

GRAND JURY
ANNUAL REPORT
2013-14

**THE
FRESNO COUNTY**



**RAND
JURY**

2013-2014 FINAL REPORT

www.fresnosuperiorcourt.org

PRESIDING JUDGE OF THE FRESNO COUNTY SUPERIOR COURT

HON. GARY D. HOFF and HON. JONATHAN B. CONKLIN

Presiding Judges for 2013-14

“*T*HERE IS NO LIMIT
TO WHAT A MAN CAN DO
OR WHERE HE CAN GO
IF HE DOESN'T MIND
WHO GETS THE CREDIT.”

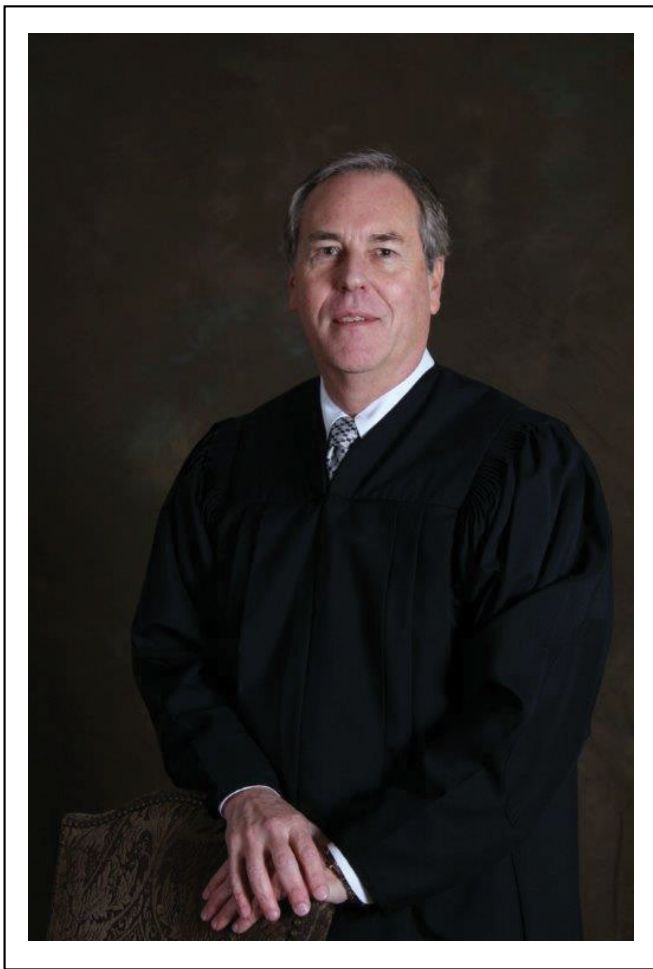
~ President Ronald Reagan



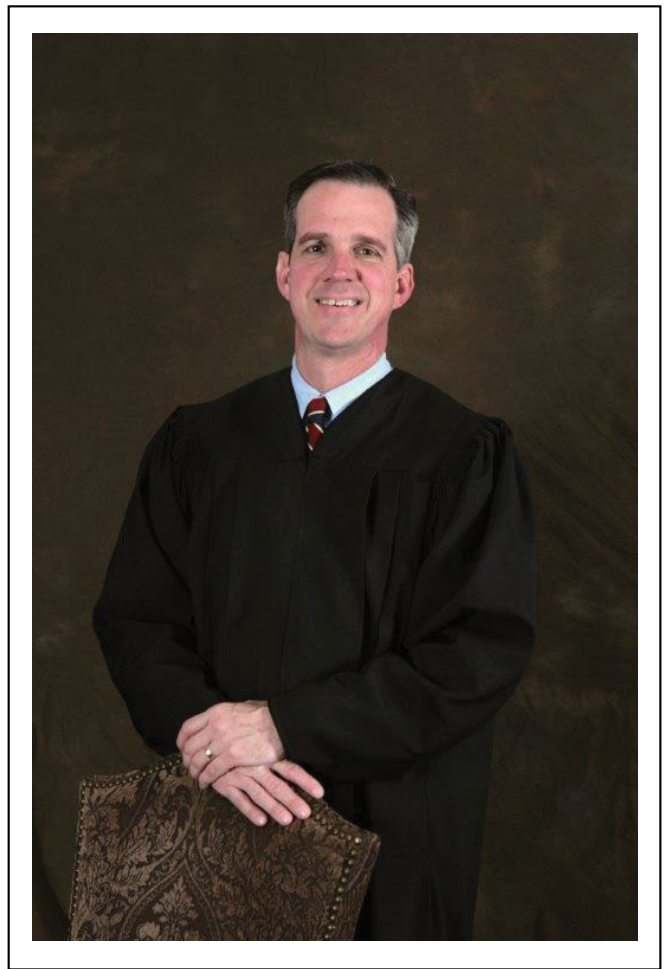
GRAND
JURY

PRESIDING JUDGES

2013 - 2014



HON.
GARY D. HOFF



HON.
JONATHAN B. CONKLIN





Superior Court of California County of Fresno

CHAMBERS OF

GARY D. HOFF

Presiding Judge 2013

JONATHAN B. CONKLIN

Presiding Judge 2014

1100 VAN NESS AVENUE
FRESNO, CALIFORNIA 93724-0002
(559) 457-6355
FAX (559) 457-1709

Like each Grand Jury before, the 2013-2014 Grand Jury has served with distinction. The members were hard-working throughout their term. This term in particular saw a substantial number of alternate jurors serving as well. Each member proved to be impartial and courageous in their service. They showed calm and considered judgment. In such role, the Fresno County Grand Jury made an important contribution to local government. The Fresno County Superior Court appreciates and values their service.

This Grand Jury has continued in the fine tradition of their predecessors by diligently acting as the public's watchdog through its investigations and reporting upon certain affairs of local government. The Grand Jury issued three reports. The first addressed issues related to the Coroner's Office, the second issues related to homelessness in the City and County of Fresno, and the third issues related to Fresno County Child Protective Services. Each report was thorough and thoughtful. Each report contained constructive comments related to potential improvements for the agencies mentioned. The leadership of the foreperson, Monica Balch, must be noted, acknowledged and praised. She carried out with distinction, her responsibilities to see that the Grand Jury as a whole, and each of the committees, function effectively and efficiently. The foreperson, along with all members, performed this vital public service with minimal monetary compensation, for travel and a small per diem allowance.

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

Hon. Gary D. Hoff
Presiding Judge 2013

Hon. Jonathan B. Conklin
Presiding Judge 2014



County of Fresno

GRAND JURY

June 30, 2014

To: The Honorable Jon B Conklin, Presiding Judge
Residents of Fresno County

It is my pleasure, on behalf of the 2013-2014 Fresno County Grand Jury, to submit this final consolidated report of our service year. The report is the culmination of our commitment to the historical and legal notion of citizen oversight of local governmental entities, including the county, cities and special districts.

Each year the Civil Grand Jury begins with the random selection of its members by the Presiding Judge of the Fresno County Superior Court from applicants of Fresno County. Five of the 19 members were holdovers from the previous year's grand jury. All jurors completed a two-day training course, sponsored by the California Grand Jurors' Association, which provided invaluable background material and resources. The foreperson and pro-tem received an additional day of training. Seven members were unable to complete their term and alternates took their place. Never the less, our work continued seamlessly.

During the course of the year, the jury reviewed 50 complaints, 5 internally generated and 45 citizen complaints. Four of the citizen complaints came from prisoners at Pleasant Valley State Prison in Coalinga alleging a variety of issues; three came from prisons located in other counties and five from Coalinga State Hospital, which is not within the grand jury's purview. The remaining 33 complaints emanated from Fresno County citizens. As was the policy, all complaints were read to the entire Grand Jury and when appropriate, assigned to a committee for further study and investigation. Not all complaints were assigned for committee review as some were deemed beyond the purview of the grand jury or other avenues of redress were available. Seventeen investigations were undertaken culminating in the three reports included herein. All complainants received an acknowledgement letter of receipt of their complaint allegations.

While pursuing its duties the grand jury evaluated the performance level of several governmental entities within Fresno County. In all cases, we were impressed by the competence and dedication of the staffs and their willingness to provide the requested information.

On October 1, 2013, the Grand Jury toured Pleasant Valley State Prison in Coalinga to meet the mandate of Penal Code 919 (b) that the grand jury inquires into the condition and management of the public prisons within the county. A report is not required and we elected not to do one. We did have an extensive meeting with the warden and his administrative staff that emphasized the appeal process and inmates at high risk for valley fever. Gangs and integrated housing were also discussed. We then toured a housing unit and its outside yard and library, and observed the control of movement of inmates and staff. The Grand Jury recognizes many of the California Department of Corrections and Rehabilitation policies are the result of mandates (e.g., Clark, Armstrong, Coleman, Plata & Perez settlement agreements).

This grand jury continued the policy of not pursuing prison inmate complaint allegations unless we had received proof of completion of the appeal procedure provided to every prisoner in Title 15, Section 8 of the California Code of Regulations (appeal process). Consequently, we did not pursue any inmate complaints.

The Grand Jury participated in tours of the following facilities: Fresno County Morgue, Fresno County Juvenile Justice Campus, Fresno County Jail (main), Fresno Police Training Center, Fresno Police Technical Center, Sunset Recycling, Fresno Yosemite International Airport, Central California Emergency Medical Service Agency, Community Regional Medical Center's emergency department. Additionally, two by two, we observed the Fresno Police Department's monthly crime review session. At all times, the Grand Jury was welcomed and provided with valuable information.


In response to a request by the elections department, some grand jurors observed June's election.

Our work could not have been done without the support of Presiding Judge Jon B Conklin and Presiding Judge Gary Hoff for their guidance and assistance. Deputy County Counsel Art Wille's sage advice was invaluable as was the assistance from Kelly Keenan, Chief Assistant District Attorney. We also thank Sean Patterson and Charlotte Tilkes with the Fresno County Administrative Office.

Serving the citizens of Fresno County was an honor for all of us and this year's grand jury has worked hard and given of their time. I especially would like to thank Peter Simis, the pro-tem, for his invaluable assistance and hard work in all areas. Appreciation is also extended to Peter Bartlett for his excellent writing and editing skills, Janice Schmidt who cheerfully helped as needed, and Greg Mullanax for volunteering to be our recording secretary.

The Civil Grand Jury investigates, reports, and makes recommendations on complaints received from the citizens of Fresno County regarding issues of governance. It then becomes the responsibility of the citizens of Fresno County to hold their leadership accountable for the implementation of these recommendations. We strongly encourage all citizens to remain well educated on current issues and to hold elected and appointed officials accountable. We also encourage citizens to apply and take part in the grand jury process.

Sincerely,

A handwritten signature in cursive script that reads "Monica Balch". The ink is dark and the signature is fluid and legible.

Monica Balch, Foreperson
Fresno County Grand Jury, 2013-2014



THE COUNTY OF FRESNO
2013-2014

GRAND JURY



MISSION STATEMENT

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

Their responsibilities include receiving and investigating complaints regarding county government and issuing reports. A Grand Jury Final Report is issued in June of each year. Grand Jurors generally serve for one year although the law provides for holdovers for a second year to assure a smooth transition.

NAME OF EACH GRAND JURY MEMBER FOR 2013-2014

| |
|--------------------|
| MICHAEL ANDRITCH |
| CLYDE AUSTON |
| MONICA BALCH |
| PETER BARTLETT |
| RICHARD BROWN |
| JACK DAVIDSON |
| VONDA EPPERSON |
| GARY GLADDING |
| ROBERT ISAACS |
| RON JOHNSON |
| BUD JONES |
| CARL LARSEN |
| GREG MULLANAX |
| ROBERT RISCHE, Jr. |
| PETER RIVERA |
| LINDA ROGERS |
| JANICE SCHMIDT |
| PETER SIMIS |



THE COUNTY OF FRESNO

2013-2014 GRAND JURY



FRONT ROW *(Left to Right):*

**Ron Johnson, Michael Andritch, Linda Rogers, Vonda Epperson, Monica Balch,
Peter Rivera, Richard Brown and Robert Isaacs**

BACK ROW *(Left to Right):*

**Jack Davidson, Janice Schmidt, Peter Bartlett, Gary Gladding, Peter Simis, Clyde Auston,
Bud Jones, Carl Larsen, Robert Rische, JR, and Greg Mullanax**



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THE GRAND JURY PROCESS

- ❖ **APPLICATION INFORMATION**
- ❖ **FUNCTIONS**
- ❖ **COMPLAINT PROCEDURE**

APPLICATION INFORMATION

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

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

The basic qualifications include being a citizen of the United States, being at least 18 years of age and a resident of Fresno County for at least one year prior to selection. Applicants should also be in possession of their natural faculties and have ordinary intelligence, sound judgment and good character. They should be able to speak and write English and have some computer literacy.

Questionnaires are mailed to all prospective grand jurors after the nominations are received. All prospective grand jurors are required to have a background check. All prospective grand jurors must be officially nominated by a sitting Superior Court Judge and may be asked to come in for an interview. The Judges then consider all prospective grand juror nominees. They nominate 30 prospective jurors, who are invited to an impanelment ceremony in mid-June. Names are drawn at random to serve on the nineteen member grand jury. Generally, there are two to four members from the outgoing grand jury who holdover to insure a smooth transition.

Prospective grand jurors should be aware of the responsibilities and time commitment involved. Jurors typically spend a minimum of 40 hours per month on meetings, interviewing, conducting investigations and writing reports. The service period from July 1 to June 30 of the following year.

For additional information or to nominate yourself or someone else, contact the Juror Services Manager at the Fresno County Courthouse, 1100 Van Ness Avenue, Room 102, Fresno, CA 93724-0002 or call 559-457-1605.

