

This document is an extract of a larger publication.

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BACKGROUND

The Central Precinct facility is located in the central "skid row" area of downtown Los Angeles. The Grand Jury recognizes and acknowledges that the problem of homelessness in Los Angeles has been the subject of numerous reports, debates and discussions and is clearly beyond the scope of this report. However, certain issues affecting the homeless can be addressed with relative ease and without great public expense. One of these is basic sanitary lavatory facilities. According to the Los Angeles Downtown News posted on November 23, 2012, there is one public toilet at the southeast corner of Fifth and Los Angeles Streets, one block from Central Precinct. Four other public toilets are scattered downtown. These are automated lavatories whose doors automatically open after twenty minutes. Only two of these are open twenty four hours a day. The Grand Jury understands that police agencies have expressed concerns about this type of public toilet because when closed, there is no way for a police officer to determine if the facility is being used for licit or illicit purposes. Because such toilets also have a sink inside, problems have also occurred with individuals using the facility as a laundry. With the number of homeless people in downtown Los Angeles (variously estimated at four to five thousand) all of whom are on the streets during the day, the sanitation needs are obvious.

As observed by the Grand Jury, the lobby of the Central Precinct also requires attention from the City of Los Angeles. Although the lobby restrooms are operative, both have signs advising visitors that they are out of order. Additionally, the drinking fountains in the lobby are inoperative and apparently have been so for several years. Visitors to the Central Precinct are entitled to operative facilities when needed.

FINDINGS

Los Angeles should install several "Portland Loos" (or similar) in the area of Central Precinct

The "Portland Loo" addresses all of the above noted concerns regarding public toilets. Developed by the City of Portland, the Portland Loo encloses only a toilet with the lower portion of the enclosure louvered so that a police officer could discreetly determine if the Loo was occupied by only one person. Additionally, the sink is on the outside without a mirror to limit its use to hand washing only and the exterior has a graffiti-proof coating. The Portland Loo is also large enough to accommodate a user's bicycle or similar personal item and is easy to maintain. Patented by the City of Portland, see attached photos posted at www.google.com/images?q=portland+loo&rls and www.portlandoregon.gov/bes/59293¹, the Loo costs about \$100,000 each and about \$1,200 per month to maintain. Locating several of these Loos in the immediate area of the Central Precinct would significantly mitigate the unsanitary conditions around the Precinct building and provide obvious benefits to the surrounding homeless population. If successful, installing additional Loos in areas of need in Los Angeles would be desirable.

¹ ©City of Portland, courtesy Bureau of Environmental Services.

The City of Los Angeles should make repairs to the Central Precinct

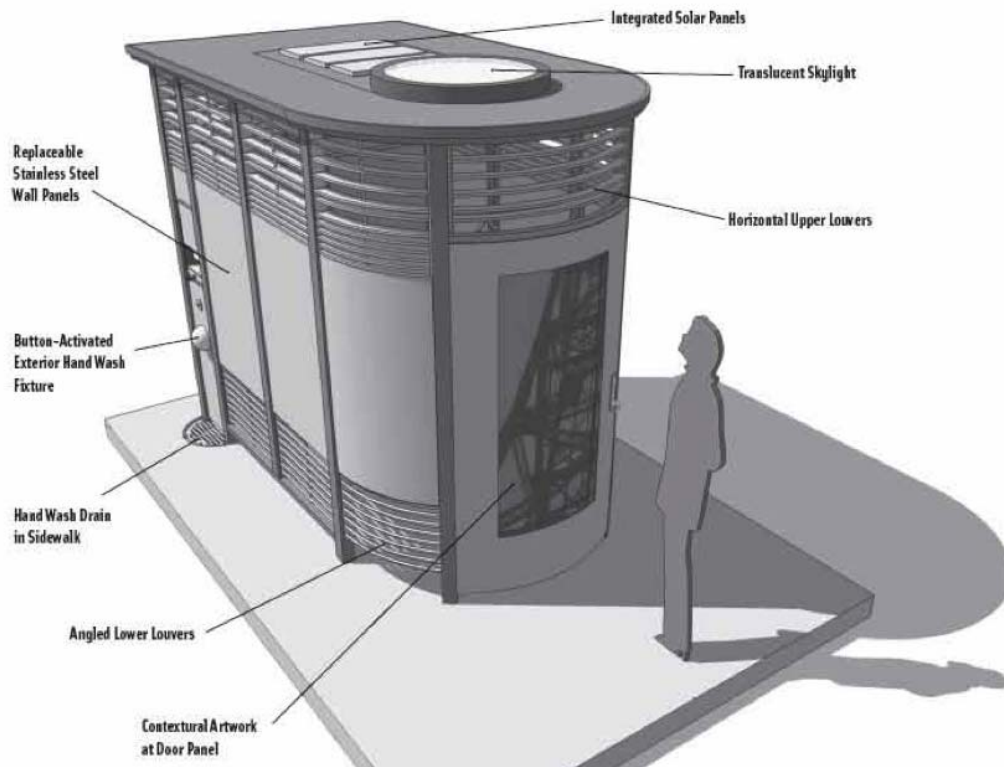
In the short term, the City of Los Angeles should provide regular maintenance to the exterior of the Central Precinct building and the sidewalks surrounding it. The City should also trim the trees surrounding the Central Precinct and initiate rodent control to improve the conditions inside the facility used by police officers and other citizens. Finally, the City should repair and make operative the drinking fountains in the lobby of the Central Precinct and remove the "out of order" signs from the otherwise operative lobby restrooms.

