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STATE OF CALIFORNIA

OFFICE OF THE ATTORNEY GENERAL

Report of Investigation of People's Temple

- I. Inquiry into Possible Malfeasance, Misfeasance or Nonfeasance on Part of State Officials;
- II. Review of County Welfare Fraud Investigations on People's Temple Members;
- III. Inquiry into Alleged Criminal Activity of Mr. James R. Randolph, Jr.;
- IV. Review of Foster Care and Guardianship Systems; Recommendations for Changes in Practices and Law.

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April, 1980

[NOTE: Several errors in job classifications of persons named in the report first released have been corrected in this second printing. December, 1981.]

1980?

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## BACKGROUND

On March 2, 1979, Mr. John L. Baine, Health and Welfare Agency, Department of Social Services, Legal Affairs, wrote to Deputy Attorney General Timothy Reardon with the following request:

"Pursuant to our recent telephone conversation, we are forwarding to you investigative reports regarding the People's Temple and some of its members. The reports indicate numerous allegations of misconduct while the individuals were in California. [¶] We are requesting you investigate these allegations. We have additional historical files available for your review. For further assistance, please contact Muriel Evens of the legal staff at 485-0321 (ATSS)."

The "investigative reports" to which Mr. Baine referred, consisted of a one-page report entitled "confidential complaint report". The complaint report notes:

"Concern has been expressed that dependent wards of the courts may have been placed with foster care parents who may have been members of the church and have taken the children to the church's farm in South America. [¶] Dennis Denny, Director of Social Services (welfare) of Mendocino County has been conducting an investigation and has information. Telephone: (707) 468-4451."

The one-page confidential complaint report is dated October 25, 1977. The second document is a six-page report of the investigation initiated in response to the October 25, 1977,

confidential complaint report. the six-page report submitted by J. C. Ortiz (hereinafter Ortiz Report) is dated June 6, 1978. The report summarizes information provided by informants whom Mr. Ortiz questioned in Mendocino County relative to improprieties allegedly committed by People's Temple and its members, as well as background information on the establishment of People's Temple in Mendocino County; its subsequent moves, first to San Francisco, then to Guyana, South America. The report offers the following conclusion:

"There is evidence which indicates that irregularities do exist within board and care homes operated by members of the People's Temple. These irregularities include the embezzlement of resident funds, which has been referred to the Medi-Cal Investigation Unit. I currently feel that to continue this investigation without the aid of the United States Bureau of Special Consular Services would involve extensive time and money, as well as a duplication of investigative services."

Investigator Ortiz recommended that the investigation be closed and that the health agency extend help and cooperation to the federal agencies then investigating Jim Jones and People's Temple.

The final document submitted by Mr. Baine consists of a single-page memorandum from Philip J. Manriquez, Deputy Director, Planning and Review Division, Department of Social Services, Health and Welfare Agency, to John Baine advising that the Mendocino County Welfare Director, Dennis Denny, had provided the

name of James R. Randolph, Jr., alleging that Randolph was a Temple member assigned to divert welfare warrant monies into the People's Temple organization. The document alleges that James Randolph had been gathering welfare warrants, depositing them in accounts in the United States, and transmitting the funds to Guyana. Mr. Manriquez requested, "please explore the possibility of having the Attorney General conduct an investigation of Mr. Randolph and his activities between March 1977 and the Guyana incident."

By memorandum dated April 24, 1979, Assistant Attorney General Edward P. O'Brien, noted that the Attorney General's Office was then "conducting an investigation of the People's Temple in two areas: (1) their alleged participation in massive voter fraud and (2) misconduct by People's Temple member and Assistant District Attorney Tim Stoen". Mr. O'Brien then directed that an investigation be commenced to look

"into the placement of foster children into People's Temple, the licensing and operation of these facilities, and the removal of the foster children to Guyana. The investigation would have a dual role: (1) determining whether any individuals were involved in criminal conduct related to foster children and also whether any public officials should be removed from office due to malfeasance, misfeasance, or nonfeasance; (2) an investigation of the placement, handling, and licensing involved in the foster child system focusing on whether and where the system failed including recommendations

for changes in current practices, regulations, and/or changes in the legislation."

The April 24, 1979, memorandum directed that a second aspect of the assignment would be to contact the Mendocino County Grand Jury to determine the status of their investigation and findings with regard to allegations of mishandling of welfare funds by the People's Temple.

#### SCOPE OF INQUIRY

Part I of this investigative report addresses whether public officials (primarily within the California Department of Health/Benefit Payments/Social Services) were remiss in their handling of information received in 1977-78 which raised serious allegations that children within the People's Temple were being subjected to physical and mental abuses.

Part II of this investigative report covers a review of county welfare fraud investigations in the various counties relating to People's Temple.

Part III reports on the results of our investigation into the activities of Mr. James R. Randolph, Jr., who, it is alleged, collected welfare warrants in the Bay Area, deposited the warrants, and then transmitted the funds to People's Temple in Guyana.

Part IV reviews the foster care and guardianship systems with recommendations for changes in current practices, regulations, and statutes.

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## PART I

### INQUIRY INTO POSSIBLE MALFEASANCE, MISFEASANCE, OR NONFEASANCE ON THE PART OF STATE OFFICIALS RELATIVE TO THE JUNE 6, 1978, ORTIZ REPORT AND MEDIA INFORMATION ON PEOPLE'S TEMPLE

The investigation was commenced by tracing the "June 6, 1978, Ortiz report" from the initiation of the investigation within the Department of Health; the routing of the report and its evaluation by the staff of the Department of Social Services; and, finally, the action taken in response to the report. But, prefatory to tracing the Ortiz report through the Department of Health and, subsequently, through the Department of Social Services, it is of paramount importance to keep in mind that the Department of Social Services evolved from the Department of Health during the period of interest to this investigation. The Department of Health was reorganized by Senate Bill 363, chaptered into law October 1, 1977 (Stats. 1977, ch. 1252).

In enacting SB 363, the Department of Health and Department of Benefit Payments were dismantled, effective July 1, 1978; and the Departments of Health Services, Mental Health, Developmental Services, Alcohol and Drug Abuse, Social Services and the Office of Statewide Health Planning and Development were placed within the Health and Welfare Agency. The Department of Benefit Payments merged into the Department of Social Services. Finally, and equally important, the Community Care Licensing Program moved to the Licensing and Assessment Division and the Social Services program moved to the Adult and Family Services Division, at the Department of Social Services. Although the July 1, 1978,

reorganization dismantled the Department of Health, the responsibilities for licensing and social services were passed on to the Department of Social Services. Therefore, keeping in mind that the Department of Social Services is a bureaucratic hybrid continuing programs and responsibilities which had been delegated to the Department of Health, the routing, evaluation and action taken on the Ortiz report and file, may now be examined.

Threshold Question as to who Initiated Ortiz' Investigation

The first problem encountered was determining who was responsible for initiating the Department of Health's investigation. Mr. Verner Felker, presently Children's Placement Planning, Department of Social Services, stated that after reading the August 1977 New West magazine article and various newspaper articles on People's Temple, he telephoned Mr. Dennis Denny, Mendocino County Department of Social Services' director. He called Mr. Denny because he believed the articles raised the possibility of payments being improperly made to People's Temple members. However, when he reached Mr. Denny on the telephone, Mr. Felker said, Mr. Denny wanted to discuss the matter with "someone at a higher level." As a result, Mr. Felker said the information he had gathered from the media was turned over to Mr. Lyman Lambeth who in turn assigned J. C. Ortiz to investigate.

On the other hand, Mr. Denny says it was he who initially telephoned the Department of Health "because of the experience our Department had with the organization when they were headquartered in [Mendocino] county." (See Denny's letter of June 14, 1979, and memo to People's Temple file, July 16,

1979.) Mr. Denny said his:

" . . . major concern, of course, was around foster children and/or any youngsters that possibly could be intimidated and/or led by the church's philosophy possibly against their will. I also had concern about individuals that were in receipt of SSI/SSP benefits and the possibly illegal use of such funds by this religious group. I felt compelled to inform the Department of Health feeling they, in fact, could make the necessary investigations."

Mr. Denny expressed the belief it may have been Mr. George Brown whom he had telephoned.

Information from other witnesses does not resolve the question whether it was Verner Felker who first called Dennis Denny, or whether it was Mr. Denny who telephoned the Department of Health. (See memos to People's Temple file: George Brown, June 29, 1979, and Mary Sullivan, July 9, 1979.) However, regardless of who first made the telephone call which led to initiation of the investigation, Mr. J. C. Ortiz was eventually assigned to investigate the improprieties alleged against People's Temple.

#### Summary of Contents of Ortiz' Report

To begin with, the complaint report from Mr. Verner Felker stated in the complaint synopsis that "concern has been expressed that dependent wards of the courts may have been placed with foster care parents who may have been members of the [People's Temple] and have taken the children to the church's



farm in South America." Mr. Ortiz on the face sheet of his investigative report states the allegation as an infringement of personal liberty or attempt to assume ownership of persons, a violation of Penal Code section 181. The report summary notes that "it was reported that members were physically and mentally abused while attending church services" and that "it has now been alleged that Jim Jones, princip[al] head of People's Temple, has placed children and adults in Guyana, that physical and mental abuses are taking place, that these individuals are not being allowed to return, and that state and federal funds are being used to finance the operation in Guyana." The report notes that findings of infringement of personal liberty were "unconfirmed". The conclusion the allegations of physical and mental abuses and infringement of personal liberty were "unconfirmed" will be discussed post at pp. 10-13.

The report in the section entitled "Details" is devoted to summarizing Mr. Ortiz' interview with persons who were former members of the People's Temple, e.g., Mr. Ross Case. Mr. Ortiz used his interview of Mr. Case to provide background material for the origin of People's Temple and its journey to California, then to Guyana. Case said that the members of the church were kept in a "climate of fear"; that Reverend Jones gave authority to certain church members to "beat up" on people; and that children were forced to work such long hours that they would fall asleep in the classrooms. Case also expressed his belief that Reverend Jones ordered people to be killed, indicating that Truth Hart and Robert Houston, Jr., were killed on Jones' orders.

The report next summarized the complaint against People's Temple provided by Mr. Donald Ponts. Ponts complained that his daughter, 14 years of age at the time of the interview, had been taken to Guyana by her mother, Lois A. Ponts, in spite of a court order directing that the daughter not be taken out of California. Ponts expressed the view his daughter had been "brain-washed" by the Temple. (The interview with Ponts occurred on November 29, 1977, and both Lois A. Ponts and Donna Louise Ponts, mother and daughter, appear on the Jonestown death list.)

Ortiz, on page 5 of his report, briefly summarized his efforts through the Immigration Office, Postal Department, and Social Security offices, to trace the whereabouts of children in Guyana. He notes these efforts were fruitless, apparently because of the lack of any guidelines for obtaining the names of the children in Guyana.

Ortiz mentioned his interview of Timothy Oliver Stoen, formerly Deputy District Attorney in Mendocino County and formerly Assistant District Attorney in San Francisco. Ortiz notes that Mr. Stoen separated from People's Temple in June 1977 and had been on a campaign since then to regain custody of his eight-year-old son, then in Guyana under the care of Jim Jones. Stoen stated that there were "currently 850 Americans with over 200 children in Guyana" and that he is "not aware of any abuses toward children during his stay." Stoen did express a belief there was a "deprivation of psychological freedom" as members were not allowed to accept or send mail without censorship and that all their activities were under constant surveillance.

Stoen advised that the United States State Department was then involved in an investigation regarding People's Temple activities in Guyana. The Ortiz report goes on to say that Stoen explained that if Ortiz wanted a list of names of U.S. citizens in Guyana, he should contact "Elizabeth Powers, U.S. State Department, Bureau of Special Consular Services, Washington, D.C., telephone (202) 632-9461." Although Stoen recommended that Ortiz contact Ms. Powers, Ortiz made no attempt to do so. (Ms. Muriel Evens, Legal Affairs, Department of Social Services, did attempt to reach Ms. Powers. See page 28.) Further, Stoen advised that "he [had] personally prepared most of the guardianships in Mendocino County and that the children in Guyana have always obtained permission from at least one parent before going there."

The Stoen interview is followed by the report of Mr. Ortiz' telephone conversation with Lawyer Charles Garry, 1256 Market Street, San Francisco, attorney for People's Temple. When asked what he knew about alleged mistreatment of children in Guyana, Mr. Ortiz quotes Garry as stating that allegations of abuse against any child or adult are "'sheer bullshit'", and went on to say that the children live in a "'beautiful paradise'".

Ortiz' Omission of Eyewitness Report by Ron Crawford of Conditions in Jonestown

Mr. Ortiz did not mention in his report his interview of Mr. Ron Crawford, an attorney who visited Jonestown and was allowed to return to the United States. The interview of Crawford took place, according to the transcription of the tape provided by Mr. Ortiz, on December 6, 1977. Mr. Crawford

described how members of the People's Temple were not allowed to leave Jonestown. Mr. Ortiz asked Crawford, "Are they still continuing the beatings and the spankings and things of this nature?" Mr. Crawford responded: "They were when I was there. They are doing some really crazy things, you know, that I was concerned [about]." Mr. Crawford related how Tommy Bogue, a boy about 14 years old, was severely disciplined for unauthorized use of building materials.

Mr. Crawford said Bogue's hair was shaved off, he was forced to continually wear a hard hat, the type that construction workers wear, and was not permitted to talk to anyone. He was forced to work all night digging a place for a latrine 10 to 15 feet deep and then had to work in the fields the next day, his regular work assignment. He had to run everywhere he went and could not talk to anyone. He was ostracized. (See pages 4-5 of the Ron Crawford Transcript.)

Crawford told Mr. Ortiz that one Wesley Breidenbach wanted to return to the United States (Wesley Karl Breidenbach, born in Walnut Creek, California, appears on the Jonestown death list). Also, Mr. Crawford said a James Edwards desired to return to the United States but could not. (Mr. James Edwards also is on the Jonestown death list.) Mr. Crawford described how the people in Jonestown were forced to work from 6:30 in the morning to around 10:00 at night, day after day, with no holidays. The feverish work pace was brought on by the newspaper articles and, especially, the August 1977 New West magazine article severely critical of Jim Jones and People's Temple. Jim Jones resolved to

transport all the people from the United States to Jonestown before the New West article was circulated.

Although Ron Crawford told Ortiz he had been an on-the-scene observer of the conditions and abuses in Jonestown, the information he provided was not included in the Ortiz report. When questioned as to why he omitted from his report the information provided by Mr. Crawford, Mr. Ortiz replied he omitted it because "it did not substantiate anything." When I pointed out it was an eyewitness account which provided detailed information on abuse to one boy, Tommy Bogue, Ortiz replied the Bogue incident was only one incident. Also, as Ortiz recalled, Mr. Crawford said people in Jonestown could not leave not because they were restrained from leaving, but rather that they had no money to do so. Ortiz gave no indication he disbelieved Crawford.

Rather than merely describing isolated physical and mental abuse to one boy, Mr. Crawford provided a believable account of "insane" behavior. Mr. Crawford answered affirmatively when asked if the beatings and spankings were continuing. The account of Tommy Bogue's extreme and cruel punishment--ostracism, shaving off all his hair, hard punishment work at night followed by regular work during the day--for what amounted to no more than boyish mischief, certainly would appear germane to establishing infringement of personal liberty. Most importantly, Mr. Crawford was interviewed on December 6, 1977, almost a full year before the Jonestown mass death ritual. Ortiz completed and submitted his report fully seven months after the Crawford interview. In sum, evidence obtained by Ortiz but omitted from his report

reasonably tended to confirm both the allegations of physical and mental abuse and infringement of personal liberty. The Crawford eyewitness account of Jonestown and the "crazy" "insane" events occurring may have added a sense of urgency that certain state officials found lacking in the report.

