and the Department of Parks & Recreation at least a full year is necessary to solidify the gains which have been made by the juveniles in terms of acquiring good work habits and needed additional skills. This CETA program has proved to be even more successful than anticipated and has become a vital part of the rehabilitative process for juveniles who were sent to camp by the court.

A program with such success must be continued. Los Angeles County government, in seeking answers to juvenile crime, should maintain the post-camp graduate work program with the necessary funding, including the salary of a coordinator. The Board of Supervisors, in assessing the cost effectiveness of this program, will recognize its savings in human worth as well as its financial benefits to county residents.

Therefore, the Grand Jury recommends immediate funding by the Los Angeles County Board of Supervisors for the second six months of the Los Angeles County Probation Department Post-Camp Graduate Work Program.

The Grand Jury was pleased that the Board of Supervisors placed this letter on its agenda of April 21, 1981, and approved the funding as requested.

Most inmates of all three open senior camps and a small percentage (10 to 15 percent) in closed camps participate in a work program. The cost of this labor to the taxpayer is minimal; the benefits to society are enormous.

#### RECOMMENDATION

Therefore, the Grand Jury strongly recommends that the Board of Supervisors order a study of the feasibility of extending the work experience programs to other county departments such as Building Services, Mechanical, Animal Care and Control, and Agricultural Commissioner. Relevant unions should be invited to partcipate in this study.

B. Probation
1. Aftercare

The purpose of the Aftercare Program is to provide *community treatment* for delinquent juveniles returning to a society after serving a period of time in camp or other penal facility. The probation officer assigned to Aftercare must be a mixture of police officer, teacher, friend, social worker, and psychologist. The probation officer's first contact with the young offender is usually made just prior to his release, when the incarcerated juvenile is full of questions having to do with his immediate future. The Aftercare Deputy Probation Officer (DPO) helps the youngster with such vital problems as a place to live, continuing education, acceptance on his return to school or work, and most important, the support of his family. Quite often, the DPO will try to arrange a meeting with family members to explain the importance of their support and encouragement. The DPO may also meet with school staff to discuss reentry into school.

The Aftercare DPO is able to help the youngster in myriad ways. The DPO makes a minimum of four contacts a month with the juvenile for the first three

months. For the remainder of probation, the Aftercare DPO will see and counsel the youth a minimum of twice monthly. The officer can find out if the juvenile is socially stable, if he is motivated, if he has been rearrested, or if there are any family problems, etc.

At the present time the Aftercare Program involves only 60 percent of juvenile offenders, because the number of Aftercare units has been reduced from seven to three. With the addition of two more units, recently funded by the Board of Supervisors, the Grand Jury is informed that 100 percent of the juveniles will be provided with Aftercare. The Grand Jury commends the Board for funding the two units.

In 1980, about 1,500 senior juvenile offenders (16-18 years old) received Aftercare under this program. Seventy-three percent terminated probation successfully, meaning that no further criminal activity took place while they were juveniles. Ten percent reentered camps and seventeen percent went to California Youth Authority or jails. This is a remarkably successful program in terms of human and economic resources, especially when the former criminal behavior of these juveniles is considered. However, because of the rules of confidentiality, there are no figures available to track adult criminal behavior of former juvenile offenders.

The Grand Jury is aware that the Aftercare Program is less successful for younger juvenile offenders. This is attributable to their unsuitability for jobs, the difficulty of placement in foster homes, and their dependent situation.

2. Costs legislation

The additional funding needed to have an even more effective Aftercare Program may be partially realized by a revision of WIC 903.2 which permits reimbursement of actual probation costs. Although this law has been on the books for ten years, the courts and the Probation Department have not exercised their authority to impose these fees and charges. The Probation Department's response to inquiries from the Grand Jury as to why these costs are not being collected is that collection is not cost effective. The enabling legislation requires the monthly amount charged to be the actual cost of each individual's probation, instead of the average monthly cost, as is the case for adult probation. Also WIC 903.2 fails to make the collection of such fees a condition of probation. The Probation Department does not have the staff or the accounting system capable of handling the volume and detail required under the present law, and thus has not attempted to impose the fees the law authorizes. However, the Jury believes that revision and enforcement of WIC 903.2 would impress the juvenile and his parents of the seriousness of the first offense committed.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

1. That the Board of Supervisors provide additional funds to allow for a more effective Aftercare Program for young delinquent juveniles

returning to society.

- 2. That such funds be realized through assessment of probation costs on juvenile offenders.
- 3. That the Board of Supervisors seek legislative action amending juvenile probation costs laws to conform with those applying to the calculation of adult probation costs.

# C. Mental Health 1. Facilities

The fact that serious emotional and psychiatric problems occur frequently in juveniles involved in crime is not surprising. Moreover, emotional and psychiatric problems often involve children who have been abandoned, abused, or neglected, but who have committed no crime. The occurrence of serious mental disturbance in inmates of Los Angeles County juvenile facilities presents difficult problems affecting the welfare of the inmates and the function of the facilities.

The Committee has studied three facilities that play special roles in addressing the problem of mental disturbance in juvenile inmates and wards of the court. These are: Mac Laren Hall, Kirby Placement Center, and San Fernando Juvenile Hall at Sylmar.

### a. Mac Laren Hall

Mac Laren Hall is presently the focus of judicial and legal concern because it houses a few wards of the court who are so seriously mentally disturbed that they require physical restraint in a locked segment of the facility. Since the main function of Mac Laren Hall is the care, education, and placement of children who are "wards" of the juvenile court, the requirement to provide psychiatric treatment for some poses a special problem. The main function of Mac Laren Hall is threatened by court-ordered closure if the County fails to resolve this issue.

Therefore, the following letter was sent to the Board of Supervisors on April 9, 1981.

The 1980-81 Grand Jury Juvenile Concerns Committee has become aware of the urgent problem of providing residential care for severely disturbed juveniles at Mac Laren Hall. This situation has now become critical, since the lawsuit brought by the ACLU questioning the legality of housing these children was upheld by the court and a time limit was set to explore alternatives to remedy this appalling condition. The Grand Jury is aware that the Department of Public Social Services has been in communication with the Board of Supervisors concerning this matter and has kept the Board apprised of efforts to resolve the problem.

The Grand Jury has also been in touch with the Department of Public Social Services and believes that the Department's plan should be implemented. This plan includes: a Diagnostic Crisis Assessment Program which would evaluate appropriate placement of disturbed juveniles: a Special Residential Care Program which would provide intensive care up to six months for severely disturbed juveniles.

These public programs, in private facilities, would meet the legal requirements for housing severely disturbed juveniles. Although this addresses the immediate problem, it is also imperative to find the long-term solution. The Grand Jury is convinced the Diagnostic Crisis Assessment Program must become an integral component of the County Department of Mental Health. In addition, the development and expansion of the Special Residential Care Program must be adopted.

#### Therefore, the Grand Jury recommends:

- 1. That the Board of Supervisors implement the Department of Public Social Services plan as soon as it is feasible.
- 2. That the Diagnostic Crisis Assessment Program become a permanent component of the Department of Mental Health.
- 3. That adoption and expansion of the Special Residential Care Program be implemented as quickly as possible, because the current plan is meeting the needs of only a small percentage of the juvenile population.
- b. Kirby
  Placement
  Center

The Dorothy Kirby Juvenile Placement Center is presently utilized and staffed to provide confinement, rehabilitation, and treatment for about one hundred juvenile offenders who have psychiatric disorders. Because this facility focuses on juvenile offenders with mental disorders, its funding involves state tax monies under the Short-Doyle Act, as well as monies provided by Los Angeles County. The benefits of the program at Kirby were apparent to the Committee on its inspections of this facility and from data that indicate the encouraging rate of correction of criminal behavior and improvement of mental disorders of "graduates". The Grand Jury believes that the model represented by the Dorothy Kirby Center is one that should be extended to other facilities concerned with prevention of crime and rehabilitation of juvenile offenders. However, to do so will require considerable increase in staff. It also must be recognized that Kirby Center serves only a small fraction of the enormous number of mentally disturbed children. For example, LAC-USC Psychiatric Hospital has only thirty-five beds for seriously disturbed juveniles, and this hospital serves a central city population over 1.5 million. Moreover, assignment of persons to Kirby Center requires a judicial authorization, and criminals are the recipients of the benefits of this program. It is ironic that psychiatric care is more readily available for juvenile offenders than for nonoffenders.

c. Sylmar

The facility at San Fernando Juvenile Hall (Sylmar) provides intensive psychiatric care, if needed, in a ninety-six bed special treatment unit. Like Kirby Center, this facility serves juvenile offenders. Before assignment to Sylmar, juveniles have had a psychiatric evaluation at Central Juvenile Hall. Sylmar functions in a highly effective manner in spite of publicized deficiencies in its physical capacity to house the number of juvenile offenders requiring its services. It is almost superfluous to say that more such facilities are needed.

# 2. Scope of problem

The size of the juvenile psychiatric problem is overwhelming; the Grand Jury was informed that there are more than 1,200 "hard to place" juveniles in Los Angeles County. The term "hard to place" describes children who manifest behavior that often is so seriously abnormal as to preclude their acceptance into a family. These children affect the function of most juvenile facilities, as described previously. As a consequence of the particular problem at Mac Laren Hall, the Department of Public Social Services (DPSS) has presented to the Board of Supervisors a plan that depends upon the cooperation of privately owned facilities. This plan requests that facilities in the private sector, supported in part by federal funds, supply the need for both diagnostic evaluation and long-term care. As indicated earlier, the Grand Jury supports the DPSS plan. However, it must be recognized that this is simply a pilot program which addresses only a small fraction of the overall problem.

The Grand Jury recognizes the scope and complexity of the mental health issue and believes that the County *must* provide more county-sponsored facilities to meet this special need on a long-term basis. Moreover, the Grand Jury calls attention to the inadequacy of psychiatric and other kinds of mental health care provided to mentally disturbed juvenile inmates in many facilities in this County; e.g., in some camps psychiatric care is provided by part-time personnel.

Although the cost to the taxpayer of enlarging facilities to meet this major problem will be significant, the Grand Jury believes that county government will conserve financial as well as human resources by implementing measures that will prevent crime and rehabilitate mentally disturbed juveniles. The larger problem of needed expansion of psychiatric in-patient hospital facilities for both juveniles and adults is covered in the report of the Mental Health Committee found elsewhere in this volume.

### RECOMMENDATION

Therefore, the Grand Jury recommends that the Board of Supervisors establish an additional comprehensive psychiatric hospital which can provide mentally disturbed juveniles (offenders and nonoffenders) with acute psychiatric assessment and treatment in a controlled setting.

D. Early identification and prevention of delinquency
1. Brooks and Fare proposals

The Committee has been interested in plans for early identification and prevention of delinquency. The rising crime rate and heinous nature of crimes committed have alarmed law enforcement agencies, the court system, and the public at large. Many proposals for suppression of crime are being adopted and are necessary. Unless some preventive measures are also taken the problem will continue to grow.

Two programs reviewed by the Committee were Safe Schools, Safe Streets by Dr. David Brooks of the Los Angeles County School District and Juvenile Delinquency Prevention Program proposed by Kenneth Fare, acting chief probation officer. Both programs stress parent education and prevention of truancy in elementary schools. They require the cooperation of parents,

schools, law enforcement agencies, community, and news media to succeed. Delinquency is a problem affecting society as a whole and will not be solved without the support of all community agencies and the public at large.

Safe Schools, Safe Streets, concerned with detection of early gang involvement, is built around three components:

- 1. **Parent education.** Parents will receive parenting education at their work sites (with the cooperation of their employers) that will equip them to maintain control of their children, both preteenage and teenage.
- 2. *Educational inservice*. Educators will be helped to identify maladapted youth at an early age and will be given intervention techniques and strategies for prevention of negative behavior.
- 3. Community awareness and involvement. The private sector will be advised of ways to become involved in curtailing and preventing criminal activity, thus benefiting all sectors of society.

In the *Juvenile Delinquency Prevention Program* children at an early school age (7 to 9 years old) will be screened to determine their potentiality for future delinquency or crime. Volunteer families in selected schools and communities will be offered Parent Effectiveness Training, Behavior Modification Training, Nutritional Education, Birth Control Education, Assertiveness Training, Money Management, and Vocational and Training workshops.

The Grand Jury applauds Supervisor Edelman's 14-page anticrime plan which was approved by all Supervisors in March. This plan stresses suppression of crime. However, the Jury believes, as does Supervisor Edelman, that prevention must be a major component in any anticrime plan and urges that the two programs mentioned above be funded.

# 2. Nutrition and delinquency

The Board of Supervisors became aware of the possible effect of diet on delinquency and crime during the three-day anticrime hearings in January 1981. Testimony was heard regarding the relationship of nutrition and behavior, specifically the intake of junk food and foods with high sugar content as a contributor to criminal behavior.

Supervisor Antonovich made a motion that a pilot program of diet modification be implemented at Los Angeles County probation facilities. The motion was approved and the program was instituted for the period of April 1-July 1, 1981. Candy, cake frosting, soda pop, and chocolate are eliminated, salt reduced, and sugar removed from the dining hall. Canned fruits and vegetables and white bread are replaced by fresh or frozen fruits and vegetables and whole grain bread. Health and dental hygiene education classes highlighting nutrition are being conducted in conjunction with the diet changes. The Grand Jury concurs with the pilot program and encourages the extension of the diet changes and nutrition education beyond the three-month period.

At present David Scolley of the Probation Department is conducting weekly nutrition seminars for field probation officers so that they can instruct and encourage the families of their charges to serve more nutritious meals. The Grand Jury applauds these nutrition seminars and believes them to be of great value, since nutrition habits developed in the halls and camps must be continued in the homes if the anticipated results are to be maintained. If this nutrition program proves beneficial, a similar plan should be instituted for all the school children of Los Angeles County.

### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That the Board of Supervisors adopt and fund both the Safe Schools, Safe Streets Program and the Juvenile Delinquency Prevention Program.
- 2. That the program of diet modification and nutrition education now being carried out at the Los Angeles County probation facilities be continued.
- 3. That nutrition education of families now being carried out as part of the Probation Department's Aftercare Program be continued.
- E. Interdepartmental cooperation

The Committee commends the Probation Department and the deputy probation officers for their dedication to and their concern for the rehabilitation of the juvenile probationer. Their success is limited by the burdensome workload and curtailment of funds due to fiscal cutbacks. The Committee realizes that the limitation of available funds and the increased number of juvenile offenders will not ease the situation.

The Committee is aware that child welfare and attendance workers in school systems are highly skilled in counseling and guidance and work in depth with families. Closer cooperation between the probation officers and child welfare and attendance workers would forge a stronger support system for the juvenile and the community. There is currently a pilot liaison program in San Fernando Valley and the Committee commends this effort. The Committee feels that if a link could be established between the two agencies, it could be done with no additional cost to the taxpayer and no additional personnel.

### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That there be more communication among probation officers and child welfare and attendance personnel employed by school districts to assist each other in their common goal.
- 2. That Probation Department personnel and the staff of Special Schools seek opportunities to meet and discuss mutual problems.

3. That more in-service training time of probation officers be devoted to the skills necessary for counseling and intervention.

Jacquelin W. Christy, Chairman Barbara L. Boone Margie R. Cahn Charles G. Craddock Fay Galloway Ruth H. Hanak Eileen A. Ryan George H. Wesley



Angel's Flight, a 335-foot railway line which carried passengers up Bunker Hill between Hill Street (foreground) and Olive Street via Third Street, was in continuous operation from 1901 until it was dismantled in the 1960s. The 100-foot observation tower in the center of the picture gave vistors an unobstructed view of the City and of the San Gabriel Mountains to the North.

This picture, taken circa 1910, will have to serve nostalgia buffs until such time as the line is reassembled.

