



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

September 27, 2011

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

RESPONSES TO THE 2010-2011 CIVIL GRAND JURY FINAL REPORT (ALL DISTRICTS – 3 VOTES)

SUBJECT

This letter recommends that your Board: approve the responses to the findings and recommendations of the 2010-2011 Civil Grand Jury Final Report; instruct the Executive Officer of the Board of Supervisors to transmit copies of this report to the Grand Jury upon approval by your Board; and instruct the Executive Officer of the Board of Supervisors to file a copy of this report with the Superior Court upon approval by your Board.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve the responses to the 2010-2011 findings and recommendations of the Grand Jury that pertain to County government matters under the control of your Board.
2. Instruct the Executive Officer of the Board of Supervisors to transmit copies of this report to the Grand Jury upon approval by your Board.
3. Instruct the Executive Officer of the Board of Supervisors to file a copy of this report with the Superior Court upon approval by your Board.

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

"To Enrich Lives Through Effective And Caring Service"

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PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Section 933 (b) of the California Penal Code establishes that the county boards of supervisors shall comment on grand jury findings and recommendations which pertain to county government matters under control of those boards.

On June 30, 2011, the 2010-2011 County of Los Angeles Civil Grand Jury released its Final Report containing findings and recommendations directed to various County and non-County agencies. County department heads have reported back on the Grand Jury recommendations; these responses are attached as the County's official response to the 2010-2011 Civil Grand Jury Report.

The recommendations directed to all future Grand Juries have been forwarded to the 2011-2012 Grand Jury for consideration. Recommendations that make reference to non-County agencies have been referred directly by the Grand Jury to those entities. The Los Angeles County Employees Retirement Association (LACERA) has responded directly to the Grand Jury on Recommendation No. 7 regarding the report on State of Public Pensions in Los Angeles County.

Implementation of Strategic Plan Goals

These recommendations impact and are consistent with all five of the Countywide Strategic Plan Goals:

- **Goal No. 1 - Operational Effectiveness:**
 - Maximize the effectiveness of the County's processes, structure, and operations to support timely delivery of customer-oriented and efficient public services.
- **Goal No. 2 – Children, Family and Adult Well-Being:**
 - Enrich lives through integrated, cost-effective and client-centered supportive services
- **Goal No. 3 – Community and Municipal Services:**
 - Enrich the lives of Los Angeles County residents and visitors by providing access to cultural, recreational and lifelong learning facilities programs; ensure quality regional open space, recreational and public works infrastructure services for County residents; and deliver customer-oriented municipal services to the County's diverse unincorporated communities.

- Goal No. 4 – Health and Mental Health Services:
 - Improve health and mental health outcomes and efficient use of scarce resources, by promoting proven service models and prevention principles that are population-based, client-centered and family-focused.
- Goal No. 5 – Public Safety:
 - Ensure that the committed efforts of the public safety partners continue to maintain and improve the safety and security of the people of Los Angeles County.

FISCAL IMPACT/FINANCING

Certain Grand Jury recommendations require additional financing resources. In some cases, financing has been approved by your Board in the current fiscal year's budget. Departments will assess the need for additional funding during the 2012-13 budget cycle, as appropriate.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

In accordance with California Penal Code Section 933 (b), the following departments have submitted responses to the 2010-2011 County of Los Angeles Civil Grand Jury Final Report:

ATTACHMENT	DEPARTMENT
A	Chief Executive Office
B	Chief Information Office
C	Children and Family Services
D	District Attorney
E	Health Services
F	Probation
G	Public Health
H	Sheriff

Please note that the Departments of Children and Family Services and Probation have both responded to the Grand Jury Report on Transition Age Youth.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Not applicable.

Respectfully submitted,



William T Fujioka
Chief Executive Officer

WTF:EFS:MKZ

FC:BAM:ib

Attachments (8)

c: Executive Office, Board of Supervisors
 Sheriff
 District Attorney
 Auditor-Controller
 Chief Information Office
 Children and Family Services
 County Counsel
 Health Services
 Internal Services
 LACERA
 Probation
 Public Health

ATTACHMENT A



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

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MICHAEL D. ANTONOVICH
Fifth District

September 27, 2011

To: Mayor Michael D. Antonovich
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

2010-2011 CIVIL GRAND JURY FINAL REPORT

Attached are this Office's responses to the 2010-2011 Civil Grand Jury Final Report. We are responding to specific recommendations dealing with the following sections:

- High Tech Forensics and Cyber Security
- Public Pensions in Los Angeles County

If you have any questions regarding our responses, please contact me, or your staff may contact Martin Zimmerman of this Office at (213) 974-1326, or mzimmerman@ceo.lacounty.gov

WTF:EFS:MKZ
FC:BAM:ib

Attachment

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RESPONSE TO THE GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES – Chief Executive Office
(Intergovernmental and External Affairs)

SUBJECT: 2010-2011 GRAND JURY RECOMMENDATIONS FOR
HIGH TECH FORENSICS AND CYBER SECURITY CRIME FIGHTING IN
THE DIGITAL AGE

RECOMMENDATION NO. 4

The Los Angeles County Board of Supervisors should task their lobbyists in Sacramento and Washington with looking at opportunities to redirect fees and taxes on land line phones, cell phones or internet access services to provide funding allocated to support high tech forensics, cyber security and forensic examination programs.

RESPONSE

Because there is no Board-approved policy to pursue the redirection of fees and taxes on land line phones, cell phones or internet access services to fund high tech forensics, cyber security and forensic examination programs, **this is a matter for Board policy determination.** The Board of Supervisors sets all legislative policies with regard to the assessment and use of fees and taxes throughout the County.

RESPONSE TO THE GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES – Chief Executive Office
(Public Safety)

SUBJECT: 2010-2011 GRAND JURY RECOMMENDATIONS FOR
HIGH TECH FORENSICS AND CYBER SECURITY CRIME FIGHTING IN
THE DIGITAL AGE

RECOMMENDATION NO. 5

Los Angeles County and the City of Los Angeles establish a "High Tech Endowed Badge Program" to support the training and equipping of Forensic Examiners (FE) and Cyber Investigators (CI) throughout local law enforcement. Initially, establishment of eight (8) Endowed Badges (EBs) could be evaluated. Setting up five (5) EBs by the LAC Board of Supervisors District one for each Supervisorial District; and setting up three (3) EBs by the City of Los Angeles one for each of the Proprietary Departments (Department of Water and Power, the Port of Los Angeles, Los Angeles International Airport (LAWA)) for a total of eight (8) EBs.

RESPONSE

The Chief Executive Office recognizes the importance of forensic science and cyber investigation in today's world and that it is a critical and necessary element of a successful criminal investigation. Collected, managed and analyzed correctly, forensic science can often help to establish the guilt or innocence of individuals as well as be a determining factor in a criminal or civil case.

While we agree that partnering with private industry to fund a training program in this important field is something we should explore/pursue, currently the State and Federal government offer a variety of training and grant programs related to forensic examination and cyber investigation as part of their effort to enhance the criminal justice system. Many of the State and Federal training programs are offered free to local law enforcement agencies, or grants are provided to help offset the costs of training staff in this ever-evolving field. Below is a list of a few of the training programs currently offered by the Department of Justice, Bureau of Justice Assistance (BJA) to local law enforcement agencies.

- In partnership with BJA, the National Forensic Science Technology Center (NFSTC) provides hands-on training and technical assistance to a broad community of stakeholders, including law enforcement and investigators, on a variety of forensic science applications. The NFSTC (with support from the National Association of Medical Examiners) developed a 40-hour workshop to provide Forensic Pathology Fellows with knowledge of the scope and application of the forensic sciences within the criminal justice system.

- In partnership BJA, the Mississippi State University's National Forensic Training Center (NFTC) provides no-cost training to law enforcement officers to fight cyber crime. With the growing level of cyber crime today, it is critical that law enforcement officers have the ability to handle and examine digital evidence. The NFTC seeks to solve this issue by offering training in a broad range of cyber crime areas. The training that is offered by the NFTC is free of charge for all law enforcement personnel.
- Derived from the University of Tennessee's National Forensic Academy curriculum, National Forensic Science Institute's 40-hour, specialized courses in various topics are available on a limited basis throughout the year, at both onsite and offsite locations nationwide. The Crime Scene Management in Correctional Facilities course is a 5-day, 40-hour, hands-on training program offering correctional investigators and security officers access to forensic evidence identification, documentation, collection, and preservation procedures.
- Introduction to Internet Crime Investigation is a training program that introduces law enforcement investigators to the ways in which criminal activity is perpetrated within online computer networks and instructs them in techniques and software tools for working these cases online. Attendees will be exposed to Google as an investigative tool, identifying users of social networking sites, tracing e-mails and web sites, understanding Internet Protocol (IP) and how to trace IP addresses, and who owns a specific web site and where to serve search warrants.
- The Investigation of Computer Crime teaches that the internet is alive and well, and is a dynamic resource for millions worldwide. It is also a place for criminals to prey on unsuspecting victims. Many victims are children, while some are adults, and others are corporations. This 4 ½-day course teaches criminal justice investigators and support staff how to investigate high-technology theft and computer-related crime. It provides participants with an understanding of computer technology, its application to criminal endeavors, and the issues associated with investigating these cases. This course will provide current real-world case studies and solutions that can be adapted to current investigations. Topics will also include identity theft, Internet-based fraud, child exploitation, hacking and compromised systems, and phishing.
- The Seizure and Examination of Computers teaches criminal justice investigators the basic concepts of computers and digital evidence recovery. The 3-day course teaches investigators new to high-technology crime how to safely seize a computer system, make duplicate images of hard drives, and recognize compressed and encrypted data. Participants will become familiar with forensic software and the basics of digital evidence analysis. The course will also discuss directory structure and how it can impact your investigations; file headers and extensions, steganography, and encryption and how it is used.

RESPONSE TO THE GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES – Chief Executive Office
(Benefits, Compensation Policy & Employee Relations)

SUBJECT: 2010-2011 GRAND JURY RECOMMENDATIONS FOR
PHASE II, SECTION 1 OF “WHOA! THE STATE OF PUBLIC PENSIONS
IN LOS ANGELES COUNTY”

RECOMMENDATION NO. 1

Eliminate administrative policies that permit employees to spike their final average salary in the final years of employment. When the County next decides to modify pension benefits, include in the modification scope an examination of the efficacy of:

- a. Changing the period used to determine FAS from 12 months to 36 months for most plans.
- b. Eliminating all pensionable pay categories that are not mandatory, such as vacation and sick leave buy-back pay.

RESPONSE

We concur with Recommendation 1a. The Grand Jury Report points out that the County maintains three defined benefit retirement plans open to new hires, and these plans are commonly known as “General Member Plans D and E” and “Safety Member Plan B” (hereinafter referred to as Plans D, E, and Safety B, respectively). Plans D and Safety B incorporate a single highest year final compensation period for determining final average salary (FAS), and Plan E incorporates a three-year (36-month) FAS. The report recommends a three-year FAS be considered for new hires under Plans D and Safety B, and we agree with that recommendation.

