

This document is an extract of a larger publication.

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II BACKGROUND

The LACPD has approximately 6,500 employees and a yearly budget of approximately \$860 million.⁶ The LACPD supervises those adults placed on probation in Los Angeles County and also operates facilities for housing juvenile offenders. On any given day the LACPD has supervised 693 youth in juvenile halls, 568 youth in camps, 6,080 youth in the community that are monitored by the LACPD, and an additional 957 youth placed in group homes by the Juvenile Court. (See Exhibit 1.)⁷

III METHODOLOGY

The CGJ interviewed a wide variety of individuals associated with the workings of the LACPD. Interviewees included personnel with the Los Angeles County Civil Service Commission (CSC); the Office of Independent Monitor; representatives of two county supervisors; a representative of AFSCME Local 685, the union representing deputy probation officers in Los Angeles County; various personnel during inspections of Juvenile camps and a senior official with the LACPD. In addition, the CGJ read many outside articles written about the LACPD. The CGJ also looked at various internal reports put out by or written about the LACPD.

IV FINDINGS

1. The Civil Service Commission is the appellate body for County employees who have received disciplinary actions. The CSC is a County Charter-mandated independent commission and serves as a quasi-judicial appellate body for classified employees who received a formal hearing and have been disciplined.⁸ The disciplined employee may file an objection with the CSC. In 2014 (the last year that figures were available), the CSC sustained 56% of the LACPD's decisions, sustained in-part 31% of the decisions and did not sustain 13% of the decisions.⁹
2. Disciplined employees of the LACPD have the assistance of an advocate, an attorney who works with AFSCME 685, the union representing the Los Angeles County Deputy Probation Officers. This advocate represents LACPD employees in 80% of the disciplinary proceedings.¹⁰ The CGJ was interested in the promotional practices within the LACPD. The

⁶ Los Angeles County Probation Department-News Room-Media Information website, Jan. 10, 2017.

⁷ County of Los Angeles Probation Department, Juvenile - # of Youth on Active Probation Supervision by Age (Snapshot Data – as of October 3, 2016).

⁸ County of Los Angeles Civil Service Commission 2014 Annual Report.

⁹ Ibid.

¹⁰ Meeting at AFSCME 685, Dec. 12, 2016, 3701 Wilshire Blvd., #501.

advocate confirmed that “all other things being equal, promotions are based primarily on seniority and that this is a long-time understanding with the County.”

3. In a meeting with staff from the offices of two members of the Board of Supervisors, the CGJ was told that there was a recent motion passed by the BOS to determine if a formal Probation Oversight Commission should be established. The BOS hired Resource Development Associates (RDA) to conduct an assessment of best practices in criminal and juvenile justice and the optimal organizational structure. This would include a potential split between youth and adults and how to best serve the Transitional Aged Youth (ages 18-24) population. (The RDA report will not be completed prior to the publication of this CGJ Final Report.)¹¹

Additional findings from this meeting were:

- a. Diversion programs for youth are a major focus. These programs are to help youth avoid a life of crime and to avoid going to jail when a minor crime is committed.
 - b. It is believed that new progressive leadership is needed in the LACPD and the newly appointed executives are the right people to implement necessary changes.
 - c. The current promotional policy within the LACPD is based on seniority. The BOS are looking into this policy; however, there is a concern about keeping turnover to a minimum.
 - d. The Alternate Public Defender’s Office now represents juveniles in court when there is a conflict of interest with the Public Defender’s Office.¹²
 - e. As of May 2016 solitary confinement was eliminated in juvenile detention facilities.¹³
 - f. A redesigned juvenile facility, Camp Kilpatrick, is scheduled to be re-opened in April 2017. This camp will feature a cottage-type organization that focuses strongly on rehabilitation and not punishment.
4. In an interview with a senior official at the LACPD the CGJ learned of changes the LACPD feels will benefit the juvenile offenders it serves. This official feels that treating the youth in custody with respect is of the utmost importance.

Points discussed were:

- a. Every job in the LACPD is an important job. Working in a juvenile hall should not be considered a stepping-stone to a job in the field. An employee working in a hall should be able to hone skills and remain as an experienced, valued employee.
- b. Recruitment of employees is important, as is retention. It is very important to have the right staff in the right places.

¹¹ Meeting in the Hall of Administration, Jan. 5, 2017.

¹² WitnessLA, Oct. 12, 2016, Alt Public Defenders Before Panel Attorneys for Juvenile Defendants by Taylor Walker.

¹³ WitnessLA, Nov. 16, 2016. Board of Supervisors action.

more offenses. Often children start out as victims and then become offenders. The CBOs work with juvenile offenders under the supervision of the LACPD to aid in their re-entry to society.

- d. The goal of the organization of new camps is to create “campuses” and not “camps.”
 - e. RDA is looking at whether to separate the areas of adult and juvenile probation. These two branches are currently separate in San Francisco. RDA’s report will be looked at by the LACPD and the BOS.¹⁴
5. As part of the CGJ’s mandate to inspect detention facilities within Los Angeles County each year, members of the CGJ visited all the juvenile camps and halls within the County. These inspections revealed the low number of detainees and empty areas in all the facilities.

The CGJ was informed of the change from a philosophy of punishment to one of rehabilitation. Retraining will need to be implemented to bring all employees up to date on these changes.

Most camps are in remote areas of the County. It is very important that juvenile offenders be able to keep in contact with their families and vice versa. This will keep the families bonded so there will be mutual support upon the release of the juvenile offender.

The CGJ witnessed improvements within these facilities. During the unannounced CGJ visits to these camps and halls, members witnessed many positive activities. While we noted that some of the facilities are old and in need of repair or replacement, the educational programs at the halls and camps were functioning very well with dedicated staffs. Many of the staff members have been on the job for quite a few years and are dedicated to helping these youth succeed.

In talking to several officers at the facilities we found that while many are long-term employees, working between 20-30 years, there has been a frequent turnover in LACPD leadership in the last several years. In the last 10 years, there have been five Chief Officers of the LACPD.

V RECOMMENDATIONS

1. The County Board of Supervisors should insure the LACPD includes a new promotional process that removes the seniority-based promotion system in the Memorandum of Understanding (MOU) with the AFSCME Local 685, upon the expiration of the current MOU.

¹⁴ Interview at LACPD headquarters, 9150 Imperial Highway, Downey, CA, on Feb. 2, 2017.

2. The County Board of Supervisors should task the LACPD to identify excess capacity that may be used to house the homeless.
3. The LACPD, in conjunction with the other county partners, such as the Metropolitan Transit Authority, should develop a transportation plan to transport families from central locations within the city to the various halls and camps

VI REQUIRED RESPONSES:

California Penal Code Sections 933(c) and 933.05 require a written response to all recommendations contained in this report. Such responses shall be made no later than ninety (90) days after the Civil Grand Jury publishes its report (files it with the Clerk of the Court). Responses shall be made in accord with Penal Code Sections 933.05 (a) and (b).

