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CHRISTOPHER McCaULEY

Task Force Co-Chair

Opening Remarks

CHRISTOPHER McCAULEY: My name is Christopher McCauley. I am the co-chair of the L.A. City Task Force on Family Diversity. Next to me is our other co-chair, Dr. Nora Baladerian.

This is the second in a series of four public hearings being conducted by the Task Force. All our meetings are open but we have set aside four meetings for the express purpose of inviting witnesses to provide expert testimony on select topics of interest to the Task Force to be included in our report.

Again, for those who are guests, the Task Force was created by Councilman Michael Woo on May 1st, of 1986 and it was designed in a four-phase process. Part of that process was an organizational phase in which 38 of us from all different parts of the city came together on this enormous topic of family diversity and contemporary family change and sorted ourselves out into various topical areas. The second phase was involved in a significant amount of student research for about three months, which ended in December. We are in phase three which includes these four months of hearings, and our next few phases will be devoted to preparing the team reports, drafting the final report, voting on recommendations, and then submitting those to the Councilman, and ultimately to the Council.

We're very happy to have Councilman Michael Woo with us this afternoon. Most of you have had an opportunity to meet with him individually to discuss research from your teams at City Hall, but we welcome any opportunity to have some interaction with him and to hear his comments about the Task Force and its future role.

MICHAEL WOO

Los Angeles City Councilman

The Changing Family in Los Angeles

MICHAEL WOO: Thank you very much. The last time that I spoke here in Hollywood was a week ago today. I was at a press conference for the announcement of the new museum in the area. As I was sitting there about a minute before the press conference was about to begin, a pigeon flew overhead and literally relieved itself right on the front of my jacket. It gave me this feeling of dismay, on the one hand, that the front of my jacket had been stained, but on the other hand I also had this feeling of relief that it missed my head, missed my face, missed my tie, missed my shirt. In some ways that's an analogy for the political process, I think. You can't always get everything you want, but nevertheless life goes on.

I wanted to take this opportunity to first of all welcome you to my district. I appreciate all the time that members of the Task Force have put into all the meetings which have taken place up to this time. The research, and, I think, the product, in terms of the recommendations which will be coming out of your deliberations and the public hearings here, will be a very exciting package of proposals coming forward.

It's very clear that the face of Los Angeles is changing very rapidly in terms of physical signs of change such as the change in the urban environment, the kinds of buildings that are going up, the physical change in terms of the ethnic mixture of our city. But what is I think equally important but less visible is the changing face of Los Angeles in terms of the changing definition of the family. It's very appropriate that this Task Force is called together to deal with some issues which I think are on the cutting edge of our society.

There are some questions which I think are going to be very controversial which I think that city government needs to face up to. And it's because of your efforts that I think that we will be coming forward with some proposals that will be forcing city government and, hopefully, institutions, whether in the private sector or in the public sector, to start to face up in connection with the changing reality of life in Los Angeles.

I've met many of you in the meetings that I've had with research teams and I'm very impressed with the broad array of subjects which you've chosen to delve into. I want to emphasize that I think it's important for

you to come up with recommendations which are not necessarily non-controversial but which are politically practical to the extent that I and other allies on the City Council can push them through the City Council and to use that political process to try to bring some of these proposals into reality.

I will pledge to you today that I will do everything I can to apply every political muscle I have to get the ultimate package of recommendations through the Council, but I'll need your help in terms of your wisdom and your sense of political reality to help me come up with some proposals which we will be able to move through the City Council. This is not necessarily a simple task, but referring back to my initial story -- sometimes if you can't get everything you want, you can get some movement to take place and my reading of the situation is that I think you are basically in the middle of the process now and you are going through the essential part of the process, bouncing ideas off of each other, trying to solicit recommendations from the public; but ultimately you as members of the Task Force -- and you represent a lot of the diversity as well -- you need to filter through the recommendations coming forward to bring forward to the Council a package which I hope will see the light of day. I'm confident you have the ability to do that and I'm looking forward to seeing your report in the next few months. Beyond that, I don't have any specific recommendations to you beyond imploring you to keep up the good work.

I appreciate the fact, especially on weekdays like this when you have more profitable ventures to give your time to, that you are willing to spend your time on this activity. I think it will pay off, I think that we're going to succeed in showing the City Council and other observers that it is possible for a task force of this type to grapple with some of the most difficult subjects, whether it's domestic violence, or domestic partnership, or teenage pregnancy or a lot of other issues that a lot of people prefer to sweep under the rug. But I think we'll be able to show that we're not only not ignoring them, but we're coming forward with some realistic proposals to deal with them. So with that let me say thank you for the time and I can see from the agenda you have a whole afternoon of exciting testimony ahead so I don't want to keep you from that. Thank you for all your work and I'm looking forward to working with you on getting these recommendations into real policy. Thank you.

CHRISTOPHER McCauley: Thank you very much. Our first special guest is here and I'm delighted to be able to introduce Wallace Albertson, who is a longtime friend of progressive causes. She's a trustee with the Los Angeles Community College District. She was involved along with Tom Coleman and others with the State Privacy Commission and we've asked her to come this afternoon to spend a few minutes with you talking about some of the definitions of family.

WALLACE ALBERTSON

Trustee, Los Angeles Community Colleges

Defining "Family"

WALLACE ALBERTSON: It's true that I spend a good bit of time these days as a trustee of the Los Angeles Community College Board of Trustees, of which I'm president this year, but I'm really here today as a Commissioner on Governor Brown's Commission on Personal Privacy which sat for 18 months in 1982 and we took testimony, heard witnesses, much as you are doing today. I was assigned to a subcommittee on family relationships so it's from that report that I'm going to be extracting some material for your consideration.

I would like to give a little background on the Commission. The Commission on Personal Privacy's specific charge was to study the problem of discrimination based on sexual orientation and the invasion of rights of personal privacy in both the public and private sectors, documenting the extent of such problems, exploring in what forms the problems are manifested, noting existing remedies, and making recommendations as appropriate. The purpose of the report was to establish the meaning and examine the effects that the invasions had to the right of personal privacy and how they occurred in the family context.

In looking over this material, and it's been a couple of years since I have looked at it specifically, I don't see that it has changed very much -- either as to the problem or as to the recommendations that were made. If anything, the need is that much greater for us to redefine the term "family," what that means to us, and to be concerned about the diversities that one finds in family relationships -- and possibly to encourage other municipalities as well as you sitting here for the City of Los Angeles in this district -- have others look at the problem as well -- possibly in the same way as the State Commission did.

For the purpose of this report, "personal privacy" is defined as the right of an individual to determine for himself or herself the manner in which his/her intimate associations are formed, and the right to continue those associations free from intrusion, scrutiny, and/or discrimination by government or the private sector. An invasion of this right of personal privacy would occur when individuals are prevented or deterred from forming intimate associations, when discrimination against citizens occurs as a result of an intimate association, or when information about the nature of

a person's private life is gathered and/or disseminated without a compelling need to do so in order to protect the health and safety of others.

So the focus of the report is on the diversity of family forms and the unique problems which arise from a presumption of the commonality of the traditional nuclear family, which is defined by the U.S. Census Bureau as a married couple with one or several children. It does not take into consideration single-parent families, same-sex relationships, elderly people who are not related by blood who form a family unit, and so forth.

Ivan Toffler wrote in his book, The Third Wave, that the new third-wave family system is coalescing based on a diversity of family forms and more varied individual roles. The decision to live outside a nuclear family framework should be made easier. Values change more slowly as a rule than social reality. Thus we have not developed the ethic of tolerance for diversity that a demassified society will both require and engender; in other words, that demassified society of the future. Raised under second wave conditions, firmly taught that one kind of family is normal and the other suspect, if not deviant, vast numbers remain intolerant of the new variety of family styles. Until this changes, he projected that there will be much pain during the transition, that individuals finally cannot enjoy the benefits of widened family options so long as laws, tax codes, welfare practices, school arrangements, housing codes, insurance practices, and even architectural forms remain implicitly biased toward the second-wave families.

Let me get immediately to the recommendations. At the conclusion of the Committee's work, six points were advanced:

* One, that a dilemma surrounding the meaning of the word "family" exists both in a sociological/theoretical context and in social work practices.

* Two, the presumption that "family" means a married, heterosexual couple with children no longer applies to most of the population. In fact, the results of the 1980 Census showed that while there was a 21%-25% increase in so-called family relationships that there was a 538% increase in non-family relationships, non-family meaning any relationship that's not the twosome heterosexual family that went onto the ark.

* Three, persons whose family forms do not fit this presumed model suffer from exclusion from legal, tax and services protections.

* Four, the nature and variety of family forms in current society warrants definitions that are inclusive rather than exclusive of non-traditional family forms.

* Five, the right of personal privacy involves the right of an individual to choose intimate and familial associations without intrusion upon information related to the nature of the relationship and without legally or governmentally imposed limits upon such choices.

* Six, any consideration of definition or any definition of "family" put forth should consider the following elements: continuity of commitment, mutuality of obligation, economic and/or domestic interdependence, and, certainly, love and caring.

In the past, definitions of "family" have been predicated upon two moral dimensions: (1) religious perspectives, and (2) legalistic constructions. Although they form the basis of the formulation and execution of social policy these versions of what the family is about speak to ideals of what the family should be rather than what families may be in terms of observable social conduct and social organization. Without a firm construct as to what constitutes a "family," the nuclear family ideal is presumed and other forms of family lose the critical services and legal supports for the familial bonds they've formed, whether these bonds are formed in biological or in chosen families.

I would like to give a few examples. The Privacy Commission heard interesting and even heartrending cases -- and I know you even in this room are familiar in your own friendships and circles of similar ones. Take the case of two young people, both physically disabled, who could not get married although they wanted to very much because if they did they would lose all of their benefits. This also of course happens in the case of older people who wish to marry for a second time, both being widowed, they would lose their survivor benefits. In the case of a married couple of the same sex -- and I use the term as something that has meaning to me -- who have lived together for many years, one of them becomes ill. The spouse in this situation has no rights at the hospital, with the medical profession to make any decisions, in the event of death has no rights with the blood family or with the law in terms of claiming what would rightfully be his or hers built up over a period of years as to equity in the home or any other possessions that may have belonged to the loved one. We heard testimony of repeated cases of couples where the spouse, legally married or not, would not be covered under insurance benefits that the working member of the relationship exercised. And on and on, in cases of custody, there have been many instances where you have two adults in a household, whether same sex or opposite sex, who are not married, but nonetheless have offered a great deal of support, sustenance and training even of the young person in the household, who have no rights at all in the event of the illness or death of the parent, the blood parent.

There is a tremendous incidence of the increase in these alternate lifestyles. Women, for instance, between the ages of 20-24 tend to remain

single much longer, and particularly in California this is a trend when even into their late twenties they may choose not to marry and increasingly we see incidents of young people of childbearing age who wish to have children and do not want to be married. There are sanctions leveled against these people as single parents. In data from the March 1981 Population Survey of the Census Bureau, it was found that 22.1 million were "nonfamily" households, maintained by persons living alone or with other unrelated persons. Since 1970 the total number of the households has increased by 30% -- family households by 17% and non-family households by 85%. Of the 8.9 million increase in all family households between 1970 and 1981 almost one half was due to the increase in the family households maintained by a man or woman with no spouse present. Of the 2.8 million unmarried couple households specified in one study, these households could not get family medical insurance, nor could the future be secured by one partner for the other in times of disability or death under current laws and policies regarding what constitutes a "family." Another case I might add is a case of several elderly people who agreed to form a home together and not only ran into the problems I've mentioned, but a zoning fight which developed because there were too many in the home and residents in the area protested that they were violating the zoning.

One other interesting bit of testimony that came before us was from Los Angeles attorney Steven T. Kelber who dealt in a large part with estate planning and probate cases. He represented nontraditional families, in many instances to plan for a partner in the event of some loss in the relationship. One option that he suggested to his clients is that they adopt one another. According to him, if this was to be done, the entire family -- that is the blood families of the two people involved -- would be notified and he noted that clients will often wait until the death of their parents in order to maintain privacy about their adult adoptions. In this case protecting the privacy of information regarding family choice was not possible under the current law in practice. That about sums up the report. One other bit of testimony from Mina Robinson who is a gerontologist in this area. She testified about caring friends who became each others beneficiaries of their estates. Friends doing this are taxed at a higher rate than nonmarried people. The state is confiscating funds that could provide for people's old age. In these days, and we are increasingly told we must not look to government for help in social security, and social security itself is in danger of collapse, it would seem we should be encouraged and even be given incentives by the state for taking care of each other instead of being penalized for doing so.