A three-year FAS would be appropriate from a plan design standpoint, and would mitigate future costs for the affected plans. As noted in the report, the cost reduction would be generated from the employment of new hires and would materialize gradually as the Plan D and Safety B populations turn over. It should be noted, however, that this change would be the proper subject of collective bargaining under the Myers-Milias-Brown Act and would, therefore, require negotiations with employee representatives. Nevertheless, it is a change worth pursuing, and we plan to address this matter in conjunction with other issues in future collective bargaining efforts.

With regard to Recommendation 1b, we agree the County should consider any opportunity to eliminate (or not create) any item of compensation that is unnecessary or ineffective from a compensation policy standpoint – pensionable or not. We do not agree, however, that pensionability concerns, alone, should drive these decisions or that the two examples cited in this recommendation are items that can be eliminated without significant adverse consequences to the County. The following information is a brief explanation of why this is the case with regard to the payments for accumulated vacation time:

1. Paying employees for excess accumulated vacation time is a practice that was established at a time when the payments were not pensionable under the County Employees Retirement Law (CERL). The practice is provided for in our current fringe benefit memoranda of understanding and has been the subject of many rounds of negotiations with employee representatives. As noted in the report, the event that made these payments pensionable was the 1997 court case commonly known as the Ventura Case – a case which changed the ground rules on what is and is not pensionable.
2. Existing County policy provides that vacation benefits must either be taken off by employees or, under specified conditions, paid off in cash. Cash pay offs to active County employees may only occur if an individual's unused accumulated vacation balance exceeds a designated threshold which, in most cases, is equivalent to the maximum vacation time an employee can earn over three working years. Accumulated vacation time below the three year threshold may be carried on the books indefinitely, but all such time must be paid off at termination at the rate of pay an employee is earning at that point in time. This time is not pensionable (even under the Ventura Case), but it creates a book liability that must be reported on the County's financial statements.
3. Ideally, accumulated vacation time should be taken or "managed" off, not paid off. However, the operational needs of the various County departments do not always allow for that circumstance. For example, approximately one-third of the County's workforce occupy positions known as "post positions" where the job must be staffed at designated days/times (e.g. hospital Registered Nurse, Deputy Sheriff, etc.). When absenteeism or other staffing shortages occur, other employees must be called in to backfill the positions on an overtime basis.

The report acknowledges the impact of the Ventura Case, but it also states that the above described in-service payoff of excess accumulated vacation time has been "designated as pensionable salary by administrative policy of the County" and is "not mandatory." This is confusing language given there should be no question that the pensionability of these payments has been determined solely by CERL and the Ventura Case, not the County. However, if by "not mandatory" the report is referring to the fact that the County could pursue, through the collective bargaining process, the complete elimination of in-service pay offs for excess accumulated vacation time (and the related pensionable income issue), that is true. But, as noted above, there would be consequences to that change that would adversely impact operations and be very costly.

The County also reimburses employees, under specified conditions, for unused accumulated sick leave time, and that practice is also a target of this recommendation. This policy also pre-dates the Ventura Case and has also been the subject of many negotiation cycles with employee representatives. The policy is intended to reward employees for strong attendance, and has significantly reduced employee usage of County provided sick leave benefits. Without going into the details of this program, we would like to voice a similar concern, as that outlined above, in that the elimination of this program would increase absenteeism, adversely impact County operations, and generate new costs.

We believe a better tactic than eliminating pay practices that make sense is to eliminate the law that makes them pensionable. The Chief Executive Office, in conjunction with the California Association of Counties (CSAC) will develop proposed legislation that would make the necessary amendments to CERL.

RECOMMENDATION NO. 2

Through the collective bargaining process, the County could also reduce or eliminate automatic pay increases given to employees as they approach retirement, such as longevity and wellness pay, which contribute to pension spiking.

RESPONSE

We understand this recommendation reflects concern over the longevity pay negotiated with the Peace Officer and Supervising Peace Officer bargaining units in 2005. As noted in the report, the longevity pay in question provides additional salary of 3%, 4%, and 4% upon completion of 19, 24, and 29 years of service, respectively. As with any increase in salary, these adjustments affect pensions and pension costs.

We understand the concern over the 2005 agreement, and we agree that no prior policy decision should be immune to re-consideration in connection with future bargaining efforts. However, we believe the 2005 agreements with the two Peace Officer groups were important to maintaining a competitive pay policy for law enforcement personnel. As pointed out in the report, there was a veritable tidal wave of pension enhancements taking place throughout the California public sector at that time, and that movement started with the State of California itself.

With regard to law enforcement personnel, our concerns regarding competitive pay policy are driven, in large part, by the practices of the City of Los Angeles. The City is our major competitor for this particular talent and has historically paid more than the County in both salaries and pensions. The City has also provided longevity pay, historically beginning at 10 years of service. The imbalance, however, was largely remedied by the 2005 agreement to provide longevity pay – an agreement which ultimately reflected the recommendations of an independent mediator as well as Chief Executive Office staff.

The County also agreed to a 3% Fire Fighter “wellness bonus” in 2006. This was effectively an across-the-board salary adjustment for all Fire Fighters conditioned on each affected employee meeting or exceeding certain specified fitness standards. This form of pay is not seniority or longevity based and is no more conducive to pension spiking than any other type of across-the-board salary adjustment. It is, therefore, unclear as to why this item is included in this recommendation.

RECOMMENDATION NO. 3

The County to consider changes to pension plans for new employees, capping pensionable salaries or placing a cap on the maximum value of pension allowed, including changes to the Replacement Benefit Plan for highly compensated employees.

RESPONSE

We understand this recommendation to be focused primarily on Plan D and Safety Plan B as the Plan E benefit is currently capped at 80% of FAS after 45 years of County service. While we cannot disagree with a recommendation to consider further pension changes for new hires, we believe the recommendation to impose additional pension caps on future employees should be tempered by the following points:

1. Although the benefits under Plans D and Safety B are capped at 100% of FAS, these are contributory retirement plans wherein employee contributions pay for a substantial portion of the benefit. In the case of Plan D, for example, employee contributions are geared to finance one-half of the service retirement benefit. Therefore, the portion paid by the County is effectively capped right now at 50%.
2. The report makes note of the fact that the County requires substantial employee contributions to the retirement system, and this is in stark contrast to the practices of many other public jurisdictions, particularly jurisdictions participating the California Public Employees Retirement System.
3. It is important to consider that the County operates one of the largest health care systems in the United States. Many of the County's highest paid employees are physicians who can be difficult to recruit. A pension cap could make them more difficult to recruit. Moreover, physicians and certain other employees in relatively high paid occupations, such as Deputy District Attorneys, are now represented. Therefore, imposition of a pension cap on these groups, even on new hires only, would require both negotiations with employee representatives and legislation to amend CERL.
4. The body of the report makes reference to the Replacement Benefit Plan approved by the Board of Supervisors in 2010 and the fact that this plan may permit the payment of pension benefits in amounts higher than that "allowed" by the current limitations for qualified defined retirement plans set out in Section 415(b) of the Internal Revenue Code. We would like to clarify that the Replacement Benefit Plan mechanism, itself, is provided for in Section 415(m) of the Internal Revenue Code, and that this plan is necessary to ensure that Plans D, E, and Safety B remain in full compliance with both State and Federal law. The Replacement Benefit Plan is specifically permitted by Federal law and required by CERL.

Except for the three-year FAS issue addressed in Recommendation 1a, we believe that there is little justification for a general rollback (i.e. new tier) with respect to Plans D and Safety B. The benefit formulas have not been increased since the inception of the plans more than 30 years ago, and are generally below the level of benefits prevalent in the California public sector.

RECOMMENDATION NO. 4

The County to consider negotiating changes in the Retiree Health Benefit Plan with labor organizations, to reduce the County net cost for the retiree health benefit, by either modifying benefit levels or increasing the member's share in the cost of retiree health insurance.

RESPONSE

We concur with this recommendation and efforts in this area are underway between the Chief Executive Office, employee representatives, and LACERA.

RECOMMENDATION NO. 5

The County to consider applying the full amount of the \$470.7 million County Contribution Credit Reserve to the retiree health trust as a first step toward accumulating reserves for OPEB benefits.

RESPONSE

With regard to both this recommendation and Recommendation 6, we concur that the County should complete a strategy to pre-fund its retiree health insurance liability, and that strategy should consider using, for this purpose, part or all of the remaining funds in the County Contribution Credit Reserve. There are many competing demands for the County's limited financial resources, especially now as we recover from the worst economic downturn since the Great Depression. The strategy we follow must carefully consider this reality as well.

RECOMMENDATION NO. 6

The County begin contributing the full annual required contribution for retiree health benefits in an attempt to build reserves and apply investment income as discounts toward the cost of benefits.

RESPONSE

See response to Recommendation 5.

ATTACHMENT B



COUNTY OF LOS ANGELES

CHIEF INFORMATION OFFICE

350 S. Figueroa St., Suite 188
World Trade Center
Los Angeles, CA 90071

RICHARD SANCHEZ
CHIEF INFORMATION OFFICER

Telephone: (213) 253-5600
Facsimile: (213) 633-4733

August 19, 2011

To: William T Fujioka
Chief Executive Office

From: Richard Sanchez
Chief Information Office

A handwritten signature in black ink, appearing to read "Richard Sanchez", is written over the printed name and title.

2010-2011 GRAND JURY RECOMMENDATIONS FOR HIGH TECHNOLOGY FORENSICS AND CYBER SECURITY CRIME FIGHTING IN THE DIGITAL AGE

This is in response to your memo dated July 11, 2011 requesting the information below regarding the 2010-2011 Grand Jury recommendations for High Technology Forensics and Cyber Security Crime Fighting in the Digital Age.

RECOMMENDATION NO. 3a

The Los Angeles County (LAC) Chief Information Office (CIO) and Internal Services Department should conduct internal reviews concerning cyber security and infrastructure protection from Cyber-attacks and terrorism:

- a) LAC must have protocols, policies and procedures facilitating timely, efficient rapid response by the most able Cyber security resources available, and ancillary emergency response by other agencies, if warranted, in the event of a Cyber intrusion, fire wall breach, or other Cyber-attack.

RESPONSE

The recommendation has not yet been implemented, but will be in the future along with a timeframe for implementation.

This response derives from an internal review conducted recently by the CIO concerning Cyber security incident response. The review included numerous documented protocols, policies, and procedures deployed several years before this report that promotes an effective internal incident response. The response may include personnel that are Cyber security professionals from the Internal Services Department (ISD) and the Auditor-Controller (A-C), depending on the type of Cyber-attack. Historically, the ISD and A-C has provided Cyber incident response expertise and

support during business and emergency instances in support of the Countywide Computer Emergency Response Team (CCERT). It should be noted, that each department, in accordance with Board of Supervisors' policy is required to have a Departmental Computer Emergency Response Team (DCERT).

To address a timely and effective incident notification in support of the CCERT, an electronic notification system was implemented recently to notify the County's Departmental Information Security Officers (e.g., DCERT), when required, and coordinated by the County's Chief Information Security Officer (CISO).