REQUIRED RESPONSE

City of Los Angeles

EXHIBITS





LAPD'S "SKID ROW" STATION

PROBATION DEPARTMENT EMPLOYEE MISCONDUCT



COMMITTEE MEMBERS

Franklin Wurtzel – Co-Chair
Caroline Kelly – Co-Chair
David Dahl
Joseph DesBarres
Carol Pentz
Frederick Piltz
Barry Rubens
Jerome Strofs
Joan Turner
Elena Velarde

3. PROBATION DEPARTMENT EMPLOYEE MISCONDUCT

EXECUTIVE SUMMARY

The Los Angeles County Probation Department (Department) has faced many well publicized challenges over the last five years dealing with its operation of juvenile halls and camps. The 2012-2013 Civil Grand Jury (Grand Jury) learned that many of these challenges come back to issues of staffing and personnel. After discussions with the leadership of the Department, the Grand Jury has chosen to focus on two areas.

1. For the last two years, the Department has engaged in significant efforts to clear the Department of sworn officers who have engaged in criminal conduct. Many of these officers were hired during a period when the sheer volume needed to fill positions resulted in a laxness of screening. Failures of discipline and lack of personnel to investigate and adequately defend cases appealed to the Civil Service Commission further hampered the Department's efforts.

2. Assembly Bill 109 (AB 109), which calls for realignment of inmates from state prisons to local communities, has put pressure on the Department once again to hire a large volume of employees to serve as probation officers for inmates released from the County jails. The Department must remain vigilant to ensure that the pressure to hire does not compromise the quality of the hires. Further, a balance must be struck so that the experienced probation officers in the camps are not the sole source of hire into these positions. Too much upheaval in camp staffing could seriously undermine the improvements that have been made in the camps.

COMMENDATIONS

1. The Board of Supervisors is to be commended for its decision to supplement the staff of the Probation Department with additional internal affairs investigators and in-house legal counsel.

RECOMMENDATIONS

- 3.1 The Probation Department should continue** to hire new employees who only fall into Bands One and Two of the applicant pool and increase recruiting at local colleges and universities.
- 3.2 The Probation Department should use its best efforts** to retain experienced supervisory staff at its juvenile halls and camps while otherwise meeting the staffing needs mandated by AB 109 Realignment.
- 3.3 Chief Information Office should organize** a working group comprised of representatives from the Sheriff's Department, District Attorney, Probation Department, County Counsel and Civil Service Commission in order to establish data entry protocols that produce consistency in all data fields.