FUNCTIONS

History: In 1635, the Massachusetts Bay Colony impaneled the first grand jury to consider cases of murder, robbery and wife beating. By the end of the colonial period the grand jury had become an indispensable adjunct to the government. The U.S. Constitution's Fifth Amendment and the California Constitution call for the establishment of grand juries. The California Constitution provided for prosecution by either indictment or preliminary hearing.

In 1880, statues were passed which added duties of the grand jury to investigate county government beyond misconduct of public officials. Only California and Nevada mandate that civil grand juries be impaneled annually to function specifically as a "watchdog" over county government. California mandates formation of grand juries in every county able to examine all aspects of local government adding another level of protection for citizens.

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

- ❖ Investigations of allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office under three feasancess: nonfeasance, misfeasance and malfeasance.
- ❖ Civil Investigations and Reporting, the watchdog function, is the PRIMARY duty of a regular Civil Grand Jury. In addition to mandated state functions, the jury may select additional areas to study publishing its' findings and recommendations in a report at the end of the year.

Both the criminal and civil grand juries have the powers to subpoena. The criminal grand jury conducts hearings to determine whether there is sufficient evidence to bring indictment charging a person with a public offense. However, the district attorney usually calls for empanelment of a separate jury drawn from the petit (regular trial) jury pool to bring criminal charges. However, in Fresno County a Superior Court Judge is the determiner of facts relative to holding an individual to answer criminal charges.

Civil Watchdog Functions: Considerable time and energy is put into this primary function of the civil grand jury acting as a the public's "watchdog" by investigating and reporting upon the operation, management, and fiscal affairs of local government (eg Penal Code § 919, 925 et seq.) The civil grand jury may examine all aspects of county and city government and agencies/districts to ensure that the best interests of the citizens of Fresno County are being served. The civil grand jury may review and evaluate procedures, methods and systems used by county and city government

to determine whether more efficient and economical programs may be used. The civil grand jury is also mandated to inspect any state prisons located within the county including the conditions of jails and detention facilities.

Citizen Complaints: The civil grand jury receives many letters from citizens and prisoners alleging mistreatment by officials, suspicions of misconduct or government inefficiencies. Complaints are acknowledged and investigated for their validity. These complaints are kept confidential.

Criminal Investigations: A criminal jury is separate from a civil grand jury and is called for empanelment by the district attorney. A hearing is held to determine whether the evidence presented by the district attorney is sufficient to warrant an individual having to stand trial. Note: This is not the procedure in Fresno County, a Superior Court Judge calls for a criminal jury if a matter continues on in the courts to trial.

The grand jury system as part of our judicial system is an excellent example of our democracy. The grand jury is independent body. Judges of the Superior Court, the district attorney, the county counsel, and the state attorney general may act as advisors but cannot attend jury deliberations nor control the actions of the civil grand jury (Penal Code § Code 934, 939).

COMPLAINT PROCEDURE

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

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

A complaint form is available on:

Grand Jury website (www.fresno.courts.ca.gov)

- a. Click on Jury
- b. Click on Grand Jury
- c. Click on Complaint Form
- d. Double click on complaint form and print

If internet access is not available or the form cannot be printed, a signed letter with contact information may be submitted.

Mail to: Grand Jury
c/o Fresno County Administrative Office
2281 Tulare Street, Room 304
Fresno, CA 93721



FRESNO COUNTY GRAND JURY

COMPLAINT FORM

ALL COMPLAINTS RECEIVED BY THE GRAND JURY ARE CONFIDENTIAL

COMPLAINTS WILL NOT BE PROCESSED WITHOUT CONTACT INFORMATION AND A SIGNATURE

YOUR NAME: _____

MAILING ADDRESS: _____

CITY, STATE & ZIP: _____

TELEPHONE NUMBER: HOME: () _____ WORK: () _____

BRIEF SUMMARY OF COMPLAINT – INCLUDE DATES OF EVENTS, NAMES OF OFFICIALS, OTHER PERSONS, CITY OR COUNTY DEPARTMENTS AND AGENCIES INVOLVED. (YOU MAY ATTACH ADDITIONAL SHEETS IF NECESSARY)

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THE INFORMATION CONTAINED IN THIS FORM IS TRUE, ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE: _____ DATE: _____

YOU WILL RECEIVE WRITTEN ACKNOWLEDGEMENT OF THIS COMPLAINT AFTER IT IS RECEIVED AND REVIEWED BY THE GRAND JURY.

RETURN FORM TO:

GRAND JURY
c/o FRESNO COUNTY ADMINISTRATIVE OFFICE
2281 TULARE STREET, ROOM 304
FRESNO, CA 93721

FRESNO COUNTY GRAND JURY FINAL REPORTS *and* RESPONSES

2013-2014

Report 1

- ❖ CHANGES TO THE FRESNO COUNTY CORONER'S OFFICE

Report 2

- ❖ REVIEW OF THE HOMELESSNESS AND THE CITY OF FRESNO AND COUNTY OF FRESNO "10 YEAR PLAN TO END CHRONIC HOMELESSNESS"

Report 3

- ❖ IN INVESTIGATION OF FRESNO COUNTY CHILD PROTECTIVE SERVICES

REPORT & RESPONSES #1

CHANGES TO THE FRESNO COUNTY CORONER'S OFFICE



Fresno County
2013-2014 Grand Jury
Report # 1

Changes to the Fresno County Coroner's Office

INTRODUCTION

Members of the current Grand Jury (GJ) spontaneously expressed a concern about the qualifications to be the Fresno County Coroner. This concern centered about the issue that the qualifications to run for and serve in this position require no basic medical qualifications, let alone those of a forensic pathologist. Subsequently, this GJ received a complaint from a former grand juror who had participated in a 2007 follow-up audit commissioned by the then County Administrator. The audit studied the recommendations of the 2006-2007 GJ Report # 3 which had recommended that the Fresno County Charter be amended to allow for the replacement of the elected Coroner by an appointed Medical Examiner-Coroner. The complainant expressed concern that results of that operational audit were never announced as expected by the 2006-2007 GJ. The current GJ decided to study alternative models and changes to eligibility to serve in this office in light of current realities.

BACKGROUND

Responsibilities of a Coroner –

The coroner is charged with determining the “manner” or “means” of death where the circumstances occasioning a death are in question. Manner or means of death would include such findings as accidental, homicide, industrial, natural, suicide, or undetermined. Such opinions are based on medical review and/or autopsies where the “cause” of death is determined by findings at autopsy by a trained physician/forensic pathologist. This distinction between manner/means and cause of death is an important one. The determined manner/means of death has significant legal implications, in both civil and criminal matters. The Coroner, whether he or she is or is not medically trained, can rule on manner/means irrespective of the opinion of his forensic pathologist who determines cause; that pathologist may have an opinion as to means which may differ from that of his or her coroner boss.

Coroner Models in California –

Throughout California's fifty-eight counties there are three models. In the vast majority of counties, there is a Sheriff-Coroner; in such cases the coroner is a division of the sheriff's office, and the requirements to be coroner are, in effect, the same as those for the elected sheriff. In

four counties (Los Angeles, San Diego, Ventura, and San Francisco) the coroner is a Board of Supervisors (BOS) appointed Medical Examiner-Coroner (ME-C) as provided for in Government Code, Section 24010. That Code provision states that “the BOS may by ordinance abolish the office of coroner and provide for the office of medical examiner to be appointed by said board and to exercise the powers to perform the duties of the coroner. The medical examiner shall be a licensed physician and surgeon duly qualified as a specialist trained in pathology.” The remaining California counties have an elected coroner who must be only a “registered voter of the county.” Fresno County is one such county.

The interface between medical practice and coroners in most of California is handled by outsourcing autopsies to private pathology practitioners. In the case of some small counties, this is done contractually even with agencies or practitioners in neighboring communities, counties, or states. Most of these pathologists have their own outside businesses and are not directly in the employ of the coroners they serve.

According to testimony we have received, when considering the various coroner models we have studied, changing from one to another is cost neutral.

Fresno County Coroner’s Office –

Prior to 1978, the coroner was part of the sheriff’s office, and at the request of then Sheriff Hal McKinney, the BOS combined the Coroner with the Public Administrator (PA), an elected office. Sheriff McKinney felt that having the Coroner in his department represented a significant conflict of interest when reviewing officer involved cases. Since Dr. David Hadden successfully ran for the office of Coroner/PA in 1978, he has served as Coroner/PA to the present, with the exception of a period from 2006-2010, during which time a non-physician served as coroner. This period, in part, has prompted this GJ study, and will be addressed later in this report.

The current make-up of the coroner’s office consists of the following personnel: One elected coroner, two board certified forensic pathologists, six coroner deputies, an autopsy technician, one administrative secretary, and three administrative personnel (who mostly handle the PA duties). The current coroner serves exclusively as an administrator, and while a board certified pathologist, he has not done autopsies for the office for several years. Both forensic pathologists serve solely as employees of Fresno County, and have no outside medical business interests. The Senior Forensic Pathologist handles many of the medically related administrative duties of the office, and performs about one half of the autopsies. The coroner deputies are not medically trained except for what they have received as on the job training in dealing with medical/law enforcement functions; they function as on-scene investigators and members of the entire office team at morning meetings where case dispositions are decided.

The Fresno County Coroner's Office this calendar year through September 30th, has handled 2,609 cases; of those, 58 have been ruled homicides, 4 of which were "officer involved." The officer involved death cases come from all law enforcement agencies in the County. Refer to the "Fresno County Coroner's Office 2012 Annual Report" for the most recent full year activity of the office. The geographical area the office serves encompasses about 6,000 square miles, and has a total population of about 1,000,000 including incorporated jurisdictions as well as those served only by Fresno County agencies and the BOS.

PURPOSE OF THE INVESTIGATION

It is our purpose to make recommendations as to how Fresno County can best be served now and in the future by the coroner's office, in light of current and future demands on this office. We wish as well, to reinforce and augment Report # 3 of the 2006-2007 Fresno County Grand Jury. Given the state-of-the-art morgue, the envy of many jurisdictions, the GJ wishes to lend its support to moves that preserve the County's ability to attract highly trained forensic medical personnel to our county.

DISCUSSION

2006-2007 Fresno County Grand Jury Report # 3

Among the recommendations made in March, 2007 was R202 which states, "Appoint a Medical Examiner, who is a licensed physician and forensic pathologist, to replace the elected Coroner, after amending the County Charter to allow this appointment." The BOS responded that "the recommendation requires further analysis. The County Administrative Office is currently conducting an operational audit of the department and discussions are underway regarding the department's organizational structure. The operational audit should be completed within the next 30 days." This Grand Jury was unable to determine if the audit was ever completed.

Problematic Areas

There is an inherent problem with a medical office utilizing highly trained medical experts in its employ managed by a non-physician; an override of medical opinions is less likely to occur if the coroner is a physician. Currently with Dr. Hadden in the position of coroner that situation does not exist. It could, however, occur in the future if Fresno County were to continue to allow the coroner to be elected from a field of aspirants who only has to be merely 18 years of age and a registered voter. Such a system existed in the 2006-2010 term, and witnesses interviewed reported that requests were made of trained forensic pathologists to alter their opinions or sign off cases to meet the requests of a non-physician superior. In addition, a major activity in the coroner's office is the regular morning disposition meeting, where crucial decisions are made.

If the coroner in charge of those meetings is a non-physician, he or she would not speak the “same language” or add to this discussion to the extent that would physicians who uniquely possess relevant expertise.

Should there be a case where law enforcement conduct is at issue, such as officer involved deaths, purely medical personnel making determinations substantially reduces any actual or perceived conflicts of interest. This question is particularly problematic in the Sheriff-Coroner model, even though that model predominates in California. Fresno County should foster optimal professionalism in this office.

CONCLUSION

It is our conclusion, based on the preceding background information and discussion that at the very least the coroner should be a Medical Doctor or Doctor of Osteopathy (M.D./ D.O.), preferably a pathologist experienced in forensic work. The fact that the Sheriff-Coroner is the predominant model in California, should not determine what is best for this county. Ultimately, we feel that Fresno County should adopt the appointed Medical Examiner-Coroner model in place in the Counties of Los Angeles, San Diego, Ventura and San Francisco. This is the most professional way to structure the coroner’s office function. Fresno County has achieved a size, stature, and has the facilities to attract and support a full-fledged Medical Examiner in the near future.

The BOS, to our understanding, has the authority to administratively change the requirements to run for and serve as coroner prior to the filing deadline for the 2014 elections. Requiring the Coroner to be an M.D. /D.O. would not result in any cost changes within the current model. This change needs to be adopted, and we recommend that it be made immediately.

The change in the Coroner’s filing requirements is a first step. The BOS has the statutory authority under the California Government Code, Section 24010 to initiate necessary changes in the Fresno County Charter to allow for the appointment, presumably conducted by a select committee, of a Medical Examiner-Coroner.

The BOS also can consolidate various offices, but the grand jury opposes in the strongest terms doing so with the Coroner, especially reverting back to the Sheriff-Coroner model pre-1978. The retention of the PA functions with the Coroner seems to work well currently, it and can be retained pending any change to an ME-C model.

FINDINGS

- F101 The Coroner should be a currently licensed M.D. /D.O. in good standing while the office continues under the current model.
- F102 There is no reason that the Coroner cannot also be the PA while still under the current model; this combination continues to work well.
- F103 Placing the Coroner under the Sheriff results in a potential conflict of interest for officer involved investigations, and detracts from the Coroner's office being a medical one.
- F104 Establishing a Medical Examiner-Coroner will ensure Fresno County has the expertise needed to optimally fulfill the needs of its Coroner.
- F105 Whichever model Fresno adopts, its current Coroner model or a Medical Examiner-Coroner model, any changes as proposed herein will be cost neutral.