As Cyber security attacks evolve and become increasingly sophisticated, LAC processes (e.g., CCERT and DCERT) will continually evolve to include, at the minimum, countywide mock drills lead by the CISO. The CCERT, established in June 2004, would achieve this task on a continual basis.

In response to the statement, "the most able Cyber security resources available and ancillary emergency response by other agencies", LAC is planning a competitive solicitation to obtain an Incident Response Services Master Services Agreement (IRS/MSA) with a firm that specializes in Cyber security incident response. The outcome of this solicitation will acquire the most able Cyber security resources to complement ISD and A-C resources, while providing Cyber security incident response services throughout the County. This promotes a consistent incident response methodology and provides a level of expertise to support the continual threat that we are faced with constantly to maintain the confidentiality and integrity of LAC computing resources and assets. Additionally, the CISO will examine opportunities to leverage Cyber security resources at the County of Los Angeles District Attorney's (DA) High Technology Crimes Investigation Unit.

Emergency response notification to other agencies (e.g., State and Federal government) was implemented to engage Cyber security officials prior to the delivery of this report.

In conclusion, plans are underway by the CIO/CISO to establish an IRS/MSA and examine opportunities at the DA's High Technology Crimes Investigation Unit within a 12-month period from the final date of this response.

RECOMMENDATION NO. 3b

- b) These should include coordination with key third party vendors. Many basic services within the LAC are provided by third party vendors. The Metropolitan Water District and California Edison are two (2) examples.

RESPONSE

The recommendation has not yet been implemented, but will be in the future along with a timeframe for implementation.

This response derives from an internal review conducted recently by the Chief Information Office (CIO) concerning Cyber security incident response resulting from a Cyber-attack on our infrastructure (e.g., water systems and power grid). The review included numerous documented protocols, policies, and procedures deployed several years in advance of this report that promotes an effective internal incident response. This response includes personnel that are Cyber security professionals from within this organization as well as external agencies (e.g., California Standardized Emergency Management System).

When a Cyber security attack occurs on LAC infrastructure, the CIO/CISO has inserted themselves into the emergency response notification procedures as facilitated by the County Chief Executive Office, Office of Emergency Management (OEM). OEM has established protocols, policies, and procedures for internal County departments (e.g., ISD and Sheriff), as well as external agencies (e.g., agencies within State and Federal government).

In conclusion, as stated previously (i.e., Recommendation No. 3a), plans are underway by the CIO/CISO to establish an IRS/MSA and examine opportunities at the DA's High Technology Crimes Investigation Unit within a 12-month period from the final date of this response. This agreement will provide Cyber security expertise to support this recommendation, as well.

If you have any questions, please contact me or your staff may contact Robert Pittman, CISO at 213-253-5631 or rpittman@cio.lacounty.gov.

RS:RP:pa

cc: Ellen Sandt, DCEO
Steve Cooley, District Attorney
Tom Tindall, Internal Services
Wendy L. Watanabe, Auditor-Controller
Brian Mahan, Chief Executive Office

ATTACHMENT C



**County of Los Angeles
DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

425 Shatto Place, Los Angeles, California 90020
(213) 351-5602

PHILIP L. BROWNING
Interim Director

Board of Supervisors
GLORIA MOLINA
First District
MARK RIDLEY-THOMAS
Second District
ZEV YAROSLAVSKY
Third District
DON KNABE
Fourth District
MICHAEL D. ANTONOVICH
Fifth District

September 14, 2011

To: William T Fujioka
Chief Executive Officer

From: Philip L. Browning
Interim Director

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES RESPONSES TO THE
2010-2011 LOS ANGELES COUNTY CIVIL GRAND JURY FINAL REPORT**

In response to your July 11th, 2011 memo, the Department of Children and Family Services (DCFS) respectfully submits the responses to the 2010-2011 Los Angeles County Civil Grand Jury report pertaining to Post Adoption Services (PAS) and the Transition Age Youth (TAY) Journey recommendations.

Grand Jury Recommendations for Adoptions – Post Adoption Services (PAS)

The following responses are specific to the 2010-2011 Grand Jury recommendations regarding Post Adoption Services.

RECOMMENDATION NO 1

DCFS provide for a management audit to evaluate PAS work procedures as related to adoptive reunions with particular focus on the conversion of post adoption information in the electronic database (AIS).

RESPONSE

Adoption Permanency Resource Division (APRD) supports this recommendation and is currently developing a team to analyze the PAS Program.

RECOMMENDATION NO 1a

Evaluation of the reunion program, its organizational structure, service levels written policies, procedures and regulations, along with key processes; to determine whether processes have been effectively implemented to ensure compliance with policies, procedures, and adoption regulations.

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RESPONSE

APRD supports this recommendation. APRD is to conduct an extensive review and evaluation of the adoption reunions; assess the effectiveness of our current practices and policies to ensure timely reunions. Establish a customer survey for this population to determine the effectiveness of the program.

RECOMMENDATION NO 1b

Determination as to whether effective and adequate internal controls are in place that provide reasonable assurance of minimal errors and maximize service efficiency.

RESPONSE

APRD supports this recommendation. APRD is to conduct an evaluation of the Program's filing system of consents and waivers and its effectiveness and accessibility to ensure timely reunions.

RECOMMENDATION NO 1c

Tracking the number of Consents for Contact (for birth parents), Waivers of Confidentiality (for siblings), and Consents for Contact (for adoptees) over a certain period of time. This allows for the number of reunion requests made and successful reunifications processed by PAS on a historical basis. The CGJ suggests a fourteen-year (14) time frame seven (7) years before and seven (7) years after December 2003.

RESPONSE

APRD supports this recommendation. Since January 2011, APRD has been keeping a manual log of all Waivers of Confidentiality and Consents for Contact received. This ensures tracking and will enable future reporting. Since 2003, PAS has been entering information on cases with Waivers or Consents into the Adoption Integrated System (AIS), but there has been no mechanism to run a report of all the cases that have such an entry. Thus, APRD does not have the data available to do a historical analysis for 14 years as recommended by the CGJ. To further enhance this tracking and reporting capability, APRD is partnering with the Business Information Systems (BIS) Division to establish a coding system on AIS to capture the number of consents and waivers filed on AIS and the number which result in actual reunions, and to measure the time frame.

RECOMMENDATION NO 1d

Estimation of the number of consents and reunion requests misfiled or lost by using a sampling method.

RESPONSE

APRD supports this recommendation. Since a manual log of Waivers of Confidentiality and Consents for Contact was initiated in January 2011, PAS will conduct a sampling to ensure they were filed properly. Since Waivers, Consents and Reunion Requests were filed in the cases but not centrally tracked previously, it is not possible to complete an estimation of the number that had been misfiled or lost. Based on our client inquiries received regarding PAS, we believe the number lost or misfiled has been low. Once an automated tracking system is in place, PAS will be able to better track future consents and reunion requests and assess the processes for more successful and timely reunions.

RECOMMENDATION NO 2

In order to move forward with the matching of pre/post computer AIS adoption information processes, consider charging a "reunification fee" to assist in defraying the cost of locating information in the files.

RESPONSE

APRD does not support this recommendation. PAS is a service entity within a public agency to serve and support adoption clients. APRD does not want any monetary barrier to discourage adoption clients from seeking reunions.

RECOMMENDATION NO 3

Establish a method to reach out to adoptees and their birth parents and educate the general public regarding the pre-computer/post-computer processes, which would allow for pre-computer adoptees and their birth parents to update their files for entry into the post-computer process.

RESPONSE

APRD supports this recommendation. APRD services are accessible through the DCFS website. Adoption clients can access the DCFS website and view PAS services. Adoption Reunion Services will be highlighted on the website. Reunion information will be disseminated to the Adoption Promotion and Support Services agencies with whom APRD partners and will also be disseminated to DCFS staff in the regional offices who work with birth parents. The possibility of listing the PAS duty line number in the government listings of the public phone book will be explored.

RECOMMENDATION NO 4

Address the need for additional PAS Social Workers to facilitate adoption support services in the community.

RESPONSE

APRD supports this recommendation. To clarify, APRD is in partnership with Adoption Promotion Support Services (APSS) providers, which are 8 contracted community agencies, with 12 offices located in each of the Service Provider Areas (SPA) throughout Los Angeles County. APSS agencies assist the Department in providing needed services to Post Adoption families. APSS is funded by the Federal government via the Promoting Safe and Stable Families funding.

APSS agencies provide the following services: individual, group or family therapy; mentors; support groups for children and/or adults; case management; and referrals for linkage services that can include childcare, health care, mental health, physical and developmental services, Regional Center Services, educational, special education, substitute adult role model, income support and transportation services.

The Post Adoption Services (PAS) Children's Social Workers (CSWs) work directly for DCFS and provide crisis intervention and referral services and Adoption Assistance Program (AAP, which is akin to foster care funding for adoptive children) services to adoptive families. APRD will continue to monitor PAS workload in consideration of staffing resources allocation.

Grand Jury Recommendations for Transition Age Youth (TAY) Journey

The following responses are specific to the 2010-2011 Grand Jury recommendations regarding the Transition Age Youth (TAY) Journey.

RECOMMENDATION NO. 1

Undertake an impartial, external audit and evaluation of TAY programs, particularly housing and ILP services.

RESPONSE

Agree with this recommendation. The Los Angeles County Auditor-Controller is currently performing an external audit and evaluation of Youth Development Services (YDS) total programs. The report is expected to be available in September 2011. YDS will be required to respond to the audit recommendations and provide any needed corrective action plan, including timeframes.

RECOMMENDATION NO. 2

Develop and implement an evaluation plan that acknowledges self-sufficiency during and beyond the program.

RESPONSE

Agree with this recommendation. This will be a focus for the business mapping referenced in Recommendation No. 1 as well as the use of departmental TAY outcomes from existing data reporting mechanisms: the National Youth in Transition Database (NYTD) and the Federal Exit Outcome Report (Soc 405).

RECOMMENDATION NO. 3

Submit ILP and transition housing participation data to the State as part of the requirement for funds.

RESPONSE

Agree with this recommendation. YDS will ensure that there is a consistent understanding and definition of "participation" among the data gathered from its ILP Transition Coordinators for the submission of its February 2012 State report.

RECOMMENDATION NO. 4

Define and develop methodologies, frequency and reliability of work data collection methods and systems.

RESPONSE

Agree with this recommendation. By January 1, 2012, YDS will assess existing data tracking systems – NYTD, Homeless Integration Services (HMIS), Exit Outcomes (Soc 405) and the Emancipation Services Independent Living Program Data Tracking System (ESILP) – to determine where gaps in data tracking impact the reliability of participant information.

RECOMMENDATION NO. 5

Develop and maintain consistent criteria participation data for ILP and other TAY services.

RESPONSE

Agree with this recommendation. This will be achieved as part of YDS' business mapping process, to begin no later than October 2011.

RECOMMENDATION NO. 6

Initiate the process of tracking youths' denial of ILP services if offered and follow-up to reinstate the ILP.

