

**THE
FRESNO COUNTY**



**GRAND
JURY**

2006-2007 FINAL REPORT

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**THE
FRESNO COUNTY**



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2006-2007 FINAL REPORT

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PRESIDING JUDGE OF THE FRESNO COUNTY SUPERIOR COURT

HON. EDWARD SARKISIAN, JR.
Presiding Judge for 2006

HON. HILARY CHITTICK
Presiding Judge for 2007

Published, October 2007



2006-
2007

"THE PEOPLE'S GOVERNMENT MADE FOR THE
PEOPLE, MADE BY THE PEOPLE, AND
ANSWERABLE TO THE PEOPLE."

DANIEL WEBSTER 1782 - 1852



**HON. EDWARD SARKISIAN JR.
PRESIDING JUDGE 2006**

**HON. HILARY A. CHITTICK
PRESIDING JUDGE 2007**





Fresno County Superior Court

CHAMBERS OF
EDWARD SARKISIAN, JR.
Presiding Judge 2008
HILARY A CHITTICK
Presiding Judge 2007

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At the beginning of the term of the 2006-2007 Grand Jury, the members were advised that membership on a grand jury is a position of honor and great responsibility. It calls for diligence, impartiality, courage, and the exercise of calm and considered judgment. At the outset of their service, they were also advised that the Grand Jury will make an important contribution to local government, and that the judges of the Fresno County Superior Court appreciate and value their service.

This Grand Jury has continued the fine tradition of their predecessors, and their enthusiastic and dedicated work is sincerely appreciated. The leadership and dedication of the foreman, Marian Mosely, must be noted and acknowledged. Several new and innovative procedure were adopted this year, which will enhance the operations of future grand juries in this county. The foreman, along with all members, performed this service with no monetary compensation, except for travel and a per diem allowance.

All citizens residing in Fresno County are invited and welcome to apply for the responsible position of serving as a grand juror and to continue this important function of public service.

Hon. Edward Sarkisian, Jr.
Presiding Judge 2006

Hon. Hilary A. Chittick
Presiding Judge 2007



County of Fresno

GRAND JURY

June 30, 2007

To the Residents of Fresno County:

It is with pleasure that the 2006-2007 Fresno County Grand Jury presents a final report of our investigations as well as the procedures used during our year in service on your behalf. The intention of this report is to summarize our conclusions with regard to important and serious issues facing Fresno County.

The nineteen-members of this panel were sworn in by Presiding Judge Edward Sarkisian, Jr., in July, 2006. His wise counsel and advice was greatly appreciated. On January 1, 2007, Judge Hilary Chittick became the Presiding Judge. Her continued efforts on our behalf were important to our accomplishments. Additional assistance was provided by County Counsel Wesley Merritt and Deputy District Attorney John Savronoch. They provided essential legal oversight of the Grand Jury's activities.

Each member of this year's Grand Jury was conscientious and hard-working. The panel was convened for a total of seventy-one (71) days. Thirty-one (31) civic leaders, agency heads, and department directors were invited to share their perspectives on the strengths as well as the problems in various aspects of public business in Fresno County. Probing questions were asked and additional information requested when appropriate.

Different committees conducted detailed investigations of particular issues, some of which are reported in this volume. They involved interviewing witnesses, inspecting sites, examining published and unpublished documents and drafting reports.

The Grand Jury also participated in eleven (11) tours of the following facilities: Federal Courthouse, Fresno County Main Jail, Pleasant Valley State Prison in Coalinga, Elkhorn Boot Camp, Poverello House, Holy Cross facility for Women, Naomi House, Fresno Rescue Mission, Craycroft Center for Children, Hamilton Yard First Response Dispatch Center and the Pelco Company.

The Jurors spent between sixty (60) and eighty (80) hours each month in service to the Grand Jury— an unprecedented volunteer commitment. Their service was dedicated to providing oversight and transparency to county and city government and making knowledgeable recommendations for the benefit of Fresno county residents.

The officers of this year's Grand Jury, who comprised the Grand Jury Executive Committee, devoted many hours to administrative duties in addition to the activities described in the preceding paragraph. The officers were:

Marian Mosley, Foreman
Gay Berry, Foreman Pro Tem, Secretary
Barbara Schulte, Librarian
Lee Bowers, Sergeant at Arms
Bob Buchanan, Executive Committee Chair

Beginning in September, the Grand Jury was faced with a financial deficit. The entire panel appeared before the Board of Supervisors requesting additional funding. The Board of Supervisors praised the efforts of the Grand Jury and awarded an additional \$12,500.

One serious drawback in the Grand Jury budget is the lack of funding for secretarial services. Correspondence (over 300 letters), typing of report drafts and final copies, agendas, numerous memos, financial reports, creation of folders and binders and the filing of all these documents is a monumental task. This year, we have been most fortunate in that two of our panel members were able and willing to perform these jobs. Gay Berry and Barbara Schulte spent ten to twenty hours per week doing these tasks in addition to their committee duties. It would be unreasonable to expect this type of dedication each year. The Board of Supervisors has been requested to increase the Grand Jury budget by \$20,000 in order to employ a part-time secretary.

Two innovations in the way Grand Jury reports are released were made this year. First as each committee completed a report, which had been approved by the entire panel, county counsel, and the presiding judge, it was then sent to the respondents and immediately released to the public. Our first report was released in December 2006, and the additional reports in the succeeding months. These earlier releases resulted in each report's having a greater public impact.

Secondly, the early releases resulted in early replies by the respondents, thus allowing them to be included in this report. You will find them at the conclusion of each report. Because of this innovation, it is possible for the first time in Fresno County, for interested readers to easily examine both the reports of this Grand Jury's investigations and recommendations with the responses of affected public officials.

The panel has enjoyed compiling this report for you. We hope that it will inspire more people to participate in this useful and exciting activity.

Sincerely,



Marian Mosley, Foreman
2006-2007 Fresno County Grand Jury



GRAND JURY

Name

Signature

Marian Mosley	<i>Marian Mosley</i>
John Tinker	<i>John Tinker</i>
Marvin Smith	<i>Marvin Smith</i>
Judith Allender	<i>Judith A. Allender</i>
Dominic Papagni	<i>Dominic Papagni</i>
Carol Wynne	<i>Carol Wynne</i>
Margaret Puccini	<i>Margaret Puccini</i>
Charles Wadhams	<i>Charles Wadhams</i>
Gay Berry	<i>Gay Berry</i>
Chris Woolf	<i>Chris Woolf</i>
Robert Buchanan	<i>Robert Buchanan</i>
Lee Bowers	<i>Lee Bowers</i>
Douglas Phillips	<i>Douglas J. Phillips</i>
Barbara Schulte	<i>Barbara Schulte</i>
Dave Kimball	<i>Dave Kimball</i>
Marc Scott	<i>Marc E. Scott</i>
Arlene Motz	<i>Arlene Motz</i>
Bill Stewart	<i>Bill Stewart</i>
Margaret McKnight	<i>Margaret A. McKnight</i>

MISSION STATEMENT



The Fresno County Grand Jury serves as the ombudsman for citizens of Fresno County. The primary function of the Grand Jury, and the most important reason for its existence, is the examination of all aspects of county government and special districts assuring honest, efficient government in the best interests of the people.

Their responsibilities include receiving and investigating complaints regarding county government and issuing reports. A Grand Jury Final Report is issued in June of each year.

Grand Jurors generally serve for one year although the law provides for holdovers for a second year to assure a smooth transition.

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THE GRAND JURY PROCESS

- Membership
- Application Information
- Functions

MEMBERSHIP

The 2006-2007 Fresno County Grand Jury

The members of the 2006-2007 Fresno County Grand Jury bring a wealth of experience and education to their office. Who are the members of this Grand Jury?

They come from the public and private sectors. The panel includes members representing education (elementary through university), agriculture, real estate, government, finance, human resources, telecommunications, travel, law, and accounting.

The members have distinguished themselves in their chosen careers before joining the Grand Jury. Grand Jury members have earned a total of sixteen (16) undergraduate degrees and twenty (20) postgraduate degrees [including eight (8) doctorates]. A total of seventeen (17) hold professional licenses and the panel includes five (5) published authors.

The panel includes members who have worked for governments as well as for large and small business organizations. Seven (7) have owned and operated a small business and five (5) have held public office.

Each member of this formidable group volunteered a substantial part of his or her time over the past year to make government more accountable to the people it serves.

Weighing more heavily than the education and accomplishments of this Grand Jury, the most important tool any member brings to this body is his or her life experience and common knowledge. Many of the tasks that the Jury undertakes require reasoned and calm judgment drawing upon each member's experience.

The greatest compliment that this or any Grand Jury can be paid is for others to follow in its footsteps. There are no minimum education requirements. Anyone interested may submit an application in the spring of each year. All prospective jurors are required to submit to a background check and an interview with a sitting Superior Court Judge. Any interested person should contact the Superior Court Jury Services Manager or telephone (559) 488-3467 or email sspears@fresno.courts.ca.gov.

APPLICATION INFORMATION

The Grand Jury serves as the civil watchdog for the County of Fresno. Their responsibilities include investigating complaints regarding county government and issuing reports when necessary.

In the early months of each calendar year, the process begins for selecting a new grand jury. Anyone having an interest in serving on the grand jury may contact the Juror Services Manager and ask to be considered as a prospective grand juror. In addition to self-referrals, names of prospective grand jurors are suggested by the active and retired judicial officers of the Fresno County Superior Court and the current grand jury members.

Questionnaires are mailed to all prospective grand jurors after the nominations are received. All prospective grand jurors are required to have a background check. A date and time is arranged to go to the Sheriff's office to submit an electronic print. Since all prospective grand jurors must be officially nominated by a sitting Superior Court Judge, prospective grand jurors may be scheduled to come in for an interview. The Judges will consider all prospective grand juror nominees; however, only thirty (30) nominations will be made. Those nominated for service will be invited to attend an empanelment and swearing-in ceremony, usually held in mid-June. Names are drawn at random to complete the nineteen (19) member grand jury. Generally, we have two or three holdovers from the previous grand jury to help make a smooth transition.

Shortly after the swearing-in ceremony, an orientation is held for the new grand jury members. This one-day orientation runs from 8:00 a.m. to 4:00 p.m. The new grand jury members will be informed of the exact date and time prior to the empanelment proceedings.

Grand jurors spend approximately forty (40) hours per month attending meetings, working on reports and conducting investigations. Grand juror members work additional hours but most often these hours are performed at their homes at their convenience. Generally the grand jury meets the first and third Tuesday, Wednesday and Thursday of each month. The Grand Jury Foreman may schedule additional meetings as needed or reschedule some of the meetings to avoid conflicts with holidays or member schedules/preferences. Although members are encouraged to attend all meetings, flexibility is allowed for vacations and other purposes. The service period begins July 1 and ends the following June 30.

Grand juror members will be asked to sign-up for the committees that they wish to serve on. Those committees include Health and Social Services; Law Enforcement and Criminal Complaints; Education, Library and Youth; Cities in Fresno County; Fresno County; Transportation and Editing/Publishing. Most members serve on at least two committees. The Foreman is responsible for assigning members to committees.

For additional information, contact the Juror Services Manager at the Fresno County Courthouse, 1100 Van Ness Avenue, Room 102, Fresno, CA 93724-0002 or call (559) 488-3467.

FUNCTIONS

History: In 1635, the Massachusetts Bay Colony impaneled the first Grand Jury to consider cases of murder, robbery, and wife beating. By the end of the colonial period, the Grand Jury had become an indispensable adjunct to the government. The Fifth Amendment to the United States Constitution and the California State Constitution call for the establishment of grand juries.

In 1880, statutes were passed which empowered Grand Juries in California to investigate a variety of aspects of county government in addition to misconduct of public officials. Only California and Nevada mandate that civil Grand Juries be impaneled annually to function as watchdogs over county government.

Functions: The Civil Grand Jury is a part of the judicial branch of government—an arm of the court. As an arm of the Superior Court, the Fresno County Grand Jury is impaneled every year to conduct civil investigations of county and city government and to hear evidence to decide whether to return an indictment against a public official. The Civil Grand Jury in its role as civil watchdog for the County of Fresno has two distinct functions:

- ❖ Investigate allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office for nonfeasance, misfeasance, or malfeasance.
- ❖ Civil investigations and reporting—the watchdog function. This is the primary duty of a Civil Grand Jury. In addition to mandated state requirements that the Grand Jury respond to residents' complaints, investigate the conditions of local prisons, and respond to prisoners' complaints, the Jury may select additional areas to study. The findings and recommendations of the Jury are to be published in a report at the end of each year.

Civil Watchdog Functions: Considerable time and energy is put into the primary function of the Civil Grand Jury. The Grand Jury acts in the public's interest by investigating and reporting upon the operation, management, and fiscal affairs of local government in the county (California Penal Code § 919, 925 et seq.). The Civil Grand Jury may examine all aspects of county and city government, agencies, and districts to ensure that the best interests of the citizens of Fresno County are being served. The Civil Grand Jury may review and evaluate procedures, methods, and systems used by county and city governments to determine whether more efficient and economical programs may be used. The Civil Grand Jury is also mandated to inspect any state prisons, jails or other detention facility located within the county.

Citizen Complaints: The Civil Grand Jury receives many letters from citizens alleging misconduct by officials or concerns about government inefficiencies. Letters are also received from prisoners in the county about conditions within the prisons and jails.

Complaints are acknowledged and investigated for their validity. The identities of the complainants are kept confidential.

The Grand Jury system as part of our judicial system is an excellent example of our democracy in which individuals can volunteer for civil service on behalf of their community. The Grand Jury is an independent body. Judges of the Superior Court, the district attorney, the county counsel, and the state attorney general may act as advisors but cannot attend jury deliberations nor control the actions of the civil grand jury (California Penal Code § 934, 939).

STANDING COMMITTEES

- Budget
- Civil Complaints
- Complaint Process
- Detention Facilities
- Prisoner Complaints
- Response

BUDGET COMMITTEE

Members: Margaret Puccini, Chairman
Douglas Phillips
Barbara Schulte

The Budget Committee is an Administrative Committee and as such is limited in scope. The primary function of this committee is to monitor the funds in Department Budget 2870 to ensure that expenditures are within line-item limits. Further, all expenditures must be approved by the Grand Jury Foreman.

After the first quarter, it was determined that additional funds would be required to meet the costs anticipated by the 2006-07 Grand Jury. In October, a request for additional funding was taken before the Board of Supervisors and an additional sum (\$12,500) was added to the Grand Jury budget.

It should be noted that there is currently insufficient funding in the Grand Jury budget to support the costs of secretarial help. While this Grand Jury has been blessed with members who have taken up these chores and who have the skills which are necessary, there is no assurance that future Grand Juries will have willing members who have these special skills. We believe that a secretarial position should be funded for all Grand Juries in the future.

A further concern of this Grand Jury is the need for a new copier. The one presently in use by the Grand Jury is limited in its capacity. The Grand Jury needs a copier that can do two-sided copies and clean copies; a copier that does not require the frequent attention of a Xerox technician to keep it running. This is a matter that must be addressed in the 2007-2008 fiscal year budget.

The budget for fiscal year 2006-07 is within the scope of funding approved by the Board of Supervisors. The Grand Jury has been fiscally responsible during this term.

Margaret Puccini, Chairman

CIVIL COMPLAINTS COMMITTEE

Committee Members: Barbara Schulte, Chairman
 Marvin Smith
 Christopher Woolf

The 2006-2007 Fresno County Civil Grand Jury spent numerous hours responding to complaints generated by members of the community involving a broad range of issues. A total of 65 complaints were received this year from individuals. One complaint was carried over from the 2005-2006 Grand Jury, with the current panel reviewing the issues involved and voting to continue the investigation.

Upon receipt of each complaint, an initial review was conducted by the entire panel to determine whether the matter was one which fell under the purview of the jury. If determined not to be under the jurisdiction of the Grand Jury, a letter was sent to the complainant indicating that no action would be taken. There were 5 complaints that fell under this category. If the complaint was determined to be related to an agency under the Grand Jury's scope of responsibility, the complaint was assigned to a subcommittee for a preliminary investigation. After a thorough study of the matter, the subcommittee presented its findings to the entire panel so that a determination could be made to continue or close the complaint. As a result, 20 complaints were closed after the preliminary investigation. The remaining complaints were found to have no merit.

All investigations of complaints involve a combination of investigative techniques, including (but not limited to) interviews of the complainant and others with knowledge about the matter, review of pertinent documents, research and summarization of the findings.

Barbara Schulte, Chairman

COMPLAINT PROCEDURE

It is the right of Fresno County residents to bring attention of the Civil Grand Jury matters involving public agencies which may concern them.

Although the Civil Grand Jury has limited statutory ability to provide solutions, all Fresno County residents are encouraged to communicate their grievances to the Grand Jury for its consideration. All complaints received by the Grand Jury are confidential, but they must be signed by the complainant or they will not be acted upon.

A complaint form can be obtained in the following ways:

1. Telephone the Superior Court at (559) 488-3467 and request a citizen complaint form.
2. Grand Jury website (www.fresnosuperiorcourt.org).
 - a. Click on jury.
 - b. Click on Grand Jury
 - c. Click on complaint form.
 - d. Double click on complaint form and print.

Sample Complaint Form page follows--

DETENTION FACILITIES COMMITTEE

Members: Margaret McKnight, Chairman
Carol Wynne
Barbara Schulte

California Penal Code § 909(b) requires a Civil Grand Jury to “inquire into the condition and management of the public prisons within the county.” The 2006-2007 Fresno County Grand Jury toured Pleasant Valley State Prison in Coalinga. The panel’s concerns regarding the state of health care services provided to the inmates are presented at some length in the Final Report entitled “Health Care at Pleasant Valley State Prison.”

The Grand Jury also toured the main branch of the Fresno County Jail, the new Juvenile Justice Center, and the Elkhorn Correctional Facility. The panel was impressed by the programs and military-type discipline provided to juvenile offenders at Elkhorn. Unsafe conditions in a barracks bathroom were observed, however, and were reported by the panel to the Fresno County Administrative Officer, Bart Bohn. The required repairs were made shortly thereafter.

A Grand Jury committee reviewed the on-site evaluations made by the Fresno County Department of Community Health for 2006 of 22 detention facilities located throughout Fresno County. The evaluations noted deficiencies in a facility’s compliance with Titles 15 and 24 of the California Code of Regulations. The Grand Jury contacted each facility administrator by mail, requesting a response as to efforts made to meet the standards set forth in the evaluations.

Margaret McKnight, Chairman

PRISONER COMPLAINT COMMITTEE

Committee: David Kimball, Chairman
Margaret McKnight
Carol Wynne

The purpose of the Prisoner Complaint Committee is to receive, consider, and resolve all complaints received from inmates at a Fresno County Jail facility, a California State Correctional institution located within the borders of Fresno County (Pleasant Valley State Prison in Coalinga), and from patients at Coalinga State Hospital.

During the 2006-2007 Grand Jury year, 14 prisoner complaints were received and considered. Of these, 8 were initiated by inmates at Pleasant Valley State Prison, and 6 were initiated by patients at Coalinga State Hospital. Responses were prepared for all 14 complaints, and the Grand Jury files for all complaints were closed prior to June, 2007. No complaints were received from inmates from within the Fresno County Jail system.

The Fresno County Grand Jury is required by law to consider all complaints received, but only after all internal administrative remedies have been exhausted within the institution. Therefore, when considering these complaints, close coordination was made with upper management personnel of the institutions involved to determine what administrative appeals, if any, had been made by the complainant, and the status of those appeals. An acknowledgment letter was sent to each complainant shortly after receiving the complaint. After that, the merits of the complaint were considered and acted upon.

The process of receiving and controlling each complaint, preparing an acknowledgment letter to each complainant, considering the merits of each complaint, coordinating with institutional authorities as to internal appeals, if any, also being considered, and preparing an appropriate response to each complaint, involved the expenditure of approximately 60 hours of committee time during the year, virtually all of which was spent outside of regular Grand Jury meeting times.

David Kimball, Chairman

RESPONSE COMMITTEE

Members: Lee Bowers, Chairman
Gay Berry
Robert Buchanan
Dominic Papagni

Responses to Findings and Recommendations of Civil Grand Jury Final Reports are required by California Penal Code §933 and §933.05.

The Response Committee of 2006-2007 Grand Jury had two functions this year. First, to gather and compile the responses to the 2005-2006 Final Report. Delinquent respondents were contacted and reminded. Assessing the adequacies of the responses was difficult because the members of this year's jury were unfamiliar with the underlying investigations of last year's Grand Jury, devoting over one-hundred (100) hours in their efforts. The responses received were assembled and sent to Presiding Judge Hilary Chittick. They will be filed by the County Clerk and put on the internet for public review.

The second function involved the receipt, compilation and review of the responses to the 2006-2007 Grand Jury individual final reports. This function was shared with the committee members responsible for each individual final report. New to this year's Grand Jury proceeding was the early release of the reports which allowed time for the return and meaningful evaluation of the responses. This early release followed by the timely return of responses allows the jury to conduct, if necessary, additional interviews with the responding individual(s) and clarify any disagreements and/or misunderstandings.

A new reporting code system was developed to allow instant pairing of responses to individual reports. The responses are included at the end of each report. This allows the reader to evaluate the responses in context with the report. Responses not received are noted.

The 2006-2007 Grand Jury recommends that future Grand Juries follow similar report schedules and to make reports and responses available on the internet as soon as possible. Paper copies are available at the Superior Court Jury Services Office as well as at the County Clerk's Office. A paper copy of the report is also available at each branch of the Fresno County Library.

Lee Bowers, Chairman

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FRESNO COUNTY GRAND JURY

2006-2007

Final Reports and Responses

- Saving Future Generations—Fresno County Gang Activity
- A Police Auditor—Assuring Transparency
- Fresno County Coroner, Public Administrator/
Public Guardian
- Children or Adults: A Choice to be Made
- Health Care at Pleasant Valley State Prison

REPORT #1

SAVING FUTURE GENERATIONS — FRESNO COUNTY GANG ACTIVITY

Saving Future Generations—Fresno County Gang Activity

Committee: Bill Stewart, Chairman
Lee Bowers
Barbara Schulte
Charlie Wadhams

During the first meeting of the year at which members expressed their community concerns, a consensus formed quickly that street gangs and illegal drugs (manufactured, sold, and used) were at the top of the list. Because they are largely intertwined, because of the enormity of the problem, and because drugs constitute an economic activity for gang survival, a decision was made to make two studies. This study confines itself to gangs. The numbers involved are large and the damage done to the individuals, families, and institutions is enormous.

The investigation required each committee member to spend nearly forty (40) hours interviewing representatives of law enforcement, probation, schools, religious institutions, and other community non-profit organizations who work directly with gang members, families, and victims. The committee also did extensive documentary research to identify successful programs that could be adapted to use in Fresno.

The committee spent several hundred hours discussing sources, collating materials, and drafting the final report. The report contains recommendations for action to reduce gang activity in Fresno.

A copy of the report and all of the responses follow.

Bill Stewart, Chairman

FILED

DEC 20 2006

FRESNO COUNTY SUPERIOR COURT

By _____ DEPUTY

2006-2007

FRESNO COUNTY GRAND JURY



FINAL REPORT

#1

SAVING FUTURE GENERATIONS FRESNO COUNTY GANG ACTIVITY

INTRODUCTION

*"The chief problem in any community cursed with crime is not the punishment of the criminals, but the preventing of the young from being trained to crime."
W.E.B. Dubois,(1903) THE SOULS OF BLACK FOLK*

Gang activity has reached epidemic proportions in Fresno County. An immediate, county-wide coordinated attack is imperative in order to stem this curse that affects everyone in our county.

SCOPE OF THE PROBLEM

Violent street gangs now affect public safety, community image and quality of life in communities of all sizes in urban, suburban and rural areas. Gangs impact society at all levels, causing heightened fears for safety, violence and economic costs. (2005 *National Gang Threat Assessment, National Alliance of Gang Investigators Association*).

In Fresno County, according to our Police and Sheriff's departments, we have extensive gang activity throughout the county.

For the purpose of this report, we define a gang as a group of three or more individuals who engage in criminal activity and identify themselves with a common name or sign.

The U. S. Department of Justice National Youth Gang Survey (2004), estimated there are approximately 760,000 gang members and 24,000 active gangs nationwide. As of June 1, 2006, our Sheriff's Department reported 12,000 documented gang members in Fresno County.

The Multi-Agency Gang Enforcement Consortium (MAGEC) believes that a total of 24,000 would include members of gangs that have not been identified.

Comparing these statistics indicates that approximately 1 ½ % of the nation's gang members reside in Fresno County, five (5) times the national average per capita.

Tragically, we are losing the battle with gangs. The Sheriff's Department reports an increase of 33% in gang membership from 2001 to 2006. We have over 209 active criminal gangs in the county, 1,700 gang members on probation and 1,300 gang members on parole.

Gang membership can severely damage a child's future. Gang recruitment and involvement can begin as early as elementary school according to law enforcement officials and school administrators. It is not uncommon that students as young as eight

(8) years old are at risk. Normally, gang members socialize with other gang members, thus reinforcing their limited view of life. This tradition leads to generational gangs.

Many young students move on from this stage to signs of serious gang involvement including criminal street gang acts. A few of these more serious signs would be gang graffiti on books or clothing, gang uniforms or gang colors, hand signals to communicate with other gang members and gang tattoos. This is a short list.

Fathers are teaching sons how to be effective criminal gang members. We now have three (3) generations of gang members in some families. There is a vicious gang cycle that starts first with the juvenile court system, then into probation, then into the prison system and out on parole, then back into prison for a longer period of time. Eventually, they face long-term incarceration or death from gang activities or drugs, all at a terrible economic cost and loss of human potential.

During 2005 more than 3,500 gang members were booked into the Fresno County Jail for crimes including identify theft, domestic violence, sex crimes, drugs and homicide. On one given day in October 2006, out of a census of 3,510 inmates, 1,485 were identified gang members. At a cost of \$50 to \$70 per day per inmate this represents a tremendous economic impact on our taxpayers.

The new Juvenile Justice Center reports a large percentage of their population is either gang members or wanna-be gang members who declare gang affiliation upon entry for personal protection.

Obviously, a decrease in gang activity will reduce the staggering costs in economic loss and human suffering.

A successful prevention program will enable our youth to develop their potential, become law-abiding citizens, parents and taxpayers.

ADDRESSING THE PROBLEM

A multi-faceted approach to decreasing gang membership is imperative and would include techniques involving: PREVENTION, INTERVENTION, SUPPRESSION, TREATMENT OPTIONS, INCARCERATION and RE-ENTRY.

The Grand Jury has decided to focus its attention on PREVENTION and INTERVENTION.

While suppression and incarceration funding is most important, we must also allocate additional funding for prevention and intervention if we are to break the cycle of increased gang membership. Law enforcement is addressing the problems of incarceration for serious, violent and chronic offenders. Sufficient funding for prevention and intervention is woefully lacking. This in spite of the fact that prevention would save millions of dollars and enhance the health of the community.

According to a study by Kathryn E. McCollister, Ph.D. University of Miami (Florida), titled "*The Cost of Crime to Society: New Crime-Specific Estimates for Policy and Program Evaluation*," murder by a gang member costs \$1,139,922 in tangible costs (victim cost, mental health care costs, criminal justice system costs and productivity costs) plus many times that figure in intangible costs.

Gang prevention efforts are critical to reducing gang membership. After a review of the literature and talking to experts in the field, we have concluded we should be primarily school-based and focus our efforts on grades four (4) through eight (8). We determined that while prevention efforts in secondary schools are possible, it is more difficult; with limited resources, grades four (4) through eight (8) would provide a greater chance of success. Schools in neighborhoods where there is significant gang activity should be targeted first as resources become available.

Participation by school districts is critical for success in prevention. All neighborhoods having significant gang activity are served by both schools and churches. Gangs, by their nature are territorial, thus prevention needs to be based in schools along with outreach efforts from the local churches.

All school districts should have a senior-level administrator coordinating their gang prevention effort and to represent the district on county and city-wide coordination councils. A unified and comprehensive effort would include many community entities: schools, law enforcement, federal, state and local governmental agencies and officials along with community-based organizations such as service organizations, churches, faith-based and non-profit organizations, private businesses and any group that could have an impact in preventing gangs. ALL CITIZENS SHOULD BE INVOLVED IN SOLVING THIS PROBLEM.

Law enforcement must work hand in hand with the schools providing a link to the community, sharing information, security and community policing in the neighborhood. Getting students to and from school safely and through rival gang neighborhoods is a major problem.

There must be effective parenting skills included if we are to be successful at gang prevention. Home visits by school officials paint a depressing picture of poverty, single parents, drug addiction, unemployment or underemployment, fathers in prison or on parole, among other factors. The schools must reach out along with neighborhood police and the Fresno County Social Services Department to homes with children at a high risk of becoming gang members.

CURRENT PROGRAMS

There are several outstanding gang prevention programs in operation. Their successes should be copied, augmented and incorporated into a cohesive and comprehensive program.

Tehipite Middle School, Fresno Unified, located in a neighborhood that is overrun with gangs and criminal activity, is a fine example. Their Principal provides outstanding leadership for his entire staff including classified personnel. They are able to identify potential gang members and have several programs and strategies to help students resist joining gangs.

One very effective program at Tehipite is the Students Targeted with Opportunities for Prevention (STOP) program sponsored by the Fresno County Probation Department. These students face many risk factors including poverty, parental unemployment and single parent families. Nine percent of the students are homeless and there are fifty-nine (59) known sex offenders living in the surrounding neighborhoods. They live with violence, prostitution, evictions, transportation problems, drugs and violent rival neighborhood gangs.

In spite of these horrendous surroundings, the STOP program is successful and working with many partners like Alliant University and California State University, Fresno. They provide security and transportation and strong after-school programs and most importantly, hope for the students that they can overcome their environment.

After-school programs are critical in these at risk neighborhoods. At Tehipite, the Sunrise Rotary Club funds an outstanding girl's softball team, which is a source of pride for the whole school. Fresno Rotary funds many programs at Jefferson Elementary School and North Fresno Rotary funds a boy's soccer program at Lowell Elementary School which has expanded to other inner-city schools.

The recent Mayor's Gang Prevention Initiative is providing funds for both prevention and intervention efforts. The County Board of Supervisors will soon be considering a County Gang Prevention Initiative. Their goal is "Intervention immediately and effectively when delinquent behavior first occurs; to prevent delinquent offenders from becoming chronic offenders or from progressively committing more serious and violent crimes." They propose a list of graduated sanctions that call for increasing juvenile justice programs and response options for delinquents.

Another effective intervention program is Hope Now for Youth. It provides opportunities and support for young men, ages 16-24, who want to break their ties with gangs by changing their lives and becoming productive, responsible and law-abiding citizens. Since 1993, Hope Now for Youth has placed 1,350 former gang members in jobs with over 300 Fresno and Sanger businesses. It has an 85% success rate and only an 8% recidivism rate.

Shining Light Ministries Worldwide is an inner-city program in Del Rey. The Director is a former gang member from Los Angeles who was addicted to heroin, incarcerated and turned himself around through this faith-based program.

He now runs a group home for ten men who are former gang members and/or drug addicts. After six months in this program, they return to their communities. The program includes community service in the Del Rey area. They run an outreach center, distribute food from the Food Bank and do some supervised mentoring work with at-risk youth. Together with the Del Rey Boys and Girls Club, they are making a difference in their community to reduce gang membership and activity.

Since 2003, the District Attorney's Office has obtained three gang injunctions that impose narrowly tailored restrictions on gang members and is designed to eliminate a public nuisance under California Civil Code §3479. The process is arduous, labor intensive, collaborative and requires one year for completion. A survey has shown that in the safety zones created by these injunctions, gang activity has dropped dramatically.

The District Attorney's Office has a Truancy Intervention Program (TIP) in effect with Fresno Unified School District and five other school districts. Students with chronic truancy problems are targeted and the parents sent an official letter notifying them of their responsibilities and legal obligations for their child's school attendance. If they fail to take corrective action, punitive action can be pursued. Since truancy is one of the major signs for future gang membership, this program assists prevention efforts.

FIVE-YEAR PLAN

There are many faith-based and non-profit organizations providing intervention programs. Many of these outstanding programs are isolated, and there is no current mechanism to coordinate efforts or expand best practices. The County of Fresno gang initiative proposal advocates the establishment of a new position "Gang and Juvenile Delinquency Initiative Coordinator." This is a sound recommendation with the caveat that the position be senior enough to have the authority necessary to bring about change. This position could play a major role in the development of a five-year plan.

A countywide gang summit should be convened by the Mayor, the City Council, the Board of Supervisors, our State Representatives and Senators, our Congressmen and the Superintendent of the County Schools to develop a countywide coordination system and establish a five-year strategic plan.

A strong accountability model needs to be developed as part of this plan. A gang database established for the county already exists. Gang members can be traced to specific neighborhoods. The schools can identify gang members and those students with the greatest propensity to join gangs. An increase or decrease in gang activities can be quantified. Criminal gang activity can be tracked. There are statistics regarding the number of gang members in jail, on probation or on parole.

We need to invest more of our money in prevention and intervention than the overwhelming amount currently being spent on incarceration. If the community is asked to fund a concentrated effort to curtail gang activity and membership, we must be able to measure the outcome in both human and economic terms.

Because of the magnitude of the problem and the sheer numbers involved, a clear vision of the goals is necessary. A strategy to achieve these goals and how to fund them is vital. Evaluation and accountability standards must be established. There should be clear benchmarks established with timelines and appropriate responsibility assigned.

FUNDING

Prevention of crime is always less costly. The Hope Now for Youth spends \$5,000 to put a gang member through their program. Keeping a gang member in prison costs over \$50,000 per year. The most difficult problem with prevention and intervention is obtaining necessary funds to implement it.

Most agencies have existing budgets, and they must be encouraged to set aside funds for prevention and intervention programs. The suggested five-year plan must become a priority to fund. City and County governments, Police and Sheriff's departments, Probation and Parole departments, Fresno County Social Services and the District Attorney's Office, as well as school districts should incorporate budgeting plans for prevention and intervention

Private business firms currently fund many faith-based and non-profit organizations. They should be encouraged to adopt a five-year funding commitment. They are also key to job development which is critical as an intervention strategy. Developing business-education partnerships is also important.

Service clubs should be asked to continue their support and to commit a greater share of their community service budgets to funding after-school programs and activities at targeted schools.

There are a variety of grants available for these programs and all major agencies should make it a priority to actively pursue them. Another possibility is a large private foundation to fund the proposed five-year strategic plan development and provide seed money.

We should request our state legislators to get a Fresno County Gang Prevention and Intervention Initiative Pilot Project.

We should request our representatives do the same at the federal level.

There are existing resources that can be redirected to help solve this problem. A shared vision and commitment is essential to implement a complete program that prevents "our young from being trained in crime." (Ibid.,pg1)

FINDINGS

1. Gang activity is rampant in Fresno County.
2. Gang membership increased 33% from 2001 to 2006.
3. Gang membership in Fresno County is five (5) times the national average per capita.
4. During 2005, more than 3,500 gang members were booked into the Fresno County Jail.
5. Incarceration costs \$50 to \$70 per day per inmate in the Fresno County Jail.
6. On a given day in October 2006, out of a census of 3,510 inmates, 1,485 were identified as gang members in the Fresno County Jail. The cost for the gang members was in excess of \$74,250 for that day.
7. A decrease in gang activity would result in a reduction in economic costs and human suffering.
8. A multi-faceted approach to the gang problem includes prevention, intervention, suppression, treatment options, incarceration and re-entry.
9. Sufficient funding for prevention and intervention of gangs is woefully lacking.
10. Effective prevention must be school-based commencing in grades four (4) through eight (8).
11. Some school district's do not have senior-level administrators to coordinate the gang prevention programs.
12. There are several outstanding gang prevention and intervention programs in operation which should be augmented, expanded and coordinated into a comprehensive plan.
13. The District Attorney's gang injunctions are in place and effective.
14. The District Attorney's TIP program has been found to be effective.
15. There is insufficient coordination between City and County agencies.
16. At present there is no comprehensive plan to address the gang problem.
17. Clear goals, accountability and sufficient funding are lacking for prevention and intervention programs.
18. There is little community involvement in current planning.
19. Agencies that impact gang problems do not include monies in their budgets for prevention and intervention.
20. Private foundation funding is available for the development of a countywide strategic plan..
21. Time is of the essence. A delay in addressing this problem increases the daily cost of gang activities.

RECOMMENDATIONS

100. Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.
101. All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.
102. A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan
103. Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.
104. A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.
105. City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.
106. City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.
107. All agencies to actively seek grants to fund gang initiatives countywide from both private and public sources.
108. The District Attorney's Office should continue to pursue civil injunctions against gangs in Fresno County.
109. The Truancy Intervention Program (TIP) should be continued and expanded.

REQUEST FOR RESPONSES

Pursuant to Penal Code § 933.05, the Grand Jury requests that you respond to each specific recommendation as outlined in the attached letter of instruction.

RESPONDENTS

A. Fresno County Board of Supervisors:

- B. Fresno Mayor's Office:
- C. Fresno City Council:
- D. Fresno Police Department:
- E. Fresno County Sheriff's Department:
- F. Fresno-Madera Police Chief's Association coordinated through Reedley Police Chief, Doug Johnson:
- G. Fresno County Superintendent of Schools – coordinate all county schools responses other than Fresno, Clovis and Central Districts.
- H. Clovis Unified School District, Central Unified School District and Fresno Unified School District
- I. Fresno County District Attorney's Office
- J. Fresno County Department of Social Services
- K. Fresno County Probation Department

Respondents A,B,C, D, E, F, J and K shall respond to: 100, 101, 102, 103, 104, 105, and 106.

Respondents G and H shall respond to: 100, 101, 102, 103, 104, 105, 106, 107 and 109.

Respondent I shall respond to: 100, 101, 102, 106, 107, 108 and 109.

Please be reminded that the responses from elected officials are due within 60 days at the release of this report and 90 days for others.