RECOMMENDATIONS

- R101 The Fresno County Board of Supervisors should immediately change, by administrative action, the requirements to run for and serve as Coroner to include "a currently licensed M.D./ D.O." in addition to the requirement to be registered to vote in Fresno County. This action should be effective as of the filing deadline for the 2014 elections. (F101, F103, F104, & F105)
- R102 The Fresno County Board of Supervisors should not consolidate the office of Coroner into the Fresno County Sheriff's office. (F103)
- R103 The Fresno County Board of Supervisors, prior to the filing deadline for the 2016 elections, should undertake to amend the County Charter to dissolve the office of Coroner, and in its place appoint a Medical Examiner who will also serve as Coroner. This change would be effective at the conclusion of the term of the Coroner elected in the 2014 elections. Such Medical Examiner-Coroner would answer directly to the Board of Supervisors. (F101, F103, F104, & F105)
- R104 The Public Administrator's office should continue to be incorporated into the Coroner's Office until an ME-C model can be implemented. (F102)

REQUEST FOR RESPONDENTS

Pursuant to Penal Code 933.05, the Fresno County Grand Jury requests responses to each of

the specific findings and recommendations. It is required that responses from elected officials be due within 60 days of the receipt of this report and 90 days for others.

RESPONDENTS

Fresno County Board of Supervisors (F101, F102, F103, F104, F105, R101, R102, R103, & R104)

SOURCES AND REFERENCES

Interview with a member of the Fresno County Administrative Office

Interviews with members of the Fresno County Coroner's Office

Documents from the Fresno County Clerk's Office:

Filing Requirements for Fresno County Public Administrator/Coroner

Charter of the County of Fresno, Amended November 3, 1992

State of California Government Code, Section 24000-24012

Roster, California State Coroner's Association, dated 3/20/12

Telephone contacts with coroners of 9 California counties regarding details of their offices

Fresno County 2006-2007 Grand Jury, Report # 3, including responses

Fresno County Coroner's Office 2012 Annual Report (9 pages)

www.fresnosheriff.org/admin/history/former-sheriff Harold Charles McKinney

Grand Jury tour of the Fresno County Morgue on October 15, 2013



County of Fresno

BOARD OF SUPERVISORS

| | | | | | |
|--|--|------------------------------------|--------------------------------------|---|-----------------------------------|
| Chairman Andreas Borgeas District Two | Vice-Chairman Judith Case McNairy District Four | Phil Larson District One | Henry Perea District Three | Deborah A. Poochigian District Five | Bernice E. Seidel Clerk |
|--|--|------------------------------------|--------------------------------------|---|-----------------------------------|

January 28, 2014

The Honorable Jonathan B. Conklin
Presiding Judge, Superior Court
1100 Van Ness Avenue
Fresno, CA 93724-0002

RE: RESPONSE TO THE 2013-14 GRAND JURY REPORT #1

Dear Judge Conklin:

The Board of Supervisors has approved their official responses to the Findings and Recommendations pertaining to Fresno County in the 2013-14 Grand Jury Report #1. The Responses are submitted herewith in fulfillment of Penal Code Section 933(c).

On behalf of the Fresno County Board of Supervisors, I would like to take the opportunity to thank the Grand Jury for their hard work and to assure them that Fresno County takes the concerns raised in these reports as very important and seriously considered.

Sincerely,

Andreas Borgeas, Chairman
Board of Supervisors

Enclosure

County of Fresno

Board of Supervisors

RESPONSE TO THE

2013-14

FRESNO COUNTY GRAND JURY

FINAL REPORT #1



FINDINGS

F101 The Coroner should be a currently licensed M.D. /D.O. in good standing while the office continues under the current model.

On December 3, 2013 the elective offices of Coroner-Public Administrator County ordinance was repealed and County ordinance consolidating the elective offices of Sheriff-Coroner was approved to be effective 30 days from its passage. The amended Ordinance is not operative until the commencement of new term of office in January 2015. The Coroner is currently a licensed medical doctor whose term of office ends December 2014.

F102 There is no reason that the Coroner cannot also be the PA while still under the current model; this combination continues to work well.

On December 3, 2013 County Ordinance was amended consolidating the elective offices of District Attorney and Public Administrator effective 30 days from its passage, but not operative until the commencement of new term of office January 2015. The office of Coroner-Public Administrator will remain unchanged through the current term of office that ends December 2014.

F103 Placing the Coroner under the Sheriff results in a potential conflict of interest for officer involved investigations, and detracts from the Coroner's office being a medical one.

The perception of conflict of interest was discussed in the December 3, 2013 second hearing and focused on issues originally raised during the first hearing on November 12, 2013; the concerns included potential conflict of interest between the functions of the Sheriff and Coroner operations regarding officer involved investigations, and specifically Officer Involved Shootings and In-Custody Deaths. Responses to the perception of conflict of interest include:

- In its action to approve the consolidation of Sheriff-Coroner, the Board of Supervisors also included to continue discussion and explore implementation options regarding potential and/or perceived conflicts of interest with enhanced protection protocols.
- A Sheriff recommended consolidation model includes establishing the position of Medical Examiner whereby the results of the autopsy come from the medical doctor/pathologist (Medical Examiner), but the case management comes from the Sheriff as Coroner. The outcome of the autopsy/coroner investigation is independent of the peace officer investigation.
- County law enforcement agencies have agreed to and operate under the "Fresno County Law Enforcement: Officer Involved Shooting (OIS) and In-Custody Death (ICD) Investigative Protocol". The investigative protocol provides guidelines for a thorough and professional OIS/ICD investigation free of conflicts of interest. Thorough investigations of OIS/ICD incidents consistent with a countywide

protocol assist in eliminating questions about the appropriateness of a law enforcement agency conducting investigations in which one of its officers is involved as a principal or victim. It is in the public interest that OIS/ICD investigations are objective, appropriate, and validate public confidence in the law enforcement profession.

- The Board of Supervisors considered the 1998-99 Orange County Grand Jury report "Orange County Sheriff-Coroner: Conflict of Interest Study". In this report the Orange County Grand Jury investigated the question of whether the Coroner Division should be separated from the Orange County Sheriff-Coroner Department and made into a stand-alone department. The recommendation of that Grand Jury was that, "The Orange County Sheriff-Coroner Department should remain intact, as it is currently constituted, because it is the most efficient arrangement for the county in terms of costs and efficiency of investigations."
- The California State Coroners Association has committed to assist the Sheriff evaluate the current coroner operations and identify best practices to enhance consolidated Sheriff-Coroner operations, including potential conflict of interest.

F104 Establishing a Medical Examiner-Coroner will ensure Fresno County has the expertise needed to optimally fulfill the needs of its Coroner.

The County agrees that it is important that the Coroner operation maintains the level of expertise it currently employs. The consolidated Sheriff-Coroner will include the position of Medical Examiner (currently titled Chief Forensic Pathologist) that will require licensure and qualifications pursuant to the National Board of Medical Examiners, California Business and Professions Code, industry standards and community expectations. During the transitional period (December 2013 through January 1, 2015), the Sheriff will engage the California State Coroner's Association, the current Coroner and medical staff, and other stakeholders in the process of operational analysis, planning and implementation of the Sheriff-Coroner consolidation.

F105 Whichever model Fresno adopts, its current Coroner model or a Medical Examiner-Coroner model, any changes as proposed herein will be cost neutral.

The Sheriff-Coroner consolidation model is anticipated to be cost neutral; as the Sheriff works through the analysis of current operations and resource integration the consolidated Sheriff-Coroner model may provide further cost reductions and other operational efficiencies.

RECOMMENDATIONS

R101 The Fresno County Board of Supervisors should immediately change, by administrative action, the requirements to run for and serve as Coroner to include "a currently licensed M.D./ D.O." in addition to the requirement to be registered to vote in Fresno County. This action should be effective as of the filing deadline for the 2014 elections. (F101, F103, F104, & F105)

The Grand Jury recommends that the Board of Supervisors immediately change, by administrative action, the requirements to run for and serve as Coroner. The County does not believe the Board of Supervisors has the authority to enact changes to the qualifications of the elective office of Coroner, as the California Constitution does not authorize a county to establish additional qualifications for candidacy for county elected office and it is the County's belief that the State has retained statewide control over these qualifications.

- R102 The Fresno County Board of Supervisors should not consolidate the office of Coroner into the Fresno County Sheriff's office. (F103)

The County does not agree with this finding and consolidated the elective offices of Sheriff and Coroner on December 3, 2013.

- R103 The Fresno County Board of Supervisors, prior to the filing deadline for the 2016 elections, should undertake to amend the County Charter to dissolve the office of Coroner, and in its place appoint a Medical Examiner who will also serve as Coroner. This change would be effective at the conclusion of the term of the Coroner elected in the 2014 elections. Such Medical Examiner-Coroner would answer directly to the Board of Supervisors. (F101, F103, F104, & F105)

A vote of people is required to amend the County Charter and placing this item on the ballot would have a cost to the County.

During the December 3, 2013 second hearing, the Board of Supervisors considered the various options available to them including: should the position at issue to be elected by the people or appointed by the Board; whether they wish to require the person holding the position to be a licensed physician and surgeon qualified as a specialist in pathology or not; and leaving the coroner as an elected office, with or without consolidating the office with another office. After considering the options, the Board approved consolidating the elective offices of Sheriff-Coroner and District Attorney-Public Administrator.

- R104 The Public Administrator's office should continue to be incorporated into the Coroner's Office until an ME-C model can be implemented. (F102)

On December 3, 2013 the County Ordinance was amended consolidating the elective offices of District Attorney and Public Administrator effective 30 days from its passage, but not operative until the commencement of the new term of office January 2015. The office of Coroner-Public Administrator will remain unchanged through the current term of office that ends December 2014.

REPORT & RESPONSES #2

**REVIEW OF THE HOMELESSNESS
AND THE CITY OF FRESNO AND
COUNTY OF FRESNO “10 YEAR PLAN
TO END CHRONIC HOMELESSNESS”**



Fresno County
2013-2014 Grand Jury
Report # 2

Review of Homelessness and the City of
Fresno and County of Fresno “10-Year Plan
to End Chronic Homelessness”

INTRODUCTION

Homelessness is not only a very visual problem but a very costly one as well. Homeless concerns have significantly encroached into budgetary areas of mental health issues, social services, law enforcement, and cost factors of private businesses. There is continual media attention brought to the issue and very often the homeless are associated with criminal activity, either as the perpetrators or victims. In August of 2008 the City of Fresno and the County of Fresno jointly adopted the “10-Year Plan to End Chronic Homelessness” (Plan). On this, the five-year anniversary of the plan, the grand jury decided to investigate the status of the plan and determine how successful the implementers have been in meeting its goals. While conducting this review it became clear there were proposals being presented that may significantly change how the homeless were treated in Fresno. These alternatives were then incorporated into the investigation.

BACKGROUND

Fresno-Madera Continuum of Care

The Federal government, with the Department of Housing and Urban Development (HUD) as the lead agency, has attempted to assist communities dealing with the homeless problem. One of its requirements is that community efforts be coordinated and has mandated that in order to receive Federal funding a Continuum of Care organization must be in place. Consequently, a Fresno-Madera Continuum of Care (FMCoC) was established in 2001. It acts as the coordinating body for the local area and is the only one authorized to apply for Federal HUD grants. Further, the FMCoC performs the mandated annual homeless Point in Time Count (PIT) and maintains a database (Homeless Management Information System) of the homeless and service providers.

The FMCoC is an affiliation of public, non-profit, for-profit organizations and individuals that render services to the Fresno and Madera communities/counties. There are almost 90 entities that are involved in FMCoC planning activities. From these organizations a group of leadership individuals is selected that provide both geographic and service representation. These individuals make up the executive committee and the other operating committees. The executive director position of the FMCoC rotates annually among the members of the committee. The FMCoC has no formal office or physical presence in the communities it serves.

In 2007 the FMCoC was preparing a competitive grant application to HUD in the amount of \$6 million. In order to enhance the probability of receiving those funds it was necessary to have a 10-year plan in place and, as evidence of broad-based support, HUD asked that there be evidence of local government support. Thus the adoption of the Plan, by both the Fresno City Council and the Fresno County Board of Supervisors, in August, 2008. The grant application was successful and the full funds received.

Homelessness

The public tends to characterize the homeless as a homogenous group. Those who study the problem, however, find there are several distinct groups within this broad categorization. The categories shown below are taken from the FMCoC "Ten-Year Plan to End Homelessness 2006 – 2016."

Chronic Homelessness-Chronic homelessness refers to an extended episode of homelessness (generally two or more years). According to longitudinal research, people who experience chronic homelessness are more likely to have a serious mental illness, sometimes with co-occurring substance abuse, unstable employment histories, and histories of hospitalization and/or incarceration. It is estimated that 10% of the single adult homeless population experiences this persistent homelessness. Because many of these individuals use the shelter system for extended periods of time they have been found to consume 50% of the total shelter days.

Episodic Homelessness-Episodic homelessness refers to recurrent periods of homelessness. People who experience episodic homelessness are younger and use the shelter system more sporadically than those whose shelter use is chronic, often have substance addictions, leave shelters when they get income or use them seasonally, and are more resistant to services. Longitudinal research indicates that approximately 9 percent of the single adult population fits this pattern of homelessness. These individuals use fewer resources than those whose homelessness is chronic, but are still frequent users of the system, staying for extended periods of time and utilizing approximately 30% of the shelter days over the course of a year.

Transitional Homelessness-Transitional homelessness generally refers to a single episode of homelessness that is of relatively short duration. Persons who experience transitional homelessness use homeless resources for brief periods, in times of economic hardship and temporary housing loss. The majority of families and single adults who become homeless over the course of a year fall into this category, and most become homeless due to a housing or personal/family related crisis."

It should be noted that the 2008 Plan specifically addresses the chronic homeless population, while this report encompasses those classified as unsheltered homeless in Fresno County.

