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LADWP’s written response to the Los Angeles County 2009–2010 Civil Grand Jury on November 22, 2010

LADWP agrees with the finding.

LADWP has worked with its consultant (Brown and Caldwell), currently under contract for the “Groundwater System Improvement Study,” to develop some conceptual layouts and preliminary costs to implement centralized and wellhead treatment in the SFB to enable LADWP to pump its full groundwater entitlement, as well as some future recycled replenishment water and existing storage credits. LADWP is currently in the process of tasking Brown and Caldwell to further develop the long-term solutions identified previously that will provide the basis for budgeting, scheduling, and preparation of the design of the treatment facilities. The conceptual planning for these facilities is anticipated to be completed by June 2011.

CGJ’s written questions LADWP on February 10, 2015

Did Brown and Caldwell complete the study as promised by June 2011, and are you now constructing the centralized and wellhead treatment facilities as planned? Please list the status of each of the centralized and wellhead treatment facilities developed in the study, including their locations and operational dates.

LADWP’s written response to the 2014–2015 CGJ on March 3, 2015

LADWP entered into a six-year professional services agreement with Brown and Caldwell in 2009, to obtain their assistance with the Groundwater System Improvement Study (GSIS), to conduct studies of the SFB groundwater contamination and develop a comprehensive remediation and cleanup strategy for the SFB contamination. To clarify, Brown and Caldwell did not promise to complete GSIS by June 2011. GSIS included evaluation and characterization of the groundwater quality and contaminants, identification of best available technologies for groundwater remediation, and evaluation of groundwater basin remediation alternatives. Timing has been updated based on the information gained by GSIS and our improved understanding as to the size and complexity of the systems needed to adequately address the needs of this important SFB. Hence, our estimates have also improved since the Civil Grand Jury’s publishing of its 2009–2010 report.

To date, GSIS is almost complete. This included conducting a groundwater characterization of SFB and the evaluation of preliminary groundwater remediation alternatives. In support of SFB characterization, the construction of 26 new groundwater monitoring wells was completed in order to obtain additional water quality data and fill in the water quality data gaps. The sampling and analysis of the existing and new groundwater wells has also been completed.

With GSIS nearing its completion, LADWP will begin the next phase of its groundwater remediation program by fall 2015. This will entail refinement of the identified preliminary remediation alternatives, obtaining regulatory approvals of our remedial investigations, and complying with state and federal environmental quality regulations. Completing these items will clear the way to begin preliminary engineering and remedial design. Once completed, LADWP will be able to report on the locations and configurations selected for the proposed remediation systems along with updated cost and time projections required to complete these facilities. Design, permitting, and construction of the groundwater remediation facilities will take place over the next several years with completed facilities anticipated to begin operations by 2023.

Notes taken from 2014–2015 CGJ’s telephonic conversation on April 17, 2015 clarifying LADWP’s March 3, 2015 response

LADWP has 26 new groundwater monitoring wells—25 were constructed by LADWP and one by the USEPA. Twenty-five have three elevations/zones (shallow, middle, and deep pipes) and the one has two elevations/zones (two pipes). LADWP understands more about the analysis of the groundwater than in 2009–2010. It will take many decades to clean up the contaminants from the groundwater.

With GSIS nearing its completion, LADWP will begin the next phase of its groundwater remediation program by fall 2015. This will entail:

1. refinement of the identified preliminary remediation alternatives
2. obtaining regulatory approvals of its remedial investigations
3. complying with state and federal environmental quality regulations

Completing these items will clear the way to begin preliminary engineering and remedial design. Once completed, LADWP will be able to report on the locations and configurations selected for the proposed remediation systems, along with updated cost and time projections required to complete these facilities. Design, permitting, and construction of the groundwater remediation facilities will take place over the next several years; completed facilities are expected to begin operations by 2023.

Recommendation 2.5 (2009–2010)

LADWP should have a new review made of the amount of water that can be pumped from the San Fernando Basin Aquifer. Due to the future increased demand for water and possible reductions in water sources, the San Fernando Basin Aquifer may be a major source of potable water.

LADWP’s written response to the Los Angeles County 2009–2010 Civil Grand Jury on November 22, 2010

LADWP agrees with the finding.