All responses to the recommendations of the 2016-2017 Civil Grand Jury must be submitted on or before September 30, 2017, to:

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

Responses required from:

Responding Agency	Recommendations	Findings
Los Angeles County Probation Dept.	14.1, 14.2, 14.3	14. 2
County of Los Angeles Board of Supervisors	14.1, 14.2	

VII ACRONYMS

- AFSCME** American Federation of State, County & Municipal Employees
BOS Los Angeles County Board of Supervisors
CBOs Community-based organizations
CGJ 2016-2017 Los Angeles County Civil Grand Jury
CSC Los Angeles County Civil Service Commission
DOJ U.S. Department of Justice.
LACPD Los Angeles County Probation Department
RDA Resource Development Associates

VIII COMMITTEE MEMBERS

Gloria Garfinkel Chair

Hilda Dallal

Ronnie Dann-Honor

Exhibit 1¹⁵

County of Los Angeles Probation LACPD

Juvenile - # of Youth on Active Probation Supervision by Age

(Snapshot Data – as of October 3, 2016)

		Youth by Age					
Supervision	# of Youth	<11	12-14	15-17	18-20	21-23	24>
Field	6,080	15	524	3,497	1,788	147	109
Placement	957	0	68	725	163	1	0
Camp	568	0	26	355	170	15	2
Hall	693*						
Total	8,208	15	618	4,577	2,121	163	111
Percentage of Youth		0%	8%	60%	28%	2%	1%

* Breakdown by age not available at time of report.

Definitions:

Field: Youth is receiving probation supervision in the community

Placement: Youth is in placement with a group home, foster home or relative/non-relative

Camp: A Probation LACPD-run facility for secure confinement

Hall: A Probation LACPD-run facility that is a holding facility

Juvenile - # of Youth on Active Probation Supervision by

Supervisorial District

Supervisorial District	% of Youth
District 1	21%
District 2	31%
District 3	10%
District 4	20%
District 5	17%
Other **	1%
Total	100%

** Other = Youth resides out of County

¹⁵ County of Los Angeles Probation Department, Juvenile - # of Youth on Active Probation Supervision by Age (Snapshot Data – as of October 3, 2016), provided by the LACPD.

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THE SUSTAINABILITY PRINCIPLE IN GOVERNANCE



Douglas Benedict **Chair**
Gerard Duiker
Henry C. Guerrero

THE SUSTAINABILITY PRINCIPAL IN GOVERNANCE

This investigation endorses the 2016-2021 County of Los Angeles Board of Supervisors Strategic Goal II.3: “Make Environmental Sustainability Our Daily Reality:Envision and implement a comprehensive and integrated approach to improving the environmental, economic, and social well-being of our communities now and into the future.”

I SUMMARY

For this report sustainability is defined as the planned balancing of critical resource consumption with assured, long-term resource supplies. In the best case, this commitment is captured in wide-scope, documented Sustainability Plans with metrics defined to measure success. Achieving sustainability for the region requires that all of our local governmental functions embrace the sustainability principle.

Some consequences that have arisen from violations of the sustainability principle are identified in this report: climate change, potable water shortages, and environmental pollution. The County of Los Angeles Chief Sustainability Officer (CountyCSO) and the City of Los Angeles Chief Sustainability Officer (CityCSO) are in unique positions to lead the effort to bring the principle to all governmental entities within the County of Los Angeles. They can provide consistency across the County in this effort.

II BACKGROUND

Defining Sustainability

The concept of sustainability is straightforward: consume fewer critical resources than can assuredly be supplied in the future.¹

Critical resources are those that are required to sustain the Earth’s biosphere.

- A life sustaining atmosphere
- Potable water
- Survivable weather
- Food
- Energy
- Raw Materials
- Cultures
- Economies
- Sustainable population levels

¹ <https://www.mcgill.ca/sustainability/files/sustainability/what-is-sustainability.pdf>

Sustainability for these items must be achieved over the entire Earth.²

Governments are the logical mechanisms for managing sustainability.³

Overconsumption of a critical resource by one generation will result in a critical resource shortage to following generations. Failure to practice sustainability may do harm to future generations.⁴

Each level of government is responsible for assuring the balance of consumption/production for its governed entity. Local sustainability is guided by Federal and State goals and policies.

Sustainability as a Principle in Governance

Sustainability as a principle in governance means that each governing entity, including the County of Los Angeles and the municipalities and agencies with governing responsibilities within the County, should consider the sustainability consequences for all the actions it takes.⁵ As an example, consider the long-term drought that threatens Los Angeles County's water supply. A set of water use restrictions was formulated by water agencies and passed on to water consumers.⁶ The restrictions were largely followed and water use was reduced by about 20%.⁷ This was effective in making the available water supply sufficient for critical needs. The water agencies' actions and the public's cooperative response reduced consumption and balanced water demand and supply, a positive example of the sustainability principle in governance.

Governing entities can directly implement this principle by the actions they take. For example, if a police department needs to purchase a fleet of cars, they could decide that electric cars would be a more sustainable choice than gasoline-powered cars. Federal Corporate Average Fuel Economy (CAFE) standards encourage similar sustainability for the individual or business purchaser of cars.

Current Sustainability Issues

While a sustainability principle of governance would apply to all critical resources, at this moment there are three especially critical issues.^{8,9,10}

² <https://www.thebalance.com/SustainabilityResourcesandInformation>

³ https://en.wikipedia.org/wiki/Sustainable_Development_Goals

⁴ <https://stats.oecd.org/glossary/detail.asp?ID=820>

⁵ www.huffingtonpost.com/steven-cohen/the-role-of-government-in_b_4759621.html

⁶ www.waterboards.ca.gov/water_issues/programs/.../emergency_regulation.shtml

⁷ <http://www.drought.ca.gov/>

⁸ www.globalstewards.org/issues.htm

⁹ www.latimes.com/local/lanow/la-me-g-california-drought-map-htmlstory.html

¹⁰ <https://www.epa.gov/environmentaljustice/los-angeles-area-environmental-enforceme...>

Climate Change/Global Warming

Climate change (or global warming), caused by accumulating human-caused greenhouse gases in the atmosphere, is the most threatening sustainability issue worldwide. This has been agreed to by the United Nations.¹¹ The US military has stated that climate change is the most likely future cause of security threats to the United States.¹² Global average temperature has risen in 16 of the last 17 years.¹³

According to the science, limiting climate change to a tolerable level requires a drastic reduction of manmade greenhouse gases, mainly carbon dioxide and methane, in the atmosphere.¹⁴ ¹⁵ There is an excess of these pollutants arising from the production and use of fossil fuels. Our ecological system can absorb and process a limited amount of carbon dioxide before its concentration becomes problematic.¹⁶

The effects of climate change are expected to be more severe than our recent experiences.¹⁷ Some effects are already present or can be predicted: sea level rise, longer and hotter summers, spreading of tropical weather areas, more and hotter forest fires, and Arctic/Antarctic/Greenland ice melting, etc.¹⁸

The sustainability principle applied to climate change requires a reduction in the amount of fossil fuels burned, in the amount of methane (natural gas) produced, and in methane-producing agriculture. This implies the adoption of more sustainable sources of energy and food.¹⁹ ²⁰

Long-Term Drought in Southern California

The potential for long-term drought is a sustainability issue for Southern California. Historically, this has been dealt with by a program of “water sharing,” with Northern California sharing its relative water abundance with Southern California and Owens Valley

¹¹ UN Document: Sustainable Development – <http://www.un.org/sustainabledevelopment/climate-change-2>

¹² “Military experts say climate change poses ‘significant risk’ to security”, the Guardian – <https://www.theguardian.com/environment/2016/sep/14/military-experts-say-climate-change-poses-significant-risks-to-security>

¹³ “U.S. scientists officially declare 2016 the hottest year on record. That makes three in a row.”, Chris Mooney, The Washington Post, January 18, 2017.