In the few months the 2013-14 Fresno county Grand Jury has been impaneled there have been four homeless encampments broken up by local authorities. These encampments are viewed as a symptom of the problems being addressed by the Plan and are not of specific concern to the findings of this report.

PURPOSE OF THE INVESTIGATION

The purpose of the investigation is to determine the progress made in meeting the goals of the "10-Year Plan to End Chronic Homelessness" that was adopted in August 2008 and to evaluate this plan against alternatives to meet the needs of the homeless and the community.

DISCUSSION

Soon after interviews began it became clear that the Plan was a plan in name only. Several who had participated in the Plan's design had not opened it since its completion. The Leadership Council that was charged with the Plan's oversight had never met. We did not find this to be a problem. The Plan's primary purpose was to support the funding application to HUD. Consequently it was mainly a checklist of the HUD mandated reporting requirements. To this extent the Plan worked: the funding is being received and the appropriate agencies are providing needed services to the homeless.

The Plan had eight goals, the last of which was to: "Identify an agency that will serve as the single point of contact, driving force, and accountable agent for the homeless of Fresno County." It does not appear this has been done. The FMCoC has no administrative office and rotates the chair of the executive committee on an annual basis. Due to HUD requirements, the Fresno Housing Authority has taken on the title of Collaborative Applicant for the purposes of seeking funding and the Authority has staff and programs devoted to homeless issues. However, we did not learn of a formal leadership designation for the housing authority.

If one were to ask a member of the Fresno community "who is in charge of the homeless?", the likely answer is Poverello House. This nonprofit entity serves hundreds of meals a day to the homeless in addition to providing medical and dental services, showers, clothing, and some housing. The board of directors of this organization appears to be content in this role and does not see The Pov (as it is familiarly known) expanding its services to include facilities such as an emergency shelter.

The lack of a "come-as-you-are" emergency shelter was cited by many as the most critical need for serving the homeless in Fresno. For many years this function was filled by the Fresno Rescue Mission, a faith-based, world-wide organization. Their 225 bed facility provided shelter, served meals, and sponsored a one-year rehabilitation program. Within the past year they felt the need to close their doors to those who did not want to adhere to their substance abuse rules. This left Fresno without a short-term temporary shelter for men.

This lack of a shelter inhibits the options the city has to ban homeless from sleeping in public areas. The city of Los Angeles was prohibited from arresting those sleeping in public until it provided alternative supportive housing. A court ruled that was "cruel and unusual punishment for the city to roust homeless people without providing them beds." It is expected the same ruling would apply to Fresno.

A recurring theme and a philosophical debate within the homeless service community is whether the services being rendered are merely “enabling” the homeless to remain homeless. We heard several instances of well-intentioned (often faith-based) agencies delivering unneeded food and clothing to the homeless. Much of the food was rejected as excessive and the clothing was sold to others. Reportedly there were 14 different groups trying to serve Thanksgiving meals to groups of homeless, with much of the food being wasted.

In a similar vein it can be argued that the non-enforcement of ordinances is also an enabling factor for the homeless. Funds raised from panhandling enable the recipients to support addictions, rather than to seek help from agencies set up for that purpose. The failure to cite individuals for the possession of shopping carts and recover those carts for the affected stores enables the homeless to be more mobile and costs the public through offsetting higher prices.

The Fresno Police Department formed a five-person patrol group to interact with the homeless after the encampments were removed. This group was carefully selected for their skills in working with at-risk individuals. The officers wear body cameras to record all interactions. They have been a positive force in helping the homeless where needed and preventing the encampments from being reestablished.

The focus of Fresno’s approach to reducing the homeless population is a “housing first” model. Under this scenario the homeless are assessed on their relative vulnerability and, as housing becomes available, the most vulnerable are assigned that housing. The most vulnerable are those who are least likely to survive living on the street, with women and children at the top of the list. Once housing is attained other services are provided, with efforts made to ensure that those individuals are able to sustain themselves in the new environment and remain off the street.

This process rightly serves families, women, and children first, leaving the homeless males to be housed last. The Housing Authority reported they had created 123 units of newly constructed housing (75% of the 5-year goal) and 160 units of shelter with supportive services. Only half of these went to males. The fact that males make up eighty percent of the unsheltered homeless (see Tables 1 and 2 below) means that a majority of those unsheltered will remain so under current progress. There is not enough permanent supportive housing being made available.

A further problem with the housing-first model is that many of the homeless are not ready to go into such housing. Those with unresolved addiction and mental health issues may have trouble adjusting and often cause problems for others.

As part of meeting HUD requirements for continued funding, the FMCoC conducts annual point-in-time surveys of the homeless, whereby it endeavors to get a count of the homeless as well as gather personal information. These counts are inherently estimates as it is very difficult to locate all of the unsheltered homeless. In fact, no attempt is made to locate all of the homeless in rural areas. Selected communities are canvassed and a factor based on population is then used to estimate the number of homeless in similar-sized communities. The data in the tables below are

from the 2011 and 2013 PIT surveys, as reported on the FMCoC web site (www.fresnomaderahomeless.org).

Table 1: Homeless Counts from 2011 and 2013

| PIT Counts | 2011 | | | 2013 | | |
|--------------|--------------|------------|--------------|--------------|------------|--------------|
| | Fresno | Madera | Total | Fresno | Madera | Total |
| Sheltered | 1,107 | 177 | 1,284 | 504 | 90 | 594 |
| Unsheltered | 3,271 | 551 | 3,822 | 2,295 | 242 | 2,537 |
| Total | 4,378 | 728 | 5,106 | 2,799 | 332 | 3,131 |

These figures confirm what many told us: there has been great improvement in reducing the number of homeless in recent years. However, these numbers remain high and in 2011 Fresno County ranked among the top 5 areas in the country in terms of numbers of homeless per 10,000 population. Further, one expert estimates that the number of homeless in Fresno may rise by as much as 25% in the next two years due to veterans returning from duties in the Middle East.

Table 2: Unsheltered Homeless Subpopulations

| Fresno & Madera Homeless Subpopulations (2013) | Unsheltered | % of total (2,537) |
|--|-------------|--------------------|
| Chronic homeless individuals | 321 | 12.7 |
| Chronic homeless in families | 428 | 16.9 |
| Veterans | 257 | 10.1 |
| Severely mentally ill | 1,047 | 41.3 |
| Chronic substance abuse | 1,804 | 71.1 |
| Victims of domestic violence | 642 | 25.3 |
| Male | 2,033 | 80.1 |

Table 2 clearly shows that substance abuse and mental illness are partners of homelessness, and they often appear together. These issues are often what drive people into the streets and away from family members. Therefore, efforts aimed at restoring the homeless to more productive lives must address these afflictions.

Community Regional Medical Center (CRMC) contracts with Fresno County to provide services to the indigent. It is the organization that is the most directly affected by the physical and mental problems experienced by the homeless. When homeless have a perceived health issue they call for ambulance service that takes them to a CRMC emergency room. These ER's are designed to take care of physical medical problems and are not designed to handle mental illness issues. In fact, the chaotic environment of an ER can exacerbate the trauma a mentally ill person is feeling. A better solution is needed.

In response to the problems created by the overburdening of their ER's, particularly from those with mental health issues, CRMC has contracted with a consultant to examine alternatives. Not all of those with mental problems are homeless, but a significant number are, so any proposed solution should also help the homeless situation.

One model that is being studied is the Haven for Hope project in San Antonio, Texas. The key points that have relevance to Fresno homeless are:

- There is a conveniently located come-as-you-are shelter, which is not faith-based.
- A triage-like system is used to assess the needs of those entering for the first time.
- Medical facilities are on-site, saving both ambulance trips and ER visits.
- Each person is assigned a case manager, who provides counseling.

The advantages of this approach seem fairly obvious. It gets the homeless off the streets and, hopefully, into treatment for addictions. The Poverello House could continue to provide meals even if they chose not to run the shelter. There is a large cost savings to Fresno County in ambulance and ER expenses. Therefore, if housing-first becomes housing-second, it seems like a good tradeoff.

The consultant hired by Community Hospital to determine how this model might fit in Fresno was responsible for setting up Haven for Hope. He claims there was an eighty percent reduction of those on the street, eighty percent reduction in hospital calls, and seven hundred fewer jail inmates as a result of this project being implemented. His report had not been released when this investigation was completed.

A logical question to ask when considering the implementation of a new model is "what will it cost?" The specific costs are beyond this investigation and depend heavily on how the model is implemented. Those we interviewed who have a stake in the problem feel that cost is not an issue. The project is economically viable through cost savings and resource reallocation. This would need to be verified.

CONCLUSION

Homelessness remains a very visible and serious problem, and will likely never be fully eliminated. The goals of the Plan provide guidance in funding requests from HUD. However, the implementation of the Plan appears flawed in its reliance on a "housing first" approach. There simply is not enough housing inventory to achieve this goal and, as a result, the local communities will continue to encounter the homeless with their inherent issues and the homeless will be without needed services. Many of the current service providers and the lack of code enforcement enable many to remain homeless. Fresno needs a more holistic approach to get the homeless off the streets and into services that will help them recover productive lives.

FINDINGS

- F201 There will always be those who prefer to remain homeless. Thus, chronic homelessness will never be eliminated.
- F202 While the official model of “housing first” is fundamentally sound and has helped reduce the number of those homeless, at the current rate of progress there will never be enough appropriate housing to eliminate the unsheltered homeless in Fresno.
- F203 The 10-Year Plan to End Chronic Homelessness provided the necessary focus and coordination to receive Federal funding to help address the region’s homeless problems.
- F204 Servicing the homeless involves much more than simply providing shelter. In a majority of the cases serious mental health and substance abuse problems are factors leading to homelessness and impediments to implementing solutions.
- F205 The local agencies, under the FMCoC umbrella, appear to be doing a reasonable and conscientious job of addressing some of the needs of the homeless population, but these efforts are fragmented and not part of a holistic approach to solving the problem.
- F206 There does not appear to be a single agency, within or outside the public sector, that provides leadership and coordination of all efforts to serve the homeless in Fresno.
- F207 The efforts of many well-intentioned organizations are counter-productive in that by giving (often unused) food and clothing they are viewed as enabling homelessness rather than assisting with efforts to return the homeless to self-sufficiency.
- F208 The non-enforcement of ordinances regarding panhandling and shopping cart theft enable the homeless to remain independent and be a public nuisance.
- F209 There is an acute shortage of “come-as-you-are” emergency shelter(s) for men in Fresno County, which increases the numbers of those on the street and hampers their return to more productive lives.
- F210 The City of Fresno’s police unit that deals with the homeless has been very effective in mitigating problems and preventing the reforming of encampments.

RECOMMENDATIONS

- R201 A come-as-you-are shelter providing emergency and temporary lodging and consolidated services, including evaluations and referrals for substance abuse, medical/dental/mental health needs, and veteran's issues. (F204, F209)
- R202 Keep the police task force in place that interacts with the homeless. (F210)
- R203 Law enforcement agencies should enforce ordinances against panhandling and unauthorized use of shopping carts. (F208)
- R204 Bring a dual approach to homeless services that incorporates housing-first and Haven for Hope models. (F204, F205, F207)
- R205 Encourage the formation of a Non-Governmental Organization (NGO) that will provide the necessary leadership to bring to the homeless services together more effectively (see Attachment 1). (F206)

REQUEST FOR RESPONDENTS

Pursuant to Penal Code §933(c), the Fresno County Grand Jury requests responses to each of the specific findings and recommendations. It is required that responses from the governing body of a public agency are due within 90 days of the receipt of this report.

RESPONDENTS

- County of Fresno (R201, R204, R205, F204, F205, F206, F207, F209)
- City of Fresno (R202, R203, R204, R205, F204, F205, F206, F208, F210)
- Fresno Housing Authority (R201, R204, R205, F204, F205, F206, F207, F209)

SOURCES AND REFERENCES

- Fresno-Madera Continuum of Care Ten-Year Plan to End Homelessness 2006 – 2015; http://www.fresnomaderahomeless.org/images/FresnoMaderaCoC_10yearPlan.pdf
- FMCoC Consolidated Application 2012; http://www.fresnomaderahomeless.org/FresnoConsolidatedApplication_2012_Final.pdf
- "L.A. must pay \$700,000 for lawyers to homeless"; the Fresno Bee, 2/1/2014, A7
- "America's Real Homeless Spots", Richard Florida, The Atlantic Cities, March 14, 2012, <http://www.theatlanticcities.com/housing/2012/03/homelessness-us-cities/1352/>
- The City and County of Fresno Ten Year Plan to End Chronic Homelessness 2008 - 2018
<http://www.fresno.gov/CouncilDocs/agenda9.9.2008/830a.pdf>

Witnesses interviewed included representatives of:

- City of Fresno
- County of Fresno
- Poverello House
- Fresno Madera Continuum of Care
- Law enforcement

ATTACHMENTS

- Attachment 1: Proposed NGO

Attachment 1 – Proposed NGO

Proposed name: Fresno Council on Homeless

Description: This NGO would act as the coordinating agency for all homeless programs in Fresno County, including liaisons with other counties and agencies. It would have a small administrative staff and an active governing board. It would act as the lead agency in all public funding activities, including the HUD grant for the Fresno Madera Continuum of Care. In this role it would act as the overseer of programs, not the administrator of programs. It is expected that homeless servicing agencies, such as Poverello House and the homeless shelter, would have their own administrators and advisory boards.