LADWP has already been working with the cities of Glendale and Burbank as well as the Upper Los Angeles River Area (ULARA) Watermaster to develop a plan to determine a thorough and accurate “Re-evaluation of the Safe Yield of the San Fernando Basin.” The ULARA Watermaster recommended to the Superior Court on April 30, 2010, that a number of critical data-gathering activities need to take place before undertaking such a study. It is anticipated that a study would likely be initiated within 3 to 5 years.

CGJ’s written questions on February 10, 2015

Did the Upper Los Angeles River Area (ULARA) Watermaster complete the study of the amount of potable water that can be pumped from the SFB within the three- to five-year timeline as promised? What was the result, and can we have a hard copy of the study or can you point us to an online version on your website?

LADWP’s written response to the 2014–2015 CGJ on March 3, 2015

First, LADWP would like to clarify that the ULARA Watermaster did not promise to study the amount of potable water that could be pumped from SFB within three to five years. The ULARA Watermaster has determined that SFB is not in a condition of overdraft and that current operations do not pose an imminent threat to water supplies.⁹ This affords time to complete improvements to the stormwater capture facilities while also compiling the necessary data for a future reevaluation of the safe yield.

LADWP and the cities of Burbank and Glendale are working proactively towards preserving the SFB water supply, including an agreement to reevaluate the SFB safe yield. This reevaluation will be supported by the ULARA Watermaster’s continuing compilation of data and information about the SFB hydrogeology and his evaluation of the viability of Los Angeles River tributary flow measurement devices. LADWP has also partnered with the Los Angeles County Flood Control District on a program to improve and expand the system of stormwater capture facilities. This program will substantially increase the natural recharge of stormwater into SFB and provide the greatest benefit to protecting the SFB water supply.

⁹ Groundwater overdraft occurs when water removal exceeds water recharge. The slow natural recharge rate of most aquifers and high rate of pumping has led to groundwater overdrafts in most irrigated areas of the U.S. over the past century. Impacts associated with groundwater overdraft are the results of falling water levels as the water stored in an aquifer is depleted. <http://wingolog.org/projects/water/html/node35.html>.

FINDINGS

1. North Hollywood Operable Unit needs to be replaced. It will be replaced by the North Hollywood Operable Unit Second Interim Remedy. The completion date is as yet undetermined.
2. The potentially responsible parties have installed 33 groundwater monitoring wells in and around Home Depot and near the North Hollywood Operable Unit at 11845 Vose Street in North Hollywood.
3. Los Angeles Department of Water and Power operates the North Hollywood Operable Unit. Potentially responsible parties give funds to United States Environmental Protective Agency. The agency pays the Los Angeles Department of Water and Power 90 percent of North Hollywood Operable Unit's operating costs.
4. The Los Angeles Department of Water and Power has 26 new groundwater monitoring wells—25 were constructed by the Los Angeles Department of Water and Power and one by the United States Environmental Protective Agency. The Los Angeles Department of Water and Power's 25 monitoring wells have three elevations/zones (shallow, middle, and deep pipes) and the United States Environmental Protective Agency's one monitoring well has two elevations/ zones (two pipes).
5. It will take many decades to clean up the contaminants in the aquifer. The Los Angeles Department of Water and Power's research and development lab at the La Kretz Innovation Campus's Los Angeles Clean Tech Incubator will need additional help to create new methods to clean up the groundwater.¹⁰

RECOMMENDATION

9.1 Los Angeles Department of Water and Power's research and development lab at the La Kretz Innovation Campus should work with the UCLA La Kretz Center for California Conservation Science to request academic research into groundwater remediation in the San Fernando Basin to help speed the cleanup of the San Fernando Basin Aquifer.

¹⁰ As described in the committee's interview report with LADWP's Chief Sustainability and Economic Development Officer.