APPENDIX A

PROCEDURES EMPLOYED

The Gang Committee:

1. Attended the U.S. Attorney's Gang Initiative Summit on November 29, 2006
2. Interviewed the following:

- a. Current and former Fresno County officials
- b. Fresno Unified School District Principal
- c. Probation Officer involved in the STOP Program
- d. Office of the Fresno County District Attorney's Office
- e. Fresno Police Department
- f. Fresno County Sheriff's Department
- g. Clovis Police Department
- h. Reedley Police Department
- i. Members of faith-based organizations
- j. Members of non-profit organizations
- k. Members of the Mayor's Task Force Initiative

3. Toured Tehipite Middle School

4. Researched and obtained statistics from:

- a. Newspaper articles
- b. Internet
- c. Mayor's Gang Prevention Initiative Document
- d. Proposed Fresno County Comprehensive Gang & Juvenile Delinquency Initiative

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RESPONSES

- A. Fresno County Board of Supervisors
R100 through R106
- B. Fresno Mayor's Office
R100 through R106
- C. Fresno City Council
R100 through R106
- D. Fresno Police Department
R100 through R106
Included with the City Council Response
- E. Fresno County Sheriff's Department
R100 through R106
- F. Fresno-Madera Police Chief's Association
[Coordinated through Reedley Police Chief, Doug Johnson]
R100 through R106
- G. Fresno County Superintendent of Schools
[Coordinate all county schools responses other than Fresno,
Clovis and Central Districts.]
- FCOE – Larry Powell
 - Alvina Elementary Charter School District
 - Clay Joint Elementary School District
 - Coalinga-Huron Unified School District
 - Firebaugh-Las Deltas Unified School District
 - Fowler Unified School District
 - Kerman Unified School District
 - Kingsburg Joint Union High School District
 - Kings Canyon Unified School District

- Laton Unified School District
- Mendota Unified School District
- Monroe Elementary School
- Orange Center School District
- Parlier Unified School District
- Pine Ridge School
- Riverdale Joint Unified School District
- Selma Unified School District
- Sierra Unified School District
- Washington Colony School District
- Washington Union High School District
- West Park Elementary

Each entity under G responds to:
R100 through R107 and R109

H. Clovis Unified School District, Central Unified School District
and Fresno Unified School District

Each entity listed in H responds to:
R100 through R107 and R109

I. Fresno County District Attorney's Office
R100, R101, R102, R106, R107, R108, R109

J. Fresno County Department of Social Services
R100 through R106

K. Fresno County Probation Department
R100 through R106

County of Fresno
Board of Supervisors
RESPONSE TO THE
2006-07
FRESNO COUNTY GRAND JURY
FINAL REPORT #1



SAVING FUTURE GENERATIONS
FRESNO COUNTY GANG ACTIVITY

Please find below the Fresno County Board of Supervisor's response to the 2006-07 Grand Jury Final Report #1.

Findings

- F1: Gang activity is rampant in Fresno County.**
- F2: Gang membership increased 33% from 2001 to 2006.**
- F3: Gang membership in Fresno County is five (5) times the national average per capita.**
- F4: During 2005, more than 3,500 gang members were booked into the Fresno County Jail.**
- F5: Incarceration costs \$50 to \$70 per day per inmate in the Fresno County Jail.**
- F6: On a given day in October 2006, out of a census of 3,510 inmates, 1,485 were identified as gang members in the Fresno County Jail. The cost for the gang members was in excess of \$74,250.**
- F7: A decrease in gang activity would result in a reduction in economic costs and human suffering.**
- F8: A multi-faceted approach to the gang problem includes prevention.**
- F9: Sufficient funding for prevention and intervention of gangs is woefully lacking.**
- F10: Effective prevention must be school-based commencing in grades four (4) through eight (8).**
- F11: Some school district's do not have senior-level administrators to coordinate the gang prevention programs.**
- F12: There are several outstanding gang prevention and intervention programs in operation which should be augmented, expanded and coordinated into a comprehensive plan.**
- F13: The District Attorney's gang injunctions are in place and effective.**
- F14: The District Attorney's TIP program has been found to be effective.**
- F15: There is insufficient coordination between City and County agencies.**
- F16: At present there is no comprehensive plan to address the gang problem.**
- F17: Clear goals, accountability and sufficient funding are lacking for prevention and intervention programs.**
- F18: There is little community involvement in current planning.**
- F19: Agencies that impact gang problems do not include monies in their budgets for prevention and intervention.**
- F20: Private foundation funding is available for the development of a countywide strategic plan.**
- F21: Time is of the essence. A delay in addressing this problem increases the daily cost of gang activities.**

The Fresno County Board of Supervisors agrees with Findings 1 – 21, which is why the Board created a County of Fresno Gang and Juvenile Delinquency Initiative on December 5, 2006. This Initiative includes a Countywide Gang Task Force Director position and a Steering Committee comprised of representatives from County agencies, city governments, local law enforcement, local businesses, education, health and social service organizations, and community and faith-based groups.

Recommendations

- A100: Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.**

Recommendation requires further analysis. The Board has demonstrated their support for the reduction of gang activity in Fresno County with the adoption of a County of Fresno Gang and Juvenile Delinquency Initiative and by providing funding for a County Gang Task Force Coordinator. The appropriate next steps will be developed once the County Gang Task Force Coordinator has been hired.

- A101: All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.**

Recommendation has been implemented. On December 5, 2006, the Board created a County of Fresno Gang and Juvenile Delinquency Initiative which will have a Steering Committee composed of representatives from County agencies, city governments, local law enforcement, local businesses, education, health and social service organizations, and community and faith-based groups. This Committee will be coordinated and chaired by a Gang Task Force Coordinator who will report directly to the County Administrative Officer.

- A102: A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.**

Recommendation requires further analysis. The Board has demonstrated their support for the reduction of gang activity in Fresno County with the adoption of a County of Fresno Gang and Juvenile Delinquency Initiative and by providing funding for a County Gang Task Force Coordinator. The appropriate next steps will be developed once the County Gang Task Force Coordinator has been hired.

- A103: Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.**

Recommendation requires further analysis. The Board has demonstrated their support for the reduction of gang activity in Fresno County with the adoption of a County of Fresno Gang and Juvenile Delinquency Initiative and by providing funding for a County Gang Task Force Coordinator. The appropriate next steps will be developed once the County Gang Task Force Coordinator has been hired.

- A104: A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.**

Recommendation requires further analysis. The Board has demonstrated their support for the reduction of gang activity in Fresno County with the adoption of a County of Fresno Gang and Juvenile Delinquency Initiative and by providing funding for a County Gang Task Force Coordinator. The appropriate next steps will be developed once the County Gang Task Force Coordinator has been hired.

A105: City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.

Recommendation has been implemented. On December 5, 2006, the Board created a County of Fresno Gang and Juvenile Delinquency Initiative which will have a Steering Committee composed of representatives from County agencies, city governments, local law enforcement, local businesses, education, health and social service organizations, and community and faith-based groups. This Committee will be coordinated and chaired by a Gang Task Force Coordinator who will report directly to the County Administrative Officer.

A106: City and County governmental agencies and school districts must develop fiscal resources and fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.

Recommendation has been implemented. The Board approved the funding of grant-writing services for the County of Fresno on February 27, 2007. These resources will assist County departments in applying for federal grant opportunities. Additionally, the Board funded a Gang Task Force Coordinator to facilitate the work of the new County of Fresno Gang and Juvenile Delinquency Initiative.



MAYOR ALAN AUTRY

May 21, 2007

Ms. Marion Mosley, Foreman
Fresno County Grand Jury 2006-2007
1100 Van Ness Avenue
Fresno, CA 93724

Re: "Saving Future Generations/Fresno County Gang Activity"
"A Police Auditor – Assuring Transparency"

Dear Ms. Mosely:

I am in receipt of your May 9 letters regarding the above-reference Grand Jury recommendations. Please be advised that the City of Fresno's response was mailed to the Grand Jury and e-mailed to the County Administrator's Office on May 4, 2007. Fresno City Attorney James Sanchez has advised me that the response provided to the Grand Jury on that date fully complies with Penal Code section 933 and that no "personal response" is required under that Penal Code section.

However, in the spirit of transparency and in an attempt to be fully responsive to the Grand Jury, I am enclosing a copy of the City's response. Please consider these as my "personal response."

If you have any questions, please feel free to contact my office at (559) 621-7900.

Sincerely,


ALAN AUTRY
Mayor

Enclosures

cc: Andy Souza, City Manager
James Sanchez, City Attorney



Andrew T. Souza
City Manager

May 4, 2007

Presiding Judge
Fresno County Grand Jury
Fresno County Superior Court
1100 Van Ness Street
Fresno, CA 93724

Presiding Judge:

SUBJECT: 2006-2007 GRAND JURY RESPONSES

The following contains the City of Fresno's responses to the 2006-2007 Fresno County Grand Jury Findings and Recommendations for the Final Reports on Saving Future Generations; Fresno County Gang Activity and A Police Auditor - Assuring Transparency. The responses to the Final Reports were prepared by City staff and presented to the City Council on April 24, 2007.

The Council approved all responses to the Report on Saving Future Generations; Fresno County Gang Activity. However, Council rejected the Grand Jury's findings and recommendations, as well as the administration's responses to the A Police Auditor - Assuring Transparency report. The Mayor has approved the staff responses, which were rejected by the Council, so they are enclosed herein, as Penal Code Section 933 allows for the Mayor to submit responses to the Grand Jury separately from the elected governing body (Council).

As this is a somewhat unusual circumstance, I have enclosed a copy of the minutes from the City Council meeting to help explain the situation.

If you have any questions, please feel free to call me at (559) 621-7788, or email me at Nicole.Zieba@fresno.gov.

Sincerely,

Nicole R. Zieba
Deputy City Manager

cc: Natasha Hagaman, County Administrative Office



James C. Sanchez
City Attorney

May 15, 2007

VIA FACSIMILE

Marian Mosley
Fresno County Grand Jury Foreman
1100 Van Ness Avenue
Fresno, CA 93724-0002

Dear Ms. Mosley:

We are in receipt of your letters dated May 9, 2007 to our Mayor and Councilmembers. The letters indicated that you deemed the City's formal response dated May 4, 2007 as failing to comply with the request for individual elected official responses. The letters also mention the potential for, "...a referral to the appropriate authorities for enforcement".

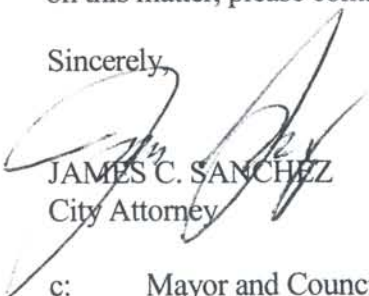
The letters have created some confusion on our part. Consistent with Penal Code requirements, the City provided a May 4, 2007 response to the 2006-2007 Fresno Grand Jury Findings and Recommendations for the Final Reports on Saving Future Generations; Fresno County Gang Activity and a Police Auditor- Assuring Transparency.

As described in the May 4, 2007 transmittal letter from Deputy City Manager Nicole Zieba, the City Council approved all responses to the Gang Activity Report but rejected the findings and City administrative staff response regarding the Police Auditor. The letter included the minutes of the meeting further clarifying the Council action and providing the individual Council vote on matters.

At this point we are uncertain what additional information the Grand Jury requires and ask for your clarification.

We look forward to your anticipated cooperation in this matter. If you have any other questions on this matter, please contact me.

Sincerely,



JAMES C. SANCHEZ
City Attorney

c: Mayor and Councilmembers
Andrew T. Souza, City Manager
Rebecca E. Klisch, City Clerk
✓ Hon. Hilary Chittick
Hon. Elizabeth Egan
John Savernoch
Dennis A. Marshall

JCS:skl[41077skl/jcs]

******City Responses to the Findings and Recommendations are denoted in Bold Italics.******

2006-2007 FRESNO COUNTY GRAND JURY FINAL REPORT #1

SAVING FUTURE GENERATIONS FRESNO COUNTY GANG ACTIVITY

INTRODUCTION

"The chief problem in any community cursed with crime is not the punishment of the criminals, but the preventing of the young from being trained to crime."

W.E.B. Dubois, (1903) THE SOULS OF BLACK FOLK

Gang activity has reached epidemic proportions in Fresno County. An immediate, county-wide coordinated attack is imperative in order to stem this curse that affects everyone in our county.

SCOPE OF THE PROBLEM

Violent street gangs now affect public safety, community image and quality of life in communities of all sizes in urban, suburban and rural areas. Gangs impact society at all levels, causing heightened fears for safety, violence and economic costs. (2005 National Gang Threat Assessment, National Alliance of Gang Investigators Association).

In Fresno County, according to our Police and Sheriff's departments, we have extensive gang activity throughout the county.

For the purpose of this report, we define a gang as a group of three or more individuals who engage in criminal activity and identify themselves with a common name or sign.

The U. S. Department of Justice National Youth Gang Survey (2004), estimated there are approximately 760,000 gang members and 24,000 active gangs nationwide. As of June 1, 2006, our Sheriff's Department reported 12,000 documented gang members in Fresno County.

The Multi-Agency Gang Enforcement Consortium (MAGEC) believes that a total of 24,000 would include members of gangs that have not been identified.

Comparing these statistics indicates that approximately 1 ½ % of the nation's gang members reside in Fresno County, five (5) times the national average per capita.

Tragically, we are losing the battle with gangs. The Sheriff's Department reports an increase of 33% in gang membership from 2001 to 2006. We have over 209 active criminal gangs in the county, 1,700 gang members on probation and 1,300 gang members on parole.

Gang membership can severely damage a child's future. Gang recruitment and involvement can begin as early as elementary school according to law enforcement officials and school administrators. It is not uncommon that students as young as eight (8) years old are at risk. Normally, gang members socialize with other gang members, thus reinforcing their limited view of life. This tradition leads to generational gangs.

Many young students move on from this stage to signs of serious gang involvement including criminal street gang acts. A few of these more serious signs would be gang graffiti on books or clothing, gang uniforms or gang colors, hand signals to communicate with other gang members and gang tattoos. This is a short list.

Fathers are teaching sons how to be effective criminal gang members. We now have three (3) generations of gang members in some families. There is a vicious gang cycle that starts first with the juvenile court system, then into probation, then into the prison system and out on parole, then back into prison for a longer period of time. Eventually, they face long-term incarceration or death from gang activities or drugs, all at a terrible economic cost and loss of human potential.

During 2005 more than 3,500 gang members were booked into the Fresno County Jail for crimes including identify theft, domestic violence, sex crimes, drugs and homicide. On one given day in October 2006, out of a census of 3,510 inmates, 1,485 were identified gang members. At a cost of \$50 to \$70 per day per inmate this represents a tremendous economic impact on our taxpayers.

The new Juvenile Justice Center reports a large percentage of their population is either gang members or wanna-be gang members who declare gang affiliation upon entry for personal protection.

Obviously, a decrease in gang activity will reduce the staggering costs in economic loss and human suffering.

A successful prevention program will enable our youth to develop their potential, become law-abiding citizens, parents and taxpayers.

ADDRESSING THE PROBLEM

A multi-faceted approach to decreasing gang membership is imperative and would include techniques involving: PREVENTION, INTERVENTION, SUPPRESSION, TREATMENT OPTIONS, INCARCERATION and RE-ENTRY.

The Grand Jury has decided to focus its attention on PREVENTION and INTERVENTION.

While suppression and incarceration funding is most important, we must also allocate additional funding for prevention and intervention if we are to break the cycle of increased gang membership. Law enforcement is addressing the problems of incarceration for serious, violent and chronic offenders. Sufficient funding for prevention and intervention is woefully lacking. This in spite of the fact that prevention would save millions of dollars and enhance the health of the community.

According to a study by Kathryn E. McCollister, Ph.D. University of Miami (Florida), titled "The Cost of Crime to Society: New Crime-Specific Estimates for Policy and Program Evaluation," murder by a gang member costs \$1,139,922 in tangible costs (victim cost, mental health care costs, criminal justice system costs and productivity costs) plus many times that figure in intangible costs.

Gang prevention efforts are critical to reducing gang membership. After a review of the literature and talking to experts in the field, we have concluded we should be primarily school-based and focus our efforts on grades four (4) through eight (8). We determined that while prevention efforts in secondary schools are possible, it is more difficult; with limited resources, grades four (4) through eight (8) would provide a greater chance of success. Schools in neighborhoods where there is significant gang activity should be targeted first as resources become available.

Participation by school districts is critical for success in prevention. All neighborhoods having significant gang activity are served by both schools and churches. Gangs, by their nature are territorial, thus prevention needs to be based in schools along with outreach efforts from the local churches.

All school districts should have a senior-level administrator coordinating their gang prevention effort and to represent the district on county and city-wide coordination councils. A unified and comprehensive effort would include many community entities: schools, law enforcement, federal, state and local governmental agencies and officials along with community-based organizations such as service organizations, churches, faith-based and non-profit organizations, private businesses and any group that could have an impact in preventing gangs. ALL CITIZENS SHOULD BE INVOLVED IN SOLVING THIS PROBLEM.

Law enforcement must work hand in hand with the schools providing a link to the community, sharing information, security and community policing in the neighborhood. Getting students to and from school safely and through rival gang neighborhoods is a major problem.

There must be effective parenting skills included if we are to be successful at gang prevention. Home visits by school officials paint a depressing picture of poverty, single parents, drug addiction, unemployment or underemployment, fathers in prison or on parole, among other factors. The schools must reach out along with neighborhood police and the Fresno County Social Services Department to homes with children at a high risk of becoming gang members.

CURRENT PROGRAMS

There are several outstanding gang prevention programs in operation. Their successes should be copied, augmented and incorporated into a cohesive and comprehensive program.

Tehipite Middle School, Fresno Unified, located in a neighborhood that is overrun with gangs and criminal activity, is a fine example. Their Principal provides outstanding leadership for his entire staff including classified personnel. They are able to identify potential gang members and have several programs and strategies to help students resist joining gangs.

One very effective program at Tehipite is the Students Targeted with Opportunities for Prevention (STOP) program sponsored by the Fresno County Probation Department. These students face many risk factors including poverty, parental unemployment and single parent families. Nine percent of the students are homeless and there are fifty-nine (59) known sex offenders living in the surrounding neighborhoods. They live with violence, prostitution, evictions, transportation problems, drugs and violent rival neighborhood gangs.

In spite of these horrendous surroundings, the STOP program is successful and working with many partners like Alliant University and California State University, Fresno. They provide security and transportation and strong after-school programs and most importantly, hope for the students that they can overcome their environment.

After-school programs are critical in these at risk neighborhoods. At Tehipite, the Sunrise Rotary Club funds an outstanding girl's softball team, which is a source of pride for the whole school. Fresno Rotary funds many programs at Jefferson Elementary School and North Fresno Rotary funds a boy's soccer program at Lowell Elementary School which has expanded to other inner-city schools.

The recent Mayor's Gang Prevention Initiative is providing funds for both prevention and intervention efforts. The County Board of Supervisors will soon be considering a County Gang Prevention Initiative. Their goal is "Intervention immediately and effectively when delinquent behavior first occurs; to prevent delinquent offenders from becoming chronic offenders or from progressively committing more serious and violent crimes." They propose a list of graduated sanctions that call for increasing juvenile justice programs and response options for delinquents.

Another effective intervention program is Hope Now for Youth. It provides opportunities and support for young men, ages 16-24, who want to break their ties with gangs by changing their lives and becoming productive, responsible and law-abiding citizens. Since 1993, Hope Now for Youth has placed 1,350 former gang members in jobs with over 300 Fresno and Sanger businesses. It has an 85% success rate and only an 8% recidivism rate.

Shining Light Ministries Worldwide is an inner-city program in Del Rey. The Director is a former gang member from Los Angeles who was addicted to heroin, incarcerated and turned himself around through this faith-based program.

He now runs a group home for ten men who are former gang members and/or drug addicts. After six months in this program, they return to their communities. The program includes community service in the Del Rey area. They run an outreach center, distribute food from the Food Bank and do some supervised mentoring work with at-risk youth. Together with the Del Rey Boys and Girls Club, they are making a difference in their community to reduce gang membership and activity.

Since 2003, the District Attorney's Office has obtained three gang injunctions that impose narrowly tailored restrictions on gang members and is designed to eliminate a public nuisance under California Civil Code §3479. The process is arduous, labor intensive, collaborative and requires one year for completion. A survey has shown that in the safety zones created by these injunctions, gang activity has dropped dramatically.

The District Attorney's Office has a Truancy Intervention Program (TIP) in effect with Fresno Unified School District and five other school districts. Students with chronic truancy problems are targeted and the parents sent an official letter notifying them of their responsibilities and legal obligations for their child's school attendance. If they fail to take corrective action, punitive action can be pursued. Since truancy is one of the major signs for future gang membership, this program assists prevention efforts.

FIVE-YEAR PLAN

There are many faith-based and non-profit organizations providing intervention programs. Many of these outstanding programs are isolated, and there is no current mechanism to coordinate efforts or expand best practices. The County of Fresno gang initiative proposal advocates the establishment of a new position "Gang and Juvenile Delinquency Initiative Coordinator." This is a sound recommendation with the caveat that the position be senior enough to have the authority necessary to bring about change. This position could play a major role in the development of a five-year plan.

A countywide gang summit should be convened by the Mayor, the City Council, the Board of Supervisors, our State Representatives and Senators, our Congressmen and the Superintendent of the County Schools to develop a countywide coordination system and establish a five-year strategic plan.

A strong accountability model needs to be developed as part of this plan. A gang database established for the county already exists. Gang members can be traced to specific neighborhoods. The schools can identify gang members and those students with the greatest propensity to join gangs. An increase or decrease in gang activities can be quantified. Criminal gang activity can be tracked. There are statistics regarding the number of gang members in jail, on probation or on parole.

We need to invest more of our money in prevention and intervention than the overwhelming amount currently being spent on incarceration. If the community is asked to fund a concentrated effort to curtail gang activity and membership, we must be able to measure the outcome in both human and economic terms.

Because of the magnitude of the problem and the sheer numbers involved, a clear vision of the goals is necessary. A strategy to achieve these goals and how to fund them is vital.

Evaluation and accountability standards must be established. There should be clear benchmarks established with timelines and appropriate responsibility assigned.

FUNDING

Prevention of crime is always less costly. The Hope Now for Youth spends \$5,000 to put a gang member through their program. Keeping a gang member in prison costs over \$50,000 per year. The most difficult problem with prevention and intervention is obtaining necessary funds to implement it.

Most agencies have existing budgets, and they must be encouraged to set aside funds for prevention and intervention programs. The suggested five-year plan must become a priority to fund. City and County governments, Police and Sheriff's departments, Probation and Parole departments, Fresno County Social Services and the District Attorney's Office, as well as school districts should incorporate budgeting plans for prevention and intervention

Private business firms currently fund many faith-based and non-profit organizations. They should be encouraged to adopt a five-year funding commitment. They are also key to job development which is critical as an intervention strategy. Developing business-education partnerships is also important.

Service clubs should be asked to continue their support and to commit a greater share of their community service budgets to funding after-school programs and activities at targeted schools.

There are a variety of grants available for these programs and all major agencies should make it a priority to actively pursue them. Another possibility is a large private foundation to fund the proposed five-year strategic plan development and provide seed money.

We should request our state legislators to get a Fresno County Gang Prevention and Intervention Initiative Pilot Project.

We should request our representatives do the same at the federal level.

There are existing resources that can be redirected to help solve this problem. A shared vision and commitment is essential to implement a complete program that prevents "our young from being trained in crime." (Ibid.,pg1)

FINDINGS

1. Gang activity is rampant in Fresno County.

The City agrees with Finding 1.

2. Gang membership increased 33% from 2001 to 2006.

The City agrees with Finding 2.

3. Gang membership in Fresno County is five (5) times the national average per capita.

The City agrees with Finding 3.

4. During 2005, more than 3,500 gang members were booked into the Fresno County Jail.

The City agrees with Finding 4.

5. Incarceration costs \$50 to \$70 per day per inmate in the Fresno County Jail.

The City agrees with Finding 5.

6. On a given day in October 2006, out of a census of 3,510 inmates, 1,485 were identified as gang members in the Fresno County Jail. The cost for the gang members was in excess of \$74,250 for that day.

The City agrees with Finding 6.

7. A decrease in gang activity would result in a reduction in economic costs and human suffering.

The City agrees with Finding 7.

8. A multi-faceted approach to the gang problem includes prevention, intervention, suppression, treatment options, incarceration and re-entry.

The City agrees with Finding 8.

9. Sufficient funding for prevention and intervention of gangs is woefully lacking.

The City partially agrees with Finding 9. The City of Fresno has allocated \$1.5 million for prevention and intervention through the Mayor's Gang Initiative. The City believes, however, that the State and federal governments must provide more funding for these services.

10. Effective prevention must be school-based commencing in grades four (4) through eight (8).

The City agrees with Finding 10.

11. Some school district's do not have senior-level administrators to coordinate the gang prevention programs.

The City agrees with Finding 11.

12. There are several outstanding gang prevention and intervention programs in operation which should be augmented, expanded and coordinated into a comprehensive plan.

The City agrees with Finding 12.

13. The District Attorney's gang injunctions are in place and effective.

The City agrees with Finding 13.

14. The District Attorney's TIP program has been found to be effective.

The City agrees with Finding 14.

15. There is insufficient coordination between City and County agencies.

The City disagrees with Finding 15. The City and County work more closely now than ever before, as evidenced by the MAGEC Task Force, and other cooperative programs like the Inmate Labor agreements.

16. At present there is no comprehensive plan to address the gang problem.

The City disagrees with Finding 16 as it relates to the City of Fresno. The Fresno Police Department has consistently implemented innovative strategies to address gang problems within the community. The most recent strategy employed by the Fresno Police Department is the Mayor's Gang Prevention Initiative (MGPI). The MGPI is a comprehensive plan to address the gang problem from multiple perspectives. The MGPI is comprised of five core components: Prevention, Intervention, Suppression, Rehabilitation and Economic Development.

The Prevention component utilizes pre-emptive strategies such as participation in the Police Activities League, involvement in the Life Skills program, mentoring, and community gang awareness presentations as tools to discourage participation in the gang lifestyle.

The Intervention component focuses on active gang members and/or associates. This process provides individuals with the opportunity to completely leave the gang lifestyle. The process begins with a referral into the program. Referrals can come from school officials, law enforcement officers, community-based organizations, or self-referrals from the individuals. All referrals are entered into a secure database that is maintained by the MGPI staff. If the individual has outstanding warrants or open cases in the judicial system, he or she is removed from the program and referred to the appropriate jurisdiction (i.e., District Attorney, U.S. Attorney, etc.) for case clearance.

If the individual does not have any warrants or open cases, he or she is sent to a clinician for a comprehensive needs assessment. The needs assessment is designed to identify any areas that could prevent the individual from obtaining and retaining employment. Examples of certain

needs are substance abuse addiction; anger management issues; deficient literacy; gang related tattoos (need for tattoo removal), etc.

Once the individual's needs are identified, he or she is introduced to the appropriate service provider and the prescriptive treatment is administered. The costs for services are covered by the Initiative, with no out of pocket expense to the participant.

The Suppression component is the enforcement arm of the process. This stage utilizes the singleness of purpose of the Bulldog Tactical Team, the Multi Agency Gang Enforcement Consortium (MAGEC), the District Crime Suppression Teams, and patrol officers to address gang related problems. In less than four months, the intense focus on the Bulldog gang has resulted in nearly 1500 felony arrests.

The Rehabilitation component focuses on stabilizing the home environment for those individuals who are working toward leaving the gang lifestyle. This process involves conducting assessments of the home of the gang member, and/or associate, and determining what needs his/her immediate family has to prevent the gang member or associate from returning to the gang lifestyle. The immediate family member may be clinically assessed and provided the same services as the gang member or associate. This aspect of the program is referred to as the "Strengthening Neighborhoods" phase.

The final component is Economic Development. This process focuses on assisting the individual in obtaining meaningful employment. The MGPI has contracted with several local businesses to provide employment opportunities to individuals who successfully complete the intervention phase of the program.

The MGPI program is one of the most comprehensive gang eradication programs in the State of California. The MGPI staff has been requested by several law enforcement agencies throughout the State to assist in the creation of similar programs in their respective jurisdictions.

17. Clear goals, accountability and sufficient funding are lacking for prevention and intervention programs.

The City disagrees with Finding 17 in regard to City programs. On June 27, 2006, the City Council adopted the FY07 budget and allocated \$1,145,300 to the Mayor's Gang Prevention Initiative for fiscal year 2006-2007. The funding was designated to pay for the MGPI staff and the costs of services provided to the respective clients (gang members). The MGPI was placed under the direction of the Fresno Police Department. On August 22, 2006, Goals and Objectives for the Initiative were developed with implementation time lines. Within seven months of its inception, the MGPI has received over 300 gang referrals, and there are 35 gang members or associates who are currently receiving services (See response to Finding #16).

18. There is little community involvement in current planning.

The City disagrees with Finding 18. The Mayor's Gang Prevention Initiative has over 92 local service providers who are involved in planning and implementing services and programs for eradicating gang violence.

19. Agencies that impact gang problems do not include monies in their budgets for prevention and intervention.

The City disagrees with Finding 19. The City of Fresno has allocated \$1.5 million for prevention and intervention through the Mayor's Gang Initiative.

20. Private foundation funding is available for the development of a countywide strategic plan.

The City neither concurs nor disagrees with Finding 20, but will look into the possibility of foundation funding for countywide strategic planning.

21. Time is of the essence. A delay in addressing this problem increases the daily cost of gang activities.

The City concurs with Finding 21.

RECOMMENDATIONS

100. Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.

The Fresno Police Department has developed a new suppression program, Operation Bulldog, to deal with the Bulldog Criminal Street Gang. In addition, the Mayor's Gang Prevention Initiative is the City's comprehensive plan to address the gang problem that interlinks suppression with prevention and intervention. The Bulldog Task Force is a multi year gang eradication program and is under the umbrella of Fresno's Multi Agency Gang Enforcement Consortium (MAGEC).

The mission of the Bulldog Task Force is to eliminate the Bulldog Gang from the City of Fresno and their objectives are to:

- Reduce Violent Crime by 10% in the Central District as compared to the same time period in 2005.***
- Identify and refer 50 validated or associate gang members to the Mayor's Gang Prevention Initiative.***
- Identify the top 10% of the most serious Bulldog gang members and target them for arrest and prosecution.***

101. All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.

The Multi Agency Gang Enforcement Consortium (MAGEC) is also the County's most successful tool in the reduction of gang related violence. MAGEC is comprised of representatives from the Fresno Police Department, Fresno County Sheriff's Department, California Highway Patrol, Clovis Police Department, State Parole and County Probation. MAGEC consists of four units: Investigative, Tactical, Metro, and Rural. The Metro teams are responsible for investigative follow-up and tactical response to incidents that occur within the Fresno city limits, the County islands within the City of Fresno, and the City of Clovis. The Rural teams are likewise responsible for incidents in the outlying County areas. The Fresno Police Department has 14 officers assigned to MAGEC.

MAGEC maintains access to a statewide gang database called Cal Gangs. In addition, MAGEC verifies and validates gang involvement and membership and disseminates information to the various law enforcement agencies within the County. MAGEC also has immediate access to the District Attorney's office for vertical prosecution of gang members who are involved in criminal misconduct. There are three Deputy District Attorneys assigned to MAGEC with three additional budgeted for fiscal year 07.

The Fresno Police Department is also aware of Governor Arnold Schwarzenegger's plan for a "coordinated approach" that could include state funding of local efforts to fight street gangs. On Monday, March 5, 2007, the Governor called on mayors and law enforcement officials to join him in forging a counterattack on street gangs. The Governor believes street gangs are responsible for much of the state's violent crime. He also encourages law enforcement agencies to join forces rather than separately seek state money to fight gang problems. The Governor wants local officials to coordinate regional gang summits to enable law enforcement personnel to come together and discuss the "best practices" for solving gang problems, rather than engaging in individual or piecemeal approaches.

The Governor's plan for addressing gang problems is similar to the legislation that was introduced by Senator Diane Feinstein, which calls for \$1 billion in federal funding for gang enforcement, prevention, and intervention programs.

102. A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan

On November 28, 2006, the City of Fresno hosted the US Attorney's Gang Initiative Summit in which 402 representatives throughout the Central Valley and the Eastern District attended. The overall goal of the US Attorney's Gang Initiative Summit was to create an Eastern Regional Gang Prevention Network and showcase successful Gang Initiatives from various jurisdictions. The proposed Network will serve as a clearinghouse

for cities to share information and resources on their cities' gang prevention, intervention and suppression strategies.

The next summit is scheduled for November 27, 2007, and the theme this year is "Strengthening Neighborhoods."

103. Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.

The Department's Police Activities League (PAL) and "Life Skills" programs are critical to MGPI's prevention efforts. The goal of PAL is to promote mentoring relationships, encourage self-discipline, friendship, teamwork, and develop good citizenship.

The Life Skills training program is taught in all Middle and Elementary schools in the City of Fresno by retired law enforcement officers. The goal of Life Skills is to promote healthy alternatives to risky behavior through activities, teach students the necessary skills to resist social (peer) pressures to use drugs and join gangs. The program helps students to develop greater self-esteem and self-confidence, and increase their knowledge of the immediate consequences of poor decision-making, like joining gangs. The Department has expanded the role of the Life Skills officers to include identifying and referring children into MGPI.

104. A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.

The City agrees with this recommendation and believes that the Mayor's Gang Prevention Initiative will address this issue in the community.

105. City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.

The City agrees with this recommendation. The Mayor's Gang Prevention Initiative has partnered with 92 community service providers and faith-based organizations that provide services to the target population of at risk youth. Many of the service providers provide direct services to youth and their families.

106. City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.

In 2006, the Fresno Unified School District, acting as the lead agency, in collaboration with the Fresno Police Department was awarded \$1,232,490 in grant funds from the U.S. Department of Education, Office of Safe and Drug-Free Schools. This funding enabled FUSD to enter into a three-year agreement (FY06 to FY08) with the Fresno Police Department (a total of \$487,000) to provide trained law enforcement officers to teach the Life Skills curriculum on the middle school campuses. In addition, on June 27,

2006, the Fresno City Council allocated \$1,145,300 to the Mayor's Gang Prevention Initiative for fiscal year 2006-2007. The funding for these two programs signifies the commitment of both FUSD and the City of Fresno to seek innovative strategies to eradicate the gang problems in the schools and within the community.

107. All agencies to actively seek grants to fund gang initiatives countywide from both private and public sources.

The City agrees with this recommendation and does actively seek grants.

108. The District Attorney's Office should continue to pursue civil injunctions against gangs in Fresno County.

The City agrees with this recommendation.

109. The Truancy Intervention Program (TIP) should be continued and expanded.

The City agrees with this recommendation.

REQUEST FOR RESPONSES

Pursuant to Penal Code § 933.05, the Grand Jury requests that you respond to each specific recommendation as outlined in the attached letter of instruction.

RESPONDENTS

- A. Fresno County Board of Supervisors
- B. Fresno Mayor's Office
- C. Fresno City Council
- D. Fresno Police Department
- E. Fresno County Sheriff's Department
- F. Fresno-Madera Police Chief's Association coordinated through Reedley Police Chief, Doug Johnson
- G. Fresno County Superintendent of Schools – coordinate all county schools responses other than Fresno, Clovis and Central Districts
- H. Clovis Unified School District, Central Unified School District and Fresno Unified School District
- I. Fresno County District Attorney's Office
- J. Fresno County Department of Social Services
- K. Fresno County Probation Department

Respondents A, B, C, D, E, F, J and K shall respond to: 100, 101, 102, 103, 104, 105, and 106.

Respondents G and H shall respond to: 100, 101, 102, 103, 104, 105, 106, 107 and 109.

Respondent I shall respond to: 100, 101, 102, 106, 107, 108 and 109.

Please be reminded that the responses from elected officials are due within 60 days at the release of this report and 90 days for others.

APPENDIX A

PROCEDURES EMPLOYED

The Gang Committee:

1. Attended the U.S. Attorney's Gang Initiative Summit on November 29, 2006
2. Interviewed the following:
 - a. Current and former Fresno County officials
 - b. Fresno Unified School District Principal
 - c. Probation Officer involved in the STOP Program
 - d. Office of the Fresno County District Attorney's Office
 - e. Fresno Police Department
 - f. Fresno County Sheriff's Department
 - g. Clovis Police Department
 - h. Reedley Police Department
 - i. Members of faith-based organizations
 - j. Members of non-profit organizations
 - k. Members of the Mayor's Task Force Initiative
3. Toured Tehipite Middle School
4. Researched and obtained statistics from:
 - a. Newspaper articles
 - b. Internet
 - c. Mayor's Gang Prevention Initiative Document
 - d. Proposed Fresno County Comprehensive Gang & Juvenile Delinquency Initiative



Margaret Mims
Sheriff
Fresno County Sheriff's Department

January 23, 2007

The Honorable Hilary Chittick
Presiding Judge, Fresno County Superior Court
1100 Van Ness Avenue, Room 102
Fresno, CA 93721

Dear Judge Chittick:

The following is my response to the Grand Jury Report regarding gangs:

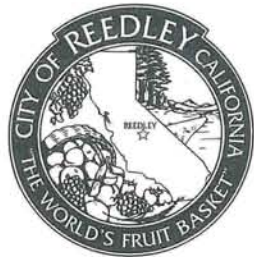
E. 100, 101, 102, 103, 104, 105, 106, Final Report #1

100. The Fresno County Sheriff's Department supports the development and implementation of a five year comprehensive plan to reduce gangs and gang membership within Fresno County. The creation of the County-Wide Gang and Juvenile Delinquency Initiative and the creation and hiring of a County Gang Task Force Director is an important start in this process.
101. The Fresno County Sheriff's Department concurs that a comprehensive, collaborative effort can succeed if there are coordinated lines of communication between the intervention, prevention and suppression disciplines. Each discipline should have a clear mission as prioritized by the collaborative. This will help eliminate duplication, identify areas of need, identify available services and identify needed services not currently available.
102. The Fresno County Sheriff's Department supports a County-wide gang summit to formulate a framework for the County-Wide Gang and Juvenile Delinquency Initiative. It is suggested that the County Gang Task Force Director should be in place prior to the summit.
103. The Fresno County Sheriff's Department concurs that key prevention efforts need to focus on young children and that our school systems will play a key role in identification of at-risk youth, intervention and prevention efforts in a variety of ways. We should not lose sight of youth from birth to young adulthood as opportunities to interact present themselves at all ages.
104. The Fresno County Sheriff's Department concurs.
105. The Fresno County Sheriff's Department concurs.
106. The Fresno County Sheriff's Department concurs.