Suggested Governing Board Candidates

Designees from:

- City of Fresno
- County of Fresno
- City law enforcement
- County law enforcement
- Fresno Housing Authority
- County mental health department
- Community Regional Medical Center
- Saint Agnes Medical Center
- Fresno Madera Continuum of Care
- Fresno Economic Opportunities Commission
- Poverello House
- Fresno Rescue Mission
- Other faith-based organizations
- New homeless shelter (if not run by Poverello House)



BRUCE RUDD
City Manager

June 12, 2014

The Honorable Jonathan B. Conklin
Presiding Judge of the Superior Court
County of Fresno
1100 Van Ness Avenue
Fresno, CA 93724-0002

Re: Response to Grand Jury 2013-2014 Report #2

Dear Judge Conklin:

Attached are the City of Fresno's Responses to the Grand Jury 2013-2014 Report #2.

If there are any questions, please feel free to contact me at 621-7770.

Sincerely,

Bruce Rudd
City Manager

Enclosure

c: John Navarrette, County Administrative Officer



June 12, 2014

John Navarrette, County Administrative Officer
County of Fresno
Hall of Records
2281 Tulare Street, Room 304
Fresno, California 93721

Re: Responses to Grand Jury 2013-2014 Report #2

Dear Mr. Navarrette:

We appreciate the opportunity to respond to the Grand Jury's Report #2 regarding the review of Homelessness and the City of Fresno and County of Fresno's "10-Year Plan to End Chronic Homelessness." Following you will find our required responses to the specified findings and recommendations.

Pursuant to the Grand Jury's request, the Respondents offer the following responses to findings F204-F206, F208 and F210:

F204: **Servicing the homeless involves much more than simply providing shelter. In a majority of the cases serious mental health and substance abuse problems are factors leading to homelessness and impediments to implementing solutions.**

Response: Respondents agree with this finding.

Homelessness is a complex and often long-term issue for individuals in our community. To suggest that simply providing shelter would prevent or end these chronic issues would be short-sighted and unrealistic. While there is not one simple solution, the housing-first model is a proven key strategy to implement effective, permanent solutions to homelessness. By providing an opportunity for our community's most vulnerable individuals

to get off of the streets and benefit from safe and secure housing, they are then more likely and able to accept and benefit from wrap-around services.

Through the Community Conversation meetings that began years ago, cross-sector leaders have been meeting to better understand the connection of mental health, addictions and homelessness. Through this cross-sector leadership group, the County of Fresno led a pilot program focused on “frequent users” and the County also applied for funding to implement a comprehensive new system delivery model. Although that funding was not obtained, this cross-sector leadership group continues to work with one another in implementing agreed upon best practices and supporting the efforts of each agency working with Fresno residents most in need.

F205: The local agencies, under the FMCoC umbrella, appear to be doing a reasonable and conscientious job of addressing some of the needs of the homeless population, but these efforts are fragmented and not part of a holistic approach to solving the problem.

Response: Respondents agree that local agencies appear to be doing a reasonable and conscientious job of addressing some of the needs of the homeless population. Respondents disagree that their efforts are fragmented and not part of a holistic approach to solving the problem.

Recognizing that there is always room for improvements, the local agencies, including those operating under the FMCoC umbrella, have demonstrated collaboration in working to address homelessness. The FMCoC has been actively engaged with several community-wide efforts intended to address the needs of homeless. The FMCoC contributed to the holistic de-encampment process that began in August 2013 in collaboration with Respondents, the Fresno Housing Authority, Fresno First Steps Home and many others. The FMCoC was a partner in the 100,000 Homes Campaign, led by the Fresno Housing Authority and gaining national recognition for the work done in Fresno. Collectively, the FMCoC coordinates the Point in Time Count and they continue to participate in Community Conversation meetings held quarterly.

Currently, the FMCoC has been an instrumental partner in working with the federal team on the “25 Cities” effort led by U.S. Housing and Urban Development Department, the Veterans Administration and the U.S. Interagency Council on Homelessness to end Veteran homelessness by 2015.

F206: **There does not appear to be a single agency, within or outside the public sector, that provides leadership and coordination of all efforts to serve the homeless in Fresno.**

Response: Respondents agree that there does not appear to be a single agency providing leadership and coordination of all efforts to serve the homeless. Local agencies play an essential part in the service delivery system, yet no single entity appears to have the existing capacity or resources to dedicate to working with all stakeholders and integrate existing resources towards the goal of preventing and ending homelessness.

Through the City of Fresno's participation as a Strong Cities | Strong Communities (SC2) city, launched in July 2011, Respondents began addressing this observation and have drawn the attention of several federal agencies and technical expertise contracts related to homelessness.

Most recently, Respondents have been successful in obtaining technical assistance commitments from the U.S. Housing and Urban Development Department to pilot a place-based *boundary spanner/policy analyst* position. The goal is to establish a role that would provide leadership and coordination of all efforts to serve the homeless, yet not be responsible for the operation and service delivery of one particular agency. In order to be successful, the *boundary spanner* will require the resources, time and commitment from all sectors of the community and facilitate thoughtful, concentrated efforts to coordinate overall engagement, service delivery and strategy. In particular, this individual will need to quickly engage in ongoing conversations and be able to play a key role in systemizing best practices, gaining consensus among various stakeholder groups and coordinating the actionable next steps.

Through SC2, several efforts have concentrated on the homeless issues in Fresno, resulting in technical assistance and priority designations. The technical assistance resources were directly targeted to appropriate agencies, not necessarily received by Respondents:

- Opening Doors: A federal plan to prevent and end homelessness, launched in 2010
- Dedicating Opportunities to End Homelessness: Fresno is one of ten cities throughout the country participating in the leadership of this targeted, place-based initiative to focus community efforts and resources, launched 2013
- California Policy Academy to Reduce Chronic Homelessness: A collaborative effort to coordinate state resources with local

communities and expand use of resources, increase access to housing, and increase state leadership and interagency coordination

- 25 City Initiative: Led by the Department of Veterans Affairs, Fresno was invited in February 2014 to be one of 25 communities to participate in an effort to integrate, create and utilize systems to end Veteran and chronic homelessness by 2015
- Technical Assistance:
 - Needs Assessment funded by Substance Abuse and Mental Health Services-Agency through Health and Human Services (HHS). Included Medicaid technical training.
 - HHS contract provided focused assistance evaluating two permanent supportive housing projects. Targeted training, operational consultation, and coaching to housing and service providers.
 - Analysis of housing needs in relation to chronic population, determine investments needed to achieve plan goals, better understand data and link to current systems and gaps in service.
 - Coordinated strategy to encourage more productive involvement of Medicaid-funded health and behavioral health. Direct technical assistance related to implementation of the Affordable Care Act.

Respondents oversee the coordination of programs, funding, and policy recommendations associated with homelessness. Respondents continue to prioritize funding opportunities such as HOME Funds and Emergency Solutions Grants for the unsheltered population. For the first time, Respondents have dedicated \$1 million of federally allocated HOME Funds to provide housing for homeless individuals for up to two years through a Tenant Based Rental Assistance program.

Respondents have also participated in discussions with a small team of local agencies including the Fresno Business Council, the Poverello House, the County of Fresno, the Fresno Housing Authority and the Hospital Council to analyze the feasibility of potentially expanding the services offered at the Poverello House to act as a “one-stop-shop” for homeless related services. Again, this opportunity is in the feasibility stages, but Respondents are encouraged by the direction of the analysis and the leadership of the staff at the Poverello House. Short-term steps are already being taken, such as the co-location of partner agencies and additional community connection events held at the Poverello House.

Again, although no entity currently provides overall leadership and coordination of all services, many are providing valuable services,

leadership and coordination in the Fresno community. Cross-sector collaboration is evident among many local agencies.

F208: The non-enforcement of ordinances regarding panhandling and shopping cart theft enable the homeless to remain independent and be a public nuisance.

Response: Respondents currently enforce ordinances regarding panhandling and shopping cart theft. (See response to R203 for additional information)

F210: The City of Fresno's police unit that deals with the homeless has been very effective in mitigating problems and preventing the reforming of encampments.

Response: Respondents agree that the taskforce led by the City of Fresno Police Department has been effective and would like to add that it is also supported by code enforcement, community sanitation, risk management, and the offices of the Mayor, City Manager, and City Attorney.

Additionally, it is important to note that county islands located within city limits should also be managed with the same effectiveness by the appropriate agency with the authority and jurisdiction to mitigate problems and prevent the reformation of encampments.

Pursuant to the Grand Jury's request, the Respondents offer the following responses to recommendations R202-R205:

R202: Keep the police task force in place that interacts with the homeless.

Response: Respondents continue to implement this recommendation. In addition to the police department leading the taskforce, it is also supported by code enforcement, community sanitation, risk management, and the offices of the Mayor, City Manager, and City Attorney.

R203: Law enforcement agencies should enforce ordinances against panhandling and unauthorized use of shopping carts.

Response: Respondents currently enforce ordinances regarding panhandling and the unauthorized use of shopping carts.

Panhandling is addressed through the use of traffic officers during the course of their regular duties.

The police-led task force addresses the enforcement of the abandoned shopping cart ordinance. In 2013, Respondents identified several necessary amendments to the existing ordinance regarding abandoned shopping carts. Amendments were made in coordination with the task force, community members, business owners and the grocery industry association. The City Council adopted amendments to article 31 of chapter 9 of the Fresno Municipal Code related to abandoned shopping carts on March 20, 2014, prior to receiving the Grand Jury's Report #2 on March 21, 2014. Beginning April 23, 2014, Respondents began enforcement and continued coordination efforts to return shopping carts to business owners.

Between August 2013 and May 2014, nearly 2,000 shopping carts have been returned to business owners. At the estimated cost of \$175 per shopping cart, approximately \$350,000 in property has been returned to local businesses.

R204: Bring a dual approach to homeless services that incorporates housing-first and Haven for Hope models.

Response: Respondents continue to focus on the housing-first model, but not at the exclusion of other models.

The housing-first model is an established, nationwide best practice that is highly effective when serving the homeless population. In Fresno, the housing-first model has been a key strategy and has proven to be effective and inclusive of the efforts of local service agencies. Housing-first moves the most vulnerable and/or unsheltered individuals directly into a safe and secure living environment first, then focuses efforts towards supportive services, case management and treatment. This model can be the first step out of homelessness for many, but it is the final step for others who are able to transition into a life of self-sufficiency.

Various housing-first research along with results from local efforts have demonstrated that over 80% of individuals participating in this model remain housed, contribute a percentage of their income, and receive appropriate supportive services more than one year later. For some, once stabilized, they become self-sufficient much earlier than one year.

The most recent effort in Fresno was privately funded through Fresno First Steps Home, a nonprofit raising nearly \$1 million and focused on the most

vulnerable unsheltered individuals in our community. Initial reports indicate 45% of the 75 households assisted through the most recent housing-first effort are now permanently housed. Continuing efforts are being made to find permanent housing solutions for the remaining individuals who remain engaged in case management.

Recognizing that the housing-first strategy is one of several models, these are compelling results that cannot be ignored, and are stronger results than our community has seen under any previous approaches that attempt to reduce homelessness.

As part of the Community Conversation group focused primarily on mental health, but also on homelessness, several local agencies have visited the Restoration Center at the Haven for Hope facility to better understand best practices, operational matters, and lessons learned. These leaders have also visited other models to gather additional information. The Haven for Hope model is not mutually exclusive of the housing-first model, and is being further discussed among the Community Conversation group. A recent funding opportunity to implement some of this model was recently applied for, but not awarded. Regardless of the funding opportunity, the Community Conversation leaders continue to pursue options for a dual approach.

R205: Encourage the formation of a Non-Governmental Organization (NGO) that will provide the necessary leadership to bring to the homeless services together more effectively.

Response: Respondents continue to participate in the development of capacity building and the collaboration of appropriate leadership to bring homeless services together more effectively; however, Respondents are not encouraging the formation of a Non-Governmental Organization (NGO).

It is important to note that many of the agencies listed in the Grand Jury Report addendum, "Attachment 1 – Proposed NGO," have been meeting since 2011 as part of the Community Conversation effort and the leadership involved in this group have appropriate jurisdiction and authority to implement policy changes and coordinate efforts amongst one another. For the purpose of becoming a coordinating agency, the formation of a NGO would be duplicative of this successful effort.

For the purpose of acting as a lead agency in all funding activities, it is the Respondents' understanding that the Fresno-Madera Continuum of Care was established for that purpose, and has been operating in that capacity for several years.

John Navarrette, County of Fresno
June 12, 2014
Page 8

Again, Respondents will continue to participate in the appropriate level of leadership collaboration to improve the efficiency of homeless services with partner agencies that have the proper jurisdiction and authorization.

The Fresno City Council concurs with these responses and formally took action at its June 12, 2014, meeting, authorizing the Council President to sign this response. We appreciate the Grand Jury's interest in the issue of homelessness. If there are any questions, please feel free to contact City Manager Bruce Rudd's office at 621-7770.

Sincerely,



Bruce Rudd
City Manager



Steve Brandau, Council President
Fresno City Council

1331 Fulton Mall
Fresno, California 93721

(559) 443-8400
TTY (800) 735-2929

www.fresnohousing.org

June 19, 2014

[Via Electronic and U.S. Mail]

John Navarette, County Administrative Officer
County of Fresno
Hall of Records
2281 Tulare Street, Room 304
Fresno, CA 93721

RE: Responses to Grand Jury 2013-2014 Report #2

Dear Mr. Navarette,

Fresno Housing Authority has received and reviewed the subject 2013-2014 Grand Jury Report #2 on the "Review of Homelessness and the City of Fresno and County of Fresno '10-Year Plan to End Chronic Homelessness.'" Pursuant to the Grand Jury's request, this letter serves as Fresno Housing Authority's response to the findings and recommendations.

The Respondent offers the following responses to findings F204, F205, F206, F207 and F209:

F204: Servicing the homeless involves much more than simply providing shelter. In a majority of the cases serious mental health and substance abuse problems are factors leading to homelessness and impediments to implementing solutions.