REQUEST FOR RESPONSE

9.1	Los Angeles Department of Water and Power
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ACRONYMS

AF/Y—acre feet per year

CERCLA—Comprehensive Environmental Response, Compensation, and Liability Act
1980 or Superfund

CGJ—Los Angeles County 2014–2015 Civil Grand Jury

LACI—Los Angeles Cleantech Incubator

LADWP—Los Angeles Department of Water and Power

NHOU—North Hollywood Operable Unit

PRP—potentially responsible party

RI2—North Hollywood Operable Unit Second Interim Remedy

SFB—San Fernando Basin

ULARA—Upper Los Angeles River Area

USEPA—United States Environmental Protection Agency

COMMITTEE

Ben Cowitt, chair

John Acevedo, secretary

SYBIL BRAND COMMISSION



Ken Star
Dany Margolies

SYBIL BRAND COMMISSION

TOPIC

A complaint was registered with the Los Angeles County 2014–2015 Civil Grand Jury (CGJ), stating that the Sybil Brand Commission for Institutional Inspections (SBC) was not operating at maximum efficiency. The CGJ formed the Sybil Brand Committee (committee) to survey the activities, functionality, and results obtained by the SBC.

BACKGROUND

The Sybil Brand Commission for Institutional Inspections, formerly called the Institutional Inspection Commission, was founded in 1959 by Sybil Brand, who saw the necessity to improve the overcrowded conditions of incarceration facilities, particularly women’s prisons. Currently the SBC inspects jails and related facilities, and group homes for minors.

Its authority to inspect jails is set forth in Los Angeles County Code of Ordinances.¹ The commission also inspects group home facilities.

The Los Angeles County Auditor-Controller’s documentation for the sunset review of SBC, dated June 17, 2013, points out that the legal basis for SBC’s inspection of the homes is not clear.² The Auditor-Controller thus has recommended to the Los Angeles County Board of Supervisors (BOS) that the code be amended to explicitly give SBC that duty.

¹ Section 2.82.070 provides, “The commission shall conduct inspections as provided in this chapter and shall advise on industrial and educational programs for both juvenile and adult detention inmates in County Jail facilities and probation camps.” Section 2.82.080 provides, “At least once each year and as more often as the commission may deem necessary or proper or as directed by a judge of the Superior Court, the members of the commission or of a committee of the commission shall visit and inspect each jail or lockup in the county, county probation and correctional facilities, and toy-loan facilities.” Section 2.82.090 provides, “The members of the commission, in visiting and inspecting jails and lockups, shall examine every department of each institution visited, and shall ascertain its condition as to effective and economical administration, cleanliness, discipline and comfort of its inmates, and in any other respects....” The commission also inspects group home facilities.

² The many county commissions are subject to “sunset” review to see if they have outlived their useful lives.

SBC consists of 10 commissionerships, two appointed by each of the five Los Angeles County supervisors. As of February 2015, there were three longstanding vacancies on the commission.³

Current members and the supervisors who appointed them are as follows.

Members	Appointing Supervisors
Frank S. Bacio (vice chair)	First District, Gloria Molina (Hilda Solis is in the process of appointing the second commissioner)
Cheryl Grills, Ph.D., and Susan Burton	Second District, Mark Ridley-Thomas
	Third District, Zev Yaroslavsky (Sheila Kuehl is in the process of appointing commissioners)
Donald S. Andrews and Eleanor R. Montaño (chair)	Fourth District, Don Knabe
Barbara Bigby and Anne Hill	Fifth District, Michael D. Antonovich

Pursuant to County Code Section 2.82.040, “the sheriff and the probation officers shall be ex-officio members of the commission.”

RESEARCH

The committee interviewed SBC commissioners and staff, observed their meetings, and read their reports and minutes. The committee interviewed representatives of the Los Angeles County Probation Department (Probation), Los Angeles County Department of Children and Family Services (DCFS), Office of the Inspector General (OIG), Los Angeles County Sheriff’s Department (LASD), and ACLU (American Civil Liberties Union).

³ As the CGJ SBC committee writes this report, appointments are being made.

SBC divides its time between inspections and meetings. Each commissioner is expected to conduct two inspections and attend one meeting per week. Weekly meetings consist primarily of oral reports on inspections. Once per month SBC's weekly meeting is expanded to include representatives of Probation, DCFS, Auditor-Controller, LASD, Internal Services Department, and Department of Mental Health; these monthly meetings facilitate communications among those agencies and SBC.

A. Group Homes

Currently, SBC seems to expend most of its efforts inspecting juvenile group homes used for placement by DCFS and Probation. Commissioners inspect for the quality and safety of the physical conditions, verify licensing, and examine medication records and Needs and Services plans for each child.