So, to repeat a bit from the recommendations that I mentioned at the outset, the bases that we feel should be considered in defining family should really be three things: (1) continuity of commitment over a significant amount of time -- not as roommates who may come and go; (2) mutuality of obligation that members of families are mutually bound by their

commitments whether the commitments are formed by contract or by implied mutual agreement; and (3) economic or domestic interdependence, that is, that the members of the family units depend upon each other to perform the functions of everyday life, including the breadwinning and/or household activities necessary for consumption and survival. To underline all of this, that sense of loving and caring for another human being. So I think that completes my report and I would be glad to answer any questions.

JAY KOHORN: Can the material that you have be found in the Supplements to the Report of the Commission on Personal Privacy?

WALLACE ALBERTSON: Yes. This one, the Report of the Committee on Family Relationships, and about six others are in "Supplement One" to the Report. I'm going to leave two copies of this with you today, but I think Tom Coleman would have access to the complete file.

THOMAS FRANK COLEMAN: I would like to comment on an issue when I was involved with the Privacy Commission as the Executive Director. I felt very frustrated that we weren't really able to complete more in the area of family relationships. We had so much to do with individual rights. Family was an area we were not able to deal with too much and I very much appreciate the significance of the report of your committee. And in the course of teaching a class at USC on the rights of domestic partners, I had a need to review many existing legal definitions on family and it's interesting that what I discovered besides blood, marriage, and adoption as a legal definition, in California there is the option under existing law of creating a family besides blood, marriage, and adoption, and generally the criteria for the fourth type of family is very close to what you're saying -- the continuity of commitment that something over a period of time, you have a mutuality of obligation, and economic interdependence.

What your committee report suggested as the touchstones for defining family indeed is found in California law although it hasn't permeated the system in all the various manifestations. So I just wanted to acknowledge that, that you have hit the keystones.

WALLACE ALBERTSON: That's certainly good news. I am delighted to be here. Thank you for inviting me, and I applaud you in all your good work. I hope it's going to make some changes in our particular community.

CHRISTOPHER McCAULEY: I want to again thank Wallace Albertson for being here. Our next speaker is Kelly Brydon, Coordinator for the Fair Housing Council of the San Fernando Valley. She will discuss housing and some specific kinds of elements that may create problems for contemporary families and some of the proposed resolutions. Kelly, welcome.

KELLY BRYDON

**Coordinator, Fair Housing Council
of the San Fernando Valley**

Housing Problems for Families

KELLY BRYDON: The main points I want to raise come from a consensus of all the fair housing groups in this city and include Orange County as well.

The number one problem that we perceive for families, traditional and otherwise, is the lack of adequate affordable housing. For larger families and those on a stricter budget, we perceive that as the number one problem. I'll come back to the solutions we've thrown around.

The second area of concern is very specific. It's that income requirements are frequently set very high for those that are going into the rental market which effectively shuts out the families that are receiving governmental assistance even when their financial obligations are so low that the major financial obligation in their life would be their monthly rent payment and they can afford to pay that. The standard that we see being applied, and this is strictly an arbitrary standard with no guidance in law, being that they use generally three times the amount of the rent, sometimes four so as we all know what the rental market is -- \$500.00, \$600.00 and up for multiperson families to get in any type of unit at all -- then we're looking at a significant requirement of income. This is gross, rather than net, but those on assistance frequently don't have the credit obligations that those of us who are fortunate not to be on assistance have.

The third area of concern is also very specific in reference to arbitrarily applied occupancy limitation standards. They are currently governed by whatever the owner's preference is. Whatever an apartment owner or houseowner chooses to set as a limit is acceptable. There is no guideline under state law or city law for L.A. The Rent Stabilization Department is also conducting a public hearing today because we are experiencing a great overcrowding problem in the rental housing market, but there is also a problem of undercrowding. By undercrowding, I mean that some of these owners, rather than go ahead and live with the new child laws and the lack of being able to discriminate, they're setting occupancy limitation standards that not only aren't reasonable, in our opinion they would be clearly discriminatory. For example, they set a one-person-per-bedroom occupancy standard. So let's take the classic example

of a married couple with no children. That would mean they'd have to have two bedrooms. So as we can see that's really not very reasonable. A second example to clarify that is there's a landlord right now that's involved in a lawsuit. His occupancy limitation is one person per bedroom. He had a three-bedroom apartment available and we had a family with two children and they didn't qualify. Having an adequate income, and meeting all other criteria, they would have qualified for the apartment but because they had two kids instead of one he disqualified them from the unit. So that's definitely an area we need to look at.

The fourth area of concern, and again a very specific one, is the lack of safe play facilities or areas for children in the rental housing market. In single dwellings of course there's usually a backyard, but in rental housing, as most of us are aware, there's a lot of these units with the underground parking structures. We see all the amenities in terms of a pool, a spa, a gym, etc., but there's never a slide -- it is mostly focused towards adults. So while we've tackled the problem of allowing children to be recognized as a class of people and they have the freedom under law to live in the dwelling of their choice in this state, there are still some very real problems.

The points that I've made today, the first, second, and fourth point could be addressed by bond incentives, which is providing enough low income, adequate housing, maybe we could get some type of bond incentives going. Also, maybe we could re-establish some zoning laws where we could get some incentive to not only renovate some of the older housing and convert it maybe to adequate, low-income housing, we could also get some incentives for them to put in playgrounds or set aside play areas which might really address this problem.

In my everyday activities on my job, the most frequent complaint I get is restriction of the use of facilities for children. They can't use the pool area, they can't use the spa, they can't use the common walkways to play. They'll make restrictions like "no skateboards in the walkway" or "no trucks in the walkway." While this is probably on very many levels a safety consideration, we can also see where it would prohibit children from experiencing the freedom they need to play and just to be a kid.

The occupancy limitation standards could be solved with an ordinance, something that sets minimal standards saying, "No less than two people per bedroom." So that if two people wanted to rent a one bedroom apartment they would have the freedom to do so and share it accordingly.

Those are the major points that I wanted to make today and I'd like to take any questions you have for me.

CHRISTOPHER McCAULEY: Thank you very much, Kelly. Are

there questions?

DAVID LINK: What sorts of rationales do landlords use for one occupant per bedroom?

KELLY BRYDON: They want to avoid overcrowding, number one rationale.

DAVID LINK: That seems it could be used very easily as a guise for any sort of discrimination, ethnic or otherwise.

KELLY BRYDON: That's a very real consideration. Another segment of the population that we're seeing increasingly is single parents -- especially single mothers, minority mothers -- at least in my service area. In the Valley we're seeing an increase in that population segment. So they're being shut out of a lot of the rental market because of that. Overcrowding is the number one rationale they use.

JAY KOHORN: In those cases where there's a one-person-per-bedroom rule, do you find it's applied selectively at the discretion of the owner as opposed to across the board?

KELLY BRYDON: Well usually the argument they give when I apply just that point, when I ask "Do you apply this to every one of your apartments?" They say, "Well, we didn't used to but now we have an overcrowding problem." Many times the owners will back down when confronted by an agency such as ours. But, for example, this one owner that is being sued at the moment didn't back down. Normally we can get them to turn around but it's a lot of work and effort, where if all we had to do was show an ordinance and say, "You can't do this," perhaps that problem would be alleviated.

LOUIS VERDUGO: I have a comment. I think your idea of a city ordinance to deal with the overcrowding issue is quite the best way to approach it. Alternatively, in a given situation I think the occupancy standard is nothing more than a subterfuge to discriminate on people with children. Then you have a violation of the Unruh Civil Rights Act and we do have the City Attorney who has jurisdiction for a pattern of practice, so in a situation where this is an ongoing policy of a particular owner of a building I think it would be something that could be brought to the attention of the City Attorney's Office.

Likewise, the situation that you talk about dealing with the restrictions on recreational facilities for children, again, in that incident, I think that's a pretty blatant example of discrimination on people with children. Again, that would probably constitute a violation of the Unruh Civil Rights Act. And it's something we can think about as far as recommendation is concerned to the City Attorney's Office.

KELLY BRYDON: That's usually the argument I use is that it violates the Unruh Civil Rights Act. We have a standard form letter that we send out in researching the use of facilities and occupancy limitation standards but we're dealing with a volume of 300 cases a year in the Valley. These are just discrimination complaints and we have a staff of 4 1/2, so as our population is increasing I don't know that we're going to have adequate staff to cover that. So maybe an ordinance or an addition to city law would help.

LEE CAMPBELL: One thing you didn't mention, and I hope you didn't mention it because you don't run across it much, is the use by landlords of restrictive definitions of family and who has priority or who can rent in terms of relationships among the people. I've seen these sorts of things litigated in court cases which have been reported. This is a good way, for example, to eliminate extended families, immigrant families and that sort of thing. Do you find any of that being done by rental landlords?

KELLY BRYDON: Marital status discrimination is the third highest form of discrimination in the Valley. Race is first, children are second, marital status is third. So there is still some conception out there that a married couple without children is the most -- meaning man and wife -- is still the most desirable so there is still a problem.

LEE CAMPBELL: How does that work? Do they ask on the form, "Are you married?" Do they take your word for it, or how do they know?

KELLY BRYDON: Usually they'll come out and ask, and more times than not the discrimination will go undetected. This is strictly guesswork on my part given by the cases that I detected. They'll say, "Are you married?" And they'll ask it, because they'll say we need your social security number to access your husband's or your wife's credit -- strictly for credit purposes -- and then they'll find another reason to eliminate those people.

JEFF VOPAL: Occupancy considerations aside, I mean you may be able to take care of that by virtue of an ordinance. I guess my concern is more with the point you raised about income requirements. What suggestions do you have or proposals for getting around that do you have given the fact that landlords are always going to say, "We've got to insure that these people are going to be able to pay their rent." It seems to me that is the major impediment for a good number of minorities and lower-income families to be able to rent. They simply can't come up with four times the rent per month.

KELLY BRYDON: I don't have any answer to that. Usually I suggest when they hit a situation like that is to try to get the landlord to look at the overall credit obligations. But a lot of times they'll say to me. "Our

restriction is three times the amount of the monthly rent -- sorry we can't make any exceptions." And I can't argue that in law. There isn't any.

TERRY GOCK: My understanding is that in the San Fernando Valley especially there is an increasing population of Southeast Asian refugees and Indochinese refugees. I was wondering if you have come across any specific problems in terms of housing with refugees as well as with immigrant families?

KELLY BRYDON: You mean by placement? Getting adequate housing? (Yes). They don't come forward. I hear very little complaint from Southeast Asian immigrants. Hardly any. And I think that they: (a) have a language barrier, (b) there's cultural prohibitive factors. Maybe you could tell me, I think there's a tendency among many ethnic groups that aren't as verbally open as Americans are, for example -- they have a tendency to just take it and not say a word and some of them live in very poor, substandard conditions.

FRANK RICCHIAZZI: In mentioning some of the areas that landlords or providers of housing are giving in the San Fernando Valley you were mentioning that they were placing a lot of different kinds of possible restrictions on who they're renting to. There might be more affordable housing if we would create incentives for developers to construct. You know, in the early 60's we had a tremendous vacancy factor because we had overbuilt. If we could remove the hurdles so that developers would feel comfortable to come back into Los Angeles and begin to oversupply, which is the case in many cities in the United States, do you think that a lot of these problems would probably subside to a large degree?

KELLY BRYDON: If you're in reference to the income requirements, no, unless there's definite incentives for the builders. But we have an overabundance in the Valley right now of available units. The vacancy level is incredible. I don't know what it is offhand but there's all kinds of vacant apartments in the Valley.

FRANK RICCHIAZZI: So the owners would prefer to keep them vacant rather than to rent?

KELLY BRYDON: You mean for children?

FRANK RICCHIAZZI: For whatever the cases are. In other words, many mama and papa landlords who really could not afford a vacancy because of their debt service and operating expenses are individuals who pretty much would run at the first possible ability to rent that apartment and if there's an oversupply then are they saying, "We're still not going to rent."?

KELLY BRYDON: I guess so, because I'm still seeing a lot of discrimination complaints in the Valley and I know there's a high vacancy level. Some feelings run real deep. I think if they get in too much trouble, it's going to be the warm body theory -- they will get over some of their prejudices and discriminatory practices because they do need to pay their bills. I don't know the answer to that one because there is a high vacancy rate in the Valley right now.

FRANK RICCHIAZZI: There has been a tremendous increase of almost 300% on insurance where an apartment complex, where it was \$10,000 is now \$35,000 a year on insurance. Do you know if the insurance companies are basically going to these landlords and asking them if they have children and then using some kind of a scale which raises that insurance?

