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# SCHOOLS OF THE FUTURE



**Gloria Garfinkel**    **Co-Chair**  
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# SCHOOLS OF THE FUTURE

## I SUMMARY

The “Los Angeles County Strategic Plan for Economic Development (2016-2020)” recognizes the need to shift the educational focus. The plan’s introduction states:

“Unlike the move from an agricultural economy to a manufacturing-based one 150 years ago, when a worker needed little training to move seamlessly from the field to a factory floor, moving from a production-based economy to an information-age one today requires much higher levels of skills and education.”<sup>1</sup>

The first goal within this plan focuses on preparing our students for the highly technical, knowledge-based careers of the future. This goal aligns with today’s world of product globalization, instant world-wide communication, entrepreneurship, and rapidly developing scientific advancements. The challenge will be implementing change within the public educational system, which has not historically been an institution to quickly implement change in curricula or teaching methodologies.

The Civil Grand Jury (CGJ) decided to investigate current developments and trends in the field of public education. While the need for traditional schools remains firm, there are students who can certainly benefit from different learning models such as those highlighted in this report. In today’s society, our students need a deeper level of learning in order for them to remain competitive in the globalized market and enhance their career potential. Having a stronger knowledge and skills base will make Los Angeles County (“County”) a more desirable location for businesses and industries. Appropriate changes to our educational system will provide these requisite skills and knowledge and lead to greater opportunity for our children to succeed in the future.

## II BACKGROUND

### History of Public Education

Formation of the “traditional” public educational system is credited to Horace Mann along with other educational reformers in the early nineteenth century<sup>2,3</sup>. They believed a free educational

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<sup>1</sup> [Online] Available: <http://laedc.org/2016/01/04/2016-2020-l-a-county-strategic-plan-for-economic-development/>

<sup>2</sup> Massachusetts Board of Education was created in 1837 with Horace Mann appointed as its secretary. Horace Mann started a biweekly journal, Common School Journal, in 1838 for teachers and lectured on education.

<sup>3</sup> [Online] Available: <http://www.biography.com/people/horace-mann-9397522>

system would lead to a better workforce and would be vital for a country dependent on an informed democracy.<sup>4</sup>

Horace Mann held six main principles:<sup>5</sup>

9. Society cannot remain both ignorant and free.
10. Education should be paid for, controlled, and maintained by an interested public.
11. Schools must embrace children from a variety of backgrounds.
12. Schools must be nonsectarian.
13. Instruction must embrace the spirit, methods, and discipline of a free society.
14. Instruction must be provided by well-trained, professional teachers.

For the first three-quarters of a century<sup>6</sup>, the McGuffey's Readers<sup>7</sup> provided standardized spelling, pronunciation, and grammar instruction, and illustrated such virtues as honesty, charity, thrift, hard work, courage, patriotism, reverence for God, and respect for parents. Over 120 million sets were sold and used by four-fifths of all American school children students

A. The educational system underwent a fundamental change in the early 1900's when "Scientific management"<sup>8</sup> was brought into the public school system with introduction of the Carnegie Unit<sup>9</sup>, which sought to improve administrative efficiency of schools. A Carnegie Unit is defined as 120 hours of contact time with an instructor, which translates into one hour of instruction on a particular subject per day, five days a week, for twenty-four weeks annually (basis for today's credit hours).<sup>10</sup>

## **New Educational Practices and Schools of Choice**

Alternative schools have broken the mold and offered students a different way of learning;

- Magnet schools were formed in the 1960's and became a movement toward public schools of choice<sup>11</sup>. They were based on a premise that not all students learn in the same

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<sup>4</sup> American Passages: A History of the United States, Brief Forth Edition, By Edward L. Ayers, Lewis L. Gould, David M. Oshinsky, and Jean R. Soderlund, Wadsworth Cengage Learning,

<sup>5</sup> [Online] Available: <https://www.britannica.com/biography/Horace-Mann>

<sup>6</sup> McGuffey's Readers – 1836, <http://www.alphaphonics.com/guffy.htm>

<sup>7</sup> A set of 7 reading books first published in 1836.

<sup>8</sup> Scientific management is based on the principle of continued improvement to gain greater efficiency. This management approach was introduced with the Industrial Revolution and guided large-scale manufacturing and assembly-line production to eliminate waste and improve productivity.

<sup>9</sup> The Carnegie Unit was developed in 1906 and brought into the public school system shortly thereafter.

<sup>10</sup> The Carnegie Unit, A Century-Old Standard In A Changing Educational Landscape, Elena Silva, Taylor White and Thomas Toch, Carnegie Foundation for the Advancement of Teaching, 51 Vista Lane, Stanford CA 94305

<sup>11</sup> A Brief History of Magnet Schools, Dr. Donald Waldrip, [Online] Available: <http://www.magnet.edu/resources/msa-history>

way. Application of a unifying theme or appropriate learning structure will lead to students learning more in all areas. This new premise assumed students and teachers voluntarily choosing to be at a specific school would obtain better results. Magnet schools have demonstrated that other ways of educating children is possible.

- Over time a number of alternative forms of education have developed including Montessori, Waldorf, Sudbury Model, Knowledge Is Power Program, and International Baccalaureate.
- Charter schools<sup>12</sup> are publicly funded and operate under contract (or charter) within a school district. Charter schools are exempt from certain state or local rules and regulations, which allows for greater flexibility and autonomy. Charter schools tend to focus on specific courses of study and attempt to create a unique learning culture.

The CGJ met with senior leadership from selected school districts, United Teachers Los Angeles, California Charter Schools Association, XQ Super School Project, University of California Los Angeles (UCLA) Community School, and a former elected member of the Los Angeles Unified School District’s Board of Education to discuss current trends in education and seek opinions on how to best prepare our children for the economy of the future. We found there was consistency from all these various viewpoints; change is needed to better prepare our high school students for college as well as entry into the job market.

Several interviewees made reference to Math and English proficiency levels. They felt the mediocre performance levels demonstrate the need for change.

Math and English proficiency is conducted at the secondary level by the California Department of Education using California Assessment of Student Performance and Progress testing. Testing is conducted at grade levels 3-8 and 11. The results for the 2015-16 school year for grade 11 are presented in Table 1.

Table 1. Math and English Proficiency – Grade 11, School Year 2015-16<sup>13</sup>

Grade	Number of Students Tested with Scores	Percent of Students who Exceeded Standards	Percent of Students who Met Standards	Percent of Students who Nearly Met Standards	Percent of Students who Did Not Meet Standards
Grade 11 - English	433,920	26	33	22	19
Grade 11 - Math	432,108	13	20	25	43

<sup>12</sup> The first charter school legislation was passed in Minnesota in 1991.

<sup>13</sup> California Department of Education, Release: #16-57 dated August 24, 2016, [Online] Available: <http://www.cde.ca.gov/nr/ne/yr16/yr16rel57.asp#Table1>

The California State University system requires newly admitted students to demonstrate their proficiency in Math and English before they can enroll in college-level Math and English courses,<sup>14</sup> unless they are exempt by their scores on other specific assessment or college admissions tests. Table 2 below identifies the statewide proficiency rates for the Fall 2016 incoming freshmen class. On average, English proficiency is at 77% and Math proficiency is at 72%.

Table 2. Math and English Proficiency – Incoming California State University Students (2016-17)<sup>15</sup>.

	# of Freshman	# Proficient in Math	% Proficient in Math	# Proficient in English	% Proficient in English
Bakersfield	1,303	726	56%	934	72%
Channel Island	994	487	49%	617	62%
Chico	2,634	1,869	71%	2,325	88%
Dominquez Hills	1,264	505	40%	800	63%
East Bay	1,566	649	41%	863	55%
Fresno	3,213	1,983	62%	2,170	68%
Fullerton	4,381	3,799	87%	3,960	90%
Humboldt	1,231	774	63%	934	76%
Long Beach	4,250	3,404	80%	3,525	83%
Los Angeles	3,695	1,783	48%	1,951	53%
Maritime Academy	239	208	87%	211	88%
Monterey Bay	776	499	64%	535	69%
Northridge	4,369	2,959	68%	2,798	64%
Pomona	4,199	3,329	79%	3,623	86%
Sacramento	3,717	2,199	59%	2,392	64%
San Bernardino	2,673	1,932	72%	1,708	64%
San Diego	4,992	4,574	92%	4,644	93%
San Francisco	3,608	2,247	62%	2,834	79%
San Jose	3,166	2,483	78%	2,484	78%
San Luis Obispo	4,279	4,266	100%	4,239	99%
San Marcos	2,126	1,585	75%	1,600	75%
Sonoma	1,750	1,240	71%	1,293	74%
Stanislaus	1,332	851	64%	955	72%
<b>Total</b>	<b>61,757</b>	<b>44,351</b>	<b>72%</b>	<b>47,395</b>	<b>77%</b>

The need for remedial classes at the college level has a significant social and financial effect:

- Increases overall cost of college to students and to public subsidies.
- Extends the overall time required to complete college, thereby delaying entry into the workforce. Such delay can negatively impact repayment of student loans, extending the payback period with increased interest expense and potentially increasing defaults.
- Extends the overall time required to complete college, which can lead some students to drop out.

<sup>14</sup> California State University Placement Tests, [Online] Available: <https://www.ets.org/csu/about>

<sup>15</sup> The California State University, Fall 2016 Regularly Admitted First-Time Freshmen Proficiency Campus and Systemwide, [Online] Available: <http://asd.calstate.edu/performance/proficiency/2016/index.shtml>

While this investigation did not look into factors that may be influencing these testing levels or their validity in college placement, in the opinion of the CGJ, these statistics do bring into question the efficacy of the current educational approach and highlight a need for change in order to better serve our youth.

### **Improving the Educational Approach**

The CGJ agrees with the objective within the Los Angeles County Strategic Plan for Economic Development (2016-2020) which seeks to improve high school graduation, college matriculation, and postsecondary attainment rates. The CGJ has reviewed several educational programs that are innovative and are delivering improved results. We conducted research that included interviews with various stakeholder organizations and advocates for educational reform to gain a better understanding of the educational system, thoughts on creating and delivering instruction, and the challenges facing reform efforts.

The CGJ did not investigate or attempt to determine whether our youth are better served by traditional or non-traditional educational providers, as politics play too great a role in that discussion. We reviewed educational innovations taking place and spoke to organizations with differing agendas/purposes to gain perspective relative to generating greater interest and participation by students, teachers, administrators, and parents.

We found all the educational providers (both traditional and non-traditional) to be highly dedicated, motivated, and passionate about the field of education and the preparation of our youth for future success. None of the stakeholders or advocates we spoke with appeared content with the status quo system. They all recognized that knowledge and skills for today's students are different from those needed a decade or two ago, and the business and social environment is far more dynamic than ever before. They all expressed a desire to see changes in the educational system in order to better prepare our youth.

Our investigation revealed a number of common themes:

- Community/neighborhood-based schooling is a benefit
- Providing students with career choices can spark their interest and better engage them in the educational process
- Stakeholder collaboration (administrators, teachers, and parents) builds trust and strengthens the educational process
- A significant percentage of high school students are likely to be better served with a combination of academics, vocational skills, and mentoring
- Teachers can benefit from real-world, on the job experience to better inform students on how the class information applies to the workplace

## Educational Innovations

A. The XQ The Super School Project (XQ Project)<sup>16</sup> is a non-profit organization that supports the need for a fundamental change to the educational model in order to better prepare our children to succeed in a changing world. The organization is interested in assisting the educational community to develop a new model for high school education. They sponsored a bottom-up, collaborative effort involving several hundred professionals from various professions to create 13 Knowledge Modules that layout a framework for designing a school that empowers and supports students through key transitions in high school and beyond.

We noted three major elements in our discussion with XQ Project executives:

1. Move from the Carnegie Unit model (time based) to a knowledge based model, where students are promoted as they demonstrate knowledge of the subject matter.<sup>17</sup>
2. Recognition that people learn differently (e.g., visual or auditory learners), and teaching methods need to be developed to accommodate various types of learning.
3. Focus teaching on growth mindset rather than fixed mindset<sup>18</sup>.

The XQ Project put out an open call for proposals in September 2015 and the organization was overwhelmed by the number of positive responses. They received over one thousand proposals to establish new schools or programs within existing schools aligned with the Knowledge Modules. The organization engaged in a rigorous review and selection process. Ten awards were made with five going to traditional schools and five going to charter schools in September 2016. The phenomenal response highlights the strong desire on the part of educators to implement changes.

The XQ Project sees the need for a community of practice to showcase lessons learned from the participants and to make those lessons available to the educational community. Discovering what works and what doesn't, and sharing that information. Collaborating with peers within the educational community will lead to improved curricula, methodologies, instructional tools, and

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<sup>16</sup> [Online] Available: <https://xqsuperschool.org/whoweare>

<sup>17</sup> Students should be grouped by ability, not age or grade level, on a class-by-class basis. For example, a school may only offer Algebra I to 10th graders or above. Under an ability model, a 9th grader that is advanced in mathematics and ready for Algebra I can take the class.

<sup>18</sup> Carol Dweck, PhD, Psychologist, Stanford University has pioneered research on mindset. [Online] Available: <https://www.brainpickings.org/2014/01/29/carol-dweck-mindset/>

Here is a condensed definition:

Fixed Mindset assumes that character, intelligence, and creative ability are static givens. Here success is the affirmation of that inherent intelligence, and striving for success and avoiding failure are a way of maintaining the sense of being intelligent or skilled.

Growth Mindset thrives on challenge and assumes that abilities can be developed through dedication and hard work. Here success is a love of learning and a resilience that is essential for growth and accomplishment.

practices. These actions will deliver deeper learning that will better prepare them for success in their future.

B. The Long Beach College Promise (The Promise)<sup>19</sup> extends the promise of a college education to every student in the Long Beach Unified School District (LBUSD) in order to create a more vibrant community. The Promise is a partnership between LBUSD, Long Beach City College (LBCC), California State University, Long Beach (CSULB), and the City of Long Beach. The intent is to create a culture of college expectation, increase college readiness, and improve graduation rates.

LBUSD took advantage of funding from the James Irvine Foundation, as one of nine pilot districts under the Foundation's "California Linked Learning District Initiative" launched in 2009. This initiative sought to help California school districts develop and implement plans for expanding the Linked Learning approach in their high schools. This program centers on Career Pathway standards which specify learning goals in 58 career pathways organized around 15 industry sectors.<sup>20</sup> The Career Pathway program is intended to prepare students for jobs in emerging and growing industry sectors in the local or regional economy.

The LBUSD has dedicated staff assigned to the Career Pathway program. The accomplishments of this small staff are very impressive. They coordinate with their counterparts in LBCC and CSULB to select the Career Pathways of interest to students and formulate the course curricula. The program includes outreach activities to middle school parents and students.

The LBUSD makes this specialized instruction available at multiple locations within the district. This approach ensures that all students have the opportunity to attend a school of their choice, and are not prohibited by transportation issues.

The LBUSD has demonstrated that it is possible to change the educational system. This is made more impressive by the fact that LBUSD is California's third largest school district, with approximately 80,000 students<sup>21</sup>. A key factor to success is the dedication and commitment of the teachers and administrators. Another significant advantage for LBUSD is the long tenure and commitment from their superintendent who has served in the position since 2002.

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<sup>19</sup> [Online] Available: <http://www.longbeachcollegepromise.org/>

<sup>20</sup> The LBUSD implemented Career Pathways under the California Partnership Academies (CPA) program and Career Technical Education (CTE) Standards. The CPA program was implemented by the state Board of Education (Education Code sec. 54690) and provides for a school-within-a-school with academies that integrate academics with career technical education, business partnerships, mentoring, and internships. Education Code Section 51226 provides legal authority to develop the CTE standards and framework.

<sup>21</sup> California Department of Education, [Online] Available: <http://www.cde.ca.gov/ds/sd/cb/ceflargesmallldist.asp>

C. The UCLA Community School<sup>22</sup> operates several K-12 schools in partnership with the Los Angeles Unified School System. The goal is to develop, study, share, and advance innovative best practices. In our opinion, this partnership is beneficial to both the attending K-12 school students and UCLA's staff and students.

UCLA Community School seeks to impart four core competencies in their students<sup>23</sup>:

- Self-directed, passionate learner
- Mastery of academic content and skills
- Bi-literate, bi-lingual, and multi-cultural
- Active and critical participant in society

Executives at UCLA Community School informed us about their mission to teach, research, and deliver service. Their teachers are fortunate to have the resources of UCLA's Graduate School of Education & Information Studies at their disposal. At these community schools, students choose their area of study and benefit from UCLA alumni who provide mentoring. All seniors participate in an internship program. We were informed by senior administrators that 99% of the UCLA Community School graduates are college-eligible, with 77% going on to attend college.

The senior administrators at UCLA Community School firmly believe that neighborhood schools are successful because they involve parents and local businesses to help support and inspire students in their educational journey.

### III METHODOLOGY

This committee would like to express its gratitude for the openness and cooperative attitudes of the people and organizations that enabled the preparation of this report. We are also very impressed with the dedication that all these parties have to creating a better learning environment and providing every child the opportunity to be ready for success in their future.