## AD HOC COMMITTEE ON COMMISSIONS

#### PURPOSE

The Grand Jury is aware that there are some 140 commissions and advisory boards in the County, most of which are mandated by state and federal laws which also define their membership requirements. The Ad Hoc Committee on Commissions, however, was formed to study the role of only 27 of these commissions—those established by county ordinance or Board of Supervisor order. The Committee had hoped to study and report on the questions of tenure, conflict of interest, length of service, and independent status affecting the membership of the 27 commissions which have, historically, played an important role in assisting the public and the Board of Supervisors in shaping vital county policies.

On January 13, 1981, the Board of Supervisors adopted a new ordinance making the service on all 27 boards, committees, and commissions subject to the "pleasure of" the majority of Supervisors instead of to the fixed terms set by previous law. The Committee, therefore, limited its study to the question of tenure and independence, since it determined that, unless this issue was settled, the other questions were academic.

#### BACKGROUND

Los Angeles County has an unusual form of government in that the Board of Supervisors acts as both the legislative and executive branches of government. This removes one of the traditional checks and balances usually built into American governments. There have been, over the years, proposals to establish a County Executive to replace the Board in its administrative role but, to date, such plans have been defeated by the voters.

While the Committee has not addressed itself to the merits of the County Executive proposal, it is fair to assume that a major argument in favor of retaining the Board's present dual role has been the moderating effect of strong, independent commissions on the power of the Supervisors.

Most commissions are established with provision for an equal number of members to be nominated by each of the five Supervisors. While such nominations require approval of a majority of the Board, it has been the traditional practice of Board members to approve the choice of a nominating colleague as a matter of courtesy. However, once approved, a commissioner was guaranteed a fixed tenure except for acts of misconduct.

It should be noted that the Board of Supervisors has always had the power to overrule commission findings, but, in doing so, Supervisors must justify to press and public their reasons for altering independent commission decisions. This independent status has acted as a check against the actual, or implied, charge of special interest cronyism and, the Grand Jury believes, has served the citizens of Los Angeles County and the Supervisors well in offering a buffer between special interests and the public good.

If a commissioner can be removed from office for offending the political sensibilities of the Supervisor who appointed him, it would seem to the Grand Jury that the chief qualification of a commissioner becomes his ability to serve faithfully the interests of a single master. With this in mind, the Grand Jury addressed the following letter to the Board of Supervisors on January 8, 1981.

The Grand Jury has appointed an ad hoc committee to study the question of county Commissions and will issue a report on its findings when the study is completed. The Grand Jury, however, is very concerned with the suggestion by Supervisor Dana, as reported in the press, that the members of the twenty-three Commissions established by county ordinance or Board order "serve at the pleasure of the Board."

One of the purposes of a Commission is to provide a panel of knowledgeable laypersons to act as a buffer between the Supervisors, who serve as both the executive and the legislative arms of county government, and the citizens of the County. These Commissions are designed to provide independent thought, research, and opinion to the Board of Supervisors and to serve as one of the checks and balances on a government which must be fair to its citizens. Equally important, this government must be perceived as being fair.

While it may be understandable for the Board of Supervisors to want appointees who reflect their political views, it seems unreasonable and bad government for the Commissioners to have no independence from their appointing authority. If Commissioners must risk dismissal for holding opinions contrary to those of Board members, there is no purpose in having Commissions. The Grand Jury regards this threat to the independence of Commissions, particularly those decision-making bodies such as the Regional Planning Commission, as dangerous to good government.

In proposing that the current ordinance, which allows for removal of Commissioners only "for cause," be changed to service "at the pleasure of the Board," Supervisor Dana has attempted to address himself to two different issues: the long-standing problem of last-minute, lame-duck appointments by a predecessor and the problem of a possible difference in the political background and biases of a predecessor's appointees. Since the Grand Jury feels so strongly that the independent status of Commissions must be retained, it does not believe that long-standing appointments made within the term of a predecessor should be tampered with. However, one possible solution to the problem of last-minute appointments would be an ordinance requiring reconfirmation by the new Board of all appointments made by a Supervisor retiring or running for reelection between the date of filing for such election and the seating of the new Board.

Because of the important philosophical issues involved, the Grand Jury urges the Board to move slowly and deliberately in making changes in the independent status of Commissions. The Grand Jury requests an opportunity to present its final conclusions to the Board for consideration before enactment of new, far-reaching legislation.

The Grand Jury was disappointed by the ordinance passed, on a three-to-two vote of the Board, January 13, 1981. But it notes with interest press reports that some members of the majority have expressed support for an ordinance similar to that suggested in the above letter, now that some lame-duck appointments have been replaced. However, the Jury feels the issue of commission independence demands a permanent solution. As long as appointments are at the whim of Board ordinance, the independence of commissions is in jeopardy.

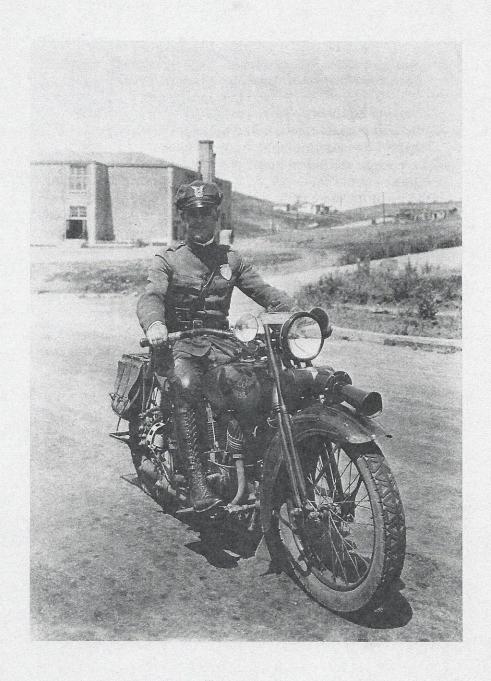
### RECOMMENDATION

Therefore, the Grand Jury recommends:

That the Board of Supervisors place a charter amendment on the ballot for the next general election which, if approved by the voters, would provide that all commission appointments be for fixed terms with the following exception: reconfirmation by the new Board would be required for all appointments made by a Supervisor retiring or running for reelection between the date of filing for such election and the seating of the new Board. Such a charter amendment would assure the independence of commissioners while protecting newly elected Supervisors from the evils inherent in lame-duck appointments.

Carol B. Pearson, Chairman Marian K. Barton Mack Blaustein Bessie A. Harper Seymour Kern

Ruth A. Kraft John Lombardi Nancy Manners Helen C. Pekny Robert M. Segall Helen G. Talley



A Los Angeles County motorcycle policeman in 1927. His hightopped boots and well-equipped bike were surely the envy of many a Los Angeles youngster.

## AD HOC COMMITTEE ON COURTS

Emphasizing a concern for humane, efficient, and accessible judicial process, the 1980-81 Grand Jury considered three aspects of judicial reform that have become prominent issues over the past few years.

# AREAS OF CONCERN

- A. Municipal Court consolidation
- B. Small claims court expansion
- C. Pretrial incarceration

### FINDINGS AND RECOMMENDATIONS

# A. Municipal Court consolidation

In September 1978, the Los Angeles County Chief Administrative Officer (CAO) and the Los Angeles County Municipal Planning and Research Unit (PRU) completed a study of court reorganization. One of its key conclusions was that there was no significant correlation between court size and judicial productivity. Contrary to the commonly held professional belief that larger courts tend to be more productive than smaller courts when measured by case load per judicial officer, the study found no difference in operating efficiency between courts conducted by two to four or five to ten judicial officers. Because of the general concern for the effectiveness of the criminal justice system and its economy of operation, the Grand Jury directed its contract auditor to analyze the apparent conflict beween the 1978 study and the prevailing belief of judicial-systems professionals regarding court size and productivity. Beyond merely evaluating the CAO-PRU study, the auditor was asked to draw conclusions and make recommendations regarding the impact of court size on productivity and to determine what follow-up activities should be considered relative to Municipal Court consolidation.

The auditor determined that the CAO-PRU study was erroneous in its conclusions in the matter of court productivity because the study included in its statistics four courts which were so atypical of their group that they caused the statistical averages to be misleading. It was also found that judicial districts with six or more officers appear to be most productive and that judicial productivity between the least and most productive courts has a threefold difference. The contract auditor asserts that if all courts were operating at the level of the most efficient court, they would be able to increase their caseload by nearly 50 percent. Moreover, concerning the efficiency of court operations, a distinction was drawn between uncontrollable factors (such as prosecutorial policy and types and numbers of motions) and controllable factors (such as continuance policy, sentencing consistency, and other administrative procedures which would affect productivity).

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

1. That the Board of Supervisors establish a pilot program to consolidate two or more small Municipal Court judicial districts in close

geographic proximity to form a single district of six or more judicial positions. Existing facilities should be used, and clerical and administrative court personnel should be housed at one location within the district.

- 2. That a follow-up study be conducted by the 1981-82 Grand Jury to develop an implementation plan for the pilot consolidation described in recommendation Number 1 above. This plan should be based on a survey of court facilities within the County, a selection of judicial districts to be consolidated, and an estimate of fiscal impact.
- 3. That the Municipal Court Judges Association of Los Angeles County develop guidelines for judicial and administrative policy, using the most productive judicial districts in the County as models.
- 4. That the County's Planning and Research Unit report on judicial productivity and court expenditures annually to the Judges Association and the Board of Supervisors in an effort to assist in maximizing the effective use of court resources.
- B. Small claims court expansion

The Small Claims Division of the Municipal Court has jurisdiction in civil actions where claims do not exceed \$750. Neither plaintiff nor defendant may be represented by an attorney. There are presently five locations for small claims courts in the Los Angeles Judicial District—Metro, Van Nuys, West Los Angeles, San Fernando, and San Pedro. The rate of small claims filings has increased 6 to 7 percent per year for the past three years, and the default rate (the number of defendants served with notice who fail to appear in court) has been fairly constant at 28 to 30 percent.

In order to make small claims courts more accessible to low-income and minority citizens, a pilot night-court program, funded by and operated in conjunction with Southwestern University School of Law, was established at the Metro branch. This pilot program will extend through June 1981, and both the Municipal Court and the Marshal's Office have included night small claims court in their budgets for 1981-82. Because of efficient use of night court facilities, it is estimated that a nighttime small claims court in the Metro and Van Nuys areas (where 93 percent of the small claims in the Los Angeles Judicial District occur) will cost \$15,000 per year per court. Additionally, there is pending legislation in the state Senate (SB 180) which would require establishment of night or weekend small claims court sessions statewide.

The Grand Jury directed its contract auditor to study this pilot program to determine its effect on citizen access to small claims court and its impact on calendar congestion, as well as its acceptability to the government and private sector—and then to develop a model based on the results of the study. Although the data available was limited, it was found that the night court was operating considerably below capacity, that there was no effect on the default rate, and that although the public is in favor of its continuance, the court representatives consider it unnecessary. In sum, its impact was relatively minor. Whether or not this was due to lack of publicity, an insufficient trial

period, or the present arrangement that limits the request for night court session to the plaintiff, the contract auditor felt that the small claims night court had not been given sufficient opportunity to realize its potential and should be continued with a number of significant changes.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That small claims night court in the Metro division be continued for fiscal year 1981-82.
- 2. That the existence of this night court program be well publicized through the mass media on an ongoing basis.
- 3. That defendants, as well as plaintiffs, be permitted to request night court sessions.
- 4. That bilingual counseling services be made available to all night court litigants.
- 5. That the County consider a pilot program of night court in Van Nuys.
- 6. That the County and the Superior Court consider changes of procedure and/or the sponsoring of legislation which would reduce the amount of Superior Court judicial time devoted to adjudication of small claims appeal matters; e.g., lowering the calendar priority of small claims appeals which do not stipulate to pro tem judges or arbitration panels.

# C. Pretrial incarceration

Los Angeles Municipal Courts have jurisdiction in misdemeanor and felony cases through the arraignment stage. The increase in felony filings at the Metro branch alone was 38 percent in 1979-80 over the 1978-79 figure, and for a similar period the misdemeanor filings increased by 7 percent. Pretrial incarceration time for misdemeanor cases is generally twenty-four hours and for felony cases it may be from forty-eight hours to five days, depending on the day of the week the arrest is made.

Since January 1980, inmate population levels at the Los Angeles County Central Jail have exceeded State Board of Corrections recommended inmate capacity by 22 to 25 percent daily. Because of the sometimes lengthy pretrial incarceration for felony arrests and the obvious overcrowding of the Central Jail, the Grand Jury requested its contract auditor to assess the effect a weekend prearraignment processing and release program would have on reducing jail population. This study was expanded to include an assessment of postarraignment release options and the use of alternative county and municipal facilities as a means of reducing Central Jail overcrowding. From the study, it appears that weekend arraignment processing would have no real effect on misdemeanor arrestees because 80 percent of them are currently released "on cite" prior to arraignment. The remaining 20 percent detained are

held for cause and therefore cannot be released on their own recognizance or bail before court appearance.

With respect to felony arrest processing, where arrestees are not eligible for prearraignment release except upon payment of bail or where the case is terminated because of insufficient evidence, the majority of the arrestees remain in custody until the time of arraignment, even though only 25 percent are ultimately charged in felony cases by the District Attorney. Although the idea of weekend prearraignment is appealing and has been attempted in Santa Clara County, a careful analysis of the problems it raises and the costs involved leads to the conclusion that it is impractial.

The auditor believes that "weekend arraignment processing in Los Angeles County (whether limited to prearraignment processing and release or expanded to include actual arraignment hearings over the weekend) would have a significant operational (and possibly fiscal) impact on several county agencies. Moreover, it would be unlikely to produce a substantial impact on the Central Jail population and would potentially effect the release of only the 10%-15% of individuals arrested over the weekend (due to difficulties in completing investigations over the weekend). Based on the potential cost benefits, a weekend arraignment processing program does not appear to be feasible."

The auditor did find, based on data provided by the Sheriff's Office, that about 7 percent of the Central Jail population consists of misdemeanants originally arrested on felony charges. These persons might be automatically eligible for "10% bail" release if the Sheriff's Office could apply the provisions of pending misdemeanor legislation (Assembly Bill 2—Berman) to them.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That the 1981-82 Grand Jury complete a follow-up evaluation of interim measures for reducing Central Jail population. Such measures could include holding LAPD arrestees remanded to the Sheriff's custody at LAPD facilities, contracting with municipalities in the County to hold trusty inmates, retaining presentenced inmates in the Sheriff's substations, and contracting to hold short-term misdemeanant inmates in municipal police facilities.
- 2. That the Board of Supervisors sponsor legislation to permit the Sheriff's Office to release individuals arrested for felonies but charged with misdemeanors in accordance with the existing "10% bail" procedures.

Ruth A. Kraft, Chairman Marian K. Barton Mack Blaustein Margie R. Cahn Fay Galloway

Nancy Manners Helen C. Pekny Eileen A. Ryan Annette D. Yancey

## AD HOC COMMITTEE ON ELECTIONS

### **PURPOSE**

The Ad Hoc Committee on Elections was formed following the November 4, 1980, election to study problems which had arisen in connection with that election.

# METHODS OF INVESTIGATION

In the course of its investigations, the Committee visited the Department of Registrar-Recorder and attended meetings of the Election Commission. The Committee wishes especially to thank Registrar-Recorder Leonard Panish for arranging its tour of the County's election facilities, as well as Les Beck, assistant chief deputy, operations, and Bea Valdez, assistant chief deputy, elections, for their helpfulness on numerous occasions and their willingness to provide the answers to a multitude of questions. Members of the Committee were favorably impressed with operations at the Registrar-Recorder's office and commend the Department for its forward-looking programs which help ensure that elections in Los Angeles County are conducted in a fair and impartial manner.

# AREAS OF CONCERN

- A. Letter to San Luis Obispo County Grand Jury
- B. Postcard registration
- C. Absentee ballots
- D. Early network projections
  - 1. Polls and surveys
  - 2. Proposed legislative remedies
  - 3. Election Commission recommendations
- E. April presidential preference primary

## FINDINGS AND RECOMMENDATIONS

A. Letter to San Luis Obispo County Grand Jury

The following letter, dated April 20, 1981, was sent by the chairman of the Elections Committee to the San Luis Obispo County Grand Jury in response to a letter from it requesting information concerning certain election practices within Los Angeles County.