¹⁴ “Climate Change Solutions for Healthcare Professionals to Promote”, - <http://www.climate-change-emergency-medical-response.org/climate-change-solutions-for-healthcare-professionals-to-promote>

¹⁵ “10 Solutions for Climate Change”, Scientific American – <https://www.scientificamerican.com/article/10-solutions-for-climate-change>

¹⁶ Climate Change: What Everyone Should Know. Joseph Romm, Oxford University Press, 2016

¹⁷ Ibid

¹⁸ UN Document: Sustainable Development – <http://www.un.org/sustainabledevelopment/climate-change-2>

¹⁹ Note: The reductions could partially be achieved by conservation measures (e.g. - increasing the efficiency of transport systems) which are almost always more economical than finding and adopting revolutionary technological solutions.

²⁰ www.davidsuzuki.org/what-you-can-do/top-10-ways-you-can-stop-climate-change/

sharing its Sierra runoff with the City of Los Angeles. Historical data has shown that ongoing water shortages can be expected in Southern California.²¹

There have been actions taken to mitigate these shortages. William Mulholland's Los Angeles Aqueduct from the Owens Valley provided enough water to populate the San Fernando Valley and was an engineering "miracle" at the time it was created.²² The California Water System brings water from the confluence of the Sacramento/American and San Joaquin rivers to Southern California.²³ Each of these projects has had negative environmental consequences. The LA Aqueduct has seriously dried out that environment. The California Water System threatens some endangered species and consumes large amount of electrical power.^{24 25}

During the recent drought some water conservation methods have been applied: replacing lawns, using low-flow plumbing, and "waiting to flush". These have been effective, saving about 20% over historical water usage without significantly affecting the quality of life.²⁶

These methods could be extended with the following:

- Gray Water reuse
- "Toilet-to-Tap" Sewage Processing
- Aquifer cleaning/recharging
- Seawater to Potable Water Reverse Osmosis Plants²⁷

At the time this was written, Northern and Central California had substantial drought relief.²⁸ However, Southern California potable water shortages are historical and likely to worsen with global warming.

Environmental Pollution

The health impacts of environmental pollution are a sustainability issue. A separate investigation and report dealing with communities identified as environmental justice areas is contained in this CGJ Final Report.²⁹

Sustainability Efforts within Los Angeles County

The County of Los Angeles Civil Grand Jury (CGJ) has reviewed current examples of the sustainability principle in governance within the County. Appendix 1 contains a table summary of the sustainability plans that were reviewed. The table is an approximation to the actual plans; some terminology has been adapted to improve comparability between the plans.

²¹ "Droughts in California", Wikipedia – https://en.wikipedia.org/wiki/Droughts_in_Caifornia/

²² "Los Angeles Aqueduct", Wikipedia – https://en.wikipedia.org/wiki/Loa_Angeles_Aqueduct/

²³ "California Aqueduct", Wikipedia – https://en.wikipedia.org/wiki/California_Aqueduct/

²⁴ <https://www.wildlife.ca.gov/Conservation/Watersheds/Water-Operations>

²⁵ <http://www.climatecentral.org/news/california-drought-water-scarce-increasing-energy-demands-18676>

²⁶ "Southern California: A Leader in Water Conservation"- [PDF] <http://www.SoCalWater.org/>

²⁷ Note: While reverse osmosis processing of seawater into potable water is proposed for completeness of this list, the power requirements and cost impacts on utility bills probably makes it unaffordable to large portions of the community.

²⁸ 2016 in Review: California drought eased, but it's not over", San Jose Mercury News – <http://mercurynews.com/2016/12/26/fire-and-rain-in-california...>

²⁹ See "Community Impacts of Environmental Pollution", in the this Final Report.

Appendix 1 also has text descriptions of the plans' histories.

The best plan examples have wide scopes, measurable goals, and contain provisions for evaluating progress on a regular rate.

Future of the Sustainability Principle in Governance

In the County of Los Angeles a strong set of laws, standards, and policies that codify sustainability does not exist.³⁰ This leaves the enforcement of sustainable actions uncertain.

The County's sustainability plan is currently in development. The future success of sustainability practices depends on a more complete adoption of plans throughout the County.

Some governing entities within Los Angeles County have sustainability plans (Appendix 1). They can be a basis for a complete, comprehensive, and consistent set of sustainability plans for the entire County.

In Los Angeles County, it is logical that the County and the City of Los Angeles form a sustainability partnership to provide leadership and support for all governing entities of the County.

III METHODOLOGY

Document Reviews.

The CGJ found that those cities that have adopted the sustainability principle in governance have codified their work in written documents. The CGJ reviewed the following sustainability plans and related documents in our research.

- City of Santa Monica Sustainability City Plan³¹
- City of Santa Monica 2012 Sustainability City Report Card³²
- City of Los Angeles pLAN for Sustainability³³
- City of Long Beach Sustainability Plan³⁴
- City of Glendale Greener Glendale Plan³⁵
- Los Angeles County Board of Supervisors Motion on creating and hiring a Chief Sustainability Officer (28 April 2016)³⁶

³⁰ www.mdpi.com/2071-1050/3/3/531/pdf

³¹ "Sustainable City Plan – City of Santa Monica" -

<https://www.smgov.net/uploadedFiles/Departments/OSE/Categories/Sustainability/Sustainable-City-Plan.pdf>

³² "2012 Sustainable City Plan Report Card – City of Santa Monica" -

https://www.smgov.net/Departments/OSE/Categories/Sustainability/Sustainable_City_Report_Card.aspx

³³ "pLAN" – <http://www.lamayor.org/sustainability>

³⁴ "Sustainable City Action Plan – City of Long Beach" - www.longbeach.gov/sustainability/nature-initiatives/action-plan/

³⁵ "Greener Glendale Plan – City of Glendale" - www.glendaleca.gov/home/showdocument?id=6934

³⁶ "Los Angeles County Board of Supervisors Motion on Chief Sustainability Officer" - file.lacounty.gov/SDSInter/bos/supdocs/101801.pdf

- Job Brochure for County of Los Angeles Chief Sustainability Officer ³⁷

Interviews

The CGJ conducted interviews with governmental officials associated with the various sustainability efforts within Los Angeles County. These included the following:

- Los Angeles County Office of Sustainability (within the Internal Services Department)
- City of Santa Monica Office of Sustainability.
- Los Angeles County Board of Supervisors Staff Members (2 Supervisorial Districts)
- City of Los Angeles Sustainability Office
- County of Los Angeles Sustainability Office (within the County of Los Angeles Office of the Chief Executive Officer)

Media Sources

The CGJ reviewed news items concerning sustainability from the following sources:

- Los Angeles Times
- San Gabriel Valley Tribune
- Beverly Press
- Green Car Report (email series)
- UCLA Grand Challenges – Sustainability (Website)
- Planning Report (Website)
- LA Mayor (Website)
- Think Progress (Website)
- My New LA (Website)
- Supervisor Sheila Kuehl (Website)

We would like to express our gratitude for the openness and cooperative attitudes of the people and organizations that have enabled this work.

