

November 14, 2002

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

Dear Supervisors:

**APPROVAL OF AMENDMENT NUMBER 1 TO AGREEMENT NUMBER 73659
WITH PUBLIC INTEREST INVESTIGATIONS, INC., TO EXTEND THE
EQUITY INVESTIGATIONS TRAINING PROGRAM AGREEMENT
(ALL DISTRICTS) (3 VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

Approve and instruct the Chairman of the Board to sign the attached Amendment Number 1 to Agreement Number 73659 by and between the County of Los Angeles and Public Interest Investigations (PII), Incorporated, to extend the Equity Investigations Training Program for a period of two (2) years for a total sum not to exceed \$797,640 comprised of a Fiscal Year 2002-2003 cost of \$474,800 and an anticipated Fiscal Year 2003-2004 cost of \$322,840. This Amendment will be effective upon your Board's approval.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The proposed amended agreement with PII calls for re-engineering the Department's Equity Unit investigations to ensure that the Department maintains compliance with the Federal Court mandate in Bouman v. Baca. The Department's equity investigation training is to be achieved through a collaborative partnership between PII and the County's Office of Affirmative Action Compliance (OAAC).

After evaluating the initial PII proposal to perform this extensive training for \$1,042,385, OAAC determined that it could assume a portion of the work, reducing the amount of the agreement by over \$244,000. Several years ago, the Sheriff decided that it was in the best interest of the Department to give OAAC access to its Title VII investigative process. This was a dramatic departure from past Department practice. The OAAC's assistance, under the Sheriff's Protocols, has worked to significantly improve the quality of the investigations. OAAC's collaboration with PII in this project will be a continuation of that effort.

Moreover, PII's proposal supports Special Counsel Merrick J. Bobb's recommendation outlined in his October 1999 semi-annual report recommending Equity Unit investigations to be "prompt, fair, impartial, appropriately confidential, and effective" and that "investigative staff" should be retrained and partnered "as quickly as possible." The mentoring and partnering phases of PII's proposal, in collaboration with the OAAC, are designed to ensure Equity Unit Investigators, Intake Specialist Staff, Equity Unit Lieutenants and the Equity Commander acquire and demonstrate professional level investigative competencies and sustain proficiency in conducting independent investigations throughout all phases of the investigative process. PII's proposal strives to achieve these desired outcomes within two years, utilizing mentoring, partnering, and employment investigation theories and investigative technique training. To accomplish culture change and foster sustainability beyond the two years, the OAAC will continue to provide the Equity Unit with technical assistance and staff development interventions after expiration of the PII agreement.

In performing its duties under the amended agreement, PII will collaborate with OAAC to develop, train, and mentor approximately 25 Department personnel. OAAC's participation in this re-engineering effort will maximize cost effectiveness and ensure continuity of the investigator training after expiration of the agreement with PII. This public-private sector partnership will ensure that Department investigations utilize state-of-the-art standards and theories that will withstand legal challenge and will result in a work product that can be relied upon to support prompt and sustained discipline resulting in Bouman compliance; assuring more timeliness, accountability of managers, and competency in these types of investigations.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Equity Investigations Training Program provided by PII and the County's OAAC, will support the County's Strategic Goal of Workforce Excellence, specifically Strategy 1 (Recruit, develop, and retain dedicated and productive employees). The continuation of this program will result in more efficient and effective equity investigations. In addition to satisfying the County's Strategic Goal of Workforce Excellence, the equity investigations training program will also support the County's Strategic Goal of Fiscal Responsibility, specifically Strategy 1 (Manage effectively the resources we have) and Strategy 3 (Increase public private partnerships). With the approval of the extended partnership between the County and PII, it is anticipated that each employment discrimination complaint will be investigated in a more effective, and efficient manner.

FISCAL IMPACT/FINANCING

The maximum amount payable for the services provided through the Department's extended agreement with PII over the extended two (2) year term is \$797,640. Funding for these services is included in the Department's Fiscal Year 2002-2003 operating budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Facts/Background

PII is a Los Angeles based investigations firm specializing in conducting Title VII type investigations and training in-house investigators in best practices when conducting investigations of employment discrimination complaints, harassment and retaliation. PII has provided services to corporations, governmental entities, and private attorneys. PII has helped many of its clients meet their obligation to conduct a full and fair investigation of equal employment opportunity (EEO) complaints that ultimately result in a reduction of external complaints and fewer lawsuits.