KELLY BRYDON: They're not supposed to ask that under law. I've had some landlords argue with me that it's because of their insurance problems, but I always offer to talk to their insurance companies and try to get them to understand and as yet I've never talked to an insurance company so I can't guess that it's too much of a problem.

Another point that I thought of while you were speaking -- there's a large property management company that's currently under investigation -- they're probably the second or third biggest and they use a policy that they need to see children's report cards and see whether or not they get satisfactory marks in conduct. There's a problem with that so obviously there must be some motivation to continue keeping children out. They also apply stricter criteria to those unmarried -- that aren't husband and wife.

ELIZABETH CLARK: I have one question and one idea building on what Frank was saying and I can imagine that a landlord would say "We can't have skateboards in the halls because someone might trip over them and we'll have a lawsuit," which is certainly true. Is there any way to use such devices like the Quimby Funds, which exists for developing new buildings, that may possibly make something like that retroactive in the form of an incentive so that landlords would be forced or persuaded to give funds toward recreational facilities for children in the closest area park? Is there anything like that in the works, or could that be built onto one of the others?

The second question is, in terms of discrimination there was some mention made about unrelated families or unrelated family members. Do you have many cases of discrimination against elderly, where like a brother and sister or two first cousins over 65 want to move in. Are elderly discriminated against?

KELLY BRYDON: No. I'm sure it happens, but in 4 years in this position I've only had two cases, so maybe they're not getting here. I

know there's a problem with the Indochinese or Southeast Asian refugees I don't know about the elderly -- if the same would apply. They frequently make their phone calls. Senior citizens are aware they have the multipurpose centers available to them, but they make their phone calls about substandard living situations so it seems if they were discriminated against they would get here too.

ELIZABETH CLARK: You have very few cases at all of elderly?

KELLY BRYDON: We've only had two in over 1,000 cases that I've handled.

CHRISTOPHER McCAULEY: In many cases the elderly may be preferred renters.

ELIZABETH CLARK: But they're not. In many cases they're tossed out.

CHRISTOPHER McCAULEY: Well, as opposed to her experience it's certainly what I've read or heard experienced -- the elderly are preferred as opposed to children.

NORA BALADERIAN: The question I have has to do with information related to me from people who have disabilities, about kids who are disabled or in terms of the landlord not wanting wheelchairs around, etc. Have you heard of these cases?

KELLY BRYDON: I haven't had anything with a home for disabled children, but we have had cerebral palsy, a blind mother with two kids. There have been off and on, physically handicapped people who have been discriminated against. They are probably the easiest cases to conciliate because the owner would feel pretty bad going to court with that one and usually I hit hard with that.

THOMAS FRANK COLEMAN: I had a few thoughts on possible recommendations that I'd like to share and see what your reaction is to them.

On occupancy limits, the criteria, one person per bedroom or whatever is the standard right now, possibly we could ask the City Attorney for an opinion as to whether this is arbitrary discrimination under the Unruh Civil Rights Act. Is it arbitrary for the landlord to use stricter occupancy requirements than the city law now set under its recently adopted ordinance on occupancy standards for housing?

KELLY BRYDON: It would be terrific, but this is a problem statewide. It's not just the city.

THOMAS FRANK COLEMAN: So if we could start with that, and maybe also ask the Attorney General for an opinion about the illegality under state law of a landlord severely limiting the number of people who can live in a housing unit, especially when the landlord's criteria is contrary to local health and safety codes.

Also, I would like to reaffirm Elizabeth Clark's comment about incentives for developers to create recreational facilities in spaces that are not strictly geared for adults. I think we have a gap between previous law and practice where it was not illegal to discriminate against children and current law where it is illegal to discriminate against children. We might want to create incentives for landlords to catch up with current law. Possibly that's the kind of issue that should be referred to a City Housing Advisory Board or the Rent Stabilization Board, or some existing city agency that has housing jurisdiction, to study this over a period of several months -- to hear from the landlords, to hear from developers, to hear from families and focus on that one issue for several months and come up with some recommendation because I don't think it's a real clear-cut case and maybe getting input from the City Attorney's Office so maybe we can recommend that one of those agencies conduct a more in-depth study on that issue.

Then, as far as the discrimination against children, I'm just wondering, has the Department of Fair Employment and Housing gotten with the program? I know they resisted taking such cases. Are they accepting cases for processing now? (Yes). O.K. So they've gotten results.

I've appreciated your being here today. It seems like we've hit a raw nerve or whatever because in my experience at these hearings we've had more interaction on the issues that you've presented than any other witness, so that must mean that there's something here that we need to follow up on.

KELLY BRYDON: Great. Thank you.

CHRISTOPHER McCAULEY: Thank you very much, Kelly. We appreciate it. I'd like to ask Sgt. Robert Canfield to come forward please. He is with the domestic violence unit of the Los Angeles Police Department and is here to speak about family violence issues and particularly some of the training services I believe that the department's involved in. This is obviously a very serious and delicate area and we're delighted that you've come here this afternoon to talk to us about it.

SGT. ROBERT CANFIELD

**Los Angeles Police Department
Domestic Violence Unit**

Police Response to Domestic Violence

SGT. ROBERT CANFIELD: My name is Bob Canfield and I supervise and coordinate the training in the area of domestic violence with the Los Angeles Police Department. I also was a member of a state task force that spent seven months drafting the guidelines for the entire state's implementation of domestic violence laws.

If you think about family violence and violence in the home and how that has impacted law enforcement historically, you probably realize that traditionally the police officer often came to the home and said, "Gee, he hasn't hit you yet, has he? Well, when he does, call us and we'll come back and maybe we can do something about that for you. Hopefully you'll still be breathing." You have to look at our society -- I don't want you to blame that on law enforcement. If you look at our society historically, our society has not treated violence in the home the same way it treated violence between strangers. If you go back far enough, I'm sure most of you realize that our society treated women differently than they did men. And it's only been in the last 15-20 years that there's been a turnaround in this area. So when law enforcement historically came to a home where there had been some kind of a family fight -- even those that included injuries to the people involved -- often the officers -- one, they would reflect the feelings of society, that meant juries and prosecutors, and judges, and they also were frustrated with victims who often didn't feel that they were victims. Often the spouse in a marital situation is reluctant to put the other spouse into jail. So we were dealing with a two-fold problem; (1) the attitude of the society, and (2) the attitude of the victim.

You have to think about violence in the home a little differently than you think about having your car stolen. If your car is stolen, even if you live in Beverly Hills you're probably going to call the police and report that your Rolls Royce or your BMW or whatever was stolen. But often that person who has the wherewithall -- either because of financial or family support or church support, the wherewithall -- to deal with problems in the home, they often don't turn to law enforcement. But there are a lot of people in our society that don't have that type of support financially or otherwise and often the first responder to violence and dispute in the home is law enforcement -- police officers, deputy sheriffs.

Historically, going back 15-20 years ago, officers were taught to mediate and somehow try and reconcile this, but really we were not well equipped to do that. We were not trained family counselors, and you're dealing with a behavior problem on the part of the batterer if there is the violence there and you're not going to be able to change that person's behavior in 20 minutes, or even 20 days. So that didn't work too well.

Recently, we've got a lot of research primarily coming out of Minneapolis where there's been an ongoing study since 1981 that has demonstrated quite conclusively that the most effective means of stopping violence in the home is to arrest the batterer. Arrest the batterer. This research is continuing today. The study has followed up on people who have been tracked for many years now who were in battering situations. The research is very consistent and it shows that we can change behavior by arrest. The arrest itself is not what changes the behavior. It's only the beginning of the process that forces the batterer into some professional intervention. And not unlike the person who has a drinking problem or drug problem, the batterer is often a person who doesn't want to admit that the problem is there and they are often supported in that belief by the person they're battering, as the drinker is often supported by other family members. So what we've learned is that the way we can force the person with a drug problem, or the batterer into some professional intervention by people who can work with them over long periods of time, is by getting them into the court system. And the only way you can do that is to arrest them.

So in 1984 the California Legislature enacted a sweeping series of laws that changed how law enforcement was to respond to acts of domestic violence. And I want to differentiate domestic violence from a family dispute. We still train officers on what to do when they go out to a family dispute. My wife and I have been married 23 years and she's a very successful businesslady with her own American Express account, and if I ever slapped her she'd probably throw me out and call her attorney. She wouldn't call the police though. She has the means to deal with it otherwise and make it more painful for me.

What you're going to experience today as a result of the legislation that was passed in 1974 is an officer or deputy sheriff who will come to the scene. I say this not just for the L.A.P.D. I'm speaking of state law so it applies to every law enforcement agency in the state. You're going to see an officer who's going to come to the scene and if it qualifies as a domestic violence incident -- that is one where a crime has been committed against someone in the household, an adult or an emancipated minor within the household -- we will exclude juveniles for a moment -- and if any crime has been committed against any of them by another, that's a reportable incident. Also the Legislature threw in there that if I put my wife in fear, for example, or if she puts me in fear, then that could be a reportable

incident. Even if there isn't a crime -- she had never seen him this way, he came home drunk tonight; he's threatening me; he's threatening the children; I'm fearful, officer, that when you leave something might happen, can you please do something about it? -- Well, today under those types of circumstances instead of just saying, "Well just call us when he kills somebody," we would take a report, or document that incident on a retrievable-type report that would be available to use subsequent to that incident. We would have that available should this violence unfortunately escalate or if this was a continuing problem. This may only be the beginning of something that's going to go on for a long period of time. So there's a big change there.

In 1985, the Legislature took another step in this area to say that people who live together as husband and wife, or men and women who live together whether they're married or not can't hit each other and hurt each other -- they said if you do hit and hurt each other that's a felony, not a misdemeanor. A felony! And the reason they took that step, was -- what the whole emphasis of this domestic violence effort is, to take the decisionmaking away from the victim, because the victim often doesn't realize they're a victim. Often the battered individual is not going to say, "Yeah I want you to throw him in jail." There goes the paycheck. There goes the person they've had all their children with. There goes the person they've lived with for 20 years. There goes the person who's going to be back later to get back in bed with them. And so there's a lot of different issues weighing on the mind of that victim, and the Legislature's effort is to take that decision away from the victim and leave it with law enforcement. And they're asking law enforcement to make a reasonable decision for the victim, even if the victim says "I don't want you to take him to jail." If the elements of the crime are there today, since it's a felony, we're going to make an arrest.

This has had a big impact on the city. For example, in 1985, in the entire City of Los Angeles our Los Angeles Police Department made approximately 550 such arrests. In 1986, we made just under 5,000 such arrests. It's about a 900+% increase. Now those are felony arrests which require a tremendous amount of effort as far as the officer's time, detective time, prosecutor's time and so on. And people always want to say to me, "Well we didn't get this case in court, so on and so forth." All I can tell you is, just putting somebody in jail has an impact on their behavior, and all you have to do is look at how law works historically -- whether it's the civil rights movement or any kind of other movement -- and the way you get people to change behavior is by enforcing law. If you don't enforce it, then you might as well not have it. So clearly today we're enforcing this law.

In 1986, we documented over 21,000 domestic violence incidents in the city. That 21,000 includes the roughly 5,000 arrests that I mentioned.

I would expect, because we were missing a lot of the data in 1986, that you'll see 1987 at about 32,000-35,000. That doesn't mean that we had a tremendous increase, it means we're doing a better job of capturing the data that is coming through us. This is fairly new to us. I don't look for a quick fix. What we're trying to do is mess with peoples' minds and change how they've acted for 200-300 years, or actually 2,000-3,000 years. And I think what you're going to have to wait and see is 10, 15, 20, 30 years down the road as you can make a comparison between behavior in the South as to who goes to what school today as compared to 30 years ago. I think as you see us enforce laws you'll see a modification of behavior, if we are willing to stick with it long enough. Once we can get that behavior modified and get those who are not behaving properly to the right kind of counseling and intervention, I think a long term benefit to that is not only good for the batterer, but think of the children who are raised in this environment who previously saw the police come out, after Daddy beat up Mommy, and they saw the police do nothing. And the young man in that environment goes away thinking, "You know it's O.K. when I'm mad to lash out at Mommy," and Mommy grows up thinking that's part of being married. My mom went through it and I'm going through it and so on. What we're trying to do is change behavior, not only the behavior of the batterer, but of the future generations. So that's the kind of program we have going as the result of the changes in the law. We've also been sued in this city so we're probably even more sensitive than some other places might be.