Representatives of Probation and of DCFS said they consider the inspections currently done by SBC to be a valuable addition to their own inspections. SBC, Probation, and DCFS regularly exchange information at SBC monthly meetings. SBC inspections have a narrower scope than those of Probation and of DCFS, focusing more on physical conditions, but are unannounced and useful in finding problems and in checking up on compliance with correction orders issued by any of the agencies. If an SBC inspection yields an imminent safety issue, the commissioner who observed it calls it in to the county Auditor-Controller's Children's Group Home Ombudsman for immediate action.

The CGJ's SBC committee reviewed one year of SBC's written inspection reports and three years of its minutes. In listening to the commissioners' oral reports at the commission meetings, the committee noted that the commissioners' historical knowledge based on their prior inspections was valuable above and beyond the written reports. SBC monthly expanded meetings serve as valuable interchange between the agencies. By code, SBC reports only to the BOS, but the practice is to primarily work with DCFS and Probation to get homes into compliance.

Sometimes the working relationship among the agencies at the monthly meetings has been insufficient. SBC commissioners complained to the CGJ committee that SBC's communications regarding inappropriate psychotropic medications have not been followed up on because of bureaucratic complications.⁴ The advent of the "Child Welfare Czar" pending before the BOS might resolve this issue.⁵

⁴ Letter to BOS dated Oct. 1, 2014.

⁵ The acting head of the Office of Child Protection has announced a forthcoming computer-based program to identify overprescribing physicians.

B. Jails and Lockups

SBC is by ordinance required to inspect each jail and lockup within the county once per year.⁶ Currently these are brief inspections of the physical premises. Each of these facilities is also subject to brief annual inspections by the Los Angeles County Civil Grand Jury,⁷ the county Department of Health Services, and local fire departments, and many are also inspected by California Department of Corrections and Rehabilitation.

Many of those facilities are used to detain inmates for hours or at most a few days. Problems in those facilities could therefore be considered less serious because of the short time the inmates would be exposed to them. ACLU says the inmate complaints it receives relate to the large, pretrial-detention and sentenced-inmate facilities where inmates are kept for longer durations.

Men's Central Jail has had major difficulties.⁸ ACLU, through its jail monitors, has had a major role in dealing with jail complaints. According to an ACLU representative, by the regular presence of ACLU staff, inmates and jail staff have come to know and trust the organization and are willing to talk to its representatives. SBC played no role in detecting or resolving the problems at Men's Central Jail. This is troubling to at least some of SBC commissioners, and they are giving thought to what they might do differently.

The jails have been monitored by ACLU for decades. Currently, the monitoring program is staffed primarily by interns. There will be additional monitoring, pursuant to a pending settlement of a civil case, that will be limited in scope and access.⁹ Also, the new OIG will have a staff of four monitoring the seven large jails in the county.

Despite this monitoring, there is a role for enhanced monitoring by SBC. The commissioners are appointed by the BOS as community members and not experts, but the commissioners generally have relevant backgrounds.¹⁰ The ACLU representative interviewed stated that

⁶ Section 2.82.080, noted above.

⁷ California Penal Code Section 919(b) requires the grand jury to "inquire into the condition and management of the public prisons within the county." The CGJ tried to inspect all the more than 120 facilities. These inspections were brief and primarily focused on the physical conditions.

⁸ See Report of the Citizens' Commission on Jail Violence: "The problem of excessive and unnecessary force in the Los Angeles County jails was the result of many factors, beginning most fundamentally with a failure of leadership in the [Los Angeles Sheriff's] Department. Simply stated, the sheriff did not pay enough attention to the jails until external events forced him to do so. Further, his senior leaders failed to monitor conditions in the jails...." At Executive Summary, page 3. <http://ccjv.lacounty.gov/wp-content/uploads/2012/09/CCJV-Executive-Summary.pdf>. This is not unique to LASD; the press reports similar issues around the country, e.g. New York jails in The New York Times, Feb. 22, 2015, and U.S. Border Patrol in Los Angeles Times, Feb. 23, 2015.

⁹ Rosas, et al. vs. Baca, et al. (parties settlement awaiting court approval).