For the City of Los Angeles, PII assumed an even greater role by acting as a city agency with responsibility for conducting all EEO investigations filed with the City's Human Resources Department from 1997 to March 2001. Called the Office of Discrimination Investigation (ODI), the project required PII staff to conduct independent investigations of sexual harassment and other claims of discrimination brought by City of Los Angeles employees, including Los Angeles Police Department (LAPD) officers. Among other duties, PII investigated more than 300 EEO claims, developed an intake system, designed and maintained a database of discrimination complaints, and conducted investigative training for City employees who assumed PII's responsibilities at the end of the agreement.

Other clients of PII include the California Department of Managed Care, City of West Hollywood, Denny's Restaurants, Metropolitan Water District, Social Security Administration, South Coast Air Quality Management District, and Sysco Systems.

The original agreement with PII approved by your Board on October 2, 2001, required PII to assess the Department's Title VII investigations and to provide a six to eight month equity investigation training program. The agreement was the result of a solicitation effort begun in the Fall of 2000, during which organizations specializing in this field were interviewed by Department members, County Counsel, the County's Office of Affirmative Action Compliance, outside Counsel for the County and the Department in Bouman, and Bouman Class Counsel. All agreed that the proposal received by PII was the most responsive and cost-effective and that PII was the most capable of providing the kind of training and technical assistance needed to both improve the overall equity investigations, while satisfying this vital component of Bouman compliance.

As PII began the research phase of its agreement, Department stakeholders requested that PII prepare written recommendations on improving the Department's equity complaint process. The recommendations that PII ultimately delivered to the Department are based on its own "best practices" approach toward dealing with these equity related investigations. This research and analysis also entailed an amendment of the PII agreement to increase its budget as well as the time line to encompass all the change strategies as identified below.

PII recommendations include: that the equity investigators be trained in an investigative format that streamlines the current format; that equity investigators be trained in the analytical thought process required to, among other things, identify critical from non-critical witnesses, gather and synthesize facts and make credibility assessments; that hands-on mentoring and partnering with the equity unit investigators be provided to better train investigators in investigative techniques and thought processes; that investigators be trained to identify significant from less significant complaints and to develop a triaging system for complaint investigation; that investigators consistently use investigative plans, time lines, case summaries, and impartial factual analyses as tools in conducting investigations; and, that training mentors be on-site, as well as available by phone, to provide needed consultation with equity investigators.

PII's best practice method involves training investigators on how to approach complainants, subjects and witnesses in an unbiased and non-confrontational manner, to treat witnesses with respect and patience, and to promote a fair interview process. Further, PII's approach is to have an investigative process and analysis of the evidence in compliance with legal guidance to avoid investigative guesswork or hunches leading to arbitrary conclusions.

The OAAC, an expert in conducting Title VII type investigations and training investigators in conducting employment discrimination, harassment and retaliation investigations, supports PII's "best practice" approach and re-engineering the Department's investigative process. Moreover, the OAAC and PII's re-engineering strategy will develop a system that triages complaints of discrimination to ensure timely, thorough, and effective investigation.

PII will also assist the Department, if needed, with designing a computer tracking system to be used by the Department in effectively handling Equity related cases and their defense.

In summary, PII's agreement will provide the following:

Mentoring Phase (Initial six months)

During the mentoring phase, PII will provide both group and individualized instruction to ten (10) Department sergeants assigned to the Equity Unit. The purpose of this phase is to assess each investigator's level of competency, and to deliver tailored training designed to improve each investigator's level of competency. PII will deliver individualized on-the-job training for the investigators as they complete their caseload.

PII will mentor Equity Unit investigators on cases chosen with specific training outcomes designed to enhance their investigative competencies. PII will teach Equity Unit investigators methods for investigating cases involving different theories of discrimination, such as disparate impact, disparate treatment, harassment, failure to accommodate (disability and religion), and retaliatory harassment and discrimination. PII will also work with the Department to develop a new investigative report format that will enable Departmental decision makers and the Equity Oversight Panel (EOP) to reach reasoned, accurate conclusions about the merits of each complaint.

During the mentoring phase, PII investigators will work closely with each Title VII investigator for approximately 27 hours each month on selected cases. The desired outcome of the mentoring phase is for investigators to understand best practices on discrimination investigations, to improve interviewing and analytical skills, and the transition to a new investigative report format.

