

**FRESNO COUNTY GRAND JURY**

**FINAL REPORT**



**2001 - 2002**

**FINAL REPORT**

**FRESNO COUNTY GRAND JURY**

**2001–2002**



**PRESIDING JUDGE OF THE FRESNO COUNTY SUPERIOR COURTS**

**Hon. Gary D. Hoff  
Presiding Judge**

**FRESNO COUNTY GRAND JURY**

**2001-2002**

## **2001–2002 FRESNO COUNTY GRAND JURY**

### **From Left to Right**

#### **Front Row:**

**Ann Thaxter, Karen Miller, Joan Quintana, Judith Guardado**

#### **Middle Row:**

**Stanley Kooyumjian, Jesse McDonald, Alan Button, Paul Sullivan,  
Eric Lin, Allene Kahl, Jess Saldana, Robin Baldwin**

#### **Back Row:**

**Harold Price, Robert Buchanan, Jim Cotton, Richard Allen,  
Karen Mello, Merle Hanson**

#### **Not Pictured:**

**Leo Shishmanian**

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## FRESNO COUNTY GRAND JURY

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1100 VAN NESS AVENUE ROOM 102  
FRESNO, CALIFORNIA 93721

June 30, 2002

The Honorable Gary Hoff  
Presiding Judge of the Fresno County Superior Court  
1100 Van Ness Avenue  
Fresno, California 93721

Dear Judge Hoff:

On behalf of the 2001/2002 Fresno County Grand Jury, it is my honor and pleasure to submit our final report. This report is the culmination of 12 months of hard work and dedication by 19 citizens who had the distinct pleasure of serving as members of the Fresno County Grand Jury.

As with many grand juries, this jury experienced the loss of several members throughout its term. Richard Gaston found it necessary to resign early in his term due to a career change, Dr. Richard Key resigned due to health and personal reasons, and Gene Hallam resigned in early 2002 due to an illness that eventually resulted in his death. All of these former members provided meaningful and useful contributions to the 2001/2002 Fresno County Grand Jury.

There are a seemingly endless number of entities and issues throughout the county that could warrant the attention of a grand jury, but it is impossible to make necessary inquiries into all of these during its one year term. We believe that the issues we chose to pursue will provide the citizens of Fresno County greater awareness, insight, and knowledge into government operations within the county.

During this fiscal year, we have gained a great deal of knowledge as to the operations and conduct of government within Fresno County. The experience of serving as grand jury members has greatly reinforced our belief in the grand jury system, acting as a guardian of the public trust.

Citizen complaints were received and read before the entire grand jury. Those considered for Grand Jury study were forwarded to the appropriate committee for further review and investigation. Some complaints were frivolous or involved ongoing litigation, and others were outside the purview of this jury. The areas investigated by the grand jury are covered in this report.

Robert (Bob) Ellis, Assistant District Attorney and Phillip Cronin, County Counsel were outstanding advisors and counselors for this jury. Jury Services Manager, Sherry Spears, exercised her duties relating to the Grand Jury in an efficient, effective, professional, and always pleasant manner. Sherry's assistance was invaluable. I also wish to publicly acknowledge and thank Foreman Pro-tem Dr. Leo Shishmanian and Secretary Allene Kahl whose services were invaluable to the success of this years Grand Jury.

Although not a formal recommendation of this Grand Jury, I strongly urge the publishing of future Grand Jury reports in local newspapers. I believe that this is, by far, the best way to present the findings, conclusions and recommendation of the Grand Jury to those citizens in this county who never get to see or read the spiral bound reports. Secondly, and of equal importance, the publication could provide a means to inform the citizens of Fresno County as to the function of the Grand Jury, the qualifications and process for becoming a member, and publicize the current Grand Jury Complaint Form. I truly believe that the more the citizens of Fresno County learn about the Grand Jury, the better citizens they will be and the more active they will become in working with their government.

It has been a special honor and privilege to serve the County of Fresno with such an exceptional group of individuals. They have made this a productive and very enjoyable experience.

Speaking on behalf of the 2001/2002 Fresno County Grand Jury and from my personal experience, I offer you special thanks, Judge Hoff for your time, assistance and valued counsel.

Sincerely,

Richard G. Allen  
Foreman

## **INTRODUCTION TO THE GRAND JURY**

The Fresno County Grand Jury is a volunteer body of nineteen Fresno County citizens charged and sworn to conduct and respond to citizen's complaints. It is also charged to inquire into matters of civil concern within the boundaries of Fresno County and incorporated cities within these boundaries. Grand Jury duties, powers, responsibilities, qualifications and the selection process are set forth in the California Penal Code section 888.

The Grand Jury reviews and evaluates procedures, methods and systems used by governmental agencies. It determines whether they comply with the state objectives of the agency and if their operation can be made more efficient and effective.

The Grand Jury functions lawfully only as a body; no individual grand juror acting alone has any power or authority. Meetings of the Grand Jury are not open to the public. All matters discussed before the Grand Jury and votes taken are required by law to be kept private and confidential. The end results as a Final Report is released to the Presiding Judge. After his approval the Final Report is released to the public.

## 2001-2002 FRESNO COUNTY GRAND JURY ROSTER

Name	City
Richard Allen, Foreman*	Fresno
Robin Baldwin	Fresno
Robert Buchanan	Fresno
Alan Button	Fresno
James Cotton*	Fresno
Judith Guardado	Fresno
Merle Hanson	Fresno
Allene Kahl	Fresno
Stanley Kooyumjian	Friant
Eric Lin	Fresno
Jesse McDonald	Fresno
Karen Mello	Fresno
Karen Miller	Clovis
Harold Price	Fresno
Joan Quintana	Fresno
Jess Saldana	Fresno
Leo Shishmanian*	Fresno
Paul Sullivan	Fresno
Ann Thaxter*	Fresno

\*2000/2001 Grand Jury Holdovers



## **THE COUNTY OF FRESNO**

### **2000 – 2001 FRESNO COUNTY GRAND JURY OFFICERS**

Foreperson	Richard Allen
Foreperson Pro Tem	Leo Shishmanian
Secretary	Allene Kahl
Sergeant-at-Arms	Jess Saldana

### **EDITING AND PUBLISHING COMMITTEE**

Chairperson	Merle Hanson
Member	Robert Buchanan
Member	Alan Button
Member	Allene Kahl
Member	Stanley Kooyumjian
Member	Joan Quintana
Member	Ann Thaxter
Ex Officio	Richard Allen
Ex Officio	Leo Shishmanian

## **CITIES IN FRESNO COUNTY COMMITTEE**

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**Stanley Kooyumjian, Chair**

**Jim Cotton**

**Robert Buchanan**

**Merle Hanson**

**Karen Miller**

**Ann Thaxter**

## **CITIES IN FRESNO COUNTY COMMITTEE**

### **INTRODUCTION**

The Cities in the County Committee of the 2001/2002 Fresno County Grand Jury received requests for inquiries into various areas of concerns. In the course of conducting these inquiries, the committee gathered facts, interviewed government officials, employees, and citizens. Field trips were made to relevant facilities and locations.

The subjects of investigations and reports:

- A. The Fresno City Parks and Recreation After School Program.
- B. Artwork on the Fresno Fulton Mall.
- C. City of Mendota's Water Rate Increase.
- D. The City of Mendota's Redevelopment Area #1 (Biomass Power Plant)
- E. Fresno City Council Infrastructure Funds.

Areas reviewed and not reported on are:

- A. Annual review and adjustment of Enterprise Funds.
- B. Financial auditing of card rooms in the City of Fresno.

The 2001/2002 Fresno County Grand Jury recommends the 2002/2003 Fresno County Grand Jury investigate the concerns not reported on.

## **ART ON THE FULTON MALL**

### **Introduction**

The 2001/2002 Fresno County Grand Jury received an inquiry from a citizen group regarding the city owned art located on the Fulton Mall. Representatives from the citizen group and city officials were interviewed. Representatives from the citizen group conducted a tour of the mall for the Grand Jury to view the art.

### **Findings**

- A. The estimated value of the prestigious artwork on the mall exceeds one million dollars. This includes sculptures, mosaics, fountains, ceramic pipes in some of the water pools, and glazed tile bench backs.
- B. The City of Fresno, in conjunction with a citizen committee, has implemented a maintenance and restoration program for the artwork.
- C. Hearings and discussions are being held regarding revitalization of downtown and the possibility of opening the mall to vehicular traffic.
- D. Opening the mall to traffic would require relocation and destruction of some artwork.

### **Conclusion**

Opening the Fulton Mall to traffic would have a major impact, requiring relocation and destruction of some of the artwork.

### **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

- 1. All artwork currently on the Fulton Mall remain in the mall area.
- 2. The maintenance and restoration program for the artwork continue.
- 3. Future Grand Juries monitor decisions that may affect the art on the Fulton Mall.

**CITY OF FRESNO  
PARKS & RECREATION DEPARTMENT  
AFTER SCHOOL RECREATION PROGRAM**

**Introduction**

As a result of inquiries from concerned citizens, the 2001/2002 Fresno County Grand Jury initiated an investigation into the Fresno City Parks and Recreation Department's After School Program.

The Fresno City Parks and Recreation Department directs After School Recreation Programs at 59 elementary school sites under the auspices of a joint use agreement with the Fresno, Clovis, and Central Unified School Districts. The 59 elementary school sites have been divided into three geographic areas with community centers for each area as follows:

- West - Hinton Center, 2385 S. Fairview Avenue
- East - Mosqueda Center, 4670 E. Butler Avenue
- North - Ted C. Wills Center, 770 N. San Pablo

The 2001/2002 Fresno County Grand Jury visited each of these centers and spoke with supervisory personnel.