³⁷ “Los Angeles County Chief Sustainability Officer Job Brochure” - file.lacounty.gov/SDSInter/dhr/245652_CS0.pdf

IV FINDINGS

Our investigation produced the following findings:

1. Examples of Los Angeles County Sustainability Successes and Need for Coordination

There are many examples within Los Angeles County of the successful adoption of the sustainability principle in governance. For this report we examined the plans of four cities. Each has formal plan documents that define the areas of sustainability they address and provide measurable goals. These goals are regularly evaluated to determine progress and allow corrective action. The goals of sustainability plans are applied to other government plans and actions for implementation. The CGJ endorses the current plans of Santa Monica, Los Angeles, Long Beach, and Glendale. Other governmental entities may also have plans. Because of the disparate paths to sustainability followed by the cities, there are some inconsistencies in these plans (Appendix 1).

2. Sustainability Encouragement from the State

The State of California has offered significant support for sustainability.³⁸ Prime examples are in the state's legislation encouraging the reduction of carbon dioxide emissions and increasing renewable energy sources. There are many more specific cases in which the state has acted to facilitate sustainability practices.

3. Foundation for Sustainability Principle is Not Firm

The CGJ found that the plans are not built upon a strong foundation. We believe this exposes the plans to legal and political challenges that otherwise could be avoided. Lacking a strong foundation limits how enforcement can be performed. An example demonstrating this is that the City of Los Angeles' pLAN relies on Mayor Garcetti's intention to include sustainability goal performance in the personnel evaluations of his managers. While this can be effective for the City of Los Angeles and its current mayor, there is no assurance that the next mayor will be as active in favor of sustainability.

4. Differences between Federal and California Sustainability Policies

The Federal government is in the process of changing its policies regarding sustainability. A recent example is the setting aside of the Clean Power Plan executive order.^{39 40} The County of Los Angeles' support for sustainability may be challenged where it depends upon Federal collaboration.

³⁸ <https://www.kcet.org/redefine/lots-of-new-environmental-laws-in-california>

³⁹ "Will sustainability survive a Trump presidency" - <http://www.tgdaily.com/science/will-sustainability-survive-a-trump-presidency>

⁴⁰ <https://www.theguardian.com> > Environment > Trump administration

5. The Climate Change Threat Has Not Caused “Emergency” Action in the County of Los Angeles

The warnings on the results of humankind-caused climate change are daunting.⁴¹ “Emergency” local programs that deal specifically with reducing greenhouse gases may be appropriate even while complete sustainability plans are in development.

6. Successful Drought Response but Needs Follow Up

As discussed in Section II, the recent drought in California has caused a set of emergency response programs to reduce water consumption throughout Los Angeles County. This is a positive example of emergency actions taken on a sustainability issue. However, because Southern California has a persistent semi-arid climate, the temporary drought actions taken are appropriate as long-term policies. In addition, because of the large amounts of energy required to import or desalinate water, their extensive use may not be sustainable.

V RECOMMENDATIONS

The 2016-2017 Los Angeles County Civil Grand Jury makes the following recommendations with respect to “The Sustainability Principle in Governance” investigation.

1. The City of Los Angeles Chief Sustainability Officer and the County of Los Angeles Chief Sustainability Officer jointly should continue to build upon sustainability success examples by creating and leading a countywide Sustainability Working Group (SWG) including all governing entities of the County.
2. The City of Los Angeles Chief Sustainability Officer and the County of Los Angeles Chief Sustainability Officer jointly leading the SWG should complete the set of governing entity-specific sustainability plans covering the entire County.
3. The City of Los Angeles Chief Sustainability Officer and the County of Los Angeles Chief Sustainability Officer jointly leading the SWG should identify interdependencies between plan elements and working group member entities.
4. The City of Los Angeles Chief Sustainability Officer and the County of Los Angeles Chief Sustainability Officer jointly leading the SWG should use existing plans to create reusable plan templates.
5. The City of Los Angeles Chief Sustainability Officer and the County of Los Angeles Chief Sustainability Officer jointly leading the SWG should create a public awareness campaign demonstrating the practical value of the sustainability principle in governance.
6. The County of Los Angeles Board of Supervisors should fully exploit California state resources supporting sustainability by coordinating their sustainability plans with State guidance.

⁴¹ Climate Change: What Everyone Should Know. Joseph Romm, Oxford University Press, 2016

7. The City of Los Angeles Mayor and City Council should fully exploit California state resources supporting sustainability by coordinating their sustainability plans with State guidance.
8. The County of Los Angeles Board of Supervisors should lobby the State for additional sustainability support.
9. The City of Los Angeles Mayor and City Council should lobby the State for additional sustainability support.
10. The County of Los Angeles Board of Supervisors should strengthen the sustainability principle in governance in law, standards, and policies and with suitable enforcement mechanisms.
11. The County of Los Angeles Board of Supervisors should adopt strategies in combination with the State and other agreeable governing entities to ensure sustainable practices despite uncertainties in sustainability support from the Federal government.
12. The County of Los Angeles Board of Supervisors should pursue policies that reduce the total greenhouse gas emissions in the County given the global climate change risks. For example, specify electric vehicles and renewable-based charging infrastructure whenever feasible and require renewable energy sources for government consumption.
13. The City of Los Angeles Department of Water and Power should pursue policies that reduce the total greenhouse gas emissions in the City given the global climate change risks. For example, specify electric vehicles and renewable-based charging infrastructure whenever feasible and require renewable energy sources for government consumption.
14. The County of Los Angeles Board of Supervisors should continue water conservation measures put in place for recent drought as a sustainable long term policy for the semi-arid Southern California climate.
15. The City of Los Angeles Department of Water and Power should continue water conservation measures put in place for recent drought as a sustainable long term policy for the semi-arid Southern California climate.
16. The County of Los Angeles Board of should minimize dependence on imported and/or desalinated water because of the large amounts of energy they require.
17. The City of Los Angeles Department of Water and Power should minimize dependence on imported and/or desalinated water of the large amounts of energy they require.

VI REQUIRED RESPONSES

California Penal Code Sections 933(c) and 933.05 require a written response to all recommendations contained in this report. Responses shall be made no later than ninety (90) days after the Civil Grand Jury publishes its report and files it with the Clerk of the Court. Responses shall be made in accord with Penal Code Sections 933.05 (a) and (b).

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

Responding Agency	Recommendations
County of Los Angeles Chief Sustainability Officer	15.1, 15.2, 15.3, 15.4, 15.5
City of Los Angeles Chief Sustainability Officer	15.1, 15.2, 15.3, 15.4, 15.5
County of Los Angeles Board of Supervisors	15.6, 15.8, 15.10, 15.11, 15.12, 15.14, 15.16
City of Los Angeles Mayor	15.7, 15.9
Los Angeles City Council	15.7, 15.9
City of Los Angeles Department of Water and Power	15.13, 15.15, 15.17

VII ACRONYMS

CAFE	Corporate Average Fuel Economy
CGJ	2016-2017 Los Angeles County Civil Grand Jury
BOS	Los Angeles County Board of Supervisors
CSO	Chief Sustainability Officer
EV	Electric Vehicle
GHG	Greenhouse Gases
LEED	Leadership in Energy and Environmental Design
PACE	Property Assessed Clean Energy
SWG	Sustainability Working Group

VII COMMITTEE MEMBERS

Douglas Benedict Chair
 Gerard Duiker
 Henry C. Guerrero

APPENDIX 1

SELECTED SUSTAINABILITY, PLANS OF LOS ANGELES COUNTY

The following table is a summary and comparison of the sustainability plans that were reviewed in preparing this report. Some liberty has been taken with terminology to provide better comparability between the individual reports.