#### 1. Interviews.

- Long Beach Unified School District, Career Pathways
- United Teachers Los Angeles
- XQ The Super School Project
- California Charter Schools Association
- UCLA Community School
- Former member of the Los Angeles Unified School District Board of Education

#### 2. Research Conducted.

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<sup>22</sup> [Online] Available: <https://cs.gseis.ucla.edu/>

<sup>23</sup> UCLA Graduate School of Education & Information Studies, A Vision in Practice, <https://cs.gseis.ucla.edu/about/>

- California Education Code
  - California Department of Education website
  - The individual websites of each organization we interviewed
3. Literature
- Newspaper articles
  - Articles from various educational websites

## **IV FINDINGS**

The integration of academics, skills training, and real-world perspective is a sound approach to providing a deeper level of learning and sparking a student’s interest in education. A significant investment has been made by LBUSD, UCLA Community School, and XQ Super School to develop new programs/approaches. It is the opinion of the CGJ that these programs are effectively delivering improved results. These results should be shared among the Unified School Districts (USDs) and replicated where appropriate.

These are the findings of the Schools of the Future committee.

1. California Assembly Bill AB790 recognized a need for innovative approaches to educational transformation. The Bill seeks innovation to lead to successful outcomes for our students, families, communities, and local and state economies. The Bill also recognizes that economic growth is dependent upon a career-ready workforce, and the need to improve graduation rates, close achievement and opportunity gaps, and prepare students for living-wage careers and/or a variety of postsecondary learning experiences. The Los Angeles County Strategic Plan for Economic Development (2016-2020) outlines objectives to achieve such innovation.
2. The Los Angeles County Strategic Plan for Economic Development (2016-2020) calls for the identification of models of high-quality, collaborative, inclusive, engaging, and innovative schools. It also envisions extension of best practices throughout all districts and schools.
3. The LBUSD Career Pathways and UCLA Community School programs have enhanced academic training with elements of vocational training and integrated real-world experience through internships and mentoring. The City of Long Beach fully supports The Promise and covers the first year of tuition at Long Beach City College. The UCLA Community School provides UCLA students attending the School of Education with the opportunity to practice new techniques and methods of delivering instruction. These educational programs focus on student “choice” in order to spark each child’s interest and curiosity, and challenge them to grow, learn, and thrive.

4. On January 11, 2017, the California State Board of Education approved implementation of the California School Dashboard<sup>24</sup> (Dashboard) starting in the 2017-18 school year. This Dashboard is intended to improve accountability within the educational system. The Dashboard consists of a color-coded five-by-five grid intended to assist in identifying strengths, weaknesses, and areas in need of improvement. These state level indicators are based on factors that contribute to a quality education, including high school graduation rates, college/career readiness, student test scores, English learner progress, suspension rates, and absenteeism. One subject matter expert expressed a desire to see this tool used like a Consumer Report. The color coded layout can “highlight the good,” and inform administrators, teachers, and parents where improvement is needed.
5. The Dashboard includes local indicators for use by local districts.
6. Educators are professionals dedicated to the classroom and to their students. They are also stakeholders who should have a voice and participate in development of local curricula and instructional methods. To attract and retain the best talent, educators need: Career development; Peer-to-peer collaboration; and Professional internships with community and industry partners to gain practical knowledge that will enrich and enable them to deliver a deeper level of instruction.
7. The neighborhood school is an institution which acts as an “anchor of society,” and provides the opportunity to integrate parents into the educational process. It should also reach out to local organizations for mentoring and internship opportunities to enrich the learning process and better enable every child to learn and become an engaged and productive member of society. Localization can lead to a better tailoring of curricula based on community priorities and unique needs of students including those who have challenging family and social circumstances. In coordination with local economic development commissions, there could be better alignment between business development and educational/career development.
8. While student test scores are an important measure of performance, they do not fully portray a teacher’s level of success or the development of a student’s growth mindset. Factors of teacher effectiveness that are not currently measured include:<sup>25</sup> Developing a thirst for knowledge; developing good study habits; achieving high scores in subjects of interest; imparting a tenacity to enroll in and complete a post-secondary education; and imparting a social consciousness and a desire to participate in community affairs.

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24 California Dept of Education News Release #17-5, January 11, 2017,  
[Online] Available: <http://www.cde.ca.gov/nr/ne/yr17/yr17rel05.asp>

25 Tracking Indicators of Graduation and Postsecondary Readiness, Ali Korkmaz, Long Beach Unified School District, California, Alison Gros, St. Bernard Parish Public Schools, Louisiana, Mary Lumetta, St. Bernard Parish Public Schools, Louisiana, Ashley Pierson, Education Northwest, Portland, Oregon, Center for Education Policy Research at Harvard University, not dated, [sdp.cepr.harvard.edu/files/cepr-sdp/files/tracking\\_ccr\\_indicators.pdf](http://sdp.cepr.harvard.edu/files/cepr-sdp/files/tracking_ccr_indicators.pdf)

9. Parent engagement is a critical element in tailoring local curricula and instructional methods. Parents need to be actively engaged: informing themselves of school activities; becoming involved at school; and participating in the decision-making process to improve the learning environment
10. There is inequity within the educational system with respect to student experiences. For instance, fourth graders take California History. Yet, only a small percentage of schools will take their 4th graders to one of the California Missions to experience that part of our history. Replicating this best practice can have a profound impact on a young child.
11. Implementing change within the educational system necessitates some degree of flexibility and adaptability. Requirements within the Education Code and other education Acts may present a barrier to traditional public schools taking full advantage of some of the current successes of the programs discussed in this report. Strong leadership and full engagement of all stakeholders (administrators, educators, politicians, unions, local business, parents, and students) is needed to implement change to the current operations and culture. More than one interviewee indicated that transformational change in the educational model may require substantial political and civil will.
12. The Department of Consumer & Business Affairs has a program titled Life Smarts, which is a program designed to teach high school consumer skills. The program focuses on five key topic areas; consumer rights and responsibilities, technology, health and safety, personal finance, and the environment.
13. Proposition 51 was approved by the California voters in November 2016 and it makes available \$9 billion in bonds; \$3 billion for the construction of new school facilities, \$500 million for providing school facilities for charter schools, \$3 billion for the modernization of school facilities, \$500 million for providing facilities for career technical education programs, and \$2 billion for acquiring, constructing, renovating, and equipping community college facilities.

## **V RECOMMENDATIONS**

1. The County of Los Angeles Board of Supervisors should formally identify the Los Angeles County Office of Education as the lead organization responsible to implement and maintain the California School Dashboard within the County.
2. The Los Angeles County Office of Education should form a task force to focus on the local indicators to include within the Dashboard. This task force should include representatives from those Unified School Districts (USD's) known to be implementing leading edge programs and those with exceptional student performance, local educational experts knowledgeable in state and County operations, and educational advocates who are knowledgeable and focused on open communications.

3. The Los Angeles County Office of Education should develop an ‘Experience Map’ that identifies recommended types of engagement activity, and include performance in the local indicators. For example, all 4th graders study California history. A school would obtain a top rating for 4th grade history if they visit a California mission.
4. The Los Angeles County Office of Education should actively monitor the Dashboard with the following goals; inform USD’s, educators, and parents of best practices within the County, and implement a community of practice to share successes. This forum should promote the exchange of information and practices and enable each USD to determine those best practices which can be brought into their own district to improve student learning.
5. The County of Los Angeles Board of Supervisors should aid teachers in acquiring real-world experiences by instructing all County departments to make a certain number of compensated internships (summer position or long-term sabbatical) available to teachers within the County. For example: Department of Public Health could offer positions associated with environmental science; Department of Child and Family Services could offer positions associated with sociology and psychology; and Department of Public Works could offer positions in engineering.
6. The County of Los Angeles Board of Supervisors should provide teachers working within the County free access to all County museums to encourage their attendance and enable them to share their experiences with their students, and/or help them arrange potential field trips.
7. The Los Angeles County Office of Education should foster collaborative relationships with industry partners and County agencies to encourage establishment of internships for students and teachers and announce openings on their website or publish links.
8. The Los Angeles County Office of Education should, in coordination with the Department of Consumer & Business Affairs, inform the USD’s about Life Smarts program and encourage them to bring the course to their campuses. This is a course that could be offered either after school, on the weekends, or during the summer break.
9. The Los Angeles County Office of Education should investigate the establishment of a formal community of volunteers who could provide life-skills education (including teaching the Life Smarts program) and mentoring of students, similar to the services offered to small businesses by the Service Corps of Retired Executives.
10. The County of Los Angeles Board of Supervisors should request a prioritized listing of projects under the five categories of funding available under Proposition 51 from the USD’s, with new facilities or any modifications or upgrades focused on enhancing learning.
11. The Los Angeles County Office of Education should identify various ways to monetize school property to support implementation of changes as described in this report. For example, renting out parking lots and play fields for events like farmers markets or renting auditoriums for local events. Revenues from these rental activities should be specifically earmarked for implementing educational improvement projects.

## 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 are required from:

<b>Responding Agency</b>	<b>Recommendations</b>
County of Los Angeles Board of Supervisors	4.1, 4.5, 4.6, 4.10
Los Angeles County Office of Education	4.2, 4.3, 4.4, 4.7, 4.8, 4.9, 4.11

## VII ACRONYMS

**CGJ** 2016-2017 Los Angeles County Civil Grand Jury  
**CSULB** California State University, Long Beach  
**LBCC** Long Beach City College  
**LBUSD** Long Beach Unified School District  
**UCLA** University of California, Los Angeles  
**USD** Unified School District

## VIII COMMITTEE MEMBERS

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

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# POLLING PLACE HOST FACILITIES



**Alice Beener**                      **Chair**  
**Dorothy Brown**  
**Patrick Lyons**

# POLLING PLACE HOST FACILITIES

## I SUMMARY

Polling place facilities help our neighborhoods; businesses and residences that host a polling place provide a very valuable service to our communities. Members of the 2016-2017 Los Angeles County Civil Grand Jury (CGJ) discovered polling place hosts earn \$25.00 for the use of their home or business; this amount has not increased in over 30 years.

## II BACKGROUND

To volunteer your residence or business as a polling place the facility must have:

- A minimum square footage of 400 square feet (20 feet x 20 feet)
- Sufficient parking
- Access ramps and handicap parking
- An enclosed area with adequate lighting and heating
- One to two tables with four to six chairs
- An electric outlet for the Precinct Ballot Reader
- A location available between the hours of 6:00 am to 9:30 pm

Each facility must also provide heating, electricity, and restroom facilities for poll workers.<sup>1</sup>

On February 23, 2017 two CGJ members went to the office of the County of Los Angeles Registrar-Recorder/County Clerk (the Registrar) and met with staff responsible for supervising poll workers. The staff did extensive research of Los Angeles County ordinances and state statutes. They could not find any documentation relevant to required payments to polling place hosts.

On October 24, 2006 the Chief Administrative Officer (CAO) reviewed and approved the CGJ's October 17, 2006 request to increase the daily stipend for both Civil and Criminal Grand Juries. In addition to supporting the stipend increase, the CAO also acknowledged the need to undertake a systemic review of all the County's stipend-based organizations. This was done to ensure that an effective process is in place to address future requests for adjustments to the amount or frequency of stipends.<sup>2</sup>

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<sup>1</sup> <http://lavote.net/home/voting-elections/pollworker/polling-place-information>

<sup>2</sup> County of Los Angeles Chief Administrative Office memo, Approval of Ordinance Change Authorizing Increase to Civil and Criminal Grand Jury Daily Reimbursement Allowance, dated January 30, 2007

### **III METHODOLOGY**

- Two Civil Grand Jury members conducted a telephone interview with a staff member at the Registrar's office.
- On February 23, 2017 two Civil Grand Jury members went to the Registrar's office in Norwalk.
- On April 21, 2017 VGJ members had a telephone interview with upper management of the San Francisco Department of Elections.

### **IV FINDINGS**

1. Los Angeles County pays only \$25.00 to polling place hosts.
2. San Francisco pays as much as \$180.00 to polling place hosts.<sup>3</sup>
3. Though it was stated in the CAO's memo dated January 30, 2007, the CGJ has discovered that they have not put in place a process to periodically review the County's polling place host stipend.

### **V RECOMMENDATIONS**

The 2016-2017 Civil Grand Jury recommends that:

1. The BOS should increase the stipend paid to polling place hosts from \$25.00 to \$150.00.
2. The BOS should implement the recommended action by the CAO to create a policy to periodically review the stipend for polling place hosts.

### **VI REQUIRED RESPONSES**

California Penal Code Section 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 publish its report and file 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:

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<sup>3</sup> <http://sfgov.org/elections/host-polling-place>

Presiding Judge  
Los Angeles County Superior Court.  
Clara Shortridge Foltz Criminal Justice Center  
210 West Temple Street, Eleventh Floor-Rom 11-506  
Los Angeles, CA 90012  
Responses are required from:

<b>Responding Agency</b>	<b>Recommendations</b>
Board of Supervisors	5.1, 5.2

## **VII ACRONYMS**

**CAO** County of Los Angeles Chief Administrative Office  
**CGJ** 2016-2017 Los Angeles County Civil Grand Jury  
**Registrar** County of Los Angeles Registrar-Recorder/County Clerk

## **VIII COMMITTEE MEMBERS**

Alice Beener Chair  
Dorothy Brown  
Patrick Lyons

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# **NEIGHBORHOODS AT RISK FROM TOXINS**



**Henry C. Guerrero** Chair  
**Douglas Benedict**  
**Thomas Kearney**  
**Sharon Muravez**

# NEIGHBORHOODS AT RISK FROM TOXINS

## I SUMMARY

Living in Southern California, we are all as vulnerable as “Canaries in the Coal Mine.” Recent catastrophic events involving contamination from toxins in Los Angeles County (the County) neighborhoods have been widely reported in the public media and greatly raised public awareness. The Civil Grand Jury (CGJ) conducted this investigation to identify why some neighborhoods are so vulnerable and how government agencies respond to communities affected by dangerous toxins.

The CGJ found that communities *disproportionately burdened* by multiple sources of pollution are primarily of color, have low incomes and are under-served by environmental regulation enforcement,<sup>1</sup> although risk to toxic exposure cuts across all levels of society and income. Recent events reported in county newspapers include:

- Lead contamination in the community of Boyle Heights
- Excessive levels of methane gas in Porter Ranch
- Toxic hexavalent-chromium in the City of Paramount
- Petroleum related volatiles near the University of Southern California
- Continuation of some of the worst air quality in the nation<sup>2</sup> throughout the entire Los Angeles region

We heard from community based organizations and environmental professionals and learned how challenging it is for citizens to navigate their way through a fragmented structure of governmental agencies. This structure makes it almost insurmountable to mobilize authorities into action in a timely manner.

Although there are many examples of pollution sources, the largest detrimental effects can be traced to four source types: (1) extensive oil fields extracting petroleum throughout the County, (2) the development and expansion of the Ports of Los Angeles and Long Beach and the associated distribution network carrying goods from the ports to much of the nation, (3) a

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<sup>1</sup> Su, Jason G., etc. all, An Index for Assessing Demographic Inequities in Cumulative Environmental Hazards with Application to Los Angeles, CA., *Environmental Science and Technology*. 2009:43. 7626-7634

<sup>2</sup> Mark Gold, Stephanie Pincetl and Felicia, 2015 Environmental Report Card for Los Angeles County, UCLA Institute of the Environment and Sustainability, P32

freeway transit system shared by personal cars and trucks, and (4) industrial growth that lacked environmental regulation and oversight.

The CGJ recognizes the need for industry and strong economic growth to improve our quality of life and advance social progress. At the same time, public health and safety must be our highest priority. High risk neighborhoods are readily identifiable based on data measurement;<sup>3</sup> they typically do not receive fair treatment with respect to enforcement of environmental laws to protect them equitably, that is, do not receive environmental justice. Quantifiable targets to remove or reduce toxins are the first step to achieving environmental justice.

The CGJ in support of the County Strategic Plan Goal – Support the Wellness of Our Communities and Prioritize Environmental Health Oversight submits this report that developed into three primary issues.

1. The location of hazardous facilities in the County, such as hazardous waste sites and industrial facilities are located primarily in low-income communities of color.<sup>4</sup>
2. Public health must be a priority. Health risk enforcement requires the expanded role and authority for public health analysis in the permitting process of land-use planning, zoning, business license, and building permits.
3. Environmental justice community based organizations are a rich repository of local knowledge; their voices must be heard.

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<sup>3</sup> CalEnviroScreen California Communities Environmental Health Screening Tool: from CalEPA

<sup>4</sup> Bowen, William. “Environmental Justice through Research-Based Decision-Making.” New York: Garland, 2001. For specific data to support: Su, Jason G., etc. all. “An Index for Assessing Demographic Inequities in Cumulative Environmental Hazards with Application to Los Angeles, CA. *Environmental Science and Technology*. 2009:43. 7626-7634. Web. 12 July 2010. <http://pubs.acs.org/doi/pdfplus/10.1021/es901041p>

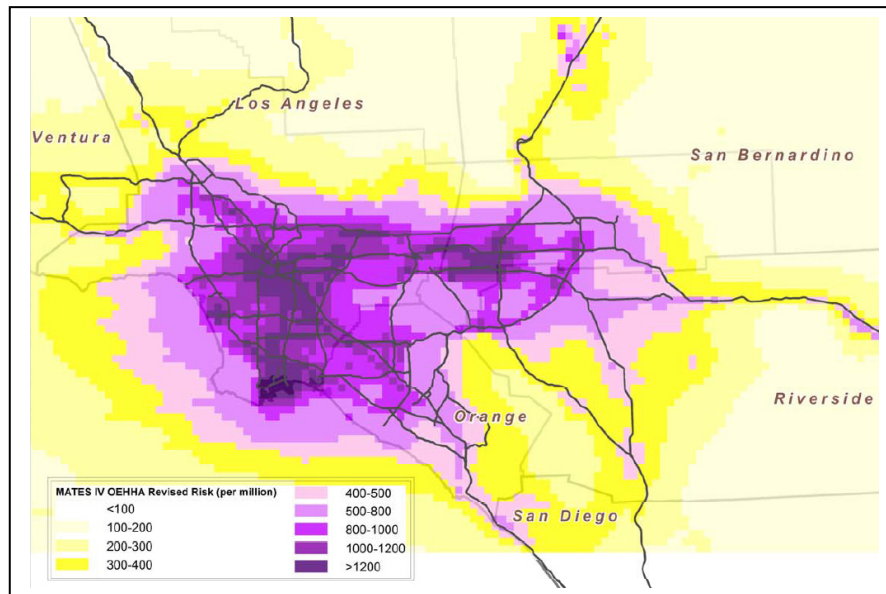
## II BACKGROUND

Though risk to toxic exposure cuts across all levels of income, numerous quantitative studies document the evidentiary proof that health risks disproportionately burden communities of color in California.<sup>5</sup> Liberty Hill Foundation summarizes this work and explains it in the following quote:<sup>6</sup>

“... environmental health disparities in Los Angeles revealed that the location of hazardous facilities, such as hazardous waste sites and industrial facilities reporting to the federal Toxic Release Inventory, are located primarily in low-income communities of color. In fact, Black and Latino residents are more than three times as likely to live close to these hazards as are Anglos...”<sup>7</sup>

Burdened neighborhoods are generally located around industrial facilities and transportation corridors where the higher concentrations of air pollution are found. Figure 1 shows these dense concentrations of air pollution.