Ortiz' Training and Experience; Ortiz' Comments on Difficulty of Assignment

Prior to becoming an investigator with the Department of Health, or other departments in the Health and Welfare Agency, Mr. Ortiz had been an Air Force patrolman, Burns security detective, and a psychiatric technician. He advised he had had virtually no criminal investigative experience prior to his People's Temple investigation. Mr. Ortiz said he had been carrying a caseload of approximately 30 investigations at the time he carried out his People's Temple investigation during the period October 25, 1977, through June 6, 1978. Mr. Ortiz conceded that his heavy investigation caseload and the complexities of the People's Temple investigation may have impeded him from reaching more conclusive findings. During one interview, Mr. Ortiz conceded he had been "in over his head."

Ortiz Report Considered Along With Other Information in File

In spite of the omissions in the Ortiz report and Ortiz' recommendation that the investigation be closed, the report still raised serious allegations of physical and mental abuses being perpetrated against children and adults; raising even the possibility of the ultimate deprivation of liberty, murder. When Mr. Ortiz completed his investigation and submitted his report on

June 6, 1978, the case file for People's Temple included more than just his six-page report. The file contained numerous newspaper and magazine clippings expanding upon the allegations of physical and mental abuse touched upon in the Ortiz report.

Revelations of August 1977 New West Article

The August 1977 New West magazine article on People's Temple entitled "Inside People's Temple" reports that during June and July 1977, the period in which the magazine was researching the article on People's Temple, the magazine's editors and advertisers were subjected to a bizarre letter and telephone campaign to dissuade the magazine from publishing the article. The majority of letters and phone calls came from Temple members and supporters, but others came from prominent Californians, such as Lieutenant Governor Dymally and San Francisco businessman Cyril Magnin. The flurry of letters and phone calls was reported in an article in the San Francisco Examiner by newsman Bill Barnes. A side-effect of this media attention to People's Temple was that Temple members began contacting the New West magazine to relate personal accounts and observations of Reverend Jones' increasing cruelty to the Temple congregation.

The New West magazine article reported that although the Temple members who contacted the magazine wished to remain anonymous, a number of them agreed to meet in person, be photographed, and tell their stories for publication. Based upon personal accounts of Temple members, New West magazine described life inside People's Temple as "a mixture of spartan regimentation, fear, and self-imposed humiliation." The Sunday services, to

which dignitaries were invited, were orchestrated events, atypical of services attended by only Temple members. The humiliation sessions began "to include physical beatings with a large wooden paddle, and boxing matches in which the person on the floor was occasionally knocked out by opponents selected by Jones himself." (See page 24, New West article, August 1, 1977.) During regularly scheduled "'family meetings,' attended by up to 1,000 of the most devoted followers, as many as 100 people were lined up to be paddled for such seemingly minor infractions as not being attentive enough during Jones' sermons."

Elmer and Deanna Mertle (Mills) of Berkeley, California, were among the first to speak out. Elmer Mertle related to New West that when he first joined the Temple, he thought Reverend Jones was compassionate and loving, but later the atmosphere changed to cruelty and punishment. Members would be singled out and disgraced and humiliated before the congregation. The Mertles claimed to have received public spankings as early as 1972, having been hit with a belt about three times. The belt was replaced first by a paddle, and then by a large board known as the "board of education". The Mertles related that the number of times adults and, finally, children were struck increased to 12, 25, 50, and even 100 times in a row. Temple nurses treated the injured.

The Mertles also related that their daughter, Linda, was called up for discipline because she had hugged and kissed a woman friend she had not seen for a long time. The Mertles said that they stood among the congregation of 600 or 700 while their



daughter, then 17, was struck on her buttocks 75 times. "'She was beaten so severely'" said Elmer, "'that the kids said her butt looked like hamburger.'" Linda Mertle told the New West interviewers that she could not sit down for a week and a half after the beating. In spite of the beating of their daughter, the Mertles stayed in the Temple for more than a year after the public beating of the daughter because they had nothing on the outside to go to, having given all their money to People's Temple. The Mertles changed their names to Al and Jeannie Mills. (See New West article, August 1, 1977, page 34.) (Al and Jeannie Mills, and daughter Daphene, were murdered in Berkeley on February 26, 1980.)

The next personal account reported by New West comes from Birdie Marable of Ukiah, California. Birdie Marable related techniques used by Jones to convince new converts to the church that he was God. In order to convince people he was a prophet, Jones would direct children and other people to make inquiries about people who would come to services. Jones would then single the person out during a service and surprise the person by relating the facts he had learned from his "spies". Birdie Marable also related the horrors of a three-week Temple vacation trip to the South and East taken by bus. She said the buses were loaded with people in San Francisco and in Los Angeles; people were sitting on the floors, in the luggage racks, and sometimes people were underneath in the compartments where luggage was stored.

Wayne Pietila of Petaluma, and Jim and Terri Cobb, of San Francisco, told how Reverend Jones pretended to remove cancers from members of the congregation. Pietila was licensed by the Mendocino County Sheriff's Department to carry a concealed firearm and it was he and Jim Cobb who were assigned by Reverend Jones to guard the cancers, some foul-smelling meat wrapped in a napkin. Jones gave instructions to Pietila and Cobb that if anyone tried to touch the cancers, they were to either eat the cancers or "demolish the guy".

The Touchette family moved to Redwood Valley and there operated a home for emotionally disturbed boys. Micki Touchette related how she took part in letter-writing activities, directed by Temple officials, in which they would write to various politicians of one persuasion or another praising them for something they had done. Micki Touchette recalled Jones saying that "any college student who was going to leave the church would be killed." (New West, August 1, 1977, page 35.)

Walter Jones followed his wife, Carol, to Redwood Valley in 1974, where they took over a home for emotionally disturbed boys. The home had belonged to Charles and Joyce Touchette, parents of Micki Touchette. Walter Jones related that after the Touchettes left Redwood Valley to emigrate to Guyana, that Rick and Carl Stahl had replaced them in the home and had done such a poor job that "'the care home, at that time, was under surveillance of the authorities because of the poor conditions. Some of the boys had scabies due to the filth.'" (New West article, August 1, 1977, page 35.) After the Joneses were granted their

license to run the home in 1975, they received approximately \$2,000 a month in Alameda County funds for upkeep and care of the boys. Walter Jones said approximately \$900 to \$1,000 a month was turned over to the church.

Laura Cornelius, of Oakland, was bothered by constant demands for money. Jones made it known that everyone was expected to tithe 25 percent of their earnings to the Temple. They were told to bake cakes for sales and to donate their jewelry and other valuables in order to raise money. They gave up their homes, furs, and the rest of the things they owned. Jones had advised them that the money was needed to build up the Temple farm in Guyana, the promised land. The last straw for Laura Cornelius was when Reverend Jones brought a snake into the services and placed it on a woman in her eighties. The woman screamed in terror. (New West magazine article, August 1, 1977, page 36.)

The next personal account came from Grace Stoen, wife of Temple attorney Timothy Oliver Stoen. Grace Stoen described the horrendous bus trips between San Francisco and Los Angeles in Temple buses wherein 70 to 80 people would be packed in a 43-seat bus. She said Jones' goal in San Francisco was to become a political force. Part of his strategy was to "ingratiate himself with fellow liberal and leftist figures--District Attorney Freitas, Sheriff Hongisto, Police Chief Charles Gain, Dennis Banks, and Angela Davis, to name a few." She related how Mayor Moscone eventually placed Reverend Jones on the Housing Authority and then used his influence to secure Jones the chairmanship of

the Authority. She recalled that Temple members vomited and urinated upon one man as a punishment for sleeping too much.

The New West article noted that in one of the last issues of People's Forum, the Temple newspaper, there were references to a claim that 130 disturbed or incorrigible youths were going to be sent to the Temple's farm in Guyana. The magazine article stated that "a church spokesman confirmed that these youngsters were released to the Temple by 'Federal courts, state courts, probation departments' and other agencies.'" One article in the People's Forum described a wrestling match between young people which, New West noted, sounded very similar to the "boxing matches" described by former Temple members. New West appealed that "if there is even the slightest chance of any mistreatment of 130 youths the Temple claims to have under its guidance in Guyana, a complete investigation by both state and federal authorities would be required." Also, New West recommended that an investigation of the care homes run by Temple members in Redwood Valley would be appropriate since both Walter Jones and Micki Touchette stated that anywhere from \$800 to \$1,000 in monthly funds provided for the care of the boys in the Touchette home were turned over to People's Temple.

#### New West's Call for Investigation of People's Temple

In sum, the New West article of August 1, 1977, strongly urged that People's Temple members, adults and children alike, were being subjected to mental and physical abuses, and called for investigation by federal and state agencies. Numerous newspaper clippings present in the People's Temple file, variously

reporting abuses and other improprieties, also pleaded for investigation by state and federal agencies.

Ortiz Delivers His Report to Department of Social Services

The six-page report by Mr. J. C. Ortiz and file with supporting information, including the New West magazine article and assorted newspaper clippings, were handed by Mr. Ortiz and Lyman Lambeth on June 7, 1978, to Mr. George Brown, then Chief of the Division of Social Services for action. Mr. Ortiz explained in an interview on October 15, 1979, that although he recommended in his report that the investigation be closed, he made this recommendation because the Special Investigations Unit of the Department of Health was due to be disbanded as a result of the reorganization of the Department of Health on July 1, 1978. Mr. Ortiz said he had not exhausted all investigative leads and wanted the newly formed Department of Social Services to continue the investigation. In his "conclusion" in the June 6, 1978, report Mr. Ortiz said: ". . . I currently feel that to continue this investigation without the aid of the United States Bureau of Special Consular Services would involve extensive time and money, as well as a duplication of investigative services." By this Mr. Ortiz stated he intended that the investigation be continued and that the Bureau of Special Consular Services be contacted. However, Mr. Ortiz did not specify in his report he recommended closing the investigation due to the reorganization effected by Senate Bill 363. Also, Mr. Ortiz concedes he did not contact the Bureau of Special Consular Services.

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### Ortiz' Special Report

As an aid to our investigation, Mr. Ortiz in June, 1979, was requested to submit a supplemental report setting out his contacts in Mendocino County. Ortiz delivered this supplemental report (hereinafter special report) on June 14, 1979. On page 6 of the undated Special Report, Ortiz advised:

"My report of investigation dated June 6, 1978 recommended closure since, as a result of SB 363, the Department of Health ceased to exist as of June 30 [1978]. As of that date, the Special Investigations Unit, to which I was assigned, would also no longer exist. This is the primary reason why the whole case file was left with the Division of Social Services which, as of July 1, became a part of the Department of Social Services."

Mr. Ortiz stated that on or about June 13, 1979, he met with Philip J. Manriquez, Robert Rowley, and Al Brown, Ortiz' supervisor. Mr. Ortiz said the purpose of the meeting was to devise a departmental response to the Attorney General's request for a supplemental report. Mr. Ortiz said that Mr. Manriquez tried to persuade him to change the reason for recommending closure of the investigation, quoted just above. According to Ortiz, Mr. Manriquez asked him to say he recommended closure because all investigative leads had been exhausted and there was nowhere else to go. Mr. Ortiz said he refused.

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### Interview of George Brown

Mr. George Brown was interviewed on June 21, 1979, at his office, State Personnel Board, Sacramento. Mr. Brown transferred from the Department of Health in June 1978 to the State Personnel Board. Mr. Brown advised that throughout J. C. Ortiz' investigation of People's Temple, he (Ortiz) kept Mr. Brown apprised of the progress of his investigation by oral reports. Mr. Brown said that he in turn orally reported the findings to Ray Procunier and Robert Rowley. Mr. Brown acknowledged receiving the completed investigation report from J. C. Ortiz.

### Interview of Mary Sullivan

The report was then routed to Mary Sullivan, who was the Chief of the Children and Social Services Branch, Social Services Division, Department of Health (currently Chief, Adoption Branch, Adult and Family Services Division, Department of Social Services). After reviewing the Ortiz report and supporting information, Ms. Sullivan returned the Ortiz report and file to Mr. George Brown for him to bring the report to the attention of the licensing branch or whoever Mr. Brown believed should be made aware of it. Ms. Sullivan advised during an interview on June 28, 1979, that, in her opinion, the Ortiz report raised licensing issues and for this reason determined that it should be forwarded to the licensing branch. Mr. George Brown, in turn, forwarded the report and file to Mr. Daniel Brunner who headed the legal staff for the Department of Benefit Payments (the Department of Social Services after July 1, 1978).

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### Interview of Dan Brunner

On June 21, 1979, Deputy Attorney General John Moy and Special Agent Richard Violet interviewed Mr. Dan Brunner, Directing Attorney, Western Center on Law and Poverty, 1900 K Street, Suite 200, Sacramento, California. Mr. Brunner acknowledged receiving the Ortiz report in June 1978 from Mr. George Brown. Mr. Brunner said that Mr. Brown was the Deputy Director for Social Services, Department of Health, at that time. Mr. Brunner said that some time earlier than June, in anticipation of the reorganization of the Department of Health, issues were discussed which would affect the new unit, the Department of Social Services. Mr. Brunner believed that George Brown briefed Robert Rowley and Marion Woods that the Ortiz report was going to present a problem to the Department of Social Services. Mr. Brown also showed Mr. Brunner a newspaper article, possibly from Mendocino or San Francisco. Mr. Brunner said the briefing by Mr. George Brown could have taken place even two months before the Ortiz report was forwarded to him after June 7, 1978.

After finally receiving the completed Ortiz report, Mr. Brunner assigned the file and Ortiz report to Ms. Muriel Evens, a staff attorney. Mr. Brunner assumed that Muriel Evens read the newspaper articles in the file, talked with people within the Department, and made telephone calls to Mendocino County, and possibly San Francisco County, for supplemental information. Mr. Brunner acknowledged that both he and Muriel Evens were disturbed by the serious allegations of abuse in the report. Mr. Brunner said he never reached any firm conclusion as to whether licensing



issues were raised, but his feeling was "it was a matter that should be pursued to find out whether there was any real problem with it." (Dan Brunner Transcript, page 7.) Mr. Brunner said that "there wasn't anything that [Ms. Evens] found beyond what was in this report."

His recollection was that she had talked to county placement officials in both San Francisco and Mendocino, and federal officials in the Passport Office. Aside from Muriel Evens, Mr. Brunner said that he is sure he discussed the Ortiz report with Mr. Gary Adams, presently Deputy Director, Disability and Evaluation Division, Department of Social Services (formerly Deputy Director, Audit and Evaluation Division, Department of Benefit Payments), and Mari Goldman, Chief of the Community Care Licensing Branch, Department of Social Services (as of July 1, 1978). Mr. Brunner stated that he would have been more likely to discuss the matter with Gary Adams rather than Mari Goldman because at the time Mari Goldman would have been a subordinate to Gary Adams. The Deputy Director in charge of licensing prior to July 1, 1978, would have been Gary Adams.