Sincerely,

Margaret Mims, Sheriff

Dedicated to Protect & Serve



RECEIVED
BY *bis* | DATE *5-17-07*

City of Reedley

Police Administration
843 "G" Street
Reedley, CA 93654
(559) 637-4250
FAX 638-2615

May 14, 2007

Marion Mosley, Foreman
Fresno County Grand Jury
1100 Van Ness Avenue
Fresno, Ca 93724-0002

Dear Ms. Mosley:

I have reviewed the final recommendations of the grand jury and I concur with all suggestions.

As the Grand Jury is fully aware with regard to combating gangs, we must use a multi-facet approach, that being enforcement, prevention and intervention.

Gangs are increasing in Fresno and everywhere else in the State. I commend the Fresno Grand Jury for looking into this matter and reviewing the various options available.


I also feel that with the leadership of all the disciplines within Fresno County, we can be reassured by utilizing the best practices and principles as a model, not only in our State, but throughout the country.

Once again, thank you for allowing me to participate in this report and I sincerely apologize for the late response.

Sincerely,

Chief Douglas N. Johnson
President, Fresno/Madera
Police Chiefs Association

07kp21



fresno county
office of education

Larry L. Powell
Superintendent

May 21, 2007

Via U. S. Mail and E-Mail to sspears@fresno.courts.ca.gov

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

As you have requested, I am providing a response to your Final Report for 2006-2007 regarding the gang problem in Fresno County. In addition, I am forwarding a number of responses that I received from school districts regarding the same. Should additional districts respond I will certainly forward those to the Jury.

You may be aware that one of the many goals I have is to facilitate programs that will assist the schools in our County in maintaining safe campuses. Safe campuses reflect safe communities, and they also promote safe communities. Because school safety extends beyond gang member behavior, a committee has been formed that will involve not only government agencies, but students, parents, school staff, community leaders, and organizations that can provide the support, leadership, and insight that will make for positive change. This office has assigned my Deputy Superintendent, Jim Yovino, to take the lead in this matter. Mr. Yovino has already spearheaded a County-wide conference that brought students to the table first as they know firsthand what it will take to enlist student support in creating environments where students freely share their concerns and fears, and are willing to report rumors about potentially dangerous situations.

In addition to the committee on school safety, I have created a Parent Outreach group which will assist all members of our community in learning how to work closely with the schools. One of their goals is assisting parents who have language or cultural difficulties learn about how to keep their children safe, how to recognize the signs of a child being drawn to an unsafe lifestyle, and how to enlist the help of the schools and community organizations if their children have become involved in unsafe behaviors.

As stated in your report, the growing gang problem is bigger than any one agency or organization. As an educator, I know that strong and safe schools are the best antidote to combat anti-social behavior. My goal is that all children in this County, whether they are new to our country, whether they face extreme poverty, or whether they lack positive role models, be afforded the same educational opportunities and support that will allow them to grow into involved and responsible citizens.

My specific responses to *Saving Future Generations: Fresno County Gang Activity* are as follows:

Recommendation 100: *Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.*

As stated above, I have already recognized the need to establish a County-wide committee that will address issues related to school safety. As the Grand Jury recognizes this is not a simple problem with a simple solution. This group is in the process of pulling together all stakeholders, students, parents, and school staff, and then will bridge to involve community organizations, including faith-based groups, and governmental agencies. I have assigned my Deputy Superintendent to coordinate this, and will continue to offer support to assist the committee.

Recommendation 101: *All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.*

The safe schools committee is not limiting itself to addressing gang-activity in the schools, but will certainly include this as a major focus. This office is very willing to coordinate its efforts with the governmental agency that is far more knowledgeable about gangs. The need for county-wide involvement is certainly needed as although not every community is experiencing gang-related problems, the problem is spreading beyond our urban community. Many of the County's rural school districts are reporting that families associated with gangs have moved into their community in the last few years.

Recommendation 102: *A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.*

Summits can be very useful to focus the community on the problem. As with the safe schools summit, I would certainly take part in such a summit and would assist with the coordination of such an event. Again, however, it is important that schools be able to address safety issues that go beyond those dangers brought onto campuses by gang-affiliated students and adults. Although gang behavior may be a major contributor to the problems at certain campuses, most schools have multiple factors that they must address to keep their campuses safe.

Recommendation 103: *Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.*

Because gangs begin to pull children in between grades four through eight, this provides a clearly identifiable group that is more amenable to prevention and alternative strategies. I will continue to encourage districts to focus efforts on character building in these grades.

Recommendation 104: *A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.*

A systematic intervention program that provides for immediate and effective intervention would be driven by the courts and probation. Schools certainly support the efforts of these agencies; however, schools are limited as to what they can do once a student becomes involved in the juvenile justice system. As the focus remains to be fourth through eighth grade students, representatives of the existing programs offered through court and community schools may work with law enforcement to address programs that are tailored to the younger student.

Recommendation 105: *City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.*

All organizations, whether governmental, educational, fraternal, community service oriented, or faith-based, are welcome to join efforts to address this problem; gangs adversely impact all aspects of community life directly and indirectly. I am willing to invite these organizations to this effort through the many existing contacts I have personally and through my professional life.

Recommendation 106: *City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.*

This is always going to be the most difficult hurdle. I have already, through the Superintendent's position, dedicated personnel and budget to school safety and parent involvement. The funding has been significant. For further growth, it is essential that additional grants and interagency funding be developed as schools do not have flexible funding pools which would provide either one-time and/or on-going funding for an effective County-wide, multi-agency program.

Recommendation 107: *All agencies to actively seek grants to fund gang initiatives countywide from both public and private sources.*

I heartily endorse this choice for funding. To create a County-wide program that is interagency, multi-district, and cross organizational, requires significant and specific staffing and funding. My office would certainly lend assistance in such grant writing.

Re: Response to Grand Jury Final Report #1 for 2006-2007
May 21, 2007
Page 4

Recommendation 109: The Truancy Intervention Program (TIP) should be continued and expanded.

Although the Grand Jury Report identifies TIP (the Truancy Intervention Program) as headed by the District Attorney's office, this program was actually created with the joint efforts of educational and law enforcement agencies, and facilitated by the Fresno County Superintendent of Schools. The funding for this second year pilot program which provides for the salary of a Probation Officer, a designated Deputy District Attorney, and a support staff person is provided by the Fresno County Superintendent of Schools, the Fresno County Court Schools, and the following six school districts, Central, Clovis, Fresno, Kerman, Sanger, and Sierra. The program is costly and will be evaluated at the end of this second pilot year to determine if it is effective at curbing truancy, which as the Grand Jury knows, is an effective tool in promoting law abiding behavior in youth.

Please do not hesitate to contact me regarding this matter or any educational issue that I may provide assistance with, whether it is in providing background or contacts. Again, I thank the Grand Jury for recognizing the importance of schools within the community framework, and its dedication to creating safe and healthy communities in urban and rural areas.

Very truly yours,



Larry L. Powell
Fresno County Superintendent of Schools

Enclosures

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Alvina Elementary Charter School District

295 W. Saginaw Avenue, Caruthers, CA 93609

559-864-9411 * FAX 559-864-1808

May 11, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

On behalf of the children and families our district serves, we thank you for your investigation into the growing gang problem in our county. As educators, our district's mission is to educate children so that they may become contributing and responsible citizens who will have the skills and abilities to make positive contributions to our greater community.

We are pleased to inform you that historically and currently Alvina does not have a gang problem.

Very truly yours,

Paul Cannon
Superintendent/Principal



CLAY JOINT ELEMENTARY SCHOOL DISTRICT

RECEIVED
BY ELS | DATE 7-2-07

California Distinguished School 1997-2008
National Blue Ribbon School 2000-2001

BOARD OF TRUSTEES

Jeffrey Boldt

William Johnson

Randel M. Yano, D.C.

W.R. "Bill" Mannlein
Superintendent /
Principal

June 26, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

On behalf of the children and families our district serves, I thank you for your investigation into the growing gang problem in our county. As educators, our district's mission is to educate children so that they may become contributing and responsible citizens who will have the skills and abilities to make positive contributions to our greater community.

Clay Joint Elementary School District provides the following responses to the Grand Jury's Final Report entitled *Saving Future Generations: Fresno County Gang Activity*:

Recommendation 100: *Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.*

Planning is critical. Developing a five-year plan will provide a guideline that can be followed and implemented step by step. This is a great idea.

Recommendation 101: *All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.*

Knowing who the players are will make it easy to implement the five-year plan. All stakeholders should be apprised of how they can help and what progress is being made. In our case, as a school-district, we would want to help and hear how efforts to eradicate gangs are coming along.

Recommendation 102: *A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.*

Yes, at least once a year the stakeholders should meet to review plans and suggest changes where necessary.

South Smith
Kingsburg, CA 93631

Phone 559.897.4185

Fax 559.897.2280

Recommendation 103: Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.

We believe the grades mentioned are key ones. Education by law enforcement to both students and staff will be a big step toward eliminating gang affiliation.

Recommendation 104: A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.

Not only to the delinquent, but also to the family.

Recommendation 105: City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.

Everyone must be involved to make this plan work.

Recommendation 106: City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.

Sometimes it is hard to commit funds, but in this case, efforts need to be made to help financially whenever possible. School districts do have money for safety and this will certainly be money well spent.

Recommendation 107: All agencies to actively seek grants to fund gang initiatives countywide from both public and private sources.

In the past, we have received grant funds for school safety funds. This is doable! When you look around, there are funds that can be had to help. It just takes time and personnel to do it.

Recommendation 109: The Truancy Intervention Program (TIP) should be continued and expanded.

Attendance is critical in schools. Anything that can be done to help improve attendance is well worth the effort. We need to have every student here and on time. Yes, please continue the TIP program and anything else that can be added.

Very truly yours,



W.R. "Bill" Mannlein
Superintendent / Principal



COALINGA-HURON UNIFIED SCHOOL DISTRICT

"Building Bright Futures"

657 Sunset Street
Coalinga, CA 93210

(559) 935-7500
Fax (559) 935-5329

May 17, 2007

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Director of Special Ed.*

*Jim Reckas
Director of Facilities/MOT*

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Ave., Room 102
Fresno, CA 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

The Coalinga-Huron Unified School District would be very happy to join a county-wide program effort in which a comprehensive strategic plan for the reduction of gangs in Fresno County is developed.


Presently, the District works very closely with police, probation and other public agencies when presented with gang issues in our area. Our Police Department Resource Officer in Coalinga and the Police Chief in Huron have been very collaborative when confronting gang issues and their work is to be commended.

The Coalinga-Huron Unified School District would enjoy being invited to any county-wide "gang" summit and would welcome any prevention efforts that would help neighborhoods where there is significant gang activity. The District would enjoy working as a member of any county-wide organization to further the work listed in the Fresno County Grand Jury's nine recommendations on gang activity.

Although, there is a local collaboration in this area, a county-wide effort would definitely be beneficial to our school district residents and students.

Respectfully submitted,


William McDermott, Ph.D.
Superintendent


Ramon J. Zubiri
C.H.U.S.D. Board President



FIREBAUGH-LAS DELTAS UNIFIED SCHOOL DISTRICT

1976 MORRIS KYLE DR. • FIREBAUGH, CA 93622 • (559) 659-1476 • FAX (559) 659-2355

WAYNE R. WALTERS, Ed.D.
District Superintendent

WENDY S. TUKLOFF, Ed.D.
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May 15, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

On behalf of the children and families our district serves, I thank you for your investigation into the growing gang problem in our county. As educators, our district's mission is to educate children so that they may become contributing and responsible citizens who will have the skills and abilities to make positive contributions to our greater community.

Our district provides the following responses to the Grand Jury's Final Report entitled *Saving Future Generations: Fresno County Gang Activity*:

Recommendation 100: Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.

1. FLDUSD is currently evaluating suspensions and expulsions for developing patterns of behavioral issues for our student body. An area of special focus includes gang activity. Based on the analysis a plan will be developed with the input of community and district stakeholders.
2. FLDUSD participates in parenting courses to assist parents in supporting their children at home.
3. FLDUSD utilizes unrestricted funds and restricted funds to support activities that will ensure a safe and drug free learning environment: Campus security; Counseling; A course called Reconnecting Youth that work with target students regarding choice making and community service.

"Progress With Pride"

Recommendation 101: All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.

1. The Superintendent of FLDUSD works closely with the Firebaugh Police department to ensure strong communication in relation to issues arising in the school and the city that may have an affect on student behavior.
2. FLDUSD provides campus security at the high school to ensure student safety and the opportunity to focus on consistent monitoring of school activities throughout the day. The campus security reports any issues that arise to the site principal. The principal maintains open communication with the Superintendent.

Recommendation 102: A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.

1. The superintendent is an active participant in FCOE initiatives. He attends monthly meetings with all county superintendents to discuss current issues and future needs.

Recommendation 103: Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.

1. Currently, Firebaugh does not have significant gang activity

Recommendation 104: A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.

1. FLDUSD is currently evaluating suspension and expulsion issues for developing patterns of issues for our student body. Additionally, we will review anecdotal records. An area of focus includes gang issues. Based on the analysis a plan will be developed with the input of community and district stakeholders.
2. FLDUSD has adopted Positive Action, a research-based, choice-making curriculum for all school sites.

Recommendation 105: City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.

1. FLDUSD has strong partnerships with the City government and faith-based organizations. We have had, and will continue to have, many opportunities to partnership in activities that support good choice making activities and provide youth with good role models and adult connection. Our goal includes keeping youth connected to the goal of being a productive and positive citizen. Examples include partnerships with the Community Technology Center; No fee based Adult Education Program; Eagles Nest: a faith-based Monday night event that bring students from the high school together for fellowship.

2. FLDUSD has partnered with First Five to provide Preschool students the opportunity of Kindergarten Camp in the summer to prepare students for their first experience in school, i.e., Kindergarten.

Recommendation 106: City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.

1. FLDUSD is developing internal mechanisms that will allow the district to leverage available resources to support current needs that may include gang reduction.
2. Our district maintains a strong positive relationship with our local City government and service organizations such as the Firebaugh-Mendota Rotary to ensure a strong safety net of support for our youth.

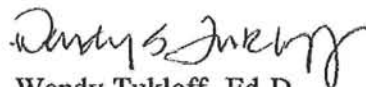
Recommendation 107: All agencies to actively seek grants to fund gang initiatives countywide from both public and private sources.

1. FLDUSD partners with the City of Firebaugh to partner with a successful grant writer to assist us in pursuing funding sources that support our needs that may include gang related issues.

Recommendation 109: The Truancy Intervention Program (TIP) should be continued and expanded.

1. FLDUSD has a strong Student Attendance Review Board (SARB) process that is embraced by every school.
2. FLDUSD is currently working to enhance our process in monitoring student graduation rates that will include following students throughout their post-secondary choices in relation to education.

Very truly yours,



Wendy Tukloff, Ed.D.

Assistant Superintendent

For Dr. Wayne R. Walters, Superintendent

658 E. Adams Avenue
Fowler, CA 93625
(559) 834-6080
(559) 834-3390 (FAX)
<http://www.fowler.k12.ca.us>

Fowler Unified School District

Marshall School · Malaga School · Fremont School · Sutter Middle School · Fowler High School
Casa Blanca Continuation/Opportunity School

May 15, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

On behalf of the children and families our district serves, I thank you for your investigation into the growing gang problem in our county. As educators, our district's mission is to educate children so that they may become contributing and responsible citizens who will have the skills and abilities to make positive contributions to our greater community.

Our district provides the following responses to the Grand Jury's Final Report entitled *Saving Future Generations: Fresno County Gang Activity*:

Recommendation 100: *Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.*

[I firmly believe that a county-wide effort is needed in order to develop a coordinated strategy of prevention and intervention.]

Recommendation 101: *All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.*

[I agree with this recommendation and look forward to our district participating in the development of the strategic plan.]

Board of Trustees

Peter Cholakian · Darlene Martin · Henry Murrieta · Jimmy Simonian · Jerry Turner

District Administration

John Cruz, Ed.D., Superintendent · Eric Cederquist, Assistant Superintendent · Lucile King, Director of Instructional Services

Recommendation 102: *A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.*

[This gang summit is a critical first step. I would like this initial summit to include statistics about gang activity in our county, types of gangs in our county by district, a review of programs that are working, etc.]

Recommendation 103: *Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.*

[I would like to see a 4th-12th grade effort but I understand that there needs to be a tight focus.]

Recommendation 104: *A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.*

[I agree in concept but will hold my reservations until I have a better understanding of what a strong intervention program would look like.]

Recommendation 105: *City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.*

[All the key actors need to be involved in this effort. It's not just a school effort.]

Recommendation 106: *City and County government agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.*

[This commitment will be different from district to district dependent upon the gravity of the gang problem and a district's ability to fund another program.]

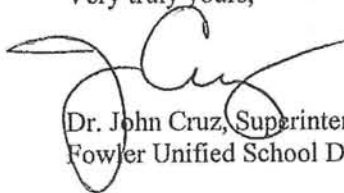
Recommendation 107: *All agencies to actively seek grants to fund gang initiatives countywide from both public and private sources.*

[This should be a major focus of a steering committee that is writing grants for a county-wide consortium. Individual districts, particularly small, rural districts, have a difficult time competing for grants. They need to be part of a larger critical mass.]

Recommendation 109: *The Truancy Intervention Program (TIP) should be continued and expanded.*

[I agree and would request that Fowler Unified be the next district for consideration.]

Very truly yours,



Dr. John Cruz, Superintendent
Fowler Unified School District



Roger A. Halberg, District Superintendent
Deborah A. Wood, Assistant Superintendent Personnel
James P. Foley, Assistant Superintendent Chief Financial Officer

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May 11, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

On behalf of the children and families served by Kerman Unified School District, thank you for your investigation into the growing gang problem in our county. Our mission as educators is to educate children to hopefully become contributing and responsible citizens with the skills and abilities to make positive contributions to the greater community.

Following is Kerman Unified's response to the Grand Jury's Final Report entitled *Saving Future Generations: Fresno County Gang Activity*.

Recommendation 100: Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.

Kerman Unified School District is concerned about the growing influence of gangs within the community and schools. To that affect, a Board report from the Kerman Police Department along with Kerman Middle School and Kerman High School administration is taking place at the May 17th Board meeting. From that information the Board will provide guidance on where we go next.

Recommendation 101: All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.

Kerman Unified has worked with the county Multi-Agency Gang Enforcement Consortium (MAGEC) force by having staff and parent workshops provided and we will continue to do so. The City of Kerman Police Department has worked closely with our schools and our administration in reducing gang activity. We welcome a larger discussion with other organizations to address this important issue.

Recommendation 102: A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.

Kerman Unified would be a willing participant with any countywide summit with participation from the highest level of our administration.

Recommendation 103: Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.

Liberty Intermediate School serves all fifth and sixth grade students in Kerman Unified School District. The school has hosted a staff and parent workshop with the county MAGEC force to educate our parents and staff on identifying gang activity. Liberty has an anti-bullying program in place that has had a positive impact on its campus and also on Kerman Middle School that Liberty's students attend next. Liberty Intermediate has experienced little gang activity on its campus. Kerman Unified is a participant in the Truancy Intervention Program (TIP). Kerman provides after school programs for kindergarten through eighth grades until 6:00 p.m. every school night. At these programs students focus on homework completion, academic enrichment and recreational activities. The City of Kerman provides many recreational outlets for our students as well. Kerman Unified administration works closely with the City of Kerman Police Department in identifying gang members and "wanna be" gang members. A collection of tagging and graffiti along with identified sources of tags and graffiti is kept by the school and police and regularly shared.

Recommendation 104: A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.

Liberty Intermediate School serves all fifth and sixth grade students in Kerman Unified School District. Liberty, as well as Kerman Middle School and Kerman High School, have hosted a staff and parent workshop with the county MAGEC force to educate our parents and staff on identifying gang activity. Liberty has an anti-bullying program in place that has had a positive impact on its campus and also on Kerman Middle School that Liberty's students attend next. Liberty Intermediate has experienced little gang activity on its campus. Kerman Unified is a participant in the Truancy Intervention Program (TIP). Kerman provides after school programs for kindergarten through eighth grades until 6:00 p.m. every school night. At these programs students focus on homework completion, academic enrichment and recreational activities. The City of Kerman provides many recreational outlets for our students. The Kerman Unified administration works closely with the City of Kerman Police Department in identifying gang members and "wanna be" gang members. A collection of tagging and graffiti along with identified sources of tags and graffiti is kept by the school and police and regularly shared.

Recommendation 105: City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.

Kerman Unified has no existing partnership with non-profits or faith-based organizations in our efforts to address gang activity. We would be open to exploring establishing a program with an appropriate partner.

Recommendation 106: City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.

Kerman Unified used part of its limited funding to partner with the Fresno County Office of Education and other school districts in the Truancy Intervention Program (TIP). Our society needs to look seriously at its funding of schools. Prisons are given \$50,000 per year to house inmates while schools are given \$5,500 per year to educate students. Less than 13% of the Kerman Unified School District budget is not tied to salaries and benefits of employees. That leaves the Board with the remaining money to transport students, pay for utilities to our campuses, provide technology to maintain our systems, provide furniture and equipment for our staff and students, provide liability insurance, provide instructional materials such as paper and pencils for our students and pay for the many other miscellaneous expenses of educating our students. Grants are the most viable option that we can see at this time.

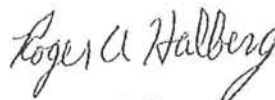
Recommendation 107: All agencies to actively seek grants to fund gang initiatives countywide from both public and private sources.

Kerman Unified would be a welcome partner in pursuing grants for addressing gang activities throughout the county. However, due to the relatively lower level of gang activity in Kerman compared to other parts of the county, we would not be a primary candidate for grants in addressing this issue.

Recommendation 109: The Truancy Intervention Program (TIP) should be continued and expanded.

Kerman Unified is a participant in the Truancy Intervention Program (TIP) and is currently evaluating its effectiveness in addressing attendance issues of our students.

Sincerely,



Roger A. Halberg
Superintendent

RAH:bj

Kingsburg Joint Union School District

Kingsburg Elementary Charter School District



MARK FORD, Ph.D.
Superintendent

LISA VANMATER, Ed.D.
Director, Educational Services

May 10, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, CA 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-07

Dear Honorable Members of the Grand Jury:

On behalf of the children and families our district serves, I thank you for your investigation into the growing gang problem in our county. As educators, our district's mission is to educate children so that they may become contributing and responsible citizens who will have the skills and abilities to make positive contributions to our great community.

Our district provides the following response to the Grand Jury's Final Report entitled, *Saving Future Generations: Fresno County Gang Activity*.

Kingsburg Elementary Charter School District has been fortunate in that it does not experience the gang activity reflected in the Grand Jury's Final Report. We would be happy to have your visit our school district and give you a tour of our school sites.

If you have any questions or would like to arrange a tour, please do not hesitate to call me at (559) 897-2331. Thank you.

Sincerely,

Mark Ford, Ph.D.
Superintendent

MF:ds



KINGSBURG JOINT UNION HIGH SCHOOL DISTRICT

1900 18th Avenue • Kingsburg, California 93631 • (559) 897-7721 • FAX (559) 897-7759

Linda E. Clark, Superintendent/Principal

Board of Trustees: Orlan Boyd, Blake Carlson, Rick Jackson, Brent Lunde, William Swanson

May 15, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

On behalf of the children and families our district serves, I thank you for your investigation into the growing gang problem in our county. As educators, our district's mission is to educate children so that they may become contributing and responsible citizens who will have the skills and abilities to make positive contributions to our greater community.

Our district provides the following responses to the Grand Jury's Final Report entitled *Saving Future Generations: Fresno County Gang Activity*:

Recommendation 100: Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.

Kingsburg High Joint Union High School does not have a gang problem but we do work closely with the Kingsburg Police Department to keep gangs from developing. Our Kingsburg Police Department presented to our entire staff in January of 2007 regarding school campus violence. They included in their presentation the following topics: school shooters, gangs, and drugs.

Recommendation 101: All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.

Any activity that we see that might suggest small groups of students attempting to band together and form "wanna be" gangs is handled immediately by school personnel and in partnership with the Kingsburg Police Department. Strict dress code policies restrict dressing in colors or displaying any gang writing or gang signs. We have only a few isolated incidents of violation of these student handbook policies and we immediately deal with them. Parents and police are notified when we do see it.

Recommendation 102: *A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.*

The Kingsburg Police Department participates in the Fresno County Gang Suppression Task Force and keeps us informed of gang activity in surrounding areas and what to be alert to in our students. We take a proactive approach to prevent gangs from developing and taking a foothold in Kingsburg.

Recommendation 103: *Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.*

We are a high school only district, but our colleagues in the Kingsburg Joint Union Elementary School District also are in close contact with police. There is no active gang in our community at this time.

Recommendation 104: *A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.*

Please note response # 102.

Recommendation 105: *City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.*

There is a very active Young Life organization in our community and most churches also have active youth groups to provide positive activities for Kingsburg's young people. The high school has over 600 of its 1000 students involved in extra curricular activities such as: sports, drama, music, FFA or other clubs. There are many community run sports activities for the younger kids as well. The school districts, city, police and others, partner together to provide positive activities and involvement for the youth of this community. We do not have a gang problem and the entire community sees proactive and positive activities as a way to keep gangs out of our schools and city.

Recommendation 106: *City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.*

There is not a gang issue here but all of us allocate resources for activities mentioned in #105 above to prevent gangs from moving into our community and schools.

Recommendation 107: *All agencies to actively seek grants to fund gang initiatives countywide from both public and private sources.*

We would not qualify for funding because we do not have a gang problem in Kingsburg.

Recommendation 109: *The Truancy Intervention Program (TIP) should be continued and expanded.*

Kingsburg High has a 97% to 98% attendance rate and we have assertive discipline policies in place to keep truancy at a minimum. We also partner with the Kingsburg Police Department as they will pick up students during the school day and return them to school.

Very truly yours,



Linda E. Clark
Superintendent/Principal



Blake Carlson
President, Governing Board



675 W Manning, Reedley, CA, 93654 (559) 637-1210 #1276, FAX 637-1292

January 24, 2007

The Honorable Edward Sarkisian, Presiding Judge
Fresno County Superior Court
Members of the Fresno County Grand Jury
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, CA 93721

Dear Judge Sarkisian and Honorable Members of the Grand Jury:

The Kings Canyon Unified School District (KCUSD) enthusiastically endorses the recommendations of the Grand Jury addressing gangs in Fresno County. KCUSD, like all school districts in Fresno County, struggles with gangs and their influence on district school site campuses. KCUSD aggressively pursues any alliances with public or private agencies that address gang related problems. Coordinating efforts countywide can only maximize effectiveness. Currently the challenges are greater than the available resources.

KCUSD agrees with **Findings 1 – 21**. School sites prioritize safety and have zero tolerance for gang related activities, but that does not directly address what happens in the communities after school hours. Students live in the communities and attend district neighborhood schools. Schools can reduce or eliminate gang related problems on campus, but they persist in the communities. Schools alone can not solve the problem.

RECOMMENDATIONS 100 – 102 are easily endorsed. A plan coordinated countywide could be more effective than multiple plans in different communities.

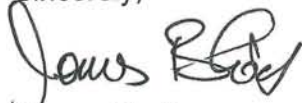
RECOMMENDATION 103 emphasizes school-based prevention efforts. The primary function of a school site would be to educate students. Current federal and state mandates, the emphases on testing and raising student performance, have got the complete attention of school site and district personnel. To add additional programs or responsibilities addressing gangs would require additional resources, manpower and funding.

RECOMMENDATIONS 104 - 107 highlight the concern addressed above. Effective programs for kids require manpower. The challenge is to find resources and maximize them.

RECOMMENDATIONS 109 refers to the TIP program. KCUSD is not aware of that particular program.

CONCLUSION: KCUSD is currently employing many resources, any and all we can access, in our efforts to address gang related issues at school sites and in the community. School sites in Orange Cove, for example, have a grant addressing school safety which would include addressing gang related issues. District school sites apply on a regular basis for such grants. A community based organization located in Reedley is a very viable resource for grants and school programs, currently providing specified instruction in district classrooms and after school programs, to name only two. KCUSD would be very interested in any countywide effort to address gangs in Fresno County schools.

Sincerely,

A handwritten signature in black ink, appearing to read "James Blied". The signature is written in a cursive, somewhat stylized font.

James Blied
Student Services Administrator

Laton Unified School District

P.O. BOX 248

LATON, CALIFORNIA 93242

Telephone (559) 922-4015

FAX (559) 923-4791

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RALPH VANDRO
DISTRICT SUPERINTENDENT

May 15, 2007

Fresno County Grand Jury
C/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, CA 93724-0002

Regarding: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

On behalf of the children and families our district serves, I thank you for your investigation into the growing gang problem in our county. As educators, our district's mission is to educate children so that they may become contributing and responsible citizens who will have the skills and abilities to make positive contributions to our greater community.

Our district provides the following responses to the Grand Jury's Final Report entitled *Saving Future Generations: Fresno County Gang Activity*:

Recommendation 100: *Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.*

Laton Unified School District (LUSD) will form a Gang Reduction Plan Committee that will include LUSD staff, 1 Multi Agency Gang Enforcement Consortium (IMAGEC) Team Member, community members, business owners and parents. They will meet by-monthly during a one (1) year period to write a five year plan. They will meet annually thereafter to revise the 5 year plan.

Recommendation 101: *All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.*

All handbooks and school administration offices will list (post) IMAGEC phone numbers and current contact information for student and parent use. Each year, LUSD will provide a IMAGEC presentation for parents and students (grades 5-12).

Staff members will be provided with annual professional development by our local Fresno County Sheriff's Department Community Liaison. Follow up will occur, if necessary.

May 15, 2007

Page 2

Recommendation 102: *A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.*

LUSD's gang reduction committee will participate in many county-wide gang summits in order to focus on creating a 5 year gang reduction plan.

Recommendation 103: *Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.*

All grades 5-7 students will participate in the Healthy Kids Survey. The information from the survey will guide instruction to facilitate conversations regarding gang affiliation and possible remediation.

LUSD dress code supports zero-tolerance in possible gang attire for all K-12 grade students. Flexibility has been included in the dress code policy to accommodate the ever changing trends.

Recommendation 104: *A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.*

Site administration follows a strict discipline plan. Any gang affiliation is noted in the site discipline records (SASI) and students are continuously monitored. Any gang violence is immediately reported to the Fresno County Sheriff's Department.

Recommendation 105: *City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.*

Our local Neighbor Activity Center provides counseling services and assistance for families in need. Laton churches also provide support education for any willing participants.

LUSD and a local anti-graffiti group consistently paint over any gang graffiti around Laton.

Recommendation 106: *City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.*

School site safety, Tobacco Use Prevention Education (TUPE), and School Improvement Program (SIP) may be used to include anti-gang curriculum, if each school site council allocates funds.

Recommendation 107: *All agencies to actively seek grants to fund gang initiatives countywide from both public and private sources.*

LUSD has employed California Consulting, LLP to apply for grants.

Recommendation: 109: *The Truancy Intervention Program (TIP) should be continued and expanded.*

May 15, 2007
Page 3

LUSD will maintain the local School Attendance Review Boards (SARB) committee in order to assure that truancy is being monitored.

Very Truly Yours,



Ralph Vandro
District Superintendent

Richard Alves 
President, Governing Board

RV:jm

Mendota Unified School District

115 McCabe Avenue ♦ Mendota, Ca 93640 ♦ (559)655-4942 ♦ (559)655 4944(fax)



Board of Trustees

Sergio Valdez ♦ Rosemary Ramirez ♦ Freddie Valdez ♦ Isabel Maldonado ♦ Lupe Flores ♦ Miguel A. Arias ♦ Raul Vanda

Gilbert Rossette, Superintendent

May 14, 2007

Linda Bacon
FCOE, Legal Counsel
1111 Van Ness Avenue
Fresno, California 93721-2000

Dear Linda:

As per your request, I have included a copy of the response that was sent to the Grand Jury regarding the Jury's Final 2006-2007 Report #1, *Saving future Generations; Fresno County Gang Activity*. The Mendota Unified School District's response was hand delivered on Tuesday, May 15, 2007.

Thank you for your time and assistance, and above all, thank you for the template and the format you developed that made it easier to respond to the Grand Jury Report. Your efforts has made it possible to respond within their requested timeline.

Please don't hesitate to call or write if I can be of further assistance.

Sincerely,

Gilbert Rossette
Superintendent

Enclosure: Response to Grand Jury Report

"Building Scholars, Leaders and Champions"

Mendota Unified School District

115 McCabe Avenue ♦ Mendota, Ca 93640 ♦ (559)655-4942 ♦ (559)655 4944(fax)



Board of Trustees

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Gilbert Rossette, Superintendent

May 15, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

On behalf of the children and families our district serves, I thank you for your investigation into the growing gang problem in our county. As educators, our district's mission is to educate children so that they may become contributing and responsible citizens who will have the skills and abilities to make positive contributions to our greater community.

Our district provides the following responses to the Grand Jury's Final Report entitled *Saving Future Generations: Fresno County Gang Activity*:

Recommendation 100: Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.

District Response: The Mendota Unified School District agrees with the development and implementation of a five-year strategic plan. The plan should be a coordinated effort with input from educators, law enforcement officials, community members, parents, business owners, former and current gang members, and other experts affiliated with gang history and experience.

Recommendation 101: All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.

District Response: Every district in the state has the potential of gang activity; therefore, all efforts to reduce gang activity in our respective district has to be a countywide collaborative.

"Building Scholars, Leaders and Champions"

Recommendation 102: *A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.*

District Response: **A countywide gang summit should be established immediately!**

Recommendation 103: *Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.*

District Response: **Even though the focus of gang prevention should be grades four through eight, we must place as much emphasis on grades pre-Kinder through third. We feel that gang activity is being promoted on the lower school levels and it is our responsibility to curtail the gang activity at the lower grades.**

Recommendation 104: *A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.*

District Response: **Immediate and effective intervention is a must. Our district does not tolerate certain gang attire, gang signs, gang graffiti and logos, gang colors, etc. The board has adopted school policy in dealing with gang activity and the administration is responsible that these issues are addressed immediately.**

Recommendation 105: *City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.*

District Response: **A school district needs the support of City and County governments, along with non-profit and faith-based organizations, to develop and implement a successful program. Gang activity and membership can be reduced if all agencies work cohesively to address the problems.**

Recommendation 106: *City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.*

District Response: **Even though the district allocates funding to promote programs that address gang-related issues, we need the City and County governmental agencies to supplement our efforts. City and County governmental agencies have the staffing to seek grants and resources that will be beneficial in addressing gang activity and membership in cities, communities and school districts.**


Recommendation 107: All agencies to actively seek grants to fund gang initiatives countywide from both public and private sources.

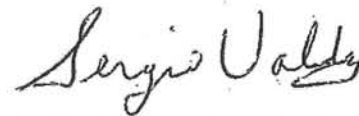
District Response: Whenever possible, all agencies should make a commitment to actively seek any available grant funding for programs that address the problem of gang activity and membership.

Recommendation 109: The Truancy Intervention Program (TIP) should be continued and expanded.

District Response: The Truancy Intervention Program is a necessary tool in our efforts to combat gang-related problems. We all recognize that there is high correlation between increased gang activity and truancy. Students and parents must realize that truancy is a major contributor to their child's involvement with gang activity and this type of behavior will not be tolerated! As additional assistance to school districts, we would like to recommend that more funding be allocated for districts to hire well-trained truant officers to assist with students and parents that have a problem with truancy.

Very truly yours,


Superintendent
Mendota Unified School District


President, Governing Board

JILL K. TAFOYA
Superintendent



MONROE ELEMENTARY SCHOOL

11842 South Chestnut Ave.
Fresno, CA 93725
(559) 834-2895

May 15, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

On behalf of the children and families our district serves, I thank you for your investigation into the growing gang problem in our county. As educators, our district's mission is to educate children so that they may become contributing and responsible citizens who will have the skills and abilities to make positive contributions to our greater community.

Our district provides the following responses to the Grand Jury's Final Report entitled *Saving Future Generations: Fresno County Gang Activity*:

Recommendation 100: Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.
Implementation of any plan is the most critical facet of any plan.

Recommendation 101: All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.
We concur that a countywide coordinated effort is critical in order to send a one voice message to gang members.

Recommendation 102: A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.
No additional response.

Recommendation 103: Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.
An elementary emphasis 4-8 is necessary; an earlier emphasis in k-3 is desirable due to the familial nature of gang activity.

Recommendation 103: Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.

An elementary emphasis 4-8 is necessary; an earlier emphasis in k-3 is desirable due to the familial nature of gang activity.

Recommendation 104: A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.

We concur.

Recommendation 105: City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.

Reaching students at all levels in the community is beneficial.

Recommendation 106: City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.

Many district budgets do not support additional programs.

Recommendation 107: All agencies to actively seek grants to fund gang initiatives countywide from both public and private sources.

We concur.

Recommendation 109: The Truancy Intervention Program (TIP) should be continued and expanded.

We concur.

Very truly yours,

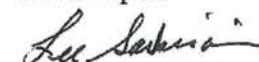
Superintendent

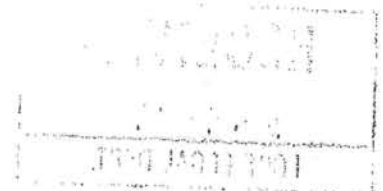
President, Governing Board

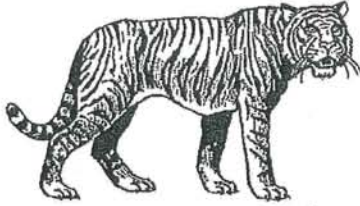

Jill K. Tafoya

Steven Wells


Steven Spate


Lee Sarkisian





Orange Center School District

3530 S. Cherry Avenue ♦ Fresno, California 93706 ♦ (559) 237-0437 ♦ Fax (559) 237-9380

John W. Stahl, District Superintendent ♦ Ann L. Alemania, Vice Principal

May 15, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

On behalf of the children and families our district serves, I thank you for your investigation into the growing gang problem in our county. As educators, our district's mission is to educate children so that they may become contributing and responsible citizens who will have the skills and abilities to make positive contributions to our greater community.