Partnering Phase (Beyond the initial six months)

During the partnering phase, PII will continue to provide both group and individualized instruction to ten (10) Department sergeants assigned to the Equity Unit. The purpose of this phase is to allow investigators to apply knowledge and skills learned in the mentoring phase with greater autonomy and less PII intervention. Specifically, as Equity Unit investigators gain proficiency, the amount

of time PII staff will spend with each investigator will decrease.

The desired outcome at the conclusion of the Year One Partnering Phase will be for investigators to complete investigations on the types of cases they encounter frequently (i.e., sexual harassment, disparate treatment) with minimal supervision,

greater timeliness, and an acceptable degree of competency. The quality of the investigations will be judged by PII as well as by OAAC, the EOP, and other Department stakeholders.

At the conclusion of this phase, the investigators should be approaching competency in completing the types of investigations they see less frequently (i.e., religious discrimination, sexual orientation cases) and be demonstrating improved written and analytical skills as they become more familiar with a new investigative report format.

Monthly Supplemental Classroom Training

The monthly classroom training is a companion piece to the mentoring and partnering phases and will assist the investigators in achieving the desired project outcomes. The purpose of the monthly classroom training is to deliver content based curriculum to investigators, to identify areas where more training emphasis is needed, and to capitalize on the knowledge base of the more proficient Equity Unit investigators through class discussion.

The desired outcome of the monthly classroom training is reinforced instruction in areas in which investigators are weak, assessment of areas in which more training emphasis is needed, and dialogue among investigators and trainers on shared problems and strategies.

Training Unit Managers/Case Administration

PII will train the Equity Unit management team (e.g., two (2) Equity Unit Lieutenants, one (1) Equity Commander) on such case related issues as initial case assessment, triaging, staff selection, and effective implementation of the Policy of Equality and its related procedures. The purpose of this training is to assist the Equity Unit management team with unit wide issues including, but not limited to, improving efficiencies in managing multiple cases, developing a triage system that identifies potentially high liability cases at the outset, assessing

investigator performance, and implementing a new report format.

The desired outcomes of the management training are a management strategy for quickly identifying high profile cases and coping with a case backlog (should one develop), management's greater understanding of PII's training strategies and approach to Equity investigations, more targeted investigator recruitment, improved investigator training and assessment of job performance, and use of an appropriate investigative report format. The management training component will also serve as a "train-the-trainer" program, allowing Equity Unit supervisors to work with its trained investigators and the OAC when PII's agreement concludes.

The desired outcome of the case management component is an efficient and cost effective training program for the Department.

Training Intake Staff

PII will train and mentor intake staff to, among other things, improve interview and assessment skills, develop complaint forms utilizing, where applicable, aspects of the County's equity complaint process, and other tracking materials, and provide ongoing consultation with intake to troubleshoot problems.

The desired outcome of the training and mentoring is to provide the Department with an Intake Unit that effectively draws out information from callers and then accurately assesses and refers these to appropriate channels of resolution.

Legal Requirements

This Amendment with PII provides that the Department has no obligation to pay expenditures incurred by PII beyond the total Agreement amount. Further, PII will not be asked to perform services which exceed the total Agreement amount, scope of work, or agreement dates.

PII is in compliance with the Los Angeles County Child Support Compliance Program. Verification has been made through the Child Support Services

Department, Office of the Ombudsperson.

Amendment Number 1 has been reviewed and approved as to form by the Office of County Counsel. The Office of County Counsel concurs that Proposition A does not apply to the services that will be provided under this Amendment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The anticipated impact of this equity investigator training collaborative undertaking by PII and the County's OAAC will be improved investigations, a work product that withstands legal challenge, and that can be relied upon to support prompt and sustained discipline. Each of these factors will bring the Department closer toward Bouman compliance objectives and equity culture change.

Additionally, there will be no negative impact on any other current Department services and/or projects as a result of the services performed by PII under this Amendment.

CONCLUSION

Upon approval by your Board, please return an adopted copy of this action and the original executed Amendment to the Sheriff's Department's Contracts Administration Unit for further processing.

Respectfully submitted,

LEROY D. BACA
SHERIFF

LDB:PKT:DW:JC:
(Administrative Services Division - Contracts Administration Unit)

c: Justice Deputies
Executive Officer, Board of Supervisors
Lloyd W. Pellman, County Counsel
J. Tyler McCauley, Auditor-Controller
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