The paragraphs below present some additional facts concerning the sustainability plans we have reviewed.

The City of Santa Monica’s Sustainability City Plan

The City of Santa Monica has the longest history in the application of a Sustainability Plan in Los Angeles County. A citizens’ committee proposed the original concept and the original plan was produced in 1994. The plan had been revised three times through 2014. The plan includes nine “Goal Areas” (Resource Conservation, Environmental and Public Health, Transportation, Sustainable Local Economy, Open Space and Land Use, Housing, Community Education and Civic Participation, Human Dignity, and Arts and Culture). Each of these have specific targets with measurable criteria for success. These criteria are evaluated yearly and a letter grade is given in a proprietary process. In some cases criteria are subjective or are declared to have “no target”.⁴²

Santa Monica’s sustainability efforts are recognized for their quality and success. In particular, Santa Monica has a large number of solar roofs; a large number of LEED-certified buildings; an increasing number of efficient, high-density apartment buildings; and excellent light rail terminals. It also has a high level of waste recycling, is very bicycle-friendly, and is close to being self-sufficient for potable water (based on local wells).⁴³

The City of Long Beach’s Sustainable City Action Plan

Long Beach has a Sustainability Plan similar to Santa Monica’s but specific to the Long Beach situation. It has been in place since 2010.⁴⁴

The City of Los Angeles Sustainability Plan

The City of Los Angeles in an action sponsored by Mayor Eric Garcetti wrote and released a Sustainability pLAN in 2015 and is in the process of performing the first evaluations of progress for 2017.⁴⁵ It lists 14 elements for sustainable management (Local Water, Local Solar Power, Energy-efficient Buildings, Carbon and Climate Leadership, Waste and Landfills, Housing and Development, Mobility and Transit, Prosperity and Green Jobs, Preparedness and Resiliency, Air Quality, Environmental Justice, Urban Ecosystem, Livable

⁴²“Sustainable City Plan-City of Santa Monica”,

<https://www.smgov.net/uploadedFiles/Departments/OSE/Categories/Sustainability/Sustainable-City-Plan.pdf>

⁴³“Sustainability Report Card for Santa Monica”,

https://www.smgov.net/Departments/OSE/Categories/Sustainability/Sustainable_City_Report_Card.aspx

⁴⁴“Sustainable City Action Plan – City of Long Beach”, www.longbeach.gov/sustainability/nature-initiatives/action-plan/

⁴⁵ pLAN, <http://www.lamayor.org/sustainability>

Neighborhoods, and Lead by Example). Los Angeles has a potential advantage because the Department of Water and Power is a City-owned public utility. The pLAN took about two years to write. Performance to the goals is “motivated” by having their performance achievements being included in the Mayor’s performance appraisal of the various responsible managers. Since adoption of a Sustainability pLAN was a Garcetti initiative, it could be set aside by the next mayor(s).

The City of Glendale’s Greener Glendale Plan⁴⁶

Glendale has produced a sustainability plan comparable to the others reviewed here.

The County of Los Angeles Board of Supervisors (BOS)

The County has recently adopted a more aggressive sustainability approach with the creation of the position of Chief Sustainability Officer (CSO) for the county⁴⁷. This position was filled in the fall of 2016. The first action for the CSO is the preparation of a County Sustainability Plan which is expected to require about two years to negotiate and prepare. Before the current County effort was begun, there had been a voluntary effort between County departments to create sustainability actions. This approach had been unsuccessful in defining and reaching sustainability goals, motivating the new approach.

⁴⁶ www.glendaleca.gov/government/city-departments/public-works/greener-glendale

⁴⁷ “County Hires First-Ever Chief Sustainability Officer”, Supervisor Sheila Kuehl – <http://supervisorkuehl.com/conuty-hires-first-ever-chief-sustainability-officer/>

	Los Angeles 'Sustainable City pLAN'	Santa Monica (Sustainable City Plan)	Long Beach (Sustainable City Action Plan)	Glendale (Greener Glendale Plan)
Local Water				
Increase local water sourcing	Yes	Yes	Yes	Yes
Improve stormwater quality	Yes	Yes	Yes	Yes
Conserve through per capita potable water reduction	Yes	Yes	Yes	Yes
Conserve through municipal water reduction	Yes	Yes	Yes	Yes
Reduce number of annual sewer spills	Yes			
Expand recycled water production	Yes	Yes	Yes	Yes
Replace water pipe infrastructure	Yes			Yes
Create an integrated water strategy				Yes
Smart grid approach to inform customers of their consumption	Yes			Yes
Local Solar				
Increase installed capacity	Yes	Yes	Yes	Yes
Increase total cumulative energy storage capacity	Yes	Yes		
Leverage private and public partnerships to advance solar	Yes	Yes		
Expand solar-ready requirements to retrofit projects	Yes			
Fund electrical-grid upgrades	Yes			Yes
Create bidirectional grid to prepare for electric vehicles	Yes			
Energy Efficient Buildings				
Use PACE financing to retrofit residential homes	Yes	Yes	Yes	Yes
Create benchmarks to monitor building energy use	Yes	Yes		
Make workforce training investments to meet increased demand for qualified building professionals	Yes	Yes	Yes	
Increase participation in energy-efficiency and green business certification programs	Yes	Yes	Yes	Yes
Incentivize or require LEED Silver or better for new construction and major rehabilitation	Yes	Yes	Yes	Yes
Pilot Net-Zero Energy municipal buildings	Yes	Yes		
Production of green housing		Yes		Yes
Carbon & Climate Leadership				
Increase percentage of electricity from renewable sources	Yes	Yes	Yes	Yes
Develop comprehensive climate action and adaptation plan with inventory reporting	Yes		Yes	Yes
Sign on to the Mayors' National Climate Action Agreement	Yes			
Retire coal power plants	Yes			
Incorporate GHG reduction targets into City Planning	Yes	Yes	Yes	Yes
Reduce energy consumption of individuals and buildings	Yes	Yes	Yes	Yes
Assist companies with technologies related to climate change mitigation and adaptation	Yes	Yes	Yes	
Reduce municipal transportation vehicle emissions	Yes	Yes	Yes	Yes