RESPONSE

Agree with this recommendation. YDS is currently working with key TAY stakeholders to implement an ILP review process for approved and/or denied ILP requested services by January 1, 2012.

RECOMMENDATION NO. 7

Evaluate effectiveness of the existing data management system and explore new software that could streamline data collection and analysis.

RESPONSE

Agree with this recommendation. YDS will work with the Department's BIS Division to come up with recommendations by March 1, 2012 to address the response. However, there are certain Federal and State regulations that prohibit dual entry of data, which needs to be factored into the recommendations.

RECOMMENDATION NO. 8

Increase and improve communication efforts with TAY participants after they leave the program.

RESPONSE

Agree with this recommendation. YDS will develop strategies, with its community stakeholders (ILP and housing contractors, postsecondary education partners, AB12 partners), for implementation by March 2012.

RECOMMENDATION NO. 9

Establish confidential e-mail distribution lists and send regularly scheduled e-mails.

RESPONSE

Agree with this recommendation, as YDS has already begun obtaining e-mail addresses to provide information and maintain communication with TAY upon their exiting the program. YDS will establish a central mechanism to maintain the e-mail addresses for the distribution of information and to keep in contact with TAY.

RECOMMENDATION NO. 10

Increase frequency of participant progress updates and complete surveys that measure progress, satisfaction, and solicit input and suggestions.

RESPONSE

Agree with this recommendation. By February 2012, YDS will review and assess its current surveying mechanisms (NYTD Youth Surveys, ILPONLINE.org online survey, THP program exit survey) to determine necessary enhancements to increase survey responses from ILP and housing participants. YDS will also explore the feasibility of internet social networking sites, such as Facebook and MySpace, including the consideration of community partners (i.e., California Youth Connection, Foster Wise) as collaborators/partners towards achieving better participant input and suggestions.

If you have any questions, please contact me or your staff may contact Aldo Marin, Board Relations Manager, at (213) 351-5530.

PLB:am

ATTACHMENT D



STEVE COOLEY
LOS ANGELES COUNTY DISTRICT ATTORNEY

18000 CLARA SHORTRIDGE FOLTZ CRIMINAL JUSTICE CENTER
210 WEST TEMPLE STREET LOS ANGELES, CA 90012-3210 (213) 974-3501

August 19, 2011

TO: Supervisor Michael D. Antonovich, Mayor
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

FROM:  Steve Cooley
District Attorney

SUBJECT: **RESPONSE TO THE 2010-11 LOS ANGELES COUNTY CIVIL GRAND
JURY FINAL REPORT**

Attached is my Department's response to the recommendations contained in the following sections of the 2010-11 Los Angeles County Civil Grand Jury Final Report:

E-Subpoena – One Way to End the Paper Chase
High Tech Forensics and Cyber Security - Crime Fighting in the Digital Age

Your staff may contact Lynn Vodden, Director of the Bureau of Administrative Services at (213) 202-7616, if they have any questions or require additional information.

lv

Attachments

c: William T Fujioka
Chief Executive Officer

RESPONSE TO THE GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES – DISTRICT ATTORNEY'S OFFICE

SUBJECT: 2010-2011 GRAND JURY RECOMMENDATIONS FOR
E-SUBPOENA PROGRAM

RECOMMENDATION NO. 5: The DA staff is encouraged to conduct an E-Subpoena training class for court liaison/subpoena control officers and encourage departments still receiving paper subpoenas to implement E-Subpoena.

RESPONSE:

The District Attorney's Office has and will continue to actively encourage all Los Angeles County law enforcement agencies to participate in the E-Subpoena program. Since launching the E-Subpoena program with LAPD only three years ago, over 30 additional agencies have been provided with information regarding the District Attorney's E-Subpoena program. Currently over 75% of subpoenas are sent electronically to law enforcement agencies. Santa Monica Police Department began receiving electronic subpoenas on August 15, 2011 and several other agencies are close to implementation.

Additional training for law enforcement court liaison/subpoena control officers continues to be available. In June, 2011, a representative of the District Attorney's Office provided training in Alhambra to several law enforcement agencies regarding best practices for implementing an e-subpoena program. Additionally, representatives from the District Attorney's Office are available to provide technical and non-technical assistance post-implementation. The District Attorney's Office remains committed to providing assistance to all interested law enforcement agencies.

RESPONSE TO THE GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES – DISTRICT ATTORNEY

SUBJECT: 2010-11 GRAND JURY RECOMMENDATIONS

SECTION: HIGH TECH FORENSICS AND CYBER SECURITY CRIME FIGHTING IN THE DIGITAL AGE

RECOMMENDATION NO. 1. a.

The District Attorney should establish and keep up to date a list of all State, Federal, and private training related to high tech and forensics examination, and cyber investigation and security.

RESPONSE

The District Attorney's Office currently receives notices of training opportunities from the following organizations: California District Attorney's Association; National Computer Forensics Institute; Peace Officers Standards and Training; High Tech Crime Investigator's Association; International Association of Financial Crime Investigators; National District Attorney's Association; and LA Clear. Though the office does not have the resources to monitor all training opportunities offered in the private sector, it continues to post all such training notices on the Criminal Justice Institute website, which serves as a central clearinghouse for this type of information.

RECOMMENDATION NO. 1.b.

The District Attorney should provide outreach to all police departments and the sheriff on a regular basis regarding the value of training in high tech forensics in crime fighting in Los Angeles County through seminars for groups of law enforcement agencies and "roll-call" training for individual law enforcement agencies.

RESPONSE

The District Attorney's Office currently provides the following training seminars, available to all law enforcement agencies in Los Angeles County: identity theft; access card fraud; high tech crimes; digital evidence; and cell phone forensics. The Office is in the process of creating and implementing "roll-call" training on the topic of cell phone forensics to these agencies as well.

RECOMMENDATION NO. 1. c.

The District Attorney should keep a log of the use of digital evidence in the prosecution of all types of cases. This log should indicate the nature of the evidence and its significance in each case. The District Attorney should encourage municipal agencies to track this information on misdemeanors as well.

RESPONSE

The District Attorney's Office currently keeps statistics on cases involving identity theft, access card fraud, network intrusion, intellectual property theft, and child exploitation. Unfortunately, the Office does not have adequate staffing to track all cases in which some form of digital evidence is used, given the increasing involvement of digital evidence in criminal investigations.

RECOMMENDATION NO. 1. d.

The District Attorney should establish a program for all Deputy District Attorneys to acquire the basic knowledge and skills necessary to develop their cases using digital evidence in an effective manner.

RESPONSE

The District Attorney's Office conducts ongoing training for deputies on a variety of legal topics, including those related to high tech crime and forensics. All deputies are encouraged to attend regularly held Saturday Seminars where such training is offered. In February 2010, the Office held a Saturday Seminar on high tech crime and forensics. Another Saturday Seminar on the same topic will be held in January 2010. The Office is also prepared to include basic training on the use of cell phone forensic evidence for the next class of newly hired deputies. For more experienced prosecutors, the Office will hold a two-day Digital Evidence College in March of 2012.

Recommendation NO. 1. e.

The District Attorney should develop and conduct seminars to educate judges in the use of digital evidence in the criminal justice system.

RESPONSE

The District Attorney's Office has been in contact with Judge Beverly O'Connell, of the Los Angeles County Superior Court Office of Judicial Education's Planning and Research Department, regarding our assistance with an upcoming training on digital evidence for judges, prosecutors, and defense attorneys. The Office is helping to identify pertinent topics and experts for use at the training.

ATTACHMENT E



Health Services
LOS ANGELES COUNTY

**Los Angeles County
Board of Supervisors**

Gloria Molina
First District

Mark Ridley-Thomas
Second District

Zev Yaroslavsky
Third District

Don Knabe
Fourth District

Michael D. Antonovich
Fifth District

Mitchell H. Katz, M.D.
Director

Hal F. Yee, Jr., M.D., Ph.D.
Chief Medical Officer

John F. Schunhoff, Ph.D.
Chief Deputy Director

313 N. Figueroa Street, Suite 912
Los Angeles, CA 90012

Tel: (213) 240-8101
Fax: (213) 481-0503

www.dhs.lacounty.gov

August 19, 2011.

TO: William T Fujioka
Chief Executive Officer

FROM: Mitchell H. Katz, M.D.
for Director

SUBJECT: **RESPONSE TO THE 2010-2011 LOS ANGELES
COUNTY CIVIL GRAND JURY REPORT**

Attached is the Department of Health Services' response to the recommendations made in the 2010-2011 Los Angeles County Civil Grand Jury Report. We generally concur with and have taken or initiated corrective actions to address the recommendations contained in the report.

If you have any questions or require additional information, please let me know or you may contact Tobi L. Moree at (213) 240-7901.

MHK:eg

Attachment

c: John F. Schunhoff, Ph.D.
Gregory Polk

RECEIVED
2011 AUG 23 PM 12: 21
CHIEF EXECUTIVE OFFICE

*To ensure access to high-quality,
patient-centered, cost-effective
health care to Los Angeles County
residents through direct services at
DHS facilities and through
collaboration with community and
university partners.*

www.dhs.lacounty.gov



RESPONSE TO THE GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES – DEPARTMENT OF HEALTH SERVICES

SUBJECT: 2010-2011 GRAND JURY RECOMMENDATIONS FOR
UNCOLLECTED MEDICAL BILLS IN THE COUNTY'S THREE MAJOR
MEDICAL FACILITIES

RECOMMENDATION NO. 1

Increase the hours and staffing at Urgent Care and Community clinics to better meet the needs of the community.

RESPONSE

DHS partially disagrees with this recommendation. All of the DHS acute Hospitals, Multi-Service Ambulatory Care Centers, three Comprehensive Health Centers, and a limited number of the community clinics provide Urgent Care services. The current strategic goal of DHS and Community clinics, in light of health care reform, is to expand and improve primary care capacity which includes having weekend and extended hours. A consequence of the primary care expansion and improvement should reduce unnecessary Urgent Care visits. The objective is to ensure that patients who choose to use DHS and community clinics have a primary care provider and a medical home so that the use of Urgent Care is only necessary for those patients who are experiencing an acute clinical issue or do not have a medical home identified.

RECOMMENDATION NO. 2

LAC+USC to increase their Urgent Care patient referral rate from 7.5% to 25% - the average patient referral rate of Olive View and Harbor-UCLA.

RESPONSE

DHS disagrees with this recommendation. LAC+USC Medical Center currently identifies non-emergent patients at their Emergency Room and transfers these patients to the Urgent Care. However, achieving a target of 25% may not be realistic as the target may be dependent on the urgent care capacity and the emergency room patient volume. We will track and trend the referral rate and determine a target rate in the future. In addition, as of July 1, 2011, DHS has a new agreement with Community Partner participants (formerly known as Public/Private Partnerships). This agreement expands primary care access beyond that of the DHS operated clinics by integrating the public and private primary care capacity and enabling DHS to refer patients who do not have a primary care provider to a Community Partner on a systematic level. The new agreement will increase Urgent Care referrals to primary care in the near future by

identifying patients on a quarterly basis from DHS specialty clinics, in-patient services, and Urgent Care who do not have a primary care provider. The objective of this effort is to identify and re-direct all patients to a primary care provider/medical home.

