

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

June 11, 2018

2. Department

Social Services

3. Organizational Placement (Division/Branch/Office Name)

Community Care Licensing/ Investigations Branch

4. CEA Position Title

Investigations Branch Chief

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The Chief of the Investigations Branch is responsible for the most serious complaint investigations posing the largest risk to residents living in community care facilities. These typically involve allegations of sexual abuse, suspicious death, and unlicensed operations where all steps towards correction have failed and an injunction has been issued or is pending. The addition of the Caregiver Background Check Bureau will align all divisional activities involving law enforcement and criminal records under one Branch.

6. Reports to: (Class Title/Level)

Community Care Licensing Deputy Director- CEA Range B

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain): The Branch chief confers with, makes recommendations to and advises the Assistant Deputy Director and/or Deputy Director on strategic policy and procedural changes.

8. Organizational Level (Select one)

- 1st 2nd 3rd 4th 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The Investigations Branch Chief develops, implements and oversees statewide program policies, goals, objectives, processes and procedures and provides strategic program direction for the Investigations Branch and the Caregiver Background Check Bureau.

Responsibilities include:

Oversees the formulation, interpretation and administration of state and federal policies and legal decisions related to investigations and caregiver background check requirements. Investigations involve high profile cases such as child trafficking, child abuse and sex trafficking.

Ensures the analysis of state and federal criminal records, including subsequent arrests, are completed uniformly and in accordance with existing statute. Provides policy clarification to program and field offices on new and existing statutes and regulations regarding background checks and investigations.

Ensures uniform investigatory processes are adhered to using statewide procedures and standards for investigative and regulatory programs. Conducts internal Investigations for the Department, which typically involves employees engaged in illegal and/or incompatible activities and which frequently result in policy changes across the Department.

Advises the Deputy Director and Assistant Deputy Director on needed regulation, policy, and procedural changes specific to the functioning of the caregiver background check program.

Plans, directs and evaluates the field and headquarter operations of the Branch, the allocation of staff, monitors the budget; collation of data and statistical reports; reviews administrative actions prepared by staff; completion of investigation system reviews; oversees all personnel functions, including recruitment and hiring in support of the enforcement activities, and ensures staff are trained in accordance with the Commission on Peace Officer Standards and Training (POST) requirements.

Ensures management tracks Branch wide performance and that the collection of statistics and other tasks designed to improve the overall performance of the program are completed and analyzed in support of the provision of quality customer service.

Operates as the single point of contact for local and state law enforcement agencies, the FBI, Homeland Security, Immigration and Customs Enforcement, the Department of Justice, and other departments associated with the enforcement of criminal and or regulatory provisions.

Responsible for the integrity and security of the Department of Justice's California Law Enforcement Telecommunications System terminals and information accessed by the investigators in the Branch including from the California Sex and Arson Registry.

Establishes and maintains a cooperative working relationship between the Investigations Branch and all areas of the Department, including program branches within the Community Care Licensing, Legal and Administration Divisions.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The mission of the California Department of Social Services is to serve, aid, and protect needy and vulnerable children and adults in ways that strengthen and preserve families, encourage personal responsibility, and foster independence.

The mission of the Community Care Licensing Division is to promote the health, safety, and quality of life of each person in community care through the administration of an effective collaborative regulatory enforcement system.

The Investigations Branch is responsible for ensuring measures are in place and proper investigations take place to protect California's most vulnerable population from sexual abuse, suspicious death, child abuse and unlicensed operations of Senior Care facilities, Child Care facilities and Adult Care facilities. The Investigations Branch must also conduct background checks on home care aides, unlicensed child care providers and out-of-state child abuse checks for foster care.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

Currently the work of the Caregiver Background Check Bureau (CBCB) is in two different Branches within the Community Care Licensing Division (CCLD). The CBCB is housed in the Central Operations Branch (COB), but staff work closely with the Investigators in the Investigations Branch (IB). Recent report findings and underlying processing delays, necessitate a reorganization. The CCLD will be reorganizing and transferring the CBCB from the COB to the IB.