**Findings**

- A. The school site principal has the option of allowing a program on his/her school site.
- B. The programs are held every school day for three hours following dismissal.
- C. The After School Recreation Program is a drop-in program and is free of charge.
- D. Students do not sign in or out and the number of students is not limited.
- E. With few exceptions, each school site has only one Recreation Department Service Aide to organize, direct, and supervise the after school activities.
- F. Parent involvement varies from site to site.
- G. Attendance varies from 2 to 100 or more. Weather is a definitive factor as related to attendance.

- H. Fresno City Parks and Recreation Department provides each Service Aide with a limited access cell phone to use in the event of emergencies.
- I. Some school sites provide Service Aides with two-way radios in order to communicate with other on-site school staff.
- J. There are joint meetings with the supervisors and staff of the three Community Centers.
- K. There is limited co-operative exchange of ideas/programs between Community Centers.
- L. There is no standard operating procedure in place for disseminating information to parents.
- M. Some school site principals allow the use of the cafeteria or other indoor facilities during inclement weather.
- N. There are occasions when parents do not pick up their children at the close of the supervised session. This requires staff to await their arrival (with no additional remuneration) or leave the student in an unsupervised and possibly unsafe circumstance.

### **Conclusions**

The 2001/2002 Fresno County Grand Jury found:

- A. The Fresno City Parks and Recreation Department has a variety of programs reaching multiple ages and communities.
- B. The After School Recreation Program provides positive activities meeting the needs of children at the 59 elementary schools.
- C. The number of students and the large areas supervised by one leader at school sites can reach dangerous and unmanageable proportions. The safety of the students and leader may be in jeopardy at times.
- D. It would be beneficial if more parents or other volunteers were available to assist the Service Aides.
- E. The number of Service Aides required at each school site may vary due to a variety of factors.
- F. Communication between leaders, on site personnel, and area supervisors during crisis situations can be cumbersome.

- G. Many children are not picked up at the end of the supervised day.
- H. There is no standard operating procedure regarding emergency or crisis situations, and this includes contacting parents/guardians.

**Recommendations**

The 2001/2002 Fresno County Grand jury recommends that the City Parks and Recreation Department:

- 4. Develop a plan to have additional personnel available when student participation reaches an unmanageable level at school sites.
- 5. Provide Service Aides with updated communication equipment (e.g., cell phones, two way radios, etc.) to ensure quick, reliable communication for safety purposes.
- 6. Develop a plan which will encourage parents and community volunteers to assist Service Aides.
- 7. Develop a uniform plan regarding the policies and procedures of the After School Recreation Program, arrange with the participating school principals to distribute this plan to each child, and have plans available for distribution to new participants by Service Aides.
- 8. Emphasize the merits of the After School Recreation Program to the school principals and request periodic “news” articles in bulletins/newsletters to parents regarding the importance of picking up children on time.
- 9. Create permanent signs to be posted at prominent drop-off and pickup locations of each participating school, informing parents of the hours of the After School Recreation Program.

**CITY OF MENDOTA  
ENTERPRISE WATER FUND**

**Introduction**

The 2001/2002 Fresno County Grand Jury received a complaint from a citizen group requesting an investigation of the City of Mendota's accounting practices regarding the enterprise water fund, the general fund, and the Redevelopment Agency Funds. As a part of the investigation, representatives of the City of Mendota and of the complaining citizen group, were interviewed by the Fresno County Grand Jury. No audits were conducted by this Grand Jury.

**Findings**

- A. The City of Mendota's Water Department is an Enterprise Fund operation. The State of California Controller's Office describes Enterprise Funds as follows: "Enterprise Funds are used to account for operations that are financed and operated in a manner similar to private business enterprises, where the intent is that costs of providing goods or services to the general public on an continuing basis be financed or recovered primarily through user charges."
- B. Past water rate increases were insufficient to meet operating needs.
- C. The department has been operating at deficit for several years.
- D. Funds other than water rate revenue were used for the operation and maintenance of the water system.
- E. The City Council held budget workshops to explain to residents the necessity of proposed water rate increases. The workshops were poorly attended.
- F. The City Council subsequently approved a two-phase water rate increase of 50% effective February, 2002. An additional 30% increase is effective July, 2003. These rate increases apply to basic water use (12,000 gallons per month) and any overage.

**Conclusion**

The water rate increase was justified and necessary to meet needs of the Mendota Water Department and to comply with the intent of enterprise funds as described by the State of California Controller's Office.

## **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

10. The City of Mendota water rates be reviewed and adjusted annually.
11. Only costs specifically associated with the operation and maintenance of the water system be charged to the City of Mendota water revenue account.
12. Mendota city officials provide better means of informing citizens about financial operations.
13. Future Fresno County Grand Juries monitor the financial activities of the City of Mendota.

**CITY OF MENDOTA REDEVELOPMENT AGENCY  
BIOMASS POWER PLANT**

**Introduction**

The 2001/2002 Fresno County Grand Jury inquiry into the water rate increase in the City of Mendota revealed that the City of Mendota has two redevelopment areas. The two together encompass the entire City of Mendota. The major development in Redevelopment Agency Area #1 (RDA#1) is the biomass power plant. Biomass power plants produce electricity from plant material, vegetation, and agricultural waste.

**Findings**

- A. The City of Mendota RDA issued Mendota Redevelopment Project No.1 1994 Tax Allocation Bonds in the amount of \$7,245,000.
- B. The assessed value of the biomass power plant in fiscal year 1997/1998 was \$66,000,000.
- C. The assessed valuation of the bio-mass plant was based upon the State of California requirement, at that time, that public utilities purchase all the power produced by California biomass power plants.
- D. In 1999, the State of California deregulated the utility industry and eliminated the requirement for public utilities to purchase biomass energy generated in California. This reduced the income to the Mendota biomass facility and therefore reduced the assessed valuation to approximately \$10,000,000 in fiscal year 2000/2001. In January 2002, the assessed valuation of this facility was \$16,405,193.
- E. It is estimated that the assessed valuation of the biomass power plant will fluctuate from \$10,000,000 to \$17,000,000 during the foreseeable future. The assessed valuation is based on several factors which include operating costs and market value of power produced.
- F. The reduction in the assessed valuation of the biomass power plant from \$66,000,000 to \$10,000,000 does not provide sufficient tax revenue to cover the cost of repayment of the bonds.
- G. The RDA is presently exhausting its reserves in order to make payments on the existing bonds.

## **Conclusions**

- A. Mendota RDA officials acted properly in issuing bonds for development of the area.
- B. Utility deregulation by the State of California caused the assessed valuation of the biomass power plant located in RDA#1 to decrease from \$66,000,000 to \$10,000,000.
- C. RDA #1 is presently operating at a deficit and will shortly be unable to make required payments on the bonds.

## **Recommendations**

The 2001/2002 Fresno County Grand Jury makes no recommendation.

## FRESNO CITY COUNCIL INFRASTRUCTURE FUNDS

### Introduction

At the request of the 2000/2001 Fresno County Grand Jury the 2001/2002 Fresno County Grand Jury conducted a review of the City of Fresno City Council Infrastructure Funds.

### Findings

- A. The City of Fresno is facing a financial crisis.
- B. Governmental Accounting & Financial reporting Standards published by the Governmental Accounting Standards Board, Section 1400.109, defines “infrastructure,” for purposes of financial reporting, as “fixed assets—roads, bridges, curbs and gutters, streets and sidewalks, drainage systems, lighting systems, and similar assets that are immovable and of value only to governmental unit.”
- C. The 2001/2002 City of Fresno Adopted Budget contains the following:
  - 1. The total amount allocated from the City’s General Fund to the Fresno City Council for Capital Improvement Projects is \$980,000.00. This is commonly referred to as Infrastructure Funds which are used at the discretion of each council member.
  - 2. From this \$980,000.00, each member of the Fresno City Council has an account in the amount of \$140,000.00.
    - ❖ 7 Council Member @ \$140,000.00 = \$980,000.00.
  - 3. Each Council Member may, at his discretion, use up to 15% or \$21,000.00 for “non-Capital Improvement” purposes. These funds are authorized by the Council to be expended for Community Support. This totals \$147,000.00.
    - ❖ 7 Council Members @ \$21,000.00 = \$147,000.00.
  - 4. The total amount available for use by the Council for Capital Improvement Projects/Infrastructure is \$833,000.00. This equals \$119,000.00 per Council Member.
    - ❖ 7 Council Members @ \$119,000.00 = \$833,000.00
- D. The 2002/2003 City of Fresno Proposed Budget contains the following:

1. The total amount allocated from the City's General Fund to the Fresno City Council for Capital Improvement Projects is \$1,225,000.00. This is commonly referred to as Infrastructure Funds.
  2. From this \$1,225,000.00, each member of the Fresno City Council has an account in the amount of \$175,000.00 for Capital Improvement Projects.
    - ❖ 7 Council Members @ \$175,000.00 = \$1,225,000.00.
  3. Based on last year's resolution each Council Member may at his discretion use up to 15% of his Capital Improvement budget for "non-Capital Improvement/Community Support" purposes. This totals \$183,750.00 or \$26,250.00 for each Council Member.
    - ❖ 7 Council Members @ \$26,250.00 = \$183,750.00
- E. Governmental Accounting & Financial Reporting Standards published by the Governmental Accounting Standards Board, Section 1400.109 defines "infrastructure," for purposes of financial reporting as "fixed assets... that are immovable and of value only to the governmental unit."
- F. The City of Fresno Adopted Budget for 2001/2002 defines "Capital Budget" as "Major Capital Improvement projects, including the construction of new streets, sewer lines, fire stations, or the development of a new park. These are one-time expenditures."
- G. The City Council Capital Improvement Project account is now funded from the General Fund and is no longer funded from Measure C Funds, Gas Tax Funds, and Proposition 111 Funds.