Figure 1. MATES-IV Modeled Air Toxics Risk Estimates  
(Using Updated OEHHA<sup>8</sup> Methodology)



<sup>5</sup> Bowen, William. “Environmental Justice through Research-Based Decision-Making.” New York: Garland, 2001. For specific data to support: Su, Jason G., etc. all. “An Index for Assessing Demographic Inequities in Cumulative Environmental Hazards with Application to Los Angeles, CA. *Environmental Science and Technology*. 2009:43. 7626-7634. Web. 12 July 2010. <http://pubs.acs.org/doi/pdfplus/10.1021/es901041p>

<sup>6</sup> Extracted from Hidden Hazards, A Call to Action for Healthy, Livable Communities, Liberty Hill Foundation.

<sup>7</sup> *ibid*

<sup>8</sup> Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency

## Risks from hazardous industrial facilities and waste sites

The following neighborhoods have recently experienced health risks from hazardous facilities.

### Boyle Heights

Since 1922 a lead smelter had operated in the City of Vernon, CA close to Boyle Heights. This operation was transferred to Exide Technologies in 2000 and for decades this smelter operated under temporary permits.<sup>9</sup> Exide processed an average of 120,000 tons of lead per year, or approximately 11 million batteries per year.<sup>10</sup> Soil testing conducted by the State Department of Toxic Substance Control (DTSC) determined that lead contamination spread up to 1.7 miles away from the facility, encompassing 10,000 properties.<sup>11</sup> This area includes residential properties, schools, daycare centers, and parks. It took almost a decade (2008-2016), before the State of California Governor allocated \$176 million for soil testing and remediation.<sup>12</sup> Based on our research it only took State and County agencies about a week to begin significant relief to the community of Porter Ranch compared to years for Boyle Heights.

### Maywood

In June 2016 a magnesium fire erupted in Maywood burning 10,000 pounds of the metal in a storage yard because of improper storage and disposal of hazardous material at the site.<sup>13</sup> The fire created a black dust containing toxic metal particulates of copper, lead, zinc, cadmium, nickel, and chromium resulting in the displacement of three hundred residents.<sup>14</sup> The owner of the facility had no permits from the DTSC and was charged with five felonies.<sup>15</sup>

### Paramount

Metal-finishing facilities in the City of Paramount have emitted very high levels of the cancer-causing toxin, hexavalent chromium (HC) at levels of 350 times the regulatory maximum.<sup>16</sup> HC is a byproduct emitted by chrome platters, metal finishers, and aerospace industry factories and there are 88 industrial metal facilities located in the community.<sup>17</sup> For years, residents have complained of experiencing headaches, nausea, burning throats, and metallic odors and by 2012 South Coast Air Quality Management District (SCAQMD) focused on metal-grinding operations.<sup>18</sup> The Department of Public Health (DPH) on December 1, 2016 ordered the one company emitting high levels of HC to suspend operations until they returned to compliance.<sup>19</sup>

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<sup>9</sup> <http://timelines.latimes.com/Exide-technologies-history>

<sup>10</sup> Ibid

<sup>11</sup> Barbosa, Tony, Higher levels of Lead in blood of children near Exide plant in Vernon LA, Times, April,8, 2016

<sup>12</sup> Barbosa, Tony, How battery Recycler Contaminated Homes for Decades, LA Times,

<sup>13</sup> Hamilton, Matt, EPA Cleanup of Magnesium fire site is underway, LA Times, October 18, 2015

<sup>14</sup> Rocha, Veronica, Metal residue removed from homes, LA Times, June 16, 2016

<sup>15</sup> Rocha, Veronica, Owner of Maywood metal recycling facility charged, LA Times, June 15, 2016

<sup>16</sup> Barbosa, Tony, Working to Clear the Air, LA Times, November 8, 2016

<sup>17</sup> Barbosa, Tony, Toxic metal in air spurs alarm, LA Times, November 27, 2016

<sup>18</sup> Ibid

<sup>19</sup> Rangan, Cyrus, Deputy Health Officer, Department of Public Health Directive, December 1, 2016.

## Sylmar & Granada Hills

In October 2016 the communities of Sylmar and Granada Hills, near the County's largest landfill, complained of pervasive odor nuisance in their neighborhood. Residents and students at Van Gogh Elementary School were forced to remain indoors.<sup>20</sup> SCAQMD has issued over 180 notices of violation for emitting noxious odors and the DPH and the DPM are involved in efforts to control and reduce odors from the landfill.<sup>21</sup>

### **Risks from Oil Wells, Refineries, and Fuel Distribution**

Los Angeles is home to the largest urban oil well fields in the country with thousands of active oil wells that are disturbingly close to homes, schools, churches, and parks.<sup>22</sup> According to the California Division of Oil Gas and Geothermal Agency, there are 5,194 active oil and gas wells within 70 oil fields in the County.<sup>23</sup> According to the City of Los Angeles Planning Department, the city alone hosts 1,071 wells.<sup>24</sup>

The current resurgence in oil production has introduced new extraction techniques from old wells. Only ten percent of oil production is recovered by conventional practices. The rest use "enhanced oil recovery" methods that include the injection of thousands of pounds of surfactants, hydrofluoric acid, and hydrochloric acid in a technique called acidizing.<sup>25</sup> Wells will emit chemicals such as benzene, toluene, xylene, formaldehyde, and nitrogen oxides.<sup>26</sup>

In addition to wells, there exists a vast infrastructure of downstream gasoline and petroleum product refining and transportation that adds to the cumulative stack of industrial pollution sources. The County hosts 10 refineries, two marine ports that handle oil tankers, a rail system for product distribution and fleets of trucks dispensing gasoline, all of which emit chemical and diesel fuel pollutants.<sup>27</sup>

The following neighborhoods have recently experienced health risks from hazardous conditions related to oil wells, natural gas storage, and refineries.

#### Wilmington

Wilmington homes, schools and parks are surrounded by oil wells and the Ports of Los Angeles and Long Beach. Parts of Wilmington rank in the top 5% of communities in the County with the

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<sup>20</sup> Bartholomew, Dana, *la-agencies-crack-down-on-sunshine-canyon-landfill-stench*, LA Daily News, November 5, 2016

<sup>21</sup> Boyer, Jessica, *Sunshine landfill odors prompt county inquiry*, SCVNews, October 3, 2016

<sup>22</sup> Sadd, James & Shamasunder, Bhavna, *Oil Extraction in LA, Drilling Down*, Liberty Hill Foundation, Fall 2015.

<sup>23</sup> P7

<sup>24</sup> Ibid

<sup>25</sup> Ibid

<sup>26</sup> Ibid

<sup>27</sup> California's Oil Refineries, California Energy Commission, <http://www.aqmd.gov/docs/default-source/default-document-library/governing-board/2017-board-retreat-item-3---refinery-rules.pdf?sfvrsn=6>

highest pollution exposure according to the State Office of Environmental Health Hazard Assessment CalEnviroScreen 2.0 2014 data model.<sup>28</sup> CalEnviroScreen incorporates factors of social vulnerability. “Estimated cancer risk in some parts of Wilmington is the highest in Southern California, exceeding 1,000 additional cancers per million residents, which is three orders of magnitude than the National Clean Air Act goal of one in a million.”<sup>29</sup>

## Beverly Hills

The CGJ notes from its research: In contrast to Wilmington, the health and safety of Beverly Hills High School students and the community was the foremost consideration when the city engaged in the leasing of oil wells in that city. The unattractive industrial looking oil well derrick was completely enclosed and decorated as public art.<sup>30</sup>

On September 27, 2011 the city council approved an ordinance to permanently ban oil drilling in the city.<sup>31</sup> The operator ceased operation December 2016, filed bankruptcy in March 2016 and again in April 2017.<sup>32</sup> The cleanup process will cost between \$5 and \$10 million. According to the city’s administrative officer, the district attorneys have notified the bankruptcy court seeking to reserve a portion of the energy company’s funds for site remediation. Otherwise, the Beverly Hills school district pays for the cleanup.<sup>33</sup>

## University Park/Historic West Adams Oil Wells

In 2009, inactive wells in University Park, near the University of Southern California (USC), were reactivated using hydrochloric and phosphoric acids to unplug the wells. About this time residents began complaining of headaches and nosebleeds.<sup>34</sup> The City Attorney alleged that the company was “willfully disregarding violation notices” from regulatory agencies.<sup>35</sup> This site was emitting elevated concentrations of methane, ethane, benzene, propane, and deadly hydrogen sulfide within 1,500 feet of the oil facility where there are five schools located.<sup>36</sup>

## Porter Ranch

On October 23, 2015 ninety-five thousand tons of methane was emitted from the second largest U.S. underground natural gas storage facility located in Aliso Canyon before the leak could be capped.<sup>37</sup> Porter Ranch residents were notified of a major methane gas leak on October 23,

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<sup>28</sup> Barbosa, Tony, Monitor on Willington home’s roofs, LA Times, February 26, 2014

<sup>29</sup> Osborn, Barbara, “No false solutions!” Wilmington: Warren E&P Drill Site, Drilling Down, Liberty Hill Foundation, Fall 2015

<sup>30</sup> Gilmartin, Wendy, Beverly Hills Fugliest Oil Well aka Tower of Hope, LA Weekly, may 22, 2012

<sup>31</sup> Taglieri, Joe , Patch Poster, Council Places Permanent Ban on Oil Drilling, September 29, 2011

<sup>32</sup> Coleman, Laura, Venco Second Bankruptcy Filing Could Leave Beverly Hills High School Oil Well Dry Financially, Beverly Hills Courier, April 28, 2017

<sup>33</sup> Barragan, Bianca, Curbed News, Beverly Hills High Oil Well Cleanup Plan in Big Trouble, February 29, 2016

<sup>34</sup> Sahaugun, Louis, “Crack Down on Archdiocese Owned Oil Field..”, 2016

<sup>35</sup> Sahaugun, Louis, “South L.A. Oil Operation I fined”, LA Times, July 30, 2013

<sup>36</sup> Osborn, Barbara, When Regulators Fail, University Park: Allenco Site, Map 4, Drilling Down, P. 17, Liberty Hill Foundation, Fall 2015

<sup>37</sup> Nikolewski, Rob, Gas leak prompts feds to call for changes, LA Times, October 19, 2016

2015,<sup>38</sup> five days following the discovery, and by, January 7, 2016, 11,000 people were relocated from their homes and Governor Brown declared a state of emergency.<sup>39</sup> Porter Ranch elementary and middle schools were closed and 1,100 students relocated to other schools.<sup>40</sup>

## Torrance

On February 18, 2015 an explosion at the ExxonMobile in Torrance disburshed one quarter ton of sulfur dioxide gas into the air and a cloud of chemical ash rained down on the community.<sup>41</sup> Since then, shutdowns, flaring incidents<sup>42</sup> and a fire in November of 2016 have increased public anxiety about the refinery. The fire was extinguished within 30 minutes but a 10 inch flare pipe narrowly missed crashing into a tank containing tens of thousands of pounds of modified hydrofluoric acid.<sup>43</sup>

## Movement of Goods, Ports and the I-710 Corridor

Close to 40% of the containerized goods that enter the Ports of Los Angeles and Long Beach are destined to areas outside of the South Coast Air Basin. As such, South Coast Air Basin residents are the recipients of the emissions associated with the movement of goods across the region that benefits the rest of the nation.<sup>44</sup> There are 28 cities along or around the I-710 freeway; this is the critical linkage of routes, for interstate commerce between the San Pedro Bay ports, the BNSF and UP rail yards along I-5. Port activity is projected to triple in volume by 2035 based on a study of Southern California Association of Governments and projected container volume increases. There is a plan to increase capacity on the I-710 and it is currently under review.

The proposed plan provides environmental improvements to 28 gateway cities, but it's dependent on the outcome of the proposed I-710 Corridor Environmental Impact Report (EIR). The EIR review is scheduled to be completed in the spring of 2018. Several alternative plans in the EIR require the use of zero emission trucks. Trucks will likely be powered by electric motors or will receive electric power while traveling along the freight corridor via an overhead catenary distribution system.<sup>45</sup>

## Other Community Risks

Other sources of hazardous contaminants to humans not previously mentioned include contamination of water wells, sewage spills, rain runoff from salvage yards and recycling plants, odor from rendering plants, agricultural and vector control chemicals, noise, or fine-sized dust

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<sup>38</sup> Holland, Gale, Gas seepage poses no risk, utility says, LA Times, December 27, 2015

<sup>39</sup> Johnson, juli, <http://www.inquisitr.com/2737274/porter-ranch-gas-leak-order-socalgas-ordered-to-close-leak-that-is-sickening-residents/>, January 25, 2016

<sup>40</sup> Kohli, Sonali, What Northridge teachers will tell their students of Porter Ranch kids, LA Times, January 11, 2016

<sup>41</sup> Rocha, Veronica, Too much pressure in equipment triggered Torrance refinery explosion, LA Times, February 23, 2015

<sup>42</sup> Goffard, Christopher, Torrance refinery cited for gas flaring, LA Times, October 15, 2015

<sup>43</sup> Penn, Ivan, Refinery incidents trouble Torrance residents, LA Time, November 20, 2016

<sup>44</sup> SCAQMD White Paper, "Goods Movement:", October 2015, Page 3.

<sup>45</sup> I-710 Corridor Draft EIR, Executive Summary, 2012

from processing and manufacturing plants. The CGJ learned about these situations from the County of Los Angeles Regional Planning staff and interviews with community based groups.<sup>46</sup>

### **Why Are We at Risk ?**

The key themes of risk repeatedly heard by the CGJ during this investigation were about the effect of pollution on health, the fragmentation and lack of enforcement of regulations, and the need for more and better data.

#### Health Risks

Human health is at risk in the County from toxic pollutants and discharges into the air, ground, and water. Evidential proof of health effects from toxin discharge are well documented from scientific knowledge and rigorous medical studies.

- The Keck School of Medicine of USC found that diesel particulate pollution impairs lung development in children ages 10 to 18 and leads to significant deficits in lung growth and performance.<sup>47</sup>
- The National Institutes of Health, the Centers for Disease Control and Prevention, and the Food and Drug Administration all classify lead as a human carcinogen. Lead is a powerful neurotoxin that poses the greatest risks to children younger than age 6 that will result in developmental problems, learning disabilities and other harmful effects.<sup>48</sup>
- Health impairment from air pollution is acknowledged and documented by the SCAQMD. Specific ailments from specific chemicals are cataloged in Table 1.<sup>49</sup>

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<sup>46</sup> Lopez, Mark, Interview with CGJ, East Yards Community for Environmental Justice, January 9, 2017

<sup>47</sup> New England Journal of Medicine, The Effect of Air Pollution on Lung Development from 10 to 18 Years of Age, September 2004

<sup>48</sup> American Academy of Child and Adolescent Psychiatry, [https://www.aacap.org/AACAP/Families\\_and\\_Youth/Facts\\_for\\_Families/Facts\\_for\\_families\\_Pages/Lead\\_Exposure\\_In\\_Children\\_Affects\\_Brain\\_And\\_Behavior\\_45.aspx](https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/Facts_for_families_Pages/Lead_Exposure_In_Children_Affects_Brain_And_Behavior_45.aspx)

<sup>49</sup> SCAQMD 2016 Air Quality Management Plan, Chapter 2, Air Quality and Health Effects, Table 2.1

**Table 1**  
**Health Effects from Air Pollutants**

<b>Air Pollutant</b>	<b>Key Health &amp; Welfare Effects</b>
Ozone	Pulmonary function decrements and localized lung injury in humans and animals, increased mortality risk and increased respiratory related hospital admissions and emergency room visits
Fine Particulate Matter (PM2.5)	Exacerbation of symptoms in sensitive patients with respiratory or cardiovascular disease, decline in pulmonary function and growth in children and increased risk of premature death
Respirable Particulate Matter (PM10)	Aggravation of angina pectoris and other aspects of coronary heart disease, decreased exercise tolerance in persons with peripheral vascular disease and lung disease and possible impairment of central nervous system functions
Nitrogen Dioxide (NO <sub>2</sub> )	Potential to aggravate chronic respiratory disease and respiratory symptoms in children with asthma and increased airway responsiveness in asthmatics

### Enforcement

When the CGJ asked interviewees if more laws were needed we were told that existing regulation enforcement by County departments needs to be addressed through the lens of health risk. An environmental scientist, director of an environmental justice foundation and an air quality medical researcher agreed that the County lacks a health risk enforcement approach. To implement this approach requires the expanded role and authority for public health analysis in the permitting process of land-use planning, zoning, business license, and building permits.