As Chairman of the Ad Hoc Committee on Elections of the 1980-1981 Los Angeles County Grand Jury, I have been asked to respond to your letter of March 18 concerning voter registration violations and absentee ballot problems in San Luis Obispo County. My initial reaction was to write to you immediately assuring you that we have not been experiencing this kind of problem in Los Angeles County. However, it seemed only fair that I confirm this with the Registrar-Recorder's office before answering your letter.

Accordingly I spoke at length with Les Beck, assistant chief deputy, operations, and with Bea Valdez, assistant chief deputy, elections, at the Registrar-Recorder's office. They both advised me that our county has experienced almost no problems in the two areas you mention. Partly this is because of the vast computer capabilities of our Registrar-Recorder's office.

In Los Angeles County new registration addresses are immediately checked against the current registration files to see if the person registering has had a prior registration and if so, whether there has been a change of address. Also the Registrar-Recorder maintains a comprehensive list of addresses of commercial buildings throughout the County. This list is continually being expanded and updated as registrations from commercial addresses are picked up through post office notifications and various other means. These commercial addresses are keyed into the computer so that any time one is used by a registrant, the new registration is pulled for an address check.

If such an address does prove to be non-residential, a mild form letter is sent by the Registrar-Recorder to the registrant asking him to change his address from the non-residential address to his principal place of residence. The Registrar-Recorder also periodically coordinates his list of commercial addresses with lists available from the Tax Assessor, the Regional Planning Commission, and the County Engineer's office.

As to people who vote absentee ballot and then also at the polls on Election Day, we have a procedure in Los Angeles County that precludes this, as long as the workers at the polling place follow instructions. The application period for an absentee ballot is from the 29th day before an election through the 7th day. As soon as the 7th day is past, the Registrar-Recorder prepares an absentee voter list for *each* precinct within the County and these are delivered to each precinct inspector before Election Day. Each inspector then indicates on his list of eligible voters for his precinct which voters have applied for an absentee ballot by marking the initials AV next to each such name. Thus, if a voter whose name is marked AV shows up at the polling place, he must surrender an unvoted absentee ballot before he is allowed to vote.

On the other hand, if a voter insists that he did not receive his absentee ballot, even though his name appears on the AV list, he is allowed to vote at the polling place by swearing or affirming that he has not previously voted in the election. He then signs a special page in the roster for the precinct which places him in the category of a Challenged Voter. Following the election, these names are checked out by the Registrar-Recorder against the names of people who have mailed in voted absentee ballots. This check automatically picks up any voters who voted twice.

Again, I do not know if you have the computer capability and/or the manpower to put such a system into effect in San Luis Obispo County. However, it is a system which we have been using here for some time, and it does work.

# B. Postcard registration

Since August 1976 it has been possible for voters residing in California to register by postcard as well as with the assistance of a deputy registrar. The implementation of postcard registration has greatly reduced the need for deputy registrars. Prior to the November 4, 1980, election, 805,887 registrations were taken in Los Angeles County, of which only 7 percent were taken by deputy registrars, while the remaining 93 percent were by postcard.

At the present time, there are approximately 800 permanent deputy registrars. This number increases to about 1,000 before a general election.

The postcard system of registration has proved so convenient to county residents that the Department of Registrar-Recorder has continued to increase the number of locations at which voters may register. As of April 1, 1981, there were a total of 2,544 locations within the County where potential voters could obtain a registration postcard or register in person. These sites include city halls, fire departments, libraries, post offices, DMV offices, chambers of commerce, and realty boards. At sites where there are no deputy registrars present, the registration forms are offered to citizens from prominently placed display boxes which are serviced as needed by the Registrar-Recorder's office.

In October 1980, the first problem of major proportions arose in connection with postcard registration when 14,500 late registrations were received by the Registrar-Recorder's office. Because the State Election Code requires that voter registrations which are mailed must be postmarked by midnight of the twenty-ninth day preceding an election (i.e., October 6 for the November 3, 1980, General Election), these 14,500 registrations were declared invalid and 14,500 county residents were denied the right to vote.

Although it was determined that only a very small percentage of these late registrations could be blamed on postal delays, many people insisted that their registrations had been mailed on or before October 6. In order to avoid such difficulties in the future, the Department of Registrar-Recorder drafted legislation to eliminate the postmark as the deciding factor in determining whether or not a registration is valid. This proposed legislation, which was sponsored by the County Clerks' Association and introduced as SB 43 by State Senator Barry Keene, would delete the requirement that a registration be postmarked on or before the twenty-ninth day prior to an election. It would instead require that any registration dated on or before the twenty-ninth day prior to an election and received in the Registrar-Recorder's office no later than the twenty-fifth day prior to an election be valid for that election.

It seems to the Grand Jury that disfranchisement on the basis of a late postmark is unfair, especially when an effort has been made by the potential voter to complete his registration in the allotted time. Apparently this injustice could be eliminated by the passage of SB 43.

#### RECOMMENDATION

Therefore, the Grand Jury recommends that the Board of Supervisors actively support SB 43 and encourage its early passage as a means of ensuring that the right to vote will not be decided by a postmark.

#### C. Absentee ballots

Another problem with the mails has occurred in the case of absentee ballots in Los Angeles County. There are more than 3 million registered voters in the County of whom 155,901 requested absentee (AV) ballots for the November 4,1980, election. However, the actual number of voted AV ballots received by the Registrar-Recorder's office was 131,776, a difference of 24,125 ballots.

There are a number of reasons to account for this difference between ballots mailed out and ballots returned. Many ballots are not returned because of voter carelessness, change of mind, or whimsey, or because of problems with the mails, or because the voter is present on election day after all and turns in his unvoted AV ballot at his polling place. However, 24,125 potential votes which were not cast seems a significant number if many of these votes failed to arrive at the Registrar-Recorder's office through no fault of the absentee voters involved.

There are several circumstances which militate against the absentee voter. The most common method of applying for an AV ballot is for the voter to wait until he has received his sample ballot and then utilize the application for an AV ballot which is found on the back of the address insert. However, sample ballots cannot be mailed prior to the fortieth day before an election, and it takes about ten days to complete the mailing of the more than 3 million sample ballots. Thus, by the time a voter at the end of the mailing receives his ballot, which had to be forwarded perhaps to an East Coast or foreign address, a possible eighteen days could have elapsed. The absentee voter must then return his application for an AV ballot to the Registrar-Recorder's office (another possible five to seven days). During this time the Registrar-Recorder is receiving about 10,000 requests for AV ballots per day and is making an effort to handle such requests within one working day of their receipt. Then, there is another five to seven days for the ballot to travel back to the absentee voter. By this time, a total of as much as thirty-three days may have elapsed, if everything has gone relatively smoothly. This leaves the absentee voter with just seven days to get his ballot back to the Registrar-Recorder's office, since AV ballots must arrive before 8:00 P.M. on election day. It should also be noted that AV ballots cannot be mailed out by the Registrar-Recorder prior to the twenty-ninth day before an election, i.e., the day that registration closes for that election.

The Registrar-Recorder has a number of solutions for this problem, many of which are not widely known.

- 1. A voter who spends most of his time at an out-of-state location but retains his local residence and wishes to vote in his home state (e.g., a college student or someone in military service) may advise the Registrar-Recorder's office of his away-from-home address, so that his sample ballot will be sent directly to him and will not have to be forwarded. This may save as much as a week's time.
- 2. Applications for AV ballots in the form of letters from registered voters are accepted by the Registrar-Recorder's office beginning forty-five or sixty days in advance of an election (depending on the type of election) and will be held there until the twenty-ninth day, when it becomes legal to mail out AV ballots. This process of application by letter also saves considerable time, since the voter has eliminated one whole step in the mailing process and will receive his AV ballot at the earliest possible moment.

- 3. A voter may apply for and receive an AV ballot in person at the Registrar-Recorder's office, 5557 Ferguson Drive, Los Angeles, from the twenty-ninth day through the seventh day before an election. The voter fills out the application, receives the ballot, and either votes immediately, returning the voted AV ballot to a locked ballot box at the Registrar-Recorder's office, or takes his ballot with him and mails it on or before election day. This in-person application is the safest method of all, as long as the voter who expects to be out of the County on election day is present between the twenty-ninth and the seventh day before an election.
- 4. After the seventh day before an election, a voter may still apply for a ballot in person at the Registrar-Recorder's office as an emergency voter, if some sudden circumstance will prevent him from being present at his polling place on election day.
  To receive an absentee ballot during the last week before an election, such a voter must fill out an emergency-voter form as well as an AV ballot application. If someone will be prevented from voting because of confinement from a sudden illness, the emergency-voter form and the AV application form may be picked up from the Registrar-Recorder's office and brought to such a person.

It seems to the Grand Jury that not enough citizens of the County are aware of these alternative means of obtaining absentee ballots, although the Registrar-Recorder prepares press releases on this subject prior to major elections. The Jury understands that it is difficult to interest the press in the mundane routines connected with casting absentee ballots, but feels that a continuing effort must be made by the Registrar-Recorder to disseminate this information to county citizens.

#### RECOMMENDATION

Therefore, the Grand Jury commends the Registrar-Recorder for his efforts to inform the citizens of the County of alternate absentee ballot application methods and urges that he continue to do so through a series of timely and imaginative news releases beginning approximately sixty days prior to a general election.

- D. Early network projections1. Polls and surveys
- It is clear from the furor that arose following the early network projections of the victor of the November 4, 1980, election that a large segment of the population was unhappy with early network projections. Mervin Field's California Poll, taken in January 1981 and released on March 24, revealed that 60 percent of those polled said they were dissatisfied with the way TV and radio had reported the presidential race and 74 percent favored prohibiting the networks from making such early projections in the future. A nationwide poll by the *Los Angeles Times* in late November 1980 produced similar results.

However, it is difficult to extrapolate from these polls—or from the poll done by the Registrar-Recorder in Los Angeles County—data revealing whether the

early network projections had any real effect upon voter turnout in California. Secretary of State March Fong Eu stated that "nearly 401,000 registered voters did not vote last November because of the combination of network projections of the winner and President Carter's concession speech before the polls were closed." Mrs. Eu's 401,000 figure, which was based on raw data from the California Poll, is equivalent to 4.66 percent of those who voted in California in the November election. However, subsequent study of the California Poll data by Mervin Field revealed a very different story. Field reported that his poll's sample of registered voters who did not vote was too small (71 respondents out of 883 registered voters polled) to allow any definite conclusions to be drawn. Field also wondered whether publicity concerning early network projections had led the respondents to his poll to say in retrospect that their decision not to vote had been influenced by such projections.

A similar problem arose with the poll requested by the Election Commission of Los Angeles County and conducted by the Registrar-Recorder. In this poll, 1,700 nonvoting registered voters within the County were queried by mail as to why they did not vote in the November election. Unfortunately, there were only 343 usable responses to the questionnaire, again too small a sample to produce any conclusive results.

The Registrar-Recorder subsequently requested Professor Percy H. Tannenbaum of the Graduate School of Public Policy and director of the Survey Research Center at the University of California, Berkeley, to attempt an analysis of the results of the Registrar-Recorder's poll, along with other polls concerning this issue conducted after the election (i.e., the New York Times/CBS Post Election Poll, the Los Angeles Times Poll, the Gallup Poll Election Postmortem, and the Field Institute's California Poll). After studying the question in depth, Dr. Tannenbaum concluded that no one will ever really know the effect of the early projections on voter turnout. He said that if he were forced to "guesstimate" the probable effect, he would estimate "approximately 2-3%, certainly no higher than 5%, possibly as low as 1-2%" of the voters in Los Angeles County were affected. Thus, Dr. Tannenbaum's maximum percentage comes very close to the California Secretary of State's figures, but his minimum percentage is considerably less. Dr. Tannenbaum also pointed out that the 1980 election was an extremely unusual one in that the expected very close race turned into a landslide. Therefore, it is hard to compare this race with other presidential elections where the expected results actually materialized. Dr. Tannenbaum warned that, because of the initial success of the exit polling technique as a prediction tool and the continuous upgrading of computer technology, projections could be made even earlier in the 1984 presidential election.

After reviewing posible altenatives for minimizing the effect of early network projections (and suggesting that California delay its return to Pacific Standard Time until after election day, thus lessening the time differential with the East Coast by one hour), Dr. Tannenbaum finally concluded that

If all else fails, the status quo is still available. It may not

be everything we want but—warts and all—it has not served us that badly, all things considered. If it has its problems, so do the other options. There is no maximal solution (some political pundits and editorial writers notwithstanding) but there may be an optimal one—and the existing system may be it.

2. Proposed legislative remedies

The early network projections have also spawned a whole series of legislation which attempts to deal with this problem while skirting difficulties with First Amendment principles. Such proposals range from two-day voting and Sunday voting to requiring the polls to close nationwide at an identical hour keyed to Eastern Standard Time while leaving the opening time up to individual states. Thus far these proposals have not stirred up a great deal of enthusiasm or support, though the California Poll found that 60 percent of those polled favored Sunday elections with a common closing time nationwide, and 55 percent favored the idea of two-day voting for the West only, with polls in the West opening for a few hours in late afternoon on Monday, reopening at the regular time on Tuesday, and closing early to coincide with Eastern poll closing times. However, all these legislative proposals are fraught with difficulties, not only because of the five-hour time difference between Alaska or Hawaii and New York, but because each state now sets its own poll opening and closing times and there is little uniformity among them.

3. Election
Commission
recommendations

The Los Angeles County Election Commission has made an extensive study of the issue of early network projections and possible solutions to the problems created by such projections. The Commission is unanimous in its desire to make no basic changes in present election procedures and in its disavowal of Sunday and two-day elections. In addition, it has recommended that the Board of Supervisors seek and support Congressional legislation preventing the networks from releasing presidential voting results before 10:00 P.M. Eastern Standard Time.

The Grand Jury supports the Election Commission's position that no major changes be made in present election procedures. However, the Jury questions whether the Congressional legislation recommended by the Commission is either practical or feasible or constitutional. The Jury believes it might be more useful if the Board of Supervisors appealed to the networks, who surely must be aware of public unhappiness with their early projections, to exercise good sportsmanship and statesmanship by voluntarily restricting the broadcasting of projections and returns to areas where the polls have closed. This idea was suggested by columnist David S. Broder in a recently syndicated column published in the *Los Angeles Times*. Broder stated:

What is clear is that the belief that "my individual vote counts" is important to many, many people, and they are offended by being told that their act is without significance to the outcome.

He went on to suggest that the networks and the major news services should

be everything we want but—warts and all—it has not served us that badly, all things considered. If it has its problems, so do the other options. There is no maximal solution (some political pundits and editorial writers notwithstanding) but there may be an optimal one—and the existing system may be it.

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do voluntarily what their Canadian counterparts are already required to do by law when a federal election is held there. Activate the broadcast networks by time zone, from east to west, as the polls close.

As Broder pointed out, the West Coast already has to wait two to three hours all other nights of the year to see the network news as broadcast by John Chancellor, Dan Rather, or Frank Reynolds, so why should election night be any different?

The Grand Jury believes that some positive response must be made to California voters who wish government to do something about early network projections. Closing the polls one hour earlier for presidential elections and not returning to Pacific Standard Time until after election day in presidential years (leaving California on P.D.T. one or two additional weeks every four years) would cut two hours from the three-hour time differential between California and some Eastern poll closing times. In fact, since New York does not close its polls until 9:00 P.M. Eastern Standard Time, California and New York would have an equivalent poll closing time, provided that New York returned to Eastern Standard Time at the end of October.