RECOMMENDATION NO. 3

Increase ER referrals to Community Clinics and Public-Private Partnership Program.

RESPONSE

DHS agrees with this recommendation. Effective July 1, 2011, DHS has a new agreement with Community Partner participants which will result in increased ER referrals to primary care in the near future. The agreement with Community Partners expands primary care access by integrating the public and private primary care capacity and enabling DHS to refer patients who do not have a primary care provider to a Community Partner on a systematic level.

RECOMMENDATION NO. 4

The Initial Contact Nurse to provide a referral list of nearby low cost County Community Health Centers and private community-based providers to those patients who request prescription refills, or treatment for minor medical issues and primary care.

RESPONSE

DHS agrees with this recommendation. Emergency room staff direct patients to DHS operated clinics and community clinics when appropriate. Patients who enter the hospital through the emergency room will continue to receive a medical screening exam to determine if they have an emergent or non-emergent medical condition and also whether they have a primary care provider. Patients who do not have an emergent condition and do not currently have a primary care provider are provided a referral list of Community Partners, County Community Health Centers, or Hospital Outpatient primary care clinics

RECOMMENDATION NO. 5

Support the effort to change the Etter Consent Decree (ECD) allowing the County to increase its medical cost reimbursement levels.

RESPONSE

DHS agrees with this recommendation. DHS Revenue Management (RM) and County Counsel (CC) will continue a collaborative effort to improve County program eligibility requirements by making and/or recommending changes to programs, which are impacted by the ECD, to allow the County to increase its medical cost reimbursement,

including the Pre-Payment Plan. Beginning January 2011, RM and CC initiated negotiations with the Etter Consent Plaintiffs (ECP), and completed key changes such as: changing the zero liability for Ability-To-Pay (ATP) from Medi-Cal Maintenance Needs to 133% of the Federal Poverty Level (FPL); and Outpatient Reduced-Cost Simplified Application (ORSA) from 133 1/3% to 133% of FPL; making cooperation with Healthy Way LA (HWLA) a requirement of the ATP and ORSA programs; and streamlining the process by changing the income guidelines for ORSA to be similar to ATP. In early 2012, program changes, for which an agreement has not yet been reached, will be recommended to the ECP by RM and CC. It is anticipated that changes to the Pre-Payment Plan will be included in these recommendations.

RECOMMENDATION NO. 6

Establish a policy for Pre-Payment billings and collections that is consistent in all three (3) major medical facilities in LAC.

RESPONSE

DHS agrees with this recommendation. DHS Financial Practice No. 520.26, Pre-Payment Plan, effective March 1, 2008, indicates if the patient does not have third-party coverage or is not interested in applying for any health care program, they will be offered the Pre-Payment plan. DHS RM will review current procedures for offering the Pre-Payment plan to patients at the three (3) major medical facilities to determine which procedures would provide the greatest benefit to DHS. Based on the findings, RM and CC will make recommendations in early 2012 to the ECP and revise DHS Financial Practice No. 520.26 to reflect consistent Pre-Payment plan procedures throughout DHS. Subsequent to the completion of the revision, DHS Financial Practice No. 520.26 will become the policy.

RECOMMENDATION NO. 7

Develop and implement a staff policy and procedure that ensures patient awareness of the availability of the Extended Payment Plan (EPP) option.

RESPONSE

DHS agrees with this recommendation. DHS Financial Practice No. 520.27, Extended Payment Plan, effective January 15, 2010, indicates the EPP option is available to hospital patients including patients who have been granted a discount on their medical bill. DHS provides a flyer containing information on all of the County's No-Cost/Low-Cost programs to patients at every DHS health facility when treatment is first sought. DHS RM will work with CC and the ECP to revise the No-Cost/Low-Cost flyer, to include information regarding the EPP. Pursuant to the ECD, RM will submit the revised No-Cost/Low-Cost flyer to the ECP for review and comment by December 31, 2011, and the flyer will be finalized after the comment period.

RECOMMENDATION NO. 8

Establish a directive to expand the use of EPP by uninsured patients who have the means to pay for services.

RESPONSE

DHS agrees with this recommendation. By December 31, 2011, DHS RM will work with CC to revise the governing DHS Financial Practice No. 520.27, Extended Payment Plan, to specify that the EPP should be offered to patients. Subsequent to the completion of the revision, DHS Financial Practice No. 520.27 will become the directive. After which, staff will receive training on the revised Financial Practice. The EPP is an option to pay, and does not cover the process for evaluating a patient's means to pay. The evaluation of a patient's means to pay for services is determined if the patient provides the required information during financial screening, where patients are made aware of all payment and coverage options.

RECOMMENDATION NO. 9

Design and implement a program to analyze and prosecute abuse of the LAC public hospital medical care system.

RESPONSE

DHS disagrees with this recommendation. Procedures are already in place to report suspected fraud or abuse. Suspected Medi-Cal fraud is reported to the California Department of Health Services Investigation Branch. Suspected abuse in programs in which DHS processes the program application, such as ATP, ORSA, and Healthy Way LA, are referred to DHS Audit and Compliance Division (A&CD) for investigation as outlined in DHS Policy No. 1000, DHS Compliance Program/Code of Conduct, effective January 8, 2007. The policy indicates that DHS A&CD will investigate suspected violations that may result in an inappropriate claim for payment or that may have an unknown consequence such as identity theft. Investigations that identify fraud are referred to the appropriate authorities, including but not limited to law enforcement and the District Attorney for prosecution. Investigations which substantiate abuse are referred to Finance for collections and to the facility to take appropriate corrective actions, as needed. DHS Patient Financial Services staff will receive training on reporting suspected fraud for programs in which DHS processes the program application, to be completed by June 30, 2012.

RECOMMENDATION NO. 10

Change the classification from Self-Pay to Financial Liability because currently it is not a self-pay system but a financial liability for the County.

RESPONSE

DHS disagrees with this recommendation. Federal, State, and County agencies require the Self-Pay classification data to be reported. Additionally, the classification of Self-Pay is an industry standard, and is not recorded as a liability.

ATTACHMENT F



COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY – DOWNEY, CALIFORNIA 90242
(562) 940-2501



DONALD H. BLEVINS
Chief Probation Officer

September 13, 2011

TO: William T Fujioka
Chief Executive Officer

FROM: Donald H. Blevins
Chief Probation Officer

A handwritten signature in black ink, appearing to read "D. Blevins".

SUBJECT: 2010-2011 GRAND JURY RECOMMENDATIONS FOR
TRANSITION AGE YOUTH (TAY) JOURNEY

Please see attached response to the Grand Jury Final Report for 2010-2011 Grand Jury Recommendations for Transition Age Youth (TAY) Journey.

If you need additional information, please do not hesitate to contact Reaver E. Bingham, Deputy Chief, at (562) 940-2513.

Attachment

DHB:REB:ed



DONALD H. BLEVINS
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

JUVENILE PLACEMENT SERVICES BUREAU
9150 EAST IMPERIAL HIGHWAY – DOWNEY, CALIFORNIA 90242

(562) 940-2663



August 16, 2011

RESPONSE TO THE GRAND JURY FINAL REPORT

**COUNTY OF LOS ANGELES – LOS ANGELES COUNTY PROBATION
DEPARTMENT (YOUTH DEVELOPMENT SERVICES [YDS] DIVISION)**

SUBJECT: 2010-2011 GRAND JURY RECOMMENDATIONS FOR

TRANSITION AGE YOUTH (TAY) JOURNEY

RECOMMENDATION NO. 1

Undertake an impartial, external audit and evaluation of Transition Age Youth (TAY) programs, particularly housing and Independent Living Program (ILP) services. The Assessment may allow for an evaluation of differences and successes of DCFS and LAHSA in their roles as housing providers to TAY. The study may provide for an evaluation of the ILP programs and services. A successful evaluation requires access to current and former youth participants. The evaluation could allow consultants to survey and interview current and past participants. A study with a longer timeframe may provide more time to gather data and information necessary for a comprehensive evaluation that best identifies service gaps and impediments in process of operations, staffing, financial resources and overall service approaches.

RESPONSE

The Probation Department agrees with this recommendation.

- ✓ The Los Angeles County Auditor Controller is currently conducting an external audit and review of YDS programs and services. We are awaiting the outcome of the Auditor Controller's review. Although this is a fiscal and internal controls focused audit, this audit is imperative to ILP operations as most services are based on available resources and funding. In addition, the Auditor Controller is conducting a fiscal and internal controls audit of the HUD Transitional Housing program. Prior YDS audits reviewed individual case files to ensure that funding requests and services provided were consistent with ILP policies and guidelines. In addition, prior audits looked at youth eligibility and age requirements for services received for both current and past participants.

RESPONSE TO THE GRAND JURY

August 16, 2011

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- ✓ CDSS and the County recently completed our Systems Improvement Plan (SIP) which focused on improving outcomes for emancipating foster youth. The SIP is an on-going plan done every three years. The vehicle to gather information and make recommendations for system's improvement is the Peer Quality Case Review (PQCR). In this year's PQCR, the Probation Department along with the Department of Children and Family Services (DCFS), State representatives, stakeholders, and youth developed focus groups met to identify gaps in services, and potential solutions for TAY. The focus groups not only identified barriers to youth and their successful access of ILP services, but also provided a vehicle for youth and stakeholders to evaluate all services/programs and make suggestions for improvement. The focus groups included but were not limited to youth groups (Probation and DCFS), YDS staff, Housing staff, as well as community providers. The results from the focus groups were then organized into a report that was presented to stakeholders and youth groups at a conference. The results were provided to the State as part of our final SIP, which in turn will inform future policy, legislation, and funding priorities for older foster care youth exiting the system.
- ✓ The Transitional Housing Placement Program (THPP) is currently being evaluated by the Inter-Universities Consortium (IUC) to determine the program participant outcomes.
- ✓ YDS also has an annual Single Audit Report performed by Macias, Gini & O'Connell auditors, an independent contractor.

RECOMMENDATION NO. 2

Develop and implement an evaluation plan that acknowledges self sufficiency of participants during and beyond the program period to better evaluate progress during the program and their sustainability of skills and knowledge after program service/eligibility.

RESPONSE

The Probation Department agrees with this recommendation.

- ✓ In an effort to evaluate the progress of how self sufficient youth are when they exit care, YDS has began implementing the Federal National Youth in Transition Database (NYTD) requirements. The States are required to report four types of information about youth exiting care: services provided to youth; youth characteristics; outcomes and basic demographics. More specifically, the States must collect and report information on six general outcomes: 1) Increase youth financial self-sufficiency 2) Improve youth educational attainment 3) Reduce homelessness among youth 4) Reduce high-risk behavior among youth. The States are to survey the youth regarding their outcome information at three

REPONSE TO THE GRAND JURY

August 16, 2011

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different intervals: On or about the youth's 17th birthday while the youth is in foster care; two years later on or about the youth's 19th birthday; and again on or about the youth's 21st birthday.