Our district provides the following responses to the Grand Jury's Final Report entitled *Saving Future Generations: Fresno County Gang Activity*:

Recommendation 100: *Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.*

As a small one school district I need more information so as to identify gangs that might be established in my district. A small portion of my district is in the city of Fresno.

Recommendation 101: *All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.*

Each district within the county regardless of size, should have a Gang Prevention contact person. This individual would be responsible for attending countywide meetings.

Recommendation 102: *A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.*

Annual or biannual gang prevention summit meeting that would include those organizations, i.e., law enforcement, social agencies, etc, that would provide facts, figures and other relevant information to school district contacts.

Recommendation 103: *Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.*

As a K-8 school I would like to know what some of the more effective gang programs are. I am aware that there is gang activity within the boundaries of my district but I would like more information. A major problem with presenting this type of program is the pressure we're under with the accountability issues of NCLB. Finding time to fit it in would be difficult.

Board of Trustees: Gene Balthrop, President

Danfilo Cerrillo, Vice-President ♦ Michael Gonzalez, Clerk ♦ Elizabeth Macedo, Member ♦ Antonio Rodriguez, Jr., Member

Recommendation 104: *A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.*

We have a .5 FTE counselor that works with students that are referred for delinquent behavior.

Recommendation 105: *City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.*

Since we are somewhat isolated it has been difficult in finding organizations that would be willing to partner with us.

Recommendation 106: *City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.*

This could be an item we could discuss at the countywide summit that would include all of the major players i.e. law enforcement, social agencies, non-profit and faith based organizations within the county and/or state that would share ideas.

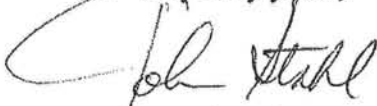
Recommendation 107: *All agencies to actively seek grants to fund gang initiatives countywide from both public and private sources.*


Possibility of categorical funds from school districts designated toward gang prevention activities which would include parent involvement.

Recommendation 109: *The Truancy Intervention Program (TIP) should be continued and expanded.*

I am not familiar with this program but people who have used it say it's excellent. I would like to know more.

Very truly yours,


Superintendent


President, Governing Board



PROUDLY SERVING THE BILINGUAL/BICULTURAL COMMUNITY OF PARIER

900 Newmark Avenue, Parlier, California 93848 (559) 646-2731 Fax (559) 888-0210

“Focus on Student Achievement”

Rick Rodríguez
Superintendent

Antonio Aguilar
Director of Student Support Services

Juan Lopez
Curriculum & Instruction/Projects

Brenda Weil
Chief Business Officer

May 15, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

On behalf of the children and families our district serves, I thank you for your investigation into the growing gang problem in our county. As educators, our district’s mission is to educate children so that they may become contributing and responsible citizens who will have the skills and abilities to make positive contributions to our greater community.

Our district provides the following responses to the Grand Jury’s Final Report entitled *Saving Future Generations: Fresno County Gang Activity*:

Response for #100,101, 102

Parlier Unified School District recommends the foundation of a Task Force that will include all agencies that provide the appropriate interventions towards suppressing gang activity in our surrounding school districts. It is apparent that there is a need for countywide coordination and collaboration with police, probation and school officials. Monthly meetings must be established in order to communicate the gang activity that is disruptive to the educational process in the entire school community.

The Blue Print Plan must be implemented in all our Fresno County communities and schools. Strategies and methods that are being used to “attack” gang activity in Fresno, basically is not communicated and operating in isolation.

BOARD OF TRUSTEES

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Member

May 15, 2007
 Fresno County Grand Jury
 Page 2

Parlier Unified School District is now experiencing an increase gang activity because of mobility of the Bulldog gang members from the city of Fresno and relocating in Parlier.

Response for #103

Parlier Unified School District has concentrated efforts on after school programs for at-risk students. We have 21st Century, STOP, Dare to Dream, Too Good for Violence Curriculum and CSUFresno Social Skill Development. Included are partnership and collaboration with county and community agencies on providing preventive/intervention services to our students and parents.

In addition, Parlier Unified School District offers an array of co-curricular and extra curricular programs that provide student and adult connection.

Response for #104

The Parlier Unified School District has designed and utilized a Student Study Team to identify the needs of students displaying early signs of gang affiliation and behavior. The Outreach Consultant coordinates the process with parents and school officials, in some cases, outside agencies towards designing the appropriate interventions for student success.

The Outreach Consultant monitors students that have anti-social behaviors and shares critical information with teachers, administrators and parents in order to restore the appropriate social skills and study habits which will contribute to success.

Response for #105

Parlier Unified School District has established a Parent Resource Center that includes multiple agencies that provide health, social/emotional services, financial, housing, crisis intervention, food distribution and parent/student counseling.

Collaboration meetings are conducted monthly in an effort to coordinate all needed services. The meetings also provide a vehicle for communication on the current issues and needs of our school community.

Response for #106

Presently, Parlier Unified School District has invested in Consulting Services that will pursue available grants and resources on providing safe school environments. A focus is on obtaining dollars for the employment of a Youth Services Officer at each campus. The officer will establish a center on their campus and focus on prevention and intervention of gang behavior and involvement. They will be using conflict resolution, parent and staff presentations which will include a countywide forum throughout the year.

BOARD OF TRUSTEES


May 15, 2007
Fresno County Grand Jury
Page 3

Response for #109


Parlier Unified School District will connect with the TIP Program to assess and evaluate our procedures and systems on student attendance.

In addition, Parlier Unified School District does have some excellent partnerships with outside organizations and businesses that award students for good behavior and attendance. The Kiwanis, Lions and AMAE and local businesses have contributed money, bikes and other incentives for improved attendance.

Very truly yours,



Rick Rodriguez
Superintendent



Enrique Maldonado
President, Governing Board

RR:EM:gg

BOARD OF TRUSTEES

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SAMMY V. RODRIGUEZ, SR.
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Member

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Member

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PINE RIDGE SCHOOL

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Auberry, California 93602
(559) 841-2444 FAX (559) 841-2771

May 15, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

On behalf of the children and families our district serves, I thank you for your investigation into the growing gang problem in our county. As educators, our district's mission is to educate children so that they may become contributing and responsible citizens who will have the skills and abilities to make positive contributions to our greater community. Fortunately, Pine Ridge Elementary School District, a single-school school district in the Sierra Nevada Mountains, has no gang related activities to speak of. Consequently, we are not allocating funds, producing strategic plans or attending gang-related information meetings, as it would be a lost of time and money to the district.

We applaud the work of the Grand Jury's Final Report entitled *Saving Future Generations: Fresno County Gang Activity*:

Very truly yours,

Handwritten signature of Eric V. Bitter in black ink.

Eric V. Bitter
Superintendent/Principal

Handwritten signature of Cheryl Odermatt in black ink.

Cheryl Odermatt
President, Governing Board



RIVERDALE JOINT UNIFIED SCHOOL DISTRICT



P.O. Box 1058 • 3086 West Mt. Whitney Avenue • Riverdale, CA 93656 • (559) 867-8200 • FAX (559) 867-6722

May 15, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

On behalf of the children and families our District serves, I thank you for your investigation into the growing gang problem in our county. As educators, our District's mission is to educate children so that they may become contributing and responsible citizens who will have the skills and abilities to make positive contributions to our greater community.

We received this request for response after our May monthly Board meeting. I am therefore submitting this response on behalf of the District. I will present your report and the responses below to our Board of Trustees at the June meeting. If any changes to these responses are made at that time, I will submit the amended responses. As such, our District provides the following responses to the Grand Jury's Final Report entitled *Saving Future Generations: Fresno County Gang Activity*:

Recommendation 100: *Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.*

We can agree to the development of a plan, establishing lines of communication, the convening of a summit to focus this effort, etc. We are cautious that this could remain in the realm of rhetoric and "on paper" without full commitment and accountability on the part of students, parents, law enforcement, community organizations, and political leaders to support the plan. We also feel that "school-based" intervention programs for issues outside the relevant sphere of education have not resulted in strong indications of success (e.g. abstinence programs, drug programs, etc.).

Recommendation 101: *All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.*

See 100.

Elaine C. Cash, Superintendent

Fipps Primary • 21320 S. Feland • Riverdale, CA 93656 • (559) 867-3353 • FAX (559) 867-4949
Riverdale Elementary • 3700 Stathem Street • Riverdale, CA 93656 • (559) 867-3589 • FAX (559) 867-3393
Riverdale High • 3086 West Mt. Whitney Avenue • Riverdale, CA 93656 • (559) 867-3562 • FAX (559) 867-4750
Alternative Education • 3021 West Kruger • Riverdale, CA 93656 • (559) 867-3614 • FAX (559) 867-4575

Recommendation 102: *A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.*

See 100.

Recommendation 103: *Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.*

It is a common suggestion that a prevention program be "school-based." We have not seen that these have shown success in other areas. (see 100) In our District and community, the schools currently lead the community effort to identify gang members and use appropriate lines of communication with law enforcement and parents. We participate in the Fresno County Sheriff's grant for grades K-6, an educational program focused on drugs and gang activity. Thus far, we have found that this education and partnership alone has not made a significant impact on gang involvement. Our greater success has come from strong student discipline regarding gang behavior, with alternative opportunities for student involvement and connections with adult role models. The District provides an after school ACES program, grades K-8, and District funded after school programs grades 9-12. All of these programs include enrichment activities and are available until 6:00 p.m. The District provides transportation home from these programs. None of these programs have necessarily attracted students who choose to become involved in gang activity to voluntarily participate in the after school programs. Obviously, there must also be legal leverage applied to the student and the parent. The District also provides a counselor for grades K-12 to support students.

Due to the rural location of our community and the distance from the City of Fresno and Fresno County services, we have been unsuccessful in recruiting social organizations that provide services to students, i.e. Boys and Girls Clubs, Big Brothers and Big Sisters, Rotary programs, etc.

Recommendation 104: *A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.*

School personnel are already the lead people in identifying gang members and gang activity and bringing this to the attention of the Fresno County Sheriff's Department. The District would be eager to participate in the intervention and prevention programs as long as:

- 1) There is legal accountability on the part of the student and parents regarding mandatory participation.
- 2) Additional funding is provided to support these programs.
- 3) Student and school safety can be guaranteed and supported.

Recommendation 105: *City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.*

All of the suggested non-profit and faith-based organizations identified and included in the report do not exist in our rural community. We believe that these partnerships will be difficult to establish in the rural, unincorporated communities.

See 103.

Recommendation 106: City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.

The District is eager to cooperate in reducing gang involvement and gang activities and would embrace the commitment of any new funding to meet the recommendations that the report identifies. The constraints to current budgets are already excessive due to already existing mandates to schools, including core curriculum accountability, health and HIV education, parent involvement, etc. Student achievement continues to be the primary accountability model for schools.

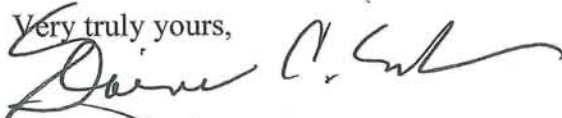
Recommendation 107: All agencies to actively seek grants to fund gang initiatives countywide from both public and private sources.

We agree that grants would be valuable. We suggest that there be a centralized source to write the grants as it may be counter productive and expensive if each agency attempted to compete for this funding. The District has been proactive in seeking community policing and federal funding for school safety and intervention in the past. We have discovered, however, that the extensive cost to support any program falls on the District's general fund after these grants have expired.

Recommendation 109: The Truancy Intervention Program (TIP) should be continued and expanded.

We have not been included in this, nor seen data results and cannot speak to its effectiveness.

Very truly yours,



Elaine C. Cash
Superintendent



May 22, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

On behalf of the students, families, and community members within the Selma Unified School District, thank you for your investigation into the growing gang problem in Fresno County. As educators, our district's mission is to provide a student-centered instructional program which allows students to reach their highest potential as contributing members of society. Your assistance with the cessation and prevention of gang activity will help us fulfill our mission statement and be able to fully focus on educating the students in Selma.

Our district provides the following responses to the Grand Jury's Final Report entitled *Saving Future Generations: Fresno County Gang Activity*:

Recommendation 100: Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.

The Selma Unified School District endorses this recommendation. An accountability model and assigning specific responsibilities will help ensure implementation of the plan.

Recommendation 101: All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.

The Selma Unified School District endorses this recommendation. A coordinated effort and focus and increased communication are essential components to alleviate the gang problem.

Recommendation 102: A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.

The Selma Unified School District endorses this recommendation. Input from the entire county would provide the Grand Jury with the insight needed to be most effective in developing and implementing a five-year plan.

Recommendation 103: Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.

The Selma Unified School District endorses this recommendation, with a modification. Gang prevention efforts are needed in all of the elementary and middle schools, not just those that are in neighborhoods with gang activity. Site and district administrators in Selma have noted that students participate in what can be classified as gang activity without fully realizing the ramifications. Prevention efforts and education must be districtwide and not limited to a few neighborhood schools.

In addition to a comprehensive program, there is a need for funding and for qualified personnel to provide the instruction.

Recommendation 104: A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.

The Selma Unified School District strongly endorses this recommendation. However, the intervention program must be consistent, staffed by qualified personnel, and funded. In addition, the intervention program must be layered to provide for more intensive, strategic intervention for repeat offenders.

Recommendation 105: City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.

The Selma Unified School District endorses this recommendation.

Recommendation 106: City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.

The Selma Unified School District endorses this recommendation, with a modification. Recommendation 106, as worded, places all of the fiscal responsibility on local agencies. It must be noted that the school district's resources are allocated from the state, and the state must acknowledge its fiscal responsibility to assist with gang cessation and prevention.

New funding sources are very limited. Grants are highly competitive and are often awarded to much larger school districts whose crime statistics appear to be much worse than small, rural school districts in Fresno County.

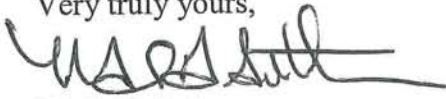
Recommendation 107: All agencies to actively seek grants to fund gang initiatives countywide from both public and private sources.

See response to Recommendation 106, second paragraph.

Recommendation 109: The Truancy Intervention Program (TIP) should be continued and expanded.

More information is required about the TIP program before it can be endorsed. However, the Selma Unified School District fully utilizes the School Attendance Review Board (SARB) process and works closely with Judge D. Tyler Tharpe, Superior Court Judge for Fresno County.

Very truly yours,



Mark G. Sutton
Interim Superintendent



John H. Lorona
President, Governing Board



Sierra Unified School District

29143 Auberry Road Prather, California 93651

Telephone (559) 855-3662

Fax (559) 855-3585

web site - <http://www.sierra.k12.ca.us>

Board of Trustees

Don Fowler
Robert Franklin
Rosemary Lee
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Superintendent

Dr. Don A. Witzansky

Director of Educational Services and Special Programs

A. J. Rempel

May 15, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, CA 93724-0002

Attention: Honorable Members of the Grand Jury

From: Dr. Don A. Witzansky, Superintendent

Re: Response to Grand Jury Final Report #1 for 2006-07

In answer to your request for a response to your final report entitled Saving Future Generations: Fresno County Gang Activity, I provide the following:

I very much appreciate the efforts of the Grand Jury to address the growing problem of gang involvement in Fresno County, but I was very disappointed that the District was not given the opportunity to meet with members to explain what is happening locally. Fresno County is very large, diverse area with populations spread from large urban cities to rural communities. What happens in the urban areas does not characterize what we experience in our foothill communities. While we do not have organized gangs, we do have students that are on the fringe of involvement. Rather than spend a great amount of time addressing your many recommendations, it serves you best for me to summarize what we do, or would plan to participate in:

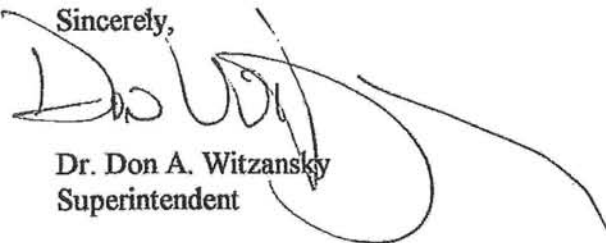
- Recommendation 100 - We would offer our support in developing a five-year comprehensive strategic plan;
- Recommendation 101 - We openly communicate with all law enforcement agencies, and work very closely with the Fresno County Sheriff's Department. We have deputies assigned to the area that work directly with our schools;

Page 2 - Grand Jury Response

- Recommendation 102 - We would participate in a countywide gang summit;
- Recommendation 103 – We have no neighborhoods with gang activity;
- Recommendation 104 - We have very clear policies related to student behavior and gang affiliation;
- Recommendation 105 - Our local faith-based organizations work with youth providing positive activities;
- Recommendation 106 – No response, see #103;
- Recommendation 107 - We have recently been approved to participate in the Students Targeted with Opportunities for Prevention (STOP) Program through the Fresno County Probation Department at Foothill Middle School; and
- Recommendation 108 - We are involved in the Fresno County Office of Education pilot Truancy Intervention Program (TIP), and will continue to support positive student attendance.

I would be glad to meet with a representative to discuss the above responses, and provide additional information if needed. Please feel free to contact my office if I can be of assistance.

Sincerely,



Dr. Don A. Witzansky
Superintendent

Cc: Board of Trustees
✓ Fresno County Office of Education

430/001/275



Washington Colony School District

130 East Lincoln Avenue • Fresno, California 93706
559/ 233-0706 • FAX 559/ 233-9583

May 15, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

On behalf of the children and families our district serves, I thank you for your investigation into the growing gang problem in our county. As educators, our district's mission is to educate children so that they may become contributing and responsible citizens who will have the skills and abilities to make positive contributions to our greater community.

Our district provides the following responses to the Grand Jury's Final Report entitled *Saving Future Generations: Fresno County Gang Activity*:

Recommendation 100: Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.

We concur that the development and implementation of a five-year comprehensive strategic plan for the reduction of gangs in Fresno County is one of the strategies that focuses on prevention and intervention. We further concur that for any strategy to be successful it must include an implementation timeline and accountability provisions.

Recommendation 101: All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.

We concur with this recommendation. One of the on-going frustrations in dealing with gang-related issues is the "compartmentalization" of resources and support.

Recommendation 102: A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.

We concur that this is a reasonable activity in support of Recommendation 100.

Recommendation 103: Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.

We support school-based efforts, focused on grades four through eight. As your report so clearly illustrates recruitment and initiation start early.

Recommendation 104: A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.

We concur with this recommendation. There is, to our knowledge, no consistent, county-wide program for immediate and effective early intervention. There is also a lack of understanding on the part of many parents and adults that behaviors considered "typical" of today's youth are often the precursor behaviors to gang involvement.

Recommendation 105: City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.

We concur with this recommendation. All community resources need to be mobilized to support our youth in preventing gang involvement and breaking the gang cycle.

Recommendation 106: City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.

While we concur with the need to direct fiscal resources in support of gang reduction initiatives, the reality is that most districts in Fresno County are already operating with limited fiscal resources. Federal mandates, such as No Child Left Behind, require available resources to be allocated almost exclusively to academic achievement. There appears to be little understanding on the part of the Federal government of the relationship between schools which are "safe havens" and academic achievement. Unless or until school safety becomes a component of the Federal accountability model, resources will continue to be directed mainly to academic programs.

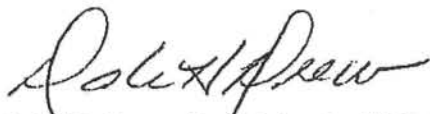
Recommendation 107: All agencies to actively seek grants to fund gang initiatives countywide from both public and private sources.

We concur and support this strategy as one possible solution to limited financial resources as described in our response to Recommendation 106.

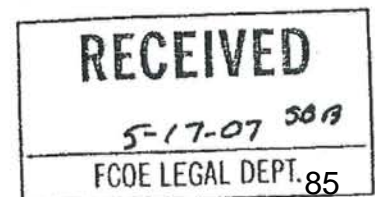
Recommendation 109: The Truancy Intervention Program (TIP) should be continued and expanded.

While we are not familiar with the Truancy Intervention Program (TIP), one of our biggest frustrations is that there are no teeth in any of the tools available to us in fighting truancy. While we have a "local SARB" most families soon figure out that there are no consequences if they fail to abide by the SARB contract. Unless or until the court system is willing and/or able to support local SARBs we will continue to lose the truancy battle.

Very Truly Yours,



Dale H. Drew, Superintendent/Principal





Washington Union High School District

where
great
futures
begin

May 15, 2007

John Pectorich
District Superintendent

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Joey Campbell
Principal

Cathy Green
Administrative Assistant

Re: Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

BOARD OF TRUSTEES

On behalf of the children and families our district serves, I thank you for your investigation into the growing gang problem in our county. As educators, our district's mission is to educate children so that they may become contributing and responsible citizens who will have the skills and abilities to make positive contributions to our greater community.

Jim Curtis
President

Frank Butterfield
Vice President

Our district provides the following responses to the Grand Jury's Final Report entitled *Saving Future Generations: Fresno County Gang Activity*:

E.W. "John" Musson, Jr.
Clerk

Recommendation 100: *Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.*

Chuck Freitas
Member

The Washington Union High School District has adopted the motto, "Where Great Futures Begin". The district recognizes the negative impact gang affiliations can have on a student's education and preparation for the future. We strongly agree that any successful plan must be comprehensive, collaborative and inter-agency based. Washington Union looks forward to participation in a manner which may be of benefit to all students in our district and in Fresno County.

Elaine Mehrten
Member

Derek Cruz
Director
Curriculum &
Student Achievement

Recommendation 101: *All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.*

The Washington Union High School District will assign a senior level administrator to coordinate our efforts along with those of other county schools and agencies to reduce gang activity in our community.

Lucio Cortez
Director
9th Grade Academy

Glen Freeman
Director
Panther Services

Arden M. Jones
Principal
Easton High School

Recommendation 102: *A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.*

Washington Union High School District is taking initial steps to implement a nationally recognized program, Safe School Ambassadors. While not specifically focused on gang activity, Safe School Ambassadors addresses all areas of school safety which would, of course, include gang activity. Fresno County Schools

Gurnice Smith, Ed.D.
Director
Adult Education/ISP

Superintendent, Larry Powell, has already begun initiatives for a school safety summit. Should a specific county-wide gang summit be convened, Washington Union High School District would look forward to participation.

Recommendation 103: Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.

Washington Union High School District agrees with the Grand Jury's decision to focus efforts on grades 4-8. Experience shows that students who are influenced by gang activity have developed attitudes and associations prior to the 9th grade.

Recommendation 104: A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.

Washington Union High School District provides strong intervention in many areas of student behavior which can be related to gang association. We recently have reduced our student-counselor ratio to a very low 250-1. We also have implemented a Freshman Academy for the purpose of transition to high school and immediate intervention. Washington Union is working with neighboring West Fresno School District to develop a program which includes school social worker services.

Any prevention/intervention program must include alternate, positive activities for students. Washington Union conducts an After School Program, with a leadership component, Dare to Dream, which redirects students proactively. A Washington Union teacher, Alison Beedy, has developed a new club called, "Beyond the Block", which engages high risk youth in art and literature activities they would not experience unless provided the opportunity to attend theatre, concerts, etc. The response by students and community has been very strong.

Recommendation 105: City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.

Washington Union High School District recognizes the potential for collaboration with non-profit and faith-based organizations. Each Thursday afternoon, Washington Union students are allowed to attend a free, inspirational Fellowship of Christian Athletes luncheon at the neighboring Immanuel Lutheran Church social hall. Further collaboration within the neighborhoods beyond the immediate campus vicinity would be desirable.

Recommendation 106: City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.

Washington Union High School District currently budgets a variety of funding sources for the purpose of creating a positive, safe school environment. While any grant funding which may become available on a countywide basis would be of great benefit, existing sources could be reallocated at the school level to support gang prevention and intervention more specifically.

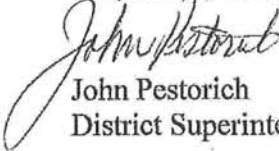
Recommendation 107: All agencies to actively seek grants to fund gang initiatives countywide from both public and private sources.

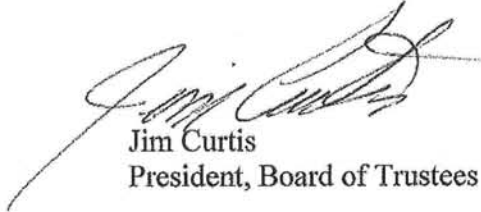
Washington Union High School Principal, Joey Campbell, recently met with Sheriff Margaret Mims regarding collaboration between the Sheriff's Department and Washington Union. We are exploring the opportunity for grants which might fund a deputy dedicated to Washington Union and/or surrounding schools.

Recommendation 109: The Truancy Intervention Program (TIP) should be continued and expanded.

Washington Union High School District has not been a participant in the Truancy Prevention Program (TIP) but would be interested should the program be expanded.

Very truly yours,


John Pistorich
District Superintendent


Jim Curtis
President, Board of Trustees

West Park Elementary

2695 S. Valentine Avenue ~ Fresno, California 93706
559-233-6501 Ph.~ 559-233-8626 Fx.~ www.westpark.k12.ca.us

May 15, 2007

Fresno County Grand Jury
c/o Juror Services Manager
Fresno County Courthouse
1100 Van Ness Avenue, Room 102
Fresno, California 93724-0002

Re:•Response to Grand Jury Final Report #1 for 2006-2007

Dear Honorable Members of the Grand Jury:

On behalf of the children and families our district serves, I thank you for your investigation into the growing gang problem in our county. As educators, our district's mission is to educate children so that they may become contributing and responsible citizens who will have the skills and abilities to make positive contributions to our greater community.

Our district provides the following responses to the Grand Jury's Final Report entitled *Saving Future Generations: Fresno County Gang Activity*:

Recommendation 100: Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.

West Park Elementary School District exists approximately seven miles west of highway 41 on North. There are two small communities on Beran Drive and Prosperity. The Fresno County Sheriff's provide information as requested. We need more information to determine the type of gang identification and activity that is prevalent in our region.



Home of the
Wolves

Steven Irby
Principal

"Whatever the
mind can
conceive
and believe,
the mind
can achieve."

r. Napoleon Hill

Ralph Vigil
Superintendent

Board Members

Aida Garcia
Edward Randolph
Frank Quevedo, Jr.
Lupie Pineda-Capote
Tom Deubert

Recommendation 102: *A countywide gang summit should be convened to focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.*

Through participation and information sharing, we support any gang prevention summit meetings that include law enforcement and social agencies that provide cumulative data and regional trends.

Recommendation 103: *Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.*

West Park School District takes steps to maintain a safe school climate. Added gang information from our communities contribute to our efforts. With California state standards and academic accountability driven by "No Child Left Behind" legislation, progress towards a "college going" community is conducive to the enhanced safety of the campus. Furthermore, added elements of information such as gang life in the local area or scheduled activities addressing gang issues, deters or reduces academic focus and takes away from academic or enrichment time.

Recommendation 104: *A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.*

West Park School District follows the education code and has implemented a progressive discipline model. All staff leading to the site administrator plays a role in discipline steps including gang related activities (i.e. graffiti, dress code, etc.). The Fresno County Office of Education provides necessary psychological services as needed and a intern counselor is assisting in the development of a resource guide for student issues.

Recommendation 105: *City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce gang activity and membership.*

West Park School District is open to community assistance that is availed to our rural isolated setting.

Recommendation 106: *City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.*

West Park School District has a small revenue source given the school population and the academic program needs. "Safe school" dollars that are generated are limited and are used to provide compliance measures.



Home of the
Wolves

Steven Irby
Principal

"Whatever the
mind can
conceive
and believe,
the mind
can achieve."
r. Napoleon Hill

Ralph Vigil
Superintendent

Board Members
Aida Garcia
Edward Randolph
Frank Quevedo, Jr.
Hopie Pineda-Capozzi
Tom Deubert

Recommendation 107: All agencies to actively seek grants to fund gang initiatives countywide from both public and private sources.

West Park School District participates as a partner in many academic areas and is willing to do so to address gang prevention. Limited resources from categorical dollars to pay for a grant writer may be a possible avenue given that the site council approves a detailed effort for such expenditures.

Recommendation 109: The Truancy Intervention Program (TIP) should be continued and expanded.

We are willing to implement another program if the appropriate resources (time, training, personnel, space, and activities) are established. I am unfamiliar with "TIP" but would be interested in reading its research foundation and implementation structure.

Very truly yours,

Ralph -G. Vigil•••Hopie Capozzi-Pineda
Superintendent•••President, Governing Board



CLOVIS
UNIFIED
SCHOOL DISTRICT

RECEIVED
BY *bis* | DATE *5/17/07*

1450 HERNDON AVENUE
CLOVIS, CA 93611-0599
559.327.9000
www.clovisusd.k12.ca.us

May 11, 2007

Ms. Marion Mosely, Foreman
Fresno County Grand Jury
1100 Van Ness Avenue
Fresno, CA 93724-0002

Dear Ms. Mosley:

GOVERNING BOARD

Sandra A. Bengel
Brian D. Heryford
Ginny L. Hovseplan
Richard Lake, C.P.A.
Elizabeth J. Sandoval
Jim Van Volkinburg, D.D.S.
Susan M. Walker, D.H.Sc.

On March 14, 2007, Clovis Unified School District submitted the attached response to the Grand Jury's December 20 report to the County Administrative Office. As instructed in a January 9, 2007 memo from Senior Administrative Analyst Ms. Natasha Hagaman, this response was submitted to the County Administrative Office by email.

Unfortunately, on May 10 we received a letter indicating that the Grand Jury did not receive Clovis Unified's response, which was submitted in the manner described above. Please accept our apologies that the March 14 document did not successfully reach the Grand Jury, and be assured that Clovis Unified *did* submit a response within the timeline required.

ADMINISTRATION

Terry Bradley, Ed.D.
Superintendent
Virginia R. Boris, Ed.D.
Associate Superintendent
Daniel E. Kalsner, Ed.D.
Associate Superintendent
William C. McGuire
Associate Superintendent
Janet L. Young, Ed.D.
Associate Superintendent

If you have any questions regarding this response from our Governing Board President Betsy Sandoval, please feel free to contact me at 559-327-9092.

Sincerely,

Kelly Avants
Director, Communications and Board Relations

Attachment: March 14, 2007 CUSD Response to Grand Jury



CLOVIS

UNIFIED
SCHOOL DISTRICT

March 14, 2007

Marian Mosley, Foreman
2006-07 Fresno County Grand Jury
County of Fresno
County Administrative Office
1100 Van Ness Avenue
Fresno, CA 93724-0002

SUBJ: Fresno County 2006-07 Grand Jury Final Report #1

To the Fresno County 2006-07 Grand Jury

Please allow this letter to serve as the response of the Clovis Unified School District Governing Board (CUSDBG) to the recommendations contained in the Fresno County 2006-07 Grand Jury Final Report #1 dealing with gang activity within the boundaries of Fresno County.

Findings:

The Governing Board of the Clovis Unified School District agrees with the findings that gang related activity in the Fresno County area is a significant problem facing our community. We support interagency cooperation to address this issue, and as a district have implemented prevention programs at a variety of grade levels in our K-12 district. In addition, we have a senior level administrator who coordinates our gang related prevention programs, participate in the District Attorney's TIP program, and are open to continued efforts to increase collaboration among all Fresno County agencies to address the issue of prevention of gang activity.

Recommendations:

As required in the directions from the Fresno County Grand Jury, the following is our response to each of the recommendations, except for #108, contained in the final Grand Jury report #1 related to gang activity within Fresno County:

- **H100**—Develop and implement a five-year comprehensive strategic plan for the reduction of gangs in Fresno County. That a strong accountability model be developed which would include timelines and assign appropriate responsibility.

The CUSDBG agrees with this recommendation contingent upon the school districts being involved from the outset in the development of the plan and that the cost to implement said plan not be borne solely by school districts.

1450 HERNDON AVENUE
CLOVIS, CA 93611-0567
559.327.9000
www.clovisusd.k12.ca.us

GOVERNING BOARD

Sandra A. Bengel
Brian D. Heryford
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Susan M. Walker, D.H.Sc.

ADMINISTRATION

Terry Bradley, Ed.D.
Superintendent
Virginia R. Boris, Ed.D.
Associate Superintendent
Daniel E. Kalsner, Ed.D.
Associate Superintendent
William C. McGuire
Associate Superintendent
Janet L. Young, Ed.D.
Associate Superintendent

- **H101**—All efforts to reduce gang activity must be coordinated countywide with clear channels of authority, appropriate responsibility and open communication links.

The CUSDGB agrees with this recommendation. Our senior leadership staff has been a part of the City of Fresno Gang Prevention Task Force and we look forward to expanding this effort on a countywide basis. However, the efforts of the City of Fresno should be incorporated into a countywide effort in order to eliminate any redundancy.

- **H102**—A countywide gang summit should be convened go focus on a coordination of gang initiative efforts and to consider a five-year strategic plan.

The CUSDGB agrees with this recommendation. Our Governing Board will be willing to participate in this summit along with members of our senior administration.

- **H103**—Major gang prevention efforts to be school-based, focused on grades four (4) through eight (8) in neighborhoods where there is significant gang activity.

The CUSDGB agrees with this recommendation with the understanding that the all local agencies must be willing to assist school site staffs in this effort. In addition, we must also continue to accelerate our efforts in curbing activity at our high schools throughout the County.

- **H104**—A strong intervention program must be developed for immediate and effective intervention at the first instance of delinquent behavior.

The CUSDGB has always considered school safety its top priority. As a result we would definitely agree with this recommendation because we have already been implementing this program at all of our school sites. Certainly, we would consider any new intervention program that would improve our efforts.

- **H105**—City and County governments are to include non-profit and faith-based organizations that have successful track records as full partners in their efforts to reduce activity and membership.

The CUSDGB agrees with this recommendation. In fact, we would expand this recommendation to include School Districts as well as City and County governments.

- **H106**—City and County governmental agencies and school districts must develop fiscal resources to fund gang reduction initiatives with allocations from current budgets and establish a priority for new funding as it becomes available.

The CUSDGB already allocates funds for gang prevention activities throughout Clovis Unified. Also, in partnership with the City of Clovis we have successfully applied for and received grants that have allowed us to work cooperatively in our attempt to curb gang activity within the communities we serve. Because of the limited funds available to Clovis Unified (we have the lowest expenditure per pupil of any Fresno County Unified School District), we would have to consider the allocation of additional unrestricted

general fund resources to gang prevention activity as consideration is given to the academic and operational needs of Clovis Unified.

- **H107**—All agencies to actively seek grants to fund gang initiatives countywide from both public and private sources.

The CUSDGB agrees with this recommendation. In fact, as mentioned above we have already partnered with the City of Clovis in seeking and receiving grants that have allowed us to expand our gang prevention programs. We look forward to working with other agencies in expanding our efforts in seeking grants for this purpose from both public and private sources.

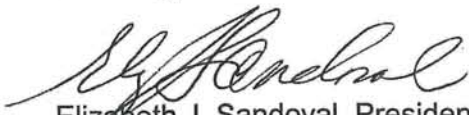
- **H109**—The Truancy Intervention Program (TIP) should be continued and expanded.

The CUSDGB is committed to continuing its participation in the program. However, it is our position that because the current program requires a financial commitment from participating school districts, the expansion of the program should be a decision of the Governing Board of each school district.

Thank you for giving our Governing Board the opportunity to respond to the recommendations of the Fresno County 2006-07 Grand Jury related to gang prevention intervention programs. We look forward to working with many agencies within Fresno County in addressing this issue.

Please contact Terry Bradley, our District Superintendent if you have any questions or would like to further discuss or responses to the Grand Jury recommendations.

Sincerely,



Elizabeth J. Sandoval, President
Clovis Unified School District Governing Board



CENTRAL UNIFIED SCHOOL DISTRICT

BOARD OF TRUSTEES

March 15, 2007

The Honorable Hilary Chittick
Presiding Judge, Superior Court
1100 Van Ness Avenue
Fresno, CA 93721

RECEIVED
BY DIS | DATE 5-17-07
emailed

Re: Response to 2006-07 Grand Jury Requests

Dear Judge Chittick:

Per the request of the Grand Jury, Central Unified School District reviewed the findings and recommendations on "Saving Future Generations, Fresno County Gang Activity". The School District agrees with the findings. Following are the responses to the recommendations:

- H-100 Central Unified is currently working on a five year plan with district cabinet, community members, and school sites to address gang reduction in the schools. The plan will be completed by June 1st, 2007.
- H-101 Recommendation has not been implemented. Central Unified has implemented "Character Counts" district wide and is a member of the Mayor's Gang Task Force. Central Unified will continue to coordinate its efforts with the Mayor's Gang Task Force. The Director of Child Welfare and Attendance will assume primary responsibility for Central Unified School District gang reduction efforts. School site principals, vice principals, and counselors together with district administration will coordinate efforts in the schools serving the Central Unified communities.
- H-102 Recommendation has not been implemented. Central Unified is actively involved in the Fresno Gang Task Force. Central Unified School District will participate through its Child Welfare and Attendance Office in a countywide gang summit. Central Unified is currently actively involved in the Fresno Gang Task Force
- H-103 Central Unified has identified and will continue to identify areas in its communities that are subject to gang involvement and activity. The district is currently implementing an anti-bullying program, "Second Step", in some of its elementary schools. This program will be made available to all elementary schools. After school programs such as Campus Connection in the elementary schools, and The Spot at the high school give students an opportunity to be involved in academic and enrichment activities as an alternative to gangs. Athletics and strong co-curricular programs such as AVID and FFA also provide students with a means of connecting with meaningful activities and caring adults and peers.
- H-104 Central Unified School District has an effective assertive discipline program in its middle and high schools. The District is currently working on a district-wide discipline program and handbook for its elementary schools. This assertive discipline program clearly spells out consequences for student misbehavior, including gang involvement. The counseling program at the middle and high schools also provides resources for use with

students involved in gang behavior in the schools. Central Unified middle and high schools have a TAC officer assigned from Fresno Police Department and Fresno County Sheriff's Department who help identify and intervene where students become involved in gangs. Central Unified works closely with MAGEC when needed. Recommendation is in place at Central Unified. Central Unified has intervention in place for immediate and effective delinquent behavior.

H-105 Central Unified Schools have developed strong partnerships with local churches which provide after school activities and adult mentors on our campuses. Chaplains are also part of the school programs. Central Unified purposes as part of its five year strategic plan to expand its partnerships with non-profit and faith-based organizations to provide on going gang intervention efforts.