Despite a nationwide study done by the Registrar-Recorder's office that shows an increase in the percentage of voter turnout for each extra hour the polls remain open after 6:00 P.M., it seems to the Jury that voters would be motivated to get to their polling places before 7:00 P.M. if they felt this would give their votes added significance. Surely twelve hours is a sufficient period of time to allow almost anyone seriously interested in voting to do so. At present only about 5 percent of the voters in the County actually vote between 7:00 and 8:00 P.M. James Horwitz, a former member of the Election Commission, made a study of voter turnout figures for presidential elections in the County since the polls have been open the extra 7:00-to-8:00-P.M. hour. He found that (with the exception of the 1972 presidential election) the total voter turnout has been smaller than when the polls closed at 7:00 P.M. Thus, if these figures actually mean what they seem to mean, closing the polls an hour earlier should not be a hardship to voters.

The Jury reminds those who are concerned about working mothers and other individuals who for one reason or another must work long hours that Section 14350 of the Election Code requires that all employers *must* give their employees time off to vote in statewide elections. It would seem most logical that this time off be taken either before the voter reports to his place of work or at the end of his working day, either of which should allow him ample opportunity to vote between 7:00 A.M. and 7:00 P.M.

The Grand Jury would also remind voters that they need not respond to the questions of media exit pollers. All citizens have the right to a *secret* ballot, and if voters would refuse to divulge how they voted, early network projections would be a thing of the past.

### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That the Board of Supervisors appeal to the networks to exercise good sportsmanship and statesmanship by voluntarily restricting their broadcasts of election projections and returns to areas where the polls have closed. The Jury further recommends that the Board request other elective bodies throughout the nation to join with them in making similar appeals to the networks.
- 2. That the Board of Supervisors seek and support legislation that would establish a 7:00 P.M. California poll closing time for presidential elections, thus reducing the differential between California and Eastern poll closing times by one hour.
- 3. That the Board of Supervisors seek and support legislation to extend Daylight Savings Time in California to the Sunday following election day in presidential election years, thus reducing the differential between California and Eastern time by one hour. This, combined with the hour saved in Recommendation 2, would reduce the effective differential between California and Eastern poll closing times by two hours.
- E. April presidential preference primary

Several bills have been introduced in the state legislature to divide the California primary in presidential years into two parts. All these bills would advance the presidential primary to April, either leaving the direct primary in June or moving it to September. The motivation for this legislation is closely related to the proposed remedies concerning the early network projections—frustration at being left out of the selection process. To quote a recent *Los Angeles Times* editorial (May 3, 1981),

Nothing can be done to eliminate the time difference between the east and west coasts that can effectively settle an election before California votes, but an earlier primary would at least insure that the state with the largest number of electoral votes would be heard from in selecting the candidates.

The *Times* suggests that, since an April primary date would coincide with a number of municipal elections throughout the state, such an election would not result in much additional cost to the taxpayer. The editorial contends that the most populous state in the union "ought to have much more influence in the presidential primaries than it does" at the present, stating that moving the primary to April would place the California primary eleventh in the nation instead of last among the thirty-six primaries held in presidential election years.

It seems to the Grand Jury that the reasoning of those who advocate the April primary for California is faulty on several grounds. There are at least eight

other states, several of them sizeable (e.g., Ohio and New Jersey), which also conduct presidential primaries in June. Therefore, although California may be among the last to hold a primary, it is not necessarily the thirty-sixth. And there is certainly justification for not holding the primary earlier than June. As it is, one of the major complaints of voters is that the election season is entirely too long, and this, in turn, leads to voter apathy.

Then there is the major issue of cost—both to the taxpayer and to the candidates attempting to conduct a primary campaign in this most populous state. It takes an astounding amount of money to sustain the campaign of each presidential primary candidate in California. The *Times* editorial cautions against any more special-interest domination of candidates, while at the same time recommending a procedure which would guarantee that such domination would not only continue but increase as a multitude of candidates scrambled for funds. At present, candidates who do not succeed in the earlier primaries have already dropped out of the race long before June, thus saving themselves and their backers much time, effort, and money that would otherwise be wasted on the California primary.

Although in 1980 the California presidential primary was not significant, there are many times in the past when it has been (Eisenhower-Taft, Rockefeller-Goldwater) or would have been (Robert Kennedy-McCarthy). It seems to the Jury that there are advantages in having one of the last words on the major presidential candidates instead of an earlier word on many candidates.

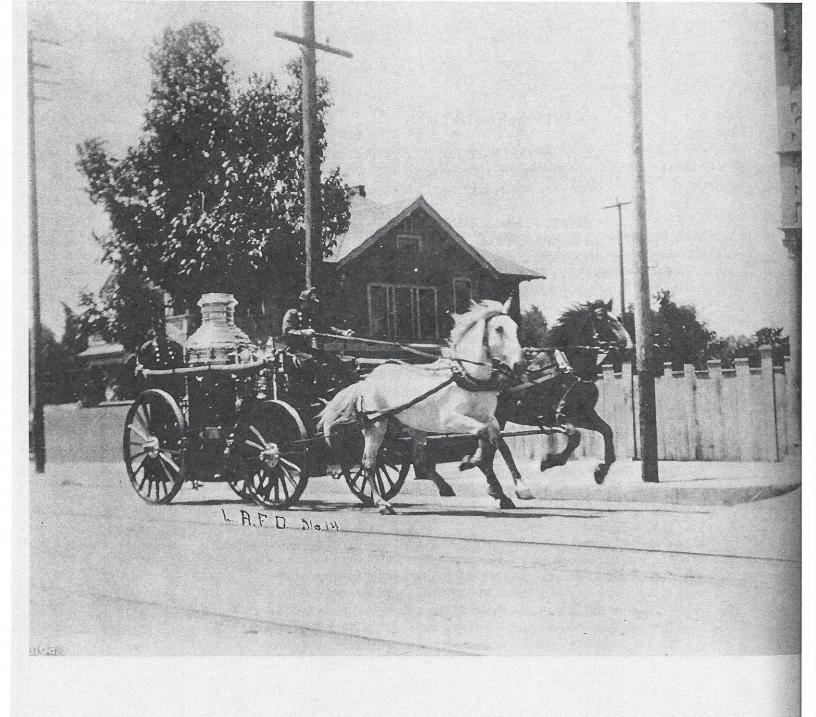
As to the taxpayers, no matter who foots the bill, the cost will be significant—about \$21 million to conduct a statewide presidential primary, in addition to a similar amount to conduct the direct primary in June or September. The cost in Los Angeles County alone for the April primary would be \$6-7 million. Though one of the proposed bills would require the state to pay for the election, the money ultimately comes out of the taxpayers' pockets. Although some cities conduct municipal elections in April, this would not result in major cost savings, since only the smaller cities are involved, and most such cities handle these elections themselves at a very low cost by purchasing the list of their registered voters from the county registrars and doing everything else at the local level. It should also be noted that many large cities within California (e.g., Los Angeles, San Diego) do not hold their primaries in April.

It seems to the Grand Jury that in this time of belt tightening it would be much better to spend such a significant sum of money on fighting crime, acquiring park lands, or developing alternatives to toxic waste disposal rather than on pushing California farther up the primary election ladder. Although it is an unfortunate fact that in certain primaries, as well as in certain general elections, we California voters will not play as significant a role as we would like, nevertheless, even in presidential years, the ballot is full of other candidates and issues which deserve our attention and our carefully considered vote. We must learn to vote the total ballot as responsible citizens, recognizing that we are exercising one of the most precious rights given to us by our Constitution.

### RECOMMENDATION

Therefore, the Grand Jury recommends that the Board of Supervisors join with the Registrar-Recorder in opposition to any legislation that attempts to change the date of the California primary.

Carol B. Pearson, Chairman Barbara L. Boone Margie R. Cahn Seymour Kern Nancy Manners



Los Angeles Fire Department No. 14 in action, ca. 1910.

# AD HOC COMMITTEE ON FIRE SAFETY

**PURPOSE** 

On Friday, November 21, 1980, a disastrous fire occurred in the MGM Hotel in Las Vegas, shocking the whole nation into a new realization of the special hazards with which people may be faced when fires break out in high-rise buildings.

On the following Monday morning when the Los Angeles County Grand Jury met in its offices in the Criminal Courts Building, its members had become acutely aware that:

- 1. Their offices are located on an upper floor of a high-rise building;
- 2. They had no idea of how or whether the building was equipped to detect or control fire;
- 3. They had never seen a floor plan showing the location of fire extinguishers or of stairwells suitable for escape in case of fire or any emergency calling for immediate exit;
- 4. They had never been informed of any plan for building evacuation should it become necessary for any reason;
- 5. They knew very little about how well county-owned and/or occupied buildings meet the standards set for high-rise buildings by fire and safety laws.

Out of concern not only for its own members, but also for all who live, visit, or work in high-rise buildings, the Grand Jury formed an ad hoc committee to inquire into the matter of fire safety in high-rise buildings in Los Angeles County and particularly those occupied by county agencies.

AREAS OF CONCERN

- A. Fire regulations in Los Angeles County
- B. Fire safety equipment in county buildings
- C. Pre-fire plans for high-rise buildings

METHODS OF INVESTIGATION

The Committee began its investigation by meeting with Sergeant Thomas Taylor, the chief Sheriff's bailiff for the Criminal Courts building. Sergeant Taylor provided copies of a floor plan and assured the Committee that this building is equipped with smoke detectors in the ventilation system. (As the Committee learned later, it does *not* have a sprinkler system above the parking level, a serious lack which would undoubtedly be very expensive to remedy now.) Sergeant Taylor also pointed out the location of stairwells to be used for exit and conducted members of the Committee through the communications center manned by the Sheriff's bailiffs in the building. This center is equipped not only to pinpoint fires by means of a mechanism automatically activated when smoke is sensed by detectors, but also to maintain contact with every courtroom or department in the building. Furthermore, the bailiffs are prepared to handle evacuation of building occupants in case of emergency.

The Committee interviewed people in the Los Angeles Fire Marshal's office, the County Building and Safety Department, the Los Angeles City Fire Department and its Fire Prevention Bureau, the County Fire Department, the County Department of Engineer-Facilities, the County Coordinator of Disaster Services, and the office of the Chief Administrative Officer. The

Committee also visited Chief Clyde Bragdon, head of the County Fire and Forestry Department, and were visited by Polly Harms, a regional staff specialist for Pacific Telephone Company who has expertise in its pre-fire plan. Many of the newspaper articles on the subject of fire control which appeared at the time were reviewed and referred to during the Committee's study. Applicable sections of the California Fire and Safety Code were studied.

### FINDINGS AND RECOMMENDATIONS

A. Fire regulations in Los Angeles County

The state fire code, under which the local governments operate, sets forth strict standards for building design, construction, and equipment (smoke detectors, sprinklers, fire extinguishers, etc.). More stringent requirements for bringing older buildings up to date have been added recently. Any city or county may adopt additional regulations or stricter standards, but none less strict. Under the state law, fire protection districts establish ordinances, violation of which is a misdemeanor.

The firefighting experts agree that California's fire safety laws are among the best in the country. However, regular and frequent inspection, which is supposed to be done by local fire departments, is difficult to accomplish because of lack of sufficient personnel. When violations are found, citations are issued, but prosecution is difficult because, under the code, authority to enforce is given to local fire chiefs, who are not really law enforcement officers. The process becomes complex and time consuming. However, items in the news media indicate a growing awareness on the part of private owners of highrise buildings of their responsibilities to their tenants.

B. Fire safety equipment in county buildings

The Committee was not able to locate anyone who seemed to know much about the state of county-owned and/or occupied buildings. However, an official in the office of the CAO stated that although he did not know which buildings were currently being retrofitted to meet current fire code requirements, he did "know that what must be done will be done, regardless of budget and finance."

Shortly thereafter the Department of County Engineer-Facilities sent the Committee a list of twenty-seven facilities where smoke detectors are currently being installed or will be installed in the elevators. These detectors will prevent elevators from opening on floors where there is fire and cause them to return immediately to a lower floor where they will remain until operated by key. Nine of these projects have been assigned to County Engineer-Facilities and the remaining eighteen to the Mechanical Department for completion of this work. The letter in which this list was incorporated stated that it is the understanding of the County Engineer, as advised by the Mechanical Department, that no other projects are scheduled.

C. Pre-fire plans for high-rise buildings

The California Administrative Code (Sections 3.09 and 3.10, Article 3, Chapter 1, Subchapter 1, Title 19) requires "that persons responsible for new or existing high-rise buildings comply with the Emergency Pre-fire Planning

and Evacuation Requirements as set forth therein' (as quoted in instructions issued by the Fire Safety Education Unit, Los Angeles City Fire Department, in June 1980).

In order to implement this law, the Fire Safety Education Unit went on to state that every high-rise building owner, manager, operator, administrator, and tenant, in cooperation with the Los Angeles Fire Department, must establish, implement, and maintain an emergency pre-fire plan. Each plan must include the following basic components:

- 1. A building fire safety director;
- 2. Annual instruction of *all* high-rise building occupants on procedures to be followed in event of fire or other emergency;
- 3. A responsible person on each floor (with alternates) to cooperate with the building director;
- 4. Preparation and posting of emergency exit plans and evacuation procedures in prominent locations on each floor;
- 5. A minimum of one fire drill annually on individual floors;
- 6. Maintenance of up-to-date lists of handicapped persons located within the building who would need help during evacuation or relocation (It should be noted here that persons with heart problems, epilepsy, etc., may be included among "handicapped" persons for the purpose of a pre-fire plan.);
- 7. Documentation of all instruction and drills.

During the period of investigation, members of the Grand Jury observed smoke from a fire on the roof of a Pacific Telephone building not far from the Civic Center. Newspaper stories the next day stated that evacuation of the building had been carried out very smoothly and in accordance with pre-fire plans. Arrangements were made for Polly Harms of Pacific Telephone to discuss pre-fire planning and organization with the Committee. Ms. Harms outlined the plan used by the Bell System nation wide. It conforms with all the requirements set forth in Title 19 of California law, and its successful operation during the aforementioned fire bore testimony to its effectiveness.

The Committee assumed that Los Angeles County would have a similar system of pre-fire planning for buildings owned and/or occupied by county agencies. However, despite continued inquiries, no one could be located who knew of any central office or person in charge of plans for evacuating county buildings. In fact, most of the people interviewed knew of no such plan or specific person responsible for the individual buildings in which they, themselves, worked. Yet all agreed that working in high-rise buildings poses a real risk. They also thought occupant organization would be desirable, and possibly life saving, if emergency situations should occur. However, the Committee did not encounter one person who could remember participating in such a drill as a county employee. It can be concluded that there is currently no person or office responsible for overall pre-fire planning and occupant organization in county high-rise buildings.

It was suggested by one of the officials contacted by the Committee that certain departments of the County would object to having someone from another department set up pre-fire plans for them. However, a central office responsible for an overall plan and working in cooperation with officials from all departments would be able to consider individual agency needs. In any case, the lives of county employees must take precedence over departmental differences. Creation of a small central office seems to the Grand Jury the most direct and efficient way to ensure the safety of county personnel in case of fire or any other emergency situation where it is of paramount importance to act instantly in accordance with a predetermined plan.

### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That the County Fire and Forestry Department enforce to the fullest extent possible fire safety regulations in the areas under its jurisdiction, including the provisions under Title 19 of the Administrative Code where applicable.
- 2. That the Board of Supervisors ensure that the retrofitting of countyowned and/or occupied buildings continues as rapidly and as completely as possible, including installation of automatic sprinklers and any other equipment the current laws require.
- 3. That the Board of Supervisors appoint a qualified person to set up a permanent fire safety office with a minimal staff, either as part of another department with related functions or, if that is not feasible, as a separate department.
- 4. That a basic pre-fire plan be adopted that conforms to the instructions issued by the Los Angeles City Fire Department's Fire Safety Education Unit. This plan should be adapted to the needs of each individual building and/or department or agency occupying each building and should be revised or updated as often as necessary.