### **Conclusions**

- A. The term Capital Improvement Projects as used in the Fresno City budget is inaccurate and misleading.
- B. Based on a recent Fresno City Council resolution, up to 15% of the Capital Improvement Projects fund budget can be used for "non-Capital Improvement Projects/Community Support."
- C. The money budgeted and allocated for use by Council Members for Capital Improvement Projects, is not the most efficient use of this money.

- D. The citizens of the City of Fresno could be better served and the monies more efficiently utilized, if the \$1,225,000.00 were returned to the General Fund.
- E. During this time of financial crisis, these funds could provide an additional \$1,225,000.00 to be used to avoid cuts in critical City services.

**Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

- 14. In the 2002/2003 Fresno City Budget, the amount allocated (\$1,225,000.00) to the Fresno City Council Capital Improvement Projects-District Capital budget be removed and placed in the General Fund to avoid cuts in critical City services.
- 15. Future Fresno County Grand Juries continue to monitor the City of Fresno budget.

## **FRESNO COUNTY COMMITTEE**

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**Paul Sullivan, Chair**

**Judith Guardaro**

**Allene Kahl**

**Karen Mello**

**Harold Price**

**Leo Shishmanian**

## COUNTY COMMITTEE

### INTRODUCTION

The 2001/2002 Fresno County Grand Jury County Committee's primary function is to review aspects of county government and special districts. Among the committee's responsibilities is to insure that county monies and operations are handled in an efficient, effective, and appropriate manner that best serve the interest of the citizens.

The Grand Jury received requests for inquiries into various government operations within the County of Fresno. The County Committee conducted inquiries of the following:

- A. Security of the County Buildings
- B. The Office of the Fresno County Coroner
- C. Fresno County Coroner Facility-Autopsy Suite/Morgue
- D. Office of the Fresno County Personnel Department
- E. Little Hoover Commission-Special Districts
- F. Fresno County Fire Protection District
- G. Elkhorn Correctional Facility

In the course of conducting these inquiries the committee gathered facts and interviewed many citizens, officials, department heads, and other employees of the County of Fresno. During the process of the investigations, the committee made numerous field trips to government facilities within the county.

## SECURITY OF COUNTY BUILDINGS

### Introduction

The 2001/2002 Fresno County Grand Jury, prompted by the tragic events of September 11, 2001, evaluated security measures in County buildings. There are approximately 200 buildings that fall under County supervision; however, four buildings are primarily involved with the majority of County business. These are the Hall of Records, the County Court House, the Plaza Building, and the main County Jail.

### Findings

- A. The most current Fresno County Management Directive concerned with Work Site Security is dated April 27, 1995.
- B. The County Administrative Officer issued an inter-office memorandum entitled "County Identification Badges" dated November 19, 2001. In this memorandum he requested that County Department Heads ensure that all employees are properly identified by displaying a County Identification Badge at all time while in County facilities.
- C. Paragraphs 1755.11 and 1755.2 in the Work Site Security Directive indicate that criteria used to evaluate requests for security must be based on "evidence" of actual incidents of security breaks or acts of violence.
- D. General Services Security Division (GSSD) is charged with maintaining a 24 hour security patrol of all County facilities as approved by the County Administrative Officer (CAO).
- E. Security of the jail is the responsibility of the Sheriff.
- F. Security of the Court House is the responsibility of the bailiffs (deputy sheriffs) during normal business hours or while the courts are in session. This includes the courtrooms in the Plaza Building.
- G. Security of the Court House basement garage is the responsibility of the GSSD.
- H. Security of the Court House in the evenings, on the weekends, and on holidays, is the responsibility of GSSD.
- I. Pedestrian access into the Court House is strictly regulated by the bailiffs.

- J. Access into the Hall of Records and the Plaza Building is not regulated by any policing authority; however a GSSD security officer is sometimes present at an information desk in the lobby of the Plaza Building.
- K. There are no restrictive gates at the entrances to the Court House basement garage and the Plaza Building garages. The GSSD security officers periodically patrol these garages.
- L. Use of security cameras in county facilities is virtually non existent.
- M. There are no significant barriers capable of preventing the deliberate parking of a potentially dangerous vehicle in close proximity to the Plaza Building, the Court House, or the Hall of Records.
- N. In the Plaza Building, on certain floors, several offices have restrictive entrances (e.g. District Attorney's Office).
- O. In GSSD management, only one middle management official has had peace officer training. All other security personnel have had minimal training in security procedures and are unarmed.
- P. The Sheriff is the chief law enforcement officer of the County; however, he has no direct influence on the security policies of the GSSD.
- Q. The final authorities in decisions related to the security of all County buildings, with the exception of the jail and the Court House while the courts are in session, are the GSSD and the CAO.
- R. The GSSD responds to security issues in most County buildings. The Sheriff's Department responds to 911 emergency calls.
- S. The Court has budgeted for access gates to the parking garage under the Court House.
- T. According to the CAO, security measures for the second floor of the Hall of Records are presently under consideration; however, budgetary restraints are the determining factor.
- U. County employees are issued identification badges; however, there is no directive mandating that these badges be worn in the workplace.
- V. The Fresno County Sheriff is available and capable of performing security reviews of all County facilities.
- W. The United States Marshall Service is also available and capable of performing security reviews of County facilities.

## **Conclusions**

- A. The County's latest Management Directive on Work Site Security of April 27, 1995, is outdated.
- B. The current management directive on worksite security is primarily reactive, rather than proactive, as it pertains to security issues.
- C. Internal Security of County buildings, except for the jail and the Court House, is deplorable.
- D. No barriers exist to prohibit dangerous vehicles from parking close to County buildings.
- E. Security would be enhanced by the strategic placement of security cameras.
- F. The Sheriff is the chief law enforcement officer of the County; yet, his expertise in security matters is not utilized in those buildings where security is primarily the responsibility of GSSD.

## **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

- 16. A complete and thorough security survey be conducted by either the Fresno County Sheriff or the United States Marshall Service.
- 17. Closer cooperation be established between the County Administrative Officer/General Services Security Division and the Fresno County Sheriff's Department on security issues within the County of Fresno.
- 18. Based upon the findings of the security review, a new management directive on work site security be written and issued.
- 19. The access gate to the garage under the Court House be completed as soon as possible and security cameras be placed at the entrance and in key locations in the garage.
- 20. Security cameras be placed in appropriate locations in other county garages.
- 21. Access gates be placed at entrances of garages related to the Plaza Building.

22. Pedestrian access into the Plaza Building and the Hall of Records be more closely monitored by security personnel.
23. Adequate barriers be placed to prevent potentially dangerous vehicles from parking in close proximity to all County buildings.
24. County employees be mandated through management directive to wear identification badges in the work place.
25. Fresno County Board of Supervisors increase the priority of security for the employees and facilities of the County of Fresno.
26. Future Grand Juries monitor the progress of the implementation of security improvements throughout the County of Fresno.

## THE OFFICE OF FRESNO COUNTY CORONER

### Introduction

The 2001/2002 Fresno County Grand Jury evaluated the Office of Fresno County Coroner to determine its suitability to handle the forensic medical needs of the 21<sup>st</sup> Century.

### Findings

- A. The Coroner is an elected official whose only qualification is that he or she be a registered voter living in Fresno County. There are no educational requirements for this position, which has a yearly salary in excess of \$96,000.
- B. The Coroner is primarily responsible for medical-legal death investigations in the County. This includes determining if a death occurred under natural circumstances or was due to homicide, suicide, or some other means. Furthermore, investigations coming from the Coroner's office may be the first indications of serious public health and/or possible bioterrorism issues that could affect the well-being of the community.
- C. The Office of Fresno County Coroner also includes the Office of Public Administrator/Public Guardian (PA/PG).
- D. The current budget of the Coroner's office allocates approximately \$284,000 annually for two forensic pathologists. A forensic pathologist is a physician who has had a four year residency in general pathology followed by additional training in forensic pathology.
- E. The elected Coroner, not the forensic pathologist, makes the final decision as to the cause of death and signs the death certificate.
- F. The elected Coroner, not the forensic pathologist, has the ultimate responsibility for determining which cases are selected for forensic examinations.
- G. For the past twenty three years, Fresno County has been fortunate to have a pathologist in the position of Coroner. With the next election, a citizen without forensic pathology training will be making significant forensic related death decisions in this county.
- H. Due to the complexities of contemporary forensic medical science, which includes an understanding of disease processes, toxicology, serology, ballistics, and DNA technology, five counties in California have changed from a Coroner to a Medical Examiner System headed by a forensic

pathologist. These counties are Los Angeles, Santa Clara, San Diego, San Francisco, and Ventura.

- I. Fresno County Grand Jury reports of 1999/2000 and 2000/2001 indicate that the fiduciary and health responsibilities of the PA/PG and the forensic duties of the Coroner are entirely different and should be separated.

### **Conclusions**

- A. The Office of Fresno County Coroner, as presently configured with the PA/PG, will not meet Fresno County's needs in the 21<sup>st</sup> century.
- B. Without a Medical Examiner System, an elected Coroner, lacking forensic expertise, will be the ultimate authority for medical-legal decisions in Fresno County.
- C. With a Medical Examiner System, the administrative duties of the Chief Medical Examiner should be more limited than the current Office of Coroner, since responsibilities of the PA/PG could be transferred. This would allow the Chief Medical Examiner to perform forensic examinations with one associate examiner, eliminating the position of a second associate forensic pathologist.

### **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

27. The Office of Coroner be repealed from the Fresno County Charter.
28. Fresno County establish an Office of Medical Examiner headed by a qualified forensic pathologist.
29. The Office of Public Administrator/Public Guardian be established as a separate department.

## FRESNO COUNTY CORONER FACILITY – AUTOPSY SUITE/MORGUE

### Introduction

With the 2000/2001 Fresno County Grand Jury recommendation that a new morgue was needed before “the County reaches a crisis situation,” the autopsy suite, including the morgue, of the Coroner’s office was visited by the 2001/2002 Fresno County Grand Jury.