H-106 Recommendation has not yet been implemented, but will be in the future.

H-107 Central Unified agrees with the recommendation.

H-109 Central Unified is currently participating in the Truancy Intervention Program and will continue participating in the program.

If you need any additional information, please call me at 559-274-4700 ext. 143, or email me at awilliams@centralusd.k12.ca.us.

Sincerely,

Art Williams
Director, Student Services

District Administration

Marilou Ryder, Ed.D. Superintendent · Sarah Koligian, Instruction · Chris Williams, Human Resources · Laurel Ashlock, K-12/Adult Ed · John Mulligan, CFO

4605 N. Polk Avenue · Fresno, CA 93722 · (559) 276-5206



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May 16, 2007

SUPERINTENDENT

Michael E. Hanson

Dear Mrs. Mosley:

The following is provided as a response to the Fresno County Grand Jury 2006-2007 Final Report #1 by the Fresno Unified School District.

The Fresno Unified School District is committed to providing a safe, orderly and secure environment free from gangs and gang influence. As a district we recognize that safety is the foundation of school success. Students must be safe and feel safe in order to learn and achieve at high levels. In California, establishing safe schools that enhance learning is required by the state's Constitution. Article I, Section 28, is a voter-approved initiative since 1982.

As a district, we are taking a comprehensive approach to the growing gang epidemic. This approach is preventative in scope and includes a variety of stakeholders. To this end the district has allocated resources towards increased TAC officers at the high schools (Fresno Unified currently has 6 we are looking to expand to 8 as well as an addition of a FPD sergeant), Fresno County Probation officers at high schools, increased Campus Safety Assistants both at the middle and high school, peer mediation programs grade 7 and 8, ten (10) middle school social workers, K-6 social workers from the Department of Children and Family Services at 15 elementary schools, Life Skills program at the middle schools taught by Fresno Police Officers, Participation in the Mayors Gang Prevention Initiative, the STOP program at selected middle schools, Case Managers and Transition teachers at each of our middle schools, as well as participation in the multi-agency multi-district Truancy Intervention Program. Schools that have the greatest demonstrated need will have access to the resources necessary.

To assist schools and site councils in developing a comprehensive safe school plan, that includes gang prevention, the Fresno Unified School District has assigned personnel specific roles and responsibilities. The Department of Prevention and Intervention has the responsibility of planning, organizing, and directing safety operations within the district as well as the coordination of security operations with various community partners. These safety operations include gang prevention efforts. The Executive Director of Prevention and Intervention, Mr. Peter J. Summers is responsible for the coordination of the district gang prevention efforts. These efforts include such programs as Positive Behavior Supports, Discipline, Attendance Monitoring, Mental Health, and Emergency Planning

Overall, the Fresno Unified School District has instituted programs that build community and assist in gang prevention while building a positive campus culture across the district. These prevention programs include:

- Child Abuse Reporting Procedures
- Lockdown Drills
- Suspension and Expulsion Policies/Procedures
- Notifying teachers of dangerous pupils
- Discrimination and Harassment Policy/Procedures
- Anti-Bullying Policy/Procedures
- School Wide Dress Code
- Safe Ingress and Egress Procedures
- Hate Motivated Behavior Policy/Procedures
- Mayors Gang Prevention Initiative
- After school programs
- Curricular Programs:
 - Character Education
 - Peer Mediation
 - Substance Abuse Prevention Programs
 - Violence Prevention/Anti Bullying

The Fresno Unified School District recognizes the value of community involvement. The district has long established strong community ties with Fresno City Police, Fresno County Sheriff, Fresno County Probation, Fresno City Fire, Fresno City Parks and Recreation, Red Cross, City of Fresno, Fresno County Department of Children and Family Services. The Fresno Unified School District is an active participant in the Fresno County Interagency Council for Children and Families. Individual school sites have community partnerships with local area businesses as well as private and nonprofit agencies. This past year, the FUSD established the Community Family Engagement Network (CFEN), under the direction of Dr. Pam Dungy. CFEN's mission is to engage family members and the community to support the development and academic achievement of our students.

To receive community input from community members and district employees the following teams/commissions have been established:

FUSD Commission on School Safety

Ad hoc group of community leaders charged with listening to students, parents, staff and community about concerns and suggested strategies to improve personal safety and facility security in FUSD

- Examining current strategies
- Making recommendations to Superintendent

The FUSD School Safety Commission is led by Dr. Jim Aldredge

District Safety Team

The Fresno Unified Safety Team responsibility is to coordinate, collaborate and communicate district safety practices, procedures and protocols within the organization. The Safety Team also is responsible for analyzing data and forwarding recommendations for improvement to district leadership.

FUSD Bargaining Unit Safety Team

The Safety Collaborative Team was established as a method for two-way communication between the FUSD bargaining units and management concerning safety. This newly formed team will examine practices and concerns and will forward these concerns along with recommendations for improvement to district leadership.

District Response Team(s)

In response to the varying school site needs two additional teams are in place. These teams are ready to respond to an emergency if needed such as a natural disaster or civil unrest or to assist if more supervision is required such as the first week of school.

To further clarify our commitment to gang prevention and safety within our community please refer to the following attachments:

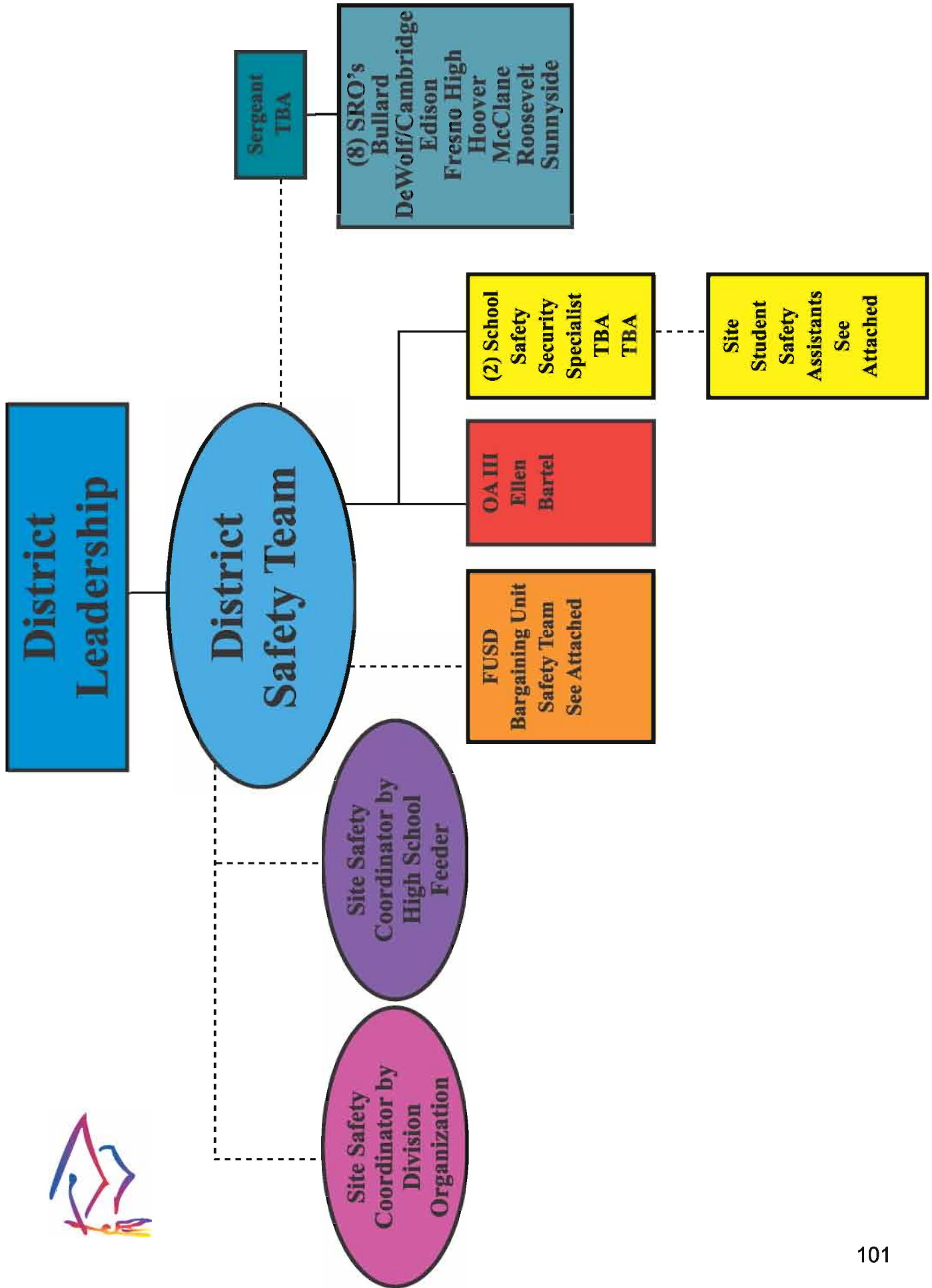
1. Safety Roles and Responsibilities
2. FUSD Safety Organizational Chart

summary, the FUSD addresses gang prevention through a myriad of strategies and programs. As recommended by the Grand Jury Report many of our targeted improvement actions are currently directed at students in grade 4-8. The district is constantly striving to provide the safest environment where students can learn and achieve. It is only through community collaboration and cooperation can we hope to stem the tide of youth gang involvement.

Sincerely,



Michael E. Hanson
Superintendent



Safety Roles & Responsibilities

Peter J. Summers – Executive Director of Prevention & Intervention

Plan, organize, control and direct the activities and program of the Department of Safety and Student Conduct which include: Expulsions/Discipline, Attendance/SARB, Mentor Program, Mental Health, Emergency Planning and Administration; supervise and evaluate the performance of assigned personnel.

Donald D. Weaver – Emergency Planning Crisis

Over see the daily operations of the Emergency Planning department; provide information and advice to school site personnel regarding safety and risk management; direct operations of crisis management and school safety for District employees.

Susan Bedi - Communications

Ellen J. Bartel – Office Assistant III

Perform a variety of responsible and technical clerical duties requiring specialized knowledge and independent judgment involving frequent and responsible public contact relating to crisis management and school safety; provide for proper input and output of a variety of data.

TBA (2) – School Safety Security Specialist

Under the direction of the Emergency Planning/Crisis Resources Coordinator, organize, coordinate and oversee work assignments, supervise and train Student Safety Assistant and Noontime Assistant personnel in providing safety, protection and security for District students, staff, property and adjacent areas; survey and patrol District sites and other locations to prevent unruly and disruptive student behavior or damage to equipment; respond to crisis calls; assist Emergency Planning/Crisis Response Coordinator.

TBA – FPD Sergeant

- Housed with Emergency Planning Coordinator and staff
- Supervise SRO's
- Coordinate FPD services with Emergency Planning Coordinator
- Maintain communication with FPD and FUSD through Emergency Planning Coordinator
- Compile monthly crime data for Fresno City and FUSD
- Assist in development of school site/district safety plans/protocol
- Monitor FUSD School Board meetings
- Assist in training schedule of SRO/FUSD staff regarding Emergency Planning
- Monitor and staff SRO's during vacation
- Facilitate assistance to middle and elementary schools when needed

TBA (8) - SRO's

- Develop a working relationship with school administration
- Respond to all juvenile police related issues on and around school campus
- Participate in development of the Safe School Plan
- Keep aware of local problems regarding students or non-students on or near school campus
- Keep current on school activities and make appropriate notifications. Be part of extra-curricular activity supervision when appropriate if 2 officers are contracted one must be SRO. Address student body when needed
- Length of duty year would be student days plus 1 week training days and summer school

- FPD and FUSD must be able to exchange vital safety related information as needed
- New SRO will provide service to DeWolf/Cambridge equally
- McLane/Hoover SRO's to serve Duncan as needed
- Enforce traffic and parking violations
- Maintain regular communication with gang and graffiti enforcement detail to keep informed of local issues
- Compile juvenile arrest data as related to school and community

John Marinovich – High School Division

Mabel Franks – Middle School Division

Elva Coronado, Sue Smits, Holland Locker – Elementary School Division

TBA (2) - Site Safety Coordinators

Develop site safe school plan, coordinate site emergency procedures, implements emergency drills, inform and train staff.

District Safety Team

Coordinate, collaborate and communicate district safety practices, procedures and protocols within the organization. The Safety Team also is responsible for analyzing data and forwarding recommendations for improvement to district leadership.

FUSD Bargaining Unit Safety Team

The Safety Collaborative Team was established as a method for two-way communication between the FUSD bargaining units and management concerning safety. This newly formed team will examine practices and concerns and will forward these concerns along with recommendations for improvement to district leadership and safety training.



County of Fresno

ELIZABETH A. EGAN
DISTRICT ATTORNEY

February 21, 2007

The Honorable Hilary Chittick
Presiding Judge, Fresno County Superior Court
1100 Van Ness Avenue
Fresno Ca 93721

Dear Judge Chittick:

The following are my responses to the findings and recommendations of the 2006-2007 Grand Jury Final Report pertaining to gang prevention and intervention.

Findings:

The Fresno County District Attorney's Office agrees with Finding 1.

The Fresno County District Attorney's Office does not disagree with Finding 2, but does not possess the numerical data to conclusively agree with the finding.

The Fresno County District Attorney's Office does not disagree with Finding 3, but does not possess the numerical data to conclusively agree with the finding.

The Fresno County District Attorney's Office does not disagree with Finding 4, but does not possess the numerical data to conclusively agree with the finding.

The Fresno County District Attorney's Office does not disagree with Finding 5, but does not possess the numerical data to conclusively agree with the finding.

The Fresno County District Attorney's Office does not disagree with Finding 6, but does not possess the numerical data to conclusively agree with the finding.

The Honorable Hilary Chittick
February 21, 2007
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The Fresno County District Attorney's Office agrees with Finding 7.

The Fresno County District Attorney's Office agrees with Finding 8.

The Fresno County District Attorney's Office agrees with Finding 9.

The Fresno County District Attorney's Office is not familiar with the research that supports Finding 10, and thus has no basis to agree or disagree with the finding.

The Fresno County District Attorney's Office does not possess the information necessary to agree or disagree with Finding 11.

The Fresno County District Attorney's Office does not possess the information necessary to agree or disagree with Finding 12.

The Fresno County District Attorney's Office agrees with Finding 13.

The Fresno County District Attorney's Office agrees with Finding 14.

The Fresno County District Attorney's Office disagrees in part to Finding 15. The City and County law enforcement agencies are coordinated and cooperative through MAGEC. The Fresno County District Attorney's Office does not possess the information necessary to agree or disagree with Finding 15, as to how various City and County agencies are coordinated in regards to gang prevention efforts.

The Fresno County District Attorney's Office does not possess the information necessary to agree or disagree with Finding 16.

The Fresno County District Attorney's Office does not possess sufficient information about goals, standards of accountability and funding of other programs to agree or disagree with Finding 17.

The Fresno County District Attorney's Office does not possess the information necessary to agree or disagree with Finding 18.

The Honorable Hilary Chittick
February 21, 2007
Page Three

The Fresno County District Attorney's Office disagrees in part with Finding 19. The District Attorney would consider civil injunctions and the Truancy Intervention Program (T.I.P.) prevention and intervention efforts. The Fresno County District Attorney's Office does not possess sufficient information to agree or disagree with the finding as it relates to other agencies.

The Fresno County District Attorney's Office does not possess the information necessary to agree or disagree with Finding 20.

The Fresno County District Attorney's Office agrees with Finding 21.

Recommendations:

R-100: The Fresno County District Attorney's Office agrees in principal to the efficacy of developing a five year strategic plan aimed at gang reduction.

R-101: The Fresno County District Attorney's Office is willing to participate in a coordinated effort to reduce gangs and will communicate with agencies participating in the effort.

R-102: The Fresno County District Attorney's Office would participate in a county-wide gang summit.

R-106: The Fresno County District Attorney's Office is currently funding "gang reduction" activities by filing gang injunctions and participating in the TIP program. Our budgetary non-grant budgetary allotment is 100% consumed in our core function of prosecuting and investigating crimes.

R-107: The Fresno County District Attorney's Office will continue to search for funding opportunities aimed at reducing gang participation.

The Honorable Hilary Chittick
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R-108: The Fresno County District Attorney's Office will continue to seek civil gang injunctions in heavily impacted areas throughout the County. Once a civil injunction is in place the work continues as we plead and prove violations and add new gang members to the injunctions that are in place. We continue to assist cities throughout the county that seek to pursue injunctions to address their gang problems.

R-109: The Fresno County District Attorney's Office intends to continue participating in the Truancy Intervention Program (T.I.P.). Discussions with the school districts and agencies involved in TIP about expanding the reach of the program are ongoing.

This concludes my comments on the findings and recommendations of the Grand Jury Final Report #1 for the year 2006-07.

Very truly yours,



Elizabeth A. Egan
Fresno County District Attorney



Department of Children and Family Services

Catherine A. Huerta, M.S.W., Interim Director

Protecting and healing children from abuse and neglect is everyone's responsibility

Partners in Human Services

Date: March 5, 2007
To: The Honorable Hilary Chittick
From: Catherine A. Huerta, Interim Director 
Subject: Response to the 2006-07 Fresno County Grand Jury Report.

Giang Nguyen
Department of
Behavioral Health
4441 E Kings Canyon
Fresno CA 93702-3604
(559) 253-9180

Attached for your review are the responses from the Department of Children and Family Services.

If you require additional information please contact Toni Paxton, Principal Analyst at (559) 453-3924.

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RESPONSE TO THE 2006-07 FRESNO COUNTY GRAND JURY REPORT

Submitted to the County Administrative Office March 5, 2007

FINDINGS

The Fresno County Department of Children and Family Services agrees with Findings # 1 – 21.

RECOMMENDATIONS

J100 – Recommendation requires further analysis

Appropriate planning and a clear vision sets the direction to prevent and reduce gang activity in Fresno County. Gang activity impacts the Fresno County Department of Children and Family Services. Parents of the children we serve, as well as many of the children themselves are either in gangs or in a “wanna be” stage. The Department of Children and Family Services is responding that recommendation requires further analysis because any efforts to develop a five year strategic plan need to be developed among all potential service providers and interested parties. The Department is a member of the Fresno County Interagency Council for Children and Families, which is responsible for the development of a continuum of services for children and families throughout Fresno County. The Interagency Council has a standing Juvenile Justice subcommittee that is currently working with the Mayor’s Gang Task Force representatives to explore opportunities to co-coordinate services and/or resource development. This sub committee is in place and would be an ideal starting place for strategic planning efforts.

J101 – Recommendation requires further analysis

The Department of Children and Family Services is responding that this recommendation requires further analysis. The Department Interim Director is part of the Interagency Council’s Juvenile Justice subcommittee that is currently working with the Mayor’s Gang Task Force representatives to explore opportunities to co-coordinate services and/or resource development. The Department welcomes the opportunity to participate in any coordinated countywide planning.

J102 – Recommendation requires further analysis

The Department of Children and Family Services is responding that this recommendation requires further analysis because we are unaware of any plans to hold future summits in Fresno County. In November 2006, the U.S. Attorneys Gang Initiative Summit was held in Fresno. Staff from the Department of Children and Family Services was in attendance. As a key partner in serving Fresno County children and families, the Department will participate in any planned event. The Department is willing to approach the Interagency Council and participate planning a summit within the next six-month.

103 – Recommendation has been implemented

The Department of Children and Family Services has implemented several programs that address the behavior issues of young children. The Department has had a presence in local elementary schools through its K-Six Program. The focus of this program is pre placement intervention. The K-Six Program partners with Children’s Mental Health and the Probation Department. The Department entered into a partnership with Fresno Unified to address their common problem of children identified with disruptive behavior problems with the Incredible Years Program. Incredible Years is an evidenced-based program that reduces children’s aggression and behavior problems and increases social competence at home and at school. It is open to anyone through the Fresno Adult School. The Department has designated an

Education Liaison to work with the school districts in Fresno County to improve the educational outcomes for foster and probation youth. In the summer of 2006, ILP Social Workers were placed at assigned high school campuses to monitor/facilitate the educational progress of youth placed in high schools located in Fresno, Clovis, and Central Unified School Districts.

J104 – Recommendation requires further analysis

The Department of Children and Family Services would need further analysis is to determine what role it would play in an intervention program for delinquent youth. The Department of Children and Family Services is an integrated department that includes both Child Welfare services and Children's Mental Health services. In developing a countywide strategic plan the Department is committed to directing mental health services as part of any prevention and intervention plan that is developed.

J105 – Recommendation has been implemented

The Department of Children and Families Services has implemented a strategy that involves community members, including faith based and non-profits, as full partners in serving children and families. In 2004, the Department of Children and Family Services implemented its Family to Family community partnership/ collaboration in the areas of Fresno County where children were entering care at the highest rate. As a result of the data, the areas of 93702/93727 (Southeast Fresno), 93706 (Southwest Fresno) and the rural cities of Selma, Reedley and Parlier were identified as "target areas" where community collaboration would be established. The department hosted open forums in the summer of 2004 and our community collaboration was under way. As a result of the open forums three community collaboratives were established. Individuals from large and small Community Based Organizations, the faith-based community, schools, law enforcement, resource families, grassroots community leaders, etc, came to the table and have dedicated themselves to assist the children and families in their community. We now see a variety of community leaders take ownership of the children and families in their respective community. It is the Department's philosophy that by strengthening families, children are less likely to participate in gang activity.

J106 – Recommendation requires further analysis

The Department of Children and Family Services is responding that this recommendation requires further analysis. The Child Welfare Services allocation is specific delivery of children's services and foster care services in accordance with the Social Security Act Title IV-E guidelines. Funding for initiatives beyond legislative parameters is prohibited. The Department is willing to partner with other agencies to seek funding from foundations and other grant sources.



County of Fresno

LINDA PENNER
CHIEF PROBATION OFFICER

February 12, 2007

The Honorable Hillary Chittick, Presiding Judge
California Superior Court-Fresno
1100 Van Ness, Dept 70
Fresno, CA 93721

RE: RESPONSE TO 2006-07 GRAND JURY REPORT

Dear Judge Chittick:

The Probation Department is referenced in Recommendations 100 through 106 of the 2006-07 Fresno County Grand Jury Report. The following is the Probation Department's response to those items:

The Fresno County Probation Department supports recommendations 100 through 106 of the Fresno County Grand Jury's Final Report #1 in their entirety. Specifically the Department supports coordinated, countywide efforts involving City and County government partnerships with schools and non-profit and faith-based organizations to develop strategic plans to reduce gangs through the use of innovative prevention, intervention, and enforcement programs. The Department is already actively participating in the development and implementation of the City of Fresno's Mayor's Gang Prevention Initiative and the County of Fresno's Gang Prevention and Intervention Project and applauds these efforts. The Department has also operated a successful school-based gang prevention effort for many years with its Students Targeted with Opportunities for Prevention (STOP) program and partnered with the police and schools on campus-based supervision programs for over a decade. In addition, the Department has once again committed staff to MAGEC. The Department's philosophy for decades has been that any plan dealing with reducing criminal activity of any type, gang or otherwise, must involve a comprehensive system-wide and community-wide approach that seeks to prevent entry into the criminal justice system, intervenes appropriately when entry occurs, and effectively enforces eradication of criminal behavior when it continues.

Linda Penner
Chief Probation Officer

CC: Denise Whitehead, Presiding Judge, Juvenile Delinquency Court, Calif. Superior Court-Fresno
Bart Bohn, County Administrative Officer
Marion Mosley, Grand Jury Foreman
Ruby Hefley, Chair, Juvenile Justice Commission
Brandi Orth, Principal Administrative Analyst, County Administrative Office
Probation Executive Council

OFFICE OF THE CHIEF PROBATION OFFICER

1100 Van Ness / Suite 874 / 8th Floor / Fresno, California 93721 / Phone (559) 488-3640 / FAX (559) 262-4327

REPORT #2

A POLICE AUDITOR—ASSURING TRANSPARENCY

A Police Auditor—Assuring Transparency

Committee: Douglas Phillips, Chairman
Dominic Papagni
John Tinker
Christopher Woolf

The Police Auditor as a topic of study was suggested by an earlier Grand Jury. The approval of the investigation by the Grand Jury allowed the committee to begin its full investigation in September, 2006. As a group, 7 interviews were conducted and numerous articles were discussed. Before the final report was completed, the committee attended at least 25 extra meetings at various locations and worked as individuals at home studying the need for citizen oversight of the police. The committee worked approximately 200 hours on the investigation.

The final report was submitted to and accepted by the Grand Jury in December, 2006. The report concluded the weight of the evidence supported establishment of an independent police auditor in Fresno. This conclusion was based on 21 findings supported by 24 references including the 7 interviews.

Five recommendations and six requests were made for responses to the report. As of June, 2007, we had received all of the responses.

A copy of the report and all of the responses follow.

Douglas Phillips, Chairman

FILED

FEB 26 2007

FRESNO COUNTY SUPERIOR COURT

By _____ DEPUTY

**2006-2007
FRESNO COUNTY GRAND JURY**



**FINAL REPORT
#2**

A POLICE AUDITOR—ASSURING TRANSPARENCY

Transparency in law enforcement enhances public trust.
“Sunshine is the best disinfectant” Supreme Court Justice Louis D. Brandeis

INTRODUCTION

An independent police auditor has been proposed for the city of Fresno three times in the last few years. It has been debated repeatedly, but it has not been adopted. On the basis of our investigation, we believe this proposal has merit and should be implemented.

Background*

1. The Fresno Police Department has an active Internal Affairs Department which investigates allegations of serious wrong-doing by police officers. That this process is taken seriously by the department is indicated by the fact that in 2005 nearly half of the investigations of officer misconduct originated within the department itself (11). In addition, the Fresno Police Department has an employee intervention program and is currently developing an “early alert system” which will identify officers who need additional training or counseling (12-a).
2. The establishment of an independent auditor is one among several “best practices” currently recommended for police departments (24). “In various ways, these best practices are incorporated into all the consent decrees and memoranda of understanding currently in force (in various police agencies around the country)” (24 page 1).
3. “...citizen oversight agencies however show promise for making some significant, lasting contributions to police accountability. This promise is found in the auditor model of oversight...” (24 page 2). There is a general agreement that a police auditor serves a useful function in many cities but disagreement about whether this position is needed in Fresno (12-a, 12-b, 12-f).
4. There is disagreement on the degree of citizen satisfaction with the practice of depending on the police to regulate themselves. Polling agencies consistently find (20), in national surveys including several Gallup Polls, Harris Poll, Washington Post/Kaiser/Harvard Racial Attitudes Survey, Freedom of Information in the Digital Age Survey and others, that a substantial proportion of respondents, especially in the minority community, are suspicious and distrustful of the police. There is

* Numbers in parenthesis refer to citations numbered on pages 8 and 9.

no reason to believe that the City and County of Fresno are exceptions to this trend of suspicion and mistrust of the police (12-a, 12-b, 12-f).

5. Some Fresno residents are suspicious of the police, fear profiling, and believe that internal police investigations are likely to protect the police. They fear that the police cannot do an unbiased investigation of themselves (12-a, 12-b, 12c, 12-f).
6. People who make complaints about police conduct which rise to the level of an official internal affairs investigation currently receive a written status report about the conduct of the investigation (12-a). However, it is not clear that all formal complaints about possible police misconduct now receive a written acknowledgement and response. The Fresno Police Complaint Procedures form indicates that they do, but interviews indicated that this might not always be the case (12-f).
7. Many California cities and cities across the country have independent auditors or review boards overseeing city police departments or county-wide sheriff's departments (10, 21). Many of these have originated from political pressure or legal agreements or decrees which have come as a result of highly publicized citizen-police confrontations (12-b, 17). Fresno is the largest city in California that does not have some form of citizen review (10, 18). Fresno is the largest city in California that does not have some form of citizen review (10, 18).
8. An independent police auditor's office ideally accomplishes three key objectives:
 - o Citizen satisfaction (citizens can be assured that complaints are thoroughly investigated and that internal affairs investigations are conducted appropriately).
 - o Prudent financial management (the cost of an auditor is minimal compared with the potential cost associated with settlements in cases of excessive force and the potential cost of lawsuits filed by citizens whose complaints are either unanswered or improperly investigated).
 - o Police officers' support (the auditor would be able to provide independent confirmation of the professionalism of the police officers where this has been challenged) (12-c).
9. Proposals to establish an independent police auditor in Fresno have been brought to a vote in the City Council and defeated each time. The reasons given for the lack of support for these proposals have included opposition from union members, lack of money (cost), disagreement over the control of appointments by Mayor or City Council, and the existence of boards or investigative agencies that can now provide police oversight (5 – six articles in the Fresno Bee in 2005 and 2006). Some people believe that the

office is beneficial to some other cities, but would not be helpful in the city of Fresno for several reasons (12b, 12d). These reasons include the perception that there is not a great deal of community interest, a belief that current internal affairs investigations conducted by the police department are sufficient, and a fear that an independent police auditor might inhibit proactive policing and demoralize police officers.

10. Every person interviewed stated that an independent police auditor provides useful benefits---at least in principle. The current Police Chief and Mayor are on record as being in support. Among the benefits claimed for the position are:
 - It would provide transparency (12).
 - It would reassure the public about the professionalism of the police force (12).
 - It would enhance the trust that the community has in the police force (12).

Research data

The Grand Jury utilized a variety of resources in its investigation of the advisability of an independent police auditor in Fresno.

Interviews of representatives from:

1. The Fresno Police Department.
2. The Fresno City Council.
3. The Fresno City Mayor's Office.
4. The Fresno Police Officers' Association.
5. The Fresno County Probation Department.
6. A community advocacy group.

Articles read and information from:

1. Newspaper articles (1998-2006).
2. The LexisNexis academic index.
3. The Roper Center public opinion data.
4. The Internet: National Association for Civilian Oversight of Law Enforcement.
5. Several Independent Police Auditors' Annual Reports from various California cities.
6. The Report of the Independent Police Auditor Study Commission, 2003.

We also obtained information from current and former Fresno County officials.

Findings

- F301 Many California cities and cities across the country have independent auditors or review boards overseeing city police departments or county-wide sheriffs' departments.
- F302 Some independent auditors or review boards have resulted from political pressure or legal decrees or agreements.
- F303 A proposal to establish an independent police auditor in the city of Fresno was brought to the City Council, and the proposal was defeated.
- F304 The Police Auditor proposal in the city of Fresno failed because of opposition from union members, concerns about cost, disagreement over control by the Mayor or City Council, and the existence of boards or investigative agencies that can now provide police oversight.
- F305 Some people believe that an independent police auditor may be beneficial in other cities, but one is not needed in the city of Fresno.
- F306 In 2005 about 50% of the Fresno Police internal affairs investigations were initiated within the Police Department.
- F307 The Fresno Police Department has a Police Chief's Advisory Board that provides a channel of communication between the police and the community.
- F308 The Fresno Police Department is developing an "early alert system" to ensure police professionalism.
- F309 There is concern that an independent police auditor might inhibit proactive policing and demoralize police officers.
- F310 There is general agreement that a police auditor serves a useful function in several California cities.
- F311 The current Police Chief and Mayor support the establishment of an office of independent police auditor in Fresno.
- F312 An independent police auditor can accomplish a balance of three key objectives, citizen satisfaction, prudent financial management, and police support.

- F313 Transparency in police operation and investigations of all inappropriate police behavior are the reasons most often stated when supporting the position of an independent auditor.
- F314 National surveys indicate that one important reason for distrust of the police stems from a concern for fair treatment of minorities.
- F315 National surveys indicate that a substantial number of minority citizens are suspicious and distrustful of the police.
- F316 Fresno's minority community shows the same concerns that the national surveys indicate.
- F317 Some members of the community have complained that some police behavior is the result of "profiling" by the police.
- F318 There is disagreement among the interviewees regarding the unbiased status of the current internal police investigations.
- F319 Information regarding what to expect from the police in various circumstances as well as the process for making complaints about police/sheriff misconduct is not widely disseminated.
- F320 It is not clear that all formal complaints of police misconduct receive a written response.
- F321 Nationally, establishment of an independent auditor is recommended as a "best practices" procedure for all law enforcement.

COMMENDATION

The Fresno Police Department is commended for the "early alert system" which is currently being developed. This system, and the observation that a significant number of internal affairs investigations are initiated within the department itself, indicates the concern that the Fresno Police Department has for the appropriate supervision and professional behavior of its employees.

CONCLUSIONS

The weight of the evidence supports the establishment of an independent police auditor in Fresno. A similar office has been established in many other cities and published sources indicated that the office works well where it has been established. In addition, there was agreement in local interviews that, at least in principle, the office performs a useful function. There was disagreement, however, about whether there is enough public discontent with the current practices to justify the

establishment of a new office. While there is no local survey available that can convincingly resolve this disagreement, a great deal of reliable national survey data shows a substantial current of discontent and suspicion of the police, especially in the minority community. There is no reason to believe that Fresno should be exceptional in this regard. We believe that an independent police auditor would address this problem by increasing transparency and enhancing public trust in the police.

RECOMMENDATIONS

The committee recommends:

- R301 That an Office of Independent Police Auditor be established in Fresno. (Findings F301,F310-F318, F321).
- R302 That the Fresno County Sheriff examine the advisability of establishing an independent auditor's office. (Findings F301,F310,F321).
- R303 That pamphlets containing information about what to expect from the police in various interactions with the public and how to file complaints if dissatisfied be widely disseminated (For example, sent out with utility bills annually). (Findings F315, F316, F319)
- R304 That the Fresno Police Department submit information on how to file a compliment or complaint about the police in the Fresno Bee in their weekly "at your service" feature. (Finding F319).
- R305 That all formal complaints about possible police misconduct receive a written response. (Finding 320).

REQUEST FOR RESPONSES

Pursuant to Penal Code § 933.05, the Fresno County Grand Jury requests responses as follows:

- A. Fresno City Council. (R301).
- B. Fresno Mayor (R301).
- C. Fresno County Board of Supervisors. (R302).
- D. Fresno County Sheriff. (R302).
- E. Fresno City Police Chief. (R301, R303, R304, R305).
- F. Fresno City Manager. (R301, R303).

Please be reminded that the responses from elected officials are due within 60 days of the receipt of this report and 90 days for others.

Table 1. A sample of large California Cities with police oversight; 2000 Census. Fresno included for comparison

City	Year Citizen Review began	population
San Diego	1988	1,223,400
San Jose	1993	894,943
Sacramento	1999	707,018
Long Beach	1991	461,522
Fresno	---	427,652
Riverside	2000	255,166
Berkeley	1973	101,517

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 - c. The Fresno City Mayor's Office.
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RESPONSES

A. Fresno City Council

R301

- Henry T. Perea, Council President
- Blong Xiong
- Brian Calhoun, Ph.D.
- Cynthia A. Sterling
- Larry Westerlund
- Mike Dages
- Jerry Duncan

B. Fresno Mayor

R301

C. Fresno County Board of Supervisors

R302

D. Fresno County Sheriff

R302

E. Fresno City Police Chief

R301, R303, R304, R305

Included with the City Council response

F. Fresno City Manager

R301, R303

Included with the City Council response

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HENRY T. PEREA
COUNCIL PRESIDENT

RECEIVED
BY *gb* | DATE 4-4-07

FRESNO CITY HALL
2600 FRESNO ST.
FRESNO, CA 93721
(559) 621-8000
FAX (559) 498-2541

MANCHESTER
SATELLITE OFFICE
(559) 225-7293
FAX (559) 225-7294

March 29, 2007

Marian Mosley, Foreman
County of Fresno Grand Jury
1100 Van Ness Avenue
Fresno, CA 93724-0002

Re: Grand Jury Final Report #2 2006-2007, R301

Dear Foreman Mosley:

I would like to thank the Grand Jury for their opinions expressed in the recently released Report #2. I appreciate the time spent in the discovery process as well as the resulting recommendations.

In regards to the committee recommendations establishing an Office of Independent Police Auditor, R301, in the past council majority has not supported this plan and I have been part of that majority vote. My opinions are public record and I have been consistent in all three votes. I am always willing, however, to listen to new information and participate in new dialogue.

As Council President, I will continue to explore all avenues to build and maintain the communication and trust so important in any community between its police department and its citizens. I look forward to the continued growth and development in establishing the best practice for the well being for all Fresno's citizens.

Sincerely,

Henry T. Perea
Council President

HTP/slv

Cc: County Administrative Office
Mayor Alan Autry



Councilmember Blong Xiong
Fresno City. Council

Date: March 27, 2007
To: Marian Mosley, Forman
From: Blong Xiong, Councilmember
Subject: Grand Jury Response regarding Office of Independent Police Auditor

Thank you for the considerable time and effort that the grand jury members invested in the assessment and the recommendations regarding the establishment of an Office of Independent Police Auditor for the City of Fresno. As a Councilmember for the City of Fresno, I respectfully submit the following responses to your recommendations.

I disagree with Findings #'s 301, 310-318, 321; It is my belief that prior to creating an Office of Independent Police Auditor, the City of Fresno first take a pro-active approach of evaluating their exiting processes. A full internal assessment of the current procedures and protocols available to the residents for addressing police complaints should be conducted. Followed by affirmative action to strengthen and improve their effectiveness. The existing processes that should be examined include the Internal Affairs Department, District Attorneys Office, Grand Jury, and Federal Bureau of Investigations. If the City fails to conduct an internal assessment or strengthen the existing process then I would fully support the establishment of an Independent Police Auditor. Such an auditor would be in the form of an independent commission that has there own staff and reports to a board which is appointed by the Mayor and City Council. Yet, the commission would be free to investigate cases they determined necessary. In addition, the public, City Council, and public would be able to petition the commission to consider cases they believed merited review.

I have no comment on Finding #'s 301, 310, 321; In my elected role with the City of Fresno I do not have any jurisdiction over County policies and would refer the matter to the Board of Supervisors.

I agree with Findings #'s 315, 316, 319; It is important that the Police Department take appropriate steps to inform its customers of the high expectations the Council has for the police department in regards with their interaction with residents. It seems reasonable to and cost efficient to communicate this process through the use of utility bill attachments.

I agree with Findings #'s 319; It seems appropriate for the Police Department to be proactive in and improving customer service by placing the complain process in the Fresno Bee's "at your service" feature.