Bessie A. Harper, Chairman Marian K. Barton Barbara L. Boone Jeanne E. Fujimoto Ruth H. Hanak Seymour Kern John Lombardi Helen C. Pekny Edith Schneider Annette D. Yancey

# AD HOC COMMITTEE ON MENTAL HEALTH

### **PURPOSE**

This Committee was formed to address problems involving mental health as they affect jails and juvenile detention or placement facilities in Los Angeles County. Problems concerning mental disorders and criminal behavior profoundly affect law enforcement, the judiciary, the legal system, and medical facilities. This report reviews some of these effects. The Committee is composed of members from the committees on Criminal Justice, Jails, Juvenile Concerns, and Health and Hospital Services. A list of persons interviewed, documents reviewed, and facilities visited is appended.

# AREAS OF CONCERN

- A. Societal attitudes and mental health
- B. County institutions and psychiatric care
- C. Interface between crime and mental disorders
  - 1. Effects on health care
  - 2. Effects on law enforcement
  - 3. Effects on court procedures

# FINDINGS AND RECOMMENDATIONS

# A. Societal attitudes and mental health

Changes in societal attitudes toward mental health have resulted in changes in mental health facilities. Prior to the 1968 enactment of the Lanterman-Petris-Short Act (WIC 5000-5466, herein referred to as LPS), about thirty-seven thousand persons declared mentally deranged were in California mental institutions supported by state tax funds. The ease with which persons could be committed to such institutions (often with inadequate evidence of incompetence or of mental derangement endangering others or self) and the lack of corrective therapy within these institutions led to frequent abuse. Some persons were needlessly incarcerated, deprived of their legal and personal rights and removed from their normal environment, family, and friends. LPS provides legal criteria for the judiciary to determine whether a person should be involuntarily confined to a mental institution, requires that the applicability of these legal criteria be reevaluated for each individual at specified intervals, and allows the involuntarily confined person to submit a writ of habeas corpus at any time.

Since LPS implementation there has been a dramatic decrease in persons in state-supported mental hospitals. There are now only about five thousand inpatient psychiatric hospital beds for the mentally deranged in the state, despite a steady population increase, providing California with fewer in-patient psychiatric hospital beds per capita than all other states but two, according to Bruce Sloane, M.D., chief of Professional Services of the Psychiatric Hospital of Los Angeles County-USC Medical Center. The intent of LPS was to decrease the number of mental hospital beds with the objective of replacing them with alternative nonhospital beds in community settings. According to the Los Angeles County Department of Mental Health Evaluation and Research Report of March 1980, the number of state mental hospital beds allocated to the Los Angeles County Department of Mental Health decreased 31 percent between 1976 and 1980, with an accelerated 18 percent decrease

between 1979 and 1980. The policy of decreasing hospital services and increasing community services has been only partially implemented. While the number of hospital beds drastically declined, community resources have not increased in any significant amount, resulting in an alarming shortage of resources and facilities for acutely deranged patients in Los Angeles County.

There has been a great *reduction* in expenditures for such facilities and at the same time a great *increase* in expenditures for court-related legal, probation, social service, and out-patient psychiatric activities involving mentally deranged persons. Moreover, there has been a steady shift away from beds in secure hospitals to beds in facilities for persons voluntarily seeking psychiatric care. Staffing in such facilities is not adequate to manage a person who is involuntarily confined because of a psychosis and who may be a danger to himself or others.

In this report, particular attention is given to mentally deranged persons who are in a county adult or juvenile facility because of alleged criminal behavior. This report does not deal with the "criminally insane," but with persons who for unknown or known reasons (e.g., drugs, chemicals, or alcohol) are or become mentally deranged. The term "mentally deranged" is employed in the legal or LPS definition of behavior deemed a danger to self, a danger to others, or gravely disabled. (The Committee is aware of the variety of medical terms and conditions producing such behavior, as well as the fact that some conditions, usually called behavioral disorders or psychopathic or psychosocial disorders, are not amenable to improvement by current medical measures.) The mentally deranged person who is also in jail (adult or juvenile) will be called herein the mentally deranged prisoner. This report also touches on the problem of mentally deranged children and juveniles in placement centers who have committed no crime and are wards of the court. These will be referred to as mentally deranged juveniles. Because of the shortage in this County of secure in-patient facilities designed for safe restraint of violent or dangerous persons, the problems of where to send and how to deal with mentally deranged prisoners and juveniles are extremely common and severe.

B. County institutions and psychiatric care Not surprisingly, serious emotional and psychotic disorders occur frequently in persons who are in conflict with the rules of society. Persons with psychiatric problems, often leading to violent behavior, can be found in every judicial facility that this Grand Jury visited, and many of these facilities were not designed to provide psychiatric care.

As a result of a prior grand jury study, an excellent thirty-five bed psychiatric ward was established at Central Jail, which greatly improved conditions at that institution. However, at other facilities, particularly at juvenile detention camps, psychiatric problems cannot be handled at all or are handled by part-time professional personnel who have access to limited facilities for inmate confinement or restraint. Because of the lack of secure in-patient psychiatric beds in this County, criminal patients often cannot be transferred to psychiatric facilities capable of providing care because these institutions are not equipped to handle criminals. Moreover, if such an inmate is transferred to a mental institution, he may invoke his civil rights, demand a judicial hearing concerning

his alleged mental disorder, and be freed through the juvenile or mental health court (Department 95 of the Superior Court). In other instances, the psychiatric facility determines that the person is not amenable to treatment, decides that the matter is a criminal justice responsibility, and returns the mentally deranged prisoner to jail.

The most absurd consequence of this problem involves Mac Laren Hall, a county facility for abandoned, abused, or neglected children who have committed no crime. This facility was established to care for, educate, and, when necessary, place these children in foster homes or with adoptive parents. Mac Laren Hall has performed a great service to county citizens in this respect. However, the institution is threatened with court-ordered closure. A lawsuit brought by the ACLU declares that Mac Laren Hall is not in compliance with existing law because it operates as a locked facility and in addition cares for a few seriously disturbed juveniles. At present there is no other place to send these very sick children. Therefore, the entire facility at Mac Laren Hall is threatened with closure and its major function is jeopardized. A pending bill in the state legislature (AB 511), already endorsed by Los Angeles County, addresses the issue of locked facilities for juveniles, but does not solve the critical problem of where to house and treat those children who are seriously disturbed.

Failure to solve the problem of what to do with seriously disturbed inmates may threaten the existence of other jail and juvenile facilities in this County. At present, when an inmate develops a serious mental disorder, staff at a juvenile camp must either restrain the person or attempt to transfer him to some other facility better able to handle this kind of problem. The Committee was told that transfer from a county facility to a more secure state facility (e.g., Atascadero) requires a judicial hearing and decision. For a variety of reasons, probation officers manning juvenile camps often are unwilling to take time from their duties or are unable to provide expert and specific data that will convince the court of the inmate's mental disorder and of the need for transfer.

Attorneys from the Public Defender's office told the Committee that their mandate is to protect the inmate's civil liberties to the maximum. The court adversary proceedings often result either in return of the inmate to the same or similar facility or in transfer to a mental hospital, such as Camarillo, for evaluation. Once in a mental hospital, under LPS, the patient-criminal may gain release through the mental health or juvenile court as described above. The Committee was informed by psychiatrists staffing mental hospitals that patients are often released without any court hearing (once they submit a writ of habeas corpus) because of the time, inconvenience, frustration, and cost involved in presenting psychiatric data to the court. This is supported by extensive data for the year 1980 supplied by Deputy District Attorney David Guthman, chief of the Psychiatric Section, which shows the high incidence of failure by Metropolitan State Hospital to provide the court with information required to involuntarily confine mentally deranged persons who had submitted writs.

- C. Interface between crime and mental disorders
  - 1. Effects on health care

To date there exists no medical understanding of the cause of and no cure for those psychoses which account for the abnormal behavior of most persons deemed mentally deranged. Although so-called psychotrophic drugs (phenothiazines or lithium) may markedly attenuate the behavior of schizophrenics or manic depressives respectively, the effect is temporary, and continuing therapy and monitoring are required to enable the mentally deranged person to function in society. Persons suffering from psychoses of these sorts may be of high intelligence, and they are frequently judged to be "normal" and "competent" by peers and in court. Yet the schizophrenic or manic-depressive person who allows treatment to lapse may at any time relapse into bizarre mentation and behavior (often paranoid and threatening to others). When such a relapse occurs, the person usually requires restraint to prevent injury to himself or to others. With restraint (physical or pharmacological), psychogical assessment, and knowledgeable professional attention, most persons so deranged quickly regain "contact with reality" and can function again in society. Provision of these ingredients of management for the psychotic individual demands an in-patient hospital setting staffed by professionals.

In addition, bizarre and threatening behavior is induced in otherwise normal persons by drugs such as alcohol, LSD, PCP (angel dust), and heroin. The increasing frequency of drug-induced psychoses presents a problem of major proportions to health care facilities.

If a person is arrested by police because of some crime and is so obviously mentally deranged that his infirmity is recognized by the police, or if citizens call police to arrest a person because of demented behavior (although no crime has been committed), the arrest is usually followed by transport to a hospital emergency room. Another mechanism leading to emergency room transport for a deranged person occurs when a Psychiatric Emergency Team (PET) is called by family or other citizens and the team in turn calls the police to transport the person. Members of a PET team told the Committee that at times they found emergency room facilities and available beds overloaded or nonexistent.

Emergency rooms throughout Los Angeles County are involved, whether or not the hospital has psychiatric staff and facilities. If the patient has allegedly committed a criminal act and is eventually brought to the hospital by police, the "patient-suspect" and the police must await psychiatric evaluation, often for a period of many hours or occasionally even days. Because of the shortage of inpatient facilities, the patient-suspect is frequently turned back to the police for disposition. If the crime with which he is charged is not serious, or if the jail is crowded, the patient-suspect is often released (i. e., turned back onto the street). According to Leonard Tureaud, M.D., medical director of Martin Luther King Hospital, many emergency room facilities find this occurrence so frequent that it impairs their capacity to provide care for other types of medical emergencies. This is particularly true at Martin Luther King, where, in such situations, the only alternative to housing the patient-suspect in the emergency room is to turn him onto the street.

LAC-USC Medical Center has 183 psychiatric beds (132 adult, 16 pediatric, and 35 adolescent) for a central city population of about 1.5 million. According to Dr. Sloane, the usual incidence rate of schizophrenics in a population of 1.5 million is 0.8 to 1.0 percent. In Los Angeles Central City (the area served by LAC-USC Hospital), there are an estimated thirty thousand schizophrenics in various stages of rehabilitation or approximately twice the usual incidence. This thirty-thousand figure does not include persons with other psychotic conditions.

During a period in 1980 when there were over 183 psychiatric patients already in LAC-USC Hospital and no more psychiatric beds available, the emergency room refused to admit police-escorted mentally deranged criminal suspects for psychiatric evaluation. This problem was reported by Scot J. Paltrow in the Los Angeles Herald Examiner in November 1980. Shortly thereafter, the Department of Mental Health partially relieved the situation at LAC-USC and Martin Luther King emergency rooms by redeploying patients in county and state facilities. But the psychiatric bed shortage remains critical. Yet the Committee was told by Dr. Sloane that plans are under way to close out fifty acute beds at LAC-USC. On the other hand, Richard Elpers, M.D., director of Los Angeles County Department of Mental Health, states that the number of beds to be closed is twenty-five and that the reduction in the beds results from budget cuts which followed the passage of Proposition 13. He proposes to compensate for this reduction in beds by increasing the rate of patient turnover. However, Dr. Sloane does not agree. He states that the average patient stay is already down to seventeen days and further reduction would be detrimental to psychiatric care.

Psychiatric emergency room and in-patient facilities at LAC-Olive View Hospital serve mentally deranged residents of the San Fernando Valley. Although the staff of these facilities should be commended for its valuable help to such citizens, both the facilities and staff are being strained to the point where acutely disturbed persons must be turned away. Thus, the difficulty in providing in-patient hospital facilities and staff for treatment of seriously deranged persons brought to emergency rooms adversely affects the function, morale, and purpose of all county hospital personnel. The situation is not likely to improve until more in-patient facilities are made available.

A major factor aggravating the shortage of acute psychiatric in-patient hospital beds in Los Angeles County is the ongoing change in the function of Camarillo State Hospital in Ventura County. About 90 percent of Camarillo's approximately eight-hundred mentally ill in-patients comes from Los Angeles County. As part of the goal of the State Department of Mental Health to phase out state-managed hospital programs in favor of county-managed community-based programs, the number of beds for the acutely deranged (i.e., schizophrenic, manic depressive, and drug-related psychotics) is being severely reduced. The statewide plan for Camarillo is that it will eventually house only the developmentally disabled (i.e., persons with mental disorders that are not amenable to medical treatment), thereby ultimately eliminating all beds presently used by Los Angeles County's acute-care patients. This proces is now under way, and there is already reduction in professional personnel

(especially psychiatrists) at this institution, because of the lowered therapeutic demands by a patient population with little hope of improvement. Although some of the current pressure for psychiatric hospital beds in Los Angeles County will be absorbed by the opening of seventy county-sponsored beds in the Augustus F. Hawkins psychiatric unit at Martin Luther King Hospital, the shortage of acute in-patient beds for Los Angeles County will still be serious. The proposed additional closure of some twenty-five to fifty beds at LAC-USC seems to the Grand Jury unconscionable. It comes at a time when community services are not yet adequate to keep pace with such reduction, and it will certainly aggravate a situation that is already of crisis proportions.

Documentation for the drastic effects of this shortage of acute in-patient psychiatric beds in Los Angeles County is found in the aforementioned report of the County Department of Mental Health. This survey, which lists the numbers of acutely deranged persons turned away from Los Angeles County psychiatric emergency rooms in a one-month period in December 1979-January 1980, shows clearly the effect of the statewide plan on Los Angeles County, although it is at present only partially implemented. Because of the shortage of beds during this one-month period, a total of 430 mentally deranged persons were turned back onto the street.

2. Effects on law enforcement

As a result of the events described above, police are increasingly wary of transporting patient-suspects to hospital emergency rooms. Sometimes a deranged person is given a "mercy booking"; e.g., a man is charged with a minor offense so that he can be taken to jail until being brought to court. If he is taken to Central Jail, he will be treated by the psychiatric staff there. This maneuver, though humane in its intent, often overloads jail facilities and frustrates the use of the psychiatric program for mentally deranged prisoners. However, not all "mercy bookings" result in jail sentences. When a mentally deranged person appears in criminal court on such a booking, the judge may determine that the person should be admitted to a mental institution, not a jail. Such court-ordered admissions to mental hospitals create financial problems for the criminal justice system concerning persons who should have been admitted directly to the hospital.

3. Effects on court procedures

Decisions by Superior Court or Juvenile Court judges concerning criminal acts are one thing; decisions concerning alleged mental derangement and mental competence are another. In both decisions the judge must abide by existing law and weigh factual evidence, but in cases of mental competence judges must rely on psychiatric opinion. Many persons who have psychoses do not seek medical or psychiatric help and deny their need for such. To confine such a person, involuntarily, in a mental facility without abridging the person's civil rights requires evidence. This evidence usually depends upon observations by and opinions of professionals trained in the assessment of mental disorders. In fact, according to information provided by the District Attorney's office, judges follow the advice of such professionals in the majority of instances where professional opinion is properly provided in court. In too many instances, reliable and professional observations concerning the person's mental state are lacking or ill-presented. Professionally trained persons often do not appear in court to provide data. The lack of in-patient facilities to evaluate and control

persons with mental disorders compounds the problems of the court. The milieu of the mental health court, with persons in various states of disarray and mental deterioration, adds to the chaotic atmosphere and to the pressure on the judiciary. Persons who know not where they are, where they are going, or how to get there are often released from the mental health court onto the street.