	Los Angeles 'Sustainable City pLAN'	Santa Monica (Sustainable City Plan)	Long Beach (Sustainable City/Action Plan)	Glendale (Greener Glendale Plan)
Waste & Landfills				
Investigate emerging conversion technologies	Yes	Yes	Yes	Yes
Increase commercial recycling rates, reduce pollution from heavy-duty waste-hauling vehicles recovery opportunities	Yes	Yes	Yes	Yes
Move toward zero waste	Yes	Yes	Yes	Yes
Encourage materials recovery	Yes	Yes	Yes	Yes
Develop infrastructure for recycling of specialty waste	Yes	Yes	Yes	
Recruit remanufacturers for material recovery and resale	Yes		Yes	
Increase recycled content asphalt	Yes		Yes	
Reduce per capita waste generation	Yes	Yes	Yes	Yes
Develop commercial food-waste recovery programs and expand edible food redistribution programs			Yes	Yes
Promote use of recycled materials	Yes	Yes	Yes	Yes
Promote composting	Yes	Yes	Yes	Yes
Housing & Development				
Transit Oriented Development	Yes	Yes	Yes	Yes
Increase affordable housing	Yes	Yes		Yes
Minimize the loss of existing affordable housing units	Yes	Yes		
Update parking regulations to include standards for bike and car-share infrastructure	Yes	Yes	Yes	Yes
Mobility & Transit				
Complete integrated biking and bike share plan	Yes	Yes	Yes	Yes
Increase multi modal connections at rail stations	Yes	Yes	Yes	Yes
Implement first/last mile strategic plan	Yes	Yes	Yes	
Move to Transportation Management Organizations (TMOs) with car sharing, and improved pedestrian connectivity for major events and destinations	Yes	Yes	Yes	Yes
Prosperity & Green Jobs				
Increase minimum wage/maintain livable wage	Yes	Yes	Yes	
Create green jobs	Yes		Yes	Yes
Attract private investment through Clean Tech Incubator	Yes		Yes	
Remove barriers to entrepreneurship and business growth	Yes		Yes	
Attract mature green industries	Yes	Yes	Yes	Yes
Create public/private partnerships for apprenticeship programs in green industries	Yes		Yes	
Create partnerships with higher education institutions to retain high-skill graduates	Yes		Yes	
Preparedness & Resiliency				
Implement enhanced Reverse 911 system	Yes			
Install new cool roofs	Yes			Yes
Pilot installation of "cool slurry" pavement	Yes			
Increase electrical and water backup systems	Yes			
Plan for disaster recovery at major installations	Yes			
Avoid dependence on single company or small group of companies for local jobs		Yes		Yes

	Los Angeles Sustainable City Plan ¹	Santa Monica Sustainable City Plan	Long Beach Sustainable City Action Plan)	Glendale (Greener Glendale Plan)
Environmental & Public Health				
Increase access to fresh, local, and organic produce		Yes	Yes	Yes
Encourage reduction in meat and dairy usage		Yes		
Encourage consumption of low-carbon food				Yes
Reduce residential household hazardous waste		Yes		Yes
Restore and maintain wetlands		Yes	Yes	
Maintain clean beaches		Yes	Yes	
Increase City purchase of sustainable products		Yes	Yes	
Sustainable Local Economy				
Encourage sustainable business practices		Yes		Yes
Establish Job/Housing balance		Yes		Yes
Establish workforce housing near large job centers			Yes	
Seek businesses that pay greater than or equal to cost of living		Yes		Yes
Measure energy use to total economic activity by business sector		Yes		
Measure water use to total economic activity by business sector		Yes		
Establish live/work districts		Yes	Yes	
Encourage government & businesses to buy local				Yes
Encourage residents to buy local				Yes
Sustainability coordination within the City to continue outreach and educational programs (residents and businesses)				Yes
Monitor City's progress consistent with the Beacon Award criteria				Yes
Maintain list of businesses and schools that are implementing green practices		Yes		Yes
Open Space and Land Use				
Install regionally appropriate plants		Yes	Yes	Yes
Incorporate neighborhood elements (roundabouts, meandering sidewalks, etc.) that create a sense of place			Yes	Yes
Improve community education and civic participation		Yes		
Increase number of registered voters		Yes		
Increase attendance at a city-sponsored meetings		Yes		
Residents should feel free to voice their concerns on community decisions that affect their lives		Yes		
Residents are positive about the city as a good place to live		Yes	Yes	
Increase participation in active neighborhood organizations		Yes	Yes	
Increase community involvement in sustainability programs		Yes	Yes	
Human Dignity				
Provide shelter and city services to homeless		Yes		
Improve public safety		Yes		
Reduce incidents of physical abuse		Yes		
Improve educational results		Yes		
Empower women, minorities, and people with disabilities with leadership roles				
Resident satisfaction rating with government services		Yes		
Create environmentally friendly jobs in low-income neighborhoods		Yes		Yes
Arts and Culture				
Promote creative sector business		Yes		
Community participation in the arts		Yes		
Create and expand unique neighborhood identity using special signage, public art, and unique architectural styles				
Promote the City as a green city				Yes
Attract sustainability-related events			Yes	Yes

TOWS AND IMPOUNDS

PART A: IMPOUND PRACTICES IN TWELVE SELECT CITIES



Dianne Kelley **Chair**
Sharon Muravez **Co-Chair**
Regi Block
Hilda Dallal
Ronnie Dann-Honor

IMPOUND PRACTICES IN TWELVE SELECT CITIES

THE GOOD, THE BAD AND THE UGLY

I SUMMARY

History

From 1995 to 2011 California Law allowed police to confiscate (i.e. impound) the vehicle of unlicensed drivers for a mandated 30 days. This law was vigorously enforced, especially in predominately Hispanic, African-American, and low income communities.^{1,2} Traffic Safety, Driver's License, and Driving under the Influence (DUI) checkpoints resulted in 80 to 130 vehicles impounded per checkpoint, yet very few DUI arrests were made.^{3,4} The statewide average is 6 DUI arrests for every scheduled checkpoint.⁵

Impounding vehicles created profitable opportunities for cities and police departments in cash-strapped cities, especially during the recession from 2007 to 2010.⁶ Many cities became reliant on the revenue that vehicle impounds brought into their city coffers. It also became very profitable for the city-contracted tow companies. Impound fees charged by cities and tow vendors could easily add up to over \$2,000 for unlicensed drivers. "Each of the impounds was worth at least \$2,035 in tow charges and fees, according to city financial records (El Monte)."⁷ Many impounded vehicles were not retrieved, often up to 70% in some low income communities.⁸ The un-retrieved impound vehicles were sold in lien sales, often to the same unlicensed drivers. This practice was commonly known as "catch and release" because these unlicensed drivers were caught more than once at the numerous checkpoints that were instituted during that period.⁹ It took the California Department of Motor Vehicles (DMV) to crack down on tow companies selling lien sale vehicles to unlicensed drivers without fulfilling all the DMV regulations and required paperwork on vehicle registration.¹⁰

¹ Ryan Gabrielson, "Are Checkpoints Police Profit Centers?", Mother Jones, 2/14/10

² Dennis Romero, "When it Comes to DUI Crackdown, Westside Residents Get a Pass," LA Weekly 4/28/16

³ Thomas Hines, "Baldwin Park Nets 1.2 Million on Vehicle Seizures", San Gabriel Valley Tribune, 8/17/10

⁴ Ryan Gabrielson, "Are Checkpoints Police Profit Centers?", Mother Jones, 2/14/10

⁵ Ryan Gabrielson, "Like Bell and Maywood, Montebello reaps funds from car seizures", California Watch, Center for Investigative Reporting, U. C. Berkeley 4/25/11

⁶ Ryan Gabrielson, "Car seizures at DUI checkpoints prove profitable for cities, raise legal questions", California Watch, Center for Investigative Reporting, U. C. Berkeley,) 2/13/10

⁷ Ibid.