State law requires that before issuing a license, the Department must conduct criminal background checks for all applicants, including their employees, and any adults residing at the facilities. Over the past year, the CBCB processed approximately 210,000 criminal background check requests and the IB handled over 11,000 arrest only or mixed arrest cases. The CBCB reviews the Child Abuse Central Index for possible matches and reviews criminal history information (arrests and convictions) to render decisions for employees of licensed facilities and for the TrustLine Registry. The criminal record or rap sheet may notate multiple arrests for felonies or misdemeanors, but may not show any conviction or disposition information. If the criminal record or rap sheet contains any conviction(s) and an arrest for any crime listed on the Non-Exemptible, Exemptible Felonies/Violent Misdemeanor Crimes list, the arrest is referred to an Investigator for a thorough investigation. The Investigator conducts the investigations to ensure serious and non-exempt crimes involving facility employees, applicants or Trustline registrants are thoroughly and adequately investigated and pose no health or safety threat to residents.

In late 2016, an audit was conducted on the process for licensing and monitoring community care facilities throughout California. The audit focused on the Department's criminal background check process and the process for monitoring the presence of registered sex offenders in community care facilities. The audit was to confirm that the Department was receiving and assessing all necessary background check information on new and current licensees.

In 2017, the California State Auditor released its report findings on criminal background checks. The report found inconsistencies and untimely delays. In the past nine months, the CCLD has implemented a number of processes to improve the evaluations of criminal background check information.

Re-organizing and moving the CBCB from the COB to the IB will strengthen the oversight of processes and eliminate duplicative administrative functions including tracking, analysis of findings and investigatory referrals. It will also consolidate the arrest only processes and processes for identifying the presence of registered sex offenders in community care facilities, but more importantly, protect the safety of California's most vulnerable population whose safety and livelihood depends on the community care facilities. Furthermore, the IB Chief's expertise and positive relationships with the Department of Justice and other law enforcement agencies, will support the needed cooperation to obtain arrest records and/or additional information on convictions needed to assess the suitability of an applicant to work in a community care facility.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The Chief of the Investigations Branch (IB), CEA level A, consistent with the full range of peace officer duties as specified in Section 830.3 of the Penal Code, is responsible for managing and directing statewide policy for the Investigators and the Caregiver Background Check Bureau (CBCB) in meeting divisional and Departmental investigative goals. The IB Chief must work with all programs to develop and coordinate statewide policy, recommend improvements to facilitate the Department's investigative and regulatory programs, and function as the principal consultant to the Deputy Director on law enforcement issues.

The IB Chief is responsible for the policy development, implementation and oversight on new and existing statutes, regulations and procedures of the caregiver background check process. The CBCB applies the statutory requirements of Health and Safety Code sections 1522, 1568.09, 1569.17, 1596.871, and 1796.19 to help protect children and vulnerable individuals in community care facilities. The CBCB is responsible for interpreting state and federal legal decisions related to caregiver background checks and information system needs. The CBCB must also manage background checks on home care aides, unlicensed child care providers registered through TrustLine, and out-of-state child abuse checks for foster care. If an individual is associated with a facility serving children, a Child Abuse Central Index check is also performed. Policies must also be in place to identify and guard against registered sex offenders.