- ✓ The survey has two (2) objectives: 1) to obtain youth responses within 45 days of their 17th birthday and 2) to compile an adequate number of NYTD youth survey responses from designated cohorts of ILP eligible youth. We are currently in the first phase of the NYTD Survey, which began October 2010. This survey is particularly critical as this is a self reported survey from current and former foster youth about their ILP experience and the services that they have received. Thus, via both the collection of the outcome data and the youth survey, Probation YDS will have an ongoing evaluation tool that will monitor self-sufficiency of participants during and beyond the transition phase. The last survey/ evaluation will be completed prior to them aging out of ILP services.
- ✓ In an effort to measure the participant's self sufficiency, three mandatory areas will be addressed in the Transitional Independent Living Plan (TILP). The TILP is the required document for initiating services for ILP eligible youth. The three mandatory areas addressed are education, housing, and employment/job training. The Department is mandated to ensure that each youth in foster care has a plan, and identifies the requisite services for self sufficiency. In cases where the youth has documented physical, mental or emotional limitations, the TILP must identify the supportive services to address the needs for these youth to obtain self sufficiency.
- ✓ This year the County adopted self sufficiency as the fourth outcome for children in DCFS and Probation. There will be a special emphasis on measuring permanency, housing, education, work force readiness, and social and emotional wellbeing. Evaluation of these outcomes will continue until the youth's 21st birthday; utilizing CWS/CMS as the repository for both DCFS and Probation youth.

RECOMMENDATION NO. 3

Submit ILP and transition housing participation data to the State as part of the reporting requirement for funds.

RESPONSE

The Probation Department agrees with this recommendation.

- ✓ YDS is currently gathering ILP and housing data for the State via the Annual State Statistical and Narrative Report. This annual report includes, but is not limited to, the number of youth receiving services, the number of youth in college

REPONSE TO THE GRAND JURY

August 16, 2011

Page 4 of 9

and the number of youth seeking housing. The Statistical Report is submitted to the State in October and the Narrative Report is submitted in February.

- ✓ YDS has already implemented an internal database and reporting system that measures monthly the number of youth participating in ILP services as well as identifying new and returning youth. This internal database has assisted Probation's YDS operation in verifying information the program has generated independent of the current systems. Now that Probation Departments have been given access to the CWS/CMS system, it is expected that we will be able to obtain pertinent information from CWS/CMS in the future and that the program will be able to eliminate dual entry/dual monitoring systems.

RECOMMENDATION NO. 4

Define and develop methodologies, frequency and reliability of work data collection methods and systems to clearly define recorded data so that participation data is more reliable.

RESPONSE

The Probation Department agrees with this recommendation.

- ✓ YDS was given access to the CMS/CWS computer system in October 2009, to report youth outcomes and services rendered. The components being utilized are National Youth in Transition Data – Base (NYTD), Homeless Management Integration Services (HMIS), Exit Outcomes and Emancipation Services Independent Living Program Data Tracking System (ESILP). To ensure reliability of this data, YDS is utilizing quality control reports to validate the accuracy of entries. These reports include: the number of youth that received an ILP service; the type of ILP services the youth receive; which youth did not receive any services at all; the number of youth that completed a youth survey; the number of youth that did not complete a youth survey; and the number of youth that were homeless. The data is collected and reviewed consistently every six months. The Federal government will also impose fiscal penalties upon states for entering inaccurate data. Thus, data related to demographic, start and end dates and education are reviewed for accuracy via compliance reports generated throughout each six month period. The inaccurate data identifies the user who entered the data. Each user is responsible to correct any inaccuracies that are identified.
- ✓ In an effort to further improve and monitor outcomes for youth, the Probation Department has implemented monthly monitoring systems that measure each ILP coordinator's accomplishments and compliance with departmental, state and federal requirements, which in turn assist the coordinator in providing services to youth. The internal monitoring systems utilize the Probation's Group Home Population report as a means to inform coordinators of where ILP youth are

located as well as for coordinators to plan for service delivery. For the last 10 months, the Probation ILP coordinators have now begun entering services and youth information into the system. The Business Objects Training course has begun and will inform managers and the bureau of trends in the placement population, as well as track bureau and program outcomes.

RECOMMENDATION NO. 5

Develop and maintain consistent criteria participation data for ILP and other TAY services.

RESPONSE

The Probation Department agrees with this recommendation.

- ✓ Consistent participation data is captured and maintained via three existing systems: 1) CWS/CMS and NYTD which identifies all services provided to youth receiving any ILP related services. The State generates reports on these services every six months to monitor services delivered and accuracy. 2) ES/ILP tracking system which captures all fund requests and services that are fiscal related. These services include but are not limited to: rent assistance; college assistance; employment assistance, etc. 3) The HMIS system which periodically captures participation data on youth who are case managed by the THP HUD program.
- ✓ The current criteria for participation and eligibility for ILP services is posted on ILPOnline and is updated each year to include any changes. Youth and interested stakeholders can access the website (using a computer with internet capabilities) and can navigate the site to review and print out frequently asked questions, announcements, forms, as well as All County Letters which provide guidelines for participation and any policy or procedural updates. Furthermore, the website provides a vehicle for any individual or youth with questions or concerns about eligibility and ILP services to email a question to the website administrator. The administrator then routes the questions to the appropriate unit (Housing, ILP coordinators, THP +) or manager for a response.
- ✓ In addition, Probation YDS management has participated in discussions with DCFS management in the formulation of the updated criteria that was issued this year (2011).
- ✓ YDS currently has procedural guidelines that are posted and updated regularly on ILPOnline.org as well as other printed brochures and booklets. Program criteria are defined by federal and state authority. YDS internal policy for distribution of benefits establishes consistent criteria for all participants eligible

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for services and or benefits. YDS housing programs also have consistent admission criteria to ensure all youth in need are able to benefit from services.

- ✓ YDS has gained access to TAY housing and mental health services, such as Full Service Partnerships funded through the Department of Mental Health. DMH currently houses a staff with DCFS and Probation. Eligibility for these programs is identified by the staff and access to these services has increased exponentially.

RECOMMENDATION NO. 6

Initiate the process of tracking youths' denial of ILP services if offered and record data and follow up to reinstate the ILP.

RESPONSE

The Probation Department agrees with this recommendation.

- ✓ Youth participation in ILP is on a voluntary basis; therefore youth who choose not to participate remain eligible and may elect to access services at a later date (up until age 21). Youth are continuously offered services and resources through various outreach programs and events the duration of their eligibility.
- ✓ The YDS program works in partnership within the County's eight Service Planning Areas (SPA) Steering Committees in organizing and coordinating resource job fairs. YDS staff have participated in these events and have made information about ILP services available to any former foster care youth, caregiver or provider attending those events. Youth who choose not to participate in life skill classes are continuously targeted for participation in the next modules by the ILP Contractors. Children Social Workers (CSWs) and Deputy Probation Officers (DPOs) are encouraged to consult with ILP Coordinators to learn about services as well as encourage youth to accept ILP services. Community Workers contact youth and conduct peer level discussions on the benefits of ILP participation. These outreach efforts provide an "open door" policy, allowing youth to access services at any time. When a youth refuses ILP services, a case note is added to the CWS/CMS.
- ✓ ILP services will continue to be offered to youth at the 90 Day Transition Conference, which is federally mandated for all youth aging out of care. In addition, youth can come back to the ILP Program anytime before their 21st birthday and request services.

RESPONSE TO THE GRAND JURY

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RECOMMENDATION NO. 7

Evaluate effectiveness of the existing data management system and explore new software that could streamline data collection and analysis which improves identification of service gaps and accomplishments.

RESPONSE

The Probation Department agrees with this recommendation.

- ✓ We will consult with our Bureau of Information Services Section (BIS) to explore streamlining our data collection efforts. However, there are certain Federal and State regulations that prohibit dual entry of data. Our primary database is the state owned Child Welfare Services Case Management System (CWS/CMS) which tracks limited data and does not accommodate uploading of information.
- ✓ The Probation Department is also participating in Business Objects Training to learn how to streamline processes and maximize reports that can be generated for CWS/CMS. This will allow Probation's YDS operation to analyze the data and identify service trends and service gaps which can ultimately improve overall service delivery.

RECOMMENDATION NO. 8

Increase and improve communication efforts with TAY participants to raise awareness of ILP housing and other TAY related services by improving data collection efforts and maintaining contact with participants after they leave the program.

RESPONSE

The Probation Department agrees with this recommendation.

- ✓ As previously mentioned, Probation has begun requesting e-mail addresses from youth while they are receiving services. These addresses can be utilized not only to maintain contact during the period of time that they are accessing services but also upon exiting the program to provide follow-up and assist with aftercare services. Transition Coordinators (TCs) were additionally instructed to obtain (whenever possible) an emergency contact phone number and name for each youth receiving ILP services and continue to obtain home addresses whenever available for involved relatives.
- ✓ With the implementation of the 90-day Transition Plan, we will assure that all youth exiting out of foster care will be connected with YDS prior to leaving the system. It will also give us accurate addresses, phone numbers, and email addresses to stay connected with these youth after they leave.

REPONSE TO THE GRAND JURY

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RECOMMENDATION NO. 9

Establish confidential e-mail distribution lists and send regularly scheduled e-mails to provide awareness of scholarships, ILP services, available resources, and job opportunities.

RESPONSE

The Probation Department agrees with this recommendation.

- ✓ As mentioned in Recommendation 8, we have initiated collecting e-mail addresses to provide information to youth receiving services as well as improving our continued communication with them upon exiting the program.
- ✓ Currently, announcements relating to scholarships, tuition assistance, as well as the full array of ILP services including but not limited to, clothing allowance and computer training have been posted on the ILPOnline site. The website is accessible by anyone who has internet access and inquiries are not limited to just youth in the program, but to anyone seeking information about the program, processes and procedures.

RECOMMENDATION NO. 10

Increase frequency in which participants provide progress updates and complete surveys that measure progress, satisfaction and solicit input and suggestions. Improved and increased communication between participants and staff may allow the recommended evaluation plan to be effectively implemented. The second method for maintaining ongoing communication with youth participants could involve the increased use of social networking, such as facebook.com, since most youths are already using these social networking sites

RESPONSE

The Probation Department agrees with this recommendation.

- ✓ NYTD Surveys (see #2 response) measures progress, satisfaction as well as soliciting input and suggestions from the youth. In addition, there are two surveys that meets these goals: 1) The ILP Survey which is online and the youth are provided an incentive for participation and 2) The THP exit survey which measures satisfaction with the program and identifies service trends for program improvement.
- ✓ We have considered this recommendation; however, there are County guidelines and issues of liability which prohibit the hosting of such social networking environments. County Counsel has concerns with county departments posting

REPONSE TO THE GRAND JURY

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information on social networking sites due to possible liability issues that could arise from the potential inappropriate content of other visitors who can post on the county sponsored site.