County, state and federal agencies’ inspection and oversight resources are limited and their inspections mostly focus on singular events. The DPH has described to the CGJ a better approach to inspections. In their regulatory involvement with the City of Paramount HC contamination, they expanded their inspection to include a cluster of metal processing facilities. Though they identified the source of violation, they also inspected the other metal processing facilities. They found that up to 60% of these facilities were non-compliant to existing regulations. The DPH discovered there was a cumulative effect from the close proximity of several chromium plating facilities; while each plant may be operating (emitting) within regulatory limits, the combined emissions from all the facilities may exceed acceptable limits. For these inspections, the DPH mobilized and partnered with SCAQMD and other agencies. The DPH has the authority to shut down operations of an industrial facility that endangers public health.<sup>50</sup>

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<sup>50</sup> Range, Cyrus, County of Los Angeles Department of Public Health Letter, December 1, 2016

Managing staff from Coalition for Clean Air gave us examples of regulatory rules that have succeeded to include - banning, controlling, and limiting specific pollutants: lead-free gas and paints, no “bunker fuel” for ships within 200 miles of coastline, no use of perchloroethylene used in dry cleaning, etc.

## Data and Monitoring

There are two key data models used in identifying areas of high concentrations of harmful chemicals. MatesIV and CalEnviroScreen. The former is the system SCAQMD developed and the latter was developed by the State.

The MATES IV Study uses monitoring data from a network of 10 fixed sites used to monitor toxic air contaminants once every six days for one year. Air toxin levels throughout the Basin are estimated from simulations using data collected from fixed sites along with data from the Air Quality Management Plan.<sup>51</sup>

CalEnviroScreen is a mapping tool that helps identify California communities that are most affected by different sources of pollution, and where people are often especially vulnerable to pollution’s effects. It uses environmental, health, and socioeconomic information to produce scores for every census tract in the state. The scores are mapped so that different communities can be compared. An area with a high score is one that experiences a much higher pollution burden than areas with low scores.<sup>52</sup>

Scientists and researchers use the Mates and CalEnviroScreen systems at Occidental College Urban and Environmental Policy Institute expressed their need for greater precision and transparency of the data. To accomplish this they recommended:

1. Relocate the existing monitors and add more SCAQMD monitors in the known areas of high contamination like the port and I-710 corridor.
2. Increase the number of data points across the basin so that estimated measurements between existing points provides real time measurements.
3. Develop an integrated information system accessible to the public.

A system concept for improving data and monitoring is described here:<sup>53</sup> This system would receive pollution measurement data from a dense set of networked sensors with emphasis on critical points (i.e. “hot spots”) that are known to have been active pollution sources. The system should analyze the input data to determine the current “pollution state” throughout the County. If the pollution state at any area of the County rises above safe levels, the system would sound an

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<sup>51</sup> MATES IV employed the Comprehensive Air Quality Model with Extensions (CAMx) as the dispersion and chemistry modeling platform used to simulate annual impacts of both gas and particulate toxic compounds in the Basin.

<sup>52</sup> <https://oehha.ca.gov/calenviroscreen>

<sup>53</sup> CGJ originated concept, represent CGJ opinion

alarm intended to trigger corrective action. Pollution state information should be permanently recorded for future access and analysis. Recorded pollution state information should be made publically accessible in real time.

### Cumulative Effect

Staff members of the DPH, USC School of Medicine and Coalition for Clean Air consider the cumulative effects (CE) of all pollutants to be a major concern for human health. As an example of how CE works; consider a factory operation that emits a pollutant at a permitted level of the contaminant; what is the effect of multiple compliant sites all emitting the same pollutant within proximity of each other? It would be beneficial to quantify pollution density or correlate health symptoms with specific pollutants. If high CEs are detected, business permits would be limited for an area that has reached the maximum pollution density for the area. There is no system in the County to measure cumulative effect of pollutants. Mates and CalEnviroScreen are good for reporting data at the gross level but sometimes these systems may not have been updated with current data according to a professor at Occidental College Urban and Environmental Policy Institute involved with air quality measurement.

### Resources to Move Forward

This next section addresses the organizational forces that our study found to be pivotal to prevent and mitigate toxins in our environment.

### Community Based Organizations

The CGJ conducted interviews with staff of the Liberty Hill Foundation, East Yards Communities for Environmental Justice and Coalition for Clean Air. We studied their web site, publications and newspaper reports of their activities. We formed the following view of these and other organizations like them: Community-based-organizations (CBOs) provide a counter balance and with trust can partner with government agencies. They accomplish this by collecting evidentiary environmental data, presenting their views through publication; participating in public meetings; obtaining grants for research; review EIRs for impacts to their communities, and proposing solutions in the interest of the community.

CBOs have resorted to filing law suits as leverage to mitigate or eliminate environmental health hazards in their communities and sometimes are successful in their efforts. Industrial violators may have legal protection because they operate under grandfathered environmental ordinances, but this can be challenged when there is scientific data to prove the existence of a health hazard.<sup>54</sup>

Based on our interviews with staff of the Liberty Hill Foundation, East Yards Communities for Environmental Justice and Coalition for Clean Air, we observed some CBOs have strong staff

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<sup>54</sup> Sahaugun, Louis, "South L.A. Oil Operation I fined", LA Times, July 30, 2013

and financial resources to conduct effective programs and others are short on capacity and funding. These community groups represent people who work and live in high health risk communities and have vital local knowledge of environmental conditions. All CBOs need to be heard and provided the opportunity to partner and work with government agencies.

Communities that are overburdened with environmental pollution sense a lack of environmental justice when they compare the government response times between the Porter Ranch gas leak and the Boyle Heights lead contamination.<sup>55</sup> In our interviews with staff of the Liberty Hill Foundation, East Yards Communities for Environmental Justice and Coalition for Clean air they said that public participation groups have lost trust in government agencies. To find a government agency to address the problem they often had to navigate through a maze of government agencies to finally be heard. Residents of historic West Adams University Park Los Angeles, in close proximity to oil wells, called SCAQMD with hundreds of complaints. This is an example of the time-consuming challenge to get the right data to the right department with the right regulatory authority. The West Adams community had to work its way to a U. S. Senator to get action. For two years this community experienced and lived with a health threat.<sup>56</sup>

Based on all of our interviews the CGJ believes there should be an environmental ombudsman function to address citizen reports of pollution.<sup>57</sup> This would provide a unified, high quality point of contact allowing any person who believes they are experiencing environmental pollution to be connected to the County function which can take immediate, informed action to investigate the facts of the event and resolve it. The effectiveness of the Environmental Pollution Ombudsman function should be measured and tracked with objective performance data (e.g. time from initial contact to resolution, resolution statistics, callers' satisfaction, etc.). Performance data should be publicly accessible and should be used to improve the Ombudsman function performance.

#### Department of Public Health

Humans and human health were affected by the recent incidents of the Exide battery plant lead contamination and the Aliso Canyon gas leak. Neglect of the DTSC to properly regulate the Exide plant in Boyle Heights caused children in the proximity of the plant to register excessive levels of lead in their blood<sup>58</sup>. The high concentration of methane gas at Aliso Canyon forced families in Porter Ranch to leave their homes and for nearby schools to be relocated.<sup>59</sup> These events clearly demonstrate there is causal relationship between the conditions of “bad toxic contamination” and “bad health.”

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<sup>55</sup> The Times Editorial Board, “Why does affluent Porter Ranch get more urgent relief than working-class Boyle Heights”, January 29, 2016

<sup>56</sup> Sahaugun, Louis, “Crack Down on Archdiocese Owned Oil Field..”, 2016

<sup>57</sup> CGJ originated concept, represent CGJ opinion

<sup>58</sup> Barbosa, Tony, Higher levels of Lead in blood of children near Exide plant in Vernon, LA Times, April, 18, 2016

<sup>59</sup> Johnson, Juli, <http://www.inquisitr.com/2737274/porter-ranch-gas-leak-order-social-gas-ordered-to-close-leak-that-is-sickening-residents/>, January 25, 2016

The DPH pursuant to Section 11.02.190 of the Los Angeles County Code exercised its authority to abate operations of an industrial facility that endangered public health by emitting hexavalent chromium in the City of Paramount.<sup>60</sup> Environmental experts interviewed by the CGJ recognize health to be a factor that should be included within the regulations for land-use, zoning, business licensing and building and safety permitting. The engagement of the DPH should be expanded in authority and public health analysis in zoning, building permits, etc., for industries handling toxic elements.

As a result of the catastrophic events of Exide and Aliso Canyon, the County of Los Angeles Board of Supervisors (BOS) is addressing environmental health oversight and monitoring<sup>61</sup> and the conditions of oil and gas wells in the unincorporated areas of the County.<sup>62</sup> The SCAQMD is responsible to oversee and manage air pollution; the DTSC handles facilities above ground, and the State Department of Oil, Gas and Geothermal Resources handles pollution from below the ground. The DPH is changing this paradigm to avoid the fragmentation of enforcement in the following way. In two pilot projects, described to us by staff of the DPH, they are changing the smokestack approach of regulatory compliance with a team that includes six regulatory agencies. The agencies are:

- County Regional Planning
- County Public Works
- County Hazmat
- California Regional Water Quality Board
- Southern California Air Quality District
- California Department of Toxic Substance and Control

A key component of DPH's plan is collaborating with community groups by having them assist in identifying illegal operators and providing evidence that demonstrates the need for environmental enforcement.

#### The County of Los Angeles Board of Supervisors Oversight

The BOS has recognized the need for the County to have a more significant and proactive role in environmental health oversight. On March 29, 2016 they passed a motion<sup>63</sup> to convene a strike team to assess the conditions, health risks and regulatory compliance associated with existing oil and gas facilities. On June 27, 2016 they instructed the Chief Executive Officer (CEO) to prioritize needs in environmental health oversight and monitoring.<sup>64</sup> As a result this motion, the County Department of Health has designed a model for enhanced environmental oversight and monitoring. The title of this project is "Building Capacity to Address Environmental Health

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<sup>60</sup> Rangan, Cyrus, Deputy Health Officer, Department of Public Health Directive, December 1, 2016.

<sup>61</sup> Agenda, County of Los Angeles Board of Supervisors, June 27, 2016

<sup>62</sup> Agenda, County of Los Angeles Board of Supervisors, Item 12, March 29, 2016

<sup>63</sup> Bruckner, Richard J., Board Letter, March 16, 2017

<sup>64</sup> Harnai, Sachi A., Board Letter, December 13, 2016

Threats.” Supervisor Kuehl was named to the SCAQMD board. In an interview with the LA Times the supervisor described her approach as “strongly regulatory.”<sup>65</sup>

A deputy of County Supervisor Solis, described to the CGJ how the supervisor has initiated environmental monitoring of the Quemetco battery plant to avoid a repeat of the Exide incident. As a result of the closing of the Exide plant, Quemetco is seeking a permit from the State to increase their volume of battery recycling. The supervisor has assembled representatives of County and State environmental departments to assess and monitor the health and environmental conditions of the Quemetco battery recycling plant located in the City of Industry. The group meets regularly to coordinate their work and to assess the results of ground measurements in homes that are in the proximity of the Quemetco plant.

### **III METHODOLOGY**

#### **Interviews**

University Professor of Environmental Science

University Professor Urban and Environmental Policy Institute

Medical School Professor

Director Social Justice Foundation

President and CEO Non-Government Air Quality Organization

Executive Director Non-Government Community Environmental Justice Organization

Office of the City of Los Angeles Attorney

#### **Document Reviews**

UCLA Institute of the Environment & Sustainability, 2015 Environmental Report Card UCLA

Liberty Hill Foundation – Drilling Down, Fall of 2015

Liberty Hill Foundation – Hidden Hazards, December 2010

California Sustainable Freight Action Plan, July 2016

South Coast Air Quality District Management, I-710 Corridor Project EIR

South Coast Air Quality District Management, Air Quality Management Plan 2016

#### **Media Sources**

Los Angeles Times

San Gabriel Valley Tribune

Pasadena Star News

Website of South Coast Air Quality District Management

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<sup>65</sup> Barboza, Tony, Los Angeles Times, “Kuehl named to regional air quality board”, December 12, 2016

## IV FINDINGS

1. The Board of Supervisors has taken the first steps to address environmental oversight and monitoring by convening a task force to review oil and gas facilities compliance to regulations and requesting the Chief Executive Officer to prioritize needs in environmental health oversight and monitoring. The County will benefit from a environmental oversight and monitoring strategy that coordinates federal, state and county agencies responsible for environment oversight.
2. The CGJ found that environmental experts we interviewed recognize health to be a factor that needs to be included in defining many regulations. Health risk enforcement requires the expanded role and authority for public health analysis in the permitting process of land-use planning, zoning, business license, and building permits. The DPH should participate in recommending health components in compliance regulations and participating in the approval process.
3. Enforcement agencies have a need for more and better evidentiary data as described in the section Data and Monitoring.
4. The CGJ found that there is a causal relation between the conditions of “bad toxin contamination” and “bad health”. Pollution has had negative health impacts on groups of residents and is likely to have further health impacts on larger groups if it is not corrected.
5. The myriad of federal, state, and local regulatory agencies have compartmentalized authority be air, water or soil resulting in a silo approach to enforcement. Enforcement authority within the County is mostly uncoordinated but the DPH is trying to change that. The DPH is piloting a promising model that identifies high health risk areas using CalEnviroScreen data, identifying clusters industrial facilities that use or generate similar toxin materials. It then conducts inspection with the appropriate County, State or Federal partner agencies. A recent example of action taken by the DPH pursuant to Section 11.02.190 of the Los Angeles County Code, they exercised its’ authority to abate operations of an industrial facility that endangered public health by emitting hexavalent chromium in the city of Paramount.
6. The CGJ found that communities *disproportionately burdened* by multiple sources of pollution are primarily of color, have low incomes and are under-served<sup>66</sup>, although risk to toxic exposure cuts across all levels of society and income. Overburdened communities sense a lack of environmental justice when they compared the government response times between the Porter Ranch gas leak and the Boyle Heights lead contamination. Professionals that were interviewed by the CGJ say that the public and community groups have lost trust in government agencies.

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<sup>66</sup> Su, Jason G., etc. all. An Index for Assessing Demographic Inequities in Cumulative Environmental Hazards with Application to Los Angeles, CA. *Environmental Science and Technology*. 2009:43. 7626-7634

7. The CGJ found that citizens needing to report toxic conditions affecting them had to navigate through a maze of government agencies to find the correct department with the right regulatory authority to take action. Because enforcement is fragmented by toxin or jurisdiction there currently is no central place to direct citizens to the proper regulatory authority.
8. Environmental justice community based organizations (CBOs) provide a counter balance to industry and government agencies. Through their investigative work and extensive local knowledge, they provide evidentiary environmental data and speak on behalf of people who live and work in high health risk communities. CBOs have views and recommendations and they need to be heard and given the opportunity to be a stakeholder partner with governmental agencies.
9. The opportunity to provide environmental justice to the 28 gateway cities is dependent on the outcome of the proposed I-710 Corridor Environmental Impact Report (EIR). The EIR review is scheduled to be completed in the spring of 2018. Several alternative plans in the EIR require the use of zero emission trucks. These trucks would be powered by electric motors or will receive electric power while traveling along the freight corridor via an overhead catenary distribution system.
10. Residential building permits continue to be issued regardless of scientific data near roadways. Studies show higher incidents of respiratory illness such as asthma and cancer for people living within 300 feet of freeway. A 2012 report from the SCAQMD estimated 1 million people live within 300 feet of a freeway.
11. Repeatedly, the CGJ heard from environmental subject experts and received evidence that confirms the SCAQMD environmental assessment of the Ports of Los Angeles and Long Beach. “The twin ports of Los Angeles and Long Beach are the largest in the nation as well as the single largest fixed source of air pollution in Southern California”.
12. With regards the goods movement industries, Los Angeles County does not receive tax benefit from 40% of goods transported from the San Pedro Bay ports destined for sale outside of the County. However, the County receives the burden of pollution, costs for road repair and detrimental health risks.
13. Scientists and researchers use the Mates and CalEnviroScreen systems at Occidental College Urban and Environmental Policy Institute expressed their need for greater precision and transparency of the data. To the extent that a full capabilities system as described above is not immediately feasible, the system should be designed so that it maximizes capabilities that are currently feasible and is extensible to increased capabilities as they become feasible.

## V RECOMMENDATIONS

1. The BOS should adopt the framework described within the document *Environmental Oversight and Monitoring: Building Capacity to Address Environmental Health Threats* proposed by the Los Angeles County Department of Public Health (DPH) in December 2016.
2. The CEO should adequately fund the needed improvements to County preparedness, response and recovery efforts outlined in the DPH proposed environmental oversight and monitoring program titled *Building Capacity to Address Environmental Health Threats*.
3. The County of Los Angeles Department of Regional Planning in collaboration with DPH should revise land-use plans and zoning code as necessary to implement environmental health prevention measures.
4. The CEO in collaboration with DPH should review and propose revision of the regulatory authority for the DPH with regard to business licensing and building and safety permitting related to industries or projects handling toxin elements.
5. The BOS should implement a system that provides measured pollution data, accesses, records, creates warning alarms, and reports the levels of environmental pollution throughout the County in real time.
6. The DPH should conduct a regular occurring forum of County, State, and Federal environmental oversight agencies and other interested parties to include Community-Based Organizations.
7. The DPH should create an Environmental Pollution Ombudsman function. This Ombudsman function would provide a single point of contact between any person believing they are experiencing an environmental pollution event and a County entity able to take immediate, informed action to document and investigate the facts of the event and resolve it.
8. The DPH should establish the scripting to enable “211 LA County” call center representatives to make referrals to the appropriate group within DPH.
9. The DPH should implement a case management system to track case incident reports of suspected hazardous environmental air, ground or water conditions and make the system visible to the public.
10. The CEO should assign a County office with the responsibility to prepare and conduct grant writing training to CBO’s focused on environmental justice. Training should enable CBO’s to solicit grants from local, State, or Federal programs for their local environmental pollution research projects.