### Findings

The following findings are based on guidelines published by the National Association of Medical Examiners<sup>1</sup>:

- A. The cleanliness is adequate.
- B. On the day of inspection, the refrigerated holding room for bodies (or morgue) was crammed wall to wall with haphazardly arranged gurneys, each containing a corpse.
- C. There is no separate refrigerated room for the storage of, or autopsies on, decomposed or highly infectious bodies.
- D. The cooling and ventilation systems cannot control odors in warm weather.
- E. Drainage for autopsy fluid waste and particulate matter flows into regular sink outlets, and no clean-out traps are apparent.
- F. Suction equipment is not present.
- G. Dictation equipment is not available at the gurney site where the autopsies are performed.
- H. X-ray facilities are inadequate and inconvenient to use.
- I. There is a severe shortage of space for storing case-records, chemicals, and specimens.

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<sup>1</sup> The National Association of Medical Examiners is the national professional organization of physician medical examiners, medical death investigators, and death investigation administrators who perform official medicolegal investigation of death of public interest in the United States.

## **Conclusions**

- A. The autopsy facilities are antiquated, lacking important features recommended by the National Association of Medical Examiners, and have reached an abysmal state.
- B. The refrigerated body storage facility (or morgue) is inadequate.
- C. Separate refrigerated facilities are needed for storage of, or autopsies on, decomposed or highly infectious bodies.
- D. The cooling and ventilating systems are deplorable.
- E. Regular sink outlets receive drainage of autopsy fluid and particulate waste and may, in certain cases, constitute a health hazard.
- F. Suction equipment is not provided.
- G. Storage space is grossly inadequate.
- H. X-ray facilities are unsatisfactory.
- I. Dictation equipment is not available at the autopsy site.

## **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

- 30. Construction of a new autopsy suite, including a morgue, be given top priority and adhere to the guidelines of the National Association of Medical Examiners.
- 31. Prior to any construction, consultations be held with the National Association of Medical Examiners and forensic pathologists in California.
- 32. Consideration be given to constructing a new autopsy suite (including a morgue) adjacent to the medical teaching facility being constructed next to Community Hospital.

## OFFICE OF THE FRESNO COUNTY PERSONNEL DEPARTMENT

### **Introduction**

The 2001-2002 Fresno County Grand Jury investigated delays in hiring employees for law enforcement related positions. These include correctional officers, group counselors for Juvenile Hall and Elkhorn, Probation Department, Sheriff's Department, and the investigating division of the office of the District Attorney.

### **Findings**

- A. The recruiting process begins after a need is identified. An advertising program is implemented, and potentially eligible candidates make themselves known through their applications. This process takes approximately 4 weeks to complete.
- B. Applications are received and promptly reviewed. Acceptable candidates are then given a written test within 3 weeks. These tests are forwarded to Sacramento for scoring and returned in one week. This total process takes approximately 4 weeks.
- C. Each department is then given a list of candidates for the number of positions available plus 6 additional names. This process takes approximately 2 weeks.
- D. Candidates being considered for a position requiring psychological and/or physical examinations are then scheduled to be tested within 10 days. The examination process, plus approval and finalization takes up to 4 weeks.
- E. Candidates who have passed the psychological and/or physical examinations are required to have a background check. This process alone can take up to 6 months.
- F. Juvenile Hall, Elkhorn, and the Sheriff's Department, have expended significant overtime funds for salaries to satisfy the needs of the department.
- G. Correctional officers and group counselors are frequently asked to work double shifts (16 hours) due to the shortage of personnel.
- H. This investigation also found the recruiting and hiring process contained bottlenecks causing delays in filling vacant positions in all County Departments.

## **Conclusions**

- A. Due to the slow hiring process many highly qualified individuals are being lost to private sector positions causing the need to repeat the recruitment process over and over again.
- B. It is not cost effective to pay significant overtime to operate a department. Personnel are being significantly overworked which could lead to serious consequences. Group counselors at Elkhorn and Juvenile Hall are often asked to work double shifts due to the shortage of personnel. This can lead to future problems with the youth they are trying to help.
- C. The Personnel Department needs to review their present system with an aim of streamlining the hiring process prior to background investigation.
- D. Streamlining the hiring process would benefit the County by cutting recruitment costs, reducing overtime costs, increasing the efficiency of departments, and allowing for the recruitment and hiring of better qualified candidates.

## **Recommendations**

The 2001-2002 Fresno County Grand Jury recommends that:

- 33. The Fresno County Personnel Department review the present system of hiring with a goal of expediting recruitment and hiring.
- 34. An outside consultant be retained to review the Fresno County Personnel Rules and make recommendations to streamline the hiring process. This would enable Fresno County hiring practices to be more competitive.

## **LITTLE HOOVER COMMISSION - SPECIAL DISTRICTS**

### **Introduction**

The 2001/2002 Fresno County Grand Jury responded to a request from the California Little Hoover Commission. All county grand juries were contacted and encouraged to review their report and that of the Sacramento County Grand Jury.

The Commission's report was the culmination of a yearlong study of the operation of California's more than 2,200 independent districts.

The Commission's central conclusion was that special districts, because of their numbers and typically narrow focus, often lack the kind of oversight and citizen involvement necessary to promote their efficient operation and evolution. The Little Hoover Commission's report found:

- A. Special districts are often invisible to the public and policy makers, compromising oversight and accountability.
- B. Local Agency Formation Commissions (LAFCO), by not aggressively scrutinizing the organization of special districts, have failed to promote the efficient and effective evolution of local government.
- C. Policy makers and community leaders lack the analytical tools necessary to assess the benefits of consolidation, impeding their ability to advocate effectively for change and overcome the tenacity of the status quo.
- D. Hundreds of independent special districts have banked multi-million dollar reserves that are not well publicized and often not considered in regional or statewide planning.
- E. Property tax allocations to some enterprise districts create inequities among districts and distort the true costs of services. A significant portion of property tax allocated to all enterprise districts subsidizes districts with the highest reserves.

### **Findings**

- A. Policy makers and community leaders lack the analytical tools necessary to assess the benefits of consolidation, impeding their ability to advocate effectively for change and overcome the tenacity of the status quo.
- B. Hundreds of independent special districts have banked multi-million dollar reserves that are not well publicized and often not considered in regional

or statewide planning.

- C. Property tax allocations to some enterprise districts create inequities among districts and distort the true costs of services. A significant portion of property tax allocated to all enterprise districts subsidizes districts with the highest reserves.
- D. The Fresno County Grand Jury found that at the close of the 2000/2001 fiscal year, Fresno County had 105 special districts which had total revenue of \$120,281,978.02.
- E. These same districts had total reserves of \$219,787,065.09.
- F. Special districts in Fresno County include fire protection, mosquito abatement, public cemeteries, air quality, water, and parks.

### **Conclusions**

- A. It is necessary to do a complete review of the Special Districts within Fresno County.
- B. While it was appropriate to have the Sacramento County Grand Jury review the county's 17 special districts, it is a task too large for the regular Fresno County Grand Jury to review the 105 special districts in the County.
- C. The Fresno County Grand Jury has an imposed time limit, a responsibility to cover more than just one investigation, and not the resources or expertise to do a thorough and complete investigation.

### **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

- 35. The Court impanel a special grand jury or panel with the task of reviewing in detail the special districts in Fresno County.

## **FRESNO COUNTY FIRE PROTECTION DISTRICT**

### **Introduction**

The 2001/2002 Fresno County Grand Jury responded to citizens' concerns regarding decreased funding of the Fresno County Fire Protection District and its ability to deliver emergency services. A secondary concern was the Insurance Services Office (ISO) ratings, since a low rating can significantly increase fire insurance premiums.

### **Findings**

- A. The Fresno County Fire Protection District (FCFPD) is the largest of five special districts in Fresno County that provide fire protection to residents of the unincorporated areas. The district protects 2,566 square miles, nearly 50% of the total area of Fresno County.
- B. There are 15 permanently staffed fire stations and 8 fire stations staffed with Paid Call Firefighters.
- C. Each fire station protects an average of 170 square miles. The stations are approximately 11 to 12 miles apart. The average response time is 8 to 12 minutes per call.
- D. Due to the reduction of revenue since 1979, the district has closed three stations and reduced the roster by 89 firefighters.
- E. As a result of the severe monetary impact on public safety agencies the voters of California passed the Local Public Safety Protection and Improvement Act (Proposition 172) in 1993. Proposition 172 states in part: "Public safety services' includes, but is not limited to, sheriffs, police, fire protection, county district attorneys and county corrections."
- F. The County of Fresno currently receives approximately 37 million dollars each year from Proposition 172, and has elected to distribute these public safety funds to the Sheriff's Department, the District Attorney's Office and the Probation Department. Of the approximate \$350 million dollars received from Proposition 172 to date, the FCFPD has received \$0.00.
- G. The revenue lost by city annexations directly threatens the District's ability to provide emergency services. Although the annexed land is relatively small, the monetary impact to the district is disproportionately larger.
- H. The County of Fresno does not have a developer impact fee for fire protection.

- I. During the early 1970's the Fresno County Fire District had a staff of 172 full-time firefighters; however decreased funding and shifts in property tax revenue resulted in a loss of 80 firefighters. This reduced staffing levels from three to two full time firefighters at each of its paid stations.
- J. Currently the fire district has 90 full-time firefighters protecting an increased population. This has created a need to rely on Paid Call Firefighters to staff fire engines, brush patrols, and water-tenders.
- K. The Occupational Safety and Health Administration requires two firefighters to "standby" before two other firefighters are allowed to enter a burning building.
- L. The District's budget only allows for replacement of existing fire engines every 13-16 years.
- M. The District lacks a ladder truck, has reduced the number of fire engines, and those engines are inadequately staffed with full time fire fighters.
- N. The District was forced to discontinue its Hazardous Materials Response Team service due to lack of funds. The District currently relies on the County Department of Health for control and mitigation of hazardous chemicals.
- O. The Insurance Service Office (ISO) rates fire protection and these ratings affect fire insurance premiums. ISO ratings range from class one to class nine with one being the best rating. Ratings in the FCFPD range from a five (metro area) to nine (rural area, no hydrants).
- P. There are residents in the under served areas who are attempting to provide their own ancillary fire protection.