- ✓ Nevertheless, YDS is collaborating with the Los Angeles County Youth Council, Foster Wise, to initiate a website to maintain ongoing communication with youth participants via social networking as well as provide service and resource information. The Youth Council is in the process of working with the CEO to present this plan to obtain funding and/or resources to launch their website. In addition, the chair of this committee has been appointed the Southern Counties CYC Regional Coordinator and will begin outreach efforts for the Los Angeles area as well as adjacent counties. The first statewide meeting for this effort will take place on August 20, 2011.

ATTACHMENT G



JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Chief Deputy Director

313 North Figueroa Street, Room 806
Los Angeles, California 90012
TEL (213) 240-8117 • FAX (213) 975-1273

www.publichealth.lacounty.gov

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August 5, 2011

TO: William T Fujioka
Chief Executive Officer

FROM: Jonathan E. Fielding, M.D., M.P.H. *JEF*
Director and Health Officer

SUBJECT: **DEPARTMENT OF PUBLIC HEALTH'S RESPONSE TO THE 2010-2011 LOS ANGELES COUNTY CIVIL GRAND JURY FINAL REPORT**

The 2010-2011 Civil Grand Jury Final Report includes six recommendations that pertain to Health Facilities Inspection Division (HFID) operations in Sub-Acute Health Facilities. Attached you will find our responses to each recommendation.

Under contract with the California Department of Public Health, Los Angeles County Department of Public Health (DPH), HFID performs licensing and certification functions of Health Facilities and Ancillary Health Services, including Skilled Nursing Facilities (SNF), in Los Angeles County (LAC).

HFID is responsible for the licensing, certification and inspection of privately owned and operated healthcare facilities in Los Angeles County. HFID has the responsibility to ensure that these facilities are in compliance with State and Federal laws and regulations. HFID evaluators are required to attend and complete both State and Federal training courses before they are permitted to perform surveys and evaluations of all licensed and certified health facilities within Los Angeles County.

Please contact me if you have any questions or comments.

JEF:cb

c: Sheila Shima
Richard Mason
Brian Mahan
Jonathan E. Freedman
Ernest Pooleon

RESPONSE TO THE GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES – PUBLIC HEALTH

SUBJECT: 2010-11 GRAND JURY RECOMMENDATIONS FOR
SUB-ACUTE HEALTH FACILITIES IS THE FOX INSPECTING THE
HENHOUSE?

RECOMMENDATION NO. 1:

Ensure that a Sub-Acute facility being inspected has a separate and distinct Sub-Acute policy in place. All Sub-Acute personnel must be trained in that policy.

RESPONSE:

Agree - The recommendation has been implemented. Facilities are required by regulation to establish and implement policies and procedures pertaining to all aspects of care and resident acuity levels and ensure that facility staff is trained in those policies/procedures.

RECOMMENDATION NO. 2:

Ensure that during each inspection a policy is in place and used consistently for the Remote Ventilator Alarms Connecting and Usage. The policy must state that the Remote Ventilator Alarm must remain ON at all times. Stipulate that it may be turned off when the nursing home employee is in the room with the ventilator patient; however, it must be turned back to the ON position before the employee leaves the patient's room.

RESPONSE:

Agree - The recommendation has been implemented. During survey inspections, Health Facilities Inspection Division (HFID) staff reviews policies and procedures to see if they meet the regulations and the needs of the residents to ensure that there are provisions for a safe and adequate environment such that appropriate care is provided based on the needs of the resident. This includes the need to maintain ventilator alarms to be in the ON position at all times.

RECOMMENDATION NO. 3:

Ensure that each licensed facility has a policy regarding proper procedure in handling tracheotomy tubes, ensuring it is not disconnected from the ventilator tubing.

RESPONSE:

Agree - The recommendation has been implemented. Policies and procedures are reviewed to see if they meet the regulations and the needs of the residents to ensure that there are provisions for a safe and adequate environment such that appropriate care is provided based on the needs of the resident, including those residents with tracheotomy tubes and ventilator connections.

RECOMMENDATION NO. 4:

Ensure that each licensed facility has a policy in place for use of a "crash cart" and that it is enforced.

RESPONSE:

Agree - The recommendation has been implemented. The use of an emergency cart or "crash cart" is determined by the needs of the facility as it relates to the acuity level of the resident population to whom it provides care. Facilities are evaluated pursuant to the California and federal regulations that mandate policies and procedures must be developed, implemented and staff trained in the policies and procedures. During the survey process, if a facility has a crash cart, then policies and procedures related to its use are reviewed and verifications is made that staff are trained in the implementation and use of said equipment.

RECOMMENDATION NO. 5:

Ensure that each licensed facility has a policy for the administration of oxygen and is followed judiciously.

RESPONSE:

Agree - The recommendation has been implemented. If a resident is being administered oxygen, the facility is required to have policies/procedures in place to ensure a safe environment for the use of medical gases.

RECOMMENDATION NO. 6:

Require evaluators inspecting a health facility participating in the Sub-Acute program have the same qualifications as required by the State of California to administer the following:

- a. Tracheotomy care with continuous mechanical ventilation for at least 50% of the day.
- b. Tracheotomy care with suctioning and room air mist or oxygen as needed, and one of the six (6) treatment procedures listed below.

- c. Administration of any three (3) of the six (6) treatment procedures listed below:
- i. Total parental nutrition
 - ii. Inpatient physical, occupational, and/or speech therapy at least two (2) hours per day five (5) days a week.
 - iii. Tube feeding (nasogastric or gastrostomy)
 - iv. Inhalation therapy treatments every shift for a minimum of four (4) times per 24-hour period.
 - v. Intravenous therapy involving: the continuous administration of a therapeutic agent; the need for hydration; and frequent intermittent INTR drug administration via a peripheral and/or central line (for example, with a Heparin lock)
 - vi. Debridement, packing and medicated irrigation with or without whirlpool treatment
 - vii. Inspections are required to include Recommendations 1 through 6 above when a survey or recertification is performed.

RESPONSE:

Partially Agree - The recommendation has been implemented. This year we have already implemented training applicable to residents requiring ventilators. However, there is no State or federal requirement or regulation that requires evaluators to have the same qualifications as those employees that work at Sub-Acute facilities. HFID evaluators have access to State consultants regarding physical and occupational therapy, pharmacy and pharmaceutical services, dietary and nutritional services and medical services. The evaluators are directed to utilize these consultants when a question or a situation arises.

The California Department of Public Health and the Centers for Medicaid/Medicare Services (CMS) provide guidelines and tools to surveyor staff regarding how to survey facilities providing care for all residents, including the ventilator dependant (sub-acute). HFID follows the same survey process, guidelines and protocols that have been established by the State of California Licensing and Certification and the CMS when conducting inspections of Skilled Nursing Facilities (SNF). All Surveyors who inspect SNF facilities must first complete a Federal Basic Long Term Care Training course and successfully pass the Surveyor Minimum Qualifications Test (SMQT). Additionally, HFID offers continuous training courses to surveyor staff to ensure that they are current and knowledgeable with the regulations and have a current skill set in order to survey the various acuity levels encountered in the SNF resident population including the sub-acute resident.

RECOMMENDATION NO. 7:**DPH RESPONSE:**

ATTACHMENT

The Civil Grand Jury Final Report indicates a Recommendation Number 7, yet there is no Recommendation Number 7 identified.

ATTACHMENT H



LEROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



August 19, 2011

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Members of the Civil Grand Jury:

**RESPONSE TO THE FINAL REPORT OF THE 2010-11
LOS ANGELES COUNTY CIVIL GRAND JURY**

Attached is the Los Angeles County Sheriff's Department's (Department) response to the 2010-11 Civil Grand Jury Report recommendations (Attachment A). The Civil Grand Jury's areas of interest specific to the Department included our participation in the E-Subpoena, High Tech Forensics and Cyber Security Crime Fighting in the Digital Age, Education Based Incarceration, The Six Pods of Module 172, and Jails Committee. Should you have questions regarding our response, please contact Division Director Victor Rampulla at (323) 526-5357.

Sincerely,

LEROY D. BACA
SHERIFF

A Tradition of Service

RESPONSE TO THE GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES – SHERIFF'S DEPARTMENT

SUBJECT: 2010-2011 GRAND JURY RECOMMENDATIONS FOR
E-SUBPOENA

RECOMMENDATION NO. 3

LASD and LAPD evaluate electronically transmitting other documents such as police reports and probable cause determinations among law enforcement agencies, Prosecutors and the Court.

RESPONSE

LASD agrees with this recommendation. LASD is currently working on electronically transmitting probable cause determinations/declarations (ePCD project) from the arresting agency to the courts and then receiving an automated approved PCD at the arresting agency. LASD is also working on a Field-Based reporting System (FBRS) that once implemented will facilitate the transmission of automated reports to all criminal justice partners in Los Angeles County.

RECOMMENDATION NO. 4

LASD to expand implementation of filing Pitchess motions electronically. A Pitchess Motion defines those portions of a deputy's personnel file which may be made available to defense counsel.

RESPONSE

LASD agrees with this recommendation. LASD, the Public Defender's office and Compton Court completed a pilot project regarding the electronic filing of Pitchess motions and the results were extremely positive. The cost savings to the agencies involved was significant and the concept is currently being expanded to all courts in Los Angeles County.

RESPONSE TO THE GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES – SHERIFF'S DEPARTMENT

SUBJECT: 2010-2011 GRAND JURY RECOMMENDATIONS FOR
HIGH TECH FORENSICS AND CYBER SECURITY
CRIME FIGHTING IN THE DIGITAL AGE

RECOMMENDATION NO. 2a

The Los Angeles County Sheriff's Department (LASD), along with other police agencies in Los Angeles County, shall establish a "High Tech Forensics Bureau" which will facilitate:

- Promotions and career opportunity for those who are trained and skilled in this area without leaving the discipline.
- Succession planning and transfer of high tech expertise, preserving the investment made in creating the expertise.

RESPONSE

The Los Angeles County Sheriff's Department agrees with this recommendation. Currently, LASD operates a regional high tech task force (*Southern California High Tech Task Force -SCHTTF*) that investigates computer related crimes and also provides forensic examinations of technical equipment and software related to cyber crimes. SCHTTF is currently funded by a state grant through this current fiscal year.

- i. LASD acknowledges that it would be desirable to foster promotions and career advancement for those investigators currently assigned to the high tech task force. Maintaining experienced investigators in an ever changing technical world would enable the seamless transitioning of personnel promotions within the unit enabling the retention of trained personnel. Unfortunately court mandated processes require centralized testing to place personnel in coveted positions, and due to past and current promotional practices, significant changes in policy and civil service rules will have to occur in order to implement this recommendation.
- ii. On September 1, 2011, LASD will add three investigators to SCHTTF to augment the current number of nine investigators who handle forensic computer examinations and cyber investigations. The reason for the additional investigators is to train the new investigators and prepare them to replace pending retirements of currently assigned veteran investigators. It typically takes years to fully train cyber investigators and the three new investigators should make for a seamless transition when the retirements do occur.