The thrust of Mr. Bruner's discussions with Gary Adams on the Ortiz report centered on what action they could take to deal with the problem. Dan Brunner said that mostly he kept asking questions about what could they do about the Ortiz report, and his recollections is that Gary Adams similarly asked questions about what could be done. Mr. Brunner could not recall Gary Adams ever having expressed an opinion whether the Ortiz report raised licensing issues. Mr. Brunner could not recall

Mari Goldman expressing an opinion that the Ortiz report raised placement issues as opposed to licensing issues. Mr. Brunner, regardless of what Mari Goldman may have thought, adhered to the view in June-July, 1978, that it was an open question whether licensing issues as opposed to placement issues were raised by the report. Mr. Brunner could not recall ever telling Mari Goldman that no licensing issues were raised. Mr. Brunner said he never told Muriel Evens the Ortiz report was a closed case and to stop working on it. Mr. Brunner emphasized that the decision to stop working on the case was not made by him.

#### Interview of Gary Adams

Mr. Gary Adams was interviewed by Deputy Attorney General John B. Moy and Special Agent Richard Violet on June 28, 1979, in Mr. Adams' office. Mr. Adams, contrary to the recollection of Mr. Brunner, stated he did not see the so-called Ortiz report until after the November 18, 1978, deaths at Jonestown, Guyana. Moreover, Mr. Adams stated he could not recall having discussed any parts of the Ortiz report with Deputy Director of Legal Affairs, Daniel Brunner, at any time. Mr. Adams did state, however, that his initial impression of the Ortiz report (when he did see it) was that the Department of Health was attempting to "pass the buck" to the Department of Benefit Payments (Department of Social Services). Mr. Adams says he reached this conclusion from the fact the information in the report was at least eight months old at the time the report was finally submitted and that persons in the Department of Health had been aware of that report during the period of investigation. Mr. Adams said he believed

that the Ortiz report disclosed placement problems, not licensing problems.

Interview of Muriel Evens

Ms. Muriel Evens was interviewed by Deputy Attorney General John Moy and Special Agent Richard Violet on June 7, 1979. Ms. Evens stated she received the Ortiz report and accompanying file in June 1978 from Mr. Dan Brunner who was the Deputy Director of Legal Affairs in the Department of Benefit Payments at that time. Mr. Brunner requested Ms. Evens to read the report and check into whether it raised any valid claims or complaints. She said she was dismayed by the allegations that foster children were being removed from California to Guyana, as well as by the allegations of fraud and murder. In checking out the allegations of the Ortiz report, Ms. Evens stated she telephoned Messrs. Dennis Denny and Fred Kendall of the Mendocino County Department of Social Services (formerly County Welfare Department). She was advised by Mr. Denny, the Director, that People's Temple had moved out from Mendocino County in the summer of 1972, relocating first in San Francisco, then in Guyana. The actual Temple structure was empty in 1978.

Ms. Evens also discussed the Ortiz report with fraud investigators in her Department at that time, Larry Harrison and Fred Turra. Mr. Harrison and Mr. Turra advised Muriel Evens that before they would investigate they would need a list of names and addresses of foster children and authorization from their deputy director. Ms. Evens did not have a list of names of foster children to provide. Ms. Evens stated that the issue of having

the fraud unit carry on an investigation was not pressed because, in her opinion, the Ortiz report raised licensing issues, not fraud issues.

Ms. Evens' Conclusion the Ortiz Report Raised Licensing Issues

Ms. Evens concluded that licensing issues were raised for the following reasons. First of all, she had determined that a licensing issue was raised if foster parents sent a foster child to live at another address, without obtaining a homefinding license. (Health and Safety Code section 1502(a)(4).) Next, 22 California Administrative Code section 31129 provides in part "foster families shall provide good physical care and help each child grow and develop physically, mentally, emotionally, and spiritually. . . ." If foster children were being transported to Guyana without being accompanied by the licensed foster parents, it would appear that this situation would constitute a violation of the code. Lastly, 22 California Administrative Code section 31133 specifies that discipline of the children must be fair and reasonable, and corporal punishment is not permitted. Since the Ortiz report and media information indicates that children, including foster children, were beaten, it would appear this circumstance, if established, would have constituted a violation of the code. Ms. Evens concluded that if the children sent to Guyana came from licensed homes in California, that the Department would have had an obligation to locate the homes, notify placement authorities in the counties, and take measures to revoke the licenses.

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Ms. Evens' Unsuccessful Efforts to Ascertain Names of Foster Children in Guyana

Aside from contacting placement authorities in San Francisco and Mendocino Counties, Ms. Evens telephoned Elizabeth Powers, who was listed in the Ortiz report as the person in the State Department in Washington, D.C., who had a list of persons who had emigrated to Guyana. Ms. Evens was unable to reach Ms. Powers, who, Ms. Evens recalled, was either on vacation or had transferred to another job. But, in any event, Ms. Evens talked to an employee of the State Department who advised that there was no requirement for Americans in Guyana to register or identify themselves to the United States Government people there. This particular State Department employee, Ms. Evens recalled, stated he was aware of complaints about People's Temple and advised that State Department staff visited Jonestown every few months but that there was nothing they could do.

After calling the State Department's Freedom of Information Office, Ms. Evens advised that she was referred to the Passport Office as a source of obtaining names of persons, including foster children, who had emigrated to Guyana. The Office of Legal Affairs in the State Department advised her that it was possible to emigrate from the United States to Guyana without a passport by going through Mexico. Furthermore, due to privacy laws they were unable to release a list of passports issued, but would be able to advise if certain persons had received passports if they were provided with a list of names. In turn, Ms. Evens advised the Passport Office that the list of foster children

(children receiving Aid to Families With Dependent Children-Boarding Homes and Institutions, hereafter AFDC-BHI) would possibly total 17,000 names. Ms. Evens recalled that the Passport Office became reluctant to proceed further due to the size of the list of names, and that Ms. Evens had advised that the BHI list could not be released as it was confidential under California law.

Ms. Evens stressed that she asked the State Department people only for assistance in identifying the foster children taken to Guyana, possibly in violation of California law. The State Department people with whom she spoke did not offer much assistance except to provide the address of the "welfare/whereabouts officer in the consul section of the Embassy in Georgetown." The welfare/whereabouts officer had the responsibility to check on the welfare of persons in Guyana; however, this officer would first require the identity of the person whose welfare he is to inquire about. The conversations with the State Department personnel and Passport Office took place over July 6 and 7, 1978.

Ms. Evens' Opinion the Ortiz Report Raised Serious Concerns

Ms. Evens stated that in her contacts with Daniel Brunner she repeatedly emphasized the charges in the Ortiz report were "really serious" and seemed to have "foundation". Although she did not at that time think children would actually be killed, she did believe that they were being forced to work long hours in the tropical sun with attendant mental and physical abuses. She advised that in June and early July 1978, Mr. Brunner seemed to accept her views on the Ortiz report.

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The July 24, 1978, Staff Meeting

On July 24, 1978, Muriel Evens attended a meeting with Mari Goldman; also present were Dan Louis and Marsha Rios of the legal staff. Ms. Evens stated that she, Dan Louis, and Marsha Rios were each meeting with Mari Goldman for a different reason. At the time of the meeting, Mari Goldman was the Chief of the Community Care Licensing Branch of the Department of Social Services. (In December, 1978, the Licensing Branch became a Division, and Mari Goldman was made Deputy Director.) Ms. Evens said that she summarized the issues presented by the Ortiz report and the file submitted with it and advised Ms. Goldman that the issues raised were very serious. She emphasized that allegations were raised that foster children were being taken to Guyana and were being abused. Ms. Evens said that she termed the allegations "very serious" and requested Mari Goldman to order an investigation. Ms. Evens stated that Mari Goldman already seemed to have some knowledge of the situation, apart from the briefing Ms. Evens then provided her. Mari Goldman indicated that she had some discussion of the matter with Mr. Don Score of Client Protection Services. Ms. Evens stated she had the impression that Mari Goldman had already made up her mind and there was no real discussion of the Ortiz report. Muriel Evens recalled that Mari Goldman said that the Community Care Licensing Branch did not have the resources to expend on a big-name political-type case like People's Temple, or Synanon; that they had higher priorities, such as unlicensed facilities to work on.

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Further, Ms. Evens stated that Mari Goldman announced that she agreed with Mr. Don Score that since other agencies were investigating the case (FBI and Alcohol, Tobacco and Firearm Unit of the Treasury Department) that there was nothing more to be done on the case. Muriel Evens stated she disagreed with Mari Goldman's decision that the Community Care Licensing Branch should not become involved in investigating the Ortiz report allegations. Ms. Evens said she was unable to persuade Mari Goldman to order an investigation, even though investigators were available in the Client Protection Services Bureau under the direction of Mari Goldman's Community Care Licensing Branch. Ms. Evens believed followup on Ortiz' investigation was warranted.

To Ms. Evens' knowledge, during the period between the July 24, 1978, meeting with Mari Goldman and the tragedy on November 18, 1978, no further action was taken by the Department of Social Services on the allegations disclosed in the Ortiz report and accompanying file. Failing to persuade Mari Goldman to order an investigation, Ms. Evens said she could go no further as the licensing attorneys had been told by Robert Rowley, Chief Deputy Director of the Department of Social Services, that "the program belonged to the program" and not the legal division. That is, the function of the legal staff was only to render legal advice.

Ms. Evens said that after Mari Goldman declined to take any action, that Mr. Brunner promised to discuss the case with Gary Adams, who was then the director of the division that included licensing. When Ms. Evens questioned Mr. Brunner as to



the results of Brunner's conversation with Gary Adams, Mr. Brunner told her that "Gary would get around to it." Ms. Evens stated that she understood that Mr. Brunner was going to have a discussion with Gary Adams in a few weeks, at Gary Adams' convenience. Ms. Evens reported that she heard nothing more about the Ortiz report or any meeting between Gary Adams and Dan Brunner.

Interview of Mari Goldman

Deputy Attorney General John Moy and Special Agent Richard Violet interviewed Ms. Mari Goldman, Deputy Director, Community Care Licensing Division, Department of Social Services, Sacramento, California, on June 13, 1979. When shown a copy of the six-page, June 6, 1978, Ortiz report, Ms. Goldman said she was not sure she had ever seen the report before. After thumbing through the pages, Ms. Goldman said that she may or may not have seen it. She acknowledged, though, that the Department of Social Services' file had included newspaper articles and other papers relating to People's Temple. Ms. Goldman said that she did have a meeting with Muriel Evens concerning People's Temple but could not recall whether it was after the July 1, 1978, reorganization, when the Department of Benefit Payments became the Department of Social Services.

Ms. Goldman said that her staff had advised her that the People's Temple file did not raise a licensing problem. The staff, she said, was her own Client Protection Services Bureau, which has investigators and auditors. Ms. Goldman advised that it was the Client Protection Services staff that had the People's Temple file, that they reviewed it and determined there were no

licensing problems, although they were "very unhappy about People's Temple." Ms. Goldman said that her staff reported that the legal staff had disagreed with them so they had asked Mari Goldman to review the file. Ms. Goldman said she took the file home with her to review it.

Ms. Goldman recalled from her review of the People's Temple file that "rather wild services" were being conducted and that People's Temple was misusing guardianship statutes to avoid licensing. Ms. Goldman was adamant that moving children away from the licensed address was the sole responsibility of the county placement authorities. (See Mari Goldman Transcript, page 5.) Mari Goldman also said that the Community Care Licensing Division was not fully staffed with investigators until October, that is, they had only one investigator then. Mari Goldman stated she had "no responsibility to foster children, [her] responsibility is to the licensee [foster parents] and the home. The children [are] under Social Services. . . ." (Mari Goldman Transcript, page 6.)

Asked what she would have done if she had felt licensing issues had been raised by the Ortiz report and accompanying information, Ms. Goldman said she would have assigned an investigator to the case. She also indicated that she had no sense of urgency because the file showed other agencies were already investigating People's Temple. However, Ms. Goldman said that since her investigators decided that the Ortiz report did not raise licensing issues, that there was nothing for Community Care Licensing to do under their mandate. The case was then turned back to the legal

staff. Ms. Goldman reiterated that Community Care Licensing Branch had "no responsibility for the children."

Later in the interview, Mari Goldman said that if the Community Care Licensing Division had knowledge that a licensed facility was involved and that violations of licensing code sections and regulations were being committed, that Community Care Licensing Division "would probably do their own investigation and then notify the county involved of their findings." Put another way, if Community Care Licensing discovered a licensing violation involving danger to the kids, her program would investigate and notify the Child Protective Services in the county, coordinating with them. (Mari Goldman Transcript, pages 8-9.) Asked whether it would constitute a violation of the code for foster parents, duly licensed by the state, to take children out of the country without notifying the appropriate authorities, Ms. Goldman answered it's not a violation of licensing regulations. Ms. Goldman then qualified her answer stating that changing the address of a foster child without notification would be a licensing matter, but minor.

Ms. Goldman said she knew no foster children were going to Guyana because Mr. Ortiz told her. She said that the People's Temple members did not apply for licenses; they simply filed for guardianships. Since licenses were not involved, there was nothing for Community Care Licensing to do. Therefore, in hindsight, Ms. Goldman said she would not have acted any differently than she had at the time of review of the Ortiz report and file. Throughout the interview, however, Ms. Goldman maintained she

could not specifically remember seeing the June 6, 1978, Ortiz report prior to the deaths in Jonestown.

When asked what action she would have taken if information had been received that children were being subjected to abusive practices, Ms. Goldman replied that she would have notified Child Protective Services or local law enforcement agencies. However, Ms. Goldman maintained that Community Care Licensing Division does not get involved in child abuse cases.

Ms. Goldman said that when she took the People's Temple file home with her to review, she noticed newspaper articles in the file. When questioned about the subject of the articles, she stated that she used to work for Mervyn Dymally and saw a picture of Reverend Jones with Mervyn Dymally and George Moscone, and some other persons she could not identify. She also recalled reading the August 1, 1977, New West Magazine article, entitled "Inside the People's Temple". The article aroused her interest because when she used to work for Mervyn Dymally, members of different cults used to visit Dymally's office. (Mari Goldman Transcript, page 14.)

#### Suggestion Ortiz Report Concern Only for Federal Agencies

Further in the interview, Ms. Goldman said that both her staff and Mr. Ortiz had advised that the Ortiz report was really a concern for the U.S. State Department, and not Community Care Licensing Division. She recalled that one recommendation that Ms. Evens came up with was to go to Guyana to investigate the situation first-hand. (Mari Goldman Transcript, page 16.) Mari Goldman reiterated that she thought there was a problem but that

it was not a licensing problem. Mari Goldman said that Muriel Evens reported back to Dan Brunner that no action was to be taken and the next step would have been for Dan Brunner to contact Gary Adams. However, Mari Goldman said there was no point for Dan Brunner to have contacted Gary Adams as Dan Brunner had agreed with her that no licensing issues were involved and so "that killed it." Elaborating, Mari Goldman said that Dan Brunner agreed that People's Temple really was not the concern of the Community Care Licensing Division. (Mari Goldman Transcript, page 17.)

Asked if she told Muriel Evens and others present at the July 24, 1978, meeting that the investigation should not be pursued because of "political considerations, i.e., adverse publicity," Ms. Goldman denied giving such a reason. (See Mari Goldman Transcript, page 18.) In a similar vein, Ms. Goldman also denied giving the explanation that there were "higher priorities" that demanded their attention instead. She said, "We didn't have any priorities then. We hadn't even had most of the staff, I think we only had two or three investigators in the state." (Mari Goldman Transcript, page 20.)