The combination of factors described above, involving persons with mental disorders, particularly those committing criminal acts, leads to the "revolving door" phenomenon. Persons may enter the revolving door as accused or proven criminals or as mentally deranged individuals. They may exit the revolving door in jails, hospital emergency rooms, in-patient psychiatric facilities, or courts. They often reenter and exit repeatedly. All constituent components of the revolving door (patients, police, criminals, hospital emergency room personnel, paramedics, PET teams, psychiatrists, probation officers, social workers, lawyers in the Public Defender's office and the District Attorney's office, judges in the Superior Court and Juvenile Court) are fully aware of the revolving door and its terrible cost in terms of human suffering and dollars. As representatives of the Public Defender's office appearing before this Committee expressed it, "The revolving door phenomenon not only exists, but is the only way it can be under existing law. Our charge is to return persons who are mentally deranged to their homes under LPS and keep them out of mental institutions. At times we do this even though the person's infirmity is obvious."

The Grand Jury believes that more attention must be paid to the problems of society caused by the scope of mental derangement and its relationship to crime. Although we are not aware of any reliable statistical data that bear on the incidence of crime and its relationship to the inadequacies of mental health care, it should be emphasized that the alarming increase in major crime in this County has occurred during the same period that the lack of psychiatric inpatient facilities has become more acute. In the view of Dr. Elpers, "The situation is dangerous and explosive." It is hard to obtain reliable statistical data on this relationship, because mental health and criminal records are kept separate. Access to mental health records is often difficult, particularly for juvenile offenders. Although the desirability of confidentiality to protect reputations of patients is obvious, the need to provide data concerning the possible relationship between crime and dwindling mental health care facilities seems to us imperative in this time of alarming increase in violent crime.

Although evidence is lacking to relate the rate of major crime increases to the number of seriously mentally deranged persons on the street, there can be no doubt that implementation of LPS has caused serious problems for Los Angeles County jails and other facilities. The Grand Jury is aware that mental health legislation is under serious study by various qualified professional groups; the Grand Jury encourages these studies. However, the Jury believes that steps must be taken *at once* by county government to address the adverse effects of mental health matters on the criminal justice and other functions of this County.

### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

1. That the County immediately establish a secure in-patient psychiatric facility for acutely psychotic persons to alleviate the current shocking mental health crisis. This facility must include separate quarters for mentally deranged criminals, both adult and juvenile, and would receive mentally deranged persons from other county facilities, from law enforcement agencies, and from Psychiatric Emergency Teams (PET).

This facility should be affiliated with a school of medicine and should supplement the in-patient psychiatric facilities at Los Angeles County-USC Hospital and those being developed at Martin Luther King Hospital. By having this facility a part of a medical school, not only will the quality of professional personnel be improved, but the training of various professionals concerned with mental health problems will be an essential function. (Because of the effects of LPS, training experience with psychotic persons in a controlled environment is increasingly rare.) The nature of this medical school affiliation must be explored. USC School of Medicine, because of its location and ongoing involvement in many aspects of County function, would seem to be the logical institution to fill this vital role. The facility should house components of the mental health and iuvenile courts, and should have on hand representatives of the District Attorney's office, the Public Defender's office, Department of Public Social Services, Probation Department, Public Guardian's office, and a PET team. In this way a stimulating and interacting environment for total service to mentally deranged persons would be developed. In addition, many of the aforementioned deficiencies, as well as the enormous cost of inadequately prepared judicial hearings concerning mental health law matters, would be reduced. County government should consider taking over Metropolitan State Hospital, affiliating it with USC School of Medicine, and creating this type of facility.

In evaluating the cost and effectiveness of establishing this inpatient facility, consideration must be given to the potential dollar savings made available by the elimination of many small psychiatric units in juvenile detention and placement centers and camps. Moreover, there would be savings in transportation, court, and legal costs, plus savings attributable to the improved quality of clinical care.

2. That Los Angeles County government, through the Departments of Mental Health of the State and the County, immediately reassess the availability of psychiatric hospital in-patient beds for those in acute stages of mental derangement (e. g., schizophrenic, manic depressive, and drug-related psychoses) who are residents of Los Angeles County. The reduction of facilities for the mentally deranged at

Camarillo State Hospital and at Los Angeles County-USC Hospital at this time, before additional facilities are in place, will aggravate a problem already of crisis proportions.

- 3. That appropriate agencies, such as the Department of Mental Health, the District Attorney's office, the Sheriff's Department, the judiciary and psychiatrists involved (particularly those with knowledge of forensic psychiatry), establish mechanisms for collection of data concerning the frightening incidence of major crime and the presence of mentally deranged persons on the street. Steps must be taken at once to make mental health records of criminals available to concerned officials and departments.
- 4. That acute care become the major emphasis of county psychiatric facilities. Chronic, custodial care for persons with mental disorders not amenable to existing treatment methods (e. g., psychopathic and mental defective states, and irreversible brain damage) is an area of great concern and proportion. However, the Grand Jury believes that persons with these problems should be cared for in state or federal facilities.

Barbara L. Boone, Chairman Margie R. Cahn Jacquelin W. Christy Charles G. Craddock Jeanne E. Fujimoto

Fay Galloway Edith Schneider George H. Wesley Annette D. Yancey

### APPENDIX A

Persons interviewed by two or more members of the Mental Health Committee concerning mental health matters. (\* indicates sites visited by Committee members.)

#### I. Judiciary

- A. Judge Richard P. Byrne, presiding judge, \*Juvenile Court
- B. Judge Stephen M. Lachs, \*Mental Health Department, Department 95
- C. Judge Irwin J. Nebron, presiding judge, \*Sylmar Juvenile Court System

#### II. Mental Health Officials

- A. Lai-Wah Chen, M.S.W., former supervising psychiatric social worker, Children and Youth Bureau, Department of Mental Health
- B. Domino K. Cheung, research analyst, Behavioral Sciences, Program Services Bureau, Department of Mental Health
- C. Beatrice Chun, M.S.W., chief, Program Services Division, Children and Youth Bureau, Department of Mental Health
- D. J. Richard Elpers, M.D., director, Department of Mental Health
- E. Rose Jenkins, M.D., director, Children and Youth Bureau, Department of Mental Health
- F. Barbara Lurie, chief, Patients' Rights Office, Department of Mental Health
- G. Harold E. Mavritte, M.D., assistant director, Program Services Bureau, Department of Mental Health
- H. Teresita Pijuan, mental health analyst, Department of Mental Health
- Roger Schock, M.D., deputy director, Program Services Bureau, Department of Mental Health

### III. Office of the County Counsel

Martin E. Weekes, J.D., chief, Juvenile Division

#### IV. Office of the District Attorney

- A. J. Michael Byrne, J.D., deputy district attorney assigned to Grand Jury
- B. David H. Guthman, J.D., chief, Psychiatric Section

#### V. Office of the Public Defender

- A. Wilbur F. Littlefield, J.D., public defender
- B. David Meyer, J.D., Mental Health Division
- C. Bijou Nolan, J.D., Misdemeanors, Central Jail
- D. Allan H. Simon, J.D., supervisory attorney, \*Mental Health Division

# VI. Department of Public Social Services

Nadia Looper, former special assistant to the Director

#### VII. Authorities on Law and Mental Health

- A. Norman Q. Brill, M.D., former chief, Department of Psychiatry, UCLA
- B. Timothy B. Flynn, J.D., Mental Health Advocacy Services, Inc., Los Angeles County Bar Association
- C. Seymour Pollock, M.D., director of psychiatry and law, USC Medical School
- D. Philip F. Westbrook, J.D., chairman, Commission on Law and Mental Health Problems

#### VIII. Probation Department

- A. Kenneth S. Fare, acting chief
- B. Officials at \*Juvenile Camps, \*Detention Homes, \*Mac Laren Hall

# IX. Therapists and Administrators at Various Psychiatric Facilities

- A. Kelsea Bagget, director of nursing, \*Central Jail
- B. Michael Castillo, Ph.D., former director, Special Treatment Program, Sylmar Juvenile Hall
- C. Lt. Roger Chandler, medical services officer, Sheriff's Department, Central Jail
- D. Peter W. Chen, Ph.D., director, \*Forensic Mental Health In-Patient Program, Central Jail
- E. Harry Cummings, director, Care and Treatment Division, \*Sylmar Juvenile Hall
- F. Burt Indin, M.D., program director, Mental Health Programs, Sylmar Juvenile Hall
- G. Bill Kern, Medical Services administrator, Central Jail
- H. Mary Ellen Kenney, psychiatric social worker, Sylmar Juvenile Hall
- I. Roger Kline, Ph.D., director, Forensic Mental Health Out-Patient Program, Central Jail
- J. Henry Marshall, admissions coordinator for the Adolescent Treatment Program, Camarillo State Hospital
- K. Donald A. McCallum, assistant administrator, \*Psychiatric Hospital, Los Angeles County-USC Medical Center
- L. Saul Niedorf, M.D., psychiatrist, \*Central Juvenile Hall
- M. John Olmstead, assistant administrator, \*Metropolitan State Hospital
- N. Samuel Rapport, M.D., medical director, \*Camarillo State Hospital
- O. John Ray, M.D., assistant chief of Professional Services, Psychiatric Hospital, LAC-USC Medical Center
- P. R. Bruce Sloane, M.D., chief of Professional Services, Psychiatric Hospital, LAC-USC Medical Center
- Q. Leonard Tureaud, M.D., medical director, \*Martin Luther King Hospital
- R. Al Vercoutere, community liaison representative, Camarillo State Hospital

# X. Psychiatric Emergency Team, Northeast Region

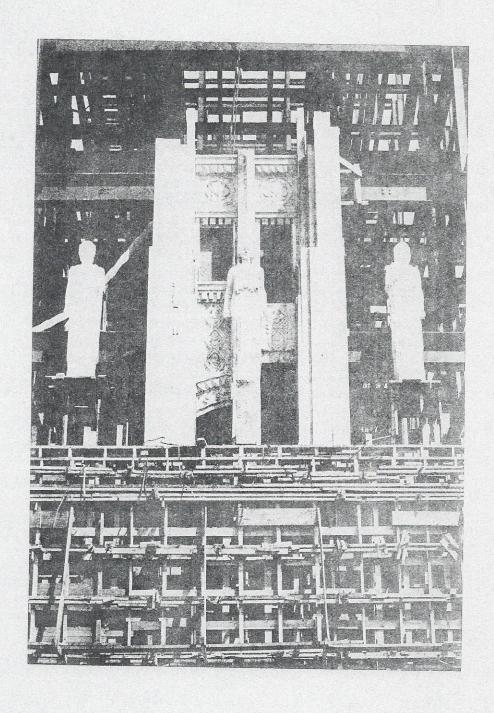
- A. Leno Berardi, community worker, East Los Angeles, Mental Health Service
- B. Albert Richards, Ph.D., community mental health psychologist, East Los Angeles, Department of Mental Health

#### APPENDIX B

Published materials, letters, conferences, and meetings concerning mental health and crime reviewed by the Mental Health Committee, listed in chronological order.

- Recorded testimony provided to the California State Legislature prior to enactment of Lanterman-Petris-Short Act (WIC 5000-5466), 1967-68.
- 2. Roderic W. Leonard, deputy district attorney, and David H. Guthman, deputy district attorney, chief of Psychiatric Section, "The Lanterman-Petris-Short Act in Los Angeles County (including comments on related Penal Code provisions)," February 1978.
- 3. David H. Guthman, "Statistics on LPS Writs for the years 1978, 1979, and 1980."
- 4. Roger Schock, M.D., chief of Special Programs Bureau, Mental Health Services, Department of Health Services, "Forensic Mental Health Unit, Maximum-Security—Mentally Ill Offenders Unit at Metropolitan State Hospital, 55 Bed In-Patient Short-Term Treatment," April 3, 1978.
- 5. Extracts from "1980/1981 Los Angeles County Plan for Mental Health Services, Forensic Mental Health—Crisis/Out-Patient."
- 6. "A Model for California Mental Health Programs," a report of the Mental Health Legislative Work Group, January 1980.
- Letterfrom Thomas H. Bates, chairman, Assembly Subcommittee on Mental Health and Developmental Disabilities, to Dale H. Farabee, M.D., director, Department of Mental Health, State of California, February 6, 1980. Re: Closure of psychiatric hospital beds in the state.
- 8. Stephen G. Lubeck, Ph.D., "The Unavailability of Psychiatric Hospital Beds in Los Angeles," County of Los Angeles Department of Mental Health Evaluation and Research Papers, Vol. VIII, No. 1, March 1980.
- Letter from Martin Weekes, chief, Juvenile Division, Office of the County Counsel, to Eddy S. Tanaka, acting director, Department of Public Social Services, March 13, 1980.
   Re: Legislation related to Mac Laren Hall problems.
- J. Richard Elpers, M.D., director, Department of Mental Health, Los Angeles County, Testimony to the California Senate Finance Subcommittee, Number 3, May 19, 1980.
   Re: Mental Health Program and Fiscal Requirements—Los Angeles County, 1980-81.
- 11. Legal Brief: "Sarah Jongepier and Elsa Kievits as Taxpayers, Petitioners, v. Eddy S. Tanaka, as Director of the Los Angeles County Department of Public Social Services, et al.," received July 20, 1980.
- 12. Selected Los Angeles Police Department Investigation Reports and Psychiatric Emergency Team Reports between July and October 1980, concerning instances of "Mercy Bookings," supplied by Bijou Nolan, deputy public defender.
- 13. Warren J. Ferguson, judge, "Judgement for preliminary injunction No. 76-107-F, John Doe, plaintiff, v. Gary Gallinot, et al., defendants," filed July 30, 1980.
- Letter from Martin Weekes to Pam Juke, Administrative Office of the Courts, Judicial Council of California, September 1980. Re: Problems of appellate confidentiality and concurrent custody determination.
- 15. "Toward New Law and Policy Governing the Provision of Assistance to Mentally Disabled Californians on an Involuntary Basis," proceedings of the Mental Health Association of Alameda County Conference, September 12 and 13, 1980.
- Anne La Riviere and Kristina Lindgren, "Emergency Security at Hospital Urged," Los Angeles Times, September 24, 1980.

- 17. Minutes of selected meetings of the Mental Health Advisory Board, August 28, September 25, October 23, 1980, and February 26, 1981.
- 18. District Attorney Declaration No. 80-5658 in the U.S. Court of Appeals for the Ninth Circuit, John Doe, plaintiff, v. Gary Gallinot, et al., defendants. Signed, David H. Guthman, October 17, 1980.
- Public Defender Declaration No. 80-5658 in the U.S. Court of Appeals for the Ninth Circuit, John Doe, plaintiff, v. Gary Gallinot, et al., defendants. Signed Bijou C. Nolan, October 20, 1980.
- Los Angeles City Attorney Declaration No. 80-5658 in the U.S. Court of Appeals for the Ninth Circuit, John Doe, plaintiff, v. Gary Gallinot, et al., defendants. Signed Robert Cramer, deputy city attorney, October 20, 1980.
- Letter from Domino Cheung, research analyst, Program Services Bureau, Department of Mental Health, to Robert Segall, foreman, 1980-81 Los Angeles County Grand Jury, October 31, 1980. Re: Mental health services in county jail facilities.
- 22. Scot J. Paltrow, staff writer, "County Mental Health Crisis," Los Angeles Herald Examiner, November 10 and 11, 1980.
- Letter from Dr. J. Richard Elpers to the Los Angeles County Board of Supervisors, November 10, 1980, in response to the November 10, 1980, article in the Los Angeles Herald Examiner.
- Letter from Dr. J. Richard Elpers to the Board of Supervisors, November 14, 1980, in response to Supervisor Schabarum's motion of November 10, 1980.
- 25. Correspondence in January, February, and March 1981 from various officials of Los Angeles County Department of Mental Health and offices of the District Attorney and the Public Defender to the State Department of Mental Health officials at Camarillo State Hospital, and officials at Ventura-Santa Barbara Health Systems Agency. Re: Planned decrease in beds for acute care of mentally deranged persons at Camarillo State Hospital.
- 26. Meeting coordinated by Department of Mental Health (Rose Jenkins, M.D., chief, Children and Youth Services Bureau), Department of Probation (Shirley Walker, supervisor, Central Placement, Consultants Unit), and Department of Public Social Services (David L. Fox, chief, Services Support Division) on Los Angeles County Proposed Adolescent Resident Programs, December 19, 1980.
- Hearings on Violent Crimes held before the Board of Supervisors, January 14, 15, and 28, 1981.
- Letters from Dr. J. Richard Elpers to the Board of Supervisors, March 13 and 26, 1981.
   Re: Augustus F. Hawkins Mental Health Facility—Performance Agreement with the California State Department of Mental Health.
- "A Model for California Community Mental Health Programs, An Overview", presented by the Los Angeles County Department of Mental Health, March 30, 1981.