- 11. The BOS should annually conduct an environmental justice grant competition for each of the supervisors’ district open to community based organizations.
- 12. The BOS should select a zero emission design for the I-710 Corridor Project as the best option to protect people from pollution who live and work in proximity of the I-710 corridor and set a new standard for similar future development.

**VI REQUEST FOR RESPONSE**

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 CG\ 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 are required from:

<b>Responding Agency</b>	<b>Recommendations</b>	<b>Findings</b>
County of Los Angeles Board of Supervisors	6.1, 6.5, 6.11, 6.12	6.1, 6.3, 6.8, 6.9
Los Angeles County Chief Executive Office	6.2, 6.4, 6.10	6.1, 6.2, 6.5, 6.8
Los Angeles County Department of Public Health	6.6, 6.7, 6.8, 6.9	6.5, 6.7,
Los Angeles County Department of Regional Planning	6.3	6.2

## **VII ACRONYMS**

<b>Basin</b>	South Coast Air Basin
<b>BOS</b>	Los Angeles County Board of Supervisors
<b>CBO</b>	Community Based Organization
<b>CE</b>	Cumulative Effect
<b>CEO</b>	Chief Executive Office
<b>CGJ</b>	2016-2017 Los Angeles County Civil Grand Jury
<b>DOGGER</b>	State Department Oil, Gas and Geothermal Energy Resources
<b>DPH</b>	Los Angeles County Department of Public Health
<b>DTSC</b>	State Department of Toxic Substance Control
<b>EIR</b>	Environmental Impact Report
<b>EPA</b>	U.S. Environmental Protection Agency
<b>HC</b>	Hexavalent Chromium
<b>PPM</b>	Parts Per Million
<b>TFD</b>	Torrance Fire Department
<b>USC</b>	University of Southern California

## **VIII COMMITTEE MEMBERS**

Henry C. Guerrero	Chair
Douglas Benedict	
Thomas Kearney	
Sharon Muravez	

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# OUT OF YOUR CAR AND ONTO THE METRO



**Douglas Benedict** Chair  
**Ronnie Dann-Honor**  
**Lucy Eisenberg**  
**Shelley Strohm**

# **OUT OF YOUR CAR AND ONTO METRO – CAN FIRST/LAST MILE HELP?**

This investigative report supports the County of Los Angeles Board of Supervisors Strategic Plan: Make Environmental Sustainability Our Daily Reality: and Metro Mission: “Metro is responsible for the continuous improvement of an efficient and effective transportation system for Los Angeles County.”

## **I SUMMARY**

The primary objective of Los Angeles County Metropolitan Transit Authority (Metro) is the reduction of citizens’ time spent in transit due to excessive automobile traffic congestion. A second objective is to reduce transit’s impact on the environment. In pursuit of these, Metro is in a long-term expansion process to provide a dense, efficient, sustainable, affordable, and attractive public transit option for county residents. Metro has realized that success will depend not only on the actual transit systems but the supporting infrastructure necessary to encourage ridership. A significant part of the infrastructure is called “First/Last Mile,” which represents the initial and final legs of any trip taken via the Metro system. This investigation examines the current state of First/Last Mile implementations in light of the current Metro’s Strategic Plans, as well as practical considerations from a user’s-experience viewpoint. We found both outstanding examples as well as cases that need improvement.

Metro has recently accepted more responsibility for First/Last Mile implementations as well as acquiring a stable revenue stream (Measure M). However, it has generally allocated a lower percentage of funds to First/Last Mile than other metropolitan transit systems. More inclusion of safety features is needed to guide First/Last Mile design and construction, including retrofits of existing implementations. A fundamental issue is whether Southern Californians can be lured out of their cars and off the freeways and surface streets to realize the benefits from the Metro expansion.

## **II BACKGROUND**

### **Defining First/Last Mile**

As a user of the Metro system you have a First/Last mile experience every time you take a Metro trip. This will consist of your personal active movement from your point of origin to the local transit terminal at the beginning of the trip and from the closest transit terminal to your final destination at the end of a trip. There may also be intermediate steps between Metro parts of the journey. Your personal active movement may consist of walking, bicycling, or personal support devices (e.g. skateboards, scooters, or wheelchairs).

Within the dense public transit system that Metro aspires to become, there will always be parts of every journey that depend on active personal movement that are not provided by the transit system itself. The totality of personal active movement for a trip is called the First/Last Mile.<sup>1</sup> Personal active movement has substantial public health benefits. Increasing net personal active

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<sup>1</sup>Metro 2014 Strategic Plan for First/Last Mile

movement is a strategic objective for the County of Los Angeles. Metro has recognized that the designs of Metro terminals and their surroundings can enhance the personal active movement experience, increasing ridership. The characteristics of a good terminal design are defined by Metro’s First/Last Mile Strategic Plan.

## **Historical Background**

Modern Metro train-based transit, which began in Los Angeles with the opening of the Blue Line light rail in 1990, created the need to concentrate passenger boarding and exiting at various stops – the terminals.<sup>2</sup> In order to fully benefit from the investment in new rail, passenger flow into and out of terminals needed to be higher than was common at bus stops. The Los Angeles solutions were initially “Park and Ride” facilities, with passengers driving their cars a short distance to a large parking lot before boarding the train.<sup>3</sup> However, the highest priority areas to serve with light rail and subways are those with high population density. These urban areas are not conducive to large “Park and Ride” facilities because of land costs.<sup>4</sup> Therefore, personal active movement is essential to make best use of the train transit system. Terminal design, placement, and the surrounding features could encourage, or conversely, discourage, personal active movement.<sup>5</sup>

This fact was made explicit in Metro’s planning in 2014 with the publication of their First/Last Mile Strategic Plan.<sup>6</sup> This plan prescribes a consistent good approach to designing a terminal and its surroundings to support personal active movement. However, the plan was too late to affect Metro Rail developments before the Gold Line and Expo Line extensions of 2016. Also, realizations of the plan depended on the collaboration and funding of local governments for implementing features beyond the rail right-of-way; Metro had neither authority nor allocated funds to control these critical developments.<sup>7</sup>

In 2016, Metro’s Board of Directors expanded Metro’s First/Last Mile responsibilities for new projects and agreed to refurbishing existing terminals on a prioritized basis.<sup>8</sup> An expanded outreach program to local governments included the offer of interactive training for First/Last Mile design and aid in procuring funding grants for local projects.<sup>9</sup> The passage of Measure M in November 2016 assured a continuous funding source for future Metro expansion including First/Last Mile.<sup>10</sup> (Measure M adds \$0.005 sales tax to finance Metro expansion with no end date.)

## **A Promising and Difficult Situation**

This is the best of times and the worst of times for Metro!

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<sup>2</sup> [https://en.wikipedia.org/wiki/Los\\_Angeles\\_Metro\\_Rail](https://en.wikipedia.org/wiki/Los_Angeles_Metro_Rail)

<sup>3</sup> <http://www.latimes.com/local/california/la-me-california-commute-20141021-story.html>

<sup>4</sup> Ibid

<sup>5</sup> <https://www.metro.net/projects/active-transportation/>

<sup>6</sup> [http://media.metro.net/docs/sustainability\\_path\\_design\\_guidelines.pdf](http://media.metro.net/docs/sustainability_path_design_guidelines.pdf)

<sup>7</sup> Interview with representatives of Metro Sustainability Office.

<sup>8</sup> Interview with representative from Metro Sustainability Office

<sup>9</sup> Ibid

<sup>10</sup> Ibid

It is the “best of times” because Metro has succeeded in obtaining the trust of the citizens of the County as evidenced by the 71.15% approving vote for Measure M.<sup>11</sup> <sup>12</sup>The public wants Metro to succeed in their primary goals-reduced congestion and lower environmental impact-and is willing to invest toward that success. The public’s support arises from the fact that Los Angeles suffers from the world’s worst traffic congestion.<sup>13</sup> The average rush hour commuter in Los Angeles spent 104 hours in congestion in 2016.<sup>14</sup>

It is the “worst of times” because despite the public’s ongoing support of Metro, actual ridership is declining, down 5.7% from 2015 to 2016.<sup>15</sup> Automobile congestion has gotten worse.<sup>16</sup> Pedestrian and bicycle accidents have increased. In the City of Los Angeles they were up 43% in 2016 despite the City’s Vision Zero initiative to reduce these accidents.<sup>17</sup>

Measure M is the most recent of the public’s authorizations to Metro to ease traffic congestion. Measure R, which narrowly passed in 2008, targeting subway and light rail expansion.<sup>18</sup> Thus, Metro has had 8 years to demonstrate some easing of congestion.

Many studies that have focused on the Los Angeles congestion problem have disagreed with the effectiveness of Metro’s public transportation-based approach.<sup>19</sup> In particular, a phenomena called “triple convergence” could quickly overwhelm any traffic decongestion achieved through enhanced public transit.<sup>20</sup> (“Triple convergence” describes a mechanism by which a potential reduction in congestion is met with higher traffic density in response to the apparent reduced congestion. The result is “conservation of congestion.”)

Metro is in a difficult situation: it has public support and funding of a plan to ease traffic congestion that may be inherently ineffective because of “triple convergence.”

In this difficult context, Metro demonstrates extreme competence in executing their plans if they are to reward the trust of the public. This includes providing excellent First/Last Mile facilities throughout the Metro system.

### **First/Last Mile for the Existing System**

The existing Metro rail/busway system is shown in Figure 1. (Not shown is the capillary system of Metro and other traditional bus routes that are interlaced and interconnected with the major

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<sup>11</sup> <http://theplan.metro.net/>

<sup>12</sup> Note: Measure M raises sales tax in the County of Los Angeles by \$0.005 over an indefinite period to pay for Metro expansions and other traffic decongestion improvements..

<sup>13</sup> <http://www.latimes.com/local/lanow/la-me-traffic-los-angeles-20170220-story.html>

<sup>14</sup> <http://www.newser.com/story/238609/la-drivers-waste-crazy-number-of-hours-in-traffic.html>

<sup>15</sup> <http://isotp.metro.net/MetroRidership/Index.aspx>

<sup>16</sup> <http://www.latimes.com/local/lanow/la-me-traffic-los-angeles-20170220-story.html>

<sup>17</sup> <http://www.latimes.com/local/lanow/la-me-ln-2016-traffic-deaths-20170403-story.html>

<sup>18</sup> [https://en.wikipedia.org/wiki/Measure\\_R](https://en.wikipedia.org/wiki/Measure_R)

<sup>19</sup> <http://www.newgeography.com/content/001318-reducing-traffic-congestion-and-improving-travel-options-los-angeles>

<sup>20</sup> [http://www.rand.org/content/dam/rand/pubs/research\\_briefs/2008/RAND\\_RB9385.pdf](http://www.rand.org/content/dam/rand/pubs/research_briefs/2008/RAND_RB9385.pdf)

transit network shown. This investigation did not evaluate First/Last Mile facilities associated with the bus networks.)

Figure 1: Metro 2016



<sup>21</sup> [http://media.metro.net/projects\\_studies/call\\_projects/images/map\\_railsystem\\_fy2016.pdf](http://media.metro.net/projects_studies/call_projects/images/map_railsystem_fy2016.pdf)

First/Last Mile facilities are evaluated on a per-terminal basis. The criteria for facility quality are based on Metro’s First/Last Mile Strategic Plan document. Observations made by the CGJ, from a user’s viewpoint, are also included in the following evaluations.<sup>22</sup>

As might be expected, newer First/Last Mile facilities are improved over earlier examples.

The best example as nominated by Metro and verified by the CGJ was the Downtown Santa Monica Expo Terminal, the last terminal of the latest light rail extension. Essentially, every feature recommended in the Strategic Plan was evidenced at this terminal: attractive approaches with full ADA support, protective pedestrian and bicycle lanes, “scramble” pedestrian crosswalks, clear signage, out-of-traffic pickup areas, and a full service bicycle shop. The bike shop featured a secure bike-parking facility and showers. Motivation for such an exemplary terminal comes from the fact that it has become Santa Monica’s “front door” for visitors to this beach community. The City has obviously heavily invested in the facility.

The worst facility inspected was the Blue Line Slausen terminal, identified as such by Metro. This was one of the earliest terminals on the first light rail line. Its location was in an industrial area some distance from any residential neighborhood. Most problematic was that there was no protected crossing of Slausen Avenue near the terminal. This missing crossing encourages dangerous jaywalking across a busy four lane thoroughfare. Slausen does not have designated bike lanes so the lack of bicycle lockers at the terminal is unfortunately expected and consistent. The “back” stairway to the elevated platform, which looked as if it were intended to be blocked off, was not. Near its top there was another unlocked gate which actually opened onto the tracks. This is dangerous! (We have pointed this out to Metro.)

Other light rail terminals inspected fall between these two examples in judged quality. Here are a few specific observations.

*Sierra Madre Villa on the Gold Line* – The terminal and light rail right-of-way are in the center of the 210 Freeway so access was by a bridge to a large Park and Ride structure. The platform and bridge were excessively noisy and the bridge complicated disabled access. This large Park and Ride was built when this terminal was at the end of the Gold Line. Thus, it accommodated passengers from further east before the Gold Line was extended eastward.

*Mariachi Plaza on the Gold Line* – This subterranean terminal connects to a very beautifully designed intermediate underground area before rising to the plaza itself. The intermediate area is so pleasant and spacious it could be used for other public purposes as well.

*Chinatown on Gold Line* – This was a delightfully designed terminal with a Chinese motif. It was difficult to find the Tap Card readers to pay for a ride.

*Expo Line* – Along much of the Expo Line there is a combination of bike and pedestrian paths that provides both First/Last Mile support to and from terminals and as well as an extended parallel bike path. This path “reuses” the rail right-of-way. There are specific traffic signals to

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<sup>22</sup> All evaluations contained herein are based on Civil Grand Jury field trips to the facilities.

protect pedestrians and bicyclists at street crossings. The Civil Grand Jury has inspected subway terminals as well. There is a great consistency in all the underground structures and facilities of these terminals, which is reassuring to passengers. At street level each subway terminal is unique. Because riders are rising up from the possibly disorienting underground, they would be helped with explicit signage making street level directions explicit.

One issue seen at many terminals is the difficulty of accessibility caused by neighboring streets, other railways, or the light rail itself. An example is the Florence terminal on the Crenshaw Line, which is under construction. Here the elevated railway crosses over nearby La Brea Boulevard. The terminal will be fairly accessible from Florence on the South. But from the North one has to pass under the railway on La Brea and then walk east on Florence to the terminal, making it much more difficult to access the Crenshaw Line from the north.

In summary, the current First/Last Mile implementations span a wide spectrum of quality. Refurbishment of older terminals in line with the current Strategic Plan would benefit users. However, refurbishments could be difficult given the pre-existing conditions.

## **Future Plans and Approach**

### **Metro Expansion**

Figure 2 shows the growth anticipated for the overall Metro arterial system by 2040. Given the experience Metro has gained to date, its high quality strategic plans, its new level of responsibility, and a steady stream of funding from Measure M, every new terminal can provide excellent support of First/Last Mile. The only potential problem in achieving this level of quality may be the actual funding available for facilities. There will be a continuing mix of Metro and local city funding which are likely to be unpredictably variable over time. There is evidence that other public transit systems allocate a higher percentage of funds to First/ Last mile.<sup>23</sup>

### **Refurbishments**

Metro has proposed a prioritized list of existing terminals for refurbishments under Measure M funding.<sup>24</sup> Although it is unlikely that these can be brought to a quality level expected in new terminals because of the existing hard physical limitations, significant problems identified by actual use can be corrected. Safety of use can be expected to be the highest priority in refurbishment plans.

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<sup>23</sup> Interview with Bicycle/Pedestrian Safe Design Standards Consultant.

<sup>24</sup> Interview with representative of Metro Sustainability Office

## Bicycle Use

The CGJ has observed an underdeveloped policy with respect to bicycle usage on Metro. We were told that initially bicycles were not allowed on trains. Later they were allowed.<sup>25</sup> Currently a passenger hears the announcement that bicycles should only use doors marked by “yellow decals”.<sup>26</sup> However, identifying and then moving to the “bicycle doors” as a train comes to a stop and within the time allowed for boarding while other passengers are exiting and entering all around the cyclist is challenging.<sup>27</sup> In most cases, bicyclists get on at the closest train door, decal or no. Non-cycling passengers seem to feel no obligation to avoid either doors or spaces that bicyclists are supposed to use. The “bicycle doors” on trains are aligned with spaces inside trains where spaces are provided for bicycles. This design seems inefficient and confusing. There are many bicyclists on trains and at terminals despite this awkwardness.

Secure bicycle lockers are not available at all terminals.<sup>28</sup> A Metro staffer has stated that the lockers that are available are consistently oversubscribed. Perhaps a denser bike locker design would help. Rentable bicycles may or may not be present near Metro terminals.<sup>29</sup>

Bicycle policy is unclear and, to encourage personal active movement by bicycle, it could be better defined and implemented.