Mari Goldman then discussed the duties and deployment of her investigators beginning in July, 1978. She conceded that when it came to child abuse, her investigators in the Client Protection Services would get involved in child abuse, if it appeared their assistance was necessary. The reason for involvement of her investigators in child abuse is to substantiate particular charges of child abuse so the Community Care Licensing

Division can act to suspend or revoke the license. She explained that her investigators would not get involved until they were sure they were needed. The Department would leave the primary responsibility for investigation of abuse cases to the local law enforcement and placement authorities. (Mari Goldman Transcript, pages 20-21.) Furthermore, where required, the investigators would assist in working up the cases for the Attorney General's Office to bring license revocation proceedings. (Mari Goldman Transcript, page 21.)

Ms. Goldman went on to state that her Community Care Licensing Division receives complaints of child abuse from the public and usually refers the complaints back to the county or the district office of the Department of Social Services for investigation. If the allegations appear heavy or serious, local law enforcement people would be notified and the Community Care Licensing division would work closely with law enforcement. Mari Goldman stressed that investigators in the Client Protection Services Branch usually worked only to prepare license revocation proceedings for the Attorney General's Office. (Mari Goldman Transcript, page 22.)

When reminded that the June 6, 1978, Ortiz report and articles in newspapers and New West magazine of August 1, 1977, raised allegations of child abuse practices being carried out by People's Temple, Ms. Goldman said that she had no investigators available in the Division to investigate the allegations either then or now. (Mari Goldman Transcript, page 23.) Also, Mari Goldman said there was nothing for Community Care Licensing to

investigate because her staff evaluated the Ortiz report and found there were no foster families involved.

Suggestion Child Abuse was Responsibility of Adult and Family Services Division (Social Services)

Ms. Goldman said that, while there may have been nothing for Community Care Licensing to investigate, there may have been something for the Social Services Division of the Department to investigate. Mari Goldman said that Social Services, which had been under the supervision of Mr. George Brown, "has an overview of county child protective services." (Mari Goldman Transcript, page 26.) Mari Goldman summed it up by saying that her staff agreed with Ortiz that it was not a licensing matter and that it should be left in the hands of the federal authorities. (Mari Goldman Transcript, page 26.) Moreover, Mari Goldman said that since the file indicated that other agencies--state, federal and local--were investigating People's Temple, they, the Community Care Licensing staff, felt they did not have to individually notify all these people. (Mari Goldman Transcript, page 28.)

Apparent Conflicts Among Persons Interviewed

Mari Goldman's statements concerning her actions and those of her staff on the Ortiz report and accompanying file, are disputed in part by other witnesses. Ms. Goldman said at one point in the interview that she knew no licensed people were going to Guyana because Mr. J. C. Ortiz told her so. When Deputy Attorney General Moy and Special Agent Violetta questioned Mr. Ortiz about the matter, Mr. Ortiz stated he had had no discussion with Mari Goldman concerning his report or the People's Temple

file. Also, Mr. Ortiz stated that he had no conversations with Mr. Don Score concerning his report or the file. Mr. Ortiz said that Don Score had been an administrator for the Special Investigation Unit of the Department of Health, but his only role was to take the case file with him when he went over to the newly formed Department of Social Services. In short, Mr. Ortiz claimed he did not discuss his report with either Goldman or Score and did not advise that no children from licensed facilities were taken to Guyana.

Mari Goldman was asked the question whether at the July 24, 1978, meeting she had stated that "political" considerations militated against ordering an investigation. Mari Goldman denied making the statement. (Mari Goldman Transcript, page 18.) Mari Goldman's denial that she asserted "political" reasons for not pursuing the investigation is disputed by the statement of Muriel Evens given at the interview June 7, 1979. Ms. Evens recalled that after she told Ms. Goldman of the serious allegations raised by the Ortiz report and accompanying file, that Mari Goldman said that the Community Care Licensing Division did not have the resources to expend on a big-name political-type case like People's Temple or Synanon; that they had "higher priorities" such as working on unlicensed facilities. (Muriel Evens Transcript, pages 15-16.)

Ms. Evens' version of events is supported by Mr. Dan Louis, staff attorney for the Department of Social Services, also present at the July 24, 1978, meeting with Mari Goldman. Mr. Louis stated that he, Muriel Evens, and Marsha Rios were all



present at the meeting with Mari Goldman for different purposes. Mr. Louis recalled that Ms. Evens brought up the subject of licensing of foster homes operated by People's Temple members. Although Mr. Louis said he could not specifically remember the question or questions raised by Ms. Evens, he does recall Ms. Goldman's response. The response was that People's Temple was a "highly publicized" case, like Synanon, "too political", and that there were "higher priorities" to deal with. (See memo to People's Temple file dated June 29, 1979.)

Marsha Rios recalled Mari Goldman saying that People's Temple was a political case and that the Licensing Branch should proceed carefully. However, Ms. Rios could not recall when Ms. Goldman made the comment.

#### Interview of Don Score

Muriel Evens said that when she brought up Ortiz' report on People's Temple at the July 24, 1978, meeting, that Branch Chief Goldman indicated she had discussed the matter with Don Score of Client Protection Services (see page 30). Mr. Score was interviewed August 17, 1979, and said he was the Chief of Administrative Support, Office of Health Investigations which dissolved on July 1, 1978. Following the July, 1978, reorganization Mr. Score went over to Client Protection Services, headed by Mari Goldman in the newly formed Department of Social Services.

Mr. Score recalled attending a meeting in Bob Tausignant's office in mid-July, 1978, with Muriel Evens present. His recollection was that Ms. Evens wanted him to prove what Ortiz could not prove. Mr. Score's evaluation of the Ortiz

report when he saw it around July, 1978, was that the report contained "innuendos" and "no firm findings." Mr. Score said he advised persons present at the meeting that the People's Temple case was "dirty", that is, the case had political problems and could be dangerous. People's Temple had many defenders and "a hell of an attorney" Charles Garry to protect them. Also, Mr. Score said he advised that "almost insurmountable barriers" to getting information from the Federal Government existed because the children were already out of the country. Moreover, there were "going to be phone calls to the Governor and everybody else."

Availability of Licensing Division Investigators in July, 1978

Mr. Stephen Beard stated that as of July 17, 1978, he was then supervising two other investigators, Kay Krocke and Bill Keating, in the Client Protection Services Bureau of the Community Care Licensing Branch, headed by Mari Goldman. Mr. Beard said that for himself and the two investigators he supervised on July 17, 1978, that their combined workload consisted of 15 cases, a workload which one investigator would now carry. Mr. Beard recalled that none of these 15 cases were of a life-threatening nature and he knew of "no higher priorities" they had to work on at that time. Mr. Beard said that he only saw the Ortiz report after the November 18, 1978, Jonestown deaths, but stated that he believes he and the investigators under his supervision would have been able to investigate the allegations raised by that report if they had been requested to do so.

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Mr. Beard conceded that he and the investigators under his supervision were not wholly familiar with regulations their newly organized unit was responsible for enforcing. Nevertheless, he and his investigators had experience as Medi-Cal investigators and expressed confidence they would have been able to undertake the investigation required by the Ortiz report.

Mr. Don Score, the person who advised Mr. Goldman on the Ortiz report, said the Licensing Branch was really not operational until mid-August, 1978. One big problem as he saw it was the the children were already in Guyana when they received the Ortiz report. Mr. Score said he emphasized to the people at the meeting he attended in mid-July, 1978, that investigating People's Temple had political implications. Mr. Score believed there was nothing for the Licensing Branch to do, it was then a concern for the Federal Government. Deputy Director Goldman said she agreed with her staff the People's Temple was a matter for the federal authorities. She noted that leaving the matter to the federal authorities was also Ortiz' recommendation.

In short, although investigators were available, it appears Branch Chief Goldman declined to order her Client Protection Services staff to continue the investigation began by J. C. Ortiz, giving the reason that People's Temple was "highly publicized, too political", and that Licensing did not have the resources to take on a big name political case like People's Temple. She and Mr. Score of her staff also expressed the view that since Ortiz had advised that the federal authorities were investigating People's Temple that there was nothing for the

Licensing Branch to do. Chief Deputy Director Rowley indicated he did not believe the Ortiz report raised a serious concern for the Department of Social Services because Ortiz had recommended the investigation be closed.

Review of People's Temple Records in Possession of Receiver

Proceeding on the evidence that Mari Goldman had indeed expressed the view that the People's Temple case was too political to investigate, the People's Temple records and materials in the possession of the State Receiver, Robert H. Fabian, were reviewed to explore the possibility that the Ortiz report was not investigated due to the association of any state officials with People's Temple.

The first examination of People's Temple records occurred on June 20, 1979, at the Flood Building, 870 Market Street, Room 648, San Francisco. Mr. Richard Hudak, attorney, was present as a representative of the Receiver. Using the inventory list prepared by Special Agents Ansley and Gard, keyed to numbers taped onto the various containers, we found that items which had been inventoried at Charles Garry's office by Agents Ansley and Gard were missing from the State Receiver's office. Specifically, box 52 described on the inventory list as containing newspaper articles, reporters' names, video cassettes, convention center jubilee, references to Angela Davis, Merv Dymally, Tom Bradley, Joe Freitas, Jim Jones, etc., now contains only receipts for Jim Jones' memberships in various church organizations and other disbursements.

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Container 27 had references to a testimonial dinner given on September 25, 1976, showing Lieutenant Governor Dymally, Mayor Moscone, Assemblyman Willie Brown, Dr. Carlton Goodlett, and Reverend Cecil Williams to have been the honorary guests. A note was found in this container directing someone to prepare a list of persons to invite, but no such list was found. Container 55 was shown on the inventory as containing photographs of Jim Jones and visitors to the Temple. Now the box contains only 3 x 5 cards. Most importantly, however, item 58 on the inventory list, a plastic suitcase, was not found. The inventory notes it contained a letter from Marge Mapes to Michael Prokes, thanking him for keeping her on the "Roster of Concerned Persons and Friends of the Temple." An extensive search of the remaining containers and loose materials that day, and again on July 11, 1979, did not turn up either the Roster or any other documents which appeared to be mailing lists. (See memos to the file: first examination of People's Temple records, dated July 16, 1979, and second examination of People's Temple records, dated July 20, 1979.)

On July 9, 1979, with the permission of the State Receiver and People's Temple attorney Charles Garry, examination was made of the materials left in Mr. Garry's basement. Ms. Pat Richartz, Mr. Charles Garry's representative for People's Temple materials, initially expressed annoyance that we would want to review the materials remaining in the office basement. Deputy Attorney General Moy explained that we had been unable to find certain materials listed on the inventory but not found in the

possession of the State Receiver. When Ms. Richartz pressed for details, Deputy Attorney General Moy stated that reference had been made to a "Roster of Concerned Persons and Friends of the Temple" but that it could not be found in the Receiver's materials. Both Charles Garry and Ms. Richartz said they had never heard of any such "roster or mailing list". Deputy Attorney General Moy had only mentioned the term "roster" and Ms. Richartz expanded the disclaimer to include "mailing list". Finally shown the way to the basement, we searched the crates and cardboard boxes remaining in the possession of Charles Garry, with negative results. (See memo to People's Temple file, July 19, 1979.)

#### Missing Roster of Concerned Persons and Friends of the Temple

In sum, absence of materials such as the "Roster of Concerned Persons and Friends of the Temple" deprived us of possible evidence relevant to the question whether state officials declined to pursue an investigation of People's Temple in the interest of protecting the temple.

#### No Finding of Direct Involvement by State Officials

As noted, no direct connection was found between state officials and People's Temple through examination of the People's Temple materials in the possession of the State Receiver and Charles Garry.

#### Comment on the "Too Political" Remark

It appears the Deputy Director Goldman's statement People's Temple was "too political" was most likely an acknowledgement that Jim Jones had great political influence and that,

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therefore, officials had to avoid People's Temple or tread carefully in dealing with it. The New West magazine article of August 1977 reported on Jim Jones' political influence among liberal politicians in San Francisco. When People's Temple was in Mendocino County prior to 1974, Jones served as the foreman of the grand jury of the county. The receiver's records show congratulatory letters to Jim Jones and People's Temple from Rosalyn Carter, members of both Congress and the California Legislature, and Lieutenant Governor Dymally. One prominent Californian wrote Governor Brown nominating Jim Jones to be a Regent of the University of California. Jim Jones was the chairman of the San Francisco Housing Authority at the time. The influence of Jim Jones was certainly a force to be considered and, it appears, Mari Goldman was cognizant of it.

Analysis of the Reasons Expressed by DSS as Justification for Failure to Take Direct Action on Ortiz' Report and Failure to Continue Ortiz' Investigation

The following reasons were expressed by Deputy Director Goldman and others to explain why Ortiz' investigation was not continued:

- (1) Ortiz' report raised placement issues, not licensing issues;
- (2) No foster children from state licensed facilities were involved;
- (3) Ortiz' report came within the responsibility of the Social Services (Adult and Family Services) Division not the Community Care Licensing Division;

- (4) Community Care Licensing had no investigators in July 1978;
- (5) Indications were the Rev. Jones circumvented foster care laws by utilization of guardianships;
- (6) Federal authorities were already investigating People's Temple.

Each will be discussed in turn.

DSS Position People's Temple Raised Placement Issues, Not Licensing Issues

The position stated by the Department of Social Services and Mari Goldman is that the allegations raised by the Ortiz report fell within county responsibility and not state responsibility. The distinction offered is that allegations of child abuse relate to placement rather than the Department's licensing functions. In order to assess the validity of this position, an overview of the law governing out-of-home placements of children is necessary at this point.

Division of Responsibility Between Licensing and Placement

At the outset, it is safe to say that the responsibility for monitoring the welfare of children in out-of-home placements is shared by the courts, the Department of Social Services, and the counties. (See generally, memorandum to People's Temple file prepared by Deputy Attorney General Richard Ross.) Preliminarily, Welfare and Institutions Code section 16500 provides:

"The State through the Department [of Social Services] and County Welfare Departments shall establish and support a public system of statewide child protective



services to be developed as rapidly as possible and to be available in each county of the state. All counties and combinations of counties shall establish specialized units of protective services for children."

The broad directive of section 16500 is followed by section 16501, setting out the scope of child protective services, the referral of complaints, and protective and corrective actions available, as follows:

"As used in this chapter, child protective services shall include casework in related services designed to forestall and reduce the need for action by law enforcement agencies, probation departments and courts, and to render these services in behalf of children who are without parents, proper guardianship, or custody, or who are being neglected or whose general welfare is being damaged by the conduct of parents, guardians, or custodians, whether wilfully or otherwise. [¶] A child protective services program shall receive any referral or complaint from a public or private agency or from any person having reasonable cause to know that the welfare of a child is endangered, and shall take such actions as are considered necessary to protect the child in a corrective situation. . . ."

Thus, the Legislature of California has established through sections 16500 and 16501 that the state and counties share responsibility for the welfare of children placed outside the home.

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In the shared responsibility, the Legislature has accorded the state through the Department of Social Services regulatory and supervisory responsibility. This responsibility is manifested by Welfare and Institutions Code section 10600 which provides:

"It is hereby declared that provision for public social services in this code is a matter of statewide concern. The Department [of Social Services] is hereby designated as the single state agency with full power to supervise every phase of the administration of public social services, . . . for which grants-in-aid are received from the United States Government or made by the state in order to secure full compliance with the applicable provisions of state and federal laws."

Welfare and Institutions Code section 10615 provides:

"California's 58 counties vary greatly in their welfare problems, and therefore they should not be treated alike in the supervision of [social services programs]. The Legislature hereby declares its intent that the Department examine the extent of state control needed over county operations, with a view toward eliminating excessive rigidity in procedure; the state should differentiate between those counties which need general direction as opposed to tight supervision. [¶] Within these guidelines, the Department shall aid county departments in establishing economic, efficient and effective methods of operations, including, but not

limited to, advising and consulting with county departments. . . ."

