

**2009-2010
FRESNO COUNTY GRAND JURY**



**FINAL REPORT
#12**

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2009 - 2010 Grand Jury
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LAW ENFORCEMENT IN COUNTY ISLANDS

BACKGROUND

Early in its term, the grand jury took up the question of Fresno County contracting with the Fresno Police Department (FPD) for law enforcement services in County islands. This idea has been a topic of discussion in the local government and law enforcement communities for some period of time. This is because it would seem to offer potential efficiencies and cost savings.

Proposals for reorganization of law enforcement services between the City of Fresno and Fresno County have been ongoing for over 25 years. Very little has resulted from this discussion, although there has been recent agreement to combine several functions including evidence storage, child predator monitoring and processing of prisoners. The grand jury applauds these initiatives.

A plan developed by the FPD in March 2009 proposed that FPD provide law enforcement in island areas under contract to the County. After informal discussions between the Chief of Police and the Sheriff, the Chief sent a letter to the Sheriff dated April 15, 2009 asking for data that would allow for a determination of (1) FPD staffing levels required to respond to calls for service under the proposal, and (2) current Sheriff's Office costs of providing the services in County islands. The difference between the two, if positive, would be cost savings to Fresno County.

Due to the funding crisis now facing our local governments, the grand jury believes the parties involved should seriously pursue an analysis for the provision of FPD law enforcement services within County islands.

DISCUSSION

The Fresno County Sheriff's Office (FSO) has divided the County into four areas for purposes of providing law enforcement services, three of which are generally located in rural areas. As indicated on the attached map (See Addendum), the fourth area, Area 2, includes the cities of Fresno and Clovis as well as the larger Fresno Metropolitan Area. Within the City limits of Fresno, a number of small areas have stayed unincorporated, as the City has grown. These have come to be known as "County islands." There are 19 of these areas within the Fresno city limits, as shown on the map. The islands total 10.6 square miles in size and have a population of 37,199 as determined by the 2000 Census. Also per the 2000 Census, the City of Fresno had an area of 110.8 square miles and a population of 427,652. The largest County islands are in the Northwest,

South and Southeast portions of the community and are known as Fig Garden/Van Ness, Mayfair, and Sunnyside, respectively.

Traditionally, law enforcement agencies with adjacent jurisdictions struggle with boundary confusion. A call from a resident in one jurisdiction may result in law enforcement response from the wrong agency or with units from both agencies showing up at the scene. In the case of County islands, the areas are generally small and have irregular boundaries. These facts greatly magnify the potential for jurisdictional uncertainty. To mitigate-disputes, Memoranda of Understanding have identified responsibilities of each agency for some special circumstances. These precautions have reduced confusion, but according to the testimony given by both FSO and FPD personnel, the fact of separate jurisdictions between the City and County islands still works against efficiency in the course of ordinary policing activities.

The Sheriff's Office has subdivided Area 2 into five beats, all but one of which includes unincorporated areas that are not County islands. However, there are still concerns:

- County islands are not large enough to warrant full-time deputy patrols in each island.
- When a call for service comes in from a County island, quite often a unit must respond by travelling from another unincorporated area through a portion of the City to get to the call.
- The delay is aggravated if a backup unit is necessary that must also come from another unincorporated area.

If law enforcement is provided by one entity throughout the City and its County islands, there will be less boundary confusion and shorter response times. These improvements in efficiency could reduce the cost and may increase the level of law enforcement services. Articles in the January 31 and February 21, 2010 editions of the Fresno Bee provided a comprehensive overview of the County island issue.

The grand jury believes that a rational discussion of the pros and cons of an FPD contract in County islands cannot take place unless and until an analysis of possible cost savings is completed. The grand jury approached this question hoping that such an analysis was within its reach. However, it was not, for two major reasons:

- (1) The issue became more politically charged during the past year because of concerns by County island residents that this would lead to annexation by the City.
- (2) The Sheriff and FPD use incompatible databases. For the FPD to make an accurate projection of law enforcement contract charges, detailed County call for service data must be provided. This includes the type and priority of event, response time, beat number, event location, final disposition, etc. The FSO has this data, but it appears the data will need to be entered manually into FPD's computer program. After much trial and error working with staff from the FSO and FPD, the grand jury concluded that it was not possible to identify with any degree of certainty whether any cost savings would result from the proposal.

The grand jury is appreciative of the cooperative efforts shown by management of both the FSO and the FPD as this issue was examined. However, it was clear from staff testimony there has been little discussion of this issue between members at the two agencies. Such discussion will be essential because of the highly technical nature of the analysis that is required to assess the proposal.

CONCLUSION

In this time of dire financial stress, local governments are being faced with the necessity of eliminating or severely reducing services long relied upon by taxpayers. The grand jury believes that it is therefore incumbent upon each layer of government to seriously examine proposals that offer the potential for increased efficiency and reduced costs. Provision of contract law enforcement services by the FPD within County islands is just such a proposal.

The grand jury believes that under the current environment, an independent third party must conduct the analysis. This may be the Joint Powers Authority formed in 2007 to implement consolidation of certain City and County law enforcement functions or other citizen's advisory group formed for the purpose of analyzing the cost savings potential of this proposal.

The grand jury would like to emphasize that it has no recommendation for the use of any savings, which may result if both parties adopt the proposal.

FINDINGS

- F1201 The provision of law enforcement services within County islands by the Fresno Police Department has been a topic of discussion for a number of years because of the potential efficiencies and cost savings that could result.
- F1202 The proposal has become highly politically charged in recent months because of opposition by County island residents who are fearful of a change or because of concerns that this would lead to annexation of the County islands to the City of Fresno.
- F1203 Because of revenue losses resulting from effects of the current recession, local governments are under increasing financial stress.
- F1204 Analysis of a proposal for FPD law enforcement in County islands is hampered by the current political climate and by lack of compatibility between County and City law enforcement data systems.
- F1205 Because of the current political climate, there has been little contact between the staffs of the FSO and FPD on this very important issue.

F1206 The political environment surrounding the proposal would cast doubt on the objectivity of a study completed by either party to the issue.

RECOMMENDATIONS

- R1201 An independent review and analysis be conducted by a third party to determine:
- The cost to Fresno County of a contract with the Fresno Police Department to provide law enforcement services within the County islands.
 - The savings to Fresno County, which may be realized if law enforcement services by the Sheriff's Office within the County islands were no longer required.
- R1202 The cost of the review and analysis should be shared equally by the City and County.

REQUEST FOR RESPONSES

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 are due within sixty days of the receipt of this report and ninety days for all others.

RESPONDANTS

- Ashley Swearingin, Mayor of Fresno (R1201, R1202)
- Jerry Dyer, Fresno Police Chief (R1201, R1202)
- Fresno County Board of Supervisors (R1201, R1202)
- Margaret Mims, Fresno County Sheriff (R1201, R1202)

SOURCES

- Fresno Bee
- Fresno County Board of Supervisors agenda and minutes
- Information and data provided by the FPD and FSO
- Interviews with management of the Fresno Police Department and the Fresno County Sheriff's Office
- Interviews with FPD and FSO staff members

Addendum – County Islands inside Fresno City Limits