I've been responsible for this program since its onset and I can tell you that we're in very good faith very aggressively, trying to not only comply with the letter of the law, but the spirit of what's going on. We're very active in the state. I speak annually before the Governor's Conference on Victims, and we're very aggressively involved with the prosecution, trying to get that part of the system on board now.

I know I've gone on and talked quite a bit, I've brought copies of all our policies and laws, and I will leave a copy with the Committee. And I would take any questions.

CHRISTOPHER McCAULEY: Thank you. Questions for Sgt. Canfield?

JULIE MORTON: Just a quick question. You spoke about reportable incidents or documented incidents. My question kind of came from a concern that , although intervention is great, something is being done in the area of prevention? My question really is this: when an officer goes to a home in response to something like that and does take a report of an incident, is there any formal requirement of any kind of follow up be done by the Department itself or by that specific officer?

SGT. ROBERT CANFIELD: No, and you have to understand how law works. If there's no crime committed we have no legal authority to do

anything. In fact some people question whether we have the authority to take the report, but the Legislature tells us to do it. Law enforcement derives its authority to stop or take action when someone commits a crime. So, in those situations where there's no crime, just a threatening situation, we document that, but there is no procedure for follow up and that would be very difficult. In other words, if I argue with my wife every other day but I don't threaten her, that's not even reportable. If I threaten her, but I never do anything but threaten her, that is reportable under the law if she's fearful, but they can't come in and tell me to stop threatening her.

Now every time we go to the scene and deal with one of these incidents we have a legal requirement imposed by the state that we provide the victim a written notice of various types of intervention available to her, the ability to get restraining orders, the ability to go to shelters, and we have a preprinted form that we use in this city that is both in Spanish and English that we provide to these individuals when we go out to the scene. And the officers in the field have those with them so that anytime they encounter this they can give that to them.

JULIE MORTON: I think the fact that they bring the forms does provide some of the follow up that I was thinking about. So I appreciate your answer.

SGT. ROBERT CANFIELD: That's the step the state has taken to this time.

LISA PORCHE-BURKE: What are the provisions for same-sex partners under the current law?

SGT. ROBERT CANFIELD: As far as a domestic violence incident being reportable there's no distinction. The only time that the homosexual relationship would enter into an officer's thinking process is, there is that one section I referred to, that the Legislature made it into a felony to inflict a minor injury. Only that section of the law says if they are not spouses then they must be of the opposite sex and currently living together, or that they must currently be spouses.

Now, otherwise, if you had two gay men who shared an apartment who became involved in a violent incident that maybe resulted in minor injury, we would still respond, we would still take a report. We would offer if the victim had only suffered minor injuries. In this case we would offer the ability to take a private person's arrest and it would still be labeled as a domestic violence incident because they would qualify under the legal definition of what a domestic violence incident is. If the injuries were more serious, let's say serious injuries as the result of a battery, then it could be a felony battery, or if a weapon had been used it might qualify as an ADW that would be a felony. But if they legislate, there is some caselaw which

means appellate courts have reviewed some of these decisions and the Legislature and the appellate courts have ruled that in the case of 273.5 which is the section I refer to, that it was the Legislature's intent to give special protection to men and women or spouses in this living ... marriage relationship against even small amounts of harm. But they haven't extended that to any other groups.

LISA PORCHE-BURKE: Are the officers specifically trained to deal with same-sex domestic violence?

SGT. ROBERT CANFIELD: Yes, they are. These issues are discussed. Each officer, both new officer and every officer on the department including the Chief of Police, is under a state requirement, required to undergo a specific course of training in domestic violence as a result of the laws passed in 1984. And I coordinate that training and make sure that it gets provided. We've already trained, of the 7,000 officers in the department, our department has already trained over 5,000 of them and that's an eight-hour course given at the academy.

ELAINE WOOD: Many of the residents of this city are recent immigrants from other cultures in other countries where views on domestic violence are different from our own. How are your police trained and what problems do you face in situations of domestic violence with recent immigrants who may not even recognize that what they're doing is against the law?

SGT. ROBERT CANFIELD: It doesn't change the facts. What we do first to address the issue of cultures and the diversity of people that live in Southern California -- we provide training both at the basic level and at the in-service level on human relations and inter-personal communications and training in cultural diversity. We provide quite a bit of it. As is the experience in child abuse -- just because in their culture it's OK to do this or that, to a particular individual -- it doesn't mean that it's OK here. And, consequently when we encounter something like this, we're still going to take the appropriate enforcement action. That doesn't mean we can't try and be sensitive in our dealing with the people, and understand the fact that they may not perceive themselves as much as a criminal as we do. But, it does mean that in order to change their behavior, and make them able to function in our society, they have to understand that what we say is correct.

When you talk about cultural diversity, there are an awful lot of people in this country that don't believe hitting their wife is illegal. So we're dealing with our own culture here. And changing its attitudes.

LEE CAMPBELL: I have a two-part question. First of all, is it true, assuming a crime has been committed in one of these instances, that

diversion to treatment or other sorts of programs for both parties separately or together, is a big part of this increased involvement by the police? If the answer to that is yes, if diversion and treatment and therapy are a part of this, do you find that there are adequate resources available in the City of Los Angeles and elsewhere to keep pace with the increased supply of arrestees that the arrest procedures are producing?

SGT. ROBERT CANFIELD: The answers are yes, no and no. (Laughter.) The answers are that yes, we understand the need for the diversion, but it is not our responsibility. We have no authority. Law enforcement at the level of police officer or deputy sheriff has no authority. The court system is the only one. Yes, we recognize its importance, and we encourage it when we teach and train the officers, so that they will in turn deal with the people in that manner. But, unless this issue gets to the court level -- not the prosecutor level -- no one can force the batterer to have treatment. The second point is, there are not enough services.

I was just this morning at a three hour meeting with a representative of the City Attorney's Office who heads a new unit that was formed there to specifically deal with domestic violence and the City Attorney's policies. They have a federal grant, and they are trying to develop programs. But, we don't have adequate Victim-Witness Programs in this county. The City and County of San Francisco, for example, conducts what they call vertical prosecution, so that when there's a victim, the prosecutor who gets that case stays with it all through the process until it's concluded. In our system, the person who might eventually try the case, may have seen it ten minutes beforehand and know nothing about it. And, so, you need programs, both at the City Attorney and District Attorney level, where you can address these issues. But there is not sufficient funding for these.

LEE CAMPBELL: A quick follow up question. I understand from your response that of course the police do not refer or push people into diversion programs, I was really asking whether it's your observation that this is becoming an important part of the prosecution of the process, even though you yourself are not involved.

SGT. ROBERT CANFIELD: We think it's an important part, yes. Right now, though, I don't want to be critical of other governmental agencies. Let me put it this way. The Legislature has imposed very strict guidelines on law enforcement and how it shall act, given certain facts. It has not imposed anything on prosecutors or judges. And, consequently, I was in a meeting Tuesday with the Los Angeles County Domestic Violence Council where some of the prosecutors in the room -- the actual trial prosecutors -- were relating experiences in the last couple months, where they had judges yelling at them, "Why did you bring this case in here, she's not hurt bad enough, she only had a broken nose?" So, until you address the attitude of all of the other levels, you'll find us arresting five or six thousand people a year, but nothing happening.

DIANE HIMES: San Francisco has a new arbitration process where they are using community arbitration. Has there been any connection with the police department in Los Angeles in this?

SGT. ROBERT CANFIELD: Are you talking about for family violence, or for disputes? There's a difference between a dispute, a neighbor dispute a family dispute, and violence. And, we would not, based on all of the research and all of the current thinking, we would not advocate arbitration as opposed to prosecution if there is actual crime committed. We do not negotiate, we train our officers very specifically. We don't negotiate settlements of criminal situations. We prosecute. As opposed to disputes.

DIANE HIMES: I just thought that might be partial collusion, with the judge saying, "You only slapped her twice, why is she in here?"

SGT. ROBERT CANFIELD: Well, here's my concern with that. You haven't addressed the issue of changing the behavior of the batterer. And arbitration doesn't mean counseling for the batterer. What I'm trying to say is that you have to address the behavior. That's what law is there for. Laws are created to modify or control behavior. And if we're trying to modify the behavior of a society that believes it's OK to batter its children and batter its spouses, then you have to address that very directly, just like we have to for alcohol and drugs. If you're dealing with family disputes, neighbor disputes, where there's no criminal acts, then I would agree with the arbitration method. And we teach that to our officers. But not for criminal situations.

DIANE HIMES: ... reportable offense where there's not a felony. It is reportable?

SGT. ROBERT CANFIELD: No, that isn't a crime. But we believe that's a precursor of the crime. All of the data tells us that if you have violence, threats -- people who love each other shouldn't be threatening to kill each other.

DIANE HIMES: So, if you have a reportable incident -- there is a threat -- do you do any liaisoning with any other groups that do arbitration, or do you just attempt to do temporary arbitration while you're there?

SGT. ROBERT CANFIELD: No, we don't attempt to do anything except refer them to other groups. But we don't get involved personally.

ELIZABETH CLARK: Can you just briefly talk about the incidence and the response to senior abuse?

SGT. ROBERT CANFIELD: Elder abuse is, by many, labeled part of the domestic violence problem. A lot of people hang a lot of things under the domestic violence umbrella, including child abuse, and I'm not saying that's incorrect, but you have to understand that from our perspective, we in law enforcement already have a lot of laws on the books for child abuse, and the Legislature in passing all of its recent domestic violence legislation has completely excluded child abuse from that.

In the area of elder abuse, the Legislature has passed recent laws that increases our responsibility to report elder abuse to the county. And, I currently am involved with the county agency that is responsible to receive that data, to try and make sure that we are going to meet that responsibility. I also have a representative from my unit in the training division, an officer who attends various meetings involving elder abuse, and we see that to be a real problem. But that is not where the Legislature's intent was with its recent passage of laws. But, if there was, that would also be a reportable incident. If a 40-year-old son or daughter were to batter or threaten, place an elder parent in fear, that would be a reportable domestic violence incident under the legal definition, and we do discuss that in class.

THOMAS FRANK COLEMAN: On the reportable ones where you go to the scene and take the report but don't make an arrest, where there is a fear situation? Or if it is a misdemeanor but they don't want to make the citizen's arrest, and it's just maybe a fear situation or that misdemeanor situation, do you give information to the victim of options available to them?

SGT. ROBERT CANFIELD: We discuss with each party both the batterer's programs and victim's programs. Our officers are trained on understanding. We have a couple very good video tapes, if you are interested, on batterer's programs. One of them is a series that was run by NBC on the "Today" program last summer, which goes into some batterer's counseling programs and it's a very effective tape. Some of you may be familiar with the Los Angeles County Domestic Violence Council, and I work with that very closely. And all of these resources are available if you approach me through that Council.

CHRISTOPHER McCAULEY: Thank you. That was very interesting testimony. I assume you have left some materials for Tom Coleman. Does it reference the research -- the Minneapolis or Minnesota research that you cited?

ROBERT CANFIELD: Yes. And one last point I would like to make. This is an example of some brochures that some of the Council people put out through their offices, that list available services in the community. Believe it or not, we find these to be extremely useful. We've distributed

about 4,000 copies of these types of brochures through our police officers. Often, in the case of family situations, they are not criminal situations, and officers are just like a lot of other people, they get frustrated on where can I turn, or where can I send this person. If your Council district has this type of brochure, I would suggest that you try and get one from them. Make sure that they include in there, sections on the issues that you're concerned about: family violence, alcoholism, elderly. All of these samples do that, and they're very effective and useful.

Question: Where did that one come from?

ROBERT CANFIELD: This one happens to come from Councilwoman Picus. Many other Councilmembers have similar brochures. It's a big job to update these every year. But I believe it's well worth the money. You might advocate that your Councilperson develop such a brochure. And have them print an extra 3 or 4,000 extra copies for us when they do it.

CHRISTOPHER McCAULEY: Actually, your comment's well taken. Although the Task Force is convened by Councilman Woo, there are representatives from all across the city. Thank you very much.

Detective James Brown is here from the Child Abuse Unit of the L.A.P.D. Our scheduling of witnesses, as you know, is episodic, depending on availability. The topics certainly jump around. So it's interesting that two of these very closely related ones are back to back. We are delighted that Detective Brown is here, and we welcome you.

DETECTIVE JAMES BROWN

Los Angeles Police Department

Child Abuse: The Need to Fund Project C.A.P.E.

DETECTIVE JAMES BROWN: I'm Jim Brown. I've been an officer with the L.A.P.D. for thirteen and a half years. The majority of that has been in juvenile work. The last five and a half years, I've been a detective in the Abused Child Unit.