The IB Branch Chief is responsible for statewide policy clarification and new policies for the existing Investigations Branch in the following areas:

- 1). Setting policy regarding county and departmental evaluation of criminal background information for individuals seeking to be employed in a licensed community care facility or approved resource family homes. Clarification of existing regulations, statutes, or interpretive materials are imperative as dozens of issues are addressed monthly where the intent of existing policy is analyzed and extended to include areas that have not been adequately addressed, and often have department wide impact.
- 2) Identification of a new area of concern with recommended policy relates to time frames for investigations. The IB Investigators, with the assistance of local law enforcement agencies, are responsible for investigating allegations of severe physical or sexual abuse. Existing Divisional policy for time frames to complete a complaint investigation is 90 days, this includes the initial interviews with victims and alleged perpetrators. The goal is to reduce that time frame from 90 days to 30 days to coincide with the investigative time frames for county child welfare agencies, but the reduction of the overall investigative time frames would jeopardize local jurisdiction criminal investigations. The IB Chief must vet through all the policies and come up with a solution that protects individuals in the community care facilities. Therefore, with the addition of new licensing categories, new legislation and regulations and an increasingly more difficult client population, new issues of statewide significance and interdepartmental impact are being identified in the program and must be properly addressed for the safety of California's most vulnerable population.
- 3) The IB Chief provides leadership on special projects involving program specialty with other departments or divisions. For example, review of existing policy specific to DUI convictions and the conditions, rehabilitation or convictions associated with the offense will be looked at individually, instead of under a blanket policy for internal investigations. These types of proposed policy positions are developed as a routine part of identifying and elevating issues to the Deputy Director and the Executive staff.
- 4) The Investigators are usually assigned special sensitive investigations involving departmental staff. This includes staff who are believed to be committing fraud or bribery with licensees. These issues come to the forefront as proposed legislation and special projects that are presented to the IB Chief for consideration, input and policy recommendation. The IB chief must make recommendations for changes to or clarification of personnel policies based on the outcome of these sensitive investigations.
- 5) The existing procedures for conducting investigations in licensed Foster Family Homes is being expanded to include county approved homes known as "resource families". Over half of the state's foster children are placed in resource family homes. This expansion requires the IB Chief to identify where the existing policy, processes and procedures will no longer apply and what the Investigators responsibilities will be relative to concurrent activities and mandates by county child welfare, probation and law enforcement agencies in the investigation.

Successful identification and resolution of these issues has a direct impact on the care provided to vulnerable clients and the health and safety of adults and children in community care facilities. The Community Care Licensing Division has the highest media profile of any division in the California Department of Social Services and always under the watchful eyes of the Legislature and the Governor's Office.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The Investigations Branch (IB) Chief has primary responsibility for prioritizing and developing investigative policies for the Community Care Licensing Division. The IB Chief oversees the implementation of Investigation Branch program policies, goals, objectives, and procedures. Interprets state and federal legal decisions and advises the Deputy Director on needed regulation, policy, and procedural changes that impact the Branch. Works closely with the corresponding program policy and field sections within the Division and Department to oversee and implement policy decisions with significant program or regulatory impact. Authorizes and settles administrative actions against community care providers with Deputy Director approval.

The IB Chief develops and oversees the implementation of CBCB program policies, goals, objectives, and procedures. Interprets state and federal legal decisions related to caregiver background checks and system needs; provides policy clarification to program and field offices on existing statutes, regulations, policies and procedures regarding arrests and background checks. Establishes priorities and procedures for managing the background check/arrest processes for all licensed caregivers that includes updating program specific policies, procedures and guidelines for staff.

The IB Chief must consider new or revised state and/or federal legislation and budgeting needs, as well as, incorporate timely feedback from stakeholder groups, county entities, consumers and federal and state departments when implementing new policies or programs. In addition, the IB chief interacts with local and state law enforcement agencies, the FBI, Homeland Security, Immigration and Customs Enforcement, the Department of Justice, and other departments associated with the enforcement of criminal and or regulatory provisions.

The IB Chief confers with, makes recommendations to, and advises the Deputy Director and department Directorate on highly critical and sensitive issues related to internal investigations associated with illegal or incompatible activities.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

Both. In the community care facilities new and existing policies must be developed and implemented for conducting criminal background checks, investigating sexual predators, child abuse and child and sex trafficking cases in order to protect California's most vulnerable citizens.