LASD is currently preparing a request to acquire additional personnel and funding for a permanent and expanded high tech forensics unit. The request will be submitted during the 2011-2012 budget proposal process.

RECOMMENDATION NO. 2b

LASD should update law enforcement recruit and detective training to include orientation, procedures, protocols, and other training with respect to digital evidence.

RESPONSE

LASD agrees with this recommendation. LASD has created a structured class curriculum to educate detectives about basic techniques and protocols relative to digital /cyber crime investigations. Three classes have been scheduled during the month of August 2011, which will include detectives from all three field operations regions. Training for recruits will begin when a class curriculum is completed.

RECOMMENDATION NO. 2c

LASD should include digital evidence collection, analysis and use training at the station level during roll call (shift briefing.)

RESPONSE

LASD agrees with this recommendation. LASD is currently providing basic cyber crime training for all field operations personnel who are assigned to their station's detective bureaus. The intent of this training (sometimes referred to as "Train the Trainer") is to provide general entry level instruction relative to cyber crime to these station detectives. Once the initial detectives are trained, they will return to their units of assignments and hold in-service (roll call) training for all three field patrol shifts at their stations.

RECOMMENDATION NO. 2d

LASD should take steps to acquire POST certification for high tech training courses for forensic and cyber investigators to allow for the reimbursement of the costs.

REPSONSE

LASD agrees with this recommendation. LASD is currently researching and designing a curriculum that will be submitted for possible POST certification by the State. Captain Michael Parker who commands the Department's Headquarters (and Information) Bureau is the project manager. He is currently working with Federal, State, local and private entities to gather information and advice in order to initiate a training program that would be POST certified.

RESPONSE TO THE GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES – SHERIFF'S DEPARTMENT

SUBJECT: 2010-2011 GRAND JURY RECOMMENDATIONS FOR
EDUCATION BASED INCARCERATION

RECOMMENDATION NO. 1

LASD Community Transition Unit to increase network with community service groups and local businesses to gain employment opportunities for inmates who have completed the EBI program. This can be achieved by attendance at community service clubs such as Rotary, Kiwanis, and Chamber of Commerce meetings. LASD representatives are encouraged to be proactive and attend these meetings fully prepared with names and experiences of EBI graduates.

RESPONSE

The Los Angeles County Sheriff's Department (LASD) agrees with this recommendation. The recommendation will be discussed at the next EBI committee meeting. If feasible, the LASD Inmate Services Bureau will appoint representatives to identify suitable service clubs and community-based organizations as well as attend meetings to discuss EBI and the experiences of EBI graduates.

RECOMMENDATION NO. 2

Assign LASD community outreach staff to actively and consistently network with corporations to acquire corporate support. In addition to financial contributions, seek to acquire access to corporate inventory of excess computers, training, and equipment and classroom furnishings for use in EBI classrooms. Seek expertise of potential guest speakers and enlist assistance from much needed computer training.

RESPONSE

The LASD agrees with this recommendation. The LASD currently has no system in place to accept donations of cash or equipment; however, a nonprofit arm of the LASD, Inmate Services Bureau, is being explored. This recommendation will be discussed at the next EBI committee meetings, and if feasible, the LASD will appoint representatives to identify and "network" with potential vendors. As to the second part of the recommendation, the LASD agrees. It should be noted that the LASD educational programs currently utilize a host of guest speakers, including motivational speakers, Alcoholics Anonymous/Narcotics Anonymous, EBI graduates, and former gang members who qualify for entry in LASD custody facilities.

RECOMMENDATION NO. 3

Procure inventory of translation equipment to effectively communicate course content to the Spanish-speaking population and increase the number of Spanish-speaking instructors. Seek funding approval from Board of Supervisors for translation equipment and/or utilize funds from IWC.

RESPONSE

The LASD agrees with this recommendation. As the Los Angeles County jail system houses a substantial number of Hispanic inmates, the LASD has made every effort to present the same educational opportunities available to English-speaking inmates. The LASD has a small number of Spanish translation devices which are used to translate instruction in the MERIT and SMART programs. This recommendation will be discussed at the next EBI committee meeting as well as the possibility of requesting IWC funds to purchase additional translation equipment. In the event that IWC funds are unavailable, the EBI committee will explore the possibility of funding from the Board of Supervisors.

RECOMMENDATION NO. 4

Evaluate effectiveness of the current level of communication with the Board of Supervisors and all local city councils to increase awareness and support of EBI programs. A strong "circle of influence" in local government is imperative for the ongoing success of the EBI program. Consistent exposure is advised through attendance and agenda input at the Board of Supervisors and countywide city council meetings by high level LASD officials. Ensure funding is sought for specific needs such as computers, translation aids, and other classroom equipment.

RESPONSE

The LASD agrees with this recommendation. Sheriff Baca has spoken frequently to the Board of Supervisors regarding the importance of EBI. The sheriff has also appeared in print media and local radio programming to espouse the importance of inmate education. The LASD has developed an EBI website containing information regarding recidivism, inmate education, and alternative sentencing strategies and is available for public viewing at <http://www.lasdhq.org/divisions/correctional/ebi/index.html>. Members of the EBI committee have made a number of appearances as well, including a recent workshop by Lieutenant Brian Fitch at the 38th Annual National Association of Blacks in Criminal Justice in St. Louis, Missouri. Representatives, particularly Department executives, will continue to represent EBI at Board of Supervisors meetings, community functions, and conferences. The LASD further agrees with the recommendation to fund specific needs such as computers, translation aids, and other classroom equipment. As stated in the response to recommendation number two, the LASD is working to create a nonprofit arm of the LASD capable of accepting donations of cash or equipment.

RECOMMENDATION NO. 5

Identify and address obstacles that exist in jails that deter inmates from participating in education programs due to gang peer pressure. While it is recognized there is no quick or easy fix, the fact remains that this is a major obstacle to increase participation in this valuable program. LASD should actively enlist support from organizations like Home Boy Industries, Communities in Schools, and other gang experts, i.e., ex-gang members to assist in identifying solutions to this major challenge.

RESPONSE

The LASD agrees with this recommendation, specifically with the idea of enlisting ex-gang members to assist in identifying solutions to major challenges. The LASD currently contracts with the Amer-I-Can program which utilizes ex-offenders as teachers. The LASD also partners with former offenders working with the Delancey Street Foundation as well as graduates of the LASD MERIT program and members of Alcoholics Anonymous and Narcotics Anonymous. As the CGJ is well aware, because of security concerns, ex-offenders who have been convicted of certain offenses are precluded from entering custody facilities within Los Angeles County. Nonetheless, the LASD believes that ex-offenders can play a critical role in overcoming the peer pressure and other obstacles that may deter inmates from participating in EBI. Additionally, the LASD has formed an EBI steering committee to assist with EBI-related concerns. The committee is comprised of members from higher education (California State University, Dominguez Hills; California State University, Long Beach; California State University, Los Angeles; the University of La Verne; and University of California, Los Angeles) as well as members of the Delancey Street Foundation.

RECOMMENDATION NO. 6

Review the usage of the IWF expenditures to determine what portion is currently being used for EBI versus other jail expenditures such as capital expenditures. Is there a clearly defined budget allocated for educating inmates and providing recovery programs? Is it being adhered to? Is an appropriate level of funding being allocated to external agencies which can aid in bridging communication gaps that may exist between inmates and uniformed personnel? Ensure adherence to California Penal Code Section 4025 as it relates to the expenditures of the approximate \$47 million in the Inmate Welfare Fund.

RESPONSE

The LASD agrees with this recommendation in theory. The LASD adheres strictly to guidelines of Penal Code Section 4025. Currently, IWC funds are allocated as follows: 51 percent to inmate programs and education; 49 percent to maintenance of county jail facilities. As a result of the LASD's reduced jail population (currently about 15,000 inmates countywide), contracts with LA Works for vocational instruction and start-up funds for the HOPE Leadership Charter High School, the IWC funds are rapidly being

depleted. This includes future moneys which have already been allocated for inmate education through the Inmate Services Bureau, including the Community Transition Unit. The primary purpose of the Inmate Services Bureau as well as the Community Transition Unit is to provide services, training, and resources aimed at improving the quality of life for the inmate population, reducing recidivism through education, and bridging the gap between uniformed personnel and members of the inmate population as well as providing post-release services aimed at improving quality of life and reducing the possibility of future arrest.

RESPONSE TO THE GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES – SHERIFF'S DEPARTMENT – CUSTODY
OPERATIONS DIVISION

SUBJECT: 2010-2011 GRAND JURY RECOMMENDATIONS FOR
THE SIX PODS OF MODULE 172

RECOMMENDATION NO. 1

The CGJ recommends that the Board of Supervisors considers both the Sheriff's Proposal along with the CGJ's Report and approve cameras – beginning with the Pods of Module 172.

RESPONSE

The Sheriff's Department concurs with the CGJ's recommendation. A site analysis has been completed and submitted to the Department's Facility's Services Bureau. The installation of cameras into Module 172 will increase safety not only for inmates, but for staff as well. Additionally, the Department believes the installation will also help reduce liability and mitigate the cost of civil defense claims and lawsuits.

RECOMMENDATION NO. 2

The CGJ recommends that pilot programs for new technologies (Transmission Imaging and RFID) be implemented.

RESPONSE

The Sheriff's Department concurs with the CGJ's recommendation. Department members recently conducted a site visit to multiple correctional institutions using Transmission Imaging technology and found it to be a viable solution to curbing contraband. The Division Chief is actively seeking a solution to fund the purchase of the Transmission Imaging units.

The Department is also a proponent to Radio Frequency Identification (RFID) technology. Staff is in the process of developing a pilot project to test the technical aspects of the application.

RESPONSE TO THE GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES – SHERIFF'S DEPARTMENT

SUBJECT: 2010-2011 GRAND JURY RECOMMENDATIONS FOR
JAILS COMMITTEE

RECOMMENDATION NO. 1

Long Beach Courthouse lockup facility –

- a. Establish a cleaning schedule for the Courthouse jail.
- b. Establish a checklist to ensure that areas are cleaned effectively

RESPONSE

The Los Angeles County Sheriff's Department agrees with this recommendation. The Internal Services Department (Janitorial service provider) was contacted and an appropriate check list and schedule was established for the lock up area. Follow up to the daily cleaning schedule will be documented and reviewed by a supervisor in the Title 15 Lock Up book.

RECOMMENDATION NO. 2

Pasadena Courthouse lockup facility -

- a. Establish a process to identify areas in the facility that require painting.
- b. Establish a checklist to ensure that areas are cleaned regularly.

RESPONSE

The Los Angeles County Sheriff's Department agrees with this recommendation. The Internal Services Department (Janitorial service provider) was contacted and an appropriate check list and schedule was established for the lock up area. Additionally, Sheriff's Facilities Services Bureau has been contacted and has identified the areas requiring painting which include the holding areas, lock up doors, wire mesh, lock up ramps, and the Sheriff's office. Since the responsibility for maintaining all courthouse buildings (including lock ups) in Los Angeles County has been transferred to the State we have submitted a request to the State to secure funding for the painting project.