In California, foster homes and foster parents are both subject to licensing. Health and Safety Code sections 1501, 1508. A license is not transferrable. Health and Safety Code section 1503. The state, except in those instances where functions are delegated to the counties or other agencies by contract (Health and Safety Code section 1511), inspects and licenses community care facilities. Health and Safety Code section 1509. In turn, Health and Safety Code section 1550 empowers the Department of Social Services to suspend or revoke any license upon any of the following grounds:

"(a) Violation by licensee or holder of a special permit of any of the provisions of this chapter or of the rules and regulations promulgated under this chapter.

"(b) Aiding, abetting, or permitting the violations of any provision of this chapter or of the rules and regulations promulgated under this chapter.

"(c) Conduct in the operation and maintenance, or both the operation and maintenance, of a community care facility which is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from the facility or the people of the State of California. . . ."

#### Possible Grounds for Revocation of Foster Care Licenses

Title 22, California Administrative Code, provided the following grounds for revocation of licenses issued to members of

People's Temple, based on allegations raised in the Ortiz report and New West magazine article of August 1977 that foster children were being sent by foster families to slave labor camps in Guyana. Section 31129 provides that "foster families shall provide good physical care and help each child to grow and develop physically, mentally, emotionally, and spiritually at his own pace." Section 31131, requiring foster parents to provide for "adequate supervision of the children during their absence", would arguably have been violated if the foster parents did not accompany the children to Guyana. Next, section 31133 of title 22 states that "discipline must be fair, reasonable, and consistent, and must be related to the offense. (a) Corporal punishment is not permitted even though the child's parents may have given consent. (b) Punishment connected with functions of living such as sleeping or eating shall not be used." Section 31135 specifies that "children shall be required to perform only simple home duties which do not interfere with school, health, or necessary recreation." If children were forced to work long hours in the tropical sun as alleged in the Ortiz report and media information, violation of section 31135 would have been established. Section 31137 specifies that foster parents must respect the religion or religious beliefs of the child. Therefore, if the allegations of rigorous religious services, intolerance of other faiths, bogus faith healings and other such activities are true, certainly a violation of section 31137 would be evident. In short, if any of the allegations raised by the Ortiz report and accompanying information had been established by

further investigation by Client Protection Services Branch of the Community Care Licensing Division, the provisions of Title 22, chapter 4, subchapter 1, article 4, would have provided ground for revocation of foster care licenses.

The counties, on their end, are to "assume responsibility for the child's welfare in placement and assure that the provider delivers planned care and treatment." Social Services Standards Manual, Div. 30, 1977, 1978 revision, regulation 30-206.16. Thus, the counties share responsibility with the Department of Social Services for the welfare of children in out-of-home placements. When the Community Care Licensing Division revokes a license, the placement authorities are notified and residents are removed from the licensed facility. The counties in large part, however, handle both licensing and placement functions under contract with the state. Nevertheless, the state, through the Department of Social Services, retains supervisory power and responsibility.

The New West magazine article of August 1, 1977, noted the People's Temple publication, People's Forum, made ". . . several references to the claim that 130 disturbed or incorrigible youths were being sent to the Temple's Guyana mission. A church spokesman confirmed that these youngsters were released to the Temple by the 'federal courts, state courts, probation department and other agencies.'" The New West article then pleaded: "If there is even the slightest chance of mistreatment of 130 youths the Temple claims to have under its guidance in

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Guyana, a complete investigation by both state and federal authorities would be required."

#### Statuses of Jonestown Foster Care Children

In a study by the Department of Social Services of the Jonestown death list to determine which of the persons thereon had an AFDC-BHI payment history (which would have indicated which of these children were foster children), 19 tentative foster children were uncovered. Our investigation shows one of the 19 was an adult and only one child was on active foster care in Guyana, but survived. As to the remaining 17 children, their foster care status terminated prior to their emigration to Guyana. All of these 17 children died in Guyana.

Even if no foster children died in Guyana, using the Department of Social Services' definition of a foster child as one who is living in a licensed foster home and receiving AFDC-BHI benefits, the Department of Social Services, specifically the Community Care Licensing Branch, had not ascertained during June-July, 1978, that no foster children were involved.

The allegations raised by the Ortiz report and accompanying information were the People's Temple was using licensed facilities to obtain children for the People's Temple farm in Guyana. The implication was that People's Temple was manipulating foster care licensing laws and practices to obtain children for the Temple. While Mr. Ortiz did state that with the cooperation of the Department of Social Services he was able to run a computer check of the names of children in licensed facilities in

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Mendocino County with only negative results,<sup>1/</sup> he advised he did not have a complete list of all children taken to Guyana. Mr. Ortiz states that he did not establish that no foster children from licensed foster care facilities were taken to Guyana, nor did he tell Mari Goldman or Don Score that no foster children or licensed facilities were involved.

Muriel Evens tried to ascertain the names of foster children taken to Guyana but was frustrated by the lack of a central registry of foster children and advice from the United States State Department that they could not provide names of children who had emigrated to Guyana. Ms. Evens tried to have Ortiz' investigation continued, specifically to have investigators from Client Protection Services ascertain the names from the counties. However, Licensing Branch Chief Goldman declined to order an investigation.

Failure to Refer Ortiz Report to Adult and Family (Social Services) Division

However, even if it is now determined that no foster children were in fact in Guyana or died in Guyana, this circumstance would not absolve the Department of Health and, its offspring, the Department of Social Services, of responsibility for children in Guyana. While the Community Care Licensing Division has the primary responsibility of licensing, the Social Services

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1. Mr. Ortiz advised that a handwritten paper reflecting the particulars and results of the computer search was left in the Department of Social Services' file. However, I could not find the described paper in the Department of Social Services' People's Temple file.

(Adult and Family Services) Division has a greater overall responsibility to children. Review of the death list indicates that approximately one-third of the persons who died in Guyana were children. Our investigation has disclosed that 22 of the dead children in Guyana were wards of guardianships established by California courts. Moreover, even children who were with their natural parents who are "in danger of being abused, neglected, or exploited" (Social Services Standards Manual, Div. 30, 1977, 1978 revision, regulation 30-101), come within the protection of the Department of Social Services, specifically, the Social Services Division.

Specifically, "[a]ny child is eligible for protective services without regard to income or status. . . ." Further,

"[a]ny report from any person which alleges any condition of danger to any child creates a presumption of need which shall be promptly investigated, and any such child shall be considered to be in need of protective services until an assessment has been made which indicates otherwise. Subsequent documentation of the need for protection must be recorded, including factual evidence of neglect, abuse or exploitation."

#### Interview of Sylvia Kerr

Ms. Sylvia Kerr, Social Service Consultant, Department of Social Services, Adult and Family Services division, was interviewed on August 14, 1979. Ms. Kerr stated that an important part of her job at present, as well as prior to July 1, 1978, is to identify county problems and arrange for corrective



actions. Allegations of child abuse would be an example of a county problem requiring corrective action on the county level, and, if not corrected, then state intervention through Child Protective Services. Ms. Kerr's description of the role played by Child Protective Services is corroborated by the office mission or duty statements which Ms. Kerr provided.

When shown the Ortiz report dated June 6, 1978, Ms. Kerr said, "I've never seen it at all." After reading the report, Ms. Kerr commented that had she received the report in July 1978 she would have asked Lyman Lambeth (Ortiz' supervisor at that time) why he was recommending that the investigation be closed. Ms. Kerr said that if she had received complaints of child abuse she would have called responsible officials in the county to investigate and take appropriate action. For small counties, Ms. Kerr would have called the county welfare director; for larger counties, she would have called the persons in charge of foster care placement or protective services.

In the situation of children being taken to Guyana, she said she would have contacted "International Social Services" and ascertained if that organization had a chapter in Guyana and, if they did, she would have requested their assistance by letter. Also, she would have requested assistance of the United States Immigration Service.

Assuming that she had received the June 6, 1978, Ortiz report, supplemented by the August 1977 New West magazine and extensive media coverage of People's Temple prior to the Jonestown tragedy, her mission, she said, would have been to

disseminate the reports of child abuse to the appropriate agencies (federal, state or local) and request action. If the counties failed to investigate as requested, Ms. Kerr would have arranged for Child Protective Services to assume responsibility. Had she determined that assistance of the agencies of the United States Government was required, she advised she would have formally requested such assistance by letter, signed by Marion Woods, the Director of the Department of Social Services.

As an example, Ms. Kerr acknowledged that she frequently receives formal letter requests from foreign countries, often Canada, to investigate placement situations in the counties. Ms. Kerr emphasized she has a good working relationship with county placement people and that she and others in her unit of the Department of Social Services take allegations of child abuse seriously. Ms. Kerr reiterated that the Ortiz report was not submitted to Child Protective Services for evaluation and action.

In sum, the Department of Health took eight months to investigate and submit a report (in spite of the fact most of the interviews and other work appeared to have been completed in two to three months) and after the report was finally submitted to the Department of Social Services, no effective corrective action was taken. The inaction warrants criticism because, under DSS regulation 30-104.2, the allegations of abuse created a presumption of need requiring prompt investigation. The same regulation provides that the presumption of need for protective services continues until an assessment is made indicating the child is no

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longer in need of protection. Here, a presumption of need for protective services arose which was incompletely discharged.

#### Availability of Investigators to Community Care Licensing

##### Division in July 1978

As discussed above, both Deputy Director Goldman and Don Score said the Licensing Division did not have investigators in July 1978. However, our investigation shows there were two investigators and one supervising investigator in Client Protection Services during July 1978.

#### Circumventing of Foster Care Laws by Utilization of Guardianships

One reason advanced by Deputy Director Goldman for declining to order investigation was that People's Temple was utilizing the guardianship system, rather than the foster care system, to obtain custody of children. However, Ms. Goldman did not notify the probate courts or counties of dangers People's Temple posed to wards under guardianship.

#### Federal Agencies Investigating People's Temple

Finally, Ms. Goldman said she and her staff agreed with Ortiz that People's Temple was not a licensing problem and should be left in the hands of the Federal authorities. Moreover, since the Ortiz' report indicated other agencies--state, federal and local--were investigating People's Temple, she and her staff assumed they did not have to notify each investigating agency.

#### CONCLUSION

Since the Ortiz report raised allegations children from licensed facilities were being taken to Jonestown, and that such children were subject to physical and mental abuses, it appears licensing issues were raised. Although no children on active

foster care apparently died at Jonestown, the evidence indicates the Department of Social Services did not know whether any foster children were in Jonestown at the time the Ortiz report was evaluated. No central foster care registry was in existence. Too, Department of Social Services officials complained they would not even have known which foster children were with members of People's Temple because placement workers were not permitted to ask foster parents about their religion.

However, even if the Community Care Licensing Branch had ascertained in July 1978 that no children falling within its responsibility were in Guyana, the Licensing Branch did not transmit the Ortiz report to the Adult and Family Services (Social Services) Division which has a broader responsibility for the well-being of children. Any child in the state regardless of custodial status is subject to the protective services of the Adult and Family Services Division. Ms. Kerr, Social Service Consultant, stated it was her job to contact the counties, the federal government, or even foreign organizations or countries to initiate protective services for children alleged to be in need. However, she said she never saw the Ortiz report before the mass deaths at Jonestown.

Although Deputy Director Goldman said People's Temple was circumventing foster care laws by utilizing guardianships, she did not alert the counties and probate courts to dangers posed to wards under guardianship. Probate court judges stated that they had received no communication from anyone about wards placed with People's Temple members being in danger and court records disclosed no communications.

## PART II

### ALLEGATIONS OF WELFARE FRAUD PERPETRATED BY MEMBERS OF THE PEOPLE'S TEMPLE

A second aspect of the People's Temple investigation assignment outlined in the memorandum from Assistant Attorney General Edward P. O'Brien on April 24, 1979 was to contact the Mendocino County Grand Jury to determine the status of their investigation and findings with respect to mishandling of welfare funds by the People's Temple. On July 12, 1979, Deputy Attorney General Moy and Special Agency Violett met with Mendocino County District Attorney Joe Allen and Investigator Dick Finn at the Ukiah Courthouse for a briefing on the status of the Mendocino County Grand Jury investigation. Mr. Dennis Denny, Director of the Mendocino County Department of Social Services, joined the meeting.

As to the Grand Jury investigation, District Attorney Allen submitted the following announcement from the Mendocino County Grand Jury 1978-79 Ad Hoc Committee, number three:

"In the matter of the tragedy of People's Temple occurring in Guyana, and the investigation of the Grand Jury as advertised in the media and subsequent to the primary exploratory research, it was decided that due to the vastness of a complete investigation and the involvement of other government agencies (Attorney General of the United States, Attorney General of California, FBI, County District Attorney, and others), we, the Jury, would assist all other agencies in whatever capacity we

could. This was done. There was no final report on this subject, nor do we believe there will be for many years."

District Attorney Allen stated that he did not expect any "concrete" findings from the Grand Jury, and the county welfare fraud investigation was closed as no evidence of welfare fraud involving members of People's Temple had been found. Welfare Director Dennis Denny agreed no fraud had been found in his search of county social service records. Since the July 12 meeting, no temple engendered welfare frauds have surfaced in Mendocino County.

Inquiries were made of the four other counties which had provided welfare assistance to People's Temple members. All cases of welfare fraud uncovered by the counties were frauds perpetrated by individuals for personal gain and were not part of any conspiracy by People's Temple to finance its operations by fraudulently obtaining public monies. The Department of Social Services' "Investigation Report on People's Temple" released November, 1979, states:

" . . . neither the initial state review nor the local investigations could find any evidence to support early allegations of large scale support of the People's Temple operation through the improper use of welfare funds."

Our interview of county officials, review of records (including comparison of welfare benefit termination dates with arrival dates in Guyana) has failed to yield evidence to dispute the above-quoted

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### PART III

#### REPORT ON THE ATTORNEY GENERAL'S INVESTIGATION OF THE ALLEGED UNLAWFUL ACTIVITIES OF JAMES R. RANDOLPH, JR.

A third aspect of the People's Temple investigation was to investigate the activities of Mr. James R. Randolph, Jr., between March, 1977, and the Guyana deaths in November, 1978. This investigative request stems from a memorandum written by Mr. Phillip J. Manriquez, Deputy Director, Planning and Review Division, Department of Social Services, to Mr. John Baine, Legal Affairs, on February 28, 1979. Mr. Manriquez in his memorandum stated:

"I have obtained from Dennis Denny, Mendocino County Welfare Director, the name of an individual who allegedly was assigned to divert monies into the People's Temple organization. Den Denny says that the name of this person was given to him by a confidential informant and that the named person was directly involved in the gathering of welfare warrants and running them into a statewide account for transmission to Guyana."

At a meeting on July 12, 1979, wherein Deputy Attorney General Moy and Special Agent Violet met with Mendocino County District Attorney Joe Allen, Investigator Dick Finn, and Welfare Director Dennis Denny, the subject of Mr. James R. Randolph, Jr., was brought up. Dennis Denny admitted it was he that passed on the tip from the confidential informant that James R. Randolph



had committed welfare fraud in the bay area. Mr. Denny was asked the name of the "confidential informant" and he responded that it was Linda Amos who died in Jonestown, Guyana, when she and her three children had their throats slashed. Mr. Denny further advised that James R. Randolph, Jr., was a Temple member who had worked about eight years for the Department of Social Services in Mendocino County. Mr. Randolph terminated his county employment on March 24, 1977 and moved to San Francisco where he allegedly participated in welfare fraud by collecting checks, depositing the checks, and transmitting the funds to Guyana. Mr. Denny advised he was unable to provide any additional information on Mr. Randolph's activities.