### **Conclusions**

- A. Shrinking property tax revenue has significantly reduced the fire district's operating budget.
- B. Each year the County of Fresno receives approximately 37 million dollars from Proposition 172; Fresno County Fire Protection District has received \$0.00 to date.
- C. There is no Fresno County Developer impact fee for fire protection.
- D. The Fresno County Fire Protection District is operating with 0.5 paid firefighters per 1,000 residents which is considerably below national, regional, and local standards.

- E. Lack of additional fire engines, a ladder truck, and a full complement of regular firefighters has resulted in poor ISO ratings for property owners within Fresno County Fire Protection District boundaries.
- F. The fire district has an austere vehicle replacement plan due to its current budget.

### **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

- 36. The Fresno County Board of Supervisors support the overall mission of the fire district.
- 37. The Fresno County Board of Supervisors allocate Proposition 172 funds to support the five special fire districts in Fresno County.
- 38. The District increase number of firefighters on each fire engine.
- 39. The District staff water-tenders with full time operators.
- 40. The District purchase at least one aerial ladder truck to service the taller buildings within its boundaries.
- 41. The District upgrade its fire engine replacement plan to a more reasonable time frame of 8-10 years.
- 42. The District create a long term goal of constructing fire stations in widely separated unprotected areas.
- 43. Fresno County and the cities within the County develop an equitable annexation tax sharing agreement that includes fire protection.
- 44. A developer impact fee be implemented for upgrading and maintaining the infrastructure of the Fire Districts.
- 45. Fire Districts proactively educate and assist those residents who are attempting to upgrade their ancillary fire protection.
- 46. Future Fresno County Grand Juries continue to monitor the Fresno County Fire Protection Districts.

## ELKHORN CORRECTIONAL FACILITY

### Introduction

The 2001/2002 Fresno County Grand Jury followed up on the recommendation of the 2000/2001 Grand Jury to monitor the operations of the Elkhorn Correctional Facility (Juvenile Boot Camp). The Grand Jury toured the Elkhorn Correctional Facility (Elkhorn) on November 16, 2001. The director and support staff provided a briefing on the history of Elkhorn and goals of the program. The indoctrination of new juvenile offenders into the cadet program was observed by Grand Jury members.

### Findings

- A. Elkhorn is operated under the Fresno County Probation Department.
- B. The hiring of Group Counselor staff for Elkhorn is a lengthy process; reference 2001/2002 Fresno County Grand Jury report – *Fresno County Personnel Department*. Group Counselors are the individuals that constantly interact directly with Elkhorn cadets.
- C. Elkhorn is a large minimum security facility located in rural Fresno County. This facility houses two categories of juveniles: regular Boot Camp cadets and Delta Program cadets.
- D. The basic foundation of the program uses the military model of discipline and teamwork. Support programs include medical and mental health, education, substance abuse, victim awareness, job training, and counseling. All efforts of the program are designed to provide adolescents with an improved chance to become productive citizens.
- E. Both the on-site Heintz School and off-site Forward Bound Academy at Teilman School provide educational programs for cadets. This past year thirty-two cadets received High School Diplomas and fifty cadets received Graduate Equivalency Diplomas.
- F. Upon graduation from Boot Camp, aftercare planning is initiated; this includes both cadet and parental sessions to provide a strong foundation for cadets to make life changing improvements.
- G. A Culinary Arts program has been instituted at the Elkhorn campus. It is projected that 80-100 cadets will participate in the program during 2002.
- H. A grant from the Workforce Development Agency is providing job development services for cadets at Elkhorn.

- I. The Elkhorn kitchen remodel was completed in October of 2001. Meals for both Juvenile Hall and Elkhorn are prepared daily with the help of the cadets.
- J. There are currently four barracks in the facility, each with 50 beds. The average daily census this past year was 176 cadets, reaching the maximum allowance of 200 cadets in August of 2001.
- K. The Delta program cadets are separated from the regular Boot Camp population. Offenders in the Delta Program are those who have:
- Been convicted of three or more separate offenses.
  - Served previous confinement periods.
  - Been boot camp failures.
  - A conviction for a violent offense.

Any one of the above precludes acceptance to the Boot Camp Program.

- L. The Probation Department met with the surrounding community to address the issue of the Delta Program.
- M. The State of California requires a minimum of one staff member for each fifteen cadets.
- N. As a result of a proposed reduction of 50 beds and 11 permanent staff positions in the 2001/2002 county budget, vacant positions were left unfilled. Subsequently the County Board of Supervisors voted against the reduction. This left Elkhorn with 30% of its staff positions unfilled. The remaining staff worked extensive overtime to maintain the State required staffing patterns.
- O. The recidivism rate (re-arrest and conviction on a new misdemeanor or felony offense) for many boot camps throughout the country is estimated at 50%. The March 2002 Probation Department report noted that the recidivism rate for cadets successfully completing the Fresno County Boot Camp Program was 14% for regular Boot Camp cadets and 18% for cadets completing the Delta Program.
- P. There are no females housed at the Elkhorn Boot Camp. The County of Fresno has an agreement with Madera County to house 10 females at their Boot Camp facility.
- Q. The majority of cadets (approximately 80%) at Elkhorn come from the City of Fresno.
- R. The City of Fresno funds Elkhorn at the rate of one million dollars per

year, which represents approximately 25% of the yearly costs to operate Elkhorn. This funding commitment of the City of Fresno is scheduled to expire (sunset) in December 2004.

- S. The County Probation Department has volunteer programs; few meet the unique needs of Elkhorn.
- T. The Director of Elkhorn Correctional Facility retired in April of 2002.
- U. The Director's position has been filled with a temporary appointment.

### **Conclusions**

- A. The basic philosophy that established the programs over the past four years for the Elkhorn facility has been very successful and must be continued.
- B. The school programs have attained a high level of achievement in the past calendar year.
- C. Programs such as Culinary Arts and Workforce Development provide positive training and skills for the cadets leading to opportunities for personal growth and social development, increasing employment opportunities.
- D. The current 200 bed capacity is the maximum under which this facility can effectively operate.
- E. Elkhorn has met with the Caruthers community to address the Delta cadet profile issues; the community has expressed its satisfaction with the current program.
- F. Group Counselor positions had a vacancy rate of 30% in the spring of 2001. This, together with the intense nature of the job and increased overtime, lead to staff burnout, resignations, and cancellation of a few of the offsite activities for cadets. In some cases, less vigilant supervision of cadets led to their sub-optimal performance.
- G. The delay in filling these vacant staff positions is due in part to the cumbersome and lengthy personnel hiring rules and regulations; reference 2001/2002 Fresno County Grand Jury report – *Fresno County Personnel Department*.
- H. The recidivism rate for many boot camps throughout the country is reported to be as high as 50%, whereas in March 2001, the recidivism rate was 12% from the Elkhorn Boot Camp Program. This year, as of March

2002, the recidivism rate was 14%.

- I. Volunteers are needed with expertise in specialized areas such as farming and other vocational skills.

### **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

47. The new director of Elkhorn Correctional Facility continue the current philosophy and maintain the established programs that have been successful.
48. Fresno County continue to fund and maintain the present high level of services at Elkhorn Correctional Facility.
49. The City of Fresno continue to fund the Elkhorn Correctional Facility at no less than the current rate of one million dollars per year and eliminate the December 2004 sunset date.
50. Fresno County Personnel Department establish a system to streamline the hiring process of Group Counselors prior to background checks.
51. The Probation Department expedite the background investigations procedures.
52. The Probation Department actively promote in the community the need for volunteers with vocational skills including agricultural expertise, providing a broader farming experience for the cadets.
53. The Chief Probation Officer continue monitoring the recidivism rates and statistics on cadet performance in aftercare programs.
54. Future Fresno County Grand Juries continue to monitor the activities at the Elkhorn Correctional Facility, the on-site Heintz School, and the off-site Forward Bound Academy at Teilman School.

## **EDUCATION, LIBRARY & YOUTH COMMITTEE**

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**Robin Baldwin, Chair**

**Alan Button**

**Jesse McDonald**

**Eric Lin**

**Joan Quintana**

**Jess Saldana**

## **EDUCATION, LIBRARY AND YOUTH COMMITTEE**

### **INTRODUCTION**

The Education, Library and Youth Committee of the 2001/2002 Fresno County Grand Jury addressed and reported on the following areas of concern:

- A. Non-Compliance of English Proficiency Program in the Parlier Unified School District.
- B. West Fresno Elementary School District.
- C. Curricula Alignment of Washington Union High School District and Feeder Schools.
- D. Charter Schools.

Areas reviewed and not reported on are:

- A. Fresno County Library.
- B. Transportation fees charged to student athletes to participate in athletic events.
- C. Forward Bound Academy at Teilman School.

**NON-COMPLIANCE OF ENGLISH PROFICIENCY PROGRAM  
IN PARLIER UNIFIED SCHOOL DISTRICT**

**Introduction**

The 2001/2002 Fresno County Grand Jury investigated a citizen complaint that Parlier Unified School District (PUSD) discriminates against Limited English Proficient (LEP) students. Parlier attracts a large number of migrant farm laborers, mostly from Texas and Mexico. PUSD consists of three elementary schools (K-6), one junior high school (7-8), one high school (9-12), and an alternative high school (9-12). According to the Fresno County Council of Governments Directory, the community is 97% Hispanic.