METHODOLOGY

The Grand Jury reviewed substantial documentation from the Probation Department, Civil Service Commission, County Counsel, District Attorney, Sheriff and Los Angeles Police Department in order to better understand the processing of adverse employment actions against Probation Department employees, criminal proceedings involving such employees and the cost of litigation arising from misconduct of such employees. The Grand Jury encountered significant challenges in its efforts to harmonize the data received from these several different agencies. The Grand Jury also reviewed published articles in local media and two reports of the Office of Independent Review (OIR). The Grand Jury met with several members of senior leadership of the Probation Department and representatives of the County Counsel and Civil Service Commission and exchanged written communications with the District Attorney. The Grand Jury also visited Juvenile Halls and Camps and spoke with leadership, staff and incarcerated youth at these facilities.

BACKGROUND

During the period of approximately 2000 to 2006, confronted by significant needs, the Probation Department hired approximately 1,000 new employees, most of whom were sworn officers. According to senior leadership of the Department, compared to previous years, a higher number of these employees had backgrounds that were questionable and qualifications that were inferior. These poor hiring decisions led to significant problems within the Department and some well publicized embarrassments. According to its February 2012 Report, the OIR found that fifty-one Department employees were arrested or named as suspects for crimes ranging from violating restraining orders to drunk driving and shop lifting to defrauding the federal government in 2010 and sixty nine Probation Department sworn officers were arrested and/or convicted of crimes in 2011.

On September 18, 2012, the Los Angeles Times reported: “Two weeks ago, a six-year employee of the Los Angeles County Probation Department was charged with persistently filing false workers' compensation claims. Earlier this month, police arrested a probation officer for allegedly shooting a man in a Covina bar. Those cases came on top of the dozens of drunk-driving, drug possession and theft arrests that seemed scattered throughout the 6,500-employee agency. On Monday [September 17, 2012], FBI agents arrested the highest-ranking member of the Department yet -- Carl Edward Washington, a division chief of intergovernmental relations and former state legislator.”¹ According to the March 2013 OIR Report, in 2012, 64 Probation Officers were either arrested or had significant police contacts, i.e. where the employee may not have been arrested but was detained, questioned or issued a citation in a criminal matter.

¹ “County probation official arrested on fraud charges”, Richard Winton and Jason Song, Los Angeles Times, September 18, 2012

The Grand Jury was informed by senior Probation Department leaders that due to a lack of resources to properly investigate and prepare responses to adverse employment action appeals to the Civil Service Commission, employee discipline was often reduced or reversed. The Grand Jury also determined that incidents of past discipline, e.g. suspension for misconduct, would not preclude or defer promotion eligibility since seniority is the principal criterion for advancement.

The Department senior officials also mentioned significant and continuing abuse of disability leave and workers compensation claims, at least one of which as noted above resulted in criminal charges. This issue is particularly noteworthy as the Grand Jury learned in interviews on visits to the juvenile halls, typically as many as 25% of the staff were out on leave or on prescribed light duty. Further, replacing staff on leave created a significant budget issue for the Department since employees on leave were also on salary.

In the course of its investigation, the Grand Jury submitted multiple requests for records to the Probation Department, Civil Service Commission, County Counsel, District Attorney and the Sheriff and LAPD. The case management and/or data management systems within each agency were unique. The data entry protocols are similarly unique. This made it difficult and sometimes impossible to harmonize the data and to reach any conclusions that were statistically and clearly supported. The data received indicated that Los Angeles County has, in the last few years, incurred almost \$600,000 in costs and fees defending claims of misconduct by sworn officers directed at incarcerated youth. This data is incomplete and the actual costs may be significantly higher. Before the Grand Jury could fully assess the data provided to it, the Board of Supervisors approved the Department's request for additional investigative and legal staffing.

FINDINGS

Realignment challenges

AB 109 and its companion bill, Assembly Bill 117 were enacted to allow California to reduce its overcrowded state prison population in compliance with federal court mandates. So called "AB 109 realignment" has resulted in the transfer of certain prisoners from state prisons to county jails and the early release of others. Realignment has significantly increased the jail population in Los Angeles County and, according to Probation Department senior leadership, has increased the need for probation officers by approximately 200 to supervise felons benefitting from early release. Applicants for probation officer positions are separated into five bands determined by qualifications and background - Band One being most qualified and Band Five being least qualified. In order to avoid past hiring mistakes, the Department has determined that newly hired probation officers would only come from the pool of candidates in Bands One and Two. More thorough background checks would also be incorporated into the hiring process. Increasing recruiting efforts at local colleges and universities may also be of benefit to the Department in its efforts to meet realignment needs.