I want to briefly give you a definition of what our unit does, because it will help you understand what I'm going to lead into and why I'm here today.

We have very specific investigative responsibilities. We only investigate physical and sexual abuse by a parent or legal guardian. We deal specifically with the family. We will include in that category a live-in -- someone who has come into the home, and assumed the role of a parent. We also investigate the death of a child under the age of eleven when the parent or legal guardian is suspected of being responsible for that death.

Our unit was founded in 1974. In that year we handled 927 cases. In 1984, the same unit with two additional detectives handled 3,346 cases. And the numbers continue to rise on us. In 1985: 3,855 cases; and in 1986: 4,788 cases.

In response to this problem, in 1985, Chief Gates assigned seven additional officers to the Abused Child Unit. He also commissioned a task force of which I was a member to research the cyclical problem of child abuse, and propose a way the L.A.P.D. could attempt to break that cycle of child abuse in the City of Los Angeles.

And that is specifically what I am here to talk to you about today. The proposal that we came up with is called CAPE, which stands for Child Abuse Prevention and Education. We recommended a new section in Juvenile Division, headed up by a lieutenant and broken into two units. You'll see those on the chalkboard. You'll also find the exact same information on the sheet that I have given you. Very, very quickly, I will go through these with you.

First, a field referral unit would consist of a 24-hour desk, to receive incoming calls of suspected child abuse. Presently we only do that function

Monday through Friday on daywatch. Field detectives respond to all child abuse calls in the City of Los Angeles on two watches. Basically we're talking from about seven in the morning to about eleven in the evening. Most of the advice that we give now is done over the telephone, with the person calling. We would like to be able to give advice with a hands-on experience, and to view the situation ourselves. If we determine that no crime has been committed but there is an excessive discipline problem, a referral to a selected group of referral agencies in the city and county would be made. These are families that have been identified as at-risk of abuse, but no specific identifiable crime has yet to occur.

We would conduct a six-week follow-up with every family, to determine: (1) Has abuse continued to occur? or (2) Has the problem resolved itself? We would also ask the family to assess the assistance that they received from the referral agency.

We would assist in the criminal investigation at the preliminary stage. We would assist the patrol officers when it's obvious a crime has occurred, and get them started on the right reports and the right action. We would notify the referral agency when a referral was coming to them, so they would be aware and prepared for it, and we would continue to develop referral agencies throughout the county to handle these very specific types of referrals.

The second unit in this, is called the Education Unit. This would become the primary catalyst for public and private agency child abuse prevention programs. We just don't feel that there is enough education out there on child abuse and how to prevent it. We feel the police department can take a very active role in coordinating this effort.

The real bulk of this unit, though, is under number two there, in a program similar to DARE, which is so popular and successful right now in the elementary schools. We would place police officers in the high schools at the tenth grade health education required class, and speak to them about family violence and about child abuse and prevention. There would also be, this was the start of the program, we would extend that on into private schools and junior colleges and colleges in the Los Angeles City area. The whole purpose of the education program is to contact the future parents. And, by the way, we would also include the teen parents in this. But we understand that, and all of the research will tell you, that the cyclical problem of child abuse must be addressed at the very young age with a new parent, so that they do not carry on the learned responses and continue to abuse their children. We also would get involved in some legislation, primarily under the Education Unit. We would like to see a state-mandated high-school graduation course in family parenting/planning, the whole arena that would include this family conflict curriculum.

This program, as I said, was about a year project, and it incorporated the six essential elements of a successful program. These are: (1) early interdiction -- when we identify the problem at an early stage -- we must get involved and then the family would be referred to an agency to do the necessary follow-up and counseling with the family; (2) an advisement desk -- a local place for everyone to call in and get consistent sound advice, to make their child abuse report, and for us to respond to the problem; (3) a personal and family conflict resolution education program, targeting young adults; (4) legislative proposals; (5) public and media exposure; and, (6) resource coordination.

The problem, ladies and gentlemen, is that it costs money. What you see before you is what we presented early in 1986. This was designed to begin with half the city. I've updated some figures; they're not on this chart, but we are looking at approximately, to do the same original start-up program, about \$1.25 million in personnel and equipment. To go city-wide, to get all of the personnel our proposal asks for, we're looking at slightly over \$2 million. Our proposal and program was endorsed by the Los Angeles Police Commission. It was then sent to the City Council and was tabled by the City Administrative Officer. I have included in my information some comments that we prepared in response to that. They felt that police officers would be doing social services work, and we responded to that and you'll find that in the last two or three pages.

What you can do for us, ladies and gentlemen, is not let this die. Do whatever is necessary to bring this before the Council for us. We feel it is an outstanding program. It is finally a chance for the police department, who so often these days does nothing but respond to crime, actually to get involved in prevention. And that is the whole crux of this program.

CHRISTOPHER McCAULEY: Thank you for a concise presentation. Would you just clarify on about page four of this you have the letters "DCS vs. CAPE" program. "DCS" means...?

DETECTIVE BROWN: "DCS" means Department of Children's Services.

CHRISTOPHER McCAULEY: Okay, thank you. And that's county?

DETECTIVE BROWN: Yes. Los Angeles County Department of Children's Services.

CHRISTOPHER McCAULEY: And clearly the question was how does your program differ from some jurisdiction or program they have?

DETECTIVE BROWN: That's correct.

CHRISTOPHER McCAULEY: Thank you. Let's begin with Paula Starr.

PAULA STARR: I'm curious. Within your department, do you recognize the Indian Child Welfare Act? Many of our Indian children, when they are child abused, are placed in non-Indian programs, and we're just curious whether or not agencies like yourself are aware of this Act.

DETECTIVE BROWN: I am not, not personally.

PAULA STARR: I'll be sure you get the information.

TERRY GOCK: I'm just wondering how the CAPE program plans to respond to the diversity of ethnic groups that you might have to respond to with the referral program.

DETECTIVE BROWN: All of the documentation we did includes a whole section on selection and training. We would see to it that the proper officers were selected with the proper ethnic background, and there would be an attempt to see that those officers are deployed in the areas where they would most be needed. It does become a severe problem in the City, with the diverse culture that we are getting. One advantage we have, though, this program is, and you will find on the last few pages there, different from what social service workers do, but we are so closely united in what we do, it is sometimes hard to see the difference. And, there are a tremendous number of resources through them as well that we can use to assist the family.

ADELE STARR: I'd like to know what happens, who takes care of child abuse of children past the age of eleven.

DETECTIVE BROWN: Okay. We investigate all physical and sexual abuse of minors by a parent or guardian regardless of age -- that would be 17 and under.

ADELE STARR: I have another question. Have you any cases, in your work, where there has been child abuse because the child is lesbian or gay?

DETECTIVE BROWN: There have been a few where it has become aware -- the parent becomes aware of it, and there is some physical assault on the child, but it is not very often.

ADELE STARR: When that happens, what is done?

DETECTIVE BROWN: It would be handled the same way as if the child had brought home a bad report card. It's going to depend on the degree of injury, age of the child, severity, instrumentation. We look at each case individually, to see how we need to respond.

ELAINE WOOD: I take it you know that child abuse will occur in the same families. Could your program be easily expanded to train high school students about domestic violence, i.e., battering between spouses, as well as child abuse -- because we are trying to break the cycle of violence?

DETECTIVE BROWN: Yes, absolutely. That was one of the interesting things. When we approached the school district, we approached it from the law-enforcement side as just a very narrow child-abuse-type information. When we got to the school district, they said, "Great idea, but listen to this," and that's when we said, "Let's do a whole family conflict resolution class, not only dealing with the parents abusing the children, but the whole thing of what do you do when you see the violence between your parents, how do you deal with acquaintance rape, the theory that teenagers are having sex just because they should, the social pressure to do it, etc." They opened up a whole new arena, and we said, "Wonderful, let's do it." And so, yes, it would include a whole family violence situation.

ELAINE WOOD: So you're saying the project could almost be re-entitled the Family Violence Prevention Education Project.

DETECTIVE BROWN: We never did get around to identifying the name of the class. We kicked around a few. One of our favorites was LIFE -- Living in the Family Environment. The one thing that the school district really wanted to stay away from was identifying any instruction as "abuse." They really wanted to stay away from that word, and I can see why they wanted to enter into this whole area. The use of officers, though, gives the program some credibility -- that has made the DARE program so successful, and made the former police role in government programs so successful. We had officers teaching a semester course in the high schools on law and police and the whole law enforcement arena. Very, very successful. There's something about the officer standing there in uniform talking about real cases -- real life experiences -- responding to these types of calls and saying, "I was at a house, and here's what happened," and you can see three or four heads going nodding up and down. They can relate.

NORA BALADERIAN: I'm involved with child abuse, and one of the things that I've heard in some seminars I've recently attended is that homicide is not considered child abuse under child abuse laws, so we don't count how many kids are murdered as a result of abuse, but that this is seen as another category. Is there any room to include homicide in child abuse reporting?

DETECTIVE BROWN: Well, the only time I've heard that mentioned is when the death of a child is reported medically as some other cause of death -- a disease, or something, that was probably there because of neglect or abuse. But it's not reported medically because of that. Presently, the death of a child is reportable under the mandatory reporting law. If somebody isn't doing that then there's a problem.

DIANE HIMES: It's reported but in a different statistical section. It's not reported with or under abuse. It's a homicide.

NORA BALADERIAN: Right. So the child abuse people can't figure out how many children are murdered per year or per day.

DETECTIVE BROWN: Well, we can sure tell you that. Out of our unit we can tell you every day how many homicides we've had -- child homicides. Part of your problem may be because it's such a specialized area of investigation. You need to call the specialized unit to get to the numbers. But they're all reported.

NORA BALADERIAN: So, we could get a count for all of Los Angeles City? How many kids were murdered in January, for example.

DETECTIVE BROWN: Yes.

THOMAS FRANK COLEMAN: It might be more feasible, or practical, or politically expedient, or however you want to put it, if the start-up program were scaled down so that the word "million" wasn't used? And, if so, could the department draw up that type of a start up proposal in the first instance?

CHRISTOPHER McCAULEY: Are you talking about a demonstration project?

THOMAS FRANK COLEMAN: Well, something less than half the city.

DETECTIVE BROWN: It was done. We were told to stop it because that was not politically correct, that if we attempted to start a pilot program in a very small area of the city, we would be stepping on some toes. So we would be happy to do anything to start this program at any level you would like.

THOMAS FRANK COLEMAN: If it was a third of the city, instead of half that might be workable. I understand the point of not having just one or two precincts or divisions, and then people are going to say, "Well, that's not in my division so I don't want to vote for it." Somehow I feel that if you could get it started, and demonstrate maybe in the areas that have the worst child abuse problems that it actually is having an impact two or three years down the road, that maybe one could expand it.

DETECTIVE BROWN: I couldn't agree with you more. We would love to start any smaller area just to get started -- and get the justification we're looking for.

THOMAS FRANK COLEMAN: So, if Councilman Woo's office asked you for a proposal that would be scaled down for start up -- and its something we could take a look at and maybe endorse in our report that would then go on to the Council members -- could you do that or would you be able to get something like that?

DETECTIVE BROWN: It's done. Our original document contains just that, and its a public document.

DETECTIVE BROWN: Look at it this way. Some years ago there was a study done at one of the state prisons, and of the population there, upwards of 90% of the inmates had been a victim of abuse of some kind during their childhood. Now, expand this out a little bit, and imagine 20 years from now if we can impact the problem the effect we could have on crime over the entire spectrum. And, I can see some real cost advantages. Absolutely. But, as the Sergeant said earlier, we are dealing with behavioral changes here. No one really teaches you how to raise your children. You apply what you learned from your parents. And so, we are going in and saying, "That may not be the right way to do it. Here is a better way. Here is an alternative." Or to the parent, to the young female who was sexually molested by her father, she may not turn into a sexually abusive parent, but she will in all probability turn into a physically abusive parent. We've got to break that cycle, or we'll just continue on and on.

CHRISTOPHER McCAULEY: Leonard Graff is here. He is the legal director of the National Gay Rights Advocates, that many of your are familiar with, that has done some outstanding pioneering work. He's here to discuss insurance discrimination, including specific illegal practices, and some of the legal recourse available. He also will make some recommendations to you.

LEONARD GRAFF

Legal Director, National Gay Rights Advocates

Lifestyle Discrimination by Insurance Companies

LEONARD GRAFF: Well, National Gay Rights Advocates is a public interest lawfirm, and we have been doing more and more work in recent years for lesbian and gay couples. And some of the questions we get frequently have to do with access to insurance and problems arising in various kinds of insurance products. We have found a lot of questions concerning automobile insurance, homeowners' or renters' policies, umbrella policies, and health insurance, primarily in the context of employers' group plans.