Ideally, Metro could consistently support the use of bicycles both as transit to/from terminals as well as on trains/busways. Easily accessible, universal, affordable, secure bicycle storage quickly reserved by smartphone and universal, affordable, rentable bicycles would support the terminal access. Bicycles on-train usage could be enhanced by reserving specific, well-defined doors on trains aligned with boarding points at terminals for bicyclists that were aligned for every arrival of every train, limiting the forced mixing of pedestrian and bicycle traffic at boarding times. Is this feasible? Train interiors for bicycle-specific usage might be equipped with hanger sections that better secure bikes while using less space. These same cars would contain proper passenger spaces for the dismounted bicyclists.

## Incorporating New Personal Transit Technologies

Metro needs to accommodate personal transit assists that do not yet exist. As an example, there are now miniature, foldable, battery-power-assisted bicycles costing \$900.<sup>30</sup> These provide ranges of about 20 miles per charge at up to 16 mph, and weigh about 35 pounds. These would seem to be the ideal First/Last Mile personal transit appliances. More mundane is the current wide usage of rolling carts to increase a pedestrian’s load-carrying capacity. Baby strollers are also common on Metro; they need to be systematically accommodated. It would be appropriate

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<sup>25</sup><http://www.discoverlosangeles.com/blog/bike-metro>

<sup>26</sup> CGJ observation from riding Metro trains.

<sup>27</sup> Note: Purposely long sentence attempts to simulate for the reader the time-critical complex problem a bicyclist faces in trying to honor the “use the doors marked with yellow decals” imperative! As does the current overlong footnote.

<sup>28</sup> <https://www.metro.net/riding/bikes/>

<sup>29</sup> <https://www.metro.net/riding/bikes/>

<sup>30</sup> <https://shop.urb-e.com/collections/all>

for Metro to pre-plan accommodations for whatever (reasonable) accessories passengers might bring to support their First/Last Mile trips.

**Figure 2: Metro 2040**<sup>31</sup>



<sup>31</sup> <http://www.scp.org/blogs/news/2014/02/18/15879/a-potential-2040-los-angeles-metro-subway-system-m/>

## Taxis/Uber/Lyft/Autonomous Cars (A-Cars)

Taxis were common. Driver-equipped Uber and Lyft services are now common. There are a few Metro terminals which provide suitable “ports” for pickup or drop-off from these services. These ports are best located safely out of the local traffic flow. The services are a tiny fraction of the current First/Last mile solutions used. But to their credit, these services do not require long-term parking, may be requested by smartphone, and may avoid the expense of a personal car. As they become more affordable, Uber/Lyft could be attractive for the First/Last Mile.

Coming in the near future is the driverless versions of these services with the development of the autonomous car (A-Car). Will the A-Car be a significant part of the First/Last Mile solution? Many people believe this will be the case.<sup>32</sup> A-Car ports at terminals would be basically identical to the Uber/Lyft facilities. The common thread is the universal provision of safe, out-of-the-flow-of-traffic ports.

## Improving Safety

Unfortunately, if Metro succeeds in increasing ridership and with it the personal active movement volume, the opportunities for pedestrian and bicycle accidents will almost certainly increase. A quantum improvement in safety surrounding Metro terminals seems necessary to avoid this. Currently, programs to decrease such accidents have absolutely failed in the City of Los Angeles.<sup>33</sup> This implies that the priority of safety features in First/Last terminal design must be increased.

Two clear approaches to improve safety around Metro terminals are (1) restricting the density of car traffic and (2) reducing speeds of traffic. Reduced traffic density reduces the number of car/pedestrian interactions. Some of these interactions cause injuries. Severity of pedestrian injury rises spectacularly with car speed at impact.<sup>34</sup> The risk of pedestrian fatality is 10% at 23 mph and rises to 90% at 58 mph.<sup>35</sup>

Metro success at supplying an attractive public option for efficient transit can decrease automotive congestion. Lower traffic density improves safety. However, if lower congestion is “exploited” by drivers to increase their speeds, any potential safety improvement may be wiped out.

## III METHODOLOGY

### Document Reviews

In support of this investigation, the CGJ reviewed a number of documents relevant to First/Last Mile. Most of these were supplied by Metro and were of high quality:

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<sup>32</sup> <https://www.bloomberg.com/news/features/2016-08-18/uber-s-first-self-driving-fleet-arrives-in-pittsburgh-this-month-is06r7on>

<sup>33</sup> <http://www.latimes.com/local/lanow/la-me-ln-2016-traffic-deaths-20170403-story.html>

<sup>34</sup> <https://www.aaafoundation.org/sites/default/files/2011PedestrianRiskVsSpeed.pdf>

<sup>35</sup> <https://www.aaafoundation.org/sites/default/files/2011PedestrianRiskVsSpeed.pdf>

Metro First/Last Mile Strategic Plan  
Metro Active Transportation Strategic Plan (ATSP)  
Metro ATSP Case Studies  
Metro: The First, Last, and Toughest Mile: First/Last Mile Training Workbook  
Metro Countywide Sustainability Annual Report – April 2015  
Various Metro Board Minutes and Memos  
Viewgraphs Presentation – Metro© Board Motions on First / Last Mile  
Los Angeles City Vision Zero Plan and Reports  
Measure M Advocacy Material

## **Interviews**

The CGJ conducted in person interviews and/or attended meetings with many informed sources of First/Last Mile knowledge:

Bicycle/Pedestrian Safe Design Standards Consultant  
Metro System Overview to the Civil Grand Jury  
Los Angeles County Board of Supervisors Meeting – Placing Proposition M on Ballot  
Metro First/Last Mile Planning Team, Sustainability Office

## **Tours**

The Civil Grand Jury (CGJ) determined that inspections of a sampling of Metro terminals would make First/Last Mile issues clearer. We prepared for these inspections by reviewing the Metro's First/Last Mile Strategic Plan. We asked Metro representatives to escort us to best and not-the-best examples. Metro showed us the Santa Monica Expo terminal as the best example and the Expo Palms terminal as more problematic. The Metro representatives nominated the Blue Line Slauson terminal as the actual worst case example. With this background, the CGJ performed the following terminal inspections:

26<sup>TH</sup> Street/Bergamot Expo Terminal  
7<sup>th</sup> Street Transit Center  
Blue Line/Expo Line Terminal  
Red Line and Purple Line Terminal  
Culver City Expo Terminal  
Santa Monica Expo Terminal  
Palms Expo Terminal  
Union Station Red Line and Purple Line Terminal  
Slauson Blue Line Terminal  
Wardlow Blue Line Terminal  
Florence/LaBrea Terminal on Crenshaw Line (under construction)  
Gold Line Terminals –selected from end-to-end  
Purple Line Terminals – McArthur Park and Western terminals

#### **IV FINDINGS**

1. Metro system transit has not captured enough riders to reach its sustainability and traffic decongestion goals. First/Last Mile implementations shares in the responsibility for this.
2. The so-called “triple-convergence” phenomena (see “A Promising and Difficult Situation” in section II, above) may be contributing to decreasing ridership.
3. Metro’s First/Last Mile Strategic Plan and various associated planning documents are of high quality.
4. Treatment of some specific site details is missing from First/Last Mile Strategic plan.
5. Historically, First/Last Mile implementations have depended upon cooperation of local governmental entities and local funding. This has resulted in some sub-optimum results.
6. Metro’s new policy assuming more responsibility for First/Last Mile implementations is a better approach toward high quality First/Last Mile implementations.
7. Metro has made a smaller relative investment in First /Last Mile implementations than other comparable systems in other California metropolitan areas.
8. Current First/Last Mile implementations show a wide spectrum of quality.
9. Existing First/Last Mile implementations have shown improvement based on experience gained from previous implementations.
10. Exactly how First/Last Mile designs interact with the prime railway design is unclear.
11. Proposed First/Last Mile implementations/improvements are not reviewed by actual users.
12. Safety statistics for existing terminals are critical for their refurbishment.
13. Pedestrian and bicycle safety has deteriorated recently in the County of Los Angeles; First/Last Mile bears some responsibility for this.
14. Policy for bicycle usage to/on/from Metro is not completely developed.
15. Automotive interactions with pedestrians and bicyclists within First/Last Mile zones are not well controlled.
16. New passenger accessories and assists will affect First/Last Mile planning and implementations.
17. Uber/Lyft/autonomous car support is not included in First/Last Mile plans to date.

## **V RECOMMENDATIONS**

1. Metro should consider strategies that are effective against “triple-convergence” in support of its ridership goals.
2. Metro should continue producing high-quality First/Last Mile planning documents.
3. Metro should take responsibility for the quality of the resulting (from 2. above) First/Last Mile implementations.
4. Metro should deal with more site-specific design problems in their First/Last Mile planning documents.
5. Metro should further extend its influence over communities for First/Last Mile implementations with more extensive collaboration and funding.
6. Metro should budget more of its funding stream to First/Last Mile implementation (see 5, above).
7. Metro should explicitly include First/Last Mile design considerations beginning at the earliest stage of its system expansion designs.
8. Metro should formalize actual user reviews for refurbishments and new developments.
9. Metro should use safety data from existing terminals as the highest priority consideration for refurbishments.
10. Metro should expand and make consistent the pedestrian and bicycle facilities at each terminal.
11. Metro should encourage or require First/Last Mile designs that constrain automobile speeds and maximally separate vehicle routes and pedestrian and bicycle paths in terminal footprint areas.
12. Metro should further develop bicycle usage policies to/on/from Metro and First/Last Mile support for bicyclists.
13. Metro should explicitly provide for the use of accessory items on trains – rolling carts, baby carriages, etc.
14. Metro should anticipate the development of potential new accessories and assists within First/Last Mile plans and implementations.
15. Metro should plan for Uber/Lyft/A-Car ports at Metro terminal.

## VI RESPONSES REQUESTED

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).

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 are required from:

<b>Responding Agency</b>	<b>Recommendations</b>
Metro	7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15.

## VII ACRONYMS

**A-Car** Autonomous Car  
**ADA** Americans with Disabilities Act  
**ATSP** Active Transit Strategic Plan  
**CGJ** 2016-2017 Los Angeles County Civil Grand Jury

## VIII COMMITTEE MEMBERS

Douglas Benedict Chair  
Ronnie Dann-Honor  
Lucy Eisenberg  
Shelley Strohm

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# **TRANSFORMING THE LIVES OF HOMELESS VETERANS**



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

# TRANSFORMING THE LIVES OF HOMELESS VETERANS LIVING IN LOS ANGELES COUNTY

## I SUMMARY

The Los Angeles County 2016-2017 Civil Grand Jury (CGJ) formed an investigative committee to assess the effectiveness of delivering services to Homeless Veterans (HV).

The CGJ found that in October 2015 the County of Los Angeles Board of Supervisors (BOS) approved \$5 million to be set aside from homeless prevention initiative funds, emanating from the Federal government, specifically to the County of Los Angeles to launch a Home for Heroes Program.<sup>1</sup> In addition, the Housing Authority of the County of Los Angeles (HACoLA) awarded \$1.1 million dollars, emanating from the federal government, to implement the Landlord Incentive Program.<sup>2</sup> The CGJ had concerns regarding the percentage of funds going directly to the veterans versus the percentage of administrative costs to implement the programs. (See Page 97, Figure 1 and 2).

At the local level there are up to 4,700 HV throughout the County of Los Angeles (the County), with approximately 2,700 of them within the City of Los Angeles.<sup>3</sup> Approximately one in five veterans return home with combat related psychological injuries (invisible wounds) such as Post-Traumatic Stress Disorder and major depression. The CGJ does not believe those who made such a huge sacrifice to defend our freedom should be left behind. Freedom wasn't free; veterans paid the price for it.

The CGJ set out to discover why, despite Federal, County, and local funding and a variety of programs specifically targeted to HV, they continue to be homeless. This committee researched the issuance and use of veteran vouchers and benefits, veteran housing, alcohol and drug abuse programs, and mental health services that are available to veterans. While there are a variety of services available to HV, improvements are needed to increase access to, and delivery of, necessary services to best serve those who served us.

In late 2009, the White House and the Veteran's Administration (VA) announced an ambitious goal to end Veteran homelessness. The plan to address this urgent national priority was outlined in the "Opening Doors" Strategic Plan which was the nation's first comprehensive federal policy to prevent and end homelessness by 2015.<sup>4</sup> Notwithstanding the Opening Doors Plan, initial

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<sup>1</sup> Per interviews with upper management of the Homeless Initiative, Los Angeles County CEO

<sup>2</sup> Ibid

<sup>3</sup> U.S. Interagency Council on Homelessness, <https://www.usich.gov/opening-doors>

<sup>4</sup> U.S. Interagency Council on Homelessness, <https://www.usich.gov/opening-doors>

research by the CGJ revealed that as of 2013 there were 58,000 HV across the United States with over 15,000 in California.<sup>5,6</sup>

According to the experts that the CGJ interviewed, many veterans have problems readjusting to civilian life because of their unique hardship. These veterans are at much higher risk for mental illness, unemployment, substance abuse, homelessness, violence, relationship problems and suicide. A senior staff member at Union Rescue Mission stated that those veterans who do not have strong family support have a high likelihood of becoming homeless within five years of discharge, and therefore have a greater need for supportive services.

There is a personal context to this investigation. While outside a restaurant a couple of years ago, a member of the CGJ was approached by a homeless person. Strangely, this homeless person was calling the CGJ member by name and eventually the CGJ member recalled this person. The two of them served in the Army together during the Vietnam War. Several other members of the CGJ are also military veterans, and they all fully understand the sacrifice a citizen makes when they put aside their personal life to serve for this great country of ours. The CGJ is troubled to know there are veterans who have been left behind, continue to lack job skills, suffer from homelessness and battle health issues.

## **II BACKGROUND**

California Military and Veteran Code Section 920 states that unless the context otherwise indicates, “Veteran” refers to a person that has been honorably discharged from the United States military force, i.e. Army, Navy, Air Force, Marine Corps, Coast Guard, and Merchant Marines.

Los Angeles County is home to the largest veteran population in the country. Unfortunately a large number of these veterans are homeless. In fact up to an estimated 4,700 HV are on the streets of the County on any given day or night.<sup>7</sup>

There are many ways of classifying HV. For the purposes of this report; the committee chose to use the following three categories:

1. Transitional/Situational - When someone is forced into homelessness because of uncontrollable circumstances.
2. Critical Episodes - When someone repeatedly falls in and out of homelessness. This often happens with episodes of severe depression or drug abuse.

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<sup>5</sup> Los Angeles Homeless Services Authority, 2016 Homeless Count Results, Los Angeles County & Los Angeles Continuum

<sup>6</sup> Los Angeles Times, Who Are L.A. County’s Homeless? October 26,2016

<sup>7</sup> According to Veteran Incentive Programs

3. Chronic - When someone has no resources at his/her disposal, often suffers from mental health issues and lacks the ability to modify their situation without the support of others.

#### **A. Accommodations for Homeless Veterans**

The CGJ conducted their own personal investigation of HV. Committee members walked through Skid Row, one of the most concentrated examples of homelessness in the United States. As it is currently, Skid Row in Los Angeles is a historically condoned “Homeless Zone” which today is a more severe version of its past.<sup>8</sup> Skid Row is one of the places in the County where homeless individuals, including veterans, find themselves when they lack money, family support and hope.

The committee found that much of the humanitarian assistance received by the homeless veteran is provided by nonprofit organizations. The CGJ was advised by officials at several missions, that some of these organizations receive government funding through grants or via contracts for services, however the majority of the funding is raised privately through donations.

Many of the HV camp in tents or other make-shift shelters in places like Skid Row. The committee visited several Missions. We discovered that veterans with housing vouchers lived in this area, either in the Missions themselves or in nearby tenement buildings that accept vouchers. The tenement buildings tended to be located within walking distance from the Missions. The CGJ found lines of people waiting for food and other supportive services. While the Missions and tenement buildings provide a severely needed service, and their members and volunteers work tirelessly in helping people in need, the facilities themselves are very old and are far from what we would consider desirable (See attached CGJ photos).

On the plus side the CGJ found that the transitional Single Resident Occupancy (SRO) housing did provide a mailbox for each resident and a locker to secure possessions.

#### **B. Budget Set Asides for Veterans:**

In recent years, the general homeless population has become an extremely desperate situation. We attempted to find budget set-asides for supportive services specifically for HV. Unfortunately, the County budget for homeless services, does not provide a line itemization for veterans. Funding for supportive services is pooled and budgeted over the entire homeless population.<sup>9</sup> CGJ found that lack of a HV itemization precludes evaluating the County’s commitment to HV.

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<sup>8</sup> (Fn) Shunsky, Neil: Homelessness: A Documentary and Reference Guide

<sup>9</sup> Per interviews with Senior Management Homeless Initiative Affairs, Los Angeles County CEO

### **C. Supporting Services for Veterans:**

The support assistance available to veterans consists of the following:

- Housing vouchers
- Tokens for transportation
- Food vouchers issued in a form of money card
- Federal assistance
- Mental Health Services
- Medical Treatment

Through interviews with veteran organizations, the CGJ learned that getting this assistance is a lengthy process that can take an extended period of time once an application is completed. The Los Angeles County Office of Military and Veterans Affairs (OMVA), located in Patriotic Hall in downtown Los Angeles, assists veterans in completing the appropriate forms and receiving the benefits to which they are entitled.