Retention of experienced juvenile camp and hall staff

Critical in this process is the need to retain experienced officers at juvenile camps and halls rather than promoting these officers to field duty as might otherwise be required under existing procedures. The Probation Department and the United States Department of Justice (DOJ) have

entered into an Agreement to correct various deficiencies found at the juvenile camps. This Agreement was extended for another year in November 2012, to allow the Department to fully implement certain recommendations. If the usual career progression within the Department is followed in order to meet the needs of AB 109 realignment, a significant number of experienced juvenile camp and hall probation officers would be transferred to supervise newly released felons. Such a result would negatively impact the Department's success in complying with the DOJ Agreement.

Data frustrations

The Grand Jury understands and appreciates the need for certain county agencies to maintain separate non-accessible data management systems. The Sheriff's Department and the Probation Department obviously maintain highly sensitive information unique to their law enforcement functions. Further, personnel records of these agencies are extremely sensitive and protected by statute. Similarly, the case management system maintained by the County Counsel also contains privileged attorney-client and work-product information. And the Civil Service Commission records contain confidential personnel information. Nevertheless, the lack of any consistent protocol for data entry made it extremely difficult for the Grand Jury to evaluate and assess the data provided to it by these agencies. For example, names were sometimes entered last name first and sometimes the reverse and acronyms were used without explanation of meaning. The Grand Jury encourages the Chief Information Officer to convene a working group comprised of representatives from the Sheriff's Department, District Attorney, Probation Department, County Counsel and Civil Service Commission in order to establish data entry protocols that produce consistency in all data fields.

REQUIRED RESPONSES

Recommendation	Responding Agencies:
3.1, 3.2	Probation Department
3.3	Chief Information Office

FOSTER CARE HOTLINE INVESTIGATION



COMMITTEE MEMBERS

Jeff Clements-Chair
Carol Pentz
Thomas Scheerer

4. FOSTER CARE HOTLINE INVESTIGATION

EXECUTIVE SUMMARY

The Los Angeles County Civil Grand Jury (Grand Jury) has frequently reviewed the activities of the Department of Children and Family Services (DCFS), an organization that has faced significant challenges, even crises, over the years. This section focuses on the Child Protection Hotline (Hotline), the public's ingress into the foster care system, the entry point where suspected child abuse or neglect is first reported.

While the Hotline, in most instances, is doing an outstanding job with knowledgeable management and skilled, dedicated workers, it has drawn intense criticism, most recently in April 2012 from the Board of Supervisors' Children's Special Investigation Unit. (The CSIU Report.¹) The Grand Jury agrees that there is always room for improvement and, in a few instances, urgent improvement is needed at the Hotline.

DCFS' responsibilities include the protection of all children in this County from abuse and neglect. That work begins at the Hotline, which receives too many noncritical calls, makes too many referrals, and creates too much work for DCFS employees downstream.

DCFS must focus senior management and its resources to improve the Hotline by reducing the number of calls that go through the system, by upgrading the personnel and the compensation of those who work there, by reducing the number of policies within DCFS and by engaging the community into its efforts to reduce child abuse within the county. To be specific, community-based services need to be expanded. Utilizing the community involved Point-of-Engagement (POE) approach should be revisited to apply countywide as it appears to be showing significant success in the Compton and Torrance regions.

The County must establish a separate crisis hotline and must embrace regionalization of the system. The Hotline must promote the notion that Hotline employees need special interpersonal probing skills not present in every individual. Further, it must implement better means to reward the employees under intense stress and reward the high performing employees.

Clearly, there are excessive policies, procedures and practices throughout DCFS that need to be more effectively accessible and easier to navigate, if not reduced. At a minimum, a search feature needs to be incorporated within the policies, procedures and practices themselves to allow ease of searching for appropriate information within the document. Generating referrals takes significant time and there continues to linger a "culture of fear" throughout the Hotline.

¹ Report Regarding DCFS Recurring Systemic Issues, Children's Special Investigation Unit (CSIU), April 16, 2012, (CSIU Report),