I agree with Findings #'s 320; I am surprised to know that a written response to all formal police complaints is not standard protocol for the Police Department. I understand that

there may be some instances that do not accommodate a written response; such as those made by a transit resident who does not have a consistent address. However, I would strongly urge the Police Department to make every reasonable attempt to respond to each formal complaint in written form. Ensuring that residents receive acknowledgement of that their complaint was received, investigated, and acted upon.

Again, thank you for your hard work and the opportunity to express my concerns and comments regarding the subject of an Office of Independent Police Auditor for the City of Fresno. Please let me know if I can be of any further assistance.

Sincerely,

Blong Xiong
Acting Council President



Brian Calhoun, Ph.D.
Councilmember
District 2

April 20, 2007

The Fresno Grand Jury
C/O The Honorable Hilary Chittick, Presiding Judge
Superior Court
1100 Van Ness Avenue
Fresno, CA 93724

Members of the Fresno Grand Jury:

The following is my direct response as requested by the Fresno County Grand Jury in a letter dated February 16, 2007.

2006-2007 Fresno County Grand Jury Final Report #2

Police Auditor – Assuring transparency

Committee Recommendation

R301 That an Office of Independent Police Auditor be established in Fresno
(Findings F301, F310, F318, F321)

At this time, I do not support the recommendation that an Office of Independent Police Auditor needs to be established in the City of Fresno. While there is validity to some of the findings as it pertains to other California cities, I do not feel that the City of Fresno Police Department currently needs this type of additional oversight.

The reason for my position on this issue is as follows. The Chief of Police currently has a Chief's Advisory Board which consists of appointed members from all Councilmembers and the Mayor who review complaints and high profile cases involving the Police Department. The Chief voluntarily established this Board when being named the Chief of Police for the purpose of oversight.

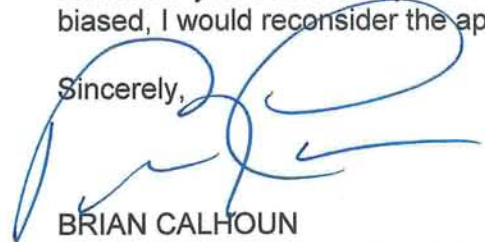
In addition, the City of Fresno Police Department has been presented with the honor and accomplishment of being the largest California Police Department to be accredited by CALEA, the Commission on Accreditation for Law Enforcement Agencies. To achieve accreditation, the Fresno Police Department had to comply with 388 internationally accepted standards. Their assessment included all aspects of the Agency's policies and procedures, management, operations, and support services. I feel that this voluntary process by the Chief assures the citizens of Fresno that their police department is among the best in the nation. The department must now maintain compliance with the identified standards and report annually to CALEA; they must within in three years complete a re-accreditation process, similar to what was required during the initial accreditation process.

For these reasons, I feel under the current leadership of Chief Jerry Dyer, the Department is performing nationally recognized best practices which includes the internal investigation

procedures which were also examined by CALEA. I can also tell you, being in the position of reviewing many of the cases involving our officers in closed session I feel that although mistakes are occasionally made by law enforcement, the investigation and corrective action process is done very well and is effective.

In closing, I would like to thank the Grand Jury for their service to the community and for their interest in many of these serious issues facing both the City and County of Fresno. I also commit to you that if at anytime I feel that our Police Department is ineffective, inefficient or biased, I would reconsider the appointment of an Independent Police Auditor.

Sincerely,



BRIAN CALHOUN
Fresno City Councilmember, District 2

CC: Fresno City Council
Mayor Alan Autry
City Manager, Andy Souza
City Attorney, James Sanchez
City Clerk, Becky Klisch
Police Chief, Jerry Dyer



CYNTHIA A. STERLING
COUNCILMEMBER

March 26, 2007

Honorable Hilary Chittick
Presiding Judge
Fresno County Superior Court
1100 Van Ness Avenue
Fresno, California 93724-0002

**RE: Response to the 2006-2007 Grand Jury Report #2
A Police Auditor-Assuring Transparency**

Dear Judge Chittick
and Members of the Fresno County Grand Jury:

It was my pleasure to read the 2006-2007 Fresno County Grand Jury Final Report number 2, "A Police Auditor-Assuring Transparency".

I agree with the findings in the Grand Jury report, that a Police Auditor is needed.

In my very short tenure as a Fresno City Councilmember representing District Three, I have had the chance to vote twice for a Police Auditor. Both times, I was on the losing side of the vote. At this time I still support a Police Auditor.

I am interested in seeing the responses of my colleagues on the council and hopefully we can see this item moving forward in the near future addressing any concerns they have with the help of this report.

I further agree with the findings listed (F301-F321). Even though not all the findings relate to the City Of Fresno, having a seamless and transparent system works well with all citizens in the City and County of Fresno.

If you should have any questions, please contact my Chief of Staff, Gregory Barfield at 559/ 621-7834 or by email at Gregory.Barfield@fresno.gov.

Sincerely,

Cynthia A. Sterling
Member of the Fresno City Council, District Three

cc: Fresno County Administrative Office: (nhagaman@co.fresno.ca.us)

FresnoCoGrandJury2006-07FinalReportIPA31907

City of



Larry Westerlund
Councilmember
District 4

May 14, 2007

The Fresno Grand Jury
Honorable Hilary Chittick
Superior Court
1100 Van Ness Avenue
Fresno, CA. 93724-0002

Foreman Mosley and Members of the Fresno Grand Jury,

This letter constitutes my personal response as requested by the Fresno County Grand Jury in your letter dated February 16, 2007 and again on May 9, 2007.

On April 24, 2007, the Fresno City Council took up the matter of responding to the Grand Jury report entitled "A Police Auditor – Assuring Transparency." After discussion, the Council decided not to respond to all of the recommendations made by the Grand Jury and in particular to the establishment of a Police Auditor in recommendation #301. Personally, I believed then and still believe that it is inappropriate for the Council not to respond specifically to each recommendation made by the Grand Jury. I advocated to my colleagues that we should respond to each recommendation, however, my position was in the minority.

As you are aware, the Council does not act as individuals, rather we can only act as a body when at least four members can constitute a majority and take a position. Thus, I find it very disconcerting that the Grand Jury is demanding that all Council Members individually respond to the Grand Jury's recommendation. After extensive consideration, I can see no legitimate reason for demanding individual responses. Furthermore, after some limited research, I can find no instance wherein the Fresno City Council was asked to individually respond on any matter. In every instance, I found that the Council has always responded as a body to Grand Jury recommendations. Given this year's peculiar and highly unusual request for individual responses, gives me a great deal of concern.

I have a great deal of respect for the work of Grand Juries and I appreciate all the uncompensated hours jurors put into investigating the various issues they report upon. It is also my understanding that Grand Juries are to be impartial and unbiased finders of fact. Based upon those facts, as they find them, the Grand Jury makes recommendations that elected officials may or may not choose to follow. Given this year's request for Council Members individual responses, when we as Council Members cannot act as individuals but only as a body,

makes me wonder if the Grand Jury is stepping beyond its normal role of simply making recommendations and is now attempting to influence individual elected officials to a particular agenda. If the foregoing is indeed the case, I must formally object.

However, in spite of my objection, I will respond. I cannot at this time agree with recommendation #301 of the report regarding the Police Auditor. After careful review of the Grand Jury report, I stand by my testimony before the Grand Jury subcommittee that interviewed me on this subject, and my public statements each time this has come before the City Council. As always, however, I reserve the right to change my position in the event I come to believe that the Police Chief and his administration do not take the appropriate actions to manage the department for potential malfeasance.

Finally, I would like to thank the Grand Jury for all of their hard work. While I may not agree with all the recommendations made, I do appreciate your service to the community.

Sincerely,



Larry Westerlund
Fresno City Councilmember
District Four



Mike Dages
Council Member
District 5

April 24, 2007

Staff Members:

Sal Quintero
Council Assistant

Jessica Buenrostro
Staff Assistant

Rosa Vasquez
Staff Assistant

The Honorable Hilary Chittick, Presiding Judge
Fresno County Grand Jury
Superior Court
1100 Van Ness Avenue
Fresno, Ca 93724

Dear Judge Chittick:

I have been asked by the foreman of the Grand Jury, Marian Mosley to respond to only one item from the Grand Jury report concerning "A Police Auditor" recommendation "R301"

I have a great deal of respect for our police officers in the City of Fresno. They are hard working people who have dedicated their lives to helping others. I have always noticed Police Officers run to an emergency and into harms way, while other people run to safety.

I do not want any police officer with the City of Fresno looking over their shoulder every time they need to make a split second life threatening decision. That wrong decision may cost that officer her or his life. The City of Fresno has had 6 police officers shot in the last 8 months. The crime in Fresno is at a 30 year low, but, our officers are at a higher risk of harm then they have ever been before.

I have always said, "we do not need a Police Auditor in the City of Fresno" We have the investigation unit with the Fresno Police Department, the Fresno City Council, the Fresno County District Attorney's office, the Federal; Bureau of Investigations { FBI }, State Attorney's office and also the Fresno County Grand Jury. Why would we want another layer of bureaucracy?

Every organization will have a "rotten apple in the barrel". The Police Department has had officers that have not lived up to the highest conduct of an officer and they have been fired, just as they were just 6 months ago. There have been teachers with bad conduct, executive directors, priests, coaches, and politicians, to name a few professions. You and I could name any profession and find bad individuals.

The City of Fresno has already had a police auditor called the "Human Relations Commission" administered by David Bearhart. One of the functions of the Human Relations Commission was to investigate police matters.

As it turned out, The previously mentioned agencies have proven to be most effective in investigating wrong doing by our police agencies.

Thank you for allowing me the opportunity to respond to the Grand Jury Report concerning "A Police Auditor" recommendations "R301."

Sincerely,

A handwritten signature in blue ink that reads "Mike Dages". The signature is written in a cursive, flowing style.

Mike Dages,
Council Member District 5

cc: Mayor Alan Autry
Andy Souza, City Manager
Fresno City Council



Jerry Duncan
Councilmember
District 6

April 11, 2007

The Honorable Hilary Chittick, Presiding Judge
Fresno County Grand Jury
Superior Court
1100 Van Ness Avenue
Fresno, CA 93724

Dear Judge Chittick:

The people of Fresno are fortunate to have the officers who serve in our Police Department protecting our families. While most major California cities are experiencing increases in crime, under the leadership of Chief Jerry Dyer, crime in Fresno is at a 30 year low, traffic fatalities are down 40%, car theft is down 8% and our City is no longer referenced as the crime cesspool it was just a few years ago.

While there are many reasons why, a large part of the success we are experiencing in fighting crime is through the concerted effort on our Police Department's part to reach out and listen to the people of our City. It is a very frequent occurrence on our TV news broadcasts to see a neighborhood event from parties to town hall meetings that are hosted by the Fresno Police Department.

Chief Dyer has also implemented the Chief's Advisory Board. Here members from all parts of the community meet on a regular basis. The mission of the Chief's Advisory Board is to enhance the level of trust between the community and the Department by freely discussing ideas and concerns, as well as educating the community on police related issues. Often specific policy changes occur because of this Advisory Board.

In terms of the proposed Independent Police Auditor, what case has been made for the justification of this position? None. Some say it is to "enhance the level of trust" yet no one can show one piece of evidence that a significant level of mistrust toward our Police Department exists. No poll, no survey, nothing. In my 6 ½ years in office, we have not received one communication from any constituent related to any action, behavior, or complaint against the department. Not one. So far, the only information provided to the Council is simply the desire of Mr. Autry for this and the complaints from the same six people who complain about everything our Police Department does.

One organization, which acts as an advocate for total civilian oversight of our Police Department, the Central California Criminal Justice Committee, cited the need for a



police complaint form. It is ironic that in a fairly recent Valley Voices column in the Fresno Bee the example they used to illustrate the need for an "Auditor" is actually the best example of why we do not need one.

In their own words: *"Our committee worked with Chief Dyer for more than a year to revise the police complaint form and make it available in community centers and other places accessible to the public — in four languages"*.

It is nice that even they recognize that our Police Department will listen and act upon the requests and concerns of the public.

Another reason often cited as to why we should have an "Auditor" is that other city governments do as well. They reference Sacramento, San Jose, and Riverside as role models of cities with an "Auditor". However, while Fresno's crime rate dropped in the last year, those cities all experienced increases in crime during the same period.

What should Fresno expect if an "Independent Police Auditor" were actually to be established?

The first question one must ask is exactly what is an "Independent Police Auditor? In the last three years, Mr. Autry has proposed three different models. The first was the "San Jose" model where the position reports to the City Council. The next year the recommendation was the "Sacramento" model where the position reports to the City Manager. Last year was some sort of hybrid. How can an "Independent" Police Auditor be truly independent if it reports to politicians or the City Manager--the same person to whom the Police Chief reports? It is difficult to embrace or even understand exactly what is being offered to the taxpayers when it appears the administration is unsure as well.

If you ask ten different people on the street what an Independent Police Auditor is, you will most likely get ten different answers. A local radio talk show host talked about this when it was being debated last year and she didn't understand why the City can't audit the financials of the Police Department and needed to hire someone to do it.

If this department were to be established, the only sure thing would be the creation of a very expensive and unnecessary new bureaucracy that, as with every government agency, will only get bigger and more expensive over time. In San Jose, there is now a full-time staff of six. In Sacramento the Police Auditor Department, with a full-time staff of three, had so little to do in 2004 they added oversight of the Fire Department.

What kind of changes and recommendations would occur if this position were established? Looking at a "role model" city might help. The 2002 Annual Report of the Sacramento Office of Police Accountability, with a full-time staff of three, made the following recommendation: *"SPD asked to review its policy on officers removing hair*

Fresno County Grand Jury
April 11, 2007

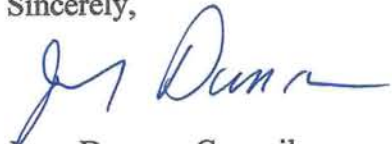
extension from someone who has been arrested and is being transported to jail." Feel safer?

Is our Police Department perfect? Of course not. Our men and women of the Fresno Police Department are human and humans are not perfect. As long as we have the mechanisms to deal with the issues that will come up and they are addressed firmly and fairly, and as long as the leaders of our Department are willing to listen and be compassionate to the needs of the community, adding an expensive new bureaucrat to our City payroll will not be necessary.

There already exists multiple processes to hold the Police Department accountable for their behavior and they work very well. To add an untrained political appointed bureaucrat that will be constantly second guessing our Police Officers and looking over their shoulders at everything they do so as to justify his own job is the wrong thing to do.

Think of it this way, a paroled killer has taken your young daughter hostage and is threatening to kill her. What would be the only thing you want the police officers to worry about?

Sincerely,



Jerry Duncan, Councilman
Fresno City Council, District Six

cc: Bart Bohn, Fresno County CAO
Fresno City Council



MAYOR ALAN AUTRY

May 21, 2007

Ms. Marion Mosley, Foreman
Fresno County Grand Jury 2006-2007
1100 Van Ness Avenue
Fresno, CA 93724

Re: "Saving Future Generations/Fresno County Gang Activity"
"A Police Auditor – Assuring Transparency"

Dear Ms. Mosely:

I am in receipt of your May 9 letters regarding the above-reference Grand Jury recommendations. Please be advised that the City of Fresno's response was mailed to the Grand Jury and e-mailed to the County Administrator's Office on May 4, 2007. Fresno City Attorney James Sanchez has advised me that the response provided to the Grand Jury on that date fully complies with Penal Code section 933 and that no "personal response" is required under that Penal Code section.

However, in the spirit of transparency and in an attempt to be fully responsive to the Grand Jury, I am enclosing a copy of the City's response. Please consider these as my "personal response."

If you have any questions, please feel free to contact my office at (559) 621-7900.

Sincerely,


ALAN AUTRY
Mayor

Enclosures

cc: Andy Souza, City Manager
James Sanchez, City Attorney

*******City Responses to the Findings and Recommendations
are denoted in Bold Italics.*******

2006-2007 FRESNO COUNTY GRAND JURY FINAL REPORT #2

A POLICE AUDITOR—ASSURING TRANSPARENCY

*Transparency in law enforcement enhances public trust.
"Sunshine is the best disinfectant" Supreme Court Justice Louis D. Brandeis*

INTRODUCTION

An independent police auditor has been proposed for the city of Fresno three times in the last few years. It has been debated repeatedly, but it has not been adopted. On the basis of our investigation, we believe this proposal has merit and should be implemented.

Background

1. The Fresno Police Department has an active Internal Affairs Department which investigates allegations of serious wrong-doing by police officers. That this process is taken seriously by the department is indicated by the fact that in 2005 nearly half of the investigations of officer misconduct originated within the department itself (11). In addition, the Fresno Police Department has an employee intervention program and is currently developing an "early alert system" which will identify officers who need additional training or counseling (12-a).
2. The establishment of an independent auditor is one among several "best practices" currently recommended for police departments (24). "In various ways, these best practices are incorporated into all the consent decrees and memoranda of understanding currently in force (in various police agencies around the country)" (24 page 1).
3. "...citizen oversight agencies however show promise for making some significant, lasting contributions to police accountability. This promise is found in the auditor model of oversight..." (24 page 2). There is a general agreement that a police auditor serves a useful function in many cities but disagreement about whether this position is needed in Fresno (12-a, 12-b, 12-f).

4. There is disagreement on the degree of citizen satisfaction with the practice of depending on the police to regulate themselves. Polling agencies consistently find (20), in national surveys including several Gallup Polls, Harris Poll, Washington Post/Kaiser/Harvard Racial Attitudes Survey, Freedom of Information in the Digital Age Survey and others, that a substantial proportion of respondents, especially in the minority community, are suspicious and distrustful of the police. There is no reason to believe that the City and County of Fresno are exceptions to this trend of suspicion and mistrust of the police (12-a, 12-b, 12-f).

5. Some Fresno residents are suspicious of the police, fear profiling, and believe that internal police investigations are likely to protect the police. They fear that the police cannot do an unbiased investigation of themselves (12-a, 12-b, 12c, 12-f).

6. People who make complaints about police conduct which rise to the level of an official internal affairs investigation currently receive a written status report about the conduct of the investigation (12-a). However, it is not clear that all formal complaints about possible police misconduct now receive a written acknowledgement and response. The Fresno Police Complaint Procedures form indicates that they do, but interviews indicated that this might not always be the case (12-f).

7. Many California cities and cities across the country have independent auditors or review boards overseeing city police departments or countywide sheriff's departments (10, 21). Many of these have originated from political pressure or legal agreements or decrees which have come as a result of highly publicized citizen-police confrontations (12-b, 17). Fresno is the largest city in California that does not have some form of citizen review (10, 18). Fresno is the largest city in California that does not have some form of citizen review (10, 18).

8. An independent police auditor's office ideally accomplishes three key objectives:

- o Citizen satisfaction (citizens can be assured that complaints are thoroughly investigated and that internal affairs investigations are conducted appropriately).
- o Prudent financial management (the cost of an auditor is minimal compared with the potential cost associated with settlements in cases of excessive force and the potential cost of lawsuits filed by citizens whose complaints are either unanswered or improperly investigated).
- o Police officers' support (the auditor would be able to provide independent confirmation of the professionalism of the police officers where this has been challenged) (12-c).

9. Proposals to establish an independent police auditor in Fresno have been brought to a vote in the City Council and defeated each time. The reasons given for the lack of support for these proposals have included opposition from union members, lack of money (cost), disagreement over the control

of appointments by Mayor or City Council, and the existence of boards or investigative agencies that can now provide police oversight (5 – six articles in the Fresno Bee in 2005 and 2006). Some people believe that the office is beneficial to some other cities, but would not be helpful in the city of Fresno for several reasons (12b, 12d). These reasons include the perception that there is not a great deal of community interest, a belief that current internal affairs investigations conducted by the police department are sufficient, and a fear that an independent police auditor might inhibit proactive policing and demoralize police officers.

10. Every person interviewed stated that an independent police auditor provides useful benefits—at least in principle. The current Police Chief and Mayor are on record as being in support. Among the benefits claimed for the position are:

- o It would provide transparency (12).
- o It would reassure the public about the professionalism of the police force (12).
- o It would enhance the trust that the community has in the police force (12).

Research data

The Grand Jury utilized a variety of resources in its investigation of the advisability of an independent police auditor in Fresno.

Interviews of representatives from:

1. The Fresno Police Department.
2. The Fresno City Council.
3. The Fresno City Mayor's Office.
4. The Fresno Police Officers' Association.
5. The Fresno County Probation Department.
6. A community advocacy group.

Articles read and information from:

1. Newspaper articles (1998-2006).
 2. The LexisNexis academic index.
 3. The Roper Center public opinion data.
 4. The Internet: National Association for Civilian Oversight of Law Enforcement.
 5. Several Independent Police Auditors' Annual Reports from various California cities.
 6. The Report of the Independent Police Auditor Study Commission, 2003.
- We also obtained information from current and former Fresno County officials.

Findings

F301 Many California cities and cities across the country have independent auditors or review boards overseeing city police departments or countywide sheriffs' departments.

The City agrees with Finding 301.

F302 Some independent auditors or review boards have resulted from political pressure or legal decrees or agreements.

The City agrees with Finding 302.

F303 A proposal to establish an independent police auditor in the city of Fresno was brought to the City Council, and the proposal was defeated.

The City agrees with Finding 303.

F304 The Police Auditor proposal in the city of Fresno failed because of opposition from union members, concerns about cost, disagreement over control by the Mayor or City Council, and the existence of boards or investigative agencies that can now provide police oversight.

The City agrees with Finding 304.

F305 Some people believe that an independent police auditor may be beneficial in other cities, but one is not needed in the city of Fresno.

The City agrees with Finding 305.

F306 In 2005 about 50% of the Fresno Police internal affairs investigations were initiated within the Police Department.

The City agrees with Finding 306.

F307 The Fresno Police Department has a Police Chief's Advisory Board that provides a channel of communication between the police and the community.

The City agrees with Finding 307.

F308 The Fresno Police Department is developing an "early alert system" to ensure police professionalism.

The City agrees with Finding 308.

F309 There is concern that an independent police auditor might inhibit proactive policing and demoralize police officers.

The City cannot comment on Finding 309, as it is not specific about who has concerns.

F310 There is general agreement that a police auditor serves a useful function in several California cities.

The City agrees with Finding 310.

F311 The current Police Chief and Mayor support the establishment of an office of independent police auditor in Fresno.

The City agrees with Finding 311.

F312 An independent police auditor can accomplish a balance of three key objectives, citizen satisfaction, prudent financial management, and police support.

The City agrees with Finding 312.

F313 Transparency in police operation and investigations of all inappropriate police behavior are the reasons most often stated when supporting the position of an independent auditor.

The City agrees with Finding 313.

F314 National surveys indicate that one important reason for distrust of the police stems from a concern for fair treatment of minorities.

The City agrees with Finding 314.

F315 National surveys indicate that a substantial number of minority citizens are suspicious and distrustful of the police.

The City agrees with Finding 315.

F316 Fresno's minority community shows the same concerns that the national surveys indicate.

The City agrees with Finding 316.

F317 Some members of the community have complained that some police behavior is the result of "profiling" by the police.

The City agrees with Finding 317.

F318 There is disagreement among the interviewees regarding the unbiased status of the current internal police investigations.

The City cannot comment on Finding 318, as no one from the City was privy to the information shared in the interviews.

F319 Information regarding what to expect from the police in various circumstances as well as the process for making complaints about police/sheriff misconduct is not widely disseminated.

The City disagrees with Finding 319. Information on how to file a complaint with the Fresno Police Department is currently available on the City of Fresno web site. Additionally, complaint packages are available at 14 various locations throughout

the City, including numerous community centers, District Police stations, and Fresno City Hall.

F320 It is not clear that all formal complaints of police misconduct receive a written response.

The City disagrees with Finding 320. The Police Department has a procedure in place and does currently respond in writing to all formal complaints. The Department will continue to ensure that all complainants receive written notification upon the conclusion of any formal investigation.

F321 Nationally, establishment of an independent auditor is recommended as a "best practices" procedure for all law enforcement.

The City agrees with Finding 321.

COMMENDATION

The Fresno Police Department is commended for the "early alert system" which is currently being developed. This system, and the observation that a significant number of internal affairs investigations are initiated within the department itself, indicates the concern that the Fresno Police Department has for the appropriate supervision and professional behavior of its employees.

CONCLUSIONS

The weight of the evidence supports the establishment of an independent police auditor in Fresno. A similar office has been established in many other cities and published sources indicated that the office works well where it has been established.

In addition, there was agreement in local interviews that, at least in principle, the office performs a useful function. There was disagreement, however, about whether there is enough public discontent with the current practices to justify the establishment of a new office. While there is no local survey available that can convincingly resolve this disagreement, a great deal of reliable national survey data shows a substantial current of discontent and suspicion of the police, especially in the minority community. There is no reason to believe that Fresno should be exceptional in this regard. We believe that an independent police auditor would address this problem by increasing transparency and enhancing public trust in the police.

RECOMMENDATIONS

The committee recommends:

R301 That an Office of Independent Police Auditor be established in Fresno. (Findings F301,F310-F318, F321).

The City agrees with R301. The Mayor's Proposed Budget will include funding to establish the Office of the Independent Police Auditor.

R302 That the Fresno County Sheriff examine the advisability of establishing an independent auditor's office. (Findings F301,F310,F321).

The City has no response for this recommendation.

R303 That pamphlets containing information about what to expect from the police in various interactions with the public and how to file complaints if dissatisfied be widely disseminated (For example, sent out with utility bills annually). (Findings F315, F316, F319)

Information on how to file a complaint with the Fresno Police Department is currently available on the City of Fresno web site. Additionally, complaint packages are available at 14 various locations throughout the City, including numerous community centers, District Police stations, and Fresno City Hall. The Department will explore the option of having a pamphlet developed regarding what the public should expect during various interactions with Department members.

R304 That the Fresno Police Department submit information on how to file a compliment or complaint about the police in the Fresno Bee in their weekly "at your service" feature. (Finding F319).

The Department is exploring the option with the Fresno Bee of periodically running a Public Service Announcement with information on how the public can contact the Fresno Police Department regarding comments or concerns. Information on how to file a complaint with the Fresno Police Department is currently available on the City of Fresno web site, as well as at various locations throughout the community.

R305 That all formal complaints about possible police misconduct receive a written response. (Finding 320).

The Department has a procedure in place and does currently respond in writing to all formal complaints. The Department will continue to ensure that all complainants receive written notification upon the conclusion of any formal investigation.

REQUEST FOR RESPONSES

Pursuant to Penal Code § 933.05, the Fresno County Grand Jury requests responses as follows:

- A. Fresno City Council. (R301).
- B. Fresno Mayor (R301).
- C. Fresno County Board of Supervisors. (R302).
- D. Fresno County Sheriff. (R302).
- E. Fresno City Police Chief. (R301, R303, R304, R305).
- F. Fresno City Manager. (R301, R303).

Please be reminded that the responses from elected officials are due within 60 days of the receipt of this report and 90 days for others.

Table 1. A sample of large California Cities with police oversight; 2000 Census. Fresno included for comparison

City Year Citizen Review began population

San Diego 1988 1,223,400

San Jose 1993 894,943

Sacramento 1999 707,018

Long Beach 1991 461,522

Fresno --- 427,652

Riverside 2000 255,166

Berkeley 1973 101,517

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1. Albuquerque City Web Site, www.cabq.gov. 2006. Police Oversight Task Force Report. 21 pp.
2. Autry, Alan. 2003. Memorandum and attached report from Independent Police Auditor Study Commission Facilitator: Jerry Haynes. Mayor's Office. 9 pp.
3. Fresno City Council minutes. 2006. Agenda item no. 10:30, Council meeting 3/7/06. City Manager's office. 147-148 pp.
4. Fresno City Resolution. 2006. Resolutions to form an Independent Police Auditor or place the question on a ballot for a vote of the people of Fresno. City Manager's office. 17pp.
5. Fresno Bee various authors 2005-2006. Twenty four articles and eight Letters to the Editor.
6. Fresno Police Department. 2006. Liability Loss Report – Fresno Police Department Claims from January 1, 2003 through December 31, 2005. 4 pp.
7. Fresno Police Department. 2006. Complaint procedure pamphlets and Fresno police department information advisory for personnel complaints in English, Mong, Spanish, and Thai.

8. Fresno Police Department. 2005. www.fresno.gov/fpd/cab/application.asp . Chief's Advisory Board Application Process, Board Members, Mission Statement. 5pp.
9. Fresno Police Department. 2003. 2025 Public Safety Needs Assessment (preliminary report) first pages.
10. Fresno Police Department. 2006. Lists of police agencies in the United States with police oversight. 19 pp.
11. Fresno Police Department. 2005. Fresno Police Department 2005 Annual Report. 37 pp.
12. Interviews by Grand Jury Committee. Representatives from:
 - a. The Fresno Police Department.
 - b. The Fresno City Council.
 - c. The Fresno City Mayor's Office.
 - d. The Police Officers; Association.
 - e. The Fresno County Probation Department.
 - f. Community advocacy group.
13. Long Beach (City of). 2005. Citizen Police Complaint Commission Annual Report. 13pp.
14. National Association for Civilian Oversight of Law Enforcement. 2004. Varieties of Civilian Oversight: Similarities, Differences, and Expectations, Sue Quinn, NACOLE Board. 7 pp.
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[Http://www.policeaccountability.org/defterms.htm](http://www.policeaccountability.org/defterms.htm). Definition of terms and general information about NACOLE
16. National Association for Civilian Oversight of Law Enforcement. 2002. Citizen Review of Police Complaints: Four Critical Dimensions of Value. Eighth Annual Conference of NACOLE Cambridge, Mass. USA. 18 pp.
17. Oakland Police Department. [Http://www.oaklandpolice.com/agree/agree.html](http://www.oaklandpolice.com/agree/agree.html). 2006. Patterns and Practices Settlement Agreement. United States District Court Northern District of California. 58 pp.
18. Population for the 15 Largest Counties and Incorporated Places in California: 1990 and 2000. Table 6. <http://factfinder.census.gov/home/en/datanotes/expplu.html>.
19. Riverside (City of) Community Police Review Commission. 2005. Understanding the complaint process. 9-16 pp.
20. The Roper Center for Public Opinion Research. Ipoll Database, <http://roperweb.ropercenter.usconn.edu/cgi-bin/hsrun.exe/Roperweb/iPOLL/StateId/ROzN>. Search results from "police" and dated from 01/01/2000 to 12/01/2006 and 21 selected questions. 11 pp.
21. Sacramento (City of). 2004. Office of Public Safety Accountability 2004 Annual

Report. 61pp.

22. San Diego (City of). 2004. Citizens' Review Board on Police Practices Annual Report 2004. 27 pp.

23. San Jose (City of). 2004-05. Office of the Independent Police Auditor 2005 Mid-Year report. 22 pp., and 2004 year end report. 53pp.

24. Walker, Samuel. 2003. Symposium: New approaches to ensuring the legitimacy of Police Conduct: the new paradigm of police accountability: the U.S. Justice Department "Pattern or Practice": suits in context. Saint Louis University School of Law Saint Louis University Public Law Review. 22 St. Louis U. Pub. L Rev.3. 43 pp.

Councilmember Westerlund spoke in support of the project, stating he had joined the Urban Land Institute and had seen numerous development systems and cycles that other communities had, advising this opportunity was a chance to do projects in a new way in Southeast Fresno.

A motion to approve was acted upon after discussion.

Councilmember Dages thanked staff for their hard work and noted Calthorpe Associates had a wonderful reputation.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the Planning and Development Director hereby authorized to enter into a \$700,000 Professional Services Agreement with Calthorpe Associates to provide urban design, design guideline elements, and consulting team management including transportation, economic development, civil engineering, and environmental consulting for development the City's Southeast Growth Area (SEGA) Community Specific Plan, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes : Xiong
Absent: None

(10:50 A.M. B) APPROVE RESPONSES TO THE 2006-2007 GRAND JURY REPORT- CITY MANAGER'S OFFICE

Deputy City Manager Zieba reviewed the staff report, noting the Grand Jury reviewed two studies which included Fresno County Gang Activity and Police Auditor and approached the process differently this year by requesting each Councilmember to respond, advising the City also needed to submit an approved response as a legislative body.

Councilmember Dages questioned if only a portion of the study could be approved, noting he was not in support of the study relating to the Police Auditor with City Attorney Sanchez responding.

A motion to approve the study relating to the Fresno County Gang Activity was acted upon after discussion.

Councilmember Dages questioned why the report stated the City Council *may* respond with Ms. Zieba stating the Penal Code did not require each individual Councilmember to respond and the City, as an elected body, was required to respond, and as a Strong Mayor Form of Government, the Mayor may send in a separate response. Mr. Sanchez noted the Grand Jury did have the authority to call each Councilmember individually to get opinions on matters. City Manager Souza stated there had been discussion that the City Council and the administration would not agree on all the findings, noting if the responses were amended by the City Council, the Mayor would submit his responses under separate cover.

Councilmember Calhoun expressed concern with the Grand Jury requesting a response by each individual Councilmember informally, noting there was no indication the written responses were optional; stating he misunderstood the whole process. He advised if he would have known the issue was being submitted to Council for approval, he would have only responded today. Mr. Sanchez explained two options Council could have acted upon. Discussion continued regarding the process and the request for individual responses.

Councilmember Calhoun questioned if he did not approve a portion of the response for the Fresno County Gang Activity, namely response #103 relating to "the major gang prevention efforts to be school-based, focused on grades four through eight in neighborhoods where there was significant gang activity," with Mr. Sanchez stating when Council voted on the above motion, his vote would have to register not in support. Councilmember Calhoun read an e-mail sent on March 13, 2007, from Executive Analyst Mendoza on the process of responding to the Grand Jury.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, approve the Grant Jury Final Report No. 1 for the 2006-2007 fiscal year relating to the Saving Future Generations; Fresno County Gang Activity, by the following vote:

Ayes : Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : Calhoun
Absent: None

(6-0) A motion to disapprove the City's response to the Police Auditor issue was acted upon after discussion.

Mr. Sanchez stated the administrative position and the Council response needed to be submitted to the Grand Jury, which would create a record that the Council took legislative action, considered the staff recommendations and disapproved of them, stating the administration needed to respond in that Council did not support the administration's position regarding the Police Auditor.

Councilmember Westerlund stated there were good recommendations in the response to the Grand Jury regarding the Police Auditor, advised of a process to respond regarding certain policies, noting the response to Findings R301 could be changed from "agrees" to "disagrees". He advised Council could object to some of the findings for the record rather than disapproving the entire response.

Councilmember Calhoun submitted and read into the record, his statement in opposition of the Office of the Police Auditor being established in Fresno, on file in the City Clerk's Office. He added the Police Department handled situations in an efficient way.

Extensive discussion ensued regarding disagreement of a portion of the response compared to not approving in its entirety, with Mr. Sanchez stating there were two options the Council could take which were deny the entire response or disagree partially and identify the portions the Council disagreed upon. Councilmember Westerlund recommended voting on the response as a whole with the amendment that the City disagrees with R301 and questioned if Council could vote separately on each findings with Mr. Sanchez responding.

Acting President Xiong stated Council answered the process in good faith, noting he was in support of the above motion and expressed concern with the process being piece-mealed; stating he submitted his response and was now being requested to approve the administration's responses.

Councilmember Westerlund stressed the important for Council to respond as a legislative body collectively, noting the record could be supplemented with each Councilmember's own view. President Perea stated he agreed with some of the findings but disagreed with the Finding R301. Councilmember Dages stated he did not want to amend the motion due to not agreeing with several findings and recommendations, noting he was opposition of the entire report.

Mr. Sanchez clarified the above motion was a total rejection of both the findings and the recommendations that came from the Grand Jury as well as staff's responses. President Perea stated he would support the motion on the floor primarily because of the finding and the response for Item R301, stating for the record there were findings in the report he did support. Councilmember Westerlund stated, for the record, he disagreed with the findings in R301, but did agree with other recommendations; stressing the importance of the Council needing to respond to the Grand Jury.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the findings and recommendation of the Grant Jury Final Report pertaining to the Police Auditor, Assuring Transparency for the 2006-2007 fiscal year hereby disapproved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Xiong, Perea
Noes : Sterling, Westerlund
Absent: None

(11:00 A.M.#1) OVERRIDE OF MAYORAL VETO PERTAINING TO ADOPTION OF RESOLUTION NO. 2007-116 (AS AMENDED) REGARDING THE 443RD AMENDMENT TO MFS FOR THE CITYWIDE REGIONAL STREET IMPACT FEE AND NEW GROWTH AREA MAJOR STREET IMPACT FEE – COUNCILMEMBER DUNCAN

Councilmember Duncan stated in order to take action on the 11:00 a.m. #2 item Council needed to take legislative action on the Mayor's veto of the above listed item. He noted the original proposal from staff was defeated in an override.

A motion of Councilmember Duncan, seconded by Councilmember Dages, to override the mayoral veto of Council action of March 27, 2007, adopting Resolution No. 2007-116 as amended to adopt the year one increase and staff directed to study the year two and three proposals and return with a model to include a fee on public facilities and recommendation in time to consider and implement the recommendation prior to September 1, 2007, to include the nexus finding that were set forth in the study failed adoption, by the following vote:

Ayes : Westerlund
Noes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Absent: None



County of Fresno

ADMINISTRATIVE OFFICE
- **BART BOHN**
COUNTY ADMINISTRATIVE OFFICER

May 2, 2007

The Honorable Hilary Chittick
Presiding Judge, Superior Court
1100 Van Ness Avenue, Department 20
Fresno, CA 93721

RE: RESPONSE TO THE 2006-07 GRAND JURY FINAL REPORT #2

Dear Judge Chittick:

The County government responses to the recommendations pertaining to Fresno County contained in the 2006-07 Grand Jury Final Report #2 are enclosed. The Board of Supervisors response will follow after consideration by the Board at the May 8, 2007 Board meeting.

On behalf of the Fresno County Board of Supervisors, I would like to take this opportunity to thank the Grand Jury for their hard work and to assure them that Fresno County takes the concerns raised in this report very seriously.