Since James R. Randolph, Jr., after leaving Mendocino County, took up residence at the People's Temple headquarters on Geary Street, San Francisco, it appeared that if Mr. Randolph was involved in any fraud at all, it most likely would have occurred in San Francisco. Therefore, the matter of the possible involvement of James R. Randolph, Jr., in welfare fraud perpetrated in San Francisco was discussed with Mr. John Borelli, Senior Supervisor, Office of Special Investigations, San Francisco Department of Social Services. Mr. Borelli reported having had no contact with a Mr. James R. Randolph, Jr., and had never heard of him. We discussed with Mr. Borelli reviewing all cashed welfare warrants which had been issued to People's Temple members who had received aid from San Francisco. Mr. Borelli responded:

"I would not be able to estimate the number of man-hours required to complete such a massive review.

In view of the fact there are only two cases where AFDC aid payments may have been improperly made for persons living in Guyana, I feel such a massive review would not reveal anything meaningful. However, if these two cases are further identified with proper documentation it would appear to be appropriate to make a limited review of their checks.

On August 30, 1979, Special Agent Richard Violet met with Department of Social Services personnel to consider the feasibility of conducting a random sampling of San Francisco County welfare warrants to determine if Mr. James R. Randolph, Jr., was involved in the handling of welfare warrants issued to members of People's Temple. In a report dated August 31, 1979, Special Agent Violet reported that a Mr. Jim McCally, San Francisco Department of Social Services, stated that:

"AFDC payments are issued twice a month. Hence there would be approximately 30,000 warrants issued for AFDC in any given month. There would be approximately 3,000 to 4,000 warrants issued for general assistance. In addition, warrants are issued for BHI, emergency loans, etc., in an unknown number. Aside from the amount and coding, these warrants are the same as all San Francisco City and County warrants. Mr. McCally estimated that there are approximately 1,000,000 warrants issued by San Francisco City and County per year. [¶] After a warrant has been

issued and cashed, all cancelled warrants are recovered and filed for three months according to date of payment. After three months, checks are refiled according to warrant number. [¶] Due to the volume of warrants involved, the names of welfare recipients possibly involved in welfare fraud would be needed before any type of random review would be worth the time and effort."

By letter dated October 2, 1979, to Mr. Phillip J. Manriquez, Deputy Director, Planning and Review Division, Department of Social Services, I explained the source of the allegation involving James R. Randolph, Jr., was from Linda Amos, a former employee of Mendocino County Social Services, who had died in the Jonestown disaster. I advised Mr. Manriquez that we would require the names of specific welfare recipients whose checks Mr. Randolph is suspected of having unlawfully handled, as well as the date the checks would have been cashed. Mr. Manriquez advised by telephone he had no additional information to give us at that time.

Pursuant to our request, on October 17, 1979, Mr. Manriquez transmitted a list of 26 San Francisco welfare recipients who died at Jonestown for whom there was a possible overlap of three months or more between arrival in Guyana and discontinuance of benefits. This circumstance indicates welfare benefits may have been unlawfully paid for 26 persons after these people had emigrated to Guyana. In order to determine whether Mr. James R. Randolph, Jr., was criminally involved in processing the warrants, signature exemplars of Mr. James R. Randolph, Jr.,

were obtained as well as the WR-2 forms (reflecting the signatures) of persons entitled to endorse the welfare warrants.

The welfare warrants for the overlap period between arrival in Guyana and discontinuance of benefits were obtained and compared with the signatures of James R. Randolph, Jr., and the respective signatures of the persons entitled to endorse the warrants. A total of 142 welfare warrants were obtained, involving 11 welfare case files (some files covered two or more recipients). The 11 cases broke down into nine adults and 30 minor beneficiaries. All signatures on the warrants appear to match the signatures on the respective WR-2 forms. Most warrants were cashed and not deposited. Those that were deposited were deposited into personal checking accounts. The warrants were cashed or deposited in a variety of banks. Mr. James R. Randolph, Jr.'s signature was not found on any of the warrants, nor did any of the warrants appear to have been forged.

#### FINDING

The investigation of the activities of Mr. James R. Randolph, Jr., in San Francisco has not yet yielded evidence that Mr. Randolph was involved in collecting welfare checks of persons who had emigrated to Guyana, depositing the checks, and then transmitting the funds to Guyana.

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## PART IV

### REVIEW OF THE FOSTER CARE AND GUARDIANSHIP SYSTEMS WITH RECOMMENDATIONS FOR CHANGES IN PRACTICES AND LAW

#### FOSTER CARE

The report of the Leo J. Ryan Assassination Subcommittee noted at page 35:

"Possibly as many as 150 foster children have been alleged to have died in Jonestown during the mass suicide/murder ritual of last November. Senator Alan Cranston's Subcommittee on Child and Human Development is conducting an investigation of these charges with the assistance of the GAO. Preliminary indications are that 12 California foster children may be identified as having died. Greatly complicating the identification process is the fact that neither dental nor fingerprint records exist for most of the children. . . ."

The figure of 150 foster children dying in Guyana was derived from information provided by Mr. Dennis Denny, Director of Social Services, Mendocino County. Mr. Denny had advised the General Accounting Office team that visited his department that upwards of 22 children a year since 1971 were being placed in licensed foster facilities operated by members of People's Temple. A simple multiplication of 7 x 22 resulted in the approximate answer that there were 150 foster children in Guyana. This total is incorrect.

The figure of 150 foster care children dying in Guyana was simply a guess by Mendocino County Welfare Director Dennis Denny. Investigations by the U.S. General Accounting Office (GAO), the Department of Social Services (DSS), and this office indicate that 17 children who died in Guyana had a California history of receiving AFDC-BHI benefits,<sup>2/</sup> which benefits were terminated for such persons before their emigration to Guyana. Seven of these 17 children were wards of guardianships established by California courts and received AFDC-BHI benefits. Termination of foster care status on these 10 children occurred from one month to four years prior to departure to Guyana (Nouya Blair's foster care status ended one month before her departure to Guyana as she was returned to the custody of her natural mother.) Inquiries were made of the Counties of San Francisco, Los Angeles, Mendocino, Contra Costa, and Alameda to ascertain if there were any foster children who, though eligible, were not on the AFDC-BHI rolls. All counties replied that all their foster children were on the AFDC-BHI rolls. AFDC-BHI is the designation of public funds paid for the care of foster children and, thus, would be an indication of which children who died in Guyana were in the foster care status. Fifteen private home-finding agencies were queried as to whether they had placed children with People's Temple members and they unanimously replied they had not.

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2. "AFDC-BHI payment under the Aid to Families with Dependent Children Program is payment for a child who requires 24-hour-a-day care in a foster home or institution pending return to his/her own family or in accordance with the development and implementation of a continuing plan of care as provided in section 30-209." DSS regulation 40-103.

Although it appears that no children in active licensed foster care died at Jonestown, there were children in other out-of-home placement statuses who died there. These were children who were (1) in the custody of nonrelatives and (2) children under guardianship. Each category with designation of responsibility will be discussed in turn.

In the first category, our investigation has, to date, disclosed the names of 14 children who were in the custody of neither a parent, relative, nor guardian. The Department of Social Services reports 40 children in this category. This total was obtained by excluding children on the death list who had the same surname as adults on the list and verifying with county records and other sources that child and adult were in the same family. The process was enormously time-consuming due to the fact many children and adults had several aliases. Furthermore, many children did not share the same surname as the mother.

#### People's Temple as Unlicensed Community Care Center

The 14 children who died in Guyana in the custody of nonrelatives raise the question of whether People's Temple was, in effect, a community care facility since it provided 24-hour community care for children.

In this regard, Health and Safety Code section 1508 provides:

"No person, firm, partnership, association, or corporation within the state shall operate, establish, manage, conduct, or maintain a community care facility in the state, without first obtaining a

license therefor as provided in this chapter. [¶]  
No person, firm, partnership, association, or corporation within the state shall provide specialized services within a community care facility within this state, without first obtaining a special permit therefor as provided in this chapter. [¶] Except for a juvenile hall operated by a county, this section shall apply to community care facilities directly operated by a county. Each county-operated community care facility shall comply with the standards established by the director for community care facilities."

Similarly, Title 22, California Administrative Code section 80101 provides:

"No individual, firm, partnership, association, corporation, county, or other legal entities shall operate, establish, manage, conduct, or maintain a community care facility, or hold out, advertise or represent by any means that it does so, without first obtaining a license from the department or licensing agency. . . ."

Health and Safety Code section 1509 provides:

"The state department shall inspect and license community care facilities, except as otherwise provided in Section 1508. The state department shall inspect and approve a community care facility to provide specialized services."



Where unlicensed facilities providing services in violation of Health and Safety Code section 1508 are discovered, corrective action is mandated by Title 22, California Administrative Code section 80103 as follows:

"Operation without a license. (a) If an unlicensed facility is providing services in violation of Section 1508 of the Health and Safety Code, the department shall bring legal action or give notice to the operator either to cease and desist or to file an application for a license. (b) If, after such notice, an application for a license is not filed, the department may exercise its discretion to institute criminal prosecution or civil injunctive proceedings."

Exempt facilities are listed in Health and Safety Code section 1505 and title 22, California Administrative Code section 80105. Health and Safety Code section 1505(f) and section 80105(6) disclose one exemption which arguably could have applied to People's Temple.

"Any facility conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend on prayer or spiritual means for healing in the practice of the religion of such church or denomination."

However, it is apparent that People's Temple, while notorious, could not reasonably be considered a "well-recognized church or

religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend on prayer or spiritual means for healing in the practice of the religion of such church or denomination." But, in any event, a determination whether this exception applies to any given case rests with the Director of the Department of Social Services. The Director made no ruling People's Temple was excepted.

The 14 children who died at Jonestown in the custody of neither a parent, relative, nor guardian establish that the People's Temple was providing community care for children. Although the state had no licensing authority over the Jonestown facility, it did over the Temple in San Francisco. The San Francisco Progress announced in an article on August 21, 1977, that 150 minors were living in the San Francisco Temple and nearby communes. This unlawful activity was also suggested by Mr. Verner Felker in his December 15, 1977, letter to his supervisor, Mr. Phil Greenblat, as follows:

"It is known by investigation that unrelated children are in the care of members of People's Temple. As yet they do not know how many children are involved, where the children are, or how their care is funded. San Francisco and Los Angeles DPSS [Department of Public Social Services] are unable to identify any children under their supervision on BHI payment roster who may be involved."

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Ms. Blankenship's Inspection of the San Francisco Temple Facility

Allegations appearing in the media that the San Francisco Temple was operating a day care center and nursing home caused the San Francisco District Office of the Department of Social Services to inspect the Temple for licensing violations. Ms. Blankenship made the inspection. Ms. Marian Vought, District Administrator, California Department of Health Services, was interviewed and said that Ms. Blankenship reported that it did not appear the Temple was operating either a day care center or a nursing home because the children were in the company of adults, presumably parents. Also, it did not appear to be a nursing home because there were "no beds or hospital-like paraphernalia normally associated with a nursing home." Ms. Vought said Ms. Blankenship described the Temple facility as looking like a commune. Ms. Vought said Ms. Blankenship's inspection was conducted shortly after the August 1977 New West article appeared and was at the behest of Don Hauptman, Licensing and Certification Division, Department of Health. Ms. Blankenship made no follow-up inspection.

Mr. Hancock's Attempt to Inspect

Mr. Joseph Hancock said he was assigned by Ms. Ivory Johnson, Supervisor, San Francisco District Office of the Licensing and Certification Division, Department of Health, to check out a complaint that People's Temple was operating a day care center. Mr. Hancock said a licensing official in Sacramento made a decision the Temple was authorized to run a "play group."

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Mr. Hancock said he tried to arrange for Charles Garry to be present, but Garry said he would be out of the country along with Jim Jones, but that Harriet Tropp would be at the Temple. Mr. Hancock said he advised his inspection would be unannounced.

When Mr. Hancock showed up at the Geary Street Temple the next day at 9:00 a.m., he had difficulty, first, getting inside, and then trying to inspect the Temple auditorium. Mr. Hancock said he could hear many children but Harriet Tropp and men present would not permit him to look inside the auditorium. Mr. Hancock said that when he insisted on his right to inspect the auditorium, the persons present became visibly tense and so Mr. Hancock retreated outside to his car. No further inspections were attempted. Mr. Hancock said the Temple complained to his supervisors and he was, as a result, transferred to the Oakland office.

Mr. J. C. Ortiz concentrated his investigative efforts in Mendocino County, although the People's Temple relocated in San Francisco in 1972. The probation/placement offices of San Francisco and Alameda Counties were polled as to whether Ortiz had contacted them for information on People's Temple. No one contacted could recall J. C. Ortiz. Ms. Marian Vought said she could recall only Chief Deputy Director Rowley making inquiries about People's Temple, but this was not until early December 1979.

#### GUARDIANSHIPS

Our investigation has disclosed that 22 minor wards, placed under guardianships by California courts, died at Jonestown. Of these 22 cases, only three guardians requested and

obtained permission of the courts for out-of-state residency. Seven of the 22 minor wards had a foster care history in California prior to emigration to Guyana.

#### Overview of Guardianship Law

A guardianship is appropriate when a probate court determines it is "necessary or convenient" that a guardian be appointed to take care of the person of a minor. For a guardianship established after January 1, 1976, where the guardian is not related to the ward, a home study of the same character as applicable to a foster family home license applicant has been required. Probate Code sections 1440, 1440.1. (AB 261, chaptered into law on September 19, 1979 [Chapter 726, Statutes of 1979] amends and reorganizes the whole of division 4 of the Probate Code; operative January 1, 1981, former sections 1440 and 1440.1 become sections 1541 and 1543.) Social Service Standard Regulation 30-206.11 sets forth home study objectives. No home studies were found in any of the probate court records for the 22 minor wards who died in Jonestown. The absence of home studies will be discussed below.

The responsibility of the State of California to the children of the state is that "[t]he state as 'foster parent' has an interest in the welfare of children, and it acts through the superior court in attending to their welfare." See 35 Cal.Jur.3d (Guardianship), section 9, pp. 585-586. It has long been accepted that "[g]uardians are subject to the regulation and control of the court, and by the nature of their office perform their functions as an 'arm of the court.'" 35 Cal.Jur.3d (Guardianship), section 10, p. 586.

A guardian may be removed and the guardianship terminated when the court deems it to be in the best interest of the ward (Probate Code section 1580(8)), such as when the guardian fails to provide the care mandated by section 1500 (Probate Code section 1580(9)). Abusing a ward--committing nonaccidental injurious acts against the person of a child (Social Services Standard 30-102.1)--constitutes good cause for termination of a guardianship. The Ortiz report and accompanying file, discussed at length in Part I, disclosed that children were being subjected to beatings and other forms of physical and mental abuse.

#### Interview of Probate Court Judges and Review of Probate Court Records

During the course of our investigation, the probate court judges who signed the "Order Appointing Guardian" for the 22 minor wards who died in Jonestown were queried as to whether the courts had received any communication from the Department of Social Services alerting the courts that their wards were being abused. The judges and probate court investigators stated they could recall no such communication, and if received, would have been included in the files of the respective wards. No letter alerts or other communications from the Department of Social Services were found in any of the files.