To back up for a minute, because I know some people don't know what an umbrella policy is, this is a policy that is often called excess liability as well, and what it does is provide excess limits of personal liability insurance. Generally the minimum amount of this kind of policy that one could buy would be about a million dollars. To have this policy, you must also first have an underlying policy, either a homeowners' or automobile policy that provides some basic limits of liability, usually \$300,000 or so. Standards vary from insurance company to insurance company.

And the types of questions that we get vary. Some have to do with access; in other words, actually being able to get the policy. The greater number of calls have to do with the pricing policies of insurance companies, and the discounts that they give. The nature of the problem is what I call the lack of the talisman. In this case the talisman is the marriage license. This marriage license, which lesbian couples and gay couples cannot get, shuts them out from discount programs. And, with the talisman -- the marriage certificate -- a couples married for only one day, can get insurance coverage, and they can get discounts on their insurance policy, that are not available to a gay couple who might have been together for as long as twenty years.

Part of our program at NGRA is to investigate ways of remedying the kind of discrimination that occurs because of the lack of the talisman. And these would include lawsuits to redress the grievances of our clients, but part of what we have to do, of course, is examine the basis for the discounts, and how they arose and why, what is so special about the talisman, what is the insurance company's rationale for giving the discount.

What I'd like to do is talk to you briefly about three cases that have come before our organization in recent years, and how those cases, at least in one instance were resolved, and our experience.

One of those is with the Automobile Club of them Automobile Club of Southern California, known as "AAA." In California, AAA is divided into two chapters; a northern chapter and southern chapter. Our organization was approached by a gay male couple who lived in San Diego. This couple had been together nine years, they had joint credit, joint savings, jointly owned automobiles. Their relationship in every way mimicked a married relationship, except of course they didn't have the talisman. They wanted to get a 20% discount that AAA offered to married couples; it was called a spousal discount. At least that's how AAA originally presented or entitled the discount, it was a spousal discount. What we later learned was that it was not just a spousal discount, but a spousal discount that was given when there were two or more cars involved. In this instance, what happened was, we began our conversation, if you will, with the insurance company by writing a demand letter, essentially threatening to sue them, if they did not offer the discount on the same basis to our clients. This opened up the dialog.

We did indeed get their attention. Over a period of the next year, myself with the help of a local attorney in Los Angeles, Bill Weinberger -- we helped to negotiate a settlement with AAA without actually having to file the suit. And I think that we were very pleased, because at the end, what we got was everything that we wanted, and that is that a lesbian or gay couple can now get this discount on the same basis as a married couple. And, what we did was in examining the policy and why it existed, is what we realized is that AAA didn't so much want to offer a discount to married couples, that is a multi-person discount, as it did a multi-car discount. And this is what we were getting at, what is the rationality for the discount, does it have to do with people, was there some relationship to the risk or the product or the service being offered? And as it turned out, it was in fact related to the automobiles, themselves. And so a part of the dialog included a complete spelling out to the insurance company of what our cause of action would be based on if we did sue them, what their possible defenses might be, and why they would likely not succeed.

Part of the dialog that also was convincing to the counsel of AAA, and I think should be and probably is a major factor for insurance companies, is what most profitmaking companies are about, is the bottom line, what is the financial impact? I think that in our correspondence we convinced AAA that they were on the verge of being able to take advantage of an enormously profitable situation, because I cited to them statistics and economic studies that had been done -- showing the amount of disposable income available to the gay community, and services that we find from studies that have been done, that gay people are very, very loyal to those

businesses that welcome their patronage. And so we pointed out the possible economic benefits to AAA of broadening the policy. And, as I say, they did change the policy. So now the discount is not being based on the talisman -- the discount is based on some other criteria. There has to be two cars involved, both of the cars have to be owned and registered in both parties' names, they have to be kept at the same address, and the parties have to live together at that address. This requirement now is used to determine who gets a discount for both married couples and unmarried couples, and whether that's an unmarried heterosexual couple, gay couple, person living with their parent, or whatever the relationship is is no longer significant, as long as they meet the other criteria directly related to the number of automobiles and where they're kept.

In another situation we've recently been made aware of in northern California, we've been approached by a couple who lives in Sacramento. They've been together 17 years, they own their house together, they have a joint credit card, their life is totally joint, and in every way also looks like a stereotypical marriage relationship. They have a homeowners' policy with Farmers Insurance, which names both of them as a named insured, and when their insurance agent came out last February to do an annual review of their coverage and policy, the agent convinced them that they should have an umbrella policy, to provide for excess liability protection. And what Boyce and Larry wanted to do was then to get a joint policy. The insurance agent considered that, took it back to the home office, and then wrote a letter back, saying, "Sorry we can't do that. If you are married, we can offer you a policy that will cover both of you for \$130 per year. However, since you are not married, you must each take out a separate policy for \$260 per year." I'm at a loss to know what Farmer's reason is on this, because it seems to me, if you have two people with the same financial interest in the house, there are only two people that could possibly expose the insurance company to liability, then the nature of the relationship between those two people seems to me should not matter whether they are in fact married. In this case, we attempted to negotiate a settlement with Farmers. I wrote them the same kind of letter I wrote to AAA, but Farmers was not as impressed as AAA was. So we are left with the situation now where we are going to have to sue Farmers, and, our cause of action would probably be based under the State's Unruh Civil Rights Act. I have brought copies of the correspondence in both the AAA case and the Farmers case.

And the third situation I want to talk about is health insurance. Now, for people that are covered by some group health policy through their employer, most of these people can include a spouse on that policy, and employers have different ways of handling this. Sometimes the employer will pay for the spouse, sometimes the employer will pay only for the employee, and the employee has to pay the additional premium for the spouse. But, if you are not married -- you don't have the talisman -- you cannot include your life partner in this kind of coverage, and in many cases

that means somebody is going to be shut out altogether from getting health insurance, or they're going to have to pay a lot larger policy, because they don't have the advantage of a large group in terms of what that can mean in negotiating power to get reduced payment or extended coverage. So we at National Gay Rights Advocates were successful in locating a group health insurance plan that provided a definition for family partner and you could include a family partner on the policy. And, they didn't care who paid the premium -- that was the employer's business, whether the employer wanted to pay it or let the employee pay it -- but they made the coverage available. Recently, they have affiliated with another insurance company, and they have now discontinued that coverage. And, as far as I know, that was the only one in the country that offered this kind of coverage. So, there's a serious lack there of availability or access to this kind of health insurance. What I see as a remedy for this, is some kind of change in the law, whether it comes through legislation, or administrative regulation within the insurance department, or through court precedent. But, beyond that, unless we can see some major awakening on the part of insurance companies that this is in their financial best interest, then I think there will have to be a change, and I would suggest that this could be done through a city ordinance or through statewide legislation.

JAY KOHORN: Do you see the collective bargaining process entering into the kinds of things you are talking about at all?

LEONARD GRAFF: Yes, actually that is another alternative -- collective bargaining. I believe, for example, the employees of the Village Voice newspaper in New York, through their union were able to negotiate a contract which made the employer find and somehow locate an insurance that would cover their named partners.

FRANK RICCHIAZZI: Insurance companies have a really good time as far as statistics are concerned. In whatever they need to massage, it's their way of doing it. Have any statistics ever been presented on showing what is the average length of a marriage in a heterosexual relationship as compared to a gay male or female relationship?

LEONARD GRAFF: I don't know if that kind of study has yet been done. I think certainly with the former there have been. The divorce rates, and the marriage has been studied exhaustively. With respect to the latter, I think that there have been some emerging studies, and I have read of some theses being done but I haven't yet seen the results.

JEFF VOPAL: One area I don't think you addressed was the requirement of some insurance companies that the beneficiary on the life insurance policy must have an insurable interest in that party taking out the policy. We've been seeing that happen -- where companies are contesting the applications because the named beneficiary is someone other than a child or spouse.

LEONARD GRAFF: Yes, I think that there's a problem there on behalf of the agents, or else it's a problem I have in terms of defining what insurable interest means; and as far as I know, in California the owner of an insurance policy can name anyone he or she pleases to be the beneficiary. The problem, in terms of insurable interest, would be where the beneficiary, or intended beneficiary, wanted to take out a policy on somebody else's life, and then the insurance company would want to know what is the insurable interest. Usually it would mean that the person has to be related or someone like a business partner.

JEFF VOPAL: The situations I'm referring to, are where the applicant is going to be the owner of the policy and the insurance company's coming back to the applicant saying you must prove that the designated beneficiary has an insurable interest in your life in the State of California at the current time.

LEONARD GRAFF: Right. I've heard of situations like that. Yes, it is a problem, because insurance agents don't understand the concept, I think.

JEFF VOPAL: Well, the insurance agents in our case do, and it's a problem that the insurance companies are refusing to follow the law.

LEONARD GRAFF: Yes, and there is a way to at least seek some redress in that respect fairly quickly, and that is through filing a complaint through the Insurance Commissioner. Peter Groom's office will handle those complaints. It is a shame that we have to still keep filing these kinds of complaints.

LOUIS VERDUGO: I know from your work with Great Republic and other cases like that, that you're familiar with Title X of the California Administrative Code Section 2560.3, that prohibits discrimination based on marital status and sexual orientation. What I'd like to know is if you've any experience with trying to get the State Department of Insurance and/or Insurance Commissioner to enforce that regulation?

LEONARD GRAFF: Well, they don't feel that those regulations cover the situation involving couples. In other words, in the examples that I have been describing -- like automobile insurance -- people, regardless of their sexual orientation are not having too much trouble getting a policy because they are gay or lesbian. The problem is getting a discount because they are a couple. And in my conversations with Peter Groom, he's taking the position that this is "rate discrimination" and is beyond the jurisdiction of the Commission.

LOUIS VERDUGO: In other words, they're not really addressing the discriminatory policy of the discount; rather, they're just saying it's not straight marital discrimination or sexual orientation discrimination.

LEONARD GRAFF: That's right. That's why I think the greatest potential for relief in this area is under the Unruh Civil Rights Act, which prohibits all arbitrary discrimination by business establishments. And while it's not strictly marital status discrimination, not strictly sexual orientation discrimination, but more a confluence of the two, I still believe that it's arbitrary, and I think that the insurance companies are going to have a difficult way to show that it is not.

THOMAS FRANK COLEMAN: I was interested in the Insurance Commissioner angle too, because we've had that regulation on the books now since 1975 -- and if that's their interpretation -- have they said anywhere in writing that it doesn't cover discrimination against couples?

LEONARD GRAFF: I don't know that, Tom, although specifically with respect to the Farmers Insurance case I was talking about earlier, I did talk to Peter Groom about this, and he said that this is not something that they would be involved in.

THOMAS FRANK COLEMAN: By way of analogy, discrimination on the basis of marital status in housing or employment is illegal, and that the Fair Employment and Housing Commission in a precedent ruling held that marital status for purposes of employment discrimination included discrimination on the basis of cohabitation status. So if an employer refused to hire you because you were living out of wedlock, that was marital status discrimination in the meaning of that code. And if that's the case, then why shouldn't the same interpretations be used with respect to the Insurance Code? And I'm wondering -- to clear up the ambiguity -- if there should be a request to the Attorney Generals Office to issue an opinion about what remedies exist to cure this type of discrimination. That may help. Otherwise I guess we're forced into lawsuits rather than having an administrative agency that can actually do something. So do you think that would be helpful -- while you're fighting on a case by case battle -- to have a public official request an opinion from the Attorney General, especially if the Insurance Commissioners Office won't interpret it the way we think it should be interpreted?

GRAFF: I think that's an excellent idea, yes.

LOUIS VERDUGO: Tom, the only problem I think you'd have would be that you would have to make sure the request for an opinion was not connected with any piece of ongoing litigation, because there is a strict hands-off policy in the office not to touch an issue that's in ongoing litigation. So you'd have to make an anonymous, non-specific, hypothetical.

THOMAS FRANK COLEMAN: Take a renters policy -- there's no renter in litigation right now, right? This is very often even more difficult the homeowners where you have joint ownership. With renters you don't

really have that document that shows you own the car together or you own the house together and you pay a double premium. If there's no litigation, if it's illegal in that context we could probably draw an analogy elsewhere.

Also, a request about this meaning of insurable interests -- would the Insurance Commissioners Office agree with us that the beneficiary, as long as they're not being the owner of the policy, does not have to have to have an insurable interest in the life of the owner of the policy?