⁸ Interview tow company owner, 9/28/16

⁹ Thomas Hines, "Vehicles police seize from unlicensed drivers re-sold to unlicensed buyers", San Gabriel Valley Tribune, 8/25/10

¹⁰ Ibid.

Overzealous Enforcement (2007-2011)

- Baldwin Park went from 6 checkpoints in 2007 to 26 checkpoints in 2009/2010, confiscating up to 150 vehicles in one weekend,¹¹ and amassing over \$1.2 million in impound fees in 2009.¹² Some of their tactics included scheduling checkpoints on Sundays after church services,¹³ and conducting checkpoints during police SWAT¹⁴ operations by using SWAT perimeter roadblocks to conduct safety/driver's license checkpoints.¹⁵
- El Monte impounded 680 vehicles for driver's license violations in 2007 during holiday checkpoints.¹⁶
- California Watch reported that in Montebello "officers failed to conduct a single field sobriety field test during 4 out of 6 roadway operations....in 2010."¹⁷ The article also stated that this city impounded 100 vehicles for every 1 drunk driver arrest. Montebello required their contracted tow vendor to increase what it pays to the city to \$200 per tow when 151 vehicles were impounded in a month.¹⁸

In Baldwin Park and El Monte, change followed through the vigilant efforts of residents who attended city council meetings to protest and voice their complaints on abusive impound practices, in addition to the persistent attention of the news media.

In 2011, the State of California passed Assembly Bill 353 (AB 353) which eliminated the 30-day mandated impound hold on unlicensed drivers' vehicles. This was done in an attempt to remedy the abuses, bad press, and law suits against many municipalities in the State regarding unlicensed driver impounds. AB 353 also changed the law to allow a person whose vehicle is being impounded to call a licensed driver to retrieve the vehicle, thus escaping an impound and costly fees. Persons driving with a revoked or suspended license still get a mandated 30-day impound hold on their vehicle.¹⁹

In January 2015 the State of California passed AB 60, which allowed undocumented immigrants to legally obtain a California Driver's License. The 2 legislative actions in 2011 and 2015 should have significantly reduced the number of impounded vehicles and the length of time many vehicles are held. This investigation seeks to determine what has changed since these legislative actions were implemented.

¹¹ James Figueroa, "Tribune Wins Statewide Public Service Award," San Gabriel Valley Tribune 4/18/11

¹² Thomas Hines, "Baldwin Park Nets 1.2 Million on Vehicle Seizures," San Gabriel Valley Tribune, 8/17/10

¹³ James Figueroa, "Tribune Wins Statewide Public Service Award," San Gabriel Valley Tribune 4/18/11

¹⁴ Police: Special Weapons and Tactics (SWAT) Teams

¹⁵ Interview police officer San Gabriel Valley, 1/27/17

¹⁶ Ryan Gabrielson, "Car seizures at DUI checkpoints prove profitable for cities, raise legal questions", California Watch, Center for Investigative Reporting, U C Berkeley, 2/13/10

¹⁷ Ryan Gabrielson, "Like Bell and Maywood, Montebello reaps funds from car seizures", California Watch for Investigative Reporting, U C Berkeley, 4/25/11

¹⁸ Ibid.

¹⁹ California Vehicle Code §14602.1

Purpose and Scope

The CGJ investigated the current practices and procedures within 12 small and medium-size cities in Los Angeles County. The 12 incorporated cities represent different geographical areas, socio-economic levels, and diverse populations. The investigation examined the number of impounds, fees, and city information that is accessible and useful for the public on city impound procedures, number of Traffic Safety and DUI checkpoints, types of California Vehicle Code (CVC) violations resulting in impounds, tow vendor contracts/Request for Proposal (RFP), conflict of interest, code of ethics policies and in-kind contributions by tow vendors to the 12 selected cities. Research and numerous interviews were conducted by the CGJ. An audit firm, Harvey M Rose and Associates LLC (HMR), was hired to conduct a management audit of impound practices in the select 12 cities: Baldwin Park, Beverly Hills, El Monte, Glendale, Glendora, Huntington Park, Inglewood, Irwindale, Montebello, San Fernando, West Covina, and Whittier. The HMR audit focused on City Impound Survey and a separate Contracted Tow Vendor Survey, review of the 12 cities tow vendor RFP's and contracts; and phone interviews. The audit began in late December 2016. The information requested was for the 2015 calendar year, as it was determined that information should be complete and on file for 2015. There were a few areas in the survey that also went back to 2014 as the California Office of Traffic Safety (OTS) uses 2014 accident data to award 2015 checkpoint grants to cities.

Information obtained by the CGJ and the audit results warranted a separate report titled "Tow Vendor Contracts in 12 Select Cities." (See infra companion report)

The full HMR audit report²⁰ can be found on <http://grandjury.co.la.ca.us/gjreports.html>.

II BACKGROUND

A. What Happens When a Vehicle is Towed?

This investigation studied what happens when a city initiates a vehicle impound. A city can impound/tow a vehicle for an "impoundable" CVC violation.²¹ The driver may be present when a vehicle is towed through a police-initiated traffic stop, or Driver's License/DUI checkpoint for violations such as: DUI, unlicensed driver, driving with a suspended license, etc. A driver may be absent and have their vehicle towed for violations such as: parking on a public street before or after posted parking hours, parking in a restricted area, parking on a city street after 72 hours in the same location, etc.

When a vehicle is impounded, a California Highway Patrol (CHP) Form 180 is filled out by the police officer who initiated the impound. CHP Form 180 is a simple form that takes 5 to 10 minutes to complete. It also documents any visible personal property left in the towed vehicle.

²⁰ HMR audit report is from actual data collection

²¹ California Vehicle Code sections § 22650 through § 22856 grant governmental agencies the power to impound vehicles

An impounded vehicle is towed to the city's contracted vendor's tow lot with a copy of the completed CHP Form 180. Personal property in a towed vehicle is to be secured by the tow vendor. This is a problem area in a few impound lots. Most tow companies follow the CHP tow contract regulations that require personal property to be secured in the locked towed vehicle. A few tow lots remove valuable personal property to a more secure locked area inside the offices of the tow vendor. A vehicle owner has the right to their personal property at any time the vendor is open for business whether they retrieve their vehicle or not, but this must be done before the lien process is completed.²² After the DMV lien process²³ is completed (usually 30-45 days), the tow vendor obtains ownership to the vehicle and all personal possessions still left with the vehicle.

It is not uncommon for drivers to return to where their car was parked and realize their car is missing and presumed stolen, only to eventually realize that the car was towed. How to navigate through the city policies and procedures to locate their towed vehicle and have it released is not easy and, as set forth below, information is not readily accessible.

- Where does a person go to obtain information on a towed vehicle, and the procedures and payment to release the vehicle?
- What are the days and hours the city office is open to receive impound payment and are they open on Fridays or weekends?
- What are the days and hours the tow company is open, and are they open on weekends or after hours?
- Which contracted tow company has the vehicle, as there can be two or three city contracted tow vendors?
- Where is the correct tow vendor located?
- Where does a person go first; the city office or tow lot?
- Does the city have an office or a person to call for information and who to call after hours and on weekends and holidays?
- Does the city have a web site that provides information on the procedures and payment required for a vehicle release?
- How does a driver appeal the vehicle impound, length of impound, or the monetary charges?