#### No DSS Alerts to Probate Courts or County Placement Workers

Deputy Director Goldman stated that after reviewing the People's Temple file, in July 1978, she became aware People's Temple was utilizing the guardianship law to evade foster care licensing requirements. She made no effort to alert the probate courts to the Ortiz report and media allegations. No one else in

the Department of Social Services attempted to alert the probate courts, nor did J. C. Ortiz.

Although most of the wards were already in Guyana at the time the Ortiz report was completed and circulated, had the courts been notified of the serious allegations of child abuse concerning children in the Temple, the courts could then have taken steps to safeguard the wards by ordering the wards returned to California, and could have enlisted the assistance of the State Department and Guyanese courts and government to effect their return. One of the functions of the Judicial Services Division, Office of Consular Services, U.S. Department of State, is to persuade foreign courts to give effect to decrees and orders of American courts.

#### Necessity for Periodic Reviews of Guardianships

Had there been a requirement for periodic review of guardianships, the probate courts may have discovered that their wards were in peril and acted to remedy the situation. At the time the People's Temple guardianships were established, there was no requirement in the law for periodic review of guardianships. However, Probate Court section 1500.1 added to the code in 1976 (Stats. 1976, ch. 1357, p. 6187, section 15) provided, in pertinent part:

"Each guardianship initiated pursuant to this chapter shall be reviewed by the court one year after the appointment of the guardian and biennially thereafter. The court investigator shall visit the ward and personally inform the ward that he is under a

guardianship and the name of his guardian. The investigator shall also determine whether the ward wishes to petition the court for restoration to capacity, whether the ward is still incompetent, and whether the present guardian is acting in the best interests of the ward. . . ."

Section 1500.1 did not become operative until July 1, 1977, and was amended, effective January 1, 1979, to limit review of guardianships to adult wards (Stats. 1978, ch. 1315, p. 74, section 2). Although a requirement for an annual review and then biennial reviews was in effect from July 1, 1977 up until January 1, 1979, review of probate court guardianship records for the wards taken to Jonestown failed to disclose any reviews were carried out. There was no provision for retroactive application of the annual and biennial reviews requirement to guardianships established prior to July 1, 1977. Most importantly, the requirement of annual and biennial reviews has not been made applicable to minors in the reorganization of guardianships and conservatorships effectuated by AB 261 (Stats. 1979, ch. 726; operative January 1, 1981). There can be little doubt that placing minors under guardianship without periodic reviews will usually result in the courts, acting for the "foster parent" state, having to rely on reports of third parties for current information as to the well-being of wards under their jurisdiction. The People's Temple experience strongly suggests that courts will not be kept informed unless reviews are required.

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### Death Rate Comparison Between Wards and Foster Children

The mass death of 150 foster children--those under the care of a licensed foster parent and living in a licensed facility--did not occur. The evidence indicates Jones experienced difficulty in obtaining children through the foster care system. In many instances, applications of People's Temple members to become foster parents and to license their homes were denied by the counties. Also, informants have advised that Jones found troublesome the requirement that foster children be visited by Social Services program (welfare) workers at least once a month (DSS reg. 40-103; Social Services Standard 30-209.16).

As to minor wards under guardianship, however, 22 of these children appear on the Jonestown death list. It is possible these children ended up at Jonestown because it was, and still is, easier to become a guardian than a foster parent. The guardian may receive the same amount of public assistance for the care of a child in his custody as the foster parent, but without having to satisfy licensing requirements. Guardians are specifically exempted from licensure (Health & Saf. Code section 1505, subd. (1)). Recommendations for strengthening laws pertaining to guardianship to monitor the welfare of the ward, without making the role of guardian unbearable, will be covered in the "Recommendations" at the end of this report.

### Comment on DSS Answers to Senator Cranston's Questions

On May 31, 1979, Senator Cranston propounded several questions to the Director of the Department of Social Services to aid the senator's investigation of the California foster care

system. In one question the senator asked:

"Question 3A. Did the state take any action following termination of this investigation to alert counties about its findings? Answer: After receiving the subject investigative report, telephone discussions were held with Mendocino County officials. An all-county alert was not issued because concerned counties had been informed of People's Temple before and during the course of the investigation."

The answer to question 3A, though unintended, indicates the course of action the department should have taken. As a result of our interviews with county officials, it appears that, except for Mendocino County, the other four counties with substantial People's Temple involvement were not kept informed by the Department of Social Services before and during the course of the investigation. In the main, the only information the Counties of San Francisco, Contra Costa, Alameda, and Los Angeles received was via the newspapers and the New West magazine article of August 1, 1977.

Mr. Manriquez answered that an all-county alert was not issued. However, the all-county alert is precisely the procedure which should have been utilized to alert the county placement officials and the courts to the potential dangers facing children placed with People's Temple members. Particularly, three wards under guardianship were taken to Guyana in late September and October after Licensing Chief Goldman declined to order an investigation on July 24, 1978. Had the probate courts which had

established the guardianships in these three cases been alerted that these wards were possibly enroute to Guyana, the courts could have taken judicial action to either prevent the children from leaving the state or, if already in Guyana, to effect their return to California.

In question 3B, Senator Cranston asked Director Woods what follow-up activities the state undertook after its investigation terminated. In answer, Mr. Manriquez advised that after the Ortiz report was delivered to the Deputy Director of the Social Services Division, the staff of that Division immediately reviewed the report and concluded that none of the children named in the report were in situations which would place them under the jurisdiction of division programs.

Actually, the Ortiz report alleged that beatings, overwork, and even murders were taking place. According to statutes, and mission statements written by the Social Services Division (now the Adult and Family Services Division), the Department is responsible for taking corrective action on any reported cases of neglect or abuse toward children, even those in the custody of their natural parents. In most instances, corrective action would entail the notification of local law enforcement authorities to investigate the reports of neglect or abuse and take corrective action where warranted. Where counties fail, Child Protective Services may intervene to remove the endangered child.

The response to question 3B goes on to note that in July the Ortiz report was reviewed by the Deputy Director of the Licensing Division and that it was concluded no specific licensing

issue was involved. This was not the reason given by Deputy Director Goldman at the July 24, 1978 meeting at which she declined to order an investigation. Rather, she declined to order an investigation saying People's Temple was a "political issue." (See pp. 30, 40.)<sup>3/</sup>

The answer to question 3B goes on to state that:

"the fact that People's Temple operations were now located in a foreign country and the department's inability to obtain the names of Jonestown residents seriously limited the utility of actions which the department could take. Because of these obstacles, there evolved a posture of relying upon the activities of federal agencies which, according to the subject report, were investigating People's Temple activities and, in fact, participated in the Department of Health's investigation."

As to this part of the answer, it is correct that both Investigator Ortiz and Muriel Evens, the attorney who evaluated the Ortiz report, experienced difficulty in ascertaining the names of children taken to Guyana. The Department of Social Services had no idea if any foster children were taken to Guyana at the time because there was no statewide registry of foster children. Also, as to Muriel Evens, she attempted to obtain the names of children in Guyana through contacts with the Department of State

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3. In any event, specific licensing issues were involved-- People's Temple appeared to be an unlicensed community care facility. See 22 Cal. Admin. Code section 80101.

in Washington, D.C. She reached an employee of the State Department by telephone and was advised that the State Department had no list of persons in Guyana as there was no requirement for Americans in Guyana to register or otherwise identify themselves to United States Government personnel. Ms. Evens sought his assistance in "checking out the possibilities for identifying missing foster children." He advised that "the State Department was aware of complaints about People's Temple and said that staff visited every few months to Jonestown but there was nothing they could do."

After telephoning the State Department's Freedom of Information Office, she was referred to the Passport Office for assistance in obtaining the names of persons who had been issued passports. She was advised it was possible to emigrate from the United States to Guyana without obtaining a passport by going through Mexico. Because of privacy laws, she was told that they could not release a list of passports issued, but could advise if certain persons had received passports if the Department of Social Services provided a list. When Ms. Evens advised that the list might contain 17,000 names (what she understood to be the size of the AFDC-BHI list), the passport officer became reluctant to proceed. Also, Ms. Evens advised that she could not release the list to the Passport Office for privacy reasons.

Ms. Evens emphasized that she only asked the State Department people for information to assist in identifying children unlawfully taken to Guyana. She was given the name of the Welfare/Whereabouts Officer in the Consular Section of the

Embassy in Georgetown, but had been advised that he could only check on individuals who had been identified to him beforehand. She noted the address so that following the initiation of an investigation by the Department of Social Services any names obtained could be delivered to the Welfare/Whereabouts Officer with the request to check on their welfare. However, an investigation was never ordered so the Welfare/Whereabouts Officer was never contacted to check on the welfare of the children in Guyana.

The answer to question 3B also notes that following the Jonestown deaths, lists of persons allegedly living in the People's Temple facility in Guyana were provided by the U.S. State Department and the People's Temple organization. Mr. Manriquez notes in his answer:

"the availability of this information made it possible in December [1978] for the Department of Social Services to initiate a comprehensive review of state and county records to identify children and adults who may have come under the jurisdiction of its programs. As a result of this review, it has been determined that the department had no legal control over any of the children living in Jonestown at the time the Department of Health concluded its investigation or any time thereafter. The Department of Health's investigative report and other information was referred to the State Attorney General's Office for investigation on March 2, 1979.

While perhaps the state had no "legal control" over the children living in Jonestown in the sense that the State of

California cannot conduct foreign relations with a foreign country, the more apt inquiry is whether the state had responsibility for the children taken to Jonestown. No "all-county alerts" were issued to the counties and the courts to ascertain the names of children placed with People's Temple members as foster parents or guardians. No formal request was made to the U.S. State Department to obtain the return of the children to California or at least monitor the well-being of the children.

State Department Query of California Department of Benefit Payments

As a result of a letter by Private Investigator Mr. Joseph Mazor to the American Embassy in Georgetown, Guyana, requesting the Embassy to conduct a "welfare/whereabouts investigation on 12 members of People's Temple," the Georgetown Embassy cabled the U.S. State Department in Washington, D.C., requesting that California officials be queried on the status of children in Guyana. Of particular interest, the cable advised:

"While we are aware of serious allegations against Jim Jones and People's Temple concerning wrongful appropriation of property, forgery, and bodily assaults against members that are emanating from the press in California, the Embassy has been careful in its contacts with People's Temple to maintain [an] objective, friendly attitude. We are concerned though, that these press reports will cause numerous requests for personal contact with members of the organization residing at Jonestown in the interior: we will do our best to respond to these requests. . . ."

"Regarding Mazor's allegations pertaining to children, Consul elicited confirmation from Mazor that parents have initially permitted children to come to Guyana and now wanted them back. This is certainly the right of the parents, but we believe it is also their responsibility to arrange return. Frankly, the entire situation seems very strange since children have only been in Guyana no [more] than four months. Someone had to apply for passports for them and allow them to travel. A separate question pertains to the children who had been awarded to Jones and other members of People's Temple by the State of California. Presumably 'courts there agreed to their removal from state jurisdiction when they were brought here. If not, are then Jones and People's Temple in violation of California law?' Action requested: Since about 130-150 children are here who reportedly were formerly considered to be wards of the State of California, request Department [of State] contact appropriate State [of California] official concerning this question and inform Embassy whether this will be an additional problem. . . ."

In response, State Department Officer Stephen A. Dobrenchuk cabled, in September 1977:

"Department Officer [Dobrenchuk] contacted California State Department of Benefit Payments, counsel for Child Support and Enforcement Division, for response to [the Georgetown Embassy cable quoted above]. State officials



stated that county officials bore primary responsibility in custody matters. State official unable to assist without names of children and California place of residence. At present he had no knowledge of generalized or specific complaints about children allegedly moved from California. The state official confirms that court permission is required to move wards of court."

At the hearing of the Ryan Assassination Subcommittee, State Department Officer Dobrenchuk referred to the State Department cable quoted immediately above and stated:

"I called several people in California and asked them about the procedures for wards of the state being moved abroad. Apparently each county has its own authority with regard to matters relating to wards of the state. [¶] The sum and substance of it was that I was not able to develop any other specific information relating to children in Guyana. The people with whom I spoke, officials of the State Department of Benefit Payments (now Department of Social Services) were not anxious to talk. . . ."

"Mr. Smeeton: Who are the people that were not so anxious to talk? Are we talking about California authorities?"

"Mr. Dobrenchuk: Yes. I don't remember who I talked to. They were people in the welfare apparatus of the State of California?"

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"Mr. Smeeton: And they were not too forthcoming?  
They were very reluctant to talk?

"Mr. Dobrenchuk: Quite reluctant. But I think they became more reluctant as I mentioned People's Temple. My questions were general at first. I was referred from one person to another. I went through about three people as I recall. The first one said he did not know much about these procedures. I asked to be put in touch with someone else, stating that I was calling from the State Department in Washington, D.C. They referred me to a second person, and then the third. In my conversations with them, I was unable to get any concrete indication from them that there was anything wrong or how I might obtain additional information without knowing the names of the individuals involved. They did say practices relating to wards came under the jurisdiction of the county and that they would need the names of the persons and where they came from before they could answer any inquiries. They were not able to provide information without specific names of children."

Interview of State Department Official Stephen A. Dobrenchuk

Mr. Dobrenchuk was interviewed at his office at the State Department, Washington, D.C., on September 24, 1979. In preparation for the interview, Mr. Dobrenchuk was asked to review his notes and files pertaining to People's Temple to see if he could recall names of the California officials with whom he had spoken in September 1977. At the interview, Mr. Dobrenchuk

advised that in his telephone call to Benefit Payments' officials he first asked if California wards could be legally taken to Guyana without permission of the courts and/or state officials. He was advised that court permission was needed. Next he asked if records were available which would disclose the status of the children taken to Guyana. Mr. Dobrenchuk stated he was told that the Department of Benefit Payments had no records, only the counties had the information as the counties are responsible for placement. Mr. Dobrenchuk advised that the persons with whom he spoke became reluctant to talk when he asked them what they knew about People's Temple.

#### Function of Office of Emergency Services

Mr. Dobrenchuk advised that he is the director of the Office of Emergency Services, Overseas Consular Service, and as such he and his office have the responsibility to check on welfare of Americans in foreign countries when so requested. Mr. Dobrenchuk further insisted that neither he nor anyone else in his office was requested by California officials to investigate the welfare of children in Jonestown nor to take any corrective action. However, Mr. Dobrenchuk said that when he made telephone contact with officials in the Department of Benefit Payments, he did not request if the state desired the intervention of the State Department relative to the welfare of the children in Jonestown.

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Ortiz' Purported Attempts to Contact the Attorney General's  
Office for Investigative Assistance

Although Mari Goldman during her interview stated that she did not have investigators available in July 1978 to carry out any further investigation of the Ortiz report, neither she nor anyone else in the Department of Social Services apparently requested investigative assistance of the California Department of Justice or the Attorney General. The California Attorney General's Office was first requested to "investigate the allegations" of the Ortiz report on March 2, 1979, three and a half months after the Jonestown tragedy.

However, when this deputy first interviewed Mr. J. C. Ortiz, on May 8, 1979, Mr. Ortiz mentioned that he had made "three or four phone calls" to the Attorney General's Office, most likely San Francisco; and said that one of these calls had been returned, but when he was on vacation. I asked Mr. Ortiz the name or names of the deputies whom he telephoned. Mr. Ortiz picked up a pocket-sized notebook, thumbed through it quickly, and said he could not find any entries for the calls he had made. I asked Mr. Ortiz to keep searching for the name of the deputy whom he had telephoned. Mr. Ortiz said he attempted to reach an attorney in the Attorney General's Office in order to request the Attorney General's assistance with his investigation.