¹⁰ Some current commissioners, however, were appointed in part because of their substantial expertise.

significant monitoring can be done by nonexperts if those nonexperts have a significant presence in the jails. The representative of the OIG said monitoring by SBC commissioners, particularly by interviewing inmates and staff, would provide a valuable fresh viewpoint. According to the OIG representative, if commissioners were to monitor the major jails several times per week, SBC would develop a relationship with staff and inmates. The OIG representative noted some training of SBC would be necessary to ensure personal and institutional safety, although it is an open question as to who should do the training. As SBC commissioners already spend time in the jails, this may not be a significant obstacle. The OIG representative also emphasized the need for SBC to communicate and coordinate with the OIG, ACLU, and LASD.

As SBC does in inspecting juvenile group homes that are also inspected by professionals from DCFS and Probation, SBC commissioners can supplement the expert monitors of the jails. SBC has a codified right to inspect the jails, so it may have access in situations where other groups might not. In both settings, commissioners can bring their insights to the monitoring.

This would require a major expenditure of effort by SBC. Time for that effort can be freed by making changes to its pattern of operations. Monthly business meetings seem to meet the communications and business requirement of the commission. If the work done at the weekly meetings could be consolidated into the monthly meetings, the time saved could be used for a significant presence in the jails. That change alone would allow for a 42-hours-per-month presence in the jails.¹¹ When the Board of Supervisors has appointed the full complement of commission members, this will potentially add 66 hours per month at the jails.¹² The trend in child welfare has been to have more minors live at home with supportive services and reduced reliance on group homes. With this decline in the number of group homes to inspect, SBC might also free up additional time for jail monitoring.

The sheriff is an ex-officio member of SBC. Yet recently the department has been sending different representatives every month to SBC meetings. An SBC commissioner stated these representatives lack the knowledge of ongoing events and lack sufficient rank to have an adequate overview of the entire jail system and the power to take any action. The SBC commissioner complained to the CGJ's SBC Committee that LASD has also been tardy in such simple tasks as providing a phone list of LASD personnel for SBC to contact as issues arise. However, the deputy the committee interviewed, who provided the information to the

¹¹ Eliminating the three weekly meetings allows an extra 1 session per week x 2 hours per session x 7 current commissioners x 3 weeks = 42 hours per month to expend on establishing a presence in the jails.

¹² Bringing the commission to its full complement could provide an additional 3 sessions per week x 2 hours per session x 3 commissioners x 3 weeks, plus 2 sessions per week x 2 hours per session x 3 commissioners x 1 week = 54 plus 12 = 66 additional hours.

SBC, stated he did so in a timely manner. The delay seems to have been in getting the request to the correct person.

When the CGJ's SBC committee spoke with the LASD liaison, he indicated a willingness to assist SBC but explained that he often couldn't appear at the SBC meetings because he had other obligations that conflicted and had higher priority—e.g. use-of-force hearings. When asked how SBC benefits the LASD, he didn't supply any answer. It appears LASD reasonably places its role at SBC meetings at a lower priority, given the small role SBC currently plays in the jails. If that role changes, the priority might change accordingly.

FINDINGS

1. The Sybil Brand Commission provides valuable services in inspecting juvenile group homes. The legal basis for SBC's inspection of the homes is not clear, and the Sunset Commission has recommended to the Los Angeles County Board of Supervisors that the code be amended to explicitly give the SBC that duty.
2. Replacing the weekly meetings of the SBC with comprehensive jail inmate and staff interviews would provide the SBC with a more useful presence in the jails.

RECOMMENDATIONS

- 10.1. The Los Angeles County Board of Supervisors should clarify the Sybil Brand Commission for Institutional Inspections' obligation and right to inspect juvenile group homes.
- 10.2. The Sybil Brand Commission for Institutional Inspections should conduct additional and more-comprehensive jail inmate and staff interviews, which the SBC can accomplish by reducing the number of its meetings.

REQUEST FOR RESPONSE

Recommendation Number	Responding Agency
10.1	Los Angeles County Board of Supervisors
10.2	Sybil Brand Commission for Institutional Inspections

ACRONYMS

ACLU American Civil Liberties Union

BOS Los Angeles County Board of Supervisors

CGJ Los Angeles County 2014–2015 Civil Grand Jury

DCFS Los Angeles County Department of Children and Family Services

LASD Los Angeles County Sheriff’s Department

OIG Office of the Inspector General

SBC Sybil Brand Commission for Institutional Inspections

COMMITTEE MEMBERS

Ken Star, chair

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