Sincerely,

Bart Bohn
County Administrative Officer

Enclosure

cc: Board of Supervisors
County Clerk
Grand Jury Foreman Marian Mosley

County of Fresno
Board of Supervisors
RESPONSE TO THE
2006-07
FRESNO COUNTY GRAND JURY
FINAL REPORT #2



A POLICE AUDITOR—ASSURING TRANSPARENCY

Please find below the Fresno County Board of Supervisor's response to the 2006-07 Grand Jury Final Report #2.

Findings

- F301: Many California cities and cities across the country have independent auditors or review boards overseeing city police departments or county-wide sheriffs' departments.**
- F310: There is general agreement that a police auditor serves a useful function in several California cities.**
- F321: Nationally, establishment of an independent auditor is recommended as a "best practices" procedure for all law enforcement.**

The Fresno County Board of Supervisors does not agree or disagree with Findings 301, 310, and 321.

RECOMMENDATIONS

- R302: That the Fresno County Sheriff examine the advisability of establishing an independent auditor's office. (Findings F301, F310, F321).**

This Recommendation has been evaluated by the Fresno County Sheriff's Office. As stated in the Fresno County Sheriff's response to the Presiding Judge regarding this recommendation, the Sheriff is responsible directly to the voting public, unlike an appointed chief of police who serves at the direction of the city council, mayor, or city manager. Additionally, the Sheriff is currently creating a countywide Citizen's Advisory Committee to ensure full transparency between the Sheriff's Office and the public.

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MAJOR BUDGET INITIATIVES

NEW INITIATIVES:

ADULTS WITH DISABILITIES ACT (ADA) (PUBLIC WORKS) 1
CONVENTION CENTER IMPROVEMENTS (GSD)
Financial Crimes Unit (Police)
FIRE DEPARTMENT STATION IMPROVEMENTS PHASE I (FIRE)
FIRE DEPARTMENT STATION IMPROVEMENTS PHASE II (FIRE)
FIRE HEADQUARTERS RELOCATION (FIRE)
FISCAL YEAR BALANCED BUDGET PROTECTION PLAN (RENENA)
Fresno Film and Entertainment Commission.(Economic Development)
Green Plan (Planning & Development)
Holistic Lifeline (DPU)
Homeless Initiatives (C M O)
Independent Police Auditor (Police)
Microsoft Exchange Conversion (ISD)
Riverwalk (Economic Development/Jon)
Safety Capital Plan (C M O)
Spirit of Woman Homeless Initiative.

ONGOING INITIATIVES:

City Stewards (PRCS)
Education/After School Programs (PRCS)
Fresno Connect (PRCS)
Mayor's Gang Task Force (Police)
Mayor's Jobs Initiative (PRCS)
Median Island (Public Works)
Municipal Resource Zone (MRZ) (Economic Development)
No Neighborhood Left Behind (Public Works)
Parking Services.(Public Works).....
Sportstown Promenade (Economic Development)
Stamping Out Graffiti (Police)
Street Improvement and Measure C(Public Works)
Traffic Operations Center (Public Works)
Tree Trimming (Public Works)
Video Policing (Police)



Margaret Mims
Sheriff
Fresno County Sheriff's Department

March 1, 2007

The Honorable Hilary Chittick
Presiding Judge, Fresno County Superior Court
1100 Van Ness Avenue, Room 102
Fresno, CA 93721

RECEIVED

MAY - 2 2007

Subject: GRAND JURY FINAL REPORT # 2, 2006-2007 RESPONSE

ADMINISTRATIVE OFFICE

Dear Judge Chittick:

Pursuant to Penal Code Section 933, the following constitutes the Sheriff's Department response to committee recommendation R302, which notes "That the Fresno County Sheriff examine the advisability of establishing an independent auditor's office, per findings F301, F310 and F321."

The Office of the Sheriff is a constitutionally authorized elected office, serving as the Chief Law Enforcement Officer in the county of jurisdiction. The Sheriff is elected at large by voters throughout the county every four years, and as such is duly required to consider and service the appropriate concerns of all citizens within the county. If the performance of the Sheriff is anything but what the citizens expect or demand, then they have the authority to vote for another individual to serve in this capacity. As such, the citizens of Fresno County, provide sufficient oversight of our operations, and serve as the Chief Auditor of the performance of the Sheriff, and the entire Sheriff's Department.

Unlike an appointed chief of police who serves at the direction of the city council, city manager or mayor, the Sheriff is responsible directly to the voting public. Based on this fact alone, it is my belief as Sheriff, that establishment of an independent auditor's office is not yet warranted in Fresno County government. Additionally, I am in the process of creating a countywide represented Citizen's Advisory Committee that will have regular meetings with me and my staff, to ensure that this Office's operations are transparent and fully accessible to all citizens. Also, the Sheriff Department's Internal Affairs Unit is both responsive and proactive in dealing with citizen concerns, questions and complaints.

I appreciate the consideration shown to the Sheriff's Department by the Grand Jury in this very important community issue.

Sincerely,

Margaret Mims, Sheriff

Dedicated to Protect & Serve

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REPORT #3

**FRESNO COUNTY CORONER,
PUBLIC ADMINISTRATOR, PUBLIC
GUARDIAN**

Fresno County Coroner, Public Administrator/Public Guardian

Committee: David Kimball, Chairman
Margaret Puccini
Arlene Motz

It was determined during the year that the offices of Coroner and Public Guardian/Public Administrator should be reviewed by the Grand Jury. This determination was based on a review of past Grand Jury reports on this subject, as well as input from current members of the panel. Therefore, a committee was appointed and an investigation ensued.

During the course of our inquiry, the committee conducted 4 in-depth interviews with Coroner/Public Guardian/Public Administrator management personnel and elected County officials, received an extensive tour of the current facilities that house these departments, inspected the record-keeping systems and assets being maintained by the Public Administrator/Public Guardian's office, and met numerous times as a committee to discuss our observations and conclusions and to prepare the Final Report, which was made available to the public on March 20, 2007.

The committee expended approximately 20 hours interviewing witnesses, 6 hours touring the facilities and inspecting records and assets, 30 hours discussing our observations and conclusions and preparing the Final Report, and 4 hours discussing our findings with the other members of the Grand Jury panel and presenting the Final Report for the panel's approval.

A copy of the report and all of the responses follow.

David Kimball, Chairman

FILED

MAR 20 2007

FRESNO COUNTY SUPERIOR COURT

By _____ DEPUTY

**2006-2007
FRESNO COUNTY GRAND JURY**



**FINAL REPORT
#3**

Fresno County Coroner, Public Administrator/Public Guardian Final Report

INTRODUCTION

Every California County must employ a Coroner with an appropriate staff to deal with the remains of decedents not claimed by family members and the remains of decedents where an autopsy is needed. Likewise, California Counties must look after the logistical and financial needs of decedents who die without a will, as well as citizens who are still alive but whose affairs must be managed by a guardian or a conservator.

BACKGROUND

Previous Grand Juries have recommended that:

- The Coroner's position should be replaced with that of a Medical Examiner who is a certified forensic pathologist (Grand Jury Report, 2002-2003).
- The Public Administrator/Public Guardian areas of responsibility should be made into a separate county department from that of the Coroner. This recommendation was acknowledged as viable and worthy of consideration (Response to the 2003-2004 Grand Jury Report).
- A new facility to house the Coroner, Public Administrator/Public Guardian should be built (Grand Jury Reports, 2002-2003, and 2005-2006).

None of the above recommendations has been implemented, although detailed plans for a new facility have been prepared and are currently being reviewed by County officials.

At the present time the offices of the Coroner, Public Administrator/Public Guardian are located in one facility. This facility is cramped, cluttered, and not a good working situation for the staff. It appears that the assets of individuals under the care of the Coroner, Public Administrator/Public Guardian are stored together in various rooms with no particular plan relative to care.

The majority of the work of the Coroner, Public Administrator/Public Guardian is spent on Public Administrator/Public Guardian issues. However, public attention is more focused on the Coroner's office, which employs fewer people than that of the Public Administrator/Public Guardian's office.

RESOURCES

- Interviews with current and former Fresno County Coroners
- Interviews with members of the Fresno County Board of Supervisors
- Newspaper articles
- Tour of the current Coroner-Public Administrator/Public Guardian facilities
- Internet research on organizational structure of other California counties' offices of County Coroner, Public Administrator and Public Guardian

FINDINGS

- F1. The Coroner, Public Administrator/Public Guardian is currently one department with a single department head. The scope of responsibilities of the Coroner and the Public Administrator/Public Guardian are not related.
- F2. The Public Administrator/Public Guardian areas of responsibility are quite similar.
- F3. The Coroner's responsibilities are largely administrative—the majority of working time for this department head is spent in overseeing the Public Administrator/Public Guardian functions.
- F4. The Fresno County Coroner is not presently required to be a forensic pathologist, and as such is not qualified to perform autopsies.
- F5. The Coroner and Public Administrator are presently under the Fresno Charter and are elected positions that have been combined. Because of the many similar responsibilities of the Public Administrator and the Public Guardian, the Public Guardian was added to the elected position.
- F6. Software used by the Public Administrator/Public Guardian staff in performing its duties is adequate. However, the software that supports the Coroner's work is complex and requires extensive technical support.
- F7. The building which currently houses the offices, laboratories, and storage facilities was built in 1948 and consists of approximately 13,100 square feet on two levels. This facility as it exists is inadequate for the needs of either the Coroner or the Public Administrator/Public Guardian.

CONCLUSIONS

- C1. The Coroner, Public Administrator/Public Guardian could be reorganized into two departments. The complementary responsibilities of the Public Administrator and Public Guardian make these two functions a logical fit for one department, while the Coroner's function could be located elsewhere within the Fresno County organizational structure.
- C2. There is no existing requirement that the Coroner be a physician. He/she could be a licensed physician and a forensic pathologist.
- C3. There are considerable support issues with the software presently being used by the Coroner's staff.
- C4. The facility presently occupied by the Coroner, Public Administrator/Public Guardian is inadequate to meet the needs in any area of responsibility. The Coroner's needs include a new storage refrigerator, autopsy area and staff area. The staff and asset storage area of individuals under the Public Administrator/Public Guardian is totally inadequate.

RECOMMENDATIONS

The 2006-2007 Fresno County Grand Jury recommends the following:

- R200. Separate the Coroner's function from the Public Administrator/Public Guardian, assigning them to different County departments. Keep the Public Administrator/Public Guardian's functions together in this reorganization.
- R201. Proceed with the construction of a new morgue as indicated in the Response to the 2005-2006 Grand Jury Report.
- R202. Appoint a Medical Examiner, who is a licensed physician and a forensic pathologist, to replace the elected Coroner, after amending the County Charter to allow this appointment.
- R203. Once the separation of the Coroner/Medical Examiner function has been accomplished, evaluate that function's staffing requirements to determine the staffing level that is needed to provide adequate response to the needs of Fresno County.
- R204. Investigate software being used by other counties to determine if there is a system available that is presently functioning at a level that could be adapted to Fresno County requirements.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

RESPONDENTS

- A. Fresno County Board of Supervisors
- B. Coroner, Public Administrator/Public Guardian
- C. Fresno County Information Technology Department

Respondent A shall respond to: R200, R201, R202, and R203

Respondent B shall respond to: R203 and R204

Respondent C shall respond to: R204

Please be reminded that the responses from elected officials are due within 60 days of the release of this report and 90 days for others.

RESPONSES

A. Fresno County Board of Supervisors
R200, R201, R202, R203

B. Coroner, Public Administrator/Public Guardian
R203, R204

C. Fresno County Information Technology Dept.
R204

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County of Fresno

CHAIRMAN
BOARD OF SUPERVISORS
SUPERVISOR BOB WATERSTON – DISTRICT FIVE

June 14, 2007

The Honorable Hilary Chittick
Presiding Judge, Superior Court
1100 Van Ness Avenue, Department 20
Fresno, CA 93721

RE: RESPONSE TO THE 2006-07 GRAND JURY FINAL REPORT #3

Dear Judge Chittick:

The Board of Supervisors has approved its official response to the recommendations pertaining to Fresno County contained in the 2006-07 Grand Jury Final Report #3. That response is submitted herewith in fulfillment of Penal Code Section 933(c). Also, please find all other required County department responses enclosed in this packet as well.

On behalf of the Fresno County Board of Supervisors, I would like to take this opportunity to thank the Grand Jury for their hard work and to assure them that Fresno County takes the concerns raised in this report very seriously.

Sincerely,

Bob Waterston, Chairman
Board of Supervisors

Enclosure

County of Fresno
Board of Supervisors
RESPONSE TO THE
2006-07
FRESNO COUNTY GRAND JURY
FINAL REPORT #3



FRESNO COUNTY CORONER, PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

Please find below the Fresno County Board of Supervisor's response to the 2006-07 Grand Jury Final Report #3.

Findings

F1: The Coroner, Public Administrator/Public Guardian is currently one department with a single department head. The scope of responsibilities of the Coroner and the Public Administrator/Public Guardian are not related.

F2: The Public Administrator/Public Guardian areas of responsibility are quite similar.

The Board of Supervisors agrees with Findings F1 and F2.

F3: The Coroner's responsibilities are largely administrative—the majority of working time for this department head is spent in overseeing the Public Administrator/Public Guardian functions.

The Board of Supervisors disagrees with Finding F3 due to the administrative responsibilities of the Coroner and Public Administrator/Public Guardian functions requiring about an equal amount of oversight by the department head.

F4: The Fresno County Coroner is not presently required to be a forensic pathologist, and as such is not qualified to perform autopsies.

The Board of Supervisors agrees with Finding F4. It should be noted that although the Fresno County Coroner classification is not required to be filled with a forensic pathologist, the current Coroner is a physician and pathologist with forensic training.

F5: The Coroner and Public Administrator are presently under the Fresno Charter and are elected positions that have been combined. Because of the many similar responsibilities of the Public Administrator and the Public Guardian, the Public Guardian was added to the elected position.

The Board of Supervisors agrees with Finding F5.

F6: Software used by the Public Administrator/Public Guardian staff in performing its duties is adequate. However, the software that supports the Coroner's work is complex and requires extensive technical support.

The Board of Supervisors disagrees with Finding F6 due to the Public Administrator/Public Guardian CompuTrust system being a DOS-based program that is very cumbersome to use. It is very difficult to set up anything other than standard searches and sorts. The Coroner system can be easily modified and maintained. Information Technology Services Department and Coroner staff are working together to modify screens in the Coroner Medical Examiner system so it will become a tracking system for the Coroner's office.

F7: The building which currently houses the offices, laboratories, and storage facilities was built in 1948 and consists of approximately 13,100 square feet on two levels. This facility as it exists is inadequate for the needs of either the Coroner or the Public Administrator/Public Guardian.

The Board agrees with Finding F7.

Recommendations

R200: Separate the Coroner's function from the Public Administrator/Public Guardian, assigning them to different County departments. Keep the Public Administrator/Public Guardian's functions together in this reorganization.

Recommendation requires further analysis. The County Administrative Office is currently conducting an operational audit of the department and discussions are underway regarding the department's organizational structure. The operational audit should be completed within the next 30 days. A split in the department's functions would extend beyond six months.

R201: Proceed with the construction of a new morgue as indicated in the Response to the 2005-2006 Grand Jury Report.

Recommendation has not yet been implemented, but will be implemented in the future. This capital project has been identified as a high priority by the Board of Supervisors. The newly elected Coroner has been working with the Capital Projects division of the Public Works and Planning Department and the County Administrative Office to finalize the design.

R202: Appoint a Medical Examiner, who is a licensed physician and a forensic pathologist, to replace the elected Coroner, after amending the County Charter to allow this appointment.

Recommendation requires further analysis. The County Administrative Office is currently conducting an operational audit of the department and discussions are underway regarding the department's organizational structure. The operational audit should be completed within the next 30 days. A split in the department's functions would extend beyond six months.

R203: Once the separation of the Coroner/Medical Examiner function has been accomplished, evaluate that function's staffing requirements to determine the staffing level that is needed to provide adequate response to the needs of Fresno County.

Recommendation requires further analysis. This recommendation could be explored if voters approve amending the Fresno County Charter.



County of Fresno

DAVID M. HADDEN, MD
PUBLIC ADMINISTRATOR – CORONER
OFFICE OF PUBLIC ADMINISTRATOR – CORONER – PUBLIC GUARDIAN

DATE: May 10, 2007

TO: The Honorable Hilary Chittick
Presiding Judge of the Superior Court

FROM: David M. Hadden, MD, Coroner-Public Administrator/*DMH*
Public Guardian

SUBJECT: **2006-2007 Grand Jury Report #3 Response**

The Fresno County Coroner-Public Administrator/Public Guardian's Office is submitting their response to the Grand Jury Final Report #3 for 2006-07 as follows:

FINDINGS:

The department agrees with Findings #'s 200 – 201 AND 204 – 206.

F202 – The Coroner's responsibilities are largely administrative—the majority of working time for this department head is spent in overseeing the Public Administrator/Public Guardian functions.

The department disagrees with Finding # 202 due to the following: If the department head has medical knowledge, the working time overseeing the Public Administrator/Public Guardian and the Coroner Division functions is about equal.

F203 – The Fresno County Coroner is not presently required to be a forensic pathologist and, as such, is not qualified to perform autopsies.

The department disagrees with Finding # 203 due to the following: The current Fresno County Coroner is a physician and a pathologist with forensic training and, as such, is qualified to perform, and has performed, autopsies.

F203 should probably read: The Fresno County Coroner is not presently required to be a forensic pathologist and, as such, *may not be qualified to perform autopsies.*

760 West Nielsen Avenue / Fresno, California 93706
Telephone: Public Administrator (559) 268-0139
Coroner (559) 268-0109
Public Guardian (559) 268-0139

The Honorable Hilary Chittick, Presiding Judge
May 10, 2007

Page Two

RECOMMENDATIONS:

R 203: Once the separation of the Coroner/Medical Examiner function has been accomplished, evaluate that function's staffing requirements to determine the staffing level that is needed to provide adequate response to the needs of Fresno County.

The Department agrees with the recommendation.

R 204: Investigate software being used by other counties to determine if there is a system available that is presently functioning at a level that could be adapted to Fresno requirements.

Recommendation has been implemented with the help of the IT Services Department and the vendor. The changes are designed to provide a system that will meet the specific needs of Fresno County. The full implementation of these changes is underway and should be completed in a matter of weeks.

If you have any questions, please contact me at 268-0139.

Cc: Natasha Hagaman, Senior Administrative Analyst, CAO
Each Member of the Board of Supervisors
Grand Jury
County Clerk



Inter Office Memo

Information Technology Services Department

DATE: April 12, 2007
TO: Presiding Judge Hilary Chittick
FROM: Gary M. Osmondson, CIO – IT Services
SUBJECT: **2006-07 Grand Jury Report #3 Response**

IT Services Department (ITSD-Respondent C) is submitting their response to the Grand Jury Final Report #3 for 2006-07 as follows:

FINDINGS:

F6 – Software used by Public Administrator/Public Guardian staff in performing its duties is adequate. However, the software that supports the Coroner's work is complex and requires extensive technical support.

ITSD partially disagrees with Finding #F6. While the Coroner's software may seem complex, it is actually relatively easy to maintain. Two ITSD staff members are trained to support the system for the occasional times when there is a need for maintenance.

RECOMMENDATIONS:

R204 - Investigate software being used by other counties to determine if there is a system available that is functioning at a level that could be adapted to Fresno County requirements.

C204 - Recommendation is being implemented. A copy of Alameda County's version of the Coroner's software is currently running in a test environment on the Fresno County network and the functionality is being reviewed by Coroner's staff. cursory reviews of implementations in other counties are being undertaken as well and more thorough investigations may be scheduled as appropriate.

If you should have any questions, please contact me at 494-3255.

cc: Natasha Hagaman, Senior Administrative Analyst - CAO
Irwin Band – Administrative Analyst - CAO

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REPORT #4

CHILDREN OR ADULTS: A CHOICE TO BE MADE

Children or Adults: A Choice to be Made

Committee: Marian Mosley, Chairman
Grand Jury Panel

This report was engendered by a citizen's complaint. The Grand Jury acted as a committee-of-the-whole in the preparation of the document.

Twelve people were interviewed, their testimony carefully considered, and pertinent topics were extensively research. The written document was a collaborative effort of the panel, which resulted in an expenditure of approximately 60 hours.

The members of the Grand Jury attended several school board meetings. In addition, the entire panel attended the School Board meeting whose agenda was a consideration of the Grand Jury's report. Our purpose was to answer any questions the Board might have. They had none.

Two letters from the School Board's attorney were received requesting copies of the evidence used to compile the report. These materials were deemed privileged and pursuant to Penal Code §929 the request was refused.

Six media interviews were held, which included very little information because most of their questions asked for privileged information. The recommendations in this report stand alone, based on the contents of the report itself.

A copy of the report and all of the responses follow.

Marian Mosley, Chairman

FILED

APR 13 2007

FRESNO COUNTY SUPERIOR COURT

By _____ DEPUTY

2006-2007

FRESNO COUNTY GRAND JURY



FINAL REPORT

#4

CHILDREN OR ADULTS: A CHOICE TO BE MADE

“THE SCHOOLS OF THE COUNTRY ARE ITS FUTURE”

Tehyi Hsier, Chinese Proverbs

INTRODUCTION

During the last four months there have been persistent requests to the Grand Jury to take an in-depth look at the Fresno Unified School District (FUSD). The District has a very troubled recent history and with the election of what is essentially a new board, the problems seem to have become even more critical. Statistics show that FUSD is currently in the lowest decile of student achievement with nearly sixty percent of the schools state designated Program Improvement. The Superintendent and his staff are experiencing significant differences with the current Board that are causing intolerable disruptions. The educational goals and objectives of our students must not be sacrificed by internal conflicts that will cause these students to pay the price of lost opportunities.

DECLINE OF THE DISTRICT

During the past twenty years, the District's academic achievements have deteriorated due in part to inconsistent administrative leadership. Administrators were frequently hired, fired or resigned, as evidenced by nine (9) different superintendents in nineteen (19) years.

Fiscally, the District was threatened by a state take over. The community became very concerned. In 2004, Dr. Walter Buster volunteered as Interim Superintendent to save the sinking ship. He concluded that in spite of many instances of heroic dedication by teachers and staff, there was not an agreed set of goals and strategies to guide them.

CHOOSING OUR FUTURE

A task force was formed to address these issues. The result was a plan titled “Choosing Our Future, a Community-Wide Call to Action.” This document proposed five overarching goals:

- Meet grade proficiency within five years
- Advance English learners one level per year
- Adopt a wide variety of co-curricular programs to enhance the academic scope
- Decrease the drop-out rate by twenty percent (20%) per year until the state average is reached
- Ensure each school site has a safe environment

“Choosing Our Future” was unanimously adopted by the Board of Trustees on January 26, 2005.

During the same month, Mr. Chuck McCully became the Interim Superintendent while the Board searched for a superintendent who would implement the goals of the plan. Its search culminated in the hiring of Michael Hanson in May, 2005. He was partly

attracted to the position by the goals of "Choosing Our Future." He assured the board he could and would follow this plan.

Superintendent Hanson's first accomplishment was to attract a cadre of outstanding academic and financial administrators. The fiscal results were immediate as the budget was balanced with a small reserve fund.

Academically, the new leadership instituted extensive training of principals and teachers so that expectations of student achievement could be realized. Superintendent Hanson predicts that it will take three to five years to take FUSD from the present low decile position to the state average and above. The Board of Trustees supported the efforts of the Superintendent.

MICRO-MANAGEMENT

The California School Board Association Professional Governance Standards for School Boards (October, 2006) state:

- "To be effective, an individual Trustee understands the distinctions between board and staff roles and refrains from performing management functions that are the responsibility of the superintendent and staff."
- "The Board should hire and support the superintendent so that the vision, goals and policies of the district can be implemented. The board's role is to set policy, to monitor district performance, adopt an annual budget, approve capital expenditures and to hire and evaluate the superintendent."

The Master Teachers Executive Summary for School Board Members (1993) states:

- "The superintendent should expect the board to delegate to him or her the authority and responsibility to administer the school district. The superintendent should expect the board to channel administrative questions and problems through the superintendent. The superintendent should expect the board members to act in the best interest of students rather than act politically or for personal gratification."
- "When a superintendent signs a contract, he or she becomes the chief executive officer of a school district. The contract does not relegate the superintendent to a strictly subservient relationship with the board of trustees. The board has a responsibility to the superintendent, and unless the superintendent has certain expectations of the board, he or she cannot be effective. "
- "The complexity of the contemporary school district requires an attitude of working together between the board and superintendent. Without it, the relationship is doomed to fail."

Using the above references as guidelines and through interviews, we have determined that extensive micro-management by the FUSD Board has occurred over several years and during the tenure of several superintendents. The Grand Jury has concluded that most board members on occasion will stray over the line and forget that their role is to govern and not manage the district.

In the case of the FUSD, we have determined by sworn testimony to the Grand Jury, that the current Board President and to a lesser extent the current Board Clerk, have engaged in micro-management practices that have seriously harmed the District and undermined the faith and trust of the Superintendent and staff. They are distracting the District from its primary mission, the improvement of student achievement.

There are many examples of micro-management by the Board President and to a lesser extent the Board Clerk that include the following:

- Emails and other lists to the Superintendent and staff with directions of things to do that clearly are management in nature.
- The Board President and Board Clerk have exhibited inappropriate involvement with District personnel issues.
- They have made excessive demands on staff for information, research, and justification for actions taken and proposed to the extent it has hindered the Superintendent and staff from completing their assigned tasks in a reasonable manner.
- Without the entire Board's knowledge, approval and consent and without informing the Superintendent of their actions, they have scheduled meetings, set agendas, represented the District and blindsided the staff in violation of generally accepted school board practices and policies.

There are legitimate concerns that the Board has lost direction. An ineffective working relationship has developed between the Superintendent and the Board President. Sworn testimony revealed that a significant number of the Board members have lost confidence in the Board President.

THE BROWN ACT AND BOARD TRAINING

FUSD had applied for and was awarded a \$380,000 grant funded by The Broad Foundation to provide intensive training in setting policies and goals through the Center for the Reform of School Systems (CRSS). The mission of the CRSS is to teach school board members and superintendents how to transform their districts for high student achievement. The current Board President cast the single vote against accepting this grant. The training began in July, 2006. She attended but did not participate in one of the sessions, claiming that it was a violation of the Brown Act, even though the Board had been given a clear legal opinion that the training would not violate the Brown Act.

When she became Board President, two new board members asked her to place an item on the board agenda postponing the training. There was a risk this could cancel the grant. She sent an email to the Board Clerk to place the item on the agenda but did not notify or consult with the remainder of the Board or Superintendent. On February 7, 2007 this matter was placed on the board agenda without prior notice. A motion was made to postpone the training followed by an immediate second and call for the question. Two of the board members not consulted objected, stating the matter needed to be discussed with the Superintendent and debated in a noticed session. Their objections were overridden by a vote of 5-2. After the meeting, the Superintendent stated he had been "blindsided."

A community outcry ensued. The League of Women Voters protested the action and the Fresno Bee published opinion pieces and editorials supporting the accusation that the Board had conducted public business in private. As a result, the Board rescinded this

vote at a properly agendized and noticed meeting. The vote was 7-0 to continue the training.

The California School Board Association (CSBA) offers a District-specific training - program aimed at school boards who need assistance in resolving relationship issues as well as training in board governance. This could ameliorate the festering and on-going problems that are distracting the District from its primary mission-- the strengthening of the school system and the improvement of student classroom success. This program would be helpful to this Board. Cooperation and congeniality between the Board and the Superintendent are crucial.

There are legitimate concerns the Board has lost direction. An ineffective working relationship has developed between the Superintendent and the Board President. Sworn testimony revealed that a significant number of the board members have lost confidence in the Board President.

EVALUATIONS

The Superintendent's contract calls for an annual evaluation. To date, the Board and Superintendent have not agreed on the evaluation process. This process must be open, honest and one that demonstrates both the good will and fair play of all concerned. They should move forward and complete this process without delay.

On an annual basis, the Board should perform a self-evaluation to determine how they are performing in relation to their goals and objectives. Once this self-evaluation is completed, it should be discussed openly and honestly in order to be used as a tool for improved effectiveness on the part of the Board as a whole, as well as by each individual Board member.

ADDITIONAL CONCERNS

The Grand Jury strongly supports the following items:

- The Board must practice fiscal responsibility to ensure the protection of educational programs for students. Only compensation packages that can be supported over the long-term should be considered. The needs of students must come first.
- The budget reserve of four percent (4%) of the District's state general fund money should be maintained.
- Increase the instructional time for all students to include a longer school day and school year.
- A Core Beliefs and Commitments document has been presented to the Board, but not acted upon. The Board should move forward to consider it without delay.

THE FUTURE

The future of the FUSD students is crucial. The recommendations enumerated in "Choosing Our Future" and the strategies being used by the Superintendent must be given a chance to succeed. These ongoing problems are preventing the staff from focusing on their primary mission -- the learning and achievement of all students. The needs of students should be paramount to those of adults.

The Grand Jury strongly believes that a renewed commitment by the Board and Superintendent will result in a school district that will serve our community well in the years to come. Fresno Unified School District can once again be an academic leader in California.

The 2006-2007 Grand Jury will recommend that subsequent grand juries closely monitor FUSD relative to the findings of this report.

FINDINGS

1. FUSD is one of the lowest performing school districts in the State.
2. FUSD was recently threatened with a state take-over due to fiscal deficits.
3. Inconsistent administrative leadership was evidenced by nine (9) superintendents in nineteen (19) years.
4. A community task force developed a plan for improvement, "Choosing Our Future."
5. A new superintendent was hired, in part, to implement the goals of "Choosing Our Future."
6. During the past two years, this Superintendent and staff have developed positive strategies for improvement.
7. The Board President, and to a lesser extent the Board Clerk, have engaged in micro-management and practices that are not in the best interests of our District or students.
8. The FUSD Board has not followed the generally accepted school board practices and policies regarding micro-management.
9. The FUSD Board President and Clerk do not understand the difference between governance and management of the District.
10. There is board training available through the Center for Reform for School Systems and the California School Board Association.
11. A process for evaluation of the Superintendent has not been agreed upon nor implemented.
12. The policy of "Core Beliefs and Commitments" has not been adopted.

13. Increased instructional time is a factor in the improvement of student achievement.
14. Previous boards have used one-time funds for continuing financial obligations that could not be sustained.
15. In the past, adequate budgetary reserves have not always been maintained.
16. There is no process whereby the Board evaluates its effectiveness in terms of its stated goals and objectives.
17. Sworn testimony before the Grand Jury indicated the Board has violated the Brown Act.
18. FUSD emails obtained through the Public Records Act suggest the Board has violated the Brown Act.

RECOMMENDATIONS

The Grand Jury recommends that:

R401 the Fresno Unified School District Board and Superintendent start the California School Board Association Training Program for Individual District Training to resolve festering problems that are preventing the district from focusing on their primary mission --the success of our students.

R402 the Board change its leadership and elect a president and clerk that clearly understand the difference between governance and management of the district.

R403 all Board members focus on their role as policy makers and refrain from efforts to micro-manage the district.

R404 the Board and Superintendent resolve immediately by collegial means the Superintendent evaluation process through an open and honest procedure requiring the good will and fair play of all concerned.

R405 the District immediately refocus on meeting its stated student success goals. The Superintendent and his new leadership team must move our district ahead.

R406 the District at all times follow the letter and spirit of the Brown Act, without exception.

R407 the Fresno Unified School District increase instructional minutes above the state minimum requirements at all grade levels and especially grades one through three.

R408 the Board be fiscally responsible in budget development to ensure it protects the educational programs for students and their needs should come before those of adults in the school district.

R409 FUSD take immediate action on the policy of "Core Beliefs and Commitments."

R410 the Board perform an annual self-evaluation to determine the success of its goals and objectives.

R411 the District practice sound fiscal management including an adequate reserve and refrain from using one-time budget funds for on-going expenses.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section §933.05, the Grand Jury requests that you respond to each specific recommendation as outlined in the attached letter of instruction.

The FUSD Superintendent: R401, R404 through R407, R409, and R411

The FUSD Board of Trustees: R401 through R411

The responses are to be a collaborative effort of the entire board and signed by each Board member.

Please be reminded that the responses from elected officials are due within 60 days at the release of this report and 90 days for others.

RESOURCES

- Extensive interviews
- Documents:
 - Choosing Our Future
 - Center for the Reform of School Systems (CRSS)
 - Broad Foundation
 - California School Board Association Professional Governance Standards
 - Master Teachers Executive Summary for School Board Members
- Media:
 - Fresno Bee
 - Televised FUSD Board meetings
- Emails:
 - District
 - Individual
- Attendance at FUSD Board meetings
- FUSD Board minutes
- League of Women Voters
- Internet research

RESPONSES

A. The FUSD Superintendent
R401, R404 through R407, R409 and R411

B. The FUSD Board of Trustees
401 through R411

The responses are to be a collaborative effort of the entire board and signed by each Board member.

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BOARD OF EDUCATION

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RECEIVED
BY *Chlymas* | DATE *7-18-07*

SUPERINTENDENT

Michael E. Hanson

July 12, 2007

Hilary Chittick, Presiding Judge
Fresno County Superior Court
1100 Van Ness Avenue
Fresno, CA 93724-0002

Re: Superintendent's Response to the 2006-2007 Grand Jury Final Report No. 4

Dear Judge Chittick:

This letter is submitted in my official capacity as the Superintendent of the Fresno Unified School District ("District" or "FUSD") in response to the 2006-2007 Grand Jury Final Report No. 4 ("Report"). Consistent with the directives contained in the Report, my response addresses Recommendation R401, R404 through R407, R409 and R411.

RECOMMENDATION R401

In Recommendation R401, the Grand Jury stated: "The Fresno Unified School District Board and Superintendent start California School Board Association Training Program for Individual District Training to resolve festering problems that are preventing the district from focusing on its primary mission – the success of our students."

As Superintendent, I have dedicated myself to the success and achievement of all District students as evidenced, for example, by hiring individuals who possess the unique combination of qualifications, expertise and vision necessary to facilitate the District's academic revitalization, while simultaneously ensuring our financial stability.

In addition to a multitude of positive changes occurring in the District designed to improve student achievement, the District was one of only four districts nationally to be invited to participate in training provided by the Center for the Reform of School Systems ("CRSS"). Together, the Board of Trustees ("Board") and I have spent countless hours in training with CRSS representatives, developing policies and procedures to address the distinct challenges that face FUSD. Part of this training has resulted in the creation of the Board's Core Beliefs and Commitments as well as the Board's Theory of Action for district improvement. Both have been adopted into Board policy and both place student learning at the center of all the work we do together.

In addition to our continued involvement in the CRSS training, the Board and I are currently working directly with David Pollock, the former President of the California School Board Association ("CSBA") and a consultant team, and have committed to completing CSBA's Single District Training Program.

RECOMMENDATION R404

In this recommendation the Grand Jury stated: "The Board and Superintendent resolve immediately by collegial means the Superintendent evaluation process through an open and honest procedure requiring the good will and fair play of all concerned."

Pursuant to my employment contract with District, I initiated the evaluation process by submitting an annual self-evaluation. By November 1, 2006, I had submitted a self-evaluation to former Board President Luisa Medina, addressing my work

During the period between October 1, 2005 and October 31, 2006. Shortly thereafter, on November 7, 2006, two new members were elected to the Board, one of whom replaced Luisa Medina. The timing of this change in the composition of Board contributed to delay the process for my annual evaluation.

Understanding the need to complete the evaluation process in order to have enough time to implement any goals the Board might set for my performance during 2007-08, I asked the Board to schedule time in closed session to complete my evaluation. Using Deberie Gomez and David Pollock as consultants to facilitate the completion of my evaluation, the Board completed the process on April 30, 2007. This process concluded with me receiving a positive evaluation and an extension my contract for one additional year, through June 30, 2010.

RECOMMENDATION R405

The Grand Jury recommended that “[T]he District immediately re-focus on meeting its stated student success goals. The Superintendent and his new leadership team must move our district ahead.”

The District has re-focused on its overarching goal to improve student achievement with the recent adoptions of Board policies created as part of the CRSS trainings. Change is never easy, particularly in an operation the size of Fresno Unified where the status quo is a force with gravitational dimensions. The path toward the District’s stated goals has been and will continue to be arduous. Nonetheless, the District is deeply committed to the task and continues to work tirelessly to move the District forward to improve student learning.

RECOMMENDATION R406

In Recommendation R406, the Grand Jury cautioned the District to “follow the letter and spirit of the Brown Act, without exception,” and at all times.

The District understands the importance of the open meeting laws and the requirement for transparency in governmental affairs. To that end, the District now has legal counsel at all Board meetings and also has contracted with CSBA to continue supporting our on-going efforts ensure the letter and spirit of the Brown Act is followed.

RECOMMENDATION R407

The Grand Jury further recommended that “The Fresno Unified School District increase instructional minutes above the state minimum requirements at all grade levels and especially grades one through three.”

As outlined in the Board’s Response to Recommendation R407, the Educational Employees Relations Act (“EERA”), Government Code section 3540 et seq., prohibits the District from unilaterally increasing instructional minutes at any grade level. Student-teacher contact time is a mandatory subject of bargaining and consequently, the District is required to either negotiate an agreement with the Fresno Teachers Association (“FTA”), or exhaust the statutory impasse procedures, before implementing any change in the number of instructional minutes.

Consistent with the foregoing, the District proposed an increase in the number of instructional minutes at grade levels one through three as part of its 2006-07 negotiations with FTA. To date, FTA has not agreed to any increase in student- teacher contact time. Nonetheless, the District has persisted in its pursuit to increase instructional minutes and the matter remains on the table even now that the District is at impasse with FTA and working with a state appointed mediator to resolve negotiations.

RECOMMENDATION R409

The Grand Jury’s Recommendation R409 advises that “FUSD take immediate action on the Policy of ‘Core Beliefs and Commitments’.”

On April 25, 2007, the Board formally approved the Policy entitled “Core Beliefs and Commitments.”

RECOMMENDATION R411

In Recommendation R411, the Grand Jury's underscores the necessity for "sound fiscal management including an adequate reserve and refrain from using one-time budget funds for on-going expenses."

Since I became Superintendent in July 2005, the District's track record regarding the practice of sound fiscal management is undisputed. Fiscal stability and financial viability are essential for the District's success in improving the academic achievement of all students. The District administration, together with the Board of Trustees, is resolute in its commitment to foster the District's continued financial stability.