LEONARD GRAFF: I'd be very surprised if he didn't. It seems to me there's caselaw to that effect here in California.

THOMAS FRANK COLEMAN: If that's the case and we can identify the companies that continue to refuse, then don't we have pattern or practice of discrimination -- and can an injunction be brought? Would that be considered arbitrary business discrimination to require that when that isn't a legal requirement? And if so, then we could have the City Attorney or the Attorney General seek injunctive relief if the Insurance Commissioner won't take forcible action -- or even a private organization could take this up and seek injunctive relief.

LEONARD GRAFF: My interpretation of what's going on there with the agents and insurance companies is an institutionalized homophobia and what these agents frequently tell the applicant to do is name their estate, and then when the policy is issued -- send in and from the home office get a change of beneficiary form and name whoever you like, you sister or someone like that, and they say you can get approved so much quicker. The problem, of course, is that you have some timelag and in the unfortunate event that the applicant dies, then the real intended beneficiary is not going to benefit from that policy.

THOMAS FRANK COLEMAN: The AAA Auto Club where you get towing services and travel services and that whole aspect of things -- it has a spouse associate discount which is substantial. Gay people or even blood relatives who aren't married can't get that discount for being a household member. You have to be legally married -- except David Link did some research and found out that they basically will process any two people that have opposite-sex appearing names. Even if the last names are different they'll take your money and process it. But if it's obvious, like Thomas and Michael, they won't. And I just experienced that recently. David Link, and I, and my spouse, and Couple's Incorporated -- a new political action committee for couples -- will be appearing at the annual membership meeting of AAA at the Los Angeles Hilton on March 9 to raise the issue. This is another approach. Litigation doesn't have to be the first instance. So it will be raised by people who are affected. There's press coverage that is going to occur with the proposal to the board of directors to change it to household member. We frankly don't care whether people are sleeping

with each other or having sex with each other. But the blood relatives who are living in the same household, have two cars or whatever should be entitled to the same discount because the rationale probably is similar to the other -- that it is not really to benefit spouses because of their marriage certificate but it's sort of a multi-car rationale I would imagine.

LEONARD GRAFF: I have a different theory, I think, and we would only find out probably if we did sue and did some discovery as to the genesis of this discount. My theory is that it began sometime in the late 40's or early 50's where you had a stereotypical household of a man and a wife, and the man was going out and earning a living, the woman was staying at home, and then all practical matters. Most the time there was probably only one car, and when these people went out together, the husband was there; also, if this couple wanted to go on a trip, they wanted to get maps or travel service advice, or whatever, they probably went together in a majority of cases and I think somebody in AAA said "Hey, we could sell a lot more memberships by selling associate memberships to spouses at a discounted rate." And I think it was just a marketing gimmick to sell more membership cards and increase their revenue.

LOUIS VERDUGO: I wondered if you know of any other insurance companies that engage in the same types of practices that you talked about in your testimony today. I'm concerned with quantifying this problem at least for the purposes of this report.

LEONARD GRAFF: Yes, I do, and I can send it to you.

CHRISTOPHER McCAULEY: Leonard, thank you very much. It's been delightful to have you here. So many of the advocates who have come to us have long records of achievement and certainly NGRA does.

The next presentation is Charles Harris, from a management consulting firm that is doing a feasibility study for the city on a possible flexible benefits plan for city employees.

CHARLES I. HARRIS

**Management Consultant,
Towers, Perring, Foster and Crosby**

Feasibility Study: Flexible Benefits for City Employees

CHARLES HARRIS: Thank you very much. My name is Charles I. Harris, "Chick" Harris actually. I'm a vice president with an international consulting firm of Towers, Perring, Foster and Crosby. Don't bother writing it down, I'll give you something that it's written down on, somewhere. We have been retained by the city, after a competitive bid situation to help the city analyze its current methodology for delivering benefits and we have yet to define what the scope of benefits are. I'll tell you that right now. But it will range from the welfare programs, the medical, dental, and life, disability programs, probably include as well a review of the time off programs - sickness, vacation, holiday, other possible personal leaves, and potentially include the ability to save money, to analyze these programs to see what currently exists in this city and believe me there is a diversity of benefits, my understanding is a diversity of benefits among the various employee groups that make up the 19-20 some odd thousand city employees. To assess the competitiveness of those benefits to determine whether or not it would be to the advantage of the employee populations, the various groups and to the city, to offer choice with respect to some of these benefit programs.

The reason for offering choice is to allow employees to better spend the dollars that are otherwise being spent on benefits to their best advantage. But coincident with offering choice, which is something that everybody feels that they want, we must be able to assure the city that the ultimate benefit costs, the actual dollars spent in claims or dollars spent in leave, or dollars spent in administration are within control and will follow a pattern which would hopefully be no worse than and possibly be better than the pattern that would emerge if choice were not given.

Choice by itself assumes that people will make the best decision for their own needs. If the choice is not properly priced and I'm talking from an actuarial standpoint, the statistics that the gentleman before mentioned, then someone is going to be paying too much or receiving too little and we have to ensure that there is an appropriate balance between the costs of the benefit program and I refer to the costs both to the city and to the employee populations and the benefits being derived. There is not certainty as we approach this particular study that flexible benefits will meet the objectives which have yet to be established firmly by city management and

representatives in the city and some of the union situations better than the current program does. We do not enter this particular study assuming that a flexible benefit program will be developed and implemented for the city. When we embark upon these studies we say and we do approach the feasibility phase exactly as that. Once we have determined mutually with the city the objectives that they wish to accomplish we then assess whether or not the current program or modifications to it can meet those objectives, and what the flex, as one alternative might help us meet those objectives.

We have done studies, not for the city, and so I will tell you that the city of Los Angeles is a leader as far as investigating a program of this magnitude. The only other city of equal size is the city of Philadelphia which has actually implemented a flex program I believe last year, they adopted a flex program I think that's the only one anywhere near a city of this size to Los Angeles.

I'd like to also make a general statement that flexible benefits is not a defined term. There are flexible benefit programs out there that companies such as T.R.W. calls flexible benefits which doesn't look at all like the program that Security Pacific Bank put in which they call flexible benefits, doesn't look like anything that GlenFed put in which they call flexible benefits, or some smaller companies which provide fewer choices but important choices to their individuals.

I have, on short notice not prepared anything other than those little opening comments, but there is a brochure which I'll tell you flat out we use as a sales piece, which says let's talk about flexible benefits and it does describe the nature of a flexible benefit program, its ultimate objective and the methodology that T.P.F. & C. uses in assessing whether or not flexible benefits makes any sense so I probably have enough copies of this for all of you and I have a fewer number of copies as our supply was running short of a survey that we conducted amongst, I didn't really count the number of companies, 50 or 60 companies, not T.P.F. & C. clients all, some are, many of them are not, on what these companies have put in, which plans are included in their benefit programs, the amount of selection which various employees have taken, the cost of developing these programs, the timeline necessary to develop a program, and this might also give the Task Force some information. I only have 5 copies of it. I can get more if you would need more.

CHRISTOPHER McCAULEY: Why don't you give those to Tom as you're leaving and he'll make sure they at least get to the Insurance team.

CHICK HARRIS: I also want to make one other statement. All of the work we do in flexible benefits is governed by a number of I.R.S. codes, primarily section 125 which deals with the ability of an individual to trade dollars between taxable cash, taxable dollars and non-taxable benefits

without in their terminology being in constructive of the cash. In addition, each of the benefit programs within the flexible benefit program, the medical plan, a disability plan, a life plan, etc. must meet their own set of rules and regulations also dictated by the Internal Revenue Service, Section 105 and 106, section 129, section 127, and a number of other sections.

So not only are we constrained by what can be handled administratively, what makes sense, what can be communicated, what can be understood, what can be afforded, we also have to deal with what can be provided on a legal basis without exposing the individuals to undue tax. We want to do it as tax effectively as possible.

The initial feasibility study has a 9 month timeline. We hope, we expect to, and our contract says we will reach recommendations and present our final report to the city in I guess September. We signed the contract in January. The end result of that will be a recommendation to either adopt or not adopt flex. And if a flex program is to be recommended, the recommendations would also include a preliminary plan design, estimate of cost etc. To be honest with you I have not done that much work with the city so I suspect what happens there, it would then go to City Council for approval, for implementation, implementation in an organization of this size and magnitude would probably take the better part of a year and therefore I think that the earliest we would look for flexible program to be in place, if such were to be recommended would be January of 1989, as a best guess. I would now like to open for questions.

CATHERINE HAMILTON: You spoke about the determination of the objectives which the city wants to accomplish, could you talk a little bit more about who was making that determination and how that process is going down?

CHICK HARRIS: Well, I can't say...I don't know all the names yet, the Task Force of the City is being assembled, we'll be meeting, our first meeting is March 3rd. I know we are going to have representatives from the C.A.O.'s office, we have representatives from the personnel department, they have also pulled representatives from many of the city, I'm going to use the word departments, I don't know if that's correct, I saw on a list somebody from the Fire and somebody from the Police and somebody from Sanitation, basically the personnel representatives from those offices. We are also going to be conducting a survey amongst employees -- a statistically accurate random sample, whatever that means -- is going to be sent out, come back, and we're going to get some input from the employees. The input from the employees is not to ask them what they want because they want everything for nothing, it's more to find out what their sensitivity to movement might be, what they feel is good or bad about the current program. We have to determine the level of understanding of the current employees. Based upon that information, we will then start to establish some objectives, financial objectives and choice objectives.

CATHERINE HAMILTON: Are you factoring in the possibility of domestic partnerships or household partner benefits here either health insurance or life insurance or that kind of thing?

CHICK HARRIS: I can't say yes or no we haven't gotten that far yet. It would not be uncommon to consider when one is designing a benefit program who are eligible dependents, which is a natural thing to review. One particular aspect of a flexible benefit program commonly is dependent care, the ability for, on a pre-tax basis employees to fund for dependent care. Not necessarily to have the City provide dependent care, expenses are outrageous. Definition of dependent under that follows the tax code. In order to be able to get a deduction for it you have to follow section 129, do I have the right section for dependent care? or 127 I honestly forget. And that's an allowable expense so therefore we're limited there. To the extent we are looking to cover beneficiaries under life insurance, the insurable interest discussion that you had before overrides. We can't change the rules on that. To the extent that we're dealing in the medical plan area, and the programs are insured, we will deal with the insurance company rules and regulations or our attempt to negotiate with them to the extent that the program is self insured then the underwriting and actuarial people who are determining the cost would also have their say as that. As a specific item I can say no, it hasn't been something that we've addressed.

THOMAS FRANK COLEMAN: A couple of questions, one on the survey of the employees. Are you going to try to determine who's out there? The demographics of the employee population?

CHICK HARRIS: Yes we are, and I think I know where you're going and I suspect that our typical questions on demographics will not address the issues that you are raising, and we ought to think about changing them.

THOMAS FRANK COLEMAN: It can be worded in a way without invading whether they're having sex with someone or not (Absolutely, yes.) What we find out..need to refer to them in some manner other than a non-family household like the census bureau does. We can do it in a sensitive way. (Significant other?) Well if you can refer to it in a way that's politically acceptable, and somewhat sensitive, and doesn't invade privacy too much, that may tell you a lot about the needs of the employees even more so than coming out and making demands of the deficiencies in the system.

CHICK HARRIS: Let me tell you that we have a high degree of sensitivity to asking questions on a demographic test which would in any way color the results coming back because of the individual feeling that...if I answer all these three questions, or five questions whatever it might be, they know who I am. Like if we asked your location code, your salary, and national origin, and there happens to be an American Indian, who is working

in the accounting department earning between \$20-30,000, that person will not fill out the form, so we're overly sensitive to asking the questions that don't allow for very much...of the information. I will see what we can do about getting that in, talk to our survey people, it's a good suggestion.

THOMAS FRANK COLEMAN: However we want to define it. We can work on how it would look, or what the terminology would be.

CHICK HARRIS: Yes, actually I'd like some input quite quickly because that will be something that will come up within the next week or two.

THOMAS FRANK COLEMAN: The second part had to do with, you said you would look to what the companies would do and what their regulations are and so on. A few months ago a number of companies were contacted by a student researcher, and one of them for example Blue Cross said, if the City wanted to enter into a contract with us, to the exclusion of some other companies, we would provide domestic partnership coverage which we presently do not do but, in other words they'd be willing to compete for that....

CHICK HARRIS: The City does have a lot of clout...that's what you're saying..

THOMAS FRANK COLEMAN: Exactly. So that because there's some resistance right now doesn't mean that can't be negotiated with companies that might be willing to create new programs if they got the city's business.