Response: Homelessness is, indeed, a complex issue and shelter is but one component of the services from which many of these individuals could benefit. Shelter is, however, a key and primary element of the goal to provide permanent solutions for the homeless population. Housing First follows the premise that ending homelessness first focuses on providing people experiencing homelessness with housing as quickly as possible – and then providing services as needed. Housing First is an evidenced based, proven methodology for real alleviation of homelessness. The model has achieved laudable improvements in homeless outcomes worldwide.

According to Laura Zeilinger, Executive Director of the U.S. Interagency on Chronic Homelessness (USICH), the adoption of Housing First isn't based on an ideological debate; it's based on overwhelming evidence that Housing First yields higher housing

retention rates, lower returns to homelessness, and significantly reduces the use of crisis services and institutions within the communities in which it is implemented. Because of its proven success, Housing First is a core strategy of *various national organizations and initiatives addressing homelessness*.

Essentially, communities that implement Housing First have proven to make the most progress on homelessness. New Orleans has reduced overall homelessness by 83 percent. Phoenix made a huge shift towards the adoption of Housing First, resulting in a 47 percent decrease in chronic homelessness, ending chronic homelessness among Veterans. As well, Houston has driven down homelessness by nearly 40 percent.

It should also be remembered that ending *homelessness* means *housing*, not necessarily treatment. As such, substance use disorder, mental health and medical issues can be addressed in residential stability by professionals.

F205: The local agencies, under the FMCoC umbrella, appear to be doing a reasonable and conscientious job of addressing some of the needs of the homeless population, but these efforts are fragmented and not part of a holistic approach to solving the problem.

Response: We believe that the FMCoC and the other local agencies working on the homeless issue in our community are doing more than a reasonable and conscientious job of addressing the situation. Given the complexity and breadth of the issue, there are always opportunities to improve the work they are doing. We do not agree, however, that the efforts are fragmented and lack a holistic approach to the solution. These accomplishments of the FMCoC, and the numerous local agencies working together, are significant, and should not be viewed merely as byproducts of a HUD mandate; rather, a focused, concerted effort to positively affect the lives of the homeless among us. These accomplishments include considerable successes in housing homeless within our community, as well as national recognition for the work and recognition as a collaborative worthy of “best practice” notation.

- In cooperation with Fresno First Steps Home (FFSH), the FMCoC improved the housing rate of the most vulnerable in our community by 667% over a 100 day period in 2013 through innovative strategies and collaborative efforts, and continues to utilize the models developed to maintain a high rate of housing individuals;
- Due to this work, the United States Interagency Council on Homelessness and HUD has designated Fresno as one of ten cities across the country to be part of its “Dedicating Opportunities to End Homelessness” Initiative, and have assigned staff to work here in Fresno to further improve processes and outcomes;
- Fresno, due to work of Fresno Housing, FMCoC and various partners, has been chosen by the Department of Veteran Affairs to be one of the 25 Cities to lead the efforts to end veteran homelessness by the end of 2015.
- This collaborative group, in concert with FFSH, recently reached over 500 individuals and provided temporary housing assistance to 114 individuals from the encampments surrounding the Poverello House. Due to the combined efforts of

these partners, 87% of those individuals are now in permanent housing situations offered via the partner organizations.

- Fresno Housing and its Continuum of Care partners have continued outreach and engagement activities principally through Community Connect events at the Poverello House. This effort, along with other outreach performed by the faith-based community, has increased the number of individuals on the Vulnerability Index to over 1,000 to date.

F206: There does not appear to be a single agency, within or outside of the public sector, that provides leadership and coordination of all efforts to serve the homeless in Fresno.

Response: Fresno Housing disagrees. The FMCoC and its members, particularly the Fresno Housing Authority, when supported by other key partners, do in fact provide cross-sector leadership and coordination. We continue to work to strengthen our collaboration and look to improve our communication. We also continually seek ways to refine our structure and appreciate suggestions from partners and collaborative agencies.

F207: The efforts of many well-intentioned organizations are counter-productive in that by giving (often unused) food and clothing they are viewed as enabling homelessness rather than assisting with efforts to return the homeless to self-sufficiency.

Response: FH disagrees. While giving of food or clothing may not directly lead to long-term housing for an individual, it does provide community education and awareness, develops understanding of the homeless by the broader community, and meets the emergency needs of some of those on the streets. A Former Assemblymember recently said at a community meeting, "We often say: give a man a fish and he eats for a day. Teach a man to fish and he eats for a lifetime. What is wrong with giving someone a fish or bread to help out. There are times when that is what someone needs."

F209: There is an acute shortage of "come-as-you-are" emergency shelter(s) for men in Fresno County, which increases the numbers of those on the street and hampers their return to more productive lives.

Response: A come-as-you-are shelter in and of itself is not the solution, but must be a component of coordinated access, better documentation and data sharing that results in more successful housing referrals, and permanent supportive housing that follows the Housing First model. Part of the community process is to better define "productive lives". Anecdotally, a low percentage of individuals housed by Fresno Housing through the FFSH partnership efforts over the past few years, are gaining income from work. Using a broader definition of productive that goes far beyond employment and wage progression is necessary to fully evaluate the success of the investment being made in Fresno.

The Respondent offers the following responses to recommendations R201, R204 and R205:

R201: A come-as-you-are shelter providing emergency and temporary lodging and consolidated services, including evaluations and referrals for substance abuse, medical/dental/mental health needs, and veteran's issues.

Response: Fresno Housing, after visiting numerous communities, getting Federally provided technical assistance, and learning lessons from the successful 100,000 Homes Campaign and the recently launched 25 Cities Initiative – believes that the primary focus must be on a coordinated access system, permanent supportive housing, and a small 24/7 come-as-you are shelter.

R204: Bring a dual approach to homeless services that incorporates housing-first and Haven for Hope models.

Response: Housing First is a documented, data-driven model for successfully housing homeless. Haven for Hope has multiple components – of which one is addressing homelessness. The entry point for many homeless to the Haven for Hope is the Prospect Courtyard. While supportive of other components of a Restoration Center in Fresno, Fresno Housing does not support the creation of a Prospect Courtyard or a similar program that does not have documented proof of successfully housing chronically and frail homeless individuals.

R205: Encourage the formation of a Non-Governmental Organization (NGO) that will provide the necessary leadership to bring the homeless services together more effectively.

Response: The FMCoC continues to evaluate how to best govern and align limited resources to address a very important community issue. Fresno Housing supports giving the FMCoC an opportunity to develop a plan for a sustainable organization to address homelessness in Fresno. The proposed members for the NGO is the FMCoC plus some additional members of the community serving this population.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Prince', written in a cursive style.

Preston Prince
CEO/Executive Director



County of Fresno

COUNTY ADMINISTRATIVE OFFICE

JOHN NAVARRETTE

COUNTY ADMINISTRATIVE OFFICER

May 20, 2014

Honorable Jonathan B. Conklin
Presiding Judge
Superior Court of California, County of Fresno
1100 Van Ness Avenue
Fresno, CA 93724-2033

Dear Judge Conklin:

On May 20, 2014, the Fresno County Board of Supervisors approved the attached responses to the 2013-14 Grand Jury Final Report No. 2, Review of Homelessness and the City of Fresno and County of Fresno 10-Year Plan to End Chronic Homelessness.

Thank you for the opportunity to respond to this Grand Jury investigative inquiry.

Sincerely,

John Navarrette
County Administrative Officer

Attachment

cc: Monica Balch, Grand Jury Foreman

County of Fresno

Board of Supervisors

RESPONSE TO THE

FY 2013-14

FRESNO COUNTY GRAND JURY

FINAL REPORT #2



Exhibit 1

FINDINGS

- F204 Servicing the homeless involves much more than simply providing shelter. In a majority of the cases serious mental health and substance abuse problems are factors leading to homelessness and impediments to implementing solutions.

There is a strong correlation between mental health/substance abuse and homelessness. The County of Fresno Department of Behavioral Health (DBH) recognizes this relationship and provides onsite staff at the Poverello House, the Renaissance Housing units, along with outreach workers focused on addressing the homeless population with mental illness and/or substance use disorders. The County of Fresno is committed to engaging in any and all multi-agency efforts toward serving the homeless population in a more integrated and comprehensive manner.

- F205 The local agencies, under the FMCoC umbrella, appear to be doing a reasonable and conscientious job of addressing some of the needs of the homeless population, but these efforts are fragmented and not part of a holistic approach to solving the problem.

The County of Fresno, along with many of our contracted providers/partners, is actively involved in the Fresno Madera Continuum of Care (FMCoC). The FMCoC meets the requirements of the U.S. Department of Housing and Urban Development and provides a comprehensive coordinated homeless housing and services delivery system. Currently there are over a dozen organizations serving as paid members of the FMCoC with another dozen participating as unpaid members. This group is actively working and participating in multi-agency efforts toward serving the homeless population in an integrated and comprehensive manner.

In March of 2013, the FMCoC participated in the 100,000 Homes Campaign, a national movement to find permanent homes for 100,000 of the country's most vulnerable homeless individuals and families. As a result of the FMCoC effort, Fresno County increased housing placements by 700% from March 2013 to November 2013. This could not have been achieved without the coordinated effort displayed by the partnering agencies in the FMCoC. Additionally the FMCoC, in partnership with the Veterans Administration Central California Health Care System, the City and County of Fresno and the Fresno Housing Authority are partnering in the 25Cities Campaign to reduce veteran and chronic homelessness by 2015.

- F206 There does not appear to be a single agency, within or outside the public sector, which provides leadership and coordination of all efforts to serve the homeless in Fresno.

The Fresno Madera Continuum of Care, established over 10 years ago, provides leadership and coordination for homeless services within Fresno and Madera Counties for participating entities and communities. However, while many agencies within the County of Fresno are engaged in addressing the needs of the homeless population, we concur that no one formal agency has been assigned, or has within their scope of work the assignment, responsibility or accountability to be the lead agency in directing these efforts. There is a small group that has recently come together around the concept of creation of an emergency shelter for the homeless population. However, that group is an informal

Exhibit 1

organization and has no defined authority in and of itself to take this role. The group recognizes the need and is working to craft a solution which would create an organized formal entity with the authority to direct these efforts.

- F207 The efforts of many well-intentioned organizations are counter-productive in that by giving (often unused) food and clothing they are viewed as enabling homelessness rather than assisting with efforts to return the homeless to self-sufficiency.

The County of Fresno recognizes that the work of some agencies and private groups around the homeless population, particularly the provision of food and clothing to those who meet the criteria for chronic homelessness, might be seen as enabling those who are homeless to remain homeless. The County acknowledges that a more coordinated approach to addressing the complex causes of homelessness is needed to reduce homelessness in our county.

- F209 There is an acute shortage of "come-as-you-are" emergency shelter(s) for men in Fresno County, which increases the numbers of those on the street and hampers their return to more productive lives.

As noted previously, a small group of multi-agency leadership has convened recently around the sole goal of exploring the feasibility of creating a 24/7 'come as you are' emergency shelter for Fresno County. This group includes participation from the following agencies within the County of Fresno: Department of Behavioral Health, Department of Public Health, and Probation Department. It also includes representation from the Fresno Housing Authority, Fresno Business Council, Hospital Council of Northern and Central California, Fresno Police Department, the Fresno Mayor's Office, the Fresno County Superior Court, and the Poverello House. It is anticipated that this group will produce a recommendation on the current feasibility of such a project.

RECOMMENDATIONS

- R201 A come-as-you-are shelter providing emergency and temporary lodging and consolidated services, including evaluations and referrals for substance abuse, medical/dental/mental health needs, and veteran's issues. (F204, F209)

Fresno County is one of the very few metropolitan cities of its size without an emergency shelter. The FMCoC has been educating State and Federal agencies of this deficiency.

As noted previously, a small group of multi-agency leadership has convened recently around the sole goal of exploring the feasibility of creating a 24/7 'come as you are' emergency shelter for Fresno County. This group includes participation from the following agencies within the County of Fresno: Department of Behavioral Health, Department of Public Health, and Probation Department. It also includes representation from the Fresno Housing Authority, Fresno Business Council, Hospital Council of Northern and Central California, Fresno Police Department, the Fresno Mayor's Office, the Fresno

Exhibit 1

County Superior Court, and the Poverello House. It is anticipated that this group will produce a recommendation on the current feasibility of such a project.

- R204 Bring a dual approach to homeless services that incorporates housing-first and Haven for Hope models. (F204, F205, F207)

Members of the group noted above are familiar with, and some have visited, the Haven for Hope model in San Antonio, Texas. That model, along with others identified through the group, will be explored in devising solutions.

- R205 Encourage the formation of a Non-Governmental Organization (NGO) that will provide the necessary leadership to bring to the homeless services together more effectively (see Attachment 1). (F206)

The group noted above, including the County of Fresno participants, is exploring several formal structures to better coordinate efforts around homelessness.

REPORT & RESPONSES #3

**IN INVESTIGATION OF FRESNO COUNTY
CHILD PROTECTIVE SERVICES**



Fresno County
2013-2014 Grand Jury
Report # 3

An Investigation of Fresno County
Child Protective Services

INTRODUCTION

Upon review of past grand jury investigations, this grand jury determined that an investigation of the Department of Social Services (DSS) had not been conducted since 2004. It was also determined that the 2004 report focused exclusively on foster care. In light of the important services that Child Protective Services (CPS) provides the children/citizens of Fresno County, it was decided that the CPS function within DSS would be an appropriate focus for the required grand jury annual investigation. This investigation was not initiated due to complaints emanating from the community, from within the grand jury, nor any other source.

The scope of this investigation focuses on:

1. The triage system (the protocols to determine how to respond to situations referred to the CPS Hotline).
2. Relations with vendors (organizations contracted by the County to supplement services provided by CPS) and mandated reporters (people working closely with children as defined by Welfare and Institutions (W&I) Code).
3. Quality assurance (internal review committee and Rushmore data system).

