



COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

AGENDA ITEM

DATE: March 11, 2014

05

TO: Board of Supervisors

SUBJECT: DISTRICT ATTORNEY – SPECIAL PROSECUTION UNIT FOR LONG-TERM RESIDENTIAL CARE FACILITIES FOR THE ELDERLY AND SKILLED NURSING FACILITIES (DISTRICTS: ALL)

Overview

This request is to establish a one-year pilot program in the District Attorney's Office to investigate and prosecute crimes committed against residents of long-term care facilities, and to raise public awareness about preventing and reporting abuse and neglect of our most vulnerable citizens. This specialized prosecution unit would coordinate with state and local administrative agencies, law enforcement, medical experts, and advocacy groups to enhance the enforcement of required standards of care in long term-care facilities, and investigate incident reports and referrals of potential criminal activity at these facilities. This is a request to establish appropriations to fund the one-year pilot based on revenue from the Proposition 172 Special Revenue Fund.

This is also a request to seek additional grant funding to further support investigation and outreach activities. If authorized, the District Attorney's Office will return to the Board of Supervisors to request authorization to accept the award and appropriate the awarded funds as necessary.

Recommendation(s)

CHAIRWOMAN DIANNE JACOB, SUPERVISOR GREG COX AND DISTRICT ATTORNEY BONNIE DUMANIS

1. Transfer appropriations of \$190,000 within the Proposition 172 Special Revenue Fund, from Miscellaneous Expense to Operating Transfer Out, for the Long-Term Care Facilities special prosecution unit.
2. Establish appropriations of \$190,000 in the District Attorney's Office for salaries and benefits associated with the one-year pilot based on an Operating Transfer from the Proposition 172 Special Revenue Fund. **(4 VOTES)**
3. Authorize the District Attorney's Office to seek and apply for grants from Federal and

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State sources to support and enhance investigation and outreach activities related to elder abuse at long-term care facilities.

Fiscal Impact

Funds for this request are not included in the Fiscal Year 2013-14 Operational Plan for the District Attorney’s Office. If approved, this request will result in estimated current year costs and revenue of \$190,000 and Fiscal Year 2014-15 estimated costs and revenue of \$1,300,000. The funding source for Fiscal Year 2013-14 is revenue from the Proposition 172 Special Revenue Fund and for Fiscal Year 2014-15 is available prior year fund balance in the Proposition 172 Special Revenue Fund. There will be no change in net General Fund cost and no additional staff years.

Business Impact Statement

N/A

Advisory Board Statement

N/A

Background

Over the past 20 years, assisted living facilities have become the fastest growing component of long-term care, and California has a higher growth rate than any other state. The demand for assisted living will continue to grow along with the rapid increase in the aging population. This is an issue that affects all of us, our friends and our families, as more than two out of five people will need long-term care at some point over the course of their lives.

A recent series of watchdog reports in the local media have documented deeply troubling gaps in staff training and supervision at assisted living facilities. The reports also suggest a lack of sufficient resources for statewide regulating agencies to adequately enforce standards of care and follow up on reports of abuse and neglect in a timely manner. These reported incidents must be reviewed in a timely manner to address violations, and most importantly, all criminal activity must be referred to law enforcement for investigation and prosecution.

In the January 29, 2014 State of the County Address, Chairwoman Dianne Jacob called for a crackdown on assisted living facilities operating on the wrong side of the law, to protect our oldest and most vulnerable citizens, and to make it absolutely clear that abuse and neglect will not be tolerated.

The proposed one-year pilot program in the office of the District Attorney would dedicate resources to investigate and prosecute crimes committed against residents of long-term care facilities. The specialized unit would work to enhance the enforcement of required standards of care, and would address the timely review and follow up of incident reports and referrals to identify potential criminal activity. By working in collaboration with the Attorney General, state regulatory agencies, local law enforcement, advocacy groups, medical experts, and the Health

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and Human Services Agency Aging and Independence Services, the District Attorney’s Office will establish a coordinated network for information sharing, building mutual understandings of standards of care and what constitutes a violation or criminal behavior, and timely reporting of referrals for review and aggressive action when warranted.

The District Attorney’s Office also requests authorization to apply for grant funding from federal and state sources to further support investigation and outreach activities, including a media campaign focusing on awareness, prevention, and reporting incidents of elder abuse. If authorized and a grant is awarded, the District Attorney’s Office will return to the Board of Supervisors to request authorization to accept the award and appropriate the awarded funds as necessary.

Considering the number of assisted living facilities in San Diego County, the level of effort required to accomplish this task cannot be underestimated. The District Attorney’s Office is requesting to fund costs associated with the one-year pilot program to include costs for dedicated prosecutors, investigators and support staff. At the conclusion of the one-year pilot program, the results will be reviewed to determine next steps to continue these efforts and identify ongoing funding sources.

With regards to this endeavor, it is our vision to create an expectation in San Diego County that loved ones can be safely placed in residential care facilities with substantially reduced risk of abuse or neglect.

Linkage to the County of San Diego Strategic Plan

Today’s proposed action supports the Safe Communities Strategic Initiative in the County of San Diego’s 2014-19 Strategic Plan by protecting the rights of elderly citizens in assisted living and nursing homes and by investigating and prosecuting criminal activities in these facilities. This request also supports the Required Disciplines of Fiscal Stability and Regional Leadership by seeking grant funds to provide additional resources to combat crimes against our aging population.

Respectfully submitted,

DIANNE JACOB
Chairwoman, Second District

GREG COX
Supervisor, First District

BONNIE DUMANIS
District Attorney

ATTACHMENT(S)
N/A

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:
N/A

BOARD POLICIES APPLICABLE:
N/A

BOARD POLICY STATEMENTS:
N/A

MANDATORY COMPLIANCE:
N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):
N/A

ORIGINATING DEPARTMENT: District 1 and 2, District Attorney

OTHER CONCURRENCES(S): N/A

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