General Hospital, now Los Angeles County-USC Medical Center, during its construction in 1929.

# AD HOC COMMITTEE ON TOXIC WASTE DISPOSAL

**PURPOSE** 

The Ad Hoc Committee on Toxic Waste Disposal was formed by the Grand Jury at the behest of the previous Grand Jury and in response to recent events in Los Angeles County that have served to dramatize the many critical issues involved in the problem of toxic waste disposal. This study does not include problems related to radioactive waste.

BACKGROUND

Hazardous waste is defined in the Government Code, Section 66714.8, as:

a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

- (a) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.
- (b) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

It is certain that the decade of the eighties will see the problem of waste disposal — particularly hazardous waste disposal — as one of the most crucial issues facing Los Angeles County, the state, and the nation. It is a worldwide problem that becomes increasingly complex with the endless introduction of new chemicals into our environment; presently there exist over 70,000 different chemicals and 1,000 new ones per year are added. In addition, the use of nonbiodegradable products and products yielding large amounts of toxic residue raises to new heights the mountains of waste that must be disposed of properly. The Environmental Protection Agency (EPA) estimates that 57 million metric tons of hazardous wastes are generated each year by the manufacturing industry alone, while an average of ten pounds of waste per day is generated by each person in Los Angeles County. Available land for the proper disposal of all this waste is fast disappearing.

The growing public awareness and attendant fears regarding disposal sites engendered by incidents of the Love Canal variety have caused a new militancy among homeowners residing near any kind of landfill or dumpsite. The growing urbanization of what once were fairly remote areas has added to the already crisis proportions of this problem.

The closing of Calabasas landfill to hazardous wastes and the closing of Palos Verdes landfill to all wastes during the past few months has left the B.K.K. landfill in West Covina as the only Class 1 (i.e., toxic waste facility) site in Southern California. The nearest alternate Class 1 site is Kettleman Hills, some 200 miles to the north.

The permit to reactivate parts of the Mission Hills landfill was denied by the Los Angeles City Planning Commission in April 1981, mainly as a result of

citizen pressure, further reducing available areas for disposal of solid wastes. The Puente Hills landfill, operated by the County Sanitation Districts of Los Angeles County, is also facing organized citizen opposition to proposals for expansion.

Further aggravating the situation is the state order requiring the B.K.K. site to accept materials from a long-abandoned site in Huntington Beach. That dump, used in the thirties and forties before safeguards were required, is posing a danger to groundwater and must be cleared of 39,000 tons of hazardous materials, much of which is yet to be analyzed. Currently this material is being moved to the B.K.K. site. As a result, the 20,000 or more residents around the B.K.K. landfill, already up in arms, are exerting increasing pressure on local officials to close the landfill and are threatening recall action if such closure is not forthcoming.

This is the climate in which the current Grand Jury has pursued its study, as group after group expressed strong opinions on ways of resolving this serious, many-faceted, and complex problem. The Grand Jury's legislative mandate is to consider and evaluate selected needs of Los Angeles County and to make recommendations in the interests of the entire County as impartially and practically as possible. It is in this spirit that this study was undertaken and recommendations were made.

The Committee began its study with a discussion involving officials from the state and county departments of Health Services, followed by a tour of the B.K.K. landfill in West Covina, attended by the entire Grand Jury. There, managers of the facility explained the operation and showed what they were doing and were planning to do in order to mitigate problems. The Grand Jury then met with West Covina city officials who have been directly involved in monitoring the operations of B.K.K. for the past seven years. They supplied extensive background to the Jury, providing some of the groundwork for subsequent study.

Committee members also met with individuals and groups such as the County Sanitation Districts of Los Angeles County, Hazardous Waste Management Board, Assembly member Sally Tanner (who chairs the Assembly Committee on Toxic Waste), Southern California Association of Governments (SCAG), chemical engineers, state and county departments of Health Services representatives, environmental groups, media representatives, industry and waste-producing company representatives, local and county elected and appointed officials, and affected homeowner groups in West Covina and in unincorporated county areas.

Committee members also attended seminars, conferences, and meetings where problems of waste disposal and management were the subject of discussion. Meetings of the West Covina City Council where homeowners testified, where California State Department of Health Services officials made extensive reports and where problems of B.K.K. were on the agenda were also covered by the Committee. These meetings provided insights into the many problems and political pressures involved.

A complete list of individuals and groups interviewed and meetings attended is appended to this report. Extensive notes on all meetings and seminars attended will be found in the files of the Ad Hoc Committee on Toxic Waste Disposal of the 1980-81 Grand Jury. These may be useful to the incoming 1981-82 Grand Jury, should it pursue this study. The nature of this problem is long range and the limited time each grand jury has to devote to the subject requires continued concern by future grand juries.

# AREAS OF CONCERN

- A. Toxic waste disposal siting
- B. Coordination and responsibility
- C. Abandoned sites and illegal dumping
- D. Transportation of toxic materials
- E. Alternatives to landfills
- F. Charge to the 1981-82 Grand Jury

# FINDINGS AND RECOMMENDATIONS

# A. Toxic waste disposal siting

In its study, the Committee was repeatedly impressed with the all-encompassing regional nature of this issue. Waste disposed of in this County is produced throughout the County, as well as within Southern California, Arizona, Nevada, and as far away as North Carolina. The problem of proper disposal cannot be limited to Los Angeles County alone. Closure of sites in Calabasas and Palos Verdes have had immediate, far-reaching effects. The proposals regarding the Mission Hills and the Puente Hills landfills have met with opposition from local residents, reemphasizing the regional nature of waste disposal problems.

Concerns are even greater among residents near the remaining landfill in West Covina, which they say is becoming the "dumping ground for Southern California," heightening the already considerable tensions in that area. Many citizens are demanding complete closure. Should this occur, repercussions will be felt immediately by the entire County. One state official said flatly that "closure would be a disaster for the state." The already mentioned state order to clean up a long-abandoned site in Huntington Beach and bring the material to B.K.K. has created "the last straw" for an already aroused public and harassed local officials.

Residents, unimpressed by repeated State Health Services Department assurances that B.K.K. is a well-managed, safe operation posing no health hazard, find the noxious odors sufficient to convince them otherwise. In spite of repeated efforts to mitigate the odor problem, the decomposition of the garbage and the peculiar atmospheric conditions in the area continue to cause odors to permeate the surroundings, increasing residents' concern for their health and for the value and enjoyment of their properties.

Residents of Hacienda Heights are vigorously opposing expansion of the Puente Hills landfill operations. The present main canyon has been used for some time and was to be closed when it reached grade level. Now there is a proposal to fill it higher, to the point, say residents, of "towering hundreds of feet above the levels of surrounding homes." Not surprisingly, anxious citizens are forming coalitions, and their stance is not simply one of "I don't want this in my backyard," but rather of "No more landfills in urban areas anywhere!" They want to "draw the line" on landfills forever and force action to find alternatives. "Because otherwise no one will do anything until there is a major crisis," they emphasize.

Waste management officials and the industry, on the other hand, see the need for new disposal sites as urgent and immediate. They recognize the need for long-range development of alternatives, but fear that the closing of the last remaining Class 1 site in Los Angeles County and the curtailing of further expansion of any others will cause more problems than it will cure.

Pressures on local government from affected residents have created impossible tensions, leading government officials and industry representatives to look towards the state for answers. Though local officials regard with apprehension the loss of control of zoning options, the region-wide importance of disposal sites requires a broader scope. Citizens also share the concern over possible loss of local accountability. They feel they have "half a chance" now, but under state preemptive powers they would be deprived of much of the influence they can presently exert over elected officials. Therefore, the matters of who shall be the siting authority and what kind of regional approach can be utilized to determine where facilities may be placed become central issues.

One response is to create a "regional siting council." A committee convened by the City of Los Angeles and SCAG late last year recommended a structure for siting new waste facilities that would require local zoning power preemption by the state *only* as a last resort and *through the appeals process*. One authority says that a "balanced siting process must include authority for state override of the local veto in the interest of the state as a whole." Others contend that siting authority "should not be preempted by the state because we need local input and local control."

Declared one local official, "The existing process of absolute local autonomy and responsibility for siting facilities has failed to produce a single new site in Southern California since 1972." In 1979 there were seven Class 1 disposal sites operating in or within 200 miles of Los Angeles County. Now there are three: B.K.K. in Los Angeles County; Kettleman Hills, approximately 200 miles north; and Casmalia, now nearing capacity, about 170 miles northwest. Thus, there is a critical need both for alternative sites and new approaches.

Separate legislation has been introduced in the Assembly and Senate addressing various aspects of the problem. Several bills propose creation of a council with representatives from appropriate agencies as the siting authority. Lengthy debate on toxic waste issues will preclude an early resolution of differences.

If and when such a regional siting authority is created, its most important first step will be to establish scientifically valid criteria to ensure sound geological factors, to secure the safety of underground water, to prevent the permeation of wastes into the soil, and to consider myriad other environmental implications.

Location is the next most important factor. Citizens have increasingly let it be known they will not tolerate sites in their neighborhoods. The use of state- and federally-owned lands in remote areas, where encroachment of residential construction would be effectively precluded, is an approach many recommend. Acquisition of such lands presents bureaucratic red tape of hopeless proportions, unless the federal government declares an emergency. The distance of such sites from rail or road access may well entail the construction of accessways—a long-range and expensive project. The problems are many and complex—with apparent solutions creating countervailing complications.

One consulting engineer with intimate knowledge of these many problems said at a recent regional conference that he is very pessimistic about the future. The implications of any course of action are so far reaching and the staggering number of agencies involved is "mind boggling." He added, "When government goes in to help, it's like being loved by an elephant—even if she loves you, when she rolls over on you, you are dead." His concern was that most of the recent site closures were "98 percent political."

"The siting issue is the thorniest aspect of this whole matter, and if that issue isn't resolved, the whole program will disintegrate," said one corporate attorney. "There are a total of twenty-six state and local agencies to go through in order to get everything you need to open a site. You have to go through five or six hearings at each level and each one is potentially able to halt the process. Often the effort is abandoned because the economics do not warrant continuing the fight. Applying for a permit should not be a lifetime pursuit," she concluded.

Transportation is another important factor to be considered in the siting picture, both from economic and safety standpoints. The longer the travel time, the greater the danger of accidents. And if the site is far removed to a place of limited access, the expense of providing road construction and rail accessibility will add greatly to the costs. These are some of the factors that play a major role in the overall problem and must be explained to the public.

Earlier this year SCAG launched a one-year State Hazardous Waste Siting Program, covering a seven-county area in Southern California: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura. Still in the formative stages, this program presents an encouraging development as it attempts to satisfy one of the major reasons for the formation of associations of government—addressing problems of a regional nature which require intercounty coordination.

The first step in this program will be to develop criteria that will help identify the most acceptable sites for the location of hazardous waste treatment and/or disposal facilities. Among factors to be considered are distance from land used for homes, schools, and businesses; access to roads and other transportation; geological and hydrological conditions, such as soil type, slope of land, permeability, depth of groundwater; presence of endangered species; distance from prime agricultural lands and recreational lands. It is expected that these necessarily stringent criteria will eliminate from consideration a great deal of land throughout Southern California.

When the list of sites is developed, each site will be ranked according to the degree in which it meets the chosen criteria, and then further in-depth geological studies will be performed. By the end of 1981, the initial report outlining the results of this study should be available.

The California State Department of Health Services is the lead agency in this program and overseeing the study are the State Water Resources Control Board, the State Solid Waste Management Board, and the U.S. Environmental Protection Agency. The technical investigations will be the responsibility of the County Sanitation Districts of Los Angeles County and private consultants. SCAG and the San Diego Association of Governments (SANDAG) will be the two regional councils of government also involved. Interested citizens and other nonelected representatives from each of the seven counties are being encouraged to join the Citizens' Advisory Committee for the Toxic Waste Siting Study, and a series of public workshops, beginning this summer, will be arranged for this purpose by SCAG.

Another element of this program is the Policy Advisory Committee, composed of mayors, supervisors, and other elected officials throughout Southern California, which is to address the political aspects of siting. Its major responsibility is to develop, review, and support appropriate legislation to deal with the siting problem. Professional expertise and input will be provided by the sanitation districts, Waste Management Technical Committee, planning directors, environmental health officials, and public works directors. The total budget for this year-long project is \$582,000—more than half of which comes from federal funds through the EPA, with \$250,000 of this being contributed by the County Sanitation Districts of Los Angeles County.

Though somewhat cumbersome, the State Hazardous Waste Siting Program appears practical and feasible. Participation of interested and concerned citizens is essential to gain acceptance and to ensure that the public viewpoint is not overlooked, since success is not likely without public acceptance.

### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

1. That the Board of Supervisors assume a leadership role in efforts to solve problems of hazardous waste disposal on a region-wide basis and work cooperatively with other county boards of supervisors on these problems.

- 2. That the Board of Supervisors actively and immediately support the yearlong project of the California State Department of Health Services, the Southern California Association of Governments (SCAG), and the San Diego Association of Governments (SANDAG) entitled State Hazardous Waste Siting Program to establish criteria for siting and identifying suitable locations for future disposal of toxic wastes.
  - a. That these criteria be in accordance with stringent standards of geological and environmental safety and take into account sociological factors.
  - b. That these criteria require any proposed site be situated only in remote areas, far from existing developments or from any potential future development. To ensure against possible encroachment of residential and commercial development on waste disposal sites, there must be legislative requirements for large protective buffer zones as a condition of site approval.
- B. Coordination and responsibility

One of the first and recurring themes the Grand Jury heard from many and diverse quarters was "Who's in charge?" The lack of role definition of the various regulatory and operational agencies and the lack of coordination between them are major obstacles to the resolution of toxic waste problems.

Representatives of Los Angeles County Department of Health Services stated that the State Department of Health Services is the legal authority, according to the Health and Safety Code, for enforcing minimum standards. The federal EPA has designated that Department as the prime agent in the clean-up program (abandoned sites). Although the Health and Safety Code states that the Health Services Department shall enforce the Code, there is wide difference of opinion as to whether or not it actually has the power to do so, thus undermining its ability to function properly.

There are currently four major groups—Solid Waste Management Board, Water Quality Resources Board, Air Quality Resources Board, and the State Department of Health Services—involved in monitoring environmental and hazardous materials, but "they aren't talking to each other," said one frustrated official.

A recurring plea heard by the Committee was for a coordinating power to assume overall responsibility for managing and enforcing compliance on an ongoing, workable basis. Another new agency is *not* the answer; designation of the most logical and able agency to handle this vast coordinating effort is what was advocated by many. The lack of coordination causes much wasted effort and passing the buck, and makes enforcement vitually impossible. This frustrates the conscientious operators who want to comply, while giving carte blanche to violaters.

"A holistic or a systems approach, countywide, to attack, monitor and coordinate all activities and formalize coordination of all ad hoc groups," was one view. Another comment was, "What is needed is one overall agency in the

entire state having complete responsibility for waste management throughout California from the point of generation of waste to its final disposition."

Another suggestion was to create a central body, through the State Department of Health Services, which would coordinate all the separate agencies now involved—county engineers, sanitation districts, flood control, water and air quality boards, etc. "State, federal, and local government coordination is absolutely essential for toxic waste management, inspection, and cleanup," said another.