BACKGROUND

General

As the population of Fresno County continues to increase (to over 947,000 residents), demand for CPS service is being impacted accordingly. CPS receives approximately 1,000 new referrals a month from mandated reporters and citizens. Each social worker has an average active caseload of 30 children with 5 of those being in foster care. Currently, there are approximately 1,750 children in foster care. Economic and budgetary constraints have resulted in ever-greater challenges. CPS is trying to do more with fewer resources through the use of technology.

Case Processing

CPS serves as a lead agency for assessing suspected cases of child abuse, making it a critically important Fresno County agency. California Welfare and Institutions Code, Section 300.00 through 300.5 (Attachment A), describe types of situations that may require juvenile court intervention for the protection of a minor.

Mandated reporters, as defined by the California Department of Social Services (CDSS), are “persons who may come into contact with children during their employment and are required by law to report reasonable suspicion of child abuse or neglect.” Some examples of mandated reporters include teachers, coaches, counselors, nurses, doctors, dentists, school administrators and many more. California Penal Code, Section 11165.7, lists examples of mandated reporters (Attachment B). Mandated reporters must report their suspicions to city police departments, county sheriff offices, the county probation department, or the county social service agency’s child protective services.

CPS utilizes the “Child Protection Hotline” (a 7x24 phone line) so that mandated reporters and citizens can report suspected cases of child abuse. A team of highly skilled social workers staffs the Hotline (See Attachment C for typical volumes). They obtain specific information regarding a particular incident and generate a referral for investigation, if appropriate. A total of 7.5 social workers answer the hotline phone calls, assess and document the referrals. Two of the social workers are “office” social workers. They answer the hotline; however, they have other duties including assisting walk-ins. Such assistance can include handling a referral (i.e. a parent wanting to relinquish their child), getting them copies of case files, or directing them to appropriate programs.

Social workers use Decision Trees (Attachment D) as a screening method to determine if the referral is appropriate for CPS intervention or if it should be referred to another agency for services. This evaluation tool helps the CPS team decide whether a two-hour or a ten-day response is appropriate. All initial determinations are reviewed by a supervisor. CPS uses a team approach in decision-making and they contend this approach has served them well. At various times in the process, a meeting is convened to decide how the matter is to proceed. The team is comprised of specialists from many disciplines as well as “cultural brokers” as needed. These brokers are representative of the very diverse cultures found in Fresno County, and can provide the needed sensitivity to cultural differences that are important in crafting appropriate solutions. CPS then documents and transmits all referrals of child endangerment to the appropriate agency.

When CPS identifies an immediate threat of child endangerment, a law enforcement agency is contacted. If the threat or danger is confirmed, the law enforcement officer places the child in protective custody (W&I Code 300) and transfers the minor to CPS for proper placement. Only law enforcement can place a W&I 300 hold. Emergency foster care may be initiated while the case is assessed for appropriate handling. Every effort is made to place the child with a responsible extended family member, such as a grandparent, aunt, or uncle. Placing a child in foster care is a last resort. These types of cases are assigned a two-hour response time, whereas less serious cases are handled within a ten-day period. A ten-day response is made if the minor is not in immediate danger and a caretaker is available to provide for and protect the minor. (See attachment D for a description of cases that would be classified as a ten-day response case).

Each case is reviewed by a team of social workers to determine if a petition should be filed in juvenile court or handled as a voluntary family maintenance case. If the child is on "protective hold" per W&I Code 300 and needs placement in foster care, a physical examination is scheduled within thirty days of placement. Should the child need immediate medical care, CPS ensures the child is taken to the hospital for a pre-placement physical examination and any needed medical care.

Fresno County is fortunate to have a multitude of community agencies to assist a diverse group of families under a variety of stresses that place families and children at risk. The Grand Jury interviewed five community agencies: CASA (Court Appointed Special Advocates), Comprehensive Youth Services, Children's Hospital of Central California, The Marjaree Mason Center, and Community Regional Medical Center.

PURPOSE OF THE INVESTIGATION

1. To determine if CPS is utilizing all of its resources effectively.
2. To determine how technology is being utilized to improve the service provided to the community by CPS.
3. To inform the citizens and elected officials of Fresno County of the triage services provided by CPS.
4. To fulfill the mandate that the grand jury investigate at least one Fresno County agency in the course of the year.

DISCUSSION

This grand jury interviewed CPS employees, vendors, mandated reporters and law enforcement officers charged with protecting children. Jurors observed the hotline in operation. We also used information available to the public on the Department of Social Services website and the California Welfare and Institutions Code.

In order to assure quality services, CPS has an in-house Quality Assurance Team made up of seven Social Work Practitioners (social workers with advanced degrees) to review randomly chosen cases. There is also an Oversight Committee made up of county citizens that meets with the CPS administration and reviews practices and policies.

DSS utilizes an acquired software package called "Rushmore" for much of its information system needs. In January 2014, CPS began implementing a module of that package for the triage system. They hope this system will improve their services and help them use their resources more effectively. CPS staff should be able to complete case reviews based on the elements and causal factors that are input into the Rushmore Case Review Data Base. This in turn will generate reports enabling CPS staff to: 1. Identify quality social work practices;

2. Collect and track statistics; 3. Identify trends; 4. Highlight staff training needs; 5. Enhance consistency and uniformity of services.

A common theme from healthcare mandated reporters and childcare advocates is that better lines of communication and cooperation need to be developed between social workers and healthcare providers in areas of prevention, discovery and recovery. This is critical in all areas, including the court appointive process where communicating information back to mandated reporters as to the disposition of cases referred to CPS is critical. However, confidentiality laws are very clear in protecting identities and the rights of involved parties, thus making open, two-way communications sometimes difficult.

CPS and law enforcement agencies both stated that they work openly and well together. If there is disagreement between a law enforcement officer and a social worker as to whether a child should be placed under W&I 300 hold, there is a discussion between their supervisors until a solution is reached that both parties can agree is best for the child. A social worker has been assigned to work with both the Sheriff's Department and Fresno Police Department. This additional resource helps clarify specific issues that each department has been addressing independently. Law enforcement and CPS acknowledge that working together can help prevent crimes against children.

CONCLUSION

CPS is one of the largest agencies in Fresno County with difficult and complex responsibilities. The task of protecting children while preserving the family unit is often difficult and dangerous. Respecting different cultures is crucial as well. Given the size of the agency and the number of referrals they receive every month, this grand jury finds that CPS is doing a satisfactory job with the resources available. The recommendations contained in this report are not meant to be criticisms, but rather observations and suggestions for improvement. Based on our investigation, CPS appears to be a well-managed agency at this time.

FINDINGS

- F301. CPS is doing a satisfactory job with the resources available.
- F302. CPS uses a 24-hour hotline as a major part of its triage system. This system classifies cases as a two-hour or a 10-day response depending on the urgency of the case.
- F303. Community agencies interviewed cite a need for an available CPS liaison.
- F304. Mandated reporters in healthcare, as well as childcare advocates, cite a need for better communication and cooperation between themselves and social workers.

F305. While Rushmore is not yet fully implemented, CPS increasingly relies on the use of this data base system to help provide effective triage of children entering the system.

F306. While comments from vendors, mandated reporters, and quality assurance staff regarding CPS responsiveness, timeliness, professionalism, and follow-through were overall positive, they did cite a need for improved communication.

RECOMMENDATIONS

The 2013-14 Fresno County Grand Jury recommends that the following be implemented:

R301. CPS continues to monitor the triage system to insure priority cases are properly classified. (F302)

R302. CPS initiates practices to improve communication with child advocates, mandated reporters, vendors, and public safety employees while being mindful of confidentiality laws. (F303, F304)

R303. CPS designates a nurse or Social Work Practitioner to work exclusively with the hospitals so that children with health problems are identified both when entering and while in the system. (F303)

R304. CPS considers an ongoing assessment of the Rushmore triage module to ensure it meets the current and future needs of CPS. (F305)

R305. CPS works toward more effective communication with vendors, mandated reporters and quality assurance staff with the goal of building more open relationships. (F303, F304, F306)

REQUEST FOR RESPONDENTS

Pursuant to Penal Code §933(c), the Fresno County Grand Jury requests responses to each of the specific findings and recommendations. PC §933(c) requires responses from the governing body of a public agency shall be within 90 days and those from an elected officer or agency head shall be within 60 days of the receipt of this report. Penal Code §933.05 describes the form responses may take.

RESPONDENTS

- Judy Lemos, Int. Dir. Dept. of Social Services (R301, R302, R303, R305, F301, F302, F303, F304, F306)

SOURCES AND REFERENCES

- Interviews with Vendors including CASA, Comprehensive Youth Services, and Marjaree Mason Center.
- Interviews with seven mandated reporters
- Interviews with DSS/CPS staff.
- Interviews with Fresno County Sheriff's Department and the Fresno Police Department
- Documents from DSS staff.
- Document from Foster Care and Oversight Committee.
- Fresno County Dept. of Social Services Web Site
- <http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=wic>

ATTACHMENTS

- Attachment A – Welfare and Institutions Code Section 300-300.5
- Attachment B – Mandated Reporters
- Attachment C – Typical Hotline Volumes
- Attachment D – Decision Trees

WELFARE AND INSTITUTIONS CODE SECTION 300-300.5

300. Any child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court:

(a) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted nonaccidentally upon the child by the child's parent or guardian. For the purposes of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the child or the child's siblings, or a combination of these and other actions by the parent or guardian which indicate the child is at risk of serious physical harm. For purposes of this subdivision, "serious physical harm" does not include reasonable and age-appropriate spanking to the buttocks where there is no evidence of serious physical injury.

(b) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child, or the willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left, or by the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse. No child shall be found to be a person described by this subdivision solely due to the lack of an emergency shelter for the family. Whenever it is alleged that a child comes within the jurisdiction of the court on the basis of the parent's or guardian's willful failure to provide adequate medical treatment or specific decision to provide spiritual treatment through prayer, the court shall give deference to the parent's or guardian's medical treatment, nontreatment, or spiritual treatment through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, by an accredited practitioner thereof, and shall not assume jurisdiction unless necessary to protect

the child from suffering serious physical harm or illness. In making its determination, the court shall consider (1) the nature of the treatment proposed by the parent or guardian, (2) the risks to the child posed by the course of treatment or nontreatment proposed by the parent or guardian, (3) the risk, if any, of the course of treatment being proposed by the petitioning agency, and (4) the likely success of the courses of treatment or nontreatment proposed by the parent or guardian and agency. The child shall continue to be a dependent child pursuant to this subdivision only so long as is necessary to protect the child from risk of suffering serious physical harm or illness.

(c) The child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian or who has no parent or guardian capable of providing appropriate care. No child shall be found to be a person described by this subdivision if the willful failure of the parent or guardian to provide adequate mental health treatment is based on a sincerely held religious belief and if a less intrusive judicial intervention is available.

(d) The child has been sexually abused, or there is a substantial risk that the child will be sexually abused, as defined in Section 11165.1 of the Penal Code, by his or her parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from sexual abuse when the parent or guardian knew or reasonably should have known that the child was in danger of sexual abuse.

(e) The child is under the age of five years and has suffered severe physical abuse by a parent, or by any person known by the parent, if the parent knew or reasonably should have known that the person was physically abusing the child. For the purposes of this subdivision, "severe physical abuse" means any of the following: any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness; or the willful, prolonged failure to provide adequate food. A child may not be removed from the physical custody of his or her parent or guardian on the basis of a finding of severe physical abuse unless the social worker has made an allegation of severe physical abuse pursuant to Section 332.

(f) The child's parent or guardian caused the death of another child through abuse or neglect.

(g) The child has been left without any provision for support; physical custody

of the child has been voluntarily surrendered pursuant to Section 1255.7 of the Health and Safety Code and the child has not been reclaimed within the 14-day period specified in subdivision (e) of that section; the child's parent has been incarcerated or institutionalized and cannot arrange for the care of the child; or a relative or other adult custodian with whom the child resides or has been left is unwilling or unable to provide care or support for the child, the whereabouts of the parent are unknown, and reasonable efforts to locate the parent have been unsuccessful.

(h) The child has been freed for adoption by one or both parents for 12 months by either relinquishment or termination of parental rights or an adoption petition has not been granted.

(i) The child has been subjected to an act or acts of cruelty by the parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from an act or acts of cruelty when the parent or guardian knew or reasonably should have known that the child was in danger of being subjected to an act or acts of cruelty.

(j) The child's sibling has been abused or neglected, as defined in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk that the child will be abused or neglected, as defined in those subdivisions. The court shall consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the parent or guardian, and any other factors the court considers probative in determining whether there is a substantial risk to the child.

It is the intent of the Legislature that nothing in this section disrupt the family unnecessarily or intrude inappropriately into family life, prohibit the use of reasonable methods of parental discipline, or prescribe a particular method of parenting. Further, nothing in this section is intended to limit the offering of voluntary services to those families in need of assistance but who do not come within the descriptions of this section. To the extent that savings accrue to the state from child welfare services funding obtained as a result of the enactment of the act that enacted this section, those savings shall be used to promote services which support family maintenance and family reunification plans, such as client transportation, out-of-home respite care, parenting training, and the provision of temporary or emergency in-home caretakers and persons teaching and demonstrating homemaking skills. The Legislature further declares that a physical disability, such as blindness or deafness, is no bar to the raising of happy and well-adjusted children and that a court's determination pursuant to this section shall center upon whether a parent's disability prevents him or her from exercising care and control. The Legislature further declares that a child whose parent has been adjudged a dependent child of the court pursuant to this section shall not be considered to be at risk of abuse or neglect solely because of the

age, dependent status, or foster care status of the parent.

As used in this section, "guardian" means the legal guardian of the child.

300.1. Notwithstanding subdivision (e) of Section 361 and Section 16507, family reunification services shall not be provided to a child adjudged a dependent pursuant to subdivision (h) of Section 300.