**Findings**

Testimony and evidence received by the Fresno County Grand Jury revealed that:

- A. An investigation by the Office of Civil Rights disclosed that PUSD:
  - 1. Has not implemented a program at the junior high or high school which would ensure that identified LEP students receive an appropriate level of English language development instruction.
  - 2. Is not implementing a program of services at the junior high or high school that is designed to ensure that all LEP students receive an equal opportunity to participate in the full range of the district's curriculum.
  - 3. Is not implementing standards at the junior high school and high school that result in correct determinations of when LEP students can participate meaningfully in the regular program without special language support.
  - 4. Is not providing sufficient qualified instructional staff to implement its program design and objectives.
  - 5. Is not providing adequate and appropriate English language development and content area instructional materials to implement its program design for LEP students at the junior high and high school level.
  - 6. Has not developed or implemented an effective method to evaluate its program for LEP students.

- B. The 2001/2002 Fresno County Grand Jury investigated and concurred with the above findings of the Office of Civil Rights.

**Conclusions**

- A. PUSD is providing training and materials for parents/guardians as members of the School Site Committee and the Migrant and English Language Learners Committee in order to meet their legal responsibilities.
- B. PUSD is in the process of developing a Master Plan to ensure that it is providing services to LEP students in compliance with Title VI of the Civil Rights Act of 1964.
- C. English language development standards are designed to assist all students as they segue into the mainstream English curriculum. Students are monitored on a yearly basis to measure their rate of progress.
- D. An analysis of PUSD Academic Performance Index test scores indicates growth in reading, math, language, and spelling.

**Recommendation**

The 2001/2002 Fresno County Grand Jury recommends that:

- 55. Master plan to ensure compliance with Title VI of the Civil Rights Act of 1964 to provide services to Limited English Proficient students be completed, approved by the Parlier Unified School District Board of Trustees, and accepted by the Office of Civil Rights.

## **WEST FRESNO ELEMENTARY SCHOOL DISTRICT**

### **Introduction**

Members of the 2001/2002 Fresno County Grand Jury visited the West Fresno Elementary School District office and its two schools. During these visits, members met with the interim superintendent, teachers, staff, and school board members.

### **Findings**

- A. A district-wide computer system was designed for home-use to enable parents/guardians to access their children's classroom assignments, grades, academic progress, and any disciplinary issues.
- B. Less than 20% of the families in the district have access to home computers.
- C. The West Fresno Elementary School District is one of six feeder school districts to Washington Union High School.
- D. Different textbooks are used at the various feeder schools.

### **Conclusions**

- A. The computer system is of little help to most parents/guardians in the district as 80% of the students do not have computers in their homes.
- B. There is no consistency in text books used at the various feeder schools.

### **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

- 56. The West Fresno Elementary School District make available to and provide training for parents/guardians to aid them in operating home computers.
- 57. The West Fresno Elementary School District encourage parents/guardians to learn to operate home computers.
- 58. The West Fresno Elementary School District encourage parents/guardians to access and utilize the school's computer data system to gain information concerning student grades, assignments, academic progress, and disciplinary issues.

59. The West Fresno Elementary School District provide information to parents/guardians listing locations in the community where they may gain access to computers.
60. The West Fresno Elementary School District consult with Washington Union High School to coordinate curricula and in-service training.
61. The West Fresno Elementary School District consult with other Washington Union High School feeder schools with a goal of coordinating text books, curricula, and in-service training.
62. The 2002/2003 Fresno County Grand Jury continue to monitor West Fresno Elementary School District's educational progress.

# **CURRICULA ALIGNMENT OF WASHINGTON UNION HIGH SCHOOL AND FEEDER SCHOOLS**

## **Introduction**

The 2001/2002 Fresno County Grand Jury reviewed the recommendations from the 2000/2001 Fresno County Grand Jury report regarding Washington Union High School District (WUHS) and its feeder schools. Feeder schools are defined as those schools whose graduates advance to WUHS. The following, each of which constitutes an independent school district, serve as feeder schools for WUHS:

American Union

Orange Center

Pacific Union

Washington Colony

West Fresno

West Park

WUHS and four of the six elementary schools were visited and discussions were held with administrative staffs and school board members regarding coordination of curricula. Unification of feeder schools with WUHS was also discussed.

## **Findings**

- A. The curricula of the feeder schools are still not coordinated and do not always meet the standards established by WUHS.
- B. There is limited communication among feeder schools and WUHS.
- C. Curricula conform to state standards.
- D. Students are tested using state mandated requirements.
- E. Ordering of state adopted texts is done within each individual district.
- F. Provisions have not been made by feeder schools for joint staff development to provide in-service training for teachers.
- G. A major concern expressed by each feeder district, regarding unification, is the potential loss of autonomy.

- H. The schools visited appear to be well administered, except for those schools in the West Fresno Elementary School District.
- I. Although recommended by the 2000/2001 Fresno County Grand Jury, Joint Powers Agreements between the feeder schools have not been established.
- J. A curriculum committee comprised of the feeder schools and WUHS does not exist.

### **Conclusions**

- A. Feeder school districts have considered unification, but there is still a strong desire to remain independent.
- B. Schools within each district are a source of community pride with parents/guardians participating in the educational process.
- C. Coordination of services through Joint Powers Agreements could lead to cost savings for each district.
- D. Districts follow state-mandated educational standards, although standards are modified to meet individual school needs.
- E. Each feeder district believes it develops curricula that are intended to enable students to function efficiently at the high school level.
- F. WUHS believes, based on student performance, the feeder schools' curriculums do not prepare students to function effectively at the high school level.
- G. Separate in-service training is provided for teachers within each of the feeder schools.
- H. With the exception of those schools in the West Fresno Elementary School District, the faculty and students of the feeder schools appear to have a favorable educational environment.
- I. A curriculum committee comprised of representatives of the feeder schools and WUHS could aid in developing coordinated curricula.

### **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

63. Washington Union High School and its feeder schools coordinate curricula.
64. A Curriculum Committee comprised of representatives from Washington Union High School and all of its feeder schools be established and meet on a regular basis.
65. A Superintendents Committee, comprised of the Superintendents from each of the feeder schools, be formed to provide a forum to discuss items of mutual concern.
66. Coordinated curricula be used and in-service training be offered teachers of all feeder schools.
67. Student exit exams be utilized as a reference for aligning the curricula.
68. A central based Learning Center be established for in-service training.

## CHARTER SCHOOLS

### **Introduction**

The 2001/2002 Fresno County Grand Jury investigated the charter schools in Fresno County. Charter schools are a recent development for “Education Reform” as titled in California’s Charter School Act of 1992, Act 47600. The act’s intent was to “provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school structure, as a method to accomplish innovative learning and teaching techniques to improve student learning.”

The Grand Jury reviewed charter schools within the County of Fresno. During this review, the Grand Jury made onsite visits to two charter schools and received testimony from educators. Due to pending litigation and ongoing investigations the Grand Jury limited the scope of their inquiries.

### **Findings**

- A. School Districts within Fresno County sponsor charter schools that are located in the County of Fresno.
- B. School Districts within Fresno County sponsor charter schools that are located outside the County of Fresno.
- C. Charter schools can be and are located in excess of 200 miles from the sponsoring school district.
- D. The greater the distance between the sponsoring school district and the charter school, the more difficult it is to monitor and oversee the activities of the charter school.
- E. Some school districts are revoking their sponsorship of distant charter schools.
- F. Charter schools vary from formalized established institutions such as University High School sponsored by Sierra Unified School District to home school cooperatives with no physical premises in which to conduct classes.
- G. Some charter schools provide educational opportunities for students with unique talents and needs that may not be met by traditional schools.

## **Conclusions**

- A. The charter schools visited by the Grand Jury were administered in a productive and professional manner.
- B. When properly operated, a charter school can be innovative and an asset to the community.
- C. Monitoring of charter schools by their sponsoring school districts diminishes as the distance between the two is increased.

## **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

- 69. Sponsoring school districts located in Fresno County limit their charter schools to locations within the County of Fresno and adjacent counties.
- 70. Sponsoring school districts located in Fresno County review their monitoring practices of charter schools with a goal of providing necessary over-sight.

## **HEALTH AND SOCIAL SERVICES COMMITTEE**

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**Karen Mello, Chair**

**Robin Baldwin**

**Karen Miller**

**Harold Price**

**Paul Sullivan**

**Ann Thaxter**

## **HEALTH AND HUMAN SERVICES COMMITTEE**

### **INTRODUCTION**

The 2001/2002 Fresno County Grand Jury Health and Human Services Committee addressed four areas of concern as a result of citizen inquiries and/or Grand Jury priorities. The subjects of committee investigations were:

- A. The delivery of health and social services to rural and urban Fresno County.
- B. Food handling and inspection reporting in retail food facilities in Fresno County.
- C. The identification and reporting of communicable disease in Fresno County.
- D. Services available for adult males in the Human Services System.

The committee determined not to proceed with a report on the adult male services in the Human Services System. Upon investigation, after a citizen complaint, it was found that programs for adult males are readily available.

Bioterrorism threats in the United States after September 11, 2001, motivated the committee to review the procedures and policies of identifying and reporting on communicable disease in Fresno County. Investigation determined that a complex, multidepartmental, comprehensive system for identification and reporting communicable disease is in operation in Fresno County.

During the process of gathering information for its two reports, the Health and Human Services Committee interviewed citizens, officials, department heads, and employees of the County of Fresno. Visits were made to various relevant facilities. Following are the findings of the committee and its recommendations for consideration.

## FOOD INSPECTION REPORTING AND FOOD HANDLING

### Introduction

The 2001/2002 Fresno County Grand Jury reviewed the current policies, procedures, and management of food handlers and food servers in retail food facilities. Inspection reporting methods were also addressed. Retail food facilities are regulated by the Fresno County Human Services System, Department of Environmental Health.