CHICK HARRIS: We are a long way away from actually talking to anybody for placing the business, that wouldn't occur if flex were to come about until 1988 sometime. The development phase and the degree of design that we do in order to determine the feasibility doesn't get to that issue, doesn't get to that depth and I'm not saying we're trying to avoid the question if we had a group of physicians out here who were saying "Absolutely in no way should you allow four people to get a historectomy without a second surgical opinion", I'd agree, totally. That's very important. However, the degree of design we do in the feasibility phase doesn't even get to second surgical opinion. It wouldn't even really get to this particular issue, and I'm not trying to avoid it, the reason is it doesn't affect our decision as to go flex or not go flex.

THOMAS FRANK COLEMAN: That's what I was trying to get. Every company right now said "We won't do it so don't even bother considering it. Does that mean that you're not going to consider that type of coverage.

CHICK HARRIS: No, that's not necessarily the case.

CHRISTOPHER McCAULEY: Why wouldn't it be? I was just curious if there was...well why wouldn't it be?

CHICK HARRIS: Well, first of all I want to tell you of my ignorance relative to the current City programs, I really don't know anything about them yet. We just got the assignment and I wasn't going to study too much until we got paid for it to be honest with you. One thing that you should all consider here, and when you are talking about what the insurance companies are doing, a high preponderance of employees are covered by programs which are self insured and totally outside of the control of the Insurance Commissioners to begin with or insurance companies for that matter. The rules and regulations that they establish for who is a dependent and who is not a dependent are theirs and they establish them themselves. The City is large enough to create its own self insured program and doesn't give a damn about what anybody says about who is a dependent. That holds true with every major employer, almost every major employer in Southern Cal...in California for that matter. Insurance is not that prevalent among larger companies where most of your people are working.

CHRISTOPHER McCAULEY: I suspected that's what you...any other questions for Mr. Harris? Yes.

MICHELE BUEHLER: I just have one question, you were talking about your meeting in the early part of March and your meeting with the C.A.O., personnel department, and various representatives from the city departments. Are you planning on meeting with representatives various unions representing city employees at any time?

CHICK HARRIS: At this particular point I don't believe so.

MICHELE BUEHLER: Why not? Seriously, because benefits fall under a meet and confer process and they're subject to negotiations and wouldn't it be beneficial to get their input ahead of time?

CHICK HARRIS: We are...it's not mine to say. The negotiations between the City and the unions, we are not party to those negotiations and therefore it is not ours to say. We are being told by City management who we talk to. The survey is going to include union employees, the survey will go to union representatives for their approval prior to its submission. Once that information comes back I don't know of any other contact during the feasibility phase of going to the unions. That's all I know at this point in time. We are approaching them on the survey, absolutely. We can't go to the memberships without them approving it.

THOMAS FRANK COLEMAN: This is all part of the contract that specifies who you are going to be with or the contract..does the contract

delegate to someone in the City government the authority to direct what you do and what you do not do and who you talk to in a feasibility study?

CHICK HARRIS: Yes, I gather it's the latter. The contract is not quite that specific. We are working for this Task Force that's been assembled and we work under their direction.

THOMAS FRANK COLEMAN: And who heads the Task Force?

CHICK HARRIS: I guess the person to contact as far as the contract is concerned is Susan Harbach, of the C.A.O.'s office invited people to serve on the Task Force.

THOMAS FRANK COLEMAN: Well we can follow up with this at some later point outside of this hearing to get more specifics.

CHRISTOPHER McCAULEY: Let me just clarify...are you simply reporting with us today about this as a new client arrangement for your company or are you the principal consultant assigned to this particular project?

CHICK HARRIS: Oh, I am the principal consultant assigned to this particular project. T.P.F. & C. has a relationship with the City. We are the pension actuaries for many of the city programs. As such we generate a lot of statistics on what the pension costs are, but this is the first benefits consulting assignment that we've conducted with the city.

CHRISTOPHER McCAULEY: Good. I not only wanted to thank you for being here but acknowledge that not only was it somewhat short notice, just a few days, but that it's I think it tells us something that you're open and interested in hearing some additional input in the design even though it's a client arrangement with the City, although we're an advisory group to that. So we look forward to having some conversation with you about that. Thank you very much. I think that's going to be a very interesting study and we're going to be watching.

Nancy Berlin us here. Nancy is the co-ordinator of the House of Ruth, some of you may be familiar with that program. Her topic is homeless families, and the special needs of women and children. Thank you Nancy for being here.

NANCY BERLIN

Coordinator, House of Ruth

Special Needs of Homeless Families

NANCY BERLIN: My name is Nancy Berlin and I work at the House of Ruth which is a temporary emergency shelter for homeless women and children, which includes single women, pregnant women, and women with children. We are located in the Boyle Heights district of the city. We take families from all over the county and sometimes even further, depending on who ends up on our doorsteps. I want to thank you for inviting me here today. I think it shows a lot of insight on your part to include this topic in your discussion on family diversity. We often get left out of family discussions and even discussions on the homeless because there is not much awareness of the fact that there are homeless families and homeless women and children in Los Angeles.

Who are homeless families? How do we know they are there? What are the demographics of homeless families? I would like to address these issues in my presentation.

A national study that was conducted by the U.S. Conference of Mayors tells us that about 30% of the homeless are homeless families. That seems to be an increasing trend in Los Angeles as well. There was a study done by a sociologist at U.S.C., Kay McChesney, who tried to identify who homeless families were in Los Angeles. She found that families are the fastest growing segment of the homeless population. Not surprisingly, the typical homeless family is the single mother and her children -- about 2/3 of the homeless families are headed by single women. I think that's important because the media often portrays the homeless family as a two parent family but that is not the typical family. The typical homeless family follows the pattern of the typical poor family, which is the single woman and her kids, the women being in her 20's, and has 2 pre-school age children. McChesney says that these families are generally poor to begin with. Some homeless families are the "new poor" -- people who have become poor because of some crisis, but the "new poor" are not the typical homeless families. So we are not talking about a temporary situation for most of these families. It tends to be a more long term problem that needs to be addressed.

What happens to these families that changes them from simply being poor to being homeless?

The first major reason is that there was a man who used to be in the picture but he is no longer there. McChesney says that accounts for about 1/4 of the homeless families -- that the man was either abused and so she left him, or the man just disappeared. So, in these cases, it is generally a woman who has been out of the job market for quite some time and doesn't have a lot of skills or confidence in the skills she has to go back to work. In addition, to the trauma of suddenly being alone, and having to reorganize her life, she also has the trauma of being homeless as well. This is also then connected with the inadequacy of child care, job training programs, and low wages that most of these women get when they do enter the job market. The low wages are insufficient to support their family and so this aggravates the problem.

The second reason for the increasing number of homeless families has to do with the increasing number of low income families in general and some of them become homeless. There was a study done by the Center for Budget and Policy Priorities in Washington D.C. It says the reduction in government benefits programs is responsible for the increase in low-income families, because those programs used to lift people out of poverty but they don't do that now. This study concludes that the decrease in federal government benefits programs accounts for about 30% of the rise in low-income families. This is significant because it says there is something that needs to be done on the federal level.

A third major reason for homeless families is something that directly relates to Los Angeles -- the lack of affordable housing. The median rent for a one-bedroom apartment in Los Angeles is \$491 per month. That is too much money for a woman to pay when she is working at minimum wage. There is also a shortage of any kind of low-income housing at any affordable price. The Census Bureau did a study of low-income housing. They found that the number of low cost housing units has decreased over the past few years. They report that in California there are 780,000 more low income households than there are low-income units for those households. Los Angeles has the worst ratio in the country for low cost housing, that is, we have 3.7 persons who need housing for every unit that is available in Los Angeles. Given all that, one of the surprising things for us is that there has been very few programs developed around homeless women and children. It is hard to determine how many homeless women and children there are, because homeless women do everything they can to keep out of the public eye. They are very hard to identify. They are terrified that their children are going to be taken away from them. So we are never going to get a very accurate count. However, we do believe that there are only several hundred shelter beds available to homeless families in Los Angeles county although there are thousands of homeless women and children in the county -- so there is a huge gap between these numbers.

What can the city do about the plight of homeless families?

First, there was the Hansen case which attempted to force the county to provide services to homeless families as a unit. The problem is that the Hansen case has not been implemented. The county has to be forced on a case-by-case basis. Info-line is referring cases to Legal Aid so that they can help force the county to help the needy family. This is a complicated way to get shelter for people. I have had no success in attempting to get help from the county when I intercede on behalf of a homeless family. The county has the resources but just won't do it. They seem to be just waiting out the appeal in the Hansen case. I think the city should make a strong statement to the county to protest this practice because most of the homeless families are in the city. So this does affect residents of the city.

Another obvious problem has to do with affordable housing. The state Legislature has many proposals pending to create more low cost housing. We need to follow those and support them and make sure the Governor doesn't veto them like he did last year. Also, the state needs to be pressured to take advantage of federal low income housing tax credits.

Also, we need to protect and preserve the rent control that we have so that low income families have a chance at having housing.

Finally, the city should support the funding of privately run shelters. This can happen through public awareness and publicity that there are homeless families out there. Most of the news and proclamations that we hear deal with homeless individuals as opposed to homeless families. We need to expand programs for families. Our shelter can't take two-parent families. Most shelters won't take pregnant women. People need to know who is really out there. People don't really know there are pregnancy women living on the streets and that shelters can't take them. People don't hear about families that are locked out of their apartments by their landlords and so they wind up on the streets. We had a family that called this morning who were living in their car.

JAY KOHORN: I think that the Museum of Contemporary Art was funded was through an ordinance that required 1% of developer's costs had to be contributed to the arts. It seems to me that if it can be done for the arts it can be done for the homeless. If 1% of the cost of developing high rise condo's would pay for the entire cost of housing homeless families in Los Angeles. I wonder if that is not a reasonable way of the city attacking the problem.

CHRISTOPHER McCAULEY: Part of the problem is that the law requires that these fees be spent in the same redevelopment area. This type of a proposal might work in the downtown area. But, the concept of finding a creative way that could be used in a targeted area is a possibility.

ADELE STARR: What is the average length of time that a family remains homeless -- six months or more?

NANCY BERLIN: It depends on what kinds of resources come their way. Usually it is not that long. A family must get off the street sooner. Although some families live in cars for months. Most families, however, remain on the streets for a number of weeks.

The problem, however, is the help is very limited. Families can only be housed for a 60 days and a lot of families are not ready to move after 60 days.

ADELE STARR: What happens to the children -- do they go to school?

NANCY BERLIN: That is a problem. Many of the shelters only allow a family to stay for two to three weeks. Many families won't enroll a child in school for such a short period of time. Then they move to another shelter for a few weeks. And the same situation happens. The school lives of the children are significantly disrupted. Even in our area, the school is not wild about handling this transient population going through the school. Plus, our school is overcrowded, so they bus our kids to North Hollywood, where the school is not used to dealing with poor children much less homeless kids. The North Hollywood school is requiring many things that neither we nor the parents can provide and the kids come home miserable because we can't provide the required school supplies. So, the schools don't have a lot of sensitivity. We have had kids denied school lunches because they did not know what a homeless family was and why our shelter did not provide them with a bag lunch. Because of all of these problems and lack of sensitivity by the schools, my guess is that most homeless children do not go to school.

CHRISTOPHER McCAULEY: Where does the House of Ruth get its funding?

NANCY BERLIN: We have been in existence since 1978 -- a little before this crisis blossomed. Most of our funding comes from private foundations and from individuals. We also get support from local church groups. We get very little funding from the Federal Emergency Management Agency. We get a little from the state emergency shelter renovation program.

Because our money is mostly private it keep us more independent than if we relied on government money. So, we can be more innovative.

Last year, we opened a transitional living house and we hope to open another one soon. It's a low cost house for families who have some income

but need a little more time to save up money to rent their own apartment. They pay us \$175 per month. They don't have to pay first and last to us. It enables the women to save money. They can stay with us for up to one year. We just had our first set of graduates. This is something that needs to be done by others. If we could free up more buildings for more transitional houses this would help a lot.

NORA BALADERIAN: What is the reason for shelters not accepting pregnant women.

NANCY BERLIN: I can only guess because we do accept pregnant women. Places are afraid of what to do with pregnant women. They don't know who to handle childbirth or newborns. Many shelters require the women to leave the house during the day to look for jobs and this won't if they have a baby to take care of. So, the shelters are afraid of complications.

CHRISTOPHER McCAULEY: Nancy, thank you very much for coming here today.