300.2. Notwithstanding any other provision of law, the purpose of the provisions of this chapter relating to dependent children is to provide maximum safety and protection for children who are currently being physically, sexually, or emotionally abused, being neglected, or being exploited, and to ensure the safety, protection, and physical and emotional well-being of children who are at risk of that harm. This safety, protection, and physical and emotional well-being may include provision of a full array of social and health services to help the child and family and to prevent reabuse of children. The focus shall be on the preservation of the family as well as the safety, protection, and physical and emotional well-being of the child. The provision of a home environment free from the negative effects of substance abuse is a necessary condition for the safety, protection and physical and emotional well-being of the child. Successful participation in a treatment program for substance abuse may be considered in evaluating the home environment. In addition, the provisions of this chapter ensuring the confidentiality of proceedings and records are intended to protect the privacy rights of the child.

300.3. (a) Notwithstanding Section 215 or 272, or any other provision of law, a child or nonminor whose jurisdiction is modified pursuant to subdivision (b) of Section 607.2 or subdivision (i) of Section 727.2 and who is placed in foster care may be supervised by the probation department of the county in which the court with jurisdiction over the dependent is located, if the county protocol in that county requires it. In those counties, all case management, case plan review, and reporting functions as described in Sections 671 and 675 of Title 42 of the United States Code and contained in this article shall be performed by the probation officer for these dependents.

(b) This section shall become operative on January 1, 2012.

300.5. In any case in which a child is alleged to come within the provisions of Section 300 on the basis that he or she is in need of medical care, the court, in making that finding, shall give consideration to any treatment being provided to the child by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner thereof.

Attachment B - Mandated Reporters

Penal Code section 11165.7.

(a) As used in this article, "mandated reporter" is defined as any of the following:

(1) A teacher.

(2) An instructional aide.

(3) A teacher's aide or teacher's assistant employed by any public or private school.

(4) A classified employee of any public school.

(5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any public or private school.

(6) An administrator of a public or private day camp.

(7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.

(8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.

(9) Any employee of a county office of education or the State Department of Education, whose duties bring the employee into contact with children on a regular basis.

(10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.

(11) A Head Start program teacher.

(12) A licensing worker or licensing evaluator employed by a licensing agency as defined in Section 11165.11.

(13) A public assistance worker.

(14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.

(15) A social worker, probation officer, or parole officer.

(16) An employee of a school district police or security department.

(17) Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school.

(18) A district attorney investigator, inspector, or local child support agency caseworker unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.

(19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.

(20) A firefighter, except for volunteer firefighters.

(21) A physician, surgeon, psychiatrist, psychologist, dentist, resident, intern,

podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage, family and child counselor, clinical social worker, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

(22) Any emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.

(24) A marriage, family, and child therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.

(25) An unlicensed marriage, family, and child therapist intern registered under Section 4980.44 of the Business and Professions Code.

(26) A state or county public health employee who treats a minor for venereal disease or any other condition.

(27) A coroner.

(28) A medical examiner, or any other person who performs autopsies.

(29) A commercial film and photographic print processor, as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.

(30) A child visitation monitor. As used in this article, "child visitation monitor" means any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) "Animal control officer" means any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) "Humane society officer" means any person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

(33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.

(34) Any employee of any police department, county sheriff's department, county probation department, or county welfare department.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 1424 of the California Rules of Court.

(36) A custodial officer as defined in Section 831.5.

(37) Any person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

(38) An alcohol and drug counselor. As used in this article, an "alcohol and drug counselor" is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not in and of itself a sufficient basis for reporting child abuse or neglect.

(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

(c) Employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

Attachment C - Typical Hotline Volumes

| Total of All Incoming Calls | Crisis | 10-Day | Total Referrals | Eval Out | Total Incoming Referrals | # of calls over the amount of referrals |
|-----------------------------|--------|--------|-----------------|----------|--------------------------|---|
| 3468 | 235 | 427 | 662 | 291 | 953 | 2515 |
| 2824 | 247 | 482 | 729 | 276 | 1005 | 1819 |
| 3584 | 249 | 408 | 657 | 351 | 1008 | 2576 |
| 3951 | 261 | 512 | 773 | 338 | 1111 | 2840 |
| 3973 | 268 | 482 | 750 | 389 | 1139 | 2844 |
| 4439 | 301 | 512 | 813 | 378 | 1191 | 3248 |
| 5304 | 320 | 558 | 878 | 393 | 1271 | 4033 |
| 4096 | 238 | 447 | 685 | 369 | 1054 | 3042 |
| 4148 | 224 | 448 | 672 | 324 | 996 | 3152 |
| 4319 | 253 | 413 | 666 | 366 | 1032 | 3287 |
| 4462 | 310 | 420 | 730 | 429 | 1159 | 3303 |
| 4457 | 312 | 468 | 780 | 477 | 1257 | 3200 |
| 3871 | 264 | 377 | 641 | 338 | 979 | 2892 |
| 3545 | 215 | 376 | 591 | 330 | 921 | 2624 |

Hotline schedules below to provide coverage to answer phones from 8am-9pm

| |
|-------------------------|
| Hotline Staff |
| 1-7-45-4:30pm |
| 1-8-5pm |
| 1-8-5pm |
| 1-9-30-6:30pm |
| 1-10-30-7:30pm |
| 1-12-9 (vacant) |
| Walk-ins/Record Request |
| 1-8-5pm |
| 1-8-30-5pm |

Attachment D - Decision Trees

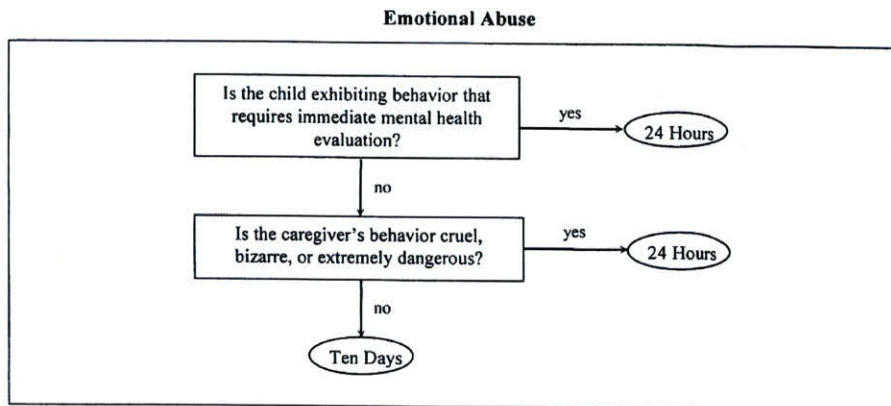
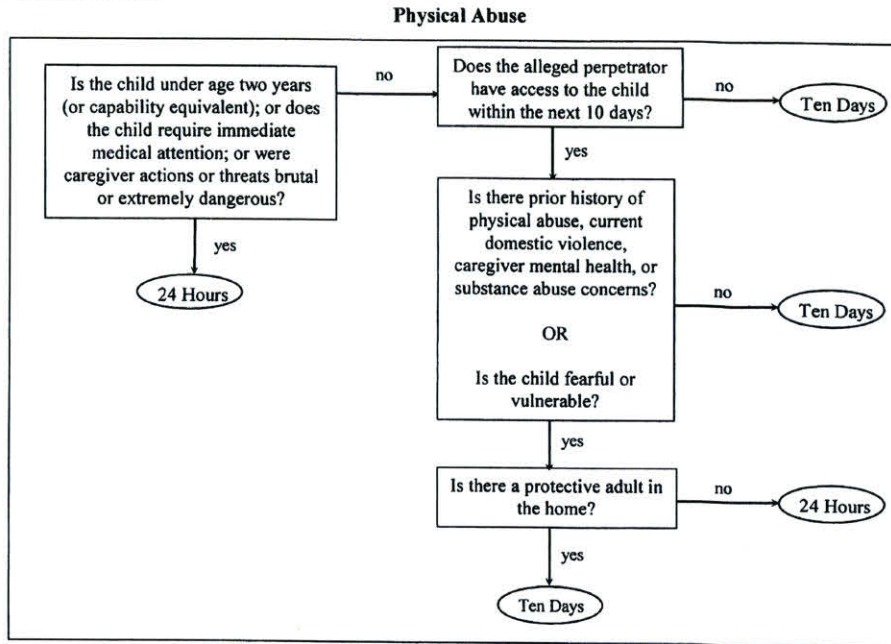
STEP II. RESPONSE PRIORITY

r: 10-07

- Mark if applicable: Allegation concerns maltreatment by current substitute care provider AND county policy requires response within 24 hours (automatic 24 hour)
 Child is already in custody (automatic 24 hour)

If not applicable, complete the appropriate decision tree(s).

DECISION TREES:





County of Fresno

COUNTY ADMINISTRATIVE OFFICE
JOHN NAVARRETTE
COUNTY ADMINISTRATIVE OFFICER

June 4, 2014

Honorable Jonathan B. Conklin
Presiding Judge
Superior Court of California, County of Fresno
1100 Van Ness Avenue
Fresno, CA 93724-2033

Dear Judge Conklin:

On June 3, 2014, the Fresno County Board of Supervisors approved the attached responses to the 2013-14 Grand Jury Final Report No. 3, An Investigation of Fresno County Child Protective Services.

Thank you for the opportunity to respond to this Grand Jury investigative inquiry.

Sincerely,

John Navarrette
County Administrative Officer

Attachment

cc: Monica Balch, Grand Jury Foreman

County of Fresno
Board of Supervisors
RESPONSE TO THE
2013-14
FRESNO COUNTY GRAND JURY
FINAL REPORT #3



Exhibit 1

FINDINGS

F301 CPS is doing a satisfactory job with the resources available.

The Department concurs, with clarification. Although CPS was found to be providing satisfactory services, the Department aspires to meet a higher threshold of excellence, and engages in a continuous effort to maximize the use of limited resources to effectively respond to child abuse and neglect.

F302 CPS uses a 24-hour hotline as a major part of its triage system. This system classifies cases as a two-hour or a 10-day response depending on the urgency of the case.

The Department concurs, with clarification. The designation of a "two hour" response time is made on referrals of highest priority, and is a Department established requirement that exceeds statute. The California Department of Social Services defines an "immediate" response as a face-to-face within 24 hours. The Department's more stringent response is intended to improve the safety and well-being of children.

F303 Community agencies interviewed cite a need for an available CPS liaison.

The Department concurs, with clarification. The Department currently has several designated staff that currently function as community liaisons. The Department will ensure knowledge of these points of contact are effectively communicated to community partners.

F304 Mandated reporters in healthcare, as well as childcare advocates, cite a need for better communication and cooperation between themselves and social workers.

The Department concurs, with clarification. With regard to general communication and cooperation, the Department appreciates the feedback and recognizes that despite efforts to engage and improve communication with community partners, there is always room for improvement. Inter-agency and community partnerships are essential and improvement in this area is a current Departmental strategic goal.

With regard to feedback to Mandated Reporters on reports of abuse/neglect, the Department legally can only provide limited information. The Department will assess current protocols and will ensure required feedback to Mandated Reporters is provided.

Exhibit 1

F306 While comments from vendors, mandated reporters, and quality assurance staff regarding CPS responsiveness, timeliness, professionalism, and follow-through were overall positive, they did cite a need for improved communication.

The Department concurs with this finding. See response to F304.

RECOMMENDATIONS

R301 CPS continues to monitor the triage system to insure priority cases are properly classified. (F302)

The Department has implemented several processes to ensure appropriate triage of child abuse reports received through the Careline (Hotline). Careline staff utilizes a research-based decision-making tool to assess safety and risk factors on reports received. This ensures calls are responded to with consistency, include assessment of pertinent risk factors and are triaged appropriately. The Department is also improving quality review of Careline calls by enhancing the Careline phone system to allow Supervisors to monitor calls.

Another process includes the daily reassessment of referrals. Referrals initially determined to need a 10-day response are reviewed daily by Supervisors to determine whether or not these determinations remain appropriate or if the response decision/timeframe should be modified. Finally, the triage process is continuously monitored through Quality Assurance, utilizing the Rushmore case review database. Rushmore is a business tool utilized by the Department to analyze systematic and staff errors and to measure outcomes to be in compliance with the Federal and State outcome reporting requirements.

The Department will continue to monitor the Careline triage process to ensure best possible decisions are made to ensure the safety of children.

R302 CPS initiates practices to improve communication with child advocates, mandated reporters, vendors, and public safety employees while being mindful of confidentiality laws. (F303, F304)

Strengthening community partnerships is a significant Department goal, and is included in the Department's recently developed Integrated Strategic Plan for Child Welfare Services (Board Briefing Report, dated May 15, 2014). Current practices will be assessed and strategies implemented to improve engagement and communication with community and agency partners.

Exhibit 1

R303 CPS designates a nurse or Social Work Practitioner to work exclusively with the hospitals so that children with health problems are identified both when entering and while in the system. (F305)

The Department currently has six Public Health Nurses (PHN) dedicated to support both front-end Emergency Response cases and cases already in the system. These PHNs function as liaisons for Department staff, hospitals and the community, particularly on referrals and/or cases that involve child health issues. Contact information for these liaisons should be known to hospital staff that work directly with child abuse cases; however, may not be known by hospital staff in general. The Department will ensure hospitals are aware of these liaisons and how to best communicate with them or other Department staff.

The Department maintains a specific electronic mailbox that community providers and hospitals can use to communicate directly with the PHNs:

CWSPHNS@co.fresno.ca.us

R305 CPS works toward more effective communication with vendors, mandated reporters and quality assurance staff with the goal of building more open relationships. (F303, F304, F306).

See response to R302. The Department intends to work toward improved communication with community partners in the upcoming year. This is a priority goal included in the Department's Integrated Strategic Plan.