Thank you for giving me the opportunity to provide the foregoing responses to the 2006-2007 Grand Jury Final Report No. 4. If you have any questions, or if you need additional information, please do not hesitate to contact me.

Very truly yours,



Michael E. Hanson, Superintendent
Fresno Unified School District

cc: Marian Mosley, Foreman
2006-2007 Grand Jury

John Tinker, Foreman
2007-2008 Grand Jury

Sherry Spears, Grand Jury Liaison



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BY *[Signature]* | DATE *7-18-07*

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Janet Ryan
Tony Vang, Ed.D.

SUPERINTENDENT
Michael E. Hanson

**BOARD OF TRUSTEES
FRESNO UNIFIED SCHOOL DISTRICT
RESPONSES TO THE RECOMMENDATIONS
PRESENTED IN THE FINAL REPORT NO. 4 OF THE
2006-2007 FRESNO COUNTY GRAND JURY**

July 12, 2007

INTRODUCTION

At a special meeting held on July 10, 2007, the Board of Trustees ("Board") of the Fresno Unified School District ("District") took action to approve the submittal of the following responses to the Recommendations R401 through R411 as set forth in the 2006-2007 Fresno County Grand Jury's Final Report No. 4.

REQUIRED RESPONSES

Consistent with Penal Code section 933.05, subdivision (b), the Board hereby reports one of the following actions as to each of the Grand Jury's Recommendations R401 through R411:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeline for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of any analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. The timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

RESPONSES TO RECOMMENDATIONS

Recommendation 401: “The Fresno Unified School District Board and Superintendent start the California School Board Association Training Program for Individual District Training to resolve festering problems that are preventing the district from focusing on their primary mission – the success of our students.”

Response to Recommendation R401: The Governing Board will continue to focus on the success and achievement of all District students. Further, the Governing Board has begun implementation of training programs through the California School Board Association (“CSBA”) and the Center for Reform of School Systems (“CRSS”). The Board’s commitment to continued training is evidenced by the number of times the topic has appeared on Governing Board meeting agendas, as well as the number of actual training sessions the Governing Board and Superintendent have attended.

Recommendation 402: “The Board change its leadership and elect a president and clerk that clearly understand the difference between governance and management of the district.”

Response to Recommendation R402: On May 15, 2007, the Governing Board determined by a vote of 5-2 not to implement Recommendation R402.

Recommendation 403: “All Board members focus on their role as policy makers and refrain from efforts to micromanage the district.”

Response to Recommendation R403: The Governing Board will continue to implement this Recommendation and that implementation is ongoing, in that the Governing Board members acknowledge their role as policy makers and not managers of District operations.

Recommendation 404: “The Board and Superintendent resolve immediately by collegial means the Superintendent evaluation process through an open and honest procedure requiring the good will and fair play of all concerned.”

Response Recommendation R404: The latest evaluation of the Superintendent covered the period of October 1, 2005 through October 31, 2006. The Board completed the Superintendent’s evaluation on April 30, 2007 and determined it to be a positive evaluation.

Recommendation 405: “The District immediately re-focus on meeting its stated student success goals. The Superintendent and his new leadership team must move our district ahead.”

Response to Recommendation R405: The Board continues to focus on meeting stated student goals and has implemented various strategies to achieve those goals.

Recommendation 406: “The District at all times follow the letter and spirit of the Brown Act, without exception.”

Response to Recommendation R406: The Board will continue to implement this Recommendation and implementation is on-going. The Board is acutely aware of the requirement that the District follow the Brown Act at all levels where it is legally required. The Governing Board will continue to re-fine its knowledge of best practices within the meaning of the Brown Act.

Recommendation 407: “The Fresno Unified School District increase instructional minutes above the state minimum requirements at all grade levels and especially grades one through three.”

Response to Recommendation R407: The Board does not have the unilateral authority to increase instructional minutes at any grade level. Any change in instructional minutes is a mandatory subject of bargaining pursuant to the Educational Employees Relations Act, Government Code section 3540 et seq. Consequently, the District is required to negotiate the matter of instructional minutes with the Fresno Teachers Association (“FTA”). To that end, the District has proposed an increase in the number of instructional minutes at grade levels one through three. To date, FTA has rejected any increase in instructional minutes. However, the District’s proposal remains on the table and as a result, the District and FTA are required to continue negotiating the issue.

Recommendation 408: “The Board be fiscally responsible in budget development to ensure it protects the educational programs for students and their needs should come before those of adults in the school district.”

Response to Recommendation R408: The Board agrees with Recommendation R408 and has been committed to its implementation. In contrast with the fiscal situation that existed in 2004 when the District faced the possibility of a state takeover, the Board directs the Grand Jury’s attention to the fact that Fresno Unified School District’s budget for 2006-07 received a positive certification.

Recommendation 409: "FUSD take immediate action on the Policy of 'Core Beliefs and Commitments'."

Response to Recommendation R409: The Board has already implemented Recommendation R409 by virtue of its formal action on April 25, 2007, adopting the Policy entitled "Core Beliefs and Commitments."

Recommendation 410: "The Board perform an annual self-evaluation to determine the success of its goals and objectives."

Response to Recommendation R410: The Board agrees with Recommendation R410. This recommendation is consistent with Board Bylaw 9400 that states as follows: "Effective and efficient Governing Board operations are an integral part of creating a successful educational program. In order to measure progress towards its stated goals and objectives, the Board will annually schedule a time and place at which all its members may participate in a formal self-evaluation." Accordingly, the Board will implement Recommendation R410 consistent with Board Bylaw 9400.

Recommendation 411: "The District practice sound fiscal management including an adequate reserve and refrain from using one-time budget funds for on-going expenses."


Response to Recommendation R411: The Board agrees with Recommendation R411 and remains fully dedicated to practicing sound fiscal management as reflected by its implementation of the District's 2006-07 budget. In addition, the Board will remain fully committed to sound fiscal management in the development and approval of the District's 2007-08 budget.



Carol Mills, J.D., President



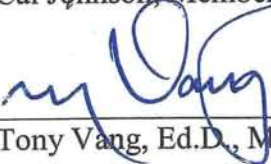
Valerie F. Davis, Clerk



Cal Johnson, Member



Manuel G. Nunez, Member



Tony Vang, Ed.D., Member



Janet Ryan, Member



Michelle Arax Asadoorian, Member

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REPORT #5

HEALTH CARE AT PLEASANT VALLEY STATE PRISON

Health Care at Pleasant Valley State Prison

Members: Judith A. Allender, Chairman
Margaret McKnight
Marc Scott

The Prison Health Committee was established in September, 2006, after a tour of the Pleasant Valley State Prison by the entire 2006-07 Grand Jury. While on the tour, the jury found many instances where access to and delivery of health care to prisoners could be improved.

The approval of an investigation by the Grand Jury allowed a committee to be formed to begin its detailed examination of health care at Pleasant Valley State Prison. As a committee, 9 interviews were conducted with prison officials and employees, and statistics and reports were requested and received from the prison. In addition, public documents produced by the Federal Receiver who has been put in charge of health care at all state prisons in California were assembled and examined. Numerous newspaper articles which described health care in the prisons were also explored.

Before the final report was completed and submitted to the full Grand Jury in April, 2007, members of the committee met 15 times to conduct interviews (including traveling 100 miles each way for some interviews), discuss findings, and organize the report data. In addition, over 60 hours of writing and rewriting went into the 6 drafts of the report before it was finally completed.

The conclusions were based on ten findings which supported 4 recommendations made to 3 key stakeholders in the health care system at Pleasant Valley State Prison.

The final report was issued to the public by the Grand Jury on May 1, 2007, and all responses are due by August 1, 2007.

A copy of the report and one of three responses follow. Two responses have not been received; all were due by August 1, 2007.

Judith A. Allender, Chairman

FILED

MAY 01 2007

FRESNO COUNTY SUPERIOR COURT

By _____

DEPUTY

**2006-2007
FRESNO COUNTY GRAND JURY**



**FINAL REPORT
#5**

HEALTH CARE AT PLEASANT VALLEY STATE PRISON

“Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”

Rev. Dr. Martin Luther King, Jr.

INTRODUCTION

California Penal Code §919 (b) charges a civil grand jury with the duty to “inquire into the condition and management of the public prisons within the county.” Accordingly, on August 17, 2006, the 2006-2007 Fresno County Grand Jury toured Pleasant Valley State Prison (PVSP), which is located in rural Fresno County. A sub-committee, which was subsequently formed to address concerns about the health care delivery system at PVSP, visited the facility again on September 28, 2006.

This report sets out the results of the ensuing Grand Jury investigation. PVSP is viewed against the backdrop of the current crisis in California prisons arising from the on-going and critical lack of adequate health care services.

The report focuses specifically on health care services at PVSP. It commends the commitment of the health care services staff at PVSP who are faced with enormous challenges and makes recommendations in four areas.

BACKGROUND

An Overwhelmed Prison Health Care System

For some time, California’s prison health care system has been inadequate, fragmented, expensive, and in short, overwhelmed, thus adding to the problems the incarcerated experience and which ultimately affect society.

Decades of neglecting medical care while vastly expanding the size of the prison system has led to a state of institutional paralysis. The prison system is unable to function effectively and suffers a lack of will with respect to prisoners’ medical care. (10, p. 2) *

*Numbers in parentheses refer to sources numbered on pages 8 and 9.

On April 5, 2001, a class action lawsuit was filed on behalf of California prison inmates by the Prison Law Office, a nonprofit public interest law firm.

The case, originally entitled Plata v. Davis, et al. became Plata v. Schwarzenegger, et al., No. 01-1351, No. D., Cal. in 2003. The complaint alleged that the medical care afforded inmates in California prisons was so substandard that it violated the prohibition against “cruel and unusual punishment” in the Eighth Amendment to the United States Constitution. (10, p. 2)

The defendants, the California Department of Corrections and Rehabilitation (CDCR), entered into a settlement agreement on June 13, 2002, which required them to implement the many programs and improvements that would, hopefully, bring prison health care services within constitutional standards. (10, p. 2)

Several orders were subsequently made outlining specific measures to be undertaken statewide within a stated period of time. A monitoring system was created to assess progress at most institutions including Pleasant Valley State Prison (PVSP). (10, p. 3)

In June 2005, Judge Thelton E. Henderson of the United States District Court for the Northern District of California concluded that the defendants, CDCR, were failing abysmally in their efforts to meet the standards set forth in the settlement. On June 30, after six days of evidentiary hearings, Judge Henderson ruled that the only appropriate remedy was the appointment of a Receiver who would “take control of the delivery of medical services to all California state prisoners. . . .” Findings of Fact and Conclusions of Law supporting the appointment of a Receiver were issued on October 5, 2006. (10, pp. 1, 42-45)

Robert Sillen, a former Santa Clara County public health official, was appointed as Receiver on February 14, 2006. Mr. Sillen has submitted four bi-monthly reports to the Court to date. In the third report, filed on December 5, 2006, the Receiver decided to “assume direct management over several elements of the CDCR medical delivery system.” (11, p. 7; 24)

Pleasant Valley State Prison—a Particular Example of the General Problem

Pleasant Valley State Prison was built in 1994 to house approximately 3,000 inmates, but now houses over 5,000. An article in the *San Francisco Chronicle* on February 12, 2007, describes it as one of the state’s most crowded prisons. (20)

The health care delivery system at PVSP is heavily burdened. Illnesses suffered by the general population are exaggerated in the prison population because of long histories of poverty, fragmented dental and health care, and unhealthy lifestyle choices. Further, the aging prison population presents significant problems: chronic illnesses, physical debilitation, and a steady decline in over-all health. (24) At PVSP inmates over the age of 50 make up 14.6% of the population. (16) Over a thousand inmates are identified as

“chronic care” or “high risk” patients, requiring regular monitoring for cardiovascular-related illnesses, diabetes, and hepatitis C. Over 1,500 inmates require treatment for some form of mental illness. (1)

Problems and Progress in Health Care at PVSP

Although significant progress has been made at PVSP in compliance with the Plata orders, it appears to the Grand Jury that several problems still need attention:

1. The need for a secure medical setting for PVSP patient-inmates

In general terms, the health care delivery system at PVSP is comprised of the Correctional Treatment Center (CTC) and several smaller clinics situated throughout the prison. The hospital section of the CTC has fourteen beds. CTC functions as an emergency room and provides bed space for inmates experiencing mental health crises and for inmates requiring long term care who are too ill or too frail to join the general inmate population. CTC does not provide skilled nursing care. Often a large number of beds are occupied by mental health patient-inmates. (1, 4, 5)

The lack of bed space at the CTC and the need for a higher level of care require the transfer, daily, of several inmates to the Coalinga Regional Medical Center (CRMC). (1) The CRMC is the local Coalinga District Hospital. The facility has 24 acute care beds and 114 skilled nursing beds located on two campuses. (2, 18) The current arrangement has two disadvantages. Inmates may occupy expensive acute care beds longer than necessary because there is no bed space for them in the CTC. Also while there, inmates must be accompanied by correctional officers in a two-to-one ratio 24 hours a day, seven days a week, resulting in prohibitively high overtime pay. (1)

These problems could be alleviated by the establishment of a secure wing at the CRMC for PVSP patient-inmates. Since 2004 PVSP staff has sought funding for the development of such a wing, and the hospital has been committed to converting a portion of its facility for that purpose. A variety of services could then be provided, including skilled nursing. The number of correctional staff could then be substantially reduced. (1, 2)

Upon taking over the reins of the prison health care system in 2006, Receiver Sillen announced the immediate need for 500 hospital beds, to be found either in existing CTCs or in private sector facilities. (11, pp. 28-31) Recently Mr. Sillen examined possible “construction or conversion sites” statewide for additional beds. In his fourth bi-monthly report, dated March 20, 2007, he concluded that “[t]here are no county or private medical facilities that are easily and cost-effectively converted to prison medical care units.”(12, p. 20) However, Receiver Sillen did not contact or visit CRMC. (2) His conclusion seems to overlook the acute need for additional hospital beds for PVSP patient-inmates and the opportunity presented at CRMC.

2. The Lack of Necessary Laboratory Equipment

The CTC laboratory now performs over 1,800 tests per month.(1) The health care staff believes their equipment is inadequate and insufficiently sophisticated to meet the increase in tests required as a result of the Plata case. (1, 4) The staff has recently requested the following from the Receiver:

- centrifuge
- CBC machine
- PT/PTT analyzer
- triage cardiac enzyme instrument
- hematology analyzer
- glucometer

Also requested was an information system which would allow test results to be computerized. (15, p. 7) Without these basic pieces of laboratory equipment, at times inmates would have to be transported to external facilities at a higher cost.

3. Medical Records Department Deficiencies

The Grand Jury became concerned about the filing, retrieval, and storage of medical records during the visits in July and September 2006. There are two serious deficiencies.

- (1) Substantial filing of patient documents and retrieval of them must be done every day.
- (2) The facility housing medical records is inadequate.

Medical records at PVSP are kept in individual manila folders and are filed in a small area in the Correctional Treatment Center. Over 5,100 files are shelved on racks from floor to ceiling. Stacks of loose documents await filing. Up to 800 files a day must be delivered to the health care clinics throughout the prison. (7)

Medical records needed for the day are stacked on carts in an adjacent hallway waiting to be transported where needed. Refiling of loose documents begins at the end of sick call; simultaneously, new charts are sought for the next day's appointments. These time-intensive tasks can be fraught with disorganization and error. Although an inmate's medical record usually accompanies him to an acute care facility with pertinent information justifying the transfer, recent health care information may be lacking. (7)

The health care services staff is well aware of the deficiencies surrounding the maintenance of medical records. The Health Services Administrator has requested and received additional staff for the filing of loose records. The medical records department is now open seven days a week as well as evenings. The medical recordkeeping problem, however, has not been solved. The staff continues to urgently request a computerized system. (1)

The second aspect of the medical records problem is the lack of space. PVSP has anticipated transferring medical records to a recently erected modular building adjacent to the CTC. At the end of February, 2007, the required inspections had not been completed, and the transfer of records had not been made. However, the health care staff believes that the new facility, which has been on the drawing board since 1997, will now be too small. The new building will add only 200 square feet beyond that of the present facility. The staff proposes that a larger building on the grounds, a dining hall in the educational/vocational section that is currently underutilized, be considered as a more desirable location for medical records. (1, 4, 5)

4. The Failure to Attract Physicians and Licensed Vocational Nurses as State Employees

Historically, health care providers at PVSP have come from registries. Low salaries offered by the state and the remote location of PVSP have contributed to this less-than-desirable method of acquiring staff. (1) Registry contracts have been costly to the state. Registry personnel have no loyalty to one employer, as they work for different employers on a regular basis. These employees may be unable to provide continuity to health care delivery that is especially important with a high-risk population.

The Receiver has taken three steps to rectify this unsatisfactory situation. First, he announced a policy that “. . . a more fiscally responsible medical delivery system . . . must focus upon a Registered Nurse-driven program that utilizes a wide range of clinical providers” (11, p. 2) In order to implement this policy, the salaries for Registered Nurses offered by the state have been increased. As a result, all RNs at PVSP are now state employees. (1)

As the second step to rectify the hiring situation, Receiver Sillen acknowledged that physicians' salaries were too low to attract qualified applicants. In conjunction with other agencies, he authorized significant increases. (14, 19) However, as of late March, 2007, all physicians at PVSP, including the medical director, continue to be obtained from contract registries. Whether the increase in salaries will result in the hiring of more physicians remains unknown. Health care administrative staff at PVSP believe that the remote location of PVSP acts as a strong deterrent and that the current salaries remain too low. (1, 4, 5)

The Receiver's third step was to eliminate the classification known as Medical Technical Assistant (MTA). That position required an individual to be both a Licensed Vocational Nurse (LVN) and a correctional officer. (11, p. 3) Now MTAs must choose to be either correctional officers or LVNs—at a \$1,500 to \$2,400 per month decrease in salary for the LVN position. (1) This change was intended to bring about an improvement in care and result in savings for the state. (11, pp. 3-4) However, presently at PVSP, only a few MTAs have chosen to become LVNs. As a result most LVNs must still be hired from registries. (1)

Health care providers at PVSP face many challenges. The inmates they deal with range from those who need every service that can possibly be provided to them to intimidating inmates whose excessive demands over-tax the health care system. Their dedication has been praised by the individual who monitors compliance with the Plata orders. (17)

Those individuals interviewed articulated a vision of providing quality health care—against significant odds—at Pleasant Valley State Prison.

FINDINGS

1. The Correctional Treatment Center at PVSP has inadequate hospital bed space.
2. Inmates are sent every day to Coalinga Regional Medical Center and other facilities requiring the use of correctional staff in a two-to-one ratio twenty-four hours a day.
3. The Coalinga Regional Medical Center would be willing to provide a secure wing for PVSP patient-inmates if an appropriate funding mechanism were available.
4. The Correctional Treatment Center at PVSP requires additional updated laboratory equipment.
5. A computerized medical record system is required as well as an adequate facility for the medical records department.
6. Hiring medical personnel from registries results in greater expense and frequent employee turnover.
7. Despite the incentives of higher salaries offered by the state, all physicians at PVSP continue to come from registries.
8. Salaries for registered nurses have been raised; therefore, rather than coming from registries they have chosen to become state employees.
9. Most LVNs are still hired through a registry.
10. Health care staff must deal with a certain number of intimidating and demanding inmates.

CONCLUSION

Progress has been made at PVSP in the past few years to bring health care delivery within constitutional standards due in part to the

dedication of the health care staff. Certain improvements and changes are needed:

- the acquisition of additional hospital beds
- the acquisition and updating of equipment in the Correctional Treatment Center laboratory
- the management of medical records through a computerized system in adequate space
- the hiring of state-employed physicians and licensed vocational nurses with appropriate salaries.

We believe these improvements lie within the federal Receiver Robert Sillen's goals for prison health care reform outlined in the past year, and implementation of them is a reasonable and necessary course of action.

RECOMMENDATIONS

The Grand Jury recommends that:

- R501. Coalinga Regional Medical Center, in collaboration with PVSP, the California Department of Corrections and Rehabilitation, and the Federal Receiver, provide a secure wing for PVSP patient-inmates. (Findings 1, 2, 3)
- R502. Adequate laboratory equipment be provided for the Correctional Treatment Center. (Finding 4)
- R503. A computerized or otherwise more technologically sophisticated system be implemented for the filing, retrieval, and storage of medical records at PVSP and that an adequate facility be provided. (Finding 5)
- R504. A sufficient pay scale for physicians and LVNs be offered which takes into consideration PVSP's rural location. (Findings 6, 7 and 8)

COMMENDATIONS

The 2006-2007 Fresno County Grand Jury would like to commend the staff at PVSP for allowing us to explore their operation and for providing us with requested information in a timely manner.

First, we commend PVSP for trying to make dramatic changes to the health care services provided, in a short amount of time, while safely housing over 5,000 inmates in severely overcrowded conditions.

Second, we commend the health services department and their leadership in attempting to provide the best health care possible while undergoing major

staff changes with increasing regulations and expectations from outside the institution.

Third, we commend CRMC for its willingness to work with PVSP to assist in providing quality health care to an increasing number of patient-inmates.

REQUEST FOR RESPONSES

Pursuant to Penal Code §933.05, the Grand Jury requests responses within 90 days of the receipt of this report.

RESPONDENTS

- A. Sandra Beach, President, Board of Directors, Coalinga Regional Medical Center (R501)
- B. Robert Sillen, Federal Receiver (R501, R502, R503, R504)
- C. James Tilton, Secretary, California Department of Corrections and Rehabilitation (R501)

SOURCES AND REFERENCES

Interviews

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- 2. Chief Executive Officer, Coalinga Regional Medical Center.
- 3. Director of Communications, California Prison Health Care Receivership Corporation.
- 4. Director of Nursing, PVSP.
- 5. Nurse Consultant, PVSP.
- 6. Physician, Coalinga Regional Medical Center.
- 7. Staff Nurse, PVSP.
- 8. Standards and Compliance Coordinator, PVSP.
- 9. Warden, PVSP.

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- 10. Findings of Fact and Conclusions of Law re Appointment of Receiver, Plata v. Schwarzenegger, et al., No. 01-1351, No. D. Cal., (2001). October 3, 2005.
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- Tax-Payer Millions." Press Release, California Prison Health Care Receivership Corp., December 5, 2006.
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25. Bailey, Amanda and Joseph Hayes. "Who's In Prison? The Changing Demographics of Incarceration." *California Counts: Population Trends and Profiles*, vol. 8, No. 1, August 2000. Public Policy Institute of California.

RESPONSES

A. Sandra Beach, President, Board of Directors,
Coalinga Regional Medical Center

R501

Not received by publication date

B. Robert Sillen, Federal Receiver

R501, R502, R503, R504

C. James Tilton, Secretary, California Department of
Corrections and Rehabilitation

R501

Not received by publication date

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CALIFORNIA
PRISON HEALTH CARE
RECEIVERSHIP CORP.

Robert Sillen
Receiver

RECEIVED
BY CW | DATE
8-7-07

1 August 2007

Marian Mosley, Foreman
Fresno County Grand Jury
1100 Van Ness Avenue
Fresno, CA 93724-0002

Dear Ms. Mosley,

Enclosed please find Receiver Robert Sillen's response to the Grand Jury's Final Report #5 regarding medical care at Pleasant Valley State Prison.

Thank you for the opportunity to review the report.

If you have any questions, please let me know.

Sincerely,



Rachael Kagan SS
Director of Communications

Cc: Robert Sillen, Receiver
John Hagar, Chief of Staff
Jared Goldman, Staff Attorney

RECEIVER'S RESPONSE TO FRESNO COUNTY GRAND JURY
FINAL REPORT #5 2006-2007
1 August 2007

Federal Receiver Robert Sillen submits the following responses to the Fresno County Grand Jury Final Report #5 (2006-2007) regarding medical care at Pleasant Valley State Prison (PVSP), released May 1, 2007. The Receiver was appointed in February 2006 by U.S. District Court Judge Thelton E. Henderson to develop, implement and oversee the process by which medical care in California's 33 adult prisons is brought up to constitutional standards.

The Receiver commends the Grand Jury on its efforts and scrutiny of PVSP, and shares many of the conclusions reached by the jurors. Where there are differences, these reflect the size and scope of the Receiver's mandate. While the Grand Jury's focus was limited to PVSP, the Receiver is responsible for creating a new medical system applicable to all 33 prisons. While the Grand Jury may point to seemingly sensible short-term solutions, the Receiver has a broader awareness of operational changes on the horizon that will alter the health care landscape to a degree that may make today's proposed solutions inappropriate or impractical. An outline of the basic components of the new medical system currently under development is laid out in the Receiver's Plan of Action, which can be seen at <http://www.cprinc.org/materials.htm>.

The Receiver welcomes the opportunity to respond to the Grand Jury and invites its members to keep updated on the work of the Receivership by reading his quarterly reports to the court, and other public materials produced by his team. For instance, a recent report lays out recommendations for mitigating Valley Fever at prisons in endemic areas, including PVSP. The reports are posted on the web at www.cprinc.org.

The Receiver responds to the following recommendations:

R501. Coalinga Regional Medical Center, in collaboration with PVSP, the California Department of Corrections and Rehabilitation, and the Federal Receiver, provide a secure wing for PVSP patient-inmates. (Findings 1,2,3)

Findings

1. The Correctional Treatment Center at PVSP has inadequate hospital bed space.
2. Inmates are sent every day to Coalinga Regional Medical Center (CRMC) and other facilities requiring the use of correctional staff in a two-to-one ratio, 24 hours a day.
3. The CRMC would be willing to provide a secure wing for PVSP patient-inmates if an appropriate funding mechanism were available.

Agree

The Receiver agrees with Findings 1, 2 and 3, which describe a problem common throughout the prison system, where inadequate medical bed space at the institution level complicates the relationship with local community hospitals and has a significant impact on the use of resources.

Recommendation has not and may not be implemented

The Receiver is evaluating community hospital and prison relationships in several areas. The Receiver's office is aware of interest from selected community hospitals, including Coalinga Regional Medical Center, in developing guarding units with CDCR. However, we are not ready to move forward on these arrangements in the majority of cases.

The issue is not a simple one. As prisons offer primary care only, it is customary for patients requiring specialty or inpatient hospital care to be treated by outside specialists and hospitals. The Receiver does not foresee changing this basic arrangement. However, the way it is currently being carried out is resulting in a waste of tax-payer dollars and placement of patients in inappropriate settings. For example, it is not uncommon for patients who were initially placed in an outside hospital to remain there after they no longer require hospital-level care, simply because the sending prison does not have a bed for them to return to. This is one of many deleterious impacts of overcrowding on the prison medical system. The result is that the prison pays for unnecessary inpatient care and guarding costs while the community's exposure to incarcerated patients is prolonged for reasons that have nothing to do with medical need. Another issue regarding prison-hospital relations is that the CDCR has not negotiated effective contracts and rates with community hospitals, often resulting in reimbursement rates that far exceed the norm.

The problem of hospital over-stays will be addressed in part by the Receiver's initiative to build up to 5,000 medical beds statewide to provide sub-acute care for patients who do not require hospital-level care, but who are too sick or infirm to be housed in the general population. The creation of these facilities will ease pressure on both CTCs and community hospitals, as patients are appropriately housed in long-term care, assisted living, hospice and other sub-acute settings. In addition, higher quality medical staff and better training for staff will improve the phenomenon of poorly informed admission and discharge decisions, which continue to take place today.

The solution to the contracting problem already has begun, as the Receiver has taken over the medical contracting function in CDCR. The first stage of this process has been to automate contracts, and currently four prisons are piloting a new contracting system. Over time the remediation of CDCR's broken contracting system will include improved contract management, negotiation and quality review.

Given all of the change underway in the area of prison-hospital relations, it is premature to conclude whether opening a guarding unit at Coalinga Regional Medical Center is a step in the right direction. We will continue to evaluate the need for such units at locations statewide.

R502. Adequate laboratory equipment be provided for the Correctional Treatment Center. (Finding 4)

Findings

4. The CTC at PVSP requires additional updated laboratory equipment.

Agree

The Receiver agrees with Finding 4 on the basis of his experience throughout California prisons which shows that they generally lack adequate medical supplies and equipment.

Recommendation has been implemented

The Receiver has elicited from each institution a list of needed medical equipment and supplies. PVSP requested and received a wide variety of material, some of which included laboratory equipment. The Receiver relies upon the medical leadership of each institution, working with the regional leaders, to communicate equipment needs. All requests are evaluated and acted upon. The Receiver is committed to seeing every prison adequately supplied with necessary medical supplies and equipment.

R503. A computerized or otherwise more technologically sophisticated system be implemented for the filing, retrieval, and storage of medical records at PVSP and that an adequate facility be provided. (Finding 5)

Findings

5. A computerized medical record system is required as well as an adequate facility for the medical records department.

Agree

The Receiver agrees with Finding 5 and notes that space for medical records, maintenance of patient files and appropriate training for medical records staff are sorely missing from the current prison health care system.

Recommendation has not yet been implemented

The Receiver is working to create a system-wide information technology system that ultimately will include electronic health records, encompassing medical, mental health and dental information. The first step in the process is to provide computer access to each prison, work on which is currently underway, and is expected to be complete in 18 to 24 months. Once that has been accomplished, the first type of information to be computerized will be pharmaceutical data, corresponding to the overhaul of the prison pharmacy system being carried out under the Receiver's direction by Maxor National Pharmacy Services Corp. The electronic health record will be created as the technical capacity in the system grows and appropriate staff are trained and hired. Also, the creation of a comprehensive patient record will entail coordination with mental health and dental leadership. Those two areas are the subject of separate federal class action law suits, and medical records are among the areas identified for collaboration among the court officials representing these cases.

In addition, the Receiver has begun sending teams to each prison to determine medical and support space needs at every institution, including medical records space. This project will cover from eight to 12 prisons per year. Though the eventual transition to an electronic health record may lessen the amount of physical space needed for medical records, implementation of that improvement is several years away, and most prison

medical records departments need more space in order to function properly with the existing volume of patient files they maintain. The Receiver's team will assess the need at PVSP and develop a response. This assessment will likely not take place within the next 12 months, as there are several prisons statewide whose space crises eclipse that of PVSP's.

R504. A sufficient pay scale for physicians and LVNs be offered which takes into consideration PVSP's rural location. (Findings 6,7,8)

Findings

6. Hiring medical personnel from registries results in greater expense and frequent employee turnover.
7. Despite the incentives of higher salaries offered by the state, all physicians at PVSP continue to come from registries.
8. Salaries for registered nurses have been raised; therefore, rather than coming from registries they have chosen to become state employees.

Agree

The Receiver agrees with the findings which conclude, as he did, that State salaries for prison medical staff were drastically depressed and resulted in high vacancy rates and an over reliance on costly registry staff.

Recommendation has been implemented

Recruitment of medical staff is currently the Receiver's number one priority. The effort was launched when the Receiver raised the salaries of most medical staff effective September 1, 2006. Physician salary increases followed, effective March 1, 2007. These actions required a waiver of state law, granted by U.S. District Court Judge Thelton E. Henderson, after the State declined to enact the pay raises independently. The enhanced pay scales were set at a rate which approximates that paid by the University of California hospitals, replacing the former salary structure which was significantly below market and resulted in high vacancy rates and an over-reliance on costly registry staff to fill in the gaps. Further details on the pay raises can be found at <http://www.cprinc.org/press.htm>.

Since raising the salaries, hiring of Registered Nurses at PVSP has improved significantly. LVN hiring has been more difficult for the institution, with 18 out of 38.56 positions currently filled. The LVN position was newly created by the Receivership, which to date has hired nearly 800 LVNs statewide, due to a massive recruitment effort. The Receiver is reexamining LVN salaries in areas where LVN recruitment and retention remain extremely difficult.

The physician salary increases have produced a surge of applicants statewide, but it is still too early to evaluate whether the new pay scale is fully effective to meet the needs of the prison system, or if further adjustments – to salary or other incentives – will be required. Planning for a concentrated physician recruitment effort is currently underway. At PVSP, it remains true that a scant minority of the physicians are state employees.

Additional approaches to recruit and retain staff may be made on a geographic, market basis, rather than across the board. In the case of all medical staff – including LVNs and

physicians – salary alone will not solve the retention issues. The Receiver also is developing programs to improve working conditions, orientation and training for these essential members of the workforce.

FRESNO COUNTY GRAND JURY

2006-2007

Informal Letters of Recommendation

- Landscape, Lighting and Maintenance
District #1
- Recommendations for Consolidation
of Fresno City and County Services

Letters Sent by the 2006-2007 Grand Jury

During the year, the Fresno County Grand Jury worked in committees to explore 5 areas which generated full investigative reports. There were several additional investigations of citizens' complaints or information given to the Grand Jury by community leaders which did not result in formal reports. These investigations sometimes involved extensive research and the interviewing of a large number of witnesses. Two of these investigations, while they did not result in full reports, generated letters from the Grand Jury that included detailed recommendations to improve services.

The 2 letters were sent in the spring of 2007. One was sent to the Fresno City Public Works Department regarding the continuity of their leadership and the adequacy of the services which they render to the public. The second letter was directed to the need for consolidation of city and county services to create a seamless system that would be more cost efficient. City and County officials were sent this letter. Copies of both letters follow.



County of Fresno

GRAND JURY

March 9, 2007

Mr. Andy Souza, City Manager
Fresno City Hall
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Souza:

The 2006-2007 Fresno County Grand Jury has spent considerable time and effort taking an in-depth look at the Fresno City Department of Public Works. We have decided not to present a formal report regarding the problems we encountered during our investigation. However, we have three concerns that need to be addressed as soon as possible:

1. There are two types of city-owned neighborhood landscaping maintenance districts:
 - The Landscaping, Lighting and Maintenance District 1 (LLMD#1)
 - Homeowners within the LLMD#1 pay a fixed, yearly fee to the city without an “escalator” clause which has resulted in a significant shortfall of funds available for maintenance.
 - The Community Facilities District 2 (CDF#2)
 - CDF#2 was established in 1997 which included an “escalator” clause to adjust the fee schedule as needed.

We recommend the City Council adopt a resolution allowing a special election in order to give homeowners within LLMD#1 area the opportunity to vote for implementation of a non-fixed assessment similar to that of CDF#2.

2. The city has a significant, continuing problem with leadership in the Public Works Department. This is a long-standing issue that must be resolved. Applicants are currently being interviewed for the Director position and in the event a suitable applicant cannot be found, we recommend the temporary reassignment of Assistant City Manager, Jon Ruiz, to fill this position.
3. We recommend the City of Fresno develop a long range strategic plan (10-20 years in length) to fund new city infrastructure and to maintain existing infrastructure. This is a critical issue as current financial and future projected revenues probably will not cover the basic infrastructure needs for the City of Fresno.

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Mr. Andy Souza, City Manager
March 9, 2007
Page 2.

We are not requesting a formal reply that a grand jury report would require. However, we would appreciate hearing your position and action on these three issues as you move forward.

Thank you for your attention to this letter and the many courtesies your staff and city officials have extended to the grand jury this year.

Sincerely,

Marian Mosley, Foreman
Fresno County Grand Jury, 2006-2007

MM:gmb

cc: The Honorable Alan Autry, Mayor
Blong Xiong, Councilmember, District 1
Brian Calhoun, Councilmember, District 2
Cynthia Sterling, Councilmember, District 3
Larry Westerlund, Councilmember, District 4
Mike Dages, Councilmember, District 5
Jerry Duncan, Councilmember, District 6
Henry T. Perez, Council President, District 7



County of Fresno

GRAND JURY

May 29, 2007

To: The Honorable Alan Autry, Mayor
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Bart Bohn, CAO
Fresno County
2220 Tulare Street, Ste. 300
Fresno, CA 93721

Subject: Recommendation for Consolidation of Services in Fresno County

The members of the Fresno County Grand Jury, like many other citizens and civic leaders, remain concerned about the consolidation of services in Fresno County. We believe it is possible to achieve expanded services, greater efficiencies, and perhaps savings of hard-earned taxpayer dollars through consolidation of services. It appears to us that the consolidation efforts of the past year are rapidly losing steam—we urge you to continue to consider reasonable consolidation efforts.

We also suggest you add a new frontier to the current consolidation efforts. The Fresno County Grand Jury recommends the following:

1. That the Fresno City and County Convention and visitors Bureau should be supported equally and fairly by Fresno County, the City of Fresno and private memberships.
2. The Fresno City and County Convention and visitors Bureau should report to its funding sources directly and not through SMG or any other organizations.
3. How we provide tourism services in Fresno County should be studied with an eye towards consolidation into a single office with one staff. Increased marketing, visitor services and cost effectiveness could result from such a consolidation.
4. Have one film commission for the entire County. Duplicating services and staff makes no sense to the Grand Jury.

5. The Economic Development Corporation should play the key role in coordinating our economic development efforts and should be supported by our county and the incorporated cities in Fresno County. Economic development is too important to fragment in Fresno County. Each of the cities needs staff to do the due diligence and the technical work necessary to bring economic projects to fruition. The City and County should make sure that economic development services are not duplicated and work to coordinate them to achieve maximum cost effectiveness. The proposal for doubling the size of the City of Fresno Economic Development staff is troublesome to the Grand Jury. The coordination efforts county-wide should be examined before such a move is made.
6. Fresno County should consider a ballot measure to institute an appropriate hotel/motel tax consistent with the City of Fresno's tax. When adopted, a fixed percentage of the revenue from the tax should go to the funding of tourism, visitor services and economic development activities. This is an important revenue stream available to Fresno County.

In the spirit of the consolidation already under consideration, we suggest these recommendations be examined and assigned to appropriate staff and committees for further study and timely action, although no formal responses are required to this letter.

Sincerely,

Marian Mosley, Foreman
Fresno County Grand Jury, 2006-2007

MM:bls

cc: Andy Souza, City Manager
Henry T. Perea, Council President, Fresno City Council
Bob Waterston, Chairman, Fresno Board of Supervisors
Wayne Bennett, Executive Director, Fresno City and County Convention and Visitors' Bureau
Steven G. Geil, President/CEO, Economic Development Corporation
Ray Steele, Publisher & President, The Fresno Bee
Al Smith, President/CEO, Greater Fresno Area Chamber of Commerce
Deborah Nankivell, CEO Fresno Business Council
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News Editor, KJWL

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