According to senior administrators for the OMVA, HV that are in the Transitional/Situational or Critical Episode categories normally receive their minimum assistance within weeks. However, those in the chronic category with the greatest need for assistance are typically delayed. HV on Skid Row are, at best, offered veterans' voucher housing in substandard tenement motels in areas frequented by homeless populations, close to missions that serve food. These living conditions make it even harder for chronically HV to be reintegrated into society.

### **D. Poor Treatment of Veterans:**

HV have been stereotyped and treated unfairly due to administrative problems. By example, we show here continuing issues involving HV.

- The local residents and businesses do not want the HV in their neighborhoods. Therefore the local police do everything they can to deter the HV from remaining. A simple unpaid jay walking ticket goes to warrant and the HV is arrested, thereby removing him from the neighborhood.<sup>10</sup>
- The approved transitional housing for HV, toured by the CGJ, proved to be extremely substandard. It was old and deteriorating, located in the middle of the Skid Row area of trash filled streets lined with tents.<sup>11</sup>
- The transitional housing and missions where veteran vouchers are accepted are for men only and the families cannot stay together. HV family members, women and children, must find other transitional housing most often many miles away.<sup>12</sup>

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<sup>10</sup> Per Senior Management of SRO Housing Corp and various missions

<sup>11</sup> See attached CGJ pictures

<sup>12</sup> Per Veteran SRO Transitional Housing Corporation Upper Management

- Everyone is entitled to General Relief from the County if they meet certain criteria. One the criteria is that one must have an address. HV do not have addresses and therefore they do not qualify to collect General Relief.<sup>13</sup>

Federal funds earmarked for veterans are administered by the County in the form of vouchers. These vouchers are specifically for housing. These particular vouchers are referred to as Veteran Affairs Supportive Housing (VASH) Vouchers or PORT Vouchers (transferred from other counties, states and cities). Because of the vouchers limited use, mostly in substandard facilities, the majority of vouchers are not used and become void, within the allocated time period. These voided vouchers go back to the County for reassignment to other HV waiting for housing.<sup>14</sup>

“Considering the fact that Los Angeles County is one of the tightest rental markets in the country with a vacancy rate below 3%, this overall lack of affordable rental units presents a significant barrier to housing HV.”<sup>15</sup>

The committee found that a great percentage of HV simply don’t know how or where they can go to seek assistance. Because veterans’ outreach services are difficult to find, it was common for them to give up completely after futile attempts and settle for living on the streets, which became their only option. The CGJ asked many staff members at Veterans SRO Transitional Housing Corporation and the Rescue Mission, both located on Skid Row, where the HV reside and congregate, “where can HV go and who can help them with services?” We found it extremely difficult to find any point person to answer this question in the Skid Row area. The concentration of outreach services is located in two places, those being Patriotic Hall and the Veterans Administration in West Los Angeles. Those two areas are not where the majority of HV establish themselves. Patriotic Hall is 2.9 miles from Skid Row and the Veterans Administration is 12 miles from Skid Row.

Some of the greatest hindrances in the lives of HV are that all of their belongings are often carried around in unsecured grocery carts. They desperately need a secure place to leave their belongings. “Projects that should have been relatively easy to implement have been anything but. For instance, proposals to set up storage facilities . . . where homeless people can store their belongings have stalled due to vehement community opposition.”<sup>16</sup>

#### **E. The County’s Homeless Initiative:**

On October 20, 2015, the BOS approved \$5 million of federally earmarked funds, grants and bonds to implement programs over an eighteen-month period. The purpose of the funds is to

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<sup>13</sup> Per Veteran SRO Transitional Housing Corporation Upper Management

<sup>14</sup> Per Housing Authority of the County of Los Angeles

<sup>15</sup> Housing Authority of the County of Los Angeles, Press Release “Homes for Heroes Initiative, 1-12-16

<sup>16</sup> Los Angeles Times, 11-15-16 “Los Angeles passed Measure HHH, but there are still hurdles ahead for housing homeless people.”, The Times Editorial Staff

expeditiously connect HV who have housing vouchers with stable, permanent homes.<sup>17</sup> The program known as Home for Heroes includes the programs identified in Figures 1 and 2. The Home for Heroes program is administered by the Los Angeles Homeless Services Authority (LASHSA) (see Figure 1) and the Housing Authority of the County of Los Angeles (HACoLA) (see Figure 2). A separate program was developed under Homeless Initiative Strategy C5.

## **F. Homeless Initiative Strategy C5**

Homeless Initiative (HI) Strategy C5 (Establish a Countywide Veterans Benefits Advocacy Program for Veterans Experiencing Homelessness or At Risk of Homelessness) will serve veterans who are homeless or at risk of homelessness.<sup>18</sup> HI Strategy C5 was allocated \$1.2 million, of federally earmarked funds, and the Departments of Military and Veteran Affairs (DMVA) and Health Services (DHS) are the departmental leads<sup>19</sup>.

To provide the most comprehensive services for veterans HI Strategy C5 was partnered with HI Strategies C4 and C6 focused on SSI Benefits Advocacy.<sup>20</sup>

The committee members discussed the numbers in Figure 1 with a senior member of LASHA and learned that the competitive procurement process for the Bridge Housing element has been underway since September 2016. The selection of service providers to implement Strategy HI C5 is scheduled to begin in April 2017.

The committee found the administration of the Homes for Heroes program obtains their budget from program funds (See Figures 1 and 2). In turn, each service contractor will also fund its operations through application of its general and administrative costs.<sup>21</sup> After removing the administrative overhead, we estimate that the actual portion of the \$5 million in funding going directly into services for HV is in the 60% to 70% range. We were informed by LASHA that their administrative cost is 15%. As no contracts have been awarded, we were not able to obtain the actual administrative cost for the contractors, although we were informed that contractor administrative costs do exist.<sup>22</sup> Pursuant to California Military & Veteran Code Section 927 “All money paid out by any county under this article shall be used by the organization receiving it exclusively for the relief of indigent veterans and no part of it shall ever be used for administration or overhead expenses”. This jury questioned who is watching the contractors, as their administrative costs are not allowed to be claimed as part of their contract award.

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<sup>17</sup> Per interviews with senior management in the Los Angeles CEO

<sup>18</sup> Department of Military & Veterans Affairs, Chief Executive Office

<sup>19</sup> County of Log Angeles Homeless Initiative January 2016

<sup>20</sup> Per interview with Upper Management of Los Angeles County Dept. of Military and Veterans Affairs

<sup>21</sup> Per interview with Senior Management Homeless Initiative Affairs, Los Angeles County CEO

<sup>22</sup> Per interview with Upper Management of Los Angeles County Dept. of Military and Veterans Affairs

Figure 1. LAHSA - Status of Homes for Heroes Program Expenditures.<sup>23</sup>

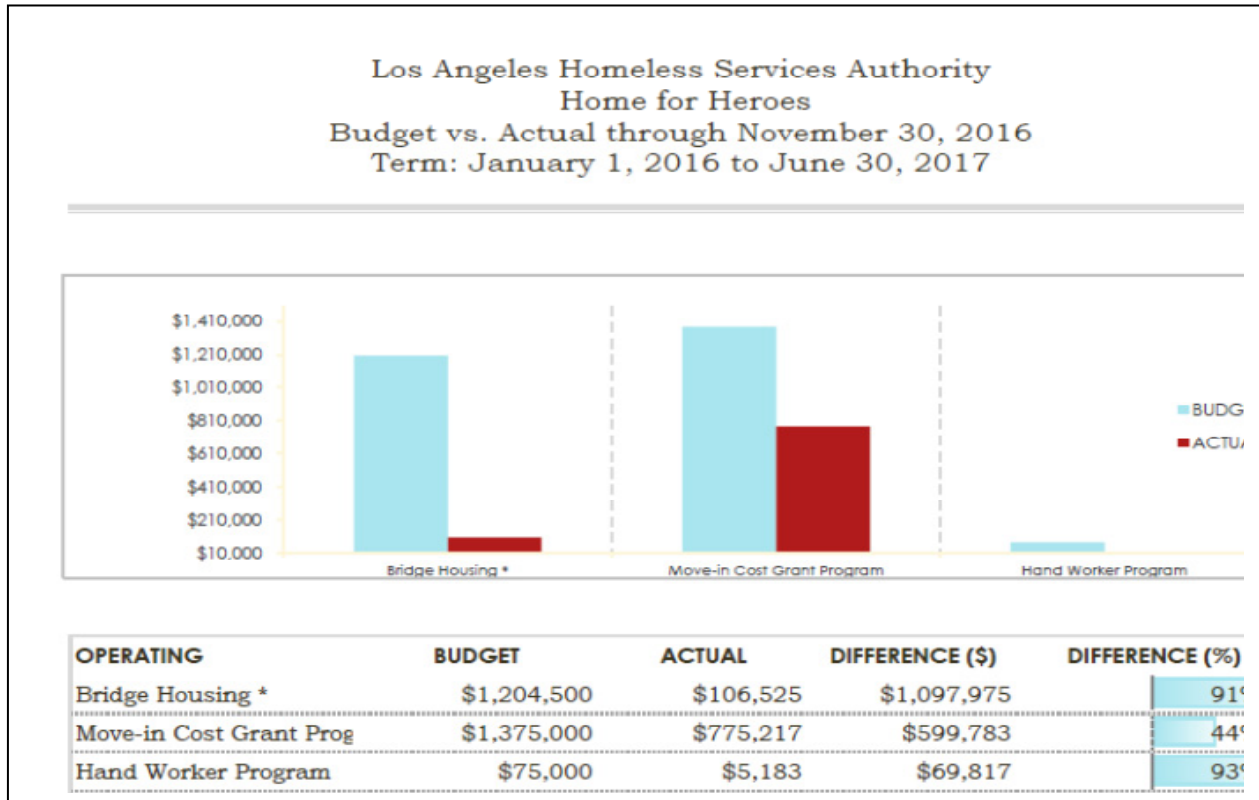


Figure 2. HAcOLA – Status of Home for Heroes Program Expenditures (As of Dec 13, 2016).<sup>24</sup>

HAcOLA Administered Programs	Budget Amount	Amount Expended	Percent Expended
VIP Housing Stock Identification/Retention Program	\$225,000.00	\$68,421.00	30%
Administration	\$34,000.00	\$4,210.00	12%
VIP Landlord Incentive Program	\$750,000.00	\$549,948.00	73%
Administration	\$113,000.00	\$54,522.00	48%
<b>Total</b>	<b>\$1,122,000.00</b>	<b>\$677,101.00</b>	<b>60%</b>

These activities have produced some results as depicted in Figure 3.

Figure 3. Housing Placements under the Homes for Heroes Program.<sup>25</sup>

<b># of Potential Rental Units Identified</b>	<b>485</b>
<b># of Los Angeles Landlords who Received Incentives</b>	<b>363</b>
<b># of Veterans Housed</b>	<b>268</b>

<sup>23</sup> Chart supplied by upper management of LAHSA

<sup>24</sup> Ibid

<sup>25</sup> Ibid

With the passage of the City of Los Angeles proposition HHH and the County of Los Angeles proposition H, there will be millions of dollars flowing into city and County agencies responsible for providing care and services to the homeless. Because most of the work is carried out through contracted services, we have several concerns including; the procurement process which appears to be very slow and cumbersome, the transparency of service contractor expenditures (administrative costs, overhead, and costs of direct services to the homeless), data collection and performance measurement of the service contractors, and oversight process on the part of the responsible government agencies.

### **G. Alternative Housing Solutions:**

We visited the County/USC Medical Center. In the back of the hospital was the old General Hospital building, the majority of which was unoccupied. Other entities such as schools, hotels, etc. have abandoned buildings within the County and its Cities. It is the contention of the CGJ these buildings could house HV and their families.

## **III METHODOLOGY**

The Los Angeles County 2016-2017 Civil Grand Jury (CGJ) formed an investigative committee to assess the effectiveness of delivering services to the HV. The CGJ committee research procedure consisted of interviews and site tours. Site tours included The Los Angeles Rescue Mission and their affiliate SRO Housing, a Corporation that has veterans only housing, the Union Rescue Mission where Women and Children are housed on Skid Row, the Veterans Affairs office at Bob Hope Patriotic Hall, and the CAL VET Veterans Home of California in West Los Angeles.

The committee gathered information from a number of sources:

- The Office of Veterans Affairs
- SRO Transitional Housing Corporation
- Los Angeles County Chief Executive Office
- Union Rescue Mission
- Wellness Works Organization for Veterans
- Los Angeles County Chief Executive Office, Homeless Initiative
- Los Angeles County Auditor/Controller

## IV FINDINGS

These are the findings of the Transforming Lives of HV committee:

1. Many of HV simply didn't know how or where to go to seek assistance, other than the Veterans Administration. There is no outreach to veterans in the areas of heavy HV concentration, which is mainly the Skid Row area.
2. County benefits are given only for one year of assistance, after which one needs to reapply for extended benefits. This is not enough time to achieve a lifestyle readjustment. There must be a minimum of two years assistance per application period in order to seek and find housing, establish medical support and job training in order to ensure that the HV regains a smooth entry into civilian society.
3. Much of the humanitarian assistance to the HV e.g. medical, housing and counseling, is provided by nonprofit organizations, for example Los Angeles Rescue Mission and Union Rescue Mission. Many HV camp in tents or make-shift shelters in places like Skid Row. The CGJ visited several missions and hotels on Skid Row which feed the general homeless population, and found that the majority of HV live within short walking distance of these missions.
4. The OMVA is located in Patriotic Hall. They help veterans with the paperwork to obtain their military benefits. Many HV are unaware of or unable to get to Patriotic Hall which is approximately 2.9 miles from the Skid Row area. We discovered through our interviews with HV that they will not travel across the city because they lack the ability of securing their possessions. If HV venture out to Patriotic Hall, all their belongings would be in jeopardy of being confiscated, as they are kept in shopping carts and tents.
5. Measure HHH was passed by the City of Los Angeles to provide housing for the homeless. The initiative allocated approximately \$1.2 billion a year. The CGJ would like to see the City allocate a percentage of these monies specifically to HV in the City of Los Angeles.
6. Measure H was passed by the County to provide supportive services for the homeless to include coverage for first and last months' rent payments. This proposition added a .25% sales tax for the County of Los Angeles, which is expected to bring in approximately \$300 million annually. The CGJ would like to see the County allocate a percentage of these monies specifically to HV and their families for supportive services in the County.

7. The CGJ found that approximately \$5 million in federal grant money was given to the Homeless Initiative for the Home for Heroes and the HACoLA programs.<sup>26</sup> The LASHA and HACoLA programs' expenditures, reflected in Figures 1, 2, 3, show the breakdowns. Pursuant to interviews with executives in the Homeless Initiative Department of the CEO's office, 15% was utilized for administrative services by the CEO before it was distributed to the Home for Heroes Program. Once the contracts are awarded, additional administrative fees will incur. Pursuant to California Military & Veterans Code Section 927, this is not allowed.
8. A number of County and Los Angeles City offices have a working relationship with the missions throughout the County. These relationships have assisted HV to obtain housing and supportive services. However, as seen in Figure 3, and as described to us during our interviews, successes have not been as plentiful as desired.
9. As seen in Figures 1 and 2, the procurement process is very slow. Authorized funding is not reaching those in need in a timely manner. Funding allocated in 2015 was to be distributed over an 18 month period through June 30, 2017. As of this writing, no contracts have been approved or funded.

## **V RECOMMENDATIONS**

1. The County Board of Supervisors should increase the time period for services allocated to the HV for dental, medical, and psychiatric evaluation for a period of not less than two years for each application approval.
2. The County Department of Military and Veterans Affairs should establish a mobile outreach service and set up operations at the various missions on a regularly scheduled basis.
3. The County Board of Supervisors should establish a system of temporary storage facilities for HV to enable them to safeguard their possessions while they conduct their business affairs.
4. The County Board of Supervisors should establish a task force with the explicit goal being to identify facilities that are vacant and suitable for use as shelter for homelessness, within the County. Specifically buildings that can be converted and used as transitional and permanent housing for HV.

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<sup>26</sup> Per interviews with senior management of HACoLA, LAHSA, LA County Department of Military & Veterans' Affairs.

5. The County Chief Executive Office should review and revamp their procurement process, as it relates to the Home for Heroes Program, to enable expedited placement of service contracts for housing and supportive services.
6. The County Chief Executive Office should ensure all contracts with service providers under the Home for Heroes Program and the HI Strategies C-5 Program provide transparency on administrative cost expenditures so as to insure that contractors are not in violation of CA Military & Veterans Code 927.
7. The County Board of Supervisors should set aside a portion of funds under Measure H for HV and include nontraditional service providers (i.e. Missions) as recipients to effectively deliver permanent housing solutions and supportive services.
8. The Mayor of the City of Los Angeles should set aside a certain percentage of funds under Measure HHH strictly for HV and their families to help with their transition, and to accommodate first and last month rent payments.
9. The County Board of Supervisors should form an Independent Oversight Commission to oversee the implementation of projects and expenditures of funds under Measure H.
10. The Mayor of the City of Los Angeles should form an Independent Oversight Commission to oversee the implement of projects and expenditures of funds under Measure HHH.