Since, in my view, the investigative report completed by Mr. Ortiz on June 6, 1978 appeared to omit many of Mr. Ortiz' contacts as well as possible findings, I requested Mr. Ortiz on June 7, 1979, to prepare a supplemental report fully setting out

all his contacts, specifically his informants and federal, state, and local officials from whom he had requested assistance. When contacted initially in this investigation, Ortiz said he made three or four calls to the Attorney General's Office; however, the several calls were expanded to "numerous calls" in the special report. Mr. Ortiz stated that when he telephoned the Attorney General's Office, he left a message that he was an investigator with the Department of Health, and left a phone number requesting a return call. Mr. Ortiz in his special report mentioned the name of Deputy Attorney General W. Eric Collins in connection with an investigation that Deputy Sheriff Janet Kespohl, Mendocino County, was conducting. Mr. Collins was asked whether he recalled receiving any telephone calls from a Department of Health investigator named J. C. Ortiz. Deputy Attorney General Collins stated that he returns all telephone calls and had no recollection of any calls being received from an investigator named Ortiz or anyone from the Department of Health. Mr. Ortiz in the conclusion of his special report on page six states: "I think that most frustrating was the . . . lack of interest shown by the Attorney General's Office. . . ." I continued to press Mr. Ortiz to review his "records" to supply the name of the deputy attorney general whom he purportedly telephoned.

On October 1, 1979, Mr. J. C. Ortiz telephoned and advised that he found a telephone log entry to a Mr. Charles Craft, described by Ortiz as an attorney in the Attorney General's Office whom he had called for assistance. Upon telephoning the ATSS telephone number provided by Ortiz for Mr. Craft (8-670-4070),

a telephone recording announced the number was no longer in service. Referring to the state telephone book, I found a Charles O. Crafts with a state phone number on the ATSS of 670-4421. Telephoning this number, I was able to reach Mr. Charles O. Crafts and he advised that he had had the phone number of 670-4421 for the past seven years and never was reachable at 670-4070. Moreover, Mr. Crafts advised he had never been employed by the Attorney General's Office and has been involved in the past several years with investigating prepaid health plans. Mr. Crafts said he never heard of J. C. Ortiz and never had any investigative contact with People's Temple.

Although Mr. Ortiz may have made telephone calls to the Attorney General's Office to request investigative assistance, prior to the Jonestown tragedy of November 1978, no corroboration has come from Ortiz or any other source. Moreover, Mr. Ortiz conceded he never formally requested the assistance of the Attorney's General's Office in writing, in person, or through his supervisors.

Department of Social Services' Criticism of the Department of Health

During the interview of Mr. Rowley and Mr. Manriquez on October 12, 1979, these officials blamed the condition of the report, and Ortiz' recommendation that the investigation be closed, as the reason for taking no further action on it. In particular, Mr. Rowley said he thought the report was "the shits". He said the report seemed disconnected; there was no flow and little or nothing to indicate a need for serious concern.

Mr. Manriquez agreed adding that he, too, thought the Ortiz report was poor. He said it appeared to him that no investigative activities were conducted after November or December until June 1978. These latter activities appeared to him to consist of telephone queries just sufficient to update the investigation enough to close it.

During an interview on June 28, 1979, Mr. Gary Adams, Deputy Director of the Department of Social Services' Disability Evaluation Division, claimed to have seen the Ortiz report after the November 18, 1978 Jonestown deaths, and his impression then was that the Department of Health was attempting to "pass the buck" to the Department of Benefit Payments. He said he based his opinion on information within the report which, to him, indicated that the Department of Health had knowledge of improprieties occurring in People's Temple for eight months without doing anything about it until just before the breakup of the Department of Health. Mr. Adams complained that the Department of Health saved the troublesome case to dump on the Department of Social Services which formed on July 1, 1978.

#### SUMMING UP STATE ACCOUNTABILITY FOR JONESTOWN

It is well to keep in mind that children in active foster care and wards under guardianship, i.e., those in state-monitored out-of-home placement, did not account for the highest number of dead children. This category is reserved for children who were with their parents, over 200. Although these children were not in state-regulated programs, they were still subject to

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state protective services (see Social Services Manual, Reg. 30-101 et seq., quoted at p. 55.)

As noted above, during the period the children were being taken to Guyana, the People's Temple on Geary Street, San Francisco, functioned as an assembly point for transportation of adults and children to Guyana. Approximately twenty (20) out-of-home placements, including wards under guardianship, were taken to Guyana in 1978. No general alerts were sent to the probate courts warning against placing children with guardians who were members of People's Temple and no specific warnings of possible danger to any of the 22 wards who died at Jonestown were apparently communicated to the probate courts. Had the probate courts, county child protection authorities, and law enforcement authorities been notified, the exodus of children to Guyana via the San Francisco temple facility might have been halted.

As noted above, the American Embassy in Georgetown, Guyana, requested the State Department in Washington to query the State of California as to whether the children in Jonestown were lawfully in the custody of People's Temple. Mr. Stephen A. Dobrenchuk telephoned the Department of Benefit Payments in September 1977, to ascertain if California wards could lawfully be taken to Guyana without permission of California courts or officials. Mr. Dobrenchuk said he was passed on from person to person (Mr. Dobrenchuk could not recall the names of anyone with whom he discussed People's Temple). He was told that court permission was needed to take wards outside the state. Mr. Dobrenchuk was told the children were the responsibility of the



county placement authorities and the Department of Benefit Payments had no records or names of children. Mr. Dobrenchuk said the persons he talked to in the Department of Benefit Payments (merged into the Department of Social Services as of July 1, 1978) became reluctant to talk when he mentioned People's Temple (See pp. 87-90 above).

The "Report on the Assassination of Representative Leo J. Ryan and the Jonestown, Guyana Tragedy", dated May 15, 1979, stated that ". . . the U.S. Embassy in Guyana was never asked by California welfare officials to check on the welfare and whereabouts of California foster children reportedly living in Jonestown . . . ." While it appears no California welfare official did contact the U.S. Embassy in Guyana for assistance, Department of Social Services staff attorney Muriel Evens said she contacted the U.S. State Department in Washington, D.C. July 6-7, 1978, requesting names of children in Jonestown. She was told that the State Department was aware of complaints concerning the People's Temple but, aside from periodic visits to Jonestown, there was nothing the State Department could do (See p. 28, above). Ms. Evens then tried to persuade the Community Care Licensing Division of the Department of Social Services to continue the investigation begun by J. C. Ortiz to learn the names of children in Jonestown and then submit the names to the U.S. Embassy in Guyana with a formal request to monitor the well-being of the children. However, the licensing chief of the Community Care Licensing program declined to order an investigation (see pp. 28-30 above).

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Even if California officials failed to request the American Embassy in Guyana to monitor the well-being of children at Jonestown, the Embassy was aware of the serious allegations in the media that Jim Jones was committing assaults and other improprieties against Temple members. (See p. 86 above). At a recent House of Representatives hearing on the Jonestown tragedy allegations were made that the U.S. State Department failed to warn Representative Leo J. Ryan of the dangerous situation at Jonestown. Under Secretary of State Matthew Nimetz said:

"[Jonestown was] an aberration, an event so horrendous it would have been difficult to anticipate in its full dimension even had there been clear-cut evidence that Jones and his followers were willing to use violent means to carry out their distorted purposes."<sup>4/</sup>

Since the American Embassy in Guyana was already aware of the serious allegations of abuses at Jonestown, it cannot be said, with any reasonable degree of conviction, that the disaster at Jonestown would have been averted had the Department of Social Services requested the Embassy to monitor the well-being of the children at Jonestown. The scale of death and horror at Jonestown on November 18, 1978, would have been almost unimaginable prior to the occurrence.

It should be noted that although Muriel Evens and her supervisor, Mr. Dan Brunner, believed the allegations of abuse

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4. Quoting from an article in the San Francisco Examiner by Tom Eastham entitled "State Dept. Policy Since Guyana 'Just Not Enough'".

to be "serious", neither believed the children were in danger of being killed. No one interviewed during the course of this investigation had foreseen the November 18, 1978, disaster at Jonestown.

Finally, comment must be made on the people who followed Jim Jones to Guyana. Under Secretary Nimetz remarked that "[t]hese [were] Americans who went abroad because they didn't want to be under our laws." While such a volitional choice to emigrate to Guyana would not be valid for the minors taken there, it appears no child was taken to Guyana without the permission of at least one parent or guardian. People's Temple files in the custody and possession of the state appointed receiver disclose forms entitled "Limited Power of Attorney", "Consent to Travel and Visit", and "Release of Liability" for virtually all children thus far identified, or presumed, as having died at Jonestown.

RECOMMENDATION FOR CHANGES IN DEPARTMENT OF SOCIAL SERVICES'  
PRACTICES

1. There was no executive meeting held by the Department of Social Services concerning the Ortiz report and file. Our investigation indicates a threshold question arose of which division within the Department of Social Services had primary responsibility to act, which question was not resolved before the Jonestown deaths. When future reports are received alleging cults or other groups are committing child abuse, the Department of Social Services should hold executive meetings attended by deputy directors of the various divisions and subdivisions to achieve full departmental consideration. The executive meetings

should resolve which program is responsible and make the appropriate person or persons accountable for investigative and, where appropriate, corrective action.

It should be noted that no written memoranda appear in the People's Temple file detailing evaluation of the Ortiz report, findings, recommendations, and corrective actions taken. Future administrative decisions and actions taken regarding reports of child abuse committed by cults and other groups should be placed in writing. Requiring that administrative decisions be placed in writing serves at least two desirable objectives: First, requiring written reports and memoranda will make persons more accountable for their actions or lack of actions. In the case of People's Temple, many persons in responsible positions within the Department of Social Services claimed to have seen the Ortiz report and file, either not until after the Jonestown deaths or not at all. The People's Temple experience teaches that permitting anonymity in administrative decision making fosters avoidance of responsibility and frustration of legislatively mandated child protection objectives. Second, if administrative decisions affecting the well-being of children are not recorded, the Department of Social Services will deprive itself of information and data invaluable for evaluation of its programs and improving the effectiveness of services to children. Providing services to children is the primary reason for the existence of the Department.

2. The Department of Social Services should form a task force to exchange information and coordinate investigations

of child abuse complainst against groups having custody of children. The task force should establish standard operating procedures to take when emergencies arise. One of our investigative findings is that Department of Social Services' personnel did not have a standard procedure to deal with the Ortiz report and media information on People's Temple. The Department should coordinate with other governmental agencies, e.g., FBI, State Attorney General, local law enforcement and welfare agencies, and arrange for these agencies to pass on reports of child abuse and to share information on groups which carry on practices abusive to children. Prevention of child abuse, regardless of the placement status of the child, is a responsibility of the Department of Social Services.

3. Had the Department of Social Services maintained a registry of all the state's foster children in the summer of 1978, this device would have greatly facilitated the task of locating and identifying children suspected to be in peril. Mr. Marion Woods, Director of the Department of Social Services, appearing as a witness before the Assembly Committee in Human Resources' public hearing on "Foster Care for Children," September 18, 1978, stated that the state had a foster care registry which included "information regarding placement status." However, Mr. Woods indicated that the data in the registry was used for a study, rather than as a system to provide placement information on all foster children.

Further, Mr. Phillip J. Manriquez, Deputy Director of the Planning and Review Division, stated in an answer to Senator Cranston that the Department of Social Services has a "Foster

Care Registry System [which] provides characteristics and service data on all foster care clients in California." Mr. Manriquez has conceded that all foster care children have not been included.

A study should begin on the feasibility of establishing a foster care registry to include all foster children and appropriate information on each child indicating names, addresses, and phone numbers of natural parents and guardians, foster parents, and county placement workers involved. This information would facilitate locating foster children and the persons responsible for them when emergencies arise. The feasibility of including wards under guardianship should also be part of the study.

4. The Department of Social Services failed to issue any "all-county" alerts relating to investigating People's Temple activities. The all-county alert procedure should be utilized in the future whenever the Department of Social Services determines it prudent to alert county foster care placement people or probate courts establishing guardianships to abusive practices being carried on by cults or other groups obtaining custody of children. The "all-county" alert procedure may also be utilized for gathering information on cults.

5. A home study is presently discretionary for any non-relative petitioning for guardianship. Probate Court sections 1440 and 1440.1. (See also Social Services Letter No. 76-2.) (§ 1543 of AB 261 [Stats. 197, ch. 726] operative January 1, 1981.) In regard to home study reports prepared by public Department of Social Services' personnel in the counties, the

State Department of Social Services should undertake a program of training the persons assigned to prepare the home studies to include extensive information on the backgrounds of the prospective guardians. Specifically, the welfare personnel should be advised to report membership or association of guardians with cults or other groups which commit child abuses.

6. The personnel in both the Department of Social Services and in county placement should report to the probate courts establishing guardianships any adverse information received concerning the welfare of wards.

#### RECOMMENDED CHANGES IN THE LAW

As discussed above, informants and media sources have reported that the People's Temple abandoned attempts to license members as foster parents and members' homes as foster homes. The Temple switched to guardianships, evidently because it could obtain the same amount of public money for the care of the child (AFDC-BHI) as a foster parent would receive, yet avoid licensing requirements. (Guardians are exempt from community care licensure [Health & Saf. Code § 1505(1)].) As a result of the People's Temple experience, one legislative objective should be to devise procedures for child protective personnel, welfare workers, and the probate courts to efficiently monitor guardianships. The following procedures could be effective and, at the same time, would not be unduly burdensome to the state, county, and guardian alike.

1. Probate Code section 1500.1 (added in 1976, operative July 1, 1977) provided for an initial annual review and

thereafter biennial reviews for both wards and adults under guardianship. Section 1500.1 was amended, effective January 1, 1979, specifically limiting reviews to adults under guardianship. (Stats. 1978, ch. 1315). AB 261 (Stats. 1979, ch. 726), which reorganizes the statutory scheme for guardianship, limiting the term of guardianship to minors, makes no provision for review for guardianships. No annual reports were found in the probate files for any of the 22 minor wards who died in Jonestown. Had probate court investigators conducted reviews, they may have discovered the wards were in peril in Guyana and so advised the courts. Rather than beginning with an annual review and having only biennial reviews thereafter, yearly reviews would be more protective practice. The duties of the probate court investigators concerning visiting and reporting requirements were well defined in section 1500.1.

2. Probate Code sections 1440, 1440.1 provide that if the petitioner for guardianship is a nonrelative, "the local agency designated by the board of supervisors to provide public social services shall file a report with the court with respect to the petitioner of the same character required to be made with regard to an applicant for foster family home licensure." AB 261 (Stats. 1979, ch. 726) continues the home study requirement for nonrelatives (new Probate Code § 1543 (a)), but grants probate courts discretion whether to order a home study when a parent or relative is the petitioner (new Probate Code § 1513). The most prudent approach would be to require home studies on all petitioners.



3. In the case of foster children in licensed facilities for whom AFDC-BHI benefits are paid, county social service staff must visit foster child and parent at least once a month. (Social Service Standard 30-209.16). A study should be made to determine whether it is feasible to extend monthly visitation by social service workers or probate court investigators to wards under guardianship. The payment of AFDC-BHI requires Social Service Program personnel to develop a services plan and review the plan at six-month intervals (Eligibility Assistance Standards 44-323.116, 44-323.121(d), 44-232.213, and 44-305.131(b)); however, there presently are no such assessments when AFDC-BHI is not involved.



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