Step 1

The first step in retrieving an impounded vehicle is to go to the city office that accepts payment. Which office collects the impound fees and issues a vehicle release document varies from city to city. It may be located in the police department or another city office. Some cities charge a flat city impound fee and some add on extra charges for processing, etc. Fees vary from city to city and the DUI fees are significantly more expensive, i.e. \$500 in El Monte. Some city offices are

²² California Vehicle Code § 22651.07 (d)

²³ The lien process initiates a transfer of vehicle ownership to the tow vendor business for future sale

closed on Fridays, which extends the time to pay the city and obtain the vehicle release document. If a person is unable to pay the city when the city office is open, that vehicle owner accrues extra daily storage fees that the tow vendor charges. To obtain the vehicle release document, the vehicle owner must present to the city the current vehicle registration, proof of insurance, and drivers' license, and must pay all the city fees in cash or credit card.

Step 2

After paying the city fees and obtaining the vehicle release document, the vehicle owner will go to the "correct" tow contractor's lot to pay tow vendor fees and retrieve their vehicle. A city may have one contracted tow vendor, or may rotate among two or three vendors, or assign a vendor by geographical area. CVC Section §22851. (b) states that a tow vendor's office only needs to be open to the public on Monday through Friday from 8AM to 5PM. A contracted tow vendor does not have to be open after hours or on weekends unless the contracting city includes that requirement in the contract. Limited tow vendor office hours makes retrieving a vehicle from a tow lot difficult for many working people. Drivers seeking to access a vehicle after hours or on a weekend pay significantly more in extra fees charged by the tow company that is only open Monday through Friday. The 2016-2017 CGJ Tow Vendor Survey did find a few tow vendors that had extended weekday and weekend hours.

When both Step 1 and Step 2 are completed, the combined city and tow fees for a non-DUI violation for one day's storage can vary from a minimum of \$228 in Glendale to \$494 in Baldwin Park. As daily storage fees accrue, the total fees can escalate to thousands of dollars (See Exhibit 3.6). The highest reported individual payment to a tow vendor in the 12 surveyed cities for 2015 ranged from \$1,675 in Beverly Hills to \$5,160 in Baldwin Park.²⁴

B. Cities Lack Accessible Information on Impound Vehicle Retrieval, Payment and Appeal Through Impound Hearing

Many cities in our survey lack accessible information on how to retrieve and pay for an impounded vehicle, as well as how to appeal the impound and/or fees charged. All of this information should be available to residents 24 hours a day, 7 days a week, not just during weekly business hours, which is often Monday through Thursday in the cities that have closed offices on Friday. City web sites should be a source of complete information for citizens and residents and offer translated versions in cities that have large populations that speak a language other than English.

The majority of the 12 surveyed city web sites are difficult to navigate and do not have complete impound information. If any information is offered in a city web site it is not well identified, and is often located under police and traffic sections. The exception is Glendora, which had complete information on all aspects of impound. Baldwin Park recently revised their web site, which has

²⁴ Information from CGJ City Surveys

information on impounds retrieval, payment, and hours of operation but no information on impound hearings. El Monte's only website information is a rationale and explanation of why the City of El Monte conducts DUI safety checks. Ten city web sites are sorely lacking useful information for individuals who have had a vehicle towed. Obtaining information on what city office takes payment, what days and hours the office is open, the fees to be paid and how to pay (cash or credit card) is not available on most of the surveyed city web sites.

Lack of Posted impound fees in city offices

The City Impound Surveys found that only four cities (Baldwin Park, Beverly Hills, Inglewood, and Montebello) post their impound fees in the office that accepts impound payments -- either a city office or police department. El Monte, Glendale, Glendora, Huntington Park, Irwindale, West Covina, Whittier, and San Fernando do not post this information for the public in their city offices. In El Monte, the public must ask for this information when the city office is open or a person is available by phone, since their web site does not provide this information. On October 12, 2016, members of the CGJ were in the El Monte Police Department after completing a yearly CGJ jail inspection. A CGJ member asked police personnel for information on the city fees to be paid to retrieve an impounded vehicle. An El Monte City employee responded: "Don't give him that information. They are from the Grand Jury."²⁵ The Civil Grand Juror left without the information. No individual should be denied public information on city fines and fees. El Monte demonstrated "bad practice" for not posting impound fee information and verbally withholding public information when requested on October 12, 2016.

Lack of cities holding impound hearings

Citizens and residents have the right to an impound hearing to appeal the reason for a vehicle impound, length of impound, and/or the various city and tow vendor fees.²⁶ Few cities post information on the "Right to an Impound Hearing" for an impounded vehicle. City police departments that initiated the impound have 48 "workweek" hours to send a "Notice of Stored Vehicle" to the registered owner, which includes information on impound hearings. This mailed notice can take up to a week to arrive by mail to the owner's address as listed on DMV records. Posting impound hearing information in city offices and on city websites makes this information immediately accessible to the public. Only 3 cities in the Impound Survey reported that they held impound hearings in 2015: Glendale held 108 hearings out of 544 impounds, Beverly Hills held 104 hearings out of 2,065 impounds, and Glendora held 60 hearings out of 454 impounds. Whittier's web site had information on Impound Hearings being held weekly, but on their city survey they reported no information on the number of impound hearings held in 2015. The CGJ City surveys show that the information on impound hearings is not getting to the vehicle owner in a timely manner, and often not until after payment has been made to both the city and tow lot vendor. The right to an impound hearing should be posted in all city offices where payment of

²⁵ Reported by Civil Grand Jury Member to all jury members on 10/15/16

²⁶ California Vehicle Code §22659.9 and CVC §22852

city impound fees are made, as well as on the city web site. A city should not rely on impound hearing information to only be sent through the mail.

Translating impound information

Cities have residents who speak other languages. Montebello, Baldwin Park, and Inglewood translate their city impound fee information into another language. Irwindale reports it has a Spanish telephone hot line. The CGJ consider this a “best practice”.

C. Multiple Costly Fees to Recover an Impounded Vehicle Vary from City to City

City Fees:

- San Fernando charges a flat vehicle release fee of \$50, the lowest of the 12 cities
- Beverly Hills charges a flat vehicle release fee of \$117
- Baldwin Park has a standard vehicle release fee of \$245
- El Monte has varied vehicle release fees: Storage (abandoned, parking) \$120, Unlicensed/impound \$240, DUI infraction \$500, Prostitution infraction \$720

Tow Company Fees:

The tow vendor has different fees it can charge: Tow fee, hook-up fee, and at least one day of daily storage, etc. All tow vendor fees must be added together to see what is actually charged to retrieve a vehicle. Fees add up quickly. Some examples of one day tow vendor fees are as follows:

- Tow vendor Glendale: Tow \$118; Daily storage \$37 = \$155 for one day retrieval
- Tow vendor El Monte: Tow \$205; Daily storage \$60 = \$265 for one day retrieval
- Tow vendor Baldwin Park: Tow \$195; Daily storage \$54 = \$249 for one day retrieval

HMR Audit Exhibit 3.6: Current Estimated Costs to Release a Regular Vehicle