## **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).

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 Short ridge Foltz Criminal Justice Center  
210 West Temple Street  
Eleventh Floor-Room 11-506  
Los Angeles, CA 90012

Responses required from:

The Director of Homeless Initiative, Chief Executive Officer and Veteran’s Affairs Manager for the County of Los Angeles:

Responding Agency	Recommendation
County Board of Supervisors	8.1, 8.3, 8.4, 8.7, 8.9
County Department of Military and Veterans Affairs	8.2
County Chief Executive Office	8.5, 8.6
Los Angeles City Mayor’s Office	8.8, 8.10

**VII ACRONYMS**

- CAL-VET** Veterans’ Home of California – West Los Angeles
- CGJ** 2016-2017 Los Angeles County Civil Grand Jury
- DMVA** Department of Military and Veterans’ Affairs
- HACoLA** Housing Authority County Los Angeles
- HI** Homeless Initiative
- HV** Homeless Veteran
- HUD** Housing Urban Development
- LAHSA** Los Angeles Homeless Services Authority
- LASA** Los Angeles Supportive Authority
- SRO** Single Resident Occupancy
- VA** Veteran Administration
- VASH** Veteran Affairs Supportive Authority

**VII COMMITTEE MEMBERS**

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

Picture Taken by the Civil Grand Jury

**Veteran's Transitional Hotel in the City of Los Angeles**



Skid Road Street Picture taken by the Civil Grand Jury



Picture taken by the Civil Grand Jury

**6th Street-Skid Road**



**Measure H, quarter-cent sales tax to fight LA County homelessness, passes**



File photo

By City News Service

Posted: 03/20/17, 4:28 PM PDT | Updated: on 03/20/2017

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# **SHERIFF'S INMATE WELFARE FUND**



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

# SHERIFF'S INMATE WELFARE FUND

The following investigative report is offered in support of the County of Los Angeles Board of Supervisors' Strategic Plan Goals: Pursuing Operational Effectiveness, Fiscal Responsibility and Accountability

## I SUMMARY

This report initially set out to investigate the Los Angeles County Sheriff's Department (LASD) Inmate Welfare Fund (IWF) to ensure that expenditures are being used "primarily for the benefit, education, and welfare of the inmates confined within the jail," as governed by California Penal Code §4025. Our research followed the evolution of amendments to §4025 which ultimately expanded the use of funds to allow for maintenance of jail facilities. We learned of programs and services that have been funded, sources of revenue and the authority of the Inmate Welfare Commission (IWC). We also learned that this is the largest inmate welfare fund in the country.<sup>1</sup> It was when we attempted to gather information from the IWC that we encountered some resistance and became concerned about the overall lack of transparency of the LASD's IWF.

## II BACKGROUND

The Los Angeles County Civil Grand Jury (CGJ) became aware of the existence of the Sheriff's IWF during the 2016-2017 CGJ inspections of the jails and detention facilities operated by the LASD. During various jail inspections, questions were asked by CGJ members regarding the accessibility of phone lines for inmates, costs for making phone calls, method of payment, and what phone contract(s) were in place. During our jail inspections we also learned about weekly commissary deliveries to LASD detention facilities, inmate vending machines, and sales of inmate crafts through the Jail Enterprise System. We were also informed of the various programs and services that are provided to the inmates. The CGJ formed a team to educate ourselves on the expenditures from this large \$49 million fund<sup>2</sup> and how the IWF came to be established.

In 1949, §4025 granted authority for county sheriffs to establish jail stores to provide certain supplies for sale to inmates. The profits from the jail store operations were to be deposited into an inmate welfare fund and kept in the treasury of the respective counties. It also provided that ten percent of the gross sales of inmate hobby crafts could be added to the fund.

The LASD IWC was formed in 1951 by Los Angeles County Sheriff Eugene Biscailuz without ordinance or Board of Supervisors' (BOS) resolution.<sup>3</sup> It is recognized as a discretionary commission and the meetings are not open to the public. We were informed that the commission does not operate under the regulations of the Brown Act and minutes of the meetings are not available to the public.<sup>4</sup> The commission is currently comprised of 11 private citizens who are

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<sup>1</sup> LASD Legal Advisor, County Counsel, IWC Minutes 5/20/16, pg. 3

<sup>2</sup> LASD IWF –K02 Statement of Net Assets FY 2016-17 as of 1/13/17

<sup>3</sup> <http://shq.lasdnews.net> Education Based Incarceration pg.20

<sup>4</sup> Legal Advisor/Los Angeles County Counsel, 2/16/17

appointed by and serve at the pleasure of the Sheriff. They meet monthly and are not compensated for their service on the commission.

In 1987, §4025 was amended to provide an additional source of revenue for the IWF from telephone companies or pay telephone providers. This revenue source was significant because of the additional revenue it would generate and also because it brought about a significant change in how IWF funds could be allocated. Originally, §4025 provided that IWF funds: "... shall be expended by the Sheriff solely for the benefit, education and welfare of the inmates confined within the jail." §4025 was amended in 1993 to provide that: "...the inmate welfare fund shall be expended by the sheriff primarily for the benefit, education, and welfare of the inmates confined within the jail. Any funds that are not needed for the welfare of the inmates may be expended for the maintenance of county jail facilities." (Emphasis added.)

It appears that the term "not needed" as used in §4025 has not been challenged or addressed. The definition of "not needed" according to Merriam-Webster<sup>5</sup> is: dispensable, gratuitous, inessential, needless, non-essential, uncalled-for, unessential.

LASD has designated 51% of the annual IWF revenue to be assigned solely and exclusively to programs for the benefit of jail inmates. The remaining 49% of the annual revenue is earmarked solely for jail maintenance.<sup>6</sup> The IWC oversees the expenditures and makes recommendations to the Sheriff for inmate programs and services. The Sheriff's Correctional Services Division/Facilities Services Bureau, County Counsel Representative, and Budget Authority oversee the expenditures for jail maintenance.

The LASD Custody Division Manual, §3-05/020.00 – Inmate Welfare Fund states: "Inmate Welfare Fund monies and supplies shall not be used to offset necessary and required expenses of confinement such as meals or housing. The facility/station unit commander shall submit a memo to the Inmate Services Unit commander, including the amount of the expenditure and a justification statement explaining why the expenditure satisfies the requirements of Penal Code Section 4025..."<sup>7</sup>

At the time of this report, an amendment to the IWC bylaws pertaining to the Duties of the Commission is in progress. The proposed amendment reads: "Approve funding requests by the Los Angeles County Sheriff's Department for projects benefiting inmates housed in the jail facilities of Los Angeles County, review ongoing projects, and discuss funding priorities from/for the Inmate Welfare Fund of Los Angeles County, in accordance with Penal Code 4025."<sup>8</sup> IWF funding requests are routed and reviewed by LASD staff and County Counsel before being presented to the commission for consideration. The Commission can deny any request but their decision can be overridden by the Sheriff.

Inmates are allowed to make commissary purchases at their own expense or receive commissary gift packs purchased by their family or loved ones who place orders through the LASD's

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<sup>5</sup> www.merriam-webster.com

<sup>6</sup> <http://shq.lasdnews.net> Education Based Incarceration pg.20

<sup>7</sup> LASD Custody Div. Manual 12/10/01 CDM

<sup>8</sup> Draft Bylaws provided by Inmate Services Bureau Sr. Staff

website.<sup>9</sup> The following “Gift Packs” consist of a varied selection of snack foods that can be purchased, each one unique in the variety of items available:

- Gift Pack #1: \$53.34 for 26 snack food items
- Gift Pack #2: \$52.52 for 15 snack food items
- Gift Pack #3: \$31.86 for 16 snack food items
- Gift Pack #4: \$21.98 for 15 snack food items

Commissary items are delivered once a week to LASD detention facilities. The Keefe Group, LLC has the Commissary contract and refunds a percentage of the yearly revenue to IWF. In 2016, the IWF received \$17.9 million from Keefe Commissary.<sup>10</sup>

At the time of this investigation, GlobalTelLink (GTL) holds the contract with LASD to provide telephone service for local and long-distance inmate calls. In 2016, the FCC set new rate caps, reining in the excessive rates and egregious fees on phone calls paid by families trying to stay in touch with loved ones serving time in jail or prison.<sup>11</sup> These factors, combined with unrestricted rates, have often resulted in unreasonably high phone bills for inmates’ families. LASD is currently seeking a Request for Proposals from telephone providers to serve the needs of inmates.

### **III METHODOLOGY**

The CGJ conducted research and gathered information from the following sources:

Examined §4025, and subsequent revisions, which govern county inmate welfare funds

Reviewed A.B. 920, Chapter 178 Legislative Counsel’s Digest (August 25, 2016) amending §4025 to establish a pilot program to assist indigent inmates with the reentry process

Examined two previous (1998-1999 and 1999-2000) Los Angeles County Civil Grand Jury investigations which focused on the LASD IWF

Reviewed Los Angeles Police Department’s 2015 audit and inspection plan for their Inmate Welfare Fund

Reviewed 2015-2016 Education Based Incarceration program information provided by LASD, which included charter schools, career technical education, vocational education, and life skills

Obtained GTL rate information on phone rates and transactions fees charged to LASD inmates<sup>12</sup>

Examined FCC.gov information on new rate caps for local and long-distance inmate calls, effective March 13, 2017 (but currently stayed by court order pending judicial review)

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<sup>9</sup> [https://www.accesscatalog.com/shop/index/Keefe Commissary Network](https://www.accesscatalog.com/shop/index/Keefe%20Commissary%20Network)

<sup>10</sup> LASD Statement of Revenues and Expenditures FY 2016 (as of 13<sup>th</sup> Accounting Period-Closing)

<sup>11</sup> <https://www.fcc.gov/consumers/guides/inmate-telephone-service>

<sup>12</sup> GTL Rate Change Notice to comply with FCC Order 15-36, effective 6/20/16

Reviewed and compared prices of commissary items offered through Keefe Commissary service<sup>13</sup>

Examined provisions of Section 3-05/020.00 Inmate Welfare Fund, from the LASD Custody Division Manual

Reviewed Minutes from past IWC meetings (January 2016 – November 2016) that were released to the CGJ

Reviewed IWF financial data contained in “Blue Book” agenda packages from 2/24/17 and 3/24/17 IWC meetings.

Reviewed LASD IWF 2013-2014 Final Budget, County of Los Angeles; IWF Expenditures by Unit Report (eCAPS)

Attended the 3/24/17 meeting of the IWC

Meetings with senior officials and staff from LASD Custody Services, Specialized Programs; LASD Fiscal Services; LASD Facilities Services Bureau; members of IWC

Legal Advisors, Los Angeles County Counsel

#### **IV FINDINGS**

1. There is a lack of public transparency involving the LASD IWF.
2. The LASD IWF is a “discretionary fund” of the Sheriff and is governed by California Penal Code §4025.
3. The 11 members of the IWC are appointed by the Sheriff and serve at his pleasure. They do not receive any compensation and meet once a month.
4. There is no representation of a former inmate who has successfully re-entered society on the IWC or in attendance at IWC meetings, acting in an advisory capacity.
5. The Sheriff can override any recommendations made by IWC Commissioners.
6. IWC meetings are not open to the public. Meetings are not governed by the Brown Act.
7. Minutes from the IWC Meetings are not available to the public.
8. Annual Financial Statements are prepared by the Los Angeles County Auditor’s Office and submitted to the BOS.

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<sup>13</sup> LASD website and internet search

9. Audits by outside auditing firms are conducted every two to three years. IWC members did not receive copies of the 2011-2014 audit until they inquired, as evidenced in January 29, 2016 Minutes.<sup>14</sup>
10. Prior to its repeal in 1998, Section 1043, Title 15, State Correction Standards, recommended that “an annual itemized report of expenditures be submitted to the BOS, posted in each jail facility, and made available to the public,” as reported in the 1999-2000 CGJ report.
11. This year’s CGJ discovered many valuable and worthwhile programs being funded by the IWF; i.e., Tattoo Removal Program, “Back on Track” Program, Birth Certificate Program, GED Educational and Vocational programs.
12. In reviewing the Minutes of past IWC meetings, it was found that some members of the Marketing/Branding Committee expressed frustration in not publicizing the programs that are funded by the IWF (i.e. farm program at Pitchess Detention Center; Tattoo Removal Program) and that their suggestions about informing the public about Inmate Welfare funded programs are not being fully addressed.<sup>15</sup>
13. In reviewing copies of the LASD (draft) revised IWC Bylaws,<sup>16</sup> it appears that the role of the IWC is being diminished; e.g. “Duties of the Commission: Approve funding requests by the Los Angeles County Sheriff’s Department for projects benefiting inmates housed in the jail facilities of Los Angeles County, review ongoing projects, and ~~set~~ discuss funding priorities from/for the Inmate Welfare Fund of Los Angeles County, in accordance with Penal Code 4025.” (Emphasis added).
14. In reviewing the Minutes of IWC meetings, it appears that annual spending plans are not being reviewed or approved in a timely manner, as set forth in the Bylaws.<sup>17</sup>
15. The LASD Director of Facilities Bureau has authority to spend up to 49% of the IWF proceeds without official review or approval of the IWC. The Director appears at the IWC meetings as a courtesy and provides updates pertaining to the IWF expenditures on maintenance to LASD jail facilities.<sup>18</sup>
16. The CGJ is not aware of any inappropriate usage of IWF. We do, however, question the follow-up and oversight of some of the programs that are in place and whether adequate performance measures are being used to report back to the IWC in recommending continuance or improvements needed in programs.<sup>19</sup>
17. The CGJ witnessed a presentation of the Tattoo Removal Program at the March 2017 IWC meeting wherein \$250,000 in overtime was requested by staff to continue the program.

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<sup>14</sup> 1/29/16 IWC chairman inquired when last audit was completed. Dir. Joe advised it was completed August 2015 and a copy would be provided to the IWC

<sup>15</sup> IWC Minutes: January, February, March, October, November 2016

<sup>16</sup> Draft of revised Bylaws obtained 3/2/17 from LASD Inmate Services Bureau senior official

<sup>17</sup> Ibid.

<sup>18</sup> Meeting with LASD senior staff Facilities Bureau

<sup>19</sup> IWC Minutes, 2/26/16 requesting program reports to show value

When commissioners questioned staff on the funding request, staff was unclear on how many months it would cover. Many questions were raised about the need for overtime instead of straight time. Alternatives or suggestions from the commissioners in efforts to avoid the use of overtime in providing tattoo removal services to inmates was not taken up at that time.

18. Some senior LASD program managers were unable to readily explain to the CGJ the financial status of various programs, activities and expenditures.
19. In reviewing IWC Minutes, it does not appear that commissioners are aware of weekly Town Hall meetings with inmates, or getting feedback in soliciting inmates' comments regarding IWF expenditures and/or programs.<sup>20</sup>
20. The term "not needed" as used in §4025 is vague.

## **V RECOMMENDATIONS**

1. The LASD should require the IWC Strategic Planning Committee to adhere to the timeline spelled out in the Commission Bylaws to produce and submit a spending plan by August in order to determine the funding priorities for the coming fiscal year. (Finding 14)
2. The LASD should require the IWC to complete an assessment of program performance by March 1 of each year. (Findings 14, 16, 17)
3. The LASD should annually receive measurable program and financial objectives from the Strategic Planning Committee of the IWC. (Findings 14, 16, 17, 18)
4. The LASD should establish such methods and procedures to identify expenditures and enable the respective Fiscal and Facilities program managers to clearly identify which expenditures have been encumbered for their area of responsibility and what is unencumbered to date. (Finding 18)
5. The LASD should implement IWC program priorities set forth in their annual strategic planning process. (Findings 13, 14, 16)
6. The LASD should make a presentation to the IWC on the LASD's Strategic Plan and related programs in order for the IWC to have sufficient relevant information in setting their priorities. (Findings 8, 9)
7. In the event of potential loss of revenue from telephone provider(s), the IWC should review and refrain from committing funds to expensive and long-term programs until the FCC case is resolved and new phone contracts are issued. (Finding 11)

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<sup>20</sup> Attachment I.1 Highlights of Survey of Inmate Welfare Funds in Other Jurisdictions (Self-Reported Information)  
BOS Management Audit Division FY 2014-2015

8. The LASD staff should report regularly to the IWC on the weekly Town Hall meetings with inmates, in soliciting inmates' comments regarding IWC expenditures and/or programs. (Finding 19)
9. The LASD should clarify and implement, after IWC approval, the methods and procedures used to identify expenditures by purpose and the inter-fund transfers between the Program and Facilities funds. (Finding 18)
10. The LASD should practice transparency of the Inmate Welfare Fund by posting IWC meeting agendas and minutes. (Findings 1, 5, 6, 9, 10, 11, 14)
11. The LASD should post an annual itemized report of IWF expenditures in each LASD jail facility and make it available to the public for greater transparency. (Finding 10)
12. The BOS should require LASD to implement greater public transparency of the Sheriff's Inmate Welfare Fund. (Findings 1, 6, 7, 10, 12)
13. The LASD should appoint an individual to the IWC who has successfully reentered society after incarceration. (Finding 4)
14. The Los Angeles County Counsel should provide LASD with a legal opinion on the definition of "not needed" as stated in §4025. (Finding 20)

## **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).

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 are required from:

<b>Responding Agency</b>	<b>Recommendations</b>
Los Angeles County Sheriff's Department	9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 9.10, 9.11, 9.13
County of Los Angeles Board of Supervisors	9.12
Los Angeles County Counsel	9.14

## **VII ACRONYMS**

<b>BOS</b>	Board of Supervisors
<b>CGJ</b>	2016-2017 Los Angeles County Civil Grand Jury
<b>FCC</b>	Federal Communications Commission
<b>GED</b>	General Educational Development
<b>GTL</b>	Global TelLink
<b>IWC</b>	Inmate Welfare Commission
<b>IWF</b>	Inmate Welfare Fund
<b>LASD</b>	Los Angeles Sheriff's Department

## **VIII COMMITTEE MEMBERS**

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

# WHEN ARE LANDLINES A GOVERNMENT WASTE?



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