"There is general confusion—no one knows what the other is doing and who has authority—who's in charge here?" These and similar pleas were so pervasive as to be alarming.

Exactly who or what agency is best equipped to tackle the enormous coordinating job was not immediately evident, however. Many cited the State Department of Health Services as the probable group, but this was not a unanimous belief. One independent consulting engineer asserted that "putting the Health Department in charge of hazardous waste disposal is like putting the medical doctors in charge of hospitals. That's what they do, but it's the wrong approach. You need operational people, not regulatory people." Organization and managerial people who are trained to operate large and complex systems need to take charge, was his message. Agreement on the need for a centralized approach was not lacking, but specific suggestions as to who should take the lead were few but diverse.

# RECOMMENDATIONS

Therefore, the Grand Jury recommends:

- 1. That the Board of Supervisors authorize employment of a professional, impartial consulting organization to conduct a systems analysis to determine roles and responsibilities of the various agencies involved in the many aspects of waste management throughout the County in order to accomplish effective and logical coordination of all such agencies.
- 2. That this professional analysis proceed on the basis of utilizing existing agencies already plentiful and not establish any additional or new agencies to accomplish this coordination and accountability.
- C. Abandoned sites and illegal dumping

Throughout this study, the Committee members have seen slides, movies, and pictures depicting many illegal practices and abandoned dump sites used in the disposal of hazardous wastes. Common sights are unidentified drums of toxic wastes thrown about loosely in unprotected areas, trucks dumping loads of unidentified materials in vacant lots, fluids leaking from trucks as they are driven along routes, direct dumping of materials into manholes, inadequate storage of marked toxic wastes, and tankers filled with toxic materials abandoned by the sides of country roads. Illegal dumping in the desert is also common and toxic material is finding its way into groundwater.

Some companies dispose of liquid toxic materials simply by drilling a hole in the concrete on their own property and pouring the waste down the hole. Others channel a drainage ditch from their property to the street or road and let the waste dribble down the ditch. Because storm drain and sewer openings are everywhere, it is not surprising that toxic waste finds its way into the flood control channels, beaches, and underground basins.

Other producers of toxic was te simply store filled drums at the rear of their own properties, often adjacent to residential areas. These drums, left to the elements, eventually leak or rust through, releasing their contents to seep into the soil, run into the streets, or evaporate into the air, endangering human, plant, and animal life.

Scavengers are another problem. People frequently go to abandoned areas to scavenge for what they think are useful items. Often they empty out the contents of drums and barrels in order to use these containers as incinerators, waste barrels, and even as barbecues — unaware of the dangers to which they are exposing themselves.

When illegal dumpings are discovered, the County Department of Health Services, or other responsible agency, will take samplings of the material to determine its proper handling and then have it removed to appropriate locations. When the perpetrators of the dumping are known, which is rarely the case, they are made to pay for the costs involved.

Illegal dumping is occuring all over the country. Any vacant lot is vulnerable. The EPA's best estimate is that 30,000 to 50,000 sites now contain hazardous wastes and that 1,200 to 2,000 of these sites may present "significant health and environmental problems." Federal legislation, passed last year, provides a "superfund" to seek out and clean up these sites. To qualify for this superfund, states must provide 10 percent of the cost in matching funds. In April 1981 EPA began its search for the thousands of hazardous waste dumps in the country that are the focus of this legislation.

# RECOMMENDATIONS

Therefore the Grand Jury recommends:

- 1. That the Board of Supervisors support and encourage more vigorous enforcement of existing laws governing illegal dumping practices and more severe penalties for manufacturers, haulers, and any others found guilty of violations, with progressively stiffer penalties for repeat violations.
- 2. That the responsible agencies make every effort to determine the ownership of vacant property or abandoned dump sites on which materials have been illegally stored or dumped. Such owners must be held responsible for the cost of abatement.
- 3. That the Board of Supervisors encourage the responsible state and county agencies to develop and promote a total program of public education through news media to make citizens aware of the many

hazards to public health and safety posed by existence of abandoned sites and careless dumping practices. Citizens should be encouraged, possibly by a system of rewards or recognition, to report violations, and the County emergency hot line numbers for reporting such violations should be well publicized.

# D. Transportation of toxic materials

Representatives of the news media have shown Committee members evidence of the poor transportation practices that are part of the toxic waste disposal picture. Members of the chemical industry have also discussed some of these problems with Committee members, as have governmental agencies, and concerned haulers. There is ample evidence that some companies involved in the hazardous waste hauling business operate unsafe equipment, dangerously overload trucks, use trucks not designed to haulthe weight or kinds of materials they carry, ship materials not properly secured or cartoned, and load and unload materials unsafely. Furthermore, in order to keep the "freight moving," some companies encourage driving beyond safe speed and driver-endurance limits, bypassing weigh stations to avoid detection of poorly equipped or defective trucks, and disregarding established safety practices of the hauling industry.

Some drivers are poorly trained to handle their cargoes in an emergency and often they are not even aware of exactly what they are hauling. Allegations that manifests and logs are not accurate or "are downright lies" were frequently heard. Some landfill operators are also accused of not checking manifests and allowing dumping without knowing what is being dumped. Truckers can put anything on their manifests without fear of detection because no one checks.

It is estimated that one out of every three trucks going through Los Angeles carries dangerous cargo, and Highway Patrol figures for 1980 reveal that there were over sixty accidents in California involving spillage of hazardous materials on public highways. This great potential for accidents and spills makes it absolutely essential that the transportation of hazardous waste be more carefully monitored. "The problem is one of enforcement. There are mountains of regulations on the books—laws are plentiful; enforcement is not adequate," stated an industry spokesman.

The Solid Waste Management Board has three enforcement offices — Los Angeles, Sacramento, and Berkeley. Coordination with other enforcement agencies, including the Highway Patrol, is needed to control proper shipping practices. The industry must be required to safeguard its employees by proper training and reasonable working requirements. Often employees will not complain about unsafe conditions for fear of reprisals.

The lack of accurate accounting, of properly filled-out manifests and permits, of strict inspection at loading and unloading points, and of swift legal action against offenders are all part of the transportation enforcement problem. The potential for disaster in toxic waste transportation can be as great as the dangers inherent in indiscriminate and illegal dumping, and far more immediate.

# RECOMMENDATIONS

# Therefore, the Grand Jury recommends:

- 1. That the Board of Supervisors support and encourage
  - a. strict enforcement of existing safety and speed laws for haulers of toxic waste materials;
  - b. strict adherence to manifest and log reporting and verification by landfill operators that trucks are carrying what the manifest indicates.
- 2. That the Board of Supervisors support legislation to require
  - a. that drivers of trucks carrying toxic waste receive training for the proper handling of hazardous materials in event of emergency in transit, and that these drivers pass a state test before being licensed to haul such materials;
  - b. that a short description of the material being carried and steps to be taken in case of emergency be prominently displayed and readily visible at a specified location inside the cab of the truck;
  - c. that state inspectors be sent to Class 1 sites periodically and unannounced to check for compliance. Funds to pay for this inspection shall be derived either from landfill user fees or from operations;
  - d. that a regular program for vehicle inspection of trucks hauling hazardous waste be mandatory, with visible windshield tags issued showing inspection date.

# E. Alternatives to landfills

The crisis in toxic waste disposal and the dearth of Class 1 landfills point up the need for developing new technology, while utilizing existing technology to the fullest, for alternate methods of disposal. At best, land is a finite resource even were there no public outcry against its use for dumping. At worst, a concerned and aroused public will no longer tolerate landfills within sight, sound, and smell of the place in which they live. We are fast reaching a point where drastic measures are needed to handle the enormity of our solid, liquid, and toxic waste generation problems.

Geological standards necessary to protect society and minimize as much risk as is humanly possible are hard to meet. Locating suitable sites becomes a major hurdle, raised even higher by the political realities of a public that does not want dump sites in close proximity. "We have come to a point of no return on landfill disposal," is what the Committee heard.

As long as it was cheaper and easier to put the waste in a "hole in the ground," economics and human nature favored that approach. Now, with shortage of landfills, difficulty of siting new facilities, and long distances that will have to be traveled to future sites, it will soon be cheaper to find othr ways. Economic reality, again, will affect the decisions.

Also, as many pointed out, it is questionable economics to bury reusable materials. "It is sheer folly," one engineer declared, "to be mixing, burying,

and forever losing valuable resources." By reusing and recycling material now irretrievably lost, society would not only reduce the volume of waste to be disposed of, but would reduce the volume of waste generated through production of new materials.

The consumer must also take responsibility for helping to reduce the volume of waste. As consumers, we may have to stop relying on plastics and throw-away, one-time-only convenience materials. Some counties are already limiting drastically the amount of waste a homeowner may put out for pickup, charging more for the privilege of extra loads, and requiring advance arrangement for special pickups. Inconvenience and higher costs may work to educate the public to the advantages of waste reduction in the home.

Some groups are encouraging separation of reusable materials, such as paper and cans, or are providing recycling centers where paper, cans, and glass may be deposited. Often service clubs handle the chores connected with these operations. Soon we may find we have to return to mandatory trash separation similar to what was done in Los Angeles years ago. This would be an aid in the recycling and waste-reduction battle.

Industry must take more responsibility for neutralizing and detoxifying waste at the plant to reduce volume by dewatering, high-pressure incineration, solvent-recovery systems, and, in short, must become dedicated to the proposition that waste products can be useful. Methods for production of energy from waste products need to be refined and made practicable.

We have to look toward establishing regional centers for total waste treatment in order to make it possible for the many small manufacturers to process their waste. Major corporations are already finding it economically feasible to practice some waste reduction on site, and this program must be expanded as rapidly as technological developments will allow.

At present it is estimated that four million tons of hazardous waste per year are disposed of on site at large industrial locations nationwide. Landfills are handling less than 20 percent of what is generated in California. Within the next decade we must reduce still further the need for landfill disposal of waste material.

No doubt today's methods will prove primitive compared to what can and will be done in the future, if the matter is addressed in earnest. But meanwhile, time is running out, for even at best any approach will take many years before it becomes an operational reality. Thus, it is absolutely critical that immediate, positive action be taken at every level to deal with the waste disposal problem.

#### RECOMMENDATIONS

Therefore, the Grand Jury recommends:

1. That the Board of Supervisors support creation of regional hazardous waste treatment and reduction centers.

2. That the Board of Supervisors, in conjunction with other responsible state and county agencies seek legislation to

establish specific de adlines for development and implementation of alternative means of toxic waste disposal, i.e., dewatering, detoxifying, high-level incinerating, recycling, and other means yet undeveloped, so that ultimate residue is reduced to the lowest level technologically possible;

encourage industry to develop the technology to meet such deadlines by offering either tax credits to those who do or

assessing tax penalties upon those who do not;

require new industry to demonstrate the technology, capability, and willingness to reduce toxic waste to a minimum before such industry is allowed to begin production.

- That the Board of Supervisors encourage the development of more recycling centers within the County to handle consumer waste aluminum and tin cans, paper, glass, etc. - so that the need for landfills for nontoxic waste disposal will also be lessened.
- That the Board of Supervisors encourage all county departments to expand existing recycling programs for county waste and that the public be made aware of the extent of county involvement in such programs.
- That the Board of Supervisors encourage responsible state and county agencies to give as much publicity as possible to the positive steps the average citizen can take to reduce the amount of waste sent to landfills. In this way the consumer will be made aware that each time trash is emptied it adds to this ever-growing problem which will not be solved until both industry and individual citizens join together in new approaches to waste disposal.

F. Charge to the 1981-82 Grand Jury

The Grand Jury Ad Hoc Committee on Toxic Waste Disposal began its study with a limited realization of the enormity of the problem. The Committee found the issues to be many and complex, permitting no single or easy solution.

# RECOMMENDATION

Therefore, the Grand Jury urges the incoming 1981-82 Grand Jury to take up the work of this Committee, to keep public attention focused on this issue, and to find new and better solutions to this all-encompassing problem.

Nancy Manners, Chairman Barbara L. Boone Margie R. Cahn Charles G. Craddock Jeanne E. Fujimoto Fay Galloway Bessie A. Harper

John Lombardi Carol B. Pearson Edith Schneider Helen G. Talley George H. Wesley John B. Yodice.

# APPENDIX A

People Interviewed

Chuck Allen, commander, Motor Carrier Section, California Highway Patrol

City of West Covina

Herman R. Fast, city manager

Michael Miller, director, Environmental Services, member SCAG Committee

James Schoonover, chairman, Planning Commission

Chester Shearer, mayor, member Policy Advisory Council, SCAG

County of Los Angeles Department of Health Services

Angelo Bellomo, manager, Toxic Substances Program

R. L. Dennerline, chief, Occupational Health

Harvey D. Kern, administrator, Office of Quality Assurance

Walter F. Wilson, deputy, Environmental Management

County Sanitation Districts of Los Angeles County

Joe Haworth, Jr., information services officer

Robert E. Van Heuit, division engineer, Solid Waste Department

R. David Di Julio, assistant director, Energy and Environment, SCAG

Dr. Howard J. Fisher, consulting chemical engineer

Hacienda Heights Homeowners

Aaron Hock

Judy Richman

Jeannie Schwartz

Jim Mitchell, KNXT, Channel 2, News

Ruby Renetzky, chairman, Environmental Committee, 1979-80 Grand Jury

Peter F. Schabarum, supervisor, Los Angeles County

Gary Ryan, industry representative

Sally Tanner, assembly woman, 60th District, chairman, Assembly Committee on Toxic Waste

West Covina Homeowners' Groups

Paul Breit, vice principal

Michael Celeste, investigator

Fred Landsberg, pastor, Mt. Calvary Lutheran Church

Linda Landsberg, bank teller

Lee Oldham, teacher

Joseph Stella, chemical engineer

Thomas Walsh, engineer

William T. Whisenhunt, attorney

# APPENDIX B

Seminars and Meetings Attended

Numerous West Covina City Council meetings dealing with BKK problems

Sierra Club Meeting, October 14, 1980, West Covina

Chris Kerr, homeowner representative

Michael Miller, director, Environmental Services, West Covina

Earl Margitan, statewide coordinator, Safety and Training, State Department of Health Joe Johnson, B.K.K. representative

Special Program on B.K.K. Landfill Concerns, October 27, 1980, West Covina

Ed Camerino, director, Enforcement, South Coast Air Quality Management Board

Dr. Shirley Fanin, Los Angeles County Department of Health Services

Ray Hertel, Water Quality Board

Dr. Donald Lyman, deputy director, State Department of Health Services

Ernie Winter, director, B.K.K, Inc.

Six-member Citizens Task Force

Chemicals and Public Health Awareness Seminar, January 15, 1981, Los Angeles Robert W. White, director, Department of Health Services, Los Angeles County Angelo Bellomo, manager, Toxic Substances Program, Department of Health Services, Los

Dr. Harvey Collins, chief, Environmental Health, State Department of Health Services

Dr. Shirley Fanin, chief, Acute Communicable Disease Control, Los Angeles County Department of Health Services

Dr. Donald Lyman, deputy, Public and Environmental Health Division, State Department of Health Services

Policy Advisory Council, SCAG, meeting of March 5, 1981

Solid Waste Management Board and State Department of Health meeting, April 10, 1981, El

John F. Boss, serior waste management engineer, State Department of Health Services Michael L. Kiado, supervisor, Technical Programs, State Department of Health Services  $Arlo\ Amudson, chief, Sold\ Waste\ Management\ Board, State\ Department\ of\ Health\ Services$ Sally Tanner, Assemblywoman, 60th District

Informal discussions with members of hauling and disposal industry

General Assembly of SCAG, April 16, 1981, Irvine

Workshop on Toxic Waste

Peggy Sartor, councilwoman, City of Victorville

Joan DiNal, senior attorney, Atlantic Richfield

Dr. Kenneth Hekimian, president, Hekimian and Associates

Beverlee Myers, director, State Department of Health Services

Dr. Donald Sawyer, chemist, University of California, Riverside

Informal discussions with representatives of toxic waste producing and related industries.