### Findings

- A. The California Uniform Retail Food Facilities Law 2001, and/or the publication *Food Safety for Food Service Managers* by the American Food Safety Institute states:
  1. Each retail food facility is required to have an owner or employee who has successfully passed an approved and accredited food safety certification examination.
  2. The food safety certification examination should define:
    - a. The relationship between personal hygiene and food safety.
    - b. The association of hand contact with personal habits and behaviors.
    - c. The relevance of food worker's health to foodborne illness.
    - d. The recognition as to how policies, procedures, and management contribute to improved food safety practices.
  3. Specific circumstances require gloves be worn, such as when an employee has any cuts, sores, rashes, artificial nails, nail polish, rings (other than a plain wedding band), orthopedic support devices, or unclean fingernails.
  4. A local governing body is not prohibited from adopting an evaluation or grading system for retail food facilities.
  5. A local governing body is not prohibited from adopting an employee health certificate program.

- B. Retail food facilities in Fresno County are being inspected on a regular unannounced basis. This includes restaurants, markets, bars and mobile food vendors.
- C. Fresno County food facility managers are not required to perform health screening of food handlers and servers. Tuberculosis and hepatitis testing are not required.
- D. Environmental Health inspection results in Fresno County are not displayed in public view.
- E. In some California counties, the food facilities inspection results are expressed in an ABC grading system. The results are posted in clear view for the public to see prior to entering the establishment or making a food purchase.
- F. There is no grading system to convey inspection results for food facilities in Fresno County.
- G. In Fresno County there are many instances when gloves are not utilized by food handlers as required by law.

### **Conclusions**

- A. There is no grading system for food facilities in Fresno County; inspection results do not reflect the level of quality.
- B. There is no pre-employment health testing required of food handlers or servers in order to detect a communicable health problem.
- C. The inspection report is not posted or easily accessible to the public. The consumer is burdened with the responsibility of requesting the results from the management of the food facility.
- D. Public safety is dependent upon the health, training, and education of food handlers and servers.

### **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that the Fresno County Department of Environmental Health:

- 71. Establish an ABC grading system that is defined and publicized for retail food facilities and the public.

72. Require ABC grading results be clearly posted at the entrance of the food facility.
73. Monitor and encourage food handlers to wear gloves in compliance with state law.
74. Monitor and encourage food safety trainers, food handlers, and servers to adhere to state rules established by California Uniform Retail Food Facilities Law 2001.

## **THE DEVELOPMENT OF COMPREHENSIVE “ONE-STOP” REGIONAL CENTERS BY THE HUMAN SERVICES SYSTEM**

### **Introduction**

The 2001/2002 Fresno County Grand Jury investigated the changes made by the Human Services System (HSS) to meet its goal of providing more efficient and cost-effective health and social services to urban and rural Fresno County.

### **Findings**

- A. Based on a study authorized by the Fresno County Board of Supervisors, it was determined that there have been significant barriers in providing health and social services for those most in need in Fresno County. Due to geographically scattered offices and facilities:
  - 1. Accessing these services has been complicated and inefficient.
  - 2. Transportation to these facilities is expensive and time consuming.
  - 3. Obtaining childcare while accessing services has been complicated and problematic.
  - 4. Many consumers perceive that the difficulty in accessing preventive services out-weighs the potential benefit of these services.
  
- B. The study recommended the development of multiple comprehensive “one-stop” centers throughout Fresno County and that these centers:
  - 1. Be located in high need areas where the greatest number of HSS consumers reside.
  - 2. Be developed in existing sites, such as, community or neighborhood centers, satellite offices or other resource centers in order to be cost effective.
  - 3. Partner with other community based services.
  
- C. On November 1, 1999, the HSS opened its first “ one-stop” Regional Center in Selma. It is within a shopping center and in close proximity to a county resource office. It currently serves Selma, Fowler, Kingsburg, Parlier, Reedley, Sanger and surrounding areas. The center receives over 4,000 office visits per month with staff making an additional 300 plus home visits each month.

1. The Regional Center objectives are to provide the following services:
    - Adult Protective Services
    - Children and Family Services
    - Public Health Nursing
    - Employment and Temporary Assistance
    - Substance and Abuse Education
    - Specialized Services (including child sitting, parenting classes, legal assistance, domestic abuse education, mental health and team support groups, victim services, juvenile probation services, and office technology training)
  2. The center needs more substance abuse educators and counselors.
  3. The concept of partnering with other local organizations and social services has been gradually implemented at the center.
- D. The HSS plans to use the Selma model in Coalinga, Reedley and Mendota, and to partner with other community based organizations and services immediately upon opening.
- E. A computer program known as the SMART SYSTEM (Services Management Access and Resource Tracking) is in use at the Selma Center and currently tracks welfare consumers only by case worker number. The SMART SYSTEM will eventually track all HSS programs and their participants at all sites.
- F. Welfare fraud has decreased due to a state-wide finger imaging and photo identification system. This information is transmitted from all HSS sites to a central data base in Sacramento where consumers are identified and benefits are scrutinized. This ID system has been operational at the Selma Center for more than a year.
- G. The HSS and the Selma Regional Center report that they are committed to the goal of getting people employed and out of the dependency cycle.

## **Conclusions**

The Grand Jury visited the Selma Regional Center and determined that the “one-stop” Regional Center concept has proven to be efficient and consumer friendly.

- A. Cost savings have been realized through the sharing of common space and operating expenses.
- B. The collaborative work environment gives professionals from several different disciplines the opportunity to work together as a team when assessing and addressing health and social issues.
- C. The needs of this rural area are in the process of being met and consumer reaction has been favorable.

## **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

- 75. The Human Services System (HSS) continue to develop comprehensive “one-stop” Regional Centers in Fresno County where the largest rural population of HSS consumers live.
- 76. The Human Services System develop true “one-stop” centers within crucial areas of the City of Fresno.
- 77. The Human Services System increase the ratio of substance abuse educators and counselors to consumers at the Selma Regional Center and all future centers.
- 78. Future Fresno County Grand Juries monitor the progress of planned “one-stop” Regional Centers.

## **LAW ENFORCEMENT COMMITTEE**

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**Judith Guardado, Chair**

**Robert Buchanan**

**Allene Kahl**

**Jesse McDonald**

**Stanley Kooyumjian**

**Joan Quintana**

## **LAW ENFORCEMENT COMMITTEE**

### **INTRODUCTION**

The 2001/2002 Fresno County Grand Jury Law Enforcement Committee reported on four areas of concern as a result of citizen inquiries and/or Grand Jury priorities.

- A. The Office of the Fresno County Probation Department.
- B. Fresno Police Department property room at Elizabeth and Broadway Streets.
- C. The Fresno Police Department Chief's Advisory Board.
- D. Multi-Agency Gang Enforcement Consortium (MAGEC).

During the process of gathering information for its four reports, the Law Enforcement Committee interviewed citizens, officials, department heads, and employees of government agencies within the County of Fresno. Visits were made to various relevant facilities.

## **OFFICE OF THE FRESNO COUNTY PROBATION DEPARTMENT**

### **Introduction**

The 2001/2002 Fresno County Grand Jury investigated a written complaint from a citizen that criticized Fresno County Adult Probation Department's process for monitoring the terms of probation imposed by the Superior Court.

### **Findings**

Testimony and evidence received by the Grand Jury revealed the following:

- A. The Revenue and Reimbursement Unit within the Probation Department monitors defendants ordered by the Superior Court to pay restitution as a term of their probation.
- B. It is common for a defendant to be assigned several different probation officers during the term of probation.
- C. Terms of probation often are not completed by defendants.
- D. In some cases the Probation Department does not ask the Court for an extension of probation to insure that the defendant is ordered to continue payment of restitution to victims.
- E. It is difficult for probation officers to monitor defendants effectively, due to excessive caseloads caused by a shortage of personnel.

### **Conclusions**

- A. It is the responsibility of the Probation Department to monitor terms of probation ordered by the Superior Court. However, there are documented cases of defendants not completing the terms of their probation as imposed by the Court.
- B. Additional personnel is necessary in order for the Probation Department to effectively monitor the terms imposed by the Court.

### **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

79. The Fresno County Probation Department review the current process for monitoring and collecting restitution and fines, in order to establish a process to efficiently track and collect payments.
80. Additional Probation Department personnel be hired in order to support the departments need's and maintain the integrity of the judicial system.

## **FRESNO POLICE DEPARTMENT PROPERTY ROOM**

### **Introduction**

The 1999/2000 and 2000/2001 Fresno County Grand Juries made recommendations for continued Grand Jury review of the Fresno Police Department Property Room. Members of the 2001/2002 Fresno County Grand Jury toured the property room located at 940 N. Broadway Street in Fresno. The objective of the visit was to determine if the recommendations of the previous Grand Juries had been implemented.

### **Findings**

- A. A bar code system has not been installed.
- B. Guidelines for destruction of firearms are being followed.
- C. Data 911 computer software has been installed and there are in-house service technicians available for assistance when needed.
- D. Electronic surveillance equipment is installed.
- E. The security system is subject to a periodic test by a staff member who is not permanently assigned to the property room.
- F. Off site staff training has been implemented.
- G. There are built in lock boxes outside the property room in which officers place evidence. This evidence is retrieved by two employees of the property room and is logged and stored in the property room. Evidence that is placed and sealed in envelopes is not verified during the entire process.
- H. Money booked into evidence is taken to the main property room downtown, verified by two employees, placed into a sealed envelope, and stored in a vault.
- I. Drug testing is carried out on a random basis on personnel in some units of the Fresno Police Department. Property room personnel are not tested.

### **Conclusions**

- A. Improvement has been made to the property room since the last Grand Jury report.
- B. Destruction of firearms is handled according to the appropriate codes.

- C. A bar code system on evidence is not in place.
- D. Evidence, other than cash, booked into the property room is not verified by two people before being placed in the evidence box.
- E. There is no drug testing of property room personnel.

**Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

- 81. The Fresno Police Department continue to improve monitoring the bookings and safeguarding of evidence.
- 82. The Fresno Police Department implement a bar code system for the property room.
- 83. The Fresno Police Department conduct random drug testing of all property room personnel.
- 84. All evidence booked be verified by two persons.
- 85. Future Grand Juries revisit and review the property rooms.

**CITY OF FRESNO  
POLICE CHIEF'S ADVISORY BOARD**

**Introduction**

The 2001/2002 Fresno County Grand Jury reviewed the newly created Chief's Advisory Board (Board).

**Findings**

- A. The Board does not have a mission statement.
- B. The Board is comprised of 24 persons which include:
  - Business representatives.
  - Members of faith-based organizations.
  - Educators.
  - Community activists.
  - Fresno City Council member appointees.

Various organizations were asked to provide a representative to serve on the Board to ensure ethnic representation and diversity.

- C. The stated purpose of the Board is to:
  - Share information between the police department and all segments of the community.
  - Serve as a sounding board for decisions.
  - Obtain input on policy issues (immigration, high speed pursuits, truancy, etc.).
  - Allow ideas to be brought to the police department.
  - Discuss new programs.
  - Share concerns and desires of the direction of the organization.
  - Familiarize the Board with the police department.
  - Obtain diverse opinions.

- D. Vacancies on the Board were not advertised through the media, although a news conference was held announcing its establishment. There were 17 positions filled as a result of the news conference and the recommendations from various community based groups. The remaining seven positions were appointed by members of the Fresno City Council.
- E. The Board is not a public forum.
- F. Board members are appointed to a one-year term.

### **Conclusions**

- A. The Board does not have a mission statement.
- B. The vacancies for the newly created Board were not advertised through the media.
- C. The Board is not a public forum.
- D. The Board consists of a broad cross section of the community providing diversity.

### **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

- 86. The Fresno Chief of Police prepare and issue a mission statement for the Chief's Advisory Board.
- 87. The Fresno Chief of Police specify the number of members of the Chief's Advisory Board.
- 88. The Fresno Chief of Police establish a format to allow for the rotation of terms for members of the Chief's Advisory Board.
- 89. The Chief's Advisory Board be comprised solely of unpaid volunteers.
- 90. Members of the Chief's Advisory Board be accessible to the public.
- 91. Member of the Chief's Advisory Board continue to be comprised of a broad cross section of the community to provide diversity.
- 92. The Chief's Advisory Board remain in an advisory capacity and continue to serve as a conduit for information between the citizens of the City of Fresno and the Fresno Police Department.

## **MULTI-AGENCY GANG ENFORCEMENT CONSORTIUM (MAGEC)**

### **Introduction**

The 2001/2002 Fresno County Grand Jury reviewed the Multi-Agency Gang Enforcement Consortium (MAGEC). The goal of MAGEC is to eradicate criminal activity of street gangs whose members threaten, terrorize, and commit a multitude of crimes against citizens, schools, and businesses.

### **Findings**

- A. MAGEC is comprised of peace officers from various law enforcement agencies in Fresno County. The California Highway Patrol, Fresno Police Department, and Fresno County Sheriff's Department provide the majority of the personnel.
- B. Every city in Fresno County benefits from MAGEC, though not every city contributes personnel. Many of the original cities that participated when MAGEC began in 1997 have withdrawn their personnel, stating insufficient manpower as the reason.
- C. Gang activity does not follow city boundaries.
- D. As of February 15, 2002, MAGEC identified 10,234 gang members within the boundaries of Fresno County. Gang members were 73% Hispanic, 12% Asian, 7% African-American, 7% White, and 1% other. Approximately 75% were or had been on probation or parole.
- E. Recruitment of new members, along with members released from prison, is causing gang membership and criminal activity to escalate.
- F. There were 40 homicides in 2001 in Fresno County, of which 17 were gang related. As of May 1, 2002 there have been 9 homicides in Fresno County and 21 in the City of Fresno of which 3 were gang related. Law enforcement criteria for identifying homicide as gang related are specific and narrowly defined.
- G. MAGEC has become a model for agencies throughout the United States.

### **Conclusions**

- A. MAGEC has shown that peace officers from various agencies can join together to form a strong cohesive team.

- B. MAGEC has proven to be a vital force in suppressing gang activities.
- C. MAGEC has become a model for agencies throughout the United States.
- D. Although gang activity is prevalent throughout Cities in the County of Fresno, several cities have chosen not to participate, stating lack of personnel.
- E. The City of Clovis, the second largest city in Fresno County, has opted to not provide staffing to MAGEC.
- F. Cities that do not participate in MAGEC benefit from MAGEC activities in their cities.
- G. Cities that do not participate in MAGEC lack the ability to gain and share intelligence information in a timely manner with other law enforcement agencies within the County of Fresno.

### **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

- 93. The necessary officers and resources assigned to the Multi-Agency Gang Enforcement Consortium (MAGEC) be continued in order to deal with escalating gang activities.
- 94. Cities within Fresno County currently not participating in the Multi-Agency Gang Enforcement Consortium (MAGEC) reconsider participating in the program.

## **TRANSPORTATION COMMITTEE**

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**Jess Saldana, Chair**

**Alan Button**

**Jim Cotton**

**Merle Hanson**

**Eric Lin**

**Leo Shishmanian**

## **TRANSPORTATION COMMITTEE**

### **INTRODUCTION**

The 2001/2002 Fresno County Grand Jury reviewed and investigated complaints from concerned citizens of Fresno County.

The area investigated and reported is:

- A. The unusually high number of traffic injuries and fatalities in Fresno County and the City of Fresno.

Areas reviewed and recommended for follow-up by the 2002/2003 Fresno County Grand Jury are:

- A. Fresno-Yosemite International Airport construction.
- B. Traffic signal light cameras.

**MOTOR VEHICLE-CAUSED INJURIES AND DEATHS**  
**IN FRESNO COUNTY**

**Introduction**

Based on unsolicited concerns from local health care and trauma experts regarding the number of motor vehicle-caused injuries and deaths in Fresno County, the 2001/2002 Fresno County Grand Jury conducted an investigation.

**Findings**

- A. In Fresno County, the primary collision factors for injury or fatal accidents are speeding and driving under the influence (DUI).
- B. Speeding accounts for nearly 2/3 of the motor vehicle-induced fatalities with DUI in second place.
- C. In the City of Fresno, the percentage of accidents caused by speeding and DUI compared to the total fatal or injury accidents has increased from 51% to 65% in five years, a 14% increase.
- D. From 1994 through 1999, Fresno County experienced a 10% increase in traffic related deaths. During this same period:
  - Los Angeles County experienced a 33.3 % reduction.
  - San Francisco County experienced a 28% reduction.
  - Riverside County experienced a 21% reduction.
  - Orange County experienced a 16% reduction.
  - The State of California overall experienced a 16% reduction.
- E. From January 1, 2002 to April 17, 2002, the California Highway Patrol recorded 36 fatal vehicular accidents in Fresno County.
- F. The Fresno Police Department reports more than a doubling of traffic deaths (27) for the first 5 months of 2002 compared to 12 deaths during the same period in 2001.
- G. The City of Fresno is divided into five policing districts. The total number of police assigned to traffic control is 24 officers.

- H. Due to a 1977 Memorandum of Understanding with Fresno County, the City of Fresno receives no revenue from traffic citations.\*
- I. From July 1, 2000 through June 30, 2001, the total number of traffic violations reported in the City of Fresno was 49,956. Historically in Fresno County only 1/3 of all traffic citations are responded to by those cited.
- J. Title V of the California Education Code Section 51220(J) requires every high school in California to provide driver education. This classroom instruction is focused on tenth graders.
- K. Before the age of 18, individuals must show evidence of having completed a hands-on driver training course by an approved school in order to qualify to take the Department of Motor Vehicle driving test. At the age of 18, hands-on driver training is not required. Of the 934 public high schools in California, only 7 provide hands-on driver training. None of these schools are located in Fresno County.
- L. The recent use of enhanced traffic enforcement in problem areas temporarily reduces the number of speeders and thus the average rate of speed.

### **Conclusions**

- A. Statistically, driving in the City of Fresno or Fresno County is hazardous and is getting worse at a rapid rate.
- B. Fresno Police Department is understaffed in the traffic control section.
- C. The City of Fresno receives no revenue from traffic violations.\*
- D. There is a large discrepancy between the number of traffic citations issued and the number of drivers responding to these citations.

### **Recommendations**

The 2001/2002 Fresno County Grand Jury recommends that:

- 95. The number of traffic control officers within the Fresno Police Department be increased and enforcement be significantly intensified.
- 96. Enhanced traffic enforcement be used frequently by the Fresno Police Department at unannounced checkpoints as an on-going process on heavily traveled streets, including morning and evening commutes.

97. During daylight hours, the use of unmarked cars for traffic enforcement be considered by the Fresno Police Department.
98. The City and County of Fresno work together to change the 1977 Memorandum of Understanding to provide revenue to the City of Fresno for enhanced traffic control.\*
99. Driver education students be made aware of personal injury or death which can occur through reckless driving, speeding, or driving under the influence. Graphic videos are available to the schools for this purpose.
100. The penalties for driving under the influence be vigorously enforced for all offenders and to the maximum extent of the law.
101. The 2002/2003 Fresno County Grand Jury make additional inquiry into the cause and circumstances that result in only 1/3 of all traffic citations being responded to by those cited.
102. The 2002/2003 Fresno County Grand Jury continue to monitor the progress in reducing injuries and deaths caused by vehicular accidents.

\* On June 4, 2002, the Fresno County Board of Supervisors unanimously approved a recommendation to share the growth on new Fresno County fines and fees revenue with the City of Fresno for the purpose of increased traffic enforcement. This offer by the Board of Supervisors is a starting point for the negotiations between with City and County to share traffic violation revenue.